

# PENNSYLVANIA BULLETIN

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

## *Pennsylvania Bulletin*

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

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

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

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

### **Adoption, Amendment or Repeal of Regulations**

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

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

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

## **Citation to the *Pennsylvania Bulletin***

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

## ***Pennsylvania Code***

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

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

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

### **How to Find Rules and Regulations**

Search for your area of interest in the *Pennsylvania Code*. The *Pennsylvania Code* is available at [www.pacodeandbulletin.gov](http://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](http://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.

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*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**.

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### 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 204—JUDICIAL SYSTEM GENERAL PROVISIONS

### PART II. GENERAL ADMINISTRATION [ 204 PA. CODE CH. 29 ]

#### Promulgation of Consumer Price Index Pursuant to 42 Pa.C.S. §§ 1725.1(f) and 3571(c)(4) and Financial Regulations, 204 Pa. Code §§ 29.401— 403; No. 624 Judicial Administration Docket

#### Order

*Per Curiam*

And Now, this 7th day of October, 2024, *It Is Ordered* pursuant to Article V, Section 10(c) of the Constitution of Pennsylvania and Sections 1721 and 3502(a) of the Judicial Code, 42 Pa.C.S. §§ 1721, 3502(a), that the Court Administrator of Pennsylvania is authorized to obtain and publish in the *Pennsylvania Bulletin* the percentage increase in the Consumer Price Index for calendar year 2025 as required by Act 54 of 2024, 42 Pa.C.S. §§ 1725.1(f) and 3571(c)(4) (as amended) and to revise the Financial Regulations, 204 Pa. Code §§ 29.401—403, as provided in those statutory escalation provisions.

To the extent notice of proposed rulemaking may be required by Rule of Judicial Administration 103, the immediate promulgation of the regulations is hereby found to be in the interests of efficient administration.

[Pa.B. Doc. No. 24-1488. Filed for public inspection October 18, 2024, 9:00 a.m.]

## Title 204—JUDICIAL SYSTEM GENERAL PROVISIONS

### PART II. GENERAL ADMINISTRATION [ 204 PA. CODE CH. 29 ]

#### Promulgation of Consumer Price Index Pursuant to 42 Pa.C.S. §§ 1725.1(f) and 3571(c)(4) and Financial Regulations, 204 Pa. Code §§ 29.401— 403; No. 624 Judicial Administration Docket

In accordance with Supreme Court Order No. 624 of the Judicial Administration Docket, the Court Administrator of Pennsylvania is authorized to obtain and publish in the *Pennsylvania Bulletin* the percentage increase in the Consumer Price Index for calendar year 2025 as required by Act 54 of 2024, 42 Pa.C.S. §§ 1725.1(f) and 3571(c)(4) (as amended) and to revise the Financial Regulations, 204 Pa. Code §§ 29.401—403, accordingly.

In accordance with the Supreme Court Order, 204 Pa. Code §§ 29.401—403 is amended in the attached form and shall be effective on January 1, 2025.

Filed in the Administrative Office of Pennsylvania Courts on October 8, 2024.

ANDREA TUOMINEN,  
*Court Administrator of Pennsylvania*

### Annex A

## TITLE 204. JUDICIAL SYSTEM GENERAL PROVISIONS

### PART II. GENERAL ADMINISTRATION CHAPTER 29. MISCELLANEOUS PROVISIONS

#### Subchapter K. COSTS, FINES AND FEES

#### § 29.401. Scope.

The Pennsylvania Supreme Court, pursuant to Art. V, § 10 of the Pennsylvania Constitution, and 42 Pa.C.S. § 1721, has authorized by Administrative Order, the Court Administrator of Pennsylvania to promulgate regulations relating to the accounting methods to be utilized in connection with the collection of fees and costs charged and collected by prothonotaries, and clerks of courts of all courts of common pleas, or by any officials designated to perform the functions thereof, as well as by the minor judiciary, including magisterial district judges, and judges and staff of all divisions of the Philadelphia Municipal Court.

Under authority of said Administrative Order and pursuant to the authority vested in the governing authority under 42 Pa.C.S. § 3502(a) of the Judicial Code, the following regulations are adopted to implement Act 54 of 2024, 42 Pa.C.S. §§ 1725.1(f) and 3571(c)(4) (as amended).

#### § 29.401a. Consumer Price Index—costs and fines.

Pursuant to Article V, Section 10 of the Pennsylvania Constitution, and 42 Pa.C.S. § 1721, the Supreme Court has authorized the Court Administrator of Pennsylvania to obtain and publish in the *Pennsylvania Bulletin* on or before November 30 the percentage increase in the Consumer Price Index for calendar year 2023 as required by Act 54 of 2024, 42 Pa.C.S. §§ 1725.1(f) and 3571(c)(4) (as amended). See, No. 624 Judicial Administration Docket.

The Court Administrator of Pennsylvania reports that the percentage increase in the Consumer Price Index, All Urban Consumers, U.S. City Average, for calendar year 2023 was 3.4% percent. (*See*, U.S. Department of Labor, Bureau of Labor Statistics, Series CUUROOOSAO, January 20, 2024.)

#### § 29.402. 42 Pa.C.S. § 1725.1. Costs.

(a) *Civil cases*.—In calendar year 2025, the costs to be charged by magisterial district judges in every civil case, except as otherwise provided in this section, shall be as follows:

(1) Actions involving \$500 or less	\$67.00
(2) Actions involving more than \$500 but not more than \$2,000	\$89.00
(3) Actions involving more than \$2,000 but not more than \$4,000	\$111.50
(4) Actions involving between \$4,001 and \$12,000	\$167.00
(5) Landlord-tenant actions involving \$2,000 or less	\$100.50
(6) Landlord-tenant actions involving more than \$2,000 but not more than \$4,000	\$122.50
(7) Landlord-tenant actions involving more than \$4,000 but not more than \$12,000	\$167.00
(8) Order of execution	\$50.50

- (9) Objection to levy ..... \$22.50
- (10) Reinstatement of complaint .....\$11.50
- (11) Entering Transcript on Appeal or  
Certiorari .....\$6.00

Said costs shall not include, however, the cost of postage and registered mail which shall be borne by the plaintiff.

(a.1) *Custody cases.*—In calendar year 2025, the cost (in addition to the cost provided by general rule) to be charged by the court of common pleas shall be as follows:

- (1) Custody cases, except as provided in section 1725(c)(2)(v) ..... \$10.00

(b) *Criminal cases.*—In calendar year 2025, the costs to be charged by the minor judiciary or by the court of common pleas where appropriate in every criminal case, except as otherwise provided in this section, shall be as follows:

- (1) Summary conviction, except motor vehicle cases ..... \$63.50
- (2) Summary conviction, motor vehicle cases, other than paragraph (3) ..... \$50.50
- (3) Summary conviction, motor vehicle cases, hearing demanded ..... \$61.50
- (4) Misdemeanor ..... \$72.50
- (5) Felony ..... \$83.50

Such costs shall not include, however, the cost of postage and registered mail which shall be paid by the defendant upon conviction.

(c) *Unclassified costs or charges.*—In calendar year 2025, the costs to be charged by the minor judiciary in the following instances not readily classifiable shall be as follows:

- (1) Entering transcript of judgment from another member of the minor judiciary .....\$11.50
- (2) Marrying each couple, making record thereof, and certificate to the parties ..... \$56.00
- (3) Granting emergency relief pursuant to 23 Pa.C.S. Ch. 61 (relating to protection from abuse) ..... \$22.50
- (4) Issuing a search warrant (except as provided in subsection (d)) ..... \$22.50
- (5) Any other issuance not otherwise provided in this subsection ..... \$22.50

§ 29.403. 42 Pa.C.S. § 3571.

In calendar year 2025, Commonwealth portion of fines, etc.

\* \* \* \* \*

(c) *Costs in magisterial district judge proceedings.*

- (2) Amounts payable to the Commonwealth:
  - (i) Summary conviction, except motor vehicle cases ..... \$22.40
  - (ii) Summary conviction, motor vehicle cases other than subparagraph (iii) ..... \$22.40
  - (iii) Summary conviction, motor vehicle cases, hearing demanded ..... \$22.40
  - (iv) Misdemeanor ..... \$29.00
  - (v) Felony ..... \$44.50

- (vi) Assumpsit or trespass involving:
  - (A) \$500 or less ..... \$28.00
  - (B) More than \$500 but not more than \$2,000 ..... \$44.50
  - (C) More than \$2,000 but not more than \$4,000 ..... \$66.90
  - (D) Between \$4,001 and \$12,000 .....\$111.35
- (vii) Landlord-tenant proceeding involving:
  - (A) \$2,000 or less ..... \$44.70
  - (B) More than \$2,000 but not more than \$4,000 ..... \$55.70
  - (C) More than \$4,000 but not more than \$12,000 ..... \$77.95
- (viii) Objection to levy .....\$11.25
- (ix) Order of execution ..... \$33.65
- (x) Issuing a search warrant (except as provided in section 1725.1(d) (relating to costs)) .. \$15.75
- (xi) Order of possession ..... \$15.00
- (xii) Custody cases (except as provided in section 1725(c)(2)(v)) .....\$8.00

(Editor’s Note: Ellipses refer to the text of 42 Pa.C.S. § 3571).

[Pa.B. Doc. No. 24-1489. Filed for public inspection October 18, 2024, 9:00 a.m.]

**Title 25—LOCAL COURT RULES**  
**COLUMBIA COUNTY**  
**Custody of Exhibits; 59 AD 2024; 1 MV 2024**

**Order**

And Now, this 27 day of September, 2024, pursuant to Pa.R.J.A. 5101(a)(1),

*It Is Hereby Ordered* as follows:

1. The custodian of all exhibits shall be the Clerk of Courts or the Court’s designee.
2. Throughout a court proceeding, all exhibits shall remain in the custody of the proponent until the exhibit is offered for admission into the record. The exhibit shall then be placed in the temporary custody of the court reporter/recorder, technician or Court designee. The Court reporter/recorder, technician or designee shall utilize the Index of Exhibits form supplied by Court Administration to log all the exhibits presented by the Proponent.
3. Digital media that is presented as exhibits shall be saved by the proponent on a thumb drive, flash drive, USB drive, CD-ROM, DVD or other portable media containing device that is properly labeled with the exhibit identifier used on the record and presented to the custodian.
4. As time permits, the Court reporter/recorder, technician or designee, shall deliver the documentary and non-documentary exhibits to the Custodian at the conclusion of each business day during the Court Proceeding. The Custodian shall retrieve and have the items available before the Court Proceeding resumes each day.
5. The Custodian shall take steps necessary to file all exhibits, whether offered for admission during the Court

Proceeding or as ordered by the presiding judge, to be made a part of the case file with the Records Office, not later than five business days after the conclusion of the Court proceeding pursuant to Pa.R.J.A. 5104(a)(2).

6. This Order shall be effective within thirty (30) days after publication thereof in the *Pennsylvania Bulletin*, and shall govern all criminal and civil matters.

7. The District Court Administrator, in accordance with Pa.R.Crim.P. 105, shall:

a. File one (1) copy of this Order with the Administrative Office of the Pennsylvania Courts via email to adminrules@pacourts.us;

b. File with the Legislative Bureau for publication in *The Pennsylvania Bulletin*;

c. Publish one (1) copy of this Order on the Columbia-Montour 26th Judicial District County Court website.

*By the Court*

HONORABLE GARY E NORTON,  
*President Judge*

**LOCAL RULES OF JUDICIAL ADMINISTRATION  
("L.R.J.A.")**

**PERTAINING TO CUSTODY OF EXHIBITS  
FOR THE 26TH JUDICIAL DISTRICT  
COLUMBIA AND MONTOUR COUNTIES**

**L.R.J.A. 5102.1. Custody of Exhibits Generally.**

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

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

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

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

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

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

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

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

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

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

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

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

6. At the conclusion of a Court Proceeding, all Dangerous Items which have been offered into evidence, whether or not admitted of record, shall be kept in the custody of the Proponent, the Proponent's Designee, or such other person as designated by the presiding judge.

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

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

9. Dangerous Items shall be subject to requirements pertaining to non-documentary exhibits and photographing of the same, pursuant to Pa.R.J.A. 5103(c) and L.R.J.A. 5103.1.

**L.R.J.A. 5102.2. Custody of Exhibits During and After Proceedings.**

(a) *Proceedings Docketed with the Prothonotary.*

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

2. *Custody of Exhibits During a Court Proceeding.* Throughout a Court Proceeding, all documentary and non-documentary exhibits shall remain in the custody of the Proponent until the exhibit is offered for admission into the record. Whether accepted or rejected by the presiding judge, the exhibit shall then be placed in the temporary custody of the Court Reporter, Court Transcriptionist/Recorder, Courtroom Technician or Court designee. As time permits, the Court Reporter, Court Transcriptionist/Recorder, Courtroom Technician or Court Designee shall deliver the documentary and non-documentary exhibits to the Custodian at the conclusion of each business day during the Court Proceeding. The

Court Reporter, Court Transcriptionist/Recorder, Courtroom Technician, or Court designee shall retrieve the documentary and non-documentary exhibits from the Custodian before the Court Proceeding resumes each day. Notwithstanding this subdivision, the presiding judge may direct otherwise.

3. *Custody of Exhibits After a Court Proceeding.* The Custodian shall take steps necessary to file all exhibits, whether offered for admission during the Court Proceeding or as ordered by the presiding judge, to be made a part of the case file with the Records Office, as defined by Pa.R.J.A. 5101(a)(7), not later than five business days after the conclusion of the Court Proceeding pursuant to Pa.R.J.A. 5104(a)(2).

(b) *Proceedings Docketed with the Clerk of Courts.*

1. *Custodian Defined.* Except as provided in Pa.R.J.A. 5103(d) and L.R.J.A. 5102.1(c), the Custodian of all exhibits shall be the Clerk of Courts or the Court's designee.

2. *Custody of Exhibits During a Court Proceeding.* Throughout a Court Proceeding, all documentary and non-documentary exhibits shall remain in the custody of the Proponent until the exhibit is offered for admission into the record. Whether accepted or rejected by the presiding judge, the exhibit shall then be placed in the Custodian's custody. Notwithstanding this subdivision, the presiding judge may direct otherwise.

3. *Custody of Exhibits After a Court Proceeding.* The Custodian shall take steps necessary to file all exhibits, whether offered for admission during the Court Proceeding or as ordered by the presiding judge, to be made a part of the case file with the Records Office, as defined by Pa.R.J.A. 5101(a)(7), not later than five business days after the conclusion of the Court Proceeding pursuant to Pa.R.J.A. 5104(a)(2).

(c) *Proceedings Docketed with the Orphans' Court.*

1. *Custodian Defined.* Except as provided in Pa.R.J.A. 5103(d) and L.R.J.A. 5102.1(c), the Custodian of all exhibits shall be the Clerk of the Orphans' Court or the Court's designee.

2. *Custody of Exhibits During a Court Proceeding.* Throughout a Court Proceeding, all documentary and non-documentary exhibits shall remain in the custody of the Proponent until the exhibit is offered for admission into the record. Whether accepted or rejected by the presiding judge, the exhibit shall then be placed in the Custodian's custody. Notwithstanding this subdivision, the presiding judge may direct otherwise.

3. *Custody of Exhibits After a Court Proceeding.* The Custodian shall take steps necessary to file all of the exhibits, whether offered for admission during the proceeding or as ordered by the presiding judge, to be made a part of the case file with the Records Office, as defined by Pa.R.J.A. 5101(a)(7), not later than five business days after the conclusion of the Court Proceeding pursuant to Pa.R.J.A. 5104(a)(2).

(d) *Proceedings before the Juvenile Court.*

1. *Custodian Defined.* Except as provided in Pa.R.J.A. 5103(d) and L.R.J.A. 5102.1(c), the Custodian of all exhibits in Juvenile Court shall be the Juvenile Probation Office or the Court's designee.

2. *Custody of Exhibits During a Juvenile Court Proceeding.* Throughout a Juvenile Court Proceeding, all

documentary and non-documentary exhibits shall remain in the custody of the Proponent until the exhibit is offered for admission into the record. Whether accepted or rejected by the presiding judge, the exhibit shall then be placed in the Custodian's custody. Notwithstanding this subdivision, the presiding judge may direct otherwise.

3. *Custody of Exhibits After a Juvenile Court Proceeding.* The Custodian shall take steps necessary to file all exhibits, whether offered for admission during the Court Proceeding or as ordered by the presiding judge, to be made a part of the case file with the Records Office, as defined by Pa.R.J.A. 5101(a)(7), not later than five business days after the conclusion of the Court Proceeding pursuant to Pa.R.J.A. 5104(a)(2).

(e) *Proceedings before a record Hearing Officer or Master.*

1. *Custodian Defined.* Except as provided in Pa.R.J.A. 5103(d) and L.R.J.A. 5102.1(c), the Custodian of all exhibits shall be the Hearing Officer, Master or the Court's designee.

2. *Custody of Exhibits During a Court Proceeding.* Throughout a Court Proceeding, all documentary and non-documentary exhibits shall remain in the custody of the Proponent until the exhibit is offered for admission into the record. Whether accepted or rejected by the Hearing Officer or Master, the exhibit shall then be placed in the Custodian's custody. Notwithstanding this subdivision, the parties may agree to an alternate custodial process if approved by the Hearing Officer and confirmed on the record.

3. *Custody of Exhibits After a Court Proceeding.* The Custodian shall take steps necessary to file all exhibits offered for admission during the Court Proceeding with the Records Office, as defined by Pa.R.J.A. 5101(a)(7), within five business days of the conclusion of the Court Proceeding or within five business days of the lodging of the final decision by the Hearing Officer.

**L.R.J.A. 5103.1. Custody of Exhibits. Special Provisions.**

(a) *Photographs and Photographs of Non-Documentary Exhibits.*

1. In advance of a proceeding, the Proponent shall prepare potential photographic exhibits pursuant to Pa.R.J.A. 5103(b) and a physical, photographic copy of each potential, non-documentary exhibit pursuant to Pa.R.J.A. 5103(c).

(b) *Digital Media and Digital Format.* Evidence in digital media format or digital format used or presented at trial shall be retained by the Proponent. The Proponent (and not court personnel) shall be responsible for hardware and software sufficient to allow review of the same in court. Digital media or digitally formatted exhibits shall be saved on a thumb drive, flash drive, USB drive, CD-ROM, DVD or other portable media-containing device, and shall be properly labeled with the exhibit identifier used on the record and shall be retained during and after the hearing or trial by the Custodian. The Proponent shall prepare in advance and make available at trial or hearing an envelope not exceeding 8 1/2 by 11 inches and shall place the portable media-containing device in the envelope which shall be labeled with the case name, the case docket number, and the exhibit identifier used on the record and shall present the same to the Custodian.

THE COURT OF COMMON PLEAS OF THE 26th JUDICIAL DISTRICT OF PENNSYLVANIA  
 Index of Exhibits

Case Name: \_\_\_\_\_

Docket Number: \_\_\_\_\_

Proceeding: \_\_\_\_\_

Date: \_\_\_\_\_

Presiding Judge: \_\_\_\_\_

Parties/Counsel Present: \_\_\_\_\_

Number	Description / Title	Proponent	Admitted	Rejected	Sealed by Court	Confidential Info Sheet Required?

Name of Person Completing this Index: \_\_\_\_\_

[Pa.B. Doc. No. 24-1490. Filed for public inspection October 18, 2024, 9:00 a.m.]

**Title 255—LOCAL COURT RULES**

**CUMBERLAND COUNTY**

**Rules of the Court of Common Pleas; Local Rules 1996-1335**

**Order of Court**

And Now, this 3rd day of October, 2024, it is hereby Ordered and Decreed, that effective November 1, 2024, or thirty (30) days after publication in the *Pennsylvania Bulletin*, whichever is later, the Cumberland County Court of Common Pleas amends the following local rules, 4002, 4007, and 4008, governing court reporting and transcripts for the 9th Judicial District.

The Cumberland County District Court Administrator is Ordered and Directed to do the following:

1. File one (1) copy to the Administrative Office of Pennsylvania Courts via email to adminrules@pacourts.us.
2. File two (2) paper copies and one (1) electronic copy in a Microsoft Word format only to bulletin@palrb.us with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.
3. Publish these Rules on the Cumberland County Court website at www.ccpa.net.
4. Incorporation of the local rule into the set of local rules on www.ccpa.net within thirty (30) days after the publication of the local rule in the *Pennsylvania Bulletin*.
5. File one (1) copy of the local rule in the appropriate filing office for public inspection and copying.

6. Forward one (1) copy to the *Cumberland Law Journal*.

*By the Court*

EDWARD E. GUIDO,  
*President Judge*

**Rule 4002. Transcript Definitions.**

All terms in these rules shall have the same meaning as defined in Pa.R.J.A. No. 4002. As further clarification:

- (a) Commonwealth or subdivision thereof includes any Pennsylvania state, county, regional, or municipal government entity, including any department, board, attorney, employee or agent acting on behalf of that entity.
- (b) Transcript includes any electronic or paper record, including orders, prepared by a court reporter or court recorder of any proceeding presided over by a judge, a magisterial district judge, or a hearing officer.
- (c) All transcripts fall into one of two categories regarding need and purpose:
  - (1) an ordinary transcript is either:
    - (i) required by rule because notice of appeal has been filed; or
    - (ii) required by order or rule to advance litigation in a matter currently before the court.
  - (2) a non-ordinary transcript is any transcript requested or prepared for any reason other than ordinary as defined in section (c)(1) above.
  - (d) The terms daily, expedited, rough draft and same-day delivery all refer to variations in the delivery deadline and cost for non-ordinary transcripts.

**Rule 4007. Requests for Transcripts.**

(a) All requests for new, previously untranscribed transcripts shall be submitted to the district court administrator's office, utilizing the FTR Justice Cloud platform, available through the Court Website, which shall include all elements required in the form provided by the state court administrator.

(b) The district court administrator shall also serve copies of the request to all participating parties via electronic notice on the appropriate filing offices' docketing system:

- (1) the judge presiding over the matter;
- (2) the court reporter, court recorder or transcriptionist; and
- (3) opposing counsel, or if not represented, the opposing party.

(c) A request for daily, expedited, or same-day transcripts shall be filed in the district court administrator's office at least ten (10) days before the scheduled proceeding. Copies of the request shall be provided as required in paragraph (b) above. In the event of an emergency, a party may request by oral motion a daily, expedited, or same-day transcript. This request will be accommodated upon approval of the trial judge and the court reporter or court recorder.

(1) Transcripts will not be prepared until a credit or debit card has been placed on file, a deposit has been paid, or a fee waiver has been approved granted pursuant to C.C.R.J.A 4008(b). If the party requesting a transcript provides a credit or debit card through the request portal, a hold will be placed as a deposit. Upon completion of the transcript, the credit or debit card on file will be charged and the district court administrator shall deliver the original transcript to the appropriate filing office and provide a copy to the requesting party.

(2) If the party requesting a transcript is unable to provide a credit or debit card, the district court administrator's office will issue an invoice via email within seven (7) business days after the receipt of the transcript request.

(i) The invoice shall be for a non-refundable, partial payment of 90% of the estimated transcript cost. This deposit shall be paid by cash, money order, certified check, or law firm check made payable to Cumberland County, and shall be delivered to the district court administrator's office within seven (7) calendar days from the date of the invoice.

(ii) Upon receipt of the deposit by the district court administrator's office, the court reporter, court recorder or transcriptionist shall commence production of the requested transcript.

(iii) Upon completion of the transcript, the court reporter, court recorder or transcriptionist shall deliver it to the district court administrator's office. The district court administrator's office will then issue a final invoice to the requester.

(iv) Upon receipt of the final invoice, payment of the final balance shall be paid by cash, money order, certified check, or law firm check made payable to Cumberland County and shall be delivered to the district court administrator's office within seven (7) calendar days from the date of the invoice. Once full and final payment is received, the district court administrator shall deliver the original transcript to the appropriate filing office and provide a copy to the requesting party.

**Rule 4008. Transcript Costs Payable by a Requesting Party Other Than the Commonwealth or a Subdivision Thereof.**

(a) *Costs:*

(1) The costs payable by a requesting party, other than the Commonwealth or a subdivision thereof, for a transcript in an electronic format shall be:

(i) for an ordinary transcript, \$2.50 per page;

(ii) for an expedited transcript, \$3.50 per page, expedited transcripts are only available if the court reporter or court recorder is able to accommodate;

(iii) for a daily transcript, \$4.50 per page, daily transcripts are only available if the court reporter or court recorder is able to accommodate; and

(iv) for same day delivery, \$6.50 per page, same delivery transcripts are only available if the court reporter or court recorder is able to accommodate.

(2) When the transcript is prepared in bound paper format, the costs shall be in accordance with paragraph (1) relating to electronic format plus a surcharge of \$0.25 per page.

(b) *Economic hardship—minimum standards:*

(1) The application to waive all or a portion of costs for ordinary transcripts shall be supported by an affidavit substantially in the form required by Pa.R.C.P. Rule 240(h).

(2) Such application should be prepared in the form of a Petition to Waive All or a Portion of the Transcript Costs and filed in the appropriate filing office.

(3) Any request for hardship reduction or waiver of costs for any ordinary transcript shall be filed contemporaneously with the request for transcript.

(4) No reduction or waiver of costs shall be requested or granted for any non-ordinary transcript unless the requesting party demonstrates reasonable need.

(5) Time frames for completion of requested transcripts will not commence until the waiver has been approved. If waiver is denied, time frames will commence when the deposit is paid.

(c) *Copies of transcript:*

A request for a copy of any transcript previously ordered, transcribed and filed of record shall be provided by the appropriate filing office according to the following schedule:

(1) \$0.50 per page bound, paper format, and,

(2) \$0.50 per page electronic copy, not to exceed \$50.00. An additional \$20.00 fee may be charged if the copy cannot be emailed directly and needs to be transferred to another medium or multiple emails are required for file transfer.

(d) *Additional Costs:*

(1) A trial judge may impose a reasonable surcharge in cases such as mass tort, medical malpractice or other unusually complex litigation, where there is a need for court reporters to significantly expand their dictionary.

(2) Such surcharges are at the discretion of the trial judge.

[Pa.B. Doc. No. 24-1491. Filed for public inspection October 18, 2024, 9:00 a.m.]

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## Title 255—LOCAL COURT RULES

### MONTOUR COUNTY

#### Custody of Exhibits; 37 AD 2024; 1 CV 2024

#### Order

*And Now*, this 27 day of September, 2024, pursuant to Pa.R.J.A. 5101(a)(1),

*It Is Hereby Ordered* as follows:

1. The custodian of all exhibits shall be the Clerk of Courts or the Court's designee.

2. Throughout a court proceeding, all exhibits shall remain in the custody of the proponent until the exhibit is offered for admission into the record. The exhibit shall then be placed in the temporary custody of the court reporter/recorder, technician or Court designee. The Court reporter/recorder, technician or designee shall utilize the Index of Exhibits form supplied by Court Administration to log all the exhibits presented by the Proponent.

3. Digital media that is presented as exhibits shall be saved by the proponent on a thumb drive, flash drive, USB drive, CD-ROM, DVD or other portable media containing device that is properly labeled with the exhibit identifier used on the record and presented to the custodian.

4. As time permits, the Court reporter/recorder, technician or designee, shall deliver the documentary and non-documentary exhibits to the Custodian at the conclusion of each business day during the Court Proceeding. The Custodian shall retrieve and have the items available before the Court Proceeding resumes each day.

5. The Custodian shall take steps necessary to file all exhibits, whether offered for admission during the Court Proceeding or as ordered by the presiding judge, to be made a part of the case file with the Records Office, not later than five business days after the conclusion of the Court proceeding pursuant to Pa.R.J.A. 5104(a)(2).

6. This Order shall be effective within thirty (30) days after publication thereof in the *Pennsylvania Bulletin*, and shall govern all criminal and civil matters.

7. The District Court Administrator, in accordance with Pa.R.Crim.P. 105, shall:

a. File one (1) copy of this Order with the Administrative Office of the Pennsylvania Courts via email to adminrules@pacourts.us;

b. File with the Legislative Bureau for publication in *The Pennsylvania Bulletin*;

c. Publish one (1) copy of this Order on the Columbia-Montour 26th Judicial District County Court website.

*By the Court*

HONORABLE GARY E NORTON,  
*President Judge*

## LOCAL RULES OF JUDICIAL ADMINISTRATION ("L.R.J.A.")

### PERTAINING TO CUSTODY OF EXHIBITS FOR THE 26TH JUDICIAL DISTRICT COLUMBIA AND MONTOUR COUNTIES

#### L.R.J.A. 5102.1. Custody of Exhibits Generally.

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

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

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

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

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

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

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

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

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

3. In the absence of a Court Order, in any Court Proceeding where Dangerous Items are offered into evi-

dence, the Proponent shall secure the exhibits while the Court Proceeding is in session, as well as during all breaks and recesses.

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

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

6. At the conclusion of a Court Proceeding, all Dangerous Items which have been offered into evidence, whether or not admitted of record, shall be kept in the custody of the Proponent, the Proponent's Designee, or such other person as designated by the presiding judge.

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

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

9. Dangerous Items shall be subject to requirements pertaining to non-documentary exhibits and photographing of the same, pursuant to Pa.R.J.A. 5103(c) and L.R.J.A. 5103.1.

**L.R.J.A. 5102.2. Custody of Exhibits During and After Proceedings.**

(a) *Proceedings Docketed with the Prothonotary.*

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

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

3. *Custody of Exhibits After a Court Proceeding.* The Custodian shall take steps necessary to file all exhibits, whether offered for admission during the Court Proceeding or as ordered by the presiding judge, to be made a part of the case file with the Records Office, as defined by Pa.R.J.A. 5101(a)(7), not later than five business days after the conclusion of the Court Proceeding pursuant to Pa.R.J.A. 5104(a)(2).

(b) *Proceedings Docketed with the Clerk of Courts.*

1. *Custodian Defined.* Except as provided in Pa.R.J.A. 5103(d) and L.R.J.A. 5102.1(c), the Custodian of all exhibits shall be the Clerk of Courts or the Court's designee.

2. *Custody of Exhibits During a Court Proceeding.* Throughout a Court Proceeding, all documentary and non-documentary exhibits shall remain in the custody of the Proponent until the exhibit is offered for admission into the record. Whether accepted or rejected by the presiding judge, the exhibit shall then be placed in the Custodian's custody. Notwithstanding this subdivision, the presiding judge may direct otherwise.

3. *Custody of Exhibits After a Court Proceeding.* The Custodian shall take steps necessary to file all exhibits, whether offered for admission during the Court Proceeding or as ordered by the presiding judge, to be made a part of the case file with the Records Office, as defined by Pa.R.J.A. 5101(a)(7), not later than five business days after the conclusion of the Court Proceeding pursuant to Pa.R.J.A. 5104(a)(2).

(c) *Proceedings Docketed with the Orphans' Court.*

1. *Custodian Defined.* Except as provided in Pa.R.J.A. 5103(d) and L.R.J.A. 5102.1(c), the Custodian of all exhibits shall be the Clerk of the Orphans' Court or the Court's designee.

2. *Custody of Exhibits During a Court Proceeding.* Throughout a Court Proceeding, all documentary and non-documentary exhibits shall remain in the custody of the Proponent until the exhibit is offered for admission into the record. Whether accepted or rejected by the presiding judge, the exhibit shall then be placed in the Custodian's custody. Notwithstanding this subdivision, the presiding judge may direct otherwise.

3. *Custody of Exhibits After a Court Proceeding.* The Custodian shall take steps necessary to file all of the exhibits, whether offered for admission during the proceeding or as ordered by the presiding judge, to be made a part of the case file with the Records Office, as defined by Pa.R.J.A. 5101(a)(7), not later than five business days after the conclusion of the Court Proceeding pursuant to Pa.R.J.A. 5104(a)(2).

(d) *Proceedings before the Juvenile Court.*

1. *Custodian Defined.* Except as provided in Pa.R.J.A. 5103(d) and L.R.J.A. 5102.1(c), the Custodian of all exhibits in Juvenile Court shall be the Juvenile Probation Office or the Court's designee.

2. *Custody of Exhibits During a Juvenile Court Proceeding.* Throughout a Juvenile Court Proceeding, all documentary and non-documentary exhibits shall remain in the custody of the Proponent until the exhibit is offered for admission into the record. Whether accepted or rejected by the presiding judge, the exhibit shall then be placed in the Custodian's custody. Notwithstanding this subdivision, the presiding judge may direct otherwise.

3. *Custody of Exhibits After a Juvenile Court Proceeding.* The Custodian shall take steps necessary to file all exhibits, whether offered for admission during the Court Proceeding or as ordered by the presiding judge, to be made a part of the case file with the Records Office, as defined by Pa.R.J.A. 5101(a)(7), not later than five business days after the conclusion of the Court Proceeding pursuant to Pa.R.J.A. 5104(a)(2).

(e) *Proceedings before a record Hearing Officer or Master.*

1. *Custodian Defined.* Except as provided in Pa.R.J.A. 5103(d) and L.R.J.A. 5102.1(c), the Custodian of all exhibits shall be the Hearing Officer, Master or the Court's designee.



2. *Custody of Exhibits During a Court Proceeding.* Throughout a Court Proceeding, all documentary and non-documentary exhibits shall remain in the custody of the Proponent until the exhibit is offered for admission into the record. Whether accepted or rejected by the Hearing Officer or Master, the exhibit shall then be placed in the Custodian's custody. Notwithstanding this subdivision, the parties may agree to an alternate custodial process if approved by the Hearing Officer and confirmed on the record.

3. *Custody of Exhibits After a Court Proceeding.* The Custodian shall take steps necessary to file all exhibits offered for admission during the Court Proceeding with the Records Office, as defined by Pa.R.J.A. 5101(a)(7), within five business days of the conclusion of the Court Proceeding or within five business days of the lodging of the final decision by the Hearing Officer.

**L.R.J.A. 5103.1. Custody of Exhibits. Special Provisions.**

(a) *Photographs and Photographs of Non-Documentary Exhibits.*

1. In advance of a proceeding, the Proponent shall prepare potential photographic exhibits pursuant to Pa.R.J.A. 5103(b) and a physical, photographic copy of each potential, non-documentary exhibit pursuant to Pa.R.J.A. 5103(c).

(b) *Digital Media and Digital Format.* Evidence in digital media format or digital format used or presented at trial shall be retained by the Proponent. The Proponent (and not court personnel) shall be responsible for hardware and software sufficient to allow review of the same in court. Digital media or digitally formatted exhibits shall be saved on a thumb drive, flash drive, USB drive, CD-ROM, DVD or other portable media-containing device, and shall be properly labeled with the exhibit identifier used on the record and shall be retained during and after the hearing or trial by the Custodian. The Proponent shall prepare in advance and make available at trial or hearing an envelope not exceeding 8 1/2 by 11 inches and shall place the portable media-containing device in the envelope which shall be labeled with the case name, the case docket number, and the exhibit identifier used on the record and shall present the same to the Custodian.

**THE COURT OF COMMON PLEAS OF THE 26th JUDICIAL DISTRICT OF PENNSYLVANIA**

**Index of Exhibits**

Case Name: \_\_\_\_\_

Docket Number: \_\_\_\_\_

Proceeding: \_\_\_\_\_

Date: \_\_\_\_\_

Presiding Judge: \_\_\_\_\_

Parties/Counsel Present: \_\_\_\_\_

<i>Number</i>	<i>Description / Title</i>	<i>Proponent</i>	<i>Admitted</i>	<i>Rejected</i>	<i>Sealed by Court</i>	<i>Confidential Info Sheet Required?</i>

Name of Person Completing this Index:

\_\_\_\_\_

[Pa.B. Doc. No. 24-1492. Filed for public inspection October 18, 2024, 9:00 a.m.]

# RULES AND REGULATIONS

## Title 49—PROFESSIONAL AND VOCATIONAL STANDARDS

### BUREAU OF PROFESSIONAL AND OCCUPATIONAL AFFAIRS

#### [ 49 PA. CODE CH. 43b ]

#### Consideration of Criminal Convictions

The Acting Commissioner of Professional and Occupational Affairs (Commissioner) amends § 43b.201 (relating to fees for services) and adds Subchapter E (relating to consideration of criminal convictions) to read as set forth in Annex A.

#### *Effective Date*

The regulations will be effective upon publication of this final-form rulemaking in the *Pennsylvania Bulletin*.

#### *Statutory Authority*

The Commissioner is required under 63 Pa.C.S. § 3117 (relating to list of criminal offenses) to promulgate regulations setting forth a schedule of criminal convictions that may constitute grounds to refuse to issue, suspend or revoke a license, certificate, registration or permit for each occupation or profession regulated by a licensing board or commission under their respective practice acts. The general rulemaking authority of the Department of State (Department) and the various departmental administrative boards and commissions is set forth in section 506 of The Administrative Code of 1929 (71 P.S. § 186). The Commissioner's authority to fix the fees to be charged by the several professional and occupational licensing boards within the Department and to coordinate the activities of the various boards and commissions is set forth in section 810(a)(7) and (8) of The Administrative Code of 1929 (71 P.S. § 279.1(a)(7) and (8)).

#### *Background and Purpose*

The act of July 1, 2020 (P.L. 575, No. 53) (Act 53) sets forth a new paradigm for the professional and occupational licensing boards and commissions within the Bureau of Professional and Occupational Affairs (Bureau) in considering the impact of prior criminal convictions on a board or commission's decision whether to refuse to issue or renew, suspend, revoke or otherwise limit a license, certificate, registration or permit. (For ease of reference, the various professional and occupational licensing boards and commissions will be referred to generically herein as "boards," and the actions they take with respect to granting, renewing, suspending or revoking a license, certificate, registration or permit will be referred to as decisions relating to "licensure.") The relevant provisions of Act 53 are codified at 63 Pa.C.S. §§ 3112—3118. The policy goals of Act 53 were to protect and promote public safety while reducing barriers to professional licensure for individuals with prior criminal convictions and increasing transparency of the boards' decision-making process.

To these ends, Act 53 required the Commissioner, after consulting with the licensing boards and other interested parties, to publish a schedule of criminal offenses that "may constitute grounds to refuse to issue, suspend or revoke a license, certificate, registration or permit for each occupation or profession under the respective practice acts." (63 Pa.C.S. § 3117(a)). The licensing boards must consult their respective schedules when assessing

an individual's fitness for licensure. If an individual had been convicted of a directly related offense, the board applies a rebuttable presumption that granting a license to that individual will "pose a substantial risk to the health and safety of the individual's patients or clients or the public or a substantial risk of further criminal convictions." (63 Pa.C.S. § 3113(b) (relating to consideration of criminal convictions)). Regardless of whether an individual has a prior conviction for a scheduled offense, however, the board must conduct a detailed individualized assessment of each application, considering certain factors enumerated in 63 Pa.C.S. § 3113(c).

To warrant inclusion on the schedule, an offense must "directly relate" to a licensed profession or occupation. See 63 Pa.C.S. §§ 3113(b) and 3117(a)(1). Under Act 53, an offense "directly relates" to a profession or occupation only if it has "a direct bearing on the fitness or ability to perform one or more of the duties or responsibilities necessarily related" to the profession or occupation. See 63 Pa.C.S. § 3102 (relating to definitions). Consistent with the law's underlying policy of reducing unnecessary barriers to licensure, this statutory definition is narrow in scope.

#### *Summary of Comments and the Commissioner's Response*

After consulting each of the Bureau's boards, the Commissioner issued the proposed rulemaking, which was published at 52 Pa.B. 7108 (November 19, 2022) for 30 days of public comment. Twenty-one individuals and organizations submitted comments on the regulation, as follows:

- Justice Action Network—Jeanette Bottler (Submitted on December 12, 2022)
- Philadelphia Lawyers for Social Equity—Taylor E. Pacheco, Esq. (December 12, 2022)
- Pennsylvania Chiropractic Association—Keith M. Miller, DC (December 12, 2022)
- PLSE Pardon Project—Carl Oxholm, III (December 14, 2022)
- Last Prisoner Project—Frank Stiefel (December 14, 2022)
- Pennsylvania Prison Society—Clarie Shubik-Richards; Amachi Pittsburgh—Anna E. Hollis; Pennsylvania Institutional Law Project—Su Ming Yeh; Public Interest Law Center—Mimi McKenzie; Youth Sentencing and Reentry Project—Marto Isman; and Alliance for Safety and Justice—Shaena Fazal (December 15, 2022)
- Eastern State Penitentiary Historic Site—Sara Jane Elk (December 15, 2022)
- Community Legal Services, Inc. (December 16, 2022)
- PLSE Pardon Project Steering Committee—Akim Sims (December 16, 2022)
- Pennsylvania Coalition of Nurse Practitioners (PCNP) w/attachment—Cheryl Schlamb, DNP, CRNP (December 16, 2022)
- PA Affiliate of the American College of Nurse-Midwives (PA-ACNM)—Rebecca R.S. Clark, PhD, RN, CNM, WHNP-BC (December 16, 2022)
- Theresa Alberici (December 18, 2022)
- Pennsylvania Society of Health-System Pharmacists—Larry Jones (December 18, 2022)

- American Civil Liberties Union (ACLU) and the ACLU of Pennsylvania—Alexis Alvarez (December 19, 2022)
- City of Philadelphia—Erica Gibson and Assata M. Thomas (December 19, 2022)
- Pennsylvania Association of Nurse Anesthetists (PANA)—Laura Wiggins (December 19, 2022)
- PA Chamber of Business and Industry—Alex Halper (December 19, 2022)
- Pennsylvania Institute of Certified Public Accountants (PICPA)—Peter N. Calcara (December 19, 2022)
- Pennsylvania State Nurses Association (PSNA)—Deborah Cardenas, DNP, MSN, RN, Paralegal, CPHQ (December 19, 2022)
- PA Workforce Development Association—Carrie Amann (December 19, 2022)

In addition, the bipartisan prime sponsors of Senate Bill 637 and House Bill 1477 (the bills enacted as Act 53), Representatives Sheryl M. Delozier and Jordan A. Harris, and Senators John DiSanto and Judith L. Schwank, also submitted comments on December 19, 2022. The Independent Regulatory Review Commission (IRRC) submitted their comments on January 18, 2023. The following represents a summary of the comments and the Commissioner's response, and a description of the amendments made to this final-form rulemaking.

All but two of the public comments recommended rejecting the proposed rulemaking on the grounds that the schedules of offenses it prescribed are overbroad, undermining the policy animating Act 53. These commenters contend that the schedules, both generally and as to specific professions, included offenses that do not meet the narrow statutory definition of "directly related" and were inconsistent between professions with similar scopes of practice and job responsibilities.

Many commenters, for example, take issue with the inclusion of certain offenses that they argue do not have any direct bearing on the respective profession, like the offense of forgery for barbering (Philadelphia Lawyers for Social Equity), or driving under the influence (PANA) or minor theft-related crimes (PCNP) for nursing. The PA-ACNM criticizes that, under the proposed schedules, an applicant could qualify for a midwife license issued by the State Board of Medicine, but not the prerequisite nursing license from the State Board of Nursing because they were previously convicted of one of the numerous additional, unique offenses identified as directly related to the profession of nursing. The PSNA shares similar sentiments, while the Pennsylvania Chiropractic Association argues that the schedules should be consistent across all healthcare-related boards.

IRRC further asked whether the health care licensing boards consulted with each other in determining which offenses to include in their schedules and asked the Bureau to explain the reasonableness of the inconsistency of the schedules of offenses for health care professionals. In response, the Commissioner notes that some of the health-related boards who license the same or very similar professions made efforts to have consistency among their schedules. For example, the State Board of Medicine and the State Board of Osteopathic Medicine regulate physicians, physician assistants, respiratory therapists, athletic trainers, acupuncturists, perfusionists and genetic counselors. Due to this overlap of the professions regulated by these boards, efforts were made to assure that the schedules of directly related crimes were

consistent, if not identical. However, other health-related boards did not confer with each other as to the content of the initial lists. The Commissioner believes that this final-form rulemaking meets the goal of consistency across the health-related boards to the degree necessary.

Some commenters particularly criticize the process employed by the Commissioner to develop the proposed schedules, and urge the Commissioner to engage in an "evidenced-based process" (ACLU of Pennsylvania) that takes into account specific job responsibilities and duties, case law and policy relating to constitutional limits on professional licensing regulation (The Pardon Project) and the legislative goals of the law, including: ameliorating workforce shortages (PA Chamber of Business and Industry, PA Workforce Development Association and Justice Action Network); reducing barriers to rewarding professional practice (Eastern State Penitentiary Historic Site and Last Prisoner Project); and lessening the stigmatization and collateral consequences of criminal conviction (City of Philadelphia and PA Prison Society and five others). Community Legal Services, Inc. submitted extensive comments that include, in addition to many of the previously listed concerns, expert reports opining on the suitability of the proposed schedules and appropriate methodology for assessing when an offense directly relates to a profession.

The bipartisan legislative drafters of Act 53 align with the public commenters who opposed the proposed rulemaking. They stated that the proposed schedules were "overly broad and are in direct contrast to the spirit of this legislation and the intention of its makers," contained offenses that are unrelated to their respective professions and did not effectively provide guidance on when an applicant may pose a "substantial risk" to the public if licensed. The letter from the four prime sponsors made it clear that "Act 53 was drafted and amended with the objective of offering a pathway to licensure for those with criminal convictions who have paid their debt to society" and to eliminate barriers to licensure on the sole basis of old convictions that were not related or connected to the profession for which licensure was sought. The drafters opined that denying reformed convicted persons the prospect of meaningful employment does little to protect the safety and well-being of society and may actually contribute to these individuals choosing to offend. They further stated that "the primary objectives" of Act 53 "were to open the professions more widely to rehabilitated people with old and unrelated criminal records and to provide relief to businesses struggling to find qualified workers." The drafters urged the Commissioner to thoroughly review and revise the "directly related" lists before submission of this final-form rulemaking based on the intent of the law. IRRC suggested that the Bureau "consult with the legislature to clarify the legislative intent of Act 53" as it prepared this final-form rulemaking. Therefore, in addition to considering the letter from the prime sponsors, the Commissioner met with staff members for the four prime sponsors as well as the Professional Licensure Committee of the House of Representatives (HPLC) and the Consumer Protection and Professional Licensure Committee of the Senate (SCP/PLC) to discuss the intent of Act 53 and how this final-form rulemaking could more closely advance that purpose. The comments in that meeting reflected those made in the prime sponsor's letter and guided the Commissioner's review of the schedules of offenses.

In light of these and the numerous other comments objecting to the proposed rulemaking, IRRC encouraged the Commissioner in its comments to undertake "a thor-

ough reevaluation of all offenses and practices” included in the rule. IRRC also asked the Bureau to engage stakeholders to reach consensus where possible.

In consideration of these comments and upon further consideration and review of the statutory text and intent of Act 53, as clarified by the four prime sponsors and legislative staff, the Commissioner is amending the proposed schedules of offenses. These amended schedules are set forth in §§ 43b.421—43b.451 (relating to schedules of criminal convictions) of this final-form rulemaking. In making these amendments, the Commissioner considered foremost whether a scheduled offense meets the strict statutory definition of “directly related,” that is, if the offense has “a direct bearing on the fitness or ability to perform one or more of the duties or responsibilities necessarily related” to the profession or occupation.

To test the statutory fit, the Commissioner first identified key duties and responsibilities of each licensed occupation. The Commissioner principally consulted the statutory scopes of practice in the respective practice acts as well as O\*NET Online, an occupational database sponsored by the United States Department of Labor, available at <https://www.onetonline.org>. Then, the Commissioner determined whether an offense met two criteria:

1. The offense must relate to a necessary duty or responsibility of the profession that generally will be required of all licensees engaging in that occupation. In other words, the duty or responsibility must be essential to and inherent in the profession, and not a task that may arise only sometimes or incidentally, or that would be generic to a variety of professional settings.

2. The offense must bear a meaningful relationship to one of the occupation’s necessary duties or responsibilities. This means that conviction for committing the offense indicates an inability to perform specific and essential professional duties or responsibilities, or that these duties or responsibilities pose unique circumstances for a heightened risk of reoffending.

If these two criteria were not satisfied, the Commissioner removed the offense from the schedules in this final-form rulemaking. In addition, the Commissioner considered other factors:

- The severity of the offense, including whether the legislature has determined it to warrant severe or relatively lenient punishment.
- The vagueness of the offense, and whether a person could be convicted of it for unrelated or relatively minor conduct.
- Whether the offense was included within the statutory categories of violent offenses, sexual offenses or drug offenses which the boards and commissions already must consider when assessing applicants.

Appendix 1 to the Regulatory Analysis Form (RAF) sets forth the rationale for the amended schedules of offenses for each of the boards, along with each profession’s necessary duties and responsibilities as well as, for ease of reference, a list of the offenses removed from the schedules as they appeared in the proposed rulemaking.

The Commissioner believes this process comports with the statutory text and intent, and it ensures that only a limited set of offenses—those that truly bear on an individual’s fitness to perform a particular licensed profession—result in a presumption of unfitness for license applicants. The resulting schedules will likely reduce unnecessary barriers to professional practice for individu-

als who have paid their debt to society for unrelated past misconduct while identifying those individuals whose fitness for licensure may warrant additional scrutiny by the relevant board. The Commissioner undertook the changes to the final-form regulations in consideration of the stakeholder concerns as expressed in their comments and believes that the vast majority of stakeholders who commented will agree that the revised schedules are neither overly broad, nor underinclusive, as suggested by IRRC.

This process also resulted in schedules that are more consistent across professions with similar or overlapping scopes of practice, which the Commissioner agrees with commenters is a sensible goal. Indeed, Act 53 itself provides a class-wide disqualification of “health care practitioner[s]” if convicted of a sexual offense at 63 Pa.C.S. § 3113(d), supporting congruent schedules for these professions. The schedules are not identical—the Commissioner did not believe it was appropriate to jettison, in favor of entirely homogenous schedules, the considered judgments of the licensing boards who were tasked with initially identifying the universe of offenses they considered to be directly related to their respective professions. But by employing a process designed to better tailor the included offenses, the Commissioner was able to compile schedules that were appropriately similar. Clients and patients of individuals working in similar professional settings will be assured that those individuals met similar standards when applying for licensure.

The Commissioner is mindful that conviction of an offense appearing on the resulting schedule only gives rise to a presumption that an applicant is unfit for licensure and that, in all cases, the boards retain discretion to render licensing decisions they believe best serve the public interest. Regardless of whether an applicant has been convicted of a scheduled offense or a different offense, the law requires the board to conduct a comprehensive individualized assessment of the nature, severity and other circumstances of the applicant’s prior misconduct that bear on fitness for licensure. See 63 Pa.C.S. § 3113(c). Public safety remains paramount.

Those opposed to the proposed rulemaking make two additional recommendations. First, contrary to the Commissioner’s position in the proposed rulemaking, over half of the commenters urge the Commissioner to include time limits in the rule beyond which prior conviction for a scheduled offense will no longer trigger a presumption that the applicant is unfit for licensure. These commenters argue that the statutory definition for “directly related” encompasses considering a prior conviction’s temporal proximity to the application for licensure, and that omitting time limits effectively creates lifetime bans for certain ex-offenders, undermining the statute’s intent. The principal legislative drafters share these views, which IRRC in part tasked the Commissioner with consulting to “clarify the legislative intent of Act 53.”

Research on recidivism is voluminous; studies generally show that the risk of reoffending among those with a prior criminal record falls below the risk of arrest for the general population approximately:

- 4—7 years after a violent offense;
- 4 years after a drug offense; and
- 3-4 years after a property offense.

See, for example, Alfred Blumstein & Kiminori Nakamura, *Redemption in the Presence of Widespread Criminal Background Checks*, *Criminology* 47:2 327—59 (2009); Samuel E. DeWitt et al., *Redeemed compared to*

whom? Comparing the distributional properties of arrest risk across populations and provisional employees with and without a criminal record, *Criminology & Public Policy* 16:963–97 (2017). See also, for example, United States Sentencing Commission, *Recidivism Among Federal Offenders: A Comprehensive Overview*, p. 5 (2016); Pa. Dep’t of Corrs., *Recidivism 2022 Report*, p. 4 (2022). This research roughly comports with the typical practice in other jurisdictions, which impose time limits of, on average, approximately 5 years following conviction for consideration of prior offenses when making licensing decisions.

About 5 years after it was committed, then, a prior offense may no longer be indicative of an individual’s likelihood of committing future offenses, and the offense may no longer have a “direct bearing” on necessary job duties and responsibilities. An applicant should not be prescriptively penalized for past conduct that, as research shows, may give no indication of the applicant’s likelihood of reoffending.

Therefore, the Commissioner has included in this final-form rulemaking a requirement that the commission of an offense will no longer be considered “directly related” to a profession or occupation and, therefore, will no longer create a rebuttable presumption that the applicant is unfit for licensure, if at least 5 years have passed since the individual was convicted of the offense. Although research shows that the risk of recidivism for violent offenders may remain slightly elevated relative to the general population at 5 years, the Commissioner believes this remains an appropriate benchmark for at least two reasons. First, the legislative intent of Act 53 was to reduce barriers to licensure for ex-offenders, which a shorter time limit facilitates. Second, although the risk of recidivism is greater among individuals convicted of serious violent crimes, those offenses already are subject to extended time limits under 63 Pa.C.S. § 3113(e). Again, the Commissioner stresses that the law still obligates the boards to make an individualized assessment of each applicant, including by considering the time that has passed since any prior offense, when reviewing applications for licensure.

The second additional concern raised by commenters opposed to the proposed rulemaking relates to the burdens faced by applicants with prior convictions who may invest substantial time and money into acquiring the training and education necessary to be eligible for licensure only to later learn that their prior conviction makes them presumptively ineligible. The PA Workforce Development Association, for instance, further suggests that the boards should offer rebates or waivers for these investments upon deciding to deny an application for licensure, and Theresa Alberici proposes an appeal process for application decisions before the individual has undertaken extensive education.

The Commissioner agrees that these commenters express a reasonable concern and believes the process prescribed by 63 Pa.C.S. § 3115 (relating to preliminary determinations by licensing boards and licensing commissions)—set forth in § 43b.403 (relating to preliminary determinations)—whereby potential applicants can seek preliminary determinations by boards of their fitness for licensure, satisfactorily balances the needs of protecting public safety and providing a transparent process for individuals seeking to enter professional life. In further consideration of the financial burden attendant with seeking professional licensure, and mindful of IRRC’s request to outline procedures for seeking fee waivers, the

Commissioner notes that the process for requesting a fee waiver is already incorporated as part of the application for a preliminary determination. However, the Commissioner adds to § 43b.403 the standards by which an applicant seeking a preliminary determination of fitness for licensure can establish in forma pauperis status to obtain waiver of the fee requirement as suggested by The Pardon Project. The Commissioner believes that The Pardon Project’s suggestion—to waive fees for individuals who can demonstrate that they are either receiving means-tested public assistance or whose household income is at or below 200% of the Federal poverty guidelines—provides clear and objective standards for evaluating fee waiver requests.

Finally, two commenters supported the proposed rulemaking while recommending that certain of the schedules be expanded. The Pennsylvania Society of Health-System Pharmacists states that the schedule of offenses for the State Board of Pharmacy was appropriate but that the regulatory language should be amended to clarify that it extends to applicants for the pharmacy intern registration.

IRRC also requested that the Commissioner specify that the rules relating to drug trafficking offenses set forth in § 43b.404(d) (relating to consideration of criminal convictions) apply to pharmacy interns. The Commissioner agrees and adds this language to this final-form rulemaking.

PICPA argues that the Accountancy Board’s schedule of offenses should be expanded to include 13 additional theft, fraud and counterfeiting crimes, which the commenter argues “directly relate to the duties necessary to ensure the public’s trust and confidence in the profession.” Specifically, PICPA recommended the Commissioner include the following offenses on the Accountancy Board schedule: 18 Pa.C.S. § 3930 (relating to theft of trade secrets); 18 Pa.C.S. § 3931 (relating to theft of unpublished dramas and musical compositions); 18 Pa.C.S. § 3935.1 (relating to theft of secondary metal); 18 Pa.C.S. § 4116 (relating to copying; recording devices); 18 Pa.C.S. § 4116.1 (relating to unlawful operation of recording device in motion picture theater); 18 Pa.C.S. § 4118 (relating to washing vehicle titles); 18 Pa.C.S. § 4119 (relating to trademark counterfeiting); 18 Pa.C.S. § 5101 (relating to obstructing administration of law or other governmental function); 18 Pa.C.S. § 5105 (relating to hindering apprehension or prosecution); 18 Pa.C.S. § 5111 (relating to dealing in proceeds of unlawful activities); 18 U.S.C.A. § 1341 regarding frauds and swindles; 18 U.S.C.A. § 1347 regarding health care fraud; and 75 Pa.C.S. § 7122 (relating to altered, forged or counterfeit documents and plates). In its comments, IRRC also requested that the Commissioner carefully consider PICPA’s recommendations.

Respectfully, the Commissioner does not believe that any of the recommended offenses belong on the final schedule. First, PICPA argues that each of the recommended offenses already had been included on the schedules for other boards and commissions. That, however, is no longer the case after the Commissioner’s review and amendments. Second, the recommended offenses do not meet the strict statutory definition of being “directly related” to the accounting profession. Moreover, the recommended offenses may indicate generally dishonest conduct but do not specifically pertain to necessary duties of accountants, which largely involve matters of financial analysis and recordkeeping. The schedule of offenses for the Accountancy Board in this final-form rulemaking is

extensive and includes those offenses the Commissioner has determined are directly related to the necessary responsibilities of accountants.

*Description of the Amendments made to this Final-form Rulemaking*

The following is a section-by-section description of the amendments made to this final-form rulemaking.

§ 43b.403

The Commissioner amends § 43b.403(a)(3)(ii) to clarify that an applicant seeking a preliminary determination may apply for the waiver on the preliminary determination application and to provide standards for the granting of the fee waiver if the applicant either demonstrates that the applicant receives means-tested public assistance or the applicant's household income is at or below 200% of the Federal poverty guidelines.

§ 43b.404

The Commissioner amends and reorganizes subsection (a)(2)(i) pertaining to the "individualized assessment" to clarify that if an individual's offense is on the applicable licensing board or commission's schedule, there shall be a rebuttable presumption that licensure, certification, permitting or registration of the individual would pose a substantial risk to the health and safety of the individual's patients or clients or the public or a substantial risk of further criminal convictions. The individual may rebut that presumption using the factors in paragraph (3). The applicable board or commission will then conduct an individualized assessment using those factors to determine if a license, certificate, permit or registration may be granted notwithstanding the conviction.

Conversely, if the individual's criminal conviction is not on the schedule, the applicable board or commission retains the discretion to determine whether, due to the nature of the criminal conduct that led to the conviction, the licensure, certification, permitting or registration of the individual would pose a substantial risk to the health and safety of the individual's patients or clients or the public or a substantial risk of further criminal convictions. If so, the board or commission will conduct an individualized assessment, and the individual may rebut the board or commission's determination by showing evidence of rehabilitation as set forth in the factors in paragraph (3).

In addition, noting that the licensing boards and commissions do not only issue "licenses," but also certifications, permits and registrations, the Commissioner is taking this opportunity to clarify that the provisions of Act 53 apply to each of these credentials issued by the boards and commissions.

In response to comments, the Commissioner also amends subsection (d)(2)(ix) to specify that § 43b.404(d)(1) pertaining to the applicability of statutory limits regarding drug trafficking offenses to certain credentials regulated by the State Board of Pharmacy, also applies to pharmacy interns.

§§ 43b.421—43b.451

The Commissioner amends each of the schedules of offenses to adhere more strictly to the textual language and legislative intent of Act 53. Each of the revised schedules, along with related information, are also set forth as Appendix A to the RAF.

In addition, each of the schedules are amended to make it clear which crimes (those that are deemed "directly related" to the relevant professions/occupations) would

raise a rebuttable presumption that the individual's licensure, certification, permitting or registration poses a substantial risk to the individual's patients or clients or to the public or a substantial risk of further criminal convictions in accordance with § 43b.404(a)(2)(i).

The Commissioner also adds an additional subsection to each of the schedules to make it clear that each licensing board and commission retains the discretion to determine that, due to the nature of the criminal conduct that led to the conviction, the licensure, certification, permitting or registration of an individual with a criminal conviction for an offense not listed in the schedule would pose a substantial risk to the health and safety of the individual's clients or to the public or a substantial risk of further criminal convictions in accordance with § 43b.404(a)(2)(ii), and that the individual may rebut that determination by showing evidence of rehabilitation utilizing the factors in § 43b.404(a)(3).

§ 43b.452 (relating to time limits)

The Commissioner adds this section to prescribe that an offense identified by the relevant licensing board or commission as directly related to a profession or occupation on the schedules set forth in §§ 43b.421—43b.451 will no longer be considered directly related to the profession or occupation for which the individual seeks licensure, for purposes of the assessment required in § 43b.404, if at least 5 years have passed since the individual's conviction of that offense.

*Fiscal Impact and Paperwork Requirements*

As discussed in the proposed rulemaking, the only costs and additional paperwork associated with this rule are related to the application for a preliminary determination. The fee to apply for a preliminary determination is \$45. Individuals seeking a preliminary determination must file an application through PALS and pay the fee, or request in forma pauperis status by demonstrating as part of the application that the individual is either on means-based public assistance or whose annual household income is at or less than 200% of the Federal poverty guidelines. Based on data over the nearly 3 years since implementation, where an average of 375 applications for preliminary determination were filed annually, the Commissioner estimates these costs to be approximately \$16,875 per year.

*Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P.S. § 745.5(a)), on November 4, 2022, the Commissioner submitted a copy of the notice of proposed rulemaking, published at 52 Pa.B. 7108 and a copy of an RAF to IRRC and to the HPLC and the SCP/PLC (the Committees) for review and comment. A copy of this material is available to the public upon request.

Under section 5(c) of the Regulatory Review Act, the Commissioner submitted to IRRC and the Committees copies of comments received as well as other documents when requested. In preparing the final-form regulation, the Commissioner has considered all comments from IRRC, the prime sponsors of Act 53, and the public. No comments from the Committees were received.

Under section 5.1(a) of the Regulatory Review Act (71 P.S. § 745.5a(a)), on February 14, 2024, the Commissioner originally delivered this final-form rulemaking to IRRC and to the chairpersons of the Committees. Under

section 5.1(j.2) of the Regulatory Review Act, the final-form rulemaking was deemed approved by the Committees on April 17, 2024. Under section 5.1(e) of the Regulatory Review Act, IRRC met on April 18, 2024, and disapproved the final-form rulemaking. IRRC issued its disapproval order on May 21, 2024.

Under section 7(c) of the Regulatory Review Act (71 P.S. § 745.7(c)), on June 3, 2024, the Commissioner delivered to IRRC and the Committees a revised final-form rulemaking and report in response to IRRC's disapproval order. Under section 7(c.1) of the Regulatory Review Act, IRRC met on June 20, 2024, and approved the revised final-form rulemaking. On July 5, 2024, the HPLC reported out a concurrent regulatory review resolution (HR 492) disapproving the final-form rulemaking. Under section 7(d) of the Regulatory Review Act, the revised final-form rulemaking was deemed approved by the House and Senate when 10 session days expired with no action on October 2, 2024.

*Additional information*

Additional information may be obtained by writing to the Acting Commissioner Arion Claggett, P.O. Box 2649, Harrisburg, PA 17105-2649; (833) DOS-BPOA ((833) 367-2762), RA-STRegulatoryCounsel@pa.gov.

