

# PENNSYLVANIA BULLETIN

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**Latest Pennsylvania Code Reporter  
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**No. 550, September 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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*Rules, Regulations and Statements of Policy in Titles 1—107 of the Pennsylvania Code*

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

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

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

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

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

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

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### Fiscal Notes

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

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

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

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## List of Pa. Code Chapters Affected

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

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# THE COURTS

## Title 246—MINOR COURT CIVIL RULES

### PART I. GENERAL

[ 246 PA. CODE CHS. 200, 500 AND 1000 ]

Order Amending Rules 209, 503, 504, 506—508, 512—521, 1007, 1008 and 1013 of the Pennsylvania Rules of Civil Procedure Governing Actions and Proceedings Before Magisterial District Judges; No. 445 Magisterial Rules Doc.

#### Order

*Per Curiam*

And Now, this 19th day of August, 2020, upon the recommendation of the Minor Court Rules Committee; the proposal having been published for public comment at 45 Pa.B. 1111 (March 7, 2015), 46 Pa.B. 984 (February 27, 2016), and 47 Pa.B. 7433 (December 9, 2017):

It is Ordered pursuant to Article V, Section 10 of the Constitution of Pennsylvania that Rules 209, 503, 504, 506—508, 512—521, 1007, 1008, and 1013 of the Pennsylvania Rules of Civil Procedure Governing Actions and Proceedings before Magisterial District Judges are amended in the following form. The rule text incorporates the amendments of the Order of August 19, 2020, Magisterial Docket No. 446.

This Order shall be processed in accordance with Pa.R.J.A. No. 103(b), and shall be effective on January 1, 2021.

#### Annex A

### TITLE 246. MINOR COURT CIVIL RULES

#### PART I. GENERAL

#### CHAPTER 200. RULES OF CONSTRUCTION; GENERAL PROVISIONS

##### Rule 209. Continuances and Stays.

\* \* \* \* \*

C. Except for good cause shown,

(1) not more than one continuance shall be granted to each party, and

(2) the aggregate of all continuances shall not extend the date of the hearing:

(a) beyond 90 days from the date of filing the plaintiff's complaint in proceedings commenced pursuant to Rule 303, or

(b) beyond 30 days from the date of filing the [ plaintiff's ] landlord's complaint in proceedings commenced pursuant to Rule 502.

\* \* \* \* \*

#### CHAPTER 500. ACTIONS FOR THE RECOVERY OF POSSESSION OF REAL PROPERTY

##### Rule 503. Form of Complaint.

A. The complaint shall be made in writing on a form prescribed by the State Court Administrator.

B. The complaint shall set forth:

(1) The names and addresses of the parties.

(2) The location and the address, if any, of the real property possession of which is sought to be recovered.

(3) That the [ plaintiff is the ] landlord of that property is the plaintiff in the action.

(4) That [ the plaintiff ] the landlord leased or rented the property to the [ defendant ] tenant or to some other person under whom the [ defendant ] tenant claims.

(5) That notice to remove was given to the [ defendant ] tenant in accordance with law, or that no notice was required under the terms of the lease.

(6) That—

(a) the term for which the property was leased or rented is fully ended, or

(b) a forfeiture has resulted by reason of a breach of the conditions of the lease, or

(c) rent reserved and due has, upon demand, remained unsatisfied.

(7) That the [ defendant ] tenant retains the real property and refuses to give up possession of the property.

(8) The amount of rent, if any, that remains due and unpaid on the date the complaint is filed and whatever additional rent shall remain due and unpaid at the date of the hearing, and the amount of damages, if any, claimed for injury to or unjust detention of the real property.

C. The complaint shall be signed by the [ plaintiff or plaintiff's ] landlord or landlord's agent and verified as follows:

The facts set forth in this complaint are true and correct to the best of my knowledge, information and belief. This statement is made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

\_\_\_\_\_  
Signature

D. For every individual [ defendant ] tenant, the [ plaintiff or plaintiff's ] landlord or landlord's agent shall attach an affidavit to the complaint indicating that the [ defendant ] tenant is in the military service, that the [ defendant ] tenant is not in the service, or that the [ plaintiff ] landlord is unable to determine whether or not the [ defendant ] tenant is in the service.

**Official Note:** As in the other rules of civil procedure for magisterial district judges, the complaint will be on a printed form. The filings required by this rule are subject to the *Case Records Public Access Policy of the Unified Judicial System of Pennsylvania*. See Rule 217. As to notice to remove, the form will simply state that such a notice, when required, was given to the [ defendant ] tenant in accordance with law. See § 501 of the Landlord and Tenant Act, 68 P.S. § 250.501, as amended by § 2(a) of the Judiciary Act Repealer Act, Act of April 28, 1978, P.L. 202, No. 53, 42 P.S. § 20002(a).

In subdivision B(8) the landlord is permitted to claim, in addition to the specific amount of rent due and unpaid at the date of filing, whatever unspecified amount of rent will remain due and unpaid at the date of the hearing. As to claiming damages for injury to property, *compare* Pa.R.C.P. No. 1055.

Subdivision D requires the [ **plaintiff** ] **landlord** to affirm if the [ **defendant** ] **tenant** is or is not in the military service, or if the [ **defendant's** ] **tenant's** military service status is unknown. This information is required to ensure that an eligible [ **defendant** ] **tenant** receives the protections afforded by the Servicemembers Civil Relief Act, 50 U.S.C. §§ 3901 *et seq.* The affidavit shall be made in writing on a form prescribed by the State Court Administrator.

See Act of January 24, 1966, P.L. (1965) 1534, § 1, as amended by Act of August 11, 1967, P.L. 204, No. 68, § 1, Act of June 11, 1968, P.L. 159, No. 89, § 2, 35 P.S. § 1700-1, which states that "[n]o tenant shall be evicted for any reason whatsoever while rent is deposited in escrow" because the dwelling in question has been certified as unfit for human habitation by the appropriate city or county agency. It seems appropriate to leave the matter of evidencing or pleading such a certification or lack thereof to local court of common pleas rules.

\* \* \* \* \*

#### **Rule 504. Setting the Date for Hearing; Delivery for Service.**

The magisterial district judge, at the time the complaint is filed, shall:

(1) Set a hearing date [ **which** ] **that** shall be not less than seven [ **(7)** ] or more than fifteen [ **(15)** ] days from the date the complaint is filed.

(2) Insert the hearing time and date and the address of the magisterial district judge's magisterial district in the complaint form.

(3) Deliver a copy of the complaint form with hearing time and date thereon to the [ **plaintiff or the plaintiff's** ] **landlord or the landlord's** agent.

(4) Deliver a copy of the complaint form with hearing time and date thereon for service as hereinafter set forth, which copy shall contain the following notice:

(a) If you have a defense to this complaint, you may present it at the hearing.

(b) If you have a claim against the [ **plaintiff** ] **landlord** arising out of the occupancy of the premises, which is within magisterial district court jurisdiction and which you intend to assert at the hearing, you must file it on a complaint form at this office before the time set for the hearing.

(c) IF YOU DO NOT APPEAR AT THE HEARING, a judgment for possession and costs, and for damages and rent if claimed, may nevertheless be entered against you. A judgment against you for possession may result in YOUR EVICTION from the premises.

**Official Note:** The hearing date in subdivision (1) of this rule is required to be set not less than seven days from the filing of the complaint because of the requirement in Rule 506(B) that service be made at least five days before the hearing. It was thought that the requirement that the hearing be held not more than [ **fifteen** ]

15 days from the filing of the complaint should provide ample time to make the type of service required in these cases.

The notice for the [ **defendant** ] **tenant** set forth in subdivision (4) of this rule varies somewhat from the notice required in civil actions under Rule 305. There are a number of reasons for this. First, there can be no default judgment in these possessory actions and, secondly, it was thought that cross-complaints of [ **defendants** ] **tenants** in these cases should be limited to those arising out of the occupancy of the premises.

#### **Rule 506. Service of Complaint.**

A. The magisterial district judge shall serve the complaint by mailing a copy of it to the [ **defendant's** ] **tenant's** last known address by first class mail and noting on the docket the date of such mailing, and by delivering a copy of it for service to the sheriff or, or any certified constable in, the county in which the office of the magisterial district judge is situated. If this service is not available to the magisterial district judge, service may be made by any certified constable of the Commonwealth. The officer receiving the copy shall serve it by handing it to the [ **defendant** ] **tenant** or to an adult person in charge for the time being of the premises possession of which is sought to be recovered or, if none of the above is found, by posting it conspicuously on those premises.

B. The copy shall be served at least five days before the hearing.

**Official Note:** Under subdivision A of this rule, service must be made both by first class mail and delivery for service in the manner prescribed. In actions where wage garnishment may be sought under Pa.R.C.P. No. 3311, the [ **plaintiff** ] **landlord** may authorize the sheriff or constable to make personal service upon [ **a tenant/defendant** ] **the tenant**. If [ **a tenant/defendant** ] **the tenant** is not present at the property the sheriff or constable is authorized to post the complaint so that the underlying landlord-tenant action may proceed. The [ **plaintiff** ] **landlord** may authorize the sheriff or constable to make additional attempts to effectuate personal service upon the [ **tenant/defendant** ] **tenant** so the [ **plaintiff** ] **landlord** can later prove such service if attempting to garnish wages under Pa.R.C.P. No. 3311. Additional service attempts by the sheriff or constable may result in additional fees.

#### **Rule 507. Notation and Return of Service; Waiver of Service.**

A. The magisterial district judge shall note on the docket the date that a service copy of the complaint was mailed to the [ **defendant** ] **tenant**, and the sheriff or constable serving a copy of the complaint shall, at or before the time of the hearing, make proof of service on the form provided, which shall show the manner of service and the day, hour, and place thereof.

B. The appearance of a [ **defendant** ] **tenant** in person or by representative or the filing [ **by him** ] of a claim in the case shall be deemed a waiver of any defect in service but not a waiver of a defect in venue.

**Official Note:** This rule parallels the provisions of Rule 314A and C.

#### **Rule 508. Claim by [ **Defendant** ] **Tenant**.**

A. At any time before the hearing, the [ **defendant** ] **tenant** may file a cross-complaint on the form prescribed

for civil complaints, asserting any claim against the [ **plaintiff which** ] **landlord that** arises out of the occupancy of the premises and [ **which** ] **that** is within the jurisdiction of the magisterial district judge.

B. If the [ **defendant** ] **tenant** files such a cross-complaint, the magisterial district judge shall set a time and date for the hearing of both complaints together, which shall not be less than [ **7** ] **seven** or more than [ **15** ] **fifteen** days from the filing of the [ **defendant's** ] **tenant's** complaint.

C. The [ **defendant's** ] **tenant's** cross-complaint shall be served on the [ **plaintiff** ] **landlord** at least five days before the hearing. At the option of the [ **defendant** ] **tenant**, the magisterial district judge shall serve the cross-complaint by mailing a copy of it to the [ **plaintiff** ] **landlord**. If the [ **defendant** ] **tenant** does not request service by mail, the magisterial district judge shall deliver a copy of the cross-complaint for service to the sheriff of, or any certified constable in, the county in which the office of the magisterial district judge is located. If this service is not available to the magisterial district judge, service may be made by any certified constable of the Commonwealth. The officer receiving the copy shall serve it by handing it to the [ **plaintiff** ] **landlord** or to an adult person in charge for the time being of the [ **plaintiff's** ] **landlord's** residence or usual place of business.

**Official Note:** As to subdivision A of this rule, see [ **the Note to** ] Rule 504, **Note**. See also 42 Pa.C.S. § 1515(a)(3), as to waiver of jurisdictional limits, the [ **defendant** ] **tenant** filing a cross-complaint being considered a "plaintiff" as to the cross-complaint within the meaning of this statute.

Subdivision B sets forth the time limits for setting hearings when a cross-complaint is filed. These limits recognize the need for reasonable expedition in these cases.

Subdivision C contains provisions for service of the cross-complaint. Mail service need not be by certified or registered mail.

Since a cross-complaint is in the nature of a responsive pleading there is no fee for filing it.

#### **Rule 512. Hearings and Evidence.**

A. The [ **plaintiff must** ] **landlord shall** appear at the hearing and present testimony in an action for the recovery of possession of real property.

B. The magisterial district judge shall be bound by the rules of evidence, except that a bill, estimate, receipt, or statement of account [ **which** ] **that** appears to have been made in the regular course of business may be introduced in evidence by any party without affidavit or other evidence of its truth, accuracy, or authenticity.

**Official Note:** Subdivision A of this rule is intended to make clear that the magisterial district judge [ **may** ] **shall** not enter a default judgment in a possessory action, including a judgment for money only. The [ **plaintiff must** ] **landlord shall** appear and give testimony to prove the complaint even when the [ **defendant** ] **tenant** fails to appear for the hearing. See Rule 514A and **Note**. See also Section 503(a) of [ **The** ] **the** Landlord and Tenant Act of 1951, 68 P.S. § 250.503(a). When the

[ **plaintiff** ] **landlord** fails to appear at the hearing, the magisterial district judge may continue the hearing for cause or dismiss the complaint without prejudice.

Subdivision B of this rule is the same as Rule 321 of the civil action rules.

#### **Rule 513. Disputes Concerning Title.**

A. If the [ **defendant** ] **tenant** declares in writing, on oath or affirmation, that the title to the real property is disputed and claimed by some named person other than the [ **plaintiff** ] **landlord** by virtue of a right or title accruing by descent from or deed or will of the landlord since the commencement of the lease, and if that person, whether or not appearing before the magisterial district judge, also declares in writing, on oath or affirmation, [ **that he truly believes he is entitled** ] **a true belief of entitlement** to the real property, the magisterial district judge shall stay the proceedings, provided the person claiming title files in the court of common pleas of the county in which the real property is located a bond, satisfactory to that court, conditioned upon prosecuting [ **his** ] **the** claim in the court of common pleas. If the claim is not prosecuted in accordance with the conditions of the bond, the bond shall be forfeited to the [ **plaintiff** ] **landlord** and the magisterial district judge shall proceed to judgment.

B. If the [ **defendant** ] **tenant** declares in writing, on oath or affirmation, that the real property is held and claimed by [ **him** ] **the tenant** as a joint tenant or tenant in common with the [ **plaintiff** ] **landlord** and that [ **he** ] **the tenant** truly believes that the real property so held does not exceed in quantity or value the just proportion of [ **his** ] **the tenant's** share as a joint tenant or tenant in common, the magisterial district judge shall stay the proceedings, provided the [ **defendant** ] **tenant** files in the court of common pleas of the county in which the real property is located a bond, satisfactory to that court, conditioned upon prosecuting [ **his** ] **the** claim in the court of common pleas. If the claim is not prosecuted in accordance with the conditions of the bond, the bond shall be forfeited to the [ **plaintiff** ] **landlord** and the magisterial district judge shall proceed to judgment.

**Official Note:** This rule sets forth the procedures when there is a dispute concerning title.

#### **Rule 514. Judgment; Notice of Judgment or Dismissal and the Right to Appeal.**

A. If it appears at the hearing that the complaint has been proven, the magisterial district judge shall enter judgment against the [ **defendant** ] **tenant** that the real property be delivered up to the [ **plaintiff** ] **landlord** and shall enter judgment by separate entries:

- (1) for the amount of rent, if any, which remains due,
- (2) for the amount of damages, if any, for unjust detention,
- (3) for the physical damages, if any, to the leasehold premises, and
- (4) for the costs of the proceeding;

less any amount found due the [ **defendant** ] **tenant** on any cross-complaint filed by the [ **defendant** ] **tenant**.

In addition, the magisterial district judge shall make an entry identifying the sum of money found by the magisterial district judge to constitute the monthly rental for the leasehold premises.

B. A money judgment may be rendered for the [ **defendant** ] **tenant** on a cross-complaint filed by the [ **defendant** ] **tenant** if the amount found due thereon exceeds any amount found due the [ **plaintiff** ] **landlord** on the [ **plaintiff's** ] **landlord's** complaint.

C.(1) Judgment shall be given at the conclusion of the hearing or within three days thereafter.

(2) Upon the entry of the judgment, the magisterial district court shall promptly give or mail to the parties written notice of judgment or dismissal.

D. The written notice of judgment or dismissal shall contain:

(1) notice of the right of the parties to appeal, the time within which the appeal must be taken, and that the appeal is to the court of common pleas;

(2) notice that a tenant in a residential lease action who is a victim of domestic violence may appeal the judgment within 30 days of the date of entry of judgment, as well as filing instructions for asserting such an appeal;

(3) notice that, except as otherwise provided in the rules, if the judgment holder elects to enter the judgment in the court of common pleas, all further process must come from the court of common pleas and no further process may be issued by the magisterial district judge; and

(4) notice that unless the judgment is entered in the court of common pleas anyone interested in the judgment may file a request for entry of satisfaction with the magisterial district judge if the debtor pays in full, settles, or otherwise complies with the judgment.

**Official Note:** [ **Paragraph** ] **Subdivision** A of this rule requires that the [ **plaintiff** ] **landlord** appear and give testimony to prove the complaint before the magisterial district judge can enter judgment against the [ **defendant** ] **tenant**, even when the [ **defendant** ] **tenant** fails to appear for the hearing. The magisterial district judge [ **may** ] **shall** not enter a default judgment in a possessory action, including a judgment for money only. See Rule 512A and Note. The various issues that the magisterial district judge must determine at the hearing include: whether notice to quit was given to the [ **defendant** ] **tenant** in accordance with law or that no notice was required under the terms of the lease; the amount or rent due, if any; damages to the leasehold premises, if any; the amount found to constitute the monthly rental[ , ] and[ ; ], the amount of the security deposit held by the landlord, if any.

As to the notice to quit requirement, see Section 501 of [ **The** ] **the** Landlord and Tenant Act of 1951, 68 P.S. § 250.501. See also *Patrycia Bros., Inc. v. McKeefrey*, 38 Pa. D. & C.2d 149 (Delaware County C.P. 1966).

The separate entries provided in [ **paragraph** ] **subdivision** A are made necessary as a result of the rental deposit provisions for appeal or *certiorari* contained in Rules 1008B and 1013B, as well as the wage attachment provisions contained in Section 8127 of the Judicial Code, 42 Pa.C.S. § 8127.

Subdivision B of this rule makes provision for a money judgment for the [ **defendant** ] **tenant** if the [ **defendant** ] **tenant** prevails in a greater amount on the [ **defendant's** ] **tenant's** cross-complaint.

Subdivision D of this rule provides for certain notices the magisterial district court shall include in the written notice of judgment or dismissal.

Subdivision D(2) reflects that the appeal period for a victim of domestic violence in a case arising out of a residential lease is 30 days. See Rule 1002B(2); see also 68 P.S. § 250.513. A tenant who is a victim of domestic violence may file a domestic violence affidavit with the magisterial district court to stay the execution of an order for possession until 30 days after the date of entry of the judgment, the filing of an appeal with the court of common pleas pursuant to Rule 1002, or by order of the court of common pleas, whichever is earlier. See Rule 514.1.

As to [ **paragraph** ] **subdivision** D(3), see Rule 402D and Note. As to [ **paragraph** ] **subdivision** D(4), see Rule 341.

#### **Rule 515. Request for Order for Possession.**

A. If the magisterial district judge has rendered a judgment arising out of a non-residential lease that the real property be delivered up to the [ **plaintiff** ] **landlord**, the [ **plaintiff** ] **landlord** may, after the 15th day following the date of the entry of the judgment, file with the magisterial district judge a request for an order for possession. The request shall include a statement of the judgment amount, return, and all other matters required by these rules.

B.(1) Except as otherwise provided in subdivision B(2), if the magisterial district judge has rendered a judgment arising out of a residential lease that the real property be delivered up to the [ **plaintiff** ] **landlord**, the [ **plaintiff** ] **landlord** may after the 10th day but within 120 days following the date of the entry of the judgment, file with the magisterial district judge a request for an order for possession. The request shall include a statement of the judgment amount, return, and all other matters required by these rules.

(2) In a case arising out of a residential lease, if before the [ **plaintiff** ] **landlord** requests an order for possession,

(a) an appeal or writ of *certiorari* operates as a *supersedeas*; or

(b) proceedings in the matter are stayed pursuant to a bankruptcy proceeding or other federal or state law; and

(c) the *supersedeas* or the bankruptcy or other stay is subsequently stricken, dismissed, lifted, or otherwise terminated so as to allow the [ **plaintiff** ] **landlord** to proceed to request an order for possession,

the [ **plaintiff** ] **landlord** may request an order for possession only within 120 days of the date the *supersedeas* or the bankruptcy or other stay is stricken, dismissed, lifted, or otherwise terminated.

**Official Note:** The 15 days in subdivision A of this rule, when added to the 16-day period provided for in Rule 519A, will give the [ **defendant** ] **tenant** time to obtain a *supersedeas* within the appeal period. See Rules 1002, 1008, 1009, and 1013.

The 1995 amendment to section 513 of the Landlord and Tenant Act of 1951, 68 P.S. § 250.513, established a 10-day appeal period from a judgment for possession of real estate arising out of a residential lease. *See also* Rule 1002B(1). Rule 1002B(2)(a) provides for a 30-day appeal period for tenants who are victims of domestic violence. In most cases, the filing of the request for an order for possession in subdivision B(1) is not permitted until after the appeal period has expired. In cases arising out of a residential lease, the request for an order for possession generally must be filed within 120 days of the date of the entry of the judgment.

If the tenant is a victim of domestic violence, he or she may file a domestic violence affidavit to stay the execution of the order for possession until the tenant files an appeal with the prothonotary pursuant to Rule 1002, 30 days after the date of entry of the judgment, or by order of the court of common pleas, whichever is earlier. *See* Rule 514.1C. No posting of money or bond is required to obtain a stay with the filing of a domestic violence affidavit; however, upon the filing of an appeal pursuant to Rule 1002, the stay is lifted, and the *supersedeas* requirements of Rule 1008 shall apply.

The magisterial district court shall enter stays in compliance with federal or state law, such as the Servicemembers Civil Relief Act, 50 U.S.C. §§ 3901 *et seq.*

Subdivision B(2) provides that in a case arising out of a residential lease, if a *supersedeas* (resulting from an appeal or writ of *certiorari*) or bankruptcy or other stay is stricken, dismissed, lifted, or otherwise terminated, thus allowing the [ **plaintiff** ] **landlord** to proceed with requesting an order for possession, the request may be filed only within 120 days of the date the *supersedeas* or the bankruptcy or other stay is stricken, dismissed, lifted, or otherwise terminated.

**In many judicial districts, appeals of magisterial district court judgments are submitted to compulsory arbitration pursuant to Pa.R.C.P. Nos. 1301—1314. If, after the arbitration, the prothonotary enters an award for possession on the docket in favor of the landlord and the tenant fails to maintain the supersedeas required by Rule 1008 prior to the prothonotary entering judgment on the award, then the landlord may terminate the supersedeas pursuant to Rule 1008B and request an order of possession from the magisterial district judge pursuant to Rule 515. If the prothonotary enters an award on the docket in favor of the tenant and the tenant fails to maintain the supersedeas prior to the prothonotary entering judgment on the award, the landlord may not obtain an order of possession between the time that the prothonotary enters the arbitration award on the docket and the time that the landlord files a notice of appeal.**

The time limits in which the [ **plaintiff** ] **landlord** must request an order for possession imposed in subdivision B apply only in cases arising out of residential leases and in no way affect the [ **plaintiff's** ] **landlord's** ability to execute on the money judgment. *See* Rule 516, Note, and Rule 521A.

At the time the [ **plaintiff** ] **landlord** files the request for an order for possession, the magisterial district court should collect server fees for all actions through delivery of possession. Thereafter, if the order for possession is satisfied 48 hours or more prior to a scheduled delivery of

possession, a portion of the server costs may be refundable. *See* Rules 516 through 520 and 44 Pa.C.S. § 7161(d).

**Rule 516. Issuance and Reissuance of Order for Possession.**

A. Upon the timely filing of the request form, the magisterial district judge shall issue the order for possession and shall deliver it for service and execution to the sheriff of, or any certified constable in, the county in which the office of the magisterial district judge is situated. If this service is not available to the magisterial district judge, service may be made by any certified constable of the Commonwealth. The order shall direct the officer executing it to deliver actual possession of the real property to the [ **plaintiff** ] **landlord**. The magisterial district judge shall attach a copy of the request form to the order for possession.

B.(1) Except as otherwise provided in subdivision C, upon written request of the [ **plaintiff** ] **landlord** the magisterial district judge shall reissue an order for possession for one additional 60-day period.

(2) If an order for possession is issued and subsequently superseded by an appeal, writ of *certiorari*, *supersedeas*, or a stay pursuant to a bankruptcy proceeding or other federal or state law or Rule 514.1C, and

(a) the appeal, writ of *certiorari*, or *supersedeas* is stricken, dismissed, or otherwise terminated; or

(b) the bankruptcy or other stay is lifted; and

(c) the [ **plaintiff** ] **landlord** wishes to proceed with the order for possession,

the [ **plaintiff** ] **landlord** must file with the magisterial district judge a written request for reissuance of the order for possession in accordance with subdivision B(1).

C. In a case arising out of a residential lease a request for reissuance of an order for possession may be filed only within 120 days of the date of the entry of the judgment or, in a case in which the order for possession is issued and subsequently superseded by an appeal, writ of *certiorari*, *supersedeas*, or a stay pursuant to a bankruptcy proceeding or other federal or state law or Rule 514.1C, only within 120 days of the date the appeal, writ of *certiorari*, or *supersedeas* is stricken, dismissed, or otherwise terminated or the bankruptcy **or other** stay is lifted.

D. A written request for reissuance of the order for possession, filed after an appeal, writ of *certiorari*, or *supersedeas* is stricken, dismissed, or otherwise terminated, or a bankruptcy or other stay is lifted, must be accompanied by a copy of the court order **or other** documentation striking, dismissing, or terminating the appeal, writ of *certiorari*, or *supersedeas*, or lifting the bankruptcy **or other** stay.

**Official Note:** The order for possession deals only with delivery of possession of real property and not with a levy for money damages. A [ **plaintiff** ] **landlord** who seeks execution of the money judgment part of the judgment must proceed under Rule 521A, using the forms and procedure there prescribed. The reason for making this distinction is that the printed notice requirements on the two forms, and the procedures involved in the two matters, differ widely.

Subdivision B provides for reissuance of the order for possession for one additional 60-day period. However, pursuant to subdivision C, in cases arising out of a

residential lease, the request for reissuance of the order for possession must be filed within 120 days of the date of the entry of the judgment or, in a case in which the order for possession is issued and subsequently superseded by an appeal, writ of *certiorari*, *supersedeas*, or a stay pursuant to a bankruptcy proceeding or other federal or state law or Rule 514.1C, only within 120 days of the date the appeal, writ of *certiorari*, or *supersedeas* is stricken, dismissed, or otherwise terminated, or the bankruptcy or other stay is lifted. The additional 60-day period need not necessarily immediately follow the original 60-day period of issuance. The written request for reissuance may be in any form and may consist of a notation on the permanent copy of the request for order for possession form, "Reissuance of order for possession requested," subscribed by the [ **plaintiff** ] **landlord**. The magisterial district judge shall mark all copies of the reissued order for possession, "Reissued. Request for reissuance filed \_\_\_\_\_ (time and date)." A new form may be used upon reissuance, those portions retained from the original being exact copies although signatures may be typed or printed with the mark "/s/." There are no filing costs for reissuing an order for possession, for the reissuance is merely a continuation of the original proceeding. However, there may be additional server costs for service of the reissued order for possession.

The magisterial district court shall enter stays in compliance with federal or state law, such as the Servicemembers Civil Relief Act, 50 U.S.C. §§ 3901 *et seq.*

**In many judicial districts, appeals of magisterial district court judgments are submitted to compulsory arbitration pursuant to Pa.R.C.P. Nos. 1301—1314. If, after the arbitration, the prothonotary enters an award for possession on the docket in favor of the landlord and the tenant fails to maintain the *supersedeas* required by Rule 1008 prior to the prothonotary entering judgment on the award, then the landlord may terminate the *supersedeas* pursuant to Rule 1008B and request an order of possession from the magisterial district judge pursuant to Rule 515. If the prothonotary enters an award on the docket in favor of the tenant and the tenant fails to maintain the *supersedeas* prior to the prothonotary entering judgment on the award, the landlord may not obtain an order of possession between the time that the prothonotary enters the arbitration award on the docket and the time that the landlord files a notice of appeal.**

The time limits in which the [ **plaintiff** ] **landlord** must request reissuance of an order for possession imposed in subdivision C apply only in cases arising out of residential leases and in no way affect the [ **plaintiff's** ] **landlord's** ability to execute on the money judgment. *See* Rule 521A.

**Rule 517. Notation of Time of Receipt; Service of Order for Possession.**

The magisterial district judge shall mail a copy of the order for possession to the [ **defendant** ] **tenant** by first class mail and shall deliver a copy of it for service to the sheriff of, or any certified constable in, the county in which the office of the magisterial district judge is situated. If this service is not available to the magisterial district judge, service may be made by any certified constable of the Commonwealth. The officer receiving the order for possession shall note upon the form the time and date that it was received, and shall serve the order

within [ **forty-eight (48)** ] **48** hours by handing a copy of it to the [ **defendant** ] **tenant** or to an adult person in charge for the time being of the premises possession of which is to be delivered or, if none of the above is found, by posting it conspicuously on those premises. The service copy of the order shall contain the following notice:

(1) For nonresidential leases:

If you, and all occupants of this property not authorized by the owner to be present thereon, do not vacate this property within [ **fifteen (15)** ] **15** days after the date of this notice, the law authorizes me to use such force as may be necessary to enter upon the property, by the breaking in of any door or otherwise, and to eject you and all unauthorized occupants.

(2) For residential leases:

If you, and all occupants of this property not authorized by the owner to be present thereon, do not vacate this property within [ **ten (10)** ] **10** days after the date of this notice, the law authorizes me to use such force as may be necessary to enter upon the property by the breaking in of any door or otherwise, and to eject you and all unauthorized occupants.

The date of the notice shall be the same as the date of the service.

**Official Note:** Under this rule, service must be made both by first class mail and delivery for service in the manner prescribed. The differing lengths of notices set forth for nonresidential leases and residential leases are made necessary by reason of the 1995 amendment to Section 513 of the [ **Landlord/Tenant Act. See Note following Pa.R.C.P.M.D.J. No. 515** ] **Landlord and Tenant Act of 1951, 68 P.S. § 250.513. See Rule 515, Note.**

Amended October 17, 1975, effective in 90 days; April 25, 1979, effective in 30 days; June 30, 1982, effective 30 days after July 17, 1982; March 27, 1992, effective June 25, 1992; March 28, 1996, effective March 29, 1996; amended December 15, 2000, effective January 1, 2001.

**Rule 518. Satisfaction of Order by Payment of Rent and Costs.**

At any time before actual delivery of the real property is made in execution of the order for possession, the [ **defendant** ] **tenant** may, in a case for the recovery of possession solely because of failure to pay rent, satisfy the order for possession by paying to the executing officer the rent actually in arrears and the costs of the proceedings. The executing officer shall give the [ **defendant** ] **tenant** a signed receipt for any such payment.

**Official Note:** "Rent actually in arrears" means the sum set forth on the order for possession.

For procedure for entry of satisfaction of money judgments, *see* Rule 341.

**Rule 519. Forcible Entry and Delivery of Possession.**

A. If, on or after the [ **sixteenth (16th)** ] **16th** day following the service of the order for possession arising out of a nonresidential lease, the [ **defendant** ] **tenant** or any unauthorized occupant remains on the real property, the officer executing the order for possession shall use such force as may be necessary to enter upon the property, by the breaking in of any door or otherwise, and to eject the [ **defendant** ] **tenant** and any unauthorized

occupant and shall deliver possession of the real property to the [ **plaintiff** ] **landlord** or the [ **plaintiff's** ] **landlord's** agent.

B. If, on or after the [ **eleventh (11th)** ] **11th** day following the service of the order for possession in cases arising out of a residential lease, the [ **defendant** ] **tenant** or any unauthorized occupant remains on the real property, the officer executing the order for possession shall use such force as may be necessary to enter upon the property, by the breaking in of any door or otherwise, and to eject the [ **defendant** ] **tenant** and any unauthorized occupant and shall deliver possession of the real property to the [ **plaintiff** ] **landlord** or the [ **plaintiff's** ] **landlord's** agent.

C. No order for possession may be executed after 60 days following its issuance or reissuance.

**Official Note:** The differing lengths of notices set for nonresidential leases and residential leases are made necessary by reason of the 1995 amendment to [ **section** ] **Section** 513 of the Landlord and Tenant Act of 1951, 68 P.S. § 250.513. See Rule 515, Note.

**Rule 519.1. Request for Determination of Abandoned Manufactured Home.**

A. A [ **plaintiff** ] **landlord** may request a determination that a manufactured home is abandoned by filing the request on a form prescribed by the State Court Administrator with the magisterial district court in the magisterial district where the manufactured home is located.

B. If the determination is not or cannot be made during a hearing for recovery of possession pursuant to this chapter, the magisterial district court shall set a hearing date [ **which** ] **that** shall be not less than seven [ **(7)** ] or more than fifteen [ **(15)** ] days from the date the request is filed.

C. The magisterial district court shall serve a copy of the request and the hearing notice on the [ **defendant** ] **tenant** in the manner set forth in Rule 506.

D. The magisterial district judge shall promptly give or mail written notice of the determination to the parties in interest. Notice of the determination shall contain advice as to the right of the parties to file a Statement of Objection, the time within which the statement must be filed, and that the statement is to be filed with the court of common pleas.

E. Any party aggrieved by a determination made by a magisterial district judge under this rule may obtain a reconsideration thereof in the court of common pleas by filing a statement of objection to the determination pursuant to Rule 1016 with the prothonotary and with the magisterial district judge in whose office the determination was made.

**Official Note:** This rule was adopted in 2013 to accommodate the provisions of [ **section** ] **Section** 10.1 of the Act of November 24, 1976, P.L. 1176, No. 261, added by [ **section** ] **Section** 2 of the Act of October 24, 2012, P.L. 156, § 2, 68 P.S. § 398.10.1, which provides for a magisterial district judge to hold a hearing and make a determination that a manufactured home is abandoned.

The [ **plaintiff** ] **landlord** must pay any fees or costs at the time of filing the request.

Rules 1016—1020, providing for the filing and consideration of a statement of objection to an order or determina-

tion made by a magisterial district judge under Rule 420, also apply to determinations made under this rule. A party seeking reconsideration of a determination of abandonment made concurrent with a judgment for possession must file the statement of objection in addition to the notice of appeal. Rule 1016B requires that the statement of objection must be filed with the prothonotary and the magisterial district judge within [ **ten (10)** ] **10** days after the date of the determination to which objection is made. Both appeals from judgments for possession under residential leases and statements of objections to determinations of abandonment must be made within [ **ten (10)** ] **10** days after the date of entry.

**Rule 520. Officer's Return.**

Within five [ **(5)** ] business days following delivery of possession to the [ **plaintiff** ] **landlord** or satisfaction by payment of rent in arrears and costs, the officer executing the order for possession shall make a return on the order for possession form. The return shall show:

(1) The date, time, place, and manner of service of the order.

(2) If the order was satisfied by the payment of rent in arrears and costs by or on behalf of the [ **defendant** ] **tenant**, the amount of that payment, and its distribution.

(3) The time and date of any forcible entry and ejection, or that no entry for the purpose of ejection had to be made.

(4) The officer's expenses and fees.

Amended July 30, 1982, effective 30 days after July 17, 1982; March 28, 1996, effective March 29, 1996.

**Rule 521. Execution by Levy.**

A. If the [ **plaintiff** ] **landlord** in an action for recovery of possession of real property obtains a judgment for damages for injury to or unjust detention of the premises, for rent remaining due and for the costs of the proceeding, or for any of these, [ **he** ] **the landlord** may obtain execution of that judgment by levy upon personal property of the [ **defendant** ] **tenant** in accordance with the rules for the Execution of Judgments for the Payment of Money Rendered by Magisterial District Judges, and the form for a request for an order of execution there prescribed shall be used for this purpose.

B. If the [ **defendant** ] **tenant** in an action for recovery of possession of real property obtains a money judgment on a cross-complaint against the [ **plaintiff, he** ] **landlord, the tenant** may obtain execution of the judgment by levy upon personal property of the [ **plaintiff** ] **landlord** in accordance with the rules for the Execution of Judgments for the Payment of Money Rendered by Magisterial District Judges.

**Official Note:** [ See the note to Rule 516 ] See Rule 516, Note.

**CHAPTER 1000. APPEALS**

**APPEAL**

**Rule 1007. Procedure on Appeal.**

A. The proceeding on appeal shall be conducted *de novo* in accordance with the Rules of Civil Procedure that would be applicable if the action was initially commenced in the court of common pleas.

B. Except as otherwise provided in subdivision C, the action upon appeal may not be limited with respect to amount in controversy, joinder of causes of action or parties, counterclaims, added or changed averments or otherwise because of the particulars of the action before the magisterial district judge.

C. When an appeal is taken from a supplementary action filed pursuant to Rule 342, only those issues arising from the Rule 342 action are to be considered.

**Official Note:** As under earlier law, the proceeding on appeal is conducted *de novo*, but the former rule that the proceeding would be limited both as to jurisdiction and subject matter to the action before the magisterial district judge (see *Crowell Office Equipment v. Krug*, [ 213 Pa. Super. 261, ] 247 A.2d 657 (Pa. Super. 1968)) has not been retained. Under subdivision B, the court of common pleas on appeal can exercise its full jurisdiction and all parties will be free to treat the case as though it had never been before the magisterial district judge, subject of course to the Rules of Civil Procedure. The only limitation on this is contained in subdivision C, which makes clear that an appeal from a supplementary action filed pursuant to Rule 342 is not intended to reopen other issues from the underlying action that were not properly preserved for appeal.

**In many judicial districts, appeals of magisterial district court judgments are submitted to compulsory arbitration pursuant to Pa.R.C.P. Nos. 1301—1314. If, after the arbitration, the prothonotary enters an award for possession on the docket in favor of the landlord and the tenant fails to maintain the *supersedeas* required by Rule 1008 prior to the prothonotary entering judgment on the award, then the landlord may terminate the *supersedeas* pursuant to Rule 1008B and request an order of possession from the magisterial district judge pursuant to Rule 515. If the prothonotary enters an award on the docket in favor of the tenant and the tenant fails to maintain the *supersedeas* prior to the prothonotary entering judgment on the award, the landlord may not obtain an order of possession between the time that the prothonotary enters the arbitration award on the docket and the time that the landlord files a notice of appeal.**

#### **Rule 1008. Appeal as *Supersedeas*.**

A. Receipt by the magisterial district judge of the copy of the notice of appeal from the judgment shall operate as a *supersedeas*, except as provided in subdivisions B and C of this rule.

B. When [ **an appeal is** ] a **tenant appeals** from a judgment for the possession of real property, receipt by the magisterial district judge of the copy of the notice of appeal shall operate as a *supersedeas* only if the [ **appellant** ] **tenant** at the time of filing the notice of appeal, deposits with the prothonotary a sum of money (or a bond, with surety approved by the prothonotary) equal to the lesser of three [ (3) ] months' rent or the rent actually in arrears on the date of the filing of the notice of appeal, based upon the magisterial district judge's order of judgment, and, thereafter, deposits cash or bond with the prothonotary in a sum equal to the monthly rent [ **which** ] **that** becomes due during the period of time the proceedings upon appeal are pending in the court of common pleas, such additional deposits to be made within

[ **thirty (30)** ] **30** days following the date of the appeal, and each successive [ **thirty (30) day** ] **30-day** period thereafter.

Upon application by the landlord, the court shall release appropriate sums from the escrow account on a continuing basis while the appeal is pending to compensate the landlord for the tenant's actual possession and use of the premises during the pendency of the appeal.

In the event the [ **appellant** ] **tenant** fails to deposit the sums of money, or bond, required by this rule when such deposits are due, the prothonotary, upon *praecipe* filed by the [ **appellee** ] **landlord**, shall terminate the *supersedeas*. Notice of the termination of the *supersedeas* shall be forwarded by first class mail to **the** attorneys of record, or, if a party is unrepresented, to the party's last known address of record.

When the deposit of money or bond is made pursuant to the rule at the time of filing the appeal, the prothonotary shall make upon the notice of appeal and its copies a notation that it will operate as a *supersedeas* when received by the magisterial district judge.

#### *C. Indigent Tenants*

(1) Residential tenants who seek to appeal from a magisterial district court judgment for possession and who do not have the ability to pay the lesser of three months' rent or the full amount of the magisterial district court judgment for rent shall file with the office of the prothonotary a tenant's affidavit, as set forth in subdivision [ 2 ] **C(2)**.

(2) The tenant's affidavit shall be substantially in one of the following two forms:

[Caption]

#### TENANT'S *SUPERSEDEAS* AFFIDAVIT (NON-SECTION 8)

I, \_\_\_\_\_ (print name and address here), have filed a notice of appeal from a magisterial district court judgment awarding to my landlord possession of real property that I occupy, and I do not have the financial ability to pay the lesser of three [ (3) ] times my monthly rent or the judgment for rent awarded by the magisterial district court. My total household income does not exceed the income limits set forth in the supplemental instructions for obtaining a stay pending appeal and I have completed an *in forma pauperis* (IFP) affidavit to verify this. I have/have not (cross out the one that does not apply) paid the rent this month.

I verify that the statements made in this affidavit are true and correct to the best of my knowledge, information, and belief. I understand that false statements herein are made subject to the penalties of 18 Pa.C.S. § 4904, relating to unsworn falsification to authorities.

\_\_\_\_\_  
Date

\_\_\_\_\_  
SIGNATURE OF TENANT

OR

[Caption]

#### SECTION 8 TENANT'S *SUPERSEDEAS* AFFIDAVIT

I, \_\_\_\_\_ (print name and address here), have filed a notice of appeal from a magisterial district court



judgment awarding my landlord possession of real property that I occupy, and I do not have the financial ability to pay the lesser of three [ (3) ] times my monthly rent or the actual rent in arrears. My total household income does not exceed the income limits set forth in the supplemental instructions for obtaining a stay pending appeal and I have completed an *in forma pauperis* (IFP) affidavit to verify this. I have/have not (cross out the one that does not apply) paid the rent this month.

The total amount of monthly rent that I personally pay to the landlord is \$ \_\_\_\_\_. I hereby certify that I am a participant in the Section 8 program and I am not subject to a final (*i.e.*, non-appealable) decision of a court or government agency [ **which** ] **that** terminates my right to receive Section 8 assistance based on my failure to comply with program rules.

I verify that the statements made in this affidavit are true and correct to the best of my knowledge, information, and belief. I understand that false statements herein are made subject to the penalties of 18 Pa.C.S. § 4904, relating to unsworn falsification to authorities.

\_\_\_\_\_ Date

\_\_\_\_\_ SIGNATURE OF TENANT

(3)(a) If the rent has already been paid to the landlord in the month in which the notice of appeal is filed, the tenant shall pay into an escrow account with the prothonotary the monthly rent in [ **thirty (30) day** ] **30-day** intervals from the date the notice of appeal was filed; or

(b) If the rent has not been paid at the time of filing the notice of appeal, the tenant shall pay:

(i) at the time of filing the notice of appeal, a sum of money equal to one third (1/3) of the monthly rent;

(ii) an additional deposit of two thirds (2/3) of the monthly rent within [ **twenty (20)** ] **20** days of filing the notice of appeal; and

(iii) additional deposits of one month's rent in full each [ **thirty (30)** ] **30** days after filing the notice of appeal. The amount of the monthly rent is the sum of money found by the magisterial district judge to constitute the monthly rental for the leasehold premises pursuant to Rule 514A. However, when the tenant is a participant in the Section 8 program, the tenant shall pay the tenant share of the rent as set forth in the "Section 8 Tenant's *Supersedeas* Affidavit" filed by the tenant.

(4) The prothonotary's office of the [ **Court of Common Pleas** ] **court of common pleas** in which the appeal is taken shall provide residential tenants who have suffered a judgment for possession with a "Supplemental Instructions for Obtaining a Stay of Eviction" as it appears on the [ **website of the Minor Court Rules Committee** ] **Forms page of the website of the Unified Judicial System of Pennsylvania at [www.pacourts.us](http://www.pacourts.us)**.

**Official Note:** The [ **website of the Minor Court Rules Committee is part of the** ] **Forms page is found on the** home page of the [ **Administrative Office of Pennsylvania Courts** ] **Unified Judicial System of Pennsylvania** at [www.pacourts.us](http://www.pacourts.us). The Supplemental Instructions include both instructions and income limits.

The income limits are stated in monthly amounts and are based upon the most recent poverty income guidelines issued by the Federal Department of Health and Human Services.

(5) When the requirements of [ **paragraphs 2 and 3** ] **subdivisions C(2)-(3)** have been met, the prothonotary shall issue a *supersedeas*.

(6) Upon application by the landlord, the court shall release appropriate sums from the escrow account on a continuing basis while the appeal is pending to compensate the landlord for the tenant's actual possession and use of the premises during the pendency of the appeal.

(7) If the tenant fails to make monthly rent payments to the prothonotary as described in [ **paragraph 3** ] **subdivision C(3)**, the *supersedeas* may be terminated by the prothonotary upon *praecipe* by the landlord or other party to the action. Notice of the termination of the *supersedeas* shall be forwarded by first class mail to **the** attorneys of record, or, if a party is unrepresented, to the party's last known address of record.

(8) If the [ **Court of Common Pleas** ] **court of common pleas** determines, upon written motion or its own motion, that the averments within any of the tenant's affidavits do not establish that the tenant meets the terms and conditions of [ **paragraph 1** ] **subdivision C(1)**, *supra*, the [ **Court** ] **court** may terminate the *supersedeas*. Notice of the termination of the *supersedeas* shall be forwarded by first class mail to **the** attorneys of record, or, if a party is unrepresented, to the party's last known address of record.

D. If an appeal is stricken or voluntarily terminated, any *supersedeas* based on it shall terminate. The prothonotary shall pay the deposits of rental to the [ **party who sought possession of the real property** ] **landlord**.

**Official Note:** Subdivision A provides for an automatic *supersedeas* in appeals from civil actions upon receipt by the magisterial district judge of a copy of the notice of appeal.

Subdivision B, however, does require the deposit of money or approved bond as a condition for *supersedeas* [ **where** ] **when** the appeal is from a judgment for the possession of real property. A new subdivision [ (C) ] **C** was created in 2008 to provide for appeals by indigent residential tenants who are unable to meet the bond requirements of subdivision [ (B) ] **B**.

The request for termination of the *supersedeas*, upon the *praecipe* filed with the prothonotary, may simply state: "Please terminate the *supersedeas* in the within action for failure of the [ **appellant** ] **tenant** to pay monthly rental as required by Pa.R.C.P.M.D.J. No. 1008 when it became due" and will be signed by [ **appellee** ] **the landlord**. The prothonotary will then note upon the *praecipe*: "Upon confirmation of failure of the [ **appellant** ] **tenant** to deposit the monthly rent when it became due, the *supersedeas* is terminated," and the prothonotary will sign and clock the *praecipe*. A copy of the *praecipe* may thereupon be displayed to the magisterial district judge who rendered the judgment, and a request for issuance of an order for possession under [ **Pa.R.A.P.M.D.J.** ] **Pa.R.C.P.M.D.J.** No. 515 may be made.

The deposit of rent required hereunder is intended to apply in all cases, irrespective of the reasons [ **which** ] **that** caused the filing of the complaint before the magisterial district judge in the first instance. Disposition of the monthly rental deposits will be made by the court of common pleas following its *de novo* hearing of the matter on appeal.

**In many judicial districts, appeals of magisterial district court judgments are submitted to compulsory arbitration pursuant to Pa.R.C.P. Nos. 1301—1314. If, after the arbitration, the prothonotary enters an award for possession on the docket in favor of the landlord and the tenant fails to maintain the *supersedeas* required by Rule 1008 prior to the prothonotary entering judgment on the award, then the landlord may terminate the *supersedeas* pursuant to Rule 1008B and request an order of possession from the magisterial district judge pursuant to Rule 515. If the prothonotary enters an award on the docket in favor of the tenant and the tenant fails to maintain the *supersedeas* prior to the prothonotary entering judgment on the award, the landlord may not obtain an order of possession between the time that the prothonotary enters the arbitration award on the docket and the time that the landlord files a notice of appeal.**

The money judgment portion of a landlord and tenant judgment (see Pa.R.C.P.M.D.J. Nos. 514 and 521) would be governed by subdivision A.

#### CERTIORARI

##### Rule 1013. Writ of *Certiorari* as *Supersedeas*.

A. Receipt of the writ of *certiorari* by the magisterial district judge to whom it was directed shall operate as a *supersedeas*, except as provided in subdivisions B and C of this rule.

B. When [ **the** ] **a tenant obtains a** writ of *certiorari* [ **involves** ] **involving** a judgment for the possession of real property, receipt of the writ by the magisterial district judge shall operate as a *supersedeas* only if the [ **party** ] **tenant** obtaining the writ at the time of filing the writ, deposits with the prothonotary a sum of money (or a bond, with surety approved by the prothonotary) equal to the lesser of three [ **(3)** ] months' rent or the rent actually in arrears on the date of the filing of the *praecipe* for writ of *certiorari* ("*praecipe*"), as determined by the magisterial district judge, and, thereafter, deposits cash or bond with the prothonotary in a sum equal to the monthly rent [ **which** ] **that** becomes due during the period of time the proceedings upon writ are pending in the court of common pleas, such additional deposits to be made within [ **thirty (30)** ] **30** days following the date of the filing of the *praecipe*, and each successive [ **thirty (30)** ] **30-day** period thereafter.

Upon application by the landlord, the court shall release appropriate sums from the escrow account on a continuing basis while the writ is pending and while the ensuing proceeding is pending (in the event the writ is granted) to compensate the landlord for the tenant's actual possession and use of the premises during the pendency of the writ and during the pendency of the ensuing proceeding (in the event the writ is granted).

In the event that the [ **party** ] **tenant** filing the *praecipe* fails to deposit the sums of money, or bond, required by this rule when such deposits are due, the

prothonotary, upon *praecipe* filed by the [ **party that did not file the praecipe for writ of certiorari** ] **landlord**, shall terminate the *supersedeas*. Notice of the termination of the *supersedeas* shall be forwarded by first class mail to **the** attorneys of record, or, if a party is unrepresented to the party's last known address of record.

[ **Where** ] **When** the deposit of money or bond is made pursuant to this Rule at the time of the filing of the *praecipe*, the prothonotary shall make upon the writ and its copies a notation that the writ will operate as a *supersedeas* when received by the magisterial district judge.

#### C. Indigent Tenants

(1) Residential tenants who seek to file a *praecipe* involving a magisterial district court judgment for possession and who do not have the ability to pay the lesser of three months' rent or the full amount of the magisterial district court judgment for rent shall file with the office of the prothonotary a tenant's affidavit, as set forth in subdivision [ **2** ] **B(2)**.

(2) The tenant's affidavit shall be substantially in one of the following two forms:

[Caption]

#### TENANT'S *SUPERSEDEAS* AFFIDAVIT (NON-SECTION 8)

I, \_\_\_\_\_ (print name and address here), have filed a *praecipe* for a writ of *certiorari* to review a magisterial district court judgment awarding to my landlord possession of real property that I occupy, and I do not have the financial ability to pay the lesser of three [ **(3)** ] times my monthly rent or the judgment for rent awarded by the magisterial district court. My total household income does not exceed the income limits set forth in the instructions for obtaining a stay pending issuance of a writ of *certiorari* and I have completed an *in forma pauperis* (IFP) affidavit to verify this. I have/have not (cross out the one that does not apply) paid the rent this month.

I verify that the statements made in this affidavit are true and correct to the best of my knowledge, information, and belief. I understand that false statements herein are made subject to the penalties of 18 Pa.C.S. § 4904, relating to unsworn falsification to authorities.

\_\_\_\_\_  
Date

\_\_\_\_\_  
SIGNATURE OF TENANT

OR

[Caption]

#### SECTION 8 TENANT'S *SUPERSEDEAS* AFFIDAVIT

I, \_\_\_\_\_ (print name and address here), have filed a *praecipe* for a writ of *certiorari* to review a magisterial district court judgment awarding my landlord possession of real property that I occupy, and I do not have the financial ability to pay the lesser of three [ **(3)** ] times my monthly rent or the actual rent in arrears. My total household income does not exceed the income limits set forth in the Instructions for obtaining a stay pending issuance of writ of *certiorari* and I have completed an *in forma pauperis* (IFP) affidavit to verify this. I have/have not (cross out the one that does not apply) paid the rent this month.

The total amount of monthly rent that I personally pay to the landlord is \$ \_\_\_\_\_. I hereby certify that I am a participant in the Section 8 program and I am not subject to a final (*i.e.*, non-appealable) decision of a court or government agency [ **which** ] **that** terminates my right to receive Section 8 assistance based on my failure to comply with program rules.

I verify that the statements made in this affidavit are true and correct to the best of my knowledge, information and belief. I understand that false statements herein are made subject to the penalties of 18 Pa.C.S. § 4904, relating to unsworn falsification to authorities.

\_\_\_\_\_  
Date

\_\_\_\_\_  
SIGNATURE OF TENANT

(3)(a) If the rent has already been paid to the landlord in the month in which the *praecipe* is filed, the tenant shall pay into an escrow account with the prothonotary the monthly rent in [ **thirty (30) day** ] **30-day** intervals from the date the *praecipe* was filed; or

(b) If the rent has not been paid at the time of filing the *praecipe*, the tenant shall pay:

(i) at the time of filing the *praecipe*, a sum of money equal to one third (1/3) of the monthly rent;

(ii) an additional deposit of two thirds (2/3) of the monthly rent within [ **twenty (20)** ] **20** days of filing the *praecipe*; and

(iii) additional deposits of one month's rent in full each [ **thirty** ] **30** days after filing the *praecipe*. The amount of the monthly rent is the sum of money found by the magisterial district judge to constitute the monthly rental for the leasehold premises pursuant to Rule 514A. However, when the tenant is a participant in the Section 8 program, the tenant shall pay the tenant share of the rent as set forth in the "Section 8 Tenant's *Supersedeas* Affidavit" filed by the tenant.

(4) The prothonotary's office of the [ **Court of Common Pleas** ] **court of common pleas** in which the *praecipe* is filed shall provide residential tenants who have suffered a judgment for possession with a "Supplemental Instructions for Obtaining a Stay of Eviction" as it appears on the [ **website of the Minor Court Rules Committee** ] **Forms page of the website of the Unified Judicial System of Pennsylvania at [www.pacourts.us](http://www.pacourts.us)**.

**Official Note:** The [ **website of the Minor Court Rules Committee is part of the** ] **Forms page is found on the** home page of the [ **Administrative Office of Pennsylvania Courts** ] **Unified Judicial System of Pennsylvania** at [www.pacourts.us](http://www.pacourts.us). The Supplemental Instructions include both instructions and income limits.

The income limits are stated in monthly amounts and are based upon the most recent poverty income guidelines issued by the Federal Department of Health and Human Services.

(5) When the requirements of [ **paragraphs 2 and 3** ] **subdivisions C(2)-(3)** have been met, the prothonotary shall issue a *supersedeas*.

(6) Upon application by the landlord, the court shall release appropriate sums from the escrow account on a

continuing basis while the writ is pending and while the ensuing proceeding is pending (in the event the writ is granted) to compensate the landlord for the tenant's actual possession and use of the premises during the pendency of the writ and during the pendency of the ensuing proceeding (in the event the writ is granted).

(7) If the tenant fails to make monthly rent payments to the prothonotary as described in [ **paragraph 3** ] **subdivision C(3)**, the *supersedeas* may be terminated by the prothonotary upon *praecipe* by the landlord or other party to the action. Notice of the termination of the *supersedeas* shall be forwarded by first class mail to **the** attorneys of record, or, if a party is unrepresented, to the party's last known address of record.

(8) If the [ **Court of Common Pleas** ] **court of common pleas** determines, upon written motion or its own motion, that the averments within any of the tenant's affidavits do not establish that the tenant meets the terms and conditions of [ **paragraph 1** ] **subdivision C(1)**, *supra*, the [ **Court** ] **court** may terminate the *supersedeas*. Notice of the termination of the *supersedeas* shall be forwarded by first class mail to **the** attorneys of record, or, if a party is unrepresented, to the party's last known address of record.

D. If a writ of *certiorari* is stricken, dismissed, or discontinued, any *supersedeas* based on it shall terminate. The prothonotary shall pay the deposits of rental to the [ **party who sought possession of the real property** ] **landlord**.

**Official Note:** As in appeals (*see* Pa.R.C.P.M.D.J. No. 1008), *certiorari* operates as an automatic *supersedeas* in civil actions when the writ is received by the magisterial district judge. If the writ involves a judgment for the possession of real property, however, it will operate as a *supersedeas* upon receipt by the magisterial district judge only if money is paid or a bond is filed conditioned as stated in the rule. This Rule has been amended to require a payment equal to the lesser of three months' rent or the rent actually in arrears in order for the writ involving a judgment for the possession of real property to act as a *supersedeas* to ensure consistency between this Rule and Pa.R.C.P.M.D.J. No. 1008 (Appeal as *Supersedeas*). A new subdivision [ (C) ] **C** was created in 2008 to provide a *praecipe* for writ of *certiorari* process for indigent residential tenants who are unable to meet the bond requirements of subdivision [ (B) ] **B**.

The request for termination of the *supersedeas*, upon the *praecipe* filed with the prothonotary, may simply state: "Please terminate the *supersedeas* in the within action for failure of the [ **party filing the writ** ] **tenant** to pay monthly rental as required by Pa.R.C.P.M.D.J. No. 1013 when it became due" and will be signed by landlord. The prothonotary will then note upon the *praecipe*: "Upon confirmation of failure of the [ **party filing the writ** ] **tenant** to deposit the monthly rent when it became due the *supersedeas* is terminated," and the prothonotary will sign and clock the *praecipe*. A copy of the *praecipe* may thereupon be displayed to the magisterial district judge who rendered the judgment, and a request for issuance of an order for possession under Pa.R.C.P.M.D.J. No. 515 may be made.

The money judgment portion of a landlord and tenant judgment (*see* Pa.R.C.P.M.D.J. Nos. 514 and 521) would be governed by subdivision A of this rule.

\* \* \* \* \*

FINAL REPORT<sup>1</sup>Recommendation 4-2018, Minor Court Rules  
CommitteeAmendment of Pa.R.C.P.M.D.J. Nos. 209, 503-504,  
506—508, 512—521, 1007-1008, and 1013.

## REQUEST FOR ORDER OF POSSESSION

## I. Introduction

The Minor Court Rules Committee (“Committee”) recommended amendments to Rules 209, 503-504, 506—508, 512—521, 1007-1008, and 1013 of the Pennsylvania Rules of Civil Procedure before Magisterial District Judges (“Rules”). The amendments (1) clarify the procedure for requesting an order of possession following the entry of an award by a board of arbitrators when the defendant has not maintained a *supersedeas*, (2) update a statutory reference, and (3) make stylistic changes, including changing references in the Rules governing landlord/tenant actions from plaintiff and defendant to landlord and tenant, respectively.

## II. Background and Discussion

The Committee received a request suggesting that it review the rules governing the filing of a request for an order for possession when a tenant has filed an appeal of the judgment of the magisterial district judge. Specifically, the Committee was asked to review the following situation: a magisterial district judge enters judgment in a residential landlord tenant case in favor of the landlord, the tenant appeals the judgment and obtains the necessary *supersedeas* to stay the possession action, the appeal goes before a board of arbitrators pursuant to Pa.R.C.P. Nos. 1301—1314, an arbitration award is entered in favor of the tenant, the tenant does not maintain the *supersedeas*, and the *supersedeas* is terminated for non-payment of rent into escrow prior to expiration of the 30-day period for entry of the award in the court of common pleas. In this scenario, it was suggested that there is ambiguity about if and where a landlord may file a request for an order for possession since the *supersedeas* has been terminated prior to the entry of the award in the court of common pleas.

The Committee discussed the scenario described above and published two proposals for public comment that attempted to clarify the suggested ambiguity. See 45 Pa.B. 1111 (March 7, 2015); 46 Pa.B. 984 (February 27, 2016). The Committee received comments in response to both publications that led it to modify the proposal and republish it for public comment a third time. See 47 Pa.B. 7433 (December 9, 2017).

The Committee proposed a two-pronged approach to the above scenario based upon the determination of the board of arbitrators. First, if the board of arbitrators enters an arbitration award for possession in favor of the landlord, and the tenant fails to maintain the *supersedeas* required by Rule 1008, then the landlord may terminate the *supersedeas* pursuant to Rule 1008 and request an order of possession from the magisterial district court pursuant to Rule 515. Requiring the tenant in this scenario to maintain the *supersedeas* during the 30-day period for the entry of judgment preserves the *status quo*. In contrast, when an arbitration award has been entered in favor of the tenant, the landlord may not initiate a request for an order of possession unless and until the landlord files an appeal of the arbitration award. While not a final judgment, the decision of the arbitration panel is not a legal

<sup>1</sup> The Committee’s Final Report should not be confused with the Official Notes to the Rules. Also, the Supreme Court of Pennsylvania does not adopt the Committee’s Official Notes or the contents of the explanatory Final Reports.

nullity, and the landlord is required to file a timely appeal of the arbitration panel decision in order to move the matter forward.

Additionally, the Committee received feedback that the parties in the Rules governing landlord/tenant actions are alternatively referred to as “plaintiff,” “landlord,” or “appellee,” which could be confusing for *pro se* litigants. The Committee recommended additional amendments to the Rules to consistently refer to the “plaintiff” in a landlord/tenant action as the “landlord,” and the “defendant” in an action as the “tenant.”

## III. Rule Changes

The Official Notes to Rules 515, 516, 1007, and 1008 are amended as follows:

In many judicial districts, appeals of magisterial district court judgments are submitted to compulsory arbitration pursuant to Pa.R.C.P. Nos. 1301—1314. If, after the arbitration, the prothonotary enters an award for possession on the docket in favor of the landlord and the defendant fails to maintain the *supersedeas* required by Rule 1008 prior to the prothonotary entering judgment on the award, then the landlord may terminate the *supersedeas* pursuant to Rule 1008B and request an order of possession from the magisterial district judge pursuant to Rule 515. If the prothonotary enters an award on the docket in favor of the tenant and the tenant fails to maintain the *supersedeas* prior to the prothonotary entering judgment on the award, the landlord may not obtain an order of possession between the time that the prothonotary enters the arbitration award on the docket and the time that the landlord files a notice of appeal.

Rules 209, 503-504, 506—508, 512—521, 1008, and 1013 are amended to consistently refer to the “plaintiff” in a landlord/tenant action as the “landlord,” and the “defendant” as the “tenant.”

The Official Note to Rule 515 is amended to update the statutory reference governing constable fees to 44 Pa.C.S. § 7161(d). Other stylistic changes and corrections have been made throughout the Rules. Rule amendments adopted contemporaneously by the Court based on the Committee’s Recommendation 3 of 2015 are reflected in the rule text without contextual indicators.

[Pa.B. Doc. No. 20-1207. Filed for public inspection September 4, 2020, 9:00 a.m.]

Title 246—MINOR COURT  
CIVIL RULES

## PART I. GENERAL

[ 246 PA. CODE CHS. 500 AND 1000 ]

Order Amending Rules 501, 514—516, 1001, 1002 and 1005 and Adopting Rule 514.1 of the Pennsylvania Rules of Civil Procedure Governing Actions and Proceedings Before Magisterial District Judges; No. 446 Magisterial Rules Doc.

## Order

Per Curiam

And Now, this 19th day of August, 2020, upon the recommendation of the Minor Court Rules Committee;

the proposal having been published for public comment at 42 Pa.B. 7525 (December 15, 2012), 44 Pa.B. 4342 (July 12, 2014), 47 Pa.B. 2324 (April 22, 2017), and 47 Pa.B. 7676 (December 23, 2017):

It is Ordered pursuant to Article V, Section 10 of the Constitution of Pennsylvania that Rules 501, 514–516, 1001, 1002, and 1005 of the Pennsylvania Rules of Civil Procedure Governing Actions and Proceedings before Magisterial District Judges are amended in the following form and Rule 514.1 of the Pennsylvania Rules of Civil Procedure Governing Actions and Proceedings before Magisterial District Judges is adopted in the following form. The rule text incorporates the amendments of the Order of August 19, 2020, Magisterial District No. 445.

This Order shall be processed in accordance with Pa.R.J.A. No. 103(b), and shall be effective on January 1, 2021.

### Annex A

## TITLE 246. MINOR COURT CIVIL RULES

### PART I. GENERAL

#### CHAPTER 500. ACTIONS FOR THE RECOVERY OF POSSESSION OF REAL PROPERTY

Rule 501. [ Definition ] Definitions.

[ A. ] As used in this chapter [ , ]:

[ “action” ] (1) “Action” means an action by a landlord against a tenant for the recovery of possession of real property brought before a magisterial district judge.

[ B. As used in this chapter, “complaint” ] (2) “Complaint” shall include, where applicable, the attached and completed Recovery of Real Property Hearing Notice form.

(3) “Victim of domestic violence” means a person who has obtained a protection from abuse order against another individual or can provide other evidence of abuse.

**Official Note:** Distress for rent will not be covered in rules of civil procedure for magisterial district judges, for it is not an action or proceeding before a magisterial district judge and any constable carrying out the “landlord’s warrant” is acting as an agent of the landlord and not as an officer serving process of a magisterial district judge. See [ § ] Section 302 of the Landlord and Tenant Act of 1951, 68 P.S. § 250.302. Actions for rent (§ 301 of the Act, 68 P.S. § 250.301) and to defalcate (§ 307 of the Act, 68 P.S. § 250.307) are not included in this chapter, for these are actions of assumpsit. See also § 572 of the Act, added by Act of May 3, 1968, P.L. 107, No. 56, § 1, 68 P.S. § 250.512. A number of trespass actions are also detailed in the Landlord and Tenant Act of 1951 (see §§ 311–313, 68 P.S. §§ 250.311–250.313), and these would be brought under the rules pertaining to trespass actions. Consequently, this chapter will be concerned only with the action for the recovery of possession of real property. But see Rules 503C(8) and 508 as to joinder of actions and cross-complaints.

**The definition of a victim of domestic violence is derived from 68 P.S. § 250.513.**

#### Rule 514. Judgment; Notice of Judgment or Dismissal and the Right to Appeal.

A. If it appears at the hearing that the complaint has been proven, the magisterial district judge shall enter

judgment against the tenant that the real property be delivered up to the landlord and shall enter judgment by separate entries:

(1) for the amount of rent, if any, which remains due,

(2) for the amount of damages, if any, for unjust detention,

(3) for the physical damages, if any, to the leasehold premises, and

(4) for the costs of the proceeding;

less any amount found due the tenant on any cross-complaint filed by the tenant.

In addition, the magisterial district judge shall make an entry identifying the sum of money found by the magisterial district judge to constitute the monthly rental for the leasehold premises.

B. A money judgment may be rendered for the tenant on a cross-complaint filed by the tenant if the amount found due thereon exceeds any amount found due the landlord on the landlord’s complaint.

C.(1) Judgment shall be given at the conclusion of the hearing or within three days thereafter.

(2) Upon the entry of the judgment, the magisterial district court shall promptly give or mail to the parties written notice of judgment or dismissal.

D. The written notice of judgment or dismissal shall contain:

(1) notice of the right of the parties to appeal, the time within which the appeal must be taken, and that the appeal is to the court of common pleas [ , ];

(2) **notice that a tenant in a residential lease action who is a victim of domestic violence may appeal the judgment within 30 days of the date of entry of judgment, as well as filing instructions for asserting such an appeal;**

[ 2 ] (3) notice that, except as otherwise provided in the rules, if the judgment holder elects to enter the judgment in the court of common pleas, all further process must come from the court of common pleas and no further process may be issued by the magisterial district judge [ , ] and

[ (3) ] (4) notice that unless the judgment is entered in the court of common pleas anyone interested in the judgment may file a request for entry of satisfaction with the magisterial district judge if the debtor pays in full, settles, or otherwise complies with the judgment.

**Official Note:** Subdivision A of this rule requires that the landlord appear and give testimony to prove the complaint before the magisterial district judge can enter judgment against the tenant, even when the tenant fails to appear for the hearing. The magisterial district judge shall not enter a default judgment in a possessory action, including a judgment for money only. See Rule 512A and Note. The various issues that the magisterial district judge must determine at the hearing include: whether notice to quit was given to the tenant in accordance with law or that no notice was required under the terms of the lease; the amount or rent due, if any; damages to the leasehold premises, if any; the amount found to constitute the monthly rental; and, the amount of the security deposit held by the landlord, if any.

As to the notice to quit requirement, see Section 501 of the Landlord and Tenant Act of 1951, 68 P.S. § 250.501.

See also *Patrycia Bros., Inc. v. McKeefrey*, 38 Pa. D. & C.2d 149 (Delaware County C.P. 1966).

The separate entries provided in subdivision A are made necessary as a result of the rental deposit provisions for appeal or *certiorari* contained in Rules 1008B and 1013B, as well as the wage attachment provisions contained in Section 8127 of the Judicial Code, 42 Pa.C.S. § 8127.

Subdivision B of this rule makes provision for a money judgment for the tenant if the tenant prevails in a greater amount on the tenant's cross-complaint.

**[ For procedure for entry of satisfaction of money judgments, see Rule 341. ]**

**Subdivision D of this rule provides for certain notices the magisterial district court shall include in the written notice of judgment or dismissal.**

**Subdivision D(2) reflects that the appeal period for a victim of domestic violence in a case arising out of a residential lease is 30 days. See Rule 1002B(2); see also 68 P.S. § 250.513. A tenant who is a victim of domestic violence may file a domestic violence affidavit with the magisterial district court to stay the execution of an order for possession until 30 days after the date of entry of the judgment, the filing of an appeal with the court of common pleas pursuant to Rule 1002, or by order of the court of common pleas, whichever is earlier. See Rule 514.1.**

As to subdivision [ **D(2)** ] **D(3)**, see Rule 402D and Note. As to subdivision [ **D(3)** ] **D(4)**, see Rule 341.

(*Editor's Note:* The following rule is new and printed in regular type to enhance readability.)

**Rule 514.1. Domestic Violence Affidavit.**

A. A tenant in a residential lease action who is a victim of domestic violence may file a domestic violence affidavit with the magisterial district court in order to stay the execution of an order for possession.

B. The domestic violence affidavit shall be on a form prescribed by the State Court Administrator and shall require the tenant to affirm that he or she is a victim of domestic violence.

C. The filing of the domestic violence affidavit with the magisterial district court shall stay the execution of an order for possession. The stay will terminate as of the filing of an appeal with the prothonotary pursuant to Rule 1002, 30 days after the date of entry of the judgment, or by order of the court of common pleas, whichever is earlier.

D. The magisterial district court shall enter the domestic violence affidavit on the docket of the residential lease action.

E. The magisterial district court shall serve a copy of the domestic violence affidavit on the landlord by mailing it to the landlord at the address as listed on the complaint form filed in the magisterial district court or as otherwise appearing in the records of that office, or the attorney of record, if any, of the landlord.

F. The tenant shall attach a copy of the domestic violence affidavit to an appeal filing made pursuant to Rule 1002.

G. The domestic violence affidavit is not a public record and it shall not be publically accessible.

**Official Note:** The appeal period for a victim of domestic violence in a case arising out of a residential lease is 30 days. See Rule 1002B(2); see also 68 P.S. § 250.513. A tenant who is a victim of domestic violence may file a domestic violence affidavit with the magisterial district court to prevent the execution of an order for possession prior to filing an appeal. The filing of the affidavit will prohibit the execution of an order for possession until after the 30th day following the date of entry of judgment, giving the tenant time to make the necessary appeal filing with the prothonotary pursuant to Rule 1002. If the tenant does not file a domestic violence affidavit with the magisterial district court within 21 days following the date of entry of judgment, the tenant is at risk of eviction.

The domestic violence affidavit set forth in subdivision B shall contain the name of the tenant who is a victim of domestic violence, the name of the perpetrator, the perpetrator's relationship to the tenant who is a victim of domestic violence, and the docket number for any protection from abuse case involving the tenant who is a victim of domestic violence and the perpetrator. The affidavit shall contain the tenant's verification that the statements made in the affidavit are true and correct to the best of the tenant's knowledge, information and belief, and that any false statements are made subject to the penalties of 18 Pa.C.S. § 4904, relating to unsworn falsification to authorities.

No posting of money or bond is required to obtain a stay with the filing of a domestic violence affidavit. However, upon the filing of an appeal pursuant to Rule 1002, the stay is lifted, and the *supersedeas* requirements of Rule 1008 shall apply.

If the landlord wishes to challenge the affidavit of domestic violence, the landlord shall only do so by filing an appropriate motion in the court of common pleas. No action challenging the domestic violence affidavit on any grounds shall be filed in the magisterial district court.

This rule establishes that the domestic violence affidavit is not a public record and shall not be publically accessible. See *Case Records Public Access Policy of the Unified Judicial System of Pennsylvania*, Section 9.0F.

**Rule 515. Request for Order for Possession.**

A. If the magisterial district judge has rendered a judgment arising out of a non-residential lease that the real property be delivered up to the landlord, the landlord may, after the 15th day following the date of the entry of the judgment, file with the magisterial district judge a request for an order for possession. The request shall include a statement of the judgment amount, return, and all other matters required by these rules.

B.(1) Except as otherwise provided in subdivision B(2), if the magisterial district judge has rendered a judgment arising out of a residential lease that the real property be delivered up to the landlord, the landlord may after the 10th day but within 120 days following the date of the entry of the judgment, file with the magisterial district judge a request for an order for possession. The request shall include a statement of the judgment amount, return, and all other matters required by these rules.

(2) In a case arising out of a residential lease, if before the landlord requests an order for possession,

(a) an appeal or writ of *certiorari* operates as a *supersedeas*; or

(b) proceedings in the matter are stayed pursuant to a bankruptcy proceeding or other federal or state law; and

(c) the *supersedeas* or the bankruptcy or other stay is subsequently stricken, dismissed, lifted, or otherwise terminated so as to allow the landlord to proceed to request an order for possession,

the landlord may request an order for possession only within 120 days of the date the *supersedeas* or the bankruptcy or other stay is stricken, dismissed, lifted, or otherwise terminated.

**Official Note:** The 15 days in subdivision A of this rule, when added to the [ 16 day ] **16-day** period provided for in Rule 519A, will give the tenant time to obtain a *supersedeas* within the appeal period. See Rules 1002, 1008, 1009, and 1013.

The 1995 amendment to Section 513 of [ **The** ] **the** Landlord and Tenant Act of 1951, 68 P.S. § 250.513, established a 10-day appeal period from a judgment for possession of real estate arising out of a residential lease [ ; therefore, ]. **See also Rule 1002B(1). Rule 1002B(2)(a) provides for a 30-day appeal period for tenants who are victims of domestic violence. In most cases, the filing of the request for an order for possession in subdivision B(1) is not permitted until after the appeal period has expired. In cases arising out of a residential lease, the request for an order for possession generally must be filed within 120 days of the date of the entry of the judgment.**

**If the tenant is a victim of domestic violence, he or she may file a domestic violence affidavit to stay the execution of the order for possession until the tenant files an appeal with the prothonotary pursuant to Rule 1002, 30 days after the date of entry of the judgment, or by order of the court of common pleas, whichever is earlier. See Rule 514.1C. No posting of money or bond is required to obtain a stay with the filing of a domestic violence affidavit; however, upon the filing of an appeal pursuant to Rule 1002, the stay is lifted, and the *supersedeas* requirements of Rule 1008 shall apply.**

The magisterial district court shall enter stays in compliance with federal or state law, such as the Servicemembers Civil Relief Act, 50 U.S.C. §§ 3901 *et seq.*

Subdivision B(2) provides that in a case arising out of a residential lease, if a *supersedeas* (resulting from an appeal or writ of *certiorari*) or bankruptcy or other stay is stricken, dismissed, lifted, or otherwise terminated, thus allowing the landlord to proceed with requesting an order for possession, the request may be filed only within 120 days of the date the *supersedeas* or the bankruptcy or other stay is stricken, dismissed, lifted, or otherwise terminated.

In many judicial districts, appeals of magisterial district court judgments are submitted to compulsory arbitration pursuant to Pa.R.C.P. Nos. 1301—1314. If, after the arbitration, the prothonotary enters an award for possession on the docket in favor of the landlord and the tenant fails to maintain the *supersedeas* required by Rule 1008 prior to the prothonotary entering judgment on the award, then the landlord may terminate the *supersedeas* pursuant to Rule 1008B and request an order of posses-

sion from the magisterial district judge pursuant to Rule 515. If the prothonotary enters an award on the docket in favor of the tenant and the tenant fails to maintain the *supersedeas* prior to the prothonotary entering judgment on the award, the landlord may not obtain an order of possession between the time that the prothonotary enters the arbitration award on the docket and the time that the landlord files a notice of appeal.

