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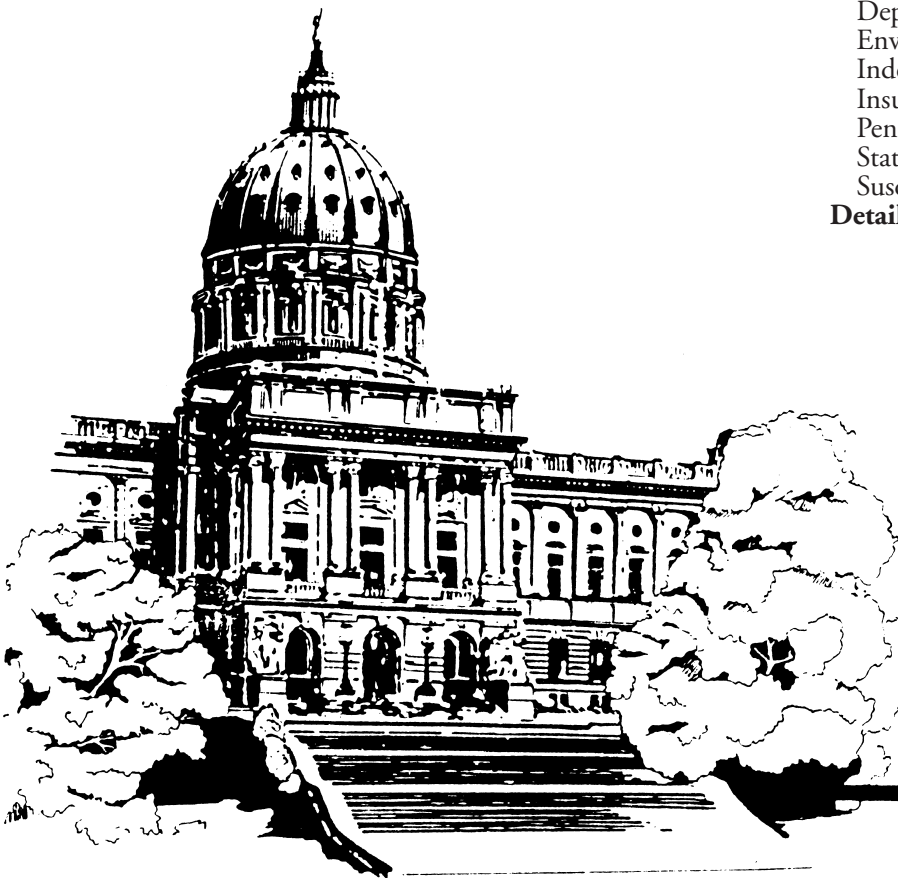
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State Board of Podiatry

Susquehanna River Basin Commission

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

No. 546, May 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.

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

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

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

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

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Printing Format

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

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

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

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

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

Court Rules in Titles 201—246 of the Pennsylvania Code

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

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

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

Fiscal Notes

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

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

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

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List of Pa. Code Chapters Affected

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

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THE GOVERNOR

GOVERNOR'S OFFICE

Amendment to Proclamation of Disaster Emergency

May 22, 2020

Whereas, on January 10, 2018, I declared a disaster emergency due to the opioid crisis that is ravaging the country, including the Commonwealth of Pennsylvania and its citizens;

Whereas, my Proclamation of Disaster Emergency dated January 10, 2018, was renewed by Amendment to Proclamation of Disaster Emergency (1st Amendment) on April 4, 2018, for an additional ninety days. The April 4, 2018, 1st Amendment would have automatically expired by operation of law on July 3, 2018, unless further extended by my official renewal;

Whereas, I renewed the Proclamation of Disaster Emergency for an additional ninety days by official action on June 28, 2018. The June 28, 2018, Amendment to Proclamation of Disaster Emergency (2nd Amendment) was set to expire by operation of law on September 26, 2018, unless further extended by my official renewal;

Whereas, I renewed the Proclamation of Disaster Emergency for an additional ninety days by official action on September 24, 2018. The September 24, 2018, Amendment to Proclamation of Disaster Emergency (3rd Amendment) was set to expire by operation of law on December 23, 2018, unless further extended by my official renewal;

Whereas, I renewed the Proclamation of Disaster Emergency for an additional ninety days by official action on December 21, 2018. The December 21, 2018, Amendment to Proclamation of Disaster Emergency (4th Amendment) was set to expire by operation of law on March 21, 2019, unless further extended by my official renewal;

Whereas, I renewed the Proclamation of Disaster Emergency for an additional ninety days by official action on March 20, 2019. The March 20, 2019, Amendment to Proclamation of Disaster Emergency (5th Amendment) was set to expire by operation of law on June 18, 2019, unless further extended by my official renewal;

Whereas, I renewed the Proclamation of Disaster Emergency for an additional ninety days by official action on June 14, 2019. The June 14, 2019, Amendment to Proclamation of Disaster Emergency (6th Amendment) was set to expire by operation of law on September 12, 2019, unless further extended by my official renewal;

Whereas, I renewed the Proclamation of Disaster Emergency for an additional ninety days by official action on September 5, 2019. The September 5, 2019, Amendment to Proclamation of Disaster Emergency (7th Amendment) was set to expire by operation of law on December 4, 2019, unless further extended by my official renewal;

Whereas, I renewed the Proclamation of Disaster Emergency for an additional ninety days by official action on December 3, 2019. The December 3, 2019, Amendment to Proclamation of Disaster Emergency (8th Amendment) was set to expire by operation of law on March 2, 2020, unless further extended by my official renewal;

Whereas, I renewed the Proclamation of Disaster Emergency for an additional ninety days by official action on February 25, 2020. The February 25, 2020, Amendment to Proclamation of Disaster Emergency (9th Amendment) is set to expire by operation of law on May 25, 2020, unless further extended by my official renewal;

Whereas, the opioid crisis continues to be of such magnitude or severity that emergency action is necessary to protect the health, safety and welfare of affected citizens in Pennsylvania;

Whereas, the opioid crisis continues to be a public health emergency in Pennsylvania contributing to addiction, overdose emergencies and deaths; and

Whereas, investigations by the Opioid Unified Coordination Group indicate that additional resources of the Commonwealth may be needed to mitigate and contend with the magnitude and severity of this continuing and expanding disaster emergency.

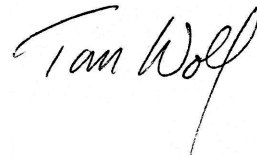
Now Therefore, pursuant to the provisions of section 7301(c) of the Emergency Management Services Code, 35 Pa.C.S. § 7301(c), I do hereby order and direct as follows:

1. The Proclamation of Disaster Emergency of January 10, 2018, renewed by Amendments to Proclamation of Disaster Emergency dated April 4, 2018, June 28, 2018, September 24, 2018, December 21, 2018, March 20, 2019, June 14, 2019, September 5, 2019, December 3, 2019, and February 25, 2020, is renewed for an additional period of ninety days, and shall continue to apply to the Commonwealth of Pennsylvania.

2. All directives, authorized actions and provisions of the January 10, 2018, Proclamation of Disaster Emergency, and the April 4, 2018, June 28, 2018, September 24, 2018, December 21, 2018, March 20, 2019, June 14, 2019, September 5, 2019, December 3, 2019, and February 25, 2020, Amendments to Proclamation of Disaster Emergency shall remain in full force and effect until either rescinded by me or terminated by operation of law ninety days following the effective date of this Proclamation Amendment.

This Proclamation Amendment (10th Amendment) shall take effect immediately.

Given under my hand and the Seal of the Governor, at the city of Harrisburg, on this twenty-second day of May two thousand twenty, the year of the commonwealth the two hundred and forty-fourth.



Governor

[Pa.B. Doc. No. 20-700. Filed for public inspection May 29, 2020, 9:00 a.m.]

THE COURTS

Title 255—LOCAL COURT RULES

CUMBERLAND COUNTY

Local Rule 1920.42-1; Civil Action—Law; 1996-1335

Order of Court

And Now, this 14th day of May, 2020, it is hereby Ordered and Decreed, that effective thirty (30) days after publication in the *Pennsylvania Bulletin*, the Cumberland County Court of Common Pleas adopts local rule 1920.42-1:

All Praecipes to Transmit Record filed pursuant to Rule 1920.42(a)(2), (b)(2), or (c)(2) shall include a proposed order approving grounds for divorce.

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

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

2. File two (2) paper copies and one (1) electronic copy in a Microsoft Word format only to bulletin@palrb.us with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.

3. Publish these Rules on the Cumberland County Court website at www.ccpa.net.

4. Incorporation of the local rule into the set of local rules on www.ccpa.net within thirty (30) days after the publication of the local rule in the *Pennsylvania Bulletin*.

5. File one (1) copy of the local rule in the appropriate filing office for public inspection and copying.

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

By the Court

EDWARD E. GUIDO,
President Judge

[Pa.B. Doc. No. 20-701. Filed for public inspection May 29, 2020, 9:00 a.m.]

Title 255—LOCAL COURT RULES

VENANGO COUNTY

Adoption of Local Bail Rules

Order of Court

And Now, this 14th day of May, 2020 the following rules are hereby Adopted as Venango County Local Rules of Criminal Procedure, governing bail in criminal matters to be effective June 30, 2020. The Venango County District Court Administrator is Ordered and Directed to do the following:

(1) File one (1) copy of the local rule with the Administrative Office of Pennsylvania Courts via email to adminrules@pacourts.us.

(2) Forward two (2) paper copies and one (1) electronic copy in a Microsoft Word to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.

(3) Publish the local rules on the Venango County website at www.co.venango.pa.us.

(4) File one copy of the local rule in the appropriate filing offices for public inspection and copying.

By the Court

OLIVER J. LOBAUGH,
President Judge

V.C.R.Crim.P. 520. Bail Before Verdict.¹

(A) If the bail authority denies bail, the bail authority shall:

(1) State the reasons for denying bail in writing or on the record and inform the defendant of his or her right to seek immediate review of the bail determination.

(2) Because magisterial district courts are not courts of record, if the bail authority is a magisterial district judge, the reasons for denying bail shall be memorialized on the docket by inputting said reasons into the Magisterial District Judge System (“MDJS”).

V.C.R.Crim.P. 529.1. Representation on Modification or Review of Bail Order.

(A) Upon either imposing bail conditions on the defendant or denying bail, the bail authority shall inform the defendant of his or her right to seek review of the bail determination pursuant to Pa.R.Crim.P. 529 governing Modification of Bail Prior to Verdict.

(1) At the magisterial district court, the bail authority shall inform the defendant of his or her right to make an oral request for review of the bail determination.

(2) The bail authority shall also inform the defendant of his or her right to hire counsel or apply for the services of the Venango County Public Defender’s Office for purposes of making a request for review of a bail determination.

(B) Either the bail authority considering the request for review or the judge of the court of common pleas presiding over a motion to modify may appoint counsel to represent the defendant when, in the bail authority’s or judge’s opinion, the interests of justice require it.²

V.C.R.Crim.P 520.1. Bail Generally³ and Hearing on Request for Review.

(A) All defendants shall be presumed bailable.⁴ The bail authority may only deny bail if:⁵

(1) the offense is a capital offense or an offense for which the maximum sentence is life imprisonment; or

(2) no conditions or combination of conditions other than imprisonment will reasonably assure the safety of any person and the community when the proof is evident or presumption great.

¹ This rule is intended to supplement Pa.R.Crim.P. 520 to make the defendant aware of his or her right to review.

² V.C.R.Crim.P. 520.1(C) is consistent with the Comment to Pa.R.Crim.P. 122 concerning appointment of counsel, which reads, in pertinent part, as follows:

Paragraph (A)(3) retains in the issuing authority or judge the power to appoint counsel regardless of indigency or other factors when, in the issuing authority’s or the judge’s opinion, the interests of justice require it.

³ This rule restates existing United States and Pennsylvania Constitutional law and Pennsylvania Rules of Criminal Procedure relating to bail and again is intended to supplement Pa.R.C.P. 520.

⁴ Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.” U.S. Const. amend. VIII; Pa. Const. art. 1 § 13.

⁵ “All prisoners shall be bailable by sufficient sureties, unless for capital offenses or for offenses for which the maximum sentence is life imprisonment or unless no condition or combination of conditions other than imprisonment will reasonably assure the safety of any person and the community when the proof is evident or presumption great.” Pa. Const. art. 1 § 14.

(B) A defendant who has been denied bail shall have the right to seek immediate review before either the issuing bail authority or a judge of the court of common pleas. A hearing on such review at which the defendant is present and after which the defendant has been informed of his right to be represented by counsel at said hearing, shall be held within 72 hours of such request for review.

(a) If, after hearing, the request for review is denied and the hearing was presided over by a judge of the court of common pleas, then the judge of the court of common pleas shall state the reasons for denying such request in writing or on the record in open court.

(b) If, after hearing, the request for review is denied and the hearing is presided over by a magisterial district judge, then the magisterial district judge shall memorialize the reasons for denying such request on the docket of the magisterial district case pending against the defendant by inputting said reasons into the Magisterial District Judge System ("MDJS") for the reason stated in V.C.R.Crim.P. 520.

(C) No condition of release, whether nonmonetary or monetary, shall be imposed for the sole purpose of ensuring that a defendant remains incarcerated until trial.⁶

V.C.R.Crim.P. 528.3. Monetary Condition of Release on Bail.

(A) Before imposing monetary conditions of release on bail on a defendant, the bail authority shall consider imposing Release on Recognizance (ROR) pursuant to Pa.R.Crim.P. 524(C)(1).

(B) The bail authority shall not impose any monetary condition that results in the pretrial detention of the defendant solely because the defendant is financially unable to meet that condition.

(C) Prior to imposing any monetary condition of release under Pa.R.Crim.P. 528, the bail authority must review the defendant's financial ability, including, but not limited to:⁷

- (1) The defendant's:
 - (a) income and assets,
 - (b) living expenses including food, rent/mortgage, utilities, medical expenses, child support and familial obligations,
 - (c) debts, and
 - (d) any other hardships.
- (2) The bail authority shall only consider the financial resources of the defendant and the defendant's legal spouse, not the defendant's friends or other family members.

(D) The bail authority shall not impose a monetary condition of bail unless it finds that:

- (1) no other condition or combination of conditions of release can ensure the defendant's appearance at trial.
 - (2) the defendant is able to afford to pay that amount.
- (E) In making a determination as to whether the defendant is able to afford the amount of bail, the Court or issuing authority shall consider the following factors as relevant:

(1) Whether the defendant has an income at or below 125% of the Federal Poverty Guidelines;

⁶ Comment to Pa.R.Crim.P. 524.

⁷ Pa.R.Crim.P. 528(A)(2) requires that the bail authority consider the "financial ability of the defendant" prior to setting any monetary release condition. This amendment is intended to provide additional guidance to the Magisterial District Judge considering the "financial ability of the defendant."

(2) Whether the defendant receives income-based public assistance, including, but not limited to, Supplemental Nutrition Assistance Program (SNAP or food stamps), Medicaid, Temporary Assistance for Needy Families (TANF), Supplemental Security Income (SSI), Social Security Disability Insurance (SSDI), veterans' disability benefits, or other state-based benefits;

(3) Whether the defendant is or has within the past six months been homeless or resided in a mental health facility;

(4) Whether the defendant is on his or her own unable to meet basic living expenses, including, but not limited to, food, rent/mortgage, utilities, medical expenses, transportation, and child support; and

(5) Whether the defendant owns other assets including real or personal property.

[Pa.B. Doc. No. 20-702. Filed for public inspection May 29, 2020, 9:00 a.m.]

DISCIPLINARY BOARD OF THE SUPREME COURT

List of Financial Institutions

Notice is hereby given that pursuant to Rule 221(b), Pa.R.D.E., the following List of Financial Institutions have been approved by the Supreme Court of Pennsylvania for the maintenance of fiduciary accounts of attorneys. Each financial institution has agreed to comply with the requirements of Rule 221, Pa.R.D.E, which provides for trust account overdraft notification.

SUZANNE E. PRICE,
Attorney Registrar

FINANCIAL INSTITUTIONS APPROVED AS DEPOSITORIES OF TRUST ACCOUNTS OF ATTORNEYS

Bank Code A.

595	Abacus Federal Savings Bank
2	ACNB Bank
613	Allegent Community Federal Credit Union
375	Altoona First Savings Bank
376	Ambler Savings Bank
532	AMERICAN BANK (PA)
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377	Apollo Trust Company

Bank Code B.

558	Bancorp Bank (The)
485	Bank of America, NA
662	Bank of Bird in Hand
415	Bank of Landisburg (The)
664	BANK UNITED, NA
642	BB & T Company
501	BELCO Community Credit Union
652	Berkshire Bank
663	BHCU
5	BNY Mellon, NA
392	BRENTWOOD BANK
495	Brown Brothers Harriman Trust Co., NA
161	Bryn Mawr Trust Company (The)

Bank Code C.

654 CACL Federal Credit Union
 618 Capital Bank, NA
 16 CBT Bank, a division of Riverview Bank
 136 Centric Bank

394 CFS BANK

623 Chemung Canal Trust Company
 599 Citibank, NA
 238 Citizens & Northern Bank
 561 Citizens Bank, NA
 206 Citizens Savings Bank
 576 Clarion County Community Bank
 660 Clarion FCU
 591 Clearview Federal Credit Union
 23 CNB Bank
 354 Coatesville Savings Bank
 223 Commercial Bank & Trust of PA
 21 Community Bank (PA)
 371 Community Bank, NA (NY)
 132 Community State Bank of Orbisonia

647 CONGRESSIONAL BANK

380 County Savings Bank
 617 Covenant Bank
 536 Customers Bank

Bank Code D.

339 Dime Bank (The)
 27 Dollar Bank, FSB

Bank Code E.

500 Elderton State Bank
 567 Embassy Bank for the Lehigh Valley
541 ENTERPRISE BANK
 28 Ephrata National Bank
 601 Esquire Bank, NA
 340 ESSA Bank & Trust

Bank Code F.

629 1st Colonial Community Bank
 158 1st Summit Bank
 31 F & M Trust Company—Chambersburg
 658 Farmers National Bank of Canfield
 205 Farmers National Bank of Emlenton (The)
 34 Fidelity Deposit & Discount Bank (The)
343 FIDELITY SAVINGS & LOAN ASSOCIATION OF BUCKS COUNTY
 583 Fifth Third Bank
 661 First American Trust, FSB
 643 First Bank
 174 First Citizens Community Bank
 191 First Columbia Bank & Trust Company
 539 First Commonwealth Bank
 667 First Federal Bank of the Midwest
 504 First Federal S & L Association of Greene County
 525 First Heritage Federal Credit Union
 42 First Keystone Community Bank
 51 First National Bank & Trust Company of Newtown (The)
 48 First National Bank of Pennsylvania
 426 First Northern Bank & Trust Company
 604 First Priority Bank, a division of Mid Penn Bank
592 FIRST RESOURCE BANK
 657 First United Bank & Trust
 408 First United National Bank

151 Firstrust Savings Bank
 416 Fleetwood Bank
 175 FNCB Bank
 291 Fox Chase Bank
 241 Franklin Mint Federal Credit Union
 639 Freedom Credit Union
58 FULTON BANK, NA

Bank Code G.

499 Gratz Bank (The)
 498 Greenville Savings Bank

Bank Code H.

402 Halifax Branch, of Riverview Bank
 244 Hamlin Bank & Trust Company
 362 Harleysville Savings Bank
 363 Hatboro Federal Savings
 463 Haverford Trust Company (The)
 606 Hometown Bank of Pennsylvania
 68 Honesdale National Bank (The)
 350 HSBC Bank USA, NA
364 HUNTINGDON VALLEY BANK
 605 Huntington National Bank (The)
 608 Hyperion Bank

Bank Code I.

365 InFirst Bank
 557 Investment Savings Bank
 526 Iron Workers Savings Bank

Bank Code J.

70 Jersey Shore State Bank
 127 Jim Thorpe Neighborhood Bank
 488 Jonestown Bank & Trust Company
 659 JPMorgan Chase Bank, NA
72 JUNIATA VALLEY BANK (THE)

Bank Code K.

651 KeyBank NA
 414 Kish Bank

Bank Code L.

554 Landmark Community Bank
 542 Linkbank
 78 Luzerne Bank

Bank Code M.

361 M & T Bank
 386 Malvern Bank, NA
 510 Marion Center Bank
 387 Marquette Savings Bank
 81 Mars Bank
 43 Marysville Branch, of Riverview Bank
 367 Mauch Chunk Trust Company
 511 MCS (Mifflin County Savings) Bank
 641 Members 1st Federal Credit Union
 555 Mercer County State Bank
 192 Merchants Bank of Bangor
 610 Meridian Bank
 420 Meyersdale Branch, of Riverview Bank
294 MID PENN BANK
276 MIFFLINBURG BANK & TRUST COMPANY
 457 Milton Savings Bank
596 MOREBANK, A DIVISION OF BANK OF PRINCETON (THE)
484 MUNCY BANK & TRUST COMPANY (THE)

Bank Code N.

433	National Bank of Malvern
168	NBT Bank, NA
347	Neffs National Bank (The)
434	NEW TRIPOLI BANK
15	NexTier Bank, NA
636	Noah Bank
638	Norristown Bell Credit Union
666	Northern Trust Co.
439	Northumberland National Bank (The)
93	Northwest Bank

Bank Code O.

653	OceanFirst Bank
489	OMEGA Federal Credit Union
94	Orrstown Bank

Bank Code P.

598	PARKE BANK
584	Parkview Community Federal Credit Union
40	Penn Community Bank
540	PennCrest Bank
419	Pennian Bank
447	Peoples Security Bank & Trust Company
99	PeoplesBank, a Codorus Valley Company
556	Philadelphia Federal Credit Union
448	Phoenixville Federal Bank & Trust
665	Pinnacle Bank
79	PNC Bank, NA
449	Port Richmond Savings
451	Progressive-Home Federal Savings & Loan Association
637	Provident Bank
456	Prudential Savings Bank
491	PS Bank

Bank Code Q.

107	QNB Bank
560	Quaint Oak Bank

Bank Code R.

452	Reliance Savings Bank
220	Republic First Bank d/b/a Republic Bank
628	Riverview Bank

Bank Code S.

153	S & T Bank
316	Santander Bank, NA
460	Second Federal S & L Association of Philadelphia
646	Service 1st Federal Credit Union
458	Sharon Bank
462	Slovenian Savings & Loan Association of Franklin-Conemaugh
486	SOMERSET TRUST COMPANY
633	SSB Bank
518	STANDARD BANK, PASB
440	SunTrust Bank
122	SUSQUEHANNA COMMUNITY BANK

Bank Code T.

143	TD Bank, NA
656	TIOGA FRANKLIN SAVINGS BANK
182	TOMPKINS VIST BANK
609	Tristate Capital Bank
640	TruMark Financial Credit Union
467	Turbotville National Bank (The)

Bank Code U.

483	UNB Bank
481	Union Building and Loan Savings Bank
634	United Bank, Inc.
472	United Bank of Philadelphia
475	United Savings Bank
600	Unity Bank
232	Univest Bank & Trust Co.

Bank Code V.

611	Victory Bank (The)
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Bank Code W.

119	WASHINGTON FINANCIAL BANK
121	Wayne Bank
631	Wells Fargo Bank, NA
553	WesBanco Bank, Inc.
494	West View Savings Bank
473	Westmoreland Federal S & L Association
476	William Penn Bank
272	Woodlands Bank
573	WOORI AMERICA BANK
630	WSFS (Wilmington Savings Fund Society), FSB

Bank Code X.**Bank Code Y.**

577	York Traditions Bank
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Bank Code Z.**PLATINUM LEADER BANKS**

The **HIGHLIGHTED ELIGIBLE INSTITUTIONS** are Platinum Leader Banks—Institutions that go above and beyond eligibility requirements to foster the IOLTA Program. These Institutions pay a net yield at the higher of 1% or 75 percent of the Federal Funds Target Rate on all PA IOLTA accounts. They are committed to ensuring the success of the IOLTA Program and increased funding for legal aid.

IOLTA EXEMPTION

Exemptions are not automatic. If you believe you qualify, you must apply by sending a written request to the IOLTA Board's executive director: 601 Commonwealth Avenue, Suite 2400, P.O. Box 62445, Harrisburg, PA 17106-2445. If you have questions concerning IOLTA or exemptions from IOLTA, please visit their website at www.paiolta.org or call the IOLTA Board at (717) 238-2001 or (888) PAIOLTA.

FINANCIAL INSTITUTIONS WHO HAVE FILED AGREEMENTS TO BE APPROVED AS A DEPOSITORY OF TRUST ACCOUNTS AND TO PROVIDE DISHONORED CHECK REPORTS IN ACCORDANCE WITH RULE 221, Pa.R.D.E.

New

Name Change

Platinum Leader Change

Correction

Removal

No changes since last quarterly submission January, 2020.

[Pa.B. Doc. No. 20-703. Filed for public inspection May 29, 2020, 9:00 a.m.]

SUPREME COURT

Financial Institutions Approved as Depositories for Fiduciary Accounts; No. 195 Disciplinary Rules Doc.

Order

Per Curiam

And Now, this 14th day of May, 2020, it is hereby Ordered that the financial institutions named on the following list are approved as depositories for fiduciary accounts in accordance with Pa.R.D.E. 221.

FINANCIAL INSTITUTIONS APPROVED AS DEPOSITORIES OF TRUST ACCOUNTS OF ATTORNEYS

Bank Code A.

595	Abacus Federal Savings Bank
2	ACNB Bank
613	Allegent Community Federal Credit Union
375	Altoona First Savings Bank
376	Ambler Savings Bank
532	AMERICAN BANK (PA)
615	Americhoice Federal Credit Union
116	AMERISERV FINANCIAL
648	Andover Bank (The)
377	Apollo Trust Company

Bank Code B.

558	Bancorp Bank (The)
485	Bank of America, NA
662	Bank of Bird in Hand
415	Bank of Landisburg (The)
664	BANK UNITED, NA
642	BB & T Company
501	BELCO Community Credit Union
652	Berkshire Bank
663	BHCU
5	BNY Mellon, NA
392	BRENTWOOD BANK
495	Brown Brothers Harriman Trust Co., NA
161	Bryn Mawr Trust Company (The)

Bank Code C.

654	CACL Federal Credit Union
618	Capital Bank, NA
16	CBT Bank, a division of Riverview Bank
136	Centric Bank
394	CFS BANK
623	Chemung Canal Trust Company
599	Citibank, NA
238	Citizens & Northern Bank
561	Citizens Bank, NA
206	Citizens Savings Bank
576	Clarion County Community Bank
660	Clarion FCU
591	Clearview Federal Credit Union
23	CNB Bank
354	Coatesville Savings Bank
223	Commercial Bank & Trust of PA
21	Community Bank (PA)
371	Community Bank, NA (NY)
132	Community State Bank of Orbisonia
647	CONGRESSIONAL BANK
380	County Savings Bank
617	Covenant Bank
536	Customers Bank

Bank Code D.

339	Dime Bank (The)
27	Dollar Bank, FSB

Bank Code E.

500	Elderton State Bank
567	Embassy Bank for the Lehigh Valley
541	ENTERPRISE BANK
28	Ephrata National Bank
601	Esquire Bank, NA
340	ESSA Bank & Trust

Bank Code F.

629	1st Colonial Community Bank
158	1st Summit Bank
31	F & M Trust Company—Chambersburg
658	Farmers National Bank of Canfield
205	Farmers National Bank of Emlenton (The)
34	Fidelity Deposit & Discount Bank (The)
343	FIDELITY SAVINGS & LOAN ASSOCIATION OF BUCKS COUNTY
583	Fifth Third Bank
661	First American Trust, FSB
643	First Bank
174	First Citizens Community Bank
191	First Columbia Bank & Trust Company
539	First Commonwealth Bank
667	First Federal Bank of the Midwest
504	First Federal S & L Association of Greene County
525	First Heritage Federal Credit Union
42	First Keystone Community Bank
51	First National Bank & Trust Company of Newtown (The)
48	First National Bank of Pennsylvania
426	First Northern Bank & Trust Company
604	First Priority Bank, a division of Mid Penn Bank
592	FIRST RESOURCE BANK
657	First United Bank & Trust
408	First United National Bank
151	Firsttrust Savings Bank
416	Fleetwood Bank
175	FNCB Bank
291	Fox Chase Bank
241	Franklin Mint Federal Credit Union
639	Freedom Credit Union
58	FULTON BANK, NA

Bank Code G.

499	Gratz Bank (The)
498	Greenville Savings Bank

Bank Code H.

402	Halifax Branch, of Riverview Bank
244	Hamlin Bank & Trust Company
362	Harleysville Savings Bank
363	Hatboro Federal Savings
463	Haverford Trust Company (The)
606	Hometown Bank of Pennsylvania
68	Honesdale National Bank (The)
350	HSBC Bank USA, NA
364	HUNTINGDON VALLEY BANK
605	Huntington National Bank (The)
608	Hyperion Bank

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365	InFirst Bank
557	Investment Savings Bank
526	Iron Workers Savings Bank

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 127 Jim Thorpe Neighborhood Bank
 488 Jonestown Bank & Trust Company
 659 JPMorgan Chase Bank, NA
 72 **JUNIATA VALLEY BANK (THE)**

Bank Code K.

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 414 Kish Bank

Bank Code L.

554 Landmark Community Bank
 542 Linkbank
 78 Luzerne Bank

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 386 Malvern Bank, NA
 510 Marion Center Bank
 387 Marquette Savings Bank
 81 Mars Bank
 43 Marysville Branch, of Riverview Bank
 367 Mauch Chunk Trust Company
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 641 Members 1st Federal Credit Union
 555 Mercer County State Bank
 192 Merchants Bank of Bangor
 610 Meridian Bank
 420 Meyersdale Branch, of Riverview Bank
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 666 Northern Trust Co.
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 93 Northwest Bank

Bank Code O.

653 OceanFirst Bank
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 94 Orrstown Bank

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 540 PennCrest Bank
 419 Pennian Bank
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 99 PeoplesBank, a Codorus Valley Company
 556 Philadelphia Federal Credit Union
 448 Phoenixville Federal Bank & Trust
 665 Pinnacle Bank
 79 PNC Bank, NA
 449 Port Richmond Savings
 451 Progressive-Home Federal Savings & Loan Association
 637 Provident Bank

456 Prudential Savings Bank
 491 PS Bank

Bank Code Q.

107 QNB Bank
 560 Quaint Oak Bank

Bank Code R.

452 Reliance Savings Bank
 220 Republic First Bank d/b/a Republic Bank
 628 Riverview Bank

Bank Code S.

153 S & T Bank
 316 Santander Bank, NA
 460 Second Federal S & L Association of Philadelphia
 646 Service 1st Federal Credit Union
 458 Sharon Bank
 462 Slovenian Savings & Loan Association of Franklin-Conemaugh
 486 **SOMERSET TRUST COMPANY**
 633 SSB Bank
 518 **STANDARD BANK, PASB**
 440 SunTrust Bank
 122 **SUSQUEHANNA COMMUNITY BANK**

Bank Code T.

143 TD Bank, NA
 656 **TIOGA FRANKLIN SAVINGS BANK**
 182 **TOMPKINS VIST BANK**
 609 Tristate Capital Bank
 640 TruMark Financial Credit Union
 467 Turbotville National Bank (The)

Bank Code U.

483 UNB Bank
 481 Union Building and Loan Savings Bank
 634 United Bank, Inc.
 472 United Bank of Philadelphia
 475 United Savings Bank
 600 Unity Bank
 232 Uninvest Bank & Trust Co.

Bank Code V.

611 Victory Bank (The)

Bank Code W.

119 **WASHINGTON FINANCIAL BANK**
 121 Wayne Bank
 631 Wells Fargo Bank, NA
 553 WesBanco Bank, Inc.
 494 West View Savings Bank
 473 Westmoreland Federal S & L Association
 476 William Penn Bank
 272 Woodlands Bank
 573 **WOORI AMERICA BANK**
 630 WSFS (Wilmington Savings Fund Society), FSB

Bank Code X.**Bank Code Y.**

577 York Traditions Bank

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New

Name Change

Platinum Leader Change

Correction

Removal

No changes since last quarterly submission January, 2020.

[Pa.B. Doc. No. 20-704. Filed for public inspection May 29, 2020, 9:00 a.m.]

PROPOSED RULEMAKING

STATE BOARD OF PODIATRY

[49 PA. CODE CH. 29]

Continuing Education

The State Board of Podiatry (Board) proposes to amend §§ 29.60, 29.61 and 29.68 (relating to definitions; requirements for biennial renewal and eligibility to conduct educational conferences; and continuing education exemptions).

Effective Date

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

Statutory Authority

Under section 15 of the Podiatry Practice Act (act) (63 P.S. § 42.15), the Board has authority to establish reasonable rules and regulations to carry out the intent and purposes of the act. Section 9 of the act (63 P.S. § 42.9) requires licensees to apply for biennial renewal and submit evidence that the licensee completed “such hours of approved educational conferences as determined by the board by regulation.” Thus, the Board has the authority to determine the number of hours of continuing education required for biennial renewal, and to set those hours by regulation. Additionally, section 9.1 of the act (63 P.S. § 42.9a) requires licensees to furnish evidence satisfactory to the Board that the licensee has completed mandated continuing education and authorizes the Board to determine whether or not to approve proposed continuing education courses.

Background and Purpose

The Board last updated its regulations regarding continuing education at 40 Pa.B. 5805 (October 9, 2010). This proposed rulemaking eliminates unnecessary burdens on licensees, while continuing to protect the public’s health, safety and welfare through the continuing education requirements. Inspired by Governor Tom Wolf’s initiative to reduce barriers to licensure and unnecessary burdens on licensees, this proposed rulemaking will reduce the number of required continuing education credits from 50 hours per biennial renewal to 45 hours. It eliminates the current restriction on the number of hours (currently limited to 10 hours) that may be completed through distance learning courses and programs. This proposed rulemaking allows an unlimited amount of continuing education credits through distance learning, consistent with trends in licensure requirements in other states. As a safeguard, credit hours obtained through distance learning would be required to have a skills or knowledge assessment component. This proposed rulemaking adds a continuing education exemption for newly licensed podiatrists. Finally, this proposed rulemaking clarifies that individuals with a serious illness or demonstrated hardship may request an extension for all, or a portion, of their continuing education for a biennial renewal.

Description of Proposed Amendments

The proposed amendments to the continuing education requirements serve to clarify and further the Board’s commitment to make the burden on licensees less cumbersome without sacrificing a licensee’s competency.

The Board’s proposed amendment to § 29.60 revises the definition of “certification” by deleting the require-

ment that a certification contain “information and documentation relative to the course.” The electronic licensing system used by the Bureau of Professional and Occupational Affairs (Bureau) does not require certifications to include “information and documentation relative to the course.” Deleting this requirement makes the definition of certification consistent with the current practices of the Bureau and the Board. The Board also proposes to add a definition for “distance learning.” Adding a definition for “distance learning” is necessary because the Board is using this term within § 29.61. In defining “distance learning,” the Board seeks to include a wide variety of distance learning methods, including webinars, online learning and correspondence courses that provide for interaction between the learner and the instructor.

In § 29.61(a), the Board proposes to restructure this subsection to clarify the types of continuing education that qualify for continuing education credit for biennial renewal. In § 29.61(a), the Board proposes to lower the continuing education requirement from 50 to 45 hours. In § 29.61(a)(1), the Board clarifies that 30 of the 45 clock hours must be in courses and programs in podiatry approved by the Board under § 29.64 (relating to applications for approval of educational conferences) or by the Council on Podiatric Medical Education. The proposed amendments in § 29.61(a)(2) make minor revisions to clarify that courses approved by the Board or offered by an accredited school or college of podiatric medicine qualify for credit. In this paragraph, the Board requires the remaining 15 hours of continuing education to be “pertinent to the practice of podiatry.” This proposed amendment ensures that podiatrists obtain continuing education that maintains competencies specific to podiatry.

Section 29.61(a)(3) retains the 10-clock hour limit for continuing education obtained by reading professional journals but proposes to eliminate credit for “magazine articles” because the term is too generic. The Board addresses Internet-based courses in § 29.61(a)(4). The Board’s regulations currently only allow up to 10 clock hours in courses and programs that involve the use of the Internet. Section 29.61(a)(4) proposes to permit an unlimited number of distance learning continuing education courses, which includes Internet-based courses. The Board appreciates and understands the desire of licensees to obtain continuing education through distance learning because of convenience and because it is generally less costly. To ensure the appropriate level of participation and education in the distance learning method, the Board proposes to require a skill or knowledge component to receive credit for distance learning continuing education courses.

In § 29.61(a)(5), the Board proposes minor revisions to clarify that continuing education credit will not be awarded for courses or programs in office management or marketing. Additionally, § 29.61(a)(7) would prohibit licensees from using continuing education courses completed in accordance with a disciplinary order of the Board to meet the biennial continuing education requirement. In § 29.61(a)(8), the Board clarifies that it is the licensee’s responsibility to ensure that a course or program is approved for continuing education credit.

In § 29.61(c) the Board proposes minor revisions to make clear that applicants for license renewal must provide a certification indicating continuing education

requirements have been met. The Board includes a provision that licensees may be required to submit certificates of attendance to the Board. Currently, the Bureau's electronic licensing system does not allow for submission of continuing education certificates of attendance; however, the Bureau anticipates having this capacity in the future. The Board proposes to amend § 29.61(d) by replacing "auditing agents" with "authorized representatives or agents" to more accurately reflect the types of individuals who have authority to demand continuing education certificates of attendance.

The Board proposes to amend and reorganize § 29.68. Under the Board's current regulations at § 29.68(a), podiatrists in active military service and podiatrists engaged in an American Podiatry Association approved Podiatric Resident Program are exempt from continuing education requirements. The Board's proposed amendments in subsection (a) require submission of verification of military service, which is consistent with the Board's current practice and relocate the residency program exemption to § 29.68(d).

The proposed amendments in § 29.68(b) clarify that the Board is authorized to grant an extension to the continuing education requirement, in addition to a waiver, for serious illness or hardship. An extension would still compel the licensee to meet the continuing education requirements as opposed to a waiver which would absolve the licensee from having to meet the requirements.

Like most other professional licensing boards and commissions under the Bureau, in § 29.68(e), the Board wishes to exempt individuals from continuing education requirements during the biennial period in which individuals first obtained licensure. The Board has determined, based upon the Board's recognition of the extensive education podiatrists receive from accredited schools, that no hours of continuing education are necessary for the first renewal period after initial licensure. In proposing the continuing education exemption for the first renewal period after initial licensure, the Board considers section 9 of the act which gives the Board broad authority and discretion to determine the number of continuing education hours required for biennial renewal.

Under the Board's existing regulations, podiatrists engaged in an approved residency program are exempt from continuing education. In this Commonwealth, most podiatrists graduate from podiatry school and enter a residency program upon graduation; however, residency programs are not required for licensure in this Commonwealth. This Commonwealth is in the minority in this respect. According to the American Association of Colleges of Podiatric Medicine, 92% of states require post-graduate training. In proposing this exemption, the Board recognizes that under the current regulations most, but not all, podiatrists are exempt from continuing education in the first biennial period in which they are licensed because most podiatrists enter a residency program. Section 29.68(e) merely provides for a similar exemption for those podiatrists who do not enter residency programs.

Fiscal Impact

This proposed rulemaking should not have any fiscal impact on the Commonwealth or its political subdivisions. This proposed rulemaking will have a positive fiscal impact on licensees due to the reduction of required continuing education hours from 50 to 45, and the elimination of the restriction in the amount of distance learning courses and programs that can be completed.

Paperwork Requirements

This proposed rulemaking should not necessitate any legal, accounting, reporting or other additional paperwork requirements. Licensees are already required to retain certificates of attendance documenting completion of continuing education.

Sunset Date

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

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P.S. § 745.5(a)), on May 18, 2020, the Board submitted a copy of this proposed rulemaking and a copy of a Regulatory Analysis Form to the Independent Regulatory Review Commission (IRRC) and the Chairpersons of the House Professional Licensure Committee (HPLC) and the Senate Consumer Protection and Professional Licensure Committee (SCP/PLC). A copy of this material is available to the public upon request.

Under section 5(g) of the Regulatory Review Act, IRRC may convey comments, recommendations or objections to the proposed rulemaking within 30 days of the close of the public comment period. The comments, recommendations or objections 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 the rulemaking by the Board, the General Assembly and the Governor.

Public Comment

Interested persons are invited to submit written comments, suggestions or objections regarding this proposed rulemaking to Kenneth J. Suter, Counsel, State Board of Podiatry, 2601 North Third Street, P.O. Box 69523, Harrisburg, PA 17106-9523 or by e-mail at RA-STRegulatoryCounsel@pa.gov within 30 days of publication of this proposed rulemaking.

ROBERT B. WEBER, DPM,
Chairperson

Fiscal Note: 16A-4417. No fiscal impact. (8) recommends adoption.

Annex A

TITLE 49. PROFESSIONAL AND VOCATIONAL STANDARDS

PART I. DEPARTMENT OF STATE

Subpart A. PROFESSIONAL AND OCCUPATIONAL AFFAIRS

CHAPTER 29. STATE BOARD OF PODIATRY CONTINUING EDUCATION

§ 29.60. Definitions.

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

Biennium—The period from January 1 of an odd-numbered year to December 31 of the next even-numbered year.

Certification—A statement signed by the licensee certifying that continuing education requirements have been met [**along with information and documentation relative to the course**].

Clock hour—Sixty minutes of instruction, exclusive of coffee breaks, lunches, visits to exhibits and the like.

Distance learning—An education process based on the geographical separation of the learner and instructor, which provides interaction between the learner and instructor. Examples include online learning, correspondence courses and webinars.

Provider—An agency, organization, institution, association or center approved by the Board to offer an organized course or program.

§ 29.61. Requirements for biennial renewal and eligibility to conduct educational conferences.

(a) **[Effective with the renewal of licensure for the 2011-2012 biennium, a] A** licensee applying for biennial renewal of a license shall have completed **[50] 45** clock hours of continuing education in approved courses and programs during the preceding biennium **[.]**, **in accordance with the following:**

(1) At least 30 [of the] clock hours must be in courses and programs in podiatry [that are] approved by the Board under § 29.64 (relating to applications for approval of educational conferences) or approved by the Council on Podiatric Medical Education (CPME).

(2) The remaining clock hours must be [either in courses and programs in podiatry that are approved by the Board or the CPME or] in courses and programs in medical subjects [that are] pertinent to the practice of podiatry approved by the American Medical Association [or], the American Osteopathic Association, the Board, or the CPME, or offered by an accredited school or college of podiatric medicine.

(3) A maximum of 10 clock hours may be in [approved courses and programs that involve the use of the Internet or the] reading [of] professional journals [or magazine articles].

(4) Clock hours may be obtained by completing approved distance learning courses and programs. Clock hours that are obtained through distance learning courses and programs shall only be eligible for clock hours if successful completion of the distance learning course or program includes completion of a skill or knowledge assessment component.

(5) Continuing education credit will not be awarded for [clock hours] courses or programs in office management or marketing the practice.

(6) Excess clock hours may not be carried over to the next biennium.

(7) Continuing education courses completed in accordance with a disciplinary order of the Board may not be used to meet the biennial continuing education requirement.

(8) A licensee who wishes to use a course or program for continuing education credit toward licensure renewal is responsible for ensuring that a particular course or program is approved for continuing education credit prior to participating in the course or program.

(b) Providers approved by the Board are eligible to conduct educational conferences.

(c) Applicants for license renewal shall provide, on the renewal application, a **[signed statement certifying that continuing education requirements have been met] certification** and **[information to document their certification, including] shall electronically submit the certificates of attendance provided by the course provider, as applicable. The certificates of attendance must include** the following:

(1) The date attended.

(2) The clock hours claimed.

(3) The title of the course or program and description of content.

(4) The provider which sponsored the course or program.

(5) The location of the course or program.

(d) The licensee shall retain attendance certificates to document completion of the prescribed number of clock hours for 5 years following the completion of each course, which shall be produced upon demand by the Board or its **[auditing] authorized representatives or** agents.

§ 29.68. Continuing education exemptions.

(a) Continuing education credits are not required for the years in which a licensed and currently registered podiatrist is in active military service **[or engaged in an American Podiatry Association approved Podiatric Residency Program]**. **A podiatrist exempt from continuing education under this subsection must submit verification of active military service.**

(b) The Board may waive **or grant an extension for** all or a portion of the continuing education requirement for biennial renewal upon request of a licensee for serious illness or other demonstrated hardship. The request shall be made in writing, contain supporting documentation, and shall include a description of circumstances sufficient to show why compliance is impossible. A waiver **or extension** will be evaluated by the Board on a case-by-case basis. The Board will send written notification of its approval or denial of a waiver **or extension** request.

(c) A fee shall be assessed for review of waiver or extension requests in accordance with § 29.13 (relating to fees).

(d) A podiatrist is exempt from the continuing education requirements set forth in § 29.61(a) (relating to requirements for biennial renewal and eligibility to conduct educational conferences) in a renewal cycle in which the podiatrist is engaged in an American Podiatry Association approved Podiatric Residency Program.

(e) A podiatrist who has never been previously licensed in any jurisdiction is exempt from the continuing education requirements set forth in § 29.61(a) for the first renewal period immediately following licensure in this Commonwealth.

[Pa.B. Doc. No. 20-705. Filed for public inspection May 29, 2020, 9:00 a.m.]

DEPARTMENT OF TRANSPORTATION

[67 PA. CODE CH. 55]

Registration Class Stickers

The Department of Transportation (Department), under the authority of 75 Pa.C.S. § 6103 (relating to promulgation of rules and regulations by department) and more generally 75 Pa.C.S. §§ 1301 and 1304(b) (relating to registration and certificate of title required; and registration criteria), proposes to delete Chapter 55 (relating to registration class stickers) to read as set forth in Annex A.

Purpose of Chapter

This Chapter implements 75 Pa.C.S. § 1304(b) regarding the classification of vehicles. Section 1304(b) of 75 Pa.C.S. authorizes the Department to “identify vehicles by type as to weight, design, loading, use, ownership or other significant characteristics for purposes of registration.” The Department adopted Chapter 55 in 1979 to implement the portion of section 1304(b) that concerns identifying vehicle according to weight for purposes of registration. Chapter 55 requires the affixation of a “registration class sticker,” which indicates the registered gross weight class to a truck, truck-tractor or combination registered in this Commonwealth in the registered gross weight classes 2 through 25.

Purpose of this Proposed Rulemaking

In addition to the registration class sticker, a vehicle’s weight classification is printed on the vehicle’s registration card. The registration class sticker is not utilized by third parties, including law enforcement, when verifying the authorized operating weight of a vehicle. Instead, law enforcement relies on the registration card to determine the authorized operating weight of a vehicle. Therefore, the need for a registration class sticker no longer exists, and its elimination will result in administrative and cost savings to the Department and the regulated community.

Summary of Significant Amendments

This proposed rulemaking will delete Chapter 55 in its entirety.

Persons and Entities Affected

This proposed rulemaking will impact an estimated 1.6 million commercial and non-commercial vehicles currently required to display the registration class sticker.

Fiscal Impact

Deleting Chapter 55 will save the Department the cost of maintaining an inventory of the required stickers (averaging \$25,000 annually). The fiscal impact to the regulated community is difficult to quantify because there is no direct savings to individuals or business as a result of the proposed rulemaking. No fee is charged to individuals or businesses to obtain or replace a registration class sticker. Any cost savings to the regulated community is tied to administrative time savings to obtain or replace a damaged or destroyed sticker and the time to affix the sticker to a windshield.

Regulatory Review

Under Section 5(a) of the Regulatory Review Act (71 P.S. § 745.5(a)), on May 18, 2020, the Department submitted a copy of this proposed rulemaking and a copy of a Regulatory Analysis Form to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the House and Senate Transportation Committees. A copy of this material is available to the public upon request.

Under section 5(g) of the Regulatory Review Act, IRRC may convey comments, recommendations or objections to the proposed rulemaking within 30 days of the close of the public comment period. The comments, recommendations or objections 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 the rulemaking, by the Department, the General Assembly and the Governor.

