

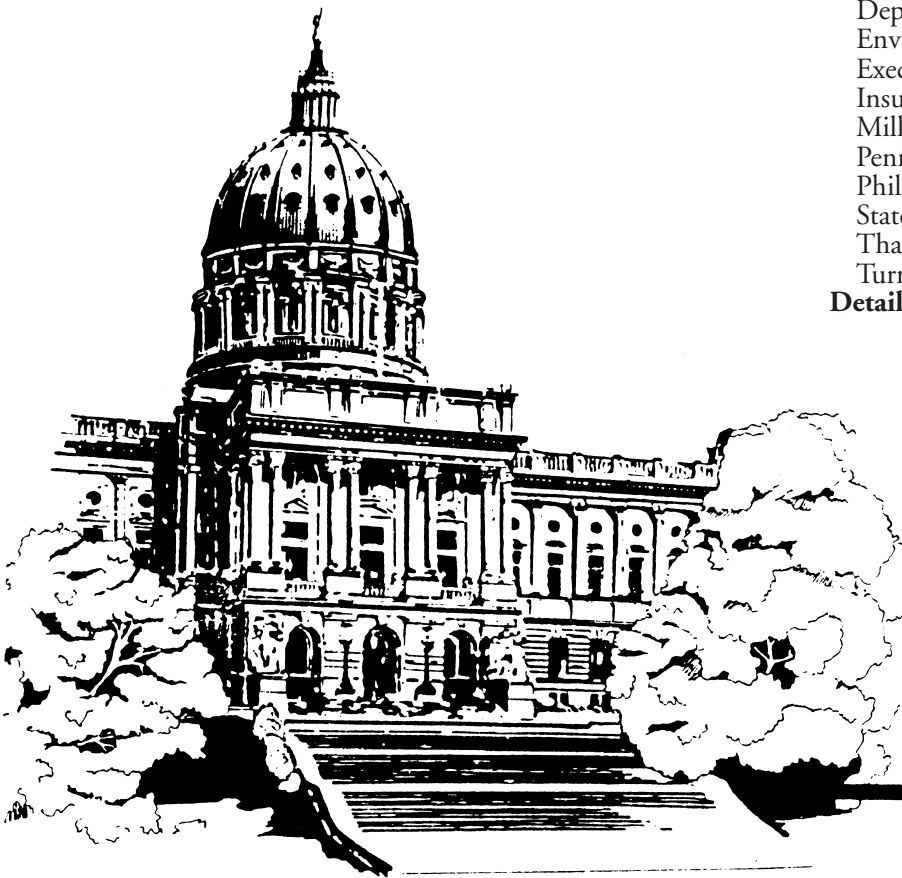
PENNSYLVANIA BULLETIN

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Department of Banking and Securities
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Department of Health
Department of Revenue
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Environmental Hearing Board
Executive Board
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Pennsylvania Public Utility Commission
Philadelphia Parking Authority
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Turnpike Commission

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

No. 542, January 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.pacode.com.

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

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

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

The *Pennsylvania Bulletin* is available at www.pabulletin.com.

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Printing Format

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

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

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

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

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

Court Rules in Titles 201—246 of the Pennsylvania Code

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

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

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

Fiscal Notes

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

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

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

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List of Pa. Code Chapters Affected

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

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THE GENERAL ASSEMBLY

COMMISSION ON SENTENCING

2020 Public Meeting Schedule

The Commission on Sentencing (Commission) announces that the following dates have been selected for public meetings in the year 2020:

Wednesday, March 4, 2020	2 p.m. 6:30 p.m.	Meeting/Public Hearing Pennsylvania Judicial Center Harrisburg, PA Dinner Meeting Crowne Plaza Hotel Harrisburg, PA
Thursday, March 5, 2020	9 a.m. 11 a.m.	Policy Committee Meeting Quarterly Commission Meeting 60 East Wing, Capitol Complex Harrisburg, PA
Wednesday, June 3, 2020	2 p.m. 6:30 p.m.	Meeting/Public Hearing Pennsylvania Judicial Center Harrisburg, PA Dinner Meeting Harrisburg Hilton & Towers Hotel Harrisburg, PA
Thursday, June 4, 2020	9 a.m. 11 a.m.	Policy Committee Meeting Quarterly Commission Meeting Pennsylvania Judicial Center Harrisburg, PA
Wednesday, September 9, 2020	9 a.m.	Annual Planning Session Nittany Lion Inn State College, PA
Thursday, September 10, 2020	9 a.m. 11 a.m.	Policy Committee Meeting Quarterly Commission Meeting Nittany Lion Inn State College, PA
Wednesday, December 9, 2020	2 p.m. 6:30 p.m.	Meeting/Public Hearing Pennsylvania Judicial Center Harrisburg, PA Dinner Meeting Harrisburg Hilton & Towers Hotel Harrisburg, PA
Thursday, December 10, 2020	9 a.m. 11 a.m.	Policy Committee Meeting Quarterly Commission Meeting Pennsylvania Judicial Center Harrisburg, PA

Meetings are open to the public. Questions regarding Commission meetings should be directed to Mark H. Bergstrom, Executive Director, (814) 863-4368, mhb105@psu.edu.

MARK H. BERGSTROM,
Executive Director

[Pa.B. Doc. No. 20-99. Filed for public inspection January 24, 2020, 9:00 a.m.]

THE COURTS

Title 210—APPELLATE PROCEDURE

PART I. RULES OF APPELLATE PROCEDURE

[210 PA. CODE CHS. 1, 3, 5, 7, 9, 13, 15—17, 19, 27
AND 33]

Order Amending Rules 102, 105, 120, 121, 301, 313, 341, 502, 553, 701, 702, 901, 1311, 1312, 1316, 1323, 1501—1504, 1511—1517, 1531, 1532, 1541—1543, 1551, 1561, 1571, 1573, 1701, 1702, 1704, 1762, 1770, 1781, 1911, 2702, 3307, 3331 and Adopting Rules 1601—1606 and 1610—1613 of the Pennsylvania Rules of Appellate Procedure; No. 287 Appellate Procedural Rules Doc.

Amended Order

Per Curiam

And Now, this 7th day of January, 2020, upon the recommendation of the Appellate Court Procedural Rules Committee; the proposal having been published for public comment at 46 Pa.B. 2518 (May 21, 2016):

It is Ordered pursuant to Article V, Section 10 of the Constitution of Pennsylvania that Rules 102, 105, 120, 121, 301, 313, 341, 502, 553, 701, 702, 901, 1311, 1312, 1316, 1323, 1501, 1502, 1503, 1504, 1511, 1512, 1513, 1514, 1515, 1516, 1517, 1531, 1532, 1541, 1542, 1543, 1551, 1561, 1571, 1573, 1701, 1702, 1704, 1762, 1770, 1781, 1911, 2702, 3307, 3331 of the Pennsylvania Rules of Appellate Procedure are amended and Rules 1601, 1602, 1603, 1604, 1605, 1606, 1610, 1611, 1612, and 1613 of the Pennsylvania Rules of Appellate Procedure are adopted in the following form.

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

Annex A

TITLE 210. APPELLATE PROCEDURE

PART I. RULES OF APPELLATE PROCEDURE

ARTICLE I. PRELIMINARY PROVISIONS

CHAPTER 1. GENERAL PROVISIONS

IN GENERAL

Rule 102. Definitions.

Subject to additional definitions contained in subsequent provisions of these rules which are applicable to specific provisions of these rules, the following words and phrases when used in these rules shall have, unless the context clearly indicates otherwise, the meanings given to them in this rule:

Action.—Any action or proceeding at law or in equity.

Argument.—Where required by the context, the term includes submission on briefs.

Administrative office.—The Administrative Office of Pennsylvania Courts.

Appeal.—Any petition or other application to a court for review of subordinate governmental determinations. The term includes an application for *certiorari* under 42 Pa.C.S. § 934 (writs of *certiorari*) or under any other

provision of law. Where required by the context, the term includes proceedings on petition for review **and petition for specialized review**.

Official Note: Under these rules a “subordinate governmental determination” includes an order of a trial court. The definition of “government unit” includes courts, and the definition of “determination” includes action or inaction by (and specifically an order entered by) a court or other government unit. In general, any appeal now extends to the whole record, with like effect as upon an appeal from a judgment entered upon the verdict of a jury in an action at law and the scope of review of an order on appeal is not limited as on broad or narrow *certiorari*. See 42 Pa.C.S. § 5105(d) (scope of appeal).

Appellant.—Includes petitioner for review **or specialized review**.

Appellate court.—The Supreme Court, the Superior Court, or the Commonwealth Court.

Appellee.—Includes a party named as respondent in a petition for review **or specialized review**.

Application.—Includes a petition or a motion.

Appropriate security.—Security that meets the requirements of Pa.R.A.P. 1734 (appropriate security).

Children’s fast track appeal.—Any appeal from an order involving dependency, termination of parental rights, adoptions, custody, or paternity. See 42 Pa.C.S. §§ 6301 *et seq.*; 23 Pa.C.S. §§ 2511 *et seq.*; 23 Pa.C.S. §§ 2101 *et seq.*; [23 Pa.C.S. §§ 5301] 23 Pa.C.S. §§ 5321 *et seq.*; 23 Pa.C.S. §§ 5102 *et seq.*

Clerk.—Includes prothonotary.

Counsel of record.—All attorneys who were counsel of record in the trial court at the time of the filing of the notice of appeal will be counsel of record in the appellate courts. For a criminal defendant, the representation extends up to and including the filing of a petition for allowance of appeal and the handling of such an appeal if granted, unless (1) substitute counsel has entered an appearance and is expressly identified in the *praecipe* as substitute, rather than additional, counsel; (2) the Court of Common Pleas has entered on the docket an order permitting the attorney to withdraw; or (3) an application for withdrawal is granted by the appellate court.

Determination.—Action or inaction by a government unit which action or inaction is subject to judicial review by a court under Section 9 of Article V of the Constitution of Pennsylvania or otherwise. The term includes an order entered by a government unit.

Docket entries.—Includes the schedule of proceedings of a government unit.

General rule.—A rule or order promulgated by or pursuant to the authority of the Supreme Court.

Government unit.—The Governor and the departments, boards, commissions, officers, authorities, and other agencies of the Commonwealth, including the General Assembly and its officers and agencies and any court or other officer or agency of the unified judicial system, and any political subdivision or municipal or other local authority or any officer or agency of any such political subdivision or local authority. The term includes a board of arbitrators whose determination is subject to review under 42 Pa.C.S. § 763(b) (awards of arbitrators).

Hybrid representation.—An attempt to act as counsel for oneself when one has counsel of record.

Judge.—Includes a justice of the Supreme Court.

Matter.—Action, proceeding, or appeal. The term includes a petition for review **or petition for specialized review**.

Order.—Includes judgment, decision, decree, sentence, and adjudication.

Petition for allowance of appeal.—

(a) A petition under Pa.R.A.P. 1112 (appeals to the Supreme Court by allowance); or

(b) a statement pursuant to Pa.R.A.P. 2119(f) (discretionary aspects of sentence). See 42 Pa.C.S. § 9781.

Petition for permission to appeal.—A petition under Pa.R.A.P. 1311 (interlocutory appeals by permission).

Petition for review.—A petition under [**Pa.R.A.P. 1511 (manner of obtaining judicial review of governmental determinations)**] **Chapter 15**.

***Petition for specialized review.*—A petition under Chapter 16.**

President judge.—When applied to the Supreme Court, the term means the Chief Justice of Pennsylvania.

Pro se.—A party representing himself or herself without counsel.

Proof of service.—Includes acknowledgment of service endorsed upon a pleading.

Quasijudicial order.—An order of a government unit, made after notice and opportunity for hearing, which is by law reviewable solely upon the record made before the government unit, and not upon a record made in whole or in part before the reviewing court.

Reargument.—Includes reconsideration and rehearing, and is requested through an application filed in accordance with Pa.R.A.P. 2541—2547.

Reproduced record.—That portion of the record which has been reproduced for use in an appellate court. The term includes any supplemental reproduced record.

Rule of court.—A rule promulgated by a court regulating practice or procedure before the promulgating court(s).

***Trial court.*—The court from which an appeal is first taken or to be taken.**

Verified statement.—A document filed with a clerk under these rules containing statements of fact and a statement by the signatory that it is made subject to the penalties of 18 Pa.C.S. § 4904 (unsworn falsification to authorities).

Official Note: Based on 42 Pa.C.S. § 102 (definitions). The definition of “determination” is not intended to affect the scope of review provided by 42 Pa.C.S. § 5105(d) (scope of appeal) or other provision of law.

Rule 105. Waiver and Modification of Rules.

(a) *Liberal construction and modification of rules.*—These rules shall be liberally construed to secure the just, speedy, and inexpensive determination of every matter to which they are applicable. In the interest of expediting decision, or for other good cause shown, an appellate court may, except as otherwise provided in [**Subdivision**] **paragraph** (b) of this rule, disregard the requirements or provisions of any of these rules in a particular

case on application of a party or on its own motion and may order proceedings in accordance with its direction.

(b) *Enlargement of time.*—An appellate court for good cause shown may upon application enlarge the time prescribed by these rules or by its order for doing any act, or may permit an act to be done after the expiration of such time, but the court may not enlarge the time for filing a notice of appeal, a petition for allowance of appeal, a petition for permission to appeal, [**or**] a petition for review, **or a petition for specialized review**.

Official Note: 42 Pa.C.S. § 5504 [**(judicial extension of time)**] provides that the time limited by, *inter alia*, Chapter 55D [**(appeals)**] of the Judicial Code shall not be extended by order, rule, or otherwise, except that the time limited may be extended to relieve fraud or its equivalent, but [**that there shall**] **there will** be no extension of time as a matter of indulgence or with respect to any criminal proceeding. However, under 42 Pa.C.S. § 5571(a) [**(appeals generally)**], statutory time limits under Chapter 55D do not apply to appeals to or other judicial review by the Supreme, Superior, or Commonwealth Courts.

[**Subdivision**] **Paragraph** (b) of this rule is not intended to affect the power of a court to grant relief in the case of fraud or breakdown in the processes of a court.

DOCUMENTS GENERALLY

Rule 120. Entry of Appearance.