The time limits in which the landlord must request an order for possession imposed in subdivision B apply only in cases arising out of residential leases and in no way affect the landlord's ability to execute on the money judgment. See Rule 516, Note, and Rule 521A.

At the time the landlord files the request for an order for possession, the magisterial district court should collect server fees for all actions through delivery of possession. Thereafter, if the order for possession is satisfied 48 hours or more prior to a scheduled delivery of possession, a portion of the server costs may be refundable. See Rules 516 through 520 and 44 Pa.C.S. § 7161(d).

#### **Rule 516. Issuance and Reissuance of Order for Possession.**

A. Upon the timely filing of the request form, the magisterial district judge shall issue the order for possession and shall deliver it for service and execution to the sheriff of, or any certified constable in, the county in which the office of the magisterial district judge is situated. If this service is not available to the magisterial district judge, service may be made by any certified constable of the Commonwealth. The order shall direct the officer executing it to deliver actual possession of the real property to the landlord. The magisterial district judge shall attach a copy of the request form to the order for possession.

B.(1) Except as otherwise provided in subdivision C, upon written request of the landlord the magisterial district judge shall reissue an order for possession for one additional 60-day period.

(2) If an order for possession is issued and subsequently superseded by an appeal, writ of *certiorari*, *supersedeas*, or a stay pursuant to a bankruptcy proceeding or other federal or state law **or Rule 514.1C**, and

(a) the appeal, writ of *certiorari*, or *supersedeas* is stricken, dismissed, or otherwise terminated; or

(b) the bankruptcy or other stay is lifted; and

(c) the landlord wishes to proceed with the order for possession,

the landlord must file with the magisterial district judge a written request for reissuance of the order for possession in accordance with subdivision B(1).

C. In a case arising out of a residential lease, a request for reissuance of an order for possession may be filed only within 120 days of the date of the entry of the judgment or, in a case in which the order for possession is issued and subsequently superseded by an appeal, writ of *certiorari*, *supersedeas*, or a stay pursuant to a bankruptcy proceeding or other federal or state law **or Rule 514.1C**, only within 120 days of the date the appeal, writ of *certiorari*, or *supersedeas* is stricken, dismissed, or otherwise terminated or the bankruptcy or other stay is lifted.

D. A written request for reissuance of the order for possession filed after an appeal, writ of *certiorari*, or *supersedeas* is stricken, dismissed, or otherwise terminated, or a bankruptcy or other stay is lifted, must be accompanied by a copy of the court order or other documentation striking, dismissing, or terminating the appeal, writ of *certiorari*, or *supersedeas*, or lifting the bankruptcy or other stay.

**Official Note:** The order for possession deals only with delivery of possession of real property and not with a levy for money damages. A landlord who seeks execution of the money judgment part of the judgment must proceed under Rule 521A, using the forms and procedure there prescribed. The reason for making this distinction is that the printed notice requirements on the two forms, and the procedures involved in the two matters, differ widely.

Subdivision B provides for reissuance of the order for possession for one additional 60-day period. However, pursuant to subdivision C, in cases arising out of a residential lease, the request for reissuance of the order for possession must be filed within 120 days of the date of the entry of the judgment or, in a case in which the order for possession is issued and subsequently superseded by an appeal, writ of *certiorari*, *supersedeas* or a stay pursuant to a bankruptcy proceeding or other federal or state law or Rule 514.1C, only within 120 days of the date the appeal, writ of *certiorari*, or *supersedeas* is stricken, dismissed, or otherwise terminated, or the bankruptcy or other stay is lifted. The additional 60-day period need not necessarily immediately follow the original 60-day period of issuance. The written request for reissuance may be in any form and may consist of a notation on the permanent copy of the request for order for possession form, "Reissuance of order for possession requested," subscribed by the landlord. The magisterial district judge shall mark all copies of the reissued order for possession, "Reissued. Request for reissuance filed \_\_\_\_\_ (time and date)." A new form may be used upon reissuance, those portions retained from the original being exact copies although signatures may be typed or printed with the mark "/s/." There are no filing costs for reissuing an order for possession, for the reissuance is merely a continuation of the original proceeding. However, there may be additional server costs for service of the reissued order for possession.

The magisterial district court shall enter stays in compliance with federal or state law, such as the Servicemembers Civil Relief Act, 50 U.S.C. §§ 3901 *et seq.*

In many judicial districts, appeals of magisterial district court judgments are submitted to compulsory arbitration pursuant to Pa.R.C.P. Nos. 1301—1314. If, after the arbitration, the prothonotary enters an award for possession on the docket in favor of the landlord and the tenant fails to maintain the *supersedeas* required by Rule 1008 prior to the prothonotary entering judgment on the award, then the landlord may terminate the *supersedeas* pursuant to Rule 1008B and request an order of possession from the magisterial district judge pursuant to Rule 515. If the prothonotary enters an award on the docket in favor of the tenant and the tenant fails to maintain the *supersedeas* prior to the prothonotary entering judgment on the award, the landlord may not obtain an order of possession between the time that the prothonotary enters the arbitration award on the docket and the time that the landlord files a notice of appeal.

The time limits in which the landlord must request reissuance of an order for possession imposed in subdivi-

sion C apply only in cases arising out of residential leases and in no way affect the landlord's ability to execute on the money judgment. *See* Rule 521A.

## CHAPTER 1000. APPEALS

### APPELLATE PROCEEDINGS WITH RESPECT TO JUDGMENTS AND OTHER DECISIONS OF MAGISTERIAL DISTRICT JUDGES IN CIVIL MATTERS

#### Rule 1001. Definitions.

As used in this chapter:

[ (1) "Judgment" means a judgment rendered by a magisterial district judge under Rule 319, 322 or 514.

(2) "Appeal" means an appeal from a judgment to the court of common pleas.

(3) "Certiorari" means an examination by the court of common pleas of the record of proceedings before a magisterial district judge to determine questions raised under Rule 1009A.

(4) "Supersedeas" means a prohibition against any further execution processes on the judgment affected thereby.

(5) "Court of common pleas" means the court of common pleas of the judicial district in which is located the magisterial district wherein the questioned action of the magisterial district judge took place.

(6) "Claimant" includes a defendant with respect to a defendant's cross-complaint or supplementary action filed pursuant to Rule 342 in the action before the magisterial district judge.

(7) "Defendant" includes a plaintiff with respect to the defendant's cross-complaint or supplementary action filed pursuant to Rule 342 in the action before the magisterial district judge. ]

(1) "Appeal" means an appeal from a judgment to the court of common pleas.

(2) "Certiorari" means an examination by the court of common pleas of the record of proceedings before a magisterial district judge to determine questions raised under Rule 1009A.

(3) "Claimant" includes a defendant with respect to a defendant's cross-complaint or supplementary action filed pursuant to Rule 342 in the action before the magisterial district judge.

(4) "Court of common pleas" means the court of common pleas of the judicial district in which is located the magisterial district wherein the questioned action of the magisterial district judge took place.

(5) "Defendant" includes a plaintiff with respect to the defendant's cross-complaint or supplementary action filed pursuant to Rule 342 in the action before the magisterial district judge.

(6) "Judgment" means a judgment rendered by a magisterial district judge under Rules 319, 322, or 514.

(7) "Proof of service" means a verified written statement that service was made by personal service or by certified or registered mail, with the sender's receipt for certified or registered mail attached thereto if service was made by mail.



(8) Service “by certified or registered mail” means the mailing of properly addressed certified or registered mail.

**(9) “Supersedeas” means a prohibition against any further execution processes on the judgment affected thereby.**

**(10) “Victim of domestic violence” means a person who has obtained a protection from abuse order against another individual or can provide other evidence of abuse.**

**Official Note:** Although one of the purposes of the definitions in this rule is to avoid needless repetition throughout these appellate rules, some of the definitions are intended to state or clarify the law as well.

In connection with the definition of “appeal” in subdivision [ (2) ] (1), see also Rule 1007 and the [ note ] Note thereto.

Under subdivision [ (3) ] (2), *certiorari* is restricted to an examination of the record of the proceedings before the magisterial district judge, which will appear on the complaint forms prescribed by the State Court Administrator. See *Flaherty v. Atkins*, [ 189 Pa.Super. 550, ] 152 A.2d 280 (Pa. Super. 1959). This is a narrow form of *certiorari*, both with respect to procedure and the matters which can be considered under Rule 1009A. Since an aggrieved party will be entitled to a broad form of appeal *de novo* under these rules, there seems to be no justification for providing also for a broad form of *certiorari*. These restrictions on the writ of *certiorari* are authorized by § 26 of the Schedule to Article V of the 1968 Constitution. The writ of error, which at common law was probably available only to review the proceedings of a court of record (see *Beale v. Dougherty*, 3 Binn. 432 (1811)), is not a form of appellate process permitted by these rules. See also *County of Carbon v. Leibensperger*, [ 439 Pa. 138, ] 266 A.2d 632 (Pa. 1970) (court of common pleas cannot issue writ of prohibition).

[ The definition of “supersedeas” in subdivision (4) points out the proper office and limited nature of a supersedeas. See also Rules 1008 and 1013 and the notes thereto. ]

Under subdivision [ (9) ] (7), there is no requirement that the sender’s receipt for certified mail be postmarked. There is no return receipt requirement for certified or registered mail. It is no longer necessary that the proof of service be under oath or affirmation; however, the statement is now made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

**The definition of “supersedeas” in subdivision (9) points out the limited nature of a supersedeas. See also Rules 1008 and 1013 and the Notes thereto.**

**Under subdivision (10), the definition of a victim of domestic violence is derived from 68 P.S. § 250.513.**

## APPEAL

### Rule 1002. Time and Method of Appeal.

A. A party aggrieved by a judgment for money, or a judgment affecting the delivery of possession of real property arising out of a nonresidential lease, may appeal [ therefrom ] the judgment within [ thirty (30) ] 30 days after the date of the entry of the judgment by filing with the prothonotary of the court of common pleas a notice of appeal on a form [ which ] that shall be prescribed by the State Court Administrator together

with a copy of the Notice of Judgment issued by the magisterial district judge. The prothonotary shall not accept an appeal from an aggrieved party [ which ] that is presented for filing more than [ thirty (30) ] 30 days after the date of entry of the judgment without leave of court and upon good cause shown.

[ B. A ] **B.(1) Except as otherwise provided in subdivision B(2), a party aggrieved by a judgment for the delivery of possession of real property arising out of a residential lease may appeal [ therefrom ] the judgment within [ ten (10) ] 10 days after the date of the entry of judgment by filing with the prothonotary of the court of common pleas a notice of appeal on a form [ which ] that shall be prescribed by the State Court Administrator, together with a copy of the Notice of Judgment issued by the magisterial district judge. The prothonotary shall not accept an appeal from an aggrieved party [ which ] that is presented for filing more than [ ten (10) ] 10 days after the date of entry of judgment without leave of court and upon good cause shown.**

**(2)(a) A tenant who is aggrieved by a judgment for the delivery of possession of real property arising out of a residential lease, and who is a victim of domestic violence, may appeal the judgment within 30 days after the date of the entry of judgment by filing with the prothonotary of the court of common pleas a notice of appeal on a form that shall be prescribed by the State Court Administrator, together with a copy of the Notice of Judgment issued by the magisterial district judge, and a domestic violence affidavit.**

**(b) The domestic violence affidavit shall be on a form prescribed by the State Court Administrator, and affirm that the tenant is a victim of domestic violence.**

**(c) The domestic violence affidavit shall contain the name of the tenant who is a victim of domestic violence, the name of the perpetrator, the perpetrator’s relationship to the tenant who is a victim of domestic violence, and the docket number for any protection from abuse case involving the tenant who is a victim of domestic violence and the perpetrator, as well as a verification by the tenant.**

**(d) The domestic violence affidavit is not a public record and shall not be publically accessible.**

**Official Note:** The [ thirty day ] 30-day limitation in subdivision A of this rule is the same as that found in the Judicial Code § 5571(b), 42 Pa.C.S. § 5571(b), as amended by [ § ] Section 10(67) of the Judiciary Act Repealer Act, Act of April 28, 1978, P.L. 202, No. 53. The [ ten day ] 10-day limitation in subdivision [ B ] B(1) of this rule, as well as the 30-day limitation in subdivision B(2), is designed to implement the time for appeal set forth in [ § ] Section 513 of the Landlord and Tenant Act of 1951 (Act No. 1995-33, approved July 6, 1995) (Act No. 1995-33 was suspended by the Pa. Supreme Court on March 28, 1996 by Order of Court insofar as the Act is inconsistent with Rules of Civil Procedure Governing Actions and Proceedings Before Magisterial District Judges, as adopted by that Order.) [ The two subdivisions of this rule are ] This rule is intended to clarify [ that where ] the appeal timelines for different types of cases. When an appeal is taken from any

**judgment for money, or a judgment affecting a nonresidential lease, under these rules, the 30-day period of time for appeal applies. When the right of possession of residential real estate is at issue, and the tenant is not a victim of domestic violence, the shorter, [ ten day ] 10-day period for appeal applies [ ; ]. When an appeal is taken from a judgment affecting a residential lease and the tenant is a victim of domestic violence, the 30-day appeal period applies. [ where the appeal is taken from any judgment for money, or a judgment affecting a nonresidential lease, under these rules, the thirty day period of time for appeal applies. ]** A party may appeal the money portion of a judgment only within the [ **thirty day** ] **30-day** appeal period specified in [ **subsection** ] **subdivision** A of this rule. It is the intent of this rule that no *supersedeas* under [ **Pa.R.C.P.M.D.J. No. ] Rule** 1008 shall be issued by the [ **Prothonotary** ] **prothonotary** after the [ **ten (10) day** ] **10-day** period for filing an appeal, unless **a tenant who is a victim of domestic violence files a domestic violence affidavit with the magisterial court within 30 days of the date of entry of judgment or** by order of court.

The method of appeal is by filing with the prothonotary a “notice of appeal” on a form to be prescribed by the State Court Administrator. Copies of this same form will be used for service under Pa.R.C.P.M.D.J. No. 1005. This permits use of the same form for filing and service. No useful purpose would be served by having two forms, one called an “appeal” for filing and another called a “notice of appeal” for service.

**The domestic violence affidavit set forth in subdivision B(2) shall be on a form prescribed by the State Court Administrator. The domestic violence affidavit shall contain the name of the tenant who is a victim of domestic violence, the name of the perpetrator, the perpetrator’s relationship to the tenant who is a victim of domestic violence, and the docket number for any protection from abuse case involving the tenant who is a victim of domestic violence and the perpetrator. The affidavit shall contain the tenant’s verification that the statements made in the affidavit are true and correct to the best of the tenant’s knowledge, information, and belief, and that any false statements are made subject to the penalties of 18 Pa.C.S. § 4904, relating to unsworn falsification to authorities. If the tenant filed the domestic violence affidavit with the magisterial district court prior to filing the appeal, the tenant shall attach a copy of the previously filed affidavit to the appeal rather than filing a new affidavit. The landlord shall only challenge the domestic violence affidavit by filing an appropriate motion in the court of common pleas. No action challenging the domestic violence affidavit on any grounds shall be filed in the magisterial district court. See Pa.R.C.P.M.D.J. No. 514.1.**

**The domestic violence affidavit is not a public record and it shall not be publically accessible. See Case Records Public Access Policy of the Unified Judicial System of Pennsylvania, Section 9.0F.**

The 1990 amendment is intended to encourage the complete utilization of the hearing process available before the magisterial district judge.

A copy of the Notice of Judgment must be filed since it will contain the separate entries required by Pa.R.C.P.M.D.J. No. [ **514.A** ] **514A** and will be needed by the [ **Prothonotary** ] **prothonotary**.

#### **Rule 1005. Service of Notice of Appeal and Other Papers.**

A. The appellant shall by personal service or by certified or registered mail serve a copy of [ **his** ] **the** notice of appeal upon the appellee and upon the magisterial district judge in whose office the judgment was rendered. If required by Rule 1004B to request a rule upon the appellee to file a complaint, [ **he** ] **the appellant** shall also serve the rule by personal service or by certified or registered mail upon the appellee. The address of the appellee for the purpose of service shall be [ **his** ] **the** address as listed on the complaint form filed in the office of the magisterial district judge or as otherwise appearing in the records of that office. If the appellee has an attorney of record named in the complaint form filed in the office of the magisterial district judge, the service upon the appellee may be made upon the attorney of record instead of upon the appellee personally.

B. The appellant shall file with the prothonotary proof of service of copies of [ **his** ] **the** notice of appeal, and proof of service of a rule upon the appellee to file a complaint if required to request such a rule by Rule 1004B, within [ **ten (10)** ] **10** days after filing the notice of appeal.

C. In lieu of service and proof of service pursuant to [ **paragraphs A. and B.** ] **subdivisions A and B** of this Rule, the court of common pleas may, by local rule, permit or require that the appellant file with the notice of appeal a stamped envelope pre-addressed to the appellee at [ **his** ] **the** address as listed on the complaint form filed in the office of the magisterial district judge or as otherwise appearing in the records of that office, or the attorney of record, if any, of the appellee, and a stamped envelope pre-addressed to the magisterial district judge in whose office the judgment was rendered. Copies of the notice of appeal, and Rule pursuant to 1004B, if applicable, shall thereupon be mailed by the prothonotary or court by first class mail, with such service and any return being noted on the court’s docket.

D. The party filing a complaint under Rule 1004 shall forthwith serve it upon the opposite party in the appeal by leaving a copy for or mailing a copy to [ **him at his** ] **the** address as shown in the magisterial district court records mentioned in subdivision A of this rule. If the opposite party has an attorney of record either in the magisterial district court or court of common pleas proceeding, service upon the opposite party may be made upon the attorney of record instead of upon the opposite party personally.

E. Service and proof of service may be made by attorney or other agent.

**Official Note:** Subdivision A requires service of a copy of the notice of appeal upon the magisterial district judge as well as upon the appellee, or [ **his** ] **the appellee’s** attorney of record. **The notice of appeal includes all documents filed with the prothonotary, including a domestic violence affidavit, if applicable.** This copy,

when received by the magisterial district judge, may operate as a *supersedeas* under Rule 1008. As to subdivision B, there is no return receipt requirement for service by certified or registered mail and consequently no such receipt need be filed with the prothonotary, although if service is by certified or registered mail the sender's receipt must be attached to the proof of service. See Rule [ 1001(9) ] 1001(7) and the [ last ] fourth paragraph of the [ note ] Note to Rule 1001. The notice of appeal and the proof of service may be filed simultaneously. See also Rule 1006 and its [ note ] Note. Subdivision C prescribes a pleading type service of the complaint, which may be made by ordinary mail, upon the opposite party in the appeal or [ his ] the party's attorney of record.

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

### Recommendation 3-2015, Minor Court Rules Committee

#### *Amendment of Rules 501, 514—516, 1001-1002, and 1005 and Adoption of New Rule 514.1*

#### APPEALS BY VICTIMS OF DOMESTIC VIOLENCE IN RESIDENTIAL LEASE ACTIONS

##### I. Introduction

The Minor Court Rules Committee ("Committee") recommended the amendment of Rules 501, 514—516, 1001-1002, and 1005, and the adoption of new Rule 514.1 of the Pennsylvania Rules of Civil Procedure Governing Actions and Proceedings before Magisterial District Judges ("Rules"). These Rules provide a 30-day appeal period in residential lease actions for tenants who are victims of domestic violence.

##### II. Discussion

For many years, the Committee has been examining the procedural rules governing appeals from judgments of magisterial district courts in an effort to provide additional time for a victim of domestic violence to appeal a judgment arising out of a residential lease. The Committee sought to incorporate certain provisions of the Landlord and Tenant Act of 1951 ("Act"), Act of April 6, 1951, P.L. 69, *as amended*, 68 P.S. § 250.513(b), into the Rules. Section 513 specifically provides that "within thirty days after a judgment by a lower court arising out of a nonresidential lease or a residential lease involving a victim of domestic violence, either party may appeal to the court of common pleas. . . ." 68 P.S. § 250.513(b) (emphasis added). Provisions to incorporate an extended appeal period for victims of domestic violence in residential lease actions were included in prior proposed Rules that the Committee published in the *Pennsylvania Bulletin* in 2012 and 2014. See 42 Pa.B. 7525 (December 15, 2012); 44 Pa.B. 4342 (July 12, 2014). These publications also addressed other aspects of the appeals process that are no longer under consideration. With the Court's approval, the Committee continued working on a proposal to extend the appeal period for victims of domestic violence in residential lease actions, publishing two additional proposals in 2017. See 47 Pa.B. 2324 (April 22, 2017); 47 Pa.B. 7676 (December 23, 2017).

<sup>1</sup> The Committee's Final Report should not be confused with the Official Notes to the Rules. Also, the Supreme Court of Pennsylvania does not adopt the Committee's Official Notes or the contents of the explanatory Final Reports.

<sup>2</sup> The definition of "victim of domestic violence" is derived from the Act, and means "a person who has obtained a protection from abuse order against another individual or can provide other evidence of abuse." See 68 P.S. § 250.513; Rules 501, 1001(10).

In the four publications, the Committee sought public comment on approaches to implementing an extended appeal period for victims of domestic violence. This task was complicated by existing procedural requirements for the request, issuance, and enforcement of orders for possession generally, largely due to overlapping timelines. A landlord is able to seek an order for possession as soon as the 11th day after entry of the judgment and regain possession of the property as soon as the 22nd day after the entry of the judgment. See Rules 515, 519. Practically speaking, a tenant could lose possession of the property before the extended 30-day appeal period had run, or could be required to pursue emergency relief at the court of common pleas to stay the eviction.

After much discussion and review, and with input from commenters and the Court, the Committee recommended the following approach: a tenant who is a victim of domestic violence, as defined in Rule 1001(10), may file a newly-created domestic violence affidavit with the magisterial district court to stay the execution of an order for possession. Staying the execution of the order for possession will permit the tenant who has filed the domestic violence affidavit to appeal the magisterial district court judgment within the allowed 30-day period without the risk of eviction. If the tenant does not file the affidavit with the magisterial district court before the 22nd day after the date of the entry of judgment, the tenant may be at risk of eviction.

The domestic violence affidavit will require the name of tenant who is a victim of domestic violence, the name of the perpetrator, the perpetrator's relationship to the tenant who is a victim of domestic violence, the docket number for any protection from abuse case involving the tenant who is a victim of domestic violence and the perpetrator, and verification by the tenant. By using the affidavit as set forth in the Rules, a tenant who is a victim of domestic violence will be able to avail himself or herself of the extended appeal period without the risk of a premature eviction. The domestic violence affidavit is not a public document, and will not be publically accessible. See *Case Records Public Access Policy of the Unified Judicial System of Pennsylvania*, Section 9.0F.

Any challenges by the landlord to the domestic violence affidavit shall be made to the court of common pleas and not the magisterial district court.

##### III. Proposed Changes

The Committee recommended the following Rules changes:

*Rule 501:* A definition of "victim of domestic violence" was added to Rule 501, as well as a reference in the note to 68 P.S. § 250.513.

*Rule 514:* A provision was added to Rule 514D to require the magisterial district judge to provide notice of the 30-day appeal period for domestic violence victims on the written notice of judgment, as well as instructions for properly making such an appeal.

*Rule 514.1:* This is an entirely new Rule. It provides that a tenant in a residential lease action who is a victim of domestic violence may file a verified domestic violence affidavit with the magisterial district court to stay the execution of an order for possession. New Rule 514.1 also

sets forth service requirements and establishes that the domestic violence affidavit is not a public record and is not accessible to the public. The Note describes the contents of the domestic violence affidavit and indicates that challenges to the domestic violence affidavit should be filed at the court of common pleas.

*Rule 515:* A reference to the 30-day appeal period for victims of domestic violence was added to the Note.

*Rule 516:* A reference to a stay issued pursuant to Rule 514.1C was added to the Rule in the event a court of common pleas lifts a stay prior to the expiration of the 30-day appeal period for victims of domestic violence.

*Rule 1001:* The definitions were alphabetized with corresponding changes to references in the Note and a definition of “victim of domestic violence” was added.

*Rule 1002:* New subdivision B(2) provides that a tenant who is a victim of domestic violence may appeal the judgment within 30 days after the date of entry of the judgment by filing the notice of appeal and the domestic violence affidavit with the prothonotary. Subdivisions B(2)(c)-(d) set forth the content of the domestic violence affidavit, and designates the affidavit as a confidential document.

*Rule 1005:* An updated citation to a definition was made in the Note. The Note provides that the notice of appeal includes all documents filed with the prothonotary, including the domestic violence affidavit if applicable.

In addition, stylistic changes were made throughout the amended Rules. Rule amendments adopted contemporaneously by the Court based on the Committee’s Recommendation 4 of 2018 are reflected in the rule text without contextual indicators.

[Pa.B. Doc. No. 20-1208. Filed for public inspection September 4, 2020, 9:00 a.m.]

## Title 255—LOCAL COURT RULES

### YORK COUNTY

#### Amendment of Local Rules of Criminal Procedure; CP-67-AD-34-2020

#### Administrative Order Amending York County Local Rule of Criminal Procedure 528

*And Now*, this 24th day of August, 2020, it is *Ordered* that York County Local Rule of Criminal Procedure 528 is amended, effective October 1, 2020.

The District Court Administrator shall publish this order as may be required.

*By the Court*

JOSEPH C. ADAMS,  
*President Judge*

#### York R.Crim.P. 528. Monetary Condition of Release on Bail: Percentage Cash Bail Program.

(A) Unless specifically prohibited by order of the bail authority when setting bail in [ the ] **any case originating in and to be prosecuted to final disposition in the 19th judicial district**, any defendant or the defendant’s surety may satisfy the monetary condition of release on bail by depositing with the court a sum of money equal to 10% of the full amount required. **Percentage cash bail shall not be available in the 19th judicial district to any defendant for any case originating in or to be prosecuted to final disposition in any jurisdiction other than the 19th judicial district.**

. . .

[Pa.B. Doc. No. 20-1209. Filed for public inspection September 4, 2020, 9:00 a.m.]

# RULES AND REGULATIONS

## Title 17—CONSERVATION AND NATURAL RESOURCES

### DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

[ 17 PA. CODE CH. 53 ]

#### Snowmobile and All-Terrain Vehicle Grants

The Department of Conservation and Natural Resources (Department), under the authority of sections 7704 and 7706(b.1) of the act of July 20, 2016 (P.L. 837, No. 97) (Act 97) (75 Pa.C.S. §§ 7704 and 7706(b.1) (relating to rules and regulations; and restricted accounts)) and section 313 of the Conservation and Natural Resources Act (71 P.S. § 1340.313), hereby adds Chapter 53 (relating to snowmobile and all-terrain vehicle grants) to read as set forth in Annex A.

#### *Purpose*

The purpose of this final-form rulemaking is to comply with the Act 97 amendment to the Snowmobile and All-Terrain Vehicle (ATV) Law (Law) (75 Pa.C.S. §§ 7701—7753) establishing the ATV Management Restricted Account and the Snowmobile Management Restricted Account (75 Pa.C.S. § 7706(a)) and requiring the Department to promulgate regulations necessary to implement the program granting funds from the restricted accounts (75 Pa.C.S. §§ 7706(b) and (b.1)).

#### *Discussion*

Under section 7706(b) of the Law (75 Pa.C.S. § 7706(b)), the Department administers a program granting funds from the ATV Management Restricted Account and the Snowmobile Management Restricted Account, which funds are generated from, inter alia, ATV and snowmobile registration, certification, sale of publications or services and enforcement activities (75 Pa.C.S. § 7706(a)).

Prior to Act 97, the funds generated by the ATV and snowmobile activities/user groups were placed in one restricted account and could be granted for either ATV or snowmobile eligible activities without designation for which activities/user groups generated the funds. Act 97 ensures that ATV funds are specifically directed to ATV activities.

Act 97 established two restricted accounts, the ATV Management Restricted Account and the Snowmobile Management Restricted Account (75 Pa.C.S. § 7706(a)). Under Act 97, all moneys generated from ATV activities must be deposited into the ATV Management Restricted Account (75 Pa.C.S. § 7706(a)), from which moneys are dispersed, inter alia, as grants that may only be used for ATV activities/projects (75 Pa.C.S. § 7706(b)). Similarly, all moneys generated from snowmobile activities must be deposited into the Snowmobile Management Restricted Account (75 Pa.C.S. § 7706(a)), from which moneys are dispersed, inter alia, as grants that may only be used for snowmobile activities/projects (75 Pa.C.S. § 7706(b)). Act 97 ensures that moneys generated from ATV activities are not dispersed for snowmobile activities and vice versa.

Further, 75 Pa.C.S. § 7706(b.1) requires the Department to promulgate the regulation to implement the Snowmobile and All-Terrain Vehicle program granting

funds from the ATV Management Restricted Account and the Snowmobile Management Restricted Account.

The proposed rulemaking was published at 48 Pa.B. 515 (January 20, 2018). The public comment period closed on February 20, 2018. The Department received public comments from three commentators. The Independent Regulatory Review Commission (IRRC) also provided a comment. Responses to the comments follow.

#### *Comments to Proposed Rulemaking*

##### *Use of funds*

A commentator stated the change in rules will make it easier for ATV users to access funds, thereby creating more riding opportunities in this Commonwealth. The commentator further stated that the commentator would like to see a limit put on how much of the restricted funds can be used by State agencies, since restricted funds should not be used for paying personnel for grooming and other State employee functions.

##### *Response*

The Department is required to grant money from the restricted accounts for various activities related to snowmobile and ATV use (75 Pa.C.S. § 7706(b)). Further, the Department is statutorily required to draw moneys from the respective restricted accounts for use in performing any activities necessary to carry out the purposes of Chapter 77, including registration and certificate of title activities, training, education, enforcement activities, construction and maintenance of snowmobile and ATV trails and acquisition of equipment, supplies and interests in land (75 Pa.C.S. § 7706(a)(2)).

##### *General support*

A comment was received from the Pennsylvania Off Highway Vehicle Association stating that the Association is pleased to endorse these regulations and support their adoption as written. The comment commended the Department for including in the regulations two grant application and award periods, and for not including in the regulations specific matching funds requirements, as the Association had recommended.

##### *Response*

In preparing the regulations, the Department sought and received valuable feedback from ATV and snowmobile user groups. The Department ultimately removed specific matching funds requirements to encourage more prospective grant applications. However, the Department included grant selection criteria to ensure that the most viable grant projects are funded, which criteria, pursuant to the comment, the Association supports.

##### *ATV funds*

IRRC and a commentator stated in their comment to the proposed rulemaking that:

A Commenter raises concerns that ATV registration monies are being channeled toward non-trail-providing motocross facilities. The commenter suggests that the grant selection process and criteria be revised to include further qualifying criteria that prioritize projects providing ATV riding areas and trail mileage. We ask the Department to clarify how the grant selection process and criteria in the final-form regulation ensure that all funds from the ATV Management Restricted Account will be used for ATV projects. The Department should also explain the

reasonableness of providing monies from the ATV Management Restricted Account to non-trail-providing motocross facilities if such facilities are eligible for grants under the final-form regulation.

#### *Response*

Under the Snowmobile and All-Terrain Vehicle Law, the Department is required to administer various activities—not just increased riding areas and trail mileage. Specifically, the Department is required to draw moneys from the respective restricted accounts for use in performing any activities necessary to carry out the purposes of the chapter, including registration and certificate of title activities, training, education, enforcement activities, construction and maintenance of snowmobile and ATV trails and acquisition of equipment, supplies and interests in land (75 Pa.C.S. § 7706(a)(2)), in addition to making grants to eligible applicants for eligible activities, including the construction, maintenance and rehabilitation of ATV trails and other facilities (75 Pa.C.S. § 7706(b)). Thus, the grant selection process and criteria may not provide that all funds from the ATV Management Restricted Account will be used for providing ATV trails.

Further, the Law and regulation address, inter alia, the grant of funds from the ATV Management Restricted Account for the listed eligible ATV activities, including the construction, maintenance and rehabilitation of ATV trails and other facilities (75 Pa.C.S. § 7706(b); 17 Pa. Code § 53.12). Use of funds from the ATV restricted account is only limited to ATV trails with regard to grants to for-profit and nonprofit organizations for the maintenance, rehabilitation and construction of ATV trails on Commonwealth lands (75 Pa.C.S. § 7706(b)(3); 17 Pa. Code § 53.12(c)). Otherwise, grant funds may be awarded for eligible ATV activities at non-trail providing facilities, as long as the funds are used to support ATV riding opportunity at the facilities.

The Law does not prohibit eligible ATV activities at motocross facilities. In addition, revision of the regulation (and the grant application) to prioritize ATV trail mileage and riding areas does not comply with the scope of the Law.

The Department has only provided ATV registration grant moneys to motocross facilities that provide ATV riding experiences. The Department has been awarding grants from snowmobile and ATV registration moneys for over 18 years. In that time, the Department has awarded 66 grants. Only three of those grants have been awarded to facilities that offer motocross riding experiences in addition to ATV riding experiences. More importantly, the three grants were specifically awarded to support ATV riding experiences.

Also, 75 Pa.C.S. § 7706(a)(2) specifically provides that “. . . under no circumstances shall the department expend any moneys from the accounts except for the activity that generated those accounts.” This language expressly prohibits the Department from using ATV registration moneys for anything other than ATV activity. Similarly, section 53.11 of the final regulation (ATV Management Restricted Account) specifically restricts grant awards from the ATV Management Restricted Account to ATV projects.

#### *Summary of Rulemaking*

Section 53.1 provides definitions of “ATV,” “ATV Management Restricted Account,” “acquisition,” “development,” “joint-use trail,” “land,” “maintenance,” “municipal-

ity,” “nonprofit organization,” “project,” “rehabilitation,” “snowmobile,” “Snowmobile Management Restricted Account” and “Vehicle Code.”

Section 53.2 states the statutory authority under which this final-form rulemaking is promulgated.

Section 53.3 provides the grant application procedure. In this final-form rulemaking, this section is revised from the proposed rulemaking by changing the opening date of the first grant round from the first business day in January to the first business day in February. In addition, in this final-form rulemaking, this section is revised from the proposed rulemaking by changing the closing date of the second grant round from the last business day in October to the last business day in September. The length of the grant round application periods is reduced to ensure sufficient time to thoroughly review applications and award grants in a timely manner.

Section 53.4 provides the grant selection process and criteria.

Section 53.5 provides the levels at which grant projects will be funded.

Section 53.11 provides the projects for which funds from the ATV Management Restricted Account may be granted.

Section 53.12 provides the applicants and activities eligible to receive grant funds from the ATV Management Restricted Account. In this final-form rulemaking, this section is revised from the proposed regulation by inserting for clarity in subsections (b), (c) and (d) a list of the applicants eligible to receive grant funds under each subsection.

Section 53.21 provides the projects for which funds from the Snowmobile Management Restricted Account may be granted.

Section 53.22 provides the applicants and activities eligible to receive grant funds from the Snowmobile Management Restricted Account. In this final-form rulemaking, this section is revised from the proposed rulemaking by inserting for clarity in subsections (b), (c) and (d) a list of the applicants eligible to receive grant funds under each said subsection.

#### *Fiscal Impact*

*Commonwealth.* This final-form rulemaking will not have a fiscal impact on the Commonwealth. No additional costs are imposed under this regulation, since the Department currently administers the grant program.

*Political subdivisions.* This final-form rulemaking will not have a fiscal impact on political subdivisions.

*Public.* This final-form rulemaking will not have a fiscal impact on the public. No additional costs are imposed under this final-form rulemaking.

#### *Benefits, Costs and Compliance*

*Benefits.* This final-form rulemaking will benefit grant applicants by affording them the opportunity to apply for grant awards twice a year and by ensuring that ATV moneys are used for ATV projects and snowmobile moneys are used for snowmobile projects.

*Costs and compliance.* This final-form rulemaking will not impose additional compliance costs.

*Paperwork requirements.* There are no additional paperwork requirements associated with this final-form rulemaking. Grant applicants are already required to com-

plete a grant application to apply for funds. Further, the application is available online at <https://brcgrants.dcnr.pa.gov/>.

*Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P.S. § 745.5(a)), on January 9, 2018, the Department submitted a copy of the proposed rulemaking, published at 48 Pa.B. 515, to IRRC and the Chairpersons of the House and Senate Environmental Resources and Energy Committees.

Under section 5(c) of the Regulatory Review Act, IRRC and the House and Senate Committees were provided with copies of all comments received, as well as other documentation. In preparing this final-form regulation the Department has considered all comments received from IRRC and the public. No comments were received from the House and Senate Committees.

Under section 5.1(j.2) of the Regulatory Review Act, (71 P.S. § 745.5a(j.2)) on June 17, 2020, this final-form rulemaking was deemed approved by the House and Senate Committees. Under section 5.1(e) of the Regulatory Review Act, IRRC met on June 18, 2020, and approved the final-form rulemaking.

*Effective Date*

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

(b) This final-form rulemaking will be monitored on an annual basis and updated as needed.

*Contact Person*

For an explanation of these regulations contact Alex MacDonald, Chief, Trails, Greenways and Statewide Planning Section, Bureau of Recreation and Conservation, Department of Conservation and Natural Resources, Rachel Carson State Office Building, 400 Market Street, 5th Floor, P.O. Box 8475, Harrisburg, PA 17105-8475, (717) 772-4586, [almacdonal@pa.gov](mailto:almacdonal@pa.gov).

*Findings*

The Department finds that:

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

(2) At least a 30-day public comment period was provided as required by law and all comments were considered.

(3) This final-form rulemaking does not enlarge the purpose of the proposed rulemaking published at 48 Pa.B. 515.

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

*Order*

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

(1) The regulations of the Department, 17 Pa. Code, Chapter 53 are amended by adding §§ 53.1—53.5, 53.11, 53.12, 53.21 and 53.22 to read as set forth in Annex A.

(2) The Secretary shall submit this order and Annex A to the Office of Attorney General and the Office of General Counsel for approval as to legality as required by law.

(3) The Secretary shall submit this order and Annex A to the IRRC and the House and Senate Committees as required by law.

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

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

CINDY ADAMS DUNN,  
*Secretary*

(*Editor’s Note:* See 50 Pa.B. 3355 (July 4, 2020) for IRRC’s approval order.)

**Fiscal Note:** Fiscal Note 7B-9 remains valid for the final adoption of the subject regulations.

**Annex A**

**TITLE 17. CONSERVATION AND NATURAL RESOURCES**

**PART I. DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES**

**Subpart E. OUTDOOR RECREATION**

**CHAPTER 53. SNOWMOBILE AND ALL-TERRAIN VEHICLE GRANTS**

**Subchap.**

- A. GENERAL PROVISIONS**
- B. ALL-TERRAIN VEHICLE GRANTS**
- C. SNOWMOBILE GRANTS**

**Subchapter A. GENERAL PROVISIONS**

- |       |                                       |
|-------|---------------------------------------|
| Sec.  |                                       |
| 53.1. | Definitions.                          |
| 53.2. | Authority.                            |
| 53.3. | Application procedure.                |
| 53.4. | Grant selection process and criteria. |
| 53.5. | Funding levels.                       |

**§ 53.1. Definitions.**

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

**ATV**—An all-terrain vehicle as defined in section 7706(e) of the Vehicle Code (relating to restricted accounts).

**ATV Management Restricted Account**—A restricted revenue account for funds that may only be used for ATV related activities, or activities related to joint-use trails, as required under section 7706(a)(2) of the Vehicle Code.

**Acquisition**—The purchase or lease of land or buildings for snowmobile or ATV activities, or both.

**Development**—Construction, alteration or renovation required for and compatible with the physical improvement of land.

**Joint-use trail**—A trail that may be used by snowmobiles and ATVs.

**Land**—Real property, including improvements thereon, rights-of-way, water, riparian and other rights, easements, privileges and any other physical property or rights of interest of any kind or description relating to or connected with real property.

**Maintenance**—Recurring upkeep needed on a regular basis on snowmobile, ATV or joint-use trails, trail related facilities and equipment.

*Municipality*—A county, city, borough, incorporated town, township or an official agency created by the foregoing units of government under the laws of the Commonwealth.

*Nonprofit organization*—An organization that is exempt from income tax under section 501 of the Internal Revenue Code (26 U.S.C.A. § 501).

*Project*—A proposal to acquire or develop land, research the feasibility of acquiring or developing land, prepare or perform right-of-way lease agreements, purchase or lease equipment, or conduct educational or training programs relating to snowmobile or ATV activities, or both.

*Rehabilitation*—The improvement or restoration, excluding routine maintenance, of existing snowmobile, ATV or joint-use trails.

*Snowmobile*—The term as defined in section 7702 of the Vehicle Code (relating to definitions).

*Snowmobile Management Restricted Account*—A restricted revenue account for funds that may only be used for snowmobile related activities, or activities related to joint-use trails, as required under section 7706(a)(2) of the Vehicle Code.

*Vehicle Code*—75 Pa.C.S. §§ 101—9701.

### § 53.2. Authority.

This chapter is adopted under section 7706(b.1) of the Vehicle Code (relating to restricted accounts) and applies to municipalities, for-profit organizations and nonprofit organizations seeking grants under this chapter.

### § 53.3. Application procedure.

(a) Grant applicants may apply for grants under this chapter by submitting an application through the Department's online grant portal on the Department's web site.

(b) By completing, signing and submitting a grant application to the Department, the grant applicant will be deemed to have certified to the Department that it shall be legally bound by the terms, conditions and provisions of the grant.

(c) There will be two grant rounds annually during which the Department will accept grant applications. The first grant round will open on the first business day in February and close on the last business day in March. The second grant round will open on the first business day in August and close on the last business day in September.

### § 53.4. Grant selection process and criteria.

(a) Following the closing date of each grant round, the Department will consider properly filed applications for approval and award.

(b) If the Department determines that an application is incomplete and that additional information is necessary, the grant applicant shall provide that additional information to allow for further consideration of the application.

(c) In reviewing an application, the Department will give priority to all of the following criteria:

- (1) The anticipated benefits of the project.
- (2) The local and regional impact of the project.
- (3) The estimated cost of the project.
- (4) The availability of matching funds for the project.
- (5) Cost sharing by the grant applicant and other entities.

(6) The results of similar types of projects that have already been completed.

(7) The results of previous projects completed by the grant applicant.

(8) The Department's priorities for motorized recreational trails.

(d) The Department will complete its review and approval of properly filed applications prior to the opening of the following grant round.

### § 53.5. Funding levels.

Grants under this chapter may cover part or all of the cost of an eligible project.

## Subchapter B. ALL-TERRAIN VEHICLE GRANTS

Sec.  
53.11. ATV Management Restricted Account.  
53.12. Eligibility.

### § 53.11. ATV Management Restricted Account.

(a) The Department may only award grants for ATV projects under this subchapter.

(b) The Department may only fund grants with money from the ATV Management Restricted Account under this subchapter.

(c) Joint-use trail projects are considered ATV projects under this subchapter.

### § 53.12. Eligibility.

(a) The Department may award grants to the following groups and organizations:

- (1) For-profit organizations.
- (2) Nonprofit organizations.
- (3) Municipalities.

(b) The Department may award grants to for-profit organizations, nonprofit organizations and municipalities for the following project costs on lands not owned by the Commonwealth:

- (1) Plans, specifications and engineering surveys.
- (2) Fees and costs related to the preparation or performance of right-of-way lease agreements.
- (3) Land acquisition.
- (4) Construction, maintenance and rehabilitation of trails and other facilities for ATVs.

(c) The Department may award grants to for-profit and nonprofit organizations for the maintenance, rehabilitation and construction of ATV trails on lands owned by the Commonwealth.

(d) The Department may award grants to for-profit organizations, nonprofit organizations and municipalities for equipment, training and educational activities relating to ATV use.

## Subchapter C. SNOWMOBILE GRANTS

Sec.  
53.21. Snowmobile Management Restricted Account.  
53.22. Eligibility.

### § 53.21. Snowmobile Management Restricted Account.

(a) The Department may only award grants for snowmobile projects under this subchapter.

(b) The Department may only fund grants with money from the Snowmobile Management Restricted Account under this subchapter.



(c) Joint-use trail projects are considered snowmobile projects under this subchapter.

**§ 53.22. Eligibility.**

(a) The Department may award grants to the following groups and organizations:

- (1) For-profit organizations.
- (2) Nonprofit organizations.
- (3) Municipalities.

(b) The Department may award grants to for-profit organizations, nonprofit organizations and municipalities for the following project costs on lands not owned by the Commonwealth:

- (1) Plans, specifications and engineering surveys.

(2) Fees and costs related to the preparation or performance of right-of-way lease agreements.

(3) Land acquisition.

(4) Construction, maintenance and rehabilitation of trails and other facilities for snowmobiles.

(c) The Department may award grants to for-profit and nonprofit organizations for the maintenance, rehabilitation and construction of snowmobile trails on lands owned by the Commonwealth.

(d) The Department may award grants to for-profit organizations, nonprofit organizations and municipalities for equipment, training and educational activities relating to snowmobile use.

[Pa.B. Doc. No. 20-1210. Filed for public inspection September 4, 2020, 9:00 a.m.]

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# PROPOSED RULEMAKING

## PENNSYLVANIA GAMING CONTROL BOARD

[ 58 PA. CODE CHS. 1101a—1120a ]

### Video Gaming

The Pennsylvania Gaming Control Board (Board), under the general authority in 4 Pa.C.S. §§ 3301(a) and (b)(3) and 3302 (relating to powers of board; and regulatory authority of board), proposes to add Chapters 1101a—1120a governing the licensing, conduct and regulatory oversight of video gaming in this Commonwealth as set forth in Annex A.

#### *Purpose of the Rulemaking*

This proposed rulemaking will provide a regulatory oversight structure for the conduct of video gaming at licensed truck stop establishments in this Commonwealth.

This proposed rulemaking is necessary to implement Part III of Act 42 of 2017 (act), 4 Pa.C.S. §§ 3101—4506 (relating to video gaming), whose intent is to provide truck stops which meet certain eligibility criteria the option of providing video gaming through a terminal operator licensee on the premises of the licensed truck stop establishment, and to ensure the integrity of the acquisition and operation of the video gaming terminals, redemption terminals and associated equipment. See 4 Pa.C.S. § 3301.

#### *Explanation*

Subpart N of 58 Pa. Code (relating to video gaming) establishes the complete regulatory package necessary for the Board to commence licensing of truck stop establishments which elect to host video gaming activities, of terminal operators who place and operate video gaming terminals in truck stop establishments, of manufacturers, suppliers and gaming service providers. In addition, the Subpart provides for testing of all equipment used in video gaming operations and establishes rules for the possession of video gaming terminals, accounting and internal controls and the conduct of video gaming in this Commonwealth. Finally, the Subpart addresses compulsive and problem gambling, self-exclusion and Board-imposed exclusion upon persons whose presence in a video gaming area would be inimical to the Commonwealth's interests.

Subpart N establishes a broad regulatory oversight structure for video gaming. Section 1101a.2 (relating to definitions) provides the relevant definitions used throughout Subpart N for the conduct of video gaming.

The regulation identifies numerous categories of licensees based upon the statutory criteria for licensure in the act. Those categories of persons subject to licensure include terminal operators, establishment licensees and their principal qualifiers and key qualifiers, principals, key employees, suppliers, manufacturers, gaming service providers and occupation permittees. Chapters 1102a through 1109a establish the application and general requirements licensees and permittees must comply with to apply with the board to participate in the regulated conduct of video gaming.

Chapters 1110a and 1111a (relating to applications generally; and licence terms and renewals) provide for a

preliminary review of the application, followed by the processing of the applications by Board staff, addressing deficient and abandoned applications, avenues for withdrawing an application from consideration and the terms and renewal periods for licenses.

Chapter 1112a (relating to video gaming terminal, redemption terminal and associated equipment testing and certification) addresses the testing and certification standards and processes for video gaming terminals, redemption terminals and associated equipment used in the conduct of video gaming. Testing of the video gaming terminals, redemption terminals and associated equipment is vital to assuring the proper operation of the machines within statutorily mandated guidelines as well as to assure fairness to patrons utilizing video gaming terminals.

Chapters 1113a, 1114a and 1115a (relating to possession of video gaming terminals; accounting and internal controls; and record retention) address the possession of video gaming terminals and establish video gaming accounting and internal control as well as record retention requirements. The purpose of these sections is to ensure accountability for revenues, play of games and overall integrity of the video gaming product.

Chapter 1116a (relating to conduct of video gaming) establishes standards for the video gaming area, video gaming terminals, redemption terminals, automated teller machines and restrictions on terminal operators, establishment licensees and employees of licensees in relation to the operation and conduct of video gaming.

Chapter 1117a (relating to video terminal placement agreements) requires that video terminal placement agreements between terminal operators and establishment licensees must be approved by the Board. It also establishes the standards which those agreements must satisfy to achieve board approval.

Chapters 1118a and 1119a (relating to compulsive and problem gaming; and self-exclusion) relate to compulsive and problem gaming and establish requirements for signage in video gaming areas, the provision of problem gaming information and training as well as for the creation of a video gaming self-exclusion list as required by 4 Pa.C.S. § 3903(a) (relating to self-exclusion) and procedures by which individuals may self-exclude from the conduct of video gaming as well as removing oneself from the self-exclusion list.

Finally, Chapter 1120a (relating to exclusion of persons from video gaming) provides a mechanism establishing the Board's mandatory exclusion list and lists the basis upon which exclusion can be imposed, that is generally if the persons conduct and presence at an establishment licensees' premises would be inimical to the interests of the Commonwealth and licensed gaming therein. The section further establishes the process which must be undertaken to initiate proceedings to exclude a person, including notice and a right to be heard, outlines a licensed establishments obligation to exclude the person, and provides an opportunity for an excluded person to seek his removal from the list of excluded persons.

#### *Fiscal Impact*

*Commonwealth.* The Board expects that the provisions contained in this proposed rulemaking will have a relatively minimal fiscal impact on the Board or any other Commonwealth agency which primarily is the result of

the need for some additional personnel needed to process applications and review, monitor and regulate the conduct of video gaming. Some of the additional duties will be absorbed by existing Board staff. The costs of the regulation will be paid for by an assessment against the gross terminal revenue generated by terminal operator licensees.

*Political subdivisions.* This proposed rulemaking will have no fiscal impact on political subdivisions of the Commonwealth.

*Private sector.* This proposed rulemaking is not anticipated to impose a negative fiscal impact on the regulated entities. The decision to participate in video gaming by an eligible truck stop establishment is not mandated by the act but is left to the discretion of those qualifying establishments.

If pursued, there will be some equipment costs for video gaming terminals, redemption terminals and surveillance and security-related equipment, as well as some limited renovation within the truck stop premises to obtain a segregated video gaming area. In addition, regulated video gaming terminal operators and establishment licensees may need to hire, train and license a limited number of staff in the conduct of video gaming. Any costs incurred to hire, train and license employees or purchase/lease equipment should be offset by the proceeds of the video gaming activity.

*General public.* This proposed rulemaking will have no fiscal impact on the general public.

*Paperwork Requirements*

A terminal operator, establishment licensee, manufacturer, suppliers and person employed by those entities, will be required to file applications with the Board providing information regarding the person's proposed activity, security and surveillance as well as accounting and internal control protocols as well as background information of each individual sufficient to permit the Board to determine the individual's suitability for licensure.

*Effective Date*

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

*Public Comments*

Interested persons are invited to submit written comments, suggestions or objections regarding this proposed rulemaking within 30 days after the date of publication in the *Pennsylvania Bulletin*. Public comments should be addressed to Chad W. Zimmermann, Assistant Chief Counsel, Attention: Regulation # 125-230 Public Comment, Pennsylvania Gaming Control Board, P.O. Box 69060, Harrisburg, PA 17106-9060.

*Contact Person*

The contact person for questions about this proposed rulemaking is Chad W. Zimmermann, Assistant Chief Counsel at (717) 346-8300.

*Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P.S. § 745.5(a)), on August 5, 2020, the Board submitted a copy of this proposed rulemaking and a copy of the Regulatory Analysis Form to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the House Gaming Oversight Committee and the Senate Community, Economic and Recreational Development

Committee. A copy of this material is available to the public upon request and is available on the Board's web site at [www.gamingcontrolboard.pa.gov](http://www.gamingcontrolboard.pa.gov).

Under section 5(g) of the Regulatory Review Act, IRRC may convey any comments, recommendations or objections to the proposed rulemaking within 30 days of the close of the public comment period. The comments, recommendations or objections must specify the regulatory review criteria in section 5.2 of the Regulatory Review Act (71 P.S. § 754.5b) which have not been met. The Regulatory Review Act specifies detailed procedures for review, prior to final publication of the rulemaking, by the Board, the General Assembly and the Governor.

DAVID M. BARASCH,  
*Chairperson*

**Fiscal Note:** 125-230. No fiscal impact; (8) recommends adoption.

**Annex A**  
**TITLE 58. RECREATION**  
**PART VII. GAMING CONTROL BOARD**  
**Subpart N. VIDEO GAMING**

- Chap.
- 1101—1120. (Reserved).
- 1101a. VIDEO GAMING GENERALLY
- 1102a. TERMINAL OPERATOR LICENSEES
- 1103a. ESTABLISHMENT LICENSEES
- 1104a. PRINCIPALS
- 1105a. KEY EMPLOYEES
- 1106a. SUPPLIERS
- 1107a. MANUFACTURERS
- 1108a. GAMING SERVICE PROVIDERS
- 1109a. OCCUPATION PERMITS
- 1110a. APPLICATIONS GENERALLY
- 1111a. LICENSE TERMS AND RENEWALS
- 1112a. VIDEO GAMING TERMINAL, REDEMPTION TERMINAL AND ASSOCIATED EQUIPMENT TESTING AND CERTIFICATION
- 1113a. POSSESSION OF VIDEO GAMING TERMINALS
- 1114a. ACCOUNTING AND INTERNAL CONTROLS
- 1115a. RECORD RETENTION
- 1116a. CONDUCT OF VIDEO GAMING
- 1117a. VIDEO TERMINAL PLACEMENT AGREEMENTS
- 1118a. COMPULSIVE AND PROBLEM GAMING
- 1119a. SELF-EXCLUSION
- 1120a. EXCLUSION OF PERSONS FROM VIDEO GAMING

**CHAPTER 1101a. VIDEO GAMING GENERALLY**

- Sec.
- 1101a.1. Scope.
- 1101a.2. Definitions.

**§ 1101a.1. Scope.**

The purpose of this subpart is to govern the operation of video gaming terminals in this Commonwealth. Parts I, II and III of 4 Pa.C.S. (relating to amusements generally; gaming; and video gaming) and the Board's regulations promulgated thereunder otherwise apply when not in conflict with this subpart.

**§ 1101a.2. Definitions.**

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

*Applicant*—A person who, on his own behalf or on behalf of another, applies for permission to engage in an act or activity that is regulated under this subpart.

*Associated equipment*—Equipment or a mechanical, electromechanical or electronic contrivance, component or machine used in connection with video gaming terminals or redemption terminals, including replacement parts, hardware and software.

*Background investigation*—A security, criminal, credit and suitability investigation of a person as provided for in this part that includes the status of taxes owed to the United States, the Commonwealth and political subdivisions.

*Bureau*—The Bureau of Investigations and Enforcement of the Board.

*Bureau of Licensing*—The Bureau of Licensing of the Board.

*Cash*—United States currency and coin.

*Cash equivalent*—A ticket, token, chip, card or other similar instrument or representation of value that the Board deems a cash equivalent in accordance with this part.

*Central control computer*—A central site computer controlled by the Department and accessible by the Board to which all video gaming terminals communicate for the purpose of auditing capacity, real-time information retrieval of the details of a financial event that occurs in the operation of a video gaming terminal or redemption terminal, including coin in, coin out, ticket in, ticket out, jackpots, video gaming terminal and redemption terminal door openings and power failure, and remote video gaming terminal or redemption terminal activation, and disabling of video gaming terminals or redemption terminals.

*Cheat*—

(i) To defraud or steal from a player, terminal operator licensee, establishment licensee or the Commonwealth while operating or playing a video gaming terminal, including causing, aiding, abetting or conspiring with another person to do so.

(ii) The term also means to alter or causing, aiding, abetting or conspiring with another person to alter the elements of chance, method of selection or criteria that determine:

(A) The result of a video gaming terminal game.

(B) The amount or frequency of payment in a video gaming terminal game.

(C) The value of a wagering instrument.

(D) The value of a wagering credit.

(iii) The term does not include altering a video gaming terminal or associated equipment for maintenance or repair with the approval of a terminal operator licensee and the Board.

*Cheating or thieving device*—A device, software or hardware:

(i) Used or possessed with the intent to be used to cheat during the operation or play of a video gaming terminal; or

(ii) Used to alter a video gaming terminal without the terminal operator licensee's and the Board's approval.

*Commercial motor vehicle*—As defined in 75 Pa.C.S. § 1603 (relating to definitions).

*Conduct of video gaming*—The licensed placement, operation and play of video gaming terminals under this subpart as authorized and approved by the Board.

*Convenience store*—A retail establishment which sells a limited selection of packaged foods, drug store items, food for consumption on or off the premises, and basic supplies for the home and table, which may include the retail sale of liquid fuels.

*Conviction*—

(i) A finding of guilt or a plea of guilty or nolo contendere, whether or not a judgment of sentence has been imposed as determined by the law of the jurisdiction in which the prosecution was held.

(ii) The term does not include a conviction that has been expunged or overturned or for which an individual has been pardoned or had an order of accelerated rehabilitative disposition entered.

*Corporation*—The term includes a publicly traded corporation.

*Establishment license*—A license issued by the Board authorizing a truck stop establishment to permit a terminal operator licensee to place and operate video gaming terminals on the truck stop establishment's premises under this part.

*Establishment licensee*—A truck stop establishment that holds an establishment license.

*Financial backer*—An investor, mortgagee, bondholder, noteholder, or other sources of equity or capital provided to an applicant or licensed entity.

*Gaming employee*—

(i) Any of the following individuals:

(A) An employee of a terminal operator licensee, establishment licensee or supplier licensee that is not a key employee who is involved in the conduct of video gaming, including servicing and maintaining video gaming terminals, redemption terminals, and security and surveillance equipment, and monitoring the conduct of video gaming and patrons in the video gaming area of an establishment licensee.

(B) An employee of a supplier or manufacturer licensee whose duties are directly involved with the repair or distribution of video gaming terminals or associated equipment sold or provided to a terminal operator licensee in this Commonwealth as determined by the Board.

(C) An employee of a gaming service provider who, in connection with the performance of his duties, has access to a video gaming area, video terminals, redemption terminals, and the security and surveillance systems monitoring a video gaming area.

(ii) The term does not include nongaming personnel as determined by the Board or an employee of an establishment licensee who does not have duties involving the conduct or monitoring of video gaming.

*Gaming service provider*—

(i) A person who is not required to be licensed as a terminal operator, manufacturer, supplier or establishment licensee who provides goods or services to a terminal operator licensee that directly relates to the operation and security of a video gaming terminal or redemption terminal.

(ii) The term does not include a person who supplies goods or services that, at the discretion of the Board, does not impact the integrity of video gaming, video gaming terminals or the connection of video gaming terminals to the central control computer system, including all of the following:

(A) Seating to accompany video gaming terminals.

(B) Structural or cosmetic renovations, improvements or other alterations to a video gaming area.

*Gross terminal revenue—*

(i) The total of cash or cash equivalents received by a video gaming terminal minus the total of cash or cash equivalents paid out to players as a result of playing a video gaming terminal.

(ii) The term does not include counterfeit cash or cash taken in a fraudulent act perpetrated against a terminal operator licensee for which the terminal operator licensee is not reimbursed.

*Incentive—*Consideration, including a promotion or prize, provided to a player or potential player as an enticement to play a video gaming terminal.

*Inducement—*

(i) Any of the following:

(A) Consideration paid directly or indirectly, from a manufacturer, supplier, terminal operator, procurement agent, gaming employee, employee or another person on behalf of an applicant or anyone licensed under this part, to a truck stop establishment, establishment licensee, establishment licensee owner or an employee of the establishment licensee, directly or indirectly, as an enticement to solicit or maintain the establishment licensee or establishment licensee owner's business.

(B) Cash, incentive, marketing and advertising cost, gift, food, beverage, loan, prepayment of gross terminal revenue and other contribution or payment that offsets an establishment licensee's operational costs, or as otherwise determined by the Board.

(ii) The term does not include costs paid by a terminal operator applicant or terminal operator licensee related to making video gaming terminals operate at the premises of an establishment licensee, including for improvements and renovations to the video gaming area, wiring and rewiring, software updates, ongoing video gaming terminal maintenance, redemption terminals, network connections, site controllers and costs associated with communicating with the central control computer system.

*Key employee—*An individual who is employed by a manufacturer licensee, supplier licensee or terminal operator licensee who is determined by the Board to be a director or department head or otherwise empowered to make discretionary decisions that regulate the conduct of video gaming.

*Key employee licensee—*An individual who holds a key employee license.

*Key employee qualifier—*An individual required to be qualified as part of the truck stop establishment, including an individual who is part of an entity that leases a truck stop establishment or operates a truck stop establishment pursuant to a management or other agreement, who is determined by the Board to be a director or department head or otherwise empowered to make discretionary decisions that regulate the conduct of video gaming.

*Law enforcement authority—*The power to conduct investigations of or to make arrests for criminal offenses.

*Licensed entity—*A terminal operator licensee, establishment licensee, manufacturer licensee or supplier licensee under this part.

*Licensed facility—*As defined in section 1103 of the act (relating to definitions).

*Licensed gaming entity—*As defined in section 1103.

*Licensee—*A person listed under this part.

*Manufacturer—*A person who manufactures, builds, re-builds, fabricates, assembles, produces, programs, designs or otherwise makes modifications to a video gaming terminal, redemption terminal or associated equipment for use or play of video gaming terminals in this Commonwealth for video gaming purposes.

*Manufacturer license—*A license issued by the Board authorizing a manufacturer to manufacture or produce video gaming terminals, redemption terminals or associated equipment for use in this Commonwealth for video gaming purposes.

*Manufacturer licensee—*A person that holds a manufacturer license.

*Minor—*An individual under 21 years of age.

*Nongaming employee—*An individual who is employed by a terminal operator licensee, manufacturer licensee, supplier licensee, gaming service provider or establishment licensee and whose duties do not involve the conduct of video gaming or the monitoring of a video gaming area, either directly or through surveillance.

*Nonkey employee—*An individual employed by a terminal operator licensee who, unless otherwise designated by the Board, is not a key employee.

*Occupation permit—*A permit authorizing an individual to be employed or to work as a gaming employee for a terminal operator licensee, an establishment licensee, a gaming service provider, a supplier licensee or as an employee of a manufacturer who performs duties at the premises of a terminal operator or establishment licensee relating to video gaming terminals or redemption terminals.

*Person—*A natural person, corporation, foundation, organization, business trust, estate, limited liability company, trust, partnership, limited liability partnership, association or other form of legal business entity.

*Player—*An individual who wagers cash or a cash equivalent in the play or operation of a video gaming terminal and the play or operation of which may deliver or entitle the individual playing or operating the video gaming terminal to receive cash or a cash equivalent from a terminal operator licensee.

*Principal—*An officer, director or person who directly holds a beneficial interest in or ownership of the securities of an applicant or licensee under this part as a terminal operator, manufacturer or supplier or who has a controlling interest in an applicant or licensee as a terminal operator, manufacturer or supplier under this part or has the ability to elect a majority of the board of directors of a terminal operator, manufacturer or supplier licensee or to otherwise control anyone licensed under this part, procurement agent, lender or other licensed financial institution of an applicant or a terminal operator, manufacturer or supplier licensee under this part, other than a bank or lending institution which makes a loan or holds a mortgage or other lien acquired in the ordinary course of business, underwriter of an applicant or anyone licensed under this part or other person or employee of a terminal operator licensee, manufacturer licensee or supplier licensee deemed to be a principal by the Board, including a procurement agent.

*Principal qualifier—*Each owner, officer and director of the truck stop establishment, including each individual or owner, officer and director of an entity that leases a truck stop establishment or operates a truck stop establishment pursuant to a management or other agreement who is required to be qualified as part of the truck stop estab-

lishment application. For purposes of this definition, an owner is each individual who has a direct or indirect ownership or beneficial interest of 10% or more or an entity who has a direct ownership or beneficial interest of 20% or more in the truck stop establishment or other person as determined by the Board. An officer is a president, chief executive officer, a chief financial officer and a chief operating officer, and any person routinely performing corresponding functions with respect to an organization whether incorporated or unincorporated.

*Procurement agent*—A person that shares in the gross terminal revenue or is otherwise compensated for the purpose of soliciting or procuring a terminal placement agreement.

*Progressive payout*—A video game terminal wager payout that increases in a monetary amount based on the amounts wagered in a progressive system.

*Progressive system*—A computerized system linking video gaming terminals on the premises of an establishment licensee and offering one or more common progressive payouts based on the amounts wagered.

*Publicly traded corporation*—A person, other than an individual, who:

(1) Has a class or series of securities registered under the Securities Exchange Act of 1934 (15 U.S.C.A. §§ 78a—78qq).

(2) Is a registered management company under the Investment Company Act of 1940 (15 U.S.C.A. §§ 80a-1—80a-64).

(3) Is subject to the reporting obligations imposed by section 15(d) of the Securities Exchange Act of 1934 (15 U.S.C.A. § 78o(d)) by reason of having filed a registration statement that has become effective under the Securities Act of 1933 (15 U.S.C.A. §§ 77a—77aa).

*Redemption terminal*—The collective hardware, software, communications technology and other ancillary equipment used to facilitate the payment of cash or a cash equivalent to a player as a result of playing a video gaming terminal.

*Registrant*—A holder of a nongaming registration under this part.

*Security*—As defined in the Pennsylvania Securities Act of 1972 (70 P.S. §§ 1-101—1-703.1).

*Subsidiary*—As defined in section 1103 of the act.

*Supplier*—A person that sells, leases, offers or otherwise provides, distributes or services any video gaming terminal, redemption terminal or associated equipment to a terminal operator licensee for use or play in this Commonwealth.

*Supplier license*—A license issued by the Board authorizing a supplier to provide products or services related to video gaming terminals, redemption terminals or associated equipment to terminal operator licensees for use in this Commonwealth for the conduct of video gaming.

*Supplier licensee*—A person that holds a supplier license.

*Terminal operator*—A person that owns, services or maintains video gaming terminals for placement and operation on the premises of an establishment licensee.

*Terminal operator license*—A license issued by the Board authorizing a terminal operator to place and operate video gaming terminals in an establishment licensee's premises under this part.

*Terminal operator licensee*—A person that holds a terminal operator license.

*Terminal placement agreement*—The formal written agreement or contract between an applicant for a terminal operator license or terminal operator licensee and an applicant for an establishment license or establishment licensee that establishes the terms and conditions regarding the conduct of video gaming.

*Truck stop establishment*—A premises that:

(i) Is equipped with diesel islands used for fueling commercial motor vehicles.

(ii) Has sold on average 50,000 gallons of diesel or biodiesel fuel each month for the previous 12 months or is projected to sell an average of 50,000 gallons of diesel or biodiesel fuel each month for the next 12 months.

(iii) Has at least 20 parking spaces dedicated for commercial motor vehicles as defined in 75 Pa.C.S. § 1603.

(iv) Has a convenience store.

(v) Is situated on a parcel of land of not less than 3 acres that the truck stop establishment owns or leases.

(vi) Is not located on any property owned by the Pennsylvania Turnpike Commission.

*Video gaming area*—The area of an establishment licensee's premises where video gaming terminals and redemption terminals are installed for operation and play.

*Video gaming employees*—The term includes gaming employees, key employees and nonkey employees.

*Video gaming terminal*—

(i) A mechanical or electrical contrivance, terminal, machine or other device approved by the Board that, upon insertion of cash or cash equivalents, is available to play or operate one or more gambling games, the play of which utilizes a random number generator and:

(A) May award a winning player either a free game or credit that shall only be redeemable for cash or cash equivalents at a redemption terminal.

(B) May utilize video displays.

(C) May use an electronic credit system for receiving wagers and making payouts that are only redeemable at a redemption terminal.

(ii) Associated equipment necessary to conduct the operation of the contrivance, terminal, machine or other device.

(iii) The term does not include a slot machine operated at a licensed facility in accordance with the act or a coin-operated amusement game.

(iv) The term does not include "lottery" as defined in section 302 of the State Lottery Law (72 P.S. § 3761-302).

## CHAPTER 1102a TERMINAL OPERATOR LICENSEES

Sec.

1102a.1. Terminal operator licenses.

1102a.2. Terminal operator license issuance and statement of conditions.

1102a.3. Conditional terminal operator and procurement agent licenses.

1102a.4. Terminal operator licensee change of control.

### § 1102a.1. Terminal operator licenses.

(a) An applicant for a terminal operator license may conduct video gaming upon approval by the Board and in accordance with 4 Pa.C.S. Part III (relating to video gaming) and this chapter.

(b) An applicant shall submit all of the following:

(1) An original and one copy of the Enterprise Entity Application and Disclosure Information Form shall be submitted on forms approved by the Board.

(2) The nonrefundable application fee of \$25,000 in accordance with 4 Pa.C.S. § 4101(a) (relating to fees).

(3) A diversity plan as set forth in 4 Pa.C.S. § 3307 (relating to diversity).

(4) A current tax lien certificate issued by the Department.

(5) An application for each proposed key employee under Chapter 1105a (relating to key employees) and principal under Chapter 1104a (relating to principals) as specified in the Enterprise Entity Application and Disclosure Information Form.

(6) A statement that the applicant has developed and implemented internal safeguards and policies to prevent a violation of 4 Pa.C.S. § 4305 (relating to political influence) and a copy of the safeguards and policies.

(7) Details of any loans or other financial commitments to fund license costs and costs of operating video gaming.

(8) Information and documentation concerning financial background and resources, as the Board or the Bureau may require, to establish by clear and convincing evidence the financial stability, integrity and responsibility of the applicant.

(9) A consent authorizing the Board to conduct a background investigation, the scope of which is to be determined by the Bureau, in its discretion consistent with 4 Pa.C.S. Part III (relating to video gaming), and a release signed by all persons subject to investigation of all information required to complete the investigation.

(10) Information concerning maintenance and operation of video gaming terminals in other jurisdictions.

(11) Proof that the applicant has or will establish a place of business in this Commonwealth.

(12) A copy of, or a detailed description of, the terms and conditions of any terminal placement agreement entered into with an establishment licensee applicant or licensee.

(13) Any other information as the Board or the Bureau may require.

(c) Upon request of the Board or the Bureau, the applicant shall cooperate and provide supplemental information in support of its application. The applicant shall provide requested documents, records, supporting data and other information within the time period specified in the request or, if a time is not specified, within 30 days of the date of the request. If the applicant fails to provide the requested information within the required time period as set forth in the request, the Board may deny the application.

(d) The application, and amendments thereto, and other specific documents designated by the Board shall be filed promptly with the application or amendments thereto.

(e) An application and related materials that have been submitted to the Board will become the property of the Board and will not be returned.

**§ 1102a.2. Terminal operator license issuance and statement of conditions.**

(a) *Criteria.* In addition to the criteria in 4 Pa.C.S. Part III (relating to video gaming), the Board will not issue a

terminal operator license unless all of the following criteria have been established by the applicant:

(1) The applicant has fulfilled each condition set by the Board, including the execution of a statement of conditions.

(2) The applicant is found suitable consistent with the laws of the Commonwealth and is otherwise qualified to be issued a terminal operator license.

(b) *Statement of conditions.*

(1) The applicant, as a condition precedent to the issuance of a terminal operator license, shall execute a Statement of Conditions in the manner and form required by the Board. Execution of the Statement of Conditions constitutes the acceptance of each provision contained in the Statement of Conditions by the applicant.

(2) Failure to fully comply with any provision contained in an executed Statement of Conditions constitutes a violation and may result in Board-imposed administrative sanctions, up to and including revocation of the license.

**§ 1102a.3. Conditional terminal operator and procurement agent licenses.**

(a) Upon accepting a terminal operator application for filing, the Board will issue a conditional terminal operator license if the applicant has satisfied, as determined by the Board, all of the following:

(1) The applicant has submitted a completed application for a terminal operator license.

(2) The applicant has never had a similar gaming license denied or revoked in another jurisdiction.

(3) The applicant has never been convicted of a felony in any jurisdiction.

(4) The applicant has never been convicted of a gambling law violation in any jurisdiction.

(5) The applicant is current on all State taxes.

(6) The applicant attests by affidavit under penalty of perjury that the applicant is not otherwise prohibited from licensure under 4 Pa.C.S. Part III (relating to video gaming).

(b) The Board will issue a conditional terminal operator license within 60 days after the completed application has been received by the Board, and the Board has determined that the criteria in subsection (a) have been satisfied.

(c) If the Board determines that the criteria in subsection (a) have not been satisfied, the Board will give the applicant written notice and explanation of that determination.

(d) A conditional license issued under this section will be valid until:

(1) The Board approves or denies the application for a terminal operator license.

(2) The conditional license is terminated for a violation of the act or this part.

(3) One calendar year has passed since the conditional license has been issued.

(e) The Board may extend the duration of a conditional license for 1 year.

(f) A request for conditional licensure must include a \$100 fee in addition to the applicable fee required under 4 Pa.C.S. § 4101 (relating to fees).

**§ 1102a.4. Terminal operator licensee change of control.**

(a) For purposes of this section, a change of control of a terminal operator licensee will be deemed to have occurred when a person or group of persons acquires:

(1) More than 20% of a terminal operator licensee's securities, assets or other ownership interests.

(2) More than 20% of the securities or other ownership interests of a corporation or other form of business entity that owns directly or indirectly at least 20% of the voting or other securities or other ownership interests of the terminal operator licensee.

(3) Any other interest in a terminal operator licensee which allows the acquirer to control the terminal operator licensee.

(b) A terminal operator licensee shall notify the Bureau and the Bureau of Licensing in a manner prescribed by the Bureau of Licensing immediately upon becoming aware of any proposed or contemplated change of control of the terminal operator licensee.

(c) Prior to acquiring a controlling interest in a terminal operator licensee, the acquirer shall file a petition in accordance with § 493a.4 (relating to petitions generally) requesting Board approval of the acquisition. The petition must include all of the following:

(1) A copy of all documents governing the acquisition.

(2) Completed applications for the acquiring company, as required under this chapter, principals as required under Chapter 433a (relating to principal licenses) and § 1104a (relating to principals) and key employees as required under §§ 435a.2 and 1105a (relating to key employee license; and key employees).

(d) A person or group of persons seeking to acquire a controlling interest in a terminal operator licensee shall promptly provide any additional information requested by the Board and Board staff and cooperate with the Bureau in any investigations related to the petition filed under subsection (c).

(e) A person or group of persons may not acquire a controlling interest in a terminal operator licensee until the petition required under subsection (c) has been approved. A person or group of persons seeking to acquire a controlling interest in a terminal operator licensee and the terminal operator may enter into an agreement of sale that is contingent on Board approval of the petition.

(f) The requirements in this section do not apply to the acquisition of a controlling interest in a terminal operator when all of the following conditions are met:

(1) The acquirer is an existing licensed terminal operator licensee.

(2) The existing licensed terminal operator licensee has provided the Bureau and the Bureau of Licensing notification and a copy of all documents governing the acquisition at least 60 days prior to the acquisition.

(3) After reviewing the documentation, the Bureau and the Bureau of Licensing determine that the filing of a petition is not required.

**CHAPTER 1103a. ESTABLISHMENT LICENSEES**

Sec.

- 1103a.1. Establishment licenses.  
 1103a.2. Establishment principal and key employee qualification.  
 1103a.3. Conditional establishment licenses.  
 1103a.4. Establishment licensee change of control.

**§ 1103a.1. Establishment licenses.**

(a) A truck stop establishment in this Commonwealth seeking to offer video gaming terminals through a licensed terminal operator on its premises shall apply for an establishment license by filing a Video Gaming Terminal Establishment License Application with the Board.

(b) To be eligible to file an application for an establishment license, the truck stop establishment must meet all of the following requirements:

(1) Be equipped with diesel islands for the fueling of commercial motor vehicles and have sold on average 50,000 gallons of diesel or biodiesel fuel each month for the previous 12 months or is projected to sell an average of 50,000 gallons of diesel or biodiesel fuel each month for the next 12 months.

(2) Have at least 20 parking spaces dedicated for commercial motor vehicles. For purposes of this paragraph, "parking spaces dedicated for commercial motor vehicles" must be of sufficient size to accommodate vehicles which are 8 feet in width and 53 feet in length or which otherwise have a gross combination weight rating or gross combination weight of 26,000 pounds inclusive of a tow unit with a gross vehicle weight rating or gross vehicle weight of more than 10,000 pounds, whichever is greater.