Effective Date

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

Sunset Date

The Department is not establishing a sunset date for this regulation, as this proposed rulemaking deletes a chapter.

Public Comments

Interested persons are invited to submit written comments, suggestions or objections regarding this proposed rulemaking to R. Scott Shenk, Manager, Vehicle Registration Division, Bureau of Motor Vehicles, 1101 South Front Street, 4th Floor, Harrisburg, PA 17104 or rshenk@pa.gov, within 30 days of the publication of this proposed rulemaking in the *Pennsylvania Bulletin*.

Contact Person

The contact person for technical questions about this proposed rulemaking is R. Scott Shenk, Manager, Vehicle Registration Division, Bureau of Motor Vehicles, 1101 South Front Street, 4th Floor, Harrisburg, PA 17104 or rshenk@pa.gov.

YASSMIN GRAMIAN, PE,
Acting Secretary

Fiscal Note: 18-477. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 67. TRANSPORTATION

PART I. DEPARTMENT OF TRANSPORTATION

Subpart A. VEHICLE CODE PROVISIONS

ARTICLE III. REGISTRATION

CHAPTER 55. [REGISTRATION CLASS STICKERS] (Reserved)

(Editor’s Note: As part of this proposed rulemaking, the Department is proposing to delete the text of Chapter 55, which appears at 67 Pa. Code pages 55-1—55.3, serial pages (254023) to (254025).

§§ 55.1—55.6. (Reserved).

[Pa.B. Doc. No. 20-706. Filed for public inspection May 29, 2020, 9:00 a.m.]

NOTICES

BOARD OF COAL MINE SAFETY

Meeting Rescheduled

The Board of Coal Mine Safety (Board) meeting originally scheduled for Tuesday, June 9, 2020, has been rescheduled to Tuesday, July 28, 2020. The meeting will begin at 10 a.m. in Conference Rooms 1A and 1B, Department of Environmental Protection, Cambria Office, 286 Industrial Park Road, Ebensburg, PA. Due to the novel coronavirus (COVID-19) precautions and limitations in place, only Board members and essential Department of Environmental Protection (Department) staff to the Board may meet at the Ebensburg location and must follow social distancing protocols. All other interested individuals who wish to join the meeting may do so remotely.

Call-in information, as well as agenda and meeting materials, will be available on the Board's webpage, found through the Public Participation tab on the Department's

web site at www.dep.pa.gov (select "Public Participation," then "Advisory Committees," then "Mining Advisory Committees," then "Board of Coal Mine Safety," then "2020").

Individuals are encouraged to visit the Board's webpage to confirm meeting date, time and location prior to each meeting. Questions concerning the July 28, 2020, meeting can be directed to Peggy Scheloske at mscheloske@pa.gov or (724) 404-3143.

Persons in need of accommodations as provided for in the Americans with Disabilities Act of 1990 should contact Peggy Scheloske at (724) 404-3143 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,
Chairperson

[Pa.B. Doc. No. 20-707. Filed for public inspection May 29, 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 May 19, 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>
05-19-2020	Jersey Shore State Bank Jersey Shore Lycoming County	835 East Bishop Street Bellefonte Centre County	Filed

CREDIT UNIONS

Branch Applications

De Novo Branches

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
05-13-2020	Hidden River Credit Union Pottsville Schuylkill County	29 East Pottsville Street Pine Grove Schuylkill County	Filed

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

RICHARD VAGUE,
Acting Secretary

[Pa.B. Doc. No. 20-708. Filed for public inspection May 29, 2020, 9:00 a.m.]

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Applications, Actions and Special Notices

APPLICATIONS

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.

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 & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N?</i>
PA0085715 (Sewage)	Geib Res 504 Hemlock Lane Lebanon, PA 17042-9015	Lebanon County Cornwall Borough	Unnamed Tributary to Shearers Creek (HQ-CWF, MF) (7-G)	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 & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N?</i>
PA0254061 (Sewage)	Opalewski SRSTP 130 Chiccarello Drive Clinton, PA 15026	Beaver County Hanover Township	Unnamed Tributary to Traverse Creek (HQ-CWF) (20-D)	Yes
PA0255661 (Sewage)	First PA Res Properties 251 Beatty Lane Scenery Hill, PA 15360	Washington County Deemston Borough	Plum Run (TSF) (19-B)	Yes

Northwest Region: Clean Water Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481.

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N?</i>
PA0239925 (Sewage)	Jennifer A & Paul M Mohtashemi SRSTP 7867 Mercer Pike Meadville, PA 16335-5677	Crawford County Richmond Township	Unnamed Tributary to Woodcock Creek (HQ-CWF) (16-A)	Yes
PA0263541 (Sewage)	Thomas Young SFTF 209 Center Drive Chicora, PA 16025-3705	Butler County Oakland Township	Unnamed Tributary to the Thorn Creek (HQ-WWF) (20-C)	Yes
PA0222372 (Sewage)	VFW Post # 740 10613 Route 98 Edinboro, PA 16412-9743	Erie County Franklin Township	Unnamed Tributary to Little Elk Creek (CWF, MF) (15-A)	Yes

II. Applications for New or Expanded Facility Permits, Renewal of Major Permits and EPA Non-Waived Permit Applications.

Southcentral Region: Clean Water Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110, Email: RA-EPNPDES_SCRO@pa.gov.

PA0261602, Sewage, SIC Code 6514, **John P. McDermott**, 7269 Union Deposit Road, Hummelstown, PA 17036-9216. Facility Name: McDermott Res. This existing facility is located in South Hanover Township, **Dauphin County**.

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

The receiving stream(s), Unnamed Tributary of Swatara Creek (WWF, MF), is located in State Water Plan watershed 7-D and is classified for Migratory Fishes and 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.

<i>Mass Units (lbs/day) Parameters</i>	<i>Concentrations (mg/L)</i>					
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Minimum</i>	<i>Annual Average</i>	<i>Maximum</i>	<i>IMAX</i>
Flow (MGD)	Report Annl Avg	XXX	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0 Inst Min	XXX	XXX	9.0
Biochemical Oxygen Demand (BOD ₅)	XXX	XXX	XXX	25.0	XXX	50.0
Total Suspended Solids	XXX	XXX	XXX	30.0	XXX	60.0
Fecal Coliform (No./100 ml)	XXX	XXX	XXX	200	XXX	1,000

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

The EPA Waiver is in effect.

PA0084964, Sewage, SIC Code 4952, **Bethel Township Fulton County**, P.O. Box 239, Warfordsburg, PA 17267-0239. Facility Name: Bethel Township STP. This existing facility is located in Bethel Township, **Fulton County**.

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

The receiving stream(s), Little Tonoloway Creek (TSF), is located in State Water Plan watershed 13-B and is classified for Trout Stocking, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.048 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>Daily Maximum</i>		<i>Average Monthly</i>	<i>Weekly Average</i>	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	5.0	XXX	XXX	XXX
Total Residual Chlorine (TRC)	XXX	XXX	XXX	0.5	XXX	1.6
Carbonaceous Biochemical Oxygen Demand (CBOD ₅)	10.0	16.0	XXX	25.0	40.0	50.0
Total Suspended Solids	12.0	Wkly Avg 18.0	XXX	30.0	45.0	60.0
Biochemical Oxygen Demand (BOD ₅)		Wkly Avg				
Raw Sewage Influent	Report	Report	XXX	Report	XXX	XXX
Total Suspended Solids						
Raw Sewage Influent	Report	Report	XXX	Report	XXX	XXX
Fecal Coliform (No./100 ml)						
May 1 - Sep 30	XXX	XXX	XXX	200	XXX	1,000
				Geo Mean		
Oct 1 - Apr 30	XXX	XXX	XXX	2,000	XXX	10,000
				Geo Mean		
Ammonia-Nitrogen	5.8	XXX	XXX	14.5	XXX	40.0
Nitrate-Nitrite as N	XXX	XXX	XXX	Report	XXX	XXX
Total Kjeldahl Nitrogen	XXX	XXX	XXX	Report	XXX	XXX
Total Phosphorus	XXX	XXX	XXX	Report	XXX	XXX
Total Nitrogen	XXX	XXX	XXX	Report	XXX	XXX

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

The EPA Waiver is in effect.

PA0010227, Industrial, SIC Code 3561, **F.L. Smidth Inc.**, 236 S Cherry Street, Manheim, PA 17545. Facility Name: F.L. Smidth Gas Compressor & Conveyor Manufacturing. This existing facility is located in Manheim Borough, **Lancaster 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), Chiques Creek (WWF, MF), is located in State Water Plan watershed 7-G and is classified for Migratory Fishes and 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 .12 MGD.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Average Monthly</i>	<i>Maximum</i>	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	Daily Max XXX	6.0	XXX	XXX	9.0
Temperature (deg F) (°F)	XXX	XXX	Daily Min XXX	110	XXX	XXX
				Daily Max		

The proposed effluent limits for Outfall 002 and 002A are based on a design flow of 0 MGD. (Stormwater).

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
Total Suspended Solids	XXX	XXX	XXX	XXX	Report	XXX
Oil and Grease	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 717-705-4732.

The EPA Waiver is in effect.

PA0085073, Sewage, SIC Code 4952, **Wood Broad Top Wells Joint Municipal Authority**, P.O. Box 7, Wood, PA 16694-0007. Facility Name: Wood Broad Top Wells. This existing facility is located in Wood Township, **Huntingdon County**.

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

The receiving stream(s), Unnamed Tributary to Great Trough Creek (TSF), is located in State Water Plan watershed 11-D and is classified for Trout Stocking, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.084 MGD.—Limits.

Parameters	Mass Units (lbs/day)			Concentrations (mg/L)		IMAX
	Average Monthly	Daily Maximum	Daily Minimum	Average Monthly	Weekly Average	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	5.0	XXX	XXX	XXX
Ultraviolet light intensity (mW/cm ²)	XXX	XXX	Report	XXX	XXX	XXX
Carbonaceous Biochemical Oxygen Demand (CBOD ₅)	18.0	28.0	XXX	25.0	40.0	50.0
Total Suspended Solids	21.0	Wkly Avg 32.0	XXX	30.0	45.0	60.0
Biochemical Oxygen Demand (BOD ₅)		Wkly Avg				
Raw Sewage Influent	Report	Report	XXX	Report	XXX	XXX
Total Suspended Solids						
Raw Sewage Influent	Report	Report	XXX	Report	XXX	XXX
Fecal Coliform (No./100 ml)						
May 1 - Sep 30	XXX	XXX	XXX	200.0	XXX	1,000
Oct 1 - Apr 30	XXX	XXX	XXX	Geo Mean 2,000	XXX	10,000
Ammonia-Nitrogen						
May 1 - Oct 31	1.4	XXX	XXX	2.0	XXX	4.0
Nov 1 - Apr 30	4.2	XXX	XXX	6.0	XXX	12.0
Nitrate-Nitrite as N	XXX	XXX	XXX	Report	XXX	XXX
Total Nitrogen	XXX	XXX	XXX	Avg Qrtly Report	XXX	XXX
Total Kjeldahl Nitrogen	XXX	XXX	XXX	Avg Qrtly Report	XXX	XXX
Total Phosphorus	XXX	XXX	XXX	Avg Qrtly Report	XXX	XXX

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

The EPA Waiver is in effect.

Southwest Region: Clean Water Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, Email: RA-EPNPDES_SWRO@pa.gov.

PA0254983 A-1, Storm Water, SIC Code 1241, 4491, **Donora Dock LLC**, 11 Lloyd Avenue, Suite 200, Latrobe, PA 15650-1711. Facility Name: Donora Terminal. This existing facility is located in Carroll Township, **Washington County**.

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

The receiving stream(s), Monongahela River (WWF), is located in State Water Plan watershed 19-C 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 3.3 MGD.—Limits.

Parameters	Mass Units (lbs/day)			Concentrations (mg/L)		IMAX
	Average Monthly	Daily Maximum	Minimum	Average Monthly	Daily Maximum	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Total Suspended Solids	XXX	XXX	XXX	35.0	50.0	XXX
Total Dissolved Solids	XXX	XXX	XXX	Report	Report	XXX
Oil and Grease	XXX	XXX	XXX	15.0	30.0	XXX
Aluminum, Total	XXX	XXX	XXX	Report	Report	XXX
Cadmium, Total	XXX	XXX	XXX	Report	Report	XXX
Chromium, Hexavalent	XXX	XXX	XXX	Report	Report	XXX
Iron, Total	XXX	XXX	XXX	3.5	7.0	XXX

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
Lead, Total	XXX	XXX	XXX	Report	Report	XXX
Manganese, Total	XXX	XXX	XXX	Report	Report	XXX
Silver, Total	XXX	XXX	XXX	Report	Report	XXX
Sulfate, Total	XXX	XXX	XXX	Report	Report	XXX
Thallium, Total	XXX	XXX	XXX	Report	Report	XXX

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

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
			Daily Min			
Total Suspended Solids	XXX	XXX	XXX	Report	Report	XXX
Oil and Grease	XXX	XXX	XXX	15.0	30.0	XXX
Iron, Total	XXX	XXX	XXX	3.5	7.0	XXX

The proposed effluent limits for Outfall 003 are based on a design flow of 1.6 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>Daily Maximum</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
			Daily Min			
Total Suspended Solids	XXX	XXX	XXX	35.0	50.0	XXX
Total Dissolved Solids	XXX	XXX	XXX	Report	Report	XXX
Oil and Grease	XXX	XXX	XXX	15.0	30.0	XXX
Aluminum, Total	XXX	XXX	XXX	Report	Report	XXX
Cadmium, Total	XXX	XXX	XXX	Report	Report	XXX
Chromium, Hexavalent	XXX	XXX	XXX	Report	Report	XXX
Iron, Total	XXX	XXX	XXX	3.5	7.0	XXX
Lead, Total	XXX	XXX	XXX	Report	Report	XXX
Manganese, Total	XXX	XXX	XXX	Report	Report	XXX
Silver, Total	XXX	XXX	XXX	Report	Report	XXX
Sulfate, Total	XXX	XXX	XXX	Report	Report	XXX
Thallium, Total	XXX	XXX	XXX	Report	Report	XXX

The proposed effluent limits for Outfall 004 are based on a design flow of 0 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
			Daily Min			
Total Suspended Solids	XXX	XXX	XXX	Report	Report	XXX
Oil and Grease	XXX	XXX	XXX	15.0	30.0	XXX
Iron, Total	XXX	XXX	XXX	3.5	7.0	XXX

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

The EPA Waiver is in effect.

PA0255688, Sewage, SIC Code 8800, **Douglas K. & Laura E. Miller**, 135 Sandy Drive, Clinton, PA 15026-1325. Facility Name: Miller SRSTP. This proposed facility is located in Hanover Township, **Beaver 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), Swale to Unnamed Tributary of Traverse Creek (HQ-CWF), is located in State Water Plan watershed 20-D and is classified for High Quality Waters—Cold Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.0005 MGD.—Limits.

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		IMAX
	Average Monthly	Average Weekly		Annual Average	Maximum	
Flow (MGD)	0.0005	XXX	XXX	XXX	XXX	XXX
pH (S.U.)	Annl Avg XXX	XXX	6.0 Inst Min	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	3.0 Inst Min	XXX	XXX	XXX
Total Residual Chlorine (TRC)	XXX	XXX	XXX	Report	XXX	Report
Biochemical Oxygen Demand (BOD ₅)	XXX	XXX	XXX	10.0	XXX	20.0
Total Suspended Solids	XXX	XXX	XXX	10.0	XXX	20.0
Fecal Coliform (No./100 ml)	XXX	XXX	XXX	200	XXX	1,000
Ammonia-Nitrogen	XXX	XXX	XXX	3.0	XXX	6.0

Sludge use and disposal description and location(s): Hauled to a Regional WWTP.

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.

PA0288233, Sewage, SIC Code 8800, **Augusta Fitzsimmons & James Zablontny**, 2985 S Hill Road, McKean, PA 16426. Facility Name: Augusta Fitzsimmons & James Zablontny 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 of Elk Creek (CWF, MF), is located in State Water Plan watershed 15-A 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 .0004 MGD.—Limits.

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		IMAX
	Average Monthly	Average Weekly		Annual Average	Maximum	
Flow (GPD)	Report Annl Avg	XXX	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0 Inst Min	XXX	XXX	9.0
Biochemical Oxygen Demand (BOD ₅)	XXX	XXX	XXX	10.0	XXX	20
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 814-332-6078.

The EPA Waiver is in effect.

PA0288268, Sewage, SIC Code 8800, **Aldo DeSanto**, 1660 Headin Lane, Southaven, MS 38672-8502. Facility Name: Aldo DeSanto SRSTP. This proposed facility is located in Greene Township, **Erie County**.

Description of Proposed Activity: The application is for a new NPDES permit for a new discharge of treated SRSTP sewage. This application replaces PAG048308 that was previously issued for this site.

The receiving stream, an Unnamed Tributary to the Fourmile Creek (WWF, MF), is located in State Water Plan watershed 15-A and is classified for Migratory Fishes and Warm Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.0005 MGD.—Limits.

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		Instant. Maximum
	Average Monthly	Average Weekly		Annual Average	Maximum	
Flow (MGD)	Report Annl Avg	XXX	XXX	XXX	XXX	XXX

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Annual Average</i>	<i>Maximum</i>	
pH (S.U.)	XXX	XXX	6.0 Inst Min	XXX	XXX	9.0
Biochemical Oxygen Demand (BOD ₅)	XXX	XXX	XXX	10.0	XXX	20.0
Total Suspended Solids	XXX	XXX	XXX	10.0	XXX	20.0
Fecal Coliform (No./100 ml)	XXX	XXX	XXX	200	XXX	XXX

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 814-332-6078.

The EPA Waiver is in effect.

PA0288373, Sewage, SIC Code 8800, **David Calvert**, 15200 Emerald Coast Pky, Destin, FL 32541. Facility Name: David Calvert SRSTP. This proposed facility is located at 934 Cole Hill Rd, Russell, in Pine Grove Township, **Warren 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 Akeley Run (CWF), is located in State Water Plan watershed 16-B and is classified for Cold Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of .0004 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Annual Average</i>	<i>Maximum</i>	
Flow (GPD)	Report Annl Avg	XXX	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0 Inst Min	XXX	XXX	9.0
Biochemical Oxygen Demand (BOD ₅)	XXX	XXX	XXX	10.0	XXX	20
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.

PA0288365, Sewage, SIC Code 8800, **Frank Vranovich**, 648 Smith Road, New Wilmington, PA 16142-3816. Facility Name: Frank Vranovich SRSTP. This proposed facility is located in Wilmington Township, **Lawrence 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 Neshannock Creek (TSF), is located in State Water Plan watershed 20-A and is classified for Trout Stocking, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of .0004 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Annual Average</i>	<i>Maximum</i>	
Flow (GPD)	Report Annl Avg	XXX	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0 Inst Min	XXX	XXX	9.0
Biochemical Oxygen Demand (BOD ₅)	XXX	XXX	XXX	10.0	XXX	20
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).

Southcentral Region: Clean Water Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110.

WQM Permit No. 2171401, Amendment, Sewerage, **PA American Water Company**, 852 Wesley Drive, Mechanicsburg, PA 17055-4436.

This proposed facility is located in New Cumberland Borough, **Cumberland County**.

Description of Proposed Action/Activity: Seeking permit approval for the replacement/operation of aging Wedeco Model TAQK55L UV units with new UV disinfection units.

WQM Permit No. 0683408, Amendment, Sewerage, **Robeson Twp Muni Auth**, 8 Boonetown Road, Birdsboro, PA 19508

This proposed facility is located in Robeson Twp., **Berks County**.

Description of Proposed Action/Activity: Seeking permit approval for a minor permit amendment for the changing of chlorination from gas to liquid (sodium hypochlorite) at the wastewater treatment plant.

WQM Permit No. 6720402, Sewerage, **Douglass Township**, 1068 Douglass Drive, Boyertown, PA 19512. This proposed facility is located in Douglass Township, **Berks County**.

Description of Proposed Action/Activity: Seeking permit approval for the construction/operation of addition of a flow meter pit on an 8" force main from Pump Station No. 3 in Douglass Township that will accurately track domestic sewage flow going to the Amity Township WWTP.

Southwest Region: Clean Water Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.

WQM Permit No. 0278206—A3, Industrial, **West View Water Authority Allegheny County**, 210 Perry Highway, Pittsburgh, PA 15229-1862.

This existing facility is located in Neville and Stowe Townships, **Allegheny County**.

Description of Proposed Action/Activity: Additions/improvements to the Joseph A. Berkley Water Treatment Plant's wastewater treatment facilities on both Neville and Davis Islands.

WQM Permit No. 0471411 A-3, Sewage, **Monaca Borough Beaver County**, 928 Pennsylvania Avenue, Monaca, PA 15061.

This existing facility is located in Monaca Borough, **Beaver County**.

Description of Proposed Action/Activity: Secondary clarifier improvements at Monaca WWTP.

Northwest Region: Clean Water Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481.

WQM Permit No. 1620403, Sewage, **Joseph S Jr & Maria P LeClaire**, 301 Evergreen Drive, Leeper, PA 16233-2511.

This proposed facility is located in Farmington Township, **Clarion County**.

Description of Proposed Action/Activity: Single Residence Sewage Treatment Plant.

WQM Permit No. 2598403 A-1, Sewage, **Erie City Sewer Authority Erie County**, 68 Port Access Road, Erie, PA 16507-2204.

This existing facility is located in Erie City, **Erie County**.

Description of Proposed Action/Activity: Replacement of existing screening and grit removal equipment, addition of new influent flow monitoring, and improvements to headworks.

VI. NPDES Individual Permit Applications for Discharges of Stormwater Associated with Construction Activities.

Southeast Region: Waterways & Wetlands Program Manager, 2 East Main Street, Norristown, PA 19401. Telephone 484-250-5160. Email: ra-epww-sero@pa.gov.

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAD090060	JERC Partners LXIV, LLC 171 State Route 173 Asbury, NJ 08802	Bucks	Falls Township	Delaware River WWF-MF

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAD230039	Alliance Partners, HSP, LLC 40 Morris Avenue Bryn Mawr, PA 19010	Delaware	Eddystone Borough	Delaware River WWF-MF Ridley Creek TSF
PAD460057	DPD Bridgeview, LP 740 Sansom Street Suite 501 Philadelphia, PA 19106	Montgomery	Borough of Bridgeport	Schuylkill River WWF-MF
PAD460054	Goodman Acquisition I, LLC/ Bruce Goodman 636 Old York Road 2nd Floor Jenkintown, PA 19046	Montgomery	Cheltenham Township	Tacony Creek WWF-MF
PAD460046	PADOT District 6 7000 Geerdes Boulevard King of Prussia, PA 19406-1525	Montgomery	Hatfield Borough and Franconia Township	Skippack and Neshaminy TSF/MF
PAD510059	Schuylkill River Development Corporation (SRDC) 2401 Walnut Street Suite 603 Philadelphia, PA 19103-4223	Philadelphia	City of Philadelphia	Schuylkill River WWF

Northeast Region: Clean Water Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915.

Contact: Gillian Ostrum, Clerk Typist 2, 570-830-3077.

Carbon County Conservation District, 5664 Interchange Road, Lehighton, PA 18235, 610-377-4894.

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAD130028	Jim Thorpe School District 1 Olympian Way Jim Thorpe, PA 18229	Carbon	Jim Thorpe Borough	Silkmill Run (EV, MF)

Lackawanna County Conservation District, 1038 Montdale Road, Scott Township, PA 18447, 570-382-3086.

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAD350007-A1	Lackawanna Heritage Valley National and State Heritage Area 213 South 7th Ave. Scranton, PA 18505	Lackawanna	Dickson City	Lackawanna River (CWF, MF), EV Wetlands
PAD350017	UGI Utilities, Inc. 1 UGI Drive Denver, PA 17517-9039	Lackawanna	City of Scranton	Lackawanna River (CWF, MF)

Lehigh County Conservation District, 4184 Dorney Park Road, Suite 105, Allentown, PA 18401, 610-391-9583.

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAD390107	David Posocco Posocco Properties 2610 Walbert Ave. Allentown, PA 18104	Lehigh	Upper Macungie Township and South Whitehall Township	UNT to Jordan Creek (HQ-CWF, MF) UNT to Little Cedar 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 & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAD480122 A-2	Redevelopment Authority of Easton, PA 123 South Third Street Easton, PA 18042	Northampton	Easton City	Bushkill Creek (HQ-CWF, MF)

Wyoming County Conservation District, 1 Hollowcrest Complex, Tunkhannock, PA 18657, 570-836-2589.

NPDES Permit No.	Applicant Name & Address	County	Municipality	Receiving Water/Use
PAD660004	Penn DOT District 4-0 55 Keystone Industrial Park Dunmore, PA 18512	Wyoming	North Branch Twp. Wyoming County Colley Twp. Sullivan County	North Branch Mehoopany Creek (CWF, MF)

Southcentral Region: Clean Water Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110.

NPDES Permit No.	Applicant Name & Address	County	Municipality	Receiving Water/Use
PAD060036	THLA Properties, LLC 20 Sharon Drive Douglasville, PA 19518	Berks	Rockland Township	Beiber Creek (EV, MF)

Northcentral Region: Watershed Management Program Manager, 208 West Third Street, Williamsport, PA 17701.

Lycoming County Conservation District: 542 County Farm Road, Suite 202, Montoursville, PA 17754, (570) 433-3003.

NPDES Permit No.	Applicant Name & Address	County	Municipality	Receiving Water/Use
PAD410009	PA Game Commission 1566 South Rt 44 Hwy Jersey Shore, PA 17740	Lycoming	Plunketts Creek Twp	Plunketts Creek EV

STATE CONSERVATION COMMISSION

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

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

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

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

Persons with a disability who require an auxiliary aid, service, including TDD users or other accommodations to seek additional information should contact the SCC through the Pennsylvania AT&T Relay Service at (800) 654-5984.

**ACT 38
NUTRIENT MANAGEMENT PLANS**

CAFO PUBLIC NOTICE SPREADSHEET—APPLICATIONS

Agricultural Operation Name and Address	County	Total Acres	Animal Equivalent Units	Animal Type	Special Protection Waters (HQ or EV or NA)	Renewal/New
Emway Farm— Linford Synder 820 Luxemburg Road Bethel, PA 19507	Dauphin	34.8	1,900	Poultry and Sheep	NA	Renewal
Collett Farms, LLC Linford Synder 1118 Luxemburg Road Lykens, PA 19507	Dauphin	21.3	1,448	Poultry and Sheep	NA	Renewal
Mercer Vu Farms, Inc. 12275 Mt. Pleasant Road Mercersburg, PA 17236	Franklin	2,864.92	2,917.24	Dairy	NA	Renewal

PUBLIC WATER SUPPLY PERMITS

Under the Pennsylvania Safe Drinking Water Act (35 P.S. §§ 721.1—721.17), the following parties have applied for 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).

Northeast Region: Watershed Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790, 570-826-2511.

Contact: Gillian Ostrum, Clerk Typist 2, 570-830-3077.

Application No. 3920501, Public Water Supply.

Applicant	South Whitehall Township Authority 4444 Walbert Avenue Allentown, PA 18104
Township, County	South Whitehall Township Lehigh County
Responsible Official	Gerald Charvala Authority Assistant Manager 4444 Walbert Avenue Allentown, PA 18104
Type of Facility	PWS
Consulting Engineer	William T. Orlowsky, PE Spotts, Stevens and McCoy 1047 N Park Road P.O. Box 6307 Reading, PA 19610-0307
Application Received Date	February 21, 2020

Description of Action Construction of a new building to house two (2) booster pumps and disinfection system.

Northcentral Region: Safe Drinking Water Program Manager, 208 West Third Street, Williamsport, PA 17701.

Permit No. 5520503, Public Water Supply.

Applicant	Middlebury Municipal Authority
Township or Borough	Middleburg
County	Snyder
Responsible Official	Dwayne Hackenburg Middleburg Municipal Authority 13 North Main Street Middleburg, PA 17842
Type of Facility	Public Water Supply- Construction
Consulting Engineer	Timothy Tritch Larson Design Group 1000 Commerce Park Drive Suite 101 Williamsport, PA 17701
Application Received Date	May 5, 2020

Description of Action PWS permit for improvements/repairs to the water-filtration system, improvements to the water distribution system, and the construction of two water-storage tanks.

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:

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

Former Wright's Knitwear, 1727-1829 Union Boulevard, Allentown, PA 18109, Allentown City, **Lehigh County**. MEA, 1365 Ackermanville Road, Bangor, PA 18013, on behalf of Lehigh Valley Commercial Properties LLC, 903 Chestnut Street, Emmaus, PA 18049, submitted a Notice of Intent to Remediate. Groundwater is impacted by PCE and 1,1-Dichloroethylene. Future use of the site will be for industrial purposes. The Notice of Intent to Remediate was published in *The Morning Call* on May 7, 2020.

Skinner Property, 1724 Brandywine Road, Allentown, PA 18104, South Whitehall Township, **Lehigh County**. Element Environmental Solutions, P.O. Box 921, 61 Willow Street, Adamstown, PA 19501, on behalf of Eric Laudenslager, 1724 Brandywine Road, Allentown, PA 18104, submitted a Notice of Intent to Remediate. Soil was contaminated by a release of heating oil from an underground storage tank. Future use of the site will be residential. The Notice of Intent to Remediate was published in *The Morning Call* on May 15, 2020.

OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE

Application 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.

Southeast Region: Regional Solid Waste Manager, 2 East Main Street, Norristown, PA 19401.

Permit Application No. 101662. Conshohocken Recycling & Rail Transfer, LLC, 1060 Conshohocken Road, Conshohocken, PA 19428-1002. This application is for 10-year permit renewal to continue operation under Permit No. 101662 at the Conshohocken Recycling & Rail Transfer LLC Facility, an existing construction and demolition (C&D) waste transfer station facility located at 1060 Conshohocken Road in Plymouth Township, **Montgomery County**. The application was received by the Southeast Regional Office on May 6, 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 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.

Southcentral Region: Regional Solid Waste Manager, 909 Elmerton Avenue, Harrisburg, PA 17110-8200.

Permit Application No. 101389. Lancaster County Solid Waste Management Authority, 1299 Harrisburg Pike, P.O. Box 4425, Lancaster, PA 17604, Manor Township, **Lancaster County**. An application for a permit renewal was submitted by the Lancaster County Solid Waste Management Authority for continued operation of the Frey Farm Landfill located in Manor Township, **Lancaster County**. The current permit expires May 26, 2021. This application was deemed administratively complete by the Southcentral Regional Office on May 6, 2020.

Comments concerning the application should be directed to Mr. John Oren, Permits Chief, Waste Management Program, 909 Elmerton Avenue, Harrisburg, PA 17110-8200. Persons interested in obtaining more information about this permit application may contact the Southcentral Regional Office at (717) 705-4706. 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.

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.

Southwest Regional Office, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.

Contact: Edward Orris, New Source Review Chief, 412.442.4168.

63-00922D: Robinson Power Company, LLC (P.O. Box 127, 563 Route 18, Burgettstown, PA 15021). Notice is hereby given in accordance with 25 Pa. Code §§ 127.44—127.46 that the Department of Environmental

Protection (“Department”) intends to issue Air Quality Plan Approval: PA-63-00922D to Robinson Power Company, LLC (“Robinson Power”) for modifications to the construction and operation of a proposed natural gas-fired combined cycle power plant named the Beech Hollow Project to be located just south and west of US Route 22 and State Route 980 respectively (40° 24’ 33” N, 80° 17’ 53” W), and approximately 2.5 miles northeast of the town of Bulger, Robinson Township, **Washington County**.

Air contamination sources and controls to be authorized at this site include:

- Two (2) General Electric 7HA.02 (or equivalent), natural gas-fired combustion turbines, 3,485.8 MMBtu/hr heat input rating (HHV) each; controlled by SCR and oxidation catalysts; 1,000 MW total net generating capacity.
- One (1) natural gas-fired auxiliary boiler, 91.1 MMBtu/hr heat input rating.
- One (1) Cummins, CFP15E-F20 (or equivalent), diesel-fired fire pump engine, 410 bhp rating; including one (1) diesel fuel storage tank, 500-gallon maximum capacity.
- One (1) natural gas-fired dew point heater, 9.69 MMBtu/hr heat input rating.
- One (1) natural gas-fired dew point heater, 3.34 MMBtu/hr heat input rating.
- Miscellaneous components in natural gas service, and SF6 containing switchgear; controlled by leak detection and repair.

Potential to emit from the facility will be limited to not exceed the following:

Table 1: Facility Wide Potential to Emit

<i>Air Contaminant</i>	<i>Emission Rate (tpy)</i>
Nitrogen Oxides (NO _x)	231.70
Carbon Monoxide (CO)	164.90
Total Particulate Matter (PM)	144.50
Particulate Matter Less Than 10 Microns in Diameter (PM ₁₀)	144.50
Particulate Matter Less Than 2.5 Microns in Diameter (PM _{2.5})	144.50
Sulfur Oxides (SO _x)	36.00
Sulfuric Acid (H ₂ SO ₄) Mist	53.14
Volatile Organic Compounds (VOC)	42.00
Hazardous Air Pollutants (HAP)	16.03
Formaldehyde (HCHO)	6.18
Ammonia (NH ₃)	205.90
Carbon Dioxide Equivalents (CO ₂ e)	3,842,4301

This authorization is subject to Prevention of Significant Deterioration (PSD) requirements of 40 CFR 52.21; adopted in its entirety by the Department and incorporated by reference under 25 Pa. Code § 127.83; for NO₂, CO, PM, PM₁₀, PM_{2.5}, H₂SO₄, and CO₂e. In accordance with the PSD rules in 40 CFR 52.21 and 25 Pa. Code § 127.83, Robinson Power has performed an air quality analysis which utilizes dispersion modeling. Robinson Power’s air quality analysis satisfies the requirements of the PSD rules and is consistent with the U.S. Environmental Protection Agency’s (EPA) Guideline on Air Qual-

ity Models (40 CFR Part 51, Appendix W) and the EPA's air quality modeling policy and guidance.

Robinson Power has conducted air quality analyses using air dispersion modeling which satisfy the requirements of the Prevention of Significant Deterioration (PSD) regulations codified in 40 CFR 52.21 and 25 Pa. Code § 127.83.

In accordance with 40 CFR 52.21(k)—(n), Robinson Power conducted air quality analyses of emissions of CO, NO₂, particulate matter less than or equal to 2.5 micrometers in diameter (PM_{2.5}), and particulate matter less than or equal to 10 micrometers in diameter (PM₁₀) for its proposed Beech Hollow Energy facility. Robinson Power's source impact analyses demonstrate that emissions from the Beech Hollow Energy facility would not cause or contribute to air pollution in violation of the National Ambient Air Quality Standards for CO, NO₂, PM_{2.5}, or PM₁₀. Additionally, Robinson Power's source impact analyses demonstrate that emissions from the Beech Hollow Energy facility would not cause or contribute to

air pollution in violation of the Class II or Class I PSD increments for NO₂, PM_{2.5}, or PM₁₀.

In accordance with 40 CFR 52.21(o), Robinson Power provided additional impact analyses of the impairment to visibility, soils, and vegetation that would occur as a result of the Beech Hollow Energy facility and general commercial, residential, industrial, and other growth associated with the Beech Hollow Energy facility.

In accordance with 40 CFR 52.21(p), written notice of Robinson Power's proposed Beech Hollow Energy facility has been provided to the Federal Land Managers of nearby Federal Class I areas as well as initial screening calculations to demonstrate that emissions from the Beech Hollow Energy facility would not adversely impact air quality related values and visibility in nearby Federal Class I areas.

In accordance with the public notice requirements in 25 Pa. Code § 127.45(b)(4), the degree of Class II and Class I PSD increment consumption expected to result from the operation of Robinson Power's Beech Hollow Energy facility is provided in the following tables:

Table 2: Degree of Class II PSD Increment Consumption from Operation of Robinson Power

<i>Pollutant</i>	<i>Averaging Period</i>	<i>Degree of Class II PSD Increment Consumption</i>		<i>Class II PSD Increment</i>
		<i>micrograms per cubic meter</i>	<i>Percent of Class II PSD Increment</i>	<i>micrograms per cubic meter</i>
NO ₂	Annual	< 0.14405	< 0.58 %	25
PM _{2.5}	24-hour	< 1.13916	< 12.66 %	9
	Annual	< 0.06115	< 1.53 %	4
PM ₁₀	24-hour	< 1.13916	< 3.80 %	30
	Annual	< 0.06115	< 0.36 %	17

Table 3: Degree of Class I PSD Increment Consumption from Operation of Robinson Power's Beech Hollow Energy Facility

<i>Pollutant</i>	<i>Averaging Period</i>	<i>Degree of Class I PSD Increment Consumption</i>		<i>Class I PSD Increment</i>
		<i>micrograms per cubic meter</i>	<i>Percent of Class I PSD Increment</i>	<i>micrograms per cubic meter</i>
NO ₂	Annual	< 0.00606	< 0.25 %	2.5
PM _{2.5}	24-hour	< 0.05802	< 2.91 %	2
	Annual	< 0.00380	< 0.39 %	1
PM ₁₀	24-hour	< 0.05802	< 0.73 %	8
	Annual	< 0.00380	< 0.10 %	4

In accordance with 40 CFR 52.21(o), Robinson Power provided additional impact analysis of the impairment to visibility, soils, and vegetation that would occur as a result of the Robinson Power facility and general commercial, residential, industrial, and other growth associated with the Robinson Power facility.

In accordance with 40 CFR 52.21(p), written notice of the proposed project has been provided to the Federal Land Managers of nearby Class I areas as well as initial screening calculations to demonstrate that Robinson Power's proposed emissions will not adversely impact visibility and air quality related values (AQRV) in nearby Class I areas.

This authorization is subject to New Source Review (NSR) requirements of 25 Pa. Code Chapter 127 Subchapter E for NO_x. This air contaminant is subject to

Lowest Achievable Emission Rate (LAER) requirements. Prior to commencing operation, Robinson Power will be required to secure 267 tons of NO_x emission reduction credits (ERCs) for nonattainment and nonattainment pollutant precursors emitting sources in order to offset emission increases from this air contaminant.

This authorization is subject to State regulations including 25 Pa. Code Chapters 123—Standards for Contaminants; 127—Construction, Modification, Reactivation, and Operation of Sources; 129—Standards for Sources; 135—Reporting of Sources; 139—Sampling and Testing; and 145—Interstate Pollution Transport Reduction. State standards for contaminants and sources are superseded in most cases by more stringent BACT and LAER requirements. This authorization is also subject to Federal New Source Performance Standards (NSPS) including

40 CFR Part 60 Subparts Dc, IIII, and KKKK; and National Emission Standards for Hazardous Air Pollutants (NESHAP) including 40 CFR Part 63 Subparts YYYYY, and ZZZZ. Other applicable Federal regulations include 40 CFR Parts 52—Approval and Promulgation of Implementation Plans (specifically 52.21—Prevention of Significant Deterioration of Air Quality), 68—Chemical Accident Prevention Provisions; 72, 73, and 75—Permits Regulation, Sulfur Dioxide Allowance System, and Continuous Emission Monitoring; Part 97—Federal NO_x Budget Trading Program, CAIR NO_x and SO₂ Trading Programs, and CSAPR NO_x and SO₂ Trading Programs, and Part 98—Mandatory Greenhouse Gas Reporting.

Plan approval conditions will include source specific and facility-wide emission limitations, operational restrictions, compliance testing and monitoring requirements, work practice standards, and associated recordkeeping and reporting requirements. The Department has determined that the proposed facility satisfies BACT, LAER, and the Department's Best Available Technology requirements. Once compliance with the Plan Approval is demonstrated, the applicant will be required to submit a Title V Operating Permit (TVOP) application in accordance with 25 Pa. Code Subchapters F and G.

A person may oppose the proposed plan approval by filing a written protest with the Department through Alexander Sandy, Pennsylvania Department of Environmental Protection, 400 Waterfront Drive, Pittsburgh, PA 15222; email to asandy@pa.gov; or fax to 412.442.4194. Additional written comments may also be submitted. Each protest or set of written comments must contain the name, address and telephone number of the person submitting the comments, identification of the proposed Plan Approval (PA-63-00922D) and a concise statement of the objections to the plan approval issuance and the relevant facts upon which the objections are based.

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 Mark R. Gorog, Regional Air Quality Program Manager, Pennsylvania Department of Environmental Protection, 400 Waterfront Drive, Pittsburgh, PA 15222 or by email to mgorog@pa.gov.

Robinson Power's Plan Approval application, the Department's Air Quality Review Memorandum, and the Proposed Air Quality Plan Approval for this project are available for review by any interested party at the Pennsylvania Department of Environmental Protection, Southwest Regional Office, 400 Waterfront Drive, Pittsburgh, PA 15222. To request a review of the Robinson Power Plan Approval Application, to receive an electronic copy of the Department's Air Quality Review Memorandum, or to receive an electronic copy of the Department's proposed air Quality Plan Approval for this project, a person may contact the Department's Southwest Regional Office File Review Coordinator at 412.442.4000.

All comments must be received prior to the close of business 30 days after the date of this publication.

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

Contact: David Balog, New Source Review Chief, (814) 332-6940.

43-292B: Tri County Landfill, Inc. (159 TCI Park Drive, Grove City, PA 16127) for air emission sources associated with the reopening and expansion of Tri County Landfill's municipal solid waste landfill in Pine and Liberty Townships, **Mercer County**. This will be a Title V facility.

Notice is hereby given pursuant to 25 Pa. Code §§ 127.44(b) and 127.424(b), that the Pennsylvania Department of Environmental Protection (DEP) intends to issue Plan Approval 43-292B to Tri-County Landfill, Inc. for air emission sources associated with the reopening and expansion of Tri County Landfill's municipal solid waste landfill in Pine and Liberty Townships, Mercer County. The Plan Approval will subsequently be incorporated into a Title V Operating Permit.

Plan Approval No. 43-292B is for air emission sources associated with the reopening and expansion of Tri County Landfill's municipal solid waste landfill in Pine and Liberty Townships, Mercer County. The proposed facility will consist of approximately 70.37 acres of permitted disposal area, with a design capacity of approximately 7.616 million cubic yards. As part of this project, all existing waste on site will be relocated to newly lined disposal areas. It is estimated that approximately 1.55 million cubic yards of existing waste will be relocated, which will leave a remaining capacity of approximately 5.725 million cubic yards of capacity for new waste.

As part of this project, an active landfill gas control system will be installed, as required by 40 CFR 60 Subpart XXX. Captured landfill gas will be routed to a proposed 3,900 scfm capacity enclosed ground flare. The plan approval will also include provisions for the control of fugitive particulate matter.

Based on the information provided by the applicant and DEP's own analysis, the proposed landfill will have potential emissions of 215.3 tons per year of particulate matter, 59.5 tons of which will be particulate matter less than 10 microns (PM₁₀) and 14.8 tons of which will be particulate matter less than 2.5 microns (PM_{2.5}), 72.5 tons per year of carbon monoxide, 28.0 tons per year of nitrogen oxides (NO_x), 11.5 tons per year of volatile organic compounds (VOC), 7.9 tons per year of sulfur oxides (SO_x), and 7.8 tons per year of total Hazardous Air Pollutants (HAP).

The Plan Approval will contain additional testing, monitoring, recordkeeping, and work practice requirements designed to keep the facility operating within all applicable air quality requirements. The facility will additionally be subject to 40 CFR 60 Subpart XXX (Standards of Performance for Municipal Solid Waste Landfills That Commenced Construction, Reconstruction, or Modification After July 17, 2014) and 40 CFR 63 Subpart AAAA (National Emission Standards for Hazardous Air Pollutants: Municipal Solid Waste Landfills), the applicable requirements of which are contained in the Plan Approval, and will be required to comply with the Department's established Best Available Technology requirements for municipal solid waste landfills.

Copies of the application, DEP's analysis, and other documents used in the evaluation are available for public inspection between the hours of 8 a.m. and 4 p.m.

weekdays at the following shown address. To make an appointment, contact Records Management at 814-332-6340.

Anyone wishing to provide DEP with additional information they believe should be considered may submit the information to the following shown address. Comments must be received by the Department within 30 days of the last day of publication. Written comments should include the name, address, and telephone number of the person submitting comments, identification of the proposed Plan Approval; No. 43-292B and a concise statement regarding the relevancy of the information or any objections to issuance of the Plan Approval.

A public hearing may be held, if the Department of Environmental Protection, in its discretion, decides that such a hearing is warranted on the comments received during the public comment period. All persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in a local newspaper of general circulation or the *Pennsylvania Bulletin* or by telephone, where the Department determines such notification is sufficient. Written comments or requests for a public hearing should be directed to Eric Gustafson, Regional Air Quality Manager, Department of Environmental Protection, Northwest Regional Office, 230 Chestnut St., Meadville, PA 16335, 814-332-6940.

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 a renewal Synthetic Minor Operating Permit for the following facility:

OP17-000010: Zentis North America, LLC (1741 Tomlinson Road, Philadelphia, PA 19116) for the operation of air emission sources at a canned fruit, vegetable, preserves, jam, and jellies manufacturing facility in the City of Philadelphia, **Philadelphia County**. The facility's air emission sources are: two (2) boilers, each 12.5 MMBtu/hr and firing natural gas or No. 2 oil; one (1) 33.9 MMBtu/hr boiler firing natural gas or No. 2 oil; four (4) baghouses; mixing & blending operations; cocoa and bulk sugar processing systems; scale room operations; and fugitive emissions.

The operating permit will be issued under 25 Pa. Code, Philadelphia Code Title 3 and Air Management Regulation XIII. Permit copies, review memo, 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.

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.

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

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

48-00017: C.F. Martin & Co., Inc. (510 Sycamore Street, Nazareth, PA 18064). The Department intends to issue a Title V Operating Permit Renewal for their musical instrument manufacturing facility located in Upper Nazareth Township, **Northampton County**. The sources on site include eleven spray booths. Control devices at the facility include eleven panel filters. The proposed 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.

64-00001: PA Department of Corrections-SCI-Waymart (P.O. Box 256 Route 6, Waymart, PA 18472). The Department intends to issue a Title V Operating Permit Renewal for their facility located in Canaan Township, **Wayne County**. The sources on site include three coal fired boilers; one No. 2 fuel/natural gas fired boiler; and one No. 2 fuel fired emergency generator. The processes at the facility include anthracite coal stockpile erosion; and ash handling operations. Control devices at the facility include boiler baffle chambers. The proposed 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.

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.

07-05004B: Altoona Terminals DE LLC (P.O. Box 2621, Harrisburg, PA 17105-2621) to issue a Title V operating permit renewal for a petroleum product loading terminal located in Allegheny Township, **Blair County**. The primary emissions from the facility are VOCs. The facility is major for VOC and the actual emissions in 2018 AIMS was 48.99 tons of VOCs after controls. 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 for the gasoline loading racks and storage tanks subject to the following Federal regulations: NSPS 40 CFR Part 60: Storage tanks: Subpart Ka—Standards of Performance for Storage Vessels for Petroleum Liquids; Subpart Kb—Standards of Performance for Volatile Organic Liquid Storage Vessels. Loading racks: Subpart XX—Standards of Performance for Bulk Gasoline Terminals. MACT 40 CFR Part 63: Subpart BBBBBB—National Emission Standards for Hazardous Air Pollutants for Gasoline Distribution Bulk Terminals, Bulk Plants, and Pipeline Facilities. Emergency generator engines: 40 CFR Part 60, Subpart IIII—Standards of Performance for Stationary Compression Ignition Internal Combustion Engines; MACT Subpart ZZZZ—National Emissions Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines.

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

Contact: Matthew Williams, Facilities Permitting Chief, (814) 332-6328.