Any counsel filing papers required or permitted to be filed in an appellate court must enter an appearance with the prothonotary of the appellate court unless that counsel has been previously noted on the docket as counsel pursuant to Pa.R.A.P. 907(b), 1112(f), 1311(d) [**or**], 1514(d), **or 1602(d)**. New counsel appearing for a party after docketing pursuant to Pa.R.A.P. 907(b), 1112(f), 1311(d), [**or**] 1514(d), **or 1602(d)** shall file an entry of appearance simultaneously with or prior to the filing of any papers signed by new counsel. The entry of appearance shall specifically designate each party the attorney represents, and whether the attorney is entering an appearance as substitute or additional counsel. The attorney shall file a certificate of service pursuant to paragraph (d) of Pa.R.A.P. 121 and to Pa.R.A.P. 122. If an attorney enters an appearance as substitute counsel for a party, the original counsel of record for that party may withdraw by *praecipe*, without filing an application for permission to withdraw.

Official Note: For admission *pro hac vice*, see Pa.B.A.R. 301.

Rule 121. Filing and Service.

(a) *Filing.*—Papers required or permitted to be filed in an appellate court shall be filed with the prothonotary. Filing may be accomplished by mail addressed to the prothonotary, but except as otherwise provided by these rules, filing shall not be timely unless the papers are received by the prothonotary within the time fixed for filing. If an application under these rules requests relief which may be granted by a single judge, a judge in extraordinary circumstances may permit the application and any related papers to be filed with that judge. In that event the judge shall note thereon the date of filing and shall thereafter transmit such papers to the clerk.

(b) *Service of all papers required.*—Copies of all papers filed by any party and not required by these rules to be served by the prothonotary shall, concurrently with their filing, be served by a party or person acting on behalf of that party or person on all other parties to the matter. Service on a party represented by counsel shall be made on counsel.

(c) *Manner of service.*—Service may be:

(1) by personal service, which includes delivery of the copy to a clerk or other responsible person at the office of the person served, but does not include inter-office mail;

(2) by first class, express, or priority United States Postal Service mail, which service is complete upon mailing;

(3) by commercial carrier with delivery intended to be at least as expeditious as first class mail if the carrier can verify the date of delivery to it; or

(4) by facsimile or e-mail with the agreement of the party being served as stated in the certificate of service.

(d) *Proof of service.*—Papers presented for filing shall contain an acknowledgement of service by the person served or proof of service certified by the person who made service. Acknowledgement or proof of service may appear on or be affixed to the papers filed. The clerk may permit papers to be filed without acknowledgement or proof of service but shall require such to be filed promptly thereafter.

(e) *Additional time after service by mail and commercial carrier.*—Whenever a party is required or permitted to do an act within a prescribed period after service of a paper upon that party (other than an order of a court or other government unit) and the paper is served by United States mail or by commercial carrier, three days shall be added to the prescribed period.

(f) *Date of filing for incarcerated persons.*—A *pro se* filing submitted by a person incarcerated in a correctional facility is deemed filed as of the date of the prison postmark or the date the filing was delivered to the prison authorities for purposes of mailing as documented by a properly executed prisoner cash slip or other reasonably verifiable evidence.

(g) *Hybrid representation.*—Where there is counsel of record, a party may file only the following documents *pro se*: (i) a notice of appeal; (ii) a request to change or remove counsel; (iii) a response to a motion to withdraw that has been filed by counsel of record; (iv) a complaint that existing counsel has abandoned the party; or (v) an application to file a petition for allowance of appeal *nunc pro tunc*. Any other document that a party attempts to file *pro se* will be noted on the docket but not accepted for filing. This rule is not intended to provide an independent basis for jurisdiction where it does not otherwise exist.

Official Note: Paragraph (a)—The term “related papers” in paragraph (a) of this rule includes any appeal papers required [**under**] by Pa.R.A.P. 1702 (stay ancillary to appeal) as a prerequisite to an application for a stay or similar relief.

Paragraph (c)—An acknowledgement of service may be executed by an individual other than the person served, e.g., by a clerk or other responsible person.

Paragraph (d)—With respect to appearances by new counsel following the initial docketing of appearances pursuant to paragraph (d) of this rule, please note the requirements of Pa.R.A.P. 120 (entry of appearance).

Paragraph (e)—Paragraph (e) of the rule does not apply to the filing of a notice of appeal, a petition for allowance of appeal, a petition for permission to appeal, or a petition for reconsideration or reargument, since under these rules the time for filing such papers runs from the entry and service of the related order, nor to the filing of a petition for review **or a petition for specialized review**, which [**is**] **are** governed by similar considerations. The amendments to Pa.R.A.P. 903(b), 1113(b), and 1512(a)(2) clarified that paragraph (e) does apply to calculating the deadline for filing cross-appeals, cross-petitions for allowance of appeal, and additional petitions for review **or specialized review**.

Paragraph (f)—This recognizes the holding in *Smith v. Board of Probation and Parole*, 683 A.2d 278, 281 (Pa. 1996) (adopting the prisoner mailbox rule to determine date of filing of a petition for review). *Smith* adopted the reasoning of the United States Supreme Court in *Houston v. Lack*, 487 U.S. 266, 270-71 (1988). See also *Commonwealth v. Jones*, 700 A.2d 423, 426 (Pa. 1997) (extending prisoner mailbox rule to filing of a notice of appeal).

Paragraph (g)—The rule on hybrid representation is premised on *Commonwealth v. Ellis*, 626 A.2d 1137, 1139-40 (Pa. 1993). See 210 Pa. Code § 65.24. If a *pro se* notice of appeal is filed, it will satisfy the timeliness requirement for the filing of a notice of appeal. Counsel of record will, however, be obligated to prosecute that appeal. There are four other instances in which *pro se* documents will be accepted by an appellate court for filing: a request by the party to change or remove counsel; a response to counsel’s request to withdraw; a complaint that existing counsel has abandoned the party; and a *pro se* petition for *nunc pro tunc* permission to file a petition for allowance of appeal under Pa.R.A.P. 1113(d). All other documents will be noted on the docket as received by the appellate court prothonotary’s office but will not be accepted for filing; instead, the *pro se* document will be forwarded to counsel of record with, if the court desires, direction for counsel to respond.

CHAPTER 3. ORDERS FROM WHICH APPEALS MAY BE TAKEN IN GENERAL

Rule 301. Requisites for an Appealable Order.

(a) *Entry upon docket below.*

(1) Except as provided in [**paragraph**] **subparagraph** (2) of this [**subdivision**] **paragraph**, no order of a court shall be appealable until it has been entered upon the appropriate docket in the [**lower**] **trial** court. Where under the applicable practice below an order is entered in two or more dockets, the order has been entered for the purposes of appeal when it has been entered in the first appropriate docket.

(2) In a criminal case in which no post-sentence motion has been filed, a judgment of sentence is appealable upon the imposition of sentence in open court.

(b) *Separate document required.*—Every order shall be set forth on a separate document.

(c) *Nonappealable orders.*—Except as provided in [**subdivision**] **subparagraph** (a)(2), a direction by the [**lower court**] **trial court or other government unit** that a specified judgment, sentence or other order shall be entered, unaccompanied by actual entry of the specified order in the docket, does not constitute an appealable order. Any such order shall be docketed before an appeal is taken.

(d) *Entry of appealable orders.*—Subject to any inconsistent general rule applicable to particular classes of matters, the clerk of the [**lower**] **trial** court shall, on *praecipe* of any party (except a party who by law may not *praecipe* for entry of an adverse order), forthwith prepare, sign, and enter an appropriate order, judgment, or final decree in the docket, evidencing any action from which an appeal lies either as of right or upon permission to appeal or allowance of appeal or by petition for specialized review.

(e) *Emergency appeals.*—Where the exigency of the case is such as to impel an immediate appeal and the party intending to appeal an adverse action is unable to secure the formal entry of an appealable order pursuant to the usual procedures, the party may file in the [**lower**] **trial** court and serve a *praecipe* for entry of an adverse order, which action shall constitute entry of an appealable order for the purposes of these rules. The interlocutory or final nature of the action shall not be affected by this [**subdivision**] **paragraph.**

Official Note: See [**Rules of Appellate Procedure**] **Pa.R.A.P.** 311 authorizing interlocutory appeals as of right, 312 authorizing interlocutory appeals by permission, 313 authorizing appeals from collateral orders, and 341 to [**843**] **343** authorizing appeals from final orders.

See also [**Rules of Appellate Procedure**] **Pa.R.A.P.** 903 governing time for filing notice of appeal, 1113 governing time for filing petition for allowance of appeal, 1311(b) governing time for filing petition for permission for appeal, [**and**] 1512 governing time for filing petition for review, and 1602(a) governing time for filing specialized petition for review.

The 1986 [**Amendment to Rule 301 states**] **amendment to Pa.R.A.P. 301 stated** that no order shall be appealable until entered in the docket and [**deletes**] **deleted** reference to reduction of an order to judgment as a prerequisite for appeal in every case. This deletion does not eliminate the requirement of reduction of an order to judgment in an appropriate case. Due to the variety of orders issued by courts in different kinds of cases, no single rule can delineate the requirements applicable in all cases. [**The bar is cautioned that if**] **If** the applicable practice or case law requires that an order be reduced to judgment or final decree before it becomes final, that requirement must still be met before the order can be appealed, and parties are cautioned that an appellate court may remand or take other steps under Pa.R.A.P. 902 if the prerequisites are not satisfied. Pa.R.C.P. 3021 sets forth the orders that the prothonotary is to enter in the judgment index and Pa.R.C.P. 227.4 provides a mechanism for parties to praecipe for judgment in certain circumstances. See also Pa.R.C.P. 236 and 237.

[**An appeal may be remanded or subject to other appropriate action of the appellate court when the order is such that it may be reduced to judgment or final decree and entered in the docket but such action has not been taken. Rule 902. Examples of orders which may be remanded under Rule 902 when the order appealed from has not been reduced to judgment or final decree include:**

1. an order denying a motion for a new trial or judgment notwithstanding the verdict after a trial by jury, *Dennis v. Smith*, 288 Pa. Super. 185, 431 A.2d 350 (1981);

2. an order dismissing exceptions to the decision after a trial without jury, *Black Top Paving Co., Inc. v. John Carlo, Inc.*, 292 Pa. Super. 404, 437 A.2d 446 (1981); and

3. an order dismissing exceptions to the decree nisi in an equity action, *Kopchak v. Springer*, 292 Pa. Super. 441, 437 A.2d 756 (1981).

An appeal will also be quashed where the order appealed from is interlocutory and the appeal is not authorized by Rule 311 governing interlocutory appeals as of right or Rule 312 governing interlocutory appeals by permission. Examples of interlocutory orders include:

1. an order granting a petition for appointment of an arbitrator, *Cassidy v. Keystone Ins. Co.*, 297 Pa. Super. 421, 443 A.2d 1193 (1982); and

2. an order relating to alimony pendente lite, and interim counsel fees and expenses is not appealable. *Fried v. Fried*, 509 Pa. 89, 501 A.2d 211 (1985).

Subdivision (a) extends former Supreme Court Rule 19A and former Commonwealth Court Rule 29A to the Superior Court. The second sentence of the subdivision codifies *Stotsenburg v. Frost*, 465 Pa. 187, 348 A.2d 418 (1975).

The requirement of Subdivision (b) for a separate document is patterned after Fed. Rules Civ. Proc. 58, as interpreted in *United States v. Indrelunas*, 411 U.S. 216, 93 S.Ct. 1562, 36 L.Ed.2d 202 (1973), so as to render certain the date on which an order is entered for purposes of computing the running of the time for appeal. See also *Bankers Trust Co. v. Mallis*, 435 U.S. 381, 98 S.Ct. 1117, 55 L.Ed.2d 357 (1978) (requirement of separate document may be waived by appellee). This requirement is intended to control over any inconsistent civil (including orphans' court) or criminal procedural rule, since such rules are not primarily concerned with the appellate process.

Subdivision (c) sets forth the frequently overlooked requirement for an appealable order that an order must be docketed before it may be appealed. The subdivision also sets forth the rule that an appeal is premature where the Court directs that a judgment sentence or order be entered in the docket and the prothonotary fails to do so. *Friedman v. Kasser*, 293 Pa. Super. 294, 438 A.2d 1001 (1981). Moreover, an order of Court then directing that a complaint as set forth will be dismissed upon the passage of time or occurrence or failure of an event is not appealable; only a subsequent order of dismissal would be appealable. See *Ayre v. Mountaintop Area Joint San. Auth.*, 58 Pa. Cmwlth. 510, 427 A.2d 1294 (1981).

This rule does not supersede rules such as Pa.R.Civ.P. 237 which impose additional requirements or procedures in connection with filing a *praecipe* for a final order.

Subdivision (d) provides a remedy for the appellant where no appealable order has been entered on the docket, and is similar to Pa.R.Civ.P. 227.4. The exception refers to cases such as certain matrimonial matters, where it has been held that the defendant is not entitled to cause an adverse decision to be formally entered as judgment. See, e.g., *Mirarchi v. Mirarchi*, 226 Pa. Super. 53, 311 A.2d 698 (1973).]

The filing in the [lower] trial court required by [Subdivision] paragraph (e) may [under Rule 121(a) (filing) be made with a judge of the lower court in connection with an application under Chapter 17 (effect of appeals, supersedeas and stays)] be accompanied by an application to the trial court for relief such as a stay or supersedeas under Chapter 17.

See Pa.R.A.P. [108 and Explanatory Comment—2007 thereto] 108(d), Pa.R.A.P. 903(c)(3), and Pa.R.Crim.P. [462] 462(G), 720, and 721 governing criminal appeals.

INTERLOCUTORY APPEALS

Rule 313. Collateral Orders.

(a) *General [Rule.] rule.*—An appeal may be taken as of right from a collateral order of [an administrative agency or lower court] a trial court or other government unit.

(b) *Definition.*—A collateral order is an order separable from and collateral to the main cause of action where the right involved is too important to be denied review and the question presented is such that if review is postponed until final judgment in the case, the claim will be irreparably lost.

Official Note: If an order meets the definition of a collateral order, it is appealed by filing a notice of appeal or petition for review.

