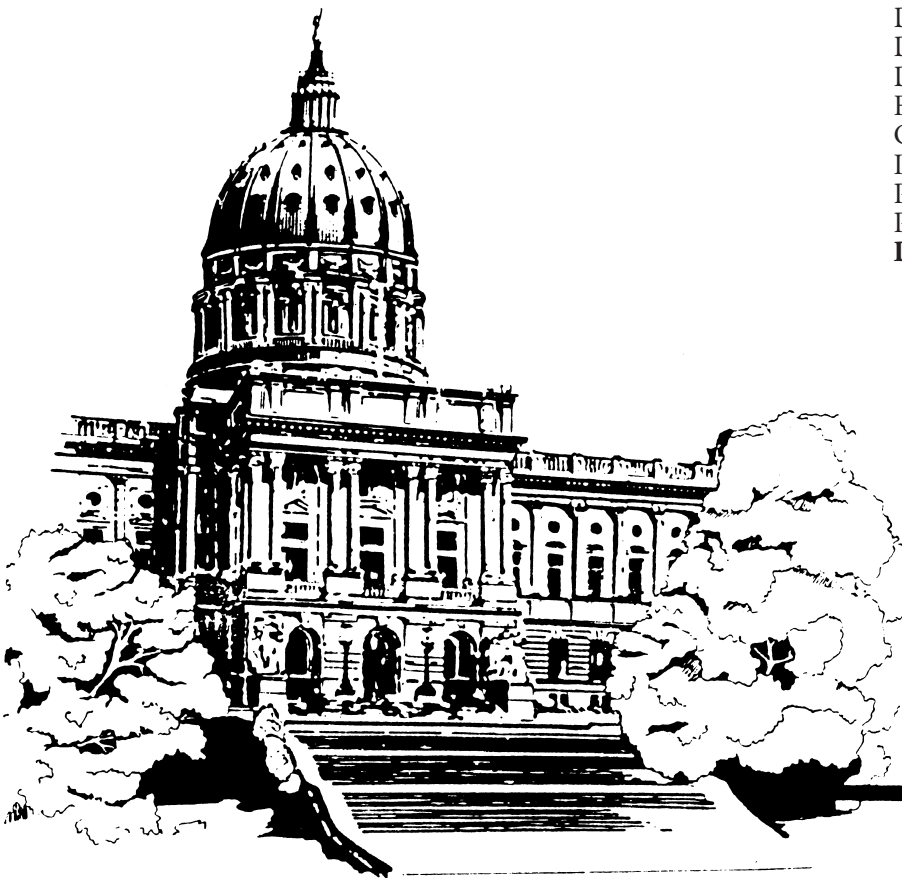


PENNSYLVANIA BULLETIN

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Capitol Preservation Committee
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Department of Banking and Securities
Department of Education
Department of Environmental Protection
Department of Health
Department of Human Services
Department of Transportation
Fish and Boat Commission
Game Commission
Insurance Department
Patient Safety Authority
Pennsylvania Public Utility Commission
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**Latest Pennsylvania Code Reporter
(Master Transmittal Sheet):**

No. 598, September 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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List of Pa. Code Chapters Affected

The following numerical guide is a list of the chapters of each title of the *Pennsylvania Code* affected by documents published in the *Pennsylvania Bulletin* during 2024.

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THE COURTS

Title 255—LOCAL COURT RULES

NORTHAMPTON COUNTY

Administrative Order 2024-14; Vacating Administrative Order 2015-5 and Adopting Local Rules N5102 and N5103; No.: C-48-CV-2024-7697

Administrative Order

And Now, this 22nd day of August, 2024, in accordance with the Pennsylvania Supreme Court's Order No. 596 and the promulgation of Pennsylvania Rules of Judicial Procedure 5101—5105, it is *Ordered* and *Decreed* that Administrative Order 2015-5 is hereby *Vacated* and replaced with Local Rules N5102 and N5103, as follows hereto.

It is further *Directed* that the Court Administrator of Northampton County shall comply with all publishing requirements set forth in Pa.R.J.A. 103(c)(5)-(6), such as: filing two (2) certified copies of this Order with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*; filing one (1) certified copy of the Order with the Administrative Office of Pennsylvania Courts; publishing a copy of this Order on the Court's website; and incorporating these procedures into the complete set of Northampton County Local Rules no later than thirty (30) days following publication in the *Pennsylvania Bulletin*.

This local rule shall become effective on October 7, 2024, after no less than thirty (30) days of publication in the *Pennsylvania Bulletin*.

By the Court

CRAIG A. DALLY,
President Judge

CUSTODY OF EXHIBITS IN COURT PROCEEDINGS

N5102. Custody of Exhibits. General Provisions.

a) *During Court Proceedings before Judge.* Unless otherwise provided herein or ordered by the Court or Presiding Judge, the court reporter shall be the custodian of all documentary, photographic, non-documentary, and digital media evidence during court proceedings.

b) *After Court Proceedings before Judge.* At the conclusion of court proceedings, the custodian shall:

1) Retain or take custody of all documentary exhibits, photographs, photographs of non-documentary exhibits, and digital media exhibits;

2) File all documentary exhibits, photographs, photographs of non-documentary exhibits, and digital media exhibits, along with an evidence retention form, with the appropriate records office within five (5) business days of the conclusion of the court proceedings; and

3) Secure and maintain all other non-documentary evidence as directed by the Court or agreed to by the parties.

c) *During Proceedings Before Special Divorce Master, Juvenile Master or in Domestic Relations cases.* Unless otherwise provided in Northampton County Local Rule N5103, or ordered by the Court, the court designee or court reporter is hereby designated as the custodian of all documentary, photographic, non-documentary, and digital

media evidence offered during court proceedings before a special divorce master, juvenile master, or in domestic relations cases.

d) *After Proceedings Before Divorce Master, Juvenile Master or in Domestic Relations cases.* At the conclusion of the proceedings, the custodian shall:

1) Retain or take custody of all documentary exhibits, photographs, photographs of non-documentary exhibits, and digital media exhibits;

2) File all exhibits, along with an evidence retention form, with the appropriate records office within five (5) business days from the conclusion of the proceedings; and

3) Secure and maintain all other non-documentary evidence as directed by the Court or agreed to by the parties.

N5103. Custody of Exhibits. Special Provisions.

a) *Documentary Evidence*

1) If a proponent offers into evidence an exhibit that is larger than 8-1/2 × 11 inches, the proponent shall ensure a copy of the document reduced to 8-1/2 × 11 inches (or smaller) is entered into the record.

2) A proponent who provides a reduced copy of an oversized exhibit shall ensure that the reproduced document is clear and capable of further reproduction or transfer to digital media.

b) *Photographs*

1) A proponent who offers into evidence a photograph shall ensure that the original or a copy of the photograph in lieu of the original (no larger than 8-1/2 × 11 inches) is entered into the record.

2) A proponent who provides a copy of a photograph shall ensure that the reproduced document is clear and capable of further reproduction or transfer to digital media.

c) *Non-Documentary Evidence: Generally*

1) If a proponent offers into evidence a non-documentary exhibit, the proponent shall ensure that a photograph (no larger than 8-1/2 × 11 inches) of the exhibit is entered into the record in lieu of the non-documentary exhibit.

2) A proponent who provides a photograph of a non-documentary exhibit shall ensure that the photograph is clear and capable of further reproduction or transfer to digital media.

3) If the exhibit is bulky, oversized or otherwise physically impractical for the court staff and/or custodian to maintain, the court staff and/or custodian may direct the proponent offering the exhibit to maintain custody of, and secure, it during court proceedings.

d) *Non-Documentary Evidence: Weapons, Contraband, Hazardous Materials*

1) In any proceeding in which dangerous items are offered into evidence, the proponent shall secure the exhibits while the court proceedings are in session, as well as during all breaks and recesses. Dangerous items include, but are not limited to at the discretion of the Presiding Judge, weapons, cash, currency, money, negotiable instruments, other items of value, drugs, dangerous

materials, guns, knives, explosives, controlled substances, narcotics, intoxicants, toxic material, biological items, and biohazards.

2) During the proceedings, breaks, and recesses, the proponent shall exercise all appropriate safeguards necessary to protect the public based on the nature of the exhibit.

3) Exhibits deemed to be dangerous items are prohibited from viewing in the jury room. Alternative viewing methods may be approved by the Presiding Judge if requested by the jury.

4) Once the court proceedings have concluded, the proponent, the proponent's designee, or such other person as designated by the Presiding Judge shall maintain custody of the dangerous item offered in to evidence.

e) *Use of Digital Media.* A proponent entering digital exhibits into the record shall provide said exhibits on a flash drive, thumb drive, USB drive, or other portable media-containing device.

f) *Duplicates.* The court may direct that an original item, and not a duplicate, be entered into the record.

g) *Copies for Court.* Proponents must provide copies of all documentary exhibits, photographs, photographs of non-documentary exhibits, and digital media exhibits to the Presiding Judge, opposing counsel and/or pro se party, and the court reporter during the court proceedings.

h) *Confidentiality. Exhibits Under Seal.* Exhibits filed confidentially pursuant to Sections 7.0 and 8.0 of the Case Records Public Access Policy of the Unified Judicial System of Pennsylvania, otherwise sealed by court order, or unavailable for public inspection pursuant to Pennsylvania law shall not be accessible to the public.

[Pa.B. Doc. No. 24-1241. Filed for public inspection September 6, 2024, 9:00 a.m.]

Title 255—LOCAL COURT RULES

NORTHAMPTON COUNTY

Administrative Order 2024-15; Amending Local Rule N507—Approval of Police Complaints and Arrest Warrant Affidavits by Attorney for the Commonwealth; No.: C-48-AD-355-2024

Administrative Order

And Now, this 22nd day of August, 2024, upon consideration of the Northampton County District Attorney's Certification filed pursuant to Pa.R.Crim.P. 507, it is *Ordered and Decreed* that Local Rule N507 is hereby *Amended*, as follows.

It is further *Directed* that the Court Administrator of Northampton County shall comply with all publishing requirements set forth in Pa.R.J.A. 103(c)(5)-(6), such as: filing two (2) certified copies of this Order with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*; filing one (1) certified copy of the Order with the Administrative Office of Pennsylvania Courts; publishing a copy of this Order on the Court's website; and incorporating these procedures into the complete set of Northampton County Local Rules no later than thirty (30) days following publication in the *Pennsylvania Bulletin*.

This local rule shall become effective on October 7, 2024, after no less than thirty (30) days of publication in the *Pennsylvania Bulletin*.

By the Court

CRAIG A. DALLY,
President Judge

Exhibit A

N507. Approval of Police Complaints and Arrest Warrant Affidavits by Attorney for the Commonwealth.

1) *General Provision.* The District Attorney of Northampton County having filed a certification pursuant to Pa.R.Crim.P. 507, criminal complaints and arrest warrant affidavits by police officers, as defined in the Rules of Criminal Procedure, charging one, or more, of the offenses below shall not hereafter be accepted by any judicial officer unless the complaint and arrest warrant affidavit have the approval of an attorney for the Commonwealth prior to filing:

a) *Criminal Homicide*

Criminal Homicide—18 Pa.C.S. § 2501

Murder of any degree—18 Pa.C.S. § 2502

Voluntary Manslaughter—18 Pa.C.S. § 2503

Involuntary Manslaughter—18 Pa.C.S. § 2504

Drug Delivery Resulting in Death—18 Pa.C.S. § 2506

Criminal Homicide of Law Enforcement Officer—18 Pa.C.S. § 2507

Criminal Homicide of Unborn Child—18 Pa.C.S. § 2604

Voluntary Manslaughter of Unborn Child—18 Pa.C.S. § 2605

b) *Assault*

Aggravated Assault—18 Pa.C.S. § 2702(a)(1) or (2)

Assault by Prisoner—18 Pa.C.S. § 2703

Assault by Life Prisoner—18 Pa.C.S. § 2704

Discharge of Firearm in Occupied Structure—18 Pa.C.S. § 2707.1

Stalking—18 Pa.C.S. § 2709.1

Ethnic Intimidation—18 Pa.C.S. § 2710

Neglect of Care-Dependent Person—18 Pa.C.S. § 2713

Abuse of Care-Dependent Person—18 Pa.C.S. § 2713.1

Weapons of Mass Destruction—18 Pa.C.S. § 2716

Strangulation—18 Pa.C.S. § 2718

c) *Anti-Hazing*

Aggravated Hazing—18 Pa.C.S. § 2803

d) Kidnapping—18 Pa.C.S. § 2901

e) *Human Trafficking*

Trafficking in Individuals—18 Pa.C.S. § 3011

f) *Sexual Offenses*

Rape—18 Pa.C.S. § 3121

Statutory Sexual Assault—18 Pa.C.S. § 3122

Involuntary Deviate Sexual Intercourse—18 Pa.C.S. § 3123

Sexual Assault—18 Pa.C.S. § 3124.1

Institutional Sexual Assault—18 Pa.C.S. § 3124.2

Sexual Assault by Sports Official, Volunteer, or Employee of Non-Profit Association—18 Pa.C.S. § 3124.3

Aggravated Indecent Assault—18 Pa.C.S. § 3125

Indecent Assault—18 Pa.C.S. § 3126

g) *Arson, Criminal Mischief and other Property Destruction*

Arson—18 Pa.C.S. § 3301

Causing or Risking Catastrophe—18 Pa.C.S. § 3302

h) *Burglary and Other Criminal Intrusion*

Burglary—18 Pa.C.S. § 3502

i) *Robbery*

Robbery—18 Pa.C.S. § 3701(a)(i), (ii), and (iii)

Robbery of Motor Vehicle—18 Pa.C.S. § 3702

j) *Theft and Related Offenses*

Theft and Receiving Stolen Property—18 Pa.C.S. § 3903(a)(2), (a)(5), and (a.1)

Theft by Unlawful Taking or Disposition—18 Pa.C.S. § 3921

Receiving Stolen Property—18 Pa.C.S. § 3925

k) *Offenses Against the Family*

Endangering Welfare of Children—18 Pa.C.S. § 4304

l) *Bribery and Corrupt Influence*

Bribery in Official or Political Matters—18 Pa.C.S. § 4701

Threats and Other Improper Influences in Official or Political Matters—18 Pa.C.S. § 4702

m) *Falsification and Intimidation*

Perjury—18 Pa.C.S. § 4902

n) *Obstructing Governmental Operations*

Hindering Apprehension or Prosecution—18 Pa.C.S. § 5105

Flight to Avoid Apprehension (Felony Only)—18 Pa.C.S. § 5126(a)

o) *Riot, Disorderly Conduct and Related Offenses*

Abuse of Corpse—18 Pa.C.S. § 5510

Aggravated Cruelty to Animals—18 Pa.C.S. § 5534

p) *Wiretapping and Electronic Surveillance*

Interception, Disclosure or Use of Wire, Electronic or Oral Communication—18 Pa.C.S. § 5703

q) *Public Indecency*

Prostitution—18 Pa.C.S. § 5902

Obscene Materials (Felony Only)—18 Pa.C.S. § 5903

r) *Firearms and Other Dangerous Activities*

Person Not to Possess Firearm (F1 or F2)—18 Pa.C.S. § 6105(a)(1)

Firearms Not to be Carried Without a License (F3 only)—18 Pa.C.S. § 6106(a)(1)

Possession of a Firearm with Altered Manufacturer's Number—18 Pa.C.S. § 6110.2

Possession of Firearm with Altered Serial Number—18 Pa.C.S. § 6110.2

Materially False Statements in Firearm's Purchase—18 Pa.C.S. § 6111(g)(4)

Certain Bullets Prohibited—18 Pa.C.S. § 6121

s) *Minors*

Corruption of Minors—18 Pa.C.S. § 6301

Sexual Abuse of Children—18 Pa.C.S. § 6312

Unlawful Contact with Minor—18 Pa.C.S. § 6318

Sexual Exploitation of Children—18 Pa.C.S. § 6320

Transmission of Sexually Explicit Images of a Minor—18 Pa.C.S. § 6321

t) Election Code violations (all offenses)—25 Pa.C.S. §§ 3501—3556

u) Controlled Substance, Drug Device and Cosmetic Act (only felonies)—35 P.S. § 780-113

v) *Miscellaneous Provisions*

Homicide by Vehicle—75 Pa.C.S. § 3732

Aggravated Assault by Vehicle—75 Pa.C.S. § 3732.1

Homicide by Vehicle While Driving Under the Influence—75 Pa.C.S. § 3735

Aggravated Assault by Vehicle While Driving Under the Influence—75 Pa.C.S. § 3735.1

Accidents Involving Death or Serious Bodily Injury—75 Pa.C.S. § 3742(a), (b) and (3)

Accidents Involving Death or Serious Bodily Injury-Not Licensed—75 Pa.C.S. § 3742.1(a)

w) *Inchoate Crimes*

Criminal Attempt to Commit any of the above offenses—18 Pa.C.S. § 901

Criminal Solicitation to commit any of the above offenses—18 Pa.C.S. § 902

Criminal Conspiracy to commit any of the above offenses—18 Pa.C.S. § 903

x) Any offense excluded by Section 6302(2)(i), (ii), and (iii) of the Juvenile Act—42 Pa.C.S. § 6302(i), (ii), and (iii), from the definition of a “delinquent act.”

[Pa.B. Doc. No. 24-1242. Filed for public inspection September 6, 2024, 9:00 a.m.]

DISCIPLINARY BOARD OF THE SUPREME COURT

Notice of Administrative Suspension

Notice is hereby given that the following attorneys have been Administratively Suspended by Order of the Supreme Court of Pennsylvania dated July 17, 2024, pursuant to Rule 111(b), Pa.R.C.L.E., which requires that every active lawyer shall annually complete, during the compliance period for which he or she is assigned, the continuing legal education required by the Continuing Legal Education Board. The Order became effective August 16, 2024, for Compliance Group 3.

Notice with respect to attorneys having Pennsylvania registration addresses, which have been administratively suspended by said Order, was published in the appropriate county legal journal.

Adams, William J.
Miami Beach, FL

Buckley, Kevin William
Escondido, CA

Demuren, Samantha Mamawa Bella
Katy, TX

DiPrinzio, Carol Ann
Cranford, NJ

Drejza, Linda Brakmann
Rising Sun, MD

Fassano, Anthony Michael
West Collingswood Heights, NJ

Fine, Adam Dimitri
Boston, MA

Folino, Anita B.
Okemos, MI

Furman, Sara Horowitz
Marlton, NJ

Glassman, Michael Jeffrey
Voorhees, NJ

Hammond, Michael Joseph
Cleburne, TX

Hart, Angela Denise
Bethesda, MD

Haverly, Martin D.
Wilmington, DE

Howard, Bradley Curtis
Queenstown, MD

Hutchinson, Jenna Christine
New York, NY

Imadojemu, Osazee Solate
Washington, DC

Jaycox, Brandon Kurtis
Dorado, PR

Kenton Jr., Lestin Leroy
Alexandria, VA

LaPorta, Jennifer Lynn
Miami, FL

McClain, Daniel D.
Kensington, MD

Morgan, Cameron R.
Matawan, NJ

Papasavvas, Krystina
Nashville, TN

Rupinski, Robert F.
Mount Holly, NJ

Shea, John D.
Cherry Hill, NJ

Stalfa, Gregory James
Pacifica, CA

Timko, Amy Lynne
Medford, NJ

SUZANNE E. PRICE,
Attorney Registrar

[Pa.B. Doc. No. 24-1243. Filed for public inspection September 6, 2024, 9:00 a.m.]

SUPREME COURT

Temporary Modification and Suspension of the Rules of Appellate Procedure and Judicial Administration for Appeals Arising under the Pennsylvania Election Code; No. 622 Judicial Administration Docket

Order

Per Curiam

And Now, this 27th day of August, 2024, upon consideration of the requirements of the Electoral Count Reform Act of 2022, *see* 3 U.S.C. § 5, to expedite appeals in matters arising under the Pennsylvania Election Code with respect to the November 5, 2024 General Election, and pursuant to Article V, Section 10 of the Pennsylvania Constitution, it is *Ordered* as follows:

Rule 903(c)(1)(ii) of the Pennsylvania Rules of Appellate Procedure, which provides for a 10-day appeal period from an order in any matter arising under the Pennsylvania Election Code, is *Temporarily Modified* to provide for a 3-day appeal period; further, Pa.R.A.P. 1113(c)(1), which provides for a 10-day period for filing a petition for allowance of appeal from an order in any matter arising under the Pennsylvania Election Code, is *Temporarily Modified* to provide for a 3-day period. All cross-appeals and cross-petitions for allowance of appeal must also be filed within 3 days of the challenged order.

Additionally, Pa.R.A.P. 107 and Pa.R.J.A. 107 are *Temporarily Suspended* to the extent they specify that weekends and holidays are to be excluded in calculating the above 3-day periods.

Answers to jurisdictional statements and petitions for allowance of appeal, and separate motions to quash or dismiss appeals, will not be received in these matters. Any objection to the propriety of the appeal, including questions surrounding the appellate court's jurisdiction, are to be raised in the appellees' merits briefs.

In appeals that fall within the purview of this order, appellants shall file briefs within 24 hours of the filing their notice of appeal and, where applicable, jurisdictional statement. Appellees' briefs are due within 24 hours of the filing of appellants' briefs. Further, Pa.R.A.P. 2113 (regarding reply briefs) is *Temporarily Suspended* in these matters; no reply briefs will be permitted absent order of court.

All filings related to matters encompassed by this order shall be filed electronically when counsel or the litigants have a PACFile account. Otherwise, counsel or the litigants shall contact the relevant filing office to make alternative arrangements to ensure that the filing office receives the submissions by the applicable deadline.

Pa.R.A.P. 1931(a) and (c) (regarding the deadline for transmittal of the record when complete) are *Temporarily Suspended* in matters subject to this order, and the record shall be transferred as soon as practicable. The lower court may transmit partially completed records in the interest of facilitating prompt resolution of any appeal in these matters.

Applications for reconsideration or reargument will not be received on matters falling under this order.

Any court deciding a matter that arises under the Pennsylvania Election Code in relation to the November 5, 2024 General Election shall append a copy of this order to its decision.

This order shall be effective August 29, 2024, and shall apply to appeals or petitions for allowance of appeal filed from orders entered after that date.

This order shall remain in effect pending further order of this Court.

[Pa.B. Doc. No. 24-1244. Filed for public inspection September 6, 2024, 9:00 a.m.]

RULES AND REGULATIONS

Title 58—RECREATION

FISH AND BOAT COMMISSION

[58 PA. CODE CH. 65]

Fishing; Special Fishing Regulations

The Fish and Boat Commission (Commission) amends Chapter 65 (relating to special fishing regulations). The Commission is publishing this final-form rulemaking under the authority of 30 Pa.C.S. (relating to Fish and Boat Code) (code). This amendment deletes Chapman Dam Reservoir, Warren County, from § 65.24 (relating to miscellaneous special regulations).

A. *Effective Date*

This final-form rulemaking will go into effect January 1, 2025.

B. *Contact Person*

For further information on this final-form rulemaking, contact Renae Kluk Kiehl, Esq., P.O. Box 67000, Harrisburg, PA 17106-7000, (717) 705-7810. This final-form rulemaking is available on the Commission's web site at www.fishandboat.com.

C. *Statutory Authority*

The amendment to § 65.24 is published under the statutory authority of section 2307(a) of the code (relating to waters limited to specific purposes).

D. *Purpose and Background*

The specific purpose and background of the amendment is described in more detail under the summary of changes.

E. *Summary of Changes*

Chapman Dam Reservoir, a 68-acre impoundment owned by the Commonwealth and the fishery managed by the Commission, is located within Chapman State Park, Pleasant Township, Warren County, which is approximately 6 miles south of the City of Warren. The dam impounds the West Branch Tionesta Creek at river mile (RM) 14.7 upstream from its confluence with Tionesta Creek at RM 40.3. This reservoir was completely dewatered during fall 2017 to upgrade the dam and spillway structures per Department of Environmental Protection dam safety standards. Following the completion of these repairs and modifications, refill occurred in fall 2018, and the Commission stocked the lake from 2019 through 2023 with select fish species to establish a high-quality, warm-water and cool-water fishery.

Since 2019, Chapman Dam Reservoir has been managed under § 65.24 which allows for the harvest of trout under § 61.1 (relating to Commonwealth inland waters), seasons, sizes and daily limits but no harvest of other fish species. The intent was to facilitate rapid development of the warm-water and cool-water fish populations in the absence of harvest while allowing for the harvest of trout as the lake is included in the Commission's Stocked Trout Waters program. Once the warm-water and cool-water fish populations were sufficiently re-established, the lake would then be recommended for removal from the miscellaneous special regulations and moved to one or more of the Commission's existing regulation programs.

Sportfish populations were evaluated from 2022 through 2023 to monitor progress towards development of a high-quality, warm-water and cool-water fishery. Sportfish abundance and population size structure have improved to levels where populations can now sustain harvest. As such, it is recommended that Chapman Dam Reservoir be deleted from miscellaneous special regulations, allowing Commission staff to consider this reservoir for management of all species with Commonwealth inland waters regulations.

The Commission proposes that § 65.24 be amended to read as set forth at 54 Pa.B. 3524 (June 22, 2024).

F. *Paperwork*

This final-form rulemaking will not increase paperwork and will not create new paperwork requirements.

G. *Fiscal Impact*

This final-form rulemaking will have no adverse fiscal impact on the Commonwealth or its political subdivisions.

H. *Public Comments*

A notice of proposed rulemaking was published at 54 Pa.B. 3524. The Commission received no comments for this proposal.

Findings

The Commission finds that:

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

(2) A public comment period was provided and no public comments were received for the proposal.

(3) The adoption of the amendment of the Commission in the manner provided in this order is necessary and appropriate for administration and enforcement of the authorizing statutes.

Order

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

(A) The regulations of the Commission, 58 Pa. Code Chapter 65, are amended by amending § 65.24 to read as set forth at 54 Pa.B. 3524.

(B) The Executive Director will submit this order and 54 Pa.B. 3524 to the Office of Attorney General for approval as to legality and form as required by law.

(C) The Executive Director shall certify this order and 54 Pa.B. 3524 and deposit them with the Legislative Reference Bureau as required by law.

(D) This order shall take effect on January 1, 2025.

TIMOTHY D. SCHAEFFER,
Executive Director

Fiscal Note: Fiscal Note 48A-354 remains valid for the final adoption of the subject regulation.

[Pa.B. Doc. No. 24-1245. Filed for public inspection September 6, 2024, 9:00 a.m.]

Title 58—RECREATION

FISH AND BOAT COMMISSION

[58 PA. CODE CH. 65]

Fishing; Special Fishing Regulations

The Fish and Boat Commission (Commission) amends Chapter 65 (relating to special fishing regulations). The Commission is publishing this final-form rulemaking under the authority of 30 Pa.C.S. (relating to Fish and Boat Code) (code). The amendment deletes Glade Run Lake, Butler County from § 65.24 (relating to miscellaneous special regulations).

A. *Effective Date*

This final-form rulemaking will go into effect January 1, 2025.

B. *Contact Person*

For further information on this final-form rulemaking, contact Renae Kluk Kiehl, Esq., P.O. Box 67000, Harrisburg, PA 17106-7000, (717) 705-7810. This final-form rulemaking is available on the Commission's web site at www.fishandboat.com.

C. *Statutory Authority*

The amendment to § 65.24 is published under the statutory authority of section 2307(a) of the code (relating to waters limited to specific purposes).

D. *Purpose and Background*

The specific purpose and background of the amendment is described in more detail under the summary of changes.

E. *Summary of Changes*

Glade Run Lake is a 52-acre impoundment owned by the Commonwealth, managed by the Commission and located in Middlesex Township, Butler County which is approximately 10 miles south of the City of Butler. The dam impounds Glade Run at river mile (RM) 9.3 upstream from its confluence with Connoquenessing Creek at RM 34.3. This reservoir was completely dewatered during the spring of 2011 to upgrade the dam and spillway structures per Department of Environmental Protection dam safety standards. Following the completion of these repairs and modifications, refill occurred in the winter of 2017, and the Commission stocked the lake from 2017 through 2023 with select fish species, to establish a high-quality, warm-water and cool-water fishery.

Since 2017, Glade Run Lake has been managed under § 65.24, which allows for the harvest of trout under § 61.1 (relating to Commonwealth inland waters), seasons, sizes and daily limits but no harvest of other fish species. The intent was to facilitate rapid development of the warm-water and cool-water fish populations in the absence of harvest while allowing for the harvest of trout as the lake is included in the Commission's Stocked Trout Waters program. Once the warm-water and cool-water fish populations were sufficiently re-established, the lake would then be recommended for removal from the miscel-

laneous special regulations and moved to one or more of the Commission's existing regulation programs.

The black bass and panfish populations were evaluated from 2019 through 2023 to monitor progress towards development of a high-quality, warm-water and cool-water fishery. Sportfish abundance and population size structure have improved to levels where populations can now sustain limited harvest. As such, it is recommended that Glade Run Lake be deleted from miscellaneous special regulations, allowing Commission staff to consider this reservoir for management under §§ 65.9 and 65.11 (relating to big bass; and panfish enhancement).

The Commission amends § 65.24 to read as set forth at 54 Pa.B. 3523 (June 22, 2024).

F. *Paperwork*

This final-form rulemaking will not increase paperwork and will not create new paperwork requirements.

G. *Fiscal Impact*

This final-form rulemaking will have no adverse fiscal impact on the Commonwealth or its political subdivisions.

H. *Public Comments*

A notice of proposed rulemaking was published at 54 Pa.B. 3523. The Commission received no comments for this proposal.

Findings

The Commission finds that:

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

(2) A public comment period was provided, and no public comments were received for the proposal.

(3) The adoption of the amendment of the Commission in the manner provided in this order is necessary and appropriate for administration and enforcement of the authorizing statutes.

Order

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

(A) The regulations of the Commission, 58 Pa. Code Chapter 65, are amended by amending § 65.24 to read as set forth at 54 Pa.B. 3523.

(B) The Executive Director will submit this order and 54 Pa.B. 3523 to the Office of Attorney General for approval as to legality and form as required by law.

(C) The Executive Director shall certify this order and 54 Pa.B. 3523 and deposit them with the Legislative Reference Bureau as required by law.

(D) This order shall take effect on January 1, 2025.

TIMOTHY D. SCHAEFFER,
Executive Director

Fiscal Note: Fiscal Note 48A-353 remains valid for the final adoption of the subject regulation.

[Pa.B. Doc. No. 24-1246. Filed for public inspection September 6, 2024, 9:00 a.m.]

Title 58—RECREATION

GAME COMMISSION [58 PA. CODE CH. 147]

Special Permits; Mentored Hunting Program Permit; Safety

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission) at its July 12, 2024, meeting amended § 147.805 (relating to safety) to allow a mentor to accompany up to three of any combination of mentored youth and mentored adults at a time.

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

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

Notice of proposed rulemaking was published at 54 Pa.B. 3035 (June 1, 2024).

1. Purpose and Authority

Since the mentored hunting program’s initial inception in 2006, the program has gradually grown and expanded to include additional species of game and wildlife and age groups eligible to participate in the program. With each progressive expansion, the mentored hunting program has come into closer alignment to the Commission’s traditional hunting license structures. In its latest development, the Commission amends § 147.805 to allow a mentor to accompany up to three of any combination of mentored youth and mentored adults at a time. This maximum limit of three also includes any junior hunter present and otherwise requiring accompaniment by the mentor as required under section 2711(a)(8) of the code (relating to unlawful acts concerning licenses) when the person is also serving as a mentor. This change will not expand the one lawful hunting device limit for mentored youth, but it will allow mentored adults and junior hunters to possess their own hunting implement while accompanied by a common mentor. The Commission has evaluated the relevant safety data and determined that the amendments will not create an unreasonable safety risk to the persons participating in the hunt or other persons in the vicinity of the hunt.

Section 2901(b) of the code (relating to authority to issue permits) provides “the commission may, as deemed necessary to properly manage the game or wildlife resources, promulgate regulations for the issuance of any permit and promulgate regulations to control the activities which may be performed under authority of any permit issued.” The amendments to § 147.805 are adopted under this authority.

2. Regulatory Requirements

This final-form rulemaking amends § 147.805 to allow a mentor to accompany up to three of any combination of mentored youth and mentored adults at a time.

3. Persons Affected

Persons participating in the mentored hunting program within this Commonwealth may be affected by this final-form rulemaking.

4. Comment and Response Summary

The Commission received one official comment in support of this final-form rulemaking.

5. Cost and Paperwork Requirements

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

6. Effective Date

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

7. Contact Person

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

Findings

The Commission finds that:

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

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

Order

The Commission, acting under authorizing statute, orders that:

(a) The regulations of the Commission, 58 Pa. Code Chapter 147, are amended by amending § 147.805 to read as set forth in Annex A.

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

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

STEPHEN SMITH,
Executive Director

Fiscal Note: Fiscal Note 48-508 remains valid for the final adoption of the subject regulation.

Annex A

TITLE 58. RECREATION PART III. GAME COMMISSION CHAPTER 147. SPECIAL PERMITS Subchapter X. MENTORED HUNTING PROGRAM PERMIT

§ 147.805. Safety.

While engaged in mentored hunting activities:

(1) A mentored youth shall be stationary, within arm’s reach and subject to the immediate control of the mentor

at all times while in possession of any lawful hunting device. This limitation may not be construed to apply to mentored adults. Mentored adults shall be accompanied by the mentor within eyesight and in close proximity so that verbal instruction and guidance can easily be understood without the aid of electronic communication devices or sound amplification devices.

(2) A mentor may not accompany more than three mentored youth or mentored adults at any given time. A mentor may accompany a junior hunter in addition to accompanying a mentored youth or mentored adult within the same maximum total of three. The authorizations of this paragraph are not intended to expand the lawful hunting device limitation set forth in paragraph (3).

(3) A mentor and mentored youth may not collectively possess more than one lawful hunting device at any given time. This limitation may not be construed to apply to mentors and mentored adults participating in the mentored adult hunting program or junior hunters joining a mentored youth hunt.

(4) A mentor and mentored youth or mentored adult shall each comply with section 2524 of the act (relating to protective material required) and with any regulations promulgated by the Commission relating to protective material.

[Pa.B. Doc. No. 24-1247. Filed for public inspection September 6, 2024, 9:00 a.m.]

Title 67—TRANSPORTATION

DEPARTMENT OF TRANSPORTATION

[67 PA. CODE CH. 173]

Flashing or Revolving Lights on Emergency and Authorized Vehicles; Temporary Regulations

The Department of Transportation (Department) under the authority of 75 Pa.C.S. § 4572(b.2)(2) (relating to visual signals on authorized vehicles), promulgates these temporary regulations pertaining to the authorized use of flashing or revolving green lights in addition to yellow or amber lights for highway construction and maintenance vehicles, to read as set forth in Annex A.

Purpose

The purpose of this temporary rulemaking is to set forth temporary regulations governing the addition of green colored flashing or revolving lights for display by highway construction and maintenance vehicles. Section 4572(b.2)(2) of 75 Pa.C.S. grants authority to the Department to promulgate temporary regulations to authorize the use of flashing or revolving green lights, in addition to flashing or revolving yellow or amber lights, on highway construction and maintenance vehicles, as defined in 75 Pa.C.S. § 4572(d). According to research conducted in other states, the human eye can identify green lights more clearly and brightly than traditional yellow or amber lighting. States such as Michigan, Maryland and Wisconsin have implemented green lights on highway maintenance vehicles for some time now. It is anticipated that the addition of flashing or revolving

green lights will make these vehicles more visible and enhance highway safety.

Significant Provisions

Significant provisions of this temporary rulemaking include:

Section 173.3(a.1) (relating to display requirements) sets forth the display requirements relating to the use of flashing or revolving lights on emergency and authorized vehicles. This temporary regulation addresses the addition of the authority to include flashing or revolving green lights, when incorporated into one or more light-bar assemblies containing yellow or amber lights on highway construction and maintenance vehicles.

Persons and Entities Affected

These regulations will affect highway construction and maintenance workers which may include the Department, the Pennsylvania Turnpike Commission (Commission), municipalities within this Commonwealth and contractors performing the maintenance and construction activities on behalf of these agencies. The motoring public will be provided green light indications providing an additional visual notification of the location of active work vehicles and devices while they are being used in key maintenance and construction activities.

Fiscal Impact

The Department, the Commission, municipalities within this Commonwealth and contractors are not required to install green lights, and this regulation provides only an option for those that elect to do so. Purchasing and installation costs differ significantly between multiple vehicle systems. In reviewing preliminary data from vendors, costs on average may range between \$200 and \$2,000 depending on the device and features; consequently, not all entities that are eligible to install green lights will elect to do so.

Budgetary impacts to the Department are not anticipated, as purchasing and installation will be evaluated and prioritized by each Department District County Office and existing staff will support the implementation of this temporary rulemaking.

Regulatory Review

Under 75 Pa.C.S. § 4572(b.2)(2), the Department is authorized to promulgate temporary regulations to facilitate the prompt implementation of the act of July 17, 2024 (P.L. 868, No. 78) (Act 78 of 2024). The temporary regulations adopted by the Secretary are not subject to sections 201—205 of the act of July 31, 1968 (P.L. 769, No. 240) (45 P.S. §§ 1201—1205), referred to as the Commonwealth Documents Law (CDL), the Regulatory Review Act (71 P.S. §§ 745.1—745.14) (RRA) and section 204(b) of the Commonwealth Attorneys Act (71 P.S. § 732-204(b)) (CAA).

It is hereby ordered that this temporary regulation shall be effective upon publication in *Pennsylvania Bulletin*, subject to the sunset provisions set forth as follows.

Effective Date

The temporary regulation in § 173.3(a.1) will be effective upon publication in the *Pennsylvania Bulletin*.

Sunset Provisions

Under 75 Pa.C.S. § 4572(b.2)(2), these temporary regulations expire upon promulgation of a final regulation implementing Act 78 of 2024, or no later than 3 years from August 16, 2024.

Contact Person

The contact person for this temporary rulemaking is Daniel Farley, PE, Bureau of Operations, Commonwealth Keystone Building, 400 North Street, Harrisburg, PA 17120, (717) 783-0333.

Findings

The Department finds that:

(1) Under 75 Pa.C.S. § 4572(b.2)(2), the temporary regulation is exempt from the requirements of the RRA, sections 201—205 of the CDL and section 204(b) of the CAA.

(2) The adoption of the temporary regulation is necessary and appropriate for the administration and enforcement of 75 Pa.C.S. § 4572, as amended by Act 78 of 2024.

Order

The Department, acting under 75 Pa.C.S. § 4572(b.2)(2), orders that:

(1) The regulation of the Department, 67 Pa. Code Chapter 173, is amended by amending § 173.3 to read as set forth in Annex A with ellipses referring to the existing text of the regulation.

(2) This temporary regulation is effective upon publication in the *Pennsylvania Bulletin*.

(3) The Secretary of Transportation shall certify this order and Annex A and deposit them with the Legislative Reference Bureau as required by law.

MICHAEL CARROLL,
Secretary

Fiscal Note: 18-487. No fiscal impact; recommends adoption.

Annex A

TITLE 67. TRANSPORTATION

PART I. DEPARTMENT OF TRANSPORTATION

Subpart A. VEHICLE CODE PROVISIONS

ARTICLE VII. VEHICLE CHARACTERISTICS

CHAPTER 173. FLASHING OR REVOLVING LIGHTS ON EMERGENCY AND AUTHORIZED VEHICLES

§ 173.3. Display requirements.

(a) *Color.* Except as provided in subsection (a.1), white, clear, red, blue, amber or yellow are the only colors permitted for use in flashing or revolving lights.

(1) *Chromaticity coordinates.* A flashing, revolving or oscillating light must meet or exceed the Chromaticity Coordinates, CIE 1931, Standard Colorimetric System as provided in SAE Standard J578d, Color Specification for Electrical Signal Lighting Devices, September 1978 or subsequent SAE Standards. This requirement does not apply to flashing headlamp systems.

* * * * *

(10) *Hazard warning systems and turn signals.* Hazard warning systems and turn signals are not considered flashing lights for the purposes of this chapter.

(a.1) *Temporary regulation—Green lights.* Under 75 Pa.C.S. § 4572(b.2), a highway construction and maintenance vehicle, as defined in 75 Pa.C.S. § 4572(d), may be equipped with one or more flashing or revolving green lights when incorporated into one or more light-bar assemblies containing yellow or amber lights in accordance with this section. This provision expires upon the promulgation of final regulations implementing the act of July 17, 2024 (P.L. 868, No. 78), but in no event later than August 16, 2027.

(b) *360° visibility.* Except for unmarked police vehicles, when flashing or revolving red, blue, yellow or amber lights are mounted on a vehicle, one or more of these lights shall be mounted to provide visibility to vehicles approaching from any direction (360° visibility), regardless of the method of mounting.

* * * * *

[Pa.B. Doc. No. 24-1248. Filed for public inspection September 6, 2024, 9:00 a.m.]

PROPOSED RULEMAKING

FISH AND BOAT COMMISSION

[58 PA. CODE CH. 61]

Fishing; Seasons, Sizes and Creel Limits

The Fish and Boat Commission (Commission) proposes to amend Chapter 61 (relating to seasons, sizes and creel limits). The Commission is publishing this proposed rulemaking under the authority of 30 Pa.C.S. (relating to Fish and Boat Code) (code). The proposed amendment to § 61.2 (relating to Delaware River, West Branch Delaware River and River Estuary) updates the Commission's regulations concerning Atlantic striped bass fishing in the Delaware River, West Branch Delaware River and River Estuary.

A. *Effective Date*

This proposed rulemaking, if approved on final-form rulemaking, will go into effect on January 1, 2025.

B. *Contact Person*

For further information on this proposed rulemaking, contact Renae Kluk Kiehl, Esq., P.O. Box 67000, Harrisburg, PA 17106-7000, (717) 705-7810. This proposed rulemaking is available on the Commission's web site at www.fishandboat.com.

C. *Statutory Authority*

The proposed amendments to § 61.2 are published under the statutory authority of section 2102(b) of the code (relating to rules and regulations).

D. *Purpose and Background*

The specific purpose and background of the proposed amendment is described in more detail under the summary of proposal.

E. *Summary of Proposal*

At its January 2024 quarterly meeting, the Atlantic States Marine Fisheries Commission's (ASMFC) Atlantic Striped Bass Management Board, which includes the Commonwealth as a member, approved Addendum II to Amendment 7 to the Interstate Fishery Management Plan (FMP) for Atlantic striped bass. The Addendum modifies recreational measures to reduce fishing mortality by 14.1% in 2024, addresses requirements for recreational filleting and other management provisions. Addendum II builds upon the 2023 emergency action taken by the ASMFC by changing the measures in the FMP to reduce fishing mortality and support stock rebuilding.

Addendum II measures must be implemented by May 1, 2024. To address the coast-wide regulation directed by the ASMFC, the Commission's Executive Director took immediate actions to make modifications to fishing regulations under § 65.25 (relating to temporary changes to fishing regulations) to amend § 61.2. Specifically, the Executive Director amended this section to reduce the maximum harvestable length in the striped bass slot limit from less than 35 inches to less than 31 inches from the Pennsylvania line upstream to Calhoun Street Bridge (Delaware Estuary) from January 1 through March 31 and June 1 through December 31 and from the Calhoun Street Bridge upstream (Delaware River) year-round, which was published at 54 Pa.B. 69 (January 6, 2024). The Executive Director amended this section to reduce

the daily limit of striped bass from two fish to one fish and adjust the harvestable length slot limit from 21 inches to less than 24 inches and 22 inches to less than 26 inches from the Pennsylvania line upstream to Calhoun Street Bridge (Delaware Estuary) from May 1, 2024 through May 31, 2024, which was published at 54 Pa.B. 2191 (April 20, 2024). Gear restrictions remained unchanged. These temporary changes went into effect on January 1, 2024, and May 1, 2024, and will remain in effect until the Commission, by appropriate action, amends § 61.2. This proposed rulemaking seeks to amend the section accordingly.

To address concerns about recreational filleting allowances and compliance with harvestable size limits, Addendum II requires states that authorize at-sea or shore-side filleting, or both, of Atlantic striped bass to establish minimum requirements, including requirements for carcasses to be retained and possession to be limited to no more than two fillets per legal fish harvested. Commission staff proposed to add recreational filleting requirements specific to Atlantic striped bass to § 61.2 because it is the primary fishery in which Atlantic striped bass is found in this Commonwealth.

In addition to the ASMFC mandated amendments, Commission staff identified an opportunity to further clarify language in § 61.2(d) pertaining to the required use of a circle hook when fishing with bait for any species of fish in the tidal Delaware Estuary. The intent of this provision is to require a hook configuration consisting of a single, non-offset (in-line) circle hook; however, the current language is unclear regarding the prohibition of a multiple circle hook configuration. It is recommended to add clarifying language to the body of the text in the regulation.

The Commission proposes that § 61.2 be amended to read as set forth in Annex A.

F. *Paperwork*

This proposed rulemaking will not increase paperwork and will not create new paperwork requirements.

G. *Fiscal Impact*

This proposed rulemaking will have no adverse fiscal impact on the Commonwealth or its political subdivisions.

H. *Public Comments*

Interested persons are invited to submit written comments, objections or suggestions about this proposed rulemaking to the Executive Director, Fish and Boat Commission, P.O. Box 67000, Harrisburg, PA 17106-7000, within 30 days after publication of this notice in the *Pennsylvania Bulletin*. Comments submitted by facsimile will not be accepted.

Comments also may be submitted electronically to RA-pfbcregulations@pa.gov. Electronic comments submitted in any other manner will not be accepted.

TIMOTHY D. SCHAEFFER,
Executive Director

Fiscal Note: 48A-356. No fiscal impact; recommends adoption.

Annex A
TITLE 58. RECREATION
PART II. FISH AND BOAT COMMISSION
Subpart B. Fishing
CHAPTER 61. SEASONS, SIZES AND CREEL
LIMITS

§ 61.2. Delaware River, West Branch Delaware River and River Estuary.

* * * * *

(d) It is unlawful to fish with bait for any species of fish in the tidal Delaware Estuary, including tributaries from the mouths of the tributaries upstream to the limit of tidal influence using any hook type other than a non-offset (in-line) circle [**hooks**] **hook**. The definition of a non-offset (in-line) circle hook is a **single**, non-offset hook where the point is pointed perpendicularly back towards the shank. The term “non-offset” means the point and the barb are in the same plane as the shank. **For purposes of this section, a non-offset (in-line) circle hook is considered a fishing device with no more than one point or barb.**

(d.1) It is unlawful for any person to gaff or attempt to gaff any striped bass at any time when fishing.

(d.2) Except as follows, it is unlawful to possess a striped bass in any form or condition other than in

the whole or having the entrails removed while on shore, along the waters of this Commonwealth, onboard a boat or on a dock, pier, launch area or a parking lot adjacent thereto:

(1) Striped bass may be processed fully if they are being prepared for immediate consumption.

(2) Provided that the requirements of this paragraph are met, striped bass may be processed by a permitted charter boat or fishing guide operation. The charter boat operator or fishing guide may fully process the striped bass at any time provided that there are no more than two fillets per striped bass (cutting the fillets into pieces, also known as chunking, is prohibited) and the charter boat operator or fishing guide retains the carcass until possession of the striped bass is transferred to the customer on shore. The charter boat operator or fishing guide shall give the customer who receives the processed striped bass a signed, dated receipt on the form prescribed by the Commission.

(e) The following seasons, sizes and creel limits apply to the Delaware River, West Branch Delaware River and Delaware River tributaries from the mouths of the tributaries upstream to the limit of the tidal influence and the Lehigh River from its mouth upstream to the first dam in Easton, Pennsylvania:

SPECIES	SEASONS	MINIMUM SIZE	DAILY LIMIT
* * * * *			
STRIPED BASS and HYBRID STRIPED BASS	From Pennsylvania line upstream to Calhoun Street Bridge: January 1 until March 31 and June 1 until December 31.	28 to less than [35] 31 inches	1
	April 1 through May 31	[21] 22 to less than [24] 26 inches	[2] 1
	From Calhoun Street Bridge upstream: open year-round	28 to less than [35] 31 inches	1
* * * * *			

[Pa.B. Doc. No. 24-1249. Filed for public inspection September 6, 2024, 9:00 a.m.]

FISH AND BOAT COMMISSION

[**58 PA. CODE CH. 95**]

Boating; Manufacturer Installed Equipment

The Fish and Boat Commission (Commission) proposes to amend Chapter 95 (relating to manufacturer installed equipment) by adding § 95.10 (relating to engine cut-off switch). The Commission is publishing this proposed rulemaking under the authority of 30 Pa.C.S. (relating to Fish and Boat Code) (code). The proposed addition updates the Commission’s regulations pertaining to engine cut-off switch (ECOS) safety standards per the Cooperative Agreement for Recreational Boating Safety with the United States Coast Guard (USCG).

A. Effective Date

This proposed rulemaking, if approved on final-form rulemaking, will go into effect upon publication in the *Pennsylvania Bulletin*.

B. Contact Person

For further information on this proposed rulemaking, contact Renae Kluk-Kiehl, Esq., P.O. Box 67000, Harrisburg, PA 17106-7000, (717) 705-7810. This proposed rulemaking is available on the Commission’s web site at www.fishandboat.com.

C. Statutory Authority

The proposed addition of § 95.10 is published under the statutory authority of section 5123(a) of the code (relating to general boating regulations).

D. Purpose and Background

The specific purpose and background of the proposed amendment is described in more detail under the summary of proposal.

E. Summary of Proposal

The ECOS is an important tool to prevent unnecessary death and disfigurement caused by a recreational boat operator being unexpectedly displaced from the boat and then struck by the boat’s propeller. The ECOS lanyard

connects the vessel operator to a switch that shuts off the engine if the operator is displaced from the boat. The lanyard can be looped around the operator's wrist or clipped to a life jacket or clothing. Wireless versions are also available, doing away with the physical tether and allowing the operator a little more flexibility to roam. Section 109.3(c) (relating to personal watercraft) currently requires a person operating a personal watercraft equipped by the manufacturer with a lanyard type ECOS to attach it to their person, clothing or personal flotation device.

Effective April 1, 2021, section 503(a) of the Frank LoBiondo Coast Guard Authorization Act of 2018 (46 U.S.C. § 4312), requires operators of certain motorized recreational vessels to use an ECOS when operating at greater than displacement speed. The Federal law, enforced by the USCG, applies to operators of all personal watercraft and recreational boats less than 26 feet with motors capable of developing 115 pounds or more of static thrust (approximately 3 horsepower). Boats not equipped by the manufacturer with an ECOS are exempt, but Federal regulations require all boats manufactured beginning January 1, 2020, to have an ECOS installed. The Federal regulation also does not apply to operators of vessels with a main helm inside an enclosed cabin. The law does not require operators to have the lanyard attached when the vessel is idling or performing docking maneuvers.

The Commission is encouraged to align its laws, rules and regulations with Federal law, to the fullest extent practicable, per the Cooperative Agreement for Recreational Boating Safety with the USCG.

The Commission proposes that § 95.10 be added as set forth in Annex A.

F. Paperwork

This proposed rulemaking will not increase paperwork and will not create new paperwork requirements.

G. Fiscal Impact

This proposed rulemaking will have no adverse fiscal impact on the Commonwealth or its political subdivisions.

H. Public Comments

Interested persons are invited to submit written comments, objections or suggestions about this proposed rulemaking to the Executive Director, Fish and Boat Commission, P.O. Box 67000, Harrisburg, PA 17106-7000, within 30 days after publication of this notice in the *Pennsylvania Bulletin*. Comments submitted by facsimile will not be accepted.

Comments also may be submitted electronically to RA-pfbcregulations@pa.gov. Electronic comments submitted in any other manner will not be accepted.

TIMOTHY D. SCHAEFFER,
Executive Director

Fiscal Note: 48A-357. No fiscal impact; recommends adoption.