32-00065: Specialty Tires of America, Inc. (1600 Washington Street, Indiana, PA 15701). The Department intends to renew the Title V Permit for the specialty tire manufacturing facility in Indiana Borough, **Indiana County**. The primary emission sources at the facility include a 70 million Btu/hr natural gas fueled steam boiler; natural gas fueled space heaters; undertread cement operations; tread end cement operations; green tire spraying operations; miscellaneous solvent use; a jetzone pellet dryer; 3 Banbury mixers; 4 tire buffers; a carbon black transfer station; 8 parts washers; and a 70 kW emergency generator. The facility is a major facility due to its potential to emit VOC. Actual 2019 emissions were as follows: 3.13 tons PM; 9.99 tons NO_x; 0.06 ton SO_x; 6.40 tons CO; 82.91 tons VOC; 11,028 tons CO₂. This facility is subject to 40 CFR Part 63 Subpart JJJJ, Standards of Performance for Stationary Spark Ignition Internal Combustion Engines. The conditions of the previous plan approvals and operating permits are incorporated into the renewal permit.

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.

46-00081: Markel Corporation (435 School Lane Plymouth Meeting, PA 19462), for the renewal of a State Only, Synthetic Minor Operating Permit in Plymouth Township, **Montgomery County**. Markel operates manufactures coated wire, plastic tubing, coated fiberglass sleeves and specialty tubing products at its facility. The primary pollutant produced is Volatile Organic Compounds (VOCs). The VOCs are controlled by a Regenerative Thermal Oxidizer which reduces the VOC emissions by at least 98 percent. There is no change to the manufacturing operations, or any emission increases with the renewal of the operating permit. Markel maintains its status as a minor facility by limiting the VOC emissions to less than 24.90 tons per year. The renewed permit will include testing, monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable local, State, and Federal air quality requirements.

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

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

58-00016: Sawmill Valley Hardwoods, Inc. (7025 State Route 92 South, Gibson, PA 18842-9750). The Department intends to issue a renewal State-Only Operating Permit for operation of sources at their facility located in Lenox Township, **Susquehanna County**. The source being operated is a wood fired boiler. The control device is a multicyclone. 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.

54-00085: Ringtown Wilbert Vault Works, Inc. (710 West Main Street, Ringtown, PA 17967-9449). The Department intends to issue a renewal State-Only Operating Permit for operation of sources at their pet crematory located in Ringtown Borough, **Schuylkill County**. The facility operates a natural gas fired cremation system. 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.

64-00013: Leeward Asphalt LLC/Palmyra (P.O. Box 196, 2052 Lucon Rd., Skippack, PA 19474-1467). The Department intends to issue a renewal State-Only (Synthetic Minor) Permit for the manufacture of Asphalt Paving Mixtures and Blocks located in Palmyra Township, **Wayne County**. The primary sources consist of a Batch Mix Asphalt Plant. The control devices are a baghouse. The sources are considered minor emission sources of nitrogen oxide (NO_x), sulfur oxides (SO_x), carbon monoxide (CO), total suspended particulate (TSP), and volatile organic compounds (VOC) emissions. The proposed operating permit contains applicable requirements for emission limitations, work practice standards, testing, monitoring, recordkeeping, and reporting standards used to verify facility compliance with Federal and State air pollution regulations.

64-00014: H & K Group, Inc., Atkinson Materials (P.O. Box 196, 2052 Lucon Rd., Skippack, PA 19474-1467). The Department intends to issue a renewal State-Only (Natural Minor) Permit for quarry operations located in Palmyra Township, **Wayne County**. The primary sources consist of crushers, screens, and conveyors. The control devices consist of water sprays. The sources are considered minor emission sources of nitrogen oxide (NO_x), sulfur oxides (SO_x), carbon monoxide (CO), total suspended particulate (TSP), and volatile organic compounds (VOC) emissions. The proposed operating permit contains applicable requirements for emission limitations, work practice standards, testing, monitoring, recordkeeping, and reporting standards used to verify facility compliance with Federal and State air pollution regulations.

Southwest Regional Office, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.

Contact: Thomas Joseph, Facilities Permitting Chief, 412.442.4336.

65-00064: Specialty Seal Group, Inc. (1001 Lloyd Ave, Latrobe, PA 15650-2652). In accordance with 25 Pa. Code §§ 127.441 and 127.425, the Department is providing notice that they intend to issue a renewed, facility-wide, State Only Operating Permit for the continued operation of a semiconductor finishing plant, known as the Latrobe Plant, located in Unity Township, **Westmoreland County**.

The semiconductor finishing plant contains air contamination sources for hermetically sealing, brazing, and plating electronic components. The processes at the plant include twelve electric heating furnaces, three electroplating lines, and brazing operations. Emission from the plant are controlled by a water mist wet scrubber.

Annual potential emissions are 0.30 ton of VOC, 0.18 ton of CO, 0.02 ton of NO_x, and 0.76 ton of all combined HAPs. Sources at the Latrobe Plant are subject to 40 CFR Part 60, 40 CFR Part 63, Subpart A—General Provisions, and 40 CFR Part 63, Subpart WWWW—National Emission Standards for Hazardous Air Pollutants: Area Source Standards for Plating and Polishing

Operations. Sources are also subject to 25 Pa. Code Chapters 121—145. The permit includes emission limitations and operational, monitoring, reporting, and record-keeping requirements for the plant.

The application, the DEP's Review Memorandum, and the proposed permit are available for public review during normal business hours at DEP's Southwest Regional Office, 400 Waterfront Drive, Pittsburgh, PA 15222. A file review can be scheduled through the DEP's website at <https://www.dep.pa.gov/Citizens/PublicRecords/Pages/Informal-File-Review.aspx>.

Those who wish to provide the Department with additional written information that they believe should be considered prior to the issuance of this Title V Operating Permit may submit the information to Martin L. Hochhauser, P.E., Pennsylvania Department of Environmental Protection, 400 Waterfront Drive, Pittsburgh, PA 15222. Each written comment must contain the name, address and telephone number of the person submitting the comments, identification of the proposed Operating Permit (specify Operating Permit SOOP-65-00064), and concise statements regarding the relevancy of the information or objections to issuance of the Operating Permit.

All comments must be received prior to the close of business 30 days after the date of this publication. In accordance with 25 Pa. Code § 127.428, prior to issuing an operating permit, the Department may hold a fact-finding conference or hearing at which the petitioner, and a person who has properly filed a protest under § 127.426 (relating to filing protests) may appear and give testimony. The Department is not required to hold a conference or hearing. The applicant, the protestant and other participants will be notified of the time, place and purpose of a conference or hearing, in writing or by publication in a newspaper or the *Pennsylvania Bulletin*, unless the Department determines that notification by telephone will be sufficient.

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 ¹		greater than 6.0; less than 9.0	

Alkalinity greater than acidity¹

¹ 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.

Coal Applications Received

California District Office: 25 Technology Drive, Coal Center, PA 15423, 724-769-1100, (Contact: Bonnie Herbert).

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 related NPDES permit for installation of a sediment pond access road for the Enlow Fork Mine in Richhill Township, **Greene County** and East Finley Township, **Washington County**, affecting 1.2 proposed surface acre. No additional discharges. The application was considered administratively complete on April 29, 2020. Application received: March 2, 2020.

New Stanton District Office: P.O. Box 133, New Stanton, PA 15672, 724-925-5500, (Contact: Tracy Norbert).

30140101 and NPDES No. PA0278106. Stash Mining, LLC, 675 Old Route 51 Road, Waltersburg, PA 15488. Revision application for land use change from forestland to pastureland to an existing bituminous surface mine, located in Monongahela Township, **Greene County**, affecting 62.6 acres. Receiving streams: unnamed tributary to the Monongahela River, unnamed tributary to Whiteley Creek to the Monongahela River, classified for the following use: WWF. There is no potable water supply intake within 10 miles downstream from the point of discharge. Application received: May 8, 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.

Noncoal Applications Received

Moshannon District Mining Office, 186 Enterprise Drive, Philipsburg, PA 16866, 814-342-8200, (Contact: Janet Turner).

PAM220004. Meshoppen Stone, Inc., P.O. Box 127, Meshoppen, PA 18630, coverage under General NPDES Permit for Stormwater Discharges Associated with Mining Activities (BMP GP-104) on Noncoal Permit No 08960805 located in Tuscarora Township, **Bradford County**. Receiving stream(s): Transue 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: May 4, 2020.

6775SM1 and NPDES PA0613819. National Limestone Quarry, Inc., P.O. Box 397, Middleburg, PA 17842, renewal for an existing NPDES on a large noncoal surface mining site located in Franklin and Beaver Townships, **Snyder County** affecting 97.0 acres. Receiving stream(s): Middle Creek classified for the following use(s): TSF, MF. Application received: April 30, 2020.

Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901, (570) 621-3118, (Contact: Theresa Reilly-Flannery).

Permit No. 7775SM5C4 and NPDES Permit No. PA0594954. Lehigh Cement Co., LLC (7660 Imperial Way, Allentown, PA 18195), renewal of an NPDES permit for discharge of treated mine drainage from a quarry operation in Oley Township, **Berks County** affecting 91.04 acres. Receiving stream: Limekiln Creek to Monocacy Creek, classified for the following uses: warm water and migratory fishes. Application received: May 1, 2020.

Permit No. 58110301T and NPDES Permit No. PA0226160. K & CN, LLC (205 Elk Manor Estate, Clifford, PA 18470), transfer of an existing quarry operation and new NPDES permit for discharge of treated mine drainage from Popple Construction, Inc. in New Milford Township, **Susquehanna County** affecting 135.7 acres. Receiving stream: Mitchell Creek and Salt Like Creek, classified for the following uses: cold water and migratory fishes and HQ—cold water and migratory fishes. Application received: May 4, 2020.

Permit No. 15830602C20 and NPDES Permit No. PA0614203. Allan Myers, LP d/b/a Allan Myers Materials (638 Lancaster Avenue, Malvern, PA 19355), modification to relocate Discharge Point 001 of an NPDES permit for discharge of treated mine drainage from a quarry operation in Charlestown Township, **Chester County** affecting 87.74 acres. Receiving stream: unnamed tributary to Pickering Creek, classified for the following uses: HQ—trout stocking fishes and migratory fishes. Application received: May 11, 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.

Noncoal NPDES Draft Permits

Moshannon District Mining Office, 186 Enterprise Drive, Philipsburg, PA 16866, 814-342-8200, (Contact: Janet Turner).

NPDES No. PA0257214 (Mining Permit No. 08090305), Johnson Quarries, Inc., P.O. Box 136, LeRaysville, PA 18829, renewal of an NPDES permit for discharge of water resulting from noncoal surface mining in Wilmot Township, **Bradford County**, affecting 53.55 acres. Receiving stream(s): Rocky Forest Creek and unnamed tributary to North Branch of Susquehanna River, classified for the following use(s): CWF, MF. Application received: December 23, 2019.

The following outfalls discharge to Rocky Forest Creek and an unnamed tributary to North Branch of Susquehanna River:

<i>Outfall Nos.</i>	<i>New Outfall (Y/N)</i>	<i>Type</i>
TP1	N	Treatment
SP1	N	Sediment
SP2	N	Sediment
SP3	N	Sediment

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

<i>Outfalls: TP1, SP1, SP2, SP3</i>	<i>30-Day</i>	<i>Daily</i>	<i>Instant.</i>
<i>Parameter</i>	<i>Average</i>	<i>Maximum</i>	<i>Maximum</i>
Total Suspended Solids (mg/l)	35.0	70.0	90.0
Flow (gpm)	Report		
pH (S.U.): Must be between 6.0 and 9.0 standard units.			

NPDES No. PA0269603 (Mining Permit No. 53140801), Donald R. Reed, 392 Ridge Road, Genesee, PA 16923, renewal of an NPDES permit for discharge of water resulting from noncoal surface mining in Genesee Township, **Potter County**, affecting 5.0 acres. Receiving stream(s): West Branch of the Genesee River, classified for the following use(s): HQ—CWF. Application received: September 25, 2019.

There are no permitted outfalls, all water must be contained on site.

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)).

Southeast Region: Waterways & Wetlands Program Manager, 2 East Main Street, Norristown, PA 19401. Telephone 484.250.5160. E-mail: ra-epww-sero@pa.gov.

Permit No. E1501220-022, PECO Energy Company, 2301 Market Street, N3-3, Philadelphia, PA 19103, Tredyffrin Township, **Chester County**, ACOE Philadelphia District.

To construct and maintain about 160 LF of a 6-inch diameter plastic gas main along Crestline Road, which crosses above the existing culvert along UNT to the Schuylkill River, (WWF-MF) associated with the gas service connection for the customers within the Tredyffrin Township Historic District.

The site is located along Crestline and Old Eagle School Roads (Valley Forge, PA USGS Quadrangle, Latitude: 40.050138; Longitude: -75.403517) in Tredyffrin Township, Chester County.

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

Contact: Gillian Ostrum, Clerk Typist 2, 570-830-3077.

E1302220-021. Kenneth & Elaine Tucker, 1761 Mulberry Way, Yardley, PA 19067, in Penn Forest Township, **Carbon County**, U.S. Army Corps of Engineers, Philadelphia District.

To construct and maintain a pile supported recreation dock with an associated beach area in Towamensing Lake (HQ-CWF, MF). The dock will be composed of three 4 feet by 8 feet aluminum frame sections, for a total of 96 square feet. The proposed beach area will be 6 inches in depth and extend into the lake by a length of 8 feet and a width of 16 feet. The total encroachment from the proposed dock and beach area is 224 square feet. The project is located at Tax Lot 22A-51-EV9 on Longfellow Circle in the Towamensing Trails community, located in Penn Forest Township, Carbon County. Quadrangle Latitude: 40° 59' 50" Longitude: 75° 33' 53".

E3902220-025. PPL Electric Utilities Corp., 2 North Ninth Street, GENN4, Allentown, PA 18101-1179, in Lower Milford Township, **Lehigh County**, U.S. Army Corps of Engineers, Philadelphia District.

To construct and maintain a 250-foot long, 20.0-foot wide gravel access road with a turn around area, and parking area for the purpose of accessing the Hosensack Substation Security Project. The access road crossing will permanently impact 0.12 acre of wetlands (EV). To compensate for the permanent wetland impacts, the applicant will purchase 0.13 acre of wetland bank credits through the Quaker Mitigation Bank.

When heading south on Kings Highway turn right onto Palm Road. The project is located approximately 0.3 mile down Palm Road on the left (East Greenville, PA Quadrangle Latitude: 40° 27' 23"; Longitude: 75° 30' 9") in Lower Milford Township, Lehigh County.

E4502220-021. Kurt and Maureen Faraczek, 3467 Locust Avenue, Wantagh, NY 11793, in Tobyhanna Township, **Monroe County**, U.S. Army Corps of Engineers, Philadelphia District.

To construct and maintain a pile supported, recreational dock with 92 square feet of structure encroaching into Arrowhead Lake (EV, MF). The project is located at 1275 Arrowhead Drive (Thornhurst, PA Quadrangle Latitude: 41° 9' 2"; Longitude: 75° 33' 58") in Tobyhanna Township, Monroe County.

Northcentral Region: Waterways & Wetlands Program Manager, 208 West Third Street, Williamsport, PA 17701, 570-327-3636.

E4904220-022. SEDO-COG Joint Rail Authority, 201 Furnace Road, Lewisburg, PA 17837. Stream and Bridge 14.93 Rehabilitation, in Ralpho and Shamokin Townships, **Northumberland County**, ACOE Baltimore District (Shamokin, PA Quadrangle Latitude: 40° 49' 38.8"; Longitude: 76° 35' 6.5")

This permit proposes to rehabilitate the Shamokin Valley Railroad Bridge 14.93 by replacing the existing north abutment and eliminating the scour hole threatening the foundation of the abutment. The permit also

proposes restore hydraulic capacity in the floodplain spanning from pier number 1 through pier number 2 into the south abutment along with the construction of a rock cross vane and two "J" hook vanes placed upstream of the structure. The vanes proposed to better align the flow through the structure and to ease the stress on the left bank around the bend. This proposed project is located 3.3 miles north on SR 0061 out of Shamokin, Ralpho and Shamokin Townships, Northumberland County. This project proposes to impact 692 linear feet of the Shamokin Creek, which is, designated a Warm Water Fishery and does not propose to impact any wetlands.

Eastern Region: Oil and Gas Management Program Manager, 208 West Third Street, Suite 101, Williamsport, PA 17701-6448.

E4129220-026: ARD Operating, LLC, 33 West Third Street, Suite 300, Williamsport, PA 17701. Chapman Bohlin Pad A to Salt Run Pad A Gathering Pipeline in Cascade Township, **Lycoming County**, ACOE Baltimore District.

To construct, operate and maintain approximately 1.22-mile (6,415 ft) of two (2) 8-inch diameter flex steel natural gas pipeline, 0.28-mile (1,476 ft) of two (2) 6-inch diameter flex steel natural gas pipeline and 0.05-mile (262 ft) of two (2) 6-inch diameter flex steel natural gas pipeline in Cascade Township—Lycoming County. Additionally, a 16-inch diameter above-ground temporary waterline (TAGWL) that is approximately 7,656 linear feet will also be included. The purpose of this project is to provide a conveyance of low-pressure natural gas between the Chapman Bohlin Pad A to Salt Run Pad A within an existing right-of-way fifty (50) feet in width. The pipeline will be placed via open cut trenching within the existing ROW.

The project will result in a total of 12 LF (159 SF) of permanent and 125 LF (1,796 SF) of temporary stream impacts, 1,087 SF (0.0250 acre) of permanent and 11,565 SF (0.2655 acre) of temporary floodway impacts and 954 SF (0.0219 acre) of permanent and 11,538 SF (0.2649 acre) of temporary wetland impacts all for the purpose of constructing a natural gas pipeline for Marcellus well development.

Stream Impact Table:

<i>Resource Name</i>	<i>Municipality Quadrangle</i>	<i>Activity</i>	<i>Chapter 93</i>	<i>Listed Trout</i>	<i>Impact Area Temp. (SF)</i>	<i>Impact Length Temp. (LF)</i>	<i>Impact Area Perm. (SF)</i>	<i>Impact Length Perm. (LF)</i>	<i>Lat. Long.</i>
Detail "A" Channel 6 UNT Salt Run	Cascade Bodines	Pipeline & Workspace	HQ-CWF; EV	Wild	33	82	4	10	41.461692° 76.881652°
Detail "A" Channel 5 UNT Salt Run	Cascade Bodines	Pipeline & Workspace	HQ-CWF; EV	Wild	46	741	4	64	41.461650° 76.881415°
Detail "A" Channel 1 UNT Salt Run	Cascade Bodines	Pipeline & Workspace	HQ-CWF; EV	Wild	46	973	4	85	41.461602° 76.881144°
TOTAL IMPACTS					125	1,796	12	159	
TOTAL STREAM IMPACTS					46	973	4	85	
TOTAL WAIVER 2 IMPACTS					79	823	8	74	

Wetland Impact Table:

<i>Resource Name</i>	<i>Municipality Quadrangle</i>	<i>Activity</i>	<i>Cowardin Class</i>	<i>Listed Trout</i>	<i>Total Impact Area Temp. (SF)</i>	<i>Impact Length Temp. (LF)</i>	<i>Total Impact Area Perm. (SF)</i>	<i>Impact Length Perm. (LF)</i>	<i>Lat. Long.</i>
Detail "A" Wetland 7	Cascade Bodines	Workspace	PEM; EV	Wild	16	122			41.461569° 76.881385°
Detail "A" Wetland 5	Cascade Bodines	Pipeline & Workspace	PFO; EV	Wild	28	3,143	4	181	41.461550° 76.880852°
Detail "B" Wetland 24	Cascade Bodines	Equipment Crossing	PEM; EV	Wild	46	8,273	4	773	41.468786° 76.867263°
TOTAL IMPACTS					90	11,538	8	954	
					PEM	62	8,395	4	773
					PSS				
					PFO	28	3,143	4	181

Floodway Impact Table:

<i>Resource Name</i>	<i>Municipality Quadrangle</i>	<i>Activity</i>	<i>Impact Area Temp. (SF)</i>	<i>Impact Length Temp. (LF)</i>	<i>Impact Area Perm. (SF)</i>	<i>Impact Length Perm. (LF)</i>	<i>Lat. Long.</i>
Detail "A" Channel 6 UNT Salt Run	Cascade Bodines	Pipeline & Workspace		3,136		264	41.461692° 76.881652°
Detail "A" Channel 5 UNT Salt Run	Cascade Bodines	Pipeline & Workspace		2,823		277	41.461650° 76.881415°
Detail "A" Channel 1 UNT Salt Run	Cascade Bodines	Pipeline & Workspace		5,606		546	41.461602° 76.881144°
TOTAL IMPACTS				11,565		1,087	

ENVIRONMENTAL ASSESSMENTS

Southcentral Region: Waterways & Wetlands Program, 909 Elmerton Avenue, Harrisburg, PA 17110.

EA3603220-022. East Earl Township, 4610 Division Highway, East Earl, PA 17519, in East Earl Township, Lancaster County, U.S. Army Corps of Engineers Baltimore District.

To construct and maintain a stream restoration project along Cedar Creek (WWF, MF) and unnamed tributaries to Cedar Creek (WWF, MF) including 1.) 1,171 feet of bank grading (left and right bank); 2.) the installation of seven cross rock vanes; 3.) the installation of seven log vanes; 4.) the installation of thirteen muddills totaling 1,052 feet in length; 5.) the installation of an agricultural crossing; and 6.) the installation of one boulder wall deflector totaling 48 feet in length, impacting 240 square feet of palustrine emergent wetlands, all for the purposes of reducing erosion and flooding potential along Cedar Creek and its tributaries. The project is located near the intersection of Frogtown Road and Main Street (Latitude: 40.1227° N; Longitude 76.1079° W) in East Earl Township, Lancaster County. Wetland impacts are de minimus and replacement is not required.

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

<i>Location</i>	<i>Permit Authority</i>	<i>Application Type or Category</i>
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 & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N</i>
PA0248088 Sew Issued	Franklin WWTP 852 Wesley Drive Mechanicsburg, PA 17055	Adams County Franklin Township	Unnamed Tributary to Marsh Creek (CWF) in Watershed(s) 13-D	Y
PA0261386 Sew Issued	Justin Webb Kendor Summit Lot 11 Properties 220 Shatto Drive Carlisle, PA 17013-0121	Cumberland County North Middleton Township	Conodoguinet Creek (WWF) in Watershed(s) 7-B	Y
PA0081850 IW Issued	Gettysburg Municipal Authority Water System 601 E Middle Street P.O. Box 3307 Gettysburg, PA 17325-1951	Adams County Cumberland Township	Marsh Creek (CWF) in Watershed(s) 13-D	Y
PA0088056 IW Issued	Gettysburg Municipal Authority Water System 601 East Middle Street P.O. Box 3307 Gettysburg, PA 17325-3307	Adams County Cumberland Township	Marsh Creek (CWF) in Watershed(s) 13-D	Y
PA0088765 Sew Issued	Millbrook Manor MHP 545 Mount Airy Road Stevens, PA 17578	Lancaster County West Cocalico Township	Indian Run (TSF, MF) in Watershed(s) 7-J	Y
PA0087483 IW Issued	Elizabethtown Area Water System 211 W Hummelstown Street Elizabethtown, PA 17022-2079	Lebanon County West Cornwall Township	Conewago Creek (TSF) (7-G)	Y
PA0088021 A1 Sew Issued	Blue Heron Village STP 183 Christman Road Lenhartsville, PA 19534	Berks County Windsor Township	Unnamed Tributary to Maiden Creek (TSF) in Watershed(s) 3-B	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 & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N?</i>
PA0232599 (Industrial)	Bloomsburg Water Treatment Plant 4211 E Park Circle Harrisburg, PA 17111-2806	Columbia County Bloomsburg Town	Fishing Creek (WWF, MF) (5-C)	Yes
PA0208612 (Sewage)	Ridgebury Township STP 13278 Berwick Turnpike Gillett, PA 16925-9242	Bradford County Ridgebury Township	Unnamed Tributary of Chemung River (WWF) (4-B)	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 & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N</i>
PA0252981 (Industrial)	Estes Express Lines Inc. 1645 Route 136 Eighty-Four, PA 15330	Washington County North Strabane Township	Unnamed Tributary to Chartiers Creek (HQ-WWF) (20-F)	Yes
PA0014311 (Industrial)	Keystone Profiles Ltd Beaver Falls Plant 220 7th Avenue Beaver Falls, PA 15010-3274	Beaver County Beaver Falls City	Walnut Bottom Run (WWF) (20-B)	Yes

Northwest Region: Clean Water Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481.

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N?</i>
PA0102679 (Sewage)	Camp Runamuck 8896 Us Highway 6 Conneaut Lake, PA 16316-2255	Crawford County Sadsbury Township	Unnamed Stream (HQ-WWF) (16-D)	Yes
PA0104043 (Sewage)	Grandview Acres MHP P.O. Box 246 West Middlesex, PA 16159-0250	Mercer County Perry Township	Unnamed Tributary to Little Shenango River (TSF) (20-A)	Yes

Cambria District: Bureau of Abandoned Mine Reclamation Environmental Program Manager, 286 Industrial Park Road, Ebensburg, PA 15931, 814-472-1800.

Patrick M. Webb, P.E, Mining Engineer Manager, 814-472-1830.

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N</i>
PAG02092615003R	Bureau of Abandoned Mine Reclamation Cambria Office 286 Industrial Park Road Ebensburg, PA 15931 814-472-1800 and Earthmovers Unlimited, Inc. P.O. Box 187 Kylertown, PA 16847 814-345-6010	Fayette County North Union Township	Unnamed Tributary to Redstone Creek (WWF)	Y

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. PA0004219-A1, Industrial, SIC Code 1061, 2819, 3313, **Langeloth Metallurgical Co. LLC**, P.O. Box 608, Langeloth, PA 15054.

This existing facility is located in Smith Township, **Washington County**.

Description of Existing Action/Activity: Issuance of an NPDES Permit Amendment for an existing discharge of treated industrial wastewater.

NPDES Permit No. PA0219029, Industrial, SIC Code 3273, **Marcon Building Supply, Inc. (Previously Dennis Lumber Co. Inc.)**, 4888 National Pike, Markleysburg, PA 15459-1028.

This proposed facility is located in Henry Clay Township, **Fayette County**.

Description of Proposed Action/Activity: Issuance of an NPDES Permit for a new discharge of stormwater associated with industrial activity.

Northwest Region: Clean Water Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481.

NPDES Permit No. PA0288187, Sewage, SIC Code 8800, **David H Curtis**, 15 Cliff Street, Albion, PA 16401.

This proposed facility is located in Elk Creek Township, **Erie County**.

Description of Proposed Action/Activity: Issuance of an NPDES Permit for a new discharge of treated sewage.

NPDES Permit No. PA0288128, Sewage, SIC Code 8800, **Thomas H Perry**, 307 Harmony Road, Slippery Rock, PA 16057.

This proposed facility is located in Slippery Rock Township, **Butler County**.

Description of Proposed Action/Activity: Issuance of an NPDES Permit for a new discharge of treated sewage.

NPDES Permit No. PA0288161, Sewage, SIC Code 8800, **Thomas Sokolowski**, 2206 Kilpatrick Avenue, Erie, PA 16503.

This proposed facility is located in Howe Township, **Forest 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.

Southcentral Region: Clean Water Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110, Email: RA-EPNPDES_SCRO@pa.gov.

WQM Permit No. 2109406 T-1, Sewerage, SIC Code 4952, **Justin Webb Kendor Summit Lot 11 Properties**, 220 Shatto Drive, Carlisle, PA 17013-0121.

This proposed facility is located in North Middleton Township, **Cumberland County**.

Description of Proposed Action/Activity:

The treatment system consists of a 1,250-gallon two-compartment septic tank with an effluent filter (Zabel filter), a STB-650 Ecoflo peat filter, and a 250-gallon chlorine contact tank with a Jet-Chlor Model 100 tablet chlorinator to 4 inches discharge pipe.

WQM Permit No. 0699410 T1, Sewerage, SIC Code 4952, **Blue Heron Village STP**, 183 Christman Road, Lenhartsville, PA 19534.

This proposed facility is located in West Cocalico Township, **Lancaster County**.

Description of Proposed Action/Activity:

This permit approves the transfer and operation of sewage facilities consisting of:

Sewage Treatment Plant with 2 Sequencing Batch Reactors, chlorine disinfection, aerobic digestion; a low-pressure sewage collection system with grinder pumps; and appurtenances.

Northcentral Region: Clean Water Program Manager, 208 West Third Street, Williamsport, PA 17701.

WQM Permit No. 1884404 A-1, Sewage, SIC Code 4173, **PA DOT Bureau of Project Delivery, Bureau of Maintenance & Operations**, 400 North Street, Harrisburg, PA 17105.

This existing facility is located in Greene Township, **Clinton County**.

Description of Proposed Action/Activity: The construction of a collection and conveyance system, pumping station, and a force main.

Southwest Region: Clean Water Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, Email: RA-EPNPDES_SWRO@pa.gov.

WQM Permit No. 6316200 A-1, Industrial, SIC Code 1241, 4491, **Donora Dock LLC**, 11 Lloyd Avenue, Suite 200, Latrobe, PA 15650-1711.

This existing facility is located in Carroll Township, **Washington County**.

Description of Proposed Action/Activity: Construction of two new treatment ponds.

Northwest Region: Clean Water Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481.

WQM Permit No. 1002401 A-2, Sewage, **Breakneck Creek Region Authority**, 1166 Mars Evans City Road, Mars, PA 16046-2216.

This existing facility is located in Adams Township, **Butler County**.

Description of Proposed Action/Activity: Amendment to expand sewage treatment plant capacity with the addition of two SBR tanks, two digesters, belt filter press building, rehabilitation and modifications to existing facilities.

WQM Permit No. 2520405, Sewage, **David H Curtis**, 15 Cliff Street, Albion, PA 16401.

This proposed facility is located in Elk Creek Township, **Erie County**.

Description of Proposed Action/Activity: Single Residence Sewage Treatment Plant.

WQM Permit No. 1020404, Sewage, **Thomas H Perry**, 307 Harmony Road, Slippery Rock, PA 16057.

This proposed facility is located in Slippery Rock Township, **Butler County**.

Description of Proposed Action/Activity: Single Residence Sewage Treatment Plant.

V. NPDES Waiver Stormwater Discharges from Municipal Separate Storm Sewer Systems (MS4) Actions.

The following waiver applications have been approved for a 5-year period. The Department is issuing waivers for the following MS4s instead of NPDES permit coverage.

Southcentral Region: Clean Water Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110, Email: RA-EPNPDES_SCRO@pa.gov.

<i>NPDES Waiver No.</i>	<i>Applicant Name & Address</i>	<i>Municipality, County</i>	<i>Receiving Water(s)/Use(s)</i>
PAG133729 Issued	Greencastle Borough Franklin County 60 N Washington Street Greencastle, PA 17225	Greencastle Borough Franklin County	Unnamed Tributary to Conococheague Creek (WWF, MF) and Paddy Run (WWF, MF)/WWF and MF

Southwest Region: Clean Water Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, Email: RA-EPNPDES_SWRO@pa.gov.

<i>NPDES Waiver No.</i>	<i>Applicant Name & Address</i>	<i>Municipality, County</i>	<i>Receiving Water(s)/Use(s)</i>
PAG136377	Fayette County 61 E Main Street Uniontown, PA 15401-3514	Uniontown City Fayette County	Dunbar Creek (TSF), Redstone Creek (WWF), Unnamed Tributary to Dickerson Run (WWF), Dunlap Creek (WWF)/WWF and TSF

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.

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAD130027 Authorization/ Issuance	PA Solar Park II, LLC 100 Summit Lake Drive Valhalla, NY 10595	Carbon	Nesquehoning Borough	Nesquehoning Creek (CWF, MF) Broad Run (HQ-CWF, MF) Deep Run (EV, MF)
PAD350015 Issued	PPL Electric Utilities Corporation 2 North Ninth Street GENN 4 Allentown, PA 18101-1179	Lackawanna	Blakely Borough	UNT to Hull Creek (CWF, MF), UNT to West Branch Tinklepaugh Creek (CWF, MF), EV Wetland
PAD450106 Authorization/ Issuance	CMBK Resort Holdings, LLC 93 Resort Drive Tannersville, PA 18372	Monroe	Pocono Twp	Coolmoor Creek (HQ-CWF, MF)
PAD480103 Authorization/ Issuance	Fairfield Management Corporation c/o Raymond Bartolacci 3864 Courtney Street Bethlehem, PA 18017-8987	Northampton	Lower Nazareth Twp Bethlehem Twp	Bushkill Creek (HQ-CWF, MF)
PAD480091 A-1 Issued	Easton Area School District 1801 Bushkill Drive Easton, PA 18040	Northampton	City of Easton	Bushkill Creek (HQ-CWF, MF)

Southcentral Region: Waterways and Wetlands Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110, 717-705-4802.

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAD210050 Issued	Toigo Organic Farms, LLC 750 South Mountain Estates Road Shippensburg, PA 17257	Cumberland	Middlesex Township	UNT Letort Spring Run (HQ-CWF, MF)
PAD310008 Issued	American Transmission Systems, Inc. (FirstEnergy Corporation) 341 White Pond Drive Akron, OH 44320	Huntingdon Mifflin	Mount Union Borough Brady Township Shirley Township Wayne Township	Juniata River (WWF, MF) UNT Juniata River (WWF, MF) Hill Valley Creek (HQ-CWF, MF) UNT Hill Valley Creek (HQ-CWF, MF)
PAD670033 Issued	CORE5 Industrial Partners, LLC 1230 Peachtree St. NE Suite 3560 Atlanta, GA 30309	York	Manchester Township East Manchester Township	Codorus Creek (WWF, MF) UNT Codorus Creek (WWF, MF) Wetlands

Northcentral Region: Watershed Management Program Manager, 208 West Third Street, Williamsport, PA 17701.

Tioga County Conservation District: 50 Plaza Lane, Wellsboro, PA 16901, (570) 724-1801, X 3.

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAD590010	Blossburg Municipal Authority 241 Main St Blossburg, PA 16912	Tioga	Hamilton Twp	Taylor Run EV

VII. Approvals to Use NPDES and/or Other General Permits.

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).

List of NPDES and/or Other General Permit Types.

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

Southeast Region: Waterways & Wetlands Program Manager, 2 East Main Street, Norristown, PA 19401. Telephone 484-250-5160. Email: ra-epww-sero@pa.gov.

<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Facility Location: Municipality & County</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
PAC090342	Council Rock School District 30 N. Chancellor Street Newtown, PA 18940-2202	Upper Makefield Township Bucks County	Unnamed Tributary to Jericho Creek WWF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
PAC090372 Prior # PAG02000914079 Renewal/No Changes	Toll Bros., Inc. 250 Gibraltar Road Horsham, PA 19044	Buckingham Township Bucks County	Watson Creek CWF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
PAC510171	Northern Star Developments, LLC 2186 East Norris Street Philadelphia, PA 19125	City of Philadelphia Philadelphia County	Delaware River WWF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
PAC510172	Ben Franklin Residences 1453 Point Breeze Avenue Philadelphia, PA 19146-4521	City of Philadelphia Philadelphia County	Delaware Direct WWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
PAC510173	Tac CG Philadelphia, LLC Mantor Group, LLC 6100 Lake Forrest Drive Suite 104 Atlanta, GA 30328	City of Philadelphia Philadelphia County	Lower Delaware River 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 & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone Number</i>
PAC390106 Authorization/ Issuance	Monogram Custom Homes, Inc. 6366 Robin Lane Coopersburg, PA 18036	Lehigh	Upper Saucon Township	Saucon Creek (CWF, MF)	Lehigh County Conservation District 4184 Dorney Park Road Suite 105 Allentown, PA 18401 610-391-9583
PAC400163 Authorization/ Issuance	Harry Kress P.O. Box H Conyngham, PA 18219	Luzerne	Sugarloaf Twp	Little Nescopeck Creek (CWF, MF)	Luzerne Conservation District 325 Smiths Pond Road Shavertown, PA 18708 570-674-7991
PAC400162 Authorization/ Issuance	Daniel Pine Avp Qta LLC 981 Powell Ave SW Ste 125 Renton, WA 98057	Luzerne	Pittston Twp	Mill Creek (CWF, MF)	Luzerne Conservation District 325 Smiths Pond Road Shavertown, PA 18708 570-674-7991

Southcentral Region: Waterways and Wetlands Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110, 717-705-4802.

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone Number</i>
PAC010117 Issued	Burkentine & Sons, Inc. 1454 Baltimore Street Hanover, PA 17331	Adams	Oxford Township	UNT South Branch Conewago Creek (WWF)	Adams County Conservation District 670 Old Harrisburg Road Suite 201 Gettysburg, PA 17325-3404 717.334.0636

NOTICES

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<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone Number</i>
PAC060252 Issued	J.D. Eckman, Inc. 4781 Lower Valley Road Atglen, PA 19310-1767	Berks	Maidencreek Township	Maiden Creek (WWF, CWF) Willow Creek (WWF, CWF)	Berks County Conservation District 1238 County Welfare Road Suite 200 Leesport, PA 19533-9710 610.372.4657
PAC060228 Issued	VSJ Properties, LLC 869 Water Street Shoemakersville, PA 19555-9604	Berks	Perry Township	UNT Schuylkill River (WWF)	Berks County Conservation District 1238 County Welfare Road Suite 200 Leesport, PA 19533-9710 610.372.4657
PAC060262 Issued	J.D. Eckman, Inc. 4781 Lower Valley Road Atglen, PA 19310-1767	Berks	Maidencreek Township	Willow Creek (CWF)	Berks County Conservation District 1238 County Welfare Road Suite 200 Leesport, PA 19533-9710 610.372.4657
PAC670199 Issued	PPL Electric Utilities Corporation Two North Ninth Street GENN 4 Allentown, PA 18101	York	Lower Chanceford Township Peach Bottom Township	Fishing Creek (TSF, MF) Muddy Run (TSF, MF) UNT Susquehanna River (WWF, MF)	York County Conservation District 118 Pleasant Acres Road York, PA 17402 717-840-7430
PAC670363 Issued	Billy J. & Sadie Kress 1020 Baltimore Street Hanover, PA 17331	York	Penn Township	Oil Creek (WWF)	York County Conservation District 118 Pleasant Acres Road York, PA 17402 717-840-7430
PAC670356 Issued	Kellinger Greene, LP 500 South Front Street 10th Floor Columbus, OH 43215	York	Fairview Township	Fishing Creek (TSF, MF)	York County Conservation District 118 Pleasant Acres Road York, PA 17402 717-840-7430

Northcentral Region: Watershed Management Program Manager, 208 West Third Street, Williamsport, PA 17701.

<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Facility Location: Municipality & County</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
PAC140103	CW State College, LLC 11410 Common Oaks Dr Raleigh, NC 27614	State College Boro Centre County	Slab Cabin Run CWF, MF	Centre County Conservation District 414 Holmes Ave Ste 4 Bellefonte, PA 16823 (814) 355-6817

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

<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Facility Location: Municipality & County</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
PAC250096	Municipal Authority of the City of Corry 100 S Center Street Corry, PA 16407	Corry City Erie County	Hare Creek WWF	Erie County Conservation District 1927 Wager Road Erie, PA 16509 814-825-6403
PAC250098	Richard W Engh P.O. Box 715 Edinboro, PA 16412	Washington Township Edinboro Borough Erie County	UNT Conneautee Creek	Erie County Conservation District 1927 Wager Road Erie, PA 16509 814-825-6403

<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Facility Location: Municipality & County</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
PAC100191	FWH Development LLC Mr. Fred Hesperheide 1028 Riviera Road Emlenton, PA 16373	Adams Township Butler County	Kaufman Run WWF	Butler County Conservation District 120 Hollywood Drive Suite 201 Butler, PA 16001 724-284-5270
PAC330019	Roberts Development LLC 1130 Robertsville Road Punxsutawney, PA 15767	Bell Township Jefferson County	Mahoning Creek WWF	Jefferson County Conservation District 1514 Route 28 Brookville, PA 15825 814-849-7463
PAC200054	Conneautville Borough 906 Main Street Conneautville, PA 16406	Conneautville Borough Crawford County	Thatcher Run CWF, MF	Crawford County Conservation District 21742 German Road Meadville, PA 16335 814-763-5269

General Permit Type—PAG-03

Southwest Region: Clean Water Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, Email: RA-EPNPDES_SWRO@pa.gov.

<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Facility Location: Municipality & County</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
PAG036273	Revolution Energy Service, Inc. 1217 Laurel Hill Road McDonald, PA 15057-2533	McDonald Borough Allegheny County	Robinson Run (WWF)—20-F	DEP Southwest Regional Office Clean Water Program 400 Waterfront Drive Pittsburgh, PA 15222-4745 412.442.4000

General Permit Type—PAG-13

Southcentral Region: Clean Water Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110, Email: RA-EPNPDES_SCRO@pa.gov.

<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Facility Location: Municipality & County</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
PAG133729 Termination	Greencastle Borough Franklin County 60 N Washington Street Greencastle, PA 17225	Greencastle Borough Franklin County	Unnamed Tributary to Conococheague Creek (WWF, MF) and Paddy Run (WWF, MF)/WWF and MF	Clean Water Program SCRO 717-705-4918

General Permit Type—PAG-15

Southcentral Region: Clean Water Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110, Email: RA-EPNPDES_SCRO@pa.gov.

<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Facility Location: Municipality & County</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
PAG153504 Issued	US Army Corp of Engineering Raystown Lake Project 6145 Seven Points Road Hesston, PA 16647-8303	Penn Township Huntingdon County	Raystown Branch Juniata River	Clean Water Program SCRO 717-705-4918

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. 4920504MA, Construction. Public Water Supply.

Applicant	Pennsylvania-American Water Company
Borough or Township	Milton Borough
County	Northumberland County
Type of Facility	Public Water Supply—Construction
Consulting Engineer	Mr. Ewoud Hulstein Pennsylvania-American Water Company 852 Wesley Drive Mechanicsburg, PA 17055
Permit Issued	May 18, 2020

SEWAGE FACILITIES ACT PLAN DISAPPROVAL

Plan Disapprovals Granted Under the Pennsylvania Sewage Facilities Act, Act of January 24, 1966, P.L. 1535, as amended, 35 P.S. § 750.5.

Southcentral Region: Clean Water Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110.

Plan Location:

	<i>Borough or Township</i>	<i>Township Address</i>	<i>County</i>
Derry Township	73 Reserve Lane	Lewistown, PA 17044	Mifflin

Plan Description: The exemption from the requirement to revise the Official Plan for the Derry Township Dollar General Development, DEP Code No. A3-44907-198-3E, APS Id 1016194, is disapproved. The proposed subdivision consists of one new Dollar General retail store with flows of 200 gallons per day using Derry Township sewers with treatment at the Lewistown Borough Wastewater Treatment Plant. The proposed subdivision is located on US-522, Lewistown. This plan is disapproved because it

does not qualify as an exemption from the requirement to revise the Official Plan. It does not qualify because the subdivision proposes the connection to or an extension of public sewers where the existing collection, conveyance or treatment facilities have an existing or a 5-year projected hydraulic or organic overload under Chapter 94 and as per Chapter 71, Section 71.51(b)(2)(ii).

Northcentral Region: Clean Water Program Manager, 208 West Third Street, Williamsport, PA 17701.

Plan Location:

	<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Lewis Township	116 Maple Street	Millmont, PA 17845	Union

Plan Description: The submitted plan was denied since it was administratively incomplete. The submitted plan called for three separate extensions of public sewage and replacing the current sewage treatment plant with a new plant with an increased treatment and discharge capacity.

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 concerning 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:

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

McGavin SUS Well Pad, 397 Shannon Hill Road, Meshoppen, PA 18630, Auburn Township, **Susquehanna County**. Creston Environmental, P.O. Box 1373, Camp Hill, PA 17001, on behalf of Chesapeake Appalachia LLC, 300 North 2nd Street, 5th Floor, Harrisburg, PA 17101, submitted a Final Report concerning remediation of soil contaminated with brine that was released from a storage tank. The report is intended to document remediation of the site to meet Statewide Health Standards.

Yarasavage Well Pad, 139 Keiserville Road, Tunkhannock, PA 18657, Washington Township, **Wyoming County**. Apex Companies, 606 South Main Street, Athens, PA 18810, on behalf of BKV Operating LLC, 12231 State Route 706, Montrose, PA 18801, submitted a Final Report concerning remediation of soil contaminated with oil and coolant that was released as the result of a fire at a compressor unit. The report is intended to document remediation of the site to meet Statewide Health Standards.

OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE

Applications deemed administratively complete 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.

Southcentral Region: Regional Solid Waste Manager, 909 Elmerton Avenue, Harrisburg, PA 17110-8200.

Permit Application No. 101704. Breezewood Transfer, LLC, P.O. Box 4, Breezewood, PA 15533, East Providence Township, **Bedford County**. An application for a permit renewal was submitted by Breezewood Transfer, LLC, for continued operation of the Breezewood Transfer Facility located in East Providence Township, Bedford County. The current permit expires March 11, 2021. This application was deemed administratively complete by the Southcentral Regional Office on May 6, 2020.

Comments concerning the application should be directed to Mr. John Oren, Permits Chief, Waste Management Program, 909 Elmerton Avenue, Harrisburg, PA 17110-8200. Persons interested in obtaining more information about this permit application may contact the Southcentral Regional Office at (717) 705-4706. 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

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.

Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19401.

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

GP1-46-0273: Parkhouse Operating, LLC (Parkhouse Nursing and Rehabilitation Center) (1600 Black Rock Rd, Royersford, PA 19468) on May 14, 2020 for the installation and operation of two 14.25 MMBtu dual fired boilers at their facility in Upper Providence Township, **Montgomery County**.

GP14-23-0135: Paw Prints Forever LLC (232 Wilmington West Chester-Pike, Chadds Ford, PA 19317-0221) on May 18, 2020 for operation of the animal crematory in Concord Township, **Delaware County**.

Southcentral Region: Air Quality Program, 909 Elmerton 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.

GP3-67-05098N: Kinsley Construction, Inc. (P.O. Box 2886, York, PA 17405) on May 15, 2020, for portable nonmetallic mineral processing equipment under GP3 at the Penroc Quarry located in West Manchester Township, **York County**.

GP11-67-05098N: Kinsley Construction, Inc. (P.O. Box 2886, York, PA 17405) on May 15, 2020, for 10 diesel or No. 2 oil-fired internal combustion engines under GP11, to power portable nonmetallic mineral processing equipment, at the Penroc Quarry located in West Manchester Township, **York County**.

Southwest Regional Office, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.

Contact: Edward Orris, New Source Review Chief, 412.442.4168.

GP3-56-00271A: Windber Stone, LLC (117 Marica Street, Latrobe, PA 15650-4300) on May 15, 2020, to allow the installation and operation of a portable nonmetallic mineral processing plant consisting of two crushers with two vibratory screens and 9 associated conveyors located in Ogle Township, **Somerset County**.

GP11-56-00271A: Windber Stone, LLC (117 Marica Street, Latrobe, PA 15650) on May 15, 2020, to allow the installation and operation of four nonroad diesel-fired engines of various capacities in conjunction with a portable nonmetallic mineral processing plant located in Ogle Township, **Somerset 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.

Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19401.

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

15-0.041E: Eastern Shore Natural Gas Company—Daleville Compressor Station (604 Street Rd., Cochranville, PA 19330) on May 12, 2020, a plan approval to

revise a testing requirement condition requiring compliance with the proposed minimum destruction efficiency for CO, VOC and HCHO for the existing natural gas-fired reciprocating internal combustion engine for a natural gas compressor at their facility in Londonderry Township, **Chester 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.

36-05140H: Valley Proteins, Inc. (693 Wide Hollow Road, East Earl, PA 17519) for the construction of a new 33.5 MMBtu/hr boiler for the Terre Hill rendering plant located in East Earl Township, **Lancaster County**. DEP's review of the information submitted by the applicant indicates that the air contamination source as constructed or modified will comply with all regulatory requirements including the best available technology requirement (BAT) of 25 Pa. Code §§ 127.1 and 127.12. The expected yearly emissions from the new boiler will be about 14.4 tons of NO_x, 12.1 tons of CO, 1.1 ton of PM₁₀, and 0.8 ton of VOCs. The plan approval will include emission limits, 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 from 40 CFR Part 60, Subpart Dc. As part of this notification the facility has elected to take facility wide emission limits in order to operate as a State-only Synthetic Minor facility.