(3) Have a convenience store.

(4) Be situated on a parcel of land not less than 3 acres and which is not located on property owned by the Pennsylvania Turnpike Commission.

(5) Be licensed as a lottery sales agent under section 305 of the State Lottery Law (72 P.S. § 3761-305).

(c) An applicant for an establishment license shall submit all of the following:

(1) An original and one copy of the Video Gaming Terminal Establishment License Application.

(2) The nonrefundable application fee of \$1,000 in accordance with 4 Pa.C.S. § 4101(a) (relating to fees).

(3) Documentation to establish its eligibility to apply to be an establishment licensee as set forth in subsection (b).

(4) A to-scale schematic or architectural rendering of the floor plan of the establishment which shows all of the following:

(i) Total square footage of the video gaming area.

(ii) A depiction of the video gaming area where video gaming will be offered in relation to the overall facility.

(iii) Location of the video gaming terminals and redemption terminals, and security and surveillance equipment locations.

(iv) A detailed description of the surveillance to be utilized.

(5) A description of the proposed surveillance and security measures to ensure the security of the proposed video gaming area.

(6) An executed terminal placement agreement between the establishment licensee and terminal operator.

(7) A diversity plan as set forth in 4 Pa.C.S. § 3307 (relating to diversity).

(8) A current tax lien certificate issued by the Department.



(9) Information for each key employee qualifier and principal qualifier as specified in the Video Gaming Terminal Establishment License Application.

(10) The consent to a background investigation by the Bureau of the applicant, its principal qualifiers and key employee qualifiers or other persons required by the Board and a release to obtain the information necessary for the completion of the background investigation.

**§ 1103a.2. Establishment principal and key employee qualification.**

(a) In addition to the information required under § 1103a.1(c)(8) (relating to establishment licenses), a principal qualifier and key employee qualifier shall apply for qualification as follows:

(1) Submit fingerprints in a manner prescribed by the Bureau.

(2) Consent to a background investigation by the Bureau of the principal qualifier and key employee qualifier and a release to obtain the information necessary for the completion of the background investigation.

(3) Provide any other information required by the Board.

(b) In addition to individuals meeting the definition of principal qualifier and key employee qualifier, the Board may require the submission of fingerprints or any other information required by the Board from a person who holds any direct or indirect ownership or beneficial interest in a truck stop establishment, or has the right to any profits or distributions directly or indirectly, from the truck stop establishment if the Bureau determines that the submission of fingerprints of the person is necessary to protect the public interest or to enhance the integrity of gaming in this Commonwealth.

(c) Each of the individuals required to submit fingerprints under subsections (a) and (b) must be found qualified by the Board. An individual who is found qualified and is also a gaming or nongaming employee as defined in § 401a.3 and § 1101a.2 (relating to definitions) shall obtain a gaming employee occupation permit in accordance with § 435a.3 (relating to occupation permit) or a nongaming employee registration in accordance with § 435a.5 (relating to nongaming employee registration) and Chapter 1109a (relating to occupation permits) of this subpart.

**§ 1103a.3. Conditional establishment licenses.**

(a) Upon accepting an establishment license application for filing, the Board will issue a conditional establishment license if the applicant has satisfied, as determined by the Board, all of the following:

(1) The applicant has submitted a completed application for an establishment license.

(2) The applicant has never been convicted of a felony in any jurisdiction.

(3) The applicant has never been convicted of a gambling law violation in any jurisdiction.

(4) The applicant is current on all State taxes.

(5) The applicant attests by affidavit under penalty of perjury that the applicant is not otherwise prohibited from licensure under 4 Pa.C.S. Part III (relating to video gaming).

(b) The Board will issue a conditional license within 60 days after the completed application has been received

by the Board, and the Board has determined that the criteria in subsection (a) have been satisfied.

(c) If the Board determines that the criteria in subsection (a) have not been satisfied, the Board will give the applicant written notice and explanation of that determination.

(d) A conditional license issued under this section will be valid until:

(1) The Board approves or denies the application for an establishment license.

(2) The conditional license is terminated for a violation of this part.

(3) One calendar year has passed since the conditional license has issued.

(e) The Board may extend the duration of a conditional license for 1 year.

(f) A request for a conditional license must include a \$100 fee which shall be in addition to the applicable fee required under 4 Pa.C.S. § 4101 (relating to fees).

**§ 1103a.4. Establishment licensee change of control.**

(a) For purposes of this section, a change of control of an establishment licensee will be deemed to have occurred when a person or group of persons acquires:

(1) More than 20% of an establishment licensee's securities, assets or other ownership interests.

(2) More than 20% of the securities or other ownership interests of a corporation or other form of business entity that owns directly or indirectly at least 20% of the voting or other securities or other ownership interests of the establishment licensee.

(3) Any other interest in an establishment licensee which allows the acquirer to control the establishment licensee, including a lease agreement, management agreement, or other agreement that permits the acquirer operational control of the establishment licensee.

(b) An establishment licensee shall notify the Bureau and the Bureau of Licensing in a manner prescribed by the Bureau of Licensing immediately upon becoming aware of any proposed or contemplated change of control of the establishment licensee.

(c) Prior to acquiring a controlling interest or operational control in an establishment licensee, the acquirer shall file a petition in accordance with § 493a.4 (relating to petitions generally) requesting Board approval of the acquisition. The petition must include all of the following:

(1) A copy of all documents governing the acquisition, lease agreement or management agreement.

(2) Completed applications for the acquiring company, principal qualifiers and key employee qualifiers as required under this chapter.

(d) A person or group of persons seeking to acquire a controlling interest or operational control in an establishment licensee shall promptly provide any additional information requested by the Board and Board staff and cooperate with the Bureau in any investigations related to the petition filed under subsection (c).

(e) A person or group of persons may not acquire a controlling interest or operational control in an establishment licensee until the petition required under subsection (c) has been approved. A person or group of persons seeking to acquire a controlling interest in an establishment licensee and the establishment may enter into an

agreement of sale, lease agreement or management agreement that is contingent on Board approval of the petition.

(f) The requirements in this section do not apply to the acquisition of a controlling interest or operational control in an establishment licensee when all of the following conditions are met:

(1) The acquirer of the controlling interest or operational control is a person or group of persons currently licensed as principal qualifier of an existing licensed establishment licensee.

(2) The person or group of persons currently licensed as principal qualifier of an existing licensed establishment licensee has provided the Bureau and the Bureau of Licensing notification and a copy of all documents governing the acquisition, lease agreement or management agreement at least 60 days prior to the acquisition.

(3) After reviewing the documentation, the Bureau and the Bureau of Licensing determine that the filing of a petition is not required.

#### CHAPTER 1104a. PRINCIPALS

Sec.

1104a.1. Principal licenses.

1104a.2. Conditional procurement agent principal licenses.

##### § 1104a.1. Principal licenses.

(a) A principal as defined in this subpart shall apply for licensure as a principal in accordance with § 433a.8 (relating to principal applications).

(b) In addition to information required under § 433a.8, an individual required to be licensed as a principal, unless otherwise directed by the Board, shall file all of the following:

(1) Verification of status as a principal from a terminal operator licensee, a manufacturer licensee or supplier licensee.

(2) A description of responsibilities as a principal.

(3) Details relating to a similar license, permit or other authorization obtained in another jurisdiction.

(4) The consent to a background investigation by the Bureau of the principal applicant and a release to obtain the information necessary for the completion of the background investigation.

(5) Other information required by the Board.

(c) Following review of the application and background investigation, the Board may issue a principal license if the applicant has proven by clear and convincing evidence that the applicant is a person of good character, honesty and integrity, and is eligible and suitable to be licensed as a principal.

(d) A principal license is not transferable.

(e) A temporary credential, which may be valid up to 270 days, may be issued by the Board to a principal if the Board determines additional time is needed to complete an investigation for licensure.

##### § 1104a.2. Conditional procurement agent principal licenses.

(a) Upon accepting a procurement agent's principal application for filing, the Board will issue a conditional procurement agent principal license if the applicant has satisfied, as determined by the Board, all of the following:

(1) The applicant has submitted a completed application for a principal license.

(2) The applicant has never had a similar gaming license denied or revoked in another jurisdiction.

(3) The applicant has never been convicted of a felony in any jurisdiction.

(4) The applicant has never been convicted of a gambling law violation in any jurisdiction.

(5) The applicant is current on all State taxes.

(6) The applicant attests by affidavit under penalty of perjury that the applicant is not otherwise prohibited from licensure under 4 Pa.C.S. Part III (relating to video gaming).

(b) The Board will issue a conditional procurement agent principal license within 60 days after the completed application has been received by the Board, and the Board has determined that the criteria in subsection (a) have been satisfied.

(c) If the Board determines that the criteria in subsection (a) have not been satisfied, the Board will give the applicant written notice and explanation of that determination.

(d) A conditional license issued under this section will be valid until:

(1) The Board approves or denies the application for a procurement agent's principal license.

(2) The conditional license is terminated for a violation of the act or this part.

(3) One calendar year has passed since the conditional license has been issued.

(e) The Board may extend the duration of a conditional license for 1 year.

(f) A request for conditional licensure must include a \$100 fee in addition to the applicable fee required under 4 Pa.C.S. § 4101 (relating to fees).

#### CHAPTER 1105a. KEY EMPLOYEES

Sec.

1105a.1. Key employee licenses.

##### § 1105a.1. Key employee licenses.

(a) A key employee as defined in this subpart shall apply for licensure as a key employee in accordance with § 435a.2 (relating to key employee license).

(b) In addition to information required under § 435a.2, an individual required to be licensed as a key employee, unless otherwise directed by the Board, shall file all of the following:

(1) Verification of status as a key employee from a terminal operator licensee, an establishment licensee, manufacturer licensee or supplier licensee.

(2) A description of employment responsibilities.

(3) The consent to a background investigation by the Bureau of the applicant, and a release to obtain the information necessary for the completion of the background investigation, including information from governmental agencies, employers and other organizations.

(4) Details relating to a similar license or other authorization obtained in another jurisdiction.

(5) Other information required by the Board.

(c) Following review of the application and background investigation, the Board may issue a key employee license if the applicant has proven by clear and convincing

evidence that the applicant is a person of good character, honesty and integrity and is eligible and suitable to be licensed as a key employee.

(d) A key employee license is not transferable.

(e) A temporary credential, which may be valid up to 270 days, may be issued by the Board to a key employee if the Board determines additional time is needed to complete an investigation for licensure.

(f) An individual may not perform duties associated with a position that requires a key employee license prior to receiving a temporary or permanent credential unless otherwise authorized by the Board.

## CHAPTER 1106a. SUPPLIERS

Sec.  
1106a.1. Supplier licenses.

### § 1106a.1. Supplier licenses.

(a) *Application for licensure.* A supplier as defined in this subpart shall apply for licensure in accordance with § 431a.2 (relating to supplier license applications and standards).

(1) A supplier filing an application for licensure under this chapter shall not be required to file a diversity plan as set forth in § 431a.2(a)(3).

(b) *Submittals.* In addition to the information submitted under § 431a.2, an applicant for a supplier license shall submit all of the following:

(1) The name and business address of the applicant and the applicant's affiliates, intermediaries, subsidiaries and holding companies, the principals and key employees of each business, and a list of employees and their positions within each business, as well as financial information required by the Board.

(2) A statement that the applicant and each affiliate, intermediary, subsidiary or holding company of the applicant are not terminal operator licensees or establishment licensees.

(3) Proof that the applicant has or will establish a place of business in this Commonwealth. A supplier licensee shall maintain a place of business in this Commonwealth to remain eligible for licensure.

(4) The consent to a background investigation by the Bureau of the applicant, its principals and key employees or other persons required by the Board and a release to obtain the information necessary for the completion of the background investigation.

(5) The details of any supplier license issued by the Board to the applicant under section 1317 of the act (relating to supplier licenses), if applicable.

(6) The details of any equivalent license granted or denied by other jurisdictions where gaming activities similar to those authorized by the act or this part are permitted.

(7) The type of products and services to be supplied and whether those products and services will be provided through purchase, lease, contract or otherwise.

(8) Other information determined by the Board to be appropriate.

(c) *Approval and issuance of license.* Upon being satisfied that the requirements in subsections (a) and (b) have been met, the Board may approve the application and issue the applicant a supplier license consistent with all of the following:

(1) A licensee shall have an affirmative duty to notify the Board of a change relating to the status of its license or to information in the application materials on file with the Board.

(2) The license is nontransferable.

(3) Other conditions established by the Board.

(d) *Considerations.* In determining whether an applicant is suitable to be licensed as a supplier under this section, the Board will consider all of the following:

(1) The financial fitness, good character, honesty, integrity and responsibility of the applicant.

(2) If all principals and key employees of the applicant are eligible and suitable for licensure.

(3) The integrity of financial backers.

(4) The suitability of the applicant and principals and key employees of the applicant based on the satisfactory results of:

(i) A background investigation of the applicant and its principals and key employees.

(ii) A current tax clearance review performed by the Department.

(iii) A current Unemployment Compensation Tax clearance review and a Workers Compensation Tax clearance review performed by the Department of Labor and Industry.

(e) *Submittal of agreements.* A supplier shall submit to the Bureau of Licensing for review any agreements with a licensed manufacturer or with a terminal operator licensee. The review may include financing arrangements, inventory requirements, warehouse requirements, warehouse space, technical competency, compensative agreements and other terms or conditions to ensure the financial independence of the supplier licensee from any licensed manufacturer or terminal operator.

(f) *Occupation permit or nongaming registration.* An employee of a supplier licensee who is a gaming employee or nongaming employee as defined in § 1101a.2 (relating to definitions) shall obtain an occupation permit under § 1109a.1 (relating to gaming employee occupation permits) or a nongaming registration under § 1109a.2 (relating to nongaming employee registrations).

(g) *Change of control of a supplier licensee.*

(1) For purposes of this subsection, a change of control of a supplier licensee will be deemed to have occurred when a person or group of persons acquires:

(i) More than 20% of a supplier licensee's securities, assets or other ownership interests.

(ii) More than 20% of the securities or other ownership interests of a corporation or other form of business entity that owns directly or indirectly at least 20% of the voting or other securities or other ownership interests of the supplier licensee.

(iii) Any other interest in a supplier licensee which allows the acquirer to control the supplier licensee.

(2) A supplier licensee shall notify the Bureau and the Bureau of Licensing in a manner prescribed by the Bureau of Licensing immediately upon becoming aware of any proposed or contemplated change of control of the supplier licensee.

(3) Prior to acquiring a controlling interest in a supplier licensee, the acquirer shall file a petition in accordance with § 493a.4 (relating to petitions generally) re-

questing Board approval of the acquisition. The petition must include all of the following:

- (i) A copy of all documents governing the acquisition.
  - (ii) Completed applications for the acquiring company, as required under this chapter, principals as required under § 1104a.1 (relating to principal licenses) and key employees as required under § 1105a.1 (relating to key employee licenses).
  - (iii) An affirmation that neither the acquirer nor any of its affiliates, intermediaries, subsidiaries or holding companies is a terminal operator licensee or establishment licensee.
- (4) A person or group of persons seeking to acquire a controlling interest in a supplier licensee shall promptly provide any additional information requested by the Board and Board staff and cooperate with the Bureau in any investigations related to the petition filed under this subsection.
- (5) A person or group of persons may not acquire a controlling interest in a supplier licensee until the petition required under this subsection, has been approved. A person or group of persons seeking to acquire a controlling interest in a supplier licensee and the supplier licensee may enter into a sales agreement that is contingent on Board approval of the petition.

(6) The requirements in this section do not apply to the acquisition of a controlling interest in a supplier licensee when all of the following conditions are met:

- (i) The acquirer is an existing licensed supplier licensee.
- (ii) The existing licensed supplier licensee has provided the Bureau and the Bureau of Licensing notification and a copy of all documents governing the acquisition at least 60 days prior to the acquisition.
- (iii) After reviewing the documentation, the Bureau and the Bureau of Licensing determine that the filing of a petition is not required.

#### CHAPTER 1107a. MANUFACTURERS

Sec.  
1107a.1. Manufacturer licenses.

##### § 1107a.1. Manufacturer licenses.

(a) *Application for licensure.* A manufacturer as defined in this subpart who seeks to manufacture video gaming terminals, redemption terminals and associated equipment for use in this Commonwealth shall apply for licensure in accordance with §§ 427a.1 and 427a.2 (relating to manufacturer general requirements; and manufacturer license applications and standards).

(1) A manufacturer filing an application for licensure under this chapter shall not be required to file a diversity plan as set forth in § 427a.2(a)(3).

(b) *Submittals.* In addition to the completed Manufacturer Application and Disclosure Information Form required under § 427a.2 an applicant shall include all of the following:

(1) The name and business address of the applicant and the applicant's affiliates, intermediaries, subsidiaries and holding companies, the principals and key employees of each business, and a list of employees and their positions within each business, as well as financial information required by the Board.

(2) A statement that the applicant and each affiliate, intermediary, subsidiary or holding company of the applicant are not terminal operator licensees or establishment licensees.

(3) The consent to a background investigation by the Bureau of the applicant, its principals and key employees or other persons required by the Board and a release to obtain the information necessary for the completion of the background investigation.

(4) The details of any equivalent manufacturer license granted or denied by other jurisdictions where gaming activities similar to those authorized by this part are permitted.

(5) The details of any manufacturer license issued by the Board to the applicant under section 1317.1 of the act (relating to manufacturer licenses), if applicable.

(6) The type of video gaming terminals, redemption terminals or associated equipment to be manufactured or repaired.

(7) Other information determined by the Board or the Bureau to be appropriate.

(c) *Approval and issuance of license.* Upon being satisfied that the requirements in subsections (a) and (b) have been met, the Board may approve the application and issue the applicant a manufacturer license consistent with all of the following:

(1) A licensee shall have an affirmative duty to notify the Board of a change relating to the status of its license or to information in the application materials on file with the Board.

(2) The license shall be nontransferable.

(3) Other conditions established by the Board.

(d) *Considerations.* In determining whether an applicant is suitable to be licensed as a manufacturer under this section, the Board will consider all of the following:

(1) The financial fitness, good character, honesty, integrity and responsibility of the applicant.

(2) If all principals and key employees of the applicant are eligible and suitable for licensure.

(3) The integrity of financial backers.

(4) The suitability of the applicant and principals and key employees of the applicant based on the satisfactory results of:

(i) A background investigation of principals and key employees.

(ii) A current tax clearance review performed by the Department.

(iii) A current Unemployment Compensation Tax clearance review and a Workers Compensation Tax clearance review performed by the Department of Labor and Industry.

(e) *Submittal of agreements.* A manufacturer shall submit to the Bureau of Licensing for review any agreements with a licensed supplier, terminal operator or establishment licensee. The review may include financing arrangements, inventory requirements, warehouse requirements, warehouse space, technical competency, compensative agreements and other terms or conditions to ensure the financial independence of the licensed manufacturer from any licensed supplier, terminal operator or establishment licensee.

(f) *Occupation permit or nongaming registration.* An employee of a manufacturer licensee who is a gaming employee or nongaming employee as defined in § 1101a.2 (relating to definitions) shall obtain an occupation permit under § 1109a.1 (relating to gaming employee occupation permits) or a nongaming registration under § 1109a.2 (relating to nongaming employee registrations).

(g) *Change of control of a manufacturer licensee.*

(1) For purposes of this subsection, a change of control of a manufacturer licensee will be deemed to have occurred when a person or group of persons acquires:

(i) More than 20% of a manufacturer licensee’s securities, assets or other ownership interests.

(ii) More than 20% of the securities or other ownership interests of a corporation or other form of business entity that owns directly or indirectly at least 20% of the voting or other securities or other ownership interests of the manufacturer licensee.

(iii) Any other interest in a manufacturer licensee which allows the acquirer to control the manufacturer licensee.

(2) A manufacturer licensee shall notify the Bureau and the Bureau of Licensing in a manner prescribed by the Bureau of Licensing immediately upon becoming aware of any proposed or contemplated change of control of the manufacturer licensee.

(3) Prior to acquiring a controlling interest in a manufacturer licensee, the acquirer shall file a petition in accordance with § 493a.4 (relating to petitions generally) requesting Board approval of the acquisition. The petition must include all of the following:

(i) A copy of all documents governing the acquisition.

(ii) Completed applications for the acquiring company, as required under this chapter, principals as required under Chapter 433a (relating to principal licenses) and key employees as required under § 435a.2 (relating to key employee license).

(iii) An affirmation that neither the acquirer nor any of its affiliates, intermediaries, subsidiaries or holding companies is a terminal operator licensee or establishment licensee and that the acquirer has neither applied for nor holds a terminal operator license or establishment license.

(4) A person or group of persons seeking to acquire a controlling interest in a manufacturer licensee shall promptly provide any additional information requested by the Board and Board staff and cooperate with the Bureau in any investigations related to the petition filed under subsection (a).

(5) A person or group of persons may not acquire a controlling interest in a manufacturer licensee until the petition required under subsection (g) has been approved. A person or group of persons seeking to acquire a controlling interest in a manufacturer licensee and the manufacturer licensee may enter into an agreement of sale that is contingent on Board approval of the petition.

(6) The requirements in this section do not apply to the acquisition of a controlling interest in a manufacturer licensee when all of the following conditions are met:

(i) The acquirer is an existing licensed manufacturer licensee.

(ii) The existing licensed manufacturer licensee has provided the Bureau and the Bureau of Licensing notification and a copy of all documents governing the acquisition at least 60 days prior to the acquisition.

(iii) After reviewing the documentation, the Bureau and the Bureau of Licensing determine that the filing of a petition is not required.

**CHAPTER 1108a. GAMING SERVICE PROVIDERS**

Sec.

1108a.1. Gaming service providers.

1108a.2. Interim authorization.

1108a.3. Emergency gaming service provider.

**§ 1108a.1. Gaming service providers.**

(a) A gaming service provider providing goods or services to a terminal operator licensee that directly relates to the operation and security of a video gaming terminal or redemption terminal shall apply to the Board to be registered as a gaming service provider.

(b) A gaming service provider seeking registration shall complete an original and one copy of a Gaming Service Provider Registration Form. The original copy and the fee toward the cost of the investigation of the applicant posted on the Board’s web site shall be submitted to the Bureau of Licensing by the terminal operator applicant or licensee for whom the gaming service provider will provide goods or services unless otherwise directed by the Bureau of Licensing.

(c) In addition to the materials required under subsection (b), an applicant for a gaming service provider registration shall do all of the following:

(1) Submit the nonrefundable application fee posted on the Board’s web site.

(2) Submit fingerprints of the following individuals in a manner prescribed by the Bureau:

(i) Each officer and director of the registered gaming service provider applicant. For purposes of this paragraph, “officer” means a president, a chief executive officer, a chief financial officer and a chief operating officer, and any person routinely performing corresponding functions with respect to an organization whether incorporated or unincorporated.

(ii) Each individual who has a direct or indirect ownership or beneficial interest of 10% or more in the registered gaming service provider applicant.

(iii) Each salesperson of a registered gaming service provider applicant who solicits business from, or has regular contact with, any representatives of a terminal operator applicant or licensee.

(d) A person who holds any direct or indirect ownership or beneficial interest in a registered gaming service provider or applicant for gaming service provider registration, or has the right to any profits or distributions directly or indirectly, from the registered gaming service provider or applicant for gaming service provider registration may be required to submit fingerprints if the Bureau determines that the submission of fingerprints of the person is necessary to protect the public interest or to enhance the integrity of gaming in this Commonwealth.

(e) Each of the individuals required to submit fingerprints under subsection (b)(2) must be found qualified by the Board.

(f) A gaming service provider registration will not be issued until all fees and costs have been paid.

**§ 1108a.2. Interim authorization.**

(a) Notwithstanding § 1108a.1 (relating to gaming service providers), the Bureau of Licensing may authorize an

applicant for a gaming service provider registration to conduct business with a terminal operator applicant or licensee prior to the registration of the gaming service provider applicant if all of the following criteria are met:

(1) A completed Gaming Service Provider Registration application has been filed by the gaming service provider.

(2) The terminal operator applicant or licensee contracting or doing business with the gaming service provider certifies that it has performed due diligence on the gaming service provider and believes that the applicant meets the qualification to be a gaming service provider under 4 Pa.C.S. Part III (relating to video gaming) and § 1108a.1.

(3) The applicant for gaming service provider registration agrees, in writing, that the grant of interim authorization to conduct business prior to Board approval of registration does not create a right to continue to conduct business if the Board determines that the applicant is not suitable or continued authorization is not in the public interest.

(b) If the Office of Enforcement Counsel issues a Notice of Recommendation for Denial to an applicant for registration, the Bureau of Licensing may rescind the permission granted to the applicant to conduct business with a terminal operator applicant or licensee under subsection (a). If the permission is rescinded, the applicant for registration shall cease conducting business with the terminal operator applicant or licensee by the date specified in the notice of the rescission by the Bureau of Licensing under subsection (c).

(c) The Bureau of Licensing will notify the applicant and the terminal operator applicant or licensee by registered and electronic mail that permission to conduct business with the terminal operator applicant or licensee under subsection (a) has been rescinded and that the terminal operator applicant or licensee shall cease conducting business with the applicant by the date specified in the notice.

#### § 1108a.3. Emergency gaming service provider.

(a) A terminal operator licensee may utilize a gaming service provider that is not registered when a threat to public health, welfare or safety exists, or circumstances outside the control of the terminal operator licensee require immediate action to mitigate damage or loss to the licensee's video gaming terminals.

(b) When using a gaming service provider that is not registered to conduct business to respond to an emergency, the terminal operator licensee shall do all of the following:

(1) Immediately notify the Board's Bureau of Casino Compliance and Bureau of Licensing of the emergency and the gaming service provider that was selected to provide emergency services.

(2) File a Gaming Service Provider Emergency Notification Form with the Bureau of Licensing within 72 hours after commencement of the gaming service provider's services and a written explanation of the basis for the procurement of the emergency gaming service provider.

(c) If the terminal operator licensee continues to utilize the gaming service provider after the emergency circumstances have passed or if the Bureau of Licensing determines that the circumstances did not necessitate the use of an emergency gaming service provider, the gaming service provider shall comply with the requirements in this chapter.

## CHAPTER 1109a. OCCUPATION PERMITS

Sec.

1109a.1. Gaming employee occupation permits.

1109a.2. Nongaming employee registrations.

### § 1109a.1. Gaming employee occupation permits.

(a) A gaming employee as defined in this subpart shall apply for an occupation permit in accordance with § 435a.3 (relating to occupation permit).

(b) In addition to the requirements in subsection (a), a gaming employee applying for an occupation permit shall submit all of the following:

(1) Verification of an offer of employment from, or employment by a terminal operator licensee, an establishment licensee, a manufacturer licensee, a supplier licensee or a gaming service provider and the nature and scope of the proposed duties of the person.

(2) The previous employment history of the person.

(3) The details of an occupation permit or similar license granted or denied to the applicant in other jurisdictions.

(4) A current photograph of the person.

(5) The criminal history record of the person, as well as the person's consent for the Bureau to conduct a background investigation.

(6) Other information as determined by the Board.

(c) After reviewing the application and the results of the applicant's background investigation, the Board may issue a gaming employee occupation permit if the individual has proven that he is a person of good character, honesty and integrity, and is eligible and suitable to hold an occupation permit.

### § 1109a.2. Nongaming employee registrations.

A person who is employed by a terminal operator licensee, establishment licensee, manufacturer, supplier or gaming service provider and whose duties do not involve monitoring a video gaming area or the conduct of video gaming may be required to apply for a nongaming employee registration in accordance with § 435a.5 (relating to nongaming employee registration) if the Board or the Bureau of Licensing determines that submitting an application and obtaining a registration is required to ensure the integrity of video gaming in this Commonwealth.

## CHAPTER 1110a. APPLICATIONS GENERALLY

Sec.

1110a.1. Preliminary application submission review.

1110a.2. Application processing.

1110a.3. Deficient and abandoned applications.

1110a.4. Application withdrawal.

### § 1110a.1. Preliminary application submission review.

(a) Upon receipt, an application will be reviewed to ensure that it contains all of the following:

(1) The applicable application forms and additional information and accompanying documentation required by 4 Pa.C.S. Part III (relating to video gaming) or the Board.

(2) Completed authorization forms, if required, for release of information from governmental agencies and other entities.

(b) If an applicant fails to include any required information, the applicant will be notified and given an opportunity to cure the deficiency.

**§ 1110a.2. Application processing.**

(a) Upon a determination that the prerequisites for filing have been met, the application will be accepted for filing and Board staff, if applicable, will:

(1) Obtain information as may be necessary to determine the qualifications of the applicant and any matter relating to the application.

(2) Promptly conduct an investigation of the applicant and on any matter relating to the application.

(3) Request the Department to promptly conduct a tax clearance review.

(4) Request the Department of Labor and Industry to perform an Unemployment Compensation Tax clearance review and a Workers Compensation Tax clearance review on any entity.

(5) Request any agencies, entities or persons to provide information to the Board as deemed necessary by the Board.

(b) An application submitted under this part and information obtained by Board staff relating to the application will be part of the evidentiary record to be utilized by the Board when deciding to approve, condition, issue or deny a license.

(c) An application and related materials that have been submitted to the Board will become the property of the Board and will not be returned to the applicant.

**§ 1110a.3. Deficient and abandoned applications.**

(a) If an application is found to be deficient, Board staff will notify the applicant of the deficiencies in the application and provide an opportunity for the applicant to cure the deficiencies within a specified time period.

(b) Failure to provide the information necessary to cure the deficiencies required under subsection (a) may result in the denial of the application or in the application being declared abandoned by the Bureau of Licensing under § 423a.4 (relating to deficient and abandoned applications).

(c) When an application is denied or declared abandoned under subsection (b), the applicant will be given written notice of this action.

**§ 1110a.4. Application withdrawal.**

A request for withdrawal of an application may be made at any time prior to the Board taking action by petition filed with the Office of Hearings and Appeals.

**CHAPTER 1111a. LICENSE TERMS AND RENEWALS**

Sec.

1111a.1. Terms and renewals.

**§ 1111a.1. Terms and renewals.**

(a) All licenses, permits and registrations issued under this part will be for a term of 5 years from the date of approval.

(b) An application for renewal of an establishment license shall be submitted at least 6 months prior to the expiration of the license and must include an update of all information in the initial application and any prior renewal applications and any renewal fee.

(c) Except for renewal applications submitted under subsection (b), applications for renewal shall be submitted to the Board at least 180 days prior to the expiration of the license, permit or registration and must include an

update of all information in the initial application and any prior renewal applications and the payment of any renewal fee.

(d) A license, permit or registration for which an application for renewal has been timely filed will continue in effect until the Board acts upon the application for renewal.

**CHAPTER 1112a. VIDEO GAMING TERMINAL, REDEMPTION TERMINAL AND ASSOCIATED EQUIPMENT TESTING AND CERTIFICATION**

Sec.

1112a.1. Definitions.

1112a.2. Protocol requirements.

1112a.3. Testing and approval generally.

1112a.4. Submission for testing and approval.

1112a.5. Video gaming terminal conversions.

1112a.6. Revocations and additional conditions.

1112a.7. Video gaming terminal minimum design standards.

1112a.8. Gaming vouchers.

1112a.9. Redemption terminals.

1112a.10. Progressive video gaming terminals.

1112a.11. Video gaming terminal monitoring systems.

1112a.12. Remote system access.

1112a.13. Video gaming terminals and associated equipment utilizing alterable storage media.

1112a.14. Waivers.

1112a.15. Disputes.

1112a.16. Testing and software installation in the live video gaming area.

1112a.17. RAM clear.

**§ 1112a.1. Definitions.**

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

*Asset number*—A unique number assigned to a video gaming terminal by a terminal operator for the purpose of tracking the video gaming terminal, while owned by the terminal operator.

*Bill validator*—An electronic device designed to interface with a video gaming terminal for the purpose of accepting and validating any combination of United States currency, gaming vouchers, coupons or other instruments authorized by the Board for incrementing credits on a video gaming terminal.

*Conversion*—A change or alteration to a video gaming terminal that does not affect the manner or mode of play or operation of the video gaming terminal.

*Currency cassette*—A container that holds banknotes that are available for dispensing.

*Educational institution*—A facility that teaches and certifies students in video gaming terminal design, operation, repair or servicing.

*Finance department*—The department that is responsible for the management of the financial and accounting activities relating to video gaming terminals being utilized in a licensed establishment.

*Gaming day*—The period of time from 6 a.m. to 5:59 a.m. the following calendar day, corresponding to the beginning and ending times of gaming activities for the purpose of accounting reports and determination of gross terminal revenue.

*Gaming voucher*—An instrument that upon insertion into a bill validator entitles the patron inserting the gaming voucher to cashable credits on a video gaming terminal corresponding to the value printed on the gaming voucher.

*Gaming voucher system*—The collective hardware, software, communications technology and other ancillary equipment used to facilitate the issuance of gaming

vouchers and the redemption of gaming vouchers by video gaming terminals and automated gaming voucher redemption terminals.

*Machine displayed payout percentage*—The selectable payout percentage that is set by the terminal operator during the initial configuration or a subsequent reconfiguration of a video gaming terminal and is displayed in the video gaming terminal's service menu during normal operation.

*Manufacturer's par sheet*—A document supplied by the manufacturer that shows payable information including theoretical payout percentage, winning combinations, awards and reel strips.

*Minimum payout percentage*—The lowest aggregate awards expected to be paid out over one cycle of the game divided by the total number of combinations in the cycle of the game.

*Modification*—

(i) A change or alteration in a video gaming terminal or associated equipment that affects the manner or mode of play or operation of the video gaming terminal or associated equipment.

(ii) The term includes a change to control or graphics programs and to the theoretical hold percentage.

(iii) In the case of video gaming terminals, the term does not include:

(A) A conversion.

(B) Replacement of one approved component with an identical component.

(iv) In the case of a progressive system, the term includes a change in:

(A) A system name or theme.

(B) The odds to win the progressive payout.

(C) The reset amount.

(D) The rate at which a progressive award increases.

(E) The wager necessary to win the progressive payout.

*Paytable*—A selectable part of a video gaming terminal program that contains video gaming terminal characteristics including the theoretical payout percentage, reel strips and awards.

*Progressive awards*—The award to be paid out when the event in the progressive game that triggered the award occurs.

*Progressive controller*—A program or computer system, other than an approved program that controls the operation of the video gaming terminal, which controls, adjusts and displays the amount of the progressive jackpot.

*Progressive payout*—A video gaming terminal payout that increases in a monetary amount based on the amounts wagered in a progressive system.

*Progressive video gaming terminal*—A video gaming terminal that offers a jackpot that may increase in value based upon the video gaming terminal wagers placed.

*Pseudo random number generator*—Software or hardware, or both, that ensures the randomness of video gaming terminal outcomes.

*RAM*—Random access memory.

*RAM clear*—A process initiated by a service technician that results in the zeroing out of any meter information, configuration information or data stored in the memory of a video gaming terminal.

*Randomness*—The observed unpredictability and absence of pattern in a set of elements or events that have definite probabilities of occurrence.

*Reel strips*—Components of a video gaming terminal which display symbols.

*Related systems*—Systems which interface with video gaming terminals.

*Remote system access*—Connectivity to terminal operator systems from outside the terminal operator's network.

*Reset amount*—The award value that a progressive award reverts to after the progressive award is paid out.

*Server supported video gaming terminal system*—One or more video gaming terminals connected to a video gaming terminal server and an associated computer network.

*Theme*—A concept, subject matter and methodology of design of a video gaming terminal.

*Theoretical payout percentage*—The aggregate awards expected to be paid out over one cycle of the game divided by the total number of combinations in the cycle of the game.

*Unredeemed gaming voucher*—A gaming voucher that has not been redeemed in a ticket redemption unit or a video gaming voucher that has been found and returned to an establishment licensee.

*Video gaming terminal bill validator*—A component made up of software and hardware that accepts and reads instruments such as bills or vouchers into gaming devices such as video gaming terminals and automated gaming voucher redemption terminals.

*Video gaming terminal monitoring system*—The collective hardware, software, communications technology and other ancillary equipment used to collect, monitor, interpret, analyze, authorize, report and audit data with regard to activity at video gaming terminals, inclusive of video gaming terminal meter readings, error conditions, video gaming terminal security, accounting, player tracking and productivity analysis.

*Video gaming terminal operations department*—The department of a terminal operator that is responsible for all operations in any truck stop establishment where video gaming terminals are kept.

*Video gaming terminal server*—A computer configured to receive, store, authenticate and download to video gaming terminals, Board-approved video gaming terminal game themes and other approved software.

*Video gaming terminal system operator*—The persons designated in a video gaming terminal system agreement as being responsible for the operation and administration of a wide area progressive system.

*Wager*—Placing at risk in a video gaming terminal a bill or video gaming voucher.

#### § 1112a.2. Protocol requirements.

In accordance with 4 Pa.C.S. §§ 3309 and 3518 (relating to central control computer system; and video gaming accounting controls and audits), manufacturer licensees, supplier licensees and terminal operators are required to ensure all video gaming terminals are enabled to communicate with the Department's central control computer for



the purpose of transmitting auditing program information and activating and disabling video gaming terminals.

**§ 1112a.3. Testing and approval generally.**

(a) In accordance with 4 Pa.C.S. § 3701 (relating to testing and certification of terminals), video gaming terminals and redemption terminals and associated equipment operated in this Commonwealth shall be tested and approved in accordance with § 1112a.4 (relating to submission for testing and approval).

(b) The fees for testing and certification of video gaming terminals, redemption terminals and associated equipment at the Board's testing facility shall be paid by each manufacturer licensee on a quarterly basis based upon the time spent testing and certifying each manufacturer's number of products reviewed according to a fee schedule adopted by the Board.

(c) The Board will require payment of all costs for the testing and approval of video gaming terminals and redemption terminals and associated equipment submitted by manufacturers or gaming related gaming service providers or installed at an establishment licensee's facility based on the actual direct costs incurred by the Board.

(d) The Board will require a manufacturer licensee seeking approval of a video gaming terminal and redemption terminal and associated equipment to pay all costs of transportation, inspection and testing.

**§ 1112a.4. Submission for testing and approval.**

(a) A video gaming terminal, redemption terminal and associated equipment identified in subsection (c) (collectively referred to as "products" or "equipment, device or software"), or a modification thereto, may not be offered for sale, lease or distribution for ultimate use by a manufacturer or supplier licensee in this Commonwealth unless a prototype identical in all mechanical, electrical, electronic and other respects has been tested by the Bureau of Gaming Laboratory Operations and approved by the Board's Executive Director.

(b) When an applicant for, or holder of a terminal operator license develops software or a system that is functionally equivalent to any of the video gaming system enumerated in subsection (c), that software or system is subject to the testing and approval process of this subpart to the same extent as if the software or system were developed by an applicant for, or holder of, a manufacturer license. A reference in this subpart to the responsibilities of a manufacturer applies to an applicant for, or holder of, a terminal operator license developing software or systems subject to testing and approval under this subpart.

(c) For the purposes of this section, video gaming terminals, redemption terminals and associated equipment that shall be submitted for testing and approval include all of the following:

- (1) Video gaming terminals, including bill validators and printers.
- (2) Video gaming monitoring systems, to the extent the systems interface with video gaming terminals and related systems.
- (3) Progressive systems, including wide area progressive systems.
- (4) Gaming voucher systems.
- (5) Machines performing gaming voucher payout transactions.
- (6) Other related systems.

(d) Video gaming terminal prototypes and modifications thereto, which are subject to testing and approval under this section, will be evaluated by the Bureau of Gaming Laboratory Operations for overall operational integrity and compliance with 4 Pa.C.S. Part III (relating to video gaming), this subpart and technical standards adopted by the Board as published in the *Pennsylvania Bulletin* and posted on the Board's web site. In addition, with regard to any video gaming terminal or modification thereto, the Bureau of Gaming Laboratory Operations will test for compatibility and compliance with the central control computer and protocol specifications approved by the Department including the ability to communicate with the central control computer for the purpose of transmitting auditing program information, real time information retrieval and activation, and disabling of slot machines and fully automated electronic gaming tables.

(e) The Bureau of Gaming Laboratory Operations may prescribe a standard product submission checklist, together with supplemental product specific submission checklists for completion by an applicant for, or holder of, a manufacturer license, to facilitate the examination and analysis of a prototype or modification.

(f) The Board may require the chief engineer of the applicant for, or holder of, a manufacturer license or the engineer in charge of the division of the manufacturer responsible for producing the product submitted to attest that the product was properly and completely tested by the manufacturer prior to its submission to the Bureau of Gaming Laboratory Operations.

(g) When an applicant for, or holder of, a manufacturer license seeks Board approval of a video gaming terminal prototype, associated equipment prototype or any modification thereto as described in subsection (c), the manufacturer shall submit to the Bureau of Gaming Laboratory Operations all of the following:

- (1) A prototype of the equipment, device or software accompanied by a written request for testing and approval. The manufacturer shall transport the equipment, device or software at its own expense and deliver it to the Bureau of Gaming Laboratory Operations in accordance with provided instructions.
- (2) Certifications required under subsection (f) providing assurances from the manufacturer that the product was properly and completely tested and emulated by the manufacturer prior to its submission to the Bureau of Gaming Laboratory Operations and that the product, device or software complies with 4 Pa.C.S. Part III, this subpart and technical standards adopted by the Board as published in the *Pennsylvania Bulletin* and posted on the Board's web site, including applicable requirements related to the central control computer.
- (3) An executed copy of a current product submission checklist and any product specific supplemental submission checklists applicable to the submitted equipment, device or software.
- (4) A complete, comprehensive and technically accurate description of the equipment, device or software, accompanied by applicable diagrams, schematics and specifications, together with documentation with regard to the manner in which the product was tested and emulated by the manufacturer prior to its submission to the Bureau of Gaming Laboratory Operations.
- (5) Any hardware, software and other equipment, inclusive of technical support and maintenance applicable thereto, required by the Bureau of Gaming Laboratory Operations to conduct the testing and approval process

contemplated by 4 Pa.C.S. Part III, this subpart and technical standards adopted by the Board as published in the *Pennsylvania Bulletin* and posted on the Board's web site. The testing equipment and services required by this paragraph shall be provided at no cost to the Board.

(6) In the case of a video gaming terminal prototype, all of the following additional information:

(i) A copy of all executable software, including data and graphics information, on electronically readable, unalterable media.

(ii) A copy of all source code for programs that cannot be reasonably demonstrated to have any use other than in a video gaming terminal on electronically readable, unalterable media.

(iii) A copy of all graphical images displayed on the video gaming terminal, including reel strips, rules, instructions and paytables.

(iv) A mathematical explanation of the theoretical return to the player, listing all assumptions, all steps in the formula from the first principles through to the final results of all calculations including bonus pays and, when a game requires or permits player skill in the theoretical derivations of the payout return, the source of strategy.

(v) Hardware block diagrams of the major subsystems.

(vi) A complete set of schematics for all subsystems.

(vii) A wiring harness connection diagram.

(viii) A technical and an operator manual.

(ix) A description of security methodologies incorporated into the design of the video gaming terminal, including, when applicable, encryption methodology for all alterable media, auto-authentication of software and recovery capability of the video gaming terminal for power interruption.

(x) For meters required by this subpart or technical standards adopted by the Board as published in the *Pennsylvania Bulletin* and posted on the Board's web site, a cross-reference of product meters to the required meters, if necessary.

(xi) A description of error conditions and the corresponding action required by the operator.

(xii) A description of the use and function of available dip switch settings or configurable options.

(xiii) A description of the pseudo random number generator or generators used to determine game outcome, including a detailed explanation of operational methodology, and a description of the manner by which the pseudo random number generator and random number selection process is impervious to outside influences, interference from electro-magnetic, electrostatic and radio frequencies, and influence from ancillary equipment by means of data communications. Test results in support of representations shall be submitted. For the purposes of this subparagraph, "game outcome" means the results of a wager.

(xiv) Specialized hardware, software or testing equipment, inclusive of technical support and maintenance, needed to complete the evaluation, which may include an emulator for a specified microprocessor, personal computers, extender cables for CPU boards, target reel strips and door defeats. The testing equipment and services required by this paragraph shall be provided at no cost to the Board.

(xv) A compiler, or reasonable access to a compiler, for the purpose of building applicable code modules.

(xvi) Program storage media including EPROMs, EEPROMs and any type of alterable media for video gaming terminals.

(xvii) Technical specifications for any microprocessor or microcontroller.

(xviii) A complete, comprehensive and technically accurate description of the manner in which the video gaming terminals were tested for compatibility and compliance with the central control computer and protocol specifications approved by the Department including the ability to communicate with the central control computer for the purpose of transmitting auditing program information, real time information retrieval and activation and disabling of video gaming terminals.

(xix) Additional documentation requested by the Bureau of Gaming Laboratory Operations relating to the video gaming terminals.

(7) In the case of a modification to a video gaming terminal prototype, including a change in theme, all of the following additional information:

(i) A complete, comprehensive and technically accurate description of the proposed modification to the video gaming terminals prototype, accompanied by applicable diagrams, schematics and specifications.

(ii) When a change in theme is involved, a copy of the graphical images displayed on the video gaming terminals including reel strips, rules, instructions and paytables.

(iii) When a change in the manner in which the theoretical payout percentage is achieved is involved, a mathematical explanation of the theoretical return to the player, listing all assumptions, all steps in the formula from the first principles through to the final results of all calculations including bonus pays and, when a game requires or permits player skill in the theoretical derivations of the payout return, the source of strategy.

(iv) A complete, comprehensive and technically accurate description of the manner in which the video gaming terminals were tested for compatibility and compliance with the central control computer and protocol specifications approved by the Department including the ability to communicate with the central control computer for the purpose of transmitting auditing program information, real time information retrieval and activation and disabling of video gaming terminals.

(v) Additional documentation requested by the Bureau of Gaming Laboratory Operations relating to the modification of the video gaming terminals.

(8) In the case of a video gaming terminals monitoring system or automated gaming voucher machine, or any other equipment or system required to be tested and approved under subsection (c), all of the following:

(i) A technical and an operator manual.

(ii) A description of security methodologies incorporated into the design of the machine to include, when applicable, password protection, encryption methodology and its application, auto-authentication, network redundancy, back-up and recovery procedures.

(iii) A complete schematic or network diagram of the machine's major components accompanied by a description of each component's functionality and a software object report. The description must disclose the functions performed by each component.

(iv) A description of the data flow, in narrative and in schematic form, including specifics with regard to data cabling.

(v) A list of computer operating systems and third-party software incorporated into the system together with a description of their interoperability.

(vi) System software and hardware installation procedures.

(vii) A list of available system reports.

(viii) When applicable, features for each machine which may include employee card functions, reconciliation procedures and patron services.

(ix) A description of the interoperability testing including test results for each submitted machine's connection to, as applicable, computerized systems for counting money and vouchers. This list must identify the tested products by manufacturer, model and software identification and version number.

(x) A narrative describing the method used to authenticate software.

(xi) All source code.

(xii) A complete, comprehensive and accurate description, accompanied by applicable diagrams, schematics and specifications, of the creation of a voucher and the redemption options available.

(xiii) Any specialized hardware, software or other equipment, inclusive of technical support and maintenance applicable thereto, required by the Bureau of Gaming Laboratory Operations to conduct the testing and approval process contemplated by 4 Pa.C.S. Part III, this subpart and technical standards adopted by the Board as published in the *Pennsylvania Bulletin* and posted on the Board's web site. The testing equipment and services required by this paragraph shall be provided at no cost to the Board.

(xiv) Additional documentation requested by the Board related to the equipment or system being tested.

(9) In the case of a modification to any of the systems identified in paragraph (8), all of the following additional information:

(i) A complete, comprehensive and technically accurate description of the proposed modification to the machine, accompanied by applicable diagrams, schematics and specifications.

(ii) A brief narrative disclosing the purpose for the modification.

(iii) Additional documentation requested by the Bureau of Gaming Laboratory Operations relating to the modification.

(h) At the conclusion of testing of a prototype or modification by the Bureau of Gaming Laboratory Operations, but prior to a decision to approve a prototype or modification, the Board's Executive Director may require a trial period of scope and duration as he deems appropriate to assess the operation of the prototype or modification in a live gaming environment. The conduct of the trial period is subject to compliance by the licensed manufacturer, applicable licensed suppliers, gaming service provider and the terminal operator with specific terms and conditions as may be required by the Board's Executive Director, which may include development and implementation of product specific accounting and internal controls, periodic data reporting to the Board's Executive Director and compliance with technical standards on trial periods or the prototype or modification adopted by the Board as published in the *Pennsylvania Bulletin* and posted on the Board's web site. The Board's Executive

Director may authorize the receipt of compensation by a licensed manufacturer, licensed supplier or gaming service provider during the trial period. The Board's Executive Director may terminate the trial period if he determines that the licensed manufacturer, licensed suppliers, gaming service provider or terminal operator conducting the trial period has not complied with the terms and conditions required by the Board's Executive Director or that the product is not performing as expected.

(i) At the conclusion of testing of a prototype or modification, the Bureau of Gaming Laboratory Operations will report to the Board's Executive Director the results of its testing. Upon receipt of the Bureau of Gaming Laboratory Operations' report, the Board's Executive Director will:

(1) Approve, approve with conditions or reject the submitted prototype or modification.

(2) Require additional testing or a trial period under subsection (h).

(j) The Board's Executive Director approval of a prototype or modification does not constitute a guarantee of the prototype's or modification's safety.

(k) A terminal operator is prohibited from installing in an establishment licensee's facility a video gaming terminal or associated equipment, or modification thereto, that is required to be tested unless the equipment, device or software has been approved by the Board's Executive Director. A terminal operator may not modify, alter or tamper with an approved video gaming terminal or associated equipment. A video gaming terminal or associated equipment installed in an establishment licensee's facility in contravention of this requirement will be subject to seizure by the Board.

(l) Notwithstanding subsection (k), the Board's Executive Director may authorize installation of a modification to a video gaming terminal prototype, or associated equipment prototype on an emergency basis to prevent cheating or malfunction, upon the written request of a licensed manufacturer. The request must expressly detail the name and employer of any persons to be involved in the installation of the modification and the manner in which it is to be effected. Within 15 days of receipt of any authorization to install an emergency modification, the manufacturer shall submit the modification for full testing and approval in accordance with this subpart.

(m) A terminal operator shall immediately notify the Bureau of Casino Compliance of any known or suspected defect or malfunction in any video gaming terminal or associated equipment installed in its licensed facility. The terminal operator shall comply with instructions issued by the Bureau of Gaming Laboratory Operations with regard to the continued operation of the video gaming terminal or associated equipment.

(n) Concurrent with the initial receipt of video gaming terminals, a terminal operator shall file a video gaming terminal master list.

(o) The testing of equipment, devices or software under this subpart may require the dismantling of the product and testing that may result in damage to, or destruction of, one or more systems or components. Once submitted for testing, equipment, devices or software will not be returned to the manufacturer.

**§ 1112a.5. Video gaming terminal conversions.**

A terminal operator shall do all of the following:

- (1) Maintain complete and accurate records of all conversions.
- (2) Give prior notice of a video gaming terminal conversion to the Bureau of Casino Compliance in writing.
- (3) Notify the Department in accordance with § 463a.4 (relating to notice and connection to the central control computer system).

**§ 1112a.6. Revocations and additional conditions.**

The Board may revoke the approval of or impose additional conditions on a video gaming terminal prototype or associated equipment prototype, or modification thereto, if the equipment, device or software meets either of the following criteria:

- (1) The equipment, device or software is not in compliance with 4 Pa.C.S. Part III (relating to video gaming), this subpart or technical standards adopted by the Board and published in the *Pennsylvania Bulletin* and posted on the Board's web site.
- (2) The video gaming terminal, or modification thereto, is not compatible with, or compliant with the central control computer and protocol specifications approved by the Department or is unable to communicate with the central control computer for the purpose of transmitting auditing program information, real time information retrieval, and activation and disabling of video gaming terminal.

**§ 1112a.7. Video gaming terminal minimum design standards.**

(a) A video gaming terminal may not be set to pay out less than the theoretical payout percentage, which may not be less than 85%, calculated using the lowest possible wager that could be played for any single play, or equal or exceed 100%, calculated using the highest eligible wager available. The theoretical payout percentage for the total value of video gaming terminal wagers will be calculated using the following:

- (1) The defined set of all symbols that will be displayed using spinning reels or video displays, or both.
- (2) The finite set of all possible combinations which shall be known as the cycle of the game. All possible combinations in a video gaming terminal cycle must be independent of each other and of all possible combinations from cycles in other video gaming terminal.
- (3) The value of each winning combination that corresponds with the set from paragraph (2) which, whether by reason of skill or application of the element of chance, or both, may deliver or entitle the person or persons playing the video gaming terminal to wins.
- (4) The odds of any winning combination may not exceed 50 million to 1.

(b) The calculation of the theoretical payout percentage may not include the amount of any progressive wins in excess of the initial or reset amount.

(c) A play offered by a video gaming terminal may not have a theoretical payout percentage which is less than, when calculated to one hundredth of a percentage point, the theoretical payout percentage for any other play offered by that video gaming terminal which is activated by a video gaming terminal wager in a lesser amount than the video gaming terminal wager required for that play. Notwithstanding the foregoing, the theoretical pay-

out percentage of one or more particular plays may be less than the theoretical payout percentage of one or more plays which require a lesser wager provided that:

(1) The aggregate total of the decreases in the theoretical payout percentage for plays offered by the video gaming terminal is not more than 1/2 of 1%.

(2) The theoretical payout percentage for every play offered by the video gaming terminal is equal to or greater than the theoretical payout percentage for the play that requires the lowest possible wager that will activate the video gaming terminal.

(d) The selection from the set of all possible combinations of symbols shall be made applying a pseudo random number generator. At a minimum, a pseudo random number generator must adhere to all of the following criteria:

(1) The random selection process must meet a 95% confidence interval.

(2) A random number generator must pass a standard chi-squared test for goodness of fit.

(3) Each possible video gaming terminal combination which produces winning or losing video gaming terminal outcomes must be available for random selection at the initiation of each play.

(4) A video gaming terminal payout percentage that may be affected by reason of skill must meet the theoretical payout requirements in this subpart when evaluated by the Board using a method of play that will provide the greatest return to the player.

(5) Once a random selection process has occurred, the video gaming terminal must do all of the following:

(i) Display an accurate representation of the randomly selected outcome.

(ii) Not make a secondary decision which affects the result shown to the person playing the video gaming terminal.

(e) A video gaming terminal is prohibited from automatically altering any function of the video gaming terminal based on internal computation of the hold percentage.

(f) The available winning combinations and applicable rules of play for a video gaming terminal must be available at all times the video gaming terminal is idle to the patron playing the video gaming terminal. The award schedule of available winning combinations may not include possible aggregate awards achievable from free plays. A video gaming terminal that includes a strategy choice must provide mathematically sufficient information for a patron to use optimal skill. Information regarding a strategy choice need not be made available for any strategy decisions whenever the patron is not required, in addition to the initial wager, to make an additional wager and, when as a result of playing a strategy choice, the patron cannot lose any credits earned thus far during that game play.

(g) Video gaming terminals approved for use in an establishment licensee's facility must be equipped with all of the following meters that comply with the technical standards adopted by the Board and published in the *Pennsylvania Bulletin* and posted on the Board's web site:

(1) *Coin in*. A meter that accumulates the total value of all wagers, whether the wager results from the insertion of currency, gaming vouchers, credits won or any other means. This meter must, for multigame and

multidenomination/multigame video gaming terminal, monitor the information necessary, on a per payable basis, to calculate a weighted average actual payout percentage.

(2) *Coin out*. A meter that accumulates the total value of all amounts directly paid by the video gaming terminal as a result of winning wagers, whether the payout is made directly from the printer by issuance of a gaming voucher, directly to a credit meter or by any other means. This meter may not record amounts awarded as the result of a progressive payout.

(3) *Attendant paid cancelled credits*. A meter that accumulates the total value of all amounts paid by an attendant resulting from a player initiated cash-out that exceeds the physical or configured capability of the video gaming terminal.

(4) *Bill in*. A meter that accumulates the total value of currency accepted. The video gaming terminal must also have a specific meter for each denomination of currency accepted that records the number of bills accepted for each denomination.

(5) *Voucher in—cashable/value*. A meter that accumulates the total value of cashable gaming vouchers accepted by the video gaming terminal.

(6) *Voucher in—cashable/count*. A meter that accumulates the total number of cashable gaming vouchers accepted by a video gaming terminal.

(7) *Voucher out—cashable/value*. A meter that accumulates the total value of cashable gaming vouchers issued by the video gaming terminal.

(8) *Voucher out—cashable/count*. A meter that records the total number of cashable gaming vouchers issued by a video gaming terminal.

(9) *Video gaming terminal paid progressive payout*. A meter that accumulates the total value of credits paid as a result of progressive awards paid directly by the video gaming terminal. This meter may not record awards paid as a result of an external bonusing system.

(10) *Attendant paid progressive payout*. A meter that accumulates the total value of credits paid by a video gaming terminal attendant as a result of progressive awards that are not capable of being paid by the video gaming terminal. This meter may not include awards paid as a result of an external bonusing system.

(11) *Additional requirements*. Other meters required by technical standards adopted by the Board and published in the *Pennsylvania Bulletin* and posted on the Board's web site.

(h) A video gaming terminal that does not meter one or more of the events required to be metered under subsection (g) may be approved when a terminal operator's system of internal controls establishes that the meter is not required to capture all critical transactions occurring on the video gaming terminal.

(i) The meters required under subsection (g) must continuously and automatically increment in units equal to the denomination of the video gaming terminal or, in the case of a video gaming terminal configured for multidenomination play, must display the required information in dollars and cents.

(j) A video gaming terminal approved for use in an establishment licensee's must be equipped with all of the following noncumulative meters:

(1) *Credits wagered*. A meter, visible from the front exterior of a video gaming terminal, known as a credit wagered meter that advises the patron of the total value of amounts wagered in a particular game or round of video gaming.

(2) *Win meter*. A meter, visible from the front exterior of the video gaming terminal, known as a win meter that advises the patron of the total value of amounts won in the immediately concluded game or round of video gaming play.

(3) *Credits paid*. A meter, visible from the front exterior of the video gaming terminal, known as a credits paid meter that advises the patron of the total value of the last:

- (i) Cash out initiated by the patron.
- (ii) Attendant paid cancelled credit.

(4) *Credit meter*. A meter, visible from the front exterior of the video gaming terminal and specifically labeled as a credit meter, which advises the patron as to the number of credits or monetary value available for wagering on the video gaming terminal.

(k) A video gaming terminal must have a meter which stores the number of games played, in the manner and for a duration specified in this subpart or in technical standards adopted by the Board and published in the *Pennsylvania Bulletin* and posted on the Board's web site, since the following events:

- (1) Power reset.
- (2) Door close.
- (3) Game initialization (RAM clear).

(l) A video gaming terminal must be equipped with a device, mechanism or method for retaining the total value of all meters required under subsection (g) for 72 hours subsequent to a power loss.

(m) The required meters on a video gaming terminal must be accessible and legible without access to the interior of the video gaming terminal.

(n) A video gaming terminal must be equipped with a tower light capable of effectively communicating the status of the video gaming terminal in accordance with technical standards on tower lights and error conditions.

(o) A video gaming terminal must be equipped with a device, mechanism or method for detecting, displaying and communicating to a video gaming terminal monitoring system error conditions. The error conditions detected, displayed and communicated by a video gaming terminal, and the method to be utilized to clear the message with regard to the error condition, must be in accordance with technical standards on tower lights and error conditions.

(p) A video gaming terminal must, in accordance with 4 Pa.C.S. § 3309 (relating to central control computer system), comply with the comprehensive protocol specifications necessary to enable the video gaming terminal to communicate with the Department's central control computer as that protocol is amended or supplemented, for the purpose of transmitting auditing program information, real time information retrieval and slot machine activation and disabling.

(q) Printers incorporated into a video gaming terminal must be:

(1) Designed to allow the video gaming terminal to detect and report a low paper level, paper out, presentation error, printer failure and paper jams.

(2) Mounted inside a lockable compartment within the video gaming terminal.

(r) Seating made available by a terminal operator licensee for use during video gaming play may be fixed and stationary or nonfixed. When fixed and stationary seating is used, it shall be installed in a manner that effectively precludes its ready removal by a patron but permits controlled removal, for example for American With Disabilities Act of 1990 (42 U.S.C.A. §§ 12101—12213) purposes. When nonfixed seating is used, the terminal operator shall maintain a minimum aisle width of 48 inches, measured from the seat back to a wall, divide or another seat back when the nonfixed seating is vacant and is touching or is as close as possible to the video gaming terminal at which the nonfixed seating is being used.

(s) Unless a terminal operator's video gaming terminal monitoring system is configured to automatically record all of the information required by this subsection, the terminal operator is required to physically house in each video gaming terminal all of the following entry authorization logs:

(1) A machine entry authorization log that documents each time a video gaming terminal or any device connected thereto which may affect the operation of the video gaming terminal is opened. The log must contain, at a minimum, the date, time, purpose for opening the video gaming terminal or device, and the signature and license or permit number of the person opening and entering the video gaming terminal or device. Each log must have recorded thereon a sequence number and the manufacturer's serial number or the asset number corresponding to the video gaming terminal in which it is housed.

(2) A progressive entry authorization log that documents each time a progressive controller not housed within the cabinet of the video gaming terminal is opened. The log must contain, at a minimum, the date, time, purpose for accessing the progressive controller, and the signature and license or permit number of the person accessing the progressive controller. Each log must be maintained in the progressive controller unit and have recorded thereon a sequence number and the manufacturer's serial number of the progressive controller.

(t) A video gaming terminal must be equipped with a lock controlling access to the card cage door securing the microprocessor, the key to which must be different from any other key securing access to the video gaming terminal's components including its belly door or main door, bill validator or video gaming terminal cash storage box. Access to the key securing the microprocessor shall be limited to an employee of a terminal operator who possesses a valid gaming occupation permit, unless another person is specifically authorized to possess a key by the Board's Executive Director.

(u) A video gaming terminal must be equipped with a mechanism for detecting and communicating to a video gaming terminal monitoring system any activity with regard to access to the card cage door securing its microprocessor.

(v) A video gaming terminal that does not require a full-time attendant for operation must be equipped with a service button designed to allow the player of a video gaming terminal to request assistance or report a terminal malfunction. The service button must:

(1) Be visible to and within easy reach of the player of the video gaming terminal.

(2) Communicate directly or through the video gaming terminal to the video gaming terminal's tower light which will provide a signal that is in compliance with the technical standards on video gaming terminal tower lights.

(w) A video gaming terminal on the gaming floor must have a label on the top of the video gaming terminal and on the front of the video gaming terminal near the bill validator that displays the asset number and the gaming floor plan location number of the video gaming terminal. The labels must have white lettering on a black background or other color combination approved by the Bureau of Casino Compliance, may not be easily removed and must be easily visible to surveillance cameras. The label on the top of the slot machine must be at least 1.5 inches by 5.5 inches and the label on the front of the video gaming terminal must be at least 1 inch by 2.5 inches or other sizes approved by the Bureau of Casino Compliance.

#### § 1112a.8. Gaming vouchers.

(a) A terminal operator may utilize gaming vouchers and a gaming voucher system that has been tested and approved by the Board under § 461a.4 (relating to submission for testing and approval).

(b) The design specifications for a gaming voucher, the voucher verification methodologies utilized and any limitation on the value of a gaming voucher must be in compliance with technical standards on gaming vouchers.

(c) The design specifications for a gaming voucher system must be in compliance with technical standards on gaming voucher systems.

(d) Prior to issuing a gaming voucher, a terminal operator shall establish a system of internal controls for the issuance and redemption of gaming vouchers. The internal controls shall be submitted and approved by the Board and address all of the following:

(1) Procedures for assigning an asset number and identifying other redemption locations in the system, and enabling and disabling voucher capabilities for video gaming terminal and redemption locations.

(2) Procedures for issuance, modification and termination of a unique system account for each user.

(3) Procedures used to configure and maintain user passwords.

(4) Procedures for restricting special rights and privileges, such as administrator and override capabilities.

(5) The duties and responsibilities of the information technology, internal audit, video gaming terminal operations and finance departments, respectively, and the level of access for each position with regard to the gaming voucher system.

(6) A description of physical controls on all critical hardware such as locks and surveillance, including the location and security protocols applicable to each piece of equipment.

(7) Procedures for the backup and timely recovery of critical data in accordance with technical standards.

(8) Logs used to document and maintain the details of Board-approved hardware and software modifications upon implementation.

(9) Procedures for the retention, tracking and payment of the value of unredeemed gaming vouchers to the State Treasurer as required under Article XIII.1 of The Fiscal Code (72 P.S. §§ 1301.1—1301.29), regarding the disposition of abandoned and unclaimed property.

(e) The system of internal controls required to be submitted and approved by the Board under subsection (d) must also include the procedures to be applied in all of the following instances:

(1) The procedures used by the terminal operator to pay a patron the value of a video gaming voucher when the gaming voucher system is inoperable.

(2) The procedures used by the terminal operator to pay a patron the value of a video gaming voucher when the redemption terminal is inoperable.

(f) At the end of each gaming day, the video gaming voucher system must generate reports and the reports must be provided to the terminal operator, either directly by the system or through the information technology department. The report, at a minimum, must contain all of the following information:

(1) A report of all gaming vouchers that have been issued which includes the asset number and the serial number of the video gaming terminal, and the value, date and time of issuance of each gaming voucher.

(2) A report of all gaming vouchers that have been redeemed and cancelled by redemption location, including the asset number of the video gaming terminal, the serial number, the value, date and time of redemption for each voucher, and the total value of all vouchers redeemed.

(3) The unredeemed liability for gaming vouchers.

(4) The readings on gaming voucher related video gaming terminal meters and a comparison of the readings to the number and value of issued and redeemed video gaming vouchers, as applicable.

(5) Exception reports and audit logs.

(g) A terminal operator shall immediately report to the Board evidence that a video gaming voucher has been counterfeited, tampered with or altered in any way which would affect the integrity, fairness, reliability or suitability of the voucher.

(h) Upon presentation of a gaming voucher for redemption at a video gaming terminal, the total value of which gaming voucher cannot be completely converted into an equivalent value of credits that match the denomination of the video gaming terminal, the video gaming terminal must perform one of the following procedures:

(1) Automatically issue a new gaming voucher containing the value that cannot be completely converted.

(2) Not redeem the gaming voucher and immediately return the gaming voucher to the patron.

(3) Allow for the additional accumulation of credits on an odd cents meter or a meter that displays the value in dollars and cents.

(i) A terminal operator that utilizes a system or a video gaming terminal that does not print a test gaming voucher that is visually distinguishable from a valid gaming voucher whenever the video gaming terminal is tested on the video gaming floor must have in place internal controls approved by the Board for the issuance of test currency and the return and reconciliation of the test currency and any gaming vouchers printed during the testing process.

(j) Except as provided by the approved internal controls procedures outlined in subsection § 1114a.1(c)(8) (relating to video gaming accounting and internal controls) with regard to employee redemption of gaming vouchers, a gaming voucher shall be redeemed by a patron for a specific value of cash through a redemption terminal on the premises of the establishment licensee or at a video gaming terminal. Notwithstanding the foregoing, a terminal operator may not permit a gaming voucher that is presented for redemption to be redeemed if it knows, or has reason to know, that the gaming voucher:

(1) Is materially different from the sample of the gaming voucher approved by the Board.

(2) Was previously redeemed.

(3) Was printed as a test gaming voucher.

(k) Gaming vouchers redeemed at automated gaming voucher redemption terminals shall be retained by the terminal operator representatives with no incompatible functions shall perform, at a minimum, all of the following:

(1) On a weekly basis, or other period approved by the Board:

(i) Compare gaming voucher system report data to any redemption terminal report data available to ensure proper electronic cancellation of the gaming voucher.

(ii) Calculate the unredeemed liability for gaming vouchers, either manually or by means of the gaming voucher system.

(2) On a weekly basis, compare appropriate video gaming terminal meter readings to the number and value of issued and redeemed gaming vouchers per the gaming voucher system. Meter readings obtained through a video gaming terminal monitoring system may be utilized to complete this comparison.

(1) A terminal operator shall provide written notice to the Bureau of Casino Compliance of any adjustment to the value of any gaming voucher. The notice shall be made prior to, or concurrent with, the adjustment.

(m) A gaming voucher system must be configured to alert a terminal operator to any malfunction. Following a malfunction of a system, a terminal operator shall notify the Bureau of Casino Compliance within 24 hours of the malfunction and may not utilize the system until the malfunction has been successfully eliminated. Notwithstanding the foregoing, the Bureau of Casino Compliance may permit a terminal operator to utilize the system prior to its being successfully restored, for a period not to exceed 72 hours, provided all of the following apply:

(1) The malfunction is limited to a single storage media device, such as a hard disk drive.

(2) In addition to the malfunctioning storage media device, the system contains a backup storage media device not utilized in the normal operation of the system. The backup device must immediately and automatically replace the malfunctioning device to permit a complete and prompt recovery of all information in the event of an additional malfunction.

(3) Continued use of the malfunctioning system would not inhibit the ability to perform a complete and prompt recovery of all information, and would not otherwise harm or affect the normal operation of the system.

(n) Other than a modification to a gaming voucher system required on an emergency basis to prevent cheating or malfunction and approved by the Board, a modifi-

cation to a gaming voucher system may not be installed without the gaming voucher system having undergone the testing and approval process required under § 1112a.4 (relating to submission for testing and approval).

**§ 1112a.9. Redemption terminals.**

(a) A terminal operator shall utilize an automated redemption terminal that has been tested and approved by the Board under § 1112a.4 (relating to submission for testing and approval).

(b) Redemption terminals must be located in the video gaming area of an establishment licensee and subject to surveillance coverage as approved by the Board. Each redemption terminal must have a label on the top of the redemption terminal and on the front of the redemption terminal that displays the asset number of the redemption terminal. The labels must have white lettering on a black background or other color combination approved by the Bureau of Casino Compliance and may not be easily removed. The label on the top of the redemption terminal must be at least 1.5 inches by 5.5 inches and the label on the front of the redemption terminal must be at least 1 inch by 2.5 inches or other sizes approved by the Bureau of Casino Compliance.

(c) A redemption terminal must have the capability of establishing the validity of a gaming voucher by comparing the instrument's unique serial number, automatically generated by the respective gaming voucher system in accordance with this subpart and technical standards adopted by the Board and published in the *Pennsylvania Bulletin* and posted on the Board's web site with electronic records within the gaming voucher system.

(d) The methods utilized to comply with the requirements in subsection (c) shall be submitted to and approved by the Board under § 1112a.4 in the context of the testing of a gaming voucher system.

(e) A redemption terminal may function as a bill breaker changing bills of one denomination into bills of a smaller denomination.

(f) A redemption terminal must contain a lockable gaming voucher and currency storage box which retains any gaming vouchers or currency accepted by the machine. The gaming voucher and currency storage box located inside the terminal must also have imprinted, affixed or impressed thereon the asset identification number of the corresponding terminal.

(g) A redemption terminal must have, at a minimum, all of the following:

(1) One lock securing the compartment housing the storage box and one lock securing the storage box within the compartment, the keys to which must be different from each other.

(2) One lock securing the compartment housing the currency cassettes.

(3) One lock securing the contents of the storage box, the key to which must be different from the keys referenced in paragraphs (1) and (2).

(h) A redemption terminal shall be designed to resist forced illegal entry.

(i) A redemption terminal's currency cassettes shall be designed to preclude access to its interior.

(j) Access controls relating to the operating system or applications of the redemption terminal, and ancillary systems, applications and equipment associated with the reconciliation thereof, must employ security measures

that require authentication of the user and recording and maintaining of data regarding access and modifications made. Authentication must be in accordance with this subpart and technical standards adopted by the Board and published in the *Pennsylvania Bulletin* and posted on the Board's web site.

(k) A gaming voucher accepted by a redemption terminal shall be cancelled immediately upon exchange in a manner that effectively prevents its subsequent redemption by the same or another redemption terminal or its acceptance in a video gaming terminal bill validator. The methods utilized to comply with this requirement must be in accordance with this subpart and technical standards adopted by the Board and published in the *Pennsylvania Bulletin* and posted on the Board's web site.

(l) A redemption terminal shall be designed to be impervious to outside influences, interference from electro-magnetic, electro-static and radio frequencies, and influence from ancillary equipment.

(m) A redemption terminal must include a means to protect against transaction failure and data loss due to power loss.

(n) A redemption terminal machine must detect, display and record electronically power reset, door open, door just closed and system communication loss error conditions. These error conditions may be automatically cleared by the redemption terminal when the condition no longer exists and upon completion of a new transaction.

(o) A redemption terminal must detect, display and record electronically all of the following error conditions that disable the redemption terminal and prohibit new transactions:

(1) Failure to make payment, if the gaming voucher is not returned and a receipt is not issued.

(2) Failure to make complete payment if a receipt for the unpaid amount is not issued.

(3) Bill validator failure.

(4) Printer failure due to printer jam or lack of paper.

(p) A redemption terminal shall be designed to evaluate whether sufficient funds are available before stacking the voucher and completing the transaction.

(q) A redemption terminal must be capable of maintaining synchronization between its real-time clock and that of the gaming voucher system.

(r) A redemption terminal must be equipped with electronic digital storage meters. The information must be readily available through system reports. When a value is maintained, the value must be in dollars and cents. A redemption terminal must accumulate all of the following information:

(1) *Physical coin out.* The total value, by denomination, of coins paid by the redemption terminal.

(2) *Voucher in—value.* The value of cashable gaming vouchers accepted.

(3) *Voucher in—count.* The number of cashable gaming vouchers accepted.

(4) *Bill in.* The value of currency accepted by the redemption terminal. A redemption terminal must also have specific meters for each denomination of currency accepted that records the number of bills accepted.

(5) *Bill out.* The total value of currency dispensed. A redemption terminal must also provide for specific meters



for each denomination of currency dispensed that record the number of bills dispensed.

(6) *Additional requirements.* Other meters as may be required by technical standards adopted by the Board and published in the *Pennsylvania Bulletin* and posted on the Board's web site.

(s) A redemption terminal must have the capacity to record and retain, in an automated transaction log, all critical transaction history for at least 30 days. Transaction history must include records with the date, time, amount and disposition of each complete and incomplete transaction, error conditions, logical and physical access, and attempted access to the redemption terminal. If a redemption terminal is capable of redeeming multiple vouchers in a single transaction, the transaction history must include a breakdown of the transaction with regard to the individual gaming vouchers.

(t) A redemption terminal or ancillary systems, applications and equipment associated with the reconciliation thereof, must be capable of producing all of the following reports upon request:

(1) *Gaming voucher transaction report.* The report must include the disposition (paid, partial pay and unpaid) of gaming vouchers accepted by a redemption terminal which must include the validation number, the date and time of redemption, amount requested and the amount dispensed. This information must be available by reconciliation period which may be by day, shift or drop cycle.

(2) *Reconciliation report.* The report must include all of the following:

(i) Report date and time.

(ii) Unique asset identification number of the redemption terminal.

(iii) Total cash balance of the currency cassettes.

(iv) Total count of currency accepted by denomination.

(v) Total dollar amount of vouchers accepted.

(vi) Total count of gaming vouchers accepted.

(3) *Gaming voucher and currency storage box report.* The report must be generated, at a minimum, whenever a gaming voucher, and currency storage box is removed from a redemption terminal. The report must include all of the following:

(i) Report date and time.

(ii) Unique asset identification number of the machine.

(iii) Unique identification number for each storage box in the machine.

(iv) Total value of currency accepted.

(v) Total number of bills accepted by denomination.

(vi) Total count of gaming vouchers accepted.

(4) *Transaction report.* The report must include all critical patron transaction history including the date, time, amount and disposition of each complete and incomplete transaction. If a redemption terminal is capable of redeeming multiple vouchers in a single transaction, the transaction history must include a breakdown of the transaction with regard to the individual gaming vouchers accepted.

#### § 1112a.10. Progressive video gaming terminals.

(a) A progressive video gaming terminal may stand alone or be linked with other progressive video gaming terminals in the same establishment licensee's facility.

(b) Each video gaming terminal that offers a progressive jackpot must have all of the following:

(1) A progressive meter, visible from the front of the video gaming terminal, which may increase in value based upon wagers, that advises the player of the amount which can be won if the player receives the combination on the video gaming terminal that awards the progressive jackpot.

(2) A video gaming terminal paid progressive payout meter.

(3) A cumulative progressive payout meter that continuously and automatically records the total value of progressive jackpots paid directly by the video gaming terminal.

(4) A key and key switch or other reset mechanism to reset the progressive meter or meters.