*Findings*

The Commissioner finds that:

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

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

(3) The amendments to this final-form rulemaking do not enlarge the original purpose of the proposed rulemaking published at 52 Pa.B. 7108.

(4) This final-form rulemaking is necessary and appropriate for the administration of the act of July 1, 2020 (P.L. 575, No. 53) (Act 53) (codified at 63 Pa.C.S. §§ 3112—3118).

*Order*

The Commissioner, therefore, orders that:

(a) The regulations of the Commissioner at 49 Pa. Code Chapter 43b are amended by amending § 43b.201 and adding §§ 43b.401—43b.405, 43b.421—43b.452 as set forth in Annex A.

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

(c) The Commissioner shall submit this final-form rulemaking to IRRC and the Committees as required by law.

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

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

ARION R. CLAGGETT,  
*Acting Commissioner*

(Editor's Note: See 54 Pa.B. 3855 (July 6, 2024), for IRRC's approval order.)

**Fiscal Note:** Fiscal Note 16A-66 remains valid for the final adoption of the subject regulations.

**Annex A**

**TITLE 49. PROFESSIONAL AND VOCATIONAL STANDARDS**

**PART I. DEPARTMENT OF STATE**

**Subpart A. PROFESSIONAL AND OCCUPATIONAL AFFAIRS**

**CHAPTER 43b. COMMISSIONER OF PROFESSIONAL AND OCCUPATIONAL AFFAIRS**

**Subchapter C. FEES**

**§ 43b.201. Fees for services.**

The following fees are charged for services provided by the Commissioner/Bureau:

- Expungement of a disciplinary record . . . . . \$155
- Petition for a preliminary determination . . . . . \$45

**Subchapter E. CONSIDERATION OF CRIMINAL CONVICTIONS**

**GENERAL PROVISIONS**

- |          |   |
|----------|---|
| Sec.     |   |
| 43b.401. | Scope.  |
| 43b.402. | Definitions.  |
| 43b.403. | Preliminary determinations.                         |
| 43b.404. | Consideration of criminal convictions.              |
| 43b.405. | Restricted licenses for barbers and cosmetologists. |

**SCHEDULES OF CRIMINAL CONVICTIONS**

- |          |   |
|----------|---|
| 43b.421. | Schedule of sexual offenses.  |
| 43b.422. | Crimes of violence.   |
| 43b.423. | Schedule of criminal convictions—State Board of Accountancy.  |
| 43b.424. | Schedule of criminal convictions—State Architects Licensure Board.  |
| 43b.425. | Schedule of criminal convictions—State Board of Auctioneer Examiners.   |
| 43b.426. | Schedule of criminal convictions—State Board of Barber Examiners.   |
| 43b.427. | Schedule of criminal convictions—State Board of Certified Real Estate Appraisers.   |
| 43b.428. | Schedule of criminal convictions—State Board of Chiropractic.   |
| 43b.429. | Schedule of criminal convictions—State Board of Cosmetology.  |
| 43b.430. | Schedule of criminal convictions—State Board of Crane Operators.  |
| 43b.431. | Schedule of criminal convictions—State Board of Dentistry.  |
| 43b.432. | Schedule of criminal convictions—State Registration Board for Professional Engineers, Land Surveyors and Geologists.        |
| 43b.433. | Schedule of criminal convictions—State Board of Funeral Directors.  |
| 43b.434. | Schedule of criminal convictions—State Board of Landscape Architects.   |
| 43b.435. | Schedule of criminal convictions—State Board of Massage Therapy.  |
| 43b.436. | Schedule of criminal convictions—State Board of Medicine.   |
| 43b.437. | Schedule of criminal convictions—Navigation Commission for the Delaware River and its Navigable Tributaries.                |
| 43b.438. | Schedule of criminal convictions—State Board of Nursing.  |
| 43b.439. | Schedule of criminal convictions—State Board of Examiners of Nursing Home Administrators.                                   |
| 43b.440. | Schedule of criminal convictions—State Board of Occupational Therapy Education and Licensure.                               |
| 43b.441. | Schedule of criminal convictions—State Board of Optometry.  |
| 43b.442. | Schedule of criminal convictions—State Board of Osteopathic Medicine.   |
| 43b.443. | Schedule of criminal convictions—State Board of Pharmacy.   |
| 43b.444. | Schedule of criminal convictions—State Board of Physical Therapy.   |
| 43b.445. | Schedule of criminal convictions—State Board of Podiatry.   |
| 43b.446. | Schedule of criminal convictions—State Board of Psychology.   |
| 43b.447. | Schedule of criminal convictions—State Real Estate Commission.  |
| 43b.448. | Schedule of criminal convictions—State Board of Social Workers, Marriage and Family Therapists and Professional Counselors. |
| 43b.449. | Schedule of criminal convictions—State Board of Examiners in Speech-Language Pathology and Audiology.                       |
| 43b.450. | Schedule of criminal convictions—State Board of Vehicle Manufacturers, Dealers and Salespersons.                            |

- 43b.451. Schedule of criminal convictions—State Board of Veterinary Medicine.  
 43b.452. Time limits.

### GENERAL PROVISIONS

#### § 43b.401. Scope.

This subchapter applies to all licensing boards and licensing commissions within the Department of State's Bureau of Professional and Occupational Affairs.

#### § 43b.402. Definitions.

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

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

*Directly relates*—The nature of the criminal conduct for which the individual was convicted has a direct bearing on the fitness or ability to perform one or more of the duties or responsibilities necessarily related to the profession or occupation for which the individual seeks a license, certificate, registration or permit.

*Drug trafficking offense*—A violation of section 13(a)(14), (30) or (37) of The Controlled Substance, Drug, Device and Cosmetic Act (35 P.S. § 780-113(a)(14), (30) and (37)), if the controlled substance or a mixture containing the controlled substance meets the quantity or weight limitations set forth within the definition of "drug trafficking offense" at 63 Pa.C.S. § 3113(i) (relating to consideration of criminal convictions).

*Healing arts*—The science and skill of diagnosis or treatment in any manner whatsoever of disease or any ailment of the human body.

*Health care practitioner*—An individual who is authorized to practice some component of the healing arts by a license, certificate, registration or permit issued by any of the following licensing boards within the Bureau:

- (1) The State Board of Chiropractic.
- (2) The State Board of Dentistry.
- (3) The State Board of Examiners in Speech-Language Pathology and Audiology.
- (4) The State Board of Medicine.
- (5) The State Board of Nursing.
- (6) The State Board of Occupational Therapy Education and Licensure.
- (7) The State Board of Optometry.
- (8) The State Board of Osteopathic Medicine.
- (9) The State Board of Pharmacy.
- (10) The State Board of Physical Therapy.
- (11) The State Board of Podiatry.
- (12) The State Board of Psychology.
- (13) The State Board of Social Workers, Marriage and Family Therapists and Professional Counselors, pertaining only to licensed clinical social workers, licensed marriage and family therapists and licensed professional counselors.

*Preliminary determination*—An evaluation of an individual's criminal history information submitted to a professional or occupational licensing board or commission to determine whether the individual's criminal conviction or convictions directly relate to the profession or occupation for which the individual is seeking a license, certificate,

permit or registration, or would otherwise be grounds to refuse to issue a license, certificate, permit or registration as set forth in 63 Pa.C.S. § 3113(d), (e) or (f).

#### § 43b.403. Preliminary determinations.

(a) An individual who, based on a review of the "best practices guide" published on the Department's web site at [www.dos.pa.gov](http://www.dos.pa.gov) and the schedules of criminal convictions at §§ 43b.421—43b.452 (relating to schedules of criminal convictions), is unable to determine whether the individual's criminal history would be grounds to deny the issuance of a license, certificate, permit or registration may request a preliminary determination by:

(1) Filing an application for a preliminary determination in the format and manner prescribed by the Commissioner.

(2) Providing all relevant information relating to the individual's criminal conviction or convictions, including criminal court documents, such as the criminal complaint or information, affidavit of probable cause, sentencing information and docket sheets that evidence the final disposition of the matter.

(3) Doing one of the following:

(i) Paying the preliminary determination application fee in § 43b.201 (relating to fees for services).

(ii) Qualifying for a waiver of the fee by requesting and establishing in forma pauperis status by demonstrating that the individual is indigent or otherwise unable to pay the required fee. An applicant may qualify for a waiver by demonstrating one of the following as part of the application for a preliminary determination:

(A) The applicant receives means-tested public assistance.

(B) The applicant's household income is at or below 200% of the Federal poverty guidelines.

(b) The applicable licensing board or commission will issue the preliminary determination within 45 days of submission of the application.

#### § 43b.404. Consideration of criminal convictions.

(a) *General rule.* Except as provided in subsections (b), (c) or (d), when determining whether an individual with a criminal conviction qualifies for a license, certificate, permit or registration, a licensing board or commission within the Bureau will engage in a two-stage analysis of an applicant's criminal conviction, as follows:

(1) *First stage.* The applicable board or commission will determine whether the individual's criminal conviction directly relates to the profession or occupation for which the individual seeks licensure by reviewing the schedules in §§ 43b.421—43b.452 (relating to schedules of criminal convictions).

(2) *Second stage—individualized assessment.* The following apply:

(i) If the individual's criminal conviction is on the applicable board's or commission's schedule, there shall be a rebuttable presumption that licensure, certification, permitting or registration of the individual would pose a substantial risk to the health and safety of the individual's patients or clients or the public or a substantial risk of further criminal convictions. The individual may rebut that presumption using the factors in paragraph (3). The applicable board or commission will conduct an individu-



alized assessment using the factors in paragraph (3) to determine if a license, certificate, permit or registration may be granted notwithstanding the conviction.

(ii) If the individual's criminal conviction is not on the applicable board's or commission's schedule, the board or commission will then determine whether, due to the nature of the criminal conviction, the licensure, certification, permitting or registration of the individual would pose a substantial risk to the health and safety of the individual's patients or clients or the public or a substantial risk of further criminal convictions. If so, the board or commission will conduct an individualized assessment using the factors set forth in paragraph (3). The individual may rebut the board's or commission's determination by showing evidence of rehabilitation as specified in the factors in paragraph (3).

(3) *Assessment factors.* A board or commission within the Bureau will consider the following factors in determining whether an individual with a criminal conviction qualifies for issuance of a license, certificate, permit or registration:

(i) Whether the criminal conduct for which the individual was convicted involved an act or threat of harm against the individual, including harm to the victim, the personal property of the victim or the reputation of the victim.

(ii) The facts and circumstances surrounding the criminal conviction.

(iii) The number of criminal convictions.

(iv) An increase in age or maturity of the individual since the date of the criminal conviction.

(v) The individual's criminal history, or lack of criminal history, after the date of the conviction.

(vi) Evidence of successful completion of education and training activities, including those in a county correctional facility, a facility under the Department of Corrections or a comparable facility in another jurisdiction.

(vii) References from employers or others, including personnel of the county correctional facility, a facility under the Department of Corrections or a comparable facility in another jurisdiction.

(viii) Evidence of progress in personal rehabilitation since the conviction.

(ix) Whether the individual meets all other licensing qualifications of the applicable practice act, including any examination requirements.

(x) The individual's criminal history, or lack of criminal history, after the date of the criminal conviction while engaged in the same or similar profession or occupation.

(xi) Other relevant factors regarding the fitness of the individual for licensure.

(b) *Sexual offenses.* Under 63 Pa.C.S. § 3113(d) (relating to consideration of criminal convictions), a licensing board within the Bureau may not issue a license, certificate, permit or registration or otherwise allow an individual to practice as a health care practitioner if the individual has been convicted of a sexual offense as set forth in § 43b.421 (relating to schedule of sexual offenses).

(c) *Crimes of violence.* Under 63 Pa.C.S. § 3113(e), an individual convicted of a crime of violence set forth in § 43b.422 (relating to crimes of violence) may be granted

a license, certificate, permit or registration by a licensing board or commission within the Bureau if all of the following apply:

(1) If the individual was incarcerated, at least 3 years have elapsed since release from incarceration. This 3-year period will be tolled for a violation of parole.

(2) If the individual is serving or has served a sentence other than a period of confinement in a State or county correctional facility, at least 3 years have elapsed since imposition of sentence.

(3) The individual has remained conviction-free during the relevant 3-year period specified in paragraph (1) or (2), as applicable.

(4) The individual demonstrates significant rehabilitation since the criminal conviction.

(5) The licensing board or commission determines, using the factors in subsection (a)(3), except subsection (a)(3)(viii), that issuance of a license, certificate, permit or registration to the individual does not pose a substantial risk to the health and safety of the individual's patients or clients or the public or a substantial risk of further criminal convictions.

(d) *Drug trafficking offenses.*

(1) The boards listed in paragraph (2) may not grant a license, certificate, permit or registration to an individual convicted of a drug trafficking offense unless:

(i) At least 10 years have elapsed from the date of conviction.

(ii) The individual satisfactorily demonstrates to the applicable board, utilizing the factors in subsection (a)(3), that the individual has made significant progress in personal rehabilitation since the conviction such that issuance of a license, certificate, permit or registration to the individual should not be expected to create a substantial risk to the health and safety of the individual's clients or patients or the public or a substantial risk of further criminal convictions.

(iii) The individual otherwise satisfies the qualifications for the license, certificate, permit or registration sought.

(2) This subsection applies to the following licensing boards within the Bureau:

(i) The State Board of Chiropractic under section 501(a) of the Chiropractic Practice Act (63 P.S. § 625.501(a)), pertaining to requirements for licensure as a chiropractor.

(ii) The State Board of Crane Operators under section 502(c) of the Crane Operator Licensure Act (63 P.S. § 2400.502(c)), pertaining to qualifications for licensure as a crane operator.

(iii) The State Board of Dentistry under section 3(c) of the Dental Law (63 P.S. § 122(c)), pertaining to qualifications for licensure as a dentist.

(iv) The State Board of Massage Therapy under section 5(a) of the Massage Therapy Law (63 P.S. § 627.5(a)), pertaining to qualifications for licensure as a massage therapist.

(v) The State Board of Medicine under sections 13.5(a)(8) and 22(b) of the Medical Practice Act of 1985 (63 P.S. §§ 422.13e(a)(8) and 422.22(b)), pertaining to qualifications for licensure as a prosthetist, orthotists, pedorthist, orthotic fitter, physician, midwife or physician assistant.

(vi) The State Board of Nursing under section 6(c) of the Professional Nursing Law (63 P.S. § 216(c)), pertaining to qualifications for licensure as a registered nurse or dietitian-nutritionist, and section 5 of the Practical Nurse Law (63 P.S. § 655), pertaining to qualifications for licensure as a practical nurse.

(vii) The State Board of Optometry under section 4(d) of the Optometric Practice and Licensure Act (63 P.S. § 244.4(d)), pertaining to general qualifications for licensure as an optometrist.

(viii) The State Board of Osteopathic Medicine under section 6(c) of the Osteopathic Medical Practice Act (63 P.S. § 271.6(c)), pertaining to qualifications for licensure as an osteopathic physician.

(ix) The State Board of Pharmacy under sections 3(a) and (e) and 3.3(a) and (b) of the Pharmacy Act (63 P.S. §§ 390-3(a) and (e) and 390-3.3(a) and (b)), pertaining to qualifications for licensure as a pharmacist or registration as a pharmacy intern; and qualifications for pharmacy technician and pharmacy technician trainee registration.

(x) The State Board of Physical Therapy under section 6(a) of the Physical Therapy Practice Act (63 P.S. § 1306(a)), pertaining to qualifications for licensure as a physical therapist.

(xi) The State Board of Psychology under section 6(a) of the Professional Psychologists Practice Act (63 P.S. § 1206(a)), pertaining to qualifications for licensure as a psychologist.

(xii) The State Board of Social Workers, Marriage and Family Therapists and Professional Counselors under section 7(a), (d), (e), (f) and (g) of the Social Workers, Marriage and Family Therapists and Professional Counselors Act (63 P.S. § 1907(a), (d), (e), (f) and (g)), pertaining to qualifications for licensure as a social worker, clinical social worker, marriage and family therapist, professional counselor and bachelor social worker.

(xiii) The State Board of Veterinary Medicine under section 9(b)(4) of the Veterinary Medicine Practice Act (63 P.S. § 485.9(b)(4)), pertaining to qualifications for licensure as a veterinarian.

**§ 43b.405. Restricted licenses for barbers and cosmetologists.**

(a) As an alternative to refusing to issue or renew, suspending, revoking or limiting a license to practice barbering or cosmetology of an applicant who has a criminal conviction that may be an impediment to licensure, the State Board of Barber Examiners and the State Board of Cosmetology may grant a restricted license to an applicant who demonstrates, to the relevant board's satisfaction, the following, as applicable:

(1) While incarcerated, the individual maintained a record of good behavior, including successful completion of any required rehabilitative programming offered by a county correctional facility or the Department of Corrections.

(2) If incarcerated by a county correctional facility or the Department of Corrections and enrolled in a barber or cosmetology training program, the individual has successfully completed the requisite education or training requirements of the program.

(3) The individual has not been found to be in violation of probation or parole.

(4) The individual has demonstrated a commitment to living a law-abiding life, which may be established by one or more of the following:

(i) A personal statement of the individual detailing the individual's efforts at rehabilitation since the conviction.

(ii) A letter of recommendation from the individual's probation officer, parole officer or appropriate official within the county correctional facility or the Department of Corrections.

(iii) A letter or letters of recommendation from members of the community with knowledge of the individual's efforts at rehabilitation since the conviction.

(iv) A letter of recommendation from a licensed barber or cosmetologist with knowledge of the individual's efforts at rehabilitation since the conviction.

(v) Other relevant evidence of the individual's commitment to living a law-abiding life.

(b) A restricted license will be issued for a term of not less than 1 year and not more than 2 years, at the discretion of the applicable board.

(c) The order granting a restricted license will set forth the conditions imposed by the applicable board, which may include any of the following:

(1) A limitation on the scope of the restricted license holder's practice.

(2) A limitation on the location of the restricted license holder's practice.

(3) A requirement that the restricted license holder be subject to the direct, on-premises supervision of a licensed manager-barber or a licensee designated in charge of the barber shop or a licensed cosmetology teacher, salon owner or designated licensee in charge of the salon, as applicable, during regular business hours, excluding breaks. A restricted license holder who is subject to supervision under this paragraph shall notify the applicable board in writing within 10 business days of a change in supervisor.

(4) Other conditions that the applicable board deems appropriate.

(d) Within 30 days of the conclusion of the term of the restricted license, the restricted license holder shall petition for termination of the period of restriction and issuance of an unrestricted license and shall certify that the restricted license holder has complied with all conditions imposed by the applicable board under subsection (c). If subject to supervision under subsection (c)(3), the restricted license holder's supervisor shall submit, within 30 days of the conclusion of the term of the restricted license, a letter to the applicable board providing notice as to whether the restricted license holder complied with all conditions imposed by the applicable board. If the restricted license holder has more than one supervisor during the period of restriction, each supervisor shall submit a separate letter.

(e) A restricted license is subject to disciplinary action for violations of the applicable board's act or regulations.

(1) In addition, under 63 Pa.C.S. § 3112(d) (relating to restricted licenses for barbers and cosmetologists), a restricted license will be immediately revoked if any of the following occurs:

(i) The restricted license holder is convicted of an offense graded as a misdemeanor or felony in this Commonwealth or a similar or equivalent offense in another jurisdiction after the issuance of the restricted license.

(ii) The restricted license holder fails to comply with any of the conditions imposed by the applicable board under subsection (c).

(2) The restricted license holder will be afforded a post-deprivation hearing before the Board or a hearing examiner to challenge the revocation of the restricted license.

(f) As used in this section, “board” means the State Board of Barber Examiners or the State Board of Cosmetology.

**SCHEDULES OF CRIMINAL CONVICTIONS**

**§ 43b.421. Schedule of sexual offenses.**

For purposes of § 43b.404(b) (relating to consideration of criminal convictions), a “sexual offense” includes any of the following:

(1) 18 Pa.C.S. § 2910 (relating to luring a child into a motor vehicle or structure).

(2) The offenses enumerated in 18 Pa.C.S. Chapter 30 (relating to human trafficking), if the offense involved sexual servitude, including the following:

(i) 18 Pa.C.S. § 3011 (relating to trafficking in individuals).

(ii) 18 Pa.C.S. § 3012 (relating to involuntary servitude).

(iii) 18 Pa.C.S. § 3013 (relating to patronizing a victim of sexual servitude).

(iv) 18 Pa.C.S. § 3014 (relating to unlawful conduct regarding documents).

(v) 18 Pa.C.S. § 3015 (relating to nonpayment of wages).

(3) The offenses enumerated in 18 Pa.C.S. Chapter 31 (relating to sexual offenses), including the following:

(i) 18 Pa.C.S. § 3121 (relating to rape).

(ii) 18 Pa.C.S. § 3122.1 (relating to statutory sexual assault).

(iii) 18 Pa.C.S. § 3123 (relating to involuntary deviate sexual intercourse).

(iv) 18 Pa.C.S. § 3124.1 (relating to sexual assault).

(v) 18 Pa.C.S. § 3124.2 (relating to institutional sexual assault).

(vi) 18 Pa.C.S. § 3124.3 (relating to sexual assault by sports official, volunteer or employee of nonprofit association).

(vii) 18 Pa.C.S. § 3125 (relating to aggravated indecent assault).

(viii) 18 Pa.C.S. § 3126 (relating to indecent assault).

(ix) 18 Pa.C.S. § 3127 (relating to indecent exposure).

(x) 18 Pa.C.S. § 3129 (relating to sexual intercourse with animal).

(xi) 18 Pa.C.S. § 3130 (relating to conduct relating to sex offenders).

(xii) 18 Pa.C.S. § 3131 (relating to unlawful dissemination of intimate image).

(xiii) 18 Pa.C.S. § 3132 (relating to female mutilation).

(xiv) 18 Pa.C.S. § 3133 (relating to sexual extortion).

(4) 18 Pa.C.S. § 4302 (relating to incest).

(5) 18 Pa.C.S. § 4304(a)(1) (relating to endangering welfare of children), if the offense involved sexual contact with the victim.

(6) 18 Pa.C.S. § 5901 (relating to open lewdness), if the offense involved a minor under 18 years of age.

(7) 18 Pa.C.S. § 5902(b) or (b.1) (relating to prostitution and related offenses), pertaining to promoting prostitution and promoting prostitution of a minor.

(8) 18 Pa.C.S. § 5903 (relating to obscene and other sexual materials and performances), if the offense involved a minor under 18 years of age.

(9) 18 Pa.C.S. § 6301(a)(1)(i) (relating to corruption of minors), if the offense involved sexual contact with the victim.

(10) 18 Pa.C.S. § 6301(a)(1)(ii).

(11) 18 Pa.C.S. § 6312 (relating to sexual abuse of children).

(12) 18 Pa.C.S. § 6318 (relating to unlawful contact with minor).

(13) 18 Pa.C.S. § 6320 (relating to sexual exploitation of children).

(14) 18 Pa.C.S. § 7507.1 (relating to invasion of privacy).

(15) Criminal attempt, criminal conspiracy or criminal solicitation to commit any of the offenses listed in paragraphs (1)—(14).

(16) An equivalent crime in another jurisdiction.

**§ 43b.422. Crimes of violence.**

For purposes of § 43b.404(c) (relating to consideration of criminal convictions), a “crime of violence” includes any of the following:

(1) 18 Pa.C.S. § 2502(c) (relating to murder).

(2) 18 Pa.C.S. § 2503 (relating to voluntary manslaughter).

(3) 18 Pa.C.S. § 2506(a) (relating to drug delivery resulting in death).

(4) 18 Pa.C.S. § 2507(c) or (d) (relating to criminal homicide of law enforcement officer).

(5) 18 Pa.C.S. § 2604(c) (relating to murder of unborn child).

(6) 18 Pa.C.S. § 2606 (relating to aggravated assault of unborn child).

(7) 18 Pa.C.S. § 2702(a)(1) and (2) (relating to aggravated assault).

(8) 18 Pa.C.S. § 2702.1 (relating to assault of law enforcement officer).

(9) 18 Pa.C.S. § 2716(b) (relating to weapons of mass destruction).

(10) 18 Pa.C.S. § 2717 (relating to terrorism), when graded as a felony of the first degree.

(11) 18 Pa.C.S. § 2718 (relating to strangulation), when graded as a felony.

(12) 18 Pa.C.S. § 2901 (relating to kidnapping).

(13) 18 Pa.C.S. § 3011 (relating to trafficking in individuals), when graded as a felony of the first degree.

(14) 18 Pa.C.S. § 3121 (relating to rape).

(15) 18 Pa.C.S. § 3123 (relating to involuntary deviate sexual intercourse).

(16) 18 Pa.C.S. § 3124.1 (relating to sexual assault).

(17) 18 Pa.C.S. § 3125 (relating to aggravated indecent assault).

(18) 18 Pa.C.S. § 3301(a) or (a.1) (relating to arson and related offenses).

(19) 18 Pa.C.S. § 3311(b)(3) (relating to ecoterrorism).

(20) 18 Pa.C.S. § 3502(a)(1) (relating to burglary).

(21) 18 Pa.C.S. § 3701(a)(1)(i), (ii) or (iii) (relating to robbery).

(22) 18 Pa.C.S. § 3702 (relating to robbery of motor vehicle).

(23) 18 Pa.C.S. § 4302 (relating to incest).

(24) Criminal attempt, criminal conspiracy or criminal solicitation to commit any of the offenses listed in paragraphs (1)—(23).

(25) An equivalent crime under the laws of this Commonwealth in effect at the time of the commission of that offense.

(26) An equivalent crime in another jurisdiction.

**§ 43b.423. Schedule of criminal convictions—State Board of Accountancy.**

(a) A conviction of any of the criminal offenses in paragraphs (1) and (2) may constitute grounds to refuse to issue, suspend or revoke a license, certificate, registration or permit issued by the State Board of Accountancy (Board).

(1) Each of the crimes of violence set forth in § 43b.422 (relating to crimes of violence), in accordance with § 43b.404(c) (relating to consideration of criminal convictions).

(2) The following additional criminal offenses that have been deemed by the Board as directly related to the accountancy profession, which shall raise a rebuttable presumption that the individual's licensure, certification, permitting or registration poses a substantial risk to the individual's clients or to the public or a substantial risk of further criminal convictions in accordance with § 43b.404(a)(2)(i):

(i) 18 Pa.C.S. § 3927 (relating to theft by failure to make required disposition of funds received).

(ii) 18 Pa.C.S. § 4104 (relating to tampering with records or identification).

(iii) 18 Pa.C.S. § 4105 (relating to bad checks), when graded as a felony.

(iv) 18 Pa.C.S. § 4106 (relating to access device fraud), when graded as a felony.

(v) 18 Pa.C.S. § 4108 (relating to commercial bribery and breach of duty to act disinterestedly).

(vi) 18 Pa.C.S. § 4110 (relating to defrauding secured creditors).

(vii) 18 Pa.C.S. § 4111 (relating to fraud in insolvency).

(viii) 18 Pa.C.S. § 4113 (relating to misapplication of entrusted property and property of government or financial institutions).

(ix) 18 Pa.C.S. § 4902 (relating to perjury).

(x) 18 Pa.C.S. § 4903 (relating to false swearing).

(xi) 18 Pa.C.S. § 4904 (relating to unsworn falsification to authorities).

(xii) 18 Pa.C.S. § 4913 (relating to impersonating a notary public or holder of a professional or occupational license).

(xiii) 18 Pa.C.S. § 7326 (relating to disclosure of confidential tax information).

(xiv) 15 U.S.C.A. § 78j(b), regarding manipulative and deceptive devices.

(xv) 26 U.S.C.A. § 7201, regarding attempt to evade or defeat tax.

(xvi) 26 U.S.C.A. § 7202, regarding willful failure to collect or pay over tax.

(xvii) 26 U.S.C.A. § 7203, regarding willful failure to file return, supply information, or pay tax.

(xviii) 26 U.S.C.A. § 7204, regarding fraudulent statement or failure to make statement to employees.

(xvix) 26 U.S.C.A. § 7205, regarding fraudulent withholding exemption certificate or failure to supply information.

(xx) 26 U.S.C.A. § 7206, regarding fraud and false statements.

(xxi) 26 U.S.C.A. § 7207, regarding fraudulent returns, statements, or other documents.

(xxii) 26 U.S.C.A. § 7212, regarding attempts to interfere with administration of internal revenue laws.

(xxiii) 26 U.S.C.A. § 7213, regarding unauthorized disclosure of information.

(xxiv) 26 U.S.C.A. § 7215, regarding offenses with respect to collected taxes.

(xxv) 26 U.S.C.A. § 7216, regarding disclosure or use of information by preparers of returns.

(xxvi) Criminal attempt, criminal conspiracy or criminal solicitation to commit any of the offenses listed in subparagraphs (i)—(xxv).

(xxvii) An equivalent crime under the laws of this Commonwealth in effect at the time of the commission of that offense.

(xxviii) An equivalent crime in another jurisdiction.

(b) The Board retains the discretion to determine that, due to the nature of the criminal conduct that led to the conviction, the licensure, certification, permitting or registration of an individual with a criminal conviction for an offense not listed in subsection (a) would pose a substantial risk to the health and safety of the individual's clients or to the public or a substantial risk of further criminal convictions in accordance with § 43b.404(a)(2)(ii). The individual may rebut the Board's determination by showing evidence of rehabilitation utilizing the factors in § 43b.404(a)(3).

**§ 43b.424. Schedule of criminal convictions—State Architects Licensure Board.**

(a) A conviction of any of the criminal offenses in paragraphs (1) and (2) may constitute grounds to refuse to issue, suspend or revoke a license, certificate, registration or permit issued by the State Architects Licensure Board (Board).

(1) Each of the crimes of violence set forth in § 43b.422 (relating to crimes of violence), in accordance with § 43b.404(c) (relating to consideration of criminal convictions).

(2) The following additional criminal offenses that have been deemed by the Board as directly related to the architect profession, which shall raise a rebuttable presumption that the individual's licensure, certification, permitting or registration poses a substantial risk to the

individual's clients or to the public or a substantial risk of further criminal convictions in accordance with § 43b.404(a)(2)(i):

- (i) 18 Pa.C.S. § 4101 (relating to forgery).
- (ii) 18 Pa.C.S. § 4103 (relating to fraudulent destruction, removal or concealment of recordable instruments).
- (iii) 18 Pa.C.S. § 4104(a) (relating to tampering with records or identification), when graded as a misdemeanor.
- (iv) 18 Pa.C.S. § 4913 (relating to impersonating a notary public or holder of a professional or occupational license).
- (v) Section 8 of the Home Improvement Consumer Protection Act (73 P.S. § 517.8), regarding home improvement fraud.
- (vi) Criminal attempt, criminal conspiracy or criminal solicitation to commit any of the offenses listed in subparagraphs (i)—(v).
- (vii) An equivalent crime under the laws of this Commonwealth in effect at the time of the commission of that offense.
- (viii) An equivalent crime in another jurisdiction.

(b) The Board retains the discretion to determine that, due to the nature of the criminal conduct that led to the conviction, the licensure, certification, permitting or registration of an individual with a criminal conviction for an offense not listed in subsection (a) would pose a substantial risk to the health and safety of the individual's clients or to the public or a substantial risk of further criminal convictions in accordance with § 43b.404(a)(2)(ii). The individual may rebut the Board's determination by showing evidence of rehabilitation utilizing the factors in § 43b.404(a)(3).

**§ 43b.425. Schedule of criminal convictions—State Board of Auctioneer Examiners.**

(a) A conviction of any of the criminal offenses in paragraphs (1) and (2) may constitute grounds to refuse to issue, suspend or revoke a license, certificate, registration or permit issued by the State Board of Auctioneer Examiners (Board).

(1) Each of the crimes of violence set forth in § 43b.422 (relating to crimes of violence), in accordance with § 43b.404(c) (relating to consideration of criminal convictions).

(2) The following additional criminal offenses that have been deemed by the Board as directly related to the professions regulated by the Board, which shall raise a rebuttable presumption that the individual's licensure, certification, permitting or registration poses a substantial risk to the individual's clients or to the public or a substantial risk of further criminal convictions in accordance with § 43b.404(a)(2)(i):

- (i) 18 Pa.C.S. § 3924 (relating to theft of property lost, mislaid, or delivered by mistake).
- (ii) 18 Pa.C.S. § 3925 (relating to receiving stolen property).
- (iii) 18 Pa.C.S. § 3927 (relating to theft by failure to make required disposition of funds received).
- (iv) 18 Pa.C.S. § 4102 (relating to simulating objects of antiquity, rarity, etc.).
- (v) 18 Pa.C.S. § 4104 (relating to tampering with records or identification).

(vi) 18 Pa.C.S. § 4107 (relating to deceptive or fraudulent business practices).

(vii) 18 Pa.C.S. § 4108 (relating to commercial bribery and breach of duty to act disinterestedly).

(viii) 18 Pa.C.S. § 4109 (relating to rigging publicly exhibited contest).

(ix) 18 Pa.C.S. § 4112 (relating to receiving deposits in a failing financial institution).

(x) 18 Pa.C.S. § 4113 (relating to misapplication of entrusted property and property of government or financial institutions).

(xi) 18 Pa.C.S. § 4114 (relating to securing execution of documents by deception).

(xii) 18 Pa.C.S. § 4119 (relating to trademark counterfeiting).

(xiii) 18 Pa.C.S. § 4911 (relating to tampering with public records or information).

(xiv) 18 Pa.C.S. § 4913 (relating to impersonating a notary public or holder of a professional or occupational license).

(xv) Section 29(a) of the Auctioneer Licensing and Trading Assistant Registration Act (63 P.S. § 734.29(a)), pertaining to criminal penalties for unlicensed practice.

(xvi) Criminal attempt, criminal conspiracy or criminal solicitation to commit any of the offenses listed in subparagraphs (i)—(xv).

(xvii) An equivalent crime under the laws of this Commonwealth in effect at the time of the commission of that offense.

(xviii) An equivalent crime in another jurisdiction.

(b) The Board retains the discretion to determine that, due to the nature of the criminal conduct that led to the conviction, the licensure, certification, permitting or registration of an individual with a criminal conviction for an offense not listed in subsection (a) would pose a substantial risk to the health and safety of the individual's clients or to the public or a substantial risk of further criminal convictions in accordance with § 43b.404(a)(2)(ii). The individual may rebut the Board's determination by showing evidence of rehabilitation utilizing the factors in § 43b.404(a)(3).

**§ 43b.426. Schedule of criminal convictions—State Board of Barber Examiners.**

(a) A conviction of any of the criminal offenses in paragraphs (1) and (2) may constitute grounds to refuse to issue, suspend or revoke a license, certificate, registration or permit issued by the State Board of Barber Examiners (Board).

(1) Each of the crimes of violence set forth in § 43b.422 (relating to crimes of violence), in accordance with § 43b.404(c) (relating to consideration of criminal convictions).

(2) The following additional criminal offenses that have been deemed by the Board as directly related to the barbering profession, which shall raise a rebuttable presumption that the individual's licensure, certification, permitting or registration poses a substantial risk to the individual's clients or to the public or a substantial risk of further criminal convictions in accordance with § 43b.404(a)(2)(i):

(i) 18 Pa.C.S. § 4913 (relating to impersonating a notary public or holder of a professional or occupational license).

(ii) Criminal attempt, criminal conspiracy or criminal solicitation to commit the offense listed in subparagraph (i).

(iii) An equivalent crime under the laws of this Commonwealth in effect at the time of the commission of that offense.

(iv) An equivalent crime in another jurisdiction.

(b) The Board retains the discretion to determine that, due to the nature of the criminal conduct that led to the conviction, the licensure, certification, permitting or registration of an individual with a criminal conviction for an offense not listed in subsection (a) would pose a substantial risk to the health and safety of the individual's clients or to the public or a substantial risk of further criminal convictions in accordance with § 43b.404(a)(2)(ii). The individual may rebut the Board's determination by showing evidence of rehabilitation utilizing the factors in § 43b.404(a)(3).

**§ 43b.427. Schedule of criminal convictions—State Board of Certified Real Estate Appraisers.**

(a) A conviction of any of the criminal offenses in paragraphs (1) and (2) may constitute grounds to refuse to issue, suspend or revoke a license, certificate, registration or permit issued by the State Board of Certified Real Estate Appraisers (Board).

(1) Each of the crimes of violence set forth in § 43b.422 (relating to crimes of violence), in accordance with § 43b.404(c) (relating to consideration of criminal convictions).

(2) The following additional criminal offenses that have been deemed by the Board as directly related to the professions regulated by the Board (appraisers and assessors), which shall raise a rebuttable presumption that the individual's licensure, certification, permitting or registration poses a substantial risk to the individual's clients or to the public or a substantial risk of further criminal convictions in accordance with § 43b.404(a)(2)(i):

(i) 18 Pa.C.S. § 4101 (relating to forgery).

(ii) 18 Pa.C.S. § 4103 (relating to fraudulent destruction, removal or concealment of recordable instruments).

(iii) 18 Pa.C.S. § 4104 (relating to tampering with records or identification), when graded as a misdemeanor.

(iv) 18 Pa.C.S. § 4107 (relating to deceptive or fraudulent business practices).

(v) 18 Pa.C.S. § 4108 (relating to commercial bribery and breach of duty to act disinterestedly).

(vi) 18 Pa.C.S. § 4110 (relating to defrauding secured creditors).

(vii) 18 Pa.C.S. § 4114 (relating to securing execution of documents by deception).

(viii) 18 Pa.C.S. § 4115 (relating to falsely impersonating persons privately employed).

(ix) 18 Pa.C.S. § 4117 (relating to insurance fraud).

(x) 18 Pa.C.S. § 4902 (relating to perjury).

(xi) 18 Pa.C.S. § 4903 (relating to false swearing).

(xii) 18 Pa.C.S. § 4904 (relating to unsworn falsification to authorities).

(xiii) 18 Pa.C.S. § 4911 (relating to tampering with public records or information).

(xiv) 18 Pa.C.S. § 4913 (relating to impersonating a notary public or holder of a professional or occupational license).

(xv) 18 Pa.C.S. § 7331 (relating to unlicensed mortgage loan business).

(xvi) Criminal attempt, criminal conspiracy or criminal solicitation to commit any of the offenses listed in subparagraphs (i)—(xv).

(xvii) An equivalent crime under the laws of this Commonwealth in effect at the time of the commission of that offense.

(xviii) An equivalent crime in another jurisdiction.

(b) The Board retains the discretion to determine that, due to the nature of the criminal conduct that led to the conviction, the licensure, certification, permitting or registration of an individual with a criminal conviction for an offense not listed in subsection (a) would pose a substantial risk to the health and safety of the individual's clients or to the public or a substantial risk of further criminal convictions in accordance with § 43b.404(a)(2)(ii). The individual may rebut the Board's determination by showing evidence of rehabilitation utilizing the factors in § 43b.404(a)(3).

**§ 43b.428. Schedule of criminal convictions—State Board of Chiropractic.**

(a) A conviction of any of the sexual offenses set forth in § 43b.421 (relating to schedule of sexual offenses) constitutes grounds to refuse to issue, suspend or revoke a license, certificate, registration or permit issued by the State Board of Chiropractic (Board) in accordance with § 43b.404(b) (relating to consideration of criminal convictions).

(b) A conviction of any of the criminal offenses set forth in paragraphs (1), (2) and (3) may constitute grounds to refuse to issue, suspend or revoke a license, certificate, registration or permit issued by the Board.

(1) Each of the crimes of violence set forth in § 43b.422 (relating to crimes of violence), in accordance with § 43b.404(c).

(2) A drug trafficking offense in accordance with § 43b.404(d).

(3) The following additional criminal offenses that have been deemed by the Board as directly related to the chiropractic profession, which shall raise a rebuttable presumption that the individual's licensure, certification, permitting or registration poses a substantial risk to the individual's patients or clients or to the public or a substantial risk of further criminal convictions in accordance with § 43b.404(a)(2)(i):

(i) 18 Pa.C.S. § 2713 (relating to neglect of care-dependent person).

(ii) 18 Pa.C.S. § 4913 (relating to impersonating a notary public or a holder of a professional or occupational license).

(iii) 23 Pa.C.S. § 6319 (relating to penalties), pertaining to failure to report a case of suspected child abuse.

(iv) Section 1407 of the Human Services Code (62 P.S. § 1407), pertaining to Medicaid fraud.

(v) Section 701 of the Chiropractic Practice Act (63 P.S. § 625.701).

(vi) Section 702 of the Chiropractic Practice Act (63 P.S. § 625.702), pertaining to criminal offenses under the Chiropractic Practice Act (63 P.S. §§ 625.101—625.1106).

(vii) 18 U.S.C.A. § 1035, regarding false statements relating to health care matters.

(viii) 18 U.S.C.A. § 1347, regarding health care fraud.

(ix) Criminal attempt, criminal conspiracy or criminal solicitation to commit any of the offenses listed in subparagraphs (i)—(viii).

(x) An equivalent crime under the laws of this Commonwealth in effect at the time of the commission of that offense.

(xi) An equivalent crime in another jurisdiction.

(c) The Board retains the discretion to determine that, due to the nature of the criminal conduct that led to the conviction, the licensure, certification, permitting or registration of an individual with a criminal conviction for an offense not listed in subsection (a) would pose a substantial risk to the health and safety of the individual's patients or clients or to the public or a substantial risk of further criminal convictions in accordance with § 43b.404(a)(2)(ii). The individual may rebut the Board's determination by showing evidence of rehabilitation utilizing the factors in § 43b.404(a)(3).

**§ 43b.429. Schedule of criminal convictions—State Board of Cosmetology.**

(a) A conviction of any of the criminal offenses in paragraphs (1) and (2) may constitute grounds to refuse to issue, suspend or revoke a license, certificate, registration or permit issued by the State Board of Cosmetology (Board).

(1) Each of the crimes of violence set forth in § 43b.422 (relating to crimes of violence), in accordance with § 43b.404(c) (relating to consideration of criminal convictions).

(2) The following additional criminal offenses that have been deemed by the Board as directly related to the professions regulated by the Board, which shall raise a rebuttable presumption that the individual's licensure, certification, permitting or registration poses a substantial risk to the individual's clients or to the public or a substantial risk of further criminal convictions in accordance with § 43b.404(a)(2)(i):

(i) 18 Pa.C.S. § 4913 (relating to impersonating a notary public or holder of a professional or occupational license).

(ii) Criminal attempt, criminal conspiracy or criminal solicitation to commit the offense listed in subparagraph (i).

(iii) An equivalent crime under the laws of this Commonwealth in effect at the time of the commission of that offense.

(iv) An equivalent crime in another jurisdiction.

(b) The Board retains the discretion to determine that, due to the nature of the criminal conduct that led to the conviction, the licensure, certification, permitting or registration of an individual with a criminal conviction for an offense not listed in subsection (a) would pose a substantial risk to the health and safety of the individual's clients or to the public or a substantial risk of further criminal convictions in accordance with § 43b.404(a)(2)(ii). The individual may rebut the Board's determination by showing evidence of rehabilitation utilizing the factors in § 43b.404(a)(3).

**§ 43b.430. Schedule of criminal convictions—State Board of Crane Operators.**

(a) A conviction of any of the criminal offenses in paragraphs (1) and (2) may constitute grounds to refuse to issue, suspend or revoke a license, certificate, registration or permit issued by the State Board of Crane Operators (Board).

(1) Each of the crimes of violence set forth in § 43b.422 (relating to crimes of violence), in accordance with § 43b.404(c) (relating to consideration of criminal convictions).

(2) A drug trafficking offense in accordance with § 43b.404(d).

(b) The Board retains the discretion to determine that, due to the nature of the criminal conduct that led to the conviction, the licensure, certification, permitting or registration of an individual with a criminal conviction for an offense not listed in subsection (a) would pose a substantial risk to the health and safety of the individual's clients or to the public or a substantial risk of further criminal convictions in accordance with § 43b.404(a)(2)(ii). The individual may rebut the Board's determination by showing evidence of rehabilitation utilizing the factors in § 43b.404(a)(c).

**§ 43b.431. Schedule of criminal convictions—State Board of Dentistry.**

(a) A conviction of any of the sexual offenses set forth in § 43b.421 (relating to schedule of sexual offenses) constitutes grounds to refuse to issue, suspend or revoke a license, certificate, registration or permit issued by the State Board of Dentistry (Board) in accordance with § 43b.404(b) (relating to consideration of criminal convictions).

(b) A conviction of any of the criminal offenses set forth in paragraphs (1), (2) and (3) may constitute grounds to refuse to issue, suspend or revoke a license, certificate, registration or permit issued by the Board.

(1) Each of the crimes of violence set forth in § 43b.422 (relating to crimes of violence), in accordance with § 43b.404(c).

(2) A drug trafficking offense in accordance with § 43b.404(d).

(3) The following additional criminal offenses that have been deemed by the Board as directly related to the professions regulated by the Board, which shall raise a rebuttable presumption that the individual's licensure, certification, permitting or registration poses a substantial risk to the individual's patients or clients or to the public or a substantial risk of further criminal convictions in accordance with § 43b.404(a)(2)(i):

(i) 18 Pa.C.S. § 4913 (relating to impersonating a notary public or holder of a professional or occupational license).

(ii) 18 U.S.C.A. § 1035, regarding false statements relating to health care matters.

(iii) 18 U.S.C.A. § 1347, regarding health care fraud.

(iv) 23 Pa.C.S. § 6319 (relating to penalties), pertaining to failure to report a case of suspected child abuse.

(v) Section 13(a)(2), (5), (6), (12), (13), (14), (17), (21), (25), (26), (27), (28), (30), (33), (35), (36) and (37) of The

Controlled Substance, Drug, Device and Cosmetic Act (35 P.S. § 780-113(a)(2), (5), (6), (12), (13), (14), (17), (21), (25), (26), (27), (28), (30), (33), (35), (36) and (37)), regarding prohibited acts and penalties, pertaining to certain violations of The Controlled Substance, Drug, Device and Cosmetic Act (35 P.S. §§ 780-101—780-144).

(vi) Section 1407 of the Human Services Code (62 P.S. § 1407), regarding provider prohibited acts, criminal penalties and civil remedies, pertaining to Medicaid fraud.

(vii) Section 10 of the Dental Law (63 P.S. § 129), regarding penalties for unlawful practice.

(viii) Section 8 of the Pharmacy Act (63 P.S. § 390-8) regarding unlawful acts, pertaining to violations of the Pharmacy Act (63 P.S. §§ 390-1—390-13).

(ix) Criminal attempt, criminal conspiracy or criminal solicitation to commit any of the offenses listed in subparagraphs (i)—(viii).

(x) An equivalent crime under the laws of this Commonwealth in effect at the time of the commission of that offense.

(xi) An equivalent crime in another jurisdiction.

(c) The Board retains the discretion to determine that, due to the nature of the criminal conduct that led to the conviction, the licensure, certification, permitting or registration of an individual with a criminal conviction for an offense not listed in subsection (a) would pose a substantial risk to the health and safety of the individual's patients or clients or to the public or a substantial risk of further criminal convictions in accordance with § 43b.404(a)(2)(ii). The individual may rebut the Board's determination by showing evidence of rehabilitation utilizing the factors in § 43b.404(a)(3).

**§ 43b.432. Schedule of criminal convictions—State Registration Board for Professional Engineers, Land Surveyors and Geologists.**

(a) A conviction of any of the criminal offenses in paragraphs (1) and (2) may constitute grounds to refuse to issue, suspend or revoke a license, certificate, registration or permit issued by the State Registration Board for Professional Engineers, Land Surveyors and Geologists (Board).

(1) Each of the crimes of violence set forth in § 43b.422 (relating to crimes of violence), in accordance with § 43b.404(c) (relating to consideration of criminal convictions).

(2) The following additional criminal offenses that have been deemed by the Board as directly related to the professions regulated by the Board, which shall raise a rebuttable presumption that the individual's licensure, certification, permitting or registration poses a substantial risk to the individual's clients or to the public or a substantial risk of further criminal convictions in accordance with § 43b.404(a)(2)(i):

(i) 18 Pa.C.S. § 4101 (relating to forgery).

(ii) 18 Pa.C.S. § 4103 (relating to fraudulent destruction, removal or concealment of recordable instruments).

(iii) 18 Pa.C.S. § 4104(a) (relating to tampering with records or identification), when graded as a misdemeanor.

(iv) 18 Pa.C.S. § 4913 (relating to impersonating a notary public or holder of a professional or occupational license).

(v) Section 8 of the Home Improvement Consumer Protection Act (73 P.S. § 517.8), regarding home improvement fraud.

(vi) Criminal attempt, criminal conspiracy or criminal solicitation to commit any of the offenses listed in subparagraphs (i)—(v).

(vii) An equivalent crime under the laws of this Commonwealth in effect at the time of the commission of that offense.

(viii) An equivalent crime in another jurisdiction.

(b) The Board retains the discretion to determine that, due to the nature of the criminal conduct that led to the conviction, the licensure, certification, permitting or registration of an individual with a criminal conviction for an offense not listed in subsection (a) would pose a substantial risk to the health and safety of the individual's clients or to the public or a substantial risk of further criminal convictions in accordance with § 43b.404(a)(2)(ii). The individual may rebut the Board's determination by showing evidence of rehabilitation utilizing the factors in § 43b.404(a)(3).

**§ 43b.433. Schedule of criminal convictions—State Board of Funeral Directors.**

(a) A conviction of any of the criminal offenses in paragraphs (1) and (2) may constitute grounds to refuse to issue, suspend or revoke a license, certificate, registration or permit issued by the State Board of Funeral Directors (Board).

(1) Each of the crimes of violence set forth in § 43b.422 (relating to crimes of violence), in accordance with § 43b.404(c) (relating to consideration of criminal convictions).

(2) The following additional criminal offenses that have been deemed by the Board as directly related to the profession of funeral directing, which shall raise a rebuttable presumption that the individual's licensure, certification, permitting or registration poses a substantial risk to the individual's clients or to the public or a substantial risk of further criminal convictions in accordance with § 43b.404(a)(2)(i):

(i) 18 Pa.C.S. § 3927 (relating to theft by failure to make required disposition of funds received).

(ii) 18 Pa.C.S. § 4104(a) (relating to tampering with records or identification), when graded as a misdemeanor.

(iii) 18 Pa.C.S. § 4107 (relating to deceptive or fraudulent business practices).

(iv) 18 Pa.C.S. § 4113 (relating to misapplication of entrusted property and property of government or financial institutions).

(v) 18 Pa.C.S. § 4910 (relating to tampering with or fabricating physical evidence).

(vi) 18 Pa.C.S. § 4911 (relating to tampering with public records or information).

(vii) 18 Pa.C.S. § 4913 (relating to impersonating a notary public or holder of a professional or occupational license).

(viii) 18 Pa.C.S. § 5510 (relating to abuse of corpse).

(ix) 18 Pa.C.S. § 7310 (relating to furnishing free insurance as inducement for purchases).

(x) Criminal attempt, criminal conspiracy or criminal solicitation to commit any of the offenses listed in subparagraphs (i)—(ix).

(xi) An equivalent crime under the laws of this Commonwealth in effect at the time of the commission of that offense.



(xii) An equivalent crime in another jurisdiction.

(b) The Board retains the discretion to determine that, due to the nature of the criminal conduct that led to the conviction, the licensure, certification, permitting or registration of an individual with a criminal conviction for an offense not listed in subsection (a) would pose a substantial risk to the health and safety of the individual's clients or to the public or a substantial risk of further criminal convictions in accordance with § 43b.404(a)(2)(ii). The individual may rebut the Board's determination by showing evidence of rehabilitation utilizing the factors in § 43b.404(a)(3).

**§ 43b.434. Schedule of criminal convictions—State Board of Landscape Architects.**

(a) A conviction of any of the criminal offenses in paragraphs (1) and (2) may constitute grounds to refuse to issue, suspend or revoke a license, certificate, registration or permit issued by the State Board of Landscape Architects (Board).

(1) Each of the crimes of violence set forth in § 43b.422 (relating to crimes of violence), in accordance with § 43b.404(c) (relating to consideration of criminal convictions).

(2) The following additional criminal offenses that have been deemed by the Board as directly related to the landscape architect profession, which shall raise a rebuttable presumption that the individual's licensure, certification, permitting or registration poses a substantial risk to the individual's clients or to the public or a substantial risk of further criminal convictions in accordance with § 43b.404(a)(2)(i):

- (i) 18 Pa.C.S. § 4101 (relating to forgery).
- (ii) 18 Pa.C.S. § 4104(a) (relating to tampering with records or identification), when graded as a misdemeanor.
- (iii) 18 Pa.C.S. § 4913 (relating to impersonating a notary public or holder of a professional or occupational license).
- (iv) Criminal attempt, criminal conspiracy or criminal solicitation to commit any of the offenses listed in subparagraphs (i)—(iii).

(v) An equivalent crime under the laws of this Commonwealth in effect at the time of the commission of that offense.

(vi) An equivalent crime in another jurisdiction.

(b) The Board retains the discretion to determine that, due to the nature of the criminal conduct that led to the conviction, the licensure, certification, permitting or registration of an individual with a criminal conviction for an offense not listed in subsection (a) would pose a substantial risk to the health and safety of the individual's clients or to the public or a substantial risk of further criminal convictions in accordance with § 43b.404(a)(2)(ii). The individual may rebut the Board's determination by showing evidence of rehabilitation utilizing the factors in § 43b.404(a)(3).

**§ 43b.435. Schedule of criminal convictions—State Board of Massage Therapy.**

(a) A conviction of any of the criminal offenses in paragraphs (1), (2) and (3) may constitute grounds to refuse to issue, suspend or revoke a license, certificate, registration or permit issued by the State Board of Massage Therapy (Board).

(1) Each of the crimes of violence set forth in § 43b.422 (relating to crimes of violence), in accordance with § 43b.404(c) (relating to consideration of criminal convictions).

(2) A drug trafficking offense in accordance with § 43b.404(d).

(3) The following additional criminal offenses that have been deemed by the Board as directly related to the massage therapy profession, which shall raise a rebuttable presumption that the individual's licensure, certification, permitting or registration poses a substantial risk to the individual's clients or to the public or a substantial risk of further criminal convictions in accordance with § 43b.404(a)(2)(i):

- (i) 18 Pa.C.S. § 2713 (relating to neglect of care-dependent person).
- (ii) 18 Pa.C.S. § 2713.1 (relating to abuse of care-dependent person).
- (iii) 18 Pa.C.S. § 3121 (relating to rape).
- (iv) 18 Pa.C.S. § 3123 (relating to involuntary deviate sexual intercourse).
- (v) 18 Pa.C.S. § 3124.1 (relating to sexual assault).
- (vi) 18 Pa.C.S. § 3125 (relating to aggravated indecent assault).
- (vii) 18 Pa.C.S. § 3126 (relating to indecent assault).
- (viii) 18 Pa.C.S. § 5902(b) or (b.1) (relating to prostitution and related offenses), pertaining to promoting prostitution and promoting prostitution of a minor.
- (ix) 23 Pa.C.S. § 6319 (relating to penalties), pertaining to failure to report suspected child abuse.
- (x) Criminal attempt, criminal conspiracy or criminal solicitation to commit any of the offenses listed in subparagraphs (i)—(ix).

(xi) An equivalent crime under the laws of this Commonwealth in effect at the time of the commission of that offense.

(xii) An equivalent crime in another jurisdiction.

(b) The Board retains the discretion to determine that, due to the nature of the criminal conduct that led to the conviction, the licensure, certification, permitting or registration of an individual with a criminal conviction for an offense not listed in subsection (a) would pose a substantial risk to the health and safety of the individual's clients or to the public or a substantial risk of further criminal convictions in accordance with § 43b.404(a)(2)(ii). The individual may rebut the Board's determination by showing evidence of rehabilitation utilizing the factors in § 43b.404(a)(3).

**§ 43b.436. Schedule of criminal convictions—State Board of Medicine.**

(a) A conviction of any of the sexual offenses set forth in § 43b.421 (relating to schedule of sexual offenses) constitutes grounds to refuse to issue, suspend or revoke a license, certificate, registration or permit issued by the State Board of Medicine (Board) in accordance with § 43b.404(b) (relating to consideration of criminal convictions).

(b) A conviction of any of the criminal offenses set forth in paragraphs (1), (2) and (3) may constitute grounds to refuse to issue, suspend or revoke a license, certificate, registration or permit issued by the Board.

(1) Each of the crimes of violence set forth in § 43b.422 (relating to crimes of violence), in accordance with § 43b.404(c).

(2) A drug trafficking offense in accordance with § 43b.404(d).

(3) The following additional criminal offenses that have been deemed by the Board as directly related to the professions regulated by the Board, which shall raise a rebuttable presumption that the individual's licensure, certification, permitting or registration poses a substantial risk to the individual's patients or clients or to the public or a substantial risk of further criminal convictions in accordance with § 43b.404(a)(2)(i):

(i) 18 Pa.C.S. § 2713 (relating to neglect of care-dependent person).

(ii) 18 Pa.C.S. § 2713.1 (relating to abuse of care-dependent person).

(iii) 18 Pa.C.S. § 3212 (relating to infanticide).

(iv) 18 Pa.C.S. § 3216 (relating to fetal experimentation).

(v) 18 Pa.C.S. § 4305 (relating to dealing in infant children).

(vi) 18 Pa.C.S. § 4913 (relating to impersonating a notary public or a holder of a professional or occupational license).

(vii) 18 Pa.C.S. § 4958 (relating to intimidation, retaliation or obstruction in child abuse cases).

(viii) 23 Pa.C.S. § 6319 (relating to penalties), pertaining to failure to report suspected child abuse.

(ix) 23 Pa.C.S. § 6346 (relating to cooperation of other agencies), pertaining to willful failure to cooperate in an investigation of suspected child abuse.

(x) Section 13(a)(2), (5), (6), (12), (13), (14), (17), (21), (25), (26), (27), (28), (30), (35), (36) and (37) of The Controlled Substance, Drug, Device and Cosmetic Act (35 P.S. § 780-113(a)(2), (5), (6), (12), (13), (14), (17), (21), (25), (26), (27), (28), (30), (35), (36) and (37)), pertaining to certain violations of The Controlled Substance, Drug, Device and Cosmetic Act (35 P.S. §§ 780-101—780-144).

(xi) Section 1407 of the Human Services Code (62 P.S. § 1407), pertaining to Medicaid fraud.

(xii) 18 U.S.C.A. § 1035, regarding false statements relating to health care matters.

(xiii) 18 U.S.C.A. § 1347, regarding health care fraud.

(xiv) Section 11(a) or (b) of the Osteopathic Medical Practice Act (63 P.S. § 271.11(a) or (b)), pertaining to criminal offenses under the Osteopathic Medical Practice Act (63 P.S. §§ 271.1—271.18).

(xv) Section 8 of the Pharmacy Act (63 P.S. § 390-8), pertaining to criminal offenses under the Pharmacy Act (63 P.S. §§ 390-1—390-13).

(xvi) Section 39(a) of the Medical Practice Act of 1985 (63 P.S. § 422.39(a)), pertaining to criminal offenses under the Medical Practice Act of 1985 (63 P.S. §§ 422.1—422.53).

(xvii) Criminal attempt, criminal conspiracy or criminal solicitation to commit any of the offenses listed in subparagraphs (i)—(xvi).

(xviii) An equivalent crime under the laws of this Commonwealth in effect at the time of the commission of that offense.

(xix) An equivalent crime in another jurisdiction.

(c) The Board retains the discretion to determine that, due to the nature of the criminal conduct that led to the conviction, the licensure, certification, permitting or registration of an individual with a criminal conviction for an offense not listed in subsection (a) would pose a substantial risk to the health and safety of the individual's patients or clients or to the public or a substantial risk of further criminal convictions in accordance with § 43b.404(a)(2)(ii). The individual may rebut the Board's determination by showing evidence of rehabilitation utilizing the factors in § 43b.404(a)(3).

**§ 43b.437. Schedule of criminal convictions—Navigation Commission for the Delaware River and its Navigable Tributaries.**

(a) A conviction of any of the criminal offenses set forth in paragraphs (1) and (2) may constitute grounds to refuse to issue, suspend or revoke a license, certificate, registration or permit issued by the Navigation Commission for the Delaware River and its Navigable Tributaries (Navigation Commission).

(1) Each of the crimes of violence set forth in § 43b.422 (relating to crimes of violence), in accordance with § 43b.404(c) (relating to consideration of criminal convictions).

(2) The following additional criminal offenses that have been deemed by the Navigation Commission as directly related to the piloting profession, which shall raise a rebuttable presumption that the individual's licensure, certification, permitting or registration poses a substantial risk to the individual's clients or to the public or a substantial risk of further criminal convictions in accordance with § 43b.404(a)(2)(i):

(i) 75 Pa.C.S. § 3742.1 (relating to accidents involving death or personal injury while not properly licensed).

(ii) Criminal attempt, criminal conspiracy or criminal solicitation to commit the offense listed in subparagraph (i).

(iii) An equivalent crime under the laws of this Commonwealth in effect at the time of the commission of that offense.

(iv) An equivalent crime in another jurisdiction.

(b) The Navigation Commission retains the discretion to determine that, due to the nature of the criminal conduct that led to the conviction, the licensure, certification, permitting or registration of an individual with a criminal conviction for an offense not listed in subsection (a) would pose a substantial risk to the health and safety of the individual's patients or clients or to the public or a substantial risk of further criminal convictions in accordance with § 43b.404(a)(2)(ii). The individual may rebut the Navigation Commission's determination by showing evidence of rehabilitation utilizing the factors in § 43b.404(a)(3).

**§ 43b.438. Schedule of criminal convictions—State Board of Nursing.**

(a) A conviction of any of the sexual offenses set forth in § 43b.421 (relating to schedule of sexual offenses) constitutes grounds to refuse to issue, suspend or revoke a license, certificate, registration or permit issued by the State Board of Nursing (Board) in accordance with § 43b.404(b) (relating to consideration of criminal convictions).

(b) A conviction of any of the criminal offenses set forth in paragraphs (1), (2) and (3) may constitute grounds to

refuse to issue, suspend or revoke a license, certificate, registration or permit issued by the Board.

(1) Each of the crimes of violence set forth in § 43b.422 (relating to crimes of violence), in accordance with § 43b.404(c).

(2) A drug trafficking offense in accordance with § 43b.404(d).

(3) The following additional criminal offenses that have been deemed by the Board as directly related to the professions regulated by the Board, which shall raise a rebuttable presumption that the individual's licensure, certification, permitting or registration poses a substantial risk to the individual's patients or clients or to the public or a substantial risk of further criminal convictions in accordance with § 43b.404(a)(2)(i):

(i) 18 Pa.C.S. § 2505 (relating to causing or aiding suicide).

(ii) 18 Pa.C.S. § 2605 (relating to voluntary manslaughter of unborn child).

(iii) 18 Pa.C.S. § 2713 (relating to neglect of care-dependent person).

(iv) 18 Pa.C.S. § 2713.1 (relating to abuse of care-dependent person).

(v) 18 Pa.C.S. § 3212 (relating to infanticide).

(vi) 18 Pa.C.S. § 3216 (relating to fetal experimentation).

(vii) 18 Pa.C.S. § 4305 (relating to dealing in infant children).

(viii) 18 Pa.C.S. § 4906.1 (relating to false reports of child abuse).

(ix) 18 Pa.C.S. § 4913 (relating to impersonating a notary public or a holder of a professional or occupational license).

(x) 18 Pa.C.S. § 4958 (relating to intimidation, retaliation or obstruction in child abuse cases).

(xi) 18 Pa.C.S. § 5106 (relating to failure to report injuries by firearm or criminal act).