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

Contact: David Balog, New Source Review Chief—Telephone: 814-332-6940.

03-269B: PulFlex Technologies, LLC (706 Eljer Way, Ford City, PA 16226), on April 24, 2020 issued a Plan Approval for authorization to change the method by which they operate three (3) existing Pultrusion lines, to install seven (7) new Composite Polymer Pultrusion Lines, and to use VOC-containing resins that were previously not used in Ford City Township, **Armstrong County**. This is a State Only facility.

32-445A: Indiana County Humane Society (191 Airport Road, Indiana, PA 15701), on May 11, 2020 issued a Plan Approval to construct and initially operate an animal crematory at their existing facility in White Township, **Indiana County**. This is a State Only facility.

37-185D: Universal Refractories Incorporated (915 Clyde Street, Wampum, PA 16157), on May 13, 2020 issued a Plan Approval for the construction of a bulk mixing system operation which includes two bulk blending systems, material handling and bagging using super sacks in Wampum Borough, **Lawrence County**. This is a State Only facility.

43-390A: Sherman Funeral Home and Crematory, LLC (14 North Second Street, Sharpsville, PA 16150), on May 12, 2020 issued a Plan Approval to construct and initially operate a human crematory at their existing funeral home facility in Sharpsville Borough, **Mercer County**. This is a State Only facility.

Philadelphia: Air Management Services, 321 University Avenue, Philadelphia, PA 19104-4543, Contact: Edward Wiener, Chief of Source Registration at 215-685-9426.

AMS Plan Approval No. IP19-000750: Naval Foundry and Propeller Center (NSA-P) DLA HQ (1701 Kitty Hawk Avenue, Philadelphia, PA 19112) issued on 4/28/2020 for the installation of a cement mill plant consisting of two sand silos, one cement silo, two weigh hoppers, four mixers, three bin vent dust collectors, and a baghouse at their facility in the City of Philadelphia, **Philadelphia County**. The cement mill plant will have a potential emissions of 1.17 ton/year Particulate Matter (PM) and 1.17 ton/year of Particulate Matter 10 micrometers or less in diameter (PM₁₀). The plan approval contains operating, monitoring, and recordkeeping requirements to ensure operation within all applicable requirements.

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.

Abington Reldan 09-0196L: (550 Old Bordentown Road, Fairless Hills, PA 19030-4510) on May 12, 2020 to replace the existing Thermal Destructor 2 Baghouse (C02B) with a new Baghouse (C14B) in Falls Township, **Bucks County**.

Southwest Regional Office, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.

Contact: Edward Orris, New Source Review Chief, 412.442.4168.

PA-65-00080A Extension: Duraloy Technologies, Inc. (120 Bridge Street, Scottdale, PA 15683-1748) plan approval extension issuance date effective May 28, 2020, for obtaining SOOP from the Department and to allow Source Testing Section to review emission test performed upon the Foundry Sand Reclamation Unit Stack at their Scottdale facility located in Scottdale Borough, **Westmoreland County**.

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

Contact: David Balog, New Source Review Chief—Telephone: 814-332-6940.

10-028K: Armstrong Cement and Supply (100 Clearfield Road, Cabot, PA 16023) on May 14, 2020, effective May 14, 2020, has issued a plan approval extension for the Department of Environmental Protection to complete its plan approval inspection and to allow Armstrong more time to submit a Title V administrative amendment application in Winfield Township, **Butler County**. This is a Title V facility. This will expire on November 10, 2020.

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.

Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19401.

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

09-0107: Oldcastle Retail, Inc. (1214 Hayes Blvd., Bristol, PA 19007) on May 12, 2020 for the renewal of a State Only, Natural Minor Operating Permit for a concrete and mortar packaging facility in Bristol Township, **Bucks County**.

46-00174: Montgomery County SPCA (19 E. Ridge Pike, Conshohocken, PA 19428-0222) on May 12, 2020, for a renewal of State Only (Natural Minor) Operating Permit for an animal crematory unit located in White Marsh Township, **Montgomery County**.

15-00059: Paulsonbilt Ltd (1000 W. 11th Ave., Coatesville, PA 19320) on May 13, 2020, for the renewal of a Natural Minor Operating Permit for a manufacturer of commercial dumpsters and similar containers in Valley Township, **Chester County**.

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

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

45-00024: Eureka Stone Quarry (P.O. Box 249, Chalfont, PA 18914-0249). The Department issued, on April 15, 2020, a State-Only Operating Permit for the operation of sources at the Eureka Stone Quarry located in Hamilton Township, **Monroe County**. Operations at the quarry include a batch asphalt plant and a stone crushing plant. 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.

39-00098: Ocean Spray Cranberries, Inc. (151 Boulder Drive, Breinigsville, PA 18031-1850). The Department issued, on April 28, 2020, a State-Only Operating Permit for the operation of sources at the Ocean Spray facility located in Upper Macungie Township, **Lehigh County**. Sources at the facility include seven natural gas fired hot water boilers. Processes include two bottling lines; two aseptic lines; marking inks; adhesives; bottle forming; and cleaning operations. 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.

48-00077: Falk Funeral Home, Inc., East Penn Crematory/Hellertown (1418 Main Street, Hellertown, PA 18055). On May 11, 2020, the Department issued a renewal State-Only (Natural Minor) Permit for operation of a human crematory facility in Hellertown Borough, **Northampton County**. The primary sources consist of one (1) crematory incinerator. The control device consists of an afterburner. The source is considered minor emission sources of nitrogen oxide (NO_x), sulfur oxides (SO_x), carbon monoxide (CO), particulate matter (PM₁₀), and volatile organic compounds (VOC) emissions. The operating permit contains applicable requirements for emission limitations, work practice standards, testing, monitoring, recordkeeping, and reporting standards used to verify facility compliance with Federal and State air pollution regulations.

Southwest Regional Office, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.

Contact: Thomas Joseph, Facilities Permitting Chief, 412.442.4336.

04-00710: Cronimet Corporation (1 Pilarsky Way, Aliquippa, PA 15001-5421) on May 12, 2020, a State Only Operating Permit (SOOP) renewal to Cronimet Corporation to authorize the continued operation of their metal scrap recycling facility located in the East Rochester Borough, **Beaver County**.

65-00890: Basic Carbide Corporation (900 Main Street, Lowber, PA 15660) on May 14, 2020, a Synthetic Minor State Only Operating Permit (SOOP) renewal to Basic Carbide Corporation to authorize the continued operation of their tungsten carbide production facility located in Sewickley Township, **Westmoreland County**.

30-00040: Cumberland Contura, LLC (301 Market Street, Kittanning, PA 16201). In accordance with 25 Pa. Code § 127.431, the Department of Environmental Protection (DEP) is providing notice that on May 18, 2020, DEP issued a renewed State Only Operating Permit to Cumberland Contura, LLC for the operation of a coal preparation plant, known as the Cumberland Mine Coal Preparation Plant, located in Whitely Township, **Greene County**.

The preparation plant contains air contamination sources for unloading, breaking, screening, wet processing, storing, and loading coal. It has stockpiles and silos to supply and store coal, an underground reclaim for the raw coal stockpile, and roads. The facility also contains three, 813-bhp, each, emergency diesel engines. Raw coal feed at the Cumberland Mine Coal Preparation Plant is limited to a maximum of 13,050,000 tons per year. Air pollution prevention equipment and procedures at the facility includes enclosures, minimization of drop height, and watering of roads and material.

No emission or equipment changes have been approved by this action. Emission sources at the facility are subject to 25 Pa. Code Chapters 121—145. The permit includes emission limitations, and operational, monitoring, reporting and recordkeeping requirements for the facility. The emission restriction, monitoring, recordkeeping, reporting and work practice conditions of the SOOP have been derived from the applicable requirements of 40 CFR Part 60, Subpart Y, 40 CFR Part 60, Subpart III, and 25 Pa. Code Article III, Chapters 121—145.

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.

Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19401.

Contact: Janine Tulloch-Reid, New Source Review Chief—Telephone: 484-250-5920.

15-00027: Johnson Matthey Inc./Devon Wayne Plant (456 Devon Park Drive, Wayne, PA 19087). On May 13, 2020, the Title V Operating Permit was amended to incorporate Plan Approval No. 15-0027L requirements in accordance with 25 Pa. Code § 127.450. The amended Title V Operating Permit contains all of the applicable regulatory requirements including monitoring, recordkeeping, reporting and emission limits in Tredyffrin Township, **Chester County**.

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 Permit Issued

Cambria District Mining Office: 286 Industrial Park Road, Ebensburg, PA 15931, 814.472.1900, (Contact: Melanie Wigfield).

Permit 56080107 and NPDES No. PA0262684. Fieg Brothers, P.O. Box 38, Berlin, PA 15530, permit renewal for the continued operation and restoration of a bituminous surface mine in Southampton Township, Somerset County, affecting 162.1 acres. Receiving stream(s): Powder Run to Gladdens Creek to unnamed tributaries to/and Wills Creek, classified for the following use(s): high-quality cold-water fishes. There are no potable water supply intakes within 10 miles downstream. Application received: March 9, 2020. Permit issued: May 14, 2020.

Permit 56663135 and NPDES No. PA0605921. PBS Coals, Inc., 1576 Stoystown Road, P.O. Box 260, Friedens, PA 15541, permit renewal for reclamation only of a bituminous surface & auger mine in Brothersvalley Township, Somerset County, affecting 27.5 acres. Receiving stream(s): Schrock Run classified for the following use(s): cold water fishes. The first downstream potable water supply intake from the point of discharge is Hooversville Borough Municipal Authority Stonycreek SWI. Application received: December 30, 2019. Permit issued: May 14, 2020.

Moshannon District Mining Office, 186 Enterprise Drive, Philipsburg, PA 16866, 814-342-8200, (Contact: Janet Turner).

17130106 and NPDES PA0269620. Black Cat Coal, LLC, 446 WM Cemetery Road, Curwensville, PA 16833, permit renewal for continued operation and restoration of a bituminous surface coal, topsoil, shale, and sandstone mine also transfer from Horton Coal Company, LLC located in Bloom Township, Clearfield County affecting 16.0 acres. Receiving stream(s): Unnamed Tributaries to Anderson Creek classified for the following use(s): CWF. There are no potable water supply intakes within 10 miles downstream. Application received: April 8, 2019. Permit issued: May 14, 2020.

Noncoal Permits Issued

Moshannon District Mining Office, 186 Enterprise Drive, Philipsburg, PA 16866, 814-342-8200, (Contact: Janet Turner).

4773SM4 and NPDES No. PA0115461. Hanson Aggregates Pennsylvania, LLC (7660 Imperial Way, Allentown, PA 18195) renewal for NPDES permit on a large noncoal surface mining site located in Liberty Township, Tioga County affecting 145.7 acres. Receiving stream(s): Bellman Run and Unnamed Tributary to Johnson Creek classified for the following use(s): CWF, MF. Application received: July 12, 2019. Permit issued: May 14, 2020.

Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901, 570-621-3118, (Contact: Theresa Reilly-Flannery).

Permit No. 8073SM1C14 and NPDES Permit No. PA0614602. Highway Materials, Inc. (409 Stenton Avenue, Flourtown, PA 19031), renewal of an NPDES permit for discharge of treated mine drainage from a quarry operation in Marlborough Township, Montgomery County. Receiving stream: Unami Creek. Application received: November 18, 2019. Renewal issued: May 14, 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

Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901-2522, 570.621.3118, (Contact: Theresa Flannery).

Permit No. 39204104. Holbert Explosives, Inc. (237 Mast Hope Plank Road, Suite A, Lackawaxen, PA 18435), construction blasting for Summers Glen in South Whitehall Township, Lehigh County with an expiration date of May 1, 2021. Permit issued: May 12, 2020.

Permit No. 46204106. American Rock Mechanics, Inc. (7531 Chestnut Street, Zionsville, PA 18092), construction blasting for Rolling Meadows in New Hanover Township, Montgomery County with an expiration date of March 18, 2021. Permit issued: May 12, 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. Section 7514, and the Administrative

Agency Law, 2 Pa.C.S. Chapter 5A, to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P.O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. 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 once. If you cannot afford a lawyer, you may qualify for free pro bono representation. Call the Secretary to the Board (717) 787-3483 for more information.

WATER OBSTRUCTIONS AND ENCROACHMENTS

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 & Wetlands Program Manager, 2 East Main Street, Norristown, PA 19401. Telephone 484.250.5160. E-mail: ra-epww-sero@pa.gov.

Permit No. E09-1039, Northampton Township, 55 Township Road, Richboro, PA 18954, Northampton Township, Bucks County, ACOE Philadelphia District.

To construct and maintain sidewalks about 5-foot wide along both sides of the existing culvert, including supports within the floodway of the Ironworks Creek (WWF-MF) associated with the easy road access and the safety of the pedestrians. The project will also include to upgrade the existing drainage outfall structure.

The site is located along 2nd Street Pike (S.R. 332), about 400 feet northeast of Tanyard Road (Hatboro, PA, USGS Quadrangle Latitude 40.208185; Longitude 75.015405) in Northampton Township, Bucks County. Permit issued May 11, 2020.

Northeast Region: Waterways and Wetlands Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915.

Contact: Gillian Ostrum, Clerk Typist 2, 570-830-3077.

E3902219-007. South Whitehall Township, 4444 Walbert Avenue, Allentown, PA 18104. South Whitehall Township, Lehigh County, Army Corps of Engineers Philadelphia District.

To construct and maintain the following water obstructions and encroachments associated with the Covered Bridge Park Recreation Park Project:

1) An at-grade parking lot in approximately 0.34 acre of the 100-year floodway of Jordan Creek (TSF, MF). The

parking lot will tie into the existing paved driveway from Wehr Mill Road and connect to the existing parking lot.

2) Removal of existing concrete walkways, play areas, playground equipment and a tennis court in approximately 0.01 acre of the 100-year floodway and 0.29 acre of the 100-year floodplain of Jordan Creek (TSF, MF). The impact areas will be re-graded at or below existing grade.

3) Construction and installation of a new concrete walkway and at-grade concrete slab in approximately 0.08 acre of the 100-year floodway and 0.08 acre of the 100-year floodplain of Jordan Creek (TSF, MF). While traveling north on PA-309, turn right onto Ridgeview Drive. Drive to the end of Ridgeview Drive and then turn right onto Huckleberry Road, and then a left onto Wehr Mill Road. The project is located approximately 1.0-mile up Wehr Mill Road on the right (Cementon & Allentown West, PA Quadrangle Latitude: 40° 37' 41.0" Longitude: 75° 34' 5.0") in South Whitehall Township, Lehigh County.

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, (412) 442-4281.

ESCGP-3 # ESG076319022-00

Applicant Name MarkWest Liberty Midstream & Resources, LLC

Contact Person Richard Lowry
Address 4600 J Barry Court, Suite 500
City, State, Zip Canonsburg, PA 15317
County Washington

Township(s) Cecil & Mt Pleasant Townships
Receiving Stream(s) and Classification(s) UNTs to Millers Run and Millers Run of Chartiers Creek Watershed which has a Chapter 93 designated use as Warm Water Fishes (WWF). Portion of these waters are also indicated as Siltation Impaired.

ESCGP-3 # ESG076319021-00

Applicant Name Range Resources—Appalachia, LLC
 Contact Person Karl Matz
 Address 3000 Town Center Boulevard
 City, State, Zip Canonsburg, PA 15317
 County Washington
 Township(s) Cecil Township
 Receiving Stream(s) and Classification(s) UNTs to Millers Run of Chartiers Creek Watershed which has a Chapter 93 designated use as Warm Water Fishes (WWF). These waters are also indicated as Siltation Impaired.

ESCGP-3 # ESG076319034-00

Applicant Name Range Resources—Appalachia, LLC
 Contact Person Karl Matz
 Address 3000 Town Center Boulevard
 City, State, Zip Canonsburg, PA 15317
 County Washington
 Township(s) Hanover Township
 Receiving Stream(s) and Classification(s) UNT to Aunt Clara Fork Kings Creek (CWF), Raccoon Creek (WWF)

ESCGP-3 # ESG076319006-00

Applicant Name MarkWest Liberty Midstream and Resources, LLC
 Contact Person Rick Lowry
 Address 4600 J Barry Court, Suite 500
 City, State, Zip Canonsburg, PA 15317
 County Washington
 Township(s) Jefferson Township
 Receiving Stream(s) and Classification(s) Scott Run (WWF), Harmon Creek (WWF, Siltation-Impaired), North Fork Cross Creek (WWF), Ohio River

ESCGP-3 # ESG073019003-00

Applicant Name CNX Midstream Operating Company LLC
 Contact Person Erka Whetstone
 Address 1000 Consol Energy Drive
 City, State, Zip Canonsburg, PA 15317
 County Greene
 Township(s) Richhill Township
 Receiving Stream(s) and Classification(s) UNTs to/and Crabapple Creek (WWF) and UNTs to Owens Run (WWF)
 Secondary Receiving Water—Dunkard Fork (WWF) and Owens Run (WWF)

ESCGP-3 # ESX160030009-01 Major Modification

Applicant Name Olympus Energy, LLC
 Address 501 Technology Drive, Suite 1200
 City, State, Zip Canonsburg, PA 15317
 County Allegheny
 Township(s) Elizabeth Township
 Receiving Stream(s) and Classification(s) UNTs to Gillespie Run

Northwest Region: Oil and Gas Management, 230 Chestnut Street, Meadville, PA 16335-3481, 814-332-6860. Contact Mary Slye, Clerical Supervisor, 814-332-6325.

ESCGP-3 # ESX084320002-00—Hilcorp—CVX McCullough to James Gathering Line

Applicant Name Hilcorp Energy Company
 Contact Person Stephanie McMurray
 Address 1111 Travis Street
 City, State, Zip Houston, TX 77002
 County Mercer
 Township(s) Jefferson and Lackawannock
 Receiving Stream(s) and Classification(s) Little Neshannock Creek (TSF), Daley Run (WWF), and UNT to Margaree Run (WWF)
 Secondary Neshannock Creek (TSF) and Shenango River (WWF)

Eastern Region: Oil and Gas Management Program Manager, 208 West Third Street, Suite 101, Williamsport, PA 17701-6448.

ESCGP-3 # ESG295819025-00

Applicant Name SWN Production Company, LLC
 Contact Person Nicki Atkinson
 Address 917 State Route 92 North
 City, State, Zip Tunkhannock, PA 18657
 County Susquehanna
 Township(s) Jackson & New Milford
 Receiving Stream(s) and Classification(s) UNT to Salt Lick Creek (HQ, CWF-MF), UNT to Butler Creek (CWF-MF)

ESCGP-3 # ESG295819051-00

Applicant Name SWN Production Company, LLC
 Contact Person Nicki Atkinson
 Address 917 State Route 92 North
 City, State, Zip Tunkhannock, PA 18657
 County Susquehanna
 Township(s) Jackson
 Receiving Stream(s) and Classification(s) UNT to Lewis Creek (CWF-MF) and UNT to Drinker Creek (CWF-MF)

ESCGP-3 # ESG295819027-00

Applicant Name SWN Production Company, LLC
 Contact Person Nicki Atkinson
 Address 917 State Route 92 North
 City, State, Zip Tunkhannock, PA 18657
 County Susquehanna
 Township(s) New Milford
 Receiving Stream(s) and Classification(s) UNT to Meylert Creek (HQ, CWF-MF), UNT to East Branch Martins Creek (CWF-MF), Nine Partners Creek (CWF-MF)

ESCGP-3 # ESG296620001-00

Applicant Name Appalachia Midstream Services, LLC
 Contact Person Joel Moore
 Address 400 1st Ctr
 City, State, Zip Horseheads, NY 14845
 County Wyoming
 Township(s) Windham
 Receiving Stream(s) and Classification(s) Roaring Run (CWF, MF), Susquehanna River (WWF, MF)
 Secondary: Susquehanna River (WWF, MF), Susquehanna River (WWF, MF)

ESCGP-3 # ESG295819036-00

Applicant Name SWN Production Company, LLC
 Contact Person Nicki Atkinson
 Address 917 State Route 92 North
 City, State, Zip Tunkhannock, PA 18657
 County Susquehanna
 Township(s) New Milford
 Receiving Stream(s) and Classification(s) East Branch Martins Creek (CWF-MF)

ESCGP-3 # ESG295820001-00

Applicant Name Cabot Oil & Gas Corporation
 Contact Person Kenneth Marcum
 Address 2000 Park Lane, Ste 300
 City, State, Zip Pittsburgh, PA 15275-1121
 County Susquehanna
 Township(s) Lathrop
 Receiving Stream(s) and Classification(s) UNT to Horton Creek (CWF, MF), UNT to Martins Creek (CWF, MF)
 Secondary: Horton Creek (CWF, MF), Martins Creek (CWF, MF)

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:

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

Speedway 6742, Storage Tank ID # 48-32013, 3283 Easton Avenue, Bethlehem Township, **Northampton County**. EMS Environmental, 4550 Bath Pike, Bethlehem, PA 18017, on behalf of Speedway LLC, 500 Speedway Drive, Enon, OH 45323, submitted a Remedial Action Completion Report concerning remediation of soil and groundwater contaminated with petroleum. The report is intended to document the remedial actions for meeting Statewide Health Standards.

JW Sunoco, Storage Tank ID # 39-24150, 1845 West Liberty Street, Allentown City, **Lehigh County**. MEA, Inc., 1365 Ackermanville Road, Bangor, PA 18013 on behalf of Service Electric Cable and Television Inc., 1045 Hamilton Street, Allentown, PA 18101 has submitted a Remedial Action Completion Report concerning remediation of soil and groundwater contaminated with gasoline. The report is intended to document the remedial actions for meeting a combination of Site-Specific and Statewide Health Standards.

Former Hawk Valley General Store, Storage Tank ID # 54-50635, 16 Summer Valley Road, Orwigsburg, PA 17961, West Brunswick Township, **Schuylkill County**, United Environmental, P.O. Box 701, Schuylkill Haven, PA 17972, on behalf of Jack Rich Inc., 617 Altamont Boulevard, Frackville, PA 17931, submitted a combined Supplemental Site Characterization Report and Remedial Action Plan concerning remediation of groundwater contaminated with petroleum. The report is intended to document the remedial actions for meeting Statewide Health Standards.

Al's Quick Stop 9, Storage Tank ID # 40-13185, 547 North Hunter Highway, Drums, PA 18222, Butler Township, **Luzerne County**, LaBella, 1000 Dunham Drive, Suite B, Dunmore, PA 18512, on behalf of Alnajukchahat Real Estate LLC, 702 East Swinick Drive, Dunmore, PA 18512, submitted a Remedial Action Plan concerning remediation of soil and groundwater contaminated with gasoline. The report is intended to document the remedial actions for meeting Statewide Health Standards.

CORRECTIVE ACTION UNDER ACT 32, 1989

PREAMBLE 3

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).

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:

Southcentral Regional Office: Environmental Cleanup & Brownfields Program, 909 Elmerton Avenue, Harrisburg, PA 17110, 717-705-4705, Contact: Cherie M. Campbell.

Former Mobil Lancaster Terminal, Storage Tank Facility ID # 36-11093, 1360 Manheim Pike, Lancaster, PA 17604, Warwick Township, **Lancaster County**. Groundwater Services International, Inc. 443 McCormick Road, Mechanicsburg, PA 17055 on behalf Lucknow Highspire Terminals DE, LLC, P.O. Box 2621, Harrisburg, PA 17105 submitted a Remedial Action Completion Report concerning remediation of soil and groundwater contaminated with leaded gasoline, unleaded gasoline and diesel fuel constituents.

The Remedial Action Completion Report demonstrated attainment of the non-residential Statewide health and site-specific standards and was approved by DEP on May 15, 2020.

[Pa.B. Doc. No. 20-709. Filed for public inspection May 29, 2020, 9:00 a.m.]

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Citizens Advisory Council Virtual Meeting; Change to Meeting Start Time

In accordance with Governor Tom Wolf's emergency disaster declaration and based on advice from the Department of Health regarding the mitigation of the spread of the novel coronavirus (COVID-19), the Citizens Advisory Council (Council) meeting scheduled for Tuesday, June 16, 2020, will be held as a virtual meeting and will begin at 12:30 p.m. (previously scheduled to start at 10 a.m.)

Individuals who wish to join the meeting may do so remotely. Information will be provided on the Council's webpage. Individuals interested in providing public comments during the meeting must sign up prior to the start of the meeting by contacting Keith Salador at ksalador@pa.gov or (717) 787-8171.

Information on how to join the meeting, as well as agenda and meeting materials, will be available on the Council's webpage, found through the Public Participation tab on the Department of Environmental Protection's (Department) web site at www.dep.pa.gov (select "Public Participation," then "Citizens Advisory Council," then "Meetings").

Individuals are encouraged to visit the Council's webpage to confirm meeting date, time and location prior to each meeting. Questions concerning the June 16, 2020, meeting can be directed to Keith Salador at ksalador@pa.gov or (717) 787-8171.

Persons in need of accommodations as provided for in the Americans with Disabilities Act of 1990 should contact Keith Salador at (717) 787-8171 or through the Pennsylvania 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. 20-710. Filed for public inspection May 29, 2020, 9:00 a.m.]

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Pennsylvania's 2020 Annual Ambient Air Monitoring Network Plan

The Department of Environmental Protection (Department) is seeking public comment on Pennsylvania's 2020 Annual Ambient Air Monitoring Network Plan (Plan). The Plan has been updated to address changes that have been made in the Commonwealth's ambient air monitoring network and to identify changes that are anticipated to occur in the remainder of 2020 and in 2021.

On October 17, 2006, the United States Environmental Protection Agency (EPA) promulgated final amendments to the National ambient air monitoring requirements for criteria pollutants at 40 CFR Parts 53 and 58 (relating to ambient air monitoring reference and equivalent methods; and ambient air quality surveillance). See 71 FR 61236 (October 17, 2006). The EPA's final rule requires state and local agencies to enhance air monitoring to "improve public health protection and better inform the public about air quality in their communities." Under 40 CFR 58.10 (relating to annual monitoring network plan and periodic network assessment), air quality state and local monitoring agencies must adopt an annual air monitoring network plan and make the plan available for public inspection for at least 30 days prior to final submission to the EPA Regional Administrator. The Plan, which is due July 1, 2020, must include a statement of purpose for each monitor and evidence that siting and operation of each monitor meets Federal requirements. The EPA may also provide an opportunity for review and comment prior to approving or disapproving a state's monitoring network plan.

The Plan is available on the Department's web site at www.dep.pa.gov/Business/Air/BAQ/Pages/default.aspx or by contacting Nick Lazor at nlazor@pa.gov or (717) 783-9268.

The Department must receive comments no later than Monday, June 29, 2020. Commenters are encouraged to submit comments using the Department's online eComment tool at www.ahs.dep.pa.gov/eComment or by e-mail to ecomment@pa.gov. Comments submitted by facsimile will not be accepted. All comments, including comments submitted by e-mail, must include the commenter's name and address. Written comments may be mailed to the Policy Office, Department of Environmental Protection, Rachel Carson State Office Building, P.O. Box 2063, Harrisburg, PA 17105-2063. Use "2020 Annual Monitoring Network Plan" as the subject line in written communication.

PATRICK McDONNELL,
Secretary

[Pa.B. Doc. No. 20-711. Filed for public inspection May 29, 2020, 9:00 a.m.]

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Rescission of Technical Guidance

Technical guidance documents (TGD) are available on the Department of Environmental Protection's (Depart-

ment) web site at 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.

Rescission of Technical Guidance

DEP ID: 381-2208-001. *Title:* Experimental Onlot Wastewater Technology Verification Program. *Description:* The Department is rescinding this guidance because it has been replaced by DEP ID: 385-2208-003 Alternate Onlot Sewage Pretreatment Technology Verification Policy (TVP), which was published as final at 50 Pa.B. 2473 (May 9, 2020).

Contact: Questions regarding this TGD can be directed to Brian Schlauderer at bschlauder@pa.gov or (717) 772-5620.

Effective Date: May 30, 2020

PATRICK McDONNELL,
Secretary

[Pa.B. Doc. No. 20-712. Filed for public inspection May 29, 2020, 9:00 a.m.]

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Storage Tank Advisory Committee Meeting Cancellation

The Storage Tank Advisory Committee (Committee) meeting originally scheduled for Wednesday, June 10, 2020, is cancelled. The next Committee meeting is scheduled for Wednesday, September 9, 2020, and will be held as a virtual meeting, beginning at 10 a.m.

Individuals who wish to join the meeting may do so remotely. Information will be provided on the Committee's webpage. Individuals interested in providing public comments during the meeting must sign up prior to the start of the meeting by contacting Kris Shiffer at kshiffer@pa.gov or (717) 772-5809.

Information on how to join the meeting, as well as agenda and meeting materials, will be available on the Committee's webpage, found through the Public Participation tab on the Department of Environmental Protection's (Department) web site at www.dep.pa.gov (select "Public

Participation," then "Advisory Committees," then "Cleanup and Brownfields Advisory Committees," then "Storage Tank Advisory Committee").

Individuals are encouraged to visit the Committee's webpage to confirm meeting date, time and location prior to each meeting. Questions concerning the September 9, 2020, meeting can be directed to Kris Shiffer at kshiffer@pa.gov or (717) 772-5809.

Persons in need of accommodations as provided for in the Americans with Disabilities Act of 1990 should contact the Department at (717) 772-5809 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. 20-713. Filed for public inspection May 29, 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(e) (relating to prevention, control and surveillance of tuberculosis (TB)):

Maplewood Nursing & Rehabilitation Center
125 West Schoolhouse Lane
Philadelphia, PA 19144
FAC ID # 033002

The following long-term care nursing facilities are seeking exceptions to 28 Pa. Code § 201.22(e) and (j):

The Manor at Saint Luke Village
1711 East Broad Street
Hazleton, PA 18201
FAC ID # 195202

The Pavilion at Saint Luke Village
1000 Stacie Drive
Hazleton, PA 18201
FAC ID # 455202

The following long-term care nursing facility is seeking an exception to 28 Pa. Code § 201.22(j):

The Gardens at Stevens
400 Lancaster Avenue
Stevens, PA 19778-9726
FAC ID # 041102

The following long-term care nursing facility is seeking an exception to 28 Pa. Code § 205.4(a) (relating to building plans):

Health Care Center at Whitehorse Village
535 Gradyville Road
Newtown Square, PA 19073
FAC ID # 235902

The following long-term care nursing facility is seeking an exception to 28 Pa. Code § 211.9(g) (relating to pharmacy services):

Shipperville Healthcare and Rehabilitation Center
21158 Paint Boulevard
Shipperville, PA 16254
FAC # ID 026002

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. 20-714. Filed for public inspection May 29, 2020, 9:00 a.m.]

DEPARTMENT OF HEALTH

Pennsylvania Cancer Control, Prevention and Research Advisory Board Quarterly Virtual Meeting

The Department of Health will hold a combined public meeting of the Pennsylvania Cancer Control, Prevention and Research Advisory Board and the Pennsylvania Cancer Coalition on Thursday, June 11, 2020, from 9:30 a.m. to 12 p.m. This meeting will be conducted by means of a virtual platform. Individuals who wish to participate in the virtual meeting may do so by accessing Microsoft Teams or calling +1 (917) 727-7985. The conference ID number is 440 715 973#. The purpose of this meeting is to discuss cancer control initiatives in this Commonwealth.

For additional information contact the Division of Cancer Prevention and Control, Room 1011, Health and Welfare Building, Harrisburg, PA at (717) 783-1457, 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).

This meeting is subject to cancellation without notice.

RACHEL L. LEVINE, MD,
Secretary

[Pa.B. Doc. No. 20-715. Filed for public inspection May 29, 2020, 9:00 a.m.]

DEPARTMENT OF REVENUE

Pennsylvania Heads or Tails Fast Play Game 5088

Under the State Lottery Law (72 P.S. §§ 3761-101—3761-314) and 61 Pa. Code § 803.11 (relating to powers

and duties of the Secretary of Revenue), the Secretary of Revenue hereby provides public notice of the rules for the following lottery game:

1. *Name*: The name of the lottery game is Pennsylvania Heads or Tails (hereinafter “Heads or Tails”). The game number is PA-5088.

2. *Definitions*:

(a) *Authorized retailer* or *retailer*: A person who is properly licensed by the Lottery pursuant to 61 Pa. Code §§ 805.1—805.17.

(b) *Bar code*: The symbology on the ticket containing certain encrypted validation and accounting data used for identifying winning and losing tickets.

(c) *COIN*: A specific, pre-defined portion of the play area containing one “HEADS” area and one “TAILS” area that, when played according to the instructions, determine whether a player wins a prize. Each “COIN” is played separately, and the “HEADS” and “TAILS” areas within each “COIN” are played separately.

(d) *COIN FLIP BONUS*: A feature of the Heads or Tails game that, when played according to the instructions, may award the player an automatic win of \$25. The COIN FLIP BONUS feature is played separately.

(e) *Game Ticket*: A bearer instrument produced through a Lottery Terminal that is the player’s record of a play for a Fast Play lottery game and sold by an authorized retailer containing the play and validation data as published in this game notice.

(f) *HEADS area*: A specific, pre-defined portion of each “COIN” area containing two play symbols that, when played according to the instructions, determine whether a player wins a prize.

(g) *HEADS* or *TAILS NUMBERS*: The numbers, letters, symbols or other characters found in the play area that, when matched against the play symbols in the “WINNING NUMBERS” area, determine whether a player wins a prize.

(h) *Lottery Central Computer System*: The computer gaming system on which all Fast Play plays are recorded.

(i) *Lottery Terminal*: A device authorized by the Lottery to function in an interactive mode with the Lottery Central Computer System for the purpose of issuing plays, executing Quick Pick selections, and entering, receiving, and processing lottery transactions, including making purchases, validating plays, transmitting reports, and performing inventory functions.

(j) *Play*: A chance to participate in a particular Fast Play lottery game.

(k) *Play Area*: The area on a ticket which contains one or more play symbols.

(l) *Play Symbol*: A number, letter, symbol, image or other character found in the play area which is used to determine whether a player wins a prize.

(m) *Prize*: A non-monetary item, money, or experience that can be won as specified in section 6 (relating to prizes available to be won and determination of prize winners) of this game notice.

(n) *TAILS area*: A specific, pre-defined portion of each “COIN” area containing two play symbols that, when played according to the instructions, determine whether a player wins a prize.

(o) *Winning ticket*: A game ticket which has been validated and qualifies for a prize.

(p) *WINNING NUMBERS*: The numbers, letters, symbols or other characters found in the play area that, when matched against the play symbols in any "HEADS" area or "TAILS" area of a "COIN," determine whether a player wins a prize.

3. *Price*: The price of a Heads or Tails ticket is \$1.

4. *Description of the Heads or Tails Fast Play lottery game*:

(a) The Heads or Tails lottery game is an instant win game printed from a Lottery Terminal. All prizes are predetermined, and the player does not have the ability to select their own play symbols. Heads or Tails tickets may be purchased from an authorized retailer or at a Lottery self-service terminal that sells terminal-based Lottery game tickets. Tickets purchased from an authorized retailer shall be printed on-demand at the time of purchase and may not be preprinted by the retailer.

(b) *Key Number Match*: Heads or Tails is played by matching any of the play symbols in the "WINNING NUMBERS" area to both of the play symbols located in either the "HEADS" area or "TAILS" area of a "COIN." A player matching both play symbols in this manner will win the prize shown under that "HEADS" area or "TAILS" area. A bet slip is not used to play this game.

(c) *COIN FLIP BONUS*: When the two play symbols in any "HEADS" area or "TAILS" area of the same "COIN" add up to 25, on the same ticket, the player wins \$25.

(d) Players can win the prize identified in section 6 (relating to prizes available to be won and determination of prize winners).

(e) A Heads or Tails game ticket cannot be canceled or voided once printed by the Lottery Terminal, even if printed in error.

(f) To purchase a ticket at an authorized retailer, a player must remit the purchase price to the retailer and verbally request a Heads or Tails game ticket. The ticket shall be the only valid proof of the bet placed and the only valid receipt for claiming a prize.

(g) To purchase a ticket at a Pennsylvania Lottery self-service terminal, the player must insert into the self-service terminal a dollar amount equal to the total purchase price of a Heads or Tails game ticket and select the Heads or Tails option on the Lottery self-service terminal. The ticket shall be the only valid proof of the bet placed and the only valid receipt for claiming a prize.

5. *Heads or Tails ticket characteristics*:

(a) A Heads or Tails ticket shall contain a play area, the cost of the play, the date of sale, and a bar code. Each ticket consists of two "COIN" areas and each "COIN" area contains one "HEADS" area and one "TAILS" area. The "HEADS" or "TAILS" side and each "COIN" are played separately.

(b) *Play Symbols*: Each Heads or Tails ticket will contain a "WINNING NUMBERS" area and two "COIN" areas, with each "COIN" area containing one "HEADS" area and one "TAILS" area. The play symbols and their captions, located in the "WINNING NUMBERS" area, the "HEADS" area and the "TAILS" 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) and 24 (TWYFOR).

(c) *Prize Symbols*: The prize symbols and their captions located in the play area are: FREE (TICKET), \$1⁰⁰ (ONE DOL), \$2⁰⁰ (TWO DOL), \$4⁰⁰ (FOR DOL), \$5⁰⁰ (FIV DOL), \$10⁰⁰ (TEN DOL), \$20⁰⁰ (TWENTY), \$25⁰⁰ (TWY FIV), \$50⁰⁰ (FIFTY), \$100 (ONE HUN), \$500 (FIV HUN), \$2,500 (TWYFIVHUN).

(d) *Prizes*: The prizes that can be won in this game are: Free \$1 Ticket, \$1, \$2, \$4, \$5, \$10, \$20, \$25, \$50, \$100, \$500 and \$2,500. The prize that can be won in the COIN FLIP BONUS is \$25. A player can win up to five times on a ticket.

(e) *Approximate number of tickets available for the game*: Approximately 2,400,000 tickets will be available for sale for the Heads or Tails lottery game.

6. *Prizes available to be won and determination of prize winners*:

(a) All Heads or Tails prize payments will be made as one-time, lump-sum cash payments.

(b) Holders of tickets upon which any of the "WINNING NUMBERS" play symbols matches both play symbols in the same "HEADS" area or "TAILS" area of the same "COIN," and a prize symbol of \$2,500 (TWYFIVHUN) appears in the "Prize" area under that "HEADS" area or that "TAILS" area, on a single ticket, shall be entitled to a prize of \$2,500.

(c) Holders of tickets upon which any of the "WINNING NUMBERS" play symbols matches both play symbols in the same "HEADS" area or "TAILS" area of the same "COIN," and a prize symbol of \$500 (FIV HUN) appears in the "Prize" area under that "HEADS" area or that "TAILS" area, on a single ticket, shall be entitled to a prize of \$500.

(d) Holders of tickets upon which any of the "WINNING NUMBERS" play symbols matches both play symbols in the same "HEADS" area or "TAILS" area of the same "COIN," and a prize symbol of \$100 (ONE HUN) appears in the "Prize" area under that "HEADS" area or that "TAILS" area, on a single ticket, shall be entitled to a prize of \$100.

(e) Holders of tickets upon which any of the "WINNING NUMBERS" play symbols matches both play symbols in the same "HEADS" area or "TAILS" area of the same "COIN," and a prize symbol of \$50⁰⁰ (FIFTY) appears in the "Prize" area under that "HEADS" area or that "TAILS" area, on a single ticket, shall be entitled to a prize of \$50.

(f) Holders of tickets upon which any of the "WINNING NUMBERS" play symbols matches both play symbols in the same "HEADS" area or "TAILS" area of the same "COIN," and a prize symbol of \$25⁰⁰ (TWY FIV) appears in the "Prize" area under that "HEADS" area or that "TAILS" area, on a single ticket, shall be entitled to a prize of \$25.

(g) Holders of tickets upon which both of the "HEADS" play symbols or the "TAILS" play symbols in any one "HEADS" area or "TAILS" area of the same "COIN" area add up to exactly 25, on a single ticket, shall be entitled to a prize of \$25.

(h) Holders of tickets upon which any of the "WINNING NUMBERS" play symbols matches both play symbols in the same "HEADS" area or "TAILS" area of the same "COIN," and a prize symbol of \$20⁰⁰ (TWENTY) appears in the "Prize" area under that "HEADS" area or that "TAILS" area, on a single ticket, shall be entitled to a prize of \$20.

(i) Holders of tickets upon which any of the “WINNING NUMBERS” play symbols matches both play symbols in the same “HEADS” area or “TAILS” area of the same “COIN,” and a prize symbol of \$10.00 (TEN DOL) appears in the “Prize” area under that “HEADS” area or that “TAILS” area, on a single ticket, shall be entitled to a prize of \$10.

(j) Holders of tickets upon which any of the “WINNING NUMBERS” play symbols matches both play symbols in the same “HEADS” area or “TAILS” area of the same “COIN,” and a prize symbol of \$5.00 (FIV DOL) appears in the “Prize” area under that “HEADS” area or that “TAILS” area, on a single ticket, shall be entitled to a prize of \$5.

(k) Holders of tickets upon which any of the “WINNING NUMBERS” play symbols matches both play symbols in the same “HEADS” area or “TAILS” area of the same “COIN,” and a prize symbol of \$4.00 (FOR DOL) appears in the “Prize” area under that “HEADS” area or that “TAILS” area, on a single ticket, shall be entitled to a prize of \$4.

(l) Holders of tickets upon which any of the “WINNING NUMBERS” play symbols matches both play symbols in

the same “HEADS” area or “TAILS” area of the same “COIN,” and a prize symbol of \$2.00 (TWO DOL) appears in the “Prize” area under that “HEADS” area or that “TAILS” area, on a single ticket, shall be entitled to a prize of \$2.

(m) Holders of tickets upon which any of the “WINNING NUMBERS” play symbols matches both play symbols in the same “HEADS” area or “TAILS” area of the same “COIN,” and a prize symbol of \$1.00 (ONE DOL) appears in the “Prize” area under that “HEADS” area or that “TAILS” area, on a single ticket, shall be entitled to a prize of \$1.

(n) Holders of tickets upon which any of the “WINNING NUMBERS” play symbols matches both play symbols in the same “HEADS” area or “TAILS” area of the same “COIN,” and a prize symbol of FREE (TICKET) appears in the “Prize” area under that “HEADS” area or that “TAILS” area, on a single ticket, shall be entitled to a prize of one Heads or Tails game ticket.

7. *Number and description of prizes and approximate chances of winning.* The following table sets forth the approximate number of winners, amounts of prizes, and approximate chances of winning:

<i>When You Match Any Winning Number To Both Numbers On Either The “HEADS” Or “TAILS” Side Of A “COIN,” Win Prize Shown Under That Side Of The “COIN.” Win With:</i>	<i>COIN FLIP BONUS:</i>	<i>Win:</i>	<i>Approximate Chances Of Winning Are 1 In:</i>	<i>Approximate No. Of Winners Per 2,400,000 Tickets:</i>
FREE		FREE \$1 TICKET	10	240,000
\$1		\$1	20	120,000
\$1 × 2		\$2	76.92	31,200
\$2		\$2	76.92	31,200
\$2 × 2		\$4	50	48,000
\$4		\$4	50	48,000
\$4 + \$1		\$5	200	12,000
\$5		\$5	200	12,000
\$5 × 2		\$10	2,000	1,200
\$10		\$10	1,250	1,920
(\$5 × 3) + \$10		\$25	1,000	2,400
(\$10 × 2) + \$4 + \$1		\$25	1,000	2,400
(\$10 × 2) + \$5		\$25	1,000	2,400
\$20 + \$4 + \$1		\$25	1,000	2,400
\$20 + \$5		\$25	1,000	2,400
	\$25 w/ COIN FLIP BONUS	\$25	500	4,800
\$25		\$25	1,000	2,400
\$25 × 2		\$50	120,000	20
(\$10 × 2) + \$4 + \$1	\$25 w/ COIN FLIP BONUS	\$50	40,000	60
\$25	\$25 w/ COIN FLIP BONUS	\$50	40,000	60
\$50		\$50	120,000	20
\$50 × 2		\$100	120,000	20
\$25 × 3	\$25 w/ COIN FLIP BONUS	\$100	40,000	60

<i>When You Match Any Winning Number To Both Numbers On Either The "HEADS" Or "TAILS" Side Of A "COIN," Win Prize Shown Under That Side Of The "COIN." Win With:</i>	<i>COIN FLIP BONUS:</i>	<i>Win:</i>	<i>Approximate Chances Of Winning Are 1 In:</i>	<i>Approximate No. Of Winners Per 2,400,000 Tickets:</i>
\$50 + \$20 + \$4 + \$1	\$25 w/ COIN FLIP BONUS	\$100	40,000	60
\$50 + \$25	\$25 w/ COIN FLIP BONUS	\$100	60,000	40
\$100		\$100	120,000	20
\$500		\$500	240,000	10
\$2,500		\$2,500	240,000	10

The "HEADS" or "TAILS" side of each "COIN" are played separately.

COIN FLIP BONUS: When the two numbers on either the "HEADS" or "TAILS" side of a "COIN" add up to 25, win \$25 instantly! COIN FLIP BONUS is played separately.

Prizes, including top prizes, are subject to availability at the time of purchase.

8. *Ticket responsibility:*

(a) A Fast Play lottery game ticket is a bearer document deemed to be owned by the person holding the game ticket, except that if a name is contained on the back of the game ticket, the person named will, for all purposes, be considered the owner of the game ticket.

(b) The holder of a Fast Play lottery game ticket has the sole responsibility for checking the accuracy and condition of the data printed on the game ticket.

(c) The Commonwealth shall not be responsible for a lost or stolen Fast Play lottery game ticket, or for a Fast Play ticket redeemed by a player in error.

9. *Ticket validation and requirements:*

(a) *Valid Fast Play lottery game tickets.* To be a valid Fast Play lottery game ticket, the presented game ticket must meet the following requirements:

(1) The game ticket's bar code shall be present in its entirety.

(2) The game ticket must be intact.

(3) The game ticket may not be mutilated, altered, reconstituted or tampered with.

(4) The game ticket may not be counterfeit or a duplicate of a winning ticket.

(5) The game ticket must have been validly issued.

(6) The game ticket data shall have been recorded on the Lottery Central Computer System and the game ticket data shall match the computer record in every respect.

(7) The game ticket must not be defectively printed or printed or produced in error such that it cannot be processed or validated by the Lottery.

(8) The game ticket must pass other confidential security checks of the Lottery.

(b) *Invalid or defective game tickets:* A game ticket not passing the validation requirements in subsection (a) will be considered invalid and no payment will be made on account of any play recorded thereon. The determination of the Secretary in this regard is final.

10. *Procedures for claiming and payment of prizes:*

(a) A prize may be claimed through an authorized retailer or the Lottery, as provided in this section. A prize must be claimed within 1 year of the sale date of the Fast Play lottery game ticket.

(b) An authorized retailer is authorized to pay prizes of \$2,500 or less. The holder of a game ticket evidencing a winning play representing a prize of \$2,500 or less may be paid by a participating authorized retailer if a proper validation pay ticket was issued by the retailer's Lottery Terminal.

(c) The holder of a game ticket evidencing a winning play representing a prize in excess of \$2,500 may present the game ticket to an authorized retailer, Lottery District Office, or Lottery Headquarters.

(d) The holder of a game ticket evidencing a winning play shall present the ticket, in person, to an authorized retailer, Lottery Headquarters or a Lottery District Office. The retailer or the Lottery will issue payment if:

(1) The game ticket is scanned and the play is validated through the Lottery Terminal or the Lottery Central Computer System;

(2) A claim form is properly and fully completed;

(3) The identification of the claimant is confirmed; and

(4) The winning ticket has not expired, pursuant to this section or section 12 (relating to unclaimed prizes).

(e) The Commonwealth shall not be responsible for a winning play paid in error by an authorized retailer.

(f) In the event a prize described in these rules is not available, the Lottery may either provide a substitute prize, determined by the Secretary to have an equivalent value to the prize won, or make a cash payment to the winner, in an amount determined by the Secretary to have an equivalent value to the prize won.