(5) A key locking the compartment housing the progressive meter or meters or other means by which to preclude any unauthorized alterations to the progressive meters. The key or alternative security method must be different than the key or reset mechanism in paragraph (4).

(6) If the progressive controller is not secured in a video gaming terminal, the progressive controller:

(i) Must be maintained in a secure area approved by the Bureau of Casino Compliance.

(ii) Must be dual key controlled with one key controlled by the terminal operator's operations department and the other key controlled by a different designated department with no incompatible functions, as specified in the licensee's internal controls.

(iii) May not be accessed until the Bureau of Gaming Laboratory Operations is electronically notified.

(c) In addition to the requirements in subsection (b), a video gaming terminal that is connected to a common progressive meter for the purpose of offering the same progressive jackpot on two or more video gaming terminals must:

(1) Have the same probability of hitting the combination that will award the progressive jackpot as every other video gaming terminal linked to the common progressive meter.

(2) Require that the same amount in wager be invested to entitle the player to a chance at winning the progressive jackpot and that each increase in wager increment the progressive meter by the same rate of progression as every other video gaming terminal linked to the common progressive meter.

(d) Notwithstanding the provisions of subsection (c), two or more linked video gaming terminals offering the same progressive jackpot may be of different denominations or have different wagers, or both, required to win the progressive jackpot, provided that all of the following apply:

(1) The probability of winning the progressive jackpot is directly proportional to the wager required to win that jackpot.

(2) Notice indicating the proportional probability of hitting the progressive jackpot on the linked progressive system is conspicuously displayed on each linked video gaming terminal.

(e) A terminal operator seeking to utilize a linked video gaming terminal shall submit for approval in accordance

with § 1112a.4 (relating to submission for testing and approval) the location and manner of installing any progressive meter display mechanism.

(f) A video gaming terminal that offers a progressive jackpot may not be placed in the video gaming area until the terminal operator has submitted all of the following to the Bureau of Casino Compliance for review and approval in accordance with § 1112a.4:

(1) The initial and reset amounts at which the progressive meter or meters will be set.

(2) The proposed system for controlling the keys and applicable logical access controls to the video gaming terminal.

(3) The proposed rate of progression for each progressive jackpot.

(4) The proposed limit for the progressive jackpot, if any.

(5) The calculated probability of winning each progressive jackpot. The probability may not exceed 50 million to 1.

(g) A video gaming terminal that offers either a new progressive jackpot or undergoes a modification or RAM clear of an existing progressive jackpot may not be made available for play by the public until the video gaming terminal has been tested and certified by the Bureau of Gaming Laboratory Operations. For purposes of this subsection, a modification includes any change in the software, hardware, including controllers, and any associated equipment that relates to progressive functionality.

(h) Progressive jackpot meters may not be turned back to a lesser amount unless one of the following occurs:

(1) The amount indicated has been actually paid to a winning patron and the progressive jackpot amount has been recorded in accordance with a system of internal controls.

(2) With written approval, the progressive jackpot has been transferred to another progressive video gaming terminal in accordance with subsection (k)(4).

(3) The change is necessitated by a video gaming terminal or meter malfunction. An explanation for the change shall be entered on the progressive video gaming terminal summary required under this subpart and the Bureau of Gaming Laboratory Operations shall be notified of the resetting in writing.

(i) Once an amount appears on a progressive meter, the probability of hitting the combination that will award the progressive jackpot may not be decreased unless the progressive jackpot has been won by a patron, has been transferred to another progressive video gaming terminal or has been removed in accordance with subsection (k).

(j) When a video gaming terminal has a progressive meter with digital limitations on the meter, the terminal operator shall set a limit on the progressive jackpot not to exceed the display capability of the progressive meter.

(k) A terminal operator may limit, transfer or terminate a progressive jackpot offered in a video gaming area only under the following circumstances:

(1) A terminal operator shall establish a payout limit for a progressive jackpot of \$1,000.

(2) A terminal operator may terminate a progressive jackpot concurrent with the winning of the progressive jackpot provided its video gaming terminal program or progressive controller was configured prior to the winning

of the progressive jackpot to establish a fixed reset amount with no progressive increment.

(3) A terminal operator may immediately and permanently remove one or more linked video gaming terminal from a gaming floor, provided that the terminal operator retains at least one video gaming terminal offering the same progressive jackpot in its video gaming area.

(4) A terminal operator may transfer a progressive jackpot amount on a standalone video gaming terminal or the common progressive jackpot on an entire link of video gaming terminal with a common progressive meter from a video gaming area provided the terminal operator receives written approval from the Bureau of Gaming Laboratory Operations prior to the transfer and the accrued amount minus the seed amount of the progressive jackpot is:

(i) Transferred in its entirety.

(ii) Transferred to one of the following:

(A) The progressive meter for a video gaming terminal with the same or similar probability of winning the progressive jackpot, the same or lower wager requirement to be eligible to win the progressive jackpot and the same type of progressive jackpot.

(B) The progressive meters of two separate video gaming terminals provided that each video gaming terminal to which the jackpot is transferred individually satisfies the requirements in clause (A).

(iii) Notice of intent to transfer the progressive jackpot is conspicuously displayed on the front of each video gaming terminal for at least 30 days.

(5) If a transfer cannot be made in accordance with paragraph (4) or with good cause shown, a terminal operator may remove progressive functionality, change the game theme or permanently remove a standalone progressive video gaming terminal, or an entire link of video gaming terminal with a common progressive jackpot from a video gaming area, provided all of the following:

(i) Notice of intent to remove the progressive video gaming terminals is conspicuously displayed on the front of each video gaming terminal for at least 30 days.

(ii) Prior to posting the notice of intent required under subparagraph (i), the terminal operator licensee receives written approval from the Bureau of Gaming Laboratory Operations to remove the progressive video gaming terminal.

(1) Progressive video gaming terminal removed from the video gaming area in accordance with subsection (k)(5) may not be returned to the gaming floor for 90 days.

(m) The amount indicated on the progressive meter or meters and coin in meter on each video gaming terminal governed by subsection (b) must be recorded on a progressive video gaming terminal summary report at least once every 7 calendar days and each report shall be signed by the preparer. If not prepared by the terminal operator's finance department, the progressive video gaming terminal summary report shall be forwarded to the finance department by the end of the gaming day on which it is prepared. A representative of the finance department shall be responsible for calculating the correct amount that should appear on a progressive meter. If an adjustment to the progressive meters is necessary, the adjustment shall be made by a member of the video gaming terminal operations department as follows:

(1) Supporting documentation shall be maintained to explain any addition or reduction in the registered amount on the progressive meter. The documentation must include the date, asset number of the video gaming terminal, the amount of the adjustment, and the signatures of the finance department member requesting the adjustment and of the video gaming terminal operations department member making the adjustment.

(2) The adjustment shall be effectuated within 48 hours of the meter reading.

(n) Except as otherwise authorized by this section, a video gaming terminal offering a progressive jackpot that is temporarily removed from the video gaming area shall be returned to active play or replaced in the video gaming area within 5 gaming days. The amount on the progressive meter or meters on the returned or replacement video gaming terminal may not be less than the amount on the progressive meter or meters at the time of removal.

(o) When a video gaming terminal is located adjacent to a video gaming terminal offering a progressive jackpot, the terminal operator shall conspicuously display a notice advising patrons that the video gaming terminal is not participating in the progressive jackpot of the adjacent video gaming terminal.

**§ 1112a.11. Video gaming terminal monitoring systems.**

(a) A terminal operator may utilize a video gaming terminal monitoring system which has an interface between it and video gaming terminals and related systems that has been tested and approved by the Board under § 1112a.4 (relating to submission for testing and approval).

(b) A video gaming terminal monitoring system must comply with 4 Pa.C.S. (relating to amusements), this subpart and technical standards on video gaming terminal monitoring systems adopted by the Board and published in the *Pennsylvania Bulletin* and posted on the Board's web site.

**§ 1112a.12. Remote system access.**

(a) In emergency situations or as an element of technical support, an employee of a licensed manufacturer may perform analysis of, or render technical support with regard to, a terminal operator's video gaming terminal monitoring system, gaming voucher system or other Board-approved system from a remote location.

(b) Remote system access shall be performed in accordance with the provisions on remote system access under § 461a.19 (relating to remote system access).

(c) Prior to granting remote system access, a terminal operator shall establish a system of internal controls applicable to remote system access. The internal controls shall be submitted to and approved by the Board under § 465a.2 (relating to internal control systems and audit protocols). The internal control procedures submitted by the terminal operator shall be designed to protect the physical integrity of the systems in subsection (a) and the related data and be capable of limiting the remote access to the system or systems requiring technical support.

**§ 1112a.13. Video gaming terminals and associated equipment utilizing alterable storage media.**

(a) *Definition.* The following term, when used in this section, has the following meaning, unless the context clearly indicates otherwise:

*Alterable storage media—*

(i) Memory or other storage medium, such as an EE-PROM, flash, optical or magnetic storage device, that is contained in a video gaming terminal or associated equipment subject to approval under § 461a.4 (relating to submission for testing and approval), that allows the modification of programs or data on the storage media during the normal operation of the video gaming terminal or associated equipment.

(ii) The term does not include the following:

(A) Memory or other storage medium typically considered to be alterable but through either software or hardware means approved by the Board have been rendered unalterable and remain verifiable by the central control computer system.

(B) Associated equipment using alterable storage media that the Board determines are incapable of influencing the integrity or outcome of game play.

(b) *Use of alterable storage media.* Any use of alterable storage media in a video gaming terminal or associated equipment must be in compliance with 4 Pa.C.S. Part III (relating to video gaming), this subpart and technical standards on alterable storage media adopted by the Board and published in the *Pennsylvania Bulletin* and posted on the Board's web site.

**§ 1112a.14. Waivers.**

(a) The Board may, on its own initiative, waive one or more of the requirements in this chapter or the technical standards applicable to video gaming terminal and associated equipment adopted by the Board and published in the *Pennsylvania Bulletin* and posted on the Board's web site upon a determination that the nonconforming video gaming terminal or associated equipment or modification as configured meets the operational integrity requirements in 4 Pa.C.S. Part III (relating to video gaming), this subpart and technical standards adopted by the Board and published in the *Pennsylvania Bulletin* and posted on the Board's web site.

(b) A manufacturer may submit a written request to the Board for a waiver for one or more of the requirements in this chapter or the technical standards applicable to video gaming terminal and associated equipment adopted by the Board and published in the *Pennsylvania Bulletin* and posted on the Board's web site. The request must:

(1) Be submitted as a petition under § 493a.4 (relating to petitions generally).

(2) Include supporting documentation demonstrating how the video gaming terminal or associated equipment for which the waiver has been requested will still meet the operational integrity requirements in 4 Pa.C.S. Part III, this subpart and technical standards adopted by the Board and published in the *Pennsylvania Bulletin* and posted on the Board's web site.

(3) Be approved by the Board.

**§ 1112a.15. Disputes.**

(a) If a dispute arises with a patron, the terminal operator shall attempt to resolve the dispute. If the dispute cannot be resolved, the terminal operator shall notify the Bureau of Casino Compliance who will attempt to resolve the dispute. If the dispute is not resolved, the Bureau of Casino Compliance will provide the patron with a Board Patron Dispute/Complaint Form and In-

structions for Submitting a Patron Dispute/Complaint and assist the patron in completing the Board Patron Dispute/Complaint Form.

(b) When a patron files a complaint, the Bureau will conduct an investigation of the complaint.

**§ 1112a.16. Testing and software installation in the live video gaming area.**

(a) Prior to the testing of video gaming terminals, associated equipment and displays in a live video gaming area during a terminal operator's normal hours of operation, the terminal operator shall notify the Bureau of Casino Compliance in writing at least 72 hours prior to the test date and receive the required approvals from the Bureau of Gaming Laboratory Operations prior to beginning testing. The notification must include all of the following:

(1) A detailed narrative description of the type of testing to be conducted, including the reason for the testing, a list of individuals conducting the testing and the terminal operator's procedures for conducting the testing.

(2) The date, time and approximate duration of the testing.

(3) The model, video gaming terminals location number and asset number of the video gaming terminals to be tested.

(4) The location within the licensed facility where the testing will occur.

(b) A terminal operator shall notify the Bureau of Casino Compliance at least 72 hours prior to the installation of any new software or the installation of any change in previously approved software and receive the required approvals prior to the installation of any of the following:

(1) Automated gaming voucher redemption terminals.

(2) Video gaming terminals monitoring systems.

(3) Additional automated bill breaker machines, automated gaming voucher redemption terminals and automated teller machines in the video gaming area.

(4) Gaming voucher systems.

(c) The notification required under subsection (b) must include all of the following:

(1) A description of the reasons for the new installation or change in previously approved software.

(2) A list of the current computer components, software identifications or versions that are to be modified or replaced.

(3) A list of the proposed computer components, software identifications or versions that will modify or replace the existing components or software.

(4) The method to be used to complete the proposed installation.

(5) The date and time that the proposed modification will be installed and the estimated time for completion.

(6) The name, title and employer of the persons performing the installation.

(7) The plan to handle disruptions, if any, to the video gaming area.

(8) The approximate length of time the video gaming area or systems will be disrupted.

(9) Plans for system backup prior to any proposed installation.

**§ 1112a.17. RAM clear.**

(a) When a terminal operator becomes aware of a nonresponsive video gaming terminals, and communication between the video gaming terminals and the central control computer cannot be re-established, the terminal operator shall immediately notify the Department's operator of the central control computer and the Bureau of Casino Compliance. The terminal operator may not do a RAM clear on the affected video gaming terminals or associated equipment until the information on the financial meters has been accurately recorded and provided to the Bureau of Casino Compliance.

(b) For planned RAM clears, the terminal operator shall provide notice to the Department's operator of the central control computer and the Bureau of Casino Compliance at least 48 hours prior to the scheduled RAM clear. A second notice shall be provided to the Department's operator of the central control computer and the Bureau of Casino Compliance immediately prior to actually conducting the RAM clear.

**CHAPTER 1113a. POSSESSION OF VIDEO GAMING TERMINALS**

**Sec.**

1113a.1. Possession of video gaming terminals generally.

1113a.2. Transportation of video gaming terminals into, within and out of this Commonwealth.

1113a.3. Video gaming terminals location in video gaming area.

1113a.4. Notice and connection to the central control computer system.

1113a.5. Video gaming terminal master lists.

1113a.6. Off-premises storage of video gaming terminals.

**§ 1113a.1. Possession of video gaming terminals generally.**

(a) Except as otherwise provided in this section and 18 Pa.C.S. § 5513 (relating to gambling devices, gambling, etc.), a person may not possess any video gaming terminals in this Commonwealth that may be used for gambling activity.

(b) The following persons and any employee or agent acting on their behalf may possess video gaming terminals in this Commonwealth for the purposes described herein provided that video gaming terminals located outside of a licensed facility may not be used for gambling activity:

(1) A terminal operator, for the purpose of maintaining for use, training or operating video gaming terminals in an establishment licensee's facility.

(2) The holder of a manufacturer license for the purpose of manufacturing, exhibiting, demonstrating, training or preparing for transfer to a supplier licensee or terminal operator.

(3) The holder of a manufacturer or supplier license for the purpose of distributing, repairing, servicing, exhibiting or demonstrating video gaming terminals and any training with regard thereto.

(4) An educational institution for the purpose of teaching video gaming terminals design, operation, repair or servicing.

(5) A manufacturer or supplier of video gaming terminals not licensed in this Commonwealth for the limited purpose of temporary exhibition or demonstration.

(6) A common carrier, for the purpose of transporting video gaming terminals in accordance with § 1113a.2 (relating to transportation of video gaming terminals into, within and out of this Commonwealth).

(7) An employee or agent of the Board, the Department, the Pennsylvania State Police or any law enforce-

ment agency of this Commonwealth for the purpose of fulfilling official duties or responsibilities.

(8) Other persons upon a finding that the possession of video gaming terminals by those persons in this Commonwealth is not contrary to the goals and objectives of 4 Pa.C.S. (relating to amusements).

(c) Persons seeking to possess video gaming terminals under subsection (b)(4), (5) and (8) shall submit a petition to the Board as required under § 493a.4 (relating to petitions generally). The petition to the Board must contain all of the following:

- (1) The purpose for having the video gaming terminals.
- (2) The proposed location of the video gaming terminals.
- (3) The time period for which the video gaming terminals will be kept.
- (4) How the video gaming terminals will be secured.
- (d) Requests approved by the Board may be subject to specific terms and conditions imposed by the Board.
- (e) A person authorized to possess video gaming terminals under subsection (d) who wishes to store the video gaming terminals at a location other than the location specified in subsection (c)(2) shall obtain approval from the Board's Executive Director prior to storing the video gaming terminals at the other location.

**§ 1113a.2. Transportation of video gaming terminals into, within and out of this Commonwealth.**

(a) In furtherance of 4 Pa.C.S. § 4502 (relating to declaration of exemption from Federal laws prohibiting video gaming terminals), prior to the transport or movement of a video gaming terminals, into, within or out of this Commonwealth, from one person authorized to possess video gaming terminals under § 1113a.1 (relating to possession of video gaming terminals generally) to another person, the persons causing the video gaming terminals to be transported or moved shall notify the Bureau of Casino Compliance in writing or in an electronic format approved by the Bureau of Casino Compliance. The notice shall be submitted no later than the day the video gaming terminals is transported and must include all of the following information:

- (1) The name and address of the person shipping or moving the video gaming terminals.
- (2) The name and address of the person who owns the video gaming terminals if different from the person shipping or moving the video gaming terminals.
- (3) The name and address of a new owner if ownership is being changed in conjunction with the shipment or movement.
- (4) The method of shipment or movement and the name and address of the common carrier or carriers, if applicable.
- (5) The name and address of the person to whom the video gaming terminals is being sent and the destination of the video gaming terminals if different from that address.
- (6) The quantity of video gaming terminals being shipped or moved and the manufacturer's serial number of each machine.

(7) The expected date and time of delivery to, or removal from, any authorized location in this Commonwealth.

(8) The port of entry, or exit, if any, of the video gaming terminals if the origin or destination of the video gaming terminals is outside the continental United States.

(9) The reason for transporting or moving the video gaming terminals.

(b) In addition to the requirements in subsection (a), if a terminal operator is shipping video gaming terminals to or from the terminal operator's approved, off-premises storage location, the terminal operator shall comply with the requirements in subsection (a) and record the movement in the terminal operator's movement log as required under § 1113a.5(e) (relating to video gaming terminal master lists).

(c) If a video gaming terminal is being transported to the establishment licensee's facility from the terminal operator's approved, off-premises storage location, the terminal operator shall specify in the notice required under subsection (a) whether the video gaming terminals will be placed directly onto the video gaming area or stored off the video gaming area in a restricted area within the establishment licensee's facility.

(d) If a video gaming terminal is being transported to the Bureau of Gaming Laboratory Operations, the notice required under subsection (a) shall also be provided to the Bureau of Gaming Laboratory Operations.

**§ 1113a.3. Video gaming terminals location in video gaming area.**

(a) A video gaming area must consist of one area within an establishment licensee's premises approved by the Board or Executive Director for the placement and operation of all video gaming terminals.

(b) The location of each video gaming terminal must correspond to a specifically identified space in the video gaming area identified numerically and listed on the master list with the identifying asset and serial number of the corresponding video gaming terminal.

**§ 1113a.4. Notice and connection to the central control computer system.**

(a) Prior to utilization for gambling activity, unless otherwise authorized by the Board's Executive Director, a video gaming terminal in a video gaming area must be connected or linked to a central control computer system having the capabilities and in compliance with the terms of 4 Pa.C.S. § 3309 (relating to central control computer system).

(b) To ensure activation or disabling, as appropriate, in the central control computer system and the retrieval of real time meter information from the video gaming terminal table in conjunction with the movement of a video gaming terminal, the terminal operator shall provide the Department with written notice of the video gaming terminal movement, prior to any of the following:

- (1) Placement of a video gaming terminal in a video gaming area.
- (2) Movement of a video gaming terminal location in the video gaming area.
- (3) Removal of a video gaming terminal from the video gaming area.

**§ 1113a.5 Video gaming terminal master lists.**

(a) Prior to the commencement of operations at an establishment licensee's facility, a terminal operator shall file all of the following with the Bureau of Casino Compliance in an electronic format approved by the Bureau of Casino Compliance:

(1) Video Gaming Area Video Gaming Terminal Master List.

(2) Restricted Area/Off Premises Video Gaming Terminal Master List.

(b) A Video Gaming Area Video Gaming Terminal Master List must list all video gaming terminals located in the video gaming area in consecutive order by the device location number under § 1113a.3 (relating to video gaming terminals location in video gaming area) and contain all of the following:

- (1) The date the list was prepared.
- (2) A description of each video gaming terminal that includes all of the following:
  - (i) The location number.
  - (ii) The asset number.
  - (iii) The manufacturer's serial number.
  - (iv) The base denomination, or if configured for multiple denominations, a list of the denominations.
  - (v) The game software/program ID.
  - (vi) The operating system/base ROM.
  - (vii) The manufacturer.
  - (viii) The video gaming terminal model.
  - (ix) The model type (reel or video), if applicable.
  - (x) The game themes/description.
  - (xi) The minimum payout percentage, if applicable.
  - (xii) The machine displayed payout percentage, if applicable.
  - (xiii) The payable ID.
  - (xiv) If the video gaming terminal is a progressive, the type of progressive, the progressive controller type and the progressive software.
  - (xv) The fund transfer/voucher system software.

(c) If a video gaming terminal is configured to allow a patron to select from multiple games or game themes, each game or game theme, minimum and machine displayed payout percentages, if applicable, and payable ID must be listed in the Video Gaming Area Video Gaming Terminal Master List. Instead of listing each game or game theme, minimum and machine displayed payout percentage and payable ID for a video gaming terminal configured to offer multiple game themes with the video gaming terminal, a terminal operator may use a unique generic code for the game theme and attach an appendix which lists the game themes, minimum and machine displayed payout percentages and payable IDs that correspond to each unique generic game theme code.

(d) A Restricted Area/Off Premises Video Gaming Terminal Master List must include all video gaming terminals located off the video gaming area in an approved restricted area within the establishment licensee's facility, or in storage locations in this Commonwealth off the premises of the establishment licensee approved under § 1113a.6 (relating to off-premises storage of video gaming terminals) grouped by the location where the video gaming terminal are located. A Restricted Area/Off Premises Video Gaming Terminal Master List must include all of the following information:

- (1) The date the list was prepared.
- (2) A description of each video gaming terminal that includes all of the following:

- (i) The location of the video gaming terminal.
- (ii) The asset number.
- (iii) The manufacturer's serial number.
- (iv) The game software/program ID.
- (v) The operating system/base ROM.
- (vi) The game theme/description.
- (vii) The manufacturer.
- (viii) The video gaming terminal model.
- (ix) The model type (reel or video), if applicable.

(e) Once a video gaming terminal has been placed in an authorized location in the video gaming area, stored in a restricted area off the video gaming area but within the establishment licensee's facility approved under this section or in a location in this Commonwealth off the premises of the establishment licensee's facility approved under § 1113a.6, all subsequent movements of that video gaming terminal shall be recorded by a terminal operator employee in a video gaming terminal movement log which includes all of the following:

- (1) The asset number and model and manufacturer's serial number of the moved video gaming terminal.
- (2) The date and time of movement.
- (3) The location from which the video gaming terminal was moved.
- (4) The location to which the video gaming terminal was moved.
- (5) The date and time of any required notice to the Department in connection with activation or disabling of the video gaming terminal in the central control computer system.
- (6) The signature of a key employee of the terminal operator verifying the movement of the video gaming terminal in compliance with this section.

(f) Documentation summarizing video gaming terminal movements, as described in subsection (e), shall be submitted to the Bureau of Casino Compliance in an electronic format approved by the Bureau of Casino Compliance on a weekly basis.

(g) On the first Tuesday of each month a terminal operator shall file an updated Video Gaming Area Video Gaming Terminal Master List and an updated Restricted Area/Off Premises Video Gaming Terminal Master List containing the information required under subsections (b)—(d). The Video Gaming Area Video Gaming Terminal Master List and the Restricted Area/Off Premises Video Gaming Terminal Master List shall be filed in an electronic format with the Bureau of Casino Compliance.

(h) Persons authorized by the Board to possess video gaming terminals under § 1113a.1(c) (relating to possession of video gaming terminals generally) shall file with the Bureau of Casino Compliance, in an electronic format approved by the Bureau of Casino Compliance, a complete list of video gaming terminals possessed by the person. The list must comply with all of the following:

- (1) Be denoted as a Video Gaming Terminal Master List.
- (2) Be filed within 3 business days of the initial receipt of video gaming terminals.
- (3) Contain all of the following information:
  - (i) The date on which the list was prepared.

(ii) A description of each video gaming terminal including all of the following:

- (A) The manufacturer.
- (B) The manufacturer's serial number.
- (C) The video gaming terminals model.
- (D) The model type (reel or video), if applicable.
- (E) Whether or not the video gaming terminal is a progressive, and if it is, the type of progressive.

(i) On the first Tuesday of each month following the initial filing of a Video Gaming Terminal Master List, the persons enumerated in subsection (h) shall file with the Bureau of Casino Compliance, in an electronic format approved by the Bureau of Casino Compliance, an updated Video Gaming Terminals Master List containing all of the information required under subsection (h).

**§ 1113a.6. Off-premises storage of video gaming terminals.**

(a) A terminal operator may not store video gaming terminals off the premises of an establishment licensee's facility without prior approval from the Board's Executive Director.

(b) A terminal operator seeking to store video gaming terminals off the premises of an establishment licensee's facility shall submit a written request to the Bureau of Casino Compliance for off premise storage. The written request must include all of the following:

- (1) The location and a physical description of the proposed storage facility.
- (2) A description of the type of surveillance system that has been or will be installed at the proposed storage facility.
- (3) The plan to provide 24-hour, 7-day a week security at the proposed storage facility.
- (4) The anticipated number of video gaming terminals that may be stored at the proposed storage facility.

(c) Before the Board's Executive Director will act on a request for off premise storage of video gaming terminals, the Bureau of Casino Compliance will inspect the proposed storage facility.

(d) The Board's Executive Director will approve or disapprove requests within 60 days. Requests approved by the Board's Executive Director may be subject to specific terms and conditions imposed by the Board's Executive Director.

**CHAPTER 1114a. ACCOUNTING AND INTERNAL CONTROLS**

Sec.  
1114a.1. Video gaming accounting and internal controls.

**§ 1114a.1. Video gaming accounting and internal controls.**

(a) At least 90 days before the commencement of video gaming, a terminal operator licensee or an applicant for a terminal operator license shall submit to the Board for approval all internal control systems and audit protocols for the video gaming operations.

(b) A terminal operator licensee's internal controls and audit protocols must include all of the following:

- (1) Provide for reliable records, accounts and reports of any financial event that occurs in the conduct of video gaming, including reports to the Board related to video gaming.

(2) Provide for accurate and reliable financial records related to the conduct of video gaming.

(3) Establish procedures and security for the recordation of wagering, winnings, gross terminal revenue and taxation.

(4) Establish procedures and security standards for the maintenance of video gaming terminals and associated equipment used in connection with the conduct of video gaming.

(5) Establish procedures and rules to govern the conduct of video gaming and the responsibility of employees related to video gaming.

(6) Establish procedures for the collection, recording and deposit of revenue from the conduct of video gaming.

(7) Establish reporting procedures and records required to ensure that all money generated from video gaming is accounted for.

(8) Ensure that all functions, duties and responsibilities related to video gaming are appropriately segregated and performed in accordance with sound financial practices by qualified employees.

(9) Permit access to the establishment licensee premises and terminal operator premises used in connection with video gaming for the Board, the Bureau, the Department and the Pennsylvania State Police to facilitate the ability to perform regulatory oversight and law enforcement functions, respectively.

(c) The submission required under subsection (a) must include a detailed description of the terminal operator's administrative and accounting procedures related to video gaming, including its written system of internal controls which must include:

(1) An organizational chart depicting appropriate functions and responsibilities of employees involved in video gaming.

(2) A description of the duties and responsibilities of each position shown on the organizational chart.

(3) The record retention policy of the terminal operator.

(4) The procedure to be utilized to ensure that money generated from the conduct of video gaming is safeguarded, including mandatory counting and recording procedures.

(5) An overview and description of the video gaming terminal monitoring system used by the terminal operator licensee, including:

(i) The name of the system being utilized, and the gaming equipment connected to the system.

(ii) The procedures and reports utilized by the terminal operator to calculate gross terminal revenue.

(6) The procedures and controls for ensuring that video gaming terminals directly provide and communicate all required activities and financial details to the central control computer system as established by the Board.

(7) Procedures to ensure that recorded accountability for assets is compared with actual assets at intervals required by the Board and appropriate action is taken with respect to discrepancies.

(8) Procedures to be utilized by an employee of a terminal operator and establishment licensee in the event of a malfunction of a video gaming terminal that fails to

dispense a redemption ticket, or of a redemption terminal which fails to dispense cash upon redemption of the ticket.

(9) Procedures to be utilized by an establishment to prevent minors from entering the video gaming area, which include acceptable documentation relating to proof of age and the examination of these documents by a responsible employee.

(10) Other items the Board may request in writing to be included in the internal controls.

(d) Prior to authorizing a terminal operator licensee to commence the conduct of video gaming, the Board will review the system of internal controls and audit protocols submitted under subsection (a) to determine whether it conforms to the requirements in this chapter and whether it provides adequate and effective controls for the conduct of video gaming.

(e) If a terminal operator licensee intends to make a change or amendment to its system of internal controls, it shall submit the change or amendment electronically to the Bureau of Gaming Operations in a manner prescribed by the Bureau of Gaming Operations. The terminal operator licensee may implement the change or amendment on the 30th calendar day following the filing of a complete submission unless the terminal operator licensee receives written notice tolling the change or amendment in accordance with subsection (f) or written notice from the Board's Executive Director rejecting the change or amendment.

(f) If during the 30-day review period in subsection (e), the Bureau of Gaming Operations preliminarily determines that a procedure in a submission contains an insufficiency likely to negatively affect the integrity of video gaming or the control of revenue generated from video gaming, the Bureau of Gaming Operations, by written notice to the terminal operator licensee, will do all of the following:

(1) Specify the nature of the insufficiency and, when possible, an acceptable alternative procedure.

(2) Direct that the 30-calendar day review period in subsection (e) be tolled and that any internal controls at issue not be implemented until approved.

(g) Examples of submissions that may contain an insufficiency likely to negatively affect the integrity of video gaming include the following:

(1) Submissions that fail to provide information sufficient to permit the review of video gaming.

(2) Submissions that fail to provide for the segregation of incompatible functions so that an employee is not in a position to commit an error or perpetrate a fraud and conceal the error or fraud in the normal course of the employee's duties.

(3) Submissions that do not include forms or other materials referenced in the submission or required under 4 Pa.C.S. (relating to amusements) or this part.

(4) Submissions that would implement operations or accounting procedures not authorized by 4 Pa.C.S. or this part.

(5) Submissions that are dependent upon the use of equipment or related devices or software not approved by the Board unless the submissions are required as part of an authorized test of the equipment or related device or software.

(h) Whenever a change or amendment has been tolled under subsection (f), the terminal operator licensee may submit a revised change or amendment within 30 days of receipt of the written notice from the Bureau of Gaming Operations. The terminal operator licensee may implement the revised change or amendment upon receipt of written notice of approval from the Board's Executive Director or on the 30th calendar day following the filing of the revision unless the terminal operator licensee receives written notice tolling the change or amendment in accordance with subsection (f) or written notice from the Board's Executive Director rejecting the change or amendment.

#### CHAPTER 1115a. RECORD RETENTION

Sec.

1115a.1. Video gaming record retention.

##### § 1115a.1. Video gaming record retention.

(a) For the purposes of this section, "books, records and documents" means any book, record or document pertaining to, prepared in or generated by the operation of video gaming by a terminal operator licensee or an establishment licensee including all forms, reports, accounting records, ledgers, subsidiary records, computer generated data, internal audit records, correspondence and personnel records.

(b) As a condition of continued operation, a terminal operator licensee or an establishment licensee shall agree to maintain all books, records and documents pertaining to the conduct of video gaming in a manner and location in this Commonwealth as approved by the Board. All books, records and documents must meet all of the following:

(1) Be organized in a manner to clearly depict by separate records the total amount of money wagered and paid as winnings in all video gaming activity.

(2) Be segregated by separate accounts within the terminal operator licensee or establishment licensee's books, records and documents.

(3) Be immediately available for inspection upon request of the Board, the Bureau, the Department, the Pennsylvania State Police or the Attorney General, or agents thereof, during all hours of operation of video gaming by a terminal operator licensee or establishment licensee.

(4) Be prepared and maintained in a complete, accurate and legible form. Electronic data must be stored in a format that ensures readability, regardless of whether the technology or software that created or maintained it has become obsolete.

(5) Be retained in a secure location by a terminal operator licensee or establishment licensee that is equipped with a fire suppression system or in a fire proof location on the premises.

(6) Be organized and indexed in a manner to provide immediate accessibility to the Board, the Bureau, the Department, the Pennsylvania State Police or the Attorney General, or agents thereof.

(7) Be destroyed only after expiration of the minimum retention period of 5 years, unless the Board, upon the written request of a terminal operator licensee or an establishment licensee and for good cause shown, permits the destruction at an earlier date.



**CHAPTER 1116a. CONDUCT OF VIDEO GAMING**

Sec.

- 1116a.1. Video gaming area.
- 1116a.2. Video gaming terminals.
- 1116a.3. Redemption terminals.
- 1116a.4. Automated teller machines.
- 1116a.5. Commencement of video gaming generally.
- 1116a.6. Establishment licensee restrictions.
- 1116a.7. Terminal operator licensee restrictions.
- 1116a.8. Restriction on wagering.
- 1116a.9. Surveillance system standards.

**§ 1116a.1. Video gaming area.**

(a) A video gaming area must be within an establishment licensee's premises and it must be separate and distinct through the installation of a physical barrier from a convenience store or other amenity available to patrons under 21 years of age.

(b) An establishment licensee shall notify and receive approval of the Board, the Bureau or designated staff of the Board prior to making any modification to the video gaming area.

(c) An establishment licensee shall provide all of the following:

(1) The entrance to the video gaming area and the conduct of video gaming are visible to at least one employee of the establishment licensee who holds an occupation permit.

(2) The video gaming area must have one entrance point which serves as the exit point.

(3) The video gaming area must be separated from the remaining establishment premises by a physical barrier which may consist of a wall, partition, gate or other barrier which may not obstruct the view of the conduct of video gaming by an employee who holds an occupation permit.

(4) The video gaming area shall, at all times, be monitored, either directly or through live monitoring of video surveillance, by an employee of the establishment licensee who is at least 18 years of age, holds an occupation permit and has completed mandatory training relating to compulsive and problem gambling.

(5) Every employee of the establishment licensee who has a valid occupation permit issued by the Board and who has duties which include monitoring the video gaming area of an establishment licensee shall display the Board-issued occupation permit credential on the outer clothing in a manner clearly visible to patrons and security and surveillance cameras.

(6) Every employee of a terminal operator who has a valid occupation permit issued by the Board and who has duties which require him to enter a video gaming area of an establishment licensee shall, while on the premises of an establishment licensee, display the Board-issued occupation permit credential on the outer clothing in a manner clearly visible to patrons and security and surveillance cameras.

(d) A video gaming area must have at least one redemption terminal which must be the sole and exclusive method to exchange a redemption ticket for cash.

(e) An establishment licensee shall prominently display in a place and manner conspicuous to all patrons entering and exiting the video gaming area signs containing the following statement printed in bold lettering of sufficient size to be visible and readable: "The video gaming area including the entrance and exit is subject to surveillance and video recording."

(f) A video gaming area must comply with §§ 1118a.1 and 1118a.2 (relating to signage requirements; and problem gambling information).

(g) A video gaming area must have a sign prominently displayed that sets forth the maximum wager amount and maximum prize per individual game as set forth in the act.

**§ 1116a.2. Video gaming terminals.**

(a) A terminal operator licensee may place up to five video gaming terminals in the video gaming area of an establishment licensee.

(b) A video gaming terminal may not be made available for use prior to being tested and certified by the Board as meeting the requirements in 4 Pa.C.S. § 3701 (relating to testing and certification of terminals).

(c) Video gaming terminals may not have the ability to dispense cash, tokens or anything of value, except redemption tickets which shall only be exchangeable at a redemption terminal or reinserted into another video gaming terminal in the same video gaming area.

**§ 1116a.3. Redemption terminals.**

(a) A terminal operator licensee shall place at least one redemption terminal in the video gaming area of an establishment licensee.

(b) A redemption terminal in a video gaming area must be equipped with an integrated camera which must record the image of all persons using the redemption terminal and maintain those images for a minimum period of 30 days, or the surveillance system utilized in the video gaming area must have camera coverage of the redemption terminal that makes it possible to identify the individual using the redemption terminal.

(c) A redemption terminal may not be made available for use prior to being tested and certified by the Board as meeting the requirements in 4 Pa.C.S. § 3701 (relating to testing and certification of terminals).

(d) The redemption terminal must only accept redemption tickets from video gaming terminals in the same video gaming area.

(e) Redemption tickets shall only be exchanged for cash through a redemption terminal located within the same video gaming area.

**§ 1116a.4. Automated teller machines.**

(a) Automated teller machines may be placed at any location within an establishment licensee's facility. Automated teller machines that offer credit card advances may not be placed in the video gaming area.

(b) An automated teller machine in a video gaming area must be equipped with an integrated camera which must record the image of all persons using the automated teller machine and maintain those images for a minimum period of 30 days, or the surveillance system utilized in the video gaming area must have camera coverage of the automated teller machine that makes it possible to identify the individual using the automated teller machine.

(c) An automated teller machine located in the video gaming area must have a label on the top and front of the automated teller machine that displays a unique identification number of the automated teller machine. The labels must have white lettering on a dark-colored background, may not be easily removed and must be easily visible by surveillance equipment. The label on the top of the automated teller machine must be at least 1.5 inches

by 5.5 inches and the label on the front of the automated teller machine must be at least 1 inch by 2.5 inches.

(d) Automated teller machines located within a video gaming area may not accept ACCESS/Electronic Benefits Transfer Cards.

**§ 1116a.5. Commencement of video gaming generally.**

(a) Prior to offering video gaming terminals, a terminal operator shall demonstrate all of the following:

(1) The video gaming area complies in all respects with 4 Pa.C.S. Part III (relating to video gaming), this subpart and any technical standards adopted by the Board and published in the *Pennsylvania Bulletin* and posted on the Board's web site.

(2) Video gaming terminals utilized in the conduct of video gaming have been tested and approved by the Board in compliance with 4 Pa.C.S. Part III, this subpart and technical standards adopted by the Board and published in the *Pennsylvania Bulletin* and posted on the Board's web site.

(3) The video gaming area has been approved by the Board in compliance with 4 Pa.C.S. Part III, this subpart and technical standards adopted by the Board and published in the *Pennsylvania Bulletin* and posted on the Board's web site.

(4) The terminal operator licensee's internal control systems and audit protocols have been approved by the Board in compliance with 4 Pa.C.S. Part III, this subpart and technical standards adopted by the Board and published in the *Pennsylvania Bulletin* and posted on the Board's web site.

(5) The terminal operator licensee is prepared to implement necessary management controls, surveillance and security precautions to insure the efficient conduct of video gaming.

(6) The terminal operator licensee and establishment licensee's employees are licensed or permitted by the Board and trained in the performance of their responsibilities.

(b) Upon a terminal operator licensee and an establishment licensee meeting the criteria in subsection (a), the Board may authorize the date and time at which the establishment licensee may commence video gaming in the video gaming area.

**§ 1116a.6. Establishment licensee restrictions.**

(a) An establishment licensee may not permit a person under 21 years of age to play a video gaming terminal or enter the video gaming area.

(b) An establishment licensee may not offer or provide an incentive to a person to engage in video gaming activity.

(c) An establishment licensee may not permit a visibly intoxicated person to play a video gaming terminal.

(d) An establishment licensee may not extend credit or accept a credit card or debit card for play of a video gaming terminal.

(e) An establishment licensee may not make structural alterations or significant renovations to a video gaming area unless the establishment licensee has notified the terminal operator licensee and obtained prior approval from the Board.

(f) An establishment licensee may not move a video gaming terminal or redemption unit after installation by a terminal operator licensee.

**§ 1116a.7. Terminal operator licensee restrictions.**

(a) No more than five video gaming terminals may be placed on the premises of an establishment licensee.

(b) Redemption tickets may only be redeemed for cash through a ticket redemption terminal located in the same video gaming area or reinserted into another video gaming terminal in the same video gaming area for continued play.

(c) Video gaming terminals located in the video gaming area of an establishment licensee must be placed and operated under a terminal placement agreement approved by the Board.

(d) A terminal operator licensee may not offer or provide an incentive to a person to engage in video gaming activity.

(e) A terminal operator licensee may not extend credit or accept a credit card or debit card for play of a video gaming terminal.

(f) A terminal operator licensee may not give or offer to give, directly or indirectly, any type of inducement to a truck stop establishment to secure or maintain a terminal operator placement agreement. For purposes of this subsection, an "inducement" may not include payment by a terminal operator licensee for the actual costs of renovating an existing area of the footprint of the truck stop establishment for the purpose of making the video gaming area and associated areas available for the conduct of video gaming. The term, as used in this subsection, does not include making the area operate at the premises including wiring, rewiring, software updates, ongoing video gaming terminal maintenance, redemption terminals, network connections, site controllers and costs associated with communicating with the central control computer system, as well as renovations to include flooring, lighting and barriers. Nothing in this section shall preclude a truck stop establishment from making further modifications to its facility to accommodate video gaming terminal.

(g) A terminal operator licensee may not give an establishment licensee a percentage of gross terminal revenue other than 15% of the gross terminal revenue of the video gaming terminals operating in the establishment licensee's premises.

(h) A terminal operator licensee may not operate, install or otherwise make available for public use a video gaming terminal or redemption terminal that has not been obtained from a manufacturer licensee or supplier licensee.

(i) A terminal operator licensee may not make structural alterations or significant renovations to a video gaming area unless the terminal operator licensee has notified the establishment licensee and obtained prior approval from the Board.

(j) A terminal operator licensee may not move a video gaming terminal or redemption unit after installation unless prior approval of the Board is obtained.

**§ 1116a.8. Restriction on wagering.**

(a) An individual who holds a license, occupation permit or registration and is currently employed by or is a principal associated with an establishment licensee may not wager at a video gaming terminal in the establishment where the individual is employed or associated.

(b) An individual who holds a license, occupation permit or registration and is currently employed by or is a principal associated with a terminal operator licensee, manufacturer licensee or supplier licensee may not wager at any video gaming terminal in a truck stop establishment at which the individual operates, services, or installs video gaming terminals or associated equipment.

**§ 1116a.9. Surveillance system standards.**

(a) In accordance with § 1116.5(a)(5) (relating to commencement of video gaming generally), the terminal operator licensee or establishment licensee shall implement all necessary surveillance systems in each establishment in which video gaming is offered prior to the commencement of video gaming.

(b) The surveillance systems implemented in each establishment shall, at a minimum, provide for the following:

(1) Must operate on a 24-hours per day, 7-days per week basis.

(2) Must be capable of recording all activity in images clearly displaying facial detail of players, as well as details of the video gaming terminals, redemption terminals, automated teller machines and all other areas as require by Board regulation.

(3) Must be capable of recording and storing all images by each surveillance camera for a minimum of 30 days in a format that may be easily accessed for investigative purposes.

(i) If a proprietary video player for the recording and playback of surveillance footage is used, a terminal operator shall provide the necessary program files to the Board or Bureau upon request of surveillance footage for investigative purposes.

(4) Must provide the Board and the Bureau with remote access to the surveillance system to view surveillance footage in real-time.

(5) Must be capable of clearly and accurately displaying the time and date, synchronized and set correctly, which shall not significantly obscure the surveillance footage.

(6) Must be capable of operating under normal lighting conditions, with the entire area covered by the surveillance system having lights on 24-hours per day, 7-days per week.

(7) Must be capable of producing a clear, still photograph or video in digital format that can be provided in unaltered form within 2 business days following a request by the Board or the Bureau.

(8) Must undergo quarterly maintenance inspections to ensure that any repairs, alterations or upgrades to the surveillance system are made for the proper operation of the system.

(c) If a terminal operator or establishment licensee has been notified by the Board, the Bureau, or law enforcement of a pending criminal or administrative investigation for which a recording may contain relevant information, the terminal operator or establishment licensee shall retain an unaltered copy of the recording until the investigation or proceeding is closed or the entity conducting the investigation or proceeding notifies the terminal operator or establishment licensee that it is not necessary to retain the recording.

(d) A terminal operator or establishment licensee shall make available to the Board or its authorized agents,

upon request, a current list of authorized employees and service employees or contractors who may have access to any of the surveillance areas.

(e) A terminal operator may have a centralized location for the server and surveillance room for the establishments in which video gaming is operated if the terminal operator also places the necessary equipment in each establishment so that the surveillance footage may also be viewed onsite.

(f) The terminal operator may provide remote, real-time access to the surveillance system to the owner or operator of the establishment.

(g) The terminal operator or establishment licensee shall notify the Bureau of Casino Compliance within 1 hour of any incident of equipment failure within the surveillance system, including the time and cause of the malfunction, if known.

(h) If at any time surveillance coverage of the video gaming area cannot be maintained, the video gaming area shall be closed, unless approved by the Board.

**CHAPTER 1117a. VIDEO TERMINAL PLACEMENT AGREEMENTS**

Sec.

1117a.1. Board approval of video terminal placement agreements.

1117a.2. Minimum standards for terminal placement agreements.

**§ 1117a.1. Board approval of video terminal placement agreements.**

A terminal operator licensee may not place and operate video gaming terminals on the premises of an establishment licensee unless under a terminal placement agreement approved by the Board.

**§ 1117a.2. Minimum standards for terminal placement agreements.**

(a) A terminal placement agreement submitted to the Board for approval must include all of the following:

(1) A provision that the term of the terminal placement agreement shall be valid for a minimum of 60 months and may not exceed 120 months.

(2) A provision that renders the terminal placement agreement invalid if either the terminal operator license or terminal operator application or the establishment license or the establishment license application is denied, revoked, not renewed, withdrawn or surrendered.

(3) A provision that provides the establishment licensee shall receive 15% of gross terminal revenue from each video gaming terminal located on the premises of the establishment licensee.

(4) The identity of the person who solicited the terminal placement agreement on behalf of a terminal operator licensee or applicant.

(5) Signatures of a representative authorized to bind an applicant for an establishment license or an establishment licensee and a representative authorized to bind an applicant for a terminal operator license or a terminal operator licensee.

(6) A provision acknowledging that a terminal placement agreement may not be transferred or assigned without prior notice to the Board and verification that the individual or entity making the assignment is either a terminal operator applicant or terminal operator licensee and the individual or entity receiving the assignment of the terminal placement agreement is either a terminal operator applicant or terminal operator licensee.

(b) A terminal placement agreement entered into by a truck stop establishment prior to October 31, 2017, with a person or entity for the placement, operation, service or maintenance of video gaming terminals, including an agreement granting a person or entity the right to enter into an agreement or match any offer made after October 31, 2017, is void and will not be approved by the Board.

#### CHAPTER 1118a. COMPULSIVE AND PROBLEM GAMING

Sec.

- 1118a.1. Signage requirements.
- 1118a.2. Problem gambling information.
- 1118a.3. Problem gambling training.
- 1118a.4. Advertising
- 1118a.5. Penalties.

##### § 1118a.1. Signage requirements.

(a) An establishment licensee shall conspicuously post signs that include a statement providing all of the following:

(1) "If you or someone you know has a gambling problem, help is available. Call (1-800-GAMBLER)."

(2) At least one sign as provided in paragraph (1) shall be posted within the video gaming area and at least one sign shall be posted above or below the cash dispensing opening on each automated teller machine within the establishment licensee's premises.

(b) An establishment licensee shall post signs that include a statement providing all of the following:

(1) "It is unlawful for any individual under 21 years of age to enter. Individuals violating this prohibition will be removed and may be subject to arrest and criminal prosecution."

(2) The sign as provided in paragraph (1) shall be prominently posted at the entrance to a video gaming area.

##### § 1118a.2. Problem gambling information.

An establishment licensee shall make available materials provided by the Board regarding compulsive and problem gaming as approved by the Board. The material shall be displayed conspicuously within the video gaming area of each establishment licensee.

##### § 1118a.3. Problem gambling training.

(a) The Board will provide a mandatory training program addressing responsible gaming and compulsive and problem gambling issues for employees and management of an establishment licensee who oversee the establishment licensee's video gaming area.

(b) Establishment licensees shall pay a fee assessed by the Board to reimburse the Board for the cost of annual training to establishment licensee's employees and management subject to the training.

(c) At least one employee of the establishment licensee who holds a valid occupation permit and has successfully completed the training program shall be located on the premises and supervising the video gaming area during all times the video gaming terminals are available for play.

(d) Employees are required to receive the training at least once every calendar year.

(e) *Employee Training Verification:*

(1) The Office of Compulsive and Problem Gambling will provide a verification form template to each terminal operator licensee or may allow for another approved method of verification.

(2) Verifications will be maintained by the establishment licensee or the terminal operator licensee. The training verification must be completed by employee who receives the training.

(3) Each employee must provide the date of training completion, the employee's name and signature verifying the employee received the training.

##### § 1118a.4. Advertising.

(a) Advertisements related to video gaming used by a terminal operator or establishment licensee or its agent may not:

(1) Contain false or misleading information.

(2) Fail to disclose conditions or limiting factors associated with the advertisement.

(3) Use a font, type size, location, lighting, illustration, graphic depiction or color obscuring conditions or limiting factors associated with the advertisement or the statement required under subsection (b).

(b) Advertisements must contain a gambling assistance message that is similar to one of the following:

(1) If you or someone you know has a gambling problem, help is available. Call (toll free telephone number).

(2) Gambling Problem? Call (toll free telephone number).

(3) The text of the gambling assistance message and the font to be used for the statement must comply with in § 501a.7(e) (relating to advertising).

(c) A terminal operator or establishment licensee or its agent shall discontinue as expeditiously as possible the use of a particular advertisement upon receipt of written notice that the Board's Office of Compulsive and Problem Gaming has determined that the use of the particular advertisement in this Commonwealth could adversely impact the public or the integrity of video gaming.

##### § 1118a.5. Penalties.

An establishment licensee that fails to fulfill any of the requirements in this chapter shall be assessed an administrative penalty and may have its establishment license suspended by the Board.

#### CHAPTER 1119a. SELF-EXCLUSION

Sec.

- 1119a.1. Scope.
- 1119a.2. Definitions.
- 1119a.3. Requests for video gaming self-exclusion.
- 1119a.4. Video gaming self-exclusion list.
- 1119a.5. Duties of video gaming establishment licensees.
- 1119a.6. Removal from video gaming self-exclusion list.
- 1119a.7. Exceptions for individuals on the video gaming self-exclusion list.
- 1119a.8. Disclosures of information related to persons on the self-exclusion list.

##### § 1119a.1. Scope.

The purpose of this chapter is to provide players with a process to self-exclude from video gaming activities in this Commonwealth and detail the process by which individuals may self-exclude themselves from video gaming activity and restore their ability to participate in video gaming activity in this Commonwealth.

##### § 1119a.2. Definitions.

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

*OCPG*—The Office of Compulsive and Program Gambling of the Board.

*Video gaming activity*—The play of video gaming terminals at the premises of an establishment licensee.

*Video gaming related activity*—An activity related to the play of video gaming terminals including applying for player club memberships or credit, cashing checks, or accepting a complimentary gift, service, promotional item or other thing of value at an establishment licensee's premises.

*Video gaming self-excluded person*—A person whose name and identifying information is included, at the person's own request, on the video gaming self-exclusion list maintained by the Board.

*Video gaming self-exclusion list*—A list of names and identifying information of persons who, under this chapter, have voluntarily agreed to all of the following:

- (i) Excluded from the video gaming area where video gaming activity is conducted.
- (ii) Excluded from engaging in all video gaming related activities at an establishment licensee's facility.
- (iii) Prohibited from collecting any winnings or recovering any losses resulting from video gaming activity.

*Winnings*—Any money or thing of value received from, or owed by, an establishment licensee or terminal operator licensee as a result of a fully executed video gaming transaction.

### § 1119a.3. Requests for video gaming self-exclusion.

(a) A person requesting placement on the video gaming self-exclusion list shall submit a completed Request for Voluntary Self-Exclusion from Gaming Activities Form to the Board by one of the following methods:

- (1) Electronically on the Board's web site.
- (2) In person by scheduling an appointment at the Board's Harrisburg office, one of the Board's other offices or at a licensed facility. To make an appointment, a person shall contact the OCPG at (717) 346-8300 or [problemgambling@pa.gov](mailto:problemgambling@pa.gov).
- (b) A request for video gaming self-exclusion must include all of the following identifying information:
  - (1) Name, including any aliases or nicknames.
  - (2) Date of birth.
  - (3) Address of current residence.
  - (4) Telephone number.
  - (5) Social Security number, when voluntarily provided in accordance with section 7 of the Privacy Act of 1974 (5 U.S.C.A. § 552a). At a minimum, the last 4 digits of the Social Security number must be provided.
  - (6) Physical description of the person, including height, gender, hair color, eye color and any other physical characteristic that may assist in the identification of the person.

(c) The information provided in subsection (b) shall be updated by the video gaming self-excluded person within

30 days of a change. Updated information shall be submitted on a Change of Information Form to the following address. A copy of the form can be obtained by calling the OCPG at (717) 346-8300, by e-mail at [problemgambling@pa.gov](mailto:problemgambling@pa.gov), or by writing to:

PENNSYLVANIA GAMING CONTROL BOARD  
OFFICE OF COMPULSIVE AND  
PROBLEM GAMBLING  
P.O. BOX 69060  
HARRISBURG, PA 17106-9060

(d) The length of video gaming self-exclusion requested by a person must be one of the following:

- (1) One year (12 months).
- (2) Five years.
- (3) Lifetime.

(e) A request for self-exclusion from video gaming activities in this Commonwealth must include a signed release which:

- (1) Acknowledges that the request for video gaming self-exclusion has been made voluntarily.
- (2) Certifies that the information provided in the request for video gaming self-exclusion is true and accurate.
- (3) Acknowledges that the individual requesting video gaming self-exclusion is or may be a problem gambler.
- (4) Acknowledges that a person requesting a lifetime exclusion may only request removal from the video gaming self-exclusion list in accordance with the procedures set forth in § 1119a.6 (relating to removal from the video gaming self-exclusion list) and that a person requesting a 1-year or 5-year exclusion will remain on the video gaming self-exclusion list until the period of exclusion expires, unless removed from the list pursuant to the provisions of § 1119a.6(b).
- (5) Acknowledges that if the individual is discovered participating in video gaming that individual's winnings will be subject to confiscation and remittance to support compulsive and problem gambling programs.

(6) Releases, indemnifies, holds harmless and forever discharges the Commonwealth, the Board and all terminal operator licensees and establishment licensees from claims, damages, losses, expenses or liability arising out of, by reason of or relating to the self-excluded person or to any other party for any harm, monetary or otherwise, which may arise as a result of one or more of the following:

(i) The failure of a terminal operator licensee or establishment licensee to withhold video gaming privileges from or restore video gaming privileges to a video gaming self-excluded person.

(ii) Otherwise permitting or not permitting a video gaming self-excluded person to engage in video gaming activities in this Commonwealth while on the list of video gaming self-excluded persons.

(iii) Confiscation of the individual's winnings.

(f) A person submitting a video gaming self-exclusion request shall present or submit electronically a copy of that person's valid government-issued identification containing the person's signature and photograph when the person submits the request, or if the person does not possess a valid government-issued identification, some other documentation to verify the identity of the person (for example, a utility or other bill in the person's name at the same address provided).

(g) A person requesting self-exclusion under this chapter shall upload a photo of his current valid government-issued photo identification during self-exclusion enrollment.

**§ 1119a.4. Video gaming self-exclusion list.**

(a) The Board will maintain the video gaming self-exclusion list and will make all necessary additions or deletions within 5 business days of the verification of the information received under § 1119a.3 (relating to requests for video gaming self-exclusion) and shall make the video gaming self-exclusion list available to terminal operator licensees and establishment licensees electronically by the Board's self-exclusion system.

(b) The information made available to terminal operator licensees and establishment licensees by the Board's self-exclusion system will include the following information concerning a person who has been added to the video gaming self-exclusion list:

- (1) Name, including any aliases or nicknames.
- (2) Date of birth.
- (3) Address of current residence.
- (4) Telephone number.

(5) Social Security number, when voluntarily provided by the person requesting video gaming self-exclusion under section 7 of the Privacy Act of 1974 (5 U.S.C.A. § 552a). At a minimum, the last 4 digits of the Social Security number will be provided.

(6) Physical description of the person, including height, gender, hair color, eye color and other physical characteristic, that may assist in the identification of the person.

(c) The information made available to terminal operator licensees and establishment licensees by the Board concerning a person whose name has been removed from the video gaming self-exclusion list will include the name and date of birth of the person.

(d) A terminal operator licensee and establishment licensee shall maintain a copy of the video gaming self-exclusion list and establish procedures to ensure that the copy of the video gaming self-exclusion list is updated at least every 2 business days with the information made available by the Board's self-exclusion system and that all appropriate employees and agents of the establishment licensee are notified of any additions to or deletions from the list.

(e) Information furnished to or obtained by the Board under this chapter will be deemed confidential and will not be disclosed except in accordance with this chapter.

(f) Terminal operator licensees and establishment licensees, employees or agents thereof may not disclose the name of, or any information about, a person who has requested self-exclusion from video gaming to anyone other than employees and agents of the terminal operator licensee or establishment licensee whose duties and functions require access to the information. Notwithstanding the foregoing, a terminal operator licensee or establishment licensee may disclose the identity of a video gaming self-excluded person to appropriate employees of affiliated gaming entities in this or other jurisdictions for the limited purpose of assisting in the proper administration of responsible gaming programs.

(g) A video gaming self-excluded person may not collect in any manner or in any proceeding any winnings or recover any losses arising as a result of any video gaming

activity for the entire period of time that the person is on the Board's video gaming self-exclusion list.

(h) Winnings incurred by a video gaming self-excluded person shall be remitted to the Board to support compulsive and problem gambling programs of the Board.

(i) For the purposes of this section, winnings issued to, found on or about or redeemed by a video gaming self-excluded person shall be presumed to constitute winnings subject to remittance to the Board.

**§ 1119a.5. Duties of video gaming establishment licensees.**

(a) An establishment licensee shall train its employees and establish procedures to do all of the following:

(1) Identify a video gaming self-excluded person when present in the video gaming area and, upon identification, immediately notify employees of the establishment licensee whose duties include the removal of video gaming self-excluded persons.

(2) Deny video gaming related activities to a video gaming self-excluded person.

(3) Ensure that video gaming self-excluded persons do not receive, either from the video gaming establishment licensee or any agent thereof, targeted advertisements of video gaming activities at its premises.

(4) Notify the Pennsylvania State Police and the Bureau of the presence of a video gaming self-excluded person in the video gaming area.

(5) Prepare a report of the presence of a video gaming self-excluded person in a video gaming area on a form provided by the Board and to submit that completed form to the OCPG and the Bureau within 24 hours for each occurrence of a video gaming self-excluded person being present in a video gaming area, which may be submitted by the terminal operator.

(6) Make available to patrons written materials provided by the OCPG explaining the video gaming self-exclusion program.

(b) The list of video gaming self-excluded persons is confidential, and any distribution of the list to an unauthorized source constitutes a violation of 4 Pa.C.S. Part III (relating to video gaming).

**§ 1119a.6. Removal from the video gaming self-exclusion list.**

(a) For individuals who are on the video gaming self-exclusion list for 1 year or 5 years, upon the conclusion of the period of self-exclusion, the individual will be removed from the video gaming self-exclusion list without further action on the individual's part.

(b) For individuals who have elected to be video gaming self-excluded for less than lifetime but has not yet reached the date of completion of the selected self-exclusion period, the individual may be removed from the video gaming self-exclusion list if all of the following has occurred:

(1) The individual has filed a petition with the Board's Office of Hearings and appeals requesting to be removed from the video gaming self-exclusion list.

(2) The individual has presented facts and circumstances which, in the Board's discretion, demonstrate a compelling reason for the Board to grant early removal from the video gaming self-exclusion list.

(3) The Board has found by a preponderance of the evidence that the person should be removed from the video gaming self-exclusion list and issues an order to that effect.

(c) For individuals who selected lifetime video gaming self-exclusion under § 1119a.3(d)(3) (relating to requests for video gaming self-exclusion):

(1) After being on the video gaming self-exclusion list for a period of 10 years, the individual may petition the Board to be removed from the video gaming self-exclusion list.

(2) The petition shall be filed with the Board in writing, and shall be accompanied by all of the following:

(i) Documentation from a treatment provider who is certified by the International Gambling Counselor Certification Board or who has received a Problem Gambling Endorsement from the Pennsylvania Certification Board to conduct problem gambling assessments that the individual has completed a problem gambling assessment.

(ii) Documentation from a treatment provider that the individual has completed the treatment recommendation, if any, made after the assessment by the state-funded problem gambling treatment provider.

(3) After the petition is filed, the OCPG will provide documentation to the Office of Enforcement Counsel regarding whether the individual has been known to engage in or attempt to engage in video gaming while self-excluded, including dates and times.

(4) The petition shall be handled in accordance with the procedures for petitions found in Subpart H of the Board's regulations, including all confidentiality provisions.

(5) As the petitioner, the video gaming self-excluded individual filing the petition for removal from the video gaming self-exclusion list bears the burden of proof in showing that removal from the list would not be detrimental to the individual's physical or mental well-being and would not have a negative impact on gaming in the Commonwealth.

(6) If the Board:

(i) Grants the petition, it shall deliver to the individual by first class mail an Order approving the petition for removal from the video gaming self-exclusion list, and provide to the individual the contact information for the OCPG for information on how to complete the removal process.

(ii) Denies the petition, it shall deliver to the individual by first class mail an Order denying the petition for removal from the video gaming self-exclusion list, which shall notify the individual that he or she shall remain on the video gaming self-exclusion list.

(7) Any petitioner whose petition is denied by the Board shall be prohibited from filing a subsequent petition for removal from the lifetime video gaming self-exclusion list for a period of 5 years from the date of denial.

**§ 1119a.7. Exceptions for individuals on the video gaming self-exclusion list.**

The prohibition against allowing video gaming self-excluded persons to engage in activities related to video gaming does not apply to an individual who is on the video gaming self-exclusion list if all of the following apply:

(1) The individual is carrying out the duties of employment or incidental activities related to employment.

(2) The individual does not otherwise engage in any video gaming activities.

**§ 1119a.8. Disclosures of information related to persons on the self-exclusion list.**

(a) The Board may periodically release to the public demographics and general information regarding the video gaming self-exclusion lists such as the total number of individuals on the list, gender breakdown and age range.

(b) The Board may make selected data available, upon request, for the limited purpose of assisting in the proper administration of responsible gaming programs.

(c) The Board will not disclose identifying information or confirm or deny the existence of an individual's name on the Board's video gaming self-exclusion list.

**CHAPTER 1120a. EXCLUSION OF PERSONS FROM VIDEO GAMING**

Sec.  
 1120a.1. Definitions.  
 1120a.2. Maintenance and distribution of the exclusion list.  
 1120a.3. Criteria for exclusion or ejection.  
 1120a.4. Duties of the Bureau and the Office of Enforcement Counsel.  
 1120a.5. Placement on the exclusion list.  
 1120a.6. Demand for hearing on the exclusion of a person.  
 1120a.7. Board review.  
 1120a.8. Duties of establishment licensees.  
 1120a.9. Petition to remove name from the exclusion list.

**§ 1120a.1. Definitions.**

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

*Career or professional offender*—A person, who for the purpose of economic gain, engages in activities that are deemed criminal violations under 18 Pa.C.S. (relating to Crimes Code) or equivalent criminal violations in other jurisdictions, or engages in unlawful activities in 4 Pa.C.S. § 1518(a) (relating to prohibited acts; penalties).

*Excluded person*—A person who has been placed upon the exclusion list and who is required to be excluded or ejected from an establishment licensee facility.

*Exclusion list*—A list of names of persons who are required to be excluded or ejected from an establishment licensee's facility.

*OCPG*—The Office of Compulsive and Problem Gambling of the Board.

**§ 1120a.2. Maintenance and distribution of the exclusion list.**

(a) The Board will maintain a list of persons to be excluded or ejected from an establishment licensee facility.

(b) The exclusion list will be distributed to every terminal operator licensee and establishment licensee in this Commonwealth, who shall acknowledge receipt thereof in writing or electronically.

(c) All of the following information will be provided to the terminal operator licensee and establishment licensee for each person on the exclusion list:

(1) The full name and all aliases the person is believed to have used.

(2) A description of the person's physical appearance, including height, weight, type of build, color of hair and

eyes, and other physical characteristics which may assist in the identification of the person.

- (3) The person's date of birth.
- (4) The date the person was added to the list.
- (5) A recent photograph, if available.
- (6) The last known address of record.
- (7) Other identifying information available to the Board.
- (8) The reason for placement on the excluded persons list.

**§ 1120a.3. Criteria for exclusion or ejection.**

(a) The exclusion list may include a person who meets one or more of the following criteria:

(1) A career or professional offender whose presence in an establishment licensee's facility would, in the opinion of the Board, be inimical to the interest of the Commonwealth or of licensed video gaming therein, or both.

(2) An individual with a known relationship or connection with a career or professional offender whose presence in an establishment licensee's facility would be inimical to the interest of the Commonwealth or of licensed video gaming therein, or both.

(3) A person who has been convicted of a criminal offense under the laws of any state, or of the United States, which is punishable by 1 year or more in prison, or who has been convicted of any crime or offense involving moral turpitude, and whose presence in a licensed facility would be inimical to the interest of the Commonwealth or of licensed video gaming therein, or both.

(4) A person whose presence in a licensed facility would be inimical to the interest of the Commonwealth or of licensed gaming therein, or both, including:

- (i) Persons who cheat.
- (ii) Persons whose gaming privileges have been suspended by the Board.
- (iii) Persons whose Board permits, licenses, registrations, certifications or other approvals have been revoked.
- (iv) Persons who pose a threat to the safety of the patrons, employees or persons on the property of an establishment licensee's facility.
- (v) Persons with a history of conduct involving the disruption of the gaming operations within a licensed facility.
- (vi) Persons subject to an order of a court of competent jurisdiction in this Commonwealth excluding those persons from licensed facilities.
- (vii) Persons who have been charged, indicted or convicted of a gambling crime or a crime related to the integrity of gaming operations in this Commonwealth or another jurisdiction.
- (viii) Persons who have performed an act or have a notorious or unsavory reputation that would adversely affect public confidence and trust in gaming.

(b) For purposes of subsection (a), a person's presence may be considered inimical to the interest of the Commonwealth or of licensed video gaming therein, or both if known attributes of the person's character and background meet one or more of the following criteria:

(1) Are incompatible with the maintenance of public confidence and trust in the credibility, integrity and stability of the operation of a licensed facility.

(2) May reasonably be expected to impair the public perception of, and confidence in, the strict regulatory process created by 4 Pa.C.S. Part III (relating to video gaming).

(3) Create or enhance a risk of the fact or appearance of unsuitable, unfair or illegal practices, methods or activities in the conduct of gaming or in the business or financial arrangements incidental thereto.

(c) A finding of inimicality may be based upon the following:

(1) The nature and notoriety of the character or background of the person.

(2) The history and nature of the involvement of the person with licensed gaming in this Commonwealth or another jurisdiction.

(3) The nature and frequency of contacts or associations of the person with an establishment licensee.

(4) Other factors reasonably related to the maintenance of public confidence in the efficacy of the regulatory process and the integrity of video gaming operations.

(d) A person's race, color, creed, national origin or ancestry, or sex will not be a reason for placing the name of a person upon the exclusion list.

**§ 1120a.4. Duties of the Bureau and the Office of Enforcement Counsel.**

(a) The Bureau will, on its own initiative, or upon referral by a law enforcement agency or an establishment licensee, investigate a person to determine whether the person meets the criteria for exclusion provided in 4 Pa.C.S. § 3901 (relating to exclusion or ejection of certain persons) and § 1119a.3 (relating to requests for video gaming self-exclusion).

(b) If, upon completion of an investigation, the Bureau determines that an individual should be placed on the exclusion list, the Office of Enforcement Counsel will file a petition for exclusion with the Clerk identifying the candidate and setting forth a factual basis for the petition. The petition must include information demonstrating that the individual satisfies the criteria for exclusion or ejection under 4 Pa.C.S. § 3901 or this chapter.

**§ 1120a.5. Placement on the exclusion list.**

(a) A person may be placed on the exclusion list upon any of the following:

(1) Entry of an order of the Board.

(2) Receipt of an order from a court of competent jurisdiction in this Commonwealth, excluding or ejecting the person from establishment licensee facilities in this Commonwealth.

(b) The placement of a person on the exclusion list shall have the effect of requiring the exclusion or ejection of the excluded person from establishment licensee facilities.

(c) An excluded person may not collect in any manner or in any proceeding any winnings or recover any losses arising as a result of any gaming activity for the entire period of time that the person is on the Board's exclusion list.



(d) Winnings incurred by an excluded person shall be remitted to the Board to support compulsive and problem gambling programs of the Board.

(e) For the purposes of this section, any winnings issued to, found on or about, or redeemed by an excluded person shall be presumed to constitute winnings subject to remittance to the Board.

**§ 1120a.6. Demand for hearing on the exclusion of a person.**

(a) Upon the filing of a petition for exclusion, the Office of Enforcement Counsel will serve the petition upon the person by personal service or certified mail at the last known address of the person. The notice will inform the person of the right to a hearing under 4 Pa.C.S. § 3901(h) (relating to exclusion or ejection of certain persons) and include a copy of the petition.

(b) Upon service of the petition, the person subject to the petition shall have 30 days to demand a hearing before the Board or presiding officer. Failure to demand a hearing within 30 days after service will be deemed an admission of all matters and facts alleged in the Office of Enforcement Counsel's petition for exclusion and preclude the person from having an administrative hearing.

(c) If a formal hearing is demanded by the person named in the petition for exclusion, a hearing will be scheduled as provided in § 491a.8 (relating to hearings generally). At the hearing, the Office of Enforcement Counsel will have the burden of proof to demonstrate that the person named in the petition for exclusion satisfies the criteria for exclusion in 4 Pa.C.S. § 3901 or § 1120a.3 (relating to criteria for exclusion or ejection). Unless the matter is heard directly by the Board, the presiding officer will prepare a report and recommendation as provided in § 494a.4 (relating to report or report and recommendation of the presiding officer) for consideration by the Board.

**§ 1120a.7. Board review.**

After a hearing, or if a hearing was not requested and the facts in the petition are deemed admitted, the Board may:

- (1) Issue an order placing the person's name on the exclusion list.
- (2) Issue an order removing or denying the placement of the person's name on the exclusion list.
- (3) Refer the matter to a presiding officer for further hearing.

**§ 1120a.8. Duties of establishment licensees.**

(a) Establishment licensees shall establish procedures to prevent violations of this chapter and submit a copy of the procedures to the Director of OCPG 30 days prior to initiation of gaming activities at the establishment licensee's facility. An establishment licensee will be notified in writing of any deficiencies in the plan and may submit revisions to the plan to the Director of OCPG. The establishment licensee may not commence operations until the Director of OCPG approves the procedures. Amendments to these procedures shall be submitted to and approved by the Director of OCPG prior to implementation.

(b) Establishment licensees shall distribute copies of the exclusion list to the appropriate employees. Additions, deletions or other updates to the list shall be distributed by an establishment licensee to its employees within 2 business days of the establishment licensee's receipt of the updates from the Board.

(c) An establishment licensee shall exclude or eject from its establishment licensee facility all of the following:

- (1) An excluded person.
- (2) A self-excluded person.

(d) If an excluded person enters, attempts to enter or is in an establishment licensee facility and is recognized by employees of the establishment licensee, the establishment licensee shall do all of the following:

(1) Immediately notify law enforcement with jurisdiction over the establishment licensee's facility.

(2) Notify the Director of OCPG and the Bureau in writing within 24 hours.

(e) The establishment licensee has the continuing duty to inform the Bureau, in writing, of the names of persons the establishment licensee believes are appropriate for placement on the exclusion list.

**§ 1120a.9. Petition to remove name from the exclusion list.**

(a) An excluded person may file a petition with the Clerk to request a hearing for removal of his name from the exclusion list at any time after 5 years from the placement of his name on the exclusion list.

(b) The petition shall be signed by the excluded person, contain supporting affidavits and state the specific grounds believed by the petitioner to constitute good cause for removal from the exclusion list. Upon receipt of the petition, the Office of Enforcement Counsel may file an answer in accordance with § 493a.5 (relating to answers to complaints, petitions, motions and other filings requiring a response).

(c) An excluded person who is barred from requesting a hearing concerning his removal from the exclusion list by the 5-year period of exclusion in subsection (a) may petition the Board for early consideration at any time. An excluded person may not, within the 5-year period of exclusion, file more than one petition for early consideration.

(d) A petition for early consideration must contain the information required under subsection (b). Upon receipt of the petition, the Office of Enforcement Counsel may file an answer in accordance with § 493a.5.

(e) The Board will consider, when making its decision on a petition for early consideration, the nature of the facts and circumstances giving rise to the person's placement on the exclusion list, and whether there are extraordinary facts and circumstances warranting early consideration of the excluded person's request for removal from the exclusion list.

[Pa.B. Doc. No. 20-1211. Filed for public inspection September 4, 2020, 9:00 a.m.]

# STATEMENTS OF POLICY

## Title 4—ADMINISTRATION

### PART II. EXECUTIVE BOARD

#### [ 4 PA. CODE CH. 9 ]

#### Reorganization of the Department of Agriculture

The Executive Board approved a reorganization of the Department of Agriculture effective July 1, 2020.

The organization chart at 50 Pa.B. 4558 (September 5, 2020) is published at the request of the Joint Committee on Documents under 1 Pa. Code § 3.1(a)(9) (relating to contents of *Code*).

*(Editor's Note: The Joint Committee on Documents has found organization charts to be general and permanent in nature. This document meets the criteria of 45 Pa.C.S. § 702(7) (relating to contents of Pennsylvania Code) as a document general and permanent in nature which shall be codified in the Pennsylvania Code.)*

[Pa.B. Doc. No. 20-1212. Filed for public inspection September 4, 2020, 9:00 a.m.]

## Title 4—ADMINISTRATION

### PART II. EXECUTIVE BOARD

#### [ 4 PA. CODE CH. 9 ]

#### Reorganization of the Department of Human Services

The Executive Board approved a reorganization of the Department of Human Services effective April 19, 2020.

The organization chart at 50 Pa.B. 4559 (September 5, 2020) is published at the request of the Joint Committee on Documents under 1 Pa. Code § 3.1(a)(9) (relating to contents of *Code*).

*(Editor's Note: The Joint Committee on Documents has found organization charts to be general and permanent in nature. This document meets the criteria of 45 Pa.C.S. § 702(7) (relating to contents of Pennsylvania Code) as a document general and permanent in nature which shall be codified in the Pennsylvania Code.)*

[Pa.B. Doc. No. 20-1213. Filed for public inspection September 4, 2020, 9:00 a.m.]

## Title 4—ADMINISTRATION

### PART II. EXECUTIVE BOARD

#### [ 4 PA. CODE CH. 9 ]

#### Reorganization of the Game Commission

The Executive Board approved a reorganization of the Game Commission effective April 19, 2020.

The organization chart at 50 Pa.B. 4562 (September 5, 2020) is published at the request of the Joint Committee on Documents under 1 Pa. Code § 3.1(a)(9) (relating to contents of *Code*).

*(Editor's Note: The Joint Committee on Documents has found organization charts to be general and permanent in nature. This document meets the criteria of 45 Pa.C.S. § 702(7) (relating to contents of Pennsylvania Code) as a document general and permanent in nature which shall be codified in the Pennsylvania Code.)*

[Pa.B. Doc. No. 20-1214. Filed for public inspection September 4, 2020, 9:00 a.m.]

## Title 4—ADMINISTRATION

### PART II. EXECUTIVE BOARD

#### [ 4 PA. CODE CH. 9 ]

#### Reorganization of the Game Commission

The Executive Board approved a reorganization of the Game Commission effective May 26, 2020.

The organization chart at 50 Pa.B. 4563 (September 5, 2020) is published at the request of the Joint Committee on Documents under 1 Pa. Code § 3.1(a)(9) (relating to contents of *Code*).