[Rule] Pa.R.A.P. 313 is a codification of existing case law with respect to collateral orders. See *Pugar v. Greco*, [483 Pa. 68, 73,] 394 A.2d 542, 545 (Pa. 1978) (quoting *Cohen v. Beneficial Industrial Loan Corp.*, 337 U.S. 541 (1949)). [Examples of collateral orders include orders denying pre-trial motions to dismiss based on double jeopardy in which the court does not find the motion frivolous, *Commonwealth v. Brady*, 510 Pa. 336, 508 A.2d 286, 289—91 (1986) (allowing an immediate appeal from denial of double jeopardy claim under collateral order doctrine where trial court does not make a finding of frivolousness); if the trial court finds the motion frivolous, the defendant may secure review only by first filing a petition for review under Pa.R.A.P. 1573. See *Commonwealth v. Orié*, 22 A.3d 1021 (Pa. 2011). Other examples of collateral orders are an order denying a petition to permit the payment of death taxes, *Hankin v. Hankin*, 338 Pa. Super. 442, 487 A.2d 1363 (1985); and an order denying a petition for removal of an executor, *Re: Estate of Georgianna*, 312 Pa. Super. 339, 458 A.2d 989 (1983), *aff'd*, 504 Pa. 510, 475 A.2d 744. Thorough discussions of the collateral order doctrine as it has been applied by Pennsylvania appellate courts are found in the following sources: Darlington, McKeon, Schuckers and Brown, 1 Pennsylvania Appellate Practice Second Edition, §§ 313:1—313:201 (1994) and Byer, Appellable Orders under the Pennsylvania Rules of Appellate Procedures in Practice and Procedures in Pennsylvania Appellate Courts (PBI No. 1994-869); Pines, Pennsylvania Appellate Practice: Procedural Requirements and the Vagaries of Jurisdiction, 91 Dick.L.Rev. 55, 107—115 (1986).

If an order falls under Rule 313, an immediate appeal may be taken as of right simply by filing a

notice of appeal. The procedures set forth in Rules 341(c) and 1311 do not apply under Rule 313.]

Pennsylvania appellate courts have found a number of classes of orders to fit the collateral order definition. Collateral order cases are collected and discussed in Darlington, McKeon, Schuckers and Brown, Pennsylvania Appellate Practice 2015-2016 Edition, §§ 313:1—313:201. Examples include an order denying a petition to permit the payment of death taxes, *Hankin v. Hankin*, 487 A.2d 1363 (Pa. Super. 1985), and an order denying a petition for removal of an executor, *Re: Estate of Georgianna*, 458 A.2d 989 (Pa. Super. 1983), *aff'd*, 475 A.2d 744 (Pa. 1984), and an order denying a pre-trial motion to dismiss on double jeopardy grounds if the trial court does not also make a finding that the motion to dismiss is frivolous. See *Commonwealth v. Brady*, 508 A.2d 286, 289—91 (Pa. 1986) (allowing an immediate appeal from denial of double jeopardy claim under collateral order doctrine where trial court does not make a finding of frivolousness); *Commonwealth v. Orié*, 22 A.3d 1021 (Pa. 2011). An order denying a pre-trial motion to dismiss on double jeopardy grounds that also finds that the motion to dismiss is frivolous is not appealable as of right as a collateral order, but may be appealable by permission under Pa.R.A.P. 1311(a)(3).

FINAL ORDERS

Rule 341. Final Orders; Generally.

(a) *General [Rule] rule.*—Except as prescribed in paragraphs (d) and (e) of this rule, an appeal may be taken as of right from any final order of a government unit or trial court.

(b) *Definition of [Final Order] final order.*—A final order is any order that:

- (1) disposes of all claims and of all parties; or
- (2) (Rescinded).
- (3) is entered as a final order pursuant to paragraph (c) of this rule.

(c) *Determination of finality.*—When more than one claim for relief is presented in an action, whether as a claim, counterclaim, cross-claim, or third-party claim, or when multiple parties are involved, the trial court or other government unit may enter a final order as to one or more but fewer than all of the claims and parties only upon an express determination that an immediate appeal would facilitate resolution of the entire case. Such an order becomes appealable when entered. In the absence of such a determination and entry of a final order, any order or other form of decision that adjudicates fewer than all the claims and parties shall not constitute a final order. In addition, the following conditions shall apply:

[(1) The trial court or other government unit is required to act on an application for a determination of finality under paragraph (c) within 30 days of entry of the order. During the time an application for a determination of finality is pending the action is stayed.

(2) A notice of appeal may be filed within 30 days after entry of an order as amended unless a shorter time period is provided in Pa.R.A.P. 903(c). Any denial of such an application shall be reviewable only for abuse of discretion pursuant to Chapter 15.

(3) Unless the trial court or other government unit acts on the application within 30 days of entry of the order, the trial court or other government unit shall no longer consider the application and it shall be deemed denied.

(4) The time for filing a petition for review will begin to run from the date of entry of the order denying the application for a determination of finality or, if the application is deemed denied, from the 31st day. A petition for review may be filed within 30 days of the entry of the order denying the application or within 30 days of the deemed denial unless a shorter time period is provided by Pa.R.A.P. 1512(b).]

(1) An application for a determination of finality under paragraph (c) must be filed within 30 days of entry of the order. During the time an application for a determination of finality is pending, the action is stayed.

(2) Unless the trial court or other government unit acts on the application within 30 days after it is filed, the trial court or other government unit shall no longer consider the application and it shall be deemed denied.

(3) A notice of appeal may be filed within 30 days after entry of an order as amended unless a shorter time period is provided in Pa.R.A.P. 903(c). Any denial of such an application is reviewable only through a petition for permission to appeal under Pa.R.A.P. 1311.

(d) *Superior Court and Commonwealth Court [Orders] orders.*—Except as prescribed by Pa.R.A.P. 1101 no appeal may be taken as of right from any final order of the Superior Court or of the Commonwealth Court.

(e) *Criminal [Orders] orders.*—An appeal may be taken by the Commonwealth from any final order in a criminal matter only in the circumstances provided by law.

Official Note: Related Constitutional and [Statutory Provisions] statutory provisions—Section 9 of Article V of the Constitution of Pennsylvania provides that “there shall be a right of appeal from a court of record or from an administrative agency to a court of record or to an appellate court.” The constitutional provision is implemented by 2 Pa.C.S. § 702, 2 Pa.C.S. § 752, and 42 Pa.C.S. § 5105.

Criminal [Law Proceedings—Commonwealth Appeals]—Orders formerly appealable under Pa.R.A.P. 341 by the Commonwealth in criminal cases as heretofore provided by law, but which do not dispose of the entire case, are now] law proceedings—Commonwealth appeals—Orders that do not dispose of the entire case that were formerly appealable by the Commonwealth in criminal cases under Pa.R.A.P. 341 are appealable as interlocutory appeals as of right under paragraph (d) of Pa.R.A.P. 311.

Final [Orders—Pre- and Post-1992] orders—pre- and post-1992 Practice—The 1992 amendment generally [eliminates] eliminated appeals as of right under Pa.R.A.P. 341 from orders [not ending] that do not end the litigation as to all claims and as to all parties. [Formerly, there was case law that orders not ending the litigation as to all claims and all parties are final orders if such orders have the practical

consequence of putting a litigant out of court.] Prior to 1992, there were cases that deemed an order final if it had the practical effect of putting a party out of court, even if the order did not end the litigation as to all claims and all parties.

A party needs to file only a single notice of appeal to secure review of prior non-final orders that are made final by the entry of a final order, *see K.H. v. J.R.*, 826 A.2d 863, 870-71 (Pa. 2003) (following trial); *Betz v. Pneumo Abex LLC*, 44 A.3d 27, 54 (Pa. 2012) (summary judgment). Where, however, one or more orders resolves issues arising on more than one docket or relating to more than one judgment, separate notices of appeal must be filed. *Malanchuk v. Tsimura*, 137 A.3d 1283, 1288 (Pa. 2016) (“[C]omplete consolidation (or merger or fusion of actions) does not occur absent a complete identity of parties and claims; separate actions lacking such overlap retain their separate identities and require distinct judgments”); *Commonwealth v. C.M.K.*, 932 A.2d 111, 113 & n.3 (Pa. Super. 2007) (quashing appeal taken by single notice of appeal from order on remand for consideration under Pa.R.Crim.P. 607 of two persons’ judgments of sentence).

The 1997 amendments to paragraphs (a) and (c), substituting the conjunction “and” for “or,” are not substantive. The amendments merely clarify that by definition any order [which] that disposes of all claims will dispose of all parties and any order that disposes of all parties will dispose of all claims.

Rescission of subparagraph (b)(2)—Former subparagraph (b)(2) provided for appeals of orders defined as final by statute. The 2015 rescission of subparagraph (b)(2) eliminated a potential waiver trap created by legislative use of the adjective “final” to describe orders that were procedurally interlocutory but nonetheless designated as appealable as of right. Failure to appeal immediately an interlocutory order deemed final by statute waived the right to challenge the order on appeal from the final judgment. Rescinding subparagraph (b)(2) eliminated this potential waiver of the right to appeal. If an order designated as appealable by a statute disposes of all claims and of all parties, it is appealable as a final order pursuant to Pa.R.A.P. 341. If the order does not meet that standard, then it is interlocutory regardless of the statutory description. Pa.R.A.P. 311(a)(8) provides for appeal as of right from an order that is made final or appealable by statute or general rule, even though the order does not dispose of all claims or of all parties and, thus, is interlocutory[;]. Pa.R.A.P. 311(g) addresses waiver if no appeal is taken immediately from such interlocutory order.

One of the further effects of the rescission of subparagraph (b)(2) is to change the basis for appealability of orders that do not end the case but grant or deny a declaratory judgment. *See Nationwide Mut. Ins. Co. v. Wickett*, 763 A.2d 813, 818 (Pa. 2000); *Pa. Bankers Ass’n v. Pa. Dep’t.] of Banking*, 948 A.2d 790, 798 (Pa. 2008). The effect of the rescission is to eliminate waiver for failure to take an immediate appeal from such an order. A party aggrieved by an interlocutory order granting or denying a declaratory judgment, where the order satisfies the criteria for “finality” under *Pennsylvania Bankers Association*, may elect to proceed under Pa.R.A.P. 311(a)(8) or wait until the end of the case and proceed under subparagraph (b)(1) of this rule.

An arbitration order appealable under 42 Pa.C.S. § 7320(a) may be interlocutory or final. If it disposes of

all claims and all parties, it is final, and, thus, appealable pursuant to Pa.R.A.P. 341. If the order does not dispose of all claims and all parties, that is, the order is not final, but rather interlocutory, it is appealable pursuant to Pa.R.A.P. 311. Failure to appeal an interlocutory order appealable as of right may result in waiver of objections to the order. See Pa.R.A.P. 311(g).

Paragraph (c)—Determination of [Finality] finality—Paragraph (c) permits an immediate appeal from an order dismissing less than all claims or parties from a case only upon an express determination that an immediate appeal would facilitate resolution of the entire case. Factors to be considered under paragraph (c) include, but are not limited to:

- (1) whether there is a significant relationship between adjudicated and unadjudicated claims;
- (2) whether there is a possibility that an appeal would be mooted by further developments;
- (3) whether there is a possibility that the court or government unit will consider issues a second time; and
- (4) whether an immediate appeal will enhance prospects of settlement.

The failure of a party to apply to the government unit or trial court for a determination of finality pursuant to paragraph (c) shall not constitute a waiver and the matter may be raised in a subsequent appeal following the entry of a final order disposing of all claims and all parties.

Where the government unit or trial court refuses to amend its order to include the express determination that an immediate appeal would facilitate resolution of the entire case and refuses to enter a final order, a petition for **[review under Chapter 15] permission to appeal under Pa.R.A.P. 1311** of the unappealable order of denial is the exclusive mode of review **[to determine whether the case is so egregious as to justify prerogative appellate correction of the exercise of discretion by the lower tribunal. See, e.g., Pa.R.A.P. 1311, Official Note]**. The filing of such a petition **[for review]** does not prevent the trial court or other government unit from proceeding further with the matter pursuant to Pa.R.A.P. 1701(b)(6). Of course, as in any case, the appellant **[could] may** apply for a discretionary stay of the proceeding below.

Subparagraph (c)(2) provides for a stay of the action pending determination of an application for a determination of finality. If **the application is denied, and a petition for [review] permission to appeal** is filed challenging the denial, a stay or *supersedeas* will issue only as provided under Chapter 17 of these rules.

In the event that a trial court or other government unit enters a final order pursuant to paragraph (c) of this rule, the trial court or other government unit may no longer proceed further in the matter, except as provided in Pa.R.A.P. 1701(b)(1)—(5).

[The following is a partial list of orders previously interpreted by the courts as appealable as final orders under Pa.R.A.P. 341 that are no longer appealable as of right unless the trial court or government unit makes an express determination that an immediate appeal would facilitate resolution of the entire case and expressly enters a final order pursuant to Pa.R.A.P. 341(c):

(1) an order dismissing one of several causes of action pleaded in a complaint but leaving pending other causes of action;

(2) an order dismissing a complaint but leaving pending a counterclaim;

(3) an order dismissing a counterclaim but leaving pending the complaint that initiated the action;

(4) an order dismissing an action as to less than all plaintiffs or as to less than all defendants but leaving pending the action as to other plaintiffs and other defendants;

(5) an order granting judgment against one defendant but leaving pending the complaint against other defendants; and

(6) an order dismissing a complaint to join an additional defendant or denying a petition to join an additional defendant or denying a petition for joinder of an additional defendant.

The 1997 amendment adding subparagraph (c)(3) provided for a deemed denial where the trial court or other government unit fails to act on the application within 30 days.]

CHAPTER 5. PERSONS WHO MAY TAKE OR PARTICIPATE IN APPEALS IN GENERAL

Rule 502. Substitution of Parties.

(a) *Death of a party*.—If a party dies after a notice of appeal or petition for review is filed or while a matter is otherwise pending in an appellate court, the personal representative of the deceased party may be substituted as a party on application filed by the representative or by any party with the prothonotary of the appellate court. The application of a party shall be served upon the representative in accordance with the provisions of **[Rule 123 (applications for relief)] Pa.R.A.P. 123**. If the deceased party has no representative, any party may suggest the death on the record and proceedings shall then be had as the appellate court may direct. If a party against whom an appeal may be taken or a petition for review may be filed dies after entry of an order below but before a notice of appeal or petition for review is filed, an appellant may proceed as if death had not occurred. After the notice of appeal or petition for review is filed, substitution shall be effected in the appellate court in accordance with this **[subdivision] paragraph**. If a party entitled to appeal or petition for review shall die before filing a notice of appeal or petition for review, the notice of appeal or petition for review may be filed by his personal representative, or, if he has no personal representative, by his counsel, within the time prescribed by these rules. After the notice of appeal or petition for review is filed, substitution shall be effected in the appellate court in accordance with this **[subdivision] paragraph**.

(b) *Substitution in other cases or for other causes*.—If substitution of a party in an appellate court is necessary in connection with a petition for allowance of appeal **[or]**, a petition for permission to appeal, **a petition for specialized review**, or in connection with any **[other]** matter other than a notice of appeal or petition for review, or if substitution of a party in an appellate court is necessary for any reason other than death, substitution shall be effected in accordance with the procedure prescribed in **[Subdivision] paragraph** (a) of this rule.