Annex A

TITLE 58. RECREATION

PART II. FISH AND BOAT COMMISSION

Subpart C. BOATING

CHAPTER 95. MANUFACTURER INSTALLED EQUIPMENT

(*Editor's Note:* Section 95.10 is proposed to be added and is printed in regular type to enhance readability.)

§ 95.10. Engine cut-off switch.

The operator of a boat less than 26 feet in length equipped with an engine cut-off switch shall use the engine cut-off switch when the boat is operated at greater than slow no-wake speed. The use of an engine cut-off switch shall not be required when the operator is in a fully enclosed cabin of a boat.

[Pa.B. Doc. No. 24-1250. Filed for public inspection September 6, 2024, 9:00 a.m.]

FISH AND BOAT COMMISSION

[58 PA. CODE CH. 99a]

Boating; Capacity Plates

The Fish and Boat Commission (Commission) proposes to delete Chapter 99a (relating to capacity plates). The Commission is publishing this proposed rulemaking under the authority of 30 Pa.C.S. (relating to Fish and Boat Code) (code). The proposed deletion updates the Commission's regulations pertaining to capacity plates.

A. Effective Date

This proposed rulemaking, if approved on final-form rulemaking, will go into effect upon publication in the *Pennsylvania Bulletin*.

B. Contact Person

For further information on this proposed rulemaking, contact Renae Kluk-Kiehl, Esq., P.O. Box 67000, Harrisburg, PA 17106-7000, (717) 705-7810. This proposed rulemaking is available on the Commission's web site at www.fishandboat.com.

C. Statutory Authority

The proposed deletion of Chapter 99a is published under the statutory authority of section 5122 of the code (relating to registrations, licenses, permits, plates and statistics).

D. Purpose and Background

The specific purpose and background of the proposed amendment is described in more detail under the summary of proposal.

E. Summary of Proposal

Prior to January 1, 2013, the Commission issued capacity plates, upon request, for certain boats that were operated or offered for sale within this Commonwealth. During an audit of the Commission's Recreational Boating Safety Program in 2011, the United States Coast Guard (USCG) identified this practice as a violation of Federal regulations and directed the Commission to stop issuing the plates.

In response to this direction, the Commission deleted the entirety of Chapter 99 at 42 Pa.B. 7688 (December 22, 2012) of its regulations pertaining to capacity plates. At the time, this decision was thought to be the best way to handle the issue. However, in August 2018, it was determined that the best change would have been to delete only those sections dealing with the Commission's issuance of capacity plates and not to delete other sections that extended the Federal standard to Commonwealth waters. The Commission reinstated and amended certain sections of the former regulations.

Commission staff have again consulted with the USCG and have been advised that Federal capacity plate re-

quirements apply to manufacturers and are enforced by the USCG. It is unnecessary for the Commission to promulgate regulations regarding capacity plate requirements, therefore Chapter 99a can be deleted.

Commission staff propose that Chapter 99a be deleted as set forth in Annex A.

F. *Paperwork*

This proposed rulemaking will not increase paperwork and will not create new paperwork requirements.

G. *Fiscal Impact*

This proposed rulemaking will have no adverse fiscal impact on the Commonwealth or its political subdivisions.

H. *Public Comments*

Interested persons are invited to submit written comments, objections or suggestions about this proposed rulemaking to the Executive Director, Fish and Boat Commission, P.O. Box 67000, Harrisburg, PA 17106-7000, within 30 days after publication of this notice in the *Pennsylvania Bulletin*. Comments submitted by facsimile will not be accepted.

Comments also may be submitted electronically to RA-pfbcregulations@pa.gov. Electronic comments submitted in any other manner will not be accepted.

TIMOTHY D. SCHAEFFER,
Executive Director

Fiscal Note: 48A-358. No fiscal impact; recommends adoption.

Annex A

TITLE 58. RECREATION

PART II. FISH AND BOAT COMMISSION

Subpart C. BOATING

CHAPTER 99a. [CAPACITY PLATES]

[RESERVED]

(Editor’s Note: Chapter 99a which appears in 58 Pa. Code pages 99a-1 and 99a-2, serial pages (393605) and (393606) is proposed to be deleted in its entirety.)

§§ 99a.1—99a.4. [Reserved].

(Pa.B. Doc. No. 24-1251. Filed for public inspection September 6, 2024, 9:00 a.m.)

GAME COMMISSION

[58 PA. CODE CH. 133]

Wildlife Classification; Birds; Classification of Birds

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission) proposed at its July 12, 2024, meeting to amend § 133.21 (relating to classification of birds) to update the common and scientific name of Northern Goshawk (*Accipiter gentilis*) to American Goshawk (*Accipiter atricapillus*) on the Commonwealth’s list of endangered birds.

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

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

This proposed rulemaking was made public at the July 12, 2024, meeting of the Commission. Comments can be sent until September 11, 2024, to the Director, Information and Education, Game Commission, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797.

1. *Purpose and Authority*

Based on current scientific findings and changes to accepted nomenclature, the Commission is proposing to amend § 133.21 to update the common and scientific name of Northern Goshawk (*Accipiter gentilis*) to American Goshawk (*Accipiter atricapillus*) on the Commonwealth’s list of endangered birds. Formerly considered a single species, goshawks in Europe and North America were split into separate species in the 64th Supplement to the American Ornithological Society’s Checklist of North American Birds due to genetic and behavioral differences. The European species, Northern Goshawk (*Accipiter gentilis*), retained the original common and scientific names and the North American species, American Goshawk (*Accipiter atricapillus*) received new common and scientific names. These changes do not affect protection or management of goshawks within this Commonwealth, but update the Commonwealth’s list to reflect the current taxonomic resolution of each species, maintaining the agency’s science-based approach to wildlife management.

Section 322(c)(8) of the code (relating to powers and duties of commission) specifically empowers the commission to “[a]dd to or change the classification of any wild bird or wild animal.” Section 2102(a) of the code (relating to regulations) provides that “[t]he commission shall promulgate such regulations as it deems necessary and appropriate concerning game or wildlife and hunting or furtaking in this Commonwealth, including regulations relating to the protection, preservation and management of game or wildlife and game or wildlife habitat, permitting or prohibiting hunting or furtaking, the ways, manner, methods and means of hunting or furtaking, and the health and safety of persons who hunt or take wildlife or may be in the vicinity of persons who hunt or take game or wildlife in this Commonwealth.” The amendments to § 133.21 are proposed under this authority.

2. *Regulatory Requirements*

This proposed rulemaking will amend § 133.21 to update the common and scientific name of Northern Goshawk (*Accipiter gentilis*) to American Goshawk (*Accipiter atricapillus*) on the Commonwealth’s list of endangered birds.

3. *Persons Affected*

Persons concerned with American Goshawk (*Accipiter atricapillus*) within this Commonwealth will be affected by this proposed rulemaking.

4. *Cost and Paperwork Requirements*

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

5. *Effective Date*

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

6. Contact Person

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

STEPHEN SMITH, Executive Director

Fiscal Note: 48-509. No fiscal impact; recommends adoption.

Annex A
TITLE 58. RECREATION
PART III. GAME COMMISSION
CHAPTER 133. WILDLIFE CLASSIFICATION
Subchapter B. BIRDS

§ 133.21. Classification of birds.

The following birds are classified:

- (1) Endangered.
(i) King Rail (Rallus elegans)
(xvi) Upland Sandpiper (Batramia longicauda)
(xvii) [Northern] American Goshawk (Accipiter [gentilis] atricapillus)
(2) Threatened.

[Pa.B. Doc. No. 24-1252. Filed for public inspection September 6, 2024, 9:00 a.m.]

GAME COMMISSION

[58 PA. CODE CH. 147]

Special Permits; Falconry; Classes

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission) proposed at its July 12, 2024, meeting to amend § 147.103 (relating to classes) to decrease the minimum age eligibility threshold for a general class falconry permit from 18 years of age to 16 years of age.

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

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

This proposed rulemaking was made public at the July 12, 2024, meeting of the Commission. Comments can be sent until September 11, 2024, to the Director, Information and Education, Game Commission, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797.

1. Purpose and Authority

The Pennsylvania Falconry and Hawk Trust (PFHT) approached the Commission with a request to decrease the Commonwealth's minimum age eligibility threshold for a general class falconry permit from 18 years of age to 16 years of age. Under 50 CFR 21.82 (relating to falconry standards and falconry permitting), Federal regulations set the minimum age eligibility threshold at 16 years of

age. While states cannot go below this threshold, they can raise the threshold higher. The Commonwealth historically maintained the minimum age eligibility threshold for a general class falconry permit at 18 years of age. The Commission has not identified a significant biological or safety concern that would necessitate maintaining the 18 years of age threshold. As a result, the Commission is proposing to amend § 147.103 to decrease the minimum age eligibility threshold for a general class falconry permit from 18 years of age to 16 years of age.

Section 2901(b) of the code (relating to authority to issue permits) provides "the commission may, as deemed necessary to properly manage the game or wildlife resources, promulgate regulations for the issuance of any permit and promulgate regulations to control the activities which may be performed under authority of any permit issued." The amendments to § 147.103 are proposed under this authority.

2. Regulatory Requirements

This proposed rulemaking will amend § 147.103 to decrease the minimum age eligibility threshold for a general class falconry permit from 18 years of age to 16 years of age.

3. Persons Affected

Persons under the age of 18 who are interested in participating in falconry activities within this Commonwealth may be affected by this proposed rulemaking.

4. Cost and Paperwork Requirements

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

5. Effective Date

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

6. Contact Person

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

STEPHEN SMITH, Executive Director

Fiscal Note: 48-510. No fiscal impact; recommends adoption.

Annex A
TITLE 58. RECREATION
PART III. GAME COMMISSION
CHAPTER 147. SPECIAL PERMITS
Subchapter F. FALCONRY

§ 147.103. Classes.

* * * * *

(b) General. Permittees of the general class shall be subject to the following requirements and limitations:

- (1) Permittees shall be [18] 16 years of age or older.

* * * * *

[Pa.B. Doc. No. 24-1253. Filed for public inspection September 6, 2024, 9:00 a.m.]

NOTICES

CAPITOL PRESERVATION COMMITTEE

Request for Proposals

CPC 22.185: Treasury. This project involves the following, but not limited to: cleaning, stripping, repair and refinishing of full height wood panel walls, doors, windows and trim; general subfloor prep, removal of stubborn glued carpet pad residue, spot repair of subfloor to accommodate new cable management access floor system; cleaning and polishing of marble base, stairs and platform and thresholds; stripping and refinishing of miscellaneous bronze and metal items; miscellaneous millwork and carpentry; selective removal and reconstruction of existing construction; refinishing of Terrazzo floor areas; structural glass tile work; provision and installation of new window blind assemblies; cleaning, spot repair and touch-in refinishing flat, profiled and coved ceiling and wall surfaces; general preparation, repair, painting, of miscellaneous walls, ceilings and surfaces; and installation of Capitol Preservation Committee-supplied carpeting. The issue date of the proposal is September 23, 2024.

A mandatory preproposal conference and walk through will be held on October 1, 2024, in Room 630 of the Main Capitol at 9 a.m. The proposal receipt date is October 23, 2024, at 2 p.m. Project documents may be obtained in Room 630, Main Capitol Building, Harrisburg, PA or by contacting Tara Pyle at (717) 783-6484.

DAVID L. CRAIG,
Executive Director

[Pa.B. Doc. No. 24-1254. Filed for public inspection September 6, 2024, 9:00 a.m.]

CAPITOL PRESERVATION COMMITTEE

Request for Proposals

CPC 24.193: Clock Conservation and Maintenance. This project involves the following cyclical maintenance based upon a 4-year cycle and other tasks on an as-needed basis, such as the following, but not limited to: on site oiling; studio cleaning; installation of temporary clocks; general maintenance; and condition reports and documentation of historic wall and mantle clocks, on-call repair, weekly winding, time adjustment and installation of new batteries. The issue date of the proposal is September 23, 2024.

A mandatory preproposal conference and walk through will be held on October 2, 2024, in Room 630 of the Main Capitol at 9:30 a.m. The proposal receipt date is October 30, 2024, at 2 p.m. Project documents may be obtained in Room 630, Main Capitol Building, Harrisburg, PA or by contacting Tara Pyle at (717) 783-6484.

DAVID L. CRAIG,
Executive Director

[Pa.B. Doc. No. 24-1255. Filed for public inspection September 6, 2024, 9:00 a.m.]

CAPITOL PRESERVATION COMMITTEE

Request for Proposals

CPC 24.194: Restoration and Reproduction of Historic Capitol Furniture. This project involves the following, but not limited to: restoration and reproduction of selected historic Capitol furniture; work includes intricate woodwork, repair, leather upholstery and finishing; pick up furniture at the Main Capitol Building and at the 10 Technology Park storage facility; secure transportation to the contractor's restoration/fabrication studio and return transportation and delivery to the Capitol Preservation Committee's 10 Technology Park storage facility; and documentation related to work by means of a procedures manual in both text and photographs. The issue date of the proposal is September 23, 2024.

A mandatory preproposal conference and walk through will be held on October 1, 2024, in Room 630 of the Main Capitol at 11 a.m. The proposal receipt date is October 23, 2024, at 2 p.m. Project documents may be obtained in Room 630, Main Capitol Building, Harrisburg, PA or by contacting Tara Pyle at (717) 783-6484.

DAVID L. CRAIG,
Executive Director

[Pa.B. Doc. No. 24-1256. Filed for public inspection September 6, 2024, 9:00 a.m.]

CAPITOL PRESERVATION COMMITTEE

Request for Proposals

CPC 24.196: Hartranft Plaza Sidewalk Improvement and Site Accessories. This project involves the following: construct an accessible sidewalk from Capitol Park to the Capitol Plaza; modify existing steps to accommodate a new sidewalk; lawn topsoil and seeding of disturbed areas; refinish handrails; and supply new custom trash receptacles. The issue date of the proposal is September 23, 2024.

A mandatory preproposal conference and walk through will be held on October 2, 2024, in Room 630 of the Main Capitol at 11 a.m. The proposal receipt date is October 23, 2024, at 2 p.m. Project documents may be obtained in Room 630, Main Capitol Building, Harrisburg, PA or by contacting Tara Pyle at (717) 648-1918.

DAVID L. CRAIG,
Executive Director

[Pa.B. Doc. No. 24-1257. Filed for public inspection September 6, 2024, 9:00 a.m.]

DEPARTMENT OF AGRICULTURE

Addendum to the Order of Quarantine; Box Tree Moth

Recitals

A. Box Tree Moth, *Cydalima perspectalis*, is a new pest to the United States and has been detected in the Commonwealth. This is a destructive insect to plants in the *Buxus* genus and not widely prevalent or distributed within or throughout the Commonwealth or the United States. This pest has been declared an actionable regulatory pest by the United States Department of Agriculture. Box Tree Moth has the potential to spread to uninfested areas by natural means or through the movement of infested articles.

B. The Plant Pest Act (Act) (act of December 16, 1992, P.L. 1228, No. 162) (3 P.S. §§ 258.1—258.27) empowers the Department of Agriculture (Department) to take various measures to detect, contain and eradicate plant pests. A plant pest is defined as an organism, including other plants, causing or capable of causing injury or damage to plants or plant products (3 P.S. § 258.2). The Department's powers include the authority to establish quarantines to prevent the spread of plant pests within this Commonwealth (3 P.S. § 258.21).

C. The Department may declare a pest to be a public nuisance when the Department determines a plant pest to be dangerous or destructive to the agriculture, horticulture or forests of this Commonwealth (3 P.S. § 258.20). For the reasons set forth in Paragraph A above, the Department declares Box Tree Moth, *Cydalima perspectalis*, to be a public nuisance.

D. Consistent with the Order of Quarantine: Box Tree Moth, published at 54 Pa.B. 4004 issued Saturday, July 13, 2024 (Order of Quarantine), where the Department detects or confirms any of the plant pests established in this Order of Quarantine—Box Tree Moth, *Cydalima perspectalis*—the place or area in which any of these plant pests are detected or confirmed shall be subject to the provisions of the Order of Quarantine.

E. The place or area in which the plant pest is detected or confirmed shall be added to the Order of Quarantine through an addendum delineating the specific location and geographic parameters of the area or place. Such Addendum shall be published in the *Pennsylvania Bulletin* and enforcement of the Addendum to the Order of Quarantine, with regard to that place or area, shall become effective immediately.

Order

Under authority of section 21 of the act (3 P.S. § 258.21), and with the Recitals previously listed incorporated herein and made a part hereof this Addendum to the Order of Quarantine published at 54 Pa.B. 4004 issued Saturday, July 13, 2024 (Order of Quarantine), the Department Orders the following:

1. Establishment of Quarantine.

The provisions, standards and requirements of the Order of Quarantine are hereby established and hereafter apply with respect to Erie County. This is in addition to, and does not replace, any areas already subject to the Order of Quarantine and any previous Addendums to the Order of Quarantine.

2. All Provisions Apply.

All of the provisions established in the Order of Quarantine are hereby made a part of this Addendum as if fully set forth herein and shall hereby be made applicable to Erie County.

RUSSELL REDDING,
Secretary

[Pa.B. Doc. No. 24-1258. Filed for public inspection September 6, 2024, 9:00 a.m.]

DEPARTMENT OF AGRICULTURE

List of Pesticides Which May be used by Medical Marijuana Growers and Processors

Under section 702(c) of the Medical Marijuana Act (35 P.S. § 10231.702(c)), the Department of Agriculture (Department) is required to annually review, update and transmit to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*, a list of pesticides that may be used by licensed growers and processors of medical marijuana. The following pesticide active ingredients may be used legally in the growing and processing of seeds, immature medical marijuana plants, medical marijuana plants or medical marijuana and in accordance with the Pennsylvania Pesticide Control Act of 1973 (3 P.S. §§ 111.21—112). To qualify, products containing the following active ingredients must be registered in the Commonwealth and labeled for use in greenhouses on unspecified food crops or unspecified herbs, or both. Commonwealth pesticide registration can be checked at <https://www.paplants.pa.gov/ProductRegFSA/BrandSearch.aspx>.

The Department evaluates potential pesticide active ingredients for inclusion on this list on an annual basis. Persons seeking review of an active ingredient for addition to this list must submit an application to the Department by June 1st of the calendar year. This submission must include the name of the active ingredient, the Environmental Protection Agency (EPA) registration number for a pesticide containing the active ingredient and a recent market label for a pesticide containing this active ingredient. This list will be reviewed and updated in September of each calendar year. Deletions of active ingredients will occur on an as-needed basis. Applications may be sent to the Department of Agriculture, Attn: Pesticide Registration, 2301 North Cameron Street, Harrisburg, PA 17110.

The Department will utilize the following criteria when evaluating active ingredients for inclusion on the list:

1. The active ingredient is in at least one EPA-registered pesticide, or is exempt under section 25(b) of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. § 136w(b)).

2. Pesticides containing this ingredient are labeled for unspecified food or herb crops.

3. The active ingredient is exempt from the requirements of a tolerance on all food crops.

The Department may also consider other factors, such as pyrolysis data or whether addition of an active ingredient may likely lead to widespread misuse. This notice will become effective immediately upon publication in the *Pennsylvania Bulletin*. This publication supersedes all previously published notices related to pesticide active ingredients for use by Medical Marijuana Growers and Processors.

List of Pesticide Active Ingredients Approved for Use by Medical Marijuana Growers/Processors

<i>EPA Status</i>	<i>Pesticide Type</i>	<i>Comments</i>	<i>Active Ingredient</i>
25(b)	Insecticide		Castor Oil
25(b)	Insecticide		Cedarwood Oil
25(b)	Fungicide, PGR, Nematicide, Bactericide	Only 25(b)-compliant pesticides may be used on medical marijuana.	Chitosan
25(b)	Insecticide		Cinnamon
25(b)	Fungicide, Insecticide		Cinnamon Oil
25(b)	Fungicide, Insecticide		Citric Acid
25(b)	Bactericide, Fungicide		Clove
25(b)	Insecticide		Clove Oil
25(b)	Fungicide		Corn Oil
25(b)	Insecticide		Cornmint Oil
25(b)	Insecticide		Cottonseed Oil
25(b)	Insecticide		Garlic
25(b)	Insect Repellent		Garlic Oil
25(b)	Fungicide		Geraniol
25(b)	Insecticide		Geranium Oil
25(b)	Fungicide, Insecticide		Lemon Grass Oil
25(b)	Insecticide		Peppermint Oil
25(b)	Fungicide		Potassium Sorbate
25(b)	Insecticide		Rosemary
25(b)	Insecticide		Rosemary Oil
25(b)	Fungicide, Insecticide, Miticide		Sesame Oil
25(b)	Fungicide, Insecticide		Sodium Lauryl Sulfate
25(b)	Insecticide		Soybean Oil
25(b)	Fungicide		Thyme
25(b)	Fungicide, Insecticide, Miticide		Thyme Oil
25(b)	Insecticide		White Pepper
Sec 3 Products	PGR		24-Epibrassinolide
Sec 3 Products	Insecticide		Azadirachtin
Sec 3 Products	Fungicide		<i>Bacillus amyloliquefaciens</i> strain D747
Sec 3 Products	Fungicide		<i>Bacillus amyloliquefaciens</i> strain MBI 600
Sec 3 Products	Fungicide		<i>Bacillus pumilus</i> strain GHA 180
Sec 3 Products	Fungicide		<i>Bacillus subtilis</i> QST713 strain
Sec 3 Products	Insecticide		<i>Bacillus thuringiensis</i> ssp. <i>aizawai</i>
Sec 3 Products	Insecticide		<i>Bacillus thuringiensis</i> ssp. <i>israelensis</i>
Sec 3 Products	Insecticide		<i>Bacillus thuringiensis</i> ssp. <i>kurstaki</i> strain EVB-113-19
Sec 3 Products	Insecticide		<i>Beauveria bassiana</i> strain ANT-03
Sec 3 Products	Insecticide		<i>Beauveria bassiana</i> strain GHA
Sec 3 Products	Insecticide		<i>Burkholderia</i> ssp. strain A396
Sec 3 Products	Insecticide		Canola Oil
Sec 3 Products	Insect Repellent		Capsicum Oleoresin Extract

<i>EPA Status</i>	<i>Pesticide Type</i>	<i>Comments</i>	<i>Active Ingredient</i>
Sec 3 Products	Insecticide		<i>Chromobacterium</i> sub strain PRAA4-1 Cells
Sec 3 Products	Fungicide, Insecticide		Clarified Hydrophobic Extract of Neem Oil
Sec 3 Products	Fungicide		<i>Clonostachys rosea</i> strain J1446 (formerly known as <i>Gliocladium catenulatum</i> strain J1446)
Sec 3 Products	Fungicide		Copper Octanoate
Sec 3 Products	PGR		Cytokinin (Kinetin)
Sec 3 Products	Insecticide		Diatomaceous Earth
Sec 3 Products	PGR		Gibberellins (Gibberellic Acid)
Sec 3 Products	PGR		Harpin Alpha Beta
Sec 3 Products	PGR		Homobrassinolide
Sec 3 Products	Antimicrobial, Fungicide	Post-harvest application prohibited	Hydrogen Peroxide
Sec 3 Products	PGR		IBA (Indole-3-Butyric Acid)
Sec 3 Products	Insecticide		<i>Isaria fumosorosea</i> Apopka strain 97
Sec 3 Products	Insecticide		<i>Isaria fumosorosea</i> strain FE 9901
Sec 3 Products	Insecticide, PGR		Kaolin
Sec 3 Products	Fungicide		<i>Metarhizium brunneum</i> strain F52
Sec 3 Products	Insecticide		Mineral Oil
Sec 3 Products	Fungicide		Mono- and Dipotassium Salts of Phosphorous Acid
Sec 3 Products	Insecticide		Monopotassium Phosphate
Sec 3 Products	Nematicide		<i>Myrothecium verrucaria</i>
Sec 3 Products	Fungicide, Insecticide		Neem Oil, Cold Pressed
Sec 3 Products	Antimicrobial, Fungicide		Peroxyacetic Acid
Sec 3 Products	Fungicide		Potassium Bicarbonate
Sec 3 Products	Insecticide		Potassium Laurate
Sec 3 Products	Fungicide, Insecticide		Potassium Salts of Fatty Acids
Sec 3 Products	Fungicide		<i>Pseudomonas chlororaphis</i> strain AF5009
Sec 3 Products	Insecticide		Pyrethrins
Sec 3 Products	Fungicide		<i>Reynoutria sachalinensis</i> extract
Sec 3 Products	Molluscicide		Sodium Ferric EDTA
Sec 3 Products	Fungicide		<i>Streptomyces lydicus</i> WYEC 108
Sec 3 Products	Fungicide	Foliar spray prohibited	<i>Streptomyces</i> sp. strain K61
Sec 3 Products	Insecticide, Miticide		Sucrose Octanoate Esters
Sec 3 Products	Insecticide, Fungicide	Only EPA-registered products are approved for use on medical marijuana. Burning sulfur for pest control is prohibited.	Sulfur
Sec 3 Products	Fungicide		<i>Trichoderma asperellum</i> strain ICC 012
Sec 3 Products	Fungicide		<i>Trichoderma asperellum</i> strain T34
Sec 3 Products	Fungicide		<i>Trichoderma gamsii</i> strain ICC080

<i>EPA Status</i>	<i>Pesticide Type</i>	<i>Comments</i>	<i>Active Ingredient</i>
Sec 3 Products	Fungicide		<i>Trichoderma harzianum</i> Rifai strain T-22
Sec 3 Products	Fungicide		<i>Trichoderma virens</i> strain G-41

RUSSELL REDDING,
Secretary

[Pa.B. Doc. No. 24-1259. Filed for public inspection September 6, 2024, 9:00 a.m.]

DEPARTMENT OF BANKING AND SECURITIES

Actions on Applications

The Department of Banking and Securities (Department), under the authority in the Banking Code of 1965 (7 P.S. §§ 101—2204), the Department of Banking and Securities Code (71 P.S. §§ 733-1—733-1203) and 17 Pa.C.S. (relating to Credit Union Code), has taken the following actions on applications received for the week ending August 27, 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-bnbksbmssnspt@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

No activity.

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. 24-1260. Filed for public inspection September 6, 2024, 9:00 a.m.]

DEPARTMENT OF EDUCATION

Designation of School Districts to Receive Duquesne City School District's High School Students

The Duquesne City School District (Duquesne) eliminated its high school program in 2007. Section 14 of the act of July 20, 2007 (P.L. 278, No. 45) (Act 45) governed the reassignment of Duquesne's high school students until Act 45 was declared unconstitutional by the Commonwealth Court in 2010. In part, Act 45 authorized the Secretary of Education to designate two or more school districts to accept Duquesne's high school students. Under Act 45, the East Allegheny School District (East Allegheny) and the West Mifflin Area School District (West Mifflin) were designated to accept Duquesne's high school students on a tuition basis.

Shortly after Act 45 was struck down, the act of November 23, 2010 (P.L. 1350, No. 123) (Act 123) was enacted. The enactment of Act 123 resulted in significant amendments to section 1607 of the Public School Code of 1949 (School Code) (24 P.S. § 16-1607). Section 1607 of the School Code authorizes the Secretary of Education to designate two or more school districts to accept Duquesne's high school students. When Act 123 was enacted, East Allegheny and West Mifflin were designated to continue to accept Duquesne's high school students.

The designation of East Allegheny and West Mifflin to accept Duquesne's 9—12 grade students for the 2024-2025 school year remains unchanged.

As required under section 1607 of the School Code, the Department of Education provides the following information regarding the assignment of Duquesne's 9—12 grade students to East Allegheny and West Mifflin.

Assignment of Students

- Students entering grades 10, 11 or 12 shall be assigned to the same district to which they were assigned during the previous school year, unless otherwise requested.
- Students entering grade 9 will be assigned to the district they choose.
- Private, religious or charter school students who are residents of Duquesne and who wish to enroll in Duquesne and attend East Allegheny or West Mifflin must register as Duquesne students at the Duquesne Education Center to be assigned to either East Allegheny or West Mifflin.

- Students transferring into Duquesne will be given a choice between East Allegheny and West Mifflin and will be assigned to the district they choose.

Per Pupil Tuition Rate

The per pupil tuition rate that the designated districts shall receive for the 2024-2025 school year is \$17,338.33.

DR. KHALID N. MUMIN,
Secretary

[Pa.B. Doc. No. 24-1261. Filed for public inspection September 6, 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>
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|-----|--|
| 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>
0224802	Joint DEP/PFBC Pesticides Permit	New	Village HOA P.O. Box 50 Bradfordwoods, PA 15015-0050	Bradford Woods Borough Allegheny County	SWRO
1924802	Joint DEP/PFBC Pesticides Permit	New	Kile Willard H Jr 20 Lee Street Bloomsburg, PA 17815-8885	Bloomsburg Township Columbia County	NCRO
2024805	Joint DEP/PFBC Pesticides Permit	New	Preston May 26490 State Highway 77 Saegertown, PA 16433-7512	Richmond Township Crawford County	NWRO

<i>Application Number</i>	<i>Permit Type</i>	<i>Application Type</i>	<i>Applicant Name & Address</i>	<i>Municipality, County</i>	<i>DEP Office</i>
4324815	Joint DEP/PFBC Pesticides Permit	New	Nancy Peterson 121 Osborn Road Greenville, PA 16125-3137	Salem Township Mercer County	NWRO
6119801	Joint DEP/PFBC Pesticides Permit	Transfer	Elva Warren 1764 Creek Road Cooperstown, PA 16317-2920	Oakland Township Venango County	NWRO
PA0102679	Minor Sewage Facility < 0.05 MGD Individual NPDES Permit	Transfer	Pine Grove Camping Resort LLC 15 W Cherry Street Suite 201 Columbus, OH 43215-5189	Sadsbury Township Crawford County	NWRO
2075408	Minor and Non-NPDES Sewage Treatment Facility Individual WQM Permit	Transfer	Pine Grove Camping Resort LLC 15 W Cherry Street Suite 201 Columbus, OH 43215-5189	Sadsbury Township Crawford County	NWRO
NOEXNW036	No Exposure Certification	Renewal	USPS 2108 E 38th Street Erie, PA 16514-7099	Erie City Erie County	NWRO
NOEXNW119	No Exposure Certification	Renewal	USPS 435 S Cascade Street New Castle, PA 16108-9000	New Castle City Lawrence County	NWRO
NOEXNW125	No Exposure Certification	Renewal	Samuel Son & Co. USA Inc. 300 Halstead Boulevard Zelienople, PA 16063-1906	Zelienople Borough Butler County	NWRO
NOEXNW127	No Exposure Certification	Renewal	Ipeg Inc. 200 W Kensingers Drive Cranberry Township, PA 16066-3428	Sugarcreek Borough Venango County	NWRO
NOEXNW130	No Exposure Certification	Renewal	Webco Ind Inc. 32 Progress Drive Reno, PA 16343	Sugarcreek Borough Venango County	NWRO
NOEXNW135	No Exposure Certification	Renewal	Specialty Fabrication & Powder Coating LLC 455 Allegheny Boulevard Franklin, PA 16323-6209	Sugarcreek Borough Venango County	NWRO
NOEXNW192	No Exposure Certification	Renewal	Interstate Container New Castle LLC 792 Commerce Avenue New Castle, PA 16101-7626	New Castle City Lawrence County	NWRO
NOEXNW242	No Exposure Certification	New	Pulflex Tech LLC 706 Eljer Way Ford City, PA 16226-1183	Ford City Borough Armstrong County	NWRO
NOEXNW243	No Exposure Certification	New	Heritage Crystal Clean LLC 521 Stutzman Road Seward, PA 15954-8917	East Wheatfield Township Indiana County	NWRO
NOEXSC149	No Exposure Certification	Transfer	Reworld Myerstown LLC 343 King Street Myerstown, PA 17067-2526	Jackson Township Lebanon County	SCRO
NOEXSC241	No Exposure Certification	Renewal	Holcim Solutions & Products US LLC 1055 Strickler Road Mount Joy, PA 17552-9313	Rapho Township Lancaster County	SCRO
NOEXSC412	No Exposure Certification	Transfer	Reworld York Mpf LLC 280 North East Street York, PA 17402	York City York County	SCRO
NOEXSW253	No Exposure Certification	New	Ceramic Color & Chemicals Manufacturing Co. LLC P.O. Box 297 New Brighton, PA 15066-0297	New Brighton Borough Beaver County	SWRO

NOTICES

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<i>Application Number</i>	<i>Permit Type</i>	<i>Application Type</i>	<i>Applicant Name & Address</i>	<i>Municipality, County</i>	<i>DEP Office</i>
PAG041409	PAG-04 NPDES General Permit for Small Flow Treatment Facilities	New	Belisky Harry 10857 Dicksonburg Road Conneautville, PA 16406-1700	Summerhill Township Crawford County	NWRO
PAG041410	PAG-04 NPDES General Permit for Small Flow Treatment Facilities	New	Barbara & William Burdette 1148 Hartford Road Sharpsville, PA 16150-9657	South Pymatuning Township Mercer County	NWRO
PAG043629	PAG-04 NPDES General Permit for Small Flow Treatment Facilities	Transfer	Jerry Lyons & Michael Raytile 102 Scenicview Drive Coatesville, PA 19320-1195	West Cocalico Township Lancaster County	SCRO
PAG046487	PAG-04 NPDES General Permit for Small Flow Treatment Facilities	New	Nicholson Bill 116 Dixon Drive Derry, PA 15627-2712	Derry Township Westmoreland County	SWRO
PAG048544	PAG-04 NPDES General Permit for Small Flow Treatment Facilities	Transfer	Daniel & Ruth Boisvert 741 Dump Road Sugar Grove, PA 16350-3815	Sugar Grove Township Warren County	NWRO
PAG048761	PAG-04 NPDES General Permit for Small Flow Treatment Facilities	Transfer	James Randy 6821 Route 6N Edinboro, PA 16412-1234	Washington Township Erie County	NWRO
PAG108341	PAG-10 NPDES General Permit for Hydrostatic Test Water	New	SE Const Grp LLC 3015 Pickering Run Road Marion Center, PA 15759-3802	Clintonville Borough Venango County	NWRO
PAG123688	PAG-12 NPDES General Permit for CAFOs	Renewal	Weiler Farms LLC 350 E Mill Avenue Myerstown, PA 17067-2404	Union Township Lebanon County	SCRO
PAG123735	PAG-12 NPDES General Permit for CAFOs	Renewal	Horst Edward B 251 West Bunker Hill Road Womelsdorf, PA 19567	Heidelberg Township Berks County	SCRO
PAG123755	PAG-12 NPDES General Permit for CAFOs	Renewal	Green Park HGE Inc. P.O. Box 7 East Petersburg, PA 17520-0007	East Donegal Township Lancaster County	SCRO
PAG123814	PAG-12 NPDES General Permit for CAFOs	Renewal	We Kings Farm LLC 6028 Guitner Road Greencastle, PA 17225-9729	Antrim Township Franklin County	SCRO
PAG123816	PAG-12 NPDES General Permit for CAFOs	Renewal	Emway Farms LLC 1450 Hunsicker Road Lancaster, PA 17601-5312	Lykens Township Dauphin County	SCRO
PAG123897	PAG-12 NPDES General Permit for CAFOs	Renewal	Miller Poultry LLC 345 Church Road East Berlin, PA 17316-9466	Reading Township Adams County	SCRO
PAG123898	PAG-12 NPDES General Permit for CAFOs	Renewal	Christianson Joel 411 Chestnut Street Lebanon, PA 17042-6142	Bethel Township Berks County	SCRO
PAG136189	PAG-13 NPDES General Permit for MS4s	Renewal	South Huntingdon Township Westmoreland County 75 Supervisor Drive West Newton, PA 15089-1848	South Huntingdon Township Westmoreland County	SWRO
1424401	Sewer Extensions Individual WQM Permit	New	Spring Benner Walker Joint Authority Centre County 170 Irish Hollow Road Bellefonte, PA 16823-6200	Spring Township Centre County	NCRO

<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>
2424402	Single Residence Sewage Treatment Plant Individual WQM Permit	New	Barnes Traci 162 Jackson Road Saint Marys, PA 15857-3230	Saint Marys City Elk County	NWRO
2501419	Single Residence Sewage Treatment Plant Individual WQM Permit	Transfer	James Randy 6821 Route 6N Edinboro, PA 16412-1234	Washington Township Erie County	NWRO
3699408	Single Residence Sewage Treatment Plant Individual WQM Permit	Transfer	Jerry Lyons & Michael Raytile 102 Scenicview Drive Coatesville, PA 19320-1195	West Cocalico Township Lancaster County	SCRO
6298412	Single Residence Sewage Treatment Plant Individual WQM Permit	Transfer	Daniel & Ruth Boisvert 741 Dump Road Sugar Grove, PA 16350-3815	Sugar Grove Township Warren County	NWRO

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

Northcentral Regional Office

PA0114693, Sewage, SIC Code 4952, **Clymer Township Municipal Authority, Tioga County**, P.O. Box 62, Sabinsville, PA 16943-0062. Facility Name: Clymer Township Municipal Authority Sewer System STP. This existing facility is located in Clymer Township, **Tioga 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), Mill Creek (TSF), is located in State Water Plan watershed 4-A and is classified for Trout Stocking, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.025 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>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	Inst Min XXX	0.39	XXX	1.2
Carbonaceous Biochemical Oxygen Demand (CBOD ₅)	5.0	8.0	XXX	25.0	40.0	50
Biochemical Oxygen Demand (BOD ₅)	Report	Report	XXX	Report	XXX	XXX
Raw Sewage Influent		Daily Max				
Total Suspended Solids	Report	Report	XXX	Report	XXX	XXX
Raw Sewage Influent		Daily Max				
Total Suspended Solids	6.0	9.0	XXX	30.0	45.0	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	3.0	4.0	XXX	Geo Mean 12.0	18.0	24
Nov 1 - Apr 30						
May 1 - Oct 31	1.0	1.0	XXX	4.0	6.0	8
E. Coli (No./100 ml)	XXX	XXX	XXX	XXX	Report Daily Max	XXX

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

The EPA Waiver is in effect.

Southcentral Regional Office

PA0081922, Sewage, SIC Code 4952, **Lewisberry Area Joint Authority, York County**, P.O. Box 363, Lewisberry, PA 17339-0363. Facility Name: Lewisberry Borough STP. This existing facility is located in Lewisberry Borough, **York 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), Bennett Run (WWF), is located in State Water Plan watershed 7-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 001 are based on a design flow of .1 MGD.—Limits.

Parameters	Mass Units (lbs/day)		Daily Minimum	Concentrations (mg/L)		IMAX
	Average Monthly	Daily Maximum		Average Monthly	Maximum	
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 5.0	XXX	XXX	XXX
Carbonaceous Biochemical Oxygen Demand (CBOD ₅)	21.0	XXX	XXX	25.0	XXX	50
Nov 1 - Apr 30						
May 1 - Aug 31	17.0	XXX	XXX	20.0	XXX	40
Oct 1 - 31						
Biochemical Oxygen Demand (BOD ₅)	Report	Report	XXX	Report	XXX	XXX
Raw Sewage Influent						
Total Suspended Solids	25.0	XXX	XXX	30.0	XXX	60
Total Suspended Solids	Report	Report	XXX	Report	XXX	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
				Geo Mean		
Ultraviolet light transmittance (%)	XXX	XXX	Report	XXX	XXX	XXX
Ammonia-Nitrogen	7.5	XXX	XXX	9.0	XXX	18
Nov 1 - Apr 30						
May 1 - Oct 31	2.5	XXX	XXX	3.0	XXX	6
Ammonia-Nitrogen (Total Load, lbs)	Report	XXX	XXX	XXX	XXX	XXX
(lbs)	Total Mo					
Total Phosphorus	1.7	XXX	XXX	2.0	XXX	4
Total Phosphorus (Total Load, lbs)	Report	XXX	XXX	XXX	XXX	XXX
(lbs)	Total Mo					
Copper, Total	0.02	0.032	XXX	0.024	0.038	0.066
					Daily Max	

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

Parameters	Mass Units (lbs/day)		Daily Minimum	Concentrations (mg/L)		IMAX
	Average Monthly	Daily Maximum		Average Monthly	Maximum	
E. Coli (No./100 ml)	XXX	XXX	XXX	XXX	XXX	Report
Nitrate-Nitrite as N	XXX	Report	XXX	XXX	Report	XXX
					Daily Max	
Total Nitrogen	XXX	Report	XXX	XXX	Report	XXX
					Daily Max	
Total Kjeldahl Nitrogen	XXX	Report	XXX	XXX	Report	XXX
					Daily Max	

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

The EPA Waiver is in effect.

Southcentral Regional Office

PA0248223, Sewage, SIC Code 6514, **Elsasser Douglas R**, 83 Douglas Drive, Cocolamus, PA 17014-8935. Facility Name: Elsasser Res. This existing facility is located in Fayette Township, **Juniata County**.

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

The receiving stream(s), Cocolamus Creek (TSF), is located in State Water Plan watershed 12-B and is classified for Trout Stocking, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of .0013 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
Total Residual Chlorine (TRC)	XXX	XXX	XXX	0.5	XXX	1.6
Carbonaceous Biochemical Oxygen Demand (CBOD ₅)	XXX	XXX	XXX	25.0	XXX	50.0
Total Suspended Solids	XXX	XXX	XXX	30.0	XXX	60.0
Fecal Coliform (No./100 ml)	XXX	XXX	XXX	200	XXX	XXX

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

The EPA Waiver is in effect.

Southcentral Regional Office

PAI133513, MS4, Hampden Township and Hampden Township Sewer Authority, Cumberland County, 209 S Sporting Hill Road, Mechanicsburg, PA 17050-3060.

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 Hampden Township, **Cumberland County**. The receiving stream(s), Pine Run (WWF, MF), Sears Run (WWF, MF), Trindle Spring Run (HQ-CWF, MF), Unnamed Tributary to Conodoguinet Creek (WWF, MF), Unnamed Tributary to Cedar Run (CWF, MF), and Conodoguinet Creek (WWF, MF), is located in State Water Plan watershed 7-B and 7-E and is classified for High Quality—Cold Water, 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.

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 for small MS4s, and is not in effect for large MS4s.

Southeast Regional Office

PA0036897, Sewage, SIC Code 4952, South Coatesville Borough, 136 Modena Road, Coatesville, PA 19320-4035. Facility Name: South Coatesville STP. This existing facility is located in South Coatesville Borough, **Chester County**.

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

The receiving stream(s), West Branch Brandywine Creek (WWF, MF), is located in State Water Plan watershed 3-H and is classified for Warm Water Fishes and Migratory Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.381 MGD.—Limits.

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		IMAX
	Average Monthly	Weekly Average		Average Monthly	Weekly Average	
Total Dissolved Solids	XXX	XXX	XXX	1,000.0 Avg Qrtly	2,000.0 Daily Max	2,500

The proposed effluent limits for Outfall 001 are based on a design flow of 0.381 MGD.—Limits.

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		IMAX
	Average Monthly	Weekly Average		Average Monthly	Weekly Average	
Flow (MGD)	Report	Report Daily Max	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0 Inst Min	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	5.0 Inst Min	XXX	XXX	XXX
Total Residual Chlorine (TRC)	XXX	XXX	XXX	0.5	XXX	1.2
Carbonaceous Biochemical Oxygen Demand (CBOD ₅)	79	127	XXX	25	40	50
Biochemical Oxygen Demand (BOD ₅)	Report	XXX	XXX	Report	XXX	XXX
Raw Sewage Influent						
Total Suspended Solids	Report	XXX	XXX	Report	XXX	XXX
Raw Sewage Influent						
Total Suspended Solids	95	143	XXX	30	45	60
Fecal Coliform (No./100 ml)	XXX	XXX	XXX	200	XXX	1,000

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	79	XXX	XXX	25	XXX	50
Ammonia-Nitrogen	67	XXX	XXX	21.0	XXX	42
Nov 1 - Apr 30						
May 1 - Oct 31	22	XXX	XXX	7.0	XXX	14
Total Phosphorus	6.4	XXX	XXX	2.0	XXX	4

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

- No stormwater into sewer system
- Acquire necessary property rights
- Fecal Coliform 10 Percent Rule
- Proper disposal of collected screenings, slurries, sludges, and other solids
- Permittee shall optimize chlorine dosage to minimize TRC in effluent
- Permittee shall notify DEP operator in charge
- Permittee shall develop and maintain treatment facility Operations and Maintenance (O&M) 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 not in effect.

Southeast Regional Office

PA0052906, Storm Water, SIC Code 4953, **Reworld Plymouth LLC**, 1155 Conshohocken Road, Conshohocken, PA 19428-1028. Facility Name: Reworld Plymouth LLC. This existing facility is located in Plymouth Township, **Montgomery County**.

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

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

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

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		IMAX
	Average Monthly	Average Weekly		Average Monthly	Daily Maximum	
Nitrate-Nitrite as N	XXX	XXX	XXX	XXX	Report	XXX
Arsenic, Total	XXX	XXX	XXX	XXX	Report	XXX
Barium, Total	XXX	XXX	XXX	XXX	Report	XXX
Chromium, Total	XXX	XXX	XXX	XXX	Report	XXX
Selenium, Total	XXX	XXX	XXX	XXX	Report	XXX
Silver, Total	XXX	XXX	XXX	XXX	Report	XXX
Total Organic Carbon	XXX	XXX	XXX	XXX	Report	XXX

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

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		IMAX
	Average Monthly	Average Weekly		Average Monthly	Daily Maximum	
pH (S.U.)	XXX	XXX	XXX	XXX	Report	XXX
Chemical Oxygen Demand (COD)	XXX	XXX	XXX	XXX	Report	XXX
Total Suspended Solids	XXX	XXX	XXX	XXX	Report	XXX
Total Dissolved Solids	XXX	XXX	XXX	XXX	Report	XXX
Oil and Grease	XXX	XXX	XXX	XXX	Report	XXX
Total Nitrogen	XXX	XXX	XXX	XXX	Report	XXX
Ammonia-Nitrogen	XXX	XXX	XXX	XXX	Report	XXX
Total Phosphorus	XXX	XXX	XXX	XXX	Report	XXX
Cadmium, Total	XXX	XXX	XXX	XXX	Report	XXX
Cyanide, Total	XXX	XXX	XXX	XXX	Report	XXX
Iron, Total	XXX	XXX	XXX	XXX	Report	XXX
Lead, Total	XXX	XXX	XXX	XXX	Report	XXX
Magnesium, Dissolved	XXX	XXX	XXX	XXX	Report	XXX
Magnesium, Total	XXX	XXX	XXX	XXX	Report	XXX
Mercury, 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 484-250-5910.

The EPA Waiver is in effect.

Southwest Regional Office

PA0096130, Sewage, SIC Code 4952, **Nemacolin Inc.**, P.O. Box 484, Nemacolin, PA 15351-0484. Facility Name: Nemacolin Inc. STP. This existing facility is located in Cumberland Township, **Greene County**.

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

The receiving stream(s), Monongahela River (WWF), is located in State Water Plan watershed 19-B and is classified for Warm Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

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

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Average Monthly</i>	<i>Maximum</i>	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	Inst Min 4.0	XXX	XXX	XXX
Total Residual Chlorine (TRC)	XXX	XXX	XXX	0.5	XXX	1.6
Carbonaceous Biochemical Oxygen Demand (CBOD ₅)	XXX	XXX	XXX	25.0	XXX	50
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	XXX	XXX	XXX	Geo Mean 200	XXX	1,000
May 1 - Sep 30	XXX	XXX	XXX	Geo Mean Report	XXX	XXX
Ammonia-Nitrogen	XXX	XXX	XXX	Report	XXX	XXX

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

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

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

Part C.II condition (Schedule of Compliance) to submit a Corrective Action Plan (CAP) to address existing hydraulic overload.

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

PA0254584, Industrial, SIC Code 4953, **Befesa Zinc US Inc.**, 3000 GSK Drive, Suite 201, Moon Township, PA 15108-1383. Facility Name: Monaca Landfill. This existing facility is located in Potter Township, **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, Raccoon Creek (WWF), is located in State Water Plan watershed 20-D and is classified for Warm Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 006 are based on a design flow of 0.216 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
Total Residual Chlorine (TRC)	XXX	XXX	XXX	0.5	1.0	XXX
Total Suspended Solids	XXX	XXX	XXX	30.0	100.0	XXX
Aluminum, Total	XXX	XXX	XXX	3.8	7.0	XXX

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>			<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Instant. Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	
Antimony, Total	0.3	0.33	XXX	0.166	0.183	0.414
Arsenic, Total	XXX	XXX	XXX	Report	Report	XXX
Iron, Total	XXX	XXX	XXX	5.0	12.0	XXX
Lead, Total	XXX	XXX	XXX	Report	Report	XXX
Manganese, Total	XXX	XXX	XXX	0.14	0.22	XXX
Selenium, Total	XXX	XXX	XXX	0.07	0.14	XXX
Selenium, Dissolved	XXX	XXX	XXX	Report	Report	XXX
Zinc, Total	XXX	XXX	XXX	0.6	1.0	XXX
Hexachlorobutadiene (ug/L)	XXX	XXX	XXX	Report	Report	XXX
PFOA (ng/L)	XXX	XXX	XXX	XXX	Report	XXX
PFOS (ng/L)	XXX	XXX	XXX	XXX	Report	XXX
PFBS (ng/L)	XXX	XXX	XXX	XXX	Report	XXX
HFPO-DA (ng/L)	XXX	XXX	XXX	XXX	Report	XXX

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

- Requirements for chemical additives
- Requirement to develop and implement a treatment facility operations and maintenance plan
- Requirement to develop and implement a Preparedness, Prevention and Contingency (PPC) plan.

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

PAS236107, Storm Water, SIC Code 2821, 3081, **Mitsubishi Chemical Advanced Materials, Inc.**, 201 Industrial Drive, Delmont, PA 15626-1016. Facility Name: Delmont Manufacturing. This existing facility is located in Salem Township, **Westmoreland 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, Tributary 43017 of Beaver Run (HQ-CWF), is located in State Water Plan watershed 18-B and is classified for High Quality Waters—Cold Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

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

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>			<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Minimum</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
Zinc, Total	XXX	XXX	XXX	XXX	Report	XXX

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

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>			<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Minimum</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
Zinc, Total	XXX	XXX	XXX	XXX	Report	XXX

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

The EPA Waiver is in effect.

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

Southeast Regional Office

Applicant: **Brigaloon, Inc.**

Applicant Address: 112 Chesley Drive, Media, PA 19063

Application Number: **PAD230082**

Application Type: New

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

Project Site Name: Hook Road Industrial

Total Earth Disturbance Area (acres): 4.77 acres

Surface Waters Receiving Stormwater Discharges: Tributary to Hermosprota Creek (WWF)

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

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

Project Description: Reverse subdivide 2 parcels into 1 new lot for the construction of a 54,000 SF Office/Warehouse building, parking lot and related appurtenances. Underground stormwater management facilities are proposed to reduce the post development flows.

Special Conditions: N/A

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

Northeast Regional Office

Applicant: **Blue Ridge Real Estate Company**

Applicant Address: P.O. Box 707, 5 Blue Ridge Court, Blakeslee, PA 18610-0707

Application Number: **PAD130023**

Application Type: New

Municipality/County: Kidder Township, **Carbon County**

Project Site Name: Lake Shore Development

Total Earth Disturbance Area (acres): 32 acres

Surface Waters Receiving Stormwater Discharges: 1. UNT to Tunkhannock 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 proposes the second renewal of Lake Shore Development Project, which involves the construction of 56 single-family homes consisting of a 2,500 ft² dwelling, a driveway, and on-lot stormwater management adjacent to Big Boulder Lake. An NPDES permit (PAI021304001) was previously authorized by the Department in 2007, but expired in 2012 with only the roadways being constructed. On April 16, 2015, a new NPDES Permit (PAI021314002) was issued for the remaining earth disturbance (32 acres).

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.