(xii) 18 Pa.C.S. § 5112 (relating to obstructing emergency services).

(xiii) 18 Pa.C.S. § 5510 (relating to abuse of corpse).

(xiv) 18 Pa.C.S. § 7508.2 (relating to operation of methamphetamine laboratory).

(xv) 18 Pa.C.S. § 7509 (relating to furnishing drug-free urine).

(xvi) 18 U.S.C.A. § 1035, regarding false statements relating to health care matters.

(xvii) 18 U.S.C.A. § 1347, regarding health care fraud.

(xviii) 23 Pa.C.S. § 6319 (relating to penalties), pertaining to failure to report suspected child abuse.

(xiv) Section 13(a)(2), (5), (6), (12), (13), (14), (17), (21), (25), (26), (27), (28), (30), (35), (36) and (37) of The Controlled Substance, Drug, Device and Cosmetic Act (35 P.S. § 780-113(a)(2), (5), (6), (12), (13), (14), (17), (21), (25), (26), (27), (28), (30), (35), (36) and (37)), pertaining to certain violations of The Controlled Substance, Drug, Device and Cosmetic Act (35 P.S. §§ 780-101—780-144).

(xx) Section 1302 of the Medical Marijuana Act (35 P.S. § 10231.1302), regarding criminal diversion of medical marijuana.

(xxi) Section 1306 of the Medical Marijuana Act (35 P.S. § 10231.1306), regarding adulteration of medical marijuana.

(xxii) Section 1407 of the Human Services Code (62 P.S. § 1407), pertaining to Medicaid fraud.

(xxiii) Section 13(a) of the Professional Nursing Law (63 P.S. § 223(a)), pertaining to violations of the Professional Nursing Law (63 P.S. §§ 211—225.5).

(xxiv) Section 8(13) and (15) of the Pharmacy Act (63 P.S. § 390-8(13) and (15)), pertaining to procuring a drug by fraud in violation of the Pharmacy Act (63 P.S. §§ 390-1—390-13).

(xxv) Section 15 of the Practical Nurse Law (63 P.S. § 665), pertaining to violations of the Practical Nurse Law (63 P.S. §§ 651—667.8).

(xxvi) Criminal attempt, criminal conspiracy or criminal solicitation to commit any of the offenses listed in subparagraphs (i)—(xxv).

(xxvii) An equivalent crime under the laws of this Commonwealth in effect at the time of the commission of that offense.

(xxviii) An equivalent crime in another jurisdiction.

(c) The Board retains the discretion to determine that, due to the nature of the criminal conduct that led to the conviction, the licensure, certification, permitting or registration of an individual with a criminal conviction for an offense not listed in subsection (a) would pose a substantial risk to the health and safety of the individual's patients or clients or to the public or a substantial risk of further criminal convictions in accordance with § 43b.404(a)(2)(ii). The individual may rebut the Board's determination by showing evidence of rehabilitation utilizing the factors in § 43b.404(a)(3).

**§ 43b.439. Schedule of criminal convictions—State Board of Examiners of Nursing Home Administrators.**

(a) A conviction of any of the criminal offenses in paragraphs (1) and (2) may constitute grounds to refuse to issue, suspend or revoke a license, certificate, registration or permit issued by the State Board of Examiners of Nursing Home Administrators (Board).

(1) Each of the crimes of violence set forth in § 43b.422 (relating to crimes of violence), in accordance with § 43b.404(c) (relating to consideration of criminal convictions).

(2) The following additional criminal offenses that have been deemed by the Board as directly related to the profession of nursing home administration, which shall raise a rebuttable presumption that the individual's licensure, certification, permitting or registration poses a substantial risk to the individual's patients or clients or to the public or a substantial risk of further criminal convictions in accordance with § 43b.404(a)(2)(i):

(i) 18 Pa.C.S. § 2505 (relating to causing or aiding suicide).

(ii) 18 Pa.C.S. § 2713 (relating to neglect of care-dependent person).

(iii) 18 Pa.C.S. § 2713.1 (relating to abuse of care-dependent person).

(iv) 18 Pa.C.S. § 4911 (relating to tampering with public records or information).

(v) 18 Pa.C.S. § 4913 (relating to impersonating a notary public or a holder of a professional or occupational license).

(vi) 18 Pa.C.S. § 5106 (relating to failure to report injuries by firearm or criminal act).

(vii) 18 Pa.C.S. § 5112 (relating to obstructing emergency services).

(viii) 18 Pa.C.S. § 5510 (relating to abuse of corpse).

(ix) 18 Pa.C.S. § 7509 (relating to furnishing drug-free urine).

(x) 18 U.S.C.A. § 1035, regarding false statements relating to health care matters.

(xi) 18 U.S.C.A. § 1347, regarding health care fraud.

(xii) Section 1407 of the Human Services Code (62 P.S. § 1407), pertaining to Medicaid fraud.

(xiii) Section 8(13) of the Pharmacy Act (63 P.S. § 390-8(13)), pertaining to procuring a drug by fraud in violation of the Pharmacy Act (63 P.S. §§ 390-1—390-13).

(xiv) Section 11 of the Nursing Home Administrators License Act (63 P.S. § 1111), pertaining to offenses under the Nursing Home Administrators License Act (63 P.S. §§ 1101—1114.2).

(xv) Criminal attempt, criminal conspiracy or criminal solicitation to commit any of the offenses listed in subparagraphs (i)—(xiv).

(xvi) An equivalent crime under the laws of this Commonwealth in effect at the time of the commission of that offense.

(xvii) An equivalent crime in another jurisdiction.

(b) The Board retains the discretion to determine that, due to the nature of the criminal conduct that led to the conviction, the licensure, certification, permitting or registration of an individual with a criminal conviction for an offense not listed in subsection (a) would pose a substantial risk to the health and safety of the individual's patients or clients or to the public or a substantial risk of further criminal convictions in accordance with § 43b.404(a)(2)(ii). The individual may rebut the Board's determination by showing evidence of rehabilitation utilizing the factors in § 43b.404(a)(3).

**§ 43b.440. Schedule of criminal convictions—State Board of Occupational Therapy Education and Licensure.**

(a) A conviction of any of the sexual offenses set forth in § 43b.421 (relating to schedule of sexual offenses) constitutes grounds to refuse to issue, suspend or revoke a license, certificate, registration or permit issued by the State Board of Occupational Therapy Education and Licensure (Board) in accordance with § 43b.404(b) (relating to consideration of criminal convictions).

(b) A conviction of any of the criminal offenses set forth in paragraphs (1) and (2) may constitute grounds to refuse to issue, suspend or revoke a license, certificate, registration or permit issued by the Board.

(1) Each of the crimes of violence set forth in § 43b.422 (relating to crimes of violence), in accordance with § 43b.404(c).

(2) The following additional criminal offenses that have been deemed by the Board as directly related to the professions regulated by the Board (occupational therapy and occupational therapy assisting), which shall raise a rebuttable presumption that the individual's licensure,

certification, permitting or registration poses a substantial risk to the individual's patients or clients or to the public or a substantial risk of further criminal convictions in accordance with § 43b.404(a)(2)(i):

(i) 18 Pa.C.S. § 2713 (relating to neglect of care-dependent person).

(ii) 18 Pa.C.S. § 4913 (relating to impersonating a notary public or a holder of a professional or occupational license).

(iii) 23 Pa.C.S. § 6319 (relating to penalties), pertaining to failure to report suspected child abuse.

(iv) Section 1407 of the Human Services Code (62 P.S. § 1407), regarding provider prohibited acts, criminal penalties and civil remedies, pertaining to Medicaid fraud.

(v) Section 16 of the Occupational Therapy Practice Act (63 P.S. § 1516) regarding refusal, suspension or revocation of license; refusal to renew; penalties; injunctive relief, pertaining to misdemeanor violations of the Occupational Therapy Practice Act (63 P.S. §§ 1501—1519).

(vi) Section 1102 of the Workers' Compensation Act (77 P.S. § 1039.2), regarding offenses, pertaining to insurance fraud under the Workers' Compensation Act (77 P.S. §§ 1—2710).

(vii) 18 U.S.C.A. § 1035, regarding false statements relating to health care matters.

(viii) 18 U.S.C.A. § 1347, regarding health care fraud.

(ix) Criminal attempt, criminal conspiracy or criminal solicitation to commit any of the offenses listed in subparagraphs (i)—(viii).

(x) An equivalent crime under the laws of this Commonwealth in effect at the time of the commission of that offense.

(xi) An equivalent crime in another jurisdiction.

(c) The Board retains the discretion to determine that, due to the nature of the criminal conduct that led to the conviction, the licensure, certification, permitting or registration of an individual with a criminal conviction for an offense not listed in subsection (a) would pose a substantial risk to the health and safety of the individual's patients or clients or to the public or a substantial risk of further criminal convictions in accordance with § 43b.404(a)(2)(ii). The individual may rebut the Board's determination by showing evidence of rehabilitation utilizing the factors in § 43b.404(a)(3).

**§ 43b.441. Schedule of criminal convictions—State Board of Optometry.**

(a) A conviction of any of the sexual offenses set forth in § 43b.421 (relating to schedule of sexual offenses) constitutes grounds to refuse to issue, suspend or revoke a license, certificate, registration or permit issued by the State Board of Optometry (Board) in accordance with § 43b.404(b) (relating to consideration of criminal convictions).

(b) A conviction of any of the criminal offenses set forth in paragraphs (1), (2) and (3) may constitute grounds to refuse to issue, suspend or revoke a license, certificate, registration or permit issued by the Board.

(1) Each of the crimes of violence set forth in § 43b.422 (relating to crimes of violence), in accordance with § 43b.404(c).

(2) A drug trafficking offense in accordance with § 43b.404(d).

(3) The following criminal offenses that have been deemed by the Board as directly related to the optometry profession, which shall raise a rebuttable presumption that the individual's licensure, certification, permitting or registration poses a substantial risk to the individual's patients or clients or to the public or a substantial risk of further criminal convictions in accordance with § 43b.404(a)(2)(i):

(i) 18 Pa.C.S. § 2713 (relating to neglect of care-dependent person).

(ii) 18 Pa.C.S. § 2713.1 (relating to abuse of care-dependent person).

(iii) 23 Pa.C.S. § 6319 (relating to penalties), pertaining to failure to report suspected child abuse.

(iv) Section 13(a)(2), (5), (6), (12), (13), (14), (17), (21), (25), (26), (27), (28), (30), (35), (36) and (37) of The Controlled Substance, Drug, Device and Cosmetic Act (35 P.S. § 780-113(a)(2), (5), (6), (12), (13), (14), (17), (21), (25), (26), (27), (28), (30), (35), (36) and (37)), pertaining to certain violations of The Controlled Substance, Drug, Device and Cosmetic Act (35 P.S. §§ 780-101—780-144).

(v) Section 8(13) of the Pharmacy Act (63 P.S. § 390-8(13)), pertaining to procuring a drug by fraud in violation of the Pharmacy Act (63 P.S. §§ 390-1—390-13).

(vi) Criminal attempt, criminal conspiracy or criminal solicitation to commit any of the offenses listed in subparagraphs (i)—(v).

(vii) An equivalent crime under the laws of this Commonwealth in effect at the time of the commission of that offense.

(viii) An equivalent crime in another jurisdiction.

(c) The Board retains the discretion to determine that, due to the nature of the criminal conduct that led to the conviction, the licensure, certification, permitting or registration of an individual with a criminal conviction for an offense not listed in subsection (a) would pose a substantial risk to the health and safety of the individual's patients or clients or to the public or a substantial risk of further criminal convictions in accordance with § 43b.404(a)(2)(ii). The individual may rebut the Board's determination by showing evidence of rehabilitation utilizing the factors in § 43b.404(a)(3).

**§ 43b.442. Schedule of criminal convictions—State Board of Osteopathic Medicine.**

(a) A conviction of any of the sexual offenses set forth in § 43b.421 (relating to schedule of sexual offenses) constitutes grounds to refuse to issue, suspend or revoke a license, certificate, registration or permit issued by the State Board of Osteopathic Medicine (Board) in accordance with § 43b.404(b) (relating to consideration of criminal convictions).

(b) A conviction of any of the criminal offenses set forth in paragraphs (1), (2) and (3) may constitute grounds to refuse to issue, suspend or revoke a license, certificate, registration or permit issued by the Board.

(1) Each of the crimes of violence set forth in § 43b.422 (relating to crimes of violence), in accordance with § 43b.404(c).

(2) A drug trafficking offense in accordance with § 43b.404(d).

(3) The following additional criminal offenses that have been deemed by the Board as directly related to the professions regulated by the Board, which shall raise a rebuttable presumption that the individual's licensure,

certification, permitting or registration poses a substantial risk to the individual's patients or clients or to the public or a substantial risk of further criminal convictions in accordance with § 43b.404(a)(2)(i):

(i) 18 Pa.C.S. § 2713 (relating to neglect of care-dependent person).

(ii) 18 Pa.C.S. § 2713.1 (relating to abuse of care-dependent person).

(iii) 18 Pa.C.S. § 3212 (relating to infanticide).

(iv) 18 Pa.C.S. § 3216 (relating to fetal experimentation).

(v) 18 Pa.C.S. § 4305 (relating to dealing in infant children).

(vi) 18 Pa.C.S. § 4913 (relating to impersonating a notary public or a holder of a professional or occupational license).

(vii) 18 Pa.C.S. § 4958 (relating to intimidation, retaliation or obstruction in child abuse cases).

(viii) 23 Pa.C.S. § 6319 (relating to penalties), pertaining to failure to report suspected child abuse.

(ix) 23 Pa.C.S. § 6346 (relating to cooperation of other agencies), pertaining to willful failure to cooperate in an investigation of suspected child abuse.

(x) Section 13(a)(2), (5), (6), (12), (13), (14), (17), (21), (25), (26), (27), (28), (30), (35), (36) and (37) of The Controlled Substance, Drug, Device and Cosmetic Act (35 P.S. § 780-113(a)(2), (5), (6), (12), (13), (14), (17), (21), (25), (26), (27), (28), (30), (35), (36) and (37)), pertaining to certain violations of The Controlled Substance, Drug, Device and Cosmetic Act (35 P.S. §§ 780-101—780-144).

(xi) Section 1407 of the Human Services Code (62 P.S. § 1407), pertaining to Medicaid fraud.

(xii) 18 U.S.C.A. § 1035, regarding false statements relating to health care matters.

(xiii) 18 U.S.C.A. § 1347, regarding health care fraud.

(xiv) Section 11(a) or (b) of the Osteopathic Medical Practice Act (63 P.S. § 271.11(a) or (b)), pertaining to criminal offenses under the Osteopathic Medical Practice Act (63 P.S. §§ 271.1—271.18).

(xv) Section 8 of the Pharmacy Act (63 P.S. § 390-8), pertaining to criminal offenses under the Pharmacy Act (63 P.S. §§ 390-1—390-13).

(xvi) Section 39(a) of the Medical Practice Act of 1985 (63 P.S. § 422.39(a)), pertaining to criminal offenses under the Medical Practice Act of 1985 (63 P.S. §§ 422.1—422.53).

(xvii) Criminal attempt, criminal conspiracy or criminal solicitation to commit any of the offenses listed in subparagraphs (i)—(xvi).

(xviii) An equivalent crime under the laws of this Commonwealth in effect at the time of the commission of that offense.

(xix) An equivalent crime in another jurisdiction.

(c) The Board retains the discretion to determine that, due to the nature of the criminal conduct that led to the conviction, the licensure, certification, permitting or registration of an individual with a criminal conviction for an offense not listed in subsection (a) would pose a substantial risk to the health and safety of the individual's patients or clients or to the public or a substantial risk of further criminal convictions in accordance with § 43b.404(a)(2)(ii). The individual may rebut the Board's

determination by showing evidence of rehabilitation utilizing the factors in § 43b.404(a)(3).

**§ 43b.443. Schedule of criminal convictions—State Board of Pharmacy.**

(a) A conviction of any of the sexual offenses set forth in § 43b.421 (relating to schedule of sexual offenses) constitutes grounds to refuse to issue, suspend or revoke a license, certificate, registration or permit issued by the State Board of Pharmacy (Board) in accordance with § 43b.404(b) (relating to consideration of criminal convictions).

(b) A conviction of any of the criminal offenses set forth in paragraphs (1), (2) and (3) may constitute grounds to refuse to issue, suspend or revoke a license, certificate, registration or permit issued by the Board.

(1) Each of the crimes of violence set forth in § 43b.422 (relating to crimes of violence), in accordance with § 43b.404(c).

(2) A drug trafficking offense in accordance with § 43b.404(d).

(3) The following additional criminal offenses that have been deemed by the Board as directly related to the pharmacy profession, which shall raise a rebuttable presumption that the individual's licensure, certification, permitting or registration poses a substantial risk to the individual's patients or clients or to the public or a substantial risk of further criminal convictions in accordance with § 43b.404(a)(2)(i):

(i) 18 Pa.C.S. § 3313 (relating to illegal dumping of methamphetamine waste).

(ii) 18 Pa.C.S. § 3929.3 (relating to organized retail theft).

(iii) 18 Pa.C.S. § 4913 (relating to impersonating a notary public or holder of a professional or occupational license).

(iv) 23 Pa.C.S. § 6319 (relating to penalties), pertaining to failure to report suspected child abuse.

(v) Section 13(a)(2), (5), (6), (12), (13), (14), (17), (21), (25), (26), (27), (28), (30), (35), (36) and (37) of The Controlled Substance, Drug, Device and Cosmetic Act (35 P.S. § 780-113(a)(2), (5), (6), (12), (13), (14), (17), (21), (25), (26), (27), (28), (30), (35), (36) and (37)), pertaining to certain violations of The Controlled Substance, Drug, Device and Cosmetic Act (35 P.S. §§ 780-101—780-144).

(vi) Section 1302 of the Medical Marijuana Act (35 P.S. § 10231.1302), regarding criminal diversion of medical marijuana.

(vii) Section 1306 of the Medical Marijuana Act (35 P.S. § 10231.1306), regarding adulteration of medical marijuana.

(viii) Section 1407 of the Human Services Code (62 P.S. § 1407), pertaining to Medicaid fraud.

(ix) 18 U.S.C.A. § 1035, regarding false statements relating to health care matters.

(x) 18 U.S.C.A. § 1347, regarding health care fraud.

(xi) Section 8 of the Pharmacy Act (63 P.S. § 390-8), pertaining to criminal offenses under the Pharmacy Act (63 P.S. §§ 390-1—390-13).

(xii) Criminal attempt, criminal conspiracy or criminal solicitation to commit any of the offenses listed in subparagraphs (i)—(xi).

(xiii) An equivalent crime under the laws of this Commonwealth in effect at the time of the commission of that offense.

(xiv) An equivalent crime in another jurisdiction.

(c) The Board retains the discretion to determine that, due to the nature of the criminal conduct that led to the conviction, the licensure, certification, permitting or registration of an individual with a criminal conviction for an offense not listed in subsection (a) would pose a substantial risk to the health and safety of the individual's patients or clients or to the public or a substantial risk of further criminal convictions in accordance with § 43b.404(a)(2)(ii). The individual may rebut the Board's determination by showing evidence of rehabilitation utilizing the factors in § 43b.404(a)(3).

**§ 43b.444. Schedule of criminal convictions—State Board of Physical Therapy.**

(a) A conviction of any of the sexual offenses set forth in § 43b.421 (relating to schedule of sexual offenses) constitutes grounds to refuse to issue, suspend or revoke a license, certificate, registration or permit issued by the State Board of Physical Therapy (Board) in accordance with § 43b.404(b) (relating to consideration of criminal convictions).

(b) A conviction of any of the criminal offenses set forth in paragraphs (1), (2) and (3) may constitute grounds to refuse to issue, suspend or revoke a license, certificate, registration or permit issued by the Board.

(1) Each of the crimes of violence set forth in § 43b.422 (relating to crimes of violence), in accordance with § 43b.404(c).

(2) A drug trafficking offense in accordance with § 43b.404(d).

(3) The following additional criminal offenses that have been deemed by the Board as directly related to the physical therapy profession, which shall raise a rebuttable presumption that the individual's licensure, certification, permitting or registration poses a substantial risk to the individual's patients or clients or to the public or a substantial risk of further criminal convictions in accordance with § 43b.404(a)(2)(i):

(i) 18 Pa.C.S. § 2713 (relating to neglect of care-dependent person).

(ii) 18 Pa.C.S. § 2713.1 (relating to abuse of care-dependent person).

(iii) 23 Pa.C.S. § 6319 (relating to penalties), pertaining to failure to report suspected child abuse.

(iv) Section 1407 of the Human Services Code (62 P.S. § 1407), pertaining to Medicaid fraud.

(v) 18 U.S.C.A. § 1035, regarding false statements relating to health care matters.

(vi) 18 U.S.C.A. § 1347, regarding health care fraud.

(vii) Section 12(a) of the Physical Therapy Practice Act (63 P.S. § 1312(a)) regarding penalties; injunctive relief, pertaining to criminal offenses under the Physical Therapy Practice Act (63 P.S. §§ 1301—1313).

(viii) Criminal attempt, criminal conspiracy or criminal solicitation to commit any of the offenses listed in subparagraphs (i)—(vii).

(ix) An equivalent crime under the laws of this Commonwealth in effect at the time of the commission of that offense.

(x) An equivalent crime in another jurisdiction.

(c) The Board retains the discretion to determine that, due to the nature of the criminal conduct that led to the conviction, the licensure, certification, permitting or registration of an individual with a criminal conviction for an offense not listed in subsection (a) would pose a substantial risk to the health and safety of the individual's patients or clients or to the public or a substantial risk of further criminal convictions in accordance with § 43b.404(a)(2)(ii). The individual may rebut the Board's determination by showing evidence of rehabilitation utilizing the factors in § 43b.404(a)(3).

**§ 43b.445. Schedule of criminal convictions—State Board of Podiatry.**

(a) A conviction of any of the sexual offenses set forth in § 43b.421 (relating to schedule of sexual offenses) constitutes grounds to refuse to issue, suspend or revoke a license, certificate, registration or permit issued by the State Board of Podiatry (Board) in accordance with § 43b.404(b) (relating to consideration of criminal convictions).

(b) A conviction of any of the criminal offenses set forth in paragraphs (1), (2) and (3) may constitute grounds to refuse to issue, suspend or revoke a license, certificate, registration or permit issued by the Board.

(1) Each of the crimes of violence set forth in § 43b.422 (relating to crimes of violence), in accordance with § 43b.404(c).

(2) A drug trafficking offense in accordance with § 43b.404(d).

(3) The following additional criminal offenses that have been deemed by the Board as directly related to the podiatry profession, which shall raise a rebuttable presumption that the individual's licensure, certification, permitting or registration poses a substantial risk to the individual's patients or clients or to the public or a substantial risk of further criminal convictions in accordance with § 43b.404(a)(2)(i):

(i) 23 Pa.C.S. § 6319 (relating to penalties), pertaining to failure to report suspected child abuse.

(ii) Section 13(a)(2), (5), (6), (12), (13), (14), (17), (21), (25), (26), (27), (28), (30), (35), (36) and (37) of The Controlled Substance, Drug, Device and Cosmetic Act (35 P.S. § 780-113(a)(2), (5), (6), (12), (13), (14), (17), (21), (25), (26), (27), (28), (30), (35), (36) and (37)), pertaining to certain violations of The Controlled Substance, Drug, Device and Cosmetic Act (35 P.S. §§ 780-101—780-144).

(iii) Section 1407 of the Human Services Code (62 P.S. § 1407), pertaining to Medicaid fraud.

(iv) 18 U.S.C.A. § 1035, regarding false statements relating to health care matters.

(v) 18 U.S.C.A. § 1347, regarding health care fraud.

(vi) Section 13 of the Podiatry Practice Act (63 P.S. § 42.13), pertaining to criminal offenses under the Podiatry Practice Act (63 P.S. §§ 42.1—42.21c).

(vii) Section 8 of the Pharmacy Act (63 P.S. § 390-8), pertaining to criminal offenses under the Pharmacy Act (63 P.S. §§ 390-1—390-13).

(viii) Criminal attempt, criminal conspiracy or criminal solicitation to commit any of the offenses listed in subparagraphs (i)—(vii).

(ix) An equivalent crime under the laws of this Commonwealth in effect at the time of the commission of that offense.

(x) An equivalent crime in another jurisdiction.

(c) The Board retains the discretion to determine that, due to the nature of the criminal conduct that led to the conviction, the licensure, certification, permitting or registration of an individual with a criminal conviction for an offense not listed in subsection (a) would pose a substantial risk to the health and safety of the individual's patients or clients or to the public or a substantial risk of further criminal convictions in accordance with § 43b.404(a)(2)(ii). The individual may rebut the Board's determination by showing evidence of rehabilitation utilizing the factors in § 43b.404(a)(3).

**§ 43b.446. Schedule of criminal convictions—State Board of Psychology.**

(a) A conviction of any of the sexual offenses set forth in § 43b.421 (relating to schedule of sexual offenses) constitutes grounds to refuse to issue, suspend or revoke a license, certificate, registration or permit issued by the State Board of Psychology (Board) in accordance with § 43b.404(b) (relating to consideration of criminal convictions).

(b) A conviction of any of the criminal offenses set forth in paragraphs (1), (2) and (3) may constitute grounds to refuse to issue, suspend or revoke a license, certificate, registration or permit issued by the Board.

(1) Each of the crimes of violence set forth in § 43b.422 (relating to crimes of violence), in accordance with § 43b.404(c).

(2) A drug trafficking offense in accordance with § 43b.404(d).

(3) The following additional criminal offenses that have been deemed by the Board as directly related to the psychology profession, which shall raise a rebuttable presumption that the individual's licensure, certification, permitting or registration poses a substantial risk to the individual's patients or clients or to the public or a substantial risk of further criminal convictions in accordance with § 43b.404(a)(2)(i):

(i) 18 Pa.C.S. § 2505 (relating to causing or aiding suicide).

(ii) 18 Pa.C.S. § 4906.1 (relating to false reports of child abuse).

(iii) 18 Pa.C.S. § 4958 (relating to intimidation, retaliation or obstruction in child abuse cases).

(iv) 23 Pa.C.S. § 6319 (relating to penalties), pertaining to failure to report suspected child abuse.

(v) Section 1407 of the Human Services Code (62 P.S. § 1407), pertaining to Medicaid fraud.

(vi) 18 U.S.C.A. § 1035, regarding false statements relating to health care matters.

(vii) 18 U.S.C.A. § 1347, regarding health care fraud.

(viii) Section 11 of the Professional Psychologists Practice Act (63 P.S. § 1211), pertaining to criminal offenses under the Professional Psychologists Practice Act (63 P.S. §§ 1201—1218).

(ix) Criminal attempt, criminal conspiracy or criminal solicitation to commit any of the offenses listed in subparagraphs (i)—(viii).

(x) An equivalent crime under the laws of this Commonwealth in effect at the time of the commission of that offense.

(xi) An equivalent crime in another jurisdiction.

(c) The Board retains the discretion to determine that, due to the nature of the criminal conduct that led to the conviction, the licensure, certification, permitting or registration of an individual with a criminal conviction for an offense not listed in subsection (a) would pose a substantial risk to the health and safety of the individual's patients or clients or to the public or a substantial risk of further criminal convictions in accordance with § 43b.404(a)(2)(ii). The individual may rebut the Board's determination by showing evidence of rehabilitation utilizing the factors in § 43b.404(a)(3).

**§ 43b.447. Schedule of criminal convictions—State Real Estate Commission.**

(a) A conviction of any of the criminal offenses in paragraphs (1) and (2) may constitute grounds to refuse to issue, suspend or revoke a license, certificate, registration or permit issued by the State Real Estate Commission (Commission).

(1) Each of the crimes of violence set forth in § 43b.422 (relating to crimes of violence), in accordance with § 43b.404(c) (relating to consideration of criminal convictions).

(2) The following additional criminal offenses that have been deemed by the Commission as directly related to the real estate profession, which shall raise a rebuttable presumption that the individual's licensure, certification, permitting or registration poses a substantial risk to the individual's clients or to the public or a substantial risk of further criminal convictions in accordance with § 43b.404(a)(2)(i):

(i) 18 Pa.C.S. § 3927 (relating to theft by failure to make required disposition of funds received).

(ii) 18 Pa.C.S. § 3932 (relating to theft of leased property).

(iii) 18 Pa.C.S. § 4101 (relating to forgery).

(iv) 18 Pa.C.S. § 4103 (relating to fraudulent destruction, removal or concealment of recordable instruments).

(v) 18 Pa.C.S. § 4104(a) (relating to tampering with records or identification), when graded as a misdemeanor.

(vi) 18 Pa.C.S. § 4107 (relating to deceptive or fraudulent business practices).

(vii) 18 Pa.C.S. § 4108 (relating to commercial bribery and breach of duty to act disinterestedly).

(viii) 18 Pa.C.S. § 4110 (relating to defrauding secured creditors).

(ix) 18 Pa.C.S. § 4111 (relating to fraud in insolvency).

(x) 18 Pa.C.S. § 4114 (relating to securing execution of documents by deception).

(xi) 18 Pa.C.S. § 4911 (relating to tampering with public records or information).

(xii) 18 Pa.C.S. § 4913 (relating to impersonating a notary public or holder of a professional or occupational license).

(xiii) 18 Pa.C.S. § 7310 (relating to furnishing free insurance as inducement for purchases).

(xiv) 18 Pa.C.S. § 7331 (relating to unlicensed mortgage loan business).

(xv) Criminal attempt, criminal conspiracy or criminal solicitation to commit any of the offenses listed in subparagraphs (i)—(xiv).

(xvi) An equivalent crime under the laws of this Commonwealth in effect at the time of the commission of that offense.

(xvii) An equivalent crime in another jurisdiction.

(b) The Commission retains the discretion to determine that, due to the nature of the criminal conduct that led to the conviction, the licensure, certification, permitting or registration of an individual with a criminal conviction for an offense not listed in subsection (a) would pose a substantial risk to the health and safety of the individual's clients or to the public or a substantial risk of further criminal convictions in accordance with § 43b.404(a)(2)(ii). The individual may rebut the Commission's determination by showing evidence of rehabilitation utilizing the factors in § 43b.404(a)(3).

**§ 43b.448. Schedule of criminal convictions—State Board of Social Workers, Marriage and Family Therapists and Professional Counselors.**

(a) A conviction of any of the sexual offenses set forth in § 43b.421 (relating to schedule of sexual offenses) constitutes grounds to refuse to issue, suspend or revoke a license, certificate, registration or permit issued by the State Board of Social Workers, Marriage and Family Therapists and Professional Counselors (Board) in accordance with § 43b.404(b) (relating to consideration of criminal convictions).

(b) A conviction of any of the criminal offenses set forth in paragraphs (1) and (2) may constitute grounds to refuse to issue, suspend or revoke a license, certificate, registration or permit issued by the Board.

(1) Each of the crimes of violence set forth in § 43b.422 (relating to crimes of violence), in accordance with § 43b.404(c).

(2) The following criminal offenses that have been deemed by the Board as directly related to the professions regulated by the Board, which shall raise a rebuttable presumption that the individual's licensure, certification, permitting or registration poses a substantial risk to the individual's patients or clients or to the public or a substantial risk of further criminal convictions in accordance with § 43b.404(a)(2)(i):

(i) 18 Pa.C.S. § 2505 (relating to causing or aiding suicide).

(ii) 18 Pa.C.S. § 2713 (relating to neglect of care-dependent person).

(iii) 18 Pa.C.S. § 2713.1 (relating to abuse of care-dependent person).

(iv) 18 Pa.C.S. § 4303 (relating to concealing death of child).

(v) 18 Pa.C.S. § 4958 (relating to intimidation, retaliation or obstruction in child abuse cases).

(vi) 23 Pa.C.S. § 6319 (relating to penalties), pertaining to failure to report suspected child abuse.

(vii) 23 Pa.C.S. § 6346 (relating to cooperation of other agencies), pertaining to willful failure to cooperate in investigation of child abuse.

(viii) Section 1407 of the Human Services Code (62 P.S. § 1407), pertaining to Medicaid fraud.

(ix) Criminal attempt, criminal conspiracy or criminal solicitation to commit any of the offenses listed in subparagraphs (i)—(viii).



(x) An equivalent crime under the laws of this Commonwealth in effect at the time of the commission of that offense.

(xi) An equivalent crime in another jurisdiction.

(c) The Board retains the discretion to determine that, due to the nature of the criminal conduct that led to the conviction, the licensure, certification, permitting or registration of an individual with a criminal conviction for an offense not listed in subsection (a) would pose a substantial risk to the health and safety of the individual's patients or clients or to the public or a substantial risk of further criminal convictions in accordance with § 43b.404(a)(2)(ii). The individual may rebut the Board's determination by showing evidence of rehabilitation utilizing the factors in § 43b.404(a)(3).

**§ 43b.449. Schedule of criminal convictions—State Board of Examiners in Speech-Language Pathology and Audiology.**

(a) A conviction of any of the sexual offenses set forth in § 43b.421 (relating to schedule of sexual offenses) constitutes grounds to refuse to issue, suspend or revoke a license, certificate, registration or permit issued by the State Board of Examiners in Speech-Language Pathology and Audiology (Board) in accordance with § 43b.404(b) (relating to consideration of criminal convictions).

(b) A conviction of any of the criminal offenses set forth in paragraphs (1) and (2) may constitute grounds to refuse to issue, suspend or revoke a license, certificate, registration or permit issued by the Board.

(1) Each of the crimes of violence set forth in § 43b.422 (relating to crimes of violence), in accordance with § 43b.404(c).

(2) The following additional criminal offenses that have been deemed by the Board as directly related to the professions regulated by the Board, which shall raise a rebuttable presumption that the individual's licensure, certification, permitting or registration poses a substantial risk to the individual's patients or clients or to the public or a substantial risk of further criminal convictions in accordance with § 43b.404(a)(2)(i):

(i) 18 Pa.C.S. § 2713 (relating to neglect of a care-dependent person).

(ii) 18 Pa.C.S. § 4913 (relating to impersonating a notary public or a holder of a professional or occupational license).

(iii) 23 Pa.C.S. § 6319 (relating to penalties), pertaining to failure to report suspected child abuse.

(iv) Section 1407 of the Human Services Code (62 P.S. § 1407), pertaining to Medicaid fraud.

(v) Section 18(a) of the Speech-Language Pathologists and Audiologists Licensure Act (63 P.S. § 1718(a)), pertaining to criminal offenses under the Speech-Language Pathologists and Audiologists Licensure Act (63 P.S. §§ 1701—1719).

(vi) Section 1102 of the Workers' Compensation Act (77 P.S. § 1039.2), pertaining to insurance fraud under the Workers' Compensation Act (77 P.S. §§ 1—2710).

(vii) 18 U.S.C.A. § 1035, regarding false statements relating to health care matters.

(viii) 18 U.S.C.A. § 1347, regarding health care fraud.

(ix) Criminal attempt, criminal conspiracy or criminal solicitation to commit any of the offenses listed in subparagraphs (i)—(viii).

(x) An equivalent crime under the laws of this Commonwealth in effect at the time of the commission of that offense.

(xi) An equivalent crime in another jurisdiction.

(c) The Board retains the discretion to determine that, due to the nature of the criminal conduct that led to the conviction, the licensure, certification, permitting or registration of an individual with a criminal conviction for an offense not listed in subsection (a) would pose a substantial risk to the health and safety of the individual's patients or clients or to the public or a substantial risk of further criminal convictions in accordance with § 43b.404(a)(2)(ii). The individual may rebut the Board's determination by showing evidence of rehabilitation utilizing the factors in § 43b.404(a)(3).

**§ 43b.450. Schedule of criminal convictions—State Board of Vehicle Manufacturers, Dealers and Salespersons.**

(a) A conviction of any of the criminal offenses in paragraphs (1) and (2) may constitute grounds to refuse to issue, suspend or revoke a license, certificate, registration or permit issued by the State Board of Vehicle Manufacturers, Dealers and Salespersons (Board).

(1) Each of the crimes of violence set forth in § 43b.422 (relating to crimes of violence), in accordance with § 43b.404(c) (relating to consideration of criminal convictions).

(2) The following additional criminal offenses that have been deemed by the Board as directly related to the vehicle profession, which shall raise a rebuttable presumption that the individual's licensure, certification, permitting or registration poses a substantial risk to the individual's clients or to the public or a substantial risk of further criminal convictions in accordance with § 43b.404(a)(2)(i):

(i) 18 Pa.C.S. § 4101 (relating to forgery).

(ii) 18 Pa.C.S. § 4104(a) (relating to tampering with records or identification), when graded as a misdemeanor.

(iii) 18 Pa.C.S. § 4107 (relating to deceptive or fraudulent business practices).

(iv) 18 Pa.C.S. § 4114 (relating to securing execution of documents by deception).

(v) 18 Pa.C.S. § 4118 (relating to washing vehicle titles).

(vi) 18 Pa.C.S. § 4913 (relating to impersonating a notary public or a holder of a professional or occupational license).

(vii) 75 Pa.C.S. § 7122 (relating to altered, forged or counterfeit documents and plates).

(viii) 75 Pa.C.S. § 7132 (relating to prohibited activities relating to odometers).

(ix) Criminal attempt, criminal conspiracy or criminal solicitation to commit any of the offenses listed in subparagraphs (i)—(viii).

(x) An equivalent crime under the laws of this Commonwealth in effect at the time of the commission of that offense.

(xi) An equivalent crime in another jurisdiction.

(b) The Board retains the discretion to determine that, due to the nature of the criminal conduct that led to the conviction, the licensure, certification, permitting or registration of an individual with a criminal conviction for an

offense not listed in subsection (a) would pose a substantial risk to the health and safety of the individual's clients or to the public or a substantial risk of further criminal convictions in accordance with § 43b.404(a)(2)(ii). The individual may rebut the Board's determination by showing evidence of rehabilitation utilizing the factors in § 43b.404(a)(3).

**§ 43b.451. Schedule of criminal convictions—State Board of Veterinary Medicine.**

(a) A conviction of any of the criminal offenses in paragraphs (1), (2) and (3) may constitute grounds to refuse to issue, suspend or revoke a license, certificate, registration or permit issued by the State Board of Veterinary Medicine (Board).

(1) Each of the crimes of violence set forth in § 43b.422 (relating to crimes of violence), in accordance with § 43b.404(c) (relating to consideration of criminal convictions).

(2) A drug trafficking offense in accordance with § 43b.404(d).

(3) The following additional criminal offenses that have been deemed by the Board as directly related to the veterinary medical profession, which shall raise a rebuttable presumption that the individual's licensure, certification, permitting or registration poses a substantial risk to the individual's patients or clients or to the public or a substantial risk of further criminal convictions in accordance with § 43b.404(a)(2)(i):

(i) 18 Pa.C.S. § 3129 (relating to sexual intercourse with animal).

(ii) 18 Pa.C.S. § 5532 (relating to neglect of animal).

(iii) 18 Pa.C.S. § 5533 (relating to cruelty to animal).

(iv) 18 Pa.C.S. § 5534 (relating to aggravated cruelty to animal).

(v) 18 Pa.C.S. § 5535 (relating to attack of service, guide or support dog).

(vi) 18 Pa.C.S. § 5536 (relating to tethering of unattended dog).

(vii) 18 Pa.C.S. § 5537 (relating to selling or using disabled horse).

(viii) 18 Pa.C.S. § 5538 (relating to transporting animals in cruel manner).

(ix) 18 Pa.C.S. § 5539 (relating to transporting equine animals in cruel manner).

(x) 18 Pa.C.S. § 5540 (relating to hours of labor of animals).

(xi) 18 Pa.C.S. § 5541 (relating to cruelty to cow to enhance appearance of udder).

(xii) 18 Pa.C.S. § 5542 (relating to animal mutilation and related offenses).

(xiii) 18 Pa.C.S. § 5543 (relating to animal fighting).

(xiv) 18 Pa.C.S. § 5544 (relating to possession of animal fighting paraphernalia).

(xv) 18 Pa.C.S. § 5545 (relating to killing homing pigeons).

(xvi) 18 Pa.C.S. § 5546 (relating to skinning of and selling or buying pelts of dogs and cats).

(xvii) 18 Pa.C.S. § 5547 (relating to live animals as prizes prohibited).

(xviii) 18 Pa.C.S. § 5548 (relating to police animals).

(xix) 18 Pa.C.S. § 5549 (relating to assault with a biological agent on animal, fowl or honey bees).

(xx) Criminal attempt, criminal conspiracy or criminal solicitation to commit any of the offenses listed in subparagraphs (i)—(xix).

(xxi) An equivalent crime under the laws of this Commonwealth in effect at the time of the commission of that offense.

(xxii) An equivalent crime in another jurisdiction.

(b) The Board retains the discretion to determine that, due to the nature of the criminal conduct that led to the conviction, the licensure, certification, permitting or registration of an individual with a criminal conviction for an offense not listed in subsection (a) would pose a substantial risk to the health and safety of the individual's patients or clients or to the public or a substantial risk of further criminal convictions in accordance with § 43b.404(a)(2)(ii). The individual may rebut the Board's determination by showing evidence of rehabilitation utilizing the factors in § 43b.404(a)(3).

**§ 43b.452. Time limits.**

For purposes of conducting the assessment required in § 43b.404 (relating to consideration of criminal convictions), a conviction of an offense identified by the relevant licensing board or commission as directly related to a profession or occupation in §§ 43b.423—43b.451 will no longer be considered directly related to the profession or occupation if at least 5 years have passed since the individual's conviction of that offense.

[Pa.B. Doc. No. 24-1493. Filed for public inspection October 18, 2024, 9:00 a.m.]

## Title 58—RECREATION

### PENNSYLVANIA GAMING CONTROL BOARD

#### [ 58 PA. CODE CHS. 617b, 633b AND 651b ]

#### **Roulette Side Wagers and Variations; Blackjack Side Wagers and Variations; Casino War Side Wagers and Variations; Temporary Regulations**

The Pennsylvania Gaming Control Board (board), under the general authority in 4 Pa.C.S. § 1202(b)(30) (relating to general and specific powers) and the specific authority in 4 Pa.C.S. § 13A02(1) and (2) (relating to regulatory authority) and § 13A03 (relating to temporary table game regulations), amends the temporary regulations in § 617b.5 (relating to Roulette X) and adopts the temporary regulations in §§ 617b.6, 617b.7, 633b.22 and 651b.2 to read as set forth in Annex A. The board's temporary regulations will be added to Part VII (relating to Gaming Control Board) as part of Subpart K (relating to table games).

#### *Purpose*

This temporary rulemaking adds new side wagers and variations to existing games available for play in this Commonwealth.

#### *Explanation*

The amendment of § 617b.5 and additions of §§ 617b.6 and 617b.7 (relating to Lightning Roulette—additional allowances; and Mega Fire Blaze Roulette) to Chapter 617b (relating to Roulette side wagers and variations—temporary regulations) add Paytable C as an additional payable option to Roulette X, the option to offer Light-

ning Roulette on a double zero wheel and an additional payout configuration option for Lightning Roulette. Additionally, Mega Fire Blaze Roulette, a variant of Roulette with the potential for increased payouts on certain wagers, is added.

The addition of § 633b.22 (relating to Lucky Ladies progressive) to Chapter 633b (relating to Blackjack side wagers and variations—temporary regulations) adds the option to offer the Lucky Ladies side wager with a progressive payout format.

Finally, the addition of § 651b.2 (relating to Casino War—additional tie wager payout odds options) to Chapter 651b (relating to Casino War side wagers and variations—temporary regulations) adds additional payout options for the tie wager.

*Fiscal Impact*

*Commonwealth.* The board does not expect that this temporary rulemaking will have a fiscal impact on the board or other Commonwealth agencies. Updates to Rules Submission forms and internal control procedures will be reviewed by existing board staff.

*Political subdivisions.* This temporary rulemaking will have no fiscal impact on political subdivisions of this Commonwealth.

*Private sector.* This temporary rulemaking will provide certificate holders with additional table game options. If a certificate holder decides to offer any of the side wagers or variations, or both, authorized under this temporary rulemaking within the licensed facility, the certificate holder will be required to train their dealers on the rules of play and purchase new equipment—specifically table layouts corresponding to the game and wagers offered. Costs incurred to train employees or purchase/lease equipment should be offset by the proceeds of gaming.

*General public.* This temporary rulemaking will have no fiscal impact on the general public.

*Paperwork Requirements*

If a certificate holder seeks to offer any of the side wagers or variations contained in these temporary regulations, the certificate holder will be required to submit a Rules Submission form reflecting the choices in how the game will be offered and with the selected side wagers and variations identified. These forms are available on the board’s public web site and submitted to board staff electronically.

*Effective Date*

This temporary rulemaking will become effective upon publication in the *Pennsylvania Bulletin* and will expire 2 years from the date of publication.

*Public Comments*

While this temporary rulemaking will be effective upon publication, the board is seeking comments from the public and affected parties as to how this temporary rulemaking might be improved. Interested persons are invited to submit written comments, suggestions or objections regarding this temporary rulemaking within 30 days after the date of publication in the *Pennsylvania Bulletin* to Robert Wood, Assistant Chief Counsel, Attention: Regulation # 125-251 Public Comment, Pennsylvania Gaming Control Board, 303 Walnut Street, 5th Floor, Harrisburg, PA 17101, or submitted by way of e-mail, subject: Regulation # 125-251 to PGCBregs@pa.gov.

*Contact Person*

The contact person for questions about this temporary rulemaking is Robert Wood, Assistant Chief Counsel, (717) 346-8300.

*Regulatory Review*

Under 4 Pa.C.S. § 13A03, the board is authorized to adopt temporary regulations which are not subject to the provisions of sections 201—205 of the act of July 31, 1968 (P.L. 769, No. 240), referred to as the Commonwealth Documents Law (CDL) (45 P.S. §§ 1201—1205); the Regulatory Review Act (RRA) (71 P.S. §§ 745.1—745.14); and sections 204(b) and 301(10) of the Commonwealth Attorneys Act (CAA) (71 P.S. §§ 732-204(b) and 732-301(10)). These temporary regulations expire 2 years after publication in the *Pennsylvania Bulletin*.

*Findings*

The board finds that:

(1) Under 4 Pa.C.S. § 13A03, the temporary regulations are exempt from the requirements of the RRA, sections 201—205 of the CDL and sections 204(b) and 301(10) of the CAA.

(2) The adoption of the temporary regulations is necessary and appropriate for the administration and enforcement of 4 Pa.C.S. Part II (relating to gaming).

*Order*

The board, acting under 4 Pa.C.S. Part II, orders that:

(1) The regulations of the board, 58 Pa. Code Chapters 617b, 633b and 651b are amended by amending § 617b.5 and adding §§ 617b.6, 617b.7, 633b.22 and 651b.2 to read as set forth in Annex A.

(2) The temporary regulations are effective October 19, 2024.

(3) The temporary regulations will be posted on the board’s web site and published in the *Pennsylvania Bulletin*.

(4) The temporary regulations shall be subject to amendment as deemed necessary by the board.

(5) The chairperson of the board shall certify this order and Annex A and deposit them with the Legislative Reference Bureau as required by law.

DENISE J. SMYLER,  
*Chairperson*

**Fiscal Note:** 125-251. No fiscal impact; recommends adoption.

**Annex A**

**TITLE 58. RECREATION**

**PART VII. GAMING CONTROL BOARD**

**Subpart K. TABLE GAMES**

**CHAPTER 617b. ROULETTE SIDE WAGERS AND VARIATIONS—TEMPORARY REGULATIONS**

**§ 617b.5. Roulette X.**

(a) A certificate holder may offer to players a game entitled Roulette X, a variation on Lightning Roulette. Unless otherwise provided under this section, Roulette X shall follow the rules and procedures of Lightning Roulette under § 617c.3 (relating to Lightning Roulette).

(b) The layout for a Roulette X table shall be submitted to the Bureau of Gaming Operations for approval in accordance with § 601a.10(a) (relating to approval of table game layouts, signage and equipment). A Roulette X

table shall have in place a board-approved Roulette random number generator that determines the multiplier and also determines the specific payout that will be paid for a winning straight wager placed on a multiplier.

(c) Roulette X may be played on either a single zero or double zero Roulette wheel.

(d) After all wagers have been placed, the random number generator shall be initiated and will select between two and five numbers on the layout that are the multipliers. The multipliers will be illuminated and will indicate what the increased payout will be for a winning straight wager placed on that multiplier.

(e) If the Roulette ball comes to rest in one of the numbers that has been illuminated as a multiplier and a

player has placed a straight wager on that number, the player's straight wager shall win and be paid based upon the increased payout displayed on the layout.

(f) Notwithstanding the provisions of § 617a.4 (relating to payout odds), if a player's straight wager wins but the number the player wagered on is not selected as a multiplier by the random number generator, the player shall be paid at odds corresponding to the certificate holder's selected payable under subsection (g).

(g) Roulette X wagers shall be settled according to one of the following paytables, which shall be included in the certificate holder's Rules Submission form filed in accordance with § 601a.2 (relating to table games Rules Submissions):

	<i>Paytable A</i>	<i>Paytable B</i>	<i>Paytable C</i>
Roulette wheels authorized	Single zero/double zero wheels	Double zero wheel	Single zero/double zero wheels
Straight wager payout odds	28 to 1	30 to 1	26 to 1
Multipliers	50 to 1	50 to 1	50 to 1
	100 to 1	100 to 1	100 to 1
	250 to 1	175 to 1	250 to 1
	500 to 1	250 to 1	1,000 to 1

#### § 617b.6. Lightning Roulette—additional allowances.

(a) A certificate holder may offer Lightning Roulette with any of the alternative configurations provided for in this section.

(b) Lightning Roulette may be offered for play with either a single zero wheel or a double zero wheel.

(c) Lightning Roulette may be offered with the possible payouts outlined in § 617c.3(g) (relating to Lightning Roulette) or any of the following:

- (i) 999 to 1.
- (ii) 499 to 1.
- (iii) 399 to 1.
- (iv) 349 to 1.
- (v) 299 to 1.
- (vi) 249 to 1.
- (vii) 199 to 1.
- (viii) 149 to 1.
- (ix) 99 to 1.
- (x) 49 to 1.

(d) Other aspects of the game of Lightning Roulette shall be governed by § 617c.3.

#### § 617b.7. Mega Fire Blaze Roulette.

(a) A certificate holder may, if specified in its Rules Submission under § 601a.2 (relating to table games Rules Submissions), offer to players a game variation entitled Mega Fire Blaze Roulette, where each player who places and wins a straight up, split, street, corner or basket, or line wager has the ability to win an increased payout based upon the results of a random number generator. If the certificate holder is offering Mega Fire Blaze Roulette, it must be played on a single zero Roulette wheel as described in § 617a.1(d) (relating to Roulette ball; Rou-

lette wheel and table; physical characteristics; double zero Roulette wheel used as a single zero Roulette wheel).

(b) The layout for a Mega Fire Blaze Roulette table shall be submitted to the Bureau of Gaming Operations for approval in accordance with § 601a.10(a) (relating to approval of table game layouts, signage and equipment). A Mega Fire Blaze Roulette table shall have in place a board-approved Roulette random number generator that determines the Fire Numbers and the Mega Fire Blaze bonus game outcome.

(c) Unless otherwise noted, Mega Fire Blaze Roulette shall follow the rules and procedures of Roulette, as outlined in Chapter 617a (relating to Roulette).

(d) A player may place any of the following wagers before each Roulette spin at any time before the croupier calls, "no more bets" in accordance with § 617a.3 (relating to placement of wagers) or before any betting time has expired:

- (i) Straight up, which is the Straight wager under § 617a.3(e)(1).
- (ii) Split bet, which is the Split wager under § 617a.3(e)(2).
- (iii) Street bet, which is the Three Numbers wager under § 617a.3(e)(3).
- (iv) Corner bet or Basket bet, which is the Four Numbers wager under § 617a.3(e)(4).
- (v) Line bet, which is the Six Numbers wager under § 617a.3(e)(6).
- (vi) Column wager under § 617a.3(e)(7).
- (vii) Dozen wager under § 617a.3(e)(8).
- (viii) Red wager under § 617a.3(e)(9).
- (ix) Black wager under § 617a.3(e)(10).
- (x) Odd wager under § 617a.3(e)(11).
- (xi) Even wager under § 617a.3(e)(12).

(xi) Low wager, which is the 1—18 wager under § 617a.3(e)(13).

(xii) High wager, which is the 19—36 wager under § 617a.3(e)(14).

(e) After all wagers have been placed, the random number generator shall be initiated and will select 1, 2, 3, 4, 5 or 10 numbers on the layout that are the Fire Numbers. The Fire Numbers will be illuminated.

(f) If the Roulette ball comes to rest in one of the Fire Numbers and a player has placed a straight up, split, street, corner or basket, or line wager on that number, the Mega Fire Blaze bonus game shall be played to determine the winning wager’s payout.

(g) The Mega Fire Blaze bonus game shall be a random number generator-based game which determines payout odds for qualifying winning wagers. The following apply:

(1) The Mega Fire Blaze bonus game shall consist of a grid comprised of 36 cells divided into 6 segments comprised of 6 cells.

(2) Each six-cell segment shall be designated with a special segment multiplier or a jackpot.

(3) The Mega Fire Blaze bonus game shall begin by applying an equal number of random multipliers as there were Fire Numbers in the base game. For example, if there were five Fire Numbers in the base game, then five cells shall be filled with random multipliers.

(4) The random number generator shall then determine which cells shall be filled with a random multiplier.

(5) The following shall apply when all six cells of a segment are filled with random multipliers:

(i) If the segment has a special segment multiplier, all of the random multipliers shall be increased by the special segment multiplier. For example, if the special segment multiplier is a 2, the cell with a 3 random multiplier would become a 6.

(ii) If the segment has a jackpot, a random number generator shall determine whether the jackpot is a Mini (20×), Minor (100×), Major (500×) or Grand (2,000×). The jackpot value shall not increase the values of the segment cells.

(6) At the conclusion of the Mega Fire Blaze bonus game, the random multipliers shall be totaled, including any winning jackpot values, to determine the payout for the winning base game wager.

(7) Potential random multipliers are 1, 2, 3, 4, 5, 10, 15 or 50.

(8) Potential special segment multipliers are 2, 3 or 5.

(9) The potential payout ranges for the winning base game wagers are as follows:

<i>Bet</i>	<i>Payout Range</i>
Straight up	29—5,999 to 1
Split	29—2,999 to 1
Street	29—1,999 to 1
Corner or Basket	29—1,499 to 1
Line	29—999 to 1

(h) Winning wagers that are not subject to the Mega Fire Blaze bonus game shall be paid according to the following payable:

<i>Bet</i>	<i>Payout</i>
Straight up	29 to 1
Split	14 to 1
Street	9 to 1
Corner or Basket	13 to 2
Line	4 to 1
Dozen	2 to 1
Column	2 to 1
Red	1 to 1
Black	1 to 1
Even	1 to 1
Odd	1 to 1
Low (1—18)	1 to 1
High (19—36)	1 to 1

**CHAPTER 633b. BLACKJACK SIDE WAGERS AND VARIATIONS—TEMPORARY REGULATIONS**

**§ 633b.22. Lucky Ladies progressive.**

(a) A certificate holder may offer players the option to place a Lucky Ladies progressive side wager, which is a progressive variation of the Lucky Ladies Twenty Point bonus wager authorized under § 633a.6(e)(1) (relating to wagers).

(b) The Lucky Ladies progressive side wager shall win if the player’s initial two cards have a total point count of 20.

(c) The layout for a Blackjack table shall be submitted to the Bureau of Gaming Operations and approved in accordance with § 601a.10(a) (relating to approval of table game layouts, signage and equipment) and if the certificate holder offers the Lucky Ladies progressive wager, in addition to the requirements in § 633a.2 (relating to Blackjack table; card reader device; physical characteristics; inspections), the layout shall contain a separate area for each player designated for the placement of the Lucky Ladies progressive wager.

(d) If the certificate holder is offering the Lucky Ladies progressive wager, the Blackjack table must have a progressive table game system, in accordance with § 605a.7 (relating to progressive table games), for the placement of the Lucky Ladies progressive wager. If the certificate holder is offering a progressive payout wager on multiple linked tables or games in the same licensed facility, the progressive table game system must comply with the requirements in § 605a.8 (relating to linked progressive table games). The progressive table game system must include all of the following:

(1) A wagering device at each betting position that acknowledges or accepts the placement of the Lucky Ladies progressive wager.

(2) A device that controls or monitors the placement of Lucky Ladies progressive wagers at the gaming table, including a mechanism, such as a lock-out button, that prevents the recognition of any progressive wager that a player attempts to place after the dealer has announced “no more bets.”

(e) If specified in its Rules Submission form required under § 601a.2 (relating to table games Rules Submissions), a certificate holder may offer to each player who placed a Blackjack wager in accordance with § 633a.6(d) the option of placing a Lucky Ladies progressive wager.

(f) After placing a Blackjack wager as required in § 633a.6(d) and any optional wagers including the Lucky Ladies progressive wager, the dealer shall announce “no more bets” and, if the Lucky Ladies progressive wager is being offered, use the progressive table game system to prevent the placement of any additional progressive wagers. If any progressive wagers have been made, the dealer shall collect the wagers and, on the layout in front of the table inventory container, verify that the number of value chips wagered equals the number of progressive wagers accepted by the progressive table game system. The dealer shall then place the value chips into the table inventory container.

(g) The dealer shall then deal the cards in accordance with § 633a.7(a)—(g) (relating to procedure for dealing the cards; completion of each round of play). Immediately after the second card is dealt to each player and the dealer, but prior to any additional cards being dealt or before a card reader device is utilized, the dealer shall, starting with the player farthest to the dealer’s right and continuing around the table in a counterclockwise direction, settle the player’s optional wagers by collecting all losing wagers and paying all winning wagers. The following apply:

(1) If a player placed a Lucky Ladies progressive wager and the player’s initial two cards do not have a point count total of 20, the Lucky Ladies progressive wager is lost and shall be collected.

(2) If a player placed a Lucky Ladies progressive wager and the player’s initial two cards have a point count total of 20, the dealer shall pay the winning Lucky Ladies progressive wager in accordance with subsection (i).

(h) If a player has won a Lucky Ladies progressive payout, the dealer shall do all of the following:

(1) Verify that the hand is a winning hand.

(2) Verify that the appropriate light on the progressive table game system has been illuminated.

(3) Have a floorperson or above validate the progressive payout in accordance with the certificate holder’s approved internal control procedures.

(4) Pay the winning Lucky Ladies progressive wager in accordance with the payout odds in subsection (i). If a player has won a progressive payout that is a percentage of the jackpot amount on the progressive meter, the progressive payout may not be paid from the table inventory container. If a player has won a progressive payout that is not being paid from the table inventory container, the cards of that player must remain on the table until the necessary documentation has been completed.

(i) The certificate holder shall pay out winning Lucky Ladies progressive wagers at the odds in one of the following payout tables selected by the certificate holder in its Rules Submission form filed in accordance with § 601a.2:

<i>Hand Combination</i>	<i>Paytable 1</i>	<i>Paytable 2</i>	<i>Paytable 3</i>
Queen of hearts pair with dealer Blackjack (hearts)	100% of meter	100% of meter	100% of meter
Queen of hearts pair with dealer Blackjack (suited)	100% of meter	100% of meter	100% of meter
Queen of hearts pair with dealer Blackjack (non-suited)	100% of meter	100% of meter	25% of meter
Queen of hearts pair	200 for 1	200 for 1	250 for 1
Matched 20	25 for 1	20 for 1	50 for 1
Suited 20	10 for 1	10 for 1	10 for 1
Any 20	2 for 1	3 for 1	2 for 1

<i>Hand Combination</i>	<i>Paytable 4</i>	<i>Paytable 5</i>	<i>Paytable 6</i>
Queen of hearts pair with dealer Blackjack (hearts)	100% of meter	100% of meter	100% of meter
Queen of hearts pair with dealer Blackjack (suited)	100% of meter	100% of meter	100% of meter
Queen of hearts pair with dealer Blackjack (non-suited)	1,000 for 1	100% of meter	100% of meter
Queen of hearts pair	200 for 1	250 for 1	150 for 1
Matched 20	50 for 1	30 for 1	20 for 1
Suited 20	10 for 1	10 for 1	10 for 1
Any 20	2 for 1	2 for 1	3 for 1

<i>Hand Combination</i>	<i>Paytable 7</i>	<i>Paytable 8</i>	<i>Paytable 9</i>
Queen of hearts pair with dealer Blackjack (hearts)	100% of meter	100% of meter	100% of meter
Queen of hearts pair with dealer Blackjack (suited)	100% of meter	100% of meter	25% of meter
Queen of hearts pair with dealer Blackjack (non-suited)	25% of meter	750 for 1	10% of meter
Queen of hearts pair	200 for 1	150 for 1	250 for 1
Matched 20	25 for 1	25 for 1	25 for 1
Suited 20	10 for 1	10 for 1	10 for 1
Any 20	2 for 1	2 for 1	2 for 1

<i>Hand Combination</i>	<i>Paytable 10</i>
Queen of hearts pair with dealer Blackjack (hearts)	100% of meter
Queen of hearts pair with dealer Blackjack (suited)	3,000 for 1
Queen of hearts pair with dealer Blackjack (non-suited)	1,000 for 1
Queen of hearts pair	150 for 1
Matched 20	25 for 1
Suited 20	10 for 1
Any 20	2 for 1

(j) The initial seed and reseed amounts, increment rate and reserve rate listed in the following chart shall correspond with the payable selected under subsection (i) and shall be included by the certificate holder in its Rules Submission form filed in accordance with § 601a.2:

<i>Paytable</i>	<i>Initial Seed (multiple of wager)</i>	<i>Incrementation Rate</i>	<i>Reserve Rate</i>
Paytable 1	2,000×	17%	4%
Paytable 2	2,000×	17%	4%
Paytable 3	5,000×	16%	4%
Paytable 4	5,000×	16%	4%
Paytable 5	2,000×	17%	N/A reseeded with initial seed amount
Paytable 6	2,000×	17%	N/A reseeded with initial seed amount
Paytable 7	5,000×	18%	5%
Paytable 8	5,000×	18%	5%
Paytable 9	5,000×	18%	2%
Paytable 10	10,000×	18%	4%

(k) The paytables outlined under subsection (i) may only be offered in conjunction with Blackjack games which utilize the following number of decks of cards:

<i>Paytable</i>	<i>Number of Decks</i>
Paytable 1	2, 4, 5, 6 or 8
Paytable 2	2
Paytable 3	2
Paytable 4	2
Paytable 5	4, 5, 6 or 8
Paytable 6	4, 5, 6 or 8
Paytable 7	4, 5, 6 or 8
Paytable 8	4, 5, 6 or 8

<i>Paytable</i>	<i>Number of Decks</i>
Paytable 9	4, 5, 6 or 8
Paytable 10	4, 5, 6 or 8

(l) If in the same round of play two or more players have won the same progressive jackpot amount on the progressive meter, the jackpot amount shall be split equally between the winning players.

(m) After settling the Lucky Ladies progressive wagers, the dealer shall continue the hand in accordance with § 633a.7(i)–(t).

**CHAPTER 651b. CASINO WAR SIDE WAGERS AND VARIATIONS—TEMPORARY REGULATIONS**

**§ 651b.2. Casino War—additional tie wager payout odds options.**

(a) If a certificate holder offers the game of Casino War under Chapter 651a (relating to Casino War), if specified in their Rules Submission, they may elect to offer the tie wagers with one of the following payout odds:

- (i) 11 to 1.
- (ii) 12 to 1.