11. *Funding for prizes:* Moneys will be drawn from the State Lottery Fund, to the extent necessary, to fund the payment of prizes under this section. If this lottery game is terminated for any cause, prize moneys remaining undistributed will remain in the State Lottery Fund and used for purposes otherwise provided for by law.

12. *Unclaimed prizes:* Unclaimed prize money on winning Fast Play lottery game tickets will be retained by the Secretary for payment to the persons entitled thereto

for 1 year from the sale date of the Fast Play lottery game ticket. If no claim is made within 1 year from the sale date of the Fast Play lottery game ticket, the right of a ticket holder to claim the prize represented by that ticket, if any, shall expire.

13. *Purchase and prize restrictions:* A Fast Play lottery game ticket may not be purchased by, and a prize may not be paid, to an officer or employee of the Lottery, Lottery professional services contractors or subcontractors, or to a spouse, child, brother, sister or parent residing in the same household of an officer, employee, contractor or subcontractor who is involved in the production, distribution or operation of systems for the validation or accounting of Fast Play games.

14. *Governing law:*

(a) By purchasing a ticket, the purchaser agrees to comply with and abide by the State Lottery Law (72 P.S. §§ 3761-101—3761-314), this notice, instructions, conditions and final decisions of the Secretary, and procedures established by the Secretary for the conduct of the Fast Play Heads or Tails lottery game.

(b) Decisions made by the Secretary, including the declaration of prizes and the payment thereof, in interpretation of this notice are final and binding on players and persons making a claim in respect thereof.

15. *Retailer compensation:*

(a) Authorized retailers may be entitled to compensation as determined by the Lottery.

(b) No authorized retailer or employee of an authorized retailer shall request, demand, or accept gratuities or any compensation other than as provided in subsection (a) in exchange for the performance of duties authorized pursuant to the Lottery retailer's license without the Lottery's prior written authorization.

16. *Retailer Incentive Programs:* The Lottery may conduct a separate Retailer Incentive Program for retailers who sell Pennsylvania Fast Play Heads or Tails lottery game tickets.

17. *Retailer bonus:* The Lottery may offer a retailer bonus in connection with the sale of Pennsylvania Fast Play 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 Fast Play game ticket is claimed and validated. A bonus will not be awarded to a Lottery retailer that sells a non-winning Pennsylvania Lottery Fast Play game ticket used to enter a Pennsylvania Lottery second-chance drawing or promotion that is subsequently selected to win a prize.

18. *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 Heads or Tails or through normal communications methods.

19. *Applicability:* This notice applies only to the Heads or Tails lottery game announced in this notice.

C. DANIEL HASSELL,
Secretary

[Pa.B. Doc. No. 20-716. Filed for public inspection May 29, 2020, 9:00 a.m.]

DEPARTMENT OF REVENUE

Pennsylvania Shooting Star Fast Play Game 5087

Under the State Lottery Law (72 P.S. §§ 3761-101—3761-314) and 61 Pa. Code § 803.11 (relating to powers and duties of the Secretary of Revenue), the Secretary of Revenue hereby provides public notice of the rules for the following lottery game:

1. *Name:* The name of the lottery game is Pennsylvania Shooting Star (hereinafter "Shooting Star"). The game number is PA-5087.

2. *Definitions:*

(a) *Authorized retailer or retailer:* A person who is properly licensed by the Lottery pursuant to 61 Pa. Code §§ 805.1—805.17.

(b) *Bar code:* The symbology on the ticket containing certain encrypted validation and accounting data used for identifying winning and losing tickets.

(c) *Game Ticket:* A bearer instrument produced through a Lottery Terminal that is the player's record of a play for a Fast Play lottery game and sold by an authorized retailer containing the play and validation data as published in this game notice.

(d) *Lottery Central Computer System:* The computer gaming system on which all Fast Play plays are recorded.

(e) *Lottery Terminal:* A device authorized by the Lottery to function in an interactive mode with the Lottery Central Computer System for the purpose of issuing plays, executing Quick Pick selections, and entering, receiving, and processing lottery transactions, including making purchases, validating plays, transmitting reports, and performing inventory functions.

(f) *Play:* A chance to participate in a particular Fast Play lottery game.

(g) *Play Area:* The area on a ticket, which contains one or more play symbols.

(h) *Play Symbol:* A number, letter, symbol, image or other character found in the play area, which is used to determine whether a player wins a prize.

(i) *Prize:* A non-monetary item, money, or experience that can be won as specified in section 6 (relating to prizes available to be won and determination of prize winners) of this game notice.

(j) *STAR MULTIPLIER:* The area on a ticket that contains either a 1X or a 3X multiplier symbol that is applied to any winning combination.

(k) *WINNING NUMBERS:* The numbers, letters, symbols or other characters found in the play area that, when

matched against the "YOUR NUMBERS" play symbols, determine whether a player wins a prize.

(l) *Winning ticket*: A game ticket which has been validated and qualifies for a prize.

(m) *YOUR NUMBERS*: The numbers, letters, symbols or other characters found in the play area that, when matched against the "WINNING NUMBERS" play symbols, determine whether a player wins a prize.

3. *Price*: The price of a Shooting Star ticket is \$5.

4. *Description of the Shooting Star Fast Play lottery game*:

(a) The Shooting Star lottery game is an instant win game printed from a Lottery Terminal. All prizes are predetermined, and the player does not have the ability to select their own play symbols. Shooting Star tickets may be purchased from an authorized retailer or at a Lottery self-service terminal that sells terminal-based Lottery game tickets. Tickets purchased from an authorized retailer shall be printed on-demand at the time of purchase and may not be preprinted by the retailer.

(b) Shooting Star is played by matching any of the play symbols in the "YOUR NUMBERS" area to any of the play symbols located in the "WINNING NUMBERS" area. A player matching play symbols in this manner will win the prize shown under the matching "YOUR NUMBERS" play symbol. A bet slip is not used to play this game.

(c) Shooting Star tickets contain a "STAR MULTIPLIER" area. When a 3X symbol appears in the "STAR MULTIPLIER" area, triple any prize won in the "YOUR NUMBERS" area. When a 1X symbol appears in the "STAR MULTIPLIER" area, any prize won in the "YOUR NUMBERS" area is not multiplied.

(d) Players can win the prizes identified in section 6 (relating to prizes available to be won and determination of prize winners).

(e) A Shooting Star game ticket cannot be canceled or voided once printed by the Lottery Terminal, even if printed in error.

(f) To purchase a ticket at an authorized retailer, a player must remit the purchase price to the retailer and verbally request a Shooting Star game ticket. The ticket shall be the only valid proof of the bet placed and the only valid receipt for claiming a prize.

(g) To purchase a ticket at a Pennsylvania Lottery self-service terminal, the player must insert into the self-service terminal a dollar amount equal to the total purchase price of a Shooting Star game ticket and select the Shooting Star option on the Lottery self-service terminal. The ticket shall be the only valid proof of the bet placed and the only valid receipt for claiming a prize.

5. *Shooting Star ticket characteristics*:

(a) A Shooting Star ticket shall contain a play area, the cost of the play, the date of sale, and a bar code.

(b) *Play Symbols*: Each Shooting Star ticket play area will contain a "WINNING NUMBERS" area and a "YOUR NUMBERS" area. The play symbols located in the "WINNING NUMBERS" and "YOUR NUMBERS" areas are: 1 (ONE), 2 (TWO), 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 located in the "STAR MULTIPLIER" area are: 1X symbol and a 3X symbol.

(c) *Prize Symbols*: The prize symbols and their captions located in the "YOUR NUMBERS" area are: \$5 (FIV DOL), \$10 (TEN DOL), \$15 (FIFTEEN), \$20 (TWENTY), \$25 (TWY FIV), \$30 (THIRTY), \$40 (FORTY), \$50 (FIFTY), \$60 (SIXTY), \$100 (ONE HUN), \$150 (ONEHUNFTY), \$500 (FIV HUN), \$1,000 (ONE THO), \$3,000 (THR THO) and \$50,000 (FTY THO).

(d) *Prizes*: The prizes that can be won in this game are: \$5, \$10, \$15, \$20, \$25, \$30, \$40, \$50, \$60, \$100, \$150, \$500, \$1,000, \$3,000 and \$50,000. A player can win up to 12 times on a ticket.

(e) *Approximate number of tickets available for the game*: Approximately 2,400,000 tickets will be available for sale for the Shooting Star lottery game.

6. *Prizes available to be won and determination of prize winners*:

(a) All Shooting Star prize payments will be made as one-time, lump-sum cash payments.

(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 \$50,000 (FTY THO) appears in the "Prize" area under the matching "YOUR NUMBERS" play symbol, and a 1X symbol appears in the "STAR MULTIPLIER" area, on a single ticket, shall be entitled to a prize of \$50,000.

(c) 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 \$3,000 (THR THO) appears in the "Prize" area under the matching "YOUR NUMBERS" play symbol, and a 1X symbol appears in the "STAR MULTIPLIER" area, on a single ticket, shall be entitled to a prize of \$3,000.

(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 \$500 (FIV HUN) appears in the "Prize" area under the matching "YOUR NUMBERS" play symbol, and a 3X symbol appears in the "STAR MULTIPLIER" area, on a single ticket, shall be entitled to a prize of \$1,500.

(e) 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, and a 1X symbol appears in the "STAR MULTIPLIER" area, on a single ticket, shall be entitled to a prize of \$1,000.

(f) 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 \$500 (FIV HUN) appears in the "Prize" area under the matching "YOUR NUMBERS" play symbol, and a 1X symbol appears in the "STAR MULTIPLIER" area, 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 any of the "WINNING NUMBERS" play symbols and a prize symbol of \$150 (ONEHUNFTY) appears in the "Prize" area under the matching "YOUR NUMBERS" play symbol, and a 3X symbol appears in the "STAR MULTIPLIER" area, on a single ticket, shall be entitled to a prize of \$450.

<i>When Any Of YOUR NUMBERS Match Any WINNING NUMBER, Win Prize Shown Under The Matching Number. Win With:</i>	<i>STAR MULTIPLIER:</i>	<i>Win:</i>	<i>Approximate Chances Of Winning Are 1 In:</i>	<i>Approximate No. Of Winners Per 2,400,000 Tickets:</i>
\$5		\$5	7.69	312,000
\$5 × 2		\$10	33.33	72,000
\$10		\$10	33.33	72,000
\$10 + \$5		\$15	200	12,000
\$5	3X	\$15	28.57	84,000
\$15		\$15	200	12,000
\$5 × 5		\$25	250	9,600
\$15 + \$10		\$25	250	9,600
\$25		\$25	333.33	7,200
\$5 × 2	3X	\$30	125	19,200
\$10	3X	\$30	125	19,200
\$10 × 4		\$40	1,000	2,400
(\$15 × 2) + (\$5 × 2)		\$40	1,000	2,400
\$30 + \$10		\$40	1,000	2,400
\$40		\$40	1,000	2,400
\$5 × 4	3X	\$60	2,000	1,200
\$10 × 2	3X	\$60	2,000	1,200
\$15 + \$5	3X	\$60	2,000	1,200
\$60		\$60	2,000	1,200
\$50 × 2		\$100	6,000	400
(\$15 × 2) + (\$10 × 4) + (\$5 × 6)		\$100	6,000	400
(\$25 × 2) + \$50		\$100	6,000	400
\$60 + \$30 + \$10		\$100	6,000	400
\$100		\$100	6,000	400
\$25 × 2	3X	\$150	4,800	500
(\$10 × 3) + \$20	3X	\$150	6,000	400
(\$20 × 2) + (\$5 × 2)	3X	\$150	6,000	400
\$50	3X	\$150	6,000	400
\$50 × 2	3X	\$300	12,000	200
(\$10 × 3) + (\$5 × 3) + \$30 + \$25	3X	\$300	12,000	200
(\$15 × 2) + (\$10 × 4) + (\$5 × 6)	3X	\$300	12,000	200
(\$25 × 2) + \$50	3X	\$300	12,000	200
\$100	3X	\$300	12,000	200
\$500 × 2		\$1,000	120,000	20
(\$150 × 2) + (\$100 × 4) + (\$60 × 3) + (\$40 × 3)		\$1,000	60,000	40
\$1,000		\$1,000	120,000	20
\$500 × 2	3X	\$3,000	240,000	10
(\$150 × 2) + (\$100 × 5) + (\$50 × 3) + (\$25 × 2)	3X	\$3,000	240,000	10
\$3,000		\$3,000	240,000	10
\$50,000		\$50,000	240,000	10

STAR MULTIPLIER: When a 3X symbol appears in the STAR MULTIPLIER area, TRIPLE any prize won in the play area above.

Prizes, including top prizes, are subject to availability at the time of purchase.

8. *Ticket responsibility:*

(a) A Fast Play lottery game ticket is a bearer document deemed to be owned by the person holding the game ticket, except that if a name is contained on the back of the game ticket, the person named will, for all purposes, be considered the owner of the game ticket.

(b) The holder of a Fast Play lottery game ticket has the sole responsibility for checking the accuracy and condition of the data printed on the game ticket.

(c) The Commonwealth shall not be responsible for a lost or stolen Fast Play lottery game ticket, or for a Fast Play ticket redeemed by a player in error.

9. *Ticket validation and requirements:*

(a) *Valid Fast Play lottery game tickets.* To be a valid Fast Play lottery game ticket, the presented game ticket must meet the following requirements:

(1) The game ticket's bar code shall be present in its entirety.

(2) The game ticket must be intact.

(3) The game ticket may not be mutilated, altered, reconstituted or tampered with.

(4) The game ticket may not be counterfeit or a duplicate of a winning ticket.

(5) The game ticket must have been validly issued.

(6) The game ticket data shall have been recorded on the Lottery Central Computer System and the game ticket data shall match the computer record in every respect.

(7) The game ticket must not be defectively printed or printed or produced in error such that it cannot be processed or validated by the Lottery.

(8) The game ticket must pass other confidential security checks of the Lottery.

(b) *Invalid or defective game tickets:* A game ticket not passing the validation requirements in subsection (a) will be considered invalid and no payment will be made on account of any play recorded thereon. The determination of the Secretary in this regard is final.

10. *Procedures for claiming and payment of prizes:*

(a) A prize may be claimed through an authorized retailer or the Lottery, as provided in this section. A prize must be claimed within 1 year of the sale date of the Fast Play lottery game ticket.

(b) An authorized retailer is authorized to pay prizes of \$2,500 or less. The holder of a game ticket evidencing a winning play representing a prize of \$2,500 or less may be paid by a participating authorized retailer if a proper validation pay ticket was issued by the retailer's Lottery Terminal.

(c) The holder of a game ticket evidencing a winning play representing a prize in excess of \$2,500 may present the game ticket to an authorized retailer, Lottery District Office, or Lottery Headquarters.

(d) The holder of a game ticket evidencing a winning play shall present the ticket, in person, to an authorized retailer, Lottery Headquarters or a Lottery District Office. The retailer or the Lottery will issue payment if:

(1) The game ticket is scanned and the play is validated through the Lottery Terminal or the Lottery Central Computer System;

(2) A claim form is properly and fully completed;

(3) The identification of the claimant is confirmed; and

(4) The winning ticket has not expired, pursuant to this section or section 12 (relating to unclaimed prizes).

(e) The Commonwealth shall not be responsible for a winning play paid in error by an authorized retailer.

(f) In the event a prize described in these rules is not available, the Lottery may either provide a substitute prize, determined by the Secretary to have an equivalent value to the prize won, or make a cash payment to the winner, in an amount determined by the Secretary to have an equivalent value to the prize won.

11. *Funding for prizes:* Moneys will be drawn from the State Lottery Fund, to the extent necessary, to fund the payment of prizes under this section. If this lottery game is terminated for any cause, prize moneys remaining undistributed will remain in the State Lottery Fund and used for purposes otherwise provided for by law.

12. *Unclaimed prizes:* Unclaimed prize money on winning Fast Play lottery game tickets will be retained by the Secretary for payment to the persons entitled thereto for 1 year from the sale date of the Fast Play lottery game ticket. If no claim is made within 1 year from the sale date of the Fast Play lottery game ticket, the right of a ticket holder to claim the prize represented by that ticket, if any, shall expire.

13. *Purchase and prize restrictions:* A Fast Play lottery game ticket may not be purchased by, and a prize may not be paid, to an officer or employee of the Lottery, Lottery professional services contractors or subcontractors, or to a spouse, child, brother, sister or parent residing in the same household of an officer, employee, contractor or subcontractor who is involved in the production, distribution or operation of systems for the validation or accounting of Fast Play games.

14. *Governing law:*

(a) By purchasing a ticket, the purchaser agrees to comply with and abide by the State Lottery Law (72 P.S. §§ 3761-101—3761-314), this notice, instructions, conditions and final decisions of the Secretary, and procedures established by the Secretary for the conduct of the Fast Play Shooting Star lottery game.

(b) Decisions made by the Secretary, including the declaration of prizes and the payment thereof, in interpretation of this notice are final and binding on players and persons making a claim in respect thereof.

15. *Retailer compensation:*

(a) Authorized retailers may be entitled to compensation as determined by the Lottery.

(b) No authorized retailer or employee of an authorized retailer shall request, demand, or accept gratuities or any compensation other than as provided in subsection (a) in exchange for the performance of duties authorized pursuant to the Lottery retailer's license without the Lottery's prior written authorization.

16. *Retailer Incentive Programs:* The Lottery may conduct a separate Retailer Incentive Program for retailers who sell Pennsylvania Fast Play Shooting Star lottery game tickets.

17. *Retailer bonus:* The Lottery may offer a retailer bonus in connection with the sale of Pennsylvania Fast Play 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 Fast Play game ticket is claimed and validated. A bonus will not be awarded to a Lottery retailer that sells a non-winning Pennsylvania Lottery Fast Play game ticket used to enter a Pennsylvania Lottery second-chance drawing or promotion that is subsequently selected to win a prize.

18. *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 Shooting Star or through normal communications methods.

19. *Applicability:* This notice applies only to the Shooting Star lottery game announced in this notice.

C. DANIEL HASSELL,
Secretary

[Pa.B. Doc. No. 20-717. Filed for public inspection May 29, 2020, 9:00 a.m.]

DEPARTMENT OF TRANSPORTATION

Automated Red Light Enforcement Transportation Enhancement Grants Program Applications

Under 67 Pa. Code Chapter 233 (relating to transportation enhancement grants from automated red light enforcement system revenues), the Department of Transportation (Department) is inviting city, county and municipal governments and other local boards or bodies with authority to enact laws relating to traffic in this Commonwealth to submit applications in accordance with the parameters delineated in 67 Pa. Code Chapter 233. Applications will be accepted from June 1, 2020, to July 1, 2020.

Additional guidance and information can be found on the Department's Traffic Signal Resource Portal at <http://www.dot.state.pa.us/signals>, including a link to the online application. Supporting documents may be attached to the online application. Only the online application and supporting documents attached to the online application will be considered. Paper copies are not required.

Questions related to the Automated Red Light Enforcement Transportation Enhancement Grants Program may

be directed to Stephen Gault, PE, PTOE, Bureau of Maintenance and Operations, 400 North Street, 6th Floor, Harrisburg, PA 17120, (717) 787-6988, ARLE@pa.gov.

YASSMIN GRAMIAN,
Acting Secretary

[Pa.B. Doc. No. 20-718. Filed for public inspection May 29, 2020, 9:00 a.m.]

DEPARTMENT OF TRANSPORTATION

Operational Automated Speed Enforcement System under 75 Pa.C.S. § 3370

The Acting Secretary of the Department of Transportation is hereby providing notice that automated speed enforcement systems are operational on United States Route 1 (Roosevelt Boulevard) between Ninth Street and the Philadelphia County line shared with Bucks County under 75 Pa.C.S. § 3370 (relating to pilot program for automated speed enforcement system on designated highway).

Questions related to the program may be directed to CWech@philapark.org.

YASSMIN GRAMIAN,
Acting Secretary

[Pa.B. Doc. No. 20-719. Filed for public inspection May 29, 2020, 9:00 a.m.]

DEPARTMENT OF TRANSPORTATION

Public-Private Partnerships Board Meeting and Virtual Meeting

The Public-Private Partnerships Board will hold a meeting on June 17, 2020, from 10 a.m. to 12 p.m. in the KBMC Forest Room, Plaza Level, Keystone Building, Harrisburg, PA and by means of Skype. For more information, contact Maddie Vergos, (717) 787-3154, mvergos@pa.gov.

YASSMIN GRAMIAN,
Acting Secretary

[Pa.B. Doc. No. 20-720. Filed for public inspection May 29, 2020, 9:00 a.m.]

ENVIRONMENTAL QUALITY BOARD

Virtual Meeting

In accordance with Governor Tom Wolf's emergency disaster declaration and based on advice from the Department of Health regarding the mitigation of the spread of the novel coronavirus (COVID-19), the Environmental Quality Board (Board) meeting scheduled for Tuesday, June 16, 2020, will be held as a virtual meeting and will begin at 9 a.m. Individuals who wish to join the meeting may do so remotely.

Information on how to join the meeting, as well as agenda and meeting materials, will be available on the Board's webpage, found through the Public Participation tab on the Department of Environmental Protection's (Department) web site at www.dep.pa.gov (select "Public Participation," then "Environmental Quality Board," then "2020 Meetings").

Individuals are encouraged to visit the Board's webpage to confirm meeting date, time and location prior to each meeting. Questions concerning the June 16, 2020, meeting can be directed to Laura Edinger at ledinger@pa.gov or (717) 783-8727.

Persons in need of accommodations as provided for in the Americans with Disabilities Act of 1990 should contact Laura Edinger at (717) 783-8727 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,
Chairperson

[Pa.B. Doc. No. 20-721. Filed for public inspection May 29, 2020, 9:00 a.m.]

INDEPENDENT REGULATORY REVIEW COMMISSION

Notice of Comments Issued

Section 5(g) of the Regulatory Review Act (71 P.S. § 745.5(g)) provides that the Independent Regulatory Review Commission (Commission) may issue comments within 30 days of the close of the public comment period. The Commission comments are based upon the criteria contained in section 5.2 of the Regulatory Review Act (71 P.S. § 745.5b).

The Commission has issued comments on the following proposed regulation. The agency must consider these comments in preparing the final-form regulation. The final-form regulation must be submitted within 2 years of the close of the public comment period or it will be deemed withdrawn.

<i>Reg. No.</i>	<i>Agency/Title</i>	<i>Close of the Public Comment Period</i>	<i>IRRC Comments Issued</i>
54-101	Pennsylvania Liquor Control Board Cleaning of Malt or Brewed Beverage Dispensing Systems 50 Pa.B. 1650 (March 21, 2020)	4/20/20	5/19/20

**Pennsylvania Liquor Control Board
Regulation # 54-101
(IRRC # 3255)**

Cleaning of Malt or Brewed Beverage Dispensing Systems

May 19, 2020

We submit for your consideration the following comments on the proposed rulemaking published in the March 21, 2020 *Pennsylvania Bulletin*. Our comments are based on criteria in Section 5.2 of the Regulatory Review Act (RRA) (71 P.S. § 745.5b). Section 5.1(a) of the RRA (71 P.S. § 745.5a(a)) directs the Pennsylvania Liquor Control Board (Board) to respond to all comments received from us or any other source.

1. Section 5.51. Cleaning of malt or brewed beverage dispensing systems.—Protection of the public health, safety and welfare.

Subsection (c) changes the frequency of required cleaning of malt or brewed beverage dispensing systems from once every seven days to once every 14 days. While the PA State Police Bureau of Liquor Control Enforcement (Bureau), the agency responsible for enforcing the Board's regulations, supports the proposed change, the Bureau asks the Board to evaluate the public safety aspect and consider a more comprehensive change to the final regulation. The Bureau states that "the timeframes between cleanings and the methodology used for such cleanings are important. . . ." The Bureau cites examples of the need to disassemble and hand scrub certain parts and other specific cleanings that are recommended quarterly and semi-annually. Is there a need to provide specific cleaning requirements as a result of lengthening the timeframe for cleaning a dispensing system? We ask the Board to

explain how the timeframes and cleaning requirements in the final regulation adequately protect the public health, safety and welfare.

2. Miscellaneous clarity.

The Board states in response to Regulatory Analysis Form (RAF) Question # 19, regarding costs and/or savings to the regulated community, that dollar estimates are not available. However, the Board provides an estimate of the costs and savings of the regulation in response to RAF Question # 23. We ask the Board to update its response to RAF Question # 19 in the final regulation.

GEORGE D. BEDWICK,
Chairperson

[Pa.B. Doc. No. 20-722. Filed for public inspection May 29, 2020, 9:00 a.m.]

INSURANCE DEPARTMENT

Underground Storage Tank Indemnification Fund Board Virtual Quarterly Meeting

Under section 703(f) of the Storage Tank and Spill Prevention Act (35 P.S. § 6021.703(f)), the Underground Storage Tank Indemnification Fund Board (Board) is required to meet at least quarterly.

As a result of Governor Tom Wolf's restrictions due to the novel coronavirus (COVID-19) pandemic, the 2nd quarter meeting of the Board will be held virtually on Thursday, June 11, 2020, at 10 a.m.

Individuals can join the online meeting at <https://meet.lync.com/pagov/lslymaker/M77MVUDR>.

Individuals can join by calling +1 (267) 332-8737. The dial-in number is 939060246#.

Acknowledgement of this notice is not required.

JESSICA K. ALTMAN,
Insurance Commissioner

[Pa.B. Doc. No. 20-723. Filed for public inspection May 29, 2020, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Petition of Viasat Carrier Services, Inc. for Designation as an Eligible Telecommunications Carrier

Public Meeting held
April 30, 2020

Commissioners Present: Gladys M. Brown Dutrieuille, Chairperson; David W. Sweet, Vice Chairperson; John F. Coleman, Jr.; Ralph V. Yanora

Petition of Viasat Carrier Services, Inc. for Designation as an Eligible Telecommunications Carrier; P-2018-3004983

Order

By the Commission:

Before the Pennsylvania Public Utility Commission (Commission) for disposition is the September 27, 2018 Petition of Viasat Carrier Services, Inc. (“VCS” or “Company”), as supplemented, in which it is seeking designation as an Eligible Telecommunications Carrier (ETC) in the Commonwealth of Pennsylvania for the purpose of receiving federal Universal Service Fund (USF) high-cost support, pursuant to Section 214(e)(2) of the Communications Act of 1934, as amended (Act), 47 U.S.C. § 214(e)(2), and Sections 54.201 and 54.202 of the Federal Communications Commission’s (FCC) regulations, 47 C.F.R. §§ 52.101 and 54.202, and 52 Pa. Code § 69.2501.

The Connect America Fund (CAF)—a part of the federal Universal Service High-Cost program—is an FCC program designed to expand access to voice and broadband services for areas where they are unavailable. Through CAF Phase II, the FCC provides funding to service providers to support the cost of building new network infrastructure or performing network upgrades to provide voice and broadband access services in areas where they are lacking. VCS’s parent company, Viasat, Inc. (Viasat), was selected as a winning bidder for certain eligible areas in Pennsylvania via the FCC’s CAF Phase II Auction (Auction 903) in order to provide voice and broadband access services to identified locations.¹

Obtaining a designation as a federal high-cost ETC from the Commission would qualify VCS to become eligible to receive the federal high-cost support funding from Auction 903 in any area where it was awarded a

winning bid.² As such, VCS is required to certify to the FCC that it is has received designation as an ETC in all of the eligible census blocks in Pennsylvania for which VCS was awarded Auction 903 support. Accordingly, in its Petition for ETC Designation (Petition), VCS states that it is seeking designation as a high-cost ETC only in the specific CAF-eligible census blocks for which it was awarded funding.³ VCS has identified these specific CAF-eligible census blocks in Exhibit A to the Petition, which we have replicated in Appendix A to this Order, and which we hereafter refer to as VCS’s proposed “Designated Service Area.” Specifically, VCS is seeking ETC designation to provide CAF Phase II-funded voice and broadband access services to 45,100 eligible locations in 1,287 discrete census blocks located within Pennsylvania’s sixty-seven counties.⁴ Additionally, VCS has identified the pertinent local exchanges where these CAF-eligible census blocks are located, which we have replicated in Appendix B to this Order.

Notice of VCS’s Petition was published in the *Pennsylvania Bulletin* at 48 Pa.B. 6760 on October 20, 2018. No comments were filed in response to VCS’s Petition. VCS also filed supplements to its Petition that set forth other additional pertinent information.⁵ We have reviewed VCS’s Petition, as supplemented, to determine whether it meets the statutory criteria and applicable minimum standards necessary under federal and state law to obtain an ETC designation. We hereby conclude that it is in the public interest that VCS be designated an ETC for purposes of receiving Auction 903 high-cost support in the eligible census blocks where it submitted a winning bid to deploy and maintain networks capable of providing voice and broadband access services and also to provide Lifeline service to qualifying low-income customers or households in those same census blocks. Specifically, VCS will be required to offer Lifeline services to qualified eligible low-income customers or households, subject to the conditions stated by this Order, and shall comply with all applicable Lifeline reporting, annual recertification, and other requirements as they currently exist or may come to exist under federal and/or state law.

Accordingly, VCS’s Petition is hereby approved under the applicable federal statutory criteria and other relevant federal and Pennsylvania law. Concomitantly, as a condition of receiving this ETC designation to receive federal high-cost support, VCS must also participate in the federal Lifeline program and is required to offer Lifeline service to qualified low-income eligible customers or households only in its Designated Service Area in accordance with applicable federal and Pennsylvania law.

² The FCC made eligible for Auction 903 certain high-cost census blocks in states where the price cap carriers had declined an earlier offer of model-based support in CAF Phase I, Part 2 and in other unserved areas nationwide (excluding New York, Alaska, Puerto Rico, and the Virgin Islands) that were not served by an unsubsidized service provider. It was through this competitive bidding process that Viasat was a winning bidder in certain high-cost census blocks located in the service territories of Pennsylvania’s Verizon Pennsylvania, LLC, Verizon North, LLC as these companies had declined an earlier offer of CAF Phase II model-based support and also includes other areas that are not served by the incumbent price cap carrier or an unsubsidized service provider with broadband at speeds of 10/1 Mbps or higher (based on December 2016 FCC Form 477 data).

³ It is in these federally-funded census blocks that VCS is seeking federal high-cost ETC designation and will be offering voice and broadband access services under federal law consistent with the FCC’s public interest obligations.

⁴ See Appendix A.

⁵ VCS filed supplements in response to Staff inquiries and data requests on January 30, 2019, April 23, 2019, May 2, 2019, September 17, 2019, October 1, 2019, October 17, 2019, February 3, 2020, February 19, 2020, March 17, 2020, April 14, 2020 and April 27, 2020. Some of these supplements contained material marked confidential. While our deliberation is based on all information submitted in all supplements, this instant Order does not contain any Confidential or Proprietary Information submitted by VCS.

¹ Viasat was a winning bidder in 20 states.

Background

A. FCC and State ETC Orders

In its 1997 Universal Service Order, the FCC established minimum requirements necessary for a telecommunications carrier to be designated an ETC, and thus, eligible to receive federal universal service high-cost support from the federal USF.⁶ In 2005, pursuant to Section 214(e)(6) of the Act, 47 U.S.C. § 214(e)(6), and consistent with the recommendations of the Federal-State Joint Board on Universal Service (Joint Board), the FCC addressed these minimum requirements and adopted additional mandatory requirements for ETC designation proceedings.⁷ Additionally, as recommended by the Joint Board, the FCC encouraged states that exercise jurisdiction over ETC designations pursuant to Section 214(e)(2) of the Act, to adopt these same requirements when deciding whether they should designate a common carrier as an ETC.⁸ Accordingly, in order to provide consistent standards and to obtain the complete and necessary information necessary when reviewing future petitions for ETC designation and annual ETC recertifications, the Commission adopted the FCC's statutorily prescribed requirements for ETC designations and set forth additional Pennsylvania-specific standards as guidelines for all ETC applicants over which it exercises jurisdiction.⁹ The Commission codified these guidelines at 52 Pa. Code § 69.2501 (ETC Guidelines).

In its 2011 USF/ICC Transformation Order, the FCC comprehensively reformed the federal USF mechanism to accelerate broadband build-out to the 18 million Americans living across the nation in rural areas who were receiving voice service but lacked access to robust broadband infrastructure and service.¹⁰ Specifically, the FCC concluded that it should adopt high-cost support for broadband-capable networks as an express universal service principle under Section 254(b) of the Act, 47 U.S.C. § 254(b).¹¹ Additionally, for the first time, the FCC set specific performance goals for the high-cost component of the federal USF to ensure the reforms are achieving their intended purposes.¹² Accordingly, the FCC revamped the purpose of the Universal Service High-Cost program of the federal USF to expand access to both voice and broadband access services by supporting networks capable of providing those services and requiring certain support recipients to provide those services in geographic areas that were clearly unserved or underserved by unsubsidized service providers of broadband access services.¹³

Concomitant with this repurposing of the six pre-existing programs in the federal USF High-Cost Fund that supported voice services, there was also a renaming of the High-Cost program to the Connect America Fund or CAF.¹⁴ The CAF was rolled-out in different phases.¹⁵ Up through the CAF Phase II Auction 903, the FCC,

through the CAF, provided funding to federal price cap incumbent local exchange carriers (ILECs) to support the cost of building new network infrastructure or performing network upgrades to continue to provide voice and, in addition, retail broadband access services in areas where they were lacking.

In 2018, as a part of CAF Phase II, Part II, the FCC conducted Auction 903 to allocate Phase II support to a certain number of locations in eligible census block groups (CBGs) across the United States, including areas in Pennsylvania where certain federal price cap ILECs had declined to receive the model-based high-cost support that had been previously offered by the FCC.¹⁶ Auction 903 ran from July 24, 2018 to August 21, 2018 and awarded up to \$198 million annually for 10 years to all service providers that had committed to provide voice and fixed broadband access services to specific locations in unserved high-cost areas, including areas in Pennsylvania.¹⁷ As a result of Auction 903, some homes and businesses would have voice as well as broadband Internet access services (BIAS) available with download speeds of at least 100 Mbps.¹⁸ Others would have voice and gigabit (Gbps) service available.¹⁹ And lastly, the remaining locations would have voice as well as at least 25 Mbps download service available.²⁰

Concomitantly, in order to continue the mission of assisting qualifying low-income Americans to get and stay connected in today's technological climate, while at the same time relieving some of the burden on the entities providing this service, the FCC also had begun restructuring the federal USF Lifeline program.²¹ In its 2012 Lifeline Reform Order, the FCC eliminated the previous system of tiered support and set an interim funding rate of \$9.25 per month and per eligible subscriber or household effective May 1, 2012.²² The FCC has issued three later Lifeline reform orders establishing a number of additional enhancements to the federal Lifeline Program, further connecting low-income Americans to voice services and, now, broadband access.²³

B. VCS's Petition and Supplements

On August 28, 2018, the FCC announced that Viasat had been awarded federal high-cost support funding from Auction 903 in certain designated CAF-eligible census blocks located throughout the Commonwealth of Pennsylvania. As a winning bidder, along with providing voice services, Viasat must also offer broadband access services at a speed of at least 25 Mbps downstream and 3 Mbps

¹⁶ See Public Notice, Connect America Fund Phase II Auction Closes Winning Bidders Announced FCC Form 683 Due October 15, 2018, AU Docket No. 17-182 and WC Docket No. 10-90 (rel. August 28, 2018) (CAF Auction Results Notice), <https://www.fcc.gov/auction/903>.

¹⁷ Id.

¹⁸ Id.

¹⁹ Id.

²⁰ Id.

²¹ Lifeline and Link Up Reform and Modernization, et al., Report and Order and Further Notice of Proposed Rulemaking, 27 FCC Red 6656 (2012) (2012 Lifeline Reform Order or Lifeline FNPRM).

²² Currently, federal rules limit Lifeline funding support to \$7.25 per month per subscriber for voice services. The Lifeline subscriber's \$7.25 support is applicable to broadband access service a Lifeline consumer may choose to purchase but subscribers cannot receive the \$7.25 support separately for each service. However, Lifeline also supports broadband access and voice bundles so consumers choosing a bundled package containing voice and broadband access service can apply the \$7.25 monthly support to that bundle.

²³ Lifeline and Link Up Reform and Modernization et al., Second Further Notice of Proposed Rulemaking, Order on Reconsideration, Second Report and Order, and Memorandum Opinion and Order, 30 FCC Red 7818 (2015) (2015 Lifeline FNPRM); Lifeline and Link Up Reform and Modernization et al., Third Report and Order, Further Report and Order, and Order on Reconsideration, 31 FCC Red 3962, 4038, para. 211 (2016) (2016 Lifeline Modernization Order); Fourth Report and Order, Order on Reconsideration, Memorandum Opinion and Order, Notice of Proposed Rulemaking, and Notice of Inquiry, 32 Red 10475 (2017), vacated and remanded, *National Lifeline Association et al. v. FCC*, Docket Nos. 18-1026, Order issued February 1, 2019 (D.C. Cir. 2019) (2017 Lifeline NPRM and NOI) (collectively Lifeline Reform Orders).

⁶ See Federal-State Joint Board on Universal Service, First Report and Order, 12 FCC Red 8776, 8847-76, paras. 130—180 (1997) (Universal Service Order).

⁷ See Federal-State Joint Board on Universal Service, Report and Order, 20 FCC Red 6371, 6372, 6380, paras. 2, 20 (2005) (2005 ETC Designation Order).

⁸ See 2005 ETC Designation Order, 20 FCC Red at 6372, 6380, paras 1, 20.

⁹ Final Policy Statement on Commonwealth of Pennsylvania Guidelines for Designation and Annual Recertification as an Eligible Telecommunications Carrier (ETC) for Purposes of Federal Universal Service Support, Docket No. M-2010-2164741 (Order entered August 2, 2010) (ETC Guidelines Order).

¹⁰ In the Matter of Connect America Fund, Report and Order and Further Notice of Proposed Rulemaking, 26 FCC Red 17663 (2011), aff'd sub nom In re FCC 11-161, 753 F.3d 1015 (10th Cir. 2014) (USF/ICC Transformation Order). The FCC, inter alia, adopted rules that modernized and refocused the federal USF to make affordable broadband access available to all Americans and an inherent part of the universal service concept.

¹¹ See USF/ICC Transformation Order, 26 FCC Red at 17672, para. 17.

¹² Id.

¹³ Id. at 17673, paras. 19—25.

¹⁴ Id. at 17673, para. 20.

¹⁵ Id. at 17673, paras 22-23.

upstream (25/3 Mbps).²⁴ In accordance with Auction 903 rules and procedures, Viasat assigned all of its winning bids in Pennsylvania to its wholly-owned subsidiary, VCS.²⁵ In the instant Petition, VCS has requested ETC designation in only the 1,287 specific census blocks where it had submitted a successful bid in Auction 903 and had been awarded CAF Phase II high-cost funding support by the FCC. See Appendix A. The Commission has engaged in detailed analysis of the Petition and supplemental information²⁶ that was provided by VCS to ensure consistency with federal and state law.

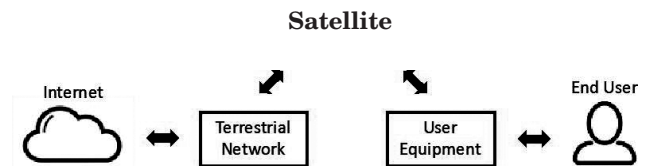
VCS is a Delaware corporation headquartered at 6155 El Camino Real, Carlsbad, California 92009.²⁷ VCS stated that it has received the requisite authority from the Pennsylvania Department of State to do business in Pennsylvania as a foreign corporation.²⁸ In its Petition, VCS stated that it is a wholly-owned subsidiary of Viasat, a Delaware corporation also headquartered at 6155 El Camino Real, Carlsbad, California 92009.²⁹ VCS stated that its parent company, Viasat, currently provides voice telecommunications service via Internet Protocol (IP) technology or interconnected Voice-over-Internet Protocol (VoIP) service and BIAS to customers in all fifty states and the District of Columbia.³⁰ VCS added that Viasat's end-to-end platform of high capacity Ka-band satellites, ground infrastructure and user terminals enables Viasat to provide cost-effective, high-speed, high-quality broadband solutions to enterprises, consumers and government users around the globe.³¹ VCS further pointed out that Viasat develops and provides advanced wireless communications systems, secure networking systems and cybersecurity and information assurance products and services.³² VCS indicated that it will rely on the significant managerial and technical expertise of Viasat to provide the CAF-funded supported services to consumers in Pennsylvania.³³

VCS stated that Viasat's satellite networks utilize geostationary-satellite orbit (GSO) satellite technologies.³⁴ VCS stated that Viasat had previously deployed several consumer broadband networks, starting with the WildBlue-1 network, which was deployed in 2005 and has operated continuously since that time.³⁵ VCS further indicated that in 2011, Viasat deployed the VCS-1 satellite network, which Viasat has used to provide high-speed, high-quality broadband access services to consumers and other end users.³⁶ Additionally, in 2017, Viasat deployed the VCS-2 satellite network, which commenced service in April 2018.³⁷ VCS noted further that Viasat has a new satellite under construction and ready for launch in the 2020 timeframe, Viasat-3, which will allow VCS to offer even higher speeds of broadband access service and more capacity than Viasat-2.³⁸ VCS stated that Viasat's

satellite networks support BIAS, video streaming, and VoIP service, among other applications.³⁹

VCS also stated that last-mile connectivity is provided to end users through GSO user terminals that communicate directly with Viasat's satellites.⁴⁰ VCS further indicated that Viasat's satellites also connect to satellite access nodes (SANs) that are located on the ground and interconnect with the Internet, the public switched telecommunications network (PSTN), and other terrestrial networks using leased fiber optic links.⁴¹ VCS stated further that it will outsource technical, billing, installation, and customer service matters to Viasat as doing so is more efficient and cost-effective than creating duplicative functions.⁴²

As noted above, VCS has stated that it will use Viasat's existing GSO network architecture to provide its interconnected VoIP service and BIAS to consumers in Pennsylvania.⁴³ VCS explained that the satellite network is comprised of three principal segments: (i) a space segment consisting of communications links between the satellites and associated ground facilities (which in turn connect to VCS's terrestrial network); (ii) a terrestrial network consisting of terrestrial data, management and control functions, and interconnection to the Internet; and (iii) a user segment, consisting of links between VCS's satellites and the end user equipment.⁴⁴



1. Space Segment

The space segment consists of the communication links between Viasat's GSO satellites located in space and gateway earth stations or SANs located on the ground.⁴⁵ As noted above, Viasat currently provides consumer broadband service over two GSO satellites—Viasat-1 and Viasat-2.⁴⁶ Together, these satellites will allow VCS to provide service to all supported areas. These satellites utilize Ka-band spectrum,⁴⁷ and will provide capacity to facilitate the provision of supported services.⁴⁸

- Viasat-1 is a “bent-pipe” Ka-band satellite, which uses relatively small “spot beams” that allow the efficient reuse of available spectrum resources. Viasat-1 provides at least 140 Gbps of total capacity. Viasat-1 currently communicates with 17 gateway earth stations. In addition to an antenna and associated radiofrequency (RF) and baseband equipment, each gateway contains a fiber optic link back to a core node, where data is further processed before connecting to the Internet (as part of the terrestrial network segment, described below).⁴⁹

- VCS-2 is a newer satellite design than Viasat-1. Viasat-2 has a maximum potential capacity of approximately 260 Gbps. Viasat-2 has a unique design which allows VCS to allocate capacity among spot beams based

²⁴ See generally CAF Auction Results Notice.

²⁵ Petition at 3 and 7. Viasat created VCS specifically for the purpose of assigning the Auction 903 high-cost funding support in order to provide voice service and BIAS. See also fn. 28 *infra*.

²⁶ See fn. 3.

²⁷ Petition at 5.

²⁸ See February 19, 2020 Supplement.

²⁹ Petition at 5.

³⁰ Petition at 5 and 9. Viasat is currently providing interconnected VoIP service and BIAS to customers in Pennsylvania which it refers to as Exede services. These Exede services offered by Viasat will be distinct from the CAF-funded interconnected VoIP service and BIAS that its wholly-owned subsidiary VCS will be offering to consumers upon designation as a federal high-cost ETC.

³¹ Petition at 5.

³² *Id.*

³³ Petition at 5 and 9.

³⁴ *Id.* at 9–11.

³⁵ *Id.* at 6.

³⁶ *Id.* at 6.

³⁷ *Id.*

³⁸ *Id.*

³⁹ *Id.* at 5.

⁴⁰ *Id.* at 6.

⁴¹ *Id.*

⁴² *Id.* at 5.

⁴³ *Id.* at 9.

⁴⁴ *Id.* at 10.

⁴⁵ *Id.* at 10.

⁴⁶ *Id.*

⁴⁷ The term “Ka-band” refers to the 18.3–18.8 GHz, 19.7–20.2 GHz, 28.35–28.6 GHz, and 29.25–30.0 GHz bands, also known as the “conventional Ka-band,” which the FCC has designated as primary for GSO FSS operation. See 47 C.F.R. § 25.103.

⁴⁸ *Id.*

⁴⁹ *Id.*

on demand. Viasat-2 currently communicates with 46 SANs. SANs are similar to gateway earth stations, except that in the case of SANs certain equipment (and related functions) are essentially relocated to the core node to increase operational efficiency.⁵⁰

VCS stated that Viasat has also been authorized to provide service to the United States using two additional GSO networks at the 79° W.L. and 88.9° W.L. orbital locations.⁵¹ VCS also has indicated that Viasat's ability to operate satellites at either or both of those locations, along with associated ground equipment, will allow it to scale available capacity over time to accommodate the demand for CAF II-supported services from additional subscribers.⁵²

2. Terrestrial Network

The terrestrial network segment performs the transport, data processing, control, and management functions for Viasat's GSO networks.⁵³ The terrestrial network segment is physically implemented using core nodes, fiber optic transport links, and public cloud computing centers.⁵⁴

- The transport network physically connects each gateway and SAN with its associated core node, and also connects the core nodes together to provide redundant data paths. The transport network is based on leased fiber optic wavelengths terminated into commercial off-the-shelf ("COTS") switching and routing equipment.⁵⁵

- Viasat maintains several core nodes across the country, which: (i) serve as aggregation points for data traffic routed through gateways and SANs; and (ii) interconnect with the Internet, the PSTN, and other terrestrial networks through leased fiber optic links. The core nodes essentially operate as private data centers and use a combination of proprietary and COTS applications.⁵⁶

- Control and management functions (e.g., provisioning, accounting, billing, network monitoring, and configuration management) are hosted in the public cloud. These functions utilize a combination of proprietary software and customized COTS software products. Hosting these functions in the public cloud allows them to be highly available and easily expandable.⁵⁷

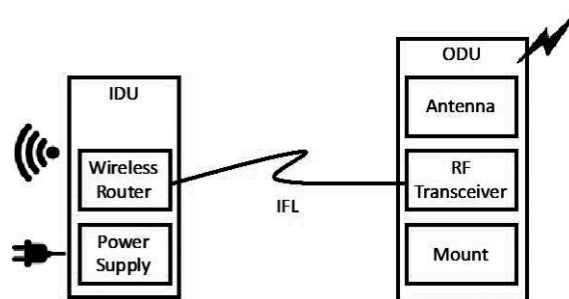
3. User Segment

The user segment refers to the portion of the network that connects each individual user to one or more of Viasat's GSO satellites and, therefore, the larger satellite network.⁵⁸ It is the rough analog of the "last mile" in terrestrial wireline networks. Relevant equipment (other than the satellite itself) includes the following:

- The user terminal is the ground-based equipment employed by an individual user to access the VCS satellite network. The user terminal consists of an indoor unit (IDU), outdoor unit (ODU), inter-facility link (IFL), and power supply (which are depicted in the figure below).⁵⁹

Figure: Viasat User Terminals

- The indoor unit (or IDU) performs client-side functions related to Internet access (e.g., those related to use



of transmission control protocol (TCP) and hypertext transfer protocol (HTTP)), as well as certain signal conversion, modulation, and amplification functions. The IDU also incorporates a Wi-Fi router that can be accessed by end users (and their communications devices) in the same manner as other Wi-Fi routers. The IDU interfaces with the ODU through the inter-facility link (described below).⁶⁰

- The outdoor unit (or ODU) performs certain signal conversion, modulation, and amplification functions, and transmits signals to and receives signals from the satellite. The ODU is typically mounted on a roof or a pole and interfaces with the IDU through the inter-facility link (described below).⁶¹

- The inter-facility link (or IFL) is a 75 Ohm coaxial cable that carries the communications signal and electrical power between the IDU and ODU.⁶²

VCS has stated that it will partner with a third-party vendor, Alianza Inc., (Alianza) for the provisioning of interconnected VoIP service to potential customers in Pennsylvania.⁶³ However, VCS has also indicated that it will be using the above-referenced GSO network architectures and technologies of Viasat to facilitate the transmission of the IP-enabled voice signal.⁶⁴ VCS has stated that with its current, existing satellite network it possesses the requisite satellite capacity to accommodate simultaneous broadband access download demand for its services in the contemplated Pennsylvania locations including time periods of peak demand.⁶⁵

Regarding the specific supported services, VCS stated that when it is designated as ETC, it plans to provide interconnected VoIP service and high-quality BIAS only to the 45,100 locations (customers) in the 1,287 discrete awarded census blocks across all 67 Pennsylvania counties that comprise its proposed Designated Service Area.⁶⁶ VCS stated that it would not charge any customers (including Lifeline customers) a security deposit for obtaining the supported services.⁶⁷

VCS stated that its interconnected VoIP service will provide unlimited local and long distance calling at a flat monthly rate.⁶⁸ Additionally, VCS stated that its interconnected VoIP service will be offered with a litany of standard features such as voicemail, call screening options such as caller I.D. blocking, auto-forwarding, block and auto-message), call forwarding, find me-follow me, call handling services (do not disturb, ring phone) at no additional charge.⁶⁹ As part of its interconnected VoIP service offering, VCS also has proposed to offer stand-

⁵⁰ Id. at 11.

