

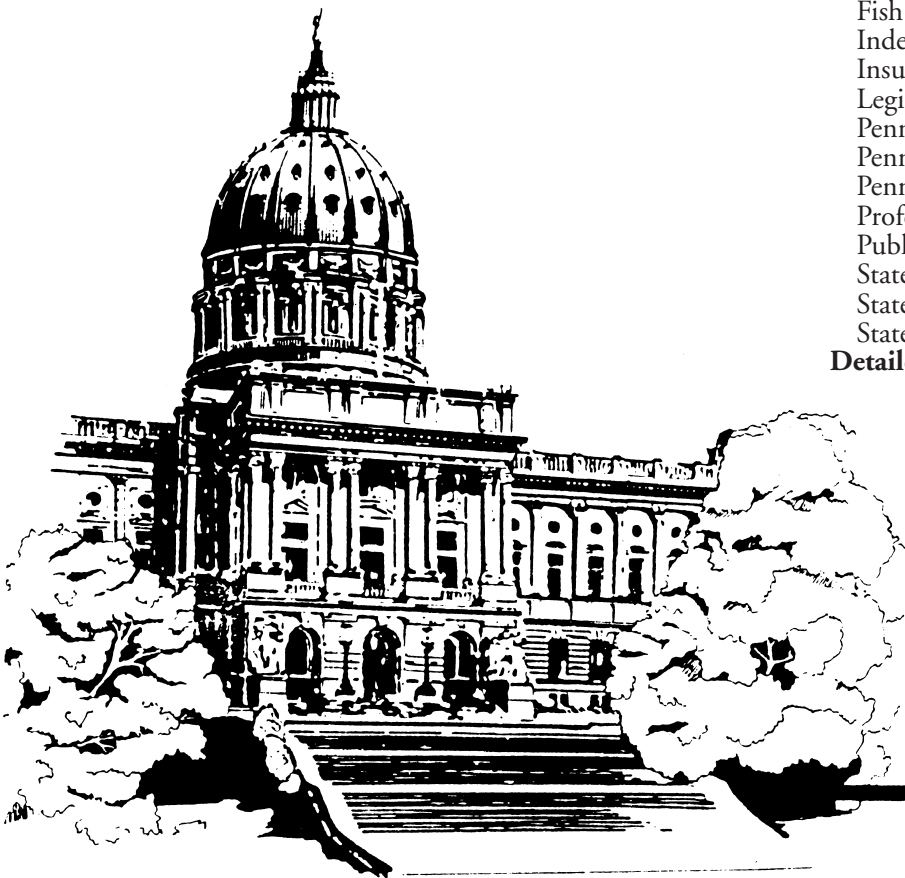
# PENNSYLVANIA BULLETIN

Volume 50  
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**Latest Pennsylvania Code Reporter  
(Master Transmittal Sheet):**

**No. 549, August 2020**

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

## *Pennsylvania Bulletin*

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

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

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

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

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

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

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

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

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

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

## ***Pennsylvania Code***

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

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

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

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

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

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

A chronological table of the history of *Pennsylvania Code* sections may be found at [www.legis.state.pa.us/cfdocs/legis/CH/Public/pcde\\_index.cfm](http://www.legis.state.pa.us/cfdocs/legis/CH/Public/pcde_index.cfm).

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

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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 COURTS

## Title 234—RULES OF CRIMINAL PROCEDURE

[ 234 PA. CODE CHS. 1 AND 10 ]

### Order Amending Rules 115 and 1012 of the Pennsylvania Rules of Criminal Procedure; No. 522 Criminal Procedural Rules Doc.

#### Order

##### *Per Curiam*

*And Now*, this 3rd day of August, 2020, upon the recommendation of the Criminal Procedural Rules Committee; the proposal not having been published before adoption in the interests of justice and efficient administration, and a Final Report to be published with this *Order*:

*It Is Ordered* pursuant to Article V, Section 10 of the Constitution of Pennsylvania that Pennsylvania Rules of Criminal Procedure 115 and 1012 are amended, in the following form.

This *Order* shall be processed in accordance with Pa.R.J.A. No. 103(b), and shall be effective October 1, 2020.

#### Annex A

### TITLE 234. RULES OF CRIMINAL PROCEDURE CHAPTER 1. SCOPE OF RULES, CONSTRUCTION AND DEFINITIONS, LOCAL RULES

#### PART A. Business of the Courts

#### Rule 115. Recording and Transcribing Court Proceedings.

(A) In court cases, after a defendant has been held for court, proceedings in open court shall be recorded.

(B) **[ Upon the motion of any party, upon its own motion, or as required by law, the court shall determine and designate those portions of the record, if any, that are to be transcribed ] The transcript shall be requested in accordance with Pa.R.J.A. No. 4007.**

(C) At any time before an appeal is taken the **[ court may correct or modify the record ] transcript may be corrected, and the record may be corrected or modified**, in the same manner as is provided by **[ Rule ] Rules 1922(c) and** 1926 of the Pennsylvania Rules of Appellate Procedure.

#### Comment

Some form of record or transcript is necessary to permit meaningful consideration of claims of error and an adequate effective appellate review. *See, e.g.*, Pa.Rs.A.P. 1922, 1923, 1924; *Commonwealth v. Fields*, 387 A.2d 83 (Pa. 1978); *Commonwealth v. Shields*, 383 A.2d 844 (Pa. 1978). No substantive change in law is intended by this rule, rather it is intended to provide a mechanism to insure appropriate recording and transcribing of court proceedings. For repeal of statutory provisions on this subject, see Judiciary Act Repealer Act § 2(a); 42 P.S. §§ 20002(a) (897), (944).

The rule is intended also to apply to proceedings that occur after the action that is the functional equivalent of

holding a defendant for court in those cases in which it is permissible to proceed without a preliminary hearing and, therefore, without specifically holding the defendant for court. *See* Pa.Rs.Crim.P. 541, 550(D), 561, 565, 1010. In addition, the rule is intended to apply to *de novo* proceedings in the common pleas courts on appeals in summary cases. For application of the rule to proceedings in the Philadelphia Municipal Court, see Pa.R.Crim.P. 1012(A).

The rule is not intended to preclude adoption of local rules of court providing that arraignment need not be recorded, see Pa.R.Crim.P. 571, nor it is intended to modify any Rules of Criminal Procedure that specifically prohibit the recording or transcribing of all or part of a proceeding. *See* Pa.R.Crim.P. 313. In addition, the rule is not meant to preclude the use of recording devices for the preservation of testimony under Pa.Rs.Crim.P. 500 and 501.

**[ Paragraph (B) of the rule is intended to authorize courts to require transcription of only such portions of the record, if any, as are needed to review claims of error ] Paragraph (B) is not intended to preclude the court from ordering a transcript in the absence of a request.**

Paragraph (C) provides a method for correcting **[ and modifying ] transcripts and correcting or modifying the record** before appeal by incorporating Pa.R.A.P. 1922(c) and Pa.R.A.P. 1926, which otherwise **[ applies ] apply** only after an appeal has been taken. **[ It is intended that the same standards and procedures apply both before and after appeal. ]**

**Official Note:** Rule 9030 adopted April 24, 1981, effective July 1, 1981; Comment revised March 22, 1989, effective July 1, 1989; renumbered Rule 115 and amended March 1, 2000, effective April 1, 2001; **amended August 3, 2020, effective October 1, 2020.**

#### *Committee Explanatory Reports:*

Final Report explaining the March 1, 2000 reorganization and renumbering of the rules published with the Court's Order at 30 Pa.B. 1478 (March 18, 2000).

**Final Report explaining the August 3, 2020 amendment regarding requests for transcripts pursuant to Pa.R.J.A. No. 4007 published with the Court's Order at 50 Pa.B. 4124 (August 15, 2020).**

### CHAPTER 10. RULES OF CRIMINAL PROCEDURE FOR THE PHILADELPHIA MUNICIPAL COURT AND THE PHILADELPHIA MUNICIPAL COURT TRAFFIC DIVISION

#### PART A. Philadelphia Municipal Court Procedures

#### Rule 1012. Recording and Transcribing Municipal Court Proceedings; Admissibility of Testimony at Trial *De Novo*.

(A) Rule 115 and Pa.R.J.A. No. 4007, relating to the recording and transcribing of court proceedings, shall apply to Municipal Court case proceedings after the preliminary arraignment or, when a defendant appears pursuant to a summons, after the defendant's first appearance.

(B) No testimony produced at the Municipal Court trial or at any pretrial hearing in the Municipal Court shall be admissible at the trial *de novo* except in those cases in which the defendant was represented by counsel and had

the opportunity to cross examine, and the witness afterwards dies, or is out of the jurisdiction so that the witness cannot be effectively served with a subpoena, or cannot be found, or becomes incompetent to testify for any legally sufficient reason properly proven.

**Official Note:** Rule 6012 adopted December 30, 1968, effective January 1, 1969; amended April 24, 1981, effective July 1, 1981; renumbered Rule 1012 and amended March 1, 2000, effective April 1, 2001; **amended August 3, 2020, effective October 1, 2020.**

*Committee Explanatory Reports:*

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**Final Report explaining the August 3, 2020 amendment regarding requests for transcripts pursuant to Pa.R.J.A. No. 4007 published with the Court's Order at 50 Pa.B. 4124 (August 15, 2020).**

### FINAL REPORT<sup>1</sup>

#### *Amendments to Pa.Rs.Crim.P. 115 and 1012*

#### REQUEST FOR TRANSCRIPTS

On August 3, 2020, effective October 1, 2020, upon the recommendation of the Criminal Procedural Rules Committee, the Court amended Rules 115 (Recording and Transcribing Court Proceedings) and 1012 (Recording and Transcribing Municipal Court Proceedings; Admissibility of Testimony at Trial *De Novo*) to correct the reference to the procedures for requesting transcripts that are now contained in Pennsylvania Rule of Judicial Administration 4007.

On August 12, 2016, the Uniform Rules Governing Court Reporting and Transcripts contained in the Pennsylvania Rules of Judicial Administration, Pa.Rs.J.A. 4001—4016 were amended. The Committee identified two Rules of Criminal Procedure that were impacted by these amendments. Foremost was Rule 115(B), which provides for the motions to transcribe court proceedings and has been superseded by Pa.R.J.A. 4007 (Requests for Transcripts).

Rule 115 (originally Rule 9030) was promulgated in 1981, following the repeal, under JARA, of statutory provisions regarding the transcribing of court proceedings. The stated purpose of the rule was to provide a mechanism for recording, transcription, and correction at the trial court level “before or in the absence of an appeal, and to control the amount of transcription in criminal cases.”<sup>2</sup> The concern at the time was that the Appellate Rules provided only for the transcription of testimony for appeal.

With the amendment to Pa.R.J.A. 4007, there is no longer a requirement for a formal motion to request a transcript but rather the request procedure contained in Pa.R.J.A. 4007 would apply. Therefore, paragraph (B) of Rule 115 has been amended to reflect this change. Additionally, the language in the Comment to Rule 115 regarding the use of the terms “record” and “transcript” has been modified for consistency.

Paragraph (C) of Rule 115 permitted correction or modification of the record prior to appeal, as provided by Pa.R.A.P. 1926. Effective October 1, 2019, Pa.R.A.P. 1922(c) was amended to allow the court and the parties to

correct or supplement the transcript after an appeal has been taken. Accordingly, Rule 115(C) has been amended to permit correction of transcripts pursuant to Pa.R.A.P. 1922(c), together with permitted correction or modification of the record pursuant to Pa.R.A.P. 1926, prior to appeal. Additional revisions have also been incorporated to add consistency and improve the readability of the rules.

The other Rule of Criminal Procedure implicated was Rule 1012 that governs transcripts in the Philadelphia Municipal Court. Rule 1012 provides that Rule 115 shall apply to the recording and transcribing of Municipal Court case proceedings. Since Rule 115(A), regarding recording of proceedings, remains unchanged, the Committee concluded that the cross-reference to that rule should remain in Rule 1012. An additional cross-reference to Pa.R.J.A. 4007 has been added to Rule 1012 to direct readers to the procedures for requesting transcripts.

[Pa.B. Doc. No. 20-1096. Filed for public inspection August 14, 2020, 9:00 a.m.]

## Title 234—RULES OF CRIMINAL PROCEDURE

[ 234 PA. CODE CH. 5 ]

### Order Amending Rule 576.1 of the Pennsylvania Rules of Criminal Procedure; No. 521 Criminal Procedural Rules Doc.

#### Order

*Per Curiam*

*And Now*, this 3rd day of August, 2020, upon the recommendation of the Criminal Procedural Rules Committee; the proposal not having been published before adoption in the interests of justice and efficient administration, and a Final Report to be published with this *Order*:

*It Is Ordered* pursuant to Article V, Section 10 of the Constitution of Pennsylvania that Pennsylvania Rule of Criminal Procedure 576.1 is amended, in the following form.

This *Order* shall be processed in accordance with Pa.R.J.A. No. 103(b), and shall be effective October 1, 2020.

#### Annex A

### TITLE 234. RULES OF CRIMINAL PROCEDURE

#### CHAPTER 5. PRETRIAL PROCEDURES IN COURT CASES

#### PART G(1). Motion Procedures

#### Rule 576.1. Electronic Filing and Service of Legal Papers.

(A) The president judge of a judicial district by local rule promulgated pursuant to Rule 105 and Rule of Judicial Administration 103 may authorize electronic filing of legal papers with the clerk of courts in cases in the courts of common pleas and in the Philadelphia Municipal Court through the statewide electronic filing system as provided in this rule.

<sup>1</sup> The Committee's Final Reports should not be confused with the official Committee Comments to the rules. Also, note that the Supreme Court does not adopt the Committee's Comments or the contents of the Committee's explanatory Final Reports.

<sup>2</sup> See 11 Pa.B. 396 (January 24, 1981).

(B) *Local Rule*

(1) The local rule required under this rule shall include the following provisions:

(a) subject to the provisions in paragraph (B)(2), a statement that the electronic filing system is permissive and specify the legal papers subject to the rule, but in no case shall legal papers prohibited from being filed electronically by this rule be permitted to be filed electronically;

(b) a provision for the procedures to ensure that any party who declines to participate in the system, or who is unable to electronically file or accept service of legal papers which were filed electronically, or who is otherwise unable to access the system, at a minimum, shall be able to file legal papers in a physical paper format and be served legal papers in a physical format which were electronically filed;

(c) any additional provisions as the court may deem necessary to provide a full and complete procedure for the use of the system within the judicial district; and

(d) a notation that the Administrative Office of Pennsylvania Courts and the judicial district have agreed upon an implementation plan for PACFile in the judicial district.

(2) Any judicial district that authorized electronic filing for a period of two years thereafter may amend their local rule, subject to the requirements of Rule 105 and Rule of Judicial Administration 103, to make participation in electronic filing mandatory.

(C) As used in this rule, the following words shall have the following meanings:

“electronic filing,” the electronic submission of legal papers by means other than facsimile transmission and the acceptance of the document by the clerk of courts;

“filing party,” an attorney, defendant, or other person who files a legal paper by means of electronic filing;

“legal paper,” a pleading or other submission to the court, including motions, answers, notices, or other documents, of which filing is required or permitted, including orders, **copies of** exhibits, and attachments, but excluding

- (1) applications for search warrants,
- (2) applications for arrest warrants,
- (3) any grand jury materials, except the indicting grand jury indictment or the investigating grand jury presentment,
- (4) submissions filed *ex parte* as authorized by law, **[ and ]**
- (5) submissions filed or authorized to be filed under seal **[ ; ], and**

**(6) exhibits offered into evidence, whether or not admitted, in a court proceeding;**

“original document,” a legal paper filed electronically shall be deemed the original document, but copies of exhibits electronically filed do not constitute the original of the exhibit for evidentiary purposes; and

“the system,” the PACFile electronic filing system, developed and administered by the Administrative Office of Pennsylvania Courts, is the exclusive system for electronic filing.

(D) *Participation*

(1) The system shall permit attorneys and defendants proceeding without counsel to file electronically.

(a) In order to participate in the system, an attorney shall establish an account in the system by procedures established by the Administrative Office of Pennsylvania Courts.

(b) A defendant who is proceeding without counsel shall be permitted to utilize the system through an authorization process established by the Administrative Office of Pennsylvania Courts.

(2) Establishment of an account by an attorney or authorization **[ by ] of** a defendant proceeding without counsel in the system, **to the extent so authorized by the Administrative Office of Pennsylvania Courts pursuant to paragraph (D)(1)**, shall constitute consent to participate in electronic filing, including acceptance of service electronically of any document filed on the system in any judicial district that permits electronic filing.

(3) An attorney or defendant participating in the system is permitted to file a legal paper either in an electronic format or in a physical paper format. Service upon an attorney or defendant participating in the system shall be done electronically.

(E) *Filing*

(1) When a legal paper is to be electronically filed, it shall be submitted to the system at the Unified Judicial System web portal at <http://ujportal.pacourts.us>, in accordance with this rule, any local rule adopted pursuant to this rule, and any filing instructions as may be otherwise provided at the web portal site.

(2) Electronic filings may be submitted at any time, except during times of periodic maintenance. The electronic submission must be completed by 11:59:59 p.m. EST/EDT to be considered filed that day.

(3) The time and date on which a legal paper is submitted to the system shall be recorded by the system. The system shall provide an acknowledgement to the filing party that the legal paper has been submitted.

(4) The time and date on which the legal paper is accepted by the clerk of courts office also shall be recorded by the system. The system shall provide an acknowledgement to the filing party that the legal paper has been accepted.

(5) A legal paper shall be considered filed upon submission of the legal paper to the system and acceptance of the filing by the clerk of courts. If the clerk of courts determines that the requirements for filing have been met, the time and date of filing shall be the time and date that the legal paper was submitted to the system. If the clerk of courts finds that the requirements for filing are not met, the clerk may reject the filing.

(6) A filing party shall be responsible for any delay, disruption, and interruption of the electronic signals and legibility of the document electronically filed, except when caused by the failure of the system’s website.

(7) The system shall attribute the filing of an electronic legal paper to the party whose account is used to log onto the system and file the legal paper.

(8) Legal papers shall be presented for filing in portable document format (“pdf”).

(9) All legal papers electronically filed shall be maintained and retained by the clerk of courts in an electronic

format. Neither the clerk of courts nor the court is required to maintain in a physical paper format any legal paper filed electronically as provided in this rule.

(10) Any legal paper submitted for filing to the clerk of courts in a physical paper format shall be accepted by the clerk of courts in that format and shall be retained by the clerk of courts as may be required by applicable rules of court and record retention policies. The clerk of courts shall convert such legal paper in a physical paper format to .pdf and add it to the system. However, those submissions that are excluded from the definition of “legal paper” under paragraph (C) shall not be converted and added to the system.

(11) No legal paper that complies with the Pennsylvania Rules of Criminal Procedure shall be refused for filing by the clerk of courts or the electronic filing system based upon a requirement of a local rule or local administrative procedure or practice pertaining to the electronic filing of legal papers.

(F) *Signature*

(1) Except as provided in paragraph (F)(3), an electronic signature of the filer as provided for in the system is permitted on electronic filings in the following form: /s/ John L. Doe.

(2) The electronic filing of a motion or answer that includes an electronic signature constitutes a certification pursuant to Pa.R.Crim.P. 575 that the filing party or attorney has read the legal paper, that to the best of the filing party’s or attorney’s knowledge, information and belief there is good ground to support the motion or answer, and that it is not interposed for delay.

(3) Any motion that, pursuant to Rule 575(A)(2)(g), avers facts not of record and requiring a sworn affidavit must be created in a physical paper form, have a physical signature placed on it, and then be converted into a .pdf before it may be electronically filed.

(4) The original of a sworn or verified legal paper that is an electronic filing or is contained within an electronic filing shall be maintained by the electronic filer in either electronic or paper format and made available upon direction of the court or reasonable request of the signatory or opposing party.

(G) The court by local rule shall provide for the maintenance by the clerk of courts of an electronic file only, or of such electronic and physical paper format files as set forth in the local rule. Those legal papers that are not permitted to be electronically filed pursuant to paragraph (C) shall be maintained in a physical paper format only.

(H) *Service*

(1) Upon the submission of a legal paper for electronic filing, the system shall provide an electronic notification to other parties and attorneys to the case who are participating in electronic filing that the legal paper has been submitted. This notification upon submission shall satisfy the service requirements of Rules 114(B) and 576(B) on any attorney or party who has established a system account.

(2) Upon the acceptance by the clerk of courts office of a legal paper for electronic filing, the system shall provide an electronic notification to other parties and attorneys to the case who are participating in electronic filing that the legal paper has been accepted.

(3) Service of electronic filings on any attorney or party who has not established a UJS web portal account or who

is unable to file or receive legal papers electronically or otherwise unable to access the system shall be made by the procedures provided under Rules 114(B) and 576(B).

**Comment**

This rule, adopted in 2018, permits as a local practice the electronic filing of legal papers. This rule does not require the implementation of electronic filing by a local court. To provide a uniform system for electronic filing, the Administrative Office of Pennsylvania Courts has developed the PACFile electronic filing system. This is the only authorized system for electronic filing of legal documents in criminal court cases in the courts of common pleas and Philadelphia Municipal Court.

Paragraph (B) requires that a judicial district that desires to participate in the electronic filing system must adopt a local rule to that effect. As part of the initial “opting into” electronic filing, this local rule must provide that participation is voluntary. Once a judicial district has allowed electronic filing for two years, participation may be made mandatory. Paragraph (B)(1)(b) requires that all judicial districts in which electronic filing is allowed must make accommodations for those parties who are unable to participate. In no event shall access to the court filing be precluded solely on the basis of participation in the electronic filing system.

This rule is applicable to cases in courts of record. See Rule 103 for the definition of a “court.”

The UJS Portal contains other automated services beside PACFile. There may be circumstances when an attorney, who has registered as a user on another service of the UJS Portal, may have an established account that would be usable for PACFile. Any questions about the requirements of registration or accessibility to PACFile should be referred to the Administrative Office of Pennsylvania Courts.

The system permits a user to designate other users as proxies on individual cases. These proxies all receive notice of any filing in the case. It is anticipated that offices such as those of a district attorney or public defender would be able to establish general user accounts with particular attorneys assigned and their supervisors or back-ups listed as proxies in individual cases.

An attorney is responsible for the actions of other individuals whom the attorney authorizes to use the attorney’s account.

The local rule required by this rule must conform to the requirements of Rule 105 (Local Rules) and Rule of Judicial Administration 103 (Procedures for Adoption, Filing, and Publishing Rules).

A file in physical paper format is not required by this rule. If the local rule requires a file in physical paper format, the requirement may extend to all cases or only to certain specified cases. For example, the court may require files in physical paper format for cases listed for trial or scheduled for argument while maintaining only electronic files for all other cases.

Upon submission of the electronic filing of a legal paper, the electronic filing system shall automatically send notice of the filing to all parties who have agreed to service by electronic transmission **[ or whose e-mail address is included on an appearance or prior legal paper filed in connection with the case ], see paragraph (D).** If the electronic filing system sends notice of such filing, the party filing the legal paper only need serve those parties who are not served by the electronic

filing system. An electronic mail address set forth on letterhead is not a sufficient basis under this rule to permit electronic service of legal papers.

Nothing in this rule is intended to prohibit the use of advanced communication technology to submit an application for search warrant as provided in Rule 203(A) or to submit an application for an arrest warrant using advanced communications technology as provided in Rule 513(B)(1).

In addition to the filing fees now applicable, an online payment convenience fee for use of the PACFile system may be imposed. *See* 204 Pa. Code § 207.3.

*See* Rule 114(B) providing for the clerk of courts to serve orders and court notices by facsimile transmission or other means.

Legal papers filed electronically should be consistent with the formatting requirements of Rule 575(C).

*See* Rule 576(B) governing service of motions and any written answers, and any notices or documents for which filing is required by facsimile transmission or other means.

*See* Rule 1002, for the applicability of this rule to summary cases filed in the Philadelphia Municipal Court.

**Official Note:** New Rule 576.1 adopted January 25, 2018, effective May 1, 2018; **amended August 3, 2020, effective October 1, 2020.**

*Committee Explanatory Reports:*

Final Report explaining new Rule 576.1 providing for electronic filing published with the Court's Order at 48 Pa.B. 861 (February 10, 2018).

**Final Report regarding the August 3, 2020 amendments clarifying the definition of "legal papers" and correcting a Comment reference to the initiation of electronic service published with the Court's Order at 50 Pa.B. 4127 (August 15, 2020).**

#### FINAL REPORT<sup>1</sup>

##### *Amendment to Pa.R.Crim.P. 576.1*

#### TECHNICAL CORRECTION TO THE ELECTRONIC FILING RULE

On August 3, 2020, effective October 1, 2020, upon the recommendation of the Criminal Procedural Rules Committee, the Court amended Rule 576.1 (Electronic Filing and Service of Legal Papers) to clarify provisions regarding the definition of "legal paper" in the rule and the description in the Comment to the rule regarding how individual participation in electronic filing is initiated. This issue was brought to the Committee's attention after the Juvenile Court Procedural Rules Committee ("Juvenile Rules Committee") had developed electronic filing rules that were subsequently adopted by the Court. These rules were based in large part on Rule 576.1 (Electronic Filing and Service of Legal Papers). The Juvenile Rules Committee's proposed rules, Pa.Rs.J.C.P. 205 and 1205, were published for comment and subsequently two concerns were identified from the Administrative Office of Pennsylvania Courts Information Technology department ("AOPC IT"). The first regarded the definition of the term "legal papers." Like Rule 576.1, the juvenile rules, as published, defined "legal papers" as a pleading or other submission to the court, including motions, answers,

notices, or other documents, of which filing is required or permitted, including orders, exhibits, and attachments, . . ."

It was suggested that inclusion of the word "exhibits" without modification could be interpreted to permit originals of exhibits to be filed electronically, as a means of evidence storage. It is the Committee's understanding that AOPC's policy is that the PACFile system is not to be used as storage system for evidentiary exhibits. It was reported to the Juvenile Rules Committee that certain jurisdictions' Family Courts were reducing documentary exhibits in juvenile cases to electronic form and storing them on the PACFile system. As a result of this comment, the Juvenile Rules Committee modified the definition of "legal paper" to include "copies of exhibits", but not the original exhibits offered into evidence. This revision was intended to reinforce the prohibition against using the PACFile system to be used for the storage of evidence. They also included in the list of documents that may not be filed electronically "exhibits offered into evidence, whether or not admitted, in a court proceeding. . ." These provisions were part of the rules that were adopted by the Court.

Because Rule 576.1 is identical in many ways with Pa.Rs.J.C.P. 205 and 1205, the Committee considered that it would be beneficial to modify Rule 576.1 consistent with the changes recommended by the Juvenile Rules Committee to their electronic filing rules. To that end, the phrase "copies of" has been added to the word "exhibits" in the definition of "legal papers" contained in Rule 576.1(C). Additionally, the phrase "exhibits offered into evidence. . ." has been added to the list of items that may not be filed electronically, consistent with the similar provision in Pa.Rs.J.C.P. 205 and 1205.

During the development of Pa.Rs.J.C.P. 205 and 1205, AOPC IT expressed a concern regarding Comment language describing the way in which individual participation in electronic filing is initiated. Participation requires that a user establish an account in the PACFile system. For *pro se* parties, there is a requirement for an authorization process. The establishment of an account constitutes consent to participate in electronic filing including receipt of service of filed documents. The extent to which this consent may include other cases the participant may also be involved with is subject to the authorization of AOPC.

While the rules generally provide that participation in electronic filing is voluntary (except in those counties that choose to make it mandatory), a party who has agreed to participate in electronic filing is permitted to file legal papers in a physical paper format. However, any party that agrees to participate in electronic filing must accept service electronically. Pa.Rs.J.C.P. 205 and 1205 contain language identical to paragraph (D)(3) of Rule 576.1 that permits a participating party to file either in a physical paper format or electronically. The Comment to Pa.Rs.J.C.P. 205 and 1205 contained the following language regarding participation which was identical to that contained in Rule 576.1:

Upon submission of the electronic filing of a legal paper, the electronic filing system shall automatically send notice of the filing to all parties who have agreed to service by electronic transmission or whose e-mail address is included on an appearance or prior legal paper filed in connection with the case.

AOPC IT believed that this language was inaccurate in that it suggest that electronic service may be initiated

<sup>1</sup> The Committee's Final Reports should not be confused with the official Committee Comments to the rules. Also, note that the Supreme Court does not adopt the Committee's Comments or the contents of the Committee's explanatory Final Reports.

simply by including an email address in a previous case filing. As a result, the Juvenile Rules Committee recommended replacing the phrase “or whose e-mail address is included on an appearance or prior legal paper filed in connection with the case” with a cross-reference to the requirements for participation contained in paragraph (D) in order to eliminate the possibility of confusion.

Since the language in the Rule 576.1 Comment is identical to the language originally contained in the juvenile rules, the Committee concluded that it would be beneficial to make a similar change. This has been incorporated in the ninth paragraph of the Comment.

The Juvenile Rules Committee made one additional change from the published version regarding participation. This is a modification of paragraph (D)(2) of Pa.Rs.J.C.P. 205 and 1205 to include the additional phrase marked in bold and underlined below:

2) Establishment of an account by an attorney or authorization of a non-attorney in the system, **to the extent so authorized by the Administrative Office of Pennsylvania Courts pursuant to paragraph (D)(1)**, shall constitute consent to participate in electronic filing, including acceptance of service electronically of any document filed on the system in any judicial district that permits electronic filing.

This phrase was added to the juvenile rule text at the request of AOPC IT to address an issue regarding dependency cases. The parties in a delinquency and a criminal proceeding don't differ much aside from the juvenile probation office being involved. However, dependency proceedings will involve parents and a separate dependency case is opened for each child. It appears that the intent of this additional language was to prevent permission in one case from bleeding over into other cases. Instead, authorization would be on a case-by-case basis for the parents. While the Committee concluded that this concern was not present in criminal cases, the language has been included in the changes to Rule 576.1 for consistency.

[Pa.B. Doc. No. 20-1097. Filed for public inspection August 14, 2020, 9:00 a.m.]

## Title 237—JUVENILE RULES

### PART I. RULES

#### [ 237 PA. CODE CHS. 1 AND 11 ]

#### Order Amending Rules 127 and 1127 of the Pennsylvania Rules of Juvenile Court Procedure; No. 846 Supreme Court Rules Doc.

#### Order

*Per Curiam*

And Now, this 3rd day of August, 2020, upon the recommendation of the Juvenile Court Procedural Rules Committee, the proposal having been submitted without publication in the interests of justice and efficient administration pursuant to Pa.R.J.A. No. 103(a)(3):

It is Ordered pursuant to Article V, Section 10 of the Constitution of Pennsylvania that Pennsylvania Rules of Juvenile Court Procedure 127 and 1127 are amended in the following form.

This Order shall be processed in accordance with Pa.R.J.A. No. 103(b), and shall be effective on October 1, 2020.

### Annex A

#### TITLE 237. JUVENILE RULES

#### PART I. RULES

#### Subpart A. DELINQUENCY MATTERS

#### CHAPTER 1. GENERAL PROVISIONS

#### PART A. BUSINESS OF COURTS

#### Rule 127. Recording and Transcribing Juvenile Court Proceedings.

A. *Recording.* There shall be a recording of all juvenile delinquency proceedings, including proceedings conducted by juvenile court hearing officers, except as provided in Rule 242(B)(2).

B. *Transcribing.* **[ Upon the motion of any party, upon its own motion, or as required by law, the court shall order the record to be transcribed ] The transcript shall be requested in accordance with Pa.R.J.A. No. 4007.**

C. *Correcting or Modifying.* At any time before an appeal is taken, the **[ court may correct or modify the record ] transcript may be corrected, and the record may be corrected or modified,** in the same manner as is provided by **[ Rule 1926 of the Pennsylvania Rules of Appellate Procedure ] Pa.R.A.P. 1922(c) and Pa.R.A.P. 1926, respectively.**

#### Comment

Some form of record or transcript is necessary to permit meaningful consideration of claims of error and effective appellate review. *See, e.g.,* Pa.R.A.P. 1922, 1923, 1924; *Commonwealth v. Fields*, 387 A.2d 83 (Pa. 1978); *Commonwealth v. Shields*, 383 A.2d 844 (Pa. 1978). No substantive change in law is intended by this rule; rather it is intended to provide a mechanism to ensure appropriate recording and transcribing of court proceedings. Under Rule 800, 42 Pa.C.S. § 6336(c) was suspended only to the extent that proceedings are to be recorded, except as provided in Rule 242(B)(2). Full minutes are not recordings. This change was to effectuate effective appellate review.

The rule is intended to apply to all juvenile delinquency proceedings and to ensure all proceedings are recorded, including proceedings before juvenile court hearing officers, with the exception of detention hearings.

**[ Paragraph (B) of the rule is intended to authorize courts to require transcription of only such portions of the record, if any, as are needed to review claims of error ] Paragraph (B) is not intended to preclude the court from ordering a transcript in the absence of a request.**

Paragraph (C) provides a method for correcting **[ and modifying ] transcripts and correcting or modifying the record** before an appeal is taken by incorporating **Pa.R.A.P. 1922(c) and Pa.R.A.P. 1926**, which otherwise **[ applies ] apply** only after an appeal has been taken. **[ It is intended that the same standards and procedures apply both before and after appeal. ]**

**Official Note:** Rule 127 adopted April 1, 2005, effective October 1, 2005. Amended April 6, 2017, effective September 1, 2017. **Amended August 3, 2020; effective October 1, 2020.**

*Committee Explanatory Reports:*

Final Report explaining the provisions of Rule 127 published with the Court's Order at 35 Pa.B. 2214 (April 16, 2005).

Final Report explaining the amendments to Rule 127 published with the Court's Order at 47 Pa.B. 2313 (April 22, 2017).

**Final Report explaining the amendments to Rule 127 published with the Court's Order at 50 Pa.B. 4128 (August 15, 2020).**

**Subpart B. DEPENDENCY MATTERS**

**CHAPTER 11. GENERAL PROVISIONS**

**PART A. BUSINESS OF COURTS**

**Rule 1127. Recording and Transcribing Juvenile Court Proceedings.**

A. *Recording.* There shall be a recording of all dependency proceedings, including proceedings conducted by juvenile court hearing officers, except as provided in Rule 1242(B)(2).

B. *Transcribing.* **[ Upon the motion of any party, upon its own motion, or as required by law, the court shall order the record to be transcribed ] The transcript shall be requested in accordance with Pa.R.J.A. No. 4007.**

C. *Correcting or Modifying.* At any time before an appeal is taken, the **[ court may correct or modify the record ] transcript may be corrected, and the record may be corrected or modified,** in the same manner as is provided by **[ Rule 1926 of the Pennsylvania Rules of Appellate Procedure ] Pa.R.A.P. 1922(c) and Pa.R.A.P. 1926, respectively.**

**Comment**

Some form of record or transcript is necessary to permit meaningful consideration of claims of error and effective appellate review. *In re J.H.*, 788 A.2d 1006 (Pa. Super. 2001). *See, e.g.*, Pa.R.A.P. 1922, 1923, 1924; *Commonwealth v. Fields*, 387 A.2d 83 (Pa. 1978); *Commonwealth v. Shields*, 383 A.2d 844 (Pa. 1978). This rule is intended to provide a mechanism to ensure appropriate recording and transcribing of court proceedings. Pursuant to Rule 1800, 42 Pa.C.S. § 6336(c) was suspended only to the extent that all proceedings are to be recorded, except as provided in Rule 1242(B)(2). Full minutes are not recordings. This change was to effectuate effective appellate review.

The rule is intended to apply to all dependency proceedings and to ensure all proceedings are recorded, including proceedings before juvenile court hearing officers, except for shelter care hearings.

**[ Paragraph (B) of the rule is intended to authorize courts to require transcription of only such portions of the record, if any, as are needed to review claims of error ] Paragraph (B) is not intended to preclude the court from ordering a transcript in the absence of a request.**

Paragraph (C) provides a method for correcting **[ and modifying ]** transcripts **and correcting or modifying the record** before an appeal is taken by incorporating **Pa.R.A.P. 1922(c) and Pa.R.A.P. 1926**, which otherwise **[ applies ]** apply only after an appeal has been taken. **[ It is intended that the same standards and procedures apply both before and after appeal. ]**

**Official Note:** Rule 1127 adopted August 21, 2006, effective February 1, 2007. Amended April 6, 2017, effective September 1, 2017. **Amended August 3, 2020; effective October 1, 2020.**

*Committee Explanatory Reports:*

Final Report explaining the provisions of Rule 1127 published with the Court's Order at 36 Pa.B. 5599 (September 2, 2006).

Final Report explaining the amendments to Rule 1127 published with the Court's Order at 47 Pa.B. 2313 (April 22, 2017).

**Final Report explaining the amendments to Rule 1127 published with the Court's Order at 50 Pa.B. 4128 (August 15, 2020).**

**FINAL REPORT<sup>1</sup>**

**Amendment of Pa.R.J.C.P. 127 and 1127**

On August 3, 2020, the Supreme Court amended Rules of Juvenile Court Procedure 127 and 1127, concerning transcript requests and the correction or modification of transcripts and records, effective October 1, 2020.

On August 12, 2016, the Court amended the Uniform Rules Governing Court Reporting and Transcripts to bring them to their current form in Pa.R.J.A. No. 4001—4016. One aspect of those rules is that requests for full or partial transcripts may now be made using a form submitted to the district court administrator. *See* Pa.R.J.A. No. 4007(B). The Pennsylvania Rules of Juvenile Court Procedure contain provisions for requesting transcripts by motion of a party. *See* Pa.R.J.C.P. 127(B) & 1127(B). With Pa.R.J.A. No. 4007(B), motion practice to obtain a transcript is no longer necessary.

Paragraph (C), in both Pa.R.J.C.P. 127 and 1127, permitted correction or modification of the record prior to appeal, as provided by Pa.R.A.P. 1926. Effective October 1, 2019, Pa.R.A.P. 1922(c) was amended to allow the court and the parties to correct or supplement the transcript after an appeal has been taken. Accordingly, Pa.R.J.C.P. 127(C) and 1127(C) have been amended to permit correction of transcripts pursuant to Pa.R.A.P. 1922(c), together with permitted correction or modification of the record pursuant to Pa.R.A.P. 1926, prior to appeal. Additional revisions have also been incorporated to add consistency and improve the readability of the rules.

[Pa.B. Doc. No. 20-1098. Filed for public inspection August 14, 2020, 9:00 a.m.]

**SUPREME COURT**

**Extending March 27, 2020, Order Regarding Timing and Means for Holding Hearings Before the Board of Law Examiners; No. 845 Supreme Court Rules Doc.**

**Order**

*Per Curiam*

And Now, this 30th day of July, 2020, upon the recommendation of the Board of Law Examiners ("the Board"),

<sup>1</sup> The Committee's Final Report should not be confused with the official Committee Comments to the rules. Also note that the Supreme Court does not adopt the Committee's Comments or the contents of the Committee's explanatory Final Reports.

*It Is Ordered* pursuant to Article V, Section 10 of the Constitution of Pennsylvania, that Paragraphs 2 and 3 of the Court's Order of March 27, 2020, are extended and modified as follows:

2. Pennsylvania Bar Admission Rule 213(b)'s requirement that the Board hold a hearing within 30 days after receipt of an applicant's request for a hearing is suspended; any such hearing shall be held on or before December 31, 2020, or such other date as the Court may direct by further order.

3. In the discretion of the Board, and with the consent of the applicant, hearings pursuant to Pennsylvania Bar Admission Rule 213(b) may be held by telephone or videoconference through December 31, 2020, or such other date as the Court may direct by further order.

This *Order* shall be processed in accordance with Pa.R.J.A. No. 103(b), and shall be effective immediately.

[Pa.B. Doc. No. 20-1099. Filed for public inspection August 14, 2020, 9:00 a.m.]

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# RULES AND REGULATIONS

## Title 22—EDUCATION

### STATE BOARD OF EDUCATION

[ 22 PA. CODE CH. 2 ]

#### Corrective Amendment to School District Organization; Chapter 2

The Department of Education has discovered a discrepancy between the agency text of Chapter 2 (relating to school district organization) as deposited with the Legislative Reference Bureau and published at 1 Pa.B. 196 (August 22, 1970) and the official text as originally codified and as currently appearing in the *Pennsylvania Code*: Chapter 2 was omitted from the official text of Title 22. This corrective amendment places Chapter 2 in Title 22.

Therefore, under 45 Pa.C.S. 901 (relating to official text of published documents), the State Board of Education has deposited with the Legislative Reference Bureau a corrective amendment to Chapter 2. This will take effect immediately upon publication in the *Pennsylvania Bulletin*.

The correct version of 22 Pa. Code Chapter 2 appears in Annex A as follows.

#### Annex A

### TITLE 22. EDUCATION

#### PART I. STATE BOARD OF EDUCATION

##### Subpart A. MISCELLANEOUS PROVISIONS

#### CHAPTER 2. SCHOOL DISTRICT ORGANIZATION

##### INTRODUCTION

##### § 2.1. Statutory references.

The Public School Code (24 P.S. §§ 1-101—27-2702) carries numerous provisions for school district organization and changes in school district boundaries as follows:

(1) In annexation for school purposes, the Board's responsibilities are found in provisions of Article II, sections 226—229 (24 P.S. §§ 2-226—2-229) and 271—277 (24 P.S. §§ 2-271—2-277).

(2) School district reorganization authority, as it applies to joint schools, is found in Article XVII of the Public School Code. Section 224 (24 P.S. §§ 2-224) specifically deals with State Board approval of further reorganization of administrative units or school districts, or both, reorganized under Act 299 of 1963 (24 P.S. §§ 2-290—2-298) and Act 150 of 1968 (24 P.S. §§ 2-2400—2-2400.10).

(3) To make minor changes in school district boundaries without disturbing municipal boundaries, section 242.1 (24 P.S. § 2-242.1) applies and provides for Board approval.

##### § 2.2. General provisions.

(a) All aspects of the changing of school district boundaries must comply with the School Laws of Pennsylvania, the Board regulations, and have prior review and recommendations by the Department. This applies to annexations which alter school district boundaries, combinations of school districts into larger units and creation of independent districts for transfer purposes only.

(b) The Department shall establish procedures, conduct investigations, require forms, data and reports necessary to carry out the previous provisions.

#### ANNEXATION FOR SCHOOL PURPOSES

##### § 2.21. Conditions for approval of annexations.

(a) Changes in the boundaries of school districts, to coincide with changes in municipal boundaries already made, will be approved by the Council of Basic Education, in original applications, unless:

(1) The change would seriously impair the educational program of either the losing school district or the annexing school district.

(2) The loss to the losing school district in assessed valuation and tax income would impair the ability of the residual area to amortize existing debts or support its educational program.

(3) Approval would impose an undue transportation inconvenience on the pupils of the annexed area.

(b) The Board, when considering an annexation appeal taken from a decision of the Council of Basic Education, may make its determination upon the basis of evidence presented at the hearing before the Council of Basic Education committee and any supplemental briefs or materials it may authorize or require.

(c) The Council of Basic Education and the Board, as the case might be, reserve the discretionary right, prior to any action, to advise all school districts concerned in the annexation, that a just and proper adjustment of property, real and personal, including funds, indebtedness and rental obligations, if any, shall be made to and among the school districts, as prescribed in sections 271—277 of the Public School Code (24 P.S. §§ 2-271—2-277).

#### REORGANIZATION OF SCHOOL DISTRICTS

##### § 2.31. Methods of unification.

There are 3 basic methods in the Public School Code of 1949, as amended, for the unification or contracted cooperation of school districts:

(1) Any 2 or more school districts may sign contractual agreement to form a joint board for the operation of the schools of a joint school system or for the combined operation of departments.

(2) Any two or more administrative units or resultant school districts may combine to create a larger school district.

(3) The mandatory combination of school districts within approved county plans of administrative units (Act 299 of 1963 (24 P.S. §§ 2-290—2-298) and Act 150 of 1968 (24 P.S. §§ 2-2400—2-2400.10)).

##### § 2.32. Approval of joint schools or departments.

Under Article XVII of the Public School Code, the Board provides that:

(1) The Department may grant approval for the establishment of joint departments to operate special education programs.

(2) The Department may approve joint vocational-technical boards to operate such schools as are in compliance with the State Board of Career and Technical Education's state plan for career and technical education.

(3) The Department may grant approval to establish or enlarge a joint board for the operation of a joint school, K—12, only in those situations where application of section 224 of the Public School Code (24 P.S. § 2-224) would result in an undue financial burden on the participating school districts.

**§ 2.33. Combination of administrative units.**

The Board will approve the combination of any two or more contiguous reorganized school districts or approved administrative units if all conditions of section 224 of the Public School Code (24 P.S. § 2-224) have been satisfied and no appeal has been filed or, after an appeal, if such combination is deemed in the best interest of the school system of the State and the locality.

**§ 2.34. Independent districts for transfer.**

In situations where a small area of a school district petitions for transfer from one school district to another, the Board will approve the creation of such independent district for transfer purposes only if the opinion of the Secretary such transfer will be advantageous from an educational point of view.

**§ 2.35. County plans of administrative units.**

(a) The School District Reorganization Act of 1968, (24 P.S. §§ 2-2400—2-2400.10) (Act 150), approved July 8, 1968 directs the Board within 30 days of the effective date of the act, to adopt standards for approval of administrative units comprised of those school districts which are not in an administrative unit established as a school district under section 296 of the Public School Code of 1949 (24 P.S. § 2-296).

(b) The plans of administrative units prepared by county boards of school directors under the provisions of Act 150, shall conform to the following standards and exceptions adopted by the Board on July 11, 1968.

**§ 2.36. Delimitations.**

(a) The plans of administrative units submitted under this act shall be limited to those school districts which are in administrative units that have not established under the provisions of Act 299, the act of August 8, 1963 (24 P.S. §§ 2-290—2-298).

(b) *Exception.* One or more school districts established under the provisions of Act 299, may be included in an administrative unit planned under this act only if the school district established under Act 299 agrees to the assignment.

**§ 2.37. Standards for approval.**

(a) An administrative unit shall be defined as a geographic area under the control of a single board of school directors.

(b) An administrative unit shall be planned as a contiguous geographic area. Exceptions to contiguity may be made only in situations where the administrative unit in whole or in part includes a noncontiguous geographic area which had been previously approved by the Board as an administrative unit or had operated as an administrative unit, a school district or joint school system during the 1967-1968 school year.

(c) An administrative unit shall be planned to offer a full program of instruction, kindergarten or grade one through 12, and provide administrative leadership, supervision and instructions at a reasonable cost consistent with the local taxable wealth and state financial support available per pupil.

(d) An administrative unit shall make available an educational program and educational opportunities to meet the varying needs, aptitudes, abilities and interests of individuals residing in the administrative unit.

(e) An administrative unit shall embrace one or more secondary attendance centers and supporting elementary attendance centers.

(f) An administrative unit shall be planned to include the largest feasible pupil population which assures the maximum efficiency of operation, and which justifies curricular offerings and other essential services not economically possible in smaller administrative units.

(g) An administrative unit meeting or exceeding the mandated 4,000 pupil average daily membership as determined for the 1966-1967 school year and any administrative unit proposing a reduction of the mandated minimum pupil population shall be planned with consideration of, but not limited to, the following factors:

(i) *Topography.* An administrative unit shall be planned so that all parts of the unit are reasonably accessible for efficient operation and supervision.

(ii) *Pupil Population.* Pupil population changes may be considered in the planning of administrative units when the changes are supported by reliable studies of area development showing past pupil population trends and future projections based on recognized statistical methods. Examples of reliable studies of area development are those made by planning commissions, public utility companies and established survey agencies.

(iii) *Community Characteristics.* Consideration should be given to whether a geographic area has developed characteristics of a community. Community, as used here, includes one or more municipalities and the surrounding territory from which people come for business, social, recreational, fraternal or similar reasons. Neither race nor religion shall be a factor in determining administrative unit boundaries and differences in the social and economic level of the population shall not be a basis to determine these boundaries.

(iv) *Transportation of Pupils.* Distances traveled, travel conditions, time consumed, and the safety and general welfare of the pupils should be basic considerations in developing administrative units. Planning of transportation systems should avoid duplication and, insofar as practical, the transportation of pupils through the area of an adjacent administrative unit.

(v) *Use of Existing School Buildings.* An administrative unit shall utilize existing buildings to the maximum extent practical avoiding unnecessary new construction where possible.

(vi) *Existing Administrative Units.* No part of an existing school district may be separated and added to another administrative unit, except as provided in Act 383, approved December 19, 1967 or as provided in the annexation laws. Administrative units already established as school districts under Act 299 (24 P.S. §§ 2-290—2-298) may be included in administrative units planned under this act only if the existing school district so established grants consent.

(vii) *Potential Population Changes.* Population changes may be considered in the planning of administrative units when the changes are supported by reliable studies of area development showing expansion of the area and by growth projections based on recognized statistical methods. Examples of reliable studies of population growth

beyond a normal projection are those made by planning commissions, public utility companies and established survey agencies.

(viii) *Capability of Providing a Comprehensive Program of Education.* For purposes of reorganization planning, “capability of providing a comprehensive program of education” shall mean: The ability to educate and train each child within his capacity to the extent demanded by the immediate requirements of his growth and his relationship to the strengthening of this Commonwealth and nation, and shall include, but not be limited to, wealth per pupil, qualifications of professional staff, enrollment and diversification of curricula.

(h) County plans shall provide for the inclusion of all the area within a county, unorganized as stated previously, into one or more administrative units and, with the concurrence of the county board or boards of school directors of an adjacent county or counties, may include contiguous area across county lines. School districts established under the provisions of Act 299 may be included in a planned administrative unit of the plan if the school district so established grants consent.

**§ 2.38. Approvals.**

(a) The Board shall review all plans and approve such plans as it deems wise in the best interest of the educational system of the Commonwealth.

(b) *Exception.* If no petition of appeal is filed by a school district, considering itself aggrieved by the plan as submitted by the county board of school directors, within thirty days after submission of the plan, the plan shall be deemed approved by the Board without further right of appeal.

**§ 2.39. Procedures.**

(a) The county plan of administrative units submitted under Act 150 (24 P.S. §§ 2-2400—2-2400.10) shall be limited to those school districts which are not in an administrative unit that established under Act 299 (24 P.S. §§ 2-290—2-298), the act approved August 8, 1963 except as otherwise provided in this act.

(b) The plan may include one or more school districts established under Act 299 if the school district so established agrees to the placement.

(c) In the event that county boards had previously adopted resolutions transferring a school district or school districts from one county to the educational jurisdiction of another, such resolutions need not be renewed. However, if such transfers are to be rescinded or additional transfers are to be made in the current plan of administrative units, resolutions to this effect shall be adopted by each county board affected and shall accompany the plan to the Board.

(d) The plan of administrative units shall conform to the standards for approval of administrative units adopted by the Board.