(b) Except as provided under subsection (a), all aspects of the game shall be governed by the rules and procedures of Chapter 651a.

[Pa.B. Doc. No. 24-1494. Filed for public inspection October 18, 2024, 9:00 a.m.]

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# NOTICES

## DEPARTMENT OF BANKING AND SECURITIES

### Actions on Applications

The Department of Banking and Securities (Department), under the authority in the Banking Code of 1965 (7 P.S. §§ 101—2204), the Department of Banking and Securities Code (71 P.S. §§ 733-1—733-1203) and 17 Pa.C.S. (relating to Credit Union Code), has taken the following actions on applications received for the week ending October 8, 2024.

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

### APPLICATIONS FOR COMMENT

#### BANKING INSTITUTIONS

No activity.

#### CREDIT UNIONS

No activity.

### OTHER APPLICATION ACTIVITY

#### BANKING INSTITUTIONS

##### Branch Applications

##### Branch Relocations

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Status</i>
10-04-2024	Citizens & Northern Bank Wellsboro Tioga County	<i>To:</i> 3 Terry Drive Newtown Bucks County  <i>From:</i> 33 East Swamp Road Newtown Bucks County	Accepted

#### CREDIT UNIONS

##### Branch Applications

##### Branch Discontinuances

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Status</i>
09-27-2024	Belco Community Credit Union Harrisburg Dauphin County	3500 Trindle Road Camp Hill Cumberland County	Closed

The Department's web site at [www.pa.gov/dobs](http://www.pa.gov/dobs) includes public notices for more recently filed applications.

WENDY S. SPICHER,  
*Secretary*

[Pa.B. Doc. No. 24-1495. Filed for public inspection October 18, 2024, 9:00 a.m.]

## DEPARTMENT OF BANKING AND SECURITIES

### Maximum Lawful Rate of Interest for Residential Mortgages for the Month of November 2024

The Department of Banking and Securities (Department), under the authority contained in section 301 of the act of January 30, 1974 (P.L. 13, No. 6) (41 P.S. § 301), determines that the maximum lawful rate of interest for

residential mortgages for the month of November 2024, is 6.5%.

The interest rate limitations under the Commonwealth's usury statute were pre-empted to a great extent by Federal law, the Depository Institutions Deregulation and Monetary Control Act of 1980 (Pub.L. No. 96-221). Further pre-emption was instituted with the signing of Pub.L. No. 96-399, which overrode State interest rate limitations on any individual who finances the sale or exchange of residential real property which the individual

owns and which the individual occupies or has occupied as his principal residence.

Each month the Department is required by State law to compute and announce the ceiling rate on residential mortgages in this Commonwealth. This maximum rate is determined by adding 2.50 percentage points to the yield rate on long-term government bonds as published by the Federal Reserve Board or the United States Treasury, or both. The latest yield rate on long-term government securities is 3.95 to which was added 2.50 percentage points for a total of 6.45 that by law is rounded off to the nearest quarter at 6.5%.

WENDY S. SPICHER,  
*Secretary*

[Pa.B. Doc. No. 24-1496. Filed for public inspection October 18, 2024, 9:00 a.m.]

## DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT

### Declaration of Intent to Enter into Section 106 Programmatic Agreement

The Department of Community and Economic Development (Department) has elected to enter into a programmatic agreement with the Pennsylvania State Historic Preservation Office, the United States Department of Housing and Urban Development (HUD) and the Advisory Council on Historic Preservation to ensure compliance with section 106 of the National Historic Preservation Act of 1966 (54 U.S.C. § 306108) for HUD-Assisted projects and programs subject to 24 CFR Part 50 and Part 58 (relating to protection and enhancement of environmental quality; and environmental review procedures for entities assuming HUD environmental responsibilities).

Interested parties may make comment to the Department regarding its intent to enter into the programmatic agreement. Comments may be submitted electronically to David Grey, Chief of Compliance, Center for Community and Housing Development, [dcedchdpubliccomments@pa.gov](mailto:dcedchdpubliccomments@pa.gov). Comments will also be accepted by telephone by calling (717) 787-5327 or written comments may be mailed to David Grey, Center for Community and Housing Development, Department of Community and Economic Development, 400 North Street, 4th Floor, Commonwealth Keystone Building, Harrisburg, PA 17120-0225. Comments must be received by 4 p.m. on November 18, 2024.

RICK SIGER,  
*Secretary*

[Pa.B. Doc. No. 24-1497. Filed for public inspection October 18, 2024, 9:00 a.m.]

## DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

### Retention of Environmental Engineering Firms; Project Reference No. FDC-500-818

The Department of Conservation and Natural Resources (Department) is issuing this Request for Propos-

als (RFP) from interested and qualified design professional firms (Consultant) for an open-end contract or contracts to perform environmental engineering design services for various projects located in State forests and State parks throughout this Commonwealth. The contract or contracts will be for a 12-month period with four 12-month extensions possible. Projects will be assigned on an as needed basis to ensure proper and safe operations of the Department's infrastructure and facilities. The contract or contracts will be managed by the Department's Bureau of Facility Design and Construction (Bureau).

The number of open-end contracts and the dollar amount of each contract will be at the discretion of the Department for the first year. The extent of the work for the subsequent 4 years of the contract will be dependent on the availability of additional funds and additional projects for those years, also at the discretion of the Department.

Proposals will only be accepted from individuals, firms or corporations duly authorized to engage in the practice of engineering. If an individual, firm or corporation not authorized to engage in the practice of engineering wishes to submit a proposal, the individual, firm or corporation may do so as part of a joint venture with an individual, firm or corporation which is permitted under State law to engage in the practice of engineering in this Commonwealth.

#### *Background*

Established on July 1, 1995, the Department is charged with: maintaining and preserving the 124 State parks; managing the 2.2 million acres of State forest land; providing information on the ecological and geologic resources in this Commonwealth; and establishing community conservation partnerships with grants and technical assistance to benefit rivers, trails, greenways, local parks and recreation, regional heritage parks, open space and natural areas.

The Bureau provides multidisciplinary facility and infrastructure technical support to the other bureaus in the Department in the areas of project design, project inspections, construction management, contract administration, surveying, and other technical advice and consultation. This Bureau is comprised of three divisions: Dams, Bridges and Roadways Engineering; Environmental Engineering and Architecture; and Field Engineering and Contracts Management.

The Bureau's Central Office (located in Harrisburg) is responsible for the development of architectural, landscape architectural, water and sanitary, bridge and roadway, and civil and environmental projects required to support the Department's facility construction and maintenance program. The Central Office is comprised of five design sections: Architectural Design; Landscape Design; Sanitary and Water Management; Bridges and Road Management; and Civil Design. In addition to project design, staff also provides technical architectural and engineering support and advice to assist field operations in State parks and State forests.

The Bureau also has four field offices: Northcentral Office in Emporium; Western Office in Moraine State Park; Southcentral Office in Shawnee State Park; and Eastern Office in Nockamixon State Park. Each office is responsible for providing direct engineering and technical support to the State parks and State forests field operation staff in their area. Staff is responsible for project inspection and construction management to ensure con-

tractor compliance with the construction contract documents as well as some project design.

## PART I GENERAL INFORMATION

I.1. *Issuing Office.* The Department has issued this RFP on behalf of the Commonwealth. The sole point of contact for this RFP will be the Issuing Officer listed as follows. Refer all inquiries to the Issuing Officer, Ryan Rhoades, Department of Conservation and Natural Resources, Bureau of Facility Design and Construction, P.O. Box 8451, Harrisburg, PA 17105-8451, 400 Market Street, 8th Floor, Harrisburg, PA 17101, ryanrhoades@pa.gov.

I-2. *Purpose.* Services to be provided primarily will be environmental engineering in nature but may also include associated architectural, site, civil, landscape, structural, mechanical, plumbing and electrical disciplines. They may occasionally include other related engineering work such as bridges, roadway, geotechnical, alternative energy and utility infrastructure. Project types may include, but are not be limited to, water and sewage conveyance and treatment systems, stormwater management, erosion and sediment control, site design, public bathing places (for example, swimming pools and water playgrounds), environmental and wetland assessments, environmental studies, environmental permitting and other civil/environmental engineering-related work as assigned by the Department.

Construction budgets for typical projects have ranged from as low as \$10,000 to as high as \$7 million. The average construction budget is likely to be less than \$2 million. Consultants should give strong consideration to the typical project size when submitting a proposal in response to this RFP.

Services anticipated under the contract may include project planning, scoping and programming; budget estimating; site visits; existing facility review, assessment and documenting; necessary field surveys; plot topography and cross sections; procurement of core borings; providing soil, infiltration, percolation and foundation engineering reports; investigating utility involvement; evaluating alternatives using benefit/cost analysis; life cycle cost analysis; inspecting simple, major and unusual structures; developing rehabilitation strategies; environmental, historical and cultural clearances; conceptual design; design development; construction documentation including preparation of drawings and specifications; detailed cost estimating; alternatives costs analysis; utility coordination; permit preparation and submission; and construction administration including construction submission review and construction inspection. Permitting services may include Public Water Supply Permit Applications, Sewage Planning and NPDES Permitting, Water Quality Management Permits (WQG-01/WQG-02), Pa DEP Chapter 102 Erosion and Sediment Control Plans and PAG-02 NPDES Construction Stormwater, Pa DEP Chapter 105 Water Encroachments Permits (GP-1 through GP-11 and Army Corps of Engineers Section 401/404 Individual Permits), Storm Water Management Plans, Land Development Plans and PA UCC Building Permits.

Areas of related environmental studies associated with these design projects may include, but are not limited to, geological studies, ecological studies, site design, water and wastewater, Act 537 planning, stream and wetland delineations, soil studies and testing, Pennsylvania Natural Diversity Inventory searches and rare, threatened and endangered species surveys. The environmental studies

shall be conducted in accordance with accepted analysis techniques and methodologies and may include any or all of the following to ensure a complete environmental investigation has been performed: providing all necessary environmental services, material and equipment necessary to collect, analyze and organize data; assessing impacts; and preparing reports and design mitigation plans. The reports and other graphic material to be prepared may include, but are not limited to, plans of study, meeting minutes, preparation of permit application documents, mitigation plans and reports, and wetland and floodplain findings.

Work should be performed with a focus on environmentally sustainable design and construction principles and practices and climate change adaptation, mitigation and resiliency. Projects designed under this contract must achieve a high level of environmental performance, durability, energy and resource efficiency, and healthy air quality through integrated design and sustainable practices, features and technologies. Designs must implement financially feasible and technologically sound strategies to conserve energy and to surpass current norms for water conservation, waste management and recycling. Furthermore, the quality of the indoor environment (including quality of indoor air, light, acoustics and personal controllability of building systems) must be of primary consideration. Sustainability must be incorporated into the earliest design decisions.

Projects will be located throughout this Commonwealth. The Consultant will be required to travel to the project sites.

The Department will make project assignments through individual Work Orders. The scope of the Work Order may range from full responsibility for all aspects of the design to a collaborative design effort with Department in-house staff where only one or more specific design disciplines are required. Work Orders may be for a single phase or portion of a project, such as conceptual design, or for all phases of the entire project. The work will be identified in the Work Order by a series of tasks that encompass the full scope of the project. The number and description of the tasks will vary based on a project's scope and complexity. A typical Work Order will require formal submissions at the end of the sketch (10%), preliminary (50%), prefinal (95%) and final (100%) design stages. Complexity may require more or less submissions for certain projects. The Consultant will be required to develop and maintain a detailed project schedule showing all related project tasks including design phases, submissions, review periods and timelines for required permits. The project schedule will identify the critical path for completion for the project. The Bureau will assign a Project Coordinator to each Work Order. The Project Coordinator may change from project to project. A performance review may be performed by the Project Coordinator at the completion of the Work Order and may be used in assigning additional projects to the Consultant.

The Department's standard contract method is multiple prime, design-bid-build, although other contract methods, such as design-build or nonbid construction methods, including construction by Department staff, may be used. The Consultant will be required to prepare construction documents appropriate to the contract method selected by the Department.

The Consultant will be required to submit project data and documents in both written and electronic form. Drawings will be required to comply with the Department's computer aided drafting (CAD) standard. Three-

dimensional drawings will be expected throughout the design process and presentation renderings may be required at the completion of design.

I-3. *Qualifications.* The Consultant shall have staff available to provide rapid services associated with assigned projects. The Consultant may be called upon to provide services on multiple projects at the same time. The Consultant shall have demonstrated knowledge of the building design and construction method.

The following minimum qualifications will be required of all Consultants:

- Possess current professional registrations required to perform required services.
- Be licensed to conduct business in this Commonwealth.
- Have sufficient staff or subconsultants experienced in the various required services.
- Have an established quality control and assurance program that includes all members of the design team including subconsultants, for checking documents for accuracy, consistency, coordination, quality and compliance with all necessary codes and regulations and Department standards.
- Have experience in the field of sustainable building design and a demonstrated ability to comprehensively integrate the concept of sustainability into the project.
- Have design capabilities in digital format (AutoCAD).
- Have the ability to produce three-dimensional drawings to further illustrate design intent.

I-4. *Type of Contract.* The type of contract as a result of this RFP will be an open-end, requirements contract. The Department will assign work on an as needed basis as determined by the Department. Reimbursement for services will be by either fixed fee percentage based upon project allocation or hours of service per task and qualifying expenses. Reimbursement type may vary from project to project and will be at the Department's discretion. Bureau staff will review and, when applicable, approve the work. The selected Offerors will be expected to enter into an agreement for professional services with the Department in substantially the same form as the contract found at <https://www.dcnr.pa.gov/Business/ConstructionBids/Pages/default.aspx>.

I-5. *Small Diverse Business and Veteran Business Enterprise Information.* For projects where the scope of the design work is estimated at \$600,000 or greater, the Department may include requirements regarding Small Diverse Business (SDB) or Veteran Business Enterprise (VBE) participation through the setting of SDB and VBE participation goals. Those goals will be calculated for each individual Work Order based upon the scope of the design work and available SDB or VBE firms, but they will not be greater than 16% for SDB participation and 3% for VBE participation. SDB and VBE participation goals—and commitments made toward meeting those goals—will be calculated based upon the cost of the Work Order for that project. For a Consultant to be retained for the Work Order, the Consultant must agree to meet both project-specific goals in full or receive an approved waiver for any unmet portion of the goals. Commitments to utilize SDBs and VBEs for a project will become contractual obligations of the Consultant for that Work Order.

Only those firms that have received a Department of General Services (DGS) issued SDB or VBE verification as of the Work Order submittal date and time can be

used towards meeting SDB and VBE participation goals. Because the SDB and VBE verification process can take up to 6 months and the Department anticipates that the response times for these projects may be very short, the Department encourages firms who may be eligible for SDB or VBE verification to begin the process immediately. Information regarding SDB or VBE verification is available at <https://www.dgs.pa.gov/Small%20Diverse%20Business%20Program/Documents/Small%20Business%20Application%20Guide.pdf>.

Offerors can locate DGS-verified SDBs and VBEs within the Supplier Search database at <http://www.dgs.internet.state.pa.us/suppliersearch>.

Additional information regarding the SDB and VBE participation requirements will be provided along with each project scope.

I-6. *Worker Protection and Investment.* Under Executive Order 2021-06, Worker Protection and Investment (October 21, 2021), the Commonwealth is responsible for ensuring that every worker in this Commonwealth has a safe and healthy work environment and the protections afforded them through labor laws. Contractors of the Commonwealth must certify that they are in compliance with all applicable State labor and workforce safety laws in this Commonwealth. The certification must be made through the Worker Protection and Investment Certification Form (BOP-2201) and submitted with the proposal. See Part II, Section II-1, J.

I-7. *Rejection of Proposals.* The Issuing Office may, in its sole and complete discretion, reject any proposal received as a result of this RFP.

I-8. *Incurring Costs.* The Issuing Office is not liable for any costs the Offeror incurs in preparation and submission of its proposal, in participating in the RFP process or in anticipation of award of the contract.

I-9. *Questions and Answers.* If an Offeror has any questions regarding this RFP, the Offeror must submit the questions by e-mail (with the subject line "Project Reference No. FDC-500-818 Question") to the Issuing Officer named in Part I, Section I-1 of this RFP. Questions must be submitted as individual questions. Questions must be submitted no later than 7 days prior to the proposal response date. Offerors shall not attempt to contact the Issuing Officer for questions by any other means. Questions and responses are considered an addendum to, and part of, this RFP. The Issuing Office is not bound by any verbal information, nor is it bound by any written information that is not either contained within the RFP or formally issued by the Issuing Office. The Issuing Office does not consider questions to be a protest of the specifications or the solicitation.

I-10. *Addenda to the RFP.* If the Department deems it necessary to revise any part of this RFP before the proposal response date, the Issuing Office will post an addendum to the Department's web site at <https://www.dcnr.pa.gov/Business/ConstructionBids/Pages/default.aspx>. It is the Offeror's responsibility to periodically check the web site for any new information or addenda to the RFP.

I-11. *Response Date.* To be considered for selection, electronic proposals must be submitted on or before the time and date specified. The Issuing Office will reject any late proposals.

I-12. *Notification of Selection.* The Department will notify offerors whose proposals are not selected when the Department has successfully completed contract negotia-

tions and has received the final negotiated contract signed by the selected Offeror.

I-13. *Debriefing Conference.* The Department will not offer a debriefing session to the unsuccessful Offerors.

## PART II PROPOSAL REQUIREMENTS

Offerors must submit their proposals in the format, including heading descriptions, outlined as follows. To be considered, the proposal must respond to all requirements in this part of the RFP. Offerors should provide any other information thought to be relevant, but not applicable to the enumerated categories, as an appendix to the Proposal.

II-1. *Technical Submittal.* Proposals must include the following items and information:

A. Proposal Cover Sheet (Appendix A).

B. A description of the Offeror's understanding of the Department's needs and the services required. This description must include why and how the Offeror is qualified to provide these services.

C. A description of the Offeror's project approach and methodology, including the approach to the managerial, technical and administrative aspects of the project. Describe how the scope, schedule, budget and quality of a project are managed and controlled. Address communication and coordination strategies internal to the design team, with subconsultants, with the client and with other outside agencies. Describe how an integrated design process is approached and has been used on past projects.

D. A description of the Offeror's sustainable design experience, including specialized knowledge and expertise in as many of the following areas of sustainable design as possible: environmentally sound site design and planning; sustainability performance standards for energy efficiency; water efficiency; indoor air quality; environmentally sound materials; construction waste management and prevention; and low maintenance design and materials. Include a description of how sustainable design is made an integral part of the Offeror's building design process.

E. A detailed description of the Offeror's quality control and assurance program, including how subconsultants are included in this program. Describe what steps are taken to ensure accurate, fully coordinated construction documents. Provide the name of the person responsible for quality control and describe their qualifications to perform this task.

F. A description of the Offeror's qualifications to complete the required services. Include firm history and experience on similar projects. Describe the resources of the firm, including number/discipline of personnel, ability to respond to schedule acceleration and the like. Include roles and experience of proposed subconsultants.

G. Resumes of personnel who will be involved in providing the services described in this RFP to the Department. Describe their relevant experience, years of experience, what roles they will fill in providing the required services and percent of time they will be committing to Department-assigned projects. The resumes must include their professional education and professional registrations and licenses. Provide resumes of subconsultant's personnel.

H. A description of the Offeror's ability to work on multiple projects of various sizes at the same time.

I. A list of at least three of the Offeror's most recent completed projects similar to the projects anticipated under the contract. In addition to photographs and a descriptive narrative, the list must include the client, contact person and contact information, the completion date, the estimated or actual total construction cost, the estimated or actual construction cost of the portion of the work that the firm designed, the firm's Project Manager and the names of all of the firm's personnel who made contributions to the project.

J. A standard Design Professional Selection Application for Professional Services Form (Appendix B), indicating the individual in charge. Additional information pertinent to the Offeror's qualifications to do the work of this contract may be included on this form.

K. Worker Protection and Investment Certification Form (BOP-2201) (Appendix C), certifying that the Offeror is in compliance with all applicable State labor and workforce safety laws, in this Commonwealth.

II-2. *Proposal Submission.* Offerors must submit their proposals electronically on a flash drive in PDF format to be considered. The flash drive must clearly identify the Offeror and include the name and version number of the virus scanning software that was used to scan the flash drive before it was submitted.

Proposals must be signed by an official who is authorized to bind the Offeror to its provisions.

Offerors must submit a complete proposal. Failure to include any of the required information or forms will delay evaluation of the proposal and may, at the Commonwealth's sole discretion, result in its rejection.

Proposals must be submitted in a sealed envelope with the words "Proposal" printed boldly on the front of the envelope. Also show the following information on the front of the envelope: Project Reference No. FDC-500-818, Due Date—11/19/2024.

Proposals must be submitted to the address of the Issuing Office indicated in Part I, Section I-1 of this RFP.

Proposals must be received in the Issuing Office no later than 4 p.m. on 11/19/2024.

Mail is processed through a central processing location for this Commonwealth so Offerors must allow sufficient time for their proposals to arrive at the Issuing Office. It is therefore suggested that Offerors deliver their proposals through an overnight delivery service so that the time and date of delivery is recorded. This will ensure that a proposal received at the central processing location on or before the date on which proposals must be received will be considered timely received. However, even if overnight delivery is used, the Offeror is still responsible for ensuring that its proposal is received by the date and location specified. A proposal that is not received on time will result in the proposal being rejected as late and returned to the Offeror unopened.

II-3. *Offeror's Representations and Authorizations.* By submitting its proposal, each Offeror understands, represents and acknowledges that:

A. The Offeror's information and representations in the proposal are material and important, and the Issuing Office may rely upon the contents of the proposal in awarding the contracts. The Commonwealth will treat any misstatement, omission or misrepresentation as fraudulent concealment of the true facts relating to the Proposal submission, punishable under 18 Pa.C.S. § 4904 (relating to unsworn falsification to authorities).

B. The Offeror has not attempted, nor will it attempt, to induce any firm or person to refrain from submitting a proposal on this contract.

C. The Offeror makes its proposal in good faith and not under any agreement or discussion with, or inducement from, any firm or person to submit a complementary or other noncompetitive proposal.

D. To the best knowledge of the person signing the proposal for the Offeror, the Offeror, its affiliates, subsidiaries, officers, directors and employees are not currently under investigation by any governmental agency and have not in the last 4 years been convicted of or found liable for any act prohibited by Federal or State law in any jurisdiction, involving conspiracy or collusion with respect to bidding or proposing on any public contract, except as the Offeror has disclosed in its proposal.

E. To the best of the knowledge of the person signing the proposal for the Offeror and except as the Offeror has otherwise disclosed in its proposal, the Offeror has no outstanding, delinquent obligations to the Commonwealth including, but not limited to, any State tax liability not being contested on appeal or other obligation of the Offeror that is owed to the Commonwealth.

F. The Offeror is not currently under suspension or debarment by the Commonwealth, any other Federal or State government, and if the Offeror cannot so certify, then it shall submit along with its proposal a written explanation of why it cannot make the certification.

G. The Offeror has not made, under separate contract with the Issuing Office, any recommendations to the Issuing Office concerning the need for the services described in its proposal or the specifications for the services described in the proposal.

H. Each Offeror, by submitting its proposal, authorizes Commonwealth agencies to release to the Commonwealth information concerning the Offeror's taxes in this Commonwealth, unemployment compensation and workers' compensation liabilities.

I. Until the selected Offeror receives a fully executed and approved written contract from the Issuing Office,

there is no legal and valid contract, in law or in equity and the Offeror shall not begin to perform.

J. The Offeror is not currently engaged and will not, during the duration of the contract, engage in a boycott of a person or an entity based in or doing business with a jurisdiction which the Commonwealth is not prohibited by Congressional statute from engaging in trade or commerce.

### PART III SELECTION AND AWARD

III-1. *Selection Criteria.* The Department will evaluate proposals based on the following criteria:

A. Consultant's and subconsultant's experience on past projects of similar scope, type and size.

B. Consultant's staff qualifications, experience and ability to perform the required services, including available manpower to perform the required services. This includes the qualifications, experience and abilities of subconsultant's staff.

C. Consultant's understanding of the problem and the services required.

D. Consultant's project approach and methodology.

E. Consultant's knowledge and experience with environmentally sustainable design.

F. Consultant's quality control and assurance program and procedures.

G. Equitable distribution of contracts.

III-2. *Final Ranking and Award.* The Issuing Office will rank responsible Offerors according to the total overall score assigned to each, in descending order. It is the intent of the Department to select more than one Offeror for projects to be assigned on a regional basis. The Issuing Office may reject all proposals or cancel this RFP at any time prior to the time a contract is fully executed when it is in the best interests of the Commonwealth. The reasons for the rejection or cancellation will be made part of the contract file.

CINDY ADAMS DUNN,  
*Secretary*



COMMONWEALTH OF PENNSYLVANIA  
BUREAU OF FACILITY DESIGN AND CONSTRUCTION

APPENDIX A

PROPOSAL COVER SHEET

PROJECT REFERENCE NO. FDC-500-818

OFFEROR INFORMATION	
Offeror Name	
Offeror Mailing Address	
Offeror Website	
Offeror Contact Person	
Contact Person's Phone Number	
Contact Person's E-Mail Address	
Offeror SAP/SRM Vendor Number	

<input type="checkbox"/>	Electronic Submittal Enclosed	Virus Scan Name & Version:	
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CONTENT CHECKLIST	
<input type="checkbox"/>	Proposal Cover Sheet (Appendix A)
<input type="checkbox"/>	Description of the Offeror's understanding of the Department's needs and the services required.
<input type="checkbox"/>	Description of the Offeror's project approach and methodology.
<input type="checkbox"/>	Description of the Offeror's sustainable design experience.
<input type="checkbox"/>	Description of the Offeror's quality control and assurance program.
<input type="checkbox"/>	Description of the Offeror's qualifications to complete the required services.
<input type="checkbox"/>	Resumes of personnel who will be involved in providing the services described.
<input type="checkbox"/>	Description of the Offeror's ability to work on multiple projects.
<input type="checkbox"/>	List of at least three of the Offeror's most recent completed projects similar to the projects anticipated under the contract.
<input type="checkbox"/>	Design Professional Selection Application for Professional Services Form (Appendix B)
<input type="checkbox"/>	Worker Protection and Investment Certification Form (BOP-2201) (Appendix C)

SIGNATURE	
Signature of an official authorized to bind the Offeror to the provisions contained in the Offeror's proposal	
Printed Name	
Title	

**FAILURE TO COMPLETE, SIGN AND RETURN THIS FORM WITH THE OFFEROR'S PROPOSAL MAY RESULT IN THE REJECTION OF THE OFFEROR'S PROPOSAL**



COMMONWEALTH OF PENNSYLVANIA  
BUREAU OF FACILITY DESIGN AND CONSTRUCTION

APPENDIX B

DESIGN PROFESSIONAL SELECTION APPLICATION FOR PROFESSIONAL SERVICES

Section 1 - Project Information

PROJECT NUMBER: FDC-500-818 PROJECT TITLE: Retention of Design Professional Firms

Section 2 - Firm General Information

FIRM NAME: SAP NUMBER:

PREDECESSOR FIRM(S) AND/OR ADDITIONAL OPERATIONAL NAMES (within 5 years):

CONTACT PERSON: TITLE: E-MAIL ADDRESS:

STREET ADDRESS: CITY/STATE: ZIP CODE:

PHONE NUMBER: COUNTY: TOTAL NUMBER OF EMPLOYEES POTENTIALLY ASSIGNED PROJECT RESPONSIBILITIES: NUMBER OF EMPLOYEES ASSIGNED AT THE OFFICE PERFORMING THE MAJORITY OF THE WORK:

ADDRESS OF THE OFFICE PERFORMING THE MAJORITY OF THE WORK: FIRM'S PAST EXPERIENCE WITH MULTI-PRIME CONSTRUCTION PROJECTS:  YES  NO

DGS SELF-CERTIFIED SMALL BUSINESS:  YES  NO DGS VERIFIED SMALL DIVERSE BUSINESS:  YES  NO

TYPE OF FIRM (Indicate all that apply):  ARCHITECT  ENGINEER  ARCHITECT/ENGINEER  ENGINEER/ARCHITECT  JV  OTHER (If Other, please specify):

Section 3 - Design Team Information

LIST SUBCONSULTANTS WHO WILL BE RETAINED IN THE DESIGN PROCESS

FIRM NAME: LOCATION OF THE OFFICE PERFORMING THE MAJORITY OF THE WORK:

NUMBER OF PROJECTS COMPLETED TOGETHER (within 10 years): TOTAL DOLLAR VALUE OF PROJECTS COMPLETED TOGETHER (within 10 years):

DESCRIBE ANTICIPATED SERVICES AND PROPOSED RESPONSIBILITIES TO BE PROVIDED FOR THIS PROJECT:

LIST PAST PROJECTS COMPLETED TOGETHER BY BOTH THE CONSULTANT AND THE LEAD FIRM THAT ARE SIMILAR TO THE PROPOSED PROJECT. PROVIDE PROJECT SIZE, YEAR CONSTRUCTION WAS COMPLETED, AND TOTAL CONSTRUCTION COST (Maximum of Three):

FIRM'S PAST EXPERIENCE WITH MULTI-PRIME CONSTRUCTION PROJECTS:  YES  NO TOTAL NUMBER OF EMPLOYEES POTENTIALLY ASSIGNED PROJECT RESPONSIBILITIES:

NUMBER OF EMPLOYEES AT THE OFFICE PERFORMING THE MAJORITY OF THE WORK: LOCATION OF OFFICE PERFORMING THE MAJORITY OF THE WORK:

TELEPHONE NUMBER FOR THE OFFICE PERFORMING THE MAJORITY OF THE WORK:

DGS SELF-CERTIFIED SMALL BUSINESS:  YES  NO DGS VERIFIED SMALL DIVERSE BUSINESS:  YES  NO

TYPE OF FIRM (Indicate all that apply):  ARCHITECT  ENGINEER  ARCHITECT/ENGINEER  ENGINEER/ARCHITECT  JV  OTHER (If Other, please specify):





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**LIST SUBCONSULTANTS WHO WILL BE RETAINED IN THE DESIGN PROCESS (CONTINUED)**

FIRM NAME:	LOCATION OF THE OFFICE PERFORMING THE MAJORITY OF THE WORK:
NUMBER OF PROJECTS COMPLETED TOGETHER (within 10 years):	TOTAL DOLLAR VALUE OF PROJECTS COMPLETED TOGETHER (within 10 years):
DESCRIBE ANTICIPATED SERVICES AND PROPOSED RESPONSIBILITIES TO BE PROVIDED FOR THIS PROJECT:	

LIST PAST PROJECTS COMPLETED TOGETHER BY BOTH THE CONSULTANT AND THE LEAD FIRM THAT ARE SIMILAR TO THE PROPOSED PROJECT. PROVIDE PROJECT SIZE, YEAR CONSTRUCTION WAS COMPLETED, AND TOTAL CONSTRUCTION COST (maximum of three):

FIRM'S PAST EXPERIENCE WITH MULTI-PRIME CONSTRUCTION PROJECTS: <input type="checkbox"/> YES <input type="checkbox"/> NO	TOTAL NUMBER OF EMPLOYEES POTENTIALLY ASSIGNED PROJECT RESPONSIBILITIES:
NUMBER OF EMPLOYEES AT THE OFFICE PERFORMING THE MAJORITY OF THE WORK:	LOCATION OF OFFICE PERFORMING THE MAJORITY OF THE WORK:
TELEPHONE NUMBER FOR THE OFFICE PERFORMING THE MAJORITY OF THE WORK:	
DGS SELF-CERTIFIED SMALL BUSINESS: <input type="checkbox"/> YES <input type="checkbox"/> NO	DGS VERIFIED SMALL DIVERSE BUSINESS: <input type="checkbox"/> YES <input type="checkbox"/> NO
TYPE OF FIRM (Indicate all that apply): <input type="checkbox"/> ARCHITECT <input type="checkbox"/> ENGINEER <input type="checkbox"/> ARCHITECT/ENGINEER <input type="checkbox"/> ENGINEER/ARCHITECT <input type="checkbox"/> JV <input type="checkbox"/> OTHER (If Other, please specify):	

FIRM NAME:	LOCATION OF THE OFFICE PERFORMING THE MAJORITY OF THE WORK:
NUMBER OF PROJECTS COMPLETED TOGETHER (within 10 years):	TOTAL DOLLAR VALUE OF PROJECTS COMPLETED TOGETHER (within 10 years):
DESCRIBE ANTICIPATED SERVICES AND PROPOSED RESPONSIBILITIES TO BE PROVIDED FOR THIS PROJECT:	

LIST PAST PROJECTS COMPLETED TOGETHER BY BOTH THE CONSULTANT AND THE LEAD FIRM THAT ARE SIMILAR TO THE PROPOSED PROJECT. PROVIDE PROJECT SIZE, YEAR CONSTRUCTION WAS COMPLETED, AND TOTAL CONSTRUCTION COST (maximum of three):

FIRM'S PAST EXPERIENCE WITH MULTI-PRIME CONSTRUCTION PROJECTS: <input type="checkbox"/> YES <input type="checkbox"/> NO	TOTAL NUMBER OF EMPLOYEES POTENTIALLY ASSIGNED PROJECT RESPONSIBILITIES:
NUMBER OF EMPLOYEES AT THE OFFICE PERFORMING THE MAJORITY OF THE WORK:	LOCATION OF OFFICE PERFORMING THE MAJORITY OF THE WORK:
TELEPHONE NUMBER FOR THE OFFICE PERFORMING THE MAJORITY OF THE WORK:	
DGS SELF-CERTIFIED SMALL BUSINESS: <input type="checkbox"/> YES <input type="checkbox"/> NO	DGS VERIFIED SMALL DIVERSE BUSINESS: <input type="checkbox"/> YES <input type="checkbox"/> NO
TYPE OF FIRM (Indicate all that apply): <input type="checkbox"/> ARCHITECT <input type="checkbox"/> ENGINEER <input type="checkbox"/> ARCHITECT/ENGINEER <input type="checkbox"/> ENGINEER/ARCHITECT <input type="checkbox"/> JV <input type="checkbox"/> OTHER (If Other, please specify):	



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**LIST SUBCONSULTANTS WHO WILL BE RETAINED IN THE DESIGN PROCESS (CONTINUED)**

FIRM NAME:	LOCATION OF THE OFFICE PERFORMING THE MAJORITY OF THE WORK:
NUMBER OF PROJECTS COMPLETED TOGETHER (within 10 years):	TOTAL DOLLAR VALUE OF PROJECTS COMPLETED TOGETHER (within 10 years):
DESCRIBE ANTICIPATED SERVICES AND PROPOSED RESPONSIBILITIES TO BE PROVIDED FOR THIS PROJECT:	

LIST PAST PROJECTS COMPLETED TOGETHER BY BOTH THE CONSULTANT AND THE LEAD FIRM THAT ARE SIMILAR TO THE PROPOSED PROJECT. PROVIDE PROJECT SIZE, YEAR CONSTRUCTION WAS COMPLETED, AND TOTAL CONSTRUCTION COST (maximum of three):

FIRM'S PAST EXPERIENCE WITH MULTI-PRIME CONSTRUCTION PROJECTS: <input type="checkbox"/> YES <input type="checkbox"/> NO	TOTAL NUMBER OF EMPLOYEES POTENTIALLY ASSIGNED PROJECT RESPONSIBILITIES:
NUMBER OF EMPLOYEES AT THE OFFICE PERFORMING THE MAJORITY OF THE WORK:	LOCATION OF OFFICE PERFORMING THE MAJORITY OF THE WORK:
TELEPHONE NUMBER FOR THE OFFICE PERFORMING THE MAJORITY OF THE WORK:	
DGS SELF-CERTIFIED SMALL BUSINESS: <input type="checkbox"/> YES <input type="checkbox"/> NO	DGS VERIFIED SMALL DIVERSE BUSINESS: <input type="checkbox"/> YES <input type="checkbox"/> NO
TYPE OF FIRM (Indicate all that apply): <input type="checkbox"/> ARCHITECT <input type="checkbox"/> ENGINEER <input type="checkbox"/> ARCHITECT/ENGINEER <input type="checkbox"/> ENGINEER/ARCHITECT <input type="checkbox"/> JV <input type="checkbox"/> OTHER (If Other, please specify):	

FIRM NAME:	LOCATION OF THE OFFICE PERFORMING THE MAJORITY OF THE WORK:
NUMBER OF PROJECTS COMPLETED TOGETHER (within 10 years):	TOTAL DOLLAR VALUE OF PROJECTS COMPLETED TOGETHER (within 10 years):
DESCRIBE ANTICIPATED SERVICES AND PROPOSED RESPONSIBILITIES TO BE PROVIDED FOR THIS PROJECT:	

LIST PAST PROJECTS COMPLETED TOGETHER BY BOTH THE CONSULTANT AND THE LEAD FIRM THAT ARE SIMILAR TO THE PROPOSED PROJECT. PROVIDE PROJECT SIZE, YEAR CONSTRUCTION WAS COMPLETED, AND TOTAL CONSTRUCTION COST (maximum of three):

FIRM'S PAST EXPERIENCE WITH MULTI-PRIME CONSTRUCTION PROJECTS: <input type="checkbox"/> YES <input type="checkbox"/> NO	TOTAL NUMBER OF EMPLOYEES POTENTIALLY ASSIGNED PROJECT RESPONSIBILITIES:
NUMBER OF EMPLOYEES AT THE OFFICE PERFORMING THE MAJORITY OF THE WORK:	LOCATION OF OFFICE PERFORMING THE MAJORITY OF THE WORK:
TELEPHONE NUMBER FOR THE OFFICE PERFORMING THE MAJORITY OF THE WORK:	
DGS SELF-CERTIFIED SMALL BUSINESS: <input type="checkbox"/> YES <input type="checkbox"/> NO	DGS VERIFIED SMALL DIVERSE BUSINESS: <input type="checkbox"/> YES <input type="checkbox"/> NO
TYPE OF FIRM (Indicate all that apply): <input type="checkbox"/> ARCHITECT <input type="checkbox"/> ENGINEER <input type="checkbox"/> ARCHITECT/ENGINEER <input type="checkbox"/> ENGINEER/ARCHITECT <input type="checkbox"/> JV <input type="checkbox"/> OTHER (If Other, please specify):	



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**Section 4 - Key Personnel**

**LIST INDIVIDUALS FOR BOTH THE FIRM AND SUBCONSULTING FIRMS WHO WILL BE RESPONSIBLE FOR LEADING THE DESIGN OF THIS PROJECT. ANYONE WITH A PENNSYLVANIA PROFESSIONAL REGISTRATION MUST COMPLETE THE REGISTRATION INFORMATION; IF NOT REGISTERED IN PA, INDICATE STATE(S) IN WHICH THEY ARE REGISTERED.**

NAME: \_\_\_\_\_ FIRM: \_\_\_\_\_

REGISTRATION #: \_\_\_\_\_ REGISTRATION EXPIRATION: \_\_\_\_\_

OFFICE LOCATION WHILE ON THIS PROJECT: \_\_\_\_\_ NUMBER OF YEARS EMPLOYED BY FIRM: \_\_\_\_\_ TOTAL NUMBER OF YEARS LICENSED: \_\_\_\_\_

SPECIFIC ROLE/RESPONSIBILITY FOR THIS PROJECT: \_\_\_\_\_

SIMILAR PROJECT WORK EXPERIENCE & QUALIFICATIONS: \_\_\_\_\_

SPECIALTY/DISCIPLINE: \_\_\_\_\_

DEGREE/CERTIFICATION: \_\_\_\_\_ YEAR GRADUATED: \_\_\_\_\_ INSTITUTION: \_\_\_\_\_

NAME: \_\_\_\_\_ FIRM: \_\_\_\_\_

REGISTRATION #: \_\_\_\_\_ REGISTRATION EXPIRATION: \_\_\_\_\_

OFFICE LOCATION WHILE ON THIS PROJECT: \_\_\_\_\_ NUMBER OF YEARS EMPLOYED BY FIRM: \_\_\_\_\_ TOTAL NUMBER OF YEARS LICENSED: \_\_\_\_\_

SPECIFIC ROLE/RESPONSIBILITY FOR THIS PROJECT: \_\_\_\_\_

SIMILAR PROJECT WORK EXPERIENCE & QUALIFICATIONS: \_\_\_\_\_

SPECIALTY/DISCIPLINE: \_\_\_\_\_

DEGREE/CERTIFICATION: \_\_\_\_\_ YEAR GRADUATED: \_\_\_\_\_ INSTITUTION: \_\_\_\_\_

NAME: \_\_\_\_\_ FIRM: \_\_\_\_\_

REGISTRATION #: \_\_\_\_\_ REGISTRATION EXPIRATION: \_\_\_\_\_

OFFICE LOCATION WHILE ON THIS PROJECT: \_\_\_\_\_ NUMBER OF YEARS EMPLOYED BY FIRM: \_\_\_\_\_ TOTAL NUMBER OF YEARS LICENSED: \_\_\_\_\_

SPECIFIC ROLE/RESPONSIBILITY FOR THIS PROJECT: \_\_\_\_\_

SIMILAR PROJECT WORK EXPERIENCE & QUALIFICATIONS: \_\_\_\_\_

SPECIALTY/DISCIPLINE: \_\_\_\_\_

DEGREE/CERTIFICATION: \_\_\_\_\_ YEAR GRADUATED: \_\_\_\_\_ INSTITUTION: \_\_\_\_\_



COMMONWEALTH OF PENNSYLVANIA  
BUREAU OF FACILITY DESIGN AND CONSTRUCTION

**LIST INDIVIDUALS FOR BOTH THE FIRM AND SUBCONSULTING FIRMS WHO WILL BE RESPONSIBLE FOR LEADING THE DESIGN OF THIS PROJECT. ANYONE WITH A PENNSYLVANIA PROFESSIONAL REGISTRATION MUST COMPLETE THE REGISTRATION INFORMATION; IF NOT REGISTERED IN PA, INDICATE STATE(S) IN WHICH THEY ARE REGISTERED.**

NAME: FIRM:

REGISTRATION #: REGISTRATION EXPIRATION:

OFFICE LOCATION WHILE ON THIS PROJECT: NUMBER OF YEARS EMPLOYED BY FIRM: TOTAL NUMBER OF YEARS LICENSED:

SPECIFIC ROLE/RESPONSIBILITY FOR THIS PROJECT:

SIMILAR PROJECT WORK EXPERIENCE & QUALIFICATIONS:

SPECIALTY/DISCIPLINE:

DEGREE/CERTIFICATION: YEAR GRADUATED: INSTITUTION:

NAME: FIRM:

REGISTRATION #: REGISTRATION EXPIRATION:

OFFICE LOCATION WHILE ON THIS PROJECT: NUMBER OF YEARS EMPLOYED BY FIRM: TOTAL NUMBER OF YEARS LICENSED:

SPECIFIC ROLE/RESPONSIBILITY FOR THIS PROJECT:

SIMILAR PROJECT WORK EXPERIENCE & QUALIFICATIONS:

SPECIALTY/DISCIPLINE:

DEGREE/CERTIFICATION: YEAR GRADUATED: INSTITUTION:

NAME: FIRM:

REGISTRATION #: REGISTRATION EXPIRATION:

OFFICE LOCATION WHILE ON THIS PROJECT: NUMBER OF YEARS EMPLOYED BY FIRM: TOTAL NUMBER OF YEARS LICENSED:

SPECIFIC ROLE/RESPONSIBILITY FOR THIS PROJECT:

SIMILAR PROJECT WORK EXPERIENCE & QUALIFICATIONS:

SPECIALTY/DISCIPLINE:

DEGREE/CERTIFICATION: YEAR GRADUATED: INSTITUTION:



COMMONWEALTH OF PENNSYLVANIA  
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**Section 5 - Firm's Recent Commonwealth Project Experience (Active and Complete)**

**LIST ALL OTHER RELEVANT COMMONWEALTH PROJECTS WITHIN THE LAST 5 YEARS**

<b>PROJECT NUMBER</b>	<b>PROJECT TITLE</b>	<b>BID TYPE (Low Bid/Best Value, etc.)</b>	<b>TOTAL PROJECT DESIGN FEE</b>	<b>AGENCY/ INSTITUTION</b>	<b>STATUS</b>



COMMONWEALTH OF PENNSYLVANIA  
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**Section 6 - Relevant Experience**

**DESCRIBE UP TO 3 PROJECTS, COMPLETED WITHIN THE LAST 10 YEARS, FOR ANY TYPE OF CLIENT THAT BEST ILLUSTRATES YOUR FIRM'S QUALIFICATIONS TO DESIGN THIS SPECIFIC PROJECT. DO NOT LIST PROJECTS PERFORMED ONLY BY SUBCONSULTANTS.**

PROJECT NAME: \_\_\_\_\_

LOCATION: \_\_\_\_\_ CLIENT NAME: \_\_\_\_\_

SERVICES PERFORMED BY THE FIRM ON THIS PROJECT. DIFFERENTIATE BETWEEN WORK COMPLETED AS A SUBCONSULTANT TO ANOTHER FIRM AND WORK PERFORMED AS THE LEAD DESIGN FIRM:

PROJECT DESCRIPTION:

CONSTRUCTION COMPLETION DATE/STATUS: \_\_\_\_\_

TOTAL AWARDED CONSTRUCTION CONTRACTS: \$ \_\_\_\_\_ TOTAL FINAL CONSTRUCTION CONTRACTS: \$ \_\_\_\_\_

CLIENT CONTACT NAME: \_\_\_\_\_ TITLE: \_\_\_\_\_

CONTACT TELEPHONE NUMBER: \_\_\_\_\_ CONTACT E-MAIL ADDRESS: \_\_\_\_\_

COMMENTS:

PROJECT NAME: \_\_\_\_\_

LOCATION: \_\_\_\_\_ CLIENT NAME: \_\_\_\_\_

SERVICES PERFORMED BY THE FIRM ON THIS PROJECT. DIFFERENTIATE BETWEEN WORK COMPLETED AS A SUBCONSULTANT TO ANOTHER FIRM AND WORK PERFORMED AS THE LEAD DESIGN FIRM:

PROJECT DESCRIPTION:

CONSTRUCTION COMPLETION DATE/STATUS: \_\_\_\_\_

TOTAL AWARDED CONSTRUCTION CONTRACTS: \$ \_\_\_\_\_ TOTAL FINAL CONSTRUCTION CONTRACTS: \$ \_\_\_\_\_

CLIENT CONTACT NAME: \_\_\_\_\_ TITLE: \_\_\_\_\_

CONTACT TELEPHONE NUMBER: \_\_\_\_\_ CONTACT E-MAIL ADDRESS: \_\_\_\_\_

COMMENTS:

PROJECT NAME: \_\_\_\_\_

LOCATION: \_\_\_\_\_ CLIENT NAME: \_\_\_\_\_

SERVICES PERFORMED BY THE FIRM ON THIS PROJECT. DIFFERENTIATE BETWEEN WORK COMPLETED AS A SUBCONSULTANT TO ANOTHER FIRM AND WORK PERFORMED AS THE LEAD DESIGN FIRM:

PROJECT DESCRIPTION:

CONSTRUCTION COMPLETION DATE/STATUS: \_\_\_\_\_

TOTAL AWARDED CONSTRUCTION CONTRACTS: \$ \_\_\_\_\_ TOTAL FINAL CONSTRUCTION CONTRACTS: \$ \_\_\_\_\_

CLIENT CONTACT NAME: \_\_\_\_\_ TITLE: \_\_\_\_\_

CONTACT TELEPHONE NUMBER: \_\_\_\_\_ CONTACT E-MAIL ADDRESS: \_\_\_\_\_

COMMENTS:



COMMONWEALTH OF PENNSYLVANIA  
BUREAU OF FACILITY DESIGN AND CONSTRUCTION

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**Section 7 - Other Relevant Information**

*YOU MAY USE THIS SPACE TO PROVIDE ANY ADDITIONAL COMMENTS OR DESCRIPTIONS OF RELEVANT INFORMATION SUPPORTING YOUR QUALIFICATIONS.*



COMMONWEALTH OF PENNSYLVANIA  
BUREAU OF FACILITY DESIGN AND CONSTRUCTION

**CERTIFICATION AND SIGNATURE**

My Firm believes we have the qualifications and capacity to provide professional services for the project identified in Section 1 on Page 1. All of the information set forth on this form is accurate and true as of this date.

1. The Firm consents to the evaluation of its performance by the Department and understands that any such evaluation may be used in future selections. Furthermore, the Firm has notified our Subconsultants that their performance will be evaluated and they have consented to this evaluation; and
2. To the best knowledge of the person signing this form, the Firm, its affiliates, subsidiaries, officers, directors, and employees are not currently under investigation by any governmental agency and have not in the last four (4) years been convicted or found liable for any act prohibited by State or Federal law in any jurisdiction, involving conspiracy or collusion with respect to bidding or proposing on any public contract, except as disclosed on this form; and
3. To the best of the knowledge of the person signing this, the Firm, except as otherwise disclosed, has no outstanding, delinquent obligations to the Commonwealth including, but not limited to, any state tax liability not being contested on appeal or other obligation of the Firm that is owed to the Commonwealth; and
4. The Firm is not currently under suspension or debarment by the Commonwealth, or any other state, or the federal government; and
5. The Firm has not, under separate contract with DCNR or any other agency, made any recommendations to DCNR or any other agency concerning the need for the services described for this project; and
6. The Firm, by submitting this form, authorizes all Commonwealth agencies to release to the Commonwealth information related to liabilities to the Commonwealth including, but not limited to, taxes, unemployment compensation, and workers' compensation liabilities; and
7. Until the Firm receives a fully executed contract from DCNR there is no legal and valid contract, in law or in equity.

I state that \_\_\_\_\_ (Name of Firm) submits this form and understands and acknowledges that the above representations are material and important, and will be relied upon by the Selections Committee and the Department of Conservation and Natural Resources in determining whether my Firm is selected for a design contract with the Commonwealth. I understand and my Firm understands that any written false statement in this application which we do not believe to be true is and shall be treated as fraudulent concealment from the Selections Committee and the Department of Conservation and Natural Resources of the true facts relating to the submission of this application. A misrepresentation shall be punishable under 18 Pa. C.S. § 4904.

<b>Business is an Individual or General Partnership:</b>		
Witness:	Owner:	Date:
<b>Business is a Limited Partnership:</b>		
Witness:	Owner:	Date:
<b>Business is a Corporation:</b>		
Witness:	Owner:	Date:
<b>Business is a Limited Liability Company:</b>		
Witness:	Owner:	Date:
<b>Business is a Limited Liability Partnership:</b>		
Witness:	Owner:	Date:
<b>Business is a Foreign General Partnership:</b>		
Witness:	Owner:	Date:
<b>Business is a Joint Venture:</b>		
Witness:	Owner:	Date:
Witness:	Owner:	Date:



APPENDIX C



**WORKER PROTECTION AND INVESTMENT CERTIFICATION FORM**

A. Pursuant to Executive Order 2021-06, *Worker Protection and Investment* (October 21, 2021), the Commonwealth is responsible for ensuring that every worker in Pennsylvania has a safe and healthy work environment and the protections afforded them through labor laws. To that end, contractors and grantees of the Commonwealth must certify that they are in compliance with Pennsylvania’s Unemployment Compensation Law, Workers’ Compensation Law, and all applicable Pennsylvania state labor and workforce safety laws including, but not limited to:

1. Construction Workplace Misclassification Act
2. Employment of Minors Child Labor Act
3. Minimum Wage Act
4. Prevailing Wage Act
5. Equal Pay Law
6. Employer to Pay Employment Medical Examination Fee Act
7. Seasonal Farm Labor Act
8. Wage Payment and Collection Law
9. Industrial Homework Law
10. Construction Industry Employee Verification Act
11. Act 102: Prohibition on Excessive Overtime in Healthcare
12. Apprenticeship and Training Act
13. Inspection of Employment Records Law

B. Pennsylvania law establishes penalties for providing false certifications, including contract termination; and three-year ineligibility to bid on contracts under 62 Pa. C.S. § 531 (Debarment or suspension).

**CERTIFICATION**

I, the official named below, certify I am duly authorized to execute this certification on behalf of the contractor/grantee identified below, and certify that the contractor/grantee identified below is compliant with applicable Pennsylvania state labor and workplace safety laws, including, but not limited to, those listed in Paragraph A, above. I understand that I must report any change in the contractor/grantee’s compliance status to the Purchasing Agency immediately. I further confirm and understand that this Certification is subject to the provisions and penalties of 18 Pa. C.S. § 4904 (Unsworn falsification to authorities).

<i>Signature</i>	<i>Date</i>
<i>Name (Printed)</i>	
<i>Title of Certifying Official (Printed)</i>	
<i>Contractor/Grantee Name (Printed)</i>	

BOP-2201  
Published: 02/04/2022

[Pa.B. Doc. No. 24-1498. Filed for public inspection October 18, 2024, 9:00 a.m.]

## DEPARTMENT OF EDUCATION

### Cyber Charter School Application; Revised Public Hearings

The Department of Education (Department) has revised the public hearings regarding cyber charter school applications postmarked or submitted on or before October 1, 2024, previously published at 54 Pa.B. 6270 (October 5, 2024). The hearing is currently scheduled for November 7, 2024—Unbound Academic Institute (PA) CS, Inc.; November 12, 2024—cancelled; November 18, 2024—cancelled; and November 19, 2024—cancelled.

The hearing will be able to be viewed virtually but applicants and persons wishing to provide verbal comments at the time of the hearing must attend in person. Members of the public may view the hearing virtually or attend in person. Only individuals who have submitted comments ahead of time will be permitted to comment at the hearings. The hearing will take place in the York and Columbia Rooms at the Harrisburg PaTTAN Office, 6340 Flank Drive, Harrisburg, PA 17112, beginning at 9 a.m. Login information to access the hearings will be posted to the Department's Division of Charter School's (Division) Applications webpage at <https://www.education.pa.gov/K-12/Charter%20Schools/Pages/Charter-Applications.aspx>.

The hearing pertains to applicants seeking to operate a new cyber charter school beginning in the 2025-2026 school year. The purpose of the hearing is to gather information from applicants about the proposed cyber charter schools as well as receive comments from interested individuals regarding any applications. The names of the applicants, copies of the applications and a listing of the dates and times scheduled for the hearing on each application can be viewed on the Department's web site on or before October 14, 2024, at [www.education.pa.gov](http://www.education.pa.gov).

Individuals who wish to provide verbal or written comments on an application must provide a copy of their comments to the Department and the applicant 10 days

prior to the scheduled hearing. Comments provided by this deadline will become part of the certified record concerning the applications. Failure to comply with this deadline will preclude the individual from providing comments. Verbal comments may be limited based on the number of individuals requesting time to provide comments.

The hearing will be conducted by a panel of individuals who have completed an initial review of the applications. Panel members may question the applicants on issues identified during the initial review, as well as issues raised in the written comments filed by the deadline. Panel members may also question individuals who offer verbal comments. Commentators will not be permitted to question either the applicant or the panel members.

Comments sent to the Department should be addressed to the Division of Charter Schools, 607 South Drive, 5th Floor Rotunda, Harrisburg, PA 17120, in addition to being e-mailed to the Division at [ra-charterschools@pa.gov](mailto:ra-charterschools@pa.gov).

Comments sent to an applicant should be addressed using the contact information contained within the application by mail, in addition to being e-mailed. The hearing agenda will be prepared no later than 1 week before the scheduled hearing, when the Department is aware of the number of individuals who wish to provide verbal comments at the hearing. The hearing agenda will provide the order of presentation, as well as specify the amount of time allotted to each commentator.

The hearing agenda will be posted under Charter School Applications on the Department's web site at <https://www.education.pa.gov/K-12/Charter%20Schools/Pages/Charter-Applications.aspx>.

For questions regarding this hearing, contact the Division at [ra-charterschools@pa.gov](mailto:ra-charterschools@pa.gov).

DR. KHALID N. MUMIN,  
*Secretary*

[Pa.B. Doc. No. 24-1499. Filed for public inspection October 18, 2024, 9:00 a.m.]

## DEPARTMENT OF ENVIRONMENTAL PROTECTION

### Applications, Actions and Special Notices

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#### APPLICATIONS

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### 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](http://www.dep.pa.gov) and select Businesses, Water, Bureau of Clean Water, Wastewater Management, and NPDES and WQM Permitting Programs).

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

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

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

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

Application Number	Permit Type	Application Type	Applicant Name & Address	Municipality, County	DEP Office
0924816	Joint DEP/PFBC Pesticides Permit	New	Westwyk Condo Association P.O. Box 969 Fogelsville, PA 18051-0969	Doylestown Township Bucks County	SERO
1600408	Minor and Non-NPDES Sewage Treatment Facility Individual WQM Permit	Transfer	PA American Water Co. 852 Wesley Drive Mechanicsburg, PA 17055-4436	Farmington Township Clarion County	NWRO
3624403	Minor and Non-NPDES Sewage Treatment Facility Individual WQM Permit	Amendment	Northwestern Lancaster County Authority 97 N Penryn Road Manheim, PA 17545-9326	Penn Township Lancaster County	SCRO
PAG038497	PAG-03 NPDES General Permit for Industrial Stormwater	Transfer	Nextier Completion Solutions Inc. 3990 Rogerdale Road Houston, TX 77042-5142	Burrell Township Indiana County	NWRO
PAG041423	PAG-04 NPDES General Permit for Small Flow Treatment Facilities	New	Hearn David 9868 Route 426 Corry, PA 16407-4834	Columbus Township Warren County	NWRO
PAG041426	PAG-04 NPDES General Permit for Small Flow Treatment Facilities	New	Hoobler David P 110 Hutcheson Road Stoneboro, PA 16153	Lake Township Mercer County	NWRO
2624400	Pump Stations Individual WQM Permit	New	Fairchance Georges Joint Municipal Sewage Authority 80 North Morgantown Street Fairchance PA 15478	Georges Township Fayette County	SWRO

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

#### Northeast Regional Office

**PA0032140**, Sewage, SIC Code 8412, **PA DCNR State Parks Bureau**, RR 1 Box 230, Dalton, PA 18414-9753. Facility Name: Lackawanna State Park. This existing facility is located in Benton Township, **Lackawanna County**.

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

The receiving stream(s), South Branch Tunkhannock Creek (TSF), is located in State Water Plan watershed 4-F 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 .105 MGD.—Limits.

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

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Average Monthly</i>	<i>Maximum</i>	
Nitrate-Nitrite as N	XXX	XXX	XXX	Report Avg Qrtly	XXX	XXX
Total Nitrogen	XXX	XXX	XXX	Report Avg Qrtly	XXX	XXX
Total Kjeldahl Nitrogen	XXX	XXX	XXX	Report Avg Qrtly	XXX	XXX
Total Phosphate	XXX	XXX	XXX	Report Avg Qrtly	XXX	XXX
Copper, Total	XXX	XXX	XXX	Report Avg Qrtly	XXX	XXX
Lead, Total	XXX	XXX	XXX	Report Avg Qrtly	XXX	XXX

The proposed effluent limits for Outfall 001 are based on a design flow of .105 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 Daily Max	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Oct 1 - Apr 30			Inst Min			
May 1 - Sep 30	XXX	XXX	6.0	XXX	XXX	9.0
Inst Min						
Dissolved Oxygen	XXX	XXX	6.0	XXX	XXX	XXX
Oct 1 - Apr 30			Inst Min			
May 1 - Sep 30	XXX	XXX	6.0	XXX	XXX	XXX
Inst Min						
Total Residual Chlorine (TRC)	XXX	XXX	XXX	0.5	XXX	1.6
Oct 1 - Apr 30						
May 1 - Sep 30	XXX	XXX	XXX	0.5	XXX	1.6
Carbonaceous Biochemical Oxygen Demand (CBOD <sub>5</sub> )	21.9	XXX	XXX	25.0	XXX	50
Total Suspended Solids	26.2	XXX	XXX	30.0	XXX	60
Fecal Coliform (No./100 ml)	XXX	XXX	XXX	2,000	XXX	10,000
Oct 1 - Apr 30				Geo Mean		
May 1 - Sep 30	XXX	XXX	XXX	200	XXX	1,000
Geo Mean						
Ammonia-Nitrogen	15.7	XXX	XXX	18.0	XXX	XXX
Nov 1 - Apr 30						
May 1 - Oct 31	5.2	XXX	XXX	6.0	XXX	12

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

- Chlorine Minimization
- UV Monitoring Requirements
- Solids Management

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

The EPA Waiver is in effect.

*Northeast Regional Office*

**PA0043362**, Sewage, SIC Code 7032, **Union Lake Hotel, t/a Camps Equinunk and Blue Ridge**, P.O. Box 808, East Hampton, NY 11937-0811. Facility Name: Camps Equinunk and Blue Ridge. This existing facility is located in Manchester Township, **Wayne County**.

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

The receiving stream(s), Unnamed Tributary of Little Equinunk Creek (HQ-CWF), is located in State Water Plan watershed 1-A 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 0.06 MGD—Interim.

(From Permit Effective Date to Three Years After Permit Effective Date)

<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>	
Ammonia-Nitrogen	XXX	XXX	XXX	7.2	XXX	14.4
Nov 1 - Apr 30						
May 1 - Oct 31	XXX	XXX	XXX	2.4	XXX	4.8

The proposed effluent limits for Outfall 001 are based on a design flow of 0.06 MGD—Final.

(From Three Years After Permit Effective Date to Permit Expiration Date)

<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>	
Ammonia-Nitrogen	XXX	XXX	XXX	6.3	XXX	12.6
Nov 1 - Apr 30						
May 1 - Oct 31	XXX	XXX	XXX	2.1	XXX	4.2

The proposed effluent limits for Outfall 001 are based on a design flow of 0.06 MGD.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Average Monthly</i>	<i>Maximum</i>	
Flow (MGD)	Report	Report Daily Max	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0 Inst Min	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	7.0 Inst Min	XXX	XXX	XXX
Total Residual Chlorine (TRC)	XXX	XXX	XXX	XXX	XXX	0.18
Carbonaceous Biochemical Oxygen Demand (CBOD <sub>5</sub> ) Raw Sewage Influent	XXX	XXX	XXX	Report	XXX	XXX
Carbonaceous Biochemical Oxygen Demand (CBOD <sub>5</sub> )	XXX	XXX	XXX	10.0	XXX	20.0
CBOD <sub>5</sub> Minimum % Removal (%)	XXX	XXX	XXX	85.00 Min Mo Avg	XXX	XXX
Total Suspended Solids	XXX	XXX	XXX	30.0	XXX	60.0
Fecal Coliform (No./100 ml)	XXX	XXX	XXX	2,000	XXX	10,000
Oct 1 - Apr 30				Geo Mean		
May 1 - Sep 30	XXX	XXX	XXX	200	XXX	1,000
Nitrate-Nitrite as N	XXX	XXX	XXX	Report	XXX	XXX
Total Nitrogen	XXX	XXX	XXX	Report	XXX	XXX
Total Kjeldahl Nitrogen	XXX	XXX	XXX	Report	XXX	XXX
Total Phosphorus	XXX	XXX	XXX	Report	XXX	XXX
Total Dissolved Solids	XXX	XXX	XXX	1,000	XXX	XXX
E. Coli (No./100 ml)	XXX	XXX	XXX	Avg Qrtly XXX	XXX	Report
Total Nitrogen	XXX	XXX	XXX	Report	XXX	XXX
Total Phosphorus	XXX	XXX	XXX	Annl Avg Report	XXX	XXX
Copper, Total	XXX	XXX	XXX	Annl Avg Report	XXX	XXX
				Annl Avg		

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

- Solids Management
- Discharge Monitoring

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

The EPA Waiver is in effect.