Southcentral Regional Office

Applicant: **Linford R Zimmerman**

Applicant Address: 2230 Pine Road, Newville, PA 17241

Application Number: **PAD210117**

Application Type: New

Municipality/County: Penn Township, **Cumberland County**

Project Site Name: Zimmerman Poultry Operation

Total Earth Disturbance Area (acres): 11.9 acres

Surface Waters Receiving Stormwater Discharges: Yellow Breeches 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: Construct 3 poultry houses, driveways and stormwater management controls.

Special Conditions: N/A

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

Northwest Regional Office

Applicant: **PA DCNR Bureau of State Parks**

Applicant Address: P.O. Box 8551, Harrisburg, PA 17105

Application Number: **PAD100006**

Application Type: Renewal

Municipality/County: Muddycreek Township and Worth Township, **Butler County**

Project Site Name: Moraine State Park North Shore Sewer System Rehabilitation

Total Earth Disturbance Area (acres): 3.15 acres

Surface Waters Receiving Stormwater Discharges: Muddy Creek (WWF), Muddy Creek (Lake Arthur) (HQ-CWF)

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

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

Project Description: Renewal of permit for sanitary sewage system rehabilitation including pump stations, sewer lines and related facilities within Moraine State Park. No changes to previously approved project is proposed.

Special Conditions: N/A

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

Southwest Regional Office

Applicant: **Peoples Natural Gas Company**

Applicant Address: 375 N Shore Drive, Pittsburgh, PA 15212

Application Number: **PAD110024**

Application Type: New

Municipality/County: Munster Township and Cresson Township, **Cambria County**

Project Site Name: TP-7220 Munster Pipeline Project

Total Earth Disturbance Area (acres): 20.4 acres

Surface Waters Receiving Stormwater Discharges: Noels Creek (HQ-CWF), UNT to Noels Creek (HQ-CWF), UNT to Little Conemaugh River (CWF), UNT to North Branch Little Conemaugh River (CWF)

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

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

Project Description: Replacement of approximately 2.2 miles of the existing TP-7220 Natural Gas Pipeline

Special Conditions: 1. This permit does not authorize any obstructions or encroachments to any regulated watercourse or floodway. All permitting required for impacts to regulated watercourses or their floodway are subject to 25 Pa. Code Chapter 105. Appropriate authorization for impacts which require permitting under Chapter 105 must be obtained prior to beginning earth disturbance. 2. As property rights are not conveyed by the issuance of this permit, any property rights for construction or discharges which will not be on property owned by the applicant shall be considered and obtained prior to conducting any earth disturbance. Any changes due to not obtaining property rights will be subject to the permit amendment process.

You may review the permit application file by contacting DEP's File Review Coordinator at 412-442-4286.

Southeast Regional Office

Applicant: **Bernard Berlinger**

Applicant Address: 6063 Saw Mill Road, Doylestown, PA 18902-9670

Application Number: **PAD090099**

Application Type: New

Municipality/County: Solebury Township, **Bucks County**

Project Site Name: Berlinger Tract

Total Earth Disturbance Area (acres): 1.63 acres

Surface Waters Receiving Stormwater Discharges: Paunnacussing 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: Applicant proposes to construct approximately 2,100 LF of driveway to serve an existing single family residence along the Paunnacussing Creek. Project includes construction of the driveway and required stormwater management facilities.

Special Conditions: N/A

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

STATE CONSERVATION COMMISSION

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

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

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

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

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

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NUTRIENT MANAGEMENT PLANS

CAFO PUBLIC NOTICE SPREADSHEET—APPLICATIONS

<i>Agricultural Operation Name and Address</i>	<i>County</i>	<i>Total Acres</i>	<i>Animal Equivalent Units</i>	<i>Animal Type</i>	<i>Special Protection Waters (HQ or EV or NA)</i>	<i>Renewal/New</i>
Eleven Oaks Farm 23 Frystown Road Newville, PA 17241	Cumberland County	459.1	415.96	Beef Equine Swine	HQ	New
Wide Awake Farm 488 Jay Road Clearville, PA 15535	Bedford County	154.9	691.16	Swine	EV	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 Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

SAFE DRINKING WATER

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

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

Contact: Joseph Cherinko, P.E., Environmental Engineer, 570-826-2090.

Application No. 3924506, Construction, Public Water Supply.

Applicant	Lehigh County Authority
Address	641 South 10th Street Allentown, PA 18103
Municipality	Upper Macungie Township and Allentown City
County	Lehigh County
Responsible Official	Mark Shahda 641 South 10th Street Allentown, PA 18103
Consulting Engineer	Craig Murray, P.E. 1 E Broad St Suite 310 Bethlehem, PA 18018
Application Received	July 30, 2024
Description	Application to install a sodium hypochlorite bulk storage and feed system at the Schantz Spring Chemical Feed Building.

Contact: Ryan Fox, Env. Engineering Specialist, 570-826-2533.

Application No. 3131001, NCWSA Construction, Public Water Supply.

Applicant	Carbon Plaza, LLC c/o Larken Associates
Address	1250 Route 28 Suite 101 Branchburg, NJ 08876
Municipality	Mahoning Township
County	Carbon County
Responsible Official	Victor Kelly 1250 Route 28 Suite 101 Branchburg, NJ 08876
Consulting Engineer	Van Cleef Engineering Associates 1685 Valley Center Parkway Suite 100 Bethlehem, PA 18017
Application Received	August 5, 2024
Description	New Transient Non-community water system including new source and associated manganese treatment system to serve a two (2) unit restaurant facility. Project Location: 1235 Blakeslee Blvd. Dr. East, Lehigh, PA 18235.

WATER ALLOCATIONS

Application(s) Received Under the Act of June 24, 1939 (P.L. 842, No. 365) (35 P.S. §§ 631—641) Relating 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-09-1002A, Water Allocations. **Doylestown Township Municipal Authority**, 425 Wells Road, Doylestown, PA 18901, Downingtown Borough, **Bucks County**. Doylestown Township Municipal Authority to purchase 65,000 gallons per day from North Wales Water Authority. Application received: August 22, 2024.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995 PREAMBLE 1

Acknowledgment of Notice(s) of Intent to Remediate Submitted Under the Land Recycling and Environmental Remediation Standards Act (35 P.S. §§ 6026.101—6026.908).

Sections 302—305 of the Land Recycling and Environmental Remediation Standards Act (Act) require the Department of Environmental Protection (DEP) to publish in the *Pennsylvania Bulletin* an acknowledgment noting receipt of any Notices of Intent (NOI) to Remediate. An acknowledgment of the receipt of a NOI to Remediate is used to identify a site where an individual proposes to, or has been required to, respond to a release of a regulated substance at a site. Individuals intending to use the background standard, Statewide health standard, the site-specific standard, or who intend to remediate a site as a special industrial area, must file a NOI to

Remediate with DEP. A NOI to Remediate filed with DEP provides a brief description of the location of the site, a list of known or suspected contaminants at the site, the proposed remediation measures for the site, and a description of the intended future use of the site. An individual who demonstrates attainment of one, or a combination of the cleanup standards, or who receives approval of a special industrial area remediation identified under the Act, will be relieved of further liability for the remediation of the site for any contamination identified in reports submitted to and approved by DEP. Furthermore, an individual shall not be subject to citizen suits or other contribution actions brought by responsible individuals not participating in the remediation.

Under Sections 304(n)(1)(ii) and 305(c)(2) of the Act, there is a 30-day public and municipal comment period for sites proposed for remediation using a site-specific standard, in whole or in part, and for sites remediated as a special industrial area. This period begins when a summary of the NOI to Remediate is published in a newspaper of general circulation in the area of the site. For the following identified site(s), proposed for remediation to a site-specific standard or as a special industrial area, the municipality, within which the site is located, may request to be involved in the development of the remediation and reuse plans for the site if the request is made within 30-days of the following specified date. During this comment period the municipality may request that the following identified individual, as the remediator of the site, develop and implement a public involvement plan. Requests to be involved, and comments, should be directed to the remediator of the site.

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

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

The DEP has received the following Notice(s) of Intent to Remediate.

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

Contact: Chris, 724-598-2206.

Former Lockley Mfg, Primary Facility ID # **625773**, 306-310 Grove Street, New Castle, PA 16101, City of New Castle, **Lawrence County**. Dynamic Earth, LLC, 826 Newtown Yardley Road, Suite 201, Newtown, PA 18940 on behalf of Grove Street Opportunity Zone Fund, LLC, 1590 Troy Avenue, Brooklyn, NY 11234, submitted a Notice of Intent to Remediate. Lead was identified in one soil sample above the PA DEP Statewide health standard. The source of the contamination is unknown. Currently, the site is developed with a vacant former industrial structure. Proposed site use is commercial. The Notice of Intent to Remediate was published in *New Castle News* on August 9, 2024. Application received: August 16, 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.

Manchester Commerce Center, Primary Facility ID # **877856**, 275 Regional Way, York, PA 17406, Manchester Township, **York County**. Kleinfelder, 200 Airport Road,

New Cumberland, PA 17070 on behalf of NP Manchester Bldg. 3 LLC, 3315 North Oak Trafficway, Kansas City, MO 64116, submitted a Notice of Intent to Remediate. Notice of Intent to Remediate soil contaminated with No. 2 Fuel Oil. The site will be remediated to the Statewide health standard. Future use of the site is residential. The Notice of Intent to Remediate was published in *York Daily Record* on August 11, 2024. Application received: August 14, 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.

Defense Personnel Supply Center, Building Numbers 6, 8, 11, 12, 14, 15, and surrounding grounds, Primary Facility ID # **877777**, 2810 South 20th Street, Philadelphia, PA 19145, City of Philadelphia, **Philadelphia County**. Joseph P. Kraycik, Montrose Environmental Solutions, Inc., 1140 Valley Forge Road, Valley Forge, PA 19460 on behalf of James A. Pancetti, Defense Realty, LLC, 425 East 52nd Street, New York, NY 10022, submitted a Notice of Intent to Remediate. Soil has been found to be contaminated with aviation gasoline, jet fuel, leaded gasoline, and lead. The future use of the property is mixed-use, including residential. The proposed cleanup standard for the site is the site-specific standard. The Notice of Intent to Remediate was published in *The Philadelphia Metro* on July 1, 2024. Application received: July 9, 2024.

213 Washington Street, Primary Facility ID # **871715**, 213 Washington Street, Bristol, PA 19007, Bristol Borough, **Bucks County**. Bryan Sterner, Crawford Environmental Services, LLC, 20 Cardinal Drive, Birdsboro, PA 19508 on behalf of Mark Bonetti, Bucks County Fuel, LLC, 2780 Bristol Pike, Suite 23, Bensalem, PA 19020, submitted a Notice of Intent to Remediate. Soil has been found to be contaminated with No. 2 fuel oil. The future use of the property is residential. 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 25, 2024. Application received: July 26, 2024.

OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE

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

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

Contact: Christina S. Wilhelm, Regional Solid Waste Program Manager, ra-epnwrowasteprog@pa.gov.

300876. Keystone-Conemaugh Projects, LLC—Conemaugh Generating Station—Conemaugh Station Ash Disposal Site, 175 Cornell Road, Suite 1, Blairsville, PA 15717, West Wheatfield Township, **Indiana County**. Keystone-Conemaugh Projects, LLC (KeyCon) respectfully submits the attached permit materials as part of a request for a permit renewal for the previously referenced site. The permit renewal is re-

quested since the Station's residual waste landfill permit expires on August 26, 2025, and a renewal application is required to be submitted by August 26, 2024 under 25 Pa. Code § 287.223. The permit renewal is requested in order to continue the current operations at the site. Application received: August 22, 2024.

Comments or questions concerning the application should be directed to Christina S. Wilhelm, Regional Solid Waste Program Manager, ra-epnwrowasteprog@pa.gov, Northwest Region, 230 Chestnut Street, Meadville, PA 16335-3481, 814-332-6945. TDD users may contact the Department through the Pennsylvania Hamilton Relay Service, (800) 654-5984. Public comments must be submitted within 60 days of this notice and may recommend revisions to, and approval or denial of the application.

HAZARDOUS WASTE TRANSPORTER LICENSE

Application(s) Received Under the Solid Waste Management Act of July 7, 1980 (P.L. 380, No. 97) (35 P.S. §§ 6018.101—6018.1003); and Hazardous Waste Regulations to Transport Hazardous Waste.

New Applications Received

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

Contact: Jonathan Adams.

Bogg Express LLC, 2300 Seymour Ave, Cincinnati, OH 45212. License No. **PA-AH0954**. Accepted: June 12, 2024.

PDQuality Transport, LLC, P.O. Box 105, Williamsburg, PA 16693. License No. **PA-AH0955**. Accepted: June 17, 2024.

Renewal Applications Received

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

Contact: Jonathan Adams.

Pioneer Tank Lines, Inc., 12501 Hudson Road South, Afton, MN 55001. License No. **PA-AH0600**. Accepted: June 26, 2024.

TNI (USA), Inc., dba AATCO, 8141 E. 7th Street, Joplin, MO 64801. License No. **PA-AH0604**. Accepted: July 30, 2024.

HPC Industrial Services, LLC, 42 Longwater Dr., Norwell, MA 02061. License No. **PA-AH0694**. Accepted: August 6, 2024.

Resource Environmental Management, Inc., 50 Maple Street, Montrose, PA 18801. License No. **PA-AH0875**. Accepted: June 26, 2024.

Flaw, Inc., dba Recycle Oil Company, 1600 S 25th Street, Easton, PA 18042. License No. **PA-AH0904**. Accepted: June 6, 2024.

Eldredge, Inc., 898 Fern Hill Road, West Chester, PA 19380. License No. **PA-AH0056**. Accepted: July 16, 2024.

Maumee Express, Inc., P.O. Box 278, Somerville, NJ 08876. License No. **PA-AH0420**. Accepted: July 9, 2024.

McVac Environmental Services, Inc., 481 Grand Ave., New Haven, CT 06513. License No. **PA-AH0801**. Accepted: July 9, 2024.

Sioux Services LLC, 6 Hall Road, Pottsville, PA 17901. License No. **PA-AH0816**. Accepted: July 11, 2024.

Innovative Recycling Technologies, Inc., 690 North Queens Ave., Lindenhurst, NY 11757. License No. **PA-AH0849**. Accepted: July 2, 2024.

Apollos Waters, LLC, 108 W 1250 S, Battle Ground, IN 47920. License No. **PA-AH0922**. Accepted: July 8, 2024.

ARM NE LLC, 1675 Old Trail Road, Etters, PA 17319. License No. **PA-AH0927**. Accepted: July 16, 2024.

REGULATED MEDICAL AND CHEMOTHERAPEUTIC WASTE TRANSPORTER LICENSE

Application(s) Received Under the Solid Waste Management Act of July 7, 1980 (P.L. 380, No. 97) (35 P.S. §§ 6018.101—6018.1003) and Act 93 of June 28, 1988 (P.L. 525, No. 93) and Regulations to Transport Regulated Medical and Chemotherapeutic Waste License.

Renewal Applications Received

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

Contact: Jonathan Adams.

Veolia ES Technical Solutions, LLC, 1 Eden Lane, Flanders, NJ 07836. License No. **PA-HC 0221**. Accepted: July 2, 2024.

Sioux Services LLC, 6 Hall Road, Pottsville, PA 17901. License No. **PA-HC0258**. Accepted: July 11, 2024.

Triumvirate Environmental Services, Inc., 3701 SW 47th Ave., Davie, FL 33314. License No. **PA-HC0272**. Accepted: July 16, 2024.

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).

OPERATING PERMITS

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

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

Contact: Norm Frederick, 570-826-2409.

54-00085, Ringtown Wilbert Vault Co/Ringtown, 710 W Main St, Ringtown, PA 17967-9449, Ringtown Borough, **Schuylkill County**. Application received: May 16, 2024. The Department intends to issue a renewal State-Only (Natural Minor) Operating Permit for operation of sources at their pet and human crematory located in Ringtown Borough, Schuylkill County. The facility operates two cremation systems. The sources are considered a minor emission source of nitrogen oxide (NO_x), sulfur oxides (SO_x), carbon monoxide (CO), total suspended particulate (TSP) and VOC's. The proposed operating permit contains applicable requirements for emission limitations, work practice standards, testing, monitoring, recordkeeping, and reporting standards used to verify facility compliance with Federal and State air pollution regulations.

Contact: Norman Frederick, Facility Permitting Chief, 570-826-2409.

40-00119, PFNonwovens LLC, 101 Green Mountain Rd, Hazleton, PA 18202-9246, Hazle Township, **Luzerne County**. Application received: July 30, 2024. The Department intends to issue a renewal State-Only Operating

Permit (natural minor) for the Hazle Township/East Union Township facility. Sources at this facility includes their extruders and a burn off oven. This also includes fume filtration systems as control devices. The proposed operating permit contains all applicable requirements for emission limitations, work practice standards, testing, monitoring, recordkeeping, and reporting standards used to verify facility compliance with Federal and State air pollution regulations.

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

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

62-00176, Lignetics of New England, 1055 Matthews Run Rd, Youngsville, PA 16371-3127, Brokenstraw Township, **Warren County**. Application received: September 18, 2023. The Department intends to issue the renewal State Only Natural Minor Operating Permit for the wooden pellet manufacturing facility. The facility's primary emission sources include the rotary dryer with a multi-cyclone, dry sawdust truck dumping controlled by a baghouse, green sawdust truck dumping, the metering bin, a hammermill, screening, (3) pellet mills, (3) storage silos, (2) 140,000 btu/hr wood pellet boilers, a 50,000 btu/hr wood pellet boiler, and a parts washer. The potential emissions of the primary pollutants from the facility after permit limitations are as follows: 30.49 TPY (tons per year) NO_x, 58.68 TPY CO, 37.06 TPY VOC, 66.50 TPY PM₁₀, 66.02 TPY PM_{2.5}, and 10.11 TPY SO_x; thus, the facility is a natural minor. The rotary dryer and multiclone are currently operating under plan approval 62-00176B. The parts washer is subject to 25 Pa. Code § 129.63 for degreasing operations. The renewal permit will contain emission restrictions, recordkeeping, work practices, and additional requirements to ensure compliance with the Clean Air Act and the Air Pollution Control Act.

24-00131, SGL Carbon Corp., 900 Theresia St., Saint Marys, PA 15857, City of Saint Marys, **Elk County**. Application received: April 20, 2023. The 2022 site estimated potential emissions, in tons per year (TPY) of the primary pollutants are as follows: 0.01 TPY SO_x, 1.86 TPY NO_x, 1.56 TPY CO, 0.23 TPY VOC, 0.02 TPY HCl, 0.0 TPY HF, 0.18 TPY Cl, and 4.98 TPY PM. Natural gas combustion sources at the facility are the only reported sources of CO, SO_x, and NO_x. The graphite purification furnaces emit 95% of the PM. The Cl emissions are shared by the graphite purification and vacuum outgas furnace processes. The chemical vapor deposition reactors are the only emitter of HCl. Wet scrubbers are used to control emissions for most of the processes except the machining operations that use high efficiency baghouses to control PM. The renewal permit will contain emission restrictions, recordkeeping, work practices, and additional requirements to ensure compliance with the Clean Air Act and the Air Pollution Control Act.

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

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

OP22-000020, Girard College Power Plant, 2101 S. College Ave., Philadelphia, PA 19121-4897, City of Philadelphia, **Philadelphia County**. Application received: April 19, 2022. The City of Philadelphia, Air Management Services (AMS) intends to issue a renewal Synthetic Minor Operating Permit (SMOP) for the operation of a

power plant. The facility air emission sources are:

- Three (3) 24.9 Million British Thermal Unit (MMBtu/hr) boiler burning natural gas and No. 2 fuel oil (B1—B3), and
- One (1) 10 MMBtu/hr boiler burning natural gas and No. 2 fuel oil (B4). The changes made as part of the renewal include the following:
 - In Section A, changed the formatting of facility inventory list in Table A-1.
 - In Section B, updated the General Conditions to the current AMS versions.
 - In Section C, updated the Facility Wide Conditions to current AMS versions.
 - In Section D, updated the Source Specific Requirements and made the following changes in the draft.
 - Replacing the boiler operating hour limit by the fuel usage limit to ensure compliance with Synthetic Minor limit in Condition D.1.(b)(1).
 - Inclusion of boiler installation and maintenance Condition D.2.(b)(2).
 - Removal of annual tune up condition for Boilers # 1, # 2, and # 3 in D.2.(b)(3) as the facility is not subject to Presumptive RACT I requirements of § 129.93(b)(5).
 - Removal of Condition D.2.(b)(6) from previous operating permit.
 - Inclusion of fuel usage monitoring requirement in Condition D.4.(a)(1)(i)-(ii).
 - Addition of No. 2 fuel usage monitoring requirement for periodic boiler testing in Condition D.4.(b)(2)
 - Addition of recordkeeping requirements for monthly NO_x verification D.5.(a)(1).
 - Updating the requirements under Conditions D.5.(b), D.6.(b) and addition of Condition D.6.(c)
 - Inclusion of Section E. Non-Applicability Requirements
 - Updating Section F. Future Requirements. 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 “Girard College Power Plant SMOP OP22-000020” 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 Hanlon, PE, East Permit Section Chief, 717-705-4862.

22-03112, Highline Auto Parts, 5320 Paxton Street, Harrisburg, PA 17111, Swatara Township, **Dauphin County**. Application received: April 9, 2024. For the operation of an aluminum sweat furnace at the automobile dismantling and parts sales center. The potential emissions from the sweat are approximately 3.11 tpy of NO_x, 1.80 tpy of CO, 0.60 tpy of PM₁₀, and 0.20 tpy of 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 RRR—National Emission Standards for Hazardous Air Pollutants for Secondary Aluminum Production.

22-03099, The Hershey Company, 19 East Chocolate Avenue, Hershey, PA 17033, Derry Township, **Dauphin County**. Application received: May 31, 2024. To issue a State Only Operating Permit renewal for their industrial wastewater treatment facility. The subject facility has the potential-to-emit 4.5 tpy CO, 5.7 tpy NO_x, 0.5 tpy PM₁₀/PM_{2.5}, 7.9 tpy SO_x, 2.8 tpy VOC, and 5.0 tpy of a single HAP (formaldehyde). 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 60, Subpart JJJJ—Standards of Performance for Stationary Spark Ignition Internal Combustion Engines.

38-05018, Lebanon VA Medical Center, 1700 South Lincoln Avenue, Lebanon, PA 17042-7529, South Lebanon Township, **Lebanon County**. Application received: September 29, 2023. This is for the renewal of the existing State-Only Permit. The potential emissions are estimated at 46.34 tpy of NO_x, 37.65 tpy of CO, 3.05 tpy of PM₁₀, 2.90 tpy of SO_x and 5.94 tpy of VOC. The operating permit will include emission limits and work practice standards along with monitoring, recordkeeping and reporting requirements to ensure the facility complies with the applicable air quality regulations. Among other items, the conditions include provisions derived from 40 CFR 60 Subpart IIII—Standards of Performance for Stationary Compression Ignition Internal Combustion Engines and 40 CFR 60 Subpart JJJJ—Standards of Performance for Stationary Spark Ignition Internal Combustion Engines.

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.

56-00160, Keystone Lime Company, Inc., P.O. Box 278, Springs, PA 15562, Addison Township, Elk Lick Township, **Somerset County**. Application received: June 28, 2023. In accordance with 25 Pa. Code §§ 127.424 and 127.425, the Department of Environmental Protection (DEP) has received an application and is providing notice that it intends to issue a renewed air quality operating permit to Keystone Lime Company, Inc. for a stone processing plant and asphalt plant located in Elk Lick and Addison Townships, Somerset County. Sources of emissions at the site consist of three crushers, two screens, storage piles, and an asphalt plant. The asphalt plant has a production limit of 480,000 tons per year. Potential emissions for this facility are 6.2 tons per year (TPY) NO_x, 31.0 TPY CO, 0.8 TPY SO_x, 83.7 TPY PM₁₀, 48.3 TPY PM_{2.5}, 7.7 TPY VOC, 0.74 single HAP, and 1.31 TPY total HAP. The facility is required to conduct daily surveys of the site to ensure compliance with visible, fugitive, and malodor emission requirements and maintain records of those surveys. The air quality permit includes operation requirements, monitoring requirements, and recordkeeping requirements for the site. Those who wish to provide the Department with additional written information that they believe should be considered prior to the modification of the State-Only Operating Permit may submit the information to Thomas

Joseph, Environmental Engineering Manager, Department of Environmental Protection, Southwest Regional Office, 400 Waterfront Drive, Pittsburgh, PA 15222. Written comments must contain the name, address and telephone number of the person submitting the comments, identification of the proposed Operating Permit (56-00160) and concise statements regarding the relevancy of the information or objections to issuance of the Operating Permit. A public hearing may be held, if the Department, in its discretion, decides that such a hearing is warranted based on the information received. All persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in the newspaper or by the *Pennsylvania Bulletin*, or by telephone, where the Department determines such notification by telephone is sufficient. Written comments or requests for a public hearing should be directed to Thomas Joseph, Environmental Engineering Manager, at the previously listed address or to tjoseph@pa.gov. All comments must be received prior to the close of business 30 days after the date of this publication. The application, DEP's Review Memorandum, and the proposed permit are available for public review during normal business hours at DEP's Southwest Regional Office, 400 Waterfront Drive, Pittsburgh, PA 15222. A file review can be scheduled through the DEP's website at <https://www.dep.pa.gov/Citizens/PublicRecords/Pages/Informal-File-Review.aspx> or by contacting Thomas Joseph, Environmental Engineering Manager, directly.

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 Patel, New Source Review Chief, 570-826-234.

54-00101A, BET Associates IV, LLC, 1501 Ligonier Street, Latrobe, PA 15650, Coaldale Borough, **Carbon County**. Application received: June 25, 2024. Plan Approval 54-00101A is for the construction and operation of a coal preparation and processing plant. The facility will operate a natural gas fired coal dryer with a baghouse. The vibrating dryer operation is subject to NSPS Subpart Y requirements. BET Associates IV, LLC indicates that the coal dryer process to be constructed will comply with all regulatory requirements pertaining to air contamination source and the emission of air contaminants including, NSPS Subpart Y, 25 Pa. Code § 123.41 for visible emissions and the best available technology requirement (BAT) of 25 Pa. Code §§ 127.1 and 127.12. The proposed baghouse will collect more than 99% of particulate emissions generated from the coal drying operation before discharging into atmosphere. The use of a baghouse capable of removing more than 99% of emissions meets Department's BAT criteria for this type of process. The company will operate the sources and maintain the system in accordance with the good engineering practices to assure proper operation of the system. The Plan Approval will contain additional recordkeeping and operating restrictions designed to keep the facility operating within all applicable air quality requirements. Copies of

the application, DEP's analysis and other documents used in the evaluation of the application are available for public review during normal business hours at Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18701. Any person(s) wishing to provide DEP with additional information, which they believe should be considered prior to the issuance of this permit, may submit the information to the address shown in the preceding paragraph. Each written comment must contain the name, address and telephone number of the person submitting the comments, identification of the proposed Permit No. 54-00101A 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 Patel, EEM, Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18701-1915, 570-826-2341 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 applica-

tion, 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. 17071301. NPDES No. PA0235784. Rosebud Mining Company, 301 Market Street, Kittanning, PA 16201, Burnside Township, **Clearfield County.** To revise the permit and related NPDES permit to conduct auger mining. Application received: August 15, 2024. Accepted: August 21, 2024.

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

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

Mining Permit No. 17814033. NPDES No. PA0609501. Philip Reese Coal Company, Inc., P.O. Box 236, Karthaus, PA 16845, Karthaus Township, **Clearfield County.** Permit renewal application for a bituminous surface coal mine and associated NPDES permit affecting 412.8 acres. Receiving stream(s): Saltlick Run and Unnamed Tributary to Saltlick Run classified for the following use(s): HQ-CWF. Application received: August 21, 2024. Accepted: August 21, 2024.

New Stanton District Mining Office: 131 Broadview Road, New Stanton, PA 15672, 724-925-5500.

Contact: Tracy Norbert, 724-925-5500, RA-EPNEWSTANTON@pa.gov.

Mining Permit No. 63240901. NPDES No. PAD630063. Beacon Road Management, LLC, 290 Northgate Drive, Warrendale, PA 15086, North Strabane Township, **Washington County.** Application for incidental coal exploration for a surface mine site, affecting 61.9 acres. Receiving stream is Little Chartiers Creek, classified for the following use: HQ-WWF. Application received: August 21, 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: Alicia Cook, Clerical Assistant 3, 814-343-3328.

Mining Permit No. 20192801. NPDES No. PA0280691. Ernst Conservation Seeds, Inc., 8884 Mercer Pike, Meadville, PA 16335, Summit Township, **Crawford County.** Transfer of an existing small noncoal permit affecting 7.0 acres. Transfer of permit from Meadville Redi-Mix Concrete, Inc. Receiving stream(s): Conneaut Lake classified for the following use(s): WWF. Application received: July 31, 2024.

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

Contact: RA-EPPottsvilleDMO@pa.gov.

Mining Permit No. 66192501. Donald Taylor, 4450 Williams Road, Nicholson, PA 18446-9478, Nicholson Township, **Wyoming County.** Stage I & II bond release of a quarry operation affecting 10.0 acres. Application received: August 14, 2024.

Mining Permit No. 66130801. Donald Taylor, 4450 Williams Road, Nicholson, PA 18446-9478, Nicholson Township, Wyoming County. Stage I & II bond release of a quarry operation affecting 2.0 acres. Application received: August 14, 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

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

Contact: RA-EPCAMBRIADMO@pa.gov.

NPDES No. PA0223239. Mining Permit No. 01930302. Specialty Granules, LLC, 13424 Pennsylvania Ave, Suite 303, Hagerstown, MD 21742, Hamiltonban Township, Adams County. Renewal of an NPDES permit affecting 313.2 acres related to a noncoal mining activity permit. Receiving stream: unnamed tributary to Toms Creek, classified for the following use: HQ-CWF. Application received: March 13, 2024.

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

The following treated wastewater outfalls discharge to unnamed tributary to Toms Creek:

<i>Outfall Number</i>	<i>New or Existing</i>	<i>Type</i>	<i>Discharge Rate</i>
001	Existing	Stormwater	Precipitation in Excess of 10-yr Storm
002	Existing	Stormwater	Precipitation in Excess of 100-yr Storm
003	Existing	Stormwater	Precipitation in Excess of 100-yr Storm

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

*Outfalls: 001 (up to 10-yr/24-hr Precip. Event)
Parameter (unit)*

<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant Maximum</i>
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Flow (MGD)

0

*Outfalls: 001 (>10-yr/24-hr Precip. Event)
Parameter (unit)*

<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant Maximum</i>
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Total Solids (mg/L)
pH (S.U.)

XXX	XXX	XXX	Report
XXX	XXX	XXX	Report

*Outfalls: 002 and 003 (up to 100-yr/
24-hr Precip. Event)
Parameter (unit)*

<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant Maximum</i>
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Flow (MGD)

0

*Outfalls: 002 and 003 (>100-yr/
24-hr Precip. Event)
Parameter (unit)*

<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant Maximum</i>
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Total Suspended Solids (mg/L)
pH (S.U.)

XXX	XXX	XXX	Report
XXX	XXX	XXX	Report

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. PA0225941. Mining Permit No. 6574SM1. Pocono Industries, Inc., 506 Hickory Valley Road, Stroudsburg, PA 18369, Hamilton Township, **Monroe County.** Renew an NPDES permit affecting 42.4 acres. Receiving stream: McMichael Creek, classified for the following use: HQ-CWF. Non-Discharging Best Management Practices will be in effect. Application received: February 14, 2024.

FEDERAL WATER POLLUTION CONTROL ACT SECTION 401

The following permit applications, requests for Environmental Assessment approval and requests for 401 Water Quality Certification have been received by the Department of Environmental Protection (DEP). Section 401 of the Federal Water Pollution Control Act (FWPCA) (33 U.S.C.A. § 1341), requires the State to certify that the involved projects will not violate the applicable provisions of Sections 301—303, 306 and 307 of the FWPCA (33 U.S.C.A. §§ 1311—1313, 1316 and 1317), as well as relevant State requirements. Individuals objecting to approval of a request for certification under Section 401 or to the issuance of a Dam Permit or Water Obstruction and Encroachment Permit, or the approval of an Environmental Assessment must submit any comments, suggestions or objections within 30-days of the date of this notice, as well as any questions to the office noted above the application. Comments should contain the name, address and telephone number of the person commenting, identification of the certification request to which the comments or objections are addressed, and a concise statement of comments, objections or suggestions including the relevant facts upon which they are based.

The DEP may schedule a fact-finding hearing or an informal conference in response to comments if deemed necessary. Maps, drawings and other data pertinent to the certification request are available for inspection be-

tween the hours of 8:00 a.m. and 4:00 p.m. on each working day at the office noted above the application.

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

WATER OBSTRUCTIONS AND ENCROACHMENTS

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

Northeast Region: Waterways & Wetlands Program, 2 Public Square, Wilkes-Barre, PA 18701-1915, 570-826-2511.

Contact: Michele Lauer, Clerical Assistant 2, 570-830-3077.

E4502224-008. Ingo Fernandes de Abreu, 3 Stone Lane, Marlboro, NJ 07746, Tobyhanna Township, **Monroe County.** U.S. Army Corps of Engineers Philadelphia District. Application received: August 13, 2024.

This project is proposing to construct and maintain the following water obstructions and encroachments associated with De Abreu Fence and Dock project: 1. A 96 sq. ft. aluminum frame compost decking dock supported by aluminum posts within Arrowhead Lake (EV-MF). An upper 4 sq. ft. portion of the dock to be anchored on the shore within PEM wetlands (EV). 2. A 54 sq. ft. natural wooden privacy fence within PEM wetlands (EV). The proposed activity will result in 0.003 acre of permanent impacts to PEM wetlands. The project is located at 153 Lodge Place, Pocono Lake, PA 18347 (Thornhurst, PA Quadrangle, Latitude: 41°, 09', 1 0"; Longitude -75°, 34', 29") in Tobyhanna Township, Monroe County.

Northwest Region: Waterways & Wetlands Program, 230 Chestnut Street, Meadville, PA 16335-3481, 814-332-6945.

Contact: RA-EPWW-NWRO@pa.gov.

E1006224-006. Cranberry Township, 2525 Rochester Road, Cranberry Township, PA 16066, Cranberry Township, **Butler County**. U.S. Army Corps of Engineers Pittsburgh District. Application received: August 9, 2024.

To remove existing park amenities and reconstruct new fields, parking areas, and stormwater management facilities. UNT to Brush Creek will be enclosed, resulting in approximately 429 feet of permanent stream impact. There will be approximately 0.23 acre of permanent impact to wetlands. Latitude: 40.71481°, Longitude: -80.10943°.

Southwest Region: Waterways & Wetlands Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, 412-442-4000.

Contact: Dana Drake, Program Manager.

E6305224-008. Mid Mon Valley Water Pollution Authority, P.O. Box 197, 1 Anderson Street, Allenport, PA 15412, Roscoe Borough and Stockdale Borough, **Washington County**. U.S. Army Corps of Engineers Pittsburgh District. Application received: June 28, 2024.

To:

Remove the existing buildings housing Pump Stations # 2, # 3, and # 4 with associated equipment and construct

and maintain replacement buildings and pump stations with upgraded equipment that are part of an existing gravity fed sanitary line system in the floodplain of the Monongahela River (WWF).

For the purpose of site improvements to treat wastewater. The project will cumulatively and permanently impact 0.216 acre of floodplain.

Pump Station # 2 is located at 501 Coal Street, Roscoe Borough, PA 15423 (Fayette City, PA USGS topographic quadrangle; N: 40°, 4', 36.29"; W: -79°, 52', 0.08"; Sub-basin 19C; USACE Pittsburgh District), in Roscoe Borough, Washington County.

Pump Station # 3 is located at 215 River Street, Roscoe Borough, PA 15477 (Fayette City, PA USGS topographic quadrangle; N: 40°, 4', 42.38"; W: -79°, 51', 37.26"; Sub-basin 19C; USACE Pittsburgh District), in Roscoe Borough, Washington County.

Pump Station # 4 is located at 246 Hickory Street, Stockdale Borough, PA 15483 (Fayette City, PA USGS topographic quadrangle; N: 40°, 4', 50.66"; W: -79°, 50', 58.50"; Sub-basin 19C; USACE Pittsburgh District), in Stockdale Borough, Washington County.

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>
PAD230080	Chapter 102 Individual NPDES Permit	Issued	Endress+Hauser Inc. 2350 Endress Place Greenwood, IN 46143-9772	Edgmont Township Delaware County	SERO
PAD280019	Chapter 102 Individual NPDES Permit	Issued	Infrastructure & Energy Alternatives Inc. 6325 Digital Way Indianapolis, IN 46278-1678	Fannett Township Franklin County	SCRO
PAD390297	Chapter 102 Individual NPDES Permit	Issued	Northern Lehigh School District 1201 Shadow Oaks Lane Slatington, PA 18080-1237	Slatington Borough Lehigh County	NERO
PAD390309	Chapter 102 Individual NPDES Permit	Issued	Interstate Investment Corp 1225 Stephens Road Warren, MI 48089	Upper Macungie Township Lehigh County	NERO
PAD390315	Chapter 102 Individual NPDES Permit	Issued	Kachmar Steven 2593 Boger Stadt Road Fogelsville, PA 18051-2204	Weisenberg Township Lehigh County	NERO
PAD400079	Chapter 102 Individual NPDES Permit	Issued	Plains Development Partners LLC 201 S Maple Avenue Amlber, PA 19002	Plains Township Luzerne County	NERO
PAD400085	Chapter 102 Individual NPDES Permit	Issued	Mountaintop Area Joint Sanitary Authority Luzerne County 290 Morio Drive Mountain Top, PA 18707-9408	Fairview Township Luzerne County	NERO
PAD540012	Chapter 102 Individual NPDES Permit	Issued	Heislars Egg Farm 757 Valley Road Tamaqua, PA 18252-5005	Walker Township Schuylkill County	NERO
PA0294438	Industrial Stormwater Individual NPDES Permit	Issued	Saia Motor Freight Line LLC 11465 Johns Creek Parkway Suite 400 Duluth, GA 30097-1574	Middlesex Township Cumberland 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>
PAS206108	Industrial Stormwater Individual NPDES Permit	Issued	Crown Cork & Seal Co. Inc. 1840 Baldrige Avenue Connellsville, PA 15425-5236	South Connellsville Borough Fayette County	SWRO
6324801	Joint DEP/PFBC Pesticides Permit	Issued	Hammel Charles L III 2217 Beallsville Road Marianna, PA 15345-1116	West Bethlehem Township Washington County	SWRO
6324802	Joint DEP/PFBC Pesticides Permit	Issued	Duritza Robert 423 Estate Lane Washington, PA 15301-8102	South Franklin Township Washington County	SWRO
6524803	Joint DEP/PFBC Pesticides Permit	Issued	Ligonier CC Inc. P.O. Box 597 Ligonier, PA 15658-0597	Ligonier Township Westmoreland County	SWRO
1501403	Land Application and Reuse of Sewage Individual WQM Permit	Issued	Bucks County Water & Sewer Authority 1275 Almshouse Road Warrington, PA 18976	West Vincent Township Chester County	SERO
PAI136131	MS4 Individual NPDES Permit	Issued	Union Township Washington County 3904 Finleyville Elrama Road Finleyville, PA 15332-3011	Union Township Washington County	SWRO
3424201	Manure Storage and Wastewater Impoundments Individual WQM Permit	Issued	Hershey Ag Services 138 Airport Road Marietta, PA 17547-9105	Fayette Township Juniata County	SCRO
PA0111635	Minor Industrial Waste Facility without ELG Individual NPDES Permit	Issued	Spring Township Municipal Authority Snyder County P.O. Box 133 Beaver Springs, PA 17812-0133	Beaver Township Snyder County	NCRO
PA0203661	Minor Industrial Waste Facility without ELG Individual NPDES Permit	Issued	Reaxis Inc. 941 Robinson Highway McDonald, PA 15057-2213	Robinson Township Washington County	SWRO
PA0204030	Minor Industrial Waste Facility without ELG Individual NPDES Permit	Issued	Calgon Carbon Corp P.O. Box 717 Pittsburgh, PA 15230-0717	Neville Township Allegheny County	SWRO
PA0209457	Minor Industrial Waste Facility without ELG Individual NPDES Permit	Issued	Jeld Wen Inc. P.O. Box 311 825 Shiner Road Towanda, PA 18848-0311	Wysox Township Bradford County	NCRO
PA0216593	Minor Industrial Waste Facility without ELG Individual NPDES Permit	Issued	Texas Eastern Trans LP P.O. Box 1642 Houston, TX 77251-1642	Richhill Township Greene County	SWRO
PA0084751	Minor Sewage Facility < 0.05 MGD Individual NPDES Permit	Issued	Doubling Gap Center Inc. 1550 Doubling Gap Road Newville, PA 17241-9758	Lower Mifflin Township Cumberland County	SCRO
PA0087173	Minor Sewage Facility < 0.05 MGD Individual NPDES Permit	Issued	High Point Baptist Chapel P.O. Box 188 Geigertown, PA 19523-0188	Robeson Township Berks County	SCRO

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<i>Application Number</i>	<i>Permit Type</i>	<i>Action Taken</i>	<i>Permittee Name & Address</i>	<i>Municipality, County</i>	<i>DEP Office</i>
PA0218138	Minor Sewage Facility >= 0.05 MGD and < 1 MGD Individual NPDES Permit	Issued	Armstrong County Ind Development Authority 402 E Market Street Kittanning, PA 16201-1409	North Buffalo Township Armstrong County	NWRO
NOEXNW121	No Exposure Certification	Issued	Lord Corp 2455 Robison Road W Erie, PA 16509-4675	Summit Township Erie County	NWRO
NOEXSC149	No Exposure Certification	Issued	Reworld Myerstown LLC 343 King Street Myerstown, PA 17067-2526	Jackson Township Lebanon County	SCRO
NOEXSC412	No Exposure Certification	Issued	Reworld York MPF LLC 280 North East Street York, PA 17402	York City York County	SCRO
PAG030319	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	Donaldson Co. Inc. 85 Railroad Drive Ivyland, PA 18974-1478	Northampton Township Bucks County	SERO
PAG033616	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	Shaffer Trucking Inc. 400 NW 56th Street Lincoln, NE 68528	Silver Spring Township Cumberland County	SCRO
PAG033641	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	BBGY Inc. d/b/a Boger Concrete Co. 2090 N Union Street Middletown, PA 17057-2958	Lower Swatara Township Dauphin County	SCRO
PAG033797	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	Penn Waste Inc. P.O. Box 3066 85 Brickyard Road York, PA 17402-0066	East Manchester Township York County	SCRO
PAG033836	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	Sunoco Midstream LLC 8111 Westchester Drive Dallas, TX 75225-6140	Hampden Township Cumberland County	SCRO
PAG034994	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	Arrow United Ind Inc. 450 Riverside Drive Wyalusing, PA 18853-8926	Wyalusing Township Bradford County	NCRO
PAG036135	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	Brookman Auto Parts Inc. 4 Race Street Washington, PA 15301-5345	Canton Township Washington County	SWRO
PAG036452	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	Greene County 93 E High Street Waynesburg, PA 15370	Franklin Township Greene County	SWRO
PAG036461	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	PK Clinton Realty Acquisition LLC 1 Quality Way Aliquippa, PA 15001-2459	Findlay Township Allegheny County	SWRO
PAG036462	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	PK Aliquippa Realty Acquisition LLC 1 Quality Way Aliquippa, PA 15001-2459	Aliquippa City Beaver County	SWRO
PAG036477	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	GBC Advanced Materials LLC 580 Monastery Drive Latrobe, PA 15650-2659	Unity Township Westmoreland County	SWRO

<i>Application Number</i>	<i>Permit Type</i>	<i>Action Taken</i>	<i>Permittee Name & Address</i>	<i>Municipality, County</i>	<i>DEP Office</i>
PAG038613	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	D & D Wood Sales Inc. P.O. Box 100 268 Amadei Road Nicktown, PA 15762-0100	Pine Township Indiana County	NWRO
PAG041124	PAG-04 NPDES General Permit for Small Flow Treatment Facilities	Issued	Clinton and Sarah Ewing 630 W 7th Street Erie, PA 16502-1201	Franklin Township Erie County	NWRO
PAG041369	PAG-04 NPDES General Permit for Small Flow Treatment Facilities	Issued	Decaprio Anthony 3028 Frampton Road Hermitage, PA 16148-6204	Hermitage City Mercer County	NWRO
PAG041371	PAG-04 NPDES General Permit for Small Flow Treatment Facilities	Issued	McBroom Michael 163 W Jamestown Road Jamestown, PA 16134-9513	Greene Township Mercer County	NWRO
PAG041373	PAG-04 NPDES General Permit for Small Flow Treatment Facilities	Issued	Agnew Anne 14601 Coleman Road Meadville, PA 16335-8712	Vernon Township Crawford County	NWRO
PAG041383	PAG-04 NPDES General Permit for Small Flow Treatment Facilities	Issued	Alley Andrew 817 E Lake Road Transfer, PA 16154-2311	Pymatuning Township Mercer County	NWRO
PAG041392	PAG-04 NPDES General Permit for Small Flow Treatment Facilities	Issued	Englert Pamela 2622 Neilltown Road Pleasantville, PA 16341-5020	Harmony Township Forest County	NWRO
PAG041399	PAG-04 NPDES General Permit for Small Flow Treatment Facilities	Issued	Schmelzer Deborah 151 Etna Road Slippery Rock, PA 16057	Slippery Rock Township Butler County	NWRO
PAG043724	PAG-04 NPDES General Permit for Small Flow Treatment Facilities	Issued	Cherukumalli Rama RAO 60 Bianca Court Mechanicsburg, PA 17050-1735	Lower Frankford Township Cumberland County	SCRO
PAG043968	PAG-04 NPDES General Permit for Small Flow Treatment Facilities	Issued	Rivera Matt C 7725 Wertzville Road Carlisle, PA 17013-9021	Middlesex Township Cumberland County	SCRO
PAG045303	PAG-04 NPDES General Permit for Small Flow Treatment Facilities	Issued	Tyler and Makenzie Stugart 5291 Warrensville Road Montoursville, PA 17754-8933	Eldred Township Lycoming County	NCRO
PAG049019	PAG-04 NPDES General Permit for Small Flow Treatment Facilities	Issued	Sippy Lon 17380 State Highway 198 Saegertown, PA 16433-3628	Hayfield Township Crawford County	NWRO
PAG049486	PAG-04 NPDES General Permit for Small Flow Treatment Facilities	Issued	Celli Carly 9347 Mercer Pike Meadville, PA 16335-9279	Union Township Crawford County	NWRO
PAG058402	PAG-05 NPDES General Permit for Groundwater Cleanup	Issued	Shenango Township Mercer County 3439 Hubbard Middlesex Road West Middlesex, PA 16159-2547	Shenango Township Mercer County	NWRO
PAG066123	PAG-06 NPDES General Permit for Combined Sewer Systems	Issued	West Homestead Borough Allegheny County 456 W 8th Avenue Homestead, PA 15120-1030	West Homestead Borough Allegheny County	SWRO