(e) In preparing its plan, the county board of school directors shall confer with the school boards of each school district to be assigned to an administrative unit of the plan.

(f) Completed plans shall be submitted to the Board within ninety days of the effective date of this act and not more than thirty days after the plan is adopted by the county board.

**Official Note:** Plans can and should be forwarded to the Board immediately upon adoption by the county board of school directors.

(g) Plans shall be submitted on forms provided by the Board and containing such data and other information as requested thereon.

(h) County boards of school directors shall, immediately upon adoption of the plan, notify the secretary of each school board of the school district’s assignment to the plan together with the date of submission of the plan to the Board. It appears advisable that notices should be sent by registered or certified mail.

**§ 2.40. Appeals.**

(a) A school district considering itself aggrieved by the plan of organization of administrative units adopted by the county board of school directors may petition the Board for a hearing setting forth the basis for such appeal.

(b) Appeal petitions shall be filed within thirty days of the date of submission of the plan to the Board by the county board of school directors.

(c) The Board, upon receipt of an appeal petition, shall fix the date, time and place for a hearing.

(d) Three or more members of the Board shall constitute the State Board for hearing purposes.

(e) The Board may hear and consider such testimony as it may deem advisable to enable it to make a decision.

(f) After reaching a decision, the Board shall enter such order as appears, either approving the plan as submitted by the county board or approving the plan in an amended form.

(g) If no appeal petition is filed within thirty days of the date of submission of the plan by the county board of school directors, the plan of administrative units, as submitted, shall be deemed approved by the Board without right of appeal.

(h) A school district considering itself aggrieved by the plan of administrative units approved by the Board, except those plans against which no petitions of appeals had been filed, may, within thirty days of the date of approval by the State Board, appeal to the Court of Common Pleas of the county in which the school district is located.

[Pa.B. Doc. No. 20-1100. Filed for public inspection August 14, 2020, 9:00 a.m.]

**Title 49—PROFESSIONAL AND VOCATIONAL STANDARDS**

**STATE BOARD OF OSTEOPATHIC MEDICINE**

**[ 49 PA. CODE CH. 25 ]**

**Fees**

The State Board of Osteopathic Medicine (Board) amends § 25.231 (relating to schedule of fees) and deletes § 25.503 to read as set forth in Annex A.

*Effective Date*

This final-form rulemaking will be effective upon publication in the *Pennsylvania Bulletin*. The initial increase for application fees will be implemented immediately upon publication. Thereafter, the subsequent graduated increases for application fees will be implemented on a 2-fiscal year (FY) basis on July 1, 2022, and July 1, 2024.

The increased biennial renewal fees will be implemented beginning with the November 1, 2020—October 31, 2022, biennial renewal period for osteopathic physicians, physician assistants and acupuncturists. Thereafter, the subsequent graduated increases for osteopathic physicians, physician assistants and acupuncturists will be implemented with the biennial renewal for November 1, 2022—October 31, 2024, and for November 1, 2024—October 31, 2026.

For respiratory therapists, athletic trainers, perfusionists and genetic counselors, the increased biennial renewal fees will be implemented beginning with the January 1, 2021—December 31, 2022, biennial renewal. Thereafter, the subsequent graduated increases for respiratory therapists, athletic trainers, perfusionists and genetic counselors will be implemented with the biennial renewal for January 1, 2023—December 31, 2024, and for January 1, 2025—December 31, 2026.

#### *Statutory Authority*

Under section 16 of the Osteopathic Medical Practice Act (act) (63 P.S. § 271.16), the Board has the “power to adopt and revise such regulations as are reasonably necessary to carry out the purposes of this act in conformity with the provisions of the act of July 31, 1968 (P.L. 769, No. 240), known as the Commonwealth Documents Law. Section 13.1(a) of the act provides that “[i]f the revenues raised by fees, fines and civil penalties imposed under this act are not sufficient to meet expenditures over a two-year period, the board shall increase those fees by regulation so that the projected revenues will meet or exceed projected expenditures.” Under the act, all “fees, fines and penalties imposed. . . shall be for the exclusive use by the board in carrying out the provisions of this act and shall be annually appropriated for that purpose.” 63 P.S. § 271.13a(c). Thus, unlike most other professional licensure boards that fall under the Professional Licensure Augmentation Account (PLAA) (see 63 P.S. § 1401-301), the Board is fiscally independent.

#### *Background and Purpose*

This final-form rulemaking increases application fees to reflect updated costs of processing applications and increases all the Board’s biennial renewal fees to ensure its revenue meets or exceeds the Board’s current and projected expenses. This final-form rulemaking increases the following application fees on a graduated basis: osteopathic physicians; short-term camp osteopathic physicians; temporary training licenses or graduate training certificates; physician assistants; supervising osteopathic physicians; acupuncturists and physician acupuncturist; respiratory therapists; athletic trainers; perfusionists; reactivation of perfusionist licenses; temporary graduate perfusionist licenses; temporary provisional perfusionist licenses; genetic counselors; genetic counselor reactivations; and temporary provisional genetic counselors. Approximately 2,600 applicants will be impacted annually by the increased application fees.

The Board is also implementing graduated biennial renewal fee increases for the following licenses, certificates and registrations: osteopathic physicians; physician assistants; acupuncturists; respiratory therapists; athletic trainers; perfusionists and genetic counselors. There are approximately 12,700 individuals who possess current licenses, certificates and registrations issued by the Board who will be required to pay more to renew their licenses, certifications or registrations.

Under section 13.1(a) of the act, the Board is required to support its operations from the revenue it generates

from fees, fines and civil penalties. The act further provides that the Board shall increase fees when expenditures outpace revenue. The majority of general operating expenses of the Board are borne by the licensee population through revenue generated by the biennial renewal of licenses. A small percentage of its revenue comes from application fees, fines and civil penalties. The Board receives an annual report from the Department of State’s Bureau of Finance and Operations (BFO) regarding the Board’s income and expenses.

In consideration of the comments received regarding the amount of increase for osteopathic physician fees in addition to the fiscal impact of the novel coronavirus (COVID-19) pandemic, the Board asked the BFO to review the Board’s current fiscal status and provide an updated financial report. The BFO found that, in addition to some increases in revenue and licensee count since 2019, the expenses incurred by the Board during the COVID-19 pandemic have decreased. During FY 2016-2017 through FY 2017-2018, the Board received biennial revenue of \$2,128,270.14, incurred expenses of \$3,221,243.36 and ended with a remaining balance of \$1,712,593.53. For FY 2018-2019 through FY 2019-2020, the Board projects receiving biennial revenue of \$2,233,122.60 and projects incurring expenses of \$3,545,185.74. At the end of FY 2019-2020, the BFO projects a remaining balance of \$400,530.39, which is only enough to cover approximately 3 months of expenditures. For FY 2020-2021 through FY 2021-2022, without an increase in fees, the Board projects revenue of \$2.339 million and projects expenses of \$3.804 million, with a deficit balance in FY 2021-2022 of (\$1,064,469.61). Thus, the updated BFO data demonstrates that the Board’s revenue, even with the increases in revenue and decreased expenditures, is still not sufficient to meet or exceed its expenditures over a 2-year period.

While fee increases are still needed prior to the next renewal period for the Board to remain solvent, the Board was able to decrease biennial renewal fees for physicians, as compared to the proposed fee schedule, to ease the burden. As reflected in Annex A, the biennial renewal fees for osteopathic physicians were adjusted down from \$350 to \$330 in the November 1, 2020—October 31, 2022, biennial renewal period; from \$425 to \$420 in the November 1, 2022—October 31, 2024, biennial renewal period; and from \$475 to \$450 in the November 1, 2024—October 31, 2026, biennial renewal period.

The new fee structure is projected to produce biennial revenues of: \$3.949 million in FY 2020-2021 through FY 2021-2022, which will allow the Board to meet or exceed its projected expenditures of \$3.804 million; \$4.938 million in FY 2022-2023 through FY 2023-2024, which will allow the Board to meet or exceed its projected expenditures of \$3.918 million; and \$5.314 million in FY 2024-2025 through FY 2025-2026, which will allow the Board to meet or exceed its projected expenditures of \$4.036 million; and will then put the Board back on firm financial ground.

#### *Summary and Responses to Comments*

Notice of the proposed rulemaking was published at 50 Pa.B. 1364 (March 7, 2020). Publication was followed by a 30-day public comment period during which the Board received 36 public comments. Thirty-three of the public comments were from physicians. The Board also received a comment from the Pennsylvania Osteopathic Medicine Association (POMA) and the Pennsylvania Medical Society (PAMED). In addition, the House Professional Licensure Committee (HPLC) submitted comments and

the Independent Regulatory Review Commission (IRRC) submitted comments. The Senate Consumer Protection and Professional Licensure Committee (SCP/PLC) did not submit comments.

*General Support for the Fee Increase*

In the comment submitted by POMA, it recognized and “supports the need for the State Board of Osteopathic Medicine (Board) to raise its fees via regulation 16A-5334 to meet its operating expenses.” Likewise, PAMED does not oppose the fee increase, but rather is concerned that there would be insufficient time to implement the fee increases beginning with the November 1, 2020—October 31, 2022, biennial renewal period for osteopathic physicians, physician assistants and acupuncturists. POMA also expressed some concern regarding the timing of the regulation given the upcoming the November 1, 2020—October 31, 2022, biennial renewal period. POMA questioned whether there would be sufficient time to promulgate the regulations before the renewal, especially given the COVID-19 pandemic. Both issues are more fully discussed as follows.

*General Opposition to the Fee Increase*

The Board received 16 comments from physicians expressing general opposition to the fee increases. These commenters opposed the increase in fees either because the fees were too high or were unnecessary. Two commenters opined that the physician fee increases were not in line with inflation and five commenters raised concerns about whether certain physicians could afford the increase, including part-time workers, practitioners who have practices in more than one state, and partially retired physicians who help with physician shortages. One commenter opposed the increased fees because of his concern about physician shortages in primary care and another said that the Board should not charge significantly more in biennial fees as compared to medical doctors. One commenter suggested monthly withdrawal options. Additionally, in POMA’s comment, it noted that it received some general concerns with the size of the increase, but it “fell short of opposition.”

As previously indicated, the BFO updated its data to ensure that the Board was appropriately considering the current fiscal picture, especially given the COVID-19 pandemic. Even with some increased revenue and decreased expenditures, the Board will not be able to meet its expenditures over a 2-year period in FY 2019-2020 and thereafter. Therefore, in addition to increased application fees, an increase in biennial renewal fees beginning in FY 2020-2021 is necessary, as set forth in Annex A. In adopting the increased fee schedules, the Board carefully reviewed the data presented by the BFO and balanced the need to remain fiscally solvent against the negative fiscal impact to licensees. With the decreased biennial renewal fees for physicians, the increases for each renewal period are projected to produce biennial revenues of: \$3.949 million in FY 2020-2021 through FY 2021-2022, which will allow the Board to meet or exceed its projected expenditures of \$3.804 million; \$4.938 million in FY 2022-2023 through FY 2023-2024, which will allow the Board to meet or exceed its projected expenditures of \$3.918 million; and \$5.314 million in FY 2024-2025 through FY 2025-2026, which will allow the Board to meet or exceed its projected expenditures of \$4.036 million; and will return the Board to a fiscally sound position.

In response to the concern that the physician fee increases are not in line with inflation, the Board agrees

that it did not calculate the fee increases based on inflation. For application fees, the initial increase is designed to cover the cost to process applications. This fee is borne by individual applicants. Actual cost calculations for application fees are based upon the following formula:

$$\begin{aligned} & \text{number of minutes to perform the function} \\ & \qquad \qquad \qquad \times \\ & \text{pay rate for the classification of the personnel} \\ & \qquad \qquad \qquad \text{performing the function} \\ & \qquad \qquad \qquad + \\ & \text{a proportionate share of administrative overhead} \end{aligned}$$

Application fees for FY 2020-2021 are based on time study reports created within the Bureau of Professional and Occupational Affairs (Bureau) giving each step in the process and the amount of time it takes to process one application. That amount is multiplied by the anticipated application requests for 1 year (multiplied by two since the increases are biennial). Increases which will be effective July 1, 2022, and July 1, 2024, are calculated at a 9.5% increase as pay increases for staff that process applications are 2.5% in July and 2.25% in January or 4.75% annually (9.5% biennially) and the fee is almost entirely dependent upon personnel-related costs. For osteopathic physicians, the current \$45 application fee has been in place since January 29, 2000. Raising the application fees for physicians to \$170 reflects increases in the cost of processing applications since January of 2000. This fee increase is appropriate so that the applicants, and not existing licensees, fully bear the cost of processing those applications. With regard to the increase in biennial renewal fees, the Board does not rely on inflation rates to determine these fees. Instead, the Board must consider the amount of revenue required to meet or exceed the Board’s expenditures which includes Board administration, Commissioner’s and Revenue office services, Departmental services, legal office services, hearing expenses, enforcement and investigation costs, Professional Compliance Office costs, board member expenses and Professional Health Monitoring Program (PHMP) costs.

The majority of the Board’s costs are personnel related and much of those costs are not within the Board’s control. Staff are generally employees of the Commonwealth, most of whom are civil service personnel, and many are union positions. For these employees, the Board is bound by the negotiated contract. Personnel costs associated with investigation and enforcement depend largely on the number of complaints received that need to be investigated, and the number of those matters that result in disciplinary action. The Board has no control over the number of complaints that are filed against licensees and unlicensed individuals, nor may they control which matters are or are not prosecuted.

Over the last few fiscal years, the Board has had some sizable increases to expenses for a variety of reasons. One of the largest financial impacts for the Board was the incorporation of The Pennsylvania Justice Network (JNET), due in part to the enactment of act of February 15, 2018 (P.L. 14, No. 6) (Act 6 of 2018), which requires mandatory self-reporting of criminal convictions. The Board uses JNET to identify criminal convictions of licensees and to verify compliance with Act 6 of 2018’s mandatory reporting requirement. Initially, the Board was one of three boards under the Bureau that incorporated JNET criminal notifications into their business processes. Across the three boards, there was a sizable 27.5% average increase in the number of complaints

being processed and opened for prosecution. With the additional complaints, increased expenses due to higher prosecutions, investigations, expert witness usage, and hearings resulted. Since incorporation of JNET, expenses have been relatively steady in all of these cost categories. More than likely, this new level of legal workload is one that will be part of the financial picture for the Board going forward.

In addition to the legal increases, all 29 boards and commissions under the Bureau have undergone an information technology transformation upgrade with the incorporation of the Pennsylvania Licensure System (PALS). Expenses associated with PALS, including the initial build as well as ongoing maintenance, are proportionately spread across all entities based on licensee population as a way to effectively share costs per licensee. While the initial build is in the past, it has contributed to higher administrative expenses for all boards during the last few fiscal years. Due to PALS' high functioning database with enhanced features over the Department's previous License 2000 platform, maintenance for this system requires a larger financial commitment from all boards and commissions than the previous system.

In response to those commenters who oppose fee increases with regard to part-time practitioners, practitioners who have practices in more than one state, or partially retired physicians who help with physician shortages, the Board cannot distinguish between licensees based on the number of hours they work, as the Board has no control over that number. The Board also cannot distinguish between licensees based on their annual income. Historically, the Board has taken steps to ensure that the financial burden placed on licensees is commensurate with the Board's obligations and expenditures. For example, in March of 2010, the Board reassessed the impact of the mandates under the Medical Care Availability and Reduction of Error Act (MCARE Act) (40 P.S. §§ 1303.101—1303.910) and decreased the biennial renewal fee for osteopathic physicians from \$440 to the current fee of \$220. Consistent with its continued commitment to minimize fiscal impact to its licensees, the Board has re-reviewed its fiscal needs and the changed fiscal circumstances given the COVID-19 pandemic and has decreased the proposed biennial fees for physicians to provide some relief. Additionally, the Board's graduated fee increases, as opposed to a one-time flat fee increase, minimize the initial impact of the increases.

In response to the comment that the Board should not charge significantly more than the State Board of Medicine (Medical Board) charges its physicians, the Board's initial increase in biennial fees is \$330 whereas the biennial renewal fee for medical doctors is \$360—\$30 more than the fee being proposed for osteopathic physicians in the November 1, 2020—October 31, 2022, renewal period. Regarding the comment suggesting monthly withdrawal payments, the Bureau is not currently able to facilitate that type of automatic payment plan.

Another commenter suggested that the Board obtain revenue from another source. The Board is required by the act to support its operations from fees, fines and civil penalties. Because the fees, fines and penalties imposed under the act are for the exclusive use by the Board in carrying out its duties and obligations in the act, the Board maintains a separate account, independent from the PLAA. As such, the Board's funds collected in accordance with the act are specifically allotted to the Board in a separate account and the Board determines its fees based upon the revenue it receives and the Board's expenditures. Additionally, section 13.1(a) of the act pro-

vides that “[i]f the revenues raised by fees, fines and civil penalties imposed under this act are not sufficient to meet expenditures over a two-year period, the board shall increase those fees by regulation so that the projected revenues will meet or exceed projected expenditures.” Thus, receiving funds from other sources does not appear to be a viable option.

While the Board is empathetic to all of the concerns put forth by commenters, the Board is dutybound to ensure that the Board remains fiscally sound so that it may carry out the mandates of the General Assembly set forth in the act in furtherance of the public health and safety. Without a fee increase, the BFO anticipates that by the end of FY 2021-2022 the Board will be in a deficit, and thus, increasing fees is critical to sustain the operations of the Board. The Board is statutorily obligated to increase fees by regulation when revenues raised by fees, fines and civil penalties under the act are insufficient to meet expenditures over a 2-year period. The Board meets this criterion, and thus, is required to increase its fees.

*Insufficient Time to Respond and Comment; Insufficient Involvement of the Regulated Community*

The Board received comments from three physicians asserting there is insufficient time for debate and vetting. Other commenters said there was a lack of notification and involvement with the regulated community. IRRC also commented that extraordinary pressures and work burden have been placed on medical professionals during the COVID-19 pandemic which necessitate additional time for the regulated community to review and comment on the proposal.

In August of 2016, the Board began discussing at its public board meetings an increase in biennial renewal fees. The proposed rulemaking was discussed at public board meetings on August 10, 2016, August 9, 2017, February 14, 2018, April 11, 2018, August 22, 2018, October 24, 2018, February 13, 2019, August 14, 2019, and December 11, 2019. Beginning in approximately 2016, the Bureau and the Board reviewed its application fees and determined that the existing fee schedule did not reflect the costs of the services provided by the Board. Based upon this determination, the Board and the Bureau evaluated the cost of processing the Board's applications, and a new fee schedule was recommended to the Board. On May 8, 2018, the Board released an exposure draft to stakeholders and interested parties that included the increased application fees as well as increased biennial renewal fees. After receiving minimal responses from the exposure draft, the Board moved forward with drafting the regulatory package. In 2019, the Board revisited the structure of its fee schedules and voted to adopt a graduated fee schedule to minimize the initial impact of increased fees on licensees and to ensure that the Board's fees are commensurate with its obligations and expenditures. The proposed regulation was considered by the Board and drafted well in advance of the COVID-19 pandemic and was published as proposed on March 7, 2020, before the COVID-19 pandemic began to have substantial impact in this Commonwealth.

While the Board recognizes the impact of the COVID-19 pandemic on its regulated community, given the timeline outlined previously, the Board believes there has been sufficient time for physicians to react and respond. Additionally, the association that represents the majority of osteopathic physicians in this Commonwealth, POMA regularly attends the Board meetings, was aware of the proposed fee increases and does not oppose the increases. While the Board understands that the COVID-19 pan-

demically has placed an additional burden on many physicians across this Commonwealth, there has been sufficient opportunity to provide input into this final-form rulemaking. Moreover, the Board has very little room for debate with regard to the fees it charges, given that application fees are based upon actual costs to process applications and increases in biennial renewal fees are based upon funds required to meet the Board's statutory obligation to produce sufficient revenue to meet expenditures over a 2-year period.

#### *Implementation Date of the Final-form Rulemaking*

POMA, PAMED and IRRC all submitted comments regarding the timing of the regulations and questioned whether there is sufficient time to promulgate regulations in time for the renewal notices that are generally sent out approximately 60 days prior to the expiration of the biennial period. POMA and PAMED asked if the Board had a contingency plan in case the regulation is not promulgated in sufficient time to proceed with the November 1, 2020—October 31, 2022, biennial renewal period. POMA and PAMED also asked detailed questions regarding the possibility of extending the biennial renewal deadline.

While the Board acknowledges that the turnaround time between the proposed rulemaking and the final-form rulemaking is ambitious, the Board remains committed to do the work necessary to promulgate the regulations within sufficient time to process renewal notices for the November 1, 2020—October 31, 2022, biennial renewal period. Regarding the question as to whether the Board has a contingency plan, absent unforeseen circumstances, the Board believes it has sufficient time to promulgate this final-form rulemaking. The Board understands that the COVID-19 pandemic makes the normal regulatory process uncertain. Procedures have been put in place by IRRC, the Legislative Reference Bureau, HPLC, SCP/PLC, and the Office of Attorney General to effectuate electronic delivery of regulations. If, however, the Board is unable to present this regulation at the scheduled July 16, 2020 IRRC meeting, the Board may have to consider other options such as extending the biennial period. Other Boards, in conjunction with the Governor's office, have effectuated this extension because of the impact of the COVID-19 pandemic. Regarding questions relating to procedures and parameters that an extension might involve; the Board does not know whether an extension is necessary nor does it know how it might implement the terms of an extension. Those types of questions would be addressed within the context of requesting authorization and receiving approval to extend the expiration of the biennial period.

Finally, PAMED asked if there is a date by which the Board must have the regulations approved for the fee increase to go into effect. The Board has historically sent out renewal notices approximately 60 days prior to the date of the expiration of licenses. The Board's plan is to send out renewal notices by the beginning of September. Assuming both IRRC and the Office of Attorney General approve the rulemaking, the Board believes it will be able to promulgate the regulation in time to send the renewal notices out within the 60-day period.

#### *Fees Should Not be Increased During the COVID-19 Pandemic*

The Board received 14 public comments opposing the increase fees because of the COVID-19 pandemic. Commenters suggest to the Board that fees should not be raised during the pandemic. Some commenters opined

that raising fees for physicians would cause financial hardship, in part, because physicians have suffered a negative financial impact due to the pandemic because of cancelled appointments, cancelled elective surgeries and laying off staff. PAMED and one commenter asked if the Board was prepared to delay or cancel the fee increase. IRRC also commented and expressed concern that the fee increases will cause financial harm during the pandemic and asked the Board to withdraw the final-form rulemaking and resubmit it at a later date. Similarly, the HPLC submitted a comment recommending that the fee increases contained in the proposed regulation be delayed until after the end of the COVID-19 pandemic.

While the Board understands the impact the pandemic has had on its licensees, including the negative financial impact that has occurred to the regulated community, the Board's work in proposing the fee increase began long before the pandemic. The Board is statutorily mandated to increase fees by regulation if the projected revenues will not meet or exceed projected expenditures. Delaying the collection of fees is not fiscally feasible because the Board expects to have a balance of \$400,530.39 at the end of FY 2019-2020 (June 30, 2020), an amount that would only be expected to cover one quarter of expenses. In addition, with the fee increases, the Board projects that it will be in a deficit situation by the end of FY 2020-2021. At that point, with no other revenue sources available to the Board, the Board would likely have to cease operations.

#### *The Board Should Merge with the State Board of Medicine to Decrease Administrative and Overhead Costs*

Nine commenters suggested combining the Board with the Medical Board to decrease administrative and overhead costs. Both the Board and the Medical Board were statutorily enacted through the act and the Medical Practice Act of 1985 (63 P.S. §§ 422.1—422.53). Neither the Board nor the Medical Board are empowered to combine the Boards; combining the respective boards is not an option without legislative action.

#### *Questions Regarding Expenditures*

Several commenters questioned the Board's oversight of its expenses and requested more information regarding the Board's expenses. POMA and one other commenter asked how the Board spent its revenue. Another commenter did not understand why the Board required an increase given the lack of services provided by the Board.

The Board is a statutorily created board which has powers and duties set forth in the act, including power to: determine qualifications and fitness of applicants; adopt and revise regulations; refuse, revoke or suspend licensees; establish fees for the operation of the board; and conduct hearings. The Board's expenses include: Bureau administration, Commissioner's and Revenue office services, Departmental services, legal office services, hearing expenses, enforcement and investigation costs, Professional Compliance Office costs, board member expenses and PHMP costs.

At least annually, the Board reviews and receives a report from the BFO regarding the Board's fiscal status, income, and expenses. These reports are done in public session and placed in the Board's minutes. Members of the public are welcome to review this information or attend Board meetings. As indicated previously, in addition to expected increases in personnel costs, the Board has had some sizable increases to expenses, including the implementation of JNET notifications which caused a 27.5% average increase in the number of complaints

across the three boards (including the Board) that implemented the JNET notifications, and technology upgrades and maintenance of the new database. The fee increases for application and biennial renewal fees will enable the Board to continue to create a small surplus in funds in their restricted account should there be any additional unknown financial impacts.

Another commenter asked if the Medical Board has the same fiscal issues as the Board. The Board and the Medical Board are separate entities and have different expenditures. The Medical Board is not experiencing the same fiscal issues as the Board and is not in need of a fee increase; however, as previously stated, in March of 2010, the Board reassessed the impact of the mandates under the MCARE Act and decreased the biennial renewal fee for osteopathic physicians from \$440 to the current fee of \$220. So, for the last 10 years the renewal fee for osteopathic physicians has been \$220 whereas the fee for medical doctors has been \$360—\$140 less than the Medical Board's biennial renewal fee. The Board took the step to decrease fees in 2010 to minimize the fiscal impact to its licensees and until this final-form rulemaking, osteopathic physician renewal fees were significantly less than the Medical Board. Even with this fee increase, the biennial fee increase will still be less than the Medical Board for the November 1, 2020—October 31, 2022, biennial renewal period. While the subsequent fee increases will raise the fee above the current Medical Board fee, this is not unexpected given the 10 years Board licensees have enjoyed the lesser fee as compared to the Medical Board. Moreover, of the surrounding states that have separate osteopathic licensing boards (Maine, Vermont and West Virginia), the Board's graduated fee increase is less than or comparable to fees charged in those states—Maine (\$500), Vermont (\$350) and West Virginia (\$400).

The PAMED asked whether the Board would consider decreasing the biennial renewal fees for the November 1, 2022—October 31, 2024, and the November 1, 2024—October 31, 2026, biennial renewal periods if the fee increases produce sufficient revenue to meet or exceed its expenditures. As previously stated, the Board is statutorily obligated to increase fees by regulation when revenues raised by fees, fines and civil penalties under the act are insufficient to meet expenditures over a 2-year period. The purpose of the fee increase is to bring the Board in compliance with the act by producing sufficient revenue to meet or exceed its expenditures over a 2-year period. The Board does not anticipate decreasing the biennial fees for the November 1, 2022—October 31, 2024, and the November 1, 2024—October 31, 2026, biennial cycles because the Board has projected that it is in need of the increases to comply with the requirements of the act and to place the Board on solid financial ground. Having said that, as the Board did in 2010, if the Board finds that the revenue collected far outpaces its expenditures, the Board will consider decreasing its fees in the future. The Board has historically taken steps to rigorously evaluate its fiscal status and will continue to do so to ensure that licensees only incur fees that are fiscally necessary.

IRRC asked for more detailed financial information, including fiscal documentation that would show that projected revenues meet or exceed projected expenses over a 2-year period. The Board generally attaches to its proposed rulemaking a copy of the BFO's financial report detailing the Board's financial status and fee report forms that provide a breakdown of costs for application fees. The Board inadvertently did not attach those documents

to the proposed rulemaking. The Board apologizes for this oversight and has attached the fiscal documents to IRRC's Regulatory Analysis Form in this final-form rulemaking, and will make the documents available to the public on request.

#### *Other Comments*

Public comments were received that presented issues outside the scope of this final-form rulemaking. While those comments have been reviewed, the Board will not provide substantive responses to those questions and comments. For example, one commenter asked the Board to consider changes in licensure requirements. Two other commenters complained about the time to process their licensure applications. Although the Board is not responding publicly to these concerns, the Board has responded to commenters who identified issues with the processing of their applications.

#### *Comment Received after the Public Comment Period*

The Board received one of the 36 public comments after the 30-day public comment period which was from an osteopathic physician. This commenter raised similar concerns outlined previously regarding the Board's fee increase during the COVID-19 pandemic. This commenter also stated that the "membership" and patients should not be held liable for the Board's errors.

The Board's fee increase is not due to any error by the Board. As outlined previously, the Board is statutorily obligated to increase fees by regulation when revenues raised by fees, fines and civil penalties under the act are insufficient to meet expenditures over a 2-year period. The Board meets this criterion and, therefore, is obligated to increase fees. Also, the Board is a State governmental board that has powers and duties as outlined in the act. Licensees are not members and do not pay membership fees, but rather, pay fees to apply for and renew licenses to pursue and continue practice in osteopathic medicine.

#### *Description of Amendments to the Final-Form Rulemaking*

In response to comments received as well as changed fiscal circumstances, due in part to the COVID-19 pandemic, this final-form rulemaking amends § 25.231 (relating to schedule of fees) to decrease the biennial renewal fees for osteopathic physicians from \$350 to \$330 in the November 1, 2020—October 31, 2022, biennial renewal period; from \$425 to \$420 in the November 1, 2022—October 31, 2024, biennial renewal period; and from \$475 to \$450 in the November 1, 2024—October 31, 2026, biennial renewal period.

#### *Fiscal Impact and Paperwork Requirements*

The amendments will increase application and biennial renewal fees. All applicants, licensees, registrants and certificate holders will be required to comply with the regulation. The fees may be paid by applicants, licensees, registrants, or certificate holders or may be paid by their employers, should their employers choose to pay these fees. This final-form rulemaking should have no other fiscal impact on the private sector, the general public or political subdivisions of the Commonwealth.

Approximately 2,600 applicants will be impacted annually by the increased application fees. Specifically, the number of applicants affected are as follows: 1,200 osteopathic physicians; 600 temporary or graduate trainees; 60 short-term camp physicians; 500 physician assistants; 51 supervising physicians; 13 acupuncturists and physician acupuncturists; 10 perfusionists; 5 perfusionists seeking reactivation; 1 temporary graduate perfusionist; 3 temporary provisional perfusionist; 80 athletic trainers;



50 respiratory therapists; 10 genetic counselors; 5 genetic counselors seeking reactivation; and 15 temporary provisional genetic counselors.

Based upon the graduated application fee increases, the total economic impact per fiscal year is as follows:

FY 2020-2021:	\$263,780
FY 2021-2022:	\$263,780
FY 2022-2023:	\$ 32,275
FY 2023-2024:	\$ 32,275
FY 2024-2025:	\$ 43,806
FY 2025-2026:	\$ 43,806
Total:	\$679,722

There are approximately 12,721 individuals who possess current licenses, registrations and certificates issued by the Board who will be required to pay more to renew their licenses, registrations and certificates. Specifically, the number individuals affected are as follows: 9,009 osteopathic physicians; 2,603 physician assistants; 159 acupuncturists; 39 perfusionists; 326 athletic trainers; 560 respiratory therapists; and 25 genetic counselors.

Based upon the previously listed biennial renewal fee increases, the economic impact is as follows:

FY 2020-2021:	\$1,086,328
FY 2022-2023:	\$ 923,345
FY 2024-2025:	\$ 288,830
Total:	\$2,298,503

Thus, the total economic impact to applicants, licensees, registrants, certificate holders or employers, if employers choose to pay application or licensing fees, is \$2,977,218. This amount reflects the economic impact that will occur between FY 2020-2021 and FY 2025-2026.

This final-form rulemaking will require the Board to revise its printed and online application forms. The amendments will not create additional paperwork for the regulated community or for the private sector.

*Sunset Date*

The Board continuously monitors the effectiveness of its regulations. Therefore, no sunset date has been assigned. Additionally, the BFO provides the Board with an annual report detailing the Board's financial condition. In this way, the Board continuously monitors the adequacy of its fee schedule.

*Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P.S. § 745.5(a)), on February 21, 2020, the Board submitted a copy of the notice of proposed rulemaking, published at 50 Pa.B. 1364, to IRRC and the Chairpersons of the HPLC and SCP/PLC for review and comment.

Under section 5(c) of the Regulatory Review Act, IRRC, the HPLC and the SCP/PLC were provided with copies of the comments received during the public comment period, as well as other documents when requested. In preparing

the final-form rulemaking, the Board has considered all comments from the HPLC, IRRC and the public. The SCP/PLC did not submit comments.

Under section 5.1(g)(3) and (j.2) of the Regulatory Review Act (71 P.S. § 745.5a(g)(3) and (j.2)), on July 15, 2020, the final-form rulemaking was deemed approved by the HPLC and the SCP/PLC. Under section 5.1(e) of the Regulatory Review Act, IRRC met on July 16, 2020 and approved the final-form rulemaking.

*Additional Information*

Additional information may be obtained by writing to Aaron Hollinger, Board Administrator, State Board of Osteopathic Medicine, P.O. Box 2649, Harrisburg, PA 17105-2649, ST-OSTEOPATHIC@pa.gov.

*Findings*

The Board finds that:

(1) Public notice of proposed rulemaking was given under sections 201 and 202 (45 P.S. §§ 1201 and 1202) of the Commonwealth Documents Law and the regulations promulgated under those sections at 1 Pa. Code §§ 7.1 and 7.2 (relating to notice of proposed rulemaking required; and adoption of regulations).

(2) A public comment period was provided as required by law and all comments were considered.

(3) The amendments to this final-form rulemaking do not enlarge the original purpose of the proposed regulation published at 50 Pa.B. 1364.

(4) This final-form rulemaking is necessary and appropriate for administration and enforcement of the authorizing act identified in this preamble.

*Order*

The Board orders that:

(a) The regulations of the Board, 49 Pa. Code Chapter 25, are amended by amending § 25.231 and deleting § 25.503 to read as set forth in Annex A.

(b) The Board shall submit this order and Annex A to the Office of the Attorney General and the Office of General Counsel as required by law.

(c) The Board shall submit this order to IRRC, the HPLC and the SCP/PLC as required by law.

(d) The Board shall certify this order and Annex A and deposit them with the Legislative Reference Bureau as required by law.

(e) This order shall take effect immediately upon publication in the *Pennsylvania Bulletin*.

RANDY G. LITMAN, DO,  
*Chairperson*

(*Editor's Note:* See 50 Pa.B. 3992 (August 1, 2020) for IRRC's approval order.)

**Fiscal Note:** Fiscal Note 16A-5334 remains valid for the final adoption of the subject regulations.

## Annex A

## TITLE 49. PROFESSIONAL AND VOCATIONAL STANDARDS

## PART I. DEPARTMENT OF STATE

## Subpart A. PROFESSIONAL AND OCCUPATIONAL AFFAIRS

## CHAPTER 25. STATE BOARD OF OSTEOPATHIC MEDICINE

## Subchapter F. FEES

## § 25.231. Schedule of fees.

(a) An applicant for a license, certificate, registration or service shall pay the following fees at the time of application:

		<i>Effective August 15, 2020</i>	<i>Effective July 1, 2022</i>	<i>Effective July 1, 2024</i>
(1) <i>Osteopathic Physician</i>				
	Application for unrestricted license to practice as an osteopathic physician—original, reciprocal, boundary or by endorsement	\$170	\$185	\$205
	Application for short-term camp license as an osteopathic physician	\$100	\$110	\$120
	Temporary training license or graduate training certificate	\$115	\$125	\$140
	Annual renewal of temporary training license or graduate training certificate	\$25	\$25	\$25
(2) <i>Physician Assistant</i>				
	Application for physician assistant license	\$115	\$125	\$140
	Application for supervising physician	\$145	\$160	\$175
(3) <i>Acupuncturist</i>				
	Application for acupuncturist registration	\$100	\$110	\$120
	Application for physician acupuncturist	\$100	\$110	\$120
	Application for supervisor acupuncturist registration	\$30	\$30	\$30
(4) <i>Respiratory Therapist</i>				
	Temporary permit	\$30	\$30	\$30
	Initial license application	\$100	\$110	\$120
	Licensure examination	\$100	\$100	\$100
	Reexamination	\$60	\$60	\$60
(5) <i>Athletic Trainer</i>				
	Application for license	\$100	\$110	\$120
(6) <i>Perfusionist</i>				
	Application for perfusionist license	\$120	\$130	\$145
	Application for reactivation of license	\$105	\$115	\$125
	Application for temporary graduate license	\$120	\$130	\$145
	Application for temporary provisional license	\$80	\$88	\$95

		<i>Effective August 15, 2020</i>	<i>Effective July 1, 2022</i>	<i>Effective July 1, 2024</i>
(7) <i>Genetic Counselor</i>				
	Application for license	\$120	\$130	\$145
	Application for reactivation of license	\$105	\$115	\$125
	Application for temporary provisional license	\$90	\$100	\$105
(8) <i>Miscellaneous</i>				
	Penalty for late biennial renewal—per month or part of month	\$5	\$5	\$5
	Uncertified verification of any license, certification or permit	\$15	\$15	\$15
	Certification of any licenses, certifications, examination grades or hours	\$25	\$25	\$25
	Duplicate license or certificate	\$5	\$5	\$5
	Application for radiology examinations	\$25	\$25	\$25

(b) An applicant for biennial renewal of a license, certificate or registration shall pay the following fees:

		November 1, 2020— October 31, 2022 Biennial Renewal Fee	November 1, 2022— October 31, 2024 Biennial Renewal Fee	November 1, 2024— October 31, 2026 Biennial Renewal Fee and thereafter
(1) <i>Osteopathic Physician</i>				
	Biennial renewal	\$330	\$420	\$450
(2) <i>Physician Assistant</i>				
	Biennial renewal	\$40	\$75	\$80
(3) <i>Acupuncturist</i>				
	Biennial renewal	\$40	\$75	\$80
	Biennial renewal—physician acupuncturist	\$40	\$75	\$80
(4) <i>Respiratory Therapist</i>		January 1, 2021— December 31, 2022 Biennial Renewal Fee	January 1, 2023— December 31, 2024 Biennial Renewal Fee	January 1, 2025— December 31, 2026 Biennial Renewal Fee and thereafter
	Biennial renewal	\$40	\$55	\$60
(5) <i>Athletic Trainer</i>				
	Biennial renewal	\$50	\$70	\$75
(6) <i>Perfusionist</i>				
	Biennial renewal	\$75	\$80	\$85
(7) <i>Genetic Counselor</i>				
	Biennial renewal	\$125	\$155	\$160

**Subchapter K. RESPIRATORY THERAPISTS**

§ 25.503. (Reserved).

[Pa.B. Doc. No. 20-1101. Filed for public inspection August 14, 2020, 9:00 a.m.]

# STATEMENTS OF POLICY

## Title 58—RECREATION

### PENNSYLVANIA GAMING CONTROL BOARD

[ 58 PA. CODE CH. 465b ]

#### Prepaid Access Instrument Transactions

On June 10, 2020, the Pennsylvania Gaming Control Board (Board) adopted the statement of policy—technical standard in § 465b.2 (relating to prepaid access instrument transactions—technical standard).

In the October 30, 2017 amendment to the Pennsylvania Race Horse Development and Gaming Act (Act), provisions were added to 4 Pa.C.S. Part II (relating to gaming), specifically §§ 13A27 and 1504 (relating to other financial transactions; and wagering on credit) that permitted slot machine licensees or table games certificateholders to use electronic credit systems or other cashless wagering systems to process cash-free transactions utilizing prepaid access instruments. These prepaid access instrument transactions as addressed in this statement of policy—technical standard would allow a patron to purchase value chips at a gaming table, credits on a slot machine, fully automated electronic gaming table or electronic wagering terminal, withdraw cash or a gaming voucher at a cashier's cage, or place a sports wager at the sports book.

This statement of policy—technical standard contains all applicable provisions for a slot machine licensee to begin offering prepaid access instrument transactions at its licensed facility, including provisions for how a patron must set up a prepaid access instrument account with a slot machine licensee, how the accounts may be funded, the types of transactions involved, and the internal controls the slot machine licensee or table games certificateholder must submit to the Board.

This statement of policy—technical standard is in response to the novel coronavirus (COVID-19) pandemic crisis, in an attempt to limit the possible spread of COVID-19 by decreasing the amount of cash-based transactions between casino patrons and casino staff. These provisions will provide a safe alternative to cash-based transactions while protecting the integrity of gaming operations in this Commonwealth. It is anticipated that with the proper safeguards in place, these prepaid access instrument transactions will aid in providing both a safe and secure system for patrons to engage in gaming activities at casinos in this Commonwealth.

#### Contact Person

The contact person for questions about this statement of policy—technical standard is Chad W. Zimmermann, Assistant Chief Counsel, Pennsylvania Gaming Control Board, (717) 265-8356.

#### Effective Date

This statement of policy—technical standard is effective upon publication.

DAVID M. BARASCH,  
Chairperson

(Editor's Note: Title 58 of the *Pennsylvania Code* is amended by adding the statement of policy in § 465b.2 to read as set forth in Annex A.)

**Fiscal Note:** 125-232. No fiscal impact; (8) recommends adoption.

## Annex A

### TITLE 58. RECREATION

#### PART VII. GAMING CONTROL BOARD

#### Subpart E. SLOT MACHINE, TABLE GAME AND ASSOCIATED EQUIPMENT TESTING AND CONTROL; ACCOUNTING AND INTERNAL CONTROLS

#### CHAPTER 465b. TECHNICAL STANDARDS—STATEMENT OF POLICY

#### § 465b.2. Prepaid access instrument transactions—technical standard.

(a) The following words and terms, when used in this section, have the following meanings, unless the context clearly indicates otherwise:

*Cashless wagering system*—The collective hardware, software, communications technology and other ancillary equipment used to facilitate prepaid access instrument transactions at a slot machine, gaming table, cashier's cage or sportsbook.

*Prepaid access instrument*—A card, code, electronic serial number, mobile identification number, personal identification number or similar device that:

(i) Allows patron access to funds that have been paid in advance and can be retrieved or transferred through the use of the device.

(ii) Qualifies as an access device for purposes of Regulation E issued by the Board of Governors of the Federal Reserve System under 12 CFR Part 205 (relating to electronic fund transfers (Regulation E)).

(iii) Must be distributed by a slot machine licensee or its affiliates to be considered a cash equivalent at the slot machine licensee's licensed facility or the location of the slot machine licensee's affiliates.

(iv) Must be used in conjunction with an approved cashless wagering system or electronic credit system to transfer funds for gaming purposes.

*Prepaid access instrument account*—An account established by a patron with a slot machine licensee or table games certificateholder in which a player deposits funds that may be accessed by means of a prepaid access instrument to purchase value chips at a gaming table, withdraw cash or purchase a gaming voucher at the cage, purchase slot credits at a slot machine, purchase credits on a fully automated electronic gaming table or electronic wagering terminal, pay entry fees to participate in a slot machine, table game or sports wagering tournament, or to place a sports wager at a sportsbook with a sports wagering ticket writer or on a sports wagering self-service kiosk.

(b) A slot machine licensee or table games certificateholder may utilize an electronic credit system approved for use under 58 Pa. Code § 609a.19 (relating to use of an electronic credit system for the processing of Counter Checks and customer deposits) or an approved cashless wagering system to process prepaid access instrument transactions for the purchase of value chips at a gaming table, withdrawal of cash or purchase of a gaming voucher at the cage, purchase of slot credits at a slot machine, purchase of credits on a fully automated electronic gaming table or electronic wagering terminal, payment of entry fees to participate in a slot machine,

table game or sports wagering tournament, or the placement a sports wager at a sportsbook with a sports wagering ticket writer or on a sports wagering self-service kiosk.

(c) A slot machine licensee or table games certificateholder that elects to utilize an electronic credit system or cashless wagering system to process prepaid access instrument transactions shall submit internal controls specifying all of the following:

(1) Which positions, as described in the slot machine licensee or table game certificateholder's jobs compendium, will have administrator, accounting and revenue audit, and cage function access to the electronic credit system or cashless wagering system, and the functions or permissions assigned to each of those roles. The slot machine licensee or table games certificateholder shall submit a narrative description of the permissions for each of the roles and the level of access assigned.

(2) Which positions will have permission to reset a patron's personal identification number (PIN).

(3) How a patron's prepaid access instrument account may be established with the slot machine licensee or table games certificateholder, including procedures for identity and age verification and checks against the Board's involuntary exclusion and self-exclusion lists.

(4) How a patron's prepaid access instrument account may be funded by the patron through external sources (that is, credit card, debit card, Automated Clearing House (ACH) transaction, wire transfer, prepaid card, cash or cash equivalent, and the like), including any limits the certificateholder may impose on prepaid access instrument deposits or transactions.

(5) The policies and procedures to be implemented relating to how the slot machine licensee or table games certificateholder will process prepaid access instrument transactions at slot machines, gaming tables, fully automated electronic gaming tables, electronic wagering terminals, the cashier's cage and the sportsbook.

(6) How a patron's value chips, slot credits, electronic gaming credits, tournament winnings, gaming vouchers or winning sports wagering tickets may be added back to the patron's prepaid access instrument account at a slot machine, gaming table, cashier's cage or sportsbook.

(7) The flow of receipts and the reports generated through the revenue process.

(8) How a voided transaction in the electronic credit system or cashless wagering system will be processed, specifying which positions will have authority to void a transaction, ensuring that at least two employees with no incompatible functions process the void and that a detailed explanation for the void is recorded in the electronic credit system or other cashless wagering system.

(9) How prepaid access instrument transactions will be processed and accurately recorded if the electronic credit system or cashless wagering system becomes inoperable.

(d) Prior to implementing an electronic credit system or cashless wagering system to process prepaid access instrument transactions, the slot machine licensee or table games certificateholder shall establish and receive approval from Board staff to conduct a test period of the electronic credit system or cashless wagering system and any associated devices. If the slot machine licensee or table games certificateholder has already been approved to use an electronic credit system for processing Counter Check or customer deposit transactions under § 609a.19,

a new test period to test the prepaid access instrument transaction functionality shall also be conducted. No prepaid access instrument transactions may occur until approval is granted by the Board's Executive Director.

(e) To establish a prepaid access instrument account for a patron, the patron shall establish a PIN to access the funds in the prepaid access instrument account, which must be an encrypted PIN.

(f) After creating a prepaid access instrument account with the slot machine licensee or table games certificateholder, the patron shall be issued a prepaid access instrument to access the funds deposited in the prepaid access instrument account at a slot machine, fully automated gaming table, electronic wagering terminal, gaming table, cashier's cage or sportsbook.

(1) The prepaid access instrument issued by the slot machine licensee or table games certificateholder may be in the form of a card, code, electronic serial number, mobile identification number, personal identification number or similar device.

(2) The slot machine licensee certificateholder may implement an electronic credit system or cashless wagering system that links a patron's prepaid access instrument account to the patron's player rewards program card and permit a patron to use that card to conduct prepaid access instrument transactions.

(g) Patron deposits or transfers to the prepaid access instrument account may be completed in the following ways:

(1) Deposits of cash or cash equivalents at the cashier's cage.

(2) Cashier's cage deposits with a credit card, debit card, ACH transaction or wire transfer through a device connected to the electronic credit system or cashless wagering system.

(3) Online or mobile deposits with a credit card, debit card, ACH transaction or wire transfer through the certificateholder's web site or a mobile application.

(4) Cash-out transactions of any remaining credits on the credit meter a slot machine, fully automated electronic gaming table or electronic wagering terminal back to the patron's prepaid access instrument account.

(5) Cash-out transactions of value chips at a gaming table back to the patron's prepaid access instrument account.

(6) Deposits of cash at a ticket writer window or sports wagering self-service kiosk in a sportsbook, or the redemption of a winning sports wagering ticket and the transfer of winnings to the patron's prepaid access instrument account.

(7) Any other method as approved by the Board.

(h) For transactions involving funds deposited in a patron's prepaid access instrument account utilizing an electronic credit system or other cashless wagering system, if the transaction is conducted:

(1) At a gaming table to purchase value chips, a table games dealer, boxperson or previously listed person shall use an approved device connected to the electronic credit system or cashless wagering system that is either assigned to and positioned at the gaming table or a portable device kept at the pit stand and shall process the transaction in accordance with the procedures set forth in the slot machine licensee's or table game certificateholder's internal controls. After the transaction is com-

plete and value chips are distributed to the patron, a document evidencing the prepaid access instrument transaction shall be generated and placed in the drop box.

(2) At the cage to withdraw cash or purchase a gaming voucher, a cage cashier shall use an approved device connected to the electronic credit system or cashless wagering system and shall process the transaction in accordance with the procedures set forth in the slot machine licensee's or table game certificateholder's internal controls. After the transaction is complete and the cash or gaming voucher has been distributed to the patron, a document evidencing the prepaid access instrument transaction shall be generated and placed in the cashier's impressed inventory.

(3) At a slot machine, fully automated electronic gaming table or electronic wagering terminal, a patron shall use an approved device connected to the electronic credit system or cashless wagering system that is affixed to the slot machine, fully automated electronic gaming table or electronic wagering terminal to process the prepaid access instrument transaction in accordance with the procedures set forth in the slot machine licensee's or table game certificateholder's internal controls. After the transaction is complete, the credits purchased shall be put on the credit meter on the slot machine, fully automated electronic gaming table or electronic wagering terminal. The electronic credit system or cashless wagering system shall properly account for and record all prepaid access instrument transactions as a cash-in transaction for gross gaming revenue reporting purposes.

(4) At a ticket writer window in the sportsbook to place a sports wager, a ticket writer shall use an approved device connected to the electronic credit system or cashless wagering system and shall process the transaction in accordance with the procedures set forth in the slot

machine licensee's or table game certificateholder's internal controls. After the transaction is complete and the sports wagering ticket has been distributed to the patron, a document evidencing the prepaid access instrument transaction shall be generated and placed in the ticket writer's inventory and shall be properly accounted for and recorded for gross sports wagering revenue reporting purposes.

(5) At a sports wagering self-service kiosk to place a sports wager, a patron shall use an approved device connected to the electronic credit system or cashless wagering system that is affixed to the kiosk to process the prepaid access instrument transaction in accordance with the procedures set forth in the slot machine licensee's or table game certificateholder's internal controls. After the transaction is complete and the sports wagering ticket has been distributed to the patron, the electronic credit system or cashless wagering system shall properly account for and record all prepaid access instrument transactions at a kiosk for gross sports wagering revenue reporting purposes.

(i) A certificateholder that utilizes an electronic credit system or cashless wagering system to process prepaid access instrument transactions shall record each prepaid access instrument transaction at a slot machine, gaming table, electronic gaming table or electronic wagering terminal on the count reports required under § 465a.25 (relating to counting and recording of slot cash storage boxes and table game drop boxes) and each prepaid access instrument transaction in a sportsbook on all necessary reports required under Subpart Q (relating to sports wagering).