*Northeast Regional Office*

**PA0044709**, Sewage, SIC Code 7032, **Perlman Operating LLC, d.b.a. B'nai B'rith Perlman Camp**, 11820 Parklawn Drive, Suite 402, Rockville, MD 20852-2556. Facility Name: B'nai B'rith Perlman Camp WWTP. This existing facility is located in Buckingham Township, **Wayne County**.

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

The receiving stream(s), Shehawken Creek (HQ-CWF), is located in State Water Plan watershed 1-A 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 0.048 MGD.

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
pH (S.U.)	XXX	XXX	6.0 Inst Min	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	7.0 Inst Min	XXX	XXX	XXX
Total Residual Chlorine (TRC)	XXX	XXX	XXX	XXX	XXX	1.6
Carbonaceous Biochemical Oxygen Demand (CBOD <sub>5</sub> )	XXX	XXX	XXX	25.0	XXX	50.0
Total Suspended Solids	XXX	XXX	XXX	30.0	XXX	60.0
Fecal Coliform (No./100 ml)	XXX	XXX	XXX	2,000	XXX	10,000
Oct 1 - Apr 30				Geo Mean		
May 1 - Sep 30	XXX	XXX	XXX	200	XXX	1,000
Ammonia-Nitrogen	XXX	XXX	XXX	Geo Mean		
Nov 1 - Apr 30				15.0	XXX	30.0
May 1 - Oct 31	XXX	XXX	XXX	5.0	XXX	10.0
E. Coli (No./100 ml)	XXX	XXX	XXX	XXX	XXX	Report
Nitrate-Nitrite as N	XXX	XXX	XXX	Report	XXX	XXX
Total Nitrogen	XXX	XXX	XXX	Annl Avg		
Total Kjeldahl Nitrogen	XXX	XXX	XXX	Report	XXX	XXX
Total Phosphorus	XXX	XXX	XXX	Annl Avg		
				Report	XXX	XXX
				Annl Avg		

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

- Solids Management
- Discharge Monitoring

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

The EPA Waiver is in effect.

Northeast Regional Office

**PA0060453**, Sewage, SIC Code 7032, **Camp Lavi**, 2656 Upper Woods Road, Lakewood, PA 18439-3977. Facility Name: Camp Lavi. This existing facility is located in Buckingham Township, **Wayne County**.

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

The receiving stream(s), Unnamed Tributary to Equinunk Creek (HQ-CWF), is located in State Water Plan watershed 1-A 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 .024 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
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	1.6
Carbonaceous Biochemical Oxygen Demand (CBOD <sub>5</sub> )	XXX	XXX	XXX	25.0	XXX	50
Total Suspended Solids	XXX	XXX	XXX	30.0	XXX	60

<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>	
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		

The proposed effluent limits for Outfall 001 are based on a design flow of .05 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>	
E. Coli (No./100 ml)	XXX	XXX	XXX	Report	XXX	XXX
Nitrate-Nitrite as N	Report	XXX	XXX	Annl Avg	XXX	XXX
	Annl Avg			Report		
Total Nitrogen	Report	XXX	XXX	Annl Avg	XXX	XXX
	Annl Avg			Report		
Total Kjeldahl Nitrogen	Report	XXX	XXX	Annl Avg	XXX	XXX
	Annl Avg			Report		
Total Phosphorus	Report	XXX	XXX	Annl Avg	XXX	XXX
	Annl Avg			Report		

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

- Solids management

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

The EPA Waiver is in effect.

*Northeast Regional Office*

**PA0065196**, Sewage, SIC Code 4952, **Styer Michele & Rocky**, 5160 Shimerville Road, Emmaus, PA 18049-4958. Facility Name: 5160 Shimerville Rd, Emmaus. This existing facility is located in Upper Milford Township, **Lehigh County**.

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

The receiving stream(s), Leibert Creek (HQ-CWF), is located in State Water Plan watershed 2-C and is classified for High Quality Waters—Cold Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of .0005 MGD.—Limits.

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

The proposed effluent limits for Outfall 001 are based on a design flow of .0005 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Annual Average</i>	<i>Maximum</i>	
Flow (MGD)	Report	XXX	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6 Inst Min	XXX	XXX	9
Biochemical Oxygen Demand (BOD <sub>5</sub> )	XXX	XXX	XXX	10.0	XXX	20.0
Total Suspended Solids	XXX	XXX	XXX	10.0	XXX	20.0
Fecal Coliform (No./100 ml)	XXX	XXX	XXX	200	XXX	XXX

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

- UV Cleaning

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

The EPA Waiver is in effect.



*Southcentral Regional Office*

**PA0081981**, Sewage, SIC Code 6515, **Smithville Community, LLC**, 103 Taggart Drive, Coatesville, PA 19320-1024. Facility Name: Smithville MHP. This existing facility is located in Providence Township, **Lancaster 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, UNT to Huber Run (CWF, MF), is located in State Water Plan watershed 7-K and is classified for Cold Water Fishes and Migratory Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of .021 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	Daily Max XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	Inst Min 5.0	XXX	XXX	XXX
Total Residual Chlorine (TRC)	XXX	XXX	XXX	0.5	XXX	1.6
Carbonaceous Biochemical Oxygen Demand (CBOD <sub>5</sub> )	XXX	XXX	XXX	25	XXX	50
Nov 1 - Apr 30						
May 1 - Oct 31	XXX	XXX	XXX	20	XXX	40
Total Suspended Solids	XXX	XXX	XXX	30	XXX	60
Fecal Coliform (No./100 ml)	XXX	XXX	XXX	2,000	XXX	10,000
Oct 1 - Apr 30				Geo Mean		
May 1 - Sep 30	XXX	XXX	XXX	200	XXX	1,000
				Geo Mean		
Ammonia-Nitrogen	XXX	XXX	XXX	Report	XXX	XXX
Total Phosphorus	Report	XXX	XXX	2.0	XXX	4.0
	Total Mo					

The proposed effluent limits for Outfall 001 are based on a design flow of .021 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>	
E. Coli (No./100 ml)	XXX	XXX	XXX	XXX	XXX	Report
Nitrate-Nitrite as N	XXX	Report	XXX	Report	XXX	XXX
Total Nitrogen	XXX	Total Annual Report	XXX	Annl Avg Report	XXX	XXX
Total Kjeldahl Nitrogen	XXX	Total Annual Report	XXX	Annl Avg Report	XXX	XXX
Total Phosphorus	XXX	Total Annual Report	XXX	Annl Avg XXX	XXX	XXX
		Total Annual				

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*

**PA0085014**, Sewage, SIC Code 4952, **Conestoga Township**, 3959 Main Street, Conestoga, PA 17516-9616. Facility Name: Conestoga Township Colemanville STP. This existing facility is located in Conestoga Township, **Lancaster 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, Pequea Creek (WWF), is located in State Water Plan watershed 7-K 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 .004 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Weekly Average</i>		<i>Average Monthly</i>	<i>Weekly Average</i>	
Nitrate-Nitrite as N	XXX	XXX	XXX	Report Avg Qrtly	XXX	XXX

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		IMAX
	Average Monthly	Weekly Average		Average Monthly	Weekly Average	
Total Nitrogen	XXX	XXX	XXX	Report Avg Qrtly	XXX	XXX
Ammonia-Nitrogen	XXX	XXX	XXX	Report Avg Qrtly	XXX	XXX
Total Kjeldahl Nitrogen	XXX	XXX	XXX	Report Avg Qrtly	XXX	XXX
Total Phosphorus	XXX	XXX	XXX	Report Avg Qrtly	XXX	XXX

The proposed effluent limits for Outfall 001 are based on a design flow of .004 MGD.—Limits.

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

The proposed effluent limits for Outfall 001 are based on a design flow of .004 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
Total Residual Chlorine (TRC)	XXX	XXX	XXX	0.5	XXX	1.6
Carbonaceous Biochemical Oxygen Demand (CBOD <sub>5</sub> )	0.8	1.2	XXX	25.0	37.0	50
Total Suspended Solids	1.0	1.5	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 Geo Mean	XXX	1,000

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*

**PA0088757**, Industrial, SIC Code 4941, **Mount Union Municipal Authority, Huntingdon County**, 9 W. Market Street, Mount Union, PA 17066-1233. Facility Name: Mt Union Singers Gap WTP. This existing facility is located in Shirley Township, **Huntingdon County**.

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

The receiving stream(s), Singers Gap Run (HQ-CWF), is located in State Water Plan watershed 12-C 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 0.061 MGD.—Limits.

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		IMAX
	Average Monthly	Daily Maximum		Average Monthly	Daily Maximum	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
TRC	XXX	XXX	XXX	0.17	XXX	0.55
Total Suspended Solids	Report	Report	XXX	30.0	60.0	75.0
Aluminum, Total	Report	Report	XXX	1.0	2.0	2.5
Cadmium, Total	Report	Report	XXX	Report	Report	XXX
Copper, Total	Report	Report	XXX	Report	Report	XXX
Iron, Total	Report	Report	XXX	2.0	4.0	5.0
Manganese, Total	Report	Report	XXX	1.0	2.0	2.5
Zinc, Total	Report	Report	XXX	Report	Report	XXX
Hardness, Total Intake**	XXX	XXX	XXX	Report	Report	XXX
Hardness, Total	XXX	XXX	XXX	Report	Report	XXX

\*\*Samples may be collected only when discharge from Outfall 001 occurs.

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*

**PA0244597**, Concentrated Animal Feeding Operation (CAFO), **Walmoore Holsteins Inc. (Walmoore Holstein Unit 2 Farm)**, 1826 Howell Moore Road, West Grove, PA 19390-8716.

Walmoore Holsteins Inc. has submitted an application for an Individual NPDES permit for a renewal of an CAFO known as Walmoore Holstein Unit 2 Farm, located in Londonderry Township, **Chester County**.

The CAFO is situated near Middle Branch White Clay Creek (TSF, MF) and Unnamed Tributary of East Branch White Clay Creek (EV, MF) in Watershed 3-I, which is classified for Trout Stocking, Migratory Fish and Exceptional Value, Migratory Fish. The CAFO is designed to maintain an animal population of approximately 2,192.53 animal equivalent units (AEUs) consisting of 1,025 Holstein Lactating Cow, 75 Holstein Dry Cow, 405 Holstein Heifer: 1-2 yr., 420 Holstein Calf: 0-1 yr., and 42 Beef Calves: 0—11 months. Liquid manure is stored onsite in three stages of HDPE lagoons and two earthen lagoons. A release or discharge to waters of the Commonwealth under normal operating conditions is not expected. Normal operating conditions are defined as conditions below a 25-year, 24-hour storm event.

The Department has conducted administrative and technical reviews of the application. Based on the preliminary review and application of lawful standards and regulations, the Department has made a tentative determination to issue an NPDES permit for the operation subject to the terms and conditions and monitoring and reporting requirements specified in the permit.

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

The Environmental Protection Agency (EPA) permit waiver provision under 40 CFR 123.24(e) does not apply to this NPDES permit.

*Southeast Regional Office*

**PAI130036**, MS4, **Birmingham Township, Chester County**, 1040 W Street Road, West Chester, PA 19382-8012.

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 Birmingham Township, **Chester County**. The receiving stream(s), Radley Run (WWF, MF), Unnamed Tributary of Brandywine Creek (WWF, MF), Unnamed Tributary to Radley Run (WWF, MF), and West Branch Chester Creek (TSF, MF), is located in State Water Plan watershed 3-G and 3-H and is classified for Trout Stocking, Warm Water Fishes, and Migratory Fishes, aquatic life, water supply and recreation. The applicant is classified as a small MS4.

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

- A Pollutant Reduction Plan (PRP)
- A Total Maximum Daily Load (TMDL) Plan

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

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

*Southeast Regional Office*

**PAI130503**, MS4, **London Grove Township, Chester County**, 372 Rosehill Road, Suite 100, West Grove, PA 19390-9701.

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 London Grove Township, **Chester County**. The receiving stream(s), East Branch White Clay Creek (CWF, MF), Middle Branch White Clay Creek (TSF, MF), Unnamed Tributary to Middle Branch White Clay Creek (TSF, MF), Indian Run (TSF, MF), and Unnamed Tributary to East Branch White Clay Creek (CWF, MF), is located in State Water Plan watershed 3-I and is classified for Trout Stocking, Cold Water Fishes, and Migratory Fishes, aquatic life, water supply and recreation. The applicant is classified as a small MS4.

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

- A Total Maximum Daily Load (TMDL) Plan

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

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

*Southwest Regional Office*

**PA0096113**, Sewage, SIC Code 8211, **McGuffey School District**, 90 McGuffey Drive, Claysville, PA 15323-2304. Facility Name: McGuffey Jr Middle & Sr High School. This existing facility is located in Buffalo Township, **Washington 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), Buffalo Creek (HQ-WWF), is located in State Water Plan watershed 20-E and is classified for High Quality Waters—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 .024 MGD.—Limits.

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

The proposed effluent limits for Outfall 001 are based on a design flow of .024 MGD.—Limits.

Parameters	Mass Units (lbs/day)			Concentrations (mg/L)		IMAX
	Average Monthly	Average Weekly	Minimum	Average Monthly	Maximum	
Flow (MGD)	0.024	XXX	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	Inst Min	XXX	XXX	XXX
Carbonaceous Biochemical Oxygen Demand (CBOD <sub>5</sub> )	XXX	XXX	Inst Min	25.0	XXX	50.0
Total Suspended Solids	XXX	XXX	XXX	30.0	XXX	60.0
Fecal Coliform (No./100 ml)	XXX	XXX	XXX	2,000	XXX	10,000
Oct 1 - Apr 30				Geo Mean		
May 1 - Sep 30	XXX	XXX	XXX	200	XXX	1,000
Ultraviolet light transmittance (%)	XXX	XXX	Report	Geo Mean	XXX	XXX
			Inst Min	Report		
Ammonia-Nitrogen	XXX	XXX	XXX	8.5	XXX	17.0
Nov 1 - Apr 30						
May 1 - Oct 31	XXX	XXX	XXX	2.8	XXX	5.7

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

**PA0110663**, Sewage, SIC Code 4952, **Cresson Borough Municipal Authority, Cambria County**, 631 Second Street, Cresson, PA 16630. Facility Name: Cresson Borough STP. This existing facility is located in Cresson Borough, **Cambria County**.

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

The receiving stream(s), Little Conemaugh River (CWF), is located in State Water Plan watershed 18-E and is classified for Cold Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 1.5 MGD.—Interim Limits.

Parameters	Mass Units (lbs/day)			Concentrations (mg/L)		IMAX
	Average Monthly	Average Weekly	Average Monthly	Average Monthly	Daily Maximum	
Copper, Total (ug/L)	0.53	0.94	XXX	42.0	75.0	XXX
	Avg Qrtly	Daily Max		Avg Qrtly		

The proposed effluent limits for Outfall 001 are based on a design flow of 1.5 MGD.—Interim Limits.

Parameters	Mass Units (lbs/day)			Concentrations (mg/L)		IMAX
	Average Monthly	Average Weekly	Average Monthly	Average Monthly	Daily Maximum	
Cyanide, Free (ug/L)	Report	XXX	Report	XXX	Report	XXX
Carbon Tetrachloride (ug/L)	Report	XXX	Report	XXX	Report	XXX

The proposed effluent limits for Outfall 001 are based on a design flow of 1.5 MGD.—Final Limits.

Parameters	Mass Units (lbs/day)			Concentrations (mg/L)		IMAX
	Average Monthly	Average Weekly	Average Monthly	Average Monthly	Daily Maximum	
Copper, Total (ug/L)	0.18	XXX	14.4	XXX	21.6	XXX

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Average Monthly</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Weekly Average</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
Cyanide, Free (ug/L)	0.05	XXX	4.14	XXX	6.21	XXX
Carbon Tetrachloride (ug/L)	0.007	XXX	0.55	XXX	0.82	XXX

The proposed effluent limits for Outfall 001 are based on a design flow of 1.5 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Average Monthly</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Weekly Average</i>		<i>Daily Maximum</i>	<i>Daily Maximum</i>	
Total Nitrogen	XXX	XXX	XXX	Report	XXX	XXX
Total Phosphorus	XXX	XXX	XXX	Report	XXX	XXX
Aluminum, Total	XXX	XXX	XXX	Report	XXX	XXX
Iron, Total	XXX	XXX	XXX	Report	XXX	XXX
Manganese, Total	XXX	XXX	XXX	Report	XXX	XXX
Hardness, Total (as CaCO <sub>3</sub> )	XXX	XXX	XXX	Report	XXX	XXX

The proposed effluent limits for Outfall 001 are based on a design flow of 1.5 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Average Monthly</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Weekly Average</i>		<i>Daily Maximum</i>	<i>Daily Maximum</i>	
Flow (MGD)	Report	Report Daily Max	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0 Min	XXX	9.0 Max	XXX
Dissolved Oxygen	XXX	XXX	6.0 Min	XXX	XXX	XXX
Carbonaceous Biochemical Oxygen Demand (CBOD <sub>5</sub> ) Nov 1 - Apr 30	312.75	469.12	25.0	37.5 Wkly Avg	XXX	50
May 1 - Oct 31	250.2	375.3	20.0	30.0 Wkly Avg	XXX	40
Biochemical Oxygen Demand (BOD <sub>5</sub> ) Raw Sewage Influent	Report	Report Daily Max	Report	XXX	XXX	XXX
Total Suspended Solids	375.3	562.95	30.0	45.0 Wkly Avg	XXX	60
Total Suspended Solids Raw Sewage Influent	Report	Report Daily Max	Report	XXX	XXX	XXX
Fecal Coliform (No./100 ml) Oct 1 - Apr 30	XXX	XXX	XXX	2,000 Geo Mean	XXX	10,000
May 1 - Sep 30	XXX	XXX	XXX	200 Geo Mean	XXX	1,000
E. Coli (No./100 ml)	XXX	XXX	XXX	XXX	XXX	Report
Ultraviolet light intensity (mW/cm <sup>2</sup> )	XXX	XXX	Report Min	XXX	XXX	XXX
Ammonia-Nitrogen Nov 1 - Apr 30	31.3	XXX	2.5	XXX	XXX	5
May 1 - Oct 31	18.76	XXX	1.5	XXX	XXX	3
Boron, Total	Report	XXX	Report	Report	XXX	XXX
Iron, Dissolved	Report	XXX	Report	Report	XXX	XXX
Silver, Total	Report	XXX	Report	Report	XXX	XXX
Zinc, Total	Report	XXX	Report	Report	XXX	XXX
Bis(2-Ethylhexyl)Phthalate (ug/L)	XXX	XXX	1.45	XXX	2.5	XXX

The proposed effluent limits for Outfall 001 are based on a design flow of 1.5 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Average Monthly</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Weekly Average</i>		<i>Daily Maximum</i>	<i>Daily Maximum</i>	
PFOA (ng/L)	XXX	XXX	XXX	Report	XXX	XXX
PFOS (ng/L)	XXX	XXX	XXX	Report	XXX	XXX
PFBS (ng/L)	XXX	XXX	XXX	Report	XXX	XXX
HFPO-DA (ng/L)	XXX	XXX	XXX	Report	XXX	XXX

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

The EPA Waiver is not in effect.

*Southwest Regional Office*

**PA0044326**, Industrial, SIC Code 4953, **MAX Environmental Technologies, Inc.**, McCandless Corporate Center, 5700 Corporate Drive, Suite 425, Pittsburgh, PA 15237-5861. Facility Name: Bulger Facility. This existing facility is located in Smith Township, **Washington County**.

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

The receiving streams, Raccoon Creek (WWF), Little Raccoon Run (WWF), and an unnamed tributary to Little Raccoon Run, are located in State Water Plan watershed 20-D and is classified for Warm Water Fishes, aquatic life, water supply and recreation. The discharges are not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.147 MGD.—Interim Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>			<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Instant. Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	
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	60.0	75.0
Oil and Grease	XXX	XXX	XXX	15.0	30.0	XXX
Ammonia-Nitrogen	XXX	XXX	XXX	45.0	90.0	XXX
Nitrate as N	XXX	XXX	XXX	XXX	Report	XXX
Aluminum, Total	XXX	XXX	XXX	0.75	0.75	0.75
Arsenic, Total	XXX	XXX	XXX	Report	Report	XXX
Iron, Total	XXX	XXX	XXX	1.5	3.0	3.75
Manganese, Total	XXX	XXX	XXX	1.0	2.0	2.5
Mercury, Total	XXX	XXX	XXX	Report	Report	XXX
Nickel, Total	XXX	XXX	XXX	1.0	2.0	2.5
Thallium, Total (µg/L)	XXX	XXX	XXX	Report	Report	XXX
Chloride	XXX	XXX	XXX	XXX	Report	XXX
Dichlorobromomethane	XXX	XXX	XXX	Report	Report	XXX
PFOA (ng/L)	XXX	XXX	XXX	XXX	XXX	Report
PFOS (ng/L)	XXX	XXX	XXX	XXX	XXX	Report
PFBS (ng/L)	XXX	XXX	XXX	XXX	XXX	Report
HFPO-DA (ng/L)	XXX	XXX	XXX	XXX	XXX	Report

The proposed effluent limits for Outfall 001 are based on a design flow of 0.147 MGD.—Final Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>			<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Instant. Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	
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	60.0	75.0
Oil and Grease	XXX	XXX	XXX	15.0	30.0	XXX
Ammonia-Nitrogen	XXX	XXX	XXX	45.0	90.0	XXX
Nitrate as N	XXX	XXX	XXX	XXX	Report	XXX
Aluminum, Total	XXX	XXX	XXX	0.75	0.75	0.75
Arsenic, Total	XXX	XXX	XXX	Report	Report	XXX
Iron, Total	XXX	XXX	XXX	1.5	3.0	3.75
Manganese, Total	XXX	XXX	XXX	1.0	2.0	2.5
Mercury, Total	XXX	XXX	XXX	Report	Report	XXX
Nickel, Total	XXX	XXX	XXX	1.0	2.0	2.5
Thallium, Total (µg/L)	XXX	XXX	XXX	3.73	5.82	9.33
Chloride	XXX	XXX	XXX	XXX	Report	XXX
Dichlorobromomethane	XXX	XXX	XXX	Report	Report	XXX
PFOA (ng/L)	XXX	XXX	XXX	XXX	XXX	Report
PFOS (ng/L)	XXX	XXX	XXX	XXX	XXX	Report
PFBS (ng/L)	XXX	XXX	XXX	XXX	XXX	Report
HFPO-DA (ng/L)	XXX	XXX	XXX	XXX	XXX	Report

Outfalls 004, 005, 006, 007, 013, 014, and 015 are authorized to discharge storm water that is not exposed to industrial activities.

In addition, the permit contains the following major special conditions: a schedule of compliance for water quality limits and requirements applicable to storm water, chemical additives, and emergency overflows.

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

The EPA Waiver is not in effect.

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

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*Southcentral Regional Office*

Applicant: **FirstEnergy**

Applicant Address: 2800 Pottsville Pike, Reading, PA 19612

Application Number: **PAD500021 A-2**

Application Type: Major Amendment

Municipality/County: Centre, Miller, Wheatfield, and Penn Townships and Dauphin Borough, Middle Paxton, and Reed Townships, **Perry County** and **Dauphin County**.

Project Site Name: Lewistown Hummelstown, Section 2 OPGW Replacement

Total Earth Disturbance Area (acres): 152.98 acres

Surface Waters Receiving Stormwater Discharges: UNT to Juniata River (WWF), Juniata River (WWF), UNT to Little Buffalo Creek (CWF), UNT to Little Juniata Creek (CWF), Little Juniata Creek (CWF), UNT to Susquehanna River (WWF), Susquehanna River (WWF), UNT to Clark Creek (HQ-CWF), UNT to Stoney Creek (CWF), and UNT to Fishing 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: Inclusion of Section 2 for multi-county OPGW utility maintenance/replacement.

Special Conditions: N/A

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

*Cambria District Office*

Applicant: **PA DEP Bureau of Abandoned Mine Reclamation**

Applicant Address: 286 Industrial Park Road, Ebensburg, PA 15931

Application Number: **PAD680021**

Application Type: New

Municipality/County: Elder Township, **Cambria County**

Project Site Name: OSM 11(3096)101.1 St. Boniface West

Total Earth Disturbance Area (acres): 65 acres

Surface Waters Receiving Stormwater Discharges: UNT to Brumbaker Run (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: The project is an abandoned strip mine with approximately 8,800 LF of Dangerous Highwall ranging between 30 to 50 feet in height. The existing Spoil Area will be used to eliminate the Dangerous Highwall. Once graded to near original contour, the site will be vegetated with grass and trees.

Special Conditions: N/A

You may review the permit application file by contacting DEP's File Review Coordinator at 814-472-1800.

*Southcentral Regional Office*

Applicant: **Watermark, LLC**

Applicant Address: 4935 Franklin Street Ext, Red Lion, PA 17356

Application Number: **PAD670112**

Application Type: New

Municipality/County: North Hopewell Township, **York County**

Project Site Name: Proposed Truck Repair Shop

Total Earth Disturbance Area (acres): 7.66 acres

Surface Waters Receiving Stormwater Discharges: North Branch Muddy Creek (CWF, MF) via EV Wetlands and UNT to North Branch Muddy Creek (CWF, MF) via EV Wetlands

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

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

Project Description: Proposed truck repair shop.

Special Conditions: N/A

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

*Northcentral Regional Office*

Applicant: **PA USLE Zion Road 1 LLC**

Applicant Address: 8 British American Boulevard, Latham, NY 12110

Application Number: **PAD 170006**

Application Type: New

Municipality/County: Knox Township, **Clearfield County**

Project Site Name: Zion Road Solar

Total Earth Disturbance Area (acres): 36.9 acres

Surface Waters Receiving Stormwater Discharges: Little Clearfield Creek, UNT Dunlap Run

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

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

Project Description: Construction of Solar Generation Facility with solar arrays with associated gravel access drives, concrete equipment pads, and stormwater BMPs.

Special Conditions: N/A

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

*Northwest Regional Office*

Applicant: **Punxsutawney Airport Authority**

Applicant Address: P.O. Box 365, Punxsutawney, PA 15767

Application Number: **PAD330014**

Application Type: New

Municipality/County: Bell Township, **Jefferson County**

Project Site Name: Punxsutawney Airport Apron Extension

Total Earth Disturbance Area (acres): 1.92 acres

Surface Waters Receiving Stormwater Discharges: UNT Graffius Run CWF and EV Wetlands

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

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

Project Description: Construction of a paved apron extension at the existing airport.

Special Conditions: N/A

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

*Northeast Regional Office*

Applicant: **Hazleton Area School District**

Applicant Address: 1515 West 23rd Street, Hazleton, PA 18202-1647

Application Number: **PAD400087**

Application Type: New

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

Project Site Name: HASD Indoor Athletic Facility



Total Earth Disturbance Area (acres): 12.36 acres

Surface Waters Receiving Stormwater Discharges: 1. Black Creek (CWF, MF)

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

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

Project Description: The project involves the construction of an approximately 121,175 SF indoor athletic facility with associated paved parking and access drive.

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

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

*Northeast Regional Office*

Applicant: **Nicholas Park Mall, LLC, c/o Barrett Dunigan**

Applicant Address: 11 Coneflower Lane, West Windsor, NJ 08550-2410

Application Number: **PAD390320**

Application Type: New

Municipality/County: Salisbury Township, Allentown City, **Lehigh County**

Project Site Name: Proposed Southmall Redevelopment

Total Earth Disturbance Area (acres): 7.51 acres

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

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

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

Project Description: The project proposes demolition of an existing Bon-Ton Building and construction of a 67,340 SF Giant Supermarket Building, 136 SF Fuel Kiosk, canopy, fuel pump area with associated parking, utilities, and stormwater management systems. The post development ground cover shall net a decrease of impervious surfaces of 0.53 acre. Inlet snouts/sumps, extended detention basin, a spray irrigation system and amended soil area BMPs are proposed.

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.

## PUBLIC WATER SUPPLY PERMITS

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

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

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

The permit application and related documents are on file at the office listed before the application and available

for public review. Arrangements for inspection and copying information should be made with the office listed before the application.

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

## SAFE DRINKING WATER

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

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

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

**Application No. 0924520**, Construction, Public Water Supply.

Applicant

**Perkasie Regional Authority**

Address

150 Ridge Road  
Suite 1  
Sellersville, PA 18960-1521

Municipality

East Rockhill Township

County **Bucks County**  
 Responsible Official Nicholas Fretz  
 150 Ridge Road  
 East Rockhill Township, PA  
 18960-1521  
 Consulting Engineer Pennoni Engineering  
 150 Ridge Road  
 Suite 2  
 Sellersville, PA 18960-1521  
 Application Received September 12, 2024  
 Description Existing treatment center to  
 receive a building addition to  
 increase capacity and treatment  
 scope.

Description Application received on  
 September 17, 2024 for various  
 upgrades to the Fern Hollow  
 Water Treatment Plant including  
 the addition of two new filters,  
 the expansion of both existing  
 clearwells, and the replacement  
 of High Service Pump No. 1 and  
 2 with a new High Service  
 Pump.

## LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

### UNDER ACT 2, 1995 PREAMBLE 1

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

Contact: RA-EPSWSDW@pa.gov.

**Application No. 0224558**, Construction, Public Water  
 Supply.

Applicant **Moon Township Municipal  
 Authority**  
 Address 1700 Beaver Grade Road  
 Suite 200  
 Moon Township, PA 15108  
 Municipality Moon Township  
 County **Allegheny County**  
 Responsible Official Deborah A. Walker  
 1700 Beaver Grade Road  
 Suite 200  
 Moon Township, PA 15108  
 Consulting Engineer KLH Engineers, Inc.  
 5173 Campbells Run Road  
 Pittsburgh, PA 15205  
 Application Received September 23, 2024  
 Description Application received for the  
 implementation of a zinc  
 ortho-phosphate feed system at  
 the Fern Hollow Water  
 Treatment Plant. Application  
 accepted on October 4, 2024.

**Application No. 0224554**, Construction, Public Water  
 Supply.

Applicant **Moon Township Municipal  
 Authority**  
 Address 1700 Beaver Grade Road  
 Suite 200  
 Moon Township, PA 15108  
 Municipality Moon Township  
 County **Allegheny County**  
 Responsible Official Deborah A. Walker  
 1700 Beaver Grade Road  
 Suite 200  
 Moon Township, PA 15108  
 Consulting Engineer KLH Engineers, Inc.  
 5173 Campbells Run Road  
 Pittsburgh, PA 15205  
 Application Received September 17, 2024

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

Sections 302—305 of the Land Recycling and Environ-  
 mental Remediation Standards Act (Act) require the  
 Department of Environmental Protection (DEP) to pub-  
 lish in the *Pennsylvania Bulletin* an acknowledgment  
 noting receipt of any Notices of Intent (NOI) to Remedi-  
 ate. An acknowledgment of the receipt of a NOI to  
 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 stan-  
 dard, the site-specific standard, or who intend to remedi-  
 ate a site as a special industrial area, must file a NOI to  
 Remediate with DEP. A NOI to Remediate filed with DEP  
 provides a brief description of the location of the site, a  
 list of known or suspected contaminants at the site, the  
 proposed remediation measures for the site, and a de-  
 scription of the intended future use of the site. An  
 individual who demonstrates attainment of one, or a  
 combination of the cleanup standards, or who receives  
 approval of a special industrial area remediation iden-  
 tified under the Act, will be relieved of further liability for  
 the remediation of the site for any contamination iden-  
 tified 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 remedia-  
 tion to a site-specific standard or as a special industrial  
 area, the municipality, within which the site is located,  
 may request to be involved in the development of the  
 remediation and reuse plans for the site if the request is  
 made within 30-days of the following specified date.  
 During this comment period the municipality may re-  
 quest that the following identified individual, as the  
 remediator of the site, develop and implement a public  
 involvement plan. Requests to be involved, and com-  
 ments, should be directed to the remediator of the site.

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

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

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

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

*Contact: Eric Supey, Environmental Program Manager.*

**55 East High Street**, Primary Facility ID # **871831**, 55 East High Street, Coaldale, PA 18218, Coaldale Borough, **Schuylkill County**. Crawford Environmental Services, 20 Cardinal Drive, Birdsboro, PA 19508 on behalf of Rarick's Coal & National Oil, 32 North Nescopee Street, Tamaqua, PA 18252, submitted a Notice of Intent to Remediate. Soil was contaminated with No. 2 heating oil. Future use of the site will be residential. The Notice of Intent to Remediate was published in *The Journal-Herald* on August 29, 2024. Application received: October 1, 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.*

**2351 E. Sergeant Street**, Primary Facility ID # **878818**, 2351 East Sergeant Street, Philadelphia, PA 19125, City of Philadelphia, **Philadelphia County**. Ryan Beebe, Crawford Environmental Services, LLC, 20 Cardinal Drive, Birdsboro, PA 19508 on behalf of Bill Law, Oil Patch Fuel Corp., 7421 Glenmore Avenue, Philadelphia, PA 19153, 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 *Metro Philadelphia* on August 28, 2024. Application received: September 16, 2024.

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

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

**2198 University Drive**, Primary Facility ID # **878677**, 2198 University Drive, Lemont Furnace, PA 15456, North Union Township, **Fayette County**. Jordan R. Sipos, 180 Mercer Street, Suite A, Meadville, PA 16335 on behalf of Barry Snyder, 134 North LaSalle St, Suite 1460, Chicago, IL 60602, submitted a Notice of Intent to Remediate. The site is an industrial property that is partially vacant and has historically been utilized for industrial purposes, including truck trailer construction, military vehicle servicing, and oil and gas field services. Historical releases related to past industrial processes have led to low level impacts of VOCs, SVOCs, and metals to soil and groundwater. Primary contaminants include chlorinated solvents, 1,4-Dioxane, and Lead. Proposed remedial measures include removal of impacted soils and implementation of institutional controls to prohibit groundwater usage. The Notice of Intent to Remediate was published in *The Daily Courier* on September 11, 2024. Application received: September 24, 2024.

**River Road Development**, Primary Facility ID # **878715**, 4 River Road, McKees Rocks, PA 15136, McKees Rocks Borough, **Allegheny County**. R.A.R. Engineering Group, Inc., 1135 Butler Avenue, New Castle, PA 16101 on behalf of Aaron Silverman, 830 Route 910,

Cheswick, PA 15024, submitted a Notice of Intent to Remediate. The site has been found to be contaminated historically with metals and semi-volatile organics that have contaminated soil and ground water. The site is currently utilized for nonresidential purposes as a bus garage. The intended future use of the property will be nonresidential purposes as a bus garage. The Notice of Intent to Remediate was published in *Pittsburgh Post-Gazette* on September 26, 2024. Application received: September 27, 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.**

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

*Contact: Shawn Peters, Environmental Engineer Manager, ra-epnwrowasteprog@pa.gov.*

**101739. Clear Water Technology, LLC**, 120 Hart Road, Montrose, PA 18801, Jessup Borough, **Susquehanna County**. This application is for an individual residual waste permit intended to replace the current General Waste Permit (WMGR123NE003) for the Shaskas Facility on a property located at 120 Hart Road, Jessup Township, Susquehanna County, PA. The residual waste processing facility will continue to occupy at this location comprising of approximately 15.0 acres. Application received: October 2, 2024.

Comments or questions concerning the application should be directed to Shawn Peters, Environmental Engineer Manager, ra-epnwrowasteprog@pa.gov, Northeast Region, 2 Public Square, Wilkes-Barre, PA 18701-1915, 570-826-2511. TDD users may contact the Department through the Pennsylvania Hamilton Relay Service, (800) 654-5984. Public comments must be submitted within 60 days of this notice and may recommend revisions to, and approval or denial of the application.

#### AIR QUALITY

#### PLAN APPROVAL AND OPERATING PERMIT APPLICATIONS

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

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

and telephone number of the Regional Office is listed before the application notices.

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

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

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

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

### PLAN APPROVALS

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

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

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

**61-00233A: Webco Industries Inc.**, 32 Progress Drive, Reno, PA 16117, Sugarcreek Borough, **Venango County**. Application received: February 5, 2024.

The Department of Environmental Protection intends to issue a plan approval to Webco to authorize the operation of various surface coating and steel tube cutting

operations at their facility located in Sugarcreek Borough, Venango County. Webco Reno VAF is a Synthetic Minor facility which is not currently permitted under a State Only Operating Permit. Public notice is required for sources required to obtain a Plan Approval in accordance with 25 Pa. Code § 127.44.

The following sources are affected by this Plan Approval:

- Four (4) Rattunde model: 105 short piece cutting lines (Source ID 101—104)
- One (1) HMP model: 105 short piece cutting line (Source ID 105)
- One (1) Bader model: 1004A polishing unit (Source ID 106)
- One (1) Fein model: GL150 polishing unit (Source ID 107)
- Five (5) Crystal Clean model 2725 parts washers/cold cleaning units (Source ID 108)
- One (1) Hand wiping and cleaning process (Source ID 109)
- One (1) Wet saw cutting process (Source ID 110)

Exempt Sources:

10 space heaters to heat the building.

Webco VAF submitted this plan approval to address their self-disclosure of the failure to recognize the need for synthetic minor permit for VOCs on August 15, 2022.

The facility will be restricted to a site wide VOC limit of 49 tons per year. The applicant states that the sources 101—110 do not operate for an entire calendar year nor does it operate at PTE rates or capacities. Source 101—105 have exhaust stacks across the extent of the building. The other sources are fugitive in nature. To ensure compliance the applicant will need to track and document chemical usage and VOC emissions on a monthly rolling basis in order to show that they are below major thresholds. There are additional Chemical usage throughput restrictions for each source to ensure that these limits are met.

Based on BAT, PTE, and regulatory requirements the emission/throughput limits will be as follows for each source:

- 49 tons per year VOC site wide
- 101—2.86 tons per year VOC and 4,125 gallons per year of VOC containing chemicals
- 102—2.62 tons per year VOC and 3,438 gallons per year of VOC containing chemicals
- 103—2.61 tons per year VOC and 3,438 gallons per year of VOC containing chemicals
- 104—3.3 tons per year VOC and 4,813 gallons per year of VOC containing chemicals
- 105—13.32 tons per year VOC and 15,813 gallons per year of VOC containing chemicals
- 106—1.5 tons per year VOC and 1,027 gallons per year of VOC containing chemicals
- 107—1.5 tons per year VOC and 1,027 gallons per year of VOC containing chemicals
- 108—0.5 ton per year VOC
- 109—1 ton per year VOC
- 110—10 tons per year VOC and 2,325 gallons per year of VOC containing chemicals

**Estimated Emissions**

Potential emissions from the facility will be as follows:

<i>Pollutants</i>	<i>NO<sub>x</sub></i>	<i>CO</i>	<i>SO<sub>x</sub></i>	<i>PM<sub>10</sub></i>	<i>PM<sub>2.5</sub></i>	<i>VOC</i>	<i>HAPs</i>
101						2.8535	
102						2.6182	
103						2.6099	
104						3.2965	
105						13.3172	
106						1.5000	
107						1.5000	
108						0.4587	
109						0.8383	
110						10.0000	
Totals						39	
Major	100	100	100	100	100	50	25

Estimated emissions are based on VOC containing chemical throughput of each source assuming 100% emissions, operating hours vary but the chemical throughput figure reflect maximum capacity for the facility. HAP emissions were significant to 0.0001 digits and considered negligible. All figures are in tpy (tons per year).

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

In accordance with 25 Pa. Code § 127.44(f)(2), a 30-day comment period, from the date of publication, will exist for the submission of comments. Any person(s) wishing to provide DEP with additional information, which they believe should be considered prior to the issuance of this permit, may submit the information to Regional Air Quality Program Manager, Pennsylvania Department of Environmental Protection, 230 Chestnut Street, Meadville, PA 16335-3494 and must contain the name, address and telephone number of the person submitting the comments, identification of the proposed plan approval [61-00233A: Webco Industries Inc.] and a concise statement regarding the relevancy of the information or objections to the issuance of the permit.

A public hearing may be held, if the Department of Environmental Protection, in its discretion, decides that such a hearing is warranted based on the comments received. All persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in the newspaper or the *Pennsylvania Bulletin* or by telephone, where DEP determines such notification is sufficient. Written comments or requests for a public hearing should be directed to Eric Gustafson, 230 Chestnut St., Meadville, PA 16335; Phone (814) 332-6819.

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

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

*Contact: Sheri Guerrieri, P.E., New Source Review Chief, 412-442-4174.*

**PA-63-00895A: Ensinger, Inc.**, 365 Meadowlands Boulevard, Washington, PA 15301, North Strabane Township, **Washington County**. Application received: July 19, 2024.

In accordance with 25 Pa. Code §§ 127.44 and 127.45, the Pennsylvania Department of Environmental Protection (DEP) is providing notice that it intends to issue an Air Quality Plan Approval Modification (PA-63-00895A) to Ensinger, Inc. ("Ensinger") to authorize the reactivation of one (1) fluidized bed thermal cleaning sand bath, Source 101. Source 101 consists of two (2) fluidized bed thermal cleaning sand baths located at Ensinger Washington Facility located at 365 Meadowlands Boulevard in North Strabane, Washington County. The thermal cleaning system is a combined process involving pyrolysis and oxidation.

The emissions from sand bath will be controlled by a 0.4 MMBtu/hr natural gas fired afterburner. After reactivation, the potential emissions from the sand bath will be NO<sub>x</sub> = 0.20 tpy; VOC = 0.12 tpy; CO = 0.28tpy; PM<sub>10</sub> = 0.24 tpy; and total HAPs = 0.002 tpy.

This authorization is subject to the best available technology (BAT) and the State regulations including 25 Pa. Code Chapters 123 and 127. Plan approval conditions include emission limits, operational restrictions, monitoring requirements, work practice standards, associated recordkeeping, reporting requirements, and stack testing. Once compliance with the Plan Approval is demonstrated, the applicant will be required to revise or submit a State Only Operating Permit ("SOOP") application in accordance with 25 Pa. Code Subchapter F. Plan Approval application, the Department's Air Quality Review Memorandum, and the Proposed Air Quality Plan Approval for this project are available for review by any interested party at the Pennsylvania Department of Environmental Protection, Southwest Regional Office, 400 Waterfront Drive, Pittsburgh, PA 15222.

To request a review of the Plan Approval Application, to receive an electronic copy of the Department's Air Quality Review Memorandum, or to receive an electronic copy of the Department's proposed Air Quality Plan Approval for this project, a person may contact Jesse Parihar at jparihar@pa.gov or 412.442.4030.

A person may oppose the proposed Plan Approval by filing a written protest with the Department through

Jesse Parihar via the U.S. Postal Service to Pennsylvania Department of Environmental Protection, 400 Waterfront Drive, Pittsburgh, PA 15222; email to jparihar@pa.gov; or fax to 412.442.4194. Additional written comments may also be submitted. Each protest or set of written comments must contain the name, address and telephone number of the person submitting the comments, identification of the proposed Plan Approval (PA-63-00895A) and a concise statement of the objections to the plan approval issuance and the relevant facts upon which the objections are based. All comments must be received prior to the close of business 30 days after the date of this publication.

### OPERATING PERMITS

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

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

*Contact: Janine Tulloch-Reid, Environmental Engineer Manager, 484-250-7505.*

#### **CORRECTION—previously published on September 21, 2024.**

**09-00006, United States Steel Corporation (USS)—Mon Valley Works/Fairless Plant, 400 Middle Drive, Fairless Hills, PA 19030, Falls Township, Bucks County.** Application received: February 14, 2024. [Note: This notice serves to correct a typographical error in the Title V Operating Permit (TVOP) number and the total rated heat input of the space heaters, as stated in the original notice published on September 21, 2024 (Volume 54, Number 38, pg. 6024). All other information in the original notice is correct as is. In addition, this notice includes information on the natural gas consumption restriction for the miscellaneous natural gas usage source grouping (i.e., the chemtreat dryer, zinc pot preheater, and space heaters) and rated heat input information for the chemtreat dryer and zinc pot preheater.] This action is for the renewal of TVOP No. 09-00006 for the facility. The main sources at the facility are as follows: • The following natural gas-fired secondary steel processing sources: • A galvanizing line furnace with a rated heat input of 68.4 mmBtu/hr. • A galvaneal furnace with a rated heat input of 16 mmBtu/hr. • A boiler rated with a rated heat input of 31.2 mmBtu/hr. • A chemtreat dryer with a rated heat input of 1.2 mmBtu/hr. • A zinc pot preheater with a rated heat input of 1.0 mmBtu/hr. • The following sources to support the facility: • 38 natural gas-fired space heaters with a total rated heat input of 48.75 mmBtu/hr. • A parts washer. The facility is subject to a nitrogen oxides (NO<sub>x</sub>) emission rate restriction of less than 100 tons/yr and the miscellaneous natural gas usage source grouping is subject to a natural gas consumption restriction of 244,630 mcf/yr. USS previously elected to comply with these restrictions to ensure that the facility is not subject to the additional Reasonably Available Control Technology (RACT) requirements for major sources of NO<sub>x</sub> codified at 25 Pa. Code §§ 129.96—129.100 (RACT II). Since the potential to emit NO<sub>x</sub> for the facility exceeds the major facility threshold of 25 tons/yr for the Southeast Pennsylvania air basin, the facility is categorized as Title V. The average annual NO<sub>x</sub> emissions from the facility over the previous 5 calendar years are 36.75 tons/yr. Since DEP last renewed the TVOP in October 2019, no physical changes have occurred at the facility. The TVOP will continue to include monitor-

ing, recordkeeping, reporting, and work practice requirements designed to keep the facility operating within all applicable air quality requirements, including all applicable provisions of 40 CFR Part 60, Subpart Dc, for the boiler. Anyone wishing to request information regarding this action can do so by contacting the Southeast Regional Office through the contact person previously listed in the header. Comments on the draft permit can be submitted through the Air Quality resource account at RA-EPSEROPUBCOM@pa.gov.

*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.*

**65-00767, Westmoreland Sanitary Landfill, LLC, 111 Conner Lane, Belle Vernon, PA 15012, Rostraver Township, Westmoreland County.** Application received: November 1, 2021.

In accordance with 25 Pa. Code §§ 127.424, 127.425 and 127.521, the Department of Environmental Protection (DEP) is providing notice that it intends to issue a Title V Operating Permit renewal to Westmoreland Sanitary Landfill, LLC for their facility located in Rostraver Township, Westmoreland County.

Sanitary Landfill, a municipal solid waste landfill has been in operation since 1960s. Sources and the control devices at this facility include Landfill Gas collection, Paved and Unpaved Roadways, Landfill Construction/Operation, Soil Processing, Rock Crusher, a 2,128-bhp Cummins C1540 N6CB natural gas-fired engine controlled by an oxidation catalyst and SCR system, Thermal Oxidizer, LFG Flare # 1 (Enclosed Flare), and Water Spray.

This facility has the emissions of the following type and quantity of air contaminants: 39.15 tons per year of carbon monoxide, 45.43 tons per year of nitrogen oxides, 77.14 tons per year of particulate matter, 10.64 tons per year of sulfur oxides, 46.36 tons per year of NMOC, 25.90 tons per year of volatile organic compounds and 13.09 tons per year of HAPs. The proposed TVOP contains emission restriction, testing, monitoring, recordkeeping, reporting and work practice standards derived from the applicable requirements of 25 Pa. Code Article III, Chapters 121—145, 40 CFR Part 62 Subpart OOO, 40 CFR Part 63 Subpart AAAA, 40 CFR Part 60 Subpart Cf, 40 CFR Part 60 Subpart OOO and NSPS from 40 CFR Part 60 Subpart JJJJ.

A person may oppose the proposed Title V Operating Permit by filing a written protest with the Department through Noor Nahar via mail to Pennsylvania Department of Environmental Protection, 400 Waterfront Drive, Pittsburgh, PA 15222. Each protest or set of written comments must contain the name, address and telephone number of the person submitting the comments, identification of the proposed Title V Operating Permit (TVOP-65-00767) and a concise statement of the objections to the Operating Permit issuance and the relevant facts upon which the objections are based.

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 Tom Joseph, Facilities Permitting Chief, directly.

All comments must be received prior to the close of business 30 days after the date of this publication.

### OPERATING PERMITS

#### Notice of Intent to Issue Operating Permit(s) 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.*

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

*Contact: Janine Tulloch-Reid, Environmental Engineer Manager, 484-250-7505.*

**15-00160, International Paper Co.**, 4581 Lower Valley Road, Atglen, PA 19310, West Sadsbury Township, **Chester County**. Application received: September 5, 2024. This action is for the initial issuance of a Non-Title V Facility, State-Only, Synthetic Minor Permit. International Paper (IP) converts raw paper materials to corrugated boxes. IP operates a Boiler (equipped with a low NO<sub>x</sub> burner), Starch Silo (equipped with Bin Vent Filter), Corrugator, Converting and Printing Operations, Cyclone Separator, Diesel Emergency Generator, Emergency Fire Pump and Gas-fired Space Heaters. IP currently operates under Plan Approval 15-0160 issued in March 2022. DEP conducted a plan approval inspection on March 6, 2024. The plan approval is ready to be incorporated into a State Only Operating Permit. If IP would operate 8,760 hours per year, the facility would have the potential to emit (PTE) the following: Particulate Matter (PM)—26.8 tons per year (tpy); Nitrogen Oxides (NO<sub>x</sub>)—10.05 tpy, Volatile Organic Compounds (VOC)—24.11 tpy and Hazardous Air Pollutants (HAP) 7.5 tpy. The facility has a VOC emission limit of less than 25 tpy and a combined HAP emission limit of less than 25 tpy and any individual HAP emission limit less than 10 tpy calculated on a 12-month rolling basis. Monitoring, recordkeeping, work practice and reporting requirements are included in the permit to address applicable limitations. Anyone wishing to request information regarding this action can do so by contacting the Southeast Regional Office through the contact person previously listed in the header. Comments on the draft permit can be submitted through the Air Quality resource account at RA-EPSEROAQPUBCOM@pa.gov.

**15-00093, West Chester Animal Hospital**, 1140 Pottstown Pike, West Chester, PA 19380-4138, West Goshen Township, **Chester County**. Application received: April 14, 2023. West Chester Animal Hospital is a full-service hospital offering complete small animal veterinary medicine, including labs, surgery, and dentistry. This action is for the renewal of the existing State-Only, Natural Minor Operating Permit. The facility operates one (1) natural-gas fired animal crematory and a propane-fueled internal combustion engine to provide power for a water pump. The operating permit includes monitoring, recordkeeping and work practice requirements designed to ensure this facility complies with all applicable air quality regulations. The potential emissions from the facility are 13.8 tpy Carbon Monoxide, 0.87 tpy Nitrogen Oxides, 1.66 tpy Particulate Matter, 1.22 tpy Sulfur Oxides and 1.71 tpy Volatile Organic Compounds. Anyone wishing to request information regarding this action can do so by contacting the Southeast Regional Office through the contact person previously listed in the header. Comments on the draft

permit can be submitted through the Air Quality resource account at RA-EPSEROAQPUBCOM@pa.gov.

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

**15-00029, Pactiv Packaging, Inc.**, 241 Woodbine Rd, Downingtown, PA 19335, Downingtown Borough, **Chester County**. Application received: August 1, 2023. This action is for the renewal of the Synthetic Minor Permit. There is a new emergency generator at the facility. Sources of emission at the facility are a boiler, presses, parts washers, and an emergency generator. The facility takes an emission restriction of 9.9 tons/year of any individual hazardous air pollutant (HAP) emissions, 24.9 tons/year of any combination of HAP emissions, and 24.9 tons/year of volatile organic compound (VOC) emissions. The boiler at the facility also takes an emission restriction of 9.4 tons/year of NO<sub>x</sub> emissions. The facility is an area source of carbon monoxide (CO), nitrogen oxides (NO<sub>x</sub>), particulate matter (PM), VOC, and HAP emissions. Actual emissions over the last five years averaged 1.00 ton/year of CO, 1.21 tons/year of NO<sub>x</sub>, 0.01 ton/year of PM, 0.83 ton/year of VOC, and 0.15 ton/year of HAP. The facility is subject to 40 CFR Part 60 Subpart JJJJ and regulations under the Pennsylvania Air Pollution Control Act. The permit contains monitoring, recordkeeping, reporting, and work practice standards designed to keep the facility operating within all applicable air quality requirements. Anyone wishing to request information regarding this action can do so by contacting the Southeast Regional Office through the contact person previously listed in the header. Comments on the draft permit can be submitted through the Air Quality resource account at RA-EPSEROAQPUBCOM@pa.gov.

### COAL & NONCOAL MINING ACTIVITY APPLICATIONS

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

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

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

Written comments or objections, or requests for an informal conference, or a public hearing, as applicable, on a mining permit application may be submitted by any person or any officer or head of any Federal, State or Local Government Agency or Authority to DEP at the address of the District Mining Office indicated above each application within 30-days of this publication, or within 30-days after the last publication of the applicant's newspaper advertisement, as provided by 25 Pa. Code §§ 77.121—77.123 and 86.31—86.34 (relating to public

notices of filing of permit applications, opportunity for comment, and informal conferences). Such comments or objections should contain the name, address and phone number of persons submitting comments or objections; application number; and a statement of sufficient detail to inform DEP on the basis of comment or objection and relevant facts upon which it is based.

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

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

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

#### Coal Applications

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

Table 1

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

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

*Contact: Bonnie Herbert, Clerical Assistant 3.*

**Mining Permit No. 30841320. NPDES No. PA0213861. Dana Mining Company of PA, LLC**, 966 Crafts Run Road, Madsville, WV 26541, Dunkard Township, **Greene County**. To renew the permit and related NPDES permit. Application received: August 12, 2024. Accepted: September 25, 2024.

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

*Contact: RA-EPCAMBRIADMO@pa.gov.*

**Mining Permit No. 32940105. NPDES No. PA0212806. Consol Mining Co., LLC**, 275 Technology Drive, Suite 101, Canonsburg, PA 15317, Center Township, **Indiana County**. NPDES renewal for a bituminous surface mine affecting 2.2 acres. Receiving stream: unnamed tributary to Yellow Creek, classified for the following use: CWF. Application received: September 24, 2024.

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

*Contact: RA-EPPottsvilleDMO@pa.gov.*

**Mining Permit No. 54803203. NPDES Permit No. PA0123862. Rausch Creek Coal Mining Good Spring West, LLC**, 978 Gap Street, Valley View, PA 17983, Hegins Township, **Schuylkill County**. Transfer of an anthracite coal refuse reprocessing operation from Rausch Creek Fuel, LLC affecting 76.0 acres. Receiving stream: East Branch Rausch Creek, classified for the following use: CWF. Application received: September 20, 2024.

**Mining Permit No. 54803203. NPDES Permit No. PA0123862. Rausch Creek Coal Mining Good Spring West, LLC**, 978 Gap Street, Valley View, PA 17983, Hegins Township, **Schuylkill County**. Correction to an existing anthracite coal refuse reprocessing operation to add surface mining affecting 76.0 acres. Receiving stream:

East Branch Rausch Creek, classified for the following use: CWF. Application received: September 20, 2024.

**Mining Permit No. GP12-54803203. Rausch Creek Coal Mining Good Spring West, LLC**, 978 Gap Street, Valley View, PA 17983, Hegins Township, **Schuylkill County**. Application to operate a coal preparation plant whose pollution control equipment is required to meet all applicable limitations, terms and conditions of General Permit, BAQ-GPA/GP-12 on Mining Permit No. 54803203. Application received: September 20, 2024.

**Mining Permit No. 54803091. Rausch Creek Coal Mining Good Spring West, LLC**, 978 Gap Street, Valley View, PA 17983, Hegins and Porter Townships, **Schuylkill County**. Transfer of an anthracite surface mine operation from Rausch Creek Coal Mining Good Spring South, LLC affecting 951.69 acres. Receiving stream: East Branch Rausch Creek, classified for the following use: CWF. Application received: September 20, 2024.

**Mining Permit No. 49240101. West Spring Energy, LLC**, P.O. Box 1200, Pottsville, PA 17901, East Cameron and Mt. Carmel Townships, **Northumberland County**. Commencement, operation and restoration of an anthracite surface mine operation affecting 1,444.0 acres. Receiving stream: Locust Creek, classified for the following use: CWF, MF. Application received: September 16, 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 between the hours of 8:00 a.m. and 4:00 p.m. on each working day at the office noted above the application.

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

### WATER OBSTRUCTIONS AND ENCROACHMENTS

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

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

*Contact: RA-EPEASTERNOGPRG@pa.gov.*

**E5929224-009. Seneca Resources Co LLC**, 51 Zents Boulevard, Brookville, PA 15825, Richmond Township and Covington Township, **Tioga County**. U.S. Army Corps of Engineers Baltimore District. Application received: September 17, 2024.

To construct, operate, and maintain:

1. A temporary road crossing using timber mats, impacting 1,692 square feet of a palustrine emergent (PEM) 10-acre wetland (Mansfield, PA Quadrangle 41.762507°, -77.077453°);

2. A temporary road crossing using timber mats, and a 16-inch diameter waterline impacting 893 square feet of a palustrine emergent (PEM) 10-acre wetland (Mansfield, PA Quadrangle 41.763115°, -77.077074°);

3. A temporary road crossing using timber mats and a 16-inch diameter impacting 20,011 square feet of a palustrine emergent (PEM) 10-acre wetland (Mansfield, PA Quadrangle 41.762173°, -77.074839°);

4. A temporary road crossing using timber mats and a 16-inch diameter impacting 14,957 square feet of a palustrine emergent (PEM) 10-acre wetland (Mansfield, PA Quadrangle 41.762191°, -77.074207°);

5. A 16-inch diameter impacting 900 square feet of a palustrine emergent (PEM) 10-acre wetland via horizontal directional bore (Mansfield, PA Quadrangle 41.761689°, -77.072307°);

6. A temporary road crossing using timber mats and a 16-inch diameter impacting 4,540 square feet of a palustrine emergent (PEM) wetland and 1,517 square feet

of a palustrine forested (PFO) wetland (Mansfield, PA Quadrangle 41.762191°, -77.074207°);

7. A temporary road crossing using timber mats impacting 2,831 square feet of a palustrine emergent (PEM) wetland (Mansfield, PA Quadrangle 41.763251°, -77.057595°);

8. A temporary road crossing using timber mats impacting 986 square feet of a palustrine emergent (PEM) wetland (Mansfield, PA Quadrangle 41.763777°, -77.054749°).

The project will result in 46,810 square feet (1.075 acres) of temporary wetland impacts and 1,517 square feet (0.035 acre) of permanent wetland impacts all for the purpose of installing a freshwater pipeline in Richmond and Covington Township, Tioga County.

**E5729224-003. Chesapeake Appalachia LLC**, 14 Chesapeake Lane, Sayre, PA 18840, Elkland Township, **Sullivan County**. U.S. Army Corps of Engineers Baltimore District. Application received: September 10, 2024.

To construct, operate, and maintain:

1. (Wetland 1) One 16-inch diameter temporary surface waterline impacting 68 square feet of an exceptional value palustrine emergent (EV-PEM) wetland (Shunk, PA Quadrangle 41.548339°, -76.690287°);

2. (Wetland 2) One 16-inch diameter temporary surface waterline impacting 136 square feet of an exceptional value palustrine emergent (EV-PEM) wetland (Shunk, PA Quadrangle 41.548658°, -76.689928°);

3. (Wetland 1J, Stream 1J) One 16-inch diameter temporary surface waterline and temporary timber mats impacting 2,036 square feet of an exceptional value palustrine emergent (EV-PEM) wetland and 12 linear feet an unnamed tributary to Elk Creek (EV) (Shunk, PA Quadrangle 41.552830°, -76.686296°);

4. (Wetland 6J) One 16-inch diameter temporary surface waterline impacting 2 square feet of an exceptional value palustrine scrub shrub (EV-PSS) wetland (Shunk, PA Quadrangle 41.556367°, -76.682270°);

5. (Wetland 3R) One 16-inch diameter temporary surface waterline and temporary timber mats impacting 2,500 square feet of an exceptional value palustrine emergent (EV-PEM) wetland (Shunk, PA Quadrangle 41.558951°, -76.678189°);

6. (Wetland 4R) One 16-inch diameter temporary surface waterline and temporary timber mats impacting 297 square feet of an exceptional value palustrine emergent (EV-PEM) wetland (Shunk, PA Quadrangle 41.559109°, -76.677324°);

7. (Wetland 6R, Stream 1R, Stream 2R) One 16-inch diameter temporary surface waterline and temporary timber mats impacting 90 square feet of an exceptional value palustrine emergent (EV-PEM) wetland, 10 linear feet of an unnamed tributary to Elk Creek and 50 linear feet of Elk Creek (Shunk, PA Quadrangle 41.559405°, -76.676422°).

The project will result in 72 linear feet of temporary stream impacts and 5,129 square feet (0.118 acre) of temporary wetland impacts all for the purpose of installing a temporary fresh waterline in Elkland Township, Sullivan County.

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

*Contact: RA-EPWW-NCRO@pa.gov.*

**E1404224-003. State College Borough, Centre County**, 243 South Allen Street, State College, PA 16801, State College Borough, **Centre County**. U.S. Army Corps of Engineers Baltimore District. Application received: September 19, 2024.

Walnut Spring Park in State College, PA is an extremely biodiverse area with visitors exploring the park daily. The footbridge crossing Tributary 23038 of Slab Cabin Run needs replaced as it is approximately 25 years old. The streams narrow channel causes an increase in water velocity to during storm events. Due to the lack of an appropriate foundation and high flow velocity during storm events, the bridge footer is eroded and the bridge is no longer safe. The Borough of State College plans to replace the bridge in Walnut Springs Park. Design parameters will be implemented to ensure any necessary instream or stream bank structures be constructed so erosion problems are eliminated. The bridge design will be able to withstand storm events, while maintaining structural integrity and preventing damage caused by erosion, and meets ADA guidelines. The project proposes 500 square feet of permanent watercourse impacts. Latitude: 40.799068°, Longitude: -77.841691°.

*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.*

**E4502224-010. Brookdale Enterprise, LLC, c/o Bob Hackenberg**, P.O. Box 531, Tannersville, PA 18372, Pocono Township, **Monroe County**. U.S. Army Corps of Engineers Philadelphia District. Application received: September 20, 2024.

1. Construct and maintain an 18" HDPE stormwater discharge pipe, with associated endwall and riprap stilling basin, that will discharge to UNT to Brookdale Lake (HQ-CWF, MF). The discharge pipe and endwall are proposed just outside the assumed 50-foot floodway, and the riprap stilling basin is proposed in the floodway and is approximately 4.7-ft x 3.2-ft x 9-in of R-3 riprap.
2. Construct and maintain a sanitary sewer line for wastewater treatment for the proposed facility, of which 295-feet of the pipe will be installed via boring through wetlands associated with UNT to Brookdale Lake (HQ-CWF, MF). The overall width of disturbance is anticipated to be 10-feet. The line is also proposed to be bored under Scot Run (HQ-CWF, MF). This section is approximately 120-feet long, with a disturbed width of 5-feet. The project is located in Pocono Township, Monroe County, PA Quadrangle, Latitude: 41°, 04', 50", Longitude: -75°, 20', 28".

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

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

**E1006222-007. David N Cox II**, 238 Crab Run Road, Evans City, PA 16033, Lancaster Township, **Butler County**. U.S. Army Corps of Engineers Pittsburgh District. Application received: July 28, 2022.