*(Editor's Note: The Joint Committee on Documents has found organization charts to be general and permanent in nature. This document meets the criteria of 45 Pa.C.S. § 702(7) (relating to contents of Pennsylvania Code) as a document general and permanent in nature which shall be codified in the Pennsylvania Code.)*

[Pa.B. Doc. No. 20-1215. Filed for public inspection September 4, 2020, 9:00 a.m.]

## Title 4—ADMINISTRATION

### PART II. EXECUTIVE BOARD

#### [ 4 PA. CODE CH. 9 ]

#### Reorganization of the Historical and Museum Commission

The Executive Board approved a reorganization of the Historical and Museum Commission effective July 1, 2020.

The organization chart at 50 Pa.B. 4564 (September 5, 2020) is published at the request of the Joint Committee on Documents under 1 Pa. Code § 3.1(a)(9) (relating to contents of *Code*).

*(Editor's Note: The Joint Committee on Documents has found organization charts to be general and permanent in nature. This document meets the criteria of 45 Pa.C.S. § 702(7) (relating to contents of Pennsylvania Code) as a document general and permanent in nature which shall be codified in the Pennsylvania Code.)*

[Pa.B. Doc. No. 20-1216. Filed for public inspection September 4, 2020, 9:00 a.m.]

**Title 4—ADMINISTRATION****PART II. EXECUTIVE BOARD**

[ 4 PA. CODE CH. 9 ]

**Reorganization of the Liquor Control Board**

The Executive Board approved a reorganization of the Liquor Control Board effective June 11, 2020.

The organization chart at 50 Pa.B. 4565 (September 5, 2020) is published at the request of the Joint Committee on Documents under 1 Pa. Code § 3.1(a)(9) (relating to contents of *Code*).

*(Editor's Note: The Joint Committee on Documents has found organization charts to be general and permanent in nature. This document meets the criteria of 45 Pa.C.S. § 702(7) (relating to contents of Pennsylvania Code) as a document general and permanent in nature which shall be codified in the Pennsylvania Code.)*

[Pa.B. Doc. No. 20-1217. Filed for public inspection September 4, 2020, 9:00 a.m.]

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**Title 4—ADMINISTRATION****PART II. EXECUTIVE BOARD**

[ 4 PA. CODE CH. 9 ]

**Reorganization of the Pennsylvania Municipal Retirement System**

The Executive Board approved a reorganization of the Pennsylvania Municipal Retirement System effective July 1, 2020.

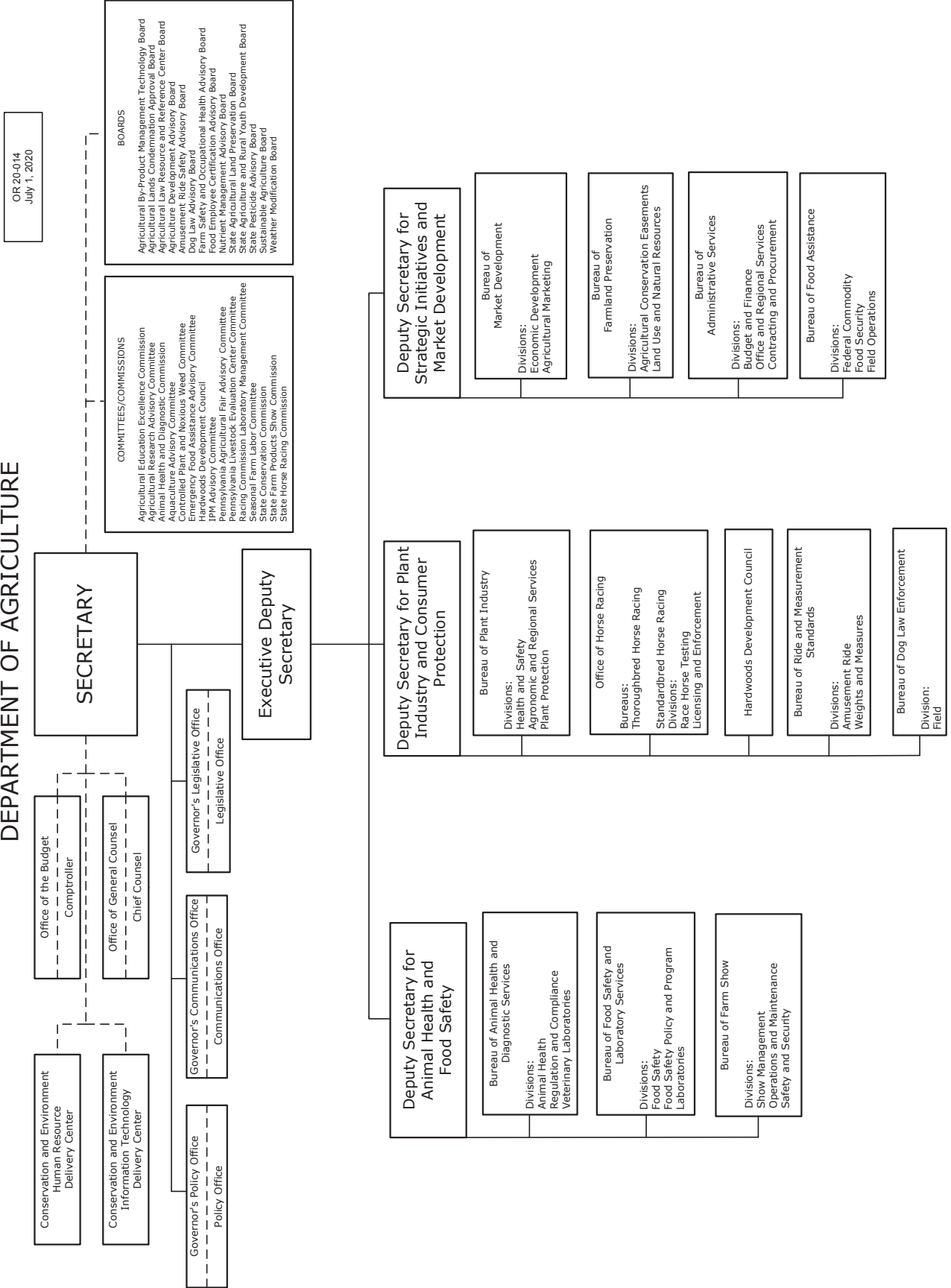
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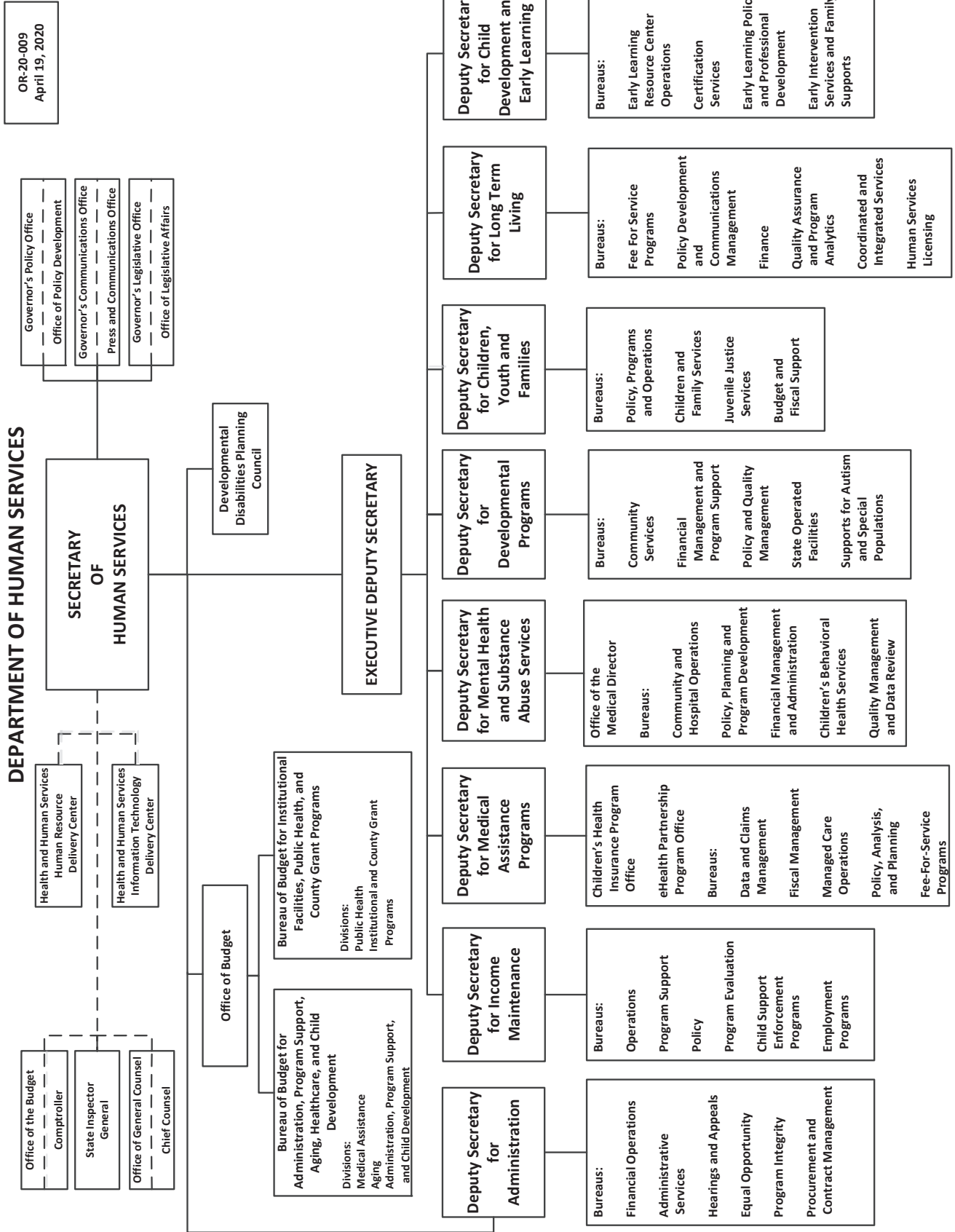
*(Editor's Note: The Joint Committee on Documents has found organization charts to be general and permanent in nature. This document meets the criteria of 45 Pa.C.S. § 702(7) (relating to contents of Pennsylvania Code) as a document general and permanent in nature which shall be codified in the Pennsylvania Code.)*

[Pa.B. Doc. No. 20-1218. Filed for public inspection September 4, 2020, 9:00 a.m.]

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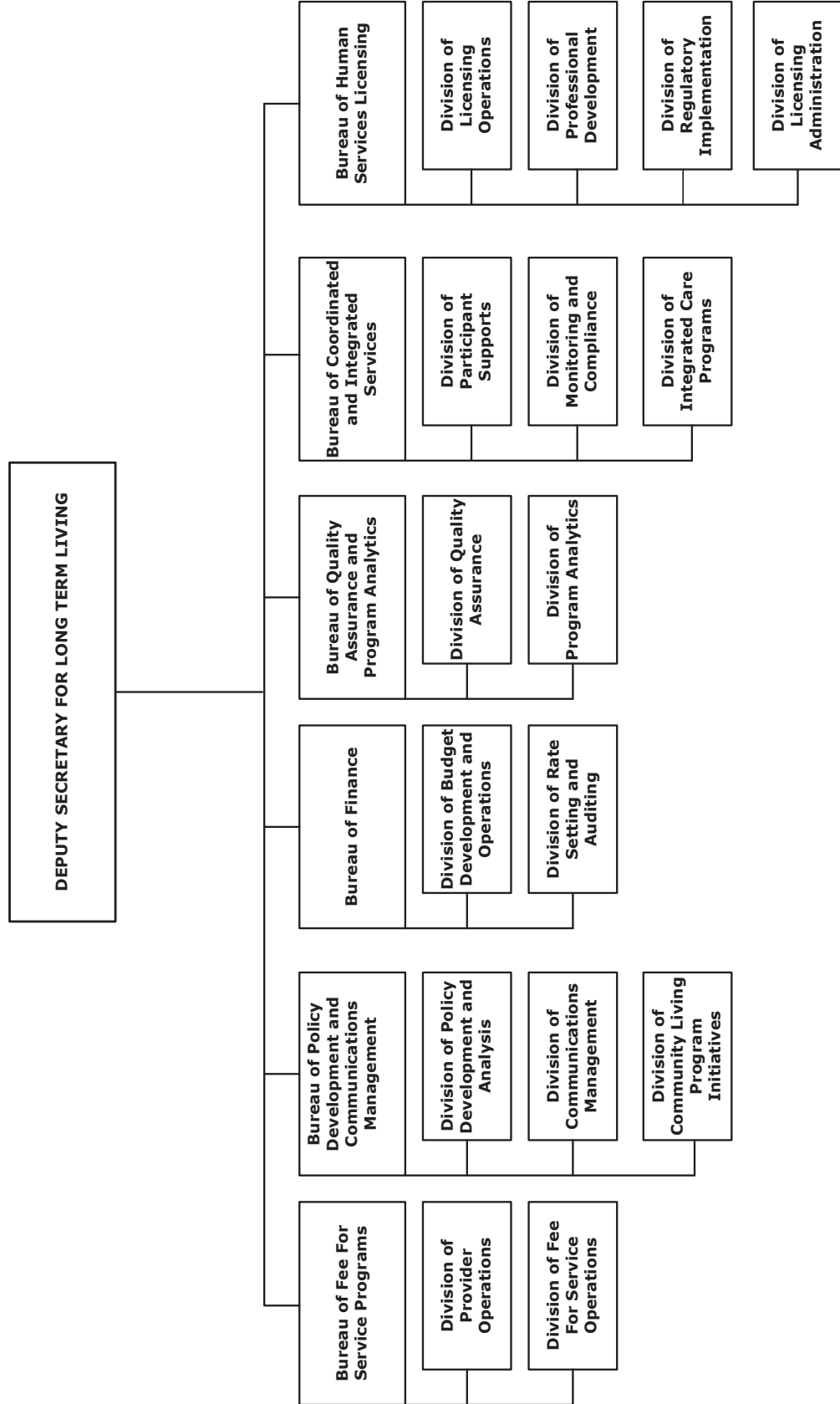
DEPARTMENT OF AGRICULTURE

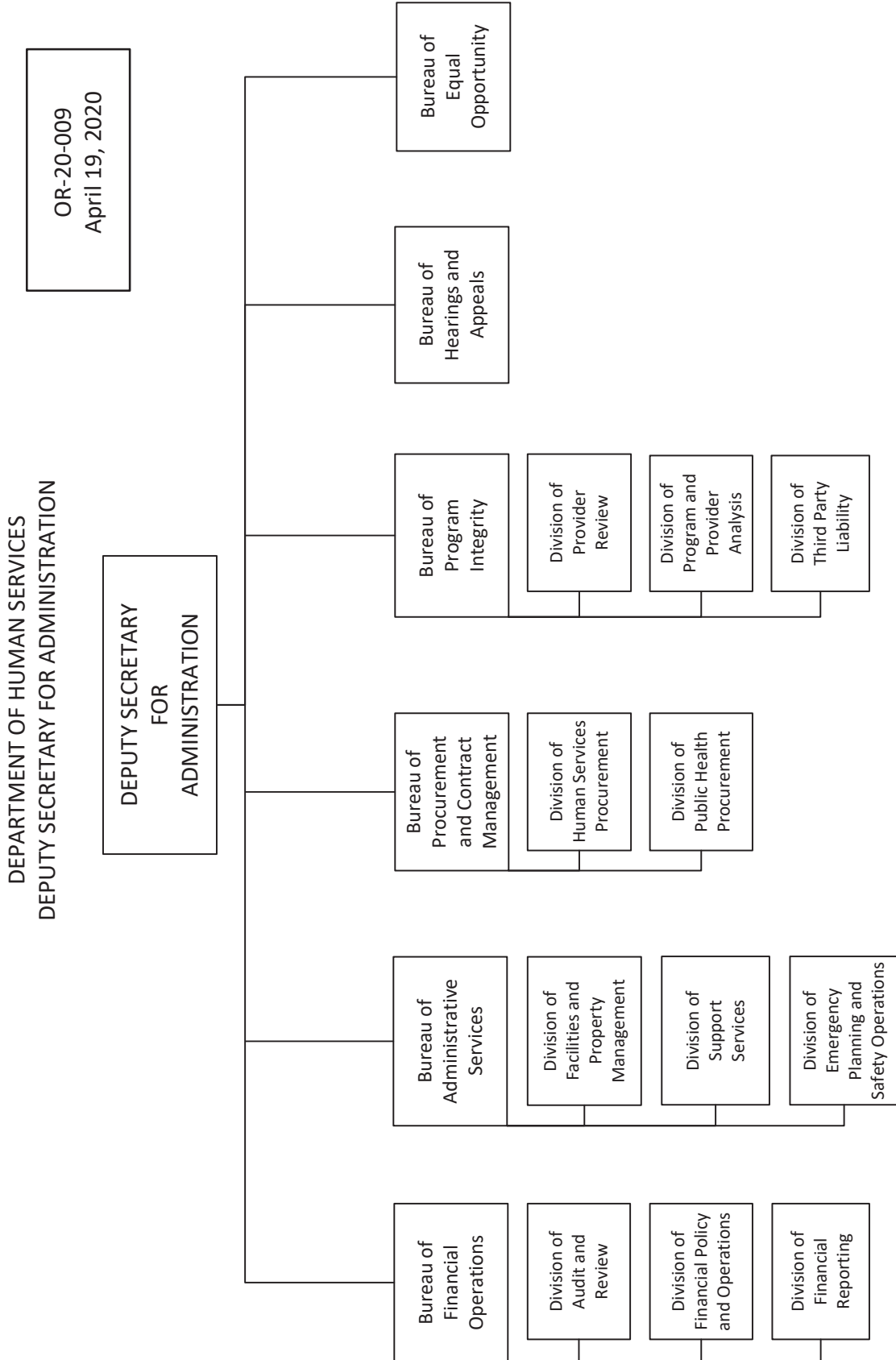


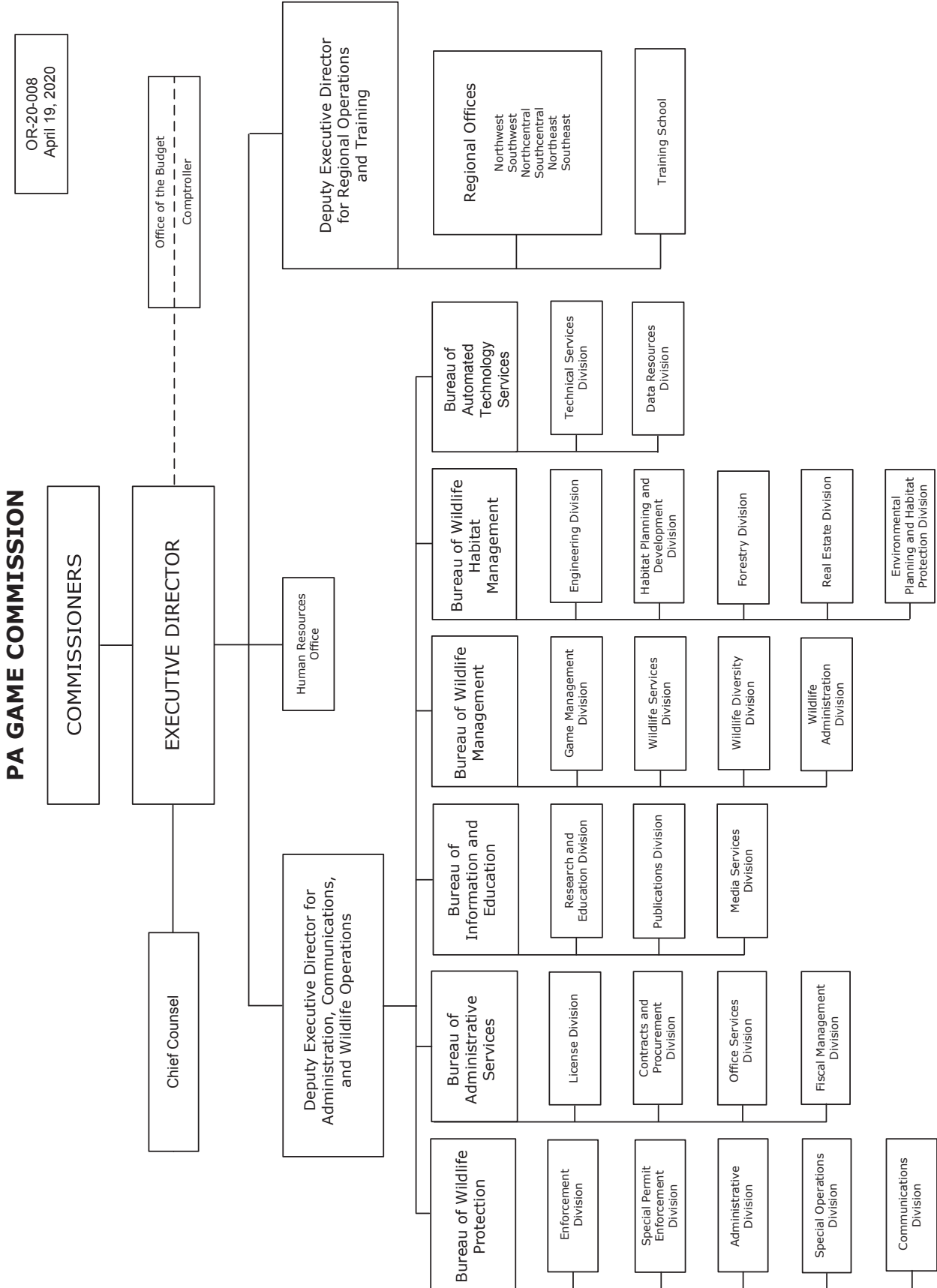


**DEPARTMENT OF HUMAN SERVICES  
DEPUTY SECRETARY FOR LONG TERM LIVING**

OR-20-009  
April 19, 2020

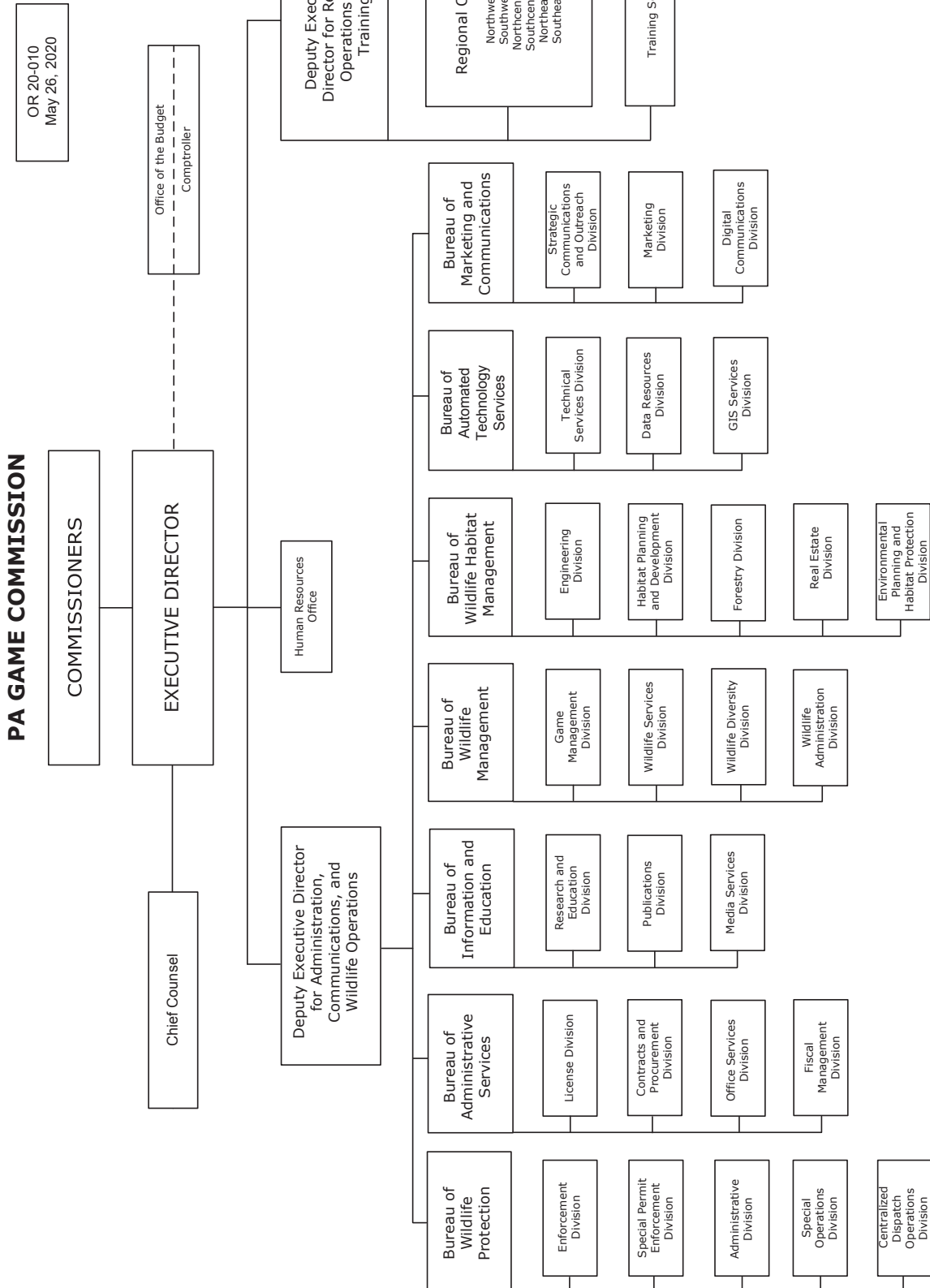






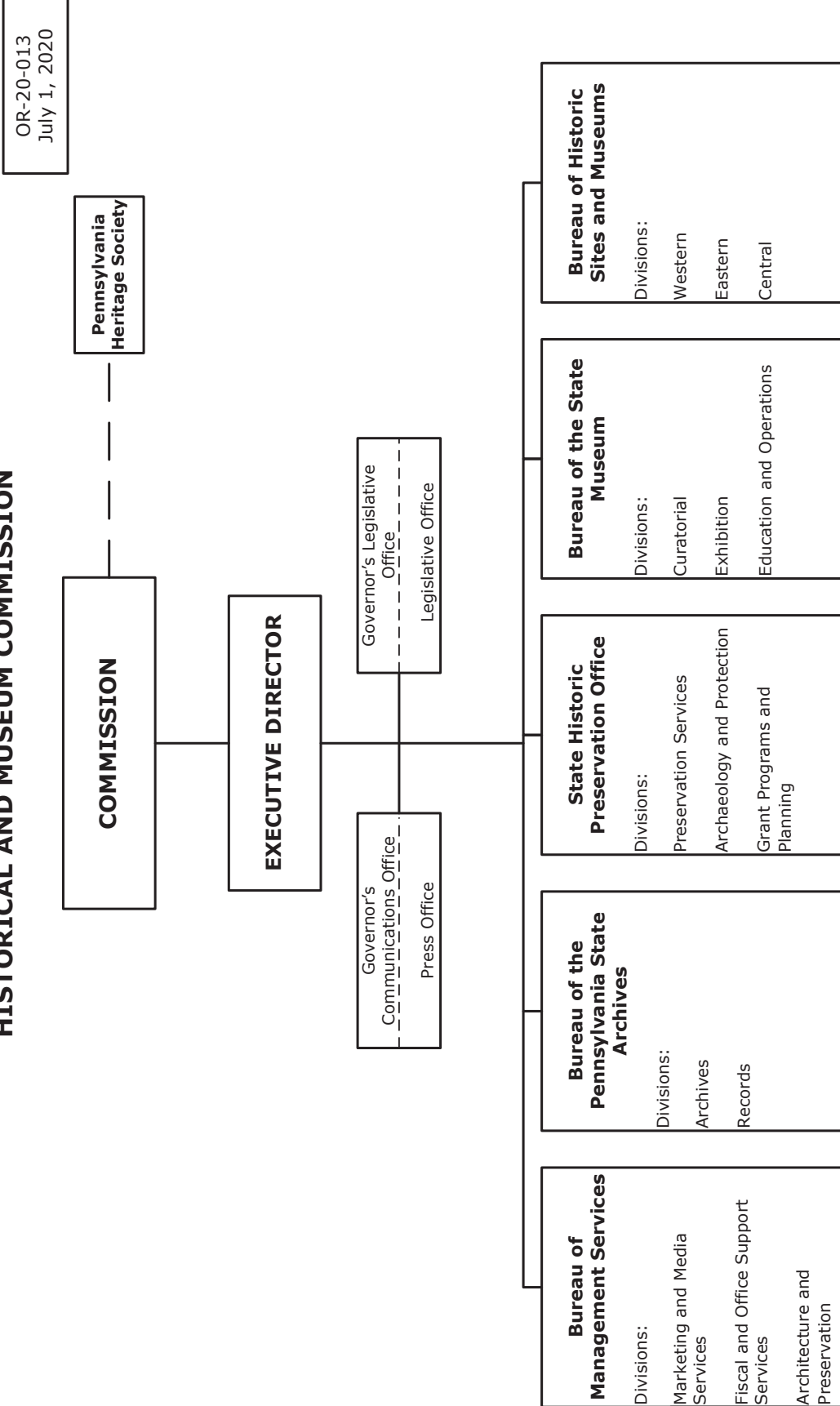
OR-20-008  
April 19, 2020



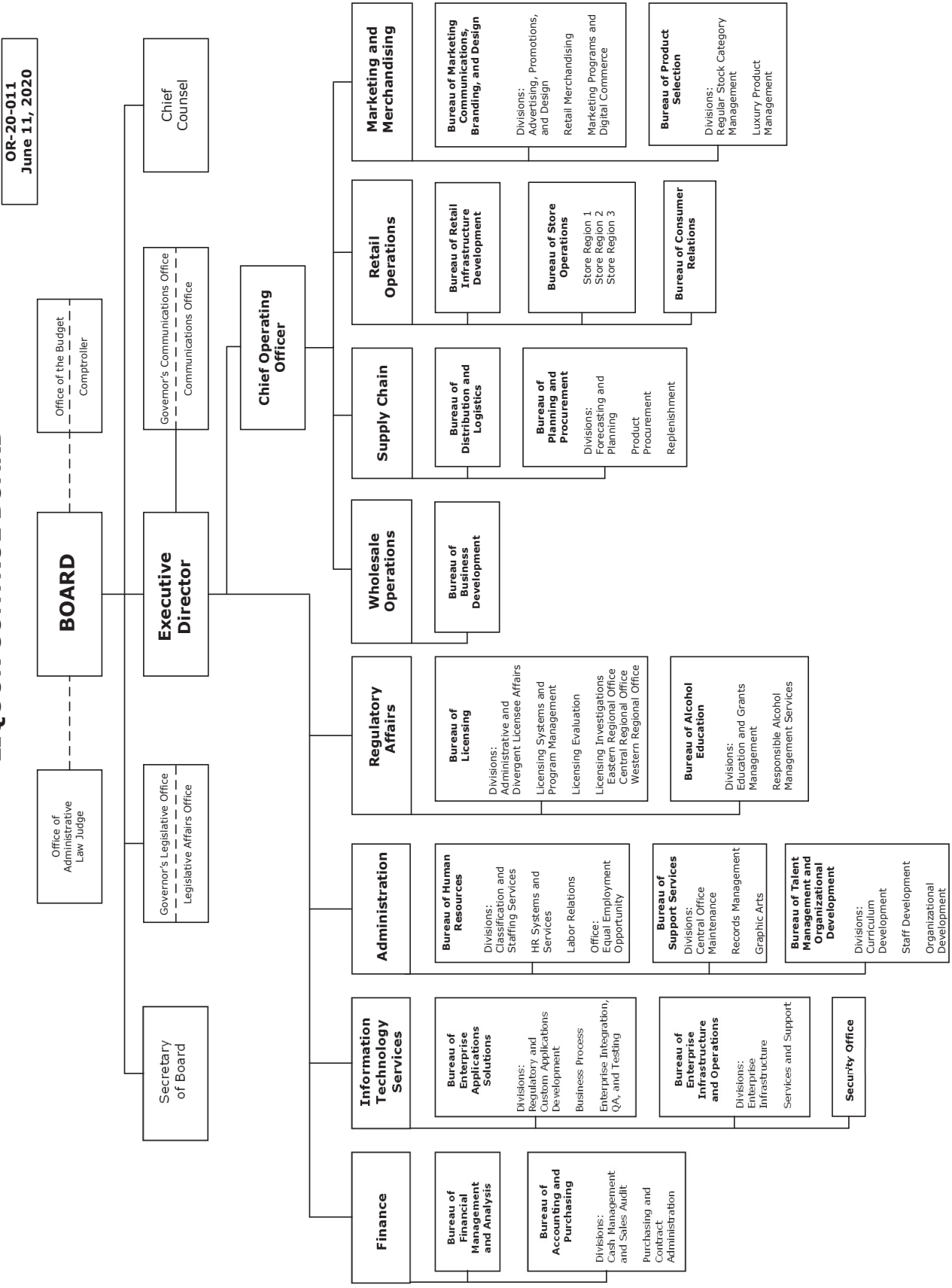


OR 20-010  
May 26, 2020

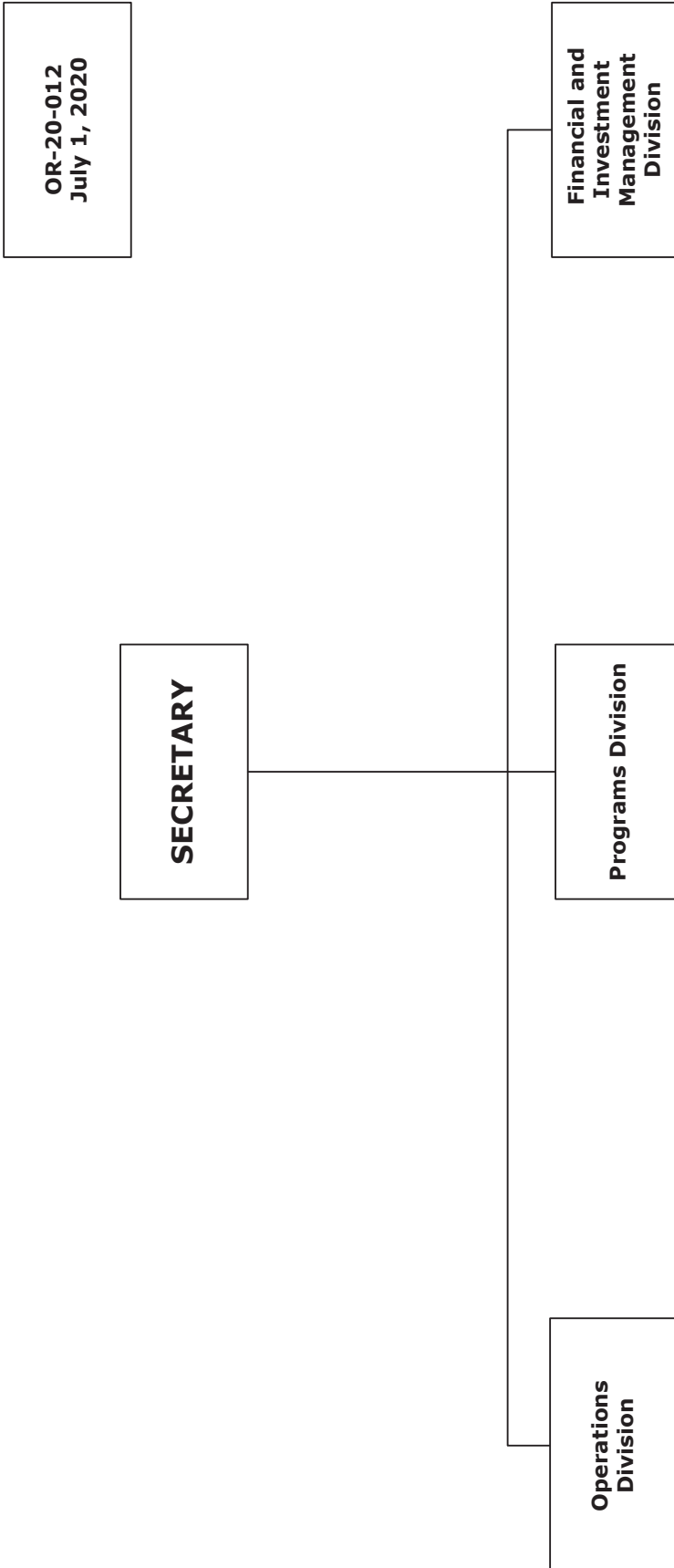
# HISTORICAL AND MUSEUM COMMISSION



**LIQUOR CONTROL BOARD**



**PENNSYLVANIA MUNICIPAL RETIREMENT SYSTEM**



# 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 25, 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>
08-18-2020	Washington Financial Bank Washington Washington County	3576 Sheridan Avenue Finleyville Washington County	Filed
08-21-2020	CNB Bank Clearfield Clearfield County	827 Hopkins Road Amherst Erie County, NY	Filed

#### CREDIT UNIONS

No activity.

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

RICHARD VAGUE,  
*Acting Secretary*

[Pa.B. Doc. No. 20-1219. Filed for public inspection September 4, 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

<i>Location</i>	<i>Permit Authority</i>	<i>Application Type or Category</i>
Section V	NPDES	MS4 Permit Waiver
Section VI	NPDES	Individual Permit Stormwater Construction
Section VII	NPDES	NOI for Coverage under NPDES General Permits

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

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

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

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

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

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

#### **I. NPDES Renewal Applications.**

*Northeast Region: Clean Water Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915, 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>
PA0062537 (Sewage)	East Union Township Wastewater Treatment Plant P.O. Box 245 Sheppton, PA 18248-0245	Schuylkill County East Union Township	Little Tomhicken Creek (CWF, MF) (5-E)	Y
PAS702203 (Storm Water)	New Enterprises Stone & Lime Co. Eastern Industries Bath Plant 3912 Brumbaugh Road New Enterprise, PA 16664-0077	Northampton County East Allen Township	Monocacy Creek (HQ-CWF, MF) (2-C)	Y
PA0276359 (Storm Water)	Victaulic-Commerce Park Facility P.O. Box 31 Easton, PA 18044-0031	Northampton County Lower Nazareth Township	Unnamed Tributary to Bushkill Creek (HQ-CWF, MF) (1-F)	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>
PA0086304 (Sewage)	East Earl Township Sewer Authority 517 N. Railroad Avenue New Holland, PA 17557	Lancaster County Earl Township	Mill Creek/7J	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>
PA0228915 (Sewage)	Osceola Mills Region WWTP 235 Skips Lane Osceola Mills, PA 16666-1753	Clearfield County Decatur Township	Moshannon Creek (TSF) (8-D)	N
PA0209155 (Sewage)	Sorge Apartments 212 W 5th Street Bloomsburg, PA 17815-2107	Columbia County Madison Township	Spruce Run (CWF) (5-C)	Y
PA0113913 (Industrial)	Irvin Tinwear Co. 115 Cedar Lane Mount Pleasant Mills, PA 17853-8016	Snyder County West Perry Township	Unnamed Tributary to North Branch Mahantango Creek (CWF) (6-C)	Y
PA0209651 (Sewage)	Country Terrace Estates WWTF 6009 Columbia Boulevard Bloomsburg, PA 17815-8800	Columbia County Main Township	Unnamed Tributary of Catawissa Creek (CWF) (5-E)	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>
PA0001996 (Industrial)	Lehigh Specialty Melting Inc. 107 Gertrude Street Latrobe, PA 15650-2963	Westmoreland County Latrobe Borough	Loyalhanna Creek (WWF) (18-C)	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>
PA0005053 (Industrial)	Warren Generating Station 250 Power Plant Drive Shawville, PA 16873	Warren County Conewango Township	Allegheny River (WWF) (16-B)	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.*

**Permit No. PA0040576**, Sewage, SIC Code 6552, **Valleybrook Homeowners Assoc.**, P.O. Box 394, Chester Heights, PA 19017-0394. Facility Name: Valley Brook Apartments STP. This existing facility is located in Chester Heights Borough, **Delaware County**.

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

The receiving stream(s), West Branch Chester Creek (TSF, MF), is located in State Water Plan watershed 3-G 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 .072 MGD.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Average Monthly</i>	<i>Maximum</i>	
Flow (MGD)	Report	Report Daily Max	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0 Inst Min	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	4.0 Inst Min	Report	XXX	XXX
Total Residual Chlorine (TRC)	XXX	XXX	XXX	0.5	XXX	1.2
Carbonaceous Biochemical Oxygen Demand (CBOD <sub>5</sub> )	15.0	XXX	XXX	25.0	XXX	50

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		IMAX
	Average Monthly	Average Weekly		Average Monthly	Maximum	
Total Suspended Solids	18.0	XXX	XXX	30.0	XXX	60
Fecal Coliform (CFU/100 ml)	XXX	XXX	XXX	200	XXX	1,000
Total Nitrogen	XXX	XXX	XXX	Geo Mean Report	XXX	XXX
Ammonia-Nitrogen						
Nov 1 - Apr 30	12.0	XXX	XXX	20.0	XXX	40
May 1 - Oct 31	9.0	XXX	XXX	15.0	XXX	30
Total Phosphorus						
Nov 1 - Apr 30	1.2	XXX	XXX	2.0	XXX	4
May 1 - Oct 31	0.6	XXX	XXX	1.0	XXX	2
Total Dissolved Solids	XXX	XXX	XXX	Report Daily Max	XXX	XXX

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

- A. No Stormwater
- B. Acquire Necessary Property Rights
- C. Proper Sludge Disposal
- D. Abandon STP when Municipal Sewers Available
- E. Chlorine Optimization
- F. Operator Notification

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

**Permit No. PA0060518**, Sewage, SIC Code 4952, **Hallstead & Great Bend Borough Susquehanna County JSA**, P.O. Box 747, Great Bend, PA 18821-0747. Facility Name: Hallstead Great Bend Joint Sewer Authority. This existing facility is located in Great Bend Borough, **Susquehanna 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), Susquehanna River (WWF), is located in State Water Plan watershed 4-E 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 .5 MGD.—Limits.

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		Instant. Maximum
	Average Monthly	Weekly Average		Average Monthly	Weekly Average	
Flow (MGD)	Report	Report Daily Max	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0 Inst Min	XXX	XXX	9.0
Total Residual Chlorine (TRC)	XXX	XXX	XXX	XXX	XXX	1.6
Carbonaceous Biochemical Oxygen Demand (CBOD <sub>5</sub> )	104.3	166.7	XXX	25.0	40.0	50
Biochemical Oxygen Demand (BOD <sub>5</sub> )						
Raw Sewage Influent	Report	Report Daily Max	XXX	Report	XXX	XXX
Total Suspended Solids						
Raw Sewage Influent	Report	Report Daily Max	XXX	Report	XXX	XXX
Total Suspended Solids	125.1	187.7	XXX	30.0	45.0	60
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



<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Weekly Average</i>		<i>Average Monthly</i>	<i>Weekly Average</i>	
Nitrate-Nitrite as N (Total Load, lbs) (lbs)	XXX Report	XXX XXX	XXX XXX	Report XXX	XXX XXX	XXX XXX
Total Nitrogen (Total Load, lbs) (lbs)	Total Mo XXX Report	XXX XXX	XXX XXX	Report XXX	XXX XXX	XXX XXX
Effluent Net	Total Mo Report	XXX	XXX	XXX	XXX	XXX
Ammonia-Nitrogen (Total Load, lbs) (lbs)	Total Mo Report	XXX XXX	XXX XXX	Report XXX	XXX XXX	XXX XXX
Total Kjeldahl Nitrogen (Total Load, lbs) (lbs)	Total Mo Report	XXX XXX	XXX XXX	Report XXX	XXX XXX	XXX XXX
Total Phosphorus (Total Load, lbs) (lbs)	Total Mo Report	XXX XXX	XXX XXX	Report XXX	XXX XXX	XXX XXX
Effluent Net	Total Mo Report	XXX	XXX	XXX	XXX	XXX
Total Phosphorus (Total Load, lbs) (lbs)	Total Mo Report	XXX XXX	XXX XXX	XXX XXX	XXX XXX	XXX XXX
Zinc, Total	XXX	XXX	XXX	Report	XXX	XXX

The proposed monitoring requirements and effluent limits for implementation of Pennsylvania's Chesapeake Bay Watershed Implementation Plan are as follows for Outfall 001.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Monthly</i>	<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Monthly</i>	<i>Annual</i>		<i>Monthly Average</i>	<i>Maximum</i>	
Total Nitrogen (Total Load, lbs) (lbs)	XXX	9,741 Total	XXX	XXX	XXX	XXX
Effluent Net		Annual				
Total Nitrogen (Total Load, lbs) (lbs)	XXX	Report Total	XXX	XXX	XXX	XXX
Ammonia-Nitrogen (Total Load, lbs) (lbs)		Annual				
Total Phosphorus (Total Load, lbs) (lbs)	XXX	Report Total	XXX	XXX	XXX	XXX
Effluent Net		Annual				
Total Phosphorus (Total Load, lbs) (lbs)	XXX	1,218 Total	XXX	XXX	XXX	XXX
Effluent Net		Annual				
Total Phosphorus (Total Load, lbs) (lbs)	XXX	Report Total	XXX	XXX	XXX	XXX
Effluent Net		Annual				

\* This permit contains conditions which authorize the permittee to apply nutrient reduction credits to meet the Net Total Nitrogen and the Net Total Phosphorus effluent mass limits, under the Department's Chapter 96 regulations. The condition includes the requirement to report the application of these credits in Supplemental Discharge Monitoring Reports (DMRs) submitted to the Department.

Sludge use and disposal description and location(s): Activated Sludge disposed at Other WWTP's.

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 570-826-5472.

The EPA Waiver is 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.

**Permit No. PA0288659**, Sewage, SIC Code 8800, **Dennis D. Hamilton**, 539 Scott Ridge Road, Harmony, PA 16037-8823. Facility Name: Dennis Hamilton SRSTP. This proposed facility is located at 110 Glenwood Avenue, Evans City, PA 16033, located in Forward Township, **Butler County**.

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

The receiving stream(s), Breakneck Creek (WWF), is located in State Water Plan watershed 20-C and is classified for Warm Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

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

**Permit No. PA0288489**, Sewage, SIC Code 8800, **Terence O'Keefe**, 226 Patterson School Road, Grove City, PA 16127. Facility Name: Terence O'Keefe SRSTP. This proposed facility is located in Pine Township, **Mercer County**.

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

The receiving stream, an Unnamed Tributary to the East Branch Wolf Creek (CWF), is located in State Water Plan watershed 20-C and is classified for Cold Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

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

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

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

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

The EPA Waiver is in effect.

### 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. 5410403 A-1**, Sewage, **Schuylkill County Municipal Authority**, 221 S. Centre Street, Pottsville, PA 17901.

This existing facility is located in West Brunswick Township, **Schuylkill County**.

Description of Proposed Action/Activity: The project is for the installation of a septage receiving station at the Deer Lake WWTP. The proposed equipment selected is an Enviro-Care SAVI Flo-Beast Screen Model VFA-800-DM, which is capable of screening heavy solids from residential septage and convey, wash and dewater the solids prior to disposal. A new 25' long x 17' wide x 15' high concrete building will house the new equipment.

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

**WQM Permit No. 3620404**, Sewerage, **Evergreen Enterprises**, 1546 Newport Road, Manheim, PA 17545.

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

Description of Proposed Action/Activity: Seeking permit approval for amendments to the Hemlock Acres existing sewage treatment system.

**WQM Permit No. 3602202**, CAFO Operation, **Joe Rohrer Farm**, 1107 Lime Valley Road, Lancaster, PA 17602-1811.  
This proposed facility is located in Strasburg Township, **Lancaster County**.

Description of Proposed Action/Activity: Construction/operation of proposed calf barns, transition barn, heifer freestall barn, freestall expansion, underhouse manure storage structures, associated access drives, stormwater management facilities and related appurtenances.

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

**WQM Permit No. 1020414**, Sewage, **Dennis D Hamilton**, 539 Scott Ridge Road, Harmony, PA 16037-8823.

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

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

**WQM Permit No. 2520418**, Sewage, **Braden Shaffer**, 2550 Quance Road, McKean, PA 16426-2130.

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

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

**WQM Permit No. 2520419**, Sewage, **Aaron Knight**, 11197 Damsite Road, North East, PA 16428-5223.

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

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

**WQM Permit No. 2720406**, Sewage, **Joseph Miklosky**, 3044 German Hill Road, Tionesta, PA 16353-7523.

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

##### **NPDES**

<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAD510066	Waterview Developers LLC 551 West Lancaster Avenue Suite 307 Haverford, PA 19041-1419	Philadelphia County	City of Philadelphia	Delaware River WWF-MF
PAD150179	Troutbeck Farms Developers, LLC 1171 Lancaster Avenue Suite 201 Berwyn, PA 19312	Philadelphia County	City of Philadelphia	NE Branch of Ridley Creek HQ-TSF Crum Creek EV
PAD150190	RB Ashley Customs LLC 1101 Ridge Road South Coventry, PA 19465	Chester County	West Vincent Township	Pickering Creek HQ-TSF-MF

*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.*

##### **NPDES**

<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAD390168	MFB Allentown, L.P. 810 Seventh Ave. 10th Floor New York, NY 10019	Lehigh County	City of Allentown	Little Lehigh Creek (HQ-CWF, MF)

*Monroe County Conservation District, 8050 Running Valley Road, Stroudsburg, PA 18347, 570-629-3060.*

##### **NPDES**

<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAD450108 A-1	Tobyhanna Site LLC 619 Iron Street Lehigh, PA 18235	Monroe County	Tobyhanna Township	Indian Run (EV, MF)

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

##### **NPDES**

<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAD060039	John G. Membrino 32 Spring Hill Road Hereford, PA 18056	Berks	Hereford Township	Perkiomen Creek (HQ-CWF, MF)

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

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

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAD140010	Henry Esh 17741 S Rt 44 Hwy Allenwood, PA 17810	Lycoming	Washington Twp	White Deer Hole Creek HQ Spring Creek CWF
PAD410011	DCNR 400 Market St Harrisburg, PA 17101	Lycoming	Watson Twp	Furnace Run HQ

## 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>
Montour Farms 357 Greenleaf Road Bloomsburg, PA 17815	Montour	27	549.98	Poultry	NA	Renewal
Pappy's Orchard 2474 Urffer Road Coopersburg, PA 18036	Lehigh	0	552.61	Turkey	HQ-TSF	Renewal
Shadow Ridge Farm Phil Good 2418 Bachman Rd Lancaster, PA 17602	Lancaster	172	823.48	Layers/ Heifers	NA	Renewal
Trout Bros. Farm LLC 508 Red Rock Road Loysville, PA 17047	Perry	631.9	1,605.5	Dairy	HQ	Renewal
M&E Farms 710 Pfoutz Valley Rd Millerstown, PA 17062	Perry	0	822.74	Swine	NA	Renewal

<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>
Bishcroft Farm, LLC 2334 Farm Road Roaring Branch, PA 17765	Tioga	1,582.1	1,872.08	Dairy	Zimmerman Creek HQ-CWF; Little Elk Run HQ-CWF; Brion Creek HQ-CWF; Roaring Branch HQ-CWF; Salt Spring Run HQ-CWF	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).**

*Southeast Region: Safe Drinking Water Program Manager, 2 East Main Street, Norristown, PA 19401.*

**Permit No. 4620525**, Public Water Supply.

Applicant **Horsham Water Sewer Authority**  
617 Horsham Road  
Horsham, PA 19044-6566

Township	Horsham
County	<b>Montgomery</b>
Responsible Official	Tina M. O'Rourke 617 Horsham Road Horsham, PA 19044-6566
Type of Facility	PWS
Consulting Engineer	Gilmore & Associates, Inc. 65 East Butler Avenue New Britain, PA 18901
Application Received Date	August 20, 2020
Description of Action	Installation of ion exchange treatment systems at Wells 10, 17 and 21 for removal of PFAS.

**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. §§ 6026.10—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:

*Southcentral Region: Environmental Cleanup and Brownfields Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110.*

**275 Quickel Road**, 275 Quickel Road, Dover, PA 17315, Conewago Township, **York County**. Brickhouse Environmental, 515 South Franklin Street, West Chester, PA 19382, on behalf of Connie Holtzapple, 4415 Bull Road, Dover, PA 17315, submitted a Notice of Intent to Remediate site soil contaminated with No. 2 fuel oil. The site will be remediated to the Residential Statewide Health Standard. Future use of the site is to remain residential. The Notice of Intent to Remediate was published in the *York Daily Record* on July 17, 2020.

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

**United States Steel Corporation—KIPC—210-acre parcel**, One Ben Fairless Drive, Falls Township, **Bucks County**. John Garges, GH Services, Inc., 410 Eagleview Boulevard, Suite 110, Exton, PA 19341 on behalf of Michael H. Leon, United States Steel Corporation, 1350 Penn Avenue, Suite 200, Pittsburgh, PA 15222 submitted a Notice of Intent to Remediate. Soil at the site has been contaminated with VOCs, SVOCs, metals and PCBs. The current and anticipated future use of the site is commercial/industrial. The proposed cleanup standards for the site are the Statewide Health Standard/Site-Specific Standard. The Notice of Intent to Remediate was published in the *Bucks County Courier Times* on March 20, 2020.

**Bensalem Drum Dump Site**, Parcel ID Numbers 02-088-109 thru 02-088-124, Bensalem Township, **Bucks County**. Richard S. Werner, PG, Environmental Consulting, Inc., 2002 Renaissance Boulevard, Suite 110, King of Prussia, PA 19406 on behalf of Jeff Darwak. The Redevelopment Authority of the County of Bucks, 216 Pond Street, Bristol, PA 19007 submitted a Notice of Intent to Remediate. Soil and groundwater have been contaminated with PCBs, metals and chlorinated VOCs. The intended future use of the subject property is non-residential, which will include open space preservation. The proposed cleanup standard for the site is the Special Industrial Area Provision. The Notice of Intent to Remediate was published in the *Advance of Bucks County* on August 4, 2019.

#### RESIDUAL WASTE GENERAL PERMITS

**Application(s) for Renewal Administratively Complete under the Solid Waste Management Act (35 P.S. §§ 6018.101—6018.1003); the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P.S. §§ 4000.101—4000.1904); and Residual Waste Regulations for a General Permit to Operate Residual Waste Processing Facilities and/or the Beneficial Use of Residual Waste other than Coal Ash.**

*Northeast Region: Regional Solid Waste Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915.*

**General Permit No. WMGR065-NE001. Lehigh Valley Industrial Park, Inc.**, 1720 Spillman Drive, Suite 150, Bethlehem, PA 18015. A permit renewal application for continued coverage under General Permit WMGR065 for the beneficial use of residual wastes from historic steelmaking and foundry operations as structural construction fill at the Lehigh Valley Industrial Park site located in the City of Bethlehem, **Northampton County**. The application was received by the Department on August 20, 2020 and deemed administratively complete by the Regional Office on August 21, 2020.

Comments concerning the application should be directed to Roger Bellas, Environmental Program Manager, Northeast Regional Office, 2 Public Square, Wilkes-Barre, PA 18701-1915 at 570-826-2511. TDD users may contact the Department through the Pennsylvania AT&T Relay Service, (800) 654-5984. Public comments must be submitted within 60 days of this notice and may recommend revisions to, and approval or denial of the application.

*Southwest Region: Regional Solid Waste Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, Telephone 412-442-4000.*

**General Permit No. WMGR123SW024. Mon River Dock Company**, P.O. Box 400, Laughlintown, PA 15655-4000. A permit renewal application for continued coverage under General Permit WMGR123 for the processing and beneficial use of oil and gas liquid waste at the Karen Dock Facility, 810 Lowhill Rd., Brownsville, PA 15417 in East Bethlehem Township, **Washington County**, was deemed administratively complete by the Regional Office on August 12, 2020.

Persons interested in reviewing the general permit or the application may contact the Department of Environmental Protection, Regional Files, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, 412-442-4000. TDD users may contact the Department through the Pennsylvania AT&T Relay Service, (800) 654-5984.

**OPERATE WASTE PROCESSING OR  
DISPOSAL AREA OR SITE**

**Application(s) Received Under the Solid Waste Management Act (35 P.S. §§ 6018.101—6018.1003), the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P.S. §§ 4000.101—4000.1904) and Regulations to Operate Solid Waste Processing or Disposal Area or Site.**

*Northeast Region: Regional Solid Waste Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915.*

**Permit No. 101628. Natural Soil Products**, 2286 East Center Street, P.O. Box 283, Tremont, PA 17981. An application for major permit modification to increase the permitted incoming average and the maximum daily biosolids loadings for the Natural Soil Products facility located in Frailey Township, **Schuylkill County**. The application was submitted to the Department on July 9, 2020 and was subject to the Local Municipality Involvement Process (LMIP). The LMIP meeting took place on August 20, 2020. The application was found to be administratively complete by the Northeast Regional Office on August 21, 2020.

Comments concerning the application should be directed to Roger Bellas, Regional Waste Management Program Manager, Department of Environmental Protection, Northeast Regional Office, 2 Public Square, Wilkes-Barre, PA 18704-1915 at 570-826-2511. TDD users may contact the Department through the Pennsylvania AT&T Relay Service, (800) 654-5984. Public comments must be submitted within 60 days of this notice and may recommend revisions to, and approval or denial of the application.

*Southwest Region: Regional Solid Waste Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, Telephone 412-442-4000.*

**Permit No. 300657. ATI Flat Rolled Products Holdings, LLC**, 100 River Road, Brackenridge, PA 15014. A Solid Waste Management permit application was received for a 10-year renewal for continuing post-closure activities of the ATI Rt. 356 Residual Waste Disposal Landfill, located in Allegheny Township, **Westmoreland County**. The application was received in the DEP Regional Office in Pittsburgh on October 25, 2019.

## 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 Depart-

ment 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.**

*Northeast Region: Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711-0790.*

*Contact: Raymond Kempa, New Source Review Chief—Telephone: 570-826-2507.*

**Permit No. 48-00022A: Ardent Mills, LLC** (4888 S Delaware Dr., Martins Creek, PA 18063) for the construction and operation of three new baghouses to control particulate emissions at the existing facility located in Lower Mount Bethel Twp., **Northampton County**.

The proposed project will include a baghouse for flour transfer system, a packaging filter for the packing line and a vacuum system filter for the warehouse and packing area. Proposed new baghouses will collect 99.9% of particulate emissions generated from the operations before discharging into atmosphere. The Department of Environmental Protection's (Department) review of the information submitted by the Ardent Mills, LLC indicates that the air contamination sources will be subject to and comply with all applicable State regulatory requirements pertaining to air contamination sources and the emission of air contaminants including the best available technology requirement (BAT) of 25 Pa. Code §§ 127.1 and 127.12. Based on this finding, the Department proposes to issue a plan approval for the proposed construction.

The use of baghouse capable of removing 99.9% of emissions meets Department's BAT criteria for this type of process. There is no production increase associated with this project.

The Plan approval and Operating Permit will include testing, monitoring, recordkeeping, and reporting requirements designed to keep the sources operating within all applicable air quality requirements.

The facility is a minor facility. If the Department determines that the sources are constructed and operated in compliance with the plan approval conditions and specification of the application for Plan Approval No. 48-00022A, the requirements established in the plan approval will be incorporated into State Only Operating Permit No. 48-00022 pursuant to the administrative amendment provisions of 25 Pa. Code § 127.450.

Copies of the application, DEP's analysis and other documents used in the evaluation of the application are available for public review during normal business hours at PA DEP, Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18701. Appointments for scheduling a review must be made by calling 570-826-2511.

*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.*

**Permit No. 36-05156C: L&S Sweeteners** (388 East Main Street, Leola, PA 17540-1925) for the replacement of the two existing landfill gas (LFG) fired engine generator sets, Source IDs 101 & 102, at the liquid and dry bulk receiving and transfer operations and landfill gas-to-energy plant located in Upper Leacock Township, **Lancaster County**. The replacement engines will be refurbished identical units and will not result in an increase in fuel input; therefore, potential emissions from the engines will not change due to the project and remain at: 150.93 tpy CO, 21.56 tpy NO<sub>x</sub>, 5.61 tpy PM<sub>10</sub>/PM<sub>2.5</sub>, 21.56 tpy SO<sub>x</sub>, 37.95 tpy VOC, 18.80 tpy of a single HAP (formaldehyde), and 20.46 tpy of combined HAPs. DEP's review of the information submitted by the applicant indicates that the air contamination sources as constructed or modified will comply with all regulatory requirements pertaining to air contamination sources and 127.12. Based on these findings, the Department proposes

to issue a plan approval for the proposed construction. If, after the project has been implemented, the Department determines that the sources are constructed and operated in compliance with the plan approval conditions and the specification of the application for plan approval, the requirements established in the plan approval will be incorporated into an operating permit pursuant to the administrative amendment provisions of 25 Pa. Code § 127.450.

### OPERATING PERMITS

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#### **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.**

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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.*

**Permit No. 19-00007: Transcontinental Gas Pipe Line Company, LLC** (2800 Post Oak Blvd., Houston, TX 77056) to issue a renewal Title V Operating Permit for their Compressor Station 517 located in Jackson Township, **Columbia County**. The facility is currently operating under Title V Operating Permit 19-00007. The facility's main sources include five natural gas-fired combustion turbines which are used to drive the compressors at the facility. The facility's main sources are the five-natural gas-fired combustion turbines which are used to drive the compressors at the facility. The facility has potential emissions of 174 tons per year (tpy) nitrogen oxides, 75 tpy carbon monoxide, 22 tpy volatile organic compounds, 13 tpy particulate matter, 3 tpy sulfur oxides, 2 tpy of combined hazardous air pollutants, and 218,240 tpy of carbon dioxide equivalents (greenhouse gases). No emission or equipment changes are being proposed by this action. 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 40 CFR Parts 60 and 63 and 25 Pa. Code Article III, Chapters 121—145. All pertinent documents used in the evaluation of the application are available for public review during normal business hours at the Department's Northcentral Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701. Appointments for scheduling a review must be made by calling 570-327-3636.

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#### **Intent to Issue Operating Permits 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, (484) 250-5920.*

**Permit No. 46-00019: Lockheed Martin Corporation** (230 Mall Blvd., King of Prussia, PA 19406), located in Upper Merion Township, **Montgomery County**. This action is for the renewal Synthetic Minor Operating Permit. The facility has elected to take a 24.9-ton per



year limit on NO<sub>x</sub> emissions from all the sources listed in the operating permit. The facility is primarily involved in computer programming services; other activities include guided missile and space vehicle manufacturing and repair. Lockheed Martin operates 2 boilers, 3 generators, and various lab equipment. The permit contains all applicable requirements including monitoring, record-keeping and reporting.

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

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

**Permit No. 39-00081: Insulation Corporation of America** (2571 Mitchell Avenue, Allentown, PA 18103). The Department intends to issue a renewal State-Only Operating Permit for operation of sources at their facility located in the City of Allentown, **Lehigh County**. ICA is a manufacturer of polystyrene foam product. The proposed permit contains all applicable requirements for emission limitations, work practice standards, testing, monitoring, recordkeeping, and reporting standards used to verify facility compliance with Federal and State air pollution regulations.

**Permit No. 48-00044: Just Born, Inc.** (1300 Stefko Boulevard, Bethlehem, PA 18017). The Department intends to issue a renewal State-Only Operating Permit for operation of sources at their facility located in the City of Bethlehem, **Lehigh County**. Just Born is a manufacturer of candy. The proposed permit contains all applicable requirements for emission limitations, work practice standards, testing, monitoring, recordkeeping, and reporting standards used to verify facility compliance with Federal and State air pollution regulations.

*Southcentral Region: Air Quality Program, 909 Elmerston Avenue, Harrisburg, PA 17110.*

*Contact: Thomas Hanlon, Facilities Permitting Chief, (717) 705-4862, Thomas Bianca, New Source Review Chief, (717) 705-4863, or William Weaver, Regional Air Quality Manager, (717) 705-4702.*

**Permit No. 36-03052: Boose Aluminum Foundry Co., Inc.** (77 North Reamstown Road, Stevens, PA 17578) to issue a State Only Operating Permit renewal for the aluminum foundry located in East Cocalico Township, **Lancaster County**. The potential emissions from the facility are estimated at 1.2 tpy of NO<sub>x</sub>, 1.0 tpy of CO, 9.8 tpy of PM, 19.6 tpy of VOC and 7.4 tpy of HAPs. 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.

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

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

**Permit No. 41-00059: Bimbo Bakeries USA, Inc.** (3375 Lycoming Creek Road, Williamsport, PA 17701) to issue a renewal State Only (Synthetic Minor) Operating Permit for their Williamsport Plant facility located in Old Lycoming Township, **Lycoming County**. The facility is currently operating under State Only (Synthetic Minor)

Operating Permit 41-00059. The facility's main sources include a 5.25 MMBtu/hr natural gas-fired boiler, a 2.86 MMBtu/hr natural gas-fired boiler, a 1.25 MMBtu/hr natural gas-fired heater, a 2.1 and a 1.0 MMBtu/hr natural gas-fired heater, a 1.12 MMBtu/hr natural gas-fired boiler, one 4.389 MMBtu/hr natural gas-fired bake oven, and 10 natural gas fired space heaters with a combined heat input rating of 1.125 MMBtu/hr. The facility has potential annual emissions of 9.01 tons of carbon monoxide, 9.21 tons of nitrogen oxides, 0.05 ton of sulfur oxides, 0.70 ton of particulate matter (including particulate matter less than 10 microns in size and particulate matter less than 2.5 microns in size), 31.57 tons of volatile organic compounds, 0.87 ton of hazardous air pollutants, and 10,998 tons of carbon dioxide equivalent. The emission limits, throughput limitations and work practice standards along with testing, monitoring, recordkeeping, and reporting requirements have been included in the operating permit to ensure the facility complies with all applicable Federal and State air quality regulations. These operating permit conditions have been derived from the applicable requirements of 25 Pa. Code Chapters 121—145. All pertinent documents used in the evaluation of the application are available for public review during normal business hours at the Department's Northcentral Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701. Appointments for scheduling a review must be made by calling 570-327-3636.

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

*Contact: Thomas Joseph, Facilities Permitting Chief, 412.442.4336.*

**Permit No. 04-00689: ATI Precision Finishing, LLC** (100 River Rd, Brackenridge, PA 15014-1597). In accordance with 25 Pa. Code § 127.441 and 25 Pa. Code § 127.425, the Department is providing notice that they intend to issue a renewed, facility-wide, natural minor, State Only Operating Permit for the continued operation of a titanium shapes finishing plant, known as the Rochester Facility, located in Rochester Borough Township, **Beaver County**.

The facility contains air contamination sources consisting of three enclosed air blasting rooms and an abrasive saw. Air pollution prevention equipment at the facility includes enclosures, 3 fabric filters, and a rotoclone.

Annual potential emissions are 14.9 tons of PM<sub>10</sub> and 1.5 tons of PM<sub>2.5</sub>, and negligible emissions of HAPs. Sources are also subject to 25 Pa. Code Chapters 121—145. The permit includes emission limitations and operational, monitoring, reporting, and recordkeeping requirements for the plant.

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

Those who wish to provide the Department with additional written information that they believe should be considered prior to the issuance of this Title V Operating

Permit may submit the information to Martin L. Hochhauser, PE, Pennsylvania Department of Environmental Protection, 400 Waterfront Drive, Pittsburgh, PA 15222. Each written comment must contain the name, address and telephone number of the person submitting the comments, identification of the proposed Operating Permit (specify Operating Permit SOOP-04-00689), and concise statements regarding the relevancy of the information or objections to issuance of the Operating Permit.

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

**Permit No. 65-00143: Hanson Aggregates BMC, Inc./Torrance Quarry** (2200 Springfield Pike, Connellsville, PA 15425-6412). In accordance with 25 Pa. Code §§ 127.424, 127.425, and 127.521, the Department is providing notice of intent to issue a synthetic minor State Only Operating Permit for the operation of a limestone quarry located in Derry Township, **Westmoreland County**.

Torrance Quarry operates one 500 tph limestone processing plant, one 400 tph limestone processing plant, two large diesel fuel tanks (12,000 gallons and 10,000 gallons), and five small diesel engines between 20 hp and 120 hp each.

This facility has the potential to emit 81.32 tpy PM, 25.02 tpy PM<sub>10</sub>, 0.89 tpy CO, 0.27 tpy SO<sub>x</sub>, 4.11 tpy NO<sub>x</sub>, and 0.33 tpy VOC based on the proposed operating limits. Limestone Processing Plant # 1 is limited to 5,000 hours of operation per 12-consecutive month period (12-cmp) and 2,500,000 tons of crushed stone per 12-cmp. Limestone Processing Plant # 2 is limited to 1,820 hours of operation per 12-cmp and 736,000 tons of crushed stone per 12-cmp. The small diesel engines are limited to 1,000 hours of operation per 12-cmp each. The facility is limited to 0.04 gr/dscf particulate matter and 500 ppmv sulfur oxides. The proposed operating permit includes conditions relating to applicable emission restrictions, testing, monitoring, recordkeeping, reporting, and work practice standards requirements for each unit.

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

Those who wish to provide the Department with additional written information that they believe should be considered prior to the issuance of the State-Only Operating Permit may submit the information to Tom Joseph, Facilities Permit Chief, Department of Environmental Protection, Southwest Regional Office, 400 Waterfront Drive, Pittsburgh, PA 15222. Each written comment must contain the name, address and telephone number of the person submitting the comments, identification of the

proposed Operating Permit (65-00143), and concise statements regarding the relevancy of the information or objections to issuance of the Operating Permit.

All comments must be received prior to the close of business 30 days after the date of this publication. A public hearing may be held in accordance with 25 Pa. Code § 127.429, if the Department, in its discretion, decides that such a hearing is warranted based on the information received. If a public hearing is held, all persons who have properly filed a protest under 25 Pa. Code § 127.426 may appear and give testimony. The Department is not required to hold a conference or hearing. The applicant, the protestant, and other participants will be notified of the decision to hold a hearing (and the time, place and purpose of such hearing) by publication in the newspaper or by the *Pennsylvania Bulletin*, or by telephone, where the Department determines such notification by telephone is sufficient. Written comments or requests for a public hearing should be directed to Tom Joseph, Facilities Permit Chief, at the previously listed address.

**Permit No. 65-00979: Laurel Mountain Midstream Operating, LLC** (Park Place Corporate Center 2, 2000 Commerce Drive, Pittsburgh, PA 15275). In accordance with 25 Pa. Code §§ 127.424, 127.425 and 127.521, the Department is providing notice that it intends to issue an initial Synthetic Minor Operating Permit for operation of the Herminie Compressor Station located in South Huntingdon Township, **Westmoreland County**.

The emission sources covered by this operating permit will include two (2) Caterpillar Model G3516B, natural gas-fired compressor engines, 1,380 bhp at 1,400 rpm; controlled by oxidation catalysts and regulated by automatic air/fuel ratio controllers, one (1) Caterpillar Model G3512LE, natural gas-fired compressor engine, 810 bhp at 1,200 rpm; controlled by oxidation catalyst and regulated by automatic air/fuel ratio controller, one Caterpillar Model G3612LE, natural gas-fired compressor engine, 3,550 bhp at 1,000 rpm; controlled by oxidation catalyst and regulated by automatic air/fuel ratio controller, one (1) Cummins Model QSB7-G6, diesel-fired emergency generator engine, 282 bhp at 1,800 rpm, one (1) triethylene glycol (TEG) dehydrator, rated at 35 MMscf/day controlled by an enclosed combustor rated at 4.0 MMBtu/hr, one (1) TEG dehydrator, rated at 150 MMscf/day, controlled by an enclosed combustor rated at 6.18 MMBtu/hr, two (2) natural gas-fired boilers rated at 0.50 and 2.67 MMBtu/hr, five (5) produced water storage tanks with 1,728 barrel (bbl) total capacity, truck loadout activities, pigging activities, plant fugitives, startup/shutdown/maintenance emissions, pneumatic devices, engine crank case emissions, and venting/blow-downs.

Potential emissions for the sources covered by this operating permit including emission restrictions have been calculated as follows: 32.97 tons per year of carbon monoxide (CO), 50.72 tons per year of nitrogen oxides (NO<sub>x</sub>), 2.46 tons per year of particulate matter less than 10-microns (PM<sub>10</sub>), 2.46 tons per year of particulate matter less than 2.5-microns (PM<sub>2.5</sub>), 29.82 tons per year of volatile organic compounds (VOC), 2.24 tons per year of formaldehyde, 4.66 tons per year of Hazardous Air Pollutants (HAP), and 51,467 tons per year of greenhouse gases (GHGs).

The facility is subject to the applicable requirements of 25 Pa. Code Article III, Chapters 121—145. The proposed operating permit includes emission limitations, monitor-

ing, work practice standards, reporting, and recordkeeping requirements for the facility.

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

Any person may submit comments, a request for the Department to hold a public hearing, or a protest to the proposed operating permit or a condition thereof by submitting the information to Nick Waryanka, PE, Air Quality Engineer, at the Southwest Regional Office. A 30-day comment period from the date of publication of this notice will exist for the submission of comments. Each written comment must contain the name, address and telephone number of the person submitting the comments, identification of the proposed permit (specify Operating Permit 65-00979), and concise statements regarding the relevancy of the information in the proposed permit or objections to issuance of the permit.

A public hearing may be held in accordance with 25 Pa. Code § 127.429, if the Department, in its discretion, decides that such a hearing is warranted based on the information received. If a public hearing is held, all persons who have properly filed a protest under 25 Pa. Code § 127.426 may appear and give testimony. The applicant, the protestant, and other participants will be notified of the decision to hold a hearing (and the time, place and purpose of such hearing) by publication in the newspaper or by the *Pennsylvania Bulletin*, or by telephone, where the Department determines such notification by telephone is sufficient.

*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 Natural Minor Operating Permit for operation of air pollution sources at the following facility:

**Permit No. OP19-000032: Springside Chestnut Hill Academy** (8000 Cherokee St., Philadelphia, PA 19118) for the operation of school, in the City of Philadelphia, **Philadelphia County**. The facility has combined Lower School and Upper School campuses under one campus. The Lower school air emission sources include three (3) boilers firing natural gas as a primary fuel or No. 2 oil during periods of natural gas curtailment each rated less than 5 MMBtu/hr, and one (1) air handling unit firing natural gas each rated less than 1 MMBtu/hr. The Upper School air emission sources include one (1) boiler firing No. 2 oil rated 1.701 MMBtu/hr, one (1) boiler firing natural gas rated 1.04 MMBtu/hr, two (2) boilers firing natural gas as a primary fuel or No. 2 oil during periods of natural gas curtailment each rated less than 6 MMBtu/hr, two (2) hot water heaters and two (2) air handling units firing natural gas each rated less than 1 MMBtu/hr, and one (1) emergency generator firing diesel fuel rated 168 HP. The operating permit will contain operating, monitoring, recordkeeping, and reporting requirements to ensure operation within all applicable requirements. The operating permit will be issued under the 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.

#### PLAN APPROVALS

**Receipt of Plan Approval Applications and Intent to Issue Plan Approvals, and Intent to Issue Amended Operating Permits under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and 25 Pa. Code Chapter 127, Subchapter B and Subchapter F. These actions may include the administrative amendments of an associated operating permit.**

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

*Contact: Raymond Kempa, New Source Review Chief—Telephone: 570-826-2531.*

**Permit No. 54-00019A:** Notice is hereby given in accordance with 25 Pa. Code §§ 127.44(a) and 127.45(a), that the Department of Environmental Protection (DEP) has received and intends to issue a Plan Approval to **Versum Materials US, LLC** (357 Marian Avenue, Tamaqua, PA 18252) for their facility located in Tamaqua Borough, **Schuylkill County**. This Plan Approval No. 54-00019A will be incorporated into a State Only Permit through an administrative amendment at a later date.

Plan Approval No. 54-00019A is for the installation of an Arsine Process Line. VOC emissions from the plant will remain under 50 TPY threshold limit, 12-month rolling sum. Total HAP emissions from the facility will be under 25 TPY, 12-month rolling sum. Single HAP emissions will be under 10 TPY, 12-month rolling sum. The company shall be subject to and comply with 25 Pa. Code § 123.31 for malodorous emissions. The company shall be subject to and comply with 25 Pa. Code § 123.41 for Visible emissions. Emissions from the line will be controlled by the use of a wet scrubber. If applicable, the company shall comply with requirements of 40 CFR Part 63, Subpart VVVVVV. These limits will meet BAT requirements for this source. The Plan Approval and Operating permit will contain additional recordkeeping and operating restrictions designed to keep the facility operating within all applicable air quality requirements.

Copies of the application, DEP's analysis and other documents used in the evaluation of the application are available for public review during normal business hours at Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711.

Any person(s) wishing to provide DEP with additional information, which they believe should be considered prior to the issuance of this permit, may submit the information to the address shown in the preceding paragraph. Each written comment must contain the name, address and telephone number of the person submitting the comments, identification of the proposed permit No. 54-00019A, and a concise statement regarding the relevancy of the information or objections to the issuance of the permit.