[Pa.B. Doc. No. 20-1102. Filed for public inspection August 14, 2020, 9:00 a.m.]

# NOTICES

## DEPARTMENT OF BANKING AND SECURITIES

### Actions on Applications

The Department of Banking and Securities (Department), under the authority in the Banking Code of 1965 (7 P.S. §§ 101—2204), the Department of Banking and Securities Code (71 P.S. §§ 733-1—733-1203) and 17 Pa.C.S. (relating to Credit Union Code), has taken the following actions on applications received for the week ending August 4, 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>
07-30-2020	Compass Savings Bank Wilmerding Allegheny County	87 Rocky Road Irwin Westmoreland County	Approved
07-30-2020	Centric Bank Harrisburg Dauphin County	22D East Roseville Road Lancaster Lancaster County	Approved
08-03-2020	Somerset Trust Company Somerset Somerset County	3 South Broadway Street Frostburg Allegany County, MD	Filed
08-03-2020	Somerset Trust Company Somerset Somerset County	201 Falcon Drive Connellsville Fayette County, PA (Limited Service Facility)	Filed

### CREDIT UNIONS

#### Articles of Amendment

<i>Date</i>	<i>Name and Location of Institution</i>	<i>Action</i>
08-04-2020	Franklin-Oil Region Credit Union Franklin Venango County	Filed

Amendment to Article 3 of the institution’s Articles of Incorporation provides for a change in principal place of business from 1219 Liberty Street, Franklin, Venango County to 101 North 13th Street, Franklin, Venango County.

The Department’s web site at [www.dobs.pa.gov](http://www.dobs.pa.gov) includes public notices for more recently filed applications.

RICHARD VAGUE,  
*Acting Secretary*

[Pa.B. Doc. No. 20-1103. Filed for public inspection August 14, 2020, 9:00 a.m.]

## DEPARTMENT OF BANKING AND SECURITIES

### Maximum Lawful Rate of Interest for Residential Mortgages for the Month of September 2020

The Department of Banking and Securities (Department), under the authority contained in section 301 of the act of January 30, 1974 (P.L. 13, No. 6) (41 P.S. § 301), determines that the maximum lawful rate of interest for

residential mortgages for the month of September 2020, is 3 1/2%.

The interest rate limitations under the Commonwealth’s usury statute were pre-empted to a great extent by Federal law, the Depository Institutions Deregulation and Monetary Control Act of 1980 (Pub.L. No. 96-221). Further pre-emption was instituted with the signing of Pub.L. No. 96-399, which overrode State interest rate limitations on any individual who finances the sale or exchange of residential real property which the individual

owns and which the individual occupies or has occupied as his principal residence.

Each month the Department is required by State law to compute and announce the ceiling rate on residential mortgages in this Commonwealth. This maximum rate is determined by adding 2.50 percentage points to the yield rate on long-term government bonds as published by the Federal Reserve Board or the United States Treasury, or both. The latest yield rate on long-term government

securities is 1.00 to which was added 2.50 percentage points for a total of 3.50 that by law is rounded off to the nearest quarter at 3 1/2%.

RICHARD VAGUE,  
*Acting Secretary*

[Pa.B. Doc. No. 20-1104. Filed for public inspection August 14, 2020, 9:00 a.m.]

## DEPARTMENT OF ENVIRONMENTAL PROTECTION

### Applications, Actions and Special Notices

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#### APPLICATIONS

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

This notice provides information about persons who have applied for a new, amended or renewed NPDES or WQM permit, a permit waiver for certain stormwater discharges or submitted a Notice of Intent (NOI) for coverage under a General Permit. The applications concern, but are not limited to, discharges regarding industrial, animal or sewage waste, discharges to groundwater, discharges associated with municipal separate storm sewer systems (MS4), stormwater associated with construction activities or concentrated animal feeding operations (CAFO). This notice is provided in accordance with 25 Pa. Code Chapters 91 and 92a and 40 CFR Part 122, implementing The Clean Streams Law (35 P.S. §§ 691.1—691.1001) and the Federal Clean Water Act (33 U.S.C.A. §§ 1251—1376).

<i>Location</i>	<i>Permit Authority</i>	<i>Application Type or Category</i>
Section I	NPDES	Renewals
Section II	NPDES	New or Amendment
Section III	WQM	Industrial, Sewage or Animal Waste; Discharge into Groundwater
Section IV	NPDES	MS4 Individual Permit
Section V	NPDES	MS4 Permit Waiver
Section VI	NPDES	Individual Permit Stormwater Construction
Section VII	NPDES	NOI for Coverage under NPDES General Permits

For NPDES renewal applications in Section I, the Department of Environmental Protection (Department) has made a tentative determination to reissue these permits for 5 years subject to effluent limitations and monitoring and reporting requirements in their current permits, with appropriate and necessary updated requirements to reflect new and changed regulations and other requirements.

For applications for new NPDES permits and renewal applications with major changes in Section II, as well as applications for MS4 Individual Permits and Individual Stormwater Construction Permits in Sections IV and VI, the Department, based upon preliminary reviews, has made tentative determinations of proposed effluent limitations and other terms and conditions for the permit applications. In accordance with 25 Pa. Code § 92a.32(d), the proposed discharge of stormwater associated with construction activities will be managed in accordance with the requirements of 25 Pa. Code Chapter 102. These determinations are published as proposed actions for comments prior to taking final actions.

Unless indicated otherwise, the United States Environmental Protection Agency (EPA) Region III Administrator has waived the right to review or object to proposed NPDES permit actions under the waiver provision in 40 CFR 123.24(d).

Persons wishing to comment on NPDES applications are invited to submit statements to the contact office noted before the application within 30-days from the date of this public notice. Persons wishing to comment on WQM permit applications are invited to submit statements to the office noted before the application within 15-days from the date of this public notice. Comments received within the respective comment periods will be considered in the final determinations regarding the applications. A comment submittal should include the name, address and telephone number of the writer and a concise statement to inform the Department of the exact basis of a comment and the relevant facts upon which it is based.

The Department will also accept requests for public hearings on applications. A public hearing may be held if the responsible office considers the public response significant. If a hearing is scheduled, a notice of the hearing will be published in the *Pennsylvania Bulletin* and a newspaper of general circulation within the relevant geographical area. The Department will postpone its final determination until after a public hearing is held.

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



**I. NPDES Renewal Applications.**

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N?</i>
PAS223501 (Storm Water)	Mountain Valley Farms & Lumber Products 1240 Nawakwa Road Biglerville, PA 17307	Adams County Menallen Township	Unnamed Tributary of Conewago Creek (HQ-CWF, MF) and Opossum Creek (TSF, MF) (7-F)	Y

*Northcentral Region: Clean Water Program Manager, 208 W Third Street, Suite 101, Williamsport, PA 17701-6448, Phone: 570.327.3636, Email: RA-EPNPDES\_NCRO@pa.gov.*

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N?</i>
PA0112771 (Sewage)	Port Matilda Borough Authority P.O. Box 519 Port Matilda, PA 16870-0519	Centre County Worth Township	Bald Eagle Creek (TSF) (9-C)	Y
PA0208914 (Sewage)	Great Dane, LP Danville 222 N. La Salle Street Suite 920 Chicago, IL 60601-1010	Montour County Limestone Township	County Line Branch (WWF) (10-D)	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N?</i>
PA0217417 (Sewage)	South Primary School STP 200 Poplar Street Vandergrift, PA 15690	Westmoreland County Washington Township	Unnamed Tributary of Beaver Run (HQ-CWF) (18-B)	Y

*Northwest Region: Clean Water Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481, Phone: 814.332.6942, Email: RA-EPNPDES\_NWRO@pa.gov.*

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N?</i>
PA0221325 (Sewage)	Abbey Woods Development 290 Perry Highway Pittsburgh, PA 15229	Butler County Jackson Township	Unnamed Tributary to Brush Creek (WWF) (20-C)	Y
PA0104329 (Sewage)	Big Bend Access Area 251 Powerhouse Drive Warren, PA 16365-5505	Warren County Mead Township	Allegheny River (WWF) (16-B)	Y
PA0210072 (Sewage)	Camp Sherwin 31 W 10th Street Erie, PA 16501-1401	Erie County Girard Township	Unnamed Tributary to Lake Erie (CWF, MF) (15-A)	Y

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

*Southeast Region: Clean Water Program Manager, 2 East Main Street, Norristown, PA 19401, Email: RA-EPNPDES\_SERO@pa.gov.*

**PA0244791**, Sewage, SIC Code 8800, **Nathan & Jessica Skelton**, 313 Thousand Acre Road, Sellersville, PA 18960-1037. Facility Name: 313 Thousand Acre Pond. This existing facility is located in West Rockhill Township, **Bucks 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 to Ridge Valley Creek (HQ-TSF, MF), is located in State Water Plan watershed 3-E and is classified for High-Quality waters and High-Quality Waters—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>Average Monthly</i>	<i>Maximum</i>	
Flow (MGD)	Report	XXX	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	6.0	XXX	XXX	XXX
Biochemical Oxygen Demand (BOD <sub>5</sub> )	XXX	XXX	Inst Min XXX	10	XXX	20
Total Suspended Solids	XXX	XXX	XXX	10	XXX	20
Fecal Coliform (No./100 ml)	XXX	XXX	XXX	200	XXX	XXX
Total Nitrogen	XXX	XXX	XXX	Geo Mean 20	XXX	40
Total Phosphorus	XXX	XXX	XXX	2.0	XXX	4

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

Proposed Part C Conditions:

I. Other Requirements

A. AMR to DEP

B. DMR to DEP if Attached

C. 1/year Measure Depth of Septage and Scum

D. Septic Tanks Pumped out Every 3 Years

E. No Stormwater

F. Necessary Property Rights

G. Proper Sludge Disposal

H. Abandon STP when Municipal Sewers Available

I. Small Stream Discharge

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

The EPA Waiver is in effect.

**PA0056014 A-1**, Industrial, SIC Code 3493, 4225, **Ametek Inc.**, 1100 Cassatt Road, Berwyn, PA 19312. Facility Name: Former Ametek US Gauge Division. This existing facility is located in Sellersville Borough, **Bucks County**.

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

The receiving stream(s), East Branch Perkiomen Creek (TSF, MF), is located in State Water Plan watershed 3-E and is classified for Migratory Fishes and 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 .0868 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Average Quarterly</i>	<i>Daily Maximum</i>	
Flow (GPD)	Report Avg Qrtly	XXX	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
1,4-Dioxane	XXX	XXX	Inst Min XXX	Report	Report	XXX
1,1,1-Trichloroethane	XXX	XXX	XXX	0.08	0.16	0.2
1,1-Dichloroethylene	XXX	XXX	XXX	0.007	0.014	0.018
cis-1,2-Dichloroethylene	XXX	XXX	XXX	0.07	0.14	0.2
Tetrachloroethylene	XXX	XXX	XXX	0.001	0.002	0.0025
Trichloroethylene	XXX	XXX	XXX	0.005	0.01	0.013

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

A. Property Rights

B. Sludge Disposal

C. BAT/BCT

D. Small Stream Discharge

E. EPA Methods

F. No Cleaning water discharge

G. Groundwater Monitoring Reports

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

The EPA Waiver is in effect.

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

**PA0267023**, Sewage, SIC Code 8811, **Gina Hess**, 3131 Cold Springs Road, Huntingdon, PA 16652. Facility Name: Gina Hess Residence. This proposed facility is located in Oneida Township, **Huntingdon 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) Murray Run (HQ-CWF, MF), is located in State Water Plan watershed 11-B and is classified for High Quality—Cold Water and Migratory Fish, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.0004 MGD.—Limits.

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		IMAX
	Average Monthly	Average Weekly		Semi-Annual Average	Maximum	
Flow (MGD)	Report Semi Avg	XXX	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Biochemical Oxygen Demand (BOD <sub>5</sub> )	XXX	XXX	XXX	10.0	XXX	20.0
Total Suspended Solids	XXX	XXX	XXX	10.0	XXX	20.0
Fecal Coliform (No./100 ml)	XXX	XXX	XXX	200	XXX	XXX
Ammonia-Nitrogen	XXX	XXX	XXX	10.0	XXX	20.0

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.

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*Northcentral Region: Regional Clean Water Program Manager, 208 W Third Street, Suite 101, Williamsport, PA 17701-6448, Phone: 570.327.3636, Email: RA-EPNPDES\_NCRO@pa.gov.*

**PA0027375**, Sewage, SIC Code 4952, **City of DuBois**, 16 W Scribner Avenue, DuBois, PA 15801-2210. Facility Name: City of DuBois Wastewater Treatment Plant. This existing facility is located in City of DuBois, **Clearfield 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), Sandy Lick Creek (TSF), is located in State Water Plan watershed 17-C 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 4.4 MGD.—Interim Limits.

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		IMAX
	Average Monthly	Daily Maximum		Average Monthly	Daily Maximum	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	Inst Min 6.5	XXX	XXX	XXX
Total Residual Chlorine (TRC)	XXX	XXX	Inst Min XXX	0.16	XXX	0.52
Carbonaceous Biochemical Oxygen Demand (CBOD <sub>5</sub> )						
Nov 1 - Apr 30	770	1,155	XXX	21.0	31.5	42
		Wkly Avg			Wkly Avg	
May 1 - Oct 31	255	385	XXX	7.0	10.5	14
		Wkly Avg			Wkly Avg	
Total Suspended Solids	1,100	1,650	XXX	30.0	45.0	60
		Wkly Avg			Wkly Avg	

<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>	
Fecal Coliform (No./100 ml)						
Oct 1 - Apr 30	XXX	XXX	XXX	2,000	XXX	10,000
May 1 - Sep 30	XXX	XXX	XXX	Geo Mean 200	XXX	1,000
Total Nitrogen	XXX	Report	XXX	Geo Mean XXX	Report	XXX
Ammonia-Nitrogen						
Nov 1 - Apr 30	230	340	XXX	6.3	9.3	12.6
May 1 - Oct 31	75	110	XXX	2.1	3.1	4.2
		Wkly Avg			Wkly Avg	
		Wkly Avg			Wkly Avg	
Total Phosphorus	XXX	Report	XXX	XXX	Report	XXX
Aluminum, Total	80	135	XXX	2.23	3.73	5.57
Copper, Total (ug/L)	0.48	0.76	XXX	13.27	20.71	33.17
Cyanide, Free (ug/L)	0.32	0.50	XXX	8.75	13.65	21.87
Lead, Total (ug/L)	0.22	0.28	XXX	6.03	7.80	15.07
Mercury, Total (ug/L)	0.003	0.004	XXX	0.084	0.131	0.21
Zinc, Total	4.03	8.07	XXX	0.11	0.22	0.27
Dichlorobromomethane (ug/L)	0.10	0.16	XXX	2.85	4.44	7.12
Bis(2-Ethylhexyl) Phthalate (ug/L)	0.22	0.35	XXX	6.21	9.70	15.52
Chloroform (ug/L)	XXX	Report	XXX	XXX	Report	XXX
Isophorone (ug/L)	2.16	4.32	XXX	58.90	117.8	147.25
Biochemical Oxygen Demand (BOD <sub>5</sub> )						
Raw Sewage Influent	Report	Report	XXX	Report	XXX	XXX
Total Suspended Solids						
Raw Sewage Influent	Report	Report	XXX	Report	XXX	XXX

The proposed effluent limits for Outfall 001 are based on a design flow of 4.4 MGD.—Final Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Instantaneous 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
Dissolved Oxygen	XXX	XXX	6.5	XXX	XXX	XXX
Carbonaceous Biochemical Oxygen Demand (CBOD <sub>5</sub> )						
Nov 1 - Apr 30	770	1,155	XXX	21.0	31.5	42
May 1 - Oct 31	255	385	XXX	7.0	10.5	14
		Wkly Avg			Wkly Avg	
		Wkly Avg			Wkly Avg	
Total Suspended Solids	1,100	1,650	XXX	30.0	45.0	60
		Wkly Avg			Wkly Avg	
Fecal Coliform (No./100 ml)						
Oct 1 - Apr 30	XXX	XXX	XXX	2,000	XXX	10,000
May 1 - Sep 30	XXX	XXX	XXX	Geo Mean 200	XXX	1,000
				Geo Mean XXX	XXX	XXX
Ultraviolet light intensity (mW/cm <sup>2</sup> )	XXX	XXX	Report	XXX	XXX	XXX
Total Nitrogen	XXX	Report	XXX	XXX	Report	XXX
Ammonia-Nitrogen						
Nov 1 - Apr 30	230	340	XXX	6.3	9.3	12.6
May 1 - Oct 31	75	110	XXX	2.1	3.1	4.2
		Wkly Avg			Wkly Avg	
		Wkly Avg			Wkly Avg	
Total Phosphorus	XXX	Report	XXX	XXX	Report	XXX
Aluminum, Total	80	135	XXX	2.23	3.73	5.57
Copper, Total (ug/L)	0.48	0.76	XXX	13.27	20.71	33.17
Cyanide, Free (ug/L)	0.32	0.50	XXX	8.75	13.65	21.87
Lead, Total (ug/L)	0.22	0.28	XXX	6.03	7.80	15.07
Mercury, Total (ug/L)	0.003	0.004	XXX	0.084	0.131	0.21

Parameters	Mass Units (lbs/day)		Instantaneous Minimum	Concentrations (mg/L)		IMAX
	Average Monthly	Daily Maximum		Average Monthly	Daily Maximum	
Zinc, Total	4.03	8.07	XXX	0.11	0.22	0.27
Dichlorobromomethane (ug/L)	0.10	0.16	XXX	2.85	4.44	7.12
Bis(2-Ethylhexyl) Phthalate (ug/L)	0.22	0.35	XXX	6.21	9.70	15.52
Chloroform (ug/L)	XXX	Report	XXX	XXX	Report	XXX
Isophorone (ug/L)	2.16	4.32	XXX	58.90	117.8	147.25
Biochemical Oxygen Demand (BOD <sub>5</sub> )						
Raw Sewage Influent	Report	Report	XXX	Report	XXX	XXX
Total Suspended Solids						
Raw Sewage Influent	Report	Report	XXX	Report	XXX	XXX

Sludge use and disposal description and location(s): Landfill.

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

The EPA Waiver is not in effect.

Northwest Region: Clean Water Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481, Phone: 814.332.6942, Email: RA-EPNPDES\_NWRO@pa.gov.

**PA0288632**, Sewage, SIC Code 8800, **Craig Handlovic**, 140 Klein Road, Cranberry Twp, PA 16066-3320. Facility Name: Craig Handlovic SRSTP. This proposed facility is located at 159 Studebaker Road, Slippery Rock, PA 16057, located in Worth Township, **Butler County**.

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

The receiving stream(s), Unnamed Tributary 34221 to Black Run (CWF), is located in State Water Plan watershed 20-C and is classified for 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 <sub>5</sub> )	XXX	XXX	XXX	10.0	XXX	20
Total Suspended Solids	XXX	XXX	XXX	10.0	XXX	20
Fecal Coliform (No./100 ml)	XXX	XXX	XXX	200	XXX	XXX

Sludge use and disposal description and location(s): Septage must be pumped and hauled off-site by a septage hauler for land application under a general permit authorized by DEP or disposal at an STP.

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 814-332-6340.

The EPA Waiver is in effect.

**PA0288551**, Sewage, SIC Code 8800, **Diane & Richard McMillen**, 2858 E 28th Street, Erie, PA 16510-2822. Facility Name: Diane & Richard McMillen SRSTP. This proposed facility is located in Eldred 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), Pine Creek (HQ-CWF), is located in State Water Plan watershed 16-E and is classified for High Quality Waters—Cold Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of .0005 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

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		IMAX
	Average Monthly	Average Weekly		Annual Average	Maximum	
pH (S.U.)	XXX	XXX	6.0 Daily Min	XXX	9.0 Daily Max	XXX
Biochemical Oxygen Demand (BOD <sub>5</sub> )	XXX	XXX	XXX	10.0	XXX	20
Total Suspended Solids	XXX	XXX	XXX	10.0	XXX	20
Fecal Coliform (No./100 ml)	XXX	XXX	XXX	200	XXX	XXX

Sludge use and disposal description and location(s): Septage will be pumped and hauled off-site by a septage hauler for land application under a general permit authorized by DEP or disposal at an STP.

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 814-332-6078.

The EPA Waiver is in effect.

**PA0288586**, Sewage, SIC Code 8800, **Ida Mae Acker Estate**, 703 Dahlia Drive, Monroeville, PA 15146-1217. Facility Name: Ida Mae Acker Estate SRSTP. This proposed facility is located in Woodcock Township, **Crawford 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 French Creek (WWF), is located in State Water Plan watershed 16-D and is classified for Warm Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 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 <sub>5</sub> )	XXX	XXX	XXX	10.0	XXX	20
Total Suspended Solids	XXX	XXX	XXX	10.0	XXX	20
Fecal Coliform (No./100 ml)	XXX	XXX	XXX	200	XXX	XXX

Sludge use and disposal description and location(s): Septage will be pumped and hauled off-site by a septage hauler for land application under a general permit authorized by DEP or disposal at an STP.

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 814-332-6078.

The EPA Waiver is in effect.

### III. WQM Industrial Waste and Sewerage Applications under The Clean Streams Law (35 P.S. §§ 691.1—691.1001).

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

**WQM Permit No. 4820403**, Sewage, **Easton Area Joint Sewer Authority Northampton County**, 50-A S Delaware Drive, Easton, PA 18042-9405.

This proposed facility is located in Easton City, **Northampton County**.

Description of Proposed Action/Activity: Tertiary Disk Filter Installation Project.

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

**WQM Permit No. 3610404, Amendment**, Sewerage, **Mount Hope Nazarene Retirement Community**, 3026 Mt. Hope Road, Manheim, PA 17545-9529.

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

Description of Proposed Action/Activity: Seeking permit approval for installation of a fixed metal bar screen to help remove incoming debris from the influent wastewater ahead of their existing wastewater treatment plant.

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

**WQM Permit No. 0374402 A-3**, Sewage, **Ford City Borough Municipal Sewage Disposal Authority**, P.O. Box 66, Ford City, PA 16226-0066.

This existing facility is located in Ford City Borough, **Armstrong County**.

Description of Proposed Action/Activity: Amendment to construct belt filter press, demolish sludge drying beds and upgrade the 3rd and 12th Street pump stations.

**WQM Permit No. 1620405**, Sewage, **Route 36 LLC**, 530 Spring Avenue, Dubois, PA 15801-1554.

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

Description of Proposed Action/Activity: Small Flow Treatment Facility.

**WQM Permit No. 1020413**, Sewage, **Craig Handlovic**, 140 Klein Road, Cranberry Twp, PA 16066-3320.

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

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

**WQM Permit No. 2520417**, Sewage, **Frank B Robasky**, 8670 Carberry Road, Albion, PA 16401-8946.

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

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

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

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*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 &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAD090006	LifeQuest 2460 John Fries Highway Quakertown, PA 18951	Bucks	Milford Township	Unami Creek HQ-TSF-MF
PAD230047	Thomas Warner 1102 Green Lane Glen Mills, PA 19342	Delaware	Edgmont Township	Big Run HQ-TSF

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

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

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

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAD390167	PA Department of General Services (DGS) 1800 Herr St. Harrisburg, PA 17103-1540	Lehigh	City of Allentown	Lehigh River (WWF, MF)

*Northampton County Conservation District, 14 Gracedale Ave., Greystone Building, Nazareth, PA 18064-9211, 610-829-6276.*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAD480129	Follett, LLC Gregg Rader 801 Church Ln. Easton, PA 18040	Northampton	Forks Township	Bushkill Creek (HQ-CWF, MF)

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

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAD070011	Randall and Holly Sheetz 3341 Scotch Valley Road Hollidaysburg, PA 16648	Blair	Frankstown Township	UNTs New Creek (HQ-CWF, MF)
PAD060043	Gateway West Housing Associates, LP 726 Yorklyn Road Suite 150 Hockessin, DE 19707	Berks	Reading City	Schuylkill River (WWF, MF)

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAD060045	CenturyLink Communications, LLC 100 CenturyLink Drive Monroe, LA 71203	Blair	Cumru Township Fleetwood Borough Longswamp Township Lyons Borough Maidencreek Township Maxatawny Township Muhlenberg Township Ontaeunee Township City of Reading Richmond Township Ruscombmaner Township Topton Borough	Swabia Creek (HQ-CWF) UNT Swabia Creek (HQ-CWF) UNT Little Lehigh Creek (HQ-CWF) Leibert Creek (HQ-CWF) Trout Creek (HQ-CWF) Lehigh River (WWF) UNT Lehigh River (HQ-CWF) Little Lehigh Creek (HQ-CWF) Toad Creek (HQ-CWF) Schuylkill River (WWF) Laurel Run (WWF) UNT Willow Creek (CWF) Willow Creek (CWF) UNT Moselem Creek (HQ-CWF) UNT Sacony Creek (CWF) Sacony Creek (CWF) Angelica Creek (CWF)
		Lehigh	Lower Macungie Township Macungie Borough Salisbury Township Upper Milford Township	

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#### VII. List of NOIs for NPDES and/or Other General Permit Types.

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PAG-12            CAFOs

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#### CAFO Notices of Intent Received.

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

**NPDES Permit No. PAG123903, CAFO, Schwalm Daniel & Schwalm James, 351 Bastian Road, Halifax, PA 17032.**

This proposed facility is located in Jackson Township, **Dauphin County**.

Description of size and scope of proposed operation/activity: Beef (Finishing) and Swine (Grow Finish): 839.04 AEU's.

The receiving stream, Armstrong Creek (CWF, MF), is in watershed 6-C and classified for: Cold Water Fishes and Migratory Fishes.

The proposed effluent limits for the operation/activity include: Except for the chronic or catastrophic rainfall events defined as over the 25-year/24-hour rain storms, the CAFO general permit is a non-discharge NPDES permit. Where applicable, compliance with 40 CFR Federal effluent limitation guidelines is required. The general permit requires no other numeric effluent limitations and compliance with the Pennsylvania Nutrient Management Act and the Clean Stream Law constitutes compliance with the State narrative water quality standards.

### 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**

<i>Agricultural Operation Name and Address</i>	<i>County</i>	<i>Total Acres</i>	<i>Animal Equivalent Units</i>	<i>Animal Type</i>	<i>Special Protection Waters (HQ or EV or NA)</i>	<i>Renewal/ New</i>
Wingert Farms Inc. 5497 Shade Lane Alexandria, PA 16611	Huntingdon	1,585.4	2,053.36	Dairy	HQ	Renewal
Hickory Lane Farm 455 Hickory Farm Lane Blain, PA 17006	Perry	420.4	1,773.65	Swine	HQ-CWF	Renewal
Kim Schlappich 1359 Main Street Mohrsville, PA 19541	Berks	117.6	152.88	Ducks	NA	Renewal
Gerry Noecker 3485 Tilden Road Mohrsville, PA 19541	Berks	76.7	68.36	Ducks, Cow/ Calf Pairs	NA	New
Four Winds Dairy LLC 400 VanEtten Road Ulysses, PA 16948	Potter	1,008.5	2,160.7	Dairy	Yes, HQ	Renewal
R&F Family Farms Andrew Reitz & Jonathan Francis 473 Irish Valley Road Paxinos, PA 17860 Site— 214 Cedar Road Paxinos, PA 17860	Northumberland	19.7	1,865.40	Swine Finishers	NA	Renewal
Funk Family Farm 18255 Fort Davis Road Mercersburg, PA 17236	Franklin	354	641.85	Swine	NA	Renewal
Lazy Hog Farm Chris Hoffman 201 South Homestead Road McAlisterville, PA 17049	Mifflin	13.5	524.99	Swine	NA	Renewal
Todd Chestnut 50 Eberly Road Newville, PA 17241	Cumberland	631.6	676.89	Steers, Beef Cows, Broilers, Swine, Goats	NA	Renewal
Delmar Martin 1375 West Route 897 Denver, PA 17517	Lancaster	26.1	325.44	Broilers, Swine	NA	Renewal

## PUBLIC WATER SUPPLY PERMITS

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

*Southcentral Region: Safe Drinking Water Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110.*

**Permit No. 3120501**, Public Water Supply.

Applicant	<b>Camp Kanesatake</b>
Municipality	Spruce Creek Township
County	<b>Huntingdon</b>
Responsible Official	Seth Hoffman Camp Director 4976 Camp Kanesatake Lane Spruce Creek, PA 16683
Type of Facility	Public Water Supply
Consulting Engineer	Ben Posties, P.E. Penn Del Engineering 206 Saylor Farm Lane Williamsburg, PA 16693
Application Received:	February 5, 2020
Description of Action	Installation of sodium hypochlorite feed equipment for 4-log treatment of viruses.

**Permit No. 5020501**, Public Water Supply.

Applicant	<b>Messiah Evangelical Lutheran Church</b>
Municipality	Spring Township

County	<b>Perry</b>
Responsible Official	Dennis Meisel Council President 70 Limestone Ridge Road P.O. Box 34 Elliottsburg, PA 17024
Type of Facility	Public Water Supply
Consulting Engineer	Randolph S. Bailey, P.E. Wm. F. Hill & Assoc., Inc. 207 Baltimore Street Gettysburg, PA 17325
Application Received:	March 5, 2020
Description of Action	The installation of a new water system including a new source (Well No. 2), softening, reverse osmosis, sodium hypochlorite disinfection, chlorine contact tank, finished water storage tanks, and booster pumping facilities.

## LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

### UNDER ACT 2, 1995 PREAMBLE 1

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

Sections 302—305 of the Land Recycling and Environmental Remediation Standards Act (Act) require the Department of Environmental Protection (Department) to publish in the *Pennsylvania Bulletin* an acknowledgment noting receipt of any Notices of Intent to Remediate. An acknowledgment of the receipt of a Notice of Intent (NOI) to Remediate is used to identify a site where a person proposes to, or has been required to, respond to a release of a regulated substance at a site. Persons intending to use the background standard, Statewide health standard, the site-specific standard, or who intend to remediate a site as a special industrial area, must file a (NOI) to Remediate with the Department. A NOI to Remediate filed with the Department provides a brief description of the location of the site, a list of known or suspected contaminants at the site, the proposed remediation measures for the site, and a description of the intended future use of the site. A person who demonstrates attainment of one, or a combination of the cleanup standards, or who receives approval of a special industrial area remediation identified under the Act, will be relieved of further liability for the remediation of the site for any contamination identified in reports submitted to and approved by the Department. Furthermore, the person shall not be subject to citizen suits or other contribution actions brought by responsible persons not participating in the remediation.

Under Sections 304(n)(1)(ii) and 305(c)(2) of the Act, there is a 30-day public and municipal comment period for sites proposed for remediation using a site-specific standard, in whole or in part, and for sites remediated as a special industrial area. This period begins when a summary of the NOI to Remediate is published in a newspaper of general circulation in the area of the site. For the following identified site(s), proposed for remediation to a site-specific standard or as a special industrial

area, the municipality, within which the site is located, may request to be involved in the development of the remediation and reuse plans for the site if the request is made within 30-days of the following specified date. During this comment period the municipality may request that the following identified person, as the remediator of the site, develop and implement a public involvement plan. Requests to be involved, and comments, should be directed to the remediator of the site.

For further information concerning the content of a NOI to Remediate, please contact the Environmental Cleanup Program Manager in the Department of Environmental Protection Regional Office under which the notice appears. If information concerning this acknowledgment is required in an alternative form, contact the Community Relations Coordinator at the appropriate Regional Office listed. TDD users may telephone the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

The Department of Environmental Protection has received the following Notice(s) of Intent to Remediate:

*Southeast Region: Environmental Cleanup & Brownfields Program Manager, 2 East Main Street, Norristown, PA 19401.*

**3045 Richmond Street, LLC**, 3045-3051 Richmond Street, City of Philadelphia, **Philadelphia County**. David Schantz, Aquaterra Technologies, Inc., 901 S. Bolmar Street, Suite A, West Chester, PA 19382 on behalf of Francis J. Popek, 3045 Richmond Street, LLC, 1545 Packer Avenue, Suite 103, Philadelphia, PA 19145 submitted a Notice of Intent to Remediate. Soil and groundwater have been found to be contaminated with benzo(a)pyrene, benzo(b)fluoranthene, lead and benzene. The property is non-residential but there are plans for residential development. The proposed cleanup standard for the site will make use of the Special Industrial Area provision. The Notice of Intent to Remediate was published in the *Philadelphia Metro* on July 2, 2020.

**900 North Darien Street (Parcel A)**, 900 N Darien Street, City of Philadelphia, **Philadelphia County**. Stephen D. Brower, P.G., Environmental Standards, 1140 Valley Forge Road, P.O. Box 810, Valley Forge, PA 19482-0810 on Elise Halter, Post Quaker Property Owner, LLC, 1021 N. Hancock Street, Suite 1, Philadelphia, PA 19123 submitted a Notice of Intent to Remediate. Soil has been found to be contaminated with 1,2,4-trichlorobenzene, naphthalene, arsenic, benzo(a)anthracene, benzo(a)pyrene, benzo(b)fluoranthene, benzo(k)fluoranthene, chrysene, dibenzo(a,h)anthracene, and indeno(1,2,3-cd)pyrene. The future use of the property is expected to be mixed use residential/commercial and parking structure. The proposed cleanup standards for the site are the Site-Specific Standard/Statewide Health Standard. The Notice of Intent to Remediate was published in the *Philadelphia Inquirer* on June 18, 2020.

**Llanerch Shopping Center**, 403 West Chester Pike, Haverford Township, **Delaware County**. Jason Hanna, Langan Engineering, 2400 Ansys Drive, Canonsburg, PA 15317 on behalf of Jim Bladel, Llanerch Shopping Center, LP, 1301 Lancaster Avenue, Berwyn, PA 19312 submitted a Notice of Intent to Remediate. Soil and groundwater have been found to be contaminated with metals, PAHs and VOCs. The future use of the site will be non-residential. The proposed cleanup standard for the site is the Site-Specific Standard. The Notice of Intent to Remediate was published in the *Daily Times and Sunday Times* on June 3, 2020.

**16 Wolf Street, LLC**, 16 Wolf Street, City of Philadelphia, **Philadelphia County**. David Schantz, Aquaterra Technologies, Inc., 901 S. Bolmar Street, Suite A, West Chester, PA 19382 on behalf of Loretta Mitsos, 16 Wolf Street, LLC, 2825 South Warnock Street, Philadelphia, PA 19148 submitted a Notice of Intent to Remediate. Soil and groundwater have been found to be contaminated with lead. The property is non-residential. The proposed cleanup standard for the site is the Site-Specific Standard. The Notice of Intent to Remediate was published in the *Philadelphia Metro* on July 2, 2020.

**2500-2530 Welsh Road**, 2500-2530 Welsh Road, City of Philadelphia, **Philadelphia County**. Richard Werner, PG., Environmental Consulting Inc., 2002 Renaissance Boulevard, Suite 110, King of Prussia, PA 19406 on behalf of Peter Clelland, BET Tremont, LP, 200 Dryden Road, Suite 200, Dresher, PA 19025 submitted a Notice of Intent to Remediate. Groundwater has been found to be contaminated with TCL VOCs (excluding PCE); 1,2,4-trimethylbenzene; 1,3,5-trimethylbenzene; barium; cadmium; and lead. The subject property is proposed for redevelopment into a retail Wawa-brand gasoline filing station and convenience store. The proposed cleanup standards for the site are the Site-Specific Standard/Statewide Health Standard. The Notice of Intent to Remediate was published in the *Northeast Times* on July 1, 2020.

**Brightsmith Coaters**, 120 Enterprise Avenue, Falls Township, **Bucks County**. Joseph Jacobsen Ph.D., PG, INTEX Environmental Group, Inc., 33 Appletree Lane, Pipersville, PA 18947 on behalf of David Eltz, Brightsmith, LLC, 120 Enterprise Avenue, Morrisville, PA 19067 submitted a Notice of Intent to Remediate. Soil has been found to be contaminated with ethylbenzene and toluene. The proposed future use of the property will be non-residential. The proposed cleanup standard for the site is the Statewide Health Standard. The Notice of Intent to Remediate was published in the *Bucks County Courier Times* on May 24, 2020.

**510 North Broad Street**, 1419-1437 Spring Garden Street/510 North Broad Street/559-563 North 15th Street, City of Philadelphia, **Philadelphia County**. Natalie Griffith, REPSG, Inc., 6901 Kingsessing Avenue, Suite 201, Philadelphia, PA 19142 on behalf of Mark Cartella, 510 Broad Partners, LLC, 414 South 16th Street, Suite 100, Philadelphia, PA 19146 submitted a Notice of Intent to Remediate. Soil has been contaminated with the release of PAHs, mercury, and vanadium. The Site is currently developed as a ground-level asphalt-paved parking lot which is proposed to undergo comprehensive redevelopment for mixed-use residential and commercial purposes. The proposed cleanup standard for the site is the Site-Specific Standard. The Notice of Intent to Remediate was published in *The Philadelphia Daily News* on June 15, 2020.

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

**Austin Property**, 73 Atco Road, Beach Lake, PA 18405, Damascus Township, **Wayne County**. Bluestone Environmental, 196 Beach Lake Highway, Honesdale, PA 18431, on behalf of Tom Austin, P.O. Box 362, Honesdale, PA 18431, submitted a Notice of Intent to Remediate. Soil was contaminated by a release of heating oil from an aboveground storage tank. Future use of the site will be residential. The Notice of Intent to Remediate was published in *The Tri-County Independent* on July 14, 2020.

**McCloskey Property**, 3890 Larkspur Drive, Allentown, PA 18103, Lower Macungie Township, **Lehigh County**. JMT Industrial & Environmental Contracting Services, 710 Uhler Road, Easton, PA 18040, on behalf of Kevin McCloskey, 3890 Larkspur Drive, Allentown, PA 18103, 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 July 9, 2020.

**Emmaus Main Post Office**, 105 North Fifth Street, Emmaus, PA 18049, Emmaus Borough, **Lehigh County**. Weston Solutions, 1400 Weston Way, West Chester, PA 19380, on behalf of the US Postal Service, 7029 Albert Pick Road, Suite 200, Greensboro, NC 27409, 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 non-residential. The Notice of Intent to Remediate was published in the *Express Times* on July 29, 2020.

**Stofanek Custom Cabinetry**, 176 Nazareth Pike, Bethlehem, PA 18020, Lower Nazareth Township, **Northampton County**. Crawford Environmental Services, 20 Cardinal Drive, Birdsboro, PA 19508, on behalf of Arphil Properties LLC, 176 Nazareth Pike, Bethlehem, PA 18020, 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 non-residential. The Notice of Intent to Remediate was published in *The Lehigh Valley Press* on July 15, 2020.

*Northcentral Region: Environmental Cleanup Program Manager, 208 West Third Street, Williamsport, PA 17701, Telephone number: 570-327-3636.*

**Gordon Food Service Project**, Interstate 80 at MM 198 E, Mifflinburg, West Buffalo Township, **Union County**. Northridge Group, Inc., P.O. Box 231, Northumberland, PA 17857, on behalf of Gordon Food Service, P.O. Box 1787, Grand Rapids, MI 49501, has submitted a Notice of Intent to Remediate, concerning the remediation of site soil contaminated with diesel fuel, motor oil, and antifreeze. The applicant proposes to remediate the site to meet the Non-Residential Statewide Health Standard. A summary of the Notice of Intent to Remediate was published in *The Daily Item* on July 14, 2020.

## 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 Region, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.*

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

**63-00916B: Perryman Company** (213 Vandale Drive, Houston, PA 15342). Notice is hereby given in accordance with 25 Pa. Code §§ 127.44—127.46 that the Pennsylvania Department of Environmental Protection (Department) intends to issue Air Quality Plan Approval: PA-63-00916B for the installation and operation of a new titanium pickling chem mill line controlled by a 20,000 scfm chrome scrubber and a 40,000 scfm fume scrubber to

control emissions from the nitric/hydrofluoric acid tanks at the existing Titanium Conversion Facility located in North Strabane Township, **Washington County**.

Emissions from the sources covered under this plan approval are 0.013 ton of particulate matter (PM), 0.00079 ton of chromium (Cr), 0.0031 ton of hydrofluoric acid (HF), 0.048 ton of nitric acid (HNO<sub>3</sub>), and 0.039 ton of total hazardous air pollutants (HAP). The authorization is subject to State regulations including 25 Pa. Code §§ 123.1, 123.2, 123.13, 123.31, 123.41, and 127.1. Plan Approval has been conditioned to ensure compliance with all applicable rules. This includes visible emission limits, work practice, testing, monitoring, recordkeeping, and reporting conditions. Once compliance with the Plan Approval is demonstrated, the applicant will subsequently submit a revision to the State Only Operating Permit (SOOP), or a new SOOP application, as appropriate, for this Facility.

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

A person may oppose the proposed plan approval by filing a written protest with the Department through Alexander Sandy, Pennsylvania Department of Environmental Protection, 400 Waterfront Drive, Pittsburgh, PA 15222; [asandy@pa.gov](mailto:asandy@pa.gov); or fax 412.442.4194. Each protest or set of written comments must contain the name, address and telephone number of the person submitting the comments, identification of the proposed Plan Approval (PA-63-00916B) and a concise statement of the objections to the plan approval and the relevant facts upon which the objections are based. All comments must be received prior to the close of business 30 days after the date of this publication. For additional information, you may contact Alexander Sandy at 412.442.4028.

#### 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.**

*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.*

**07-05045: Curry Rail Services, Inc.** (1477 DeGol Industrial Drive, Hollidaysburg, PA 16648) to issue a Title V Operating Permit for the Locomotive Cabin and Rail Car Manufacturing facility located in Hollidaysburg Borough, **Blair County**. The actual emissions from the facility in 2019 year are estimated at 33.49 tons of VOC; 9.42 tons of HAPs; 5.59 tons of PM<sub>10</sub>; 2.03 tons of NO<sub>x</sub>, and less than one ton each of PM<sub>2.5</sub>, CO and SO<sub>x</sub>. The Operating Permit will include emission limits and work practice standards along with monitoring, recordkeeping and reporting requirements to ensure the facility complies with the applicable air quality regulations. Among other

items, the conditions include provisions derived from 25 Pa. Code, § 129.52—Surface coating processes; 25 Pa. Code, § 129.52d—Control of VOC emissions from miscellaneous metal parts surface coating processes, miscellaneous plastic parts surface coating processes and pleasure craft surface coatings; and 40 CFR Part 63, Subpart M—National Emission Standards for Hazardous Air Pollutants for Surface Coating of Miscellaneous Metal Parts and Products.

**22-05005: Energy Center Harrisburg, LLC** (100 North 10th Street, Harrisburg, PA 17101) to issue a Title V operating permit renewal for the steam-electric generation facility in the City of Harrisburg, **Dauphin County**. Reported plant emissions for 2019 include 45.1 tons of NO<sub>x</sub>, 0.6 ton of SO<sub>x</sub>, 6.4 tons of CO, and 2.2 tons of PM<sub>10</sub>. The Title V 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 permit renewal will include provisions derived from 40 CFR Part 63, Subpart JJJJJ—National Emission Standards for Hazardous Air Pollutants for Industrial, Commercial, and Institutional Boilers Area Sources, and 40 CFR Part 63, Subpart ZZZZ—National Emission 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.*

**32-00055: Homer City Generation L.P. Generating Station** (1750 Power Plant Road, Homer City, PA 15748). The Department intends to issue the renewal of the Title V Operating Permit of an electric utility steam generating facility located in Center Township, **Indiana County**. Permitted air contamination sources at the facility are three coal-fired electric generating units (EGUs), an auxiliary boiler, oil-fired space heaters, emergency engines, storage and handling systems, storage tanks, coal preparation activities, and miscellaneous plant fugitives. In this renewal, new permit requirements incorporated include: Cross-State Air Pollution Rule (40 CFR 97 Subparts AAAAA, CCCCC, EEEEE); Mercury and Air Toxics Standards (MATS) Rule (40 CFR 63 Subpart UUUUU); Additional Reasonably Available Control Technology Requirements for Major Sources of NO<sub>x</sub> and VOC (RACT II, 25 Pa. Code §§ 129.96—129.100); and Compliance Assurance Monitoring (CAM) requirements for two EGUs' Novel Integrated Desulfurization Systems. Other permit changes include: incorporation of Plan Approval 32-00055I requirements; addition of contingency measures established through a Consent Order and Agreement; implementation of 25 Pa. Code § 123.22 for the auxiliary boiler; incorporation of applicable sections of Federal rules previously incorporated by reference only; update of source test submittals; removal of CAM requirements for two EGUs' electrostatic precipitators; and removal of a 2-year PM stack test requirement.

##### **Intent to Issue Operating Permits under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and 25 Pa. Code Chapter 127, Subchapter F.**

*Northcentral Region: Air Quality Program, 208 West Third Street, Williamsport, PA 17701.*

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

**08-00033: Repsol Oil & Gas USA, LLC** (50 Pennwood Place, Warrendale, PA 15086) to issue a renewal State Only Operating Permit for their Watkins Compressor Station facility located in Columbia Township, **Bradford County**. The facility is currently operating under State Only Operating Permit 08-00033. The facility's main sources include twelve natural gas-fired ultra-lean burn compression engines each rated at 1,380 bhp equipped with air fuel ratio control, one 157 bhp diesel generator, and two natural gas dehydration units each rated at 60 million standard cubic feet per day. The facility has potential annual emissions of 45.88 tons of carbon monoxide, 93.15 tons of nitrogen oxides, 0.40 ton of particulate matter (including particulate matter less than 10 microns in size and particulate matter less than 2.5 microns in size), 44.21 tons of volatile organic compounds, 9.21 tons of hazardous air pollutants, and 101,781 tons of carbon dioxide equivalent. Revisions include incorporating a 157 bhp diesel generator authorized via RFD. The emission limits, throughput limitations and work practice standards along with testing, monitoring, recordkeeping, and reporting requirements have been included in the operating permit to ensure the facility complies with all applicable Federal and State air quality regulations. These operating permit conditions have been derived from the applicable requirements of 25 Pa. Code Chapters 121—145, 40 CFR Part 60 Subparts JJJJ and IIII, and 40 CFR Part 63 Subparts ZZZZ and HH. All pertinent documents used in the evaluation of the application are available for public review during normal business hours at the Department's Northcentral Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701. Appointments for scheduling a review must be made by calling 570-327-3636.

**41-00015: Pennsylvania Department of Corrections** (1920 Technology Parkway, Mechanicsburg, PA 17050-8507) for a State Only Operating Permit for their Muncy Correctional Institution located in Clinton Township, **Lycoming County**. The facility's sources include, two (2) natural gas-fired boilers, four (4) diesel-fired generator engines, two (2) propane-fired generator engines and several small # 2 fuel oil and propane-fired combustion units. In accordance with 25 Pa. Code §§ 127.424 and 127.425, the Department of Environmental Protection (DEP) has received an application and intends to issue an Air Quality Operating Permit for the previously mentioned facility. The subject facility has the following potential emissions: 34.45 TPY of carbon monoxide; 50.30 TPY of nitrogen oxides; 0.60 TPY of sulfur oxides; 3.10 TPY of particulate matter; 2.44 TPY of volatile organic compounds and 45,877 TPY of greenhouse gases. The Department has determined that the sources at the facility satisfy best available technology (BAT) requirements, pursuant to 25 Pa. Code §§ 127.1 and 127.12, the New Source Performance Standards (NSPS) pursuant to 40 CFR Part 60 Subpart IIII, 40 CFR Part 60 Subpart JJJJ and 40 CFR Part 60 Subpart Dc and the National Emission Standards for Hazardous Air Pollutants (NESHAP) pursuant to 40 CFR Part 63 Subpart ZZZZ. The proposed operating permit renewal includes emission limits and work practice standards along with monitoring, recordkeeping and reporting requirements to ensure the facility complies with all applicable air quality regulations. All pertinent documents used in the evaluation of the application are available for public review during normal business hours at the Department's Northcentral Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701. Appointments for scheduling a review must be made by calling 570-327-3636.

**08-00009: Tennessee Gas Pipeline Co. LLC** (1001 Louisiana Street, Suite 1000, Houston, TX 77002) for a State Only Operating Permit for their Troy compressor station in Troy Township, **Bradford County**. The facility's sources include, one (1) 15,900 horsepower Solar MARS 100 natural gas-fired turbine and one (1) natural gas-fired generator engine. The subject facility has the following potential emissions: 39.35 TPY of carbon monoxide; 31.81 TPY of nitrogen oxides; 7.47 TPY of sulfur oxides; 3.53 TPY of particulate matter; 3.13 TPY of volatile organic compounds and 1.53 TPY of hazardous air pollutants. The Department has determined that the sources at the facility satisfy best available technology (BAT) requirements, pursuant to 25 Pa. Code §§ 127.1 and 127.12, the New Source Performance Standards (NSPS) pursuant to 40 CFR Part 60 Subpart JJJJ, 40 CFR Part 60 Subpart KKKK and 40 CFR Part 60 Subpart OOOOa and the National Emission Standards for Hazardous Air Pollutants (NESHAP) pursuant to 40 CFR Part 63 Subpart ZZZZ. The proposed operating permit renewal includes emission limits and work practice standards along with monitoring, recordkeeping and reporting requirements to ensure the facility complies with all applicable air quality regulations. All pertinent documents used in the evaluation of the application are available for public review during normal business hours at the Department's Northcentral Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701. Appointments for scheduling a review must be made by calling 570-327-3636.

**60-00003: Pilling's FRP** (2525 Old Route 15, New Columbia, PA 17856) for a State Only (Synthetic Minor) Operating Permit for their facility located in White Deer Township, **Union County**. The facility's sources include three (2) natural gas-fired combustion units and several fiberglass reinforced processes. The subject facility has the following potential emissions: 2.71 TPY of carbon monoxide; 3.22 TPY of nitrogen oxides; 0.02 TPY of sulfur oxides; 26.06 TPY of particulate matter; 10.13 TPY of volatile organic compounds, less than 10 TPY of individual hazardous air pollutants and less than 25 TPY of total combined hazardous air pollutants and 3,754 TPY of greenhouse gases. The fiberglass reinforcing process is subject to the Best Available Technology (BAT) requirements, pursuant to 25 Pa. Code §§ 127.1 and 127.12 and the National Emission Standards for Hazardous Air Pollutants (NESHAP) pursuant to 40 CFR Part 63 Subpart WWWW. The proposed operating permit contains all applicable regulatory requirements including monitoring, recordkeeping, and reporting conditions. All pertinent documents used in the evaluation of the application are available for public review during normal business hours at the Department's Northcentral Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701. Appointments for scheduling a review must be made by calling 570-327-3636.