(c) *Death or separation from office of public officer.*—When a public officer is a party to an appeal or other matter in an appellate court in his official capacity and during its pendency dies, resigns, or otherwise ceases to hold office, the matter does not abate and his successor is automatically substituted as a party. Proceedings following the substitution shall be in the name of the substituted party, but any misnomer not affecting the substantial rights of the parties shall be disregarded. An order of substitution may be entered at any time, but the omission to enter such an order shall not affect the substitution.

Official Note: [Pa.R.Civ.P. 2351 to 2375] Pa.R.C.P. 2351 to 2374 relate to substitution of parties in the courts of common pleas, but this rule, which is patterned after [Fed. Rules App. Proc. 43(a), (b) and (c)(1)] Fed. R. App. P. 43, covers the subject in the appellate courts for the first time.

FORMA PAUPERIS

Rule 553. Application in Appellate Court.

(a) *General rule.*—A party who has been denied relief under [Rule 552 (application to lower court for leave to appeal in forma pauperis)] Pa.R.A.P. 552, or who has been unable to file an application under such rule because the matter is an original action in the appellate court, or a petition for review or petition for specialized review proceeding relating to a government unit other than a court, or for any other reason, may apply to the appellate court for leave to proceed *in forma pauperis* in the appellate court.

(b) *Form and procedure.*—An application under this rule shall be governed by [Rule] Pa.R.A.P. 552 so far as it may be applied.

Official Note: [See former Supreme Court Rule 61(d), which required an affidavit (verified statement) in all cases. Unlike the prior rule, this rule makes clear that the application may be renewed in the appellate court.] Unlike the prior rule, this rule makes clear that an application may be made in the appellate court even if it has been denied in the trial court.

CHAPTER 7. COURTS TO WHICH APPEALS SHALL BE TAKEN IN GENERAL

Rule 701. Interlocutory Orders.

An appeal authorized by law from an interlocutory order [in a matter] shall be taken to, and petitions for permission to appeal from an interlocutory order [in a matter] and petitions for specialized review shall be filed in, the appellate court having jurisdiction of final orders in such matters.

Official Note: Based on 42 Pa.C.S. § 702(a) [(appeals authorized by law)].

Rule 702. Final Orders.

(a) *General rule.*—An appeal authorized by law from a final order shall be taken to, and petitions for allowance of appeal from a final order shall be filed in, the appellate court vested by law with jurisdiction over appeals from such order.

(b) *Matters tried with capital offenses.*—If an appeal is taken to the Supreme Court under [Rule] Pa.R.A.P. 1941 (review of death sentences), any other appeals

relating to sentences for lesser offenses imposed on a defendant as a result of the same criminal episode or transaction and tried with the capital offense shall also be taken to the Supreme Court.

(c) *Supervision of special prosecutions or investigations.*—All petitions for specialized review under [Rule 3331 (review of special prosecutions or investigations)] Pa.R.A.P. 1611 shall be filed in the Supreme Court.

Official Note: [Because of frequent legislative modifications it is not desirable to attempt at this time to restate appellate court jurisdiction in these rules. However, the] The Administrative Office of Pennsylvania Courts publishes from time to time at 204 Pa. Code § 201.2 an unofficial chart of the Unified Judicial System showing the appellate jurisdiction of the several courts of this Commonwealth, and it is expected that the several publishers of these rules will include a copy of the current version of such chart in their respective publications.

[Subdivisions] Paragraphs (b) and (c) are based upon 42 Pa.C.S. § 722(1) (direct appeals from courts of common pleas). Under [Rule 751 (transfer of erroneously filed cases)] Pa.R.A.P. 751, an appeal from a lesser offense improvidently taken to the Superior Court or the Commonwealth Court will be transferred to the Supreme Court for consideration and decision with the capital offense.

Under [Rule 701 (interlocutory orders)] Pa.R.A.P. 701, the jurisdiction described in [Subdivision] paragraph (c) extends also to interlocutory orders. See [Rule 102 (definitions)] Pa.R.A.P. 102 where the term “appeal” includes proceedings on petition for review and petitions for specialized review. Ordinarily [Rule] Pa.R.A.P. 701 will have no application to matters within the scope of [Subdivision] paragraph (b), since that [subdivision] paragraph is contingent upon entry of a final order in the form of a sentence of death; the mere possibility of such a sentence is not [intended to give the] a basis for Supreme Court direct appellate jurisdiction over interlocutory orders in homicide and related cases [since generally a death sentence is not imposed], because it is the imposition of the sentence of death that triggers Supreme Court direct review. See 42 Pa.C.S. § 9711(h).

ARTICLE II. APPELLATE PROCEDURE

CHAPTER 9. APPEALS FROM LOWER COURTS

Rule 901. Scope of Chapter.

This chapter applies to all appeals from a trial court to an appellate court except:

(1) An appeal by allowance taken under 42 Pa.C.S. § 724 (allowance of appeals from Superior and Commonwealth Courts). See [Rule 1112 (appeals by allowance)] Pa.R.A.P. 1112.

(2) An appeal by permission taken [under 42 Pa.C.S. § 702(b) (interlocutory appeals by permission)]. See Rule 1311 (interlocutory appeals by permission)] pursuant to Pa.R.A.P. 1311.

(3) An appeal [which may be taken by petition for review pursuant to Rule 1762(b)(2), which governs

applications relating to bail when no appeal is pending] taken by petition for specialized review pursuant to Chapter 16.

(4) **[An appeal which may be taken by petition for review pursuant to Rule 1770, which governs out of home placement in juvenile delinquency matters.**

(5) **] Automatic review of sentences pursuant to 42 Pa.C.S. § 9711(h) (review of death sentence). See [Rule 1941 (review of death sentences)] Pa.R.A.P. 1941.**

[(6) An appeal which may be taken by petition for review pursuant to Rule 3331 (review of special prosecutions or investigations).

(7) An appeal which may be taken only by a petition for review pursuant to Rule 1573, which governs review when a trial court has denied a motion to dismiss on the basis of double jeopardy as frivolous.]

CHAPTER 13. INTERLOCUTORY APPEALS BY PERMISSION

Rule 1311. Interlocutory Appeals by Permission.

(a) *General rule.*—An appeal may be taken by permission **from an interlocutory order:**

(1) certified under 42 Pa.C.S. § 702(b) [(interlocutory appeals by permission) from any interlocutory order of a trial court or other government unit. See Pa.R.A.P. 312 (interlocutory appeals by permission).] or for which certification pursuant to 42 Pa.C.S. § 702(b) was denied; see Pa.R.A.P. 312;

(2) for which certification pursuant to Pa.R.A.P. 341(c) was denied; or

(3) that determined that a defendant's motion to dismiss on the basis of double jeopardy is frivolous.

(b) *Petition for permission to appeal.*—Permission to appeal from an interlocutory order **[containing the statement prescribed by 42 Pa.C.S. § 702(b)] listed in paragraph (a)** may be sought by filing a petition for permission to appeal with the prothonotary of the appellate court within 30 days after entry of such order **or the date of deemed denial** in the trial court or other government unit with proof of service on all other parties to the matter in the trial court or other government unit and on the government unit or clerk of the trial court, who shall file the petition of record in such trial court. An application for an amendment of an interlocutory order to set forth expressly **either** the statement specified in 42 Pa.C.S. § 702(b) **or the one in Pa.R.A.P. 341(c)** shall be filed with the trial court or other government unit within 30 days after the entry of such interlocutory order, and permission to appeal may be sought within 30 days after entry of the order as amended. Unless the trial court or other government unit acts on the application within 30 days after it is filed, the trial court or other government unit shall no longer consider the application and it shall be deemed denied. If the petition for permission to appeal is transmitted to the prothonotary of the appellate court by means of first class, express, or priority United States Postal Service mail, the petition shall be deemed received by the prothonotary for the purposes of Pa.R.A.P. 121(a) (filing) on the date deposited in the United States mail, as shown on a United States Postal Service Form 3817 Certificate of Mailing, or other similar United States Postal Service form from which the date of deposit can be

verified. The certificate of mailing or other similar Postal Service form from which the date of deposit can be verified shall be cancelled by the Postal Service, shall show the docket number of the matter in the trial court or other government unit, and shall be either enclosed with the petition or separately mailed to the prothonotary. **The petitioner must file the original and one copy.** Upon actual receipt of the petition for permission to appeal, the prothonotary of the appellate court shall immediately stamp it with the date of actual receipt. That date, or the date of earlier deposit in the United States mail as prescribed in this paragraph, shall constitute the date when permission to appeal was sought, which date shall be shown on the docket. The prothonotary of the appellate court shall immediately note the appellate docket number assignment upon the petition for permission to appeal and give notice of the docket number assignment to the government unit or clerk of the trial court, to the petitioner, and to the other persons named in the proof of service accompanying the petition.

(c) *Fee.*—The petitioner upon filing the petition for permission to appeal shall pay any fee therefor prescribed by Chapter 27 (fees and costs in appellate courts and on appeal).

(d) *Entry of appearance.*—Upon the acceptance for filing of the petition for permission to appeal, the prothonotary of the appellate court shall note on the record as counsel for the petitioner the name of counsel, if any, set forth in or endorsed upon the petition for permission to appeal, and, as counsel for other parties, counsel, if any, named in the proof of service. Unless that party is entitled by law to be represented by counsel on a petition for permission to appeal, the prothonotary shall upon *praecipe* of any such counsel for other parties, filed at any time within 30 days after filing of the petition, strike off or correct the record of appearance. If entry of appearance in the trial court extends through appeals, counsel's appearance for a party may not be withdrawn without leave of court. Leave of court to withdraw is also required for any other counsel who have not filed a *praecipe* to correct appearance within the first 30 days after the petition is docketed, unless another lawyer has entered or simultaneously enters an appearance for the party.

Official Note: [Based on 42 Pa.C.S. § 702(b) (interlocutory appeals by permission). See note to Pa.R.A.P. 903 (time for appeal). Compare 42 Pa.C.S. § 5574 (effect of application for amendment to qualify for interlocutory appeal).] Pa.R.A.P. 1311 originally implemented only 42 Pa.C.S. § 702(b) (interlocutory appeals by permission). The accompanying note provided that an order refusing to certify an order as meeting the requirements of 42 Pa.C.S. § 702(b) was reviewed by filing of a petition for review under Chapter 15. The rule was amended in 2020 to expand the use of a petition for permission to appeal to requests for review of interlocutory orders that were not certified for immediate review pursuant to 42 Pa.C.S. § 702(b) or Pa.R.A.P. 341(c) and of interlocutory orders that found a criminal defendant's claim that further proceedings would cause the defendant to be placed in double jeopardy to be frivolous.

See the Official Note to Pa.R.A.P. 1112 (appeals by allowance) for an explanation of the procedure when Form 3817 or other similar United States Postal Service form from which the date of deposit can be verified is used.

[Where the government unit or trial court refuses to amend its order to include the prescribed statement, a petition for review under Chapter 15 of the unappealable order of denial is the proper mode of determining whether the case is so egregious as to justify prerogative appellate correction of the exercise of discretion by the lower tribunal. If the petition for review is granted in such a case, the effect (as in the Federal practice under 28 U.S.C. § 1292(b)) is the same as if a petition for permission to appeal had been filed and granted, and no separate petition for permission to appeal need be filed.

The 1997 amendment to paragraph (b) provides for a deemed denial where the trial court or other government unit fails to act on the application within 30 days. Under such circumstances, a party may need to file a *praecipe* for entry of the deemed denial pursuant to Pa.R.A.P. 301(d).]

The Rules of Criminal Procedure require counsel appointed by the trial court to continue representation through direct appeal. Pa.R.Crim.P. 120(A)(4) and Pa.R.Crim.P. 122(B)(2). Similarly, the Rules of Criminal Procedure require counsel appointed in post-conviction proceedings to continue representation throughout the proceedings, including any appeal from the disposition of the petition for post-conviction collateral relief. Pa.R.Crim.P. 904(F)(2) and Pa.R.Crim.P. 904(H)(2)(b). The same is true when counsel enters an appearance on behalf of a juvenile in a delinquency matter or on behalf of a child or other party in a dependency matter. Pa.R.J.C.P. 150(B), 151, Pa.R.J.C.P. 1150(B), 1151(B), (E). It would be rare for counsel in such cases to consider withdrawing by *praecipe*, but the 2020 amendment to the rule avoids any possibility of confusion by clarifying that withdrawal by *praecipe* is available only in matters that do not otherwise require court permission to withdraw.

With respect to appearances by new counsel following the initial docketing of appearances pursuant to paragraph (d) of this rule, please note the requirements of Pa.R.A.P. 120.

Rule 1312. Content of the Petition for Permission to Appeal.

(a) *General rule.*—The petition for permission to appeal need not be set forth in numbered paragraphs in the manner of a pleading, and shall contain the following (which shall, insofar as practicable, be set forth in the order stated):

(1) A statement of the basis for the jurisdiction of the appellate court.

(2) The text of the order in question, or the portions thereof sought to be reviewed [**(including the statement by the trial court or other government unit that the order involves a controlling question of law as to which there is a substantial ground for difference of opinion and that an immediate appeal from the order may materially advance the ultimate termination of the matter), and the date of its], the text of any order ruling on any subsequent request for certification, and the date of their entry in the trial court or other government unit. If the [order is] order(s) are voluminous, it may, if more convenient, be appended to the petition.**

(3) A concise statement of the case containing the facts necessary to an understanding of the [**controlling ques-**

tions of law determined by the] basis for the order of the trial court or other government unit.

(4) The [**controlling questions of law] proposed questions** presented for review, expressed in the terms and circumstances of the case but without unnecessary detail. The statement of questions presented will be deemed to include every subsidiary question fairly comprised therein. Only the questions set forth in the petition, or fairly comprised therein, will ordinarily be considered by the court in the event permission to appeal is granted.

