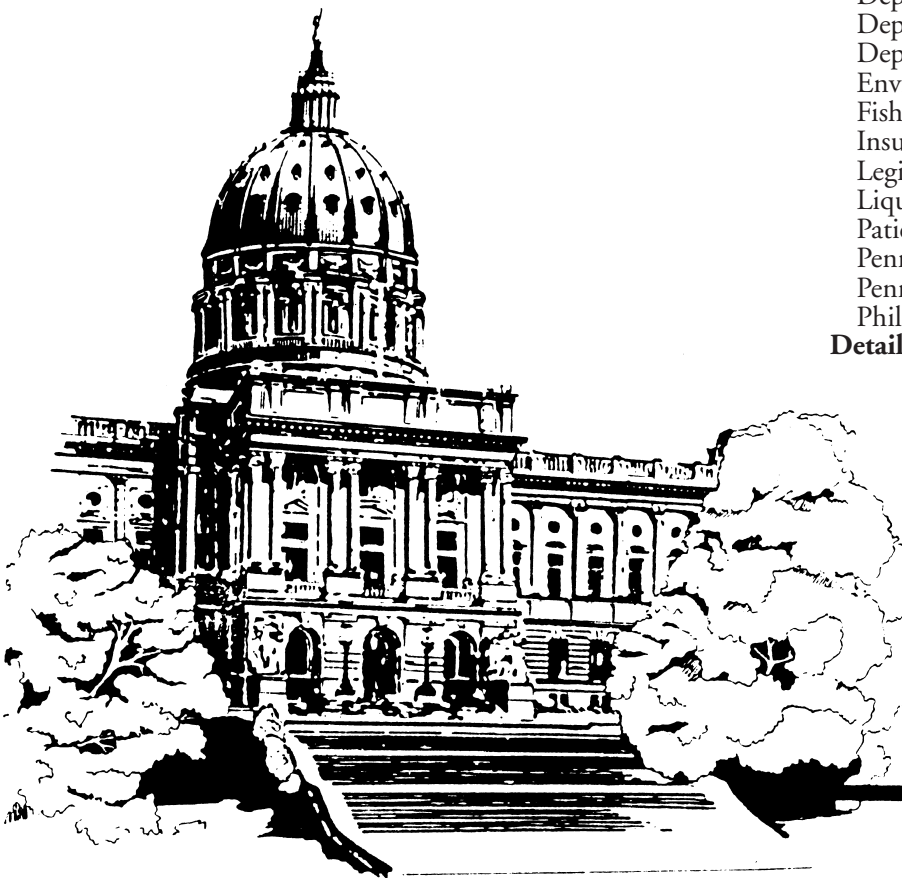


# PENNSYLVANIA BULLETIN

Volume 50  
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Pages 1637—1818

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The Governor  
The Courts  
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Department of Conservation and Natural Resources  
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Department of Health  
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**Latest Pennsylvania Code Reporter  
(Master Transmittal Sheet):**

**No. 544, March 2020**

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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.

The *Pennsylvania Bulletin* is available at [www.pacodeandbulletin.gov](http://www.pacodeandbulletin.gov).

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### Printing Format

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

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

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

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

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

#### *Court Rules in Titles 201—246 of the Pennsylvania Code*

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

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

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

### Fiscal Notes

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

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

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

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## List of Pa. Code Chapters Affected

The following numerical guide is a list of the chapters of each title of the *Pennsylvania Code* affected by documents published in the *Pennsylvania Bulletin* during 2020.

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1115, 1116, 1350, 1503, 1504, 1505, 1506, 1647, 1648

# THE GOVERNOR

## GOVERNOR'S OFFICE

### Proclamation of Disaster Emergency

March 6, 2020

*Whereas*, a novel coronavirus (now known as “COVID-19”) emerged in Wuhan, China, began infecting humans in December 2019, and has since spread to 89 countries, including the United States; and

*Whereas*, the World Health Organization and the Centers for Disease Control and Prevention (“CDC”) have declared COVID-19 a “public health emergency of international concern,” and the U.S. Department of Health and Human Services (“HHS”) Secretary has declared that COVID-19 creates a public health emergency; and

*Whereas*, the Commonwealth of Pennsylvania (“Commonwealth”) has been working in collaboration with the CDC, HHS, and local health agencies since December 2019 to monitor and plan for the containment and subsequent mitigation of COVID-19; and

*Whereas*, on February 1, 2020, the Commonwealth’s Department of Health activated its Department Operations Center at the Pennsylvania Emergency Management Agency’s headquarters to conduct public health and medical coordination for COVID-19 throughout the Commonwealth; and

*Whereas*, on March 4, 2020, the Director of the Pennsylvania Emergency Management Agency ordered the activation of its Commonwealth Response Coordination Center in support of the Department of Health’s Department Operations Center, to maintain situational awareness and coordinate the response to any potential COVID-19 impacts across the Commonwealth; and

*Whereas*, as of March 6, 2020, there are 233 confirmed and/or presumed positive cases of COVID-19 in the United States, including 2 presumed positive cases in the Commonwealth; and

*Whereas*, while it is anticipated that a high percentage of those affected by COVID-19 will experience mild influenza-like symptoms, COVID-19 is a disease capable of causing severe symptoms or loss of life, particularly to older populations and those individuals with pre-existing conditions; and

*Whereas*, it is critical to prepare for and respond to suspected or confirmed cases in the Commonwealth and to implement measures to mitigate the spread of COVID-19; and

*Whereas*, with 2 presumed positive cases in the Commonwealth as of March 6, 2020, the possible increased threat from COVID-19 constitutes a threat of imminent disaster to the health of the citizens of the Commonwealth; and

*Whereas*, this threat of imminent disaster and emergency has the potential to cause significant adverse impacts upon the population throughout the Commonwealth; and

*Whereas*, this threat of imminent disaster and emergency has already caused schools to close, and will likely prompt additional local measures, including affected county and municipal governments to declare local disaster emergencies because of COVID-19; and

*Whereas*, this threat of imminent disaster and emergency situation throughout the Commonwealth is of such magnitude and severity as to render essential the Commonwealth’s supplementation of emergency resources and mutual aid to the county and municipal governments of this Commonwealth and to require the activation of all applicable state, county, and municipal emergency response plans.

*Now Therefore*, pursuant to the provisions of Subsection 7301(c) of the Emergency Management Services Code, 35 Pa.C.S. § 7101, et seq., I do hereby proclaim the existence of a disaster emergency throughout the Commonwealth.



*Further*, I hereby authorize the Pennsylvania Emergency Management Agency Director or his designee, to assume command and control of all statewide emergency operations and authorize and direct that all Commonwealth departments and agencies utilize all available resources and personnel as is deemed necessary to cope with this emergency situation.

*Further*, I hereby transfer up to \$5,000,000 in unused appropriated funds to the Pennsylvania Emergency Management Agency for Emergency Management Assistance Compact expenses related to this emergency, to be decreased as conditions require, pursuant to the provisions of section 7604(a) of the Emergency Management Services Code, 35 Pa.C.S. § 7604(a). In addition, I hereby transfer up to \$20,000,000 in unused appropriated funds, to be decreased as conditions require, to the Pennsylvania Emergency Management Agency pursuant to section 1508 of the Act of April 9, 1929 (P.L. 343, No. 176) (the Fiscal Code), 72 P.S. § 1508. The aforementioned funds shall be used for expenses authorized and incurred related to this emergency. These funds shall be credited to a special account established by the Office of the Budget. I hereby direct that any funds transferred herein that remain unused after all costs related to this emergency have been satisfied shall be returned to the General Fund.

*Further*, All Commonwealth agencies purchasing supplies or services in response to this emergency are authorized to utilize emergency procurement procedures set forth in Section 516 of the Commonwealth Procurement Code, 62 Pa.C.S. § 516. This Proclamation shall serve as the written determination of the basis for the emergency under Section 516.

*Further*, I hereby suspend the provisions of any regulatory statute prescribing the procedures for conduct of Commonwealth business, or the orders, rules or regulations of any Commonwealth agency, if strict compliance with the provisions of any statute, order, rule or regulation would in any way prevent, hinder, or delay necessary action in coping with this emergency. Commonwealth agencies may implement emergency assignments without regard to procedures required by other laws, except mandatory constitutional requirements, pertaining to performance of public work, entering into contracts, incurring of obligations, employment of temporary workers, rental of equipment, purchase of supplies and materials, and expenditures of public funds.

*Further*, pursuant to the powers vested in me by the Constitution and laws of the Commonwealth pursuant to 51 Pa.C.S. § 508, I hereby authorize the Adjutant General of Pennsylvania to place on state active duty for the duration of the emergency disaster proclamation, such individuals and units of the Pennsylvania National Guard, for missions designated by the Pennsylvania Emergency Management Agency, as are needed to address the consequences of the aforementioned emergency.

*Further*, I authorize the Commissioner of the Pennsylvania State Police to use all available resources and personnel in whatever manner he deems necessary during this emergency to assist the actions of the Pennsylvania Emergency Management Agency in addressing the consequences of the emergency.

*Further*, I hereby authorize the Secretary of the Pennsylvania Department of Health, in her sole discretion, to suspend or waive any provision of law or regulation which the Pennsylvania Department of Health is authorized by law to administer or enforce, for such length of time as may be necessary to respond to this emergency.

*Further*, I hereby authorize the Secretary of the Pennsylvania Department of Education, in his sole discretion, to suspend or waive any provision of law or regulation which the Pennsylvania Department of Education is authorized by law to administer or enforce, for such length of time as may be necessary to respond to this emergency.

*Further*, if investigations made on my behalf determine that the Commonwealth needs greater flexibility in the application of state and federal motor carrier regulations to accommodate truck drivers involved in emergency

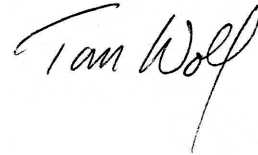
## THE GOVERNOR

activities during this emergency, I hereby direct the Commonwealth Department of Transportation to waive or suspend any laws or federal or state regulations related to the drivers of commercial vehicles.

*Further*, I hereby direct that the applicable emergency response and recovery plans of the Commonwealth, counties, municipalities and other entities be activated as necessary and that actions taken to implement those plans be coordinated through the Pennsylvania Emergency Management Agency.

*Still Further*, I hereby urge the governing bodies and executive officers of all political subdivisions affected by this emergency to act as necessary to meet the current exigencies as legally authorized under this Proclamation, namely, by the employment of temporary workers, by the rental of equipment, and by entering into such contracts and agreements as may be required to meet the emergency, all without regard to those time consuming procedures and formalities normally prescribed by law, mandatory constitutional requirement excepted.

*Given* under my hand and the Seal of the Governor, at the City of Harrisburg, this sixth day of March in the year of our Lord two thousand twenty, and of the Commonwealth the two hundred and forty fourth.



Governor

[Pa.B. Doc. No. 20-403. Filed for public inspection March 20, 2020, 9:00 a.m.]

# THE COURTS

## Title 255—LOCAL COURT RULES

### DAUPHIN COUNTY

#### Local Rules of Criminal Procedure, Rule 202; No. CP-22-MD-416-2020

##### Order of Court

*And Now*, this 4th day of March, 2020, Dauphin County Local Rule of Criminal Procedure 202 is amended as follows:

The District Attorney of Dauphin County, having filed a certification pursuant to Pa.R.Crim.P. 202, search warrants arising out of an investigation of any of the following offenses:

- (1) Corrupt organizations in violation of 18 Pa.C.S.A. § 911;
- (2) Criminal homicide in violation of 18 Pa.C.S. § 2501;
- (3) Murder in any degree in violation of 18 Pa.C.S. § 2502;
- (4) Voluntary manslaughter in violation of 18 Pa.C.S. § 2503;
- (5) Involuntary manslaughter in violation of 18 Pa.C.S. § 2504;
- (6) Causing or aiding suicide in violation of 18 Pa.C.S. § 2505;
- (7) Drug delivery resulting in death in violation of 18 Pa.C.S. § 2506;
- (8) Criminal homicide of unborn child in violation of 18 Pa.C.S. § 2603;
- (9) Murder in any degree of unborn child in violation of 18 Pa.C.S. § 2604;
- (10) Voluntary manslaughter of unborn child in violation of 18 Pa.C.S. § 2605;
- (11) Aggravated assault of unborn child in violation of 18 Pa.C.S. § 2606;
- (12) Arson and related offenses in violation of 18 Pa.C.S.A. § 3301;
- (13) Dealing in proceeds of illegal activity in violation of 18 Pa.C.S.A. § 5111;
- (14) Homicide by vehicle in violation of 75 Pa.C.S. § 3732;
- (15) Homicide by vehicle while driving under influence in violation of 75 Pa.C.S. § 3735;
- (16) Aggravated assault by vehicle while driving under influence in violation of 75 Pa.C.S. § 3735.1;
- (17) Rape in violation of 18 Pa.C.S. § 3121;
- (18) Statutory sexual assault in violation of 18 Pa.C.S. § 3122.1;
- (19) Involuntary deviate sexual intercourse in violation of 18 Pa.C.S. § 3123;
- (20) Sexual assault in violation of 18 Pa.C.S. § 3124.1;
- (21) Institutional sexual assault in violation of 18 Pa.C.S. § 3124.2;
- (22) Aggravated indecent assault in violation of 18 Pa.C.S. § 3125;

(23) Criminal attempt, criminal solicitation, or criminal conspiracy to commit any of the above offenses

shall not hereafter be issued by any judicial officer unless the search warrant application has the approval of an attorney for the Commonwealth prior to filing.

In addition, any search warrant application involving the search for electronically stored data of any type, including but not limited to search warrants for mobile telephones, computers, other electronic devices, USB drives, external hard drives, remotely stored data and social media accounts, shall not hereafter be issued by any judicial officer unless the search warrant application has the approval of an attorney for the Commonwealth prior to filing.

The amendment shall be effective 30 days after publication in the *Pennsylvania Bulletin*.

*By the Court*

JOHN F. CHERRY,  
*President Judge*

[Pa.B. Doc. No. 20-404. Filed for public inspection March 20, 2020, 9:00 a.m.]

## Title 255—LOCAL COURT RULES

### DAUPHIN COUNTY

#### Local Rules of Criminal Procedure, Rule 507; No. CP-22-MD-417-2020

##### Order of Court

*And Now*, this 4th day of March, 2020, Dauphin County Local Rule of Criminal Procedure 507 is amended as follows:

The District Attorney of Dauphin County, having filed a certification pursuant to Pa.R.Crim.P. 507, criminal complaints and arrest warrant affidavits by police officers as defined in the Rules of Criminal Procedure charging:

- (1) Corrupt organizations in violation of 18 Pa.C.S.A. § 911;
- (2) Criminal homicide in violation of 18 Pa.C.S. § 2501;
- (3) Murder in any degree in violation of 18 Pa.C.S. § 2502;
- (4) Voluntary manslaughter in violation of 18 Pa.C.S. § 2503;
- (5) Involuntary manslaughter in violation of 18 Pa.C.S. § 2504;
- (6) Causing or aiding suicide in violation of 18 Pa.C.S. § 2505;
- (7) Drug delivery resulting in death in violation of 18 Pa.C.S. § 2506;
- (8) Criminal homicide of unborn child in violation of 18 Pa.C.S. § 2603;
- (9) Murder in any degree of unborn child in violation of 18 Pa.C.S. § 2604;
- (10) Voluntary manslaughter of unborn child in violation of 18 Pa.C.S. § 2605;

(11) Aggravated assault of unborn child in violation of 18 Pa.C.S. § 2606;

(12) Arson and related offenses in violation of 18 Pa.C.S.A. § 3301;

(13) Dealing in proceeds of illegal activity in violation of 18 Pa.C.S.A. § 5111;

(14) Homicide by vehicle in violation of 75 Pa.C.S. § 3732;

(15) Homicide by vehicle while driving under influence in violation of 75 Pa.C.S. § 3735.1;

(16) Aggravated assault by vehicle while driving under influence in violation of 75 Pa.C.S. § 3735.1;

(17) Rape in violation of 18 Pa.C.S. § 3121;

(18) Statutory sexual assault in violation of 18 Pa.C.S. § 3122.1;

(19) Involuntary deviate sexual intercourse in violation of 18 Pa.C.S. § 3123;

(20) Sexual assault in violation of 18 Pa.C.S. § 3124.1;

(21) Institutional sexual assault in violation of 18 Pa.C.S. § 3124.2;

(22) Aggravated indecent assault in violation of 18 Pa.C.S. § 3125;

(23) Criminal attempt, criminal solicitation, or criminal conspiracy to commit any of the above offenses

(24) Any offense arising out of an incident for which the District Attorney of Dauphin County has given written notice to the investigating agency of his intent to review any charges brought in connection with that incident prior to filing.

shall not hereafter be issued by any judicial officer unless the complaint and affidavit have the approval of an attorney for the Commonwealth prior to filing.

The amendment shall be effective 30 days after publication in the *Pennsylvania Bulletin*.

*By the Court*

JOHN F. CHERRY,  
*President Judge*

[Pa.B. Doc. No. 20-405. Filed for public inspection March 20, 2020, 9:00 a.m.]

## Title 255—LOCAL COURT RULES

### LEBANON COUNTY

#### Rules of Criminal Procedure; Administrative Order No. 2 of 2020; Doc. No. 2020-00021

##### Order of Court

And Now, this 27th day of February, 2020, in compliance with Rule 112 of the Pennsylvania Rules of Criminal Procedure, it is *Hereby Ordered* that the Court adopts the following Rule of Criminal Procedure Rule 112 regarding Publicity, Broadcasting, and Recording of Proceedings which becomes effective April 1, 2020.

The District Court Administrator is *Hereby Ordered* to:

1. File one certified copy of this Order with the Administrative Office of Pennsylvania Courts to [adminrules@pacourts.us](mailto:adminrules@pacourts.us);

2. Submit two paper copies of this Order to the Legislative Reference Bureau and one electronic copy in Microsoft Word format only to [bulletin@palrb.us](mailto:bulletin@palrb.us) for publication in the *Pennsylvania Bulletin*;

3. Provide one copy of this Order to the members of the Lebanon County Bar Association;

4. Incorporate the Rule into the set of Local Rules within thirty (30) days of publication of the Local Rule in the *Pennsylvania Bulletin* and publish the rules on the Court's website at [www.lebanoncounty.org](http://www.lebanoncounty.org).

5. File this Order in the Prothonotary's Office of Lebanon County.

#### Rule of Criminal Procedure 112. Publicity, Broadcasting, and Recording of Proceedings.

A. The taking of photographs, including video pictures and recording, and the use of audio and video broadcast and audio recording equipment and any other device capable of capturing or transmitting sound or images, in a courtroom or hearing room or its environs during the progress of or in connection with any action, whether or not court is actually in session, is prohibited.

B. *Environs Defined*: Environs of a courtroom or hearing room shall include the entire floor on which is located any courtroom, hearing room, jury room, grand jury room, sheriff's office, Prothonotary's or Clerk of Court's office, office of the District Attorney, or any lockup or prisoner holding area. Environs also includes the corridor or lobby on the main floor or street floor, any elevator area constituting an interior entrance area to the building of any courtroom or hearing room.

C. *Recording Devices and Cellular Telephone Prohibited*: Cameras, cellular telephones, portable electronic data devices and any other device capable of capturing or transmitting images or sound are prohibited inside of the Lebanon County Courthouse unless powered off and contained inside an approved locking bag.

1. *Employee Exception*: The prohibition in Section C above shall not apply to those individuals employed by the Court or County in the Courthouse, a Magisterial District Court, Probation Services or Domestic Relations, who clearly display an identification badge issued by the County of Lebanon, provided, however, that the device shall be in a "silent" or "vibrate only" mode when the employee enters a courtroom, hearing room or grand jury room.

2. *Attorney Exception*: The prohibition in Section C above shall not apply to an attorney at law who enters the Courthouse on business related to the representation of a client, provided, however, the device shall be powered off when the attorney enters a courtroom or hearing room.

3. *Emergency Responder Exception*: The prohibition in Section C above shall not apply to emergency medical or other personnel responding to a call within the Courthouse.

4. *Juror Exception*: The prohibition in Section C above shall not apply to jurors summoned by Court Administration on jury selection day.

5. *Evidence Exception*: The prohibition in Section C above shall not apply to the use of such devices for the purpose of presenting evidence in any court proceeding at the discretion of the presiding judge or hearing officer.

6. *Law Enforcement Exception*: The prohibition in Section C above shall not apply to a member of law enforcement who provides proper identification and is on

business related to a case before the Court and/or a meeting with the Office of the District Attorney. However, the device shall be powered off when the member of law enforcement enters a courtroom or hearing room.

D. *Special Proceedings*: In the discretion of the President Judge, photographing, making video or audio recordings, televising or broadcasting any special proceedings such as investiture, naturalization or ceremonial proceedings, in a courtroom or its environs may be permitted under such conditions as the President Judge may prescribe.

E. *Stenographic Recordings*: Except as permitted by law or rule of Court, the recording by any means of any judicial proceeding by anyone other than the official court stenographer in a court case, for any purpose, is prohibited.

F. *Special Permission*: The President Judge may, upon application, make exception to the prohibitions contained in this Rule under such circumstances and subject to such conditions as the President Judge may prescribe.

1. The application shall include the reason for the request, the type of electronic medium intended to be used, the locations at which the electronic medium is to be used, and the date and times of the day for which the exception is being sought.

2. If the exception is sought in connection with any judicial proceeding, the caption and case number of the proceeding shall be included in the application.

G. *Special Cases*: The court may make such orders as may be necessary in connection with any specific case to protect the rights of all parties and the public.

H. *Enforcement*: The Lebanon County Sheriff's Office enforce the provisions of this Rule. Violation of this order may result in legal sanctions, fines and/or contempt of court. The Sheriff of Lebanon County or any designated Court representative is hereby authorized to confiscate any equipment having the capability of audio or visual recording, taking photographs broadcasting, televising, or transmitting audio or visual images by any means, which is possessed in violation of this order. Said device or equipment shall be returned to its owner at conclusion of the court session.

*By the Court*

JOHN C. TYLWALK,  
*President Judge*

[Pa.B. Doc. No. 20-406. Filed for public inspection March 20, 2020, 9:00 a.m.]

# PROPOSED RULEMAKING

## ENVIRONMENTAL QUALITY BOARD

[ 25 PA. CODE CH. 250 ]

### Administration of the Land Recycling Program; Public Comment Period Extension and Public Hearing Cancellations

By this notice, the public comment period on the proposed rulemaking published at 50 Pa.B. 1011 (February 15, 2020) is extended to April 30, 2020.

Out of an abundance of caution and to prevent possible spread of COVID-19, all public hearings scheduled for this proposed rulemaking are canceled.

Interested persons are invited to submit to the Environmental Quality Board (Board) written comments, suggestions, support or objections regarding this proposed rulemaking. Comments, suggestions, support or objections must be received by the Board by April 30, 2020. All comments are treated equally. Written comments are given equal weight as comments that would have been provided in public testimony.

Comments may be submitted to the Board by accessing eComment at <http://www.ahs.dep.pa.gov/eComment>.

Comments may also be submitted to the Board by e-mail at [RegComments@pa.gov](mailto:RegComments@pa.gov). A subject heading of this proposed rulemaking and a return name and address must be included in each transmission.

If an acknowledgment of comments submitted online or by e-mail is not received by the sender within 2 working days, the comments should be retransmitted to the Board to ensure receipt. Comments submitted by facsimile will not be accepted.

Written comments should be mailed to the Environmental Quality Board, P.O. Box 8477, Harrisburg, PA 17105-8477 or to the Environmental Quality Board, Rachel Carson State Office Building, 16th Floor, 400 Market Street, Harrisburg, PA 17101.

PATRICK McDONNELL,  
*Chairperson*

[Pa.B. Doc. No. 20-407. Filed for public inspection March 20, 2020, 9:00 a.m.]

## LIQUOR CONTROL BOARD

[ 40 PA. CODE CH. 5 ]

### Cleaning of Malt or Brewed Beverage Dispensary Systems

The Liquor Control Board (Board), under the authority of section 207(i) of the Liquor Code (47 P.S. § 2-207(i)), proposes to amend § 5.51 (relating to cleaning of malt or brewed beverage dispensing systems) to read as set forth in Annex A.

#### *Summary*

The Board submits this proposed rulemaking to update its regulations regarding the cleaning of malt or brewed beverage dispensing systems, which deliver what is commonly known as “draft beer.” In the proposed regulation, the frequency of dispensary system cleaning is decreased

from once every 7 days to once every 14 days. This proposed rulemaking also clarifies that every licensee using such a dispensary system for selling malt or brewed beverages (“beer”)—including limited wineries, limited distilleries and distilleries—is subject to this proposed rulemaking.

A dispensing system begins with beer that is stored in a keg. Pressurized gas enters the keg and forces the beer up and into a plastic hose, whose length it travels until it reaches a faucet. The beer waits in the plastic hose until the faucet is opened, whereupon the beer is poured into a container. For purposes of this proposed regulation, the dispensing system runs from the keg to the faucet.

A dispensing system is, because of its function, usually wet and located in a dark area. As a result, dispensing systems can readily harbor bacteria, yeast, mold and “beer stones,” which occur when organic compounds in the beer bind with compounds in the brewing water and form calcium oxalate, the chemical name for beer stones. Cleaning the dispensing system is necessary to prevent these items from spoiling the beer.

However, the licensee incurs costs for cleaning the dispensing system, as well as the loss of the beer that is present in the hose. Therefore it is important to find the right frequency for cleaning, so as to avoid requiring the licensee to incur unnecessary expense and avoid needless waste of beer.

The Pennsylvania Restaurant and Lodging Association (PRLA) and the Brewers of Pennsylvania (BOP) asked the Board to consider revising the cleaning frequency requirement from once every 7 days to once every 14 days. The PRLA and BOP note that the Brewer’s Association, an organization of more than 5,000 United States brewery members, advocates cleaning a dispensing system every 14 days.<sup>1</sup> Based on this information, this proposed rulemaking changes the frequency of cleaning the dispensing system from once every 7 days to once every 14 days. Licensees are still required to maintain clean dispensary systems, under § 5.54 (relating to responsibility for condition of equipment), regardless of how often the lines are cleaned.

This proposed rulemaking also amends § 5.51(a) to clarify that all licensees who use a dispensing system are subject to the regulation. The current language—“A licensee that uses a malt or brewed beverage dispensing system in its licensed premises shall clean the system at its sole expense”—was proposed in 2007 and finalized in 2010. At that time, Pennsylvania-licensed limited wineries, limited distilleries and distilleries did not have the authority to serve malt or brewed beverages on their licensed premises.

However, Act 39 of 2016 gave Pennsylvania-licensed manufacturers the right to sell, for on-premises consumption, products made by other Pennsylvania-licensed manufacturers. As a result, Pennsylvania-licensed limited wineries, limited distilleries and distilleries may sell beer produced by Pennsylvania-licensed breweries for on-premises consumption. See 47 P.S. §§ 5-505.2(a)(6.1) and 5-505.4(b)(1) and (c)(1). This proposed rulemaking clarifies that if the Pennsylvania-licensed manufacturer serves beer by means of a dispensing system, the manufacturer is subject to the regulation regarding the cleaning of the dispensing system.

<sup>1</sup> <https://www.brewersassociation.org/educational-publications/draught-beer-quality-manual/>.

*Affected Parties*

The affected parties include any licensee that sells draft beer, including licensed restaurants, hotels and clubs, as well as licensed breweries, limited wineries, distilleries and limited distilleries. As of December 11, 2019, there were nearly 17,000 licensees that could potentially serve draft beer.

*Paperwork Requirements*

This proposed rulemaking does not impose any new paperwork requirements on licensees.

*Fiscal Impact*

It is anticipated that the fiscal impact would be beneficial to licensees, since it will effectively halve the annual expenses of cleaning the dispensing system.

*Effective Date*

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

*Public Comments*

Interested persons are invited to submit written comments about this proposed rulemaking to Rodrigo Diaz, Chief Counsel, Jason M. Worley, Deputy Chief Counsel, or Norina Foster, Assistant Counsel, Office of Chief Counsel, Liquor Control Board, Room 401, Northwest Office Building, Harrisburg, PA 17124-0001, within 30 days after publication of this proposed rulemaking in the *Pennsylvania Bulletin*. When commenting, individuals should indicate if they wish to be apprised of future developments regarding this proposed rulemaking, and include a name, address and e-mail address. Comments submitted by facsimile will not be accepted.

Public comments will be posted on the Independent Regulatory Review Commission's (IRRC) web site. Personal information will not be redacted from the public comments received.

*Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P.S. § 745.5(a)), on February 28, 2020, the Board submitted a copy of this proposed rulemaking and a copy of a Regulatory Analysis Form to IRRC and to the Chairpersons of the House Liquor Control Committee and Senate Committee on Law and Justice. A copy of this material is available to the public upon request.

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

TIM HOLDEN,  
*Chairperson*

**Fiscal Note:** 54-101. No fiscal impact; (8) recommends adoption.

**Annex A**

**TITLE 40. LIQUOR**

**PART I. LIQUOR CONTROL BOARD**

**CHAPTER 5. DUTIES AND RIGHTS OF LICENSEES**

**Subchapter D. SANITARY CONDITIONS AND LIGHTING AND CLEANING OF MALT OR BREWED BEVERAGE DISPENSING SYSTEMS**

**CLEANING OF MALT OR BREWED BEVERAGE SYSTEMS**

**§ 5.51. Cleaning of malt or brewed beverage dispensing systems.**

(a) **[ A ] Any licensee, including but not limited to a retail licensee, a brewery, a limited winery, a limited distillery or a distillery,** that uses a malt or brewed beverage dispensing system in its licensed premises shall clean the system at its sole expense. One licensee may not clean a malt or brewed beverage dispensing system for another licensee.

(b) The method of cleaning must leave the entire malt or brewed beverage dispensing system in a clean and sanitary condition. The cleaning method used must include cleaning the entire system with a chemical cleaning solution or other cleaning method approved by the Board. The following alternative cleaning methods have Board approval:

- (1) Live steam.
- (2) Hot water and soda solution, followed by thorough rinsing with hot water.

(c) The frequency of cleaning for the malt or brewed beverage dispensing system shall be as follows:

- (1) Once every [ 7 ] **14** days for the faucets.
- (2) Once every [ 7 ] **14** days for the dispensing lines, valves, joints, couplers, hose fittings, washers, o-rings, empty beer detectors (known as "FOBS") and draft foam control units, except if the licensee has an operating ultrasonic, electromagnetic or other system that retards the growth of yeast and bacteria in the dispensing lines. If such a system is installed and operating, the licensee shall follow the cleaning frequency and cleaning method guidelines of the system's manufacturer.

(3) The Board may approve different cleaning frequencies.

[Pa.B. Doc. No. 20-408. Filed for public inspection March 20, 2020, 9:00 a.m.]

# STATEMENTS OF POLICY

## Title 52—PUBLIC UTILITIES

### PENNSYLVANIA PUBLIC UTILITY COMMISSION

[ 51 PA. CODE CH. 69 ]

[ M-2019-3012599 ]

#### 2019 Amendments to Policy Statement on Customer Assistance Program, 52 Pa. Code §§ 69.261—69.267

On November 5, 2019, the Pennsylvania Public Utility Commission entered its order adopting amendments to the Customer Assistance Program policy statement. The amendments are intended to improve energy affordability for low-income citizens in this Commonwealth by enhancing the electric distribution company and natural gas distribution company customer assistance programs.

Public Meeting held  
September 19, 2019

*Commissioners Present:* Gladys Brown Dutrieuille, Chairperson; David W. Sweet, Vice Chairperson, statement follows; Norman J. Kennard, statement follows, dissenting; Andrew G. Place, statement follows; John F. Coleman, Jr., statement follows, dissenting

*2019 Amendments to Policy Statement on Customer Assistance Program, 52 Pa. Code §§ 69.261—69.267;  
M-2019-3012599*

#### Final Policy Statement and Order

*By the Commission:*

The Public Utility Commission (Commission) hereby adopts customer assistance program (CAP) policy changes and amends the Commission's existing CAP Policy Statement at 52 Pa. Code §§ 69.261—69.267 as set forth in Annex A to this Order. The Commission identified the bases for changes specified in this Order as part of (1) the Commission's staff report titled Home Energy Affordability for Low-Income Customers in Pennsylvania<sup>1</sup> (Energy Affordability Report) and the supplemental information and comments related to that Report; (2) the Commission's ongoing broader review of the provisions and effectiveness of residential universal service programs and policies; and (3) best practices identified through the Commission's review of electric distribution companies' (EDCs) and natural gas distribution companies' (NGDCs) triennial universal service and energy conservation plans (USECPs).

In a proceeding at Universal Service Rulemaking, Docket No. L-2019-3012600 (Universal Service Rulemaking), the Commission will address universal service regulations, including whether to promulgate any of these CAP policy provisions as regulations. That rulemaking will provide opportunity for additional input from stakeholders. We strongly urge the EDCs and the NGDCs to incorporate the CAP policy amendments in their USECPs as fully and quickly as possible so that all stakeholders will have a basis for meaningful input in the Universal Service Rulemaking.

<sup>1</sup> Released via order entered on January 17, 2019, in Energy Affordability for Low-Income Customers, Docket No. M-2017-2587711 (Energy Affordability proceeding). <http://www.puc.pa.gov/pdocs/1602386.pdf>. See also Review of Universal Service and Energy Conservation Programs, Docket No. M-2017-2596907 (Review proceeding).

#### Introduction and Overview

This undertaking began nearly two years ago and involved a holistic review of universal service and energy conservation programs,<sup>2</sup> including a thorough examination of the effects of the Commission's current energy burden thresholds,<sup>3</sup> focusing on whether existing CAP pricing is affordable for low-income customers. We want to extend our sincere gratitude to the utilities and all the other stakeholders (collectively, stakeholders<sup>4</sup>) who participated in workgroup meetings and stakeholder meetings and who submitted comments and information in the Review and Energy Affordability proceedings. The stakeholders are engaged in these fundamental issues daily, and we appreciate the time and attention they have given to this process. It is a far richer product for their contributions. The lessons learned and data gathered throughout this process, as well as the many utility-specific USECP reviews and other proceedings that address universal service issues, have ultimately delivered empirically derived results that have informed our decision making and the policies we hereby adopt.

"Energy burden" is the percentage of household income required to pay for household energy usage. "Universal service and energy conservation" is a collective term for the "policies, protections and services that help low-income customers<sup>5</sup> to maintain service" as mandated by statute.<sup>6</sup> The four universal service programs are: (1) CAPs, which may provide discounted pricing, arrearage forgiveness, and/or other benefits for enrolled low-income residential customers; (2) Low-Income Usage Reduction Programs (LIURPs),<sup>7</sup> which provide weatherization and usage reduction services to help customers reduce their energy utility bills; (3) Customer Assistance and Referral Evaluation Services (CARES), which provide information and referral services for low-income, special needs customers; and (4) Hardship Fund programs,<sup>8</sup> which provide grants to help customers address utility debt, restore service, or stop a service termination. EDCs and NGDCs are required to offer these universal service programs in each distribution territory<sup>9</sup> and to submit updated USECPs every three years for Commission approval.<sup>10</sup> Independent impact evaluations are due every six years.<sup>11</sup> The Commission's CAP Policy Statement provides guidance for utilities in the operation of their CAPs.

<sup>2</sup> Order entered on May 5, 2017, in the Review proceeding.

<sup>3</sup> Order entered on May 10, 2017, in the Energy Affordability proceeding.

<sup>4</sup> As indicated in Appendix B, there were numerous stakeholders in Review and Energy Affordability proceeding. In addition to the participating EDCs and NGDCs and the Energy Association of Pennsylvania (EAP), other active participants included statutory advocates, low-income advocates, industrial user groups, community-based organizations, other agencies, energy marketers, educational institutions, and others. Our appreciation extends to all who participated actively or by observation.

<sup>5</sup> A low-income customer is one with a household income at or below 150% of the Federal Poverty Income Guidelines (FPIG).

<sup>6</sup> Section 2803 of the Electricity Generation Customer Choice and Competition Act, 66 Pa.C.S. §§ 2801—2816 (1997), and Section 2202 of the Natural Gas Choice and Competition Act, 66 Pa.C.S. §§ 2201—2212 (1999), (respectively Electric Competition Act and Natural Gas Competition Act; collectively Competition Acts).

<sup>7</sup> LIURPs are intended to assist low-income customers in conserving energy and reducing residential energy bills. The Commission's LIURP regulations at 52 Pa. Code §§ 58.1—58.18 (promulgated in 1993 and last amended in 1998) require covered energy utilities to establish fair, effective, and efficient energy usage reduction programs for their low-income customers. Chapter 58 was effective January 16, 1993. See 23 Pa.B. 265. Sections 58.2, 58.3, 58.8, and 58.10 were amended effective January 3, 1998. See 28 Pa.B. 25. See 52 Pa. Code § 58.2 for the definition of "covered utility." A utility may spend up to 20% of its annual LIURP budget on customers having an arrearage and whose household income is at or below 200% of FPIG. See 52 Pa. Code §§ 58.1, 58.2, and 58.10.

<sup>8</sup> CARES and Hardship Funds, unlike CAPs, are not covered by express policy statements. CARES and Hardship Funds, unlike LIURP, do not have extensive regulatory or policy provisions.

<sup>9</sup> 66 Pa.C.S. §§ 2203(8) and 2804(9).

<sup>10</sup> 52 Pa. Code §§ 54.74 and 62.4.

<sup>11</sup> 52 Pa. Code §§ 54.76 (a)-(b) (electric) and 62.6 (a)-(b) (natural gas).



In May 2017, the Commission initiated two separate proceedings, referred to herein as the Review and the Energy Affordability proceedings, to conduct a comprehensive review of the policies, practices, and procedures of Pennsylvania's universal service programs, including CAPs. The intent was to review the impact on energy affordability for low-income customers.<sup>12</sup> Based upon this review and the comments in the Review and the Energy Affordability proceedings and other dockets, the Commission identified several opportunities to improve consistency in CAPs and to enhance the benefits of these programs.

Based upon the justifications described herein, the Commission hereby adopts the following changes to the CAP Policy Statement,<sup>13</sup> subject to the requisite implementation processes through the amended CAP Policy Statement adopted by this Order and/or utility-specific proceedings. These policy enhancements and changes are consistent with the Public Utility Code and are reflective of numerous comments submitted by various stakeholders in relevant proceedings.

1.a. Establish new maximum tiered CAP energy burdens of 6% for natural gas heating, 4% for electric non-heating, and 10% for electric heating for FPIG tiers 51%—100% and 101%—150%. For FPIG tier 0%—50%, the maximum energy burdens should be 4% for natural gas heating, 2% for electric non-heating, and 6% for electric heating.

b. Minimum CAP payment requirements should be set in USECP proceedings rather than in the CAP Policy Statement. Utilities may propose alternatives to a flat minimum payment for each account type, such as basing them on the household's FPIG level.

2. Utilities should allow CAP households to retain CAP enrollment when they transfer service within the utility's (or an affiliate's) service territory.

3. Utilities should accept income documentation of at least the last 30 days or 12 months, whichever is more beneficial to the household, when determining CAP eligibility at application or recertification. CAP applications and recertification letters should identify acceptable income timeframes and explain how each may benefit the customer.

4. Eliminate the provision in the CAP Policy Statement that low-income customers must be "payment-troubled" to qualify for CAPs. Utilities may, however, impose such a requirement to prioritize CAP enrollments and control CAP costs if determined appropriate by the Commission.

5. Eliminate the provision in the CAP Policy Statement that a customer should designate the Low Income Home Energy Assistance Program (LIHEAP) grant to the utility sponsoring the CAP (Section 69.265(9)(i)) or be penalized for not applying for LIHEAP (Section 69.265(9)(ii) and (iv)). However, all CAP customers should participate in LIHEAP, if eligible. Eliminate the provisions in the CAP Policy Statement that a LIHEAP grant should be applied to reduce the amount of CAP credits (Section 69.265(9)(iii)).

6. Utilities should exempt CAP customers from late payment charges.

7. Utilities should provide CAP customers with (a) pre-program arrearage (PPA) forgiveness for each on-time and in-full monthly CAP payment regardless of in-CAP

arrears and (b) retroactive PPA forgiveness for any month(s) missed once the household pays its in-CAP/in-program balance/debt in full.

8. Utilities may request Social Security numbers (SSNs) but not require them for household members when verifying identity for CAP enrollment. Utilities and entities acting on their behalf should offer and explain the options on CAP applications and other communications with customers.

9. Maximum CAP credit limits should be set in USECP review proceedings rather than in the CAP Policy Statement and should consist of a tiered structure based on the household's FPIG level (i.e., 0—50%, 51—100%, and 101—150%) which should provide lower income households with higher CAP credit limits. Utilities should notify CAP customers when they approach their CAP credit limits, instruct them to contact the utility if they meet any exceptions, and refer them to LIURP (if eligible)

10. Utilities should establish online CAP applications and allow customers to submit documentation electronically.

11. Utilities should use a standardized zero-income form and develop other industry-wide standardized forms.

12. Establish new maximum recertification timeframes for CAPs and strive to minimize disruptions in CAP participation.

- CAP households reporting no income should be required to recertify at least every six (6) months regardless of LIHEAP participation;

- CAP households with income that participate in LIHEAP annually should be required to recertify at least once every three (3) years;

- CAP households whose primary source of income is Social Security, Supplemental Security Income (SSI), or pensions should be required to recertify at least once every three (3) years; and

- All other CAP households should recertify at least once every two (2) years.

13. Utilities should initiate collection activity for CAP accounts when a customer has no more than two (2) in-program payments in arrears. Customers should not be removed or defaulted from CAP as a precursor to termination for non-payment.

14. Utilities should evaluate household CAP bills at least quarterly to determine whether the customer's CAP credit amount or billing method is appropriate.

15. Utilities should work with stakeholders to develop Consumer Education and Outreach Plans.

16. Utilities should use the definition of "household income" in Chapter 14 of the Public Utility Code.<sup>14</sup>

17. Utilities should be prepared to address recovery of CAP costs (and other universal service costs) from any ratepayer classes in their individual rate case filing.<sup>15</sup>

#### *Background*

This Commission and various stakeholders began to formally address low-income policies, practices, and services at least as early as 1984. See Recommendations for Dealing with Payment Troubled Customers, Docket No.

<sup>12</sup> A general timeline of activities in these two proceedings can be found in Appendix A.

<sup>13</sup> Including housekeeping changes, all seven sections of the CAP Policy Statement will have revisions.

<sup>14</sup> Chapter 14 defines Household Income as "[t]he combined gross income of all adults in a residential household who benefit from the public utility service." 66 Pa.C.S. § 1403 (relating to definitions).

<sup>15</sup> We are not making a final precedential decision regarding cost recovery in this docket.

M-840403.<sup>16</sup> As a result of that proceeding, the energy utilities began filing usage reduction programs and considering how to address arrearages for low-income customers. The summaries below highlight some of the developments in this endeavor.

#### *Customer Assistance Program*

The Commission's CAP Policy Statement at 52 Pa. Code §§ 69.261—69.267 (adopted in 1992 and amended in 1999 and 2010) applies to Class A EDCs and NGDCs with gross intrastate annual operating revenue in excess of \$40 million. It provides guidance on affordable payments and arrearages and establishes a process for utilities to work with the Commission's Bureau of Consumer Services (BCS) to develop CAPs. The Commission balances the interests of customers who benefit from CAPs with the interests of the other residential customers who pay for such programs. See Final Investigatory Order on CAPs: Funding Levels and Cost Recovery Mechanisms, Docket No. M-00051923 (Dec. 18, 2006) (Final CAP Investigatory Order), at 6-7.

#### *Competition Acts*

The universal service provisions in the Competition Acts tie the affordability of electric service to a customer's ability to maintain utility service. The Competition Acts require the Commonwealth to continue, at a minimum, the policies, practices, and services that were in existence to assist low-income customers in affording utility service, as of the effective dates of the respective Competition Acts. 66 Pa.C.S. § 2802(10) for electric and § 2203(7) for natural gas. Universal service programs, including CAPs, are subject to the administrative oversight of the Commission, which must ensure that the utilities run the programs in a cost-effective manner and that services are appropriately funded and available in each utility distribution territory. 66 Pa.C.S. § 2804(9) for electric and § 2203(8) for natural gas.

#### *Universal Service Reporting Requirements*

The utilities have reporting obligations relative to their CAP, LIURP, CARES, and hardship fund programs in their universal service portfolios. The Commission's Universal Service and Energy Conservation Reporting Requirements (Universal Service Reporting Requirements or USRR) for electric utilities at 52 Pa. Code §§ 54.71—54.78 (1998) require each EDC serving more than 60,000 residential accounts to submit an updated USECP every three years to the Commission for approval. 52 Pa. Code § 54.77. Similarly, the Commission's USRR for natural gas utilities at 52 Pa. Code §§ 62.1—62.8 (2000) require each NGDC<sup>17</sup> serving more than 100,000 residential accounts also to submit an updated USECP every three years to the Commission for approval. 52 Pa. Code § 62.7. The Commission has delegated responsibility to BCS for monitoring and evaluating the utilities' universal service programs as part of the Commission's USECP approval process.

#### *Energy Affordability for Low-Income Customers, Docket No. M-2017-2587711*

Energy burdens are addressed in the CAP Policy Statement. On May 5, 2017, the Commission entered an order initiating a study to evaluate residential energy burdens for electric and natural gas service in Pennsylvania and to determine what may constitute an affordable

energy burden for Pennsylvania's low-income households (referred to herein as the Energy Affordability proceeding).<sup>18</sup>

By Secretarial Letter dated October 16, 2017, the Commission notified the major jurisdictional energy distribution companies of its intent to conduct an energy affordability study and requested specific information from the eight major NGDCs and seven major EDCs for the years 2012—2016. The EDCs and NGDCs that reported data to the Commission include the following:

EDCs: Duquesne Light Co. (Duquesne), Metropolitan Edison Co. (Met-Ed), PECO Energy Co. (PECO Electric), Pennsylvania Electric Co. (Penelec), Pennsylvania Power Co. (Penn Power), PPL Electric Utilities Corp. (PPL), and West Penn Power Co. (WPP).<sup>19</sup>

NGDCs: Columbia Gas of Pennsylvania (Columbia), PECO Energy Co. (PECO Gas), National Fuel Gas Distribution Corp. (NFG), Peoples Natural Gas Co. (Peoples), Peoples-Equitable Division (Peoples Equitable), Philadelphia Gas Works (PGW), UGI Utilities Inc.—Gas (nka UGI South) and UGI Penn Natural Gas (nka UGI North).<sup>20</sup>

Commission staff analyzed and used the data submitted by the NGDCs and the EDCs, in conjunction with U.S. census data and data provided pursuant to universal service and collections reporting (USR) requirements,<sup>21</sup> to develop the Energy Affordability Report.

By Order entered on January 17, 2019, (January 2019 Order), the Commission released the Energy Affordability Report, requested additional supplemental information and data from the EDCs and NGDCs, and established a comment/reply comment period. The January 2019 Order also scheduled a stakeholder meeting for February 6, 2019, to address questions and facilitate discussion about the Energy Affordability Report. On March 7, 2019, the Commission issued a Secretarial Letter providing additional clarifications regarding the supplemental information requested from the utilities and establishing new deadlines for comments and reply comments.<sup>22</sup>

#### *Review of Universal Service and Energy Conservation Programs, Docket No. M-2017-2596907*

On May 10, 2017, the Commission entered an order initiating a comprehensive review of the Universal Service and Energy Conservation model (referred to herein as the Review proceeding).<sup>23</sup> This Review included a review of CAP policies, CAP programs, and CAP effectiveness. On July 14, 2017, pursuant to the May 10 Order, the Commission published a report developed by the Law Bureau with the assistance of the BCS on the statutory, regulatory, and policy frameworks of existing Universal Service and Energy Conservation Programs. The July 2017 Report also outlined the processes required to initiate any proposed changes to the existing universal service regulatory and policy frameworks.

The May 10 Order invited interested parties to provide input on their priorities, concerns, and suggestions for amending and improving any or all aspects of universal service programs. Approximately 65 parties, separately or

<sup>18</sup> For a more detailed list of activities in Docket No. M-2017-2587711, see Appendix A.

<sup>19</sup> Met-Ed, Penelec, Penn Power, and WPP are collectively referred to as "FirstEnergy" or the "FirstEnergy utilities."

<sup>20</sup> Peoples and Peoples-Equitable are collectively referred to as "Peoples." UGI South and UGI North are collectively referred to as "UGI."

<sup>21</sup> USR Requirements, 52 Pa. Code §§ 62.1—62.8 (natural gas) and 54.71—54.78 (electric).

<sup>22</sup> For a full list of stakeholders who filed or participated in Docket No. M-2017-2587711, see Appendix B.

<sup>23</sup> For a more detailed list of activities in Docket No. M-2017-2596907, see Appendix A.

<sup>16</sup> This docket number is also cited as Docket No. M-00840403.

<sup>17</sup> City NGDCs have similar requirements as well. 66 Pa.C.S. § 2212(b).

jointly, filed comments and/or reply comments. In addition, BCS coordinated a stakeholder meeting on September 13-14, 2017, to gather feedback on the previously submitted comments and any other priorities, concerns, or suggested changes pertaining to the universal service programs. Approximately 24 organizations participated in the stakeholder meetings, either in-person or by telephone.<sup>24</sup>

On March 28, 2018, the Commission issued a Secretarial Letter releasing the Staff Report Summarizing Public Comments, Feedback and Suggestions Regarding Universal Service and Energy Conservation Programs. The Secretarial Letter also established a Universal Service Working Group (USWG) to further explore universal service policies and practices. The USWG has convened four times<sup>25</sup> to discuss, inter alia, standardizing zero income forms, revising the USECP filing schedule, and the Energy Affordability for Low-Income Customers proceeding.

#### *Other Open Universal Service Proceedings*

Beyond the issues addressed in this Order, the Commission is also evaluating other potential changes to universal service programs, including CAPs, in other open proceedings. They include Initiative to Review and Revise the Existing LIURP Regulations at 52 Pa. Code §§ 58.1—58.18, at Docket No. L-2016-2557886 (LIURP Rulemaking); Staff Review of CAP Final Billing Methods, Docket No. M-2019-3010190; Universal Service Reporting Working Group (USRWG), Docket No. M-2019-3011814; and Universal Service Rulemaking, Docket No. L-2019-3012600.

Additionally, the Commission acts on each utility's proposed USECPs and petitions to amend existing USECPs. Further, the costs of universal service programs, including CAPs are addressed in utility-specific rate proceedings.

#### *Changes to Caps and the Cap Policy Statement*

Based on the data and stakeholder proposals received during the Review and Energy Affordability proceedings, as well as best practices identified in Commission reviews of USECPs, as noted and listed above, we identified several areas for improvement in our CAP Policy Statement, as adopted herein.<sup>26</sup> Utilities will have the opportunity to implement these CAP policy changes through voluntary compliance with the amended CAP Policy Statement or to address the matters in utility-specific proceedings and/or as promulgated regulations. Any matters that cannot be resolved by voluntary compliance with Commission policy will be addressed in utility-specific proceedings.

The CAP policy provisions hereby amended in or added to the CAP Policy Statement are discussed below.

1.a. Establish new maximum tiered CAP energy burdens of:

- 6% for natural gas heating, 4% for electric non-heating, and 10% for electric heating for FPIG tiers 51%—100% and 101%—150%; and
- 4% for natural gas heating, 2% for electric non-heating, and 6% for electric heating for FPIG tier 0%—50%.

The 1992 CAP Policy Statement recommended that a CAP customer's total electric or combined natural gas and

electric energy burden should not exceed 15% for the highest low-income FPIG group. That maximum was increased to a range of 15—17% in 1999. Table 1 below indicates the energy burden ranges in Section 69.625 of the CAP Policy Statement, as changed in 1999, for the FPIG groups and the nature of energy usage in the household.

**Table 1**  
**Existing CAP Policy Statement Maximum Energy Burden Ranges<sup>27</sup>**

<i>Utility Service</i>	<i>0—50% FPIG</i>	<i>51—100% FPIG</i>	<i>101—150% FPIG</i>
Non-Heating Electric	2%—5%	4%—6%	6%—7%
Natural Gas Heating	5%—8%	7%—10%	9%—10%
Electric Heating	7%—13%	11%—16%	15%—17%

Under the Commission's CAP Policy Statement, if a customer's energy burden falls within the established ranges, it is considered an acceptable energy burden for a low-income household.

In an order entered on May 5, 2017, at Docket No. M-2017-2587711, the Commission noted that (1) residents falling below 50% of the FPIG pay an average of 30% of their income on home energy costs alone;<sup>28</sup> and (2) national low-income energy burden models suggest establishing energy burdens between 6%<sup>29</sup> and 11%<sup>30,31</sup> of household income. May 5 Order at 2-3. The Commission directed BCS to initiate a study to determine what constitutes an affordable energy burden for Pennsylvania's low-income households and identify what policy changes are needed to bring universal service programs into alignment with any affordability recommendations. May 5 Order at 4 and Ordering Paragraph (OP) # 1.

#### *Review of Universal Service and Energy Conservation Programs, Docket No. M-2017-2596907*

#### *Comments from Parties*

During the Review proceedings, several stakeholders recommended the Commission establish a maximum 6% energy burden for electric and natural gas service. Stakeholders supporting this position included the Pennsylvania Service Providers,<sup>32</sup> PA Energy Efficiency for All Coalition (PA-EEFA),<sup>33</sup> the Low Income Advocates,<sup>34</sup> and the Weatherization and Conservation Collaborative (WCC). Pennsylvania Service Providers Comments at 3; Low Income Advocates Comments at 16—19; PA-EEFA Comments at 6; and WCC Comments at 6.

<sup>27</sup> 52 Pa. Code § 69.265(2)(i)(A)—(C).

<sup>28</sup> Fisher, Sheehan & Colton, *The Home Energy Affordability Gap 2015: Pennsylvania* (Public Finance and General Economics, 2nd Ser. 2016), at 1.

<sup>29</sup> Applied Public Policy Research Institute for Study and Evaluation, *LIHEAP Energy Burden Evaluation Study* (2005). <http://www.appriseinc.org/reports/LIHEAP%20BURDEN.pdf>.

<sup>30,31</sup> New York State Energy Research Development Authority, *Home Energy Affordability in New York: The Affordability Gap (2008—2010)* (2011). <http://www.fscnline.com/downloads/Papers/2011%2006%20NYSERDA%20AffordGap.pdf>.

<sup>32</sup> The Pennsylvania Service Providers are AARP Pennsylvania; ACTION Housing, Inc.; Community Justice Project; Disability Rights Pennsylvania; Health, Education, and Legal Assistance Project; Homeless Advocacy Project; Interim House, Inc.; Just Harvest; Laurel Legal Services; Legal Aid of Southeastern Pennsylvania; MidPenn Legal Services; Neighborhood Legal Services Association; North Penn Legal Services; Pennsylvania Coalition Against Domestic Violence; Pennsylvania Council of Churches; Pennsylvania Institutional Law Project; Pennsylvania Legal Aid Network; Philadelphia Legal Assistance; Regional Housing Services; SeniorLAW; Southwestern Pennsylvania Legal Services, Inc.; The Women's Center, Inc.; The Women's Resource Center; Stephen R. Krone; and Medna D. Makhlof.

<sup>33</sup> PA-EEFA are the Keystone Energy Efficiency Alliance; Housing Alliance of Pennsylvania; Green and Healthy Homes Initiative; National Consumer Law Center; National Housing Trust; and Natural Resources Defense Council.

<sup>34</sup> The Low Income Advocates are the Coalition for Affordable Utility Services and Energy Efficiency in Pennsylvania (CAUSE-PA); Tenant Union Representative Network (TURN); and Action Alliance of Senior Citizens of Philadelphia (Action Alliance).

<sup>24</sup> For a full list of stakeholders who filed or participated in Docket No. M-2017-2596907, see Appendix B.

<sup>25</sup> The USWG met on May 7, 2018, July 18, 2018, September 27, 2018, and February 6, 2019. A separate working group also met on July 30, 2019, to discuss the USRR at Docket No. M-2019-3011814.

<sup>26</sup> We are also making some housekeeping changes to the CAP Policy Statement.

PECO estimates that if a 6% energy burden requirement is implemented, it would increase annual CAP Credit expenditures<sup>35</sup> by \$72 million for electric and \$14 million for natural gas. PECO Reply Comments at 4.

FirstEnergy estimates lowering the energy burden to 6% for all CAP participants would result in additional annual CAP costs of approximately \$5.2 million for Met-Ed, \$5.9 million for Penelec, \$1.5 million for Penn Power, and \$9.5 million for West Penn. These projected costs would increase the current level of CAP credit costs for these utilities by 46% annually. FirstEnergy Reply Comments at 10.

EAP points out that the energy assistance programs in New Jersey and Maryland, which have energy burdens closer to 6%, have a much smaller scope and cost than PA's utility-funded programs. It submits that universal service programs are not intended to be a "catch-all" solution for every Pennsylvanian who might struggle to pay energy bills. EAP Reply Comments at 3. PGW also asserts that universal service programs are not government programs to help solve poverty in PA. PGW Reply Comments at 6—8.

The Low Income Advocates maintain the Commission has a legal obligation to ensure that universal service programs provide affordable electricity and natural gas service through appropriately funded, available, and cost-effective programming. Low Income Advocates Reply Comments at 4.

*Energy Affordability Report and January 2019 Order, Docket No. M-2017-258771*

The Energy Affordability Report noted that CAP customers—despite receiving discounted payments and/or debt forgiveness—had significantly higher energy burdens in comparison to non-CAP residential customers. While non-CAP residential customers had an average combined energy burden of 4% for combined natural gas and electric services during the 2012—2016 study period, the average energy burdens were 7% to 8% for NGDC CAP heating customers, 5% to 6% for EDC non-heating CAP customers (i.e., natural gas heating CAP customers had a combined energy burden of 12% to 14%), and 8% to 10% for EDC CAP heating customers. The study also revealed that CAP households in the 0—50% FPIG level, regardless of heating or non-heating status and energy type, often had energy burdens exceeding the CAP Policy Statement maximum levels of 5% to 13%. Energy Affordability Report at 18—31.

The Energy Affordability Report also noted that Pennsylvania's neighboring states had significantly lower maximum energy burdens for utility low-income program participants. Ohio limits energy burdens to 10% for electric heating program participants,<sup>36</sup> and New York<sup>37</sup> and New Jersey<sup>38</sup> have maximum energy burdens of 6%

<sup>35</sup> Decreases to the energy burden level will primarily increase CAP credit expenditures but could also increase PPA forgiveness costs as more customers in debt may participate due to this change. References to "CAP costs" in this document refer to the total costs for the program (i.e., CAP Credits, PPA forgiveness, and administration).

<sup>36</sup> The Energy Affordability Report incorrectly identified 10% as the maximum energy burden for all participants in Ohio's CAP (i.e., Percentage of Income Payment Plan Plus (PIPP)). The 10% maximum energy burden applies only to electric heating customers. PIPP customers with natural gas heating can have a maximum energy burden of 12%: 6% for natural gas heating and 6% for electric non-heating. [https://www.development.ohio.gov/is/is\\_pipp.htm](https://www.development.ohio.gov/is/is_pipp.htm).

<sup>37</sup> See New York Public Service Commission's Order Adopting Low Income Program Modifications and Directing Utility Filings, Case 14-M-0565 (effective May 20, 2016), at 3. NOTE: New York also limited the budget for each utility's payment assistance program to 2% of revenues for sales to end-use customers. These costs are recovered from all ratepayer classes. NY May 2016 Order at 3-4.

<sup>38</sup> New Jersey requires Universal Service Fund (USF) customers to pay energy burdens of 3% for natural gas service, 3% for electric non-heating, and 6% for electric heating. The discount provided to customers is based on the difference between their annual utility bills (after LIHEAP is applied) and required percentage of household income. <https://www.state.nj.us/dca/divisions/dhcr/faq/usf.html#q1>.

for electric and natural gas service. Energy Affordability Report at 84.

Commission staff developed an energy burden model for the Energy Affordability Report to determine the estimated cost of establishing a 10% maximum energy burden for Pennsylvania's CAPs that parallels Ohio's maximum energy burden for its electric heating customers. Based on 2012 to 2016 average CAP bills and income levels, the Energy Affordability Report estimated the total amount of additional discounts (i.e., CAP credits) needed to establish maximum energy burdens of 6% for natural gas heating, 4% for electric non-heating, and 10% for electric heating to be approximately \$102 million per year, not accounting for inflation. The increase in CAP credits equates to approximately \$32 million for natural gas heating, \$62 million for electric non-heating, and \$9 million for electric heating. The Energy Affordability Report estimated these additional CAP Credits would increase non-CAP residential ratepayers' natural gas and electric bills by an average of \$14.52 annually (\$1.21 monthly). However, average increases would vary among the utilities. Energy Affordability Report at 100—107.

The January 2019 Order directed EDCs and NGDCs to provide cost forecasts based on the 10% maximum energy burden for 2017 through 2021. January 2019 Order at OP # 5(b).<sup>39</sup>

#### *Comments from Parties*

Utility and stakeholder comments on establishing a maximum 10% energy burden focused primarily on whether such a change is warranted, its potential impact on program design, and its potential costs.

#### *Whether to change the maximum energy burden*

NFG, EAP, and PPL contend the analysis and data in the Energy Affordability Report do not support making any changes to maximum energy burdens in the CAP Policy Statement. NFG Comments at 2, EAP Comments at 4, and PPL Reply Comments at 4. NFG disputes the Report's implication that factors such as payment behavior, utility debt, and termination rates signal a need for changing the CAP maximum energy burdens. NFG Comments at 4.

NFG and EAP argue the Energy Affordability Report does not consider other variables impacting energy affordability—including cost of energy, cost of living, economic trends, employment statistics, and other expenses. NFG Comments at 5 and EAP Comments at 5.

EAP, Columbia, and Duquesne contend that addressing all factors that may influence energy affordability is primarily the function of government programs and policies. Although CAPs play a part in making electric and natural gas utility service affordable for low-income customers, CAPs should not be used to subsidize the impact of other non-utility costs (e.g., housing costs, etc.). EAP Comments at 5, Columbia Comments at 4, and Duquesne Reply Comments at 4.

NFG, Columbia, and EAP recommend the Commission allow utilities to retain flexibility to tailor its universal service programs to fit the unique needs and characteristics of its service territories. NFG Comments at 5, Columbia Comments at 3, and EAP Reply Comments at 5. Columbia explains utility-specific programs work to the benefit of CAP customers and non-CAP residential ratepayers:

<sup>39</sup> The Commission provided further clarifications of these estimates via a Secretarial Letter issued on March 7, 2019. On April 8, 2019, all EDCs and NGDCs filed and served the requested projections.

A utility specific design has multiple benefits. It allows the utility to design a program that best addresses its particular customer base whether rural or urban, elderly or working poor and other outreach considerations. It also allows for utilities to be cognizant of the goal of these programs, and to reduce the overall cost of serving their specific low income customer population using funds provided by non-participating customers. The primary objectives of the program should be to assist those in need to afford their energy bills, specifically their [natural] gas and electric bills, while minimizing the burden on non-participating customers.

Columbia Comments at 4.

OCA maintains that Pennsylvania's CAPs, as currently designed, are working reasonably well. Based on available data, OCA cannot conclude that a maximum 10% energy burden is appropriate for Pennsylvania CAPs. Rather than changing the maximum energy burdens, OCA suggests making other modifications in CAPs to improve affordability, including revising minimum payment requirements for the lowest income customers and using budget billing to ensure that affordable annual energy burdens result in affordable monthly energy burdens. OCA Comments at 6-7, 20-21, Appendix A at 20—22, 110.

The Low Income Advocates argue the Commission should act now to reduce energy burdens, noting that involuntary termination rates are 200% to 450% higher for EDC low-income customers, and 175% to 240% higher for NGDC low-income customers, than residential customers as a whole. Low Income Advocates Comments at 5—7. They recommend establishing a maximum 6% energy burden (3% for electric and 3% for natural gas); however, they assert that a reduction to 10% would help to address energy affordability issues for low-income customers in Pennsylvania. The Low Income Advocates support maintaining tiered maximum energy burden levels, with the lowest income customers (0—50% of the FPIG) limited to 6%. Low Income Advocates Comments at 36—39.

#### *Impact on Program Design*

The Low Income Advocates recommend a statewide CAP design that is based on a percent-of-income payment (PIP) or average bill (whichever is less), allows for transitional forgiveness of program arrears accrued through the previous “unaffordable” CAP design, provides arrearage forgiveness for all full tariff bills upon CAP enrollment and re-enrollment, and allows all income-eligible customers to enroll. Low Income Advocates at 22. The Low Income Advocates contend that universal service programs that fail to help customers maintain utility service run contrary to the mandates of the Competition Acts.<sup>40</sup> Low Income Advocates Comments at 10.

Columbia contends its CAP payment options—which consist of a PIP (7% or 9% of income), average payment, or 50% of the budget bill—is designed to maximize the amount a customer can pay, while keeping payments affordable. Currently, Columbia CAP customers have an average energy burden of 4.2%. A switch to a PIP requiring payments of 6% of income could increase default rates, collection activity, and bad debts. Further, a PIP does not give the customer an incentive to conserve

energy and some customers may pay less than they can afford. Columbia Comments at 5—7. OCA also supports maintaining payment options for CAP customers, rather than establishing a straight PIP for all CAPs. OCA Reply Comments at 8.

PPL maintains that having flexibility to design its own CAP within the guidelines of the CAP Policy Statement better serves the needs of its low-income customers. PPL Comments at 3—5.

Columbia, PGW, and OCA separately recommend that any CAP design should consider the impact of LIHEAP when determining the appropriate energy burden. Columbia Comments at 7, PGW Comments at 3, and OCA Comments at 17-18. OCA asserts that many states—including Ohio, New Jersey, New York, Maryland, Colorado, Nevada, Maine, and Illinois—first apply LIHEAP to reduce the customer's anticipated annual bill before determining the amount of ratepayer assistance needed to attain the target energy burden. OCA Reply Comments at 3.

NFG asserts that CAP design can be influenced by factors such as age and condition of residences, average household size, usage rates, cost of living, quality of appliances, and poverty level in the service territory. NFG Comments at 5. NFG recommends that any potential changes to the CAP maximum energy burdens should also take energy conservation into account. NFG CAP customers receive a discount off their monthly bill but can also save more by reducing energy usage. Further, all NFG CAP customers receive energy education to help them conserve natural gas and are referred to LIURP and other programs, as appropriate. NFG Comments at 6—8.

NFG reports that almost all of its CAP customers had average energy burdens below 6% from 2012 to 2016. Only in 2016 did NFG customers with incomes at or below 50% of the FPIG experience an average energy burden of 7.84%.<sup>41</sup> NFG Comments at 2-3.

The Low Income Advocates recommend that (1) any new energy burden target be a ceiling (maximum) for CAP payments, not a floor (minimum); and (2) the Commission should direct utilities to eliminate CAP cost control design elements—such as CAP Plus charges, PPA co-pays, and minimum payment requirements—which would cause customers to exceed the maximum energy burden. Low Income Advocates Comments at 14—16. Columbia and OCA support maintaining these cost control measures. Columbia Comments at 7-8 and OCA Reply Comments at 8.

EAP argues that elimination of co-pays and minimum payment requirements would harm customers who pay for these programs, particularly those just above the CAP income-eligibility thresholds. EAP Reply Comments at 4-5. EAP also argues the Competition Acts intended universal service programs to help customers pay their electric/natural gas bills, not provide free or near-free utility service. EAP Reply Comments at 4.

PGW contends that PIPs will fail to make energy affordable for customers with incomes at or below 50% of the FPIG generally, and for customers with incomes at or below 25% of the income specifically. Minimum payment requirements will ensure that these customers always have energy burdens exceeding program targets. Customers at these income levels often have a myriad of issues that they are dealing with, including lack of income, that

<sup>40</sup> 66 Pa.C.S. § 2202 defines natural gas “universal service and energy conservation” as “Policies, practices and services that help residential low-income retail [natural] gas customers and other residential retail [natural] gas customers experiencing temporary emergencies, as defined by the commission, to maintain natural gas supply and distribution services. . . .”

<sup>66</sup> Pa.C.S. § 2803 defines electric “universal service and energy conservation” as “Policies, protections and services that help low-income customers to maintain electric service. . . .”

<sup>41</sup> NFG notes that customers reporting zero income, who are charged the minimum payment, slightly inflated this average. Excluding zero-income customers reduces the 2016 average energy burden for CAP customers at or below 50% of the FPIG to 6.9%. NFG Comments at 4.

require an integration of social services and other programs to address. PGW Comments at 1-2, Exhibit A. The Low Income Advocates agree with PGW that societal issues contribute to energy unaffordability but maintain that bill assistance is a critical component in helping low-income households. Low Income Advocates Reply Comments at 8.

OCA and Duquesne oppose establishing flat maximum energy burdens for all income tiers. They recommend that the Commission maintain maximum energy burden ranges based on household poverty levels, as exists in the current CAP Policy Statement. These ranges allow for flexibility as energy affordability can differ by service territory and household size. Further, tiered energy burden maximums allow for the lowest income customers to receive the highest amount of assistance. OCA Comments at 6, 13-14, Appendix A at 69-72, 110, and Duquesne Reply Comments at 3.

PECO projects no negative impact to CAP bills if it switched from the tiered energy burden ranges to a flat 10% maximum energy burden. For example, all income

tiers would experience a reduction if non-heating electric bills were limited to 4% of household income. PECO Comments at 10.

*Cost Estimates of Implementing a 10% Maximum Energy Burden* (4% for electric non-heating, 6% for natural gas heating, and 10% for electric heating)

As noted above, the January 2019 Order and the March 2019 Secretarial Letter requested that the utilities provide estimates of projected costs if they were to implement a 10% maximum energy burden (4% for non-heating electric, 6% for natural gas heating, or 10% for electric heating) using PIP billing. Stakeholders also provided comments. These estimates do not necessarily reflect the CAP costs associated with only reducing the maximum CAP energy burden to 10% and allowing utilities to maintain current CAP payment plans.<sup>42</sup>

Tables 2 and 3 below reflect the estimated impact (increase/decrease) on actual or projected total CAP costs if EDCs and NGDCs charged CAP customers either the 10% PIP or their average bill, whichever is less.<sup>43</sup>

**Table 2**  
**Charging 4% (for non-heating) and 10% (for heating) of Household Income or Average Bill**  
**Estimated Increase/Decrease on EDC CAP Spending 2016—2021**

	2016	2017	2018	2019	2020	2021
Duquesne	\$8,517,888	\$4,986,086	\$4,704,692	\$3,548,757	\$121,957	\$520,094
Met-Ed	(\$2,557,430)	(\$1,884,001)	(\$4,051,910)	(\$4,948,532)	(\$16,131,506)	(\$6,019,088)
PECO-E&NG	\$17,895,406	\$28,719,829	\$34,827,539	\$38,534,186	\$37,438,236	\$37,468,934
Penelec	(\$3,064,101)	(\$2,228,239)	(\$3,157,557)	(\$5,881,713)	(\$8,207,708)	(\$7,635,153)
Penn Power	(\$612,118)	(\$598,054)	(\$714,904)	(\$926,342)	(\$1,440,647)	(\$1,718,785)
PPL	\$6,382,930	\$7,750,910	\$3,553,968	(\$4,377,290)	(\$4,080,746)	(\$3,814,822)
WPP	(\$7,617,110)	(\$3,091,623)	(\$3,512,610)	(\$4,963,130)	(\$6,498,258)	(\$8,483,698)
<i>Totals</i>	\$18,945,465	\$33,654,908	\$31,649,218	\$20,985,936	\$1,201,328	\$10,317,482

**Table 3**  
**Charging 6% of Household Income or Average Bill**  
**Estimated Increase/Decrease on NGDC CAP Spending 2016—2021**

	2016	2017	2018	2019	2020	2021
Columbia	(\$4,640,392)	(\$4,814,045)	(\$4,418,657)	(\$4,542,764)	(\$4,325,384)	(\$4,477,724)
NFG	\$656,745	\$644,967	\$630,300	\$193,736	\$3,863	(\$134,539)
Peoples Gas	(\$4,858,332)	(\$6,690,097)	(\$6,316,213)	(\$3,311,870)	(\$3,313,457)	(\$3,315,091)
Peoples EQT	(\$2,444,408)	(\$3,857,760)	(\$4,278,314)	(\$867,284)	(\$868,372)	(\$869,492)
PGW	\$23,672,259	\$21,418,115	\$17,920,122	\$18,211,245	\$18,211,245	\$18,211,245
UGI S	\$691,013	\$793,167	\$865,443	\$885,302	\$929,580	\$976,095
UGI N	\$757,295	\$713,289	\$836,679	\$911,566	\$951,807	\$957,137
<i>Totals</i>	\$13,834,180	\$8,207,636	\$5,239,360	\$11,479,931	\$11,589,282	\$11,347,631

FirstEnergy estimated that adopting a maximum 10% energy burden would have minimal total cost impacts and possible administrative advantages. FirstEnergy CAPs currently have maximum energy burden of 3% for electric non-heating accounts and 9% for electric heating accounts; a change to 4% and 10% maximum energy burdens could result in program savings. FirstEnergy Comments at 2-3. PPL estimated that a 10% maximum energy burden would have minimal total cost impacts for its CAP. PPL calculated that CAP customers with incomes between 0% and 50% and between 51% and 100% of the

FPIG would see lower CAP bills (resulting in an increase of \$1.7 million and \$600,000 in CAP credits, respectively) and that CAP customers with incomes between 101% and

<sup>42</sup> These cost projections for the utilities that use PIP-based CAP payment plans may be the most accurate, based on the supplemental information. This includes PECO, PGW, UGI, Peoples, and FirstEnergy. Peoples' projection may, however, have been low because the projection did not include the projected cost of PPA forgiveness in the estimates.

<sup>43</sup> The estimated cost impacts of a 10% maximum energy burden level are the difference between the historical and the projected costs of CAPs based on current models (using the 2016-2018 historical CAP costs and the utility projections for 2019-2021) and the projected costs of a PIP CAP with the 10% maximum energy burden levels (based on the supplemental information filed by utilities on April 8, 2019).

150% of the FPIG would see higher CAP bills (resulting in a reduction of \$6 million in CAP credits annually). Overall, a change to a 10% maximum energy burden could reduce PPL's CAP costs by \$3.7 million per year. PPL Comments at 3–5. PECO estimated that adopting a 10% maximum energy burden would increase its total CAP costs by \$38.5 million annually (from \$59.3 million to \$97.8 million). PECO Comments at 8.

Peoples, Columbia, and NFG reported that their CAP customers, on average, routinely have energy burdens below 6%. Other utilities, such as Duquesne and UGI, estimated CAP cost increases of less than \$1 million per year. Only PECO and PGW projected larger annual CAP

cost increases based on lowered maximum energy burdens, approximately \$38 million and \$18 million, respectively.

EAP observed that CAP costs totaled \$331 million in 2017<sup>44</sup> and that adding another \$102 million in annual costs<sup>45</sup> to achieve a 10% maximum energy burden would be a 30% increase. EAP Comments at 10-11.

Residential ratepayers bear the cost of CAP programs. Tables 4 and 5 below reflect the estimated impact (increase/decrease) on monthly universal service charges on residential ratepayer bills if CAP customers were charged either a PIP (4%, 6%, or 10%) or their average bill, whichever is less.

**Table 4**  
**Charging 4% (for non-heating) and 10% (for heating) of Household Income or Average Bill**  
**Estimated Increase/Decrease on Monthly EDC Ratepayer Bills 2016–2021**

	2016	2017	2018	2019	2020	2021
Duquesne*	\$1.46	\$0.84	\$0.78	\$0.59	\$0.02	\$0.08
Met-Ed	-\$0.43	-\$0.31	-\$0.67	-\$0.82	-\$2.64	-\$0.98
PECO- E& NG <sup>46</sup>	\$1.02	\$1.62	\$1.94	\$2.13	\$2.05	\$2.04
Penelec	-\$0.51	-\$0.37	-\$0.52	-\$0.98	-\$1.36	-\$1.27
Penn Power	-\$0.36	-\$0.35	-\$0.41	-\$0.53	-\$0.82	-\$0.97
PPL	\$0.43	\$0.53	\$0.24	-\$0.30	-\$0.28	-\$0.26
WPP	-\$1.02	-\$0.41	-\$0.47	-\$0.66	-\$0.86	-\$1.12

\*Duquesne recovers CAP costs only from non-CAP residential customers.

**Table 5**  
**Charging 6% of Household Income or Average Bill**  
**Estimated Increase/Decrease on Monthly NGDC Ratepayer Bills 2016-2021**

	2016	2017	2018	2019	2020	2021
Columbia	-\$1.05	-\$1.08	-\$0.99	-\$1.01	-\$0.95	-\$0.98
NFG	\$0.29	\$0.28	\$0.28	\$0.09	\$0.00	-\$0.06
Peoples Gas	-\$1.30	-\$1.77	-\$1.66	-\$0.87	-\$0.86	-\$0.86
Peoples EQT	-\$0.89	-\$1.37	-\$1.52	-\$0.30	-\$0.30	-\$0.30
PGW*	\$3.13	\$2.82	\$2.35	\$2.37	\$2.36	\$2.35
UGI South	\$0.17	\$0.19	\$0.20	\$0.20	\$0.20	\$0.21
UGI North	\$0.43	\$0.40	\$0.46	\$0.49	\$0.51	\$0.51

\*PGW recovers CAP costs from all customer classes. Allocation amounts change annually, but approximately 3/4 of these costs are recovered from residential customers. We have used a recovery allocation of 75% for residential ratepayers for 2016 through 2021.

PPL and UGI's monthly universal service charges on residential ratepayer bills would likely increase by approximately \$0.50 or less. PGW estimated that its residential customers could see average monthly increases of

approximately \$2.55. PECO estimates that such a change would require its residential non-CAP customers to pay an average monthly increase of \$2.21 for CAP costs.<sup>47</sup> PECO Comments at 8.

<sup>44</sup> Actual EDC and NGDC annual CAP spending in 2017 totaled \$330,924,928. 2017 Report on Universal Service Program & Collections Performance at 73.

<sup>45</sup> The Energy Affordability Report estimated a maximum 10% energy burden for CAP customers could increase program costs by approximately \$102,439,768 per year. Report at 107–110.

<sup>46</sup> PECO's supplemental information did not break down the projected cost impacts of the CAP PIP model by fuel type. Therefore, we have combined the estimated cost impacts for PECO's electric and natural gas CAPs.

<sup>47</sup> PECO reported current monthly universal service costs recovered from residential ratepayers are \$4.31 for electric and \$3.21 for natural gas. PECO Comments at 4.

*Discussion*

The Commission agrees with the Low Income Advocates that the current maximum energy burden ranges based on the FPIGs in the CAP Policy Statement do not reflect reasonable or affordable payments for many low-income customers. This would be our conclusion even if the currently specified burdens are considered only presumptively reasonable or affordable.

The Energy Affordability Report noted that many CAP customers—despite receiving discounted payments and/or PPA forgiveness—had significantly higher energy burdens on average in comparison to non-CAP customers. While non-CAP customers had an average combined energy burden of 4%, the average combined energy burden for gas-heating CAP customers was 12% to 14%.<sup>48</sup>

Neighboring states have established low-income energy burden thresholds well below Pennsylvania's ranges. Ohio limits electric heating customer payments to 10% of income, and natural gas heating customers (combined with electric non-heat) pay no more than 12% of income. The maximum energy burden for New York's and New Jersey's payment assistance programs is 6% for combined natural gas and electric service.<sup>49</sup>

We acknowledge the points raised by several stakeholders that there are significant differences in the low-income programs of other states such as program objectives, limiting participation to LIHEAP recipients, incorporating LIHEAP into program discounts, state government administration, recovering costs from all ratepayers, differing electric/natural gas usage, housing costs, and much lower annual budgets and spending. EAP Comments at 18–20; PGW Comments at 12–15, Exhibit B; OCA Comments at 9–11, Appendix A at 5–7, 49–60. Despite these programmatic and policy differences, it is still worth noting that, of the states surveyed, no state except Pennsylvania considers energy burdens exceeding 12% to be appropriate for low-income customers.

*Establishing a Recommended Maximum 10% Energy Burden for CAP Participants with Incomes Between 51% and 150% of the FPIG*

As early as 2006, the Commission questioned whether the CAP Policy Statement maximum energy burdens may be too high. In the Final CAP Investigatory Order, the Commission stated that “our policy requiring a low-income household to pay 17% of . . . household income for home energy services compared with an average household [that] pays about 5% of [household] income may need to be revised.” Final CAP Investigatory Order at 48.

Further, the Commission has previously described customer energy payments greater than 10% of household income as “unreasonable”:

The highest minimum payment reflects 10% of a typical public assistance grant for a household of three who receives \$403 per month from a Temporary Assistance to Needy Families [TANF] grant. *Considering that an average household in Pennsylvania has an energy burden of 4.8%, it is unreasonable to expect the poorest households to pay more than 10%* (emphasis added).

<sup>48</sup> Energy Affordability Report at 6.

<sup>49</sup> Although not a neighboring state, Illinois has an Energy Assistance Program administered by the state's Department of Commerce and Economic Opportunity. The Illinois PIP provides that customers are charged a maximum of 6% of their income for natural gas and electric service. The maximum PIP credit a customer can receive is \$150 per month (\$1,800 annually). Funding is subject to appropriation from the Illinois General Assembly. The Illinois model requires customers to be enrolled in LIHEAP. 305 ILCS 201–20/18. See particularly <http://www.ilga.gov/legislation/ilcs/documents/030500200K18.htm>.

*Final CAP Investigatory Order at 59.*

The Commission continues to agree with this assessment—particularly now that the average residential energy burden for jurisdictional natural gas and electric service is closer to 4%—and finds that a maximum 10% energy burden for CAP households with incomes between 51% and 150% of the FPIG is reasonable. Specifically, the amended CAP Policy Statement reflects new maximum CAP energy burdens of 6% for natural gas heating, 4% for electric non-heating, and 10% for electric heating for CAP households with incomes between 51% and 150% of the FPIG. These energy burden thresholds should be considered maximum ceilings for CAP payments, not required minimum amounts.

The cost projections provided by EDCs and NGDCs, based on a hypothetical in which each utility would adopt a PIP CAP, suggests that establishing a 10% maximum energy burden for CAP customers with incomes between 51% and 150% of the FPIG will not significantly increase CAP costs for most utilities.

*Establishing a Recommended Maximum 6% Energy Burden for CAP Participants with Incomes at or Below 50% of the FPIG*

The Energy Affordability Report also illuminated that CAP households with an income at or below 50% of the FPIG, regardless of heating or non-heating status and energy type, often had energy burdens well above the limits established in the CAP Policy Statement—for some utilities, as high as 20%.<sup>50</sup> To put this into perspective, under existing policies, a customer with an annual household income of \$10,000 can spend anywhere from \$1,200 to \$2,000 a year on electric and gas service combined.<sup>51</sup>

This vulnerable subset of customers is at greater risk of defaulting from utility customer assistance programs and faces higher rates of service termination due to late or missed payments, particularly for electric utility service.<sup>52</sup> In recent years, the Commission has noted this trend in various utility-specific USECP proceedings and subsequently directed utilities to work with interested parties to restructure particular CAPs in order to provide more affordable energy bills, particularly targeting customers in the greatest need of assistance.<sup>53</sup>

Although the Energy Affordability Report and the Commission's January 2019 Order did not analyze or address the potential cost impact of establishing a maximum 6% CAP energy burden for customers at or below 50% of the FPIG, many parties in the Review proceeding noted this energy burden threshold is used in low-income utility programs of neighboring states and recommended that Pennsylvania follow suit.

For the aforementioned reasons, we are of the opinion that a maximum energy burden threshold of 6% for customers at or below 50% of the FPIG is warranted and agree with the comments of the Low Income Advocates that “[c]ustomers at the lowest tiers of the [FPIG] cannot afford to pay 10[%] of monthly income for their home energy bills. Such a high energy burden for the lowest income customers will fail to satisfy the statutory objec-

<sup>50</sup> See Energy Affordability Report at 22–25.

<sup>51</sup> Low-income average energy burdens vary from 12% to 20%. When based on an annual household income of \$10,000, this results in \$1,200 to \$2,000 in annual energy costs.

<sup>52</sup> See 2017 Report on Universal Service Programs & Collections Performance at 53. [http://www.puc.state.pa.us/General/publications\\_reports/pdf/EDC\\_NGDC\\_UniServ\\_Rpt2017.pdf](http://www.puc.state.pa.us/General/publications_reports/pdf/EDC_NGDC_UniServ_Rpt2017.pdf).

<sup>53</sup> For example, see Duquesne 2017–2019 USECP Order, Docket No. M-2016-2534323 (order entered on March 23, 2017) at 28–31, OP # 15.



tives of universal service and continue to lead to disproportionate termination numbers.”<sup>54</sup>

Under a 6% maximum energy burden, a household with an annual income of \$10,000 could potentially save an average of \$1,000 annually on combined electric and natural gas service.<sup>55</sup> This action would have a meaningful impact for the approximately 95,000 households with income from 0% to 50% of the FPIG enrolled in Pennsylvania utility CAPs,<sup>56</sup> and on all households that would be income-eligible and in need of energy assistance in the future.

*CAP Payment Structures*

We agree with OCA, Columbia, and NFG that utilities should be permitted to maintain CAP payment structures that best meet the needs of their service territories. Therefore, we are not requiring that EDCs and NGDCs adopt PIPs. However, each utility CAP payment plan should be designed to ensure a household’s total CAP bill—including any add-ons such as PPA co-payments or CAP Plus charges—will not exceed the Commission’s energy burden threshold.<sup>57</sup> However, if the minimum CAP payment is higher than the energy burden threshold, the household may be charged the higher minimum CAP payment.<sup>58</sup>

*Resolution: Amend Section 69.265(2)—Payment Plan; Section 69.262—Definitions.*

Consistent with the discussion above, this Order amends Section 69.265(2) of the CAP Policy Statement as indicated in Annex A. The new maximum CAP energy burdens are:

**Table 2  
New Maximum Energy Burden Thresholds**

Utility Service Type	0—50% FPIG	51—100% FPIG	101—150% FPIG
Electric Non-Heat	2%	4%	4%
Gas Heat	4%	6%	6%
Electric Heat	6%	10%	10%

Each CAP payment plan should be designed to ensure the household’s monthly payment—including PPA co-payments and CAP Plus charges—will not exceed this energy burden threshold, except in circumstances in which the household is charged the minimum CAP payment or the household has exceeded the utility’s approved CAP credit limits.

Additionally, this Order amends Section 69.262 of the CAP Policy Statement as indicated in Annex A by adding the definition of “Federal Poverty Income Guidelines (FPIG).”

<sup>54</sup> Low Income Advocate Comments at 38-39, Docket No. M-2017-2587711.  
<sup>55</sup> Currently, CAP participants with annual household incomes at or below 50% of the FPIG could have an energy burden of 12% to 20% or roughly \$1,200 to \$2,000 annually based on \$10,000 annual household income. Under the new policy, the maximum combined energy burden for the subset of customers with annual household incomes of \$10,000 should be 6% or \$600. This could result in hypothetical annual reductions between \$600 and \$1,400 or an average annual savings of \$1,000.  
<sup>56</sup> In 2017, 95,534 households with household incomes in the 0% to 50% FPIG tier participated in utility CAPs; 57,587 of which were electric CAP participants, and 37,947 were natural gas CAP participants. See 2017 Report on Universal Service Programs & Collections Performance at 52.  
<sup>57</sup> For utilities that do not have a PIP-based payment plan, system safeguards should be established to ensure the customer’s calculated payment does not exceed the maximum energy burden.  
<sup>58</sup> A CAP household’s bill may also exceed the maximum energy burden level if it exceeds the utility’s CAP credit limit, e.g., due to usage.

1.b. *Minimum CAP payment requirements should be set in USECP proceedings rather than in the CAP Policy Statement. Utilities may propose alternatives to a flat minimum payment for each account type, such as basing them on the household’s FPIG level.*

The CAP Policy Statement recommends establishing minimum monthly payment requirements of at least \$18—\$25 for gas heating accounts, \$12—\$15 for electric non-heating, and \$30—\$40 for electric heating accounts. Most utilities have minimum CAP payments within these ranges. However, FirstEnergy charge a minimum of \$45 monthly for electric heating accounts, and NFG charges a minimum of \$12 monthly for gas heating. Most NGDCs restrict CAP to residential heating customers only. Table 3 below shows the current minimum payment requirements for each EDC and NGDC.

**Table 3  
Current CAP Minimum Payment Requirements**

Utility	Non-Heating	Heating
Duquesne <sup>59</sup>	\$15	\$40
FirstEnergy <sup>60</sup>	\$12	\$45
PECO Electric <sup>61</sup>	\$12	\$30
PPL <sup>62</sup>	\$12	\$30
Columbia <sup>63</sup>	N/A	\$25
PECO Gas <sup>64</sup>	N/A	\$25
NFG <sup>65</sup>	N/A	\$12
Peoples <sup>66</sup>	N/A	\$25
PGW <sup>67</sup>	N/A	\$25
UGI <sup>68</sup>	\$15	\$25

During the Review and Energy Affordability proceedings, stakeholders proposed making changes to the CAP minimum payment requirements, including developing a methodology to calculate minimum payments for each utility or eliminating them entirely.