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

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

**61-00034: Franklin Industries Co** (P.O. Box 671, Franklin, PA 16323) to issue the renewal of the State Only Operating Permit for the facility located in the City of Franklin, **Venango County**. The primary sources at the facility include natural gas combustion for building heat; a natural gas fueled walking beam furnace; natural gas combustion for scarfing activities; a 1.5 million Btu/hr natural gas fueled pre-heat oven; a 2.5 million Btu/hr

natural gas fueled drying oven; a 4 million Btu/hr natural gas fueled drying oven; 2 dip coating lines; a flow coating line; and 5 cold degreasing parts washers. The facility is a Synthetic Minor due to the potential VOC emissions from the coating lines and the permit contains conditions for limiting those VOC emissions to not more than 47 tons per year. Potential emissions for all other criteria pollutants are below the major source thresholds. Actual 2019 emissions were as follows: 8.4 tons NO<sub>x</sub>; 0.05 ton SO<sub>x</sub>; and 10.8 tons VOC. The renewal permit contains emission restrictions, recordkeeping, work practice, and additional requirements to ensure compliance with the Clean Air Act and the Air Pollution Control Act.

*Philadelphia: Air Management Services, 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 for a Natural Minor Operating Permit for the following facility:

**OP19-000002: Arway Linen & Uniform Rental Service** (1696 Foulkrod Street, Philadelphia, PA 19124) for the operation of air emission sources in a commercial laundry facility in the City of Philadelphia, **Philadelphia County**. The facility's air emission sources are two (2) boilers firing natural gas rated 9.9 MMBtu/hr and 9.99 MMBtu/hr, one (1) hot water heater firing natural gas rated 5.6 MMBtu/hr, one (1) garment tunnel firing natural gas rated 0.40 MMBtu/hr, and three (3) commercial laundry dryers firing natural gas each rated 2.5 MMBtu/hr.

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

- In Section A, updated the facility contact, permit contact and responsible official.
- In Table A1, updated the Facility Inventory List to remove the Superior Boiler and Laars Hot Water Heaters 1 & 2, remove No. 4 oil for the Boiler B1, add the Ludell Hot Water Heater, the Boiler B2, and the Commercial Laundry Dryer 3, add Group 02 - Process Equipment, add model number and serial number for the boilers, the hot water heater, the garment tunnel, and the commercial laundry dryers, and update the stack information.
- In Table A1—Facility Inventory List, added notes under the Group 01 Table to specify that the Boiler B1 is capable of burning No. 4 oil, but the boiler is not connected to a fuel tank and the ability to burn No. 4 oil has been removed from the permit, and the Boiler B2 is capable of burning No. 2 oil, but the boiler is not connected to a fuel tank.
- In Section D: Source Specific Requirements
  - Remove Conditions related to the Superior Boiler.
  - In Sections D.1, D.2, D.4, and D.5, added Group 02—Process Equipment.
  - In Section D.1, updated the PM emission limit for the garment tunnel and the commercial laundry dryers.
  - Removed No. 4 oil, the tune-up requirements, energy assessment requirement, and visible emission check from Sections D.2, D.4, and D.5
  - Added Condition D.2.(a)(2) to specify that each boiler will burn natural gas only.
  - In Condition D.3.(b)(2)(i), specified that compliance with the PM emission limit of 25 Pa. Code § 123.13(c)(1)(i) shall be based only on Method 5.

- Updated the monitoring and recordkeeping requirements.

The operating permit will be issued under 25 Pa. Code, Philadelphia Code Title 3 and Air Management Regulation XIII. Permit copies and other supporting information are available for public inspection 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.

The City of Philadelphia, Air Management Services (AMS) intends to issue a renewal for a Synthetic Minor Operating Permit for the following facility:

**OP20-000005: Federal Detention Center, Philadelphia** (700 Arch Street, Philadelphia, PA 19106), for the operation of air emission sources in an administrative facility housing male and female pretrial inmates, in the City of Philadelphia, **Philadelphia County**. The facility's air emission sources are one (1) emergency generator firing No. 2 oil rated 1,250 kW, three (3) boilers firing natural gas primarily and No. 2 oil during periods of natural gas curtailment each rated 9.5 MMBtu/hr, and one (1) induced flow cooling tower with capacity of 2,250 gals/min.

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

- In Section A, added the permit contact email and updated the responsible official information.
  - In Table A1, updated the Facility Inventory List to add the manufacturer and model number for the sources.
  - Updated the Process Flow Diagram for consistency with Table A1.
  - In Section D: Source Specific Requirements
    - For the emergency generator, updated the requirements of 25 Pa. Code §§ 129.20—129.205 in D.1.(c)(4) and D.2.(b)(6), updated Conditions D.2.(b)(3)(ii)-(iii) to update the definition of emergencies and modify the allowable hours for testing, engine tuning, maintenance checks, and readiness testing for the emergency generator to 100 hours per calendar year, and updated the ozone season requirement in Condition D.2.(b)(5) to check and record AQI forecast based on updated websites.
    - Updated the cooling tower PM emission limit in Condition D.1.(d)(1).
    - Updated Condition D.2.(a)(4) to clarify the exemption of boilers from 40 CFR 63 Subpart JJJJJJ.
    - In Condition D.3.(b)(2), specified that compliance with PM emission limit of 25 Pa. Code § 123.13(c)(1)(i) shall be based on method 5 only.
    - Updated the monitoring requirements in Section D.4 and the recordkeeping requirements in Section D.5.
- The operating permit will be issued under 25 Pa. Code, Philadelphia Code Title 3 and Air Management Regulation XIII. Permit copies and other supporting information

are available for public inspection 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.

## COAL & NONCOAL MINING ACTIVITY APPLICATIONS

Applications under the Surface Mining Conservation and Reclamation Act (52 P.S. §§ 1396.1—1396.31); the Noncoal Surface Mining Conservation and Reclamation Act (52 P.S. §§ 3301—3326); the Clean Streams Law (35 P.S. §§ 691.1—691.1001); the Coal Refuse Disposal Control Act (52 P.S. §§ 30.51—30.66); the Bituminous Mine Subsidence and Land Conservation Act (52 P.S. §§ 1406.1—1406.21). Mining activity permits issued in response to such applications will also address the applicable permitting requirements of the following statutes: the Air Pollution Control Act (35 P.S. §§ 4001—4015); the Dam Safety and Encroachments Act (32 P.S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P.S. §§ 6018.101—6018.1003).

The following permit applications to conduct mining activities have been received by the Department of Environmental Protection. A copy of the application is available for inspection at the District Mining Office indicated above each application. Notices of requests for 401 Water Quality Certifications are included in individual application notices, as noted.

Written comments or objections, or requests for an informal conference, or a public hearing, as applicable, on a mining permit application may be submitted by any person or any officer or head of any Federal, State or local government agency or authority to the Department at the address of the District Mining Office indicated above each application within 30-days of this publication, or within 30-days after the last publication of the applicant's newspaper advertisement, as provided by 25 Pa. Code §§ 77.121—77.123 and 86.31—86.34 (relating to public notices of filing of permit applications, opportunity for comment, and informal conferences).

Written comments or objections related to a mining permit application should contain the name, address and telephone number of persons submitting comments or objections; application number; and a statement of sufficient detail to inform the Department on the basis of comment or objection and relevant facts upon which it is based.

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

Where a National Pollutant Discharge Elimination System (NPDES) number is listed, the mining activity permit application was accompanied by an application for an individual NPDES permit. A separate notice will be provided after the draft NPDES permit is prepared.

### *Coal Applications Received*

*Effluent Limits*—The following range of effluent limits will apply to NPDES permits issued in conjunction with the associated coal mining activity permit and, in some cases, noncoal mining permits:

Table 1

Parameter	30-Day Average	Daily Maximum	Instantaneous Maximum
Iron (total)	1.5 to 3.0 mg/l	3.0 to 6.0 mg/l	3.5 to 7.0 mg/l
Manganese (total)	1.0 to 2.0 mg/l	2.0 to 4.0 mg/l	2.5 to 5.0 mg/l
Suspended solids	10 to 35 mg/l	20 to 70 mg/l	25 to 90 mg/l
Aluminum (Total)	0.75 to 2.0 mg/l	1.5 to 4.0 mg/l	2.0 to 5.0 mg/l
pH <sup>1</sup>		greater than 6.0; less than 9.0	

Alkalinity greater than acidity<sup>1</sup>

<sup>1</sup> The parameter is applicable at all times.

A settleable solids instantaneous maximum limit of 0.5 ml/l applied to: surface runoff (resulting from a precipitation event of less than or equal to a 10-year 24-hour event) from active mining areas; active areas disturbed by coal refuse disposal activities; and mined areas backfilled and revegetated; and drainage (resulting from a precipitation event of less than or equal to a 1-year 24-hour event) from coal refuse disposal piles.

*Knox District Mining Office: P.O. Box 669, Knox, PA 16232-0669, (814) 797-1191, (Contact: Cayleigh Boniger).*

**24980105 and NPDES No. PA0227871. Tamburlin Brothers Coal Co., Inc.** (P.O. Box 1419, Clearfield, PA 16830), renewal of an existing bituminous and auger surface mine and associated NPDES permit in Horton Township, **Elk County** affecting 139.0 acres. This renewal is issued for reclamation only. Receiving streams: Karnes Run, Johnson Run, and unnamed tributaries to Brand Camp, classified for the following uses: CWF. There are no potable surface water supply intakes within 10 miles downstream. Application received: July 27, 2020.

**33140106. P & N Coal Company, Inc.** (P.O. Box 332, Punxsutawney, PA 15767), renewal of an existing bituminous surface mine in Washington Township, **Jefferson County** affecting 892.4 acres. This renewal is issued for reclamation only. Receiving streams: Rattlesnake Run, Harveys Run, unnamed tributaries to Wolf Run, classified for the following uses: CWF. The first downstream potable water supply intake from the point of discharge is Falls Creek Borough. Application received: July 27, 2020.



**10813005 and NPDES Permit No. PA0615218. Amcord, Inc. c/o Three Rivers Management, Inc.** (600 River Avenue, Suite 200, Pittsburgh, PA 15220), transfer of an existing bituminous surface and postmining water treatment mine from Magnum Minerals, Inc. d/b/a Lucas Coal Company in Washington Township, **Butler County** affecting 222.5 acres. Receiving streams: Unnamed tributaries to Slippery Rock Creek, classified for the following uses: CWF. There are no potable surface water supply intakes within 10 miles downstream. Application received: June 29, 2020.

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

**17880126 and NPDES PA0116599. Waroquier Coal Company**, P.O. Box 128, Clearfield, PA 16830. Permit renewal for reclamation only of a bituminous surface coal mine located in Lawrence Township, **Clearfield County** affecting 295.4 acres. Receiving stream(s): Unnamed Tributaries to West Branch Susquehanna River classified for the following use(s): CWF. There are no potable water supply intakes within 10 miles downstream. Application received: July 22, 2020.

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

**03030102. Bedrock Mines, LP**, 111 Freeport Road, Pittsburgh, PA 15215. Revision application for a land use change from forestland to unmanaged natural habitat to an existing surface mine located in East Franklin and Sugarcreek Townships, **Armstrong County**, affecting 143.9 acres. Receiving stream(s): Unnamed tributary to Long Run and to Long Run, to Patterson Creek, to Buffalo Creek, to the Allegheny River, classified for the following use(s): TSF. Application received: July 24, 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

Parameter	30-day Average	Daily Maximum	Instantaneous Maximum
Suspended solids	10 to 35 mg/l	20 to 70 mg/l	25 to 90 mg/l
Alkalinity 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.

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

**28130301. David H. Martin Excavating, Inc.**, 4961 Cumberland Highway, Chambersburg, PA 17202, permit revision to change the post-mining land use from Agricultural to Industrial/Commercial/Solar Electrical Facility or Agricultural on a noncoal surface mine in Hamilton Township, **Franklin County** affecting 67.2 acres. Receiving streams: unnamed tributaries to East Branch Conococheague Creek classified for the following use: warm water fishery. There are no potable water supply intakes within 10 miles downstream. Application received: July 31, 2020.

**28130302. RA Hill, Inc.**, 1364 Lincoln Way East, Chambersburg, PA 17202, permit revision to change the post-mining land use from Agricultural to Industrial/Commercial/Solar Electrical Facility or Agricultural on a large noncoal operation in Hamilton Township, **Franklin County** affecting 52.39 acres. Receiving streams: unnamed tributary to Conococheague Creek classified for the following use: warm water fishes. There are no potable water supply intakes within 10 miles downstream. Application received: July 31, 2020.

*Knox District Mining Office: P.O. Box 669, Knox, PA 16232-0669, (814) 797-1191, (Contact: Cayleigh Boniger).*

**10180305. Three Rivers Aggregates, LLC** (1807 Shenango Road, New Galilee, PA 16141), revision to an existing large industrial mineral surface mine to add a stream variance in Worth Township, **Butler County**. Receiving streams: Unnamed tributaries to Black Run and Black Run, classified for the following uses: CWF. There are no potable surface water supply intakes within 10 miles downstream. Application received: June 26, 2020.

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

**40930301C4 and NPDES Permit No. PA0224472. Meckley's Limestone Products, Inc.** (P.O. Box 503, Herndon, PA 17830), renewal of an NPDES permit for discharge of treated mine drainage from a quarry operation in Hazle Township, **Luzerne County** affecting 113.5 acres. Receiving streams: Hazle Creek and Big Black Creek, classified for the following uses: HQ—cold water and migratory fishes and cold water and migratory fishes. Application received: July 10, 2020.

*Noncoal Applications Withdrawn*

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

**39140301 and NPDES Permit No. PA0225444. Geryville Materials, Inc.** (P.O. Box 93, Eaglesville, PA 19408), commencement, operation and restoration of a quarry operation and NPDES permit for discharge of treated mine

drainage in Lower Milford Township, **Lehigh County** affecting 127.6 acres. Receiving stream: Hosensack Creek, classified for the following uses: cold water and migratory fishes. Application received: March 4, 2014. Application withdrawn: July 31, 2020.

### MINING ACTIVITY NPDES DRAFT PERMITS

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

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

#### *Effluent Limits for Coal Mining Activities*

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

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

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

\*The parameter is applicable at all times.

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

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

#### *Effluent Limits for Noncoal Mining Activities*

The limits for noncoal mining activities as provided in 25 Pa. Code Chapter 77 are pH 6 to 9 and other parameters the Department may require.

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

In addition to BAT or WQBEL limits, coal and noncoal NPDES permits establish effluent limitations in the form of implemented Best Management Practices (BMPs) identified in the associated Erosion and Sedimentation Plan, the Reclamation Plan and the NPDES permit application. These BMPs restrict the rates and quantities of associated pollutants from being discharged into surface waters in this Commonwealth.

More restrictive effluent limitations, restrictions on discharge volume or restrictions on the extent of mining that may occur are incorporated into an NPDES permit when necessary for compliance with water quality standards and antidegradation requirements (in accordance with 25 Pa. Code Chapters 91—96).

The procedures for determining the final effluent limits, using a mass-balance equation or model, are found in Technical Guidance Document 563-2112-115, Developing National Pollutant Discharge Elimination System (NPDES) Permits for Mining Activities. Other specific factors to be considered include public comments and Total Maximum Daily Load(s). Additional discharge limitations may apply in the event that unexpected discharges occur.

Discharge rates for surface mining activities are precipitation driven. Discharge rates for proposed discharges associated with underground mining are noted in the permit description.

Persons wishing to comment on an NPDES draft permit should submit a written statement to the Department at the address of the district mining office indicated before each draft permit within 30-days of this public notice. Comments received within the comment period will be considered in the final determinations regarding the NPDES permit applications. Comments must include the name, address and telephone number of the writer and a concise statement to inform the Department of the exact basis of a comment and the relevant facts upon which it is based.

The Department will also accept requests or petitions for a public hearing on NPDES permit applications, as provided in 25 Pa. Code § 92a.82(d). The request or petition for a public hearing shall be filed within 30-days of this public notice and contain the name, address, telephone number and the interest of the party filing the request and state the reasons why a hearing is warranted. A public hearing may be held if the Department considers the public interest significant. If a hearing is scheduled, a notice of the hearing on the NPDES permit application will be published in the *Pennsylvania*

*Bulletin* and a newspaper of general circulation within the relevant geographical area. When a public hearing is held, the Department will consider comments from the public hearing in the final determination on the NPDES permit application.

*Coal NPDES Draft Permits*

*Cambria District Mining Office: 286 Industrial Park Road, Ebensburg, PA 15931, 814-472-1900, (Contact: Melanie Ford-Wigfield).*

**NPDES No. PA0124770 (Mining Permit No. 32803053), A&T Coal Company, Inc.**, 730 Route 22 Highway, Blairsville, PA 15717, renewal of an NPDES permit for passive treatment of a postmining discharge in Banks Township, **Indiana County**, affecting 160.0 acres. Receiving stream: Unnamed tributary to South Branch Bear Run, classified for the following use: cold water fishes. This receiving stream is included in the Bear Run TMDL. Application received: April 27, 2020.

The following outfall discharges to an unnamed tributary to South Branch Bear Run:

<i>Outfall Nos.</i>	<i>New Outfall (Y/N)</i>
001 (S2)—Passive Treatment Pond Discharge	N

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

<i>Outfalls: (All Weather Conditions) Parameter</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Iron (mg/l)	3.0	6.0	7.0
Manganese (mg/l)	2.0	4.0	5.0
Aluminum (mg/l)	2.0	4.0	5.0
Total Suspended Solids (mg/l)	35.0	70.0	90.0

pH (S.U.): Must be between 6.0 and 9.0 standard units at all times.  
Alkalinity must exceed acidity at all times.

**NPDES No. PA0125423 (Mining Permit No. 11813040). Cooney Brothers Coal Company**, P.O. Box 246, Cresson, PA 16630, renewal of an NPDES permit for continued passive post-mining water treatment in Adams Township, **Cambria County**, affecting 750 acres. Receiving stream(s): Unnamed Tributary to South Fork Little Conemaugh River, classified for the following use(s): cold water fishes. This receiving stream is included in the Kiski-Conemaugh TMDL. Application received: March 16, 2020.

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

The following outfall discharges to Babcock Creek:

<i>Outfall Nos.</i>	<i>New Outfall (Y/N)</i>
010 (Sedimentation Pond (SP-6) Outlet for vertical flow system (passive treatment))	N

The proposed effluent limits for the previously listed outfall 001 are as follows:

<i>Outfalls: (All Weather Conditions) Parameter</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Iron (mg/l)	1.5	3.0	3.7
Manganese (mg/l)	1.0	2.0	2.5
Aluminum (mg/l)	0.75	0.75	0.75
Total Suspended Solids (mg/l)	35.0	70.0	90.0

pH (S.U.): Must be between 6.0 and 9.0 standard units at all times.  
Alkalinity must exceed acidity at all times.

*Noncoal NPDES Draft Permits*

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

**NPDES Permit No. PA0225517. Robert A. Coleman** (P.O. Box 3, Susquehanna, PA 18847) renewal of an NPDES Permit on Small Noncoal Mining Permit No. 64142802 in Scott Township, **Wayne County** affecting 3.5 acres. The NPDES permit is located in the: unnamed Tributary to Balls Creek/West Branch Delaware River Watershed and classified for the following uses: HQ—cold water and migratory fishes. No discharge is proposed for the NPDES permit. Non-Discharging Best Management Practices will be in effect. Application received: January 21, 2020.

**NPDES Permit No. PA0226114. Donald Twining** (232 SR 2036, Thompson, PA 18465), a new NPDES Permit on General Permit for Bluestone GP-105 No. 58202503 in Gibson Township, **Susquehanna County**, affecting 10.5 acres. The NPDES permit is located in the: unnamed Tributary 29200 to Tunkhannock Creek Watershed and classified for the following use: Exceptional Value No discharge is proposed for the NPDES permit. Non-Discharging Best Management Practices will be in effect. Application received: June 24, 2020.

## 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. E4601220-034, PECO Energy Company,** 2301 Market Street, N3-3, Philadelphia, PA 19103, Borough of Pottstown, **Montgomery County**, ACOE Philadelphia District.

To perform the following listed water obstruction and encroachment activities associated with the PECO 2021 AGIMP Pottstown A1 Gas Pipeline Installation Project. The proposed project involves the installation of approximately 735 linear feet (LF) of six-inch diameter plastic gas main via open-cut trench within the paved right-of-way (ROW) along East High and Edgewood Streets and crossed over the Unnamed Tributary (UNT) to the Schuylkill River (WWF, MF). The project proposes 1.5 square feet permanent stream impacts and 1,925 square feet temporary floodway impact. There are no impacts in wetlands.

The site is approximately located at the intersection of Edgewood and East High Streets in Pottstown, PA (Pottstown, PA Lat. 40° 14' 39"; Long. -75° 37' 44") in the Borough of Pottstown, Montgomery County.

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

**E0503220-021. Mr. Kevin Leonardis,** 1409 Dunkard Hollow Road, Alum Bank, PA 15521, West St., Clair Township, **Bedford County**, U.S. Army Corps of Engineers Baltimore District.

The applicant proposes to construct and maintain a 20-foot long 77" x 52" CSP Pipe-arch culvert uniformly depressed 12 inches in Ryot Run (WWF, MF), temporarily impacting 0.02 acre of Palustrine Emergent (PEM) wetland and permanently impacting 0.01 acre of PEM wetland, all for the purpose of providing emergency vehicle access to the entire property (Latitude: 40.167663; Longitude: -78.664044). Wetland impacts are considered de minimus and no compensatory wetland mitigation is required.

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

**Permit No. E5829220-025, Williams Field Services Company, LLC,** 310 State Rt. 29 N, Tunkhannock, PA 18657-6817, Natural Gas Pipeline, Bridgewater, Brooklyn, and Dimock Townships, **Susquehanna County**; ACOE, Baltimore Office.

To construct, operate, and maintain:

1) a temporary timber mat crossing impacting 187 square feet (0.01 acre) of a palustrine emergent wetland (PEM) (Montrose East, PA Quadrangle; Latitude: 41° 46' 08", Longitude: -75° 50' 53"),

2) a temporary timber mat crossing impacting 429 square feet (0.01 acre) of a palustrine emergent wetland (PEM) (Montrose East, PA Quadrangle; Latitude: 41° 46' 08", Longitude: -75° 50' 52"),

3) a temporary timber mat bridge crossing impacting 745 square feet of floodway impact to an unnamed tributary to Meshoppen Creek (CWF-MF) (Montrose East, PA Quadrangle; Latitude: 41° 46' 09", Longitude: -75° 50' 49"),

4) a 24-inch diameter steel natural gas pipeline and temporary timber mat crossings impacting 6,662 square feet (0.15 acre) of palustrine emergent wetlands (PEM) and 8,079 square feet (0.19 acre) of palustrine forested wetlands (PFO) (Montrose East, PA Quadrangle; Latitude: 41° 46' 07", Longitude: -75° 50' 46"),

5) a 24-inch diameter steel natural gas pipeline and temporary timber mat bridge crossing impacting 48 lineal feet of Meshoppen Creek (CWF-MF, AT) (Montrose East, PA Quadrangle; Latitude: 41° 46' 09", Longitude: -75° 50' 49"),

6) a 24-inch diameter steel natural gas pipeline and temporary timber mat crossings impacting 7,398 square feet (0.17 acre) of palustrine scrub-shrub wetland (PSS) and 2,104 square feet (0.05 acre) of palustrine forested wetlands (PFO) (Montrose East, PA Quadrangle; Latitude: 41° 46' 07", Longitude: -75° 50' 41"),

7) a 24-inch diameter steel natural gas pipeline and temporary timber mat crossings impacting 6,195 square feet (0.14 acre) of a palustrine emergent wetland (PEM) and 1,294 square feet (0.03 acre) of palustrine scrub-shrub wetland (PSS) (Montrose East, PA Quadrangle; Latitude: 41° 46' 07", Longitude: -75° 50' 36"),

8) a 24-inch diameter steel natural gas pipeline and temporary timber mat crossings impacting 622 square feet (0.01 acre) of a palustrine emergent wetland (PEM) (Montrose East, PA Quadrangle; Latitude: 41° 46' 07", Longitude: -75° 50' 34"),

9) a 24-inch diameter steel natural gas pipeline and temporary timber mat bridge crossing impacting 108 lineal feet of an unnamed tributary to Meshoppen Creek (CWF-MF) (Montrose East, PA Quadrangle; Latitude: 41° 46' 07", Longitude: -75° 50' 30"),

10) a 24-inch diameter steel natural gas pipeline and temporary timber mat bridge crossing impacting 9,444 square feet of floodway to an unnamed tributary to Meshoppen Creek (CWF-MF) (Montrose East, PA Quadrangle; Latitude: 41° 46' 07", Longitude: -75° 50' 27"),

11) a temporary timber mat crossing impacting 1,109 square feet (0.03 acre) of a palustrine emergent wetland (PEM) (Montrose East, PA Quadrangle; Latitude: 41° 46' 07", Longitude: -75° 50' 25"),

12) a 24-inch diameter steel natural gas pipeline and temporary timber mat crossings impacting 2,416 square feet (0.06 acre) of palustrine emergent wetlands (PEM) (Montrose East, PA Quadrangle; Latitude: 41° 46' 12", Longitude: -75° 50' 10"),

13) a 24-inch diameter steel natural gas pipeline and temporary timber mat crossings impacting 1,240 square feet (0.03 acre) of palustrine emergent wetlands (PEM) (Montrose East, PA Quadrangle; Latitude: 41° 46' 12", Longitude: -75° 50' 08"),

14) a temporary timber mat crossing impacting 860 square feet (0.02 acre) of palustrine emergent wetlands (PEM) (Montrose East, PA Quadrangle; Latitude: 41° 46' 13", Longitude: -75° 50' 06"),

15) a 24-inch diameter steel natural gas pipeline and temporary timber mat crossings impacting 25,460 square feet (0.58 acre) of palustrine emergent wetlands (PEM) (Montrose East, PA Quadrangle; Latitude: 41° 46' 12", Longitude: -75° 50' 02"),

16) a 24-inch diameter steel natural gas pipeline and temporary timber mat crossings impacting 404 square feet (0.01 acre) of palustrine emergent wetlands (PEM) (Montrose East, PA Quadrangle; Latitude: 41° 46' 14", Longitude: -75° 49' 59"),

17) a 24-inch diameter steel natural gas pipeline and temporary timber mat bridge crossing impacting 48 lineal feet of Meshoppen Creek (CWF-MF, AT) (Montrose East, PA Quadrangle; Latitude: 41° 46' 14", Longitude: -75° 49' 59"),

18) a temporary timber mat crossing impacting 643 square feet (0.01 acre) of palustrine emergent wetlands (PEM) (Montrose East, PA Quadrangle; Latitude: 41° 46' 14", Longitude: -75° 49' 45"),

19) a temporary timber mat bridge crossing impacting 6,186 square feet of floodway impacts to an unnamed tributary to Hop Bottom Creek (CWF-MF) (Montrose East, PA Quadrangle; Latitude: 41° 46' 14", Longitude: -75° 49' 59"),

20) a 24-inch diameter steel natural gas pipeline and temporary timber mat crossings impacting 17,331 square feet (0.40 acre) of palustrine emergent wetlands (PEM) (Montrose East, PA Quadrangle; Latitude: 41° 46' 16", Longitude: -75° 49' 42"),

21) a 24-inch diameter steel natural gas pipeline and temporary timber mat crossings impacting 25,438 square

feet (0.58 acre) of palustrine emergent wetlands (PEM) (Montrose East, PA Quadrangle; Latitude: 41° 46' 16", Longitude: -75° 49' 36"),

22) a 24-inch diameter steel natural gas pipeline and temporary timber mat bridge crossing impacting 117 lineal feet of an unnamed tributary to Hop Bottom Creek (CWF-MF) (Montrose East, PA Quadrangle; Latitude: 41° 46' 05", Longitude: -75° 49' 21"),

23) a temporary timber mat crossing impacting 2,648 square feet (0.06 acre) of palustrine emergent wetlands (PEM) (Montrose East, PA Quadrangle; Latitude: 41° 46' 03", Longitude: -75° 49' 20"),

24) a 24-inch diameter steel natural gas pipeline and temporary timber mat crossings impacting 713 square feet (0.02 acre) of palustrine emergent wetlands (PEM) (Montrose East, PA Quadrangle; Latitude: 41° 46' 02", Longitude: -75° 49' 20"),

25) a temporary timber mat bridge crossing impacting 4,736 square feet of floodway to an unnamed tributary to Hop Bottom Creek (CWF-MF) (Montrose East, PA Quadrangle; Latitude: 41° 45' 58", Longitude: -75° 49' 18"),

26) a temporary timber mat crossing impacting 556 square feet (0.01 acre) of palustrine emergent wetlands (PEM) (Montrose East, PA Quadrangle; Latitude: 41° 45' 58", Longitude: -75° 49' 18"),

27) a temporary timber mat crossing impacting 769 square feet (0.02 acre) of palustrine emergent wetlands (PEM) (Montrose East, PA Quadrangle; Latitude: 41° 45' 57", Longitude: -75° 49' 15"),

28) a 24-inch diameter steel natural gas pipeline and temporary timber mat crossings impacting 7,366 square feet (0.17 acre) of palustrine emergent wetlands (PEM) (Montrose East, PA Quadrangle; Latitude: 41° 45' 56", Longitude: -75° 49' 13"),

29) a 24-inch diameter steel natural gas pipeline and temporary timber mat crossings impacting 25,591 square feet (0.59 acre) of palustrine emergent wetlands (PEM) (Montrose East, PA Quadrangle; Latitude: 41° 45' 55", Longitude: -75° 49' 07"),

30) a 24-inch diameter steel natural gas pipeline and temporary timber mat bridge crossing impacting 86 lineal feet of Hop Bottom Creek (CWF-MF) (Montrose East, PA Quadrangle; Latitude: 41° 45' 56", Longitude: -75° 49' 03"),

31) a 24-inch diameter steel natural gas pipeline and temporary timber mat crossings impacting 1,722 square feet (0.04 acre) of palustrine emergent wetlands (PEM) (Montrose East, PA Quadrangle; Latitude: 41° 45' 56", Longitude: -75° 49' 02"),

32) a temporary timber mat crossing impacting 129 square feet (0.01 acre) of palustrine scrub-shrub wetlands (PSS) (Montrose East, PA Quadrangle; Latitude: 41° 45' 56", Longitude: -75° 49' 00"),

33) a 24-inch diameter steel natural gas pipeline and temporary timber mat crossings impacting 2,001 square feet (0.05 acre) of palustrine emergent wetlands (PEM) (Montrose East, PA Quadrangle; Latitude: 41° 45' 58", Longitude: -75° 48' 44"),

34) a 24-inch diameter steel natural gas pipeline and temporary timber mat crossings impacting 1,657 square feet (0.05 acre) of palustrine emergent wetlands (PEM) (Montrose East, PA Quadrangle; Latitude: 41° 45' 58", Longitude: -75° 48' 37"),

35) a 24-inch diameter steel natural gas pipeline and temporary timber mat crossings impacting 16,494 square feet (0.38 acre) of palustrine emergent wetland (PEM) and 2,700 square feet (0.06 acre) of palustrine forested wetlands (PFO) (Montrose East, PA Quadrangle; Latitude: 41° 45' 58", Longitude: -75° 48' 33"),

36) a 24-inch diameter steel natural gas pipeline and temporary timber mat bridge crossing impacting 101 lineal feet of a tributary to Hop Bottom Creek (CWF-MF) (Montrose East, PA Quadrangle; Latitude: 41° 45' 56", Longitude: -75° 48' 33"),

37) a 24-inch diameter steel natural gas pipeline and temporary timber mat crossings impacting 4,786 square feet (0.11 acre) of palustrine emergent wetland (PEM) and 6 square feet (0.01 acre) of palustrine forested wetlands (PFO) (Montrose East, PA Quadrangle; Latitude: 41° 45' 56", Longitude: -75° 48' 32"),

38) a 24-inch diameter steel natural gas pipeline and temporary timber mat crossings impacting 4,755 square feet (0.11 acre) of palustrine emergent wetland (PEM) (Montrose East, PA Quadrangle; Latitude: 41° 45' 52", Longitude: -75° 48' 32"),

39) a 24-inch diameter steel natural gas pipeline and temporary timber mat crossings impacting 3,343 square feet (0.08 acre) of palustrine emergent wetland (PEM) (Montrose East, PA Quadrangle; Latitude: 41° 45' 51", Longitude: -75° 48' 31"),

40) a temporary timber mat crossing impacting 593 square feet (0.01 acre) of palustrine emergent wetland (PEM) (Montrose East, PA Quadrangle; Latitude: 41° 45' 50", Longitude: -75° 48' 32"),

41) a 24-inch diameter steel natural gas pipeline and temporary timber mat crossings impacting 11,204 square feet (0.26 acre) of palustrine emergent wetland (PEM) and 282 square feet (0.01 acre) of palustrine forested wetlands (PFO) (Montrose East, PA Quadrangle; Latitude: 41° 45' 51", Longitude: -75° 48' 22"),

42) a temporary timber mat bridge crossing impacting 9,104 square feet of floodway only impact to an unnamed tributary to Hop Bottom Creek (CWF-MF) (Montrose East, PA Quadrangle; Latitude: 41° 45' 47", Longitude: -75° 48' 08"),

43) a 24-inch diameter steel natural gas pipeline and temporary timber mat crossings impacting 5,088 square feet (0.12 acre) of palustrine emergent wetland (PEM) (Montrose East, PA Quadrangle; Latitude: 41° 45' 48", Longitude: -75° 48' 07"),

44) a temporary timber mat bridge crossing impacting 1,860 square feet of floodway only impact to an unnamed tributary to Hop Bottom Creek (CWF-MF) (Montrose East, PA Quadrangle; Latitude: 41° 45' 48", Longitude: -75° 48' 07"),

45) a 24-inch diameter steel natural gas pipeline and temporary timber mat crossings impacting 2,281 square feet (0.05 acre) of palustrine emergent wetland (PEM) (Montrose East, PA Quadrangle; Latitude: 41° 45' 55", Longitude: -75° 48' 00"),

46) a temporary timber mat crossing impacting 8 square feet (0.01 acre) of palustrine emergent wetland (PEM) (Montrose East, PA Quadrangle; Latitude: 41° 45' 49", Longitude: -75° 47' 33"),

47) a 24-inch diameter steel natural gas pipeline and temporary timber mat crossings impacting 3,585 square feet (0.08 acre) of palustrine emergent wetland (PEM) (Montrose East, PA Quadrangle; Latitude: 41° 45' 48", Longitude: -75° 47' 33"),

48) a 24-inch diameter steel natural gas pipeline and temporary timber mat crossings impacting 496 square feet (0.01 acre) of palustrine emergent wetland (PEM) (Montrose East, PA Quadrangle; Latitude: 41° 45' 46", Longitude: -75° 47' 33"),

49) a 24-inch diameter steel natural gas pipeline and temporary timber mat crossings impacting 6,012 square feet (0.14 acre) of palustrine emergent wetland (PEM) (Montrose East, PA Quadrangle; Latitude: 41° 45' 39", Longitude: -75° 47' 20"),

50) a temporary timber mat bridge crossing impacting 24 lineal feet of an unnamed tributary to Hop Bottom Creek (CWF-MF) (Montrose East, PA Quadrangle; Latitude: 41° 46' 07", Longitude: -75° 49' 30").

The Williams Bridgeline Project proposes to construct approximately 4.19 miles of 24-inch diameter pipeline and approximately 150 feet of 16-inch diameter pipeline in Bridgewater, Brooklyn, and Dimock Townships, Susquehanna County. The project will result in 543 lineal feet of stream impacts, 90,197 square feet (2.07 acres) of floodway impacts (including "floodway only impacts"), 190,644 square feet (4.38 acres) of PEM wetlands, 8,821 square feet (0.20 acre) of PSS wetlands, and 13,171 square feet (0.30 acre) of PFO wetlands for the purpose of providing safe reliable conveyance of Marcellus Shale natural gas to market.

## ACTIONS

### THE PENNSYLVANIA CLEAN STREAMS LAW AND THE FEDERAL CLEAN WATER ACT

#### FINAL ACTIONS TAKEN FOR NPDES PERMITS AND WQM PERMITS

The Department has taken the following actions on previously received applications for new, amended and renewed NPDES and WQM permits, applications for permit waivers and NOIs for coverage under General Permits. This notice of final action is provided in accordance with 25 Pa. Code Chapters 91 and 92a and 40 CFR Part 122, implementing provisions of The Clean Streams Law (35 P.S. §§ 691.1—691.1001) and the Federal Clean Water Act (33 U.S.C.A. §§ 1251—1376).

<i>Location</i>	<i>Permit Authority</i>	<i>Application Type or Category</i>
Section I	NPDES	Renewals
Section II	NPDES	New or Amendment
Section III	WQM	Industrial, Sewage or Animal Wastes; Discharges to Groundwater
Section IV	NPDES	MS4 Individual Permit
Section V	NPDES	MS4 Permit Waiver

<i>Location</i>	<i>Permit Authority</i>	<i>Application Type or Category</i>
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.**

*Northeast Region: Clean Water Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915, Email: RA-EPNPDES\_NERO@pa.gov*

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N</i>
PA0062618 (Industrial)	Bethlehem Water Treatment Plant 10 East Church Street Bethlehem, PA 18018-6025	Northampton County Lehigh Township	Unnamed Tributary to Indian Creek (CWF, MF) (2-C)	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N</i>
PA0267121 (Sewage) Issued	George Bonsell III 580 Thomastown Road Tyrone, PA 16686-8336	Blair County Snyder Township	Little Juniata River (TSF, MF) in Watershed(s) 11-A	Y
PA0010782 A1 (IW) Issued	GenOn REMA, LLC 315 Riegelsville Road Milford, NJ 08848	Berks County Cumru Township	Schuylkill River, in Watershed(s) 3-C	N

*Northcentral Region: Clean Water Program Manager, 208 W Third Street, Suite 101, Williamsport, PA 17701-6448, Phone: 570.327.3636.*

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N?</i>
PA0228150 (Industrial)	Embassy Powdered Metals P.O. Box 344 Emporium, PA 15834-0344	Cameron County Emporium Borough	Driftwood Branch Sinnemahoning Creek (TSF, MF) (8-A)	Yes

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N</i>
PA0092517 (Sewage)	Allegheny Plaza Assoc LLP 33 Service Road Jericho, NY 11753-1006	Fayette County Luzerne Township	Unnamed Tributary to Kiskiminetas River (WWF) 19W	Y

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N</i>
PA0094790 (Sewage)	Pleasant View MHP 110 Fremont Avenue Portage, PA 15946-1105	Cambria County Adams Township	Otto Run (CWF) (18-E)	Y
PA0031402 (Sewage)	Joel 2 Missions Central Elementary School P.O. Box 385 Donora, PA 15033	Fayette County Luzerne Township	Unnamed Tributary to Monongahela River (WWF) (19-C)	Y
PA0217026 (Industrial)	Cemline Harmar Facility 808 Freeport Road Cheswick, PA 15024	Allegheny County Harmar Township	Allegheny River (WWF) (18-A)	Y

*Central Office: Environmental Program Manager, Bureau of Clean Water, 400 Market Street, Harrisburg PA 17105-8774, Phone: 717-787-5017, Email: RA-EPNPDES\_Permits@pa.gov.*

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N?</i>
PA0270792 (Statewide Pesticides)	Statewide Highway and Maintenance Facility Weed Control PA Department of Transportation Commonwealth Keystone Building 400 North Street 6th Floor Harrisburg, PA 17120	Statewide	Statewide	Y

## II. New or Expanded Facility Permits, Renewal of Major Permits and EPA Nonwaived Permit Actions.

*Northcentral Region: Regional Clean Water Program Manager, 208 W Third Street, Suite 101, Williamsport, PA 17701-6448, Phone: 570.327.3636.*

**NPDES Permit No. PA0209350 A-1**, Sewage, SIC Code 4952, **Delmar Township**, 610 N Lawton Road, Wellsboro, PA 16901-7941.

This existing facility is located in Delmar Township, **Tioga County**.

Description of Existing Action/Activity: Issuance of a minor NPDES Permit Amendment for an existing discharge of treated sewage.

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

**NPDES Permit No. PA0028703**, Sewage, SIC Code 4952, **Peters Township Sanitary Authority**, 111 Bell Drive, McMurray, PA 15317-3415.

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

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

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

**NPDES Permit No. PA0288276**, Sewage, SIC Code 8800, **Brandon Persch**, 1171 Barkeyville Road, Grove City, PA 16127.

This proposed facility is located in Pine Township, **Mercer County**.

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

**NPDES Permit No. PA0288411**, Sewage, SIC Code 8800, **David M Carroll Jr**, 9705 Bliley Road, Waterford, PA 16441-7309.

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

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

## III. WQM Industrial Waste and Sewerage Actions under The Clean Streams Law.

*Northeast Region: Clean Water Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915, Email: RA-EPNPDES\_NERO@pa.gov.*

**WQM Permit No. WQG02452002**, Sewage, SIC Code 4952, **Smithfield Sewer Authority**, 1155 Red Fox Road, East Stroudsburg, PA 18301-9106.

This proposed facility is located in Smithfield Township, **Monroe County**.

Description of Proposed Action/Activity: Extension of a low-pressure sewage system (LPS) to serve approximately 13 properties along Airport Road and Milford Road. The new system will connect to the existing LPS in Airport Road. Flows will be treated at the Smithfield Township WWTP.



**WQM Permit No. 5489403 A-1**, Sewage, SIC Code 4952, **Schuylkill Haven Borough Municipal Authority**, 333 Center Avenue, Schuylkill Haven, PA 17972.

This existing facility is located in Schuylkill Haven Borough, **Schuylkill County**.

Description of Proposed Action/Activity: The project is for upgrades to the wastewater treatment plant, including the installation of a new automatic influent screen and replacement of the following: influent and return activated sludge pumps, aeration system for the aeration tanks and aerobic digesters, media within the final filter, and several components of the primary clarifier. The existing belt filter press will be replaced with a screw press.

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

**WQM Permit No. 0720402**, Sewerage, SIC Code 8811, **George Bonsell**, 580 Thomastown Road, Tyrone, PA 16686-8336.

This facility is located in Snyder Township, **Blair County**.

Description of Proposed Action/Activity:

This permit approves the construction of sewage facilities consisting of:

- 1,000-gals dual compartment septic tank
- Effluent Filter
- Premier Tech EC7-500-C-P Coco filter w/integrated pump and uv unit

**WQM Permit No. 0678202 T-4**, Industrial Waste, SIC Code 4953, **GenOn REMA, LLC**, 315 Riegelsville Road, Milford, NJ 08848.

This facility is located in Cumru Township, **Berks County**.

Description of Proposed Action/Activity:

This permit approves the transfer of industrial wastewater facilities consisting of:

- Treatment and discharge of industrial waste

**WQM Permit No. 0601402 A-3**, Sewage, SIC Code 4952, **Leesport Borough Authority Berks County**, 10 E Wall Street, Leesport, PA 19533-0201.

This existing facility is located in Leesport Borough, **Berks County**.

Description of Proposed Action/Activity: Amendment 3 of this permit will be cancelled because the replacement of blowers at the facility was determined to not be needed. The design organic loading for the facility will return to the previous value of 850.7 pounds of BOD<sub>5</sub> per day.

*Northcentral Region: Regional Clean Water Program Manager, 208 W Third Street, Suite 101, Williamsport, PA 17701-6448, Phone: 570.327.3636.*

**WQM Permit No. 1720404**, Sewage, SIC Code 4952, **Nathan Unch**, 959 Shiloh Road, Woodland, PA 16881-8234.

This proposed facility is located in Bradford Township, **Clearfield County**.

Description of Proposed Action/Activity: New permit issued for existing SFTF.

**WQM Permit No. 5996403 A-1**, Sewage, SIC Code 4952, **Delmar Township**, 610 N Lawton Road, Wellsboro, PA 16901-7941.

This existing facility is located in Delmar Township, **Tioga County**.

Description of Proposed Action/Activity: Permit amended for conversion of chlorine disinfection to ultraviolet disinfection and addition of flow metering.

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

**WQM Permit No. 0420400**, Sewage, SIC Code 4952, **BASF Corporation**, 370 Frankfort Road, Monaca, PA 15061.

This proposed facility is located in Potter Township, **Beaver County**.

Description of Proposed Action/Activity: The applicant proposes to construct a privately-owned sanitary wastewater pump station and force main to convey sanitary flows to an existing force main that is owned and operated by the Center Township Sanitary Authority. All sanitary flows will be treated at the Elkhorn Run WPCP, NPDES Permit No. PA0037940. Upon completion of the project, the applicant will abandon their existing sanitary wastewater treatment facility covered under NPDES Permit No. PA0092223. No changes will occur to the applicants existing industrial process wastewater treatment facility.

**WQM Permit No. 6520402**, Sewage, SIC Code 4952, **Municipal Authority of Westmoreland County**, P.O. Box 730, Greensburg, PA 15601.

This proposed facility is located in Hempfield Township, **Westmoreland County**.

Description of Proposed Action/Activity: The applicant proposes to increase capacity of the Fort Allen Interceptor in the Fort Allen portion of Hempfield Township. The work involves installation of 6,600 LF of 18-inch parallel pipe and 950 LF of replacement/relocation 15-inch pipe.

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

**WQM Permit No. 4320403**, Sewage, SIC Code 8800, **Brandon Persch**, 1171 Barkeyville Road, Grove City, PA 16127.

This proposed facility is located in Pine Township, **Mercer County**.