(5) A concise statement of the reasons [**why a substantial ground exists for a difference of opinion on the questions and why an immediate appeal may materially advance the termination of the matter.] for an immediate appeal:**

(i) **For a petition for permission to appeal an order certified pursuant to 42 Pa.C.S. § 702(b), a statement of the reasons why the order involves a controlling question of law as to which there is a substantial ground for difference of opinion and that an appeal from the order may materially advance the ultimate termination of the matter;**

(ii) **For a petition for permission to appeal an order for which certification pursuant to 42 Pa.C.S. § 702(b) was denied or deemed denied, a statement of reasons why the order involves a controlling question of law as to which there is substantial ground for difference of opinion, that an appeal from the order may materially advance the ultimate termination of the matter, and why the refusal of certification was an abuse of the trial court's or other government unit's discretion that is so egregious as to justify prerogative appellate correction;**

(iii) **For a petition for permission to appeal an order for which certification pursuant to Pa.R.A.P. 341(c) was denied or deemed denied, the petition must contain a statement of reasons why an immediate appeal would facilitate resolution of the entire case and why the refusal of certification was an abuse of the trial court's or other government unit's discretion that is so egregious as to justify prerogative appellate correction;**

(iv) **For a petition for permission to appeal pursuant to Pa.R.A.P. 1311(a)(3), the petition must set forth why the claim of double jeopardy is colorable.**

(6) There shall be appended to the petition a copy of any opinions delivered relating to the order sought to be reviewed, as well as all opinions of trial courts or other government units in the case, and, if reference thereto is necessary to ascertain the grounds of the order, opinions in companion cases. If whatever is required by this paragraph to be appended to the petition is voluminous, it may, if more convenient, be separately presented.

(7) There shall be appended to the petition the verbatim texts of the pertinent provisions of constitutional provisions, statutes, ordinances, regulations, or other similar enactments which the case involves, and the citation to the volume and page where they are published, including the official edition, if any.

(8) The certificate of compliance required by Pa.R.A.P. 127.

(b) *Caption and parties.*—All parties to the proceeding in the trial court or other government unit other than

petitioner shall be named as respondents, but respondents who support the position of the petitioner shall meet the time schedule for filing papers which is prescribed in this chapter for the petitioner, except that any response by such respondents to the petition shall be filed as promptly as possible after receipt of the petition.

(c) *No supporting brief.*—All contentions in support of a petition for permission to appeal shall be set forth in the body of the petition as prescribed under subparagraph (a)(5). Neither the briefs below nor any separate brief in support of a petition for permission to appeal will be received, and the prothonotary of the appellate court will refuse to file any petition for permission to appeal to which is annexed or appended any brief below or supporting brief.

(d) *Essential requisites of petition.*—The failure of a petitioner to present with accuracy, brevity, and clearness whatever is essential to a ready and adequate understanding of the points requiring consideration will be a sufficient reason for denying the petition.

(e) *Multiple petitioners.*—Where permitted by Pa.R.A.P. 512 [**(joint appeals) a single petition for permission to appeal may be filed**], **multiple petitioners may file a single petition for permission to appeal.**

[**Official Note: Based on former Commonwealth Court Rule 114, subparagraph (a)(2) of this rule makes clear that the order of the tribunal below must contain a statement that the order involves a controlling question of law as to which there is a difference of opinion.**

Interlocutory appeals as of right may be taken by filing a notice of appeal under Chapter 9, rather than by petition under this rule. See Pa.R.A.P. 311.]
Rule 1316. Incorrect Use of Petition for Permission to Appeal [**or Petition for Review**].

(a) *General Rule.*—The appellate court shall treat a request for discretionary review of an order [**which is immediately appealable as a notice of appeal under the following circumstances:**] **that is immediately appealable as a notice of appeal if a party has filed a timely petition for permission to appeal pursuant to Pa.R.A.P. 1311.**

[(1) where a party has filed a timely petition for permission to appeal pursuant to Pa.R.A.P. 1311; or

(2) where a party has filed a timely petition for review from a trial court's refusal of a timely application pursuant to Pa.R.A.P. 1311 to amend the order to set forth expressly the statement specified in 42 Pa.C.S. § 702(b).]

(b) *Additional Requirements.*—The appellate court may require any additional actions necessary to perfect the appeal.

Official Note: This [**Rule**] **rule** requires the appellate court to treat a timely [**, but erroneous,**] petition for permission to appeal pursuant to Pa.R.A.P. 1311 from an order [**which is, in fact,**] **that is instead** immediately appealable as of right [**,**] as a timely notice of appeal. [**See Commonwealth v. Shull, 811 A.2d 1 (Pa.Super. 2002).**] This [**Rule**] **rule** supersedes *Thermo-Guard, Inc. v. Cochran*, 596 A.2d 188, 192 (Pa. Super. 1991), which stated, as *dictum*, that “[. . . in the future,] where a petition for permission to appeal

seeking review of a final order, appealable as of right, or of an interlocutory order made appealable as of right [. . .] **under Pa.R.A.P. 311**, is filed, this court should simply deny the petition.” [**Also, pursuant to subdivision (a)(2) of this Rule, where the trial court refuses an application to amend an order to set forth expressly the statement specified in 42 Pa.C.S. § 702(b), and that order was in fact appealable as of right, the appellate court shall treat a Chapter 15 petition for review of the trial court's refusal to amend as a notice of appeal.**]

Use of the term “notice of appeal” in this [**Rule**] **rule** is not intended to preclude treatment of the petition for permission to appeal as a petition for review if the proper method of appeal as of right would be a petition for review addressed to the Commonwealth Court's appellate jurisdiction [**found at**] **pursuant to** 42 Pa.C.S. § 763.

Rule 1323. Denial of Permission to Appeal.

If the petition for permission to appeal is denied, the prothonotary of the appellate court shall immediately give written notice in person or by first class mail of entry of the order denying permission to appeal to the government unit or clerk of the [**lower**] **trial** court and to each party who has appeared in the appellate court. **A party wishing to seek review of the denial in the Supreme Court must file a timely petition for allowance of appeal.**

CHAPTER 15. JUDICIAL REVIEW OF GOVERNMENTAL DETERMINATIONS

IN GENERAL

Rule 1501. Scope of Chapter.

(a) *General rule.*—Except as otherwise prescribed by [**Subdivisions**] **paragraphs** (b) and (c) of this rule, this chapter applies to **judicial review in:**

(1) Appeals from an administrative agency (within the meaning of Section 9 of Article V of the Constitution of Pennsylvania) to an appellate court **or pursuant to 42 Pa.C.S. § 763(b).**

(2) Appeals to an appellate court pursuant to 2 Pa.C.S. § 702 [**(appeals), 42 Pa.C.S. § 5105 (right to appellate review) or any other statute providing for judicial review of a determination of a government unit**] **or 42 Pa.C.S. § 5105.**

(3) Original jurisdiction actions heretofore cognizable in an appellate court by actions in the nature of equity, replevin, mandamus or *quo warranto* or for declaratory judgment, or upon writs of *certiorari* or prohibition.

(4) [**Matters designated by general rule, e.g., review of orders refusing to certify interlocutory orders for immediate appeal, release prior to sentence, appeals under Section 17(d) of Article II of the Constitution of Pennsylvania and review of special prosecutions or investigations**] **Appeals under Section 17(d) of Article II of the Constitution of Pennsylvania.**

(5) **Appeals pursuant to Supreme Court general rule, such as those authorized by 42 Pa.C.S. § 725(2)—(5).**

(b) *Appeals governed by other provisions of rules.*—This chapter does not apply to any appeal within the scope of:

(1) Chapter 9 [**(appeals from lower courts)**].

(2) Chapter 11 [(appeals from Commonwealth Court and Superior Court)].

(3) Chapter 13 [(interlocutory appeals by permission)], except that the provisions of this chapter and ancillary provisions of these rules applicable to practice and procedure on petition for review [, so far as they may be applied,] shall be applicable [: (a) where required by the Note to Rule 341 and the Note to Rule 1311; and (b)] after permission to appeal has been granted from a determination which, if final, would be subject to judicial review pursuant to this chapter.

(4) [Rule 1941 (review of death sentences)] Chapter 16.

(5) Pa.R.A.P. 1941.

(c) *Unsuspected statutory procedures.*—This chapter does not apply to any appeal pursuant to the following statutory provisions, which are not suspended by these rules:

(1) [Section 137 of Title 15 of the Pennsylvania Consolidated Statutes] 15 Pa.C.S. § 137 (Court to pass upon rejection of documents by Department of State).

(2) The Pennsylvania Election Code, Act of June 3, 1937, PL. 1333, as amended, 25 P.S. §§ 2600—3591.

(d) *Jurisdiction of courts unaffected.*—This chapter does not enlarge or otherwise modify the jurisdiction and powers of the Commonwealth Court or any other court.

Official Note: [This chapter applies to review of any “determination” of a “government unit” as defined in Rule 102 assuming, of course, that the subject matter of the case is within the jurisdiction of a court subject to these rules (see Subdivision (d) of this rule). A “determination” means “action or inaction by a government unit which action or inaction is subject to judicial review by a court under Section 9 of Article V of the Constitution of Pennsylvania or otherwise. The term includes an order entered by a government unit.” The term “government unit” is all inclusive and means “the Governor and the departments, boards, commissions, officers, authorities and other agencies of the Commonwealth, including the General Assembly and its officers and agencies and any court or other officer or agency of the unified judicial system, and any political subdivision or municipal or other local authority or any officer or agency of any such political subdivision or local authority. The term includes a board of arbitrators whose determination is subject to review under 42 Pa.C.S. § 763(b) (awards of arbitrators).” The term “administrative agency” is not defined in these rules, although the term is used in these rules as a result of its appearance in Section 9 of Article V of the Constitution of Pennsylvania.

Subdivision (a)(4) was added in 2004 to recognize the references in various appellate rules and accompanying notes to petition for review practice. For example, the Notes to Rules 341 and 1311 direct counsel to file a petition for review of a trial court or government agency order refusing to certify an interlocutory order for immediate appeal. Similarly, Rule 1762 directs the filing of a petition for review when a party seeks release on bail before judgment of sentence is rendered, see Rule 1762(b), and Rule

1770 directs the filing of a petition for review when a juvenile seeks review of placement in a juvenile delinquency matter. A petition for review is also the proper method by which to seek judicial review pursuant to Rule 3321 (regarding legislative reapportionment commission) and Rule 3331 (regarding special prosecutions or investigations). The 2004 and 2012 amendments clarify the use of petitions for review in these special situations.

Subdivision (b) of this rule is necessary because otherwise conventional appeals from a court (which is included in the scope of the term “government unit”) to an appellate court would fall within the scope of this chapter under the provisions of Paragraph (a)(2) of this rule.

Subdivision (c) expressly recognizes that some statutory procedures are not replaced by petition for review practice. Thus, matters brought pursuant to Section 137 of the Associations Code governing judicial review of documents rejected by the Department of State or pursuant to the Election Code are controlled by the applicable statutory provisions and not by the rules in Chapter 15. See 15 Pa.C.S. § 137; Act of June 3, 1937, P.L. 1333, as amended 25 P.S. §§ 2600—3591.

In light of Subdivision (d), where the court in which a petition for review is filed lacks subject matter jurisdiction (e.g., a petition for review of a local government question filed in the Commonwealth Court), Rules 741 (waiver of objections to jurisdiction), 751 (transfer of erroneously filed cases) and 1504 (improvident petitions for review) will be applicable. See also 42 Pa.C.S. § 5103.

The 2004 amendments are made to petition for review practice to address the evolution of judicial responses to governmental actions. As indicated in the Note to Rule 1502, when the Rules of Appellate Procedure were initially adopted, there was a “long history in the Commonwealth...of relatively complete exercise of the judicial review function under the traditional labels of equity, mandamus, certiorari and prohibition.” While such original jurisdiction forms of action are still available, their proper usage is now the exception rather than the rule because appellate proceedings have become the norm. Thus, the need to rely on Rule 1503 to convert an appellate proceeding to an original jurisdiction action and vice versa arises less often. Moreover, the emphasis on a petition for review as a generic pleading that permits the court to simultaneously consider all aspects of the controversy is diminished. The primary concern became making the practice for appellate proceedings more apparent to the occasional appellate practitioner. Accordingly, the rules have been amended to more clearly separate procedures for appellate proceedings from those applicable to original jurisdiction proceedings.

The responsibility of identifying the correct type of proceeding to be used to challenge a governmental action is initially that of counsel. Where precedent makes the choice clear, counsel can proceed with confidence. Where the choice is more problematic, then counsel should draft the petition for review so as to satisfy the directives for both appellate and original jurisdiction proceedings. Then the court can designate the proper course of action regardless of counsel’s earlier assessment.]

This chapter applies to appeals of administrative agency action, original jurisdiction actions cognizable in an appellate court in the nature of actions in equity, replevin, mandamus or *quo warranto* or for declaratory judgment, or upon writs of *certiorari* or prohibition, and appeals of other actions as enumerated in paragraph (a). The document that initiates the case under Chapter 15 is called a petition for review. Judicial review of all other government unit actions or inactions not otherwise permitted under Chapters 9, 11, 13, or 15 is available under Chapter 16; the document that initiates the case under Chapter 16 is called a petition for specialized review. The “residuary” initiating document function previously assigned to Chapter 15 is now assigned to Chapter 16.

Rule 1502. Exclusive Procedure.

The appeal and the original jurisdiction actions of equity, replevin, mandamus, and *quo warranto*, the action for a declaratory judgment, and the writs of *certiorari* and prohibition [are abolished insofar as they relate to matters within the scope of a petition for review under this chapter. The petition for review, insofar as applicable under this chapter, shall be the exclusive procedure for judicial review of a determination of a government unit] are replaced by the petition for review.

[*Official Note:* This chapter recognizes that the modern label “appeal” has little significance in connection with judicial review of governmental determinations in light of the long history in this Commonwealth of relatively complete exercise of the judicial review function under the traditional labels of equity, mandamus, *certiorari* and prohibition. If the simple form of notice of appeal utilized in Chapter 9 (appeals from lower courts) were extended to governmental determinations without any requirement for the filing of motions for post-trial relief, a litigant who incorrectly selected the appeal label, rather than the equity, mandamus, replevin, or prohibition, etc. label, would probably suffer dismissal, because the court would be reluctant to try a proceeding in the nature of equity, mandamus, replevin, or prohibition, etc. in the absence of a proper pleading adequately framing the issues.

The solution introduced by these rules is to substitute a new pleading (the petition for review) for all of the prior types of pleading which seek relief from a governmental determination (including governmental inaction). Where the reviewing court is required or permitted to hear the matter *de novo*, the judicial review proceeding will go forward in a manner similar to an equity or mandamus action. Where the reviewing court is required to decide the questions presented solely on the record made below, the judicial review proceeding will go forward in a manner similar to appellate review of an order of a lower court. However, experience teaches that governmental determinations are so varied in character, and generate so many novel situations, that on occasion it is only at the conclusion of the judicial review process, when a remedy is being fashioned, that one can determine whether the proceeding was in the nature of equity, mandamus, prohibition, or statutory appeal, etc. The petition for review will eliminate the wasteful and confusing practice of filing multiple

“shotgun” pleadings in equity, mandamus, prohibition, statutory appeal, etc., and related motions for consolidation, and will permit the parties and the court to proceed directly to the merits unencumbered by procedural abstractions.