To remove the existing temporary bridge installed under DEP Permit No. GP081017605 and construct and maintain a 16-foot wide steel beam bridge with a concrete

slab deck having a span of 41.8 feet and an underclearance of 13.5 feet across Crab Run and to maintain fill within the floodway and rock riprap stream bank protection along Crab Run extending downstream of the bridge approximately 68 feet along the north bank and 99 feet along the south bank at 238 Crab Run Road, Evans City, PA in Lancaster Township, Butler County. The applicant is also seeking after-the-fact permit coverage to operate and maintain a 119-foot long, 36-inch diameter stream enclosure with associated fill and overflow spillway in UNT to Crab Run, operate and maintain fill placed within the assumed 50-foot left floodway of UNT Crab Run downstream from the enclosure measuring approximately 28 feet and 74 feet in length, and to install and maintain an approximately 28-foot long, 18-inch diameter culvert in an ephemeral stream that outlets to UNT Crab Run. Latitude: 40.847891°, Longitude: -80.070049°.

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

*Contact: ra-ep-ww-sero-105@pa.gov.*

**E1501224-007. Martin and Elizabeth Cannon**, 4 Brook Lane, Paoli, PA 19301, Willistown Township, **Chester County**. U.S. Army Corps of Engineers Philadelphia District. Application received: September 24, 2024.

To construct and maintain a 4-inch PVC outfall pipe and an outfall structure within the floodplain/floodway of the Waynesborough Creek (HQ-CWF, MF) associated with the replacement of dilapidated existing septic system. No wetlands will be impacted. The project is located at 4 Brook Lane (Valley Forge, PA USGS Quadrangle, Latitude: 40.023883; Longitude: -75.472397) in Willistown Township, Chester County.

**E5101224-007. City of Philadelphia, Department of Parks and Recreation**, 1515 Arch Street, Suite 10, Philadelphia, PA 19102, City of Philadelphia, **Philadelphia County**. U.S. Army Corps of Engineers Philadelphia District. Application received: September 25, 2024. Latitude: 39.901350°, Longitude: -75.189413°.

*Permit Number:* E5101224-007  
*Applicant Name:* City of Philadelphia/Dept of Parks and Recreation  
*Applicant Phone:* 215-683-0210  
*Applicant Email:* Leighann.Campbell@phila.gov  
*Applicant Address:* 1515 Arch Street  
 Suite 10  
 Philadelphia, PA 19102  
*DEP Regional Office:* Southeast  
*DEP Reviewer:* Abdel Nassani/Emily Ashbury  
*Reviewer Phone:* 484-250-5170  
*Reviewer Email:* anassani@pa.gov  
*Project County:* Philadelphia  
*Project Municipality:* Philadelphia

The City of Philadelphia/Department of Parks and Recreation is proposing to restore the Environmental/Ecological Core of FDR Park by providing higher quality natural areas than currently exist onsite. This project aims to enhance the existing park by improving water flow and increasing the park's capacity to manage water, while providing native habitat for wildlife. Specifically, the project will create high quality wetlands and environmental habitat by centralizing wetlands and creating meadows, forested, and other ecological environments.

The proposed activities are:

1. Wetland Restoration: Wetland Impacts: 2.42 acres
2. Shedbrook Creek stream Restoration: Watercourse Impacts: 0.059 acre, and Floodway Impacts: 8.71 acres
3. Meadow Creation: Wetland Impacts: 3.38 acres
4. Wetland Creation: Floodplain Impacts: 23.21 acres

The Department has issued two permits to the existing FDR Park in the last 2 years, E5101223-002, and E5101222-002.

This project is located in the western portion of FDR Park; it is bound by Pattison Avenue to the north, Gateway Drive to the west, I-95 to the south and other portions of FDR Park to the east (Philadelphia, PA USGS Map, Lat: 39.901350; Long; -75.189413) in the City and County of Philadelphia.

Contact: [ra-ep-ww-sero-105@pa.gov](mailto:ra-ep-ww-sero-105@pa.gov).

**E4601224-021. Norristown State Hospital**, 1001 Sterigere Street, Norristown, PA 19403, West Norriton Township, **Montgomery County**. U.S. Army Corps of Engineers Philadelphia District. Application received: September 23, 2024.

The Southeast Psychiatric Treatment Center at Norristown State Hospital is proposing a phase 1 treatment center which will include the removal of an existing 1,517 LF of 48-inch dilapidated stream enclosure which carries the unnamed tributary to Stony Creek (TSF), and to construct and maintain a new culvert at the same location with alignment of a new 1,537 LF culvert. The proposed new culvert starts out at 42" at the furthest upstream point and changes to 52" after 209 LF. The 52" continues for 538 LF until additional flow enters the culvert. After this point, the size of the culvert is increased to 60". The 60" culvert continues for 788 LF until daylighting. Also, there are two existing wetlands on the property. There will be temporary construction disturbances to one of the wetlands. A headwall that is within the wetland will need to be replaced. Approximately 100 SF of disturbance is anticipated during the construction of this headwall. The site is located at 1001 Sterigere Street (Lansdale, PA USGS map) in West Norriton Township, Montgomery County. Latitude: 40.148250°, Longitude: -75.335510°.

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

Contact: *D. J. Stevenson, 412-442-4281, RA-EPSW-OGSUBMISSION@pa.gov.*

**E6307224-017. CNX Midstream Operating Company, LLC**, 1000 Horizon Vue Drive, Canonsburg, PA 15317, Morris Township, **Washington County**. U.S. Army Corps of Engineers Pittsburgh District. Application received: October 4, 2024.

The applicant proposes to expose approximately 3,535 LF of the existing Morris to Nineveh Jumper Pipeline(s), consisting of two (2) 10-inch steel gas pipelines and one (1) 12-inch HDPE fresh/produced/flowback water line, in preparation for longwall mining activities under these pipelines. Project proposes excavation of a 64-ft long by 12-ft wide trench for exposure of the existing pipelines and installation of one (1) temporary 70-ft long, 3-ft diameter flume pipe and 30-ft long x 12-ft wide riprap apron outlet protection in one (1) intermittent stream (UNT to Lick Run, a designated Trout Stocked Fishery) and a temporary expansion of the utility line right of way from 75-ft to 110-ft for equipment access and workspace, resulting in 113 LF of temporary direct stream impacts and 0.26 acre of temporary direct floodway impacts. Additionally, one (1) General Permit 5 registration for installation of a secondary pipe "collar" to install monitoring equipment on a section of existing pipeline, resulting in temporary direct impacts to 0.08 acre of existing PEM wetland, and three (3) General Permit 8 registrations for installation of temporary bridge crossings resulting in temporary impacts to 0.03 acre of existing PEM wetlands and 12 LF of intermittent stream (UNT to Lick Run, a designated Trout Stock Fishery). All project temporary impacts are proposed to last approximately one (1) year. Latitude: 40.00745°, Longitude: -80.31810°.

Contact: *Dana Drake, Program Manager.*

**E2605224-003. North Fayette County Municipal Authority**, 1634 University Drive, Dunbar, PA 15431, Dunbar Township, **Fayette County**. U.S. Army Corps of Engineers Pittsburgh District. Application received: April 23, 2023.

The applicant proposes to:

1. Construct and maintain a subsurface watertight precast concrete rapid mix vault within the floodplain of the Youghiogheny River (CWF, S). This will permanently impact 80 square feet of the floodway and 81 square feet of the 100-year floodplain.
2. Construct and maintain two buried process water utility lines within the floodplain of the Youghiogheny River. This will permanently impact 0.035 acre of the floodway and 0.046 acre of the 100-year floodplain.

For the purpose of upgrading and extending the life of the Wheeler Bottom Water Treatment Plant. Cumulatively, the project's permanent impacts to the Youghiogheny River will be 0.037 acre of floodway and 0.048 acre of floodplain. This project will temporarily impact 0.067 acre of floodway and 0.145 acre of floodplain.

The project site is located at 899 Riverside Drive, Dunbar, PA 15431 (South Connellsville, PA USGS topographic quadrangle; N: -39°, 59', 15"; W: -79°, 35', 30"; Sub-basin 19D; USACE Pittsburgh District), in Dunbar Township, Fayette County.

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## 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](http://www.dep.pa.gov/CWPublicNotice).

DEP office contact information to review official files relating to the final actions in Section I is as follows:

*DEP Southeast Regional Office (SERO)—2 E. Main Street, Norristown, PA 19401-4915. File Review Coordinator: 484-250-5910. Email: RA-EPNPDES\_SERO@pa.gov for Chapter 91 & 92a permits; RA-EPWW-SERO@pa.gov for Chapter 102 permits.*

*DEP Northeast Regional Office (NERO)—2 Public Square, Wilkes-Barre, PA 18701-1915. File Review Coordinator: 570-826-5472. Email: RA-EPNPDES\_NERO@pa.gov for Chapter 91 & 92a permits; RA-EPWW-NERO@pa.gov for Chapter 102 permits.*

*DEP Southcentral Regional Office (SCRO)—909 Elmerton Avenue, Harrisburg, PA 17110. File Review Coordinator: 717-705-4732. Email: RA-EPNPDES\_SCRO@pa.gov for Chapter 91 & 92a permits; RA-EPWW-SCRO@pa.gov for Chapter 102 permits.*

*DEP Northcentral Regional Office (NCRO)—208 W. Third Street, Suite 101, Williamsport, PA 17701. File Review Coordinator: 570-327-3693. Email: RA-EPNPDES\_NCRO@pa.gov for Chapter 91 & 92a permits; RA-EPWW-NCRO@pa.gov for Chapter 102 permits.*

*DEP Southwest Regional Office (SWRO)—400 Waterfront Drive, Pittsburgh, PA 15222. File Review Coordinator: 412-442-4286. Email: RA-EPNPDES\_SWRO@pa.gov for Chapter 91 & 92a permits; RA-EPWW-SWRO@pa.gov for Chapter 102 permits.*

*DEP Northwest Regional Office (NWRO)—230 Chestnut Street, Meadville, PA 16335. File Review Coordinator: 814-332-6078. Email: RA-EPNPDES\_NWRO@pa.gov for Chapter 91 & 92a permits; RA-EPWW-NWRO@pa.gov for Chapter 102 permits.*

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

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

Persons aggrieved by an action may appeal that action to the Environmental Hearing Board (Board) under section 4 of the Environmental Hearing Board Act (35 P.S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to Administrative Agency Law).

The appeal should be sent to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P.O. Box 8457, Harrisburg, PA 17105-8457, 717-787-3483. Appeals must be filed with the Board within 30-days of publication of this notice in the *Pennsylvania Bulletin* unless the appropriate statute provides a different time period. Copies of the appeal form and the Board’s rules of practice and procedure may be obtained from the Board. This paragraph does not, in and of itself, create a right of appeal beyond that permitted by applicable statutes and decisional law. For individuals who wish to challenge an action, the appeal must reach the Board within 30-days. A lawyer is not needed to file an appeal with the Board. Individuals who cannot afford a lawyer may qualify for free pro bono representation. Call the Secretary to the Board at 717-787-3483 for more information. The appeal form and the Board’s rules of practice and procedure are also available in Braille or on audiotape from the Secretary to the Board at 717-787-3483. Important legal rights are at stake, however, so individuals should contact a lawyer at once.

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

For actions taken on applications for pipelines that are regulated by the Federal Energy Regulatory Commission (FERC).

Any person aggrieved by this action may challenge it in an appropriate legal forum. The State and Federal courts are currently split on whether the proper forum to challenge a Department permit, authorization or approval for a facility or activity subject to the Federal Natural Gas Act, 15 U.S.C.A. §§ 717 et seq., is the United States Court of Appeals for the Third Circuit or the Pennsylvania Environmental Hearing Board. See *Delaware Riverkeeper Network v. Sec’y, Dep’t. of Env’tl. Prot.*, 833 F.3d 360 (3d Cir. 2016); *Delaware Riverkeeper Network v. Sec’y, Dep’t. of Env’tl. Prot.*, 903 F.3d 65 (3d Cir. 2018), cert. denied, 139 S. Ct. 1648, 203 L. Ed. 899 (2019) and *Cole v. Dep’t. of Env’tl. Prot.*, 1577 C.D. 2019 WL 2420667 (Pa. Cmwlth Ct. June 15, 2021) (Pet. for Allowance of Appeal pending); *West Rockhill Twp. v. Dep’t. of Env’tl. Prot.*, No. 1595 C.D. 2019 WL 2426014 (Pa. Cmwlth. June 15, 2021) (Pet. for Allowance of Appeal pending).

**I. Final Action(s) on NPDES and WQM Permit Application(s) and NOIs for Sewage, Industrial Waste, Industrial Stormwater, MS4s, Pesticides, CAFOs and Individual Construction Stormwater.**

<i>Application Number</i>	<i>Permit Type</i>	<i>Action Taken</i>	<i>Permittee Name &amp; Address</i>	<i>Municipality, County</i>	<i>DEP Office</i>
PA510003D	Chapter 102 Individual NPDES Permit	Issued	Rhoads Ind Inc. 1900 Kitty Hawk Avenue Philadelphia, PA 19112-1806	Philadelphia City Philadelphia County	SERO

## NOTICES

6645

<i>Application Number</i>	<i>Permit Type</i>	<i>Action Taken</i>	<i>Permittee Name &amp; Address</i>	<i>Municipality, County</i>	<i>DEP Office</i>
PAD020008	Chapter 102 Individual NPDES Permit	Issued	Fox Chapel Estates LP 375 Golfside Drive Wexford, PA 15090	Indiana Township Allegheny County	SWRO
PAD020020	Chapter 102 Individual NPDES Permit	Issued	4137 Bakerstown Rd LLC 2 Manhattanville Road Suite 403 Purchase, NY 10577-2118	Richland Township Allegheny County	SWRO
PAD140111	Chapter 102 Individual NPDES Permit	Issued	BDC Holdings Inc. 222 Bloomingdale Road White Plains, NY 10605-1513	Ferguson Township Centre County	NCRO
PAD140116	Chapter 102 Individual NPDES Permit	Issued	Beiler Jonas L 112 Milky Way Spring Mills, PA 16875-7916	Gregg Township Centre County	NCRO
PAD150314	Chapter 102 Individual NPDES Permit	Issued	PA DOT Engineering District 6 0 7000 Geerdes Boulevard King of Prussia, PA 19406-1525	London Britain Township Chester County	SERO
PAD150333	Chapter 102 Individual NPDES Permit	Issued	Hankin Group 707 Eagleview Boulevard Exton, PA 19341-1159	Uwchlan Township Chester County	SERO
PAD210088	Chapter 102 Individual NPDES Permit	Issued	PPL Electric Utilities Corp 1639 Church Road Allentown, PA 18104-9342	Hampden Township Cumberland County	SCRO
PAD230083	Chapter 102 Individual NPDES Permit	Issued	Mancill Alan P.O. Box 243 Wallingford, PA 19086-0243	Edgmtont Township Delaware County	SERO
PAD310013	Chapter 102 Individual NPDES Permit	Issued	M&G Realty Inc. 2295 N Susquehanna Trail York, PA 17404-8495	Smithfield Township Huntingdon County	SCRO
PAD360122	Chapter 102 Individual NPDES Permit	Issued	Miller Ammon 941 Little Britain Road N Quarryville, PA 17566-9690	East Drumore Township Lancaster County	SCRO
PAD390306	Chapter 102 Individual NPDES Permit	Issued	Verdi Enterprises LLC 4480 Spring Hill Drive Schnecksville, PA 18078-2503	North Whitehall Township Lehigh County	NERO
PAD390325	Chapter 102 Individual NPDES Permit	Issued	Muhlenberg College 2400 Chew Street Allentown, PA 18104-5564	Allentown City Lehigh County	NERO
PAD640053	Chapter 102 Individual NPDES Permit	Issued	JLM Real Estate LLC 950 E Main Street P.O. Box 472 Schuylkill Haven, PA 17972-9720	Lehigh Township Wayne County	NERO
PAD650048	Chapter 102 Individual NPDES Permit	Issued	Greenspace Realty 130 Blue Grass Circle Monroeville, PA 15146-3014	Murrysville Borough Westmoreland County	SWRO
PAD670030	Chapter 102 Individual NPDES Permit	Issued	Kurtz School LLC 5511 Norrisville Road White Hall, MD 21161-8964	Hopewell Township York County	SCRO
PA0247651	Industrial Stormwater Individual NPDES Permit	Issued	UPS Inc. 1155 Enterprise Road East Petersburg, PA 17520-1603	Armagh Township Mifflin County	SCRO
PA0255441	Industrial Stormwater Individual NPDES Permit	Issued	Duquesne Light Co. 2825 New Beaver Avenue # N6-Tng Pittsburgh, PA 15233-1003	Indiana Township Allegheny County	SWRO

<i>Application Number</i>	<i>Permit Type</i>	<i>Action Taken</i>	<i>Permittee Name &amp; Address</i>	<i>Municipality, County</i>	<i>DEP Office</i>
PA0275948	Industrial Stormwater Individual NPDES Permit	Issued	Mauser USA LLC 7 McFadden Road Easton, PA 18045	Palmer Township Northampton County	NERO
PAS212221	Industrial Stormwater Individual NPDES Permit	Issued	Masters RMC Inc. 9495 Main Street P.O. Box 25 Kingsley, PA 18826	Buckingham Township Wayne County	NERO
0424800	Joint DEP/PFBC Pesticides Permit	Issued	Quay Julie 3201 6th Avenue Beaver Falls, PA 15010-3551	Beaver Falls City Beaver County	SWRO
0924816	Joint DEP/PFBC Pesticides Permit	Issued	Westwyk Condo Association P.O. Box 969 Fogelsville, PA 18051-0969	Doylestown Township Bucks County	SERO
5082402	Land Application and Reuse of Sewage Individual WQM Permit	Issued	Saville Township Perry County 3954 Veterans Way Ellitsburg, PA 17024	Saville Township Perry County	SCRO
PAI130057	MS4 Individual NPDES Permit	Issued	Montgomery Township Montgomery County 1001 Stump Road Montgomeryville, PA 18936-9605	Montgomery Township Montgomery County	SERO
PAI130069	MS4 Individual NPDES Permit	Issued	Souderton Borough Montgomery County 31 West Summit Street Souderton, PA 18964	Souderton Borough Montgomery County	SERO
PAI130070	MS4 Individual NPDES Permit	Issued	Springfield Township Montgomery County 1510 Paper Mill Road Wyndmoor, PA 19038-7032	Springfield Township Montgomery County	SERO
PA0040177	Minor Industrial Waste Facility without ELG Individual NPDES Permit	Issued	PA American Water Co. 1 Water Street Camden, NJ 08102	Brownsville Borough Fayette County	SWRO
PA0065013	Minor Industrial Waste Facility without ELG Individual NPDES Permit	Issued	Blythe Township Municipal Authority 375 Valley Street New Philadelphia, PA 17959-1218	Blythe Township Schuylkill County	NERO
PA0050075	Minor Sewage Facility >= 0.05 MGD and < 1 MGD Individual NPDES Permit	Issued	Aqua PA Wastewater Inc. 762 W Lancaster Avenue Bryn Mawr, PA 19010-3402	Willistown Township Chester County	SERO
2024202	Minor and Non-NPDES Industrial Waste Treatment Facility Individual WQM Permit	Issued	Vitro Meadville Flat Glass LLC 5123 Victory Boulevard Cochranton, PA 16314-3969	Greenwood Township Crawford County	NWRO
PAG034953	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	Playworld 1000 Buffalo Road Lewisburg, PA 17837-9702	Buffalo Township Union County	NCRO
PAG036152	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	Covestro LLC 1 Covestro Circle Pittsburgh, PA 15205-9723	Robinson Township Allegheny County	SWRO

**NOTICES**

**6647**

<i>Application Number</i>	<i>Permit Type</i>	<i>Action Taken</i>	<i>Permittee Name &amp; Address</i>	<i>Municipality, County</i>	<i>DEP Office</i>
PAG041109	PAG-04 NPDES General Permit for Small Flow Treatment Facilities	Issued	Hernandez Jay 10220 US Highway 322 Conneaut Lake, PA 16316-1813	Sadsbury Township Crawford County	NWRO
PAG041415	PAG-04 NPDES General Permit for Small Flow Treatment Facilities	Issued	Gross Brandon 25478 State Highway 89 Spartansburg, PA 16434-2940	Sparta Township Crawford County	NWRO
PAG123513	PAG-12 NPDES General Permit for CAFOs	Issued	Hord Family Farms 2742 Shearer Road Bucyrus, OH 44820-8841	Peters Township Franklin County	SCRO
PAG123835	PAG-12 NPDES General Permit for CAFOs	Issued	AR Joy Farms LLC 1600 Althouse Road Cochranville, PA 19330-1824	West Fallowfield Township Chester County	SCRO
PAG123906	PAG-12 NPDES General Permit for CAFOs	Issued	Bollinger Daniel S and Bollinger Wendi S 306 E Lexington Road Lititz, PA 17543-8964	Warwick Township Lancaster County	SCRO
1424401	Sewer Extensions Individual WQM Permit	Issued	Spring Benner Walker Joint Authority Centre County 170 Irish Hollow Road Bellefonte, PA 16823-6200	Spring Township Centre County	NCRO
PA0063223	Single Residence STP Individual NPDES Permit	Issued	Vetter Martha J 207 E Gleneagles Road Unit A Ocala, FL 34472-3369	Damascus Township Wayne County	NERO
PA0065323	Single Residence STP Individual NPDES Permit	Issued	Schray Jacob A 189 E Mountain Road Wind Gap, PA 18091	Bushkill Township Northampton County	NERO
PA0272493	Single Residence STP Individual NPDES Permit	Issued	Corosu Randy 11516 Five Points Road Home, PA 15747	Washington Township Indiana County	NWRO
PA0288004	Single Residence STP Individual NPDES Permit	Issued	Bonant David 693 Mushrush Road Butler, PA 16002-0947	Jefferson Township Butler County	NWRO
1019408	Single Residence Sewage Treatment Plant Individual WQM Permit	Issued	Bonant David 693 Mushrush Road Butler, PA 16002-0947	Jefferson Township Butler County	NWRO
2003415	Single Residence Sewage Treatment Plant Individual WQM Permit	Issued	Hernandez Jay 10220 US Highway 322 Conneaut Lake, PA 16316-1813	Sadsbury 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 &amp; Address</i>	<i>Municipality, County</i>	<i>Office</i>
PAC090699	PAG-02 General Permit	Issued	Deluca Construction 640 White Ash Drive Langhorne, PA 19047	Newtown Township Bucks County	Bucks County Conservation District 1456 Ferry Road Doylestown, PA 18901-5550 215-345-7577 RA-EPNPDES_SERO@ pa.gov

<i>Permit Number</i>	<i>Permit Type</i>	<i>Action Taken</i>	<i>Applicant Name &amp; Address</i>	<i>Municipality, County</i>	<i>Office</i>
PAC090713	PAG-02 General Permit	Issued	Mechanicsville Road LLC 308 Easton Road Warrington, PA 18976-2418	Bensalem Township Bucks County	Bucks County Conservation District 1456 Ferry Road Doylestown, PA 18901-5550 215-345-7577 RA-EPNPDES_SERO@ pa.gov
PAC160061	PAG-02 General Permit	Issued	Columbia Gas of Pennsylvania 4000 Energy Drive Bridgeville, PA 15017	Perry Township Clarion County	Clarion County Conservation District 249 S 2nd Avenue Clarion, PA 16214 814-297-8014
PAC100146	PAG-02 General Permit	Issued	Forest Edge LP P.O. Box 97 Mars, PA 16046	Cranberry Township Butler County	Butler County Conservation District 120 Hollywood Drive Suite 201 Butler, PA 16001 724-284-5270
PAC100149	PAG-02 General Permit	Issued	Keystone Industrial Services Inc 300 Orchard Drive Cranberry Township, PA 16066	Lancaster Township Butler County	Butler County Conservation District 120 Hollywood Drive Suite 201 Butler, PA 16001 724-284-5270
PAC100157	PAG-02 General Permit	Issued	Penn Acres LLC 1552 Barrington Drive Wexford, PA 15090	Adams Township Butler County	Butler County Conservation District 120 Hollywood Drive Suite 201 Butler, PA 16001 724-284-5270
PAC100165	PAG-02 General Permit	Issued	Slippery Rock University Foundation 1 Morrow Way Suite 202 Slippery Rock, PA 16057	Slippery Rock Borough Slippery Rock Township Butler County	Butler County Conservation District 120 Hollywood Drive Suite 201 Butler, PA 16001 724-284-5270
PAC100260	PAG-02 General Permit	Issued	Boundary Lofts Limited Partnership 500 S Front Street 10th Floor Columbus, OH 43215	Cranberry Township Slippery Rock Township Butler County	Butler County Conservation District 120 Hollywood Drive Suite 201 Butler, PA 16001 724-284-5270
PAC100294	PAG-02 General Permit	Issued	# 1 Cochran Automotive 4520 William Penn Highway Monroeville, PA 15146	Butler Township Slippery Rock Township Butler County	Butler County Conservation District 120 Hollywood Drive Suite 201 Butler, PA 16001 724-284-5270
PAC400284	PAG-02 General Permit	Issued	Wyoming Valley Sanitary Authority Jeff Colella P.O. Box 33A Wilkes-Barre, PA 18703-1333	Forty Fort Borough Luzerne County	Luzerne Conservation District 325 Smiths Pond Road Shavertown, PA 18708 570-674-7991 RA-EPWW-NERO@ pa.gov



## NOTICES

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<i>Permit Number</i>	<i>Permit Type</i>	<i>Action Taken</i>	<i>Applicant Name &amp; Address</i>	<i>Municipality, County</i>	<i>Office</i>
PAC480193	PAG-02 General Permit	Issued	East Allen Township 5344 Nor-Bath Blvd. Northampton, PA 18067	East Allen Township Northampton County	Northampton County Conservation District 14 Gracedale Ave. Greystone Building Nazareth, PA 18064-9211 610-829-6276 RA-EPWW-NERO@ pa.gov
PAC480181	PAG-02 General Permit	Issued	JAVA SD Steel, LLC 1185 Win Dr. Bethlehem, PA 18017	City of Bethlehem Northampton County	Northampton County Conservation District 14 Gracedale Ave. Greystone Building Nazareth, PA 18064-9211 610-829-6276 RA-EPWW-NERO@ pa.gov
PAC480128	PAG-02 General Permit	Issued	TJA Realty Inc. 351 Cedar Rd. Bangor, PA 18013	Washington Township Northampton County	Northampton County Conservation District 14 Gracedale Ave. Greystone Building Nazareth, PA 18064-9211 610-829-6276 RA-EPWW-NERO@ pa.gov
PAC480106	PAG-02 General Permit	Issued	Ronald C. and Todd A. Check 7171 Airport Road Bath, PA 18014	Allen Township Northampton County	Northampton County Conservation District 14 Gracedale Ave. Greystone Building Nazareth, PA 18064-9211 610-829-6276 RA-EPWW-NERO@ pa.gov
PAC150121	PAG-02 General Permit	Issued	DEStorage Avondale, LLC 1685 South State Street Dover, DE 19901	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
PAC240022	PAG-02 General Permit	Issued	Universal Machine Rebuilders LLC 487 Main Street Kersey, PA 15846	Fox Township Elk County	Elk County Conservation District 850 Washington Street St Mary's, PA 15857 814-776-5373
PAC210150	PAG-02 General Permit	Issued	Driftwood Group LLC 147 S Strawberry Hill Drive Fayetteville, PA 17222	Southampton Township Cumberland County	Cumberland County Conservation District 310 Allen Road Suite 301 Carlisle, PA 17013 717-240-7812
PAC280365	PAG-02 General Permit	Issued	Clinton Burkholder 3099 Grand Point Road Chambersburg, PA 17202	Greene Township Franklin County	Franklin County Conservation District 185 Franklin Farm Lane Chambersburg, PA 17202 717-264-5499

<i>Permit Number</i>	<i>Permit Type</i>	<i>Action Taken</i>	<i>Applicant Name &amp; Address</i>	<i>Municipality, County</i>	<i>Office</i>
PAC280162 A-1	PAG-02 General Permit	Issued	Michael Garrett 6500 Seven Locks Road Cabin John, MD 20818	Chambersburg Borough Franklin County	Franklin County Conservation District 185 Franklin Farm Lane Chambersburg, PA 17202 717-264-5499
PAC280180	PAG-02 General Permit	Issued	Robert Leisher 719 Shatzer Orchard Road Chambersburg, PA 17202	Hamilton Township Franklin County	Franklin County Conservation District 185 Franklin Farm Lane Chambersburg, PA 17202 717-264-5499
PAC280286	PAG-02 General Permit	Issued	DRINE, LLC 19 Independence Drive Shippensburg, PA 17257	Hamilton Township Franklin County	Franklin County Conservation District 185 Franklin Farm Lane Chambersburg, PA 17202 717-264-5499
PAC540132 Renewal	PAG-02 General Permit	Issued	Accretion Properties, LLC Joe Patalak 120 Independence Lane Chalfont, PA 18914	Reilly Township Schuylkill County	Schuylkill County Conservation District 1206 AG Center Drive Pottsville, PA 17901 570-622-3742 RA-EPWW-NERO@ pa.gov
PAC280057	PAG-02 General Permit	Issued	Mockingbirdhil, Inc. P.O. Box 246 Greencastle, PA 17225	Greencastle Borough Franklin County	Franklin County Conservation District 185 Franklin Farm Lane Chambersburg, PA 17202 717-264-5499
PAC280169	PAG-02 General Permit	Issued	Ronald Martin 1400 East Main St. Waynesboro, PA 17268	Washington Township Franklin County	Franklin County Conservation District 185 Franklin Farm Lane Chambersburg, PA 17202 717-264-5499
PAC280224	PAG-02 General Permit	Issued	Trademark Development Corp. 9932 Mentzer Gap Road Waynesboro, PA 17268	Waynesboro Borough Franklin County	Franklin County Conservation District 185 Franklin Farm Lane Chambersburg, PA 17202 717-264-5499
PAC280338	PAG-02 General Permit	Issued	Borough of Chambersburg 100 South Second Street Chambersburg, PA 17201	Chambersburg Borough Franklin County	Franklin County Conservation District 185 Franklin Farm Lane Chambersburg, PA 17202 717-264-5499
PAC280244	PAG-02 General Permit	Issued	Washington Township Supervisors 11798 Buchanan Trail East Waynesboro, PA 17268	Washington Township Franklin County	Franklin County Conservation District 185 Franklin Farm Lane Chambersburg, PA 17202 717-264-5499

## NOTICES

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<i>Permit Number</i>	<i>Permit Type</i>	<i>Action Taken</i>	<i>Applicant Name &amp; Address</i>	<i>Municipality, County</i>	<i>Office</i>
PAC280058	PAG-02 General Permit	Issued	Flatiron Commons, LLC 11499 Buhrman Drive Waynesboro, PA 17268	Waynesboro Borough Franklin County	Franklin County Conservation District 185 Franklin Farm Lane Chambersburg, PA 17202 717-264-5499
PAC280101	PAG-02 General Permit	Issued	David H. Martin Excavating, Inc. 4961 Cumberland Highway Chambersburg, PA 17202	Greene Township Franklin County	Franklin County Conservation District 185 Franklin Farm Lane Chambersburg, PA 17202 717-264-5499
PAC280149	PAG-02 General Permit	Issued	David H. Martin Excavating, Inc. 4961 Cumberland Highway Chambersburg, PA 17202	Hamilton Township Franklin County	Franklin County Conservation District 185 Franklin Farm Lane Chambersburg, PA 17202 717-264-5499
PAC280160	PAG-02 General Permit	Issued	David H. Martin Excavating, Inc. 4961 Cumberland Highway Chambersburg, PA 17202	Guilford Township Franklin County	Franklin County Conservation District 185 Franklin Farm Lane Chambersburg, PA 17202 717-264-5499
PAC280303	PAG-02 General Permit	Issued	AAA Paving, Inc. 8166 Mentzer Gap Road Waynesboro, PA 17268	Quincy Township Franklin County	Franklin County Conservation District 185 Franklin Farm Lane Chambersburg, PA 17202 717-264-5499
PAC280308	PAG-02 General Permit	Issued	Antietam Creek, LLC 6405 Nunnery Road Waynesboro, PA 17268	Washington Township Franklin County	Franklin County Conservation District 185 Franklin Farm Lane Chambersburg, PA 17202 717-264-5499
PAC280136	PAG-02 General Permit	Issued	Lynn D. Armstrong 610 Fifth Ave. Chambersburg, PA 17201	Chambersburg Borough Franklin County	Franklin County Conservation District 185 Franklin Farm Lane Chambersburg, PA 17202 717-264-5499
PAC280045	PAG-02 General Permit	Issued	WCN Properties, LP 900 Kriner Road Suite 1 Chambersburg, PA 17201	Guilford Township Franklin County	Franklin County Conservation District 185 Franklin Farm Lane Chambersburg, PA 17202 717-264-5499
PAC280077 A-1	PAG-02 General Permit	Issued	Sand Dollar Properties, LLC 4961 Cumberland Highway Chambersburg, PA 17202	Greene Township Franklin County	Franklin County Conservation District 185 Franklin Farm Lane Chambersburg, PA 17202 717-264-5499

<i>Permit Number</i>	<i>Permit Type</i>	<i>Action Taken</i>	<i>Applicant Name &amp; Address</i>	<i>Municipality, County</i>	<i>Office</i>
PAC280168	PAG-02 General Permit	Issued	Perini Construction, Inc. 12725 Marsh Pike Hagerstown, MD 21742	Antrim Township Franklin County	Franklin County Conservation District 185 Franklin Farm Lane Chambersburg, PA 17202 717-264-5499
PAC280272	PAG-02 General Permit	Issued	WCN Properties, L.P. 900 Kriner Road Suite 1 Chambersburg, PA 17201	Guilford Township Franklin County	Franklin County Conservation District 185 Franklin Farm Lane Chambersburg, PA 17202 717-264-5499
PAC280145	PAG-02 General Permit	Issued	Fayetteville Contractors, Inc. P.O. Box 610 Fayetteville, PA 17222	Greene Township Franklin County	Franklin County Conservation District 185 Franklin Farm Lane Chambersburg, PA 17202 717-264-5499
PAC280255	PAG-02 General Permit	Issued	Transportation Properties, LLC 9932 Mentzer Gap Road Waynesboro, PA 17268	Antrim Township Franklin County	Franklin County Conservation District 185 Franklin Farm Lane Chambersburg, PA 17202 717-264-5499
PAC540164	PAG-02 General Permit	Issued	Vernon Leid 31 Dad Burnhams Road Pine Grove, PA 17963	Washington Township Schuylkill County	Schuylkill County Conservation District 1206 AG Center Drive Pottsville, PA 17901 570-622-3742 RA-EPWW-NERO@ pa.gov
PAC360461	PAG-02 General Permit	Issued	Moravian Manor 300 West Lemon Street Lititz, PA 17543	Lititz Borough Lancaster County	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601 717-299-5361
PAC360947	PAG-02 General Permit	Issued	Center Street, GP 2554 Steelton Road Lancaster, PA 17601	Leacock Township Lancaster County	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601 717-299-5361
PAC540135 Renewal	PAG-02 General Permit	Issued	901 Storage, LLC Bonita Leib 165 Valley Hill Road Ashland, PA 17921	Butler Township Schuylkill County	Schuylkill County Conservation District 1206 AG Center Drive Pottsville, PA 17901 570-622-3742 RA-EPWW-NERO@ pa.gov
PAC360929	PAG-02 General Permit	Issued	Melvin Zook 305 Osceola Mill Road Gordonville, PA 17529	Leacock Township Lancaster County	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601 717-299-5361

<i>Permit Number</i>	<i>Permit Type</i>	<i>Action Taken</i>	<i>Applicant Name &amp; Address</i>	<i>Municipality, County</i>	<i>Office</i>
PAC360926	PAG-02 General Permit	Issued	Builder Services Group, Inc. d/b/a Kenneth Homes 320 Granite Run Drive Lancaster, PA 17601	West Lampeter Township Lancaster County	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601 717-299-5361
PAC200090A1	PAG-02 General Permit	Issued	Allegheny College 520 N Main Street Meadville, PA 16335	City of Meadville Crawford County	Crawford County Conservation District 21742 German Road Meadville, PA 16335 814-763-5269
PAC100337	PAG-02 General Permit	Issued	American Transmission Systems Inc. 341 White Pond Drive Akron, OH 44320	Connoquenessing Township Butler County	Butler County Conservation District 120 Hollywood Drive Suite 201 Butler, PA 16001 724-284-5270

**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>
Samuel King King Farm LLC 50 Parkside Inn Bernville, PA 19506	Berks County	65.58	2,144.05	Poultry Layers	NA	Approved
Hoffman Family Farm, LLC 243 Healy Road Shinglehouse, PA 16748	Potter County McKean County Allegany, NY	2,018.9	1,807.59	Dairy	HQ	Approved
Meadow Run Farm 4270 Harvest Road Manheim, PA 17545	Lebanon County	95.6	998.0	Swine	NA	Approved

<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>
Joshua T Akers 590 Church Road Quarryville, PA 17566	Lancaster County	260	113.93	Duck Beef	HQ	Approved
PennMar Dairy, LLC 176 Puseyville Road Quarryville, PA 17566	Lancaster County	35.7	2,600	Dairy	HQ	Approved
Shelmar Acres, LLC 580 Colebrook Road Mount Joy, PA 17552	Lancaster County	199.5	1,620.97	Swine Beef	HQ	Approved
Andrew Weaver 2560 Sunnyside Road Manheim, PA 17545	Lancaster County	207.8	525.55	Dairy Swine	NA	Approved
Hessland Farm 686 Rock Point Road Mount Joy, PA 17552	Lancaster County	300.37	680.57	Swine Beef	NA	Approved
Hess Agrimarketing, LLC 218 Rock Point Road Marietta, PA 17547	Lancaster County	182.2	416.44	Beef	NA	Approved
Hess Brothers Poultry 1471 Colebrook Road Mount Joy, PA 17552	Lancaster County	9.7	410.05	Broilers	NA	Approved
Rohrer Farms, LLC 750 Doe Run Road Lititz, PA 17543	Lancaster County	296.5	2,158.33	Swine/ Layers/ Pullets	NA	Approved

**PUBLIC WATER SUPPLY PERMITS**

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

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

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

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

Important legal rights are at stake, however, so individuals should show this document to a lawyer at once.

Persons who cannot afford a lawyer may qualify for free pro bono representation. Call the Secretary to the Board at 717-787-3483 for more information.

**SAFE DRINKING WATER**

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

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

*Contact: Paul Barnes, P.E. at 570-826-2274.*

**Construction Permit No. 1120580**, Minor Amendment, Public Water Supply.

Applicant	<b>Borough of Emmaus</b>
Address	28 S 4th St Emmaus, PA 18049
Municipality	Emmaus Borough
County	<b>Lehigh County</b>
Consulting Engineer	Utility Service Company, Inc. 1230 Peachtree Street, NE Suite 1100 Atlanta, GA 30309
Application Received	August 7, 2024
Permit Issued	October 2, 2024
Description	The project is to perform interior and exterior renovations and sanitary repairs on well tank 6 and well tank 7.

**Operation Permit No. 1121368**, Minor Amendment, Public Water Supply.

Applicant **AQUA PA Paupackan Lake Estates**  
 Address 762 W Lancaster Avenue  
 Bryn Mawr, PA 19010  
 Municipality Paupack Township  
 County **Wayne County**  
 Consulting Engineer Aqua PA  
 762 W Lancaster Avenue  
 Bryn Mawr, PA 19010  
 Application Received September 11, 2024  
 Permit Issued October 2, 2024  
 Description An operations permit to designate the well # 3 source as reserve for Entry Point 103.

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

**Operation Permit No. 3540952**, Public Water Supply.

Applicant **Environmental Materials, LLC**  
 Address 98 Pheasant Run Rd  
 Orwigsburg, PA 17961  
 Municipality West Brunswick Township  
 County **Schuylkill County**  
 Application Received August 13, 2024  
 Permit Issued September 25, 2024  
 Description Operation Permit issued for Environmental Materials, LLC new source and associated treatment.

**Construction Permit No. 5424506MA**, Minor Amendment, Public Water Supply.

Applicant **Plum Creek Municipal Authority**  
 Address 686 Berne Dr.  
 Auburn, PA 17922-9092  
 Municipality South Manheim Township and Wayne Township  
 County **Schuylkill County**  
 Consulting Engineer Spotts, Stevens, and McCoy  
 1047 North Park Rd.  
 Reading, PA 19610  
 Application Received June 26, 2024  
 Permit Issued October 3, 2024  
 Description Construction Permit issued to Plum Creek Municipal Authority for Well No. 6 4-Log Treatment Modifications.

Contact: Victoria Frederick, Clerical Assistant 2, 570-826-2502.

**Operation Permit No. 2640036**, Public Water Supply.

Applicant **Wallenpaupack Lake Estates POA**  
 Address 114 Wallenpaupack Drive  
 Lake Ariel, PA 18436  
 Municipality Paupack Township

County  
 Consulting Engineer

**Wayne County**

Mr. Daniel John Hopkins, P.E.  
 Entech Engineering, Inc.  
 474 N Centre St.  
 Floor 2  
 Pottsville, PA 17901

Application Received  
 Permit Issued  
 Description

June 19, 2024  
 October 2, 2024  
 The operations permit was for modifying the 4-log requirements at the Fawn Hill Well (Source 002) by the addition of a second contact segment with all necessary appurtenances and piping to reduce the required chlorine residual in the system per the Department's Groundwater Rule (GWR). Existing equipment (Prominent D1cb) will be utilized for the system's chlorine residual monitoring.

**Operation Permit No. 2450065**, Public Water Supply.

Applicant  
 Address  
 Municipality  
 County  
 Consulting Engineer

**Community Utilities of Pennsylvania, Inc.— Penn Estates**

507 Hallett Road  
 East Stroudsburg, PA 18301

Stroud Township

**Monroe County**

Mr. Michael E. Bisignani, P.E.  
 Design Engineer, GHD, Inc.  
 298 East 5th Street  
 Suite 1  
 Bloomsburg, PA 17815

Application Received  
 Permit Issued  
 Description

September 20, 2024  
 October 2, 2024  
 This is a partial operations permit for the rehabilitation of the existing 86,000-gallon Tank No. 6, constructed under Public Water Supply (PWS) Permit No. 4524506MA issued on May 14, 2024.

**Operation Permit No. 2640020**, Public Water Supply.

Applicant  
 Address  
 Municipality  
 County  
 Consulting Engineer

**Aqua Pennsylvania, Inc.**

762 Lancaster Avenue  
 Bryn Mawr, PA 19010-3402

Canaan Township

**Wayne County**

Michael L. Willis, PE, CME  
 Project Manager  
 Suburban Consulting Engineers, Inc.  
 96 US Highway 206  
 Suite 101  
 Flanders, NJ 07836

Application Received  
 Permit Issued

August 12, 2024  
 October 4, 2024

Description This operations permit was for the construction of a new ground-water supply well to be known as Well No. 7; pH adjustment via 10-60 percent (%) sodium hydroxide and ortho-polyphosphate addition (Blended Phosphate—SLI-5230 or equal) for general corrosion control; 4-Log Demonstration Study and disinfection facilities with contact segment; installation of arsenic treatment facilities; and the installation of an emergency generator.

**Operation Permit No. 2450426**, Public Water Supply.

Applicant **J. A. Reinhardt & Company, Inc.**

Address P.O. Box 202  
Mountainhome, PA 18342

Municipality Barrett Township

County **Monroe County**

Consulting Engineer Russell D. Scott IV, P.E.  
Director Environmental  
Engineering Services  
RKR Hess  
A Division of UTRS, Inc.  
112 North Courtland Street  
East Stroudsburg, PA 18301

Application Received September 24, 2024

Permit Issued October 4, 2024

Description This permit designates water quality performance (WQPs) requirements per Title 25 Chapter 109.1102 for the system.

*Southcentral Region: Safe Drinking Water Program, 909 Elmerton Avenue, Harrisburg, PA 17110-8200, 717-705-4700.*

*Contact: Daniel J. Cannistraci, Environmental Engineering Specialist, 717-705-4708.*

**Corrosion Control Treatment Feasibility Study Permit 7360546**. PWSID No. **7360546**. **Twin Valley Bible Academy**, 105 Shirktown Road, Narvon, PA 17555, Caernarvon Township, **Lancaster County**. Application received: September 3, 2024. Permit Issued: October 3, 2024. Tap replacements and a lead and copper sampling site plan were approved.

**Construction/Operation Permit 5024509 MA**. PWSID No. **7500014**. **Liverpool Municipal Authority**, P.O. Box 357, Liverpool, PA 17045, Liverpool Borough, **Perry County**. Application received: August 20, 2024. Permit Issued: October 7, 2024. This action approves a pump replacement for Well No. 5.

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

**Construction Permit 6724508**. PWSID No. **7670088**. **Shrewsbury Borough**, 35 West Railroad Avenue, Shrewsbury, PA 17361, Shrewsbury Borough, **York County**. Application received: August 13, 2024. Permit Issued: October 7, 2024. Construction permit for a raw water clearwell pump replacement.

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

*Contact: RA-epsuwdw@pa.gov.*

**Operation Permit 0423515MA**. PWSID No. **5040008**. **Borough of Ambridge Water Authority**, 600 Eleventh Street, P.O. Box 257, Ambridge, PA 15003, Ambridge Borough, **Beaver County**. Application received: September 16, 2024. Permit Issued: September 26, 2024. Issuance of Operation Permit No. 0423515MA for the replacement media in Filters 1-10.

#### WATER ALLOCATIONS

**Actions Taken on Applications 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 C. Rivers, Clerical Assistant 2, 484-250-5887.*

**WA-46-67J**, Water Allocations. **Aqua Pennsylvania, Inc.**, 762 W. Lancaster Avenue, Bryn Mawr, PA 19010-3489, Tincum Township, **Delaware County**. Aqua Pennsylvania, Inc. requesting to renew their approval to purchase up to 9.5 million gallons per day from Philadelphia Water Department. Application received: May 2, 2024. Issued: September 19, 2024.

**WA-09-1001A**, Water Allocations. **Warwick Township Water & Sewer Authority**, 1733 Township Greene, P.O. Box 315, Jamison, PA 18929, Warwick Township, **Bucks County**. Aqua Pennsylvania, Inc. request the right to purchase up to 120,000 gpd based on a 30-day average from Warwick Township Water Authority. Application received: June 28, 2024. Issued: August 19, 2024.

#### SEWAGE FACILITIES ACT PLAN DISAPPROVAL

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

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

*Contact: Jessica Williams, Sewage Planning Specialist 1, 717-705-4723.*

*Plan Location:*

<i>Municipality</i>	<i>Address</i>	<i>County</i>
Derry Township	73 Reserve Lane Lewistown, PA 17044	Mifflin County

*Plan Description:*

Donald & Michelle Logan Subdivision, A3-44907-204-2. This project proposes one new residential lot to be served by an on-lot sewage disposal system. A technical deficiency letter was sent out on September 18, 2024. The response did not adequately address the deficiencies therein for the following reason: The preliminary hydrogeologic study inappropriately averaged nitrate-nitrogen under proposed Lot 3. As stated in Option 1 of the September 18, 2024 technical deficiency letter, if samples from the Felmlee and Seby wells are obtained, because of their proximity, they should be used exclusively to estimate the background nitrate-nitrogen under proposed Lot 3. The results from the obtained groundwater samples suggest that the groundwater under proposed Lot 3 is >10 mg/L nitrate-nitrogen. As the background nitrate-nitrogen is above the EPA maximum contaminant level (MCL), on-lot sewage disposal may not occur.



## 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.*

**55 East High Street**, Primary Facility ID # **871831**, 55 East High Street, Coaldale, PA 18218, Coaldale Borough, **Schuylkill County**. Crawford Environmental Services, 20 Cardinal Drive, Birdsboro, PA 19508, on behalf of Rarick's Coal & National Oil, 32 North Nescopeck Street, Tamaqua, PA 18252, submitted a Final Report concerning remediation of soil contaminated with No. 2 heating oil. The Final Report is intended to document remediation of the site to meet the Statewide health standards.

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

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

**Mermaid Lake**, Primary Facility ID # **864096**, 1002 Jolly Road, Blue Bell, PA 19422, Whitpain Township, **Montgomery County**. Joseph P. Kraycik, Montrose Environmental Solutions, 1140 Valley Forge Road, Valley Forge, PA 19482, on behalf of Roman Pronczak, Whitpain Township, 960 Wentz Road, Blue Bell, PA 19422, submitted a Final Report concerning remediation of soil contaminated with arsenic and mercury. The Final Report is intended to document remediation of the site to meet the Statewide health standards.

**1955 Rosedale Road**, Primary Facility ID # **877293**, 1955 Rosedale Road, Quakertown, PA 18951, Milford Township, **Bucks County**. Jeremy W. Bolyn, Environmental Maintenance, 1420 East Mermaid Lane, Glenside, PA 19038, on behalf of Clyde S. Walton, Inc., 400 South Broad Street, Lansdale, PA 19446, submitted a Final Report concerning remediation of soil contaminated with benzene, toluene, ethylbenzene, cumene, naphthalene, MTBE, 1,2,4 TMB, and 1,3,5 TMB. The Final Report is intended to document remediation of the site to meet the Statewide health standards.

**2043-2051 North Front Street**, Primary Facility ID # **858522**, 2043-2051 North Front Street, Philadelphia, PA 19122, City of Philadelphia, **Philadelphia County**. James Manuel, REPSG, Inc., 6901 Kingsessing Avenue, Philadelphia, PA 19142, on behalf of Max Frankel, Frankel Enterprises, 1845 Walnut Street, Suite 2345, Philadelphia, PA 19103, submitted a Remedial Investigation Report/Cleanup Plan concerning remediation of soil contaminated with gasoline. The Remedial Investigation Report/Cleanup Plan is intended to document remediation of the site to meet the site-specific standards.

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

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

**Sharpnack**, Primary Facility ID # **825238**, 235 Kurans Road, Carmichaels, PA 15320, Cumberland Township, **Greene County**. Moody and Associates, Inc., 1720 Washington Road, Suite 100, Washington, PA 15301, on behalf of Gavin Reed, 500 Corporate Landing, Charleston, WV 25311, submitted a Final Report concerning remediation of soil and groundwater contaminated with brine-related constituents. The Final Report is intended to document remediation of the site to meet the Statewide health standards.

**TMS International Diesel Spill**, Primary Facility ID # **878590**, 516 Delwar Road, Pittsburgh, PA 15236, City of Pittsburgh, **Allegheny County**. Insite Group, Inc., 611 S. Irvine Avenue, Sharon, PA 16146, on behalf of Loren O. Hagerman, 511 Montgomery Avenue, New Castle, PA 16102, submitted a Final Report concerning remediation of soil contaminated with diesel fuel. The Final Report is intended to document remediation of the site to meet the Statewide health standards.

**Martinez # 2 Conventional Gas Well**, Primary Facility ID # **878721**, 150 Colvin Lane, Carmichaels, PA 15320, Cumberland Township, **Greene County**. Moody and Associates, Inc., 1720 Washington Road, Suite 100, Washington, PA 15301, on behalf of Keith Eighmey, 500 Corporate Landing, Charleston, WV 15311, submitted a Final Report concerning remediation of soil and groundwater contaminated with Aluminum, barium, boron, chloride iron, lithium, manganese, selenium, strontium, vana-

dium and zinc. The Final Report is intended to document remediation of the site to meet the Statewide health standards.

**Walker 1 Conventional Well**, Primary Facility ID # **878799**, 812 W George Street, Carmichaels, PA 15320, Cumberland Township, **Greene County**. Moody and Associates, Inc., 1720 Washington Road, Suite 100, Washington, PA 15301, on behalf of Keith Eighmey, 500 Corporate Landing, Charleston, WV 25311, submitted a Final Report concerning remediation of soil contaminated with aluminum, barium, boron chloride, iron, lithium, manganese, selenium, strontium, vanadium and zinc. The Final Report is intended to document remediation of the site to meet the Statewide health standards.

**Heart Well Pad**, Primary Facility ID # **878484**, 2291 Goodwin Hill Road, Spraggs, PA 15362, Wayne Township, **Greene County**. Moody and Associates, Inc., 1720 Washington Rd., Suite 100, Washington, PA 15301, on behalf of Doug Oberdorf, EQT Corporation, 625 Liberty Ave., 17th Floor, Pittsburgh, PA 15222, submitted a Final Report concerning remediation of soil contaminated with aluminum, barium, boron chloride, iron, lithium, manganese, selenium, strontium, vanadium and zinc. The Final Report is intended to document remediation of the site to meet the Statewide health standards.

## LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

### UNDER ACT 2, 1995 PREAMBLE 3

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

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

establish a reference point to show existing contamination, describe proposed remediation to be done and include a description of existing or potential public benefits of the use or reuse of the property. The DEP may approve or disapprove plans and reports submitted. This notice provides DEP's decision and, if relevant, the basis for disapproval.

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

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

The DEP has received the following plans and reports.

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

*Contact: Eric Supey, Environmental Program Manager.*

**Your Choice (Former Barron's Service Station)**, Primary Facility ID # **871214**, 1130 State Route 93, Drums, PA 18222, Sugarloaf Township, **Luzerne County**. LaBella Associates, 1000 Dunham Drive, Suite B, Dunmore, PA 18512, on behalf of SAI Sugarloaf Realty, LLC, 1 Buckhorn Road, Bloomsburg, PA 17815, submitted a Final Report concerning remediation of soil contaminated with heating oil. The Final Report demonstrated attainment of the Statewide health standards. Approved: October 2, 2024.

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

*Contact: Jordan, 814-332-6172.*

**North Central Enterprises Inc.**, Primary Facility ID # **864664**, 224 River Road, Ridgeway, PA 15853, Ridgeway Borough, **Elk County**. Environmental Remediation & Recovery, Inc., 4250 Route 6N, Edinboro, PA 16412, on behalf of North Central Enterprises Inc., 49 Ridgmont Drive, Ridgeway, PA 15853, submitted a Remedial Investigation Report concerning remediation of soil and groundwater contaminated with low concentrations of metals, volatile organic compounds (VOCs), semi-volatile organic compounds (SVOCs) and metals. The Report demonstrated attainment of the site-specific standards. Approved: October 3, 2024.

*Contact: Nick, 814-332-6978.*

**Barnett 1 OG Well**, Primary Facility ID # **877592**, 1903 Parks Road, Corsica, PA 15829, Rose Township, **Jefferson County**. Moody & Associates, Inc., 1720 Washington Road, Suite 100, Washington, PA 15301, on behalf of Diversified Production, LLC, 126 Industry Road, # 201, Waynesburg, PA 15370, submitted a Final Report concerning remediation of soil contaminated with Aluminum, Barium, Boron, Chloride, Iron, Lithium, Manganese, Selenium, Strontium, Vanadium, and Zinc. The Final Report demonstrated attainment of the Statewide health standards. Approved: October 2, 2024.

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

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

**TForce Freight Bensalem**, Primary Facility ID # **876309**, 525 Imperial Court, Bensalem, PA 19020,

Bensalem Township, **Bucks County**. TRC Environmental Corp., 1801 Market Street, Suite 1801, Philadelphia, PA 19103, on behalf of Bill Preece, TForce Freight, 1000 Semmes Avenue, Richmond, VA 23218, submitted a Baseline Environmental Report concerning remediation of groundwater contaminated with tetrachloroethene, naphthalene, and lead. The Report Was acceptable to meet special industrial area provision of Act 2. Approved: September 30, 2024.

**Liguori Academy**, Primary Facility ID # **877350**, 2343 East Tucker Street, Philadelphia, PA 19125, City of Philadelphia, **Philadelphia County**. Environmental Consulting, Inc., 2002 Renaissance Boulevard, King of Prussia, PA 19406, on behalf of Alice Niles, Liguori Academy, 2343 East Tucker Street, Philadelphia, PA 19125, submitted a Final Report concerning remediation of soil contaminated with No. 2 fuel oil constituents. The Final Report demonstrated attainment of the Statewide health standards. Approved: October 1, 2024.

**2045 West Hunting Park Ave**, Primary Facility ID # **841642**, 2023-2061 West Hunting Park Avenue, Philadelphia, PA 19140, City of Philadelphia, **Philadelphia County**. Geosyntec Consultants, Inc., 930 Harvard Drive, Suite 220, Blue Bell, PA 19422, on behalf of GPI Interim, Inc., 70 Mechanic Street, Foxboro, MA 02035, submitted a Final Report concerning remediation of groundwater contaminated with tetrachloroethene (PCE), trichloroethene (TCE), cis-1,2-dichloroethene, vinyl chloride, 1,1-biphenyl, and naphthalene. The Final Report demonstrated attainment of the site-specific standards. Approved: October 1, 2024.

**Former Chadds Ford Collision**, Primary Facility ID # **704075**, 6000 Old York Road, Philadelphia, PA 19141, City of Philadelphia, **Philadelphia County**. August Mack Environmental, Inc., 941 Wheatland Avenue, Suite 401, Lancaster, PA 17603, on behalf of 6000 Old York Road, LLC, P.O. Box 2150, Ventnor, NJ 08406, submitted a Final Report concerning remediation of soil and groundwater contaminated with lead, bis(2-ethylhexyl)phthalate, and toluene. The Final Report demonstrated attainment of the site-specific standards. Approved: October 2, 2024.

**The Estate of Paul Fusco (former Roll Form Property)**, Primary Facility ID # **875436**, 131 West Ridge Pike, Limerick, PA 19468, Limerick Township, **Montgomery County**. Penn Environmental & Remediation, Inc., 400 Old Dublin Pike, Doylestown, PA 18901, on behalf of The Estate of Paul Fusco, 131 West Ridge Pike, Limerick, PA 19468, submitted a Remedial Investigation Report/Cleanup Plan concerning remediation of soil and groundwater contaminated with chlorinated solvents, inorganics, and other organics. The Report Was not acceptable to meet site-specific standards. Issued a technical deficiency letter: October 2, 2024.

**Romill Associates, LLP/MMCO Auto, LLC**, Primary Facility ID # **844303**, 1312 Ridge Pike, Conshohocken, PA 19428, Plymouth Township, **Montgomery County**. Mountain Research, LLC, 825 25th Street, Altoona, PA 16601, on behalf of MMCO Auto, LLC, 1312 Ridge Pike, Conshohocken, PA 19428, submitted a Risk Assessment/Final Report concerning remediation of soil and groundwater contaminated with chlorinated solvents. The Report Was not acceptable to meet site-specific standards. Issued a technical deficiency letter: October 2, 2024.

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

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

**Former Jones Auto & Truck Salvage Property**, Primary Facility ID # **863604**, 760 Atlantic Avenue, Elizabeth, PA 15037, Lincoln Borough, **Allegheny County**. American Geosciences, Inc., 3925 Reed Boulevard, Suite 400, Murrysville, PA 15668-1848, on behalf of Michael C. Isbir Jr., 696 McKeesport Road, Elizabeth, PA 15037, submitted a Final Report concerning remediation of soil and groundwater contaminated with polyaromatic hydrocarbons (PAHs), arsenic, chlorinated volatile organic compounds (VOCs). The Report Was acceptable to meet site-specific standards. Approved: September 23, 2024.

**Greylock Wildcat Well Pad**, Primary Facility ID # **873211**, 399 Dudas Road, Mount Morris, PA 15349, Whiteley Township, **Greene County**. Moody and Associates, Inc., 1720 Washington Road, Suite 100, Washington, PA 15301, on behalf of Keith Eighmey, Greylock Production, LLC, 500 Corporate Landing, Charleston, WV 25311, submitted a Final Report concerning remediation of soil contaminated with Aluminum, Barium, Boron Chloride, Iron, Lithium, Manganese, Selenium, Strontium, Vanadium and Zinc. The Report Was acceptable to meet Statewide health standards. Approved: August 7, 2024.

**EQT Lumber Well Pad**, Primary Facility ID # **860440**, 454 Martin Hill Road, New Freeport, PA 15352, Springhill Township, **Greene County**. Moody and Associates, Inc., 1720 Washington Road, Suite 100, Washington, PA 15301, on behalf of Doug Oberdorf, 625 Liberty Ave, Pittsburgh, PA 15222, submitted a Final Report concerning remediation of soil contaminated with Aluminum, Barium, Boron Chloride, Iron, Lithium, Manganese, Selenium, Strontium, Vanadium and Zinc. The Final Report did not demonstrate attainment of the Statewide health standards. Issued a technical deficiency letter: August 12, 2024.

**Drape James Well Pad 18118**, Primary Facility ID # **876856**, 60 Kenny Lane, Tarentum, PA 15084, Frazer Township, **Allegheny County**. EnviroTrac, Ltd., 176 Thorn Hill Road, Warrendale, PA 15317, on behalf of Jessica Ullom, 3000 Town Center Boulevard, Canonsburg, PA 15317, submitted a Final Report concerning remediation of soil contaminated with Aluminum, Barium, Boron, Chloride, Iron, Lead, Manganese, Strontium, Vanadium, Zinc Copper, Chromium Arsenic. The Final Report Was acceptable to meet Statewide health standards. Approved: August 14, 2024.

**CHS Locust Street Medical Building**, Primary Facility ID # **806696**, 315 Locust Street, Johnstown, PA 15901, City of Johnstown, **Cambria County**. Groundwater Sciences Corporation, 2550 Interstate Drive, Suite 303, Harrisburg, PA 17110, on behalf of Susan Mann, 4 Valley Pike, Johnstown, PA 15905, submitted a Final Report concerning remediation of soil and groundwater contaminated with Tetrachloroethene. The Final Report Was acceptable to meet background standards. Approved: August 20, 2024.

#### DETERMINATION OF APPLICABILITY FOR MUNICIPAL WASTE GENERAL PERMITS

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

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

*Contact: Waste Management Program Manager.*

**WMGM024SW001. PennDOT District 11-0**, 45 Thoms Run Road, Bridgeville, PA 15017, Harmar Township, **Allegheny County**. A renewal of coverage under Municipal Waste General Permit No. WMGM024SW001 at PennDOT District 11-0—SR 0028 Harmar Interchange Infield was issued by the Southwest Regional Office. Coverage under General Permit No. WMGM024SW001 allows for the processing (i.e., crushing, grinding, screening) and beneficial use of concrete and asphalt waste at the PennDOT District 11-0 SR 0028 Harmar Interchange Infield for use as an aggregate, subgrade, or subbase material for roadway construction; as a cold-mix and hot-mix construction material for compacted roadway applications covered with a pavement; as a construction material for compacted roadway shoulder applications covered with a sealer; or as material blended with other virgin aggregate as a roadway subbase for roadway construction. Application received: November 22, 2023. Renewal issued: August 26, 2024.

Persons interested in reviewing the permit may contact Regional Files (412-442-4100), Southwest Region, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, 412-442-4000. TDD users may contact DEP through the Pennsylvania Hamilton Relay Service, 800-654-5984.

**WMGM019SW001. Wood Waste Recycling, LLC**, 111 Kelso Road, McDonald, PA 15057, North Fayette Township, **Allegheny County**. A renewal of coverage under Municipal Waste General Permit No. WMGM019SW001 at the Wood Waste Recycling Kelso Road Facility, located at 111 Kelso Road, McDonald, PA 15057, was issued by the Southwest Regional Office. Coverage under General Permit No. WMGM019SW001 allows for the (1) processing of concrete and asphalt for beneficial use as roadway construction material, (2) processing of hardwood timber and uncontaminated soil for beneficial use as a landscaping mulch or topsoil, and (3) the processing of leaf and yard waste for beneficial use as compost at the Wood Waste Recycling Kelso Road Facility. Application received: January 26, 2023. Renewal issued: August 1, 2024.