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<i>Application Number</i>	<i>Permit Type</i>	<i>Action Taken</i>	<i>Permittee Name & Address</i>	<i>Municipality, County</i>	<i>DEP Office</i>
PAG106233	PAG-10 NPDES General Permit for Hydrostatic Test Water	Issued	Equitrans LP 2200 Energy Drive Canonsburg, PA 15317-1000	Somerset Township Washington County	SWRO
PAG123624	PAG-12 NPDES General Permit for CAFOs	Issued	Ebling Joann L & Ebling Earl G 761 Airport Road Bethel, PA 19507-9696	Bethel Township Berks County	SCRO
PAG123693	PAG-12 NPDES General Permit for CAFOs	Issued	Funk Jeff 18255 Fort Davis Road Mercersburg, PA 17236-9430	Warren Township Franklin County	SCRO
PAG123757	PAG-12 NPDES General Permit for CAFOs	Issued	Noah W Kreider & Sons 1461 Lancaster Road Manheim, PA 17545-9768	Mount Joy Township Lancaster County	SCRO
PAG123767	PAG-12 NPDES General Permit for CAFOs	Issued	Brubaker Farms LLC 490 Musser Road Mount Joy, PA 17552-9044	East Donegal Township Lancaster County	SCRO
PAG123814	PAG-12 NPDES General Permit for CAFOs	Issued	We Kings Farm LLC 6028 Guitner Road Greencastle, PA 17225-9729	Antrim Township Franklin County	SCRO
PAG123816	PAG-12 NPDES General Permit for CAFOs	Issued	Emway Farms LLC 1450 Hunsicker Road Lancaster, PA 17601-5312	Lykens Township Dauphin County	SCRO
PAG123821	PAG-12 NPDES General Permit for CAFOs	Issued	Schlapich Kimberly 1359 Main Street Mohrsville, PA 19541-8768	Centre Township Berks County	SCRO
PAG123858	PAG-12 NPDES General Permit for CAFOs	Issued	Reinholds Pig Farm LLC 197 Galen Hall Road Reinholds, PA 17569-9570	West Cocalico Township Lancaster County	SCRO
PAG123897	PAG-12 NPDES General Permit for CAFOs	Issued	Miller Poultry LLC 345 Church Road East Berlin, PA 17316-9466	Reading Township Adams County	SCRO
PAG123898	PAG-12 NPDES General Permit for CAFOs	Issued	Christianson Joel 411 Chestnut Street Lebanon, PA 17042-6142	Bethel Township Berks County	SCRO
PAG123914	PAG-12 NPDES General Permit for CAFOs	Issued	Woglemuth Doug 1197 Landis Road Elizabethtown, PA 17022-9799	Mount Joy Borough Lancaster County	SCRO
PAG124844	PAG-12 NPDES General Permit for CAFOs	Issued	John Pfleegor 460 Gold Road Muncy, PA 17756-5748	Lewis Township Northumberland County	SCRO
PAG126103	PAG-12 NPDES General Permit for CAFOs	Issued	Pennwood Farms 262 Sugar Grove School Road Berlin, PA 15530	Brothersvalley Township Somerset County	SCRO
PA0270831	Pesticides Individual NPDES Permit	Issued	PA Game Commission 2001 Elmerton Avenue Harrisburg, PA 17110-9762	Statewide	CO
0219406	Pump Stations Individual WQM Permit	Issued	Elizabeth Township Allegheny County 100 Atlantic Avenue McKeesport, PA 15132-3807	McKeesport City Allegheny County	SWRO
2824402	Pump Stations Individual WQM Permit	Issued	Chambersburg Borough Franklin County 100 S 2nd Street Chambersburg, PA 17201-2515	Chambersburg Borough Franklin County	SCRO
2824403	Pump Stations Individual WQM Permit	Issued	Chambersburg Borough Franklin County 100 S 2nd Street Chambersburg, PA 17201-2515	Chambersburg Borough Franklin 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>
6224403	Pump Stations Individual WQM Permit	Issued	Pleasant Township Warren County 318 W 3rd Avenue Warren, PA 16365-2388	Warren City Warren County	NWRO
9058-S	Pump Stations Individual WQM Permit	Issued	Lower Burrell City Municipal Authority Westmoreland County 2800 Bethel Street Lower Burrell, PA 15068-3227	Lower Burrell City Westmoreland County	SWRO
0331	Sewer Extensions Individual WQM Permit	Issued	Allegheny County Sanitary Authority ALCOSAN 3300 Preble Avenue Pittsburgh, PA 15233-1025	Pittsburgh City Allegheny County	SWRO
3560S	Sewer Extensions Individual WQM Permit	Issued	Allegheny County Sanitary Authority ALCOSAN 3300 Preble Avenue Pittsburgh, PA 15233-1025	Pittsburgh City Allegheny County	SWRO
4024401	Sewer Extensions Individual WQM Permit	Issued	Mountaintop Area Joint Sanitary Authority Luzerne County 290 Morio Drive Mountain Top, PA 18707	Dorrance Township Luzerne County	NERO
5010	Sewer Extensions Individual WQM Permit	Issued	Allegheny County Sanitary Authority ALCOSAN 3300 Preble Avenue Pittsburgh, PA 15233-1025	Pittsburgh City Allegheny County	SWRO
PA0209627	Single Residence STP Individual NPDES Permit	Issued	Stoltzfus Farms Inc. 2620 Egypt Road Norrstown, PA 19403-2302	Shippen Township Tioga County	NCRO
PA0233315	Single Residence STP Individual NPDES Permit	Issued	Watkins Jessica C 631 Bear Gap Road Elysburg, PA 17824-9115	Cleveland Township Columbia County	NCRO
PA0255891	Single Residence STP Individual NPDES Permit	Issued	Bedillion Amanda 295 Vaneal Road Washington, PA 15301-8044	South Franklin Township Washington County	SWRO
PA0290360	Single Residence STP Individual NPDES Permit	Issued	Ditonto Patrick 1185 Fox Hill Road Russell, PA 16345-4723	Pine Grove Township Warren County	NWRO
PA0291790	Single Residence STP Individual NPDES Permit	Issued	Labonte Dustin 14955 Burnt Mill Road Shippensburg, PA 17257-9109	Lurgan Township Franklin County	SCRO
1922401	Single Residence Sewage Treatment Plant Individual WQM Permit	Issued	Watkins Jessica C 631 Bear Gap Road Elysburg, PA 17824-9115	Cleveland Township Columbia County	NCRO
2118401	Single Residence Sewage Treatment Plant Individual WQM Permit	Issued	Rivera Matt C 7725 Wertzville Road Carlisle, PA 17013-9021	Middlesex Township Cumberland County	SCRO
2823401	Single Residence Sewage Treatment Plant Individual WQM Permit	Issued	Labonte Dustin 14955 Burnt Mill Road Shippensburg, PA 17257-9109	Lurgan Township Franklin County	SCRO
6222402	Single Residence Sewage Treatment Plant Individual WQM Permit	Issued	Ditonto Patrick 1185 Fox Hill Road Russell, PA 16345-4723	Pine Grove Township Warren 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>
6321400	Single Residence Sewage Treatment Plant Individual WQM Permit	Issued	Bedillion Amanda 295 Vaneal Road Washington, PA 15301-8044	South Franklin Township Washington County	SWRO
PA0261912	Small Flow Treatment Facility Individual NPDES Permit	Issued	Split Shots Bar & Grill 4587 Chambersburg Road Biglerville, PA 17307-9531	Franklin Township Adams County	SCRO
2724402	Small Flow Treatment Facility Individual WQM Permit	Issued	Englert Pamela 2622 Neilltown Road Pleasantville, PA 16341-5020	Harmony Township Forest County	NWRO
WQG018326	WQG-01 WQM General Permit	Issued	Sippy Lon 17380 State Highway 198 Saegertown, PA 16433-3628	Hayfield Township Crawford 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>
PAC400306	PAG-02 General Permit	Issued	Service Tire Truck Center Walter Dealtrey 2255 Avenue A Bethlehem, PA 18017	Hazle Township Luzerne County	Luzerne Conservation District 325 Smiths Pond Road Shavertown, PA 18708 570-674-7991 RA-EPWW-NERO@pa.gov
PAC440034	PAG-02 General Permit	Issued	MCMA 70 Chestnut St. Lewistown, PA 17044	Granville Twp Juniata Terrace Boro Mifflin County	Mifflin County Conservation District 20 Windmill Hill Suite 4 Burnham, PA 17009 717-248-4695
PAC440033	PAG-02 General Permit	Issued	Allensville Mennonite Church 11565 State Route 655 Allensville, PA 17002	Menno Township Mifflin County	Mifflin County Conservation District 20 Windmill Hill Suite 4 Burnham, PA 17009 717-248-4695
PAC100319	PAG-02 General Permit	Issued	Ogle View Corner LLC 109 High Point Road Sarver, PA 16055	Cranberry Township Butler County	Butler County Conservation District 120 Hollywood Drive Suite 201 Butler, PA 16001 724-284-5270
PAC430123	PAG-02 General Permit	Issued	Sharon City School District 215 Forker Boulevard Sharon, PA 16146	City of Sharon Mercer County	Mercer County Conservation District 24 Avalon Court Suite 300 Mercer, PA 16137 724-662-2242
PAC670714	PAG-02 General Permit	Issued	CJK Group 410 Highway 25 South Brainerd, MN 56401	Penn Township York County	York County Conservation District 2401 Pleasant Valley Rd. Suite 101 Room 139 York, PA 17402 717-840-7430

<i>Permit Number</i>	<i>Permit Type</i>	<i>Action Taken</i>	<i>Applicant Name & Address</i>	<i>Municipality, County</i>	<i>Office</i>
PAC360895	PAG-02 General Permit	Issued	Anil Jivani 1083 Bluegrass Rd Lancaster, PA 17601	West Lampeter Township Lawrence County	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601 717-299-5361
PAC250217	PAG-02 General Permit	Issued	Samaritan Solar LLC 880 Apollo Street Suite 333 El Segundo, CA 90245	Amity Township Erie County	Erie County Conservation District 1927 Wager Road Erie, PA 16509 814-825-6403
PAC460883	PAG-02 General Permit	Issued	Pennsylvania State University 139 J Physical Plant Building University Park, PA 16802	Abington Township Montgomery County	Montgomery County Conservation District 143 Level Road Collegeville, PA 19426-3313 610-489-4506 x 10 RA-EPNPDES_SERO@ pa.gov
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
PAC150394	PAG-02 General Permit	Issued	Sabot Properties, LLC 701 S. Franklin Street West Chester, PA 19382	West Goshen Township Chester County	Chester County Conservation District 674 Unionville Road Suite 105 Kennett Square, PA 19348 610-455-1360 RA-EPNPDES_SERO@ pa.gov
PAC150396	PAG-02 General Permit	Issued	West Chester University 201 Carter Drive Suite 300 West Chester, PA 19382	West Goshen Township Chester County	Chester County Conservation District 674 Unionville Road Suite 105 Kennett Square, PA 19348 610-455-1360 RA-EPNPDES_SERO@ pa.gov
PAC150177	PAG-02 General Permit	Issued	King Industrial, LLC 254 Hafner Road Royersford, PA 19468	West Whiteland Township Chester County	Chester County Conservation District 674 Unionville Road Suite 105 Kennett Square, PA 19348 610-455-1360 RA-EPNPDES_SERO@ pa.gov
PAC150167	PAG-02 General Permit	Issued	Honeycroft Village, LP 402 Bayard Road Suite 100 Kennett Square, PA 19348	Londonderry Township Chester County	Chester County Conservation District 674 Unionville Road Suite 105 Kennett Square, PA 19348 610-455-1360 RA-EPNPDES_SERO@ pa.gov

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<i>Permit Number</i>	<i>Permit Type</i>	<i>Action Taken</i>	<i>Applicant Name & Address</i>	<i>Municipality, County</i>	<i>Office</i>
PAC150366	PAG-02 General Permit	Issued	Kennett Area Community Service (KACS) 136 W Cedar Street Kennett Square, PA 19348	New Garden Township Chester County	Chester County Conservation District 674 Unionville Road Suite 105 Kennett Square, PA 19348 610-455-1360 RA-EPNPDES_SERO@ pa.gov
PAC650340	PAG-02 General Permit	Issued	Steve and Chuck Cleaveland 1400 Route 993 Trafford, PA 15085	North Huntingdon Township Westmoreland County	Westmoreland County Conservation District 218 Donahoe Road Greensburg, PA 15601 724-837-5271 SWRO
PAC650405	PAG-02 General Permit	Issued	Shilling Real Estate, LLC 455 Hilty Road Murrysville, PA 15668	Penn Township Westmoreland County	Westmoreland County Conservation District 218 Donahoe Road Greensburg, PA 15601 724-837-5271 SWRO
PAC650153	PAG-02 General Permit	Issued	Broadview Estates, LP 375 Gulfside Drive Wexford, PA 15090	New Stanton Borough Westmoreland County	Westmoreland County Conservation District 218 Donahoe Road Greensburg, PA 15601 724-837-5271 SWRO
PAC650399	PAG-02 General Permit	Issued	Valley Green Westmoreland, LLC 2271 Mars Hill Road Irwin, PA 15642	Hempfield Township Westmoreland County	Westmoreland County Conservation District 218 Donahoe Road Greensburg, PA 15601 724-837-5271 SWRO
PAC650393	PAG-02 General Permit	Issued	Nicassio Enterprises, Inc. 16 High Point Circle Harrison City, PA 15636	Penn Township Westmoreland County	Westmoreland County Conservation District 218 Donahoe Road Greensburg, PA 15601 724-837-5271 SWRO
PAC650413	PAG-02 General Permit	Issued	Elliot Company 901 North 4th Avenue Jeannette, PA 15644	City of Jeannette Westmoreland County	Westmoreland County Conservation District 218 Donahoe Road Greensburg, PA 15601 724-837-5271 SWRO
PAC040156	PAG-02 General Permit	Issued	MSP Properties of Pennsylvania, LP P.O. Box 2280 Cranberry, PA 16066	Franklin Township Beaver County	Beaver County Conservation District 156 Cowpath Road Aliquippa, PA 15001 724-378-1701 SWRO
PAC630120A-7	PAG-02 General Permit	Issued	Peters Township 610 East McMurray Road McMurray, PA 15317	Peters Township Washington County	Washington County Conservation District 50 Old Hickory Ridge Road Suite 1 Washington, PA 15301 724-705-7098 SWRO

<i>Permit Number</i>	<i>Permit Type</i>	<i>Action Taken</i>	<i>Applicant Name & Address</i>	<i>Municipality, County</i>	<i>Office</i>
PAC110108A-2	PAG-02 General Permit	Issued	Guyer Brothers, Inc. 1481 Salemville Road New Enterprise, PA 16664	Ebensburg Borough Cambria County	Cambria County Conservation District 401 Candlelight Drive Suite 221 Ebensburg, PA 15931 814-472-2120 SWRO
PAC630330	PAG-02 General Permit	Issued	Duquesne Light Company 2825 New Beaver Avenue Pittsburgh, PA 15233	Union Township Washington County	Washington County Conservation District 50 Old Hickory Ridge Road Suite 1 Washington, PA 15301 724-705-7098 SWRO
PAC040137	PAG-02 General Permit	Issued	Scarmazzi Homes 127 Adams Avenue Canonsburg, PA 15317	Hopewell Township Beaver County	Beaver County Conservation District 156 Cowpath Road Aliquippa, PA 15001 724-378-1701 SWRO
PAC140087	PAG-02 General Permit	Issued	JFDC Land Acquisition f/k/a Loesch Construction 2221 Upper Brush Valley Road Centre Hall, PA 16828	Potter Township Centre County	Centre County Conservation District 414 Holmes Ave Ste 4 Bellefonte, PA 16823 814-355-6817
PAC140176	PAG-02 General Permit	Issued	CK Capital, LLC 4565 William Penn Highway Murrysville, PA 15668	Boggs Township Centre County	Centre County Conservation District 414 Holmes Ave Ste 4 Bellefonte, PA 16823 814-355-6817
PAC140177	PAG-02 General Permit	Issued	Penn State University 139J Office of Physical Plant University Park, PA 16803	College Township Centre County	Centre County Conservation District 414 Holmes Ave Ste 4 Bellefonte, PA 16823 814-355-6817
PAC170087	PAG-02 General Permit	Issued	PTV4686 LLC 400 Penn Center Blvd Pittsburgh, PA 15235	Sandy Township Clearfield County	Clearfield County Conservation District 6395 Clearfield- Woodland Hwy Suite 2 Clearfield, PA 16830 814-765-2629
PAC170088	PAG-02 General Permit	Issued	BCI Municipal Authority P.O. Box 388 Irvona, PA 16656	Beccaria Township Clearfield County	Clearfield County Conservation District 6395 Clearfield- Woodland Hwy Suite 2 Clearfield, PA 16830 814-765-2629
PAC190084	PAG-02 General Permit	Issued	Berwick Area Joint Sewer Authority c/o Gloria Bobersky 1108 Freas Ave Berwick, PA 18603	Berwick Borough Columbia County	Columbia County Conservation District 702 Sawmill Rd Ste 204 Bloomsburg, PA 17815 570-784-1310

<i>Permit Number</i>	<i>Permit Type</i>	<i>Action Taken</i>	<i>Applicant Name & Address</i>	<i>Municipality, County</i>	<i>Office</i>
PAC410109	PAG-02 General Permit	Issued	Commonwealth Charter Academy One Innovation Way Harrisburg, PA 17110	Loyalsock Township Lycoming County	Lycoming County Conservation District 542 County Farm Rd Suite 202 Montoursville, PA 17754 570-433-3003
PAC600120	PAG-02 General Permit	Issued	Susquehanna Regional Transportation Authority (SRTA)/rabbittransit 604 Old Route 15 New Columbia, PA 17856	White Deer Township Union County	Union County Conservation District 155 N 15th St Lewisburg, PA 17837 570-524-3860

**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>
Ryan Snyder 6 Snyder Lane Lewistown, PA 17044	Mifflin County	0	792	Swine	NA	Approved

PUBLIC WATER SUPPLY PERMITS

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

Persons aggrieved by an action may appeal that action to the Environmental Hearing Board (Board) under section 4 of the Environmental Hearing Board Act and 2 Pa.C.S. §§ 501—508 and 701—704. The appeal should be sent to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P.O. Box 8457, Harrisburg, PA 17105-8457, 717-787-3483. Appeals must be filed with the Board within 30-days of publication of this notice in the *Pennsylvania Bulletin* unless the appropriate statute provides a differ-

ent time period. Copies of the appeal form and the Board’s rules of practice and procedure may be obtained from the Board. The appeal form and the Board’s rules of practice and procedure are also available in Braille or on audiotape from the Secretary to the Board at 717-787-3483. This paragraph does not, in and of itself, create a right of appeal beyond that permitted by applicable statutes and decisional law.

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

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

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

SAFE DRINKING WATER

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

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

Contact: Olivia Harris, Clerical Supervisor I, 570-327-0561.

Construction Permit No. 1424514MA, Minor Amendment, Public Water Supply.

Applicant	PA American Water Company—Philipsburg District
Address	852 Wesley Drive Mechanicsburg, PA 17055
Municipality	Decatur Township
County	Clearfield County
Consulting Engineer	Bruce Brubaker 852 Wesley Drive Mechanicsburg, PA 17055
Application Received	July 10, 2024
Permit Issued	August 21, 2024
Description	This permit authorizes replacement of the existing horizontal centrifugal pumps with new vertical centrifugal pumps at the Mock Hill Booster Pump Station.

Construction Permit No. 1924504MA, Minor Amendment, Public Water Supply.

Applicant	Veolia Water PA Inc. Bloomsburg
Address	6310 Allentown Blvd Suite 104 Harrisburg, PA 17112
Municipality	City of Bloomsburg
County	Columbia County
Consulting Engineer	Peng Chen 6310 Allentown Blvd Suite 104 Harrisburg, PA 17112
Application Received	July 22, 2024
Permit Issued	August 22, 2024
Description	This permit grants approval to relocate the zinc polyphosphate injection location to after the UV reactors.

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 1423506MA. PWSID No. 4140087. PA American Water—Philipsburg, 852 Wesley Drive, Mechanicsburg, PA 17055, Rush Township, **Centre County**. Application received: August 23, 2024. Permit Issued: August 23, 2024. Public water supply minor permit amendment No. 1423506MA for partial operation authorizes the permittee to operate Filter 2 and to make upgrades to Filters 1, 3 and 4, replacement of existing valves and other miscellaneous improvements at the Philipsburg Water Treatment Facility in Rush Township, Centre County.

Construction/Operation Permit 5924503. PWSID No. 2590038. Municipal Authority of the Borough of Mansfield, 14 South Main Street, Mansfield, PA 16933, Richmond Township, **Tioga County**. Application received: May 30, 2024. Permit Issued: August 23, 2024. This permit authorizes to remove fluoridation from Operation Permit No. 5984503.

Contact: Olivia Harris, Clerical Supervisor I, 570-327-0561.

Operation Permit 1924501MA. PWSID No. 4190020. GSP Management Co. Stony Brook Circle MHP, P.O. Box 677, Morgantown, PA 19543, Scott Township, **Columbia County**. Application received: August 5, 2024. Permit Issued: August 19, 2024. This permit authorizes operation of Well No. 1 and Well No. 3.

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

Contact: Paul Barnes, P.E., Environmental Engineer, 570-826-2274.

Operation Permit 1118994. PWSID No. 2660036. Aqua Pennsylvania, Inc., 762 W. Lancaster Ave., Bryn Mawr, PA 19010, Factoryville Borough, **Wyoming County**. Application received: October 16, 2023. Permit Issued: August 16, 2024. Operations permit for submersible mixer in their existing 0.2MG water storage tank.

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

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

Operation Permit 5622510MA. PWSID No. 4560009. Somerset County General Authority, 300 North Center Avenue, Suite 500, Somerset, PA 15501, Jenner Township, **Somerset County**. Application received: August 20, 2024. Permit Issued: August 22, 2024. Rehabilitated Clarifiers # 1 and # 4 (filter media replacement, painting, automation upgrades, etc.) at the SCGA Quemahoning Water Treatment Plant.

BIOSOLIDS INDIVIDUAL PERMITS (PABIG, SSN AND PABIS)

The Department of Environmental Protection has taken the following actions on the previously received individual permit applications for the land application of treated sewage sludge (biosolids).

Any person aggrieved by these actions may appeal, pursuant to Section 4 of the Environmental Hearing Board Act, 35 P.S. Section 7514, and the Administrative Agency Law, 2 Pa.C.S. Chapter 5A, to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P.O. Box 8457, Harrisburg, PA 17105-8457, 717-787-3483. Appeals must be filed with the Environmental Hearing Board within 30-days of publication of this notice in the *Pennsylvania Bulletin*,

unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in braille or on audiotape from the Secretary to the Board at 717-787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decisional law.

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

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

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

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

Contact: Thomas J. Sweeney Jr., Soils Scientist, 717-705-4786.

Site Suitability Notice for Land Application Under Approved PAG08 for **Synagro**, 62 North Main Street, Stewartstown, PA 17363, Bethel Township, **Fulton County**. Robinson Farm Biosolids Site, 1440 Mill Hill Road, Warfordsburg, PA 17267. Agricultural utilization of biosolids for beneficial use. Application received: August 7, 2024. Approved: August 23, 2024.

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

Contact: Colin, 814-332-6837.

The Department of Environmental Protection (Department), under the authority of the Hazardous Sites Cleanup Act (HSCA) (35 P.S. §§ 6020.101—6020.1305) is proposing an interim response at **Vallimont Site** (Site), Greene Township, **Erie County**, PA.

The Site is approximately 30 acres in size and located on a rural property at 9266 Kuhl Road, Erie, PA. The Site has been separated into two operable units or areas of disposal. Operable Unit 1 was remediated under a separate response action in 2023. Operable Unit 2 (OU2) is the focus of this proposed interim response. OU2 contains a burn pile and waste-filled ravine containing residential garbage. It also may include sludge and scale from plating tanks, and wheelabrator dust. The hazards posed include an ongoing release of hazardous substances from waste improperly disposed at the Site, and direct contact threats to human health from soils and wastes impacted with metals.

The objectives and scope of the proposed response are:

- 1) protect the public and environmental receptors from direct contact exposure to soils containing metals, including lead, cadmium, thallium, arsenic, vanadium, cobalt, nickel, zinc and iron;
- 2) remove and properly dispose of the exposed wastes on site; and
- 3) comply with Federal, State, and local regulations.

To achieve the objectives for the Site, the Department has chosen to excavate and remove the waste. This choice

complies with Applicable, or Relevant and Appropriate Requirements, is feasible, and cost-effective. Other alternatives considered for the Site included taking no action and fencing off the Site from the public.

This notice is being provided pursuant to Section 506(b) of HSCA. The Administrative Record which contains the information that forms the basis and documents the selection of this response action is available for public review and comment. The Administrative Record is located at 230 Chestnut Street, Meadville, PA 16335 and is available for review Monday through Friday from 8:00 a.m. to 4:00 p.m.

The Administrative Record will be open for comment from September 7, 2024 until December 5, 2024. Any person may submit written comments into the record during this time only, by sending them to Colin Kosinski at Pennsylvania Department of Environmental Protection, 230 Chestnut Street, Meadville, PA 16335 or ckosinski@pa.gov, or by delivering them to this office in person.

In addition, any person may present oral comments, for inclusion in the Administrative Record, at a public hearing. The Department has scheduled the hearing on October 10, 2024 at 6:00 pm. Any person wishing to present comments must register with Tom Decker before September 26, 2024 by telephone at 814-332-6615, by electronic mail at thomadecke@pa.gov or in writing at Department of Environmental Protection, 230 Chestnut Street, Meadville, PA 16335. Please note that the Department will not hold the public hearing if there are no registrants. Persons interested in finding out if anyone has registered, and if the hearing will be held, should contact Colin Kosinski at 814-332-6837 or ckosinski@pa.gov.

Persons with a disability who wish to attend the hearing and require auxiliary aid, service, or other accommodations to participate in the proceedings, should call Tom Decker at 814-332-6615 or through the Pennsylvania Hamilton Relay Service at 1-800-654-5984 (TDD) to discuss how the Department may accommodate their needs.

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.

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

Contact: Eric Supey, Environmental Program Manager.

Bethlehem Commerce Center—Lot 24 (Sheetz Site), Primary Facility ID # **871583**, 1620 East Fourth Street, Bethlehem, PA 18015, City of Bethlehem, **Northampton County**. HDR Engineering, 1720 Spillman Drive, Suite 280, Bethlehem, PA 18015, on behalf of Lehigh Valley Industrial Park, 1720 Spillman Drive, Suite 150, Bethlehem, PA 18015, submitted a Final Report concerning remediation of soil contaminated with heating oil. The Final Report is intended to document remediation of the site to meet the Statewide health standards.

Nardone Brothers, Primary Facility ID # **875982**, 420 New Commerce Boulevard, Hanover Township, PA 18706, Hanover Township, **Luzerne County**. BL Companies, 1100 First Avenue, Suite 104, King of Prussia, PA 19406, on behalf of UGI Utilities, Inc., 1 UGI Drive, Denver, PA 17517, submitted a Final Report concerning remediation of soil contaminated with transformer oil. The Final Report is intended to document remediation of the site to meet the Statewide health standards.

PPL Delano Transformer Oil Release, Primary Facility ID # **877938**, 96 Hazle Street, Delano, PA 18220, Delano Township, **Schuylkill County**. Penn Environmental & Remediation, 13180 Route 6, Mansfield, PA 16933, on behalf of PPL Electric Utilities Corporation, 1639 Church Road, Allentown, PA 18104, submitted a Final Report concerning remediation of soil contaminated with transformer oil. The Final Report is intended to document remediation of the site to meet the Statewide health 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.

Bortz Chainsaw Shop, Primary Facility ID # **877631**, 45 Bortz Road, Oley, PA 19547, Oley Township, **Berks County**. Element Environmental Solutions, Inc., P.O. Box 921, Adamstown, PA 19501, on behalf of Bortz Chainsaw Shop, 45 Bortz Road, Oley, PA 19547, submitted a Final

Report concerning remediation of soil contaminated with Chainsaw Bar Oil. The Final Report is intended to document remediation of the site to meet the Statewide health standards.

Bortz Chainsaw Shop, Primary Facility ID # **877631**, 45 Bortz Road, Oley, PA 19547, Oley Township, **Berks County**. Element Environmental Solutions, Inc., P.O. Box 921, Adamstown, PA 19501, on behalf of Cityline Construction, 822 West Hamilton Street, Suite 301, Allentown, PA 18101, submitted a Final Report concerning remediation of soil contaminated with Chainsaw Bar Oil. The Final Report is intended to document remediation of the site to meet the Statewide health standards.

Justin Rose Residence, Primary Facility ID # **877282**, 2661 West Philadelphia Avenue, Oley, PA 19547, Oley Township, **Berks County**. EnviroSure, Inc., 1 North Bacton Hill Road, Suite 208, Malvern, PA 19355, on behalf of Mr. Justin Rose, 2661 West Philadelphia Avenue, Oley, PA 19547, submitted a Final Report concerning remediation of soil contaminated with No. 2 Fuel Oil. The Final Report is intended to document remediation of the site to meet the Statewide health standards.

2460 New Holland Pike, Primary Facility ID # **869304**, 2460 New Holland Pike, Lancaster, PA 17601, Upper Leacock Township, **Lancaster County**. Rettew Associates, Inc., 3020 Columbia Avenue, Lancaster, PA 17603, on behalf of Leacock New Holland Real Estate, Inc., 2425 New Holland Pike, Mail Station G-200, Lancaster, PA 17603, submitted a Final Report concerning remediation of soil and groundwater contaminated with Petroleum Products. The Final Report is intended to document remediation of the site to meet the Statewide health standards.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995 PREAMBLE 3

The Department Has Taken Action on the Following Plans and Reports Under the Land Recycling and Environmental Remediation Standards Act (35 P.S. §§ 6026.101—6026.907).

Section 250.8 of 25 Pa. Code and administration of the Land Recycling and Environmental Remediation Standards Act (act) require the Department of Environmental Protection (DEP) to publish in the *Pennsylvania Bulletin* a notice of its final actions on plans and reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the remediation standards of the act. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis of selecting the environmental media of concern, documentation supporting the selection of residential or non-residential exposure factors, a description of the remediation performed and summaries of sampling methodology and analytical results which demonstrate that the remediation has attained the cleanup standard selected. Plans and reports required by the act for compliance with selection of remediation to a site-specific standard, in addition to a final report, include a remedial investigation report, risk assessment report and cleanup plan. A remedial investigation report includes conclusions from the site investigation; concentration of regulated substances in environmental media; benefits of reuse of the property; and, in some circumstances, a fate and transport analysis. If required, a risk assessment report describes poten-

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

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

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

The DEP has received the following plans and reports.

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

Contact: Eric Supey, Environmental Program Manager.

Pitt Ohio Express Hazleton, Primary Facility ID # **873807**, 588 Oak Ridge Road, Hazleton, PA 18201, Hazle Township, **Luzerne County**. Geo-Technology Associates, 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 demonstrated attainment of the Statewide health standards. Approved: August 23, 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 Final Report concerning remediation of soil contaminated with arsenic, antimony, cadmium, trivalent chromium, hexavalent chromium, cobalt, iron, lead, manganese, nickel, vanadium, and zinc. The Final Report demonstrated attainment of the Statewide health and background standards. Approved: August 23, 2024.

NFG Linesville Spill, Primary Facility ID # **877086**, 12352 Linesville Road, Linesville, PA 16424, Linesville Borough, **Crawford County**. Environmental Remediation & Recovery, Inc., 4250 Route 6N, Edinboro, PA 16412, on behalf of National Fuel Gas Distribution Corp., P.O. Box 2081, 1100 State Street, Erie, PA 16502, submitted a Final Report concerning remediation of soil contaminated with benzene, toluene, ethyl benzene, cumene, methyl tert-butyl ether, naphthalene, 1,2,4-trimethylbenzene, and 1,3,5-trimethylbenzene. The Final Report demonstrated attainment of the Statewide health standards. Approved: August 23, 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.

Charlene Kane Property, Primary Facility ID # **874283**, 28404 Route 35 North, Oakland Mills, PA 17076, Fayette Township, **Juniata County**. McKee Environmental, Inc., 86 Quartz Drive, Bellefonte, PA 16823, on behalf of Ms. Charlene Kane, 28404 Route 35 North, Oakland Mills, PA 17076, submitted a Final Report concerning remediation of soil contaminated with Heating Oil. The Final Report demonstrated attainment of the Statewide health standards. Approved: August 21, 2024.

HAZARDOUS WASTE TRANSPORTER LICENSE

Action(s) Taken on Hazardous Waste Transporter License Under the Solid Waste Management Act of July 7, 1980 (P.L. 380, No. 97) (35 P.S. §§ 6018.101—6018.1003); and Hazardous Waste Regulations to Transport Hazardous Waste.

New Transporter License Issued

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

Contact: Jonathan Adams.

Bogg Express, LLC, 2300 Seymour Ave, Cincinnati, OH 45212. License No. **PA-AH0954**. Application received: June 12, 2024. Effective July 16, 2024.

PDQuality Transport LLC, P.O. Box 105, Williamsburg, PA 16693. License No. **PA-AH0955**. Application received: June 17, 2024. Effective July 30, 2024.

Transporter License Expired

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

Contact: Jonathan Adams.

US Industrial Technologies, Inc., 12000 Globe Street, Livonia, MI 48150. License No. **PA-AH0747**. Application received: August 1, 2024. Effective August 1, 2024.

CCI Transportation Group LLC, 25600 Brest Road, Taylor, MI 48180. License No. **PA-AH0902**. Application received: August 1, 2024. Effective August 1, 2024.

Transporter License Reissued

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

Contact: Jonathan Adams.

Pioneer Tank Lines, Inc., 12501 Hudson Road South, Afton, MN 55001. License No. **PA-AH0600**. Application received: June 26, 2024. Effective August 14, 2024.

TNI (USA), Inc., d/b/a AATCO, 8141 E. 7th Street, Joplin, MO 64801. License No. **PA-AH0604**. Application received: July 30, 2024. Effective August 14, 2024.

HPC Industrial Services, LLC, 42 Longwater Dr., Norwell, MA 02061. License No. **PA-AH0694**. Application received: August 6, 2024. Effective August 14, 2024.

Resource Environmental Management, Inc., 50 Maple Street, Montrose, PA 18801. License No. **PA-AH0875**. Application received: June 26, 2024. Effective August 14, 2024.

Flaw, Inc., d/b/a Recycle Oil Company, 1600 S 25th Street, Easton, PA 18042. License No. **PA-AH0904**. Application received: June 6, 2024. Effective August 14, 2024.

Eldredge, Inc., 898 Fern Hill Road, West Chester, PA 19380. License No. **PA-AH0056**. Application received: July 16, 2024. Effective July 24, 2024.

Maumee Express, Inc., P.O. Box 278, Somerville, NJ 08876. License No. **PA-AH0420**. Application received: July 9, 2024. Effective July 23, 2024.

McVac Environmental Services, Inc., 481 Grand Ave., New Haven, CT 06513. License No. **PA-AH0801**. Application received: July 9, 2024. Effective July 23, 2024.

Sioux Services, LCL, 6 Hall Road, Pottsville, PA 17901. License No. **PA-AH0816**. Application received: July 11, 2024. Effective July 17, 2024.

Innovative Recycling Technologies, Inc., 690 North Queens Ave., Lindenhurst, NY 11757. License No. **PA-AH0849**. Application received: July 2, 2024. Effective July 24, 2024.

Apollos Waters, LLC, 108 W 1250 S, Battle Ground, IN 47920. License No. **PA-AH0922**. Application received: July 8, 2024. Effective July 24, 2024.

ARM NE LLC, 1675 Old Trail Road, Etters, PA 17319. License No. **PA-AH0927**. Application received: July 16, 2024. Effective July 24, 2024.

Transporter License Voluntarily Terminated

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

Contact: Jonathan Adams.

Envirite of Pennsylvania, Inc., d/b/a EQ Pennsylvania, 730 Vogelsong Road, York, PA 17404. License No. **PA-AH0549**. Application received: July 15, 2024. Effective July 15, 2024.

REGULATED MEDICAL AND CHEMOTHERAPEUTIC WASTE TRANSPORTER LICENSE

Action(s) Taken on Regulated and Chemotherapeutic Waste Transporter License Under the Solid Waste Management Act of July 7, 1980 (P.L. 380, No. 97) (35 P.S. §§ 6018.101—6018.1003); Act 93 of June 28, 1988 (P.L. 525, No. 93); and Regulated Medical and Chemotherapeutic Regulations to Transport Regulated Medical and Chemotherapeutic Waste.

Transporter License Expired

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

Contact: Jonathan Adams.

Chesapeake Waste Solutions LLC, 190 Shellyland Road, Manheim, PA 17545. License No. **PA-HC0283**. Received on August 1, 2024. Effective August 1, 2024.

Transporter License Reissued

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

Contact: Jonathan Adams.

Veolia ES Technical Solutions, LLC, 1 Eden Lane, Flanders, NJ 07836. License No. **PA-HC 0221**. Received on July 2, 2024. Effective August 14, 2024.

Sioux Services LLC, 6 Hall Road, Pottsville, PA 17901. License No. **PA-HC0258**. Received on July 11, 2024. Effective July 17, 2024.

Triumvirate Environmental Services, Inc., 3701 SW 47th Ave., Davie, FL 33314. License No. **PA-HC0272**. Received on July 16, 2024. Effective July 24, 2024.

DETERMINATION OF APPLICABILITY FOR RESIDUAL WASTE GENERAL PERMITS

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

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

Contact: Carrie A. Fleming, Program Manager.

WMGR081SC006. Responsible Recycling Services, LLC, 805 Tomahawk Drive, Kutztown, PA 19530, Maxatawny Township, **Berks County**. This permit authorizes the processing by disassembling, mechanical processing (by sizing, shaping, separating and volume reduction only), and associated storage prior to reuse or recycling at the processing or transfer facility, of uncontaminated and source-separated electronic devices. Application received: January 23, 2024. Issued: August 23, 2024.

Persons interested in reviewing the permit may contact Carrie A. Fleming, Program Manager, 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.

AIR QUALITY

Actions(s) Taken on General Plan Approval(s) and Operating Permit(s) Usage Authorized Under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and 25 Pa. Code Chapter 127 to Construct, Modify, Reactivate or Operate Air Contamination Sources and Associated Air Cleaning Devices.

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

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

GP3-57-052B: Dushore Materials, LLC, 8724 Route 220, Dushore, PA 18614, Cherry Township, **Sullivan County**. The Department approved authorization to construct and operate one Extec C12 crusher rated at 400 tons per hour (tph), one Metso model LT106 crusher rated at 400 tph, and one Sandvik QE330 screener rated at 100 tph pursuant to the General Plan Approval and/or General Operating Permit for Portable Nonmetallic Mineral Processing Plants (BAQ-PGPA/GP-3) at the Dushore Ma-

terials Quarry. Application received: August 1, 2024. Authorized: August 22, 2024. Expiration date: August 21, 2029.

GP9-57-052B: Dushore Materials, LLC, 8724 Route 220, Dushore, PA 18614, Cherry Township, **Sullivan County**. The Department approved authorization to construct and operate one 350 bhp Deutz AG 9157011 diesel-fired engine to power an Extec crusher, one 302 bhp Caterpillar model C7.1 diesel-fired engine to power a Metso crusher and one 99 bhp Caterpillar model C4 diesel-fired engine to power a Sandvik vibratory screener pursuant to the General Plan Approval and/or General Operating Permit for Diesel or No. 2 fuel-fired Internal Combustion Engines (BAQ-GPA/GP-9) at the Dushore Materials Quarry. Application received: August 1, 2024. Authorized: August 22, 2024. Expiration date: August 21, 2029.

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

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

GP3-35-004G: Bell Mountain Land Development Corp., 7 Oakwood Drive, Scranton, PA 18504, Dickson City Borough, **Lackawanna County**. Installation and operation of a portable crushing operation with water sprays Application received: August 5, 2024. Issued: August 21, 2024.

CP9-35-006G: Bell Mountain Land Development Corp., 7 Oakwood Drive, Scranton, PA 18504, Dickson City Borough, **Lackawanna County**. Installation and operation of diesel IC Engines Application received: August 5, 2024. Issued: August 21, 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.

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. Army/Letterkenny Army Depot, AMLD-EN, Chambersburg, PA 17201-4150, Letterkenny Township, **Franklin County**. 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. Application received: October 12, 2023. Issued: August 23, 2024.

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

Contact: James Beach, New Source Review Chief, 484-250-5920.

09-0210C: Waste Management of Fairless, LLC, Old Bordentown Rd and Steel Rd S, Fairless Hills, PA 19030, Falls Township, **Bucks County**. This plan approval is for a proposed 63.5-acres expansion of the Fairless landfill. The current landfill is permitted for 47.4 million bank cubic yards, 27.9 million tons of municipal solid waste (MSW) and covers 330.5 acres. The expansion will increase this capacity by 27.18 million bank cubic yards

and allow an additional 20.51 million tons of MSW to be placed in the landfill. Application received: August 10, 2023. Issued: August 20, 2024.

09-0245: Penn Engineering and Manufacturing Corp., 5190 Old Beaston Rd, Danboro, PA 18916, Plumstead Township, **Bucks County**. This action is for the extension for the installation and shakedown operation of an automated barrel plating system and its related air pollution control technology equipment, including a packed-bed scrubber. Application received: August 14, 2024. Issued: August 23, 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.

30-00818: McElroy Green MKT LLC, 601 Travis Street, Suite 1900, Houston, TX 77002, Gilmore Township, **Greene County**. The Department has evaluated and approved the request for a plan approval extension for one (1) 24.65 MMBtu/hr Cimarron ECD-60" enclosed flare with pilot light, one (1) 24.65 MMBtu/hr Cimarron ECD-60" enclosed flare with pilot light, and one (1) 82.94 MMBtu/hr KEM Equipment, Inc. 15S-857-WHG methane exhauster engine. Application received: August 16, 2024. Authorized: August 20, 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.

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

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

IP24-000177: Clean Earth of Philadelphia, LLC, 3201 S. 61st Street, Philadelphia, PA 19153, City of Philadelphia, **Philadelphia County**. The City of Philadelphia, Air Management Services (AMS) on August 16, 2024, issued Plan Approval No. IP24-000177 to Clean Earth of Philadelphia, LLC (3201 S. 61st St., Philadelphia, PA 19153), to extend Plan Approval No. IP20-000150 dated March 20, 2023, for installing One (1) Thermal Desorption Unit (TDU) with a processing capacity of 65 tons/hour of contaminated soil. The ASTEC TDU replaces the previous Tarmac TDU. The TDU is equipped to burn both natural gas and propane and rated at 84 MMBtu/hr. The control devices associated with previous Tarmac TDU will be replaced with the following control devices for the ASTEC TDU: two (2) cyclone separators, one (1) thermal oxidizer, and one (1) baghouse. There potential emissions from the project will be as follows, Pollutant Emission Limitation *Total Suspended Particulates (TSP) 6.1 pounds of TSP per hour and 11 tons of TSP per twelve-month rolling period. Particulate Matter less than 10 microns (PM₁₀) 6.1 pounds of PM₁₀ per hour and 11 tons of PM₁₀ per twelve-month rolling period. Sulfur Dioxide (SO₂) 21.2 pounds of SO₂ per hour and 38 tons of SO₂ per twelve-month rolling period. Maximum monthly average of 310 ppm of SO₂ by volume adjusted to 12% carbon dioxide and annual average of 250 ppm of SO₂ by volume adjusted to 12% carbon dioxide. [AMR III, Sec. I.A.(2)(a)] Carbon Monoxide (CO) 5.7 pounds of CO per hour and 10.2 tons of CO per twelve-month rolling period. Nitrogen Dioxide (NO₂) 12.7 pounds of NO₂ per hour and less than 23 tons of NO₂ per twelve-month rolling period.

Volatile Organic Compounds (VOC) 3.3 pounds of VOC per hour and 5.9 tons of VOC per twelve-month rolling period. Benzene (C6H6) 1.0 pounds of C6H6 per hour and 1.7 tons of C6H6 per twelve-month rolling period. Visible Emissions Less than 60% opacity at all times and less than 20% opacity except for a period or periods aggregating less than or equal to three minutes in any one hour. The plan approval will contain operating, monitoring and recordkeeping requirements to ensure operation within all applicable requirements. The extension is effective until February 16, 2026. Application received: July 17, 2024. Issued: August 16, 2024.

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

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

67-05092I: Starbucks Coffee Company, 3000 Espresso Way, York, PA 17406, East Manchester Township, **York County**. For the installation of a new roasting train to replace the existing Roasting Train No. 3 and new chaff press cartridge collector to supplement the existing fabric collector at the facility. The new roasting train will include the following equipment: two preheaters, two roasters, two cooling trays, two destoners, two regenerative thermal oxidizers (RTO), and four cyclones. The following existing equipment will be removed: two roasters, two cooling trays, two catalytic oxidizers, and two cyclones. The plan approval was extended. Application received: August 9, 2024. Issued: August 20, 2024.

67-05001E: Magnesita Refractories Co., 425 South Salem Church Road, York, PA 17408-5955, West Manchester Township, **York County**. For the refractory manufacturing facility. Plan Approval No. 67-05001E authorizes the increased capacity in the facility's rotary kilns. The rotary kilns and cure oven will be fitted with additional natural gas burners to increase production by an estimated 118 tons product per hour. The rotary kilns will have additional NO_x and SO_x controls installed as part of this plan approval. The plan approval was extended. Application received: August 6, 2024. Issued: August 23, 2024.

07-05034A: Pennsylvania Department of Military Veteran's Affairs, 184 Veterans Boulevard, Hollidaysburg, PA 16648, Allegheny Township, **Blair County**. For the installation and operation of a 16.8 MMBtu/hr replacement steam boiler at the Hollidaysburg Veterans Home. The plan approval was extended. Application received: August 20, 2024. Issued: August 23, 2024.

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

06-03102B: The City of Reading, 815 Washington Street, Reading, PA 19601, City of Reading, **Berks County**. For upgrades to the Reading Waste Water Treatment Plant on Fritz Island. The plan approval was extended. Application received: August 7, 2024. Issued: August 16, 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.

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

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

OP20-000010: Jules E. Mastbaum Area Vocational Technical High School, 3116 Frankford Ave, Philadelphia, PA 19134, City of Philadelphia, **Philadelphia County**. The City of Philadelphia, Air Management Services (AMS) issued on August 22, 2024, an initial Natural Minor Operating Permit (NMOP) for the following facility: OP20-000010: Jules E. Mastbaum Area Vocational Technical High School (3116 Frankford Ave, Philadelphia, PA 19134-3827), for the operation of an academic school building in the City of Philadelphia, Philadelphia County. The facility air emission sources are: • 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. Application received: July 17, 2024. Issued: August 22, 2024.

OP21-000052: Widener Memorial School, 1450 West Olney Avenue, Philadelphia, PA 19141-2316, City of Philadelphia, **Philadelphia County**. The City of Philadelphia, Air Management Services (AMS) issued 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) 6.5MMBtu/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. Application received: December 15, 2021. Issued: August 22, 2024 August 26, 2024.

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

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

67-03038: Yoe Construction, Inc., 775 Lombard Road, P.O. Box 285, Red Lion, PA 17356-8226, Windsor Township, **York County**. For the structural steel manufacturing facility. The State-Only permit was renewed. Application received: June 7, 2024. Issued: August 20, 2024.

01-05006: Orrtanna Power, LLC, 1890 Granite Station Road, Gettysburg, PA 17325, Highland Township, **Adams County**. For the Orrtanna electric generating station. The State-Only permit was renewed. Application received: May 8, 2024. Issued: August 20, 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.

23-00077: Delaware County/Fair Acres Complex, 201 W Front St, Government Center Building, Media, PA 19063-2708, Middletown Township, **Delaware County**. This action is for the renewal of an Air Quality Program, Synthetic Minor, Operating Permit for a facility consisting of geriatric care facility, a juvenile detention facility, an emergency response center, and a crime lab located on adjacent properties. Application received: September 11, 2023. Issued: August 23, 2024.

46-00101: Sonoco Metal Packaging/Horsham, 431 Privet Rd, Horsham, PA 19044-1220, Horsham Township, **Montgomery County**. 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. Application received: April 19, 2024. Issued: August 26, 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.

46-00298: GlaxoSmithKline, 709 Swedeland Rd, King of Prussia, PA 19406, Upper Merion Township, **Montgomery County**. This action is for an Administrative Amendment of the Title V Operating Permit issued under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and 25 Pa. Code § 127.450. The Administrative Amendment incorporates terms and conditions of Plan Approval No. 46-0298 which is for the installation and operation of a new 600-kw electric generator (EGEN) powered by a 909-hp diesel-fired engine (Source ID 110). The requirements of 40 CFR Part 60 Subpart IIII—New Source Performance Standards for Compression Ignition Internal Combustion Engines apply to the new stationary compression ignition, internal combustion engines. The amended permit will include monitoring, recordkeeping, and reporting requirements designed to keep the facility within all applicable air quality requirements. Application received: August 8, 2024. Issued: August 26, 2024.

ACTIONS ON COAL AND NONCOAL APPLICATIONS

Actions on applications under the Surface Mining Conservation and Reclamation Act (52 P.S. §§ 1396.1—1396.31); the Noncoal Surface Mining Conservation and Reclamation Act (52 P.S. §§ 3301—3326); the Clean Streams Law (35 P.S. §§ 691.1—691.1001); the Coal Refuse Disposal Control Act (52 P.S. §§ 30.51—30.66); the Bituminous Mine Subsidence and Land Conservation Act (52 P.S. §§ 1406.1—1406.21). The final action on each application also constitutes action on the National Pollutant Discharge Elimination System (NPDES) permit application and, if noted, the request for a Section 401 Water Quality Certification. Mining activity permits issued in response to such applications will also address the application permitting requirements of the following statutes; the Air Quality Control Act (35 P.S. §§ 4001—4015); the Dam Safety and Encroachments Act (32 P.S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P.S. §§ 6018.101—6018.1103). Individuals in need of accommodations should contact DEP through the Pennsylvania Hamilton Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

Coal Permits

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

Contact: Bonnie Herbert, Clerical Assistant 3.

Mining Permit No. 03991301. NPDES No. PA0235407. Rosebud Mining Company, 301 Market Street, Kittanning, PA 16201, Bethel Township, **Armstrong County**. To renew the NPDES Permit only. Application received: February 8, 2021. Accepted: May 13, 2021. Issued: August 15, 2024.

Mining Permit No. 32841317. NPDES No. PA0236454. Rosebud Mining Company, 301 Market Street, Kittanning, PA 16201, Yough and Conemaugh Townships, **Indiana County**. To renew the NPDES permit only. Application received: May 25, 2021. Accepted: August 13, 2021. Issued: August 15, 2024.

Mining Permit No. 56111301. NPDES No. PA0236071. LCT Energy, LP, 938 Mt. Airy Drive, Suite 200, Johnstown, PA 15904, Summit Township and Garrett Borough, **Somerset County**. To renew the NPDES Permit only. Application received: June 29, 2023. Accepted: August 3, 2023. Issued: August 14, 2024.

Mining Permit No. GP12-32051301-R26. Rosebud Mining Company, 301 Market Street, Kittanning, PA 16201, Buffington Township, **Indiana County**. To renew the GP12 permit only. Approval is authorized under General Permit BAQ-GPA/GP12 and is required to meet all applicable limitations, terms, and conditions of authorization GP12-32051301-R26. Application received: January 23, 2024. Accepted: February 23, 2024. Issued: August 15, 2024.

Mining Permit No. GP12-56111303-R8. LCT Energy, LP, 938 Mt. Airy Drive, Suite 200, Johnstown, PA 15904, Conemaugh Township, **Somerset County**. To renew the GP12 Permit only. Approval is authorized under General Permit BAQ-GPA/GP12 and is required to meet all applicable limitations, terms, and conditions of authorization GP12-56111303-R8. Application received: November 15, 2023. Accepted: January 10, 2024. Issued: May 29, 2024.

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

Contact: RA-EPCAMBRIADMO@pa.gov.

Mining Permit No. 05753004. J & J Svonavec Excavating, Inc., 110 Windermere Lane, Somerset, PA 15501, Broad Top and Carbon Townships, **Bedford and Huntingdon Counties**. Permit renewal for reclamation only of a bituminous surface mine affecting 222.1 acres. Receiving streams: unnamed tributaries to/and Coal Bank Run, classified for the following use: WWF. Application received: August 21, 2024. Permit issued: August 21, 2024.

Mining Permit No. 56100105. NPDES No. PA0263079. Heritage Coal & Natural Res LLC, 550 Beagle Road, Rockwood, PA 15557, Black Township, **Somerset County**. Transfer of a bituminous surface mine from Wilson Creek Energy, LLC, P.O. Box 260, Friedens, PA 15541 affecting 149.3 acres. Receiving streams: Coxes Creek and Wilson Creek classified for the following uses: WWF. Application received: December 27, 2023. Permit issued: August 21, 2024.

Mining Permit No. 56841612. NPDES No. PA0588491. Heritage Coal & Natural Res LLC, 550 Beagle Road, Rockwood, PA 15557, Black Township, **Somerset County**. Transfer of a coal preparation plant mine and land change to industrial land use from Wilson Creek Energy, LLC, P.O. Box 260, Friedens, PA 15541 affecting 43.0 acres. Receiving streams: Coxes Creek classified for the following uses: WWF. Application received: December 27, 2023. Permit issued: August 21, 2024.

Mining Permit No. 56180103. NPDES No. PA0279650. Heritage Coal & Natural Res LLC, 1117 Shaw Mines Road, Meyersdale, PA 15552, Brothersvalley and Summit Townships, **Somerset County**. Permit renewal for continued operation and restoration of a bituminous surface and auger mine affecting 58.1 acres. Receiv-

ing stream: Bear Run, classified for the following use: CWF. Application received: February 13, 2024. Permit issued: August 21, 2024.

Mining Permit No. 56130111. NPDES No. PA0269361. Coal Loaders, Inc., 210 East Main Street, P.O. Box 556, Ligonier, PA 15658, Stonycreek Township, **Somerset County**. NPDES Renewal for the continued operation and restoration of a bituminous surface & auger mine affecting 44.9 acres. Receiving stream: Stonycreek River, classified for the following use: CWF. Application received: February 27, 2024. Permit issued: August 23, 2024.

New Stanton District Mining Office: 131 Broadview Road, New Stanton, PA 15672, 724-925-5500.

Contact: Tracy Norbert, 724.925.5500, RA-EPNEW STANTON@pa.gov.

Mining Permit No. 3378BC21. PA0251348. Milrock Mining, Inc., 960 Penn Avenue, Suite 400, Pittsburgh, PA 15222, Wharton and Henry Clay Townships, **Fayette County**. Permit renewal for continued treatment of an existing surface mine and associated NPDES permit. Receiving stream is unnamed tributary to Fike Run, classified for the following use: HQ-CWF. Application received: January 10, 2024. Issued: August 21, 2024.

ACTIONS ON BLASTING ACTIVITY APPLICATIONS

Action(s) Taken on Application(s) Under the Explosives Acts of 1937 and 1957 and 25 Pa. Code § 211.124. Blasting Activity Performed as Part of a Coal or Noncoal Mining Activity will be Regulated by the Mining Permit for that Coal or Noncoal Mining Activity.

Blasting Permits

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

Contact: RA-EPPottsvilleDMO@pa.gov.

Permit No. 06244105. Maine Drilling & Blasting, Inc., P.O. Box 1140, Gardiner, ME 04345, Ontelaunee Township, **Berks County**. Construction blasting for Project Reitnouer Warehouse. Application received: August 13, 2024. Permit issued: August 21, 2024. Expiration date: August 31, 2025.

Permit No. 36244128. Keystone Blasting Service, 15 Hopeland Road, Lititz, PA 17543, East Cocalico Township, **Lancaster County**. Construction blast to take rock out of field. Application received: August 17, 2024. Permit issued: August 21, 2024. Expiration date: December 30, 2024.

Permit No. 45244105. Maurer & Scott Sales, Inc., 122 Thomas Street, Coopersburg, PA 18036, Pocono Township, **Monroe County**. Construction blasting for Swiftwater Solar Farm. Application received: August 14, 2024. Permit issued: August 21, 2024. Expiration date: August 15, 2025.