*Review of Universal Service and Energy Conservation Programs, Docket No. M-2017-2596907*

*Comments from Parties*

Duquesne opined that the minimum charge provision in the CAP Policy Statement is outdated as it can be less than the basic service charge; if the utilities could charge both (minimum payment and the basic service charge), it would cover at least a part of the fixed system costs and some percent of energy costs. DLC Comments at 12. Duquesne supports continuation of minimum CAP payments. DLC Reply Comments at 19.

OCA proposed that minimum payments should balance affordability and payment responsibility and be based on

<sup>59</sup> See Duquesne 2017—2019 USECP, M-2016-2534323 (filed on March 12, 2018), at 5.  
<sup>60</sup> See 2019—2021 USECP (filed on June 24, 2019), at 12, for Met-Ed (M-2017-2636976), Penelec (M2017-2636969), Penn Power (M-2017-2636973), and WPP (M-2017-2636978).  
<sup>61</sup> See PECO 2016—2018 USECP at 35.  
<sup>62</sup> See PPL 2017—2019 USECP at 5.  
<sup>63</sup> See Columbia 2015—2018 USECP, M-2014-2424462 (filed on August 12, 2015), at 18.  
<sup>64</sup> See PECO 2016—2018 USECP at 35.  
<sup>65</sup> See NFG 2017—2020 USECP, M-2016-2573847 (filed on April 2, 2018), at 17.  
<sup>66</sup> See Peoples 2015—2018 USECP, M-2014-2432515 (filed on July 20, 2018), at 6, 7, 12.  
<sup>67</sup> See PGW 2017—2020 USECP at 6.  
<sup>68</sup> Includes UGI North, UGI South, UGI Central, and UGI Utilities, Inc.-Electric Division (UGI Electric). See UGI’s 2014-2017 USECP, M-2013-2371824 (filed on February 17, 2015), at 15.

an objective set of factors. OCA submits it is very important to maintain a customer payment mindset as minimum payments help to control the costs of CAPs. OCA Comments at 13–15. OCA supports the continued use of minimum payments in CAP design. OCA has concerns with the proposal to specifically tie the minimum payment to a particular cost component, such as distribution costs or customer charge. A minimum payment should be tied to CAP customer affordability and to establishing routine payments. OCA Reply Comments at 17. OCA submits that the following principles should help determine a minimum payment:

- It should impose an obligation to make some payment toward utility bills;
- It should not be so high as to materially impede achieving the affordability objectives of CAP;
- It should reflect some empirical reality about utility service territories (i.e., there should be a range for minimum payments);
- It should reflect the affordability ranges otherwise adopted by the Commission;
- It should reflect the income for a three-person household living with income at 25% of the FPIG because the average household sizes in Pennsylvania are between two persons and three persons per household;
- It should reflect the average household size in its service territory, and
- It should reflect the household composition at the time of the triennial filing of the USECP.

OCA Reply Comments at 18.

PPL agrees with OCA that utilities should charge minimum payments and that they be uniform across utilities. PPL Reply Comments at 3.

PGW supports maintaining a minimum bill for low or no-income CAP customers. However, it would be willing to participate in a collaborative stakeholder process to establish new minimum payment amounts. PGW Reply Comments at 6.

FirstEnergy opposes a minimum payment requirement that would limit the CAP credits received by customers each month. FirstEnergy Reply Comments at 10-11.

*Energy Affordability Report and January 2019 Order, Docket No. M-2017-2587711*

PGW contends that PIPs will fail to make energy affordable for customers with incomes at or below 50% of the FPIG generally and for customers with incomes at or below 25% of the income specifically. Minimum payment requirements will ensure that these customers always have energy burdens exceeding program targets. PGW Comments at 1-2, Exhibit A.

The Low Income Advocates contend minimum bill requirements exacerbate energy unaffordability for low-income customers:

Currently, minimum bills are set at arbitrary amounts, and are not based on what the household could reasonably afford to pay. A minimum bill amount is not rationally justified as a universal service rate unless it represents a basic threshold cost that could or should be equitably recovered from customers with profound inability to pay. Absent a determination that minimum bills are, in fact, affordable, or at the very least are directly justified as representing a bare minimum payment that can be required of a low-income customer, minimum bill

payments simply fail to ensure affordable utility service contrary to the Choice Acts and sound public policy.

Low Income Advocates Reply Comments at 8-9.

OCA and EAP support maintaining minimum payment requirements. OCA Comments at 15-16, EAP Reply Comments at 4-5. EAP argues that elimination of minimum payment requirements would harm customers just above the CAP income-eligibility thresholds who pay for these programs. EAP Reply Comments at 4-5.

#### *Discussion*

After considering stakeholder comments, we find that the minimum payment ranges in the CAP Policy Statement may not be appropriate for each EDC's and NGDC's affordability targets or service territory. While the Commission maintains that utility service should never be free (or even almost free) in CAPs, we are open to exploring whether minimum payment requirements could vary by utility and the poverty level of the household. For example, possibly establishing minimum payment requirements based on tiered FPIGs to ensure the lowest-income CAP customers (e.g., < 25% of the FPIG) pay a lower minimum bill. Therefore, we shall remove the minimum payment ranges from the CAP Policy Statement and allow utilities to propose minimum payments requirements in their proposed USECPs.

*Resolution: Amend Section 69.265(3)(i)—Minimum Payment Terms.*

Based on the reasons cited above, as indicated in Annex A, this Order amends Section 69.265(3)(i) of the CAP Policy Statement to provide that minimum CAP payments should be established in utility-specific USECP proceedings. Utilities are encouraged to consider alternatives to establishing an arbitrary minimum payment amount for each account type such as a tiered minimum payment structure based on the household's FPIG level. Utilities should work with their USACs to develop CAP minimum payment proposals designed for the needs of their low-income customers.

2. *Utilities should allow CAP households to retain CAP enrollment when they transfer service within the utility's (or an affiliate's) service territory.*

The Commission has found that some utilities have required CAP households to re-apply for CAP enrollment when they transfer service to a new location within the utility's service territory. We have directed both PPL and NFG to allow CAP customers to maintain program enrollment when they transfer service during USECP review proceedings. See PPL 2014–2016 USECP Final Order, Docket No. M-2013-2367021 (order entered on September 11, 2014), at 24–28; and NFG 2017-2020 USECP Order, Docket No. M-2016-2573847 (order entered on March 1, 2018), at 22–24.

The issue was not addressed by stakeholders during the Review or Energy Affordability proceedings, but it has been addressed in various utility-specific proceedings.

#### *Discussion*

The Commission finds it reasonable to require EDCs and NGDCs to allow customers to remain in CAP when they transfer service to a new location within a utility's service territory. When relocating customers are removed from CAP, however short the removal may be, they are likely to receive unaffordable bills—based on the full-tariff rate—in the interim as they wait for the utility to

re-determine their program eligibility. In addition, these customers also lose the opportunity to reduce PPAs with each monthly payment. While relocation to a new residence may require the utility to re-calculate a household's CAP payment (e.g., if the payment is based on average household usage), it should not require a household to re-verify the source and amount of their income prior to their next CAP recertification date. Requiring a participating household to submit a new CAP application or re-verify income after transferring service is unnecessary and can create financial hardships for low-income households.

*Resolution: Add New Section 69.265(10)—Transfer of Service.*

This Order amends Section 69.265 of the CAP Policy Statement as indicated in Annex A to address maintaining CAP enrollment after household relocations within a service territory. Utilities that are not willing or prepared to maintain CAP enrollment when a customer participating in CAP relocates to a new residence within the utility's or an affiliate's service territory should be prepared to address the matter in a utility-specific proceeding.

3. *Utilities should accept income documentation of at least the last 30 days or 12 months, whichever is more beneficial to the household, when determining CAP eligibility at application or recertification. CAP applications and recertification letters should identify acceptable income timeframes and explain how each may benefit the customer.*

The CAP Policy Statement defines a low-income customer as having annual household gross income at or below 150% of the FPIG. Section 69.262. All EDCs and NGDCs currently use a household's documented or calculated annual income to determine income-eligibility for the CAP. However, the Policy Statement does not identify on what basis the household's annual income should be determined (i.e., using annual income, monthly income annualized, or both).

The time period used to calculate a household's annual income can impact its eligibility for CAP and, if eligible, the amount of discount (i.e., CAP credits) it would receive

on monthly bills. For example, a household that has recently experienced a loss or decrease in wages may have significantly lower income during the past 30 days than an annual tax return would indicate. On the other hand, using 12 months of income may be more beneficial for a household with inconsistent or seasonal employment, that earns more during certain months than others.

During the Review proceeding, stakeholders generally supported annualizing monthly income for determining CAP eligibility and credits if that would be more beneficial for the household.<sup>69</sup>

*Review of Universal Service and Energy Conservation Programs, Docket No. M-2017-2596907*

*Comments from Parties*

OCA contends relying on only annual income to determine program eligibility is inconsistent with LIHEAP policy. OCA's understanding is that LIHEAP allows households to use an annualized income (i.e., 30-, 60-, or 90-day income) or an annual income, whichever provides the greater benefit. OCA urges that the CAP income eligibility determination be reconciled with the LIHEAP income eligibility determination to the extent feasible. OCA Reply Comments at 5-6.

Duquesne Light recommends use of annualized or annual income, whichever is more beneficial to the customer. Duquesne Light Reply Comments at 18.

EAP agrees with OCA that annualized income is equivalent to annual income for CAPs but maintains that utilities should be permitted to exercise flexibility. EAP Reply Comments at 7.

*Discussion*

It is our understanding that most—if not all—EDCs and NGDCs accept documentation of at least the last 30 days or 12 months of income to determine the household's annualized income. However, the income documentation timeframes accepted by utilities for CAP eligibility or recertification are often not identified in their USECPs or in their CAP applications. Table 4 below lists the known income time periods accepted for determining CAP eligibility, by utility, and where this information is identified:

**Table 4**  
**Income Time Period Used to Determine CAP Eligibility**

<i>Utility</i>	<i>Accepted income time-period</i>	<i>Identified in USECP or CAP Application?</i>
Duquesne	Time period not specified	N/A
FirstEnergy	Time period not specified	N/A
PECO Electric/Gas	Last 30 days	CAP Application only
PPL	Time period not specified	N/A
Columbia Gas	Last 30 days, 90 days, or 12 months	CAP Application only
NFG	Time period not specified	N/A
Peoples	Time period not specified	N/A
PGW	Last 30 days or 12 months	USECP only*
UGI <sup>70</sup>	Last 30 days, 90 days, or 12 months	CAP Application only

\*As specified in PGW's 2017—2020 USECP, Docket No. M-2016-2542415 (filed August 31, 2017), at 15.

<sup>69</sup> This issue was not addressed in the Energy Affordability proceeding.  
<sup>70</sup> Includes UGI North, UGI South, UGI Central, and UGI Electric.

None of the CAP applications reviewed by Commission staff explained how different income timeframes (e.g., 30 days or 12 months) could impact program eligibility or monthly CAP payment amounts.

Establishing this provision will align CAP policy with Section 601.83 of the 2019 LIHEAP State Plan, which also accepts documentation of gross income over the past 30 days or 12 months.

Utilities should give CAP applicants and participants the option of selecting a timeframe which is most representative of their true annual household income. Utilities should use whichever income timeframe is more beneficial to the household to determine annual income for CAP eligibility and credits.<sup>71</sup> Further, utilities should identify acceptable income documentation timeframes in their CAP applications and recertification letters. These documents should explain how providing income based on different time periods could benefit the customer. We recommend utilities work with their USACs on these CAP document revisions.

*Resolution: Add New Section 69.265(8)(ii)(B)(I)—Intake and Verification.*

Consistent with the discussion above, this Order amends Section 69.265(8) of the CAP Policy Statement to reflect that utilities should accept, at a minimum, income documentation based on the past 30 days or 12 months, as indicated in Annex A.

4. *Eliminate the provision in the CAP Policy Statement that low-income customers must be “payment-troubled” to qualify for CAPs. Utilities may, however, impose such a requirement to prioritize CAP enrollments and control CAP costs if determined appropriate by the Commission.*

The CAP Policy Statement currently recommends restricting CAP eligibility to customers that are both low-income and “payment troubled.” Section 69.265(4)(iii). Section 62.2 defines payment-troubled customers as “[a] household that has failed to maintain one or more payment arrangements in a one-year period.”<sup>72</sup> The CAP Policy Statement elaborates on these criteria by providing four different scenarios that could qualify a household as payment-troubled:

(A) A household whose housing and utility costs exceed 45% of the household’s total income. Housing and utility costs are defined as rent or mortgage/taxes and [natural] gas, electric, water, oil, telephone and sewage.

(B) A household who [sic] has \$100 or less disposable income after subtracting all household expenses from all household income.

(C) A household who [sic] has an arrearage. The utility may define the amount of the arrearage.

(D) A household who [sic] has received a termination notice or who has failed to maintain one payment arrangement.

Section 69.265(4)(iii)(A)—(D).

Most EDCs and NGDCs do not currently require income-eligible households to be payment-troubled to qualify for their CAPs. The Commission is aware of only four utilities that maintain a payment-troubled eligibility

<sup>71</sup> This policy would not prohibit EDCs and NGDCs from accepting income based on other timeframes (e.g., 60 or 90 days).

<sup>72</sup> This is similar to the definition of “low-income [payment-troubled] customers” in Section 69.262 of the CAP Policy Statement.

criterion for their CAPs: Columbia Gas,<sup>73</sup> NFG,<sup>74</sup> Peoples Natural Gas, and Peoples-Equitable.<sup>75,76</sup>

During the Review proceeding, many stakeholders recommended eliminating the payment-troubled criterion and allowing all income-eligible customers to enroll in CAPs.

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*Comments of Parties*

The Low Income Advocates maintain that all customers with household incomes less than 150% of the FPIG are payment-troubled. Low Income Advocates Comments at 34. The Advocates opine that allowing all low-income customers to enroll in a CAP before accruing arrears will likely significantly improve payment behaviors—reducing debt management, collections, and uncollectible costs. The Advocates contend that improved affordability significantly improves payment behavior, noting that when a household receives an affordable bill, it is far more likely to pay the bill. Low Income Advocates Reply Comments at 7-8.

OCA recommends that when a confirmed low-income customer misses a monthly utility bill, the utility should initiate a process to enroll that customer in CAP. Utilities should not wait until a customer defaults on a payment agreement. OCA Comments at 9-10.

Duquesne and Peoples contend there is no need for a payment-troubled requirement for CAP eligibility. Duquesne Reply Comments at 17; Peoples Reply Comments at 3.

PPL asserts that a payment-troubled requirement is a barrier to CAP enrollment. It agrees with the Low Income Advocates that all income-qualified customers should be eligible for CAP. PPL Reply Comments at 3.

EAP agrees that CAP eligibility could be redefined to include those who meet the program’s income guidelines in an effort to avoid increasing arrearages. However, it does not support automatically enrolling all low-income customers into a CAP because that assistance may not be needed by all low-income customers and because the increased costs to the program would further burden residential ratepayers. EAP Reply Comments at 5-6.

Columbia proposes that CAPs should be restricted to income-eligible customers who demonstrate they cannot afford their utility bills. Columbia recommends requiring customers to apply for LIHEAP and Hardship Funds before enrolling in CAP. According to Columbia, sometimes, either Hardship Fund grants or LIHEAP grants may resolve a crisis for a low-income customer, making CAP unnecessary. This could help keep CAP costs down. Columbia Comments at 3.

PGW does not currently require customers to be payment-troubled to qualify for its CAP but is willing to consider adding this requirement. PGW Reply Comments at 3.

<sup>73</sup> Columbia Gas considers a household to be payment-troubled if it has received a termination notice or has broken a payment agreement within the past 12 months or through a utility referral or credit scoring. Columbia Gas 2015–2018 USECP at 17, Docket No. M 2014-2424462 (filed on August 12, 2015).

<sup>74</sup> NFG considers a household to be payment-troubled if it has an arrearage on the account or at least one current, canceled, or defaulted arrangement on the account at the time of application. NFG 2017–2020 USECP at 8, Docket No. M-2016-2573847 (filed on April 2, 2018).

<sup>75</sup> Peoples and Peoples-Equitable consider a household to be payment troubled if it meets any of the criteria listed in 69.265(4)(iii)(A)—(D). Peoples 2015-2018 USECP at 8, Docket No. M-2014-2432515 (filed July 20, 2018).

<sup>76</sup> Duquesne states that low-income customers must demonstrate or express an inability to pay their electric bills to qualify for its CAP. Duquesne 2017–2019 USECP at 12, Docket No. M-2016-2534323 (filed March 12, 2018). However, this is not a payment-troubled criterion under the CAP Policy Statement.

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The Energy Affordability Report noted that utilities that restricted CAP enrollment to payment-troubled customers had higher average PPA balances than utilities whose CAPs were not so restricted. Energy Affordability Report at 50. Further, customers who enroll in payment assistance programs with higher PPA balances tend to be less successful than customers who enroll before amassing high PPA balances.<sup>77</sup>

In our January 2019 Order, we expressed concern that low-income customers may develop poor payment habits before they meet a utility's definition of payment-troubled and are finally eligible to enroll in a CAP. Prior to considering eliminating the payment-troubled requirement from the CAP Policy Statement, however, we requested that the EDCs and NGDCs identify the potential impact of this change. January 2019 Order at 15-16.

*Comments from Parties*

If the payment-troubled requirement were eliminated, Columbia estimates 104,000 customers would be eligible for CAP. Approximately 39,000 of this group have a budget bill that is less than 6% of their reported income and would not benefit from CAP. If the remaining 65,000 low-income customers enrolled in CAP on a staggered basis—based on current minimum payments and co-payment requirements—Columbia estimates that CAP costs would increase up to \$63,131,468 by 2021. Columbia estimates this change would increase costs to non-CAP residential customers up to \$194.25 annually (\$16.19 monthly) by 2021. Columbia Gas Supplemental Information Request No. 3 at 1.

Table 5 below identifies Columbia's estimated increases in CAP costs from 2017—2021 based on the elimination of the payment-troubled criterion:

**Table 5**  
**Columbia Gas Estimates**  
**Cost of Removing Payment-Troubled Requirement for CAP Applicants 2017—2021**

	2017	2018	2019	2020	2021
<i>Total Current CAP Costs</i>	\$19,668,705	\$22,756,561	\$20,416,320	\$20,416,320	\$20,416,320
<i>Estimates of CAP Costs Based on the Elimination of Payment-Troubled Criterion</i>					
Shortfall	\$22,173,457	\$27,820,114	\$33,466,771	\$39,113,427	\$44,761,084
Arrears	\$7,904,727	\$9,917,732	\$11,930,737	\$13,943,742	\$15,956,747
Administration	\$1,600,000	\$1,600,000	\$1,600,000	\$1,600,000	\$1,600,000
<i>Total Estimated CAP Costs</i>	\$51,381,106	\$62,136,825	\$67,464,447	\$75,132,310	\$82,800,173

### *Discussion*

We note that enrolling low-income customers into CAPs as early as possible generally puts them in the best position to maintain good payment habits and avoid accruing utility debt. Waiting until a customer has broken a payment agreement or otherwise fallen into arrears could make it harder for a household to succeed in a CAP.

We have concerns about the assumptions made in Columbia's estimates. First, Columbia assumes that all known low-income customers who may benefit from its CAP will enroll by 2021. This scenario seems unlikely as most NGDCs, including those without a payment-troubled eligibility criterion, had CAP participation rates of approximately 24% to 34% of confirmed low-income customers in 2017.<sup>78</sup> 2017 Report on Universal Service Programs & Collections Performance at 51. Second, it is unclear why Columbia projects PPA forgiveness will increase by \$6 million dollars from 2017 through 2020 if CAP eligibility were changed to eliminate the payment-troubled criterion. The Commission would not expect non-payment-troubled customers—that is, customers with minimal or no arrearages—to significantly increase the amount of PPAs forgiven in a utility CAP.

Notwithstanding our concerns with Columbia's estimate, the Commission finds that prohibiting utilities from establishing payment-troubled criterion for CAP eligibility may restrict their ability to prioritize CAP applicants and control program costs, when necessary. However, utilities should justify any proposed restrictions based on their individual program needs. Columbia's assertion that eliminating the payment-troubled criterion could increase its annual CAP costs by over \$60 million within four years could be one such justification subject to further clarification and explanation.

We find that encouraging utilities to restrict CAP enrollment based on a household being payment-troubled before enrolling them in CAP is counter-productive and counter-intuitive. However, we also find that prohibiting a utility from establishing or maintaining a payment-troubled criterion for CAPs may limit the utility's ability to prioritize CAP enrollments or control costs if there is a program need. A utility should have the flexibility to propose or maintain a payment-troubled criterion, if appropriate.

*Resolution: Amend Section 69.261—General; Section 69.262—Definitions; Section 69.264—Scope of CAPs; Section 69.265(4)-(5)—CAP design elements; Section 69.267—Alternative program designs.*

As noted in Annex A, this Order removes "payment-troubled" as a CAP eligibility criterion. As noted in Annex A, "payment troubled" will be retained as a permissive CAP eligibility criterion at this time. New Section 69.265(5) reflects these changes.

<sup>77</sup> Opinion Dynamics Corp. (March 2013). "Low Income Assistance Program Evaluation" at 4. <http://www.opiniondynamics.com/wp-content/uploads/2013/06/Low-Income-Payment-Assistance-Program-Evaluation.pdf>. Retrieved August 1, 2019. "More customers who have low [PPA] balances have higher than average on-time rates. Customers with less than \$391 in arrearages pay on-time 61% of the time, while customers with more than \$1,514 in arrearages pay on-time 45% of the time."

<sup>78</sup> PECO Gas reported a CAP participation rate of 75% in 2017, but it is the Commission's understanding that only customers which have applied for PECO's CAP are counted as confirmed low-income.

5. *Eliminate the provisions in the CAP Policy Statement that a customer should direct the LIHEAP grant to the utility sponsoring the CAP (Section 69.265(9)(i)) or be penalized for not applying for LIHEAP (Section 69.265(9)(ii) and (iv)). Eliminate the provisions in the CAP Policy Statement that a LIHEAP grant should be applied to reduce the amount of CAP credits (Section 69.265(9)(iii)). However, all CAP customers should participate in LIHEAP if eligible.*

Customer participation in LIHEAP has been a central component in CAP designs since these programs were first widely implemented during the 1990s.<sup>79</sup> The CAP Policy Statement currently recommends that customers should complete a LIHEAP application when they apply for CAPs (Section 69.265(6)(v)); a LIHEAP grant should be designated to the utility sponsoring the CAP (Section 69.265(9)(i)); CAP customers should incur a penalty if they do not apply for LIHEAP (Section 69.265(9)(ii) and (iv)); and LIHEAP grants should be applied to CAP credits (Section 69.265(9)(iii)).

In both the Review and Energy Affordability proceedings, stakeholders expressed various opinions about whether LIHEAP participation should remain a requirement for CAP eligibility going forward.

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*Comments from Parties*

EAP, Duquesne, and OCA support removing LIHEAP participation as a requirement for CAP eligibility. EAP Reply Comments at 9, Duquesne Reply Comments at 17, and OCA Comments at 32–34, Appendix A at 28.

OCA and PPL also recommend removal of the provision that allows for a customer to be penalized for failure to apply for LIHEAP. OCA Comments at 12-13, and PPL Reply Comments at 3.

The Commission on Economic Opportunity (CEO) opines that CAP customers should be encouraged but not required to apply for LIHEAP or Hardship Funds. CEO Reply Comments at 1.

*Energy Affordability Report and January 2019 Order, Docket No. M-2017-2587711*

*Comments from Parties*

FirstEnergy, PPL, PECO, the Low Income Advocates, and OCA oppose mandating LIHEAP participation as a requirement for CAPs. FirstEnergy Comments at 5, PPL Comments at 8, PECO at 11-12, Low Income Advocates Comments at 30, and OCA Comments at 13. Linking CAP and LIHEAP enrollments may unnecessarily complicate CAP requirements. PPL Comments at 9. Further, a LIHEAP cash grant can only be issued to one vendor. If the household directs its grant to another utility or vendor, there is no way to confirm LIHEAP participation and the household could be removed from CAP or denied CAP eligibility. Duquesne at 6-7, FirstEnergy Comments at 5, PECO Comments at 12, EAP Comments at 16, Low

<sup>79</sup> In the Commonwealth, prior to 2009, utilities could use LIHEAP grants to fund CAPs by subsidizing CAP credits. In 2009, the Pennsylvania Department of Human Services (DHS), then known as the Department of Public Welfare (DPW), informed utilities that they must apply LIHEAP grants directly to a customer's CAP bill or "asked-to-pay" (ATP) amount. At that time, the CAP Policy Statement, Section 69.265(9)(ii) & (iv), provided that a utility could impose a penalty on a CAP participant that was eligible for LIHEAP benefits but failed to apply for LIHEAP, not exceeding the amount of an average LIHEAP benefit. Participants who directed their LIHEAP benefits to another utility or energy provider were exempt from the penalty provision. Section 69.265(9)(iii) provided that LIHEAP grants should be applied to the CAP shortfall. The 2009 LIHEAP directive from DHS conflicted with these aspects of the CAP Policy Statement. Utilities could no longer apply LIHEAP grants to a CAP customer's deferred arrears or to the CAP shortfall. On April 9, 2010, the Commission suspended Section 69.265(9)(ii)-(iii) of the CAP Policy Statement by order entered at Docket No. M-00920345.

Income Advocates Comments at 27, OCA Comments at 13. PGW estimates that enforcing this provision would result in the removal of approximately half of its CAP customers for failing to assign a LIHEAP grant to PGW. PGW Comments at 11.

OCA and PECO note that requiring all CAP customers to participate in LIHEAP may exhaust available LIHEAP funds, which may force DHS to decrease LIHEAP grant amounts or shorten Pennsylvania's LIHEAP season. OCA Comments at 13, PECO Comments at 12.

EAP notes that DHS, utilities, and other stakeholders began talks in 2018 to determine if LIHEAP recipient income and household information can be shared with utilities to facilitate enrollment in CAPs. EAP Comments at 15. Columbia supports information sharing between DHS and the utilities as a way of reducing processing time and administrative costs. Columbia Comments at 9. PGW recommends utilities and DHS establish a dual intake process to allow customers to apply for both programs at the same time. PGW Comments at 9. The Low Income Advocates report that information sharing conversations with DHS are impeded by the varying enrollment requirements and procedures of EDC and NGDC CAPs. Low Income Advocates Comments at 30.

The parties cited additional obstacles to customers participating in both CAP and LIHEAP, including:

- CAPs are available and accept applications year-round. LIHEAP is only open during the fall/winter months, so there is no opportunity to enroll customers in both CAP and LIHEAP during the non-LIHEAP season. Duquesne Comments at 6, FirstEnergy Comments at 5, PPL Comments at 7, PECO Comments at 11, EAP Comments at 17, Low Income Advocates Comments at 30-31, OCA Comments at 12.

- CAP customers with non-heating electric may not be responsible for paying for their primary heating source, which is required to qualify for LIHEAP. Low Income Advocates Comments at 26.

- Only certain categories of non-citizens can qualify for LIHEAP. Low Income Advocates Comments at 26, citing the FY 2019 LIHEAP State Plan at B-26. Some immigrant customers may be categorically ineligible, or they may fear the consequences of participating in a federal assistance program. Low Income Advocates Comments at 32.

- Requiring eligible customers to apply for both programs may make the application process more burdensome and may deter households from applying for either program. EAP Comments at 16.

- Customers may have difficulty in understanding the four-page LIHEAP application. Required information and documentation is not always clear. Further, the LIHEAP application is only available in English or Spanish; households with a different native language may struggle with literacy. PGW Comments at 10, Low Income Advocates Comments at 26-27, and OCA Comments at 12.

*Discussion*

The Commission agrees with the recommendations of stakeholders to eliminate the provisions in the CAP Policy Statement (1) that CAP customers should assign the LIHEAP grant to the CAP-sponsoring utility and (2) that utilities may penalize CAP customers who do not apply for LIHEAP. As low-income customers may participate in more than one CAP—or may use their LIHEAP grant to obtain a deliverable fuel source—these provisions are no longer appropriate as they could require house-

holds to choose between CAPs or between a CAP and a necessary fuel delivery. Further, verifying LIHEAP participation and imposing a monetary penalty on the CAP account could be administratively burdensome on the utilities and could result in creating more utility debt for financially vulnerable households.

To our knowledge, EDCs and NGDCs have not implemented either of these recommended CAP policies. Removing these provisions from the CAP Policy Statement would not require utilities to make any changes to their current CAPs.

Although we are removing qualifications and penalties related to LIHEAP, we oppose eliminating participation in LIHEAP as a CAP customer responsibility.

The Commission's Energy Affordability Report noted that LIHEAP had a measurable impact on energy burdens for CAP customers. CAP customers with incomes at or below 50% of the FPIG experienced an average energy burden decrease of approximately 6 to 8 percentage points for electric non-heating and approximately 7 to 9 percentage points for electric heating. CAP customers with incomes between 51 and 100% of the FPIG experienced an average energy burden decrease of approximately 3 percentage points for electric non-heating and heating. CAP customers with incomes between 101 and 150% of the FPIG experienced an average energy burden decrease of approximately 1 to 2 percentage points for electric non-heating and electric heating. Energy Affordability Report at 30—40.

Although some CAP-eligible households may not qualify for LIHEAP and some may experience greater difficulty in applying (e.g., due to language barriers), EDCs and NGDCs should instruct CAP customers at application and recertification that it is their responsibility to apply for LIHEAP annually, if eligible. We are not proposing a provision that utilities should verify LIHEAP participation if the utility does not receive the grant. Nevertheless, given the impact of LIHEAP on customer energy burdens, it is important that LIHEAP-eligible CAP customers participate in LIHEAP to make their energy bills more affordable.

*Resolution: Amend Section 69.265(8)(v)—Application for LIHEAP grants; rescind original Section 69.265(9)—Coordination of energy assistance benefits.*

Consistent with the discussion above, this Order amends the CAP Policy Statement as indicated in Annex A to rescind the provisions in the CAP Policy Statement requiring CAP customers to assign a LIHEAP grant to a specific utility (Section 69.265(9)(i)) and penalizing the CAP customer for not applying for LIHEAP (Section 69.265(9)(ii) and (iv)). The amended CAP Policy Statement should serve to reinforce a utility's obligation, at a minimum, to inform customers that they must agree to apply for LIHEAP as a condition of CAP enrollment or recertification.

Further, while it was not expressly addressed in the Review and Energy Affordability proceedings, as a house-keeping measure, we shall also rescind Section 69.265(9)(iii) which currently recommends that LIHEAP grants be used to reduce CAP credits.

*6. Utilities should exempt CAP customers from late payment charges.*

Section 56.22(d) authorizes the Commission to direct utilities to waive late payment charges for customers with incomes at or below 150% of the FPIG. Most EDC and NGDC CAPs currently automatically waive late payment

charges for CAP participants. Only two utilities, PECO and NFG, currently charge a fee if a CAP customer misses a payment due date.

This issue was not addressed by stakeholders in either the Review or Energy Affordability proceedings, but there is authority for the Commission to direct utilities to waive late payment charges for customers with incomes at or below 150% of the FPIG.<sup>80</sup>

*Discussion*

Although late payment charges are meant to provide an incentive for customers to make timely payments, we are concerned that adding such fees to CAP accounts runs counter to the goals of the program. CAPs should be designed to provide customers with the most affordable payment option and to reduce utility debt. CAP participants are financially vulnerable households. Requiring these customers to pay more after missing a payment due date makes the program less affordable and increases in-program arrears.

Currently, only PECO and NFG charge a fee if a CAP customer misses a payment due date. Pursuant to Section 56.22(d), the Commission can direct PECO and NFG to waive late payment charges and will address this matter in their next USECP proceedings.

*Resolution: Add New Section 69.265(6)—Late payment charges.*

This Order amends the CAP Policy Statement by adding new subsection 69.265(6) to reflect that utilities should exempt CAP customers from late payment charges or fees.

*7. Utilities should provide CAP customers with (a) PPA forgiveness for each on-time and in-full monthly CAP payment regardless of in-CAP arrears and (b) retroactive PPA forgiveness for any month(s) missed once the household pays its in-CAP/in-program balance/debt in full.*

Section 69.265(6)(ix) of the CAP Policy Statement recommends that CAPs provide PPA forgiveness over "a 2- to 3-year period contingent upon receipt of regular monthly payments by the CAP participant."<sup>81</sup> In 2014, the Commission began directing utilities in their periodic USECP review proceedings to apply PPA forgiveness for each timely and in-full CAP payment, regardless of existing in-program debt.<sup>82</sup> Some utilities have voluntarily adopted policies allowing CAP customers to receive PPA forgiveness for any monthly payments missed once the entire CAP balance (i.e., in-program arrears) is paid in full.

During the Review proceeding, OCA expressed support for amending the CAP Policy Statement to allow participants to receive PPA forgiveness for each on-time and in-full monthly payment and retroactively for months missed once the CAP balance is completely paid.<sup>83</sup> OCA Comments at 11-12, Docket No. M-2017-2596907.

*Discussion*

As part of the CAP design, PPA forgiveness acts to both reduce customer PPA debt over time and reward consistent payment habits. CAP customers may be more likely to be consistent with monthly payments—even if they fall behind—if there is a continuing opportunity to reduce PPA debt. We find that granting PPA forgiveness with

<sup>80</sup> See 66 Pa.C.S. § 1409.

<sup>81</sup> We note that PECO offers PPA forgiveness over a one-year period.

<sup>82</sup> For example, see PGW 2014—2016 USECP, Docket No. M-2013-2366301 (order entered on August 22, 2014), at 20—26.

<sup>83</sup> This issue was not addressed in the Energy Affordability proceeding.

each on-time and in-full monthly payment, regardless of in-program arrears<sup>84</sup> is appropriate and reasonable. Offering retroactive PPA forgiveness can also provide a strong incentive for customers to catch up on missed payments.

*Resolution: Amend Section 69.265(8)(ix)—Pre-program arrearage forgiveness.*

Consistent with the discussion above, this Order amends the CAP Policy Statement as indicated in Annex. Specifically, EDCs and NGDCs should allow PPA forgiveness for each on-time and in-full monthly payment, regardless of in-program arrears, and retroactive PPA forgiveness for any months missed once the customer pays the CAP balance in full. Further, to recognize that at least one utility is using a one-year timeframe for PPA forgiveness, we shall change the recommended timeframe from “2 to 3” years to “1 to 3” years.

8. *Utilities may request SSNs but not require them for household members when verifying identity for CAP enrollment. Utilities should offer and explain the options on CAP applications and other communications with customers.*

The Commission’s CAP Policy Statement recommends that EDCs and NGDCs verify the identity of the CAP applicant and the household size/income. Section 69.265(6)(ii). As part of this process, utilities request identification for each household member, often by requesting SSNs. During utility-specific USECP proceedings over the past several years, the Commission has directed utilities to allow customers applying for universal service programs to verify the identity of household members through other means (e.g., State Driver’s License, U.S. Passport, etc.) if they are unable or unwilling to provide an SSN.

During the Review proceeding, stakeholders expressed support for allowing customers to provide alternative identification for household members if they are unable or unwilling to provide SSNs.<sup>85</sup>

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*Comments from Parties*

OCA submits that a utility should not require a customer to provide his or her SSN as prerequisite to program participation. Moreover, while the utilities may request such SSNs, before doing so, utilities should notify and educate consumers that the request is not, and may not be, mandatory. Utilities should adopt alternatives to the provision of SSNs for those not likely to have SSNs. Finally, utilities should not provide access to SSNs to anyone not requiring access to determine program eligibility and should not maintain records of the SSN beyond the time required to use the SSN to determine program eligibility. OCA Comments at 19–21.

Duquesne, PGW, FirstEnergy, and Columbia confirm that they currently accept other forms of identification in lieu of SSNs when determining CAP eligibility. DLC Reply Comments at 18, PGW Reply Comments at 4, FirstEnergy Reply Comments at 4, and Columbia Reply Comments at 2-3.

Columbia agrees that SSNs should not be required but customers should be permitted to voluntarily provide SSNs. Columbia suggests that the CAP Policy Statement, if updated, clearly state that utilities cannot require an

SSN for CAP enrollment but can ask for and use one when provided voluntarily. Columbia Reply Comments at 2-3.

*Discussion*

We are not aware that any EDC or NGDC currently requires customers to provide SSNs for household members as part of its CAP application process. Many utilities specify in their USECPs that household members can verify their identity through federal/state government identification or other documentation. Due to federal requirements<sup>86</sup> on the use of SSNs and the increased risk of identity theft whenever an SSN is shared, either through documentation or electronically, the Commission concludes that giving customers the option of verifying their identity through alternative means is essential. Further we agree with OCA that all CAP applicants should understand that providing their SSNs is not required and that the option of submitting other identification should be fully explained. Utilities should work with their USACs in developing language to clarify this provision in CAP documents.<sup>87</sup>

*Resolution: Amend Section 69.265(8)(ii)(A)—Intake and verification.*

This Order amends Section 69.265(8)(ii)(A) of the CAP Policy Statement as indicated in Annex A to address alternatives to SSNs. Consistent with the discussion above, EDCs and NGDCs may request, but not require, SSNs for household members when verifying identity for CAP enrollment. Household members who are unable or unwilling to provide SSNs should be allowed to provide alternative identification. Utilities should also educate customers and their community-based organizations (CBOs) about this policy through explanations on CAP applications and other communications.

9. *Maximum CAP credit limits should be set in USECP review proceedings rather than in the CAP Policy Statement and should consist of a tiered structure based on the household’s FPIG level (i.e., 0–50%, 51–100%, and 101–150%) which should provide lower income households with higher CAP credit limits. Utilities should notify CAP customers when they approach their CAP credit limits, instruct them to contact the utility if they meet any exceptions, and refer them to LIURP (if eligible).*

The CAP Policy Statement recommends limiting the amount of CAP credits applied to customer bills to \$1,400 annually; \$840 for natural gas heating, \$560 for electric non-heating, and \$1,400 for electric heating. Section 69.265(3)(v)(A)—(C). The Commission has since allowed EDCs to set CAP credit limits beyond these 1992 thresholds in utility-specific proceedings.<sup>88</sup> NGDCs currently have no limits on CAP credit allowances.<sup>89</sup> The CAP Policy Statement allows utilities to exempt a CAP household from these credit limits if they meet one or more of the following conditions:

A. The household experienced the addition of a family member.

<sup>86</sup> [http://ssa-custhelp.ssa.gov/app/answers/detail/a\\_id/78/-/legal-requirements-to-provide-your-ssn](http://ssa-custhelp.ssa.gov/app/answers/detail/a_id/78/-/legal-requirements-to-provide-your-ssn) (link no longer valid).

<sup>87</sup> See, e.g., NFG 2014–2016 USECP, Docket No. M-2013-2366232 (order entered on May 22, 2014), at 25-26; and PGW 2014–2016 USECP at 14–20.

<sup>88</sup> For example, see Duquesne’s 2014–2016 USECP, Docket No. M-2013-2350946 (order entered on March 6, 2014), at 10.

<sup>89</sup> Instead, most NGDCs impose limits on CAP natural gas consumption. If customers exceed these consumption limits, they can be provided with energy conservation education, referred to LIURP (if eligible), and ultimately removed from CAPs if usage reduction services and/or education are unsuccessful. For example, see UGI’s 2014–2017 USECP, Docket No. M-2013-2371824 (filed on February 17, 2015), at 17-18.

<sup>84</sup> “CAP balance” is sometimes referred to as “in-program arrears.”

<sup>85</sup> This issue was not addressed in the Energy Affordability proceeding.



B. A member of the household experienced a serious illness.

C. Energy consumption was beyond the household's ability to control.

D. The household is located in housing that is or has been condemned or has housing code violations that negatively affect energy consumption.

E. Energy consumption estimates have been based on consumption of a previous occupant.

Section 69.265(3)(vi)(A)—(E).

Most EDCs have one CAP credit limit for electric non-heating accounts and another limit for electric heating accounts. However, PECO and PPL have recently adopted tiered maximum CAP credit limits, which set different limits based on a CAP customer's FPIG level.<sup>90</sup> This allows customers with less income to have higher CAP credit limits.

During the Review proceeding, stakeholders proposed changing how CAP credit limits are calculated, allocated, and communicated.<sup>91</sup>

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*Comments from Parties*

The Low Income Advocates assert that limits to CAP credits are unduly punitive. They state that CAP credits need to be different for each income tier. Because the lowest-income customers receive the biggest discounts on CAP discounts, these customers can quickly deplete allowable credits. Low Income Advocates Comments at 6.

The OCA proposes that:

1. Instead of a fixed ceiling on CAP credits, the maximum CAP credits should be indexed to the individual utility's average annual rates, including the default service price (electric) or supplier of last resort price (natural gas), so that the amount of the maximum CAP credit makes sense given the fluctuations in energy costs in the service territory and distribution rate changes.

2. Limitations should be placed on the maximum CAP credits, and they need not be uniform across utilities due to differences in housing stock and participant income.

3. The maximum CAP credit limits should vary by FPIG level so that they do not disproportionately affect the lowest income customers. OCA suggested using the average of all utilities' maximum credit limits.

4. Utilities should notify CAP participants when they are approaching the CAP credit ceiling and automatically evaluate them for LIURP.

5. Utilities should waive maximum limits if customers meet the usage exemptions in the CAP Policy Statement.

OCA Comments at 25—27, as summarized in the Report.

Duquesne agrees with OCA that the maximum CAP credit limit provisions need to be updated or reviewed for inflation and need not be identical among utilities. Duquesne Reply Comments at 20.

EAP generally agrees that if maximum CAP credit limits remain part of the CAP Policy Statement, they should be flexible and not part of a regulation. EAP Reply Comments at 8.

PPL contends that maximum CAP credit limits should be determined in USECPs, not in the CAP Policy Statement. PPL Comments at 11.

Peoples opposes setting an absolute limit on the level of CAP credits available to customers. Any future regulation should continue to permit exceptions to CAP credit limits, such as increased household members, inability to weatherize, and poor housing stock. Peoples Reply Comments at 5.

*Discussion*

The Commission agrees with stakeholders that establishing a uniform fixed limit for annual CAP credits, whether based on account type (i.e., heating or non-heating) or FPIG level and account type, is not practical given the changing costs of energy and differing energy needs of each service territory. By approving increases in CAP limits that exceed the CAP Policy Statement's recommendations, the Commission has acknowledged that the limits established in 1992 are no longer an adequate mechanism to address energy burdens and affordability. Amending the CAP Policy Statement with specific new limits would only result in the same situation over time. Instead, we find that it is reasonable to allow utilities to establish and propose changes to their CAP credit limits, subject to justification on the record, as part of their USECPs. This will give a utility and stakeholders the flexibility to adapt the limits based on the energy costs and needs in the utility's service territory.

We also find that the tiered CAP credit limit approach adopted by PECO and PPL results in more equitable outcomes. This approach affords customers the opportunity to receive higher or lower maximum credit amounts based on their FPIG level tier (i.e., 0—50%, 51—100%, 101—150%) and their electric heating and electric non-heating status. This method redirects subsidies to the lowest-income customers that need the most aid to pay their electric bills.

Finally, the Commission agrees with OCA that CAP households should be notified when they are approaching their CAP credit limits and should be made aware of the exceptions to the CAP credit limits listed in the CAP Policy Statement. Customers should be instructed to contact the utility if they meet any of the exemptions so that a suspension of these CAP credit limits or consumption limits may be considered. Utilities should also refer these households to LIURP, if eligible. These actions will provide these households with an opportunity to either reduce their energy usage and/or apply for an exception to the CAP credit limits before they exceed their maximum benefit level.

*Resolution: Amend Section 69.265(3)(v)—Maximum CAP credits.*

Based on the reasons cited above, this Order amends the CAP Policy Statement at Section 69.265(3)(v) as indicated in Annex A to address CAP credit limits. CAP credit limits, if appropriate, should be established in utility-specific USECPs rather than generically. Utilities will be expected to predicate any proposal for CAP credit limits on a tiered structure based on the household's FPIG level (i.e., 0—50%, 51—100%, and 101—150% of FPIG) which will allow lower income households to receive higher CAP credit limits.<sup>92</sup> Utilities for which CAP credit limits are approved should, at a minimum,

<sup>90</sup> See PECO 2016—2018 USECP, Docket No. M-2015-2507139 (filed on February 17, 2017), Addendum A at 32; and PPL 2017—2019 USECP, Docket No. M-2016-2554787 (filed on November 3, 2017), at 17.

<sup>91</sup> This issue was not addressed in the Energy Affordability proceeding.

<sup>92</sup> This provision is not intended to recommend CAP credit limits for utilities that do not currently impose such limits (i.e., NGDCs), but NGDCs are not prohibited from proposing CAP credit limits if they can justify a need for them.

notify customers as they approach these limits, instruct them to contact the utility if they meet any exceptions, and refer them to LIURP (if eligible). Utilities should work with their USACs to develop or enhance this communication.

10. *Utilities should establish online CAP applications and allow customers to submit documentation electronically.*

The CAP Policy Statement does not specify how EDCs and NGDCs should permit low-income customers to apply for CAP. Most utilities allow customers to apply for CAPs via mail, phone, or in-person. Currently, only PECO,<sup>93</sup> PGW,<sup>94</sup> and PPL<sup>95</sup> have an online application process for CAPs. The Commission recently directed the FirstEnergy utilities to develop an online process for the submission of CAP applications and documentation by December 1, 2020. See FirstEnergy 2019–2021 USECP Order, Docket Nos. M-2017-2636969, M-2017-2636973, M-2017-2636976, and M-2017-2636978 (order entered on May 23, 2019), at 12–14.

This issue was not addressed in the Review or Energy Affordability proceedings, but it has been addressed in several utility-specific proceedings.

#### *Discussion*

The Commission finds that electronic submission of CAP applications and documentation, provided as a standard component of each utility's CAP design, would promote and enhance energy affordability, consistent with the goals of universal service. This method may be more convenient for customers who have applied for other benefits online, such as the Supplemental Nutrition Assistance Program (SNAP) and LIHEAP.<sup>96</sup> Offering an electronic means to apply for low-income programs also produces an electronic trail that leaves no question on whether or not an individual applied for certain programs or provided documentation. This process also makes it less likely that income documentation would be lost and would not necessitate further contact to either request documentation or inquire as to whether it was received. We recognize, however, that there could be considerable back office changes required to implement such systems. Nevertheless, PECO, PGW, and PPL already have such systems in place.

Such systems or platforms should be operational by January 1, 2021. Utilities, their USACs, and the CBOs should work together to determine the appropriate mechanisms and messaging for online application and document submission.

*Resolution: Amend Section 69.265(8)(ii)—Intake and verification.*

As indicated in Annex A, this Order amends the CAP Policy Statement at Section 69.265(8)(ii) to provide that EDCs and NGDCs should offer online platforms that allow customers to submit CAP applications and documentation electronically.

11. *Utilities should use a standardized zero-income form and develop other industry-wide standardized forms.*

All EDCs and NGDCs allow customers who report no source of income to enroll in CAPs if they provide documentation of how they meet monthly expenses. This

policy is consistent with DHS' LIHEAP income requirements, which require applicant households reporting minimal or no income to explain how they meet their financial obligations and basic living needs. FY 2019 LIHEAP State Plan Section 601.103 at B-21.<sup>97</sup>

Currently, EDCs and NGDCs use different forms and sometimes request different information to verify a CAP household's zero-income status. Standardizing the zero-income documentation and questions was recommended by participants in the Review proceeding.<sup>98</sup> This issue was not addressed in the Energy Affordability proceeding.

In a Secretarial Letter issued on March 28, 2018, the Commission initiated a Universal Service Working Group (USWG) with a mandate that included standardizing utility zero-income forms. The USWG<sup>99</sup> met on May 7th and July 18th in 2018 and reached consensus on a zero-income form that contains all required questions if a CAP applicant claims no income.<sup>100</sup>

#### *Discussion*

The Commission encourages the standardization of all forms related to the eligibility determination for universal service and other energy assistance programs, such as LIHEAP. Standardizing information requested for these programs could help streamline application processing and increase participation. Further, it could also allow utilities to share eligibility information when low-income customers move from one utility service territory to another, allowing their participation in programs like CAP to continue uninterrupted.

We find that the standardized zero-income form proposed by the USWG is a good first step in this endeavor. The form will help bring needed consistency to the types of information requested from CAP applicants/participants reporting no income. However, use of a standardized form should not restrict a utility's ability to request additional information to verify a household's income situation, if necessary.<sup>101</sup>

*Resolution: Add Section 69.265(8)(ii)(B)(II)—Intake and verification; Section 69.265(14)—Industry-standardized forms.*

This Order amends the CAP Policy Statement as indicated in Annex A to recommend use of the standardized forms such as the zero-income form in Appendix C and to encourage the development and use of additional standardized forms and procedures.

12. *Establish new maximum recertification timeframes for CAPs:*

- CAP households reporting no income should be required to recertify at least every six (6) months regardless of LIHEAP participation;
- CAP households with income that participate in LIHEAP annually should be required to recertify at least once every three (3) years;
- CAP households whose primary source of income is Social Security, Supplemental Security Income (SSI), or pensions should be required to recertify at least once every three (3) years; and

<sup>93</sup> See PECO 2016–2018 USECP, Docket No. M-2015-2507139 (filed on February 17, 2017), at 7.

<sup>94</sup> See PGW 2017–2020 USECP, Docket No. M-2016-2542415 (filed on August 31, 2017), at 17.

<sup>95</sup> See PPL 2017–2019 USECP, Docket No. M-2016-2554787 (filed on June 30, 2016), at 15.

<sup>96</sup> Customers can apply for these benefits online through the Commonwealth's COMPASS website: <https://www.compass.state.pa.us>.

<sup>97</sup> [http://www.dhs.pa.gov/cs/groups/webcontent/documents/document/c\\_279179.pdf](http://www.dhs.pa.gov/cs/groups/webcontent/documents/document/c_279179.pdf).  
<sup>98</sup> See Staff Report Summarizing Public Comments, Feedback and Suggestions Regarding Universal Service and Energy Conservation Programs at 27.

<sup>99</sup> The USWG included representatives from the EDCs, NGDCs, Pennsylvania Utility Law Project (PULP), CLS, OCA, United Way, DEF, KEEA, and OSBA.

<sup>100</sup> See Appendix C.

<sup>101</sup> For example, if a household completes a zero-income form at CAP application and then again at recertification, a utility may request additional information about how living expenses are being paid.

• All other CAP households should be required to recertify at least once every two (2) years.

The CAP Policy Statement instructs EDCs and NGDCs to reestablish a participant's eligibility for CAP benefits annually. Section 69.265(6)(viii). However, the Commission has approved some CAP recertification timeframes exceeding one year in USECP proceedings. In situations

where the household receives LIHEAP annually or has a fixed income (i.e., Social Security, SSI, or a pension), the Commission has allowed utilities to temporarily use alternate recertification requirements.

Table 6 below reflects the current CAP recertification timeframes for EDCs and NGDCs.

**Table 6**  
**CAP Recertification Timeframes for EDCs and NGDCs**

<i>Utility</i>	<i>No Income</i>	<i>Receive LIHEAP Annually</i>	<i>Primary Income: SS, SSI, or Pension</i>	<i>All other CAP Participants</i>
Duquesne <sup>102</sup>	Every 6 months	Every 2 years	Every 2 years	Every 2 years
FirstEnergy <sup>103</sup>	Every 6 months	Every 3 years	Every 2 years	Annually
PECO <sup>104</sup>	Every 2 years	Every 3 years	Every 2 years	Every 2 years
PPL <sup>105</sup>	Every 9 months	Every 3 years	Every 3 years	(SSI only) Every 18 months
Columbia <sup>106</sup>	Every 3 months	Never (Includes receipt of DEF grants & other US programs)	Every 2 years (Social Security and SSI only)	Annually
NFG <sup>107</sup>	Every 3 months	Upon Request	Every 2 years	Every 2 years
Peoples <sup>108</sup>	Annually	Every 2 years	Every 2 years	Annually
PGW <sup>109</sup>	Every 6 months	Every 3 years	Annually	Annually
UGI <sup>110</sup>	Annually	Every 3 years	Annually	Annually

In the Review proceeding, stakeholders offered various proposals for amending the recertification timelines for CAP customers who have fixed incomes, receive LIHEAP annually, or report no income.<sup>111</sup>

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#### *Comments from Parties*

The Low Income Advocates prefer coordination of enrollment and recertification with other state and federal assistance programs. They cite a study conducted by the Applied Public Policy Research Institute for Study and Evaluation (APPRISE) which stated that if a household is eligible for food or cash assistance, LIHEAP, or Lifeline,<sup>112</sup> it should automatically be screened and/or enrolled in CAP. They note that in New Jersey, households receiving food assistance are automatically screened for CAP. Low Income Advocates Comments at 41.

OCA recommends amending the CAP Policy Statement to allow for a longer recertification period if the customer's income is not likely to change from year to year and waive annual recertification requirements when the customer receives a LIHEAP grant. OCA Comments at 45-46. EAP agrees with OCA that recertification could be streamlined and on a less-than-annual basis when income such as pension or Social Security is unlikely to change. EAP Reply Comments at 7.

Peoples prefers limiting annual recertification to those with no LIHEAP benefit within a year and those with potentially changing income such as employment. Multiple-year recertification is sufficient for those on disability income or Social Security. Peoples Reply Comments at 5. Duquesne does not oppose requiring recertification on a two-year cycle. Duquesne Reply Comments at 21-22.

FirstEnergy opines it would be more appropriate to determine recertification timeframes within utilities' USECPs rather than in the CAP Policy Statement. In general, the CAP Policy Statement should not establish specific funding levels or timing restrictions but should allow utilities to design their plans in a way that appropriately fits their customers' needs. FirstEnergy Reply Comments at 15.

EAP and PPL support recertifying zero-income customers on a more frequent basis. EAP Reply Comments at 7 and PPL Reply Comments at 3.

PGW contends that allowing customers to remain in CAP with no income on a permanent basis encourages and authorizes fraud. PGW Reply Comments at 4. PGW recommends developing the recertification process through a collaborative. PGW Reply Comments at 13.

#### *Discussion*

Stakeholders have offered various proposals for amending the policy recommendations regarding recertification timelines for CAP customers. The Commission finds that granting utilities the flexibility to extend their CAP recertification timeframes beyond one year can be reasonable depending on circumstances.

The most common reason customers are removed from CAPs is due to failure to recertify.<sup>113</sup> The more frequent

<sup>102</sup> See Duquesne 2017–2019 USECP at 9.

<sup>103</sup> See FirstEnergy's 2019–2021 USECP at 16.

<sup>104</sup> See PECO 2016–2018 USECP at 7-8.

<sup>105</sup> See PPL 2017–2019 USECP at 13, 16.

<sup>106</sup> See Columbia 2015–2018 USECP at 23-24.

<sup>107</sup> See NFG 2017–2020 USECP at 16.

<sup>108</sup> See Peoples Natural Gas 2015–2018 USECP at 12.

<sup>109</sup> See PGW 2017–2020 USECP at 17-18.

<sup>110</sup> Includes UGI North, UGI South, UGI Central, and UGI Electric. See UGPs 2014–2017 USECP at 19.

<sup>111</sup> This issue was not addressed in the Energy Affordability proceeding.

<sup>112</sup> Lifeline is a federal program that lowers the monthly cost of phone and internet for low-income eligible customers. <https://www.fcc.gov/general/lifeline-program-low-income-consumers>.

<sup>113</sup> For example, see FirstEnergy 2017 APPRISE Universal Service Impact Evaluation at 22. [http://www.puc.pa.gov/general/pdf/USP\\_Evaluation-FirstEnergy.pdf](http://www.puc.pa.gov/general/pdf/USP_Evaluation-FirstEnergy.pdf). Of customers removed from FirstEnergy CAPs in 2013–2015, 63% were removed for failing to recertify, and 8% were removed because their income was too high, on average.

the recertification, the more likely it is that households will be removed from the program for failing to send in required documentation. Consistent with Section 69.265(7)(iv), all EDCs and NGDCs currently require CAP participants to report income changes, but a household may not always report the gradual changes in income which could entitle the household to higher or lower CAP credits.

Regarding LIHEAP, while we recognize the benefits of allowing LIHEAP recipients to remain in CAPs without frequent recertification of income, we find that receipt of a LIHEAP grant itself is insufficient income documentation for the purposes of CAP. A LIHEAP grant only establishes that the household has income at or below 150% of the FPIG and is thus income-eligible for CAP. However, knowing that a household has received a LIHEAP grant does not provide the utility with the household-specific information necessary for the proper determination of CAP benefits. This is especially important as some CAP benefits are tied to household income. By recommending that utilities overextend the recertification period for LIHEAP recipients, we could inadvertently run the risk of preventing otherwise eligible households from receiving greater payment assistance from their utilities if, for example, their income were to decline in the interim. Therefore, we find merit in extending the recertification timeframe for CAP households that receive LIHEAP grants for up to two (2) years.

Elderly residents and people with disabilities often rely on income sources which do not increase much from year-to-year, if at all. Annual changes to these income amounts typically have minimal impact on CAP benefit calculations. Therefore, we find merit in extending the recertification timeframe for CAP households that report Social Security, SSI, or pensions as their primary or sole source of household income for up to three (3) years.

With respect to CAP customers who report zero income at the time of enrollment, we agree with EAP, PPL, and PGW that CAP customers reporting no income should recertify more frequently. It does not seem reasonable to presume that a household can maintain housing/living expenses for an extended period of time with no source of income. Therefore, households reporting no income should be required to recertify no less than once every six (6) months.

For CAP households that do not meet any of the above exceptions, the recertification timeframe should be at least once every two (2) years.

While the most common reason customers are removed from a CAP is due to failure to recertify, we acknowledge that frequency of recertification is a significant but not sole determinant of this suboptimal outcome. Another barrier is the process itself. Utilities should endeavor to find more effective ways of communicating their recertification policies and procedures and develop more efficient ways of collecting appropriate income information from customers in order to minimize disruption in CAP participation.

*Resolution: Amend Section 69.265(8)(viii)—Recertification.*

This Order amends Section 69.265(8)(viii) of the CAP Policy Statement as indicated in Annex A to reflect amended recertification timeframes as follows:

- CAP households reporting no income should be required to recertify at least once every six (6) months regardless of participation in LIHEAP;

- CAP households with income that participate in LIHEAP annually should be required to recertify at least once every three (3) years;

- CAP households whose primary source of income is Social Security, SSI, or pensions should be required to recertify at least once every three (3) years; and

- All other CAP households should be required to recertify at least once every two (2) years.

This Order also amends Section 69.265(8)(viii) of the CAP Policy Statement as indicated in Annex A to minimize disruptions in CAP participation by amending the recertification timeframes. A utility should endeavor to find more effective ways of communicating its recertification practices and procedures and to develop more efficient ways of collecting appropriate income information from customers in order to minimize disruption in CAP participation.

13. *Utilities should initiate collection activity for CAP accounts when a customer has no more than two in-program payments in arrears. Customers should not be removed or defaulted from CAP as a precursor to termination for non-payment.*

The current CAP Policy Statement provides the following guidance related to dismissal from CAP due to non-payment:

Failure to make payments will result in the utility returning the participant to the regular collection cycle and may lead to termination of service. By returning the customer to the regular collection cycle, the utility does not need to enter into a new payment arrangement but may begin the termination process. At a minimum, the utility should inform the participant of the consequences of defaulting from the CAP. To avoid termination of service, the CAP participant must pay the amount set forth in the termination notice prior to the scheduled termination date. This amount should generally be no more than two CAP bills.

52 Pa. Code § 69.265(7)(i).

Commission staff conducted a survey of CAP collections processes and found that EDCs and NGDCs have various default provisions for program non-payment. Results of the survey revealed:

- PECO, NFG, and PGW initiate collection activity after one missed CAP payment. Customers are not removed from CAP prior to termination.

- Columbia and the Peoples utilities initiate collections activity after two missed payments. Customers are not removed from CAP prior to termination.

- Duquesne, the FirstEnergy utilities, and the UGI utilities initiate collections activity after the CAP account exceeds a balance threshold and is overdue for a certain amount of time.<sup>114</sup> Customers are not removed from CAP prior to termination.

- PPL initiates collection activity after one missed payment. After two missed payments, the customer is “defaulted” from CAP and billed the full tariff rate.

<sup>114</sup> Duquesne reports it initiates collections when a CAP customer has a balance exceeding \$50 and is overdue by at least seven days. The FirstEnergy utilities initiate collections when a CAP customer has a balance exceeding \$100 and the account is six or more days past due—or—when the balance exceeds \$25 and the account is greater than 61 days past due. The UGI utilities initiate collections when the CAP balance exceeds the collections threshold (at least \$200, subject to seasonal changes) and the account is at least 40 days past due.

During the Review proceeding, stakeholders voiced support for a more consistent collections/termination policy across CAPs.<sup>115</sup>

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OCA recommends that utilities place CAP customers into the collection cycle for missed CAP payments, including termination of service. Disconnected CAP participants should pay unpaid CAP bills (not bills at the full-tariff rate) and reconnection fees. OCA Comments at 16.

The Low Income Advocates recommend revising the CAP Policy Statement to prevent inconsistent statewide CAP termination practices leading to high up-front restoration costs for vulnerable households. Low Income Advocates Comments at 32.

*Discussion*

Relative to non-payment CAP defaults, we find that it is appropriate to recommend that utilities initiate collection activity after no more than two CAP payments in arrears. While Section 1405(c) prohibits the Commission from making a payment agreement for a CAP customer, it does not prohibit the Commission from ensuring that the statutory “policy” at Section 1402(3) of “increasing timely collections” is appropriately applied to CAP accounts. 66 Pa.C.S. § 1402(3). An appropriate default provision is necessary to ensure that a utility is operating its CAP in a cost-effective manner. 66 Pa.C.S. § 2203(8).

The rationale for timely collection for CAP participants is that a low-income CAP participant is more likely to be able to pay a catch-up amount if the utility pursues collections in a prompt manner. For a utility to allow more than two CAP payments in arrears without taking any collection action is counterproductive and inconsistent with the General Assembly’s declaration of policy that utilities are to increase timely collections. Section 1402(3). When a utility fails to take timely collection action, it increases the likelihood that a low-income customer will accrue a balance it cannot pay back or satisfy through available energy assistance grants or donations.

The consequence for nonpayment of CAP bills should be loss of service, not loss of CAP. Loss of CAP merely increases debt. It is illogical, unproductive, and unreasonable for a utility to allow a customer to incur an insurmountable obstacle to restoration of service by failing to pursue timely collection on a CAP account. An appropriate default provision is necessary to ensure that a utility is operating its CAP in a cost-effective manner. Therefore, we recommend that a utility should initiate collection procedures after a customer has a maximum of two CAP payments in arrears.

*Resolution: Add Section 69.265(11)—Collection activity; amend 69.265(9)(i) to remove certain default provisions.*

Consistent with the discussion above, this Order amends Section 69.265 of the CAP Policy Statement as indicated in Annex A to address CAP collection and termination procedures. Except in circumstances where medical certificate<sup>116</sup> and winter termination<sup>117</sup> procedures apply, utilities should, at a minimum, initiate their overdue CAP account collection and termination processes when a customer is behind two CAP payments. Utilities

should not, however, remove or default customers from CAPs as a precursor or alternative to termination for non-payment.

14. *Utilities should evaluate household CAP bills at least quarterly to determine whether the customer’s CAP credit amount or billing method is appropriate.*

The CAP Policy Statement does not provide guidance on how often EDCs and NGDCs should evaluate customer bills to ensure they are paying the most affordable CAP billing method. Many CAPs determine the amount of a household’s monthly CAP credits or payment method<sup>118</sup> based on their usage history, which can fluctuate over time. Although all utilities adjust CAP bills when household income is recertified, many utilities also evaluate and adjust customer CAP bills on a more frequent basis. For example:

- Peoples reviews CAP customer bills monthly to determine whether PIP or budget billing is more affordable,<sup>119</sup>

- PECO<sup>120</sup> and the FirstEnergy utilities<sup>121</sup> review customer CAP bills every quarter to recalculate CAP credit allotments. PECO and FE calculate the amount of CAP credits a customer should receive annually. They re-calculate this amount every month based on new usage information.

This issue was not addressed in the Review or Energy Affordability proceedings. The Commission recently directed UGI to evaluate customer CAP bills at least once per quarter to ensure participants are being billed the most affordable option (i.e., PIP or average annual bill). See UGI 2018—2020 USECP Order, Docket Nos. M-2017-2598190, M-2017-2637094, M-2017-2637095, and M-2017-2637098 (order entered on August 8, 2019), at 50—52.

*Discussion*

We find that evaluating CAP bills at least once per quarter, as opposed to a longer interval, is more likely to result in the customers receiving the most beneficial discount amount and/or billing option. As energy usage may increase due to temperature extremes during winter and summer months, utilities should evaluate CAP bills regularly to ensure the household is receiving the appropriate amount of CAP credits to keep the monthly payment as affordable as possible. If energy usage decreases due to energy conservation or moderate temperatures, the CAP customer could benefit by being switched to a different CAP payment option (e.g., switched from PIP to average bill). Such a procedure may also help to improve customer payment behavior, reduce debt, and reward energy conservation.

*Resolution: Amend Section 69.265(8)(vii)—Account monitoring.*

Consistent with the discussion above, this Order amends Section 69.265 of the CAP Policy Statement as indicated in Annex A to encourage at least quarterly review of CAP bills.

15. *Utilities should work with stakeholders to develop Consumer Education and Outreach Plans.*

The current CAP Policy Statement provides guidance on consumer education and outreach. Section 69.265(6)(vi) currently provides that education programs should include information on the benefits and responsibilities of CAP participation, the importance of energy conservation, and referrals to other appropriate support services. Sec-

<sup>115</sup> This issue was not addressed in the Energy Affordability proceeding.

<sup>116</sup> 52 Pa. Code § 56.113; 52 Pa. Code § 56.353.

<sup>117</sup> 66 Pa.C.S. § 1406(e); 52 Pa. Code § 56.100; 52 Pa. Code § 56.340.

<sup>118</sup> For example, charging customer a PIP or average bill, whichever is less.

<sup>119</sup> Peoples 2015—2018 USECP at 10.

<sup>120</sup> PECO 2016—2018 USECP, Docket No. M-2015-2507139, at 33-34.

<sup>121</sup> FirstEnergy 2019—2021 USECP at 10.

tion 69.265(6)(i) currently provides that outreach may be conducted by CBOs and should be targeted to low-income, payment-troubled customers and that utility should make automatic referrals to CAP when a low-income customer calls to make payment arrangements.

This issue was not addressed in the Review or Energy Affordability proceedings, but issues related to consumer education and outreach efforts have been addressed in several utility-specific proceedings.

#### *Discussion*

As part of its USECP filing requirements, each EDC and NGDC submits a needs assessment, which uses census information and other available sources to identify the number of estimated low-income individuals in each service territory. These data are then overlaid with the number of customers enrolled in a utility's CAP to identify the gap or the potential need in the service territory for low-income programming. While there is no specific regulatory mandate that each utility must enroll a certain percentage of low-income households in CAP, the near uniform disparity between the total number of potential income-qualified households and those actually receiving assistance calls into question the overall adequacy of consumer education and outreach. Consumer Education and Outreach Plans are paramount to customer awareness of, and enrollment in, universal service programs. Therefore, we are expanding the current CAP Policy Statement in order to provide more guidance on this central matter.

Historically, within Pennsylvania, only 30% of eligible households have been enrolled in their utility's CAP—regardless of likely correlates such as economic performance, unseasonably hotter summers, or unemployment rates.<sup>122</sup> This fact pattern does not convince us that needs are being met, but rather it illuminates the need for increased awareness. We have noted in various USECP proceedings the necessity for utilities to develop more robust efforts to reach customers, particularly the very marginal, for enrollment in universal service programs.<sup>123</sup>

Utilities should develop enhanced Consumer Education and Outreach Plans with input from stakeholders and submit them as part of their addendums initially and their proposed USECP filings going forward. While utilities have flexibility as to the contents of their plans, the plans should reflect focused consumer education and outreach efforts, tailored to the demographics of their individual service territories, spanning the duration of the universal service plan period. In particular, these plans should identify efforts to educate and enroll eligible and interested customers at or below 50% of the FPIG. The Consumer Education and Outreach Plans will be reviewed by BCS and by the Commission's Office of Communications.

Additionally, the education and outreach plans should identify resources and make available translation services and translated materials for those customers who are of Limited English Proficiency (LEP). This would also apply to the services, materials, and technical assistance provided by partners or CBOs involved in the enrollment or service delivery associated with universal service programs.

<sup>122</sup> See, e.g., 2017 Report on Universal Service Programs & Collections Performance at 51.

<sup>123</sup> Duquesne 2017—2019 USECP, Docket No. M-2016-2534323 (order entered on March 23, 2017); see also Statement of Vice Chairman David W. Sweet, Columbia 2019—2021 USECP, Docket No. M-2018-2645401 (order entered on August 8, 2019); and Statement of Commissioner David W. Sweet, PGW 2017—2019 USECP, Docket No. M-2016-2542415 (tentative order entered on January 26, 2017).

#### *Resolution: Amend Section 69.265(8)(i) & (vi)—Consumer Education and Outreach.*

Consistent with the discussion above, this Order amends Section 69.265(8)(i) & (vi) to add enhanced guidance regarding consumer education and outreach.

16. *Utilities should use the definition of “household income” in Chapter 14 of the Public Utility Code.*

Participation in a utility's CAP is dependent on a customer's income. The eligibility criteria in the Commission's CAP Policy Statement identifies that households must, inter alia, have incomes at or below 150% of the FPIG to qualify for CAP. Section 69.265(4)(ii). However, the CAP Policy Statement does not define “household income.”

During the Review proceeding, stakeholders recommended standardizing how household income is defined and documented when determining CAP eligibility and benefits.

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The Low Income Advocates advised the Commission to adopt flexible and consistent income documentation standards as many utility USECPs do not disclose how the utility calculates income and/or what documentation the utility requests from CAP applicants. They noted the lack of clear guidelines for income documentation is particularly problematic for low-income persons who often work “odd jobs,” receive inconsistent support from family or friends, or otherwise earn income through non-traditional employment. Low Income Advocate Comments at 36-37.

OCA recommended the Commission look to the income documentation requirements imposed by Pennsylvania's LIHEAP for guidance. If the income documentation is sufficient to establish income eligibility to receive LIHEAP assistance, OCA opined that the same documentation should be sufficient to establish income eligibility for CAP assistance. OCA Reply Comments at 10.

Both the Low Income Advocates and OCA supported referring income documentation issues to a working group consisting of Commission staff and interested stakeholders, which could explore the issue more thoroughly and develop recommendations to the Commission in furtherance of a consistent and fair policy for the Commission's adoption. Low Income Advocate Comments at 37 and OCA Reply Comments at 10.

#### *Discussion*

To standardize the definition and documentation of household income, we are adopting the definition of income as prescribed in Chapter 14 of the Public Utility Code.<sup>124</sup> Chapter 14 defines “household income” as “[t]he combined gross income of all adults in a residential household who benefit from the public utility service.” The Chapter 14 definition of household income excludes earned and unearned income of minors. This is the definition that guides the Commission on how household income is calculated for the purposes of payment arrangement requests, and arguably this should inform the utility calculation of household income as well.

Adopting the Chapter 14 definition will provide a single definition to be used by both the Commission and the energy utilities and should facilitate greater consistency among utilities in determining and documenting household income. This should work towards eliminating dispa-

<sup>124</sup> 66 Pa.C.S. § 1403 (relating to definitions).

rate parameters of CAP qualifications among the EDCs and NGDCs with the goal of fostering more uniformity in program implementation.

*Resolution: Amend Section 69.262—Definitions.*

Consistent with the discussion above, this Order amends Section 69.262 to add the Chapter 14 definition of “household income.”

17. *Utilities should be prepared to address recovery of CAP costs (and other universal service costs) from any ratepayer classes in their individual rate case filing.*<sup>125</sup>

The Competition Acts,<sup>126</sup> Commission regulations (i.e., Chapters 54, 58,<sup>127</sup> and 62), and the CAP Policy Statement<sup>128</sup> do not expressly restrict the recovery of CAP costs (or other universal service costs) to residential ratepayers. The CAP Policy Statement was amended in 1999 to include a universal service funding mechanism based on the following discussion<sup>129</sup>:

*CAP program funding.* The Commission is amending program funding to include a universal service funding mechanism for EDCs. This revision is consistent with section 2804(8) of the [Electric Competition] act that requires the Commission establish for each electric utility an appropriate cost recovery mechanism which is designed to fully recover the EDC’s universal service and energy conservation costs over the life of these programs.

Currently, CAP costs are allocated to the residential class, with a few exceptions.<sup>130,131</sup> The Commission received numerous comments from stakeholders in both the Review and the Energy Affordability proceedings regarding whether EDCs and NGDCs should recover universal service costs from all ratepayer classes. In this Order, we shall discuss policy related to the recovery of CAP costs in particular and as a large subset of overall universal service costs.

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*Comments from Parties*

Industrial Customers support the current policy of recovering universal service costs from the only rate class that benefit from these programs—residential ratepayers. Large commercial and industrial organizations neither benefit from nor are they eligible for these programs. Principles of cost causation dictate that costs should be attributed to the customers causing costs to be incurred. Joint Comments of Industrial Customers at 2.

The Pennsylvania Departments of Aging, Department of Community and Economic Development (DCED), Department of Environmental Protection (DEP), Department of Health (DOH), and DHS jointly recommend that

<sup>125</sup> We are not making a final precedential decision regarding cost recovery in this docket.

<sup>126</sup> The Competition Acts require EDCs and NGDCs to establish “an appropriate nonbypassable, competitively neutral cost-recovery mechanism” which is designed to fully recover the costs of universal service programs. Sections 2203(6) (natural gas) and 2804(9) (electric).

<sup>127</sup> The LIURP regulations state that program expenses “shall be allotted among ratepayers.” Section 58.4(e)(1).

<sup>128</sup> The CAP Policy Statement recommends program funding come from (1) payments from CAP participants; (2) LIHEAP grants; (3) operations and maintenance expense reductions; and (4) universal service funding mechanisms. Section 69.265(1).

<sup>129</sup> Customer Assistance Program, Docket No. M-991232 (order entered April 9, 1999). 29 Pa.B. 2495 (May 8, 1999); <https://www.pabulletin.com/secure/data/vol29/29-19/753.html>. This docket number may also be cited as Docket No. M-00991232.

<sup>130</sup> “PGW’s cost allocation was determined prior to the Commission’s oversight of the [utility]. Dominion Peoples and PG Energy agreed to a cost allocation among more than residential customers through settlement agreements, which did not constitute legal precedent.” Final CAP Investigatory Order at FN 25.

<sup>131</sup> The Commission has previously allocated the costs of a universal service program to all customer classes. Annual funding for LIURP was initially recovered from all ratepayers. Most utilities now recover LIURP costs from residential ratepayers via a universal service rider.

the Commission expand recovery of universal service costs to other rate classes to allow for increased efficacy of the programs while avoiding the need for rate increases within a single rate class. Other states authorize cross-class cost recovery, including Ohio, New Jersey, Maryland, and New York. Universal Service programs legally establish an obligation on public utilities. All utility customers should owe support, and non-residential classes do benefit as a whole. Joint Comments of PA Departments of Aging, DCED, DEP, DOH, and DHS at 3.

OCA asserts that universal service programs are a public good in Pennsylvania that should be funded by all classes of ratepayers. The literal interpretation of the cost causation argument (i.e., only ratepayers that benefit should pay for the program) would have only low-income customers support the cost of these universal service programs since they are the only customers that can participate. OCA maintains societal poverty causes the cost, not all or only residential customers. Other states fund low income energy programs through a system benefits charge that is passed to all ratepayers. The whole community benefits from universal service programs because providing affordable home energy addresses public health and safety costs that are borne by all taxpayers (e.g., homelessness). Businesses benefit from these programs because the programs provide help to low-wage employees and low-income customers. Small businesses require low-wage employees to survive, but low wages also create a situation where the employees may need help to afford utility service. OCA Comments at 36–40, Appendix A at 11–20.

The Industrial Customers assert that utility service is not a “public good.” They maintain that social policy ratemaking is a faulty approach that will erode time-tested, objective methods of utility ratemaking. A total assistance burden of \$360 million is an enormous one to add to the non-residential classes who are ineligible to participate in CAPs in Pennsylvania. Joint Reply Comments of Industrial Customers at 14, 16, 17-18.

The Low Income Advocates state that, to their knowledge, Pennsylvania is the only state to establish a policy generally limiting cost recovery of universal service programs to the residential class. They note the Commission has ample authority to approve cross-class recovery in its specific mandate to ensure that universal service programs are appropriately funded. Noting the public purpose goals of the Competition Acts, the toll of poverty, and the consequences of unaffordable utility service, the Low Income Advocates state the safety of the community at large is improved by affordable utility service. They maintain that these programs are the responsibility of all individuals and entities which benefit—either directly or indirectly—from the provision of universal service. Low Income Advocates Comments at 52, 55, 59.

The Low Income Advocates further note the Competition Acts mandate that full and nonbypassable cost recovery be required to ensure universal service programs are appropriately funded and cost-effective across the Commonwealth. 66 Pa.C.S. §§ 2203(6), 2802(17), 2804(9). Given the statutory authority of the Commission over public utilities, the Low Income Advocates maintain there is no merit to the suggestion that the Commission’s obligations concerning utility affordability may be referred to another governmental body, left to the General Assembly or Federal Government, or suspended in the hopes that charities will step in to assist in effectuating the statutory promise of universal service. The Low Income Advocates assert the Commission is fully and

completely capable of requiring public utilities to implement new programs, establish lower energy burdens, and coordinate practices more effectively to ensure that low-income customers can maintain essential utility service. Low Income Advocates Reply Comments at 11-12.

The Industrial Customers assert that underlying facts have not changed to justify a reversal of the 25-year Commission precedent of allocating universal service program costs solely to the residential class. They further note that in 2004, the Commission concluded that universal service costs should be allocated to only residential customers<sup>132</sup> and that in 2006, the Commission reaffirmed that position in the Final CAP Investigatory Order. If the Commission makes this policy change, it should identify its reasons for doing so, including what facts or laws have changed to require a departure from established precedent. Joint Reply Comments of Industrial Customers at 4-5, 11.

UGI contends that universal service program funding should remain with the class that directly benefits. It cautions against cross-class subsidization as customer choice is not limited to residential customers. UGI asserts that if universal service costs are passed on to commercial and industrial ratepayers, they can choose to procure energy services elsewhere. UGI Reply Comments at 7.

The Low Income Advocates maintain that there is insufficient information or data to support UGI's claim that universal service costs would be a driving factor in the choice of energy service providers. The Low Income Advocates assert universal service costs have not caused residential customers to switch away from natural gas. Low Income Advocates Reply Comments at 10-11.

The Pennsylvania Chamber of Business and Industry (Chamber) asserts that the increase in natural gas production volume is commensurate with decreasing PJM<sup>133</sup> prices. Prolific natural gas production has resulted in significant price decreases for natural gas utility customers. The Chamber contests the notion that low-income ratepayer assistance programs are in need of expanded investment financed by other rate classes. It strongly opposes proposals to expand cost recovery for these programs to all rate classes, as it would disadvantage the commercial and industrial sector. The Chamber's membership is more than 8,500 businesses of all sizes and industrial and commercial sectors. Its members require affordable, reliable, and competitively priced energy to sustain ongoing operations in the state. The Chamber contends a rider on industrial user bills to finance universal service programs would diminish Pennsylvania's competitiveness to attract new investment in this sector, which would clearly run contrary to the Governor Wolf's "plain desire" to attract and promote new investment in manufacturing in Pennsylvania. The Chamber contends more economic growth and continued support for competitive energy markets will expand economic opportunity and continue to drive down energy costs. Chamber Reply Comments at 1-3.

The Low Income Advocates recommend the Commission institute a uniform system benefit charge across utilities and customer classes. The system benefit charge could provide the greatest flexibility in terms of contracting for services and delivering benefits across utility service territories. It would also provide a consistent and understandable mechanism to recover program costs. Alter-

nately, if the Commission continues to allow recovery through universal service riders, the Low Income Advocates urge the Commission to set forth guidance regarding an appropriate allocation of costs among rate classes. Low Income Advocates Comments at 51-52, 60-61.

The Industrial Customers state that if the Commission does reverse precedent, the only conceivable allocation that could be used is a customer or meter allocation and recovery mechanism as opposed to a per-kWh or per-Mcf basis. Joint Reply Comments of Industrial Customers at 20, FN 41.

*Energy Affordability for Low-Income Customers, Docket No. M-2017-2587711*

*Comments from Parties*

Penn State University (PSU), PPL, Columbia, OSBA, and the Industrial Customers oppose recovering universal service costs from non-residential ratepayers; maintaining that only the customer class that benefits from these programs should pay for them (i.e., the residential class). PSU Comments at 1, PPL Comments at 11, Columbia Comments at 9, OSBA Comments at 8, Joint Reply Comments of Industrial Customers at 10-11.

The Low Income Advocates and OCA support recovering universal service costs from all ratepayers. Low Income Advocates Comments at 17 and OCA Comments at 14. The Low Income Advocates contend that Commission regulations and the Commonwealth Court support the Commission's authority to do so. They note that low-income programs are identified as "public purpose" costs in the Gas Competition Act. Low Income Advocates Reply Comments at 14, citing Section 2802(17). The Low Income Advocates also cite the Commonwealth Court decision in *Met-Ed Industrial Users Group (MEIUG) v. PA PUC*, in which the court found that funding from special programs is not limited to those who benefit. Low Income Advocates Reply Comments at 14, citing *MEIUG v. Pa. PUC*, 960 A.2d 189, 201 (Pa. Cmwlth. 2008).

OSBA, PSU, and the Industrial Customers separately assert that the Commonwealth Court has rejected the argument that the Competition Acts' designation of universal service costs as "nonbypassable" means that recovery should come from all customer classes. They claim that the Commonwealth Court held that the nonbypassable provision referred to maintaining universal service recovery after a residential customer shops for a generation supplier. OSBA Comments at 10, citing *MEIUG v. Pa. PUC*, 960 A.2d 189 (Pa. Cmwlth. 2008); PSU Reply Comments at 3-4 and Joint Reply Comments of Industrial Customers at 7, citing *MEIUG v. PA PUC*.

OSBA maintains the Competition Acts mandate continuing the universal service programs and policies in place, which includes recovering universal service costs solely from residential customers. OSBA Comments at 8-9, citing Sections 2802(17) and 2203(7).

PSU further argues that the Competition Acts make clear that the General Assembly intended to limit universal service benefits and costs to the residential class. PSU asserts that Sections 2804(7) (electric) and 2203(5) (natural gas) prohibit discriminating "against one customer class to the benefit of the other." PSU relies on Section 2202 which defines universal service and energy conservation plans as policies and practices meant to help low-income residential customers. PSU maintains it is the General Assembly's role, not the Commission's, to determine the source of funding for CAPs. PSU Comments at 6-8.

<sup>132</sup> *Pa. PUC, et al. v. PPL*, Docket Nos. R-00049255, et al. (order entered on December 22, 2004).

<sup>133</sup> PJM is the regional transmission organization that coordinates the movement of wholesale electricity in all or parts of 13 states, including Pennsylvania, New Jersey, Maryland, and the District of Columbia. <https://pjm.com>.



PSU, PPL, and the Industrial Customers separately maintain that recovering universal service costs from commercial and industrial customers is not consistent with the cost-causation principles established in *Lloyd v. Pa. PUC*, 904 A.2d 1010, 1019-21 (Pa. Cmwlth. 2006). These parties argue that residential customers are the “cost causers” of universal service programs because they are the only class who may benefit from these programs. PSU Comments at 5-6, PPL Comments at 11-12, and Joint Reply Comments of Industrial Customers at 11. PSU contends there is no support for OCA’s argument that non-residential ratepayers contribute to the cost of CAPs. PSU Reply Comments at 8-9.

OCA contends that the cost causation principle established in *Lloyd v. Pa. PUC* is not applicable in this situation, as this would require only low-income customers to pay for CAPs. OCA also notes the Commission has previously acknowledged that the cost causation principle does not preclude consideration of other factors. OCA Reply Comments at 5, citing *Pa. PUC v. City of DuBois*, Docket No. R-2016-2554150 (order entered on May 18, 2017), at 26.

PSU rejects the argument that cost-causation, if taken to the extreme, would require only low-income customers pay for universal service programs since they are the only ones eligible to receive the benefits. PSU notes that all residential customers could benefit from these programs if they experienced financial hardship; while commercial and industrial customers will never have access to these programs, regardless of their financial situation. PSU Reply Comments at 8.

The Low Income Advocates contend the true cost causers of universal service programs are poverty and income inequality, which result from social and economic forces that cannot be attributed to the residential class alone. Low Income Advocates Reply Comments at 15.

PSU, OSBA, and the Industrial Customers note the Commission has consistently upheld the policy of restricting recovery of universal service costs to residential customers. The Commission last considered cost allocation modifications for universal service programs in the 2005 CAP Funding Levels and Cost Recovery Mechanisms proceeding at Docket No. M-00051923 and determined that no changes were needed. These parties argue the Commission should maintain this long-standing policy. PSU Comments at 4, OSBA Reply Comments at 9, and Joint Reply Comments of Industrial Customers at 8-9, citing the Final CAP Investigatory Order at 31-32.

OCA and the Low Income Advocates note the Competition Acts identify universal service costs as nonypassable, which supports the designation of universal service costs as a public good that should be paid by all ratepayers. OCA Comments at 14-15, Appendix A at 72-81; and Low Income Advocates Reply Comments at 15. OCA notes that other states collect utility assistance program costs from all ratepayers, including New Jersey, Ohio, Illinois, Maine, and New Hampshire. OCA Comments at 15, Appendix A at 91-92.

OSBA, PSU, and the Industrial Customers argue that universal services should not be considered a public good. OSBA Comments at 5-8, PSU Reply Comments at 6, and Joint Reply Comments of Industrial Customers at 5-7. OSBA and PSU aver that true public goods are non-excludable and non-rivalrous; which means that customers cannot be excluded from the good or service and that there is marginal cost associated with additional consumption (e.g., a bridge, television signal, or police protec-

tion). OSBA and PSU maintain that regular utility service and CAPs meet neither criterion. OSBA Comment at 6 and PSU Reply Comments at 6.

The Industrial Customers submit that simply because a good or service is important and may provide some indirect benefit to other individuals does not make it a “public good.” The Industrial Customers argue this logic could be used to treat all goods and services as public goods, such as childcare, food, shelter, and employment.<sup>134</sup> Joint Reply Comments of Industrial Customers at 5-7.

OSBA avers that cost recovery in universal services should follow the legislative guidelines provided in the Act 129 Energy Efficiency and Conservation (EE&C)<sup>135</sup> programs. The General Assembly required the costs of the EE&C programs be recovered from the same customer class that receives the benefit. OSBA notes the General Assembly did not assign cost recovery from all rate classes based on the societal benefits of reduced energy consumption. OSBA Comments at 7-8, citing Section 2806.1(a)(11).

The Industrials reject the argument that residential ratepayers indirectly subsidize employers by funding universal service programs, which allows low-wage employees to maintain utility service. The Industrials contend this position is inconsistent with market-based economic competition:

[E]mployers must necessarily compete with one another for labor. As a result, employers must pay wages that are necessary to attract workers with the requisite skills and knowledge for the position, while balancing these wages with a business’ operating costs and revenues. The concept that an employer will make a conscious decision to reduce the compensation of a particular employee or class of employees because these employees may be eligible for assistance under a [universal service program] demonstrates a fundamental misunderstanding of how businesses set employee wages.

Joint Reply Comments of Industrial Customers at 9-10.

OSBA submits that shifting universal service costs to other rate classes could have a detrimental effect on small businesses across the Commonwealth. OSBA notes that small business owners already pay for these programs through their household electric/ natural gas accounts; it argues they should not have to pay for these programs again through their business accounts. OSBA suggests that increased costs to electric and natural gas service for businesses could result in higher prices for customers or delays in pay raises or hiring. OSBA Comments at 11-12.

Columbia opines that charging non-residential ratepayers for universal service costs could place a utility at a competitive disadvantage. Industrial and large commercial class customers could switch to a deliverable fuel vendor that does not have this extra charge. Columbia Comments at 9-10. PSU agrees with Columbia’s Comments. PSU Reply Comments at 2.

#### Discussion

As noted by multiple parties, the Commission has in the past approved and defended the practice of recovering

<sup>134</sup> The Industrial Customers further argue that approving cost recovery based on the “public good” argument would require the Commission to redefine interclass cost allocation to include “indirect costs.” Industrial Customer Comments at 4. Staff notes that a precise definition of “indirect costs” was not provided.

<sup>135</sup> 66 Pa.C.S. § 2806.1. Act 129 requires EDCs with more than 100,000 customers to adopt energy efficiency and conservation (EE&C) plans, subject to approval by the Commission, to reduce electric consumption.

universal service costs, including CAP costs, from only residential ratepayers based on the “narrowly tailored” nature of these programs<sup>136</sup> and the potential detrimental economic impact to Pennsylvania’s business climate if these costs were recovered from all ratepayer classes.<sup>137</sup> However, our review of Pennsylvania’s current universal service model in the Review and Energy Affordability proceedings has provided reasons to reconsider this position.

The current cost-recovery method for universal services, including CAP costs, is putting a significant burden on residential customer bills. All EDCs except Duquesne include CAP participants in their cost-recovery methods for universal services. Only two NGDCs, PECO and PGW, include CAP participants in their cost-recovery methods for universal services. Tables 7 and 8 below reflect average annual universal service expenditures and costs per residential customer in 2017.