A public hearing may be held, if the Department of Environmental Protection, in its discretion, decides that such a hearing is warranted based on the comments received. All persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in the newspaper or the *Pennsylvania Bulletin* or by telephone, where DEP determines such notification is sufficient. Written comments or requests for a public hearing should be directed to Ray Kempa, Chief, New Source Review Section, Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711, Phone number 570-826-2511 within 30 days after publication date.

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

**Permit No. 45-00031D:** Notice is hereby given in accordance with 25 Pa. Code §§ 127.44(a) and 127.45(a), that the Department of Environmental Protection (DEP) has received and intends to issue a Plan Approval to **Ardent Mills, LLC** (258 Harvest Lane, Pocono Summit, PA 18344) for their facility located in Tobyhanna & Pocono Twp., Mount Pocono Borough, **Monroe County**. This Plan Approval No. 45-00031D will be incorporated into a State Only Operating Permit through an administrative amendment at a later date.

Plan Approval No. 45-00031D is for the installation and operation of a new baghouse at the facility in packaging area to control particulate emissions from the bulk loading and packaging operations. This facility is a Non-Title V facility. Proposed new baghouse will collect 99.9% of particulate emissions generated from the bulk loading and packaging operations before discharging into atmosphere. Estimated particulate emissions will be less than 0.012 ton/year. The use of baghouse capable of removing 99.9% of emissions meets Department's BAT criteria for this type of process. The company will operate the sources and maintain the system in accordance with the good engineering practices to assure proper operation of the system. The Plan Approval and Operating permit will contain additional recordkeeping and operating restrictions designed to keep the facility operating within all applicable air quality requirements.

Copies of the application, DEP's analysis and other documents used in the evaluation of the application are available for public review during normal business hours at Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18701-1915.

Any person(s) wishing to provide DEP with additional information, which they believe should be considered prior to the issuance of this permit, may submit the information to the address shown in the preceding paragraph. Each written comment must contain the name, address and telephone number of the person submitting the comments, identification of the proposed permit No. 45-00031D, and a concise statement regarding the relevancy of the information or objections to the issuance of the permit.

A public hearing may be held, if the Department of Environmental Protection, in its discretion, decides that such a hearing is warranted based on the comments received. All persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in the newspaper or the *Pennsylvania Bulletin* or by telephone, where DEP determines such notification is sufficient. Written comments or requests for a public hearing should be directed to Ray Kempa, Environmental Engineer Manager, New Source Review

Section, Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18701-1915, Phone 570-826-2511 within 30 days after publication date.

## COAL & NONCOAL MINING ACTIVITY APPLICATIONS

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

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

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

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

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

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

### *Coal Applications Received*

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

Table 1

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

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

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

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

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

**Permit No. 30753712 and NPDES Permit No. PA0215724. Emerald Contura, LLC**, 158 Portal Road, P.O. Box 1020, Waynesburg, PA 15370, to renew the permit and related NPDES permit for Emerald Mine No. 1—Coal Refuse Disposal Facility No. 1 in Franklin Township, **Greene County**. No additional discharges. The application was considered administratively complete on August 13, 2020. Application received: June 11, 2020.

**Permit No. 63091301 and NPDES Permit No. PA0236004. Tunnel Ridge, LLC**, 184 Schoolhouse Lane, Valley Grove, WV 26060, to renew the permit and related NPDES permit for Tunnel Ridge Mine in Donegal and West Finley Townships, **Washington County**. No additional discharges. The application was considered administratively complete on August 10, 2020. Application received: June 29, 2020.

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

**Permit No. 63090101. Amerikohl Mining, Inc.**, 1384 State Route 711, Stahlstown, PA 15687. Revision application for land use change from farmland to unmanaged natural habitat for an existing surface mine in Nottingham Township, **Washington County**, affecting 232 acres. Receiving streams: unnamed tributaries to Mingo Creek, Mingo Creek to Sugar Run. Application received: August 14, 2020.

**Permit No. 63130102. Amerikohl Mining, Inc.**, 1384 State Route 711, Stahlstown, PA 15687. Revision application for land use change from farmland to unmanaged natural habitat for an existing surface mine located in Nottingham Township, **Washington County**, affecting 65.9 acres. Receiving stream: unnamed tributary to Mingo Creek. Application received: August 19, 2020.

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

**Permit No. 40850203R7. Silverbrook Anthracite, Inc.** (1 Market Street, Laflin, PA 18702), renewal of an existing anthracite coal refuse reprocessing, coal refuse disposal and preparation plant operation in Newport Township, **Luzerne County** affecting 49.0 acres. Receiving stream: South Branch Newport Creek, classified for the following uses: cold water and migratory fishes. Application received: July 24, 2020.

**Permit No. GP-40850203R3. Silverbrook Anthracite, Inc.** (1 Market Street, Laflin, PA 18702), application to renew a coal preparation plant whose pollution control equipment is required to meet all applicable limitations, terms and conditions of General Permit, BAQ-GPA/GP-12 on Surface Mining Permit No. 40850203 in Newport Township, **Luzerne County**. 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).*

**Permit No. 28030302 and NPDES No. PA0224359. St. Thomas Development, Inc.**, 409 Stenton Avenue, Flourtown, PA 19031, renewal of NPDES permit in St. Thomas Township, **Franklin County** affecting 352.5 acres.

Receiving streams: unnamed tributary to Campbell Run classified for the following use: cold water fishes. There are no potable water supply intakes within 10 miles downstream. Application received: August 17, 2020.

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

**Permit No. 57000301 and NPDES PA0244811. Dushore Materials, LLC**, 8700 Route 220, Dushore, PA 18614, renewal for an existing NPDES on a large noncoal surface mining site located in Cherry Township, **Sullivan County** affecting 157.3 acres. Receiving stream(s): Unnamed Tributary to Birch Creek classified for the following use(s): CWF, MF. Application received: August 7, 2020.

**Permit No. 14040302 and NPDES PA0256111. Con-Stone, Inc.**, P.O. Box 28, Bellefonte, PA 16823, renewal for an existing NPDES on a large noncoal surface mining site located in Haines Township, **Centre County** affecting 95.1 acres. Receiving stream(s): Pine Creek classified for the following use(s): EV. Application received: August 12, 2020.

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

**Permit No. 26840402 and PA0588075. Hanson Aggregates BMC, Inc.**, 2200 Springfield Pike, Connellsville, PA 15425. NPDES renewal application for continued mining to an existing large noncoal surface mine located in Connellsville Township, **Fayette County**, affecting 234.7 acres. Receiving streams: unnamed tributaries to Connell Run and Connell Run. Classified for the following use: WWF. Application received: August 19, 2020.

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

**Permit No. 7973SM5C10 and NPDES Permit No. PA0223352. Eureka Stone Quarry, Inc.** (P.O. Box 249, Chalfont, PA 18914), renewal of an NPDES Permit for discharge of treated mine drainage from a quarry operation in Wrightstown, Township, **Bucks County** affecting 158.6 acres. Receiving stream: Neshaminy Creek, classified for the following uses: warm water and migratory fishes. Application received: May 26, 2020.

**Permit No. 40900302C4 and NPDES Permit No. PA0224782. Pennsy Supply, Inc.** (2400 Thea Drive, Suite 3A, Harrisburg, PA 17110), correction to an existing quarry operation to increase the daily maximum discharge rate for the NPDES Permit to 500,000 GPD with a minimum of 200,000 GPD in Dorrance Township, **Luzerne County** affecting 314.15 acres. Receiving stream: Balliet Run and unnamed tributary to Big Wallenpaupack Creek, classified for the following uses: HQ—cold water fishes and cold-water fishes. Application received: July 24, 2020.

**Permit No. 40992801. Dotzel Trucking** (19 Felisha's Way, Mountaintop, PA 18707), Stage I & II Bond release of a quarry operation in Slocum Township, **Luzerne County** affecting 5.0 acres on property owned by Christopher Dotzel. Application received: 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*

*California District Mining Office: 25 Technology Drive, California Technology Park, Coal Center, PA 15423, (724) 769.1100, (Contact: Bonnie Herbert).*

**NPDES No. PA0214744 (Mining Permit No. 03841308) Rosebud Mining Company**, 301 Market Street, Kittanning, PA 16201, a renewal NPDES and mining activity permit for perpetual treatment system for the closed Rosebud No. 1 Deep Mine in Perry Township, **Armstrong County**, affecting 8.8 surface acres. Receiving stream(s): Unnamed Tributary 49098 of Allegheny River (Binkerd Run): WWF. The application was considered administratively complete: March 23, 2017. The application was received: November 23, 2016.

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

*Outfall 001* discharges to: Unnamed Tributary 49098 of Allegheny River (Binkerd Run)

The proposed effluent limits for *Outfall 001* (Lat: 41° 02' 10" Long: -79° 39' 52") are:

The following effluent limitations and monitoring requirements apply to the subject outfall from Permit Effective Date to Permit Expiration Date:

<i>Parameter</i>		<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Flow	(mgd)	-	-	-	Report
Iron	(mg/l)	-	1.84	2.87	4.6
Manganese	(mg/l)	-	1.23	1.92	3.07
Aluminum	(mg/l)	-	0.75	1.17	1.88
Suspended Solids	(mg/l)	-	35	70	90
pH	(S.U.)	6.0	-	-	9.0
Alkalinity, Total as CaCO <sub>3</sub>	(mg/l)	-	-	-	Report
Acidity, Total as CaCO <sub>3</sub>	(mg/l)	-	-	-	Report
Alkalinity, Net	(mg/l)	0.0	-	-	-
Osmotic Pressure	(mOs/kg)	-	90	180	225
Total Dissolved Solids	(mg/l)	-	-	-	Report
Sulfate	(mg/l)	-	-	-	Report

The EPA Waiver is in effect.

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

**NPDES No. PA0251470 (Mining Permit No. 30080201) Shannopin Materials, LLC**, 966 Crafts Run Road, Maidsville, WV 26541, revise the current NPDES permit to add a new outfall for treatment of a Subchapter F monitoring point, located in Monongahela Township, **Greene County**, affecting 19.6 acres. Receiving stream(s): Monongahela River, classified for the following use(s): WWF. The first downstream potable water supply intake from the point of discharge is Dunkard Valley Joint Municipal Authority. Application received: December 24, 2019.

The following outfalls drain to the Monongahela River:

<i>Outfall Nos.</i>	<i>New Outfall (Y/N)</i>	<i>Type</i>
002	N	SWO
006	N	SWO
007	N	MDT
008	N	MDT
009	Y	MDT

The existing effluent limits for Outfalls 002 and 006—008 are as follows and will not change as a result of the NPDES revision application:

<i>Parameter</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Total Iron (mg/L)	1.5	3.0	3.7
Total Manganese (mg/L)	2.0	4.0	5.0
Total Aluminum (mg/L)	0.75	0.75	0.75
Total Suspended Solids (mg/L)	35	70	90
Sulfates (mg/L)		Monitor and Report	
Total Dissolved Solids (mg/L)		Monitor and Report	
Flow (gpm)		Monitor and Report	
Specific Conductivity (µmhos/cm)		Monitor and Report	

Alkalinity must be greater than acidity at all times.

pH must be between 6.0 and 9.0 at all times.

In accordance to § 87.207, the effluent limitations for Outfalls 009 are as follows:

<i>Parameter</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Total Iron (lbs/day)	N/A	N/A	5.33
Total Manganese (lbs/day)	N/A	N/A	3.55
Total Aluminum (lbs/day)	N/A	N/A	7.15
Total Acidity (lbs/day)	N/A	N/A	61.37
Total Suspended Solids (mg/L)	35	70	90
Flow (gpm)		Monitor and Report	
Total Iron (mg/L)		Monitor and Report	
Total Manganese (mg/L)		Monitor and Report	
Total Aluminum (mg/L)		Monitor and Report	
Alkalinity (mg/L)		Monitor and Report	
Sulfates (mg/L)		Monitor and Report	
Total Dissolved Solids (mg/L)		Monitor and Report	
pH (S.U.)		Monitor and Report	
Specific Conductivity (µmhos/cm)		Monitor and Report	

## 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. E5101220-025, Roosevelt Boulevard Associates, LP**, 10901 Dutton Road, Philadelphia, PA 19154, City of Philadelphia, **Philadelphia County**, ACOE Philadelphia District.

To perform the following listed water obstruction and encroachment activities associated with Walton Run near Bennett Road. The proposed project involves approximately 1,300 linear feet of stream restoration and daylighting and floodplain restoration along Walton Run (WWF/MF). The project proposes 9,247 square feet of permanent stream impacts, 48,927 square feet of permanent floodway impacts, 312 square feet of temporary stream impacts, and 22,264 square feet of temporary floodway impacts. There are no impacts in wetlands.

The site is approximately located at 11500 Roosevelt Boulevard-Walton Run and adjacent to the wooded parcel west of Bennett Road cul-de-sac, Philadelphia (Frankford, PA and Beverly, NJ Lat. 40° 06' 29.38"; Long. -75° 00' 43.85") in the City of Philadelphia, Philadelphia County.

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

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

**Permit No. E4502220-023. Papillon & Moyer Excavating & Paving**, 186 Murphy Run, Stroudsburg, PA 18360, in Price Township, **Monroe County**, U.S. Army Corps of Engineers, Philadelphia District.

To construct and maintain a road crossing of a UNT to Brodhead Creek (HQ-CWF, MF) consisting of a 56-foot long, 20-foot span, 5-foot rise concrete arch culvert with a concrete headwall, upstream wingwalls and downstream wingwalls. The road crossing is to provide access for School House Estates subdivision. A de minimus amount of permanent EV wetland impacts are associated with this crossing. The project is located on the left of Schoolhouse Road approximately 0.6 mile after the junction of Wooddale Road (T-556) and Schoolhouse Road (East Stroudsburg, PA Quadrangle Latitude: 41° 4' 45" Longitude: -75° 11' 42") in Price Township, Monroe County.

**Permit No. E3902220-029. Filmtech Corporation**, 2121 31st Street SW, Allentown, PA 18103, in Allentown City, **Lehigh County**, U.S. Army Corps of Engineers, Philadelphia District.

To construct and maintain the following water obstructions and encroachments associated with the Mitchell Avenue Warehouse Project:

1. An access road crossing of a UNT to Trout Creek (HQ-CWF, MF) consisting of a 54-foot long, 10-foot wide box culvert with a concrete headwall, upstream wingwalls

and downstream wingwalls. Approximately 0.13 acre of permanent floodway impacts are associated with this crossing.

2. An outfall structure in the floodway of a UNT to Trout Creek (HQ-CWF, MF) with a concrete endwall and rip rap apron. Approximately 0.03 acre of floodway impact are associated with the outfall structure.

3. To place fill in 0.01 acre of the floodway of a UNT to Trout Creek (HQ-CWF, MF) for the construction of a concrete walkway.

The project is located on the left of Mitchell Avenue approximately 0.1 mile after the intersection of 29th Street SW and Mitchell Avenue (Allentown East, PA Quadrangle Latitude: 40° 33' 36" Longitude: -75° 28' 59") in the City of Allentown, Lehigh County.

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

**Permit No. E0205220-026, Columbia Gas of Pennsylvania, Inc.**, 2201 West State Street, New Castle, PA 16101, Marshall Township, **Allegheny County**, ACOE Pittsburgh District.

The applicant proposes to:

1. Construct and maintain approximately 2,215 linear feet of replacement, 12-inch natural gas pipeline, and appurtenant structures, adjacent to the existing 2,212 linear feet of 8-inch natural gas pipeline;

2. Abandon the existing 2,212 linear feet of 8-inch natural gas pipeline, in place, after the replacement pipeline is installed. The abandoned line will be cut and capped at both tie in locations.

For the purpose of maintaining and operating the replaced pipeline within the permanent easement for line D-82. The project will permanently impact 0.23 acre of PEM wetlands, 0.08 acre of PSS wetlands, and 0.04 acre of PFO wetlands, including 0.12 acre of permanent conversion impacts to PSS and PFO wetlands, and will temporarily impact 0.49 acre of PEM wetlands, 0.13 acre of PSS wetlands, and 0.09 acre of PFO wetlands. In addition, the project will permanently impact a total of 19 linear feet of unnamed tributaries to Brush Creek (WWF) and Brush Creek (WWF), will temporarily impact a total of 134 linear feet of unnamed tributaries to Brush Creek (WWF) and Brush Creek (WWF), and will impact 0.21 acre of floodway and 0.35 acre of FEMA defined floodplain. Compensation for these impacts will include site restoration, and the purchase of 0.15 wetland credits to offset unavoidable conversion impacts to 0.08 acre of PSS wetlands and 0.04 acre of PFO wetlands from the Robinson Fork Mitigation Bank—Phase 2, located in Washington County, PA. The replacement project begins near the Brush Creek Trail entrance via Brush Creek Rd (Mars, PA USGS Topographic Quadrangle; N: 40°, 39', 37.08"; W: -80°, 5', 45.24") and terminates South of Thorn Hill Rd and West of Interstate 76/PA Turnpike (Mars, PA USGS Topographic Quadrangle; N: 40°, 40', 0.12"; W: -80°, 5', 53.16"), in Marshall Township, Allegheny County (USACE Pittsburgh District, Sub-basin 20C).

**Permit No. E5605120-025, PennDOT District 9-0**, 1620 N. Juniata Street, Hollidaysburg, PA 16648, Paint Township, **Somerset County**, Pittsburgh ACOE District.

The applicant proposes to:

Remove the structurally deficient, existing, two span reinforced concrete slab superstructure, having two normal clear span widths of 45'. The existing piers will remain and be reused.

Construct and maintain a replacement, two span I-beam superstructure, having two normal clear span widths of 42'-9", and out-to-out width of 31', on existing piers, having a permanent impact of 31 LF to Shade Creek (CWF).

Construct and maintain two 18" outfalls, having a permanent impact of 0.006 acre to the floodway of Shade Creek.

Construct a temporary access road and causeway, having a temporary impact of 171.6 LF to Shade Creek.

For the purpose of replacing a deficient structure carrying SR 0601-01B over Shade Creek.

The project site is located along 1st Street (SR 0601) in Seanor, PA (Hooversville, PA USGS topographic quadrangle; N: 40°, 12', 44.4737"; W: 78°, 53', 55.8919"; Sub-basin 18E; USACE Pittsburgh District), in Paint Township, Somerset County.

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

**Permit No. E2506120-024, PADOT Engineering District 1-0**, 255 Elm St., P.O. Box 398, Oil City, PA 16301. SR 4008-S01 Intersection Improvements at Five Points Project, in Summit Township, **Erie County**, ACOE Pittsburgh District (Erie South, PA Quadrangle N: 42°, 01', 45.3"; W: 80°, 05', 31.8").

The applicant proposes an intersection improvement project of the SR 4008/S01 intersection at Five Points (T-534 Hamot Rd/SR 4008 Flower Rd/T-512 Oliver Rd/SR 4008 Oliver Rd) in Summit Township, Erie County. The project includes 0.48-mile of safety and intersection improvements involving the construction of a roundabout, road widening, guiderail and drainage upgrades and stormwater management resulting in 0.65-ac of permanent wetland impacts and 0.33-ac of temporary impacts to PSS wetlands. Additionally, an existing outfall pipe will be extended, resulting in 13-ft of permanent stream impacts to UNT Walnut Creek. The applicant proposes to debit an existing wetland bank as mitigation for the proposed wetland impacts.

#### ENVIRONMENTAL ASSESSMENTS

*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.*

**Permit No. D67-497EA. Mayor Michael Helfrich**, City of York, 101 South George Street, York, PA 17401. City of York, **York County**, USACOE Baltimore District.

Project proposes to remove the Bascule Gate Dam to eliminate a threat to public safety and to restore approximately 3,300 feet of stream channel to a free-flowing condition. The dam and right abutment will be removed. The project is located across Codorus Creek (WWF, MF) (York, PA Quadrangle, Latitude: 39.9625; Longitude: -76.7328).

#### EROSION AND SEDIMENT CONTROL

The following parties have applied for an Erosion and Sediment Control Permit (ESCP) for an earth disturbance

activity associated with either a road maintenance or timber harvesting operation. Unless otherwise indicated, on the basis of preliminary review and application of lawful standards and regulations, the Department of Environmental Protection proposes to issue a permit to discharge, subject to certain limitations set forth in the permit conditions. These proposed determinations are tentative. Limitations are provided as erosion and sediment control best management practices (BMPs) which restrict the rate and quantity of sediment discharged.

Persons wishing to comment on the proposed permit are invited to submit a statement to the appropriate Department Regional Office listed above the application within 30-days of this public notice. Comments reviewed within this 30-day period will be considered in the formulation of the final determinations regarding this application. Responses 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 relevant facts upon which it is based. A public hearing may be held after consideration of comments received by the appropriate Department Regional Office during the 30-day public comment period.

Following the 30-day comment period, the appropriate Regional Office Water Management Program Manager will make a final determination regarding the proposed permit. Notice of this determination will be published in the *Pennsylvania Bulletin* at which time this determination may be appealed to the Environmental Hearing Board.

The application and related documents, including the erosion and sediment control plan for the earth disturbance activity are on file and may be inspected at the office identified in this notice. Persons with a disability that require an auxiliary aid, service or other accommodation to participate during the 30-day public comment period should contact the specified Regional Office. TDD users may contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

#### Applications received under Sections 5 and 402 of the Clean Streams Law (35 P.S. §§ 691.5 and 691.402).

*Southwest District: Oil & Gas Management Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222 (412) 442-4281.*

ESCGP-3 # ESG15-129-0001 Major Revision (2nd)  
Applicant Name Apex Energy (PA), LLC  
Contact Person Chris Hess  
Address 6041 Wallace Road, Suite 100  
City, State, Zip Wexford, PA 15090  
County Westmoreland  
Township(s) Salem Township  
Receiving Stream(s) and Classification(s) UNTs to Beaver Run (HQ-CWF)  
Secondary Receiving Water—Beaver Run (HQ-CWF)

ESCGP-3 # ESG076320009-00  
Applicant Name Range Resources Appalachia, LLC  
Contact Person Laura Rusmisl  
Address 3000 Town Center Blvd  
City, State, Zip Canonsburg, PA 15317  
County Washington  
Township(s) Buffalo Twp  
Receiving Stream(s) and Classification(s) UNTs to Wolf Run (HQ-WWF), Wolf Run (HQ-WWF), Buffalo Creek (HQ-WWF)

ESCGP-3 # ESG070419005-00  
 Applicant Name PennEnergy Resources, LLC  
 Contact Person Scott Sweder  
 Address 1000 Commerce Drive, Park Place One, Suite 400  
 City, State, Zip Pittsburgh, PA 15275  
 County Beaver  
 Township(s) New Sewickley Twp  
 Receiving Stream(s) and Classification(s) UNT to Brush Creek (WWF), Brush Creek (WWF), Connoquenessing Creek (WWF), Beaver River (WWF)

Bureau of Environmental Cleanup and Brownfields, Division of Storage Tanks, P.O. Box 8762, Harrisburg, PA 17105-8762, within 30 days from the date of this publication. Comments may also be submitted via email to tanks@pa.gov. Comments received within this 30-day period will be considered in the formulation of the final determinations regarding this application. Responses should include the name, address and telephone number of the writer and a concise statement to inform the Department of the exact basis of the comment and the relevant facts upon which it is based.

**STORAGE TANKS**

**SITE-SPECIFIC INSTALLATION PERMITS**

The following Storage Tank Site-Specific Installation Permit application has been received by the Department of Environmental Protection (Department) and is currently under review. Persons wishing to comment on the proposed permit are invited to submit a statement to the

**The following applications have been received for Storage Tank Site-Specific Installation Permits under the authority of the Storage Tank Spill Prevention Act (35 P.S. §§ 6021.304, 6021.504, 6021.1101 and 6021.1102) and under 25 Pa. Code Chapter 245, Subchapter C.**

*SSIP*

*Application*

<i>No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Tank Type</i>	<i>Tank Capacity</i>
20008	Saia Motor Freight Line LLC 11465 Johns Creek Parkway Johns Creek, GA 30097 Attn: Lisa Hardgrove	Cumberland	Middlesex Township	2 ASTs storing diesel fuel	40,000 gallons total

**ACTIONS**

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

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

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

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

Sections I—VI contain actions regarding industrial, animal or sewage wastes discharges, discharges to groundwater, and discharges associated with MS4, stormwater associated with construction activities and CAFOs. Section VII contains notices for parties who have submitted NOIs for Coverage under General NPDES Permits. The approval for coverage under these General NPDES Permits is subject to applicable effluent limitations, monitoring, reporting requirements and other conditions in each General Permit. The approval of coverage for land application of sewage sludge or residential septage under applicable general permit is subject to pollutant limitations, pathogen and vector attraction reduction requirements, operational standards, general requirements, management practices and other conditions in the respective permit. The permits and related documents, effluent limitations, permitting requirements and other information are on file and may be inspected and arrangements made for copying at the contact office noted before the action.

Persons aggrieved by an action may appeal that action to the Environmental Hearing Board (Board) under section 4 of the Environmental Hearing Board Act (35 P.S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to Administrative Agency Law). The appeal should be sent to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P.O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Board through the Pennsylvania AT&T Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30-days of publication of this notice in the *Pennsylvania Bulletin* unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary to the Board at (717) 787-3483. This paragraph does not, in and of itself, create a right of appeal beyond that permitted by applicable statutes and decisional law.

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

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

### I. NPDES Renewal Permit Actions.

*Southeast Region: Clean Water Program Manager, 2 East Main Street, Norristown, PA 19401, Phone: 484.250.5970.*

<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>
PA0244040 (Sewage)	Shelly Rd Development 528 Main Street Suite 200 Harleysville, PA 19438-2266	Montgomery County Upper Salford Township	East Branch Perkiomen Creek (TSF, MF) 3-E	Y

*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>
PAS602202 (Storm Water)	Denco Tire Recycling P.O. Box 100 112 Industrial Boulevard Stockertown, PA 18083	Northampton County Stockertown Borough	Unnamed Tributary to Bushkill Creek (HQ-CWF, MF) (1-F)	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>
PA0039730 (Sewage) Issued	Pure Events LP 100 Chipmunk Crossing James Creek, PA 16657-1000	Huntingdon County Lincoln Township	Raystown Branch Juniata River (HQ-CWF, MF) in Watershed(s) 11-D	Y
PA0247081 (Sewage) Issued	Hopewell Township Bedford County 2759 Raystown Road Hopewell, PA 16650-7638	Bedford County Hopewell Township	Pipers Run (WWF) in Watershed(s) 11-D	Y
PA0247073 (Sewage) Issued	Hopewell Township Bedford County 2759 Raystown Road Hopewell, PA 16650-7638	Bedford County Hopewell Township	Yellow Creek (HQ-CWF) in Watershed(s) 11-D	Y
PA0082341 (Sewage) Issued	Hopewell Borough Bedford County 411 Broad Street Hopewell, PA 16650-0160	Bedford County Hopewell Township	Raystown Branch Juniata River (TSF) in Watershed(s) 11-D	Y
PA0267104 (Sewage) Issued	ACD Realty LLC 29 Ashmar Drive Duncannon, PA 17020	Perry County Penn Township	Cove Creek (CWF, MF) in Watershed(s) 7-A	Y
PA0261670 (Sewage) Issued	Fredericksburg Little Swatara STP P.O. Box 161 Fredericksburg, PA 17026-0161	Lebanon County Bethel Township	Little Swatara Creek (WWF) (7-D)	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>
PA0042722 (Sewage)	Dushore Sewer Authority P.O. Box 248 Dushore, PA 18614-0248	Sullivan County Dushore Borough	Little Loyalsock Creek (EV (existing use)) (10-B)	Y
PA0021881 (Sewage)	Westfield Borough Sewer System STP 429 E Main Street Westfield, PA 16950-1610	Tioga County Westfield Borough	Cowanesque River (WWF) (4-A)	N
PA0228923 (Sewage)	Pine Cradle Lake Campground 220 Shoemaker Road Ulster, PA 18850-8343	Bradford County Rome Township	Unnamed Tributary to Parks Creek (CWF) (4-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>
PA0218537 (Industrial)	Bet-Tech International, Inc. Blacks Run Site 6010 Woodlawn Road Aliquippa, PA 15001	Beaver County Center Township	Unnamed Tributary to Ohio River (Blacks Run) (20-G)	Y
PA0001465 (Industrial)	Ceramic Color and Chemicals Mfg. Co. P.O. Box 297 New Brighton, PA 15066-0297	Beaver County New Brighton Borough	Blockhouse Run (WWF) (20-B)	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N</i>
PA0101851 (Sewage)	Villa Maria Community Center P.O. Box 906 288 Villa Drive Villa Maria, PA 16155-0906	Lawrence County Pulaski Township	Unnamed Tributary to Coffee Run (WWF) (20-B)	Y
PA0272876 (Sewage)	Donald Hull SRSTP 58 Hamlin Street Smethport, PA 16749-1712	McKean County Keating Township	Ice Pond Brook (CWF) (16-C)	Y
PA0092819 (Sewage)	Fair Winds Manor Nursing Home 126 Iron Bridge Road Sarver, PA 16055-8603	Butler County Winfield Township	Unnamed Tributary of Buffalo Creek (HQ-TSF) (18-F)	Y

*Central Office: Bureau of Abandoned Mine Reclamation, 400 Market Street, 13th Floor, P.O. Box 69205, Harrisburg, PA 17106-9205.*

<i>NPDES No.</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N</i>
PAG02100215002R	PA DEP, Bureau of Abandoned Mine Reclamation P.O. Box 69205 Harrisburg, PA 17106 and T.P. Contracting 402 Beck Road Loretto, PA 15940	Allegheny County Plum Borough	Unnamed Tributary to Little Plum Creek (WWF)	Y

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

*Southeast Region: Water Management Program Manager, 2 East Main Street, Norristown, PA 19401.*

**NPDES Permit PA0244996**, Storm Water, **Universal Concrete Products**, 400 Old Reading Pike, Stowe, PA 19464-3781.

This proposed facility is located in West Pottsgrove Township, **Montgomery County**.

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

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

**NPDES Permit No. PA0034576**, Sewage, SIC Code 4952, **Towanda Municipal Authority Bradford County**, 724 Main Street, Towanda, PA 18848.

This existing facility is located in Towanda Borough, **Bradford 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. PA0288501**, Sewage, SIC Code 8800, **Ann Schultz**, 434 Prospect Street, Warren, PA 16365-2653.

This proposed facility is located in Freehold Township, **Warren County**.

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

**NPDES Permit No. PA0288021**, Sewage, SIC Code 4952, 8800, **Ryan Janoski**, 114 Cadogan Slate Lick Road, Kittanning, PA 16201-8606.

This proposed facility is located in South Buffalo Township, **Armstrong County**.

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

**NPDES Permit No. PA0288144**, Sewage, SIC Code 4952, 8800, **Kristine & Vincent Balinski**, 3578 Reichert Road, Erie, PA 16509.

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

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

**NPDES Permit No. PA0288233**, Sewage, SIC Code 8800, **Augusta Fitzsimmons & James Zablotny**, 2985 S Hill Road, McKean, PA 16426.

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

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

**NPDES Permit No. PA0288381**, Sewage, SIC Code 8800, **Joseph S LeClaire Jr. & Maria P. LeClaire**, 301 Evergreen Drive, Leeper, PA 16233-2511.

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

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

**NPDES Permit No. PA0288403**, Sewage, SIC Code 8800, **Daryl & Renee Miller**, 16542 State Highway 285, Conneaut Lake, PA 16316.

This proposed facility is located in Greenwood Township, **Crawford County**.

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

**NPDES Permit No. PA0288454**, Sewage, SIC Code 8800, **Debra & John Hinderliter**, 370 2nd Avenue, Tionesta, PA 16353-7001.

This proposed facility is located in Hickory Township, **Forest County**.

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

**NPDES Permit No. PA0288446**, Sewage, SIC Code 8800, **Carlie & Jerry Chamberlain**, 102541 Whittaker Road, Albion, PA 16401.

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

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

**NPDES Permit No. PA0288535**, Sewage, SIC Code 8800, **James W. Iman, Sr.**, 106 Raisley Road, Butler, PA 16001.

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

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

**NPDES Permit No. PA0288390**, Sewage, SIC Code 8800, **Daniel Markiewicz**, 8244 Crane Road, Cranesville, PA 16410-9528.

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

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

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

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

**WQM Permit No. 5020401**, Sewerage, SIC Code 8811, **ACD Realty LLC**, 29 Ashmar Drive, Duncannon, PA 17020.

This facility is located in Penn Township, **Perry County**.

Description of Proposed Action/Activity:

This permit approves the construction of sewage facilities consisting of:

- 2,000-gallon septic tank (existing)
- 1,000-gallon septic tank
- Effluent Filter
- Ecoflo EC7-1200-C-P
- UV disinfection

**WQM Permit No. 2171401 A4**, Sewerage, SIC Code 4952, **PA American Water Company**, 852 Wesley Drive, Mechanicsburg, PA 17055-4436.

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

Description of Proposed Action/Activity:

This (permit/amendment) approves the (construction/modification/operation) of sewage facilities consisting of:

- The replacement of the existing UV system (Wedeco Model TAK55L) with a new UV system (Trojan UV3000 Plus).
- All other existing units will remain unchanged.

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

**WQM Permit No. 1703403 A-1**, Sewage, SIC Code 4952, **Clearfield Municipal Authority**, 107 E Market Street, Clearfield, PA 16830-2405.

This existing facility is located in Lawrence Township, **Clearfield County**.

Description of Proposed Action/Activity: Improvements to Lift Station No. 4.

**WQM Permit No. 4112406 A-2**, Sewage, SIC Code 4952, **West Branch Region Authority**, P.O. Box 428, Muncy, PA 17756-0428.

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

Description of Proposed Action/Activity: Upgrade of existing conveyance lines.

*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>
PAG036277	Advanced Coil Industries P.O. Box 241 175 Plumpton Avenue Washington, PA 15301-02411	Washington City Washington County	Chartiers Creek (WWF)—20-F	DEP Southwest Regional Office Clean Water Program 400 Waterfront Drive Pittsburgh, PA 15222-4745 412.442.4000
PAG036279	Brenntag Northeast, LLC 1085 Allegheny Avenue Oakmont, PA 15139-1964	Oakmont Borough Allegheny County	Allegheny River (WWF)—18-A	DEP Southwest Regional Office Clean Water Program 400 Waterfront Drive Pittsburgh, PA 15222-4745 412.442.4000

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

**WQM Permit No. 3281403 A-2**, Sewage, **Keystone Conemaugh Project LLC**, 121 Champion Way, Suite 200, Canonsburg, PA 15317-5817.

This existing facility is located in West Wheatfield Township, **Indiana County**.

Description of Proposed Action/Activity: Modify existing sanitary sewage treatment plant to comply with revised total residual chlorine limits.

**WQM Permit No. 2520411**, Sewage, **Summit Township Sewer Authority Erie County**, 8890 Old French Road, Erie, PA 16509.

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

Description of Proposed Action/Activity: Replacement of sewer lines in Summit Township along Oliver Road and Peach Street.

**WQM Permit No. 6220404**, Sewage, SIC Code 8800, **Ann Schultz**, 434 Prospect Street, Warren, PA 16365-2653.

This proposed facility is located in Freehold Township, **Warren County**.

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

**WQM Permit No. 0320401**, Sewage, SIC Code 4952, 8800, **Ryan Janoski**, 114 Cadogan Slate Lick Road, Kittanning, PA 16201-8606.

This proposed facility is located in South Buffalo Township, **Armstrong County**.

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

**WQM Permit No. 2520403**, Sewage, SIC Code 4952, 8800, **Kristine & Vincent Balinski**, 3578 Reichert Road, Erie, PA 16509.

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

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

**WQM Permit No. 2520406**, Sewage, SIC Code 8800, **Augusta Fitzsimmons & James Zablontny**, 2985 S Hill Road, McKean, PA 16426.

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

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

**WQM Permit No. 1620403**, Sewage, SIC Code 8800, **Joseph S LeClaire Jr. & Maria P. LeClaire**, 301 Evergreen Drive, Leeper, PA 16233-2511.

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

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

**WQM Permit No. 2020401**, Sewage, SIC Code 8800, **Daryl & Renee Miller**, 16542 State Highway 285, Conneaut Lake, PA 16316.

This proposed facility is located in Greenwood Township, **Crawford County**.

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

**WQM Permit No. 2720405**, Sewage, SIC Code 8800, **Debra & John Hinderliter**, 370 2nd Avenue, Tionesta, PA 16353-7001.

This proposed facility is located in Hickory Township, **Forest County**.

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

**WQM Permit No. 2520414**, Sewage, SIC Code 8800, **Carlie & Jerry Chamberlain**, 102541 Whittaker Road, Albion, PA 16401.

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

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

**WQM Permit No. 1020409**, Sewage, SIC Code 8800, **James W Iman Sr**, 106 Raisley Road, Butler, PA 16001.

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

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

**WQM Permit No. 2520412**, Sewage, SIC Code 8800, **Daniel Markiewicz**, 8244 Crane Road, Cranesville, PA 16410-9528.

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

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

#### IV. NPDES Stormwater Discharges from Municipal Separate Storm Sewer Systems (MS4) Individual Permits Issued.

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

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Municipality, County</i>	<i>Receiving Water(s)/Use(s)</i>	<i>TMDL Plan Submitted (Y/N)</i>	<i>Pollutant Reduction Plan Submitted (Y/N)</i>
PAI132281	Carbondale Township P.O. Box 234 103 School Street Childs, PA 18407	Carbondale Township Lackawanna County	Lees Creek (historical) (CWF, MF), Lackawanna River (HQ-CWF, MF), and Racket Brook (CWF, MF)/CWF, MF, and HQ-CWF	N	Y

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

*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>
PAD150150	Ms. Patricia Morgera 1520 Stouff Road Downingtown, PA 19335	Chester County	West Vincent Township	POI A and B Tributaries to Birch Run EV-MF
PAD090050	PPL Electric Utilities Corporation Two North Ninth Street GENN4 Allentown, PA 18101-1139	Bucks County	Lower Milford Township	Hosensack Creek CWF-MF Macoby Creek TSF-MF Schmoutz Creek Molasses Creek Unami Creek HQ-TSF-MF
PAD230047	Mr. Thomas J. Warner Ms. Samantha A. Warner 1102 Green Lane Glen Mills, PA 19342	Delaware County	Edgmont Township	Big Run HQ-TSF



NOTICES

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<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAD090060	JERC Partners LXIV, LLC 171 State Route 173 Asbury, NJ 08802-1365	Bucks County	Falls Township	Delaware River WWF-MF

*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>
PAD350017 Authorization/ Issuance	UGI Utilities, Inc. 1 UGI Drive Denver, PA 17517	Lackawanna County	City of Scranton	Lackawanna River (CWF, MF)
PAD400028 Authorization/ Issuance	Department of Conservation and Natural Resources 400 Market Street Harrisburg, PA 17101	Luzerne County	Dennison Township Foster Township White Haven Borough	Lehigh River (HQ-CWF, MF) Linesville Creek (HQ-CWF, MF) EV Wetlands
PAD520024 Authorization/ Issuance	Department of General Services Arsenal Building 1800 Herr Street Harrisburg, PA 17103	Pike County	Porter Township	UNT to 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>
PAD060038 Issued	FirstEnergy/Mid-Atlantic Interstate Transmission 2800 Pottsville Pike P.O. Box 16001 Reading, PA 19612	Berks	Jefferson Township Penn Township Muhlenberg Township Bern Township Ontelaunee Township	EV Wetlands Northkill Creek (CWF, MF) Tulpehocken Creek (WWF, MF) Licking Creek (TSF, MF) Plum Creek (WWF, MF) Schuylkill River (WWF, MF) Maiden Creek (WWF, MF) Laurel Run (WWF, MF)

*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>
PAD020028	Brooks and Blair Waterfront Properties 310 Seven Fields Boulevard Suite 350 Seven Fields, PA 16046	Allegheny County	Oakmont Borough	Plum Creek (WWF); Allegheny River (WWF)
PAD560001	Pennsylvania Turnpike Commission P.O. Box 67676 Harrisburg, PA 17106	Somerset County	Jefferson Township Lincoln Township Somerset Township	Clear Run (HQ-CWF); Keller Run (HQ-CWF); Crab Run (HQ-CWF); UNT to Crab Run (HQ-CWF); UNT to Quemahoning Creek (CWF); UNT to East Branch of Coxes Creek (WWF)

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


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The EPA Region III Administrator has waived the right to review or object to this permit action under the waiver provision 40 CFR 123.23(d).

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**List of NPDES and/or Other General Permit Types.**


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PAG-01	General Permit for Discharges for Stormwater Discharges Associated with Small Construction Activities.
PAG-02	General Permit for Discharges of Stormwater Associated with Construction Activities
PAG-03	General Permit for Discharges of Stormwater from Industrial Activities
PAG-04	General Permit for Discharges from Small Flow Treatment Facilities
PAG-05	General Permit for Discharges from Petroleum Product Contaminated Groundwater Remediation Systems
PAG-06	General Permit for Wet Weather Overflow Discharges from Combined Sewer Systems (CSO)
PAG-07	General Permit for Beneficial Use of Exceptional Quality Sewage Sludge by Land Application
PAG-08	General Permit for Beneficial Use of Non-Exceptional Quality Sewage Sludge by Land Application to Agricultural Land, Forest, a Public Contact Site or a Land Reclamation Site
PAG-08 (SSN)	Site Suitability Notice for Land Application Under Approved PAG-08 General Permit Coverage
PAG-09	General Permit for Beneficial Use of Residential Septage by Land Application to Agricultural Land, Forest, or a Land Reclamation Site
PAG-09 (SSN)	Site Suitability Notice for Land Application Under Approved PAG-09 General Permit Coverage
PAG-10	General Permit for Discharges from Hydrostatic Testing of Tanks and Pipelines
PAG-11	General Permit for Discharges from Aquatic Animal Production Facilities
PAG-12	Concentrated Animal Feeding Operations (CAFOs)
PAG-13	Stormwater Discharges from Municipal Separate Storm Sewer Systems (MS4)
PAG-14	(To Be Announced)
PAG-15	General Permit for Discharges from the Application of Pesticides

*General Permit Type—PAG-02*

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

<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Facility Location: Municipality &amp; County</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
PAC510170	W/W 2400 Weccacoe Owner VIII, LLC 505 Park Avenue 18th Floor New York, NY 10022	City of Philadelphia Philadelphia County	Delaware River WWF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900

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

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

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone Number</i>
PAC350099 Authoriza- tion/Issuance	Scranton Lackawanna Industrial Building Co. 222 Mulberry Street Scranton, PA 18501-0431	Lackawanna County	Jessup Borough	Grassy Island Creek (CWF, MF)	Lackawanna County Conservation District 1038 Montdale Road Scott Township, PA 18447 570-382-3086
PAC4000174 Authoriza- tion/Issuance	Orion Enterprises LLC Robert Trusavage 706 Susquehanna Ave West Pittston, PA 18643-2423	Luzerne County	Municipality of Kingston	Susquehanna River (WWF, MF) and Toby Creek (WWF, MF)	Luzerne Conservation District 325 Smiths Pond Road Shavertown, PA 18708 570-674-7991

<i>NPDES</i>					
<i>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>
PAC400172 Authoriza- tion/Issuance	Penndot District 4-0 Susan Hazelton 55 Keystone Industrial Park Dunmore, PA 18512	Luzerne County	Hanover Twp Nanticoke City	Espy Run (CWF, MF); Nanticoke Creek (CWF, MF) and Warrior Creek (CWF, MF)	Luzerne Conservation District 325 Smiths Pond Road Shavertown, PA 18708 570-674-7991
<i>Southcentral Region: Waterways and Wetlands Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110.</i>					
<i>NPDES</i>					
<i>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>
PAC010152 Issued	Carmel of Jesus Mary & Joseph 327 Water Street Fairfield, PA 17320	Adams	Hamiltonban Township	Middle Creek (CWF)	Adams County Conservation District 670 Old Harrisburg Road Suite 201 Gettysburg, PA 17325-3404 717.334.0636
PAC010029 Issued	JA Myers Building & Development 160 Ram Drive Hanover, PA 17331	Adams	Cumberland Township	UNT Marsh Creek (CWF) UNT Marsh Creek of Willoughby Run (WWF)	Adams County Conservation District 670 Old Harrisburg Road Suite 201 Gettysburg, PA 17325-3404 717.334.0636
PAC060217 Issued	George Reeves 5 Knowles Creek Road New Hope, PA 18938	Berks	Upper Bern Township	UNT Mill Creek (TSF, MF) Hassler Run-Mill Creek (TSF, MF)	Berks County Conservation District 1238 County Welfare Road Suite 200 Leesport, PA 19533-9710 610.372.4657
PAC060264 Issued	Neil Martin 749 Bloody Spring Road Bethel, PA 19507	Berks	Upper Tulpehocken Township	Little Northkill Creek (CWF-MF)	Berks County Conservation District 1238 County Welfare Road Suite 200 Leesport, PA 19533-9710 610.372.4657
PAC310019 Issued	Alexandria Borough Water Authority 7561 Bridge Street P.O. Box 336 Alexandria, PA 16611	Huntingdon	Porter Township Alexandria Borough	Frankstown Branch of Juniata River (WWF, MF) Robinson Run (WWF, MF) Emma Creek (WWF, MF)	Huntingdon County Conservation District 10605 Raystown Road Suite A Huntingdon, PA 16652-9603 814.627.1627
<i>Southwest Region: Dana Drake, Waterways and Wetlands Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222.</i>					
<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Facility Location and Municipality</i>		<i>Receiving Water/Use</i>	<i>Contact Office and Phone Number</i>
PAC040079	Clover Communities Brighton, LLC 348 Harris Hill Road Williamsville, NY 14221	Brighton Township		Twomile Run (WWF)	Beaver County Conservation District 156 Cowpath Road Aliquippa, PA 15001 724-378-1701
PAC040089	Municipal Water Authority of Aliquippa 160 Hopewell Avenue Aliquippa, PA 15001	City of Aliquippa		Ohio River (WWF)	Beaver County Conservation District 156 Cowpath Road Aliquippa, PA 15001 724-378-1701

## NOTICES

<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Facility Location and Municipality</i>	<i>Receiving Water / Use</i>	<i>Contact Office and Phone Number</i>
PAC040083	1224 Dutch Ridge Development, LLC P.O. Box 113500 Pittsburgh, PA 15241	Brighton Township	Brady Run (TSF)	Beaver County Conservation District 156 Cowpath Road Aliquippa, PA 15001 724-378-1701
PAC560045	Somerset Conservation District 6024 Glades Pike Suite 103 Somerset, PA 15501	Shade Township	Stonycreek River (TSF)	Somerset County Conservation District 6024 Glades Pike Suite 103 Somerset, PA 15501 814-289-4250

*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>
PAC100095A2	Columbia Gas of Pennsylvania Inc. 2201 West State Street New Castle, PA 16101	Marion Township Butler County	UNT North Branch Slippery Rock Creek CWF	Butler County Conservation District 120 Hollywood Drive Suite 201 Butler, PA 16001 724-284-5270
PAC200072	National Fuel Gas Distribution Corp 1100 State Street Erie, PA 16501	Beaver Township Crawford County	Stone Run CWF; MF	Crawford County Conservation District 21742 German Road Meadville, PA 16335 814-763-5269
PAC200069	Springboro DPP, LLC 9010 Overlook Boulevard Brentwood, TN 37027	Springboro Borough Crawford County	UNT Conneaut Creek CWF	Crawford County Conservation District 21742 German Road Meadville, PA 16335 814-763-5269
PAC100164A1	Park Place Marketing LLC 215 Executive Drive Cranberry Township, PA 16066	Cranberry Township Butler County	Brush Creek WWF	Butler County Conservation District 120 Hollywood Drive Suite 201 Butler, PA 16001 724-284-5270
PAC100172	West Penn Power Company Mrs. Amanda B Habershaw 800 Cabin Hill Drive Greensburg, PA 15601	Butler Township Center Township Summit Township Butler County	UNT Crooked Run CWF, UNT Connoquenessing WWF, UNT Sullivan Run WWF Bonnie Brook WWF	Butler County Conservation District 120 Hollywood Drive Suite 201 Butler, PA 16001 724-284-5270
PAC430047	Tri-County Landfill Inc. 159 TCI Park Drive Grove City, PA 16127	Pine Township Mercer County	Black Run CWF, Barmore Run CWF	Mercer County Conservation District 747 Greenville Road Mercer, PA 16137

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

*Contact: Patrick M. Webb, PE, Mining Engineer Manager, 814-472-1830.*

<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>
PAC680037	Bureau of Abandoned Mine Reclamation Cambria Office 286 Industrial Park Road Ebensburg, PA 15931	Clearfield County	Bigler and Gulich Township	Little Muddy Run (CWF)	Cambria District Office 814-412-1800

*General Permit Type—PAG-03*

*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>
PAR203527 A-2	SA Alloys 500 N 2nd Street Columbia, PA 17512-1132	Columbia Borough Lancaster County	Susquehanna River (WWF, MF) Watershed(s) 7-G	SCRO—Clean Water Program 717-705-4812

*Northcentral Region, 208 W Third Street, Suite 101, Williamsport, PA 17701-6448.*

<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>
PAG034872	Keystone Forging Company P.O. Box 269 Northumberland, PA 17857	Northumberland Borough Northumberland County	West Branch Susquehanna River (WWF, MF)—10-C	DEP Northcentral Regional Office Clean Water Program 208 W Third Street Suite 101 Williamsport, PA 17701-6448 570.327.3636

*Northwest Region: Clean Water Program Manager, 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>
PAG038389	Ellwood Crankshaft & Mach Co. 303 Llodio Drive Hermitage, PA 16148-9017	Hermitage City Mercer County	Unnamed Tributary of Shenango River (WWF)—20-A	DEP Northwest Regional Office Clean Water Program 230 Chestnut Street Meadville, PA 16335-3481 814.332.6942

**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>
Marlin J. Peachey 328 Coffee Run Rd. Reedsville, PA 17084	Mifflin	121.3	759.45	Swine	HQ Tea	Approved
			20	Holstein	Creek	
			1.7	Heifers		
			5.7	Holstein		
			1.8	Bulls		
				Beef		
				Finishing		
				Beef Calves		

**SEWAGE FACILITIES ACT PLAN DISAPPROVAL**

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

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

*Plan Location:*

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Saville Township	3954 Veterans Way Elliottsburg, PA 17024	Perry County

*Plan Description:* The request for planning exemption for the Shuman Subdivision (DEP Code No. A3-50923-261-2E; APS ID No. 1021279) has been disapproved. The proposed development—to be located on the southeast side of State Route 17 and Raccoon Valley Road in Saville Township, PA—consists of a 1-lot residential subdivision to be served by an on-lot disposal system with total project flows of 400 gallons per day. This request for planning exemption has been disapproved because the submission failed to address the requirements of Chapter 71, Section 71.51(b)(1)(ii) and Chapter 71, Section 71.51(b)(1)(iii) in that the proposed project area is in an area underlain by carbonate geology and is also within a watershed designated as high quality.

*Plan Location:*

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Saville Township	3954 Veterans Way Elliottsburg, PA 17024	Perry County

*Plan Description:* The request for planning exemption for the Bosserman Subdivision (DEP Code No. A3-50923-260-2E; APS ID No. 1021271) has been disapproved. The proposed development—to be located at 3160 Erly Road in Saville Township, PA—consists of a 1-lot residential subdivision to be served by an on-lot disposal system with total project flows of 400 gallons per day. This request for planning exemption has been disapproved because the submission failed to address the requirements of Chapter 71, Section 71.51(b)(1)(iii) in that the proposed project area is within a watershed designated as high quality.

**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.*

**4136-4140 Mitchell Street**, 4136-4140 Mitchell Street, City of Philadelphia, **Philadelphia County**, John Filoon, REPSG, Inc., 6901 Kingsessing Avenue, Second Floor, Philadelphia, PA 19142 on behalf of Michael Gordon, Mitchell Commons, LLC, 9181 Academy Road Office Suite, Philadelphia, PA 19114 submitted a Remedial Investigation Report/Cleanup Plan/Final Report concerning remediation of site soil contaminated with vanadium, arsenic, benzo (b) pyrene and benzo (b) fluoranthene. The report is intended to document remediation of the site to meet the Site-Specific Standard.

**2935-2965 North 2nd Street**, 2935-2965 North 2nd Street, City of Philadelphia, **Philadelphia County**, Natalie Griffith, REPSG, Inc., 6901 Kingsessing Avenue, Suite 201, Philadelphia, PA 19142 on behalf of Maria Gonzalez, Casa Indiana, LLC, 167 West Allegheny Avenue, Philadelphia, PA 19140 submitted a Final Report concerning remediation of site soil contaminated with PAHs. The report is intended to document remediation of the site to meet the Site-Specific Standard.

**Langford Square**, 315 Langford Road, Marple Township, **Delaware County**, Paul White, PG, Brickhouse Environmental, 515 South Franklin Street, West Chester, PA 19382 on behalf of Vincent Antonini, G Antonini Real Estate, Inc., 3605 Winding Way, Newtown, PA 19073 submitted a Remedial Investigation Report/Cleanup Plan/Risk Assessment Report concerning remediation of site soil and groundwater contaminated with inorganics. The report is intended to document remediation of the site to meet the Site-Specific Standard.

**Brightsmith Coaters**, 120 Enterprise Avenue, Falls Township, **Bucks County**, Joseph Jacobsen, PhD, 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 Final Report concerning remediation of site soil contaminated with ethylbenzene and toluene. The report is intended to document remediation of the site to meet the Statewide Health Standard.

**631 Catherine Street**, 631 Catherine Street, Warminster Township, **Bucks County**, Richard Trimpi, PG, Trimpi Associates, Inc., 1635 Old Plains Road, Pennsburg, PA 18073 on behalf of Eugene B. Wolstenholme Marital Trust/Ralph Wolstenholme, Trustee, 121 Pritchard Hollow Road, Westfield, GA 16950 submitted a Final Report concerning remediation of site soil and groundwater contaminated with No. 2 fuel oil. The report is intended to document remediation of the site to meet the Statewide Health Standard.

**Penn Engineering and Manufacturing, Inc.**, 5190 Old Easton Road, Plumstead Township, **Bucks County**, George Seidman, Earth Data Northeast, Inc., 924 Springdale Drive, Exton, PA 19341 on behalf of Matthew A. Miller, Penn Engineering and Manufacturing, Inc., 5190 Old Easton Road, Danboro, PA 18916 submitted a Remedial Investigation Report concerning remediation of site groundwater contaminated with chlorinated solvents. The report is intended to document remediation of the site to meet the Site-Specific Standard.

**Thorndale West**, 3233 Lincoln Highway, Caln Township, **Chester County**, Geoff Kristof, Aquaterra Technologies, Inc., 901 South Bolmar Street, Suite A, West

Chester, PA 19312 on behalf of Arne Andersen, Thorndale West, LP, 1055 West Lakes Drive, Suite 170, Berwyn, PA 19312 submitted a Remedial Investigation Report/Cleanup Plan concerning remediation of site soil contaminated with chlorinated solvents. The report is intended to document remediation of the site to meet the Site-Specific Standard.

**Mullins Residence**, 1 Forsythia Drive South, Middletown Township, **Bucks County**, Matthew Mercuri, PG, RMS Environmental, LLC, 2198 Pennsbury Drive, Jamison, PA 18929 on behalf of Joe Crooks, Super Tank & Energy Company, LLC, 302 Jefferson Avenue, Bristol, PA 19056 submitted a Final Report concerning remediation of site soil and groundwater contaminated with No. 2 fuel oil. The report is intended to document remediation of the site to meet the Statewide Health Standard.

**Rohm and Haas Bristol Plant—Trailer Staging Area**, 200 Route 13, Bristol Township, **Bucks County**, David J. Kistner, AECOM, 625 West Ridge Pike, Suite E-100, Conshohocken, PA 19428 on behalf of Jerome E. Cibrik, Rohm and Haas Company, P.O. Box 8361, Union Carbide Drive, South Charlestown, WV 25303 submitted a Remedial Investigation Report/Risk Assessment Report concerning remediation of site soil and groundwater contaminated with inorganics. The report is intended to document remediation of the site to meet the Site-Specific Standard.

**Pollock Park**, 839 and 841 Cross Street, Pottstown Borough, **Montgomery County**, Joseph Kraycik, Environmental Standards, Inc., 1140 Valley Forge Road, P.O. Box 810, Valley Forge, PA 19482 on behalf of Michael Lenhart, Borough of Pottstown, 100 East High Street, Pottstown, PA 19464 submitted a Cleanup Plan/Remedial Investigation Report concerning remediation of site soil contaminated with PCBs, lead and other organics. The report is intended to document remediation of the site to meet the Site-Specific Standard.

*Southcentral Region: Environmental Cleanup and Brownfields Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110.*

**Joey and Patricia Burkman Residence**, 1155 Wea Wit Street, East Earl, PA 17519, East Earl Township, **Lancaster County**, Trimpi Associates, 1635 Old Plains Road, Pennsburg, PA 18073, on behalf of State Farm Insurance, P.O. Box 106169, Atlanta, PA 30348, and Joey and Patricia Burkman, 1155 Wea Wit Street, East Earl, PA 17519 submitted a Final Report concerning remediation of site soil and groundwater contaminated with the historic release of No. 2 fuel oil. The Final Report is intended to document remediation of the site to meet the Residential Statewide Health Standard.

**Mechanicsburg Terminals DE, LLC**, 127 Texaco Road, Mechanicsburg, PA 17050-2626, Silver Spring Township, **Cumberland County**, Groundwater Services International, Inc., 443 McCormick Road, Mechanicsburg, PA 17055, on behalf of Lucknow Highspire Terminals, P.O. Box 2621, Harrisburg, PA 17105, submitted Final Report concerning remediation of site soil and groundwater contaminated with diesel fuel. The Final Report is intended to document remediation of the site to meet the Site-Specific Standard.

*Northwest Region: Environmental Cleanup and Brownfields Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481.*

**Amphenol Thermometrics**, 967 Windfall Road, City of St. Marys, **Elk County**, Stantec Consulting Services, Inc., 1060 Andrew Drive, Suite 140, West Chester, PA

19380 on behalf of Baker Hughes, 13200 Bay Park Road, Pasadena, TX 77507 has submitted a Remedial Investigation Report concerning remediation of site soil and site groundwater contaminated with Trichloroethylene, 1,1,1-Trichloroethane, 1,1-Dichloroethene, 1,1-Dichloroethane, and Chloroform. 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

**The Department has taken action on the following plans and reports under the Land Recycling and Environmental Remediation Standards Act (35 P.S. §§ 6026.101—6026.907).**

Section 250.8 of 25 Pa. Code and administration of the Land Recycling and Environmental Remediation Standards Act (act) require the Department to publish in the *Pennsylvania Bulletin* a notice of its final actions on plans and reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the remediation standards of the act. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis of selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed and summaries of sampling methodology and analytical results which demonstrate that the remediation has attained the cleanup standard selected. Plans and reports required by the act for compliance with selection of remediation to a site-specific standard, in addition to a final report, include a remedial investigation report, risk assessment report and cleanup plan. A remedial investigation report includes conclusions from the site investigation; concentration of regulated substances in environmental media; benefits of reuse of the property; and, in some circumstances, a fate and transport analysis. If required, a risk assessment report describes potential adverse effects caused by the presence of regulated substances. If required, a cleanup plan evaluates the abilities of potential remedies to achieve remedy requirements. A work plan for conducting a baseline remedial investigation is required by the act for compliance with selection of a special industrial area remediation. The baseline remedial investigation, based on the work plan, is compiled into the baseline environmental report to establish a reference point to show existing contamination, describe proposed remediation to be done and include a description of existing or potential public benefits of the use or reuse of the property. The Department may approve or disapprove plans and reports submitted. This notice provides the Department's decision and, if relevant, the basis for disapproval.

For further information concerning the plans and reports, contact the environmental cleanup program 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.*

**51 & 62 Marshall Avenue**, 60 West Marshall Road, Lansdowne Borough, **Delaware County**. Consultant Company Name, Consulting Company Address, on behalf of Mark Fuessinger, One Creative, 16 Campus Boulevard, Newtown, PA 19073 submitted a Final Report concerning the remediation of site soil and groundwater contaminated with tetrachloroethylene, trichloroethylene and cis 1,2-dichloroethene. The Report was reviewed by the Department which issued a technical deficiency letter on August 6, 2020.

**Harmony House Nursing Home**, 8420 Roosevelt Boulevard, City of Philadelphia, **Philadelphia County**. Jeremy W. Bolyn Environmental Maintenance Company, 1420 East Mermaid Lane, Glenside, PA 19038 on behalf of Andrea Natchione, DePaul Healthcare, 8410 Roosevelt Boulevard, Philadelphia, PA 19152 submitted a Final Report concerning 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 August 6, 2020.

**Cross Residence**, 8 Holland Drive, Chalfont Borough, **Bucks County**. Richard Trimpi, PG, Trimpi Associates, Inc., 1635 Old Plains Road, Pennsburg, PA 18073 on behalf of Tim Schea, 8 Holland Drive, Chalfont, PA 18914 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 August 7, 2020.

**Brewerytown Mixed Block**, 31st and Master Streets, City of Philadelphia, **Philadelphia County**. Consultant Company Name, Consulting Company Address, on behalf of Jon Herzog, Westrum Development Company, 1300 Virginia Drive, Suite 215, Fort Washington, PA 19034 submitted a Final Report concerning the remediation of site soil contaminated with benzo(a)pyrene, dibenzo(a,h)anthracene, arsenic and lead. The Final Report demonstrated attainment of the residential Site-Specific Standard and was approved by the Department on August 10, 2020.

**1022 Lancaster Avenue**, 1022 Lancaster Avenue, Easttown Township, **Chester County**. Gilbert J. Marshall, PG, Marshall Geoscience, Inc., 170 1st Avenue, Collegeville, PA 19426 on behalf of Stacey Ballard, Ernest C. Eadeh Revocable, Deed of Trust, 511 Old Lancaster Road, Suite 8, Berwyn, PA 19312 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 August 11, 2020.

**725-729 South Broad Street**, 725-729 South Broad Street, City of Philadelphia, **Philadelphia County**. Marc Shaw, Broad Street 725, LLC, 8 Interplex Drive # 117, Trevose, PA 19053 on behalf of Andrew D. Miller, Ally Services Company, 1441 Anderson Avenue, Unit B, Oreland, PA 19075 submitted a Final Report concerning the remediation of site soil contaminated with No. 2 fuel oil. The Report was reviewed by the Department which issued a technical deficiency letter on August 13, 2020.



**DuPont Glenolden Facility**, 500 South Ridgeway Avenue, Glenolden Borough, **Delaware County**. Michael Welsh, Welsh Environmental, Inc., 131 Clearview Drive, Downingtown, PA 19335 on behalf of Eli Kahn, c/o 500 Ridgeway Partners, LLC, 120 Pennsylvania Avenue, Malvern, PA 19355 submitted a Remedial Investigation Report/Risk Assessment Report concerning the remediation of site soil and groundwater contaminated with PAHs. The Report was disapproved by the Department on August 17, 2020.

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

**Bethlehem Commerce Center Site—Coal Chemical Area**, LVIP VII Commerce Center Boulevard, Bethlehem City, **Northampton County**. HDR Engineering, Inc., 1720 Spillman Drive, Bethlehem, PA 18015, on behalf of Lehigh Valley Industrial Park, Inc., 1720 Spillman Drive, Bethlehem, PA 18015, submitted a final report concerning remediation of site soils contaminated during historic coke production processes at the former Bethlehem Steel. The report documented remediation of the site to meet Site-Specific standards and was approved by DEP on August 24, 2020.

*Southcentral Region: Environmental Cleanup and Brownfields Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110.*

**Former Witmer Brothers Garage**, 2089 East Lincoln Highway, Lancaster, PA 17602, East Lampeter Township, **Lancaster County**. August Mack Environmental, Inc., 941 Wheatland Avenue, Lancaster, PA 17603, on behalf of Lloyd Witmer, 122 North Water Street, New Holland, PA 17557, and Ellen M. Witmer, 279 Ridge Road, Ephrata, PA 17522 submitted Remedial Investigation, Cleanup Plan, and Final Report concerning remediation of site groundwater contaminated with No. 2 fuel oil from historic use. The Final Report did not demonstrate attainment of the Site-Specific Standard and was disapproved by the Department on August 20, 2020.

*Northwest Region: Environmental Cleanup and Brownfields Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481.*

**SWEPI LP Warrant 5573 West Lease Well No. 87**, 3.8 miles southwest of 29 Forest Service Drive on PA-321, Hamilton Township, **McKean County**. Arcadis U.S., Inc., 6041 Wallace Road Extension, Suite 300, Wexford, PA 15090, on behalf of Shell Exploration & Production Company, 150 N. Dairy Ashford Road, Building E, 12th Floor, Houston, TX 77079, submitted a Final Report concerning the remediation of site soil & site groundwater contaminated with 1,2,4-Trimethylbenzene, 1,3,5-Trimethylbenzene, Benzene, Cyclohexane, Ethylbenzene, Isopropylbenzene, Naphthalene, sec-Butylbenzene, tert-Butylbenzene, Toluene, Total Xylenes, 1,1-Biphenyl, 2-Methylnaphthalene, Acenaphthene, Anthracene, Benzo[a]anthracene, Benzo[a]pyrene, Benzo[b]fluoranthene, Benzo[g,h,i]perylene, Benzo[k]fluoranthene, Chrysene, Fluoranthene, Fluorene, Indeno[1,2,3-cd]pyrene, Phenanthrene, Phenols (Total), and Pyrene. The Final Report demonstrated attainment of the Statewide Health Standard and was approved by the Department on August 20, 2020.

## DETERMINATION OF APPLICABILITY FOR MUNICIPAL WASTE GENERAL PERMITS

**Determination of Applicability for General Permit Denied Under the Solid Waste Management Act (35 P.S. §§ 6018.101—6018.1003); the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P.S. §§ 4000.101—4000.1904); and Municipal Waste Regulations for a General Permit to Operate Municipal Waste Processing Facilities and/or the Beneficial Use of Municipal Waste.**

*Northeast Region: Regional Solid Waste Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915.*

**General Permit No. WGM055-NE003. Meadowbrook Energy LLC**, 1444 E. Lackawanna Avenue, Suite 203, Olyphant, PA 18447. A General Permit Determination of Applicability for the processing and beneficial use of landfill gas as an alternative fuel source at the Meadowbrook Energy LLC Renewable Natural Gas Processing facility located in Dunmore Borough, **Lackawanna County**. The determination of applicability was denied by the Regional Office on August 19, 2020.

Persons interested in reviewing the denial letter may contact Roger Bellas, Environmental Program Manager, Waste Management Program, Northeast Regional Office, 2 Public Square, Wilkes-Barre, PA 18701-1915 at 570-826-2511. TDD users may contact the Department through the Pennsylvania AT&T Relay Service, (800) 654-5984.

## AIR QUALITY

**General Plan Approval and Operating Permit Usage Authorized under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and 25 Pa. Code Chapter 127 to construct, modify, reactivate or operate air contamination sources and associated air cleaning devices.**

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

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

**GP1-15-0109: Loparex, LLC** (2400 Continental Boulevard, Malvern, PA 19355) on August 21, 2020 for a small gas and No. 2 Oil-Fired Combustion Unit in Treddyffrin Township, **Chester County**.

**GP14-46-0280: Bridgeport Crematory LLC** (805 DeKalb Street, Bridgeport, PA 19405) on August 21, 2020 for a 100 lbs/hr Cremation unit and Afterburner in Bridgeport Borough, **Montgomery County**.

*Northeast Region: Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711-0790.*

*Contact: Raymond Kempa, New Source Review Chief—Telephone: 570-826-2531.*

**AG5A-58-00014A: Cabot Oil & Gas Corp.** (2000 Park Ln., Suite 300, Pittsburgh, PA 15275) on August 18, 2020 the general operating permit GP5A issued for the construction & operation of a Unconventional Natural Gas Well Site at Kropa well pad located in Springville Township, **Susquehanna County**.

**AG5A-58-00016A: Chesapeake Appalachia, LLC** (P.O. Box 18496, Oklahoma City, OK 73154-9528) on August 25, 2020 for the installation of a natural gas fired engine with existing equipment at the MASSO SUS Wellpad located in Auburn Twp., **Susquehanna County**.

**AG5-40-00001B: Transcontinental Gas Pipeline Company LLC** (2800 Post Oak Blvd., Houston, TX 77056-6147) on August 20, 2020 for the modification to their existing GP5 permit located at Station 607 in Fairmont Twp., **Luzerne 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.*

**GP3-67-03184: R.S. Services** (119 Falls Road, Beech Creek, PA 16822) on August 20, 2020, for portable nonmetallic mineral processing equipment, including 3 crushers and 2 screens, under GP3, at the Core 5, 135 Mundis Race Road construction project, in Manchester Township, **York County**.

**GP11-67-03184: R.S. Services** (119 Falls Road, Beech Creek, PA 16822) on August 20, 2020, for five non-road engines under GP11, to operate portable nonmetallic mineral processing equipment, at the Core 5, 135 Mundis Race Road construction project, in Manchester Township, **York County**.

**GP4-05-03001: Bedford Burnoff Services, Inc.** (230 North Street, Bedford, PA 15522) on August 19, 2020, for an existing burnoff oven, under GP4, at the facility located in Bedford Township, **Bedford County**. The general permit authorization was renewed.

**GP1-28-03054: D. L. George & Sons Manufacturing** (20 East Sixth Street, Waynesboro, PA 17268) on August 18, 2020, for two existing natural gas-fired boilers, under GP1, at the facility located in Waynesboro Township, **Franklin County**. The general permit authorization was renewed.

**GP1-21-03134: Pratt Industries, Inc.** (200 Goodman Drive, Carlisle, PA 17013) on August 18, 2020, for a new natural gas-fired boiler, under GP1, at the facility located in Carlisle Borough, **Cumberland County**.

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

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

**GP3-26-00612: Charles L. Swenglish & Sons Coal Company, Inc.** (2 Swenglish Lane, Smithfield, PA 15478) on August 6, 2020, to authorize and allow the installation and operation of a portable nonmetallic mineral processing plant consisting of one (1) crusher with two (2) double deck vibratory screens and associated conveyors located in Springhill and Georges Townships, **Fayette County**.

**GP9-26-00612: Charles L. Swenglish & Sons Coal Company, Inc.** (2 Swenglish Lane, Smithfield, PA 15478) on August 6, 2020, to authorize and allow the installation and operation of three (3) diesel-fired engines of various capacities in conjunction with a portable nonmetallic mineral processing plant located in Springhill and Georges Townships, **Fayette County**.

**GP19-63-00883: Pennsylvania Transformer Technology, Inc.** (30 Curry Avenue, Canonsburg, PA 15317) on August 20, 2020, received authorization under GP-19 for construction and/or operation of one (1) Pangborn, Model No. CM032, Cartridge Collector, 35,055 DSCFM to control one (1) Large Blast source at its facility located in Canonsburg Borough, **Washington County**.

**GP5-63-00967B (AG5-63-00008A): Diversified Pro-drive LLC** (101 McQuiston Drive, Jackson Center, PA

16133) on August 21, 2020, for authorization to operate: One (1) natural gas-fired Caterpillar G3408TALE engine rated at 425 bhp; One (1) Slop water tank; Three (3) Produced water tanks; Fugitive emissions from component leaks, compressor blowdowns, wellpad, and pigging operations at the California Compressor Station located in Fallowfield Township, **Washington 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.**

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

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

**PA-04-00502A: Shasta Services LLC** (300 Steel Street, Aliquippa, PA 15001) Plan Approval issuance date August 19, 2020, for approximately 6 months to allow installation and temporary operation of two (2) natural gas-fired torches for cutting ends of titanium material slabs at their Shasta facility located in Aliquippa Township, **Beaver County**.

**PA-30-00233C: Hill Top Energy Center, LLC** (278 Thomas Road, Carmichaels, PA 15320) on August 25, 2020, for the transfer and use of the required nitrogen oxide (NO<sub>x</sub>) and volatile organic compound (VOC) emission reduction credits (ERCs) at the natural gas-fired combined cycle power plant in Cumberland Township, **Greene County**.

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

*Contact: Edward Wiener, Chief of Source Registration at 215-685-9426.*

**AMS Plan Approval No. IP20-000147: Opportunities Tower I and II** (1707 W Hunting Park Avenue, Philadelphia, PA 19140) issued on August 18, 2020 for the installation of seven (7) natural gas fired hot water heaters each rated at or below 2.0 MMBtu/hr, two (2) 1.06 MMBtu/hr natural gas fired boilers, one (1) 0.81 MMBtu/hr natural gas fired air handling unit, and two (2) diesel fired emergency generators rated at 200 kW and 150 kW at their facility in the City of Philadelphia, **Philadelphia County**. Nitrogen Oxides (NO<sub>x</sub>) have a potential emission of 5.37 tons per year. Carbon Monoxides (CO) have a potential emission of 4.76 tons per year. The plan approval contains operating, monitoring, and recordkeeping requirements to ensure operation within all applicable requirements.

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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.*

**09-0235A: CP Converters Inc.** (181 Rittenhouse Circle, Bristol, PA 19007-1617) on August 18, 2020 for the installation of a new press designated as Source ID 240—Press 24—Allstein Hydro 10-Color. The new press will be

installed in the existing permanent total enclosure (PTE) and VOC emissions will exhaust to the existing Regenerative Thermal Oxidizer (C01—RTO) in Bristol Township, **Bucks County**.

**15-0013C: Loparex Inc.** (2400 Continental Blvd, Malvern, PA 19355-2226) on August 18, 2020 for the installation of a heat set flexographic printing press, associated dryers and a Regenerative Thermal Oxidizer in Tredyffrin Township, **Chester County**.

**15-0094C: Metallurgical Prod Co.** (P.O. Box 598, 810 Lincoln Avenue, West Chester, PA 19381-0598) on August 20, 2020 for the installation of a new Kimre Fiber Bed Filter Control System to reduce phosphoric acid (as condensable particulate matter) and filterable particulate matter during copper alloying operations in West Goshen Township, **Chester County**.

**09-0107A: Oldcastle APG Northeast Inc.** (1214 Hayes Boulevard, Bristol, PA 19007-2913) on August 20, 2020 to extend for the modification of pressure drop range for dust collectors C02, C03 and C04 in Bristol 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.*

**01-05033B: Knouse Foods Cooperative, Inc.** (800 Peach Glen-Idaville Road, Peach Glen, PA 17307) on August 20, 2020, for construction of a combined heat and power (CHP) project to include an anaerobic digester, combustion flare, IC engine/generator set and catalytic oxidizer at the Peach Glen facility in Huntington Township, **Adams County**. The plan approval was extended, with a compliance schedule.

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

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

**41-00001B: Transcontinental Gas Pipe Line Company, LLC** (2800 Post Oak Blvd, Houston, TX 77056) on May 24, 2020, to extend the authorization to operate the sources pursuant to the plan approval an additional 180 days from May 24, 2020 to November 20, 2020, at their Compressor Station 520 located in Mifflin Township, **Lycoming County**. The plan approval has been extended.

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

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

**PA-04-00699H: National Gypsum Company, Inc.** (168 Shippingport Hill Road, P.O. Box 346, Shippingport, PA 15077-1000) Plan Approval Extension issuance date August 18, 2020, for approximately 6 months to allow temporary operation and submit the plan approval application for their NGC facility located in Shippingport Borough, **Beaver County**.

**PA-11-00533B: Starprint Publication, Inc.** (722 Dulancey Drive, Portage, PA 15946-6902) Plan Approval extension issued for 180 days on August 25, 2020, to process SOOP application by the Department for the Starprint Publication facility located in Portage Township, **Cambria County**.

**PA-11-00356C: Equitrans, LP** (2200 Energy Drive, Canonsburg, PA 15317-1001) on August 19, 2020, plan approval extension issued for approximately 180 days to facilitate the shake-down of sources and controls at their Laurel Ridge Compressor Station located in Jackson Township, **Cambria County**.

**PA-11-00356E: Equitrans, LP** (625 Liberty Avenue, Suite 1700, Pittsburgh, PA 15222) on August 18, 2020, plan approval extension issued for approximately 180 days to facilitate the shake-down of sources and controls at their Ranger Mountain Compressor Station located in Jackson Township, **Cambria County**.

**PA-11-00533B: Starprint Publication, Inc.** (722 Dulancey Drive, Portage, PA 15946-6902) Plan Approval extension is issued for 180 days on August 25, 2020, to obtain State Only Operating Permit pending for review in the Department for their Starprint Publication facility located in Portage Township, **Cambria County**.