Persons interested in reviewing the permit may contact Regional Files (412-442-4100), Southwest Region, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, 412-442-4000. TDD users may contact DEP through the Pennsylvania Hamilton Relay Service, 800-654-5984.

**WMGM024SW002. Berkebile Excavating Company Inc.**, 907 Tire Hill Road, Johnstown, PA 15905, Richland Township, **Cambria County**. A Determination of Applicability for coverage under Municipal Waste General Permit No. WMGM024SW002 was issued by the Southwest Regional Office. Berkebile Excavating Company Inc. was issued General Permit No. WMGM024SW002 for the processing and beneficial use of concrete and asphalt waste at the Zepka Waste Site, located on Bradley Drive, Johnstown, PA 15904, for use as an aggregate, subgrade, or subbase material for roadway construction; a cold-mix and hot-mix construction material for compacted roadway applications covered with a pavement; a construction material for compacted roadway shoulder applications covered with a sealer; or material blended with other virgin aggregate as a roadway subbase for roadway construction. Application received: September 8, 2023. Permit issued: September 16, 2024.

Persons interested in reviewing the permit may contact Regional Files (412-442-4100), Southwest Region, 400

Waterfront Drive, Pittsburgh, PA 15222-4745, 412-442-4000. TDD users may contact DEP through the Pennsylvania Hamilton Relay Service, 800-654-5984.

#### 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.*

**WMGR091SC001. Lucas Lane, Inc.**, 10 Lucas Lane, Bernville, PA 19506, Upper Tulpehocken Township, **Berks County**. This is for the renewal of WMGR091SC001 which authorizes the processing of used oil filters and beneficial use of the resultant scrap metal and waste oil. The proposed processing is limited to crushing and a two-stage thermal treatment process. Application received: October 10, 2023. Issued: October 7, 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.

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

*Contact: Waste Management Program Manager.*

**WMGR123SW056. EQM Gathering OPCO, LLC**, 2200 Energy Drive, Canonsburg, PA 15317, Jackson Township, **Greene County**. A permit modification for Residual Waste General Permit No. WMGR123SW056 was issued by the Southwest Regional Office. The modification approves changes to the Preparedness, Prevention, and Contingency Plan (PPC Plan) and Waste Acceptance Plan (WAP) at the Marlin Aboveground Storage Tank Facility located at 401 Aleppo Road, New Freeport, PA 15352. Application received: June 1, 2023. Permit modification issued: September 20, 2024.

Persons interested in reviewing the permit may contact Regional Files (412-442-4100), Southwest Region, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, 412-442-4000. TDD users may contact DEP through the Pennsylvania Hamilton Relay Service, 800-654-5984.

**WMGR123SW056. EQM Gathering OPCO, LLC**, 2200 Energy Drive, Canonsburg, PA 15317, Jackson Township, **Greene County**. A permit modification for Residual Waste General Permit No. WMGR123SW056 was issued by the Southwest Regional Office. The modification approves changes to the piping design and piping configuration at the Marlin Aboveground Storage Tank Facility located at 401 Aleppo Road, New Freeport, PA 15352. Application received: August 4, 2023. Permit modification issued: September 20, 2024.

Persons interested in reviewing the permit may contact Regional Files (412-442-4100), Southwest Region, 400

Waterfront Drive, Pittsburgh, PA 15222-4745, 412-442-4000. TDD users may contact DEP through the Pennsylvania Hamilton Relay Service, 800-654-5984.

**WMGR123SW056. EQM Gathering OPCO, LLC**, 2200 Energy Drive, Canonsburg, PA 15317, Jackson Township, **Greene County**. A permit modification for Residual Waste General Permit No. WMGR123SW056 was issued by the Southwest Regional Office. The modification approves an increase of traffic volume to a maximum allowable of 576 trucks in a 24-hour period at the Marlin Aboveground Storage Tank Facility located at 401 Aleppo Road, New Freeport, PA 15352. Application received: February 12, 2024. Permit modification issued: September 20, 2024.

Persons interested in reviewing the permit may contact Regional Files (412-442-4100), Southwest Region, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, 412-442-4000. TDD users may contact DEP through the Pennsylvania Hamilton Relay Service, 800-654-5984.

#### OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE

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

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

*Contact: Waste Management Program Manager.*

**301381. Specialized Professional Services, Inc.**, 300 Commercial Drive, Washington, PA 15301, Canton Township. This permit authorizes operation of a residual waste transfer station named Specialized Professional Services, Inc. (SPSI) at 300 Commercial Drive, Washington, PA 15301. Application received: October 14, 2020. Permit issued: October 1, 2024.

Persons interested in reviewing the permit may contact Regional Files, (412-442-4000), Southwest Region, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, 412-442-4000. TDD users may contact DEP through the Pennsylvania Hamilton Relay Service, 800-654-5984.

#### AIR QUALITY

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

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

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

**AG5-08-00002B: Appalachia Midstream Services, LLC**, 30351 Route 6, Wysox, PA 18854, Middlebury Township, **Tioga County**. The Department issued a renewal to authorize the continued operation of ten (10) 1775-bhp CAT G3606TALE compressor engines, including compressor blowdowns; one (1) 605-bhp Baldor IGLC420-2N generator engine; two (2) 140.0 MMSCFD TEG dehydra-

tion units each with a 2.00 MMBtu/hr reboiler; two (2) 70.0 MMSCFD TEG dehydration unit with a 1.00 MMBtu/hr reboiler; one (1) 0.85 MMBtu/hr fuel-gas heater; four (4) 1,600-barrel (total) produced fluids storage tanks; one (1) thermal oxidizer; with liquids loading and associated piping, pigging and venting operations and fugitive components pursuant to the General Plan Approval and/or General Operating Permit for Compression Stations, Processing Plants and Transmission Stations (BAQ-GPA/GP-5). Application received: September 5, 2024. Renewed: September 24, 2024. New expiration date: September 23, 2029.

**AG5-59-00004C: UGI Texas Creek, LLC**, 835 Knitting Mills Way, Wyomissing, PA 19610, Elk Township, **Tioga County**. The Department issued authorization for the renewal of the facility's sources which are comprised of one 1,340 bhp 4SLB, natural gas-fired Caterpillar G3516LE compressor engine; Two 10 MMsfcd JW Williams TEG dehydrators; two 0.5 MMBtu/hr, natural gas-fired reboilers; pneumatic devices; blowdowns; fugitive emissions; pigging operations; and tanker truck load-out operations pursuant to the General Plan Approval and/or General Operating Permit for Compression Stations, Processing Plants and Transmission Stations (BAQ-GPA/GP-5). Application received: August 30, 2024. Renewed: September 26, 2024. New expiration date: September 25, 2029.

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

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

**GP3-34-03010C: Quarry Cut, Inc.**, 77 Wells Road, P.O. Box 1020, Parker Ford, PA 19547, Turbett Township and Spruce Hill Township, **Juniata County**. For portable nonmetallic mineral processing equipment, including 1 crusher and 2 screens and 8 conveyors, under GP3, at the Stoudt Mine. Application received: September 13, 2024. Issued: October 1, 2024.

**GP11-34-03010C: Quarry Cut, Inc.**, 77 Wells Road, P.O. Box 1020, Parker Ford, PA 19547, Turbett Township and Spruce Hill Township, **Juniata County**. For three non-road engines under GP11, to operate portable nonmetallic mineral processing equipment, at the Stoudt Mine. Application received: September 13, 2024. Issued: October 1, 2024.

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

**GP9-06-03194: Heidelberg Materials US Cement, LLC**, 537 Evansville Road, Fleetwood, PA 19522, Oley Township, **Berks County**. For a diesel-fired engine, under GP9, at the Oley 2 Quarry. Application received: September 10, 2024. Issued: October 3, 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.*

**GP5A-63-01029B: Loan Asset Issuer LLC Series 2021 NG-1**, 5260 Dupont Road, Parkersburg, WV 26101, West Finley Township, **Washington County**. The reauthorization under General Plan Approval and/or General Operating Permit for New or Modified Unconventional Natural Gas Well Site Operations and Remote Pigging Stations (2700-PM-BAQ0267; 6/2018) ("GP-5A") has been issued to construct and/or operate the sources at the previously listed facility. Application received: July 8, 2024. Revised: July 23, 2024.

**GP5A-63-01030B: Loan Asset Issuer LLC Series 2021 NG-1**, 5260 Dupont Road, Parkersburg, WV 26101, West Finley Township, **Washington County**. The reauthorization under General Plan Approval and/or General Operating Permit for New or Modified Unconventional Natural Gas Well Site Operations and Remote Pigging Stations (2700-PM-BAQ0267; 6/2018) (“GP-5A”) has been issued to construct and/or operate the sources at the previously listed facility. Application received: July 9, 2024. Revised: August 13, 2024.

**GP21-11-00545B: ECC Bethany Inc.**, 1919 14th St., Suite 700, Boulder, CO 80302, Munster Township, **Cambria County**. The authorization under General Plan Approval and/or General Operating Permit for New or Modified Coal-Mine Methane Enclosed Flare (GP-21) has been issued to allow the construction and/or operation of Cresson B5 MECS 001 and MECS 002 two Enclosed Flares made by John Zink Hamworthy with a total gas flow rate of 67380 SCFH. Application received: June 20, 2024. Revised: July 17, 2024.

**GP21-30-00840A: Environmental Commodities Corporation**, 1919 14th St., Suite 700, Boulder, CO 80302, Morris Township, **Greene County**. The authorization under General Plan Approval and/or General Operating Permit for New or Modified Coal-Mine Methane Enclosed Flare (GP-21) has been issued to allow the construction and/or operation of G3-3 MECS 001, G2-3 MECS 002, G3-1 MECS 003 three Enclosed Flares made by John Zink Hamworthy with a total gas flow rate of 67380 SCFH. Application received: July 10, 2024. Revised: July 26, 2024.

**GP21-63-01073B: Keyrock Environmental LLC**, P.O. Box 2223, Johnson City, TN 37605, Amwell Township, **Washington County**. The authorization under General Plan Approval and/or General Operating Permit for New or Modified Coal-Mine Methane Enclosed Flare (GP-21) has been issued to allow the construction and/or operation of two AB-200 Enclosed Flares made by Cimarron with a total gas flow rate of 34,620 scfh. Application received: July 15, 2024. Revised: August 2, 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.*

**01-03041B: Littlestown Foundry Inc.**, 150 Charles Street, Littlestown, PA 17340, Littlestown Borough, **Adams County**. For the operation of an existing aluminum foundry. Application received: February 9, 2024. Issued: September 30, 2024.

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

**36-05019I: ASC Engineered Solutions, LLC**, 1411 Lancaster Avenue, Columbia, PA 17512, Columbia Borough, **Lancaster County**. For the construction of two (2) cold box core machines and the installation of wet packed bed scrubber at the foundry. The installation of the cold box core machines also includes the removal of the facility’s warm box core machines associated with Source ID # 201, and the removal of baghouse DC-427 on Source

ID # 603, with emissions being re-routed to 2 other baghouses (C02 & C12) currently controlling emissions from Source ID # 603. Application received: May 2, 2024. Issued: October 2, 2024.

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

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

**46-0116B: Pecora Corporation**, 165 Wambold Rd, Harleysville, PA 19438, Lower Salford Township, **Montgomery County**. A plan approval for the relocation of a mixer, the replacement of a mixer, the replacement of a dust collector, and the connection of existing mixers to the new replacement dust collector for the manufacture of urethane products. Application received: March 18, 2024. Issued: September 30, 2024.

**15-0146B: Wallquest Inc.**, 465 Devon Park Dr, Wayne, PA 19087-1815, Tredyffrin Township, **Chester County**. This action is for a plan approval for the installation and operation of nine (9) digital printers (2 new, 7 existing) at their facility. Application received: May 24, 2024. Issued: October 3, 2024.

**46-0031G: GlaxoSmithKline LLC**, 1250 S Collegeville Rd, Collegeville, PA 19426-2990, Upper Providence Township, **Montgomery County**. This action is an extension of a plan approval to install a selective catalytic reduction unit, an oxidation catalyst, and a diesel particulate filter to the exhaust of an existing 2,000-kW generator engine to meet applicable Federal requirements for non-emergency use. Application received: September 26, 2024. Issued: October 3, 2024.

**46-0044D: Glasgow Inc./McCoy Quarry & Asphalt Plants**, Church & Flint Hill Rd, King of Prussia, PA 19406, Upper Merion Township, **Montgomery County**. This action is to replace one of the three existing secondary crushers of the secondary stone crushing plant (Source ID 108A) at its McCoy Quarry facility with a new secondary crusher. Application received: September 18, 2024. Issued: October 3, 2024.

**09-0031C: Eureka Stone Quarry Inc./Rush Valley 1**, 911 Swamp Rd, Rushland, PA 18956, Wrightstown Township, **Bucks County**. This action is for the extension of plan approval 09-0031C for the construction and installation of a reconstituted asphalt pavement (RAP) processing plant consisting of an impact crusher, a vibrating grizzly feeder, a fines screen, and four (4) conveyors. Particulate emissions from the source are controlled by wet-suppression. Application received: September 3, 2024. Issued: October 1, 2024.

**09-0255: Suess-Gahman Funeral Home/Perkasie**, 33 N Main St, Telford, PA 18969-1702, Telford Borough, **Bucks County**. For the installation of one (1) Matthews Environmental Solutions Power Pak I crematory unit. Application received: September 11, 2024. Issued: October 4, 2024.

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

*Contact: Sheri Guerrieri, P.E., New Source Review Chief, 412-442-4174.*

**PA-65-00891F: Holcim Solutions and Products US, LLC**, 26 Century Blvd, Suite 205, Nashville, TN 37214, Youngwood Borough, **Westmoreland County**. Holcim Solutions and Products US, LLC (26 Century Blvd, Suite 205, Nashville, TN 37214) on October 2, 2024, the Department issued a Plan Approval PA-65-00891F to

include a BAT evaluation related to the elimination of the VOC emission limit for Source ID 201 (Panel Production) located at its Holcim facility located in Youngwood Borough, Westmoreland County. Application received: May 13, 2024. Issued: October 2, 2024.

**PA-04-00059E: IPSCO Koppel Tubulars, LLC**, 6403 Sixth Avenue, Koppel, PA 16136, Koppel Borough, **Beaver County**. Plan approval issued authorizing the replacement of the existing baghouse with a new unit with a higher airflow and increase production from 598,000 prime cast tons per year to 771,618 TPY at the Koppel facility. Application received: June 25, 2024. Issued: October 2, 2024.

**PA-65-00137C: ATI Flat Rolled Products Holdings, LLC**, 100 River Road, Brackenridge Road, PA 15014, Vandergrift Borough, **Westmoreland County**. Plan approval issued authorizing the replacement of the existing packed-bed scrubber system (which uses internal HEPA filters), with a packed-bed scrubber with external candle filters and a non-contact water cooling tower at the facility in Vandergrift Borough, Westmoreland County. Application received: January 26, 2024. Issued: October 2, 2024.

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**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.**

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

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

**25-01066B: Bracken Funeral Home Inc.**, 315 North Center Street, Corry, PA 16407, City of Corry, **Erie County**. Issued a 6-month plan approval extension to allow more time for plan approval recordkeeping, etc. improvements. This extension expires March 31, 2025. Application received: September 30, 2024. Issued: September 30, 2024.

**43-00292B: Tri County Landfill Inc.**, 159 TCI Park Drive, Grove City, PA 16127-4347, Pine Township, **Mercer County**. Issued a 12-month plan approval extension, as project construction has commenced but is not finished. This extension expires September 30, 2025. Application received: August 23, 2024. Issued: September 30, 2024.

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

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

**01-03040C: Sealed Air Corp.—Hanover Plant**, 260 North Blettner Avenue, Hanover, PA 17731, Conewago Township, **Adams County**. For the construction of a new central grinding system and new padded envelope production machine at the Hanover Facility. The new central grinding system will be controlled by two new IMS cyclones and a reverse jet fabric filter. The new padded envelope production machine will be controlled by two new cyclone/dust compactor units and a fabric filter. The project also involves modification of its existing padded envelope machines such that the existing baghouses are replaced by the new IMS cyclones and reverse jet fabric filter. The facility's existing hammer mills will be modified such that they are controlled by the two IMS cyclones

and reverse jet fabric filter. The plan approval was extended. Application received: September 23, 2024. Issued: October 1, 2024.

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

**01-03039B: Agricultural Commodities, Inc.**, 2224 Oxford Road, New Oxford, PA 17350, Tyrone Township, **Adams County**. For a flour mill, storage bin, and grain dryer at the existing facility. The facility includes flour milling, a soybean oil mill, and ancillary operations including grain drying, truck loading/unloading, grain handling, and grain/product storage. The plan approval was extended. Application received: September 23, 2024. Issued: September 30, 2024.

**07-03068A: Altoona Water Authority—Westerly WWTF**, 144 Treatment Plant Road, Duncansville, PA 16635, Allegany Township, **Blair County**. For two (2) new digester gas fired boilers and one candlestick flare at the wastewater treatment. The digester gas boilers will be controlled by low NO<sub>x</sub> burners and flue gas recirculation (FGR). The plan approval was extended, with a compliance schedule. Application received: September 18, 2024. Issued: October 2, 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.*

**04-00034C: The Sherwin Williams Mfg Co**, 372 Cleveland Street, Rochester, PA 15074, Rochester Borough, **Beaver County**. This plan approval extension has been issued to ensure the plan approval remains active until the facility is in compliance with all conditions of the plan approval and a revision to the Operating Permit application is submitted by the applicant and issued by the Department. Application received: July 24, 2024. Revised: August 23, 2024.

**65-00891D: Holcim Solutions & Products US, LLC**, Building 102, Avenue A, Youngwood, PA 15697, Youngwood Borough, **Westmoreland County**. This plan approval extension has been issued to ensure the plan approval remains active until the facility is in compliance with all conditions of the plan approval and a revision to the Title V Operating Permit application is submitted by the applicant and issued by the Department. Application received: July 12, 2024. Revised: August 23, 2024.

**63-00538: Dynamet Incorporated**, 195 Museum Road, Washington, PA 15301, Chartiers Township, **Washington County**. This plan approval extension has been issued to ensure the plan approval remains active until the facility is in compliance with all conditions of the plan approval and a revision to the Operating Permit application is submitted by the applicant and issued by the Department. Application received: August 16, 2024. Revised: August 20, 2024.

**65-00891E: Holcim Solutions & Products US, LLC**, Building 102, Avenue A, Youngwood, PA 15697, Youngwood Borough, **Westmoreland County**. This plan approval extension has been issued to ensure the plan approval remains active until the facility is in compliance with all conditions of the plan approval and a revision to the Title V Operating Permit application is submitted by the applicant and issued by the Department. Application received: July 24, 2024. Revised: August 20, 2024.

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

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

*Contact: Norm Frederick, 570-826-2409.*

**54-00009: Omnova North America Inc., Auburn Plant FKA Reneer Films**, 95 Hickory Drive, Auburn, PA 17922-9625, West Brunswick Township, **Schuylkill County**. The Department issued a renewal Title V Operating Permit for the manufacturing of Unsupported Plastics, Film and Sheet facility located in West Brunswick Township, Schuylkill County. As a major source, the facility is subject to the Title V permitting requirements of the Clean Air Act Amendments as adopted by the Commonwealth under 25 Pa. Code, Chapter 127, Subchapter G. The main sources at this facility consist of boilers, hot oil furnace, printers, calendar lines, embossers, presses, storage tanks, and emergency generators. The sources are controlled by a thermal incinerator. These sources have the potential to emit major quantities of regulated pollutants above Title V emission thresholds. On April 23, 2016, the Pennsylvania Department of Environmental Protection (PADEP) published 25 Pa. Code §§ 129.96—129.100, Additional RACT Requirements for Major Sources of NO<sub>x</sub> and VOC, also known as Reasonably Available Control Technology (RACT) II. Omnova North America Inc., Auburn Plant FKA Reneer Films Facility qualifies as a major source of VOC emissions because facility-wide potential VOC emissions are above the RACT II major source threshold (i.e., 50 tons per year). As a result, the VOC-emitting operations at the facility will be subject to the provisions of the RACT II rule. The VOC emitting sources at the facility are Source ID # 112, Ink Mix Room, Source ID # 119, Emergency Generators, Source ID # 120, Water Pump No. 8, and Source ID # 123, 1.5 MW Cogeneration System. The Presumptive RACT II requirements are included in the TV Operating Permit. The Title V Operating Permit contains applicable requirements for emission limitations, work practice standards, testing, monitoring, recordkeeping, and reporting standards used to verify facility compliance with Federal and State air pollution regulations. Application received: December 22, 2022. Renewal issued: April 30, 2024.

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**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.**

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

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

**41-00073: Simsmetal East, LLC**, 2525 Trenton Avenue, Williamsport, PA 17701, City of Williamsport, **Lycoming County**. The Department issued a renewal to a State Only “synthetic minor” Operating Permit for their facility. The facility’s main sources include a metal shredding operation and a shredded material handling system. The renewed State Only Operating Permit contains all applicable regulatory requirements including monitoring, recordkeeping and reporting conditions. Application received: March 6, 2023. Renewal issued: September 23, 2024. New expiration date: September 22, 2029.

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

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

**20-00130: Meadville Forging Company**, 15307 Baldwin St. Ext., Meadville, PA 16335, West Mead Township, **Crawford County**. The Department recently issued the renewal of the Natural Minor State-Only Operating Permit to a facility which manufactures closed-die forged products. The company provides engineering and design services, die making and forging, as well as heat treating and machining operations. The primary sources at the facility are natural gas fueled space heating, an endo generator, forging presses, heat treating equipment, parts washers, parts preheaters, shot blasters, facility roads, emergency generators and steel yard production saws. Potential emissions for the site are below Title V permitting thresholds for all criteria pollutants and have been estimated as follows: SO<sub>x</sub>, 0.022 ton per year (tpy); PM, 4.45 tpy; NO<sub>x</sub>, 3.72 tpy, VOC, 17.0 tpy; CO, 3.12 tpy. In this renewal, one source was removed, and two processes exempted from plan approval were added. Minor administrative changes were applied to the Operating Permit. Application received: May 30, 2023. Issued: September 5, 2024.

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

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

**OP17-000024: Southeastern Pennsylvania Transportation Authority (SEPTA)—Roberts Complex**, 341-342 Roberts Avenue/4301 Wissahickon Avenue/440 Clarissa Street, Philadelphia, PA 19140, City of Philadelphia, **Philadelphia County**. The City of Philadelphia, Air Management Services (AMS) issued a renewal Synthetic Minor Operating Permit (SMOP) for the following facility: OP17-000024: Southeastern Pennsylvania Transportation Authority (SEPTA)—Roberts Complex (341-342 Roberts Avenue, Philadelphia, PA 19140; 4301 Wissahickon Avenue, Philadelphia, PA 19129; 440 Clarissa Street, Philadelphia, PA 19140), for the operation of a regional public transportation authority facility in the City of Philadelphia, Philadelphia County. The facility’s air emission sources are two (2) combined heat and power (CHP) units each with SCR and OC firing natural gas each rated 6,113 HP, eighteen (18) external combustion units each rated less than 10 MMBtu/hr, including four (4) boilers firing No. 2 oil, two (2) boilers firing natural gas and No. 2 oil, four (4) boilers firing natural gas, one (1) pressure washer firing natural gas, six (6) space heaters firing natural gas, and one (1) spray booth burner firing natural gas, one (1) emergency generators firing diesel rated 10.150 MMBtu/hr, one (1) sand blasting operation and one (1) air compressor for sand blasting operations firing diesel rated 79 HP, one (1) gasoline dispensing facility with one (1) 10,000 gallons storage tank, five (5) parts washers/degreasers (cold cleaning machines), one (1) spray booth for mobile equipment repair and refinishing, one (1) windshield washer fluid tank, and various insignificant sources. Application received: April 17, 2017. Issued: September 23, 2024.

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

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



**01-05040: Texas Eastern Transmission LP**, P.O. Box 1642, Houston, TX 77251-1642, Tyrone Township, **Adams County**. For the Heidlersburg natural gas compressor station. The State-Only permit was renewed. Application received: March 26, 2024. Issued: September 30, 2024.

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

**21-03049: Pyrotek, Inc.**, 1285 Claremont Road, Carlisle, PA 17015-9727, Middlesex Township, **Cumberland County**. For the refractory board product manufacturing facility. The State-Only permit was renewed. Application received: February 15, 2024. Issued: October 1, 2024.

Contact: *Thomas Bianca, PE, West Permit Section Chief, 717-705-4863.*

**44-03014: King Barr Funeral Home, LLC**, 120 Logan Street, Lewistown, PA 17044, Lewistown Borough, **Mifflin County**. For the human crematory at the facility. The State-Only permit was renewed. Application received: July 23, 2024. Issued: October 2, 2024.

**01-03007: PCA Corrugated & Display, LLC**, 104 Commerce Street, New Oxford, PA 17350-1702, New Oxford Borough, **Adams County**. For the corrugated and laminated paper material manufacturing facility. Application received: May 30, 2024. Issued: October 2, 2024.

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

**36-05062A: Manheim Auto Auction**, 1190 Lancaster Road, Manheim, PA 17545-9746, Penn Township, **Lancaster County**. For the automobile reconditioning facility. The State-Only permit was renewed. Application received: April 30, 2024. Issued: October 1, 2024.

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

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

**46-00304: Ratoskey & Trainer Inc./Gill Quarries**, 3201 Potshop Rd, East Norriton, PA 19403, East Norriton Township, **Montgomery County**. This action is for the issuance of an initial Natural Minor Operating Permit for operation of non-metallic mineral processing plants at the facility and as rental units that were previously permitted under GP3-46-0176 and GP9-46-0122. Application received: January 23, 2023. Issued: September 30, 2024.

**23-00225: Adelpia Gateway LLC/Marcus Hook Compressor Station**, 1111 W Ridge Rd, Linwood, PA 19061, Lower Chichester Township, **Delaware County**. This action is for the issuance of an initial Synthetic Minor Operating Permit for the operation of three (3) units of natural gas-fired reciprocating compressor engines [each equipped with a Nitrogen Oxide (NO<sub>x</sub>) emissions control device], one (1) unit of natural gas-fired emergency generator engine, and miscellaneous sources of fugitive emissions (i.e., pigging chambers, small storage tanks, natural gas pipeline connectors, flanges, valves, etc.) at a natural gas pipeline compressor station. Application received: March 26, 2024. Issued: September 25, 2024.

**23-00095: Entegris, Inc.**, 800 W Front St, Chester, PA 19013, City of Chester, **Delaware County**. This action is for the renewal of a State Only Operating Permit for the operation of a chemical manufacturing facility. Application received: April 27, 2022. Issued: October 1, 2024.

**46-00036: VV2750 LLC**, 2750 Morris Rd, Lansdale, PA 19446-6008, Worcester Township, **Montgomery County**. Velocity Ventures Partners LLC (VV2750 LLC) submitted

its initial State Only Operating Permit (SOOP) application for the operation of four (4) existing No. 2 fuel oil-fired internal combustion engines (ICE) powering electrical generating units with selective catalytic reduction (SCR) for control of nitrogen oxides. The electric generators (4) will allow VV2750 LLC to connect to the grid and participate in the PJM Interconnection, LLC Regional Transmission Organization (RTO) Capacity Resource Program (CRP) to provide additional generation capacity during periods of electrical emergencies. The sources are incorporated into the initial State Only Operating Permit from Plan Approval 46-0036K. Application received: May 30, 2024. Issued: October 3, 2024.

**Operating Permit Revisions Issued Including Administrative Amendments, Minor Modifications or Transfer of Ownership Under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and 25 Pa. Code §§ 127.412, 127.450, 127.462 and 127.464.**

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

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

**49-00002: Conagra Packaged Foods LLC**, 30 Marr Street, Milton, PA 17847, Milton Borough, **Northumberland County**. The Department issued an amended permit authorization for the Conagra Packaged Foods facility to revise the responsible official to Adam Konopasek, Director of Environmental Management, pursuant to the amendment provisions of the State Only Synthetic Minor Operating Permit. Application received: August 7, 2024. Revised: August 22, 2024. Expiration date: October 20, 2027.

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

**41-00089: James Maneval Funeral Home**, 1002 Allegheny Street, Jersey Shore, PA 17740, Jersey Shore Borough, **Lycoming County**. The Department issued a revised State Only (Natural Minor) Operating Permit for the James C. Maneval Funeral Home, Ltd.'s Tributes of Life crematory facility. Revision No. 1 was issued for the incorporation of the terms and conditions of plan approval 41-00089B for a Matthews Environmental Solutions Model No. IE43-PPI (Power Pak I) human cremation unit into the Operating Permit. The revised State Only Operating Permit contains all applicable requirements, including monitoring, recordkeeping, and reporting requirements to verify compliance with the Operating Permit requirements. Application received: September 6, 2024. Revised: October 3, 2024. Expiration date: June 3, 2025.

**53-00008: National Fuel Gas Supply Corporation**, 6363 Main Street, Williamsville, NY 14221, Wharton Township, **Potter County**. The Department issued a revised Title V Operating Permit for the East Fork Compressor Station facility. Revision No. 1 was issued for a change in Responsible Official. Application received: August 23, 2024. Revised: October 3, 2024. Expiration date: September 26, 2026.

**53-00003: National Fuel Gas Supply Corporation**, 6363 Main Street, Williamsville, NY 14221, Allegany Township, **Potter County**. The Department issued a revised Title V Operating Permit for the Ellisburg Compressor Station facility. Revision No. 1 was issued for a change in Responsible Official. Application received: August 23, 2024. Revised: October 3, 2024. Expiration date: January 12, 2027.

**59-00005: Empire Pipeline, Inc.**, 6363 Main Street, Williamsville, NY 14221, Jackson Township, **Tioga County**. The Department issued a revised State Only Operating Permit for the Jackson Compressor Station. Revision No. 1 was issued for a change in Responsible Official. Application received: August 23, 2024. Revised: October 2, 2024. Expiration date: December 28, 2027.

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

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

**24-00146: National Fuel Gas Boone Mountain Station**, 6363 Main Street, Williamsville, NY 14221-5887, Horton Township, **Elk County**. The permit was administratively amended to incorporate the change of responsible official. Application received: August 26, 2024. Revised: October 1, 2024.

**24-00166: National Fuel Gas Bowen Compressor Station**, 6363 Main Street, Williamsville, NY 14221-5887, Highland Township, **Elk County**. The permit was administratively amended to incorporate the change of responsible official. Application received: August 26, 2024. Revised: October 1, 2024.

**61-00193: National Fuel Gas Henderson Station**, 6363 Main Street, Williamsville, NY 14221-5887, Mineral Township, **Venango County**. The permit was administratively amended to incorporate the change of responsible official. Application received: August 26, 2024. Revised: October 1, 2024.

**24-00135: National Fuel Gas Island Run Compressor Station**, 6363 Main Street, Williamsville, NY 14221-5887, Ridgway Township, **Elk County**. The permit was administratively amended to incorporate the change of responsible official. Application received: August 26, 2024. Revised: October 1, 2024.

**03-00196: National Fuel Gas Kaylor Compressor Station**, 6363 Main Street, Williamsville, NY 14221-5887, Sugar creek Township, **Armstrong County**. The permit was administratively amended to incorporate the change of responsible official. Application received: August 26, 2024. Revised: October 1, 2024.

**42-00246: National Fuel Gas Keelor Compressor Station**, 6363 Main Street, Williamsville, NY 14221-5887, Wetmore Township, **McKean County**. The permit was administratively amended to incorporate the change of responsible official. Application received: August 26, 2024. Revised: October 1, 2024.

**33-00141: National Fuel Gas Knox Station**, 6363 Main Street, Williamsville, NY 14221-5887, Knox Township, **Jefferson County**. The permit was administratively amended to incorporate the change of responsible official. Application received: August 26, 2024. Revised: October 1, 2024.

**24-00127: National Fuel Gas Lamont Station**, 6363 Main Street, Williamsville, NY 14221-5887, Jones Township, **Elk County**. The permit was administratively amended to incorporate the change of responsible official. Application received: August 26, 2024. Revised: October 1, 2024.

**62-00141: National Fuel Gas Roystone Compressor Station**, 6363 Main Street, Williamsville, NY 14221-5887, Sheffield Township, **Warren County**. The permit was administratively amended to incorporate the change of responsible official. Application received: August 26, 2024. Revised: October 1, 2024.

**25-00954: National Fuel Gas Summit Station**, 6363 Main Street, Williamsville, NY 14221-5887, Summit Township, **Erie County**. The permit was administratively amended to incorporate the change of responsible official. Application received: August 26, 2024. Revised: October 1, 2024.

**24-00127: National Fuel Gas Lamont Station**, 6363 Main Street, Williamsville, NY 14221-5887, Jones Township, **Elk County**. The permit was administratively amended to incorporate the change of responsible official. Application received: August 26, 2024. Revised: October 1, 2024.

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

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

**36-05142: Mars Wrigley US LLC**, 295 South Brown Street, Elizabethtown, PA 17022-2127, Elizabethtown Borough, **Lancaster County**. For the candy manufacturing facility. The Title V permit was administratively amended in order to incorporate an emission limit for Source 402 from Plan Approval No. 36-05142D, and to reflect minor updates to MACT Subpart ZZZZ, and to make other minor administrative changes. Application received: August 22, 2024. Issued: September 30, 2024.

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

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

**15-00009: AGC Chemical**, 255 S Bailey Rd, Downingtown, PA 19335-2003, Caln Township, **Chester County**. AGC Chemicals Americas Inc. manufactures fluoro-products including the fluoropolymer resins, enhanced fluorinated materials and compounds and fluoro-elastomers. The permit was modified to expand the range of the pressure drop across the cartridge filter associated with the production line equipped with the Fluidized Bed Dryer (Source ID 107). This action to the Synthetic Minor Operating Permit does not authorize any increase in air emissions of regulated pollutants from the facility above previously approved levels. Application received: August 26, 2024. Issued: September 25, 2024.

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

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*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.*

**CORRECTION—previously published on October 5, 2024.**

**DEM-63-01055B: Range Resources Appalachia LLC**, 3000 Town Center Blvd, Canonsburg, PA 15317, Jefferson Township, **Washington County**. On September 13, 2024, the Department of Environmental Protection approved of the installation of a new emission source as a de minimis increase, located at 324 Strope Rd, Burgettstown PA 15021. This is the second notice for this action, and is being made to correct several errors in the initial submission which can be found in the *Pennsylvania Bulletin* published on 10/05/2024.

## ACTIONS ON COAL AND NONCOAL APPLICATIONS

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

### Coal Permits

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

Contact: Bonnie Herbert, Clerical Assistant 3.

**Mining Permit No. 30841316.** NPDES No. PA0213535. Consol Pennsylvania Coal Company LLC, 275 Technology Drive, Suite 101, Canonsburg, PA 15317, Richhill Township, **Greene County**. To revise the permit and related NPDES to revise several pond outlet systems and installation of a storm sewer system. One new NPDES point is proposed and one existing NPDES point will be relocated. Receiving stream(s): Enlow Fork, classified for the following use: TSF. Application received: January 29, 2024. Accepted: February 28, 2024. Issued: September 20, 2024.

**Mining Permit No. 30841316.** NPDES No. PA0213535. Consol Pennsylvania Coal Company LLC, 275 Technology Drive, Suite 101, Canonsburg, PA 15317, Richhill Township, **Greene County**. To revise the permit and related NPDES permit for development mining only, affecting 4418.26 underground acres and 4418.26 subsidence control plan acres. Application received: March 22, 2023. Accepted: May 18, 2023. Issued: September 20, 2024.

**Mining Permit No. 56773707.** PBS Coals, Inc., 1576 Stoystown Road, P.O. Box 260, Friedens, PA 15541, Stonycreek Township, **Somerset County**. To renew the permit. Application received: August 25, 2020. Accepted: October 16, 2020. Issued: September 23, 2024.

**Mining Permit No. 30121301.** NPDES No. PA0236195. Consol Pennsylvania Coal Company LLC, 275 Technology Drive, Suite 101, Canonsburg, PA 15317, Center and Morris Townships, **Greene County**. To revise the permit and related NPDES permit for the installation of a 1.0 mile long electric line, affecting 12.7 surface acres. Receiving stream(s): unnamed tributaries to Browns Creek, classified for the following use: WWF. Application received: March 13, 2024. Accepted: March 28, 2024. Issued: October 1, 2024.

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

Contact: RA-EPCAMBRIADMO@pa.gov.

**Mining Permit No. 56080103.** Rosebud Mining Company, 301 Market Street, Kittanning, PA 16201, Milford Township, **Somerset County**. Permit renewal for reclamation only of a bituminous surface mine affecting 105.5 acres. Receiving streams: unnamed tributaries to/ and South Glad Creek to the Casselman River to the Youghiogheny River, classified for the following use: WWF. Application received: May 3, 2024. Permit issued: October 2, 2024.

### Noncoal Permits

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

Contact: Cassie Stanton, Clerical Assistant 2.

**Mining Permit No. 08132502.** Shawn M Odell, 50 Heavenly Lane, Wyalusing, PA 18853, Asylum Township, **Bradford County**. Renewal of coverage under GP-105 for a bluestone surface mining operation affecting 5 acres. Receiving stream(s): Bennetts Creek classified for the following use(s): WWF. Application received: April 17, 2023. Accepted: April 26, 2023. Issued: October 2, 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. 46244109.** M3 Explo, LLC, P.O. Box 615, Bowmansville, PA 17507, Lower Frederick Township, **Montgomery County**. Construction blasting for Melbourne Development. Application received: September 10, 2024. Permit issued: October 1, 2024. Expiration date: September 27, 2025.

**Permit No. 15244112.** M3 Explo, LLC, P.O. Box 615, Bowmansville, PA 17507, Caln Township, **Chester County**. Construction blasting for Dwell Phase 2. Application received: September 27, 2024. Permit issued: October 3, 2024. Expiration date: September 27, 2025.

## FEDERAL WATER POLLUTION CONTROL ACT SECTION 401

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

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

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

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

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

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

#### WATER OBSTRUCTIONS AND ENCROACHMENTS

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

*Central Office: Regional Permit Coordination Office, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA 17101.*

*Contact: RA-EPREGIONALPERMIT@pa.gov.*

**EA0283224-001. Pittsburgh Water and Sewer Authority**, 1200 Penn Avenue, Pittsburgh, PA 15222, City of Pittsburgh, **Allegheny County**. U.S. Army Corps of Engineers Pittsburgh District.

To construct and maintain a stream restoration project within a 350-foot reach of Glass Run (WWF) for the purpose of stabilizing eroding streambanks, floodplain reconnection, restoring ecological functions, and reducing sediment load. The proposed work includes stream realignment, stream bank stabilization, floodplain grading, and the installation of in-stream habitat enhancement structures. The project is located along a section of Glass Run approximately 1,000 feet west of SR 0895 and situated along Glass Run Road (Pittsburgh East, PA Quadrangle) in the City of Pittsburgh, Allegheny County. Latitude: 40.389472°, Longitude: -79.938409°. Application received: October 7, 2024. Approved: October 7, 2024.

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

*Contact: RA-EPEASTERNOPRG@pa.gov.*

**E5329224-001. Greylock Production LLC**, 500 Corporate Landing, Charleston, WV 25311, Hector Township,

**Potter County**. U.S. Army Corps of Engineers Baltimore District. Application received: February 9, 2024. Issued: October 7, 2024. To construct, operate and maintain the Genesee Forks Surface Water Withdrawal Project, which consists of a floating intake structure and one 16-inch diameter above ground waterline, with the following impacts:

1. 21.0 linear feet of temporary stream impacts and 80.0 linear feet of temporary floodway impacts to Genesee Forks (HQ-CWF) via the installation of a floating intake structure and associated temporary waterline (West Pike, PA Quadrangle, Latitude: N 41°, 50', 26.41", Longitude: W 77°, 42', 09.14"); and

2. 21.0 linear feet of temporary stream impacts and 120.0 linear feet of temporary floodway impacts to a UNT to Genesee Forks (HQ-CWF) via the installation of a temporary aerial waterline crossing (West Pike, PA Quadrangle, Latitude: N 41°, 50', 56.76", Longitude: W 77°, 42', 11.16").

The project will result in 42.0 linear feet of temporary stream impacts, and 200.0 linear feet of temporary floodway impacts, all for the purpose of installing a temporary floating intake structure and temporary waterline for Marcellus shale development.

*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.*

**E3502224-001. Aqua Pennsylvania, Inc.**, 1775 North Main St., Honesdale, PA 18431, Covington Township, **Lackawanna County**. U.S. Army Corps of Engineers Baltimore District.

To construct and maintain a 12-inch DIP water line crossing of UNT to Roaring Brook (HQ-CWF, MF), and associated wetlands (EV). The utility line will cross the UNT at three locations and be installed via open trenching through the stream. The utility line will also cross three separate wetlands and be installed via open trenching through the wetlands. The project is located in Covington Township, Lackawanna County, PA, Quadrangle Latitude: 41°, 19', 25", Longitude: -75°, 30', 40". Latitude: 41°, 19', 25", Longitude: -75°, 30', 40". Application received: April 23, 2024. Issued: October 2, 2024.

**E4002223-021. One More Time Mountain Top Holdings, LLC**, 4511 Falmer Drive, Bethlehem, PA 18020, Wright Township, **Luzerne County**. U.S. Army Corps of Engineers Baltimore District.

To construct and maintain the following water obstructions and encroachments associated with the Grove at Mountain Top Project: 1) A fill within 0.02-acre of PEM Wetlands (EV) consisting of a 24-foot wide access and an 8-inch diameter water main. 2) A crossing of a UNT to Watering Run (CWF, MF) and 0.07-acre of adjoining PEM/PSS Wetlands (EV) consisting of a 52-foot long, 4.5-foot high, 21-foot span, open-bottom aluminum arch culvert lined with R-6 riprap and blended with natural streambed material and a 47-foot long, 12-inch diameter HDPE wetland cross pipe. The purpose of this impact is for the installation of a 24-foot wide access road and an 8-inch diameter ductile iron water main. 3) A crossing of 0.02-acre of PEM/PFO Wetlands (EV) consisting of a 24-foot wide access road and an 8-inch diameter ductile iron water main. This crossing will include a 30-foot long, 12-inch diameter HDPE wetland cross pipe. 4) A crossing of Watering Run (CWF, MF) consisting of a 128.5-foot

long, 9.5-foot high, 63-foot span, open-bottom aluminum arch culvert lined with R-6 riprap and blended with natural streambed material, an 8-inch diameter ductile iron water main, and an 8-inch diameter PVC sewer main. 5) A crossing of 0.03-acre of PFO Wetlands (EV) consisting of a 24-foot wide access road, an 8-inch diameter ductile iron water main, and an 8-inch diameter PVC sewer main. 6) A utility line crossing within the floodway of Watering Run (CWF, MF) consisting of a 130-LF, 15-inch diameter PVC sewer main and two (2) concrete manholes. 7) A stormwater outfall within the floodway of Watering Run (CWF, MF) consisting of a trapezoidal vegetated swale. 8) A crossing of a UNT to Watering Run (CWF, MF) consisting of a 39-foot long, 3.5-foot high, 12-foot span, open-bottom aluminum arch culvert lined with R-6 riprap and blended with natural streambed material. 9) A crossing of 0.03-acre of PFO Wetlands (EV) consisting of a 24-foot wide access road. This crossing will include two (2) 30-foot long, 12-inch diameter HDPE wetland cross pipes. The project is located northwest of the intersection of N. Sunset Drive and SR 309 (Wilkes-Barre West and Freeland, PA Quadrangle Latitude: 41°, 7', 33"; Longitude: -75°, 54', 12") in Wright Township, Luzerne County. Latitude: 41°, 7', 33"; Longitude: -75°, 54', 12". Application received: September 5, 2023. Issued: October 7, 2024.

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

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

**E0306223-003. Armstrong Terminal Inc.,** P.O. Box 58, Woodland, PA 16881, Gilpin Township, **Armstrong County.** U.S. Army Corps of Engineers Pittsburgh District.

Construct and maintain a new 400-foot long barge dock facility consisting of driven steel sheet piling to be installed approximately 4 feet in front of the existing steel piling with mooring rings, tiebacks, gravel backfill between the new and existing sheet piling, and an approximately 30 foot wide by 400 foot long concrete work surface along the left bank of the Allegheny River within Pool No. 5 (Freeport, PA Quadrangle N: 40.686445°; W: -79.664151°) in Gilpin Township, Armstrong County. This permit in part modifies the existing dock area authorized for maintenance under DEP Permit No. E03-228 originally issued to Shenley Barge Terminal in March 1989 and transferred to Armstrong Terminal, Inc. on March 4, 1992. Latitude: 40.686445°, Longitude: -79.664151°. Application received: May 17, 2023. Issued: October 3, 2024.

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

*Contact: ra-ep-ww-sero-105@pa.gov.*

**E1501221-008. I-76 TC Owner (PA), LLC,** 303 Peachtree Center Avenue, Suite 575, Atlanta, GA 30303, Uwchlan Township, **Chester County.** U.S. Army Corps of Engineers Philadelphia District. Latitude: 40.061903°, Longitude: -75.664396°. Application received: October 3, 2024. Approved: September 30, 2024. I-76 TC Owner (PA), LLC is proposing to perform the following additional water obstruction and encroachment activities associated with the Turnpike Interchange Project at 1130 Pottstown Pike listed as follows. The original permit was issued April 28, 2022.

Activities associated with the installation of water utility lines through boring below Shamona Creek:

1. To bore/drill within the floodway of Shamona Creek to install and maintain water utility pipe resulting in (3,743.75 sq ft, .09 acre) of temporary floodway impacts.

2. To bore/drill within the floodway of Shamona Creek to install and maintain water utility pipe resulting in (358.25 sq ft, .01 acre) of permanent floodway impacts.

3. To bore/drill beneath Shamona Creek to install and maintain water utility pipe resulting in (5.83 sq ft, .0001 acre) of permanent watercourse/stream impacts.

This project is located at 1130 Pottstown Pike, Uwchlan Township, Chester County, (USGS PA Downingtown Quadrangle—Latitude 40.061903 N, Longitude -75.664396 W).

**E2301224-008. Colwyn Borough,** 221 Spruce Street, Colwyn, PA 19023, Colwyn Borough, **Delaware County.** U.S. Army Corps of Engineers Philadelphia District.

To construct and maintain an ADA compliant walking path around the perimeter of the park, a large rain garden to take place of the asphalt basketball court, two basketball courts, and other amenities, i.e., park benches, trash receptacles and tables, etc. within the floodway/floodplain of Cobbs Creek (WWF) associated with the improvements to Bosacco Park. The project is located within Bosacco Park adjacent to Cobb's Creek (Lansdowne, PA USGS Quadrangle, Latitude: 39.912598; Longitude: -75.249758) in Borough of Colwyn, Delaware County. Latitude: 39.912598°, Longitude: -75.249758°. Application received: June 19, 2024. Approved: September 30, 2024.

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

*Contact: D. J. Stevenson, 412-442-4281, RA-EPSW-OGSUBMISSION@pa.gov.*

**E6307224-006. CNX Midstream Operating Company, LLC,** 1000 Horizon Vue Drive, Canonsburg, PA 15317, Morris Township, **Washington County.** U.S. Army Corps of Engineers Pittsburgh District. Latitude: 40.008701°, Longitude: -80.332410°. Application received: June 5, 2024. Issued: October 3, 2024.

The project proposes to expose a section of the existing NV-113 Pipeline, consisting of one (1) 12-inch steel gas pipeline and one (1) 20-inch HDPE fresh/produced water line, in preparation for longwall mining activities under these pipelines. Pipeline exposure is anticipated to last approximately one (1) year and will result in temporary impacts to two (2) intermittent streams (UNTs to Short Creek, a Trout Stocked Fishery) and their associated 50-foot assumed floodways. Additionally, four (4) temporary access timber mat bridge crossings for three (3) streams and their associated 50-ft assumed floodway (UNTs to Short Creek, Short Creek) are authorized for use under a General Permit 8. Total earth disturbance proposed is 7.9 acres. Activities include excavation of pipelines, installation of temporary bridge crossings, installation of monitoring equipment, installation of two (2) temporary flume pipes and riprap aprons, stockpiling of soils, and site restoration post-construction.

<i>Resource Name</i>	<i>Aquatic Resource Type</i>	<i>Activity</i>	<i>Chapter 93</i>	<i>Latitude/ Longitude</i>	<i>Impact Area Temp. (SF)</i>	<i>Impact Area Temp. (LF)</i>	<i>Impact Area Temp. (Ac)</i>	<i>Impact Area Perm. (Ac)</i>
FLACT—1 (Stream 7 floodway; UNT to Short Creek)	Intermittent	Excavation/ Floodway Activity	TSF	40.00865 -80.33239	4,100	-	0.09	0
CULV-1 (Stream 7; UNT to Short Creek)	Intermittent	Flume Pipe	TSF	40.00872 -80.33238	250	50	0.006	0
PIPE-1 (Stream 7; UNT to Short Creek)	Intermittent	Excavation; Pipeline Exposure (stream)	TSF	40.00872 -80.33238	80	16	0.002	0
FLACT—2 (Stream 5 floodway; UNT to Short Creek)	Intermittent	Excavation/ Floodway Activity	TSF	40.00865 -80.33239	4,300	-	0.001	0
CULV-2 (Stream 5; UNT to Short Creek)	Intermittent	Flume Pipe	TSF	40.00862 -80.33231	300	50	0.007	0
PIPE-2 (Stream 5; UNT to Short Creek)	Intermittent	Excavation; Pipeline Exposure (stream)	TSF	40.00862 -80.33231	96	16	0.002	0
BRIDGE-1 (Stream 7; UNT to Short Creek)	Intermittent	Timber Bridge	TSF	40.00868 -80.33245	336	28	0.006	0
BRIDGE-2 (Stream 5; UNT to Short Creek)	Intermittent	Timber Bridge	TSF	40.00861 -80.33239	336	28	0.006	0
BRIDGE-3 (Stream 10; Short Creek)	Perennial	Timber Bridge	TSF	40.01062 -80.33480	588	49	0.01	0
FLACT-3 (Stream 10 floodway; Short Creek)	Perennial	Timber Bridge	TSF	40.01028 -80.33645	1,125	75	0.03	0

#### ENVIRONMENTAL ASSESSMENTS

Central Office: Waterways & Wetlands Program, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA 17101, 717-787-3411.

Contact: Niamh Hays, Water Program Specialist, 717-772-5959.

**EA3615223-003. Landis Run at Village of Olde Hickory Floodplain Restoration Project**, 600 Olde Hickory Road, Suite 100, 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 restore approximately 12 acres of integrated stream, wetland, and floodplain areas of Landis Run and tributaries to Landis Run (WWF-MF); to realign approximately 28,000 linear feet of stream for the purpose of restoring watercourses; to place rock stream and valley grade control structures, 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 associated with adjacent land development activities. The restoration project is located on the former Olde Hickory golf course, beginning east of PA-272 and ending west of US-222 in Lancaster, PA Latitude: 40.083223°, Longitude: -76.282515°. Application received: September 12, 2024. Approved: October 4, 2024.

#### DAM SAFETY

Central Office: Waterways & Wetlands Program, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA 17101, 717-787-8568.

Contact: Kelly Steele, Project Specialist, 717-787-1785.

**D52-180. Wild Acres Lakes Property Owners Association**, 116 Wild Acres Drive, Dingmans Ferry, PA 18328, Delaware Township, **Pike County**. To modify, operate, and maintain North Lake Dam across a tributary to Hornbeck's Creek (HQ-CWF, MF), impacting 0.03 acre of wetlands (PFO) for the purpose of rehabilitation of existing dam to comply with the Commonwealth's regulations. Latitude 41.211107 and Longitude -74.954624. Application received: January 4, 2010. Permit issued: August 27, 2024/October 2, 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 ESG295924017-00**

Applicant Name **Seneca Resources Co LLC**  
 Contact Person Joseph Scott  
 Address 350 Eagleview Boulevard, Suite 250  
 City, State, Zip Exton, PA 19341  
 Township(s) Chatham Township, Delmar Township, and Shippen Township  
 County **Tioga County**  
 Receiving Stream(s) and Classification(s) Right Straight Run (HQ-CWF, MF)  
 Application received: October 4, 2024  
 Issued: October 7, 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 ESG081022015-01**

Applicant Name **Pennenergy Resources LLC**  
 Contact Person Cody Salmon  
 Address 3000 Westinghouse Dr, Suite 300  
 City, State, Zip Cranberry Township, PA 16066-5239  
 Township(s) Winfield Township  
 County **Butler County**  
 Receiving Stream(s) and Classification(s) Trib 42625 to Cornplanter Run HQ-TSF, Trib 42626 to Cornplanter Run HQ-TSF, Trib 42636 to Rough Run HQ-TSF, Trib 42637 to Rough Run HQ-TSF, Trib 42638 to Rough Run HQ-TSF, Trib 42639 to Rough Run HQ-TSF, UNT to Trib 42637 to Rough Run HQ-TSF, UNT to Trib 42638 to Rough Run HQ-TSF  
 Application received: August 6, 2024  
 Approved: October 3, 2024

**CORRECTIVE ACTION UNDER  
 ACT 32, 1989  
 PREAMBLE 2**

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

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

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

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

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

DEP has received the following plans and reports.

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

*Contact: Chris, 724-598-2206.*

**Guttman Oil Co**, Storage Tank Facility ID # **43-31418**, 3434 Sharon Road, West Middlesex, PA 16159, West Middlesex Borough and Shenango Township, **Mercer County**. Apex Companies, LLC, 975 Georges Station Road, Suite 100, Greensburg, PA 15601, on behalf of Guttman Energy, 200 Speers Street, Belle Vernon, PA 15012, submitted a Remedial Action Plan concerning remediation of soil and groundwater contaminated with unleaded gasoline, leaded gasoline, and diesel fuel. The plan is intended to document the remedial actions for meeting residential and nonresidential site-specific standards.

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

*Contact: Gregory Bowman, Environmental Group Manager.*

**Ben R Brookmyer**, Storage Tank Facility ID # **36-63858**, 1001 E King Street, Lancaster, PA 17602-3231, Lancaster Township, **Lancaster County**. Reliance Environmental, Inc., 235 North Duke Street, Lancaster, PA 17602, on behalf of Brookmyer Revocable Trust, II, 27 Oak Knoll Road, Merideth, NH 03253, submitted a Remedial Action Plan concerning remediation of soil and groundwater contaminated with petroleum constituents. The plan is intended to document the remedial actions for meeting nonresidential Statewide health and 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.*

**PA0067-200. W Montgomery Ave Ardmore**, Storage Tank Facility ID # **46-06686**, 200 Montgomery Ave, Ardmore, PA 19003, Lower Merion Township, **Montgomery County**. Synergy Environmental, Inc., 155 Railroad Plaza, 1st Floor, Royersford, PA 19468, on behalf of Dunne Manning Realty, LP, 645 West Hamilton St., Suite 400, Allentown, PA 18101, submitted a Remedial Action Completion Report concerning remediation of soil and groundwater contaminated with unleaded gasoline. The report is intended to document the remedial actions for meeting residential and nonresidential Statewide health standards.

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

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

**Tutelo # 2**, Storage Tank Facility ID # **5-65-960-19948**, Milligantown Road, Upper Burrell Township, PA 15068, Upper Burrell Township, **Westmoreland County**. Woodard & Curran, 400 Penn Center Blvd., Suite 600, Pittsburgh, PA 15235, on behalf of D. Marc Jacobs, Jr, Penneco Oil Company, Inc., 6608 Route 22, Delmont, PA 15626, submitted a Remedial Action Completion Report concerning remediation of soil and groundwater and surface water and sediment contaminated with crude oil. The report is intended to document the remedial actions for meeting nonresidential Statewide health standards.

**Happy Mart**, Storage Tank Facility ID # **02-06684**, 1100 Penn Avenue, Wilkinsburg, PA 15221, Wilkinsburg Borough, **Allegheny County**. Letterle & Associates, Inc., 2859 Oxford Blvd., Allison Park, PA 15101, on behalf of S&D Oil, Inc./Mr. Paul Lathia, 1100 Penn Avenue, Wilkinsburg, PA 15221, submitted a Remedial Action Completion Report concerning remediation of soil and groundwater contaminated with unleaded gasoline. The report is intended to document the remedial actions for meeting nonresidential site-specific standards.

**Chevron # 203876**, Storage Tank Facility ID # **65-82885**, 11540 State Route 30, North Huntingdon, PA 15642-2098, North Huntingdon Township, **Westmoreland County**. Arcadis U.S. Inc., 2100 Georgetown Road, Suite 402, Sewickley, PA 15143, on behalf of Chevron Environmental Management Company, 1400 Smith St, Houston, TX 77002, submitted a Remedial Action Completion Report concerning remediation of groundwater contaminated with leaded and unleaded gasoline. The report is intended to document the remedial actions for meeting nonresidential Statewide health and site-specific standards.

**Vandermark Citgo**, Storage Tank Facility ID # **63-82402**, 932 Main Street, Bentleyville, PA 15314, Bentleyville Borough, **Washington County**. Letterle & Associates, Inc., 2859 Oxford Blvd, Allison Park, PA 15101, on behalf of Gary Parola, 932 Main St, Bentleyville, PA 15314, submitted a Remedial Action Completion Report concerning remediation of soil and groundwater contaminated with unleaded gasoline. The report is intended to document the remedial actions for meeting nonresidential site-specific standards.

**Davidsville Fuel**, Storage Tank Facility ID # **56-17921**, 763 South Main Street, Davidsville, PA 15935, Conemaugh Township, **Somerset County**. Flynn Environmental, Inc., 5640 Whipple Avenue, North Canton, OH 44720, on behalf of Jim Moore, P.O. Box 418, Davidsville, PA 15928, submitted a Remedial Action Plan concerning remediation of soil and groundwater contami-

nated with unleaded gasoline. The combined plan and report is intended to document the remedial actions for meeting residential Statewide health standards.

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

**Charleroi Gulf**, Storage Tank Facility ID # **63-09229**, 62 McKean Ave., Charleroi, PA 15022, Charleroi Borough, **Washington County**. Converse Consultant, Inc., 2738 W. College Avenue, State College, PA 16801, on behalf of Charleroi Gulf, 8 Gardner Street, Uniontown, PA 15022, submitted a Remedial Action Completion Report concerning remediation of groundwater contaminated with unleaded gasoline. The report is intended to document the remedial actions for meeting nonresidential site-specific standards.

## CORRECTIVE ACTION UNDER ACT 32, 1989

### PREAMBLE 3

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

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

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

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

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

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

DEP has received the following plans and reports.

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

*Contact: Eric Supey, Environmental Program Manager.*

**Chapin Oil Service**, Storage Tank Facility ID # **40-09384**, 920 East Third Street, Nescopeck, PA 18635, Nescopeck Borough, **Luzerne County**. United Environ-



mental Services, P.O. Box 701, Schuylkill Haven, PA 17972, on behalf of Douthat Ventures, LLC, 920 East Third Street, Nescopeck, PA 18635, submitted a Remedial Action Completion Report concerning remediation of groundwater contaminated with gasoline. The report demonstrated attainment of the Statewide health standards and was approved by DEP on October 3, 2024.

**Convenient Food Mart**, Storage Tank Facility ID # **40-08918**, 340 Wilkes-Barre Township Boulevard, Wilkes-Barre, PA 18702, Wilkes-Barre Township, **Luzerne County**. Reliance Environmental, 235 North Duke Street, Lancaster, PA 17602, on behalf of CDG 320 Inc., 304 North Wilkes-Barre Township Boulevard, Wilkes-Barre, PA 18702, submitted a Remedial Action Completion Report concerning remediation of soil and groundwater contaminated with gasoline. The report demonstrated attainment of the Statewide health and site-specific standards and was approved by DEP on October 7, 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.*

**Tyson Citgo**, Storage Tank Facility ID # **51-43349**, 6962 Frankford Avenue, Philadelphia, PA 19135, City of Philadelphia, **Philadelphia County**. Petrodi LLC, 543 Oakshade Road, Shamong, NJ 08088, on behalf of Knight's Properties, 1328 Jacob Drive, Yardley, PA 19067, submitted a Remedial Action Completion Report concerning remediation of soil and groundwater contaminated with unleaded gasoline. The report did not demonstrate attainment of the nonresidential Statewide health and site-specific standards and was disapproved by DEP on October 1, 2024.

**Sunoco 0363 421**, Storage Tank Facility ID # **23-30727**, 291 E Township Line Rd, Upper Darby, PA 19082, Upper Darby Township, **Delaware County**. Aquaterra Technologies, Inc., 901 S. Bolmar Street, Suite A, West Chester, PA 19382, on behalf of Evergreen Resources Management Operations, 2 Righter Parkway, Suite 120, Wilmington, DE 19803, submitted a Remedial Action Completion Report concerning remediation of groundwater contaminated with unleaded gasoline. The report demonstrated attainment of the nonresidential Statewide health standards and was approved by DEP on October 2, 2024.

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

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

**Happy Mart**, Storage Tank Facility ID # **02-06684**, 1100 Penn Avenue, Wilkesburg, PA 15221, Wilkesburg Borough, **Allegheny County**. Letterle & Associates, Inc., 2859 Oxford Blvd, Allison Park, PA 15101, on behalf of S&D Oil, Inc./Mr. Paul Lathia, 1100 Penn Avenue, Wilkesburg, PA 15221, submitted a Remedial Action Completion Report concerning remediation of soil and groundwater contaminated with unleaded gasoline. The report was acceptable to meet the nonresidential Statewide health and site-specific standards and was approved by DEP on August 13, 2024.

**NILU Enterprise BP 07411**, Storage Tank Facility ID # **63-14147**, 505 Racetrack Road, Washington, PA 15301-8909, South Strabane Township, **Washington County**.

Letterle & Associates, Inc., 2859 Oxford Blvd., Allison Park, PA 15101, on behalf of NILU Enterprises, Inc., 1 Ukani Drive, Belle Vernon, PA 15012-4215, submitted a Remedial Action Completion Report concerning remediation of soil contaminated with unleaded gasoline, diesel fuel. The report was acceptable to meet the nonresidential site-specific standards and was approved by DEP on September 9, 2024.

**Red Star Express Lines**, Storage Tank Facility ID # **02-80940**, Avenue B, Buncher Industrial Park, Leetsdale, PA 15056, Leetsdale Borough, **Allegheny County**. KU Resources, 22 Linden St., Duquesne, PA 15110, on behalf of The Buncher Company, 1251 Waterfront Place, Suite 201, Pittsburgh, PA 15222, submitted a Remedial Action Plan concerning remediation of soil and groundwater contaminated with diesel fuel, unleaded gasoline. The combined plan and report was acceptable to meet the nonresidential Statewide health and site-specific standards and was approved by DEP on September 13, 2024.

**BFS Brodhead—Vannevirk**, Storage Tank Facility ID # **04-14079**, 3608 Brodhead Road, Monaca, PA 15061, Center Township, **Beaver County**. Letterle & Associates, Inc., 2859 Oxford Blvd, Allison Park, PA 15101, on behalf of Bruceon Farm Service, Inc., 116 Shannon Drive, Morgantown, WV 26508, 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 and site-specific standards and was approved by DEP on September 26, 2024.

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## SPECIAL NOTICES

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### WATER PROGRAMS

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#### Application for National Pollutant Discharge Elimination System (NPDES) Permit for Discharges of Stormwater Associated with Construction Activities.