**Table 7<sup>138</sup>**  
**2017—EDC Universal Service Costs Recovered from Residential Customers**

<i>Utility</i>	<i>Universal Service Costs</i>	<i>Average # Residential Customers Being Billed US Costs</i>	<i>Average Annual Cost per Residential Customer</i>
Duquesne*	\$24,407,415	494,608	\$49.35
Met-Ed	\$19,425,828	499,192	\$38.91
PECO Electric	\$78,354,961	1,463,266	\$53.55
Penelec	\$24,068,245	501,533	\$47.99
Penn Power	\$6,701,617	144,286	\$46.45
PPL	\$90,908,486	1,223,076	\$74.33
WPP	\$31,938,200	624,914	\$51.18

\*Duquesne recovers universal costs only from non-CAP residential customers.

EDC residential customers paid an additional \$39 to \$74 per year, over and above the cost of their electricity usage, to fund universal service programs in 2017. Duquesne, which does not recover universal service costs from CAP participants, was in the middle of this range.

**Table 8<sup>139</sup>**  
**2017—NGDC Universal Service Costs Recovered from Residential Customers**

<i>Utility</i>	<i>Universal Service Costs</i>	<i>Average # Residential Customers Paying US Costs</i>	<i>Average Annual Cost per Residential Customer</i>
Columbia	\$24,558,499	370,489	\$66.29
NFG	\$2,250,979	188,936	\$11.91
PECO-Gas*	\$4,885,302	480,586	\$10.17
Peoples	\$9,464,197	315,567	\$29.99
Peoples-Equitable	\$6,209,416	234,921	\$26.43
PGW**	\$54,670,340	474,960	\$81.26
UGI South	\$4,474,618	344,394	\$12.99

<sup>136</sup> *Pa. PUC, et al. v. PPL* at 97-98.

<sup>137</sup> Final CAP Investigatory Order at 31.

<sup>138</sup> See 2017 Report on Universal Service Programs & Collections Performance at 6, 60, and 73, as adjusted.

<sup>139</sup> See 2017 Report on Universal Service Programs & Collections Performance at 6, 60, and 73, as adjusted.

<i>Utility</i>	<i>Universal Service Costs</i>	<i>Average # Residential Customers Paying US Costs</i>	<i>Average Annual Cost per Residential Customer</i>
UGI North	\$3,055,613	148,653	\$20.56

\*PECO-Gas and PGW recover universal costs from all residential customers, including CAP participants.

\*\*In 2017, PGW residential customers paid 70.6% of universal service costs, commercial customers paid 24.0%, industrial customers paid 2.0%, municipal service customers paid 2.1%, and Philadelphia Housing Authority (PHA) paid 1.3%.

NGDC annual universal service costs ranged from \$10 to \$81 per residential customer, over and above the cost of natural gas usage. In Philadelphia, natural gas heating residential customers, including CAP participants, paid approximately a combined average of \$135 in 2017 (\$11.25 monthly) to fund the universal service programs of PECO Electric (\$53.55) and PGW (\$81.26).<sup>140</sup>

While it is true that universal service spending for natural gas utilities has decreased by 40%<sup>141</sup> from 2006 to 2017, universal service spending for electric programs has increased by 99%<sup>142</sup> over the same time period. The Energy Affordability Report observed that NGDC and EDC CAP costs are projected to increase annually through 2021 despite the natural gas industry drop in CAP expenditures from 2012—2016. The overall average costs recovered from each residential customer are also projected to increase through 2021, varying among the utilities and with CAP enrollment levels. Annual EDC universal service costs recovered from residential customers are projected to increase by an additional \$20 from 2017 to 2021. Energy Affordability Report at 9, 94—108.

Given the significant past increase in EDC universal service spending—and the anticipated increases in both EDC and NGDC universal spending through 2021—the Commission is concerned that recovering CAP costs (as well as other universal service costs) from only residential ratepayers will continue to make electric and/or natural gas bills increasingly unaffordable for non-CAP customers, especially those with incomes between 151—200% of the FPIG.

Cogent arguments are articulated by the various stakeholders regarding the aspects of this issue. The Industrial Customers, PSU, and PPL, for example, argue that the principle of cost-causation dictates that residential customers should fund these programs because that class is the only class that “benefits” from them. On the other hand, OCA and the Low Income Advocates contend that the true “cost-causers” of universal service programs are the socio-economic conditions that create poverty, not residential ratepayers.

In its 1992 Final Report on The Investigation of Uncollectible Balances<sup>143</sup> at Docket No. I-00900002, BCS

<sup>140</sup> Service territories with larger percentages of low-income populations will tend to have higher per capita universal service costs. Philadelphia’s higher universal service costs can be attributed in part to the greater number of low-income households in that service territory. However, residential ratepayers across the Commonwealth are charged significant universal service costs annually. For example, in 2017, average combined universal service costs for PPL residential customers that heat with natural gas from UGI South (formerly UGI Gas) were approximately \$87 (\$7.25 monthly); WPP residential customers that heat with natural gas from Columbia paid approximately \$117 (\$9.75 monthly); and Duquesne non-CAP residential customers that heat with natural gas from Peoples paid approximately \$79 (\$6.58 monthly).

<sup>141</sup> NGDC universal service spending was \$182.4 million in 2006 and \$109.6 million in 2017.

<sup>142</sup> EDC universal service spending was \$138.9 million in 2006 and \$275.9 million in 2017.

<sup>143</sup> <http://www.puc.pa.gov/pedocs/1524987.pdf>. This docket number is sometimes cited as Docket No. I-900002.

also opined that the origins and impacts of energy unaffordability are not limited to residential ratepayers:

The problem of the inability of some low income [*sic*] customers to pay their entire home energy bills is caused primarily by societal economic conditions that are unrelated to any one rate class. Until such time as sufficient public revenues are available to address the poverty/energy problem, the costs for [CAPs] should be viewed as a cost of operating as a public utility for which all ratepayers must share the cost. [BCS] does not find any logic to the argument that because the larger societal economic conditions are negatively affecting the ability of some [low-income] residential customers to pay their bills, that the problem is somehow caused by the residential class and should therefore be paid for by that class.

*Final Report on The Investigation of Uncollectible Balances at 157-158.*

The Commission agrees that poverty, poor housing stock, and other factors that contribute to households struggling to afford utility service are not just “residential class” problems. Further, helping low-income families maintain utility service and remain in their homes is also a benefit to the economic climate of a community. In approving PGW’s practice of recovering such costs across all ratepayer classes, we noted that “all firm customers, including commercial and industrial customers, benefit indirectly from PGW’s extensive low-income assistance programs.”<sup>144</sup> *Pa. PUC, et al. v. PGW*, Docket No. R-2017-2586783 (order entered on November 8, 2017), at 75. Clearly, there is a persuasive argument to be made that home heating and energy assistance for low-income households serves a public good whose responsibility is not merely other residential ratepayers.

While there are strong arguments to be made that non-residential classes do benefit from universal services, there are also strong arguments to be made in favor of multi-class allocation even if one discounts any non-residential benefits. The cost of federal LIHEAP funding for home heating and energy assistance to low-income households is not funded only from individual taxpayer dollars but also from businesses and other entities.

PSU has asserted that it is the role of the General Assembly to determine funding for CAPs. OSBA argues that universal service cost recovery should follow the Act 129 model which mandates matching class costs to class benefits and discounts societal benefits. We conclude, instead, that the General Assembly has specifically assigned the role of allocating CAP costs in particular and universal service costs in general to this Commission. Rate cases are the purview of this Commission, subject to appellate review. Further, the Act 129 restrictions clearly indicate that the General Assembly can and will mandate class restrictions when it determines that such restrictions are warranted.<sup>145</sup> In fact, there is specific justification for the class restrictions in the Act 129 arena. Act 129 programs are evaluated using a benefit/cost ratio pursuant to the Commonwealth’s Total Resource Cost (TRC) Test.<sup>146</sup> Also, societal benefits, specifically includ-

ing universal service program costs, are expressly excluded from the TRC Test calculation. There are no such test requirements or exclusions for CAPs or other universal service benefits.

OSBA and the Industrial Customers have argued that recovering costs of universal service programs from industrial and commercial customers may negatively impact businesses in the Commonwealth. However, we have not seen evidence that the economic climate in Philadelphia has been negatively impacted as a result of universal service costs charged by PGW. Further, as noted by multiple parties in the Review proceeding, many states recover the cost of utility low-income programs from all ratepayer classes, including New York, New Jersey, Ohio, Illinois, Maine, and New Hampshire.<sup>147</sup> We are not aware that this practice has negatively impacted the business climate of any these states.

We note there is no statutory or appellate prohibition that limits the recovery of CAP costs, whether specifically calculated or as part of total universal service costs, to funding from the residential class.<sup>148</sup> Universal service funding from non-residential classes, while not mandatory, is permissible:

Thus, under *Lloyd*, there is no statutory requirement that the funding for special programs come only from those who benefit from the programs. However, the lack of such a requirement does not mean that funding for special programs must come from those who do not benefit.

*MEIUG v. Pa. PUC*, 960 A.2d 189, 202 (2008), citing *Lloyd v. Pa. PUC*, 904 A.2d 1010 (Pa. Cmwlth. 2006).

Consistent with the comments of the Low Income Advocates and OCA, the Commission concludes that the General Assembly clearly identified the public purpose of these programs in the Competition Acts by requiring that their costs be nonbypassable<sup>149</sup> when a customer switches energy providers.

*Resolution: Amend Section 69.265(1)—Program funding; add Section 69.266(b)—Cost recovery.*

This Order amends the CAP Policy Statement as indicated in Annex A to address recovery of CAP costs. Consistent with the discussion above, the Commission finds it appropriate to consider recovery of the costs of CAP costs from all ratepayer classes.<sup>150</sup> Utilities and stakeholders are advised to be prepared to address CAP cost recovery in utility-specific rate cases consistent with the understanding that the Commission will no longer routinely exempt non-residential classes from universal service obligations.<sup>151</sup>

<sup>147</sup> New York, for example, determines the specific distribution of this cost recovery in rate cases, where the total impacts of all revenue requirement changes can be considered. See Order Adopting Low Income Program Modifications and Directing Utility Filings, New York Public Service Commission, Case 14-M-0565 (Issued and Effective May 20, 2016), at 4.

<sup>148</sup> In PGW’s 2017 rate case, the Commission noted that recovering universal service costs from all ratepayers does not appear to be a violation of Title 66 or Commission regulations. *Pa. PUC, et al. v. PGW* at 74.

<sup>149</sup> Some documents use the term “non-bypassable.”

<sup>150</sup> We are not making a final precedential decision regarding cost recovery in this docket. We are merely providing that the recovery of CAP costs in particular can be fully explored in utility rate cases henceforth. Decisions regarding cost recovery will remain the province of utility-specific proceedings.

<sup>151</sup> A rate case is the appropriate forum to determine the cost allocation for each ratepayer class. In its 1992 Report, BCS recommended the cost allocations for CAP across ratepayers should depend on a number of factors, including the amount of CAP funding needed, the relative ability of each class (residential, commercial, and industrial) to bear additional costs, the size (number of customers or volume of sales) of the rate classes, and the price sensitivity of industrial customers to minimize anti-competitive impacts. Final Report on The Investigation of Uncollectible Balances at 158.

<sup>144</sup> In that 2017 rate case proceeding, PGW argued that all non-residential customers indirectly benefit from universal service programs by keeping low income customers in their homes and allowing them to contribute to Philadelphia’s economic activity. PGW contended “the portion of universal service costs paid by non-residential customers is offset by the substantial positive economic impact in Philadelphia on those non-residential customers created by PGW’s universal service programs.” *Pa. PUC, et al. v. PGW* at 63.

<sup>145</sup> See, e.g., Act 129 Phase III Implementation Order, Docket No. M-2014-2424864 (June 19, 2015). <http://www.puc.state.pa.us/pdocs/1367313.doc>.

<sup>146</sup> See, e.g., 2016 TRC Test Order, Docket No. M-2015-2468992 (order adopted on June 22, 2015). <http://www.puc.pa.gov/pdocs/1367195.docx>.

Further, while it was not expressly addressed in the Review and Energy Affordability proceedings, as a housekeeping measure, we shall also amend Section 69.265(1) to reflect that other sources may be used to fund CAPs.

#### *Other Cap Changes For Possible Future Consideration*

There are several other changes to CAPs that the Commission has considered but which are not part of this Order. At this time, we are not persuaded that these changes would benefit the universal service programs, its participants, or other ratepayers. Nevertheless, the Commission may further explore the following policies in future utility-specific or other Commission proceedings. This list is not exhaustive:

1. Establishing standard payment requirements for CAP re-enrollment.
2. Excluding recipients of energy bill subsidies from receiving CAP credits.

#### *Housekeeping*

We are also making several housekeeping revisions to the CAP Policy Statement including:

1. Clarifying 69.261: Specifying that CAP customers make regular monthly payments, which may be for an amount that is less than the current tariff bill for utility service including pre-CAP arrearages, in exchange for continued provision of the service.
2. Updating Section 69.262 and throughout: Adding the definition of “NGDC—natural gas distribution company” and incorporating NGDC regulatory references throughout the CAP Policy Statement; adding the definition of “CBO—community-based organization” and updating the references throughout the CAP Policy Statement; adding the definition of “USAC—universal service advisory committee” to reflect the use of such stakeholder groups; adding the definition of “USECP—universal service and energy conservation plan.”
3. Updating Sections 69.263—69.267: Incorporating the current USECP review processes since we are past the initial USECP development stage.
4. Updating Section 69.265(1): Eliminating the provisions that LIHEAP grants provide CAP program funding and that they should be applied to reduce the amount of CAP credits. If the current DHS policy is revised to reflect pre-2009 use of LIHEAP grants, this provision can be reinstated.
5. Updating Section 69.265(2)(i)(B) and (C): Referring to “natural gas” rather than “gas.”
6. Updating Section 69.265(3)(vi): Referring to exemptions as “maximum CAP credit or consumption limits” rather than “CAP control feature.”
7. Updating Section 69.261 and Section 69.265(2)(i), (3)(vii), (8)(ii)(C), and (9)(iii): Reflecting usage of “household” instead of “family.”

#### *Conclusion*

The Commission reviewed and addressed comments relating to the CAP Policy Statement as part of its Review proceeding at Docket No. M-2017-2596907 and its Energy Affordability proceeding at Docket No. M-2017-2587711.

As noted above, we appreciate the input from the utilities and the many other stakeholders<sup>152</sup> who participated in workgroup meetings and stakeholder meetings and who submitted comments and information in the Review and Energy Affordability proceedings as well as the various utility-specific USECP dockets. The stakeholders are engaged in these fundamental universal service issues daily. Their input has ultimately delivered empirically derived results that have informed our decision making and the CAP policies we hereby adopt.

Because interested parties have been given an opportunity to comment in the Review and Energy Affordability proceedings, as well as the various utility-specific USECP proceedings, we are directing that the amendments to the CAP Policy Statement as noted in Annex A to this Order shall become effective upon publication in the *Pennsylvania Bulletin*. We are making these policy changes to enhance CAPs, foster consistency among CAPs, and address energy affordability in the Commonwealth.

Further, in the Universal Service Rulemaking proceeding, the Commission will be addressing universal service regulations, including whether to promulgate any of these CAP policy provisions as regulations. The Universal Service Rulemaking, along with the LIURP Rulemaking, the CAP Final Bill proceeding, the USRRWG proceeding, and various utility-specific proceedings, will provide further opportunity for additional input from stakeholders prior to our consideration of promulgating CAP regulations.

We strongly urge the EDCs and the NGDCs to incorporate these CAP Policy Statement amendments in their USECPs as fully and quickly as possible so that all stakeholders will have a basis for meaningful input in the Universal Service Rulemaking. We suggest that the first 16 CAP Policy Statement amendments should be operational by or before January 1, 2021. Utilities, their USACs, and the CBOs should work together to determine the appropriate mechanisms and messaging for online application and document submission.

The EDCs and NGDCs shall file and serve addendums to their existing or proposed (if applicable) USECPs, at their respective USECP dockets, reflecting anticipated timeframes for implementing changes to their USECPs predicated on the amended CAP Policy Statement. The EDCs and NGDCs should indicate in their cover letters to their addendums any provisions with which they are already compliant. We invite EDCs and NGDCs to submit their USECP addendums to BCS and the Office of Communications for a compliance review prior to filing.

The following CAP policy changes are adopted by this Order:

1.a. Establish new maximum tiered CAP energy burdens of 6% for natural gas heating, 4% for electric non-heating, and 10% for electric heating for FPIG tiers 51%—100% and 101%—150%. For FPIG tier 0%—50%, the maximum energy burdens should be 4% for natural gas heating, 2% for electric non-heating, and 6% for electric heating.

1.b. Minimum CAP payment requirements should be set in USECP proceedings rather than in the CAP Policy Statement. Utilities may propose alternatives to a flat

<sup>152</sup> As noted above and in Appendix B, there were numerous stakeholders in Review and Energy Affordability proceedings. In addition to the participating EDCs, NGDCs, EAP, other active participants included statutory advocates, low-income advocates, industrial user groups, CBOs, other agencies, energy marketers, educational institutions, and others. Our appreciation extends to all who participated actively or by observation in those proceedings as well as in the many utility-specific USECPs proceedings over the years.

minimum payment for each account type, such as basing them on the household's FPIG level.

2. Utilities should allow CAP households to retain CAP enrollment when they transfer service within the utility's (or an affiliate's) service territory.

3. Utilities should accept income documentation of at least the last 30 days or 12 months, whichever is more beneficial to the household, when determining CAP eligibility at application or recertification. CAP applications and recertification letters should identify acceptable income timeframes and explain how each may benefit the customer.

4. Eliminate the provision in the CAP Policy Statement that low-income customers must be "payment-troubled" to qualify for CAPs. Utilities may, however, impose such a requirement to prioritize CAP enrollments and control CAP costs if determined appropriate by the Commission.

5. Eliminate the provision in the CAP Policy Statement that a customer should direct the LIHEAP grant to the utility sponsoring the CAP (Section 69.265(9)(i)), be penalized for not applying for LIHEAP (Section 69.265(9)(ii) and (iv)), and that a LIHEAP grant should be applied to reduce the amount of CAP credits (Section 69.265(9)(iii)). However, all CAP customers should participate in LIHEAP, if eligible.

6. Utilities should exempt CAP customers from late payment charges.

7. Utilities should provide CAP customers with (a) PPA forgiveness for each on-time and in-full monthly CAP payment regardless of in-CAP arrears and (b) retroactive PPA forgiveness for any month(s) missed once the household pays its in-CAP/in-program balance/debt in full.

8. Utilities may request, but not require, SSNs of household members when verifying identity for CAP enrollment and should accept and explain alternatives to SSNs.

9. Maximum CAP credit limits should be set in USECP review proceedings and should consist of a tiered structure based on the household's FPIG level (i.e., 0—50%, 51—100%, and 101—150%) which should provide lower income households with higher CAP credit limits. Utilities should notify CAP customers when they approach their CAP credit limits, instruct them to contact the utility if they meet any exceptions, and refer them to LIURP (if eligible).

10. Utilities should establish online CAP applications and allow customers to submit documentation electronically.

11. Utilities should use a standardized zero-income form and develop other industry-wide standardized forms.

12. Establish new maximum recertification timeframes for CAPs:

- CAP households reporting no income should be required to recertify at least every six (6) months regardless of LIHEAP participation;

- CAP households with income that participate in LIHEAP annually should be required to recertify at least once every three (3) years;

- CAP households whose primary source of income is Social Security, Supplemental Security Income (SSI), or pensions should be required to recertify at least once every three (3) years; and

- All other CAP households should recertify at least once every two (2) years.

13. Utilities should initiate collection activity for CAP accounts when a customer has no more than two (2) in-program payments in arrears. Customers should not be removed or defaulted from CAP as a precursor to termination for non-payment.

14. Utilities should evaluate household CAP bills at least quarterly to determine whether the customer's CAP credit amount or billing method is appropriate.

15. Utilities should work with stakeholders to develop Consumer Education and Outreach Plans.

16. Utilities should use the definition of "household income" in Chapter 14 of the Public Utility Code.

17. Utilities should be prepared to address recovery of CAP costs (and other universal service costs) from any ratepayer classes in their individual rate case filing.<sup>153</sup>

Having addressed the CAP-related aspects of the Review proceeding at Docket No. M-2017-2596907 and the Energy Affordability proceeding at Docket No. M-2017-2587711 and the comments, reply comments, and informational filings on the record, we note that any issue, comment, or reply comment requesting a further change to CAPs or objecting to a possible change, but which we may not have specifically delineated herein, shall be deemed to have been duly considered and denied at this time without further discussion. The Commission is not required to consider expressly or at length each contention or argument raised by the parties. *Consolidated Rail Corp. v. Pa. PUC*, 625 A.2d 741 (Pa. Cmwlth. 1993); see also, generally, *U. of PA v. Pa. PUC*, 485 A.2d 1217 (Pa. Cmwlth. 1984).

Accordingly, the Commission hereby amends the CAP Policy Statement at 52 Pa. Code §§ 69.261—69.267; *Therefore*,

*It Is Ordered That:*

1. The Final Policy Statement as set forth in Annex A is adopted.

2. The Law Bureau shall submit this Order and Annex A to the Governor's Budget Office for review of its fiscal impact.

3. The Law Bureau shall deposit this Order and Annex A with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.

4. The Final Policy Statement shall become effective upon publication in the *Pennsylvania Bulletin*.

5. A copy of this Order, together with Annex A, be served on the following entities:

a. Natural Gas Distribution Companies: Columbia Gas of Pennsylvania, PECO Energy Co., National Fuel Gas Distribution Corp., Peoples Natural Gas Co., Peoples-Equitable Division, Philadelphia Gas Works, and UGI Utilities, Inc.

b. Electric Distribution Companies: Duquesne Light Co., Metropolitan Edison Co., PECO Energy Co., Pennsylvania Electric Co., Pennsylvania Power Co., PPL Electric Utilities Inc., and West Penn Power Co.

c. Other Parties: The Commission's Bureau of Investigation and Enforcement; Office of Consumer Advocate; Office of Small Business Advocate; Industrial Energy Consumers of Pennsylvania; Met-Ed Industrial Users Group; Penelec Industrial Customer Alliance; Penn Power Users Group; Philadelphia Area Industrial Users Group;

<sup>153</sup> We are not making a final precedential decision regarding cost recovery in this docket. Decisions regarding cost recovery will remain the province of utility-specific proceedings.

PP&L Industrial Customer Alliance; West Penn Power Industrial Intervenors; Pennsylvania Utility Law Project; the Coalition for Affordable Utility Services and Energy Efficiency in Pennsylvania; Energy Association of Pennsylvania; Dollar Energy Fund; Community Legal Services; Community Action Association of Pennsylvania; Tenant Union Representative Network; Commission on Economic Opportunity; Action Alliance of Senior Citizens of Greater Philadelphia; Pennsylvania Department of Community and Economic Development; Utility Emergency Service Fund; Philadelphia Housing Authority; the Pennsylvania Department of Human Services; and any parties to Energy Affordability for Low-Income Customers, Docket No. M-2017-2587711, and Review of Universal Service and Energy Conservation Programs, Docket No. M-2017-2596907, not listed above.

6. The Electric Distribution Companies and Natural Gas Distribution Companies listed in Ordering Paragraph No. 5 shall file and serve addendums to their existing or proposed (if applicable) Universal Service and Energy Conservation Plans, at their respective dockets, in response to this Order, within 60 days of entry date of this Order. The addendums are to indicate how the Electric Distribution Companies and Natural Gas Distribution Companies intend to implement the policy changes specified in the amended CAP Policy Statement, numbered as in the discussion herein, by or before January 1, 2021. The Electric Distribution Companies and Natural Gas Distribution Companies should indicate in the cover letter to their addendums any provisions with which they are already compliant.

7. The addendums to the universal service and energy conservation plans shall be filed in both clean and redline copies and served on the parties at the utilities' respective existing or pending USECP dockets.

8. The addendums to the universal service and energy conservation plans shall be provided electronically in Word®-compatible format to Joseph Magee, Bureau of Consumer Services, [jmagee@pa.gov](mailto:jmagee@pa.gov); Jennifer Johnson, Bureau of Consumer Services, [jennifjohn@pa.gov](mailto:jennifjohn@pa.gov); Christina Chase-Pettis, Office of Communications, [cchasepett@pa.gov](mailto:cchasepett@pa.gov); Shari A. Williams, Office of Communications, [shariwilli@pa.gov](mailto:shariwilli@pa.gov); and Louise Fink Smith, Law Bureau, [finksmith@pa.gov](mailto:finksmith@pa.gov).

9. The electric distribution companies and natural gas distribution companies listed in Ordering Paragraph No. 5 be prepared to address recovery of customer assistance program costs (and other universal service costs) in their next individual rate case proceedings, recognizing that non-residential classes need not be routinely considered exempt from universal service obligations.

10. This Order be filed in the record at Energy Affordability for Low-Income Customers, Docket No. M-2017-2587711, and Review of Universal Service and Energy Conservation Programs, Docket No. M-2017-2596907, and that Docket No. M-2017-2587711 be marked closed.

11. The contact person regarding policy and technical issues for this proceeding is Joseph Magee, Bureau of Consumer Services, [jmagee@pa.gov](mailto:jmagee@pa.gov). The contact person regarding legal issues for this proceeding is Assistant Counsel Louise Fink Smith, Law Bureau, [finksmith@pa.gov](mailto:finksmith@pa.gov).

ROSEMARY CHIAVETTA,  
Secretary

**Fiscal Note:** Fiscal Note 57-327 remains valid for the final adoption of the subject regulations.

## Appendix A

### Timeline

#### Universal Service Review and Energy Affordability Proceedings Timeline

In M-2017-2587711 & M-2017-2596907  
(5/2017 to 5/2019)

**5/5/17**—Opinion and Order entered entitled Energy Affordability for Low Income Customers (Docket No. M-2017-2587711) initiating a study regarding home energy burdens in Pennsylvania

**5/10/17**—Opinion and Order entered entitled Review of Universal Service and Energy Conservation Programs (Docket No. M-2017-2596907) initiating a comprehensive review of the entire Universal Service and Energy Conservation model

**7/14/17**—Law Bureau staff report issued in compliance with the May 10, 2017 Order (with assistance from BCS) discussing the history of universal service programs and the processes required to initiate changes

**8/8/17**—Stakeholder comment period closed for Review of Universal Service and Energy Conservation Programs (Docket No. M-2017-2596907)

**9/13/17-9/14/17**—BCS held stakeholder meetings to gather feedback on previously submitted comments/priorities/concerns/suggested changes pertaining to the universal service programs

**10/16/17**—Stakeholder reply comment period closed for Docket No. M-2017-2596907

**10/16/17**—Secretary Letter issued notifying the major jurisdictional energy distribution utilities of the intent to conduct an energy affordability study and requesting data from 2012-2016

**10/31/17**—Secretary Letter issued granting an extension for providing requested energy affordability data from 11/17/17 to 12/1/17

**12/1/17**—Secretary Letter issued granting an extension for providing requested energy affordability data from 12/1/17 to 12/8/17

**2/12/18**—Secretary Letter issued extending data request clarification/validation process for three utilities by 2/13/18 and extending due date for BCS to submit the Energy Affordability Report (originally May 5, 2018)

**3/28/18**—Sec Letter issued releasing the Staff Report Summarizing Public Comments, Feedback and Suggestions Regarding Universal Service and Energy Conservation Programs and establishing a Universal Service Working Group to further explore universal service policies and practices (press release issued)

**5/7/18**—Universal Service Working Group Meeting held to discuss zero-income forms

**7/18/18**—Universal Service Working Group Meeting held to discuss zero-income forms and possible revisions to the USECP filing schedule

**9/27/18**—Universal Service Working Group meeting held to discuss possible revisions to the USECP filing schedule

**1/17/19**—Order approved at Public Meeting releasing the Energy Affordability Report and requesting supplemental information from utilities (press release issued)

**2/2/19**—PA Bulletin announcement publicizing release of Energy Affordability Report and announcing 2/6/19 Universal Service Working Group meeting

**2/6/19**—Universal Service Working Group meeting held to discuss Energy Affordability Report and requested supplemental information

**3/7/19**—Secretary Letter issued providing clarifications to requested supplemental information and establishing a 30-day comment period and 15-day reply comment period

**4/8/19**—Energy Affordability supplemental information filed by utilities

**5/8/19**—Energy Affordability comment period closed

**5/23/19**—Energy Affordability reply comment period closed

## Appendix B

### Participants

#### List of Participants

Review of Universal Service and  
Energy Conservation Programs  
Docket No. M-2017-2596907

On or before August 8, 2017, comments were filed at this docket by the following organizations:

- Blair County Community Action Agency;
- Commission on Economic Opportunity of Luzerne County (CEO Luzerne);
- Coalition for Affordable Utility Services and Energy Efficiency in Pennsylvania (CAUSE-PA), Tenant Union Representative Network (TURN), and Action Alliance of Senior Citizens of Philadelphia (Action Alliance) (collectively Low Income Advocates or Advocates);
- Columbia Gas of Pennsylvania, Inc. (Columbia);
- Duquesne Light Company (Duquesne);
- Energy Association of Pennsylvania (EAP);
- Indiana County Community Action Program (ICCAP);
- Keystone Energy Efficiency Alliance, Housing Alliance of Pennsylvania, Green and Healthy Homes Initiative, National Consumer Law Center, National Housing Trust, and Natural Resources Defense Council (collectively PA Energy Efficiency for All Coalition [PA-EEFA]);
- Met-Ed Industrial Users Group, the Penelec Industrial Customer Alliance, the Philadelphia Area Industrial Energy Users Group, the PP&L Industrial Customer Alliance, and the West Penn Power Industrial Intervenors (collectively Industrial Customers or Industrials);
- Metropolitan Edison Company (Met-Ed), Pennsylvania Electric Company (Penelec), Pennsylvania Power Company (Penn Power), and West Penn Power Company (West Penn) (collectively FirstEnergy or FirstEnergy utilities);
- National Fuel Gas Distribution Corporation (NFG);
- Office of Consumer Advocate (OCA);
- PECO Energy Company (PECO);
- Pennsylvania Energy Marketers Coalition (PEMC);
- Peoples Natural Gas and Peoples-Equitable Gas Company (collectively Peoples);
- AARP Pennsylvania; ACTION Housing, Inc.; Community Justice Project; Disability Rights Pennsylvania; Health, Education, and Legal Assistance Project: A Medical-Legal Partnership; Homeless Advocacy Project; Interim House, Inc.; Just Harvest; Laurel Legal Services; Legal Aid of Southeastern Pennsylvania; MidPenn Legal Services; Neighborhood Legal Services Association; North

Penn Legal Services; Pennsylvania Coalition Against Domestic Violence; Pennsylvania Council of Churches; Pennsylvania Institutional Law Project; Pennsylvania Legal Aid Network; Philadelphia Legal Assistance; Regional Housing Services; SeniorLAW; Southwestern Pennsylvania Legal Services, Inc.; The Women's Center, Inc.; The Women's Resource Center; Stephen R. Krone; and Medna D. Makhlof (collectively Pennsylvania Service Providers);

- PA Departments of Aging (Aging), Community and Economic Development (DCEd), Environmental Protection (DEP), and Health and Human Services (HHS);
- PA Energy Marketers Coalition (PEMC);
- PA Weatherization Providers Taskforce;
- Philadelphia Department of Human Services (PDHS);
- Philadelphia Gas Works (PGW);
- PPL Electric Utilities Corporation (PPL);
- UGI Utilities, Inc.—Gas Division (UGI-GD), UGI Utilities, Inc.—Electric Division (UGI-ED), UGI Penn Natural Gas, Inc. (UGI-PNG), and UGI Central Penn Gas, Inc. (UGI-CPG) (collectively UGI or UGI utilities);
- United Way of Pennsylvania (United Way); and
- Weatherization and Conservation Collaborative (WCC);

On October 16, 2017, reply comments in this proceeding were filed at this docket by the following organizations:

- Commission on Economic Opportunity of Hazelton, PA (CEO Hazelton);
- Commission on Economic Opportunity of Wyoming County (CEO Wyoming);
- CEO Luzerne;
- Low Income Advocates;
- Columbia;
- DLC;
- Industrial Customers;
- FirstEnergy;
- Housing Authority of the County of Beaver;
- Housing Development Corporation of NEPA (HDC);
- NFG;
- OCA;
- Office of Small Business Advocate (OSBA);
- PA Chamber of Business and Industry;
- PA Weatherization Providers Taskforce;
- PECO;
- PEMC;
- Peoples;
- PDHS;
- PGW;
- PPL;
- Scranton-Lackawanna Human Development Agency, Inc. (SLHDA);
- UGI;
- United Way; and
- WCC.

The following organizations attended the Commission's Stakeholder meeting, in person or via teleconference, on September 13 and 14, 2017:

- Burke Vullo Reilly Roberts (representing CEO Luzerne);
- CMC Energy;
- Columbia;
- Community Legal Services (CLS) (representing TURN);
- Department of Human Services;
- Dollar Energy Fund (DEF);
- DLC;
- EAP;
- Energy Coordinating Agency (ECA);
- FirstEnergy;
- Keystone Energy Efficiency Alliance;
- McNees, Wallace, & Nurick LLC (representing Industrial Customers);
- NFG;
- OCA;
- OSBA;
- PECO;
- Pennsylvania Utility Law Project (PULP) (representing CAUSE-PA);
- Peoples;
- P.R. Quinlan;
- PGW;
- PPL;
- SFE Energy;
- UGI; and
- United Way.

Energy Affordability for Low-Income Customers  
Docket No. M-2017-2587711

On April 8, 2019, supplemental information in this proceeding were filed at this docket by the following organizations:

- Columbia;
- Duquesne;
- FirstEnergy;
- NFG;
- PECO;
- Peoples;
- PGW;
- PPL; and
- UGI.

On May 8, 2019, comments were filed at this docket by the following organizations:

- Columbia;
- Duquesne;
- EAP;
- FirstEnergy;
- Low Income Advocates;
- NFG;
- OCA;
- PECO;
- Peoples;
- PGW;
- PPL; and
- The Pennsylvania State University (PSU).

On May 23, 2019, reply comments in this proceeding were filed at this docket by the following organizations:

- Duquesne;
- EAP;
- Industrial Customers;
- Low Income Advocates;
- OCA;
- OSBA;
- PECO;
- PPL; and
- PSU.



Appendix C

Zero Income Claim Form

[ ] (Company Name and Logo)

Customer Information:

Name: [ ]

Service Address [ ]

Household Zero Income Claim:

I, [ ] (print name) state that no adult member of my household is currently receiving income from any source.

Household Expenses:

Identify how you and your household meet monthly living expenses, such as those expenses for housing (mortgage or rent), food, and utilities (electric, gas, water, and/or phone bill). Check all that apply:

- I am using money from savings.
I receive financial support from friends/family/community.
Other. Please explain below:

[ ]

Affidavit:

I certify that the information presented in this application is true and accurate to the best of my knowledge. I understand that providing false information in this application is grounds for denial and dismissal of my application. I acknowledge that I am responsible for notifying [ ] (utility) if my household or income information changes.

Signature: [ ] Date: [ ]

Please send this form to [ ] (utility) by FAX, email or U.S. Mail:

FAX: [ ]
E-Mail: [ ]
Mail: [ ]

### Statement of Vice Chairperson David W. Sweet

I would like to once again acknowledge and personally thank the parties and Commission staff that have worked extensively on what has culminated in a final action today to approve an amended CAP Policy Statement. It needs to be stated that Pennsylvania universal service programs are among the most robust in the nation. Of this we can be proud, but more needs to be done.

Since joining the Commission in 2016, my analysis of universal service programs was: (1) that low-income customers, particularly those living at or below 50% of the Federal Poverty Income Guideline (FPIG), consistently pay an extremely high percentage of their income on electric and gas service; (2) that overall participation in customer assistance programs (CAPs) was considerably low, stagnant around 30%;<sup>154</sup> (3) that the Commission was not adequately monitoring utility compliance with the 1992 CAP Policy Statement; and (4) that CAP costs were disproportionately varied across utility service territories, which unfortunately meant that residential ratepayers in certain parts of the state paid more for energy assistance than others. My fundamental goal throughout both the Energy Affordability and Comprehensive Review of Universal Service and Energy Conservation proceedings was to confront these matters holistically, and to find policy and regulatory solutions that would correct what I saw as major deficiencies in what is an important, beneficial service available to the nearly 2 million low-income customers living in Pennsylvania.<sup>155</sup>

I believe the revised Policy Statement will significantly address the majority of my concerns given the reduction in the maximum, combined CAP energy burden from 17% to 6% for the lowest income households, as well as the establishment of consumer education and outreach plan criteria as a way to improve upon stagnant participation levels in CAP. Given the renewed attention to these important matters, I have no doubt that the Commission will be committed to ensuring compliance with these goals.

Regarding costs, The Energy Affordability Study, published by Commission staff and released in January 2019, provided a rough estimate of what these policy changes could cost non-CAP, residential ratepayers. Staff estimated that on average, CAP costs would increase annually by \$15, or \$1.25 per month<sup>156</sup>—a perceptibly nominal difference to what is a tremendous savings for customers who otherwise struggle to pay for a basic household necessity.

However, admittedly several important variables were not considered in this estimate; and so, the cost of our final proposed policy changes cannot yet be precisely identified. The onus will be on each electric distribution company (EDC) and natural gas distribution company (NGDC) to either adopt these policies in Universal Service and Energy Conservation Plan (USECP) proceedings, or fully demonstrate why adoption cannot be met, especially considering the policy amendment that CAP costs can be recovered from all rate classes—not just from residential customers.

Yet, none of this solves the unequal nature of how customers in different utility service territories are charged varying universal service costs. This becomes

<sup>154</sup> See 2011–2017 Reports on Universal Service Programs & Collections Performance.

<sup>155</sup> See 2017 Reports on Universal Service Programs & Collections Performance, pages 7-8.

<sup>156</sup> See Home Energy Affordability for Low-Income Customers in Pennsylvania, Docket No. M-2017-2587711, page 108.

particularly apparent for the roughly 500,000 customers receiving natural gas distribution service from Philadelphia Gas Works (PGW). The average non-CAP PGW ratepayer pays \$81.26 annually to support these programs—nearly seven times the amount of a National Fuel Gas customer.<sup>157</sup> This anomaly occurs because CAP and other universal service programs<sup>158</sup> are not funded through a statewide pool, but rather utility by utility based on service area.

Philadelphia is home to a much larger number of citizens in poverty than any other jurisdiction, and these residents would benefit the most from the proposed reductions to the energy burden thresholds. However, understanding that our action today will likely further increase costs to PGW's non-CAP ratepayers, I encourage the utility to speak to this dilemma in its next USECP filing, noting that any attempt to forgo inclusion of the proposed CAP policies for rate impact reasons, while reasonable, also denies Philadelphia's poor from fully benefiting from greater CAP benefits.

PGW's unique situation goes beyond matters of universal service. The Company annually pays \$18 million to the City of Philadelphia, and nearly \$1 million to the Philadelphia Gas Commission<sup>159</sup>—ironically roughly the same estimated value if a 6% energy burden was adopted.<sup>160,161</sup> I urge the City to forgo these payments and devote the money instead to a full-scale effort by PGW to significantly reduce the heating bills of its low-income residents. Moreover, the General Assembly should consider developing a statewide pool to support energy assistance in areas of high poverty, urban and rural.

Today, the Commission took the necessary steps to improve upon utility-sponsored energy assistance programs, and it is my expectation that as a result, utilities will heed Commission guidance on these issues. For the remainder of my term, I will be paying close attention to utility adherence to these policies both in USECP proceedings and rate case filings, and encourage my colleagues to do so, as well.

DAVID W. SWEET,  
*Vice Chairperson*

### Statement of Commissioner Norman J. Kennard

Before the Pennsylvania Public Utility Commission (Commission or PUC) for consideration and disposition is a Final Policy Statement Order (Final Policy Statement) amending the Commission's existing customer assistance program (CAP) Policy Statement (Existing Policy Statement). These changes are largely based on the Commission's staff report titled Home Energy Affordability for Low-Income Customers in Pennsylvania (Energy Affordability Report).<sup>162</sup>

#### *Maximum Energy Burdens*

Under the Commission's Existing Policy Statement, the combined electric and natural gas expenses (also known

<sup>157</sup> See 2017 Reports on Universal Service Programs and Collections Performance, page 73.

<sup>158</sup> The Low-Income Usage Reduction Program, Customer Assistance and Referral Evaluation Services, and Hardship Fund.

<sup>159</sup> See Philadelphia Gas Works, Management Efficiency Investigation Evaluating the Implementation of Selected Recommendations from the 2015 Stratified Management and Operations Audit Report, Docket No. D-2017-262752, page 38.

<sup>160</sup> See Home Energy Affordability for Low-Income Customers in Pennsylvania, Docket No. M-2017-2587711, page 106.

<sup>161</sup> The amended, final CAP Policy Statement proposes the following tiered energy burden thresholds: for customers within 0%–50% of the FPIG, the maximum energy burden is 4% for natural gas heating, 2% for electric non-heating, and 6% for electric heating. For customers within 51%–100% and 101%–150% of the FPIG, the maximum energy burden is 6% for natural gas heating, 4% for electric non-heating, and 10% for electric heating.

<sup>162</sup> Released via order entered on January 17, 2019, in Energy Affordability for Low-Income Customers, Docket No. M-2017-2587711; available at <http://www.puc.pa.gov/pddocs/1602386.pdf>. See also Review of Universal Service and Energy Conservation Programs, Docket No. M-2017-2596907.

as the “energy burden”) of a customer are not to exceed 15–17% of household income where the household income is at or below 150% of the Federal Poverty Income Guidelines (FPIG). The CAP program provides discounted bills to qualifying low-income customers. The electric distribution companies (EDCs) and natural gas distribution companies (NGDCs) currently collect over \$330 million per year from other customers (residential non-CAP) to fund these low-income CAP programs.

The Final Policy Statement presented by the Staff before us today would reduce the current energy burden down to a maximum of 10%. The Joint Motion proposes to go even further by creating a “tiered” energy burden structure with a maximum energy burden level of 6% for customers within 0–50% of the FPIG, 10% for customers within 51–100% of the FPIG, and 10% for customers within 101–150% of the FPIG.

The Energy Affordability Report estimated that a combined 10% energy burden for electric and natural gas would cost non-CAP ratepayers an additional \$102 million per year, not accounting for inflation. This represents an approximate 30% increase from the current over \$330 million ratepayer CAP spending. The Energy Affordability Report did not analyze or address the cost impact of establishing a 6% energy burden as proposed in the Joint Motion. Accordingly, we do not know what the additional cost impact of further reducing the energy burden will be for Pennsylvania ratepayers.

I disagree with both the Staff recommendation and the Joint Motion for several reasons. But first, let me say that I have always supported our efforts to make energy affordable for those less fortunate. However, we cannot simply open the ratepayers’ checkbooks to pay for others’ bills. Our efforts should be supplemental to the social service programs devised by the General Assembly and the Governor’s Administration. There is nothing in the Public Utility Code that gives us a significant role in fighting poverty. While we should help, we cannot solve the difficulty of low-income families in meeting their household budgets. Programs should be designed to meet a specifically demonstrated need and parameters should be put in place to avoid excess spending.

We already maintain one of the most generous programs in the nation. It is true that other states<sup>163</sup> have maximum energy burdens that are lower than in Pennsylvania, but there are significant program differences in those states as compared to Pennsylvania. For example, other states limit participation to Low-Income Home Energy Assistance Program (LIHEAP) recipients, incorporate LIHEAP grants into program discounts, have differing electric and natural gas usage, lower housing costs, and lower annual budgets and spending.<sup>164</sup> As we do not limit our programs to LIHEAP recipients, the participating population in CAPs is larger in the Commonwealth.

Much is made of the comparison to New York that uses a 6% energy burden. However, New York limits the total budget for each utility’s universal service programs at 2% of total electric or natural gas revenues.<sup>165</sup> As a point of reference, in 2017, Pennsylvania’s EDCs spent an average of 2.5% of gross income on universal service programs and the NGDCs an average of 2.2% of gross revenue. So

we already exceed New York’s spending. Based on the robust universal service programs offered in the Commonwealth, I do not believe that it is appropriate to reduce our maximum energy burden levels at this time.

Nor do I see a demonstrated need for expanded CAP contributions at a time when the nation’s economy is thriving with unemployment levels at an all-time low. The total estimated \$430 million CAP spending resulting from the energy burden redesign is based upon today’s income levels and energy costs. Should the country go into a recession and the labor market deteriorate or should energy prices rise, CAP spending costs will be larger than estimated and uncontained. Neither the Staff recommendation nor the Joint Motion agree to place a limit on overall spending like New York does.

For this reason, among others, I do not agree with the tiered energy burden levels proposed by the Joint Motion. Moving forward without any data regarding the potential cost impact of a 6% energy burden for the lowest low-income customers is not only reckless, but also exposes Pennsylvania ratepayers to unknown, increased costs that could be significant. This exposure could result in pressuring low-income, non-CAP customers into no longer being able to afford their utility bills and lead to an even higher percentage of uncollectibles than we currently have.

We are blindly changing the CAPs with no idea of the cost, no metric to evaluate the effectiveness of the programs, and no cap on program budgets. Although the CAPs have some cost containment features such as minimum bill requirements and individual CAP credit limits, we currently do not have, nor do we have a proposal to implement, any test or metric to evaluate if these programs are effective and accomplishing their goals. We also have no spending threshold for the budget of the CAPs and therefore, no limit to the costs that non-CAP ratepayers will bear. I struggle to see any of the principles of ratemaking that have stood the test of time in providing fair, nondiscriminatory, and just rates included in the reasoning for the changes to the CAPs.

One of the fundamental principles of ratemaking is cost causation—the cost to serve each customer should be reflected in the price of the product they are purchasing. Although there are times when we make exceptions, the exceptions should not be designed to provide a permanent discounted rate based on the income of a household or on any other metric other than the cost of serving that customer.

The original CAPs were designed to reduce the number of payment-troubled customers by serving as an alternative to traditional collection methods. It was anticipated that the major cost for a CAP would be administrative costs since the programs were to be cost-effective and designed so that if “properly implemented, many of the problems associated with other CAP programs should be diminished or entirely eliminated.”<sup>166</sup> We have strayed far from the original goal of temporarily assisting customers in an efficient manner that does not create a burden on non-CAP customers.

Nor do we have any evidence that reducing energy burdens levels will decrease utility uncollectibles. In fact, since the establishment of CAPs in Pennsylvania, uncollectibles have increased. When CAPs were implemented state-wide in 1992, the Commission found that uncollectibles in the electric industry averaged between about

<sup>163</sup> New York and New Jersey established a maximum energy burden of 6% for low-income customers.

<sup>164</sup> EAP Comments to PUC Secretarial Letter issued October, 16, 2017, Docket No. M-2017-258771 at 18–20; PGW Comments at 12–15, Exhibit B; OCA Comments at 9–11, Appendix A at 5–7, 49–60.

<sup>165</sup> Order Adopting Low Income Program Modifications and Directing Utility Filings, Case No. 14-M–0565 (Issued by New York Public Service Commission and Effective on May 20, 2016).

<sup>166</sup> Investigation of Uncollectible Balances, Final Report to the Pennsylvania Public Utility Commission, February 1992, pp. 116–117.

1% to 1.5% between 1987 and 1990. In 2000, the electric industry's gross write-off ratio grew to an average of 2.17% and most recently, 2017 averaged a gross write-off ratio of 2.2%. These uncollectible costs are borne by all ratepayers and are felt the most by non-CAP low-income. This illustrates that there may be other factors at play beyond discounted utility bills when determining affordability.

CAPs were not meant to solve poverty, but, rather, were established at a time when inflation in utility bills was growing much faster than customers' incomes causing a disparity that was particularly acute for low-income customers. LIHEAP grants did not grow at the same pace as the increasing proportional cost of energy and the CAPs were created because the utilities were carrying out collections for a stable number of customers who were falling further and further behind in paying bills. The CAPs were created to decrease uncollectibles and to assist low-income customers in maintaining their utility service.

Overall, I agree with the OCA's comments which maintained that Pennsylvania CAPs, as currently designed, are working reasonably well. Based on the data that is available, the OCA stated that it cannot conclude that a 10% maximum energy burden is appropriate for the Commonwealth. Rather than changing the maximum energy burdens, the OCA suggests making other modifications to CAPs, including revising minimum payment requirements and pursuing budget billing.<sup>167</sup> While I agree with many of the changes set forth in the Final Policy Statement, I agree with the OCA and question whether changing our maximum energy burdens levels is appropriate at this time.

As a last point, I believe due process mandates that, if such changes are to be made, we must issue the revised policy statement as a proposal with a 30-day comment period and not as a final order. This would allow us to receive data from the EDCs and NGDCs regarding the cost impact of reducing the energy burden to 6% for the lowest low-income customers. Additionally, stakeholders will have the opportunity, for the first time, to comment on the comprehensive set of changes before us. Prior to the Final Policy Statement, stakeholders have only had the opportunity to comment on various piecemeal parts of the changes to the Existing CAP Policy Statement. To alleviate all due process concerns, stakeholders should be provided the opportunity to comment on the "entire package" of changes, many of which are so intricately intertwined.

#### *Cost Recovery*

Currently, almost all universal service costs are recovered from the residential rate classes, because this is a program that benefits residential customers exclusively.<sup>168</sup> However, the Final Policy Statement provides that utilities may address recovery of CAP costs and other universal service costs from any ratepayer class in their individual rate case filing. While we are not making a final decision regarding cost recovery in this matter, the Final Policy Statement expressly authorizes utilities to propose cross-class subsidization in their next rate case filing.

I strongly oppose the expansion of CAP and universal service cost recovery to commercial and industrial rate classes. Large commercial and industrial entities neither benefit from nor are they eligible for these programs.

Again, principals of cost causation dictate that costs should be attributed to the customers causing the costs to be incurred.<sup>169</sup> Additionally, Sections 2804(7) and 2203(5) of the electric and natural gas competition acts prohibit discriminating "against one customer class to the benefit of the other."<sup>170</sup>

To restate a point made earlier, we are wandering into the arena of tax policy where general taxes, like personal income or corporate net income taxes, are used for the general public good. We are not the General Assembly and do not have the discretion to impose a tax for the public benefit.

Further, passing universal service costs onto commercial and industrial ratepayers can force these ratepayers to procure energy services elsewhere with negative effects on the utilities and customers. Commercial and industrial ratepayers of NGDCs are often sensitive to changes in rates as energy costs are a large expense of their businesses and price increases can push them to find alternatives to natural gas. In some locations, customers have the ability to bypass the distribution system and connect directly to the interstate pipeline system.

The loss of industrial and commercial customers not only weakens the revenue base of the utility but also has the potential to harm all ratepayers. Although in rate cases, the goal is to move each rate class towards its cost of service, for many utilities the residential rate class pays less than its cost of service and is subsidized by the other classes, including commercial and industrial. Since many of the costs of providing service are fixed and do not vary with the loss or addition of a few customers, the loss of revenue from commercial and industrial customers will mean other rate classes, including residential customers, would see rate increases.

Although I oppose permitting utilities to cross-subsidize CAP and universal service costs among rate classes, I recognize that there are credible legal arguments on both sides of the issue. With that in mind, it is very likely that any future utility rate case filing proposing to pass CAP and/or universal service costs onto commercial and industrial customers will be challenged in court. I caution that should cross-class subsidization be prohibited by the courts, all the increased CAP costs related to a reduced energy burden will be borne by non-CAP residential customers. This is particularly of issue because we do not know the cost impacts of using a 6% maximum energy burden for the lowest low-income customers. Once again, we are exposing non-CAP residential customers to unknown increased costs which could be significant. Unfortunately adding these increased costs to non-CAP residential bills could result in unaffordable utility bills for non-CAP low-income customers.

#### *Conclusion*

I agree with many of the changes set forth in the Final Policy Statement and believe that cleaning up our CAP processes is a great idea and a step forward in assisting low-income customers in maintaining their utility service. However, I do not see a need to: (1) decrease the maximum CAP energy burdens levels or (2) authorize drastic cost recovery mechanisms for the significant increases in CAP spending that will result. Therefore, I respectfully dissent.

NORMAN J. KENNARD,  
*Commissioner*

<sup>167</sup> OCA Comments to PUC Secretarial Letter issued October 16, 2017, Docket No. M-2017-258771 at 6-7, 20-21, Appendix A at 20-22, 110.

<sup>168</sup> Philadelphia Gas Works and Peoples Natural Gas Company, LLC apply their Universal Service Riders to more than just the residential customer class.

<sup>169</sup> See *Lloyd v. Pa. PUC*, 904 A.2d 1010, 1019-21 (Pa. Cmwlth. 2006).

<sup>170</sup> 66 Pa.C.S. §§ 2203(5), 2804(7).

### Statement of Commissioner Andrew G. Place

In addition to the Joint Motion on this matter, I would like to comment on two issues—consideration of households above 150% of Federal Poverty Income Guidelines (FPIG) and cost recovery. While the Commission's action today does not include households above 150% of FPIG nor requires cost recovery for USECPs from all rate classes, I would encourage utilities to consider these options.

In undertaking any review of Universal Service Programs in their entirety, the Commission must continue to balance the costs<sup>171</sup> and benefits of these programs, as the changes just approved will inevitably impact program delivery and the costs of that delivery. In my review of the cost issue I note that most restructured states provide for a competitively neutral funding mechanism for low-income programs—assessed on all energy customers. Currently, in Pennsylvania, only residential ratepayers fund the current Universal Service Programs with the exception of customers of Philadelphia Gas Works (PGW).

Pursuant to its Commission-approved Tariff, PGW recovers all costs associated with its Customer Responsibility Program (CRP), including general discounts and arrearage forgiveness, the Senior Citizen Discount and the costs of the Home Comfort Program through a Universal Service and Energy Conservation Surcharge.<sup>172</sup> All customers pay this volumetric Universal Service and Energy Conservation Surcharge—currently \$0.13014/Ccf.<sup>173</sup>

I would encourage utilities to propose a similarly constructed volumetric charge assessed to all rate classes for funding universal service programs as energy poverty is a societal issue, not solely weighted on a single rate class. This position is echoed by the Pennsylvania Departments of Aging, Community Development, Environmental Protection, Health and Human Services, in which they argue that expanding recovery of universal service costs to other rate classes would allow for increased efficacy of programming.<sup>174</sup> This position was further bolstered by the Office of Consumer Advocate and the Low Income Advocates in their comments at these dockets. Of particular note, the Low Income Advocates highlighted that all ratepayers benefit whether directly or indirectly from these programs and, as such, it is proper to recover the costs from all ratepayers.<sup>175</sup> I echo this reasoning and encourage utilities to broaden recovery of USECP costs beyond residential ratepayers.

While the Commission was studying energy affordability, the United Way was also examining these topics from the broader vantage point of financial stability for Pennsylvania households. During 2018 and 2019 the United Way of Pennsylvania conducted a Financial Hardship Study for Pennsylvania<sup>176</sup> to raise awareness of the challenges faced by, what they refer to as, ALICE<sup>177</sup> households (Asset Limited, Income Constrained, Em-

ployed), the working poor, and to mobilize support strategies and policies that move ALICE households toward financial stability. ALICE represents a growing number of households in Pennsylvania that are above the poverty line, but do not earn enough to afford the basic necessities such as housing, childcare, food, transportation health care, and technology.

The United Way ALICE report argues that the absolute basic cost of living, a “survival budget,” in Pennsylvania, is \$59,340 for a family of four and \$20,760 for a single adult.<sup>178</sup> This family of four survival budget is more than double the Federal Poverty Level of \$24,600 per year for a family of that size and yet still leaves families financially vulnerable and unable to cover basic costs.<sup>179</sup> In 2017, of Pennsylvania's approximately 5 million households, 640,349 earned below the federal poverty level (13 percent) and another 1.2 million (24 percent) were ALICE households<sup>180</sup>—a combined 37% of Pennsylvania households struggling financially.

Commission regulations at 52 Pa. Code § 54.72 define a low-income customer as, “[a] residential utility customer whose household income is at or below 150 percent of the Federal poverty guidelines.” While I am not recommending a change to the definition of low-income customer, I am encouraging utilities to increase their universal service offerings to those just above the low-income threshold to include ALICE households who may need assistance to maintain essential utility services.

This suggestion is not novel as other states and the Commission's own LIURP regulations allow for some households up to 200% of FPIG to qualify for these assistance programs. I would further encourage utilities to consider the inclusion of ALICE households in Customer Assistance Programs as appropriate. At this juncture, select utilities have extended CAP (eCAP) programs for which this group of customers qualifies. Some eCAPs offer extended but limited benefits such as arrearage forgiveness. These customers may well pay full tariff rates but receive the benefit of arrearage forgiveness with each in-full and on-time payment. Although the survival budget in Pennsylvania is above the Federal Poverty Line, assistance for these households would be impactful.

ANDREW G. PLACE,  
Commissioner

### Statement of Commissioner John F. Coleman, Jr.

Before us today are revisions to the Commission's existing customer assistance program (CAP) policy statement.<sup>181</sup> I would like to thank the stakeholders for their comments, responses to requests for information, and participation in stakeholder meetings. I would also like to thank staff in the Bureau of Consumer Services (BCS) and the Law Bureau for their work on this assignment.

Two years ago, I voted for a joint motion to undertake a comprehensive review of Pennsylvania's universal service programs.<sup>182</sup> I did so because the Commission has an important obligation to monitor, evaluate and, when necessary, make changes to universal service programs. In general, I am pleased with the information we collected and the conclusions I was able to draw from it. To summarize, I think the data shows that the Commission and public utilities are meeting their respective obligations regarding universal service and that the programs

<sup>171</sup> While total gross CAP costs for EDCs has increased by approximately 400% between 2001 and 2015, from \$63.25 million to \$253 million, and total gross CAP costs for NGDCs have increased by approximately 486% from 2002 to 2015, from \$22.6 million to \$110.2 million. During the same timeframe, the number of estimated low-income electric and natural gas customers has increased by 80% and 104% respectively. PUC Reports on Universal Service Programs & Collections Performance, Years 2001 through 2015.

<sup>172</sup> [www.pgworks.com/uploads/pdfs/PGW\\_GAS\\_SERVICE\\_TARIFF\\_THROUGH\\_SUPP\\_123.pdf](http://www.pgworks.com/uploads/pdfs/PGW_GAS_SERVICE_TARIFF_THROUGH_SUPP_123.pdf).

<sup>173</sup> Id. at 81.

<sup>174</sup> Joint Comments of PA Departments of Aging, DCED, DEP, DOH and DHS at 3 submitted to Energy Affordability for Low Income Customers (Affordability Order), Docket No. M-2017-2587711.

<sup>175</sup> Low Income Advocate Comments submitted to Affordability Order, at 52, 55, 59.

<sup>176</sup> United Way of Pennsylvania, Asset Limited Income Constrained Employed (ALICE) in Pennsylvania: A Financial Hardship Study 2019. [www.uwp.org/ALICE](http://www.uwp.org/ALICE).

<sup>177</sup> “This body of research provides a framework, language, and tools to measure and understand the struggles of a population called ALICE—an acronym for Asset Limited, Income Constrained, Employed.” Id. at iii.

<sup>178</sup> Ibid.

<sup>179</sup> Id. at 25.

<sup>180</sup> Id. at 3.

<sup>181</sup> 52 Pa. Code §§ 69.261—69.267.

<sup>182</sup> Review of Energy Universal Service and Energy Conservation Programs, Docket No. M-2017-2596907 (Order entered May 10, 2017).

are adequately funded. While there is no underlying crisis with respect to universal service, I do recognize that there is room for improvement, and our staff and stakeholders have provided many good suggestions for us to consider.

*Overview*

Pennsylvania has a very robust universal service program, and according to comments we received, was second among states in the total assistance provided as recently as a few years ago.<sup>183</sup> Unlike other states, Pennsylvania does not limit the amount spent on energy assistance programs or the number of participants, nor do we require participants to enroll in other state or federal programs, such as the Low Income Home Energy Assistance Program (LIHEAP).<sup>184</sup> In 2017, Pennsylvania's low-income, payment-troubled customers received almost half a billion dollars in financial and other assistance to help with their energy bills. This amount includes almost \$94 million in LIHEAP grants and approximately \$385 million in universal service program assistance. Of the \$385 million spent on universal service programs, over \$330 million was spent on CAPs.<sup>185</sup>

Pennsylvania's CAPs, as currently designed, are working to help customers maintain their service. CAP customers pay most of their discounted energy utility bills. In 2017, CAP customers paid 82.8% of their electric bills and 72.5% of their natural gas bills. For many customers, CAPs have ended the cycle of non-payment and disconnection by moving these customers to more regular bill payment.<sup>186</sup>

It is also important to note that low-income customers do not necessarily need or want to participate in CAPs. There are other components to universal service which may meet a customer's needs, and most low-income customers do not require any financial assistance to pay their energy utility bills. In 2017, approximately 89% of confirmed low-income electric customers in Pennsylvania were not payment-troubled, while approximately 84% of confirmed low-income natural gas customers in Pennsylvania were not payment-troubled.<sup>187</sup>

For this reason, enrollment or budget levels cannot be the metric of success or failure for CAPs. CAP enrollments and budgets will rise and fall in response to changes in utility rates and underlying economic conditions. For example, over the last ten years, CAP enrollments for natural gas distribution companies (NGDCs) have declined significantly, most likely in response to persistently low natural gas prices, steady economic growth and good employment opportunities. In 2009, approximately 192,000 customers were enrolled in NGDC CAPs. By 2017, enrollment had decreased to 146,000 customers. NGDC CAP spending shows a corresponding decrease from \$198 million in 2009 to \$91 million in 2017. I think it is good news that more natural gas customers, than ten years ago, are able to pay their own bills without requiring other customers, many of whom are also low-income, to subsidize their service.

*Opportunities for Improvement*

I am open to improving the design and operation of CAPs. I agree with many of the recommendations pro-

<sup>183</sup> Office of Consumer Advocate Comments to Opinion and Order, Review of Universal Service and Energy Conservation Programs, Docket No. M-2017-2596907, Appendix B.

<sup>184</sup> Energy Association of Pennsylvania Comments to Opinion and Order, Energy Affordability for Low-Income Customers, Docket No. M-2017-2587711, p. 4.

<sup>185</sup> Bureau of Consumer Services 2017 Universal Service and Collections Report, p. 73, App. 5.

<sup>186</sup> OCA Comments to Opinion and Order, Energy Affordability for Low-Income Customers, Docket No. M-2017-2587711, pp. 4-5.

<sup>187</sup> Bureau of Consumer Services 2017 Universal Service and Collections Report, pp. 7-9.

posed by staff which clarify and simplify CAPs. I generally support: (1) allowing CAP households to retain CAP enrollment when they transfer service within the utility's service territory, (2) directing utilities to accept income documentation of at least the last 30 days or 12 months, (3) eliminating the provision that a customer should designate a LIHEAP grant to the utility sponsoring the CAP or be penalized, (4) exempting CAP customers from late payment charges, (5) providing CAP customers with retroactive pre-program arrearage forgiveness, (6) allowing utilities to request but not require social security numbers, (7) setting minimum CAP payment requirements and maximum CAP credit limits in universal service plan proceedings, (8) establishing online CAP applications with electronic submission of documents, (9) directing utilities to use a standardized zero-income form and to develop industry-wide standardized forms, (10) initiating collection activity for CAP accounts after no more than two missed payments, and (11) evaluating household CAP bills quarterly. I also agree with the Joint Motion's directive related to consumer education and outreach plans.

*Procedural and Substantive Concerns*

But, as I stated two years ago, the design, budgeting, and administration of universal service programs are a complex undertaking for our public utilities. By moving forward today with a final Revised CAP Policy Statement, the Commission disregards this complexity. The final Revised CAP Policy Statement includes a combination of energy burdens (6%-10%-10%) and other changes which have not been put forth for comment.<sup>188</sup> I am disappointed that we are skipping the important step of presenting all of our recommendations to the stakeholders for their review. We normally have a public comment period when we revise our regulations and policy statements. No pressing legal or practical reason has been identified for deviating from our standard practice.

I agree with the comments of the Office of Consumer Advocate (OCA) in that,

[a]ny changes to the energy burdens would need to be thoroughly analyzed to determine the costs that would have [to] be borne by any non-participant ratepayers as well as the impact on any payments by CAP customers.

\* \* \* \* \*

...an analysis of energy affordability burdens must also consider the impact on residential ratepayers that pay the costs of the program. Changes to the energy affordability burdens can have a significant impact on the total costs of the CAP program."<sup>189</sup>

Without further information from the stakeholders, I cannot conclude that the final Revised CAP Policy Statement balances the interests of the residential customers who benefit from CAPs and the residential customers who pay for CAPs. I am particularly concerned with the cost impact on customers between 151-250% of the Federal Poverty Income Guidelines, those households with low or moderate incomes who are just beyond the eligibility requirements for CAP. Again, I highlight the comments of the OCA, that "[t]he Commission must consider the impact that paying for the programs will have on non-

<sup>188</sup> Now pending before the Commission is a Petition for Reconsideration on an issue that the Commission is adopting a final policy position on without the benefit of public comment. See Columbia Gas of Pennsylvania, Inc. Universal Service and Energy Conservation Plan for 2019-2021, Docket No. M-2018-2645401.

<sup>189</sup> Office of Consumer Advocate Reply Comments to Opinion and Order, Review of Universal Service and Energy Conservation Programs, Docket No. M-2017-2596907, p. 25-26.

participants. The impact of the program costs disproportionately affects low-income customers who do not participate in the program and the near-poor whose incomes are too high to qualify for CAP, but who may also have trouble making their bill payments.”<sup>190</sup>

The Commission must ensure that universal service programs are operated in a cost-effective manner.<sup>191</sup> The final Revised CAP Policy Statement maintains certain cost control measures but also expands the benefits associated with CAP. This expansion will impact both the size and cost of the programs in ways which have not been sufficiently quantified. I would have preferred to receive feedback from the stakeholders on the combined effect of these program changes. Without this feedback, I cannot support: (1) reducing the CAP energy burdens, (2) eliminating the payment-troubled qualification for CAPs, (3) establishing new recertification timeframes, (4) allowing customers to remain in CAP despite non-payment, (5) directing utilities to be prepared to address recovery of CAP costs from any ratepayer classes, and (6) the Joint Motion’s adoption of the definition of income contained in Chapter 14 of the Public Utility Code.<sup>192</sup> CAP was designed as an alternative to traditional collection methods for low income, payment-troubled customers. We must not lose sight of this objective.

Additionally, I am troubled by the declaration in the Joint Motion that public utility service must be “universally affordable.” While that is an admirable sentiment, it is not an accurate statement of the law. The Public Utility Code provides that rates must be “just and reasonable,” and importantly, that no person be given an “unreasonable preference or advantage in rates.”<sup>193</sup> The Electric and Gas Competition Acts required that the universal service programs in existence at the time of their respective enactments be continued, and that they be “appropriately funded and available” in each territory.<sup>194</sup> The General Assembly further provided that such programs are intended to “assist low-income” retail customers in maintaining their electric and gas service. Universal service programs were further defined as programs intended to “help” electric and gas customers maintain service.<sup>195</sup> There is a significant difference between making reasonable efforts to assist customers, as opposed to guaranteeing that customers with zero or little income be maintained in their service at the expense of other customers. CAPs can assist but cannot guarantee that every customer will be able to afford service at every location in all circumstances. It is beyond the scope of the Commission’s jurisdiction and authority to implement or otherwise convert public utility service into an entitlement program.

For the reasons stated above, I cannot support the Joint Motion. While I agree with many of the recommendations put forth today, I am troubled by the absence of public comment. Without these comments, it is not clear that the final Revised Policy Statement does enough to balance the interests of participating versus non-participating customers.

JOHN F. COLEMAN, Jr.,  
Commissioner

<sup>190</sup> OCA Comments to Opinion and Order, Energy Affordability for Low-Income Customers, Docket No. M-2017-2587711, pp. 15-16.

<sup>191</sup> 66 Pa.C.S. §§ 2203(8) and 2804(9).

<sup>192</sup> The Chapter 14 definition of household income is still being refined through practice and case precedent. If there is a need for a standard definition of household income, it may be more prudent to adopt LIHEAP’s carefully crafted definition of income, which would also further align these energy assistance programs.

<sup>193</sup> 66 Pa.C.S. §§ 1301, 1304.

<sup>194</sup> 66 Pa.C.S. §§ 2203(8) and 2804(9).

<sup>195</sup> 66 Pa.C.S. §§ 2202, 2803.

## Annex A

### TITLE 52. PUBLIC UTILITIES

#### PART I. PUBLIC UTILITY COMMISSION

##### Subpart C. FIXED SERVICE UTILITIES

#### CHAPTER 69. GENERAL ORDERS, POLICY STATEMENTS AND GUIDELINES ON FIXED UTILITIES

##### POLICY STATEMENT ON CUSTOMER ASSISTANCE PROGRAMS

###### § 69.261. General.

CAPs are designed as alternatives to traditional collection methods for low-income customers. Customers participating in CAPs agree to make monthly payments based on household size and gross household income. CAP customers make regular monthly payments, which may be for an amount that is less than the current tariff bill for utility service including pre-CAP arrearages, in exchange for continued provision of the service. Class A electric utilities and natural gas utilities with gross intrastate annual operating revenue in excess of \$40 million should adopt the guidelines in §§ 69.263—69.265 (relating to CAP development; scope of CAPs; and CAP design elements) implementing residential CAPs.

###### § 69.262. Definitions.

The following words and terms, when used in §§ 69.261, 69.263—69.267 and this section, have the following meanings, unless the context clearly indicates otherwise:

*Alternative program designs*—Program designs which include traditional utility collection methods, alternative collection approaches that do not include a CAP and CAP designs which substantially deviate from this chapter.

*CAP*—Customer Assistance Program.

*CBO*—Community-based organization.

*EDC*—*Electric distribution company*—An electric distribution company as defined in 66 Pa.C.S. § 2803 (relating to definitions).

*FPIG*—*Federal Poverty Income Guidelines*—The income levels published annually in the *Federal Register* by the United States Department of Health and Human Services.

*Household income*—The combined gross income of all adults in a residential household who benefit from the public utility service, as defined in 66 Pa.C.S. § 1403 (relating to definitions).

*LIHEAP*—*Low Income Home Energy Assistance Program*—A Federally funded program, administered in this Commonwealth by the Department of Human Services, which provides financial assistance grants to low-income households for home energy bills.

*Low-income customers*—A residential utility customer whose annual gross household income is at or below 150% of the FPIG.

*Low-income payment-troubled customers*—Low-income customers who have arrears or failed to maintain one or more payment arrangements.

*NGDC*—*Natural gas distribution company*—A natural gas distribution company as defined in 66 Pa.C.S. § 2202 (relating to definitions).

*USAC*—*Universal Service Advisory Committee*—A group of interested stakeholders who meet at least semi-

annually, receive universal service program updates and provide feedback on proposed utility initiatives.

*USECP—Universal Service and Energy Conservation Plan*—A plan that contains the utility's universal service programs as approved by the Commission.

**§ 69.263. CAP development.**

(a) A utility should develop and strive to improve its CAP consistent with the guidelines provided in §§ 69.261, 69.262, 69.264—69.267 and this section.

(b) The Bureau of Consumer Services will work with the utility in CAP development. USACs and other interested stakeholders may assist the utility.

(c) Before implementing, revising or expanding a CAP, a utility should file its CAP proposal with the Commission and serve copies on the Bureau of Consumer Services and on stakeholders from the utility's most recent USECP proceeding. This will allow for staff review, comments, discovery and revisions prior to Commission approval of design elements. This review is not for ratemaking purposes, and the rate consequences of any CAP will be addressed within the context of subsequent Commission rate proceedings as described in § 69.266 (relating to cost recovery).

**§ 69.264. Scope of CAPs.**

CAPs should be targeted to low-income customers. The participation limit for CAP should reflect a needs assessment, consideration of the estimated number of low-income households in the utility's service territory, the number of participants currently enrolled in the CAP, participation rates for assistance programs and the resources available to meet the needs of the targeted population. A utility may use payment-troubled status to prioritize CAP enrollments and to control CAP costs if necessary and only if approved to do so by the Commission.

**§ 69.265. CAP design elements.**

The following design elements should be included in a CAP:

(1) *Program funding.* Program funding should be derived from the following sources:

- (i) Payments from CAP participants.
- (ii) Operations and maintenance expense reductions.
- (iii) Universal service funding mechanism for EDCs and NGDCs.
- (iv) Other sources as may be approved by the Commission.

(2) *Payment plan.* Generally, CAP payments for jurisdictional home energy should not exceed the percentages of CAP participants' annual income specified in the schedule in subsection (i). Payment plans should be based on one or a combination of the following:

(i) *Percentage of income plan (PIP).* Total payment for total electric and natural gas home energy under a percentage of income plan is determined based upon a scheduled percentage of the participant's annual gross income. The participating household's gross income and size place the household at a particular poverty level based on the FPIG.

(A) Generally, maximum payments for electric nonheating service should not exceed the following maximums:

(I) Household income between 0—50% of FPIG at 2% of income.

(II) Household income between 51—100% of FPIG at 4% of income.

(III) Household income between 101—150% of FPIG at 4% of income.

(B) Generally, maximum payments for natural gas heating should not exceed the following maximums:

(I) Household income between 0—50% of FPIG at 4% of income.

(II) Household income between 51—100% of FPIG at 6% of income.

(III) Household income between 101—150% of FPIG at 6% of income.

(C) Generally, maximum payments for electric heating or for natural gas heating and electric nonheating combined should not exceed the following maximums:

(I) Household income between 0—50% of FPIG at 6% of income.

(II) Household income between 51—100% of FPIG at 10% of income.

(III) Household income between 101—150% of FPIG at 10% of income.

(ii) *Percentage of bill plan.* The participant's household payment is calculated as a percentage of income payment and converted to a percentage of the annual bill. When a utility determines subsequent CAP payment amounts, a participant will continue to pay the same percentage of the total bill even if annual usage has changed.

(iii) *Rate discount.* The participant's energy usage is billed at a reduced rate.

(iv) *Minimum monthly payment.* The participant's payment contribution is calculated by taking the participant's estimated monthly budget billing amount and subtracting the maximum, monthly CAP credit (previously called billing deficiency).

(v) *Annualized, average payment.* The participant's payment contribution is calculated by determining the total amount the participant paid over the last 12 months and dividing by 12 months to determine a monthly budget.

(vi) *An alternative payment formula.* An alternative payment formula must be reviewed by the Bureau of Consumer Services and approved by the Commission.

(3) *Control features.* The utility should include the following control features to limit program costs:

(i) *Minimum payment terms.* Minimum payments should be set in utility-specific USECP proceedings. A utility may propose alternatives to a flat minimum payment for each account type.

(ii) *Nonbasic services.* A CAP participant may not subscribe to nonbasic services that would cause an increase in monthly billing and would not contribute to bill reduction. Nonbasic services that help to reduce bills may be allowable. CAP credits should not be used to pay for nonbasic services.

(iii) *Consumption limits.* Limits on consumption should be set at a percentage of a participant's historical average usage. A level of 110% is recommended. Adjustments in consumption should be made for extreme weather conditions through the use of weather normalization techniques.

(iv) *High usage treatment.* Utilities should target for special treatment those participants who historically use high amounts of energy.



(v) *Maximum CAP credits.* These will be established in individual utility USECP proceedings, if deemed appropriate. If applied, CAP credit limits should consist of a tiered structure based on the household's FPIG level such that lower income households receive higher CAP credit limits.

(vi) *Exemptions.* A utility may exempt a household from maximum CAP credit or consumption limits if one or more of the following conditions exist:

(A) The household experienced the addition of a household member.

(B) A member of the household experienced a serious illness.

(C) Energy consumption was beyond the household's ability to control.

(D) The household is located in housing that is or has been condemned or has housing code violations that negatively affect energy consumption.

(E) Energy consumption estimates have been based on consumption of a previous occupant.

(4) *Eligibility criteria.* The CAP applicant should meet the following criteria for eligibility:

(i) Status as a utility ratepayer or new applicant for service is verified.

(ii) Household income is verified at or below 150% of the FPIG.

(5) *Payment-Troubled Criterion.* If appropriate, a utility may prioritize CAP enrollments or control CAP costs using a payment-troubled criterion. When determining if a CAP applicant is payment-troubled, a utility should apply one of the following criteria:

(i) A household that has a pre-program arrearage. The utility may define the amount of the pre-program arrearage.

(ii) A household that has received a termination notice or has failed to maintain a payment arrangement.

(6) *Late Payment Charges.* CAP customers should be exempt from late payment charges.

(7) *Appeal process.* The utility should establish the following appeal process for program denial:

(i) If the CAP applicant is not satisfied with the utility's initial eligibility determination, the utility should use utility company dispute procedures in §§ 56.151 and 56.152 (relating to general rule; and contents of the public utility company report).

(ii) The CAP applicant may appeal the denial of eligibility to the Bureau of Consumer Services in accordance with §§ 56.161—56.165 (relating to informal complaint procedures).

(8) *Administration.* If feasible, the utility should include nonprofit CBOs in the operation of the CAP. The provisions of § 69.265(8) apply to CAP services whether they are provided by the utility or by a third-party on behalf of the utility. The utility should incorporate the following components into the CAP administration:

(i) *Outreach.* A utility should develop and incorporate a Consumer Education and Outreach Plan as part of its USECP. Education and outreach may be conducted by nonprofit CBOs and should be targeted to low-income customers. The utility should make automatic referrals to CAP when a low-income customer calls to make payment arrangements.

(ii) *Intake and verification.* The utility should accept applications for CAP through mail, telephone, electronically or in-person. The utility should also offer online platforms that allow customers to submit CAP applications and documentation electronically. Intake and verification may be conducted by nonprofit CBOs on behalf of the utilities. Intake should include verification of the following:

(A) *Identification of the CAP applicant and household members.* The utility may request, but not require, Social Security numbers (SSNs) to verify identity. Household members should be permitted to provide alternative identification in lieu of SSNs. The utility should clearly explain the identification options on CAP applications and other communications.

(B) The annual household income.

(I) The utility should accept income documentation of at least the last 30 days or 12 months, whichever is more beneficial to the household. CAP applications and recertification letters should identify acceptable income timeframes and explain how each may benefit the customer.

(II) A household reporting zero income should complete the standardized zero-income form and provide additional verification, if necessary.

(C) The household size.

(D) The ratepayer status.

(E) The class of service—heating or nonheating.

(iii) *Calculation of payment.* Calculation of the monthly CAP payment should be the responsibility of the utility. The utility may develop a payment chart so that the assisting CBOs may determine payment amounts during the intake interview.

(iv) *Explanation of CAP.* A complete and thorough explanation of the CAP components should be provided to participants.

(v) *Application for LIHEAP grants.* The utility should inform a CAP participant of the participant's responsibility to apply for LIHEAP grants annually, as well as other energy assistance programs, if eligible.

(vi) *Consumer education, outreach and referral.*

(A) Consumer education and outreach plans should include information on benefits and responsibilities of CAP participation and the importance of energy conservation.

(B) Consumer education and outreach plans should be developed with input from USACs and reflect focused outreach and education efforts, specific to the demographics of the individual service territory, spanning the duration of the universal service plan period. The utility should include the following provisions in its plan:

(I) Specific efforts to educate and enroll eligible and interested customers at or below 50% of FPIG.

(II) Resources, translation services, and translated materials for those customers who are of Limited English Proficiency.

(C) Customer education should include referrals to other appropriate support services.

(vii) *Account monitoring.* Account monitoring should include both payment and energy consumption monitoring. A CAP participant's bills should be evaluated at least quarterly to determine whether the CAP credit amount and billing method is appropriate.

(viii) *Recertification.*

(A) A utility should recertify a participant's eligibility for CAP benefits within the following time frames:

(I) A household reporting no income should recertify at least every 6 months.

(II) A household with income that participates in LIHEAP annually should recertify at least once every 3 years.

(III) A household whose primary source of income is Social Security, Supplemental Security Income, or pensions should recertify at least once every 3 years.

(IV) All other CAP households should recertify at least once every 2 years.

(B) A utility should identify and implement more effective ways of communicating its recertification practices and procedures to CAP participants and improve its methods of collecting appropriate income information from customers in order to minimize disruption in CAP participation.

(ix) *Pre-program arrearage forgiveness.* Pre-program arrearage forgiveness should occur over a 1- to 3-year period contingent upon receipt of regular monthly payments by the CAP participant.

(A) A CAP participant should receive pre-program arrearage forgiveness for each on-time and in-full monthly CAP payment regardless of in-CAP arrears.

(B) A CAP participant should receive retroactive pre-program arrearage forgiveness for any monthly payment missed once the household pays in full its CAP balance/in-program arrears/debt.

(x) *Routine management program progress reports.* Progress reports that may be used to monitor CAP administration should be prepared at regular intervals. These reports should include basic information related to the number of participants, payments and account status.

(9) *Default provisions.* The failure of a participant to comply with one of the following should result in dismissal from CAP participation:

(i) Failure to abide by established consumption limits.

(ii) Failure to allow access or to provide customer meter readings in 4 consecutive months.

(iii) Failure to report changes in income or household size.

(iv) Failure to accept budget counseling, weatherization/usage reduction or consumer education services.

(v) Failure to recertify eligibility.

(10) *Transfer of service.* A CAP household should be able to retain program enrollment status when transferring service within the utility's, or an affiliate's, service territory.

(11) *Collection Activity.* A utility should initiate collection activity for CAP accounts after no more than two payments in arrears. A customer should not be removed or defaulted from CAP as a precursor to termination for non-payment.

(12) *Reinstatement policy.* A customer may be reinstated into CAP at the utility's discretion.

(13) *Evaluation.* The utility should thoroughly and objectively evaluate its CAP in accordance with the following unless otherwise modified in § 54.76 (relating

to evaluation reporting requirements) for EDCs or § 62.6 (relating to evaluation reporting requirements) for NGDCs.

(i) *Content.* The evaluation should include both process and impact components. The process evaluation should focus on whether CAP implementation conforms to the program design and should assess the degree to which the program operates efficiently. The impact evaluation should focus on the degree to which the program achieves the continuation of utility service to CAP participants at reasonable cost levels. At a minimum, the impact evaluation should include an analysis of the following:

(A) Customer payment behavior.

(B) Energy assistance participation.

(C) Energy consumption.

(D) Administrative costs.

(E) Program costs.

(ii) *Time frame.* Unless otherwise modified by § 54.76 or § 62.6, program impacts should be evaluated by an independent third-party at no more than 6 year intervals and submitted to the Commission. The impact evaluations should be filed and served at the utility's then-current USECP docket and submitted to the Bureau of Consumer Services.

(iii) *Evaluation plan approval.* The utility should submit the impact evaluation plan to the Bureau of Consumer Services for review and approval.

(14) *Industry-standardized forms.* Utilities are encouraged to develop and use standardized CAP forms and CAP procedures.

#### § 69.266. Cost recovery.

(a) In evaluating utility CAPs for ratemaking purposes, the Commission will consider both revenue and expense impacts. Revenue impact considerations include a comparison between the amount of revenue collected from CAP participants prior to and during their enrollment in the CAP. CAP expense impacts include both the expenses associated with operating the CAPs as well as the potential decrease of customary utility operating expenses. Operating expenses include the return requirement on cash working capital for carrying arrearages, the cost of credit and collection activities for dealing with low income negative ability to pay customers and uncollectible accounts expense for writing off bad debt for these customers. When making CAP-related expense adjustments and projections, utilities should indicate whether a customer's participation in a CAP produced an immediate reduction in customary utility expenses and a reduction in future customary expenses pertaining to that account.

(b) In rate cases, parties may raise the issue of recovery of CAP costs, whether specifically or as part of universal service program costs in general, from all ratepayer classes. No rate class should be considered routinely exempt from CAP and other universal service obligations.

#### § 69.267. Alternative program designs.

Alternative program designs that differ from §§ 69.261—69.266 and this section may reduce uncollectible balances and may provide low-income customers with needed assistance. These programs may be acceptable if the utility can provide support for design deviations. Before implementing an alternative program design, the utility should submit its proposal including an evaluation plan as described in § 69.265(13) (relating to CAP design

elements) to the Bureau of Consumer Services for review. Thereafter, if the utility determines to proceed with proposing the alternative program design, it will need to file and serve the proposed alternative program design as it would a proposed USECP that conforms to this policy statement. The proposed alternative program design should not be implemented until it has received Commission approval.

[Pa.B. Doc. No. 20-409. Filed for public inspection March 20, 2020, 9:00 a.m.]

## Title 52—PUBLIC UTILITIES

### PENNSYLVANIA PUBLIC UTILITY COMMISSION

[ 52 PA. CODE CH. 69 ]

[ M-2019-3013158 ]

#### Rescission of Policy Statement Relating to Transportation of Passengers by Common Carriers in Allegheny County

The Pennsylvania Public Utility Commission, on October 24, 2019, rescinded its statement of policy relating to transportation of passengers by common carriers in Allegheny County because the passage of Act 61 of 2012 had rendered it obsolete.

Public Meeting held  
October 24, 2019

*Commissioners Present:* Gladys Brown Dutrieuille, Chairperson; David W. Sweet, Vice Chairperson; Andrew G. Place; John F. Coleman, Jr.

*Rescission of Policy Statement Relating to Transportation of Passengers by Common Carriers in Allegheny County;*  
*Doc. No. M-2019-3013158*

#### Final Policy Statement

*By the Commission:*

The Public Utility Commission (Commission) is rescinding a statement of policy to remove an obsolete provision from the *Pennsylvania Code*. By way of background, in 2012, Act 61 was enacted and amended various provisions of the Second Class County Port Authority Act. 55 P.S. §§ 561—563.7. Act 61 provided that the Commission has sole and exclusive jurisdiction over passenger transportation service provided in Allegheny County, other than service operated by or for a statutory Port Authority and non-jurisdictional service as defined in the Public Utility Code. Prior to passage of Act 61, the Commission's jurisdiction over passenger transportation service in Allegheny County was limited to taxicabs, school buses, and limousines. 66 Pa.C.S. §§ 1121—1124; *Port Authority of Allegheny County v. Pa. Public Utility Commission*, 431 A.2d 243 (Pa. 1981); 52 Pa. Code § 41.13 (see deletions in Annex A).

The Commission's now-obsolete policy statement at 52 Pa. Code § 41.13 (relating to transportation of passengers by common carriers in Allegheny County—statement of policy) reflects the state of regulation prior to enactment of Act 61. The rescission of this provision will reflect the current state of regulation and eliminate any possible confusion regarding the effect of Act 61 of 2012 on the Commission's jurisdiction over passenger transportation service provided in Allegheny County. See Implementation Order of Act 61, Docket Number M-2012-2318841 (Order entered August 30, 2012); *Therefore*,

*It Is Ordered:*

1. That the Policy Statement is rescinded, as set forth in Annex A.
2. That the Law Bureau shall submit this Order and Annex A to the Governor's Budget Office for review of its fiscal impact.
3. That the Law Bureau shall deposit this Order and Annex A with the Legislative Reference Bureau to be published in the *Pennsylvania Bulletin*.
4. That the rescission of the Policy Statement shall become effective upon publication in the *Pennsylvania Bulletin*.
5. The Order and Annex A shall be posted and made available electronically on the Commission's website.
6. That the contact person for this matter is Christian McDowell, Assistant Counsel, Law Bureau, (717) 787-7466, cmcdowell@pa.gov.

ROSEMARY CHIAVETTA,  
*Secretary*

**Fiscal Note:** 57-328. No fiscal impact; (8) recommends adoption.

#### Annex A

### TITLE 52. PUBLIC UTILITIES

#### PART I. PUBLIC UTILITY COMMISSION

#### Subpart B. CARRIERS OF PASSENGERS OR PROPERTY

#### CHAPTER 41. GENERAL ORDERS, POLICY STATEMENT AND GUIDELINES ON TRANSPORTATION UTILITIES

#### TRANSPORTATION

#### § 41.13. (Reserved).

[Pa.B. Doc. No. 20-410. Filed for public inspection March 20, 2020, 9:00 a.m.]

## Title 55—HUMAN SERVICES

### DEPARTMENT OF HUMAN SERVICES

[ 55 PA. CODE CH. 41 ]

#### Clarification of the Term "Mailing" Related to Agency Actions

This statement of policy applies to all providers enrolled in the Medical Assistance (MA) Program.

#### *Purpose*

The purpose of this statement of policy is to clarify the term "mailing" related to agency actions subject to the Department of Human Services (Department) regulations at 55 Pa. Code §§ 41.21(a)(1) and 41.32(a) (relating to notice of agency actions; and timeliness and perfection of requests for hearing).

#### *Background / Discussion*

The Department has received requests from MA providers to issue notice of agency actions electronically. MA regulations at 55 Pa. Code § 41.21(a) state that in the absence of a Department regulation that specifies the method in which the agency can provide notice of an action, the Department or program office may send notice by mail to the provider's most recent business address on

file. MA regulations at 55 Pa. Code § 41.32(a) specify the timeframe for filing an appeal if notice of action is given by mail and by means other than mail. When these regulations were published, the term “mail” referred to United States mail service.

The Department intends to implement a new Medicaid Management Information System (MMIS) platform in October 2020. The new MMIS platform will allow providers to retrieve notices of agency action through the provider portal. It will also enable the Department to alert providers electronically that information has been added to their provider portal.