⁵¹ Id.

⁵² Id.

⁵³ Id.

⁵⁴ Id.

⁵⁵ Id.

⁵⁶ Id.

⁵⁷ Id. at 11-12.

⁵⁸ Id. at 12.

⁵⁹ Id.

⁶⁰ Id.

⁶¹ Id.

⁶² Id.

⁶³ See April 23, 2019 Supplement at 3, Item 6.a.

⁶⁴ Petition at 9–12.

⁶⁵ See September 17, 2019 at 1-2, Item Nos. 1.a and 1.b (Redacted Responses).

⁶⁶ See Appendix A.

⁶⁷ See January 30, 2019 Supplement at 2; September 17, 2019 Supplement at 11.

⁶⁸ October 17, 2019 Supplement at 4.

⁶⁹ February 3, 2020 Supplement at 4.

alone voice service, which will be a protected service in its proposed designated service area unless the interconnected VoIP service is provided in one of the 153 wire centers reclassified as competitive in the Verizon Reclassification Order.⁷⁰ See Joint Petition of Verizon Pennsylvania LLC and Verizon North LLC for Competitive Classification of all Retail Services in Certain Geographic Areas and for a Waiver of Regulations for Competitive Services, Docket Nos. P-2014-2446303 and P-2014-2446304 (Order entered March 4, 2015). VCS will also make its interconnected VoIP service available as an add-on to its BIAS product offering.⁷¹ VCS also stated it will also ensure uninterrupted access to 911/Enhanced 911 (911/E911) emergency calling services for its CAF customers.

VCS stated further that it will provide electronic invoices to customers who provide prior consent, and will provide paper invoices at no additional charge for consumers who do not provide consent to electronic billing or seek to revert to paper billing or such requirements as may be in effect under Pennsylvania law.⁷² VCS also stated that it plans to bill all of its customers on a monthly prepaid basis.⁷³ VCS has also stated that it will charge all of its customers, including Lifeline customers, an installation fee and equipment lease fee (if applicable) for provisioning the interconnected VoIP service or BIAS to them.⁷⁴

VCS also stated that it would offer a variety of packages for its supported services, including packages with a one-year minimum service term.⁷⁵ VCS further submitted that it will offer a discount on the monthly charge for customers who purchase a bundle of voice and Internet access.⁷⁶ VCS further indicated that its bundled services package will have a minimum service term and since its voice service is provided via satellite, standalone voice offerings will require at least a one-year minimum service term to recover the costs of installing the satellite Internet portion of the service.⁷⁷ This one-year minimum service term for standalone voice will only apply to non-Lifeline customers.⁷⁸ VCS has indicated that as currently proposed, if the non-Lifeline customer decides to terminate service during the initial service term, a \$15 per month charge for the remaining term would become due.⁷⁹ VCS further indicated that an early termination fee, if assessed, would apply to non-Lifeline customers when or if free standard installation is advertised as a purchase incentive.⁸⁰ However, VCS explained that it would allow a residential voice customer to request an early termination of service without a penalty (early termination fee) for material, and ongoing degradation in service quality or service interruption of a significant length of time such that the customer is not able to use the service at all or to make reasonable use of the service issues.⁸¹

VCS stated that it has no current plans to offer the supported services of voice and BIAS outside of the CAF Phase II winning bid areas and, thus, will provide Lifeline services only within its proposed Designated

Service Area.⁸² VCS indicated that it will provide the same interconnected VoIP service offering and BIAS to Lifeline customers that are available to non-Lifeline subscribers at the same terms, rates and conditions.⁸³ However, VCS stated that Lifeline customers who subscribe to its standalone interconnected VoIP Services would not be subject to a minimum service term.⁸⁴ VCS also indicated that eligible Lifeline customers who will subscribe to the interconnected VoIP service offering will be provided with unlimited local and interstate calling capabilities that will feature access to a variety of standard features for its customers such as voicemail, caller I.D., etc., at no extra charge.⁸⁵ Furthermore, VCS stated that it will offer number porting at no charge to its Lifeline customers.⁸⁶ VCS also stated it will also ensure uninterrupted access to 911/Enhanced 911 (911/E911) emergency calling services for its CAF and Lifeline customers.⁸⁷ VCS's Lifeline customers will be advised of the prepaid billing method prior to establishing Lifeline service with VCS.

Lastly, VCS asserted that it will comply with the applicable FCC and Pennsylvania state requirements pertaining to eligibility determinations for potential Lifeline customers.⁸⁸ As such, VCS acknowledged and understood that Pennsylvania participates in the Lifeline National Eligibility Verifier (National Verifier) program.⁸⁹ VCS indicated that it understood that all electronic and paper applications are to be certified by the National Verifier, and applicants must physically e-sign an application for Lifeline whether entered by the applicant or VCS staff. Additionally, VCS stated that it will comply with the automated process that the Pennsylvania Department of Human Services (DHS) has established with the National Verifier to assist with qualification and that all applications for Lifeline are approved by the National Verifier.⁹⁰

Discussion

Section 254(e) of the Act provides that "only an eligible telecommunications carrier designated under Section 214(e) shall be eligible to receive specific Federal universal service support."⁹¹ Section 214(e)(2) of the Act provides state commissions with the primary responsibility for performing ETC designations.⁹² Thus, pursuant to Section 214(e)(2), each certificated telecommunications carrier seeking federal universal service high-cost support must file a petition with the state commission in order to be designated an ETC. In those instances where a state cannot or will not make the requisite ETC designation, the FCC makes the ETC designation.⁹³ Thus, the Commission reserves the right to review any ETC designation request on a case-by-case basis and grant or deny such designation after considering the circumstances particular to each application.

The Commission has adopted the federal requirements as a starting point for review of a request for ETC designation.⁹⁴ We also have Pennsylvania-specific guidelines discussed below that a federal high-cost ETC peti-

⁷⁰ January 30, 2019 Supplement at 8.

⁷¹ Petition at 14; January 30, 2019 Supplement at 8; October 17, 2019 Supplement at 4.

⁷² February 3, 2020 Supplement at 4.

⁷³ January 30, 2019 Supplement at 8; September 17, 2019 Attachment A at 2.

⁷⁴ October 17, 2019 Supplement at 5.

⁷⁵ See March 17, 2020 Supplement at 2.

⁷⁶ Id.

⁷⁷ March 17, 2020 Supplement.

⁷⁸ See March 17, 2020 Supplement and April 14, 2020 Supplement.

⁷⁹ See April 14, 2020 Supplement at 2.

⁸⁰ See April 14, 2020 Supplement at 2. As of that date, VCS was "still working at the details of its offerings." Id.

⁸¹ Id.

⁸² January 30, 2019 Supplement at 1.

⁸³ October 17, 2019 Supplement at 4.

⁸⁴ Id.

⁸⁵ January 30, 2019 Supplement at 8 and October 17, 2019 Supplement at 5.

⁸⁶ February 3, 2020 Supplement at 3. ETCs may not charge Lifeline customers a monthly number portability charge. See 47 C.F.R. § 54.401(e).

⁸⁷ January 30, 2019 Supplement at 8.

⁸⁸ Petition at 14; January 30, 2019 Supplement at 1-2.

⁸⁹ In 2016, the FCC established the National Verifier to make eligibility determinations to enroll eligible subscribers into the Lifeline Program. The National Verifier is further discussed, *infra*.

⁹⁰ January 30, 2019 Supplement at 2.

⁹¹ 47 U.S.C. § 254(e).

⁹² 47 U.S.C. § 214(e)(2).

⁹³ 47 U.S.C. § 214(e)(6).

⁹⁴ See generally Universal Service Order and the 2005 ETC Designation Order.

tioner must satisfy before we can approve its request for ETC designation in Pennsylvania.⁹⁵ As set forth below, VCS satisfies all federal requirements, including the FCC's Universal Service Order, the 2005 ETC Designation Order, the USF/ICC Transformation Order, the Lifeline Reform Orders, and FCC regulations codifying the requirements of these Orders. VCS also satisfies related Pennsylvania-specific requirements or guidelines.⁹⁶

I. Federal Requirements for Designation as A High-Cost ETC

Pursuant to 47 U.S.C. § 214(e)(1), an ETC petition must contain the following: (1) a certification that the petitioner offers or intends to offer all services designated for support by the FCC pursuant to Section 254(c); (2) a certification that the petitioner offers or intends to offer the services supported by the federal universal service mechanisms throughout the designated service area "either using its own facilities or a combination of its own facilities and resale of another carrier's services" (including the services offered by another ETC); (3) a description of how the petitioner "advertise[s] the availability of [supported] services and the charges therefor using media of general distribution"; and (4) a detailed description of the geographic service area for which it requests an ETC designation from the Commission.⁹⁷

As the FCC set forth in its 2005 ETC Designation Order,⁹⁸ a telecommunications carrier must also satisfy these additional mandatory requirements for it to be designated an ETC and thus eligible to receive federal universal service support: (1) a commitment and ability to provide services, including providing service to all customers within its proposed designated service area; (2) how it will remain functional in emergency situations; (3) that it will satisfy consumer protection and service quality standards; and (4) that it offers local usage comparable to that offered by the ILEC.⁹⁹ These requirements were codified in the FCC's rules and regulations.¹⁰⁰ The FCC subsequently added an additional requirement concerning the Anti-Drug Abuse Act of 1988.¹⁰¹

In addition to meeting these statutory requirements, state commissions must also perform a "public interest" review before approving an ETC designation. Section 214(e)(2) of the Act states that, "[u]pon request and consistent with the public interest, convenience, and necessity, the State commission may, in the case of an area served by a rural telephone company, and shall, in the case of all other areas, designate more than one common carrier as an eligible telecommunications carrier" for a designated service area, so long as the requesting carrier meets the requirements of Section 214(e)(1).¹⁰²

⁹⁵ See ETC Guidelines Order at 4.

⁹⁶ The Commission's ETC designation review process reflects the current requirements under federal and state law. But the Commission acknowledges that ETC designation requirements imposed under state and federal law may change in response to subsequent developments.

⁹⁷ See Universal Service Order, 12 FCC Red 8776, 8847-76, paras. 130—180.

⁹⁸ See ETC Designation Order, 20 FCC Red at 6380, para. 20 (citing Federal-State Joint Board on Universal Service, Recommended Decision, 19 FCC Red 4259, para. 5 (Fed-State Jt. Bd. 2004)).

⁹⁹ In the 2005 ETC Designation Order, the FCC also established that an ETC may be required to provide equal access if all other ETCs in the service area relinquish their designations. In the USF/ICC Transformation Order, the FCC determined that the above ETC equal access requirement was obsolete and deleted it from 47 C.F.R. § 54.202. The FCC stated because this rule was obsolete, it found good cause to delete it without notice and comment. USF/ICC Transformation Order, FCC Red 17872, para. 647 and Appendix A.

¹⁰⁰ See 47 C.F.R. § 54.202.

¹⁰¹ 21 U.S.C. § 862; 47 C.F.R. § 1.2002(a)-(b).

¹⁰² Verizon PA and Verizon North are not rural ILECs in Pennsylvania. However, Windstream PA and CenturyLink are.

Thus, our review of VCS's petition will be done consistent with the federal requirements that must be met in order for an applicant to receive designation as an ETC, as codified, which we have adopted and implemented in the Commonwealth as the minimum standards applicable to ETC designation. Our review of VCS's petition also will be done to ensure consistency with independent Pennsylvania law as an ongoing obligation.

A. The FCC's Rules Governing ETC Designations

1. 47 C.F.R. § 54.101(a) and (b)

Certification Regarding the Offering of All Services Designated for Support

The FCC defines supported service as qualifying voice service and the offering of qualifying broadband services.¹⁰³ As a condition of receiving support, ETCs must offer qualifying voice service as a standalone service throughout their designated service area and must offer voice telephony services at rates that are reasonably comparable to urban rates.¹⁰⁴ Accordingly, all ETCs must satisfy these criteria.

All ETCs must offer qualifying voice service using their own facilities, at least in part.¹⁰⁵ The Commission has interpreted the term "facilities," for purposes of Section 214(e) of the Act, to mean "any physical components of the telecommunications network that are used in the transmission or routing of the services designated for support under section 254(c)(1)."¹⁰⁶ As explained by the FCC, "a carrier need not offer universal service wholly over its own facilities in order to be designated an eligible carrier because the statute allows an eligible carrier to offer the supported services through a combination of its own facilities and resale."¹⁰⁷ Facilities are the ETC's "own" if the ETC has exclusive right to use the facilities to provide the supported services¹⁰⁸ or when service is provided by any affiliate within the holding company structure.¹⁰⁹

An ETC satisfies its obligation to "offer" qualifying services by being legally responsible for dealing with customer problems, providing quality of service guarantees, and meeting federal USF-related requirements.¹¹⁰ Accordingly, a broadband provider may satisfy its voice obligation by offering voice service through an affiliate or

¹⁰³ 47 C.F.R. § 54.101 (including both eligible voice telephony and eligible broadband Internet access as services "supported by federal universal service support mechanisms," and characterizing the provision of eligible broadband service as a high-cost public interest obligation); see also USF/ICC Transformation Order, 26 FCC Red at 17691-94, paras. 74—89 (describing the "core functionalities of the supported services as voice telephony service," and as a separate condition of receiving federal high-cost universal service support, all ETCs are required to offer BIAS in their supported area that meets certain basic performance requirements).

¹⁰⁴ USF/FCC Transformation Order, 26 FCC Red at 17693, paras. 80-81; see also 47 C.F.R. § 54.101(b).

¹⁰⁵ 47 U.S.C. § 214(e)(1); 47 C.F.R. § 54.101. The FCC has exercised forbearance from the provision requiring that providers must provide supported service using at least a portion of their own facilities for certain wireless Lifeline-only providers. See Virgin Mobile USA, L.P. Petition for Forbearance from 47 U.S.C. § 214(e)(1)(A); Petitions for Limited Eligible Telecommunications Carrier Designation in New York, Pennsylvania, Virginia, North Carolina, and Tennessee, Order, 24 FCC Red 3381 (2009) (Virgin Mobile Order).

¹⁰⁶ Universal Service Order, 12 FCC Red at 8847, para. 128.

¹⁰⁷ Id. at 8870, para. 169.

¹⁰⁸ Id. at 8866, para. 160.

¹⁰⁹ December 2014 CAF Order, 29 FCC Red at 15668 n.43; see also 47 U.S.C. § 153(2) (defining an affiliate as "a person that (directly or indirectly) owns or controls, is owned or controlled by, or is under common ownership or control with, another person").

¹¹⁰ Cf. Connect America Fund, Report and Order, 28 FCC Red 7211, 7215, para. 9 (2013) (Phase II Challenge Process Order) (finding that it is not sufficient for a broadband provider to qualify as an "unsubsidized competitor" if a consumer must obtain voice service from a third party, because that broadband provider would not be offering a voice service).

by offering a managed voice solution (including VoIP) through a third-party vendor but cannot simply rely on the availability of over-the-top voice options.¹¹¹

VCS has attested that it will be providing all of the services and functionalities supported by the federal universal service program as set forth in Section 54.101(a) of the FCC's regulations throughout its proposed Designated Service Area in the Commonwealth of Pennsylvania using its own facilities.¹¹²

a. *Voice Grade Access to the Public Switched Telecommunications Network (PSTN)*

In order to satisfy this criterion, VCS must certify and demonstrate the technical and financial ability to provide voice services meeting or exceeding the CAF Phase II service standards. The Commission simply seeks to ensure that VCS can provide its potential voice end users with the same service qualities obtained when terrestrial, fixed voice service is purchased. In its CAF Phase II Price Cap Service Obligation Order, the FCC specified the latency requirements for entities—specifically, price cap carriers—receiving CAF Phase II model-based support assistance to maintain voice service and extend broadband-capable infrastructure to millions of Americans.¹¹³ Latency is the time it takes for a data packet to travel back and forth through a network. It concluded that price cap carriers must be prepared to demonstrate a round-trip latency of 100 milliseconds (ms) or less and provided two options for how they may test and report compliance with this requirement.¹¹⁴

However, when it was establishing the parameters for Auction 903, the FCC decided to affirmatively allow providers of mobile or satellite technology, who are designated as high latency voice service providers, to submit competitive bids for each of the technology-neutral performance tiers it had adopted.¹¹⁵ In taking this action, the FCC explicitly acknowledged that some of these high latency providers may be awarded winning bids and receive federal high-cost support but also may not be able to meet the stringent latency standard already applicable to price cap carriers receiving CAF Phase II model-based support.¹¹⁶ Hence, in creating the public service obligations for Auction 903, the FCC deviated from the prior latency standard it had established for low latency price cap carriers receiving CAF Phase II model-based high-cost support and adopted an alternative standard for high latency providers unable to meet the 100 ms voice latency standard.

¹¹¹ See Connect America Fund et al., Order on Reconsideration, 33 FCC Rcd 1380, 1387-88, para. 20 (2018) (rejecting arguments contending that “because VoIP is provided over broadband networks and over-the-top voice options are available, broadband service providers need only offer broadband as a standalone service,” and requiring carriers to “offer VoIP over their broadband network on a standalone basis”); cf. Phase II Challenge Process Order, 28 FCC Rcd 7224, n.21 (explaining that a broadband provider would be considered to be providing voice service if it did so through an affiliated competitive local exchange company or “through a managed voice solution obtained from a third party vendor. . . so long as the broadband provider is the entity responsible for dealing with any customer problems, and it provides quality of service guarantees to end user customers”).

¹¹² See Petition at 5-6; 8-13.

¹¹³ The FCC addressed certain requirements for price cap carriers accepting CAF Phase II support, specifying that they must certify that 95% or more of all peak period measurements (also referred to as observations) of network round trip latency are at or below 100 milliseconds (ms) between the customer premises and an FCC-designated Internet Exchange Point (IXP). Connect America Fund, Report and Order, 28 FCC Rcd 15060, 15070-71, paras. 23 (2013) (CAF Phase II Price Cap Service Obligation Order).

¹¹⁴ Id.

¹¹⁵ See generally Connect America Fund; ETC Annual Reports and Certifications; Rural Broadband Experiments, Report and Order and Further Notice of Proposed Rulemaking, 31 FCC Rcd 5949 (2016) (CAF Phase II Auction Order). The FCC permitted electric cooperatives, wireless Internet service providers, cable operators, telecom carriers, and a satellite company to submit bids and compete to receive funding in exchange for offering voice and broadband services meeting certain requirements to a required number of locations in the eligible areas covered by their winning bids.

¹¹⁶ Id.

In the CAF Phase II Auction Order, the FCC concluded that bidders designating high latency performance would be required to meet the following two-part standard for the latency of both their voice and broadband service: (1) a requirement that 95 percent or more of all peak period measurements of network round trip latency are at or below 750 milliseconds, and (2) with respect to voice performance, a requirement to demonstrate a score of four or higher using the Mean Opinion Score (MOS).¹¹⁷ However, the FCC did not adopt the MOS scoring metric as a substitute for the milliseconds of latency requirement. Rather, it stated that the better approach was to continue to measure latency the same way for all providers, but for entities submitting high latency bids to set a higher benchmark and require a demonstration of MOS of four or higher in order to ensure they are provisioning quality voice service performance.¹¹⁸

Additionally, to ensure that the high latency winning bidders in Auction 903, such as high-earth orbit satellite providers like VCS, could meet this higher benchmark standard, the FCC required them to test their networks for compliance with the appropriate speed and latency metrics and certify and report the results to the Universal Service Administrative Company (USAC) and the relevant state (or tribal government) on an annual basis.¹¹⁹ Similar to what it had required of low latency winners, the FCC determined that the speed and latency of networks of carriers receiving support through the various high-cost support mechanisms should be tested between the customer premise of an active subscriber and an FCC-designated IXP.¹²⁰ Carriers failing to meet the required standards will be subject to withholding of universal service support, based on the level of noncompliance.¹²¹

Further, high latency bidders were required to be prepared to submit their laboratory testing consistent with International Telecommunications Union's (ITU) recommended P.800 standard.¹²² CAF Phase II recipients using the MOS metric to measure the latency of its voice service are also required to submit testing results that are specific to their CAF-funded areas and also must provide this level of voice quality to all consumers in CAF-funded areas, not just to a subset of locations.¹²³ Thus, VCS must not only make a commitment and certify that its voice service performance is at a MOS of four or higher, it also must be prepared to demonstrate the veracity of this certification that its network and voice service complies with the MOS standard throughout the term of support.

In order to receive Auction 903 high-cost support funding, carriers must offer at least voice and broadband access services commercially. VCS has stated that it will partner with a third-party vendor, Alianza, for the provisioning of its interconnected VoIP service to potential customer in Pennsylvania.¹²⁴ However, VCS will be handling all customer complaints, concerns and inquiries regarding the interconnected VoIP service.¹²⁵ Additionally, VCS has stated that it will provide a standalone voice service (or available as an add on to BIAS) at rates that

¹¹⁷ Id. at 5961, para 30.

¹¹⁸ Id. at 5961-62 paras. 31 and 33.

¹¹⁹ USF/ICC Transformation Order, 26 FCC Rcd at 17705-06, para. 109; see also Connect America Fund, Order, 33 FCC Rcd 6509, 6516 para. 18 (2018) (First Performance Measures Order). 47 C.F.R. § 54.313(a)(6).

¹²⁰ See First Performance Measures Order, 33 FCC Rcd at 6516, para. 18; see also Connect America Fund et al., Report and Order et al., 29 FCC Rcd 7051, 7104-06, paras. 151-56 (2014).

¹²¹ See First Performance Measures Order, 33 FCC Rcd at 6530-33, paras. 56-67.

¹²² CAF Phase II Auction Order, 31 FCC Rcd at 5960-61, para. 30, fn. 62; see also First Performance Measures Order, 33 FCC Rcd at 6525-26, paras. 44-46.

¹²³ The test starting date is January 1, 2023 and the test results are due July 2024.

¹²⁴ See April 23, 2019 Supplement at 3.

¹²⁵ See January 30, 2019 Supplement at 9.

are comparable to urban rates.¹²⁶ VCS further stated that its voice service will be offered on a prepaid basis as customers will be charged a monthly fee in advance of the month.¹²⁷ Thus, VCS is offering the supported service commercially and appears to be eligible to receive Auction 903 support.

However, as an ETC, VCS's supported services, especially its voice service, must meet the relevant FCC service requirements. Specifically, before receiving its federal high-cost support, VCS must be able to demonstrate that it can provide quality, reliable voice service to potential customers in Pennsylvania and that its CAF-supported voice service (and broadband access service) meets the requisite speed and latency requirements. Similar to the FCC, the Commission's chief concern is that VCS provide quality, reliable voice service that is reasonably comparable to voice service purchased from a terrestrial, fixed service provider. Thus, the Commission seeks to ensure that VCS can provide its potential voice end users consistent with the service obligation standards established by the FCC

The Commission notes that although satellite transmissions travel at rates faster than those of terrestrial networks using copper, cable, or fiber to transmit voice service, a geostationary satellite's distance from Earth makes achievement of the 100 ms highly unlikely, if not nearly impossible. Based on the geostationary satellite technology VCS proposes to use to provide its voice services in Pennsylvania, the Commission recognizes that VCS's voice service will not be comparable to traditional wireline terrestrial voice services since it cannot meet the 100 ms latency standard. Low latency, that is, shorter delays, is an essential and critical component for voice telecommunications and also critical for other highly interactive applications. High latency voice service could result in problems such as echo or excessive delay that could be present in an interactive, two-way conversational setting that requires both speaking and listening. Thus, the Commission is not simply referring to a mere nuisance situation, but rather a highly problematic issue, especially for a customer attempting to make an emergency 911/E911 call that needs to be routed to the appropriate Public Safety Answering Point (PSAP).

Notwithstanding, the Commission acknowledges that the FCC did not bar or prohibit bidders utilizing satellite technology to provide voice services from participating in Auction 903, as long as the high latency provider could certify that it can provide performance comparable to terrestrial, fixed voice and meet the CAF Phase II service obligations. It simply established a differing latency standard applicable to their voice offerings by requiring them to demonstrate a score of four or higher using the MOS as a voice quality measure. Consequently, we will not go as far as to conclude or explicitly state in this Order that VCS's geostationary satellite system can never meet the MOS 4 standard that the FCC has adopted for high latency voice services. Nevertheless, the question that remains is whether the Commission should require VCS to demonstrate its capability to provide voice service meeting the Auction 903 performance standards as it has certified in its Petition before granting it an ETC designation.

The Commission notes that while VCS has a contractual agreement with Alianza, which is a third-party vendor of interconnected VoIP services, it will still be utilizing its parent company's, Viasat, extensive geosta-

tionary satellite network and facilities or a combination of its facilities to facilitate the transmission and provisioning of the interconnected VoIP service signals to and from its potential customers in Pennsylvania.¹²⁸ The Commission further notes that Viasat is currently providing a competitive interconnected VoIP service to customers throughout the United States, including in Pennsylvania using geostationary satellite technology.¹²⁹ VCS will be using Viasat's two satellites, Viasat-1 and Viasat-2 to provide the GSO services necessary to provide its interconnected VoIP service in its proposed Designated Service Area.

VCS has pledged to prioritize voice and other latency-sensitive traffic, including 911/E911 emergency calls, over other non-voice traffic in all situations, i.e., during periods of no congestion and periods of congestion.¹³⁰ VCS has stated that it has developed traffic shaping and other tools to mitigate any potential effects of latency on voice quality and plans to utilize these practices and technology to develop additional upgrades to its network to further improve voice quality for its voice services.¹³¹

Additionally, the Commission also takes note of the FCC's consideration of VCS's ETC Designation Petition that was before it. There, the FCC determined that VCS satisfied the eligibility requirements to receive universal service support, as set forth in Section 214(e)(6) of the Act, 47 U.S.C. § 214(e)(6), and issued an order on September 18, 2019, federally-designating VCS an eligible telecommunications carrier in eligible high-cost areas within Alabama, California, Florida and West Virginia.¹³²

In the VCS ETC Designation Order, the FCC stated that the federal ETC designation process is separate from and serves a different purpose than the authorization process and post-authorization accountability measures, including performance testing.¹³³ The FCC further stated that the ETC process establishes a petitioner's general eligibility for receiving federal USF support and imposes certain statutory and regulatory obligations but does not duplicate the multifaceted, objective, and consistent process for evaluating Auction 903 long-form applications or future performance.¹³⁴ The FCC concluded that it was not necessary to require VCS to submit documentation or proof of its technical capabilities to meet the Auction 903 performance standards as a condition of obtaining a federal high-cost ETC designation from it. Accordingly, a federally-designated ETC petitioner only needs to provide a certification as part of its ETC petition, and not to demonstrate its capability to provide service as certified.

For these reasons, VCS asserts that it meets the ETC requirement of being a common carrier. We agree. We believe that either by using its parent company's network and facilities, using its own facilities or a combination of both that VCS will be able to provide interconnected VoIP service to potential customers in Pennsylvania that meets the CAF performance standards for voice service.¹³⁵ Additionally, since the FCC designated VCS a federal ETC in the states of Alabama, California, Florida and

¹²⁶ Petition at 9—13; see also April 23, 2019 Supplement at 3.

¹²⁷ Petition at 5 and 9; see also April 23, 2019 Supplement at 5.

¹²⁸ See September 17, 2019 Supplement at 3, Item No. 5 (Redacted Response).

¹²⁹ Id. VCS stated that: "Viasat prioritizes all Viasat voice communications, including 911/E911 emergency calls over other non-voice communications. Viasat does not prioritize 911/E911 emergency calls over other Viasat-managed VoIP calls within its network. 911/E911 calls are switched like any other calls in terms of processing and the order in which it is received. However, Viasat uses dedicated trunks to its E911 provider (Intrado) and its own call authorization process will decrease the call setup time by 5—10 ms." (Non-Proprietary Response.).

¹³⁰ See generally In the Matter of Telecommunications Carriers Eligible for Universal Service Support Connect America Fund, Order, 34 FCC Red 8137 (2019) (VCS ETC Designation Order).

¹³¹ VCS ETC Designation Order, 34 FCC Red at 8142, para. 17.

¹³² Id.

¹³³ Petition at 8—14.

¹²⁶ Petition at 10 and 14; January 30, 2019 Supplement at 8.

¹²⁷ See January 30, 2019 Supplement at 9.

West Virginia without requiring it to demonstrate that it already has the capability to provide voice service meeting the MOS scoring metric beforehand, the Commission will adopt this same approach.¹³⁶

Furthermore, we take note that even after receiving an ETC designation from us, VCS must again certify and demonstrate, as part of the FCC's long-form application process, that it has the technical and financial ability to provide voice service meeting or exceeding CAF Phase II standards prior to being authorized to receive federal high-cost support.¹³⁷ Indeed, it is only after the FCC evaluates whether the VCS is technically and financially capable of meeting its service obligations that the FCC will authorize the release of the financial support that VCS had won in the auction.

We acknowledge that VCS has certified in its Petition that its geostationary satellite system can and will meet the high latency MOS 4 standard established by the FCC for Auction 903 federal high-cost funding recipients.¹³⁸ The Commission will not require VCS to demonstrate to us that already has the capability to provide voice service meeting the MOS scoring metric before receiving an ETC designation from us. As such, the Commission finds that based on the information, representations, and certification in its petition, VCS is a common carrier under 47 U.S.C. § 214(e)(1) for purposes of ETC designation.

b. *Minutes of Use for Local Service*

As part of the voice grade access to the PSTN, an ETC must provide local calling services to its customers at no additional charge. Although the FCC did not set a minimum local usage requirement, in the Universal Service Order, it determined that ETCs should provide some minimum amount of local usage as part of their "basic service" package of supported services.¹³⁹ However, the FCC has determined that a carrier satisfies the local usage requirements by including a variety of local usage plans as part of a universal service offering. VCS has stated that it will offer unlimited local and interstate (long distance) calling within the US and Canada for a flat monthly fee to CAF customers at a flat monthly rate and also to Lifeline customers.¹⁴⁰ VCS states that it will charge for international usage, but will not include usage or toll charges for local, intrastate or interstate calls.¹⁴¹ Therefore, VCS asserts that since its voice services will be unlimited and not distinguish between local and long distance calling, a customer's local calling area will not be relevant for the VCS's voice customer.¹⁴²

Additionally, as part of its voice service plan that VCS will also provide to Lifeline customers, VCS offers access to a variety of other features at no cost, including voice mail, call screening options such as caller I.D., blocking, auto-forwarding, block and auto-message, call waiting services, find me-follow, call handling (do not disturb, ring phone) and E911 capabilities.¹⁴³ This complies with the local usage requirements established by the FCC at 47 C.F.R. § 54.101.

¹³⁶ Petition at 13-14.

¹³⁷ See generally Connect America Fund Phase II Auction Scheduled for July 24, 2018; Notice and Filing Requirements and Other Procedures for Auction 903, Public Notice, 33 FCC Rcd 1428 (2018) (Auction 903 Procedures Public Notice).

¹³⁸ Petition at 14-15.

¹³⁹ See Universal Service Order, 12 FCC Rcd 8776, 8813, para. 67. Although the FCC's rules define "local usage" as "an amount of minutes of use of wire center service, prescribed by it, provided free of charge to end users," the FCC has not specified a number of minutes of use. See 47 C.F.R. 54.101(a)(1). See also Federal-State Joint Board on Universal Service, Recommended Decision, CC Docket No. 96-45, FCC 02J-1 (rel. Jul. 10, 2002).

¹⁴⁰ January 30, 2019 Supplement at 8; October 17, 2019 Supplement at 4.

¹⁴¹ Id.

¹⁴² Id.

¹⁴³ See Petition at 14; October 17, 2019 Supplement at 5.

c. *Access to Emergency Services*

VCS certifies that it will provide access to 911 and E911 emergency calling services for all of its customers throughout its entire service area.¹⁴⁴ VCS has stated that it will transmit the user's phone number and/or location to the PSAP once the VoIP 911 call is connected to the PSAP.¹⁴⁵ VCS will rely on Viasat's existing 911 capabilities. VCS, Inc. provides 911 services to all of its United States based voice customers.¹⁴⁶ This is accomplished by routing 911 calls to a PSAP based upon a customer's ANI (automated number identification) and transported through a wireline 911 network.

Additionally, VCS has stated that it has already contacted municipalities in its service areas to arrange for the provision of 911/E911 emergency telecommunications services.¹⁴⁷ VCS also stated that Alianza, which is the third-party vendor that VCS has partnered with to provide its interconnected VoIP service, has already arranged for the provision of 911/E911 emergency calling service in the census blocks VCS has been awarded CAF II funds.¹⁴⁸ Alianza will partner with West Safety Communications (f/k/a Intrado Communications) for its 911/E911 service since it has a contract with them for the provisioning of 911/E911 services.¹⁴⁹ Lastly, as mentioned supra, VCS has pledged to prioritize 911/E911 emergency service over other Internet traffic in all situations, i.e., during periods of no congestion and periods of congestion.¹⁵⁰ Accordingly, the Commission determines that VCS has satisfied this criterion.

d. *Toll Limitation Services*

Under the language of Section 54.400, the FCC has defined three terms addressing the service provided by an ETC by which a subscriber may prevent toll charges from accumulating beyond a set point. Specifically, Subsection 54.400(b) of the FCC's regulations defines "toll blocking" as the service a subscriber may elect to not allow outgoing toll calls. Subsection (c) defines "toll control service" as the service a subscriber may elect to specify a set amount of toll usage allowed per month or per billing cycle. Subsection (d) defines "toll limitation service" as a generic term covering either toll blocking or toll control service for ETCs that are incapable of providing both or covering both services.

Section 54.401(a)(2), toll limitation service, does not need to be offered for any Lifeline service that does not distinguish between toll and non-toll calls in the pricing of the service. If an ETC charges Lifeline subscribers a fee for toll calls that is in addition to the per month or per billing cycle price of the subscribers' Lifeline service, the carrier must offer toll limitation service at no charge to its subscribers as part of its Lifeline service offering.

As mentioned supra, VCS's Lifeline service will include unlimited local and long-distance calling anywhere in the United States and Canada for a flat monthly rate and will not include any usage or toll charges for such calls.¹⁵¹ However, VCS has stated that it will charge customers for international calling.¹⁵² As such, VCS plans to provide toll limitation services at no cost to qualifying Lifeline customers in order to restrict calls to international or premium rate numbers unless the customer

¹⁴⁴ See Petition at 14.

¹⁴⁵ See April 23, 2019 Supplement at 3.

¹⁴⁶ Id.

¹⁴⁷ See January 30, 2019 Supplement at 3.

¹⁴⁸ See April 23, 2019 Supplement at 3.

¹⁴⁹ Id.

¹⁵⁰ See September 17, 2019 Supplement at 3.

¹⁵¹ See October 17, 2019 Supplement at 4.

¹⁵² See January 30, 2019 Supplement at 8.

requests access in writing to have those controls lifted.¹⁵³ Therefore, the nature of VCS's service eliminates the concern that low-income customers will incur significant charges for international calls, risking disconnection of their service.

e. *Eligible Broadband Internet Access Services*

An ETC subject to a high-cost public interest obligation to offer BIAS must offer BIAS that provides the capability to transmit data to and receive data by wire or radio from all or substantially all Internet endpoints, including any capabilities that are incidental to and enable the operation of the communications service, but excluding dial-up service, within the areas where it receives high-cost support.¹⁵⁴ Viasat is obligated to offer BIAS at a speed of at least 25/3 Mbps. For winners in the CAF Phase II auction who submitted high latency bids, the FCC required them to show that 95% or more of all testing hour measurements of network round trip latency are at or below 750 ms as their latency standard for BIAS.¹⁵⁵

The Commission notes that currently VCS's parent company, Viasat, provides BIAS to customers in all fifty states and the District of Columbia.¹⁵⁶ VCS will be utilizing Viasat's extensive network and facilities, its own facilities, or a combination of its own facilities to offer CAF-funded BIAS of at least a minimum speed of 25/3 Mbps to its potential customers residing within its proposed Designated Service Area.¹⁵⁷ Additionally, VCS has stated that it invests in cybersecurity measures and ensures that its third-party providers meet its security standards.¹⁵⁸ VCS stated further that it regularly performs vulnerability scanning of the management and control planes and has not experienced any customer data breaches within the last five years.¹⁵⁹

Accordingly, the Commission finds that VCS satisfies this requirement because through the CAF II funding support it will receive from Auction 903, VCS will be able to furnish BIAS supported service in Pennsylvania that provides the capability to transmit data to and receive data by wire or radio from all or substantially all Internet endpoints, including any capabilities that are incidental to and enable the operation of the communications service.¹⁶⁰

2. *47 C.F.R. § 54.201*

Definition of ETC

Pursuant to Section 153(10) of the Act, "common carrier" is defined as "any person engaged as a common carrier for hire, in interstate or foreign communications by wire or radio[.]" 47 U.S.C. § 153(10). A carrier is eligible under Section 54.201 so long as it offers the services set forth in Section 54.101, either through its own facilities or a combination of its own facilities and the resale of another carrier's services and advertises the availability of the federal universal support services using media of general distribution.¹⁶¹ Common carriers that provide services consistent with the requirements of Section 214(e) may be designated ETCs.

As previously found, VCS meets the ETC requirement of being a common carrier. VCS will provide interconnected VoIP service (and BIAS) in Pennsylvania. Moreover, VCS will provide standalone interconnected VoIP service in its proposed Designated Service Area through its own facilities or in combination with Viasat's facilities and/or its Alianza contract.¹⁶² As such, VCS is a common carrier under 47 U.S.C. §§ 214(e)(1) and 214(e)(6) for purposes of ETC designation.¹⁶³

VCS has stated that it will advertise the availability of its Lifeline services on its website and using media of general distribution.¹⁶⁴ VCS's website must show the Lifeline service options available, and VCS will seek input and approval from the Bureau of Consumer Services (BCS) before placing this information onto its website. VCS has stated that it will establish a customer care center to assist existing and new subscribers with completing paper applications or the online National Verifier applications.¹⁶⁵

3. *47 C.F.R. § 54.202*

Additional Requirements

VCS also meets the additional requirements for ETC designation as outlined in the Commission's Policy Statement at 52 Pa. Code § 69.2501 and set forth in Section 54.202 of the FCC's rules, as discussed below.

a. *47 C.F.R. § 54.202(a)(1)*

Compliance with Service Requirements

In order to satisfy these criteria, an ETC applicant must demonstrate its commitment and ability to provide the supported services throughout its proposed Designated Service Area: (1) by providing services to all customers making a reasonable request for service within the ETC's designated service area; and (2) by submitting a formal network improvement plan that demonstrates how universal service funds will be used to improve coverage, signal strength, or capacity that would not otherwise occur absent the receipt of high-cost support.

To satisfy the first prong, an ETC petitioner must ensure that it is providing services to all customers making a reasonable request for service within the ETC's designated service area. If the ETC's network already passes or covers the potential customer's premises, the ETC should provide service immediately. VCS has stated that it is able to install a new customer's service within four business days.¹⁶⁶

VCS certifies that it will comply with all applicable requirements related to receipt of high-cost support, consistent with 47 C.F.R. § 54.202(a)(1)(i).¹⁶⁷ VCS commits to providing voice and broadband access service, including all of the supported services, throughout its proposed Designated Service Area to all customers making a reasonable request for services, as required by 47 C.F.R. § 54.202(a)(1)(i).¹⁶⁸ VCS will also offer Lifeline services as required by the FCC's rules at all locations where it has been awarded support in accordance with 47 C.F.R. 54.101(d).¹⁶⁹

For supported locations in the eligible census blocks, VCS certifies in its Petition that it will satisfy the FCC's deployment obligations at 47 C.F.R. § 54.310(c) applicable

¹⁵³ Petition at 14; see also February 3, 2020 Supplement at 6.

¹⁵⁴ 47 C.F.R. §§ 54.101(a)(2) and (c).

¹⁵⁵ CAF Phase II Auction Order, 31 FCC Red at 5960-61, para. 30.

¹⁵⁶ Petition at 5, 8-9; see also January 30, 2019 Supplement at 7.

¹⁵⁷ See Petition at 8-14; October 17, 2019 Supplement at 6.

¹⁵⁸ See September 17, 2019 Supplement at 7, Item No. 7 (Redacted Response). VCS has specifically stated that Viasat safeguards its public cloud-based control and management functions "via logical separation," and that "Viasat's applications are designed to encrypt transmission of data." Id.

¹⁵⁹ Id.

¹⁶⁰ See Petition at 14.

¹⁶¹ The statutory and regulatory requirement to provide supported Lifeline service through a combination of a carrier's own facilities and those of another carrier has in certain instances been obviated through forbearance by the FCC. See, e.g., Virgin Mobile Order. That forbearance is not at issue in this Petition.

¹⁶² Petition at 14.

¹⁶³ 47 U.S.C. § 214(e)(1), (e)(6).

¹⁶⁴ Petition at 14.

¹⁶⁵ See January 30, 2019 Supplement at 9.

¹⁶⁶ See January 30, 2019 Supplement at 6.

¹⁶⁷ Petition at 14.

¹⁶⁸ Id.

¹⁶⁹ Id.

to recipients of CAF Phase II support monies awarded through Auction 903.¹⁷⁰ Specifically, VCS's proposed Designated Service Area in Pennsylvania consists of various discrete census blocks located throughout all sixty-seven counties as identified and included in Appendix A to this Order.

As currently proposed, VCS will be offering a variety of packages for its supported services, including packages with a one-year minimum service term on a prepaid monthly basis. For customers that purchase bundled services of interconnected VoIP service and BIAS from VCS, it will offer a discount on the monthly charge. The Commission acknowledges that, as a satellite network provider, VCS's network presents novel technological issues surrounding its provisioning of protected, basic voice service. Generally, our jurisdictional telecommunications carriers providing protected voice service bill their customers on a postpaid basis. Thus, VCS presents a billing practice that is not a normal commonplace billing practice.

In 2003, the Commission denied a request from a reseller of local exchange service to offer its service on a prepaid basis. See *In Re: EZ Talk Communications, LLC*, Docket No. P-00011911 (Order entered July 18, 2003). However, since that time, the Commission allowed another jurisdictional telecommunications carrier to offer local and unlimited calling voice service on a prepaid basis. See *Petition of Full Service Network, LP for a Declaratory Order or, in the Alternative, An Exemption/Waiver of Various Chapter 64 Regulations as Applied to prepaid Landline Service*, Docket No. P-2009-2097542 (Order entered December 7, 2009). For this reason, we will not prohibit VCS's proposed prepaid billing practice. However, it must comply with our billing regulations at Chapter 64, Title 52 of the *Pennsylvania Code*.

We note that VCS must provide its consumers proper notice at the point of sale of the customer's medical certification rights applying to this prepaid service. We expect that the purchase of a month of local exchange service on a prepaid basis will end by its own term at the end of a month if not renewed, therefore, it is unclear from the VCS's Petition what the impact on 911 will be at the end of the prepaid period. Thus, VCS must provide proper notice at the point of sale that the customer will have access to 911 for five days after discontinuance of service.

While we acknowledge that VCS's proposed a billing practice is not a common billing practice for our traditional ILECS and CLECs, VCS is not prohibited from utilizing a pre-pay billing method for its customers as long as it complies the billing information required by 52 Pa. Code §§ 64.13 and 64.14 and other aspects of our regulations. Thus, the Commission will permit VCS to bill its protected basic voice service on a prepaid basis, subject to these conditions.¹⁷¹

VCS also indicated that its bundled services package will have a minimum service term and since its voice service is provided via satellite, its standalone voice offerings will require at least a one-year minimum service term. However, this one-year minimum service term for standalone voice will apply only to non-Lifeline customers. VCS has further indicated that if the non-Lifeline customer decides to terminate service during the initial service term, a \$15 per month charge for the remaining

term would become due. VCS has indicated that it imposes an early termination fee in order to recover the costs of installing the satellite Internet portion of its interconnected VoIP service.

We acknowledge that VCS may have significant costs to activate each customer, including the costs of equipment and installation. Nonetheless, the Commission generally is not in favor of early termination fees on standalone voice service, and other jurisdictional telecommunications carriers offering protected basic voice service are not imposing such a fee. However, we will not prohibit the early termination fee at this time. We note such a fee is not expressly prohibited under our regulations, and VCS has provided reasonable grounds for the fee based on its unique circumstances. Moreover, VCS has proposed a reasonable exception to the fee based on service reliability. As proposed by the company, VCS must allow a residential voice customer to request an early termination of service without a penalty for material, and ongoing degradation in service quality or service interruption of a significant length of time such that the customer is not able to use the service at all or to make reasonable use of the service issues. Notwithstanding, we caution VCS that early termination of a service agreement must only result in an early termination fee that is less than or equal to the sum of the monthly fees for the remaining months of the term. Thus, the Commission will permit VCS' early termination fee, subject to these conditions.

VCS stated that it has no current plans to offer the supported services of voice and BIAS outside of its CAF Phase II winning bid areas and, thus, will provide Lifeline services only within its proposed Designated Service Area. We note that VCS will provide the same interconnected VoIP voice service offering and BIAS to Lifeline customers that are available to non-Lifeline subscribers at the same terms, rates and conditions. Thus, eligible Lifeline customers who will subscribe to VCS's standalone, interconnected VoIP service offering will be provided with unlimited local and interstate calling capabilities that will feature access to a variety of standard features for its customers such as voicemail, caller I.D., etc., at no extra charge. Additionally, VCS stated that it will offer number porting at no charge to its Lifeline customers.