Rule 1551 (scope of review) makes clear that the change in manner of pleading does not change the scope or standard of review of governmental determinations or otherwise affect the substantive rights of the parties.]

It should be noted that a petition for review in the nature of mandamus or prohibition will lie against a [lower] trial court (which is a “government unit”), since such relief is not available under the rules cited in [Rule] Pa.R.A.P. 1501(b).

See 42 Pa.C.S. § 708(e) [(single form of action)], which provides as follows:

(e) *Single form of action.*—Where pursuant to general rules review of a determination of a government unit may be had by a petition for a review or another single form of action embracing the appeal and actions in the nature of equity, mandamus, prohibition, *quo warranto*, or otherwise, the jurisdiction of the appellate court shall not be limited by the provisions of 1 Pa.C.S. § 1504 (relating to statutory remedy preferred over common law), but such provisions to the extent applicable shall limit the relief available.

Rule 1503. Improvident Appeals or Original Jurisdiction Actions.

[If an appeal is taken from an order of a government unit, or if a complaint in the nature of equity, replevin, mandamus, or *quo warranto*, or a petition for a declaratory judgment or for a writ in the nature of *certiorari* or prohibition is filed against a government unit or one or more of the persons for the time being conducting its affairs objecting to a determination by any one or more of them] If a filing should be labeled a petition for review, but is not, this alone shall not be a ground for dismissal. The [papers whereon the improvident matter was commenced] filing shall be regarded and acted upon as a petition for review [of such governmental determination] and as if filed at the time the improvident [matter was commenced] filing was made. The court may require that the [papers] filing be clarified by amendment or be supplemented.

Official Note: Based on 42 Pa.C.S. § 708 (improvident administrative appeals and other matters).

Rule 1504. Improvident Petitions for Review.

If [a petition for review is filed against any person, where] a filing in a court is labeled as a petition for review but the proper mode of relief is an original jurisdiction action in equity, replevin, mandamus or *quo warranto*, or a petition for a declaratory judgment or for a writ of *certiorari* or prohibition, this alone shall not be a ground for dismissal[, but the papers whereon the improvident matter was commenced]. The filing shall be regarded and acted upon as a complaint or other proper process [commenced against such person] and as if filed at the time the improvident [matter was commenced] filing was made. The court may require that the [papers] filing be clarified by amendment.

Official Note: Based on 42 Pa.C.S. § 102 (definitions) (which includes petition for review proceedings within the statutory definition of “appeal”) and 42 Pa.C.S. § 708(b) (appeals). When the moving party files a clarifying amendment, the amendment will operate to specify that one form of action which the party elects to proceed on.

PETITION FOR REVIEW

Rule 1511. Manner of Obtaining Judicial Review of Governmental Determinations.

Review under this chapter shall be obtained by filing a petition for review with the prothonotary of the appellate court within the time allowed by [**Rule 1512 (time for petitioning for review)**] **Pa.R.A.P. 1512**. Failure of a petitioner for review to take any step other than the timely filing of a petition for review does not affect the validity of the review proceeding, but is grounds only for such action as the appellate court deems appropriate, which may include dismissal of the review proceeding.

Rule 1512. Time for Petitioning for Review.

(a) *Appeals authorized by law.*—Except as otherwise prescribed by [**subdivision**] **paragraph** (b) of this rule:

(1) A petition for review of a quasijudicial order, or an order appealable under 42 Pa.C.S. § 763(b) (awards of arbitrators) or under any other provision of law, shall be filed with the prothonotary of the appellate court within 30 days after the entry of the order.

(2) If a timely petition for review of such an order is filed by a party, any other party may file a [**petition**] **cross-petition** for review within 14 days of the date on which the first petition for review was served, or within the time otherwise prescribed by [**subdivision**] **sub-paragraph** (a)(1) of this rule, whichever period last expires.

(b) *Special appellate provisions.*—A petition for review of:

(1) A determination of the Department of Community and Economic Development in any matter arising under [**the Local Government Unit Debt Act, 53 Pa.C.S. §§ 8001—8271, 53 Pa.C.S. §§ 8001—8285**] shall be filed within 15 days after entry of the order or the date the determination is deemed to have been made, when no order has been entered.

(2) A determination governed by [**Rule 1571**] **Pa.R.A.P. 1571** (determinations of the Board of Finance and Revenue) shall be filed within the appropriate period therein specified.

(3) [**A determination governed by Rule 3331 (review of special prosecutions or investigations) shall be filed within ten days after the entry of the order sought to be reviewed.**]

(4) [**A determination of a Commonwealth agency under [section 1711.1(g) of the Commonwealth Procurement Code, 62 Pa.C.S. § 1711.1(g), 62 Pa.C.S. § 1711.1(g)] shall be filed within 15 days of the mailing date of a final determination denying a protest.**]

[**(5) A determination governed by Rule 1770 (review of dispositional order for out of home placement in juvenile delinquency matters) shall be filed within ten days of the order sought to be reviewed.**]

(c) *Original jurisdiction actions.*—A petition for review of a determination of a government unit **within the scope of Chapter 15 but** not within the scope of [**Subdivisions**] **paragraphs** (a) or (b) of this rule may be filed with the prothonotary of the appellate court within the time, if any, limited by law.

Official Note: The note to [**Rule 903**] **Pa.R.A.P. 903** (time for appeal) addresses the development of the standard [**30 day**] **30-day** appeal period. [**Rule**] **Pa.R.A.P. 102** defines a “quasijudicial order” as “an order of a government unit, made after notice and opportunity for hearing, which is by law reviewable solely upon the record made before the government unit, and not upon a record made in whole or in part before the reviewing court.”

[**Subdivision**] **Paragraph** (c) relates to matters addressed to the original jurisdiction of an appellate court. For example, equitable matters are governed by existing principles of laches, etc. Other matters, such as petitions for review raising issues formerly cognizable by action in mandamus or *quo warranto*, etc., are governed by the time limits, if any, applicable under the prior procedure. *See generally* 42 Pa.C.S. §§ 1702 (regarding the Supreme Court’s rulemaking procedures), 1722(c) (Time limitations), 5501—5574 (Limitations of time).

Rule 1513. Petition for Review.

(a) *Caption and parties on appeal.*—In an appellate jurisdiction petition for review, the aggrieved party or person shall be named as the petitioner [**and, unless**]. **Unless** the government unit is disinterested, the government unit and no one else shall be named as the respondent. If the government unit is disinterested, all real parties in interest[, **and not the government unit,**] shall be named as respondents **and the disinterested government unit shall be identified in parentheses after the respondents in the caption.**

(b) *Caption and parties in original jurisdiction actions.*—The government unit and any other indispensable party shall be named as respondents. Where a public act or duty is required to be performed by a government unit, it is sufficient to name the government unit, and not its individual members, as respondent.

(c) *Form.*—Any petition for review shall be divided into consecutively numbered paragraphs. Each paragraph shall contain, as nearly as possible, a single allegation of fact or other statement. [**When petitioner seeks review of an order refusing to certify an interlocutory order for immediate appeal, numbered paragraphs need not be used.**]

(d) *Content of appellate jurisdiction petition for review.*—An appellate jurisdiction petition for review shall contain the following:

- (1) a statement of the basis for the jurisdiction of the court;
- (2) the name of the party or person seeking review;
- (3) the name of the government unit that made the order or other determination sought to be reviewed;
- (4) reference to the order or other determination sought to be reviewed, including the date the order or other determination was entered;
- (5) a general statement of the objections to the order or other determination, but the omission of an issue from

the statement shall not be the basis for a finding of waiver if the court is able to address the issue based on the certified record;

(6) a short statement of the relief sought;

(7) a copy of the order or other determination to be reviewed, which shall be attached to the petition for review as an exhibit; and

(8) the certificate of compliance required by Pa.R.A.P. 127.

No notice to plead or verification is necessary.

Where there were other parties to the proceedings conducted by the government unit, and such parties are not named in the caption of the petition for review, the petition for review shall also contain a notice to participate, which shall provide substantially as follows:

If you intend to participate in this proceeding in the (Supreme, Superior, or Commonwealth, as appropriate) Court, you must serve and file a notice of intervention under Pa.R.A.P. 1531 [**of the Pennsylvania Rules of Appellate Procedure**] within 30 days.

(e) *Content of original jurisdiction petition for review.*—A petition for review addressed to an appellate court's original jurisdiction shall contain the following:

(1) a statement of the basis for the jurisdiction of the court;

(2) the name of the person or party seeking relief;

(3) the name of the government unit whose action or inaction is in issue and any other indispensable party;

(4) a general statement of the material facts upon which the cause of action is based;

(5) a short statement of the relief sought;

(6) a notice to plead and verification either by oath or affirmation or by verified statement; and

(7) the certificate of compliance required by Pa.R.A.P. 127.

(f) *Alternative objections.*—Objections to a determination of a government unit and the related relief sought may be stated in the alternative, and relief of several different types may be requested.

Official Note: [**The 2004 amendments to this rule clarify what must be included in a petition for review addressed to an appellate court's appellate jurisdiction and what must be included in a petition for review addressed to an appellate court's original jurisdiction. Where it is not readily apparent whether a "determination" (defined in Pa.R.A.P. 102 as "[a]ction or inaction by a government unit") is reviewable in the court's appellate or original jurisdiction, compliance with the requirements of paragraphs (d) and (e) is appropriate.**]

Paragraphs (a) and (b) reflect the provisions of Pa.R.A.P. 501, Pa.R.A.P. 503, [**Section 702 of the Administrative Agency Law,**] 2 Pa.C.S. § 702 (Appeals), and Pa.R.C.P. 1094 (regarding parties defendant in mandamus actions).

Government units that are usually disinterested in appellate jurisdiction petitions for review of their determinations include:

- the Board of Claims,
- the Department of Education (with regard to teacher tenure appeals from local school districts pursuant to [**section 1132 of the Public School Code of 1949,**] 24 P.S. § 11-1132),
- the Environmental Hearing Board,
- **the Office of Open Records,**
- the State Charter School Appeal Board,
- the State Civil Service Commission, and
- the Workers' Compensation Appeal Board.

Pa.R.A.P. 1513(a) was amended in 2020 to require that the caption of a petition for review from a determination of a disinterested government unit identify the government unit. Thus, the caption of a petition for review from a determination of a government unit listed above should be in the following form:

John Doe,
Petitioner
v.
Jane Smith (name of disinterested government unit),
Respondent

The provision for joinder of indispensable parties in original jurisdiction actions reflects the last sentence of [**section 761(c) of the Judicial Code,**] 42 Pa.C.S. § 761(c), providing for the implementation of ancillary jurisdiction of the Commonwealth Court by general rule.

Paragraphs (d) and (e) reflect the differences in proceeding in a court's original and appellate jurisdiction, while preserving the need for sufficient specificity to permit the conversion of an appellate document to an original jurisdiction pleading and vice versa should such action be necessary to assure proper judicial disposition. [**See also the notes to Pa.R.A.P. 1501 and 1502.**] **Where it is not readily apparent whether a "determination" under Pa.R.A.P. 1501 is reviewable in the court's appellate or original jurisdiction, compliance with the requirements of both paragraphs (d) and (e) is appropriate.**

[Official Note—2014]

The 2014 amendments to Pa.R.A.P. 1513(d) relating to the general statement of objections in an appellate jurisdiction petition for review are intended to preclude a finding of waiver if the court is able, based on the certified record, to address an issue not within the issues stated in the petition for review but included in the statement of questions involved and argued in a brief. The amendment neither expands the scope of issues that may be addressed in an appellate jurisdiction petition for review beyond those permitted in Pa.R.A.P. 1551(a) nor affects Pa.R.A.P. 2116's requirement that "[n]o question will be considered unless it is stated in the statement of questions involved [in appellant's brief] or is fairly suggested thereby."

Rule 1514. Filing and Service of the Petition for Review.

(a) *Filing with the prothonotary.*—The petition for review, with proof of **the service that is** required by [**Subdivision**] **paragraph** (c) of this rule, shall be filed with the prothonotary of the appellate court in person or by first class, express, or priority United States Postal Service mail.

If the petition for review is filed by first class, express, or priority United States Postal Service mail, the petition shall be deemed received by the prothonotary for the purposes of [**Rule 121(a) (filing)**] **Pa.R.A.P. 121(a)** on the date deposited in the United States mail, as shown on a United States Postal Service Form 3817, Certificate of Mailing, or other similar United States Postal Service form from which the date of deposit can be verified. The certificate of mailing or other similar Postal Service form from which the date of deposit can be verified shall be cancelled by the Postal Service and shall show the docket number of the matter in the government unit, and shall be either enclosed with the petition or separately mailed to the prothonotary.

Upon actual receipt of the petition for review, the prothonotary shall immediately:

(1) stamp it with the date of actual receipt. That date, or the date of earlier deposit in the United States mail as prescribed in this [**subdivision**] **paragraph**, shall constitute the date of filing;

(2) assign a docket number to the petition for review; and

(3) give written notice of the docket number assignment in person or by first class mail to the government unit that made the determination sought to be reviewed, to the petitioner, and to the other persons named in the proof of service accompanying the petition.

(b) *Fee.*—The petitioner, upon filing the petition for review, shall pay any fees therefor as set by law or general rule.

(c) *Service.*—A copy of the petition for review shall be served by the petitioner in person or by certified mail on **both** the government unit that made the determination sought to be reviewed **and the Attorney General of Pennsylvania**. [**In matters involving the Commonwealth, the petitioner shall similarly serve a copy upon the Attorney General of Pennsylvania.**] Where there is more than one respondent, the petitioner shall separately serve each one. All other parties before the government unit that made the determination sought to be reviewed shall be served as prescribed by [**Rule 121(b) (service of all papers required)**] **Pa.R.A.P. 121(b)**.

(d) *Entry of appearance.*—Upon the filing of the petition for review, the prothonotary shall note on the docket as counsel for the petitioner the name of counsel, if any, set forth in or endorsed upon the petition for review, and, as counsel for other parties, counsel, if any, named in the proof of service. The prothonotary shall, upon *praecipe* of any such counsel for other parties, filed within 30 days after filing of the petition, strike off or correct the record of appearances. Thereafter a counsel's appearance for a party may not be withdrawn without leave of court, unless another lawyer has entered or simultaneously enters an appearance for the party.

Official Note: See the Official Note to [**Rule 1112**] **Pa.R.A.P. 1112** (appeals by allowance) for an explanation of the procedure when Form 3817 or other similar United States Postal Service form from which the date of deposit can be verified is used.