Permit No. 52244101. Holbert Explosives, Inc., 237 Mast Hope Plank Road, Suite A, Lackawaxen, PA 18435, Lackawaxen Township, **Pike County**. Construction blasting for William Radzieski foundation. Application received: August 14, 2024. Permit issued: August 21, 2024. Expiration date: August 14, 2025.

Permit No. 36244129. Keystone Blasting Service, 15 Hopeland Road, Lititz, PA 17543, Brecknock Township, **Lancaster County**. Construction blasting for Hawk Val-

ley Estates Phase 4. Application received: August 22, 2024. Permit issued: August 26, 2024. Expiration date: August 30, 2024.

Permit No. 67244107. Maine Drilling & Blasting, Inc., P.O. Box 1140, Gardiner, ME 04345, Fairview Township, **York County**. Construction blasting for Sienna Development. Application received: August 21, 2024. Permit issued: August 26, 2024. Expiration date: August 21, 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.

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

Contact: Clarissa Alcorn, Aquatic Biologist 2, 570-321-6525, RA-EPWW-NCRO@pa.gov.

E5904224-005. Watrous Water Association, 2430 Elk Run Road, RR 1, Box 114, Gaines, PA 16921, Gaines Township and West Branch Township, **Tioga County**. U.S. Army Corps of Engineers Baltimore District.

The applicant is constructing a 3" and 8" PVC water main along public road shoulders from Galeton to the Village of Watrous. The project will connect to a new 3" main constructed during Phase 1 of this project in Gaines Township, Tioga County. This phase includes the connection from Phase 1 along Hanky Panky Road, Yahn Road, and Clinton Street to connect to the existing system at the intersection of Clinton Street and Mill Street in Galeton Borough. The project includes a stream crossing of a UNT to Pine Creek and a crossing of Pine Creek (EV, MF) using horizontal directional drilling. No wetland impacts are proposed as part of the project construction, and no threatened or endangered species are known to exist within the project area. Latitude: 41°, 44', 11.13", Longitude: -78°, 38', 2.71". Application received: April 25, 2024. Issued: August 12, 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.

E4502224-004. Dansbury Properties, LLC, 20 Lenox Avenue, East Stroudsburg, PA 18360, East Stroudsburg Borough, **Monroe County**. U.S. Army Corps of Engineers Philadelphia District.

To construct and maintain the following water obstructions and encroachments associated with the Dansbury Properties Project: 1) To remove an existing stream enclosure and to construct and maintain a stream enclosure within a UNT to Little Sambo Creek (TSF, MF) consisting of two (2) 128-LF, 42-inch diameter reinforced concrete pipes, a 70-LF reinforced concrete pipe, and a concrete inlet box. 2) A stormwater outfall within an enclosed portion of a UNT to Little Sambo Creek (TSF, MF) consisting of a 30-inch diameter reinforced concrete pipe. The project is located directly north of the intersection of Henry Street and North Courtland (East Stroudsburg, PA Quadrangle Latitude: 41°, 8', 42.6"; Longitude: -75°, 21', 42.9") in East Stroudsburg Borough, Monroe County. Latitude: 41°, 8', 42.6", Longitude: -75°, 21', 42.9". Application received: April 9, 2024. Issued: August 22, 2024.

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.

The Division of Wetlands, Encroachments, and Training has approved the restoration plan to remove approximately 2,800 cubic yards of legacy sediment and other historic fills from the floodplain along three unnamed tributaries to the Conestoga River (WWF-MF), for the purpose of restoring natural aquatic resources including approximately 1.5 acres of integrated wetland, stream,

and floodplain areas; to realign 1,900 linear feet of stream for the purpose of restoring watercourses; 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 Highway US-30, between Homeland Drive and New Holland Pike in Manheim Township, Lancaster County PA. Latitude: 40.0600565°, Longitude: -76.281671°. Application received: March 26, 2024. Approved: August 22, 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 ESG294124003-00

Applicant Name **Range Resources Appalachia LLC**
Contact Person Karl Matz
Address 3000 Town Center Blvd
City, State, Zip Canonsburg, PA 15317-5839
Township(s) Jackson Township
County **Lycoming County**
Receiving Stream(s) and Classification(s) UNT to Blockhouse Creek (CWF, MF), Grays Run (EV)
Application received: May 15, 2024
Issued: August 21, 2024

ESCGP # 3 ESG290824017-00

Applicant Name **Appalachia Midstream Services LLC**
Contact Person Adam Weightman
Address 30351 Route 6
City, State, Zip Wysox, PA 18854
Township(s) Overton Township
County **Bradford County**

Receiving Stream(s) and Classification(s)
Chilson Run (HQ-CWF, MF), UNT to Millstone Creek
(HQ-CWF, MF)

Application received: July 8, 2024
Issued: August 22, 2024

ESCGP # 3 **ESG295324002-00**

Applicant Name **Greylock Production LLC**

Contact Person Gavin Reed

Address 500 Corporate Landing
City, State, Zip Charleston, WV 25311-1264

Township(s) Hector Township

County **Potter County**

Receiving Stream(s) and Classification(s)

UNT (22246) to Tubbs Hollow (HQ-CWF, MF), Scott
Hollow (HQ-CWF, MF)

Application received: June 21, 2024
Issued: August 26, 2024

*Northwest Region: Oil and Gas Management Program,
230 Chestnut Street, Meadville, PA 16335-3481, 814-332-
6945.*

Contact: RA-EPOILGASDROPBOX@pa.gov.

ESCGP # 3 **ESX140050009-02**

Applicant Name **Snyder Brothers Inc.**

Contact Person Carl Rose

Address P.O. Box 1022

City, State, Zip Kittanning, PA 16201

Township(s) East Franklin Township

County **Armstrong County**

Receiving Stream(s) and Classification(s) Tributary 46964
to Allegheny River (WWF)

Application received: June 6, 2024
Issued: August 21, 2024

*Southwest District: Oil and Gas Management Program,
400 Waterfront Drive, Pittsburgh, PA 15222-4745.*

Contact: RA-EPSW-OGSUBMISSION@pa.gov.

ESCP # **ESP07022400200E**

Applicant Name **Range Resources Appalachia LLC—
Semerod Clinton 18160 Well Site**

Contact Person Karl Matz, (724) 873-3090

kmatz@rangeresources.com

Address 0.5 mile south of Seabright Road and Commo-
dore Drive

City, State, Zip McDonald, PA 15057

Township(s) North Fayette Township

County **Allegheny County**

Receiving Stream(s) and Classification(s) 001. Lat
40.41301, Long -80.26416, UNT to North Branch Robin-
son Creek, Ch 93 Class WWF 002. Lat 40.41182, Long
-80.26188, UNT to North Branch Robinson Creek, Ch
93 class WWF 003. Lat 40.40985, Long -80.26111, UNT
to North Branch Robinson Creek, Ch 93 class WWF

Application received: April 2, 2024
Issued: August 23, 2024

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

Contact: RA-EPSW-OGSUBMISSION@pa.gov.

ESCGP # 3 **ESG076324005-00**

Applicant Name **EQM Gathering OPCO LLC—
NIMCS005 Pipelines**

Contact Person Kirsten Kiesel, Senior Environmental
Coordinator, (412) 660-0979,

kkiesel@equitransmidstream.com

Address 0.4 mile south of Lobbs Run Road and Finleyville
Elrama Road

City, State, Zip Finleyville, PA 15301

Township(s) Union Township

County **Washington County**

Receiving Stream(s) and Classification(s) 001. Lat
40.25006, Long -79.87367, UNTs to Peters Creek, Ch
93. Class TSF 002. Lat 40.25633, Long -79.96516,
Lobbs Run, Ch 93. Class WWF

Application received: June 7, 2024

Issued: August 22, 2024

CORRECTIVE ACTION UNDER ACT 32, 1989

PREAMBLE 2

**The Following Plan(s) and Report(s) Were Submit-
ted 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 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.

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

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

DEP has received the following plans and reports.

*Northcentral Region: Environmental Cleanup & Brown-
fields Program, 208 W. 3rd Street, Suite 101, Williams-
port, PA 17701-6448, 570-327-3636.*

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

55-98129, Storage Tank Facility ID # 21 Susquehanna Valley Mall Drive Property, 21 Susquehanna Valley Mall Drive, Selinsgrove, PA 17870, Monroe Township, **Snyder County**. LaBella Associates, PC, 1000 Dunham Drive, Suite B, Dunmore, PA 18512, on behalf of Susquehanna Valley Medical & Surgical Park, LLC, 270 Susquehanna Valley Mall Drive, Suite 300, Selinsgrove, PA 17870, submitted a Remedial Action Completion Report concerning remediation of soil and groundwater contaminated with unleaded and leaded gasoline. The report is intended to document the remedial actions for meeting residential 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.

Raceway Truck Stop, Storage Tank Facility ID # **54-50984**, 10 Molleystown Road, Pine Grove, PA 17963, Tremont Township, **Schuylkill County**. MEA, 1365 Ackermanville Road, Bangor, PA 18013, on behalf of Raceway Management Co., Inc., 2227 Scranton-Carbondale Highway, Scranton, PA 18508, submitted a Remedial Action Plan concerning remediation of soil and groundwater contaminated with diesel. The plan is intended to document the remedial actions for meeting Statewide health standards.

Old Dominion Freight Lines, Storage Tank Facility ID # **45-13152**, 2382 Route 715, Tannersville, PA 18372, Pocono Township, **Monroe County**. Burns & McDonnell Engineering Company, 1431 Opus Place, Suite 400, Downers Grove, IL 60515, on behalf of Old Dominion Freight Lines, Inc., 500 Old Dominion Way, Thomasville, NC 27360, submitted a Remedial Action Plan concerning remediation of groundwater contaminated with diesel. The plan is intended to document the remedial actions for meeting Statewide health standards.

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

Contact: Robin L. Yerger, LPG, 717-705-4705.

W.E. Schlegel HDWR & Grocery Store, Storage Tank Facility ID # **34-61027**, 24015 Route 333, Thompsonstown, PA 17094, Delaware Township, **Juniata County**. Keystone Environmental Health and Safety Services, Inc., 1111 12th Avenue, Altoona, PA 16603, on behalf of W.E. Schlegel HDWR & Grocery Store, 24015 Route 333, Thompsonstown, PA 17094, submitted a Remedial Action Plan concerning remediation of soil and groundwater contaminated with petroleum constituents. The plan is intended to document the remedial actions for meeting nonresidential site-specific standards.

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

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

Hertz Rent a Car, Storage Tank Facility ID # **51-44283**, 1 Arrivals Rd, Philadelphia, PA 19153, City of Philadelphia, **Philadelphia County**. EnviroTrac Ltd., 2 Terri Lane, Suite # 110, Burlington, NJ 08016, on behalf of The Hertz Corporation, 8501 Williams Road, Estero, FL 33928, submitted a Remedial Action Completion Report concerning remediation of soil and groundwater contaminated with petroleum products. The report is intended to document the remedial actions for meeting nonresidential Statewide health standards.

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

Contact: Janelle Hromyak, Clerical 2, 412-442-4091.

Verizon Stewarton PLT, Storage Tank Facility ID # **26-81980**, 685 Stewarton Road, Mill Run, PA 15464, Springfield Township, **Fayette County**. EnviroTrac Ltd., 176 Thorn Hill Road, Warrendale, PA 15086, on behalf of Verizon—Worldcom, 401 S High St, 2nd Fl., West Chester, PA 19382, submitted a Remedial Action Completion Report concerning remediation of groundwater contaminated

with diesel. The report is intended to document the remedial actions for meeting nonresidential Statewide health standards.

Contact: Janelle Hromyak, Clerk 2, 412-442-4091.

EH ALDRICH WTP, Storage Tank Facility ID # **63-19545**, 60 Elrama Ave, Elrama, PA 15038, Union Township, **Washington County**. Michael Baker International, 100 Airside Dr., Moon, PA 15108, on behalf of Pennsylvania American Water, 300 Galley Road, McMurray, PA 15317, submitted a Combined Remedial Action Plan and Remedial Action Completion Report concerning remediation of soil contaminated with Hydrofluorosilic Acid. The combined plan and report is intended to document the remedial actions for meeting nonresidential site-specific standards.

Contact: Janelle Hromyak, Clerk 2, 717-442-4091.

Tonys Auto Ctr, Storage Tank Facility ID # **02-81181**, 5607 Library Rd, Bethel Park, PA 15102-3531, Bethel Park Borough, **Allegheny County**. Core Environmental Services, Inc., 3960 William Flinn Highway, Suite 100, Allison Park, PA 15101, on behalf of Anthony Colavecchia, 5607 Library Road, Bethel Park, PA 15102, submitted a Combined Remedial Action Plan and Remedial Action Completion Report concerning remediation of soil and groundwater contaminated with unleaded gasoline and used motor oil. The combined plan and report is intended to document the remedial actions for meeting nonresidential site-specific standards.

CORRECTIVE ACTION UNDER ACT 32, 1989

PREAMBLE 3

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

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

A remedial action plan is submitted to summarize the site characterization, document the design and construction details for the remedial action, and describe how the remedial action will attain the selected remediation standard. The remedial action plan also provides results of studies performed and data collected to support the remedial action and a description of postremediation care requirements. A remedial action completion report is submitted to document cleanup of a release of a regulated substance at a site to the selected remediation standard. A remedial action completion report provides a 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.

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

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

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

DEP has received the following plans and reports.

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

Contact: Eric Supey, Environmental Program Manager.

Saylorsburg Gas, Storage Tank Facility ID # **45-35233**, 869 Route 115, Saylorsburg, PA 18353, Ross Township, **Monroe County**. MEA, 1365 Ackermanville Road, Bangor, PA 18354, on behalf of Saylorsburg Prop, LLC, 869 Route 115, Saylorsburg, PA 18353, submitted a Remedial Action Plan concerning remediation of soil and groundwater contaminated with diesel. The plan was acceptable to meet the Statewide health standards and was approved by DEP on August 21, 2024.

Ruja, Storage Tank Facility ID # **45-51194**, 1064 Scenic Drive, Kunkletown, PA 18058, Polk Township, **Monroe County**. LaBella Associates, 1000 Dunham Drive, Suite B, Dunmore, PA 18512, on behalf of Ruja, LLC, 1064, Kunkletown, PA 18058, submitted a Remedial Action Plan concerning remediation of soil and groundwater contaminated with petroleum. The plan was acceptable to meet the Statewide health standards and was approved by DEP on August 22, 2024.

Blue Mountain Travel Plaza, Storage Tank Facility 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, submitted a Remedial Action Plan concerning remediation of groundwater contaminated with gasoline. The plan was acceptable to meet the Statewide health standards and was approved by DEP on August 22, 2024.

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

Contact: Ben, 814-350-5132.

Stewarts Garage, Storage Tank Facility ID # **32-27496**, 13830 State Route 286, Clarksburg, PA 15275, Young Township, **Indiana County**. Letterle & Associates, Inc., 2859 Oxford Blvd, Allison Park, PA 15101, on behalf of Stewart's Garage, 13830 State Route 286, Clarksburg, PA 15725, submitted a Remedial Action Plan concerning remediation of soil and groundwater contaminated with unleaded gasoline. The plan was acceptable to meet the residential Statewide health standards and was approved by DEP on August 22, 2024.

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

Contact: Robin L. Yerger, LPG, 717-705-4705.

W.E. Schlegel HDWR & Grocery Store, Storage Tank Facility ID # **34-61027**, 24015 Route 333, Thompsontown, PA 17094, Delaware Township, **Juniata County**. Keystone Environmental Health and Safety Services, Inc., 1111 12th Avenue, Altoona, PA 16603, on behalf of W.E. Schlegel HDWR & Grocery Store, 24015 Route 333, Thompsontown, PA 17094, submitted a Remedial Action Plan concerning remediation of soil and groundwater contaminated with petroleum constituents.

The plan was acceptable to meet the nonresidential site-specific standards and was approved by DEP on August 12, 2024.

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.

Schlosser Steel, Storage Tank Facility ID # **46-40669**, 2641 East Township Line Road, 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 Completion Report concerning remediation of soil and groundwater contaminated with unleaded gasoline and diesel fuel. The report demonstrated attainment of the residential Statewide health standards and was approved by DEP on August 26, 2024.

SEPTA Germantown Garage, Storage Tank Facility ID # **51-07482**, 6725 Germantown Ave, Philadelphia, PA 19119, City of Philadelphia, **Philadelphia County**. Michael Baker International, Inc., 1818 Market Street, Suite 3100, Philadelphia, PA 19103, on behalf of SEPTA, 1234 Market Street, Philadelphia, PA 19107, submitted a Remedial Action Completion Report concerning remediation of soil and groundwater contaminated with petroleum products. The report demonstrated attainment of the nonresidential Statewide health and site-specific standards and was approved by DEP on August 21, 2024.

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

Contact: Janelle Hromyak, Clerical 2, 412-44-4091.

CIO 16 Beaver Falls, Storage Tank Facility ID # **04-30690**, 2614 8th Avenue, Beaver Falls, PA 15010-3704, City of Beaver Falls, **Beaver County**. KU Resources, Inc., 22 South Linden Street, Duquesne, PA 15110, on behalf of Center Independent Oil Real Estate, LP, 1057 Clinton Road, Pittsburgh, PA 15026, submitted a Remedial Action Plan concerning remediation of soil and groundwater contaminated with unleaded gasoline. The plan was acceptable to meet the nonresidential Statewide health standards and was approved by DEP on August 21, 2024.

SPECIAL NOTICES

WASTE, AIR, RADIATION AND REMEDIATION

Hazardous Sites Clean-Up Under The Act Of October 18, 1988 Public Notice Of Proposed Consent Order And Agreement.

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

Contact: Timothy Cherry, 484-250-5728.

Former Gryphin Coatings, Inc. Site, 3501 Philadelphia, PA, **Philadelphia County**.

The Department of Environmental Protection (Department), under the authority of the Pennsylvania Hazardous Sites Cleanup Act (HSCA) (35 P.S. §§ 6020.101—6020.1305) has entered into a Consent Order and Agreement (COA) with Dooling Properties, LLC (Dooling)

for cleanup of the property located at 3501 Richmond Street, Philadelphia, PA 19134.

Hazardous substances and/or contaminants within the meaning of Section 103 of the Hazardous Sites Cleanup Act, 35 P.S. § 6020.103, were released and threatened to be released on the Site which was the former location of Gryphin Coatings, Inc. and the Gryphin Company (“the Gryphin Companies”), related companies which manufactured industrial paints, coatings, lacquers and varnishes at the Site. In 2008, the Department determined that the Gryphin Companies’ caused the release and threatened release of hazardous substances from their operations on the Site. Pursuant to Section 501(a) of HSCA, 35 P.S. § 6020.501(a), to abate the release and threatened release of hazardous substances at the Site, the Department secured the Site and characterized on-site surficial hazardous substances abandoned by the Gryphin Companies. The Department’s response actions did not include the remediation of soil and groundwater on the Site.

Dooling purchased the Site with knowledge of the releases of onsite hazardous substances but has not completed a cleanup of the Site. Consequently, hazardous substances remain in soil and groundwater on the Site and create conditions which are a threat of pollution to the waters of the Commonwealth. Dooling enters this COA for the purpose of resolving its liability to the Commonwealth relating to existing contamination on the Site. Under the COA, Dooling will remediate contamination at the Property in accordance with the Land Recycling and Environmental Remediation Standards Act and will receive a covenant not to sue and be eligible for contribution protection in connection with certain claims described in the COA.

This notice is provided under Section 1113 of HSCA, 35 P.S. § 6020.1113, which states that, “settlement shall become final upon the filing of the Department’s response to significant written comments.” The COA is available for public review and comment. An electronic copy or hard copy of the proposed agreement may be requested by contacting either Nicolas Santiago at (484) 250-5764 or nicsantiag@pa.gov or Gina M. Thomas, Esquire at (484) 250-5861 or githomas@pa.gov. A public comment period on the COA will extend for 60 days from today’s date. Persons may submit written comments regarding the COA by submitting them under the subject line “Dooling COA” via electronic mail to Nicolas Santiago at the previously listed email address or via U.S. Mail to Nicolas Santiago at 2 East Main Street, Norristown, PA 19401.

The Department has reserved the right to withdraw its consent to the COA if comments submitted during the public comment period disclose facts or considerations which indicate, in the Department’s discretion, that the COA is inappropriate or not in the public interest.

Former Gryphin Coatings, Inc. Site, 3501 Richmond Street, Philadelphia, PA, Philadelphia County.

The Department of Environmental Protection (Department), under the authority of the Pennsylvania Hazardous Sites Cleanup Act (HSCA) (35 P.S. §§ 6020.101—6020.1305) has entered into a settlement with 5627-41 Hegerman Street, LLC (Hegerman) to resolve certain enforcement claims regarding Hegerman’s failure to comply with the parties’ February 2, 2017 Consent Order and Agreement (2017 COA). The 2017 COA required Hegerman to remediate the Former Gryphin Coatings, Inc. Site (“the Site”), located at 3501 Richmond Street in Philadelphia, PA. Before the Commonwealth Court, the Department petitioned to enforce the 2017 COA and in a

Stipulation of Settlement (“Settlement”) resolved its stipulated civil penalty claims against Hegerman for its failure to comply with the 2017 COA.

Hazardous substances and/or contaminants within the meaning of Section 103 of the Hazardous Sites Cleanup Act, 35 P.S. § 6020.103, were released and threatened to be released on the Site which was the former location of Gryphin Coatings, Inc. and the Gryphin Company (“the Gryphin Companies”), related companies which manufactured industrial paints, coatings, lacquers and varnishes at the Site. Pursuant to Section 501(a) of HSCA, 35 P.S. § 6020.501(a), to abate the release and threatened release of hazardous substances at the Site, the Department secured the Site and characterized on-site surficial hazardous substances abandoned by the Gryphin Companies. The Department’s response actions did not include the remediation of soil and groundwater on the Site.

The 2017 COA required Hegerman to take corrective actions to address hazardous substances released at the Site. In 2021, Hegerman sold the Site to Dooling, LLC which has agreed to complete the cleanup of the Site. Pursuant to the Settlement, Hegerman has agreed to pay a stipulated civil penalty in the amount of One Hundred Thousand Dollars (\$100,000) to resolve its liability for failure to comply with the 2017 COA.

This notice is provided under Section 1113 of HSCA, 35 P.S. § 6020.1113, which states that, “settlement shall become final upon the filing of the Department’s response to significant written comments”. The Settlement Agreement is available for public review and comment. An electronic copy or hard copy of the Settlement Agreement may be requested by contacting either Nicolas Santiago at (484) 250-5764 or nicsantiag@pa.gov or Gina M. Thomas, Esquire at (484) 250-5861 or githomas@pa.gov. A public comment period on the Settlement Agreement will extend for 60 days from today’s date. Persons may submit written comments regarding the Settlement Agreement by submitting them under the subject line “Hegerman Settlement” via electronic mail to Nicolas Santiago at the previously listed email address or via U.S. Mail to Nicolas Santiago at 2 East Main Street, Norristown, PA 19401.

The Department has reserved the right to withdraw its consent to the Settlement Agreement if comments submitted during the public comment period disclose facts or considerations which indicate, in the Department’s discretion, that the Settlement Agreement is inappropriate or not in the public interest.

[Pa.B. Doc. No. 24-1262. Filed for public inspection September 6, 2024, 9:00 a.m.]

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Availability of Grants through the Coastal Zone Grant Program

The Department of Environmental Protection’s (Department) Interstate Water Resources Management Division invites interested parties to apply for a Federal Fiscal Year 2025 Coastal Zone Grant beginning Monday, September 9, 2024.

Applicants must meet certain eligibility requirements (for example, an applicant must be an authority, an incorporated nonprofit organization, a political subdivision or an educational institution). Projects must be

located within the Delaware Estuary Coastal Zone or the Lake Erie Coastal Zone boundaries as noted in the Coastal Program Grant Application Instruction Guide. Proposals must support the mission of the Department's Coastal Resources Management Program to protect and enhance coastal resources in this Commonwealth.

The Coastal Zone Grant Program guidelines and application instructions are available online through the Department's web site at www.dep.pa.gov (select the "Grants" icon and look for "Coastal Zone Grant") or by contacting the Department's Coastal Resources Management Program at RA-epcoastalzone@pa.gov or (717) 705-7692.

Applications must be submitted online through the Commonwealth's Electronic Single Application web site at www.esa.dced.state.pa.us/Login.aspx. Hard copy applications will not be accepted. The Department will begin

accepting applications on Monday, September 9, 2024. Applications must be received by 11:59 p.m. on Monday, October 21, 2024.

For more information regarding the Coastal Zone Grant Program, contact the Department of Environmental Protection, Interstate Water Resources Management Division, 400 Market Street, P.O. Box 8465, Harrisburg, PA 17105-8465, RA-epcoastalzone@pa.gov or (717) 772-4785. Information is also available on the Department's web site at www.dep.pa.gov (select "Businesses," then "Water," then "Compacts and Commissions," then "Coastal Resources Management Program," then "Grants").

JESSICA SHIRLEY,
Acting Secretary

[Pa.B. Doc. No. 24-1263. Filed for public inspection September 6, 2024, 9:00 a.m.]

DEPARTMENT OF HEALTH

Decisions on Requests for Exceptions to Health Care Facility Regulations

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), effective June 6, 1998, the Department of Health (Department) has published in the *Pennsylvania Bulletin* all requests by entities licensed under the Health Care Facilities Act (35 P.S. §§ 448.101—448.904b), for exceptions to regulations contained in 28 Pa. Code Part IV Subparts B—G.

Section 51.33(d) of 28 Pa. Code provides that the Department will publish notice of all approved exceptions on a periodic basis. The Department has determined that it will publish notice of all exceptions, both approved and denied. The following list contains the decisions made on exception requests published in the *Pennsylvania Bulletin* from August 1, 2024, through August 31, 2024. Future publications of decisions on exception requests will appear on a monthly basis.

Requests for additional information on the exception request and the Department's decision should be made to the relevant division of the Department. Inquiries regarding hospitals, abortion facilities and ambulatory surgical facilities shall be addressed to Garrison E. Gladfelter, Jr., Director, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980. Inquiries regarding long-term care facilities shall be addressed to Susan Williamson, Director, Division of Nursing Care Facilities, Room 528, Health and Welfare Building, Harrisburg, PA 17120, (717) 787-1816. Inquiries regarding home care agencies, home care registries and home health care agencies shall be addressed to Linda Chamberlain, Director, Division of Home Health, Forum Place, Suite 701, 555 Walnut Street, Harrisburg, PA 17101, (717) 783-1379.

Nursing Care Facilities

<i>Facility Name</i>	<i>Regulation and relating to</i>	<i>Dec. Date</i>	<i>Decision</i>
Armstrong Rehabilitation and Nursing Center	28 Pa. Code § 205.7 (relating to basement or cellar)	08/13/2024	Granted
Burgh Care Center (formerly WeCare at Penn Rehabilitation and Nursing Center)	28 Pa. Code § 205.6(a) (relating to function of building)	08/13/2024	Granted
Dallastown Nursing Center	28 Pa. Code § 201.18(d.1)(1) (relating to management)	08/26/2024	Denied
	28 Pa. Code § 211.12(f.1)(4) and (5) (relating to nursing services)	08/26/2024	Denied
Pleasant Acres Rehabilitation and Nursing Center	28 Pa. Code § 211.12(f.1)(3) and (i)(2)	08/05/2024	Denied
Rehabilitation Center at Brethren Village	28 Pa. Code § 211.12(f.1)(4)	08/13/2024	Granted with Conditions
Rosewood Rehabilitation and Nursing Center	28 Pa. Code § 211.12(f.1)(3) and (i)(2)	08/05/2024	Denied
Sunnyview Nursing and Rehabilitation Center	28 Pa. Code § 211.12(f.1)(3) and (i)(2)	08/13/2024	Denied
Wyomissing Health and Rehabilitation Center	28 Pa. Code § 211.12(f.1)(3) and (i)(2)	08/05/2024	Denied

Persons with a disability who require an alternative format of this notice (for example, large print, audiotape, Braille) should contact the Division of Acute and Ambulatory Care, the Division of Nursing Care Facilities, or the Division of Home Health at the previously referenced address or telephone number, or for speech and/or hearing-impaired persons, call the Pennsylvania Hamilton Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

DR. DEBRA L. BOGEN,
Secretary

[Pa.B. Doc. No. 24-1264. Filed for public inspection September 6, 2024, 9:00 a.m.]

DEPARTMENT OF HEALTH

Special Supplemental Nutrition Program for Women, Infants and Children (WIC) Vendor Minimum Stocking Requirements

To serve as a WIC authorized store, a store must satisfy, among other selection criteria, the selection criteria at 28 Pa. Code § 1103.4(5) (relating to selection criteria for authorization and reauthorization). This selection criteria requires that a store applying for WIC authorization or WIC reauthorization to “at all times have available on the premises the minimum inventory of allowable foods as established by the Department under § 1103.5 (relating to minimum inventory) at shelf prices that are equal to or less than the competitive prices applicable to the store’s peer group for those foods.” The Department of Health is setting forth the minimum inventory, also known as minimum stocking requirements (MSR), in the following table, in accordance with 28 Pa. Code § 1103.5(a)(3). The WIC MSR taking effect January 1, 2025, are the same as the previous requirements, as shown by the following table.

WIC Minimum Stocking Requirements
Requirements must be available at or below the current competitive price

<i>Expiring (on December 31, 2024) WIC Minimum Stocking Requirements</i>	<i>Change(s) from previous WIC Minimum Stocking Requirements</i>	<i>WIC Minimum Stocking Requirements Effective January 1, 2025</i>
Formula—Similac Advance Liquid Concentrate 5—13 oz. containers*	No change	Formula—Similac Advance Liquid Concentrate 5—13 oz. containers*
Formula—Similac Advance Powder—10—12.4 oz. containers*	No change	Formula—Similac Advance Powder—10—12.4 oz. containers*
Formula—Similac Soy Isomil Powder—5—12.4 oz. containers*	No change	Formula—Similac Soy Isomil Powder—5—12.4 oz. containers*
Infant Food—Cereal, 2 WIC allowable varieties in 8 oz. containers with a total availability of 24 oz.	No change	Infant Food—Cereal, 2 WIC allowable varieties in 8 oz. containers with a total availability of 24 oz.
Infant Food—100% fruit 2 WIC allowable varieties 16—4 oz. containers equivalent (packs containing 2—2 oz. containers are allowable and count as 1—4 oz. container)	No change	Infant Food—100% fruit 2 WIC allowable varieties 16—4 oz. containers equivalent (packs containing 2—2 oz. containers are allowable and count as 1—4 oz. container)
Infant Food—100% vegetables 2 WIC allowable varieties 16—4 oz. containers equivalent (packs containing 2—2 oz. containers are allowable and count as 1—4 oz. container)	No change	Infant Food—100% vegetables 2 WIC allowable varieties 16—4 oz. containers equivalent (packs containing 2—2 oz. containers are allowable and count as 1—4 oz. container)
Infant Food—100% meat 2 WIC allowable varieties 10—2.5 oz. containers*	No change	Infant Food—100% meat 2 WIC allowable varieties 10—2.5 oz. containers*
Fruits and Vegetables—Fresh, frozen or canned—2 types of fruits and 2 types of vegetables, totaling at least \$16.50 worth of fruits and vegetables	No change	Fruits and Vegetables—Fresh, frozen or canned—2 types of fruits and 2 types of vegetables, totaling at least \$16.50 worth of fruits and vegetables
Cow’s Milk—Fluid whole milk, one brand, 2 gallons total (1/2 gallon and gallon containers count towards minimum inventory)	No change	Cow’s Milk—Fluid whole milk, one brand, 2 gallons total (1/2 gallon and gallon containers count towards minimum inventory)
Cow’s Milk—Fluid skim, fat free, 1%, 4 gallons total (1/2 gallon and gallon containers count towards minimum inventory)	No change	Cow’s Milk—Fluid skim, fat free, 1%, 4 gallons total (1/2 gallon and gallon containers count towards minimum inventory)

<i>Expiring (on December 31, 2024) WIC Minimum Stocking Requirements</i>	<i>Change(s) from previous WIC Minimum Stocking Requirements</i>	<i>WIC Minimum Stocking Requirements Effective January 1, 2025</i>
Natural Domestic Cheese—A WIC allowable variety 8 oz. or 16 oz. packages—three different types, 4 lbs. total inventory	No change	Natural Domestic Cheese—A WIC allowable variety 8 oz. or 16 oz. packages—three different types, 4 lbs. total inventory
Juice—2 allowable varieties 2—48 oz. containers total inventory (only 1 container of each variety is required to meet MSR)	No change	Juice—2 allowable varieties 2—48 oz. containers total inventory (only 1 container of each variety is required to meet MSR)
Juice—2 allowable varieties 2—64 oz. containers total inventory (only 1 container of each variety is required to meet MSR)	No change	Juice—2 allowable varieties 2—64 oz. containers total inventory (only 1 container of each variety is required to meet MSR)
Juice—Concentrated, frozen or shelf stable—1 allowable variety, 1—11.5 oz. to 12 oz. containers	No change	Juice—Concentrated, frozen or shelf stable—1 allowable variety, 1—11.5 oz. to 12 oz. containers
Cereal—5 WIC allowable varieties with at least 1 whole grain variety, in 12 oz. or larger packages, 60 oz. total inventory	No change	Cereal—5 WIC allowable varieties with at least 1 whole grain variety, in 12 oz. or larger packages, 60 oz. total inventory
Whole Grains—2 WIC allowable varieties, 2—16 oz. packages can be brown rice, oats, tortillas, whole wheat pasta, bread or rolls	No change	Whole Grains—2 WIC allowable varieties, 2—16 oz. packages can be brown rice, oats, tortillas, whole wheat pasta, bread or rolls
Peanut Butter—A WIC allowable variety, 2—16 oz. to 18 oz. containers	No change	Peanut Butter—A WIC allowable variety, 2—16 oz. to 18 oz. containers
Legumes—Dried peas and beans or canned beans, 2 varieties, 1 lb. package, 2 lbs. total inventory for dried peas and beans or 4—containers of canned beans (such containers ranging in size between 15 oz. to 16 oz.)	No change	Legumes—Dried peas and beans or canned beans, 2 varieties, 1 lb. package, 2 lbs. total inventory for dried peas and beans or 4—containers of canned beans (such containers ranging in size between 15 oz. to 16 oz.)
Canned Fish—A WIC allowable variety of chunk light tuna, pink salmon or sardines, in 3.75 oz., 5 oz. or 6 oz. containers and 45 oz. of total inventory*	No change	Canned Fish—A WIC allowable variety of chunk light tuna, pink salmon or sardines, in 3.75 oz., 5 oz. or 6 oz. containers and 45 oz. of total inventory*
Grade “A” or “AA” chicken eggs any brand, white or brown, small, medium, large or x-large 3—1-dozen egg containers	No change	Grade “A” or “AA” chicken eggs any brand, white or brown, small, medium, large or x-large 3—1-dozen egg containers

Stores applying to become WIC Authorized are required to have all of the previously listed inventory.

(*) The State Agency may grant a WIC authorized vendor an exception that exempts the vendor from stocking a particular product based on a proven lack of WIC participant purchase for that product. However, the vendor must be able to obtain the excepted product within 48 hours of a request for the product by a WIC participant.

Other standard formulas, kosher formulas and alternative products specified on the eWIC card are not minimum inventory requirements. The store must be able to provide these within 72 hours after being presented with an eWIC card for that item.

United States Department of Agriculture (USDA) Nondiscrimination Statement:

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

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

To file a program discrimination complaint, a complainant should complete a Form AD-3027, USDA Program Discrimination Complaint Form which can be obtained online at <https://www.usda.gov/sites/default/files/documents/USDA-OASCR%20P-Complaint-Form-0508-0002-508-11-28-17Fax2Mail.pdf>, from any USDA office, by calling (866) 632-9992 or

by writing a letter addressed to the USDA. The letter must contain the complainant's name, address, telephone number and a written description of the alleged discriminatory action in sufficient detail to inform the Assistant Secretary for Civil Rights about the nature and date of an alleged civil rights violation. The completed AD-3027 form or letter must be submitted to the USDA by mail to the United States Department of Agriculture, Office of the Assistant Secretary for Civil Rights, 1400 Independence Avenue, SW, Washington, DC 20250-9410, fax (833) 256-1665 or (202) 690-7442, Program.Intake@usda.gov.

This institution is an equal opportunity provider.

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

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

DR. DEBRA L. BOGEN,
Secretary

[Pa.B. Doc. No. 24-1265. Filed for public inspection September 6, 2024, 9:00 a.m.]

DEPARTMENT OF HEALTH

Special Supplemental Nutrition Program for Women, Infants and Children (WIC) Vendor Minimum Technology Requirements

Under 28 Pa. Code § 1103.4(15) (relating to selection criteria for authorization and reauthorization), a store applying to become a WIC authorized store must meet the following vendor minimum technology requirements to be considered for authorization. These requirements are effective January 1, 2025.

1) A SmartCard Electronic Benefit Transfer (EBT) Pennsylvania certified Point of Sale device.

2) An established direct or indirect telecommunications connection for the routing of transactions and exchange of files with the eWIC card issuer or the eWIC card issuer's EBT card processor.

3) An active e-mail address monitored by store personnel.

4) Once available, register for a Commonwealth Single Sign On account.

5) The ability to view and apply a digital signature to forms presented in the Portable Document Format.

6) The ability to participate in designated online training classes accessible over the Internet.

However, under 28 Pa. Code § 1103.4(15), these standards do "not apply to stores authorized prior to September 12, 2009, and maintaining an uninterrupted authorized status."

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

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DR. DEBRA L. BOGEN,
Secretary

[Pa.B. Doc. No. 24-1266. Filed for public inspection September 6, 2024, 9:00 a.m.]

DEPARTMENT OF HEALTH

Special Supplemental Nutrition Program for Women, Infants and Children (WIC Program); WIC State Advisory Board—Notice of September 10, 2024, Regular Meeting and Correction to Notice Published at 54 Pa.B. 5310 (August 17, 2024)

Next Regular Meeting:

The WIC State Advisory Board (Board), established under the WIC State Advisory Board Act (Act of June 10, 2024, P.L. 387, No. 22) (act), gives notice that the next

regular meeting of the Board will be held on September 10, 2024, from 1 p.m. to 2 p.m. The purpose of this meeting is to collaborate to gather suggestions of strategies for increasing participation and improving the WIC program to better support participants.

This meeting is subject to cancellation without notice.

In-Person and Virtual Meeting Attendance:

Board meetings will be held in person and virtually.

In-person meetings will be held in the Willow Oak Conference Room 114A, COPA HUB Building, 2525 North 7th Street, Harrisburg, PA 17110, unless otherwise noted. Individuals should RSVP to Tracey Zeigler Michelsen by close of business at 4 p.m., 1 business day prior to the meeting at tzeiglermi@pa.gov or (717) 836-3574. Upon arrival at the meeting, public attendees should sign in at the front desk in the lobby of the building and await an escort to the meeting room.

Virtual meetings will be held through Microsoft Teams or by telephonic call in. Connection information for the September 10, 2024, regular meeting is as follows:

Individuals can join at <https://bit.ly/3Y32J0m>. The meeting ID is 276 857 660 382. The passcode is 2wLxzZ.

Note: The previously listed link to access the meeting does not include a period; the link ends at 3Y32J0m with no period. If copying/pasting the link, do not copy any period at the end if there is one.

Individuals can join by calling (267) 332-8737. The phone conference ID is 224 882 67#. To find a local number, go to <https://dialin.teams.microsoft.com/783683fb-6d69-4e8b-aa52-814e500ad7b8?id=67183553>. To reset the PIN number, go to <https://dialin.teams.microsoft.com/usp/psnconferencing>.

Meeting Recording:

The meeting will be recorded, so if individuals choose to attend, they are consenting to being recorded. Individuals should not attend the meeting if they do not wish to be recorded.

Meeting Agenda:

The Department will post the meeting agenda on the Pennsylvania Special Supplemental Nutrition Program for Women, Infants and Children (PA WIC) web site at <https://wic.health.pa.gov/pawic/> and distribute by e-mail no later than 24 hours before the meeting. Individuals interested in receiving a copy of the agenda may send an e-mail to ra-dhwicadvisory@pa.gov requesting to be added to the distribution list.

Meeting Minutes:

The following process is a correction from the process stated in the previous notice published at 54 Pa.B. 5310 (August 17, 2024).

The Department will post meeting minutes on the PA WIC web site at <https://wic.health.pa.gov/pawic/> and distribute by e-mail once the Board votes on and adopts the proposed final meeting minutes at the next Board meeting. Individuals interested in receiving a copy of the meeting minutes may send an e-mail to ra-dhwicadvisory@pa.gov requesting to be added to the distribution list.

Questions:

Questions about the Board may be submitted by e-mail to the Department at ra-dhwicadvisory@pa.gov.

Alternative Format Requests:

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

The PA WIC program is funded by the United States Department of Agriculture (USDA). The USDA is an equal opportunity provider.

USDA Nondiscrimination Statement:

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

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To file a program discrimination complaint, a complainant should complete a Form AD-3027, USDA Program Discrimination Complaint Form which can be obtained online at <https://bit.ly/3TRbubk>, from any USDA office, by calling (866) 632-9992 or by writing a letter addressed to the USDA. The letter must contain the complainant's name, address, telephone number and a written description of the alleged discriminatory action in sufficient detail to inform the Assistant Secretary for Civil Rights about the nature and date of an alleged civil rights violation. The completed AD-3027 form or letter must be submitted to the United States Department of Agriculture, Office of the Assistant Secretary for Civil Rights, 1400 Independence Avenue, SW, Washington, DC 20250-9410, fax (833) 256-1665 or (202) 690-7442, Program.Intake@usda.gov.

This institution is an equal opportunity provider.

DR. DEBRA L. BOGEN,
Secretary

[Pa.B. Doc. No. 24-1267. Filed for public inspection September 6, 2024, 9:00 a.m.]

DEPARTMENT OF HUMAN SERVICES

Medical Assistance Program Fee Schedule Revisions; Prior Authorization Requirements; Unit and Service Limitation Updates; Fee Adjustments

The Department of Human Services (Department) announces changes to the Medical Assistance (MA) Program Fee Schedule. These changes are effective for dates of service on and after September 9, 2024, unless otherwise noted.

The Department is adding new procedure codes based on clinical review, provider requests and recommendations from the Advisory Committee on Immunization Practices (ACIP) and the United States Food and Drug Administration (FDA). The Department is also making changes to prior authorization requirements as a result of clinical review. Additionally, the Department is making changes to procedure codes currently on the MA Program Fee Schedule as a result of clinical review and provider requests which include updates to units, limits and fee adjustments.

Procedure Codes Being Added

Effective for dates of service on and after June 17, 2024, the Department added the following procedure code to the MA Program Fee Schedule for vaccine administration based upon FDA approval and ACIP recommendation. Providers should follow the ACIP recommendations and package insert to determine the correct population, dosage and instructions for administration of all vaccines.

<i>Procedure Code</i>	<i>MA Fee</i>
90684	\$10

Effective for dates of services on and after August 1, 2024, the Department added the following procedure codes to the MA Program Fee Schedule for vaccine administration based upon FDA approval, ACIP recommendation, clinical review or provider request. Providers should follow the ACIP recommendations and package insert to determine the correct population, dosage and instructions for administration of all vaccines.

<i>Procedure Codes</i>	<i>MA Fee</i>
90653	\$10
90657	\$10
90658	\$10
90660	\$10
90661	\$10
90673	\$10

The Department is adding the following procedure codes to the MA Program Fee Schedule based upon clinical review and provider request. These procedure codes may include the modifiers RR (rental), UD (informational), RT (right), LT (left) or FP (Family Planning). The procedure code descriptions for procedure codes with the UD informational modifier indicate a post administration observation period of 2 hours.

<i>Procedure Codes</i>	<i>MA Fee</i>
E0604 (RR)	\$67.97
G2082 (UD)	\$34.10
G2083 (UD)	\$34.10
L8033 (RT)	\$926.83
L8033 (LT)	\$926.83
L8039 (RT)	\$1,436.36
L8039 (LT)	\$1,436.36
S0199	\$690
S0199 (FP)	\$690
S8427 (RT)	\$55.20
S8427 (LT)	\$55.20

Prior Authorization Requirement Updates

The following procedure codes being added to the MA Program Fee Schedule require prior authorization, as set forth in section 443.6(b)(1) of the Human Services Code (62 P.S. § 443.6(b)(1)).

<i>Procedure Codes</i>			
L8033 (RT)	L8033 (LT)	L8039 (RT)	L8039 (LT)

The Department removed prior authorization requirements for the following procedure codes with or without the NU (purchase) or RR modifiers, based on clinical review.

<i>Procedure Codes and Modifiers</i>		
92065	E0570 (NU)	E0570 (RR)
E0572 (NU)	E0572 (RR)	E0574 (RR)

Unit and Limit Updates

The Department is updating the unit limitations for the following procedure codes based upon clinical review.

<i>Procedure Codes</i>	<i>Former Minimum / Maximum Unit Limit</i>	<i>New Minimum / Maximum Unit Limit</i>
L8001 L8002	1:1	1:4
L8010	1:4	1:2
S8424 S8428	1:3	1:2

The Department is updating limits for the following procedure codes based upon clinical review.

<i>Procedure Code</i>	<i>Former Limit</i>	<i>New Limit</i>
L8000	4 per calendar month	4 per 365 days
L8001	N/A	4 per 365 days
L8002	N/A	4 per 365 days
L8010	4 per calendar month	3 per RT side and 3 per LT side, per 180 days
L8015	N/A	4 per 365 days

Fee Adjustments

The Department is adjusting the MA Program fees for the following procedure codes when submitted with or without a modifier as indicated as follows.

<i>Procedure Codes</i>	<i>Former Fee</i>	<i>New Fee</i>
59840	\$81.50	\$765
59841	\$306	\$1,000
59850	\$246	\$340
59856	\$454.94	\$1,000
65426	\$224	\$454.08
90868	\$19.89	\$104.87
90869	\$83.89	\$168.89
A4280	\$3.66	\$7.07

<i>Procedure Codes</i>	<i>Former Fee</i>	<i>New Fee</i>
L8000	\$28	\$42.79
L8001	\$78.99	\$144.35
L8002	\$103.90	\$189.82
L8010 (RT)	\$32.04	\$42.56
L8010 (LT)	\$32.04	\$42.56
L8015	\$35.66	\$68.98
L8020 (RT)	\$150	\$293.25
L8020 (LT)	\$150	\$293.25
L8030 (RT)	\$142.03	\$379.54
L8030 (LT)	\$142.03	\$379.54
L8031 (RT)	\$142.03	\$379.54
L8031 (LT)	\$142.03	\$379.54
L8032 (RT)	\$27.75	\$45.08
L8032 (LT)	\$27.75	\$45.08
L8035 (RT)	\$2,179.14	\$4,215.60
L8035 (LT)	\$2,179.14	\$4,215.60
S8424 (RT)	\$24.50	\$60.16
S8424 (LT)	\$24.50	\$60.16
S8428 (RT)	\$6	\$36.82
S8428 (LT)	\$6	\$36.82

Fiscal Impact

The estimated cost for Fiscal Year 2024-2025 is \$2.948 million in total funds. The estimated annualized cost is \$5.053 million in total funds.

Public Comment

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

Persons with a disability who require an auxiliary aid or service may submit comments using the Pennsylvania Hamilton Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

VALERIE A. ARKOOSH,
Secretary

Fiscal Note: 14-NOT-1647. Under section 612 of The Administrative Code of 1929 (71 P.S. § 232), (1) General Fund; (2) Implementing Year 2024-25 is \$1,324,000; (3) 1st Succeeding Year 2025-26 through 5th Succeeding Year 2029-30 are \$2,237,000; (4) 2023-24 Program—\$697,354,000; 2022-23 Program—\$589,137,000; 2021-22 Program—\$644,059,000; (7) MA—Fee-for-Service; (8) recommends adoption. Funds have been included in the budget to cover this increase.

[Pa.B. Doc. No. 24-1268. Filed for public inspection September 6, 2024, 9:00 a.m.]

DEPARTMENT OF HUMAN SERVICES

Medical Assistance Program Fee Schedule Updates for Certain Family Planning Procedure Codes

In accordance with 55 Pa. Code § 1150.61(a) (relating to guidelines for fee schedule changes), the Department of Human Services (Department) announces the following updates to the Family Planning Services Program Fee Schedule, effective for dates of service on and after July 1, 2024.

Discussion

The Department is adjusting fees for services on the Family Planning Services Program Fee Schedule for Family Planning Services providers. These procedure codes may include the modifiers FP (family planning) or U7 (pricing).

<i>Procedure Code</i>	<i>National Code Description</i>	<i>Modifier</i>	<i>Former MA Fee</i>	<i>New MA Fee</i>
11981	Insertion, drug-delivery implant (for example, bioresorbable, biodegradable, nonbiodegradable)	FP	\$103.91	\$358.81
11982	Removal, nonbiodegradable drug delivery implant	FP	\$126.20	\$126.75
11983	Removal with reinsertion, nonbiodegradable drug delivery implant	FP	\$219.10	\$382.51
58300	Insertion of intrauterine device (IUD)	FP	\$67.60	\$366.78
58301	Removal of IUD	FP	\$84.25	\$174.03
99202	Office or other outpatient visit for the evaluation and management of a new patient, which requires a medically appropriate history or examination, or both, and straightforward medical decision making. When using total time on the date of the encounter for code selection, 15 minutes must be met or exceeded.	FP	\$62.20	\$92.07
99203	Office or other outpatient visit for the evaluation and management of a new patient, which requires a medically appropriate history or examination, or both, and low level of medical decision making. When using total time on the date of the encounter for code selection, 30 minutes must be met or exceeded.	FP	\$95.13	\$174.72

<i>Procedure Code</i>	<i>National Code Description</i>	<i>Modifier</i>	<i>Former MA Fee</i>	<i>New MA Fee</i>
99212	Office or other outpatient visit for the evaluation and management of an established patient, which requires a medically appropriate history or examination, or both, and straightforward medical decision making. When using total time on the date of the encounter for code selection, 10 minutes must be met or exceeded.	FP	\$31.15	\$70.58
99212	Office or other outpatient visit for the evaluation and management of an established patient, which requires a medically appropriate history or examination, or both, and straightforward medical decision making. When using total time on the date of the encounter for code selection, 10 minutes must be met or exceeded.	U7; FP	\$31.15	\$70.58
99213	Office or other outpatient visit for the evaluation and management of an established patient, which requires a medically appropriate history or examination, or both, and low level of medical decision making. When using total time on the date of the encounter for code selection, 20 minutes must be met or exceeded.	FP	\$63.14	\$116.48
99214	Office or other outpatient visit for the evaluation and management of an established patient, which requires a medically appropriate history or examination, or both, and moderate level of medical decision making. When using total time on the date of the encounter for code selection, 30 minutes must be met or exceeded.	FP	\$96.91	\$141.33
99385	Initial comprehensive preventive medicine evaluation and management of an individual including an age and gender appropriate history, examination, counseling/anticipatory guidance/risk factor reduction interventions and the ordering of laboratory/diagnostic procedures, new patient; 18—39 years	FP	\$121.14	\$144.58
99386	Initial comprehensive preventive medicine evaluation and management of an individual including an age and gender appropriate history, examination, counseling/anticipatory guidance/risk factor reduction interventions and the ordering of laboratory/diagnostic procedures, new patient; 40—64 years	FP	\$147.46	\$167.09

Fiscal Impact

The estimated cost for Fiscal Year 2024-2025 is \$3.346 million in total funds.