**PA-26-00535B: Dynegy Fayette II, LLC** (100 Energy Drive, Masontown, PA 15461) plan approval extension effective August 28, 2020, with expiration on February 28, 2021, to extend the period of temporary operation of the modified combustion gas turbines ("CGT") at Fayette Energy Center located in Masontown Borough, **Fayette County**.

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**Operating Permits for Non-Title V Facilities Issued under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and 25 Pa. Code Chapter 127, Subchapter F.**

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

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

**46-00167: Parkhouse Operating, LLC, DBA Parkhouse Nursing & Rehabilitation Center** (1600 Black Rock Rd, Royersford, PA 19468) on August 21, 2020 for the renewal of State Only Synthetic Minor Permit with a change of ownership as well as a change of responsible official to Ms. Kelli Campbell due to restructuring for the facility located in Upper Providence Township, **Montgomery County**. The name of operating company is being retained. The Administrative Amendment for the change of ownership was performed in accordance with Air Pollution Control Act (35 P.S. §§ 4001—4015) and 25 Pa. Code § 127.450. Renewal of State-Only Synthetic Minor Operating Permit is issued under Air Pollution Control Act (35 P.S. §§ 4001—4015) and 25 Pa. Code § 127.441.

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

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

**39-00037: Nestle Purina Petcare Co., Petcare Plant** (2050 Pope Rd., Allentown, PA 18104-9308). On July 14, 2020, the Department issued a renewal State-Only (Synthetic Minor) Permit for manufacturing of dog and cat food in South Whitehall Township, **Lehigh County**. The primary sources consist of boilers. The sources are considered minor emission sources of nitrogen oxide (NO<sub>x</sub>), sulfur oxides (SO<sub>x</sub>), carbon monoxide (CO), total suspended particulate (TSP), and volatile organic compounds (VOC) emissions. The operating permit contains applicable requirements for emission limitations, work practice standards, testing, monitoring, recordkeep-

ing, and reporting standards used to verify facility compliance with Federal and State air pollution regulations.

**48-00086: Bethlehem Apparatus Company, Inc./Hellertown** (890 Front Street, Hellertown, PA 18055-1507). On July 17, 2020, the Department issued a renewal State-Only (Natural Minor) Permit for the hazardous waste treatment and disposal facility in Hellertown Borough, **Northampton County**. The primary source is a rooftop ventilation system. The control devices are carbon filters. The sources are considered minor emission sources of nitrogen oxide (NO<sub>x</sub>), sulfur oxides (SO<sub>x</sub>), carbon monoxide (CO), total suspended particulate (TSP), and volatile organic compounds (VOC) emissions. The operating permit contains applicable requirements for emission limitations, work practice standards, testing, monitoring, recordkeeping, and reporting standards used to verify facility compliance with Federal and State air pollution regulations.

**48-00070: Prime Conduit Inc./Upper Nazareth** (26961 Lake Rd., Bay Village, OH 44140). On August 18, 2020, the Department issued a renewal State-Only (Natural Minor) Permit for the manufacture of noncurrent-carrying wiring devices located in Upper Nazareth Township, **Northampton County**. The primary sources are extrusion lines and storage silos. The control devices are dust collectors. The sources are considered minor emission sources of nitrogen oxide (NO<sub>x</sub>), sulfur oxides (SO<sub>x</sub>), carbon monoxide (CO), total suspended particulate (TSP), and volatile organic compounds (VOC) emissions. The operating permit contains applicable requirements for emission limitations, work practice standards, testing, monitoring, recordkeeping, and reporting standards used to verify facility compliance with Federal and State air pollution regulations.

**35-00052: H & K Group, Inc., Dunmore Materials** (P.O. Box 196, Skippack, PA 19474-0196). On August 20, 2020, the Department issued a renewal State-Only (Synthetic Minor) Permit for the manufacture of Asphalt Paving Mixtures and Blocks located in Dunmore Borough, **Lackawanna County**. The primary sources consist of a Batch Hot Mix Asphalt Plant with RAP. The control devices are a baghouse. The sources are considered minor emission sources of nitrogen oxide (NO<sub>x</sub>), sulfur oxides (SO<sub>x</sub>), carbon monoxide (CO), total suspended particulate (TSP), and volatile organic compounds (VOC) emissions. The operating permit contains applicable requirements for emission limitations, work practice standards, testing, monitoring, recordkeeping, and reporting standards used to verify facility compliance with Federal and State air pollution regulations.

*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.*

**06-05079: United Corrstack, LLC** (720 Laurel Street, Reading, PA 19602-2718) on August 17, 2020, for the corrugated paper products manufacturing facility located in the City of Reading, **Berks County**. The State-Only Permit was renewed.

**38-03063: PRL Industries, Inc.** (P.O. Box 142, 64 Rexmont Road, Cornwall, PA 17016-0142) on August 17, 2020, for the welding/finishing operations at the facility located in Cornwall Borough, **Lebanon County**. The State-Only Permit was renewed.

**36-03075: Lancaster City Advanced Waste Water Treatment Plant** (P.O. Box 1599, 120 North Duke Street, Lancaster, PA 17608-1599) on August 17, 2020, for the wastewater treatment facility located in Lancaster Township, **Lancaster County**. The State-Only Permit was renewed.

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

*Contact: Thomas Joseph, Facilities Permitting Chief, 412.442.4336.*

**65-00596: St. Clair Cemetery Association, Inc.** (944 Saint Clair Way, Greensburg, PA 15601). On August 11, 2020, the Department issued a Natural Minor Operating Permit renewal for the operation of the facility's air contamination sources consisting of one natural gas-fired All Crematory Corp Model L-1701-32A crematory incinerator with a 716,000 Btu/hr primary chamber and a 1,400,000 Btu/hr secondary chamber, and one natural gas-fired Matthews IE43-PPI crematory incinerator with a 600,000 Btu/hr primary chamber and a 2,000,000 Btu/hr secondary chamber. The All Crematory unit is limited to 0.1 gr/dscf particulate matter corrected to 12% CO<sub>2</sub> and 500 ppmv sulfur oxides. The Matthews unit is limited to 0.08 gr/dscf particulate matter corrected to 7% O<sub>2</sub> and 500 ppmv sulfur oxides. The permit includes conditions relating to applicable emission restrictions, testing, monitoring, recordkeeping, reporting, and work practice standards requirements for the facility located in Hempfield Township, **Westmoreland County**.

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

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

**10-00277: Wiest Asphalt Products & Paving Inc.** (310 Mitchell Hill Road, Butler, PA 16002). On August 18, 2020 the Department issued a State Only Operating Permit renewal for the operation of hot mix asphalt plant located in Summit Township, **Butler County**. The facility consists of a 200 ton per hour hot mix batch asphalt plant, 2 asphalt storage silos, natural gas storage tank, and diesel storage tank. The facility has the potential to emit (TPY): 99 CO, 6.19 NO<sub>x</sub>, 6.19 PM, 1.14 SO<sub>x</sub>, and 2.03 VOC. The facility is a natural minor and is subject to State Regulations and Federal Regulations (40 CFR Part 60 Subpart I). The permit includes additional operation requirements, monitoring requirements, and recordkeeping requirements to ensure compliance with the Clean Air Act and the Air Pollution Control Act.

**25-00974: Hi-Tech Plating** (1015 West 18th Street, Erie, PA 16502). On August 18, 2020, the Department issued the renewal of the State-Only Operating Permit of a facility that specializes in hard chrome plating and electroless nickel plating located in Erie City, **Erie County**. Permitted air contamination sources at the facility include hard chromium electroplating tanks, electroless nickel plating tanks, masking paint application, masking paint removal, wet blasting operation, and miscellaneous natural gas usage. For permitting purposes, the facility is Natural Minor. In this renewal, permit conditions based on criteria of conditional exemptions from plan approval requirements and/or conditions of approved RFDs are removed. Permit conditions are added to ensure exemption of masking paint application and removal from 25 Pa. Code § 129.52d.

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

*Contact: Edward Wiener, Chief, Source Registration at 215-685-9426.*

The City of Philadelphia, Air Management Services (AMS) issued on August 24, 2020 a renewal for a Natural Minor (State Only) Operating Permit for the following facility:

**OP19-000035: Menasha Packaging, LLC** (601 East Erie Avenue, Philadelphia, PA 19134) on August 24, 2020, was issued a Natural Minor (State Only) Operating Permit for the operation of air pollution sources in a production facility for Corrugated and Solid Fiber Boxes in the City of Philadelphia, **Philadelphia County**. The facility's air emission sources are two (2) flexographic printing presses, of which one is a 5 color printer with a die cutter and the other is a 6 color printer, two (2) boilers firing natural gas as the primary fuel and No. 2 oil during periods of natural gas curtailment or for periodic testing, maintenance, or operator training on liquid fuel each rated 7.53 MMBtu/hr, two (2) heaters firing natural gas each rated 1.375 MMBtu/hr, and one (1) wastepaper collector cyclone control device.

**Operating Permit Revisions Issued including Administrative Amendments, Minor Modifications or Transfers of Ownership under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and 25 Pa. Code §§ 127.412, 127.450, 127.462 and 127.464.**

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

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

**09-00037: Brook & Whittle Limited** (3001 State Road, Croydon, PA 19021) for change of ownership at the facility located in Bristol Township, **Bucks County**. The facility is previously known as Westrock. The Administrative Amendment of the State-Only Operating Permit for this facility is issued under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and 25 Pa. Code § 127.450.

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

*Contact: Thomas Joseph, Facilities Permitting Chief, 412.442.4336.*

**TVOP-65-000137: Vandergrift Facility, ATI Flat Rolled Products Holdings, LLC** (100 River Road, Brackenridge, PA 15014) on August 4, 2020, an administrative amendment to add a special condition in the Title V Operating Permit renewal and RACT II Modification to Vandergrift facility, ATI Flat Rolled Products Holdings, LLC located in Vandergrift Boro., **Westmoreland County**.

**Operating Permits Denied, Terminated, Suspended or Revoked under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and 25 Pa. Code §§ 127.431 and 127.461.**

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

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

**25-00923: Erie Power LLC** (131 Varick Street, Site 1006, New York, NY 10013-1410) on August 19, 2020, the

Title V Operating Permit was revoked for the facility located in Northeast Township, **Erie County**. This Permit was revoked based on the request of the facility to close out the plan approval and operating permit because the facility will not reactivate the plant within the time limit laid out within the reactivation plan approval (25-923B) which expires October 31, 2020. The sources have not operated in the previous 10 years.

## **ACTIONS ON COAL AND NONCOAL MINING ACTIVITY APPLICATIONS**

**Actions on applications under the Surface Mining Conservation and Reclamation Act (52 P.S. §§ 1396.1—1396.31); the Noncoal Surface Mining Conservation and Reclamation Act (52 P.S. §§ 3301—3326); the Clean Streams Law (35 P.S. §§ 691.1—691.1001); the Coal Refuse Disposal Control Act (52 P.S. §§ 30.51—30.66); the Bituminous Mine Subsidence and Land Conservation Act (52 P.S. §§ 1406.1—1406.21). The final action on each application also constitutes action on the NPDES permit application and, if noted, the request for a Section 401 Water Quality Certification. Mining activity permits issued in response to such applications will also address the application permitting requirements of the following statutes; the Air Quality Control Act (35 P.S. §§ 4001—4015); the Dam Safety and Encroachments Act (32 P.S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P.S. §§ 6018.101—6018.1003).**

### *Coal Permit Issued*

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

**Permit No. 63841304 and NPDES Permit No. PA0111643. Laurel Run Mining Company, 1000 Consol Energy Drive, Suite 100, Canonsburg, PA 15317, to renew the NPDES permit for reclamation/water treatment only, the CMAP permit renewal was issued June 7, 2018, for Vesta Mine located in North Bethlehem Township, **Washington County**. No additional discharges. The application was considered administratively complete on September 13, 2017. Application received: May 10, 2017. NPDES Permit issued: April 28, 2020.**

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

**Permit No. 56140103 and NPDES No. PA0279315. Fieg Brothers, 3070 Stoystown Road, Stoystown, PA 15563, commencement, operation and restoration of a bituminous surface and auger mine to change the land use from woodland & wildlife habitat to unmanaged natural habitat in Southampton and Fairhope Townships, **Somerset County**, affecting 291.3 acres. Receiving streams: unnamed tributaries to Wills Creek to Potomac River classified for the following use: high-quality cold-water fishes. There are no potable water supply intakes within 10 miles downstream. Application received: May 1, 2020. Permit issued: August 18, 2020.**

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

**Permit No. 65810113 and PA0615668. M. B. Energy, Inc., 175 McKnight Road, Blairsville, PA 15717. Permit renewal issued for continued treatment to an existing surface mine located in Derry Township, **Westmoreland****

County affecting 103.8 acres. Receiving stream: Unnamed tributary to Four Mile Run. Classified for the following use: TSF. Application received: April 12, 2019. Permit issued: August 14, 2020.

*Noncoal Permits Issued*

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

**Permit No. 5177SM2T. William J. Geary d/b/a Geary Enterprises Concrete** (326 Post Hill Road, Falls, PA 18615), transfer of an existing quarry operation and reducing the permitted acres from 73.0 to 22.4 acres in Exeter Township, **Wyoming County** affecting 22.4 acres. Receiving stream: Susquehanna River. Application received: January 16, 2019. Transfer issued: August 4, 2020.

**Permit No. PAM119005. William J. Geary d/b/a Geary Enterprises Concrete** (326 Post Hill Road, Falls, PA 18615), coverage under the General NPDES Stormwater Permit for stormwater discharges associated with mining activities on Surface Mining Permit No. 5177SM2 in Exeter Township, **Wyoming County**, receiving stream: Susquehanna River. Application received: January 16, 2019. Permit issued: August 4, 2020.

**Permit No. 58010301C2 and NPDES Permit No. PA0224171. Pennsy Supply, Inc.** (2400 Thea Drive, Suite 3A, Harrisburg, PA 17110), renewal of NPDES permit for discharge of treated mine drainage from a quarry operation in Bridgewater and Dimock Townships, **Susquehanna County**, Receiving stream: South Branch Wyalusing Creek. Application received: May 8, 2018. Renewal issued: August 20, 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*

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

**Permit No. 10204002. Wampum Hardware Co.** (636 Paden Road, New Galilee, PA 16141). Blasting activity permit to blast at Jackson Point for the Sippel Development in Jackson Township, **Butler County**. This blasting activity permit will expire on January 1, 2021. Permit issued: August 17, 2020.

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

**Permit No. 08204108. Meshoppen Blasting Inc.**, Frantz Rd, P.O. Box 127, Meshoppen, PA 18630. Blasting for construction of a gas pad located in Wyalusing Township, **Bradford County** with an expiration date of August 12, 2021. Permit issued: August 19, 2020.

**Permit No. 08204109. M & J Explosives, LLC**, P.O. Box 1248, Carlisle, PA 17013-6248. Blasting for construction of a well pad located in Franklin Township, **Bradford County** with an expiration date of August 19, 2021. Permit issued: August 19, 2020.

**Permit No. 12204101. Wampum Hardware**, 636 Paden Road, New Galilee, PA 16141-2018. Blasting for commercial development in Shippen Township, **Cameron County** with an expiration date of December 31, 2020. Permit issued: August 17, 2020.

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

**Permit No. 40204001. Holbert Explosives, Inc.** (237 Mast Hope Plank Road, Suite A, Lackawaxen, PA 18435), construction blasting for Site Service Group in Hazle Township, **Luzerne County** with an expiration date of August 10, 2021. Permit issued: August 18, 2020.

**Permit No. 58204107. DW Drilling & Blasting** (2733 East Battlefield Street # 320, Springfield, MO 65804) construction blasting for the Susquehanna County 911 Center in New Milford Township, **Susquehanna County** with an expiration date of August 18, 2021. Permit issued: August 18, 2020.

**Permit No. 36204126. Maine Drilling & Blasting, Inc.** (P.O. Box 1140, Gardiner, ME 04345), construction blasting for Vintage Business Park in Paradise Township, **Lancaster County** with an expiration date of August 10, 2021. Permit issued: August 20, 2020.

**Permit No. 67204110. M & J Explosives, LLC** (P.O. Box 1248, Carlisle, PA 17013), construction blasting for High Pointe in Penn Township, **York County** with an expiration date of August 19, 2021. Permit issued: August 23, 2020.

**FEDERAL WATER POLLUTION CONTROL ACT SECTION 401**

The Department has taken the following actions on previously received permit applications, requests for Environmental Assessment approval, and requests for Water Quality Certification under Section 401 of the Federal Water Pollution Control Act (FWPCA) (33 U.S.C.A. § 1341).

Except as otherwise noted, the Department has granted 401 Water Quality Certification certifying that the construction and operation described will comply with the applicable provisions of Sections 301—303, 306 and 307 of the FWPCA 33 U.S.C.A. §§ 1311—1313, 1316 and 1317, and that the construction will not violate applicable Federal and State Water Quality Standards.

Any person aggrieved by these actions may appeal, pursuant to Section 4 of the Environmental Hearing Board Act, 35 P.S. § 7514, and the Administrative Agency Law, 2 Pa.C.S. Chapter 5A, to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P.O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Board through the Pennsylvania AT&T Relay Service, (800) 654-5984. Appeals must be filed with the Environmental Hearing Board within 30-days of publication of this notice in the *Pennsylvania Bulletin*, unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in braille or on audiotape from the Secretary to the Board at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decisional law.

If you want to challenge this action, your appeal must reach the Board within 30-days. You do not need a lawyer to file an appeal with the Board.

Important legal rights are at stake, however, so you should show this notice to a lawyer at 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. EA2301220-021/WL2301220-001, Kimberly-Clark Pennsylvania, LLC, Front Street and Avenue of the States, Chester, PA 19103, City of Chester, Delaware County, ACOE Philadelphia District.**

Kimberly-Clark Pennsylvania, LLC is proposing to restore the following watercourses associated with their Market Street Pier and are listed as follows:

1. To remove an existing dock facility located within the Delaware River (WWF-MF) and is associated with an existing DEP Water Obstruction and Encroachment Permit (E23-245). This activity includes the removal of dock structure pilings with remaining portions at river bottom, cut and cap an abandoned 24-inch water intake pipe at bulkhead, with remaining pipe to be left in place at river bottom resulting in 1.62 acre of dock facility removed from the Delaware River and 4.15 acres of temporary watercourse impact due to the installation of a turbidity curtain as a temporary measure for erosion and sedimentation best management practice.

2. To remove a 558-foot long coal conveyor system over Chester Creek (WWF-MF) upstream of its confluence with the Delaware River (WWF-MF) and is associated with an existing DEP Water Obstruction and Encroachment Permit (E23-094) resulting in 190 linear feet (2,280 square feet) removed over the watercourse and 152 linear feet (1,805 square feet) removed from within the floodway.

This project is located at 1 Avenue of the States in Chester City, Delaware County (USGS PA Bridgeport Quadrangle—Latitude 39.843966 N, Longitude 75.355073 W). Permit issued August 24, 2020.

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

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

**Permit No. E4002219-001. Fellowship Church, 45 Hildebrandt Road, Dallas, PA 18612. Dallas Township, Luzerne County, Army Corps of Engineers Philadelphia District.**

To construct and maintain 3—1.5" PVC sewer lines crossing approximately 300 linear feet of exceptional

value (EV) wetland via directional drill within the Toby Creek (CWF, MF) watershed and a 3-foot wide crossing of a UNT to Toby Creek for the purpose of constructing an on-lot wastewater disposal system for the Fellowship Church. The project is located on the southeast side of Hildebrandt Road, approximately 0.5 mile north of the intersection of S.R. 309 and Hildebrandt Road (Kingston, PA Quadrangle Latitude: 41° 20' 50.99"; Longitude: -75°56' 56.72") in Dallas Township, Luzerne County.

**Permit No. E4002219-011. Pennsylvania Department of Conservation and Natural Resources, 400 Market Street, Harrisburg, PA 17101, White Haven Borough, Luzerne County, U.S. Army Corps of Engineers, Philadelphia District.**

To construct and maintain the following water obstructions and encroachments associated with the White Haven Public Access project at Lehigh Gorge State Park:

1) A stream crossing of Linesville Creek (HQ-CWF, MF) consisting of the removal of the existing structure and the construction of 39-foot wide, 17.9-ft high, 30-ft span open-bottom concrete box culvert.

2) A stormwater outfall within the floodway of Linesville Creek (HQ-CWF, MF) consisting of a concrete headwall, a 24-in diameter SLCPP, and a 15-ft long, 21-ft wide R-4 riprap apron.

3) A stormwater outfall within the floodway of Linesville Creek (HQ-CWF, MF) consisting of a concrete headwall, an 18-in diameter SLCPP, and a 12-ft long, 17-ft wide R-3 riprap apron.

4) A fill within 0.34-acre of the floodway of Linesville Creek (HQ-CWF, MF) consisting of grading associated with the southern berm of a stormwater basin and Road "B." This impact proposes 9,900 ft<sup>3</sup> of net fill within the floodway.

5) A stormwater outfall within the floodway of the Lehigh River (HQ-CWF, MF) consisting of a concrete headwall, a 30-in diameter SLCPP, and a 29-ft long, 44-ft wide R-4 riprap apron.

6) A boat launching ramp within the floodway of the Lehigh River (HQ-CWF, MF) consisting of a 58-ft long, 35-ft wide articulating concrete matting underlain with 6-in of gravel.

7) A boat launching ramp within the floodway of the Lehigh River (HQ-CWF, MF) consisting of a 40-ft long, 66-ft wide articulating concrete matting underlain with 6-in of gravel.

8) A boat launching ramp within the floodway of the Lehigh River (HQ-CWF, MF) consisting of a 27-ft long, 34-ft wide articulating concrete matting underlain with 6-in of gravel.

9) A boat launching ramp within the floodway of the Lehigh River (HQ-CWF, MF) consisting of a 48-ft long, 10-ft wide articulating concrete matting underlain with 6-in of gravel.

10) A boat launching ramp within the floodway of the Lehigh River (HQ-CWF, MF) consisting of a 65-ft long, 10-ft wide articulating concrete matting underlain with 6-in of gravel.

11) A stormwater outfall within the floodway of the Lehigh River (HQ-CWF, MF) consisting of a 10-ft wide, 10-ft long, 18-in thick riprap apron installed beneath the bridge scupper drain associated with an existing overpass carrying the westbound lane of I-80.

12) A stormwater outfall within the floodway of the Lehigh River (HQ-CWF, MF) consisting of a 10-ft wide, 10-ft long, 18-in thick riprap apron installed beneath the bridge scupper drain associated with an existing overpass carrying the eastbound lane of I-80.

The project is located, approximately 0.3 mile north-west of the intersection of I-80 and S.R. 940 (Church Street) (White Haven, PA Quadrangle Latitude: 41° 3' 22.45" Longitude: -75° 46' 13.84") in White Haven Borough, Dennison Township and Foster Township, Luzerne County.

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

**Permit No. E2803220-001. Borough of Waynesboro,** 55 East Main Street, Waynesboro, PA 17268. Washington Township, **Franklin County**, U.S. Army Corps of Engineers, Baltimore District.

To (1) install and maintain an at grade 5.0 feet wide, 970.0 feet long, asphalt recreational trail (Blue Heron Trail) impacting 4,850.0 square feet of East Branch Antietam Creek (CWF, MF) floodway, and to (2) construct, install and maintain a 12.0 foot long, 18.0 inch diameter culvert extension embedded 6.0 inches into the streambed of the Unnamed Tributary to East Branch Antietam Creek (CWF, MF) permanently impacting 144.0 square feet, all for the purpose of providing improvement to trails for the Renfrew Museum and Park and Otterbein Church Recreational Park. No wetland impacts proposed. The project is located near Welty Road (Smithsburg PA Quad, Latitude: 39.74103, Longitude: -77.56573) in Washington Township, Franklin County. Permit issued August 19, 2020.

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

**Permit No. E1804220-022: UGI Utilities, Inc.,** 1 UGI Dr., Denver, PA 17517, Chapman Township, **Clinton County**, U.S. Army Corps of Engineers Baltimore District (Renovo East Quadrangle; Latitude 41° 22' 18" N; 77° 41' 59" W).

The applicant will remove 290 linear feet of six-inch steel gas main located within public and private right of way across Left Branch Young Womans Creek in Chapman Township, Clinton County. The remaining portion of the pipeline will be capped and abandoned in place. The project will result in 0.13 acre of temporary impact to Left Branch Young Womans Creek and the adjacent floodway.

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

**Permit No. E56-386, Pennsylvania Turnpike Commission,** P.O. Box 67676, Harrisburg, PA 17057, Jefferson Township, Lincoln Township, and Somerset Township; **Somerset County**, Pittsburgh ACOE District.

Has been given consent to:

1. Relocate and maintain 969 LF of a UNT to E. Branch of Coxes Creek (aka UNT-1) (WWF);

2. Construct and maintain a 16' x 5'-6" box culvert in a UNT to E. Branch of Coxes Creek (aka UNT-1) (WWF);

3. Construct and maintain a 70 LF rip-rap channel of a UNT to Quemahoning Creek (aka UNT-9) (CWF);

4. Place and maintain fill in 77 LF of a UNT to E. Branch of Coxes Creek (aka UNT-10) (WWF);

5. Relocate and maintain 211 LF of a UNT to Quemahoning Creek (aka UNT-12) (CWF);

6. Construct and maintain an 18" and 30" culvert extension in a UNT to Crab Run (aka UNT-13) (HQ-CWF);

7. Construct and maintain a 10' x 8' box culvert in a UNT to Crab Run (aka UNT-14) (HQ-CWF);

8. Relocate and maintain 704 LF of a UNT to Crab Run (aka UNT-15) (HQ-CWF);

9. Construct and maintain 24' x 13'-10" box culvert extensions in Crab Run (HQ-CWF);

10. Construct and maintain 30" culvert extensions in a UNT to Crab Run (aka UNT-17) (HQ-CWF);

11. Relocate and maintain 426 LF of a UNT to Crab Run (aka UNT-18) (HQ-CWF);

12. Construct and maintain 10' x 7'-6" culvert extensions in Keller Run (HQ-CWF);

13. Construct and maintain 6' x 4' culverts extensions in a UNT to Clear Run (aka UNT-20) (HQ-CWF);

14. Place and maintain fill in 62 LF of a UNT to Clear Run (aka UNT-21) (HQ-CWF);

15. Construct and maintain 6' x 5'-2" culvert extensions in a UNT to Clear Run (aka UNT-22) (HQ-CWF);

16. Construct and maintain an 18" culvert extension in a UNT to Clear Run (aka UNT-28) (HQ-CWF);

17. Construct and maintain a 30" culvert extension in a UNT to Clear Run (aka UNT-29) (HQ-CWF);

18. Relocate and maintain 301 LF of a UNT to Quemahoning Creek (aka UNT-30) (CWF);

19. Place and maintain fill in 710 LF of a UNT to E. Branch of Coxes Creek (aka UNT-31) (WWF);

20. Place and maintain fill in 450 LF of a UNT to Quemahoning Creek (aka UNT-34) (CWF);

21. Place and maintain fill in 351 LF of a UNT to Quemahoning Creek (aka UNT-A) (CWF);

22. Place and maintain fill in 148 LF of a UNT to Quemahoning Creek (aka UNT-B) (CWF);

23. Construct and maintain a 3'-6" x 4'-2" twin culvert extension and riprap in 113 LF of a UNT to Quemahoning Creek (aka UNT-D) (CWF);

24. Place and maintain fill in 210 LF of a UNT to Quemahoning Creek (aka UNT-F) (CWF);

25. Place and maintain fill in 190 LF of a UNT to Quemahoning Creek (aka UNT-G) (CWF);

26. Place and maintain a 10 LF rip-rap channel of a UNT to Quemahoning Creek (aka UNT-H) (CWF);

27. Construct and maintain an 18" culvert extension in a UNT to Crab Run (aka UNT-J) (HQ-CWF);

28. Construct and maintain 42" culvert extensions in a UNT to Crab Run (aka UNT-K) (HQ-CWF);



29. Construct and maintain a 54" culvert extension in a UNT to the E. Branch of Coxes Creek (aka UNT-10) (WWF);

30. Place and maintain 24 LF of Rip Rap of UNT to East Branch of Coxes Creek (aka UNT 7 WWF);

31. Install and maintain road associated stormwater facilities and outfalls in the E. Branch of Coxes Creek (WWF), Quemahoning Creek (CWF), Crab Run (HQ-CWF), Clear Run (HQ-CWF) and Keller Run (HQ-CWF) watersheds;

32. Place and maintain fill in 7.21 acres of floodway/floodplain in the E. Branch of Coxes Creek (WWF), Quemahoning Creek (CWF), Crab Run (HQ-CWF), Clear Run (HQ-CWF) and Keller Run (HQ-CWF) watersheds.

In association with the reconstruction and widening of approximately seven miles of the Pennsylvania Turnpike Mainline (Interstate 76) between mileposts (MP) 101.8 and (MP) 109, between Exit 91 (Donegal) and Exit 110 (Somerset), in Jefferson, Lincoln and Somerset Townships, Somerset County. This project will increase the Turnpike width from 82 feet to 122 feet. The total widening of the proposed project will permanently impact a total of approximately 6,284 linear feet (LF) of various perennial (4,067 LF) and intermittent (2,217 LF) watercourses, and 1.519 acre of wetland (1.315 PEM acre, 0.066 PSS acre and 0.138 POW acre). In addition, the project will temporarily impact a total of approximately 2,503 LF of various perennial (1,961 LF) and intermittent (542 LF) watercourses, and 1.980 acre of wetland. The project will also permanently impact 7.21 acres, and temporarily impact 2.89 acres, of floodway/floodplain areas along perennial and intermittent streams.

The temporarily impacted resources will be restored, after construction.

To compensate for the cumulative total stream impacts, the stream mitigation plan includes the reconstruction of approximately 3,707 LF of various reaches of perennial (2,704 LF) and intermittent (1,003 LF) watercourses, onsite, and the purchase of 3,446 LF of stream mitigation credits from the Laurel Hill Creek I Mitigation Bank (3,352.7 credits), located in Somerset County, and the Robinson Fork Mitigation Bank—Phase I (93.3 credits), located in Washington County. To compensate for the 1.519 acre of wetland impact, approximately 3.915 acres of wetland credits will be debited from the Louie-Beach Advance Wetland Compensation Site, which will utilize the remaining credits in this advance wetland compensation site.

The structures and activities requiring authorization are located on the PA Turnpike between MP 101.8 and MP 109. (Bakersville and Somerset, PA Quadrangle; starting at Latitude: 40° 05' 50.93" N; Longitude: -79° 12' 07.72" W; and ending at Latitude: 40° 01' 20.92" N; Longitude: -79° 05' 10.83" W), in Jefferson, Lincoln and Somerset Townships, in Somerset 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 # ESG08242001-00/Beechwood Pad D09-M  
Applicant Seneca Resources Co, LLC  
Contact Doug Kepler  
Address, City, State, Zip Code 51 Zents Boulevard  
Brookville, PA 15825-2701  
County Elk  
Township(s) Jones(s)  
Receiving Stream(s) and Classification(s) Windfall Run  
(HQ-CWF, MF) Driftwood Branch Sinnemahoning  
Creek (HQ-CWF, MF)

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

ESCGP-3 # ESG290820022-00  
Applicant Name Chesapeake Appalachia, LLC  
Contact Person Marlene Williams  
Address 14 Chesapeake Lane  
City, State, Zip Sayre, PA 18840-1567  
County Bradford  
Township(s) Wyalusing  
Receiving Stream(s) and Classification(s) Surface Drainage to UNT Billings Creek, Tributary to Billings Creek (WWF, MF), Surface Drainage to UNT Brewer Creek, Tributary to Brewer Creek (WWF, MF)  
Secondary: Billings Creek (WWF, MF), Brewer Creek (WWF, MF)

ESCGP-3 # ESG295820013-00  
Applicant Name SWN Production Company, LLC  
Contact Person Marsha Vogel  
Address P.O. Box 12359  
City, State, Zip Spring, TX 77391-2359  
County Susquehanna  
Township(s) Liberty  
Receiving Stream(s) and Classification(s) Snake Creek (CWF, MF)  
Secondary: Susquehanna River (WWF)

ESCGP-3 # ESG290820025-00  
 Applicant Name Appalachia Midstream Services, LLC  
 Contact Person Joel Moore  
 Address 400 1st Ctr  
 City, State, Zip Horseheads, NY 14845  
 County Bradford  
 Township(s) Overton  
 Receiving Stream(s) and Classification(s) Millstone Creek  
 (HQ and CWF/MF), Schrader Creek (HQ and CWF/MF)  
 Secondary: Towanda Creek (TSF/MF), Towanda Creek  
 (TSF/MF)

ESCGP-3 # ESG294120002-00  
 Applicant Name Pennsylvania General Energy Company,  
 LLC  
 Contact Person David Straub  
 Address 120 Market Street  
 City, State, Zip Warren, PA 16365-2510  
 County Lycoming  
 Township(s) Plunketts Creek and Gamble  
 Receiving Stream(s) and Classification(s) Loyalsock Creek  
 (TSF, MF and EV, MF)  
 Secondary: Lower West Branch Susquehanna River  
 (WWF, MF)

ESCGP-3 # ESG295820016-00  
 Applicant Name SWN Production Company, LLC  
 Contact Person Marsha Vogel  
 Address P.O. Box 12359  
 City, State, Zip Spring, TX 77391-2359  
 County Susquehanna  
 Township(s) Liberty  
 Receiving Stream(s) and Classification(s) Snake Creek  
 (CWF, MF)  
 Secondary: Susquehanna River (WWF)

ESCGP-3 # ESG295820032-00  
 Applicant Name SWN Production Company, LLC  
 Contact Person Marsha Vogel  
 Address P.O. Box 12359  
 City, State, Zip Spring, TX 77391-2359  
 County Susquehanna  
 Township(s) Rush  
 Receiving Stream(s) and Classification(s) UNT to Wyalus-  
 ing Creek (WWF/MF)  
 Secondary: Wyalusing Creek (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 contami-

nants in environmental media, the basis of selecting the environmental media of concern, documentation supporting the selection of residential or non-residential exposure factors, a description of the remediation performed and summaries of sampling methodology and analytical results which demonstrate that the remediation has attained the cleanup standard selected.

For further information concerning plans or reports, please contact the Environmental Cleanup Program Manager in the DEP Regional Office under which the notice of receipt of plans or reports appears. If information concerning plans or reports is required in an alternative form, contact the Community Relations Coordinator at the appropriate Regional Office listed. TDD users may telephone the DEP through the Pennsylvania AT&T Relay Service at (800) 654-5984.

The Department has received the following plans and reports:

*Southeast Region: Environmental Cleanup & Brownfields Program, 2 East Main Street, Norristown, PA 19401, 484-250-5960.*

*Contact: Richard Staron, Professional Geologist Manager.*

**335 Franklin Mill Cir Phila.**, 51-43808, 335 Franklin Mills Cir., **City of Philadelphia**. Synergy Environmental, Inc., 155 Railroad Plaza, First Floor, Royersford, PA 19468, on behalf of, PALG UST VI, LLC, 645 Hamilton Street, Suite 500, Allentown, PA 18101 submitted a SCR 310(b) concerning remediation of soil contaminated with unleaded gasoline. The report is intended to document remediation of the site to meet residential Statewide health standards.

*Southcentral Region: Environmental Cleanup & Brownfields Program, 909 Elmerton Avenue, Harrisburg, PA 17110, 717-705-4705.*

*Contact: Gregory Bowman, Environmental Group Manager.*

**Lawrence E. Wilkinson**, Storage Tank Facility ID # 01-02521, 555 Rentzel Road, Gettysburg, PA 17325-7538, Butler Township, **Adams County**. United Environmental Services, Inc., P.O. Box 701, Schuylkill Haven, PA 17972, on behalf of Lawrence E. Wilkinson, 555 Rentzel Road, Gettysburg, PA 17325-7538, submitted a Remedial Action Completion Report concerning remediation of soil and groundwater contaminated with petroleum constituents. The plan is intended to document remediation of the site to meet the Statewide Health Standard.

## CORRECTIVE ACTION

### UNDER ACT 32, 1989 PREAMBLE 3

**The DEP has taken action on the following plans and reports under the Storage Tank and Spill Prevention Act (35 P.S. §§ 6021.101—6021.2104).**

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

A remedial action plan is submitted to summarize the site characterization, document the design and construction details for the remedial action, and describe how the remedial action will attain the selected remediation standard. The remedial action plan also provides results of studies performed and data collected to support the

remedial action and a description of postremediation care requirements. A remedial action completion report is submitted to document cleanup of a release of a regulated substance at a site to the selected remediation standard. A remedial action completion report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis of selecting the environmental media of concern, documentation supporting the selection of residential or non-residential exposure factors, a description of the remediation performed and summaries of sampling methodology and analytical results which demonstrate that the remediation has attained the cleanup standard selected.

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

For further information concerning the plans and reports, please contact the Environmental Cleanup Program Manager in the DEP Regional Office under which the notice of the plan or report appears. If information concerning a report is required in an alternative form, contact the Community Relations Coordinator at the appropriate Regional Office listed. TDD users may telephone the DEP through the Pennsylvania AT&T Relay Service at (800) 654-5984.

The DEP has received the following plans and reports:

*Southeast Region: Environmental Cleanup & Brownfields Program, 2 East Main Street, Norristown, PA 19401, 484-250-5960.*

*Contact: Richard Staron, Professional Geologist Manager.*

**121 Point Breeze Term**, 51-07149, 6310 Passyunk Ave., **City of Philadelphia**. Groundwater & Environmental Services, Inc., 440 Creamery Way, Suite 500, Exton, PA 19341, on behalf of Kinder Morgan Liquids Term., 6310 Passyunk Ave., Philadelphia, PA 19134 submitted a Remedial Action Plan concerning remediation of soil contaminated with ethanol. The Remedial Action Plan was acceptable to meet nonresidential Statewide health and site-specific standards and was approved by the DEP on August 25, 2020.

**Lukoil 69202**, 46-42586, 1054 E. Main St., Upper Gwynedd Township, **Montgomery County**. EnviroTrac Ltd., 3070 Bristol Pike, Building 1, Suite 221, Bensalem, PA 19020, on behalf of Lukoil North America, LLC, 302 Harper Drive, Suite 303, Moorestown, NJ 08057 submitted a Site Characterization Report and Remedial Action Plan concerning remediation of soil and groundwater contaminated with unleaded gasoline. The Remedial Action Plan was acceptable to meet residential Statewide health and site-specific standards and was approved by the DEP on August 25, 2020.

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

**C.F. Mart 3022**, Storage Tank ID # 40-08512, 366 Wyoming Avenue, Kingston, PA 18704, Kingston Borough, **Luzerne County**. MEA, 1365 Ackermanville Road, Bangor, PA 18013, on behalf of Convenient Food Marts of PA, P.O. Box 236, Clarks Summit, PA 18411, has submitted a Remedial Action Completion Report concerning remediation of soil contaminated with gasoline. The report demonstrated attainment of Statewide Health Standards and was approved by DEP on August 20, 2020.

**Former York's Service Station (AKA Puff-N-Stuff)**, Storage Tank ID # 35-08032, 990 Lakeland Drive, Montdale, PA 18447, Scott Township, **Lackawanna**

**County**. Geological and Environmental Associates, 430 West Mountain Road, Plymouth, PA 18651, on behalf of Jackie Bores, 983 Lakeland Drive, Montdale, PA 18447, submitted a revised Remedial Action Completion Report concerning remediation of soil and groundwater contaminated with gasoline. The report demonstrated attainment of Statewide Health Standards and was approved by DEP on August 25, 2020.

*Southcentral Region: Environmental Cleanup & Brownfields Program, 909 Elmerton Avenue, Harrisburg, PA 17110, 717-705-4705.*

*Contact: Robin L. Yerger, LPG.*

**Rutters 16**, Storage Tank Facility ID # 67-26955, 4430 West Market Street, York, PA 17408, West Manchester Township, **York County**. United Environmental Services, Inc., P.O. Box 701, Schuylkill Haven, PA 17972 on behalf of CHR Corporation, 2295 Susquehanna Trail, Suite C, York, PA 17404 submitted a Remedial Action Plan concerning remediation of soil and groundwater contaminated with petroleum constituents. The Remedial Action Plan was acceptable to meet the Statewide Health Standard and was approved by the DEP on August 20, 2020.

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## SPECIAL NOTICES

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### WATER MANAGEMENT

#### 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).

Any person aggrieved by this action may file a petition for review pursuant to Section 19(d) of the Federal Natural Gas Act, 15 U.S.C.A. § 717r(d), with the Office of the Clerk, United States Court of Appeals for the Third Circuit, 21400 U.S. Courthouse, 601 Market Street, Philadelphia, PA 19106-1790 as provided by law. This paragraph does not, in and of itself, create a right of appeal beyond that permitted by applicable statutes and decisional law. Important legal rights are at stake, so you should show this document to a lawyer promptly.

#### 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.**

*Permits, Environmental Assessments and 401 Water Quality Certifications Issued:*

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

**Adelphia Gateway, LLC**, 1415 Wyckoff Road, Wall, NJ, Adelphia Gateway Pipeline:

The Adelphia Gateway Pipeline Project—Phase 1, is an 84-mile pipeline that runs from Martins Creek to Marcus Hook. Facility upgrades will occur to thirteen (13) sites along the pipeline: Quakertown Compressor Station, East Perkiomen Blowdown, Skippack Pike Meter Station, Perkiomen Creek Blowdown, Schuylkill River Blowdown,

Cromby Blowdown, French Creek Blowdown, Mainline Valve 2, Paoli Pike Blowdown, Chester Creek Blowdown, Mainline Valve 1, Transco Meter Station, and Marcus Hook Compressor Station.

The subsequent phase is the Tilghman and Parkway lateral pipeline installations. The Tilghman lateral pipeline consists of approximately 4.5 miles of a 16-inch O.D. pipeline through traditional pipeline installation and horizontal directional drill (HDD) installation methods. The project scope for the Parkway Lateral includes the installation of 500 linear feet of natural gas main, new meter pads, gravel paths, and a small compressor building.

The Adelphia Gateway Pipeline Project—Phase 1 consists of four (4) Chapter 105 Water Obstruction and Encroachment Permits and One (1) Erosion and Sediment Control General Permit (ESCGP-3) for Earth Disturbance Associated With Oil And Gas Exploration, Production, Processing, or Treatment Operations or Transmission Facilities.

Following are the Chapter 105 permit applications reviewed by the Department associated with Phase 1 of the project.

**GP111518315, and GP081518308, The Paoli Pike Blowdown** is in East Goshen Township, **Chester County**, ACOE Philadelphia District. The proposed project is located at: (Westchester, PA USGS Quadrangle) Latitude: 39.99083°; Longitude: -75.54972°. The Project will impact: approximately 0.5 acre of earth disturbance; a total of 47 linear feet (29 feet of temporary impacts and 18 feet of permanent impacts) of Ridley Creek (HQ-TSF-MF); 0.008 acre of floodway; 054 acre of temporary PEM wetland impacts; and 0.016 acre of PEM permanent impacts.

**GP114618312 and GP084618304**, The applicant is proposing the installation and maintenance of **Perkiomen Creek Blowdown** facilities in Skippack Township, **Montgomery County**, ACOE Philadelphia District. The proposed project is located at: (Collegeville, PA USGS Quadrangle) Latitude: 40.2008°; Longitude: -75.44167°. The proposed project will impact: 0.04 acre of temporary PEM; and, 0.007 acre of permanent PEM wetlands.

**EROSION AND SEDIMENT CONTROL**

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

**ESG010019001.** The Department of Environmental Protection (Department) provides notice of final action regarding the following Chapter 102, Erosion and Sediment Control Permit Application related to Earth Disturbance Associated with Oil and Gas Exploration, Production, Processing or Treatment Operations or Transmission Facilities.

The Adelphia Gateway Pipeline Project—Phase 1, is an 84-mile pipeline that runs from Martins Creek to Marcus Hook. Facility upgrades will occur to thirteen (13) sites along the pipeline: Quakertown Compressor Station, East Perkiomen Blowdown, Skippack Pike Meter Station, Perkiomen Creek Blowdown, Schuylkill River Blowdown, Cromby Blowdown, French Creek Blowdown, Mainline Valve 2, Paoli Pike Blowdown, Chester Creek Blowdown, Mainline Valve 1, Transco Meter Station, and Marcus Hook Compressor Station.

The subsequent phase is the Tilghman and Parkway lateral pipeline installations. The Tilghman lateral pipeline consists of approximately 4.5 miles of a 16-inch O.D. pipeline through traditional pipeline installation and horizontal directional drill (HDD) installation methods. The project scope for the Parkway Lateral includes the installation of 500 linear feet of natural gas main, new meter pads, gravel paths, and a small compressor building.

The Adelphia Gateway Pipeline Project—Phase 1 consists of four (4) Chapter 105 Water Obstruction and Encroachment Permits and One (1) Erosion and Sediment Control General Permit (ESCGP-3) for Earth Disturbance Associated With Oil And Gas Exploration, Production, Processing, or Treatment Operations or Transmission Facilities.

Following are the Chapter 102 permit applications reviewed by the Department associated with Phase 1 of the project:

<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Counties</i>	<i>DEP Office</i>
ESG010019001	Adelphia Gateway, LLC 1415 Wyckoff Road Wall, NJ 07719	Bucks, Chester, Delaware, and Montgomery	Southeast Regional Office

Any person aggrieved by this action may file a petition for review pursuant to Section 19(d) of the Federal Natural Gas Act, 15 U.S.C.A. § 717r(d), with the Office of the Clerk, United States Court of Appeals for the Third Circuit, 21400 U.S. Courthouse, 601 Market Street, Philadelphia, PA 19106-1790 as provided by law. This paragraph does not, in and of itself, create a right of appeal beyond that permitted by applicable statutes and decisional law. Important legal rights are at stake, so you should show this document to a lawyer promptly.

[Pa.B. Doc. No. 20-1220. Filed for public inspection September 4, 2020, 9:00 a.m.]

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

**Aggregate Advisory Board; Regulatory, Legislative and Technical Committee Virtual Meeting**

The Regulatory, Legislative and Technical Committee of the Aggregate Advisory Board (Board) will hold a virtual meeting at 10 a.m. on Friday, September 18, 2020.

Individuals who wish 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 "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 September 18, 2020, meeting can be directed to Daniel E. Snowden at [dsnowden@pa.gov](mailto: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. 20-1221. Filed for public inspection September 4, 2020, 9:00 a.m.]

## DEPARTMENT OF ENVIRONMENTAL PROTECTION

### Federal Consistency under the Coastal Zone Management Act; Schuylkill River Trail Extension (56th to 61st Streets)

This notice is published under section 306(d)(14) of the Federal Coastal Zone Management Act of 1972 (CZMA) (16 U.S.C.A. § 1455(d)(14)), regarding public participation during consistency determinations. The Department of Environmental Protection's (Department) Coastal Resources Management Program has received notice that the Schuylkill River Development Corporation (Applicant) is proposing the Schuylkill River Trail Extension (56th to 61st Streets) project in the City of Philadelphia.

The Applicant is proposing the construction of a 12-foot wide asphalt trail approximately 1,850 linear feet long, a fishing dock and an observation deck along the Schuylkill River between 56th Street and 61st Street in the City of Philadelphia. The project will also include the removal of existing impervious surfaces and limited site clearing. The project will have a total limit of disturbance of 131,559 square-feet (3.02 acres). The existing site is primarily pervious area with various concrete pads and bulkheads along the edge of the Schuylkill River. The properties surrounding the site are zoned medium and heavy industrial and undeveloped or developed with industrial uses. The project is being constructed on

undeveloped portions of the subject properties. The fishing pier is being constructed above an existing deck. At the riverside of the proposed pier five 16-inch diameter steel pipe piles will be driven into the ground below the mean high-water (MHW) and the mean low water elevations. The decking material for the elevated overlook is perforated metal grating and is located above the MHW elevation. The overlook is supported by columns set on a concrete pile cap supported by four steel pipe piles. Disturbance is proposed at the MHW elevation for one of the concrete pile caps and associated steel pipe piles. Eighteen square-feet of permanent disturbance is proposed below the MHW line. The remainder of the proposed structure is above the MHW line. The decking material for the elevated overlook is perforated metal grating and is located above the MHW elevation.

This project is subject to Department review for Federal consistency because it is a Federal license and permit activity and will have reasonably foreseeable effects on this Commonwealth's coastal resources or uses.

In accordance with section 307 of the CZMA (16 U.S.C.A. § 1456) and the National Oceanic and Atmospheric Administration (NOAA) regulations at 15 CFR Part 930, Subpart D (relating to consistency for activities requiring a Federal license or permit), Schuylkill River Development Corporation has certified that the proposed activity will be conducted in a manner consistent with the applicable enforceable policies of the Commonwealth's NOAA-approved Coastal Resources Management Program. Interested parties may request a copy of the Federal Consistency Certification from the Department contact listed as follows.

Questions regarding this review can be directed to Matthew Walderon, Federal Consistency Coordinator, at [RA-Fed\\_Consistency@pa.gov](mailto:RA-Fed_Consistency@pa.gov) or (717) 772-2196.

The Department will consider all comments received on or before Monday, September 21, 2020, before issuing a final Federal consistency concurrence or objection. Comments submitted by facsimile will not be accepted. All comments, including comments submitted by e-mail, must include the commentator's name and address. Commentators are encouraged to submit comments using the Department's online eComment tool at [www.ahs.dep.pa.gov/eComment](http://www.ahs.dep.pa.gov/eComment) or by e-mail to [ecomment@pa.gov](mailto:ecomment@pa.gov). Written comments can be mailed to the Department of Environmental Protection, Policy Office, 400 Market Street, P.O. Box 2063, Harrisburg, PA 17105-2063.

PATRICK McDONNELL,  
*Secretary*

[Pa.B. Doc. No. 20-1222. Filed for public inspection September 4, 2020, 9:00 a.m.]

## DEPARTMENT OF ENVIRONMENTAL PROTECTION

### Household Hazardous Waste Education Grant Award under Section 901 of the Municipal Waste Planning, Recycling and Waste Reduction Act, Act 101 of 1988

The Department of Environmental Protection announces the following grant to Centre County under section 901 of the Municipal Waste Planning, Recycling and Waste Reduction Act (Act 101) (53 P.S. § 4000.901) and section 208 of the Small Business and Household Pollution Prevention Program Act (35 P.S. § 6029.208).

Planning grants are awarded to counties for 80% of approved costs for preparing municipal waste management plans, as required by Act 101, for carrying out related studies, surveys, investigations, inquiries, research and analysis, including those related to siting, environmental mediation, education programs on pollution prevention and household hazardous waste (HHW) and providing technical assistance to small businesses for pollution prevention. Grants may be awarded for feasibility studies and project development for municipal waste processing or disposal facilities, except for facilities for the combustion of municipal waste that are not proposed to be operated for the recovery of energy. All grant

awards are predicated on the receipt of recycling fees required by sections 701 and 702 of Act 101 (53 P.S. §§ 4000.701 and 4000.702) and the availability of funds in the Recycling Fund.

Inquiries regarding the grant offering can be directed to Mark Vottero, Department of Environmental Protection, Bureau of Waste Management, Division of Waste Minimization and Planning, Rachel Carson State Office Building, P.O. Box 8472, Harrisburg, PA 17105-8472, at mvottero@pa.gov or (717) 772-5719.

**Act 101, Section 901 HHW Education Grant**

<i>Region</i>	<i>County</i>	<i>Applicant</i>	<i>Project</i>	<i>Grant</i>
Northcentral	Centre	Centre County	HHW Education	\$75,000

PATRICK McDONNELL,  
*Secretary*

[Pa.B. Doc. No. 20-1223. Filed for public inspection September 4, 2020, 9:00 a.m.]

## DEPARTMENT OF ENVIRONMENTAL PROTECTION

### Sewage Advisory Committee Meeting Postponed

The Sewage Advisory Committee (Committee) meeting previously scheduled for Wednesday, September 16, 2020, has been postponed and will be rescheduled for a future date not yet determined. A notice will be published in a future issue of the *Pennsylvania Bulletin*.

Information will be provided on the Committee's webpage, found through the Public Participation tab on the Department of Environmental Protection's (Department) web site at [www.dep.pa.gov](http://www.dep.pa.gov) (select "Public Participation," then "Advisory Committees," then "Water Advisory Committees," then "Sewage Advisory Committee").

Individuals are encouraged to visit the Committee's webpage to confirm meeting date, time and location prior to each meeting. Questions can be directed to Janice Vollero at [jvollero@pa.gov](mailto:jvollero@pa.gov) or (717) 772-5157.

Persons in need of accommodations as provided for in the Americans with Disabilities Act of 1990 should contact the Department at (717) 772-5157 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. 20-1224. Filed for public inspection September 4, 2020, 9:00 a.m.]

## DEPARTMENT OF HEALTH

### Temporary Scheduling of Substance; Isotonitazene as a Schedule I Controlled Substance

The Secretary of Health (Secretary) of the Department of Health (Department) is issuing this notice of intent to issue a final notice to temporarily schedule Isotonitazene, which is not currently listed in any schedule of The Controlled Substance, Drug, Device and Cosmetic Act (act) (35 P.S. §§ 780-101—780-144). This temporary final notice will place this substance in Schedule I under the act. The Secretary is taking this action because the scheduling of Isotonitazene in this Commonwealth on a temporary basis is necessary to avoid an imminent hazard to public safety.

At the time of publication in the *Pennsylvania Bulletin*, the Secretary will transmit a copy of the proposed notice

to the Attorney General under section 3(d)(4) of the act (35 P.S. § 780-103(d)(4)) for review. The Attorney General shall, by law, have 30 days from receipt of the proposed notice to provide written comments to the Department, if any.

Any formal order may not be issued before the expiration of 14 days after both:

(i) The date of publication in the *Pennsylvania Bulletin* of this proposed notice of the intention to issue a final notice and the grounds upon which the order is to be issued.

(ii) The date the Secretary transmitted the notice of intent to the Attorney General.

#### Background

The United States Drug Enforcement Administration (DEA) temporarily scheduled Isotonitazene as a Schedule I narcotic under the Federal Controlled Substance Act (CSA) (21 U.S.C.A. §§ 801—971) on August 20, 2020. Under the CSA, every controlled substance is classified into one of five schedules based upon its potential for abuse, its currently accepted medical use in treatment in the United States, and the degree of dependence the drug or other substance may cause. 21 U.S.C.A. § 812. The initial schedules of controlled substances established by Congress are found at 21 U.S.C.A. § 812(c), and the current list of all scheduled substances is published at 21 CFR Part 1308 (relating to schedules of controlled substances).

Section 201 of the CSA (21 U.S.C.A. § 811) provides the United States Attorney General with the authority to temporarily place a substance in Schedule I of the CSA for 2 years if they find that the action is necessary to avoid an imminent hazard to the public safety. The Attorney General has delegated scheduling authority under section 201 of the CSA to the Administrator of the DEA. To find that placing a substance temporarily into Schedule I of the CSA is necessary to avoid an imminent hazard to the public safety, the Administrator is required to consider: (1) the substances' history and current pattern of abuse; (2) the scope, duration and significant of abuse; and (3) what, if any, risk there is to the public health. 21 U.S.C.A. § 811(h)(3).

Substances in Schedule I are those that have a high potential for abuse, no currently accepted medical use in treatment in the United States, and a lack of accepted safety for use under medical supervision. 21 U.S.C.A. § 812(b)(1). The Administrator for the DEA determined that, because Isotonitazene: (1) has a high potential for abuse; (2) has no currently accepted medical use in treatment in the United States; and (3) lacks accepted safety for use under medical supervision, it was necessary to temporarily schedule the substance into Schedule I of

the CSA to avoid an imminent hazard to the public safety. The final order temporarily scheduling Isotonitazene was effective on August 20, 2020, and will be in effect for a period of 2 years, with a possible extension of 1 additional year, pending completion of the regular (permanent) scheduling process.

However, Isotonitazene is not currently a scheduled substance in this Commonwealth. In the United States, Isotonitazene is considered one of the most persistent and prevalent new opioids. Isotonitazene has been identified in at least 18 deaths in the United States that occurred between August 2019 and January 2020. Pharmacological data suggest that the group of synthetic opioids that includes Isotonitazene (along with Etonitazene, Metonitazene and Clonitazene) has potency similar to or greater than fentanyl based on their structural modifications. Because Isotonitazene poses a substantial risk to the citizens of this Commonwealth, the Secretary has determined to schedule it as a Schedule I controlled substance on a temporary basis. In doing so, the Secretary is acting to protect the citizens of this Commonwealth and bring the Commonwealth into conformity with Federal law.

*Legal Authority and Action*

Under section 3 of the act, the Secretary shall control all substances listed in Schedules I through V of the act. Under section 3(d) of the act, the Secretary is authorized to schedule any substance on a temporary basis to avoid an imminent hazard to public safety. When determining whether a substance poses an imminent hazard to public safety, the Secretary is required to consider: (1) the substance’s history and current pattern of abuse; (2) the substance’s scope, duration and significance of its abuse; (3) the risk to the public health; and (4) whether the substance is controlled under Federal law. When a substance is already controlled under Federal law, the Secretary is not required to take the remaining factors into consideration.

In addition, the Secretary is authorized under section 3(d) of the act, to schedule on a temporary basis a substance under one of the schedules in section 4 of the act (35 P.S. § 780-104), regarding schedules of controlled substances, if the substance is not listed in any other schedule in section 4 of the act or 28 Pa. Code §§ 25.72 and 25.75 (relating to schedules of controlled substances; and paregoric) and if no exception or approval is in effect for the substance under section 505 of the Federal Food, Drug and Cosmetic Act (21 U.S.C.A. § 355). As previously noted, the United States Food and Drug Administration has not approved Isotonitazene for any type of medical use.

Because this substance is a Schedule I narcotic under the CSA, the Secretary has the authority to temporarily schedule this substance under the act. Although not required to do so in taking this action, the Secretary has considered: (1) that Isotonitazene currently is not approved for legitimate use in the United States; (2) that Isotonitazene has potency similar to or greater than fentanyl; (3) the availability of Isotonitazene through

online distributors; and (4) the addictive nature of Isotonitazene. Accordingly, the Secretary determined that Isotonitazene is a dangerous hazard to public safety.

To revise 28 Pa. Code § 25.72 to conform to any final notice issued by the Secretary under section 3(c) of the act to temporarily Schedule Isotonitazene as a Schedule I controlled substance, the Department plans to promulgate a conforming amendment to 28 Pa. Code § 25.72 through final rulemaking with proposed rulemaking omitted.

*Accessibility*

For additional information, or persons with a disability who require an alternative format of this notice (for example, large print, audiotape, Braille) should contact the Department of Health, Lori Gutierrez, MPA, Deputy Director, Policy Office, 625 Forester Street, 8th Floor, Health and Welfare Building, Harrisburg, PA 17120, (717) 317-5426, 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. 20-1225. Filed for public inspection September 4, 2020, 9:00 a.m.]

**DEPARTMENT OF  
HUMAN SERVICES**

**Income Limits and Co-payments for the Subsidized Child Care Program**

This notice increases the income limits codified at 55 Pa. Code Chapter 3041, Appendix B (relating to co-payment chart family co-payment scale (based on the 2020 Federal Poverty Income Guidelines)) under 55 Pa. Code § 3041.107(b) (relating to availability and use of the Federal Poverty Income Guidelines). This increase is effective May 4, 2020.

Section 3041.107(b) of 55 Pa. Code requires the Department of Human Services to update the co-payment schedule in 55 Pa. Code Chapter 3041, Appendix B to reflect changes in the Federal Poverty Income Guidelines (FPIG). Effective May 4, 2020, the income guidelines for the subsidized child care program are being raised due to increases in the FPIG. Under section 408.3 of the Human Services Code (62 P.S. § 408.3), the co-payment schedule is adjusted to reflect the increases. Chapter 3041, Appendix B of 55 Pa. Code also establishes the family co-payment levels according to the family’s computed annual income and lists the weekly family co-payment based on the annual family income.

TERESA D. MILLER,  
*Secretary*

**Fiscal Note:** 14-NOT-1402. No fiscal impact; (8) recommends adoption.

**CO-PAYMENT CHART  
FAMILY CO-PAYMENT SCALE EFFECTIVE MAY 4, 2020  
(BASED ON THE 2020 FEDERAL POVERTY INCOME GUIDELINES)**

<i>Weekly Co-pay</i>	<i>Family Size: 1 Annual Income</i>	<i>Weekly Co-pay</i>	<i>Family Size: 2 Annual Income</i>	<i>Weekly Co-pay</i>	<i>Family Size: 3 Annual Income</i>
\$5	Less than: \$5,997	\$5	Less than: \$7,090	\$5	Less than: \$7,656

NOTICES

<i>Weekly Co-pay</i>	<i>Family Size: 1 Annual Income</i>		<i>Weekly Co-pay</i>	<i>Family Size: 2 Annual Income</i>		<i>Weekly Co-pay</i>	<i>Family Size: 3 Annual Income</i>	
\$6	\$5,997.01	\$6,747	\$7	\$7,090.01	\$8,103	\$7	\$7,656.01	\$8,932
\$7	\$6,747.01	\$7,497	\$8	\$8,103.01	\$9,116	\$8	\$8,932.01	\$10,208
\$8	\$7,497.01	\$8,246	\$10	\$9,116.01	\$10,129	\$10	\$10,208.01	\$11,484
\$10	\$8,246.01	\$8,996	\$11	\$10,129.01	\$11,141	\$12	\$11,484.01	\$12,761
\$11	\$8,996.01	\$9,745	\$13	\$11,141.01	\$12,154	\$14	\$12,761.01	\$14,037
\$12	\$9,745.01	\$10,495	\$15	\$12,154.01	\$13,167	\$16	\$14,037.01	\$15,313
\$14	\$10,495.01	\$11,245	\$17	\$13,167.01	\$14,180	\$19	\$15,313.01	\$16,589
\$15	\$11,245.01	\$11,994	\$19	\$14,180.01	\$15,193	\$21	\$16,589.01	\$17,865
\$17	\$11,994.01	\$12,744	\$21	\$15,193.01	\$16,206	\$24	\$17,865.01	\$19,141
\$19	\$12,744.01	\$13,494	\$23	\$16,206.01	\$17,218	\$26	\$19,141.01	\$20,417
\$20	\$13,494.01	\$14,243	\$25	\$17,218.01	\$18,231	\$29	\$20,417.01	\$21,693
\$22	\$14,243.01	\$14,993	\$27	\$18,231.01	\$19,244	\$32	\$21,693.01	\$22,969
\$23	\$14,993.01	\$15,743	\$30	\$19,244.01	\$20,257	\$35	\$22,969.01	\$24,245
\$25	\$15,743.01	\$16,492	\$32	\$20,257.01	\$21,270	\$37	\$24,245.01	\$25,521
\$27	\$16,492.01	\$17,242	\$34	\$21,270.01	\$22,283	\$40	\$25,521.01	\$26,797
\$28	\$17,242.01	\$17,992	\$36	\$22,283.01	\$23,296	\$42	\$26,797.01	\$28,073
\$30	\$17,992.01	\$18,741	\$38	\$23,296.01	\$24,308	\$45	\$28,073.01	\$29,349
\$32	\$18,741.01	\$19,491	\$40	\$24,308.01	\$25,321	\$48	\$29,349.01	\$30,625
\$33	\$19,491.01	\$20,241	\$43	\$25,321.01	\$26,334	\$51	\$30,625.01	\$31,901
\$35	\$20,241.01	\$20,990	\$45	\$26,334.01	\$27,347	\$54	\$31,901.01	\$33,177
\$37	\$20,990.01	\$21,740	\$48	\$27,347.01	\$28,360	\$57	\$33,177.01	\$34,453
\$39	\$21,740.01	\$22,490	\$50	\$28,360.01	\$29,373	\$60	\$34,453.01	\$35,729
\$41	\$22,490.01	\$23,239	\$53	\$29,373.01	\$30,386	\$63	\$35,729.01	\$37,005
\$43	\$23,239.01	\$23,989	\$55	\$30,386.01	\$31,398	\$66	\$37,005.01	\$38,282
\$45	\$23,989.01	\$24,738	\$58	\$31,398.01	\$32,411	\$70	\$38,282.01	\$39,558
\$47	\$24,738.01	\$25,488	\$61	\$32,411.01	\$33,424	\$73	\$39,558.01	\$40,834
\$49	\$25,488.01	\$26,238	\$64	\$33,424.01	\$34,437	\$77	\$40,834.01	\$42,110
\$51	\$26,238.01	\$26,987	\$66	\$34,437.01	\$35,450	\$80	\$42,110.01	\$43,386
\$53	\$26,987.01	\$27,737	\$69	\$35,450.01	\$36,463	\$84	\$43,386.01	\$44,662
\$56	\$27,737.01	\$28,487	\$72	\$36,463.01	\$37,475	\$87	\$44,662.01	\$45,938
\$58	\$28,487.01	\$29,236	\$75	\$37,475.01	\$38,488	\$91	\$45,938.01	\$47,214
\$60	\$29,236.01	\$29,986	\$78	\$38,488.01	\$39,501	\$95	\$47,214.01	\$48,490
	200% FPIG	\$25,520	\$81	\$39,501.01	\$40,514	\$99	\$48,490.01	\$49,766
				200% FPIG	\$34,480	\$102	\$49,766.01	\$51,042
							200% FPIG	\$43,440

<i>Weekly Co-pay</i>	<i>Family Size: 4 Annual Income</i>		<i>Weekly Co-pay</i>	<i>Family Size: 5 Annual Income</i>		<i>Weekly Co-pay</i>	<i>Family Size: 6 Annual Income</i>	
\$5	Less than:	\$7,696	\$5	Less than:	\$7,210	\$5	Less than:	\$8,263
\$6	\$7,696.01	\$9,236	\$6	\$7,210.01	\$9,012	\$7	\$8,263.01	\$10,328
\$8	\$9,236.01	\$10,775	\$8	\$9,012.01	\$10,815	\$9	\$10,328.01	\$12,394
\$10	\$10,775.01	\$12,314	\$10	\$10,815.01	\$12,617	\$11	\$12,394.01	\$14,460
\$12	\$12,314.01	\$13,853	\$12	\$12,617.01	\$14,420	\$14	\$14,460.01	\$16,525
\$15	\$13,853.01	\$15,393	\$14	\$14,420.01	\$16,222	\$17	\$16,525.01	\$18,591
\$17	\$15,393.01	\$16,932	\$17	\$16,222.01	\$18,025	\$20	\$18,591.01	\$20,657
\$20	\$16,932.01	\$18,471	\$20	\$18,025.01	\$19,827	\$23	\$20,657.01	\$22,722
\$22	\$18,471.01	\$20,010	\$23	\$19,827.01	\$21,629	\$26	\$22,722.01	\$24,788



<i>Weekly Co-pay</i>	<i>Family Size: 4 Annual Income</i>		<i>Weekly Co-pay</i>	<i>Family Size: 5 Annual Income</i>		<i>Weekly Co-pay</i>	<i>Family Size: 6 Annual Income</i>	
\$25	\$20,010.01	\$21,550	\$26	\$21,629.01	\$23,432	\$30	\$24,788.01	\$26,853
\$28	\$21,550.01	\$23,089	\$30	\$23,432.01	\$25,234	\$34	\$26,853.01	\$28,919
\$32	\$23,089.01	\$24,628	\$33	\$25,234.01	\$27,037	\$38	\$28,919.01	\$30,985
\$35	\$24,628.01	\$26,167	\$37	\$27,037.01	\$28,839	\$43	\$30,985.01	\$33,050
\$39	\$26,167.01	\$27,707	\$41	\$28,839.01	\$30,642	\$47	\$33,050.01	\$35,116
\$42	\$27,707.01	\$29,246	\$45	\$30,642.01	\$32,444	\$52	\$35,116.01	\$37,182
\$45	\$29,246.01	\$30,785	\$49	\$32,444.01	\$34,247	\$56	\$37,182.01	\$39,247
\$48	\$30,785.01	\$32,324	\$53	\$34,247.01	\$36,049	\$60	\$39,247.01	\$41,313
\$51	\$32,324.01	\$33,864	\$56	\$36,049.01	\$37,851	\$64	\$41,313.01	\$43,379
\$55	\$33,864.01	\$35,403	\$60	\$37,851.01	\$39,654	\$69	\$43,379.01	\$45,444
\$58	\$35,403.01	\$36,942	\$64	\$39,654.01	\$41,456	\$73	\$45,444.01	\$47,510
\$61	\$36,942.01	\$38,481	\$68	\$41,456.01	\$43,259	\$78	\$47,510.01	\$49,576
\$65	\$38,481.01	\$40,021	\$72	\$43,259.01	\$45,061	\$83	\$49,576.01	\$51,641
\$69	\$40,021.01	\$41,560	\$76	\$45,061.01	\$46,864	\$87	\$51,641.01	\$53,707
\$72	\$41,560.01	\$43,099	\$80	\$46,864.01	\$48,666	\$92	\$53,707.01	\$55,773
\$76	\$43,099.01	\$44,638	\$85	\$48,666.01	\$50,469	\$97	\$55,773.01	\$57,838
\$80	\$44,638.01	\$46,178	\$89	\$50,469.01	\$52,271	\$102	\$57,838.01	\$59,904
\$84	\$46,178.01	\$47,717	\$94	\$52,271.01	\$54,074	\$108	\$59,904.01	\$61,970
\$88	\$47,717.01	\$49,256	\$99	\$54,074.01	\$55,876	\$113	\$61,970.01	\$64,035
\$92	\$49,256.01	\$50,795	\$103	\$55,876.01	\$57,678	\$118	\$64,035.01	\$66,101
\$97	\$50,795.01	\$52,335	\$108	\$57,678.01	\$59,481	\$124	\$66,101.01	\$68,166
\$101	\$52,335.01	\$53,874	\$113	\$59,481.01	\$61,283	\$130	\$68,166.01	\$70,232
\$105	\$53,874.01	\$55,413	\$118	\$61,283.01	\$63,086	\$135	\$70,232.01	\$72,298
\$110	\$55,413.01	\$56,952	\$123	\$63,086.01	\$64,888	\$141	\$72,298.01	\$74,363
\$114	\$56,952.01	\$58,492	\$128	\$64,888.01	\$66,691	\$147	\$74,363.01	\$76,429
\$119	\$58,492.01	\$60,031	\$134	\$66,691.01	\$68,493	\$153	\$76,429.01	\$78,495
\$124	\$60,031.01	\$61,570	\$139	\$68,493.01	\$70,296	\$159	\$78,495.01	\$80,560
	200% FPIG	\$52,400	\$145	\$70,296.01	\$72,098	\$166	\$80,560.01	\$82,626
				200% FPIG	\$61,360		200% FPIG	\$70,320

<i>Weekly Co-pay</i>	<i>Family Size: 7 Annual Income</i>		<i>Weekly Co-pay</i>	<i>Family Size: 8 Annual Income</i>		<i>Weekly Co-pay</i>	<i>Family Size: 9 Annual Income</i>	
\$5	Less than:	\$9,315	\$5	Less than:	\$7,776	\$5	Less than:	\$8,566
\$7	\$9,315.01	\$11,644	\$6	\$7,776.01	\$10,368	\$6	\$8,566.01	\$11,421
\$10	\$11,644.01	\$13,973	\$8	\$10,368.01	\$12,960	\$9	\$11,421.01	\$14,276
\$13	\$13,973.01	\$16,302	\$11	\$12,960.01	\$15,552	\$12	\$14,276.01	\$17,132
\$15	\$16,302.01	\$18,631	\$14	\$15,552.01	\$18,144	\$15	\$17,132.01	\$19,987
\$19	\$18,631.01	\$20,960	\$17	\$18,144.01	\$20,736	\$19	\$19,987.01	\$22,842
\$22	\$20,960.01	\$23,289	\$21	\$20,736.01	\$23,328	\$23	\$22,842.01	\$25,697
\$26	\$23,289.01	\$25,617	\$25	\$23,328.01	\$25,921	\$27	\$25,697.01	\$28,553
\$30	\$25,617.01	\$27,946	\$29	\$25,921.01	\$28,513	\$32	\$28,553.01	\$31,408
\$34	\$27,946.01	\$30,275	\$33	\$28,513.01	\$31,105	\$36	\$31,408.01	\$34,263
\$38	\$30,275.01	\$32,604	\$38	\$31,105.01	\$33,697	\$42	\$34,263.01	\$37,118
\$43	\$32,604.01	\$34,933	\$43	\$33,697.01	\$36,289	\$47	\$37,118.01	\$39,974
\$48	\$34,933.01	\$37,262	\$48	\$36,289.01	\$38,881	\$53	\$39,974.01	\$42,829
\$53	\$37,262.01	\$39,590	\$53	\$38,881.01	\$41,473	\$59	\$42,829.01	\$45,684
\$59	\$39,590.01	\$41,919	\$59	\$41,473.01	\$44,065	\$65	\$45,684.01	\$48,539

NOTICES

<i>Weekly Co-pay</i>	<i>Family Size: 7 Annual Income</i>		<i>Weekly Co-pay</i>	<i>Family Size: 8 Annual Income</i>		<i>Weekly Co-pay</i>	<i>Family Size: 9 Annual Income</i>	
\$63	\$41,919.01	\$44,248	\$65	\$44,065.01	\$46,657	\$72	\$48,539.01	\$51,395
\$68	\$44,248.01	\$46,577	\$70	\$46,657.01	\$49,249	\$77	\$51,395.01	\$54,250
\$73	\$46,577.01	\$48,906	\$76	\$49,249.01	\$51,841	\$83	\$54,250.01	\$57,105
\$78	\$48,906.01	\$51,235	\$81	\$51,841.01	\$54,433	\$89	\$57,105.01	\$59,960
\$83	\$51,235.01	\$53,564	\$86	\$54,433.01	\$57,025	\$95	\$59,960.01	\$62,816
\$88	\$53,564.01	\$55,892	\$92	\$57,025.01	\$59,617	\$101	\$62,816.01	\$65,671
\$93	\$55,892.01	\$58,221	\$98	\$59,617.01	\$62,209	\$108	\$65,671.01	\$68,526
\$98	\$58,221.01	\$60,550	\$104	\$62,209.01	\$64,801	\$114	\$68,526.01	\$71,381
\$104	\$60,550.01	\$62,879	\$110	\$64,801.01	\$67,393	\$121	\$71,381.01	\$74,237
\$110	\$62,879.01	\$65,208	\$116	\$67,393.01	\$69,985	\$127	\$74,237.01	\$77,092
\$115	\$65,208.01	\$67,537	\$122	\$69,985.01	\$72,577	\$134	\$77,092.01	\$79,947
\$121	\$67,537.01	\$69,866	\$128	\$72,577.01	\$75,169	\$141	\$79,947.01	\$82,802
\$127	\$69,866.01	\$72,194	\$135	\$75,169.01	\$77,762	\$149	\$82,802.01	\$85,658
\$133	\$72,194.01	\$74,523	\$142	\$77,762.01	\$80,354	\$156	\$85,658.01	\$88,513
\$140	\$74,523.01	\$76,852	\$148	\$80,354.01	\$82,946	\$164	\$88,513.01	\$91,368
\$146	\$76,852.01	\$79,181	\$155	\$82,946.01	\$85,538	\$171	\$91,368.01	\$94,223
\$153	\$79,181.01	\$81,510	\$163	\$85,538.01	\$88,130	\$179	\$94,223.01	\$97,079
\$159	\$81,510.01	\$83,839	\$170	\$88,130.01	\$90,722	\$187	\$97,079.01	\$99,934
\$166	\$83,839.01	\$86,167	\$177	\$90,722.01	\$93,314	\$195	\$99,934.01	\$102,789
\$173	\$86,167.01	\$88,496	\$185	\$93,314.01	\$95,906	\$203	\$102,789.01	\$105,644
\$180	\$88,496.01	\$90,825	\$192	\$95,906.01	\$98,498	\$212	\$105,644.01	\$108,500
\$187	\$90,825.01	\$93,154	\$200	\$98,498.01	\$101,090	\$220	\$108,500.01	\$111,355
	200% FPIG	\$79,280	\$208	\$101,090.01	\$103,682	\$229	\$111,355.01	\$114,210
				200% FPIG	\$88,240		200% FPIG	\$97,200