The petition for review must be served on the government unit that made the determination in question. [**Rule 102 defines “government unit” as including “any court or other officer or agency of the unified**

judicial system.” Thus, a petition for review of a trial court order must be served on the judge who issued the order.]

Service on the Attorney General shall be made at: Strawberry Square, Harrisburg, PA 17120.

With respect to appearances by new counsel following the initial docketing of appearances pursuant to [**Subdivision**] **paragraph** (d) of this rule, please note the requirements of [**Rule**] **Pa.R.A.P. 120**.

Rule 1515. (Rescinded).

Official Note: [**Rule**] **Pa.R.A.P. 1515** formerly provided for an answer to a petition for review addressed to an appellate court's original jurisdiction. Answers to such petitions are now discussed in [**Rule**] **Pa.R.A.P. 1516**.

Rule 1516. Other Pleadings Allowed.

(a) *Appellate jurisdiction petitions for review.*—No answer or other pleading to an appellate jurisdiction petition for review is authorized, unless the petition for review is filed pursuant to [**the notes to Pa.R.A.P. 341 or 1311 (seeking review of a trial court or other government unit's refusal to certify an interlocutory order for immediate appeal), Pa.R.A.P. 1573 (review of orders finding an assertion of double jeopardy frivolous), Pa.R.A.P. 1762 (regarding release in criminal matters), Pa.R.A.P. 1770 (regarding placement in juvenile delinquency matters), Pa.R.A.P. 3321 (regarding appeals from decisions of the Legislative Reapportionment Commission) or Pa.R.A.P. 3331 (regarding review of special prosecutions and investigations)**] **Pa.R.A.P. 3321 (appeals from Legislative Reapportionment Commission)**. Where an answer is authorized, the time for filing an answer shall be as stated in Pa.R.A.P. 123(b), and the answer shall contain the certificate of compliance required by Pa.R.A.P. 127.

(b) *Original jurisdiction petitions for review.*—Where an action is commenced by filing a petition for review addressed to the appellate court's original jurisdiction, the pleadings are limited to the petition for review, an answer thereto, a reply if the answer contains new matter or a counterclaim, a counter-reply if the reply to a counterclaim contains new matter, [**a preliminary objection, and an answer**] **preliminary objections, and answers** thereto. A pleading shall contain the certificate of compliance required by Pa.R.A.P. 127. Every pleading filed after an original jurisdiction petition for review shall be filed within 30 days after service of the preceding pleading, but no pleading need be filed unless the preceding pleading is endorsed with a notice to plead.

Official Note: [**The 2004, 2012, and 2013 amendments made clear that, with limited exceptions, no answer or other pleading to a petition for review addressed to an appellate court's appellate jurisdiction is proper.**] With regard to original jurisdiction proceedings, practice is patterned after [**Rules of Civil Procedure 1017(a) (Pleadings Allowed) and 1026 (Time for Filing. Notice to Plead)**] **Pa.R.C.P. 1017(a) (Pleadings Allowed) and 1026 (Time for Filing. Notice to Plead)**. The ten additional days in which to file a subsequent pleading are in recognition of the time required for agency coordination where the Commonwealth is a party. [**See Pa.R.A.P. 1762(b)(2) regarding bail applications. See Pa.R.A.P. 1770 regarding placement in juvenile delinquency matters.**]

Rule 1517. Applicable Rules of Pleading.

Unless otherwise prescribed by these rules, the practice and procedure under this chapter relating to pleadings in original jurisdiction petition for review practice shall be in accordance with the appropriate Pennsylvania Rules of Civil Procedure, so far as they may be applied.

[**Official Note:** See Rule 1762(b)(2) regarding bail applications. See Rule 1770 regarding placement in juvenile delinquency matters. See also Rule 3331 regarding Review of Special Prosecutions or Investigations.]

Rule 1531. Intervention.

(a) *Appellate jurisdiction petition for review proceedings.* A party to a proceeding before a government unit that resulted in a quasijudicial order may intervene as of right in a proceeding under this chapter relating to such order by filing a notice of intervention (with proof of service on all parties to the matter) with the prothonotary of the appellate court within 30 days after notice of the filing of the petition for review. The notice of intervention may be in substantially the following form:

NOTICE OF INTERVENTION

Notice is hereby given that A.B., a party below, hereby intervenes in this matter.

(s) _____
 (Address and telephone number)

After 30 days after notice of filing of an appellate petition for review, permission to intervene may be sought by application pursuant to [**Rule**] **Pa.R.A.P. 123**.

(b) *Original jurisdiction petition for review proceedings.* A person not named as a respondent in an original jurisdiction petition for review[,] who desires to intervene in a proceeding under this chapter, may seek leave to intervene by filing an application for leave to intervene (with proof of service on all parties to the matter) with the prothonotary of the court. The application shall contain a concise statement of the interest of the applicant and the grounds upon which intervention is sought.

Official Note: A nonparty may file a brief as of right under [**Rule 531**] **Pa.R.A.P. 531** (participation by *amicus curiae*) and, therefore, intervention is not necessary in order to participate in the appellate court where the petition for review is filed. However, except as provided in [**Rule**] **Pa.R.A.P. 521(b)** (status of Attorney General) and [**Rule**] **Pa.R.A.P. 522(b)** (status of Court Administrator), the mere filing of a brief does not confer party status. Where, for example, a nonparty to a petition for review proceeding in the Commonwealth Court desires to be in a position to seek further review in the Supreme Court of Pennsylvania or the Supreme Court of the United States of an order of the Commonwealth Court disposing of the petition for review, the nonparty should intervene or seek leave to intervene in the Commonwealth Court at the outset, [**since under Rule 501 (any aggrieved party may appeal)**] **because under Pa.R.A.P. 501**, party status is a prerequisite to the right to further review.

[**See Rule 3331 regarding Review of Special Prosecutions or Investigations.**]

Rule 1532. Special and Summary Relief.

(a) *Special relief.*—At any time after the filing of a petition for review, the court may, on application, order

the seizure of property, dispose of seized property, issue a preliminary or special injunction, appoint a temporary receiver, or grant other interim or special relief required in the interest of justice and consistent with the usages and principles of law.

(b) *Summary relief.*—At any time after the filing of a petition for review in an appellate or original jurisdiction matter, the court may on application enter judgment if the right of the applicant thereto is clear.

Official Note: [**Subdivision**] **Paragraph** (a) provides examples of specific types of interim relief that may be sought using the procedures set forth in [**Rule 123 (application for relief)**] **Pa.R.A.P. 123**. Thus, multiple forms of relief, including those in the alternative, may be combined in the same application, even though separate actions might otherwise be necessary under the Pennsylvania Rules of Civil Procedure. [**Compare Rule 106 (original jurisdiction matters);**] **Compare Pa.R.A.P. 106 (original jurisdiction matters) with** 42 Pa.C.S. § 708(e) (single form of action).

[**Subdivision**] **Paragraph** (b) authorizes immediate disposition of a petition for review, similar to the type of relief envisioned by the Pennsylvania Rules of Civil Procedure regarding judgment on the pleadings and peremptory and summary judgment. However, such relief may be requested before the pleadings are closed where the right of the applicant is clear.

[**See Rule 3331 regarding Review of Special Prosecutions or Investigations.**]

The 1997 amendment to subdivision (b) is analogous to the 1996 amendment to Pa.R.C.P. 1098. The deletion of the last sentence of Rule 1532(b) is intended to eliminate the requirement of filing a motion to open or vacate the order granting summary relief. Under prior practice, a party was required to file a motion to open or vacate the order granting summary relief before an appeal could be taken. An order denying an application for summary relief is not appealable as of right.]

Rule 1541. Certification of the Record.

Upon notice from the appellate court of the filing of a petition for review addressed to the appellate jurisdiction of an appellate court, the government unit shall prepare and transmit the record as provided by Chapter 19 [**(preparation and transmission of record and related matters)**].

[**Official Note:** Rule 102 defines “government unit” to include “any court or other officer or agency of the unified judicial system.” Thus, if the order to be reviewed was filed by a trial court, that court shall certify the record. This occurs when the petition for review was filed pursuant to Rule 1762, 1770, 3321 or 3331, or the note to Rules 341 or 1311.

See Rule 3331 regarding Review of Special Prosecutions or Investigations.]

Rule 1542. Evidentiary Hearing.

In any matter addressed to the appellate court’s original jurisdiction[,] where it appears that a genuine issue as to a material fact has been raised by the pleadings, depositions, answers to interrogatories, stipulations of fact, admissions on file, and supporting verified statements, if any, the court on its own motion or on applica-

tion of any party shall, after notice to the parties, hold an evidentiary hearing for the development of the record.

Official Note: In view of [Rule] Pa.R.A.P. 106 (original jurisdiction matters) and [Rule] Pa.R.A.P. 1532 (special and summary relief), motions for judgment on the pleadings, Pa.R.C.P. 1034, summary relief and summary judgment, [Pa. R. C. P. 1035] Pa.R.C.P. 1035.1—1035.5, will be available where a petition for review invoking the appellate court's original jurisdiction has been filed. The procedure under this rule is intended to be flexible, although **it remains** subject to the control of the appellate court [by] either **by** rule of court adopted pursuant to [Rule 104(a)(3) (rules of court)] Pa.R.A.P. 104(a)(3) or by order.

[See Rule 3331 regarding Review of Special Prosecutions or Investigations.]

Rule 1543. (Rescinded).

[Official Note: See 42 Pa.C.S. § 5104 (trial by jury).]

See Rule 3331 regarding Review of Special Prosecutions or Investigations.]

Rule 1551. Scope of Review.

(a) *Appellate jurisdiction petitions for review.*—Review of quasijudicial orders shall be conducted by the court on the record made before the government unit. [**No question**] **Only questions raised before the government unit** shall be heard or considered [**by the court which was not raised before the government unit**], except:

- (1) Questions involving the validity of a statute.
- (2) Questions involving the jurisdiction of the government unit over the subject matter of the adjudication.
- (3) Questions [**which**] **that** the court is satisfied [**that**] the petitioner could not by the exercise of due diligence have raised before the government unit. If, upon hearing before the court, the court is satisfied that any such additional question within the scope of this paragraph should be [**so**] raised, it shall remand the record to the government unit for further consideration of the additional question.

The court may in any case remand the record to the government unit for further proceedings if the court deems them necessary.

(b) *Original jurisdiction petitions for review.*—The court shall hear and decide original jurisdiction petitions for review in accordance with law. This chapter is not intended to modify, enlarge, or abridge the rights of any party to an original jurisdiction petition for review.

[**Official Note:** Subdivision (a) is a generalization of former Pa.R.C.P. 8 and makes no change in substance except to provide that procedural issues not raised below are waived—unless excused under Paragraph (a)(3). Compare Rule 302 (requisites for reviewable issue).

Subdivision (b) is based on Section 10(c) of Article V of the Constitution of Pennsylvania, which prevents this chapter from enlarging the substantive rights of the petitioner or abridging the substantive rights of the government unit named in the petition. Under the new practice, the appellate judge should inquire: "Assuming that this case had been properly brought before me by a complaint in

equity (or in mandamus, replevin, quo warranto, etc., or by two or more of such actions properly consolidated for hearing and disposition) containing the factual allegations of the petition for review, to what relief, if any, would the moving party have been entitled under the prior practice?" This rule makes clear that the moving party is entitled to the same relief, and no more, under the new practice, since only the procedural requirement for separately labeled papers has been eliminated.

For example, where a party joins both a challenge to the action of a government unit in the nature of an appeal and a challenge to the composition of the government unit in the nature of quo warranto, the latter challenge will come too late under the standards of *State Dental Council and Examining Board v. Pollock*, 457 Pa. 264, 318 A.2d 910 (1974). Similarly, where a petition for review in the nature of prohibition is filed in the Supreme Court to attack an unappealable order of a lower court, in a case where relief would not have been available on an application for a writ of prohibition under the standards of *Carpentertown Coal and Coke Co. v. Laird*, 360 Pa. 94, 61 A.2d 426 (1948) and subsequent cases, the change in the label of the papers to a petition for review will not affect the result, and the petition will be dismissed.

See Rule 3331 regarding Review of Special Prosecutions or Investigations.]

Rule 1561. Disposition of Petition for Review.

(a) *Appellate jurisdiction petitions for review.*—The court may affirm, modify, vacate, set aside, or reverse any order brought before it for review, and **it** may remand the matter and direct the entry of such appropriate order, or require such further proceedings as may be just under the circumstances.

(b) *Original jurisdiction petitions for review.*—Where the petition for review raises questions that formerly were determinable in an action in equity, replevin, mandamus, **or quo warranto**, or for a declaratory judgment or upon a petition for a writ of *certiorari* or prohibition, or in another similar plenary action or proceeding, the court may grant the relief heretofore available in any such plenary action or proceeding.

(c) *Money damages.*—Money damages arising out of tort or contract claims may not be granted under this chapter (except on review of determinations of the Board of Claims or similar agencies), but relief granted under [**Subdivision**] **paragraph** (b) of this rule may include any damages to which the petitioner is entitled which are claimed in the petition, which are ancillary to the matter, and which may be granted by a court.

[(d) *Review of detention.*—Except as prescribed by Rule 1762(b)(2), which governs applications relating to bail when no appeal is pending, or by Rule 3331 (review of special prosecutions or investigations), review in the nature of criminal habeas corpus or post conviction relief may not be granted under this chapter.]

Official Note: [**Subdivision**] **Paragraph** (a) is based on 42 Pa.C.S. § 706 (disposition of appeals).

[**Subdivision**] **Paragraph** (b) is based on 42 Pa.C.S. § 708(e) (single form of action) [(which provides that 1 Pa.C.S. § 1504 (statutory remedy preferred over

common law) does not limit the jurisdiction of a court over a petition for review proceeding, but to the extent applicable shall limit the relief available], which provides that 1 Pa.C.S. § 1504 (statutory remedy preferred over common law) does not limit the jurisdiction of a court over a petition for review proceeding, but to the extent applicable limits the relief available, and 42 Pa.C.S. § 5105(d)(2) (scope of appeal). Under 42 Pa.C.S. § 102 [(definitions)], statutory references to “appeal” include proceedings on petition for review. The [subdivision] paragraph is intended to make clear that the petition for review is a generic pleading [which] that will permit the court to consider simultaneously all aspects of the controversy.

[Subdivision] Paragraph (c) is intended to make clear that the petition for review does not encompass trespass or assumpsit actions, but that an appeal may reach tort or contract matters adjudicated by a government unit as contemplated by Section 2(h) of the Judiciary Act Repealer Act [(42 P.S. § 20002(h))], 42 P.S. § 20002(h). As to ancillary statutory damages, see 42 Pa.C.S. § 8303 (action for performance of a duty required by law).