Public Comment

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

Persons with a disability who require an auxiliary aid or service may submit comments using the Pennsylvania Hamilton Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

VALERIE A. ARKOOSH,
Secretary

Fiscal Note: 14-NOT-1646. Under section 612 of The Administrative Code of 1929 (71 P.S. § 232), (1) General Fund;

(7) Medical Assistance (MA)—Fee-for-Service; (2) Implementing Year 2024-25 is \$17,000; (3) 1st Succeeding Year 2025-26 through 5th Succeeding Year 2029-30 are \$17,000; (4) 2023-24 Program—\$697,354,000; 2022-23 Program—\$589,137,000; 2021-22 Program—\$644,059,000;

(7) MA—Capitation; (2) Implementing Year 2024-25 is \$318,000; (3) 1st Succeeding Year 2025-26 through 5th Succeeding Year 2029-30 are \$318,000; (4) 2023-24 Program—\$3,594,000,000; 2022-23 Program—\$3,418,000,000; 2021-22 Program—\$4,557,000,000;

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

[Pa.B. Doc. No. 24-1269. Filed for public inspection September 6, 2024, 9:00 a.m.]

DEPARTMENT OF TRANSPORTATION

Applications for Disposing of Excess Land

Under 67 Pa. Code § 495.4(d) (relating to application procedure), the Department of Transportation (Department) is disposing of excess land located at 1205, 1207, 1209, 1211, 1213, 1215, 1217, 1219, 1221, 1223 and 1233 West 2nd Street, Chester City, PA 19013, Delaware County, approximately 9,917 ± square feet/hectares, adjacent to State Route (SR) 0291 Section A09.

Under 67 Pa. Code § 495.4(d), the Department is disposing of excess land located along the 200 and 300 block of West 2nd Street, Chester City, PA 19013, Delaware County, designated by Department Plan 0291 Section A10 as parcels 248—250, 255, 256, 257, 258, 270—272, 274—277, 283, 284 and 540, approximately 29,208.51 ± square feet/hectares, adjacent to SR 0291 Section A10.

Under 67 Pa. Code § 495.4(d), the Department is disposing of excess land located at 709, 711, 713, 715 and 717 West 2nd Street, Chester City, PA 19013, Delaware County, approximately 7,435 ± square feet/hectares, adjacent to SR 0291 Section A09.

Under 67 Pa. Code § 495.4(d), the Department is disposing of excess land located at 1401, 1403, 1405, 1407, 1409, 1411, 1413 and 1415 West 2nd Street, Chester City, PA 19013, Delaware County, approximately 5,340 ± square feet/hectares, adjacent to SR 0291 Section A09.

Interested persons are invited to submit, within 30 days from the publication of this notice in the *Pennsylvania Bulletin*, written comments, suggestions or objections regarding the approval of this application to Din Abazi, Acting District Executive, Engineering District 6.0, 7000 Geerdes Boulevard, King of Prussia, PA 19406-1525.

Questions regarding this application or the proposed use may be directed to Barbara DiCianno, Right-of-Way Administrator, 7000 Geerdes Boulevard, King of Prussia, PA 19406, (610) 205-6504.

MICHAEL CARROLL,
Secretary

[Pa.B. Doc. No. 24-1270. Filed for public inspection September 6, 2024, 9:00 a.m.]

DEPARTMENT OF TRANSPORTATION

Pedalcycle and Pedestrian Advisory Committee Meeting

The Pedalcycle and Pedestrian Advisory Committee will hold a meeting on Tuesday, September 10, 2024. The meeting will be held in person at the Commonwealth Keystone Building, 400 North Street, Forest Room, Plaza Level, Harrisburg, PA 17120 at 12 p.m. There will also be a remote Microsoft Teams option and the meeting will be recorded. For more information, contact the Multimodal Deputate, (717) 787-8197, BikePedPA@pa.gov. To call into the meeting, dial (267) 332-8737 and enter 729874251# as the meeting code.

To view the meeting agenda, visit the Department of Transportation's web site at www.penndot.pa.gov (click on "About PennDOT" at the bottom of the webpage under "About Us," then select "Commissions & Committees" under "What We Do," then select "Pedalcycle and Pedestrian Advisory Committee," then "Learn more about the Pedalcycle and Pedestrian Advisory Committee.").

MICHAEL CARROLL,
Secretary

[Pa.B. Doc. No. 24-1271. Filed for public inspection September 6, 2024, 9:00 a.m.]

INSURANCE DEPARTMENT

Alleged Violation of Insurance Laws; Javon J. Dawson; Doc. No. SC24-08-029

Notice is hereby given of the Order to Show Cause issued on August 27, 2024, by the Deputy Insurance Commissioner of the Commonwealth in the previously referenced matter. Violations of the following are alleged: sections 611-A(7), (8), (9) and (20) and 678-A(a) of The Insurance Department Act of 1921 (40 P.S. §§ 310.11(7), (8), (9) and (20) and 310.78(a)).

The respondent shall file a written answer to the Order to Show Cause within 30 days of the date of issue. If the respondent files a timely answer, a formal administrative hearing shall be held in accordance with 2 Pa.C.S. §§ 501—508 (relating to Administrative Agency Law), 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure), 31 Pa. Code §§ 56.1—56.3 (relating to Special Rules of Administrative Practice and Procedure) and other relevant procedural provisions of law.

Answers, motions preliminary to those at hearing, protests, petitions to intervene or notices of intervention, if any, must be filed in writing with the Hearings Administrator, Insurance Department, Administrative Hearings Office, 901 North 7th Street, Harrisburg, PA 17102, ra-hearings@pa.gov.

Persons with a disability who wish to attend the previously referenced administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing, contact Joseph Korman, Agency ADA Coordinator, jkorman@pa.gov, (717) 787-4429.

MICHAEL HUMPHREYS,
Insurance Commissioner

[Pa.B. Doc. No. 24-1272. Filed for public inspection September 6, 2024, 9:00 a.m.]

INSURANCE DEPARTMENT

Continental General Insurance Company; Rate Increase Filing for Individual LTC Forms L-6000-NQ and L-6000-TQ (GLTC-134212380); Rate Filing

Continental General Insurance Company is requesting approval to increase the premium 69% on five Pennsylvania policyholders of individual LTC forms L-6000-NQ and L-6000-TQ.

Unless formal administrative action is taken prior to November 12, 2024, the subject filing may be deemed approved by operation of law.

A copy of the filing is available on the Insurance Department's web site at www.insurance.pa.gov.

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. 24-1273. Filed for public inspection September 6, 2024, 9:00 a.m.]

INSURANCE DEPARTMENT

Review Procedure Hearings; Cancellation or Refusal of Insurance

The following insured has requested a hearing as authorized by the act of June 17, 1998 (P.L. 464, No. 68) (Act 68) in connection with the termination of the insured's automobile insurance policy. The proceedings will be governed in accordance with the requirements of Act 68; 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 in Harrisburg, PA at the following address. 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 September 11, 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 September 9, 2024.

The hearing will be held at the Administrative Hearings Office, Capitol Associates Building, Room 200, 901 North Seventh Street, Harrisburg, PA 17102.

Appeal of Richard C. Reiger; Garrison Property and Casualty Insurance Company; File No. 23-130-291174; Doc. No. P24-02-004; September 24, 2024, 1 p.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. 24-1274. Filed for public inspection September 6, 2024, 9:00 a.m.]

INSURANCE DEPARTMENT

Review Procedure Hearings; Cancellation or Refusal of Insurance

The following insured has requested a hearing as authorized by the act of June 17, 1998 (P.L. 464, No. 68) (Act 68) in connection with the termination of the insured's automobile insurance policy. The proceedings will be governed in accordance with the requirements of Act 68; 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 in Harrisburg, PA at the following address. 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 September 26, 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 September 24, 2024.

The hearing will be held at the Administrative Hearings Office, Capitol Associates Building, Room 200, 901 North Seventh Street, Harrisburg, PA 17102.

Appeal of Christine M. Jurmann; Erie Insurance Exchange; File No. 24-115-298289; Doc. No. P24-07-012; October 8, 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. 24-1275. Filed for public inspection September 6, 2024, 9:00 a.m.]

PATIENT SAFETY AUTHORITY

Public Meeting

The Patient Safety Authority (Authority), established by section 303 of the Medical Care Availability and Reduction of Error (MCARE) Act (40 P.S. § 1303.303), announces a meeting of the Authority's Board to be held virtually by means of the Authority's webinar platform Zoom on Thursday, September 19, 2024, at 1 p.m. and is open to the general public.

There will be Zoom capabilities to attend the Board meeting remotely, so registration is required.

Individuals can register by going to <https://us06web.zoom.us/join/zoom/register/tZikcOGqrjwrG9cDM0uoIAMp8yQN3qpFu-TY#/registration>.

After registering, individuals will receive a confirmation e-mail containing information about joining the meeting.

Individuals who are unable to sign in with the previously listed registration link may dial-in by using the following information:

Meeting ID: 869 7820 7113

Passcode: 6aW49t

One tap mobile:

(646) 931-3860, 86978207113# US (New York)

(301) 715-8592, 86978207113# US (Washington DC)

Dial by individual's location:

(646) 931-3860 US (New York)

(301) 715-8592 US (Washington DC)

(305) 224-1968 US (Florida)

(309) 205-3325 US (Illinois)

(312) 626-6799 US (Chicago)

(646) 558-8656 US (New York)

(564) 217-2000 US (Washington)

(669) 444-9171 US (California)

(689) 278-1000 US (Orlando)

(720) 707-2699 US (Denver)

(253) 215-8782 US (Tacoma)

(346) 248-7799 US (Houston)

Meeting ID: 869 7820 7113

Find individual's local number: <https://us06web.zoom.us/join/zoom/register/tZikcOGqrjwrG9cDM0uoIAMp8yQN3qpFu-TY#/registration>

Individuals having questions regarding this meeting, which is open to the public, should contact the Authority at (717) 346-0469.

A closed executive session of the Authority's Board of Directors will be held on September 19, 2024, at 12:30 p.m. by means of Zoom. The purpose of the executive session is for consideration of personnel matters and to engage in nondeliberative informational discussions re-

garding various actions and matters, which have been approved at previous public meetings.

REGINA M. HOFFMAN, MBA, BSN, RN, CPPS,
Executive Director

[Pa.B. Doc. No. 24-1276. Filed for public inspection September 6, 2024, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

2023 Review of All Jurisdictional Fixed Utilities' Universal Service Programs

Public Meeting held
August 22, 2024

Commissioners Present: Stephen M. DeFrank, Chairperson, joint statement; Kimberly Barrow, Vice Chairperson; Ralph V. Yanora; Kathryn L. Zerfuss, joint statement; John F. Coleman

*2023 Review of All Jurisdictional Fixed Utilities'
Universal Service Programs; M-2023-3038944*

Order

By the Commission:

On March 21, 2024, the Universal Service Working Group (USWG) filed a report (USWG Report) with the Pennsylvania Public Utility Commission (PUC) at Docket No. M-2023-3038944. The USWG Report included, inter alia, recommendations for a common application form (CAF) which could be used by public utilities to enroll eligible customers into their assistance programs.¹ The PUC has reviewed the CAF recommendations of the USWG and encourages all jurisdictional energy and water/wastewater fixed public utilities with universal service or assistance plans or programs to take steps to modify their existing universal service and assistance application forms consistent with the CAF recommendations in this Order. This Order also addresses recommendations for use in the interim until the final design and use of a statewide CAF has been fully vetted as an element in a universal service rulemaking.

I. Background

On March 27, 2023, the PUC issued a Secretarial Letter (March 2023 Secretarial Letter) at Docket Number M-2023-3038944 seeking stakeholder input on how the PUC's universal service regulations, policies, and procedures could be modified with a particular focus on, inter alia, increasing universal service program coordination among all utilities and streamlining the eligibility and enrollment process. The March 2023 Secretarial Letter requested comments from stakeholders on a number of issues, including (1) whether public utilities should be required to develop and use standardized Customer Assistance Program (CAP) forms and procedures; and (2) what barriers exist, if any, to establishing a CAF. March 2023 Secretarial Letter at 1, 3. Many stakeholders submitted comments in support of creating a CAF, noting benefits and efficiencies it could provide, including:

¹ As was pointed out by Pennsylvania Telephone Association, local exchange companies are subject to 66 Pa.C.S. Chapter 30. PTA Comments filed 6/7/2023. Verizon Pennsylvania, LLC and Verizon North, LLC pointed out that Lifeline and other discounted programs for communications services for low-income individuals are governed by Federal law and subject to "an efficient and robust process through" the Universal Service Administrative Company and the National Verifier. Verizon Comments filed June 7, 2023, at 9.

- Allowing low-income customers to apply and recertify for multiple public utility programs (e.g., electric, natural gas, and water/wastewater) at the same time without duplication of efforts.

- Making the common application and other forms available in multiple languages to provide greater access.

USWG Report at 16.

On August 23, 2023, the PUC issued a Secretarial Letter (August 2023 Secretarial Letter) establishing the USWG to address issues related to, inter alia, “developing a [CAF] that could be used by all jurisdictional fixed public utilities statewide to facilitate the enrollment of eligible customers into their utilities’ universal service programs.” August 2023 Secretarial Letter at 1. The USWG developed a subgroup to develop a CAF (Common Application Subgroup). The Common Application Subgroup consisted of 66 individuals representing the following organizations:

- Broadband Communications Association of PA
- Aqua Pennsylvania, Inc. (Aqua)
- Citizens’ Electric Company
- City Government of Philadelphia
- Community Legal Services of Philadelphia (CLS)
- Columbia Gas of Pennsylvania, Inc. (Columbia)
- Duquesne Light Company (Duquesne)
- Energy Association of Pennsylvania (EAP)²
- FirstEnergy PA
- Keystone Energy Efficiency Alliance (KEEA)
- MCR Performance Solutions
- National Fuel Gas Distribution Corporation (NFG)
- PA Office of Consumer Advocate (OCA)
- Oracle Energy & Water
- PA American Water Company (PAWC)
- PECO Energy Company (PECO)
- Pennsylvania Coalition of Local Energy Efficiency Contractors, Inc. (PA CLEEC)
- Pennsylvania Utility Law Project (on behalf of Coalition for Affordable Utility Services and Energy Efficiency in Pennsylvania (CAUSE-PA) and Pittsburgh United)
- Peoples Natural Gas Company, LLC (Peoples)
- Philadelphia Gas Works (PGW)
- Philadelphia Water Department
- Pittsburgh Water and Sewer Authority (PWSA)
- PPL Electric Utilities Corporation (PPL)
- UGI Utilities, Inc. (UGI)
- Valley Energy
- Wellsboro Electric

The Common Application Subgroup met four times from October 2023 through January 2024.³ The USWG Report was published at Docket Number M-2023-3038944 on

² Electric public utility EAP members are: Citizens’ Electric Company; Duquesne; FirstEnergy; PECO; Pike County Light & Power Company; PPL; UGI Utilities, Inc.—Electric Division; Wellsboro Electric Company; and West Penn Power Company. Natural gas public utility EAP members are: Columbia; Leatherstocking Gas Company, LLC; Pike County Light & Power Company; NFG; PECO; Peoples; PGW; UGI Utilities Inc.—Gas Division; and Valley Energy, Inc. EAP Comments to the March 2023 Secretarial Letter at 1, FN # 1.

³ The Common Application Subgroup met on 10/19/23, 11/9/23, 12/14/23, and 1/23/24.

March 21, 2024, and included the Common Application Subgroup’s recommendations for a universal service CAF.

II. Common Application Subgroup Recommendations

CAF Data Elements: Areas of Consensus

The USWG Common Application Subgroup recommended that a universal service CAF should request the following information:

- Service shut off (y/n), Shut off notice (y/n).
- Name of Applicant.
- Service Address.
- Mailing Address (if different).
- Primary and Secondary (Cell) telephone numbers.
- Email Address.
- [checkbox] Permission to receive email and text messages (Msg/data rates apply).
- (optional) Do you rent your home? (y/n).
- Total number of occupants: adults and children.
- Name, date of birth, and income amount/source(s) for each household member.
- Names of other utility companies that serve the household and permission to share the application information with them.
- Signature.
- Tag lines for language translation assistance.
- Zero-Income Form,⁴ if needed.

USWG Report at 23.

The Common Application Subgroup reviewed and revised a proposed “paper” statewide CAF reflecting the consensus⁵ data elements recommended by the Subgroup. USWG Report at 24—26. See Appendix A of this Order for the final version of the consensus paper CAF, including the Zero-Income Form.

CAF Data Elements: Areas of Non-Consensus

The Common Application Subgroup did not agree on other questions proposed for a statewide CAF, including optionally requesting the Social Security Numbers (SSNs) for household members (i.e., full or last four digits), the household’s main heating source (i.e., gas, electric, steam, or other), and account holder name and account number for any utility identified on a statewide CAF. USWG Report at 28-29.

Supplemental Information Provided with the CAF

The Common Application Subgroup also recommended that a statewide CAF include supplemental information to help customers complete the CAF and provide required documentation. The Subgroup recommended that the supplemental information include:

- Short descriptions of utility programs that explain available programs and their benefits.

⁴ In a Secretarial Letter issued on March 28, 2018, at Docket No. M-2017-2596907, the PUC initiated the 2018 USWG with a mandate that included standardizing public utility zero-income forms. Participants in the 2018 USWG included representatives from the EDCs, NGDCs, PULP, CLS, OCA, United Way, Dollar Energy Fund, KEEA, and the Office of Small Business Advocate. The 2018 USWG reached consensus on a standardized zero-income form that contains all required questions if a CAP applicant claims no income for all adults in the household. See also 2019 Amendments to Policy Statement on Customer Assistance Programs, Appendix C, Docket No. M-2019-3012599 (entered on November 5, 2019). This Order does not make any changes to the standardized Zero-Income Form or its use. We are aware of only one public utility, PGW, using an alternative form to document zero-income for a household.

⁵ We are using the term “consensus” to reflect that these proposals were generally not objected to by participants in the Common Application Subgroup.

- Program eligibility requirements that list the maximum household income limits.
- Instructions on how to complete the CAF.
- Verification and documentation—Identify what types of verification/documentation the customer must provide and how to submit it.
- A phone number for contacting the public utility for assistance with the CAF.

USWG Report at 29.

Operational Considerations

The Common Application Subgroup identified additional operational elements necessary to make a statewide CAF successful, including:

1. Allowing customers to use the CAF to apply once for all available public utility programs without having to complete additional applications and provide duplicate documentation.
2. Translating the CAF into multiple languages.
3. Allowing smaller public utilities with low-income programs to use the CAF (i.e., the CAF should not be limited to public utilities mandated to provide universal service programs).
4. Establishing an implementation timeframe for all public utilities to employ the CAF, which may be dependent on system change costs.

PUC Actions/Decisions

The Common Application Subgroup also identified actions and decisions from the PUC which may be needed to implement the CAF statewide, including (1) standardizing universal service requirements and eligibility verification policies across public utilities and (2) determining how customer information should be securely shared with public utilities using the CAF as the sole application. USWG Report at 32-33.

III. Discussion

We have duly considered the recommendations of the Common Application Subgroup and the advantages of using a CAF to simplify and facilitate household participation in all public utility universal service programs. We applaud the efforts that went into reaching this point where the PUC and the energy public utilities anticipate having access to an agreed-upon statewide CAF suitable for all energy public utilities. We also applaud the efforts of the water and wastewater public utilities that participated in the USWG even though their assistance programs are not as structured as the energy assistance programs.

We find that the consensus data elements for a CAF will greatly increase universal service program coordination among all utilities and streamline the eligibility and enrollment process. The PUC supports requesting the consensus data elements recommended by the Common Application Subgroup on a CAF. At this point, the PUC anticipates vetting the final design, use, and safety protocols of a statewide CAF in a future rulemaking based on input from stakeholders.

We have also considered the appropriateness of questions that did not have consensus of the Subgroup, as detailed below.

Identifying the Household's Main Heating Source

The Common Application Subgroup did not reach consensus on whether a CAF should include a question

asking for the household's main heating source (i.e., electric, gas, steam, or other). Some participants supported leaving this question out of a statewide CAF because public utilities report that applicants often do not know the primary heating source and that the information could be more accurately obtained through direct contact between the public utility and the customer. Other participants proposed keeping this question on the application and making it optional. USWG Report at 28-29.

We recognize that such a question can be confusing for applicants in households where the primary heating system is not operational. As noted by some participants in the Common Application Subgroup, a household's main heating source is needed by the public utility to classify the account as heating or non-heating, which is used to determine the household's maximum monthly CAP bill and maximum annual CAP credit limits. Further, this information can be used to identify if a water account should be covered under winter termination provisions if the household uses water for heating.⁶ USWG Report at 28-29. There will be occasions when not having a response to such a question and occasions when a questionable response will require the public utility to contact the applicant for more information.

Accordingly, the PUC supports asking for the household's main heating source on a statewide CAF (e.g., What is the main heating source installed in your residence? (Electric, Gas, Steam, or Other)), but not making a response to it mandatory for completing the form. If an applicant does not answer this question, or if the public utility has reason to believe the applicant may have answered this question incorrectly, the public utility should contact the customer to obtain this information if necessary.

SSNs, Account Holder Name, and Account Number

The Common Application Subgroup did not reach consensus on whether optionally requesting SSNs (i.e., full or last four digits) on a statewide CAF was necessary to confirm a household member's identity or the utility account information. It also did not reach consensus on whether a statewide CAF data elements should request the account holder name and account number for each public utility identified on the application, even as optional information. Some participants noted that having the account name and number would make it easier for public utilities to find the customer's account, as there may be issues locating an account relying only on names and street addresses. Other participants were concerned that requesting SSNs for household residents or account information for each public utility, even optionally, could (1) put the customer at risk of having the customer's personal identifiable information (PII) if a statewide CAF is improperly shared or disclosed; or (2) present a barrier to enrollment if a customer incorrectly transposed an account number or simply did not have the account number on hand when filling out the application.

We understand that requesting additional information on a statewide CAF may make it easier for a public utility to verify an applicant's or household member's identity or utility account information. If the public utility cannot verify a household's account by the name and address provided, that could delay the processing of an application until further information is provided. However, the PUC agrees with concerns raised by some of the participants of the Common Application Subgroup that

⁶ See 66 Pa.C.S. § 1406(e) (relating to termination of utility service).

including PII on a statewide CAF, such as full or partial SSNs⁷ or utility account numbers, could put the customer at increased risk of unauthorized disclosure of that information if the application is shared with multiple public utilities or third-party program administrators.⁸

Accordingly, the PUC does not support asking for SSNs or for the account holder name and utility account number on a statewide CAF.

Interim recommendations for universal service and assistance applications

Consistent with the USWG recommendations and our discussion and conclusions herein, we note that there is no impediment to putting some consensus ideas into use in the interim. We encourage all energy and water/wastewater public utilities with universal service or assistance programs to take steps to amend their online and paper universal service or assistance applications consistent with the USWG proposed CAF in anticipation of the PUC establishing a statewide CAF in a future universal service rulemaking.

Specifically, we recommend limiting information requested on universal service and assistance applications to the following:

- Service shut off (y/n), Shut off notice (y/n).
- Name of Applicant.
- Service Address.
- Mailing Address (if different).
- Primary and Secondary (Cell) telephone numbers.
- Email Address.
- [checkbox] Permission to receive email and text messages (Msg/data rates apply).
- (optional) Do you rent your home? (y/n).
- (optional) Primary Heating Source (electric, natural gas, steam, or other).
- Total number of occupants: adults and children.
- Name, date of birth, and income amount/source(s) for each household member.
- Signature.
- Tag lines for language translation assistance.
- Zero-Income Form, if needed.

The application data elements listed above are generally consistent with the recommendation of the Common Application Subgroup, apart from two points:

- (1) Adding the question requesting the household's primary heating source.
- (2) Not requiring an applicant to identify which public utilities serve the household.

⁷ See, also, Section 69.265(8)(ii)(A) of the CAP Policy Statement (2020) which provides in pertinent part that a public utility "may request, but not require, Social Security numbers (SSNs) to verify identity." 52 Pa. Code § 69.265 (relating to CAP design elements).

⁸ Similarly, we also have concerns about the potential for improper disclosure of household information through the use of 'check boxes' to identify utility companies which serve the household, as proposed for the paper CAF. See Appendix A. If an applicant checks the wrong utility or utilities, the household's information would be shared with a public utility or third-party administrator that has no service relationship with that residence. This increases the risk for improper disclosure of the household's information.

The purpose of asking an applicant to identify all public utilities that provide service to their household as part of a statewide CAF is to allow one application to be used to apply for all public utility programs at the same time. The PUC supports requesting this information as part of a statewide CAF. Currently, however, there is no mechanism for a public utility to securely exchange household application information through a centralized database or with other public utilities.⁹ Thus, recommending that the public utilities begin collecting this information now may be premature. Nevertheless, the PUC supports public utilities asking for this information if data sharing between local public utilities can be securely established with customer consent. At a minimum, public utilities should update their application systems to have the capability to collect the name of other utilities serving universal service program participants in anticipation of the establishment of a statewide CAF.

For applications that are not shared with other utilities, asking for the account holder name and account number on the application may not present the data privacy concerns noted herein as only the public utility's staff or designated agents should have access to this information. We are not opposed if public utilities that are presently requiring account holder name and account number continue to do so. We remind public utilities that if they are sharing applications with other utilities currently or at any time before a statewide CAF is implemented, then the account name and number should not be requested on the shared application.

Similar to how public utilities will use household data received from DHS through its LIHEAP Data Sharing,¹⁰ public utilities should use the information and verification provided through its universal service application to determine the household's eligibility for all programs offered by the public utility (e.g., CAP, LIURP, CARES, and Hardship Fund) without requiring them to complete separate applications or reverify eligibility for each program. Further, public utilities should offer their applications in as many languages as possible, particularly those languages used by at least 5% of the population within its service territory. Finally, public utilities should offer supplemental information to their universal service application, as recommended by the Common Application Subgroup. This includes providing a description of each universal service program, eligibility and verification requirements, instructions on how to complete the application, and a contact number to call for assistance.

We strongly urge the public utilities to incorporate the consensus data elements identified for a statewide CAF, for both their paper and their online universal service and assistance application processes as fully and quickly as possible so that all stakeholders will have a basis for meaningful input on a statewide CAF in a future universal service rulemaking.

⁹ To the PUC's knowledge, the only current mechanism for exchanging eligibility information between public utilities is when a third-party administrator serves as the CAP administrator for multiple public utilities. Peoples, for example, reports that household information previously provided to Dollar Energy Fund (DEF) to determine eligibility for another public utility's program can be used to enroll a customer into Peoples CAP, with the customer's informed consent. See Peoples 2019–2024 USECP, Docket Nos. M-2018-3003177 and M-2020-3021343 (filed on 6/13/22), at 10.

¹⁰ On June 13, 2024, the PUC entered an Order at PUC Docket No. M-2023-3038944, which, inter alia, encouraged all energy public utilities to participate in DHS' Data Sharing and established waivers to universal service and energy conservation plan requirements to allow energy public utilities to enroll or recertify eligible households into CAP, LIURP, or Hardship Fund programs without having to submit a new application or duplicative documentation.

IV. Conclusion

Accordingly, the PUC supports use of the USWG Common Application Subgroup's consensus statewide CAF data elements, with the modifications recommended by this Order, and encourages energy and water/wastewater public utilities to take steps to amend their online and paper universal service and assistance applications consistent with the recommendations in this Order. We direct each public utility choosing to modify its universal service or assistance application, consistent with the recommendations herein, to file and serve notice of this intention and a timeline for implementation. An electric or natural gas public utility shall file this notification at this docket and at its current and any proposed USECP dockets. A water or wastewater public utility shall file this notification at this docket and at the most recent docket that addressed its universal service or assistance programs. The public utility shall also file and serve notice of completion of the implementation at the same dockets. If the change to the universal service application would require a change to a current or proposed USECP, the energy public utility should propose the USECP change as part of the initial notification; *Therefore,*

It Is Ordered That:

1. An energy public utility choosing to use only the Common Application Form data elements, consistent with the recommendation in this Order, shall file and serve a notice of its intention and a timeline for implementation. This notification must be filed at this docket and at its most recent docket addressing its universal service or assistance plan or program. The public utility shall also file and serve notice of completion of the implementation at the same dockets.

2. A water/wastewater fixed public utility choosing to use only the Common Application Form data elements, consistent with the recommendation in this Order, shall file and serve a notice of its intention and a timeline for implementation. This notification must be filed at this docket and at its most recent docket addressing its universal service or assistance plan or program. The public utility shall also file and serve notice of completion of the implementation at the same dockets.

3. Each energy public utility that elects to use only the Common Application Form data elements, consistent with the recommendations in this Order, should incorporate the details of its use and its plans for future use in its next proposed universal service and energy conservation plan.

4. The contact persons for this order are Jennifer Johnson, Bureau of Consumer Services, jennifjohn@pa.gov, and Louise Fink Smith, Esq., Law Bureau, finksmith@pa.gov.

5. This Order be served on all jurisdictional electric and natural gas distribution companies and on all water and wastewater public utilities and other parties to Docket No. M-2023-3038944.

6. The Commission's Secretary's Bureau will deliver this Order to the Legislative Reference Bureau to be published in the *Pennsylvania Bulletin*.

ROSEMARY CHIAVETTA,
Secretary

ORDER ADOPTED: August 22, 2024

ORDER ENTERED: August 22, 2024

(Editor's Note: The August 22, 2024, Order contains an Appendix that is not compatible with printing in the

Pennsylvania Bulletin. The Order and Appendix may be viewed and downloaded from the PUC's website at <https://www.puc.pa.gov/pcdocs/1845753.pdf> by scrolling to end of the Order.)

Joint Statement of Chairperson Stephen M. DeFrank and Commissioner Kathryn L. Zerfuss

Today the Commission issues an Order that encourages all energy and water/wastewater public utilities with universal service or assistance programs to take steps to begin using a common application form (CAF) in place of their existing universal service or assistance application. The CAF stems from a consensus model CAF that participants in the Commission's Universal Service Working Group¹¹ designed so that all public utilities could use an application form that requested the same information from customers.

The use of a CAF will help income eligible customers apply and recertify for multiple public utility programs (electric, natural gas, and water/wastewater) at the same time without duplication of efforts. We also envision that the CAF will be available in many languages, providing greater access for customers who wish to apply for universal service or assistance programs. The CAF will increase universal service program coordination among all public utilities and streamline the eligibility and enrollment process for programs that help eligible Pennsylvania families pay for their gas, electric, and water service. While the Commonwealth's local telephone companies operate under different rules, we encourage energy and water utilities to also advise their customers of the Lifeline program for telephone assistance and for the local telephone companies to advise their customers of assistance available for their energy and water service.

We strongly urge the public utilities to incorporate the information identified for a statewide CAF, for both their paper and their online universal service and assistance application processes, as efficiently as possible to ensure that the utilities will be able to provide meaningful input on a statewide CAF in a potential future universal service rulemaking.

Thank you to our Commission staff, the utilities, the advocates, and other vested partners who have worked diligently to reach a consensus on the contents of a CAF. In addition to working to design a CAF, the working group productively collaborated on other topics to address ways to increase coordination of customer assistance programs among utilities, streamline the eligibility and enrollment process, and reduce the number of eligible customers who may be losing benefits. The efforts of this working group will help the Commission achieve its statutory obligations to continue the protections, policies and services that assist customers in affording electric and natural gas service.¹² We look forward to more goodthings coming out of the Universal Service Working Group.

Date: August 22, 2024

STEPHEN M. DeFRANK,
Chairperson
KATHRYN L. ZERFUSS,
Commissioner

[Pa.B. Doc. No. 24-1277. Filed for public inspection September 6, 2024, 9:00 a.m.]

¹¹ The Commission's Universal Service Working Group was formed in September of 2023.

¹² 66 Pa.C.S. § 2802(10); 66 Pa.C.S. § 2203(7).

**PENNSYLVANIA PUBLIC
UTILITY COMMISSION**

**Electric Generation Supplier License Cancellation
of Companies with an Expired Financial Security,
Insufficient Financial Security Amount or
Language**

Public Meeting held
August 22, 2024

Commissioners Present: Stephen M. DeFrank, Chairperson; Kimberly Barrow, Vice Chairperson; Ralph V. Yanora; Kathryn L. Zerfuss; John F. Coleman, Jr.

*Electric Generation Supplier License Cancellation of
Companies with an Expired Financial Security,
Insufficient Financial Security Amount or Language;
M-2024-3045251*

Tentative Order

By the Commission:

The Commission’s regulations at 52 Pa. Code § 54.40(a) state that an Electric Generation Supplier (EGS) license will not be issued or remain in force until the licensee furnishes a bond or other security approved by the Commission. In addition, 52 Pa. Code § 54.40(d) states that the maintenance of an EGS license is contingent on the licensee providing proof to the Commission that a

bond or other approved security in the amount directed by the Commission has been obtained.

Each EGS must file an original bond, letter of credit, continuation certificate, amendment, or other approved financial instrument with Rosemary Chiavetta, Secretary, Pennsylvania Public Utility Commission, 400 North Street, Harrisburg, PA, 17120, prior to the EGS’s current security expiration date. Each financial instrument must be an original document that displays a “wet” signature or digital signature, preferably in blue ink, and displays a “raised seal” or original notary stamp. The name of the principal on the original financial instrument must match exactly with the name that appears on the EGS’s license issued by the Commission.

Failure to file before the financial security’s expiration date may cause Commission staff to initiate a formal proceeding that may lead to the following: cancellation of each company’s electric supplier license, removal of each company’s information from the Commission’s website, and notification to all electric distribution companies, in which each company is licensed to do business, of the cancellation of the license.

As of August 13, 2024, each EGS listed in the Supplier Table below has not provided proof to the Commission that it has a bond or other approved security in the amount or language directed by the Commission, to replace a bond which is expired, or which is non-compliant with Commission regulations.

Supplier Table—List of Electric Generation Suppliers

<i>Docket Number</i>	<i>Company Name</i>	<i>Financial Security Expiration Date</i>	<i>Commission Approved Amount or Language</i>
A-2022-3034280	ANDREW BAKEY	8/2/2024	Yes
A-2012-2328004*	DISCOUNT POWER, INC.	8/12/2024	Yes
A-2019-3007457	EZ ENERGY SERVICES, LLC	8/11/2024	Yes
A-2019-3013736	GREENSTAR SOLUTIONS, LLC	8/11/2024	Yes
A-2020-3019423	RIVER OAKS ENERGY, INC.	8/1/2024	Yes

*Taking title to electricity

As part of its EGS license validation procedures, the Commission’s Bureau of Technical Utility Services sent a 90-day Security Renewal Notice email to each entity in the Supplier Table above stating that original documentation of a bond, or other approved security in the amount or language directed by the Commission, must be filed within 30-days prior to each entity’s security expiration date. None of the companies listed in the Supplier Table provided the required documentation.

Based on the above facts, we tentatively conclude that the EGSs listed in the Supplier Table are not in compliance with 52 Pa. Code § 54.40(a) and (d) and therefore it is appropriate to initiate the cancellation process for the EGS license of each company listed in the Supplier Table,

without the necessity of a formal complaint, as being in the public interest;

Therefore,

It Is Ordered That:

1. Cancellation of the Electric Generation Supplier License of each company listed in the Supplier Table is hereby tentatively approved as being in the public interest.

2. The Secretary (i) serve a copy of this Tentative Order upon the Office of Consumer Advocate, the Office of Small Business Advocate, the Bureau of Investigation & Enforcement, all electric generation distribution companies, and all of the Electric Generation Suppliers listed in

the Supplier Table; (ii) publish a copy of this Tentative Order in the *Pennsylvania Bulletin* with a 30-day comment period; and (iii) file a copy of this Tentative Order at each Electric Generation Supplier's assigned docket number.

3. To the extent any of the Electric Generation Suppliers listed in the Supplier Table challenge the cancellation of their license, they must file comments within thirty (30) days after publication of this Tentative Order in the *Pennsylvania Bulletin*. Written comments referencing Docket No. M-2024-3045251 must be eFiled to the Pennsylvania Public Utility Commission through the Commission's eFiling System. You may set up a free eFiling account with the Commission at <https://efiling.puc.pa.gov/> if you do not have one. Filing instructions may be found on the Commission's website at http://www.puc.pa.gov/filing_resources.aspx. Comments containing confidential information should be emailed to Commission Secretary Rosemary Chiavetta at rchiavetta@pa.gov rather than eFiled.

4. Alternatively, Electric Generation Suppliers listed in the Supplier Table may provide the Commission an approved security up to and within thirty (30) days after publication in the *Pennsylvania Bulletin*. The Electric Generation Supplier must file an original bond, letter of credit, continuation certificate, amendment, or other approved financial instrument displaying a "wet" signature or digital signature, preferably in blue ink, and displaying a "raised seal" or original notary stamp with Rosemary Chiavetta, Secretary, Pennsylvania Public Utility Commission, 400 North Street, Harrisburg, PA, 17120.

5. Absent the timely (i) filing of comments challenging the cancellation of the Electric Generation Supplier's license, or (ii) the filing of an approved security within 30-days after publication in the *Pennsylvania Bulletin*, the Bureau of Technical Utility Services, shall prepare a Final Order for entry by the Secretary revoking the license of each Electric Generation Supplier that fails to respond.

6. Upon entry of the Final Order, Electric Generation Suppliers that remain listed as not in compliance with 52 Pa. Code § 54.40(a) and (d) will be stricken from all active utility lists maintained by the Commission's Bureau of Technical Utility Services and the Assessment Section of the Bureau of Administration, removed from the Commission's website, and notifications be sent to all electric distribution companies in which the Electric Generation Suppliers are licensed to do business.

7. Upon entry of the Final Order, Electric Generation Suppliers that fail to respond will be prohibited from providing electric generation supply services to retail electric customers. That upon entry of the Final Order described in Ordering Paragraph No. 5, each electric distribution company in which the Electric Generation Suppliers are licensed to do business, shall return the customers of the Electric Generation Suppliers to default service.

ROSEMARY CHIAVETTA,
Secretary

ORDER ADOPTED: August 22, 2024

ORDER ENTERED: August 22, 2024

[Pa.B. Doc. No. 24-1278. Filed for public inspection September 6, 2024, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

General Rule Transaction

A-2024-3050886 and A-2024-3050887. Cincinnati Bell Extended Territories, LLC, d/b/a Altafiber Connected Services and CBTS Technology Solutions, LLC. Joint application of Cincinnati Bell Extended Territories, LLC, d/b/a Altafiber Connected Services and CBTS Technology Solutions, LLC for approval of a general rule transaction involving a change in ownership interests of existing upstream owners.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities) on or before September 23, 2024. Filings must be made with the Secretary of the Pennsylvania Public Utility Commission (Commission) by means of eService on the Commission's web site at <https://www.puc.pa.gov/filing-resources/efiling/> or at 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 on the Commission's web site and at the applicant's business address.

Joint Applicants: Cincinnati Bell Extended Territories, LLC, d/b/a Altafiber Connected Services; CBTS Technology Solutions, LLC

Through and By: Catherine G. Vasudevan, Morgan, Lewis & Bockius, LLP, 2222 Market Street, Philadelphia, PA 19103-3007, (215) 963-5000, fax (215) 963-5001, catherine.vasudevan@morganlewis.com; Andrew D. Lipman, Joshua M. Bobeck, Danielle Burt, Morgan, Lewis & Bockius, LLP, 1111 Pennsylvania Avenue, NW, Washington, DC 20004-2541, (202) 739-3000, fax (202) 739-3001, andrew.lipman@morganlewis.com, joshua.bobeck@morganlewis.com, danielle.burt@morganlewis.com; Mary Talbott, Chief Legal Officer, Cincinnati Bell, Inc., 221 East Fourth Street, Cincinnati, OH 45202, mary.talbott@altafiber.com

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 24-1279. Filed for public inspection September 6, 2024, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

General Rule Transaction

A-2024-3050892. Omni Fiber, LLC, Small Town Fiber Aggregator, LP and OHCP Digital Opportunities Omni Aggregator, LP. Joint application of Omni Fiber, LLC, Small Town Fiber Aggregator, LP and OHCP Digital Opportunities Omni Aggregator, LP for approval of a general rule transaction.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities) on or before September 23, 2024. Filings must be made with the Secretary of the Pennsylvania Public Utility Commission (Commission) by means of eService on the Commission's web site at <https://www.puc.pa.gov/filing-resources/efiling/> or at the Pennsylvania Public Utility Commission, 400 North Street, 2nd Floor, Harris-

burg, PA 17120, with a copy served on the applicant. The documents filed in support of the application are available for inspection on the Commission's web site and at the applicant's business address.

Joint Applicants: Omni Fiber, LLC; Small Town Fiber Aggregator, LP; OHCP Digital Opportunities Omni Aggregator, LP

Through and By: Catherine G. Vasudevan, Morgan, Lewis & Bockius, LLP, 2222 Market Street, Philadelphia, PA 19103-3007, (215) 963-5000, fax (215) 963-5001, catherine.vasudevan@morganlewis.com; Catherine Wang, Brett P. Ferenchak, Patricia Cave, Morgan, Lewis & Bockius, LLP, 1111 Pennsylvania Avenue, NW, Washington, DC 20004-2541, (202) 739-3000, catherine.wang@morganlewis.com, brett.ferenchak@morganlewis.com, patricia.cave@morganlewis.com; Andres Tovar, 4680 Parkway Drive, Suite 450, Mason, OH 45040, (513) 480-9610, (513) 572-5701, andres.tovar@omnifiber.com; Kara Bodle, 4680 Parkway Drive, Suite 450, Mason, OH 45040, (513) 572-5701, Kara.Bodle@omnifiber.com; Christopher Taylor, c/o Oak Hill Capital Management, 263 Tresser Boulevard, 15th Floor, Stamford, CT 06901, ctaylor@oakhillcapital.com

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 24-1280. Filed for public inspection September 6, 2024, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

General Rule Transaction

A-2024-3050894. Greenlight Networks PA, LLC and OHCP Digital Opportunities Greenlight Aggregator, LP. Joint application of Greenlight Networks PA, LLC and OHCP Digital Opportunities Greenlight Aggregator, LP for approval of a general rule transaction involving a minority ownership change.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities) on or before Monday, September 23, 2024. Filings must be made with the Secretary of the Pennsylvania Public Utility Commission (Commission) by means of eService on the Commission's web site at www.puc.pa.gov or at 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 on the Commission's web site and at the applicant's business address.

Applicants: Greenlight Networks PA, LLC; OHCP Digital Opportunities Greenlight Aggregator, LP

Through and By Counsel: Catherine G. Vasudevan, Morgan, Lewis & Bockius, LLP, 2222 Market Street, Philadelphia, PA 19103-3007, (215) 963-5000, fax (215) 963-5001, catherine.vasudevan@morganlewis.com; Catherine Wang, Brett P. Ferenchak, Patricia Cave, Morgan, Lewis & Bockius, LLP, 1111 Pennsylvania Avenue, NW, Washington, DC 20004-2541, (202) 739-3000, catherine.wang@morganlewis.com, brett.ferenchak@morganlewis.com, patricia.cave@morganlewis.com; Kevin Espinosa, Greenlight Networks PA, LLC, 150 Lawrence Bell Drive, Buffalo, NY 14221, kespinoso@greenlightnetworks.com; Christopher Taylor,

c/o Oak Hill Capital Management, One Stamford Plaza, 263 Tresser Boulevard, 15th Floor, Stamford, CT 06901, ctaylor@oakhillcapital.com

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 24-1281. Filed for public inspection September 6, 2024, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Pennsylvania Public Utility Commission; Bureau of Investigation and Enforcement v. FirstEnergy Pennsylvania Electric Company

Public Meeting held
August 22, 2024

Commissioners Present: Stephen M. DeFrank, Chairperson; Kimberly Barrow, Vice Chairperson; Ralph V. Yanora; Kathryn L. Zerfuss; John F. Coleman, Jr.

Pennsylvania Public Utility Commission; Bureau of Investigation and Enforcement v. FirstEnergy Pennsylvania Electric Company; M-2024-3030738

Opinion and Order

By the Commission:

Before the Pennsylvania Public Utility Commission (Commission) for consideration and disposition is a Joint Petition for Approval of Settlement (Settlement Agreement or Settlement) filed on March 26, 2024, by the Commission's Bureau of Investigation and Enforcement (I&E) and First Energy Pennsylvania Company¹ (First Energy Pennsylvania (West Penn)), (collectively, the Parties), with respect to an informal investigation conducted by I&E. Both Parties submitted Statements in Support of the Settlement. The Parties submit that the proposed Settlement to this Opinion and Order is in the public interest and is consistent with the Commission's Policy Statement at 52 Pa. Code § 69.1201, Factors and standards for evaluating litigated and settled proceedings involving violations of the Public Utility Code and Commission regulations—statement of policy. Settlement at 4.

Before issuing a final decision on the merits of the Settlement, and consistent with the requirements of 52 Pa. Code § 3.113(b)(3), we shall publish this Opinion and Order, as well as the proposed Settlement, including the Statements of Support, in its entirety in the *Pennsylvania Bulletin* and provide an opportunity for interested parties to file comments regarding the Settlement.

History of the Proceeding

On June 14, 2021, a windstorm caused significant damage to area trees and power lines in the FirstEnergy Pennsylvania (West Penn) service territory. A total of approximately 15,000 FirstEnergy Pennsylvania (West Penn) customers were impacted. Settlement at 4-5.

On June 15, 2021, the Commission's Bureau of Consumer Services (BCS) referred an informal complaint to

¹ Pursuant to Commission Order at A-2023-3038771, First Energy Corporation's constituent Pennsylvania subsidiaries merged into one company, the FirstEnergy Pennsylvania Electric Company. While the incident that occurred that is the subject of this Joint Petition occurred prior to Commission approval of this merger involving West Penn Power Company (West Penn), the Joint Petition was filed following that merger. Accordingly, West Penn shall be referred to as FirstEnergy Pennsylvania (West Penn).

the Commission's Investigation and Enforcement (I&E) Electric Safety Division (ESD) regarding a storm incident where a FirstEnergy Pennsylvania (West Penn) primary distribution line was brought down by a falling tree (hereinafter referred to as the incident). I&E initiated an investigation of the incident. Settlement at 5.

From June 15, 2021 through March 25, 2024, I&E and FirstEnergy Pennsylvania (West Penn) addressed the incident, including two data requests sent by I&E to obtain more information about the incident, and engaged in successful negotiations. Settlement at 4 and 5.

On March 26, 2024, counsel for I&E and FirstEnergy Pennsylvania (West Penn) filed a proposed Joint Petition for Approval of Settlement (Settlement Agreement or Settlement) to terminate I&E's informal investigation of the incident and to settle the matter completely without litigation, even though the parties' positions and claims are disputed, to resolve the proceeding in a manner that is fair and reasonable. They ask that the Commission issue an Opinion and Order approving the terms of the Joint Petition in their entirety without modification because the Settlement is in the public interest. Settlement at 1, 8, 9, 12, and 13.

Background

Following a BCS referral to I&E concerning the incident, I&E instituted an informal investigation based on I&E's determination that the matter warranted further investigation. As part of the incident investigation, I&E sent two data requests to FirstEnergy Pennsylvania (West Penn) seeking information on FirstEnergy Pennsylvania's hazard responders, their qualifications, and the procedures used for reports of a line down. The FirstEnergy Pennsylvania (West Penn) response identified the two responders and their training background. In addition, FirstEnergy Pennsylvania (West Penn) provided their procedures for responding to such an event. Finally, FirstEnergy Pennsylvania (West Penn) provided a timeline and map of the restoration activities. Settlement at 5-6.

The Settlement provides the following information describing the incident leading to this Settlement Agreement as follows:

- The June 14, 2021 storm referred to in the incident caused significant damage to area trees and power lines, including an energized 7200-volt (phase-ground) primary line that fell across a carport roof at the 586 Arden Road residence in Washington County, Pennsylvania. Settlement Agreement at 4-5 and Statement in Support of the Bureau of Investigation and Enforcement (Appendix A) at 3.

- The consumer residing at 586 Arden Road called 911 for immediate help and then called FirstEnergy Pennsylvania (West Penn) for assistance and waited for someone from FirstEnergy Pennsylvania (West Penn) to come to his home and inform him when it would be safe for him and his girlfriend to evacuate, but nobody came to his assistance. As a result of the downed line remaining on the carport, the homeowner and his girlfriend were unable to leave their home. Had the homeowner or his girlfriend gone near the carport, the downed line could also have presented a risk of serious injury or death. Settlement at 5 and Appendix A at 7.

- On the section of the McGovern circuit in question, there were four locations with wires down. Following the repair of three down wire locations, the line crew patrolled the line prior to closing the fuse at Pole 30718. The line crew was not aware, and did not observe, the

portion of the line that was down near 586 Arden Road. After closing in the fuse at Pole 30718 and re-energizing the circuit the following day (June 15, 2021), the line crew heard a bang from the fuse operating at Pole 32869, which then de-energized the portion of the circuit serving 586 Arden Road. Settlement at 5.

- FirstEnergy Pennsylvania (West Penn) undertook an investigation of the events related to the incident and cooperated with and assisted I&E with its investigation of the events surrounding the incident. FirstEnergy Pennsylvania Statement in Support (Appendix B) at 1.

- FirstEnergy Pennsylvania (West Penn) acknowledges the seriousness of the allegations and recognizes the need to prevent the reoccurrence of the misconduct which was the subject of the instant investigation and has already implemented certain of the terms included in the Settlement. Settlement at 9 and Appendix B at 6.

I&E avers that had this matter been fully litigated, I&E would have proffered evidence that FirstEnergy Pennsylvania (West Penn) had violated several provisions of the Public Utility Code and the Commission's Regulations as follows:

1. FirstEnergy Pennsylvania (West Penn) failed to ensure that their employees took reasonable steps to ensure that the work performed was done following the Company's operating procedures at Article 6.3 of their Hazard Process (Wire Down Process).

- a. The hazard responders failed to proceed and report to the specific address location of the distress call of a wire down.

- b. The hazard responders failed to properly identify the hazardous situation as reported by the caller for a wire down at the 586 Arden Road residence.

- i. The hazard responders were not familiar with all types of construction and line configurations including transmission, primary and secondary applications.

- c. The hazard responders failed to provide a detailed assessment of the hazardous situation to the hazard dispatcher including the facilities affected as identified in the line down call at the 586 Arden Road residence.

- d. The hazard responders failed to stand by until relieved by another hazard responder crew, line service crew, or public protector when they were near the end of their shift and did not reach the 586 Arden Road residence.

2. FirstEnergy Pennsylvania (West Penn)'s hazard dispatcher failed to follow up on the line down distress call with another hazard responder crew or the customer at the 586 Arden Road residence.

3. FirstEnergy Pennsylvania (West Penn) failed to recognize the level of severity of the energized line down (on the customer's carport roof, attached to his house) during and after the storm event at the 586 Arden Road residence.

These allegations, if proven, would constitute a violation of NESC §§ 214.A.1 and 214.A.5 (requiring that "lines and equipment shall comply with these safety rules when placed in service" and that "[l]ines and equipment with recorded conditions or defects that would reasonably be expected to endanger human life or property shall be promptly corrected, disconnected, or isolated."); 52 Pa. Code § 57.28(a)(1) (requiring an electric utility to "use reasonable effort to properly warn and protect the public from danger" and to "exercise reasonable care to reduce the hazards to which employees, customers, the

public and others may be subjected to by reason of its provision of electric utility services and its associated equipment and facilities”); 52 Pa. Code § 57.194(a) (requiring an EDC to “furnish and maintain adequate, efficient, safe and reasonable service and facilities” and “to make repairs, changes, alterations, substitutions, extensions and improvements in or to the service and facilities necessary or proper for the accommodation, convenience and safety of its patrons, employees and the public”); 52 Pa. Code § 57.12(a) (requiring an EDC to make a full and prompt investigation of a customer complaint); and 66 Pa.C.S. § 1501 (requiring a public utility to “furnish and maintain adequate, efficient, safe, and reasonable service and facilities” and to “make all such repairs, changes, . . . and improvements in or to such service and facilities” for the “safety of its patrons, employees, and the public” and requiring that such service and facilities “be in conformity with the regulations and orders of the Commission.”). Settlement at 5–8.