The Department is issuing this statement of policy to clarify the term “mailing” at 55 Pa. Code §§ 41.21(a)(1) and 41.32(a). For purposes of 55 Pa. Code §§ 41.21(a)(1) and 41.32(a), the term “mailing” means to deliver by United States or commercial mail service or transmit through electronic communication. This statement of policy does not supersede any existing law or regulation.

*Effective Date*

This statement of policy is effective immediately upon publication in the *Pennsylvania Bulletin*.

*Contact Person*

Questions or comments regarding this statement of policy should be directed to the Regulations Coordinator, Office of Medical Assistance Programs, Bureau of Policy, Analysis and Planning at (717) 772-6341.

TERESA D. MILLER,  
*Secretary*

(*Editor’s Note:* Title 55 of the *Pennsylvania Code* is amended by adding statements of policy in §§ 41.21a and 41.32a to read as set forth in Annex A.)

**Fiscal Note:** 14-BUL-108. No fiscal impact; (8) recommends adoption.

**Annex A**

**TITLE 55. HUMAN SERVICES**

**PART I. DEPARTMENT OF HUMAN SERVICES**

**Subpart D. HEARINGS AND APPEALS**

**CHAPTER 41. MEDICAL ASSISTANCE PROVIDER  
APPEAL PROCEDURES**

**SERVICE AND AMENDMENT OF DOCUMENTS**

**§ 41.21a. Clarification regarding the definition of  
“mailing”—statement of policy.**

(a) The term “mailing” in § 41.21(a)(1) (relating to notice of agency actions) means to deliver by United States or commercial mail service or transmit through electronic communication.

**REQUESTS FOR HEARING, PETITIONS FOR  
RELIEF AND OTHER PRELIMINARY MATTERS**

**§ 41.32a. Clarification regarding the definition of  
“mailing”—statement of policy.**

(a) The term “mailing” in § 41.32(a)(1) and (2) (relating to timeliness and perfection of requests for hearing) means to deliver by United States or commercial mail service or transmit through electronic communication.

[Pa.B. Doc. No. 20-411. Filed for public inspection March 20, 2020, 9:00 a.m.]

# NOTICES

## CAPITOL PRESERVATION COMMITTEE

### Request for Proposals

**CPC 19.170: Clock Conservation and Maintenance.** This project involves the following cyclical maintenance: onsite oiling; studio cleaning; installation of temporary clocks; weekly winding and general maintenance; condition assessment reports; and documentation of historic wall and mantle clocks.

A \$50 deposit is required for issuance of project documents; awardee and those entities returning the docu-

ments in good condition will be reimbursed. The issue date of the request for proposals will be on March 16, 2020. A mandatory preproposal conference and walk through will be held on March 24, 2020, at 10 a.m. in Room 630 of the Main Capitol. The proposal receipt date is April 15, 2020, at 2 p.m. Project documents may be obtained in Room 630, Main Capitol Building, Harrisburg, PA or by contacting Tara Pyle at (717) 783-6484.

DAVID L. CRAIG,  
*Executive Director*

[Pa.B. Doc. No. 20-412. Filed for public inspection March 20, 2020, 9:00 a.m.]

## DEPARTMENT OF BANKING AND SECURITIES

### Actions on Applications

The Department of Banking and Securities (Department), under the authority in the Banking Code of 1965 (7 P.S. §§ 101—2204), the Department of Banking and Securities Code (71 P.S. §§ 733-1—733-1203) and 17 Pa.C.S. (relating to Credit Union Code), has taken the following actions on applications received for the week ending March 10, 2020.

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

### BANKING INSTITUTIONS

#### Branch Applications

#### De Novo Branches

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
03-04-2020	Univest Bank and Trust Co. Souderton Montgomery County	2901 Whiteford Road York York County	Filed
03-06-2020	Jersey Shore State Bank Jersey Shore Lycoming County	501-503 East Plank Road Altoona Blair County	Approved

### CREDIT UNIONS

No activity.

The Department's web site at [www.dobs.pa.gov](http://www.dobs.pa.gov) includes public notices for more recently filed applications.

RICHARD VAGUE,  
*Acting Secretary*

[Pa.B. Doc. No. 20-413. Filed for public inspection March 20, 2020, 9:00 a.m.]

## DEPARTMENT OF BANKING AND SECURITIES

### Maximum Lawful Rate of Interest for Residential Mortgages for the Month of April 2020

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 April 2020, is 4 1/4%.

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 1.76 to which was added 2.50 percentage points for a total of 4.26 that by law is rounded off to the nearest quarter at 4 1/4%.

RICHARD VAGUE,  
*Acting Secretary*

[Pa.B. Doc. No. 20-414. Filed for public inspection March 20, 2020, 9:00 a.m.]

## DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

### Conservation and Natural Resources Advisory Council Meeting Cancellation

The March 25, 2020, meeting of the Conservation and Natural Resources Advisory Council to the Department of Conservation and Natural Resources has been cancelled.

Questions concerning this meeting can be directed to Gretchen Leslie at (717) 772-9084.

CINDY ADAMS DUNN,  
*Secretary*

[Pa.B. Doc. No. 20-415. Filed for public inspection March 20, 2020, 9:00 a.m.]

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## DEPARTMENT OF ENVIRONMENTAL PROTECTION

### Applications, Actions and Special Notices

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### APPLICATIONS

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

This notice provides information about persons who have applied for a new, amended or renewed NPDES or WQM permit, a permit waiver for certain stormwater discharges or submitted a Notice of Intent (NOI) for coverage under a General Permit. The applications concern, but are not limited to, discharges regarding industrial, animal or sewage waste, discharges to groundwater, discharges associated with municipal separate storm sewer systems (MS4), stormwater associated with construction activities or concentrated animal feeding operations (CAFO). 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).

<i>Location</i>	<i>Permit Authority</i>	<i>Application Type or Category</i>
Section I	NPDES	Renewals
Section II	NPDES	New or Amendment
Section III	WQM	Industrial, Sewage or Animal Waste; Discharge into Groundwater
Section IV	NPDES	MS4 Individual Permit
Section V	NPDES	MS4 Permit Waiver
Section VI	NPDES	Individual Permit Stormwater Construction
Section VII	NPDES	NOI for Coverage under NPDES General Permits

For NPDES renewal applications in Section I, the Department of Environmental Protection (Department) has made a tentative determination to reissue these permits for 5 years subject to effluent limitations and monitoring and reporting requirements in their current permits, with appropriate and necessary updated requirements to reflect new and changed regulations and other requirements.

For applications for new NPDES permits and renewal applications with major changes in Section II, as well as applications for MS4 Individual Permits and Individual Stormwater Construction Permits in Sections IV and VI, the Department, based upon preliminary reviews, has made tentative determinations of proposed effluent limitations and other terms and conditions for the permit applications. In accordance with 25 Pa. Code § 92a.32(d), the proposed discharge of stormwater associated with construction activities will be managed in accordance with the requirements of 25 Pa. Code Chapter 102. These determinations are published as proposed actions for comments prior to taking final actions.

Unless indicated otherwise, the United States Environmental Protection Agency (EPA) Region III Administrator has waived the right to review or object to proposed NPDES permit actions under the waiver provision in 40 CFR 123.24(d).

Persons wishing to comment on NPDES applications are invited to submit statements to the contact office noted before the application within 30-days from the date of this public notice. Persons wishing to comment on WQM permit applications are invited to submit statements to the office noted before the application within 15-days from the date of this public notice. Comments received within the respective comment periods will be 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 the Department of the exact basis of a comment and the relevant facts upon which it is based.

The Department will also accept requests for public hearings on applications. A public hearing may be held if the responsible office considers the public response significant. 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. The Department will postpone its final determination until after a public hearing is held.

Persons with a disability who require an auxiliary aid, service, including TDD users, or other accommodations to seek additional information should contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

### I. NPDES Renewal Applications.

*Northeast Region: Clean Water Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-0790, Email: RA-EPNPDES\_NERO@pa.gov.*

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N?</i>
PA0029777 (Sewage)	Westgate Water and Sewer Municipal Authority 184 Keiserville Road Tunkhannock, PA 18657-6135	Wyoming County Washington Township	Unnamed Tributary to Susquehanna River (CWF, MF) (4-G)	Yes

*Southcentral Region: Clean Water Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110, Email: RA-EPNPDES\_SCRO@pa.gov.*

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N?</i>
PA0009423 (IW)	Borough of Everett Area Municipal Authority 100 Mechanic Street Everett, PA 15537	Bedford County/ West Providence Township	John's Creek/11-D	Yes
PA0261891 (IW)	Bear Valley Franklin County PA Joint Authority— Fort Loudon 218 School House Road St. Thomas, PA 17252-0308	Franklin County/ Peters Township	UNT West Branch Conococheague Creek/13-C	Yes
PA0083305 (IW—GWCU)	TE Connectivity Corp Brodbecks Building 06 P.O. Box 3608 MS 140-055 Harrisburg, PA 17105-3608	York County/ Codorus Township	Unnamed Tributary to South Branch Codorus Creek (WWF, MF)/7-H	Yes
PA0080918 (SEW)	Long Residence 101 Speedwell Forge Road Lititz, PA 17543	Lancaster County/ Elizabeth Township	Conestoga River/07J	Yes
PA0266116 (SEW)	Wieczorkowski Residence 3200 Catholic Valley Road Glen Rock, PA 17327-7658	York County/ Codorus Township	UNT South Branch Codorus Creek/7H	Yes
PA0023183 (SEW)	Mount Holly Springs Sewage Treatment Plant 11-13 Mill Street Mount Holly Springs, PA 17065	Cumberland County/ Mount Holly Springs Borough	Mountain Creek/7-E	Yes
PA0034574 (SEW)	Alex Acres Mobile Home Park 975 North River Road Halifax, PA 17032	Dauphin County/ Halifax Township	Gurdy Run/6C	Yes
PA0024961 (SEW)	Oley Township Sewage Treatment Plant 94 Tollhouse Road Oley, PA 19547	Berks County/ Oley Township	Manatawny Creek/3-D	Yes
PA0026735 (SEW)	Swatara Township Authority Water Pollution Control Plant 8675 Paxton Street Hummelstown, PA 17036	Dauphin County/ Swatara Township	Swatara Creek/7-D	Yes

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<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N?</i>
PA0088072 (SW)	Stericycle Inc. RR1 Box 364 1525 Chestnut Hill Rd Morgantown, PA 19543	Berks County/ Robeson Township	Hay Creek/3C	N
PA0080586 (SEW)	Morton Bldg. Inc. 3370 York Road Gettysburg, PA 17325-8258	Adams County/ Straban Township	Unnamed Tributary to Swift Run in Watershed(s) 7-F	Yes
PA0080560 (Storm Water)	Harrisburg Travel Center 24601 Center Ridge Road Westlake, OH 44145	Dauphin County/ West Hanover Township	Unnamed Tributary to Manada Creek (WWF, MF) (7-D)	Yes
PA0083003 (IW)	Dudley Carbon Coalmont Joint Municipal Authority Water System Green Garden Road Dudley, PA 16634	Huntingdon County/ Carbon Township	Shoup Run/11D	Yes
PA0027952 (SEW)	Lawn Service Plaza 744 Harleysville Pike Harleysville, PA 19438	Lebanon County/ South Londonderry Township	Unnamed Tributary to Conewago Creek/7G	Yes
PA0083933 (SEW)	Georgetown Area Sewer Authority 46 Quarryville Road Quarryville, PA 17566	Lancaster County/ Bart Township	Nickel Mines Run/7K	Yes

*Northcentral Regional Office: Clean Water Program Manager, 208 W Third Street, Suite 101, Williamsport, PA 17701-6448. Phone: 570.327.3636.*

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N?</i>
PA0114596 (Industrial)	Avery Dennison Lock Haven Adhesives Plant 171 Draketown Road Mill Hall, PA 17751-8608	Clinton County Bald Eagle Township	Unnamed Tributary to Bald Eagle Creek (WWF) (9-C)	Yes

*Southwest Region: Clean Water Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, Email: RA-EPNPDES\_SWRO@pa.gov.*

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N?</i>
PA0252590 (Sewage)	Rogersville STP P.O. Box 435 Rogersville, PA 15359	Greene County Center Township	South Fork Tenmile Creek (HQ-WWF) (19-B)	Yes
PA0096172 (Industrial)	McKeesport Water System— WTP P.O. Box 730 Greensburg, PA 15601	Allegheny County McKeesport City	Youghiogheny River (WWF) (19-D)	Yes
PA0204854 (Sewage)	Knob Vue Estates MHP 320 Sunset Drive Baden, PA 15005-2441	Beaver County New Sewickley Township	Unnamed Tributary to Pine Run (WWF) (20-G)	Yes

*Northwest Region: Clean Water Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481.*

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N?</i>
PA0239372 (Sewage)	Harry J. & Norma J. Stafford SRSTP 4467 Ivanhoe Road Sharpsville, PA 16150-9490	Mercer County South Pymatuning Township	Unnamed tributary to McCullough Run (20-A)	Yes



## II. Applications for New or Expanded Facility Permits, Renewal of Major Permits and EPA Non-Waived Permit Applications.

*Northeast Region: Clean Water Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915, Email: RA-EPNPDES\_NERO@pa.gov.*

**NPDES Permit No. PA0060046**, Sewage, **CAN DO Inc.**, One South Church Street, Hazleton, PA 18201, Hazle Township, **Luzerne County**.

The following notice reflects changes to the notice published in the February 23, 2019 (49 Pa.B. 850) edition of the *Pennsylvania Bulletin*:

- Total Boron: Will be monitored monthly. Limits not needed.
- Beta-BHC; Bis(2-Ethylhexyl) Phthalate: No permit limits/monitoring required
- Total Copper and Total Hardness: Annual monitoring now required.
- Toxics WQBEL Condition deleted (not needed)
- Internal Monitoring Point No. 101 created for raw sewage influent monitoring & reporting
- First Year of Quarterly Whole Effluent Toxicity (WET) Testing

*Southwest Region: Clean Water Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, Email: RA-EPNPDES\_SWRO@pa.gov.*

**PA0219029**, Industrial, SIC Code 3273, **Marcon Building Supply, Inc.**, 4888 National Pike, Markleysburg, PA 15459-1028. Facility Name: Marcon Building Supply, Markleysburg Facility. This proposed facility is located in Henry Clay Township, **Fayette County**.

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

The receiving stream(s), Unnamed Tributary to Beaver Creek (HQ-CWF), is located in State Water Plan watershed 19-E and is classified for High Quality Waters—Cold Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

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

Parameters	Mass Units (lbs/day)			Concentrations (mg/L)		
	Average	Daily	Instant.	Average	Daily	IMAX
	Monthly	Maximum	Minimum	Monthly	Maximum	
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Total Suspended Solids	XXX	XXX	XXX	XXX	100.0	XXX
Aluminum, Total	XXX	XXX	XXX	XXX	Report	XXX
Iron, Total	XXX	XXX	XXX	XXX	Report	XXX

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

The EPA Waiver is in effect.

*Northwest Region: Clean Water Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481.*

**PA0263567**, Industrial, SIC Code 4941, **Ridgway Borough**, P.O. Box 149, Ridgway, PA 15853-0149. Facility Name: Ridgway Borough WTP. This existing facility is located at Big Mill Curn Reservoir Road, Ridgway, PA 15853, located in Ridgway Borough, **Elk 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), Big Mill Creek (HQ-CWF), is located in State Water Plan watershed 17-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 .029 MGD.—Limits.

Parameters	Mass Units (lbs/day)			Concentrations (mg/L)		
	Average	Weekly	Minimum	Average	Daily	IMAX
	Monthly	Maximum	Inst Min	Monthly	Maximum	
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	XXX	1.6
Total Suspended Solids	XXX	XXX	XXX	30.0	60.0	75
Aluminum, Total	0.67	1.34	XXX	2.8	5.6	7.0
		Daily Max				

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
Iron, Total	XXX	XXX	XXX	2.0	4.0	5
Manganese, Total	XXX	XXX	XXX	1.0	2.0	2.5

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

The EPA Waiver is in effect.

**PA0288179**, Sewage, SIC Code 8800, **James & Wilma Spaulding**, 9180 Fry Road, McKean, PA 16426-1539. Facility Name: James & Wilma Spaulding SRSTP. This proposed facility is located in McKean Township, **Erie County**.

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

The receiving stream(s), Unnamed Tributary to Elk Creek (CWF, MF), is located in State Water Plan watershed 15-X 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 .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 (GPD)	Report	XXX	XXX	XXX	XXX	XXX
pH (S.U.)	Annl Avg XXX	XXX	6.0 Inst Min	XXX	XXX	9.0
Biochemical Oxygen Demand (BOD <sub>5</sub> )	XXX	XXX	XXX	10.0	XXX	20
Total Suspended Solids	XXX	XXX	XXX	10.0	XXX	20
Fecal Coliform (No./100 ml)	XXX	XXX	XXX	200	XXX	XXX

Sludge use and disposal description and location(s): Septage must be pumped and hauled off-site by a septage hauler for land application under a general permit authorized by DEP or disposal at an STP.

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 814-332-6340.

The EPA Waiver is in effect.

**PA0272469**, Sewage, SIC Code 4952, **Marion Township**, P.O. Box 141, Boyers, PA 16020-0141. Facility Name: Boyers STP. This proposed facility is located in Marion Township, **Butler County**.

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

The receiving stream(s), Slippery Rock Creek, is located in State Water Plan watershed 20-C and is classified for Cold Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.037 MGD.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Weekly Average</i>		<i>Average Monthly</i>	<i>Weekly Average</i>	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0 Daily Min	XXX	9.0 Daily Max	XXX
Dissolved Oxygen	XXX	XXX	4.0 Daily Min	XXX	XXX	XXX
Total Residual Chlorine (TRC)	XXX	XXX	XXX	0.5	XXX	1.6
Carbonaceous Biochemical Oxygen Demand (CBOD <sub>5</sub> )	7.7	12.3	XXX	25.0	40.0	50
Biochemical Oxygen Demand (BOD <sub>5</sub> )						
Raw Sewage Influent	Report	Report	XXX	Report	XXX	XXX
Total Suspended Solids	9.2	13.8	XXX	30.0	45.0	60
Total Suspended Solids						
Raw Sewage Influent	Report	Report	XXX	Report	XXX	XXX

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		IMAX
	Average Monthly	Weekly Average		Average Monthly	Weekly Average	
Fecal Coliform (No./100 ml)						
Oct 1 - Apr 30	XXX	XXX	XXX	2,000	XXX	10,000
May 1 - Sep 30	XXX	XXX	XXX	Geo Mean 200 Geo Mean	XXX	1,000
Ammonia-Nitrogen						
Nov 1 - Apr 30	Report	XXX	XXX	Report	XXX	XXX
May 1 - Oct 31	7.7	XXX	XXX	25.0	XXX	50
Total Nitrogen	Report	XXX	XXX	Report	XXX	XXX
	Avg Qrtly			Avg Qrtly		
Total Phosphorus	Report	XXX	XXX	Report	XXX	XXX
	Avg Qrtly			Avg Qrtly		
Aluminum, Total	Report	XXX	XXX	Report	XXX	XXX
	Annl Avg			Annl Avg		
Iron, Total	Report	XXX	XXX	Report	XXX	XXX
	Annl Avg			Annl Avg		
Manganese, Total	Report	XXX	XXX	Report	XXX	XXX
	Annl Avg			Annl Avg		

Sludge use and disposal description and location(s): Septage must be disposed of in a method that is in accordance with the Pennsylvania Solid Waste Management Act.

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

The EPA Waiver is in effect.

**PA0288098**, Sewage, SIC Code 8800, **Sarah Eberle**, 304 Margaret Avenue, Evans City, PA 16033. Facility Name: Sarah Eberle SRSTP. This proposed facility is located in Forward Township, **Butler County**.

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

The receiving stream(s), Unnamed Tributary to Breakneck Creek (WWF), is located in State Water Plan watershed 20C 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 .0004 MGD.—Limits.

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		IMAX
	Average Monthly	Weekly Average		Average	Maximum	
Flow (GPD)	Report	XXX	XXX	XXX	XXX	XXX
	Annl Avg					
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
			Inst Min			
Biochemical Oxygen Demand (BOD <sub>5</sub> )	XXX	XXX	XXX	10.0	XXX	20
Total Suspended Solids	XXX	XXX	XXX	10.0	XXX	20
Fecal Coliform (No./100 ml)	XXX	XXX	XXX	200	XXX	XXX

Sludge use and disposal description and location(s): Septage will be pumped and hauled off-site by a septage hauler for land application under a general permit authorized by DEP or disposal at an STP.

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

The EPA Waiver is in effect.

### III. WQM Industrial Waste and Sewerage Applications under The Clean Streams Law (35 P.S. §§ 691.1—691.1001).

*Southeast Region: Clean Water Program Manager, 2 East Main Street, Norristown, PA 19401, 484.250.5900.*

**WQM Permit 0920402**, Sewage, **Borough of Penndel**, 300 Bellevue Avenue, Penndel, PA 19047.

This proposed facility is located in Penndel Borough, **Bucks County**.

Description of Action/Activity: Upsize sanitary sewer main to eliminate capacity constraint.

*Northeast Region: Clean Water Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790. Phone: 570.826.2511, Email: RA-EPNPDES\_NERO@pa.gov.*

**WQM Permit No. WQG02542001**, Sewage, **Tamaqua Borough Authority**, 320 E Broad Street # 2, Tamaqua, PA 18252.

This proposed facility is located in Tamaqua Borough, **Schuylkill County**.

Description of Proposed Action/Activity: Installation of a Sewer Extension Line to serve the Tamarack Square Phase 2 development. The new extension line will discharge to the existing Tamaqua Wastewater Treatment Plant under NPDES Permit No. PA0027006.

*Southwest Region: Clean Water Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.*

**WQM Permit No. 6319413**, Sewage, **Sandra J. Furmanek**, 1206 Eldersville Road, Burgettstown, PA 15021.

This proposed facility is located in Jefferson Township, **Washington County**.

Description of Proposed Action/Activity: Seeking permit approval for the construction of a Single Residence Sewage Treatment Plant.

**WQM Permit No. 1120400**, Sewage, **City of Johnstown**, 401 Main Street, Johnstown, PA 15901.

This proposed facility is located in the City of Johnstown, **Cambria County**.

Description of Proposed Action/Activity: Proposed construction of the replacement and rehabilitation of the existing sanitary sewers located in the Central Business District of the City of Johnstown. Treatment to be provided at the existing Johnstown—Dornick Point STP.

The Pennsylvania Infrastructure Investment Authority (PENNVEST) which administers Pennsylvania’s State Revolving Fund has been identified as a potential funding source.

*Northwest Region: Clean Water Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481.*

**WQM Permit No. 4320402**, Sewage, **Debra Casper**, 1874 Mercer Road, Jackson Center, PA 16133.

This proposed facility is located in Lake Township, **Mercer County**.

Description of Proposed Action/Activity: Single Residence Sewage Treatment Plant.

**WQM Permit No. 6220401**, Sewage, **John Gaghan**, 363 Medway Road, Highland Heights, OH 44143.

This proposed facility is located in Pleasant Township, **Warren County**.

**WQM Permit No. 2520406**, Sewage, **Augusta Fitzsimmons & James Zablotny**, 2985 S Hill Road, McKean, PA 16426.

This proposed facility is located in McKean Township, **Erie County**.

Description of Proposed Action/Activity: Single Residence Sewage Treatment Plant.

**PUBLIC WATER SUPPLY PERMITS**

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

Persons 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 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, the Department 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.

Persons with a disability that require an auxiliary aid, service or other accommodations to participate during the 30-day public comment period should contact the office

listed before the application. TDD users may contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

**SAFE DRINKING WATER**

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

*Northcentral Region: Safe Drinking Water Program Manager, 208 West Third Street, Williamsport, PA 17701.*

**Permit No. 4920502**, Public Water Supply.

Applicant	<b>Pennsylvania-American Water Co.—Turbotville</b> 852 Wesley Drive Mechanicsburg, PA 17055
Township or Borough	Lewis Township
County	<b>Northumberland</b>
Responsible Official	Mr. Ewoud Hulstein
Type of Facility	Public Water Supply—Construction
Consulting Engineer	Ewoud Hulstein, P.E. Pennsylvania-American Water Company 852 Wesley Drive Mechanicsburg, PA 17011
Application Received Date	March 6, 2020

Description of Action To replace gas chlorine with liquid-sodium hypochlorite for disinfection, replace chemical pumps, and install flow meter.

#### MINOR AMENDMENT

#### Applications Received Under the Pennsylvania Safe Drinking Water Act.

*Southwest Region: Safe Drinking Water Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.*

**Application No. 6320501MA**, Minor Amendment.

Applicant	<b>Authority of the Borough of Charleroi</b> 3 McKean Avenue P.O. Box 211 Charleroi, PA 15022
Township or Borough	Fallowfield Township
County	<b>Washington</b>
Responsible Official	Charles Cardinale, General Manager
Type of Facility	Water system
Consulting Engineer	KLH Engineers, Inc. 5173 Campbells Run Road Pittsburgh, PA 15205
Application Received Date	March 5, 2020
Description of Action	Installation of approximately 2,280 feet of 24-inch diameter transmission main and 13,500 feet of 16-inch diameter transmission main (EQT Redd Pad Waterline Project).

#### WATER ALLOCATIONS

#### 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.

*Southwest Region: Safe Drinking Water Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.*

**WA26-5D**, Water Allocations. **The Municipal Authority of the Township of Washington**, 1390 Fayette Avenue, Belle Vernon, PA 15012, Washington Township, **Fayette County**. The application requests the right to purchase 9,000 gallons of water per day, peak month, from the Municipal Authority of Westmoreland County.

### LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

#### UNDER ACT 2, 1995 PREAMBLE 1

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

Sections 302—305 of the Land Recycling and Environmental Remediation Standards Act (Act) require the Department of Environmental Protection (Department) to publish in the *Pennsylvania Bulletin* an acknowledgment

noting receipt of any Notices of Intent to Remediate. An acknowledgment of the receipt of a Notice of Intent (NOI) to Remediate is used to identify a site where a person proposes to, or has been required to, respond to a release of a regulated substance at a site. Persons intending to use the background standard, Statewide health standard, the site-specific standard, or who intend to remediate a site as a special industrial area, must file a (NOI) to Remediate with the Department. A NOI to Remediate filed with the Department provides a brief description of the location of the site, a list of known or suspected contaminants at the site, the proposed remediation measures for the site, and a description of the intended future use of the site. A person who demonstrates attainment of one, or a combination of the cleanup standards, or who receives approval of a special industrial area remediation identified under the Act, will be relieved of further liability for the remediation of the site for any contamination identified in reports submitted to and approved by the Department. Furthermore, the person shall not be subject to citizen suits or other contribution actions brought by responsible persons not participating in the remediation.

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

For further information concerning the content of a NOI to Remediate, please contact the Environmental Cleanup Program Manager in the Department of Environmental Protection Regional Office under which the notice appears. If information concerning this acknowledgment is required in an alternative form, contact the Community Relations Coordinator at the appropriate Regional Office listed. TDD users may telephone the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

The Department of Environmental Protection has received the following Notice(s) of Intent to Remediate:

*Southeast Region: Environmental Cleanup Program Manager, 2 East Main Street, Norristown, PA 19401.*

**Bensalem High School**, 4319 Hulmeville Road, Bensalem Township, **Bucks County**. Adam Bower, Kleinfelder-Advanced Engineers, LLC, 435 Independence Avenue, Suite C, Mechanicsburg, PA 17055 on behalf John Mathieu, Bensalem Township School District, 3000 Donallen Drive, Bensalem, PA 19020 submitted a Notice of Intent to Remediate. Site soils were found to be contaminated with No. 2 fuel oil. The future use of the

property will remain a high school building. The proposed cleanup standard for the site is Statewide Health Standard. The Notice of Intent to Remediate was published in *The Bucks County Courier Times* on February 11, 2020.

**2944 Samuel Drive Inc.**, 2944 Samuel Drive, Bensalem Township, **Bucks County**. Natalie Griffith, REPSG, Inc., 6901 Kingsessing Avenue, Suite 201, Philadelphia, PA 19142 on behalf of Howard Weiss, 2944 Samuel Drive Inc., 4250 Wissahickon Avenue, Philadelphia, PA 19129 submitted a Notice of Intent to Remediate. Soil and groundwater at the site have been contaminated with the release of PAHs and metals. The proposed cleanup standard for the site is Statewide Health Standard. The Notice of Intent to Remediate was published in *The Bucks County Courier* on January 13, 2020.

**960 Rittenhouse Road**, 960 Rittenhouse Road, Lower Providence Township, **Montgomery County**. John W. Storb, Jr., Storb Environmental Incorporated, 410 Easton Road, Willow Grove, PA 19090 on behalf of Frank Facciolo, The Marital Trust Under Will of Frank Facciolo (dba MCF Development), 2004 Sproul Road, Broomall, PA 19008 submitted a Notice of Intent to Remediate. Soil and groundwater have been impacted by certain VOCs. The proposed cleanup standard for the site is Site-Specific Standard/Statewide Health Standard. The Notice of Intent to Remediate was published in *The Times Herald* on February 25, 2020.

**Raleigh Mill/Roeper Foundry**, 1617-35 North 5th Street, City of Philadelphia, **Philadelphia County**. Jennifer Poole, Pennoni, 1900 Market Street, Suite 300, Philadelphia, PA 19103 on behalf of Lawrence McKnight, The Riverwards Group, 3020 Richmond Street # 5807, Philadelphia, PA 19134 submitted a Notice of Intent to Remediate. Soil and groundwater at the site have been contaminated with VOCs and metals. The proposed cleanup standard for the site is Site-Specific Standard/Statewide Health Standard. The Notice of Intent to Remediate was published in *The Philadelphia Metro* on February 3, 2020.

**2400 West Darby Road**, 2400 West Darby Road, Haverford Township, **Delaware County**. Gilbert J. Marshall, PG, Marshall Geoscience, Inc., 170 1st Avenue, Collegeville, PA 19426 on behalf of Robert Brotzman, Blackwater Falls Trust, 1540 Collingswood Avenue, Marco Island, FL 34145-5835 submitted a Notice of Intent to Remediate. The site has been found to be contaminated with No. 2 fuel oil and used motor oil. The future use of the property will continue to be commercial. The proposed cleanup standard for the site is Statewide Health Standard. The Notice of Intent to Remediate was published in *The Delaware County Daily Times* on February 20, 2020.

*Northcentral Region: Environmental Cleanup Program Manager, 208 West Third Street, Williamsport, PA 17701, Telephone number: 570-327-3636.*

*Contact: Lisa Hensel, Clerk Typist II, 570-327-3653.*

**280 W. Brown Street, Lock Haven**, Castanea Township **Clinton County**. McKee Environmental, Inc., 86 Quartz Drive, Bellefonte, PA 16823, on behalf of Peter's Sandblasting, 280 W. Brown Street, Lock Haven, PA 17745, has submitted a Notice of Intent to Remediate site soil contaminated with heating oil. The applicant intends to keep the property a commercial facility. A summary of the Notice of Intent to Remediate was published in *The Express* on February 13, 2020.

## RESIDUAL WASTE GENERAL PERMITS

**Application(s) Received Under the Solid Waste Management Act (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 a General Permit to Operate Residual Waste Processing Facilities and the Beneficial Use of Residual Waste other than Coal Ash.**

*Northcentral Region: Regional Solid Waste Manager, 208 West Third Street, Williamsport, PA 17701.*

**General Permit Application No. WMGR123NC003. Seneca Resources Corporation**, 51 Zents Boulevard, Brookville, PA 15825, **Jefferson County**. Permit renewal application for the processing and beneficial use of oil and gas liquid waste to be used as a water supply to develop or hydraulically fracture an oil or gas well. The permit renewal application was received by the Northcentral Regional Office on March 9, 2020.

**General Permit Application No. WMGR123NC012. Highland Field Service, LLC**, 5800 Corporate Drive, Suite 300, Pittsburgh, PA 15237, **Covington Township, Tioga County**. Permit renewal application for the processing and beneficial use of oil and gas liquid waste to be used as a water supply to develop or hydraulically fracture an oil or gas well. The permit renewal application was received by the Northcentral Regional Office on March 9, 2020.

Comments concerning the applications should be directed to Lisa D. Houser, P.E., Environmental Engineer Manager, Williamsport Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701. Persons interested in obtaining more information about the general permit application may contact the Williamsport Regional Office, 570-327-3752. TDD users may contact the Department through the Pennsylvania AT&T Relay Service, (800) 654-5984. Public comments must be submitted within 60 days of this notice and may recommend revisions to, and approval or denial of the application.

## DETERMINATION FOR APPLICABILITY FOR MUNICIPAL WASTE GENERAL PERMITS

**Application for Determination of Applicability for General Permit Received Under the Solid Waste Management Act (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 a General Permit to Operate Municipal Waste Processing Facilities and/or the Beneficial Use of Municipal Waste.**

*Southeast Region: Regional Solid Waste Manager, 2 East Main Street, Norristown, PA 19401.*

**General Permit Application No. WMGM044SE004. David Geppert Recycling Inc.**, 4000 Pulsaki Avenue, Philadelphia, PA 19140. This permit application is for the determination of applicability (DOA) under General Permit No. WMGM044SE004 for the processing and beneficial use of unpainted and untreated wood waste, gypsum board, brick, block and concrete wastes, for uses as mulch for landscaping purposes, soil erosion control material, aggregate material in construction, animal bedding and alternative fuel or distributed to wholesale outlets at Geppert Recycling Facility. The Geppert Recycling Facility is located at 4000 Pulaski Avenue, Philadelphia, PA 19140, in the City and **County of Philadelphia**. The

application for determination of applicability was accepted as administratively complete by the Southeast Regional Office on February 11, 2020.

Comments concerning the application should be directed to the Waste Management Program Manager, Department of Environmental Protection (DEP) Southeast Regional Office, 2 East Main Street, Norristown, PA 19401-4915. Persons interested in obtaining more information about the general permit application may contact the Southeast Regional Office by telephone at 484.250.5960. TDD users may contact the (DEP) through the Pennsylvania AT&T Relay Service, (800) 654.5984. Public comments must be submitted within 60 days of this notice and may recommend revisions to, and approval or denial of the application.

#### DETERMINATION OF APPLICABILITY FOR RESIDUAL WASTE GENERAL PERMITS

**Renewal of Determination of Applicability for General Permit(s) Issued under the Solid Waste Management Act (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 a General Permit to Operate Residual Waste Processing Facilities and/or the Beneficial Use of Residual Waste other than Coal Ash.**

*Southwest Region: Regional Solid Waste Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.*

**General Permit No. WMGR029SW002. Safety-Kleen Systems, Inc.,** 650 Noble Drive, West Mifflin, PA 15122. Ten year renewal of coverage under residual waste general permit WMGR029 for the processing of waste oil, commercial fuel products exempt from regulation as hazardous waste, spent antifreeze, used oil filters and waste oil/water mixtures via operation of a transfer facility at Safety-Kleen West Mifflin Service Center, 650 Noble Drive, West Mifflin, PA 15122 in West Mifflin Borough, **Allegheny County**, was approved by the Southwest Regional Office on March 6, 2020. (Previously assigned permit ID number was WMGR029G.)

**General Permit No. WMGR029SW003. Safety-Kleen Systems, Inc.,** 150 Allenbill Drive, Johnstown, PA 15904. Ten year renewal of coverage under residual waste general permit WMGR029 for the processing of waste oil, commercial fuel products exempt from regulation as hazardous waste, spent antifreeze, used oil filters and waste oil/water mixtures via operation of a transfer facility at Safety-Kleen Johnstown Service Center, 150 Allenbill Drive, Johnstown, PA 15904 in Richland Township, **Cambria County**, was approved by the Southwest Regional Office on March 6, 2020. (Previously assigned permit ID number was WMGR029I.)

**General Permit No. WMGR081SW002: TMS International LLC,** 1155 Business Center Drive, Suite 200, Horsham, PA 19044-3422. Determination of Applicability (DOA) under residual waste General Permit WMGR081 for the processing prior to beneficial use of source separated waste electronics at TMS International at West Mifflin, 516 Delwar Road, Pittsburgh, PA 15236 in West Mifflin Borough, **Allegheny County** was approved in the Southwest Regional Office on March 3, 2020.

#### OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE

**Application(s) Received Under the Solid Waste Management Act (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: Regional Solid Waste Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915.*

**Permit Application No. 100932. Environmental & Recycling Services, Inc.,** 1100 Union Street, Taylor, PA 18517. An application for permit renewal for the operation of a construction and demolition waste landfill located in Taylor Borough, **Lackawanna County**. The application was received by the Regional Office on March 1, 2020 and the application was deemed administratively complete on March 4, 2020.

Comments concerning the application should be directed to Roger Bellas, Environmental Program Manager, Northeast Regional Office, 2 Public Square, Wilkes-Barre, PA 18701-1915 at 570-826-2511. TDD users may contact the Department through the Pennsylvania AT&T 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.

*Northcentral Region: Regional Solid Waste Manager, 208 West Third Street, Williamsport, PA 17701.*

**Permit No. 101568. University Area Joint Authority,** 1576 Spring Valley Road, State College, College Township, **Centre County**. Permit renewal application for a municipal waste composting facility. The permit renewal application was received by Northcentral Regional Office on March 6, 2020.

Comments concerning the application should be directed to Lisa D. Houser, P.E., Environmental Engineer Manager, Williamsport Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701. Persons interested in obtaining more information about the general permit application may contact the Williamsport Regional Office, 570-327-3752. TDD users may contact the Department through the Pennsylvania AT&T 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 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 the Department, 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 Department received applications for Plan Approvals or Operating Permits from the following facilities. Copies of the application, the Department’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 Department Regional Office. Appointments for scheduling a review must be made by calling the appropriate Department Regional Office. The address and phone number of the Regional Office is listed before the application notices.

Persons 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 Department'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.

A person wishing to request a hearing may do so during the 30-day comment period. A public hearing may be held, if the Department, 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 the Department determines this type of notification is sufficient. Requests for a public hearing and any relevant information should be directed to the appropriate Department 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.

Persons with a disability who wish to comment and require an auxiliary aid, service or other accommodation to participate should contact the regional office listed before the application. TDD users may contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

#### PLAN APPROVALS

**Plan Approval Applications Received under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and 25 Pa. Code Chapter 127, Subchapter B that may have special public interest. These applications are in review and no decision on disposition has been reached.**

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

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

**54-00093A: The Espoma Company** (6 Espoma Road, Millville, NJ 08332) for their facility in Frailey Township, Schuylkill County.

In accordance with 25 Pa. Code §§ 127.44(a) and 127.45(a), the Department of Environmental Protection (DEP) has received a Plan Approval for The Espoma Company (6 Espoma Road, Millville, NJ 08332) for their facility in Frailey Township, Schuylkill County. This Plan Approval No. 54-00093A will be incorporated into a Synthetic Minor Permit at a later date.

Plan Approval No. 54-00093A is for the installation and operation of a fertilizer granulation process consisting of two (2) natural gas/landfill gas fired dryers (one (1) rotary dryer and one (1) fluidized bed dryer), two (2) hammermills, two (2) baghouse filters, one (1) cyclone separator, and three storage (3) silos. The main emissions from the sources are Sulfur Oxides (SO<sub>x</sub>), Nitrogen Oxides (NO<sub>x</sub>), Particulate Matter (PM), and Volatile Organic Compounds (VOC's). The new sources shall be subject to and comply with 25 Pa. Code § 123.31 for malodorous emissions, 25 Pa. Code § 123.13 for particulate emissions, 25 Pa. Code § 123.21 for sulfur emissions, and Best Available Technology (BAT). The Plan Approval and Operating permit will contain additional recordkeeping and operating restrictions designed to keep the facility operating within all applicable air quality requirements.

Copies of the application, DEP's analysis and other documents used in the evaluation of the application are available for public review during normal business hours at Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711.

Any person(s) wishing to provide DEP with additional information, which they believe should be considered prior to the issuance of this permit, may submit the information to the address shown in the preceding paragraph. Each written comment must contain the name, address and telephone number of the person submitting the comments, identification of the proposed permit No. 54-00093A and a concise statement regarding the relevancy of the information or objections to the issuance of the permit.

A public hearing may be held, if the Department of Environmental Protection, in its discretion, decides that such a hearing is warranted based on the comments received. All persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in the newspaper or the *Pennsylvania Bulletin* or by telephone, where DEP determines such notification is sufficient. Written comments or requests for a public hearing should be directed to Ray Kempa, Environmental Group Manager, New Source Review Section, Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711, Phone 570-826-2511 within 30 days after publication date.

**Intent to Issue Plan Approvals and Intent to Issue or Amend Operating Permits 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.*

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

**16-132P: Clarion Boards, Inc.** (143 Fiberboard Road, Shippensburg, PA 16254), for the proposed exhausting of Source 105 to atmosphere; splitting Source 110 into Source 110 & 113; and the removal of Source 109 from the facility operating permit in Paint Township, **Clarion**



**County.** This is a Title V facility. The public notice is required for sources required to obtain a Plan Approval in accordance with 25 Pa. Code § 127.44. This plan approval will, in accordance with 25 Pa. Code § 127.450 or § 127.505, be incorporated into the facility operating permit at a later date.

Plan approval No 16-132P is for the proposed exhausting of Source 105 to atmosphere; splitting Source 110 into Source 110 & 113; and the removal of Source 109 from the facility operating permit. This Plan Approval will contain emission restriction, testing, recordkeeping, work practice standard and additional requirement conditions, which will satisfy the requirements of 25 Pa. Code § 127.12b (pertaining to plan approval terms and conditions) and will demonstrate Best Available Technology (BAT) for the source including, but are not limited to, the following:

- Source 105 [Mat Cleanup Fans (System 5—Forming Area & Dust Extraction)] & Source 110 [Diagonal, Splitter, & Cut-off Saws (System 10)] & Source 113 [Finishing & Bolster Saws (System 13)]
  - Emissions shall comply with 25 Pa. Code §§ 123.1, 123.31 and 123.41 for fugitive, odor, and visible emissions respectively.
  - No person may permit the emission into the outdoor atmosphere of particulate matter in a manner that the concentration of total particulate matter (both filterable and condensable) in the effluent gas exceeds 0.004 grain per dry standard cubic foot.
  - Within 60 days after achieving the normal production rate at which the affected source will be operated, but not later than 180 days after initial start-up of the source/control device, a stack test shall be performed. Testing shall be conducted for total particulate matter (both filterable and condensable).
  - Stack test at operating permit renewal for total particulate matter.
  - All recordkeeping shall commence upon startup of the source/control device. All records shall be kept for a period of five (5) years and shall be made available to the Department upon request.
  - The permittee shall maintain a record of all preventive maintenance inspections of the control device. These records shall include, at a minimum, the dates of the inspections, the name of the person performing the inspection, any problems or defects identified, any actions taken to correct the problems or defects, and any routine maintenance performed.
  - The permittee shall record the following operational data from the baghouse (these records may be done with strip charts recorders, data acquisition systems, or manual log entries):
    - Pressure differential—daily defined as once per calendar day
    - Visible emission check—daily defined as once per calendar day
    - The permittee shall perform a daily operational inspection of the control device. As part of this operational inspection the facility shall monitor the pressure drop across the baghouse and shall conduct a visible emission (VE) observation of the baghouse stack. The VE observation shall be 60 seconds in length with reading every 15 seconds. If any visible emissions are observed, the facility shall perform one of the following:
      - A Method 9 observation using a certified observer (60 minutes in duration) shall be conducted to determine compliance with the opacity limitations—or
      - The facility shall immediately commence shutdown of the source/control device in accordance with the Department approved shutdown procedure.
      - The permittee shall perform a monthly preventive maintenance inspection of the control device.
      - A magnehelic gauge or equivalent shall be maintained and operated to monitor the pressure differential across the baghouse. All gauges employed shall have a scale such that the expected normal reading shall be no less than twenty percent (20%) of full scale and be accurate within plus or minus two percent (+/-2%) of full-scale reading.
      - The permittee shall adhere to the approved indicator range for the baghouse so that operation within the range shall provide reasonable assurance of compliance. A departure from the specified indicator range over a specified averaging period shall be defined as an excursion. The approved indicator range for the following shall be determined during the initial performance test or any subsequently approved performance tests unless otherwise stated:
        - Pressure drop: 1.0 to 7.0 inches water gage or as established during compliant testing
        - Opacity less than or equal to 10%
      - The permittee shall operate the control device at all times that the source is in operation.
      - The permittee shall maintain and operate the source and control device in accordance with the manufacturer's specifications and in accordance with good air pollution control practices.
      - All conditions from the Boards facility operating permit (16-00132) issued on January 19, 2016, for this source remain in effect unless modified in this plan approval.
  - Source 105 [Mat Cleanup Fans (System 5—Forming Area & Dust Extraction)]
    - Emissions shall not exceed the following:
      - PM: 1.32 #/hr (both filterable and condensable)
      - PM: 5.78 tpy (both filterable and condensable) based on a 12-month rolling total
      - PM<sub>10</sub>: 1.32 #/hr
      - PM<sub>10</sub>: 5.78 tpy based on a 12-month rolling total
      - PM<sub>2.5</sub>: 1.32 #/hr
      - PM<sub>2.5</sub>: 5.78 tpy based on a 12-month rolling total
    - The Projected Actual Emissions are the following:
      - VOC: 0.910 tpy based on a 12-month consecutive period
  - Source 107 [Mat Reject]
    - All conditions from the Boards facility operating permit (16-00132) issued on January 19, 2016, for this source remain in effect unless modified in this plan approval.
    - All conditions from Plan Approval 16-132O issued on September 11, 2019, for this source remain in effect unless modified in this plan approval.
  - Source 109 [Building Vents]
    - Remove from Operating Permit

• Source 110 [Diagonal, Splitter, & Cut-off Saws (System 10)]

- Emissions from C110B shall not exceed the following:
  - PM: 1.05 #/hr (both filterable and condensable)
  - PM: 4.60 tpy (both filterable and condensable) based on a 12-month rolling total
  - PM<sub>10</sub>: 1.05 #/hr
  - PM<sub>10</sub>: 4.60 tpy based on a 12-month rolling total
  - PM<sub>2.5</sub>: 1.05 #/hr
  - PM<sub>2.5</sub>: 4.60 tpy based on a 12-month rolling total
- The Projected Actual Emissions are the following:
  - VOC: 2.078 tpy based on a 12-month consecutive period
- All conditions from Plan Approval 16-132L issued on March 23, 2017, for this source remain in effect unless modified in this plan approval.

• Source 113 [Finishing & Bolster Saws (System 13)]

- Emissions from C110A shall not exceed the following:
  - PM: 0.71 #/hr (both filterable and condensable)
  - PM: 3.11 tpy (both filterable and condensable) based on a 12-month rolling total
  - PM<sub>10</sub>: 0.71 #/hr
  - PM<sub>10</sub>: 3.11 tpy based on a 12-month rolling total
  - PM<sub>2.5</sub>: 0.71 #/hr
  - PM<sub>2.5</sub>: 3.11 tpy based on a 12-month rolling total
- The Projected Actual Emissions are the following:
  - VOC: 2.078 tpy based on a 12-month consecutive period
- All conditions from Plan Approval 16-132L issued on March 23, 2017, for this source remain in effect unless modified in this plan approval.

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) 332-6340.

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 [16-132P] 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 Regional Air Quality Program Manager, Pennsylvania Department of Environmental Protection, 230 Chestnut St., Meadville, PA 16335; Phone (814) 332-6940.

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 Air Quality Program Manager.

If a plan approval has not undergone the previously listed public notice process, the change to an operating permit must be treated as a significant modification. In these situations, the Department should follow the procedures described in §§ 127.421 to 127.431 for State Only Operating Permits or §§ 127.521 to 127.524 for Title V operating permits.

### OPERATING PERMITS

#### **Intent to Issue Title V Operating Permits 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.*

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

**46-00013: Clemens Food Group (aka Hatfield Quality Meats, Inc.)** (2700 Funks Rd., Hatfield, PA 19440-0902) for renewal of their Title V Operating Permit in Hatfield Township, **Montgomery County**. The Title V Operating Permit was most recently renewed on May 13, 2015 and was administratively amended on July 18, 2017. The facility's major emission points include: four (4) boilers for firing propane, natural gas and/or No(s). 2, 4, 5, or 6 fuel oil and animal fat, vegetable oil and lard ("AFVL") as alternative fuels, two (2) inedible cooker/presses, four (4) emergency power generators and ten (10) natural gas-fired smokehouse burners, which emit major levels of nitrogen oxides (NO<sub>x</sub>), sulfur oxides (SO<sub>x</sub>), volatile organic compounds (VOCs), and hazardous air pollutants (HAPs). All new and revised regulatory changes have been addressed in this renewal. The renewed Title V operating permit will contain sufficient monitoring, recordkeeping, reporting and work practice standards to keep the facility operating within all applicable air quality requirements.

#### **Intent to Issue Operating Permits under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and 25 Pa. Code Chapter 127, Subchapter F.**

*Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19401.*

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

**15-00049: Taylor Industries, Inc.** (35 Anderson Rd., Parkerford, PA 19457) for a non-Title V, State Only, Synthetic Minor operating permit in East Coventry Township, **Chester County**. The permit is for a manufacturer of marble fixtures for the home (e.g., lavatory tops, showers, tubs and whirlpools). The facility's primary criteria pollutant sources are the two (2) gelcoat spray booths, five (5) mixers, a casting (molding) area and 2-4,500-gallon (cap.) resin storage tanks. This action is a renewal of the State Only Operating Permit. The permit was initially issued on 7-6-2005 and was subsequently renewed on 7-14-2010 and on 8-3-2015. The permit will include monitoring, recordkeeping and reporting require-

ments designed to keep the facility operating within all applicable air quality requirements.

*Philadelphia: Air Management Services, 321 University Avenue, Philadelphia, PA 19104-4543, Contact: Edward Wiener, Chief, Source Registration at 215-685-9426.*

The City of Philadelphia, Air Management Services (AMS) intends to issue an initial Natural Minor Operating Permit for the following facility:

**OP19-000038: City of Philadelphia Water Department—Queen Lane Water Treatment Plant** (3110 Queen Lane, Philadelphia, PA 19129) for an operation of a water treatment facility in the City of Philadelphia, **Philadelphia County**. The facility's air emission sources include two (2) boilers firing natural gas each rated at 1.7 MMBtu/hr and one (1) emergency generator firing diesel fuel rated at 1,490 HP.

The operating permit will be issued under 25 Pa. Code, Philadelphia Code Title 3 and Air Management Regulation XIII. Permit copies, technical review memos, and other supporting information are available for public inspection at AMS, 321 University Avenue, Philadelphia, PA 19104. For further information, contact Edward Wiener at (215) 685-9426.

Persons wishing to file protest, comments, or request a public hearing on the previously listed operating permit must submit the protest, comments or request for public hearing within 30 days from the date of this notice. Any protests or comments filed with AMS must include a concise statement of the objections to the permit issuance and the relevant facts upon which the objections are based. Based upon the information received during the public comment period, AMS may modify the operating permit or schedule a public hearing. The hearing notice will be published in the *Pennsylvania Bulletin* and a local newspaper at least thirty days before the hearing.

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

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

**54-00043: Ashland Foundry and Machine Works, Inc.** (500 East Centre Street Ashland, PA 17921). The Department intends to issue a renewal State-Only Operating Permit for operation of sources at their facility located in Ashland Borough, **Schuylkill County**. The sources include an air arc operation; shot blast system; sand reclamation/classifying system; argon, oxygen decarburization; and a sand transport system/silo. Control devices for these operations are baghouses. The proposed permit contains all applicable requirements for emission limitations, work practice standards, testing, monitoring, recordkeeping, and reporting standards used to verify facility compliance with Federal and State air pollution regulations.

**39-00109: Evonik Corporation** (7001 Hamilton Boulevard, Allentown, PA 18195). The Department intends to issue a renewal State-Only Operating Permit for operation of sources at their facility located in Upper Macungie Township, **Lehigh County**. The sources include six natural gas and diesel fired boilers; three natural gas and diesel fired space heaters; two diesel fired emergency generators. Processes include R&D Projects and spray booths; and general R&D fume hood ventilation. The proposed permit contains all applicable requirements for emission limitations, work practice standards, testing, monitoring, recordkeeping, and reporting standards used to verify facility compliance with Federal and State air pollution regulations.

**39-00026: Air Products and Chemicals, Inc.** (7201 Hamilton Blvd., Allentown, PA 18195-1501). The Department intends to issue a renewal State-Only Operating Permit for operation of sources at their facility located in Upper Macungie Township, **Lehigh County**. The sources include five natural gas and diesel fired boilers; eight diesel fired emergency generators; nineteen natural gas and diesel fired space heaters. Processes include R&D projects and spray booths; and general R&D fume hood and ventilation. The proposed permit contains all applicable requirements for emission limitations, work practice standards, testing, monitoring, recordkeeping, and reporting standards used to verify facility compliance with Federal and State air pollution regulations.

*Southcentral Region: Air Quality Program, 909 Elmerston Avenue, Harrisburg, PA 17110.*

*Contact: Thomas Hanlon, Facilities Permitting Chief, (717) 705-4862, Thomas Bianca, New Source Review Chief, (717) 705-4863, or William Weaver, Regional Air Quality Manager, (717) 705-4702.*

**36-05101: Highway Materials, Inc.** (1750 Walton Road, Blue Bell, PA 19422) to issue a State Only Operating Permit for their Lititz Asphalt Plant located in Warwick Township, **Lancaster County**. The actual 2019 emissions from the facility are estimated at 3.26 tons of PM<sub>10</sub>, 1.00 ton of PM<sub>2.5</sub>, 3.02 tons of NO<sub>x</sub>, 48.26 tons of CO, 0.99 ton of VOC and 0.56 ton of SO<sub>2</sub>. The Operating Permit will include emission limits and work practice standards along with monitoring, recordkeeping and reporting requirements to ensure the facility complies with the applicable air quality regulations. Among other items, the conditions include provisions derived from 40 CFR 60 Subpart I.

*Northcentral Region: Air Quality Program, 208 West Third Street, Williamsport, PA 17701.*

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

**57-00004: Stagecoach Pipeline & Storage Co., LLC** (811 Main Street, Suite 3400, Houston, TX 77002) to issue a State Only Operating Permit for their Marc I M1-S Compressor Station located in Davidson Township, **Sullivan County**. The facility is currently operating under State Only Operating Permit 57-00004. The facility's sources include twenty-two (22) space heaters (1.58 million Btu per hour total heat input), a 8,180-horsepower natural gas-fired compressor engine, a 6,135-horsepower natural gas-fired compressor engine, a 770 kilowatt natural gas-fired emergency generator, three (3) storage tanks, pneumatic devices, venting/blowdowns and pipeline valves & flanges. The facility has potential emissions of 70.84 tons per year of nitrogen oxides, 35.56 tons per year of carbon monoxide, 24.05 tons per year of volatile organic compounds, 0.29 ton per year of sulfur oxides, 4.23 tons per year of particulate matter and 8.79 tons per year of volatile hazardous air pollutants. The two (2) compressor engines and the emergency generator are subject to Subpart JJJJ of the Federal Standards of Performance for Stationary Spark Ignition Internal Combustion Engines and Subpart ZZZZ of the National Emission Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines. The emission limits, throughput limitations and work practice standards along with testing, monitoring, recordkeeping and reporting requirements have been included in the operating permit to ensure the facility complies with all applicable Federal and State air quality regulations. These operating permit conditions have been

derived from the applicable requirements of 25 Pa. Code Chapters 121—145. All pertinent documents used in the evaluation of the application are available for public review during normal business hours at the Department's Northcentral Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701. Appointments for scheduling a review must be made by calling 570-327-0550.

**49-00065: Polar Tech Industries, Inc.** (1017 West Valley Avenue, Elysburg, PA 17824-7259) to issue a State Only Operating Permit for their facility located in Ralpho Township, **Northumberland County**. The facility is currently operating under State Only Operating Permit 49-00065. The facility's sources include a 9.80 million Btu per hour, natural gas-fired boiler, thirteen (13) natural gas-fired space heaters with a total rated heat capacity of 15.373 and an expandable polystyrene foam processing operation. The facility has potential emissions of 10.42 tons per year of nitrogen oxides, 6.17 tons per year of carbon monoxide, 0.07 ton per year of sulfur oxides, 0.82 ton per year of particulate matter and 46.84 tons per year of volatile organic compounds. The emission limits, throughput limitations and work practice standards along with testing, monitoring, recordkeeping and reporting requirements have been included in the operating permit to ensure the facility complies with all applicable Federal and State air quality regulations. These operating permit conditions have been derived from the applicable requirements of 25 Pa. Code Chapters 121—145. All pertinent documents used in the evaluation of the application are available for public review during normal business hours at the Department's Northcentral Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701. Appointments for scheduling a review must be made by calling 570-327-0550.

*Southwest Regional Office, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.*

*Contact: Thomas Joseph, Facilities Permitting Chief, 412.442.4336.*

**04-00727: Lambeth, LLC dba Five Points Veterinary Clinic** (2061 Brodhead Road, Aliquippa, PA 15001-4962). Natural Minor Operating Permit is for the continued operation of the facility's two natural gas-fired air contamination sources consisting of one 75 lbs/hr Matthews IE43-PP Jr. Animal Crematory Incinerator rated at 0.70 MMBtu/hr primary chamber and 1.2 MMBtu/hr secondary chamber and one 150 lbs/hr Matthews IEB-20 Animal Crematory Incinerator rated at 0.60 MMBtu/hr primary chamber and 1.2 MMBtu/hr secondary chamber. The facility is located in Hopewell Township, **Beaver County**. The facility's potential-to-emit based on 3,744 hours of operation per year is as follows: 2.1 TPY PM<sub>10</sub>; 0.6 TPY SO<sub>x</sub>; 2.2 TPY CO; 0.7 TPY VOC; < 0.3 TPY total HAP; and 0.7 TPY NO<sub>x</sub>. The facility is limited to 0.08 gr/dscf particulate matter corrected to 7% oxygen and 500 ppmv sulfur oxides. The permit includes emission restrictions, operating requirements, monitoring requirements, work practice standards, and recordkeeping requirements for the site.

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

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

**20-00304: Ernst Biomass LLC** (8884 Mercer Pike, Meadville, PA 16335-9275). The Department is providing notice that they intend to renew a State Only Natural Minor Operating Permit for the pelletizing facility located

in Union Township, **Crawford County**. The facility's primary emission sources include the rotary dryer with a 16 MMBtu/hr biomass-fueled burner, the pellet cooler, and packaging operations. The potential emissions of the primary pollutants from the facility are as follows: 15.40 TPY NO<sub>x</sub>, 42.05 TPY CO, 7.50 TPY VOC, 15.87 TPY PM<sub>10</sub> and PM<sub>2.5</sub>, 1.75 TPY SO<sub>x</sub>, and 1.40 TPY formaldehyde; thus, the facility is a natural minor. The sources were originally authorized under plan approval 20-304A. The renewal permit will contain emission restrictions, recordkeeping, work practices, and additional requirements to ensure compliance with the Clean Air Act and the Air Pollution Control Act.

#### PLAN APPROVALS

**Receipt of Plan Approval Applications and Intent to Issue Plan Approvals, and Intent to Issue Amended Operating Permits under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and 25 Pa. Code Chapter 127, Subchapter B and Subchapter F. These actions may include the administrative amendments of an associated operating permit.**

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

*Contact: Raymond Kempa, New Source Review Chief—Telephone: 570-826-2531.*

**40-00141A.** Notice is hereby given in accordance with 25 Pa. Code §§ 127.44(a) and 127.45(a), that the Department of Environmental Protection (DEP) has received and intends to issue a Plan Approval to **Wren Manufacturing Inc.** (1070 Hanover Street, Hanover Twp, PA 18706) for their facility to be located in Hanover Twp., **Luzerne County**. This Plan Approval No. 40-00141A will be incorporated into a State Only Permit through an administrative amendment at a later date.

Plan Approval No. 40-00141A is for the installation of a kitchen cabinet manufacturing process with baghouses. Particulate emissions will not exceed 0.02 grain/dscf from the baghouses. The company shall be subject to and comply with 25 Pa. Code § 123.31 for malodorous emissions. The company shall be subject to and comply with 25 Pa. Code § 123.41 for Visible emissions. These limits will meet BAT requirements for this source. The Plan Approval and Operating permit will contain additional recordkeeping and operating restrictions designed to keep the facility operating within all applicable air quality requirements.

Copies of the application, DEP's analysis and other documents used in the evaluation of the application are available for public review during normal business hours at Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711.

Any person(s) wishing to provide DEP with additional information, which they believe should be considered prior to the issuance of this permit, may submit the information to the address shown in the preceding paragraph. Each written comment must contain the name, address and telephone number of the person submitting the comments, identification of the proposed permit No. 40-00141A and a concise statement regarding the relevancy of the information or objections to the issuance of the permit.

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

received. All persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in the newspaper or the *Pennsylvania Bulletin* or by telephone, where DEP determines such notification is sufficient. Written comments or requests for a public hearing should be directed to Ray Kempa, Chief, New Source Review Section, Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711, Phone 570-826-2511 within 30 days after publication date.

**35-00010B: Mactac, Inc.** (802 East Corey Street, Scranton, PA 18505) for their facility in Moosic Borough, **Lackawanna County**.

In accordance with 25 Pa. Code §§ 127.44(a) and 127.45(a), the Department of Environmental Protection (DEP) has received and intends to issue a Plan Approval to Mactac, Inc. (802 East Corey Street, Scranton, PA 18505) for their facility in Moosic Borough, Lackawanna County. This Plan Approval No. 35-00010B will be incorporated into a Synthetic Minor Permit through an administrative amendment at a later date.

Plan Approval No. 35-00010B is for the modification to an existing coater line (ID108) to increase the maximum line speed and add a new adhesive head. Volatile organic compounds (VOC) emissions from the plant will remain under the 50 TPY threshold limit, 12-month rolling sum. The company shall also be subject to and comply with 25 Pa. Code § 123.31 for malodorous emissions. The Plan Approval and Operating permit will contain additional recordkeeping and operating restrictions designed to keep the facility operating within all applicable air quality requirements.

Copies of the application, DEP's analysis and other documents used in the evaluation of the application are available for public review during normal business hours at Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711.

Any person(s) wishing to provide DEP with additional information, which they believe should be considered prior to the issuance of this permit, may submit the information to the address shown in the preceding paragraph. Each written comment must contain the name, address and telephone number of the person submitting the comments, identification of the proposed permit No. 35-00010B and a concise statement regarding the relevancy of the information or objections to the issuance of the permit.

A public hearing may be held, if the Department of Environmental Protection, in its discretion, decides that such a hearing is warranted based on the comments received. All persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in the newspaper or the *Pennsylvania Bulletin* or by telephone, where DEP determines such notification is sufficient. Written comments or requests for a public hearing should be directed to Ray Kempa, Environmental Group Manager, New Source Review Section, Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711, Phone 570-826-2511 within 30 days after publication date.

**35-00016B: Sandvik Materials Technology** (982 Griffin Pond Road, Clarks Summit, PA 18411) for their facility located in Scott Township, **Lackawanna County**.

In accordance with 25 Pa. Code §§ 127.44(a) and 127.45(a), that the Department of Environmental Protection (DEP) has received and intends to issue a Plan Approval to Sandvik Materials Technology (982 Griffin Pond Road, Clarks Summit, PA 18411) for their facility

located in Scott Township, Lackawanna County. This Plan Approval No. 35-00016B will be incorporated into a Synthetic Minor Permit through an administrative amendment at a later date.

Plan Approval No. 35-00016B is for the replacement of a cyclonic separator and induced draft fan used to control particulate matter (PM) emissions from an existing saw cutting operation. The company shall be subject to and comply with 25 Pa. Code § 123.13 for particulate matter emissions. These limits will meet BAT requirements for this source. The Plan Approval and Operating permit will contain additional recordkeeping and operating restrictions designed to keep the facility operating within all applicable air quality requirements.

Copies of the application, DEP's analysis and other documents used in the evaluation of the application are available for public review during normal business hours at Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18701-1915.

Any person(s) wishing to provide DEP with additional information, which they believe should be considered prior to the issuance of this permit, may submit the information to the address shown in the preceding paragraph. Each written comment must contain the name, address and telephone number of the person submitting the comments, identification of the proposed permit No. 35-00016B and a concise statement regarding the relevancy of the information or objections to the issuance of the permit.

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

**40-00136B.** Notice is hereby given in accordance with 25 Pa. Code §§ 127.44(a) and 127.45(a), that the Department of Environmental Protection (DEP) has received and intends to issue a Plan Approval to **Medico Industries** (1500 Highway 315, Wilkes-Barre, PA 18702) for their facility located in Plains Twp., **Luzerne County**. This Plan Approval No. 40-00136B will be incorporated into a State Only Permit through an administrative amendment at a later date.

Plan Approval No. 40-00136B is for the installation of a two Wet Paint Line with filters and curing ovens and a descaling operation with a new baghouse. VOC emissions from the plant will remain under 50 TPY threshold limit, 12-month rolling sum. Particulate emissions will not exceed 0.02 grain/dscf from the baghouse. The company shall be subject to and comply with 25 Pa. Code § 129.52 for VOC emission limits. Total HAP emissions from the facility will be under 25 TPY, 12-month rolling sum. Single HAP emissions will be under 10 TPY, 12-month rolling sum. The company shall be subject to and comply with 25 Pa. Code § 123.31 for malodorous emissions. The company shall be subject to and comply with 25 Pa. Code § 123.41 for Visible emissions. Emissions from the lines

will be controlled by the use of a dry filters and curing oven. These limits will meet BAT requirements for this source. The Plan Approval and Operating permit will contain additional recordkeeping and operating restrictions designed to keep the facility operating within all applicable air quality requirements.

Copies of the application, DEP's analysis and other documents used in the evaluation of the application are available for public review during normal business hours at Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711.

Any person(s) wishing to provide DEP with additional information, which they believe should be considered prior to the issuance of this permit, may submit the information to the address shown in the preceding paragraph. Each written comment must contain the name, address and telephone number of the person submitting the comments, identification of the proposed permit No. 40-00136B and a concise statement regarding the relevancy of the information or objections to the issuance of the permit.

A public hearing may be held, if the Department of Environmental Protection, in its discretion, decides that such a hearing is warranted based on the comments received. All persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in the newspaper or the *Pennsylvania Bulletin* or by telephone, where DEP determines such notification is sufficient. Written comments or requests for a public hearing should be directed to Ray Kempa, Chief, New Source Review Section, Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711, Phone 570-826-2511 within 30 days after publication date.

**COAL & NONCOAL MINING  
ACTIVITY APPLICATIONS**

Applications under the Surface Mining Conservation and Reclamation Act (52 P.S. §§ 1396.1—1396.31); the Noncoal Surface Mining Conservation and Reclamation Act (52 P.S. §§ 3301—3326); the Clean Streams Law (35 P.S. §§ 691.1—691.1001); the Coal Refuse Disposal Control Act (52 P.S. §§ 30.51—30.66); the Bituminous Mine Subsidence and Land Conservation Act (52 P.S. §§ 1406.1—1406.21). Mining activity permits issued in response to such applications will also address the 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. A copy of the application is available for inspection at the District Mining Office indicated above each application. Notices of requests for 401 Water Quality Certifications are included in individual application notices, as 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 the Department 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).

Written comments or objections related to a mining permit application should contain the name, address and telephone number of persons submitting comments or objections; application number; and a statement of sufficient detail to inform the Department on the basis of comment or objection and relevant facts upon which it is based.

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 contain the name, address and telephone number of the requestor; the application number; 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 was accompanied by an application for an individual NPDES permit. A separate notice will be provided after the draft NPDES permit is prepared.

*Coal Applications Received*

*Effluent Limits*—The following range of effluent limits will apply to NPDES permits issued in conjunction with the associated coal mining activity permit and, in some cases, noncoal mining permits:

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 <sup>1</sup>		greater than 6.0; less than 9.0	
Alkalinity greater than acidity <sup>1</sup>			

<sup>1</sup> The parameter is applicable at all times.

A settleable solids instantaneous maximum limit of 0.5 ml/l applied to: surface runoff (resulting from a precipitation event of less than or equal to a 10-year 24-hour event) from active mining areas; active areas disturbed by coal refuse disposal activities; and mined areas backfilled and revegetated; and drainage (resulting from a precipitation event of less than or equal to a 1-year 24-hour event) from coal refuse disposal piles.

*California District Office: 25 Technology Drive, Coal Center, PA 15423, 724-769-1100, (Contact: Bonnie Herbert).*

**33971301 and NPDES Permit No. PA0215031. Rosebud Mining Company**, 301 Market Street, Kittanning, PA 16201, to revise the permit and related NPDES permit for post-mining land use change for the Dora No. 8 Mine in Perry Township, **Jefferson County**. No additional discharges. The application was considered administratively complete on February 26, 2020. Application received: January 13, 2020.

**30121301 and NPDES Permit No. PA0236195. Consol Pennsylvania Coal Company LLC**, 1000 Consol Energy Drive, Suite 100, Canonsburg, PA 15317 to revise the permit and related NPDES permit for development mining for the Harvey Mine in Richhill, Center, Morris, and Gray Townships, **Greene County**, affecting 4,561 proposed underground acres and 4,561 proposed subsidence control plan acres. No additional discharges. The application was considered administratively complete on February 27, 2020. Application received: January 24, 2020.

**30831303 and NPDES Permit No. PA0013511. Cumberland Contura, LLC**, 158 Portal Road, P.O. Box 1020, Waynesburg, PA 15370 to revise the permit and related NPDES permit for stream restoration for the Cumberland Mine in Whiteley and Wayne Townships, **Greene County**. No additional discharges. The application was considered administratively complete on February 27, 2020. Application received: January 29, 2020.

**26081601 and NPDES Permit No. PA0235920. Contura Pennsylvania Terminal, LLC**, 158 Portal Road, P.O. Box 1020, Waynesburg, PA 15370, to renew the permit and related NPDES permit for the LaBelle Dock Site in Luzerne Township, **Fayette County**. No additional discharges. The application was considered administratively complete on March 6, 2020. Application received: January 15, 2020.

*Cambria District Mining Office: 286 Industrial Park Road, Ebensburg, PA 15931, 814-472-1900, (Contact: Holly Calvetti).*

**Permit 56080101. Coal Loaders, Inc.**, 210 E. Main Street, P.O. Box 556, Ligonier, PA 15658, permit renewal for the continued operation and restoration of a bituminous surface mine in Stonycreek & Quemahoning Townships, **Somerset County**, affecting 61.6 acres. Receiving stream(s): unnamed tributaries to/and Oven Run and unnamed tributaries to Stonycreek River classified for the following use(s): CWF. The first downstream potable water supply intake from the point of discharge is Hooversville Borough intake. Application received: February 27, 2020.

*New Stanton District Office: P.O. Box 133, 131 Broadview Road, New Stanton, PA 15672, 724-925-5500. (Contact: Tracy Norbert).*

**26090102 and NPDES No PA0251615. Piccolomini Contractors, Inc.**, P.O. Box 78, Waltersburg, PA 15488, renewal application for continued mining to an existing bituminous surface mine in Franklin Township, **Fayette County**, affecting 60.6 acres. Receiving stream(s): unnamed tributaries to Redstone Creek and Bolden Run classified for the following use(s): WWF. Application received: March 5, 2020.

*Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901, 570-621-3118, (Contact: Theresa Reilly-Flannery).*

**Permit No. 19881301R6. UAE CoalCorp Associates** (142 Barry Road, Ashland, PA 17921), renewal of an existing anthracite underground mine operation for reclamation activities only in Conyngham and Mt. Carmel Townships, **Columbia and Northumberland Counties** affecting 776.3 acres. Receiving stream: Shamokin Creek, classified for the following use: warm water fishes. Application received: February 3, 2020.

**Permit No. 19793201R7. Gilberton Coal Company** (10 Gilberton Road, Gilberton, PA 17934), renewal of an existing anthracite coal refuse reprocessing operation in Conyngham Township, **Columbia County** affecting 3.4 acres. Receiving stream: unnamed tributary to Mahanoy Creek, classified for the following uses: cold water and migratory fishes. Application received: February 12, 2020.

#### *Noncoal Applications Received*

*Effluent Limits*—The following effluent limits will apply to NPDES permits issued in conjunction with a noncoal mining permit:

*Table 2*

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

\* The parameter is applicable at all times.

A settleable solids instantaneous maximum limit of 0.5 ml/l applied to surface runoff resulting from a precipitation event of less than or equal to a 10-year 24-hour event. If coal will be extracted incidental to the extraction of noncoal minerals, at a minimum, the technology-based effluent limitations identified under coal applications will apply to discharges of wastewater to streams.

*New Stanton District Office: P.O. Box 133, 131 Broadview Road, New Stanton, PA 15672, 724-925-5500. (Contact: Tracy Norbert).*

**03200801 and NPDES No. PA0278432. Allegheny Metals & Minerals, Inc.**, 733 Washington Road, 5th Floor, Pittsburgh, PA 15228, application for a commencement, operation and restoration of a small noncoal mine located in Gilpin Township, **Armstrong County**, affecting 5.0 acres. Receiving stream(s): Unnamed tributary to the Allegheny River classified for the following use(s): WWF. The first downstream potable water supply intake from the point of discharge is Buffalo Township Municipal Authority. Application received: February 20, 2020.

*Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901, 570-621-3118, (Contact: Theresa Reilly-Flannery).*

**Permit No. 7473SM1A1C29 and NPDES Permit No. PA0118460. Hercules Cement Co., LP d/b/a Buzzi Unicem USA** (501 Hercules Driver, Stockertown, PA 18083), renewal of an NPDES Permit for discharge of treated mine drainage from a quarry operation in Palmer and Upper Nazareth Townships and Stockertown Borough, **Northampton County** affecting 330.0 acres. Receiving streams: Bushkill Creek, classified for the following uses: HQ—cold water and migratory fishes and Schoeneck Creek, classified for the following uses: warm water and migratory fishes. Application received: January 21, 2020.

**Permit No. 8073SM5A1C16 and NPDES Permit No. PA0013731. Gill Quarries, Inc.** (P.O. Box 187, Fairview Village, PA 19409), renewal of an NPDES Permit for discharge of treated mine drainage from a quarry operation in East Norriton Township, **Montgomery County** affecting 38.31 acres. Receiving stream: Stony Creek, classified for the following uses: trout stock fishery and migratory fishes. Application received: February 3, 2020.

### MINING ACTIVITY NPDES DRAFT PERMITS

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

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

#### *Effluent Limits for Coal Mining Activities*

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

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

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

\*The parameter is applicable at all times.

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

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

#### *Effluent Limits for Noncoal Mining Activities*

The limits for noncoal mining activities as provided in 25 Pa. Code Chapter 77 are pH 6 to 9 and other parameters the Department may require.

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

In addition to BAT or WQBEL limits, coal and noncoal NPDES permits establish effluent limitations in the form of implemented Best Management Practices (BMPs) identified in the associated Erosion and Sedimentation Plan, the Reclamation Plan and the NPDES permit application. These BMPs restrict the rates and quantities of associated pollutants from being discharged into surface waters in this Commonwealth.

More restrictive effluent limitations, restrictions on discharge volume or restrictions on the extent of mining that may occur are incorporated into an NPDES permit when necessary for compliance with water quality standards and antidegradation requirements (in accordance with 25 Pa. Code Chapters 91—96).

The procedures for determining the final effluent limits, using a mass-balance equation or model, are found in Technical Guidance Document 563-2112-115, Developing National Pollutant Discharge Elimination System (NPDES) Permits for Mining Activities. Other specific factors to be considered include public comments and Total Maximum Daily Load(s). Additional discharge limitations may apply in the event that unexpected discharges occur.

Discharge rates for surface mining activities are precipitation driven. Discharge rates for proposed discharges associated with underground mining are noted in the permit description.



Persons wishing to comment on an NPDES draft permit should submit a written statement to the Department at the address of the district mining office indicated before each draft permit within 30-days of this public notice. Comments received within the comment period will be considered in the final determinations regarding the NPDES permit applications. Comments must include the name, address and telephone number of the writer and a concise statement to inform the Department of the exact basis of a comment and the relevant facts upon which it is based.

The Department will also accept requests or petitions for a public hearing on NPDES permit applications, as provided in 25 Pa. Code § 92a.82(d). The request or petition for a public hearing shall be filed within 30-days of this public notice and contain the name, address, telephone number and the interest of the party filing the request and state the reasons why a hearing is warranted. A public hearing may be held if the Department considers the public interest significant. If a hearing is scheduled, a notice of the hearing on the NPDES permit application will be published in the *Pennsylvania Bulletin* and a newspaper of general circulation within the relevant geographical area. When a public hearing is held, the Department will consider comments from the public hearing in the final determination on the NPDES permit application.

#### Coal NPDES Draft Permits

California District Office: 25 Technology Drive, Coal Center, PA 15423, 724-769-1100, (Contact: Bonnie Herbert).

**NPDES No. PA024256 (Mining permit No. 30861601). Coresco, LLC**, 966 Crafts Run Road, Maidsville, WV 26541, a republic of a renewal to the NPDES and mining activity permit to correct an error in one of the outfall limits for Dunkard Preparation Plant in Monongahela Township, **Greene County**, affecting 34.7 surface acres. Receiving stream(s): Monongahela River classified for the following use(s): WWF. TMDL. The application was considered administratively complete: January 15, 2019. Application received: December 22, 2017.

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

#### Outfall 001 discharges to: Monongahela River

The proposed effluent limits for *Outfall 001* (Lat: 39° 46' 50" Long: 79° 56' 09") are:

Parameter		Minimum	30-Day Average	Daily Maximum	Instant. Maximum
Flow	(mgd)	-	-	-	REPORT
Iron	(mg/l)	-	3.0	6.0	7.0
Suspended Solids	(mg/l)	-	35	70	90
Manganese	(mg/l)	-	2.0	4.0	5.0
Aluminum	(mg/l)	-	-	-	REPORT
Sulfate	(mg/l)	-	-	-	REPORT
Total Dissolved Solids	(mg/l)	-	-	-	REPORT
Chloride	(mg/l)	-	-	-	REPORT
pH	(S.U.)	6.0	-	-	9.0
Alkalinity, Total as CaCO <sub>3</sub>	(mg/l)	-	-	-	REPORT
Acidity, Total as CaCO <sub>3</sub>	(mg/l)	-	-	-	REPORT
Alkalinity, Net	(mg/l)	0.0	-	-	-
Osmotic Pressure	(mOs/kg)	-	-	-	REPORT

#### Outfall 002 discharges to: Monongahela River

The proposed effluent limits for *Outfall 002* (Lat: 39° 46' 51" Long: 79° 56' 09") are:

Parameter		Minimum	30-Day Average	Daily Maximum	Instant. Maximum
Flow	(mgd)	-	-	-	REPORT
Iron	(mg/l)	-	3.0	6.0	7.0
Suspended Solids	(mg/l)	-	35	70	90
Manganese	(mg/l)	-	2.0	4.0	5.0
Aluminum	(mg/l)	-	-	-	REPORT
Sulfate	(mg/l)	-	-	-	REPORT
Total Dissolved Solids	(mg/l)	-	-	-	REPORT
Chloride	(mg/l)	-	-	-	REPORT
pH	(S.U.)	6.0	-	-	9.0
Alkalinity, Total as CaCO <sub>3</sub>	(mg/l)	-	-	-	REPORT
Acidity, Total as CaCO <sub>3</sub>	(mg/l)	-	-	-	REPORT
Alkalinity, Net	(mg/l)	0.0	-	-	-
Osmotic Pressure	(mOs/kg)	-	-	-	REPORT

#### Outfall 003 discharges to: Monongahela River

The proposed effluent limits for *Outfall 003* (Lat: 39° 46' 54" Long: 79° 56' 08") are:

Parameter		Minimum	30-Day Average	Daily Maximum	Instant. Maximum
Flow	(mgd)	-	-	-	REPORT
Iron	(mg/l)	-	3.0	6.0	7.0
Suspended Solids	(mg/l)	-	35	70	90

<i>Parameter</i>		<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Manganese	(mg/l)	-	2.0	4.0	5.0
Aluminum	(mg/l)	-	-	-	REPORT
Sulfate	(mg/l)	-	-	-	REPORT
Total Dissolved Solids	(mg/l)	-	-	-	REPORT
Chloride	(mg/l)	-	-	-	REPORT
pH	(S.U.)	6.0	-	-	- 9.0
Alkalinity, Total as CaCO <sub>3</sub>	(mg/l)	-	-	-	REPORT
Acidity, Total as CaCO <sub>3</sub>	(mg/l)	-	-	-	REPORT
Alkalinity, Net	(mg/l)	0.0	-	-	-
Osmotic Pressure	(mOs/kg)	-	-	-	REPORT

*Outfall 004* discharges to: Monongahela River

The proposed effluent limits for *Outfall 004* (Lat: 39° 46' 56" Long: 79° 56' 08") are:

<i>Parameter</i>		<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Flow	(mgd)	-	-	-	REPORT
Iron	(mg/l)	-	3.0	6.0	7.0
Suspended Solids	(mg/l)	-	35	70	90
Manganese	(mg/l)	-	2.0	4.0	5.0
Aluminum	(mg/l)	-	-	-	REPORT
Sulfate	(mg/l)	-	-	-	REPORT
Total Dissolved Solids	(mg/l)	-	-	-	REPORT
Chloride	(mg/l)	-	-	-	REPORT
pH	(S.U.)	6.0	-	-	9.0
Alkalinity, Total as CaCO <sub>3</sub>	(mg/l)	-	-	-	REPORT
Acidity, Total as CaCO <sub>3</sub>	(mg/l)	-	-	-	REPORT
Alkalinity, Net	(mg/l)	0.0	-	-	-
Osmotic Pressure	(mOs/kg)	-	-	-	REPORT

*Outfall 005* discharges to: UNT A to Monongahela River

The proposed effluent limits for *Outfall 005* (Lat: 39° 46' 47" Long: 79° 56' 18") are:

<i>Parameter</i>		<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Flow	(mgd)	-	-	-	REPORT
Iron	(mg/l)	-	3.0	6.0	7.0
Suspended Solids	(mg/l)	-	35	70	90
Manganese	(mg/l)	-	2.0	4.0	5.0
Aluminum	(mg/l)	-	-	-	REPORT
Sulfate	(mg/l)	-	-	-	REPORT
Total Dissolved Solids	(mg/l)	-	-	-	REPORT
Chloride	(mg/l)	-	-	-	REPORT
pH	(S.U.)	6.0	-	-	9.0
Alkalinity, Total as CaCO <sub>3</sub>	(mg/l)	-	-	-	REPORT
Acidity, Total as CaCO <sub>3</sub>	(mg/l)	-	-	-	REPORT
Alkalinity, Net	(mg/l)	0.0	-	-	-
Osmotic Pressure	(mOs/kg)	-	-	-	REPORT

EPA waiver is not in effect.

**NPDES No. PA0235946 (Mining permit No. 32081301). Rosebud Mining Company**, 301 Market Street, Kittanning, PA 16201, a renewal to the NPDES and mining activity permit for Coral-Graceton Mine in Center Township, **Indiana County**, affecting 51.0 surface acres and 1202 underground acres. Receiving stream(s): Unnamed Tributary 44111 to Two Lick Creek classified for the following use(s): CWF. Blacklick Creek Watershed/Kiskiminetas-Conemaugh River TMDL. The application was considered administratively complete: September 15, 2018. Application received: March 14, 2018.

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

*Outfall 001* discharges to: UNT 44111 to Two Lick Creek

The proposed effluent limits for *Outfall 001* (Lat: 40° 30' 31.7" Long: 79° 09' 52.4") are:

<i>Parameter</i>		<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Flow	(mgd)	-	-	-	0.64
Iron	(mg/l)	-	1.5	3.0	3.8
Suspended Solids	(mg/l)	-	35	70	90

<i>Parameter</i>		<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Manganese	(mg/l)	-	1.0	2.0	2.5
Aluminum	(mg/l)	-	0.75	0.75	0.75
Sulfate	(mg/l)	-	-	-	REPORT
Total Dissolved Solids	(mg/l)	-	-	-	REPORT
Chloride	(mg/l)	-	-	-	REPORT
pH	(s.u.)	6.0	-	-	9.0
Alkalinity, Total as CaCO <sub>3</sub>	(mg/l)	-	-	-	REPORT
Acidity, Total as CaCO <sub>3</sub>	(mg/l)	-	-	-	REPORT
Alkalinity, Net	(mg/l)	0.0	-	-	-
Osmotic Pressure	(mOs/kg)	-	-	-	REPORT

*Outfall 002* discharges to: UNT 44111 to Two Lick Creek—Sedimentation Pond B

The proposed effluent limits for *Outfall 002* (Lat: 40° 30' 38.9" Long: 79° 09' 49.4") are:

<i>Parameter</i>		<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Flow	(mgd)	-	-	-	0.16
Iron	(mg/l)	-	1.5	3.0	3.8
Suspended Solids	(mg/l)	-	35	70	90
Manganese	(mg/l)	-	1.0	2.0	2.5
Aluminum	(mg/l)	-	0.75	0.75	0.75
Sulfate	(mg/l)	-	-	-	REPORT
Total Dissolved Solids	(mg/l)	-	-	-	REPORT
Chloride	(mg/l)	-	-	-	REPORT
pH	(s.u.)	6.0	-	-	9.0
Alkalinity, Total as CaCO <sub>3</sub>	(mg/l)	-	-	-	REPORT
Acidity, Total as CaCO <sub>3</sub>	(mg/l)	-	-	-	REPORT
Alkalinity, Net	(mg/l)	0.0	-	-	-
Osmotic Pressure	(mOs/kg)	-	-	-	REPORT

*Outfall 003* discharges to: UNT 44111 to Two Lick Creek

The proposed effluent limits for *Outfall 003* (Lat: 40° 30' 26.7" Long: 79° 09' 54.0") are:

<i>Parameter</i>		<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Flow	(mgd)	-	-	-	1.16
Iron	(mg/l)	-	1.5	3.0	3.8
Suspended Solids	(mg/l)	-	35	70	90
Manganese	(mg/l)	-	1.0	2.0	2.5
Aluminum	(mg/l)	-	0.75	0.75	0.75
Sulfate	(mg/l)	-	-	-	REPORT
Total Dissolved Solids	(mg/l)	-	-	-	REPORT
Chloride	(mg/l)	-	-	-	REPORT
pH	(s.u.)	6.0	-	-	9.0
Alkalinity, Total as CaCO <sub>3</sub>	(mg/l)	-	-	-	REPORT
Acidity, Total as CaCO <sub>3</sub>	(mg/l)	-	-	-	REPORT
Alkalinity, Net	(mg/l)	0.0	-	-	-
Osmotic Pressure	(mOs/kg)	-	-	-	REPORT

EPA waiver is not in effect.

**NPDES No. PA0111643 (Mining Permit No. 63841304). Laurel Run Mining Company**, 1000 Consol Energy Drive, Suite 100, Canonsburg, PA 15317, a renewal to the NPDES and mining activity permit for Vesta Mine in North Bethlehem Township, **Washington County**, affecting 22.8 surface acres and 39,178 underground acres. Receiving stream(s): Fishpot Run classified for the following use(s): WWF. Monongahela River Watershed TMDL. The application was considered administratively complete: September 13, 2017. Application received: May 10, 2017.

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

*Outfall 007* discharges to: Fishpot Run

The proposed effluent limits for *Outfall 007* (Lat: 40° 00' 57" Long: 79° 59' 40") are:

<i>Parameter</i>		<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Flow	(mgd)	-	-	-	12.84
Iron	(mg/l)	-	1.5	3.0	3.8
Suspended Solids	(mg/l)	-	35	70	90
Manganese	(mg/l)	-	1.0	2.0	2.5

<i>Parameter</i>		<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Aluminum	(mg/l)	-	0.75	0.75	0.75
Sulfate	(mg/l)	-	-	-	REPORT
Total Dissolved Solids	(mg/l)	-	-	-	REPORT
Chloride	(mg/l)	-	-	-	REPORT
pH	(s.u.)	6.0	-	-	9.0
Alkalinity, Total as CaCO <sub>3</sub>	(mg/l)	-	-	-	REPORT
Acidity, Total as CaCO <sub>3</sub>	(mg/l)	-	-	-	REPORT
Alkalinity, Net	(mg/l)	0.0	-	-	-
Osmotic Pressure	(mOs/kg)	-	50	50	50

EPA waiver is not in effect.

**NPDES No. PA0236306 (Mining Permit No. 56140702). LCT Energy, LP**, 938 Mt. Airy Drive, Suite 200, Johnstown, PA 15904, a new NPDES and mining activity permit for Laurel Refuse in Shade Township, **Somerset County**, affecting 208 surface acres. Receiving stream(s): Miller Run classified for the following use(s): CWF. Kiskiminetas-Conemaugh Rivers TMDL Watershed. The application was considered administratively complete: February 25, 2019. Application received: November 6, 2018.

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

*Outfall 001* discharges to: Miller Run

The proposed effluent limits for *Outfall 001* (Lat: 40° 05' 49.4" Long: 78° 51' 0.6") are:

<i>Parameter</i>		<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Flow	(mgd)	-	-	-	Report
Iron	(mg/l)	-	1.5	3.0	3.8
Suspended Solids	(mg/l)	-	35	70	90
Manganese	(mg/l)	-	1.0	2.0	2.5
Aluminum	(mg/l)	-	0.75	0.75	0.75
Sulfate	(mg/l)	-	-	-	Report
Total Dissolved Solids	(mg/l)	-	2,000	4,000	5,000
Chloride	(mg/l)	-	-	-	Report
pH	(S.U.)	6.0	-	-	9.0
Alkalinity, Total as CaCO <sub>3</sub>	(mg/l)	-	-	-	Report
Acidity, Total as CaCO <sub>3</sub>	(mg/l)	-	-	-	Report
Alkalinity, Net	(mg/l)	0.0	-	-	-
Osmotic Pressure	(mOs/kg)	-	50	50	50

EPA waiver is not in effect.