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

**WQM Permit No. 2520413**, Sewage, SIC Code 8800, **David M Carroll Jr**, 9705 Bliley Road, Waterford, PA 16441-7309.

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

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

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#### **VI. NPDES Discharges of Stormwater Associated with Construction Activities Individual Permit Actions.**

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*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 &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAD460041	Envision/Matrix Limekiln, LLC 485 Devon Park Drive Suite 106 Wayne, PA 19087-1840	Montgomery	Horsham Township	Unnamed Tributary of Little Neshaminy Creek WWF-MF
PAD150035 A1	Brandywine Station, LP 707 Eagleview Boulevard Exton, PA 19341	Chester	Downingtown Borough and East Caln Township	East Branch of the Brandywine WWF-MF
PAD510059	Schuylkill River Development Corporation (SRDC) 2401 Walnut Street Suite 603 Philadelphia, PA 19103-4223	Philadelphia	City of Philadelphia	Schuylkill River WWF
PAD510053	Dobson Scotts, LP 1919 Post Oaks Park Drive # 3101 Houston, TX 77027	Philadelphia	City of Philadelphia	Schuylkill River WWF-MF
PAD150035 A1	Brandywine Station LP 707 Eagleview Boulevard Exton, PA 19341	Chester	Downingtown Borough East Caln Township	East Branch of the Brandywine WWF-MF
PAD090047	269 Canal Road L.P. 301 Oxford Valley Road Suite 702 Yardley, PA 19067-7706	Bucks	Falls Township	Martins Creek/ Delaware Division of Pennsylvania Canal WWF-MF
PAD230040	Elwyn 111 Elwyn Road Elwyn, PA 19063	Delaware	Middletown Township	Unnamed Tributary to Chester Creek TSF-MF
PAD150157	Eustace W. and Suzanne E. Mita 10 Stillmeadow Lane Malvern, PA 19355-3434	Chester	Willistown Township	Crum Creek HQ-CWF-MF
PAD150135	HP Flanagan, Inc. 139 Church Street Malvern, PA 19355	Chester	East Whiteland Township	Valley Creek EV
PAD150099	Lancaster Home Builders 2760 Charlestown Road Lacaster, PA 19603	Chester	Oxford Borough	Little Elk Creek HQ-TSF
PAD090054	Sellersville Senior Apartments, LLC c/o Daniel McKee, President 12 Lutheran Home Drive Telford, PA 18969-1728	Bucks	Sellersville Borough	East Band Perkiomen Creek TSF-MF
PAD460049	Toll PA XIV, L.P. 250 Gibraltar Road Horsham, PA 19044-2323	Montgomery	Upper Dublin Township	Unnamed Tributary to Wissahickon Creek TSF
PAD510064	Philadelphia Eagles One Lincoln Financial Field Way Philadelphia, PA 19148	Philadelphia	City of Philadelphia	Schuylkill River WWF-MF

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAD460043	Commerce Pursuit Capital, L.P. 1300 Virginia Drive Suite 215 Fort Washington, PA 19034-3249	Montgomery	Lansdale Borough	Towamencin Creek TSF-MF
PAD230036	WV-PP Towne Center, L.P. 940 W. Sproul Road Suite 301 Springfield, PA 19064-1255	Delaware	Middletown Township	Unnamed Tributary to Rocky Run (POI No. 1) HQ-CWF-MF
PAD090034	Stonehaven at Penn's Purchase, LLC 354 West Lancaster Avenue Suite 201 Wayne, PA 190873900	Bucks	Buckingham Township	Aquatong Creek MF-HQ-CWF
PAD150184	Southdown Homes 55 Country Club Drive Suite 200 Downingtown, PA 19335	Chester	East and West Brandywine Townships	Culbertson Run HQ-TSF
PAD090046	Court & State, LLC 1125 Mill Creek Road Southampton, PA 18966-4355	Bucks	Newtown Borough	Unnamed Tributary to Newtown Creek WWF-MF Newtown Creek WWF-MF
PAD090055	MM Metals USA, LLC 10 Four Falls Corp. Center Suite 407 West Conshohocken, PA 19428	Bucks	Falls Township	Delaware River WWF-MF
PAD150164	CSW Wheatland Associates, LP (c/o Jon Herzog) 1300 Virginia Drive Suite 215 Ft. Washington, PA 19034	Chester	Phoenixville Borough	French Creek TSF-MF
PAD460041	Envision/Matrix Limekiln, LLC 485 Devon Park Drive Suite 106 Wayne, PA 19087-1840	Montgomery	Horsham Township	Unnamed Tributary to Little Neshaminy Creek WWF-MF
PAD460053	High Street Conshohocken I, LLC 300 Conshohocken State Road Suite 250 West Conshohocken, PA 19428-3801	Montgomery	Conshohocken Borough	Schuylkill River WWF-MF
PAD090052	Gateway to New Hope, LLC 328 South Main Street New Hope, PA 18938	Bucks	New Hope Borough	Aquetong Creek HQ-CWF
PAD150165	Planebrook Partners, LLC 2298 Horseshoe Pike Honey Brook, PA 19344	Chester	Wallace Township	E Branch Brandywine Creek HQ-TSF

*Northeast Region: Waterways and Wetlands Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915, 570-826-2511*

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

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAD450073 Authorization/ Issuance	Monroe-Pike Land, LLC 507 Seven Bridges Road East Stroudsburg, PA 18301	Monroe	Hamilton Township	Appenzell Creek (HQ-CWF, MF)
PAD450110 Authorization/ Issuance	Spirit of Swiftwater, Inc. 117 Pipher Lane Stroudsburg, PA 18360	Monroe	Pocono Township	Swiftwater Creek (HQ-CWF, MF)

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

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality Receiving Water/Use</i>
PAD060037 Issued	City of Reading 815 Washington Street Reading, PA 19601	Berks	City of Reading Schuylkill River (WWF, MF)

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

*Centre County Conservation District: 414 Holmes Avenue, Suite 4, Bellefonte, PA 16823, (814) 355-6817.*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAD140011 A-1 Major Amendment	Gray's Woods Partnership 1952 Waddle Road P.O. Box 135 State College, PA 16803	Centre	Patton Twp	Buffalo Run HQ-CWF Spruce Creek HA-CWF

*Southwest Region: Dana Drake, Waterways and Wetlands Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAD110008	Mid-Atlantic Interstate Transmission, LLC A FirstEnergy Company 800 Cabin Hill Drive Greensburg, PA 15601	Cambria County	Allegheny Township Cresson Township Gallitzin Township	UNT to Bradley Run (CWF); Bradley Run (CWF); UNT's to Clearfield Creek (CWF)
PAD260008	First Third, LLC P.O. Box 2311 Uniontown, PA 15401	Fayette County	South Union Township	UNT to Coal Lick Run (WWF)
PAD260013	Nemacolin Woodlands, Inc. 1001 Lafayette Drive Farmington, PA 15437	Fayette County	Wharton Township	Deadman Run (HQ-CWF); Beaver Creek (HQ-CWF)
PAD630039	Water Dam Associates 1301 Grandview Avenue Pittsburgh, PA 15211	Washington County	North Strabane Township	UNT to Little Chartiers Creek (HQ-WWF)

## **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)

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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-epwv-sero@pa.gov.*

<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Facility Location: Municipality &amp; County</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
PAC510169	1121 Pier Village, LLC 93-16 71st Drive Forest Hills, NY 11375-6709	City of Philadelphia Philadelphia County	Delaware River MF-WWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
PAC230150	Genevieve Johnson 409 Silverside Road Suite 105 Wilmington, DE 19809-1771	Aston Township Delaware County	Unnamed Tributary to Chester Creek TS-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
PAC460455	Wissahickon School District 601 Knight Road Ambler, PA 19002	Whitpain Township Montgomery County	Unnamed Tributary TSF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
PAC460484	Indian Valley MEH LLC 113 E Mill Road Flourtown, PA 19031	Franconia Township Montgomery County	Unnamed Tributary to West Branch Neshaminy Creek WWF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
PAC460265	Redgo Development LP 600 Willowbrook Lane Suite 603 West Chester, PA 19382-5554	Limerick Township Montgomery County	Mingo Creek WWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
PAC460485	Souderton Borough 31 West Summit Street Souderton, PA 18964	Souderton Borough Montgomery County	Unnamed to Skiptack Creek TSF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
PAC460442	Perkiomen Valley School District 3 Iron Bridge Drive Collegeville, PA 19426	Perkiomen Township Montgomery County	Perkiomen Creek WWF-MF-TSF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
PAC460284	Patrick Kelly 17 Miller Circle P.O. Box 26811 Limerick, PA 19468	Limerick Township Montgomery County	Lodal Creek WWF-TSF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
PAC510152	Soz De Ave Apartments Owner, LLC 2301 Washington Avenue Suite 111 Philadelphia, PA 19146	City of Philadelphia Philadelphia County	Delaware River WWF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900

## NOTICES

<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Facility Location: Municipality &amp; County</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
PAC510168	1101 Chestnut Street L.P. 900 7th Street, NW Suite 600 Washington, DC 20001	City of Philadelphia Philadelphia County	Delaware (VIA CSS) WWF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
PAC150221	475 Creamery Way LLC 120 Pennsylvania Ave Malvern, PA 19355	West Whiteland Township Chester County	Valley Creek CWF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
PAC150228	WCU 201 Carter Drive West Chester, PA 19382	West Chester Borough Chester County	Plum Run WWF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
PAC150212	East Brandywine Township 1214 Horseshoe Pike Downingtown, PA 19335	East Brandywine Township Chester County	Beaver Creek CWF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
PAC150225	Gregco Real Estate Holding LLC 105 Independence Way Coatesville, PA 19320	Valley Township Chester County	Sucker Run WWF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
PAC510116	PolySAT Incorporated 7240 State Road Philadelphia, PA 19135-1412	City of Philadelphia Philadelphia County	Pompeston Creek— Delaware River WWF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
PAC510125	City of Philadelphia One Parkway 11th Floor 1515 Arch Street Philadelphia, PA 19102	City of Philadelphia Philadelphia County	Schuylkill 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 &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone Number</i>
PAC400156 Authorization/ Issuance	Stephen Maakestad Mericle 580 Oak Ridge LLC 100 Baltimore Dr Wilkes-Barre, PA 18702	Luzerne	Hazle Twp	UNT to Tomhicken Creek (CWF, MF)	Luzerne Conservation District 325 Smiths Pond Road Shavertown, PA 18708 570-674-7991

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*Southcentral Region: Waterways and Wetlands Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110.*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone Number</i>
PAC210190 Issued	Sunrise Land Holdings, LLC 589 Greason Road Carlisle, PA 17015-9416	Cumberland	Silver Spring Township	Conodoguinet Creek (CWF, MF) Trindle Spring Run (CWF, MF)	Cumberland County Conservation District 310 Allen Road Suite 301 Carlisle, PA 17013-9101 717.240.7812
PAC210203 Issued	Jim Jam, LLC 315 Pennington Drive Mechanicsburg, PA 17055-6588	Cumberland	Silver Spring Township	Trindle Spring Run (CWF, MF)	Cumberland County Conservation District 310 Allen Road Suite 301 Carlisle, PA 17013-9101 717.240.7812
PAC210195 Issued	Wyndham Homes, Inc. 1300 Market Street Suite 6 Lemoyne, PA 17043-1420	Cumberland	North Middleton Township	Conodoguinet Creek (WWF, MF)	Cumberland County Conservation District 310 Allen Road Suite 301 Carlisle, PA 17013-9101 717.240.7812
PAC210192 Issued	ACED, LLC 3435 Market Street Camp Hill, PA 17011-4428	Cumberland	Hampden Township	UNT Sears Run (WWF, MF)	Cumberland County Conservation District 310 Allen Road Suite 301 Carlisle, PA 17013-9101 717.240.7812
PAC210004 A-2 Issued	Charter Homes at Highpoint, Inc. 1190 Dillerville Road Lancaster, PA 17601	Cumberland	Lower Allen Township	UNT Cedar Run (CWF, MF) UNT Yellow Breeches Creek (CWF, MF)	Cumberland County Conservation District 310 Allen Road Suite 301 Carlisle, PA 17013-9101 717.240.7812
PAC210162 A-1 Issued	Good Hope Ventures 1824, LP 4250 Crums Mill Road Suite 301 Harrisburg, PA 17112-2889	Cumberland	Hampden Township	UNT Sears Run (WWF, MF) Sears Run (WWF, MF)	Cumberland County Conservation District 310 Allen Road Suite 301 Carlisle, PA 17013-9101 717.240.7812
PAC210201 Issued	Ashcombe Mansion Property, LLC 1100 Grantham Road Mechanicsburg, PA 17055	Cumberland	Upper Allen Township	UNT Yellow Breeches Creek (CWF, MF)	Cumberland County Conservation District 310 Allen Road Suite 301 Carlisle, PA 17013-9101 717.240.7812

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone Number</i>
PAC670400 Issued	James and Tiffany Langkam 526B Pumping Station Road Hanover, PA 17331	York	Manheim Township	Long Run (WWF)	York County Conservation District 2401 Pleasant Valley Road Suite 101 Room 139 York, PA 17402 717.840.7430
PAC670029 Issued	Myers Family Development, LP 160 Ram Drive Hanover, PA 17331	York	Franklintown Borough	North Branch Bermudian Creek (WWF)	York County Conservation District 2401 Pleasant Valley Road Suite 101 Room 139 York, PA 17402 717.840.7430
PAC670343 Issued	Gohn & Stambaugh, Inc. 315 Busser Road P.O. Box 278 Emigsville, PA 17318	York	Manchester Township	UNT Codorus Creek (WWF)	York County Conservation District 2401 Pleasant Valley Road Suite 101 Room 139 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 &amp; Address</i>	<i>Facility Location: Municipality &amp; County</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
PAC550045	Icon Legacy, LLC 246 Sand Hill Rd Selinsgrove, PA 17870	Selinsgrove Borough Snyder County	UNT to Penns Creek CWF-MF	Snyder County Conservation District 403 W Market St Middleburg, PA 17842 (570) 837-3000 X110
PAC550046	Middleburg Municipal Authority 13 N Main Street Middleburg, PA 17842	Middleburg Borough & Franklin Township Snyder County	UNT Middlecreek CWF Middlecreek TSF	Snyder County Conservation District 403 W Market St Middleburg, PA 17842 (570) 837-3000 X110

*Southwest Region: Dana Drake, Waterways and Wetlands Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222, 412-442-4000.*

<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Facility Location and Municipality</i>	<i>Receiving Water/Use</i>	<i>Contact Office and Phone Number</i>
PAC110066	Peoples Natural Gas Company, LLC 375 North Shore Drive Pittsburgh, PA 15212	Cambria Township	Howells Run (CWF); UNT to Howells Run (CWF)	Cambria County Conservation District 401 Candlelight Drive Suite 229 Ebensburg, PA 15931 814-472-2120



**NOTICES**

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<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Facility Location and Municipality</i>	<i>Receiving Water/Use</i>	<i>Contact Office and Phone Number</i>
PAC630120 A-1	Peters Township 610 East McMurray Road McMurray, PA 15317	Peters Township	UNT to Brush Creek (WWF)	Washington County Conservation District 50 Old Hickory Ridge Road Suite 1 Washington, PA 15301 724-705-7098
PAC630157	Lithia Real Estate 150 North Bartlett Street Medford, OR 97501	Peters Township	Brush Run (WWF)	Washington County Conservation District 50 Old Hickory Ridge Road Suite 1 Washington, PA 15301 724-705-7098
PAC630175	Peoples Natural Gas Company, LLC 375 North Shore Drive Pittsburgh, PA 15212	Morris Township	Short Creek (TSF); UNT to Short Creek (TSF)	Washington County Conservation District 50 Old Hickory Ridge Road Suite 1 Washington, PA 15301 724-705-7098
PAC630181	Columba Gas of PA 2021 West State Street New Castle, PA 16101	Canton Township	Chartiers Run (WWF); Westland Run (WWF); UNT to Chartiers Run (WWF)	Washington County Conservation District 50 Old Hickory Ridge Road Suite 1 Washington, PA 15301 724-705-7098
PAC630184	Peoples Natural Gas 195 Donohoe Road Greensburg, PA 15601	Fallowfield Township	UNT to Maple Creek (WWF)	Washington County Conservation District 50 Old Hickory Ridge Road Suite 1 Washington, PA 15301 724-705-7098

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

<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Facility Location: Municipality &amp; County</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
PAC430045	Mast Mini Barns LLC Reuben Mast 226 Orangeville Road Greenville, PA 16125	West Salem Township Mercer County	Unnamed tributary to Big Run	Mercer County Conservation District 747 Greenville Road Mercer, PA 16137 724-662-2242

<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Facility Location: Municipality &amp; County</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
PAC240018	RLS Towers 8170 N 86th Place Suite 103 Scottsdale, AZ 85258	Jay Township Elk County	Browns Run CWF	Elk County Conservation District 850 Washington Street St. Marys, PA 15857 814-776-5373

*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 &amp; Address</i>	<i>Facility Location: Municipality &amp; County</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
PAG036264	Bayer Healthcare LLC 1 Bayer Drive Indianola, PA 15051	Indiana Township Allegheny County	Deer Creek (CWF) Rawlins Run (CWF) 18-A	DEP Southwest Regional Office Clean Water Program 400 Waterfront Drive Pittsburgh, PA 15222-4745 412.442.4000

*General Permit Type—PAG-12*

*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 &amp; Address</i>	<i>Facility Location: Municipality &amp; County</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
PAG123902 Issued	Shadow Ridge Farm 2418 Bachman Road Lancaster, PA 17602-1802	Strasburg Township Lancaster County	Watershed(s) 7-K	DEP Southcentral Regional Office Clean Water Program 909 Elmerton Avenue Harrisburg, PA 17110-8200 717.705.6639

**STATE CONSERVATION COMMISSION****NUTRIENT MANAGEMENT PLANS RELATED TO APPLICATIONS FOR NPDES PERMITS FOR CAFOs**

The State Conservation Commission has taken the following actions on previously received applications for nutrient management plans under 3 Pa.C.S. Chapter 5, for agricultural operations that have or anticipate submitting applications for new, amended or renewed NPDES permits or NOIs for coverage under a general permit for CAFOs under 25 Pa. Code Chapter 92a. This notice is provided in accordance with 25 Pa. Code Chapter 92a and 40 CFR Part 122, implementing The Clean Streams Law and the Federal Clean Water Act.

Persons aggrieved by an action may appeal under 3 Pa.C.S. § 517, section 4 of the Environmental Hearing Board Act and 2 Pa.C.S. §§ 501—508 and 701—704 to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P.O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users should contact the Environmental Hearing Board (Board) through the Pennsylvania AT&T Relay Service at (800) 654-5984. Appeals must be filed with the Board within 30-days of publication of this notice in the *Pennsylvania Bulletin*. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary of the Board at (717) 787-3483. This paragraph does not, in and of itself, create a right of appeal beyond that permitted by applicable statutes and decision law.

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

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

**NUTRIENT MANAGEMENT PLAN  
CAFO PUBLIC NOTICE SPREADSHEET—ACTIONS**

<i>Agricultural Operation Name and Address</i>	<i>County</i>	<i>Total Acres</i>	<i>AEU's</i>	<i>Animal Type</i>	<i>Special Protection Waters (HQ or EV or NA)</i>	<i>Approved or Disapproved</i>
Reinford Farm's Inc. 505 Cedar Grove Rd. Mifflintown, PA 17059	Juniata	1,048.4	1,679.0	Dairy	NA	Approved
Wingert Farms Inc. 5497 Shade Lane Alexandria, PA 16611	Huntingdon	1,585.4	2,053.36	Dairy	HQ	Renewal
Hickory Lane Farm 455 Hickory Farm Lane Blain, PA 17006	Perry	420.4	1,773.65	Swine	HQ-CWF	Renewal

### 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).**

*Southcentral Region: Safe Drinking Water Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110.*

**Permit No. 2220501**, Public Water Supply.

Applicant	<b>Alvord Polk, Inc.</b>
Municipality	Millersburg Borough

County	<b>Dauphin</b>
Responsible Official	Ryan Boyer Building Manager 159 Dam Hill Road Millersburg, PA 17061
Type of Facility	Installation of a GWR 4-log disinfection system.
Consulting Engineer	Sean Sweeney, P.E. Barton & Loguidice 3901 Hartzdale Drive Camp Hill, PA 17011
Permit to Construct Issued	July 29, 2020

**Operation Permit No. 0520501 MA** issued to: **Everett Area School District (PWS ID No. 4050870)**, West Providence Township, **Bedford County** on July 29, 2020 for facilities at Everett Elementary.

**Operation Permit No. 3620516 MA** issued to: **Ephrata Area Joint Authority (PWS ID No. 7360045)**, Ephrata Borough, **Lancaster County** on July 31, 2020 for facilities approved under Construction Permit No. 3620516 MA.

**Operation Permit No. 3620514 MA** issued to: **Irvin H. Peifer (PWS ID No. 7360161)**, West Earl Township, **Lancaster County** on July 31, 2020 for facilities at Green Acres Mobile Home Park approved under Construction Permit No. 3620514 MA.

**Operation Permit No. 2220504 MA** issued to: **Pennsylvania American Water (PWS ID No. 7220017)**, South Hanover Township, **Dauphin County** on July 31, 2020 for facilities at Hershey Water System approved under Construction Permit No. 2220504 MA.

**Operation Permit No. 2219504** issued to: **Millersburg Area Authority (PWS ID No. 7220034)**, Upper Paxton Township, **Dauphin County** on July 22, 2020 for facilities approved under Construction Permit No. 2219504.

**Operation Permit No. 3620507 MA** issued to: **PA Department of Environmental Protection (PWS ID No. 7360084)**, Leacock Township, **Lancaster County** on July 29, 2020 for facilities at Leacock Township Municipal Authority submitted under Application No. 3620507 MA.

**Operation Permit No. 6720511 E** issued to: **Walmar MHC, LLC (PWS ID No. 7670005)**, Franklin Township, **York County** on July 24, 2020 for facilities at Walmar Manor MHP submitted under Application No. 6720511 E.

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

**Permit No. 5520501MA**, Construction. Public Water Supply.

Applicant	<b>7-Eleven Store # 40410</b> 8478 Route 104 Mt. Pleasant Mills, PA 17853
Borough or Township	Perry Township
County	<b>Snyder County</b>
Type of Facility	Public Water Supply— Construction
Consulting Engineer	Jeremy Madaras, P.E. J.S. Madaras Consulting, LLC 250 Indian Lane Boyertown, PA 19512
Permit Issued	July 31, 2020

**Permit No. 4920507**, Construction. Public Water Supply.

Applicant	<b>Pennsylvania-American Water Company</b> 852 Wesley Drive Mechanicsburg, PA 17055
Borough or Township	West Chillisquaque Township
County	<b>Northumberland County</b>
Type of Facility	Public Water Supply—Construction
Consulting Engineer	Garret Hargenrader, P.E. Gannett Fleming, Inc. 3121 Fairway Dr. Altoona, PA 16602
Permit Issued	July 31, 2020

## 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:

*Southeast Region: Environmental Cleanup & Brownfields Program Manager, 2 East Main Street, Norristown, PA 19401.*

**Hale Products Industrial Facility**, 720 Spring Mill Avenue, Borough of Conshohocken, **Montgomery County**. John Rutledge, ARCADIS, U.S., Inc., 10 Friends Lane, Suite 200, Newtown, PA 18940 on behalf of Tim Zernzsch, Hurst Jaws of Life (f/k/a Hale Products, Inc.) 1925 West Field Court, Suite 200, Lake Forest, IL 60045 submitted a Risk Assessment Report concerning remediation of site soil and groundwater contaminated with other organics. The report is intended to document remediation of the site to meet the Site-Specific Standard.

**Bensalem High School**, 4319 Hulmeville Road, Bensalem Township, **Bucks County**. Adam Bower, Kleinfelder/Advantage Engineers, 435 Independence Avenue, Suite C, Mechanicsburg, PA 17055 on behalf of John Mathieu, Bensalem Township School District, 3000 Donallen Drive, Bensalem, PA 19020 submitted a Final Report concerning remediation of site soil contaminated with No. 2 fuel oil. The report is intended to document remediation of the site to meet the Statewide Health Standard.

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

**Kline Building and Service Station**, 107-111 Hamilton Street & 14-28 North Front Street, Allentown, PA 18101, Allentown City, **Lehigh County**. HDR Engineering, 1720 Spillman Drive, Bethlehem, PA 18015, on behalf Allentown Commercial and Industrial Development Authority (ACIDA), 905 Harrison Street, Allentown, PA 18103, submitted a final report concerning remediation of site soils contaminated with metals, volatile organic compounds, and semi-volatile organic compounds from historic use at this former warehouse and gas station. The report is intended to document remediation of the site to meet Site-Specific Standards.

**Austin Property**, 73 Atco Road, Beach Lake, PA 18405, Damascus Township, **Wayne County**. Bluestone Environmental, 196 Beach Lake Highway, Honesdale, PA 18431, on behalf of Tom Austin, P.O. Box 362, Honesdale, PA 18431, submitted a Final Report concerning remediation of soil contaminated by heating oil. The report is intended to document remediation of the site to meet Statewide Health Standards.

*Southcentral Region: Environmental Cleanup and Brownfields Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110.*

**Pro Max Fence System**, 2621 Centre Avenue, Reading, PA 19605, City of Reading, **Berks County**. ACV Environmental Services, Incorporated, 928 East Hazelwood Road, Rahway, NJ 07065, on behalf of Diesel Direct, 85 White Oak Road, P.O. Box 429, Manheim, PA 17545, and Pro Max Fence System, 2621 Centre Avenue, Reading, PA 19605, submitted a Final Report concerning remediation of site soil contaminated with diesel fuel. The Final Report is intended to document remediation of the site to meet the Residential and Non-Residential Statewide Health Standard.

*Northcentral Region: Environmental Cleanup Program Manager, 208 West Third Street, Williamsport, PA 17701, Telephone number: 570-327-3636.*

**Burleigh BRA**, 3073 Old Stagecoach Road, Wyalusing Township, **Bradford County**. Creston Environmental, LLC, P.O. Box 1373, Camp Hill, PA 17001, on behalf of Chesapeake Appalachia LLC, 300 N 2nd Street, 5th FL, Harrisburg, PA 17101, has submitted a Final Report concerning remediation of site soil contaminated with lubricating oils, used motor oil and antifreeze. The report is intended to document remediation of the site to meet the Residential Statewide Health Standard.

**Beech Resources Premier Well Pad**, 819 Waltz Mountain Drive, Williamsport, Lycoming Township, **Lycoming County**. Penn Environmental & Remediation, Inc., 13180 Route 6, Mansfield, PA 16933, on behalf of Beech Resources, LLC, 343 Pine Street, Suite 1, Williamsport, PA 17701, has submitted a Final Report concerning remediation of site soil contaminated with production fluid. The report is intended to document remediation of the site to meet the Residential Statewide Health Standard.

**Gordon Food Service Project**, Interstate 80 at MM 198 E, Mifflinburg, West Buffalo Township, **Union County**. Northridge Group, Inc., P.O. Box 231, Northumberland, PA 17857, on behalf of Gordon Food Service, P.O. Box 1787, Grand Rapids, MI 49501, has submitted a Final Report concerning remediation of site soil contaminated with diesel fuel, motor oil, and antifreeze. The report is intended to document remediation of the site to meet the Non-Residential Statewide Health Standard.

*Northwest Region: Environmental Cleanup and Brownfields Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481.*

**ValuPlaza**, 1501-1507, 1511, 1513, 1523 West 38th Street & 3820 Washington Avenue, City of Erie, **Erie County**. Environmental Remediation & Recovery, Inc., 4250 Route 6N, Edinboro, PA 16412 on behalf of Park Plaza Partnership, 2540 Village Common Drive, Erie, PA 16506 has submitted a Final Report concerning remediation of site soil contaminated with 2-Butanone, Benzene, cis-1,2 Dichloroethane, Methylene Chloride, Tetrachloroethene (PCE), Toluene, Trichloroethylene (TCE) and site groundwater contaminated with 2-Butanone, Chloroform, cis-1,2 Dichloroethane, Dichlorobromomethane, Methylcyclohexane, Methylene Chloride, PCE, Toluene, Trans-1,2 Dichloroethene, TCE, and Vinyl Chloride. The report is intended to document remediation of the site to meet the Site-Specific Standard.

## LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995  
PREAMBLE 3

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**The Department has taken action on the following plans and reports under the Land Recycling and Environmental Remediation Standards Act (35 P.S. §§ 6026.101—6026.907).**

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Section 250.8 of 25 Pa. Code and administration of the Land Recycling and Environmental Remediation Standards Act (act) require the Department to publish in the *Pennsylvania Bulletin* a notice of its final actions on plans and reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the remediation standards of the act. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis of selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed and summaries of sampling methodology and analytical results which demonstrate that the remediation has attained the cleanup standard selected. Plans and reports required by the act for compliance with selection of remediation to a site-specific standard, in addition to a final report, include a remedial investigation report, risk assessment report and cleanup plan. A remedial investigation report includes conclusions from the site investigation; concentration of regulated substances in environmental media; benefits of reuse of the property; and, in some circumstances, a fate and transport analysis. If required, a risk assessment report describes potential adverse effects caused by the presence of regulated substances. If required, a cleanup plan evaluates the abilities of potential remedies to achieve remedy requirements. A work plan for conducting a baseline remedial investigation is required by the act for compliance with selection of a special industrial area remediation. The baseline remedial investigation, based on the work plan, is compiled into the baseline environmental report to establish a reference point to show existing contamination, describe proposed remediation to be done and include a description of existing or potential public benefits of the use or reuse of the property. The Department may approve or disapprove plans and reports submitted. This notice provides the Department's decision and, if relevant, the basis for disapproval.

For further information concerning the plans and reports, contact the environmental cleanup program manager in the Department Regional Office under which the notice of the plan or report appears. If information concerning a final report is required in an alternative form, contact the community relations coordinator at the appropriate Regional Office. TDD users may telephone the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

The Department has received the following plans and reports:

*Southeast Region: Environmental Cleanup Program Manager, 2 East Main Street, Norristown, PA 19401.*

**635 West State Street**, 635 West State Street, Borough of Kennett Square, **Chester County**. James Mulry, PG, Mulry and Cresswell Environmental Inc., 1679 Horseshoe Pike, Glenmoore, PA 19343 on behalf of Victor Abdala, StanAb, LP, 535 North Church Street, Suite 102, West Chester, PA 19380 submitted a Final Report con-

cerning the remediation of site soil contaminated with diesel fuel. The Final Report demonstrated attainment of the residential Statewide Health Standard and was approved by the Department on July 28, 2020.

**JB Venture 2, LP**, 3715-3747 Main Street, City of Philadelphia, **Philadelphia County**. Jonathan Perse, GEI Consultants, Inc., 100 Campbell Boulevard, Suite 103, Exton, PA 19341 on behalf of Alon Barzilay, 3715 Main Street, LP, 1028 North 3rd Street, Philadelphia, PA 19123 submitted a Cleanup Plan/Final Report concerning the remediation of site soil contaminated with benzo(a)pyrene and benzo(b)fluoranthene. The Final Report demonstrated attainment of the non-residential Site-Specific Standard and was approved by the Department on July 22, 2020.

**Mathews Residence**, 699 Street Road, Upper Makefield Township, **Bucks County**. Jeffery K. Walsh, Penn E&R, Inc., 2755 Bergey Road, Hatfield, PA 19440 on behalf of Charles Mathews, 699 Street Road, New Hope, PA 18938 submitted a Final Report concerning the remediation of site soil and groundwater contaminated with No. 2 heating oil. The Final Report demonstrated attainment of the residential Statewide Health Standard and was approved by the Department on July 23, 2020.

**Byberry Woods**, 1282 Byberry Road, Bensalem Township, **Bucks County**. Richard Lake, Geo-Technology Associates, Inc., 2405 John Fries Highway, Quakertown, PA 18951 on behalf of Tony DiNardo, Dauphine Building & Development, L.P., 920 Wayland Circle, Bensalem, PA 19020 submitted a Remedial Investigation Report/Cleanup Plan concerning the remediation of site groundwater contaminated with VOCs. The Report was reviewed by the Department which issued a technical deficiency letter on July 23, 2020.

**R&S Auto Service**, 1201-1209 West Chester Pike, Haverford Township, **Delaware County**. Andrew Basehoar, TTI Environmental, 1253 Church North Street, Morrisville, NJ 08057 on behalf of Stephen Dever, R&S Auto Service, 1201 West Chester Pike, Havertown, PA 19803 submitted a Remedial Investigation Report/Cleanup Plan/Final Report concerning the remediation of site soil and groundwater contaminated with PCE. The Report was reviewed by the Department which issued a technical deficiency letter on July 14, 2020.

**Giles & Ransome**, 2975 Galloway Road, Bensalem Township, **Bucks County**. Jennifer Gresh, Duffield Associates, Inc., 211 North 13th Street, Philadelphia, PA 19107 on behalf of Wayne Bromley, Giles & Ransome, LLC and WLB Partners, 575 Pinetown Road, Unit 288, Fort Washington, PA 19034 submitted a Remedial Investigation Report/Risk Assessment Report/Cleanup Plan concerning the remediation of site soil and groundwater contaminated with PAHs. The Report was reviewed by the Department which issued a technical deficiency letter on July 20, 2020.

**Sylvania Tree & Pool Building Site**, 565 N. West End Boulevard (Route 309), Richland Township, **Bucks County**. Scott R. Campbell, P.G., Earthres Group, Inc., 6912 Old Easton Road, Pipersville, PA 18947 on behalf of Stacey Hogan, Lehigh Valley Health Network, 2100 Mack Boulevard, Allentown, PA 18105 submitted a Final Report concerning the remediation of site soil contaminated with lead and No. 2 fuel oil. The Report was reviewed by the Department which issued a technical deficiency letter on July 17, 2020.

**Keva Flats**, 1 Keva Drive, West Whiteland Township, **Chester County**. Carl J. Bones, Marathon Engineering

& Environmental Services, Inc., 3 Killdeer Court, S-302, Swedesboro, NJ 08085 on behalf of Neal Fisher, Keva Flats, LP, 707 Eagleview Boulevard, Exton, PA 19341 submitted a Final Report concerning the remediation of site soil contaminated with No. 2 fuel oil. The Final Report demonstrated attainment of the residential Statewide Health Standard and was approved by the Department on July 17, 2020.

*Southcentral Region: Environmental Cleanup and Brownfields Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110.*

**Kutztown II Aggregates**, 654 Baldy Road, Kutztown, PA 19530, Maxatawny Township, **Berks County**. Reliance Environmental, Reliance Environmental, Inc., 235 North Duke Street, Lancaster, PA 17602, on behalf of New Enterprises Stone & Lime Company, Inc., 3912 Brumbaugh Road, New Enterprise, PA 16664, submitted a Final Report concerning remediation of site soil contaminated with Poly Chlorinated Biphenyls (PCBs). The Final Report demonstrated attainment of the Residential Statewide Health Standard for mineral insulating oil and was approved by the Department on July 29, 2020.

**Weave Precast, Incorporated**, 14 Pleasant Valley Road, Ephrata, PA 17522, Ephrata Township, **Lancaster County**. Reliance Environmental, 235 North Duke Street, Lancaster, PA 17602, on behalf of The Weaver Business Family, 824 East Main Street, Ephrata, PA 17522, submitted a Final Report concerning remediation of site soil contaminated with No. 2 fuel oil. The Final Report demonstrated attainment of the Residential Statewide Health Standard and was approved by the Department on July 29, 2020.

*Northcentral Region: Environmental Cleanup Program Manager, 208 West Third Street, Williamsport, PA 17701, Telephone number: 570-327-3636.*

**Walton Residence Heating Oil Release**, 2475 Steam Mill Hollow Road, Laceyville, Tuscarora Township, **Bradford County**. Environmental Products & Services of Vermont, Inc., 1539 Bobali Drive, Harrisburg, PA 17104, on behalf of Dan Walton, 2475 Steam Mill Hollow Road, Laceyville, PA 18623, has submitted a Final Report concerning site soil contaminated with No. 2 fuel oil. The Final Report attained the Residential Statewide Health Standard and was approved by the Department on July 21, 2020.

**H<sub>2</sub>O Express LLC Production Fluid Release**, 6141 Route 154, Forksville, Elkland Township, **Sullivan County**. Penn Environmental & Remediation, Inc., 14180 Route 6, Mansfield, PA 16933, on behalf of H<sub>2</sub>O Express, LLC, P.O. Box 42, McElhattan, PA 17748, has submitted a Final Report concerning remediation of site soil contaminated with production fluid. The Final Report attained the Residential Statewide Health Standard and was approved by the Department on July 28, 2020.

*Southwest Region: Environmental Cleanup & Brownfield Development Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.*

**Cozza Enterprises Family Dollar**, Pittsburgh City, **Allegheny County**. Cribbs & Associates Inc., P.O. Box 44, Delmont, PA 15626, on behalf of Craig Cozza, CE-Acquisitions XI LP, P.O. Box 453, Carnegie, PA 15106, has submitted a combined Remedial Investigation Report and Final Report concerning the remediation of site soil contaminated with benzene, naphthalene, 1,2,4-trimethylbenzene and benzo(a)pyrene. The Final Report

demonstrated attainment of a combination of site specific and Statewide health standards and was approved by the Department on July 5, 2020.

**# 1 Cochran North Hills Volkswagen Dealership**, Pine Township, **Allegheny County**. Independence Environmental Consulting, LLC, 1750 Kaylor Road, Hummelstown, PA 17036, on behalf of Neal Jennings, Cochran 2756, Inc., 4520 William Penn Hwy., Monroeville, PA 15146, has submitted a Final Report concerning the remediation of site soil contaminated with acetone, benzene, methyl ethyl ketone, n-butylbenzene, sec-butylbenzene, tert-butylbenzene, carbon disulfide, 1,2-dichlorobenzene, dichlorobenzene-p, ethylbenzene, cumene, n-propylbenzene, 1,2,4-trimethylbenzene, 1,3,5-trimethylbenzene, toluene, xylene, benzo(a)anthracene, benzo(a)pyrene, benzo(b)fluoranthene, benzo(g,h,i)perylene, benzo(k)fluoranthene, chrysene, fluoranthene, indeno(1,2,3-cd)pyrene, naphthalene, phenanthrene and pyrene. The Final Report demonstrated attainment of non-residential Statewide health standards and was approved by the Department on July 3, 2020.

**CVS Store No. 4051**, Upper St. Clair Township and Bethel Park Borough, **Allegheny County**. ECS Mid-Atlantic, LLC, 500 Bursca Dive, Bridgeville, PA 15017, on behalf of H. Brian Peck, Peck Family Holdings, LLC, 198 Canterbury Rd., McMurray, PA 15317, has submitted a Final Report concerning the remediation of site groundwater contaminated with benzo(a)pyrene, benzo(b)fluoranthene, benzo(g,h,i)perylene, benzo(k)fluoranthene and bis(2-ethylhexyl) phthalate. The Final Report demonstrated attainment of non-residential Statewide health standards and was approved by the Department on July 13, 2020.

**Solara Ventures VII, LLC**, 27th St. and Penn Ave., Pittsburgh City, **Allegheny County**. KU Resources Inc., 22 South Linden Street, Duquesne, PA 15110 on behalf of Jack Benoff, Solara Ventures VII, LLC, 30 Weatherfield Dr., Ste. 217, Newtown, PA 18940, has submitted a Final Report concerning the remediation of site soil contaminated with barium, cadmium, trivalent chromium, mercury, tin, acetone and methylene chloride, lead and arsenic. The Final Report demonstrated attainment of a combination of site specific and Statewide health standards and was approved by the Department on July 10, 2020.

*Northwest Region: Environmental Cleanup and Brownfields Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481.*

**General Electric Company Appliance Building 99**, 2125 East 12th Street, Lawrence Park Township, **Erie County**. Arcadis U.S., Inc., 50 Fountain Plaza, Buffalo, NY 14202, on behalf of General Electric Company, 3726 North Wayne Avenue, Chicago, IL 60613 submitted a Risk Assessment/Remedial Investigation/Final Report concerning the remediation of site soil and site groundwater contaminated with Aroclor 1016, Aroclor 1221, Aroclor 1232, Aroclor 1242, Aroclor 1248, Aroclor 1254, Aroclor 1260, 1,1,1-Trichloroethane, 1,1,2,2-Tetrachloroethane, 1,1,2-trichloro-1,2,2-trifluoroethane, 1,1,2-Trichloroethane, 1,1-Dichloroethane, 1,1-Dichloroethene, 1,2,4-Trichlorobenzene, 1,2-Dibromo-3-chloropropane, 1,2-Dibromoethane, 1,2-Dichlorobenzene, 1,2-Dichloroethane, 1,2-Dichloropropane, 1,3-Dichlorobenzene, 1,4-Dichlorobenzene, 2-Butanone (MEK), 4-Methyl-2-Pentanone, Acetone, Bromodichloromethane, Bromoform, Bromomethane, Carbon Disulfide, Carbon Tetrachloride, CFC-11, CFC-12, Chlorobenzene, Chlorodibromomethane, Chloroethane, Chloroform, Chloromethane, cis-1,2-Dichloroethene, cis-

1,3-Dichloropropene, Cyclohexane, Dichloromethane, Isopropylbenzene, Methyl Acetate, Methyl N-Butyl Ketone (2-Hexanone), Methylcyclohexane, Styrene (Monomer), Tetrachloroethene, trans-1,2-Dichloroethene, trans-1,3-Dichloropropene, Trichloroethene, Vinyl chloride, Benzene, Toluene, Ethylbenzene, Total Xylenes, Methyl-tert-butylether, 1,1-Biphenyl, 2,2-Oxybis(1-Chloropropane), 2,4,5-Trichlorophenol, 2,4,6-Trichlorophenol, 2,4-Dichlorophenol, 2,4-Dimethylphenol, 2,4-Dinitrophenol, 2,4-Dinitrotoluene, 2,6-Dinitrotoluene, 2-Chloronaphthalene, 2-Chlorophenol, 2-Methyl-4,6-dinitrophenol, 2-Methyl naphthalene, 2-Methylphenol, 2-Nitroaniline, 2-Nitrophenol, 3,3-Dichlorobenzidine, 3-Methylphenol, 4-Methylphenol, 3-Nitroaniline, 4-Bromophenyl phenyl ether, 4-Chloro-3-Methylphenol, 4-Chlorophenyl phenyl ether, 4-Nitroaniline, 4-Nitrophenol, Acenaphthene, Acenaphthylene, Acetophenone, Anthracene, Atrazine, Benzaldehyde, Benzo(a)anthracene, Benzo(a)pyrene, Benzo(b)fluoranthene, Benzo(g,h,i)perylene, Benzo(k)fluoranthene, bis(2-Chloroethoxy)methane, bis(2-Chloroethyl)-qjether, bis(2-Ethylhexyl)phthalate, Butyl benzyl phthalate, Caprolactam, Carbazole, Chrysene, Dibenzo(a,h)anthracene, Dibenzofuran, Diethyl phthalate, Dimethyl phthalate, Di-n-butyl phthalate, Di-n-octyl phthalate, Fluoranthene, Fluorene, Hexachloro-1,3-butadiene, Hexachlorobenzene, Hexachlorocyclopentadiene, Hexachloroethane, Indeno(1,2,3-cd)pyrene, Isophorone, Naphthalene, Nitrobenzene, n-Nitrosodi-n-propylamine, N-nitrosodiphenylamine, p-Chloroaniline, Pentachlorophenol, Phenanthrene, Phenol, Pyrene, Arsenic, Barium, Cadmium, Chromium, Lead, Mercury, Selenium, and Silver. The Risk Assessment/Remedial Investigation/Final Report was disapproved by the Department on July 29, 2020.

## AIR QUALITY

**General Plan Approval and Operating Permit Usage Authorized under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and 25 Pa. Code Chapter 127 to construct, modify, reactivate or operate air contamination sources and associated air cleaning devices.**

*Northeast Region: Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711-0790.*

*Contact: Raymond Kempa, New Source Review Chief—Telephone: 570-826-2531.*

**GP3-40-028: GeoTech LLC** (13 Shull Drive, Newark, DE 19711) on July 27, 2020, for the operation of a portable stone crushing plant at the facility located in Wapwallopen Twp., **Luzerne County**.

**GP9-40-028: GeoTech LLC** (13 Shull Drive, Newark, DE 19711) on July 27, 2020, for the operation of I C Engines at the facility located in Wapwallopen Twp., **Luzerne 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.*

**GP3-50-03002A: Pennsy Supply, Inc.** (2400 Tea Drive, Suite 3A, Harrisburg, PA 17105) on July 31, 2020, for a portable nonmetallic mineral processing plant, under GP3, at the Newport Quarry, in Oliver Township, **Perry County**.

*Northcentral Region: Air Quality Program, 208 West Third Street, Williamsport, PA 17701.*

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

**AG5-41-00012A: Regency Marcellus Gas Gathering, LLC** (101 W. 3rd St., 3rd Floor, Williamsport, PA 17701) on July 23, 2020 for the continued operation of three 1,380 bhp Waukesha natural gas-fired compressor engines, each equipped with 3-way oxidation catalysts; one 25 MMscfd TEG dehydration unit equipped with a 0.5 MMBtu/hr natural gas-fired reboiler; one 145 bhp Caterpillar generator engine equipped with a 3-way oxidation catalyst; various storage tanks, pneumatic devices, venting/blowdowns, fugitives, and pigging operations, pursuant to the General Plan Approval and/or General Operating Permit for Natural Gas Compression Stations, Processing Plants, and Transmission Stations (BAQ-GPA/GP-5) at the Lone Walnut Compressor Station located in Cummings Township, **Lycoming County**.

**AG5-19-00001B: Transcontinental Gas Pipe Line Company, LLC** (2800 Post Oak Blvd, Suite 900, Houston, TX 77056) on July 20, 2020, to construct and operate a WPI model L7044GSI generator powered by a 4-stroke rich burn natural gas-fired engine rated at 1,494 bhp and a 8,813-gallon Oily Wastewater Storage Tank as well as continue to operate existing sources pursuant to the General Plan Approval and General Operating Permit for Natural Gas Compression Stations, Processing Plants, and Transmission Stations (BAQ-GPA/GP-5) at Compressor Station 610 located in Orange Township, **Columbia County**.

**AG5A-08-00001A: Chesapeake Appalachia, LLC** (P.O. Box 18496, Oklahoma City, OK 73154) on July 30, 2020, for the authorization to construct and operate new sources and continue operating other sources consisting of one (1) 1,380 bhp 2011 model year Caterpillar G3516B four-stroke lean-burn, natural gas-fired compressor engine equipped with an Emit Technologies catalytic oxidizer, eleven (7) 0.75 MMBtu/hr, natural gas-fired Gas Production Units, one (1) Qnergy 0.17 MMBtu Stirling engine electric power generator, one (1) 16,800 gal (400 bbl) produced water storage tank, multiple pneumatic devices, periodic venting and blowdowns, site fugitive emissions and tank liquid loading emissions pursuant to the General Plan Approval and/or General Operating Permit for Unconventional Natural Gas Well Site Operations and Remote Pigging Stations (BAQ-GPA/GP-5A) at the Roland Well Pad Site located in Wilmot Township, **Bradford County**.

**AG5-59-00010A: SWEPI LP** (150 N. Dairy Ashford, Houston, TX 77079) on July 31, 2020, for authorization to construct and operate a 3.2 million Btu per hour, SpiralX 48" natural gas-fired enclosed combustor and a SpiralX model S4E1V forced draft finned tube condensing on the 30 MMscfd/day NATCO model SB12-8 dehydrator at the Parthemer (aka Wellsboro 2) Compressor Station located in Charleston Township, **Tioga County** pursuant to the General Plan Approval and/or General Operating Permit for Compression Stations, Processing Plants and Transmission Stations (BAQ-GPA/GP-5).

**GP2-49-00019A: Sunoco Partners Marketing & Terminals, L.P.** (1314 Point Township Drive, Northumberland, PA 17857) on July 20, 2020, for the authorization to construct and operate a new distillate storage tank (Tank 31) and a modification of an existing distillate

storage tank (Tank 21) pursuant to the General Plan Approval and/or General Operating Permit BAQ-GPA/GP-2: Storage Tanks for Volatile Organic Liquids at their Northumberland Terminal facility located in Point Township, **Northumberland County**.

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**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.**

*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.*

**07-03068A: Altoona Water Authority—Westerly WWTF** (144 Treatment Plant Road, Duncansville, PA 16635) on August 4, 2020, for the construction of two (2) new digester gas fired boilers and one candlestick flare at the wastewater treatment facility in Allegheny Township, **Blair County**. The digester gas boilers will be controlled by low NO<sub>x</sub> burners and flue gas recirculation (FGR).

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**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.*

**09-0237: TC Millwork Inc.** (P.O. Box 826, Bensalem, PA 19020-0826) on July 31, 2020 for the installation and operation of two (2) spray booth operations, designated as Source ID 101 (Paint SprayBooth) and Source ID 102 (Adhesive Spray Booth) and associated filters, an Adhesives Application Area (Source ID 104), solvent Clean-up Operations (Source ID 106), a Milling Room (Source ID 105) and associated dust collector (Source ID C01). In Bensalem Township, **Bucks 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.*

**34-05002A: Texas Eastern Transmission, LP** (5400 Westheimer Court, Houston, TX 77056) on July 30, 2020, for an engine project at the Perulack Compressor Station located in Lack Township, **Juniata County**. The Plan Approval will authorize the following items: 1.) Retrofit the existing natural gas-fired Cooper Bessemer GMVA-8 engine (Source 031), as clean burn spark ignition engine (SI RICE), without increasing its rated 1,100 hp, 2.) Install Control ID C031, Oxygen Catalyst on Source 031. The plan approval was extended.

**28-03069A: Advanced Pellet Technology LLC** (2 East Sixth Street, Waynesboro, PA 17268) on July 31, 2020, for the construction of a pellet plant at the facility located in Waynesboro Borough, **Franklin County**. The



plant will consist of a pelletizer, fluid bed dryer, hammermill, and various screens and conveyors. The plan approval was extended.

**06-05069AB: East Penn Manufacturing Co., Inc.** (P.O. Box 147, Lyon Station, PA 19536) on July 31, 2020, for the installation of battery manufacturing equipment controlled by baghouses, mist eliminators or filtration systems. The equipment will be installed in the Industrial Battery Manufacturing Facility located at East Penn's Lyon Station Plant in Richmond Township, **Berks County**. The plan approval was extended.

*Northcentral Region: Air Quality Program, 208 West Third Street, Williamsport, PA 17701.*

*Contact: Muhammad Q. Zaman, Program Manager; (570) 327-3648.*

**08-00009A: Tennessee Gas Pipeline Co. LLC** (1001 Louisiana Street, Suite 1000, Houston, TX 77002) on July 30, 2020 to extend the authorization to operate a Solar MARS 100 compressor engine at the Troy compressor station located in Troy Township, **Bradford County** on a temporary basis to January 29, 2021. The plan approval has been extended.

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

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

**24-083W: Mersen USA Saint Marys—PA Corporation** (1032 Trout Run Road, Saint Marys, PA 15857) on July 29, 2020, effective July 29, 2020, has issued a plan approval extension to allow for assessment of stack test results in Saint Marys City, **Elk County**. This is a Title V facility. This will expire on January 27, 2021.

**24-083X: Mersen USA Saint Marys—PA Corporation** (1032 Trout Run Road, Saint Marys, PA 15857) on July 29, 2020, effective July 29, 2020, has issued a plan approval extension to allow more time for a plan approval compliance assessment in Saint Marys City, **Elk County**. This is a Title V facility. This will expire on January 27, 2021.

**25-069Q: BASF Corporation** (1729 East Avenue, Erie, PA 16503) on July 29, 2020, effective July 29, 2020, has issued a plan approval extension for awaiting the results of source testing review of the stack test report in Erie City, **Erie County**. This is a State Only facility. This will expire on January 27, 2021.

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**Plan Approvals Denied, Terminated, Modified, Suspended or Revoked under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and the provisions of 25 Pa. Code §§ 127.13b and 127.13c.**

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

*Contact: Raymond Kempa, New Source Review Chief—Telephone: 570-826-2531.*

**13-00019A: PennEast Pipeline Company, LLC** (835 Knitting Mills Way, Wyomissing, PA 19610) terminated on July 23, 2020 for the proposed construction and operation of Kidder Compressor Station, which will be constructed as part of the PennEast Pipeline Project to be located in the Kidder Township, **Carbon County**.

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**Title V Operating Permits Issued under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and 25 Pa. Code Chapter 127, Subchapter G.**

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*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.*

**38-05022: Weaber, Inc.** (1231 Mount Wilson Road, Lebanon, PA 17042-4785) on July 28, 2020, for the lumber processing facility in South Annville Township, **Lebanon County**. The Title V Permit was renewed.

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

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

**32-00065: Specialty Tires of America, Inc.** (1600 Washington Street, Indiana, PA 15701). On July 9, 2020, the Department renewed 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; under-tread 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<sub>x</sub>; 0.06 ton SO<sub>x</sub>; 6.40 tons CO; 82.91 tons VOC; 11,028 tons CO<sub>2</sub>. 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.

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**Operating Permits for Non-Title V Facilities Issued under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and 25 Pa. Code Chapter 127, Subchapter F.**

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

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

**09-00157: Walter R. Earle—Morrisville LLC** (1800 Route 34, Bldg. 2, Suite 205, Wall, NJ 07719) on July 31, 2020, for the renewal of a Synthetic Minor Operating Permit for their Drum Mix Asphalt Plant located in Falls Township, **Bucks County**.

*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.*

**07-03062: Sunoco Pipeline, LP** (525 Fritztown Road, Sinking Spring, PA 19608) on July 31, 2020, for the Hollidaysburg natural gas liquids pump station located in Allegheny Township, **Blair County**. The State-Only Permit was renewed.

**31-03035: Sunoco Pipeline, LP** (525 Fritztown Road, Sinking Spring, PA 19608) on July 31, 2020, for the Markelsburg natural gas liquids pump station located in Penn Township, **Huntingdon County**. The State-Only Permit was renewed.

**21-03108: Sunoco Pipeline, LP** (525 Fritztown Road, Sinking Spring, PA 19608) on July 31, 2020, for the Plainfield natural gas liquids pump station located in Lower Frankford Township, **Cumberland County**. The State-Only Permit was renewed.

**67-05106: Donsco, Inc.** (P.O. Box 2001, Wrightsville, PA 17368-0040) on July 29, 2020, for the gray and ductile iron foundry located in Wrightsville Borough, **York County**. The State-Only Permit was renewed.

*Northcentral Region: Air Quality Program, 208 West Third Street, Williamsport, PA 17701.*

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

**08-00022: Cummings Lumber Co., Inc.** (P.O. Box 6, Route 14 North, Troy, PA 16947) on July 30, 2020, for the renewal issuance of State Only Operating Permit 08-00022 for the Cummings Lumber Co., Inc.'s facility located in Troy Township, **Bradford County**. The State Only Operating Permit contains all necessary requirements including monitoring, recordkeeping, and reporting conditions to ensure compliance with applicable Federal and State regulations.

**18-00011: Croda, Inc.** (8 Croda Way, Mill Hall, PA 17751) on July 22, 2020, was issued an initial State Only "synthetic minor" Operating Permit for their Mill Hall Facility located in Bald Eagle Township, **Clinton County**. The facility's main sources include the Super Refined Oils process and several reactor vessels which are used to synthesize various products. The State Only Operating Permit contains all applicable regulatory requirements including monitoring, recordkeeping and reporting conditions.

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

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

**03-00133: Penn Mag, Inc.** (719 Tarrtown Road, Adrian, PA 16210). On July 28, 2020, the Department renewed the State Only Operating Permit for the foundry facility located in East Franklin Township, **Armstrong County**. The primary sources at the facility include a natural gas fueled 200,000 Btu/hr. rotating cylindrical dryer, a conical ball mill, and material transfer processes. The facility is a Natural Minor. Emissions are estimated to be less than 1.0 tpy PM<sub>10</sub> and 0.5 tpy NO<sub>x</sub>. The renewal permit contains emission restrictions, recordkeeping, work practice, and additional requirements to ensure compliance with the Clean Air Act and the Air Pollution Control Act.