The Settlement recognizes that, had the matter been litigated, FirstEnergy Pennsylvania (West Penn) would have denied the alleged violations, raised defenses and/or mitigating factors in support of its defense, and defended against the same at hearing. Settlement at 8.

The Settlement further acknowledges that FirstEnergy Pennsylvania (West Penn) understands the nature of the allegations that I&E would have asserted in a formal complaint. FirstEnergy Pennsylvania (West Penn) has already put into effect appropriate measures that have been approved by I&E to ensure that such issues would not be likely to reoccur. Settlement at 8.

The Settlement also states that, as a mitigating factor to the above allegations, I&E acknowledges that FirstEnergy Pennsylvania (West Penn) cooperated with I&E’s investigation. During the investigatory process, FirstEnergy Pennsylvania (West Penn) also complied with I&E’s requests for information and documentation and timely provided I&E with records, correspondences, and other documents as requested by I&E. Settlement at 8.

The Parties recognize that their positions and claims are disputed and given that the precise outcome of a contested proceeding is uncertain, the Parties further recognize the benefits of amicably resolving the disputed issues through settlement. Settlement at 9.

I&E and FirstEnergy Pennsylvania (West Penn), intending to be legally bound and for consideration given, desire to conclude this informal investigation and agree to stipulate as to the following terms solely for the purposes of this Settlement Agreement. Settlement at 9.

The Settlement, which is attached to this Opinion and Order, has been filed by the Parties to provide a complete settlement of I&E’s investigation of FirstEnergy Pennsylvania (West Penn)’s alleged violations of the Public Utility Code and the Commission’s Regulations and to settle this matter completely without litigation as it relates to the incident involving 586 Arden Road residence in Washington County, Pennsylvania. Settlement at 8.

Terms of the Settlement

Pursuant to the proposed Settlement, I&E and FirstEnergy Pennsylvania (West Penn) have agreed to the following:

A. FirstEnergy Pennsylvania (West Penn) will pay a civil penalty in the amount of Twelve Thousand Five Hundred Dollars (\$12,500.00). Said payment shall be made within thirty (30) days of the entry date of the Commission’s Final Order approving the Settlement

Agreement and shall be made by certified check or money order payable to the “Commonwealth of Pennsylvania.” The docket number of this proceeding shall be indicated with the certified check or money order and the payment shall be sent to:

Rosemary Chiavetta, Secretary
 Pennsylvania Public Utility Commission
 Commonwealth Keystone Building
 400 North Street
 Harrisburg, PA 17120

The civil penalty shall not be tax deductible pursuant to Section 162(f) of the Internal Revenue Code, 26 U.S.C.S. § 162(f) and shall not be passed through as an additional charge to FE PA’s customers in Pennsylvania.

B. FirstEnergy Pennsylvania (West Penn) agrees to implement the following corrective action;

- FirstEnergy Pennsylvania (West Penn), through review of its Emergency Plan procedures, shall oversee the wire down reporting process and follow-up for reports of line down reports to reduce the risk of contact incidents and property damage in their service area.

- Supervisors should verify reports of lines down and follow the FirstEnergy Pennsylvania (West Penn) procedures to identify and address hazardous situations as quickly as possible and make safe the area from public contact.

- FirstEnergy Pennsylvania (West Penn) shall provide better initial and continued training for the appropriate hazard responder personnel on the Line Down / Hazard process requirements.

Settlement at 6-7.

Upon Commission approval of the Settlement in its entirety without modification, I&E will not file any complaints or initiate other action against FirstEnergy Pennsylvania (West Penn) at the Commission with respect to the allegations which were the subject of I&E’s informal investigation of the incident. Settlement at 10.

I&E and FirstEnergy Pennsylvania (West Penn) jointly acknowledge that approval of this Settlement Agreement is in the public interest and fully consistent with the Commission’s Policy Statement regarding Factors and Standards for Evaluating Litigated and Settled Proceedings, 52 Pa. Code § 69.1201. Settlement at 10.

The Parties submit that the Settlement Agreement is in the public interest because it effectively addresses I&E’s allegations that are the subject of I&E’s informal investigation of the incident and avoids the time and expense of litigation, which entails hearings, various expenses, and the preparation and filing of briefs, exceptions, and reply exceptions, as well as possible appeals. Attached as Appendices A and B are Statements in Support submitted by I&E and FirstEnergy Pennsylvania (West Penn), respectively, setting forth the bases upon which the Parties believe the Settlement Agreement is in the public interest. Settlement at 10.

The Settlement provides that no changes to obligations set forth herein may be made unless they are in writing and are expressly accepted by the parties involved. This Settlement Agreement shall be construed and interpreted under Pennsylvania law. Settlement at 11.

The Settlement is conditioned upon the Commission’s approval of the terms and conditions contained in this Joint Petition without modification. If the Commission modifies this Settlement Agreement, any party may elect

to withdraw from this Settlement Agreement and may proceed with litigation or take such other action that is deemed appropriate and, in such event, this Settlement Agreement shall be void and of no effect. Any election to withdraw must be made in writing, filed with the Secretary of the Commission, and served upon all parties within twenty (20) business days after entry of an Order modifying the Settlement. Settlement at 11.

The Parties agree that the underlying allegations were not the subject of any hearing or formal procedure and that there has been no order, findings of fact or conclusions of law rendered in this complaint proceeding. It is further understood that, by entering into this Settlement Agreement, FirstEnergy Pennsylvania (West Penn) has made no concession or admission of fact or law and may dispute all issues of fact and law for all purposes in all proceedings that may arise because of the circumstances described in this Settlement Agreement. Settlement at 11.

The Parties further state that this Settlement Agreement reflects a compromise of competing positions and does not necessarily reflect any party's position with respect to any issues raised in this proceeding. Settlement at 11-12.

This Settlement Agreement is being presented only in the context of this proceeding to resolve the proceeding in a manner that is fair and reasonable. This Settlement Agreement is presented without prejudice to any position that any of the parties may have advanced and without prejudice to the position any of the parties may advance in the future on the merits of the issues in future proceedings, except to the extent necessary to effectuate the terms and conditions of this Settlement Agreement. This Settlement does not preclude the Parties from taking other positions in any other proceeding but is conclusive in this proceeding and may not be reasserted in any other proceeding or forum except for the limited purpose of enforcing the Settlement by a Party. Settlement at 12.

The Parties also state that the terms and conditions of this Settlement Agreement constitute a carefully crafted package representing reasonably negotiated compromises on the issues addressed herein. Thus, the Settlement Agreement is consistent with the Commission's rules and practices encouraging negotiated settlements set forth in 52 Pa. Code §§ 5.231 and 69.1201. Settlement at 12.

Discussion

Pursuant to our Regulations at 52 Pa. Code § 5.231, it is the Commission's policy to promote settlements. The Commission must, however, review proposed settlements to determine whether the terms are in the public interest. *Pa. PUC v. Philadelphia Gas Works*, Docket No. M-00031768 (Opinion and Order entered January 7, 2004).

In reviewing settlements that resolve informal investigations, the Commission will provide other potentially affected parties with the opportunity to file comments regarding a proposed settlement prior to issuing a decision. The Commission's Regulations at 52 Pa. Code § 3.113(b) provide as follows:

§ 3.113. Resolution of informal investigations.

* * *

(b) Under 65 Pa.C.S. Chapter 7 (relating to Sunshine Act), the Commission's official actions resolving informal investigations will be as follows:

* * *

(3) When the utility, or other person subject to the Commission's jurisdiction, has committed to undertake action to address or remedy a violation or potential violation of the act or to resolve another perceived deficiency at the utility, in the form of a settlement with the Commission staff or other resolution of the matter, the Commission's consideration of the settlement or approval of the utility's action will occur at public meeting. Except for staff reports and other documents covered by a specific legal privilege, documents relied upon by the Commission in reaching its determination shall be made part of the public record. *Before the Commission makes a final decision to adopt the settlement or to approve the utility's action, the Commission will provide other potentially affected persons with the opportunity to submit exceptions thereon or to take other action provided for under law.*

52 Pa. Code § 3.113(b) (emphasis added). See also, *Pa. PUC, Bureau of Investigation and Enforcement v. PPL Electric Utilities Corporation*, Docket No. M-2012-2264635 (Opinion and Order entered September 13, 2012); *Pa. PUC, Bureau of Investigation and Enforcement v. Liberty Power Holdings, LLC*, Docket No. M-2019-2568471 (Opinion and Order entered August 8, 2019).

Conclusion

Before issuing a decision on the merits of the proposed Settlement, and consistent with the requirement of 52 Pa. Code § 3.113(b)(3), we believe it is appropriate to publish the Settlement in the *Pennsylvania Bulletin* and provide an opportunity for interested parties to file comments regarding the proposed Settlement. Accordingly, we will: (1) publish this Opinion and Order and a copy of the proposed Settlement and Statements in Support, attached hereto, in the *Pennsylvania Bulletin*;² and (2) provide an opportunity for interested parties to file comments regarding the proposed Settlement within twenty-five (25) days after the date of publication in the *Pennsylvania Bulletin*; Therefore,

It Is Ordered That:

1. The Secretary's Bureau shall duly certify this Opinion and Order along with the attached Joint Petition for Approval of Settlement and the Statements in Support thereof, at Docket No. M-2024-3030738, and deposit them with the Legislative Reference Bureau (Attachment A) for publication in the *Pennsylvania Bulletin*.

2. Within twenty-five (25) days after the date that this Opinion and Order and the attached Joint Petition for Approval of Settlement and the Statements in Support thereof are published in the *Pennsylvania Bulletin*, interested parties may file comments concerning the proposed Settlement.

3. A copy of this Opinion and Order, together with the attached Joint Petition for Approval of Settlement and the Statements in Support thereof, at Docket No. M-2024-3030738, shall be served on the Office of Consumer Advocate and the Office of Small Business Advocate.

4. After the Commission's review of any comments filed in this proceeding, at Docket No. M-2024-3030738, a final Opinion and Order will be issued.

ROSEMARY CHIAVETTA,
Secretary

ORDER ADOPTED: August 22, 2024

ORDER ENTERED: August 22, 2024

² Attached to this Opinion and Order for publication is the Settlement Agreement as well as the Statement of Support of I&E (Appendix A) and the Statement of Support of FirstEnergy Pennsylvania (West Penn) (Appendix B) (collectively Attachment A).

**Attachment A
BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pennsylvania Public Utility Commission,
Bureau of Investigation and Enforcement

v.

FirstEnergy Pennsylvania Electric Company

Docket No. M-2024-3030738

JOINT PETITION FOR APPROVAL OF SETTLEMENT

TO THE HONORABLE PENNSYLVANIA PUBLIC UTILITY COMMISSION:

Pursuant to 52 Pa. Code §§ 5.41 and 5.232, the Pennsylvania Public Utility Commission’s (“Commission”) Bureau of Investigation and Enforcement (“I&E”) and FirstEnergy Pennsylvania Electric Company on behalf of the West Penn Power Rate District³ (“West Penn” or “FE PA” or “the Company”) hereby submit this Joint Petition for Approval of Settlement (“Settlement” or “Settlement Agreement”) to resolve all issues related to the above-docketed informal investigation.

As part of this Settlement Agreement, I&E and FE PA (hereinafter referred to collectively as the “Parties”) respectfully request that the Commission enter a Final Opinion and Order approving the Settlement without modification. Statements in Support of the Settlement expressing the individual views of I&E and FE PA are attached hereto as Appendix A and Appendix B, respectively.

I. Introduction

1. The Parties to this Settlement Agreement are the Pennsylvania Public Utility Commission’s Bureau of Investigation and Enforcement, by its prosecuting attorneys, with a principal address of Commonwealth Keystone Building, 400 North Street, Harrisburg, PA 17120 and FirstEnergy Pennsylvania Electric Company with its principal place of business at 2800 Pottsville Pike, Reading, PA 16001.

2. The Commission is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within this Commonwealth as well as other entities subject to its jurisdiction, pursuant to the Public Utility Code (the “Code”), 66 Pa.C.S. §§ 101, et seq.

3. I&E is the entity established to prosecute complaints against public utilities and other entities subject to the Commission’s jurisdiction pursuant to 66 Pa.C.S. § 308.2(a)(11); See also Implementation of Act 129 of 2008; Organization of Bureaus and Offices, Docket No. M-2008-2071852 (Order entered August 11, 2011) (delegating authority to initiate proceedings that are prosecutive in nature to I&E).

4. Section 501(a) of the Pennsylvania Public Utility Code (“Code”), 66 Pa.C.S. § 501(a), authorizes and obligates the Commission to execute and enforce the provisions of the Code.

5. Section 2804(1)(ii) of the Code, 66 Pa.C.S. § 2804(1)(ii), requires the Commission “to ensure the

continuation of safe and reliable electric service to all consumers in the Commonwealth, including...[t]he installation and maintenance of transmission and distribution facilities in conformity with established industry standards and practices, including the standards set forth in the National Electric Safety Code [(“NESC”).]” See also 52 Pa. Code §§ 57.193-194.

6. Section 701 of the Code, 66 Pa.C.S. § 701, authorizes the Commission, inter alia, to hear and determine complaints alleging a violation of any law or regulation that the Commission has jurisdiction to administer.

7. Section 3301 of the Code, 66 Pa.C.S. § 3301, authorizes the Commission to impose civil penalties on any public utility or on any other person or corporation subject to the Commission’s authority for violations of the Code, the Commission’s regulations, or both. Section 3301 allows for the imposition of a fine for each violation and each day’s continuance of such violation(s). 66 Pa.C.S. § 3301.

8. FE PA is a “public utility” as that term is defined at 66 Pa.C.S. § 102 as it is engaged in providing public utility service as an electric distribution company (“EDC”) in the Commonwealth of Pennsylvania to the public for compensation.

9. FE PA, as an EDC, is subject to the power and authority of the Commission pursuant to Section 501(c) of the Code, 66 Pa.C.S. § 501(c), which requires a public utility to comply with Commission regulations and orders.

10. Pursuant to the provisions of the applicable Commonwealth statutes and regulations, the Commission has jurisdiction over the subject matter and the actions of FE PA in its capacity as an EDC.

11. Pursuant to Sections 331(a) and 506 of the Code, 66 Pa.C.S. §§ 331(a) and 506 and Section 3.113 of the Commission’s regulations, 52 Pa. Code § 3.113, Commission staff has the authority to conduct informal investigations or informal proceedings in order to gather data and/or to substantiate allegations of potential violations of the Commission’s regulations.

12. I&E instituted an informal investigation of West Penn based on information referred to I&E by the Commission’s Bureau of Consumer Services (“BCS”) on June 15, 2021, regarding a complaint that had originated from a June 14, 2021, storm incident. I&E determined that this complaint warranted further investigation to examine whether the actions of West Penn violated the Code, Commission regulations, and NESC.

13. As a result of successful negotiations between I&E and FE PA, the Parties have reached an agreement on an appropriate outcome to the informal investigation as encouraged by the Commission’s policy to promote settle-

³ Pursuant to Commission Order at A-2023-30338771, FirstEnergy Corp.’s constituent Pennsylvania subsidiaries merged into one company, the FirstEnergy Pennsylvania Electric Company. When the incident that is the subject of this Joint Petition occurred, the merger had not yet taken place and West Penn Power Company was the responsible utility. Accordingly, FirstEnergy Pennsylvania Electric Company may be referred to herein as “West Penn.”

ments. See 52 Pa. Code § 5.231. The Settlement also is consistent with the Commission's Policy Statement for evaluating litigated and settled proceedings involving violations of the Code and Commission regulations, 52 Pa. Code § 69.1201. The duly authorized Parties executing this Settlement Agreement agree to the settlement terms set forth herein and urge the Commission to approve the Settlement Agreement as submitted as being in the public interest.

II. Background

14. On June 15, 2021, BCS referred an informal complaint to I&E's Electric Safety Division regarding a storm incident where a West Penn primary distribution line was brought down by a falling tree (hereinafter referred to as "incident").

15. On June 14, 2021, a windstorm caused significant damage to area trees and power lines. An energized, 7200-volt (phase-to-ground) primary line fell across a carport roof of the 586 Arden Road residence. The resident, Chris Schmitt, called 911 for immediate help for an energized power line down on his house, then he called West Penn for assistance. The customer waited for someone from West Penn to come to his home and inform him when it would be safe for him and his girlfriend to evacuate, but nobody came to his assistance.

16. I&E's Electric Safety Division ("ESD") initiated an investigation. The following background consists of a summary of the findings of the ESD investigation:

17. A total of approximately 15,000 West Penn customers were impacted.

18. On the section of the McGovern circuit, there were four locations with wires down. Following the repair of three down wire locations, the line crew patrolled the line prior to closing the fuse at Pole 30718. The line crew was not aware, and did not observe, the portion of the line that was down near 586 Arden Road. After closing in the fuse at Pole 30718 and re-energizing the circuit the following day (June 15, 2021), the line crew heard a bang from the fuse operating at Pole 32869, which then de-energized the portion of the circuit serving 586 Arden Road.

19. There was no response or information given by West Penn to the customer for the report of a "line down" on the customer's home or instruction for his safety.

20. Following the incident investigation, ESD sent two data requests to West Penn to obtain more information about the incident. The data requests sought information on West Penn's hazard responders, their qualifications, and the procedure used for reports of a line down. The two responders assigned were identified and their training credentials were provided. Additionally, the Company's procedure for responding to such an event was provided. A timeline and map of the restoration activities was also obtained.

21. Through the review of the investigation findings, and the policy materials provided, ESD determined that West Penn failed to follow NESC general requirements for corrections of its lines and equipment while in service as well as their Emergency Plan for responding to a report of a wire down.

III. Alleged Violations

22. Based on information obtained through its investigation, as described above, and a review of the Commission's regulations and relevant regulations and statutes, I&E was prepared to contend by the filing of a formal

complaint that FE PA violated certain provisions of the Commission's regulations, the NESC, and the Code in that:

1. FE PA failed to ensure that their employees took reasonable steps to ensure that the work performed was done following the Company's operating procedures at Article 6.3 of their Hazard Process (Wire Down Process).

a. The hazard responders failed to proceed and report to the specific address location of the distress call of a wire down.

b. The hazard responders failed to properly identify the hazardous situation as reported by the caller for a wire down at the 586 Arden Road residence.

i. The hazard responders were not familiar with all types of construction and line configurations including transmission, primary and secondary applications.

c. The hazard responders failed to provide a detailed assessment of the hazardous situation to the hazard dispatcher including the facilities affected as identified in the line down call at the 586 Arden Road residence.

d. The hazard responders failed to stand by until relieved by another hazard responder crew, line service crew, or public protector when they were near the end of their shift and did not reach the 586 Arden Road residence.

2. FE PA hazard dispatcher failed to follow up on the line down distress call with another hazard responder crew or the customer at the 586 Arden Road residence.

3. FE PA failed to recognize the level of severity of the energized line down (on the customer's carport roof, attached to his house) during and after the storm event at the 586 Arden Road residence.

23. These allegations, if proven, constitute a violation of NESC §§ 214.A.1 and 214.A.5 (requiring that "lines and equipment shall comply with these safety rules when placed in service" and that "[l]ines and equipment with recorded conditions or defects that would reasonably be expected to endanger human life or property shall be promptly corrected, disconnected, or isolated."); 52 Pa. Code § 57.28(a)(1) (requiring an electric utility to "use reasonable effort to properly warn and protect the public from danger" and to "exercise reasonable care to reduce the hazards to which employees, customers, the public and others may be subjected to by reason of its provision of electric utility services and its associated equipment and facilities"); 52 Pa. Code § 57.194(a) (requiring an EDC to "furnish and maintain adequate, efficient, safe and reasonable service and facilities" and "to make repairs, changes, alterations, substitutions, extensions and improvements in or to the service and facilities necessary or proper for the accommodation, convenience and safety of its patrons, employees and the public"); 52 Pa. Code § 57.12(a) (requiring an EDC to make a full and prompt investigation of a customer complaint); and 66 Pa.C.S. § 1501 (requiring a public utility to "furnish and maintain adequate, efficient, safe, and reasonable service and facilities" and to "make all such repairs, changes, . . . and improvements in or to such service and facilities" for the "safety of its patrons, employees, and the public" and requiring that such service and facilities "be in conformity with the regulations and orders of the Commission.").

24. Had the matter been litigated, FE PA would have denied the alleged violations, raised defenses and/or mitigating factors in support of its defense, and defended against the same at hearing.

25. FE PA understands the nature of the allegations that I&E would have asserted in a formal complaint and has put into effect appropriate measures that have been approved by I&E to ensure that such issues would not be likely to reoccur.

26. As a mitigating factor to the above allegations, I&E acknowledges that FE PA cooperated with I&E's investigation. During the investigatory process, FE PA complied with I&E's requests for information and documentation and timely provided I&E with records, correspondences, and other documents as requested by I&E.

IV. Settlement Terms

27. Pursuant to the Commission's policy of encouraging settlements that are reasonable and in the public interest,⁴ I&E and FE PA held a series of discussions that culminated in this Settlement. The purpose of this Joint Petition for Approval of Settlement is to terminate I&E's informal investigation and to settle this matter completely without litigation. There has been no Formal Complaint filed, no evidentiary hearing before any tribunal, and no sworn testimony taken in any proceeding related to this incident.

28. FE PA fully acknowledges the seriousness of I&E's allegations and recognizes the need to prevent the recurrence of the misconduct which was the subject of I&E's instant investigation.

29. The Parties recognize that their positions and claims are disputed and given that the precise outcome of a contested proceeding is uncertain, the Parties further recognize the benefits of amicably resolving the disputed issues through settlement.

30. I&E and FE PA, intending to be legally bound and for consideration given, desire to fully and finally conclude this informal investigation and agree to stipulate as to the following terms solely for the purposes of this Settlement Agreement:

A. FE PA will pay a civil penalty in the amount of Twelve Thousand Five Hundred Dollars (\$12,500.00). Said payment shall be made within thirty (30) days of the entry date of the Commission's Final Order approving the Settlement Agreement and shall be made by certified check or money order payable to the "Commonwealth of Pennsylvania." The docket number of this proceeding shall be indicated with the certified check or money order and the payment shall be sent to:

Rosemary Chiavetta, Secretary
 Pennsylvania Public Utility Commission
 Commonwealth Keystone Building
 400 North Street
 Harrisburg, PA 17120

The civil penalty shall not be tax deductible pursuant to Section 162(f) of the Internal Revenue Code, 26 U.S.C.S. § 162(f) and shall not be passed through as an additional charge to FE PA's customers in Pennsylvania.

B. FE PA agrees to implement the following corrective action;

- FE PA, through review of its Emergency Plan procedures, shall oversee the wire down reporting process and follow-up for reports of line down reports to reduce the risk of contact incidents and property damage in their service area.

- Supervisors should verify reports of lines down and follow the FE PA procedures to identify and address hazardous situations as quickly as possible and make safe the area from public contact.

- FE PA shall provide better initial and continued training for the appropriate hazard responder personnel on the Line Down / Hazard process requirements.

Upon Commission approval of the Settlement in its entirety without modification, I&E will not file any complaints or initiate other action against FE PA at the Commission with respect to the allegations which were the subject of I&E's instant investigation.

31. I&E and FE PA jointly acknowledge that approval of this Settlement Agreement is in the public interest and fully consistent with the Commission's Policy Statement regarding Factors and Standards for Evaluating Litigated and Settled Proceedings, 52 Pa. Code § 69.1201. The Parties submit that the Settlement Agreement is in the public interest because it effectively addresses I&E's allegations that are the subject of I&E's informal investigation and avoids the time and expense of litigation, which entails hearings, various expenses, and the preparation and filing of briefs, exceptions, and reply exceptions, as well as possible appeals. Attached as Appendices A and B are Statements in Support submitted by I&E and FE PA, respectively, setting forth the bases upon which the Parties believe the Settlement Agreement is in the public interest.

V. Conditions of Settlement

32. This document represents the Settlement Agreement in its entirety. No changes to obligations set forth herein may be made unless they are in writing and are expressly accepted by the parties involved. This Settlement Agreement shall be construed and interpreted under Pennsylvania law.

33. The Settlement is conditioned upon the Commission's approval of the terms and conditions contained in this Joint Petition for Approval of Settlement without modification. If the Commission modifies this Settlement Agreement, any party may elect to withdraw from this Settlement Agreement and may proceed with litigation or take such other action that is deemed appropriate and, in such event, this Settlement Agreement shall be void and of no effect. Such election to withdraw must be made in writing, filed with the Secretary of the Commission and served upon all parties within twenty (20) business days after entry of an Order modifying the Settlement.

34. The Parties agree that the underlying allegations were not the subject of any hearing or formal procedure and that there has been no order, findings of fact or conclusions of law rendered in this complaint proceeding. It is further understood that, by entering into this Settlement Agreement, FE PA has made no concession or admission of fact or law and may dispute all issues of fact and law for all purposes in all proceedings that may arise as a result of the circumstances described in this Settlement Agreement.

35. The Parties acknowledge that this Settlement Agreement reflects a compromise of competing positions and does not necessarily reflect any party's position with respect to any issues raised in this proceeding.

36. This Settlement Agreement is being presented only in the context of this proceeding in an effort to resolve the proceeding in a manner that is fair and reasonable. This Settlement Agreement is presented without prejudice to any position that any of the parties may have advanced and without prejudice to the position any of the parties

⁴ See 52 Pa. Code § 5.231(a).

may advance in the future on the merits of the issues in future proceedings, except to the extent necessary to effectuate the terms and conditions of this Settlement Agreement. This Settlement does not preclude the Parties from taking other positions in any other proceeding but is conclusive in this proceeding and may not be reassessed in any other proceeding or forum except for the limited purpose of enforcing the Settlement by a Party.

37. The terms and conditions of this Settlement Agreement constitute a carefully crafted package representing reasonably negotiated compromises on the issues addressed herein. Thus, the Settlement Agreement is consistent with the Commission’s rules and practices encouraging negotiated settlements set forth in 52 Pa. Code §§ 5.231 and 69.1201.

Wherefore, the Pennsylvania Public Utility Commission’s Bureau of Investigation and Enforcement and FirstEnergy Pennsylvania Electric Company respectfully request that the Commission issue an Order approving the terms of this Settlement Agreement in their entirety as being in the public interest.

Respectfully Submitted,
Pennsylvania Public Utility Commission,
Bureau of Investigation and Enforcement
By: Grant Rosul
Prosecutor
PA Attorney ID No. 318204
Pennsylvania Public Utility Commission
Bureau of Investigation and Enforcement
400 North Street
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grosul@pa.gov

Date: March 26, 2024

FirstEnergy Pennsylvania Electric Company
By: Darshana Singh
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FirstEnergy Service Company
2800 Pottsville Pike
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Reading, PA 19612-6658
singhd@firstenergycorp.com

Dated: March 21, 2023

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pennsylvania Public Utility Commission,
Bureau of Investigation and Enforcement

v.

FirstEnergy Pennsylvania Electric Company

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: Docket No. M-2024-3030738
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**STATEMENT IN SUPPORT OF
THE BUREAU OF INVESTIGATION AND ENFORCEMENT**

TO THE HONORABLE PENNSYLVANIA PUBLIC UTILITY COMMISSION:

The Bureau of Investigation and Enforcement (“I&E”) offers the following Statement in Support of the Joint Petition for Approval of Settlement between FirstEnergy Pennsylvania Electric Company on behalf of the West Penn Power Rate District (“West Penn” or “FE PA” or “the Company”) and I&E for FE PA’s violations of the Public Utility Code (the “Code”), 66 Pa.C.S. §§ 101 et seq. and Commission regulations.

I. Introduction

I&E is the entity established to prosecute complaints against public utilities and other entities subject to the Commission’s jurisdiction pursuant to 66 Pa.C.S. § 308.2(a)(11); See Implementation of Act 129 of 2008; Organization of Bureaus and Offices, Docket No. M-2008-2071852 (Order entered August 11, 2011) (delegating authority to initiate proceedings that are prosecutory in nature to I&E).

Section 501(a) of the Code, 66 Pa.C.S. § 501(a), authorizes and obligates the Commission to execute and enforce the provisions of the Code. Section 701 of the Code, 66 Pa.C.S. § 701, authorizes the Commission, inter alia, to hear and determine complaints alleging a violation of any law or regulation that the Commission has jurisdiction to administer.

Section 2804(1)(ii) of the Code, 66 Pa.C.S. § 2804(1)(ii), requires the Commission “to ensure the continuation of safe and reliable electric service to all consumers in the

Commonwealth, including. . .[t]he installation and maintenance of transmission and distribution facilities in conformity with established industry standards and practices, including the standards set forth in the National Electric Safety Code [(“NESC”).]” See also 52 Pa. Code §§ 57.193-194.

FE PA is a “public utility” as that term is defined at 66 Pa.C.S. § 102 as it is engaged in providing public utility service as an electric distribution company (“EDC”) in the Commonwealth of Pennsylvania to the public for compensation. FE PA, as an EDC, is subject to the power and authority of the Commission pursuant to Section 501(c) of the Code, 66 Pa.C.S. § 501(c), which requires a public utility to comply with Commission regulations and orders.

Pursuant to Sections 331(a) and 506 of the Code, 66 Pa.C.S. §§ 331(a) and 506 and Section 3.113 of the Commission’s regulations, 52 Pa. Code § 3.113, Commission staff has the authority to conduct informal investigations or informal proceedings in order to gather data and/or to substantiate allegations of potential violations of the Commission’s regulations.

I&E instituted an informal investigation of FE PA based on information referred to I&E Enforcement by the Commission’s Electric Safety Division (“ESD”) regarding an incident where an FE PA primary distribution line was brought down during a storm by a falling tree onto the roof of a carport at a residence located at 586 Arden Road in Washington County, Pennsylvania. I&E determined that this complaint warranted further investiga-

tion to examine whether the actions of FE PA violated the Code, Commission regulations, or the NESC.

However, after a thorough review of the case and discussion with FE PA, the parties have reached mutually agreeable settlement terms and believe that it is in the public interest to settle the matter.

II. Summary of Settlement

The Joint Petition for Approval of Settlement (“Settlement”) resolves all outstanding violations of the Code stemming from the incident wherein FE PA’s energized, 7200-volt (phase-to-ground) primary distribution line fell across a carport roof of the 586 Arden Road residence (hereinafter referred to as “incident”).

Pursuant to the Settlement, FE PA will implement certain corrective actions, which will act as safeguards against future misconduct. Specifically, FE PA will review its Emergency Plan procedures and shall oversee the wire down reporting process and follow-up for reports of line down reports to reduce the risk of contact incidents and property damage in their service area.

Further, FE PA will have its supervisors verify reports of lines down and follow the FE PA procedures to identify and address hazardous situations as quickly as possible and make safe the area from public contact.

Additionally, FE PA will provide better initial and continued training for the appropriate hazard responder personnel on the Line Down / Hazard Process requirements.

In addition to the foregoing corrective actions, FE PA will pay a civil penalty of \$12,500 to the Commission within 30 days of approval of the Settlement.

III. The Settlement is in the Public Interest and Satisfies the Rosi Factors to Determine the Appropriate Civil Penalty

Section 3301(a) of the Code provides that a public utility, or any other person or entity subject to the Code, violates any part of the Code, is subject to a civil penalty of not more than one thousand dollars (\$1,000) per violation. 66 Pa.C.S. § 3301(a). The Code further provides that each and every day’s continuance in the violation of the Code or any regulation, order, judgment, or decree shall be a separate and distinct offense. 66 Pa.C.S. § 3301(b).

Had this matter been litigated, I&E would have alleged that FE PA’s actions and failure to act constituted a violation of NESC §§ 214.A.1 and 214.A.5 (requiring that “lines and equipment shall comply with these safety rules when placed in service” and that “[l]ines and equipment with recorded conditions or defects that would reasonably be expected to endanger human life or property shall be promptly corrected, disconnected, or isolated.”); 52 Pa. Code § 57.28(a)(1) (requiring an electric utility to “use reasonable effort to properly warn and protect the public from danger” and to “exercise reasonable care to reduce the hazards to which employees, customers, the public and others may be subjected to by reason of its provision of electric utility services and its associated equipment and facilities”); 52 Pa. Code § 57.194(a) (requiring an EDC to “furnish and maintain adequate, efficient, safe and reasonable service and facilities” and “to make repairs, changes, alterations, substitutions, extensions and improvements in or to the service and facilities necessary or proper for the accommodation, convenience and safety of its patrons, employees and the public”); 52 Pa. Code § 57.12(a) (requiring an EDC to make a full and prompt investigation of a customer

complaint); and 66 Pa.C.S. § 1501 (requiring a public utility to “furnish and maintain adequate, efficient, safe, and reasonable service and facilities” and to “make all such repairs, changes, . . . and improvements in or to such service and facilities” for the “safety of its patrons, employees, and the public” and requiring that such service and facilities “be in conformity with the regulations and orders of the Commission.”)

The Commission’s Policy Statement regarding Factors and Standards for Evaluating Litigated and Settled Proceedings, 52 Pa. Code § 69.1201, lists the following factors which the Commission shall consider in determining the appropriate civil penalty:

(1) Whether the conduct at issue was of a serious nature. When conduct of a serious nature is involved, such as willful fraud or misrepresentation, the conduct may warrant a higher penalty. When the conduct is less egregious, such as administrative filing or technical errors, it may warrant a lower penalty.

(2) Whether the resulting consequences of the conduct at issue were of a serious nature. When consequences of a serious nature are involved, such as personal injury or property damage, the consequences may warrant a higher penalty.

(3) Whether the conduct at issue was deemed intentional or negligent. This factor may only be considered in evaluating litigated cases. When conduct has been deemed intentional, the conduct may result in a higher penalty.

(4) Whether the regulated entity made efforts to modify internal practices and procedures to address the conduct at issue and prevent similar conduct in the future. These modifications may include activities such as training and improving company techniques and supervision. The amount of time it took the utility to correct the conduct once it was discovered and the involvement of top-level management in correcting the conduct may be considered.

(5) The number of customers affected and the duration of the violation.

(6) The compliance history of the regulated entity which committed the violation. An isolated incident from an otherwise compliant utility may result in a lower penalty, whereas frequent, recurrent violations by a utility may result in a higher penalty.

(7) Whether the regulated entity cooperated with the Commission’s investigation. Facts establishing bad faith, active concealment of violations, or attempts to interfere with Commission investigations may result in a higher penalty.

(8) The amount of the civil penalty or fine necessary to deter future violations. The size of the utility may be considered to determine an appropriate penalty amount.

(9) Past Commission decisions in similar situations.

(10) Other relevant factors.

52 Pa. Code § 69.1201(c).

Regarding the first and second factor, the conduct at issue was of a serious nature. FE PA’s 720 kV primary distribution line fell onto the carport of a residence and remained there unattended by FE PA. Failure to promptly attend to this downed line was in violation of the requirements of NESC § 214.A.1 and 214.A.5. The consequences of the conduct were also serious. As a result of the downed line remaining on the carport, the homeowner and his girlfriend were unable to leave their home. Further, they were left wondering whether or when an

FE PA crew would attend to the situation. Had the homeowner or his girlfriend gone near the carport, the downed line could also have presented a risk of serious injury or death.

The third factor, whether the conduct at issue was intentional or negligent, is not relevant here, as this factor “may only be considered in evaluating litigated cases.” Here, the parties have reached a settlement.

Regarding the fourth factor, FE PA has made a commitment to modify its internal practices and procedures to avoid the conduct responsible for the incident and prevent similar future incidents where a downed line is left unattended. As stated above, FE PA will review its Emergency Plan procedures and shall oversee the downed wire reporting process and follow-up for reports of downed lines to reduce the risk of contact incidents and property damage in their service area.

Further, FE PA will have its supervisors verify reports of lines down and follow the FE PA procedures to identify and address hazardous situations as quickly as possible and make safe the area from public contact. Additionally, FE PA shall provide better initial and continued training for the appropriate hazard responder personnel on the Line Down/Hazard Process requirements.

Regarding the fifth factor, only one customer—the homeowner at 586 Arden Road, Washington County—was affected by the incident. The homeowner was unable to leave his home due to the downed line lying across his carport and was left wondering when FE PA would respond to the situation.

The compliance history of the regulated entity is the sixth factor. FE PA has a history of compliance with the Code and Commission regulations. However, it has engaged in conduct that violated the Code on several occasions in the past, including incidents in 2018⁵, 2019,⁶ and 2020.⁷

As to the seventh factor, whether the regulated entity cooperated with the Commission’s investigation, it is I&E’s position that FE PA has been cooperative in this investigation.

The civil penalty agreed to by both parties is sufficient to deter future violations of the Code, but less than the amount sought by I&E in its complaint. It represents a compromise that reflects the factors discussed above. I&E believes the civil penalty agreed upon by the parties is sufficient to deter future violations. The agreed-upon civil penalty in the Settlement is similar to the civil penalty sought in other electric safety cases wherein an EDC violated the NESC, the Code, and Commission regulation as a result of improper or unsafe response to reports of a downed line. This settlement will encourage FE PA’s compliance with the Code and Commission regulations.

IV. Conclusion

The Settlement is a fair and reasonable compromise between the parties. Had this matter proceeded to litigation, FE PA would have disputed the allegations in the complaint and I&E would have been required to expend staff time and resources to prepare for and participate in the hearing. Aside from avoiding litigation, the Settlement is in the public interest because it appropriately penalizes FE PA for its non-compliance with the NESC, the Code, and Commission regulations and puts future compliance efforts and safety at the center of the agreement.

For the reasons set forth above, the Commission should approve the Joint Petition for Approval of Settlement, without modification.

Respectfully submitted,
Grant Rosul
Prosecutor
PA Attorney ID No. 318204

Pennsylvania Public Utility Commission
Bureau of Investigation and Enforcement
Commonwealth Keystone Building
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Harrisburg, PA 17120
(717) 783-5243
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Appendix B
BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Pennsylvania Public Utility Commission,
Bureau of Investigation and Enforcement
:
:
:
v. : Docket No. M-2024-3030738
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:
:
FirstEnergy Pennsylvania Electric Company :

FIRSTENRGY PENNSYLVANIA ELECTRIC COMPANY’S
STATEMENT IN SUPPORT OF
JOINT PETITION FOR APPROVAL OF SETTLEMENT

TO THE HONORABLE PENNSYLVANIA PUBLIC UTILITY COMMISSION:

FirstEnergy Pennsylvania Electric Company, on behalf of its West Penn Rate District (“West Penn” or “FE PA” or the “Company”), hereby files this Statement in Support of the Joint Petition for Settlement (“Settlement”) entered

into between FE PA and the Bureau of Investigation and Enforcement (“I&E”) of the Pennsylvania Public Utility Commission (“Commission”), hereinafter, collectively the “Joint Petitioners,” in the above-captioned proceeding. The Settlement, if approved, will fully resolve all issues related I&E’s informal investigation regarding an incident where a West Penn primary distribution line was brought down by a falling tree and fell across a carport roof at the 586 Arden Road residence on June 14, 2021 (“Incident”).

⁵ See C-2021-3024913.
⁶ See C-2020-3019952.
⁷ See C-2023-3042656.

FE PA respectfully requests that the Commission approve the Settlement, including the terms and conditions thereof, without modification.

The Company undertook an investigation of the events related to the Incident and cooperated with and assisted I&E with its investigation of the events surrounding the Incident. As discussed in the Settlement, FE PA and I&E engaged in discussions that culminated in the Settlement. The Settlement is in the public interest because it effectively addresses I&E's allegations that are the subject of the I&E's informal investigation, promotes public safety, and avoids the time and expense of litigation which entails hearings, travel for FE PA's witnesses, and the preparation and filing of briefs, exceptions, reply exceptions, as well as possible appeals. For these reasons and the reasons set forth below, the Settlement is fair, just, and reasonable, and should be approved without modification.

I. Introduction

A. Parties

I&E is the entity established by statute to prosecute complaints against public utilities pursuant to 66 Pa.C.S. § 308(b). Pursuant to Sections 331(a) and 506 of the Code, 66 Pa.C.S. §§ 331(a) and 506 and Section 3.113 of the Commission's regulations, 52 Pa. Code § 3.113, Commission staff has the authority to conduct informal investigations or informal proceedings in order to gather data and/or to substantiate allegations of potential violations of the Commission's regulations.

FE PA is a "public utility" and an "electric distribution company" ("EDC") as those terms are defined in Sections 102 and 2202 of the Code, 66 Pa.C.S. §§ 102, 2803. FE PA provides electric distribution and is a supplier of last resort services to approximately 2,108,000 electric customers throughout its certificated service territory subject to the regulatory jurisdiction of the Commission.

B. Background

On June 14, 2021, a windstorm caused significant damage to area trees and power lines. A total of approximately 15,000 West Penn customers were impacted. An energized, 7200-volt (phase-to-ground) primary line fell across a carport roof of the 586 Arden Road residence.

On the section of the McGovern circuit, there were four locations with wires down. Following the repair of three down wire locations, the line crew patrolled the line prior to closing the fuse at Pole 30718. The line crew was not aware, and did not observe, the portion of the line that was down near 586 Arden Road. After closing in the fuse at Pole 30718 and re-energizing the circuit the following day (June 15, 2021), the line crew heard a bang from the fuse operating at Pole 32869, which then de-energized the portion of the circuit serving 586 Arden Road.

As a result of the Incident, I&E instituted an informal investigation of West Penn based on information referred to I&E by the Commission's Bureau of Consumer Services ("BCS") on June 15, 2021, regarding an informal complaint that had originated from the June 14, 2021, storm incident. I&E determined that this complaint warranted further investigation to examine whether the actions of FE PA violated the Code, Commission regulations, and National Electric Safety Code ("NESC").

II. Commission Policy Favors Settlement

Commission policy promotes settlements. See 52 Pa. Code § 5.231. Settlements lessen the time and expense that the parties must expend litigating a case and conserve

precious administrative resources. Settlement results are often preferable to those achieved at the conclusion of a fully litigated proceeding. In order to accept a settlement, the Commission must determine that the proposed terms and conditions are in the public interest. *Pennsylvania Public Utility Commission v. Columbia Gas of Pennsylvania, Inc.*, Docket No. C-2010-2071433, 2012 Pa. PUC LEXIS 1377 at *6 (August 31, 2012).

The Commission has promulgated a Policy Statement that sets forth ten factors that the Commission may consider in evaluating whether a civil penalty for violating a Commission order, regulation, or state is appropriate, as well as whether a proposed settlement for a violation is reasonable and in the public interest. 52 Pa. Code § 69.1201. These factors are: (i) Whether the conduct at issue was of a serious nature; (ii) Whether the resulting consequences of the conduct at issue were of a serious nature; (iii) Whether the conduct at issue was deemed intentional or negligent; (iv) Whether the regulated entity made efforts to modify internal policies and procedures to address the conduct at issue and prevent similar conduct in the future; (v) The number of customers affected and the duration of the violation; (vi) The compliance history of the regulated entity that committed the violation; (vii) The amount of the civil penalty or fine necessary to deter future violations; (ix) Past Commission decisions in similar situations; and (x) Other relevant factors. 52 Pa. Code § 69.1201(c). The Commission will not apply these standards as strictly in settled cases as in litigated cases. 52 Pa. Code § 69.1201(b). While many of the same factors may still be considered in settled cases, the parties "will be afford flexibility in reaching amicable resolutions to complaints and other matters so long as the settlement is in the public interest." 52 Pa. Code § 69.1201(b).

The substantial public benefits of the Settlement, as well as the ten factors that the Commission considers in reviewing a settlement of an alleged violation, are addressed in the section that follows. For the reasons explained below, the Settlement is in the public interest and should be approved.

III. The Settlement is in the Public Interest

A. Summary

The Settlement, once approved, will resolve all issues related to the informal investigation of I&E related to the Incident. I&E was prepared to contend, by the filing of a formal complaint, that FE PA violated certain provisions of the Public Utility Code, the Commission's regulations and NESC, with respect to the Incident and the events leading up to the Incident. Had this matter been fully litigated, FE PA would have denied each of the alleged violations of the NESC, the Commission's regulations, or the Code, raised defenses to each allegation, and defended against the same at hearing.

During the investigatory process, FE PA complied with I&E's requests for information and documentation and timely provided I&E with records, correspondences, and other documents as requested by I&E. The agreed upon changes have been implemented by FE PA as a result of the investigation and ongoing discussions with I&E. These actions have been undertaken in the interest of continuous improvement to FE PA's safety and reliability performance.

Furthermore, FE PA has made an economic concession to I&E in the form of a civil penalty. Finally, the terms and conditions of the Settlement align with the ten factors that may be considered under the Commission's Policy Statement. Accordingly, the Settlement should be approved.

B. Description of the Settlement

Among the terms and conditions of the Settlement, FE PA has agreed to the following measures to be implemented upon approval of the Settlement.

1. *Civil Penalty*: FE PA will pay a civil penalty in the amount of Twelve Thousand Five Hundred Dollars (\$12,500.00). Said payment shall be made within thirty (30) days of the entry date of the Commission's Final Order approving the Settlement Agreement and shall be made by certified check or money order payable to the "Commonwealth of Pennsylvania." The docket number of this proceeding shall be indicated with the certified check or money order and the payment shall be sent to:

Rosemary Chiavetta, Secretary
 Pennsylvania Public Utility Commission
 Commonwealth Keystone Building
 400 North Street
 Harrisburg, PA 17120

The civil penalty shall not be tax deductible pursuant to Section 162(f) of the Internal Revenue Code, 26 U.S.C.S. § 162(f) and shall not be passed through as an additional charge to FE PA's customers in Pennsylvania.

2. *Corrective Action*: FE PA agrees to implement the following corrective action;

a. FE PA, through review of its Emergency Plan procedures, shall oversee the wire down reporting process and follow-up for reports of line down reports to reduce the risk of contact incidents and property damage in their service area.

b. Supervisors should verify reports of lines down and follow the FE PA procedures to identify and address hazardous situations as quickly as possible and make safe the area from public contact.

c. FE PA shall provide better initial and continued training for the appropriate hazard responder personnel on the Line Down/Hazard process requirements.

Notably, FE PA has already implemented certain of the terms included in the Settlement as part of its continuous improvement efforts. It is understood that, by entering into the Settlement, FE PA has made no concession or admission of fact or law and may dispute all issues of fact and law for all purposes in all proceedings, including but not limited to any civil proceedings, that may arise as a result of the circumstances described in the Settlement.

Upon Commission approval of the Settlement in its entirety without modification, I&E will not file any complaints or initiate other action against FE PA at the Commission with respect to the allegations which were the subject of I&E's instant investigation. As explained below, FE PA believes that approval of the Settlement is in the public interest. Further, acceptance of the Settlement will avoid the necessity of further administrative and potential appellate proceedings at what would have been a substantial cost to the parties.

3. Public Benefits of the Settlement

If approved, the Settlement will provide substantial and important benefits to the customers and communities served by FE PA, including enhancements to FE PA's training on policies and procedures for hazard responder personnel and the wire down reporting process. As noted below, these enhancements are designed to decrease the likelihood of incidents similar to the Incident from occurring in the future.

4. Factors Under the Commission's Policy Statement

Under the Policy Statement, the Commission may consider ten specific factors when evaluating settlements of alleged violations of the Public Utility Code and the Commission's Regulations. 52 Pa. Code § 69.1201(c).

The first factor considers whether the conduct at issue was of a serious nature, and, if so, whether the conduct may warrant a higher penalty. In this case, a windstorm caused significant damage to area trees and power lines. A total of approximately 15,000 West Penn customers were impacted. An energized, 7200-volt (phase-to-ground) primary line fell across a carport roof of the 586 Arden Road residence. On the section of the McGovern circuit, there were four locations with wires down. Following the repair of three down wire locations, the line crew patrolled the line prior to closing the fuse at Pole 30718. The line crew was not aware, and did not observe, the portion of the line that was down near 586 Arden Road. After closing in the fuse at Pole 30718 and re-energizing the circuit the following day, the line crew heard a bang from the fuse operating at Pole 32869, which then de-energized the portion of the circuit serving 586 Arden Road. Electric safety is a paramount concern to FE PA and the Company continually strives to provide safe electric service to its customers. The terms and conditions of the Settlement adequately take the alleged conduct into account.

The second factor considers the seriousness of the consequences of the incident at issue. FE PA has enhanced its training for appropriate hazard responder personnel on its line down and hazard process requirements. The terms and conditions of the Settlement recognize the seriousness of the incident and are designed to enhance FE PA's safety and service reliability and to minimize the likelihood of a similar incident occurring in the future.

The third factor considers whether FE PA's alleged conduct was intentional or negligent. Because this investigation is a settled matter, this factor does not apply. To the extent that this factor is to be considered, there has been no finding that FE PA's conduct was either intentional or negligent in nature as is typical in a matter that is being fully resolved through a negotiated settlement.

The fourth factor to be considered is whether FE PA made efforts to modify internal policies and procedures to address the alleged conduct at issue and to prevent similar conduct in the future. As a result of this Incident, FE PA undertook an investigation of the Incident and the events related and cooperated with and assisted I&E in its investigation. As outlined above, FE PA has adopted changes to its wire down reporting process and instituted better training policies and procedures for hazard responder personnel to further enhance the safety and reliability of its service. The terms and conditions of the Settlement properly acknowledge FE PA's efforts to modify and adopt internal policies and procedures to address the alleged issues.

The fifth factor to be considered deals with the number of customers affected and the duration of the violation. In this case, on June 14, 2021, a windstorm caused significant damage to area trees and power lines. A total of approximately 15,000 West Penn customers were impacted. An energized, 7200-volt (phase-to-ground) primary line fell across a carport roof of the 586 Arden Road residence. After closing in the fuse at Pole 30718 and re-energizing the circuit the following day (June 15, 2021), the line crew heard a bang from the fuse operating at Pole 32869, which then de-energized the portion of the circuit serving 586 Arden Road. The terms and conditions of the Settlement adequately consider the nature of incident, the number of customers affected, as well as FE PA's response under the circumstances.

The sixth factor considered is the compliance history of FE PA. Since the Incident, FE PA, through review of its Emergency Plan procedures, oversees the wire down reporting process and follow up for reports of line down reports to reduce the risk of contact incidents. In addition, supervisors will verify reports of lines down and follow FE PA procedures to identify and address hazardous situations as quickly as possible. These enhancements to FE PA's existing standards, policies, and procedures will benefit its customers in the future. As such, the Settlement further evidences FE PA's good faith efforts to enhance the safety and reliability of its electrical system, consistent with the purposes of the Code and the Commission's regulations.

The seventh factor to be considered is whether the regulated entity cooperated with the Commission's investigation. FE PA supported and cooperated with the Commission and its staff throughout its investigation and settlement process. FE PA also demonstrated a commitment consistent with the Commission's public safety goals and objectives by implementing or beginning to implement many of the changes set forth in the settlement prior to the filing of the Settlement.

The eight factor is whether the amount of the civil penalty or fine will deter future violations. FE PA submits that a civil penalty in the amount of \$12,500.00 as set forth in the Settlement appropriately recognizes the seriousness of the matter but also reflects a negotiated compromise by the parties that considered the efforts of the Company since the Incident occurred.

The ninth factor considers past Commission decisions in similar situations. When each of the relevant factors are evaluated, the Settlement is not inconsistent with the

past Commission actions. Moreover, since this is a settled matter, it should be considered on its own merits.

Relative to the tenth factor, FE PA submits that additional relevant factors are critically important to the Settlement. First, a settlement avoids the necessity for the prosecuting agency to prove elements of each allegation. In return, the opposing party in a settlement agrees to a lesser fine or penalty, or other remedial action. The fines, penalties, and other remedial actions resulting from a fully litigated proceeding are difficult to predict and can differ from those that result from a settlement. Reasonable settlement terms can represent economic and programmatic compromise but allow the parties to move forward and to focus on implementing the agreed upon remedial actions. FE PA has demonstrated a commitment consistent with the Commission's public safety goals and objectives and broadly expanded the scope of the general public that will benefit from the commitments made in this Settlement.