*Cambria District Mining Office: 286 Industrial Park Road, Ebensburg, PA 15931, 814-472-1900, (Contact: Holly Calvetti).*

**NPDES No. PA0279749 (Mining Permit No. 56200102), Mountaineer Mining Corporation**, 1010 Garrett Shortcut Road, Berlin, PA 15530, new NPDES permit for bituminous surface mine in Brothersvalley Township, **Somerset County**, affecting 82.0 acres. Receiving stream(s): unnamed tributary to/and Tubs Run, classified for the following use(s): CWF. This receiving stream is included in the Buffalo Creek TMDL. Application received: February 3, 2020.

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

The following outfalls discharge to unnamed tributary to/and Tubs Run:

<i>Outfall Nos.</i>	<i>New Outfall (Y/N)</i>	<i>Type</i>
001	Y	TFO
002	Y	TFO
003	Y	TFO
004	Y	TFO
005	Y	TFO
006	Y	SWO
007	Y	SWO
008	Y	SWO
009	Y	SWO

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

<i>Outfalls: 003 and 004 (All Weather Conditions)</i> <i>Parameter</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Iron (mg/l)	3.0	6.0	7.0
Manganese (mg/l)	2.0	4.0	5.0
Aluminum (mg/l)	0.75	1.5	1.8
Total Suspended Solids (mg/l)	35.0	70.0	90.0
pH (S.U.): Must be between 6.0 and 9.0 standard units at all times. Alkalinity must exceed acidity at all times.			
<i>Outfalls: 001, 002 &amp; 005 (All Weather Conditions)</i> <i>Parameter</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant Maximum</i>
Iron (mg/l)	1.5	3.0	3.7
Manganese (mg/l)	1.0	2.0	2.5
Aluminum (mg/l)	0.75	1.5	1.8
Total Suspended Solids (mg/l)	35.0	70.0	90.0
pH (S.U.): Must be between 6.0 and 9.0 standard units at all times. Alkalinity must exceed acidity at all times.			
<i>Outfalls: 006 and 007 (All Weather)</i> <i>Parameter</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Iron (mg/l)	3.0	6.0	7.0
Manganese (mg/l)	2.0	4.0	5.0
Aluminum (mg/l)	2.9	2.9	2.9
Total Suspended Solids (mg/l)	35.0	70.0	90.0
pH (S.U.): Must be between 6.0 and 9.0 standard units at all times. Alkalinity must exceed acidity at all times.			
<i>Outfalls: 008 and 009 (All Weather)</i> <i>Parameter</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Iron (mg/l)	1.5	3.0	3.7
Manganese (mg/l)	1.0	2.0	2.5
Aluminum (mg/l)			Report
Total Suspended Solids (mg/l)	35.0	70.0	90.0
pH (S.U.): Must be between 6.0 and 9.0 standard units at all times. Alkalinity must exceed acidity at all times.			

**NPDES No. PA0269387 (Mining Permit No. 11130101), Laurel Sand & Stone, Inc.,** P.O. Box 556, Ligonier, PA 15658, renewal of an NPDES permit for bituminous coal mining in Elder and Susquehanna Townships, **Cambria County**, affecting 382 acres. Receiving stream(s): Little Brubaker Run to Brubaker Run, classified for the following use(s): CWF. The receiving streams are included in the Chest Creek Sediment TMDL. Application received: November 20, 2019.

The following outfalls discharge to Little Brubaker Run:

<i>Outfall Nos.</i>	<i>New Outfall (Y/N)</i>
001 (Treatment Pond # 1)	N
002 (Treatment Pond # 2)	N
003 (Treatment Pond # 3)	N
004 (Treatment Pond # 4)	N
005 (Sediment Pond # 1)	N
006 (Sediment Pond # 2)	N
007 (Sediment Pond # 3)	N
008 (Sediment Pond # 4)	N
009 (Sediment Pond # 5)	N
010 (Sediment Pond # 6)	N

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

<i>Outfalls: 001—010 (All Weather Conditions)</i> <i>Parameter</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Iron (mg/l)	3.0	6.0	7.0
Manganese (mg/l)	1.9	3.8	4.75
Aluminum (mg/l)	1.3	1.3	1.3
Total Suspended Solids (mg/l)	25.7	51.4	66.1
pH (S.U.): Must be between 6.0 and 9.0 standard units at all times. Alkalinity must exceed acidity at all times.			

*Noncoal NPDES Draft Permits*

*Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901, 570-621-3118, (Contact: Theresa Reilly-Flannery).*

**NPDES Permit No. PA0614602 on Surface Mining Permit No. 8073SM1. Highway Materials, Inc.** (409 Stenton Avenue, Flourtown, PA 19031), renewal of an NPDES Permit on a shale and schist quarry operation in Marlborough Township, **Montgomery County**, affecting 80.9 acres. Receiving stream: Unami Creek, classified for the following use: HQ—cold water fishes. Application received: January 21, 2020.

Outfall Nos.	New Outfall (Y/N)	Type		
		Stormwater	Pitwater/Stormwater	
001	No			
002	No			
Outfalls: Parameter	Minimum	30-Day Average	Daily Maximum	Instantaneous Maximum
pH <sup>1</sup>	6.0			9.0
Discharge (MGD) 001		0.16		
Discharge (MGD) 002		0.22		
Total Suspended Solids		35.0	70.0	90.0
Turbidity NTU 001		40.0	80.0	100.0
Turbidity NTU 002				40.0
Oil & Grease (mg/l)		Monitor And Report		

<sup>1</sup> The parameter is applicable at all times.

**NPDES Permit No. PA0226084 on Surface Mining Permit No. 40202801. Raymond J. Malak, Jr. d/b/a Noxen Sand & Materials** (2162 Chase Road, Shavertown, PA 18708), an NPDES Permit on a bluestone quarry operation in Lake Township, **Luzerne County**, affecting 5.5 acres. Receiving streams: Beaver Creek, classified for the following uses: HQ—cold water fishes. Application received: December 5, 2019.

Non-discharge BMP's shall be in effect.

**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. 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. Persons 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 Department may conduct a fact-finding hearing or an informal conference in response to comments if deemed necessary. Each individual will be notified, in writing, of the time and place of a scheduled hearing or conference concerning the certification request to which the comment, objection or suggestion relates. Maps, drawings and other data pertinent to the certification request are available for inspection between the hours of 8:00 AM and 4:00 PM on each working day at the office noted above the application.

If you are a person with a disability and wish to attend the hearing and you require an auxiliary aid, service or other accommodation to participate in the proceedings, please contact the specified program. TDD users may

contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

**WATER OBSTRUCTIONS AND ENCROACHMENTS**

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

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

*Contact: Gillian Ostrum, Clerk Typist 2, 570-830-3077.*

**E3902219-004. Traditions of America**, 201 King of Prussia Road, Radnor, PA 19087, in Upper Saucon Township, **Lehigh County**, U.S. Army Corps of Engineers, Philadelphia District.

To construct and maintain the following water obstructions and encroachments associated with the construction of the “Traditions of America at Locust Valley” residential subdivision project:

1) A stream crossing of Laurel Run (CWF, MF) and adjacent EV wetlands consisting of three (3) 14-foot wide, 50-foot span, 5-foot high concrete box culverts having concrete wingwalls for the purpose of constructing an access road adjoining Locust Valley Road.

2) A utility line crossing of Laurel Run (CWF, MF) and adjacent EV wetlands consisting of an 8-inch diameter, concrete-encased ductile iron sanitary sewage force main.

3) A utility line crossing of Laurel Run (CWF, MF) and adjacent EV wetlands consisting of an 8-inch diameter, concrete-encased ductile iron water pipe.

4) A utility line crossing of Laurel Run (CWF, MF) and adjacent EV wetlands consisting of an 8-inch diameter, concrete-encased ductile iron water pipe.

5) A fill within the floodway of Laurel Run (CWF, MF) consisting of an 18-foot × 18-foot sewage pump station and associated grading, a 35-foot wide gravel access road and associated grading, and an 8-inch diameter, concrete-encased ductile iron sanitary sewage force main.

The project is located directly northeast of the Locust Valley Country Club, approximately 0.2 mile east of the intersection of Blue Church Road South and Locust Valley Road (Nazareth, PA Quadrangle Latitude: 40° 29' 47.8" Longitude: -75° 23' 57.5") in Upper Saucon Township, Lehigh County.

**E4002220-002. Maryjane Henry**, 301 Bulford Road, Shavertown, PA 18708, in Harvey's Lake Borough, **Luzerne County**, U.S. Army Corps of Engineers, Baltimore District.

To construct and maintain a pile supported addition to an existing boathouse and dock. The proposed boathouse is a 1,175 sq. ft. addition and 925 sq. ft. addition to an existing dock, for a total impervious area of 2,100 sq. ft. The existing boathouse is 476 sq. ft. and the existing dock is 1,000 sq. ft., for a total existing impervious area of 1,476 sq. ft. Disturbance to the lake will be for the installation of several 30-inch galvalume pipes to be driven into the lake bottom as pier supports for the new dock in Harvey's Lake (HQ-CWF, MF). The project is located at Pole # 244, located in Harveys Lake Borough, Luzerne County. Quadrangle Latitude: 41° 21' 38" Longitude: -76° 02' 30" (Harveys Lake, PA Quadrangle, Latitude: 41° 21' 38"; Longitude: -76° 2' 30").

*Southcentral Region: Waterways & Wetlands Program, 909 Elmerton Avenue, Harrisburg, PA 17110.*

**E3803220-021. Mount Gretna Borough**, 101 Chautauqua Drive, Mount Gretna, PA 17064. Mount Gretna Borough and South Londonderry Township, **Lebanon County**, U.S. Army Corps of Engineers Baltimore District.

To construct and maintain a 6-foot wide, single span bridge, having a normal span of 49-feet across Conewago Creek (TSF, MF) for the purpose of providing pedestrian access from Mount Gretna attractions to Soldier's Field. The project is located along Mount Gretna Road west of the intersection with Timber Drive (Manheim, PA quadrangle, Latitude: 40° 14' 54"; Longitude: 76° 28' 17") in Mount Gretna Borough and South Londonderry Township Lebanon County.

**E4403219-002. Brown Township Municipal Authority**, 68 West Tony Street, Reedsville, PA 17084. Brown Township, **Mifflin County**, U.S. Army Corps of Engineers Baltimore District.

To construct and maintain a new circular clarifier at the Brown Township Wastewater Treatment Plant permanently impacting 4,900 square feet of the Kishacoquillas Creek (TSF, MF) floodway for the purpose of meeting effluent discharge limitations and to provide wastewater treatment into the future. The project also includes minor grading, new sidewalks, minor modification to existing concrete tanks, the addition of new pumps in an existing building, and underground utility installation/relocation. The project is located near the intersection of W. Tony St. and S. Main St. (Latitude: 40.6624; Longitude: -77.5966) in Brown Township, Mifflin County. No wetlands will be impacted by this project.

*Northcentral Region: Waterways & Wetlands Program Manager, 208 West Third Street, Williamsport, PA 17701, 570-327-3636.*

**E1704120-001. Pennsylvania Department of Transportation**, Engineering District 2-0, 70 Penn Dot Drive, Clearfield, PA 16830. SR 0322, Section 0267 Safety Improvement Project adjacent to Laurel Run in Decatur Township, **Clearfield County**, ACOE Baltimore District (Philipsburg, PA Quadrangle; Latitude: 40° 54' 56"; Longitude -78° 14' 58").

PA DOT Engineering District 2-0 proposes a 1.5-mile safety improvement project along SR 0322, near Graham Station. The project includes signal improvements, widening and structure replacements. The first structure replacement includes replacing a Single Span Reinforced Concrete T-Beam Bridge with a Single Span Pre-Stressed Concrete Bulb T-Beam bridge on Integral Abutments. The existing bridge has a span of 43.4 Ft., a skew of 75 degrees, an underclearance of 4.8 Ft., and a low chord of 1,428.94 Ft. and a hydraulic opening of 155 Ft<sup>2</sup>. The proposed single span bridge has a span of 46.71 Ft., a skew of 75 degrees, an underclearance of 6.1 Ft., and a low chord of 1,429.57 Ft. and a hydraulic opening of 187 Ft<sup>2</sup>. The project includes a permanent 130 L.F. sheet piling retaining wall along the downstream right stream bank and a 230 L.F. channel realignment at the structure outlet to accommodate the roadway widening. The project will temporarily impact 0.66 acre and permanently 0.96 acre of jurisdictional wetlands. The wetland impacts will be mitigated at the McPherron and Kettle Creek mitigation banks. The second structure replacement includes replacing 62 L.F. of twin 42-inch Reinforced Concrete Pipes with a 7.5 × 4.5 Ft. Single Cell Precast Concrete Box Culvert. The proposed box culvert will have a span of 7.5 Ft., underclearance of 3.5 Ft., and a hydraulic opening of 26 Ft<sup>2</sup>. Laurel Run is classified as a Cold-Water Fishery by 25 Pa. Code Chapter 93 Water Quality Standards.

*Southwest Region: Dana Drake, Waterways and Wetlands Program, 400 Waterfront Drive, Pittsburgh, PA 15222.*

**E02051-1835, PennDOT District 11-0**, 45 Thoms Run Road, Bridgeville, PA 15017, Penn Hills Township, **Allegheny County**; Pittsburgh ACOE District.

The applicant proposes to:

1. Construct and maintain a new 5' wide by 8' long modular retaining wall to support the roadway and streambank along the Unnamed Tributary (UNT) to Sandy Creek (WWF), having a total permanent impact of 8 LF and temporary impact of 18 LF.

2. Construct and maintain a new 5' wide by 172' long modular retaining wall to support the roadway and streambank along another reach of this same UNT to Sandy Creek, having a total permanent impact of 172 LF and temporary impact of 182 LF.

3. Construct and maintain a new 5' wide by 25' long modular retaining wall to support the roadway and streambank along another reach of this same UNT to Sandy Creek, having a total permanent impact of 25 LF and temporary impact of 35 LF.

4. Construct and maintain a new 5' wide by 90' long modular retaining wall to support the roadway and streambank along another reach of this same UNT to Sandy Creek, having a total permanent impact of 90 LF and temporary impact of 100 LF.

5. Construct and maintain a new 5' wide by 75' long modular retaining wall to support the roadway and streambank along another reach of this same UNT to Sandy Creek, having a total permanent impact of 75 LF and temporary impact of 85 LF.

6. Construct and maintain a new 5' wide by 126' long modular retaining wall to support the roadway and streambank along another reach of this same UNT to Sandy Creek, having a total permanent impact of 126 LF and temporary impact of 136 LF.

7. Construct and maintain a new 5' wide by 82' long modular retaining wall to support the roadway and streambank along another reach of this same UNT to Sandy Creek, having a total permanent impact of 82 LF and temporary impact of 92 LF.

8. Construct and maintain a new 5' wide by 29' long modular retaining wall to support the roadway and streambank along another reach of this same UNT to Sandy Creek, having a total permanent impact of 29 LF and temporary impact of 39 LF.

9. Construct and maintain a new 5' wide by 60' long modular retaining wall to support the roadway and streambank along another reach of this same UNT to Sandy Creek, having a total permanent impact of 60 LF and temporary impact of 70 LF.

10. Construct and maintain a new 5' wide by 20' long modular retaining wall to support the roadway and streambank along another reach of this same UNT to Sandy Creek, having a total permanent impact of 20 LF and temporary impact of 30 LF.

11. Construct and maintain a new 5' wide by 49' long modular retaining wall to support the roadway and streambank along another reach of this same UNT to Sandy Creek, having a total permanent impact of 49 LF and temporary impact of 59 LF.

12. Construct and maintain a 5' wide by 94' long rock slope (R-6 rock at a 1.5:1 slope) along another reach of this same UNT to Sandy Creek, having a total permanent impact of 94 LF and temporary impact of 104 LF.

13. Construct and maintain a 5' wide by 20' long rock slope (R-6 rock at a 1.5:1 slope) along another reach of this same UNT to Sandy Creek, having a total permanent impact of 20 LF and temporary impact of 30 LF.

14. Construct and maintain a 5' wide by 6' long rock slope (R-6 rock at a 1.5:1 slope) along another reach of this same UNT to Sandy Creek, having a total permanent impact of 6 LF and temporary impact of 16 LF.

15. Construct and maintain a 5' wide by 61' long rock slope (R-6 rock at a 1.5:1 slope) along another reach of this same UNT to Sandy Creek, having a total permanent impact of 61 LF and temporary impact of 71 LF.

16. Construct and maintain a new 5' wide by 93' long geosynthetic reinforced soil slope (0.5:1 slope) along another reach of this same UNT to Sandy Creek, having a total permanent impact of 93 LF and temporary impact of 103 LF.

17. Construct and maintain a new 5' wide by 182' long geosynthetic reinforced soil slope (0.5:1 slope) along another reach of this same UNT to Sandy Creek.

18. Construct and maintain a new 5' wide by 147' long geosynthetic reinforced soil slope (0.5:1 slope) along another reach of this same UNT to Sandy Creek.

19. Construct and maintain a new 5' wide by 67' long geosynthetic reinforced soil slope (0.5:1 slope) along another reach of this same UNT to Sandy Creek.

20. Construct and maintain a new 5' wide by 18' long geosynthetic reinforced soil slope (0.5:1 slope) along another reach of this same UNT to Sandy Creek.

21. Construct and maintain a new 5' wide by 32' long shoulder backup along another reach of this same UNT to Sandy Creek.

22. Construct and maintain a new 5' wide by 20' long shoulder backup along another reach of this same UNT to Sandy Creek.

23. Construct and maintain a new 5' wide by 33' long shoulder backup along another reach of this same UNT to Sandy Creek.

24. Construct and maintain a new 5' wide by 47' long shoulder backup along another reach of this same UNT to Sandy Creek.

25. Construct and maintain a new 5' wide by 43' long shoulder backup along another reach of this same UNT to Sandy Creek.

26. Place and maintain a new 3' wide by 20' long grout bags along another reach of this same UNT to Sandy Creek, having a total permanent impact of 20 LF and temporary impact of 30 LF.

27. Operate and maintain the existing 145' long 36" concrete pipe carrying Lime Hallow Road over another reach of this same UNT to Sandy Creek, having a total permanent impact of 145 LF and temporary impact of 235 LF.

For the purpose of repairing numerous slides along SR 2064 (Lime Hallow Road), in Penn Hills Township, Allegheny County.

The total permanent impacts for this project are 1,672 LF and the total temporary impacts are 1,435 LF.

The project site is located along SR 2064 (Lime Hallow Road) (Braddock, PA USGS topographic quadrangle; 40° 28' 24.9395" N, 79° 50' 11.1425" W; Sub-basin 18A; USACE Pittsburgh District), in Penn Hills Township, Allegheny County.

**E26052-388, Masontown Municipal Authority**, 1 East Church Avenue, Masontown, PA 15461, Masontown Borough, **Fayette County**; Pittsburgh ACOE District.

The applicant proposes to:

1. Remove 1,113 feet of an existing 36-inch by 48-inch corrugated metal stormwater pipe in an unnamed tributary (UNT) to the Monongahela River (WWF)

2. Remove 402 feet of an existing 15-inch corrugated plastic stormwater pipe from the UNT, which parallels the downstream extent of the aforementioned stormwater pipe.

3. Construct 1,000 feet of restored open channel, in place of the aforementioned/removed stormwater pipes, including the excavation of 0.02 acre of wetlands along this UNT.

4. Construct, operate, and maintain a bottomless aluminum culvert, with a span of 14'-8", a rise of 4'-1", and length of 40'-6", to carry N. Redwood St. over the restored UNT, with wingwalls, the total stream impact will be 58 feet.

5. Construct, operate, and maintain a replacement 36-inch by 48-inch corrugated metal stormwater pipe for 47 feet in the restored UNT, with a 5-foot by 14-foot by 4-foot concrete endwall.



6. Operate and maintain an existing concrete bridge for 40 feet to carry River Ave. over the restored UNT.

7. Construct, operate, and maintain an 18-inch diameter SDR-35 sanitary utility line crossing with a 30-foot Right-of-Way (ROW) across the restored UNT.

8. Construct, operate, and maintain a 6-inch diameter PVC water utility line crossing with a 30-foot ROW across the restored UNT.

9. Construct, operate, and maintain an 8-inch diameter SDR-35 sanitary utility line crossing with a 30-foot ROW across the restored UNT.

10. Construct, operate, and maintain a 10-inch diameter PVC water utility line crossing with a 30-foot ROW across the restored UNT.

11. Construct, operate, and maintain stream bank protection consisting of slope protection with R-5 rip-rap for 155 feet along both banks of another downstream reach the UNT.

12. Remove 110 feet of an existing gravel bar along the left descending bank of the UNT. The cumulative impact for stream bank protection and gravel bar removal along the UNT is 155 feet.

For the purpose of preventing flooding and preventing the stream banks from eroding. Cumulatively, the project will permanently impact 1,268 feet of the UNT. The project site is located at 218 River Avenue, Masontown, PA 15461 (Masontown, PA USGS topographic quadrangle; N: 39°, 50', 54.5"; W: -79°, 54', 49.5"; Sub-basin 19G; USACE Pittsburgh District), in Masontown Borough, Fayette County.

**E30052-270, Dominion Energy Transmission, Inc.**, 5000 Dominion Boulevard, Glen Allen, VA, Freeport Township, **Greene County**, Pittsburgh ACOE District.

The applicant proposes to:

1. Construct and maintain two landfill keys and drainage systems along the TL-492 Pipeline for the purposes of stabilizing a landslide and re-grading the area to pre-landslide conditions that will permanently impact three (3) PEM wetlands totaling 0.033 acre.

2. To construct a temporary road crossing for the purpose of accessing the landslide area and that will temporarily impact 20 linear feet of an unnamed tributary to Pennsylvania Fork Dunkard Creek (WWF), 0.047 acre of the floodway, and 0.051 acre of PEM wetland.

The project site commences approximately 500 feet southeast of the intersection of Renner Creek Road and Gilbert Road where TL-492 pipeline ROW crosses Renner Creek Road. The site runs from its intersection with Renner Creek Road northeast along the pipeline ROW for approximately 2,500 feet where it terminates (Hundred Acre, PA USGS topographic quadrangle; N: 39°, 43', 52.14"; W: -80°, 24', 42.52"; Sub-basin 19G; USACE Pittsburgh District), in Freeport Township, Greene County.

**E5605120-021, PennDOT District 9-0**, 1620 North Juniata Street, Hollidaysburg, PA 16648, Elk Lick Township, **Somerset County**; Pittsburgh ACOE District.

The applicant proposes to:

Operate and maintain 226 LF by 7 LF of slope stabilization in the floodway of Cassleman River (WWF), for the purpose of stabilizing SR 0219-45E.

Construction of this project was previously authorized by Emergency Permit # E5605219-003, on July 15, 2019,

for the purpose of repairing 226 LF of slope failure along SR 0219-45E. The project had a temporary impact of 0.036 acre to the floodplain of Cassleman River.

The project site is located along Mason Dixon Highway, between the intersections of Engles Mill Road and School Street (Meyersdale, PA USGS topographic quadrangle; N: 39°, 46', 6.9432"; W: 79°, 3', 28.4968"; Sub-basin 19F; USACE Pittsburgh District), in Elk Lick Township, Somerset County.

**E63052-741, Municipal Authority of the City of Monongahela**, 51 West Main Street, Monongahela, PA 15063, City of Monongahela, **Washington County**; Pittsburgh ACOE District.

The applicant proposes to:

1. Construct, operate, and maintain 1,000 cubic yards of R-6 and R-4 rip rap and 7,000 square feet of live stake planting walls on both banks along 150 LF of Dry Run (WWF).

For the purpose of repairing a slope failure along Dry Run, to prevent further stream bank erosion, and to stabilize the stream banks. The project site is located approximately 650 feet from the intersection of Dry Run Rd and West Main St (Monongahela, PA USGS topographic quadrangle; N: 40° 12' 27.1764"; W: -79° 56' 15.3054"; Sub-basin 19C; USACE Pittsburgh District), in City of Monongahela, Washington County.

*Northwest Region: Waterways and Wetlands Program, 230 Chestnut Street, Meadville, PA 16335-3481.*

**E6106220-001, Jamy Whitmire**, 1400 Stewart Run Road, Tionesta, PA 16353. Holeman Island Aquatic Habitat Connectivity Project, in President Township, **Venango County**, ACOE Pittsburgh District (President, PA Quadrangle N: 41°, 28', 36.19"; W: -79°, 30', 56.84").

The Applicant proposes to restore a side channel of the Allegheny River around the east and north sides of Holeman Island and to construct, operate, and maintain an approximately 25 feet wide by 6 feet high aluminum arch-plate box culvert crossing of Holeman Run at the entrance to the Kibbe's Island Park Campground all at a point approximately 1 mile west of the Stewart Run Road and U.S. Route 62 intersection in President Township, Venango County. The proposed project will result in more than 700 feet of stream impact and approximately 0.54 acre of wetland impact. The Applicant proposes to mitigate for the resource impacts by constructing approximately 1,147 feet of stream channel, stabilizing more than 400 feet of additional stream channel, and constructing approximately 0.55 acre of replacement wetlands.

*Central Office: Jack Rokavec, Chief, P.O. Box 69205, Harrisburg, PA 17106-9205.*

**EA3710-001. Pennsylvania Department of Environmental Protection**, Bureau of Abandoned Mine Reclamation, P.O. Box 69205, Harrisburg, PA 17106-9205. Abandoned Mine Land Reclamation Project, in Perry Township, **Lawrence County**, Pittsburgh USACE District.

The applicant proposes to backfill an abandoned surface mine, which includes a total of 2,400 linear feet of dangerous highwall and a 7 acre dangerous pile and embankment. The project will include the backfilling of 0.05 acre of wetlands and 0.259 acre of water filled pits that have developed within the open surface mine pit and relocate approximately 485 feet of stream channel (Portersville Quadrangle N: 40° 55' 5", W: 80° 11' 38").

*Central Office: Bureau of Waterways Engineering and Wetlands, Rachel Carson State Office Building, 400 Market Street, 2nd Floor, Harrisburg, PA 17101, (717) 787-3411.*

**MB990556-0001. First Pennsylvania Resource, LLC**, Laurel Run Road, Somerset, PA 15501. Laurel Hill Creek Mitigation Bank Phase I, Jefferson Township, **Somerset County** (40° 1' 30.00" North -79° 10' 57" West), USACE Pittsburgh District.

To construct and operate the Laurel Hill Creek Mitigation Bank Phase I consisting of restoration, enhancement and conservation activities within approximately 102 acres of the Laurel Hill Creek watershed. These activities would include activities affecting 68 acres of uplands, floodplains, 25,645 linear feet of stream channels and 31 acres of wetland areas of the Laurel Hill Creek watershed and several unnamed tributaries. The project's limits include a large portion of the main stem of Laurel Hill Creek, multiple unnamed tributaries of Laurel Hill Creek and wetlands and riparian corridors. The project proposes to result in 23,735.5 stream credits and 19.77 wetland credits. The project is intended to provide compensatory mitigation for impacts located within Service Area: State Water Plan Subbasin 19. The project may provide compensatory mitigation credits through the applicant's existing permit MB9915-0001. This application is being jointly evaluated as a mitigation bank by the Army Corps of Engineers under the 2008 Mitigation Rule.

**MB990306-0001. First Pennsylvania Resource, LLC**, 118 Quaker City Road, Kempton, PA 19529; Quaker Mitigation Bank, Albany Township, **Berks County**, USACE Philadelphia District (N: 40°, 39', 23.07"; W: 75°, 53', 52.95").

Applicant proposes to construct and maintain the Quaker Mitigation Bank. The project consists of restoration, enhancement and conservation activities within approximately 113 acres of the Maiden Creek watershed (CWF). The 113 acres comprising the Quaker Mitigation Bank will be placed under conservation easements. The project includes activities affecting uplands, floodplains, approximately 29,926 linear feet of water courses; and approximately 23.81 acres of wetland all within the Maiden Creek watershed. The project proposes to result in 17,121.3 stream credits and 18.41 wetland credits. The project is intended to provide compensatory mitigation for impacts located within Service Area: State Water Plan Subbasin 03. The project may provide compensatory mitigation credits through the applicant's existing permit MB9915-0001. This application is being jointly evaluated as a mitigation bank by the Army Corps of Engineers under the 2008 Mitigation Rule.

**MB990565-0001. Land Reclamation Group, LLC**, Ligonier Reservoir Lane, Laughlintown, PA 15655; Furnace Run Mitigation Bank, Ligonier Township, **Westmoreland County**, USACE Pittsburgh District (N: 40°, 12', 32.63"; W: 79°, 10', 47.04").

Applicant proposes to construct and maintain the Furnace Run Mitigation Bank. The project consists of restoration, enhancement and conservation activities within approximately 26 acres of the Furnace Run watershed (CWF). The 26 acres comprising the Furnace Run Mitigation Bank will be placed under conservation easements. The project includes activities affecting uplands, floodplains, approximately 3,188 linear feet of watercourses; and approximately 0.74 acre of wetland all within the Furnace Run watershed. The project proposes to result in 2,354 stream credits and 3.46 wetland credits. The project

is intended to provide compensatory mitigation for impacts located within Service Area: State Water Plan Subbasin 18. The project may provide compensatory mitigation credits through the applicant's existing permit MB9915-0001. This application is being jointly evaluated as a mitigation bank by the Army Corps of Engineers under the 2008 Mitigation Rule.

**MB990565-0002. Land Reclamation Group, LLC**, 420 Shrader Hollow Road, New Stanton, PA 15672, Shrader Hollow Mitigation Bank, Hempfield Township, **Westmoreland County**, USACE Pittsburgh District (N: 40°, 14', 48.261"; W: 79°, 36', 57.5871").

Applicant proposes to construct and maintain the Shrader Hollow Mitigation Bank. The project consists of restoration, enhancement and conservation activities within approximately 57 acres of the Long Run watershed (WWF). The 57 acres comprising the Shrader Hollow Mitigation Bank will be placed under conservation easements. The project includes activities affecting uplands, floodplains, approximately 12,704 linear feet of watercourses; and approximately 1.45 acre of wetland all within the Long Run watershed. The project proposes to result in 12,704 stream credits and 17.94 wetland credits. The project is intended to provide compensatory mitigation for impacts located within Service Area: State Water Plan Subbasin 19. The project may provide compensatory mitigation credits through the applicant's existing permit MB9915-0001. This application is being jointly evaluated as a mitigation bank by the Army Corps of Engineers under the 2008 Mitigation Rule.

*Regional Permit Coordination Office: 400 Market St., Harrisburg, PA 17101, Domenic Rocco, P.E., Program Manager, 717-772-5987.*

**E3683219-001. State Road Investors, LLC**, 2456 Noll Drive, Lancaster, PA 17603, **Lancaster County**, U.S. Army Corps of Engineers, Baltimore District.

To remove the existing structure and to construct and maintain the following water obstruction and encroachments within Swarr Run (TSF, MF):

1. Relocation of an underground 8-inch gas line on the east side of the bridge.
2. Relocation of an underground 12-inch waterline on the east side of the bridge.
3. Construction of a new underground 8-inch sanitary sewer line on the west side of the bridge.
4. A 97.83-foot long, single span precast reinforced concrete ConSpan arch, having a span of 48-feet and an underclearance of 7.4-feet, carrying State Road across Swarr Run (TSF, MF). The culvert will be supported on precast concrete spread footings and also have precast concrete wing walls on the upstream and downstream face of the culvert.
5. A stormwater outfall consisting of an 18-inch concrete pipe with concrete flared end section and riprap apron.

The project is located along State Road (T-554) (Columbia East, PA Quadrangle Latitude: 40° 04' 59.83"; Longitude: -76° 22' 53.21") in East Hempfield Township, Lancaster County.

## ACTIONS

## THE PENNSYLVANIA CLEAN STREAMS LAW AND THE FEDERAL CLEAN WATER ACT

## FINAL ACTIONS TAKEN FOR NPDES PERMITS AND WQM PERMITS

The Department has taken the following actions on previously received applications for new, amended and renewed NPDES and WQM permits, applications for permit waivers and NOIs for coverage under General Permits. This notice of final action is provided in accordance with 25 Pa. Code Chapters 91 and 92a and 40 CFR Part 122, implementing provisions of The Clean Streams Law (35 P.S. §§ 691.1—691.1001) and the Federal Clean Water Act (33 U.S.C.A. §§ 1251—1376).

<i>Location</i>	<i>Permit Authority</i>	<i>Application Type or Category</i>
Section I	NPDES	Renewals
Section II	NPDES	New or Amendment
Section III	WQM	Industrial, Sewage or Animal Wastes; Discharges to Groundwater
Section IV	NPDES	MS4 Individual Permit
Section V	NPDES	MS4 Permit Waiver
Section VI	NPDES	Individual Permit Stormwater Construction
Section VII	NPDES	NOI for Coverage under NPDES General Permits

Sections I—VI contain actions regarding industrial, animal or sewage wastes discharges, discharges to groundwater, and discharges associated with MS4, stormwater associated with construction activities and CAFOs. Section VII contains notices for parties who have submitted NOIs for Coverage under General NPDES Permits. The approval for coverage under these General NPDES Permits is subject to applicable effluent limitations, monitoring, reporting requirements and other conditions in each General Permit. The approval of coverage for land application of sewage sludge or residential septage under applicable general permit is subject to pollutant limitations, pathogen and vector attraction reduction requirements, operational standards, general requirements, management practices and other conditions in the respective permit. The permits and related documents, effluent limitations, permitting requirements and other information are on file and may be inspected and arrangements made for copying at the contact office noted before the action.

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. TDD users may contact the Board through the Pennsylvania AT&T Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30-days of publication of this notice in the *Pennsylvania Bulletin* unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary to the Board at (717) 787-3483. This paragraph does not, in and of itself, create 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.

Important legal rights are at stake, however, so individuals should contact 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.

## I. NPDES Renewal Permit Actions.

*Southcentral Region: Clean Water Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110, Email: RA-EPNPDES\_SCRO@pa.gov.*

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N</i>
PA0088960 Issued	West St Clair Township Pleasantville Borough Municipal Authority P.O. Box 43 Alum Bank, PA 15521-0043	Bedford County West Saint Clair Township	Dunning Creek (WWF) in Watershed(s) 11-C	Y
PA0052485 Issued	Mountain Springs Investors LLC P.O. Box 365 Shartlesville, PA 19554-0365	Berks County Upper Bern Township	Unnamed Tributary to Mill Creek (TSF, MF) in Watershed(s) 3-B	Y
PA0010201 Issued	Columbia Water Co. P.O. Box 350 220 Locust Street Columbia, PA 17512-0350	Lancaster County Columbia Borough	Susquehanna River (WWF, MF) in Watershed(s) 7-G	Y

*Northcentral Regional Office: Clean Water Program Manager, 208 W Third Street, Suite 101, Williamsport, PA 17701-6448. Phone: 570.327.3636, Email: RA-EPNPDES\_NCRO@pa.gov.*

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N?</i>
PA0233633 (Sewage)	Dyke SRSTP 260 Baney Road Julian, PA 16844-7907	Centre County Union Township	Dewitt Run (CWF) (9-C)	Yes
PA0024104 (Sewage)	Spring Township P.O. Box 133 Beaver Springs, PA 17812-0133	Snyder County Spring Township	Beaver Creek (CWF) (6-A)	Yes
PA0232416 (Sewage)	Inn 287 22861 Route 287 Morris, PA 16938-9325	Lycoming County Pine Township	Hughes Run (EV) (9-A)	Yes
PA0228672 (Sewage)	Muddy Run Regional Authority— Glen Hope STP 813 Spruce Street Madera, PA 16661-9102	Clearfield County Glen Hope Borough	Clearfield Creek (8-C)	Yes

*Southwest Region: Clean Water Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, Email: RA-EPNPDES\_SWRO@pa.gov.*

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N</i>
PA0235555 (Industrial)	Dixon Run Central Treatment Facility 1750 Power Plant Road Homer City, PA 15748-8009	Indiana County Cherryhill Township	Allen Run (CWF) and Two Lick Creek (TSF) (18-D)	Yes
PA0218219 (Industrial)	Georgetown Shipyard Foxpointe Center Bldg 1 201 S Johnson Road Suite 303 Houston, PA 15342-1351	Beaver County Georgetown Borough	Ohio River (WWF) (20-D)	Yes

*Northwest Region: Clean Water Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481.*

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N?</i>
PA0102610 (Sewage)	Villa Vista Estates 133 Terra Drive Valencia, PA 16059-2637	Butler County Middlesex Township	Unnamed Tributary to Glade Run (WWF) (20-C)	Yes
PA0263478 (Sewage)	Edward F & Lorraine D Selvoski SFTF 19 Spud Drive Scenery Hill, PA 15360-8527	McKean County Corydon Township	Willow Creek (HQ-CWF) (16-B)	Yes

## II. New or Expanded Facility Permits, Renewal of Major Permits and EPA Nonwaived Permit Actions.

*Southwest Region: Clean Water Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, Email: RA-EPNPDES\_SWRO@pa.gov.*

**NPDES Permit No. PA0022331**, Sewage, SIC Code 4952, **W Elizabeth Sanitary Authority**, 125 Lower First Street, West Elizabeth, PA 15088.

This existing facility is located in West Elizabeth Borough, **Allegheny County**.

Description of Existing Action/Activity: Issuance of an NPDES Permit for an existing discharge of treated sewage.

**NPDES Permit No. PA0001201**, Industrial, SIC Code 3674, **Powerex, Inc.**, 173 Pavilion Lane, Youngwood, PA 15697-1814.

This existing facility is located in Hempfield Township, **Westmoreland County**.

Description of Existing Action/Activity: Issuance of an NPDES Permit for existing discharges of treated industrial waste, treated sewage, cooling water, and storm water.

*Northwest Region: Clean Water Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481.*

**NPDES Permit No. PA0287849**, Sewage, SIC Code 8800, **Thomas Rabbitt**, 299 Rabbitt Road, Chicora, PA 16025. This proposed facility is located in Donegal Township, **Butler County**.

Description of Proposed Action/Activity: Issuance of an NPDES Permit for a new discharge of treated sewage.

### **III. WQM Industrial Waste and Sewerage Actions under The Clean Streams Law.**

*Northeast Region: Clean Water Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790.*

**WQM Permit No. WQG02452001**, Sewage, SIC Code 7011, **Pocono Manor Investors, PT1 LP**, P.O. Box 38, Pocono Manor, PA 18349-0038.

This proposed facility is located in Pocono Township, **Monroe County**.

Description of Proposed Action/Activity: Replacement of existing 4-inch sewer main between Oak Lane and Summit Avenue with 8-inch PVC sewer main. Five new manholes will also be installed.

*Southcentral Region: Clean Water Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110, Email: RA-EPNPDES\_SCRO@pa.gov.*

**WQM Permit No. 0720401**, Sewerage, SIC Code 4952, **Altoona Water Authority**, 900 Chestnut Avenue, Altoona, PA 16601-4617.

This proposed facility is located in Altoona City, **Blair County**.

Description of Proposed Action/Activity:

This permit approves the construction of sewerage facilities consisting of:

- Two (2) cast iron variable speed 15 HP three phase submersible non-clog sewerage pumps capable for pumping 500 gpm and with a TDH of 50 ft
- Controls system
- A generator
- A 6" magnetic flow meter and vault

**WQM Permit No. WQG02282001**, Sewerage, SIC Code 4952, **Guilford Township Authority**, 115 Spring Valley Road, Chambersburg, PA 17202-9079.

This proposed facility is located in Guilford Township, **Franklin County**.

Description of Proposed Action/Activity:

This General Permit approves the construction and operation of:

- 1 Sewer Extension
- 1 Pump Station

*Southwest Region: Clean Water Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, Email: RA-EPNPDES\_SWRO@pa.gov.*

**WQM Permit No. 0219401**, Sewage, SIC Code 4952, **Hampton Township**, 3101 McCully Road, Allison Park, PA 15101.

This proposed facility is located in Hampton Township, **Allegheny County**.

Description of Proposed Action/Activity: Proposed construction of replacement and upgrade of the existing Glannons Pump Station located near 3793 Mt Royal Blvd in Allison Park, PA and existing sanitary sewer upsize along Felicity Avenue. Treatment to be provided at the existing Allison Park STP.

**WQM Permit No. 1119403**, Sewage, **Highland Sewer & Water Authority**, 120 Tank Drive, Johnstown, PA 15904-3251.

This proposed facility is in Richland Township, **Cambria County**.

Description of Proposed Action/Activity: Construct low-pressure sanitary sewer extension to serve 34 homes along Scalp Ave, Berwick Rd and Walters Ave.

**WQM Permit No. 0276461 A-3**, Sewage, **Allegheny Valley Joint Sewer Authority**, P.O. Box 158, Cheswick, PA 15024-0158.

This existing facility is located in Harmar Township, **Allegheny County**.

Description of Proposed Action/Activity: Expand/upgrade existing Allegheny Valley JSA WWTP and tributary PS's.

*Northwest Region: Clean Water Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481.*

**WQM Permit No. 1019407**, Sewage, **Thomas Rabbitt**, 299 Rabbitt Road, Chicora, PA 16025.

This proposed facility is located in Donegal Township, **Butler County**.

Description of Proposed Action/Activity: Single Residence Sewage Treatment Plant.

**WQM Permit No. 1087414 A-1**, Sewage, **Prospect Borough Butler County**, 225 Pleasant Valley Road, Portersville, PA 16051-9650.

This existing facility is located in Muddycreek Township, **Butler County**.

Description of Proposed Action/Activity: Improvements to Wilson Lane Pump Station.

**VI. NPDES Discharges of Stormwater Associated with Construction Activities Individual Permit Actions.**

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

*Contact: Gillian Ostrum, Clerk Typist 2, 570-830-3077.*

*Monroe County Conservation District, 8050 Running Valley Road, Stroudsburg, PA 18347, 570-629-3060.*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAD450106 Completeness	CMBK Resort Holdings LLC 1193 Resort Dr Tannersville, PA 18372	Monroe	Pocono Twp	Coolmoor Creek (HQ-CWF, MF)

*Northampton County Conservation District, 14 Gracedale Ave, Greystone Building, Nazareth, PA 18064-9211, 610-829-6276.*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAD480091 A-1 Completeness	Easton Area School District David Piperato 1801 Bushkill Dr Easton, PA 18040	Northampton	Easton City	Bushkill Creek (HQ-CWF, MF)
PAD480119 Completeness	Nazareth Area School District Dennis Riker 1 Education Plaza Nazareth, PA 18064	Northampton	Bushkill Twp	Bushkill Creek (HQ-CWF, MF)

*Pike County Conservation District, 556 Route 402, Suite 1, Hawley, PA 18428, 570-226-8220.*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAD520025 Completeness	PPL Electric Utilities 2 N Ninth St Allentown, PA 18101-1139	Pike Wayne Monroe	Greene Twp Dreher Twp Barrett Twp	Leavitt Branch (HQ-CWF, MF) Wallenpaupack Creek (HQ-CWF, MF) Middle Branch Brodhead Creek (HQ-CWF, MF) EV Wetlands (EV) Mill Creek (HQ-CWF, MF) Freeling Run (HQ-CWF, MF) Spruce Mtn Run (HQ-CWF, MF) Griscom Creek (HQ-CWF) Wallenpaupack Creek—Basin, UNT 05833 to Freeling Run 1 (EV, MF) Wallenpaupack Creek—Basin, Source to Manny Run (EV, MF) Wallenpaupack Creek—Mainstem, Manny Run to UNT 058331 (EV, MF) Taylor Creek—Trib to Wallenpaupack (EV, MF) Non-Surface Water—Overland Discharge to Waters of the Commonwealth

*Cambria District Mining Office: 286 Industrial Park Road, Ebensburg, PA 15931, 814-472-1900, (Contact: Holly Calvetti).*

**PAG-2-27-11-19-001, Ebensburg Power Company**, 2840 New Germany Road, P.O. Box 845, Ebensburg, PA 15931. General NPDES Permit for Stormwater Discharges Associated with Construction Activities on GFCC Permit No. 11-19-01 in Northern Cambria Borough, **Cambria County**. Receiving stream(s): West Branch Susquehanna River classified for the following use(s): WWF. There are no potable water supplies located within 10 miles downstream. Notice of Intent for Coverage received: September 18, 2019. Coverage Approved: March 5, 2020.

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#### VII. Approvals to Use NPDES and/or Other General Permits.

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The EPA Region III Administrator has waived the right to review or object to this permit action under the waiver provision 40 CFR 123.23(d).

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#### List of NPDES and/or Other General Permit Types.

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PAG-01	General Permit for Discharges for Stormwater Discharges Associated with Small Construction Activities.
PAG-02	General Permit for Discharges of Stormwater Associated with Construction Activities
PAG-03	General Permit for Discharges of Stormwater from Industrial Activities
PAG-04	General Permit for Discharges from Small Flow Treatment Facilities
PAG-05	General Permit for Discharges from Petroleum Product Contaminated Groundwater Remediation Systems
PAG-06	General Permit for Wet Weather Overflow Discharges from Combined Sewer Systems (CSO)
PAG-07	General Permit for Beneficial Use of Exceptional Quality Sewage Sludge by Land Application
PAG-08	General Permit for Beneficial Use of Non-Exceptional Quality Sewage Sludge by Land Application to Agricultural Land, Forest, a Public Contact Site or a Land Reclamation Site
PAG-08 (SSN)	Site Suitability Notice for Land Application Under Approved PAG-08 General Permit Coverage
PAG-09	General Permit for Beneficial Use of Residential Septage by Land Application to Agricultural Land, Forest, or a Land Reclamation Site
PAG-09 (SSN)	Site Suitability Notice for Land Application Under Approved PAG-09 General Permit Coverage
PAG-10	General Permit for Discharges from Hydrostatic Testing of Tanks and Pipelines
PAG-11	General Permit for Discharges from Aquatic Animal Production Facilities
PAG-12	Concentrated Animal Feeding Operations (CAFOs)
PAG-13	Stormwater Discharges from Municipal Separate Storm Sewer Systems (MS4)
PAG-14	(To Be Announced)
PAG-15	General Permit for Discharges from the Application of Pesticides

#### *General Permit Type—PAG-02*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone Number</i>
PAC090339 New	Robert J. Willard 3960 South Mallard Lane Doylestown, PA 18902	Bucks County	Buckingham Township	Unnamed Tributary to Lahaska Creek WWF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
PAC090326 Renewal	John Beljan 3031 Myers Court Bedminster, PA 18910-0306	Bucks County	Bedminster Township	Deep Run CWF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
PAC090318 New	Gregory Thompson 524 Derstine Avenue Lansdale, PA 19446-3537	Bucks County	East Rockhill Township and Perkasie Borough	East Branch Perkiomen Creek TSF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone Number</i>
PAC090248 A-1 Amendment	Duffy Oil Terminal Inc. DBA Compass Management Partners 2780 Limekiln Pike Glenside, PA 19038-2203	Bucks County	Doylestown Borough	Cooks Run WWF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
PAC090339 New	Robert J. Willard 3960 South Mallard Lane Doylestown, PA 18902	Bucks County	Buckingham Township	Unnamed Tributary to Lahaska Creek WWF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
PAC090326 Renewal	John Beljan 3031 Myers Court Bedminster, PA 18910-0306	Bucks County	Bedminster Township	Deep Run CWF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
PAC090318 New	Gregory Thompson 524 Derstine Avenue Lansdale, PA 19446-3537	Bucks County	East Rockhill Township and Perkasie Borough	East Branch Perkiomen Creek TSF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
PAC090248 A-1 Amendment	Duffy Oil Terminal Inc. DBA Compass Management Partners 2780 Limekiln Pike Glenside, PA 19038-2203	Bucks County	Doylestown Borough	Cooks Run WWF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
PAC150136 New	Coatesville Area School District 3030 CG Zinn Road Thorndale, PA 19372	Chester County	West Brandywine Township	Beaver Creek CWF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
PAC150152 New	Keith Mock 170 S. 6th Street Apt. 208 Philadelphia, PA 19106	Chester County	Pocopson Township	Unnamed Tributary to West Branch Brandywine Creek WWF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
PAC150149 Major Amendment	PA Department of General Services 1 Tek Park Suite 100 9999 Hamilton Blvd. Breinigsville, PA 18031	Chester County	East Vincent Township	Schuylkill River WWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
PAC150143 New	605 South Bay Road, LLC 34 Industrial Blvd. New Castle, DE 19720	Chester County	Newlin Township	Pocopson Creek TSF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900



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<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone Number</i>
PAC150126 New	Isaac Z. Lapp 1080 W. Kings Highway Coatesville, PA 19320	Chester County	West Caln & Sadsbury Townships	Unnamed Tributary to Buck Run	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
PAC150155 New	West Chester Area School District 782 Springdale Drive Exton, PA 19341	Chester County	West Goshen Township	TSF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
PAC150134 New	CSH Exton, LLC 1275 Pennsylvania Avenue Northwest Washington, DC 20004	Chester County	West Whiteland Township	Unnamed Tributary of Taylor Run	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
PAC150151 New	Ivyland Industrial Partners, LP 120 Pennsylvania Avenue Malvern, PA 19355	Chester County	Tredyffrin Township	TSF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
PAC150169 Renewal	David Moskowitz 1890 Rose Cottage Lane Malvern, PA 19355	Chester County	Phoenixville Borough	Tributary 00269 to Valley Creek	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
PAC150031 Renewal	Celeste Celek 3515 Reserve Drive Philadelphia, PA 19145	Chester County	Westtown Township	Radley Run WWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
PAC150173 Renewal	Malvern School Real Estate, LP 20 Creek Road Glen Mills, PA 19342	Chester County	Westtown Township	Unnamed Tributary to Chester Creek TSF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
PAC150004 A-1 Major Amendment	Southdown Properties 55 Country Club Drive Downingtown, PA 19335	Chester County	Westtown Township	Plum Run WWF, MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900

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

*Contact: Gillian Ostrum, Clerk Typist 2, 570-830-3077.*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone Number</i>
PAC350080 Authorization/ Issuance	Fell Twp 1 Veterans Rd Simpson, PA 18407	Lackawanna	Fell Twp	UNT to Lackawanna River (CWF, MF)	Lackawanna County Conservation District 1038 Montdale Road Scott Township, PA 18447 570-382-3086
PAC400150 Authorization/ Issuance	George Albert Psp Ne LLC 33 S Wilkes-Barre Blvd Ste 4 Wilkes-Barre, PA 18702	Luzerne	Hanover Twp	Warrior Creek (CWF, MF)	Luzerne Conservation District 325 Smiths Pond Road Shavertown, PA 18708 570-674-7991
PAC580017 Authorization/ Issuance	Susan Hazelton 55 Keystone Industrial Park Dunmore, PA 18512-1540	Susquehanna	Rush Twp	UNT to East Branch Wyalusing Creek (CWF, MF) Wyalusing Creek (WWF, MF) East Branch Wyalusing Creek (CWF, MF)	Susquehanna County Conservation District 89 Industrial Drive Montrose, PA 18801 570-782-2105

*Southcentral Region: Waterways and Wetlands Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110, 717-705-4802.*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone Number</i>
PAC010138 Issued	Hillandale Gettysburg, L.P. 3910 Oxford Road Gettysburg, PA 17325	Adams	Tyrone Township	UNT Conewago Creek (WWF)	Adams County Conservation District 670 Old Harrisburg Road Suite 201 Gettysburg, PA 17325-3404 717.334.0636
PAC360440 Issued	WP Partnership, LP P.O. Box 291 Lititz, PA 17543	Lancaster	Lancaster Township	Conestoga River (WWF)	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601-3149 717.299.5361, ext. 5

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<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone Number</i>
PAC360517 Issued	Kauffman Family, LP 160 Route 41 P.O. Box 549 Gap, PA 17527	Lancaster	Sadsbury Township	East Branch Octorara Creek (TSF)	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601-3149 717.299.5361, ext. 5
PAC360403 Issued	Hogan, Herr & Wolf II 616 Paxton Place Suite 100 Lititz, PA 17543	Lancaster	Lancaster Township	Conestoga River (WWF) UNT Conestoga River (WWF)	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601-3149 717.299.5361, ext. 5
PAC360520 Issued	Robert Hodge 31270 Front Street Georgetown, PA 21930	Lancaster	Salisbury Township	Pequea Creek (CWF)	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601-3149 717.299.5361, ext. 5
PAC360487 Issued	Stephen Martin 875 Lincoln Garden Road Ephrata, PA 17522	Lancaster	Clay Township	Indian Creek (TSF)	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601-3149 717.299.5361, ext. 5
PAC360363 Issued	Conestoga Valley School District 2110 Horseshoe Road Lancaster, PA 17601	Lancaster	East Lampeter Township	Stauffer Run (WWF, MF)	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601-3149 717.299.5361, ext. 5
PAC360467 Issued	Flex-Cell Precision Inc. 1151 South Duke Street Lancaster, PA 17602	Lancaster	Lancaster City	Conestoga River (WWF)	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601-3149 717.299.5361, ext. 5
PAC670322 Issued	Hellam Township 44 Walnut Springs Road York, PA 17406-9000	York	Hellam Township	UNT Kreutz Creek (WWF)	York County Conservation District 118 Pleasant Acres Road York, PA 17402 717.840.7430

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone Number</i>
PAC670214 Issued	Jeffrey L. Henry, Inc. 2845 Springwood Road Red Lion, PA 17356	York	York Township	Mill Creek (WWF)	York County Conservation District 118 Pleasant Acres Road York, PA 17402 717.840.7430
<i>Southwest Region: Dana Drake, Waterways and Wetlands Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222, Dana Drake, Waterways and Wetlands Program Manager, 412-442-4000.</i>					
<i>Permit No.</i>	<i>Facility Location and Municipality</i>	<i>Applicant Name and Address</i>		<i>Receiving Water/Use</i>	<i>Contact Office and Phone No.</i>
PAC020488	Hampton Township	Stone Lodge, Inc. 2195 Sample Road Allison Park, PA 15101		UNT to Pine Creek (TSF)	Allegheny County Conservation District River Walk Corporate Centre 33 Terminal Way Suite 325b Pittsburgh, PA 15219 (412) 241-7645
PAC020534	Kennedy Township	Michael Facchiano Contracting, Inc. 801 McNeilly Road Pittsburgh, PA 15226		UNT to Ohio River (WWF)	Allegheny County Conservation District River Walk Corporate Centre 33 Terminal Way Suite 325b Pittsburgh, PA 15219 (412) 241-7645
PAC020498	City of Pittsburgh	Duquesne Light Company 2825 New Beaver Avenue Pittsburgh, PA 15233  Burns and McDonald Engineering Company, Inc. 9400 Ward Parkway Kansas City, MO 64114-3319		UNT to Monongahela River (WWF)	Allegheny County Conservation District River Walk Corporate Centre 33 Terminal Way Suite 325b Pittsburgh, PA 15219 (412) 241-7645
PAC020518	Pine Township	Gigliotti Holdings, LP 11279 Perry Highway Suite 509 Wexford, PA 15090		Breakneck Creek (WWF)	Allegheny County Conservation District River Walk Corporate Centre 33 Terminal Way Suite 325b Pittsburgh, PA 15219 (412) 241-7645
PAC020532	Findlay Township	Columbia Gas of PA 2021 West State Street New Castle, PA 16101		UNTs to Raccoon Creek (WWF)	Allegheny County Conservation District River Walk Corporate Centre 33 Terminal Way Suite 325b Pittsburgh, PA 15219 (412) 241-7645
PAC630067 A-1	Canton Township	Running Brooke II Associates 3555 Washington Road McMurray, PA 15317		Chartiers Creek (WWF)	Washington County Conservation District 50 Old Hickory Ridge Road Suite 1 Washington, PA 15301 (724) 705-7098

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<i>Permit No.</i>	<i>Facility Location and Municipality</i>	<i>Applicant Name and Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office and Phone No.</i>
PAC630179	North Franklin Township	Columbia Gas of Pennsylvania 2021 West State Street New Castle, PA 16101	UNTs to Chartiers Creek (WWF)	Washington County Conservation District 50 Old Hickory Ridge Road Suite 1 Washington, PA 15301 (724) 705-7098
AC650188 A-1	Youngwood Borough New Stanton Borough Hempfield Township	PennDOT District 12-0 825 North Gallatin Avenue Uniontown, PA 15401  Municipal Authority of Westmoreland County 124 Park and Pool Road New Stanton, PA 15672	UNTs to Jacks Run (WWF); Jacks Run (WWF); Sewickley Creek (WWF)	Westmoreland County Conservation District 218 Donohoe Road Greensburg, PA 15601 (724) 837-5271
PAC650201	Hempfield Township	Municipal Authority of Westmoreland County 124 Park and Pool Road New Stanton, PA 15672	Little Sewickley Creek (TSF)	Westmoreland County Conservation District 218 Donohoe Road Greensburg, PA 15601 (724) 837-5271
PAC650206	Washington Township	Tarp America 588 State Route 380 Murrysville, PA 15668	UNT to Pucketa Creek (TSF)	Westmoreland County Conservation District 218 Donohoe Road Greensburg, PA 15601 (724) 837-5271
PAC650207	New Stanton Borough	Sheetz, Inc. 5700 Sixth Avenue Altoona, PA 16602	Sewickley Creek (WWF)	Westmoreland County Conservation District 218 Donohoe Road Greensburg, PA 15601 (724) 837-5271

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

<i>Permit No.</i>	<i>Facility Location: Municipality &amp; County</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
PAC330016	Summerville Borough Jefferson County	Summerville DPP LLC 9010 Overlook Boulevard Brentwood, TN 37027	UNT Redbank Creek CWF	Jefferson County Conservation District 1514 Route 28 Brookville, PA 15825 814-849-7463

*General Permit Type—PAG-03*

<i>Permit No.</i>	<i>Facility Location Municipality &amp; County</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
PAG034869	Emporium Borough Cameron County	Emporium Forging Co. Inc. 221 E 2nd Street Emporium, PA 15834-1306	Driftwood Branch Sinnemahoning Creek (TSF, MF)—8-A	DEP Northcentral Regional Office Clean Water Program 208 W Third Street Suite 101 Williamsport, PA 17701-6448 570.327.3636

**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. TDD users should contact the Environmental Hearing Board (Board) through the Pennsylvania AT&T Relay Service at (800) 654-5984. Appeals must be filed with the Board within 30-days of publication of this notice in the *Pennsylvania Bulletin*. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary of the Board at (717) 787-3483. This paragraph does not, in and of itself, create 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.

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>AEU's</i>	<i>Animal Type</i>	<i>Special Protection Waters (HQ or EV or NA)</i>	<i>Approved or Disapproved</i>
Clark Olberholtzer 433 Black Barren Rd Peach Bottom, PA 17563	Lancaster	153.1	405.49	Swine	HQ	A

**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. TDD users may contact the Board through the Pennsylvania AT&T Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin* unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary to the Board at (717) 787-3483. This paragraph does not, in and of itself, create 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.

Important legal rights are at stake, however, so individuals should show this document to a lawyer at once.

Persons who cannot afford a lawyer may qualify for free pro bono representation. Call the Secretary to the Board at (717) 787-3483 for more information.

**SAFE DRINKING WATER**

**Actions taken under the Pennsylvania Safe Drinking Water Act (35 P.S. §§ 721.1—721.17).**

*Northcentral Region: Safe Drinking Water Program Manager, 208 West Third Street, Williamsport, PA 17701.*

**Permit No. 1420501MA, Minor Amendment.** Public Water Supply.

Applicant	<b>Ben Pisoni, Vice President Upper Halfmoon Water Company</b> 1952 Halfmoon Valley Road Port Matilda, PA 16870
Borough or Township	Halfmoon Township
County	<b>Centre County</b>
Type of Facility	Public Water Supply— Construction
Consulting Engineer	Eric S. Lundy, P.E. Nittany Engineering & Associates A Division of Century Engineering, Inc. 2836 Earlstown Road Suite 1 Centre Hall, PA 16828
Permit Issued	March 6, 2020

**Permit No. 1820501MA, Minor Amendment.** Public Water Supply.

Applicant **Roy Darrin, Vice President  
Renovo Borough Water  
Authority**  
128 Fifth Street  
Renovo, PA 17764

Borough or Township Renovo Borough  
County **Clinton County**

Type of Facility Public Water  
Supply—Construction

Consulting Engineer Kerry A. Uhler & Associates, Inc.  
Consulting Engineers &  
Surveyors  
140 West High Street  
Bellefonte, PA 16823

Permit Issued March 5, 2020

**Operations Permit** issued to: **Rural Living Inc.,** 220 Regent Court, Suite E-1, State College, PA 16801, **PWSID No. 4140127,** Penn Township, **Centre County** on March 2, 2020, for the operation of facilities approved under construction permit # 1490502-T1 & MA-GWR-T1. Public water supply permits for operation of the public water system in Penn Township, transferred from Salem Hill Haven Home to Rural Living, Inc. The Salem Hill Haven Home water system consists of Well # 1, which is a 6" well and a master flow meter. The pump is capable of 13 gpm. Treatment consists of 12.5% sodium hypochlorite injection with a ChemTech 3 gpd feeder equipped with a 30-gallon solution tank, 2-2,500-gallon storage tanks that are configured for chlorine contact, storage, pressure booster pumps, three hydropneumatic tanks, hot water softener installed on the finished water and system pressurization, which is pressurized by duplicate 2 HP booster pumps.

*Southwest Region: Safe Drinking Water Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.*

**Permit No. 5619509, Major Amendment.** Public Water Supply.

Applicant **Hidden Valley Utility  
Services, LP**  
811 Russell Avenue  
Suite 302  
Gaithersburg, MD 20879

Borough or Township Jefferson Township  
County **Somerset**

Type of Facility Water system improvements

Consulting Engineer The EADS Group, Inc.  
450 Aberdeen Drive  
Somerset, PA 15501

Permit Issued March 9, 2020

**Permit No. 0418530MA, Minor Amendment.** Public Water Supply.

Applicant **Creswell Heights Joint  
Authority**  
3961 Jordan Street  
P.O. Box 301  
South Heights, PA 15081

Borough or Township Crescent Township  
County **Allegheny**

Type of Facility Spring Run Road Waterline  
Replacement Project

Consulting Engineer KLH Engineers, Inc.  
5173 Campbells Run Road  
Pittsburgh, PA 15205

Permit Issued March 9, 2020

**Operations Permit** issued to: **Pittsburgh Water & Sewer Authority,** 1200 Penn Avenue, Pittsburgh, PA 15222, **PWSID No. 5020038,** City of Pittsburgh, **Allegheny County** on March 3, 2020 for the operation of facilities approved under permit # 0218536MA for the operation of waterlines along South Millvale, Friendship, Hamilton, North Dallas and North Homewood Avenues; and Gross Street.

**Operations Permit** issued to: **Tarentum Borough Water Department,** 618 5th Avenue, Tarentum, PA 15084, **PWSID No. 5020055,** Tarentum Borough, **Allegheny County** on March 9, 2020 for the operation of facilities approved under permit # 0219552-EI for the emergency interconnection with the Brackenridge Borough Water Department (2nd Avenue Interconnection).

**Operations Permit** issued to: **Tarentum Borough Water Department,** 618 5th Avenue, Tarentum, PA 15084, **PWSID No. 5020055,** Tarentum Borough, **Allegheny County** on March 9, 2020 for the operation of facilities approved under permit # 0219553-EI for the emergency interconnection with the Brackenridge Borough Water Department (10th Avenue Interconnection).

**Operations Permit** issued to: **Southwestern Pennsylvania Water Authority,** P.O. Box 187, 1442 Jefferson Road, Jefferson, PA 15344, **PWSID No. 5300017,** Center Township, **Greene County** on March 3, 2020 for the operation of facilities approved under permit # 3013501WMP23 for use of the CNX Center Township meter vault as a bulk load-out station.

**Operations Permit** issued to: **Southwestern Pennsylvania Water Authority,** P.O. Box 187, 1442 Jefferson Road, Jefferson, PA 15344, **PWSID No. 5300017,** Jefferson Township, **Greene County** on March 3, 2020 for the operation of facilities approved under permit # 3013501WMP22 for use of the East Green North meter vault as a bulk load-out station.

**Operations Permit** issued to: **Highland Sewer & Water Authority,** 120 Tank Drive, Johnstown, PA 15904, **PWSID No. 4110017,** Adams Township, **Cambria County** on March 9, 2020 for the operation of facilities approved under permit # 4110033-T1 for the transfer of the Adams Township Water Authority's water supply system to the Highland Sewer & Water Authority.

**Operations Permit** issued to: **Municipal Authority of Westmoreland,** 124 Park & Pool Road, New Stanton, PA 15672, **PWSID No. 5650032,** Allegheny Township, **Westmoreland County** on March 9, 2020 for the operation of facilities approved under permit # 6518505 for the rehabilitated Shearsburg # 1 water storage tank.

**Operations Permit** issued to: **Municipal Authority of Westmoreland,** 124 Park & Pool Road, New Stanton, PA 15672, **PWSID No. 5650032,** Leechburg Township, **Westmoreland County** on March 3, 2020 for the operation of facilities approved under permit # 6514513-A1 for the rehabilitated Leechburg water storage tank.

**Operations Permit** issued to: **Municipal Authority of the Borough of Derry,** 620 North Chestnut Street, Derry, PA 15627, **PWSID No. 5650049,** Derry Borough, **Westmoreland County** on March 9, 2020 for the opera-

tion of facilities approved under permit # 6517533 for the two high service pumps and the backwash pump at the Derry Borough water treatment plant.

**Operations Permit** issued to: **Gray Area Water Authority of Jenner Township**, P.O. Box 118, Gray, PA 15544, **PWSID No. 4560036**, Jenner Township, **Somerset County** on March 9, 2020 for the operation of facilities approved under permit # 5617509MA for a pressure reducing vault and distribution waterlines.

**Operations Permit** issued to: **Latrobe Municipal Authority**, 104 Guerrier Road, Latrobe, PA 15650, **PWSID No. 5650060**, Derry Township, **Westmoreland County** on March 3, 2020 for the operation of facilities approved under permit # 8074-R for the reserve source designation of the Kingston Dam/Loyalhanna Creek.

**SEWAGE FACILITIES ACT PLAN APPROVAL**

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

*Southcentral Region: Water Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110.*

*Plan Location:*

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Robeson Township	8 Boonetown Road Birdsboro, PA 19508	Berks

*Plan Description:* Approval is granted for a Revision to the Official Plan of Robeson Township, Berks County. The project is known as the Michael Karwic Property. The plan provides for a proposed Small Flow Treatment Facility (SFTF) to replace a malfunctioning onlot sewage disposal system serving an existing dwelling on 5.04 acres. Total estimated sewage flows are 500 gpd, with discharge to an unnamed tributary of Pine Creek, an exceptional value water. The project is located at 1854 Hopewell Road in Robeson Township, Berks County. The Department's review of the plan revision has not identified any significant impacts resulting from this proposal. The DEP Code Number for this planning module is A3-06594-257-3S and the APS ID is 1004289. Permits for onlot sewage disposal systems must be obtained in the name of the property owner.

*Plan Location:*

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Catharine Township	1229 Recreation Drive Williamsburg, PA 16693	Blair

*Plan Description:* Approval of a revision to the official plan of Catharine Township, Blair County. The project is known as Ganister Sewer Extension. The plan provides for installation of approximately 1,800 L.F. of 3-inch low pressure sewer main and 1,600 L.F. of 2-inch low pressure sewer main to serve 23 existing properties located in the Ganister Village section of the Township by individual grinder pumps with a total of 9,200 gallons per day tributary to the Williamsburg Municipal Authority WWTP. The Department's review of the plan revision has not identified any significant impacts resulting from this proposal. The DEP Code Number for this planning module is A3-07909-092-3m and the APS Id is 1008222. Any permits must be obtained in the name of the Williamsburg Municipal Authority.

*Plan Location:*

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Snyder Township	108 Baughman Hollow Road Tyrone, PA 16686	Blair

*Plan Description:* Approval of a revision to the official plan of Snyder Township, Blair County. The project is known as George Bonsell III Property. The plan provides for the installation of a small flow treatment facility with a discharge through an easement obtained from an adjacent property owner into a drainage channel tributary to the Little Juniata River, to replace a failing on-lot sewage disposal system for a single-family dwelling on a 0.75-acre lot. The property is located at 580 Thomastown Road. The Department's review of the plan revision has not identified any significant impacts resulting from this proposal. The DEP Code Number for this planning module is A3-07920-207-3s and the APS Id is 1007018. Any permits must be obtained in the name of the property owner.

**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: Water Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110.*

*Plan Location:*

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Milford Township	10596 Licking Creek Road Mifflintown, PA 17059	Juniata

*Plan Description:* The exception to the requirement to revise the Official Plan for the Giarratana Revocable Living Trust Subdivision, DEP Code No. A3-34909-125-1, APS ID 1012387, consisting of one new single-family residential lot, is disapproved. The proposed development is located at 174 Glen Mere Lane, Mifflintown. This plan is disapproved because it does not qualify as an exception to the requirement to revise the Official Plan. It does not qualify because the subdivision proposes the use of onlot sewage disposal systems in an area within 1/4 mile of water supplies documented to exceed 5 PPM nitrate-nitrogen as per Chapter 71, § 71.51(b)(1)(ii).

*Plan Location:*

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Hopewell Township	413 Three Square Hollow Road Newburg, PA 17240	Cumberland

*Plan Description:* The planning module for Jeanne E. Wickard Revocable Living Trust, DEP Code No. A3-21911-254-3, APS Id 1010403, consisting of three single-family residential lots, is disapproved. The proposed development is located at 106 Newville Road. This plan is disapproved because the sewerage facilities intended for use are hydraulically overloaded, and a Wasteload Management Report Corrective Action Plan and Schedule as required by Chapter 94, § 94.21 has not been submitted. Chapter 94, § 94.14, and Chapter 71 state that no Official Plan or revision will be approved that is inconsistent with the requirements of Chapter 94. When an



acceptable Wasteload Management Corrective Action Plan and Schedule is submitted to the Department and the proposed plan is consistent with this Plan and Schedule, the planning module may be resubmitted for review.

*Plan Location:*

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
West Hanover Township	7171 Allentown Blvd. Harrisburg, PA 17112	Dauphin County

*Plan Description:* The request for planning exemption for the Diocese of Harrisburg Subdivision (DEP Code No. A3-22937-421-3E; APS ID No. 1010013) has been disapproved. The proposed development—to be located on the southern side of South Oak Grove Road between Allentown Boulevard and Sterling Road in West Hanover Township, Dauphin County—consists of a subdivision proposing six residential building lots and a forcemain extension to the nearest existing public sewer line. This request for planning exemption has been disapproved; the submission does not qualify as an exemption from sewage facilities planning because the subdivision proposes an extension of public sewer facilities requiring a new permit from DEP under the Pennsylvania Clean Streams Law (CSL) as per Chapter 71, § 71.51(b)(5).

## LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

### UNDER ACT 2, 1995 PREAMBLE 2

**The following plans and reports were submitted under the Land Recycling and Environmental Remediation Standards Act (35 P.S. §§ 6026.101—6026.908).**

Provisions of Sections 301—308 of the Land Recycling and Environmental Remediation Standards Act (act) (35 P.S. §§ 6026.301—6026.308) require the Department 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, contact the environmental cleanup program manager in the Department regional office under which the notice of receipt of plans or reports appears. If information con-

cerning plans or reports is required in an alternative form, contact the community relations coordinator at the appropriate regional office. TDD users may telephone the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

The Department has received the following plans and reports:

*Southeast Region: Environmental Cleanup & Brownfields Program Manager, 2 East Main Street, Norristown, PA 19401.*

**723 Wheatland Street**, 723 Wheatland Street, Phoenixville Borough, **Chester County**. Paul Martino, Pennoni Associates, Inc., 1900 Market Street, Philadelphia, PA 19103 on behalf of Jon Herzog, CSW Wheatland Associates, LP, 1300 Virginia Drive, Suite 215, Fort Washington, PA 19034 submitted a Final Report concerning remediation of site soil and groundwater contaminated with chlorinated solvents. The report is intended to document remediation of the site to meet the Site-Specific Standard.

**Woodlynde School**, 445 Upper Gulph Road, Tredyffrin Township, **Chester County**. Craig N. Herr, PG, RT Environmental Services Inc., 215 West Church Road, King of Prussia, PA 19406 on behalf of George King, The Woodlynde School, 445 Upper Gulph Road, Strafford, PA 19087 submitted a Final Report concerning remediation of site soil and groundwater contaminated with No. 2 fuel oil. The report is intended to document remediation of the site to meet the Statewide Health Standard.

**Residential Property**, 98 Flame Hill Road, Middletown Township, **Bucks County**. Thomas M. Hippensteal, PG, Envirosearch Consultants, Inc., P.O. Box 940, Springhouse, PA 19477 on behalf of Federal Mortgage National Association, 1422 Dallas Parkway, # 1000, Dallas, TX 75265 submitted a Final Report concerning remediation of site soil contaminated with No. 2 fuel oil. The report is intended to document remediation of the site to meet the Statewide Health Standard.

**2833 Huntingdon Pike**, 2833 Huntingdon Pike, Lower Moreland Township, **Montgomery County**. Richard S. Werner, Environmental Consulting, Inc., 2002 Renaissance Boulevard, Suite 110, King of Prussia, PA 19406 on behalf of Dorothy Liebold, Alfred P. Liebold Associates Family KP, 495 Lawrence Road, Huntingdon Valley, PA 19006 submitted a Final Report concerning remediation of site soil and groundwater contaminated with unleaded gasoline. The report is intended to document remediation of the site to meet the Site-Specific Standard.

*Southcentral Region: Environmental Cleanup and Brownfields Program Manager; 909 Elmerton Avenue, Harrisburg, PA 17110.*

**Bulk Chemicals, Inc.**, 809 Mohrsville Road, Mohrsville, PA 19555, Perry Township, **Berks County**. Aquaterra Technologies, Inc., P.O. Box 744, West Chester, PA 19381, on behalf of Bulk Chemicals, 809 Mohrsville Road, Mohrsville, PA 19555, submitted a Final Report concerning remediation of site soil contaminated with Nitric Acid and Chromium. The Report is intended to document remediation of the site to meet the Residential Statewide Health Standard.

**Former Lytle Farms Dump Site**, 915 East Harrisburg Pike, Middletown, PA 17057, Londonderry Township, **Dauphin County**. Liberty Environmental, Inc., 505 Penn Street, Suite 400, Reading, PA 19601, on behalf of Tuck A Way II, LLC, 1085 Manheim Pike, Lancaster, PA 17601-3117, submitted a Remedial Investigation Report

and Cleanup Plan concerning remediation of site soil contaminated with VOCs and SVOCs from a landfill. The combined Report is intended to document remediation of the site to meet the Site-Specific Standard.

*Northcentral Region: Environmental Cleanup Program Manager, 208 West Third Street, Williamsport, PA 17701, Telephone number: 570-327-3636.*

*Contact: Lisa Hensel, Clerk Typist II, 570-327-3653.*

**Lycoming Creek Road Northbound**, Lewis Township, **Lycoming County**. Northridge Group, Inc., P.O. Box 231, Northumberland, PA 17754, on behalf of Class 1 Transport, 5833 US Highway 522 South, McVeytown, PA 17051, has submitted a Final Report concerning remediation of site soil contaminated with mineral oil. The report is intended to document remediation of the site to meet the Non-Residential Statewide Health Standard.

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

For further information concerning the plans and reports, contact the environmental cleanup program man-

ager in the Department regional office under which the notice of the plan or report appears. If information concerning a final report is required in an alternative form, contact the community relations coordinator at the appropriate regional office. TDD users may telephone the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

The Department has received the following plans and reports:

*Southeast Region: Environmental Cleanup Program Manager, 2 East Main Street, Norristown, PA 19401.*

**1860 Montgomery Avenue**, 1860 Montgomery Avenue, Lower Merion Township, **Montgomery County**. Mark T. Smith, PG, Element Environmental Solutions, Inc., P.O. Box 921, 61 Willow Street, Adamstown, PA 19500 on behalf of Gary Musial, Lower Merion School District, 301 East Montgomery Avenue, Ardmore, PA 19003 submitted a Final Report concerning the remediation of site soil contaminated with No. 2 heating oil constituents. The Final Report demonstrated attainment of the residential Statewide Health Standard and was approved by the Department on February 26, 2020.

**Medical Products Laboratories, Inc.**, 9990 Global Road, City of Philadelphia, **Philadelphia County**. Terry Harris, Boucher & James, Inc., 1456 Ferry Road, Building 500, Doylestown, PA 18901 submitted a Final Report concerning the remediation of site groundwater contaminated with fuel oil components. The Final Report did not demonstrate attainment of the site-specific standard and was disapproved by the Department on February 13, 2020.

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

**J. Foltz 8H Wellsite**, 484 Oakley Road, Hop Bottom, PA 18824, Brooklyn Township, **Susquehanna County**. Civil & Environmental Consultants, 333 Baldwin Road, Pittsburgh, PA 15205 on behalf of Cabot Oil & Gas Corporation, 2000 Park Lane, Suite 300, Pittsburgh, PA 15275, submitted a Final Report concerning remediation of groundwater contaminated by a release of base oil during natural gas well drilling operations. The report documented remediation of the site to meet Statewide Health Standards and was approved by DEP on March 9, 2020.

*Southcentral Region: Environmental Cleanup and Brownfields Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110.*

**Oakland Fuel Oil Company, LLC Project**, 17607 SR 75 South, Spruce Hill Township, **Juniata County**. Northridge Group, Inc., P.O. 231, Northumberland, PA 17857, on behalf of PennDOT District 2-0, 4373 William Penn Highway, Mifflintown, PA 17059, and Enos Wengerd, 17607 SR 75 South, Port Royal, PA 17082, submitted a Final Report concerning remediation of site soil contaminated with heating oil and diesel fuel. The Final Report did not demonstrate attainment of the Residential Statewide Health Standard and was disapproved by the Department on March 5, 2020.

**Former Mt. Joy MGP**, 223-225 West Main Street, Mt. Joy, PA 17552, Mt. Joy Borough, **Lancaster County**. Silar Services, 1851 French Creek Road, Phoenixville, PA 19460, on behalf of PPL Electric Utilities, 1639 Church Road, Allentown, PA 18104-9342, and Mt. Joy Borough, 21 East Main Street, Mt. Joy, PA 17552 submitted a Remedial Investigation Report and Cleanup Plan concern-

ing remediation of site groundwater and soil with contamination from a manufactured gas plant. The Report was disapproved by the Department on March 6, 2020.

*Northcentral Region: Environmental Cleanup Program Manager, 208 West Third Street, Williamsport, PA 17701, Telephone number: 570-327-3636.*

*Contact: Lisa Hensel, Clerk Typist II, 570-327-3653.*

**1334 PA State Route 14**, Lewis Township, **Lycoming County**. Environmental Products & Services of Vermont, Inc., 2902 Reach Road, Williamsport, PA 17701, on behalf of Centre Concrete Company, 2280 E. College Avenue, State College, PA 16801, submitted a Final Report concerning remediation of site soil contaminated with diesel fuel, used motor oil, and ethylene glycol. The report demonstrated attainment of the Statewide Health Standard and was approved by the Department on March 4, 2020.

#### HAZARDOUS WASTE TRANSPORTER LICENSE

**Hazardous Waste Transporter License, actions taken under the Solid Waste Management Act of July 7, 1980 (P.L. 380, No. 97) (35 P.S. §§ 6018.101—6018.1003) and regulations to transport hazardous waste.**

*Central Office: Bureau of Land Recycling and Waste Management, Division of Hazardous Waste Management, P.O. Box 69170, Harrisburg, PA 17106-9170.*

#### *Renewal Applications Received*

**Interstate Chemical Company, Inc.**, 2797 Freeland Road, Hermitage, PA 16148. License No. PA-AH 0689. Effective February 28, 2020.

**A&D Environmental Services (SC), LLC**, 1741 Calks Ferry Road, Lexington, SC 29073. License No. PA-AH 0743. Effective March 2, 2020.

**Suttles Truck Leasing, Inc.**, P.O. Box 129, Demopolis, AL 36732. License No. PA-AH 0856. Effective March 4, 2020.

#### *Transporter Licenses Reissued*

**Interstate Chemical Company, Inc.**, 2797 Freeland Road, Hermitage, PA 16148. License No. PA-AH 0689. Effective February 28, 2020.

**A&D Environmental Services (SC), LLC**, 1741 Calks Ferry Road, Lexington, SC 29073. License No. PA-AH 0743. Effective March 2, 2020.

**Suttles Truck Leasing, Inc.**, P.O. Box 129, Demopolis, AL 36732. License No. PA-AH 0856. Effective March 4, 2020.

#### REGULATED MEDICAL AND CHEMOTHERAPEUTIC WASTE TRANSPORTER LICENSES

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

*Central Office: Bureau of Land Recycling and Waste Management, Division of Hazardous Waste Management, P.O. Box 69170, Harrisburg, PA 17106-9170.*

#### *Renewal Applications Received*

**Triumvirate Environmental, Inc.**, 200 Inner Belt Road, Somerville, MA 02143. License No. PA-HC 0245. Effective March 03, 2020.

#### *Transporter License Reissued*

**Triumvirate Environmental, Inc.**, 200 Inner Belt Road, Somerville, MA 02143. License No. PA-HC 0245. Effective March 03, 2020.

#### *Transporter License Expired*

**Biowaste Solutions Inc.**, P.O. Box 533, Huntingdon Valley, PA 19006. License No. PA-HC 0257. Effective March 4, 2020.

#### HAZARDOUS WASTE TREATMENT, STORAGE & DISPOSAL FACILITIES

**Permits Issued, Suspended, Expired, Denied, Revoked, Reinstated or Returned Under the Solid Waste Management Act of July 7, 1980 (P.L. 380, No. 97) (35 P.S. §§ 6018.101—6018.1003) and Regulations to Operate a Hazardous Waste Treatment, Storage, or Disposal Facility.**

*Southeast Region: Regional Solid Waste Manager, 2 East Main Street, Norristown, PA 19401, 484-250-5892.*

**PAD980550412. Johnson Matthey Inc.**, 900 River Road, Conshohocken, PA 19428-2647. The RCRA Part B Permit No. PAD980550412 has been terminated in response to the permittee's request to approve the clean closure certification report for Johnson Matthey, Inc. (JMI) Riverside Facility, located at 900 River Road, Conshohocken, in Upper Merion Township, **Montgomery County**. Permit termination and facility's clean closure certification report was approved by the Southeast Regional Office on January 29, 2020.

Persons interested in reviewing the clean closure certification report for the facility may contact the Pennsylvania Department of Environmental Protection ("DEP") Waste Management Program Manager, Southeast Regional Office, 2 East Main Street, Norristown, PA 19401-4915, or by telephone at 484.250.5960. TDD users may contact the DEP through the Pennsylvania AT&T Relay Service, (800) 654.5984.

#### OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE

**Permit Issued Under the Solid Waste Management Act (35 P.S. §§ 6018.101—6018.1003), the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P.S. §§ 4000.101—4000.1904) and Regulations to Operate Solid Waste Processing or Disposal Area or Site.**

*Southeast Region: Regional Solid Waste Manager, 2 East Main Street, Norristown, PA 19401, 484-250-5960.*

**Permit No. 101699. Waste Management of Fairless LLC**, 1000 New Ford Mill Road, Morrisville, PA 19067-3704, Falls Township, **Bucks County**. This major permit modification is issued under Solid Waste Permit No. 101699 for the approval to install three (3) Ultra Low Emission ("ULE") flares and two (2) emergency generator engines, that will be located in an area immediately west of the Fairless Landfill but within the permit boundary of Grows Landfill, as a primary control for landfill gas generated by the Fairless Landfill, GROWS Landfill, and GROWS North Landfill. The Fairless Landfill is a municipal waste landfill located in Falls Township, **Bucks**

**County.** The permit was issued by the Southeast Regional Office on February 7, 2020.

Persons interested in reviewing the permit may contact the Pennsylvania Department of Environmental Protection ("DEP") Waste Management Program Manager, Southeast Regional Office, 2 East Main Street, Norristown, PA 19401-4915, or by telephone at 484.250.5960. TDD users may contact the DEP through the Pennsylvania AT&T Relay Service, (800) 654.5984.

**Permit No. 101710. Envirowaste, LLC,** 13 Pattison Avenue, Philadelphia, PA 19148-5607. This major permit modification under Solid Waste Permit No. 101710 is for the following: (i) Increase the facility's total daily waste limit for direct transfer and processing from 1,000 tons per day to 1,400 tons per day; (ii) Restrict the daily limit for C&D waste processed under General Permit No. WMGM043SE001 to 200 tons per day; (iii) Allow acceptance of up to 1,200 tons per day of either MSW or C&D for direct transfer only; (iv) Expand and improve the transfer/processing building to accommodate the increase in the daily volume and provide additional storage; and (v) Reduce the DEP authorized permit boundary, eliminating outside storage of processed materials under WMGM043SE001. The Envirowaste C&D and MSW Transfer Facility is a permitted C&D and MSW transfer facility located in the City and **County of Philadelphia.** The major permit modification was issued by the Southeast Regional Office on February 7, 2020.

Persons interested in reviewing the major permit modification may contact the Pennsylvania Department of Environmental Protection ("DEP") Waste Management Program Manager, Southeast Regional Office, 2 East Main Street, Norristown, PA 19401-4915, or by telephone at 484.250.5960. TDD users may contact the DEP through the Pennsylvania AT&T Relay Service, (800) 654.5984.

## AIR QUALITY

**General Plan Approval and Operating Permit 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.**

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

*Contact: Raymond Kempa, New Source Review Chief—Telephone: 570-826-2531.*

**GP1-39-010: Keurig Dr. Pepper** (7352 Industrial Blvd., Allentown, PA 18106) on March 4, 2020 for the operation of three boilers site located in Upper Macungie Twp., **Lehigh County.**

*Southcentral Region: Air Quality Program, 909 Elmerston Avenue, Harrisburg, PA 17110.*

*Contact: Thomas Hanlon, Facilities Permitting Chief, 717-705-4862, Thomas Bianca, New Source Review Chief, 717-705-4863, or William Weaver, Regional Air Quality Manager, 717-705-4702.*

**GP1-67-03077: Dallastown Area School District** (700 New School Lane, Dallastown, PA 17313) on March 3, 2020, for two existing 12.0 MMBtu/hr boilers (NG and # 2 oil) at the school facility located in York Township, **York County.** The general permit authorization was renewed.

*Northcentral Region: Air Quality Program, 208 West Third Street, Williamsport, PA 17701.*

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

**GP1-55-134: Kreamer Feed, Inc.** (P.O. Box 38, 215 Kreamer Avenue, Kreamer, PA 17833) on February 27, 2020 to authorize the operation of a 12.6 million Btu per hour, natural gas-fired boiler pursuant to the General Plan Approval and General Operating Permit for Feed Mills (BAQ-GPA/GP-1) at their facility in Middlecreek Township, **Snyder County.**

**AG5-59-00009A: NFG Midstream Wellsboro, LLC** (6363 Main Street, Williamsville, NY 14221) on February 28, 2020, to authorize the construction and operation of new sources and continued operation of existing sources pursuant to the General Plan Approval and/or General Operating Permit for Natural Gas Compression Stations, Processing Plants, and Transmission Stations (BAQ-GPA/GP-5) at the Wellsboro Tract 007 Compressor Station located in Delmar Township, **Tioga County.** The authorized sources include one (1) 1,900 bhp GE Waukesha model VHP-L7044GSI S5 four stroke, rich-burn, natural gas-fired compressor engine equipped with non-selective catalytic reduction (ENG-001), two (2) 16,800-gallon waste fluids storage tanks (T001 and T006), two (2) 3,000-gallon lube oil tanks (T004 and T005), two (2) 1,500-gallon glycol tanks (T002 and T003), one (1) 0.14 MMBtu/hr natural gas-fired fuel gas heater (HTR-006), two (2) triethylene glycol natural gas dehydration units (DEHY-001 and DEHY-002) each consisting of a 150 million standard cubic feet per day throughput natural gas dehydrator equipped with a flash tank (FLT-001 and FLT-002) and a 2.25 MMBtu/hr natural-gas fired reboiler (RB-001 and RB-002), one (1) 302 bhp (225 kw) natural gas-fired emergency generator engine (GEN-001), two (2) 7.75 MMBtu/hr natural gas-fired pipeline heaters (PH-001 and PH-002), one (1) 120,000 Btu/hr fuel gas heater (HTR-001), four (4) 25,000 Btu/hr regulator heaters (HTR-002, HTR-003, HTR-004 and HTR-005) along with associated fugitive components (FUG-001), miscellaneous gas venting (MGV-001) and liquids loading (L-001).