<i>Weekly Co-pay</i>	<i>Family Size: 10 Annual Income</i>		<i>Weekly Co-pay</i>	<i>Family Size: 11 Annual Income</i>		<i>Weekly Co-pay</i>	<i>Family Size: 12 Annual Income</i>	
\$5	Less than:	\$9,355	\$5	Less than:	\$10,145	\$5	Less than:	\$10,935
\$7	\$9,355.01	\$12,474	\$7	\$10,145.01	\$13,527	\$8	\$10,935.01	\$14,579
\$10	\$12,474.01	\$15,592	\$11	\$13,527.01	\$16,908	\$12	\$14,579.01	\$18,224
\$13	\$15,592.01	\$18,711	\$14	\$16,908.01	\$20,290	\$15	\$18,224.01	\$21,869
\$17	\$18,711.01	\$21,829	\$18	\$20,290.01	\$23,672	\$20	\$21,869.01	\$25,514
\$21	\$21,829.01	\$24,948	\$22	\$23,672.01	\$27,053	\$24	\$25,514.01	\$29,159
\$25	\$24,948.01	\$28,066	\$27	\$27,053.01	\$30,435	\$29	\$29,159.01	\$32,804
\$30	\$28,066.01	\$31,185	\$32	\$30,435.01	\$33,817	\$35	\$32,804.01	\$36,449
\$35	\$31,185.01	\$34,303	\$37	\$33,817.01	\$37,198	\$40	\$36,449.01	\$40,093
\$40	\$34,303.01	\$37,421	\$43	\$37,198.01	\$40,580	\$47	\$40,093.01	\$43,738
\$45	\$37,421.01	\$40,540	\$49	\$40,580.01	\$43,961	\$53	\$43,738.01	\$47,383
\$51	\$40,540.01	\$43,658	\$56	\$43,961.01	\$47,343	\$60	\$47,383.01	\$51,028
\$58	\$43,658.01	\$46,777	\$63	\$47,343.01	\$50,725	\$67	\$51,028.01	\$54,673
\$64	\$46,777.01	\$49,895	\$70	\$50,725.01	\$54,106	\$75	\$54,673.01	\$58,318
\$71	\$49,895.01	\$53,014	\$77	\$54,106.01	\$57,488	\$83	\$58,318.01	\$61,962
\$79	\$53,014.01	\$56,132	\$85	\$57,488.01	\$60,870	\$92	\$61,962.01	\$65,607
\$85	\$56,132.01	\$59,251	\$92	\$60,870.01	\$64,251	\$99	\$65,607.01	\$69,252
\$91	\$59,251.01	\$62,369	\$99	\$64,251.01	\$67,633	\$106	\$69,252.01	\$72,897
\$97	\$62,369.01	\$65,487	\$105	\$67,633.01	\$71,015	\$114	\$72,897.01	\$76,542
\$104	\$65,487.01	\$68,606	\$113	\$71,015.01	\$74,396	\$121	\$76,542.01	\$80,187

NOTICES

4621

<i>Weekly Co-pay</i>	<i>Family Size: 10 Annual Income</i>		<i>Weekly Co-pay</i>	<i>Family Size: 11 Annual Income</i>		<i>Weekly Co-pay</i>	<i>Family Size: 12 Annual Income</i>	
\$111	\$68,606.01	\$71,724	\$120	\$74,396.01	\$77,778	\$129	\$80,187.01	\$83,832
\$117	\$71,724.01	\$74,843	\$127	\$77,778.01	\$81,160	\$137	\$83,832.01	\$87,476
\$125	\$74,843.01	\$77,961	\$135	\$81,160.01	\$84,541	\$146	\$87,476.01	\$91,121
\$132	\$77,961.01	\$81,080	\$143	\$84,541.01	\$87,923	\$154	\$91,121.01	\$94,766
\$139	\$81,080.01	\$84,198	\$151	\$87,923.01	\$91,305	\$163	\$94,766.01	\$98,411
\$147	\$84,198.01	\$87,317	\$159	\$91,305.01	\$94,686	\$172	\$98,411.01	\$102,056
\$154	\$87,317.01	\$90,435	\$168	\$94,686.01	\$98,068	\$181	\$102,056.01	\$105,701
\$162	\$90,435.01	\$93,554	\$176	\$98,068.01	\$101,450	\$190	\$105,701.01	\$109,346
\$170	\$93,554.01	\$96,672	\$185	\$101,450.01	\$104,831	\$199	\$109,346.01	\$112,990
\$179	\$96,672.01	\$99,790	\$194	\$104,831.01	\$108,213	\$209	\$112,990.01	\$116,635
\$187	\$99,790.01	\$102,909	\$203	\$108,213.01	\$111,594	\$219	\$116,635.01	\$120,280
\$196	\$102,909.01	\$106,027	\$212	\$111,594.01	\$114,976	\$229	\$120,280.01	\$123,925
\$204	\$106,027.01	\$109,146	\$222	\$114,976.01	\$118,358	\$239	\$123,925.01	\$127,570
\$213	\$109,146.01	\$112,264	\$231	\$118,358.01	\$121,739	\$249	\$127,570.01	\$131,215
\$222	\$112,264.01	\$115,383	\$241	\$121,739.01	\$125,121	\$260	\$131,215.01	\$134,859
\$231	\$115,383.01	\$118,501	\$251	\$125,121.01	\$128,503	\$270	\$134,859.01	\$138,504
\$241	\$118,501.01	\$121,620	\$261	\$128,503.01	\$131,884	\$281	\$138,504.01	\$142,149
\$250	\$121,620.01	\$124,738	\$271	\$131,884.01	\$135,266	\$292	\$142,149.01	\$145,794
	200% FPIG	\$106,160		200% FPIG	\$115,120		200% FPIG	\$124,080

<i>Weekly Co-pay</i>	<i>Family Size: 13 Annual Income</i>		<i>Weekly Co-pay</i>	<i>Family Size: 14 Annual Income</i>		<i>Weekly Co-pay</i>	<i>Family Size: 15 Annual Income</i>	
\$5	Less than:	\$11,724	\$5	Less than:	\$8,343	\$5	Less than:	\$8,869
\$9	\$11,724.01	\$15,632	\$6	\$8,343.01	\$12,514	\$6	\$8,869.01	\$13,303
\$12	\$15,632.01	\$19,540	\$9	\$12,514.01	\$16,685	\$10	\$13,303.01	\$17,738
\$16	\$19,540.01	\$23,448	\$13	\$16,685.01	\$20,856	\$14	\$17,738.01	\$22,172
\$21	\$23,448.01	\$27,356	\$18	\$20,856.01	\$25,028	\$19	\$22,172.01	\$26,607
\$26	\$27,356.01	\$31,264	\$22	\$25,028.01	\$29,199	\$24	\$26,607.01	\$31,041
\$31	\$31,264.01	\$35,172	\$28	\$29,199.01	\$33,370	\$29	\$31,041.01	\$35,476
\$37	\$35,172.01	\$39,081	\$33	\$33,370.01	\$37,541	\$36	\$35,476.01	\$39,910
\$43	\$39,081.01	\$42,989	\$40	\$37,541.01	\$41,713	\$42	\$39,910.01	\$44,345
\$50	\$42,989.01	\$46,897	\$46	\$41,713.01	\$45,884	\$49	\$44,345.01	\$48,779
\$57	\$46,897.01	\$50,805	\$53	\$45,884.01	\$50,055	\$57	\$48,779.01	\$53,213
\$64	\$50,805.01	\$54,713	\$61	\$50,055.01	\$54,226	\$65	\$53,213.01	\$57,648
\$72	\$54,713.01	\$58,621	\$69	\$54,226.01	\$58,398	\$73	\$57,648.01	\$62,082
\$81	\$58,621.01	\$62,529	\$77	\$58,398.01	\$62,569	\$82	\$62,082.01	\$66,517
\$89	\$62,529.01	\$66,437	\$86	\$62,569.01	\$66,740	\$91	\$66,517.01	\$70,951
\$98	\$66,437.01	\$70,345	\$95	\$66,740.01	\$70,911	\$101	\$70,951.01	\$75,386
\$106	\$70,345.01	\$74,253	\$105	\$70,911.01	\$75,083	\$112	\$75,386.01	\$79,820
\$114	\$74,253.01	\$78,161	\$113	\$75,083.01	\$79,254	\$120	\$79,820.01	\$84,255
\$122	\$78,161.01	\$82,069	\$122	\$79,254.01	\$83,425	\$129	\$84,255.01	\$88,689
\$130	\$82,069.01	\$85,977	\$130	\$83,425.01	\$87,596	\$138	\$88,689.01	\$93,123
\$139	\$85,977.01	\$89,885	\$139	\$87,596.01	\$91,768	\$148	\$93,123.01	\$97,558
\$147	\$89,885.01	\$93,793	\$148	\$91,768.01	\$95,939	\$157	\$97,558.01	\$101,992
\$156	\$93,793.01	\$97,701	\$157	\$95,939.01	\$100,110	\$167	\$101,992.01	\$106,427
\$165	\$97,701.01	\$101,609	\$167	\$100,110.01	\$104,281	\$177	\$106,427.01	\$110,861
\$174	\$101,609.01	\$105,517	\$176	\$104,281.01	\$108,453	\$187	\$110,861.01	\$115,296

<i>Weekly Co-pay</i>	<i>Family Size: 13 Annual Income</i>		<i>Weekly Co-pay</i>	<i>Family Size: 14 Annual Income</i>		<i>Weekly Co-pay</i>	<i>Family Size: 15 Annual Income</i>	
\$184	\$105,517.01	\$109,425	\$186	\$108,453.01	\$112,624	\$198	\$115,296.01	\$119,730
\$194	\$109,425.01	\$113,333	\$196	\$112,624.01	\$116,795	\$209	\$119,730.01	\$124,165
\$203	\$113,333.01	\$117,242	\$207	\$116,795.01	\$120,966	\$220	\$124,165.01	\$128,599
\$214	\$117,242.01	\$121,150	\$217	\$120,966.01	\$125,138	\$231	\$128,599.01	\$133,034
\$224	\$121,150.01	\$125,058	\$228	\$125,138.01	\$129,309	\$242	\$133,034.01	\$137,468
\$234	\$125,058.01	\$128,966	\$239	\$129,309.01	\$133,480	\$254	\$137,468.01	\$141,902
\$245	\$128,966.01	\$132,874	\$250	\$133,480.01	\$137,651	\$266	\$141,902.01	\$146,337
\$256	\$132,874.01	\$136,782	\$262	\$137,651.01	\$141,823	\$278	\$146,337.01	\$150,771
\$267	\$136,782.01	\$140,690	\$273	\$141,823.01	\$145,994	\$290	\$150,771.01	\$155,206
\$278	\$140,690.01	\$144,598	\$285	\$145,994.01	\$150,165	\$303	\$155,206.01	\$159,640
\$290	\$144,598.01	\$148,506	\$297	\$150,165.01	\$154,336	\$316	\$159,640.01	\$164,075
\$302	\$148,506.01	\$152,414	\$309	\$154,336.01	\$158,508	\$329	\$164,075.01	\$168,509
\$314	\$152,414.01	\$156,322	\$322	\$158,508.01	\$162,679	\$342	\$168,509.01	\$172,944
	200% FPIG	\$133,040	\$335	\$162,679.01	\$166,850	\$356	\$172,944.01	\$177,378
				200% FPIG	\$142,000		200% FPIG	\$150,960

<i>Weekly Co-pay</i>	<i>Family Size: 16 Annual Income</i>		<i>Weekly Co-pay</i>	<i>Family Size: 17 Annual Income</i>		<i>Weekly Co-pay</i>	<i>Family Size: 18 Annual Income</i>	
\$5	\$0.00	\$4,698	\$5	\$0.00	\$4,961	\$5	\$0.00	\$5,224
\$5	\$4,698.01	\$9,395	\$5	\$4,961.01	\$9,922	\$5	\$5,224.01	\$10,448
\$6	\$9,395.01	\$14,093	\$7	\$9,922.01	\$14,883	\$7	\$10,448.01	\$15,672
\$10	\$14,093.01	\$18,791	\$11	\$14,883.01	\$19,843	\$12	\$15,672.01	\$20,896
\$15	\$18,791.01	\$23,488	\$16	\$19,843.01	\$24,804	\$16	\$20,896.01	\$26,120
\$20	\$23,488.01	\$28,186	\$21	\$24,804.01	\$29,765	\$22	\$26,120.01	\$31,344
\$25	\$28,186.01	\$32,884	\$27	\$29,765.01	\$34,726	\$28	\$31,344.01	\$36,568
\$31	\$32,884.01	\$37,581	\$33	\$34,726.01	\$39,687	\$35	\$36,568.01	\$41,792
\$38	\$37,581.01	\$42,279	\$40	\$39,687.01	\$44,648	\$42	\$41,792.01	\$47,016
\$45	\$42,279.01	\$46,977	\$47	\$44,648.01	\$49,609	\$50	\$47,016.01	\$52,241
\$52	\$46,977.01	\$51,674	\$55	\$49,609.01	\$54,569	\$58	\$52,241.01	\$57,465
\$60	\$51,674.01	\$56,372	\$63	\$54,569.01	\$59,530	\$67	\$57,465.01	\$62,689
\$68	\$56,372.01	\$61,069	\$72	\$59,530.01	\$64,491	\$76	\$62,689.01	\$67,913
\$77	\$61,069.01	\$65,767	\$82	\$64,491.01	\$69,452	\$86	\$67,913.01	\$73,137
\$87	\$65,767.01	\$70,465	\$92	\$69,452.01	\$74,413	\$97	\$73,137.01	\$78,361
\$97	\$70,465.01	\$75,162	\$102	\$74,413.01	\$79,374	\$108	\$78,361.01	\$83,585
\$107	\$75,162.01	\$79,860	\$113	\$79,374.01	\$84,334	\$119	\$83,585.01	\$88,809
\$118	\$79,860.01	\$84,558	\$125	\$84,334.01	\$89,295	\$132	\$88,809.01	\$94,033
\$127	\$84,558.01	\$89,255	\$135	\$89,295.01	\$94,256	\$142	\$94,033.01	\$99,257
\$137	\$89,255.01	\$93,953	\$145	\$94,256.01	\$99,217	\$152	\$99,257.01	\$104,481
\$147	\$93,953.01	\$98,651	\$155	\$99,217.01	\$104,178	\$163	\$104,481.01	\$109,705
\$156	\$98,651.01	\$103,348	\$165	\$104,178.01	\$109,139	\$174	\$109,705.01	\$114,929
\$167	\$103,348.01	\$108,046	\$176	\$109,139.01	\$114,100	\$185	\$114,929.01	\$120,153
\$177	\$108,046.01	\$112,744	\$187	\$114,100.01	\$119,060	\$197	\$120,153.01	\$125,377
\$188	\$112,744.01	\$117,441	\$198	\$119,060.01	\$124,021	\$209	\$125,377.01	\$130,601
\$199	\$117,441.01	\$122,139	\$210	\$124,021.01	\$128,982	\$221	\$130,601.01	\$135,825
\$210	\$122,139.01	\$126,837	\$221	\$128,982.01	\$133,943	\$233	\$135,825.01	\$141,049
\$221	\$126,837.01	\$131,534	\$233	\$133,943.01	\$138,904	\$246	\$141,049.01	\$146,273
\$233	\$131,534.01	\$136,232	\$246	\$138,904.01	\$143,865	\$259	\$146,273.01	\$151,497

<i>Weekly Co-pay</i>	<i>Family Size: 16 Annual Income</i>		<i>Weekly Co-pay</i>	<i>Family Size: 17 Annual Income</i>		<i>Weekly Co-pay</i>	<i>Family Size: 18 Annual Income</i>	
\$245	\$136,232.01	\$140,930	\$258	\$143,865.01	\$148,826	\$272	\$151,497.01	\$156,722
\$257	\$140,930.01	\$145,627	\$271	\$148,826.01	\$153,786	\$285	\$156,722.01	\$161,946
\$269	\$145,627.01	\$150,325	\$284	\$153,786.01	\$158,747	\$299	\$161,946.01	\$167,170
\$282	\$150,325.01	\$155,022	\$298	\$158,747.01	\$163,708	\$313	\$167,170.01	\$172,394
\$295	\$155,022.01	\$159,720	\$311	\$163,708.01	\$168,669	\$328	\$172,394.01	\$177,618
\$308	\$159,720.01	\$164,418	\$325	\$168,669.01	\$173,630	\$342	\$177,618.01	\$182,842
\$321	\$164,418.01	\$169,115	\$339	\$173,630.01	\$178,591	\$357	\$182,842.01	\$188,066
\$335	\$169,115.01	\$173,813	\$353	\$178,591.01	\$183,551	\$372	\$188,066.01	\$193,290
\$349	\$173,813.01	\$178,511	\$368	\$183,551.01	\$188,512	\$388	\$193,290.01	\$198,514
\$363	\$178,511.01	\$183,208	\$383	\$188,512.01	\$193,473	\$403	\$198,514.01	\$203,738
\$377	\$183,208.01	\$187,906	\$398	\$193,473.01	\$198,434	\$419	\$203,738.01	\$208,962
	200% FPIG	\$159,920		200% FPIG	\$168,880		200% FPIG	\$177,840

<i>Weekly Co-pay</i>	<i>Family Size: 19 Annual Income</i>		<i>Weekly Co-pay</i>	<i>Family Size: 20 Annual Income</i>		<i>Weekly Co-pay</i>	<i>Family Size: 21 Annual Income</i>	
\$5	\$0.00	\$5,487	\$5	\$0.00	\$5,750	\$5	\$0.00	\$6,014
\$5	\$5,487.01	\$10,975	\$5	\$5,750.01	\$11,501	\$5	\$6,014.01	\$12,027
\$7	\$10,975.01	\$16,462	\$8	\$11,501.01	\$17,251	\$8	\$12,027.01	\$18,041
\$12	\$16,462.01	\$21,949	\$13	\$17,251.01	\$23,002	\$13	\$18,041.01	\$24,055
\$17	\$21,949.01	\$27,436	\$18	\$23,002.01	\$28,752	\$19	\$24,055.01	\$30,068
\$23	\$27,436.01	\$32,924	\$24	\$28,752.01	\$34,503	\$25	\$30,068.01	\$36,082
\$29	\$32,924.01	\$38,411	\$31	\$34,503.01	\$40,253	\$32	\$36,082.01	\$42,096
\$36	\$38,411.01	\$43,898	\$38	\$40,253.01	\$46,004	\$40	\$42,096.01	\$48,109
\$44	\$43,898.01	\$49,385	\$46	\$46,004.01	\$51,754	\$48	\$48,109.01	\$54,123
\$52	\$49,385.01	\$54,873	\$55	\$51,754.01	\$57,505	\$57	\$54,123.01	\$60,137
\$61	\$54,873.01	\$60,360	\$64	\$57,505.01	\$63,255	\$67	\$60,137.01	\$66,150
\$70	\$60,360.01	\$65,847	\$73	\$63,255.01	\$69,005	\$77	\$66,150.01	\$72,164
\$80	\$65,847.01	\$71,334	\$84	\$69,005.01	\$74,756	\$88	\$72,164.01	\$78,177
\$90	\$71,334.01	\$76,822	\$95	\$74,756.01	\$80,506	\$99	\$78,177.01	\$84,191
\$102	\$76,822.01	\$82,309	\$106	\$80,506.01	\$86,257	\$111	\$84,191.01	\$90,205
\$113	\$82,309.01	\$87,796	\$119	\$86,257.01	\$92,007	\$124	\$90,205.01	\$96,218
\$125	\$87,796.01	\$93,283	\$131	\$92,007.01	\$97,758	\$137	\$96,218.01	\$102,232
\$138	\$93,283.01	\$98,771	\$145	\$97,758.01	\$103,508	\$151	\$102,232.01	\$108,246
\$149	\$98,771.01	\$104,258	\$156	\$103,508.01	\$109,259	\$163	\$108,246.01	\$114,259
\$160	\$104,258.01	\$109,745	\$168	\$109,259.01	\$115,009	\$175	\$114,259.01	\$120,273
\$171	\$109,745.01	\$115,232	\$179	\$115,009.01	\$120,759	\$188	\$120,273.01	\$126,287
\$183	\$115,232.01	\$120,720	\$191	\$120,759.01	\$126,510	\$200	\$126,287.01	\$132,300
\$195	\$120,720.01	\$126,207	\$204	\$126,510.01	\$132,260	\$213	\$132,300.01	\$138,314
\$207	\$126,207.01	\$131,694	\$217	\$132,260.01	\$138,011	\$227	\$138,314.01	\$144,328
\$219	\$131,694.01	\$137,181	\$230	\$138,011.01	\$143,761	\$240	\$144,328.01	\$150,341
\$232	\$137,181.01	\$142,669	\$243	\$143,761.01	\$149,512	\$254	\$150,341.01	\$156,355
\$245	\$142,669.01	\$148,156	\$257	\$149,512.01	\$155,262	\$268	\$156,355.01	\$162,369
\$258	\$148,156.01	\$153,643	\$271	\$155,262.01	\$161,013	\$283	\$162,369.01	\$168,382
\$272	\$153,643.01	\$159,130	\$285	\$161,013.01	\$166,763	\$298	\$168,382.01	\$174,396
\$286	\$159,130.01	\$164,618	\$299	\$166,763.01	\$172,514	\$313	\$174,396.01	\$180,410
\$300	\$164,618.01	\$170,105	\$314	\$172,514.01	\$178,264	\$329	\$180,410.01	\$186,423
\$314	\$170,105.01	\$175,592	\$329	\$178,264.01	\$184,014	\$344	\$186,423.01	\$192,437

Weekly Co-pay	Family Size: 19 Annual Income		Weekly Co-pay	Family Size: 20 Annual Income		Weekly Co-pay	Family Size: 21 Annual Income	
\$329	\$175,592.01	\$181,079	\$345	\$184,014.01	\$189,765	\$361	\$192,437.01	\$198,450
\$344	\$181,079.01	\$186,567	\$361	\$189,765.01	\$195,515	\$377	\$198,450.01	\$204,464
\$359	\$186,567.01	\$192,054	\$377	\$195,515.01	\$201,266	\$394	\$204,464.01	\$210,478
\$375	\$192,054.01	\$197,541	\$393	\$201,266.01	\$207,016	\$411	\$210,478.01	\$216,491
\$391	\$197,541.01	\$203,028	\$410	\$207,016.01	\$212,767	\$428	\$216,491.01	\$222,505
\$407	\$203,028.01	\$208,516	\$427	\$212,767.01	\$218,517	\$446	\$222,505.01	\$228,519
\$424	\$208,516.01	\$214,003	\$444	\$218,517.01	\$224,268	\$464	\$228,519.01	\$234,532
\$440	\$214,003.01	\$219,490	\$461	\$224,268.01	\$230,018	\$483	\$234,532.01	\$240,546
	200% FPIG	\$186,800		200% FPIG	\$195,760		200% FPIG	\$204,720

[Pa.B. Doc. No. 20-1226. Filed for public inspection September 4, 2020, 9:00 a.m.]

## DEPARTMENT OF TRANSPORTATION

### Findings

Under section 2002(b) of The Administrative Code of 1929 (71 P.S. § 512(b)) establishing the Department of Transportation (Department), the Director of the Bureau of Project Delivery, as delegated by the Secretary of Transportation, makes the following written findings:

The Department is planning the following listed projects. Environmental and Section 4(f) Documentation have been developed for the following identified projects to evaluate the potential environmental impacts caused by these projects. The Section 4(f) documents also serve as the Section 2002 Evaluation. The approved documents are available in the CE/EA Expert System at <http://www.dotdom2.state.pa.us/ceea/ceemain.nsf>. The environmental, economic, social and other effects of the proposed projects have been considered. Based upon studies, there is no feasible and prudent alternative to the use of the Section 2002 resources for the proposed identified projects, and all reasonable steps have been taken to minimize the effects.

• **SR 0183, Section 05B—City of Reading, Berks County.**

*Project Description:* The project is the replacement of the bridge that carries Schuylkill Avenue (SR 0183) over the Norfolk Southern Railroad.

*Environmental Documents:* CE 2 Evaluation approved on April 20, 2020, and a Nationwide/Programmatic Section 4(f) Evaluation for Projects that Necessitate the Use of Historic Bridges approved on March 12, 2020.

*Proposed Use of Section 4(f)/2002 Resource:* The existing Schuylkill Avenue bridge is considered a contributing resource to the Philadelphia & Reading Railroad, which was determined to be eligible for listing on the National Register of Historic Places (NRHP).

• **SR 2031, Section DBR—Ridley Park Borough, Delaware County.**

*Project Description:* The project is the replacement of the bridge that carries Sellers Avenue (SR 2031) over Amtrak. Traffic signals and the Americans with Disabilities Act ramps will be updated.

*Environmental Documents:* CE 2 Reevaluation approved on June 12, 2020, and a Determination of Section 4(f) De Minimis Use Section 2002 No Adverse Use Historic Properties approved on January 5, 2015.

*Proposed Use of Section 4(f)/2002 Resources:* Approximately 0.049-acre of right-of-way (ROW) will be required from the 146-acre Ridley Park Historic District, which was determined to be eligible for listing on the NRHP. Approximately 0.047-acre of ROW will be required from the Philadelphia-Wilmington-Baltimore Railroad, which was determined to be eligible for listing on the NRHP.

• **SR 0073, Section 04N—Cheltenham Township, Montgomery County.**

*Project Description:* The project involves intersection improvements along Church Road (SR 0073) and Greenwood Avenue (SR 2054) and Rices Mill Road.

*Environmental Documents:* CE 1b Evaluation approved on April 10, 2020, a Determination of Section 4(f) De Minimis Use Section 2002 No Adverse Use Public Parks, Recreation Areas, Wildlife and/or Waterfowl Refuges, State Forest Land and State Game Land approved on March 25, 2020, and a Determination of Section 4(f) De Minimis Use Section 2002 No Adverse Use Historic Properties approved March 25, 2020.

*Proposed Use of Section 4(f)/2002 Resources:* Approximately 0.381-acre of ROW will be required from the 47.79-acre Curtis Arboretum, which is listed on the NRHP and qualifies as a Section 4(f)/2002 resource.

• **SR 7046, Section 190—Pottstown Borough, Montgomery County and North Coventry Township, Chester County.**

*Project Description:* The project is the replacement of the Kiem Street Bridge (Montgomery County Bridge # 190 and Chester County # 220) over the Schuylkill River.

*Environmental Documents:* CE 2 Evaluation approved on June 12, 2020, a Determination of Section 4(f) De Minimis Use Section 2002 No Adverse Use Public Parks, Recreation Areas, Wildlife and/or Waterfowl Refuges, State Forest Land and State Game Land approved on March 16, 2020, a Determination of Section 4(f) De Minimis Use Section 2002 No Adverse Use Historic Properties approved March 16, 2020, and a Nationwide/Programmatic Section 4(f) Evaluation for Projects that Necessitate the Use of Historic Bridges approved on March 18, 2020.

*Proposed Use of Section 4(f)/2002 Resources:* Approximately 0.644-acre of ROW will be required from the Schuylkill River, which is listed as a Pennsylvania Scenic River and a Pennsylvania Water Trail, and qualifies as Section 4(f)/2002 resource. The Pottstown Conservation District and the Pottstown Industrial District were both determined to be eligible for listing on the NRHP. Approximately 0.6-acre of ROW will be required from each district. The Kiem Street Bridge is considered potentially eligible for listing on the NRHP.

• **SR 3008, Section 003—Richland Township, Cambria County.**

*Project Description:* The project involves the resurfacing of Arbutus Avenue/Hostetler Road (SR 3008), drainage improvements, widening the curve near Erickson Drive (T-306), and installing curbing between Metzler Street and Scalp Avenue (SR 3016).

*Environmental Documents:* ED 1b Evaluation approved on May 11, 2020, and a Determination of Section 4(f) De Minimis Use Section 2002 No Adverse Use Public Parks, Recreation Areas, Wildlife and/or Waterfowl Refuges, State Forest Land and State Game Land approved on April 10, 2020.

*Proposed Use of Section 4(f)/2002 Resources:* Approximately 0.038-acre of ROW will be required from the 2.27-acre Arbutus Avenue Park, which qualifies as a Section 4(f)/2002 resource.

• **SR 0031 Section 01B—Stonycreek and Brothersvalley Township, Somerset County.**

*Project Description:* The project is the replacement of the bridge that carries Glades Pike (SR 0031) over Stonycreek River.

*Environmental Documents:* CE 1b Evaluation approved on May 11, 2020, and a Determination of Section 4(f) De Minimis Use Section 2002 No Adverse Use Historic Properties approved on April 2, 2020.

*Proposed Use of Section 4(f)/2002 Resource:* Three properties are impacted by the project that are considered potentially eligible for listing on the NRHP and are contributing resources to the Brothersvalley and Stonycreek Township Rural Historic District. Approximately 0.455-acre of ROW will be required from the 95.6-acre property at 1916 Beulah Road. Approximately 0.180-acre of ROW will be required from the 2.3-acre property at 8750 Glades Pike. Approximately 0.026-acre of ROW will be required from the 87.4-acre property at 8731 Glades Pike.

• **SR 1007, Section 04B—Stonycreek Township, Somerset County.**

*Project Description:* The project is the replacement of the bridge that carries Lambertsville Road (SR 1007) over Grove Run.

*Environmental Documents:* CE BRPA Evaluation approved on June 4, 2020, and a Determination of Section 4(f) De Minimis Use Section 2002 No Adverse Use Historic Properties approved on May 6, 2020.

*Proposed Use of Section 4(f)/2002 Resource:* Approximately 0.105-acre of ROW will be required from the 2,200-acre Flight 93 National Memorial, which is listed on the NRHP.

• **SR 0030, Section A31—Forest Hills Borough, Allegheny County.**

*Project Description:* The project is the replacement of the bridge that carries Ardmore Boulevard (SR 0030) over Falls Run.

*Environmental Documents:* ED BRPA Reevaluation approved on April 27, 2020, and a Determination of Section 4(f) De Minimis Use Section 2002 No Adverse Use Public Parks, Recreation Areas, Wildlife and/or Waterfowl Refuges, State Forest Land and State Game Land approved on September 6, 2018.

*Proposed Use of Section 4(f)/2002 Resource:* Approximately 0.038-acre of ROW will be required from the 23.23-acre Forest Hills Park, which qualifies as Section 4(f)/2002 resource.

• **SR 0021, Section SIG—City of Uniontown, Washington Township, Masontown Borough and Brownsville Borough, Fayette County.**

*Project Description:* The project is the upgrade or replacement of traffic signal poles in four locations along SR 0021. The road will also be milled and paved.

*Environmental Documents:* CE 1b Reevaluation approved on May 5, 2020, and a Determination of Section 4(f) De Minimis Use Section 2002 No Adverse Use Historic Properties approved on April 27, 2020.

*Proposed Use of Section 4(f)/2002 Resources:* Approximately 81-square feet of ROW will be required from the Brownsville Commercial Historic District, which is listed on the NRHP.

• **SR 2011, Section A07—Millheim Township, Centre County.**

*Project Description:* The project is the replacement of the bridge that carries Penn Street (SR 2011) over Mill Race.

*Environmental Documents:* ED BRPA Evaluation approved on April 2, 2020, and a Determination of Section 4(f) De Minimis Use Section 2002 No Adverse Use Historic Properties approved on March 25, 2020.

*Proposed Use of Section 4(f)/2002 Resources:* The Millheim Historic District is listed on the NRHP. The Penns Valley and Brush Valley Rural Historic District was determined to be eligible for listing on the NRHP. Approximately 0.008-acre ROW will be required from both Historic Districts.

• **SR 0949, Section A01—Spring Creek Township, Elk County.**

*Project Description:* The project is the replacement of the bridge that carries SR 0949 over Maxwell Run.

*Environmental Documents:* CE BRPA Evaluation approved on May 22, 2020, and a Determination of Section 4(f) De Minimis Use Section 2002 No Adverse Use Public Parks, Recreation Areas, Wildlife and/or Waterfowl Refuges, State Forest Land and State Game Land approved on May 15, 2020.

*Proposed Use of Section 4(f)/2002 Resources:* Approximately 0.138-acre of ROW will be required from the 39,400-acre State Game Land 44, which qualifies as Section 4(f)/2002 resource.

BRIAN G. THOMPSON, PE,  
Director  
Bureau of Project Delivery

[Pa.B. Doc. No. 20-1227. Filed for public inspection September 4, 2020, 9:00 a.m.]

# INDEPENDENT REGULATORY REVIEW COMMISSION

## Notice of Comments Issued

Section 5(g) of the Regulatory Review Act (71 P.S. § 745.5(g)) provides that the Independent Regulatory Review Commission (Commission) may issue comments within 30 days of the close of the public comment period. The Commission comments are based upon the criteria contained in section 5.2 of the Regulatory Review Act (71 P.S. § 745.5b).

The Commission has issued comments on the following proposed regulations. The agency must consider these comments in preparing the final-form regulation. The final-form regulation must be submitted within 2 years of the close of the public comment period or it will be deemed withdrawn.

<i>Reg. No.</i>	<i>Agency/Title</i>	<i>Close of the Public Comment Period</i>	<i>IRRC Comments Issued</i>
7-544	Environmental Quality Board Control of VOC Emissions from Oil and Natural Gas Sources 50 Pa.B. 2633 (May 23, 2020)	7/27/20	8/26/20
12-111	Department of Labor and Industry Unemployment Compensation; Employee Provisions 50 Pa.B. 3108 (June 27, 2020)	7/27/20	8/26/20

### **Environmental Quality Board Regulation # 7-544 (IRRC # 3256)**

#### **Control of VOC Emissions from Oil and Natural Gas Sources**

**August 26, 2020**

We submit for your consideration the following comments on the proposed rulemaking published in the May 23, 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)) (RRA) directs the Environmental Quality Board (EQB) to respond to all comments received from us or any other source.

#### **1. RRA Section 2—Reaching of consensus.**

Section 2 of the RRA (71 P.S. § 745.2) explains why the General Assembly felt it was necessary to establish a regulatory review process. Given the interest this proposal has generated; we believe it is appropriate to highlight the following provision of Section 2(a) of the RRA. The provision states, “To the greatest extent possible, this act is intended to encourage the resolution of objections to a regulation and the reaching of a consensus among the commission, the standing committees, interested parties and the agency.”

We have received a significant number of public comments on this proposed rulemaking. The vast majority of comments are from individuals and environmental advocacy organizations in support of the proposal, but also urging the Department of Environmental Protection (Department) to adopt more restrictive requirements in the final rulemaking. There were also numerous comments from parties representing the oil and gas industries. They believe the regulatory mandates for existing sources should not be more stringent than requirements for new and modified sources or the Environmental Protection Agency’s (EPA) 2016 Control Techniques Guidelines (2016 CTG).

The issues raised by commentators are often in direct conflict with each other. Parties representing environmental concerns request that the EQB eliminate a “step-down” provision that allows operators of producing well

sites to reduce the frequency of leak detection and repair (LDAR) inspections if the previous ones do not reveal significant leaks. However, oil and gas industry representatives recommend that the “step-down” provision apply also to gathering or boosting stations. There were also differing views on audio, visual and olfactory (AVO) inspections. Some view AVO inspections as an integral part of a leak detection and repair (LDAR) inspection program, while others call for their elimination. These are just a few examples of opposing viewpoints expressed by commentators.

The EQB should continue to actively seek input from all interested parties, including lawmakers, as it develops the final version of the rulemaking.

#### **2. RRA Sections 5.2(b)(3)(v) and (b)(7)—Whether the regulation is supported by acceptable data.**

Section 28 of the RAF relates to the regulatory review criterion of whether the regulation is supported by acceptable data. If data is the basis for a regulation, the section of the RAF asks for a description of the data, how the data was obtained, and how it meets the acceptability standard for empirical, replicable and testable data that is supported by documentation, statistics, reports studies or research.

The EQB states that the basis for this proposed rulemaking is the federally mandated reasonably available control technology (RACT) requirements found in EPA’s 2016 CTG. Commentators representing the oil and gas industry assert that the 2016 CTG are similar to performance standards developed for “new” or “modified” sources and question the appropriateness of applying these standards to existing sources (i.e. conventional oil and gas wells). We ask the EQB to explain how it determined that the proposed standards are appropriate for both the conventional and unconventional oil and gas industries in Pennsylvania.

#### **3. RRA Section 5.2(a)—Statutory authority.**

Section 7(b) of Act 52 of 2016 (Act) requires any rulemaking concerning conventional oil and gas wells that is considered by the EQB must “be undertaken separately and independently of unconventional wells or



other subjects and shall include a regulatory analysis form submitted to the Independent Regulatory Review Commission that is restricted to the subject of conventional oil and gas wells.”

Lawmakers and commentators state that the EQB has violated clear legislative directives by proposing a VOC emissions rule that includes requirements for conventional oil and gas well owners and operators, along with, not “separately and independently” from requirements for unconventional well operations. Also, the EQB has not prepared or submitted an RAF restricted to the need and impact of the rulemaking on the conventional oil and gas industry. Lawmakers request that the provisions that apply to the conventional oil and gas industry be withdrawn from the rulemaking. We ask the EQB to explain how it has and will comply with the legislative directives of the Act.

**4. RRA Section 5.2(b)(2)—Protection of the public health, safety and welfare and the effect on this Commonwealth’s natural resources.**

As noted above, this proposal has generated a substantial amount of public comments from varied interests and organizations. Our comments reflect our review of the numerous issues raised by commentators and how those issues pertain to the review criteria in the RRA. While we ask the EQB to further clarify or justify certain provisions that have been raised as concerns by representatives of the oil and gas industry, we remain concerned that the final-form regulation fulfill the EQB’s obligation to protect the quality and sustainability of the Commonwealth’s natural resources. To that end, we ask the EQB explain how the standards set forth in the regulation meet the criterion under Section 5.2(b)(2) of the RRA (71 P.S. § 745.5b(b)(2)) pertaining to the protection of the public health, safety and welfare and the effect on the Commonwealth’s natural resources while imposing reasonable requirements upon the oil and natural gas industry.

**5. RRA Section 5.2(b)(1)—Economic or fiscal impacts.**

The fiscal analysis provided by the EQB estimates that the proposed regulation will cost operators approximately \$35.3 million (based on 2012 dollars) without consideration of the economic benefit of the saved natural gas. The value of the saved natural gas, in 2012 dollars, will yield a savings of approximately \$9.9 million, resulting in a total net cost of \$25.4 million. These figures were based on 2012 EPA cost estimates contained in the 2016 CTG.

Commentators question the accuracy of the fiscal analysis because the supporting data is outdated and is not specific to Pennsylvania’s oil and gas industry. We agree with the concerns raised by interested parties. In order for this Commission to determine whether this rulemaking is in the public interest, the EQB must submit a revised estimate of the costs and/or savings to the regulated community using data that is current and Pennsylvania industry-specific.

**6. RRA Section 5.2(b)(1)(v) and (b)(3)(i)—The impact on the public interest of exempting or setting lesser standards of compliance for individuals or small business; and Possible conflict with statutes or existing regulations.**

*“In-house engineer” vs. Qualified Professional Engineer*

The Department states that it “concurred with EPA’s proposal to allow in-house engineers to certify the determination of technical infeasibility to route pump emis-

sions to a control and the design and capacity of a closed vent system, *regardless of professional licensure.*” (Emphasis added.)

The proposed regulation defines “in-house engineer” as an individual who is qualified by education, technical knowledge and experience to make an engineering judgment and the required specific technical certification. Since there is no requirement that the individual be employed by the facility, we ask the EQB to clarify the intent of this provision. What problem or situation is being addressed? Why is it needed?

Should the term “in-house engineer” be retained or, as some commentators have suggested, replaced with “qualified engineer,” we ask the EQB to explain how the term is consistent with the “Engineer, Land Surveyor, and Geologist Registration Law” (Act of May 23, 1945, P.L. 913, No. 367, Cl. 63) and the regulations governing professional qualified engineers and engineers-in-training. (Title 49 Chapter 37) A fiscal analysis should be included that compares the costs of using an “in-house engineer” versus a “qualified professional engineer” under these sections. Finally, the EQB should explain how setting lesser standards for compliance (i.e. permitting an unlicensed individual to certify the system he or she may have designed) is in the public interest.

**7. RRA Sections 5.2(b)(3)(i)(ii) and (iv)—Clarity and lack of ambiguity; Reasonableness of requirements, implementation procedures and timetables for compliance; and Possible conflict with statutes or regulations.**

*Scope of the rulemaking*

Commentators representing the conventional oil and gas industry are uncertain whether the proposed regulation applies to conventional oil and gas operations in Pennsylvania. They say, the regulation includes some equipment which can be utilized in conventional oil and gas operations, but were informed that this regulation would not apply to their sector of the industry. We ask the EQB to clarify, which provisions, if any apply to the conventional oil and gas industry and how the proposal is consistent with Act 52 of 2016.

*Effective date and timeframes*

The effective date of the proposed regulation is immediately upon publication as a final-form rulemaking in the *Pennsylvania Bulletin*. Commentators suggest that a minimum of a 60-day effective date would give owners and operators additional time to reasonably transition into the new requirements so that existing facilities are not required to immediately implement and comply with the new rules. Others suggest that owners and operators will need considerably more time to determine if their sources are required to comply with the rulemaking, as well as mobilize the necessary resources to perform the required inspections.

In addition, interested parties representing the oil and gas industry request that time periods between inspections be extended or made consistent with current CTG timeframes to avoid duplicate compliance activities. We encourage the EQB to work with the regulated community to resolve issues pertaining to inspection timeframes and recommend revising the effective date of the rulemaking to give sufficient time to the regulated community to implement and comply with requirements or explain why it is unnecessary to do so.

*Permitting program*

The Benefits, Costs and Compliance section of the Preamble, describes how the VOC RACT requirements

established by this proposed rulemaking will be incorporated into “an existing permit.” How will this process to incorporate an existing permit be implemented based on the compliance schedule in Section 29F of the RAF (pertaining to expected date by which permits, licenses or other approvals must be obtained)? The EQB should provide a more detailed explanation of the process contained in this section and how it will be implemented.

#### *Alternative leak detection methods*

Interested parties representing environmental concerns commend the EQB for including alternative leak detection methods in the rulemaking. What is the approval process for alternative leak detection methods? Will alternative leak detection methods be required to achieve equivalent emission reductions as currently allowed devices or methods? We ask the EQB to describe the requirements and approval process for alternative leak detection methods in the Preamble to the final-form rulemaking.

#### *EPA’s proposed withdrawal of the 2016 CTG and review of 2016 NSPS*

The EQB states that “Even though a finalized withdrawal of the 2016 CTG would relieve the state of the requirement to address RACT for existing oil and gas sources, the Department is still obligated to reduce ozone and VOC emissions to ensure that NAAQS is attained and maintained under section 110 of the CAA. 42 U.S.C.A. § 7410.” (Section 9 of the RAF) Commentators have asked the EQB to consider another public comment period should the federal regulations or guidelines be significantly changed before the final promulgation of the rulemaking. We ask the EQB to explain how it will proceed if there are significant changes made to 2016 CTG or 40 CFR Part 60 Subparts OOOO and OOOOa prior to the promulgation of the final-form rulemaking.

#### **8. RRA Section 5.2(b)(3)(iii)—Need for the regulation.**

Section 5.2 of the RRA (71 P.S. § 745.5b) directs this Commission to determine whether a regulation is in the public interest. When making this determination, the Commission considers criteria such as economic or fiscal impact and reasonableness. To make that determination, the Commission must analyze the text of the proposed regulation and the reasons for the new or amended language. The Commission also considers the information a promulgating agency is required to provide under Section 5 of the RRA in the Regulatory Analysis Form (RAF) (71 P.S. § 745.5(a)).

The Preamble and the RAF do not adequately describe the rationale or need for certain requirements or exclusions. Commentators representing environmental concerns identify two key provisions that they say are contrary to the goals of this rulemaking. The first is the exemption of low-producing wells from the requirements of LDAR inspections. The second one is the “step down” provision that allows owners and operations to decrease the frequency of LDAR inspections if the percentage of leaking components is less than 2 percent for two consecutive quarterly inspections. Owners and operators would have the option to reduce the inspection frequency to semi-annually. Opponents of these two measures say it is “faulty and risky” for the Department to assume that conventional operations don’t emit at levels high enough to have a significant impact on air quality and climate.

Representatives from the oil and gas industry observe that no analysis has been shared by the EQB to support

the Department’s conclusion that the proposed requirements that are more stringent than EPA’s 2016 CTG “are reasonably necessary” to achieve or maintain the National Ambient Air Quality Standards (NAAQS). Commentators question the need to exceed the 2016 CTG when Pennsylvania is near universal compliance with the 1997, 2008 and 2013 ozone standards. They explain that the state is not required to rely on the recommendations of the 2016 CTG to establish the proposed rulemaking. Instead it could make RACT determinations for a particular source on a case-by-case basis considering the technological and economic feasibility of the individual source. Section 11 of the RAF also states that the Department determined that owners and operators must conduct quarterly LDAR inspections at their facilities, as opposed to the recommended semiannual frequency in the 2016 CTG.

We ask the EQB, with each of the examples above, to explain the need for each provision and how determinations were made, as well what data was used to the justify the exemptions or more stringent regulations.

#### **9. RRA Sections 5(a)(12.1) and 5.2(b)(8)—Whether a less costly or less intrusive alternative method of achieving the goal of the regulation has been considered for regulations impacting small business.**

Section 5(a)(12.1) of the RRA (71 P.S. § 745.5(a)(12.1)) requires promulgating agencies to provide a regulatory flexibility analysis and to consider various methods of reducing the impact of the proposed regulation on small business. Commentators do not believe that the EQB has met its statutory requirement of providing a regulatory flexibility analysis or considering various methods of reducing the impact the proposed regulation will have on small business in its responses to various sections and questions on the RAF.

It is unclear from the RAF, whether the 303 conventional wells subject to LDAR inspections are owned by small businesses. However, commentators believe most, if not all, are small businesses and strongly disagree that they will incur minimal costs as a result of the proposed rulemaking.

In Section 15 of the RAF, the EQB states that “further analysis is required to determine if any of the affected sources are owned or operated by small businesses.” If it is unknown whether any of the affected sources are owned by small businesses, how was it determined that costs would be minimal? We agree that further analysis is needed to determine the financial impact on small businesses. We ask the EQB to provide the required regulatory flexibility analysis when it submits the final-form rulemaking.

### **CHAPTER 129. STANDARDS FOR SOURCES**

#### **Control of VOC Emissions from Oil and Natural Gas Sources**

#### **10. Section 129.121. General provisions and applicability.—Clarity and lack of ambiguity.**

Subsection (a) provides that the proposed rulemaking would apply to the owner or operators of storage vessels in all segments except natural gas distributions; natural gas-driven pneumatic controller; natural gas driven diaphragm pump; reciprocating compressor; centrifugal compressor; or fugitive emissions component which were in existence on or before the effective date of the final-form rulemaking.

Commentators ask how “existing” will be interpreted under this rulemaking since there may be facilities that have initiated construction but are not yet operational on the effective date of the rule. We ask the EQB to explain, in Preamble to the final-form regulation, how “existing” will be interpreted under this chapter.

**11. Section 129.122. Definitions, acronyms and EPA methods.—Clarity.**

*“Deviation”*

Subparagraph (iii) of this definition includes a failure to meet an emission limit, operating limit, or work practice standard during start-up, shutdown or malfunction as a “deviation” regardless of whether a failure is permitted by these rules. Commentators ask the EQB to make clear that failure to meet a limit or standard should not be considered a “deviation” if permit conditions are met. We ask the EQB to clarify this definition.

*“First attempt at repair”*

For consistency, the definition should be revised to replace “organic material” with “VOCs.”

*“In-house engineer”*

What is meant by “an engineering judgment?” The EQB should define this term or explain why it is unnecessary to do so.

*“Leak”*

Subparagraph (i) reads “A positive indication, whether audible, visual or odorous, determined during an AVO inspection.” It has been suggested by commentators that this subparagraph be amended for clarity in the following way “A positive indication of a leak . . .” We agree with this suggestion.

*“TOC—Total organic compounds”*

The phrase “For purposes of this section, §§ 129.121 and 129.123—129.130” is unnecessary and should be deleted in the final-form rulemaking.

*“Qualified professional engineer”*

Subparagraph (ii) provides that “The individual making this certification must be currently licensed in this Commonwealth or another state in which the responsible official, as defined in § 121.1 (relating to definitions), is located and with which the Commonwealth offers reciprocity.” (Emphasis added.) What is the need for this provision?

**12. Section 129.123. Storage vessels.—Clarity; Reasonableness of requirements; and Implementation procedures.**

The definitions of “conventional well” and “unconventional well” as defined in 25 Pa. Code 78.1 and 78a.1 should be included by reference in § 129.122(a).

*Subsection (a)*

§ 129.123(a)(2)(i) requires that potential VOC emissions for conventional, unconventional, gathering and boosting station and at a facility in the natural gas transmission and storage segment use a generally accepted model or calculation methodology, based on the maximum average daily throughput prior to the effective date of the rulemaking. Commentators ask the Department to revise this section to allow all generally accepted models or calculation methodologies and request the language referencing historical data be deleted. Use of past maximum averages that are no longer representative of the facilities throughputs, they say, will not provide an accurate emissions profile to justify the proposed compli-

ance requirements. The EQB should explain its rationale for and the reasonableness of the provision relating to historical data.

§ 129.123(a)(2)(ii) provides that the determination of potential VOC emission must consider requirements under a legally and practically enforceable limit established in an operating permit or plan approval approved by the Department. The EQB should explain in the Preamble to the final-form regulation whether state permitting programs such as the GP5, GP5a, and existing Exemption 38 programs will be considered satisfactory for this requirement.

*Subsection (b)*

§ 129.123(b)(1)(iii) requires routing emissions to a control device or process that meets the applicable requirements of § 129.129. Commentators note that § 129.129 contains requirements specific only to “control devices” and not to “processes.” The EQB should explain the intent of the proposed language and revise it if necessary. Similar language appears in §§ 129.125(b)(1)(ii), 129.126(c)(2), 129.128(a)(2)(ii) and 129.128(b)(1).

**13. Section 129.124. Natural gas-driven pneumatic controller.—Reasonableness of requirements.**

*Subsection (d)*

This subsection requires the owner or operator to tag each affected natural-gas driven pneumatic controller with the date the controller is required to comply with the requirements of this section and an identification number that ensures traceability to the records for that controller. We ask the EQB to explain the rationale for this requirement, including why it believes it is reasonable.

**14. Section 129.125. Natural gas driven diaphragm pumps.**

*Subsection (c)*

Please refer to comments in the section pertaining to “In-house engineers.”

**15. Section 129.127. Fugitive emission components.—Determining whether a regulation is in the public interest; Protection of the public health, safety and welfare and the effect on this Commonwealth’s natural resources; Reasonableness of requirements, implementation procedures and timetables for compliance; and Whether the regulation is supported by acceptable data.**

*Subsections (a)*

We ask the EQB to specify a timeframe that will be used to determine per-day average production figures, or explain why it is unnecessary to do so.

*Subsection (b)*

We ask the EQB to clarify whether these adjustments to the LDAR inspection intervals are required under subsection § 129.127(e) (relating to requirements for extension of the LDAR inspection interval).

*Subsection (e)*

Subsection (e) permits the owner or operator of an affected facility to request, in writing, an extension of the LDAR inspection interval. We ask the EQB to explain the need for an extension. Under what conditions or circumstances may an owner or operator request an extension? If certain conditions or requirements are needed to request an extension, how will owners or operators be

informed about those conditions or requirements? What is the maximum amount of time that an extension may be granted?

**16. Section 129.128. Covers and closed vent systems.**

*Subsection (c)*

Please refer to comments in the section regarding “In-house engineers.”

**17. Section 129.129. Control devices.—Clarity.**

*Subsection (b)*

§ 129.129(b)(5)(ii) refers to an “inspection and maintenance plan” in § 129.129(b)(1) that does not exist. We ask the EQB to clarify the intent of this subparagraph and revise, if necessary.

*Subsection (c)*

We ask the EQB to delete the reference to “(c)(1)(ii)” in § 129.129(k)(5) since “(c)(1)(ii)” does not require or refer to a weigh-percent VOC emission reduction requirement.

*Subsection (j)*

§§ 129.129(j)(1)(v)(D) and 129.129(j)(1)(vi)(B) provides for requests for extension of initial performance test reports. Please refer to our comments regarding the LDAR inspection interval extension requests in § 129.127(e) as the questions apply also to this subsection.

**18. Section 129.130. Recordkeeping and reporting.—Clarity.**

*Subsection (d)*

§ 129.130(d)(1) requires the records for each natural gas-driven diaphragm pump to include the date, location and manufacturer specifications for each pump. What “date” is required under this subsection? The EQB should revise this section to make clear the date to which it is referring.

*Subsection (g)*

§ 129.130(g)(2)(ii)(G)(II) requires the “instrument reading of each fugitive emission component” that meets the definition of a leak under the rulemaking. Should this subsection be revised for consistency to account for leaks that are detected with OGI equipment?

**19. Miscellaneous.—Clarity.**

We recommend the following clarifications:

- Section 15 of the RAF indicates that the table in Section 23 provides a breakdown of the cost data for the industry? The figures provided in the table in Section 23 of the RAF represent industry-wide cost and savings estimates. The RAF in the final-form regulation should include the chart as described, or remove this statement if one does not exist;

- § 121.1 under the term “Responsible official” subparagraph (iv) clause (B) after “or Chapter 129” parentheses containing a description of what the chapter is relating to should be included;

- § 129.122(a) states that “the following words and terms, when used in this section, §§ 129.121 and 129.123—120.130, have the following meaning. . . .” (Emphasis added.) We would suggest inserting “shall” before “have” and revising “section” to “chapter.” Additionally, “section” should be deleted and replaced with “chapter” in “Deviation” and “TOC—Total organic compounds” definitions;

- The following terms and definitions appear § 129.122(a) but are not used in the text of the Annex: “completion combustion device,” “fuel gas,” “fuel gas system,” “natural gas and oil production segment,” “natural gas processing segment,” “transmission compression station,” and “underground storage vessel.” These terms and definitions should be deleted;

- For consistency, § 129.128(d), a reference to the recordkeeping and reporting requirements found § 129.130(i)(2) should be included in this subsection; and

- § 129.130(k) we recommend replacing “can” with “may.”

**Department of Labor and Industry Regulation  
# 12-111 (IRRC # 3259)**

**Unemployment Compensation;  
Employee Provisions**

**August 26, 2020**

We submit for your consideration the following comments on the proposed rulemaking published in the June 27, 2020 *Pennsylvania Bulletin*. Our comments are based on criteria in Section 5.2 of the Regulatory Review Act (Act) (71 P.S. § 745.5b). Section 5.1(a) of the Act (71 P.S. § 745.5a(a)) directs the Department of Labor and Industry (Department) to respond to all comments received from us or any other source.

**1. Section 65.43. Claims for compensation—when to file.—Clarity and lack of ambiguity; Implementation procedures.**

This section requires a claimant to file in the Pennsylvania Unemployment Compensation Claims System (UC Claims System) “for compensation for a week no later than the last day of the second week after the end of the week claimed.” The Department states throughout the Regulatory Analysis Form (RAF) and the Preamble to the proposed regulation that claimants will have the option to file for compensation weekly or biweekly. However, the Department states in Regulatory Analysis Form (RAF) Question # 10 and the Preamble to the proposed regulation that it is deleting “the language mandating and providing for biweekly filing.” (Emphasis added.) In addition, the RAF includes screenshots of the UC Claims System, which appears to only provide for weekly claims. Is it the Department’s intent to allow claimants to file biweekly in the UC Claims System? We ask the Department to clarify in the final-form regulation statements regarding frequency of filings.

Further, this section will become effective upon publication of a separate notice in the *Pennsylvania Bulletin* “announcing the date of implementation” of the UC Claims System and “specif[ing] the applicability of the amendments,” anticipated to be October 2020. We have a concern regarding the implementation of this regulation. A delay between publication of the final-form regulation and the implementation notice may cause confusion among claimants regarding frequency of filings and compensation. We ask the Department to consider coordinating publication of the final-form regulation and the notice announcing the implementation of the UC Claims System in the same issue of the *Pennsylvania Bulletin* to ensure claimants efficiently transition to the new system.

**2. Regulatory Analysis Form.—Economic or fiscal impacts.**

In response to RAF Question # 23, the Department describes anticipated savings to the Commonwealth as a result of implementing the UC Claims System. However,

the Department does not include an estimate of these savings. We ask the Department to provide in the RAF submitted with the final-form regulation an estimate of potential savings or explain why it is not possible to do so.

[Pa.B. Doc. No. 20-1228. Filed for public inspection September 4, 2020, 9:00 a.m.]

## INSURANCE DEPARTMENT

### Insurance Coverages or Risks Eligible for Export by Insurance Commissioner

Under section 1604(2)(ii) of The Insurance Company Law of 1921 (40 P.S. § 991.1604(2)(ii)), the Insurance Commissioner declares the following insurance coverages to be generally unavailable in the authorized market at the present, and thus exportable, and adopts the following export list. Accordingly, for those insurance coverages which are included on the export list, a diligent search among insurers admitted to do business in this Commonwealth is not required before placement of the coverages in the surplus lines market.

#### Export List

Active Assailant Coverage

Amusements  
Amusement Parks and their Devices  
Animal Rides  
Recreational and Sporting Events  
Special Short Term Events  
Theatrical Presentations

Aviation  
Fixed Base Operations

Bridge and Tunnel Contractors (liability only)

Chemical Spray and/or Drift

Crane and Rigging Contractors (liability and physical damage only)

Crop Dusters (aircraft liability and aircraft hull coverage only)

Day Care Centers, including Sexual Abuse Coverage

Demolition Contractors Liability

Disability Insurance—Excess

Dog Bite Liability (monoline)

Firework Sales/Manufacturing

Flood Insurance

Fuel and Explosive Haulers (excess auto liability and auto physical damage only)

Guides and Outfitters (liability only)

Hazardous Waste Haulers (excess auto liability and auto physical damage only)

Hazardous Waste Storage and Disposal (liability only)

Homeshare Business Multi-Peril Insurance (on-demand short-term)

Hunting Clubs

Kidnapping, Ransom and Extortion Insurance

Liquor Liability (monoline)

Medical Malpractice Liability with or without related General Liability Coverages

Medicinal Cannabis Cultivation, Processing/Harvesting, Manufacturing, Testing, Transportation/Delivery, Retail Distribution and/or Lessors/Property Managers\*

Miscellaneous Errors and Omissions or Professional Liability except architects and engineers, medical malpractice, lawyers, personnel agencies, travel agents, real estate brokers and insurance agents and brokers

Nightclubs

Nursing Home Liability with or without other Affiliated Elder Care Services

Paint and Coating Manufacturers—Liability

Pest Control (Exterminators) Liability

Pollution Liability and/or Environmental Impairment Coverage

Products Liability (monoline) for the Manufacturing of:  
Aircraft and Component Parts  
Automotive and Component Parts  
Farm and Industrial Equipment  
Firearms  
Medical Equipment  
Petrochemicals  
Pharmaceuticals

Products Recall (monoline) for the Manufacturing of:  
Aircraft and Component Parts  
Automotive and Component Parts  
Farm and Industrial Equipment  
Firearms  
Medical Equipment  
Petrochemicals  
Pharmaceuticals

Railroad, including Consultants, Contractors and Suppliers

Real-Estate Environmental Impairment Coverage

Scrap Metal Dealers/Recycling Centers with Off-Site Disassembling (general liability only)

Security/Detective/Patrol Agencies

Tattoo Parlors

Taxicab Liability

Title Insurance Agents Errors and Omissions

Vacant Properties (excluding 1—4 family unit residential dwellings and individually owned residential units in larger residential buildings)

Wire Transfer Fraud Coverage for Title Agents with or without Other Cybersecurity Coverage\*

\*denotes new or revised

This list becomes effective on the date of its publication in the *Pennsylvania Bulletin* and supersedes the list published at 49 Pa.B. 3443 (June 29, 2019), and shall remain in effect until superseded by a subsequent list as published in the *Pennsylvania Bulletin*.

Questions regarding the Export List may be directed to Cressinda E. Bybee, cbybee@pa.gov.

JESSICA K. ALTMAN,  
Insurance Commissioner

[Pa.B. Doc. No. 20-1229. Filed for public inspection September 4, 2020, 9:00 a.m.]

**PENNSYLVANIA INFRASTRUCTURE  
INVESTMENT AUTHORITY  
DEPARTMENT OF  
ENVIRONMENTAL PROTECTION**

**Environmental Assessment Approval for PENNVEST  
Funding Consideration**

*Scope:* Clean Water and Drinking Water State Revolving Fund Projects for October 21, 2020, Pennsylvania Infrastructure Investment Authority (PENNVEST) Board meeting consideration

*Description:* PENNVEST, which administers the Commonwealth's Clean Water State Revolving Fund (CWSRF) and Drinking Water State Revolving Fund (DWSRF), is intended to be the funding source for the following projects. The Department of Environmental Protection's (Department) review of these projects, and the information received in the Environmental Report for these projects, has not identified any significant, adverse environmental impact resulting from any of the proposed projects. The Department hereby approves the Environmental Assessment for each project. If no significant comments are received during this comment period, the Environmental Assessment will be considered approved and funding for the project will be considered by PENNVEST.

To be considered, the Department must receive comments on this approval on or by Monday, October 5, 2020. Comments can be submitted using the Department's online eComment tool at [www.ahs.dep.pa.gov/eComment](http://www.ahs.dep.pa.gov/eComment). Written comments can be submitted by e-mail to [ecomment@pa.gov](mailto:ecomment@pa.gov) or by mail to the Policy Office, Department of Environmental Protection, Rachel Carson State Office Building, P.O. Box 2063, Harrisburg, PA 17105-2063. Use "PENNVEST SRF-Environmental Assessment" as the subject line in written communication.

For more information about the approval of the following Environmental Assessments or the Clean Water and Drinking Water State Revolving Loan Programs contact Richard Wright at [riwright@pa.gov](mailto:riwright@pa.gov), Bureau of Clean Water, Department of Environmental Protection, P.O. Box 8774, Harrisburg, PA 17105-8774, (717) 772-4059, or visit the Department's web site at [www.dep.pa.gov/Business/Water/CleanWater/InfrastructureFinance/Pages/default.aspx](http://www.dep.pa.gov/Business/Water/CleanWater/InfrastructureFinance/Pages/default.aspx).

Any comments received during the comment period, along with the Department's comment and response document will be available on the Department's web site at [www.dep.pa.gov/Business/Water/CleanWater/InfrastructureFinance/Pages/EnvironmentalReview.aspx](http://www.dep.pa.gov/Business/Water/CleanWater/InfrastructureFinance/Pages/EnvironmentalReview.aspx).

Upon approval, the full list of approved projects and their costs can be found in a press release on PENNVEST's web site at [www.pennvest.pa.gov](http://www.pennvest.pa.gov).

*CWSRF Projects Being Considered:*

<i>Applicant:</i>	City of Clairton
<i>County:</i>	Allegheny
<i>Applicant Address:</i>	1 North State Street Clairton, PA 15025

*Project Description:* The construction project will modify the Clairton Municipal Authority Sewage Treat-

ment Plant to eliminate untreated wet weather sewage overflows. The existing conventional activated sludge process is being converted to a membrane bioreactor (MBR) process. Two existing primary clarifiers will be converted to MBR effluent water storage tanks and a back-up MBR chlorine contact tank. Four existing aeration tanks will be converted to MBR tanks while four existing secondary clarifiers will be converted to combined sewer overflow (CSO) storage and primary clarifiers. Two existing chlorine contact tanks will be converted to CSO disinfection. The existing chlorine gas disinfection will be converted to liquid sodium hypochlorite for chlorination and liquid sodium bisulfite for de-chlorination. Design peak flow will be 38.23 million gallons per day (mgd).

*Problem Description:* This project is being implemented for the City of Clairton to comply with its Long-term Control Plan. This project will reduce CSO bypasses within the system and eliminate sanitary sewer overflows that occur from the Peters Creek interceptor.

<i>Applicant:</i>	Elizabeth Township
<i>County:</i>	Allegheny
<i>Applicant Address:</i>	522 Rock Run Road Elizabeth, PA 15037

*Project Description:* The proposed project will eliminate the Buena Vista wastewater treatment plant (WWTP) by constructing a new pump station (PS) and equalization basin and upgrading the existing Boston PS. The proposed new Buena Vista PS will have a capacity of 3.9 mgd. The associated equalization basin will have a capacity of 3 mgd. The upgraded Boston PS will have a capacity of 17.5 mgd. Flow will be sent from the Buena Vista PS to the Boston PS by means of a new single force main. A new force main will also be constructed from the Boston PS along the Great Allegheny Passage to an existing pipe junction. Sewage will flow to the Municipal Authority of the City of McKeesport's Sewage Treatment Plant.

*Problem Description:* This project will eliminate capacity-related sewage overflows at the WWTP. The Boston PS is also being upgraded to accept the flows from the new Buena Vista PS and to eliminate capacity-related overflows that occur at the Boston PS.

<i>Applicant:</i>	Marion Township
<i>County:</i>	Butler
<i>Applicant Address:</i>	2275 West Sunbury Road Suite B Boyers, PA 16020

*Project Description:* The project will serve the existing 24 customers from the southeast corner of the Village of Boyers, as well as an additional 87 customers from the Atwell Crossing area located west of the existing sewage facility. The system will be designed to treat the proposed 111 customers as well as future developments. This project consists of purchase and installation of approximately 1,540 linear feet of 8-inch standard dimension ratio 35 PVC gravity sewer main, 200 linear feet of 1.25-inch, 1,900 linear feet of 1.5-inch, 2,750 linear feet of 2-inch, and 5,250 linear feet of 3-inch high-density polyethylene sewer main, 845 linear feet of 4-inch sewer lateral and 8,115 linear feet of 1.5-inch sewer lateral, 90 grinder pumps, 12 manholes and appurtenances. The plant will consist of an influent duplex submersible PS, three 22,000-gallon baffled septic tanks in series, a

recirculation vault, a 13,500-gallon dosing tank with two submersible pumps, two 9,540 square feet open recirculating sand filter beds, a tablet chlorine disinfection with a 2,000-gallon chlorine contact tank and a tablet dechlorination system.

*Problem Description:* Within the project area, many properties within Marion Township currently utilize onlot systems for the disposal of sewage, while a centralized public system serves a small portion of the Village of Boyers in the southeast corner of the Township. The sewage system includes a gravity fed pumping station, two waste stabilization ponds (sewage lagoons) and an outlet structure. The lagoons are no longer viable. The lagoons contain cattails and duckweed. The embankments are overgrown with trees, shrubs and other vegetation. The headwall collapsed causing the embankment to leak. No adjustable draw-off devices exist to regulate flow between the lagoons. Discharge flows are not measured. The fencing around the lagoons is damaged and missing in several locations. There is no disinfection of the effluent. Due to these conditions, the lagoons are not operating properly nor has the system ever been permitted. A sanitary survey was conducted in 2012 which determined there was a 54% confirmed onlot failure rate associated with this area. The malfunctions include direct discharges (sewage or grey water) to ditches, surface malfunctions, discharges to catch basins, discharges to storm sewers, piped discharges to streams, discharges into woods and reported back-ups. The inability of the existing sewage lagoons to continue serving its existing customer base and a majority percentage of onlot systems within these areas having confirmed malfunctions, necessitate the need to extending public sewerage to the Village of Boyers and the Atwell Crossing area, in addition the expansion and improvement of the treatment facilities.

<i>Applicant:</i>	Washingtonville Municipal Authority (Authority)
<i>County:</i>	Montour
<i>Applicant Address:</i>	P.O. Box 147 Washingtonville, PA 17784-0147

*Project Description:* This project consists of constructing a new WWTP immediately adjacent to the existing WWTP at the existing site. The new equipment that will be installed includes a fine screen, new sequencing batch reactor treatment process tanks, new sludge handling facilities and a change to the existing disinfection process. No changes in plant capacity are proposed as part of this project.

*Problem Description:* The existing WWTP serving the Authority was built in 1972 and is nearing the end of its useful life. Most of the original equipment is still in service. In 2015, the Authority contracted to have a steel treatment tank cleaned and painted. Due to lack of structural integrity of the tankage, mechanical cleaning could not be performed. A temporary coating was applied that extended the life of the tankage; however, the plant now needs to be replaced.

*DWSRF Projects Being Considered:*

<i>Applicant:</i>	Indian Lake Borough
<i>County:</i>	Somerset
<i>Applicant Address:</i>	1031 Causeway Drive Central City, PA 15926

*Project Description:* The proposed project involves constructing a new pressure filter treatment plant with three filters, permitting Well 18B, rehabilitating Well # 99, installing a new water storage tank and installing a new 6-inch waterline from Well 18B to the existing Well # 99. The new water treatment plant is designed to include a pressure filtration system with zero-backwash discharge to remove iron and manganese. Well # 2 will be removed from service at the completion of the project.

*Problem Description:* Indian Lake Borough is currently served by multiple wells and is permitted to use Well # 99 and Well # 2. The existing treatment includes chlorination by sodium hypochlorite at Well # 99 and sequestration along with disinfection at Well # 2. The water quality from Indian Lake Borough shows that Well # 99 and Well # 2 have degraded and both show elevated iron and manganese values. This project will improve finish water quality for the service area.

<i>Applicant:</i>	Windber Area Authority (Authority)
<i>County:</i>	Somerset
<i>Applicant Address:</i>	1700 Stockholm Avenue Windber, PA 15963

*Project Description:* This project includes rehabilitating the existing Clear Shade Tank No. 1 without an interruption in service. The Authority proposes to construct a new 500,000 gallon glassed-fused-to-steel water storage tank (Clear Shade Tank No. 2). This new tank will be located next to Tank No. 1. After Tank No. 2 is constructed and put into service, Tank No. 1 will be taken offline. Tank No. 1 will then undergo interior rehabilitation. The interior rehabilitation will include cleaning the tank, re-edging and coating the shell seams, installing new sacrificial anode bars, inspecting and repairing glass chips, replacing missing hardware, and testing and disinfecting the tank. After Tank No. 1 is repaired, it will be put back into service. Tank No. 2 will provide redundancy for water storage as well as allow either tank to be taken out of service for maintenance without interruptions in service.

*Problem Description:* The Authority currently operates a 500,000 gallon, glassed-fused-to-steel water storage tank. Clear Shade Tank No. 1, which was constructed in 1991, needs repair due to age. The tank underwent an exterior rehabilitation in 2015 but is still in need of interior repairs. This tank is currently the sole entry point for the system. Taking the tank offline for interior repairs would result in an interruption of service to approximately 9,200 existing customers. The proposed project is to construct an additional storage tank so needed repairs can be made on Tank No. 1 without interruptions to service. The project will add much needed finish water storage to the existing water system.

PATRICK McDONNELL,  
*Secretary*  
*Department of Environmental Protection*

BRION JOHNSON,  
*Executive Director*  
*Pennsylvania Infrastructure Investment Authority*

[Pa.B. Doc. No. 20-1230. Filed for public inspection September 4, 2020, 9:00 a.m.]

## PENNSYLVANIA PUBLIC UTILITY COMMISSION

### General Rule Transaction

**A-2020-3021538. Red Fiber Parent, LLC, Cincinnati Bell, Inc. and CBTS Technology Solutions, LLC.** Joint application of Red Fiber Parent, LLC, Cincinnati Bell, Inc. and CBTS Technology Solutions, LLC for approval of a general rule transaction involving a transfer of indirect control of telecommunications public utilities.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities) on or before Monday, September 21, 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.

*Joint Applicants:* Red Fiber Parent, LLC; Cincinnati Bell, Inc.; CBTS Technology Solutions, LLC

*Through and By Counsel:* Anthony C. DeCusatis, Esquire, Catherine G. Vasudevan, Esquire, Morgan, Lewis & Bockius, LLP, 1701 Market Street, Philadelphia, PA 19103-2921, (215) 963-5000, fax (215) 963-5001, [anthony.decusatis@morganlewis.com](mailto:anthony.decusatis@morganlewis.com), [catherine.vasudevan@morganlewis.com](mailto:catherine.vasudevan@morganlewis.com)

ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 20-1231. Filed for public inspection September 4, 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 September 21, 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-2020-3019374. Ride Right Transit Limited Liability Corporation** (2409 Walnut Street, Harrisburg, Dauphin County, PA 17103) in group and party service, in vehicle seating between 11 and 15 passengers, including the driver, between points in the Counties of Adams, Cumberland, Dauphin, Lancaster, Lebanon, Perry and York.

**A-2020-3019376. Atlantis Limousine Service, LLC** (6 Locust Road, Morton, Delaware County, PA, 19070) in limousine service, between points in Delaware County, and from points in Delaware County, to points in Bucks County, and return.

**A-2020-3021265. Uptown Limousine and Car Service, LLC** (926 Spring Street, Reading, Berks County, PA 19604) in limousine service, from points in the Counties of Berks, Bucks, Chester, Delaware, Lehigh, Montgomery and Northampton, to points in Pennsylvania, and return; excluding areas under the jurisdiction of the Philadelphia Parking Authority. *Attorney:* Russell E. Farbiarz, 64 North Fourth Street, Hamburg, PA 19526.

ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 20-1232. Filed for public inspection September 4, 2020, 9:00 a.m.]

## PHILADELPHIA PARKING AUTHORITY

### Service of Notice of Motor Carrier Applications in the City of Philadelphia

The following permanent authority applications to render service as common carriers in the City of Philadelphia have been filed with the Philadelphia Parking Authority's (PPA) Taxicab and Limousine Division (TLD). Formal protests must be filed in accordance with 52 Pa. Code Part II (relating to Philadelphia Parking Authority) with the TLD's Office of the Clerk, 2415 South Swanson Street, Philadelphia, PA 19148, no later than September 20, 2020. The nonrefundable protest filing fee is \$5,000 payable to the PPA by certified check or money order. The applications are available for inspection at the TLD between 9 a.m. and 4 p.m., Monday through Friday (contact TLD Director Christine Kirlin, Esq. at (215) 683-9653 to make an appointment) or may be inspected at the business addresses of the respective applicants or attorneys, or both.

**Doc. No. A-20-08-01. Fatima Taxi, LLC** (1372 North 75th Street, Philadelphia, PA 19151): An application for a medallion taxicab certificate of public convenience (CPC) to transport, as a common carrier, persons in taxicab service between points within the City of Philadelphia and from points in the City of Philadelphia to points in Pennsylvania, and return. *Attorney for Applicant:* David R. Alperstein, Esq., 314 Cherry Avenue, Voorhees, NJ 08043.

**Doc. No. A-20-08-02. K&C Taxi, LLC** (2727 South Fairhill Street, Philadelphia, PA 19148): An application for a medallion taxicab CPC to transport, as a common carrier, persons in taxicab service between points within the City of Philadelphia and from points in the City of



Philadelphia to points in Pennsylvania, and return. *Attorney for Applicant*: David R. Alperstein, Esq., 314 Cherry Avenue, Voorhees, NJ 08043.

**Doc. No. A-20-08-03. GTS Taxi, LLC** (2515 South 69th Street, Philadelphia, PA 19142): An application for a medallion taxicab CPC to transport, as a common carrier, persons in taxicab service between points within the City of Philadelphia and from points in the City of Philadelphia to points in Pennsylvania, and return. *Attorney for Applicant*: David R. Alperstein, Esq., 314 Cherry Avenue, Voorhees, NJ 08043.

SCOTT PETRI,  
*Executive Director*

[Pa.B. Doc. No. 20-1233. Filed for public inspection September 4, 2020, 9:00 a.m.]

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## STATE BOARD OF NURSING

### Bureau of Professional and Occupational Affairs v. Georgeann Leuzzi, RN; Case No. 18-51-02212

On September 18, 2019, Georgeann Leuzzi, RN, license No. RN521955L, of Philadelphia, Philadelphia County, had her license automatically suspended based on being convicted of a misdemeanor under the The Controlled Substance, Drug, Device and Cosmetic Act (35 P.S. §§ 780-101—780-144).

Individuals may obtain a copy of the adjudication at [www.pals.pa.gov](http://www.pals.pa.gov).

This order represents the final State Board of Nursing (Board) decision in this matter. It may be appealed to the Commonwealth Court of Pennsylvania by the filing of a petition for review with that court in accordance with the Pennsylvania Rules of Appellate Procedure. Individuals who take an appeal to the Commonwealth Court must serve the Board with a copy of their petition for review.

ANN M. COUGHLIN, MBA, MSN, RN,  
*Chairperson*

[Pa.B. Doc. No. 20-1234. Filed for public inspection September 4, 2020, 9:00 a.m.]

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## THADDEUS STEVENS COLLEGE OF TECHNOLOGY

### Request for Bids

Thaddeus Stevens College of Technology is soliciting bids for a telehandler with 43' reach EROPS, AC, heat, 4 x 4, 9,000 lbs cap, outriggers, hydraulic coupler, auxiliary hydraulics, foam filled tires; included attachments: block forks, 10' work platform, forks, bucket, mortar bin, trash bin with bump dump. Bid documents can be obtained from Carrie Harmon, Thaddeus Stevens College, 750 East King Street, Lancaster, PA 17602, (717) 299-7787, [harmon@stevenscollege.edu](mailto:harmon@stevenscollege.edu).

DR. WILLIAM THOMPSON,  
*Interim President*

[Pa.B. Doc. No. 20-1235. Filed for public inspection September 4, 2020, 9:00 a.m.]