**16-00162: Neiswonger Construction, Mascharka Plant** (17592 Route 322, Strattanville, PA 16258). On July 28, 2020, the Department issued the new State Only Operating Permit for the limestone processing plant located in Richland Township, **Clarion County**. The facility consists of the limestone processing plant (crushers, conveyors, screening, hoppers, storage, loading/unloading, roadways) and a 500 hp diesel engine used to drive the 300 tph impact crusher. The potential emissions of the major pollutants from the facility are as follows: PM<sub>10</sub>: 11.16 TPY, PM<sub>2.5</sub>: 0.16 TPY, NO<sub>x</sub> + NMHC: 5.59 TPY, SO<sub>x</sub>: 2.07 TPY, and CO: 0.99 TPY; thus, the facility is a natural minor. The engine is subject to 40 CFR Part 60, Subpart III, Standards of Performance for Stationary Compression Ignition Internal Combustion Engines, as well as General Permit GP9 conditions. The facility is subject to 40 CFR 60 Subpart OOO, Standards

of Performance for Nonmetallic Mineral Processing Plants, as well as General Permit GP3 conditions. The permit contains emission restrictions, recordkeeping, work practices, and additional requirements to ensure compliance with the Clean Air Act and the Air Pollution Control Act.

**24-00146: National Fuel Gas Supply Corporation** (6363 Main Street, Williamsville, NY 14221). On June 25, 2020, the Department renewed a State Only Operating Permit for the Boone Mountain Compressor Station located in Horton Township, **Elk County**. The facility is a Natural Minor. Potential Emissions are as follows: 10.5 tpy CO; 68.58 tpy NO<sub>x</sub>; 0.87 tpy Particulate Matter; 0.02 tpy SO<sub>x</sub>; 12.09 tpy VOC; 1.54 tpy all combined HAPs; 8,690 tpy CO<sub>2e</sub>; and 192.41 tpy Methane. The primary sources at the facility include two pipeline heaters with a combined rating of 1 million Btu/hr, two 150 hp compressor engines, a 280 hp compressor engine, a 35 hp emergency generator, and a TEG dehydrator. The renewal permit contains emission restrictions, recordkeeping, work practice, and additional requirements to ensure compliance with the Clean Air Act and the Air Pollution Control Act.

**27-00033: National Forest Products** (427 NFP Drive, Marienville, PA 16237). On July 9, 2020, the Department renewed the State Only Operating Permit for the cabinet manufacturing facility located in Jenks Township, **Forest County**. The primary sources at the facility are 2 paint booths and wood staining activities. The facility is a Natural Minor. Potential emissions are 21.6 tpy VOC, 4.74 tpy for single highest HAP; and 8.48 tpy for all HAPs combined; and less than 1 tpy for CO, PM, SO<sub>x</sub>, & NO<sub>x</sub>. The renewal permit contains emission restrictions, recordkeeping, work practice, and additional requirements to ensure compliance with the Clean Air Act and the Air Pollution Control Act.

**61-00193: National Fuel Gas Supply Corporation** (6363 Main Street, Williamsville, NY 14221). On July 14, 2020, the Department renewed a State Only Operating Permit for the Henderson Compressor Station located in Mineral Township, **Venango County**. The facility is a Natural Minor. Potential Emissions are as follows: 72.05 tpy CO; 67.04 tpy NO<sub>x</sub>; 4.40 tpy Particulate Matter; 0.08 tpy SO<sub>x</sub>; 44.04 tpy VOC; 8.17 tpy all combined HAPs; 25,998 tpy CO<sub>2e</sub>; and 4.56 tpy Formaldehyde. The primary sources at the facility include various heaters and reboilers with a combined total heat input rating of 4.095 million Btu/hr, two 1,350 hp compressor engines, a 75 hp air compressor engine, a 402 hp emergency generator, and a TEG dehydrator. The renewal permit contains emission restrictions, recordkeeping, work practice, and additional requirements to ensure compliance with the Clean Air Act and the Air Pollution Control Act.

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**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.**

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*Northcentral Region: Air Quality Program, 208 West Third Street, Williamsport, PA 17701.*

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

**08-00021: Cabinetworks Group Michigan, LLC** (4600 Arrowhead Drive, Ann Arbor, MI 48105) on July 30, 2020, was issued an amended State Only Operating

Permit to indicate a change in the company/facility name and responsible official/permit contact for the Cabinetworks Group Sayre facility, which is located in Athens Township, **Bradford County**. The facility's main sources include woodworking operations, surface coating operations, and two wood/natural gas fired boilers. The amended State Only Operating Permit contains all applicable regulatory requirements including monitoring, recordkeeping and reporting conditions.

**18-00021: Avery Dennison Performance Polymers** (171 Draketown Road, Mill Hall, PA 17751) on July 30, 2020, for a revised operating permit issued for clarification of the content description of storage tanks T-13, T-14 and T-15 incorporated in Source P103. The revised State Only Operating Permit became effective on July 30, 2020, and will expire on September 23, 2024, for the Avery Dennison Performance Polymers' facility located in Bald Eagle Township, **Clinton County**. The revised State Only Operating Permit contains all applicable regulatory requirements including monitoring, recordkeeping and reporting conditions.

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

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

**24-00127: National Fuel Gas Supply Corporation Lamont Station** (6363 Main Street, Williamsville, NY 14221-5887) on August 4, 2020 the Department issued an administrative amendment to the Title V Operating Permit for the facility located in Jones Township, **Elk County**. The amendment incorporates the change in responsible official.

**24-00166: National Fuel Gas Supply Corporation Bowen Compressor Station** (6363 Main Street, Williamsville, NY 14221) on August 4, 2020, the Department issued an administrative amendment to the State Operating Permit for the facility located in Highland Township, **Elk County**. The amendment incorporates the change in responsible official.

## ACTIONS ON COAL AND NONCOAL MINING ACTIVITY APPLICATIONS

**Actions on applications under the Surface Mining Conservation and Reclamation Act (52 P.S. §§ 1396.1—1396.31); the Noncoal Surface Mining Conservation and Reclamation Act (52 P.S. §§ 3301—3326); the Clean Streams Law (35 P.S. §§ 691.1—691.1001); the Coal Refuse Disposal Control Act (52 P.S. §§ 30.51—30.66); the Bituminous Mine Subsidence and Land Conservation Act (52 P.S. §§ 1406.1—1406.21). The final action on each application also constitutes action on the NPDES permit application and, if noted, the request for a Section 401 Water Quality Certification. Mining activity permits issued in response to such applications will also address the application permitting requirements of the following statutes; the Air Quality Control Act (35 P.S. §§ 4001—4015); the Dam Safety and Encroachments Act (32 P.S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P.S. §§ 6018.101—6018.1003).**

### *Coal Permits Issued*

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

**56081301 and NPDES Permit No. PA0235903. LCT Energy, LP**, 938 Mt. Airy Drive, Suite 200, Johnstown, PA 15905, to renew the permit and related NPDES Permit for Reclamation Only for Brubaker Mine located in Shade Township, **Somerset County**. No additional discharges. The application was considered administratively complete on September 5, 2017. Application received: January 17, 2017. Permit issued: June 29, 2020.

**11841603 and NPDES Permit No. PA0235377 and GP12-11841603-R18. Rosebud Mining Company**, 301 Market Street, Kittanning, PA 16201 to renew the permit and related NPDES Permit including renewal of Air Quality GPA/GP12 Authorization for Portage Plant located in Portage Township, **Cambria County**. Approval is authorized under General Permit BAQ-GPA/GP12 and is required to meet all applicable limitations, terms, and conditions of authorization GP12-11841603-R18. No additional discharges. The application was considered administratively complete on June 30, 2017. Application received: December 20, 2016. Permit issued: June 29, 2020.

**30810703 and NPDES Permit No. PA0092894. Consol Pennsylvania Coal Company LLC**, 1000 Consol Energy Drive, Suite 100, Canonsburg, PA 15317 to revise the permit and related NPDES Permit for repurposing existing gas well permit area facilities for Bailey Coal Refuse Disposal Areas No. 1 and No. 2 located in Richhill and Morris Townships, **Greene County**, affecting -9.0 proposed coal refuse disposal acres and affecting -9.0 proposed coal refuse disposal support acres. No additional discharges. The application was considered administratively complete on December 11, 2018. Application received: June 15, 2018. Permit issued: July 1, 2020.

**30831303 and NPDES Permit No. PA0013511. Cumberland Contura, LLC**, 158 Portal Road, P.O. Box 1020, Waynesburg, PA 15370 to revise the permit and related NPDES Permit for post-mining land use change to residential/recreation and forest land for Cumberland Mine located in Whiteley Township, **Greene County**, affecting -13.3 proposed surface acres. No additional discharges. The application was considered administratively complete on November 14, 2018. Application received: June 14, 2018. Permit issued: July 16, 2020.

**30831303 and NPDES Permit No. PA0013511. Cumberland Contura, LLC**, 158 Portal Road, P.O. Box 1020, Waynesburg, PA 15370 to revise the permit and related NPDES Permit for stream restoration to eliminate pooling for Cumberland Mine located in Whiteley and Wayne Townships, **Greene County**. No additional discharges. The application was considered administratively complete on February 27, 2020. Application received: January 29, 2020. Permit issued: July 16, 2020.

**30121301 and NPDES Permit No. PA0213535. Consol Pennsylvania Coal Company LLC**, 1000 Consol Energy Drive, Suite 100, Canonsburg, PA 15317 to revise the permit and related NPDES Permit for construction of three degas boreholes for Harvey Mine located in Richhill and Morris Townships, **Greene County**, affecting 12.9 proposed surface acres. No additional discharges. The application was considered administratively complete on February 7, 2020. Application received: January 13, 2020. Permit issued: July 22, 2020.

**17071301 and NPDES Permit No. PA0235784. Rosebud Mining Company**, 301 Market Street, Kittanning, PA 16201 to renew the permit and related NPDES Permit for Harmony Mine located in Burnside Township,

**Clearfield County.** No additional discharges. The application was considered administratively complete on February 7, 2019. Application received: May 29, 2018. Permit issued: July 22, 2020.

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

**63813210 and NPDES Permit No. PA0615129. Pennsylvania Coal Reclamation, Inc.,** P.O. Box 136, 619 Millers Run Road, Cuddy, PA 15031, Permit renewal issued for continued mining to an existing coal surface mine located in Deemston Borough, **Washington County**, affecting 53.3 acres. Receiving stream(s): Ten Mile Creek. Application received: May 11, 2018. Permit issued: July 30, 2020.

**03100101. Bedrock Mines, LP,** 111 Freeport Road, Pittsburgh, PA 15215. Permit renewal issued for reclamation only to an existing bituminous coal surface mine located in North Buffalo Township, **Armstrong County**, affecting 33.3 acres. Receiving stream(s): Unnamed tributary to Nicholson Run. Application received: June 8, 2020. Permit issued: July 30, 2020.

#### *Coal Permit Withdrawn*

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

**56121301 and NPDES Permit No. PA0236152. AK Coal Resources, Inc.,** 1134 Stoystown Road, Friedens, PA 15541, to revise the permit and related NPDES Permit. AK Coal Resources, Inc. is proposing to permit 1,203.5 acres of subsidence control plan area in the Upper Kittanning Coal Seam within the approved underground permit area for CMAP No. 56121301. Additionally, 2,749.6 subsidence control plan acres will transfer from CMAP No. 56131302 (Lower Kittanning Coal Seam) to CMAP No. 56121301. The revision is for North Fork Mine located in Jenner and Quemahoning Townships, **Somerset County**, affecting 1,203.5 proposed surface acres Upper Kittanning, affecting 90.3 proposed surface acres Middle Kittanning, and affecting 2,749.6 proposed surface acres Lower Kittanning. No additional discharges. The application was considered administratively complete on August 30, 2019. Application received: July 17, 2019. Permit Withdrawn: July 16, 2020.

#### *Noncoal Permits Issued*

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

**03200801 and NPDES Permit No. PA0278432. Allegheny Metals and Minerals, Inc.,** 733 Washington Road, 5th Floor, Pittsburgh, PA 15228, Permit issued for commencement, operation and restoration of a small noncoal mine located in Gilpen Township, **Armstrong County**, affecting 1.41 acres. Receiving stream(s): unnamed tributary to Allegheny River. Application received: February 20, 2020. Permit issued: July 30, 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, 570-621-3118, (Contact: Theresa Reilly-Flannery).*

**Permit No. 15204103. Rock Work, Inc.** (1257 DeKalb Pike, Blue Bell, PA 19422), construction blasting for Solly's in East Vincent Township, **Chester County** with an expiration date of July 31, 2021. Permit issued: July 27, 2020.

**Permit No. 39204108. Valley Rock Solutions, LLC** (P.O. Box 246, Macungie, PA 18062), construction blasting for Morgan Hill Basin in Weisenberg Township, **Lehigh County** with an expiration date of July 22, 2021. Permit issued: July 28, 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. E46-1201, Commerce Pursuit Capital, L.P.**, 1300 Virginia Drive, Suite 215, Fort Washington, PA 19034-3249, Lansdale Borough, **Montgomery County**, ACOE Philadelphia District.

To construct and maintain a luxury apartment complex of approximately 205 residential units at vacant warehouse of size 4.05 acres, which will require to relocate about 416 feet of unnamed tributary to Towamencin Creek (TSF, MF) associated with the new development. The project will also include parking facilities and stormwater management.

The site is located at 117 Broad Street (Lansdale, PA, USGS Quadrangle, Latitude: 40.238222; Longitude: -75.285408) in Lansdale Borough, Montgomery County. Permit issued July 24, 2020.

**Permit No. E5101220-022, The Children's Hospital of Philadelphia**, 3501 Civic Center Boulevard, CTRB12405-4, Philadelphia, PA 19104, City of Philadelphia, **Philadelphia County**, ACOE Philadelphia District.

To enhance an existing 4-foot by 4-foot box culvert outfall with the construction and maintenance of a 4-foot by 7-foot outfall discharging to the Schuylkill River (WWF-MF) in association with the sewer reroute and outfall upgrades for the future CHOP expansion project. This activity includes the removal of the existing outfall and the construction and maintenance for the culvert outfall and wingwalls resulting in 100 square feet (0.002 acre) of temporary floodway impact and 100 square feet (0.002 acre) of permanent floodway impact.

This project bound by the I-76 ramp to the north and east, the Schuylkill River to the south, and a PECO building to the west in Philadelphia (USGS Philadelphia, PA Quadrangle—Latitude: 39.948486 N, Longitude: 75.196749 W). Permit issued July 30, 2020.

#### DAM SAFETY

*Central Office: Bureau of Waterways Engineering and Wetlands, Rachel Carson State Office Building, Floor 2, 400 Market Street, Harrisburg, PA 17101, telephone number: 717-787-3411.*

**D30-089. Consol PA Coal Co., LLC**, 1000 Consol Energy Drive, Canonsburg, PA 15137. Permit issued to construct Bailey No. 7 Slurry Impoundment Dam, located across a tributary of Enlow Fork, for the purpose of storage and disposal of coal refuse. (Rogersville, PA Quadrangle, Lat: 39° 58' 09" N; Long: 80° 21' 57" W) Morris Township, **Greene County**.

**D30-090. Consol PA Coal Co., LLC**, 1000 Consol Energy Drive, Canonsburg, PA 15137. Permit issued to construct Bailey No. 7 Saddle A Dam, located across a tributary of Browns Creek, for the purpose of storage and disposal of coal refuse. (Rogersville, PA Quadrangle, Lat: 39° 58' 42" N; Long: 80° 20' 45" W) Morris Township, **Greene County**.

**D30-091. Consol PA Coal Co., LLC**, 1000 Consol Energy Drive, Canonsburg, PA 15137. Permit issued to construct Bailey No. 7 Saddle B Dam, located across a tributary of Patterson Creek, for the purpose of storage and disposal of coal refuse. (Rogersville, PA Quadrangle, Lat: 39° 58' 20" N; Long: 80° 21' 22" W) Morris Township, **Greene County**.

**D30-092. Consol PA Coal Co., LLC**, 1000 Consol Energy Drive, Canonsburg, PA 15137. Permit issued to construct Bailey No. 7 Saddle C Dam, located across a tributary of Patterson Creek, for the purpose of storage and disposal of coal refuse. (Rogersville, PA Quadrangle, Lat: 39° 58' 13" N; Long: 80° 21' 30" W) Morris Township, **Greene County**.

**D30-093. Consol PA Coal Co., LLC**, 1000 Consol Energy Drive, Canonsburg, PA 15137. Permit issued to construct Bailey No. 7 Saddle D Dam, located across a tributary of Patterson Creek, for the purpose of storage and disposal of coal refuse. (Rogersville, PA Quadrangle, Lat: 39° 58' 08" N; Long: 80° 21' 42" W) Morris Township, **Greene County**.

**D30-094. Consol PA Coal Co., LLC**, 1000 Consol Energy Drive, Canonsburg, PA 15137. Permit issued to construct Bailey No. 7 Sediment Pond Dam, located across a tributary of Enlow Fork, for the purpose of capturing flow and sediment on the Bailey No. 7 site. (Rogersville, PA Quadrangle, Lat: 39° 58' 00" N; Long: 80° 22' 32" W) Morris Township, **Greene 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.

*Northwest Region: Oil and Gas Program Manager, 230 Chestnut St., Meadville, PA 16335.*

ESCGP-3 # ESG082420002-00

Applicant National Fuel Gas Midstream Co, LLC

Contact Michael Kasprzak

Address, City, State, Zip Code 6363 Main Street, Williamsport, NY 14221

County Elk

Township Jones

Receiving Stream(s) and Classification(s) Windfall Run HQ (CWF, MF), Driftwood Branch Sinnemahoning Creek HQ (CWF, MF), Straight Creek HQ (CWF), and South Fork Straight Creek HQ (CWF)

Secondary Waters Sinemahoning Creek (WWF) and East Branch Clarion River HQ (CWF)

ESCGP-3 # ESG08102002-00/Debbie Lane to W46 Pipeline

Applicant Pine Run Midstream LLC

Contact Doug Mehan

Address, City, State, Zip Code 1000 Commerce Drive, Park Place One, Pittsburgh, PA 15275

County Butler

Township(s) Winfield

Receiving Stream(s) and Classification(s) UNTs to Cornplanter Run; Trib 42625 to Cornplanter Run; Trib 42626 to Cornplanter Run

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

ESCGP-3 # ESG290820013-00

Applicant Name Chesapeake Appalachia, LLC

Contact Person Eric Haskins

Address 14 Chesapeake Lane

City, State, Zip Sayre, PA 18840

County Bradford

Township(s) Tuscarora

Receiving Stream(s) and Classification(s) Fargo Creek (CWF, MF), Tuscarora Creek (CWF, MF)

Secondary: Susquehanna River (WWF, 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.*

**Market Convenience**, Storage Tank ID # 40-23187, 581 Market Street, Kingston, PA 18704, Kingston Borough, **Luzerne County**. MEA, 1365 Ackermanville Road, Bangor, PA 18013, on behalf of ANS Real Estate LLC, 581 Market Street, Kingston, PA 18704, submitted a Remedial Action Completion Report concerning remediation of soil and groundwater contaminated with gasoline. The report is intended to document remediation of the site to meet Statewide health standards.

**Uni Mart # 4308**, Storage Tank ID # 40-29872, 3000 Bear Creek Boulevard, Bear Creek, PA 18702, Bear Creek Township, **Luzerne County**, LaBella Associates, 1000 Dunham Drive, Suite B, Dunmore, PA 18512, on behalf of National Retail Properties Trust, 450 South Orange Avenue, Orlando, FL 32801, submitted a Remedial Action Completion Report concerning remediation of groundwater contaminated with petroleum. The report is intended to document remediation of the site to meet Statewide health standards.

**Hickory Run Travel Plaza**, Storage Tank ID # 13-07456, 2550 State Route 534, White Haven, PA 18661, East Side Borough, **Carbon County**, MEA, 1365 Ackermanville Road, Bangor, PA 18013, on behalf of Raceway Holdings LLC, 2227 Scranton-Carbondale Highway, Scranton, PA 18508, submitted a Remedial Action Completion Report concerning remediation of soil and groundwater contaminated with petroleum. The report is intended to document remediation of the site to meet Statewide health standards.

*Southcentral Region: Environmental Cleanup & Brownfields Program, 909 Elmerton Avenue, Harrisburg, PA 17110, 717-705-4705.*

*Contact: Gregory Bowman, Environmental Group Manager.*

**Mechanicsburg North Terminal**, Storage Tank Facility ID # 21-00827, 127 Texaco Road, Mechanicsburg, PA 17050, Silver Spring Township, **Cumberland County**. Groundwater Services International, Inc., 443 McCormick Road, Mechanicsburg, PA 17055 on behalf of Lucknow Highspire Terminals, LLC, P.O. Box 2621, Harrisburg, PA 17105 submitted a Remedial Investigation Report/Remedial Action Completion Report/Final Report concerning remediation of soil and groundwater contaminated with petroleum constituents. The plan is intended to document remediation of the site to meet the Site-Specific Standard and the Statewide Health Standard.

*Southwest Region: Environmental Cleanup Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.*

**Watkins Market**, Primary Facility ID # 65-12005, 427 State Rt. 271, Ligonier, PA 15658, Ligonier Township, **Westmoreland County**. CORE Environmental Services Inc., 3960 William Flinn Hwy., Ste. 100, Allison Park, PA 15101, on behalf of Lynn Watkins, 427 Rt. 271, Ligonier, PA 15658, submitted a revised Remedial Action Completion Report concerning the remediation of soil and groundwater contaminated with petroleum products. The report is intended to document remediation of the site to meet the site-specific standard.

**Berlin Auto, LLC**, Primary Facility ID # 56-81167, 3512 Berlin Plank Rd., Berlin, PA 15530, Berlin Borough,

**Somerset County.** Appalachian Engineering Group, LLC, 213 Dale Street, Suite 1, Meyersdale, PA 15552, on behalf of Berlin Auto, LLC, 913 Rockdale Rd., Rockwood, PA 15557, submitted a combined Site Characterization Report and Remedial Action Plan concerning the remediation of soil and groundwater contaminated with petroleum products. The report is intended to document remediation of the site to meet the site-specific standard.

**7 Eleven No. 36139,** Primary Facility ID # 02-80189, 285 Mount Lebanon Blvd., Pittsburgh, PA 15234, Pittsburgh City, **Allegheny County.** AECOM Inc., 3200 Hackberry Rd., Irving, TX 75063, on behalf of 7 Eleven Inc., 3200 Hackberry Rd., P.O. Box 711 (0148), Dallas, TX 75221, submitted a Remedial Action Completion Report concerning the remediation of groundwater contaminated with petroleum products. The report is intended to document remediation of the site to meet the Statewide health and site-specific standard.

## CORRECTIVE ACTION UNDER ACT 32, 1989

### PREAMBLE 3

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**The DEP has taken action on the following plans and reports under the Storage Tank and Spill Prevention Act (35 P.S. §§ 6021.101—6021.2104).**

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

A remedial action plan is submitted to summarize the site characterization, document the design and construction details for the remedial action, and describe how the remedial action will attain the selected remediation standard. The remedial action plan also provides results of studies performed and data collected to support the remedial action and a description of postremediation care requirements. A remedial action completion report is submitted to document cleanup of a release of a regulated substance at a site to the selected remediation standard. A remedial action completion report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis of selecting the environmental media of concern, documentation supporting the selection of residential or non-residential exposure factors, a description of the remediation performed and summaries of sampling methodology and analytical results which demonstrate that the remediation has attained the cleanup standard selected.

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

For further information concerning the plans and reports, please contact the Environmental Cleanup Program Manager in the DEP Regional Office under which the notice of the plan or report appears. If information concerning a report is required in an alternative form, contact the Community Relations Coordinator at the appropriate Regional Office listed. TDD users may telephone the DEP through the Pennsylvania AT&T Relay Service at (800) 654-5984.

The DEP has received the following plans and reports:

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

**Carriage Stop Plaza Sunoco,** Storage Tank ID # 40-38017, 2500 East End Boulevard, Wilkes-Barre, PA 18702, Plains Township, **Luzerne County.** MEA, 1365 Ackermanville Road, Bangor, PA 18013, on behalf of Anup Patel, 2500 East End Boulevard, Wilkes-Barre, PA 18702, has submitted a combined Site Characterization Report and Remedial Action Plan concerning remediation of soil and groundwater contaminated with gasoline. The report was not acceptable to meet Statewide Health Standards and was disapproved by DEP on July 30, 2020.

**C&C Service Center,** Storage Tank ID # 45-00376, 2942 Route 940 East, Coolbaugh Township, **Monroe County,** MEA, 1365 Ackermanville Road, Bangor, PA 18013, on behalf of Bozena Gawrych, P.O. Box 523, Mount Pocono, PA 18344, submitted a revised Remedial Action Plan concerning remediation of soil and groundwater contaminated with gasoline. The report was acceptable for meeting a combination of Site-Specific and Statewide Health Standards and was approved by DEP on August 3, 2020.

*Southwest Region: Environmental Cleanup Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.*

**Dick Valley Texaco,** Primary Facility ID # 02-23700, 8139 Bennet St., Pittsburgh, PA 15221, Pittsburgh City, **Allegheny County.** Flynn Environmental, Inc., 5640 Whipple Ave., N.W., North Canton, OH 44720, on behalf of Gino Aquiline, 4630 Sardis Rd., New Kensington, PA 15068, submitted a combined Site Characterization Report and Remedial Action Plan concerning the remediation of soil and groundwater contaminated with petroleum products. The report was acceptable to meet the Statewide health standards and was approved on July 14, 2020.

**Former BP 00986,** Primary Facility ID # 02-80294, 430 William Penn Hwy., Monroeville, PA 15146, Monroeville, **Allegheny County.** Parsons, 3606 Park 42 Drive, Box 13, Sharonville, OH 45241 on behalf of John Franckenthal, BP Remediation Management Services, 150 W. Warrenville Rd., MC 600-1015F, Naperville, IL 60563, submitted a Remedial Action Completion Report concerning the remediation of soil and groundwater contaminated with petroleum products. The report was acceptable to meet the Statewide health standards and was approved on July 14, 2020.

[Pa.B. Doc. No. 20-1105. Filed for public inspection August 14, 2020, 9:00 a.m.]

## DEPARTMENT OF ENVIRONMENTAL PROTECTION

### Aggregate Advisory 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 Aggregate Advisory Board (Board) meeting scheduled for Wednesday, November 4, 2020, will be held as a virtual meeting and will begin at 10 a.m. Individuals wishing to join the meeting may do so remotely. Information will be provided on the Board's webpage. Individuals interested in providing public comments during the meeting must sign up prior to the start of the meeting by contacting Daniel E. Snowden at dsnowden@pa.gov or (717) 783-8846.

Information on how to join the meeting, as well as the 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](http://www.dep.pa.gov) (select "Public Participation," then "Advisory Committees," then "Mining Advisory Committees," then "Aggregate Advisory Board" 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 November 4, 2020, meeting can be directed to Daniel E. Snowden at [dsn Snowden@pa.gov](mailto:dsn Snowden@pa.gov) or (717) 783-8846.

Persons in need of accommodations as provided for in the Americans with Disabilities Act of 1990 should contact Daniel E. Snowden at (717) 783-8846 or through the Pennsylvania 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. 20-1106. Filed for public inspection August 14, 2020, 9:00 a.m.]

## DEPARTMENT OF ENVIRONMENTAL PROTECTION

### Agricultural Advisory Board and Nutrient Management Advisory Board Joint Virtual Meeting

The Agricultural Advisory Board meeting scheduled for Thursday, August 27, 2020, at the Department of Agriculture Building, will now be held as a joint meeting with the Nutrient Management Advisory Board and will be a virtual meeting only.

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 joint virtual meeting of the Agricultural Advisory Board and Nutrient Management Advisory Board will begin at 9 a.m. Individuals wishing to join the meeting may do so remotely. Information will be provided on the Agricultural Advisory Board's webpage. Individuals interested in providing public comments during the meeting must sign up prior to the start of the meeting by contacting Jay Braund at [jbraund@pa.gov](mailto:jbraund@pa.gov) or (717) 772-5636.

Information on how to join the meeting, as well as agenda and meeting materials, will be available on the Agricultural Advisory Board's webpage, found through the Public Participation tab on the Department of Environmental Protection's (Department) web site at [www.dep.pa.gov](http://www.dep.pa.gov) (select "Public Participation," then "Advisory Committees," then "Water Advisory Committees," then "Agricultural Advisory Board," then "Agendas and Handouts").

Individuals are encouraged to visit the Agricultural Advisory Board's webpage to confirm meeting date, time and location prior to each meeting. Questions concerning the August 27, 2020, meeting can be directed to Jay Braund at [jbraund@pa.gov](mailto:jbraund@pa.gov) or (717) 772-5636.

Persons in need of accommodations as provided for in the Americans with Disabilities Act of 1990 should con-

tact the Department at (717) 772-5636 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. 20-1107. Filed for public inspection August 14, 2020, 9:00 a.m.]

## DEPARTMENT OF ENVIRONMENTAL PROTECTION

### Bid Opportunity

**OSM 33(6102)101.1, Abandoned Mine Reclamation Project, Saint Tobias Cemetery, Snyder Township, Jefferson County.** The principal items of work and approximate quantities include: clearing and grubbing, 1 lump sum; grading, 162,500 cubic yards; trench drain: (a) excavation, 20,900 cubic yards; (b) filter fabric, 17,595 square yards; (c) R-4 rock, 12,900 tons; (d) R-6 rock, 22,100 tons; rolled erosion control products, 28,900 square yards; access roadway surface material, 905 square yards; and seeding, 22 acres.

This bid issues on August 7, 2020, and bids will be opened on September 3, 2020, at 2 p.m. Bid documents, including drawings in PDF format and AutoCAD Map 3D format, may be downloaded for free beginning on the issue date from the Department of Environmental Protection by going to [www.BidExpress.com](http://www.BidExpress.com). This project is financed by the Federal government under the authority given it by the Surface Mining Control and Reclamation Act of 1977 (act) (30 U.S.C.A. §§ 1201—1328) and is subject to the act and to the Federal grant for this project. Contact the Construction Contracts Section at (717) 787-7820 or [RA-ConstructionContr@pa.gov](mailto:RA-ConstructionContr@pa.gov) for more information on this bid.

PATRICK McDONNELL,  
*Secretary*

[Pa.B. Doc. No. 20-1108. Filed for public inspection August 14, 2020, 9:00 a.m.]

## DEPARTMENT OF ENVIRONMENTAL PROTECTION

### Draft National Pollutant Discharge Elimination System General Permit for Operation of Concentrated Animal Feeding Operations (PAG-12)

The Department of Environmental Protection (Department) is announcing the availability of a draft National Pollutant Discharge Elimination System (NPDES) General Permit for Operation of Concentrated Animal Feeding Operations (PAG-12). To access the draft General Permit and related documents, visit [www.depgreenport.state.pa.us/elibrary/](http://www.depgreenport.state.pa.us/elibrary/) (select "Permit and Authorization Packages," then "Clean Water," then "Draft—PAG-12 NPDES General Permit for Operation of Concentrated Animal Feeding Operations").

The PAG-12 General Permit is intended to provide NPDES permit coverage to persons operating concen-



trated animal feeding operations (CAFO) within this Commonwealth in satisfaction of State and Federal NPDES permit requirements, as established in 25 Pa. Code Chapter 92a (relating to National Pollutant Discharge Elimination System permitting, monitoring and compliance), where such CAFOs meet the eligibility requirements of the PAG-12 General Permit.

The Department published notice of the availability of a final PAG-12 General Permit at 48 Pa.B. 1898 (March 31, 2018). This PAG-12 General Permit became effective April 1, 2018, with an expiration date of March 31, 2023. Since the reissuance of the 2018 PAG-12 General Permit, the Department has become aware of several modifications that are necessary to make corrections and to reduce administrative burdens associated with the 2018 PAG-12 General Permit. The modifications that the Department is proposing to make through amendment of the PAG-12 General Permit are as follows:

- *Coverage Expiration Date*—A specific expiration date will be identified on the coverage approval page of the amended PAG-12 General Permit. This date will coincide with the expiration date of the master PAG-12 General Permit. All coverage under the amended PAG-12 General Permit will expire on the same date. CAFOs are expected to submit a timely Notice of Intent (NOI) for continuation of coverage under a reissued general permit prior to expiration of their existing coverage. The Department will provide information on what will be expected of CAFOs for future permit coverage at a later date.

- *Annual Report Serving as NOI*—Under the 2018 PAG-12 General Permit, CAFO Annual Reports are considered NOIs to continue coverage under the General Permit. The Department chose to utilize this CAFO Annual Report/NOI arrangement in an effort to reduce administrative burden while ensuring that permitted CAFOs continue to be eligible for coverage. In the Department's experience since the 2018 PAG-12 General Permit was issued, the CAFO Annual Report/NOI arrangement has not reduced administrative burden as intended. In addition, members of the public have expressed confusion over the role and function of CAFO Annual Reports. The amended PAG-12 General Permit would no longer consider CAFO Annual Reports as NOIs. Permittees authorized to operate under the amended PAG-12 General Permit will continue to submit CAFO Annual Reports under Part A.III.D., but the Department would no longer consider the CAFO Annual Report to serve as an NOI.

- *Removal of Automatic Expiration of Coverage Language*—The 2018 PAG-12 General Permit specifies that failure to submit the CAFO Annual Report and the annual NOI installment fee payment by the due date will constitute an expiration of coverage. The Department has determined that this language reduces the Department's discretion, produces an administrative burden, and is no longer necessary with the change to the role and function of the CAFO Annual Report as previously explained. The Department is proposing to clarify that failure to submit the CAFO Annual Report and the annual NOI installment fee payment may result in revocation of coverage or enforcement action. The Department will continue to take necessary enforcement action in the event a permittee fails to submit timely CAFO Annual Reports or annual NOI installment fee payments.

- *Daily Water Line Inspections*—The 2018 PAG-12 General Permit includes a requirement from Federal regulations at 40 CFR 412.37 (relating to additional measures) that operations with at least 700 mature dairy cows or

1,000 cattle, or both, other than mature dairy cows and veal calves must inspect water lines daily, including drinking water or cooling water lines, for the presence of leaks. The 2018 PAG-12 General Permit inadvertently omitted other types of operations that must conduct daily water line inspections under Federal regulations. Those operations include all Large CAFOs except those with sheep, lambs, horses or ducks. This omission will be corrected in the amended PAG-12 General Permit.

The Department is proposing to amend the 2018 PAG-12 General Permit as previously described. The amended PAG-12 General Permit will be effective for the remainder of the current permit term. An NOI to remain covered under the amended PAG-12 General Permit will be due by January 1, 2021. The Department will publish notice of the receipt of NOIs in the *Pennsylvania Bulletin* and will publish notice when actions are taken by the Department to approve or deny a CAFO's coverage under the amended PAG-12 General Permit.

*Written Comments:* Interested persons are invited to submit written comments regarding the Draft PAG-12 General Permit and associated documents through Monday, September 14, 2020. Comments submitted by facsimile will not be accepted. Comments, including comments submitted by e-mail, must include the commentator's name and address. Commentators are encouraged to submit comments using the Department's online eComment tool at [www.ahs.dep.pa.gov/eComment](http://www.ahs.dep.pa.gov/eComment). Written comments should be submitted by e-mail to [ecomment@pa.gov](mailto:ecomment@pa.gov) or by mail to the Department of Environmental Protection, Policy Office, Rachel Carson State Office Building, P.O. Box 2063, Harrisburg, PA 17105-2063.

Written comments submitted during the 30-day comment period will be retained by the Department and considered in finalizing the PAG-12 General Permit. The Department will provide an opportunity for any interested person or group of persons, any affected State, any affected interstate agency, the United States Environmental Protection Agency or any interested agency to request or petition for a public hearing with respect to the proposed PAG-12 General Permit. The request or petition for public hearing, which must be filed within the 30-day period allowed for filing of written comments, must indicate the interest of the party filing the request and the reasons why a hearing is warranted. A hearing will be held if there is significant public interest.

PATRICK McDONNELL,  
Secretary

[Pa.B. Doc. No. 20-1109. Filed for public inspection August 14, 2020, 9:00 a.m.]

## DEPARTMENT OF ENVIRONMENTAL PROTECTION

### Mining and Reclamation Advisory 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 Mining and Reclamation Advisory Board (Board) meeting scheduled for Thursday, October 22, 2020, will be held as a virtual meeting and will begin at 10 a.m. Individuals wishing

to join the meeting may do so remotely. Information will be provided on the Board's webpage. Individuals interested in providing public comments during the meeting must sign up prior to the start of the meeting by contacting Daniel E. Snowden at dsnowden@pa.gov or (717) 783-8846.

Information on how to join the meeting, as well as agenda and meeting materials, will be available on the Board's webpage, found through the Public Participation tab on the Department of Environmental Protection's (Department) web site at [www.dep.pa.gov](http://www.dep.pa.gov) (select "Public Participation," then "Advisory Committees," then "Mining Advisory Committees," then "Mining and Reclamation Advisory Board" 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 October 22, 2020, meeting can be directed to Daniel E. Snowden at dsnowden@pa.gov or (717) 783-8846.

Persons in need of accommodations as provided for in the Americans with Disabilities Act of 1990 should contact Daniel E. Snowden at (717) 783-8846 or through the Pennsylvania 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. 20-1110. Filed for public inspection August 14, 2020, 9:00 a.m.]

## DEPARTMENT OF ENVIRONMENTAL PROTECTION

### State Board for Certification of Sewage Enforcement Officers Rescheduled Virtual Meeting

The State Board for Certification of Sewage Enforcement Officers (Board) meeting scheduled for Wednesday, August 19, 2020, has been rescheduled to Wednesday, September 30, 2020. 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 September meeting will be held as a virtual meeting and will begin at 10 a.m. Individuals wishing 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](http://www.dep.pa.gov) (select "Public Participation," then "Advisory Committees," then "Water Advisory Committees," then "State Board for Certification of Sewage Enforcement Officers").

Individuals are encouraged to visit the Board's webpage to confirm meeting date, time and location prior to each meeting. Persons with questions concerning the September 30, 2020, meeting can e-mail RA-SEOTRNG@pa.gov or call (717) 772-2186.

Persons in need of accommodations as provided for in the Americans with Disabilities Act of 1990 should contact the Department at (717) 772-2186 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. 20-1111. Filed for public inspection August 14, 2020, 9:00 a.m.]

## DEPARTMENT OF ENVIRONMENTAL PROTECTION

### State Board for Certification of Sewage Enforcement Officers; Update to Certification Examination Schedule

The State Board for Certification of Sewage Enforcement Officers (Board) has updated the Certification Examination Schedule for the remainder of 2020.

To qualify to sit for the certification examination, all Sewage Enforcement Officer (SEO) candidates must complete the Pre-Certification Academy. Examination applications must be received (not postmarked) by the Board, complete and correct, by close of business on the dates indicated. Applications received after these dates will not be considered for examination. Applications that do not contain all the necessary required information will be returned and will not be considered eligible for the examination. The examination schedule for the remainder of 2020 is as follows:

<i>Examination Date:</i>	Monday, September 28, 2020 (registration 8:30 a.m., exam 9 a.m. to 12:30 p.m.)
<i>Examination Application Deadline:</i>	Friday, September 18, 2020
<i>Location:</i>	Pennsylvania State Association of Township Supervisors PSATS Education Center 4855 Woodland Drive Enola, PA 17025
<i>Examination Date:</i>	Friday, October 30, 2020 (registration 12:30 p.m., exam 1 p.m. to 4:30 p.m.)
<i>Examination Application Deadline:</i>	Friday, October 9, 2020
<i>Location:</i>	Pennsylvania State Association of Township Supervisors PSATS Education Center 4855 Woodland Drive Enola, PA 17025

Additional examination dates will be posted as scheduled. Individuals are encouraged to visit the Board's webpage to confirm date, time and location prior to each examination.

The SEO written examination contains 100 multiple-choice questions covering planning requirements, administration and enforcement of the permit program and technical criteria for soils and disposal systems with a 3 1/2-hour time limit. The passing grade is 50% correct responses in each subject area and an overall minimum of 70 correct answers on the entire examination. This is an open book examination. Applicants are not permitted to bring their own materials. Necessary reference materials will be provided at the test site.

Examination applications may be obtained by contacting the Department of Environmental Protection, Rachel Carson State Office Building, 400 Market Street, P.O. Box 8774, Harrisburg, PA 17105-8774, (717) 772-2186.

Applicants will receive an admittance notification e-mail from the Board prior to the date of the examination.

Persons who anticipate the need for a testing accommodation due to a disability should contact the Board at (717) 772-2186 or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users) to discuss their request. This request must be submitted with the application form.

PATRICK McDONNELL,  
*Secretary*

[Pa.B. Doc. No. 20-1112. Filed for public inspection August 14, 2020, 9:00 a.m.]

## DEPARTMENT OF HEALTH

### Human Immunodeficiency Virus (HIV) Community Prevention Planning Committee Public Virtual Meetings; Amended Notice

The Statewide HIV Planning Group, established by the Department of Health (Department) under sections 301(a) and 317 of the Public Health Service Act (42 U.S.C.A. §§ 241(a) and 247b), will hold virtual meetings on Wednesday, August 19, 2020, from 9 a.m. to 4:45 p.m. and on Thursday, August 20, 2020, from 9 a.m. to 12 p.m.

Participants can access the meetings through the following options:

To join the Skype meeting:

1. To join by computer, access the following link for the meeting one wishes to join. Individuals who have a camera and microphone on their computer need to do nothing further.

2. Individuals who need to connect by phone should dial one of the following numbers, and enter the meeting ID which is listed following the meeting link:

- a. Toll-free number: 866-588-4789
- b. Toll number: 1-412-648-8888

3. Individuals having trouble connecting to the meeting should contact Brian Adams at brian.adams@pitt.edu.

#### *Day 1: Main Meeting*

To join by computer, use the link <https://meet.lync.com/pitt/bra25/P1188SWP>  
Meeting ID (to join by phone): 231878525#

#### *Day 1: Evaluation Subcommittee*

To join by computer, use the link <https://meet.lync.com/pitt/bra25/M5YM32ST>  
Meeting ID (to join by phone): 643243054#

#### *Day 1: Assessment Subcommittee*

To join by computer, use this link: <https://meet.lync.com/pitt/bra25/26LYRHBW>  
Meeting ID (to join by phone): 152588562#

#### *Day 2: Main Meeting*

To join by computer, use this link: <https://meet.lync.com/pitt/bra25/D4N02DKC>  
Meeting ID (to join by phone): 661889181#

Jurisdictional HIV prevention planning is a required activity of the Department's Centers for Disease Control and Prevention Integrated HIV Surveillance and Prevention Programs for Health Departments grant. Additionally, the Ryan White HIV/AIDS Treatment Extension Act of 2009 (Pub.L. No. 111-87), previously known as the Ryan White Comprehensive AIDS Resources Emergency Act of 1990 (42 U.S.C.A. §§ 300ff-21—300ff-38), requires that the Department engage in a public advisory planning process in developing a comprehensive plan. The purpose of these meetings is to conduct an integrated prevention and care HIV planning process by which the Department works in partnership with the community and stakeholders to enhance access to HIV prevention, care and treatment services.

For additional information, or persons with a disability who wish to attend the meeting who require an auxiliary aid, service or other accommodation to do so should contact Kyle Fait, Planning Coordinator, Department of Health, Bureau of Communicable Diseases, 625 Forster Street, Health and Welfare Building, Harrisburg, PA 17120, (717) 260-8929, 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).

The Department reserves the right to cancel these meetings without prior notice.

RACHEL L. LEVINE, MD,  
*Secretary*

[Pa.B. Doc. No. 20-1113. Filed for public inspection August 14, 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(j) (relating to prevention, control and surveillance of tuberculosis (TB)):

Redstone Highlands Health Care Center  
6 Garden Center Drive  
Greensburg, PA 16662  
FAC ID # 073202

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

The Rehabilitation and Nursing Center at Greater Pittsburgh  
890 Weatherwood Lane  
Greensburg, PA 15601  
FAC ID # 092002

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. 20-1114. Filed for public inspection August 14, 2020, 9:00 a.m.]

## DEPARTMENT OF HUMAN SERVICES

### Rate Methodology for Living Independence for the Elderly Sites Operating Under Medicare and Medicaid Capitation Program of All-Inclusive Care for the Elderly

This announcement provides advance notice that the Department of Human Services (Department) intends to revise its current rate methodology for the Living Independence for the Elderly (LIFE) sites operating under Medicare and Medicaid capitation Program of All-Inclusive Care for the Elderly (PACE) to be effective beginning Fiscal Year (FY) 2021-2022.

#### *Proposed Methodology*

The Department will determine on an annual basis the rates paid to the PACE plans as a percentage of the amount that would have otherwise been paid (AWOP) (Formerly Upper Payment Limit). The AWOP is based on the current Medicaid delivery system costs derived from a comparable population (55 or older) of nursing facility and Home and Community-Based Services (HCBS) eligibles. To develop the AWOP, the data from sub-populations (Dually Eligible and Non-Dually Eligible) of nursing facility and HCBS clients are blended into the final AWOP.

Paid Medicaid claims are the source data for the AWOP calculation. Detailed claims data is obtained from the State's Provider Reimbursement and Operations Management System. The AWOP percentage is determined annually after negotiation with the LIFE providers and consideration of differences between the Medicaid population from which the PACE AWOP is developed and the actual enrollment in the PACE plans, including relative acuity. The following two groups are used to determine payment for PACE:

- Dually Eligible Individuals (Medicaid and Medicare)
- Non-Dually Eligible Individuals (Medicaid Only)

The State assures Centers for Medicare & Medicaid Services (CMS) that the capitated rates are less than comparable Medicaid costs as defined by the PACE AWOP.

The Department will submit a State Plan Amendment (SPA) to the CMS to request approval of the revised rate methodology. If CMS approves the SPA, the total funds will consist of both State and Federal funding.

#### *Fiscal Impact*

There is no fiscal impact associated with this change in FY 2021-2022.

#### *Public Comment*

Interested persons are invited to submit written comments regarding this change in methodology to the Department of Human Services, Office of Long-Term Living, Division of Integrated Care Programs, Attention: Jonathan Bowman, P.O. Box 8025, Harrisburg, PA 17105-8025 or at RA-PWLIFE@pa.gov. Comments received within 30 days will be reviewed and considered for any subsequent revision of the notice.

Persons with a disability who require an auxiliary aid or service may submit comments using the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

TERESA D. MILLER,  
Secretary

**Fiscal Note:** 14-NOT-1401. No fiscal impact; (8) recommends adoption.

[Pa.B. Doc. No. 20-1115. Filed for public inspection August 14, 2020, 9:00 a.m.]

## DEPARTMENT OF REVENUE

### Pennsylvania Electric 8s Instant Lottery Game 1479

Under the State Lottery Law (72 P.S. §§ 3761-101—3761-314) and 61 Pa. Code § 819.203 (relating to notice of instant game rules), the Secretary of Revenue hereby provides public notice of the rules for the following instant lottery game:

1. *Name:* The name of the game is Pennsylvania Electric 8s (hereafter "Electric 8s"). The game number is PA-1479.
2. *Price:* The price of an Electric 8s instant lottery game ticket is \$2.
3. *Play symbols:* Each Electric 8s instant lottery game ticket will contain one play area. The play symbols and their captions, located in the play area, are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVNTN), 19 (NINTN), 20 (TWENT), 21 (TWYONE), 22 (TWYTWO), 23 (TWYTHR), 24 (TWYFOR), 25 (TWYFIV), 8 (EIGHT) symbol and an 8X (8TIMES) symbol.
4. *Prize symbols:* The prize symbols and their captions, located in the play area, are: \$2.<sup>00</sup> (TWO DOL), \$4.<sup>00</sup> (FOR DOL), \$5.<sup>00</sup> (FIV DOL), \$8.<sup>00</sup> (EGT DOL), \$10.<sup>00</sup> (TEN DOL), \$20.<sup>00</sup> (TWENTY), \$40.<sup>00</sup> (FORTY), \$80.<sup>00</sup> (EIGHTY), \$100 (ONE HUN), \$400 (FOR HUN), \$1,000 (ONE THO) and \$18,000 (EGTNTHO).

5. *Prizes:* The prizes that can be won in this game are: \$2, \$4, \$5, \$8, \$10, \$20, \$40, \$80, \$100, \$400, \$1,000 and \$18,000. Electric 8s contains a feature that can multiply the prize won. For a complete list of prizes that can be won in this game, including multiplied prizes, see section 8 (relating to number and description of prizes and approximate odds). A player can win up to 12 times on a ticket.

6. *Approximate number of tickets printed for the game:* Approximately 8,400,000 tickets will be printed for the Electric 8s instant lottery game.

7. *Determination of prize winners:*

(a) Holders of tickets upon which an 8 (EIGHT) symbol appears in the play area and a prize symbol of \$18,000 (EGTNTHO) appears in the "Prize" area under that 8 (EIGHT) symbol, on a single ticket, shall be entitled to a prize of \$18,000.

(b) Holders of tickets upon which an 8 (EIGHT) symbol appears in the play area and a prize symbol of \$1,000 (ONE THO) appears in the "Prize" area under that 8 (EIGHT) symbol, on a single ticket, shall be entitled to a prize of \$1,000.

(c) Holders of tickets upon which an 8 (EIGHT) symbol appears in the play area and a prize symbol of \$400 (FOR HUN) appears in the "Prize" area under that 8 (EIGHT) symbol, on a single ticket, shall be entitled to a prize of \$400.

(d) Holders of tickets upon which an 8X (8TIMES) symbol appears in the play area and a prize symbol of \$40<sup>00</sup> (FORTY) appears in the "Prize" area under that 8X (8TIMES) symbol, on a single ticket, shall be entitled to a prize of \$320.

(e) Holders of tickets upon which an 8X (8TIMES) symbol appears in the play area and a prize symbol of \$20<sup>00</sup> (TWENTY) appears in the "Prize" area under that 8X (8TIMES) symbol, on a single ticket, shall be entitled to a prize of \$160.

(f) Holders of tickets upon which an 8 (EIGHT) symbol appears in the play area and a prize symbol of \$100 (ONE HUN) appears in the "Prize" area under that 8 (EIGHT) symbol, on a single ticket, shall be entitled to a prize of \$100.

(g) Holders of tickets upon which an 8 (EIGHT) symbol appears in the play area and a prize symbol of \$80<sup>00</sup> (EIGHTY) appears in the "Prize" area under that 8 (EIGHT) symbol, on a single ticket, shall be entitled to a prize of \$80.

(h) Holders of tickets upon which an 8X (8TIMES) symbol appears in the play area and a prize symbol of \$10<sup>00</sup> (TEN DOL) appears in the "Prize" area under that 8X (8TIMES) symbol, on a single ticket, shall be entitled to a prize of \$80.