*Southwest Regional Office, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.*

*Contact: Edward Orris, New Source Review Chief, 412.442.4168.*

**GP5-65-01118B: Apex WML Midstream, LLC** (6041 Wallace Road Ext., Suite 100, Building 3, Wexford, PA 15090) on March 5, 2020, received authorization under GP-5 for construction and/or operation of sources and controls associated at its Weitz Compressor Station facility located in Hempfield Township, **Westmoreland County.**

**GP5-30-00247A: CNX Midstream Operating Co., LLC** (1000 Consol Energy Drive, Canonsburg, PA 15317) on March 10, 2020, in addition to the currently permitted units for authorization to install and operate: three (3) natural gas-fired Caterpillar G3608, rated at 2,500 bhp; two (2) 20" pig receivers; additional fugitive components as well as modify the following permitted sources: Increase three (3) TEG dehydration units rating from 225 MMscfd to 450 MMscfd; Increase the throughput capacity for one (1) 400 bbl Condensate Storage Tank, one (1) 400 bbl Produced Water Storage Tank, and Truck load-out operations; as well as remove the following units from the permit: one (1) natural gas-fired Caterpillar G3616, rated at 5,000 bhp; one (1) TEG dehydration unit rated at 225 MMscfd; pursuant to the General Plan Approval and/or

General Operating Permit for Natural Gas Compression and/or Processing Facilities (BAQGPA/GP-5) at the Buckland Compressor Station located in Richhill Township, **Greene County**.

**Plan Approvals Issued 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.**

*Philadelphia: Air Management Services, 321 University Avenue, Philadelphia, PA 19104-4543, Contact: Edward Wiener, Chief, Source Registration at 215.685.9426.*

The City of Philadelphia, Air Management Services (AMS) issued on 3/9/2020 a Plan Approval for installation of air pollution sources at the following facility:

**IP19-000706: Lutheran Theological Seminary at Philadelphia** (7301 Germantown Avenue, Philadelphia, PA 19119) for the installation of air pollution sources at a private school, in the City of Philadelphia, **Philadelphia County**. The following significant stationary air emission sources are part of the Plan Approval: five (5) boilers firing natural gas each rated less than or equal to 2 MMBtu/hr, and one (1) emergency generator firing diesel fuel rated 207 HP. Additionally, three (3) insignificant hot water heaters firing natural gas each rated less than 0.2 MMBtu/hr and two (2) insignificant emergency generators firing natural gas each rated less than or equal to 30.2 HP, are also included in the Plan Approval for facility-wide emission calculation, and they are required to follow the applicable requirements in the Plan Approval. The plan approval contains operating, monitoring, and recordkeeping requirements to ensure operation within all applicable requirements.

*Southcentral Region: Air Quality Program, 909 Elmerston Avenue, Harrisburg, PA 17110.*

*Contact: Thomas Hanlon, Facilities Permitting Chief, 717-705-4862, Thomas Bianca, New Source Review Chief, 717-705-4863, or William Weaver, Regional Air Quality Manager, 717-705-4702.*

**67-05014C: York Group Inc.** (2880 Black Bridge Road, York, PA 17406-9703) on March 4, 2020, for the approval of a Reasonably Available Control Technology 2 (RACT 2) plan, as a plan approval and proposed SIP revision, for the Sources 200, 205, 220, 225, 230, 240, 260, 270, 280, 290, and 295, spray coating booths, at the casket manufacturing facility located in Manchester Township, **York County**. The plan approval will authorize removal of the existing VOC control system and replacement of it with a dual train regenerative thermal oxidizer control system, with each train preceded by a cartridge collector. The system will control VOC emissions from Sources 220, 225, 230, 240, 260, and 295. The plan approval will also address modification, as a proposed SIP revision, of the facility's SIP-ed RACT 1 requirements to reflect the modified control arrangements. The plan approval also adds a RACT compliance schedule for the facility, adds a 60.06 tpy emission cap to the sources in Group 003, and makes various minor administrative changes to the existing sources/requirements. The portions of the permit related to approval of the RACT 2 case-by-case proposal, and RACT 1 revision will be submitted to US EPA for approval and incorporation into Pennsylvania's State Implementation Plan (SIP). Other requirements will be excluded from the SIP submittal.

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

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

**43-309C: Deist Industries Incorporated dba Bucks Fabricating Incorporated** (3547 Perry Highway, Hadley, PA 16130), on March 5, 2020 issued a Plan Approval for the construction, installation, and temporary operation of a third surface coating booth and a heated make-unit, a source modification to Source 102, and an increase in the facility-wide potential to emit (PTE) to 67 tons per consecutive 12-month period in Sandy Creek Township, **Mercer County**. This is a State Only facility which will become a Title V facility because of this permit action.

**62-0320: Ellwood National Forge, Irvine Plant** (1 Front Street, Irvine, PA 16329-1801), on February 26, 2020 issued a Plan Approval for the proposed construction of a natural gas fired boiler rated at 11.5 MMBtu/hr; removal of Source 032 (Union Boiler); increase natural gas throughout to Source 033 (Natural Gas Space Heater); and decrease natural gas throughout to Source 112 (ENC Heat Treat) in Brokenstraw Township, **Warren County**. This is a Title V facility.

**Plan Approval Revisions Issued including Extensions, Minor Modifications and Transfers of Ownership under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and 25 Pa. Code §§ 127.13, 127.13a and 127.32.**

*Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19401.*

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

**46-0005AR: Merck Sharp & Dohme Corp** (70 Sumneytown Pike, P.O. Box 4 Wp20-205, West Point, PA 19486-8000) on March 5, 2020 for the production of biological products in Upper Gwynedd Township, **Montgomery County**.

**09-0236: Covanta Metals Management** (445 South Street, Morristown, NJ 07960-6475) on March 9, 2020 an extension for the temporary operation of a Non-Ferrous Metal Recovery Facility in Falls Township, **Bucks County**.

**23-0014I: Kimberly Clark** (Front and Avenue of the States, Chester, PA 19013) on March 9, 2020 an extension for the installation of a cogeneration system in Chester City, **Delaware County**.

*Southcentral Region: Air Quality Program, 909 Elmerston Avenue, Harrisburg, PA 17110.*

*Contact: Thomas Hanlon, Facilities Permitting Chief, 717-705-4862, Thomas Bianca, New Source Review Chief, 717-705-4863, or William Weaver, Regional Air Quality Manager, 717-705-4702.*

**36-05158D: Perdue AgriBusiness, LLC** (1897 River Road, Marietta, PA 17547) on March 4, 2020, for the modification of the vertical seed conditioner (VSC) fan discharge and the ability to combust propane in Grain Dryer No. 2 (Source ID 104) at the soybean processing facility in Conoy Township, **Lancaster County**. The plan approval was extended, with a compliance schedule, and a revised stack testing schedule.

**36-05158E: Perdue AgriBusiness, LLC** (1897 River Road, Marietta, PA 17547) on March 4, 2020, for the modification to the 40 CFR Part 64, Continuous Assur-

ance Monitoring (CAM) pressure differential ranges for various particulate matter control devices, and the modification of the mineral oil absorber temperature and flow rate requirements and the mineral oil condenser coolant temperature and flow rate requirements, at the soybean processing facility in Conoy Township, **Lancaster County**. The plan approval was extended, with a compliance schedule.

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**Title V Operating Permits Issued under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and 25 Pa. Code Chapter 127, Subchapter G.**

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*Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19401.*

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

**09-00017: Exelon Generation Co.**, Falls Generating Station (1123 Old Bristol Pike, Morrisville, PA 19067) on March 9, 2020 for the renewal of the Title V Operating Permit for this location in Falls Township, **Bucks County**.

**09-00210: Waste Management of Fairless, LLC** (1000 New Ford Mill Rd, Morrisville, PA 19067) on March 9, 2020 for the initial State Only Operating Permit for a new municipal landfill and landfill gas collection system in Falls Township, **Bucks County** (Fairless Landfill).

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

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

**40-00129: Moxie Freedom, LLC dba Caithness Moxie Freedom** (565 5th Ave, FL 29, New York, NY 10017-2478). The Department issued, on 3/5/2020, a Title V Operating Permit for operation of sources at an electricity generating station in Salem Township, **Luzerne County**. The sources on site include two identical 1 × 1 power blocks, each consisting of a combustion gas turbine (CGT or CT) and a steam turbine (ST) configured in single shaft alignment fueled exclusively by pipeline-quality natural gas. HRSGs are equipped with selective catalytic reduction (SCR) to minimize nitrogen oxide (NO<sub>x</sub>) emissions and oxidation catalysts to minimize carbon monoxide (CO) and volatile organic compound (VOC) emissions from the CTs and duct burners. Other ancillary sources on site include: one fuel gas dew-point natural gas-fired heater, one natural gas-fired auxiliary boiler, one diesel engine powered emergency generator, and one diesel engine powered fire water pump. Storage tanks on site include diesel fuel, lubricating oil, and aqueous ammonia storage tanks. The Title V Operating Permit includes all applicable emission limits, work practice standards, testing, monitoring, recordkeeping and reporting requirements designed to keep the facility operating within applicable air quality requirements.

*Northcentral Region: Air Quality Program, 208 West Third Street, Williamsport, PA 17701.*

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

**59-00002: Dominion Energy Transmission Inc.** (5000 Dominion Boulevard, Glen Allen, VA 23060) was issued a Title V operating permit on February 27, 2020, for Title V operating permit renewal for operation of their Tioga Transmission Station located in Farmington Township, **Tioga County**. The 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.

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

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

**10-00267: Kawneer Commercial Windows, LLC** (71 Progress Ave., Cranberry Township, PA 16066-3511, **Venango County**). On March 4, 2020, the Department issued a modification of the Title V Operating Permit to incorporate RACT II presumptive and case-by-case requirements for the manufacturing facility. The facility is major for VOC and not NO<sub>x</sub>; thus, the RACT II Review only addresses emissions of VOC. The Cranberry Township facility manufactures commercial windows that includes the operation of surface coating processes and various process ovens. The surface coating processes are subject to 40 CFR 63 Subpart M—NESHAP for Surface Coating of Miscellaneous Metal Parts and Products. Various process heaters are subject to 40 CFR 63 Subpart D—NESHAP for Major Sources: Industrial, Commercial and Institutional Boilers and Process Heaters. The emergency generator is subject to 40 CFR 60 Subpart III NSPS for Stationary Compression Ignition Internal Combustion Engines. The Tellkamp Line and Binks Booth are subject to 25 Pa. Code § 129.52 for surface coating processes and the parts washers are subject to 25 Pa. Code § 129.63, which ensure compliance with RACT II requirements (§ 129.96(a)). This RACT II major modification addresses several VOC emission sources subject to an alternative RACT proposal pursuant to § 129.99(c), including the coated-extrusion bake oven, fill line adhesive application (1 line), assembly (sealing, cleaning, and touch-up), and the paint kitchen. This RACT II major modification also addresses the emergency generator, which is a VOC source subject to presumptive RACT II work practice requirements pursuant to § 129.97(c)(5) for a stationary internal combustion engine rated at less than 500 bhp (gross). The permit contains emission restrictions, recordkeeping, work practices, and additional requirements to ensure compliance with the Clean Air Act and the Air Pollution Control Act.

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**Operating Permits 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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*Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19401.*

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

**46-00052: Pottstown Hospital LLC, dba Pottstown Hospital** (1600 E High Street, Pottstown, PA 19464) on March 4, 2020 for the renewal of a State Only Operating Permit for the operation of a general medical and surgical hospital in Pottstown Borough, **Montgomery County**.

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

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

**54-00083: Trans Western Polymers, Inc.** (31 Progress Avenue, Tamaqua, PA 18252-4333). The Department issued, on March 3, 2020, a State-Only Operating Permit for the operation of sources at the Trans Western facility located in Rush Township, **Schuylkill County**. Business activities performed at this facility include the manufac-

turing of plastic waste bags from polyethylene pellets. The sources include thirty ink jet printers. The operating permit contains all applicable requirements for emission limitations, work practice standards, testing, monitoring, recordkeeping, and reporting standards used to verify facility compliance with Federal and State air pollution regulations.

*Southcentral Region: Air Quality Program, 909 Elmer-ton Avenue, Harrisburg, PA 17110.*

*Contact: Thomas Hanlon, Facilities Permitting Chief, 717-705-4862, Thomas Bianca, New Source Review Chief, 717-705-4863, or William Weaver, Regional Air Quality Manager, 717-705-4702.*

**36-03054: Esbenshade Greenhouses, Inc.** (546 East 28th Division Highway, Lititz, PA 17543-9766) on March 3, 2020, for the greenhouse facility located in Elizabeth Township, **Lancaster County**. The State-only permit was renewed.

**44-03014: Barr Funeral Home, Inc.** (120 Logan Street, Lewistown, PA 17044) on March 5, 2020, for the human crematory at the facility located in Lewistown Borough, **Mifflin County**. The State-only permit was renewed.

**67-05020: Exelon Generation Co., LLC** (1848 Lay Road, Delta, PA 17314-9032) on March 5, 2020, for the boilers, engines and cooling towers at the Peach Bottom Nuclear Power station located in Peach Bottom Township, **York County**. The State-only permit was renewed.

**36-03002: High Concrete Structures, Inc.** (125 Denver Road, Denver, PA 17517-9314) on March 5, 2020, for the architectural and structural precast concrete systems manufacturing facility located in East Cocalico Township, **Lancaster County**. The State-only permit was renewed.

*Southwest Regional Office, 400 Waterfront Drive, Pitts-burgh, PA 15222-4745.*

*Contact: Thomas Joseph, Facilities Permitting Chief, 412.442.4336.*

**11-00529: Ebensburg Animal Hospital** (922 Rowena Drive, Ebensburg, PA 15931), Natural Minor Operating Permit. On February 25, 2020, the Department of Environmental Protection authorized a renewed natural minor State-only operating permit for the operation of the facility's air contamination source consisting of one natural gas-fired, 100 lb/hr Matthews International-Cremation Division IEB-16 crematory incinerator rated at 0.750 MMBtu/hr primary chamber and 2.0 MMBtu/hr secondary chamber located in Ebensburg Borough, **Cambria County**. The permit includes emission restrictions, operating requirements, monitoring requirements, work practice standards, and recordkeeping requirements for the site.

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

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

**33-00132: Matson Lumber Brookville Plant** (132 Main St, Brookville, PA 15825). On March 5, 2020, the Department issued the renewal State Only Natural Minor Operating Permit for the sawmill operations located in Brookville Borough, **Jefferson County**. The facility's primary emission sources include two (2) natural gas-fired stand-by boilers, the 20.6 MMBtu/hr wood-fired boiler, miscellaneous woodworking with a silo, the wood-drying kilns, and parts washers. The potential emissions of the primary pollutants from the facility are as follows:

24.65 TPY (tons per year) NO<sub>x</sub>, 58.17 TPY CO, 4.46 TPY VOC, 18.14 TPY filterable PM<sub>10</sub>, 14.53 TPY PM<sub>2.5</sub>, and 2.28 TPY SO<sub>x</sub>; thus, the facility is a natural minor. The wood boiler is subject to 40 CFR 63 Subpart JJJJJJ, NESHAP for Industrial, Commercial, and Institutional Boilers Area Sources. The renewal permit contains emission restrictions, recordkeeping, work practices, and additional requirements to ensure compliance with the Clean Air Act and the Air Pollution Control Act.

**61-00204: Franklin Bronze Precision Components, LLC** (655 Grant Street, Franklin, PA 16323). On March 3, 2020, the Department renewed a State Only Operating Permit for the facility located in the Sugarcreek Borough, **Venango County**. The primary sources at the facility include a 1 million Btu/hr natural gas fueled mold de-wax furnace; 2 natural gas fueled shell pre-heat furnaces, rated at 600,000 Btu/hr and 850,000 Btu/hr; 5 induction furnaces; a 750,000 Btu/hr natural gas fueled de-wax oven; saws and grinders; 9 natural gas fueled space heaters; 2 natural gas fueled emergency generators; a 650,000 Btu/hr natural gas fueled wastewater evaporator; and a parts washer. The facility is a Natural Minor. Potential emissions are 3.19 tpy NO<sub>x</sub>; 12.29 tpy PM; 1.74 tpy CO; and less than 1 tpy SO<sub>x</sub>, VOC, and HAPs. The facility is subject to 40 CFR Part 63 Subpart ZZZZ, National Emission Standards for Hazardous Air Pollutants: Area Source Standards for Iron & Steel Foundries. The emergency generators are subject to 40 CFR Part 63 Subpart ZZZZ, National Emission Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines. The renewal permit contains emission restrictions, recordkeeping, work practice, and additional requirements to ensure compliance with the Clean Air Act and the Air Pollution Control Act.

**Operating Permit Revisions Issued including Administrative Amendments, Minor Modifications or Transfers 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.**

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

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

**40-00008: Offset Paperback Mfrs** (2211 Memorial Hwy, Dallas, PA 18612) on March 4, 2020, for the facility located in Dallas Borough, **Luzerne County**. This State Only Operating Permit was administratively amended to reflect a change in the responsible official of the facility.

*Southcentral Region: Air Quality Program, 909 Elmer-ton Avenue, Harrisburg, PA 17110.*

*Contact: Thomas Hanlon, Facilities Permitting Chief, 717-705-4862, Thomas Bianca, New Source Review Chief, 717-705-4863, or William Weaver, Regional Air Quality Manager, 717-705-4702.*

**36-05117: Dart Container Corporation of PA** (110 Pitney Road, Lancaster, PA 17602) on March 3, 2020, for the expandable polystyrene foam container manufacturing facility located in East Lampeter Township, **Lancaster County**. The Title V Operating Permit underwent a significant modification related to the approval of a Reasonably Available Control Technology II (RACT 2) plan. The permit modification also included certain minor administrative updates, and the incorporation of the provisions of GP1-36-05117A, including a compliance schedule for the Boiler 3 stack testing. The portions of the permit related to approval of the RACT 2 case-by-case

proposal will be submitted to US EPA for approval and incorporation into Pennsylvania's State Implementation Plan (SIP). Other requirements will be excluded from the SIP submittal.

*Northcentral Region: Air Quality Program, 208 West Third Street, Williamsport, PA 17701.*

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

**19-00007: Transcontinental Gas Pipe Line Company, LLC** (P.O. Box 1396, Houston, TX 77251-1396) on February 24, 2020, was issued a revised Title V operating permit for their Compressor Station 517 located in Jackson Township, **Columbia County** for a change in the responsible official for the facility. The revised Title V operating permit contains all applicable regulatory requirements including monitoring, recordkeeping and reporting conditions.

**41-00001: Transcontinental Gas Pipe Line Company, LLC** (P.O. Box 1396, Houston, TX 77251-1396) on February 24, 2020, was issued a revised Title V operating permit for their Compressor Station 520 located in Mifflin Township, **Lycoming County** for a change in the responsible official for the facility. The revised Title V operating permit contains all applicable regulatory requirements including monitoring, recordkeeping and reporting conditions.

**53-00002: Transcontinental Gas Pipe Line Company, LLC** (P.O. Box 1396, Houston, TX 77251-1396) on February 24, 2020, was issued a revised Title V operating permit for their Compressor Station 535 located in Wharton Township, **Potter County** for a change in the responsible official for the facility. The revised Title V operating permit contains all applicable regulatory requirements including monitoring, recordkeeping and reporting conditions.

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

*Northcentral Region: Air Quality Program, 208 West Third Street, Williamsport, PA 17701.*

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

**12-00002: GKN Sinter Metals, Inc.** (1 Airport Road, Emporium, PA 15834) on March 3, 2020, the State Only (Natural Minor) operating permit 12-00002 was terminated for their Shippen Township Plant 1 facility located in Shippen Township, **Cameron County**, as all previously permitted air contaminant sources have been removed from the facility or rendered permanently inoperable. State Only (Natural Minor) operating permit 12-00002 is hereby terminated.

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

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

**24-00062: Metal Powder Products** (879 Washington Street, Saint Marys, PA 15857-3644) on March 3, 2020, the permit was revoked for the facility located in Saint Marys City, **Elk County**. This State Operating Permit was revoked because the sources at the facility are all exempt and actual emissions are less than permitting thresholds.

**ACTIONS ON COAL AND NONCOAL MINING ACTIVITY 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 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—6018.1003).**

*Coal Permits Issued*

*California District Office: 25 Technology Drive, Coal Center, PA 15423, 724-769-1100, (Contact: Bonnie Herbert).*

**17851501 and NPDES Permit No. PA0215694. RES Coal, LLC**, 224 Grange Hall Road, P.O. Box 228, Armagh, PA 15920, to renew the NPDES permit for Clearfield Siding located in Boggs Township, **Clearfield County**. No additional discharges. The application was considered administratively complete on December 16, 2015. Application received: July 22, 2015. Permit issued: March 5, 2020.

**30120701 and NPDES Permit No. PA0236179. Cumberland Contura, LLC**, 158 Portal Road, P.O. Box 1020, Waynesburg, PA 15370 to operate a new coal refuse disposal and related NPDES Permit for the Cumberland Mine Coal Refuse Disposal Area No. 3 located in Whiteley Township, **Greene County**, affecting 548.5 proposed surface acres, 343.9 proposed coal refuse disposal support acres, and 204.6 proposed coal refuse disposal acres. In conjunction with this approval, the Department is granting 401 Water Quality Certification certifying that the approved activities will comply with the applicable provisions of sections 301—303, 306, and 307 of the Federal Water Pollution Control Act (33 U.S.C.A. § 1341) and will not violate applicable Federal and State water quality standards. Receiving stream(s): Unnamed Tributary to Whiteley Creek classified for the following use: TSF. The application was considered administratively complete on September 3, 2014. Application received: August 30, 2012. Permit issued: March 2, 2020.

**30841317 and NPDES Permit No. PA0213527. Consol Pennsylvania Coal Company LLC**, 1000 Consol Energy Drive, Suite 100, Canonsburg, PA 15317 to revise the permit and the related NPDES permit for the inclusion of the Farmer Lane Tank. This is an existing facility previously permitted by CNX Gas, for the Enlow Fork Mine located in Richhill Township, **Greene County** and South Franklin Township, **Washington County**, affecting 1.2 proposed surface acre. No additional discharges. The application was considered administratively complete on August 20, 2018. Application received: June 14, 2018. Permit issued: March 6, 2020.

**30841317 and NPDES Permit No. PA0213527. Consol Pennsylvania Coal Company LLC**, 1000 Consol Energy Drive, Suite 100, Canonsburg, PA 15317 to



revise the permit and the related NPDES permit for installation of an air shaft site, six boreholes, and two NPDES outfalls for the Enlow Fork Mine located in Richhill and Morris Townships, **Greene County**, affecting 28.3 proposed surface acres. Receiving stream(s): Unnamed Tributary to Bates Fork classified for the following use: HQ-WWF. The application was considered administratively complete on February 22, 2019. Application received: January 2, 2018. Permit issued: March 6, 2020.

*Cambria District Mining Office: 286 Industrial Park Road, Ebensburg, PA 15931, 814-472-1900, (Contact: Holly Calvetti).*

**Permit 05070101. J&J Svonavec Excavating, Inc.**, 110 Windermere Lane, Somerset, PA 15501, permit renewal for reclamation only of a bituminous surface mine in Broad Top Township, **Bedford County**, affecting 129 acres. Receiving stream(s): East Fork and North Fork Brewster Hollow Run classified for the following use(s): WWF. The first downstream potable water supply intake from the point of discharge is Saxton Municipal Authority on Raystown Branch Juniata River. Application received: January 7, 2020. Permit Issued: March 4, 2020

*Moshannon District Mining Office: 186 Enterprise Drive, Philipsburg, PA 16866, 814-342-8200, (Contact: Janet Turner).*

**17930103 and NPDES PA0207241. Junior Coal Contracting, Inc.**, 2330 Six Mile Road, Philipsburg, PA 16866, permit renewal for continued operation and restoration of a bituminous surface coal and auger mine located in Girard Township, **Clearfield County** affecting 309.9 acres. Receiving stream(s): Unnamed Tributaries to Beaver Run and Beaver Run classified for the following use(s): CWF, MF. There are no potable water supply intakes within 10 miles downstream. Application received: April 2, 2018. Permit issued: March 4, 2020.

*New Stanton District Office: P.O. Box 133, 131 Broadview Road, New Stanton, PA 15672, 724-925-5500. (Contact: Tracy Norbert).*

**26130102 and NPDES Permit No. PA0252344. Valhalla Mining Company, LLC**, 170 Yasenosky Road, Smithfield, PA 15478. Permit renewal issued for continued mining of a bituminous surface mining site located in Dunbar Township, **Fayette County**, affecting 61.6 acres. Receiving stream(s): Unnamed tributaries to Gist Run. Application received: November 5, 2018. Renewal permit issued: March 4, 2020.

*Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901, 570-621-3118, (Contact: Theresa Reilly-Flannery).*

**Permit No. 40840202R7. Silverbrook Anthracite, Inc.** (1 Market Street, Laflin, PA 18702), renewal of an existing anthracite coal refuse reprocessing and preparation plant operation in Laflin Borough, **Luzerne County** affecting 30.3 acres. Receiving stream: Gardner Creek. Application received: November 12, 2019. Renewal issued: March 3, 2020.

**Permit No. PAM119030. Silverbrook Anthracite, Inc.** (1 Market Street, Laflin, PA 18702), coverage under the General NPDES Stormwater Permit for stormwater discharges associated with mining activities on Surface Mining Permit No. 40840202 in Laflin Borough, **Luzerne County**, receiving stream: Gardner Creek. Application received: November 12, 2019. Permit issued: March 3, 2020.

#### *Noncoal Permits Issued*

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

**37160301 and NPDES Permit No. PA0280682. Allegheny Mineral Corporation** (P.O. Box 1022, Kittanning, PA 16201). Commencement, operation and restoration of an industrial mineral mine in Slippery Rock Township, **Lawrence County** affecting 601.5 acres. Receiving streams: Slippery Rock Creek, classified for the following use: CWF. The first downstream potable water supply intake from the point of discharge is Camp Allegheny. Application received: March 1, 2019. Permit Issued: March 2, 2020.

**1270-37160301-E3719-001. Allegheny Mineral Corporation** (P.O. Box 1022, Kittanning, PA 16201). Application for a stream encroachment to construct a haul road over unnamed tributary No. 1 to Slippery Rock Creek and for wetland mitigation activities to take place within 100 feet of the stream in Slippery Rock Township, **Lawrence County**. Receiving streams: Slippery Rock Creek, classified for the following use: CWF. The first downstream potable water supply intake from the point of discharge is Camp Allegheny. Application also includes a request for a Section 401 Water Quality Certification. Application received: March 1, 2019. Permit Issued: March 2, 2020.

**1270-37160301-E3719-002. Allegheny Mineral Corporation** (P.O. Box 1022, Kittanning, PA 16201). Application for a stream encroachment to construct a haul road over Unnamed tributary No. 2 to Slippery Rock Creek in Slippery Rock Township, **Lawrence County**. Receiving streams: Slippery Rock Creek, classified for the following use: CWF. The first downstream potable water supply intake from the point of discharge is Camp Allegheny. Application also includes a request for a Section 401 Water Quality Certification. Application received: March 1, 2019. Permit Issued: March 2, 2020.

**1270-37160301-E3719-003. Allegheny Mineral Corporation** (P.O. Box 1022, Kittanning, PA 16201). Application for a stream encroachment to construct a haul road over Unnamed tributary No. 4 to Slippery Rock Creek in Slippery Rock Township, **Lawrence County**. Receiving streams: Slippery Rock Creek, classified for the following use: CWF. The first downstream potable water supply intake from the point of discharge is Camp Allegheny. Application also includes a request for a Section 401 Water Quality Certification. Application received: March 1, 2019. Permit Issued: March 2, 2020.

**1270-37160301-E3719-004. Allegheny Mineral Corporation** (P.O. Box 1022, Kittanning, PA 16201). Application for a stream encroachment to construct a haul road over Unnamed tributary No. 5 to Slippery Rock Creek in Slippery Rock Township, **Lawrence County**. Receiving streams: Slippery Rock Creek, classified for the following use: CWF. The first downstream potable water supply intake from the point of discharge is Camp Allegheny. Application also includes a request for a Section 401 Water Quality Certification. Application received: March 1, 2019. Permit Issued: March 2, 2020.

**1270-37160301-E-5. Allegheny Mineral Corporation** (P.O. Box 1022, Kittanning, PA 16201). Application for a stream encroachment to utilize an existing pond as Sediment Pond H within 100 feet of Unnamed tributary No. 5 to Slippery Rock Creek in Slippery Rock Township, **Lawrence County**. Receiving streams: Slippery Rock Creek, classified for the following use: CWF. The first downstream potable water supply intake from the point

of discharge is Camp Allegheny. Application also includes a request for a Section 401 Water Quality Certification. Application received: March 1, 2019. Permit Issued: March 2, 2020.

**1270-37160301-E-6. Allegheny Mineral Corporation** (P.O. Box 1022, Kittanning, PA 16201). Application for a stream encroachment to utilize an existing pond as Sediment Pond F within 100 feet of Unnamed tributary No. 8 to Slippery Rock Creek in Slippery Rock Township, **Lawrence County**. Receiving streams: Slippery Rock Creek, classified for the following use: CWF. The first downstream potable water supply intake from the point of discharge is Camp Allegheny. Application also includes a request for a Section 401 Water Quality Certification. Application received: March 1, 2019. Permit Issued: March 2, 2020.

**37160301. Allegheny Mineral Corporation** (P.O. Box 1022, Kittanning, PA 16201). Application for a wetlands encroachment to allow for direct impacts to 3.59 acres of emergent wetlands, 1.145 acre of scrub-shrub wetlands, and 0.035 acre of forested wetlands in Slippery Rock Township, **Lawrence County**. As replacement for the wetland impacts, 3.59 acres of emergent wetlands, 2.29 acres of scrub-shrub wetlands, and 0.105 acre of forested wetlands will be developed according to the Module 14.4 mitigation plan. In conjunction with this approval, the Department is granting 401 Water Quality Certification certifying that the approved activities will comply with the applicable provisions of sections 301—303, 306, and 307 of the Federal Water Pollution Control Act (33 U.S.C.A. § 1341) and will not violate applicable Federal and State water quality standards. Application received: March 1, 2019. Permit Issued: March 2, 2020.

*Moshannon District Mining Office: 186 Enterprise Drive, Philipsburg, PA 16866, 814-342-8200, (Contact: Janet Turner).*

**PAM219017. Daniel M. Abell**, 5547 Reagan Hill Road, Warren Center, PA 18851, coverage under General NPDES Permit for Stormwater Discharges Associated with Mining Activities (BMP GP-104) on Noncoal Permit No 08070801 located in Warren Township, **Bradford County**. Receiving stream(s): Unnamed Tributary to Wappasening Creek classified for the following use(s): CWF, MF. There are no potable water supply intakes within 10 miles downstream. Notice of Intent for Coverage received: October 15, 2019. Permit issued: March 3, 2020.

**41990301 and NPDES No. PA0238287. Glenn O. Hawbaker, Inc.** (1952 Waddle Road, Suite 203, State College, PA 16803). Permit revision to add 2.8 acres on an existing large noncoal mine in Armstrong Township, **Lycoming County**, affecting 44.07 acres. Receiving streams: Hagerman's Run classified for the following use(s): EV, CWF, MF. There are no potable water supply intakes within 10 miles downstream. Application received: September 11, 2019. Permit issued: March 4, 2020.

*New Stanton District Office: P.O. Box 133, 131 Broadview Road, New Stanton, PA 15672, 724-925-5500. (Contact: Tracy Norbert).*

**65000801. John B. Neiderhiser, Inc.**, 1665 Whistlewind Farm Lane, Ligonier, PA 15658-2130. Final bond release for a small noncoal mining operation in Cook Township, **Westmoreland County**. Restoration of 14.9 acres. Application received: October 24, 2019. Final bond release approved: February 28, 2020.

## ACTIONS ON BLASTING ACTIVITY APPLICATIONS

**Actions on applications 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 Issued*

*Moshannon District Mining Office: 186 Enterprise Drive, Philipsburg, PA 16866, 814-342-8200, (Contact: Janet Turner).*

**08204102. Meshoppen Blasting Inc.**, Frantz Road, P.O. Box 127, Meshoppen, PA 18630, blasting for gas pad in Wyalusing Borough, **Bradford County** with an expiration date of February 21, 2021. Permit issued: March 2, 2020.

*Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901, 570-621-3118, (Contact: Theresa Reilly-Flannery).*

**Permit No. 40204104. Maurer & Scott Sales, Inc.**, (122 Thomas Street, Coopersburg, PA 18036), construction blasting for Center Point II B East Lot 31 in Pittston Township, **Luzerne County** with an expiration date of March 9, 2020. Permit issued: March 6, 2020.

**Permit No. 40204105. Maurer & Scott Sales, Inc.**, (122 Thomas Street, Coopersburg, PA 18036), construction blasting for Center Point II B East Lot 26C in Pittston and Jenkins Townships, **Luzerne County** with an expiration date of March 10, 2021. Permit issued: March 6, 2020.

**Permit No. 40204106. Maurer & Scott Sales, Inc.**, (122 Thomas Street, Coopersburg, PA 18036), construction blasting for Center Point B East Lot 31 in Pittston Township, **Luzerne County** with an expiration date of March 9, 2021. Permit issued: March 6, 2020.

## FEDERAL WATER POLLUTION CONTROL ACT SECTION 401

The Department 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, the Department 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.

Any person 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. TDD users may contact the Board through the Pennsylvania AT&T Relay Service, (800) 654-5984. 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.

Important legal rights are at stake, however, so you should show this notice to a lawyer at one. 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

**Actions on applications 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.**

*Southeast Region: Waterways and Wetlands Program Manager, 2 East Main Street, Norristown, PA 19401.*

*Contact: Elaine Henderson, Clerk Typist 3, 484.250.5157.*

**Permit No. E46-1187, Upper Merion High School District**, 435 Crossfield Road, King of Prussia, PA 19406-2363, Upper Merion Township, **Montgomery County**, ACOE Philadelphia District.

To construct and maintain a new high school facility on the existing high school site within the floodway/floodplain of the Crow Creek (WWF-MF), associated with the Additions and Renovations Project of the school. The project will include the following activities:

1. Replace the existing culvert 72-inch RCP to 42 feet long, 14 feet wide × 5 feet high Conspan Arch.
2. Replace the existing 72-RCP pipe, about 152 feet to open channel, size about 3-foot bottom, about 60-foot top width, and 15-foot depth.
3. Replace the existing 72-inch RCP pipe, about 595 feet.
4. Construct an outfall structure at the end.
5. Small portion of access driveway at the rear of the building.

The site is located at about 500 feet northeast of Thomas Drive and Crossfield Road (Valley Forge, PA, USGS Quadrangles Latitude: 40.095866; Longitude: -75.381116) in Upper Merion Township, Montgomery County. Permit issued March 5, 2020.

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

**E3706119-004, PADOT**, Engineering District 11-0, 45 Thoms Run Road, Bridgeville, PA 15017-0459. SR 0224-L12-0100-2264, in Mahoning Township, **Lawrence County**, ACOE Pittsburgh District (Edinburg, PA Quadrangle N: 41°, 01', 30.0"; W: 80°, 26', 3.8").

To remove the existing structure and to construct and maintain an 87-ft long, 30-in diameter reinforced concrete pipe and to relocate and regrade approximately 80-ft of stream channel upstream of the culvert for the purpose of improving stream hydraulics in UNT Mahoning River on

S.R. 0224, Section L12, Segment 0100, Offset 2264 (Edinburg, PA Quadrangle N: 41°, 01', 30.0"; W: 80°, 26', 3.8") in Mahoning Township, Lawrence County. A total of 212-ft of permanent and 252-ft of temporary stream impacts to UNT Mahoning River and 0.04-ac of permanent and 0.01-ac of temporary wetland (PEM/PSS/PFO) impacts are authorized.

*Regional Permit Coordination Office: 400 Market Street, Harrisburg, PA 17101, Domenic Rocco, PE, Program Manager, 717-772-5987.*

**E04832-001. Dominion Energy Transmission, Inc.**, 707 East Main Street, Richmond, VA 23219, West Loop Project.

The applicant is proposing the construction, operation and maintenance of approximately 5.1-miles of 36-inch diameter pipeline and appurtenant structures and facilities associated with the West Loop Natural Gas Pipeline Project in various municipalities within Beaver and Lawrence County as part of the West Loop Project. The project consists of one Chapter 105 Water Obstruction and Encroachment Permits and one Chapter 102 Erosion and Sediment Control Permit. Below is the Chapter 105 permit application reviewed by the Department.

The project is located in South Beaver Township, Chippewa Township, Big Beaver Borough, Darlington Township, Homewood Borough and North Sewickley Township, **Beaver County**; U.S. Army Corps of Engineers, Pittsburgh District. The pipeline starts at the proposed Stitt Gate Site Interconnect (Latitude: 40° 47' 37.03"; Longitude: -80° 24' 42.48") and ends at the existing Koppel Junction Site (Latitude: 40° 50' 2.49"; Longitude: -80° 19' 52.68").

The proposed project impacts in Beaver County include a total of 2,387 linear feet of temporary stream impacts and 1,671 linear feet of permanent stream impacts to Clarks Run (WWF), tributaries to Clarks Run (WWF), Stockman Run (WWF), tributaries to Stockman Run (WWF), and tributaries to North Fork Little Beaver Creek (HQ-CWF); 0.676 acre of temporary floodway impacts and 1.137 acre of permanent floodway impacts; 0.406 acre of temporary impacts to Palustrine Emergent (PEM), Palustrine Scrub-Shrub (PSS), and Palustrine Forested (PFO) wetlands; and 2.122 acres of permanent impacts to PEM, PSS, and PFO wetlands. 0.461 acre of the permanent wetland impacts are to exceptional value wetlands. The permittee is required to compensate for the proposed project impacts by providing 0.92 acre of successful compensatory wetland mitigation (Permittee-Responsible Mitigation) through wetland enhancement at the Neshannock Creek Restoration Site located at 358 St John's Road (Latitude: 41° 19' 57.83"; Longitude: -80° 17' 4.83") in Delaware Township, Mercer County.

*California District Office: 25 Technology Drive, Coal Center, PA 15423, 724-769-1100, (Contact: Bonnie Herbert).*

**CDO-013. Cumberland Contura, LLC**, 158 Portal Road, P.O. Box 1020, Waynesburg, PA 15370. Along Whiteley Creek and Frosty Run, Whiteley and Greene Townships, **Greene County**, Pittsburgh ACOE District (Oak Forest, PA and Garards Fort, PA Quadrangle, centroid Latitude 39° 48' 39" N, Longitude 80° 4' 12" W). The applicant proposes a stream and wetland mitigation project consisting of stream bank stabilization, channel restoration/reconstruction, aquatic habitat enhancements, riparian vegetative buffer enhancement, and wetland construction. The project is being conducted to mitigate for stream and wetland impacts that will result due to development of the Cumberland Mine Coal Refuse Dis-

posal Area No. 3 (CRDP No. 30120701) located in Whiteley Township, Greene County. This is a Chapter 105 Water Obstruction and Encroachment permit application and 401 Water Quality Certification request. In conjunction with this approval, the Department is granting 401 Water Quality Certification certifying that the approved activities will comply with the applicable provision of sections 301—303, 306, and 307 of the Federal Water Pollution Control Act (33 U.S.C.A. § 1341) and will not violate applicable Federal and State water quality standards. Application Received: December 11, 2019. Permit Issued: March 2, 2020

#### ENVIRONMENTAL ASSESSMENTS

*Southcentral Region: Waterways & Wetlands Program, 909 Elmerton Avenue, Harrisburg, PA 17110.*

**EA3603219-005. Mr. Daniel Stoltzfus**, 411 White Horse Road, Gap, PA 17527-9741. Salisbury Township, **Lancaster County**. U.S. Army Corps of Engineers Baltimore District.

To the construction and maintenance of a stream restoration project along Pequea Creek (HQ-CWF, MF) including 1.) 2,335 feet of bank grading; 2.) the construction of 170 linear feet of zig zag rock wall; 3.) the installation of 9 rock/log vanes; 4.) the installation of 3 rock cross vanes; 5.) the installation of 9 mudsills totaling approximately 1,485 feet in length; 6.) the installation of 5 random boulder clusters; and 7.) the installation of 2 livestock crossings, all for the purposes of reducing sediment loading to the stream and enhancing fish habitat. The project is located at the intersection of S.R. 897 and Cains Road (Latitude: 40° 00' 55" N; Longitude: 75° 59' 23" W) in Salisbury Township, Lancaster County. No wetlands will be impacted by this project. Permit issued March 4, 2020.

*Cambria District: Environmental Program Manager, 286 Industrial Pk Rd, Ebensburg, PA 15931-4119.*

**EA0209-002. Pennsylvania Department of Environmental Protection, Bureau of Abandoned Mine Reclamation, Cambria Office**, 286 Industrial Park Road, Ebensburg, PA 15931. Gladden Acid Mine Drainage (AMD) Treatment Plant in South Fayette Township, **Allegheny County**, ACOE Pittsburgh District.

In accordance to Restoration Waiver No. 16 under Title 25, Chapter 105.12(a)(16), Non-Reporting Activity Number 20(a), the applicant, South Fayette Conservation Group, will permanently fill in a wetland in order to construct and operate the proposed Gladden AMD Treatment Plant. An existing 0.12-acre wetland drains to Millers Run (WWF), a tributary to Chartiers Creek (WWF); the entire 0.12-acre wetland will be filled in as part of the AMD Treatment plant footprint. Permanent impacts to the wetland will aide in the purpose of constructing and operating the Gladden AMD Treatment Plant. The plant has maximum treatment capacity of approximately 2.2 million gallons per day (MGD) of treated AMD discharging into Millers Run (WWF), which is a tributary to Chartiers Creek (WWF). The effluent iron concentration range of the treated AMD from the plant will between 1.0 mg/L to 2.0 mg/L and is not expected to exceed 3.0 mg/L under normal operating conditions. The plant will be located in South Fayette Township at 151 Parks Road, Cuddy, PA. Currently, Millers Run routinely has an iron concentration of 0.2 mg/L. The iron concentration of Millers Run increases up over 19 mg/L due to the negative impacts of the Gladden AMD discharge. Non-Reporting Activity Number 20(a) Restoration Waiver No. 16 is applicable to AMD that

exceeds 7.0 mg/L. Once the plant is operating at an average design capacity of 1.1 MGD of treated AMD, the historic heavily polluting Gladden AMD discharge will be eliminated. Therefore, the removal of the 0.12 acre wetland impact will support the elimination of the Gladden Discharge and rehabilitation approximately four miles of Millers Run (WWF) and three miles of Chartiers Creek (WWF). In all, a total of seven miles of warm water fishery streams that are currently impaired by AMD will be restored with the cumulative 0.12 acre of permanent wetland impact. Additionally, the outfall discharge of the Gladden AMD Treatment Plant that would routinely be permitted as a single General Permit No. 4 (GP-4) is also included within the EA 0209-002 permit application (Cannonsburg PA Quadrangle 40.340080° N, -80.169606 W).

*Central Office: Bureau of Waterways Engineering and Wetlands, Rachel Carson State Office Building, Floor 2, 400 Market Street, Harrisburg, PA 17101, telephone number: 717-787-3411.*

**D06-300EA. Robert Marrella**, Owner, RM Paper Mill, LLC, 1820 Van Reed Road, Wyomissing, PA 19610, Lower Heidelberg and Spring Townships, **Berks County**, USACOE Philadelphia District.

Project proposes to remove the Paper Mill Dam to eliminate a threat to public safety and restore the stream to a free-flowing condition. The dam is located across Cacoosing Creek (CWF, MF) (Reading, PA Quadrangle, Latitude: 40.3651; Longitude: -75.9938).

**D09-270EA. Melvin Gensamer**. 3610 Pickertown Road, Chalfont, PA 18914, Warrington Township, **Bucks County**, USACOE Philadelphia District.

Project proposes to remove the Gensamer Dam to eliminate a threat to public safety and to restore approximately 90 feet of stream channel to a free-flowing condition. The proposed restoration project includes minor grading and armoring of the downstream banks where the breach has caused erosion. The project is located across a tributary to Neshaminy Creek (TSF, MF) (Doylestown, PA Quadrangle, Latitude: 40.2715, Longitude: -75.1878).

#### 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. TDD users may contact the Board through the Pennsylvania AT&T Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30-days of publication of this notice in the *Pennsylvania Bulletin* unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary to the Board at (717) 787-3483. This paragraph does not, in and of itself, create 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.

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.

*Southwest District: Oil & Gas Management Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222.*

ESCGP-3 # ESG073019018-00  
 Applicant Name CNX Gas Company, LLC  
 Contact Person Sarah Weigand  
 Address 1000 Consol Energy Drive  
 City, State, Zip Canonsburg, PA 15317  
 County Greene County  
 Township(s) Richhill Township  
 Receiving Stream(s) and Classification(s) UNTs to Crabapple Creek (WWF); Crabapple Creek (WWF); UNTs to Kent Run (TSF)  
 Secondary Receiving Water—Dunkard Fork (WWF) and North Fork Dunkard Fork (TSF)

ESCGP-3 # ESG070419007-00  
 Applicant Name MarkWest Liberty Midstream & Resources, LLC  
 Contact Person Richard Lowry

Address 4600 J Barry Ct., Suite 500  
 City, State, Zip Canonsburg, PA 15317  
 County Beaver  
 Township(s) Independence Township  
 Receiving Stream(s) and Classification(s) Unnamed tributaries to Raccoon Creek, Tributary 33670 to Raccoon Creek, Raccoon Creek, Ohio River (WWF)

ESCGP-3 # ESG073019023-00  
 Applicant Name Contura Pennsylvania Land, LLC  
 Contact Person Jim Cappucci  
 Address 158 Portal Road  
 City, State, Zip Waynesburg, PA 15370  
 County Greene County  
 Township(s) Jackson Township  
 Receiving Stream(s) and Classification(s) UNTs to Garner Run and Garner Run (HQ-WWF)  
 Secondary Receiving Water—McCourtney Run (HQ-WWF)

*Northwest Region: Waterways and Wetlands Program, 230 Chestnut Street, Meadville, PA 16335-3481.*

*Crawford County Conservation District, 21742 German Road, Meadville, PA 16335, 814-763-5269.*

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*ESCP No. Applicant Name & Address*  
 ESG00039190001 National Fuel Gas Distribution Corp  
 1100 State Street  
 Erie, PA 16501

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<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
Crawford	West Mead Township, East Mead Township	Mill Run WWF, Mud Run WWF

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*Eastern Region: Oil and Gas Management Program Manager, 208 West Third Street, Suite 101, Williamsport, PA 17701-6448.*

ESCGP-3 # ESG296619007-00  
 Applicant Name Appalachia Midstream Services, LLC  
 Contact Person Adam Weightman  
 Address 30351 Route 6  
 City, State, Zip Wysox, PA 18854  
 County Wyoming  
 Township(s) Meshoppen  
 Receiving Stream(s) and Classification(s) Black Walnut Creek Watershed (CWF, MF), Susquehanna River Watershed (WWF, MF)  
 Secondary: Black Walnut Creek (CWF, MF), Tributary 29456 to Susquehanna River (CWF, MF)

Receiving Stream(s) and Classification(s) UNT to Snake Creek (CWF)  
 Secondary Snake Creek (CWF)

ESCGP-3 # ESG290820001-00  
 Applicant Name Chesapeake Appalachia, LLC  
 Contact Person Eric Haskins  
 Address 14 Chesapeake Lane  
 City, State, Zip Sayre, PA 18840  
 County Bradford  
 Township(s) Monroe  
 Receiving Stream(s) and Classification(s) Schrader Creek (HQ-CWF, MF)  
 Secondary: Towanda Creek (TSF-MF)

ESCGP-3 # ESG295819052-00  
 Applicant Name Williams Field Services Co, LLC  
 Contact Person Barry Mahar  
 Address 30351 Route 6  
 City, State, Zip Wysox, PA 18854  
 County Susquehanna  
 Township(s) Lenox  
 Receiving Stream(s) and Classification(s) UNT 28940 to Martins Creek # 5539 (CWF-MF), Willow Brook # 8279 (CWF-MF)  
 Secondary: Martins Creek (CWF-MF)

*Regional Permit Coordination Office: 400 Market Street, Harrisburg, PA 17101, Domenic Rocco, PE, Program Manager, 717-772-5987.*

ESCGP-3 # ESG296619006-01  
 Applicant Name Chesapeake Appalachia, LLC  
 Contact Person Eric Haskins  
 Address 14 Chesapeake Lane  
 City, State, Zip Sayre, PA 18840  
 County Wyoming  
 Township(s) Windham  
 Receiving Stream(s) and Classification(s) UNT to Susquehanna River (WWF-MF)  
 Secondary: Susquehanna River (WWF-MF)

**ESG830019001.** The Department of Environmental Protection (Department) provides notice of final action regarding the following Chapter 102, Erosion and Sediment Control Permit Application related to Earth Disturbance Associated with Oil and Gas Exploration, Production, Processing or Treatment Operations or Transmission Facilities for the West Loop Project.

ESCGP-3 # ESG295819041-00  
 Applicant Name Cabot Oil & Gas Corp  
 Contact Person Kenneth Marcum  
 Address 2000 Park Lane, Ste 300  
 City, State, Zip Pittsburgh, PA 15275  
 County Susquehanna  
 Township(s) Bridgewater

Permit No.	Applicant Name & Address	Counties	DEP Office
ESG830019001	Dominion Energy Transmission, Inc. 707 East Main Street Richmond, VA 23219	Beaver County and Lawrence County	Regional Permit Coordination Office

Any person aggrieved by this action may file a petition for review pursuant to Section 19(d) of the Federal Natural Gas Act, 15 U.S.C.A. § 717r(d), with the Office of the Clerk, United States Court of Appeals for the Third Circuit, 21400 U.S. Courthouse, 601 Market Street, Philadelphia, PA 19106-1790 as provided by law. This paragraph does not, in and of itself, create a right of appeal beyond that permitted by applicable statutes and decisional law. Important legal rights are at stake, so you should show this document to a lawyer promptly.

**STORAGE TANKS**

**SITE-SPECIFIC INSTALLATION PERMITS**

The following Storage Tank Site-Specific Installation Permits, under the authority of the Storage Tank Spill Prevention Act (35 P.S. §§ 6021.304, 6021.504, 6021.1101 and 6021.1102) and under 25 Pa. Code Chapter 245, Subchapter C, have been issued by the Bureau of Environmental Cleanup and Brownfields, Director, P.O. Box 8763, Harrisburg, PA 17105-8763.

SSIP Permit No.	Applicant Name & Address	County	Municipality	Tank Type	Tank Capacity
20-04-018	Sherwin Williams Company 101 West Prospect Avenue Cleveland, OH 44115-1075 Attn: William Hudanick	Beaver	Rochester Township	1 AST storing hazardous substance	30,000 gallons

**CORRECTIVE ACTION UNDER  
ACT 32, 1989**

**PREAMBLE 2**

The following plans and reports 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 non-residential exposure factors, a description of the remediation performed and summaries of sampling methodology and analytical results which demonstrate that the remediation has attained the cleanup standard selected.

For further information concerning plans or reports, please contact the Environmental Cleanup Program Manager in the DEP Regional Office under which the notice of receipt of plans or reports appears. If information concerning plans or reports is required in an alternative form, contact the Community Relations Coordinator at the appropriate Regional Office listed. TDD users may telephone the DEP through the Pennsylvania AT&T Relay Service at (800) 654-5984.

The Department has received the following plans and reports:

*Southeast Regional Office: Environmental Cleanup & Brownfields Program, 2 East Main Street, Norristown, PA 19401, 484-250-5960.*

*Contact: Richard Staron, Professional Geologist Manager.*

**Farrelly Bros**, 23-28716, 2717 Haverford Rd., Haverford Township, **Delaware County**. Comstock Environmental Services LLC, P.O. Box 509, Lafayette Hill, PA 19444, on behalf of Farrelly Brothers Construction, 2717 Haverford Road, Ardmore, PA 19003 submitted a Remedial Action Plan concerning remediation of soil and groundwater contaminated with unleaded gasoline. The report is intended to document remediation of the site to meet nonresidential Statewide Health Standards.

**Lukoil 69243**, 46-41506, 200 S. Easton Rd., Cheltenham Township, **Montgomery County**. Envirotrac Ltd., 3070 Bristol Pike, Building 1, Suite 221, Bensalem, PA 19020, on behalf of Lukoil North America LLC, 302 Harper Drive, Suite 303, Moorestown, NJ 08057, submitted a Remedial Action Plan concerning remediation of soil and groundwater contaminated with unleaded gasoline. The report is intended to document remediation of the site to meet site-specific standards.

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

**Pace Mart (Phillips 66 Site # 5643)**, Storage Tank ID # 39-43636, 640 North 7th Street, Allentown, PA 18103, Allentown City, **Lehigh County**. GHD, 410 Eagleview Boulevard, Suite 110, Exton, PA 19341, on behalf of Sadaat LLC, 640 North 7th Street, Allentown, PA 18102, submitted a Remedial Action Completion Report concerning remediation of soil and groundwater contaminated with gasoline. The report is intended to document remediation of the site to meet Site-Specific Standards.

**Former Egan Oil**, Storage Tank ID # 40-28631, 871 Exeter Avenue, Exeter, PA 18643, Exeter Borough,

**Luzerne County.** Quad Three Group, 37 North Washington Avenue, Wilkes-Barre, PA 18701, on behalf of K3 Development LLC, 133 Philadelphia Avenue, West Pittston, PA 18643, submitted a revised, combined Site Characterization Report and Remedial Action Plan concerning remediation of soil and groundwater contaminated with gasoline. The report is intended to document the remedial actions for meeting the Statewide Health Standards.

**Choice Cigarettes 94318,** Storage Tank ID # 40-13191, 544 State Route 93, Conyngham, PA 18249, Sugarloaf Township, **Luzerne County.** United Environmental Services, P.O. Box 701, Schuylkill Haven, PA 17972, on behalf of Rijini LLC, 4584 Willow Lane, Nazareth, PA 18064, submitted a Remedial Action Completion Report concerning remediation of soil and groundwater contaminated with gasoline. The report is intended to document remediation of the site to meet a combination of Site-Specific and Statewide Health Standards.

*Southcentral Regional Office: Environmental Cleanup & Brownfields Program, 909 Elmerton Avenue, Harrisburg, PA 17110, 717-705-4705.*

*Contact: Gregory Bowman, Environmental Group Manager.*

**Sunoco 0820 3705 previously known as Flinn's Mobil,** Storage Tank Facility ID # 01-62041, 1910 Baltimore Pike, Gettysburg, PA 17325, Mount Joy Township, **Adams County.** Liberty Environmental, Inc., 315 West James Street, Suite 205, Lancaster, PA 17603 on behalf of Mr. Patrick Flinn, 1660 Fairview Road, Gettysburg, PA 17325 submitted a Remedial Action Completion Report concerning remediation of soil and groundwater contaminated with petroleum constituents. The plan is intended to document remediation of the site to meet the Site-Specific Standard and the Statewide Health Standard.

**Speedway # 6753,** Storage Tank Facility ID # 06-19448, 14233 Kutztown Road (Route 222), Fleetwood, PA 19522, Richmond Township, **Berks County.** EMS Environmental, Inc., 4550 Bath Pike, Bethlehem, PA 18017 on behalf of Speedway, LLC, 500 Speedway Drive, Enon, OH 45323 submitted a Remedial Action Plan concerning remediation of soil and groundwater contaminated with petroleum constituents. The plan is intended to document remediation of the site to meet the Statewide Health Standard.

**7 Eleven 40285,** Storage Tank Facility ID # 36-09241, Route 625 & PA Turnpike, Bowmansville, PA 17505, Brecknock Township, **Lancaster County.** WSP USA, 4 Westchester Park Drive, Suite 175, White Plains, NY 10604 on behalf of Cumberland Farms, Inc. submitted a Remedial Action Completion Report concerning remediation of soil and groundwater contaminated with petroleum constituents. The plan is intended to document remediation of the site to meet the Site-Specific Standard.

**Former Lincoln Park Sunoco,** Storage Tank Facility ID # 06-43101, 100 Revere Boulevard, West Lawn, PA 19609, Cumru Township, **Berks County.** MEA, Inc., 1365 Ackermanville Road, Bangor, PA 18013 on behalf of Mr. John S. Croft submitted a Remedial Action Completion Report concerning remediation of soil contaminated with petroleum constituents. The plan is intended to document remediation of the site to meet the Statewide Health Standard.

*Northcentral Region: Environmental Cleanup Program Manager, 208 West Third Street, Williamsport, PA 17701, Telephone number: 570-327-3636.*

*Contact: Lisa Hensel, Clerk Typist II, 570-327-3653.*

**Williamsport West Terminal,** Storage Tank Facility ID # 41-70544, 1606 Sylvan Dell Road, South Williamsport, Armstrong Township, **Lycoming County.** Piedmont Geologic, P.C., 603 Chapel Hill Road, Suite 145, Raleigh, NC 27607, on behalf of Lucknow-Highspire Terminals, LLC, 900 S. Eisenhower Boulevard, Middletown, PA 17057, submitted a Site Characterization Report Addendum and Remedial Action Plan concerning remediation of soil and groundwater contaminated with petroleum. The plan is intended to document the remedial actions for meeting the Statewide Health Standard.

## CORRECTIVE ACTION UNDER ACT 32, 1989

### Preamble 3

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**The DEP has taken action 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 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.

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

For further information concerning the plans and reports, please contact the Environmental Cleanup Program Manager in the DEP Regional Office under which the notice of the plan or report appears. If information concerning a report is required in an alternative form, contact the Community Relations Coordinator at the appropriate Regional Office listed. TDD users may telephone the DEP through the Pennsylvania AT&T Relay Service at (800) 654-5984.

The DEP has received the following plans and reports:

*Southeast Regional Office: Environmental Cleanup & Brownfields Program, 2 East Main Street, Norristown, PA 19401, 484-250-5960.*

*Contact: Richard Staron, Professional Geologist Manager.*

**Ortep of PA**, 09-09477, 650 Knowles Ave., Upper Southampton Township, **Bucks County**. Patriot Environmental Management, LLC, 2404 Brown Street, Pottstown, PA 19464, on behalf of ORTEP of PA, 650 Knowles Avenue, Southampton, PA 18966, submitted a site characterization report 310(b) concerning remediation of soil contaminated with # 2 fuel oil. The Site Characterization Report 310(b) demonstrated attainment of the nonresidential, Statewide Health Standards and was approved by the Department on February 4, 2020.

**Speedway 6804**, 51-14505, 6215 Roosevelt Blvd, **City of Philadelphia**. EMS Environmental, Inc., 4550 Bath Pike, Bethlehem, PA 18017, on behalf of Speedway LLC, 500 Speedway Drive, Enon, OH 45323, submitted a Remedial Action Plan concerning remediation of soil and groundwater contaminated with petroleum products. The Remedial Action Plan was not acceptable to meet site-specific standards and was disapproved by the DEP on March 2, 2020.

**Jack Nolans Exxon**, 46-19083, 567 W Main St., Trappe Borough, **Montgomery County**. Comstock Environmental Services LLC, P.O. Box 509, Lafayette Hill, PA 19444, on behalf of Jack Nolan Exxon, 567 W. Main St., Trappe, PA 19426 submitted a Remedial Action Plan concerning remediation of soil and groundwater contaminated with unleaded gasoline. The Remedial Action Plan was acceptable to meet nonresidential Statewide Health Standards and was approved by the DEP on February 6, 2020.

**Phoenixville Shell**, 15-00306, 508 Bridge St., Phoenixville Borough, **Chester County**. Aquaterra Technologies, Inc., P.O. Box 744, West Chester, PA 19381, on behalf of 508 Bridge Street LP, 1055 Westlakes Dr., Suite 170, Berwyn, PA submitted a Remedial Action Plan concerning remediation of soil and groundwater contaminated with unleaded gasoline. The Remedial Action Plan was acceptable to meet nonresidential Statewide Health Standards and was approved by the DEP on March 4, 2020.

**Police Site 008**, 51-20169, 5524-30 Pine St., **City of Philadelphia**. Oxford Engineering Company, 336 Point Street, Camden, NJ 08102, on behalf of The City of Philadelphia, Office of Fleet management, 100 S. Broad St., 3rd Floor, Philadelphia, PA 19125, submitted a Remedial Action Plan concerning remediation of soil and groundwater contaminated with petroleum products. The Remedial Action Plan was acceptable to meet site-specific standards and was approved by the DEP on March 2, 2020.

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

**Tamaqua Terminal**, 54-50104, 65 Tuscarora Park Road, Tamaqua, PA 18252, Rush Township, **Schuylkill County**, Mulry and Cresswell Environmental, 1679 Horseshoe Pike, Glenmoore, PA 19343, on behalf of Evergreen Resources Management Operations, 2 Righter Parkway, Suite 120, Wilmington, DE 19803, submitted a Remedial Action Completion Report concerning remediation of soil and groundwater contaminated with petroleum. The Remedial Action Completion Report demonstrated attainment of a combination of Site-Specific and Statewide Health Standards and was approved by DEP on March 4, 2020.

**North Memorial Highway Retail Associates**, Storage Tank ID # 40-18179, 155 North Memorial Highway, Shavertown, PA 18708, Kingston Township, **Luzerne**

**County**, MEA, 1365 Ackermanville Road, Bangor, PA 18013, on behalf of North Memorial Highway Retail Associates LLC, 155 North Memorial Highway, Shavertown, PA 18708, submitted a combined Site Characterization Report and Remedial Action Plan concerning remediation of soil and groundwater contaminated with gasoline. The report was acceptable to meet Statewide Health Standards and was approved by DEP on March 4, 2020.

**Former Heston S. Swartley Transportation Company**, Storage Tank ID # 39-22155, 1521 South Fourth Street, Allentown City, **Lehigh County**. MEA, 1365 Ackermanville Road, Bangor, PA 18013, on behalf of Eddie and Dima Shetayh, 2151 Patoka Drive, Coplay, PA 18037, submitted a Remedial Action Completion Report concerning remediation of soil and groundwater contaminated with petroleum. The Remedial Action Completion Report demonstrated attainment of Statewide Health Standards and was approved by DEP on March 5, 2020.

*Southcentral Regional Office: Environmental Cleanup & Brownfields Program, 909 Elmerton Avenue, Harrisburg, PA 17110, 717-705-4705.*

*Contact: Robin L. Yerger, P.G.*

**Hess Service Center**, Storage Tank Facility ID # 67-27128, 801 Route 15 North, Dillsburg, PA 17019, Carroll Township, **York County**. Geological Services, Inc., P.O. Box 578, Rock Hall, MD 21661 on behalf of Hess Service Center submitted a Remedial Action Completion Report concerning remediation of soil and groundwater contaminated with petroleum constituents. The Remedial Action Completion Report demonstrated attainment of the Site-Specific Standard and was approved by the Department of Environmental Protection on March 6, 2020.

*Southwest Region: Environmental Cleanup Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.*

**Waste Management of PA, Inc.-North Huntingdon Hauling**, Primary Facility ID # 65-81945, 310 Leger Road, Irwin, PA 15426, North Huntingdon Township, **Westmoreland County**. Letterle & Associates, Inc., 2859 Oxford Boulevard, Allison Park, PA 15101, on behalf of Waste Management of PA, Inc, 100 Rangos Lane, Washington, PA 15301, submitted a Remedial Action Completion Report concerning the remediation of soil and groundwater contaminated with petroleum products. The report was acceptable to meet the nonresidential Statewide Health Standard and was approved on March 4, 2020.

**Former 380 Fuel Stop**, Primary Facility ID # 65-80755, 4730 Fairview Drive, Murrysville, PA 15668, Washington Township, **Westmoreland County**. DMS Environmental Services, LLC, 103 South Spring Street, Bellefonte, PA 16823, on behalf of Mr. John Vulgris POA for Mr. Dominick A. Faló, 732 Silvermoon Drive, Lower Burrell, PA 15068, submitted a Remedial Action Completion Report concerning the remediation of soil and groundwater contaminated with petroleum products. The report was acceptable to meet the residential Statewide Health Standard and was approved on March 4, 2020.

**Ben Avon Mini Mart**, Storage Tank Primary Facility ID # 02-36089, 200 Division Avenue, Pittsburgh, PA 15202, Ben Avon Borough, **Allegheny County**. CORE Environmental Services, Inc., 3960 William Flinn Highway, Suite 100, Allison Park, PA 15101, on behalf of Halp Enterprise, Inc., 200 Division Avenue, Pittsburgh, PA 15202, submitted a Revised Remedial Action Plan con-



cerning remediation of soil and groundwater contaminated with petroleum products. The plan was acceptable to meet the site-specific standard and was approved on March 5, 2020.

*Northwest Region: Environmental Cleanup Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481.*

**Yorktown Center**, Storage Tank Facility ID # 25-55432, 2519 West 12th Street, Millcreek Township, **Erie County**. APEX Companies, LLC, 1600 Commerce Circle,

Trafford, PA 15085, on behalf of Yorktown Station, LLC, 11501 Northlake Drive, Cincinnati, OH 45249 submitted a Remedial Action Plan concerning remediation of soil and groundwater contaminated with benzene, ethylbenzene, toluene, xylenes, cumene, naphthalene, benzo(a)anthracene, benzo(a)pyrene, benzo(b)fluoranthene, benzo(g,h,i)perylene, chrysene, ideno(1,2,3-cd)pyrene, pyrene and lead. The Remedial Action Plan was acceptable to meet the Statewide Health Standard and was approved by DEP on March 4, 2020.

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## SPECIAL NOTICES

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### RADIATION PROTECTION

#### Notice of Certification to Perform Radon-Related Activities in Pennsylvania

In the month of February 2020 Department of Environmental Protection of the Commonwealth of Pennsylvania, under the authority contained in the Radon Certification Act, act of July 9, 1987, P.L. 238, No. 43 (63 P.S. §§ 2001—2014) and regulations promulgated thereunder at 25 Pa. Code Chapter 240, has certified the persons listed below to perform radon-related activities in Pennsylvania. The period of certification is two years. (For a complete list of persons currently certified to perform radon-related activities in Pennsylvania and for information as to the specific testing devices that persons certified for testing or laboratory are certified to use, contact the Bureau of Radiation Protection, Radon Division, P.O. Box 8469, Harrisburg, PA 17105-8469, (1-800-23RADON).)

<i>Name</i>	<i>Address</i>	<i>Type of Certification</i>
James Bank	4106 Ginger Lane Bethlehem, PA 18020	Testing
Stephen Beloyan	2 Field Court Wrightstown, NJ 08562	Testing
Mario Cote MMC Radon Remediation, LLC	9341 German Road North East, PA 16428	Mitigation
David Dowling	273 Krulock Road Uniontown, PA 15401	Testing
Pavel Drachev	227 Carriage Court Chesterbrook, PA 19087	Testing
Kevin Dunkle	P.O. Box 211 Worthington, PA 16262	Mitigation
Mark Garland	5970 West Webb Road Mineral Ridge, OH 44440	Testing
Gregory Hancock	P.O. Box 110 Woolrich, PA 17779	Testing
William Haughery	2105 West Ridge Drive Lancaster, PA 17603	Testing
Inspection Services	1240 West Chester Pike, Suite 207 West Chester, PA 19382	Testing
Joseph Kelly, III	P.O. Box 15811 Pittsburgh, PA 15244	Testing
William Kelly	1460 Sandys Lane North Wales, PA 19454	Testing
Steven Kowatic	1370 Meadowlark Drive Pittsburgh, PA 15243	Testing
Robert Leiby	809 North 7th Street Perkasie, PA 18944	Testing
Mark Long	800 Frailey Road Emmitsburg, MD 21727	Testing
Doug Miller	250 Stone Jug Road Biglerville, PA 17307	Testing

<i>Name</i>	<i>Address</i>	<i>Type of Certification</i>
David Mull Professional, Home Inspection	14 Crestmont Court Lititz, PA 17543	Testing
Kathleen Remsnyder	P.O. Box 126707 Harrisburg, PA 17112	Testing
RSSI	6312 Oakton Street Morton Grove, IL 60053	Laboratory Analysis
Jeffrey Schlaline Absolute Radon Mitigation, LLC	800 Locust Grove Road York, PA 17402	Mitigation
Steven Sipe	69 Million Dollar Road Halifax, PA 17032	Testing
Thomas Stangroom	P.O. Box 120 Bovard, PA 15619	Testing
Top Dawg Inspections	16 West Hanover Street Gettysburg, PA 17325	Testing
Andrew Wolfe	35 Virginia Avenue Shrewsbury, PA 17361	Testing

## MINING

### Water Obstruction and Encroachment Permit.

**Proposed CRDP No. 03160701. Rosebud Mining Company**, 301 Market Street, Kittanning, PA 16201. Dutch Run, Plumcreek Township, **Armstrong County**, Pittsburgh ACOE District (Elderton, PA Quadrangle, Dutch Run project area centroid latitude 40° 41' 51.8" N, Longitude 79° 17' 55.9" W). The applicant proposes to create 4.72 acres and preserve 4.43 acres of wetlands along Dutch Run.

Crooked Creek, Southbend Township, Armstrong County, Pittsburgh ACOE District (Elderton, PA Quadrangle, Crooked Creek project area centroid latitude 40° 39' 18" N, Longitude 79° 21' 13" W). The applicant proposes approximately 2,100 feet of stream restoration of Crooked Creek.

This is a Chapter 105 Water Obstruction and Encroachment permit application and 401 Water Quality Certification request.

Written comments or objections on the request for Section 401 Water Quality Certification or to the issuance of the Water Obstruction and Encroachment Permit may be submitted to the Department within 30 days of the date of this notice to the California District Office, 25 Technology Park, Coal Center, PA 15423, Phone: 724.769.1100. Comments should contain the name, address, and telephone number of the person commenting. Identification of the request for 401 Water quality Certification and Chapter 105 permit application, to which the comments or objections are addressed and a concise statement of comments, objections or suggestions including relevant facts upon which they are based.

The Water Obstruction and Encroachment permit application is available for review at the California District Office, by appointment, at the address listed above.

Application Received: March 2, 2020

[Pa.B. Doc. No. 20-416. Filed for public inspection March 20, 2020, 9:00 a.m.]

## DEPARTMENT OF ENVIRONMENTAL PROTECTION

### Availability of Technical Guidance

Technical guidance documents (TGD) are available on the Department of Environmental Protection's (Department) web site at [www.dep.greenport.state.pa.us/elibrary/](http://www.dep.greenport.state.pa.us/elibrary/). The "Technical Guidance Final Documents" heading is the link to a menu of the various Department bureaus where each bureau's final TGDs are posted. The "Technical Guidance Draft Documents" heading is the link to the Department's draft TGDs.

#### Ordering Paper Copies of Department Technical Guidance

The Department encourages the use of the Internet to view and download TGDs. When this option is not available, persons can order a paper copy of any of the

Department's draft or final TGDs by contacting the Department at (717) 783-8727.

In addition, bound copies of some of the Department's documents are available as Department publications. Check with the appropriate bureau for more information about the availability of a particular document as a publication.

#### Changes to TGDs

Following is the current list of recent changes. Persons who have questions or comments about a particular document should contact the person whose name and phone number are listed with each document.

#### Draft TGD: Substantive Revision

DEP ID: 394-2128-002. Title: Public Water Supply Manual—Part IV, Noncommunity System Design Standards. Description: This TGD provides detailed design and construction standards for Noncommunity Water Systems, and information on the procedures to be fol-

lowed to obtain Noncommunity Water System Approvals. The August 2018 general update to 25 Pa. Code Chapter 109 (relating to safe drinking water) changed the noncommunity approval processes. The updates to Public Water Supply Manual—Part IV, Noncommunity System Design Standards, reflect these updates, provide clarification of existing design standards and provide a detailed plan for noncommunity approvals that streamlines the approval process while still being protective of public health. Part IV has not received any major revisions since March of 1998. Due to the reorganization of the Department, the document number for this guidance was changed from 383-2128-108 to 394-2128-002.

*Written Comments:* Interested persons may submit written comments on this draft TGD through Monday, April 20, 2020. Comments submitted by facsimile will not be accepted. All comments, including comments submitted by e-mail, must include the commentator's name and address. Commentators are encouraged to submit comments using the Department's online eComment tool at [www.ahs.dep.pa.gov/eComment](http://www.ahs.dep.pa.gov/eComment) or by e-mail to [ecomment@pa.gov](mailto:ecomment@pa.gov). Written comments can be mailed to the Technical Guidance Coordinator, Department of Environmental Protection, Policy Office, Rachel Carson State Office Building, P.O. Box 2063, Harrisburg, PA 17105-2063.

*Contact:* Questions regarding this TGD can be directed to Michael Hess at [michess@pa.gov](mailto:michess@pa.gov) or (717) 772-5679.

*Effective Date:* Upon publication of notice as final in the *Pennsylvania Bulletin*.

*DEP ID:* 393-2129-003. *Title:* Policy for Determining When Loss of Positive Pressure Situations in the Distribution System Require One-Hour Reporting to the Department and Issuing Tier 1 Public Notification. *Description:* The purpose of this document is to establish a uniform protocol for public water systems when responding to loss of positive pressure situations in the distribution system. The distribution system is the final barrier of protection against contaminants that may cause waterborne disease. A situation that causes a loss of positive pressure in a distribution system poses a potential threat to public health, due to the potential for intrusion or backflow, or both. Loss of positive pressure situations are not uncommon—water main breaks occur routinely for a variety of reasons, and other events can cause widespread loss of positive pressure. When these situations do occur, the keys to preventing a waterborne disease outbreak are identifying which situations pose a high risk of allowing contaminants to enter the distribution system, and then notifying water system customers of the risk to prevent consumption. The intent of this policy is to provide consistent guidance for water system operators in making those critical determinations. Due to the reorganization of the Department, the document number for this guidance was changed from 383-2129-004 to 393-2129-003.

*Written Comments:* Interested persons may submit written comments on this draft TGD through Monday, April 20, 2020. Comments submitted by facsimile will not be accepted. All comments, including comments submitted by e-mail, must include the commentator's name and address. Commentators are encouraged to submit comments using the Department's online eComment tool at [www.ahs.dep.pa.gov/eComment](http://www.ahs.dep.pa.gov/eComment) or by e-mail to [ecomment@pa.gov](mailto:ecomment@pa.gov). Written comments can be mailed to the Technical Guidance Coordinator, Department of Environmental Protection, Policy Office, Rachel Carson State Office Building, P.O. Box 2063, Harrisburg, PA 17105-2063.

*Contact:* Questions regarding this TGD can be directed to Jill Anderson at [jianderson@pa.gov](mailto:jianderson@pa.gov) or (717) 772-4049.

*Effective Date:* Upon publication of notice as final in the *Pennsylvania Bulletin*.

*Final Technical Guidance: Minor Revision*

*DEP ID:* 580-0100-001. *Title:* Accident Reporting Requirements. *Description:* This document provides guidance to all bituminous coal mine operators and the Department's Bureau of Mine Safety staff on the types of accidents/incidents that must be reported to the Department. The minor revision to this guidance clarifies the types of unanticipated incidents that operators must report to the Department.

*Contact:* Questions regarding this TGD can be directed to Richard A. Wagner, PE, at [rwagner@pa.gov](mailto:rwagner@pa.gov) or (724) 404-3154.

*Effective Date:* March 21, 2020

PATRICK McDONNELL,  
*Secretary*

[Pa.B. Doc. No. 20-417. Filed for public inspection March 20, 2020, 9:00 a.m.]

## DEPARTMENT OF ENVIRONMENTAL PROTECTION

### Interstate Pollution Transport Reduction; Proposed 2020 Ozone Season Nitrogen Oxide Emission Limits for Nonelectric Generating Units

The Department of Environmental Protection (Department) is providing notice and an opportunity for public comment on the proposed Nonelectric Generating Unit (non-EGU) 2020 Ozone Season Nitrogen Oxide (NO<sub>x</sub>) emission limitations established under 25 Pa. Code § 145.8(d) (relating to transition to CAIR NO<sub>x</sub> trading programs). The 17-day public comment period will end on April 6, 2020.

Specifically, 25 Pa. Code § 145.8(d) establishes a non-EGU NO<sub>x</sub> Trading Program budget of 3,619 tons of NO<sub>x</sub>, less a specified adjustment amount, to serve as a Statewide Ozone Season NO<sub>x</sub> emissions cap for new and existing non-EGUs. This NO<sub>x</sub> emissions cap also applies to Clean Air Interstate Rule exempt EGUs that are subject to the NO<sub>x</sub> Budget Trading Program. If total emissions from all the units exceed the Statewide NO<sub>x</sub> emissions cap of 3,438 tons, the owners and operators of non-EGUs must comply with the NO<sub>x</sub> emission limitations established under 25 Pa. Code § 145.8(d). The proposed NO<sub>x</sub> emissions limitations for individual units ensure that non-EGUs in this Commonwealth continue to meet the emission limits of the NO<sub>x</sub> Budget Trading Program.

The Statewide cap for 2019 was not exceeded. Therefore, non-EGUs do not need to purchase allowances to meet their 2019 Ozone Season NO<sub>x</sub> emission limitations established under 25 Pa. Code § 145.8(d). The NO<sub>x</sub> emissions for the 2019 Ozone Season (May through September) reported to the United States Environmental Protection Agency by the owners and operators of the affected non-EGUs are 719 tons. The Department's permanent retirement of 3,438 NO<sub>x</sub> allowances under 25 Pa. Code § 145.8(b) covers all the NO<sub>x</sub> emissions from the affected non-EGUs in 2019.

Table 1, as follows, which lists proposed non-EGU 2020 ozone season NO<sub>x</sub> emission limits, includes two changes

from 2019: the name of Honeywell Resins & Chemicals, LLC has changed to AdvanSix Resins & Chemicals, LLC; and Unit AB02 of SPMT Marcus Hook Industrial Complex has retired.

In addition to the 3,438-ton non-EGU cap previously described, 25 Pa. Code § 145.8(d)(12) provides 181 tons of NO<sub>x</sub> emissions annually for non-EGUs and the other units that need to address their emissions through accounting adjustments, including units that previously participated in the NO<sub>x</sub> Budget Trading Program. The Department may use a portion of the 181 tons of the budgeted NO<sub>x</sub> emissions, if necessary, to address mistakes or miscalculations. This year, the Department is not proposing to use any of the 181 tons of NO<sub>x</sub> for accounting adjustments or to make corrections.

The following “Proposed Non-EGU 2020 Ozone Season NO<sub>x</sub> Emission Limits” table lists the following: the facility name, ORIS code, the unit ID for each non-EGU unit, the 2019 NO<sub>x</sub> mass or the 2019 Ozone Season emissions, the 2019 heat input for the 2019 Ozone Season, the county

location of the facility, the calculated 2020 rate and the 2020 Ozone Season (OS) limit.

Interested persons may submit comments on the Proposed Non-EGU 2020 Ozone Season NO<sub>x</sub> Emission Limits by Monday, April 6, 2020. Commentators are encouraged to submit comments using the Department’s online eComment tool at [www.ahs.dep.pa.gov/eComment](http://www.ahs.dep.pa.gov/eComment) or by e-mail to [ecomment@pa.gov](mailto:ecomment@pa.gov). Written comments can be mailed to the Department of Environmental Protection, Policy Office, Rachel Carson State Office Building, P.O. Box 2063, Harrisburg, PA 17105-2063. All comments, including comments submitted by e-mail, must include the commentator’s name and address. Use “Proposed Non-EGU 2020 Ozone Season NO<sub>x</sub> Emission Limits” as the subject line in written communication.

Questions concerning this notice can be directed to Randy Bordner at [ranbordner@pa.gov](mailto:ranbordner@pa.gov) or (717) 772-3921. TDD users may contact the Pennsylvania AT&T Relay Service at (800) 654-5984 to discuss how the Department can best accommodate their needs.

**Table 1: Proposed Non-EGU 2020 Ozone Season NO<sub>x</sub> Emission Limits**

<i>Facility Name</i>	<i>ORIS Code</i>	<i>Unit ID</i>	<i>2019 NO<sub>x</sub> Mass (Tons)</i>	<i>Heat Input MMBtu</i>	<i>County</i>	<i>2020 Rate (lbs/MMBtu)</i>	<i>2020 OS Limit (Tons NO<sub>x</sub>)</i>
AdvanSix Resins & Chemicals, LLC	880007	52	32.095	800,186	Philadelphia	0.29	117
Armagh Compressor Station	880071	31301	0	0	Indiana	0.29	0
Bernville Station	880049	32001	0	0	Berks	0.29	0
Domtar Paper Company, LLC	54638	40	15.424	351,144.5	Elk	0.29	51
Domtar Paper Company, LLC	54638	41	16.869	371,682.2	Elk	0.29	54
Entriken Compressor Station	880072	31601	0	0	Huntingdon	0.29	0
Kimberly-Clark Tissue Company	50410	34	0.416	549.7	Delaware	0.29	0
Kimberly-Clark Tissue Company	50410	35	70.246	1,748,616	Delaware	0.29	256
Marcus Hook 50, LP	50074	1	0.399	6,213.996	Delaware	0.29	1
Merck & Company—West Point	52149	39	2.225	55,328.91	Montgomery	0.29	8
Merck & Company—West Point	52149	40	19.92	1,497,861	Montgomery	0.29	219
Philadelphia Refinery	52106	150137	13.032	717,195.7	Philadelphia	0.29	117
Philadelphia Refinery	52106	150138	0	0	Philadelphia	0.29	0
Philadelphia Refinery	52106	150139	15.708	960,849.1	Philadelphia	0.29	140
Philadelphia Refinery	52106	150140	4.164	264,044.4	Philadelphia	0.29	39
Philadelphia Refinery	52106	150145	1.978	573,578.2	Philadelphia	0.29	84
Pixelle Specialty Solutions	50397	36	119.676	1,467,037	York	0.29	214
Pixelle Specialty Solutions	50397	38	7.078	536,482.7	York	0.29	78
Pixelle Specialty Solutions	50397	39	6.303	497,211.8	York	0.29	73

## NOTICES

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<i>Facility Name</i>	<i>ORIS Code</i>	<i>Unit ID</i>	<i>2019 NO<sub>x</sub> Mass (Tons)</i>	<i>Heat Input MMBtu</i>	<i>County</i>	<i>2020 Rate (lbs/MMBtu)</i>	<i>2020 OS Limit (Tons NO<sub>x</sub>)</i>
Procter & Gamble Paper Products	50463	328001	117.307	1,986,009	Wyoming	0.29	290
Procter & Gamble Paper Products	50463	328002	8.393	2,037,534	Wyoming	0.29	298
SPMT Marcus Hook Industrial Complex	880107	AB01	6.25	491,617.8	Delaware	0.29	72
SPMT Marcus Hook Industrial Complex	880107	AB03	6.223	504,626.1	Delaware	0.29	74
SPMT Marcus Hook Industrial Complex	880107	AB04	7.497	808,770.8	Delaware	0.29	118
Shermans Dale Station	880050	31801	0	0	Perry	0.29	0
Trainer Refinery	880025	34	1.324	621,119.5	Delaware	0.29	91
Trainer Refinery	880025	35	1.234	528,885.9	Delaware	0.29	77
Trainer Refinery	880025	53	1.473	927,851.5	Delaware	0.29	136
US Steel (Clairton Coke)	50729	CLBLR1	102.94	900,752.7	Allegheny	0.29	132
US Steel (Clairton Coke)	50729	CLBLR2	67.087	948,144.2	Allegheny	0.29	139
US Steel (Edgar Thomson)	50732	ETBLR1	17.816	1,311,568	Allegheny	0.29	192
US Steel (Edgar Thomson)	50732	ETBLR2	22.706	1,542,133	Allegheny	0.29	225
US Steel (Edgar Thomson)	50732	ETBLR3	20.497	1,473,014	Allegheny	0.29	215
Veolia Energy Philadelphia—Edison Station	880006	1	0	0	Philadelphia	0.29	0
Veolia Energy Philadelphia—Edison Station	880006	2	0.163	836	Philadelphia	0.29	0
Veolia Energy Philadelphia—Edison Station	880006	3	0	0	Philadelphia	0.29	0
Veolia Energy Philadelphia—Edison Station	880006	4	2.185	12,522.5	Philadelphia	0.29	2
Veolia Energy Philadelphia—Schuylkill	50607	23	0	0	Philadelphia	0.29	0
Veolia Energy Philadelphia—Schuylkill	50607	24	0	0	Philadelphia	0.29	0
Veolia Energy Philadelphia—Schuylkill	50607	26	10.117	175,681.7	Philadelphia	0.29	26
Veolia Energy Philadelphia—Schuylkill	50607	RSB1	0.174	47,513.93	Philadelphia	0.29	7
Veolia Energy Philadelphia—Schuylkill	50607	RSB2	0.351	66,184.97	Philadelphia	0.29	10
<i>Totals:</i>			719.27	23,512,560			3,438

PATRICK McDONNELL,  
Secretary

[Pa.B. Doc. No. 20-418. Filed for public inspection March 20, 2020, 9:00 a.m.]

## DEPARTMENT OF ENVIRONMENTAL PROTECTION

### New Base General Permit for the Processing and Beneficial Use of Oyster Shells for Ecological Enhancement Projects (WMGM064)

The Department of Environmental Protection (Department) has issued a new base general permit, WMGM064, to authorize the processing and beneficial use (by shell planting, reef construction and living shoreline stabilization/enhancement) of post-consumer oyster shells for natural habitat restoration projects in the Delaware Estuary or other shoreline and subtidal areas.

The Department is authorized under the Solid Waste Management Act (35 P.S. §§ 6018.101—6018.1003) and 25 Pa. Code § 271.801 (relating to scope) to initiate and issue general permits for any category of beneficial use or processing that results in the beneficial use of municipal waste on a Statewide basis when the Department determines that the use will not harm or present a threat of harm to the health, safety or welfare of the public or the environment and the activity can be adequately regulated using standard permit conditions.

Notice of the availability of the draft WMGM064 General Permit was published at 49 Pa.B. 6028 (October 12, 2019). A 30-day comment period was provided. The Department received comments from one individual during the comment period, but no changes were made to the final WMGM064 General Permit.

The WMGM064 General Permit will become effective on March 21, 2020, and will expire on March 21, 2030. Persons intending to process post-consumer oyster shells must first apply for and obtain a registration under WMGM064 from the Department regional office having jurisdiction over the processing facility. A list of regional offices and the counties served by each is attached to the WMGM064 permit application, which can be accessed through the Department's eLibrary web site at <http://www.degreenport.state.pa.us/elibrary/>.

Questions regarding this general permit should be directed to Chris Solloway, Division of Municipal and Residual Waste, Bureau of Waste Management, P.O. Box 69170, Harrisburg, PA 17106-9170, [csolloway@pa.gov](mailto:csolloway@pa.gov) or (717) 787-7381.

PATRICK McDONNELL,  
*Secretary*

[Pa.B. Doc. No. 20-419. Filed for public inspection March 20, 2020, 9:00 a.m.]

## DEPARTMENT OF ENVIRONMENTAL PROTECTION

### Water Resources Advisory Committee Meeting Cancellation

The Water Resources Advisory Committee (Committee) meeting scheduled for March 26, 2020, has been cancelled. The next meeting is scheduled for Thursday, May 28, 2020, at 9:30 a.m. in Room 105, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA.

Questions concerning the May 28, 2020, meeting can be directed to Bob Haines at [robhaines@pa.gov](mailto:robhaines@pa.gov) or (717)

705-4090. The agenda and meeting materials will be available through the Public Participation tab on the Department of Environmental Protection's (Department) web site at [www.dep.pa.gov](http://www.dep.pa.gov) (select "Public Participation," then "Advisory Committees," then "Water Advisory Committees," then "Water Resources Advisory Committee").

Persons in need of accommodations as provided for in the Americans with Disabilities Act of 1990 should contact the Department at (717) 705-4090 or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users) to discuss how the Department may accommodate their needs.

PATRICK McDONNELL,  
*Secretary*

[Pa.B. Doc. No. 20-420. Filed for public inspection March 20, 2020, 9:00 a.m.]

## DEPARTMENT OF HEALTH

### Approved and Required Medications Lists for Emergency Medical Service Agencies and Emergency Medical Service Providers

Under 28 Pa. Code §§ 1027.3(c) and 1027.5(b) (relating to licensure and general operating standards; and medication use, control and security), the Department of Health (Department) has approved the following medications for administration by emergency medical responders (EMR), emergency medical technicians (EMT), advanced emergency medical technicians (AEMT), paramedics (P), pre-hospital registered nurses (PHRN), prehospital physician extenders (PHPE), and prehospital emergency medical services physicians (PHP) when functioning on behalf of an emergency medical service (EMS) agency. The approvals are based upon the type of EMS service an EMS agency is licensed to provide under 35 Pa.C.S. § 8129 (relating to emergency medical services agencies). This notice also specifies the minimum required medications to be stocked on a specified EMS vehicle based upon the type of EMS service the EMS agency is licensed to provide.

Under 28 Pa. Code § 1027.5(d), EMS providers, other than a PHP, may administer to a patient medications, or assist the patient to administer medications previously prescribed for that patient, as specified in the Statewide EMS protocols or as authorized by a medical command physician. An EMS provider may administer medications contained on this list if the EMS provider is credentialed to do so and the EMS vehicle on which they are providing EMS is properly licensed to carry the medication.

Unless otherwise stated or restricted to a specific level of provider, listed medications may be given by any acceptable route as listed in protocol or as ordered by a medical command physician.

Medications that are listed as required must be carried on the specified level of EMS vehicle and must be carried in a quantity sufficient to treat at least one adult using the Statewide EMS protocols. If the protocol identifies repeat doses, then additional medication must be carried. When a pediatric dose option is available (for example a pediatric EPINEPHrine autoinjector), then both the adult and pediatric options must be carried.