The "five-year plan" requirement set forth in 47 C.F.R. § 54.202(a)(1)(ii) is inapplicable to VCS. The FCC has eliminated the five-year improvement plan requirement for price cap carriers, rate-of-return carriers and petitioners seeking ETC designation to become eligible to receive Auction 903 support.¹⁷² Therefore, since VCS is a winning bidder in Auction 903, it is not required to file a five-year improvement plan with this Commission.

b. *47 C.F.R. § 54.202(a)(2)*

Functionality in Emergency Situations

An ETC applicant is required to demonstrate its ability to remain functional in emergency situations. In order to satisfy this criterion, an applicant must demonstrate it has a reasonable amount of back-up power to ensure functionality without an external power source, is able to reroute traffic around damaged facilities, and is capable of managing traffic spikes resulting from emergency

¹⁷² See *Connect America Fund et al., Report and Order, Order and Order on Reconsideration, and Further Notice of Proposed Rulemaking*, 31 FCC Rcd 3087, 3166, 3168, paras. 216, 220 (2016) (eliminating five-year plan and related progress reports for federal rate-of-return and price cap carriers) (2016 Rate-of-Return Reform Order); see also Notice, WCB Reminds Connect America Fund Phase II Auction Applicants of the Process for Obtaining a Federal Designation as an Eligible Telecommunications Carrier, WC Docket Nos. 09-197 and 10-90, Public Notice, 33 FCC Rcd 6696, 6699-6700 (WCB 2019) (Auction 903 ETC Public Notice).

¹⁷⁰ See Petition at 14-15.

¹⁷¹ To the extent that VCS might use different terminology in its customer service agreement, VCS should understand that the Commission's suspension and termination regulations still apply.

situations. VCS has certified that it intends to design the network with redundancy to enable continuous service.¹⁷³

VCS has stated that its parent company, Viasat, has been providing high speed Internet access service to customers on a 24-hours times 365 days a year mode for more than thirteen years.¹⁷⁴ VCS has asserted that Viasat's ground network is extremely robust and is built with many redundancies to minimize service failures.¹⁷⁵ Each Viasat-2 spot beam is supported by multiple Satellite Access Nodes (SANs) and each SAN is located in a different geographic location spread across the United States.¹⁷⁶ As a result, if a single SAN is out-of-service for any reason (due to a storm, cut fiber, technical failure, etc.) the remaining SANs can continue to provide service to the affected spot beam. Further, VCS has stated it has backup generators to provide power to gateways and SANs in the event of a power outage.¹⁷⁷

VCS has asserted that it operates a 24/7 Network Operations Center to monitor the network so the company can react immediately when any outage or other issue occurs.¹⁷⁸ VCS stated further that as part of providing its interconnected VoIP service and BIAS, it will also have the necessary contingency plans in place for credible emergency situations for each of the major network facilities that are geographically distributed across the United States.¹⁷⁹ These plans contain activation, required staffing, escalation, and communication procedures to deal with such emergencies.¹⁸⁰

VCS has stated that its leased terrestrial facilities will have redundancies designed to maintain service in the event of an outage on one facility.¹⁸¹ VCS has also stated that its average outage restoration time for network equipment is 30 minutes.¹⁸² Additionally, VCS also has indicated that much of its network includes redundancy, so that even a network failure might not result in a loss of service.¹⁸³ This will ensure that VCS is capable of rerouting traffic around damaged facilities. Additionally, VCS has stated that its ground-based facilities are equipped with independent power generators and sufficient fuel to operate for several days so as to mitigate power losses.¹⁸⁴

VCS has also addressed an inquiry involving the potential degradation of satellite transmission capacity at the spot beam level:

In the rare instance of a spot beam outage, Viasat can transition customers to overlapping spot beams provided that Viasat has overlapping spot beams in the affected area. If such overlapping spot beam happens to be on another satellite, Viasat would need to send a service technician to the customer's location to repoint the satellite antenna. Note, this is not Viasat's primary redundancy plan. This would only be for exceptional circumstances. To date, we have not had a "sudden" spot beam outage. We have only had rare instances of slow degradation (over several years) of a spot beam, which allowed Viasat time to make contingency plans to address affected customers.

See September 17, 2019 Supplement, at 10.

¹⁷³ Petition at 15.

¹⁷⁴ See January 30, 2019 Supplement at 7.

¹⁷⁵ Id.

¹⁷⁶ Id.

¹⁷⁷ Id.

¹⁷⁸ Id.

¹⁷⁹ Id.

¹⁸⁰ Id.

¹⁸¹ Id.

¹⁸² See January 30, 2019 Supplement at 6.

¹⁸³ Id.

¹⁸⁴ See Petition at 15.

The FCC's regulations require facilities-based fixed residential voice services that are not line-powered (fixed service providers) to offer for sale to subscribers "at least one option that provides a minimum of twenty-four hours of standby backup power" for customer premises equipment by February 13, 2019.¹⁸⁵ As to the customer's individual interconnected VoIP service and BIAS, VCS has stated that it will offer a battery backup for its interconnected VoIP service and BIAS to customers that will provide power for up to eight hours when fully charged.¹⁸⁶ The Commission determines that VCS's certifications that it will design its network with the adequate redundancy to enable continuous service and that it will offer to its subscribers at least one option with 24 hours of standby backup power is supported by the record.¹⁸⁷ Accordingly, the Commission finds that VCS satisfies the ETC criterion of remaining functional in emergency situations.

c. 47 C.F.R. § 54.202(a)(3)

Customer Service and Service Quality Standards

For applicants seeking ETC designation for the purposes of becoming authorized to receive Auction 903 high-cost support, the FCC waived the requirement to submit proof of compliance with consumer protection and service quality standards—finding that the need for such requirements is obviated by specific service quality standards applicable to Auction 903 winning bid areas and specific reporting obligations relating to such standards.¹⁸⁸ Nonetheless, under independent Pennsylvania law, VCS remains subject to all applicable consumer protection and service quality standards, even if it is providing interconnected VoIP service or BIAS service.¹⁸⁹ Thus, VCS, as an ETC, will remain subject to the consumer protection and service quality laws, regulations and standards promulgated by the Commonwealth of Pennsylvania or the Commission, since it proposes to offer a protected, basic voice service and BIAS to customers.¹⁹⁰

VCS has stated that it will have a dedicated Executive Escalations team to resolve customer complaints that may be received from the Pennsylvania Office of Attorney General (OAG), any other regulatory body or the Better Business Bureau.¹⁹¹ VCS has stated that its Executive Escalations team will actively monitor and respond to customer complaints, as appropriate, through the Pennsylvania OAG, the Commission's BCS, and Better Business Bureau's service portals. The telephone number for the Executive Escalations team is (866) 631-4683, and the email address is Executive.Escalations@VCS.com.

¹⁸⁵ 47 C.F.R. § 12.5(b)(2); see also Ensuring Continuity of 911 Communications, Report and Order, 30 FCC Rcd 8677 (2015).

¹⁸⁶ See January 30, 2019 Supplement at 5; April 23, 2019 Supplement at 6 and April 14, 2020 Supplement, Attachment C # 13. Under independent Pennsylvania law, VCS also remains subject to Pennsylvania's state emergency service mandates, including the VoIP Freedom Act at 73 P.S. §§ 2251.1–2251.6. See also *Eileen Floyd v. Verizon Pennsylvania LLC*, Docket No. C-2012-2333157 (Order entered April 30, 2013).

¹⁸⁷ See Petition at 15.

¹⁸⁸ See Auction 903 ETC Public Notice.

¹⁸⁹ 73 P.S. §§ 2251.5 and 2251.6(1)(v). Under the VoIP Freedom Act, the Commission has retained jurisdiction to enforce applicable federal and Pennsylvania statutes or regulations on interconnected VoIP services relating to the following subject matter: (i) The provision and administration of enhanced 911 service and nondiscriminatory enhanced 911 fees; (ii) telecommunications relay service fees; (iii) universal service fund fees; (iv) switched network access rates or other intercarrier compensation rates for interexchange services provided by a local exchange telecommunications company; and (v) Rates, terms or conditions of protected services provided under tariffs which are subject to approval by the Commission. 73 P.S. § 2251.6(1). See also *Eileen Floyd v. Verizon Pennsylvania LLC*, Docket No. C-2012-2333157 (Order entered April 30, 2013); Application of Momentum Telecom, Inc. for approval of the Abandonment or Discontinuance of Competitive Local Exchange Carrier and Interexchange Carrier Reseller Services to the Public in the Commonwealth of Pennsylvania, Docket No. A-2014-2450071, (Order entered May 20, 2015). See also *Mozilla Corp. v. FCC*, 940 F.3d 1, 74–86 (D.C. Cir. 2019).

¹⁹⁰ Id.

¹⁹¹ See January 30, 2019 Supplement at 9.

Additionally, VCS has stated that it will establish a customer care center dedicated to resolving any customer complaints or service issues, including a toll-free number with which customers will be able to access a 24/7 customer support center.¹⁹² Thus, customers will be able to seek assistance by emailing VCS or engaging with a customer support representative through an online chat session.

d. 47 C.F.R. § 54.202(a)(4)

Financial and Technical Ability

Generally, a carrier seeking only low-income support under Subpart E, 47 C.F.R. §§ 54.400—54.422, must demonstrate that it possesses the financial and technical ability to provide Lifeline service. A carrier seeking only low-income support also must submit information describing the terms and conditions of any voice telephone service plans and the terms and conditions of any broadband Internet access service plans offered to Lifeline subscribers.

VCS is not seeking an ETC designation for purposes of receiving only Lifeline support. However, VCS must participate in the federal Lifeline program as a condition of receiving an ETC designation to receive high-cost support, and VCS is required to offer Lifeline service to low-income eligible customers or households in its proposed Designated Service Area. Therefore, the Commission determines that VCS must still demonstrate financial and technical ability to provide Lifeline service.

We find VCS fit to provide Lifeline service in Pennsylvania. The Commission takes note that VCS was one of the successful bidders in the FCC’s CAF II Auction 903 that is aiding with the construction of the planned network facilities in Pennsylvania, and that the FCC’s CAF II bidding process required the substantive demonstration of managerial, technical, and financial fitness elements for the participation of the successful bidders.¹⁹³

Upon review, VCS has committed to offering Lifeline services, consistent with the FCC’s rules and the Commission’s rules and guidelines.¹⁹⁴ Additionally, we also find that VCS has provided the requisite information in its accompanying supplements about its Lifeline service plan offerings.¹⁹⁵ VCS’s supplements include the requisite description of its voice and Internet access service offerings for Lifeline subscribers. Accordingly, the Commission determines that VCS has demonstrated it is technically, managerially, and financially fit to offer the proposed services and finds that VCS meets the requirements of 47 C.F.R. § 54.202(a)(5) and 47 C.F.R. § 54.202(a)(6) as well.

e. 47 C.F.R. §§ 54.202(a)(5) and 54.202(a)(6)

Terms and Conditions of Lifeline Plans

Consistent with our prior determination regarding Section 54.202(a)(4) above, we believe these sections are also applicable to VCS’s ETC designation request. Pursuant to Sections 54.202(a)(5) and 54.202(a)(6), VCS commits to offering Lifeline discounts to qualifying low-income consumers, consistent with the FCC’s rules and the Commission’s rules and guidelines, in all high-cost areas where it

is authorized to receive support.¹⁹⁶ VCS’s supplements include the requisite description of the service offerings for Lifeline subscribers.¹⁹⁷ Accordingly, we find that VCS meets the requirements of 47 C.F.R. § 54.202(a)(5) and 47 C.F.R. § 54.202(a)(6).

f. 47 C.F.R. § 54.202(b)

Public Interest Standard

When making a public interest determination for an ETC designation, the FCC historically has considered the benefits of increased consumer choice and the unique advantages and disadvantages of the petitioner’s service offering.¹⁹⁸ In particular, granting an ETC designation may serve the public interest by providing a choice of service offerings in rural and high-cost areas. However, the value of increased competition, by itself, may not satisfy the public interest test.

In this case, we believe the public interest standard has been met through Viasat’s participation in the CAF II process. Viasat assigned its winning bids in Pennsylvania to VCS.¹⁹⁹ This assignment will allow VCS to offer voice and broadband data services to areas in Pennsylvania that currently do not have broadband access services. VCS was assigned winning bids in Auction 903 in the following manner:

<i>Bidder</i>	<i>State</i>	<i>Annual Assigned Support for 10-year period</i>	<i>Locations Assigned</i>
Viasat Carrier Services, Inc.	PA	\$1,994,511.99	45,100

ETC designations in areas where a winning bidder is authorized to receive Auction 903 support serve the public interest. That arises, in part, because approving an ETC designation for VCS permits it to secure the release of the total 10-year support of \$19,945,119.90 by the FCC from Auction 903 to deploy broadband-capable networks in rural underserved areas in Pennsylvania where such deployment might otherwise prove more expensive or take longer to implement.

Receipt of Auction 903 CAF Phase II federal funds is a considerable benefit to Pennsylvania, which is otherwise a net-contributor state to the federal USF funding mechanism. It will facilitate the provision of additional access to voice and broadband services to Pennsylvania consumers in rural areas that are expensive and difficult to serve. The FCC expressly recognized that there are some rural areas across the country where it is very expensive to extend broadband using terrestrial wireline technology, and that in some areas, satellite or fixed wireless technologies may be more cost-effective options to extend service. Recipients of CAF Phase II support are required to offer voice and broadband access services at modern speeds with latency suitable for real-time applications, including VoIP, and usage capacity that is reasonably comparable to similar offerings in urban areas. VCS has certified that that it will abide by the FCC’s rules for voice and broadband access services in accordance with 47 C.F.R. § 54.309.²⁰⁰

¹⁹² Id.
¹⁹³ See, e.g., FCC Public Notice, Instructions for Short-Form Application to Participate in the Connect America Fund Phase II Auction Scheduled to Begin on July 24, 2018, AU Docket No. 17-182, (FCC Rel. March 8, 2018), DA 18-182; FCC Public Notice, Technical Guide on Proposed Bidding Procedures for the Connect America Fund Phase II Auction, AU docket No. 17-182, WC Docket No. 10-90, (FCC Rel. August 4, 2018), DA 17-733.
¹⁹⁴ See Petition at 14.
¹⁹⁵ See generally September 17, 2019 Supplement, Attachment B; October 17, 2019 Supplement at 2; February 3, 2020 Supplement; March 17, 2020 Supplement, March 30, 2020 Supplement and April 14, 2020 Supplement.

¹⁹⁶ Petition at 14.
¹⁹⁷ See fn. 143 supra.
¹⁹⁸ Federal-State Joint Board on Universal Service, Highland Cellular, Inc. Petition for Designation as an Eligible Telecommunications Carrier for the Commonwealth of Virginia, Memorandum Opinion and Order, 19 FCC Red. 6422, 6424, para. 4 (2004); Federal-State Joint Board on Universal Service, Virginia Cellular, LLC Petition for Designation as an Eligible Telecommunications Carrier in the Commonwealth of Virginia, Memorandum Opinion and Order, 19 FCC Red 1563, 1565, para. 4 (2004).
¹⁹⁹ See Petition at 7.
²⁰⁰ See Petition at 13—15.

Certifying VCS as an ETC is in the public interest, pursuant to 47 C.F.R. § 54.202(b), because it will permit VCS to obtain over \$1.9 million in federal high-cost support to provide voice and broadband access services to areas that currently do not have modern broadband service.²⁰¹ By selecting VCS as a recipient of CAF II funds, the FCC has recognized that the services that VCS intends to offer will advance the goal of universal service and provide needed broadband access services to currently underserved areas. An ETC designation will allow VCS to fulfill the requirements of the CAF II and apply the high cost support in Pennsylvania for the purposes it was intended.

Moreover, VCS may possibly replace current federal price cap ETCs as the only carrier receiving federal USF high-cost support in these local exchanges.²⁰² In the December 2014 Connect America Order, the FCC determined that federal price cap carriers can remove their ETC status via the Section 214 process if (1) the census block is determined to be low cost; (2) the census block is served by an unsubsidized competitor offering voice and broadband at speeds of 10/1 Mbps or better to all eligible locations; or (3) the census block is served by a subsidized competitor (another ETC) receiving federal high-cost support to deploy modern networks capable of providing voice and broadband to fixed locations.²⁰³ While Section 214(e)(4) of the Act, 47 U.S.C. § 214(e)(4), enables a price cap ETC to seek relinquishment of its ETC designation, it also requires states (or the FCC if it designated the ETC) to “ensure that *all* customers served by the relinquishing carrier will continue to be served.”²⁰⁴ Hence, if all other ETCs in VCS’s proposed Designated Service Area are permitted to relinquish their ETC designations, VCS, as the competitive ETC, may be required to ensure that all customers served by the relinquishing carriers in their respective service areas will continue to be served.²⁰⁵

Since an ETC designation will assist VCS to secure federal universal service high-cost support funding under CAF Phase II in various census blocks in specific local exchanges and also provide voice services while promoting the deployment of advanced telecommunications and BIAS in the relevant areas and locations of the Commonwealth addressed in the Petition, the Commission determines that ETC designation for VCS is in the public interest. It promotes both the FCC’s and the Pennsylvania General Assembly’s goals of preserving and advancing universal telecommunications and broadband services and

ensuring the availability of quality telecommunications services at just, reasonable, and affordable rates within rural and high-cost areas. See 66 Pa.C.S. §§ 3011(1) and (2), 3012 (definition of universal broadband availability), and 3014(a) and (b).

g. 47 C.F.R. § 54.202(c)

Tribal Lands

ETC designation to serve any tribal lands is inapplicable in Pennsylvania, making Section 54.202(c) inapplicable to VCS’s Petition.

4. 47 C.F.R. § 54.203

ETCs for Unserved Areas

Because VCS’s Petition does not involve service to an unserved area, Section 54.203 is not applicable.

5. 47 C.F.R. § 54.205

Relinquishment of Universal Service

If at some point in the future VCS seeks to relinquish its ETC designation, VCS agrees to comply with the requirements of Section 54.205 as well as independent state law.

6. 47 C.F.R. § 54.207

Service Areas

Generally, once an entity is designated an ETC in a service area, it must offer the supported services throughout that entire service area.²⁰⁶ The term service area generally means the overall geographic area for which the carrier shall receive support from federal universal service support mechanisms.²⁰⁷ A service area is established by a state commission for the purpose of determining universal service obligations and support mechanisms.

VCS was a winning bidder in Auction 903 and has been awarded CAF Phase II high-cost funding support in specific CAF-eligible census blocks dispersed throughout Pennsylvania.²⁰⁸ Pursuant to its Petition, VCS is seeking ETC designation only in these CAF-eligible census blocks.²⁰⁹ VCS is requesting ETC designation only in specific discrete census blocks that are located in certain local exchanges of the following incumbent local exchange carriers (ILEC), both rural and non-rural:²¹⁰

Citizens Telephone Company of Kecksburg
Consolidated Communications of Pennsylvania Company
Frontier Communications Commonwealth Telephone Company
Frontier Communications of Breezewood
Frontier Communications of Lakewood
Hancock Telephone Company
Laurel Highland Telephone Company
North Penn Telephone Company
TDS Telecom—Mahanoy & Mahantango Telephone Company

²⁰⁶ 47 U.S.C. § 254(e) (stating that only an ETC is “eligible to receive specific Federal universal service support”).

²⁰⁷ 47 C.F.R. § 54.207(a).

²⁰⁸ See Appendix A.

²⁰⁹ Petition at 2.

²¹⁰ The number of census blocks that were eligible for inclusion in Auction 903 differs from the total number of census blocks where the price cap carrier had declined the offer of CAF Phase II model-based support. The FCC had added for inclusion in Auction 903 those census blocks to which price cap carriers that had accepted CAF Phase II model-based support had indicated that they did not intend to deploy broadband access services. Additionally, the FCC allowed census blocks that rate-of-return (RoR) carriers had identified they would be unable to serve to be included in Auction 903. Thus, Viasat proposed Designated Service Area will consist of portions local exchanges in price cap and RoR carriers’ service territories.

²⁰¹ Id.

²⁰² Notwithstanding Pennsylvania state law, a state commission must allow an ETC to relinquish its designation in any area served by more than one ETC pursuant to Section 214(e)(4) of the Act if conditions are met. See 47 U.S.C. § 214(e)(2). The relinquishing ETC must provide advance notice of such relinquishment to the state commission. Prior to allowing the relinquishing carrier to cease providing universal service, the state commission must require the remaining ETC or ETCs to ensure that all customers served by the relinquishing carrier will continue to be served. The state commission also must require sufficient notice to the remaining ETC or ETCs to permit the purchase or construction of adequate facilities, with such purchase occurring within a specific time period. See 47 U.S.C. § 214(e)(4).

²⁰³ See December 2014 Connect America Order, Report and Order, 29 FCC Rcd 15644, 15663-71, paras. 50–70.

²⁰⁴ 47 U.S.C. § 214(e)(4) (emphasis added).

²⁰⁵ 2005 ETC Designation Order, 20 FCC Rcd at 6386, para 36. The FCC stated that under Section 214(e)(4) of the Act, the state commission or, in the case of a common carrier not subject to state commission jurisdiction, the FCC “shall permit an eligible telecommunications carrier to relinquish its designation as such a carrier in any area served by more than one eligible telecommunications carrier.” However, prior to allowing the carrier to cease providing universal service in the area, the remaining ETC or ETCs will be required to ensure that all customers served by the relinquishing carrier will continue to be served. Furthermore, under Section 251(h)(2) of the Act, the Commission may treat another carrier as the incumbent LEC if that carrier occupies a position in the market that is comparable to the position occupied by the incumbent LEC, if such carrier has substantially replaced an incumbent LEC, and if such treatment is consistent with the public interest, convenience and necessity. Moreover, applicable Pennsylvania law notwithstanding, ILECs seeking to relinquish their ETC designations will remain obligated, however, to maintain existing voice service unless and until they receive authority under 47 U.S.C. § 214(a) to discontinue that service. They also will remain subject to the obligation to offer Lifeline service to qualifying low-income consumers or households throughout their service territory.

United Telephone of Pennsylvania d/b/a CenturyLink
 West Side Telephone Company
 Windstream Buffalo Valley Inc.
 Windstream Conestoga Inc.
 Windstream D&E Inc.
 Windstream Pennsylvania LLC
 Verizon North LLC
 Verizon Pennsylvania LLC

In the ETC Designation Order, the FCC adopted one set of criteria for evaluating the public interest for ETC designations for both rural and non-rural areas.²¹¹ The FCC noted in the ETC Designation Order that the same factors may be analyzed differently or may warrant a different outcome depending on whether the competitive ETC's request is in a rural or non-rural service territory and also regarding the specifics of the competitive ETC's proposed designated service area.²¹² The Commission notes that VCS is seeking an ETC designation only in the local exchanges where VCS's 1,287 CAF-eligible census blocks are located.²¹³ Thus, the Commission deems VCS's ETC designation request as seeking an ETC designation below the study (or service) area level of the seventeen ILECs listed above.

Since VCS seeks a limited ETC designation in both non-rural ILEC and rural ILEC's service territory, the Commission will conduct a two-fold analysis. First, the Commission will address VCS's ETC designation request in the rural ILECs' service territories. If an area is served by a rural ILEC (RLEC), the Act defines the service area for the purpose of designating an ETC to be the rural ILEC's entire study (or service) area for federal universal service support purposes. Generally, when a competitive ETC seeks to serve an area already served by a RLEC, Section 214(e)(5) of the Act imposes an additional requirement that the competitive ETC's service area must conform to the RLEC's service area.

If a state commission seeks to designate a competitive ETC in a rural ILEC's service area that differs from the RLEC's existing service area, that rural service area must first be redefined under the process set forth under the Act, and the Commission would be required to conduct a cream-skimming analysis to compare the population density of the wire centers in which the ETC applicant seeks designation against that of the wire centers in the study area in which the ETC applicant does not seek designation. See ETC Designation Order, 20 FCC Red at 6392-95, paras. 48—53.

In this case, VCS seeks an ETC designation below the study (or service) area level of fifteen RLEC(s). Under standard ETC requests as explained above, the Commission usually would have to undergo a redefinition analysis of the particular RLEC service territory since the Petitioner requests to serve only portions of the RLECs' service areas and Section 214(e)(5) of the Act, 47 U.S.C. § 214(e)(5), requires conformance of a competitive ETC's and an RLEC's service areas. However, the FCC has waived its rules regarding the redefinition process for Auction 903 funding recipients.²¹⁴

In its Phase II Auction Order, the FCC held that for those entities that were seeking to obtain ETC designations solely as a result of being selected as winning

bidders for the Auction 903 support, it was best to forbear from applying Section 214(e)(5) of the Act and Section 54.207(b) of the FCC's rules insofar as those sections require that the service area of such an ETC conform to the service area of any RLEC serving an area eligible for Phase II support.²¹⁵ The FCC noted that since price cap ETCs had declined the offer of model-based support and another entity is now receiving that declined support through Auction 903, the incumbent ETC's service area is no longer a relevant consideration in determining the geographic scope of a winning bidder's ETC designation.

Pennsylvania-specific carrier of last resort obligations notwithstanding, the FCC expressly noted that "[i]f the rural telephone affiliate of a [federal] price cap carrier declines the offer of support and another entity is selected as the winning bidder to serve a portion of its area through the competitive bidding process, the incumbent will be replaced by the Phase II competitive bidding recipient in those areas, and the incumbent's legacy service area will no longer be a relevant consideration in determining where the winning bidder should be designated as an ETC."²¹⁶

Additionally, the FCC noted that forbearing from the service area conformance requirement eliminated the need for redefinition of any RLECs' service areas in the context of the Phase II competitive bidding process.²¹⁷ The FCC directly addressed its previously required "cream-skimming analysis," an analysis triggered out of the concern that an ETC serving only a relatively low-cost portion of an RLEC's service area might skim only the cream of customers by receiving per line support based on the RLECs' cost of serving the entire service area. The FCC determined that such an analysis is irrelevant since a winning bidder will be the only carrier receiving support to serve a bid area and must serve areas the marketplace would not otherwise serve absent the Auction 903 support.²¹⁸ Thus, past "cream-skimming" concerns are not relevant to the CAF II support awarded through a competitive process.²¹⁹

Here, VCS was a winning bidder in specific eligible census blocks in fifteen RLECs' service areas, and it is only seeking an ETC designation in those specific census blocks. Even though VCS is seeking ETC designation below the study area level of these RLECs, as explained above, applicable law explicitly indicates that the relevant analysis the state and the FCC historically undertook when deciding whether to redefine an RLEC's service area is no longer applicable to the Phase II competitive bidding process.²²⁰ If a petitioner is seeking an ETC designations only for the purpose of becoming authorized to receive Auction 903 support, applicable law dictates that the redefinition process is not required to approve the petitioner's request for an ETC designation below the incumbent ETC's study area. Thus, based on our analysis of the applicable law, we approve VCS's request for an ETC designation below the study area levels of each of the fifteen RLECs without any redefinition of those RLECs' service areas.

Additionally, the Commission also notes that a portion of VCS's proposed Designated Service Area includes spe-

²¹⁵ Id.

²¹⁶ Id. at 6006, para. 159.

²¹⁷ Id. at 6006-09, paras. 162—68.

²¹⁸ Id. at 6008, para. 165. It does not appear to us that the high-cost census blocks where VCS was a successful bidder are the low cost/high density areas that historically have been the focus of the FCC's cream skimming analysis. Rather, by virtue of their inclusion in Auction 903, these are high-cost or extremely high-cost areas.

²¹⁹ Id.

²²⁰ See also Tri-Co Connections, LLC for Designation as an Eligible Telecommunications Carrier in the Commonwealth of Pennsylvania, Docket No. P-20183005127 (Order entered April 11, 2019).

²¹¹ ETC Designation Order, 20 FCC Red at 6389-90, paras. 42-43.

²¹² Id.

²¹³ Petition at 2, 4.

²¹⁴ See Phase II Auction Order, 31 FCC Red at 6005-09, ¶¶ 157—168.

cific CAF-eligible census blocks located only in certain local exchanges served by Verizon Pennsylvania LLC (Verizon PA) and Verizon North LLC (Verizon North), which are non-rural ILECs in Pennsylvania. Based on our analysis of the applicable law, we approve VCS's request for an ETC designation below the study area levels of Verizon PA and Verizon North.

Accordingly, we approve VCS's proposed Designated Service Area as set forth in its Petition and relevant supplements. VCS Designated Service Area will only consist of the specific CAF-eligible census blocks listed in Appendix A, which are located in the specific local exchanges²²¹ of seventeen ILECs, as listed in Appendix B. The Commission notes that a portion of Appendix B does not denote the proper name of the ILEC for the designated local exchange area. The Commission directs VCS to file a supplement clarifying that portion of its April 27, 2020 supplement within sixty days of entry of this Order.

B. Certification of Eligibility for Benefits under the Anti-Drug Abuse Act

Petitioners must certify that neither the petitioner nor any party to the petition is subject to a denial of federal benefits pursuant to Section 5301 of the Anti-Drug Abuse Act of 1988, as implemented in Section 1.2002 of the FCC's rules.²²² VCS certifies that no party to its Petition is subject to denial of federal benefits, including FCC benefits, pursuant to Section 5301 of the Anti-Drug Abuse Act of 1988.²²³

C. VCS Satisfies the FCC's Rules and Federal Requirements Governing High-Cost ETC Designations

Based upon our review of VCS's Petition, as supplemented, we determine that VCS satisfies all the applicable and relevant FCC rules and federal requirements necessary to obtain an ETC designation for the purpose of receiving Auction 903 high-cost support. We understand that VCS specifically stated in its Petition that it is seeking ETC designation in Pennsylvania only in the 1,287 CAF-eligible census blocks located within certain local exchanges that are dispersed throughout seventeen Pennsylvania ILECs' service territories.²²⁴ The Commission approves VCS's request for a limited federal high-cost ETC designation only in the CAF-eligible census blocks covered by VCS's award in Auction 903. The Commission concludes that this limited designation is in the public interest.

Consumers will benefit from the Commission's decision to designate VCS an ETC in the listed census blocks in Appendix A attached to this Order. Granting VCS an ETC designation allows it to receive the CAF Phase II high-cost support funding to expand voice and broadband-capable networks with service quality that meets the FCC's and Pennsylvania's requirements. As an ETC receiving federal high-cost support, VCS is obligated to ensure that the support it receives is being used only for the provision, maintenance, and upgrading of facilities and services in the areas where it is designated an ETC. Additionally, because VCS will also be providing voice and BIAS to non-Lifeline customers, we require VCS to comply with applicable Commission and FCC requirements governing the delivery of voice and BIAS to non-Lifeline consumers.

Notwithstanding, the Commission cautions VCS that it may replace the current incumbent ETCs in the future as

the only carrier receiving federal high-cost support in those census blocks within the local exchanges where it has received an ETC designation. The Commission acknowledges that the incumbent ETC in VCS's proposed Designated Service Area may seek and be granted relinquishment by the Commission of its respective ETC designations under 47 U.S.C. § 214(e)(4). If such relinquishment occurs, VCS, as the competitive ETC, will be required to ensure that all customers served by a relinquishing carrier in VCS's proposed Designated Service Area will continue to be served. In sum, we find that granting an ETC designation to VCS satisfies the public interest standard.

II. Federal Requirements of Eligible Telecommunications Carriers for Universal Service Support for Low-Income Consumers

Upon receipt of a federal high-cost ETC designation, a winning CAF bidder is required to offer Lifeline services and is required to comply with the rules and requirements of the federal Lifeline program. These rules and requirements have now been amended by the FCC's Lifeline Reform Orders and are codified at 47 C.F.R. §§ 54.101, et seq.

The major goal of the FCC's Lifeline Reform Orders was to implement procedures designed to preserve federal USF resources and prevent waste, fraud and abuse. To that end, the FCC codified rules governing the entire process of Lifeline reimbursement from the USF. These changes established defined terms governing the provision of low-income support and established parameters governing a carrier's duties and eligibility for USF low-income support. Specifically, revised Section 54.400 establishes relevant terms and definitions for provision of Lifeline; Section 54.401 defines Lifeline as a non-transferrable retail service; Section 54.403 establishes the Lifeline support amounts that ETCs may seek from the federal USF; and Section 54.404 requires the creation of the National Lifeline Accountability Database (NLAD),²²⁵ which intends to provide a national database for ETCs to cross-check subscriber eligibility as a means to eliminate federal USF support for duplicative or otherwise ineligible subscribers.

Further, the Lifeline Reform Orders instituted substantial changes which have impacted consumer qualification for Lifeline, including: Section 54.410 (Subscriber Eligibility Determination); Section 54.416 (Annual Certifications by ETCs); Section 54.417 (Record Keeping Requirements); and Section 54.422 (Annual Reporting for ETCs that Receive Low-income Support). These regulations govern the prerequisite duties of an ETC seeking low-income support from the federal USF.

All current and future ETCs must meet the minimum standards set forth in the FCC's Lifeline Reform Orders. All minimum federal requirements of the FCC's Lifeline Reform Order not expressly discussed herein, are nonetheless applicable to ETC designation requests in Pennsylvania. This includes any subsequent developments in those federal requirements. However, VCS is required to offer Lifeline-supported services only in the high-cost

²²⁵ NLAD is a national database that allows service providers to check on a real-time, nationwide basis whether a consumer is already receiving a Lifeline Program-supported service. Thus, the NLAD is used to prevent duplicative Lifeline enrollments. In 2016, the FCC established the National Verifier to make eligibility determinations to enroll eligible subscribers into the Lifeline Program. There are a variety of criteria by which an applicant can demonstrate Lifeline eligibility, including income eligibility or participation in various federal assistance programs. USAC, the federal USF administrator, manages both the National Verifier and NLAD. As to VCS's de-enrollment processes, however, as stated *infra*, VCS's ongoing Lifeline requirement remains subject to future developments for Lifeline service in general under state and federal law.

²²¹ See April 27, 2020 Supplement.

²²² See 47 C.F.R. § 1.2002.

²²³ See April 21, 2020 Supplement.

²²⁴ See Appendix B.

eligible census blocks for which it will receive CAF Phase II high-cost support via Auction 903 support—its Designated Service Area.²²⁶

A. *The FCC's Rules Governing Lifeline*

1. *47 C.F.R. § 54.410*

Subscriber Eligibility Determination and Annual Certifications

The requirements for subscriber eligibility determination and annual certification requirements in Section 54.410 of the FCC's rules are the major requirements established to prevent waste, fraud, and abuse. These requirements pertain to consumer eligibility factors for Lifeline and the corresponding obligation for continued verification of that eligibility. Thus, every Lifeline consumer's eligibility is to be recertified annually.

In its 2016 Lifeline Order, the FCC established the National Verifier as the entity designated to make eligibility determinations and perform a variety of other functions necessary to enroll eligible subscribers into the Lifeline Program. As outlined in the 2016 Lifeline Order, “[t]he [FCC’s] key objectives for the National Verifier are to protect against and reduce waste, fraud, and abuse; to lower costs to the Fund and Lifeline providers through administrative efficiencies; and to better serve eligible beneficiaries by facilitating choice and improving the enrollment experience.”²²⁷ The National Verifier is a centralized system that determines whether subscribers are eligible for Lifeline. USAC manages the National Verifier and its customer service department, the Lifeline Support Center. Service providers can help Lifeline consumers obtain an eligibility decision from the National Verifier through the service provider portal, or consumers can apply on their own by mail or online. USAC will determine if the applicant is eligible for Lifeline.

The National Verifier was fully launched in Pennsylvania in March of 2019 and is the only means used for eligibility determination. New and potential Lifeline consumers will receive their initial income-based eligibility determination by signing into CheckLifeline.org from any computer or mobile device to create an account, receive an eligibility decision, and use the list of service providers in their area to contact one to enroll. VCS has certified that it will use the National Verifier to verify eligibility for its potential Lifeline customers given USAC's implementation of the National Verifier in Pennsylvania.²²⁸

Additionally, Section 54.410(f) of the federal rules provides for an annual recertification process by which each subscriber's eligibility for Lifeline service must be recertified. 47 C.F.R. § 54.410(f). In Pennsylvania, service providers must use the National Verifier to recertify their Lifeline subscribers. Accordingly, Lifeline subscribers will be recertified either automatically through the National Verifier's state/federal data sources or receive a recertification request from USAC. VCS has certified that it will use the National Verifier to recertify the eligibility of its potential Lifeline customers given USAC's implementation of the National Verifier in Pennsylvania.²²⁹

²²⁶ As previously noted, VCS's request for ETC designation was limited to its proposed Designated Service Area—the census blocks for which it was awarded Auction 903 support. Therefore, VCS is not seeking to be a Lifeline-only ETC designation for any census blocks outside its proposed Designated Service Area and is not authorized to offer Lifeline service beyond its proposed Designated Service Area.

²²⁷ 2016 Lifeline Order, 31 FCC Rcd at 4007, para. 128.

²²⁸ See January 30, 2019 Supplement at 2. For low-income consumers residing in group facilities or at an address shared by multiple households, the FCC's "One Per-Household rule" establishes that a "household" is defined as "any individual or group of individuals who are living at the same address as one economic unit." 47 C.F.R. § 54.400(h). Lifeline applicants may demonstrate at the time of enrollment that another Lifeline recipient resides at their address as part of a separate household.

²²⁹ See January 30, 2019 Supplement at 2.

The FCC modified Sections 54.410(b)(2)(i) and 54.410(c)(2)(i) of its rules to clarify that where use of the National Verifier determines the consumer's initial eligibility determination or recertification, the National Verifier is not required to deliver copies of those source documents to the ETC. The FCC determined that this amendment to the rules was consistent with its goals that the National Verifier ease burdens on Lifeline service providers while improving privacy and security for consumers applying to participate in the program.

Further, this amendment brings Section 54.410 of the rules in line with the FCC's stated intent in the 2016 Lifeline Order that Lifeline providers would not be required to retain eligibility documentation for eligibility determinations made by the National Verifier as it presents unnecessary risk to the privacy and security of subscriber information. Thus, VCS is not required to retain documentation of eligibility criteria determinations by the Lifeline National Verifier.²³⁰

VCS must comply with the federal policy for de-enrolling an account from Lifeline support for non-use is consistent with the FCC rules. VCS must certify that if it receives notification from USAC, the administrator of universal service, that a subscriber is receiving Lifeline service from another ETC or if another member of the household is receiving Lifeline service, it will de-enroll that subscriber in accordance with Section 54.405(e)(2) of the FCC's rules. Additionally, if VCS has a reasonable basis to believe that a Lifeline subscriber is no longer eligible to receive Lifeline service, it will notify that subscriber of impending termination of service utilizing a combination of communication methods including calling the subscriber. The subscriber will then have 30 days to demonstrate appropriate eligibility for the Lifeline benefit via NLAD that it is eligible for Lifeline.

Additionally, VCS must certify that it will de-enroll Lifeline customers for non-usage and failure to recertify in accordance with Sections 54.405(e)(3) and (4), respectively, of the FCC's rules. Furthermore, VCS must certify that it will de-enroll subscribers who have not used their Lifeline service for a period of 30 days. Pursuant to procedures outlined in the FCC's rules, following 30 days of non-usage by a Lifeline subscriber, VCS must send a notice to that subscriber stating that failure to use the service within the next 15 days will result in de-enrollment from Lifeline service. However, where a carrier bills on a monthly basis and collects or makes a good faith effort to collect any money owed within a reasonable amount of time, the Lifeline service provider will not be subject to the non-usage requirements.

VCS agrees it will comply with the National Verifier's consumer eligibility determination, recertifications and de-enrollment process per the applicable FCC rules.²³¹ This includes the FCC's Lifeline Reform Orders' amendment to the minimum eligibility criteria for consumers to receive Lifeline support, the revision to the eligibility determination process through the use of the National Verifier, and the modification of the annual recertification process as the National Verifier will also recertify subscribers each year.

2. *47 C.F.R. §§ 54.416, 54.417 and 54.422*

Annual Certifications, Recordkeeping and Reporting

As previously noted, the FCC's rules contain certain annual certification, recordkeeping, and reporting requirements for ETCs participating in the Lifeline program. For

²³⁰ 47 C.F.R. § 54.410(c) and (d).

²³¹ Petition at 14; January 30, 2019 Supplement.

one, a service provider must annually certify in FCC Form 555 that is submitted to USAC that it complies with all minimum service levels set forth in 47 C.F.R. § 54.408, and applicable federal Lifeline certification procedures. The ETC certifies that it has policies and procedures in place to ensure that the Lifeline subscribers are eligible to receive Lifeline services.²³² Consistent with our prior discussion related to Section 54.410(f), VCS's Lifeline subscribers will be recertified either automatically through the National Verifier's state/federal data sources, or receive a recertification request from USAC. In any event, VCS in its Petition and the accompanying Supplements has certified that it will establish procedures to comply with these provisions.

B. VCS Satisfies All the Federal Requirements Regarding Lifeline

As a CAF II winning bidder and high-cost ETC, VCS is obligated to offer Lifeline-supported services in its proposed Designated Service Area. VCS also is obligated to comply with the rules and requirements of the federal Lifeline program, including, inter alia, compliance with the FCC's updated rules for determining subscriber eligibility and annual recertification. Based upon our review of VCS's Petition, as supplemented, we determine that VCS satisfies all the applicable and relevant FCC rules and federal requirements regarding Lifeline.

III. Pennsylvania-Specific Requirements for ETC Designation

In addition to the minimum federal standards above, through our ETC Guidelines, VCS must comply with Pennsylvania statutory law and Commission orders which govern Pennsylvania's Lifeline program.²³³ 52 Pa. Code § 69.2501(b).

A. Section 3019(f) Requirements

Section 3019(f) of the Pennsylvania Public Utility Code (Code), 66 Pa.C.S. § 3019(f), and the Commission's PA Lifeline Order set forth the minimum Pennsylvania requirements for ETCs seeking low-income support from the federal Lifeline program. Section 3019(f) includes the following requirements for ETCs:

(1) All eligible telecommunications carriers certificated to provide local exchange telecommunications service shall provide Lifeline service to all eligible telecommunications customers who subscribe to such service.

(2) All eligible telecommunications customers who subscribe to Lifeline service shall be permitted to subscribe to any number of other eligible telecommunications carrier telecommunications services at the tariffed rates for such services.

(3) Whenever a prospective customer seeks to subscribe to local exchange telecommunications service from an eligible telecommunications carrier, the carrier shall explicitly advise the customer of the availability of Lifeline service and shall make reasonable efforts where appropriate to determine whether the customer qualifies for such service and, if so, whether the customer wishes to subscribe to the service.

(4) Eligible telecommunications carriers shall inform existing customers of the availability of Lifeline services twice annually by bill insert or message. The notice shall be conspicuous and shall provide appropriate eligibility, benefits and contact information for customers who wish to learn of the Lifeline service subscription requirements.

(5) Eligible telecommunications carriers shall provide the Department of Public Welfare with Lifeline service descriptions and subscription forms, contact telephone numbers, and a listing of the geographic area or areas they serve, for use by the department of public welfare in providing the notifications required by this paragraph.

(6) No eligible telecommunications carrier shall be required to provide after the effective date of this section any new Lifeline service discount that is not fully subsidized by the federal universal service fund.

VCS certified that it will comply with the requirements for ETC designation contained in Section 3019(f) of the Code and the Pennsylvania Lifeline Order.²³⁴ VCS will provide its Lifeline service to all eligible telecommunications customers who wish to subscribe to such service. VCS will also agree to permit eligible customers to subscribe to such service and who reside within its proposed Designated Service Area. The company also will agree to permit eligible customers to subscribe to any number of its other telecommunications services at the standard rates for such services. VCS will establish protocols so that whenever a prospective customer in its proposed Designated Service Area seeks to subscribe to VCS's service, VCS will explicitly advise the customer of the availability of Lifeline service and shall meet federal requirements to determine whether the customer qualifies for such service and, if so, whether the customer wishes to subscribe to the service.

Furthermore, VCS will comply with Section 3019(f)(4), and inform existing customers of the availability of Lifeline service twice annually by conspicuous bill insert or a message that provides eligibility, benefit and contact information. Finally, VCS will provide the Commonwealth's DHS its Lifeline service descriptions, contact telephone numbers and a listing of the geographic area or areas it serves for use by DHS in providing notification under Section 3019(f)(5).

B. Other Pennsylvania Requirements and Relevant Reporting Requirements

In addition to the Pennsylvania statutory requirements, the Commission has established Lifeline eligibility criteria, as well as procedures for certification and verification of a consumer's initial and continuing eligibility.²³⁵ We note that many Pennsylvania-specific requirements set forth in our PA Lifeline Order such as the requirements for certification and verification of a customer's initial and continued eligibility for Lifeline services have been impacted by Lifeline developments at the federal level. For example, the creation of the NLAD at 47 C.F.R. § 54.404 has led to changes in the Pennsylvania-specific requirements for eligibility verification.

Additionally, ETCs are further ordered to report to the Commission annual changes in Pennsylvania Lifeline enrollment.²³⁶ The Commission continues to reserve our right to impose separate state-specific requirements where necessary for the protection of the Commonwealth's consumers. As shown below, VCS commits to complying with relevant requirements set forth in the

²³⁴ See January 30, 2019 Supplement at 2.

²³⁵ In Re: Lifeline and Link-up Programs, Docket No. M-00051871 (Order entered May 23, 2005) (PA Lifeline Order).

²³⁶ Re: Section 3015(f) Review Regarding Lifeline Tracking Report, Accident Report, and Services Outage Report, 100 Pa. P.U.C. 553 (Dec. 30, 2005) (Tracking Report Order).

²³² 47 C.F.R. § 54.416.

²³³ Because the FCC's Lifeline Reform Order discontinued the Link-Up support from the federal USF, all references to Link-Up programs are now inapplicable.

Pennsylvania Lifeline Order, Tracking Report Order,²³⁷ and Policy Statement²³⁸ that are applicable to a facilities-based provider.

1. *Compliance with Eligibility Certification and Verification*

As a condition of its ETC designation, VCS must query the NLAD to ascertain a potential Lifeline applicant's eligibility for service. Compliance with the Lifeline eligibility verification requirements are essential for prevention of waste, fraud and abuse. In particular, all ETCs designated by this Commission are required to take the necessary steps to ensure that Lifeline support paid by the federal USF to the carrier is remitted only for eligible low-income consumers or households.

As stated above, VCS must use the National Verifier when helping consumers apply to the Lifeline Program. In addition, VCS must include a public education component as part of its Lifeline outreach program to ensure that consumers are aware of and can participate in, the eligibility determination from the National Verifier.

By our PA Lifeline Order we also required eligibility be confirmed annually and required “[t]hat ETCs offering Lifeline services are directed to recertify their Lifeline customers at least annually in accordance with FCC procedures established at 47 C.F.R. § 54.410 (relating to certification and verification of consumer qualifications for Lifeline).”²³⁹ VCS is directed, as a condition of receiving an ETC designation, to ensure all of its Lifeline subscribers are recertified. VCS's Lifeline subscribers will be recertified either automatically through the National Verifier's state/federal data sources or receive a recertification request from USAC.

Prior to recertification, however, we note that the FCC has adopted a reverification process that must occur to determine the continued eligibility of existing Lifeline subscribers. Reverification is the one-time process by the National Verifier to confirm that all existing Lifeline subscribers meet the eligibility standards. Reverification will be performed in groups based on subscribers' enrollment dates. Reverification will reset a subscriber's anniversary date. Subscribers will then be recertified one year after the date that they are successfully reverified.²⁴⁰ Thereafter, Lifeline subscribers will be recertified either automatically through the National Verifier's state/federal data sources or receive a recertification request from USAC. Because VCS has no existing Lifeline subscribers, we note that reverification likely will not be required since all VCS's Lifeline customers will be newly certified.

2. *Compliance with the Tracking Report Order*

As a condition of ETC designation, ETCs are required under Pennsylvania law to report to the Commission annual changes in Lifeline enrollment, per our Tracking Report Order. VCS certifies that it will comply with this requirement to the extent applicable.²⁴¹ Consistent with requirements imposed on other ETCs, VCS must provide the Commission's BCS a copy of its annual Lifeline verification results that it files with USAC each year, as

²³⁷ Re: Section 3015(f) Review Regarding Lifeline Tracking Report, Accident Report, and Services Outage Report, 100 Pa. P.U.C. 553 (Dec. 30, 2005).

²³⁸ Final Policy Statement on Commonwealth of Pennsylvania Guidelines for Designation and Annual Recertification as an Eligible Telecommunications Carrier (ETC) for Purposes of Federal Universal Service Support, Docket No. M-2010-2164741, Final Policy Statement Order (Order entered August 2, 2010).

²³⁹ Pennsylvania Lifeline Order at 27. Both Pennsylvania and the FCC eliminated the Lifeline's subscriber ability to self-certify annually.