(i) Holders of tickets upon which an 8 (EIGHT) symbol appears in the play area and a prize symbol of \$40<sup>00</sup> (FORTY) appears in the "Prize" area under that 8 (EIGHT) symbol, on a single ticket, shall be entitled to a prize of \$40.

(j) Holders of tickets upon which an 8X (8TIMES) symbol appears in the play area and a prize symbol of \$5<sup>00</sup> (FIV DOL) appears in the "Prize" area under that 8X (8TIMES) symbol, on a single ticket, shall be entitled to a prize of \$40.

(k) Holders of tickets upon which an 8X (8TIMES) symbol appears in the play area and a prize symbol of \$4<sup>00</sup> (FOR DOL) appears in the "Prize" area under that 8X (8TIMES) symbol, on a single ticket, shall be entitled to a prize of \$32.

(l) Holders of tickets upon which an 8 (EIGHT) symbol appears in the play area and a prize symbol of \$20<sup>00</sup> (TWENTY) appears in the "Prize" area under that 8 (EIGHT) symbol, on a single ticket, shall be entitled to a prize of \$20.

(m) Holders of tickets upon which an 8X (8TIMES) symbol appears in the play area and a prize symbol of \$2<sup>00</sup> (TWO DOL) appears in the "Prize" area under that 8X (8TIMES) symbol, on a single ticket, shall be entitled to a prize of \$16.

(n) Holders of tickets upon which an 8 (EIGHT) symbol appears in the play area and a prize symbol of \$10<sup>00</sup> (TEN DOL) appears in the "Prize" area under that 8 (EIGHT) symbol, on a single ticket, shall be entitled to a prize of \$10.

(o) Holders of tickets upon which an 8 (EIGHT) symbol appears in the play area and a prize symbol of \$8<sup>00</sup> (EGT DOL) appears in the "Prize" area under that 8 (EIGHT) symbol, on a single ticket, shall be entitled to a prize of \$8.

(p) Holders of tickets upon which an 8 (EIGHT) symbol appears in the play area and a prize symbol of \$5<sup>00</sup> (FIV DOL) appears in the "Prize" area under that 8 (EIGHT) symbol, on a single ticket, shall be entitled to a prize of \$5.

(q) Holders of tickets upon which an 8 (EIGHT) symbol appears in the play area and a prize symbol of \$4<sup>00</sup> (FOR DOL) appears in the "Prize" area under that 8 (EIGHT) symbol, on a single ticket, shall be entitled to a prize of \$4.

(r) Holders of tickets upon which an 8 (EIGHT) symbol appears in the play area and a prize symbol of \$2<sup>00</sup> (TWO DOL) appears in the "Prize" area under that 8 (EIGHT) symbol, on a single ticket, shall be entitled to a prize of \$2.

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

<i>Reveal An 8 (EIGHT) Symbol, Win Prize Shown Under That Symbol. Win With:</i>	<i>Win:</i>	<i>Approximate Odds Are 1 In:</i>	<i>Approximate No. Of Winners Per 8,400,000 Tickets:</i>
\$2	\$2	11.54	728,000
\$2 × 2	\$4	50	168,000
\$4	\$4	75	112,000
\$5	\$5	25	336,000
\$2 × 4	\$8	150	56,000
\$4 × 2	\$8	150	56,000

<i>Reveal An 8 (EIGHT) Symbol, Win Prize Shown Under That Symbol. Win With:</i>	<i>Win:</i>	<i>Approximate Odds Are 1 In:</i>	<i>Approximate No. Of Winners Per 8,400,000 Tickets:</i>
$(\$2 \times 2) + \$4$	\$8	100	84,000
\$8	\$8	75	112,000
$\$2 \times 5$	\$10	375	22,400
$(\$4 \times 2) + \$2$	\$10	375	22,400
$\$8 + \$2$	\$10	150	56,000
\$10	\$10	750	11,200
$\$2 \times 10$	\$20	1,500	5,600
$\$4 \times 5$	\$20	1,500	5,600
$(\$8 \times 2) + (\$2 \times 2)$	\$20	1,500	5,600
$(\$2 \text{ w/ } 8X \text{ SYMBOL}) + (\$2 \times 2)$	\$20	166.67	50,400
\$20	\$20	1,500	5,600
$\$8 \times 5$	\$40	12,000	700
$(\$2 \text{ w/ } 8X \text{ SYMBOL}) \times 2 + \$8$	\$40	2,000	4,200
$(\$4 \text{ w/ } 8X \text{ SYMBOL}) + (\$4 \times 2)$	\$40	2,000	4,200
$\$5 \text{ w/ } 8X \text{ SYMBOL}$	\$40	2,000	4,200
\$40	\$40	6,000	1,400
$\$8 \times 10$	\$80	12,000	700
$(\$10 \times 4) + (\$5 \times 8)$	\$80	12,000	700
$(\$5 \text{ w/ } 8X \text{ SYMBOL}) \times 2$	\$80	3,000	2,800
$\$10 \text{ w/ } 8X \text{ SYMBOL}$	\$80	2,000	4,200
\$80	\$80	12,000	700
$\$10 \times 10$	\$100	24,000	350
$(\$10 \times 2) + (\$8 \times 10)$	\$100	24,000	350
$(\$5 \text{ w/ } 8X \text{ SYMBOL}) \times 2 + (\$8 \times 2) + (\$2 \times 2)$	\$100	24,000	350
$(\$10 \text{ w/ } 8X \text{ SYMBOL}) + (\$10 \times 2)$	\$100	12,000	700
\$100	\$100	24,000	350
$\$80 \times 5$	\$400	420,000	20
$(\$20 \text{ w/ } 8X \text{ SYMBOL}) \times 2 + (\$2 \text{ w/ } 8X \text{ SYMBOL}) \times 5$	\$400	420,000	20
$(\$40 \text{ w/ } 8X \text{ SYMBOL}) + (\$40 \times 2)$	\$400	420,000	20
$(\$40 \text{ w/ } 8X \text{ SYMBOL}) + (\$10 \text{ w/ } 8X \text{ SYMBOL})$	\$400	420,000	20
\$400	\$400	420,000	20
$\$100 \times 10$	\$1,000	420,000	20
\$1,000	\$1,000	420,000	20
\$18,000	\$18,000	840,000	10

Reveal an "8X" (8TIMES) symbol, win 8 TIMES the prize shown under that symbol!

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

9. *Retailer incentive awards:* The Lottery may conduct a separate Retailer Incentive Program for retailers who sell Electric 8s instant lottery game tickets.

10. *Retailer bonus:* The Lottery may offer a retailer bonus in connection with the sale of Pennsylvania instant lottery game tickets. If a retailer bonus is offered, a Lottery retailer shall be eligible for a bonus as described in this section. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum

payout, of at least \$100,000 and not exceeding \$500,000 shall be paid a bonus of \$500. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$500,001 and not exceeding \$1,000,000 shall be paid a bonus of \$5,000. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$1,000,001 and not exceeding \$10,000,000 shall be paid a bonus of \$10,000. A Lottery retailer is entitled only to the largest bonus for which they qualify on a winning ticket. A bonus will be initiated for payment after

the instant ticket is claimed and validated. A bonus will not be awarded to a Lottery retailer that sells a non-winning Pennsylvania Lottery instant ticket used to enter a Pennsylvania Lottery second-chance drawing or promotion that is subsequently selected to win a prize.

11. *Unclaimed prize money:* For a period of 1 year from the announced close of Electric 8s, prize money from winning Electric 8s instant lottery game tickets will be retained by the Secretary for payment to the persons entitled thereto. If no claim is made within 1 year of the announced close of the Electric 8s instant lottery game, the right of a ticket holder to claim the prize represented by the ticket, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided for by statute.

12. *Governing law:* In purchasing a ticket, the customer agrees to comply with and abide by the State Lottery Law (72 P.S. §§ 3761-101—3761-314), 61 Pa. Code Part V (relating to State Lotteries) and the provisions contained in this notice.

13. *Termination of the game:* The Secretary may announce a termination date, after which no further tickets from this game may be sold. The announcement will be disseminated through media used to advertise or promote Electric 8s or through normal communications methods.

C. DANIEL HASSELL,  
Secretary

[Pa.B. Doc. No. 20-1116. Filed for public inspection August 14, 2020, 9:00 a.m.]

10. *Second-Chance Drawing:* The *JAMES BOND Lottery Challenge* Second-Chance Drawings from the Pennsylvania Lottery for qualifying instant lottery game tickets (hereafter, the “Drawings”):

\* \* \* \* \*

(d) *Prizes available to be won, determination of winners, and odds of winning:*

\* \* \* \* \*

(2) The following table sets forth the approximate number of Entry Multiplier Prizes and the approximate odds of winning an Entry Multiplier Prize:

<i>Approximate Number of Entry Multiplier Prizes:</i>	<i>Approximate Odds of Winning a 7X Multiplier Are 1 In:</i>
2,736,820	4

(3) Lottery will conduct three drawings from among all the entries received during the entry periods as described in section 10(c)

\* \* \* \* \*

(iii) The first through the thirty-second entries selected in the *JAMES BOND Lottery Challenge* Trip Prize Drawing will be winning entries and the entrants who submitted the winning entries shall each be entitled to a prize of one *JAMES BOND Lottery Challenge* Trip Prize Package, as described in section 10(e).

\* \* \* \* \*

C. DANIEL HASSELL,  
Secretary

[Pa.B. Doc. No. 20-1117. Filed for public inspection August 14, 2020, 9:00 a.m.]

## DEPARTMENT OF REVENUE

### Pennsylvania JAMES BOND 007™ Instant Lottery Game 1441; Change to Game Rules; Amended Notice

Under the State Lottery Law (72 P.S. §§ 3761-101—3761-314) and 61 Pa. Code § 819.203 (relating to notice of instant game rules), the Secretary of Revenue hereby provides public notice of changes to the Pennsylvania JAMES BOND 007™ (hereinafter referred to as “JAMES BOND 007™”) instant lottery game rules that were published at 50 Pa.B. 607 (January 25, 2020) and amended at 50 Pa.B. 2154 (April 18, 2020).

The first amendment to the Pennsylvania JAMES BOND 007™ instant lottery game added eight additional *JAMES BOND Lottery Challenge* Trip Prize Packages to the prize offerings for the *JAMES BOND Lottery Challenge* Trip Prize Drawing portion of the *JAMES BOND Lottery Challenge* Second-Chance Drawings.

The Pennsylvania Lottery has re-ordered a quantity of tickets for the JAMES BOND 007™ instant lottery game. As such, the Lottery is adding four additional *JAMES BOND Lottery Challenge* Trip Prize Packages to the prize offerings for the *JAMES BOND Lottery Challenge* Trip Prize Drawing portion of the *JAMES BOND Lottery Challenge* Second-Chance Drawings. The below Amended Game Notice updates the instant game and second-chance drawing information accordingly. The correct version of this document is as follows, with ellipses referring to the existing text as it appeared at 50 Pa.B. 607—614 and amended at 50 Pa.B. 2154:

\* \* \* \* \*

## DEPARTMENT OF REVENUE

### Pennsylvania Lucky Horseshoe Instant Lottery Game 1478

Under the State Lottery Law (72 P.S. §§ 3761-101—3761-314) and 61 Pa. Code § 819.203 (relating to notice of instant game rules), the Secretary of Revenue hereby provides public notice of the rules for the following instant lottery game:

1. *Name:* The name of the game is Pennsylvania Lucky Horseshoe (hereafter “Lucky Horseshoe”). The game number is PA-1478.

2. *Price:* The price of a Lucky Horseshoe instant lottery game ticket is \$3.

3. *Play symbols:* Each Lucky Horseshoe instant lottery game ticket will contain one play area and five “BONUS SPOT” areas. The play symbols and their captions, located in the play area, are: Gem (GEM) symbol, Bank (BANK) symbol, Check (CHECK) symbol, Gold Bar (GOLD) symbol, Briefcase (CASE) symbol, Star (STAR) symbol, Wishbone (BONE) symbol, Bell (BELL) symbol, Crown (CROWN) symbol, Key (KEY) symbol, Stool (STOOL) symbol, Moneybag (MNYBAG) symbol, Clover (CLOVER) symbol, Sun (SUN) symbol, Treasure Chest (CHEST) symbol, Safe (SAFE) symbol, Wallet (WALLET) symbol, Watch (WATCH) symbol, Moon (MOON) symbol, Bowtie (BOWTIE) symbol, Pot of Gold (POTGLD) symbol, Rainbow (RAINBW) symbol, Purse (PURSE) symbol, Music Note (MUSIC) symbol, Piggy Bank (PIGBNK) symbol,

Ring (RING) symbol and a Horseshoe (SHOE) symbol. The prize play symbols and their captions, located in each of the five "BONUS SPOT" areas, are: NO BONUS (TRY AGAIN) symbol, TRY AGAIN (NO BONUS) symbol, NO BONUS (TRY AGAIN) symbol, TRY AGAIN (NO BONUS) symbol, \$3.<sup>00</sup> (THR DOL), \$5.<sup>00</sup> (FIV DOL), \$10.<sup>00</sup> (TEN DOL), \$15.<sup>00</sup> (FIFTEEN), \$20.<sup>00</sup> (TWENTY), \$30.<sup>00</sup> (THIRTY), \$50.<sup>00</sup> (FIFTY), \$100 (ONE HUN), \$300 (THR HUN) and \$1,000 (ONE THO).

4. *Prizes:* The prizes that can be won in this game are: \$3, \$5, \$10, \$15, \$20, \$30, \$50, \$100, \$300, \$1,000, \$3,000 and \$50,000. The prizes that can be won in each of the five "BONUS SPOT" areas are: \$3, \$5, \$10, \$15, \$20, \$30, \$50, \$100, \$300 and \$1,000. The "BONUS SPOT" areas are played separately. A player can win up to six times on a ticket.

5. *Approximate number of tickets printed for the game:* Approximately 10,800,000 tickets will be printed for the Lucky Horseshoe instant lottery game.

6. *Determination of prize winners:*

(a) Holders of tickets with 12 Horseshoe (SHOE) symbols in the play area, on a single ticket, shall be entitled to a prize of \$50,000.

(b) Holders of tickets with 11 Horseshoe (SHOE) symbols in the play area, on a single ticket, shall be entitled to a prize of \$3,000.

(c) Holders of tickets with ten Horseshoe (SHOE) symbols in the play area, on a single ticket, shall be entitled to a prize of \$1,000.

(d) Holders of tickets upon which a \$1,000 (ONE THO) prize play symbol appears in any of the "BONUS SPOT" areas, on a single ticket, shall be entitled to a prize of \$1,000.

(e) Holders of tickets with nine Horseshoe (SHOE) symbols in the play area, on a single ticket, shall be entitled to a prize of \$300.

(f) Holders of tickets upon which a \$300 (THR HUN) prize play symbol appears in any of the "BONUS SPOT" areas, on a single ticket, shall be entitled to a prize of \$300.

(g) Holders of tickets with eight Horseshoe (SHOE) symbols in the play area, on a single ticket, shall be entitled to a prize of \$100.

(h) Holders of tickets upon which a \$100 (ONE HUN) prize play symbol appears in any of the "BONUS SPOT" areas, on a single ticket, shall be entitled to a prize of \$100.

(i) Holders of tickets with seven Horseshoe (SHOE) symbols in the play area, on a single ticket, shall be entitled to a prize of \$50.

(j) Holders of tickets upon which a \$50.<sup>00</sup> (FIFTY) prize play symbol appears in any of the "BONUS SPOT" areas, on a single ticket, shall be entitled to a prize of \$50.

(k) Holders of tickets with six Horseshoe (SHOE) symbols in the play area, on a single ticket, shall be entitled to a prize of \$30.

(l) Holders of tickets upon which a \$30.<sup>00</sup> (THIRTY) prize play symbol appears in any of the "BONUS SPOT" areas, on a single ticket, shall be entitled to a prize of \$30.

(m) Holders of tickets with five Horseshoe (SHOE) symbols in the play area, on a single ticket, shall be entitled to a prize of \$15.

(n) Holders of tickets upon which a \$15.<sup>00</sup> (FIFTEEN) prize play symbol appears in any of the "BONUS SPOT" areas, on a single ticket, shall be entitled to a prize of \$15.

(o) Holders of tickets with four Horseshoe (SHOE) symbols in the play area, on a single ticket, shall be entitled to a prize of \$10.

(p) Holders of tickets upon which a \$10.<sup>00</sup> (TEN DOL) prize play symbol appears in any of the "BONUS SPOT" areas, on a single ticket, shall be entitled to a prize of \$10.

(q) Holders of tickets with three Horseshoe (SHOE) symbols in the play area, on a single ticket, shall be entitled to a prize of \$5.

(r) Holders of tickets upon which a \$5.<sup>00</sup> (FIV DOL) prize play symbol appears in any of the "BONUS SPOT" areas, on a single ticket, shall be entitled to a prize of \$5.

(s) Holders of tickets with two Horseshoe (SHOE) symbols in the play area, on a single ticket, shall be entitled to a prize of \$3.

(t) Holders of tickets upon which a \$3.<sup>00</sup> (THR DOL) prize play symbol appears in any of the "BONUS SPOT" areas, on a single ticket, shall be entitled to a prize of \$3.

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

<i>Scratch The PLAY AREA. Count The Number Of "Horseshoe" (SHOE) Symbols In The PLAY AREA And Win Corresponding Prize Shown In The PRIZE LEGEND. Win With:</i>	<i>BONUS SPOTS:</i>	<i>Win:</i>	<i>Approximate Odds Are 1 In:</i>	<i>Approximate No. Of Winners Per 10,800,000 Tickets:</i>
		\$3	18.18	594,000
2 HORSESHOES		\$3	25	432,000
		\$5	25	432,000
3 HORSESHOES		\$5	33.33	324,000
3 HORSESHOES		\$5	142.86	75,600
	\$5 x 2	\$10	142.86	75,600



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<i>Scratch The PLAY AREA. Count The Number Of "Horseshoe" (SHOE) Symbols In The PLAY AREA And Win Corresponding Prize Shown In The PRIZE LEGEND. Win With:</i>	<i>BONUS SPOTS:</i>	<i>Win:</i>	<i>Approximate Odds Are 1 In:</i>	<i>Approximate No. Of Winners Per 10,800,000 Tickets:</i>
	\$10	\$10	142.86	75,600
4 HORSESHOES		\$10	100	108,000
3 HORSESHOES	\$10	\$15	200	54,000
4 HORSESHOES	\$5	\$15	200	54,000
	\$10 + \$5	\$15	200	54,000
5 HORSESHOES		\$15	100	108,000
2 HORSESHOES	(\$3 × 4) + \$15	\$30	1,000	10,800
3 HORSESHOES	(\$5 × 2) + \$15	\$30	1,000	10,800
4 HORSESHOES	\$10 × 2	\$30	500	21,600
5 HORSESHOES	\$15	\$30	500	21,600
	\$10 × 3	\$30	1,000	10,800
	\$15 × 2	\$30	1,000	10,800
	\$30	\$30	500	21,600
6 HORSESHOES		\$30	500	21,600
5 HORSESHOES	(\$10 × 2) + (\$5 × 3)	\$50	4,000	2,700
6 HORSESHOES	\$5 × 4	\$50	4,000	2,700
	\$10 × 5	\$50	2,400	4,500
	\$50	\$50	2,400	4,500
7 HORSESHOES		\$50	2,400	4,500
5 HORSESHOES	(\$30 × 2) + \$15 + \$10	\$100	12,000	900
6 HORSESHOES	(\$5 × 4) + \$50	\$100	12,000	900
7 HORSESHOES	\$10 × 5	\$100	12,000	900
	\$20 × 5	\$100	12,000	900
	\$50 × 2	\$100	12,000	900
	\$100	\$100	12,000	900
8 HORSESHOES		\$100	12,000	900
8 HORSESHOES	\$100 × 2	\$300	12,000	900
	\$300	\$300	12,000	900
9 HORSESHOES		\$300	12,000	900
9 HORSESHOES	(\$100 × 4) + \$300	\$1,000	120,000	90
	\$1,000	\$1,000	120,000	90
10 HORSESHOES		\$1,000	120,000	90
9 HORSESHOES	(\$1,000 × 2) + (\$300 × 2) + \$100	\$3,000	1,080,000	10
10 HORSESHOES	\$1,000 × 2	\$3,000	1,080,000	10
11 HORSESHOES		\$3,000	1,080,000	10
12 HORSESHOES		\$50,000	1,080,000	10

BONUS SPOTS: Reveal a cash prize amount in any BONUS SPOT, win that amount! BONUS SPOTS played separately.

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

8. *Retailer incentive awards:* The Lottery may conduct a separate Retailer Incentive Program for retailers who sell Lucky Horseshoe instant lottery game tickets.

9. *Retailer bonus:* The Lottery may offer a retailer bonus in connection with the sale of Pennsylvania instant lottery game tickets. If a retailer bonus is offered, a Lottery retailer shall be eligible for a bonus as described in this section. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$100,000 and not exceeding \$500,000 shall be paid a bonus of \$500. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$500,001 and not exceeding \$1,000,000 shall be paid a bonus of \$5,000. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$1,000,001 and not exceeding \$10,000,000 shall be paid a bonus of \$10,000. A Lottery retailer is entitled only to the largest bonus for which they qualify on a winning ticket. A bonus will be initiated for payment after the instant ticket is claimed and validated. A bonus will not be awarded to a Lottery retailer that sells a non-winning Pennsylvania Lottery instant ticket used to enter a Pennsylvania Lottery second-chance drawing or promotion that is subsequently selected to win a prize.

10. *Unclaimed prize money:* For a period of 1 year from the announced close of Lucky Horseshoe, prize money from winning Lucky Horseshoe instant lottery game tickets will be retained by the Secretary for payment to the persons entitled thereto. If no claim is made within 1 year of the announced close of the Lucky Horseshoe instant lottery game, the right of a ticket holder to claim the prize represented by the ticket, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided for by statute.

11. *Governing law:* In purchasing a ticket, the customer agrees to comply with and abide by the State Lottery Law (72 P.S. §§ 3761-101—3761-314), 61 Pa. Code Part V (relating to State Lotteries) and the provisions contained in this notice.

12. *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 Lucky Horseshoe or through normal communications methods.

C. DANIEL HASSELL,  
Secretary

[Pa.B. Doc. No. 20-1118. Filed for public inspection August 14, 2020, 9:00 a.m.]

## DEPARTMENT OF REVENUE

### Pennsylvania PA Millionaire's Club Instant Lottery Game 1475

Under the State Lottery Law (72 P.S. §§ 3761-101—3761-314) and 61 Pa. Code § 819.203 (relating to notice of

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

1. *Name:* The name of the game is Pennsylvania PA Millionaire's Club (hereafter "PA Millionaire's Club"). The game number is PA-1475.

2. *Price:* The price of a PA Millionaire's Club instant lottery game ticket is \$20.

3. *Play symbols:* Each PA Millionaire's Club instant lottery game ticket will contain one play area featuring a "WINNING NUMBERS" area, a "YOUR NUMBERS" area and four "BONUS" spots. The play symbols and their captions, located in the "WINNING NUMBERS" area, are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN), 21 (TWYONE), 22 (TWYTWO), 23 (TWYTHR), 24 (TWYFOR), 25 (TWYFIV), 26 (TWYSIX), 27 (TWYSVN), 28 (TWYEGT), 29 (TWYNIN), 30 (THIRT), 31 (THYONE), 32 (THYTWO), 33 (THYTHR), 34 (THYFOR), 35 (THYFIV), 36 (THYSIX), 37 (THYSVN), 38 (THYEGT), 39 (THYNIN), and 40 (FORT). The play symbols and their captions, located in the "YOUR NUMBERS" area, are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN), 21 (TWYONE), 22 (TWYTWO), 23 (TWYTHR), 24 (TWYFOR), 25 (TWYFIV), 26 (TWYSIX), 27 (TWYSVN), 28 (TWYEGT), 29 (TWYNIN), 30 (THIRT), 31 (THYONE), 32 (THYTWO), 33 (THYTHR), 34 (THYFOR), 35 (THYFIV), 36 (THYSIX), 37 (THYSVN), 38 (THYEGT), 39 (THYNIN), 40 (FORT), Trophy (TROPHY) symbol, 20X (20TIMES) symbol and a CLUB (\$1MILL) symbol. The play symbols and their captions, located in the four "BONUS" spots, are: Chest (NO BONUS) symbol, Vault (TRY AGAIN) symbol, Bank (NO BONUS) symbol, Stack of Coins (TRY AGAIN) symbol, Bell (NO BONUS) symbol, Gold Bar (TRY AGAIN) symbol and a Keystone (KEYSTN) symbol.

4. *Prize Symbols:* The prize symbols and their captions, located in the "YOUR NUMBERS" area, are: \$20<sup>00</sup> (TWENTY), \$30<sup>00</sup> (THIRTY), \$40<sup>00</sup> (FORTY), \$50<sup>00</sup> (FIFTY), \$100 (ONE HUN), \$200 (TWO HUN), \$400 (FOR HUN), \$500 (FIV HUN), \$1,000 (ONE THO), \$10,000 (TEN THO), \$100,000 (ONEHUNTHO) and \$1MILL (ONE MIL). The prize symbols and their captions, located in the four "BONUS" spots, are: \$20<sup>00</sup> (TWENTY), \$30<sup>00</sup> (THIRTY), \$40<sup>00</sup> (FORTY), \$50<sup>00</sup> (FIFTY), \$100 (ONE HUN), \$200 (TWO HUN), \$400 (FOR HUN), \$500 (FIV HUN) and \$1,000 (ONE THO).

5. *Prizes:* The prizes that can be won in this game are: \$20, \$30, \$40, \$50, \$100, \$200, \$400, \$500, \$1,000, \$10,000, \$100,000 and \$1,000,000. The prizes that can be won in the "BONUS" spots are: \$20, \$30, \$40, \$50, \$100, \$200, \$400, \$500 and \$1,000. PA Millionaire's Club contains a feature that can multiply the prize won. For a complete list of prizes, including multiplied prizes, see section 8 (relating to number and description of prizes and approximate odds). A player can win up to 24 times on a ticket.

6. *Approximate number of tickets printed for the game:* Approximately 7,200,000 tickets will be printed for the PA Millionaire's Club instant lottery game.

7. *Determination of prize winners:*

(a) Holders of tickets upon which a CLUB (\$1MILL) symbol appears in the "YOUR NUMBERS" area, and a prize symbol of \$1MILL (ONE MIL) appears in the "prize" area under that CLUB (\$1MILL) symbol, on a single ticket, shall be entitled to a prize of \$1,000,000. The prize shall be paid as a one-time, lump-sum cash payment.

(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 \$100,000 (ONEHUNTHO) appears in the "prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$100,000.

(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 \$10,000 (TEN THO) appears in the "prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$10,000.

(d) Holders of tickets upon which a 20X (20TIMES) symbol appears in the "YOUR NUMBERS" area, and a prize symbol of \$500 (FIV HUN) appears in the "prize" area under that 20X (20TIMES) symbol, on a single ticket, shall be entitled to a prize of \$10,000.

(e) Holders of tickets upon which a Trophy (TROPHY) symbol appears in the "YOUR NUMBERS" area, and a prize symbol of \$10,000 (TEN THO) appears in the "prize" area under that Trophy (TROPHY) symbol, on a single ticket, shall be entitled to a prize of \$10,000.

(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 \$1,000 (ONE THO) appears in the "prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$1,000.

(g) Holders of tickets upon which a 20X (20TIMES) symbol appears in the "YOUR NUMBERS" area, and a prize symbol of \$50.<sup>00</sup> (FIFTY) appears in the "prize" area under that 20X (20TIMES) symbol, on a single ticket, shall be entitled to a prize of \$1,000.

(h) Holders of tickets upon which a Trophy (TROPHY) symbol appears in the "YOUR NUMBERS" area, and a prize symbol of \$1,000 (ONE THO) appears in the "prize" area under that Trophy (TROPHY) symbol, on a single ticket, shall be entitled to a prize of \$1,000.

(i) Holders of tickets upon which a Keystone (KEYSTN) symbol appears in any "BONUS" spot, and a prize symbol of \$1,000 (ONE THO) appears in the "prize" area under that Keystone (KEYSTN) symbol, on a single ticket, shall be entitled to a prize of \$1,000.

(j) Holders of tickets upon which a 20X (20TIMES) symbol appears in the "YOUR NUMBERS" area, and a prize symbol of \$40.<sup>00</sup> (FORTY) appears in the "prize" area under that 20X (20TIMES) symbol, on a single ticket, shall be entitled to a prize of \$800.

(k) Holders of tickets upon which a 20X (20TIMES) symbol appears in the "YOUR NUMBERS" area, and a prize symbol of \$30.<sup>00</sup> (THIRTY) appears in the "prize" area under that 20X (20TIMES) symbol, on a single ticket, shall be entitled to a prize of \$600.

(l) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols, and a prize symbol of \$500 (FIV HUN) appears in the "prize" area under the match-

ing "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$500.

(m) Holders of tickets upon which a Trophy (TROPHY) symbol appears in the "YOUR NUMBERS" area, and a prize symbol of \$500 (FIV HUN) appears in the "prize" area under that Trophy (TROPHY) symbol, on a single ticket, shall be entitled to a prize of \$500.

(n) Holders of tickets upon which a Keystone (KEYSTN) symbol appears in any "BONUS" spot, and a prize symbol of \$500 (FIV HUN) appears in the "prize" area under that Keystone (KEYSTN) symbol, on a single ticket, shall be entitled to a prize of \$500.

(o) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols, and a prize symbol of \$400 (FOR HUN) appears in the "prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$400.

(p) Holders of tickets upon which a 20X (20TIMES) symbol appears in the "YOUR NUMBERS" area, and a prize symbol of \$20.<sup>00</sup> (TWENTY) appears in the "prize" area under that 20X (20TIMES) symbol, on a single ticket, shall be entitled to a prize of \$400.

(q) Holders of tickets upon which a Trophy (TROPHY) symbol appears in the "YOUR NUMBERS" area, and a prize symbol of \$400 (FOR HUN) appears in the "prize" area under that Trophy (TROPHY) symbol, on a single ticket, shall be entitled to a prize of \$400.

(r) Holders of tickets upon which a Keystone (KEYSTN) symbol appears in any "BONUS" area, and a prize symbol of \$400 (FOR HUN) appears in the "prize" area under that Keystone (KEYSTN) symbol, on a single ticket, shall be entitled to a prize of \$400.

(s) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols, and a prize symbol of \$200 (TWO HUN) appears in the "prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$200.

(t) Holders of tickets upon which a Trophy (TROPHY) symbol appears in the "YOUR NUMBERS" area, and a prize symbol of \$200 (TWO HUN) appears in the "prize" area under that Trophy (TROPHY) symbol, on a single ticket, shall be entitled to a prize of \$200.

(u) Holders of tickets upon which a Keystone (KEYSTN) symbol appears in any "BONUS" area, and a prize symbol of \$200 (TWO HUN) appears in the "prize" area under that Keystone (KEYSTN) symbol, on a single ticket, shall be entitled to a prize of \$200.

(v) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols, and a prize symbol of \$100 (ONE HUN) appears in the "prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$100.

(w) Holders of tickets upon which a Trophy (TROPHY) symbol appears in the "YOUR NUMBERS" area, and a prize symbol of \$100 (ONE HUN) appears in the "prize" area under that Trophy (TROPHY) symbol, on a single ticket, shall be entitled to a prize of \$100.

(x) Holders of tickets upon which a Keystone (KEYSTN) symbol appears in any "BONUS" area, and a prize symbol of \$100 (ONE HUN) appears in the "prize" area under that Keystone (KEYSTN) symbol, on a single ticket, shall be entitled to a prize of \$100.

(y) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols, and a prize symbol of \$50.<sup>00</sup> (FIFTY) appears in the "prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$50.

(z) Holders of tickets upon which a Trophy (TROPHY) symbol appears in the "YOUR NUMBERS" area, and a prize symbol of \$50.<sup>00</sup> (FIFTY) appears in the "prize" area under that Trophy (TROPHY) symbol, on a single ticket, shall be entitled to a prize of \$50.

(aa) Holders of tickets upon which a Keystone (KEYSTN) symbol appears in any "BONUS" area, and a prize symbol of \$50.<sup>00</sup> (FIFTY) appears in the "prize" area under that Keystone (KEYSTN) symbol, on a single ticket, shall be entitled to a prize of \$50.

(bb) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols, and a prize symbol of \$40.<sup>00</sup> (FORTY) appears in the "prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$40.

(cc) Holders of tickets upon which a Trophy (TROPHY) symbol appears in the "YOUR NUMBERS" area, and a prize symbol of \$40.<sup>00</sup> (FORTY) appears in the "prize" area under that Trophy (TROPHY) symbol, on a single ticket, shall be entitled to a prize of \$40.

(dd) Holders of tickets upon which a Keystone (KEYSTN) symbol appears in any "BONUS" area, and a prize symbol of \$40.<sup>00</sup> (FORTY) appears in the "prize" area under that Keystone (KEYSTN) symbol, on a single ticket, shall be entitled to a prize of \$40.

(ee) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the

"WINNING NUMBERS" play symbols, and a prize symbol of \$30.<sup>00</sup> (THIRTY) appears in the "prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$30.

(ff) Holders of tickets upon which a Trophy (TROPHY) symbol appears in the "YOUR NUMBERS" area, and a prize symbol of \$30.<sup>00</sup> (THIRTY) appears in the "prize" area under that Trophy (TROPHY) symbol, on a single ticket, shall be entitled to a prize of \$30.

(gg) Holders of tickets upon which a Keystone (KEYSTN) symbol appears in any "BONUS" area, and a prize symbol of \$30.<sup>00</sup> (THIRTY) appears in the "prize" area under that Keystone (KEYSTN) symbol, on a single ticket, shall be entitled to a prize of \$30.

(hh) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols, and a prize symbol of \$20.<sup>00</sup> (TWENTY) appears in the "prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$20.

(ii) Holders of tickets upon which a Trophy (TROPHY) symbol appears in the "YOUR NUMBERS" area, and a prize symbol of \$20.<sup>00</sup> (TWENTY) appears in the "prize" area under that Trophy (TROPHY) symbol, on a single ticket, shall be entitled to a prize of \$20.

(jj) Holders of tickets upon which a Keystone (KEYSTN) symbol appears in any "BONUS" area, and a prize symbol of \$20.<sup>00</sup> (TWENTY) appears in the "prize" area under that Keystone (KEYSTN) symbol, on a single ticket, shall be entitled to a prize of \$20.

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

<i>When Any Of YOUR NUMBERS Match Any WINNING NUMBER, Win Prize Shown Under The Matching Number. Win With:</i>	<i>BONUS:</i>	<i>Win:</i>	<i>Approximate Odds Are 1 In:</i>	<i>Approximate No. Of Winners Per 7,200,000 Tickets:</i>
	\$20	\$20	50	144,000
\$20 w/ TROPHY		\$20	15	480,000
\$20		\$20	30	240,000
	\$30	\$30	75	96,000
\$30 w/ TROPHY		\$30	30	240,000
\$30		\$30	100	72,000
\$20 × 2		\$40	75	96,000
	\$40	\$40	60	120,000
\$40 w/ TROPHY		\$40	60	120,000
\$40		\$40	75	96,000
\$30 + \$20		\$50	300	24,000
\$20	\$30	\$50	300	24,000
\$30 w/ TROPHY	\$20	\$50	300	24,000
	\$50	\$50	300	24,000
\$50 w/ TROPHY		\$50	37.5	192,000
\$50		\$50	300	24,000
\$20 × 5		\$100	300	24,000
\$50 × 2		\$100	300	24,000

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<i>When Any Of YOUR NUMBERS Match Any WINNING NUMBER, Win Prize Shown Under The Matching Number. Win With:</i>	<i>BONUS:</i>	<i>Win:</i>	<i>Approximate Odds Are 1 In:</i>	<i>Approximate No. Of Winners Per 7,200,000 Tickets:</i>
(\$50 w/ TROPHY) + \$20	\$30	\$100	300	24,000
	(\$30 × 2) + (\$20 × 2)	\$100	300	24,000
	\$100	\$100	300	24,000
\$100 w/ TROPHY		\$100	150	48,000
\$100		\$100	300	24,000
\$20 × 10		\$200	3,000	2,400
\$50 × 4		\$200	3,000	2,400
\$100	(\$40 × 2) + \$20	\$200	1,200	6,000
(\$20 w/ TROPHY) + (\$50 × 2)	\$20 × 4	\$200	1,200	6,000
(\$50 w/ TROPHY) + (\$30 w/ TROPHY) + (\$20 w/ TROPHY)	\$50 × 2	\$200	1,200	6,000
\$100 w/ TROPHY	\$100	\$200	1,200	6,000
(\$20 w/ TROPHY) × 10		\$200	1,200	6,000
	\$50 × 4	\$200	2,400	3,000
	\$200	\$200	2,400	3,000
\$200 w/ TROPHY		\$200	2,400	3,000
\$200		\$200	2,400	3,000
\$20 × 20		\$400	24,000	300
\$40 × 10		\$400	24,000	300
\$100 × 3	\$50 × 2	\$400	24,000	300
(((\$50 w/ TROPHY) × 6) + (\$20 × 3))	\$20 × 2	\$400	24,000	300
(\$20 w/ TROPHY) × 5	\$200 + \$100	\$400	24,000	300
\$200	\$50 × 4	\$400	24,000	300
	\$400	\$400	24,000	300
\$400 w/ TROPHY		\$400	24,000	300
\$20 w/ 20X SYMBOL		\$400	960	7,500
\$400		\$400	24,000	300
\$50 × 10		\$500	24,000	300
\$100 × 5		\$500	24,000	300
\$20 × 10	\$200 + \$100	\$500	24,000	300
\$20 × 20	\$50 + \$30 + \$20	\$500	24,000	300
\$50 × 8	\$100	\$500	24,000	300
(((\$50 w/ TROPHY) × 2) + (\$20 × 5))	\$200 + \$100	\$500	24,000	300
(\$20 w/ 20X SYMBOL) + (((\$20 w/ TROPHY) × 4))	\$20	\$500	4,000	1,800
(\$20 w/ TROPHY) × 10	\$200 + \$100	\$500	24,000	300
\$20 w/ 20X SYMBOL	\$100	\$500	4,000	1,800
	\$500	\$500	24,000	300
\$500 w/ TROPHY		\$500	24,000	300
\$500		\$500	24,000	300
\$100 × 10		\$1,000	60,000	120
\$500 × 2		\$1,000	60,000	120
(\$100 × 5) + (\$20 × 15)	\$50 × 4	\$1,000	60,000	120
\$30 × 20	\$200 × 2	\$1,000	60,000	120

<i>When Any Of YOUR NUMBERS Match Any WINNING NUMBER, Win Prize Shown Under The Matching Number. Win With:</i>	<i>BONUS:</i>	<i>Win:</i>	<i>Approximate Odds Are 1 In:</i>	<i>Approximate No. Of Winners Per 7,200,000 Tickets:</i>
$((\$100 \text{ w/ TROPHY}) \times 5) + (\$30 \times 2) + (\$20 \times 2)$	$\$100 \times 4$	\$1,000	60,000	120
$((\$200 \text{ w/ TROPHY}) \times 2) + ((\$20 \text{ w/ TROPHY}) \times 10)$	$\$200 \times 2$	\$1,000	60,000	120
$((\$20 \text{ w/ 20X SYMBOL}) \times 2) + ((\$20 \text{ w/ TROPHY}) \times 5)$	$\$50 + \$30 + \$20$	\$1,000	24,000	300
$(\$30 \text{ w/ 20X SYMBOL}) + (\$20 \text{ w/ 20X SYMBOL})$		\$1,000	60,000	120
$(\$200 \text{ w/ TROPHY}) \times 4$	$\$100 \times 2$	\$1,000	60,000	120
$\$20 \text{ w/ 20X SYMBOL}$	$\$500 + \$100$	\$1,000	24,000	300
$\$40 \text{ w/ 20X SYMBOL}$	$\$200$	\$1,000	24,000	300
	$\$1,000$	\$1,000	60,000	120
$\$1,000 \text{ w/ TROPHY}$		\$1,000	60,000	120
$\$50 \text{ w/ 20X SYMBOL}$		\$1,000	4,800	1,500
$\$1,000$		\$1,000	24,000	300
$\$500 \times 20$		\$10,000	1,440,000	5
$(\$1,000 \times 4) + (\$500 \times 6) + (\$200 \times 10)$	$(\$400 \times 2) + (\$100 \times 2)$	\$10,000	1,440,000	5
$((\$40 \text{ w/ 20X SYMBOL}) \times 5) + ((\$20 \text{ w/ 20X SYMBOL}) \times 5) + (\$500 \times 4)$	$(\$500 \times 2) + \$1,000$	\$10,000	1,440,000	5
$(\$100 \text{ w/ 20X SYMBOL}) \times 4$	$\$500 \times 4$	\$10,000	1,440,000	5
$\$10,000 \text{ w/ TROPHY}$		\$10,000	1,440,000	5
$\$500 \text{ w/ 20X SYMBOL}$		\$10,000	1,440,000	5
$\$10,000$		\$10,000	1,440,000	5
$\$100,000$		\$100,000	1,440,000	5
$\$1,000,000 \text{ w/ CLUB}$		\$1,000,000	1,440,000	5

Reveal a "Trophy" (TROPHY) symbol, win prize shown under that symbol automatically.

Reveal a "20X" (20TIMES) symbol, win 20 TIMES the prize shown under that symbol.

Reveal a "CLUB" (\$1MILL) symbol, win \$1 MILLION instantly!

BONUS: Reveal a "Keystone" (KEYSTN) symbol in any BONUS spot, win prize shown under that symbol! BONUS spots played separately.

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

9. *Retailer incentive awards:* The Lottery may conduct a separate Retailer Incentive Program for retailers who sell PA Millionaire's Club instant lottery game tickets.

10. *Retailer bonus:* The Lottery may offer a retailer bonus in connection with the sale of Pennsylvania instant lottery game tickets. If a retailer bonus is offered, a Lottery retailer shall be eligible for a bonus as described in this section. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$100,000 and not exceeding \$500,000 shall be paid a bonus of \$500. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$500,001 and not exceeding \$1,000,000 shall be paid a bonus of \$5,000. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single

installment or having a guaranteed minimum payout, of at least \$1,000,001 and not exceeding \$10,000,000 shall be paid a bonus of \$10,000. A Lottery retailer is entitled only to the largest bonus for which they qualify on a winning ticket. A bonus will be initiated for payment after the instant ticket is claimed and validated. A bonus will not be awarded to a Lottery retailer that sells a non-winning Pennsylvania Lottery instant ticket used to enter a Pennsylvania Lottery second-chance drawing or promotion that is subsequently selected to win a prize.

11. *Unclaimed prize money:* For a period of 1 year from the announced close of PA Millionaire's Club, prize money from winning PA Millionaire's Club instant lottery game tickets will be retained by the Secretary for payment to the persons entitled thereto. If no claim is made within 1 year of the announced close of the PA Millionaire's Club instant lottery game, the right of a ticket holder to claim the prize represented by the ticket, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided for by statute.

12. *Governing law:* In purchasing a ticket, the customer agrees to comply with and abide by the State Lottery Law (72 P.S. §§ 3761-101—3761-314), 61 Pa. Code Part V (relating to State Lotteries) and the provisions contained in this notice.

13. *Termination of the game:* The Secretary may announce a termination date, after which no further tickets from this game may be sold. The announcement will be disseminated through media used to advertise or promote PA Millionaire's Club or through normal communications methods.

C. DANIEL HASSELL,  
Secretary

[Pa.B. Doc. No. 20-1119. Filed for public inspection August 14, 2020, 9:00 a.m.]

## DEPARTMENT OF REVENUE

### Pennsylvania Winner Winner Chicken Dinner Instant Lottery Game 1476

Under the State Lottery Law (72 P.S. §§ 3761-101—3761-314) and 61 Pa. Code § 819.203 (relating to notice of instant game rules), the Secretary of Revenue hereby provides public notice of the rules for the following instant lottery game:

1. *Name:* The name of the game is Pennsylvania Winner Winner Chicken Dinner (hereafter "Winner Winner Chicken Dinner"). The game number is PA-1476.

2. *Price:* The price of a Winner Winner Chicken Dinner instant lottery game ticket is \$5.

3. *Play symbols:* Each Winner Winner Chicken Dinner instant lottery game ticket will contain one play area featuring a "WINNING NUMBERS" area, a "YOUR NUMBERS" area and an "EGG BONUS" area. The "EGG BONUS" area is played separately. The play symbols and their captions, located in the "WINNING NUMBERS" area, are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN), 20 (TWENT), 21 (TWYONE), 22 (TWYTWO), 23 (TWYTHR), 24 (TWYFOR), 25 (TWYFIV), 26 (TWYSIX), 27 (TWYSVN), 28 (TWYEGT), 29 (TWYNIN) and 30 (THIRT). The play symbols and their captions, located in the "YOUR NUMBERS" area, are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN), 20 (TWENT), 21 (TWYONE), 22 (TWYTWO), 23 (TWYTHR), 24 (TWYFOR), 25 (TWYFIV), 26 (TWYSIX), 27 (TWYSVN), 28 (TWYEGT), 29 (TWYNIN), 30 (THIRT) and a Chicken (5TIMES) symbol. The play symbols and their captions, located in the "EGG BONUS" area, are: Dog (TRY AGAIN) symbol, Cat (NO BONUS) symbol, Cow (TRY AGAIN) symbol, Horse (NO BONUS) symbol, Pig (TRY AGAIN) symbol and a Nest (NEST) symbol.

4. *Prize Symbols:* The prize symbols and their captions, located in the "YOUR NUMBERS" area, are: \$5<sup>.00</sup> (FIV DOL), \$10<sup>.00</sup> (TEN DOL), \$20<sup>.00</sup> (TWENTY), \$25<sup>.00</sup> (TWY FIV), \$50<sup>.00</sup> (FIFTY), \$100 (ONE HUN), \$250 (TWOHUNFTY), \$500 (FIV HUN), \$1,000 (ONE THO), \$5,000 (FIV THO) and \$250,000 (TWHNFYTHO). The

prize symbols and their captions, located in the "EGG BONUS" area, are: \$5<sup>.00</sup> (FIV DOL), \$10<sup>.00</sup> (TEN DOL), \$25<sup>.00</sup> (TWY FIV), \$50<sup>.00</sup> (FIFTY), \$100 (ONE HUN), \$250 (TWOHUNFTY), \$500 (FIV HUN) and \$1,000 (ONE THO).

5. *Prizes:* The prizes that can be won in this game are: \$5, \$10, \$20, \$25, \$50, \$100, \$250, \$500, \$1,000, \$5,000 and \$250,000. The prizes that can be won in the "EGG BONUS" area are: \$5, \$10, \$25, \$50, \$100, \$250, \$500 and \$1,000. Winner Winner Chicken Dinner contains a feature that can multiply the prize won. For a complete list of prizes, including multiplied prizes, see section 8 (relating to number and description of prizes and approximate odds). A player can win up to 13 times on a ticket.

6. *Approximate number of tickets printed for the game:* Approximately 12,000,000 tickets will be printed for the Winner Winner Chicken Dinner instant lottery game.

#### 7. *Determination of prize winners:*

(a) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols, and a prize symbol of \$250,000 (TWHNFYTHO) appears in the "prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$250,000.

(b) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols, and a prize symbol of \$5,000 (FIV THO) appears in the "prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$5,000.

(c) Holders of tickets upon which a Chicken (5TIMES) symbol appears in the "YOUR NUMBERS" area, and a prize symbol of \$1,000 (ONE THO) appears in the "prize" area under that Chicken (5TIMES) symbol, on a single ticket, shall be entitled to a prize of \$5,000.

(d) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols, and a prize symbol of \$1,000 (ONE THO) appears in the "prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$1,000.

(e) Holders of tickets upon which a Nest (NEST) symbol appears in the "EGG BONUS" area, and a prize symbol of \$1,000 (ONE THO) appears to the right of that Nest (NEST) symbol, 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, on a single ticket, shall be entitled to a prize of \$500.

(g) Holders of tickets upon which a Chicken (5TIMES) symbol appears in the "YOUR NUMBERS" area, and a prize symbol of \$100 (ONE HUN) appears in the "prize" area under that Chicken (5TIMES) symbol, on a single ticket, shall be entitled to a prize of \$500.

(h) Holders of tickets upon which a Nest (NEST) symbol appears in the "EGG BONUS" area, and a prize symbol of \$500 (FIV HUN) appears to the right of that Nest (NEST) symbol, on a single ticket, shall be entitled to a prize of \$500.

(i) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING

NUMBERS” play symbols, and a prize symbol of \$250 (TWOHUNFTY) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$250.

(j) Holders of tickets upon which a Chicken (5TIMES) symbol appears in the “YOUR NUMBERS” area, and a prize symbol of \$50<sup>00</sup> (FIFTY) appears in the “prize” area under that Chicken (5TIMES) symbol, on a single ticket, shall be entitled to a prize of \$250.

(k) Holders of tickets upon which a Nest (NEST) symbol appears in the “EGG BONUS” area, and a prize symbol of \$250 (TWOHUNFTY) appears to the right of that Nest (NEST) symbol, on a single ticket, shall be entitled to a prize of \$250.

(l) Holders of tickets upon which a Chicken (5TIMES) symbol appears in the “YOUR NUMBERS” area, and a prize symbol of \$25<sup>00</sup> (TWY FIV) appears in the “prize” area under that Chicken (5TIMES) symbol, on a single ticket, shall be entitled to a prize of \$125.

(m) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches any of the “WINNING NUMBERS” play symbols, and a prize symbol of \$100 (ONE HUN) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$100.

(n) Holders of tickets upon which a Nest (NEST) symbol appears in the “EGG BONUS” area, and a prize symbol of \$100 (ONE HUN) appears to the right of that Nest (NEST) symbol, on a single ticket, shall be entitled to a prize of \$100.

(o) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches any of the “WINNING NUMBERS” play symbols, and a prize symbol of \$50<sup>00</sup> (FIFTY) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$50.

(p) Holders of tickets upon which a Chicken (5TIMES) symbol appears in the “YOUR NUMBERS” area, and a prize symbol of \$10<sup>00</sup> (TEN DOL) appears in the “prize” area under that Chicken (5TIMES) symbol, on a single ticket, shall be entitled to a prize of \$50.

(q) Holders of tickets upon which a Nest (NEST) symbol appears in the “EGG BONUS” area, and a prize symbol of \$50<sup>00</sup> (FIFTY) appears to the right of that Nest (NEST) symbol, on a single ticket, shall be entitled to a prize of \$50.

(r) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches any of the “WINNING NUMBERS” play symbols, and a prize symbol of \$25<sup>00</sup> (TWY FIV) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$25.