During interfacility transport, all medications given by continuous infusion (except intravenous electrolyte solutions with potassium concentrations of no more than 20

mEq/L) must be regulated by an electronic infusion pump. For prehospital transport, continuous infusions of crystalloid solutions containing medication (except intravenous electrolyte solutions with potassium concentrations of no more than 20 mEq/L) and all vasoactive medications must be rate controlled by electronic IV pump or a manual flow control device capable of setting specific numeric flow rates. Nitroglycerin infusion must be regulated with an electronic pump.

Persons with a disability who require an alternate format of this notice (for example, large print, audiotape, Braille) should contact Aaron M. Rhone, EMS Program Manager, Department of Health, Bureau of Emergency Medical Services, 1310 Elmerton Avenue, Harrisburg, PA 17110, (717) 787-8740. Speech or hearing impaired persons may call by using V/TT: (717) 783-6154 or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

RACHEL L. LEVINE, MD,  
Secretary

**Table 1. Medications that may be administered by EMS providers when functioning on behalf of an EMS agency based upon the type of EMS service an EMS agency is licensed to provide.**

<i>Medication</i>	<i>QRS (including providers at or above the level of EMR)</i>	<i>BLS (including providers at or above the level of EMT)</i>	<i>IALS (including providers at or above the level of AEMT)</i>	<i>ALS (including providers above the level of AEMT)</i>	<i>CCT (including providers above the level of AEMT with additional approved training)</i>	<i>Air (including providers above the level of AEMT with additional approved training)</i>
Abciximab	NO	NO	NO	YES <sup>4</sup>	YES <sup>4 or 5</sup>	YES <sup>4 or 5</sup>
Acetaminophen	NO	YES	YES	YES	YES	YES
Acetylcysteine	NO	NO	NO	YES <sup>4</sup>	YES <sup>4</sup>	YES <sup>4</sup>
Activated charcoal	NO	YES	YES	YES	YES	YES
Adenosine	NO	NO	NO	YES	YES	YES
Albumin	NO	NO	NO	NO	YES <sup>4,5</sup>	YES <sup>4,5</sup>
Albuterol (nebulizer solution)	NO	YES	YES	YES	YES	YES
Albuterol with ipratropium bromide (nebulizer solution)	NO	YES	YES	YES	YES	YES
Amiodarone	NO	NO	NO	YES	YES	YES
Anti-coagulants/Platelet Inhibitors: all types (unless otherwise specifically listed)	NO	NO	NO	NO	YES <sup>4,5</sup>	YES <sup>4,5</sup>
Anticonvulsants: all types (unless otherwise specifically listed)	NO	NO	NO	NO	YES <sup>5</sup>	YES <sup>5</sup>
Anti-emetics: all types (not otherwise specifically listed)	NO	NO	NO	NO	YES <sup>4,5</sup>	YES <sup>4,5</sup>
Anti-hypertensives: all types (unless otherwise specifically listed)	NO	NO	NO	NO	YES <sup>5</sup>	YES <sup>5</sup>
Antimicrobials: all types	NO	NO	NO	YES	YES	YES
Antivenom: all types	NO	NO	NO	NO	YES <sup>4,5</sup>	YES <sup>4,5</sup>
Aspirin, oral	NO	YES	YES	YES	YES	YES
Atenolol	NO	NO	NO	NO	YES <sup>4,5</sup>	YES <sup>4,5</sup>
Atropine sulfate	NO	NO	NO	YES	YES	YES
Barbiturates: all types	NO	NO	NO	NO	YES <sup>5</sup>	YES <sup>5</sup>
Benzocaine, topical	NO	NO	NO	YES	YES	YES
Bivalirudin	NO	NO	NO	YES <sup>4</sup>	YES <sup>5</sup>	YES <sup>5</sup>
Blood products: all types	NO	NO	NO	NO	YES <sup>4</sup>	YES <sup>5</sup>
Bronchodilators, short-acting medications listed in Statewide BLS protocol and contained in multidose inhaler (MDI), assist with patient's own prescribed medication	NO	YES	YES	YES	YES	YES
Calcium chloride/calcium gluconate	NO	NO	NO	YES	YES	YES
Captopril	NO	NO	NO	YES	YES	YES
Clopidogrel	NO	NO	NO	NO	YES <sup>5</sup>	YES <sup>5</sup>

<i>Medication</i>	<i>QRS (including providers at or above the level of EMR)</i>	<i>BLS (including providers at or above the level of EMT)</i>	<i>IALS (including providers at or above the level of AEMT)</i>	<i>ALS (including providers above the level of AEMT)</i>	<i>CCT (including providers above the level of AEMT with additional approved training)</i>	<i>Air (including providers above the level of AEMT with additional approved training)</i>
Crystalloid hypertonic solutions	NO	NO	NO	NO	YES <sup>5</sup>	YES <sup>5</sup>
Crystalloid isotonic solutions, including but not limited to: Isolyte, Lactated Ringers, Normosol, saline (NaCl) (unless otherwise specifically listed). <i>Note</i> —Normal Saline Solution and Dextrose listed separately	NO	NO	NO	YES	YES	YES
Crystalloid solution containing potassium, interfacility transport only, potassium concentration may not exceed 20 mEq/kg unless managed by qualified CCT or Air Medical provider	NO	NO	NO	YES <sup>4</sup>	YES <sup>4</sup>	YES <sup>4</sup>
Dexamethasone sodium phosphate	NO	NO	NO	YES	YES	YES
Dextran	NO	NO	NO	NO	YES <sup>4,5</sup>	YES <sup>4,5</sup>
Dextrose (for intravenous bolus in concentrations between 5%—50%)	NO	NO	YES	YES	YES	YES
Diazepam	NO	NO	NO	YES	YES	YES
Digoxin	NO	NO	NO	NO	YES <sup>5</sup>	YES <sup>5</sup>
Diltiazem	NO	NO	NO	YES	YES	YES
DiphenhydrAMINE HCl	NO	NO	YES	YES	YES	YES
DOBUtamine	NO	NO	NO	YES	YES	YES
DOPamine	NO	NO	NO	YES	YES	YES
EMLA cream	NO	NO	NO	YES	YES	YES
Enalapril	NO	NO	NO	YES	YES	YES
EPINEPHrine HCl 1 mg/mL (unless otherwise specifically listed)	NO	NO	YES <sup>2</sup>	YES	YES	YES
EPINEPHrine HCl 0.1 mg/mL solution and diluted concentrations for intravenous infusion	NO	NO	NO	YES	YES	YES
EPINEPHrine HCl 0.1 mg/mL for cardiac arrest	NO	NO	YES	N/A	N/A	N/A
EPINEPHrine HCl autoinjector, assist with patient's own prescribed medication	NO	YES	YES	YES	YES	YES
EPINEPHrine HCl autoinjector (adult and pediatric dose sizes), (unless otherwise specifically listed)	NO	NO	YES	YES	YES	YES
EPINEPHrine HCl autoinjector (adult and pediatric dose sizes), applies only to EMTs in BLS services approved for EMT EPINEPHrine program	NO	YES	N/A	N/A	N/A	N/A
EPINEPHrine HCl, including racemic (by nebulizer)	NO	NO	YES	YES	YES	YES
Eptifibatide	NO	NO	NO	YES <sup>4</sup>	YES <sup>4</sup> or <sup>5</sup>	YES <sup>4</sup> or <sup>5</sup>
Esmolol	NO	NO	NO	NO	YES <sup>5</sup>	YES <sup>5</sup>
Etomidate	NO	NO	NO	YES <sup>3</sup>	YES <sup>3</sup>	YES <sup>3</sup>
FentanNYL	NO	NO	NO	YES	YES	YES
Fibrinolytics/thrombolytics: all types	NO	NO	NO	NO	YES <sup>5</sup>	YES <sup>5</sup>
Furosemide	NO	NO	NO	YES	YES	YES



<i>Medication</i>	<i>QRS (including providers at or above the level of EMR)</i>	<i>BLS (including providers at or above the level of EMT)</i>	<i>IALS (including providers at or above the level of AEMT)</i>	<i>ALS (including providers above the level of AEMT)</i>	<i>CCT (including providers above the level of AEMT with additional approved training)</i>	<i>Air (including providers above the level of AEMT with additional approved training)</i>
Flumazenil	NO	NO	NO	NO	YES <sup>4</sup>	YES <sup>4</sup>
Glucagon	NO	NO	YES	YES	YES	YES
Glucocorticoids/mineralcorticoids (unless otherwise specifically listed)	NO	NO	NO	NO	YES <sup>4,5</sup>	YES <sup>4,5</sup>
Glucose, oral	NO	YES	YES	YES	YES	YES
Heparin (unless otherwise specifically listed)	NO	NO	NO	NO	YES <sup>5</sup>	YES <sup>5</sup>
Heparin (by continuous intravenous infusion)	NO	NO	NO	YES <sup>4</sup>	YES <sup>4</sup> or <sup>5</sup>	YES <sup>4</sup> or <sup>5</sup>
Hespan	NO	NO	NO	NO	YES <sup>4,5</sup>	YES <sup>4,5</sup>
Hydralazine	NO	NO	NO	NO	YES <sup>4,5</sup>	YES <sup>4,5</sup>
Hydrocortisone sodium succinate	NO	NO	NO	YES	YES	YES
HYRDRomorphone	NO	NO	NO	YES <sup>4</sup>	YES <sup>4</sup> or <sup>5</sup>	YES <sup>4</sup> or <sup>5</sup>
Hydroxocobalamin	NO	NO	NO	YES	YES	YES
Ibuprofen	NO	YES	YES	YES	YES	YES
Immunizations	NO	NO	NO	YES <sup>9</sup>	YES <sup>9</sup>	YES <sup>9</sup>
Insulin	NO	NO	NO	NO	YES <sup>5</sup>	YES <sup>5</sup>
Isoproterenol HCl	NO	NO	NO	YES <sup>4</sup>	YES <sup>4</sup>	YES <sup>4</sup>
Ketamine	NO	NO	NO	YES <sup>3</sup>	YES <sup>3,4,5</sup>	YES <sup>3,4,5</sup>
Ketorolac	NO	NO	YES	YES	YES	YES
Labetolol	NO	NO	NO	NO	YES <sup>4,5</sup>	YES <sup>4,5</sup>
Levalbuterol	NO	NO	NO	YES <sup>4</sup>	YES <sup>4</sup>	YES <sup>4</sup>
Levetiracetam	NO	NO	NO	YES <sup>4</sup>	YES <sup>4</sup>	YES <sup>4</sup>
Lidocaine HCl	NO	NO	NO	YES	YES	YES
LORazepam	NO	NO	NO	YES	YES	YES
Magnesium sulfate	NO	NO	NO	YES	YES	YES
Mannitol	NO	NO	NO	NO	YES <sup>5</sup>	YES <sup>5</sup>
Metaproterenol	NO	NO	NO	NO	YES <sup>4,5</sup>	YES <sup>4,5</sup>
MethylPREDNISolone	NO	NO	NO	YES	YES	YES
Metoprolol	NO	NO	NO	NO	YES <sup>4,5</sup>	YES <sup>4,5</sup>
Midazolam	NO	NO	NO	YES	YES	YES
Milrinone	NO	NO	NO	YES <sup>4</sup>	YES <sup>4,5</sup>	YES <sup>4,5</sup>
Morphine sulfate	NO	NO	NO	YES	YES	YES
Naloxone (unless otherwise specifically listed). <i>Note</i> —autoinjector listed separately	NO	NO	YES	YES	YES	YES
Naloxone, intranasal or autoinjector. <i>Note</i> —EMRs and EMTs must complete additional required education with QRS or BLS service participating in naloxone program	YES <sup>1</sup>	YES <sup>1</sup>	YES	YES	YES	YES
Nerve agent antidote kit, autoinjector only (may include atropine, pralidoxime and diazepam)	NO	YES <sup>6,7</sup>	YES <sup>6,7</sup>	YES	YES	YES
Non-depolarizing neuromuscular blocking agents: all types, intravenous bolus during rapid sequence induction, assisting PHRN, PHPE or PHP	NO	NO	NO	NO	YES <sup>5</sup>	YES <sup>5</sup>

<i>Medication</i>	<i>QRS (including providers at or above the level of EMR)</i>	<i>BLS (including providers at or above the level of EMT)</i>	<i>IALS (including providers at or above the level of AEMT)</i>	<i>ALS (including providers above the level of AEMT)</i>	<i>CCT (including providers above the level of AEMT with additional approved training)</i>	<i>Air (including providers above the level of AEMT with additional approved training)</i>
Non-depolarizing neuromuscular blocking agents: all types, intravenous infusion during interfacility transport	NO	NO	NO	NO	YES <sup>4</sup>	YES <sup>4</sup>
Nitroglycerin, intravenous and topical	NO	NO	NO	YES	YES	YES
Nitroglycerin, sublingual (unless otherwise specifically listed)	NO	NO	YES	YES	YES	YES
Nitroglycerin, sublingual, assist with patient's own prescribed medication	NO	YES	YES	YES	YES	YES
Nitrous oxide	NO	NO	YES	YES	YES	YES
Norepinephrine	NO	NO	NO	YES <sup>4</sup>	YES <sup>4</sup>	YES <sup>4</sup>
Normal Saline Solution (0.9% NaCl solution for intravenous volume infusion)	NO	NO	YES	YES	YES	YES
Ondansetron	NO	NO	YES	YES	YES	YES
Oxygen, delivered by devices within the published scope of practice for the EMS provider	YES	YES	YES	YES	YES	YES
Oxytocin	NO	NO	NO	YES	YES	YES
Pantoprazole	NO	NO	NO	YES <sup>4</sup>	YES <sup>4,5</sup>	YES <sup>4,5</sup>
Phenylephrine	NO	NO	NO	YES <sup>4</sup>	YES <sup>4</sup>	YES <sup>4</sup>
Potassium Cl (in concentrations above 20 mEq/L)	NO	NO	NO	NO	YES <sup>4,5</sup>	YES <sup>4,5</sup>
Plasmanate	NO	NO	NO	NO	YES <sup>4,5</sup>	YES <sup>4,5</sup>
Pralidoxime	NO	NO	NO	YES	YES	YES
Procainamide	NO	NO	NO	YES	YES	YES
Propofol	NO	NO	NO	NO	YES <sup>4,5</sup>	YES <sup>4,5</sup>
Propranolol	NO	NO	NO	NO	YES <sup>4,5</sup>	YES <sup>4,5</sup>
Prostaglandins: all types	NO	NO	NO	NO	YES <sup>5</sup>	YES <sup>5</sup>
Quinidine sulfate/quinidine gluconate	NO	NO	NO	NO	YES <sup>5</sup>	YES <sup>5</sup>
Sodium bicarbonate	NO	NO	NO	YES	YES	YES
Sodium thiosulfate	NO	NO	NO	YES	YES	YES
Sterile water, for injection	NO	NO	NO	YES	YES	YES
Succinylcholine	NO	NO	NO	NO	YES <sup>5</sup>	YES <sup>5</sup>
Terbutaline	NO	NO	NO	YES	YES	YES
Tetracaine, topical	NO	NO	NO	YES	YES	YES
Theophylline	NO	NO	NO	NO	YES <sup>4,5</sup>	YES <sup>4,5</sup>
Tirofiban	NO	NO	NO	YES <sup>4</sup>	YES <sup>4 or 5</sup>	YES <sup>4 or 5</sup>
Tocolytics: all types (unless otherwise specifically listed)	NO	NO	NO	NO	YES <sup>5</sup>	YES <sup>5</sup>
Total Parenteral Nutrition	NO	NO	NO	YES <sup>4</sup>	YES <sup>4</sup>	YES <sup>4</sup>
Tranexamic Acid	NO	NO	NO	YES <sup>4</sup>	YES <sup>4 or 5</sup>	YES <sup>4 or 5</sup>
Verapamil	NO	NO	NO	YES	YES	YES
Medications not listed previously, but within Department-approved air ambulance service protocol for use by PHRN, PHPE and PHP.	NO	NO	NO	NO	NO	YES <sup>5</sup>

**Table 2. Medications required to be carried by a specified EMS vehicle based upon the type of EMS service an EMS agency is licensed to provide. (R=Required)**

<i>Medication</i>	<i>QRS</i>	<i>BLS</i>	<i>IALS</i>	<i>ALS</i>	<i>CCT</i>	<i>Air</i>
Adenosine				R	R	R
Aspirin, oral		R	R	R	R	R
Atropine sulfate				R	R	R
Benzodiazepines (diazepam, lorazepam or midazolam) At least one type must be carried.				R <sup>10,12</sup>	R <sup>10,12</sup>	R <sup>10,12</sup>
Bronchodilators (nebulizer solution), (albuterol or albuterol with ipratropium bromide) At least one type must be carried.			R <sup>8</sup>	R <sup>8</sup>	R <sup>8</sup>	R <sup>8</sup>
Dextrose (for intravenous bolus in concentration between 10%–50%)			R	R	R	R
DiphenhydrAMINE HCl				R	R	R
EPINEPHrine HCl, 1 mg/mL concentration (IALS may meet requirement with EPINEPHrine as autoinjector—both adult and pediatric dose sizes—or as solution in vial/ampoule; ALS, CCT and Air must carry 1 mg/mL in vial or ampoule)			R	R	R	R
EPINEPHrine HCl, 0.1 mg/mL concentration				R	R	R
EPINEPHrine, autoinjector (adult and pediatric dose sizes)—applies only to BLS services approved for EMT EPINEPHrine program		R <sup>3</sup>				
Etomidate—applies only to ALS services approved by regional etomidate program				R <sup>3</sup>	R <sup>3</sup>	R <sup>3</sup>
Glucagon					R	R
Glucose, oral		R	R	R	R	R
Lidocaine HCl				R	R	R
Naloxone (restrictions on forms for QRS/BLS services listed separately)			R	R	R	R
Naloxone, intranasal kit or intramuscular autoinjector—applies only to QRS/BLS services that meet training requirements.	R <sup>3</sup>	R <sup>3</sup>				
Narcotic analgesics (fentaNYL or morphine sulfate) At least one type must be carried.				R <sup>11,12</sup>	R <sup>11,12</sup>	R <sup>11,12</sup>
Nitroglycerin, sublingual			R	R	R	R
Normal Saline Solution (0.9% NaCl solution for intravenous volume infusion)			R	R	R	R
Oxygen		R	R	R	R	R
Sodium bicarbonate				R	R	R
Medication within Department-approved air ambulance service protocol for use by PHRN, PHPE or PHP on crew						R

QRS—Quick Response Service; BLS—Basic Life Support ambulance service; IALS—Intermediate Advanced Life Support ambulance service; ALS—Advanced Life Support ambulance service; CCT—Critical Care Transport ambulance service; Air—Air ambulance service.

1. EMRs and EMTs are restricted to administering this medication by intranasal and intramuscular autoinjector routes only, consistent with statewide BLS protocols.

2. AEMTs are restricted to administering this medication by intramuscular route only, consistent with statewide AEMT protocols. AEMTs may not administer this medication by intravenous or intraosseous route.

3. Permitted for services that meet Department requirements for training, medication stocking and any agency or quality improvement requirements, as verified by the agency's assigned regional EMS council.

4. During interfacility transport, Ps who are authorized to function for an EMS agency that has been licensed as an ALS, CCT or air ambulance service are restricted to the maintenance and monitoring of medication administration that is initiated at the sending medical facility.

5. If carried on a CCT ambulance, this medication must be secured so that it is only accessible when a PHRN, PHPE or PHP is part of the crew. Ps who are authorized to function for an EMS agency that has been licensed as a CCT or air ambulance service may only administer this medication when in the direct physical presence of, and supervised by, a PHRN, PHPE or PHP.

6. May administer to a patient when assisting an EMS provider above the level of AEMT who has determined the dose for the patient consistent with statewide ALS protocols.

7. For self or peer rescue only.

8. One listed type of bronchodilator medication must be carried on each licensed vehicle.

9. Appropriate for community or peer programs under the oversight of the EMS Agency Medical Director, but not for responses to 9-1-1 calls.

10. One benzodiazepine class medication must be carried on each licensed vehicle.

11. One opioid class medication must be carried on each licensed vehicle.

12. For additional information relating to security and medication tracking requirements for controlled substances, see 28 Pa. Code § 1027.5.

[Pa.B. Doc. No. 20-421. Filed for public inspection March 20, 2020, 9:00 a.m.]

## DEPARTMENT OF HEALTH

### Long-Term Care Nursing Facilities; Requests for Exception

The following long-term care nursing facility is seeking an exception to 28 Pa. Code § 201.22(d) and (e) (relating to prevention, control and surveillance of tuberculosis (TB)):

ManorCare Health Services—Peters Township  
113 West McMurray Road  
McMurray, PA 15317  
FAC ID # 126302

The following long-term care nursing facility is seeking an exception to 28 Pa. Code § 211.9(g) (relating to pharmacy services):

Homeland Center  
1901 North Fifth Street  
Harrisburg, PA 17102  
FAC ID # 600502

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

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

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

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

RACHEL L. LEVINE, MD,  
*Secretary*

[Pa.B. Doc. No. 20-422. Filed for public inspection March 20, 2020, 9:00 a.m.]

## DEPARTMENT OF REVENUE

### Pennsylvania Extreme Green Instant Lottery Game 1450

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

1. *Name:* The name of the game is Pennsylvania Extreme Green (hereinafter “Extreme Green”). The game number is PA-1450.

2. *Price:* The price of an Extreme Green instant lottery game ticket is \$10.

3. *Play symbols:* Each Extreme Green instant lottery game ticket will contain one play area featuring a “WINNING NUMBERS” area and a “YOUR NUMBERS” area. The play symbols and their captions, printed in black ink and located in the “WINNING NUMBERS” area, are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN), 20 (TWENT), 21 (TWYONE), 22 (TWY TWO), 23 (TWYTHR), 24 (TWYFOR), 25 (TWYFIV), 26 (TWYSIX), 27 (TWYSVN), 28 (TWYEGT), 29 (TWYNIN), 30 (THIRT), 31 (THYONE), 32 (THYTWO), 33 (THYTHR), 34 (THYFOR), 35 (THYFIV), 36 (THYSIX), 37 (THYSVN), 38 (THYEGT), 39 (THYNIN) and 40 (FORT). The play symbols and their captions, printed in green ink and located in the “WINNING NUMBERS” area, are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN), 20 (TWENT), 21 (TWYONE), 22 (TWY TWO), 23 (TWYTHR), 24 (TWYFOR), 25 (TWYFIV), 26 (TWYSIX), 27 (TWYSVN), 28 (TWYEGT), 29 (TWYNIN), 30 (THIRT), 31 (THYONE), 32 (THYTWO), 33 (THYTHR), 34 (THYFOR), 35 (THYFIV), 36 (THYSIX), 37 (THYSVN), 38 (THYEGT), 39 (THYNIN) and 40 (FORT). The play symbols and their captions, printed in black ink and located in the “YOUR NUMBERS” area, are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN), 20 (TWENT), 21 (TWYONE), 22

(TWTWO), 23 (TWYTHR), 24 (TWYFOR), 25 (TWYFIV), 26 (TWYSIX), 27 (TWYSVN), 28 (TWYEGT), 29 (TWNIN), 30 (THIRT), 31 (THYONE), 32 (THYTWO), 33 (THYTHR), 34 (THYFOR), 35 (THYFIV), 36 (THYSIX), 37 (THYSVN), 38 (THYEGT), 39 (THYNIN) and 40 (FORT). The play symbols and their captions, printed in green ink and located in the "YOUR NUMBERS" area, are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN), 20 (TWENT), 21 (TWYONE), 22 (TWTWO), 23 (TWYTHR), 24 (TWYFOR), 25 (TWYFIV), 26 (TWYSIX), 27 (TWYSVN), 28 (TWYEGT), 29 (TWNIN), 30 (THIRT), 31 (THYONE), 32 (THYTWO), 33 (THYTHR), 34 (THYFOR), 35 (THYFIV), 36 (THYSIX), 37 (THYSVN), 38 (THYEGT), 39 (THYNIN), 40 (FORT), 10X Burst (10TIMES) symbol and an EXTREME (WINALL) symbol.

4. *Prize symbols:* The prize symbols and their captions, located in the "YOUR NUMBERS" area, are: \$10<sup>00</sup> (TEN DOL), \$15<sup>00</sup> (FIFTEEN), \$20<sup>00</sup> (TWENTY), \$30<sup>00</sup> (THIRTY), \$50<sup>00</sup> (FIFTY), \$100 (ONE HUN), \$150 (ONEHUNFTY), \$200 (TWO HUN), \$400 (FOR HUN), \$500 (FIV HUN), \$1,000 (ONE THO), \$10,000 (TEN THO) and \$300,000 (THRHUNTHO).

5. *Prizes:* The prizes that can be won in this game are: \$10, \$15, \$20, \$30, \$50, \$100, \$150, \$200, \$400, \$500, \$1,000, \$10,000 and \$300,000. A player can win up to 15 times on a ticket.

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

7. *Determination of prize winners:*

(a) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols, with both the "WINNING NUMBERS" and "YOUR NUMBERS" play symbol and caption printed in black ink, and a prize symbol of \$300,000 (THRHUNTHO) appears in the "Prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$300,000.

(b) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols, with both the "WINNING NUMBERS" and "YOUR NUMBERS" play symbol and caption printed in black ink, and a prize symbol of \$10,000 (TEN THO) appears in the "Prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$10,000.

(c) Holders of tickets upon which a 10X Burst (10TIMES) symbol appears in the "YOUR NUMBERS" area, with the symbol and the caption printed in green ink, and a prize symbol of \$1,000 (ONE THO) appears in the "Prize" area under that 10X Burst (10TIMES) symbol, on a single ticket, shall be entitled to a prize of \$10,000.

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

(e) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the

"WINNING NUMBERS" play symbols, with either the "YOUR NUMBERS" or the "WINNING NUMBERS" play symbol and caption printed in green ink, and a prize symbol of \$200 (TWO HUN) appears in the "Prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$1,000.

(f) Holders of tickets upon which a 10X Burst (10TIMES) symbol appears in the "YOUR NUMBERS" area, with the symbol and the caption printed in green ink, and a prize symbol of \$100 (ONE HUN) appears in the "Prize" area under that 10X Burst (10TIMES) symbol, on a single ticket, shall be entitled to a prize of \$1,000.

(g) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is an EXTREME (WINALL) symbol, with the symbol and caption printed in green ink, and a prize symbol of \$100 (ONE HUN) appears in five of the "Prize" areas and a prize symbol of \$50<sup>00</sup> (FIFTY) appears in ten of the "Prize" areas, on a single ticket, shall be entitled to a prize of \$1,000.

(h) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols, with both the "WINNING NUMBERS" and "YOUR NUMBERS" play symbol and caption printed in black ink, and a prize symbol of \$500 (FIV HUN) appears in the "Prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$500.

(i) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols, with either the "YOUR NUMBERS" or the "WINNING NUMBERS" play symbol and caption printed in green ink, and a prize symbol of \$100 (ONE HUN) appears in the "Prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$500.

(j) Holders of tickets upon which a 10X Burst (10TIMES) symbol appears in the "YOUR NUMBERS" area, with the symbol and the caption printed in green ink, and a prize symbol of \$50<sup>00</sup> (FIFTY) appears in the "Prize" area under that 10X Burst (10TIMES) symbol, on a single ticket, shall be entitled to a prize of \$500.

(k) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is an EXTREME (WINALL) symbol, with the symbol and caption printed in green ink, and a prize symbol of \$100 (ONE HUN) appears in three of the "Prize" areas, a prize symbol of \$50<sup>00</sup> (FIFTY) appears in the two of the "Prize" areas and a prize symbol of \$10<sup>00</sup> (TEN DOL) appears in ten of the "Prize" areas, on a single ticket, shall be entitled to a prize of \$500.

(l) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is an EXTREME (WINALL) symbol, with the symbol and caption printed in green ink, and a prize symbol of \$50<sup>00</sup> (FIFTY) appears in five of the "Prize" areas, a prize symbol of \$30<sup>00</sup> (THIRTY) appears in five of the "Prize" areas and a prize symbol of \$20<sup>00</sup> (TWENTY) appears in five of the "Prize" areas, on a single ticket, shall be entitled to a prize of \$500.

(m) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols, with both the "WINNING NUMBERS" and "YOUR NUMBERS" play symbol and caption printed in black ink, and a prize symbol of \$400 (FOR HUN) appears in the "Prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$400.

(n) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is an EXTREME (WINALL) symbol, with the symbol and caption printed in green ink, and a prize symbol of \$50<sup>00</sup> (FIFTY) appears in four of the "Prize" areas, a prize symbol of \$10<sup>00</sup> (TEN DOL) appears in ten of the "Prize" areas and a prize symbol of \$100 (ONE HUN) appears in one of the "Prize" areas, on a single ticket, shall be entitled to a prize of \$400.

(o) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is an EXTREME (WINALL) symbol, with the symbol and caption printed in green ink, and a prize symbol of \$30<sup>00</sup> (THIRTY) appears in ten of the "Prize" areas and a prize symbol of \$20<sup>00</sup> (TWENTY) appears in five of the "Prize" area, on a single ticket, shall be entitled to a prize of \$400.

(p) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols, with either the "YOUR NUMBERS" or the "WINNING NUMBERS" play symbol and caption printed in green ink, and a prize symbol of \$50<sup>00</sup> (FIFTY) appears in the "Prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$250.

(q) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols, with both the "WINNING NUMBERS" and "YOUR NUMBERS" play symbol and caption printed in black ink, and a prize symbol of \$200 (TWO HUN) appears in the "Prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$200.

(r) Holders of tickets upon which a 10X Burst (10TIMES) symbol appears in the "YOUR NUMBERS" area, with the symbol and the caption printed in green ink, and a prize symbol of \$20<sup>00</sup> (TWENTY) appears in the "Prize" area under that 10X Burst (10TIMES) symbol, on a single ticket, shall be entitled to a prize of \$200.

(s) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is an EXTREME (WINALL) symbol, with the symbol and caption printed in green ink, and a prize symbol of \$10<sup>00</sup> (TEN DOL) appears in 11 of the "Prize" areas, a prize symbol of \$20<sup>00</sup> (TWENTY) appears in three of the "Prize" areas and a prize symbol of \$30<sup>00</sup> (THIRTY) appears in one of the "Prize" areas, on a single ticket, shall be entitled to a prize of \$200.

(t) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is an EXTREME (WINALL) symbol, with the symbol and caption printed in green ink, and a prize symbol of \$20<sup>00</sup> (TWENTY) appears in five of the "Prize" areas and a prize symbol of \$10<sup>00</sup> (TEN DOL) appears in ten of the "Prize" area, on a single ticket, shall be entitled to a prize of \$200.

(u) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols, with both the "WINNING NUMBERS" and "YOUR NUMBERS" play symbol and caption printed in black ink, and a prize symbol of \$150 (ONEHUNFTY) appears in the "Prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$150.

(v) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols, with either the "YOUR NUMBERS" or the "WINNING NUMBERS" play symbol and caption printed in green ink, and a prize

symbol of \$30<sup>00</sup> (THIRTY) appears in the "Prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$150.

(w) Holders of tickets upon which a 10X Burst (10TIMES) symbol appears in the "YOUR NUMBERS" area, with the symbol and the caption printed in green ink, and a prize symbol of \$15<sup>00</sup> (FIFTEEN) appears in the "Prize" area under that 10X Burst (10TIMES) symbol, on a single ticket, shall be entitled to a prize of \$150.

(x) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is an EXTREME (WINALL) symbol, with the symbol and caption printed in black ink, and a prize symbol of \$10<sup>00</sup> (TEN DOL) appears in all 15 of the "Prize" areas, on a single ticket, shall be entitled to a prize of \$150.

(y) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols, with both the "WINNING NUMBERS" and "YOUR NUMBERS" play symbol and caption printed in black ink, and a prize symbol of \$100 (ONE HUN) appears in the "Prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$100.

(z) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols, with either the "YOUR NUMBERS" or the "WINNING NUMBERS" play symbol and caption printed in green ink, and a prize symbol of \$20<sup>00</sup> (TWENTY) appears in the "Prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$100.

(aa) Holders of tickets upon which a 10X Burst (10TIMES) symbol appears in the "YOUR NUMBERS" area, with the symbol and the caption printed in green ink, and a prize symbol of \$10<sup>00</sup> (TEN DOL) appears in the "Prize" area under that 10X Burst (10TIMES) symbol, on a single ticket, shall be entitled to a prize of \$100.

(bb) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols, with both the "WINNING NUMBERS" and "YOUR NUMBERS" play symbol and caption printed in black ink, and a prize symbol of \$50<sup>00</sup> (FIFTY) appears in the "Prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$50.

(cc) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols, with either the "YOUR NUMBERS" or the "WINNING NUMBERS" play symbol and caption printed in green ink, and a prize symbol of \$10<sup>00</sup> (TEN DOL) appears in the "Prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$50.

(dd) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols, with both the "WINNING NUMBERS" and "YOUR NUMBERS" play symbol and caption printed in black ink, and a prize symbol of \$30<sup>00</sup> (THIRTY) appears in the "Prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$30.

(ee) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols, with both the "WINNING NUMBERS" and "YOUR NUMBERS" play symbol and caption printed in black ink, and a prize

symbol of \$20<sup>00</sup> (TWENTY) appears in the “Prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$20.

(ff) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches any of the “WINNING NUMBERS” play symbols, with both the “WINNING NUMBERS” and “YOUR NUMBERS” play symbol and caption printed in black ink, and a prize symbol of \$15<sup>00</sup> (FIFTEEN) appears in the “Prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$15.

(gg) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches any of the “WINNING NUMBERS” play symbols, with both the “WINNING NUMBERS” and “YOUR NUMBERS” play symbol and caption printed in black ink, and a prize symbol of \$10<sup>00</sup> (TEN DOL) appears in the “Prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$10.

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

<i>When Any Of Your Numbers Match Any Winning Number; Win Prize Shown Under The Matching Number. Win With:</i>	<i>Win:</i>	<i>Approximate Odds Are 1 In:</i>	<i>Approximate No. Of Winners Per 9,600,000 Tickets:</i>
\$10	\$10	10	960,000
\$15	\$15	17.65	544,000
\$10 × 2	\$20	33.33	288,000
\$20	\$20	37.5	256,000
\$10 × 3	\$30	200	48,000
\$15 × 2	\$30	200	48,000
\$20 + \$10	\$30	200	48,000
\$30	\$30	200	48,000
\$10 × 5	\$50	300	32,000
(\$10 × 2) + \$30	\$50	600	16,000
(\$15 × 2) + (\$10 × 2)	\$50	600	16,000
(\$20 × 2) + \$10	\$50	600	16,000
\$30 + \$20	\$50	600	16,000
\$10 w/ GREEN MATCH	\$50	200	48,000
\$50	\$50	300	32,000
\$10 × 10	\$100	600	16,000
(\$10 w/ GREEN MATCH) + (\$10 × 5)	\$100	600	16,000
(\$10 w/ GREEN MATCH) × 2	\$100	600	16,000
\$10 w/ 10X BURST	\$100	200	48,000
\$20 w/ GREEN MATCH	\$100	200	48,000
\$100	\$100	600	16,000
EXTREME w/ (\$10 × 15)	\$150	2,000	4,800
\$15 × 10	\$150	24,000	400
(\$10 w/ 10X BURST) + \$30 + \$20	\$150	12,000	800
(\$10 w/ GREEN MATCH) + (\$10 × 10)	\$150	12,000	800
(\$10 w/ GREEN MATCH) + (\$10 w/ 10X BURST)	\$150	12,000	800
\$15 w/ 10X BURST	\$150	6,000	1,600
\$30 w/ GREEN MATCH	\$150	6,000	1,600
\$150	\$150	24,000	400
EXTREME w/ ((\$20 × 5) + (\$10 × 10))	\$200	6,000	1,600
EXTREME w/ ((\$10 × 11) + (\$20 × 3) + \$30)	\$200	6,000	1,600
\$20 × 10	\$200	12,000	800
\$50 × 4	\$200	12,000	800

<i>When Any Of Your Numbers Match Any Winning Number, Win Prize Shown Under The Matching Number. Win With:</i>	<i>Win:</i>	<i>Approximate Odds Are 1 In:</i>	<i>Approximate No. Of Winners Per 9,600,000 Tickets:</i>
(((\$10 w/ GREEN MATCH) × 2) + (\$10 × 10))	\$200	6,000	1,600
(\$10 w/ 10X BURST) + (\$20 × 5)	\$200	6,000	1,600
(\$20 w/ GREEN MATCH) + (\$10 w/ 10X BURST)	\$200	12,000	800
\$20 w/ 10X BURST	\$200	4,000	2,400
\$200	\$200	12,000	800
EXTREME w/ ((\$30 × 10) + (\$20 × 5))	\$400	24,000	400
EXTREME w/ ((\$50 × 4) + (\$10 × 10) + \$100)	\$400	24,000	400
\$100 × 4	\$400	120,000	80
\$50 × 8	\$400	120,000	80
(((\$10 w/ 10X BURST) × 3) + (\$10 × 10))	\$400	30,000	320
(((\$10 w/ GREEN MATCH) × 4) + (\$50 × 2) + (\$20 × 5))	\$400	30,000	320
(((\$30 w/ GREEN MATCH) × 2) + (\$10 w/ 10X BURST))	\$400	40,000	240
(\$50 w/ GREEN MATCH) + (\$15 w/ 10X BURST)	\$400	120,000	80
\$400	\$400	120,000	80
EXTREME w/ ((\$50 × 5) + (\$30 × 5) + (\$20 × 5))	\$500	12,000	800
EXTREME w/ ((\$100 × 3) + (\$50 × 2) + (\$10 × 10))	\$500	12,000	800
\$100 × 5	\$500	120,000	80
\$50 × 10	\$500	120,000	80
(((\$20 w/ 10X BURST) × 2) + (\$50 × 2))	\$500	24,000	400
(\$50 w/ GREEN MATCH) × 2	\$500	24,000	400
\$50 w/ 10X BURST	\$500	24,000	400
\$100 w/ GREEN MATCH	\$500	24,000	400
\$500	\$500	120,000	80
EXTREME w/ ((\$100 × 5) + (\$50 × 10))	\$1,000	24,000	400
\$100 × 10	\$1,000	120,000	80
\$200 × 5	\$1,000	120,000	80
(\$100 w/ GREEN MATCH) + (\$50 w/ 10X BURST)	\$1,000	60,000	160
\$100 w/ 10X BURST	\$1,000	60,000	160
\$200 w/ GREEN MATCH	\$1,000	60,000	160
\$1,000	\$1,000	120,000	80
\$1,000 w/ 10X BURST	\$10,000	960,000	10
\$10,000	\$10,000	960,000	10
\$300,000	\$300,000	960,000	10

When one of the matching numbers is GREEN, win 5 times the prize shown under the matching number.

Reveal a "10X BURST" (10TIMES) symbol, win 10 times the prize shown under that symbol.

Reveal an "EXTREME" (WINALL) symbol, win all 15 prizes shown!



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

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

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

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

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

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

C. DANIEL HASSELL,  
Secretary

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## DEPARTMENT OF REVENUE

### Pennsylvania Max Money Instant Lottery Game 1453

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

1. *Name:* The name of the game is Pennsylvania Max Money (hereinafter “Max Money”). The game number is PA-1453.

2. *Price:* The price of a Max Money instant lottery game ticket is \$2.

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

4. *Prize symbols:* The prize symbols and their captions, located in the “YOUR NUMBERS” area, are: \$2.<sup>00</sup> (TWO DOL), \$4.<sup>00</sup> (FOR DOL), \$5.<sup>00</sup> (FIV DOL), \$10.<sup>00</sup> (TEN DOL), \$20.<sup>00</sup> (TWENTY), \$30.<sup>00</sup> (THIRTY), \$50.<sup>00</sup> (FIFTY), \$100 (ONE HUN), \$200 (TWO HUN), \$500 (FIV HUN), \$1,000 (ONE THO), and \$20,000 (TWY THO).

5. *Prizes:* The prizes that can be won in this game are: \$2, \$4, \$5, \$10, \$20, \$30, \$50, \$100, \$200, \$500, \$1,000 and \$20,000. A player can win up to ten times on a ticket.

6. *Approximate number of tickets printed for the game:* Approximately 7,200,000 tickets will be printed for the Max Money instant lottery game.

#### 7. *Determination of prize winners:*

(a) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches either of the “WINNING NUMBERS” play symbols and a prize symbol of \$20,000 (TWY THO) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$20,000.

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

(c) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a MAX (WINALL) symbol and a prize symbol of \$100 (ONE HUN) appears in all ten of the “prize” areas, on a single ticket, shall be entitled to a prize of \$1,000.

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

(e) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a Moneybag (MNYBAG) symbol and a prize symbol of \$500 (FIV HUN) appears in the “prize” area under that Moneybag (MNYBAG) symbol, on a single ticket, shall be entitled to a prize of \$500.

(f) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a MAX (WINALL) symbol, and a prize symbol of \$100 (ONE HUN) appears in four of the "prize" areas, a prize symbol of \$10<sup>00</sup> (TEN DOL) appears in five of the "prize" areas and a prize symbol of \$50<sup>00</sup> (FIFTY) appears in one of the "prize" areas, on a single ticket, shall be entitled to a prize of \$500.

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

(h) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Moneybag (MNYBAG) symbol and a prize symbol of \$200 (TWO HUN) appears in the "prize" area under that Moneybag (MNYBAG) symbol, on a single ticket, shall be entitled to a prize of \$200.

(i) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a MAX (WINALL) symbol and a prize symbol of \$20<sup>00</sup> (TWENTY) appears in all ten of the "prize" areas, on a single ticket, shall be entitled to a prize of \$200.

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

(k) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Moneybag (MNYBAG) symbol and a prize symbol of \$100 (ONE HUN) appears in the "prize" area under that Moneybag (MNYBAG) symbol, on a single ticket, shall be entitled to a prize of \$100.

(l) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a MAX (WINALL) symbol, and a prize symbol of \$10<sup>00</sup> (TEN DOL) appears in seven of the "prize" areas, a prize symbol of \$5<sup>00</sup> (FIV DOL) appears in two of the "prize" areas and a prize symbol of \$20<sup>00</sup> (TWENTY) appears in one of the "prize" areas, on a single ticket, shall be entitled to a prize of \$100.

(m) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a MAX (WINALL) symbol and a prize symbol of \$10<sup>00</sup> (TEN DOL) appears in all ten of the "prize" areas, on a single ticket, shall be entitled to a prize of \$100.

(n) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches either of the "WINNING NUMBERS" play symbols and a prize symbol of \$50<sup>00</sup> (FIFTY) appears in the "prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$50.

(o) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Moneybag (MNYBAG) symbol and a prize symbol of \$50<sup>00</sup> (FIFTY) appears in the "prize" area under that Moneybag (MNYBAG) symbol, on a single ticket, shall be entitled to a prize of \$50.

(p) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a MAX (WINALL) symbol, and a prize symbol of \$10<sup>00</sup> (TEN DOL) appears in two of the "prize" areas, a prize symbol of \$5<sup>00</sup> (FIV DOL) appears in four of the "prize" areas, a prize symbol of \$2<sup>00</sup> (TWO DOL) appears in three of the "prize" areas

and a prize symbol of \$4<sup>00</sup> (FOR DOL) appears in one of the "prize" areas, on a single ticket, shall be entitled to a prize of \$50.

(q) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a MAX (WINALL) symbol and a prize symbol of \$5<sup>00</sup> (FIV DOL) appears in all ten of the "prize" areas, on a single ticket, shall be entitled to a prize of \$50.

(r) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches either of the "WINNING NUMBERS" play symbols and a prize symbol of \$30<sup>00</sup> (THIRTY) appears in the "prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$30.

(s) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Moneybag (MNYBAG) symbol and a prize symbol of \$30<sup>00</sup> (THIRTY) appears in the "prize" area under that Moneybag (MNYBAG) symbol, on a single ticket, shall be entitled to a prize of \$30.

(t) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a MAX (WINALL) symbol, and a prize symbol of \$5<sup>00</sup> (FIV DOL) appears in two of the "prize" areas, a prize symbol of \$4<sup>00</sup> (FOR DOL) appears in two of the "prize" areas and a prize symbol of \$2<sup>00</sup> (TWO DOL) appears in six of the "prize" areas, on a single ticket, shall be entitled to a prize of \$30.

(u) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a MAX (WINALL) symbol, and a prize symbol of \$4<sup>00</sup> (FOR DOL) appears in five of the "prize" areas and a prize symbol of \$2<sup>00</sup> (TWO DOL) appears in five of the "prize" areas, on a single ticket, shall be entitled to a prize of \$30.

(v) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches either of the "WINNING NUMBERS" play symbols and a prize symbol of \$20<sup>00</sup> (TWENTY) appears in the "prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$20.

(w) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Moneybag (MNYBAG) symbol and a prize symbol of \$20<sup>00</sup> (TWENTY) appears in the "prize" area under that Moneybag (MNYBAG) symbol, on a single ticket, shall be entitled to a prize of \$20.

(x) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a MAX (WINALL) symbol and a prize symbol of \$2<sup>00</sup> (TWO DOL) appears in all ten of the "prize" areas, on a single ticket, shall be entitled to a prize of \$20.

(y) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches either of the "WINNING NUMBERS" play symbols and a prize symbol of \$10<sup>00</sup> (TEN DOL) appears in the "prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$10.

(z) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Moneybag (MNYBAG) symbol and a prize symbol of \$10<sup>00</sup> (TEN DOL) appears in the "prize" area under that Moneybag (MNYBAG) symbol, on a single ticket, shall be entitled to a prize of \$10.

(aa) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches either of the "WINNING NUMBERS" play symbols and a prize symbol of \$5<sup>00</sup> (FIV DOL) appears in the "prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$5.

(bb) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a Moneybag (MNYBAG) symbol and a prize symbol of \$5.<sup>00</sup> (FIV DOL) appears in the “prize” area under that Moneybag (MNYBAG) symbol, on a single ticket, shall be entitled to a prize of \$5.

(cc) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches either of the “WINNING NUMBERS” play symbols and a prize symbol of \$4.<sup>00</sup> (FOR DOL) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$4.

(dd) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a Moneybag (MNYBAG) symbol and a prize symbol of \$4.<sup>00</sup> (FOR DOL) appears in the “prize” area under that Moneybag (MNYBAG) symbol, on a single ticket, shall be entitled to a prize of \$4.

(ee) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches either of the “WINNING NUMBERS” play symbols and a prize symbol of \$2.<sup>00</sup> (TWO DOL) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$2.

(ff) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a Moneybag (MNYBAG) symbol and a prize symbol of \$2.<sup>00</sup> (TWO DOL) appears in the “prize” area under that Moneybag (MNYBAG) symbol, on a single ticket, shall be entitled to a prize of \$2.

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

<i>When Any Of Your Numbers Match Either Winning Number, Win Prize Shown Under The Matching Number. Win With:</i>	<i>Win:</i>	<i>Approximate Odds Are 1 In:</i>	<i>Approximate No. Of Winners Per 7,200,000 Tickets:</i>
\$2 w/ MONEYBAG	\$2	18.75	384,000
\$2	\$2	21.43	336,000
\$2 × 2	\$4	150	48,000
(\$2 w/ MONEYBAG) × 2	\$4	150	48,000
\$4 w/ MONEYBAG	\$4	150	48,000
\$4	\$4	150	48,000
\$5 w/ MONEYBAG	\$5	50	144,000
\$5	\$5	50	144,000
\$2 × 5	\$10	300	24,000
(\$5 w/ MONEYBAG) + \$5	\$10	214.29	33,600
(\$2 w/ MONEYBAG) × 5	\$10	214.29	33,600
\$10 w/ MONEYBAG	\$10	75	96,000
\$10	\$10	300	24,000
MAX w/ (\$2 × 10)	\$20	93.75	76,800
\$4 × 5	\$20	1,500	4,800
(((\$5 w/ MONEYBAG) × 2) + (\$2 × 5))	\$20	1,500	4,800
(\$2 w/ MONEYBAG) × 10	\$20	1,500	4,800
\$20 w/ MONEYBAG	\$20	1,500	4,800
\$20	\$20	1,500	4,800
MAX w/ ((\$4 × 5) + (\$2 × 5))	\$30	750	9,600
MAX w/ ((\$5 × 2) + (\$4 × 2) + (\$2 × 6))	\$30	750	9,600
\$10 × 3	\$30	12,000	600
(((\$5 w/ MONEYBAG) × 2) + ((\$4 w/ MONEYBAG) × 2) + (\$2 × 6))	\$30	4,000	1,800
\$30 w/ MONEYBAG	\$30	4,000	1,800
\$30	\$30	12,000	600
MAX w/ (\$5 × 10)	\$50	2,400	3,000
MAX w/ ((\$10 × 2) + (\$5 × 4) + (\$2 × 3) + \$4)	\$50	2,400	3,000
\$10 × 5	\$50	12,000	600
(\$5 w/ MONEYBAG) × 10	\$50	6,000	1,200

<i>When Any Of Your Numbers Match Either Winning Number, Win Prize Shown Under The Matching Number. Win With:</i>	<i>Win:</i>	<i>Approximate Odds Are 1 In:</i>	<i>Approximate No. Of Winners Per 7,200,000 Tickets:</i>
\$50 w/ MONEYBAG	\$50	6,000	1,200
\$50	\$50	12,000	600
MAX w/ (\$10 × 10)	\$100	12,000	600
MAX w/ ((\$10 × 7) + (\$5 × 2) + \$20)	\$100	12,000	600
\$20 × 5	\$100	60,000	120
(((\$10 w/ MONEYBAG) × 5) + ((\$5 w/ MONEYBAG) × 2) + (\$10 × 2) + \$20)	\$100	20,000	360
(\$10 w/ MONEYBAG) × 10	\$100	24,000	300
\$100 w/ MONEYBAG	\$100	24,000	300
\$100	\$100	60,000	120
MAX w/ (\$20 × 10)	\$200	120,000	60
\$20 × 10	\$200	120,000	60
\$200 w/ MONEYBAG	\$200	120,000	60
\$200	\$200	120,000	60
MAX w/ ((\$100 × 4) + (\$10 × 5) + \$50)	\$500	720,000	10
\$50 × 10	\$500	720,000	10
\$500 w/ MONEYBAG	\$500	720,000	10
\$500	\$500	720,000	10
MAX w/ (\$100 × 10)	\$1,000	720,000	10
\$200 × 5	\$1,000	720,000	10
\$1,000	\$1,000	720,000	10
\$20,000	\$20,000	720,000	10

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

Reveal a "MAX" (WINALL) symbol, win all 10 prizes shown!

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

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

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

a Pennsylvania Lottery second-chance drawing or promotion that is subsequently selected to win a prize.

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

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

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

C. DANIEL HASSELL,  
Secretary

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## DEPARTMENT OF REVENUE

### Pennsylvania Mom Instant Lottery Game 1452

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

1. *Name:* The name of the game is Pennsylvania Mom (hereinafter “Mom”). The game number is PA-1452.

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

3. *Play symbols:* Each Mom instant lottery game ticket will contain one play area featuring a “WINNING NUMBERS” area and a “YOUR NUMBERS” area. The play symbols and their captions, located in the “WINNING NUMBERS” area, are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN), 20 (TWENT), 21 (TWYONE), 22 (TWYTWO), 23 (TWYTHR), 24 (TWYFOR), 25 (TWYFIV), 26 (TWYSIX), 27 (TWYSVN), 28 (TWYEGT), 29 (TWYNIN) and 30 (THIRT). The play symbols and their captions, located in the “YOUR NUMBERS” area, are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN), 20 (TWENT), 21 (TWYONE), 22 (TWYTWO), 23 (TWYTHR), 24 (TWYFOR), 25 (TWYFIV), 26 (TWYSIX), 27 (TWYSVN), 28 (TWYEGT), 29 (TWYNIN), 30 (THIRT), Flower (FLOWER) symbol and a MOM (WINALL) symbol.

4. *Prize symbols:* The prize symbols and their captions, located in the “YOUR NUMBERS” area, are: \$5<sup>00</sup> (FIV DOL), \$10<sup>00</sup> (TEN DOL), \$20<sup>00</sup> (TWENTY), \$30<sup>00</sup> (THIRTY), \$40<sup>00</sup> (FORTY), \$50<sup>00</sup> (FIFTY), \$60<sup>00</sup> (SIXTY), \$100 (ONE HUN), \$200 (TWO HUN), \$400 (FOR HUN), \$1,000 (ONE THO), \$5,000 (FIV THO) and \$50,000 (FTY THO).

5. *Prizes:* The prizes that can be won in this game are: \$5, \$10, \$20, \$30, \$40, \$50, \$60, \$100, \$200, \$400, \$1,000, \$5,000 and \$50,000. A player can win up to 12 times on a ticket.

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

#### 7. Determination of prize winners:

(a) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches any of the “WINNING NUMBERS” play symbols and a prize symbol of \$50,000 (FTY THO) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$50,000.

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

(c) Holders of tickets upon which a Flower (FLOWER) symbol appears in the “YOUR NUMBERS” area and a prize symbol of \$5,000 (FIV THO) appears in the “prize”

area under that Flower (FLOWER) symbol, on a single ticket, shall be entitled to a prize of \$5,000.

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

(e) Holders of tickets upon which a MOM (WINALL) symbol appears in the “YOUR NUMBERS” area, and a prize symbol of \$200 (TWO HUN) appears in two of the “prize” areas, a prize symbol of \$100 (ONE HUN) appears in five of the “prize” areas and a prize symbol of \$20<sup>00</sup> (TWENTY) appears in five of the “prize” areas, on a single ticket, shall be entitled to a prize of \$1,000.

(f) Holders of tickets upon which a MOM (WINALL) symbol appears in the “YOUR NUMBERS” area, and a prize symbol of \$200 (TWO HUN) appears in four of the “prize” areas, a prize symbol of \$40<sup>00</sup> (FORTY) appears in four of the “prize” areas and a prize symbol of \$10<sup>00</sup> (TEN DOL) appears in four of the “prize” areas, on a single ticket, shall be entitled to a prize of \$1,000.

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

(h) Holders of tickets upon which a Flower (FLOWER) symbol appears in the “YOUR NUMBERS” area and a prize symbol of \$400 (FOR HUN) appears in the “prize” area under that Flower (FLOWER) symbol, on a single ticket, shall be entitled to a prize of \$400.

(i) Holders of tickets upon which a MOM (WINALL) symbol appears in the “YOUR NUMBERS” area, and a prize symbol of \$10<sup>00</sup> (TEN DOL) appears in ten of the “prize” areas, a prize symbol of \$200 (TWO HUN) appears in one of the “prize” areas and a prize symbol of \$100 (ONE HUN) appears in one of the “prize” areas, on a single ticket, shall be entitled to a prize of \$400.

(j) Holders of tickets upon which a MOM (WINALL) symbol appears in the “YOUR NUMBERS” area, and a prize symbol of \$40<sup>00</sup> (FORTY) appears in eight of the “prize” areas and a prize symbol of \$20<sup>00</sup> (TWENTY) appears in four of the “prize” areas, on a single ticket, shall be entitled to a prize of \$400.

(k) Holders of tickets upon which a MOM (WINALL) symbol appears in the “YOUR NUMBERS” area, and a prize symbol of \$100 (ONE HUN) appears in two of the “prize” areas and a prize symbol of \$20<sup>00</sup> (TWENTY) appears in ten of the “prize” areas, on a single ticket, shall be entitled to a prize of \$400.

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

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

(n) Holders of tickets upon which a MOM (WINALL) symbol appears in the “YOUR NUMBERS” area, and a

prize symbol of \$20.<sup>00</sup> (TWENTY) appears in six of the “prize” areas, a prize symbol of \$10.<sup>00</sup> (TEN DOL) appears in five of the “prize” areas and a prize symbol of \$30.<sup>00</sup> (THIRTY) appears in one of the “prize” areas, on a single ticket, shall be entitled to a prize of \$200.

(o) Holders of tickets upon which a MOM (WINALL) symbol appears in the “YOUR NUMBERS” area, and a prize symbol of \$30.<sup>00</sup> (THIRTY) appears in four of the “prize” areas and a prize symbol of \$10.<sup>00</sup> (TEN DOL) appears in eight of the “prize” areas, on a single ticket, shall be entitled to a prize of \$200.

(p) Holders of tickets upon which a MOM (WINALL) symbol appears in the “YOUR NUMBERS” area, and a prize symbol of \$50.<sup>00</sup> (FIFTY) appears in two of the “prize” areas and a prize symbol of \$10.<sup>00</sup> (TEN DOL) appears in ten of the “prize” areas, on a single ticket, shall be entitled to a prize of \$200.

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

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

(s) Holders of tickets upon which a MOM (WINALL) symbol appears in the “YOUR NUMBERS” area, and a prize symbol of \$10.<sup>00</sup> (TEN DOL) appears in eight of the “prize” areas and a prize symbol of \$5.<sup>00</sup> (FIV DOL) appears in four of the “prize” areas, on a single ticket, shall be entitled to a prize of \$100.

(t) Holders of tickets upon which a MOM (WINALL) symbol appears in the “YOUR NUMBERS” area, and a prize symbol of \$20.<sup>00</sup> (TWENTY) appears in two of the “prize” areas, a prize symbol of \$10.<sup>00</sup> (TEN DOL) appears in two of the “prize” areas and a prize symbol of \$5.<sup>00</sup> (FIV DOL) appears in eight of the “prize” areas, on a single ticket, shall be entitled to a prize of \$100.

(u) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches any of the “WINNING NUMBERS” play symbols and a prize symbol of \$60.<sup>00</sup> (SIXTY) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$60.

(v) Holders of tickets upon which a Flower (FLOWER) symbol appears in the “YOUR NUMBERS” area and a prize symbol of \$60.<sup>00</sup> (SIXTY) appears in the “prize” area under that Flower (FLOWER) symbol, on a single ticket, shall be entitled to a prize of \$60.

(w) Holders of tickets upon which a MOM (WINALL) symbol appears in the “YOUR NUMBERS” area, and a prize symbol of \$5.<sup>00</sup> (FIV DOL) appears in all 12 of the “prize” areas, on a single ticket, shall be entitled to a prize of \$60.

(x) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches any of the “WINNING NUMBERS” play symbols and a prize symbol of \$50.<sup>00</sup> (FIFTY) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$50.

(y) Holders of tickets upon which a Flower (FLOWER) symbol appears in the “YOUR NUMBERS” area and a prize symbol of \$50.<sup>00</sup> (FIFTY) appears in the “prize” area under that Flower (FLOWER) symbol, on a single ticket, shall be entitled to a prize of \$50.

(z) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches any of the “WINNING NUMBERS” play symbols and a prize symbol of \$40.<sup>00</sup> (FORTY) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$40.

(aa) Holders of tickets upon which a Flower (FLOWER) symbol appears in the “YOUR NUMBERS” area and a prize symbol of \$40.<sup>00</sup> (FORTY) appears in the “prize” area under that Flower (FLOWER) symbol, on a single ticket, shall be entitled to a prize of \$40.

(bb) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches any of the “WINNING NUMBERS” play symbols and a prize symbol of \$30.<sup>00</sup> (THIRTY) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$30.

(cc) Holders of tickets upon which a Flower (FLOWER) symbol appears in the “YOUR NUMBERS” area and a prize symbol of \$30.<sup>00</sup> (THIRTY) appears in the “prize” area under that Flower (FLOWER) symbol, on a single ticket, shall be entitled to a prize of \$30.

(dd) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches any of the “WINNING NUMBERS” play symbols and a prize symbol of \$20.<sup>00</sup> (TWENTY) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$20.

(ee) Holders of tickets upon which a Flower (FLOWER) symbol appears in the “YOUR NUMBERS” area and a prize symbol of \$20.<sup>00</sup> (TWENTY) appears in the “prize” area under that Flower (FLOWER) symbol, on a single ticket, shall be entitled to a prize of \$20.

(ff) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches any of the “WINNING NUMBERS” play symbols and a prize symbol of \$10.<sup>00</sup> (TEN DOL) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$10.

(gg) Holders of tickets upon which a Flower (FLOWER) symbol appears in the “YOUR NUMBERS” area and a prize symbol of \$10.<sup>00</sup> (TEN DOL) appears in the “prize” area under that Flower (FLOWER) symbol, on a single ticket, shall be entitled to a prize of \$10.

(hh) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches any of the “WINNING NUMBERS” play symbols and a prize symbol of \$5.<sup>00</sup> (FIV DOL) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$5.

(ii) Holders of tickets upon which a Flower (FLOWER) symbol appears in the “YOUR NUMBERS” area and a prize symbol of \$5.<sup>00</sup> (FIV DOL) appears in the “prize” area under that Flower (FLOWER) symbol, on a single ticket, shall be entitled to a prize of \$5.

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

<i>When Any Of Your Numbers Match Any Winning Number, Win Prize Shown Under The Matching Number. Win With:</i>	<i>Win:</i>	<i>Approximate Odds Are 1 In:</i>	<i>Approximate No. Of Winners Per 5,400,000 Tickets:</i>
\$5 w/ FLOWER	\$5	16.67	324,000
\$5	\$5	16.67	324,000
\$5 × 2	\$10	120	45,000
(\$5 w/ FLOWER) + \$5	\$10	120	45,000
(\$5 w/ FLOWER) × 2	\$10	60	90,000
\$10 w/ FLOWER	\$10	60	90,000
\$10	\$10	200	27,000
\$5 × 4	\$20	300	18,000
\$10 × 2	\$20	300	18,000
(\$10 w/ FLOWER) × 2	\$20	120	45,000
\$20 w/ FLOWER	\$20	85.71	63,000
\$20	\$20	300	18,000
\$5 × 6	\$30	600	9,000
\$10 × 3	\$30	600	9,000
(((\$5 w/ FLOWER) × 4) + (\$5 × 2))	\$30	600	9,000
(((\$10 w/ FLOWER) × 2) + \$10)	\$30	300	18,000
(\$20 w/ FLOWER) + (\$5 × 2)	\$30	300	18,000
\$30 w/ FLOWER	\$30	300	18,000
\$30	\$30	600	9,000
\$5 × 10	\$50	600	9,000
(((\$10 w/ FLOWER) × 3) + (\$5 × 4))	\$50	600	9,000
(\$30 w/ FLOWER) + (\$5 × 4)	\$50	300	18,000
\$50 w/ FLOWER	\$50	300	18,000
\$50	\$50	600	9,000
MOM w/ (\$5 × 12)	\$60	342.86	15,750
\$10 × 6	\$60	6,000	900
\$20 × 3	\$60	6,000	900
(((\$20 w/ FLOWER) × 2) + (\$10 × 2))	\$60	12,000	450
\$60 w/ FLOWER	\$60	12,000	450
\$60	\$60	12,000	450
MOM w/ ((\$20 × 2) + (\$10 × 2) + (\$5 × 8))	\$100	1,000	5,400
MOM w/ ((\$10 × 8) + (\$5 × 4))	\$100	1,000	5,400
\$10 × 10	\$100	6,000	900
(((\$30 w/ FLOWER) × 2) + ((\$10 w/ FLOWER) × 2) + (\$5 × 4))	\$100	8,000	675
(\$50 w/ FLOWER) + (\$10 × 5)	\$100	12,000	450
\$100 w/ FLOWER	\$100	24,000	225
\$100	\$100	6,000	900
MOM w/ ((\$50 × 2) + (\$10 × 10))	\$200	8,000	675
MOM w/ ((\$30 × 4) + (\$10 × 8))	\$200	8,000	675
MOM w/ ((\$20 × 6) + (\$10 × 5) + \$30)	\$200	8,000	675
\$50 × 4	\$200	24,000	225
(((\$50 w/ FLOWER) × 2) + ((\$40 w/ FLOWER) × 2) + (\$10 × 2))	\$200	24,000	225
(\$100 w/ FLOWER) × 2	\$200	24,000	225
\$200 w/ FLOWER	\$200	24,000	225

<i>When Any Of Your Numbers Match Any Winning Number, Win Prize Shown Under The Matching Number. Win With:</i>	<i>Win:</i>	<i>Approximate Odds Are 1 In:</i>	<i>Approximate No. Of Winners Per 5,400,000 Tickets:</i>
\$200	\$200	24,000	225
MOM w/ ((\$100 × 2) + (\$20 × 10))	\$400	120,000	45
MOM w/ ((\$40 × 8) + (\$20 × 4))	\$400	120,000	45
MOM w/ ((\$10 × 10) + \$200 + \$100)	\$400	120,000	45
\$100 × 4	\$400	120,000	45
\$400 w/ FLOWER	\$400	120,000	45
\$400	\$400	120,000	45
MOM w/ ((\$200 × 4) + (\$40 × 4) + (\$10 × 4))	\$1,000	540,000	10
MOM w/ ((\$200 × 2) + (\$100 × 5) + (\$20 × 5))	\$1,000	540,000	10
\$100 × 10	\$1,000	540,000	10
\$1,000	\$1,000	540,000	10
\$5,000 w/ FLOWER	\$5,000	540,000	10
\$5,000	\$5,000	540,000	10
\$50,000	\$50,000	540,000	10

Reveal a “FLOWER” (FLOWER) symbol, win prize shown under that symbol automatically.

Reveal a “MOM” (WINALL) symbol, win all 12 prizes shown!

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

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

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

11. *Unclaimed prize money:* For a period of 1 year from the announced close of Mom, prize money from winning Mom instant lottery game tickets will be retained by the Secretary for payment to the persons entitled thereto. If no claim is made within 1 year of the announced close of the Mom instant lottery game, the right of a ticket holder to claim the prize represented by the ticket, if any, will

expire and the prize money will be paid into the State Lottery Fund and used for purposes provided for by statute.

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

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

C. DANIEL HASSELL,  
Secretary

[Pa.B. Doc. No. 20-425. Filed for public inspection March 20, 2020, 9:00 a.m.]

## DEPARTMENT OF REVENUE

### Pennsylvania Power Shot Instant Lottery Game 1451

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

1. *Name:* The name of the game is Pennsylvania Power Shot (hereinafter “Power Shot”). The game number is PA-1451.

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



3. *Play symbols:* Each Power Shot instant lottery game ticket will contain one play area consisting of 12 "GAME" areas. Each "GAME" area contains a play symbol and caption, a "Prize" area to the right of that play symbol and caption, and a "Power Shot" area to the right of each "Prize" area containing one multiplier symbol. Each "GAME" is played separately. The play symbols and their captions, located in the "GAME" areas, are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN), 20 (TWENT), 21 (TWYONE), 22 (TWY TWO), 23 (TWYTHR), 24 (TWYFOR), 25 (TWYFIV), 26 (TWYSIX), 27 (TWYSVN), 28 (TWYEGT), 29 (TWYNIN), 30 (THIRT) and a Lightning Bolt (BOLT) symbol. The multiplier symbols and their captions, located in the "Power Shot" area to the right of the "Prize" area in each "GAME," are: 1X (PRIZE) symbol, 2X (2TIMES) symbol, 3X (3TIMES) symbol, 5X (5TIMES) symbol, 10X (10TIMES) symbol and a 20X (20TIMES) symbol.

4. *Prize symbols:* The prize symbols and their captions, located in the "Prize" area to the right of the play symbol and caption in each game, are: \$5.<sup>00</sup> (FIV DOL), \$10.<sup>00</sup> (TEN DOL), \$15.<sup>00</sup> (FIFTEEN), \$20.<sup>00</sup> (TWENTY), \$30.<sup>00</sup> (THIRTY), \$50.<sup>00</sup> (FIFTY), \$100 (ONE HUN), \$200 (TWO HUN), \$300 (THR HUN), \$1,000 (ONE THO), \$5,000 (FIV THO) and \$100,000 (ONEHUNTHO).

5. *Prizes:* The prizes that can be won in this game are: \$5, \$10, \$15, \$20, \$30, \$50, \$100, \$200, \$300, \$1,000, \$5,000 and \$100,000. Power shot contains a feature that can multiply the prize won. For a complete list of prizes that can be won in this game, including multiplied prizes, see section 8 (relating to number and description of prizes and approximate odds). A player can win up to 12 times on a ticket.

6. *Approximate number of tickets printed for the game:* Approximately 10,800,000 tickets will be printed for the Power Shot instant lottery game.

7. *Determination of prize winners:*

(a) Holders of tickets upon which a Lightning Bolt (BOLT) symbol appears in any "GAME" and a prize symbol of \$100,000 (ONEHUNTHO) appears in the "Prize" area to the right of that Lightning Bolt (BOLT) symbol and a 1X (PRIZE) multiplier symbol appears in the "Power Shot" area to the right of that prize symbol, on a single ticket, shall be entitled to a prize of \$100,000.

(b) Holders of tickets upon which a Lightning Bolt (BOLT) symbol appears in any "GAME" and a prize symbol of \$5,000 (FIV THO) appears in the "Prize" area to the right of that Lightning Bolt (BOLT) symbol and a 1X (PRIZE) multiplier symbol appears in the "Power Shot" area to the right of that prize symbol, on a single ticket, shall be entitled to a prize of \$5,000.

(c) Holders of tickets upon which a Lightning Bolt (BOLT) symbol appears in any "GAME" and a prize symbol of \$1,000 (ONE THO) appears in the "Prize" area to the right of that Lightning Bolt (BOLT) symbol and a 5X (5TIMES) multiplier symbol appears in the "Power Shot" area to the right of that prize symbol, on a single ticket, shall be entitled to a prize of \$5,000.

(d) Holders of tickets upon which a Lightning Bolt (BOLT) symbol appears in any "GAME" and a prize symbol of \$1,000 (ONE THO) appears in the "Prize" area to the right of that Lightning Bolt (BOLT) symbol and a 1X (PRIZE) multiplier symbol appears in the "Power Shot"

area to the right of that prize symbol, on a single ticket, shall be entitled to a prize of \$1,000.

(e) Holders of tickets upon which a Lightning Bolt (BOLT) symbol appears in any "GAME" and a prize symbol of \$100 (ONE HUN) appears in the "Prize" area to the right of that Lightning Bolt (BOLT) symbol and a 10X (10TIMES) multiplier symbol appears in the "Power Shot" area to the right of that prize symbol, on a single ticket, shall be entitled to a prize of \$1,000.

(f) Holders of tickets upon which a Lightning Bolt (BOLT) symbol appears in any "GAME" and a prize symbol of \$50.<sup>00</sup> (FIFTY) appears in the "Prize" area to the right of that Lightning Bolt (BOLT) symbol and a 20X (20TIMES) multiplier symbol appears in the "Power Shot" area to the right of that prize symbol, on a single ticket, shall be entitled to a prize of \$1,000.

(g) Holders of tickets upon which a Lightning Bolt (BOLT) symbol appears in any "GAME" and a prize symbol of \$30.<sup>00</sup> (THIRTY) appears in the "Prize" area to the right of that Lightning Bolt (BOLT) symbol and a 20X (20TIMES) multiplier symbol appears in the "Power Shot" area to the right of that prize symbol, on a single ticket, shall be entitled to a prize of \$600.

(h) Holders of tickets upon which a Lightning Bolt (BOLT) symbol appears in any "GAME" and a prize symbol of \$20.<sup>00</sup> (TWENTY) appears in the "Prize" area to the right of that Lightning Bolt (BOLT) symbol and a 20X (20TIMES) multiplier symbol appears in the "Power Shot" area to the right of that prize symbol, on a single ticket, shall be entitled to a prize of \$400.

(i) Holders of tickets upon which a Lightning Bolt (BOLT) symbol appears in any "GAME" and a prize symbol of \$300 (THR HUN) appears in the "Prize" area to the right of that Lightning Bolt (BOLT) symbol and a 1X (PRIZE) multiplier symbol appears in the "Power Shot" area to the right of that prize symbol, on a single ticket, shall be entitled to a prize of \$300.

(j) Holders of tickets upon which a Lightning Bolt (BOLT) symbol appears in any "GAME" and a prize symbol of \$100 (ONE HUN) appears in the "Prize" area to the right of that Lightning Bolt (BOLT) symbol and a 3X (3TIMES) multiplier symbol appears in the "Power Shot" area to the right of that prize symbol, on a single ticket, shall be entitled to a prize of \$300.

(k) Holders of tickets upon which a Lightning Bolt (BOLT) symbol appears in any "GAME" and a prize symbol of \$30.<sup>00</sup> (THIRTY) appears in the "Prize" area to the right of that Lightning Bolt (BOLT) symbol and a 10X (10TIMES) multiplier symbol appears in the "Power Shot" area to the right of that prize symbol, on a single ticket, shall be entitled to a prize of \$300.

(l) Holders of tickets upon which a Lightning Bolt (BOLT) symbol appears in any "GAME" and a prize symbol of \$50.<sup>00</sup> (FIFTY) appears in the "Prize" area to the right of that Lightning Bolt (BOLT) symbol and a 5X (5TIMES) multiplier symbol appears in the "Power Shot" area to the right of that prize symbol, on a single ticket, shall be entitled to a prize of \$250.

(m) Holders of tickets upon which a Lightning Bolt (BOLT) symbol appears in any "GAME" and a prize symbol of \$200 (TWO HUN) appears in the "Prize" area to the right of that Lightning Bolt (BOLT) symbol and a 1X (PRIZE) multiplier symbol appears in the "Power Shot" area to the right of that prize symbol, on a single ticket, shall be entitled to a prize of \$200.



area to the right of that prize symbol, on a single ticket, shall be entitled to a prize of \$20.

(gg) Holders of tickets upon which a Lightning Bolt (BOLT) symbol appears in any "GAME" and a prize symbol of \$15.<sup>00</sup> (FIFTEEN) appears in the "Prize" area to the right of that Lightning Bolt (BOLT) symbol and a 1X (PRIZE) multiplier symbol appears in the "Power Shot" area to the right of that prize symbol, on a single ticket, shall be entitled to a prize of \$15.

(hh) Holders of tickets upon which a Lightning Bolt (BOLT) symbol appears in any "GAME" and a prize symbol of \$5.<sup>00</sup> (FIV DOL) appears in the "Prize" area to the right of that Lightning Bolt (BOLT) symbol and a 3X (3TIMES) multiplier symbol appears in the "Power Shot" area to the right of that prize symbol, on a single ticket, shall be entitled to a prize of \$15.

(ii) Holders of tickets upon which a Lightning Bolt (BOLT) symbol appears in any "GAME" and a prize symbol of \$10.<sup>00</sup> (TEN DOL) appears in the "Prize" area to the right of that Lightning Bolt (BOLT) symbol and a 1X (PRIZE) multiplier symbol appears in the "Power Shot"

area to the right of that prize symbol, on a single ticket, shall be entitled to a prize of \$10.

(jj) Holders of tickets upon which a Lightning Bolt (BOLT) symbol appears in any "GAME" and a prize symbol of \$5.<sup>00</sup> (FIV DOL) appears in the "Prize" area to the right of that Lightning Bolt (BOLT) symbol and a 2X (2TIMES) multiplier symbol appears in the "Power Shot" area to the right of that prize symbol, on a single ticket, shall be entitled to a prize of \$10.

(kk) Holders of tickets upon which a Lightning Bolt (BOLT) symbol appears in any "GAME" and a prize symbol of \$5.<sup>00</sup> (FIV DOL) appears in the "Prize" area to the right of that Lightning Bolt (BOLT) symbol and a 1X (PRIZE) multiplier symbol appears in the "Power Shot" area to the right of that prize symbol, on a single ticket, shall be entitled to a prize of \$5.

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

<i>Reveal a "LIGHTNING BOLT" (BOLT) Symbol In Any GAME, Win Prize Shown To The Right Of That Symbol. Win With:</i>	<i>Win:</i>	<i>Approximate Odds Are 1 In:</i>	<i>Approximate No. Of Winners Per 10,800,000 Tickets:</i>
\$5	\$5	10	1,080,000
\$5 × 2	\$10	150	72,000
\$5 w/ 2X POWER SHOT	\$10	30	360,000
\$10	\$10	150	72,000
\$5 × 3	\$15	600	18,000
\$10 + \$5	\$15	600	18,000
(\$5 w/ 2X POWER SHOT) + \$5	\$15	120	90,000
\$5 w/ 3X POWER SHOT	\$15	150	72,000
\$15	\$15	600	18,000
\$5 × 4	\$20	300	36,000
(\$5 w/ 2X POWER SHOT) + (\$5 × 2)	\$20	120	90,000
\$10 w/ 2X POWER SHOT	\$20	85.71	126,000
\$20	\$20	300	36,000
\$10 × 3	\$30	600	18,000
(\$5 w/ 3X POWER SHOT) × 2	\$30	300	36,000
(\$10 w/ 2X POWER SHOT) + (\$5 w/ 2X POWER SHOT)	\$30	150	72,000
\$10 w/ 3X POWER SHOT	\$30	100	108,000
\$30	\$30	600	18,000
\$5 × 10	\$50	600	18,000
(\$10 w/ 2X POWER SHOT) + (\$5 w/ 5X POWER SHOT) + \$5	\$50	600	18,000
\$5 w/ 10X POWER SHOT	\$50	600	18,000
\$10 w/ 5X POWER SHOT	\$50	600	18,000
\$50	\$50	600	18,000
\$50 × 2	\$100	12,000	900
(\$10 × 5) + (\$5 × 6) + \$20	\$100	12,000	900
(((\$15 w/ 3X POWER SHOT) × 2) + (\$5 × 2)	\$100	12,000	900

<i>Reveal a "LIGHTNING BOLT" (BOLT) Symbol In Any GAME, Win Prize Shown To The Right Of That Symbol. Win With:</i>	<i>Win:</i>	<i>Approximate Odds Are 1 In:</i>	<i>Approximate No. Of Winners Per 10,800,000 Tickets:</i>
\$5 w/ 20X POWER SHOT	\$100	1,200	9,000
\$10 w/ 10X POWER SHOT	\$100	1,714	6,300
\$20 w/ 5X POWER SHOT	\$100	1,200	9,000
\$50 w/ 2X POWER SHOT	\$100	12,000	900
\$100	\$100	12,000	900
\$20 × 10	\$200	12,000	900
(\$30 × 2) + (\$20 × 6) + (\$5 × 4)	\$200	6,000	1,800
(\$30 w/ 5X POWER SHOT) + ((\$5 w/ 2X POWER SHOT) × 3) + (\$10 × 2)	\$200	6,000	1,800
\$10 w/ 20X POWER SHOT	\$200	4,800	2,250
\$20 w/ 10X POWER SHOT	\$200	6,000	1,800
\$100 w/ 2X POWER SHOT	\$200	6,000	1,800
\$200	\$200	12,000	900
\$100 × 3	\$300	60,000	180
(\$50 × 2) + (\$30 × 5) + (\$10 × 5)	\$300	60,000	180
(\$50 w/ 3X POWER SHOT) + (\$20 × 5) + (\$10 × 4) + (\$5 × 2)	\$300	40,000	270
(\$50 w/ 5X POWER SHOT) + \$50	\$300	30,000	360
\$30 w/ 10X POWER SHOT	\$300	40,000	270
\$100 w/ 3X POWER SHOT	\$300	30,000	360
\$300	\$300	60,000	180
\$100 × 10	\$1,000	1,080,000	10
(\$200 × 2) + (\$100 × 3) + (\$50 × 5) + \$30 + \$20	\$1,000	1,080,000	10
(\$30 w/ 20X POWER SHOT) + (\$20 w/ 20X POWER SHOT)	\$1,000	1,080,000	10
\$50 w/ 20X POWER SHOT	\$1,000	540,000	20
\$100 w/ 10X POWER SHOT	\$1,000	540,000	20
\$1,000	\$1,000	1,080,000	10
\$1,000 × 5	\$5,000	1,080,000	10
\$1,000 w/ 5X POWER SHOT	\$5,000	1,080,000	10
\$5,000	\$5,000	1,080,000	10
\$100,000	\$100,000	1,080,000	10

Multiply any prize won by the POWER SHOT multiplier shown to the right of that prize.

Each GAME is played separately.

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

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

10. *Retailer bonus:* The Lottery may offer a retailer bonus in connection with the sale of Pennsylvania instant lottery game tickets. If a retailer bonus is offered, a Lottery retailer shall be eligible for a bonus as described in this section. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$100,000 and not exceeding \$500,000

shall be paid a bonus of \$500. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$500,001 and not exceeding \$1,000,000 shall be paid a bonus of \$5,000. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$1,000,001 and not exceeding \$10,000,000 shall be paid a bonus of \$10,000. A Lottery retailer is entitled only to the largest bonus for which they qualify on a winning ticket. A bonus will be initiated for payment after the instant ticket is claimed and validated. A bonus will not be awarded to a Lottery retailer who sells a non-

winning Pennsylvania Lottery instant ticket used to enter a Pennsylvania Lottery second-chance drawing or promotion that is subsequently selected to win a prize.

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

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

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

C. DANIEL HASSELL,  
Secretary

[Pa.B. Doc. No. 20-426. Filed for public inspection March 20, 2020, 9:00 a.m.]

## DEPARTMENT OF REVENUE

### Pennsylvania Win It All Instant Lottery Game 1454

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

1. *Name:* The name of the game is Pennsylvania Win It All (hereinafter “Win It All”). The game number is PA-1454.

2. *Price:* The price of a Win It All instant lottery game ticket is \$1.

3. *Play symbols:* Each Win It All instant lottery game ticket will contain one play area featuring a “WINNING NUMBER” area, a “YOUR NUMBERS” area and a “WIN IT ALL NUMBER” area. The play symbols and their captions, located in the “WINNING NUMBER” area, “YOUR NUMBERS” area and “WIN IT ALL NUMBER” area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVEN), 12 (TWELVE), 13 (THIRTY), 14 (FORTY), 15 (FIFTY), 16 (SIXTY), 17 (SEVENTY), 18 (EIGHTY), 19 (NINETY) and 20 (TWENTY).

4. *Prize symbols:* The prize symbols and their captions, located in the “YOUR NUMBERS” area, are: FREE (TICKET), \$1<sup>00</sup> (ONE DOL), \$2<sup>00</sup> (TWO DOL), \$4<sup>00</sup> (FOR DOL), \$5<sup>00</sup> (FIV DOL), \$10<sup>00</sup> (TEN DOL), \$20<sup>00</sup> (TWENTY), \$40<sup>00</sup> (FORTY), \$50<sup>00</sup> (FIFTY), \$100 (ONE HUN), \$500 (FIV HUN) and \$5,000 (FIV THO).

5. *Prizes:* The prizes that can be won in this game are: Free \$1 Ticket, \$1, \$2, \$4, \$5, \$10, \$20, \$40, \$50, \$100, \$500 and \$5,000. A player can win up to five times on a ticket.

6. *Approximate number of tickets printed for the game:* Approximately 8,400,000 tickets will be printed for the Win It All instant lottery game.

7. *Determination of prize winners:*

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

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

(c) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches the “WIN IT ALL NUMBER” play symbol, and a prize symbol of \$100 (ONE HUN) appears in all five of the “prize” areas, on a single ticket, shall be entitled to a prize of \$500.

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

(e) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches the “WIN IT ALL NUMBER” play symbol, and a prize symbol of \$20<sup>00</sup> (TWENTY) appears in two of the “prize” areas, a prize symbol of \$10<sup>00</sup> (TEN DOL) appears in two of the “prize” areas and a prize symbol of \$40<sup>00</sup> (FORTY) appears in one of the “prize” areas, on a single ticket, shall be entitled to a prize of \$100.

(f) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches the “WIN IT ALL NUMBER” play symbol, and a prize symbol of \$20<sup>00</sup> (TWENTY) appears in all five of the “prize” areas, on a single ticket, shall be entitled to a prize of \$100.

(g) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches the “WINNING NUMBER” play symbols, and a prize symbol of \$50<sup>00</sup> (FIFTY) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$50.

(h) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches the “WINNING NUMBER” play symbols, and a prize symbol of \$40<sup>00</sup> (FORTY) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$40.

(i) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches the “WIN IT ALL NUMBER” play symbol, and a prize symbol of \$4<sup>00</sup> (FOR DOL) appears in two of the “prize” areas, a prize symbol of \$20<sup>00</sup> (TWENTY) appears in one of the “prize” areas, a prize symbol of \$10<sup>00</sup> (TEN DOL) appears in one of the “prize” areas and a prize symbol of \$2<sup>00</sup> (TWO DOL) appears in one of the “prize” areas, on a single ticket, shall be entitled to a prize of \$40.

(j) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches the “WIN IT ALL NUMBER” play symbol, and a prize symbol of \$5<sup>00</sup> (FIV DOL) appears in four of the “prize” areas and a prize

symbol of \$20<sup>00</sup> (TWENTY) appears in one of the “prize” areas, on a single ticket, shall be entitled to a prize of \$40.

(k) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches the “WIN IT ALL NUMBER” play symbol, and a prize symbol of \$10<sup>00</sup> (TEN DOL) appears in three of the “prize” areas and a prize symbol of \$5<sup>00</sup> (FIV DOL) appears in two of the “prize” areas, on a single ticket, shall be entitled to a prize of \$40.

(l) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches the “WINNING NUMBER” play symbols, and a prize symbol of \$20<sup>00</sup> (TWENTY) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$20.

(m) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches the “WIN IT ALL NUMBER” play symbol, and a prize symbol of \$5<sup>00</sup> (FIV DOL) appears in two of the “prize” areas, a prize symbol of \$4<sup>00</sup> (FOR DOL) appears in two of the “prize” areas and a prize symbol of \$2<sup>00</sup> (TWO DOL) appears in one of the “prize” areas, on a single ticket, shall be entitled to a prize of \$20.

(n) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches the “WIN IT ALL NUMBER” play symbol, and a prize symbol of \$4<sup>00</sup> (FOR DOL) appears in all five of the “prize” areas, on a single ticket, shall be entitled to a prize of \$20.

(o) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches the “WINNING NUMBER” play symbols, and a prize symbol of \$10<sup>00</sup> (TEN DOL) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$10.

(p) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches the “WIN IT ALL NUMBER” play symbol, and a prize symbol of \$2<sup>00</sup> (TWO DOL) appears in two of the “prize” areas, a prize symbol of \$1<sup>00</sup> (ONE DOL) appears in two of the “prize” areas and a prize symbol of \$4<sup>00</sup> (FOR DOL) appears in one of the “prize” areas, on a single ticket, shall be entitled to a prize of \$10.

(q) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches the “WIN IT

ALL NUMBER” play symbol, and a prize symbol of \$2<sup>00</sup> (TWO DOL) appears in all five of the “prize” areas, on a single ticket, shall be entitled to a prize of \$10.

(r) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches the “WINNING NUMBER” play symbols, and a prize symbol of \$5<sup>00</sup> (FIV DOL) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$5.

(s) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches the “WIN IT ALL NUMBER” play symbol, and a prize symbol of \$1<sup>00</sup> (ONE DOL) appears in all five of the “prize” areas, on a single ticket, shall be entitled to a prize of \$5.

(t) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches the “WINNING NUMBER” play symbols, and a prize symbol of \$4<sup>00</sup> (FOR DOL) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$4.

(u) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches the “WINNING NUMBER” play symbols, and a prize symbol of \$2<sup>00</sup> (TWO DOL) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$2.

(v) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches the “WINNING NUMBER” play symbols, and a prize symbol of \$1<sup>00</sup> (ONE DOL) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$1.

(w) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches the “WINNING NUMBER” play symbol, and a prize symbol of FREE (TICKET) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of one Win It All instant game ticket or one Pennsylvania Lottery instant game ticket of equivalent sale price which is currently on sale.

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

<i>When Any Of Your Numbers Match The Winning Number; Win Prize Shown Under The Matching Number. Win With:</i>	<i>Win:</i>	<i>Approximate Odds Are 1 In:</i>	<i>Approximate No. Of Winners Per 8,400,000 Tickets:</i>
FREE	FREE \$1 TICKET	10	840,000
\$1 × 2	\$2	33.33	252,000
\$2	\$2	33.33	252,000
WIN IT ALL NUMBER w/ (\$1 × 5)	\$5	28.57	294,000
\$5	\$5	1,000	8,400
WIN IT ALL NUMBER w/ (\$2 × 5)	\$10	200	42,000
WIN IT ALL NUMBER w/ ((\$2 × 2) + (\$1 × 2) + \$4)	\$10	200	42,000
\$5 × 2	\$10	1,000	8,400
(\$2 × 3) + 4	\$10	1,000	8,400
\$10	\$10	1,000	8,400

<i>When Any Of Your Numbers Match The Winning Number, Win Prize Shown Under The Matching Number. Win With:</i>	<i>Win:</i>	<i>Approximate Odds Are 1 In:</i>	<i>Approximate No. Of Winners Per 8,400,000 Tickets:</i>
WIN IT ALL NUMBER w/ (\$4 × 5)	\$20	1,091	7,700
WIN IT ALL NUMBER w/ ((\$5 × 2) + (\$4 × 2) + \$2)	\$20	1,091	7,700
\$5 × 4	\$20	12,000	700
(\$5 × 2) + \$10	\$20	12,000	700
\$20	\$20	12,000	700
WIN IT ALL NUMBER w/ ((\$10 × 3) + (\$5 × 2))	\$40	12,000	700
WIN IT ALL NUMBER w/ ((\$5 × 4) + \$20)	\$40	12,000	700
WIN IT ALL NUMBER w/ ((\$4 × 2) + \$20 + \$10 + \$2)	\$40	12,000	700
\$20 × 2	\$40	12,000	700
\$40	\$40	12,000	700
WIN IT ALL NUMBER w/ (\$20 × 5)	\$100	6,000	1,400
WIN IT ALL NUMBER w/ ((\$20 × 2) + (\$10 × 2) + \$40)	\$100	6,000	1,400
\$50 × 2	\$100	24,000	350
\$100	\$100	24,000	350
WIN IT ALL NUMBER w/ (\$100 × 5)	\$500	42,000	200
\$100 × 5	\$500	840,000	10
\$500	\$500	840,000	10
\$5,000	\$5,000	840,000	10

When any of YOUR NUMBERS match the WIN IT ALL NUMBER, win all 5 prizes shown!