²⁴⁰ See generally PA Lifeline Order and 47 C.F.R. § 54.410.

²⁴¹ See January 30, 2019 Supplement at 2.

well as the FCC Form 497 Lifeline customer reporting worksheet (or any successor form) filed quarterly with USAC.

The Commission also has imposed the requirement on other Lifeline ETCs that they provide operator services, directory assistance and interexchange access (long distance) to Lifeline subscribers. VCS's customers have the ability to reach directory assistance and operator services. Additionally, given that all of VCS's Lifeline voice offerings would include long distance, all Lifeline customers are afforded such access.²⁴²

Further, in order to ensure the Pennsylvania Lifeline program advances the Commonwealth's universal service policy, VCS shall be required to provide to BCS a copy of its annual Lifeline Eligible Telecommunications Carrier Certification Form, FCC Form 555, that it files with USAC.²⁴³ The FCC Form 555 reports the results of the annual recertification process and includes data accuracy and minimum service standard certifications.

3. *Chapter 64 Requirements for Standards and Billing Practices*

As a condition of designation, VCS agrees to comply with the standards and billing practices set forth in Commission regulations at 52 Pa. Code §§ 64.1—64.213. Compliance with Chapter 64 will ensure that VCS customers receive the same protections as other Pennsylvania telecommunications services customers.

4. *Consumer Lifeline-Related Complaints Processed by the Bureau of Consumer Services*

As a final condition of designation, VCS agrees to work with BCS to resolve informal complaints and to submit to Commission jurisdiction on formal complaints filed by VCS Lifeline customers on Lifeline and other related issues.²⁴⁴

Consistent with conditions imposed on other Lifeline ETCs, VCS is amenable to cooperating with BCS in resolving any-consumer-related complaints concerning any Lifeline service that VCS offers in Pennsylvania and expressly provided BCS with a direct contact to resolve Lifeline related issues.²⁴⁵ VCS will also provide BCS with copies of all advertising, promotional and general Lifeline program-related customer notices and communications on an annual basis or upon request.²⁴⁶ Specifically, BCS will address Lifeline-related issues which pertain to the consumers' rights under VCS's Residential Service Agreement, including (1) eligibility disputes; (2) program offering issues; and (3) limited equipment-related issues. Additionally, VCS agrees to engage in advertising that is directed at promoting the availability of Lifeline service in its proposed Designated Service Area.

Adherence to these Pennsylvania-specific requirements applicable to ETCs designated by the Commission will assure uniformity among Lifeline services offered by different ETCs, will provide consumer protection for low-income consumers, and will enable BCS to monitor Lifeline Program effectiveness in Pennsylvania.

5. *Change in Corporate Control and Renewed ETC Designation*

In the event of a change of or transfer in corporate control, as defined in Pennsylvania statutory law, case

²⁴² Id.

²⁴³ As previously stated in the discussion of Section 54.410 of the FCC regulations, ETCs designated in Pennsylvania must provide our BCS copies of the reports submitted to USAC for purposes of low-income USF support, these reports include, among others, those listed in our PA Lifeline and Tracking Report Orders.

²⁴⁴ See January 30, 2019 Supplement at 9.

²⁴⁵ In its January 30, 2019 Supplement at 4.

²⁴⁶ January 30, 2019 Supplement at 2.

law, and the Commission's regulations at 52 Pa. Code §§ 63.321—63.325, VCS will have to petition this Commission for a renewal of its ETC status. Corporate changes of control may also be accompanied with changes in ETC status of a particular telecommunications entity with reference to the various and evolving support mechanisms of the federal USF. In this respect, this Commission is lawfully entitled to timely re-examine any such changes and ascertain whether a particular telecommunications entity should continue with an ETC designation. For this reason, we shall require VCS to file for renewal of its ETC designation at the same time it files or is implicated in the filing of any application for a change or transfer of control under Pennsylvania law.

6. *Provision of ETC Application, Annual Certification and Promotional Materials to the Bureau of Consumer Services*

All ETCs are required to supply the Commission's BCS with copies of subscriber Lifeline certifications, annual re-certifications, promotional/advertising materials, and Lifeline-related customer notices to review for current information, consistency with eligibility determination criteria and annual certification requirements, and plain language requirements. Accordingly, as a condition of receiving ETC designation, Viasat is directed to provide the Commission with copies of any and all reports submitted to USAC, and, upon request, provide BCS with copies of subscriber Lifeline eligibility certifications, promotional/advertising materials, annual certifications reports, and Lifeline-related customer notices. Any failure of Viasat to comply with these requirements will be a basis for revocation of its ETC designation or other enforcement action.

7. *Reporting Requirements for State-Designated ETCs Receiving High-Cost Support*

In its 2016 Rate-of-Return Reform Order, the FCC eliminated many of the related reporting obligations for ETCs set forth in FCC Form 481. However, the FCC amended the rules to require ETCs to provide additional detail regarding their broadband deployment during each year. Specifically, ETCs are now required to provide location and speed information of newly-served locations.²⁴⁷ Additionally, those ETCs electing to receive CAF Phase II support they were required to provide information for the geocoded locations where they have newly-deployed voice and broadband access services. Additionally, as a condition of receiving high-cost universal service support, ETCs must offer broadband access service in their Designated Service Area that meets certain basic performance requirements and submit testing results as part of their annual compliance certification.²⁴⁸ Carriers that do not comply with the FCC's speed and latency requirements will be subject to a reduction in support, commensurate with their level of noncompliance. In addition, providers will be subject to audit of all testing data.²⁴⁹

VCS must comply with the following reporting requirements. VCS must submit to USAC the geocoded locations to which they have newly deployed broadband. This data will provide an objective metric showing the extent to which ETCs receiving high-cost support are using funds to advance as well as preserve universal service in rural areas, demonstrating the extent to which they are upgrading existing networks to connect rural consumers to broadband. VCS will also be required to report the

number of locations at the minimum speeds required by the FCC's rules. The location and speed data will be used to determine compliance with the FCC's associated deployment obligations. The geocoded location information should reflect those locations that are broadband-enabled where VCS is prepared to offer service within ten business days that meets the FCC's minimum requirements for high-cost recipients subject to broadband public interest obligations. Additionally, VCS must meet the specific speed and latency performance obligations to these fixed locations and are also required to submit testing results as part of their annual compliance certification.

VCS must provide annual reports and certifications regarding specific aspects of their compliance with public interest obligations to the FCC, USAC, and this Commission as the relevant state commission. These annual reporting requirements will provide the factual basis underlying this Commission's annual Section 254(e) certification by October 1st of every year that support is being used for the intended purposes.

C. *VCS Satisfies All Pennsylvania-Specific Requirements for Lifeline*

In addition to the minimum federal standards mentioned above, all ETCs are required to comply with Pennsylvania law and Commission orders which govern Pennsylvania's Lifeline programs. 52 Pa. Code § 69.2501(b). As already determined above, VCS commits to: (1) abide by the applicable eligibility certification and verification requirements set forth in the Commission's PA Lifeline Order; (2) abide by the applicable requirements set forth in the Commission's Tracking Report Order; (3) abide by the Commission's Chapter 64 regulations regarding standards and billing practices, 52 Pa. Code §§ 64.1—64.213; and (4) have consumer Lifeline-related complaints which are unresolved by VCS's customer service, handled by BCS as appropriate and, if not, be resolved through formal or informal Commission processes.

Conclusion

In consideration of the VCS Petition for ETC designation, as supplemented, we conclude VCS satisfies all federal and Pennsylvania-specific requirements for ETC designation. As a federal high-cost ETC designee, VCS must meet the minimum standards set forth in the FCC's Lifeline Reform Orders, reporting and performance metrics set forth in the USF/ICC Transformation Order, and all related regulations. Further, in Pennsylvania, VCS must satisfy the Commission's requirements in the Public Utility Code, our ETC Guidelines, and all related orders. Designation of VCS as a federal high-cost ETC to secure the federal high-cost support from Auction 903 in the discrete census blocks in its tariffed service area in Pennsylvania for which it has received that designation is in accord with Section 214 of the Act, the FCC's regulations and orders related to ETC designation, Section 3019(f) of the Code, and the Commission's orders on ETC designation. 47 U.S.C. § 214; 47 C.F.R. §§ 54.201, et seq.; and 66 Pa.C.S. § 3019(f); *Therefore*,

It Is Ordered:

1. The Petition of Viasat Carrier Services, Inc. for Designation as an Eligible Telecommunications Carrier in the Commonwealth of Pennsylvania is granted, subject to the terms and conditions set forth in this order.

2. That the Commission designates Viasat Carrier Services, Inc. a federal high-cost Eligible Telecommunications Carrier only in the Connect America Fund Phase II-eligible census blocks located in certain local exchanges

²⁴⁷ See Connect America Fund, Order, 33 FCC Rcd 6509 (2018).

²⁴⁸ *Id.*

²⁴⁹ *Id.*

throughout the Commonwealth of Pennsylvania as listed in Appendices A and B attached to this Order.

3. That the rules of the Federal Communications Commission regarding the redefinition process as it relates to Viasat Carrier Services, Inc.'s designation as a federal high-cost Eligible Telecommunications Carrier below the study area level of Verizon Pennsylvania LLC and Verizon North LLC are inapplicable for the reasons set forth in this Order.

4. That the rules of the Federal Communications Commission regarding the redefinition process as it relates to Viasat Carrier Services, Inc.'s designation as a federal high-cost Eligible Telecommunications Carrier below the study area levels of Citizens Telephone Company of Kecksburg, Consolidated Communications of Pennsylvania Company, Frontier Communications—Commonwealth Telephone Company, Frontier Communications of Breezewood, Frontier Communications of Lakewood, Hancock Telephone Company, Laurel Highland Telephone Company, North Penn Telephone Company, TDS Telecom—Mahanoy & Mahantango Telephone Company, United Telephone of PA d/b/a CenturyLink, West Side Telephone Company, Windstream Buffalo Valley Inc., Windstream Conestoga Inc., Windstream D&E Inc. and Windstream Pennsylvania LLC are inapplicable for the reasons set forth in this Order.

5. That, pursuant to the VoIP Freedom Act, Viasat Carrier Services, Inc. shall submit a tariff to the Commission's Bureau of Technical Utility Services for its interconnected VoIP service for those local exchanges where its interconnected VoIP service is a protected service. This tariff filing is due within 60 days of the entry of this Order.

6. That Viasat Carrier Services, Inc. is required to offer Lifeline service to eligible low-income consumers or households only in those census blocks in its service area for which it will be receiving Connect America Fund Phase II Auction 903 high-cost support as described in this Order.

7. That Viasat Carrier Services, Inc. shall submit a Lifeline tariff page to the Commission's Bureau of Technical Utility Services within 60 days of the entry of this Order.

8. That Viasat Carrier Services, Inc shall submit its proposed Customer Service Agreement to the Commission's Bureau of Consumer Services prior to the commencement of service and dissemination to the public to ensure that it complies with all applicable regulations at Chapter 64, Title 52 of the *Pennsylvania Code*, especially as to the terms and conditions regarding the pre-payment billing method and the early termination fees that was approved by the Commission subject to the conditions set forth in the body of the Order.

9. Viasat shall submit a mock-up of its final marketing and promotional materials (e.g., advertisements and sales brochures) regarding its CAF-funded interconnected VoIP service and BIAS and Lifeline service to the Bureau of Consumer Services for its review and approval for plain language requirements and compliance with all applicable regulations at Chapter 64, Title 52 of the *Pennsylvania Code* prior to distribution of these materials to the public.

10. That Viasat Carrier Services, Inc. is hereby directed to work with the Bureau of Consumer Services to resolve informal complaints and to submit to Commission jurisdiction on formal complaints filed by its Lifeline customers on Lifeline and other related issues.

11. That Viasat Carrier Services, Inc. shall petition this Commission for any future change to the basic Lifeline service offerings provided through this ETC designation as described herein which represents a limitation or reduction of Lifeline services/equipment provided free of charge, and shall provide notice to this Commission of any addition, change or new offering which is in addition to the basic Lifeline offering.

12. That Viasat Carrier Services, Inc. shall petition this Commission for renewal of its Eligible Telecommunications Carrier status at the same time it files or is implicated in the filing of any application for a change or transfer of control as defined in Pennsylvania law.

13. That Viasat Carrier Services, Inc. shall pay the Pennsylvania's Telecommunications Relay Service fee, E911 fees, and State Universal Service Fund fees for the duration of its ETC designation.

14. That Viasat Carrier Services, Inc. shall notify the Commission of any change in its network architecture that will impact its interconnected VoIP or BIAS offerings in Pennsylvania.

15. That the failure of Viasat Carrier Services, Inc. to comply with any of the provisions of this Order may result in revocation of its ETC designation(s) for purposes of receiving federal Universal Service Fund high-cost support and the federal Lifeline support or be subject to further Commission process.

16. That, within sixty days of entry of this Order, Viasat Carrier Services, Inc. shall file a supplement in this proceeding with the Secretary's Bureau that provides the correct incumbent local exchange carriers name set forth in Part 3 of Appendix B which is attached to this Order.

17. That the Secretary shall serve a copy of this Order on Viasat Carrier Services, Inc., on the Office of Consumer Advocate, and the Office of Small Business Advocate.

18. That a copy of this Order shall be published in the *Pennsylvania Bulletin*.

19. That this docket shall be marked closed.

ROSEMARY CHIAVETTA,
Secretary

Appendix A

CAF-ELIGIBLE CENSUS BLOCKS COMPRISING VIASAT CARRIER SERVICES, INC.'S ELIGIBLE TELECOMMUNICATIONS CARRIER DESIGNATED SERVICE AREA

Please refer to the docket at the address below to access Appendix A.

http://www.puc.state.pa.us/about_puc/consolidated_case_view.aspx?Docket=P-2018-3004983.

Appendix B

LOCATION OF VIASAT CARRIER SERVICES, INC.'S CAF-ELIGIBLE CENSUS BLOCKS BY INCUMBENT LOCAL EXCHANGE CARRIER LOCAL EXCHANGE AREA

Please refer to the docket at the address below to access Appendix B.

http://www.puc.state.pa.us/about_puc/consolidated_case_view.aspx?Docket=P-2018-3004983.

[Pa.B. Doc. No. 20-724. Filed for public inspection May 29, 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 June 15, 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.

Application 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 the application.

A-2020-3019278. Superior Medical Transportation Services, LLC (4420 Susan Drive, Bethlehem, Northampton County, PA 18017) for the discontinuance and cancellation of its certificate, to transport persons in paratransit service, between points in Northampton and Lehigh Counties.

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 20-725. Filed for public inspection May 29, 2020, 9:00 a.m.]

SUSQUEHANNA RIVER BASIN COMMISSION

Commission Meeting

The Susquehanna River Basin Commission (Commission) will conduct its regular business meeting telephonically on Friday, June 19, 2020, at 9 a.m. Details concerning the matters to be addressed at the business meeting are contained in the Supplementary Information section of this notice. The Commission also published a document at 85 FR 21914 (April 20, 2020) concerning its public hearing on May 14, 2020, in Harrisburg, PA.

For further information contact Jason E. Oyler, General Counsel and Secretary, (717) 238-0423, fax (717) 238-2436.

Supplementary Information

The business meeting will include actions or presentations on the following items: (1) Resolution 2020-04 considering modifications to the Commission's Fiscal Year (FY) 2021 Budget; (2) discussion of the Commission's FY 2022 Budget; (3) Resolution 2020-05 adopting the pro-

posed water resources program for FY 2019—2021; (4) ratification/approval of contracts/grants; (5) Resolution 2020-06 adopting amendments to *Comprehensive Plan for the Water Resources of the Susquehanna River Basin*; (6) Resolution 2020-07 providing for emergency certificate extension; (7) a report on delegated settlements; and (8) Regulatory Program projects.

This agenda is complete at the time of issuance, but other items may be added, and some stricken without further notice. The listing of an item on the agenda does not necessarily mean that the Commission will take final action on it at this meeting. When the Commission does take final action, notice of these actions will be published in the *Federal Register* after the meeting. Any actions specific to projects will also be provided in writing directly to project sponsors.

Due to the novel coronavirus (COVID-19) orders, the meeting will be conducted telephonically and there will be no physical public attendance. The public is invited to attend the Commission's business meeting by telephone conference and may do so by dialing (888) 387-8686, the conference room code number is #9179686050. Written comments pertaining to items on the agenda at the business meeting may be mailed to the Susquehanna River Basin Commission, 4423 North Front Street, Harrisburg, PA 17110-1788, or submitted electronically through www.srbcc.net/about/meetings-events/business-meeting.html. The comments are due to the Commission on or before June 17, 2020. Comments will not be accepted at the business meeting noticed herein.

Authority: Pub.L. No. 91-575, 84 Stat. 1509 et seq., 18 CFR Parts 806—808

Dated: May 14, 2020

ANDREW D. DEHOFF,
Executive Director

[Pa.B. Doc. No. 20-726. Filed for public inspection May 29, 2020, 9:00 a.m.]

SUSQUEHANNA RIVER BASIN COMMISSION

Grandfathering Registration Notice

The Susquehanna River Basin Commission (Commission) lists the following Grandfathering (GF) Registration for projects under 18 CFR 806, Subpart E (relating to registration of grandfathered projects) from March 1, 2020, through March 31, 2020.

For further information contact Jason E. Oyler, General Counsel and Secretary, (717) 238-0423, Ext. 1312, fax (717) 238-2436, joyler@srbcc.net. Regular mail inquiries may be sent to the Susquehanna River Basin Commission, 4423 North Front Street, Harrisburg, PA 17110-1788.

Supplementary Information

This notice lists GF Registration for projects, described as follows, under 18 CFR 806, Subpart E for the time period previously specified:

Grandfathering Registration Under 18 CFR Part 806, Subpart E

1. Susquehanna Valley Country Club, GF Certificate No. GF-202003090, Monroe Township, Snyder County, PA; On-site Well; Issue Date: March 13, 2020.

2. BCI Municipal Authority—Public Water Supply System, GF Certificate No. GF-202003091, Gulich Township, Clearfield County, PA; Big Spring (Spring 1), Little Spring (Spring 2), Well 1, and Test Well 2; Issue Date: March 24, 2020.

3. Fish and Boat Commission—Upper Spring Creek Hatchery, GF Certificate No. GF-202003092, Benner Township, Centre County, PA; Spring Creek; Issue Date: March 24, 2020.

Authority: Pub.L. No. 91-575, 84 Stat. 1509 et seq., 18 CFR Parts 806—808

Dated: May 14, 2020

ANDREW D. DEHOFF,
Executive Director

[Pa.B. Doc. No. 20-727. Filed for public inspection May 29, 2020, 9:00 a.m.]

SUSQUEHANNA RIVER BASIN COMMISSION

Grandfathering Registration Notice

The Susquehanna River Basin Commission (Commission) lists the following Grandfathering (GF) Registration for projects under 18 CFR 806, Subpart E (relating to registration of grandfathered projects) from April 1, 2020, through April 30, 2020.

For further information contact Jason E. Oyler, General Counsel and Secretary, (717) 238-0423, Ext. 1312, fax (717) 238-2436, joyler@srbc.net. Regular mail inquiries may be sent to the Susquehanna River Basin Commission, 4423 North Front Street, Harrisburg, PA 17110-1788.

Supplementary Information

This notice lists GF Registration for projects, described as follows, under 18 CFR 806, Subpart E for the time period previously specified:

Grandfathering Registration Under 18 CFR Part 806, Subpart E

1. Emporium Water Company—Public Water Supply System, GF Certificate No. GF-202004093, Emporium Borough and Shippen Township, Cameron County, PA; Salt Run; Issue Date: April 10, 2020.

2. Lonza, Inc., GF Certificate No. GF-202004094, City of Williamsport, Lycoming County, PA; consumptive use; Issue Date: April 28, 2020.

3. Village of Bainbridge—Public Water Supply System, GF Certificate No. GF-202004095, Town and Village of Bainbridge, Chenango County, NY; Well 1; Issue Date: April 28, 2020.

4. Wyoming Valley Country Club, GF Certificate No. GF-202004096, Hanover Township, Luzerne County, PA; On-Site Well; Issue Date: April 28, 2020.

5. Berwick Enterprises, Inc., d/b/a The Bridges Golf Club, GF Certificate No. GF-202004097, Berwick Township, Adams County, PA; Well 2; Issue Date: April 29, 2020.

6. Howard Borough—Howard Borough Water Company, GF Certificate No. GF-202004098, Howard Borough and Howard Township, Centre County, PA; Wells 2—4; Issue Date: April 29, 2020.

7. New Enterprise Water Association—Public Water Supply System, GF Certificate No. GF-202004099, South Woodbury Township, Bedford County, PA; Clapper Well and Guyer Spring Nos. 1 and 2; Issue Date: April 29, 2020.

8. State University of New York at Binghamton—Binghamton University, GF Certificate No. GF-202004100, Town of Vestal, Broome County, NY; consumptive use; Issue Date: April 29, 2020.

Authority: Pub.L. No. 91-575, 84 Stat. 1509 et seq., 18 CFR Parts 806—808

Dated: May 14, 2020

ANDREW D. DEHOFF,
Executive Director

[Pa.B. Doc. No. 20-728. Filed for public inspection May 29, 2020, 9:00 a.m.]

SUSQUEHANNA RIVER BASIN COMMISSION

Projects Approved for Consumptive Uses of Water

The Susquehanna River Basin Commission (Commission) has approved by rule the following list of projects from March 1, 2020, through March 31, 2020.

For further information contact Jason E. Oyler, General Counsel and Secretary, (717) 238-0423, Ext. 1312, fax (717) 238-2436, joyler@srbc.net. Regular mail inquiries may be sent to the Susquehanna River Basin Commission, 4423 North Front Street, Harrisburg, PA 17110-1788.

Supplementary Information

This notice lists the projects, described as follows, receiving approval for the consumptive use of water under the Commission's approval by rule process in 18 CFR 806.22(f) (relating to standards for consumptive uses of water) for the time period previously specified:

Water Source Approval Issued Under 18 CFR 806.22(f):

1. Chief Oil & Gas, LLC; Pad ID: SGL—12 HARDY EAST UNIT PAD; ABR-202003001; Overton Township, Bradford County, PA; Consumptive Use of Up to 2.5000 mgd; Approval Date: March 2, 2020.

2. Chesapeake Appalachia, LLC; Pad ID: Grippo; ABR-20091212.R2; Terry Township, Bradford County, PA; Consumptive Use of Up to 7.5000 mgd; Approval Date: March 2, 2020.

3. Chesapeake Appalachia, LLC; Pad ID: Reader; ABR-20091210.R2; West Burlington Township, Bradford County, PA; Consumptive Use of Up to 7.5000 mgd; Approval Date: March 2, 2020.

4. Repsol Oil & Gas USA, LLC; Pad ID: EICK (03 013) W; ABR-20091105.R2; Columbia Township, Bradford County, PA; Consumptive Use of Up to 3.0000 mgd; Approval Date: March 2, 2020.

5. SWN Production Company, LLC; Pad ID: HR-16 HALEY PAD; ABR-201412006.R1; Great Bend Township, Susquehanna County, PA; Consumptive Use of Up to 3.0000 mgd; Approval Date: March 2, 2020.

6. Chief Oil & Gas, LLC; Pad ID: Teel Unit Drilling Pad # 3H; ABR-20091205.R2; Springville Township,

Susquehanna County, PA; Consumptive Use of Up to 2.0000 mgd; Approval Date: March 5, 2020.

7. BKV Operating, LLC; Pad ID: Procter & Gamble Mehoopany Plant 3V; ABR-20100126.R2; Washington Township, Wyoming County, PA; Consumptive Use of Up to 5.0000 mgd; Approval Date: March 5, 2020.

8. BKV Operating, LLC; Pad ID: Procter & Gamble Mehoopany Plant 4V; ABR-20100125.R2; Washington Township, Wyoming County, PA; Consumptive Use of Up to 5.0000 mgd; Approval Date: March 5, 2020.

9. BKV Operating, LLC; Pad ID: Procter & Gamble Mehoopany Plant 5V; ABR-20100127.R2; Washington Township, Wyoming County, PA; Consumptive Use of Up to 5.0000 mgd; Approval Date: March 5, 2020.

10. SWEPI LP; Pad ID: Thomas 503R; ABR-201408007.R1; Sullivan Township, Tioga County, PA; Consumptive Use of Up to 4.0000 mgd; Approval Date: March 10, 2020.

11. Cabot Oil & Gas Corporation; Pad ID: ReynenJ P1; ABR-201412002.R1; Harford Township, Susquehanna County, PA; Consumptive Use of Up to 4.2500 mgd; Approval Date: March 10, 2020.

12. SWEPI LP; Pad ID: Busia 457; ABR-20091016.R2; Jackson Township, Tioga County, PA; Consumptive Use of Up to 4.0000 mgd; Approval Date: March 10, 2020.

13. SWEPI LP; Pad ID: Phillips 504; ABR-20091018.R2; Rutland Township, Tioga County, PA; Consumptive Use of Up to 4.0000 mgd; Approval Date: March 10, 2020.

14. SWEPI LP; Pad ID: Stehmer 420; ABR-20091101.R2; Delmar Township, Tioga County, PA; Consumptive Use of Up to 4.0000 mgd; Approval Date: March 10, 2020.

15. SWEPI LP; Pad ID: Chapman 237; ABR-20091206.R2; Sullivan Township, Tioga County, PA; Consumptive Use of Up to 4.0000 mgd; Approval Date: March 10, 2020.

16. Chesapeake Appalachia, LLC; Pad ID: Stoorza; ABR-20091208.R2; Terry Township, Bradford County, PA; Consumptive Use of Up to 7.5000 mgd; Approval Date: March 10, 2020.

17. Chief Oil & Gas, LLC; Pad ID: Clear Springs Dairy Drilling Pad # 1; ABR-20091214.R2; Burlington Township, Bradford County, PA; Consumptive Use of Up to 5.0000 mgd; Approval Date: March 10, 2020.

18. Chesapeake Appalachia, LLC; Pad ID: Bartz; ABR-202003002; Monroe Township, Bradford County, PA; Consumptive Use of Up to 7.5000 mgd; Approval Date: March 12, 2020.

19. Inflection Energy (PA), LLC; Pad ID: Hannan Well Site; ABR-201412010.R1; Hepburn Township, Lycoming County, PA; Consumptive Use of Up to 4.0000 mgd; Approval Date: March 12, 2020.

20. Chesapeake Appalachia, LLC; Pad ID: Roger; ABR-20091209.R2; Auburn Township, Susquehanna County, PA; Consumptive Use of Up to 7.5000 mgd; Approval Date: March 12, 2020.

21. SWEPI LP; Pad ID: Brown 425; ABR-20091106.R2; Delmar Township, Tioga County, PA; Consumptive Use of Up to 4.0000 mgd; Approval Date: March 12, 2020.

22. SWEPI LP; Pad ID: West 299; ABR-20091111.R2; Richmond Township, Tioga County, PA; Consumptive Use of Up to 4.0000 mgd; Approval Date: March 12, 2020.

23. SWEPI LP; Pad ID: Pannebaker 515; ABR-20091216.R2; Rutland Township, Tioga County, PA; Consumptive Use of Up to 4.0000 mgd; Approval Date: March 12, 2020.

24. SWEPI LP; Pad ID: Jenkins 523; ABR-20091215.R2; Rutland Township, Tioga County, PA; Consumptive Use of Up to 4.0000 mgd; Approval Date: March 12, 2020.

25. Tilden Marcellus, LLC; Pad ID: Lick Run Pad; ABR-20091232.R2; Gaines Township, Tioga County, PA; Consumptive Use of Up to 4.9900 mgd; Approval Date: March 12, 2020.

26. Tilden Marcellus, LLC; Pad ID: Marshlands K. Thomas Unit # 1; ABR-20091231.R2; Elk Township, Tioga County, PA; Consumptive Use of Up to 4.9900 mgd; Approval Date: March 12, 2020.

27. Tilden Marcellus, LLC; Pad ID: Button B 901 Pad; ABR-20091234.R2; West Branch Township, Potter County, PA; Consumptive Use of Up to 4.9900 mgd; Approval Date: March 12, 2020.

28. Chief Oil & Gas, LLC; Pad ID: Teel Unit Drilling Pad # 2H; ABR-20091204.R2; Springville Township, Susquehanna County, PA; Consumptive Use of Up to 2.0000 mgd; Approval Date: March 12, 2020.

29. Rockdale Marcellus, LLC; Pad ID: Castle 113D; ABR-20100123.R2; Canton Township, Bradford County, PA; Consumptive Use of Up to 4.0000 mgd; Approval Date: March 15, 2020.

30. Rockdale Marcellus, LLC; Pad ID: Miller 116D; ABR-20100124.R2; Union Township, Tioga County, PA; Consumptive Use of Up to 4.0000 mgd; Approval Date: March 15, 2020.

31. Cabot Oil & Gas Corporation; Pad ID: LaRueC P2; ABR-20100138.R2; Dimock Township, Susquehanna County, PA; Consumptive Use of Up to 5.0000 mgd; Approval Date: March 15, 2020.

32. Repsol Oil & Gas USA, LLC; Pad ID: CASTLE (01 047) J; ABR-20100128.R2; Armenia Township, Bradford County, PA; Consumptive Use of Up to 3.0000 mgd; Approval Date: March 15, 2020.

33. Repsol Oil & Gas USA, LLC; Pad ID: FOUST (01 003) J; ABR-20100109.R2; Granville Township, Bradford County, PA; Consumptive Use of Up to 5.0000 mgd; Approval Date: March 15, 2020.

34. Repsol Oil & Gas USA, LLC; Pad ID: HOOVER (01 017) G; ABR-20100108.R2; Canton Township, Bradford County, PA; Consumptive Use of Up to 3.0000 mgd; Approval Date: March 15, 2020.

35. Repsol Oil & Gas USA, LLC; Pad ID: THOMAS (01 001) FT; ABR-20100112.R2; Troy Township, Bradford County, PA; Consumptive Use of Up to 3.0000 mgd; Approval Date: March 15, 2020.

36. Repsol Oil & Gas USA, LLC; Pad ID: THOMAS (01 002) FT; ABR-20100113.R2; Troy Township, Bradford County, PA; Consumptive Use of Up to 3.0000 mgd; Approval Date: March 15, 2020.

37. Repsol Oil & Gas USA, LLC; Pad ID: TWL ASSOC (01 016); ABR-20100129.R2; Armenia Township, Bradford County, PA; Consumptive Use of Up to 3.0000 mgd; Approval Date: March 15, 2020.

38. Repsol Oil & Gas USA, LLC; Pad ID: VANBLARCOM (03 004) R; ABR-20100103.R2; Columbia Township, Bradford County, PA; Consumptive Use of Up to 3.0000 mgd; Approval Date: March 15, 2020.

39. Repsol Oil & Gas USA, LLC; Pad ID: LUTZ (01001) T; ABR-20100110.R2; Troy Township, Bradford County, PA; Consumptive Use of Up to 3.0000 mgd; Approval Date: March 15, 2020.

40. SWEPI LP; Pad ID: Butler 127; ABR-20100114.R2; Delmar Township, Tioga County, PA; Consumptive Use of Up to 4.0000 mgd; Approval Date: March 15, 2020.

41. SWEPI LP; Pad ID: Hackman 143; ABR-20100118.R2; Delmar Township, Tioga County, PA; Consumptive Use of Up to 4.0000 mgd; Approval Date: March 15, 2020.

42. SWEPI LP; Pad ID: Willard 419-1H; ABR-20100105.R2; Delmar Township, Tioga County, PA; Consumptive Use of Up to 4.0000 mgd; Approval Date: March 15, 2020.

43. SWEPI LP; Pad ID: Sterling 525; ABR-20100140.R2; Rutland Township, Tioga County, PA; Consumptive Use of Up to 4.0000 mgd; Approval Date: March 15, 2020.

44. SWEPI LP; Pad ID: York 480-5H; ABR-20100106.R2; Sullivan Township, Tioga County, PA; Consumptive Use of Up to 4.0000 mgd; Approval Date: March 15, 2020.

45. LPR Energy, LLC; Pad ID: Ritchey Unit Drilling Pad; ABR-20091010.R2; Juniata Township, Blair County, PA; Consumptive Use of Up to 5.0000 mgd; Approval Date: March 15, 2020.

46. LPR Energy, LLC; Pad ID: Hodge Unit Drilling Pad # 1; ABR-20091201.R2; Juniata Township, Blair County, PA; Consumptive Use of Up to 5.0000 mgd; Approval Date: March 15, 2020.

47. Chief Oil & Gas, LLC; Pad ID: Walter Unit # 1H; ABR-20100135.R2; West Burlington Township, Bradford County, PA; Consumptive Use of Up to 5.0000 mgd; Approval Date: March 16, 2020.

48. Chief Oil & Gas, LLC; Pad ID: Elliott Drilling Pad # 1H; ABR-20100136.R2; Monroe Township, Bradford County, PA; Consumptive Use of Up to 5.0000 mgd; Approval Date: March 16, 2020.

49. Tilden Marcellus, LLC; Pad ID: Ken-Ton 902; ABR-20100102.R2; West Branch Township, Potter County, PA; Consumptive Use of Up to 3.9900 mgd; Approval Date: March 16, 2020.

50. SWN Production Company, LLC; Pad ID: NR-18 Oak Ridge Pad; ABR-201501002.R1; Oakland Township, Susquehanna County, PA; Consumptive Use of Up to 4.9990 mgd; Approval Date: March 16, 2020.

51. Chesapeake Appalachia, LLC; Pad ID: Meas; ABR-20100134.R2; Albany Township, Bradford County, PA; Consumptive Use of Up to 7.5000 mgd; Approval Date: March 16, 2020.

52. Chesapeake Appalachia, LLC; Pad ID: Mowry2; ABR-20100141.R2; Tuscarora Township, Bradford County, PA; Consumptive Use of Up to 7.5000 mgd; Approval Date: March 16, 2020.

53. Chesapeake Appalachia, LLC; Pad ID: Storms; ABR-20100131.R2; Tuscarora Township, Bradford County, PA; Consumptive Use of Up to 7.5000 mgd; Approval Date: March 16, 2020.

54. Chesapeake Appalachia, LLC; Pad ID: Jads; ABR-202003003; Monroe Township, Bradford County, PA; Consumptive Use of Up to 7.5000 mgd; Approval Date: March 24, 2020.

55. Chesapeake Appalachia, LLC; Pad ID: Harper; ABR-20100142.R2; Terry Township, Bradford County, PA; Consumptive Use of Up to 7.5000 mgd; Approval Date: March 24, 2020.

56. Chesapeake Appalachia, LLC; Pad ID: Popivchak; ABR-20100147.R2; Burlington Township, Bradford County, PA; Consumptive Use of Up to 7.5000 mgd; Approval Date: March 24, 2020.

57. Chesapeake Appalachia, LLC; Pad ID: Stevens; ABR-20100151.R2; Standing Stone Township, Bradford County, PA; Consumptive Use of Up to 7.5000 mgd; Approval Date: March 24, 2020.

58. Chief Oil & Gas, LLC; Pad ID: Bacon Drilling Pad # 1; ABR-20100202.R2; Burlington Township, Bradford County, PA; Consumptive Use of Up to 2.0000 mgd; Approval Date: March 24, 2020.

59. SWEPI LP; Pad ID: Bowers 408; ABR-20090919.R2; Jackson Township, Tioga County, PA; Consumptive Use of Up to 4.0000 mgd; Approval Date: March 24, 2020.

60. Tilden Marcellus, LLC; Pad ID: Mitchell A 903; ABR-20100152.R2; Sest Branch Township, Potter County, PA; Consumptive Use of Up to 4.9900 mgd; Approval Date: March 24, 2020.

61. Seneca Resources Company, LLC; Pad ID: PHC 20V; ABR-20100156.R2; Lawrence Township, Clearfield County, PA; Consumptive Use of Up to 0.9990 mgd; Approval Date: March 24, 2020.

62. Repsol Oil & Gas USA, LLC; Pad ID: LUTZ (01 007) T; ABR-20100111.R2; Troy Township, Bradford County, PA; Consumptive Use of Up to 3.0000 mgd; Approval Date: March 24, 2020.

63. SWN Production Company, LLC; Pad ID: Blye Pad Site; ABR-20100204.R2; Middletown Township, Susquehanna County, PA; Consumptive Use of Up to 3.9999 mgd; Approval Date: March 24, 2020.

64. Cabot Oil & Gas Corporation; Pad ID: Baker P1; ABR-20100149.R2; Dimock Township, Susquehanna County, PA; Consumptive Use of Up to 5.0000 mgd; Approval Date: March 24, 2020.

65. Range Resources—Appalachia, LLC; Pad ID: Genter 3; ABR-20100153.R2; Cummings Township, Lycoming County, PA; Consumptive Use of Up to 2.0000 mgd; Approval Date: March 24, 2020.

66. Range Resources—Appalachia, LLC; Pad ID: Laurel Hill 1; ABR-20100154.R1; Jackson Township, Lycoming County, PA; Consumptive Use of Up to 2.0000 mgd; Approval Date: March 24, 2020.

67. SWN Production Company, LLC; Pad ID: Ferguson; ABR-20100201.R2; Herrick Township, Bradford County, PA; Consumptive Use of Up to 4.9999 mgd; Approval Date: March 24, 2020.

68. EOG Resources, Inc.; Pad ID: LEE 1H; ABR-20091122.R2; Springfield Township, Bradford County, PA; Consumptive Use of Up to 1.9990 mgd; Approval Date: March 24, 2020.

69. EOG Resources, Inc.; Pad ID: LEE 3H; ABR-20091124.R2; Springfield Township, Bradford County, PA; Consumptive Use of Up to 1.9990 mgd; Approval Date: March 24, 2020.

70. EOG Resources, Inc.; Pad ID: GUINAN 2H; ABR-20091117.R2; Springfield Township, Bradford County, PA; Consumptive Use of Up to 1.9990 mgd; Approval Date: March 24, 2020.

71. EOG Resources, Inc.; Pad ID: HOPPAUGH 2H; ABR-20091120.R2; Springfield Township, Bradford County, PA; Consumptive Use of Up to 1.9990 mgd; Approval Date: March 24, 2020.

72. EOG Resources, Inc.; Pad ID: HARKNESS 3H; ABR-20091221.R2; Springfield Township, Bradford County, PA; Consumptive Use of Up to 1.9990 mgd; Approval Date: March 24, 2020.

73. Cabot Oil & Gas Corporation; Pad ID: AustinE P1; ABR-202003004; Lenox Township, Susquehanna County, PA; Consumptive Use of Up to 5.0000 mgd; Approval Date: March 30, 2020.

74. Inflection Energy (PA), LLC; Pad ID: Winter Well Site; ABR-201410009.R1; Eldred Township, Lycoming County, PA; Consumptive Use of Up to 4.0000 mgd; Approval Date: March 30, 2020.

75. SWEPI LP; Pad ID: Johnson 435; ABR-20091102.R2; Shippen Township, Tioga County, PA; Consumptive Use of Up to 4.0000 mgd; Approval Date: February 16, 2020.

Authority: Pub.L. No. 91-575, 84 Stat. 1509 et seq., 18 CFR Parts 806—808

Dated: May 14, 2020.

ANDREW D. DEHOFF,
Executive Director

[Pa.B. Doc. No. 20-729. Filed for public inspection May 29, 2020, 9:00 a.m.]

SUSQUEHANNA RIVER BASIN COMMISSION

Projects Approved for Consumptive Uses of Water

The Susquehanna River Basin Commission (Commission) has approved by rule the following list of projects from April 1, 2020, through April 30, 2020.

For further information contact Jason E. Oyler, General Counsel and Secretary, (717) 238-0423, Ext. 1312, fax (717) 238-2436, joyler@srbc.net. Regular mail inquiries may be sent to the Susquehanna River Basin Commission, 4423 North Front Street, Harrisburg, PA 17110-1788.

Supplementary Information

This notice lists the projects, described as follows, receiving approval for the consumptive use of water under the Commission's approval by rule process in 18 CFR 806.22(f) (relating to standards for consumptive uses of water) for the time period previously specified:

Water Source Approval Issued Under 18 CFR 806.22(f):

1. Chesapeake Appalachia, LLC; Pad ID: Coyote Run; ABR-202004002; Tuscarora Township, Bradford County, PA; Consumptive Use of Up to 7.5000 mgd; Approval Date: April 14, 2020.

2. Chesapeake Appalachia, LLC; Pad ID: Yengo; ABR-20100206.R2; Cherry Township, Sullivan County, PA; Consumptive Use of Up to 7.5000 mgd; Approval Date: April 14, 2020.

3. Chesapeake Appalachia, LLC; Pad ID: Acla; ABR-20100324.R2; Terry Township, Bradford County, PA; Consumptive Use of Up to 7.5000 mgd; Approval Date: April 14, 2020.

4. Chesapeake Appalachia, LLC; Pad ID: Claude; ABR-20100319.R2; Auburn Township, Susquehanna County, PA; Consumptive Use of Up to 7.5000 mgd; Approval Date: April 14, 2020.

5. Chesapeake Appalachia, LLC; Pad ID: Sivers; ABR-20100320.R2; Tuscarora Township, Bradford County, PA; Consumptive Use of Up to 7.5000 mgd; Approval Date: April 14, 2020.

6. Chesapeake Appalachia, LLC; Pad ID: Updike; ABR-20100305.R2; West Burlington Township, Bradford County, PA; Consumptive Use of Up to 7.5000 mgd; Approval Date: April 14, 2020.

7. Chesapeake Appalachia, LLC; Pad ID: Engelke; ABR-20100323.R2; Troy Township, Bradford County, PA; Consumptive Use of Up to 7.5000 mgd; Approval Date: April 14, 2020.

8. Chesapeake Appalachia, LLC; Pad ID: Masso; ABR-20100216.R2; Auburn Township, Susquehanna County, PA; Consumptive Use of Up to 7.5000 mgd; Approval Date: April 14, 2020.

9. Seneca Resources Company, LLC; Pad ID: DCNR 595 Pad E; ABR-20100307.R2; Blossburg Borough, Tioga County, PA; Consumptive Use of Up to 4.0000 mgd; Approval Date: April 14, 2020.

10. Chief Oil & Gas, LLC; Pad ID: Kupscznk Drilling Pad # 1; ABR-20100224.R2; Springville Township, Susquehanna County, PA; Consumptive Use of Up to 2.0000 mgd; Approval Date: April 14, 2020.

11. Chief Oil & Gas, LLC; Pad ID: Stone Drilling Pad # 1; ABR-20100228.R2; Springville Township, Susquehanna County, PA; Consumptive Use of Up to 2.0000 mgd; Approval Date: April 14, 2020.

12. Repsol Oil & Gas USA, LLC; Pad ID: LUTZ (01 015); ABR-20100213.R2; Troy Township, Bradford County, PA; Consumptive Use of Up to 6.0000 mgd; Approval Date: April 14, 2020.

13. Repsol Oil & Gas USA, LLC; Pad ID: BARRETT (03 009); ABR-20100230.R2; Columbia Township, Bradford County, PA; Consumptive Use of Up to 6.0000 mgd; Approval Date: April 20, 2020.

14. Repsol Oil & Gas USA, LLC; Pad ID: HARVEST HOLDINGS (01 036); ABR-20100225.R2; Canton Township, Bradford County, PA; Consumptive Use of Up to 6.0000 mgd; Approval Date: April 20, 2020.

15. Chesapeake Appalachia, LLC; Pad ID: Plymouth; ABR-20100341.R2; Terry Township, Bradford County, PA; Consumptive Use of Up to 7.5000 mgd; Approval Date: April 22, 2020.

16. Chesapeake Appalachia, LLC; Pad ID: Hoffman; ABR-20100328.R2; Towanda Township, Bradford County, PA; Consumptive Use of Up to 7.5000 mgd; Approval Date: April 22, 2020.

17. Repsol Oil & Gas USA, LLC; Pad ID: PUTNAM (01 076) L; ABR-20100233.R2; Armenia Township, Bradford County, PA; Consumptive Use of Up to 6.0000 mgd; Approval Date: April 22, 2020.

18. Repsol Oil & Gas USA, LLC; Pad ID: PUTNAM (01 077) L; ABR-20100212.R2; Armenia Township, Bradford County, PA; Consumptive Use of Up to 6.0000 mgd; Approval Date: April 22, 2020.

19. Repsol Oil & Gas USA, LLC; Pad ID: DCNR 587 (02 018); ABR-20100219.R2; Ward Township, Tioga County, PA; Consumptive Use of Up to 6.0000 mgd; Approval Date: April 22, 2020.

20. Chesapeake Appalachia, LLC; Pad ID: Pierson 1; ABR-202004001; Rush Township, Susquehanna County, PA; Consumptive Use of Up to 7.5000 mgd; Approval Date: April 27, 2020.

21. Chesapeake Appalachia, LLC; Pad ID: LaRue 1A; ABR-202004003; Rush Township, Susquehanna County, PA; Consumptive Use of Up to 7.5000 mgd; Approval Date: April 27, 2020.

22. Chesapeake Appalachia, LLC; Pad ID: LaRue 1B; ABR-202004004; Rush Township, Susquehanna County, PA; Consumptive Use of Up to 7.5000 mgd; Approval Date: April 27, 2020.

23. Chesapeake Appalachia, LLC; Pad ID: Hardic; ABR-202004005; Rush Township, Susquehanna County, PA; Consumptive Use of Up to 7.5000 mgd; Approval Date: April 27, 2020.

24. Chesapeake Appalachia, LLC; Pad ID: Kalinowski; ABR-20100332.R2; West Burlington Township, Bradford County, PA; Consumptive Use of Up to 7.5000 mgd; Approval Date: April 30, 2020.

25. Chesapeake Appalachia, LLC; Pad ID: Leaman; ABR-20100342.R2; West Burlington Township, Bradford County, PA; Consumptive Use of Up to 7.5000 mgd; Approval Date: April 30, 2020.

26. Chesapeake Appalachia, LLC; Pad ID: Rosalie; ABR-20100348.R2; Windham Township, Wyoming County, PA; Consumptive Use of Up to 7.5000 mgd; Approval Date: April 30, 2020.

27. Chesapeake Appalachia, LLC; Pad ID: Potter; ABR-20100401.R2; Terry Township, Bradford County, PA; Consumptive Use of Up to 7.5000 mgd; Approval Date: April 30, 2020.

28. Chief Oil & Gas, LLC; Pad ID: Duane Jennings Drilling Pad # 1; ABR-20100334.R2; Granville Township, Bradford County, PA; Consumptive Use of Up to 2.0000 mgd; Approval Date: April 30, 2020.

29. Chief Oil & Gas, LLC; Pad ID: Sechrist Drilling Pad # 1; ABR-20100337.R2; Canton Township, Bradford County, PA; Consumptive Use of Up to 2.0000 mgd; Approval Date: April 30, 2020.

30. XTO Energy, Inc.; Pad ID: Dietterick; ABR-20100315.R2; Jordan Township, Lycoming County, PA; Consumptive Use of Up to 4.0000 mgd; Approval Date: April 30, 2020.

31. Repsol Oil & Gas USA, LLC; Pad ID: MORETZ (03 036) J; ABR-20100347.R2; Wells Township, Bradford County, PA; Consumptive Use of Up to 6.0000 mgd; Approval Date: April 30, 2020.

32. SWN Production Company, LLC; Pad ID: NR-24 BUCKHORN-PAD; ABR-201503004.R1; Oakland Township, Susquehanna County, PA; Consumptive Use of Up to 4.9990 mgd; Approval Date: April 30, 2020.

33. Cabot Oil & Gas Corporation; Pad ID: Depaola P1; ABR-20100343.R2; Dimock Township, Susquehanna County, PA; Consumptive Use of Up to 5.0000 mgd; Approval Date: April 30, 2020.

Authority: Pub.L. No. 91-575, 84 Stat. 1509 et seq., 18 CFR Parts 806—808

Dated: May 14, 2020.

ANDREW D. DEHOFF,
Executive Director

[Pa.B. Doc. No. 20-730. Filed for public inspection May 29, 2020, 9:00 a.m.]