(s) Holders of tickets upon which a Chicken (5TIMES) symbol appears in the “YOUR NUMBERS” area, and a prize symbol of \$5<sup>00</sup> (FIV DOL) appears in the “prize” area under that Chicken (5TIMES) symbol, on a single ticket, shall be entitled to a prize of \$25.

(t) Holders of tickets upon which a Nest (NEST) symbol appears in the “EGG BONUS” area, and a prize symbol of \$25<sup>00</sup> (TWY FIV) appears to the right of that Nest (NEST) symbol, on a single ticket, shall be entitled to a prize of \$25.

(u) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches any of the “WINNING NUMBERS” play symbols, and a prize symbol of \$20<sup>00</sup> (TWENTY) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$20.

(v) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches any of the “WINNING NUMBERS” play symbols, and a prize symbol of \$10<sup>00</sup> (TEN DOL) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$10.

(w) Holders of tickets upon which a Nest (NEST) symbol appears in the “EGG BONUS” area, and a prize symbol of \$10<sup>00</sup> (TEN DOL) appears to the right of that Nest (NEST) symbol, on a single ticket, shall be entitled to a prize of \$10.

(x) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches any of the “WINNING NUMBERS” play symbols, and a prize symbol of \$5<sup>00</sup> (FIV DOL) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$5.

(y) Holders of tickets upon which a Nest (NEST) symbol appears in the “EGG BONUS” area, and a prize symbol of \$5<sup>00</sup> (FIV DOL) appears to the right of that Nest (NEST) symbol, on a single ticket, shall be entitled to a prize of \$5.

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

<i>When Any Of YOUR NUMBERS Match Any WINNING NUMBER, Win Prize Shown Under The Matching Number. Win With:</i>	<i>EGG BONUS:</i>	<i>Win:</i>	<i>Approximate Odds Are 1 In:</i>	<i>Approximate No. Of Winners Per 12,000,000 Tickets:</i>
	\$5	\$5	20	600,000
\$5		\$5	17.14	700,000
\$5 × 2		\$10	60	200,000
\$5	\$5	\$10	60	200,000
	\$10	\$10	40	300,000
\$10		\$10	40	300,000
\$5 × 5		\$25	600	20,000
(\$5 × 3) + \$10		\$25	600	20,000



NOTICES

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<i>When Any Of YOUR NUMBERS Match Any WINNING NUMBER, Win Prize Shown Under The Matching Number. Win With:</i>	<i>EGG BONUS:</i>	<i>Win:</i>	<i>Approximate Odds Are 1 In:</i>	<i>Approximate No. Of Winners Per 12,000,000 Tickets:</i>
\$5 × 4	\$5	\$25	600	20,000
\$10 × 2	\$5	\$25	600	20,000
\$20	\$5	\$25	600	20,000
	\$25	\$25	600	20,000
\$5 w/ CHICKEN SYMBOL		\$25	40	300,000
\$25		\$25	300	40,000
\$5 × 10		\$50	600	20,000
\$5 × 5	\$25	\$50	600	20,000
\$5 w/ CHICKEN SYMBOL	\$25	\$50	300	40,000
	\$50	\$50	600	20,000
\$10 w/ CHICKEN SYMBOL		\$50	300	40,000
\$50		\$50	600	20,000
\$10 × 10		\$100	6,000	2,000
\$50 × 2		\$100	6,000	2,000
\$5 × 10	\$50	\$100	6,000	2,000
\$10 × 5	\$50	\$100	6,000	2,000
\$10 w/ CHICKEN SYMBOL	\$50	\$100	2,400	5,000
(\$5 w/ CHICKEN SYMBOL) × 4		\$100	2,400	5,000
(\$10 w/ CHICKEN SYMBOL) × 2		\$100	2,400	5,000
	\$100	\$100	6,000	2,000
\$100		\$100	6,000	2,000
\$25 × 10		\$250	120,000	100
\$50 × 5		\$250	120,000	100
(\$100 × 2) + (\$5 × 10)		\$250	120,000	100
(\$50 × 4) + \$25 + \$10 + \$5	\$10	\$250	60,000	200
(((\$5 w/ CHICKEN SYMBOL) × 4) + (\$25 × 5))	\$25	\$250	60,000	200
(\$5 w/ CHICKEN SYMBOL) × 8	\$50	\$250	60,000	200
(\$10 w/ CHICKEN SYMBOL) × 5		\$250	40,000	300
(\$25 w/ CHICKEN SYMBOL) × 2		\$250	24,000	500
	\$250	\$250	24,000	500
\$50 w/ CHICKEN SYMBOL		\$250	24,000	500
\$250		\$250	60,000	200
\$50 × 10		\$500	120,000	100
\$100 × 5		\$500	120,000	100
\$25 × 10	\$250	\$500	120,000	100
(\$100 × 2) + (\$25 × 10)	\$50	\$500	120,000	100
(\$10 w/ CHICKEN SYMBOL) × 8	\$100	\$500	120,000	100
(\$25 w/ CHICKEN SYMBOL) × 2	\$250	\$500	120,000	100
(\$50 w/ CHICKEN SYMBOL) × 2		\$500	120,000	100
	\$500	\$500	120,000	100
\$100 w/ CHICKEN SYMBOL		\$500	120,000	100
\$500		\$500	120,000	100
\$100 × 10		\$1,000	1,200,000	10
\$250 × 4		\$1,000	1,200,000	10

<i>When Any Of YOUR NUMBERS Match Any WINNING NUMBER, Win Prize Shown Under The Matching Number. Win With:</i>	<i>EGG BONUS:</i>	<i>Win:</i>	<i>Approximate Odds Are 1 In:</i>	<i>Approximate No. Of Winners Per 12,000,000 Tickets:</i>
\$500 × 2		\$1,000	1,200,000	10
(((\$25 w/ CHICKEN SYMBOL) × 4) + (\$100 × 4))	\$100	\$1,000	1,200,000	10
(\$50 w/ CHICKEN SYMBOL) × 2	\$500	\$1,000	1,200,000	10
(\$100 w/ CHICKEN SYMBOL) × 2		\$1,000	1,200,000	10
	\$1,000	\$1,000	1,200,000	10
\$1,000		\$1,000	1,200,000	10
\$1,000 w/ CHICKEN SYMBOL		\$5,000	1,200,000	10
\$5,000		\$5,000	1,200,000	10
\$250,000		\$250,000	1,200,000	10

Reveal a “Chicken” (5TIMES) symbol, win 5 TIMES the prize shown under that symbol!

EGG BONUS: Reveal a “Nest” (NEST) symbol, win prize shown to the right of that symbol! EGG BONUS played separately.

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

9. *Retailer incentive awards:* The Lottery may conduct a separate Retailer Incentive Program for retailers who sell Winner Winner Chicken Dinner instant lottery game tickets.

10. *Retailer bonus:* The Lottery may offer a retailer bonus in connection with the sale of Pennsylvania instant lottery game tickets. If a retailer bonus is offered, a Lottery retailer shall be eligible for a bonus as described in this section. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$100,000 and not exceeding \$500,000 shall be paid a bonus of \$500. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$500,001 and not exceeding \$1,000,000 shall be paid a bonus of \$5,000. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$1,000,001 and not exceeding \$10,000,000 shall be paid a bonus of \$10,000. A Lottery retailer is entitled only to the largest bonus for which they qualify on a winning ticket. A bonus will be initiated for payment after the instant ticket is claimed and validated. A bonus will not be awarded to a Lottery retailer that sells a non-winning Pennsylvania Lottery instant ticket used to enter a Pennsylvania Lottery second-chance drawing or promotion that is subsequently selected to win a prize.

11. *Unclaimed prize money:* For a period of 1 year from the announced close of Winner Winner Chicken Dinner, prize money from winning Winner Winner Chicken Dinner instant lottery game tickets will be retained by the Secretary for payment to the persons entitled thereto. If no claim is made within 1 year of the announced close of the Winner Winner Chicken Dinner instant lottery game, the right of a ticket holder to claim the prize represented by the ticket, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided for by statute.

12. *Governing law:* In purchasing a ticket, the customer agrees to comply with and abide by the

State Lottery Law (72 P.S. §§ 3761-101—3761-314), 61 Pa. Code Part V (relating to State Lotteries) and the provisions contained in this notice.

13. *Termination of the game:* The Secretary may announce a termination date, after which no further tickets from this game may be sold. The announcement will be disseminated through media used to advertise or promote Winner Winner Chicken Dinner or through normal communications methods.

C. DANIEL HASSELL,  
*Secretary*

[Pa.B. Doc. No. 20-1120. Filed for public inspection August 14, 2020, 9:00 a.m.]

## DEPARTMENT OF TRANSPORTATION

### Twelve Year Transportation Program

The State Transportation Commission (Commission), Department of Transportation (Department) and Pennsylvania’s Metropolitan and Rural Planning Organizations announces the availability of the Commonwealth’s adopted 2021 Twelve Year Transportation Program (TYP). The Commonwealth’s TYP is the Department’s mid-range planning tool used to match available moneys with transportation projects Statewide. Pennsylvania State Law, Act 120 of 1970, as amended, requires the Department to prepare, update and submit the Commonwealth’s TYP every 2 years to the Commission.

The Commission adopted the Commonwealth’s 2021 TYP on August 13, 2020. Individuals can view it to see what transportation projects are planned in this Commonwealth over the next 12 years.

The Commonwealth’s 2021 TYP is available at <https://talkpatransportation.com/transportation-planning/twelve-year-program>.

YASSMIN GRAMIAN,  
*Secretary*

[Pa.B. Doc. No. 20-1121. Filed for public inspection August 14, 2020, 9:00 a.m.]

## FISH AND BOAT COMMISSION

### Classification of Wild Trout Streams; Proposed Additions; October 2020

Under 58 Pa. Code § 57.11 (relating to listing of wild trout streams), it is the policy of the Fish and Boat Commission (Commission) to accurately identify and classify stream sections supporting naturally reproducing populations of trout as wild trout streams. The Commission's Fisheries Management Division maintains the list of wild trout streams. The Executive Director, with the approval of the Commission, will from time-to-time publish the list of wild trout streams in the *Pennsylvania Bulletin*. The listing of a stream section as a wild trout stream is a biological designation that does not determine how it is managed. The Commission relies upon many factors in determining the appropriate management of streams.

At the next Commission meeting on October 19 and 20, 2020, the Commission will consider changes to its list of wild trout streams. Specifically, the Commission will consider the addition of the following streams or portions of streams to the list:

<i>County of Mouth</i>	<i>Stream Name</i>	<i>Section Limits</i>	<i>Tributary to</i>	<i>Mouth Lat/Lon</i>
Berks	UNT to Furnace Creek (RM 2.08)	Headwaters to Mouth	Furnace Creek	40.340643 76.143710
Cambria	UNT (RM 0.50) to UNT to Clearfield Creek (RM 62.76)	Headwaters to Mouth	UNT to Clearfield Creek (RM 62.76)	40.555072 78.546551
Cambria	UNT to Swartz Run (RM 1.08)	Headwaters to Mouth	Swartz Run	40.571679 78.559842
Carbon	UNT (RM 0.45) to UNT to Sand Spring Run (RM 0.67)	Headwaters to Mouth	UNT to Sand Spring Run (RM 0.67)	41.020166 75.694597
Carbon	UNT to Hickory Run (RM 1.17)	Headwaters to Mouth	Hickory Run	41.018241 75.714908
Carbon	UNT to Hickory Run (RM 1.98)	Headwaters to Mouth	Hickory Run	41.028245 75.708454
Carbon	UNT to Stony Creek (RM 1.56)	Headwaters to Mouth	Stony Creek	40.953878 75.675739
Carbon	UNT to Stony Creek (RM 1.93)	Headwaters to Mouth	Stony Creek	40.954960 75.669199
Carbon	UNT to Wild Creek (RM 8.21)	Headwaters to Mouth	Wild Creek	40.931291 75.616265
Dauphin	Spring Creek	Headwaters to Hockersville Road Bridge	Swatara Creek	40.286773 76.679308
Elk	UNT to South Fork West Creek (RM 1.73)	Headwaters to Mouth	South Fork West Creek	41.456037 78.492805
Lackawanna	UNT (RM 0.06) to UNT to Sand Spring Creek (RM 1.54)	Headwaters to Mouth	UNT to Sand Spring Creek (RM 1.54)	41.189748 75.607393
Lackawanna	UNT (RM 0.43) to UNT to Pond Creek (RM 3.24)	Headwaters to Mouth	UNT to Pond Creek (RM 3.24)	41.205095 75.613003
Perry	UNT to Laurel Run (RM 2.93)	Headwaters to Mouth	Laurel Run	40.396637 77.533793
Tioga	South Creek	Headwaters to Mouth	Lick Creek	41.657932 77.151199
Union	UNT to White Deer Creek (RM 16.25)	Headwaters to Mouth	White Deer Creek	41.031252 77.110214

Persons with comments, objections or suggestions concerning the classification of the streams listed may submit them in writing to the Executive Director, Fish and Boat Commission, P.O. Box 67000, Harrisburg, PA 17106-7000, within 30 days after publication of this notice in the *Pennsylvania Bulletin*. Comments submitted by facsimile will not be accepted.

Comments also may be submitted electronically by completing the form at [www.fishandboat.com/regcomments](http://www.fishandboat.com/regcomments). If an acknowledgment of electronic comments is not received by the sender within 2 working days, the comments should be retransmitted to ensure receipt. Electronic comments submitted in any other manner will not be accepted.

TIMOTHY D. SCHAEFFER,  
*Executive Director*

[Pa.B. Doc. No. 20-1122. Filed for public inspection August 14, 2020, 9:00 a.m.]

## FISH AND BOAT COMMISSION

### Proposed Changes to List of Class A Wild Trout Waters; October 2020

The Fish and Boat Commission (Commission) is considering changes to its list of Class A Wild Trout Streams. Under 58 Pa. Code § 57.8a (relating to Class A wild trout streams), it is the Commission's policy to manage self-sustaining Class A wild trout populations as a renewable natural resource to conserve that resource and the angling it provides. Class A wild trout populations represent the best of this Commonwealth's naturally reproducing trout fisheries. With rare exceptions, the Commission manages these stream sections solely for the perpetuation of the wild trout fishery with no stocking.

Criteria developed for Class A Wild Trout fisheries are species specific. Wild Trout Biomass Class Criteria include provisions for:

(i) *Wild Brook Trout Fisheries*

(A) Total brook trout biomass of at least 30 kg/ha (26.7 lbs/acre).

(B) Total biomass of brook trout less than 15 cm (5.9 inches) in total length of at least 0.1 kg/ha (0.089 lbs/acre).

(C) Brook trout biomass must comprise at least 75% of the total trout biomass.

(ii) *Wild Brown Trout Fisheries*

(A) Total brown trout biomass of at least 40 kg/ha (35.6 lbs/acre).

(B) Total biomass of brown trout less than 15 cm (5.9 inches) in total length of at least 0.1 kg/ha (0.089 lbs/acre).

(C) Brown trout biomass must comprise at least 75% of the total trout biomass.

(iii) *Mixed Wild Brook and Brown Trout Fisheries*

(A) Combined brook and brown trout biomass of at least 40 kg/ha (35.6 lbs/acre).

(B) Total biomass of brook trout less than 15 cm (5.9 inches) in total length of at least 0.1 kg/ha (0.089 lbs/acre).

(C) Total biomass of brown trout less than 15 cm (5.9 inches) in total length of at least 0.1 kg/ha (0.089 lbs/acre).

(D) Brook trout biomass must comprise less than 75% of the total trout biomass.

(E) Brown trout biomass must comprise less than 75% of the total trout biomass.

(iv) *Wild Rainbow Trout Fisheries*

Total biomass of rainbow trout less than 15 cm (5.9 inches) in total length of at least 2.0 kg/ha (1.78 lbs/acre).

(v) *Mixed Wild Brook and Rainbow Trout Fisheries*

(A) Combined brook and rainbow trout biomass of at least 40 kg/ha (35.6 lbs/acre).

(B) Total biomass of brook trout less than 15 cm (5.9 inches) in total length of at least 0.1 kg/ha (0.089 lbs/acre).

(C) Total biomass of rainbow trout less than 15 cm (5.9 inches) in total length of at least 0.1 kg/ha (0.089 lbs/acre).

(D) Brook trout biomass shall comprise less than 75% of the total trout biomass.

(E) Rainbow trout biomass shall comprise less than 75% of the total trout biomass.

(vi) *Mixed Wild Brown and Rainbow Trout Fisheries*

(A) Combined brown and rainbow trout biomass of at least 40 kg/ha (35.6 lbs/acre).

(B) Total biomass of brown trout less than 15 cm (5.9 inches) in total length of at least 0.1 kg/ha (0.089 lbs/acre).

(C) Total biomass of rainbow trout less than 15 cm (5.9 inches) in total length of at least 0.1 kg/ha (0.089 lbs/acre).

(D) Brown trout biomass shall comprise less than 75% of the total trout biomass.

(E) Rainbow trout biomass shall comprise less than 75% of the total trout biomass.

During recent surveys, Commission staff documented the following stream sections to have Class A wild trout populations. The Commission intends to consider adding these waters to its list of Class A Wild Trout Streams at its meeting on October 19 and 20, 2020.

<i>County</i>	<i>Stream</i>	<i>Section</i>	<i>Limits</i>	<i>Tributary to</i>	<i>Mouth Lat / Lon</i>	<i>Brook Trout (kg / ha)</i>	<i>Brown Trout (kg / ha)</i>	<i>Rainbow Trout (kg / ha)</i>	<i>Length (miles)</i>	<i>Survey Year</i>
Centre	North Branch Wallace Run	1	Headwaters to Mouth	Wallace Run	40.984489 77.882896	29.44	25.60	---	1.95	2019
Clearfield	Medix Run	1	Headwaters to Jack Dent Branch	Bennett Branch Sinnemahoning Creek	41.284722 78.398056	33.25	---	---	3.60	2019
Potter	Freeman Run	3	Bark Shanty Hollow to West Branch Freeman Run	First Fork Sinnemahoning Creek	41.593889 78.057778	---	55.99	---	4.50	2018
Potter	Freeman Run	4	West Branch Freeman Run to Mouth	First Fork Sinnemahoning Creek	41.593889 78.057778	---	66.59	---	2.90	2018
Potter	West Branch Genesee River	1	Headwaters to T-410	Genesee River	41.992222 77.869167	31.47	28.98	---	0.80	2019
Tioga	Asaph Run	1	Confluence Left and Right Asaph runs to Mouth	Marsh Creek	41.770000 77.403610	17.11	64.66	---	2.98	2019

Persons with comments, objections or suggestions concerning the additions are invited to submit comments in writing to the Executive Director, Fish and Boat Commission, P.O. Box 67000, Harrisburg, PA 17106-7000, within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

Comments also may be submitted electronically by completing the form at [www.fishandboat.com/regcomments](http://www.fishandboat.com/regcomments). If an acknowledgment of electronic com-

ments is not received by the sender within 2 working days, the comments should be retransmitted to ensure receipt. Electronic comments submitted in any other manner will not be accepted.

TIMOTHY D. SCHAEFFER,  
*Executive Director*

[Pa.B. Doc. No. 20-1123. Filed for public inspection August 14, 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 act (71 P.S. § 745.5b).

The Commission has issued comments on the following proposed regulations. The agencies 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>
16A-4417	State Board of Podiatry Continuing Education 50 Pa.B. 2743 (May 30 2020)	6/29/20	7/29/20
18-477	Department of Transportation Registration Class Stickers 50 Pa.B. 2746 (May 30, 2020)	6/29/20	7/29/20

#### State Board of Podiatry Regulation # 16A-4417 (IRRC # 3257)

#### Continuing Education

**July 29, 2020**

We submit for your consideration the following comments on the proposed rulemaking published in the May 30, 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 State Board of Podiatry (Board) to respond to all comments received from us or any other source.

**1. Section 29.61. Requirements for biennial renewal and eligibility to conduct educational conferences.—Protection of the public health, safety and welfare; Need for the regulation.**

In Subsection (a), the Board proposes to lower the continuing education requirement from 50 to 45 hours. In Paragraph (a)(4), the Board proposes to eliminate the ten-hour limit and permit an unlimited number of distance learning continuing education hours. The Board states in response to question # 18 of the Regulatory Analysis Form (RAF) that it has determined that 45 continuing education hours is adequate to assure the public's health, safety and welfare, and that with recent innovations in course delivery online, the elimination of the ten-hour restriction on distance learning will not adversely affect the quality of the continuing education taken by podiatrists overall.

The Pennsylvania Podiatric Medical Association (PPMA) submits comments strongly opposing these proposed changes, primarily citing an agreement established by the stakeholders involved in the creation of Act 13 of 2002, the Medical Care Availability and Reduction of

Error (MCARE) Act (40 P.S. § 1303.101, et seq). PPMA explains that reducing the number of required continuing education hours for licensed podiatrists runs counter to the MCARE agreement because podiatrists participate in the MCARE Fund, meaning that annually the amount of each judgment and settlement reached in all claims against doctors of podiatric medicine, medical doctors, osteopathic medical doctors and hospitals are aggregated and assessed to each licensee in the form of the MCARE Assessment. Commenters assert that podiatric physicians cannot be perceived to have less stringent continuing education requirements than other medical professions with medical and surgical privileges, and emphasize that podiatrists have fought to establish parity with fellow medical and osteopathic medical doctors. While the Board responds to RAF question # 10 (which asks why the regulation is needed) that the regulation is inspired by the Governor's initiative to reduce barriers to licensure and unnecessary burdens on licensees, PPMA asserts that it does not see the current regulatory requirements as a barrier or burden. Further, PPMA states that there is no factual basis upon which to reduce the required continuing education hours, and cites several reasons for objecting to unlimited distance learning hours, such as the value of face-to-face interaction and discussions.

We ask the Board to explain in the Preamble and RAF of the final-form regulation how the total number of required continuing education hours and the maximum number of hours permitted to be obtained through distance learning protects the public health, safety and welfare.

As noted above, Section 29.61 currently allows that a maximum of ten hours may be in approved courses and programs that involve the use of the Internet or the reading of professional journals or magazine articles. In restructuring this section, the Board proposes in Para-

graph (a)(3) to retain the ten-hour limit for continuing education obtained by reading professional journals. PPMA states that this proposed change further diminishes the quality of continuing education since the term “professional journals” is not defined, nor is there any method through which to indicate any enhancement of the licensee’s knowledge or proficiency. We ask the Board to define this term in the final-form regulation and explain how this method of continuing education protects public health, safety and welfare.

**2. Section 29.68. Continuing education exemptions.—Statutory authority.**

Proposed Subsection (e) states that a podiatrist who has never been licensed previously in any jurisdiction is exempt from the continuing education requirements set forth in Section 29.61(a) (relating to requirements for biennial renewal and eligibility to conduct educational conferences) for the first renewal period immediately following licensure in this Commonwealth. However, Section 42.9a of the Podiatry Practice Act states that any individual applying for an initial registration under this act shall be exempted from the requirement of attending an educational conference during the calendar year in which he makes application for his license, provided he has graduated from an accredited school of podiatric medicine and surgery during that calendar year. 63 P.S. § 42.9a. Because the statute only permits a continuing education exemption for new registrants during the calendar year in which the person applies for licensure, what is the Board’s statutory authority for exempting an individual for the first renewal period, which could exceed a calendar year?

**3. Miscellaneous clarity.**

PPMA notes that the reference to the American Podiatry Association in Section 29.68(d) (relating to continuing education exemptions) is outdated. We ask the Board to amend the name of the body which approves the Podiatric Residency Program in the final-form regulation.

**Department of Transportation Regulation # 18-477  
(IRRC # 3258)**

**Registration Class Stickers**

**July 29, 2020**

We submit for your consideration the following comments on the proposed rulemaking published in the May 30, 2020 *Pennsylvania Bulletin*. Our comments are based on criteria in Section 5.2 of the Regulatory Review Act (71 P.S. § 745.5b). Section 5.1(a) of the Regulatory Review Act (71 P.S. § 745.5a(a)) directs the Department of Transportation (Department) to respond to all comments received from us or any other source.

**Reasonableness; Protection of the public health, safety and welfare; Fiscal impact.**

This proposed rulemaking deletes Chapter 55 of the Department’s regulations. Chapter 55 requires the affixation of a “registration class sticker” that indicates the registered gross weight class of a truck, truck-tractor or combination registered in the Commonwealth in the gross weight classes of two through 25. According to the Department, the authorized operating weight is printed on the truck’s registration card.

A law enforcement officer submitted a comment stating that his agency uses registration class stickers for enforcement purposes. He also raised two concerns related to the “under registration” of vehicles. First, he believes the proposal may lead to truck owners registering their

vehicles at a lower weight to take advantage of lower registration fees. Second, he believes the proposal could lead to under registered vehicles utilizing roads with weight restrictions below the weight of the trucks being driven.

In the Preamble to this proposal, the Department states that law enforcement agencies do not use registration class stickers for enforcement purposes. This contradicts the comment noted above. If the stickers are used for enforcement purposes, we question the reasonableness of this proposal. As the Department prepares the final-form regulation, we ask that it reach out to other law enforcement agencies or statewide associations to ensure that the deletion of Chapter 55 will not be problematic for them in the performance of their duties.

We also ask the Department to consider the potential “under registration” of vehicles this proposal could lead to and the possible impact on the health, safety and welfare of the public if overweight trucks drive on weight restricted roads and also the potential loss of revenue for the Commonwealth. In the Preamble to the final-form regulation, we ask the Department to explain what safeguards are in place to prevent this from happening.

GEORGE D. BEDWICK,  
*Chairperson*

[Pa.B. Doc. No. 20-1124. Filed for public inspection August 14, 2020, 9:00 a.m.]

## INSURANCE DEPARTMENT

**Section 1332 Reinsurance Waiver Application Approval and First Year Parameter; Notice 2020-20**

On July 24, 2020, the Centers for Medicare & Medicaid Services, a division of the United States Department of Health and Human Services, and the United States Department of the Treasury, approved the Insurance Department’s 1332 Waiver Application. This approval is effective for a waiver period of January 1, 2021, through December 31, 2025, with a provision for a possible extension at the end of the initial term.

The reinsurance program will be a claims-based, attachment point reinsurance program that will reimburse health insurers for claims costs of qualifying Affordable Care Act-compliant individual enrollees, where a percentage of the claims costs exceeding a specified threshold (attachment point) and up to a specified ceiling (reinsurance cap) will be reimbursed. For the first year of the program, beginning January 1, 2021, the adopted parameters are an attachment point of \$60,000, a cap of \$100,000 and a coinsurance rate of 60%.

Any questions regarding this notice may be addressed to the Bureau of Life, Accident and Health, Insurance Department, 1311 Strawberry Square, Harrisburg, PA 17120, ra-rateform@pa.gov.

JESSICA K. ALTMAN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 20-1125. Filed for public inspection August 14, 2020, 9:00 a.m.]

## LEGISLATIVE REFERENCE BUREAU

### Documents Filed But Not Published

The Legislative Reference Bureau (Bureau) accepted the following document during the preceding calendar month for filing without publication under 1 Pa. Code § 3.13(b) (relating to contents of *Bulletin*). The Bureau will continue to publish on a monthly basis either a summary table identifying the documents accepted during the preceding calendar month under this subsection or a statement that no documents have been received. For questions concerning or copies of documents filed, but not published, call (717) 783-1530.

*Governor's Office*

Manual No. 210.03—Index of Issuances, Amended July 1, 2020.

DUANE M. SEARLE,  
*Director*  
*Pennsylvania Code and Bulletin*

[Pa.B. Doc. No. 20-1126. Filed for public inspection August 14, 2020, 9:00 a.m.]

## PENNSYLVANIA ENERGY DEVELOPMENT AUTHORITY

### Availability of the Pennsylvania Energy Development Authority Restart Grant

The Pennsylvania Energy Development Authority (PEDA) is offering an opportunity to apply for a PEDA Restart Grant to assist with the completion of eligible energy projects disrupted due to the novel coronavirus (COVID-19) pandemic response.

PEDA will offer approximately \$2 million for individual awards not to exceed \$250,000 for clean, advanced energy projects including the development and deployment of innovative, clean, advanced and efficient technologies; the generation of alternative energy or the production of alternative fuels; or the implementation of energy efficiency/demand side projects. Businesses conducting manufacturing or production operations related to alternative and clean energy projects in this Commonwealth are also eligible.

PEDA will receive competitive proposals/applications for funding requests to support the purchase of equipment and supplies. Applicants can request funds for retroactive costs, working capital or both. However, applicants must propose a minimum 1:1 match consisting of all eligible costs as described in the solicitation that will be expended after the application submission date.

To ensure good faith and project completion, all awarded grantees will be required to purchase a surety bond in the total amount of the grant award and matching funds plus a 10% maintenance surety as a condition of receipt of the grant funds.

Applicants shall demonstrate how this award will mitigate the impact of a disruption experienced associated with the COVID-19 pandemic response and how the provision of a grant will enhance the ability to complete the project in an expeditious manner. This includes but is not limited to: the rehire of workers or hiring of additional workers to complete the project quickly, ability to make immediate equipment payments to restart the supply chain or opportunity to overcome lost revenue due to market stagnation. PEDA encourages the hiring of contractors in this Commonwealth, suppliers, labor and minority, veteran, service-disabled veteran and women-owned businesses as a response to high job losses due to the COVID-19 pandemic.

PEDA encourages applicants to seek funding for clean, advanced energy projects which will provide backup power for critical operations. Projects that support revitalization by reusing or redeveloping brownfields and previously developed sites in urban, suburban and rural communities are also desired.

The PEDA Restart Grant guidelines and application instructions are available on the Department of Environmental Protection's webpage at [www.dep.pa.gov](http://www.dep.pa.gov) (select "Businesses," then "Energy," then "Energy Programs Office," then "Financial Options," then "PEDA") or by contacting the Energy Programs Office at (717) 783-8411.

All applications must be submitted online through the Commonwealth's Electronic Single Application web site at <https://www.esa.dced.state.pa.us/Login.aspx>. Applications will be accepted starting Monday, August 17, 2020. All applications must be received by 4 p.m. on Friday, October 2, 2020.

For more information on the PEDA Restart Grant, e-mail [jdziubek@pa.gov](mailto:jdziubek@pa.gov) or contact the Energy Programs Office at (717) 783-8411.

PATRICK McDONNELL,  
*Chairperson*

[Pa.B. Doc. No. 20-1127. Filed for public inspection August 14, 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 August 31, 2020. Documents filed in support of the applications are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, and at the business address of the respective applicant.



**Applications of the following for approval to begin operating as common carriers for transportation of persons as described under each application.**

**A-2020-3019976 (Amended). Hayatt Health Service, Inc.** (111 Buck Road, Huntingdon Valley, Bucks County, PA 19006) persons, in paratransit service, from points in the County of Delaware and the City and County of Philadelphia, to points in Pennsylvania, and return.

**A-2020-3020802. East End Energy, LLC** (126 Lawton Street, Madera, PA 16661) discontinuance of service and cancellation of its certificate—for the right to begin to transport, as a common carrier, persons in paratransit service, from points in the County of Clearfield to points in Pennsylvania, and return, which authority is limited to: (1) service under transportation programs that are paid directly from or reimbursed by the Department of Human Services; and (2) service to and from the Clearfield Hospital.

**A-2020-3021042. Riyank, LLC** (2073 Westburry Court, Red Lion, York County, PA 17356) in airport transfer service, from points in the Borough of Red Lion, York County, to points in Pennsylvania, and return.

**A-2020-3021044. Keystone Transportation, LLC** (2304 Walnut Street, Harrisburg, Dauphin County, PA 17103) in paratransit service, from points in the Counties of Cumberland, Dauphin and York, to points in Pennsylvania, and return.

**A-2020-3021072. Armada Global, Inc.** (3812 William Flinn Highway, Building 2A, Allison Park, Allegheny County, PA 15101) for the right to begin to transport, as a common carrier, by motor vehicle, persons in limousine service, between points in Pennsylvania; excluding service that is under the jurisdiction of the Philadelphia Parking Authority.

**A-2020-3021087. Da Yoder Vegley, LLC** (191 West Main Street, Allensville, Mifflin County, PA 17002) for the right to begin to transport, as a common carrier, by motor vehicles, persons in paratransit service, between points in Pennsylvania.

**Applications of the following for the approval of the right and privilege to *discontinue/abandon* operating as common carriers by motor vehicle and for cancellation of the certificate of public convenience as described under each application.**

**A-2020-3020912. Airline Acquisition Co., Inc., t/a Airlines Transportation Company and, t/a Supershuttle of Pittsburgh** (1825 Liverpool Street, Pittsburgh, Allegheny County, PA 15233) discontinuance of service and cancellation of its certificate, at A-00108743, for persons, in airport transfer service:

1) To transport, as a common carrier, special groups of persons arriving by airplanes at the Allegheny County Airport in the Borough of West Mifflin, Allegheny County, or at the Greater Pittsburgh Airport in the Township of Moon, Allegheny County, from said airports to other points in Pennsylvania, and upon request to subsequently return said groups to the point of origin at the Allegheny County Airport or the Greater Pittsburgh Airport;

2) To transport, as a common carrier, airplane passengers grounded at the Allegheny County Airport in the Borough of West Mifflin, Allegheny County, or at the

Greater Pittsburgh Airport, in the Township of Moon, Allegheny County, from said airport to other points in Pennsylvania;

3) To transport, as a common carrier, persons, in airport transfer service, from points in the Counties of Armstrong, Beaver, Bedford, Butler, Clarion, Crawford, Fayette, Indiana, Lawrence, Mercer, Somerset and Venango, to the Pittsburgh International Airport located in the Townships of Moon and Findlay, Allegheny County, and the Allegheny County Airport located in the Borough of West Mifflin, Allegheny County;

4) To transport, as a common carrier, by motor vehicle, persons in airport transfer service:

a) in limousines and luxury-type vehicles from points in the Township of North Huntingdon, and the Cities of Greensburg and Jeannette, and the Boroughs of Irwin, Latrobe, Monessen, Mount Pleasant and Scottsdale, all in the County of Westmoreland, to the Greater Pittsburgh International Airport in the Townships of Moon and Findlay, and vice versa, limited to the transportation of persons having prior or subsequent movement by air; and provided that the service shall be rendered in vehicles having a seating capacity of not less than 7 or more than 11 passengers, without the use of taximeters or dome lights;

b) from the Greater Pittsburgh International Airport in the Townships of Moon and Findlay, Allegheny County, to points in Washington County, and vice versa; limited to the transportation of persons having prior or subsequent movement by air; excluding service between intermediate points; and provided that no service will be rendered to points in the Borough of Findleyville, Washington County, and within a radius of 5 miles of the limits thereof, and vice versa;

c) from the Greater Pittsburgh International Airport, to points in Westmoreland County, and vice versa; limited to the transportation of persons having prior or subsequent movement by air;

d) in limousines and luxury-type vehicles from points in the Counties of Armstrong, Beaver and Butler, to the Greater Pittsburgh International Airport in the Township of Moon, Allegheny County; and the Allegheny County Airport in the Borough of West Mifflin, Allegheny County; right subject to the following two conditions: That no right, power or privilege is granted to provide service from points in the Townships of Adams, Butler, Connoquenessing, Cranberry, Forward, Jackson, Lancaster, Middlesex and Penn; and the Boroughs of Seven Springs and Zelienople, Butler County; That service from Westmoreland County is restricted to the transportation of four or more persons from one origin point for whom a reservation has been made by a single party or person, but who are charged individually.

*Attorney:* Ray F. Middleman, U.S. Steel Tower, 44th Floor, 600 Grant Street, Pittsburgh, PA 15219.

**A-2020-3020913. Airline Acquisition Co., Inc., t/a Airlines Transportation Company** (1825 Liverpool Street, Pittsburgh, Allegheny County, PA 15233) discontinuance of service and cancellation of its certificate, at A-00108743, for persons, in group and party 11–15 service:

1) To transport, as a common carrier, by motor vehicle, persons, in group and party service, in vehicles seating 15 passengers or less, including the driver, between points in the Counties of Bedford, Blair, Cambria, Indiana, Jefferson, Washington and Westmoreland, and from points in said counties, and the County of Allegheny, to points in Pennsylvania, and return.

2) To transport, as a common carrier, by motor vehicle, persons, in group and party service, in vehicles seating 15 passengers or less, including the driver, from points in the Counties of Beaver, Butler and Fayette, to points in Pennsylvania, and return; excluding service that is under the jurisdiction of the Philadelphia Parking Authority.

*Attorney:* Ray F. Middleman, U.S. Steel Tower, 44th Floor, 600 Grant Street, Pittsburgh, PA 15219.

ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 20-1128. Filed for public inspection August 14, 2020, 9:00 a.m.]

## PENNSYLVANIA PUBLIC UTILITY COMMISSION

### Wastewater Service

**A-2019-3015173. Aqua Pennsylvania Wastewater, Inc.** Application of Aqua Pennsylvania Wastewater, Inc. (APW) under 66 Pa.C.S. §§ 1102(a) and 1329 (relating to enumeration of acts requiring certificate; and valuation of acquired water and wastewater systems) for approval of: (1) the transfer, by sale, of substantially all of the wastewater system assets of the Delaware County Regional Water Quality Control Authority (DELCORA); (2) the right of APW to begin to offer or furnish wastewater service to the public in portions of Delaware and Chester Counties; and (3) the use for ratemaking purposes of the lesser fair market value or the negotiated purchase price of the DELCORA assets related to its wastewater collection and treatment system.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities) on or before Monday, August 31, 2020. Filings must be made with the Secretary of the Pennsylvania Public Utility Commission, 400 North Street, 2nd Floor, Harrisburg, PA 17120, with a copy served on the applicant. The documents filed in support of the application are available only online for inspection and copying on the Pennsylvania Public Utility Commission's (Commission) web site at [www.puc.pa.gov](http://www.puc.pa.gov) and at the applicant's business address. In accordance with the Commission's Emergency Order at M-2020-3019262, all parties participating in matters pending before the Commission are required to Efile their submissions by opening an Efiling account—free of charge—through the Commission's web site and accepting Eservice.

*Applicant:* Aqua Pennsylvania Wastewater, Inc.

*Through and By Counsel:* Thomas T. Niesen, Esquire, Thomas, Niesen & Thomas, LLC, 212 Locust Street, Suite 302, Harrisburg, PA 17101

ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 20-1129. Filed for public inspection August 14, 2020, 9:00 a.m.]

## PROFESSIONAL STANDARDS AND PRACTICES COMMISSION

### Application of Matthew J. Filippelli for Reinstatement of Teaching Certificates; Doc. No. RE-20-003

#### Notice of Opportunity to Intervene or Protest, or Both

Under the Educator Discipline Act (act) (24 P.S. §§ 2070.1a—2070.18c), the Professional Standards and Practices Commission (Commission) will consider the application of Matthew J. Filippelli for reinstatement of his teaching certificates.

Matthew J. Filippelli filed an application for reinstatement of his teaching certificates under section 16 of the act (24 P.S. § 2070.16), 1 Pa. Code §§ 35.1 and 35.2 (relating to applications) and 22 Pa. Code § 233.123 (relating to reinstatements). Matthew J. Filippelli waived his right to a hearing.

In accordance with the act, 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure) and 22 Pa. Code § 233.123(d), the Commission will directly consider the application at a public meeting of the Commission. Any interested party wishing to participate in this proceeding must file a notice of intervention or a petition to intervene in accordance with 1 Pa. Code §§ 35.27—35.32 (relating to intervention) within 30 days after publication of this notice in the *Pennsylvania Bulletin*. Any person objecting to the approval of the application may also, within 30 days after publication of this notice in the *Pennsylvania Bulletin*, file a protest in accordance with 1 Pa. Code § 35.23 (relating to protest generally).

Notices and petitions to intervene and protests shall be filed with Shane Crosby, Executive Director, Professional Standards and Practices Commission, 333 Market Street, 14th Floor, Harrisburg, PA 17126-0333 on or before 4 p.m. on the due date prescribed by this notice.

Persons with a disability who wish to attend the meeting and require an auxiliary aid, service or other accommodation to participate, should contact Kyle Shemory at (717) 787-6576 to discuss how the Commission may best accommodate their needs.

SHANE F. CROSBY,  
*Executive Director*

[Pa.B. Doc. No. 20-1130. Filed for public inspection August 14, 2020, 9:00 a.m.]

## PROFESSIONAL STANDARDS AND PRACTICES COMMISSION

### Application of Gretta Markle for Reinstatement of Teaching Certificates; Doc. No. RE-20-002

#### Notice of Opportunity to Intervene or Protest, or Both

Under the Educator Discipline Act (act) (24 P.S. §§ 2070.1a—2070.18c), the Professional Standards and Practices Commission (Commission) will consider the application of Gretta Markle for reinstatement of her teaching certificates.

Gretta Markle filed an application for reinstatement of her teaching certificates under section 16 of the act

(24 P.S. § 2070.16), 1 Pa. Code §§ 35.1 and 35.2 (relating to applications) and 22 Pa. Code § 233.123 (relating to reinstatements). Gretta Markle waived her right to a hearing.

In accordance with the act, 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure) and 22 Pa. Code § 233.123(d), the Commission will directly consider the application at a public meeting of the Commission. Any interested party wishing to participate in this proceeding must file a notice of intervention or a petition to intervene in accordance with 1 Pa. Code §§ 35.27—35.32 (relating to intervention) within 30 days after publication of this notice in the *Pennsylvania Bulletin*. Any person objecting to the approval of the application may also, within 30 days after publication of this notice in the *Pennsylvania Bulletin*, file a protest in accordance with 1 Pa. Code § 35.23 (relating to protest generally).

Notices and petitions to intervene and protests shall be filed with Shane Crosby, Executive Director, Professional Standards and Practices Commission, 333 Market Street, 14th Floor, Harrisburg, PA 17126-0333 on or before 4 p.m. on the due date prescribed by this notice.

Persons with a disability who wish to attend the meeting and require an auxiliary aid, service or other accommodation to participate, should contact Kyle Shemery at (717) 787-6576 to discuss how the Commission may best accommodate their needs.

SHANE F. CROSBY,  
*Executive Director*

[Pa.B. Doc. No. 20-1131. Filed for public inspection August 14, 2020, 9:00 a.m.]

## PUBLIC SCHOOL EMPLOYEES' RETIREMENT BOARD

### Hearing Scheduled

A hearing has been scheduled, as authorized by 24 Pa.C.S. Part IV (relating to Public School Employees' Retirement Code), in connection with the Public School Employees' Retirement System's (System) denial of claimant's request concerning the indicated account.

The hearing will be held before a hearing officer at the Public School Employees' Retirement System, 5 North Fifth Street, Harrisburg, PA 17101:

September 16, 2020	Lauri A. Watkins (Effective Date of Retirement)	10 a.m.
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Persons with a disability who wish to attend the previously listed hearing and require an auxiliary aid, service or other accommodation to participate in the proceedings should contact Mercedes Alcoser, Assistant to the Executive Director, at (717) 720-4606 to discuss how the System may best accommodate their needs.

Parties may appear with or without counsel and offer relevant testimony or evidence to support their respective positions. The hearing will be held in accordance with the requirements of 2 Pa.C.S. §§ 501—508 and 701—704 (relating to Administrative Agency Law). Under 22 Pa. Code § 201.1 (relating to applicability of general rules), procedural matter will be in conformance with 1 Pa. Code Part II (relating to General Rules of Adminis-

trative Practice and Procedure) unless specific exemption is granted.

GLEN R. GRELL,  
*Executive Director*

[Pa.B. Doc. No. 20-1132. Filed for public inspection August 14, 2020, 9:00 a.m.]

## STATE POLICE

### Storage and Preservation Policy for Sexual Assault Evidence

Under the Sexual Assault Testing and Evidence Collection Act (act) (35 P.S. §§ 10172.1—10172.6), local law enforcement agencies must take possession of sexual assault evidence obtained by a health care facility within 72 hours of being notified of its existence. Cases of an unknown jurisdiction are to be referred to the State Police. For those cases in which the victim has provided written notice of consent to the forensic testing, the law enforcement agency must submit evidence awaiting testing to an approved laboratory within 15 days. For those cases in which the victim has not provided consent to the testing, the evidence must be preserved and stored for a period of no less than the duration of the maximum applicable criminal statute of limitations, unless consent is provided before that period. This policy applies whether the victim is anonymous or identified and whether the jurisdiction of the offense is known. See section 3(c) of the act (35 P.S. § 10172.3(c)).

#### *Anonymous Reporters*

A victim may choose to remain anonymous and may also choose whether to have the Sexual Assault Kit (SAK) tested. Anonymity is to be maintained throughout the collection, storage and preservation of evidence process where required. An Anonymous Reporting & Testing Form (Form) is completed at the health care facility and provided to law enforcement along with the SAK. The Form indicates the victim's chosen course of action and documents both the patient visit identification number and the law enforcement agency incident number. The original completed Form is given to law enforcement with copies distributed to the health care facility and the victim. The Form is available on the State Police web site and the Department of Health web site.

#### *Tracking*

The SAK should be tracked in a manner that maintains an unbroken chain of custody until final disposition. This applies to SAKs from identified and anonymous victims, regardless of whether the SAK will be submitted for testing. Tracking can be accomplished by using an evidence or law enforcement agency incident number which will allow the victim to be notified of the status of the SAK. For anonymous SAKs, the patient visit identification number will be recorded on the SAK and on the Form. The patient visit identification number along with the law enforcement agency incident number may aid in tracking.

#### *Storage and Preservation*

This policy provides guidelines for optimal storage conditions for the preservation of sexual assault evidence and applies in all cases regardless of whether or not a victim has consented to forensic testing. While there are many factors which may affect a law enforcement agency's ability to meet and maintain these conditions, every effort should be made to comply with these best practices

for long-term storage. It should be noted that deviation from these optimal conditions will not preclude laboratory testing at a future time but may impact on the ability of a laboratory to successfully analyze any evidence.

When a law enforcement agency takes possession of the sexual assault evidence from the health care facility, the SAK must be in a sealed condition. The evidence seal should remain intact and only broken by laboratory personnel for testing the contents of the kit. In general, items typically collected in the SAKs manufactured in compliance with the minimum standards<sup>1</sup> as provided by the Department of Health, under the act, should be treated the same as dry biological stained items and stored in a temperature-controlled setting (see the following definitions). However, to ensure proper storage conditions are met, the following information should be obtained by the law enforcement agency prior to taking possession of the SAK:

- Does the SAK contain any liquid blood samples?
- Does the SAK contain any urine samples?
- Does the SAK contain any wet items that cannot be dried (for example, tampons, used condoms)?

If the SAK contains any of these three types of items, then the entire SAK should be stored in accordance with the item's storage recommendation (for example, if the SAK contains liquid blood, the entire kit should be refrigerated).

Short-term storage conditions, as described as follows, should be maintained in evidence for 72 hours or less. Long-term storage conditions, as described as follows, should be maintained for evidence retained longer than 72 hours to preserve evidence integrity. Ideally, evidence should be stored under these conditions as soon as practicable once in the possession of law enforcement.

**Short-Term Storage Conditions Matrix<sup>2</sup>**

<i>Type of Evidence</i>	<i>Frozen</i>	<i>Refrigerated</i>	<i>Temperature Controlled</i>	<i>Room Temperature</i>
Liquid blood	Never	Best	Less than 24 hours	
Urine	Best	Less than 24 hours		
Dry biological stained item			Best	Acceptable
Wet items (if they cannot be dried)	Best	Acceptable	Less than 24 hours	
Hair			Best	Acceptable
Swabs with biological material		Best (wet)	Best (dried)	
Vaginal smears			Best	
Feces	Best			
Buccal swabs			Best	Less than 24 hours
DNA extracts	Best (liquid)	Acceptable (liquid)	Acceptable (dried)	Less than 24 hours

**Long-Term Storage Conditions Matrix<sup>3</sup>**

<i>Type of Evidence</i>	<i>Frozen</i>	<i>Refrigerated</i>	<i>Temperature Controlled</i>	<i>Room Temperature</i>
Liquid blood	Never	Best	Less than 24 hours	
Urine	Best			
Dry biological stained item			Best	
Hair			Best	Acceptable
Swabs with biological material			Best (dried)	
Vaginal smears			Best	
Feces	Best			
Buccal swabs			Best	
DNA extracts	Best (liquid)	Acceptable (liquid)	Acceptable (dried)	Less than 24 hours

<sup>1</sup> Under 28 Pa. Code § 117.52(a)(1) (relating to minimum requirements for sexual assault emergency services), all hospitals providing sexual assault emergency services under 28 Pa. Code §§ 117.51—117.58 (relating to sexual assault victim emergency services) “shall utilize a rape kit that complies with the minimum standard requirements developed by the Department or that is otherwise approved by the Department under the [act].”

<sup>2</sup> Adapted from *The Biological Evidence Preservation Handbook: Best Practices for Evidence Handlers*, page 18 (<http://nvlpubs.nist.gov/nistpubs/ir/2013/NIST.IR.7928.pdf>) and the *National Institute of Justice National Best Practices for Sexual Assault Kits: A Multidisciplinary Approach*, page 39 (<https://www.ncjrs.gov/pdffiles1/nij/250384.pdf>).

<sup>3</sup> Adapted from *The Biological Evidence Preservation Handbook: Best Practices for Evidence Handlers*, page 19 (<http://nvlpubs.nist.gov/nistpubs/ir/2013/NIST.IR.7928.pdf>) and the *National Institute of Justice National Best Practices for Sexual Assault Kits: A Multidisciplinary Approach*, page 41 (<https://www.ncjrs.gov/pdffiles1/nij/250384.pdf>).

*Definitions:*

*Frozen:* Temperature is maintained thermostatically at or below  $-10^{\circ}\text{C}$  ( $14^{\circ}\text{F}$ ).

*Refrigerated:* Temperature is maintained thermostatically between  $2^{\circ}\text{C}$  and  $8^{\circ}\text{C}$  ( $36^{\circ}\text{F}$  and  $46^{\circ}\text{F}$ ) with less than 25% humidity.

*Temperature controlled:* Temperature is maintained thermostatically between  $15.5^{\circ}\text{C}$  and  $24^{\circ}\text{C}$  ( $60^{\circ}\text{F}$  and  $75^{\circ}\text{F}$ ) with less than 60% humidity.

*Room Temperature:* Temperature is equal to the ambient temperature of its surroundings; storage area may lack temperature and humidity control methods.

This policy has been developed with concurrence of the Pennsylvania Chiefs of Police Association and the Pennsylvania District Attorneys Association, as well as in consultation with laboratories in this Commonwealth approved to receive sexual assault evidence, namely the Philadelphia Police Department Office of Forensic Science, the Allegheny County Office of Chief Medical Examiner Forensic Laboratory and the State Police Bureau of Forensic Services.

COLONEL ROBERT EVANCHICK,  
*Commissioner*

[Pa.B. Doc. No. 20-1133. Filed for public inspection August 14, 2020, 9:00 a.m.]