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

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

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

a Pennsylvania Lottery second-chance drawing or promotion that is subsequently selected to win a prize.

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

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

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

C. DANIEL HASSELL,  
Secretary

[Pa.B. Doc. No. 20-427. Filed for public inspection March 20, 2020, 9:00 a.m.]

## DEPARTMENT OF TRANSPORTATION

### Automated Speed Enforcement System and Speed Timing Device Approvals

The Department of Transportation (Department) has approved the following automated speed enforcement system under 75 Pa.C.S. § 3370(h)(1) (relating to pilot program for automated speed enforcement system on designated highway) and 67 Pa. Code § 105a.3 (relating to system and speed timing device minimum requirements):

Verra Mobility Traffistar SR 391

The following speed timing devices used within the previously-referenced system are approved by the Department in accordance with 75 Pa.C.S. § 3368 (relating to speed timing devices) and 67 Pa. Code § 105a.3(b):

RRS24F-ST3 Tracking Radar Sensors

YASSMIN GRAMIAN,  
*Acting Secretary*

[Pa.B. Doc. No. 20-428. Filed for public inspection March 20, 2020, 9:00 a.m.]

## FISH AND BOAT COMMISSION

### Boat and Marine Forfeiture; Maximum Amount

Chapter 53, Subchapter C of 30 Pa.C.S. (relating to boat and marine forfeiture) applies only to boats and related equipment with a resale value based upon established industry standards equal to or less than the maximum amount set forth in 30 Pa.C.S. § 5331(c) (relating to scope of subchapter). This subsection provides that for the year 2006, the maximum amount will be \$5,000 and for each year thereafter, the maximum amount will be fixed annually by the Fish and Boat Commission (Commission) based upon the maximum amount in the prior year as adjusted to reflect the change in the Consumer Price Index for All Urban Consumers for the United States for all items as published by the United States Department of Labor, Bureau of Labor Statistics, for the previous 12-month period. The subsection further provides that the maximum amount as adjusted will be rounded to the nearest multiple of \$5 and that the Commission will give notice of the new maximum amount by publication in the *Pennsylvania Bulletin*. The Commission previously fixed the maximum amount for 2019 at \$6,380.

Under 30 Pa.C.S. § 5331(c), the Commission has fixed the maximum amount for 2020 as \$6,495.

TIMOTHY D. SCHAEFFER,  
*Executive Director*

[Pa.B. Doc. No. 20-429. Filed for public inspection March 20, 2020, 9:00 a.m.]

## INSURANCE DEPARTMENT

### Notice Regarding Coronavirus (COVID-19) Insurance Coverage; Notice 2020-03

The Insurance Department (Department), in collaboration with the Department of Health, is issuing this

bulletin to assist individuals and entities regulated by the Department addressing health insurance related services that may arise in the context of the ongoing coronavirus (COVID-19) outbreak. All health insurers, other insurance industry representatives and other interested parties are encouraged to review the latest Commonwealth information about COVID-19 released by the Department of Health at [www.health.pa.gov](http://www.health.pa.gov).

Recognizing the critical role that health insurance coverage plays in the public's actual and perceived access to and affordability of health care services, the Department urges health insurers providing coverage to residents of this Commonwealth to take the following immediate measures related to the potential impact of COVID-19.

1. *Preparedness.* Health insurers should review their internal processes and operations to ensure that they are prepared to address COVID-19 cases in this Commonwealth, including by providing insureds with information and timely access to all medically necessary covered health care services. As the COVID-19 situation continues to evolve, health insurers should continually assess their readiness and make any necessary adjustments.

2. *Information Access for Insureds.* Access to accurate information and avoiding misinformation are critical. Therefore, health insurers are asked to inform insureds of available benefits, quickly respond to inquiries about coverage, and consider revisions needed to streamline responses and benefits for insureds. Health insurers are encouraged to make all necessary and useful information available on their web sites and staff their consumer assistance lines accordingly.

3. *Testing for COVID-19.* The Department expects medically prescribed diagnostic testing for COVID-19 to be covered without the use of prior authorization requirements that might ordinarily apply to diagnostic testing. The Department also urges health insurers to waive any cost-sharing for COVID-19 laboratory tests so that cost-sharing does not serve as a barrier to access to this important testing and recognizes that many health insurers have already taken this important step. In addition, health insurers are asked to waive the cost-sharing for in-network provider office visits, in-network urgent care center visits and emergency care services, when testing for COVID-19.

4. *Balance Billing and Surprise Balance Bills.* Health insurers are urged to assist insureds in accessing in-network or publicly funded health services to avoid balance billing and surprise balance bills. Where out-of-network services are provided, the Department and the Department of Health expect that health insurers and providers will work together to avoid imposing costs on insureds.

5. *Telehealth Delivery of Services.* Given that COVID-19 is a communicable disease, some insureds may prefer to use telehealth services instead of in-person health care services. Health insurers are encouraged to review their respective participating telehealth service provider arrangements, provide coverage of costs related to telehealth services and to be prepared to meet any increased demand for that means of delivery.

6. *Network Adequacy and Access to Out-of-Network Services.* Health insurers are asked to verify their provider networks are adequate to handle a potential increase in the need for health care services related to COVID-19. If a health carrier does not have sufficient health care providers in its network with the appropriate



training and experience to meet the particular health care needs of its insureds, health insurers are reminded that they should cover out-of-network services as if an in-network provider were available. (See 28 Pa. Code §§ 9.679 and 9.681(c) (relating to access requirements in service areas; and health care providers).)

7. *Utilization Review.* Timely decision making is essential to responding appropriately to COVID-19, and it is particularly important with respect to utilization review. Health insurers are strongly encouraged to ease preauthorization requirements, so that they are not a barrier to access necessary treatment for COVID-19, and health insurers should be prepared to expedite utilization review and appeal processes for services related to COVID-19.

8. *Access to Prescription Drugs.* Health insurers are asked, where appropriate, to make expedited formulary exceptions and to permit the temporary use of out-of-network pharmacies (at in-network cost-sharing) in the event of medication shortages at in-network pharmacies. To the extent consistent with clinical guidelines, and in a manner calculated to ensure an enrollee's ability to maintain a 30-day supply of a prescription drug, the Department encourages insurers to cover refills even when the scheduled refill date has not been reached. (This recommendation does not apply to prescription drugs with a high likelihood of abuse, such as opioids.) Health insurers are also encouraged to implement medication synchronization immediately (in advance of the effective date of Act 46 of 2019) so that insureds may efficiently fill prescriptions.

9. *Coordination with Self-Funded Business.* While not under the Department's regulatory jurisdiction, the Department encourages health insurers to coordinate closely with the business they administer on behalf of employers who self-fund their health benefits to ensure consistency in access across all forms of coverage.

10. *Information Sharing.* To ensure that public health officials and the public are adequately informed about what the health insurance industry is doing in response to COVID-19, the Department asks that health insurers provide information on the steps they are taking in response to this bulletin. Health insurers may send that information to ra-in-commissioner@pa.gov.

In sum, to protect the public health, health insurers are asked to identify and remove barriers to testing and treatment for COVID-19. Health insurers must be prepared to address COVID-19 cases in this Commonwealth and the Department extends its appreciation to health insurers in working with the Commonwealth to address this public health challenge. Since the COVID-19 situation continues to evolve, health insurers should continually assess their readiness and be prepared to make any necessary adjustments.

Health insurers are advised to contact the Office of the Commissioner, Insurance Department, 1326 Strawberry Square, Harrisburg, PA 17120, ra-in-commissioner@pa.gov with questions regarding this bulletin.

JESSICA K. ALTMAN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 20-430. Filed for public inspection March 20, 2020, 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 policies. The hearings will be held in accordance with the requirements of Act 68; 2 Pa.C.S. §§ 501—508, 561—588 and 701—704 (relating to Administrative Agency Law); 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure); and 31 Pa. Code §§ 56.1—56.3 (relating to Special Rules of Administrative Practice and Procedure). The administrative hearings will be held as follows. Failure by the appellants to appear at the scheduled hearings may result in dismissal with prejudice.

The following hearings will be held at Strawbridge and Clothier, Fairmount Hearing Room # 4129, 801 Market Street, Philadelphia, PA 19107.

Appeal of Guy and Carmen Schultz; Erie Insurance Exchange; File No. 19-118-240720; Doc. No. P19-10-017; April 17, 2020, 11 a.m.

Appeal of Shamyiah Robinson; Palisades Insurance Company; File No. 19-178-243407; Doc. No. P20-01-007; April 17, 2020, 1 p.m.

Following the hearings and receipt of the stenographic transcript, the Insurance Commissioner (Commissioner) will issue a written order resolving the factual issues presented at the hearings and stating what remedial action, if any, is required. The Commissioner's Order will be sent to those persons participating in the hearings 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 hearings and require an auxiliary aid, service or other accommodation to participate in the hearing should contact Joseph Korman, (717) 787-4429, jkorman@pa.gov.

JESSICA K. ALTMAN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 20-431. Filed for public inspection March 20, 2020, 9:00 a.m.]

## INSURANCE DEPARTMENT

### Review Procedure Hearings under the Unfair Insurance Practices Act

The following insured has requested a hearing as authorized by section 8 of the Unfair Insurance Practices Act (act) (40 P.S. § 1171.8) in connection with the termination of the insured's homeowners policy. The hearing will be held in accordance with the requirements of the act; 2 Pa.C.S. §§ 501—508, 561—588 and 701—704 (relating to Administrative Agency Law); 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure); and 31 Pa. Code §§ 56.1—56.3 (relating to Special Rules of Administrative Practice and Procedure).

This administrative hearing will be held as follows. Failure by the appellant to appear at the scheduled hearing may result in dismissal with prejudice.

The hearing will be held at Strawbridge and Clothier, Fairmount Hearing Room # 4129, 801 Market Street, Philadelphia, PA 19107.

Appeal of Daniel Fraley; Travelers Home and Marine Insurance Company; File No. 20-178-244361; Doc. No. P20-01-022; April 17, 2020, 2 p.m.

Following the hearing and receipt of the stenographic transcript, the Insurance Commissioner (Commissioner) will issue a written order resolving the factual issues presented at the hearing and stating what remedial action, if any, is required. The Commissioner's Order will be sent to those persons participating in the hearing or their designated representatives. The Order of the Commissioner may be subject to judicial review by the Commonwealth Court.

Persons with a disability who wish to attend the previously-referenced administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing should contact Joseph Korman, (717) 787-4429, jkorman@pa.gov.

JESSICA K. ALTMAN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 20-432. Filed for public inspection March 20, 2020, 9:00 a.m.]

## INSURANCE DEPARTMENT

### Joshua Westendorp; License Denial Appeal; Doc. No. AG20-02-012

Under Article VI-A of The Insurance Department Act of 1921 (40 P.S. §§ 310.1—310.99a), Joshua Westendorp has appealed the denial of an application for an insurance producer's license. The proceedings in this matter will be governed by 2 Pa.C.S. §§ 501—508, 561—588 and 701—704 (relating to Administrative Agency Law), 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure) and 31 Pa. Code §§ 56.1—56.3 (relating to Special Rules of Administrative Practice and Procedure).

A prehearing telephone conference initiated by this office is scheduled for April 16, 2020, at 9:30 a.m. Each party shall provide the Hearings Administrator a telephone number to be used for the telephone conference on or before April 14, 2020. A date for a hearing shall be determined, if necessary, at the prehearing/settlement conference.

Protests, petitions to intervene or notices of intervention, if any, must be filed on or before April 2, 2020, with the Hearings Administrator, Administrative Hearings Office, Capitol Associates Building, Room 200, 901 North Seventh Street, Harrisburg, PA 17102. Answer to protests, petitions to intervene or notices of intervention, if any shall be filed on or before April 14, 2020.

Persons with a disability who wish to attend the previously referenced administrative hearing and require an auxiliary aid, service or other accommodations to

participate in the hearing should contact Joseph Korman, (717) 787-4429, jkorman@pa.gov.

JESSICA K. ALTMAN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 20-433. Filed for public inspection March 20, 2020, 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-20-001, Dated February 26, 2020. Executive Board Resolution between the Commonwealth and Fraternal Order of Police, Lodge # 85, Capitol Police effective 7/1/2019 through 6/30/2023.

#### *Governor's Office*

Management Directive No. 310.32—Fuel Card Invoice Processing, Amended February 12, 2020.

Administrative Circular No. 20-04—Closing Instruction No. 1, Fiscal Year 2019-20; Submission of Purchasing Documents, Dated February 4, 2020.

Administrative Circular No. 20-05—Approval of 2020-21 Advancement Accounts and Completion of Form STD-133, Request for Approval of Advancement Account, Dated February 26, 2020.

DUANE M. SEARLE,  
*Director*  
*Pennsylvania Code and Bulletin*

[Pa.B. Doc. No. 20-434. Filed for public inspection March 20, 2020, 9:00 a.m.]

## PATIENT SAFETY AUTHORITY

### Meeting Cancellation

The Patient Safety Authority (Authority), established by section 303 of the Medical Care Availability and Reduction of Error (MCARE) Act (40 P.S. § 1303.303), is cancelling the Monday, March 23, 2020, Authority Board meeting.

Individuals with questions regarding this meeting, which is open to the public, should contact the Authority at (717) 346-0469.

REGINA M. HOFFMAN, MBA, BSN, RN, CPPS,  
*Executive Director*

[Pa.B. Doc. No. 20-435. Filed for public inspection March 20, 2020, 9:00 a.m.]

**PENNSYLVANIA INFRASTRUCTURE  
INVESTMENT AUTHORITY  
DEPARTMENT OF  
ENVIRONMENTAL PROTECTION**

**Environmental Assessment Approval for PENNVEST  
Funding Consideration**

*Scope:* Clean Water and Drinking Water State Revolving Fund Projects for April 22, 2020, Pennsylvania Infrastructure Investment Authority (PENNVEST) Board meeting consideration

*Description:* PENNVEST, which administers the Commonwealth's Clean Water State Revolving Fund (CWSRF) and Drinking Water State Revolving Fund (DWSRF), is intended to be the funding source for the following projects. The Department of Environmental Protection's (Department) review of these projects, and the information received in the Environmental Report for these projects, has not identified any significant, adverse environmental impact resulting from any of the proposed projects. The Department hereby approves the Environmental Assessment for each project. If no significant comments are received during this comment period, the Environmental Assessment will be considered approved and funding for the projects will be considered by PENNVEST.

To be considered, the Department must receive comments on this approval on or by Monday, April 20, 2020. Electronic comments should be submitted using the Department's eComment site at [www.ahs.dep.pa.gov/eComment](http://www.ahs.dep.pa.gov/eComment). Written comments can be submitted by e-mail to [ecomment@pa.gov](mailto:ecomment@pa.gov) or by mail to the Policy Office, Department of Environmental Protection, Rachel Carson State Office Building, P.O. Box 2063, Harrisburg, PA 17105-2063. Use "PENNVEST SRF-Environmental Assessment" as the subject line in written communication.

For more information about the approval of the following Environmental Assessments or the Clean Water and Drinking Water State Revolving Loan Programs contact Richard Wright at [riwright@pa.gov](mailto:riwright@pa.gov) or the Bureau of Clean Water, Department of Environmental Protection, P.O. Box 8774, Harrisburg, PA 17105-8774, (717) 772-4059, or visit the Department's web site at [www.dep.pa.gov/Business/Water/CleanWater/InfrastructureFinance/Pages/default.aspx](http://www.dep.pa.gov/Business/Water/CleanWater/InfrastructureFinance/Pages/default.aspx).

Any comments received during the comment period, along with the Department's comment and response document will be available on the Department's web site at [www.dep.pa.gov/Business/Water/CleanWater/InfrastructureFinance/Pages/EnvironmentalReview.aspx](http://www.dep.pa.gov/Business/Water/CleanWater/InfrastructureFinance/Pages/EnvironmentalReview.aspx).

Upon approval, the full list of approved projects and their costs can be found in a press release on PENNVEST's web site at [www.pennvest.pa.gov](http://www.pennvest.pa.gov).

*CWSRF Projects Being Considered:*

<i>Applicant:</i>	Eastern Snyder County Regional Authority
<i>County:</i>	Snyder
<i>Applicant Address:</i>	870 South Front Street Selinsgrove, PA 17870

*Project Description:* This project consists of several upgrades and improvements that do not result in changes to hydraulic or organic capacities of the system and plant. Most of the project consists of "like-for-like" replacements. The project includes pump replacements and other rehabilitation efforts at the Shamokin Dam Pumping Station and the Main Pump Station. At the wastewater treatment plant, the project includes replacement of pumps and valves located throughout the plant, replacement of blowers, replacement of the belt filter press with screw presses for solids handling, upgrade of various electrical components, including control panels and lighting throughout the plant, and other various activities such as ventilation upgrades.

*Problem Description:* The existing sewage treatment plant and pump stations (PS) for the Eastern Snyder County Regional Authority were constructed in the late 1970s. While some upgrades to the biological process were made at the plant in 2003, many components of the plant are nearing or at their end-of-useful life. Additionally, many individual pieces of equipment no longer have replacement parts available, making repairs difficult. Furthermore, the belt filter press solids handling system is less efficient and effective than newer technologies.

<i>Applicant:</i>	New Castle Sanitation Authority
<i>County:</i>	Lawrence
<i>Applicant Address:</i>	102 East Washington Street New Castle, PA 16101

*Project Description:* The existing headworks building will be renovated. A new mechanical and a manual bar screen will be installed in the renovated flow channel. The primary and secondary scum PSs will be demolished, and two new scum PSs will be constructed. The primary and final clarifiers and digesters will be repaired. An anoxic tank and a new fat, oil, grease and sludge receiving area will be constructed.

*Problem Description:* The Department issued a Consent Order and Agreement to eliminate secondary bypassing of flows, as well as to provide general upgrades to the system and eliminate wet weather bypasses of blended sewage to the waters of this Commonwealth.

<i>Applicant:</i>	Washington Township Municipal Authority of Clarion County
<i>County:</i>	Clarion
<i>Applicant Address:</i>	P.O. Box 113 Fryburg, PA 16326

*Project Description:* The project includes two sewer extensions, namely the Northern Extension and the Southern Extension. The Northern Extension is a low-pressure sewer with a booster PS and the Southern Extension is a gravity sewer. Geographically, the Northern Extension includes Old Fryburg Road, the eastern side of Route 208 at the northern end of Fryburg, the northern side of Route 208 and Dempseytown Road. The Southern Extension covers State Route 208, south of Hargenrader Lane to Toms Lane.

*Problem Description:* Failing onlot septic systems exist in the project area. Also, during a Sewage Needs Survey, it was noted that gray water or inadequately treated sewage was being discharged to roadway and stormwater ditches.

<i>Applicant:</i>	Shenango Township Municipal Authority
<i>County:</i>	Mercer
<i>Applicant Address:</i>	155 Campground Road West Middlesex, PA 16159

*Project Description:* The project includes installing approximately 9,515 linear feet of 8-inch diameter gravity sewage mains, two sewage PSs, and 4,190 linear feet of 2-inch and 4-inch diameter forcemains. Phase 3 also includes the improvements to the wastewater treatment plant including a new headworks facility and a new UV disinfection system.

*Problem Description:* Failing onlot septic systems exist in the project area. The Shenango Township Municipal Authority is under a Consent Order and Agreement from the Department to address the issue.

*DWSRF Projects Being Considered:*

<i>Applicant:</i>	Mount Penn Borough Municipal Authority
<i>County:</i>	Berks
<i>Applicant Address:</i>	200 North 25th Street Reading, PA 19606-2075

*Project Description:* The Mount Penn Borough Municipal Authority (Authority) has proposed replacing 5,000 linear feet of existing 4-inch and 6-inch diameter waterlines along Perkiomen Avenue with new 8-inch diameter ductile iron pipe. The new waterline will be tied into the existing distribution system, approximately 175 feet east of the intersection of Perkiomen Avenue and South 23rd Street.

*Problem Description:* The existing waterline along Perkiomen Avenue is believed to have several leaks which have contributed to the system's overall water loss. The Department of Transportation is in the process of rebuilding Perkiomen Avenue, which will include installing a new storm sewer line that will interfere with the existing waterline. With the structural integrity of the existing waterline already in question and the proposed road construction that is to occur, the Authority has determined this to be a good opportunity to replace the waterline.

<i>Applicant:</i>	Mahoning Township Municipal Authority
<i>County:</i>	Armstrong
<i>Applicant Address:</i>	P.O. Box 60 Distant, PA 16223

*Project Description:* This water system improvements project consists of purchasing and installing a new meter vault, approximately 13,000 linear feet of 8-inch high density polyethylene waterline, a new booster PS equipped with 100 horsepower duplex pumps and an emergency generator. The project also includes purchasing and installing a new 200,000-gallon elevated composite storage tank with a mixing system to address occurrences of trihalomethanes maximum contaminant levels exceedances. This will increase water delivery rate, increase system pressures and reduce instances of total trihalomethanes (TTHM) violations.

*Problem Description:* The existing Mahoning Township Municipal Authority water system is over 55 years old

and has been plagued by insufficient water delivery rate, low system pressures and capacity issues. The existing booster station pumps are aged and the booster station does not have an emergency power back-up. The piping from the booster station to the existing 188,000-gallon standpipe is a 3-inch diameter water main which lacks capacity and has experienced multiple leaks and breaks. The existing standpipe is not equipped with a mixing system and has caused the system operator to receive notices of violation for TTHM disinfection by-product issues.

PATRICK McDONNELL,  
*Secretary*  
*Department of Environmental Protection*

BRION JOHNSON,  
*Executive Director*  
*Pennsylvania Infrastructure Investment Authority*

[Pa.B. Doc. No. 20-436. Filed for public inspection March 20, 2020, 9:00 a.m.]

## PENNSYLVANIA PUBLIC UTILITY COMMISSION

### Declaratory Order

**P-2020-3018926. MedCom Professional Services, Inc.** Petition of MedCom Professional Services, Inc., d/b/a Keystone Answering Service (Keystone), for a declaratory order that the services provided by Keystone are not considered public utility service by the Pennsylvania Public Utility Commission (Commission) and that Keystone is not regulated as a public utility under the Public Utility Code (66 Pa.C.S. §§ 101—3316 (relating to public utilities)).

Answers and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities) on or before March 31, 2020. 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 petitioner. The documents filed in support of the petition are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, on the Commission's web site at [www.puc.pa.gov](http://www.puc.pa.gov) and at the petitioner's business address.

*Petitioner:* MedCom Professional Services, Inc.

*Through and By:* Deanne M. O'Dell, Esq. (PA ID # 81064), Eckert Seamans Cherin & Mellott, LLC, 213 Market Street, 8th Floor, Harrisburg, PA 17101, (717) 255-3744, [dodell@eckertseamans.com](mailto:dodell@eckertseamans.com).

ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 20-437. Filed for public inspection March 20, 2020, 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. Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). 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. Filings must be made with the Secretary, Pennsylvania Public Utility Commission, 400 North Street, Harrisburg, PA 17120, with a copy served on the applicant by April 6, 2020. Documents filed in support of the applications are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, and at the business address of the respective applicant.

**Applications of the following for approval to begin operating as common carriers for transportation of persons as described under each application.**

**A-2020-3019015. Gettypeds, LLC** (39 North Washington Street, Gettysburg, Adams County, PA 17325) for the right to begin to transport, as a common carrier, by motor vehicle, persons on tours or sightseeing trips, in group and party service, in vehicles seating 11 to 15 passengers, including the driver, limited to the self-guiding auto tour route of the Gettysburg National Military Park as defined by the National Park Service, all located within the Borough of Gettysburg and County of Adams.

**A-2020-3019057. DEM Transit, LLC** (2006 South 62nd Street, Philadelphia, Philadelphia County, PA 19142) for the right to begin to transport, as a common carrier, by motor vehicles, persons in paratransit service, from points in the County of Delaware and the City and County of Philadelphia to points in Pennsylvania, and return. *Attorney:* David P. Temple, Esquire, 1600 Market Street, Suite 1320, Philadelphia, PA 19103.

**Application of the following for approval to begin operating as contract carriers for transportation of persons as described under the application.**

**A-2020-3018895. Empire Intransit, LLC** (P.O. Box 15227, Philadelphia, PA 19125) for the right to begin to transport, as a contract carrier for Hispanic Community Counseling Services, between points in the zip codes of 19122, 19123, 19125, 19133 and 19134 all located within the City and County of Philadelphia.

**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-2020-3019048. Fard Enterprises, LLC** (8258 Williams Avenue, Suite 1, Philadelphia, PA 19150) discontinuance of service and cancellation of its certificate, to transport, as a common carrier, by motor vehicle, at A-8917878, household goods in use, between points in Pennsylvania.

**A-2020-3019065. E.M.T.S. Corporation** (132 Cherry Lane, Montgomery, Lycoming County, PA 17752) for the discontinuance and cancellation of its certificate, to transport as a contract carrier, in paratransit service for Kramm Nursing Home, Kramm Healthcare Center, Riverwoods, Rolling Hills Manor and The Zandt Home, between points in the Counties of Juniata, Northumberland and Union, and from points in said counties, to points in Pennsylvania, and return, as described at Docket No. A-00119621.

**A-2020-3017427. John J. Snyder** (202 Martindale Road, Ephrata, Lancaster County, PA 17522) discontinuance of service and cancellation of its certificate, to transport, as a common carrier, by motor vehicle, at A-6412276, 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.

ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 20-438. Filed for public inspection March 20, 2020, 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 April 6, 2020, 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. American Natural Supply, LLC; Docket No. C-2020-3016303

#### 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 all authority issued to American Natural Supply, LLC, (respondent) is under suspension effective January 09, 2020 for failure to maintain evidence of insurance on file with this Commission.
2. That respondent maintains a principal place of business at 1200 Lebanon Rd., West Mifflin, PA 15122.
3. That respondent was issued a Certificate of Public Convenience by this Commission on October 13, 2017, at A-8920256.
4. That respondent has failed to maintain evidence of Cargo insurance on file with this Commission. The Bureau of Investigation and Enforcement's proposed civil penalty for this violation is \$500.00 and cancellation of the Certificate of Public Convenience.
5. That respondent, by failing to maintain evidence of insurance on file with this Commission, violated 66 Pa.C.S. § 512, 52 Pa. Code § 32.2(c), and 52 Pa. Code § 32.11(a), § 32.12(a) or § 32.13(a).

Wherefore, unless respondent pays the penalty of \$500.00 or files an answer in compliance with the attached notice and/or causes its insurer to file evidence of insurance with this Commission within twenty (20) days of the date of service of this Complaint, the Bureau of Investigation and Enforcement will request that the Commission issue an Order which (1) cancels the Certificate of Public Convenience held by respondent at A-8920256 for failure to maintain evidence of current insurance on file with the Commission, (2) fines Respondent the sum of five hundred dollars (\$500.00) for the illegal activity described in this Complaint, (3) orders such other remedy as the Commission may deem to be appropriate, which may include the suspension of a vehicle registration and (4) imposes an additional fine on the respondent should cancellation occur.

Respectfully submitted,  
David W. Loucks, Chief  
Motor Carrier Enforcement  
Bureau of Investigation and Enforcement  
400 North Street  
Harrisburg, PA 17120

#### VERIFICATION

I, David W. Loucks, Chief, Motor Carrier Enforcement, Bureau of Investigation and Enforcement, 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: 01/21/2020

David W. Loucks, Chief  
Motor Carrier Enforcement  
Bureau of Investigation and Enforcement

#### NOTICE

A. You must file an Answer within 20 days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial Letter. See 52 Pa. Code § 1.56(a). The Answer must raise all factual and legal arguments that you wish to claim in your defense, include the docket number of this Complaint, and be verified. You may file your Answer by mailing an original to:

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
400 North Street  
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:

Michael L. Swindler, Deputy Chief Prosecutor  
Pennsylvania Public Utility Commission  
Bureau of Investigation and Enforcement  
400 North Street  
Harrisburg, PA 17120

Or, emailed to Mr. Swindler at: [RA-PCCmplntResp@pa.gov](mailto:RA-PCCmplntResp@pa.gov)

B. If you fail to answer this Complaint within 20 days, the Bureau of Investigation and Enforcement will request that the Commission issue an Order imposing the penalty.

C. You may elect not to contest this Complaint by causing your insurer to file proper evidence of current insurance in accordance with the Commission's regulations and by paying the fine proposed in this Complaint by certified check or money order within twenty (20) days of the date of service of this Complaint. Accord certificates of insurance and faxed form Es and Hs are unacceptable as evidence of insurance.

The proof of insurance must be filed with the:

Compliance Office, Bureau of Technical Utility Services  
Pennsylvania Public Utility Commission  
400 North Street  
Harrisburg, PA 17120

Payment of the fine must be made to the Commonwealth of Pennsylvania and should be forwarded to:

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
400 North Street  
Harrisburg, PA 17120

Your payment is an admission that you committed the alleged violation and an agreement to cease and desist from further violations. Upon receipt of the evidence of insurance from your insurer, and upon receipt of your payment, the Complaint proceeding shall be closed.

D. If you file an Answer which either admits or fails to deny the allegations of the Complaint, the Bureau of Investigation and Enforcement will request the Commission to issue an Order imposing the penalty set forth in this Complaint.

E. If you file an Answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision. The Judge is not bound by the penalty set forth in the Complaint, and may impose additional and/or alternative penalties as appropriate.

F. If you are a corporation, you must be represented by legal counsel. 52 Pa. Code § 1.21.

Alternative formats of this material are available for persons with disabilities by contacting the Commission's ADA Coordinator at 717-787-8714. Do not call this number if you have questions as to why you received this complaint. For those questions you may call 717-783-3847.

#### NOTICE

A. You must file an Answer within 20 days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial Letter. See 52 Pa. Code § 1.56(a). The Answer must raise all factual and legal arguments that you wish to claim in your defense, include the docket number of this Complaint, and be verified. You may file your Answer by mailing an original to:

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
400 North Street  
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:

Kourtney L. Myers, Prosecutor  
 Pennsylvania Public Utility Commission  
 Bureau of Investigation and Enforcement  
 400 North Street  
 Harrisburg, PA 17120

Or, emailed to Ms. Myers at: [komyers@pa.gov](mailto:komyers@pa.gov)

B. If you fail to answer this Complaint within 20 days, the Bureau of Investigation and Enforcement will request that the Commission issue an Order imposing the requested relief.

C. You may elect not to contest this Complaint by paying the past due assessment and civil penalty within 20 days. Send only a certified check or money order made payable to the "Commonwealth of Pennsylvania," with the docket number indicated, and mailed to:

Rosemary Chiavetta, Secretary  
 Pennsylvania Public Utility Commission  
 400 North Street  
 Harrisburg, PA 17120

D. If you file an Answer which either admits or fails to deny the allegations of the Complaint, the Bureau of Investigation and Enforcement will request the Commission to issue an Order imposing the requested relief set forth in this Complaint.

E. If you file an Answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision. The Judge is not bound by the penalty set forth in the Complaint and may impose additional and/or alternative penalties as appropriate.

F. If you are a corporation, you must be represented by legal counsel. 52 Pa. Code § 1.21.

G. Alternative formats of this material are available for persons with disabilities by contacting the Commission's ADA Coordinator at 717-787-8714.

**Pennsylvania Public Utility Commission; Bureau of Investigation and Enforcement v. Lehigh Valley Transportation Services, Inc.; Docket No. C-2019-3013654**

COMPLAINT

*Now Comes* the Bureau of Investigation and Enforcement ("I&E") of the Pennsylvania Public Utility Commission ("Commission"), by its prosecuting attorneys, and files this Complaint against Lehigh Valley Transportation Services, Inc. ("Respondent"), pursuant to Section 701 of the Public Utility Code, 66 Pa.C.S. § 701. In support of its Complaint, I&E respectfully represents the following:

*Parties and Jurisdiction*

1. The Pennsylvania Public Utility Commission, with a mailing address of 400 North Street, Harrisburg, PA 17120, is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth pursuant to the Public Utility Code, 66 Pa.C.S. §§ 101, et seq.

2. Complainant is the Commission's Bureau of Investigation and Enforcement and is the entity established by statute to prosecute complaints against public utilities pursuant to 66 Pa.C.S. § 308.2(a)(11). See also Implementation of Act 129 of 2008; Organization of Bureaus and Offices, Docket No. M-2008-2071852 (Order entered August 11, 2011) at 5 (transferring authority to prosecute assessment cases to I&E).

3. Complainant is represented by:

Kourtney L. Myers  
 Prosecutor  
 Pennsylvania Public Utility Commission  
 Bureau of Investigation and Enforcement  
 400 North Street  
 Harrisburg, PA 17120  
 717.705.4366  
[komyers@pa.gov](mailto:komyers@pa.gov)

Christopher M. Andreoli  
 Prosecutor  
 Pennsylvania Public Utility Commission  
 Bureau of Investigation and Enforcement  
 400 North Street  
 Harrisburg, PA 17120  
 717.783.3458  
[chandreoli@pa.gov](mailto:chandreoli@pa.gov)

Michael L. Swindler  
 Deputy Chief Prosecutor  
 Pennsylvania Public Utility Commission  
 Bureau of Investigation and Enforcement  
 400 North Street  
 Harrisburg, PA 17120

4. Respondent is Lehigh Valley Transportation Services, Inc. and maintains its principal place of business at 1801 West Market Street, Bethlehem, PA 18018, Attention: Steven Hummel.

5. Respondent is a "public utility" as that term is defined at 66 Pa.C.S. § 102, as it is engaged in transporting passengers in the Commonwealth of Pennsylvania for compensation.

6. The Commission issued Respondent a Certificate of Public Convenience on or about February 21, 2007, at A-00123047, for limousine, airport transfer, and taxi authority.

7. Section 501(a) of the Public Utility Code, 66 Pa.C.S. § 501(a), authorizes and obligates the Commission to execute and enforce the provisions of the Public Utility Code.

8. Section 701 of the Public Utility Code, 66 Pa.C.S. § 701, authorizes the Commission to, inter alia, hear and determine complaints against public utilities for a violation of any law or regulation that the Commission has jurisdiction to administer.

9. Section 3301 of the Public Utility Code, 66 Pa.C.S. § 3301, authorizes the Commission to impose civil penalties on any public utility, or any other person or corporation subject to the Commission's authority, for violation(s) of the Public Utility Code and/or Commission regulations. Section 3301(a)-(b) of the Public Utility Code, 66 Pa.C.S. § 3301(a)-(b), allows for the imposition of a separate civil penalty for each violation and each day's continuance of such violation(s).

10. Respondent, in transporting passengers as a common carrier for compensation, is subject to the power and authority of this Commission pursuant to Section 501(c) of the Public Utility Code, 66 Pa.C.S. § 501(c), which requires a public utility to comply with Commission regulations.

11. Pursuant to the provisions of the applicable Commonwealth statutes and regulations, the Commission has jurisdiction over the subject matter of this complaint and the actions of Respondent related thereto.

#### *Factual Background*

12. On or about February 21, 2017, the Commission mailed to Respondent an assessment report for Respondent to report its gross intrastate operating revenues for the 2016 calendar year.

13. The assessment report was accompanied by instructions, which notified Respondent that the report was to be completed and returned to the Commission on or before March 31, 2017. A copy of the assessment report and instructions is attached as Exhibit 1.

14. Respondent failed to file an assessment report stating its 2016 calendar year revenues.

15. On or about September 5, 2017, the Commission mailed to Respondent, by certified mail, an assessment invoice for the July 1, 2017 to June 30, 2018 Fiscal Year (“2017-2018 Fiscal Year”) that was based, in part, on Respondent’s estimated revenues for the 2016 calendar year. Respondent’s assessment was \$10,802. A copy of the assessment invoice is attached as Exhibit 2.

16. Accompanying the assessment invoice was a notice of assessment that informed Respondent that it was obligated to pay the amount listed on the assessment invoice within thirty (30) days or file objections within fifteen (15) days. A copy of the notice of assessment is attached as Exhibit 3.

17. On September 7, 2017, Respondent provided an electronic signature to the United States Postal Service for the certified mailing, which indicated that it received the assessment invoice and notice of assessment for the 2017-2018 Fiscal Year. A copy of the electronic signature for the certified mailing is attached as Exhibit 4.

18. The Commission received no objections from Respondent to the assessment amount set forth in the 2017-2018 Fiscal Year Assessment Invoice.

19. Respondent failed to pay its 2017-2018 Fiscal Year Assessment invoice of \$10,802.

20. On or about November 9, 2017, the Commission’s Bureau of Administration (“ADM”) sent Respondent a letter warning Respondent that if it did not pay its 2017-2018 Fiscal Year Assessment within 30 days of receipt of the letter, then ADM would refer the matter to I&E for prosecution.

21. Respondent did not pay its outstanding assessment.

22. On or about January 19, 2018, I&E sent Respondent a letter warning Respondent that if it did not pay its 2017-2018 Fiscal Year Assessment within 30 days of receipt of the letter, then I&E would file a Formal Complaint against Respondent seeking payment of the outstanding assessment and a civil penalty and revocation of Respondent’s Certificate and vehicle registration(s) with the Pennsylvania Department of Transportation.

23. Respondent did not pay its outstanding assessment.

24. The total outstanding assessment balance for Respondent related to the 2017-2018 Fiscal Year is \$10,802.

#### *Violations*

##### *COUNT 1*

25. That Respondent failed to report its gross intrastate operating revenues for the 2016 calendar year in that it did not file an assessment report for that year. If proven, this is a violation of Section 510(b) of the Public Utility Code, 66 Pa.C.S. § 510(b). The Bureau of Investigation and Enforcement’s proposed civil penalty for this violation is \$500.<sup>1</sup> This civil penalty, consistent with past Commission decisions,<sup>2</sup> is based on Respondent’s acceptable history of compliance with the Public Utility Code and Commission’s regulations,<sup>3</sup> the amount of Respondent’s outstanding assessment balance related to the 2017-2018 Fiscal Year, and the need to deter future violations of the Public Utility Code and the Commission’s regulations pursuant to 52 Pa. Code § 69.1201.<sup>4</sup>

##### *COUNT 2*

26. That Respondent failed to satisfy its 2017-2018 Fiscal Year Assessment in that it did not pay the amount due within thirty (30) days of receipt of the invoice. If proven, this is a violation of Section 510(c) of the Public Utility Code, 66 Pa.C.S. § 510(c). The Bureau of Investigation and Enforcement’s proposed civil penalty for this violation is 15% of the outstanding assessment balance or \$1,620.<sup>5</sup> This civil penalty, consistent with past Commission decisions,<sup>6</sup> is based on Respondent’s acceptable history of compliance with the Public Utility Code and Commission’s regulations,<sup>7</sup> the amount of Respondent’s outstanding assessment balance related to the 2017-2018 Fiscal Year, and the need to deter future violations of the Public Utility Code and the Commission’s regulations pursuant to 52 Pa. Code § 69.1201.

*Wherefore*, for all the foregoing reasons, the Pennsylvania Public Utility Commission’s Bureau of Investigation and Enforcement respectfully requests that:

(a) Respondent be ordered to pay a total of \$12,922 which consists of its outstanding assessment balance of \$10,802 and a total civil penalty of \$2,120 for the above described violations. Said payment should be made by certified check or money order, made payable to the “Commonwealth of Pennsylvania” with the docket number of this proceeding listed, and mailed to the Secretary’s Bureau of the Commission;

(b) Respondent be directed to file assessment reports on a going-forward basis; and

(c) If payment of the assessment and civil penalty is not made, the Bureau of Investigation and Enforcement requests that:

(1) the Commission issue an Order to cancel the Certificate of Public Convenience issued to Respondent;

<sup>1</sup> I&E anticipates that this level of penalty will provide a sufficient deterrent against future violations by Respondent.

<sup>2</sup> See *Pa. Pub. Util. Comm’n v. Juan Genet Enter, LLC t/a Safe Destinations*, Docket No. C-2014-2450660 (Order entered August 3, 2017); *Pa. Pub. Util. Comm’n v. Leo Movers & Storage, Inc.*, Docket No. C-2015-2494528 (Order entered August 3, 2017); *Pa. Pub. Util. Comm’n v. Hoffman Landscaping & Trucking, LLP*, Docket No. C-2015-2495061 (Order entered September 21, 2017); *Pa. Pub. Util. Comm’n v. Deer Haven, LLP*, Docket No. C-2015-2498095 (Order entered October 26, 2017); *Pa. Pub. Util. Comm’n v. Reach for the Stars Limousine Serv. Inc.*, Docket No. C-2015-2499276 (Order entered October 26, 2017).

<sup>3</sup> A review of the Commission’s records for a period of three (3) years prior to the date of the filing of this Complaint demonstrates that Respondent has an acceptable compliance history with the Commission.

<sup>4</sup> The Commission promulgated a Policy Statement at 52 Pa. Code § 69.1201 as a guideline that sets forth ten factors that are to be considered when evaluating whether and to what extent a civil penalty for violating a Commission order, regulation, or statute is warranted. Among these factors are the compliance history of the regulated entity that committed the violation, the amount of the civil penalty necessary to deter future violations, and past Commission decisions in similar situations. 52 Pa. Code §§ 69.1201(c)(6), (8), and (9).

<sup>5</sup> I&E anticipates that this level of penalty will provide a sufficient deterrent against future violations by Respondent.

<sup>6</sup> See *supra* note 2.

<sup>7</sup> See *supra* note 3.



(2) this matter be referred to the Pennsylvania Office of Attorney General for appropriate action; and

(3) the Commission certify automobile registrations to the Pennsylvania Department of Transportation for suspension or revocation.

Respectfully submitted,  
Kourtney L. Myers  
Prosecutor  
Pennsylvania Public Utility Commission  
Bureau of Investigation and Enforcement  
400 North Street  
Harrisburg, PA 17120  
717.705.4366  
komyers@pa.gov

Date: October 18, 2019

VERIFICATION

I, Amy Zuvich, Chief of Finance and Assessments, Bureau of Administration, Finance and Assessment Section, hereby state that the facts above set forth are true and correct to the best of my knowledge, information, and belief and that I expect the Bureau will be able to prove the same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: October 18, 2019

Amy Zuvich, Chief of Finance and Assessments  
Finance and Assessment Section  
Bureau of Administration  
Pennsylvania Public Utility Commission  
400 North Street  
Harrisburg, PA 17120

Exhibit 1

PENNSYLVANIA PUBLIC UTILITY COMMISSION

INSTRUCTIONS FOR PREPARING 2016 ASSESSMENT REPORT FOR MOTOR CARRIERS

You must report your gross intrastate operating revenue for calendar year 2016 on the 2016 Assessment Report, which is enclosed. You are required to sign, notarize, and file the 2016 Assessment Report with the Commission on or before March 31, 2017. Please use the self-addressed return envelope enclosed. THE PUC WILL NOT GRANT AN EXTENSION OF TIME TO FILE THIS REPORT.

WHO MUST FILE: All common carriers certificated by the Commission. Common Carriers include property carriers, passenger carriers, and household goods carriers. Carriers subject to the UCR Act must file this Report, even though qualified UCR operations of carriers registered under the UCR Act will not be assessed.

WHAT YOU MUST FILE: Assessment Report (Form AR-16-MC) must be completed in its entirety in order to be accepted as final. This includes signatures and notarization along with receipt in the Commission's Assessment Section on or before March 31, 2017. This report form may not be modified. Please be sure to include a valid telephone number for the contact person to answer questions, if necessary. The following are addresses for the Assessment Section of the PUC.

Mailing Address:

Regular Mail: Pa. Public Utility Commission  
P.O. Box 3265  
Harrisburg, PA, 17105-3265

Express Mail: Pa. Public Utility Commission  
400 North Street  
Harrisburg, PA, 17120

NAME AND ADDRESS: Verify that the preprinted name and address are correct. If this is not correct, cross out and print the correct information. Please provide an email address and the current telephone number.

LINE-BY-LINE INSTRUCTIONS

Line 1. *Pennsylvania Gross Intrastate Operating Revenue.*

Report Pennsylvania gross intrastate operating revenue here. This is earned revenue from your public utility operations gross within the boundaries of the Commonwealth of Pennsylvania, without deduction of expenses of any kind. Fuel surcharges must be included as revenue. Revenue must be reported in the appropriate column. For example, if all of your revenue was from the transportation of property, you must report all revenue in the 'property' column. If your revenue was from 2 or more types of common carriage, you must report the amount of revenue received from each type, in the appropriate column.

Revenue earned from service under the jurisdiction of the Philadelphia Parking Authority must be reported as exempt revenue.

Line 2. *Pennsylvania Exempt Intrastate Revenue Total.*

Report Exempt Intrastate Revenue here. You must itemize any exemptions on the "Exempt Intrastate Revenue" lines on the Report. Attach additional sheets of paper as needed for explanation of exemptions. The PUC may disallow your exemptions if you fail to itemize. Total all exempt revenue on Line 2.

Line 3. *Pennsylvania Net Intrastate Operating Revenue.*

Subtract Line 2 from Line 1.

UCR REGISTRATION INFORMATION

You must check the appropriate box. If you are an interstate carrier and required to register under the UCR Program, you must check 'yes' and provide your U.S. DOT number. For the purposes of this report, INTERSTATE operating revenue refers to revenue earned from the transportation of property or persons between points of origin and destination, either or both of which are outside Pennsylvania.

Further information on the UCR Program may be found at [www.ucr.in.gov](http://www.ucr.in.gov)

ASSESSMENT INQUIRIES: Assessment Section-(717) 265-7548  
UCR INQUIRIES: B. I. E.-(717) 783-3846

## EXEMPT REVENUE

The following is a description of Exempt Revenue you may deduct on Line 2, as provided by 66 Pa.C.S. §102:

1. **LEASE REVENUE** – You may deduct lease revenue. Lease revenue is revenue a certificated carrier (lessor) receives when it leases its equipment to another certificated carrier (lessee). The lessor carrier cannot retain any responsibility for the maintenance, supervision or control of the vehicle. The leasing arrangement must be in compliance with the Commission's leasing regulations, which are found at 52 Pa. Code sections 29.101 (passenger carrier leasing) and 31.32 (property and household carrier leasing). The lessor must include in its assessment report the name(s) of the carrier(s) and the certificate of public convenience number to which it leases its equipment and the amount of revenue received from the carrier. Lessees cannot use rental/lease fees paid to the lessor to offset operating revenue and must report, for assessment purposes, all revenues earned under their certificate of public convenience.
2. **TRANSPORTATION OF K-12 SCHOOL CHILDREN** – You may deduct revenue you received from a kindergarten through 12<sup>th</sup> grade public, private or parochial school for the transportation of schoolchildren for school purposes or school sponsored extra-curricular activities, under a bona fide transportation contract with a public, private or parochial school.
3. **TRANSPORTATION OF AGRICULTURE PRODUCTS** – Farm owners and operators may deduct revenue from transporting their own agricultural products from, or farm supplies to, their farm. In addition, independent contractors or cooperative agricultural associations, transporting agricultural products or farm supplies exclusively for one or more farm owner(s) or operator(s), may deduct that revenue.
4. **WASTE, EXCAVATED AND ROAD CONSTRUCTION MATERIALS** – You may deduct revenue you received from transporting ashes (including anti-skid, flue dust and fly ash), rubbish and waste for disposal. The PUC also allows the exemption/deduction of any revenue you received for transporting excavated materials in dump trucks. The purpose of the excavation is to create a hole or cavity. Removing material of value for use elsewhere is NOT exempt. The PUC also allows the exemption/deduction of any revenue you received for transporting road construction materials if a dump truck is used, and the materials hauled are used solely in a private or public road project including driveways (but NOT parking lots), and the materials are hauled directly to road construction sites or stockpiles. Carriers may **not** claim a revenue exemption for waste, excavated and road construction material when those materials were transported in five-axle tractor-trailers.
5. **TRANSPORTATION OF YOUR OWN PROPERTY**- You may deduct revenue you received from transporting your own property to yourself or to those that buy directly from you.
6. **VOTING MACHINES** – You may deduct revenue you received from transporting voting machines to and from polling places on behalf of any political subdivision of the Commonwealth for use in any primary, general or special election.
7. **TRANSPORTATION OF WOOD PRODUCTS FROM WOODLOTS**- You may deduct revenue you received from transporting pulpwood, chemical wood, saw logs, wood chips, or veneer logs solely from woodlots. A woodlot is an area devoted to growing forest trees. Any revenue received from transportation performed from sources other than the woodlots is subject to assessment and may not be deducted.
8. **TRANSPORTATION OF WRECKED OR DISABLED VEHICLES** – You may deduct revenue you received from the transportation of wrecked or disabled motor vehicles from an accident, breakdown, or a place the vehicle was transported after the accident or breakdown, if it is subsequently transported for repair. Revenue from transportation of wrecked or disabled vehicles to or from auctions is NOT exempt.
9. **TRANSPORTATION OF STOLEN OR REPOSSESSED VEHICLES**- You may deduct revenue you received from the transportation of stolen or repossessed vehicles. Revenue from transportation of stolen or repossessed vehicles to or from auctions is NOT exempt.
10. **TRANSPORTATION OF INJURED, ILL OR DECEASED PERSONS** – You may deduct revenue you received from transporting an injured or ill person to a health care facility, when that transportation is performed in an ambulance or a medically equipped vehicle containing portable oxygen. A medical attendant must be in the vehicle in addition to the driver. A health care facility includes a hospital, clinic, dialysis center, nursing care institution, home health agency, infirmary, or behavioral service provider. A doctor's office is NOT a health care facility. In addition, you may deduct revenue you received from transporting deceased persons.
11. **TRANSPORTATION UNDER CONTRACT WITH MUNICIPAL CORPORATIONS** - You may deduct revenue you received from passenger transportation performed under contract with a municipal corporation, provided that: (1) the municipal corporation actively regulates your rates, routes and services; and (2) the transportation is limited to municipal residents. This deduction does not apply to contracts with state agencies.



COMMONWEALTH OF PENNSYLVANIA  
 PUBLIC UTILITY COMMISSION  
 PO BOX 3265  
 HARRISBURG, PA 17105-3265

**2016 ASSESSMENT REPORT-MOTOR CARRIERS**

This Report **MUST BE FILED** not later than **MARCH 31, 2017**. Failure to file may result in fines up to \$1,000 for each day a violation continues (66 Pa. C.S. § 3301).

TRADE OR CORPORATE NAME OF UTILITY:	UTILITY CODE
CONTACT NAME:	EMAIL (Optional):
ADDRESS 1:	ADDRESS 2 (Floor, Suite, etc.):
CITY, STATE, ZIP:	PHONE NO.

**OPERATING REVENUE FOR CALENDAR YEAR 2016 (January 1, 2016-December 31, 2016)**  
 (Enter WHOLE dollars only)

	PROPERTY	HOUSEHOLD GOODS	PASSENGER	
			Group and Party 16 or more	Passenger 15 and Under
<b>1. PA INTRASTATE OPERATING REVENUE</b>				
<b>PA EXEMPT INTRASTATE REVENUE</b>				
<b>A. #</b>				
<b>B. #</b>				
<b>C. #</b>				
<b>D. #</b>				
<b>2. TOTAL Exempt Revenue</b>				
<b>3. PA NET INTRASTATE OPERATING REVENUE (Subtract Line 2 from Line 1)</b>				

**UCR REGISTRATION INFORMATION**

2017 UCR Registered  YES  NO US DOT #: \_\_\_\_\_

**Internal Use Only**

A-1  C-1 «AddressType»

**AUTHORIZATION FOR RELEASE OF STATE TAX RECORDS**

In accordance with Sections 505 and 506 of the Public Utility Code, as a means to verify the accuracy of financial information supplied to the Public Utility Commission, I hereby authorize the Pennsylvania Department of Revenue to release to the Public Utility Commission, any tax records filed or compiled with regard to the below-listed utility and/or individual.

\_\_\_\_\_  
Utility Name

\_\_\_\_\_  
Signature

Date \_\_\_\_\_ Name (Printed) \_\_\_\_\_ Title \_\_\_\_\_

**AFFIDAVIT**

I affirm that the information reported herein is complete, true and correct.

\_\_\_\_\_  
(Signature of Individual or Officer)

\_\_\_\_\_  
(Date)

READABLE (PRINT OR TYPE) NAME OF INDIVIDUAL or OFFICER ABOVE:

TELEPHONE NO.:

Office ( ) \_\_\_\_\_

Other ( ) \_\_\_\_\_

Other ( ) \_\_\_\_\_

**NOTARIZATION**

(Required)

Subscribed and sworn to before me this

\_\_\_\_\_ day of \_\_\_\_\_ 2017

\_\_\_\_\_  
NOTARY SIGNATURE

\_\_\_\_\_  
OFFICIAL TITLE

OFFICIAL SEAL

\_\_\_\_\_  
(Date My Commission Expires)



Commonwealth of Pennsylvania  
**Pennsylvania Public Utility Commission**  
Harrisburg, PA 17105-3265

**GENERAL ASSESSMENT INVOICE**

INVOICE DATE	INVOICE NUMBER
9/5/2017	17-632799

FISCAL YEAR
July 1, 2017 to June 30, 2018

LEHIGH VALLEY TRANSPORTATION SERVICES  
JACK MCLAIN  
1801 W MARKET ST  
BETHLEHEM PA 18018

- Read Carefully Notice of Assessment
- Use Return Envelope Provided
- Make Check Payable to:  
Commonwealth of Pennsylvania

Pennsylvania Public Utility Commission	\$10,802.00
<b>PAY THIS AMOUNT WITHIN 30 DAYS</b>	\$10,802.00

TO RECEIVE PROPER CREDIT FOR YOUR  
PAYMENT, REMOVE THE BOTTOM PART OF  
THIS INVOICE AT THE PERFORATION AND  
RETURN WITH YOUR REMITTANCE

MAIL PAYMENT TO:
PA DOR PO BOX 61380 HARRISBURG, PA 17106-1380

FOLD AND CUT HERE

RETURN THIS PORTION WITH YOUR REMITTANCE

LEHIGH VALLEY TRANSPORTATION SERVICES  
JACK MCLAIN  
1801 W MARKET ST  
BETHLEHEM PA 18018

INVOICE DATE	INVOICE NUMBER
9/5/2017	17-632799
FISCAL YEAR	
July 1, 2017 to June 30, 2018	

Pennsylvania Public Utility Commission	\$10,802.00
<b>PAY THIS AMOUNT WITHIN 30 DAYS</b>	\$10,802.00

17000063279991 09051710001080200200000000030000000000 000010802002

MC Only

## Exhibit 3

PENNSYLVANIA PUBLIC UTILITY COMMISSION  
Harrisburg, PA 17105-3265

## NOTICE OF ASSESSMENT

EXPLANATION OF BILL FOR GENERAL ASSESSMENT  
FOR FISCAL YEAR JULY 1, 2017 TO JUNE 30, 2018

In Section 510 of the Public Utility Code, 66 Pa. C.S. §510, the Pennsylvania General Assembly has authorized the Pennsylvania Public Utility Commission to assess all public utilities a percentage of their gross intrastate operating revenues for the preceding calendar year. Under Section 510, each public utility is required, on or before March 31 of each year to file with the Commission a statement of the utility's gross intrastate operating revenues for the preceding calendar year. After receiving the utilities' statements of gross intrastate operating revenues, the Commission sends general assessment invoices to all public utilities to advise each utility of the amount of assessment that utility owes based upon that utility's activity (gross intrastate operating revenues) in the preceding year. The enclosed assessment is for your proportionate share of the estimated expenses of the Public Utility Commission for the Commission's Fiscal Year July 1, 2017 to June 30, 2018.

**YOU ARE REQUIRED TO PAY THIS BILL WITHIN THIRTY DAYS AFTER YOU RECEIVE IT.** Objections to the assessment must be made in writing within 15 days and shall set out in detail the grounds upon which you regard the assessment to be excessive, erroneous, unlawful, or invalid. Objections may be filed only by the person, partnership, or corporation assessed. Filing an objection, however, does not eliminate your obligation to pay the assessment while your objection is being considered. **FAILURE TO PAY THE ASSESSMENT WHEN PAYMENT IS DUE WILL SUBJECT YOU TO PENALTIES.**

Be sure that your personal check or money order is written out in the same amount as your assessment invoice, and make your remittance payable to, "Commonwealth of PA". **DO NOT SEND CASH.** If you have reason to correspond with the Commission regarding your assessment invoice, please make reference to your invoice number. A receipt for payment will not be issued. Please mail your payment with the return portion of your invoice in the enclosed self-addressed envelope. Please note that rounding of your assessment to the nearest dollar has occurred. Your assessment for the PUC, including the OCA and the OSBA where applicable, has been combined into one invoice; one payment for all applicable assessments is acceptable. **A TWENTY (\$20.00) FEE WILL BE CHARGED FOR ALL DISHONORED OR BAD CHECKS REMITTED AS PAYMENT OF ASSESSMENTS.**

Your assessment has been computed by multiplying your gross intrastate operating revenues for the calendar year 2016 by the assessment factor for the public utility group of which you are a member. Your gross intrastate operating revenues for 2016 have been taken from the Assessment Reports Form GAO-16, AR-16-RR or AR-16-MC which you have filed with the Commission, or have been estimated by the Commission if you failed to file a timely report. Gross operating revenue reported to the Commission on the Assessment Reports may have been revised by the Commission to accurately reflect assessable revenue. The assessment factors for the various public utility groups are set forth in Schedule B enclosed herewith.

The approved estimate of expenditures of the Commission for the period July 1, 2017 to June 30, 2018 payable as a General Assessment by the public utilities which the Commission regulates has been determined as follows:

Estimate of the expenditures of the Commission for the Fiscal Year July 1, 2017 to June 30, 2018	\$73,499,000
Deduct:	
Budget Reserve Pending Legislation (PWA)	\$733,000
Pipeline Operators per Act 127 of 2011	\$646,553
UGWF Administration Act 13 of 2012	\$1,408,000
Prior Years Returned Funds	\$5,400,000
Fee Collections	\$289,703
UCR/NGS/EGS	<u>\$12,114,652</u>
 Total Deductions	 <u>\$20,591,908</u>
 Total Assessment allocated to Public Utility groups furnishing various types of public service	  \$52,907,092

The way in which the total Public Utility Commission assessment of \$52,907,092 has been allocated to the various groups of public utilities is shown on Schedules A and B enclosed herewith.



Rosemary Chiavetta  
Secretary  
PA Public Utility Commission

**MAKE INQUIRIES TO:**

Pennsylvania Public Utility Commission  
Bureau of Administrative Services/Assess  
P.O. Box 3265  
Harrisburg, PA 17105-3265

**FOR CERTIFIED AND EXPRESS CARRIERS**

Pennsylvania Public Utility Commission  
Bureau of Administrative Services/Assess  
400 North Street  
Harrisburg, PA 17120

**CONTACT INFORMATION:**

Assessment Section Information - Telephone 717-265-7548



Allocation of Expenses based on percent of prior year Public Utility Group workload  
Budget Fiscal Year 2017-18

## SCHEDULE A

Group	Total Expenditures per Utility Group Calendar Year 2016	Percentage Distribution	Estimated Expenditures Fiscal Year 2017-2018 by Utility Group
Electric	\$24,240,765	45.7222%	\$24,190,287
Gas	\$11,406,599	21.5148%	\$11,382,855
Pipeline	\$162,386	0.3063%	\$162,054
Steam Heat	\$282,440	0.5327%	\$281,836
Tele./Tele.	\$5,973,562	11.2671%	\$5,961,095
Water/Sewer	\$4,931,756	9.3021%	\$4,921,471
Transportation - Passenger	\$4,187,783	7.8989%	\$4,179,078
Transportation - Property	\$705,309	1.3303%	\$703,823
Transportation - Rail	\$1,126,948	2.1256%	\$1,124,593
<b>Total</b>	<b>\$53,017,548</b>	<b>100.00%</b>	<b>\$52,907,092</b>

## SCHEDULE B

Group	Estimated Expenditures Fiscal Year 2017-2018 by Utility Group	Gross intrastate revenues by utility group Calendar Year 2016	General Assessment Factor by Utility Group (Col. (a) / by Col. (b))
	(a)	(b)	(c)
Electric	\$24,190,287	\$7,789,115,585	0.003105652591
Gas	\$11,382,855	\$3,089,182,967	0.003684746136
Pipeline	\$162,054	\$44,186,061	0.003667536692
Steam Heat	\$281,836	\$81,423,347	0.003461365940
Tele./Tele.	\$5,961,095	\$2,095,709,247	0.002844428448
Water/Sewer	\$4,921,471	\$1,161,310,517	0.004237859666
Transportation - Passenger	\$4,179,078	\$276,978,774	0.015088080360
Transportation - Property	\$703,823	\$412,397,692	0.001706660861
Transportation - Rail	\$1,124,593	\$106,882,231	0.010521795714
<b>Total</b>	<b>\$52,907,092</b>	<b>\$15,057,186,421</b>	<b>0.003513743572</b>

**SUPPLEMENTAL SCHEDULE  
FEDERAL SHORTFALL RELATED TO GAS SAFETY APPLICABLE TO GAS PUBLIC UTILITIES ONLY**

	<b>Estimated Commission Federal Shortfall for Calendar Year 2016 and 6 Months of Calendar Year 2017</b>	<b>Actual Commission Federal Shortfall for Calendar Year 2016 and 6 Months of Calendar Year 2017</b>	<b>Estimated Commission Federal Shortfall for Calendar Year 2017 and 6 Months of Calendar Year 2018</b>
Gas	(\$685,832)	\$329,532	\$356,300
	<b>Net Estimated Commission Federal Shortfall for Fiscal Year 2017-18 Assessment</b>	<b>Reported Revenue for Gas Utility Group for Calendar Year 2016</b>	<b>Supplemental add-on Factor</b>
Gas		\$0	\$3,419,595,396
			0.000000000000

Exhibit 4

Tracking

Page 1 of 1

My Online Services

Profile Print Guide Export

Systems Reports E-Services Supplies

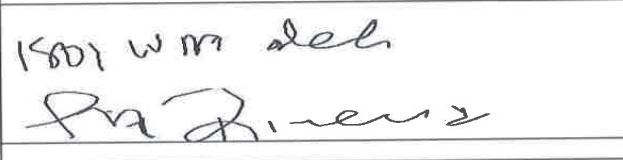
Home > E-Services > Status History

Status History ?

**Tracking Number Information**

<b>Meter:</b>	12650040	<b>Mailing Date:</b>	09/05/17 10:39 AM
<b>Tracking Number:</b>	9171969009350170771042	<b>Sender:</b>	
<b>Current Status:</b>	OK : Delivered	<b>Recipient:</b>	
<b>Class of Mail:</b>	FC	<b>Zip Code:</b>	17522
<b>Service:</b>	ERR	<b>City:</b>	MURRELL
<b>Value:</b>	\$0.460	<b>State:</b>	PA

[Proof of delivery](#)



**Status Details**

Status Date	Status
Thu, 09/07/17, 03:08:00 PM	OK : Delivered
Thu, 09/07/17, 08:42:00 AM	Arrival at Unit
Thu, 09/07/17, 05:42:00 AM	Dispatched from Sort Facility
Wed, 09/06/17, 01:46:00 PM	Processed (processing scan)
Wed, 09/06/17, 09:43:00 AM	Processed (processing scan)
Wed, 09/06/17, 04:57:00 AM	Dispatched from Sort Facility
Tue, 09/05/17, 06:27:00 PM	Processed (processing scan)
Tue, 09/05/17, 05:12:00 PM	Origin Acceptance
Tue, 09/05/17, 01:50:00 PM	OK: USPS acknowledges reception of info

Note: Delivery status updates are processed throughout the day and posted upon receipt from the Postal Service.

https://ols-prd-sso.neopostinc.com/SSO-HaslerInc/sso?\_pxs=null&\_1.pq1.\_path=customer&\_1.pq1.\_obje... 10/11/2017

NOTICE

A. You must file an Answer within 20 days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial Letter. See 52 Pa. Code § 1.56(a). The Answer must raise all factual and legal arguments that you wish to claim in your defense, include the docket number of this Complaint, and be verified. You may file your Answer by mailing an original to:

Rosemary Chiavetta, Secretary  
 Pennsylvania Public Utility Commission  
 400 North Street  
 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:

Kourtney L. Myers, Prosecutor  
 Pennsylvania Public Utility Commission  
 Bureau of Investigation and Enforcement  
 400 North Street  
 Harrisburg, PA 17120

Or, emailed to Ms. Myers at: [komyers@pa.gov](mailto:komyers@pa.gov)

B. If you fail to answer this Complaint within 20 days, the Bureau of Investigation and Enforcement will request that the Commission issue an Order imposing the requested relief.

C. You may elect not to contest this Complaint by paying the past due assessment and civil penalty within 20 days. Send only a certified check or money order made payable to the "Commonwealth of Pennsylvania," with the docket number indicated, and mail to:

Rosemary Chiavetta, Secretary  
 Pennsylvania Public Utility Commission  
 400 North Street  
 Harrisburg, PA 17120

D. If you file an Answer which either admits or fails to deny the allegations of the Complaint, the Bureau of Investigation and Enforcement will request the Commission to issue an Order imposing the requested relief set forth in this Complaint.

E. If you file an Answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision. The Judge is not bound by the penalty set forth in the Complaint and may impose additional and/or alternative penalties as appropriate.

F. If you are a corporation, you must be represented by legal counsel. 52 Pa. Code § 1.21.

G. Alternative formats of this material are available for persons with disabilities by contacting the Commission's ADA Coordinator at 717-787-8714.

**Pennsylvania Public Utility Commission; Bureau of Investigation and Enforcement v. Celebrity Limousine Service, Inc.; Docket No. C-2019-3012560**

COMPLAINT

*Now Comes* the Bureau of Investigation and Enforcement ("I&E") of the Pennsylvania Public Utility Commission ("Commission"), by its prosecuting attorneys, and files this Complaint against Celebrity Limousine Service,

Inc. ("Respondent"), pursuant to Section 701 of the Public Utility Code, 66 Pa.C.S. § 701. In support of its Complaint, I&E respectfully represents the following:

*Parties and Jurisdiction*

1. The Pennsylvania Public Utility Commission, with a mailing address of 400 North Street, Harrisburg, PA 17120, is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth pursuant to the Public Utility Code, 66 Pa.C.S. §§ 101, et seq.

2. Complainant is the Commission's Bureau of Investigation and Enforcement and is the entity established by statute to prosecute complaints against public utilities pursuant to 66 Pa.C.S. § 308.2(a)(11). See also Implementation of Act 129 of 2008; Organization of Bureaus and Offices, Docket No. M-2008-2071852 (Order entered August 11, 2011) at 5 (transferring authority to prosecute assessment cases to I&E).

3. Complainant is represented by:

Kourtney L. Myers  
 Prosecutor  
 Pennsylvania Public Utility Commission  
 Bureau of Investigation and Enforcement  
 400 North Street  
 Harrisburg, PA 17120  
 717.705.4366  
[komyers@pa.gov](mailto:komyers@pa.gov)

Christopher M. Andreoli  
 Prosecutor  
 Pennsylvania Public Utility Commission  
 Bureau of Investigation and Enforcement  
 400 North Street  
 Harrisburg, PA 17120  
 717.783.3458  
[chandreoli@pa.gov](mailto:chandreoli@pa.gov)

Michael L. Swindler  
 Deputy Chief Prosecutor  
 Pennsylvania Public Utility Commission  
 Bureau of Investigation and Enforcement  
 400 North Street  
 Harrisburg, PA 17120

4. Respondent is Celebrity Limousine Service, Inc. and maintains its principal place of business at 2521 Yellow Springs Road, Suite 3, Malvern, PA 19355, Attention: Dennis B. Adams.

5. Respondent is a "public utility" as that term is defined at 66 Pa.C.S. § 102, as it is engaged in transporting passengers in the Commonwealth of Pennsylvania for compensation.

6. The Commission issued Respondent a Certificate of Public Convenience ("Certificate") on or about May 27, 1992, at A-00110054, for limousine, group and party 15 or less, and group and party 16 or greater authority and on or about July 29, 2011, at A-2011-2237624, for group and party 28 or greater authority.

7. Section 501(a) of the Public Utility Code, 66 Pa.C.S. § 501(a), authorizes and obligates the Commission to execute and enforce the provisions of the Public Utility Code.

8. Section 701 of the Public Utility Code, 66 Pa.C.S. § 701, authorizes the Commission to, inter alia, hear and determine complaints against public utilities for a violation of any law or regulation that the Commission has jurisdiction to administer.

9. Section 3301 of the Public Utility Code, 66 Pa.C.S. § 3301, authorizes the Commission to impose civil penalties on any public utility, or any other person or corporation subject to the Commission's authority, for violation(s) of the Public Utility Code and/or Commission regulations. Section 3301(a)-(b) of the Public Utility Code, 66 Pa.C.S. § 3301(a)-(b), allows for the imposition of a separate civil penalty for each violation and each day's continuance of such violation(s).

10. Respondent, in transporting passengers as a common carrier for compensation is subject to the power and authority of this Commission pursuant to Section 501(c) of the Public Utility Code, 66 Pa.C.S. § 501(c), which requires a public utility to comply with Commission regulations.

11. Pursuant to the provisions of the applicable Commonwealth statutes and regulations, the Commission has jurisdiction over the subject matter of this complaint and the actions of Respondent related thereto.

#### *Factual Background*

##### *PRIOR ASSESSMENT-RELATED COMPLAINTS*

12. On January 26 2017, I&E filed a Complaint against Respondent at Docket No. C-2017-2585810, alleging that Respondent violated Section 510(c) of the Public Utility Code, 66 Pa.C.S. § 510(c), by failing to satisfy its assessment for the July 1, 2015 to June 30, 2016 Fiscal Year ("2015-2016 Fiscal Year") in the amount of \$27,803. In addition to payment of the outstanding assessment, I&E sought payment of a civil penalty in the amount of \$6,951.

13. On March 10, 2017, I&E filed a Certificate of Satisfaction pursuant to 52 Pa. Code § 5.24, noting that Respondent satisfied its outstanding assessment for the 2015-2016 Fiscal Year and the agreed-upon civil penalty of \$4,170 at Docket No. C-2017-2585810.

14. On November 17, 2017, I&E filed a Complaint against Respondent at Docket No. C-2017-2634220, alleging that Respondent violated Section 510(c) of the Public Utility Code, 66 Pa.C.S. § 510(c), by failing to satisfy its assessment for the July 1, 2016 to June 30, 2017 Fiscal Year ("2016-2017 Fiscal Year") in the amount of \$20,477. In addition to payment of the outstanding assessment, I&E sought payment of a civil penalty in the amount of \$5,119.

15. On January 4, 2018, I&E filed a Certificate of Satisfaction pursuant to 52 Pa. Code § 5.24, noting that Respondent satisfied its outstanding assessment for the 2015-2016 Fiscal Year and the agreed-upon civil penalty of \$4,000 at Docket No. C-2017-2634220.

##### *2017-2018 FISCAL YEAR*

16. On or about September 5, 2017, the Commission mailed to Respondent, by certified mail, an assessment invoice for the July 1, 2017 to June 30, 2018 Fiscal Year ("2017-2018 Fiscal Year") that was based, in part, on revenues for the 2016 calendar year that Respondent reported to the Commission in its 2016 Assessment Report. Respondent's assessment was \$20,096. A copy of the assessment invoice is attached as Exhibit 1.

17. Accompanying the assessment invoice was a notice of assessment that informed Respondent that it was obligated to pay the amount listed on the assessment

invoice within thirty (30) days or file objections within fifteen (15) days. A copy of the notice of assessment is attached as Exhibit 2.

18. On September 7, 2017, Respondent provided an electronic signature to the United States Postal Service for the certified mailing, which indicated that it received the assessment invoice and notice of assessment for the 2017-2018 Fiscal Year. A copy of the electronic signature for the certified mailing is attached as Exhibit 3.

19. The Commission received no objections from Respondent to the assessment amount set forth in the 2017-2018 Fiscal Year Assessment Invoice.

20. On or about November 9, 2017, the Commission's Bureau of Administration ("ADM") sent Respondent a letter warning Respondent that if it did not pay its 2017-2018 Fiscal Year Assessment within thirty (30) days of receipt of the letter, then ADM would refer the matter to I&E for prosecution.

21. Respondent did not pay its outstanding assessment.

22. On or about January 19, 2018, I&E sent Respondent a letter warning Respondent that if it did not pay its 2017-2018 Fiscal Year Assessment within thirty (30) days of receipt of the letter, then I&E would file a Formal Complaint against Respondent seeking payment of the outstanding assessment and a civil penalty and revocation of Respondent's Certificate and vehicle registration(s) with the Pennsylvania Department of Transportation.

23. Respondent failed to pay its 2017-2018 Fiscal Year Assessment Invoice of \$20,096.

24. The total outstanding assessment balance for Respondent related to the 2017-2018 Fiscal Year is \$20,096.

#### *Violation*

25. That Respondent failed to satisfy its 2017-2018 Fiscal Year Assessment in that it did not pay the amount due within thirty (30) days of receipt of the invoice. If proven, this is a violation of Section 510(c) of the Public Utility Code, 66 Pa.C.S. § 510(c). The Bureau of Investigation and Enforcement's proposed civil penalty for this violation is 25% of the outstanding assessment balance or \$5,024.<sup>8</sup> This civil penalty, consistent with past Commission decisions,<sup>9</sup> is based on Respondent's unacceptable history of compliance with the Public Utility Code and Commission's regulations,<sup>10</sup> the amount of Respondent's outstanding assessment balance related to the 2017-2018 Fiscal Year, and the need to deter future violations of the Public Utility Code and the Commission's regulations pursuant to 52 Pa. Code § 69.1201.<sup>11</sup>

<sup>8</sup> I&E anticipates that this level of penalty will provide a sufficient deterrent against future violations by Respondent.

<sup>9</sup> See *Pa. Pub. Util. Comm'n v. Juan Genet Enter., LLC t/a Safe Destinations*, Docket No. C-2014-2450660 (Order entered August 3, 2017); *Pa. Pub. Util. Comm'n v. Leo Movers & Storage, Inc.*, Docket No. C-2015-2494528 (Order entered August 3, 2017); *Pa. Pub. Util. Comm'n v. Hoffman Landscaping & Trucking, LLP*, Docket No. C-2015-2495061 (Order entered September 21, 2017); *Pa. Pub. Util. Comm'n v. Deer Haven, LLP*, Docket No. C-2015-2498095 (Order entered October 26, 2017); *Pa. Pub. Util. Comm'n v. Reach for the Stars Limousine Serv. Inc.*, Docket No. C-2015-2499276 (Order entered October 26, 2017).

<sup>10</sup> A review of the Commission's records for a period of three (3) years prior to the date of the filing of this Complaint demonstrates that Respondent has an unacceptable compliance history with the Commission as Respondent failed to timely pay its 2015-2016 and 2016-2017 Fiscal Year Assessments to the Commission. See *supra* ¶¶ 12-15.

<sup>11</sup> The Commission promulgated a Policy Statement at 52 Pa. Code § 69.1201 as a guideline that sets forth ten factors that are to be considered when evaluating whether and to what extent a civil penalty for violating a Commission order, regulation, or statute is warranted. Among these factors are the compliance history of the regulated entity that committed the violation, the amount of the civil penalty necessary to deter future violations, and past Commission decisions in similar situations. 52 Pa. Code §§ 69.1201(c)(6), (8), and (9).

Wherefore, for all the foregoing reasons, the Pennsylvania Public Utility Commission's Bureau of Investigation and Enforcement respectfully requests that:

(a) Respondent be ordered to pay a total of \$25,120, which consists of its outstanding assessment balance of \$20,096 and a total civil penalty of \$5,024 for the above described violation. Said payment should be made by certified check or money order, made payable to the "Commonwealth of Pennsylvania" with the docket number of this proceeding listed, and mailed to the Secretary's Bureau of the Commission;

(b) If payment of the assessment and civil penalty is not made, the Bureau of Investigation and Enforcement requests that:

(1) the Commission issue an Order to cancel the Certificate of Public Convenience issued to Respondent;

(2) this matter be referred to the Pennsylvania Office of Attorney General for appropriate action; and

(3) the Commission certify automobile registrations to the Pennsylvania Department of Transportation for suspension or revocation.

Respectfully submitted,  
Kourtney L. Myers  
Prosecutor  
Pennsylvania Public Utility Commission  
Bureau of Investigation and Enforcement  
400 North Street  
Harrisburg, PA 17120  
717.705.4366  
komyers@pa.gov

Date: August 29, 2019

VERIFICATION

I, Amy Zuvich, Chief of Finance and Assessments, Bureau of Administration, Finance and Assessment Section, hereby state that the facts above set forth are true and correct to the best of my knowledge, information, and belief and that I expect the Bureau will be able to prove the same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: August 29, 2019

Amy Zuvich, Chief of Finance and Assessments  
Finance and Assessment Section  
Bureau of Administration  
Pennsylvania Public Utility Commission  
400 North Street  
Harrisburg, PA 17120

Exhibit 1



Commonwealth of Pennsylvania  
**Pennsylvania Public Utility Commission**  
Harrisburg, PA 17105-3265

**GENERAL ASSESSMENT INVOICE**

INVOICE DATE	INVOICE NUMBER
9/5/2017	17-640132

FISCAL YEAR
July 1, 2017 to June 30, 2018

CELEBRITY LIMOUSINE SERVICE INC  
DENNIS B ADAMS  
2521 YELLOW SPRINGS ROAD SUITE 3  
MALVERN PA 19355

- Read Carefully Notice of Assessment
- Use Return Envelope Provided
- Make Check Payable to:  
Commonwealth of Pennsylvania

Pennsylvania Public Utility Commission	\$20,096.00
<b>PAY THIS AMOUNT WITHIN 30 DAYS</b>	<b>\$20,096.00</b>

TO RECEIVE PROPER CREDIT FOR YOUR PAYMENT, REMOVE THE BOTTOM PART OF THIS INVOICE AT THE PERFORATION AND RETURN WITH YOUR REMITTANCE

**MAIL PAYMENT TO:**  
PA DOR  
PO BOX 61380  
HARRISBURG, PA 17106-1380

FOLD AND CUT HERE

RETURN THIS PORTION WITH YOUR REMITTANCE

CELEBRITY LIMOUSINE SERVICE INC  
DENNIS B ADAMS  
2521 YELLOW SPRINGS ROAD SUITE 3  
MALVERN PA 19355

INVOICE DATE	INVOICE NUMBER
9/5/2017	17-640132
FISCAL YEAR	
July 1, 2017 to June 30, 2018	

Pennsylvania Public Utility Commission	\$20,096.00
<b>PAY THIS AMOUNT WITHIN 30 DAYS</b>	<b>\$20,096.00</b>

17000064013281 09051710002009600200000000003000000000 000020096000

## Exhibit 2

**PENNSYLVANIA PUBLIC UTILITY COMMISSION  
Harrisburg, PA 17105-3265**

**NOTICE OF ASSESSMENT**

**EXPLANATION OF BILL FOR GENERAL ASSESSMENT  
FOR FISCAL YEAR JULY 1, 2017 TO JUNE 30, 2018**

In Section 510 of the Public Utility Code, 66 Pa. C.S. §510, the Pennsylvania General Assembly has authorized the Pennsylvania Public Utility Commission to assess all public utilities a percentage of their gross intrastate operating revenues for the preceding calendar year. Under Section 510, each public utility is required, on or before March 31 of each year to file with the Commission a statement of the utility's gross intrastate operating revenues for the preceding calendar year. After receiving the utilities' statements of gross intrastate operating revenues, the Commission sends general assessment invoices to all public utilities to advise each utility of the amount of assessment that utility owes based upon that utility's activity (gross intrastate operating revenues) in the preceding year. The enclosed assessment is for your proportionate share of the estimated expenses of the Public Utility Commission for the Commission's Fiscal Year July 1, 2017 to June 30, 2018.

**YOU ARE REQUIRED TO PAY THIS BILL WITHIN THIRTY DAYS AFTER YOU RECEIVE IT.** Objections to the assessment must be made in writing within 15 days and shall set out in detail the grounds upon which you regard the assessment to be excessive, erroneous, unlawful, or invalid. Objections may be filed only by the person, partnership, or corporation assessed. Filing an objection, however, does not eliminate your obligation to pay the assessment while your objection is being considered. **FAILURE TO PAY THE ASSESSMENT WHEN PAYMENT IS DUE WILL SUBJECT YOU TO PENALTIES.**

Be sure that your personal check or money order is written out in the same amount as your assessment invoice, and make your remittance payable to, "Commonwealth of PA". **DO NOT SEND CASH.** If you have reason to correspond with the Commission regarding your assessment invoice, please make reference to your invoice number. A receipt for payment will not be issued. Please mail your payment with the return portion of your invoice in the enclosed self-addressed envelope. Please note that rounding of your assessment to the nearest dollar has occurred. Your assessment for the PUC, including the OCA and the OSBA where applicable, has been combined into one invoice; one payment for all applicable assessments is acceptable. **A TWENTY (\$20.00) FEE WILL BE CHARGED FOR ALL DISHONORED OR BAD CHECKS REMITTED AS PAYMENT OF ASSESSMENTS.**

Your assessment has been computed by multiplying your gross intrastate operating revenues for the calendar year 2016 by the assessment factor for the public utility group of which you are a member. Your gross intrastate operating revenues for 2016 have been taken from the Assessment Reports Form GAO-16, AR-16-RR or AR-16-MC which you have filed with the Commission, or have been estimated by the Commission if you failed to file a timely report. Gross operating revenue reported to the Commission on the Assessment Reports may have been revised by the Commission to accurately reflect assessable revenue. The assessment factors for the various public utility groups are set forth in Schedule B enclosed herewith.



The approved estimate of expenditures of the Commission for the period July 1, 2017 to June 30, 2018 payable as a General Assessment by the public utilities which the Commission regulates has been determined as follows:

Estimate of the expenditures of the Commission for the Fiscal Year July 1, 2017 to June 30, 2018	\$73,499,000
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Deduct:

Budget Reserve Pending Legislation (PWA)	\$733,000
Pipeline Operators per Act 127 of 2011	\$646,553
UGWF Administration Act 13 of 2012	\$1,408,000
Prior Years Returned Funds	\$5,400,000
Fee Collections	\$289,703
UCR/NGS/EGS	<u>\$12,114,652</u>

Total Deductions	<u>\$20,591,908</u>
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Total Assessment allocated to Public Utility groups furnishing various types of public service	\$52,907,092
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The way in which the total Public Utility Commission assessment of \$52,907,092 has been allocated to the various groups of public utilities is shown on Schedules A and B enclosed herewith.




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Rosemary Chiavetta  
Secretary  
PA Public Utility Commission

**MAKE INQUIRIES TO:**

Pennsylvania Public Utility Commission  
Bureau of Administrative Services/Assess  
P.O. Box 3265  
Harrisburg, PA 17105-3265

**FOR CERTIFIED AND EXPRESS CARRIERS**

Pennsylvania Public Utility Commission  
Bureau of Administrative Services/Assess  
400 North Street  
Harrisburg, PA 17120

**CONTACT INFORMATION:**

Assessment Section Information - Telephone 717-265-7548

Allocation of Expenses based on percent of prior year Public Utility Group workload  
Budget Fiscal Year 2017-18

**SCHEDULE A**

<b>Group</b>	<b>Total Expenditures per Utility Group Calendar Year 2016</b>	<b>Percentage Distribution</b>	<b>Estimated Expenditures Fiscal Year 2017-2018 by Utility Group</b>
Electric	\$24,240,765	45.7222%	\$24,190,287
Gas	\$11,406,599	21.5148%	\$11,382,855
Pipeline	\$162,386	0.3063%	\$162,054
Steam Heat	\$282,440	0.5327%	\$281,836
Tele./Tele.	\$5,973,562	11.2671%	\$5,961,095
Water/Sewer	\$4,931,756	9.3021%	\$4,921,471
Transportation - Passenger	\$4,187,783	7.8989%	\$4,179,078
Transportation - Property	\$705,309	1.3303%	\$703,823
Transportation - Rail	\$1,126,948	2.1256%	\$1,124,593
<b>Total</b>	<b>\$53,017,548</b>	<b>100.00%</b>	<b>\$52,907,092</b>

**SCHEDULE B**

<b>Group</b>	<b>Estimated Expenditures Fiscal Year 2017-2018 by Utility Group</b>	<b>Gross intrastate revenues by utility group Calendar Year 2016</b>	<b>General Assessment Factor by Utility Group (Col. (a) / by Col. (b))</b>
	(a)	(b)	(c)
Electric	\$24,190,287	\$7,789,115,585	0.003105652591
Gas	\$11,382,855	\$3,089,182,967	0.003684746136
Pipeline	\$162,054	\$44,186,061	0.003667536692
Steam Heat	\$281,836	\$81,423,347	0.003461365940
Tele./Tele.	\$5,961,095	\$2,095,709,247	0.002844428448
Water/Sewer	\$4,921,471	\$1,161,310,517	0.004237859666
Transportation - Passenger	\$4,179,078	\$276,978,774	0.015088080360
Transportation - Property	\$703,823	\$412,397,692	0.001706660861
Transportation - Rail	\$1,124,593	\$106,882,231	0.010521795714
<b>Total</b>	<b>\$52,907,092</b>	<b>\$15,057,186,421</b>	<b>0.003513743572</b>

**SUPPLEMENTAL SCHEDULE  
FEDERAL SHORTFALL RELATED TO GAS SAFETY APPLICABLE TO GAS PUBLIC UTILITIES ONLY**

	<b>Estimated Commission Federal Shortfall for Calendar Year 2016 and 6 Months of Calendar Year 2017</b>	<b>Actual Commission Federal Shortfall for Calendar Year 2016 and 6 Months of Calendar Year 2017</b>	<b>Estimated Commission Federal Shortfall for Calendar Year 2017 and 6 Months of Calendar Year 2018</b>
Gas	(\$685,832)	\$329,532	\$356,300
	<b>Net Estimated Commission Federal Shortfall for Fiscal Year 2017-18 Assessment</b>	<b>Reported Revenue for Gas Utility Group for Calendar Year 2016</b>	<b>Supplemental add-on Factor</b>
Gas	\$0	\$3,419,595,396	0.000000000000

Exhibit 3

Tracking

Page 1 of 1

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Status History ?

**Tracking Number Information**

<b>Meter:</b>	12650040	<b>Mailing Date:</b>	09/05/17 10:17 AM
<b>Tracking Number:</b>	9171969009350170771363	<b>Sender:</b>	
<b>Current Status:</b>	OK : Delivered	<b>Recipient:</b>	
<b>Class of Mail:</b>	FC	<b>Zip Code:</b>	17522
<b>Service:</b>	ERR	<b>City:</b>	MURRELL
<b>Value:</b>	\$0.460	<b>State:</b>	PA

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**Status Details**

▼ Status Date	Status
Thu, 09/07/17, 04:22:00 PM	OK : Delivered
Wed, 09/06/17, 10:08:00 PM	Processed (processing scan)
Wed, 09/06/17, 07:15:00 PM	Dispatched from Sort Facility
Wed, 09/06/17, 09:22:00 AM	Processed (processing scan)
Wed, 09/06/17, 04:57:00 AM	Dispatched from Sort Facility
Tue, 09/05/17, 06:27:00 PM	Processed (processing scan)
Tue, 09/05/17, 05:12:00 PM	Origin Acceptance
Tue, 09/05/17, 12:53:00 PM	OK: USPS acknowledges reception of info

Note: Delivery status updates are processed throughout the day and posted upon receipt from the Postal Service.

[https://ols-prd-sso.neopostinc.com/SSO-HaslerInc/sso?\\_pxs=null&\\_1.pq1.\\_path=customer&\\_1.pq1.\\_obje...](https://ols-prd-sso.neopostinc.com/SSO-HaslerInc/sso?_pxs=null&_1.pq1._path=customer&_1.pq1._obje...) 10/18/2017

ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 20-439. Filed for public inspection March 20, 2020, 9:00 a.m.]

## PHILADELPHIA PARKING AUTHORITY

### Service of Notice of Motor Carrier Applications in the City of Philadelphia

The following permanent authority application to render service as common carriers in the City of Philadelphia has been filed with the Philadelphia Parking Authority's (PPA) Taxicab and Limousine Division (TLD). Formal protests must be filed in accordance with 52 Pa. Code Part II (relating to Philadelphia Parking Authority) with the TLD's Office of the Clerk, 2415 South Swanson Street, Philadelphia, PA 19148, no later than April 6, 2020. The nonrefundable protest filing fee is \$5,000 payable to the PPA by certified check or money order. The applications are available for inspection at the TLD

between 9 a.m. and 4 p.m., Monday through Friday (contact TLD Director Christine Kirlin, Esq. at (215) 683-9653 to make an appointment) or may be inspected at the business addresses of the respective applicants or attorneys, or both.

**Doc. No. A-20-03-04. Taxi for Life, LLC** (2014 North Philip Street, Philadelphia, PA 19122): An application for a medallion taxicab certificate of public convenience to transport, as a common carrier, persons in taxicab service between points within the City of Philadelphia and from points in the City of Philadelphia to points in Pennsylvania, and return. *Attorney for Applicant:* David R. Alperstein, Esq., 314 Cherry Avenue, Voorhees, NJ 08043.

SCOTT PETRI,  
*Executive Director*

[Pa.B. Doc. No. 20-440. Filed for public inspection March 20, 2020, 9:00 a.m.]