Based on the foregoing, the Settlement should be considered fair, equitable and reasonable under the Commission's Policy Statement.

IV. Conclusion

Wherefore, FirstEnergy Pennsylvania Electric Company submits that this Settlement is the result of the parties' cooperative efforts, and constitutes a fair, equitable, and reasonable resolution of this proceeding. The Settlement resolves all issues related to the I&E informal investigation and satisfies the ten factors set forth in the Pennsylvania Public Utility Commission's Policy Statement, 52 Pa. Code § 69.1201(c). FirstEnergy Pennsylvania Electric Company supports the Settlement and respectfully requests that the Pennsylvania Public Utility Commission approve the Settlement in its entirety, without modification.

Respectfully submitted:

Darshana Singh
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Dated: March 21, 2024

Attorney for FirstEnergy Pennsylvania Electric Company

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pennsylvania Public Utility Commission,
Bureau of Investigation and Enforcement

v.

FirstEnergy Pennsylvania Electric Company

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: Docket No. M-2024-3030738
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:

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a true copy of the foregoing Joint Petition for Approval of Settlement, in the manner and upon the parties listed below, in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a party).

Service via Electronic Mail

Darshana Singh
 FirstEnergy Service Company
 2800 Pottsville Pike
 P.O. Box 16001
 Reading, PA 19612-6658
 singhd@firstenergycorp.com
 Counsel for FirstEnergy Pennsylvania Electric Company

Grant Rosul
 Prosecutor
 Bureau of Investigation and Enforcement
 PA Attorney ID No. 318204
 (717) 783-5243
 grosul@pa.gov

Dated: March 26, 2024

[Pa.B. Doc. No. 24-1282. Filed for public inspection September 6, 2024, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Replacement of Older Plastic Pipe in Natural Gas Distribution Systems

Public Meeting held
 August 1, 2024

Commissioners Present: Stephen M. DeFrank, Chairperson; Kimberly Barrow, Vice Chairperson; Ralph V. Yanora; Kathryn L. Zerfuss, verbal statement; John F. Coleman, Jr.

*Replacement of Older Plastic Pipe in Natural Gas
 Distribution Systems; M-2024-3050313*

Tentative Order

By the Commission:

Consistent with the Motion of Chairman Stephen M. DeFrank adopted on August 1, 2024, the Pennsylvania Public Utility Commission (Commission) enters this Tentative Order regarding the accelerated replacement of older plastic pipe by public utilities distributing natural gas. Section 1501 of the Public Utility Code authorizes the Commission to ensure that public utilities maintain safe and reliable facilities.¹ Installing and maintaining safe and reliable infrastructure is the foundation for achieving this mandate. Pennsylvania's aging infrastructure and advisory bulletins issued by the U.S. Department of Transportation (DOT), related to pre-1982 plastic pipe materials, have caused the Commission to address the safety and reliability of natural gas distribution system pipelines in the Commonwealth. With this Tentative Order, the Commission seeks comments on the proposals to accelerate the replacement of older plastic pipes as outlined herein.

Background and History

I. History of Older Plastic Pipe and Advisory Bulletins

In 1998, the National Transportation Safety Board (NTSB) published a report containing the results of a special investigation into accidents concerning plastic pipe used to deliver natural gas.² The report noted that although plastic piping is generally accepted as a safe and economic alternative to steel pipe or pipe made of

other materials, the NTSB described how plastic pipe installed in natural gas distribution systems from the 1960s through the early 1980s may be vulnerable to brittle-like cracking because of improper joining or installation. The report suggested that more durable plastic pipe materials and more realistic strength testing has improved the reliability estimates of modern plastic pipe and fittings.

The 1998 NTSB report prompted the United States Department of Transportation (DOT), through its Research and Special Programs Administration (RSPA), to issue two advisory bulletins on plastic pipe on March 11, 1999.³ The advisory bulletins explained that brittle-like cracking in plastic pipe generally relates to a part-through crack initiation in the pipe wall followed by stable crack growth at stress levels lower than the stress required for yielding. This results in a tight, slit-like opening where natural gas can escape. The advisory bulletins indicated that small brittle-like cracks may be difficult to detect until a significant amount of gas leaks from the pipe and potentially migrates into an enclosed space.

The DOT recommended that owners and operators of natural gas distribution systems identify all pre-1982 plastic pipe installations, analyze leak histories, and evaluate conditions that may impose high stress on the pipe. Appropriate remedial action, including replacement, was recommended to be taken to mitigate any risks to public safety. The first advisory bulletins also identified plastic pipe manufactured by Century Utility Products Inc. as having susceptibility to brittle-like cracking.

The DOT, through the RSPA, issued a third advisory bulletin on November 26, 2002.⁴ The bulletin described the formation of the Plastic Pipe Database Committee (PPDC), which developed a process for gathering data to support an analysis of the frequency and causes of plastic pipe failures. The advisory bulletin further recommended record keeping and data collection practices to aid operators with polyethylene piping systems in managing and identifying brittle-like cracking problems. The advisory bulletin also added two further pipe materials—low-ductile inner wall “Aldyl A” piping manufactured by the

³ Potential Failures Due to Brittle-Like Cracking of Older Plastic Pipe in Natural Gas Distribution Systems, 64 Fed. Reg. 12212, (March 11, 1999). *99-6051.pdf (govinfo.gov); Potential Failure Due to Brittle-Like Cracking of Certain Polyethylene Plastic Pipe Manufactured by Century Utility Products Inc., 64 Fed. Reg. 12211 (March 11, 1999). 99-6013.pdf (govinfo.gov).

⁴ Notification of the Susceptibility to Premature Brittle-like Cracking of Older Plastic Pipe, 67 Fed. Reg. 70806 (November 26, 2002). Federal Register: Notification of the Susceptibility to Premature Brittle-Like Cracking of Older Plastic Pipe.

¹ 66 Pa.C.S. § 1501.

² Brittle-Like Cracking in Plastic Pipe for Gas Service, NTSB/SIR—98-01 (April 23, 1998). Brittle-Like Cracking in Plastic Pipe for Gas Service (ntsb.gov).

Dupont Company prior to 1973 and polyethylene gas pipe designated PE 3306—as being more susceptible to brittle-like cracking.

On September 6, 2007, the DOT, through the Pipeline and Hazardous Materials Safety Administration (PHMSA), issued a fourth advisory bulletin concerning older plastic pipe.⁵ This advisory bulletin expanded on the information provided in the three prior bulletins by listing two additional pipe materials with poor performance histories relative to brittle-like cracking: Delrin insert tap tees and Plexco service tee Celcon (polyacetal) caps.

II. Recent Actions Addressing Older Plastic Pipe

On September 21, 2023, Representative Chrissy Houlahan introduced a bill in the U.S. House of Representatives—the Aldyl A Hazard Reduction and Community Safety Act.⁶ The bill, if passed, directs the U.S. Secretary of Transportation (Secretary) to require gas pipeline operators to conduct an assessment of pipeline facility records to determine the presence of Aldyl A piping. Operators would be required to submit documentation of the total pipeline mileage and number of components identified as Aldyl A, and if there are insufficient records, to adhere to the methodology that would be established by the Secretary. The Secretary would be required to issue standards for the removal of Aldyl A piping at all pressurized locations within four years of the enactment of the legislation, and operators would be required to remove Aldyl A piping at all pressurized locations no later than five years of the enactment of the legislation.

III. Pennsylvania's Focus

The Commission recognizes that Pennsylvania's natural gas public utilities face competing priorities in terms of repairing and replacing aging infrastructure, and acknowledging the cost of such projects, natural gas distribution systems in the Commonwealth still contain the older plastic pipe materials identified by the NTSB and the DOT as being susceptible to brittle-like cracking. Therefore, the Commission finds it appropriate to explore the acceleration of replacing the aforementioned older plastic pipe materials using the tools already available to natural gas public utilities under Pennsylvania law.

Proposed Resolution

I. Survey of Older Plastic Pipe in Pennsylvania's Gas Distribution Systems

Pursuant to the Commission's authority under Section 504 of the Public Utility Code,⁷ on October 11, 2023, the Commission issued a data request to all jurisdictional natural gas public utilities to determine the approximate current mileage and number of service tees of the above-described older plastic pipe material installed and in operation in Pennsylvania. The responses confirm the presence of older plastic pipe materials in Pennsylvania's natural gas distribution systems.

A small number of public utilities distributing natural gas did not respond to the data request. Therefore, we direct the Bureau of Technical Utility Services (TUS) to re-issue the Commission's October 11, 2023, data request to the natural gas distribution public utilities that previ-

ously failed to respond, directing those entities to respond within thirty (30) days following receipt of the data request. To carry out its duty in requiring public utilities to provide safe and reliable service, the Commission should know the full universe of older plastic pipe materials that are in operation in the Commission's jurisdictional natural gas distribution systems.

II. Amending LTIIPs to Target the Replacement of Older Plastic Pipe

On February 14, 2012, Act 11 of 2012 (Act 11) was enacted, amending Chapters 3, 13, and 33 of the Public Utility Code, which, among other things, allows electric, natural gas, and wastewater public utilities to petition the Commission for a Distribution System Improvement Charge (DSIC).⁸ Following passage of Act 11, the Commission issued various implementation orders to assist in the administration of the DSIC and related provisions.⁹

Act 11 requires a public utility to submit to the Commission a long-term infrastructure improvement plan (LTIIP) in order to be eligible to recover costs under a DSIC.¹⁰ The LTIIP must include: (1) identification of the types and age of eligible property for which the utility intends to seek recovery; (2) an initial schedule for the planned repair and replacement of the eligible property; (3) a general description of the location of the eligible property; (4) an estimate of the quantity of eligible property to be improved; (5) projected annual expenditures to implement the plan and measures to ensure that the plan is cost effective; and (6) the manner in which the replacement of aging infrastructure will be accelerated and how the repair, improvement, or replacement will maintain safe and reliable service. Moreover, the Commission is empowered to order a new or revised plan if an LTIIP is not adequate and sufficient to ensure and maintain adequate, efficient, safe, reliable, and reasonable service.¹¹

Previously, the Commission encouraged the prioritization of replacing cast iron and bare steel pipe, and such pipe materials were included in the first LTIIPs filed by natural gas distribution companies (NGDCs).¹² Significant progress has been made in the removal of cast iron and bare steel pipe in Pennsylvania's natural gas distribution systems. While the Commission understands that cast iron and bare steel have not been fully eliminated, the Commission would like to emphasize the importance of simultaneously focusing on the replacement of older plastic pipe.

Therefore, the Commission proposes that NGDCs and smaller natural gas distribution companies that are eligible for a DSIC, petition the Commission to amend their current LTIIPs to focus on the replacement of the older plastic pipe that is highlighted in the four advisory bulletins, supra., as eligible property if such plastic pipe is not already targeted to be replaced. The Commission further proposes that the amendments related to older plastic pipe include all the criteria necessary to consider an LTIIP,¹³ including the establishment of a schedule for the planned repair and replacement of older plastic pipe materials. Because operators of natural gas distribution systems are required to identify, evaluate, and rank all perceived threats and risks and implement measures to

⁵ 66 Pa.C.S. §§ 1350–1360. Public utilities providing water service were authorized to utilize a DSIC prior to the enactment of Act 11.

⁶ Implementation of Act 11 of 2012, Docket No. M-2012-2293611.

⁷ 66 Pa.C.S. § 1352(a). See also Implementation of Act 11 of 2012, Docket No. M-2012-2293611 (Final Implementation Order entered August 2, 2012).

⁸ 66 Pa.C.S. § 1352(a)(7).

⁹ Natural Gas Pipeline Replacement and Performance Plans, Docket No. M-2011-2271982 (Final Order entered February 28, 2013) at 4.

¹⁰ See 66 Pa.C.S. § 1352(a).

⁵ Pipeline Safety: Updated Notification of the Susceptibility to Premature Brittle-Like Cracking of Older Plastic Pipe, 72 Fed. Reg. 51301 (September 6, 2007). Federal Register: Pipeline Safety: Updated Notification of the Susceptibility to Premature Brittle-Like Cracking of Older Plastic Pipe.

⁶ H.R. 5638, 118th Congress (2023). The bill was co-sponsored by Representative Daniel Meuser.

⁷ 66 Pa.C.S. § 504.

address the same through a Distribution Integrity Management Plan (DIMP),¹⁴ the Commission seeks comment on amending LTIPs to target the accelerated replacement of older plastic pipe.

III. Pipeline Replacement Plans for Gas Utilities Without a DSIC

In November 2011, prior to the enactment of Act 11, the Commission issued a Tentative Order that, among other things, proposed a process for Pennsylvania's major natural gas distribution systems to implement a Commission-approved Pipeline Replacement and Performance Plan based on the utility's DIMP.¹⁵ In February 2013, the Commission ultimately determined not to establish a separate, statewide Pipeline Replacement and Performance Plan filing requirement.¹⁶ The Commission found that this effort was duplicative to the Act 11 DSIC regulatory scheme, and that after a review of initial LTIP filings, many NGDCs were utilizing the DSIC to facilitate the replacement of aging infrastructure.

Smaller natural gas public utility systems may not be eligible to use a DSIC and may have aging infrastructure present in their systems consisting of materials identified as being at-risk for failure.¹⁷ Therefore, pursuant to the Commission's authority under Sections 501, 504, 505, 506, and 1501 of the Public Utility Code,¹⁸ the Commission believes that it is prudent to revisit a Pipeline Replacement Plan filing requirement for gas utilities that are not eligible to utilize a DSIC. Pipeline Replacement Plans are a valuable substitute for natural gas public utilities that are not required to file LTIPs. Similar to the proposal in 2011, the Commission proposes that the Pipeline Replacement Plans should include:

- (1) Replacement timeframes and a proposal for how the cost of the pipeline replacement will be addressed in rates. The utilities' design of these programs should take into consideration specifics related to each public utility, including a utility's total amount of risky pipe, customer rate stability, utility financial health, and the amount of time that the public utility estimates to replace the at-risk infrastructure; and
- (2) Compliance with the following pipeline replacement performance metric: the public utility's average rate of pipeline replacement during the previous ten years or the rate that will result in the replacement of all at-risk pipe within twenty years, whichever results in a more accelerated rate of replacement. Additionally, each non-DSIC eligible gas public utility must replace the older plastic pipe identified above, unprotected bare or coated steel, and cast iron pipe based upon their DIMP plan for risk assessment with the rate of replacement equal-to or greater-than their metric. A utility may request to waive compliance with the pipeline replacement performance metric pursuant to 52 Pa. Code § 1.91, if the utility's DIMP plan prohibits it from complying with the metric or if compliance with the metric would result in unreasonable rates.

The Commission proposes that the Pipeline Replacement Plans be filed with the Commission's Secretary and reviewed by TUS. TUS will determine whether the Plan

is reasonable and will accept or reject the plan via a Secretarial Letter. A utility may appeal TUS' determination pursuant to 52 Pa. Code § 5.44.

Pipeline Replacement Plans are a public document. Accordingly, if a utility believes that a portion of the information qualifies as confidential security information (CSI), pursuant to 35 P.S. § 2141.2, the utility shall follow the CSI filing requirements at 52 Pa. Code § 102.3(b), including clearly stating in a transmittal letter that the Plan contains CSI and filing a redacted public version of the Plan. For Plans containing confidential and proprietary information that is not CSI, a utility shall file a redacted public version of the Plan pursuant to 52 Pa. Code § 1.32(b)(4).

Conclusion

The Commission believes that pursuing the accelerated replacement of the specific older plastic pipe that has been identified by the DOT as being susceptible to brittle-like cracking is a worthwhile endeavor to further promote safe and reliable service by the Commission's jurisdictional natural gas distribution public utilities. Accordingly, the Commission seeks comment on amending LTIPs to target the accelerated replacement of older plastic pipes and the requirement for non-DSIC eligible public utilities distributing natural gas to file Pipeline Replacement Plans as proposed in this Tentative Order. *Therefore,*

It Is Ordered That:

1. A copy of this Tentative Order be served on all regulated natural gas distribution public utilities, city natural gas distribution operations, the Office of Consumer Advocate, the Office of Small Business Advocate, and the Bureau of Investigation and Enforcement.
2. The Bureau of Technical Utility Services re-issue the Commission's October 11, 2023, data request related to a survey of older plastic pipe materials to the natural gas distribution public utilities that failed to respond to that prior request, and that those natural gas distribution public utilities be directed to respond within thirty days following receipt of the data request.
3. The Secretary shall deposit this Tentative Order with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.
4. Interested parties shall have thirty days from the date this Tentative Order is published in the *Pennsylvania Bulletin* to file comments and forty-five days from the date this Tentative Order is published in the *Pennsylvania Bulletin* to file reply comments at Docket No. M-2024-3050313.
5. Comments and reply comments may be filed either electronically or in hard copy with the Pennsylvania Public Utility Commission, Attn: Secretary Rosemary Chiavetta, Commonwealth Keystone Building, Second Floor, 400 North Street, Harrisburg, Pennsylvania 17120.¹⁹
6. The Law Bureau, with assistance from the Bureau of Technical Utility Services, shall review the comments, and all the information provided therein, and shall present a Final Order to the Commission for consideration.
7. The contact person for technical issues related to this Tentative Order is Matthew Stewart, Bureau of Technical Utility Services, 717-214-1936 or mattstewar@pa.gov. The contact person for legal and process issues related to this Tentative Order is Adam Young, Law

¹⁴ 49 CFR § 192.1007.

¹⁵ Natural Gas Pipeline Replacement and Performance Plans, Docket No. M-2011-2271982 (Tentative Order entered November 10, 2011).

¹⁶ Natural Gas Pipeline Replacement and Performance Plans, Docket No. M-2011-2271982 (Final Order entered February 28, 2013).

¹⁷ For the purposes of establishing a DSIC, a "utility" is defined as a natural gas distribution company. 66 Pa.C.S. § 1351. Natural gas distribution companies do not include utilities with annual gas operating revenues of less than \$6,000,000, absent certain exceptions. 66 Pa.C.S. § 2022.

¹⁸ 66 Pa.C.S. §§ 501, 504, 505, 506, and 1501.

¹⁹ See http://www.puc.pa.gov/filing_resources.aspx for filing instructions.

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Bureau, 717-787-4700 or adyoung@pa.gov and Steven Bainbridge, Law Bureau, 717-783-6165 or sbainbridg@pa.gov.

ROSEMARY CHIAVETTA,
Secretary

ORDER ADOPTED: August 1, 2024

ORDER ENTERED: August 26, 2024

[Pa.B. Doc. No. 24-1283. Filed for public inspection September 6, 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 September 23, 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 September 23, 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-2024-3050007. Superb Way, Inc. (2623 Germantown Avenue, Philadelphia, Philadelphia County, PA 19133) to transport, as a common carrier, by motor vehicle, persons in paratransit service, from points in the Counties of Berks, Chester, Lancaster, Lebanon, Lehigh, Montgomery, Northampton and Schuylkill, and the City and County of Philadelphia, to points in Pennsylvania, and return.

A-2024-3050540. Heart to Home Transportation, LLC (2154 Ridge Avenue, Philadelphia, Philadelphia County, PA 19121) to transport, as a common carrier, by motor vehicle, persons in paratransit service, from points in the Counties of Bucks, Chester, Delaware and Montgomery, and the City and County of Philadelphia, to points in Pennsylvania, and return.

Application of the following for approval to begin operating as contract carriers for transportation of persons as described under the application.

A-2024-3050736. Limousine Group Transportation, LLC (2255 Shaw Road Extension, Fayetteville, NC 28311) to transport, in contract carrier service, for Col-

lette Travel Service, Inc., between points in the Counties of Allegheny, Armstrong, Beaver, Butler, Washington and Westmoreland.

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 24-1284. Filed for public inspection September 6, 2024, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Service of Notice of Motor Carrier Assessment Complaints

Formal complaints have been issued by the Pennsylvania Public Utility Commission. Answers must be filed in accordance with 52 Pa. Code (relating to public utilities). Answers are due September 23, 2024, and must be made with the Secretary, Pennsylvania Public Utility Commission, 400 North Street, Harrisburg, PA 17120, with a copy to the First Deputy Chief Prosecutor, Pennsylvania Public Utility Commission.

Pennsylvania Public Utility Commission; Bureau of Investigation and Enforcement v. Gracie's Transportation Service, LLC; Docket No. C-2024-3046422

FORMAL COMPLAINT

Now Comes the Bureau of Investigation and Enforcement ("I&E") of the Pennsylvania Public Utility Commission ("Commission"), by its prosecuting attorney, and files this Complaint against Gracie's Transportation Service, LLC ("Respondent"), pursuant to Section 701 of the Public Utility Code, 66 Pa.C.S. § 701. In support of its Complaint, I&E respectfully represents the following:

I. Parties and Jurisdiction

1. The Pennsylvania Public Utility Commission, with a mailing address of Commonwealth Keystone Building, 400 North Street, Harrisburg, PA 17120, is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth pursuant to the Public Utility Code, 66 Pa.C.S. §§ 101, et seq.

2. Complainant is the Commission's Bureau of Investigation and Enforcement and is the entity established by statute to prosecute complaints against public utilities pursuant to 66 Pa.C.S. § 308.2(a)(11). See also Implementation of Act 129 of 2008; Organization of Bureaus and Offices, Docket No. M-2008-2071852 (Order entered August 11, 2011) at 5 (transferring authority to prosecute assessment cases to I&E).

3. Complainant is represented by:

Grant Rosul, Prosecutor
Pennsylvania Public Utility Commission
Bureau of Investigation and Enforcement
Commonwealth Keystone Building
400 North Street
Harrisburg, PA 17120
(717) 783-5243
grosul@pa.gov

4. Respondent is Gracie's Transportation Service, LLC and maintains its principal place of business at 956 E. Main Street, Collegeville, Pennsylvania 19426, Attention: Lizabeth Caceres.

5. Respondent is a “public utility” as that term is defined at 66 Pa.C.S. § 102, as it is engaged in the transporting persons in the Commonwealth of Pennsylvania for compensation.

6. The Commission issued Respondent a Certificate of Public Convenience on or about January 21, 2015, at A-2014-2438361, for approval to transport, as a common carrier, by motor vehicle, persons in limousine service, between points in the city of Hazleton, Luzerne County, and within an airline radius of ten (10) statute miles of the limits of the city of Hazleton, and from points in the said territory, to points in Pennsylvania, and return; and from points in the borough of White Haven, Luzerne County, and the borough of Nesquehoning, Carbon County, to points in Pennsylvania, and return, excluding service that is under the jurisdiction of the Philadelphia Parking Authority. The granted authority was issued at A-6416818.

7. Section 501(a) of the Public Utility Code, 66 Pa.C.S. § 501(a), authorizes and obligates the Commission to execute and enforce the provisions of the Public Utility Code.

8. Section 701 of the Public Utility Code, 66 Pa.C.S. § 701, authorizes the Commission to, inter alia, hear and determine complaints against public utilities for a violation of any law or regulation that the Commission has jurisdiction to administer Section 3301 of the Public Utility Code, 66 Pa.C.S. § 3301, authorizes the Commission to impose civil penalties on any public utility, or any other person or corporation subject to the Commission’s authority, for violation(s) of the Public Utility Code and/or Commission regulations. Section 3301(a)-(b) of the Public Utility Code, 66 Pa.C.S. § 3301(a)-(b), allows for the imposition of a separate civil penalty for each violation and each day’s continuance of such violation(s).

9. Respondent, in transporting persons as a common carrier for compensation, is subject to the power and authority of this Commission pursuant to Section 501(c) of the Public Utility Code, 66 Pa.C.S. § 501(c), which requires a public utility to comply with Commission regulations.

10. Pursuant to the provisions of the applicable Commonwealth statutes and regulations, the Commission has jurisdiction over the subject matter of this complaint and the actions of Respondent related thereto.

II. *Factual Background*

2021-2022 Fiscal Year

11. On or about February 10, 2021, the Commission mailed to Respondent an assessment report for Respondent to report its gross intrastate operating revenues for the 2020 calendar year.

12. The assessment report was accompanied by instructions which notified Respondent that the report was to be completed and returned to the Commission on or before March 31, 2021. A copy of the assessment report and instructions is attached as I&E Exhibit 1.

13. On June 16, 2021, the Commission mailed to Respondent, by first-class mail, a failure to submit assessment report letter. The letter informed Respondent that it was obligated file a completed assessment report for the 2020 calendar year within twenty (20) days of the letter and that if it failed to do so the matter would be referred to the Bureau of Investigation and Enforcement for prosecution.

14. Respondent failed to submit its assessment report for the 2020 calendar year to the Commission.

2022-2023 Fiscal Year

A. Failure to File Assessment Report

15. On or about February 9, 2022, the Commission mailed to Respondent an assessment report for Respondent to report its gross intrastate operating revenues for the 2021 calendar year.

16. The assessment report was accompanied by instructions which notified Respondent that the report was to be completed and returned to the Commission on or before March 31, 2022. A copy of the assessment report and instructions is attached as I&E Exhibit 2.

17. On June 8, 2022, the Commission mailed to Respondent, by first-class mail, a failure to submit assessment report letter. The letter informed Respondent that it was obligated file a completed assessment report for the 2021 calendar year within twenty (20) days of the letter and that if it failed to do so the matter would be referred to the Bureau of Investigation and Enforcement for prosecution.

18. Respondent failed to submit its assessment report for the 2021 calendar year to the Commission.

B. Failure to Pay Assessment Invoice

19. On or about September 8, 2022, the Commission mailed to Respondent, by certified mail, an assessment invoice for the July 1, 2022, to June 30, 2023, Fiscal Year (“2022-2023 Fiscal Year”) that was based, in part, on Respondent’s estimated revenues for the 2021 calendar year due to Respondent’s failure to file an assessment report for the 2021 calendar year. Respondent’s assessment was \$21.00. A copy of the assessment invoice is attached as I&E Exhibit 3.

20. Accompanying the assessment invoice was a notice of assessment that informed Respondent that it was obligated to pay the amount listed on the assessment invoice within thirty (30) days or file objections within fifteen (15) days. A copy of the notice of assessment is attached as I&E Exhibit 4.

21. On October 18, 2022, Respondent provided an electronic signature to the United States Postal Service for the certified mailing, which indicated that it received the assessment invoice and notice of assessment for the 2022-2023 Fiscal Year. A copy of the electronic signature is attached as I&E Exhibit 5.

22. On or about October 26, 2022, the Commission mailed to Respondent, by first class mail, a delinquent assessment notice that Respondent had a past due assessment balance of \$21.00 for the 2022-2023 Fiscal Year.

23. The delinquent assessment notice informed Respondent that the assessment must be paid within twenty (20) days of the date of the letter and the consequences of failing to do so.

24. On or about May 8, 2023, the Commission’s Law Bureau made contact with Respondent and informed them of their outstanding assessment balance in the amount of \$21.00.

25. I&E avers that Respondent was on notice of their 2022-2023 Fiscal Year assessment invoice, given the September 8, 2022, assessment invoice, the October 26, 2022, delinquent assessment notice and the May 8, 2023, communication from Law Bureau.

26. Nevertheless, on December 6, 2023, the Commission again mailed to Respondent, by first-class mail, the 2022-2023 Fiscal Year invoice. A copy of the assessment invoice is attached as I&E Exhibit 6.

27. Attached to the December 6, 2023, assessment invoice was a notice of invoice informing Respondent that it was obligated to pay the amount listed on the assessment invoice within thirty (30) days or file objections within fifteen (15) days. A copy of the notice of assessment is attached as I&E Exhibit 7.

28. The Commission received neither objections nor payment from Respondent to the assessment amount set forth in the 2022-2023 Fiscal Year Assessment Invoice.

29. By mailing the assessment invoice and notice of assessment to Respondent by certified mail, the Commission complied with the requirements of Section 510(c) of the Public Utility Code, which requires notice by certified mail to each public utility of the amount lawfully charged against it. 66 Pa.C.S. § 510(c).

30. Respondent failed to pay their 2022-2023 assessment invoice of \$21.00.

2023-2024 Fiscal Year

A. Failure to File Assessment Report

31. On or about January 31, 2023, the Commission mailed to Respondent an assessment report for Respondent to report its gross intrastate operating revenues for the 2022 calendar year.

32. The assessment report was accompanied by instructions which notified Respondent that the report was to be completed and returned to the Commission on or before March 31, 2023. A copy of the assessment report and instructions is attached as I&E Exhibit 8.

33. On May 2, 2023, the Commission mailed to Respondent, by first-class mail, a failure to submit assessment report letter. The letter informed Respondent that it was obligated file a completed assessment report for the 2022 calendar year within twenty (20) days of the letter and that if it failed to do so the matter would be referred to the Bureau of Investigation and Enforcement for prosecution.

34. Respondent failed to submit its assessment report for the 2022 calendar year to the Commission.

B. Failure to Pay Assessment Invoice

35. On or about September 8, 2023, the Commission mailed to Respondent, by certified mail, an assessment invoice for the July 1, 2023, to June 30, 2024, Fiscal Year (“2023-2024 Fiscal Year”) that was based, in part, on Respondent’s estimated revenues for the 2022 calendar year due to Respondent’s failure to file an Assessment Report for the 2022 calendar year. Respondent’s assessment was \$15.00. A copy of the assessment invoice is attached as I&E Exhibit 9.

36. Attached to the assessment invoice was a notice of assessment informing Respondent that it was obligated to pay the amount listed on the assessment invoice within thirty (30) days or file objections within fifteen (15) days. A copy of the notice of assessment is attached as I&E Exhibit 10.

37. On or about September 11, 2023, an electronic signature was provided to the United States Postal Service for the certified mailing, which indicated that Respondent received the assessment invoice and notice of assessment for the 2023-2024 Fiscal Year. A copy of the electronic signature for the certified mailing is attached as I&E Exhibit 11.

38. The Commission received neither objection nor payment from Respondent to the assessment amount set forth in the 2023-2024 Fiscal Year Assessment Invoice.

39. On or about October 24, 2023, the Commission mailed to Respondent, by first class mail, a delinquent assessment notice that Respondent had a past due assessment balance of \$36.00, comprised of the \$15.00 for 2023-24 and \$21.00 for the prior 2022-2023 fiscal year.

40. The delinquent assessment notice informed Respondent that it was obligated to pay the amount listed on the notification letter within twenty (20) days of the letter and the consequences of failure to do so.

41. By mailing the assessment invoice and notice of assessment to Respondent by certified mail, the Commission complied with the requirements of Section 510(c) of the Public Utility Code, which requires notice by certified mail to each public utility of the amount lawfully charged against it. 66 Pa.C.S. § 510(c).

42. Respondent failed to pay its cumulative 2022-2023 Fiscal Year and 2023-2024 Fiscal Year Assessment Invoice of \$36.00.

III. Violations

Counts 1—3

43. That Respondent failed to report its gross intrastate operating revenues for the 2020, 2021, and 2022 calendar years in that it did not file assessment reports for these calendar years. If proven, this is a violation of Section 510(b) of the Public Utility Code, 66 Pa.C.S. § 510(b) (3 counts). The Bureau of Investigation and Enforcement’s proposed civil penalty for this violation is \$1,500.00 (\$500/each count). This civil penalty, consistent with past Commission decisions, is based on the following factors: (1) the type of violation involved; (2) the amount of Respondent’s outstanding assessment balance related to the 2022-2023 and 2023-2024 Fiscal Years; and (3) Respondent’s compliance history with the Public Utility Code and Commission’s regulations for three (3) years prior to the filing of this Complaint.

Counts 4-5

44. That Respondent failed to satisfy its 2022-2023 and 2023-2024 Fiscal Year Assessments in that it did not pay the amounts due within thirty (30) days of receipt of assessment invoice. If proven, this is a violation of Section 510(c) of the Public Utility Code, 66 Pa.C.S. § 510(c) (2 counts). I&E’s proposed total civil penalty for this violation is \$200.¹ This civil penalty, consistent with past Commission decisions,² is based on the following factors: (1) the type of violation involved; (2) the amount of Respondent’s outstanding assessment balance related to the 2022-2023 and 2023-2024 Fiscal Years; and (3) Respondent’s compliance history with the Public Utility Code and Commission’s regulations³ for three (3) years prior to the filing of this Complaint.

Wherefore, for all the foregoing reasons, the Pennsylvania Public Utility Commission’s Bureau of Investigation and Enforcement respectfully requests that:

(1) Respondent be ordered to pay a total of \$1,736.00, which consists of its cumulative outstanding assessment balance of \$36.00 and a total civil penalty of \$1,700.00 for the above-described violations. Said payment should be made by certified check or money order, made payable to the “Commonwealth of Pennsylvania” with the docket number of this proceeding listed, and mailed to the Secretary’s Bureau of the Commission;

(2) Respondent be directed to file assessment reports on a going-forward basis; and

(3) If payment of the assessments and civil penalty is not made, the Bureau of Investigation and Enforcement requests that:

- a. the Commission issue an Order to cancel the Certificate of Public Convenience issued to Respondent;
- b. this matter be referred to the Pennsylvania Office of Attorney General for appropriate action; and
- c. the Commission certify motor vehicle registrations to the Pennsylvania Department of Transportation, if any, for suspension or revocation.

Respectfully submitted,
Grant Rosul
Prosecutor
PA Attorney ID No. 318204

Pennsylvania Public Utility Commission
Bureau of Investigation and Enforcement
Commonwealth Keystone Building
400 North Street
Harrisburg, PA 17120
(717) 783-5243
grosul@pa.gov

Date: February 13, 2024

VERIFICATION

I, Amy Zuvich, Chief of Finance and Assessments, Bureau of Administration, Finance and Assessment Section, hereby state that the facts above set forth are true and correct to the best of my knowledge, information, and belief and that I expect the Bureau will be able to prove the same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: February 13, 2024

Amy Zuvich
Chief of Finance and Assessments
Finance and Assessment Section
Bureau of Administration
Pennsylvania Public Utility
Commission
Commonwealth Keystone Building
400 North Street
Harrisburg, PA 17120

NOTICE

1. You must file an Answer within twenty (20) days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial Letter. See 52 Pa. Code § 1.56(a). The Answer must raise all factual and legal arguments that you wish to claim in your defense, include the docket number of this Complaint, and be verified. The Answer must be submitted by efileing with the Secretary of the Commission by opening an efileing account through the Commission's website and accepting eservice at <http://www.puc.state.pa.us/efiling/default.aspx>. If your filing contains confidential material, you are required to file by overnight delivery to ensure the timely filing of your submission to:

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
400 North Street, 2nd Floor
Harrisburg, PA 17120

If your Answer is 250 pages or less, you are not required to file a paper copy. If your Answer exceeds 250 pages, you must file a paper copy with the Secretary's Bureau.

Additionally, please electronically serve a copy on:

Grant Rosul, Prosecutor
Pennsylvania Public Utility Commission
Bureau of Investigation and Enforcement
grosul@pa.gov

2. If you fail to answer this Complaint within 20 days, the Bureau of Investigation and Enforcement will request that the Commission issue an Order imposing the requested relief.

3. You may elect not to contest this Complaint by paying the past due assessment and civil penalty within 20 days. Send only a certified check or money order made payable to the "Commonwealth of Pennsylvania," with the docket number indicated, and mail to:

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
400 North Street
Harrisburg, PA 17120

4. If you file an Answer which either admits or fails to deny the allegations of the Complaint, the Bureau of Investigation and Enforcement will request the Commission to issue an Order imposing the requested relief set forth in this Complaint.

5. If you file an Answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision. The Judge is not bound by the penalty set forth in the Complaint and may impose additional and/or alternative penalties as appropriate.

6. If you are a corporation, you must be represented by legal counsel. See 52 Pa. Code § 1.21.

7. Alternative formats of this material are available for persons with disabilities by contacting the Commission's ADA Coordinator at (717) 787-8714.

Pennsylvania Public Utility Commission; Bureau of Investigation and Enforcement v. Blue Ribbon Transit, Inc.; Docket No. C-2024-3049276

FORMAL COMPLAINT

Now Comes the Bureau of Investigation and Enforcement ("I&E") of the Pennsylvania Public Utility Commission ("Commission"), by its prosecuting attorney, and files this Complaint against Blue Ribbon Transit, Inc. ("Respondent"), pursuant to Section 701 of the Public Utility Code, 66 Pa.C.S. § 701. In support of its Complaint, I&E respectfully represents the following:

I. Parties and Jurisdiction

1. The Pennsylvania Public Utility Commission, with a mailing address of Commonwealth Keystone Building, 400 North Street, Harrisburg, PA 17120, is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth pursuant to the Public Utility Code, 66 Pa.C.S. §§ 101, et seq.

2. Complainant is the Commission's Bureau of Investigation and Enforcement and is the entity established by statute to prosecute complaints against public utilities pursuant to 66 Pa.C.S. § 308.2(a)(11). See also Implementation of Act 129 of 2008; Organization of Bureaus and Offices, Docket No. M-2008-2071852 (Order entered August 11, 2011) at 5 (transferring authority to prosecute assessment cases to I&E).

3. Complainant is represented by:

Grant Rosul, Prosecutor
 Pennsylvania Public Utility Commission
 Bureau of Investigation and Enforcement
 Commonwealth Keystone Building
 400 North Street
 Harrisburg, PA 17120
 (717) 783-5243
 grosul@pa.gov

4. Respondent is Blue Ribbon Transit, Inc., and maintains its principal place of business at 350 East Main St., New Holland, PA 17557. Attention: Alex Gerami.

5. Respondent is a “public utility” as that term is defined at 66 Pa.C.S. § 102, as it was engaged in the transporting persons in the Commonwealth of Pennsylvania for compensation.

6. The Commission issued Respondent a Certificate of Public Convenience on or about March 1, 2019, at A-2018-3005930, for approval to transport, as a common carrier, by motor vehicle, persons in paratransit service and limited to persons whose personal convictions prevent them from owning or operating motor vehicles, from points in Lancaster County, to points in Pennsylvania, and return. All granted authorities were issued at A-6421581.

7. Section 501(a) of the Public Utility Code, 66 Pa.C.S. § 501(a), authorizes and obligates the Commission to execute and enforce the provisions of the Public Utility Code.

8. Section 701 of the Public Utility Code, 66 Pa.C.S. § 701, authorizes the Commission to, inter alia, hear and determine complaints against public utilities for a violation of any law or regulation that the Commission has jurisdiction to administer. Section 3301 of the Public Utility Code, 66 Pa.C.S. § 3301, authorizes the Commission to impose civil penalties on any public utility, or any other person or corporation subject to the Commission’s authority, for violation(s) of the Public Utility Code and/or Commission regulations. Section 3301(a)-(b) of the Public Utility Code, 66 Pa.C.S. § 3301(a)-(b), allows for the imposition of a separate civil penalty for each violation and each day’s continuance of such violation(s).

9. Respondent, in transporting persons as a common carrier for compensation, is subject to the power and authority of this Commission pursuant to Section 501(c) of the Public Utility Code, 66 Pa.C.S. § 501(c), which requires a public utility to comply with Commission regulations.

10. Pursuant to the provisions of the applicable Commonwealth statutes and regulations, the Commission has jurisdiction over the subject matter of this complaint and the actions of Respondent related thereto.

II. *Factual Background*

11. On June 8, 2022, the Commission mailed to Respondent a failure to submit assessment report letter for failing to report its gross intrastate operating revenues for the 2021 calendar year at the address which it provided to the Commission as its main mailing address, 350 East Main Street, New Holland, PA 17557.

12. On June 24, 2022, this letter was returned to the Commission by the United States Postal Service with a forwarding address—566 East Main Street, New Holland, PA 17557 (“Forwarding Address”).

13. On June 27, 2022, the Commission mailed to Respondent a failure to submit assessment report letter

at the forwarding address provided by the United States Postal Service. The letter informed Respondent that it was obligated file a completed assessment report for the 2021 calendar year within twenty (20) days of the letter and that if it failed to do so the matter would be referred to I&E for prosecution.

14. Respondent subsequently submitted its completed assessment report for the 2021 calendar year, demonstrating that it received the letter at the address provided by the United States Postal Service as its Forwarding Address.

15. Respondent stated on its completed assessment report for the 2021 calendar year that its address was now the Forwarding Address, 566 East Main Street, New Holland, PA 17557.

16. The Commission has served Respondent at either the address it has reported to the Commission as its main mailing address or at its Forwarding Address, which it provided to the United States Postal Service as an address to which its mail could be directed and at which Respondent stated in its completed assessment report for the 2021 calendar year as its address.

2022-2023 Fiscal Year

17. On or about September 9, 2022, the Commission mailed to Respondent, by first class mail, at its Forwarding Address, an assessment invoice for the July 1, 2022, to June 30, 2023, Fiscal Year (“2022-2023 Fiscal Year”) that was based on Respondent’s reported revenues for the 2021 calendar year. Respondent’s assessment was \$348. A copy of the assessment invoice is attached as I&E Exhibit 1.

18. Accompanying the assessment invoice was a notice of assessment that informed Respondent that it was obligated to pay the amount listed on the assessment invoice within thirty (30) days or file objections within fifteen (15) days. A copy of the notice of assessment is attached as I&E Exhibit 2.

19. On October 26, 2022, the Commission mailed to Respondent, this time by certified mail, at its Forwarding Address, an assessment invoice for the July 1, 2022, to June 30, 2023, Fiscal Year (“2022-2023 Fiscal Year”) that was based on Respondent’s reported revenues for the 2021 calendar year. Respondent’s assessment was \$348. A copy of the assessment invoice is attached as I&E Exhibit 3.

20. Accompanying the assessment invoice was a notice of assessment that informed Respondent that it was obligated to pay the amount listed on the assessment invoice within thirty (30) days or file objections within fifteen (15) days.

21. On November 22, 2022, the certified mailing was returned to the Commission by the United States Postal Service, indicating that Respondent refused the delivery of the certified mailing containing the assessment invoice and notice of assessment for the 2022-2023 Fiscal Year. A copy of the tracking history from the United States Postal Service showing the return of the certified mailing to the Commission is attached as I&E Exhibit 4.

22. By mailing the assessment invoice and notice of assessment to Respondent by certified mail, the Commission complied with the requirements of Section 510(c) of the Public Utility Code, which requires notice by certified mail to each public utility of the amount lawfully charged against it. 66 Pa.C.S. § 510(c).

23. The Commission received neither objection nor payment from Respondent to the assessment amount set forth in the 2022-2023 Fiscal Year Assessment Invoice.

24. On or about October 26, 2022, the Commission mailed to Respondent, by first class mail, a delinquent assessment notice that Respondent had a past due assessment balance of \$348 for the 2022-2023 Fiscal Year.

25. The delinquent assessment notice informed Respondent that it was obligated to pay the amount listed on the notification letter within twenty (20) days of the letter and the consequences of failure to do so.

26. On or about May 8, 2023, the Commission's Law Bureau made contact with the Respondent and informed them of their outstanding balance in the amount of \$348.

27. Respondent failed to pay its 2022-2023 assessment invoice of \$348.

2023-2024 Fiscal Year

A. Failure to File Assessment Report

28. On or about January 31, 2023, the Commission mailed to Respondent, at its Forwarding Address, an assessment report for Respondent to report its gross intrastate operating revenues for the 2022 calendar year.

29. The assessment report was accompanied by instructions which notified Respondent that the report was to be completed and returned to the Commission on or before March 31, 2023. A copy of the assessment report and instructions is attached as I&E Exhibit 5.

30. On May 3, 2023, the Commission mailed to Respondent, by first-class mail, at its Forwarding Address, a failure to submit assessment report letter. The letter informed Respondent that it was obligated file a completed assessment report for the 2022 calendar year within twenty (20) days of the letter and that if it failed to do so the matter would be referred to the Bureau of Investigation and Enforcement for prosecution.

31. Respondent failed to submit its assessment report for the 2022 calendar year to the Commission.

B. Failure to Pay Assessment Invoice

32. On or about September 8, 2023, the Commission mailed to Respondent, by certified mail, at its Forwarding Address, an assessment invoice for the July 1, 2023, to June 30, 2024, Fiscal Year ("2023-2024 Fiscal Year") that was based, in part, on Respondent's estimated revenues for the 2022 calendar year due to Respondent's failure to file an assessment report stating its 2022 calendar year revenues. Respondent's assessment was \$244. A copy of the assessment invoice is attached as I&E Exhibit 6.

33. Attached to the assessment invoice was a notice of assessment informing Respondent that it was obligated to pay the amount listed on the assessment invoice within thirty (30) days or file objections within fifteen (15) days. A copy of the notice of assessment is attached as I&E Exhibit 7.

34. On September 20, 2023, the certified mailing was returned to the Commission by the United States Postal Service, indicating that Respondent refused the delivery of the certified mailing containing the assessment invoice and notice of assessment for the 2023-2024 Fiscal Year. A copy of the electronic signature showing the return of the certified mailing to the Commission is attached as I&E Exhibit 8.

35. By mailing the assessment invoice and notice of assessment to Respondent by certified mail, the Commission complied with the requirements of Section 510(c) of the Public Utility Code, which requires notice by certified mail to each public utility of the amount lawfully charged against it. 66 Pa.C.S. § 510(c).

36. The Commission received neither objection nor payment from Respondent to the assessment amount set forth in the 2023-2024 Fiscal Year Assessment Invoice.

37. On or about October 24, 2023, the Commission mailed to Respondent, by first class mail, a delinquent assessment notice that Respondent had a past due assessment balance of \$592, which consists of \$244 for the 2023-24 Fiscal Year and \$348 for the prior 2022-2023 Fiscal Year.

38. The delinquent assessment notice informed Respondent that it was obligated to pay the amount listed on the notification letter within twenty (20) days of the letter and the consequences of failure to do so.

39. Respondent failed to pay its cumulative 2022-2023 Fiscal Year and 2023-2024 Fiscal Year Assessment Invoice of \$592.

2024-2025 Fiscal Year

40. On or about January 31, 2024, the Commission mailed to Respondent an assessment report for Respondent to report its gross intrastate operating revenues for the 2023 calendar year.

41. The assessment report was accompanied by instructions which notified Respondent that the report was to be completed and returned to the Commission on or before March 31, 2024. A copy of the assessment report and instructions is attached as I&E Exhibit 9.

42. On April 25, 2024, the Commission mailed to Respondent, by first-class mail, at its Forwarding Address, a failure to submit assessment report letter. The letter informed Respondent that it was obligated file a completed assessment report for the 2023 calendar year within twenty (20) days of the letter and that if it failed to do so the matter would be referred to the Bureau of Investigation and Enforcement for prosecution.

43. Respondent failed to submit its assessment report for the 2023 calendar year to the Commission.

III. Violations

Counts 1-2

44. That Respondent failed to report its gross intrastate operating revenues for the 2022 and 2023 calendar years in that it did not file assessment reports for these calendar years. If proven, this is a violation of Section 510(b) of the Public Utility Code, 66 Pa.C.S. § 510(b) (2 counts). The Bureau of Investigation and Enforcement's proposed civil penalty for this violation is \$1,000 (\$500/each count). This civil penalty, consistent with past Commission decisions, is based on the following factors: (1) the type of violation involved; (2) the amount of Respondent's outstanding assessment balance related to the 2022-2023 and 2023-2024 Fiscal Years; and (3) Respondent's compliance history with the Public Utility Code and Commission's regulations for three (3) years prior to the filing of this Complaint.

Counts 3-4

45. That Respondent failed to satisfy its 2022-2023 and 2023-2024 Fiscal Year Assessments in that it did not pay the amounts due within thirty (30) days of receipt of assessment invoice. If proven, this is a violation of Section 510(c) of the Public Utility Code, 66 Pa.C.S. § 510(c) (2 counts). I&E's proposed civil penalty for the failure to satisfy its 2022-2023 Fiscal Year assessment invoice is \$100. I&E's propose civil penalty for the failure to satisfy its 2023-2024 Fiscal Year assessment invoice is \$100. The total proposed civil penalty for Counts 3 and 4

is \$200.⁴ This civil penalty, consistent with past Commission decisions,⁵ is based on the following factors: (1) the type of violation involved; (2) the amount of Respondent's outstanding assessment balance related to the 2022-2023 and 2023-2024 Fiscal Years; and (3) Respondent's compliance history with the Public Utility Code and Commission's regulations⁶ for three (3) years prior to the filing of this Complaint.

Wherefore, for all the foregoing reasons, the Pennsylvania Public Utility Commission's Bureau of Investigation and Enforcement respectfully requests that:

(1) Respondent be ordered to pay a total of \$1,736.00, which consists of its cumulative outstanding assessment balance of \$36.00 and a total civil penalty of \$1,700.00 for the above-described violations. Said payment should be made by certified check or money order, made payable to the "Commonwealth of Pennsylvania" with the docket number of this proceeding listed, and mailed to the Secretary's Bureau of the Commission;

(2) Respondent be directed to file assessment reports on a going-forward basis; and

(3) If payment of the assessments and civil penalty is not made, the Bureau of Investigation and Enforcement requests that:

a. the Commission issue an Order to cancel the Certificate of Public Convenience issued to Respondent;

b. this matter be referred to the Pennsylvania Office of Attorney General for appropriate action; and

c. the Commission certify motor vehicle registrations to the Pennsylvania Department of Transportation, if any, for suspension or revocation.

Respectfully submitted,
Grant Rosul
Prosecutor
PA Attorney ID No. 318204

Pennsylvania Public Utility Commission
Bureau of Investigation and Enforcement
Commonwealth Keystone Building
400 North Street
Harrisburg, PA 17120
(717) 783-5243
grosul@pa.gov

Date: May 28, 2024

VERIFICATION

I, Amy Zuvich, Chief of Finance and Assessments, Bureau of Administration, Finance and Assessment Section, hereby state that the facts above set forth are true and correct to the best of my knowledge, information, and belief and that I expect the Bureau will be able to prove the same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: May 28, 2024

Amy Zuvich
Chief of Finance and Assessments
Finance and Assessment Section
Bureau of Administration
Pennsylvania Public Utility
Commission
Commonwealth Keystone Building
400 North Street
Harrisburg, PA 17120

NOTICE

1. You must file an Answer within twenty (20) days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial Letter. See 52 Pa. Code § 1.56(a). The Answer must raise all factual and legal arguments that you wish to claim in your defense, include the docket number of this Complaint, and be verified. The Answer must be submitted by efilng with the Secretary of the Commission by opening an efilng account through the Commission's website and accepting eservice at <http://www.puc.state.pa.us/efiling/default.aspx>. If your filing contains confidential material, you are required to file by overnight delivery to ensure the timely filing of your submission to:

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
400 North Street, 2nd Floor
Harrisburg, PA 17120

If your Answer is 250 pages or less, you are not required to file a paper copy. If your Answer exceeds 250 pages, you must file a paper copy with the Secretary's Bureau.

Additionally, please electronically serve a copy on:

Grant Rosul, Prosecutor
Pennsylvania Public Utility Commission
Bureau of Investigation and Enforcement
grosul@pa.gov

2. If you fail to answer this Complaint within 20 days, the Bureau of Investigation and Enforcement will request that the Commission issue an Order imposing the requested relief.

3. You may elect not to contest this Complaint by paying the past due assessment and civil penalty within 20 days. Send only a certified check or money order made payable to the "Commonwealth of Pennsylvania," with the docket number indicated, and mail to:

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
400 North Street
Harrisburg, PA 17120

4. If you file an Answer which either admits or fails to deny the allegations of the Complaint, the Bureau of Investigation and Enforcement will request the Commission to issue an Order imposing the requested relief set forth in this Complaint.

5. If you file an Answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision. The Judge is not bound by the penalty set forth in the Complaint and may impose additional and/or alternative penalties as appropriate.

6. If you are a corporation, you must be represented by legal counsel. See 52 Pa. Code § 1.21.

7. Alternative formats of this material are available for persons with disabilities by contacting the Commission's ADA Coordinator at (717) 787-8714.

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 24-1285. Filed for public inspection September 6, 2024, 9:00 a.m.]

END OF ISSUE