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

*Contact: File Room Coordinator, 717-705-4732.*

The Department of Environmental Protection (DEP) has received an application for an Individual NPDES Permit from the applicant named as follows to authorize discharges of stormwater associated with construction activities from the project site named as follows to surface waters of the Commonwealth.

Applicant: **Glen-Gery Corporation**

Applicant Address: 423 South Pottsville Pike, Shoemakersville, PA 19555

Application Number: **PAD060103**

Project Site Name: Glen-Gery Corporation Subdivision & Land Development

Project Site Address: 423 South Pottsville Pike, Shoemakersville, PA 19555

Municipality/County: Perry Township, **Berks County**

Total Earth Disturbance Area: 123.21 acres

Surface Waters Receiving Stormwater Discharges: Tributary 02179 to Schuylkill River (WWF, MF) and wetlands

Project Description: The site will be developed to include one 528,000 SF building, one 1,031,500 SF building, one 492,000 SF building, an access drive off of Sho-

makersville Road, associated parking areas for both cars and truck/trailers at each building and storm sewer system and one proposed infiltration basin, two proposed detention basins, and an existing detention basin/storm water quality Best Management Practice (BMP) facilities.

DEP has made a tentative decision to deny the application for the Individual NPDES Permit. A 30-day public comment period applies to this application and tentative decision. Interested persons may submit written comments to DEP at the address previously listed for DEP's consideration in taking a final action on the permit application. You may also review the permit application file by contacting DEP's File Review Coordinator at 717.705.4732.

Contact: Susan Wilbur, 717-705-4708.

**Source Water Protection Program Approval**, issued to Alexandria Borough Water Authority, 7561 Bridge Street, Suite 3, P.O. Box 336, PWSID No. **4310021**, Alexandria Borough, **Huntingdon County** on October 3, 2024.

#### ACTIVE AND ABANDONED MINE OPERATIONS

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

Contact: Tracy Norbert.

**Act 181 Notification: Penn Development Services, LP. PBF 30080102.1**, Mather Strip Land Reclamation Project; Cumberland Township, **Greene County**. The site is located on private property. The DEP has executed a Consent to Right of Entry with all impacted landowners to allow access to their property to complete reclamation work. The reclamation work will be completed according to reclamation plan found in the permit and a separate plan for the remaining reclamation since the site is partially reclaimed. The reclamation work will include, but not limited to, the complete backfilling of the small highwall, grading the affected area, spread topsoil, excavation, timber removal and revegetation. This project issues on October 28, 2024, and bids will be opened on November 12, 2024. A mandatory pre-bid meeting will be conducted at the site on November 21, 2024; call for time and directions. Bid documents and plans will be available for review after October 28th and at the pre-bid meeting. Bidders must obtain or have an active Coal Mining License in order to qualify for the final award as per 25 Pa. Code § 86.189. Bid proposals shall be submitted to Attn: Jeffrey Parr, DEP, P.O. Box 133, New Stanton, PA 15672. For more information call Jeffrey Parr 724-925-5542 or email jeparr@pa.gov.

### AIR QUALITY

**Notice of Proposed Revision to the State Implementation Plan for Oxides of Nitrogen (NO<sub>x</sub>), Volatile Organic Compounds (VOCs), Notice of Public Hearing, and Notice of Intent to Issue the following RACT III Plan Approval Permit.**

*City of Philadelphia—Public Health, Philadelphia Air Management Services (AMS), 7801 Essington Avenue, Philadelphia, PA 19153.*

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

**IP22-000659:** Approval of a Reasonably Available Control Technology (RACT) III plan for the **Newman and**

**Company, Inc.**, located in Philadelphia, **Philadelphia County** (6101 Tacony Street, Philadelphia, PA 19135), as a RACT III plan approval.

In accordance with 25 Pa. Code §§ 129.111—129.115 (relating to additional RACT requirements for major sources of NO<sub>x</sub> and VOCs for the 2015 ozone National Ambient Air Quality Standards (NAAQS)), the AMS has made a preliminary determination to approve a RACT III plan for—Newman and Company, Inc, owns and operates a paperboard manufacturing facility located in Philadelphia, Philadelphia County.

The RACT III plan approval incorporates provisions and requirements for the control of emissions of NO<sub>x</sub> and/or VOCs. These provisions and requirements are intended to address the Commonwealth's RACT obligations under section 184 of the Clean Air Act for the 1997, 2008 and 2015 8-hour ozone NAAQS. The RACT III plan approval does not adopt any new regulations. If approved by the Department, this RACT III plan approval will be submitted to the United States Environmental Protection Agency (EPA) for approval as a revision to the Commonwealth's State Implementation Plan (SIP). Requirements that are not part of the RACT III plan approval will be excluded from the SIP revision submittal.

The following is a summary of the NO<sub>x</sub> RACT III plan approval requirements for this facility that are proposed to be submitted to the EPA as a revision to the Commonwealth's SIP:

Union Cogeneration Boiler—1 (118 MMBtu/hr):

- Union Cogeneration Boiler—1 firing natural gas, No. 2 oil, or Ultra Low Sulfur Diesel (ULSD).
- The emission rates for Union Cogeneration Boiler—1 shall meet the following:
  - o NO<sub>x</sub> emissions shall not exceed 0.37 pound per MMBtu heat input while burning natural gas.
  - o NO<sub>x</sub> emissions shall not exceed 0.12 pound per MMBtu heat input while burning No. 2 oil or ULSD.
  - o NO<sub>x</sub> emissions from the boiler shall be limited to 121 tons per 12-month period.
- The Plan Approval will contain testing, monitoring, recordkeeping, and reporting requirements to demonstrate compliance with all applicable requirements in 25 Pa. Code §§ 129.111—129.115.

Public Comment. Copies of the application, AMS analysis, and all pertinent documents used in the evaluation are available electronically for public review and copies can be requested by sending an email to DPHAMS\_Service\_Requests@phila.gov or by contacting the Source Registration Unit at 215-685-7572. A 30-day public comment period is provided for persons wishing to file a written protest, objection, comments, or additional information, which they believe should be considered prior to the issuance of a permit. The written comments, information, protests, or objections may be submitted to the Chief of Source Registration, at 7801 Essington Ave., Philadelphia, PA 19153-3240, or at DPHAMS\_Service\_Requests@phila.gov on or before the closing date of this 30-day public comment period.

Each written submission must contain the name, address and telephone number of the person submitting the comments, identification of the RACT III plan approval, including the permit number, and a concise statement regarding the RACT III plan approval provision or requirement that the person is commenting on and the

relevancy of the information or objections to issuance of the RACT III plan approval. AMS suggests submitting any mailed correspondence also by e-mail.

**Public hearing.** A virtual public hearing will be held if requested within 30 days of this publication to accept oral comments on the proposed RACT III Plan Approval and SIP revision. The hearing will be held, if requested, on November 21, 2024, at 6:00 PM. To request a hearing, to register to speak at the hearing, or to inquire if a hearing will be held, please contact the Chief of Source Registration at [DPHAMS\\_Service\\_Requests@Phila.Gov](mailto:DPHAMS_Service_Requests@Phila.Gov) by with 30 days of this publication. In the email, please write "Newman and Company, Inc IP22-000659" in the subject line. Speakers must pre-register in order to testify at the hearing. Please note that any updates made to any aspect of the hearing, including whether or not a hearing will be held, will be posted online at <https://www.phila.gov/departments/air-pollution-control-board/air-management-notices/>.

Oral testimony at the hearing will be limited to a maximum of 5 minutes per individual and two written copies of the oral testimony are requested. Each organization is requested to designate one witness to present testimony on its behalf. Persons unable to attend the hearing may submit a written statement and exhibits within 10 days thereafter to the Chief of Source Registration at 7801 Essington Ave., Philadelphia, PA 19153-3240, or at [DPHAMS\\_Service\\_Requests@Phila.Gov](mailto:DPHAMS_Service_Requests@Phila.Gov).

Individuals in need of accommodations and/or interpretation should contact AMS at [DPHAMS\\_Service\\_Requests@Phila.Gov](mailto: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.

[Pa.B. Doc. No. 24-1500. Filed for public inspection October 18, 2024, 9:00 a.m.]

## DEPARTMENT OF ENVIRONMENTAL PROTECTION

### Bid Opportunity

**OSM 19(2000)104.1, Abandoned Mine Reclamation Project, 314 East Park Street Demolition, Conyngham Township, Columbia County.** The principal items of work and approximate quantities include the following: implementation of the erosion and sediment controls—filter sock, 8" diameter, 375 linear feet; and grading, 100 cubic yards.

This bid issues on October 11, 2024, and bids will be opened on November 7, 2024, at 2 p.m. Bid documents, including drawings in PDF format and AutoCAD Map 3D format, may be downloaded for free beginning on the issue date from the Department of Environmental Protection by going to [www.BidExpress.com](http://www.BidExpress.com). This project is financed by the Federal government under the authority given it by the Surface Mining Control and Reclamation Act of 1977 (act) (30 U.S.C. §§ 1201—1328) and is subject

to the act and to the Federal grant for this project. Contact the Construction Contracts Section at (717) 787-7820 or [RA-ConstructionContr@pa.gov](mailto:RA-ConstructionContr@pa.gov) for more information on this bid. Note this is a Small Construction Business Program bid opportunity.

JESSICA SHIRLEY,  
*Acting Secretary*

[Pa.B. Doc. No. 24-1501. Filed for public inspection October 18, 2024, 9:00 a.m.]

## DEPARTMENT OF ENVIRONMENTAL PROTECTION

### Public Water System Technical Assistance Center Board; Meeting Cancellation

The November 14, 2024, meeting of the Public Water System Technical Assistance Center Board (Board) is cancelled. The next meeting of the Board will occur in 2025, but the Board's 2025 meeting dates have not yet been scheduled. The Department of Environmental Protection (Department) will publish notice of the Board's 2025 meeting dates when scheduled.

Questions concerning the cancellation of the Board's November 14, 2024, meeting should be directed to David Grube, Bureau of Safe Drinking Water, by e-mail at [dgrube@pa.gov](mailto:dgrube@pa.gov) or by telephone at (717) 772-2189. The agenda and meeting materials for future Board meetings, including information on in person and remote participation options, will be available through the Public Participation tab on the Department's web site at [www.dep.pa.gov](http://www.dep.pa.gov). Individuals are encouraged to visit the Board's webpage to confirm meeting date, time and location prior to each meeting.

Persons in need of accommodations as provided for in the Americans with Disabilities Act of 1990 should contact David Grube at (717) 705-4733 or through the Pennsylvania Hamilton Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users) to discuss how the Department may accommodate their needs.

JESSICA SHIRLEY,  
*Acting Secretary*

[Pa.B. Doc. No. 24-1502. Filed for public inspection October 18, 2024, 9:00 a.m.]

## DEPARTMENT OF HUMAN SERVICES

### Payment for Nursing Facility Services Provided by Nonprofit Nursing Facilities Located in a City of the Second Class A in a County of the Third Class; Nonprofit Nursing Facility Supplemental Payment for Fiscal Year 2024-2025

This announcement provides advance notice that the Department of Human Services (Department) intends to make an additional payment to certain nonprofit nursing

facilities in a city of the second class A in a county of the third class in Fiscal Year (FY) 2024-2025 to ensure access to necessary nursing care in that county.

*Proposed Payment*

The Department intends to make a nonprofit nursing facility supplementation payment to each qualified nonprofit nursing facility. To qualify, a nonprofit nursing facility must be located in a city of the second class A in a county of the third class and have a Medicaid acuity of 1.11 as of February 1, 2023. The Medicaid acuity will be determined using the Case Mix Index Report for the February 1, 2023, picture date in accordance with 55 Pa. Code § 1187.33 (relating to resident data and picture date reporting requirements).

The Department will calculate the payment to qualifying facilities by multiplying the supplementation per diem by the number of paid Medical Assistance (MA) facility and therapeutic leave days for the prior fiscal year. The supplementation per diem will be calculated by dividing the total funds available by the total number of paid MA facility and therapeutic leave days for the prior fiscal year for qualifying facilities.

The Department will submit a State Plan Amendment (SPA) to the Centers for Medicare & Medicaid Services (CMS). If CMS approves the SPA, the total funds will consist of both Federal and State funding. The Department will use its best efforts to process this supplementation payment within 30 days of the date it receives notice from CMS.

*Fiscal Impact*

This change will result in an estimated total cost of \$3.34 million (\$1.50 million in State funds) for FY 2024-2025.

*Public Comment*

Interested persons are invited to submit written comments regarding the nonpublic nursing facility supplementation payment to the Department of Human Services, Office of Long-Term Living, Bureau of Policy Development and Communications Management, Attention: Benjamin Spager, P.O. Box 8025, Harrisburg, PA 17105-8025 or at RA-PWOLTLNFPUBLICCOM@pa.gov. Comments received within 30 days will be reviewed and considered for any subsequent revision of the notice.

Persons with a disability who require an auxiliary aid or service may submit comments using the Pennsylvania Hamilton Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

VALERIE A. ARKOOSH,  
*Secretary*

**Fiscal Note:** 14-NOT-1659. Under section 612 of The Administrative Code of 1929 (71 P.S. § 232), (1) General Fund; (2) Implementing Year 2024-25 is \$1,500,000; (3) 1st Succeeding Year 2025-26 through 5th Succeeding Year 2029-30 are \$0; (4) 2023-24 Program—\$5,282,000,000; 2022-23 Program—\$4,460,000,000; 2021-22 Program—\$4,252,000,000; (7) Community HealthChoices; (8) recommends adoption. Funds have been included in the budget to cover this increase.

[Pa.B. Doc. No. 24-1503. Filed for public inspection October 18, 2024, 9:00 a.m.]

## DEPARTMENT OF HUMAN SERVICES

### Payment for Nursing Facility Services Provided by Nonpublic Nursing Facilities Located in a County of the Second Class A; Nonpublic Nursing Facility Supplementation Payment for Fiscal Year 2024-2025

This announcement provides advance notice that the Department of Human Services (Department) intends to make an additional payment to certain nonpublic nursing facilities in a home rule county that is a county of the second class A in Fiscal Year (FY) 2024-2025 to ensure access to necessary nursing care in that county.

*Proposed Payment*

The Department intends to make a nonpublic nursing facility supplementation payment to each qualified nonpublic nursing facility. To qualify, a nonpublic nursing facility must be located in a home rule county that is a county of the second class A, have more than 126 beds and a Medicaid acuity of 0.89 as of February 1, 2023. The number of beds will be the number of licensed beds as of February 1, 2023, and the Medicaid acuity will be determined using the Case Mix Index Report for the February 1, 2023, picture date in accordance with 55 Pa. Code § 1187.33 (relating to resident data and picture date reporting requirements).

The Department will calculate the payment to qualifying facilities by multiplying the supplementation per diem by the number of paid Medical Assistance (MA) facility and therapeutic leave days for the prior fiscal year. The supplementation per diem will be calculated by dividing the total funds available by the total number of paid MA facility and therapeutic leave days for the prior fiscal year for qualifying facilities.

The Department will submit a State Plan Amendment (SPA) to the Centers for Medicare & Medicaid Services (CMS). If CMS approves the SPA, the total funds will consist of both Federal and State funding. The Department will use its best efforts to process this supplementation payment within 30 days of the date it receives notice from CMS.

*Fiscal Impact*

This change will result in an estimated total cost of \$3.34 million (\$1.50 million in State funds) for FY 2024-2025.

*Public Comment*

Interested persons are invited to submit written comments regarding the nonpublic nursing facility supplementation payment to the Department of Human Services, Office of Long-Term Living, Bureau of Policy Development and Communications Management, Attention: Benjamin Spager, P.O. Box 8025, Harrisburg, PA 17105-8025 or at RA-PWOLTLNFPUBLICCOM@pa.gov. Comments received within 30 days will be reviewed and considered for any subsequent revision of the notice.

Persons with a disability who require an auxiliary aid or service may submit comments using the Pennsylvania Hamilton Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

VALERIE A. ARKOOSH,  
*Secretary*

**Fiscal Note:** 14-NOT-1658. Under section 612 of The Administrative Code of 1929 (71 P.S. § 232), (1) General

Fund; (2) Implementing Year 2024-25 is \$1,500,000; (3) 1st Succeeding Year 2025-26 through 5th Succeeding Year 2029-30 are \$0; (4) 2023-24 Program—\$5,282,000,000; 2022-23 Program—\$4,460,000,000; 2021-22 Program—\$4,252,000,000; (7) Community HealthChoices; (8) recommends adoption. Funds have been included in the budget to cover this increase.

[Pa.B. Doc. No. 24-1504. Filed for public inspection October 18, 2024, 9:00 a.m.]

## DEPARTMENT OF LABOR AND INDUSTRY

### Amendment of the Vocational Rehabilitation Services Portion of the Combined Commonwealth State Plan; Public Comment Period

The Office of Vocational Rehabilitation (OVR) has drafted proposed changes to the 2024—2027 Vocational Rehabilitation services portion of the Combined Commonwealth State Plan (Plan) to implement an order of selection. A public comment period will be opened from October 7, 2024, to October 28, 2024. To access the Plan draft, individuals should visit OVR's web site at <https://www.pa.gov/en/agencies/dli/programs-services/disability-and-vocational-rehabilitation/vocational-rehabilitation.html>. Click on "Publications" under "Resources." Individuals may provide feedback on the proposed changes by submitting comments to [ra-liovr-pol-rev-fb@pa.gov](mailto:ra-liovr-pol-rev-fb@pa.gov).

NANCY WALKER,  
*Secretary*

[Pa.B. Doc. No. 24-1505. Filed for public inspection October 18, 2024, 9:00 a.m.]

## DEPARTMENT OF TRANSPORTATION

### Finding

Under section 2002 of The Administrative Code of 1929 (71 P.S. § 512) establishing the Department of Transportation, the Director of the Bureau of Design and Delivery, as delegated by the Secretary of Transportation, makes the following written finding:

An Environmental Assessment (EA) has been prepared to evaluate the potential environmental impacts caused by the US 30 Corridor Improvements—Western Section Project. A finding of No Significant Impact was issued by the Federal Highway Administration (FHWA) on September 10, 2024.

The selected alternative includes reconstruction of the Route 30 corridor, as well as improvements to PA 48 and Route 30 utilizing an innovative Restricted Crossing U-turn (RCUT) intersection treatment which would restrict through-turning and left-turning motorists approaching Route 30 to right-turns only. Motorists would then complete a U-turn movement at a designated median opening before reconnecting with their intended route. The work throughout this corridor is expected to consist of safety improvements ranging from upgraded signing, pavement marking and delineation to roadway realignment, roadway widening and the addition of auxil-

iary lanes at the intersections. A median barrier would be put in place as an improved safety measure for the corridor. The median barrier would be installed between the westbound and eastbound lanes to minimize left turns within the project limits. Left turns would only be possible at the signalized intersections. Jughandles are proposed approximately every 0.7 mile to accommodate travelers and businesses by allowing traffic opportunities to turn around. The proposed median and jughandle intersection treatments would substantially reduce conflict points and potential conflicting maneuvers along this segment of Route 30, thereby improving overall traffic safety.

Regarding pedestrians, based on the preliminary signal plans, pedestrian accommodations are part of the design to be installed at signalized intersections along Route 30 at State Route (SR) 48, Route 30 at Ardara Road/Idaho Lane, Route 30 at Old Jacks Run Road/Peterson Road and Route 30 at Carpenter Lane/Leger Road, with sidewalks potentially being added in the future. Pedestrian accommodations at each intersection are shown on preliminary signal plans to include crosswalks, curb ramps, pedestrian signals and pedestrian push-buttons. Pedestrian accommodations are not recommended at the proposed east and west turnaround signals (RCUT intersections) for Route 30 at SR 48 intersection due to continuous mainline through-movements at each signal. Pedestrian traffic at these turnaround signals shall be directed to the main Route 30 at SR 48 intersection that would be signalized to accommodate pedestrians crossing Route 30.

The EA and EA comment responses have been evaluated by the FHWA and were determined to discuss adequately and accurately the need, environmental issues and impacts of the proposed project and mitigation measures that will be taken to minimize harm as stipulated in the EA. Based on the EA, the FHWA has issued a Finding of No Significant Impact for the project. The Bureau of Design and Delivery has concluded that all State Environmental Evaluation Requirements, as published in section 2002 of The Administrative Code of 1929, have been satisfied.

Mitigation measures will be taken to minimize harm as stipulated in the EA. No significant environmental impact is likely to result from the proposed action.

CHRISTINE SPANGLER, PE,  
*Director*  
*Bureau of Design and Delivery*

[Pa.B. Doc. No. 24-1506. Filed for public inspection October 18, 2024, 9:00 a.m.]

## DEPARTMENT OF TRANSPORTATION

### State Transportation Advisory Committee Meeting

The State Transportation Advisory Committee will hold a meeting on Wednesday, October 23, 2024, from 10 a.m. to 12 p.m. This meeting will be held in the Keystone Building, 8N1, 400 North Street, Harrisburg, PA and by means of Microsoft Teams. The meeting information, including the agenda, is available at <https://bit.ly/TACOct2024>.

Individuals may join the meeting remotely at <https://teams.microsoft.com/dl/launcher/launcher.html?url=%24>

F %23%2F1%2Fmeetup-join%2F19%3Ameeting\_MzljYjBm ODctMzhkYy00MzhkLWFmNzUtOTk2ZjY0YjFkMjBm%40 thread.v%2F0%3Fcontext%3D%257b%2522Tid%2522%253a%2522418e2841-0128-4dd5-9b6c-47fc5a9a1bde%2522 %252c%2522Oid%2522%253a%25225254d3e7-0194-4a47-999f-79cb74a9b0ae%2522%257d%26anon%3Dtrue&type=meetup-join&deeplinkId=e3853a99-08bd-4485-912b-2353 af55715f&directDl=true&msLaunch=true&enableMobilePage=true&suppressPrompt=true. The meeting ID is 233 395 138 54. The passcode is ZTbkGo.

To download Microsoft Teams, go to <https://www.microsoft.com/en-us/microsoft-teams/download-app>. To join on the web, go to <https://www.microsoft.com/en-us/microsoft-teams/join-a-meeting>.

To call into the meeting, dial (267) 332-8737 and enter 55024954# as the conference ID. To find a local number, go to <https://dialin.teams.microsoft.com/783683fb-6d69-4e8b-aa52-814e500ad7b8?id=55024954>. To reset the PIN number, go to <https://dialin.teams.microsoft.com/usp/voicemail>.

For more information, contact the Office of the State Transportation Commission, (717) 787-2913, RA-PennDOTSTC@pa.gov.

MICHAEL CARROLL,  
*Secretary*

[Pa.B. Doc. No. 24-1507. Filed for public inspection October 18, 2024, 9:00 a.m.]

## INSURANCE DEPARTMENT

### Alleged Violation of Insurance Laws; Megan Armillay; Doc. No. SC24-10-004

Notice is hereby given of the Order to Show Cause issued on October 7, 2024, by the Deputy Insurance Commissioner of the Commonwealth in the previously referenced matter. Violations of the following are alleged: section 611-A(9), (17) and (20) of The Insurance Department Act of 1921 (40 P.S. § 310.11(9), (17) and (20)).

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 and 701—704 (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](mailto:jkorman@pa.gov), (717) 787-4429.

MICHAEL HUMPHREYS,  
*Insurance Commissioner*

[Pa.B. Doc. No. 24-1508. Filed for public inspection October 18, 2024, 9:00 a.m.]

## INSURANCE DEPARTMENT

### Review Procedure Hearings; Cancellation or Refusal of Insurance

The following insureds have requested a hearing as authorized by the act of June 17, 1998 (P.L. 464, No. 68) (Act 68) in connection with the termination of the insureds' automobile insurance policy. The 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 appellants to appear at the scheduled hearing may result in dismissal with prejudice.

A prehearing telephone conference initiated by this office is scheduled for November 5, 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 November 1, 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 Jennifer Swoards and Charles A. Wildermuth, III; State Farm Mutual Automobile Insurance Company; File No. 24-116-300528; Doc. No. P24-09-006; November 19, 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](mailto:jkorman@pa.gov).

MICHAEL HUMPHREYS,  
*Insurance Commissioner*

[Pa.B. Doc. No. 24-1509. Filed for public inspection October 18, 2024, 9:00 a.m.]

## LEGISLATIVE REFERENCE BUREAU

### Documents Filed But Not Published

The Legislative Reference Bureau (Bureau) accepted the following documents during the preceding calendar month for filing without publication under 1 Pa. Code § 3.13(b) (relating to contents of *Bulletin*). The Bureau will continue to publish on a monthly basis either a summary table identifying the documents accepted during the preceding calendar month under this subsection or a statement that no documents have been received. For questions concerning or copies of documents filed, but not published, call (717) 783-1530.

*Executive Board*

Resolution No. CB-24-019, Dated September 26, 2024. Authorizes a side letter between the Commonwealth and SEIU, Local 668, that establishes a Pilot Bilingual Incentive Program.

*Governor's Office*

Administrative Circular No. AC-24-12—Holidays, Dated September 25, 2024.

Administrative Circular No. AC-24-13—Holiday Trees and Decorations in Commonwealth Owned or Leased Buildings, Dated September 16, 2024.

Administrative Circular No. AC-24-14—Accounting for Commonwealth Workforce Transformation Program Related Activity in SAP, Dated September 11, 2024.

AMY J. MENDELSON,  
*Director*  
*Pennsylvania Code and Bulletin*

[Pa.B. Doc. No. 24-1510. Filed for public inspection October 18, 2024, 9:00 a.m.]

## OFFICE OF OPEN RECORDS

### Updated Standard Right-to-Know Law Request Form

The Office of Open Records (OOR) has updated the Standard Right-to-Know Law Request Form. Among other changes, the form is now two pages and includes a required checkbox affirming that the provided name and contact information are accurate and that the requester is a legal resident of the United States. The updated form can be obtained by visiting the OOR web site at <https://www.openrecords.pa.gov/>.

LIZ WAGENSELLER,  
*Executive Director*

[Pa.B. Doc. No. 24-1511. Filed for public inspection October 18, 2024, 9:00 a.m.]

## PENNSYLVANIA PUBLIC UTILITY COMMISSION

### Adoption of Federal Communications Commission Regulations Pursuant to 52 Pa. Code § 77.4; Doc. No. L-2018-3002672

Public Meeting held  
September 26, 2024

*Commissioners Present:* Stephen M. DeFrank, Chairperson; Kimberly Barrow, Vice Chairperson, dissenting; Kathryn L. Zerfuss; John F. Coleman, Jr.; Ralph V. Yanora

*Adoption of Federal Communications Commission Regulations Pursuant to 52 Pa. Code § 77.4; L-2018-3002672*

#### Order

#### *By the Commission:*

On July 29, 2024, the Pennsylvania Public Utility Commission (Commission) issued a Secretarial Letter,<sup>1</sup> at Docket No. L-2018-3002672, soliciting stakeholder com-

ments on whether the Federal Communications Commission's (FCC) amendments to its federal pole attachment regulations that would provide pole attachers with more detailed information about the poles they plan to use as part of their broadband buildouts and allow for faster resolution of pole attachment disputes should become effective in Pennsylvania.<sup>2</sup> In particular, the FCC Order substantially revised 47 CFR 1.1411, redesignated existing 47 CFR 1.1415 as 47 CFR 1.1416, and added a new 47 CFR 1.1415. These federal rule changes became effective on July 25, 2024. In response to the Commission's Secretarial Letter, six entities filed comments. The instant order reflects the Commission's evaluation of these comments and the determination of how Pennsylvania will proceed regarding the FCC's regulatory changes.

In sum, the Commission adopts both the FCC's cyclical pole inspection regulation as well as the FCC's dispute resolution procedures for pole attachment disputes that impede or delay broadband deployment, which also identifies the functions of its Rapid Broadband Assessment Team (RBAT). These new FCC changes will help facilitate broadband deployment in Pennsylvania and we find no Pennsylvania-specific rationale that warrants rejection of these federal regulations.

#### *Background*

On March 18, 2020, the Pennsylvania Public Utility Commission asserted jurisdiction over pole attachments under Section 224(c) of the Communications Act of 1934, as amended, which allows states to regulate pole attachments. 47 U.S.C. § 224(c). The Commission exercised this authority by promulgating regulations under 52 Pa. Code Chapter 77 to govern the rates, terms and conditions of access to and use of utility poles, ducts, conduits and rights-of way, ensuring that Pennsylvania maintains a framework for overseeing these issues.<sup>3</sup>

The FCC's pole attachment regulations are codified at 47 C.F.R. Ch. 1, Subch. A, Pt 1, Subpt. J (relating to pole attachment complaint procedures), §§ 1.1401—1.1424. The FCC Order, which was released on December 15, 2023, and became effective on July 25, 2024, introduced two significant regulatory changes: (1) the requirement for utilities to provide cyclical pole inspection reports to attachers upon request,<sup>4</sup> and (2) the creation of the RBAT to facilitate the resolution of pole attachment disputes that impede broadband deployment.<sup>5</sup> In particular, the FCC's cyclical pole inspection regulation requires public utility pole owners to share information from their most recent inspections with entities seeking to attach to poles upon request. 47 C.F.R. § 1.1411(c)(4). The RBAT process aims to provide a forum for expedited resolution of disputes between pole owners and attachers that slow down broadband deployment, potentially placing such disputes on the FCC's Accelerated Docket for prompt resolution. 47 C.F.R. § 1.1415. Accelerated Docket procedures predate the FCC Order and permit parties to file formal complaints before the FCC that request expedited treatment of the case, to be concluded within 60 days. 47 C.F.R. § 1.736 (relating to accelerated docket proceedings). There is no analogue to the FCC's Accelerated Docket in the Commission's regulations.

<sup>2</sup> In the Matter of Accelerating Wireline Broadband Deployment by Removing Barriers to Infrastructure Investment, WC Docket No. 17-84, Fourth Report and Order, Declaratory Ruling, and Third Further Notice of Proposed Rulemaking (December 15, 2023). (FCC Order).

<sup>3</sup> Assumption of Commission Jurisdiction Over Pole Attachments from the Federal Communications Commission, Docket No. L-2018-3002672 (Final Rulemaking Order entered Sep. 3, 2019) (2019 Final Rulemaking Order).

<sup>4</sup> 47 C.F.R. § 1.1411(c)(4) (relating to information from cyclical pole inspection reports).

<sup>5</sup> 47 C.F.R. § 1.1415 (relating to dispute resolution procedures for pole attachment disputes that impede or delay broadband deployment; functions of the Rapid Broadband Assessment Team).

<sup>1</sup> The Secretarial Letter was published in the *Pennsylvania Bulletin* on August 10, 2024, 54 Pa.B. 5202.

Pursuant to 52 Pa. Code § 77.4(c), any amendments made by the FCC to the federal pole attachment regulations automatically take effect in Pennsylvania 60 days after the effective date of the federal change unless the Commission publishes a notice in the *Pennsylvania Bulletin* stating that the amendment or modification may not take effect. The Commission published a Secretarial Letter in the *Pennsylvania Bulletin* on August 10, 2024, stating that the FCC's amendments may not automatically take effect in Pennsylvania and inviting comments from stakeholders as to whether the FCC's amendments should be permitted to become effective in Pennsylvania. Pursuant to 52 Pa. Code § 77.4(e), the FCC's amendments shall become effective 60 days after publication of the notice for comment in the *Pennsylvania Bulletin* (i.e., on October 9, 2024) unless the Commission determines otherwise for good cause shown. Comments in response to the Secretarial Letter were timely filed by the Broadband Cable Association of Pennsylvania (BCAP), CTIA—The Wireless Association (CTIA), Crown Castle Fiber (Crown Castle), Energy Association of Pennsylvania (EAP), FirstEnergy Pennsylvania Electric Company (FirstEnergy); and Verizon.<sup>6</sup>

These comments are summarized and discussed below in this Order, which reflects the Commission's determination regarding the adoption of the FCC amendments in Pennsylvania.

#### Discussion

##### I. Adoption Of 47 C.F.R. § 1.1411(c)(4) Regarding Cyclical Pole Inspection Reports

The first federal rule change for our consideration concerns the adoption of the FCC's cyclical pole inspection regulation, codified at 47 C.F.R. § 1.1411(c)(4). This rule mandates that utilities provide cyclical pole inspection reports to attachers upon request.

#### Comments

Several stakeholders support the automatic adoption of this regulation. BCAP, Crown Castle, CTIA, and Verizon express strong support for the adoption, stating that the rule is straightforward, aligns with existing FCC regulations, and poses no Pennsylvania-specific issues. BCAP Comments at 2; Crown Castle Comments at 1; CTIA Comments at 2; Verizon Comments at 5. BCAP argues that the regulation will provide much-needed regulatory certainty and predictability, which is essential for broadband deployment across the Commonwealth. BCAP Comments at 2-3. BCAP adds that failure to adopt the rule could create significant regulatory gaps, undermining Pennsylvania's broadband deployment efforts. BCAP Comments at 3. Both Crown Castle and CTIA assert that this rule, having undergone extensive review before the FCC, should be adopted without further debate. Crown Castle Comments at 1; CTIA Comments at 3. Both of these stakeholders emphasize that allowing additional comment on the matter would be redundant, as the FCC has already addressed relevant concerns through its own comment period. Crown Castle Comments at 1; CTIA Comments at 3. Verizon highlights the need for regulatory consistency, noting that many Pennsylvania utilities and attachers operate in states that have already adopted the FCC rule. Verizon Comments at 6.

On the other hand, EAP and FirstEnergy raise concerns about the usefulness of the cyclical pole inspection reports. EAP Comments at 2; FirstEnergy Comments at

2. EAP argues that the information in these reports may not be relevant or timely for third-party pole attachers, particularly given that pole inspection cycles for electric distribution companies may extend up to 12 years. EAP Comments at 2. EAP also expresses concern that the variation in inspection standards across companies could lead to confusion and increased disputes. EAP Comments at 2. FirstEnergy echoes these concerns, arguing that pole attachers typically conduct their own inspections and may misinterpret the public utility's reports, leading to disputes and delays. FirstEnergy Comments at 3-4. FirstEnergy also contends that the collection and provision of these reports could divert resources from core processing functions, thus hindering the pole attachment process. FirstEnergy Comments at 4.

#### Disposition

After reviewing the comments, the Commission finds that adopting the FCC's cyclical pole inspection regulation, 47 C.F.R. § 1.1411(c)(4), is in Pennsylvania's best interest. The regulation provides necessary transparency, aligns with other federal and state rules, and is widely supported by stakeholders in the telecommunications industry. While the Commission acknowledges the concerns raised by EAP and FirstEnergy, we deem that these issues can be addressed through proper implementation and conclude that the benefits of adopting the federal amendment outweigh the risks of increased disputes or resource diversion. The FCC's justifications for this rule are extensive and reasonable<sup>7</sup> and we have no reason to second-guess the FCC's judgment in this instance.<sup>8</sup> Moreover, no party raised any concerns about this regulation that are specific to Pennsylvania.<sup>9</sup> Accordingly, the Commission adopts the FCC's cyclical pole inspection regulation in Pennsylvania.

##### II. Adoption Of 47 C.F.R. § 1.1415 Regarding The Dispute Resolution Procedures For Pole Attachment Disputes That Impede Or Delay Broadband Deployment And The Functions Of The Rapid Broadband Assessment Team

The second federal amendment concerns the adoption of the FCC's RBAT, codified at 47 C.F.R. § 1.1415, and the availability of the FCC's Accelerated Docket, codified at 47 C.F.R. § 1.736, for pole attachment disputes that impede or delay broadband deployment. The RBAT is designed to prioritize and expedite the resolution of pole attachment disputes that may impede broadband deployment by coordinating review through a rapid response team made up of staff from the Enforcement Bureau and Wireline Competition Bureau that have expertise in the FCC's pole attachment rules and orders.<sup>10</sup>

Under the FCC's accelerated docket, proceedings must be concluded within 60 days and are, therefore, subject to shorter pleading deadlines and other modifications to the procedural rules that govern formal complaint proceedings. 47 CFR § 1.736(a). A request to be included on the FCC's accelerated docket must be made by the complainant prior to filing the complaint, or by the defendant within five days of receiving service of the complaint. 47 CFR § 1.736(b)-(c). In appropriate cases, FCC staff

<sup>7</sup> See, FCC Order at ¶ 23–28.

<sup>8</sup> See, 2019 Final Rulemaking Order at 29-30 (“[T]he Commission should not be required, as a matter of course, to expend additional resources that duplicate the efforts undertaken by the FCC. The FCC takes care to explore amendments, review comments from interested parties, and establish regulations.”).

<sup>9</sup> Id. at 24-25 (“[T]he Commission's decision to establish a process for input prior to changes to the federal rules taking effect should not be construed as an invitation for Pennsylvania utilities and other interested parties to regularly rehash or reargue determinations of the FCC. Rather, this process should be utilized to focus on the Pennsylvania-specific impacts of such changes.”).

<sup>10</sup> FCC Order at ¶ 14.

<sup>6</sup> The Verizon comments were filed collectively on behalf of Verizon Pennsylvania, LLC, Verizon North, LLC, MCI Metro Access Transmission Services Corp, XO Communications Services, LLC, and Celco Partnership, d/b/a/ Verizon Wireless.



has discretion to decide whether a complaint, or portion of a complaint, is suitable for inclusion in the accelerated docket. 47 CFR § 1.736(d). A mini-trial, or trial-type hearing, then takes place between 40 and 45 days after the complaint is filed, as an alternative to deciding a case on a written record. 47 CFR § 1.736(h). Any party to a proceeding that seeks modification of the recommended decision must file comments within 15 days of the decision, the opposing party then has 15 days to file comments and then reply comments may be filed 10 days thereafter. 47 CFR § 1.736(i). After these comment periods, the FCC must act on the disputed recommended decision within 30 days. 47 CFR § 1.736(j).

Stakeholders are more divided on the adoption of these federal dispute resolution procedures in Pennsylvania. BCAP strongly supports its adoption, asserting that the federal procedures will streamline dispute resolution and expedite broadband deployment across the Commonwealth. BCAP Comments at 3. BCAP does, however, suggest that the Commission may need to make minor procedural adjustments to align the RBAT with existing state rules, but argues that the benefits of faster broadband expansion justify the implementation of the FCC's adopted procedures. BCAP Comments at 4-5. BCAP requests that the Commission adopt a modified version of the RBAT and, relatedly, that the Commission adopt the FCC's declaratory findings on pole attachments. Specifically, BCAP argues that the Commission should adopt the FCC's declaratory clarifications regarding "red-tagged poles," pole replacements "necessitated solely" by an attacher, easement information, and large pole attachment orders.<sup>11</sup> BCAP Comments at 5.

In contrast to BCAP's support of the RBAT, Crown Castle, CTIA, and Verizon express reservations about the adoption of the federal dispute resolution procedures. Crown Castle and CTIA both recognize the need for efficient dispute resolution processes but recommend delaying or rejecting the RBAT until further examination of how it fits within the Commission's existing framework. Crown Castle Comments at 2; CTIA Comments at 2-3. Crown Castle suggests that adopting the RBAT without this examination could create overlap or confusion with Pennsylvania's current dispute resolution procedures. Crown Castle Comments at 2. Similarly, CTIA notes that deviating from federal rules to tailor an RBAT to Pennsylvania's specific needs may be appropriate due to the importance of expediting dispute resolution. CTIA Comments at 3. Meanwhile, Verizon acknowledges the potential benefits of the RBAT and accelerated dispute resolution procedures but suggests that the Commission clarify how the process will interact with existing procedures before adopting this change. Verizon Comments at 7. Verizon further recommends exploring how the objectives of the RBAT could be achieved through Pennsylvania's current structures, rather than adopting the FCC's structure. Verizon Comments at 7.

EAP and FirstEnergy are more critical of the federal dispute resolution procedures for pole attachment disputes, both recommending that the Commission outright reject this federal regulation. EAP Comments at 2;

<sup>11</sup> The FCC declared that a red-tagged pole is one the utility has identified as needing replacement for any reason other than a lack of capacity to accommodate new attachments. These declaratory findings also provided additional examples of when attachments are not "necessitated solely" by an attachment request, specifically: (1) a pole replacement is required pursuant to applicable law, (2) the current pole fails applicable engineering standards, (3) a utility's previous change to its internal construction standards necessitates replacement of an existing pole, (4) the pole is required to be replaced due to road expansion, or (5) the current pole is already on the utility's internal replacement schedule. The FCC also clarified attachers' right to access documentation regarding utility easements and that the first 3,000 poles in an attachment application are subject to the processing timeline set forth in 47 C.F.R. § 1.411(g)(3). FCC Order at ¶ 39-44.

FirstEnergy Comments at 5. FirstEnergy argues that Pennsylvania's existing complaint procedures already provide sufficient avenues for dispute resolution and that adding the RBAT would introduce unnecessary complexity and costs. FirstEnergy Comments at 6. EAP expresses a similar view, contending that the RBAT process would delay rather than expedite the resolutions by adding a preliminary evaluation, and place additional financial burdens on electric distribution companies and ratepayers. EAP Comments at 3.

#### *Disposition*

After careful consideration, the Commission agrees with BCAP's Comments that the federal procedures will streamline the resolution of pole attachment disputes and finds that adopting the FCC's dispute resolution processes for pole attachment disputes that impede or delay broadband deployment, 47 CFR § 1.1415, will support necessary deployment of broadband across the Commonwealth. The FCC's accelerated procedural timeframe better accommodates Pennsylvania's current and future broadband deployment needs, especially given the federal funding now available through the Infrastructure Investment and Jobs Act.<sup>12</sup> Moreover, we find that the Commission can meet the shorter timeframe prescribed in 47 CFR § 1.736, in appropriate circumstances, with our existing personnel and infrastructure.

While the Commission appreciates the reservations raised by Crown Castle, CTIA, and Verizon related to adopting these federal rule changes prior to examining how an RBAT or accelerated docket fits within our existing dispute resolution framework, these concerns will be addressed by an implementation order prepared by our Law Bureau that will be submitted for our consideration within 45 days of the entry of this Opinion and Order. The implementation order will address a Commission-specific RBAT that fits the Commission's internal staffing and structures, will address any conflicts between parties regarding the application of accelerated litigation schedules, and will address how the Commission's existing mediation processes may be used to resolve applicable pole attachment disputes.

Additionally, we disagree with the concerns raised by FirstEnergy and EAP that cost, complexity, and potential procedural overlap should lead the Commission to reject the FCC's newly-adopted dispute resolution procedures for pole attachment disputes. Broadband services throughout Pennsylvania, and across the country, are fundamentally important to providing access to medical care, retail services, education, and more. Thus, we find it in the public interest to adopt these federal regulations that aim to significantly reduce the amount of time it takes this Commission to address formal complaints involving pole attachments.

Finally, BCAP's request to adopt the FCC's declaratory findings is not appropriate because those findings appear only in the FCC Order (not in any amendment to any regulation) and therefore do not constitute "future changes as those [FCC] regulations may be amended" under 52 Pa. Code § 77.4(a). Rather, the FCC's declaratory findings may be more appropriately considered as "persuasive authority" pursuant to 52 Pa. Code § 77.5(c). Accordingly, the Commission adopts the FCC's new dispute resolution procedures for pole attachment disputes that impede or delay broadband deployment and that requires the establishment of a Rapid Broadband Assessment Team to facilitate expedited dispute resolution procedures; *Therefore*,

<sup>12</sup> Pub.L. No. 117-58, 135 Stat. 429 (2021).

*It Is Ordered That:*

1. The FCC amendment codified at 47 C.F.R. § 1.1411(c)(4), requiring utility companies to provide inspection reports to attachers upon request, is hereby adopted and shall become effective in Pennsylvania on October 9, 2024.

2. The FCC amendment at 47 C.F.R. § 1.1415, requiring the development of a Rapid Broadband Assessment Team to facilitate expedited dispute resolution procedures for disputes between pole owners and attachers, is hereby adopted and shall become effective in Pennsylvania pending the issuance of an implementation order.

3. A copy of this Order shall be served upon the members of the Commission's Pole Attachment Working Group as well as posted on the Commission's website at the Pole Attachments page.

4. The Law Bureau prepare an implementation order to be submitted to the Commission for consideration within 45 days of the entry of this Opinion and Order.

5. This Order shall be published in the *Pennsylvania Bulletin*.

ROSEMARY CHIAVETTA,  
*Secretary*

ORDER ADOPTED: September 26, 2024

ORDER ENTERED: October 8, 2024

[Pa.B. Doc. No. 24-1512. Filed for public inspection October 18, 2024, 9:00 a.m.]

## PENNSYLVANIA PUBLIC UTILITY COMMISSION

### Certificate of Public Convenience

**A-2024-3051549. Sunoco Pipeline, LP.** Application of Sunoco Pipeline, LP for: (1) issuance of a certificate of public convenience authorizing the abandonment of a portion of its petroleum products pipeline transportation service within this Commonwealth from Salem, Chelsea and Twin Oaks to Willow Grove (refined products); and (2) all other approvals or certificates necessary or appropriate under the Public Utility Code (66 Pa.C.S. §§ 101—3316).

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities) on or before November 4, 2024. Filings must be made with the Secretary of the Pennsylvania Public Utility Commission, 400 North Street, 2nd Floor, Harrisburg, PA 17120, with a copy served on the applicant. The documents filed in support of the application are available only online for inspection and copying on the Pennsylvania Public Utility Commission's (Commission) web site at [www.puc.pa.gov](http://www.puc.pa.gov) and at the applicant's business address. Parties to proceedings pending before the Commission must open and use an eFiling account through the Commission's web site at [www.puc.pa.gov](http://www.puc.pa.gov) or they may submit the filing by overnight delivery to the Secretary, Pennsylvania Public Utility Commission, 400 North Street, Harrisburg, PA 17120. If a filing contains confidential or proprietary material, the filing is required to be submitted by overnight delivery. Large filings containing confidential or proprietary material may be submitted through the Commission's Share Point file system with advanced notice to the Commission prior to submittal.

*Applicant:* Sunoco Pipeline, LP

*Through and By Counsel for:* Whitney E. Snyder, Esquire, Thomas J. Sniscak, Esquire, Hawke, McKeon & Sniscak, LLP, 100 North 10th Street, Harrisburg, PA 17101, [wesnyder@hmslegal.com](mailto:wesnyder@hmslegal.com), [tjsniscak@hmslegal.com](mailto:tjsniscak@hmslegal.com)

ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 24-1513. Filed for public inspection October 18, 2024, 9:00 a.m.]

## PENNSYLVANIA PUBLIC UTILITY COMMISSION

### Damage Prevention Committee Nominations

The Pennsylvania Public Utility Commission (Commission) is authorized to enforce provisions of the act of December 10, 1974 (P.L. 852, No. 287), also known as the Underground Utility Line Protection Law (act) or the One Call Law (73 P.S. §§ 176—186). Included is the creation of a Damage Prevention Committee (Committee) under section 7.8 of the act (73 P.S. § 182.8), which meets regularly to review alleged violations of the act and makes determinations as to the appropriate response including, but not limited to, the issuance of warning letters or administrative penalties.

The Commission is currently accepting nominations for a Committee representative from the following industry:

1. Nonmunicipally owned or affiliated facility owner industries—Telecommunications industry—nominated by facility owners or affiliated organizations (1 position).

2. Nonmunicipally owned or affiliated facility owner industries—Cable TV—nominated by facility owners or affiliated organizations (1 position).

3. Excavators—nominated by excavators or affiliated organizations (1 position).

Forms and instructions for submitting nominations are available on the Commission's webpage at <https://www.puc.pa.gov/pipeline/damage-prevention-committee/>. Completed nominations forms must be submitted directly to the Secretary of the Commission, Rosemary Chiavetta, at [rchiavetta@pa.gov](mailto:rchiavetta@pa.gov). Nominations must be received by close of business at 4:30 p.m., on November 19, 2024.

Appointment to the Committee will begin in January of 2025, and persons appointed to the Committee must have the appropriate level of expertise within the operation of Act 50.

Members are appointed for a single term of 3 years. After the term is completed, members seeking to remain on the Committee are required to reapply for Committee membership.

Questions regarding nominations for the Commission's Committee should be directed to Rosemary Chiavetta, [rchiavetta@pa.gov](mailto:rchiavetta@pa.gov).

ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 24-1514. Filed for public inspection October 18, 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 November 4, 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 November 4, 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](http://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-2024-3050925. Jaid Transports, LLC** (6415 US 522 North, McClure, Mifflin County, PA 17841) to transport, as a common carrier, by motor vehicle, persons in paratransit service, from points in Mifflin County, to points in Pennsylvania, and return.

**A-2024-3051133. Premier Transportation Group, LLC** (507 Pin Oak Drive, Monroeville, Allegheny County, PA 15146) for the right to begin to transport, as a common carrier, by motor vehicle, persons in limousine service, between points in Pennsylvania; excluding service that is under the jurisdiction of the Philadelphia Parking Authority. *Attorney:* David Temple, Esquire, 111 Buck Road, Building 500, Suite 1, Huntingdon Valley, PA 19006.

### Applications of the following for the approval of the right and privilege to *discontinue/abandon operating as common carriers by motor vehicle and for cancellation of the certificate of public convenience as described under each application.*

**A-2024-3051469. Corner Acres Farm Transport, LLC** (235 Loop Road, Quarryville, Lancaster County, PA 17566) for the discontinuance and cancellation of its right, to transport, as a common carrier, by motor vehicle, persons in paratransit service, limited to persons whose personal convictions prevent them from owning or operating motor vehicles, from points in Lancaster County, to points in Pennsylvania, and return, as originally Docketed at A-2013-2384752.

**A-2024-3051534. Valley Lines, Inc.** (1395 Sarver Road, Freeport, Armstrong County, PA 16229) discontinuance of service and cancellation of its certificate, to transport, as a common carrier, by motor vehicle, persons on schedule,

as more thoroughly described in the original ordering paragraphs at A-00104027, F.2.

ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 24-1515. Filed for public inspection October 18, 2024, 9:00 a.m.]

## PENNSYLVANIA PUBLIC UTILITY COMMISSION

### Service of Notice of Motor Carrier Formal Complaints

Formal complaints have been issued by the Pennsylvania Public Utility Commission. Answers must be filed in accordance with 52 Pa. Code (relating to public utilities). Answers are due November 4, 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. James J. Levy, t/a Cloud 9 Transportation; Docket No. C-2024-3049875

#### COMPLAINT

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Investigation and Enforcement and other bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Investigation and Enforcement hereby represents as follows:

1. That James Levy, t/a C 9 Transportation, LLC, Respondent, maintains its principal place of business at 948 Adams Ave, Scranton, PA 18510-1004.

2. That Respondent was issued a certificate of public convenience by this Commission on May 2, 2018, at Docket No. A-2018-3001206, to transport, as a common carrier, by motor vehicle, persons in group and party service, operating vehicles with a seating capacity of more than 28 passengers, including the driver, between points in Pennsylvania, excluding service that is under the jurisdiction of the Philadelphia Parking Authority at PUC 641706.

3. That on July 2, 2024, Pa PUC Enforcement Supervisor Thomas Kepping met with Respondent, James Levy, owner, about a complaint of a trip completed on May 14, 2024, from Scranton, PA to Bethlehem, PA. Mr. Levy confirmed that the trip was 13 passengers from Scranton Prep to Lehigh University using bus B820 and he had been the driver.

4. That on July 2, 2024, Supervisor Kepping inspected the bus used. Upon entering the bus, Supervisor Kepping determined that the bus was manufactured with 16 seats including the driver, but the front passenger seat was removed, and the vehicle is registered for 15 passengers. Supervisor Kepping indicated to Mr. Levy that the vehicle

had to have a remanufactured plate indicating the reduced seating capacity and because it did not, the original manufacturing specs needed to be observed. As such, the 16 passenger vehicle needed a driver with a Commercial Driver's License (CDL) with a passenger endorsement.

5. That Supervisor Kepping inspected owner James Levy's driver's license and Mr. Levy does not possess the required license, he has a Class C Pennsylvania driver's license.

6. That Respondent, operating a vehicle without the required CDL with passenger endorsement, has violated 52 Pa. § 29.502 and 75 § 1606(a). The penalty for this violation is \$200.00

Wherefore, the Bureau of Investigation and Enforcement hereby requests that the Commission fine Respondent, James Levy, t/a Cloud 9 Transportation, the sum of two hundred dollars (\$200) for the illegal activity described in this Complaint and order such other remedy as the Commission may deem to be appropriate.

Respectfully submitted,  
 Brian B. Mehus, Acting Chief  
 Motor Carrier Enforcement  
 Bureau of Investigation and Enforcement

#### VERIFICATION

I, Brian B. Mehus, hereby state that the facts above set forth are true and correct to the best of my knowledge, information, and belief and that I expect that the Bureau will be able to prove same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: 29 August 2024

Brian B. Mehus, Acting Chief  
 Motor Carrier Enforcement  
 Bureau of Investigation and Enforcement

#### NOTICE

A. You must file an Answer within twenty (20) days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial Cover Letter for this Complaint and Notice, 52 Pa. Code § 1.56(a). An Answer is a written explanation of circumstances wished to be considered in determining the outcome. The Answer shall raise all factual and legal arguments that you wish to claim in your defense and must include the reference number of this Complaint. Your Answer must be verified, and the original shall be mailed to:

Rosemary Chiavetta, Secretary  
 Pennsylvania Public Utility Commission  
 400 North Street, 2nd Floor  
 Harrisburg, PA 17120

Or you may eFile your Answer using the Commission's website at [www.puc.pa.gov](http://www.puc.pa.gov). The link to eFiling is located under the Filing & Resources tab on the homepage. If your Answer is 250 pages or less, you are not required to file a paper copy. If your Answer exceeds 250 pages, you must file a paper copy with the Secretary's Bureau.

Additionally, a copy should either be mailed to:

Bureau of Investigation and Enforcement  
 Pennsylvania Public Utility Commission  
 400 North Street, 3rd Floor  
 Harrisburg, PA 17120

Or, e-mailed to: RA-PCCmplntResp@pa.gov

B. If you fail to answer this complaint within twenty (20) days, the Bureau of Investigation and Enforcement will request that the Commission issue a Secretarial Letter imposing a penalty. The penalty could include a fine, the suspension or revocation of your certificate of public convenience or other remedy.

C. You may elect not to contest this complaint by paying the fine proposed in this Complaint by certified check or money order. Payment must be made to the Commonwealth of Pennsylvania and should be forwarded to:

Rosemary Chiavetta, Secretary  
 Pennsylvania Public Utility Commission  
 400 North Street, 2nd Floor  
 Harrisburg, PA 17120

D. Your payment is an admission that you committed the alleged violation and an agreement to cease and desist from further violations. Upon receipt of your payment, the complaint proceedings shall be closed.

E. If you file an Answer, which admits or fails to deny the allegations of the Complaint, the Bureau of Investigation and Enforcement will request that the Commission issue a Secretarial Letter imposing a penalty.

F. If you file an Answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision. The judge is not bound by the optional fine set forth above.

G. Alternative formats of this material are available for persons with disabilities by contacting the Commission's ADA Coordinator at 717-787-8714.

ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 24-1516. Filed for public inspection October 18, 2024, 9:00 a.m.]

## PENNSYLVANIA PUBLIC UTILITY COMMISSION

### Siting and Construction; Telephonic Prehearing Conference

**A-2024-3051463. PECO Energy Company.** Application of PECO Energy Company for approval of the siting and construction of the PJM 2022 Reliability Window # 3 Project located in Peach Bottom Township, York County and petition for waiver of 52 Pa. Code § 57.72(c)(10) (relating to form and content of application).

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities) on or before December 3, 2024. Filings must be made with the Secretary of the Pennsylvania Public Utility Commission, 400 North Street, Harrisburg, PA 17120, with a copy served on the applicant. The documents filed in support of the application are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, at the Pennsylvania Public Utility Commission's (Commission) web site at [www.puc.pa.gov](http://www.puc.pa.gov), and at the applicant's business address.

*Applicant:* PECO Energy Company

*Through and By Counsel:* Kenneth M. Kulak, Partner,  
 Morgan, Lewis & Bockius, LLP, 2222 Market Street,

Philadelphia, PA 19103-2921; Anthony E. Gay, Esquire, PECO Energy Company, 2301 Market Street, Philadelphia, PA 19103

**Telephonic Prehearing Conference**

A telephonic prehearing conference on the previously captioned case will be held as follows:

<i>Date:</i>	Thursday, December 19, 2024
<i>Time:</i>	10 a.m.
<i>Presiding:</i>	Deputy Chief Administrative Law Judge Christopher P. Pell (215) 560-2105 Fax: (717) 231-4764

At the previously listed date and time, individuals must call into the conference. Individuals will not be called by the Presiding Officers.

To participate in the telephonic prehearing conference, individuals must:

- Dial the following toll-free conference number.
- Enter the following PIN number when instructed.
- Speak the individual’s name when prompted and press #.

The telephone system will connect individuals to the telephonic prehearing conference.

Toll-free Conference Number: (866) 421-8851  
PIN Number: 66640466

*A-2024-3051463: Application for Transmission Line and Petition for Waiver of PECO Energy Company*

On September 30, 2024, PECO Energy Company filed its application and petition for waiver, under 52 Pa. Code §§ 57.72 et seq. and the Commission’s interim guidelines for the filing of electric transmission line siting applications at 52 Pa. Code §§ 69.3101 et seq. (relating to interim guidelines for the filing of electric transmission line siting applications) requesting Commission approval to site and construct transmission lines and related facilities associated with the proposed PJM 2022 Reliability Window # 3 Project. In addition, PECO Energy Company requests waiver of the requirement in 52 Pa. Code § 57.72(c)(10) to provide alternative routes and of the Commission’s interim guidelines at 52 Pa. Code § 69.3105 (relating to route evaluation and siting) to the extent necessary.

*A-2024-3051467: Application for Transmission Line and Petition for Waiver of PECO Energy Company*

On September 30, 2024, PECO Energy Company filed its application of PECO Energy Company, under 52 Pa. Code §§ 57.72 et. seq. and the Commission’s interim guidelines for the filing of electric transmission line siting applications at 52 Pa. Code §§ 69.3101 et seq., requesting Commission approval to site and construct transmission lines and related facilities associated with the proposed Brandon Shores Retirement Mitigation Project. In addition, PECO Energy Company requests waiver of the requirement in 52 Pa. Code § 57.72(c)(10) to provide alternative routes and of the Commission’s interim guidelines at 52 Pa. Code § 69.3105 to the extent necessary.

Therefore, the parties shall be prepared to discuss all relevant issues related to these two proceedings as well as any request to consolidate these, and any other related proceedings, at the prehearing conference. In addition, the parties may review filings and further requirements and orders entered in these proceedings at the Docket

numbers previously referenced, on the Commission web site at [www.puc.pa.gov/search/document-search/](http://www.puc.pa.gov/search/document-search/).

If individuals require an interpreter to participate in the conference, the Commission will make every reasonable effort to have an interpreter present. Call the Scheduling Office at the Commission at least 10 business days prior to the hearing to submit a request.

- Scheduling Office: (717) 787-1399
- TTY-based Telecommunications Relay Service number for persons who are deaf or hearing-impaired is: 711

The Commission offers a free eFiling Subscription Service, which allows users to automatically receive an e-mail notification whenever a document is added, removed or changed on the Commission web site regarding a specific case. Instructions for subscribing to this service are on the Commission’s web site at [http://www.puc.pa.gov/Documentation/eFiling\\_Subscriptions.pdf](http://www.puc.pa.gov/Documentation/eFiling_Subscriptions.pdf).

ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 24-1517. Filed for public inspection October 18, 2024, 9:00 a.m.]

**PENNSYLVANIA PUBLIC UTILITY COMMISSION**

**Siting and Construction; Telephonic Prehearing Conference**

**A-2024-3051467. PECO Energy Company.** Application of PECO Energy Company for approval of the siting and construction of the Brandon Shores Retirement Mitigation Project located in Peach Bottom Township, York County, and petition for waiver of 52 Pa. Code § 57.72(c)(10) (relating to form and content of application).

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities) on or before December 3, 2024. Filings must be made with the Secretary of the Pennsylvania Public Utility Commission, 400 North Street, Harrisburg, PA 17120, with a copy served on the applicant. The documents filed in support of the application are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, at the Pennsylvania Public Utility Commission’s (Commission) web site at [www.puc.pa.gov](http://www.puc.pa.gov), and at the applicant’s business address.

*Applicant:* PECO Energy Company

*Through and By Counsel:* Kenneth M. Kulak, Partner, Morgan, Lewis & Bockius, LLP, 2222 Market Street, Philadelphia, PA 19103-2921; Anthony E. Gay, Esquire, PECO Energy Company, 2301 Market Street, Philadelphia, PA 19103

**Telephonic Prehearing Conference**

A telephonic prehearing conference on the previously captioned case will be held as follows:

<i>Date:</i>	Thursday, December 19, 2024
<i>Time:</i>	10 a.m.
<i>Presiding:</i>	Deputy Chief Administrative Law Judge Christopher P. Pell (215) 560-2105 Fax: (717) 231-4764

At the previously listed date and time, individuals must call into the conference. Individuals will not be called by the Presiding Officers.

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- Speak the individual's name when prompted, and press #.

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Toll-free Conference Number: (866) 421-8851  
PIN Number: 66640466

*A-2024-3051467: Application for Transmission Line and Petition for Waiver of PECO Energy Company*

On September 30, 2024, PECO Energy Company filed its application of PECO Energy Company, under 52 Pa. Code §§ 57.72 et. seq. and the Commission's interim guidelines for the filing of electric transmission line siting application at 52 Pa. Code §§ 69.3101 et seq. (relating to interim guidelines for the filing electric transmission line siting applications) requesting Commission approval to site and construct transmission lines and related facilities associated with the proposed Brandon Shores Retirement Mitigation Project. In addition, PECO Energy Company requests waiver of the requirement in 52 Pa. Code § 57.72(c)(10) to provide alternative routes and of the Commission's interim guidelines at 52 Pa. Code § 69.3105 (relating to route evaluation and siting) to the extent necessary.

*A-2024-3051463: Application for Transmission Line and Petition for Waiver of PECO Energy Company*

On September 30, 2024, PECO Energy Company filed its application and petition for waiver, under 52 Pa. Code §§ 57.72 et seq. and the Commission's interim guidelines

for the filing of electric transmission line siting applications at 52 Pa. Code §§ 69.3101 et seq., requesting Commission approval to site and construct transmission lines and related facilities associated with the proposed PJM 2022 Reliability Window # 3 Project. In addition, PECO Energy Company requests waiver of the requirement in 52 Pa. Code § 57.72(c)(10) to provide alternative routes and of the Commission's interim guidelines at 52 Pa. Code § 69.3105 to the extent necessary.

Therefore, the parties shall be prepared to discuss all relevant issues related to these two proceedings as well as any request to consolidate these, and any other related proceedings, at the prehearing conference. In addition, the parties may review filings and further requirements and orders entered in these proceedings at the Docket numbers previously referenced, on the Commission web site at [www.puc.pa.gov/search/document-search/](http://www.puc.pa.gov/search/document-search/).

If individuals require an interpreter to participate in the conference, the Commission will make every reasonable effort to have an interpreter present. Call the scheduling office at the Commission at least 10 business days prior to the hearing to submit a request.

- Scheduling Office: (717) 787-1399
- TTY-based Telecommunications Relay Service number for persons who are deaf or hearing-impaired is: 711

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ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 24-1518. Filed for public inspection October 18, 2024, 9:00 a.m.]

**END OF ISSUE**





