[Subdivision (d) is intended to make clear that the scope of this chapter is essentially civil in nature. The application of the petition for review to questions of release prior to sentence in criminal matters and in questions arising out of special prosecutions or investigations is merely a recognition of the technical need for a plenary filing to bring the question within the appellate jurisdiction of the appropriate court.

See Rule 1762(b)(2) regarding bail applications.]

REVIEW OF DETERMINATIONS OF THE BOARD OF FINANCE AND REVENUE

Rule 1571. Determinations of the Board of Finance and Revenue.

(a) *General rule.*—Review of a determination of the Board of Finance and Revenue shall be governed by this chapter and ancillary provisions of these rules, except as otherwise prescribed by this rule.

(b) *Time for petitioning for review.*—A petition for review of a determination of the Board of Finance and Revenue shall be filed:

(1) Within 30 days after entry of an order of the Board which does not expressly state that it is interlocutory in nature.

(2) Within 30 days after entry of an order of the Board adopting a determination by the Department of Revenue or other government unit made at the direction of the Board respecting any matter pending before the Board.

(3) Where the Board is required by statute to act finally on any matter pending before it within a specified period after the matter is filed with the Board and has not done so, at any time between:

(i) the expiration of such specified period; and
(ii) 30 days after service of actual notice by the Board stating that it has failed to act within such period.

(c) *Form.*—The petition for review shall contain:

(1) a statement of the basis for the jurisdiction of the court;

(2) the name of the party seeking review;

(3) a statement that the Board of Finance and Revenue made the determination sought to be reviewed;

(4) reference to the order or other determination sought to be reviewed; and a general statement of the objections to the order or other determination.

The petition for review need not be verified and shall not contain or have endorsed upon it notice to plead. A petition for review of a taxpayer or similar party shall name the “Commonwealth of Pennsylvania” as respondent and a petition for review filed by the Commonwealth of Pennsylvania shall name all real parties in interest before the Board as respondents. The petition for review shall contain the certificate of compliance required by Pa.R.A.P. 127.

(d) *Service.*—In the case of a petition for review filed by a taxpayer or similar party, **the petitioner shall serve a copy of the petition [shall be served]** on the Board of Finance and Revenue and on the Attorney General [**by the petitioner**] in accordance with Pa.R.A.P. 1514(c). All other parties before the Board shall be served as prescribed by Pa.R.A.P. 121(b) (service of all papers required).

(e) *Answer.*—An answer may not be filed to a petition for review of a determination of the Board of Finance and Revenue. The Commonwealth may raise any question on review, [**although no cross petition for review has been filed by it, and may introduce any facts in support of its position if 20 days written notice is given to the petitioner prior to trial of the intention of raising such] even if no cross-petition for review has been filed by it, and may introduce any facts in support of its position so long as it provides the petitioner with written notice 20 days prior to trial of its intention of raising** new questions or presenting new facts.

(f) *Record.*—No record shall be certified to the court by the Board of Finance and Revenue. After the filing of the petition for review, the parties shall take appropriate steps to prepare and file a stipulation of such facts as may be agreed to and to identify the issues of fact, if any, which remain to be tried. See [**Rule 1542**] Pa.R.A.P. 1542 (evidentiary hearing).

(g) *Oral argument.*—Except as otherwise ordered by the court on its own motion or on application of any party, after the record is closed, the matter may be listed for argument before or submission to the court.

(h) *Scope of review.*—Pa.R.A.P. 1551(a) (appellate jurisdiction petitions for review) shall be applicable to review of a determination of the Board of Finance and Revenue except that:

(1) A question will be heard and considered by the court if it was raised at any stage of the proceedings below and thereafter preserved.

(2) To the extent provided by the applicable law, the questions raised by the petition for review shall be determined on the record made before the court. See paragraph (f) of this rule.

(i) *Exceptions.*—Any party may file exceptions to an initial determination by the court under this rule within 30 days after the entry of the order to which exception is taken. Such timely exceptions shall have the effect, for the purposes of Pa.R.A.P. 1701(b)(3) (authority of a trial court or [**agency**] **other government unit** after ap-

peal), of an order expressly granting reconsideration of the determination previously entered by the court. Issues not raised on exceptions are waived and cannot be raised on appeal.

Official Note: Paragraph (b) represents an exercise of the power conferred by 42 Pa.C.S. § 5105(a) (right to appellate review) to define final orders by general rule. The following statutes expressly require the Board of Finance and Revenue to act within six months in certain cases:

Section 1103 of The Fiscal Code, Act of April 9, 1929 (P.L. 343), 72 P.S. § 1103.

Section 2005 (malt beverage tax) of The Tax Reform Code of 1971, Act of March 4, 1971 (P.L. 6), 72 P.S. § 9005.

The following statute requires the Board of Finance and Revenue to act within twelve months in certain tax refund matters:

Section 3003.5 of the Tax Reform Code of 1971, Act of March 4, 1971 (P.L. 6), 72 P.S. § 10003.5.

The following statutes are covered by Section 1103 of The Fiscal Code:

Sections 809 (various insurance taxes) and 1001 (miscellaneous settlements, for example, under Section 212 of The Insurance Department Act of 1921, Act of May 17, 1921 (P.L. 789), 40 P.S. § 50) of the Fiscal Code, Act of April 9, 1929 (P.L. 343), 72 P.S. §§ 809 and 1001.

Section 6 of the Co-operative Agricultural Association Corporate Net Income Tax Act, Act of May 23, 1945 (P.L. 893), [**72 P.S. § 3420-21,**] **72 P.S. §§ 3420-21** *et seq.*

Sections 407 (corporate net income tax), 603 (capital stock—franchise tax), 702 (bank and trust company shares tax), 802 (title insurance companies shares tax), 904 (insurance premiums tax), 1102 (gross receipts tax), 1111-C (realty transfer tax), and 1503 (mutual thrift institutions tax) of the Tax Reform Code of 1971, Act of March 4, 1971 (P.L. 6), 72 P.S. §§ 7407, 7603, 7702, 7802, 7904, 8102, 8111-C, and 8503.

75 Pa.C.S. § 9616(f) (motor carriers road tax).

The basis of jurisdiction of the court under this rule will ordinarily be 42 Pa.C.S. § 763 (direct appeals from government agencies). Paragraph (c) is not intended to change the practice in connection with the review of orders of the Board of Finance and Revenue insofar as the amount of detail in the pleadings is concerned. What is required is that the petitioner raise **in the petition for review** every legal issue [**in the petition for review which**] **that** the petitioner wishes the court to consider. The legal issues raised need only be specific enough to apprise the respondent of the legal issues being contested ([**e.g.**] **for example,** “valuation,” “manufacturing,” “sale for resale,” etc.). *See generally House of Pasta, Inc. v. Commonwealth*, 390 A.2d 341 (Pa. Cmwlth. 1978).

Paragraph (e) is based on Section 1104(e) of The Fiscal Code, which was suspended absolutely by these rules, and subsequently repealed.

Paragraph (f) is based on 2 Pa.C.S. § 501(b)(1) [**(scope of subchapter)**] and 2 Pa.C.S. § 701(b)(1) [**(scope of subchapter)**], which exclude tax matters from the on-the-record review requirements of 2 Pa.C.S. § 704 [**(disposition of appeal)**].

Paragraph (h) is based on Section 1104(d) of The Fiscal Code, which was suspended absolutely by these rules and subsequently repealed, and is intended as a continuation of the prior law, except, of course, that the separate specification of objections has been abolished by these rules.

Paragraph (i) is intended to make clear that the failure to file exceptions will result in waiver by a petitioner of any issues previously presented to the Commonwealth Court.

See also Pa.R.A.P. 1782 (security on review in tax matters).

[**REVIEW OF DETERMINATIONS BY A COURT OF COMMON PLEAS THAT A CLAIM OF DOUBLE JEOPARDY IS FRIVOLOUS**]

Rule 1573. [**Review of Orders in Which the Court Finds an Assertion of Double Jeopardy Frivolous**] (**Reserved**).

[(a) **General rule.**—Any party seeking review of a frivolousness determination by a court of common pleas under Pennsylvania Rule of Criminal Procedure 587 shall file a petition for review in the appellate court having jurisdiction over the matter. Review of a frivolousness determination under Pennsylvania Rule of Criminal Procedure 587 shall be governed by this chapter and ancillary provisions of these rules, except as otherwise prescribed by this rule. The time for filing is provided for in Pa.R.A.P. 1512(a)(1).

(b) **Contents.**—The contents of the petition for review are not governed by Pa.R.A.P. 1513. Instead, the petition for review need not be set forth in numbered paragraphs in the manner of a pleading, and shall contain the following (which shall, insofar as practicable, be set forth in the order stated):

(1) A statement of the basis for the jurisdiction of the appellate court.

(2) The text of the order in question, and the date of its entry in the trial court. If the order is voluminous, it may, if more convenient, be appended to the petition.

(3) A concise statement of the case containing the facts necessary to an understanding of the frivolousness issue(s) presented.

(4) The question(s) presented, expressed in the terms and circumstances of the case but without unnecessary detail.

(5) A concise statement of the reasons why the trial court erred in its determination of frivolousness.

(6) There shall be appended to the petition a copy of any opinions relating to the order sought to be reviewed, including findings of fact and conclusions of law in support of the frivolousness determination, as well as a copy of any transcripts or other record documents necessary to the appellate court's review.

(7) There shall be appended to the petition the verbatim texts of the pertinent provisions of constitutional provisions, statutes, ordinances, regulations, or other similar enactments which the case involves.

(8) There shall be appended to the petition any briefs filed in the trial court in support of the motion to dismiss.

(9) The certificate of compliance required by Pa.R.A.P. 127.

(c) *Caption and parties.*—The parties in the trial court shall be named as parties in the appellate court. If there are multiple defendants but the order for which review is sought adjudicates the motion of only a single defendant, only that defendant may file a petition for review.

(d) *No supporting brief.*—All contentions in support of a petition shall be set forth in the body of the petition as prescribed by subparagraph (b)(v) of this rule. No separate brief in support of the petition for review will be received, and the prothonotary of the appellate court will refuse to file any petition for review to which is annexed or appended any brief other than the briefs filed in the trial court.

(e) *Essential requisites of petition.*—The failure of a petitioner to present with accuracy, brevity, and clearness whatever is essential to a ready and adequate understanding of the points requiring consideration will be a sufficient reason for denying the petition.

(f) *Effect of filing petition.*—The filing of a petition for review shall not automatically stay the proceedings before the trial court. A petitioner may file an application for a stay in the trial or appellate court pending the determination of the petition for review, or the trial or appellate court may issue a stay *sua sponte*.

(g) *Answer to petition for review.*—If the Commonwealth does not intend to file an answer under this rule, it shall, within the time fixed by these rules for filing an answer, file a letter stating that it does not intend to file an answer to the petition for review. The failure to file an answer will not be construed as concurrence in the petition for review. The appellate court may, however, direct the Commonwealth to file an answer. An answer to a petition for review shall contain the certificate of compliance required by Pa.R.A.P. 127.

(h) Pa.R.A.P. 1531–1571 do not apply to petitions for review filed under this rule. Pa.R.A.P. 1514 does apply, except that no copy of the petition needs to be served upon the Attorney General.

(i) *Grant of petition for review and transmission of record.*—If the petition for review is granted, the prothonotary of the appellate court shall immediately give written notice of the entry of the order to the clerk of the trial court and to each party who has appeared in the appellate court. The grant of the petition for review shall operate as a stay of all trial court proceedings. The clerk of the trial court shall docket the notice in the same manner as a notice of appeal and shall mail that notice to all parties to the trial court proceeding. The certified record shall be transmitted and filed in accordance with Chapter 19 (preparation and transmission of the record and related matters). The times fixed by those provisions for transmitting the record shall run from the date of the entry of the order granting the petition for review. No party needs to file a separate notice of appeal.

(j) *Denial of petition for review.*—If the petition for review is denied, the prothonotary of the appellate court shall immediately give written notice of the order to the clerk of the trial court and to each party who has appeared in the appellate court.]

Official Note: [The trial court's determination and the procedure for determining a motion to dismiss on double jeopardy grounds is set forth in Pa.R.Crim.P. 587. If a trial court denies such a motion without expressly finding that the motion is frivolous, the order is immediately appealable by means of a notice of appeal under Pa.R.A.P. 313. If, however, the trial court finds the motion to be frivolous, appellate review can be secured only if the appellate court grants a petition for review. See *Commonwealth v. Orié*, 22 A.3d 1021 (Pa. 2011); *Commonwealth v. Brady*, 508 A.2d 286 (Pa. 1986). If the Superior Court does not grant the petition for review, the defendant may file a petition for allowance of appeal with the Supreme Court.

Where the petition for review of the determination of frivolousness is granted, the grant automatically initiates a separate appeal on the merits from the order denying the pretrial motion seeking dismissal of criminal charges on double jeopardy grounds.

A party may seek (or a court may *sua sponte* issue) a stay of the trial court proceedings pending review of the frivolousness determination. Otherwise, the trial court may proceed while the petition for review is pending. See Pa.R.A.P. 1701(d). Where the petition for review of the determination of frivolousness is granted, the grant automatically stays further proceedings in the trial courts.]

Pa.R.A.P. 1573 formerly provided for review of orders in which the court finds an assertion of double jeopardy frivolous. The substance of the rule is now found in Pa.R.A.P. 1311.

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

CHAPTER 16. SPECIALIZED REVIEW IN GENERAL

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IN GENERAL

Rule 1601. Scope of Chapter.

This chapter provides a petition procedure for appellate review of certain discrete issues. Generally, these matters are ancillary and/or preliminary to appellate review under Chapters 9, 11, 13, or 15, but the chapter also is intended to provide the method for initiating any otherwise-authorized form of appellate review that does not fall within those chapters.

The procedure applicable under this chapter is provided in Pa.R.A.P. 1602—1605, unless otherwise prescribed by statute or rule relating to a particular category of petition for specialized review.

Official Note: Judicial review of government unit actions or inactions not otherwise permitted under Chapters 9, 11, 13 or 15, including those enumerated in Pa.R.A.P. 1601, is available under Chapter 16 to the extent delineated in its provisions. The document that initiates the case under Chapter 16 is called a petition for specialized review. The “residuary” initiating document function previously assigned to Chapter 15 is now assigned to Chapter 16.

Rule 1602. Filing.

(a) *Time for filing.*—Unless a statute, rule, or order of a court provides for a different time of filing a petition for specialized review, the petition for specialized review shall be filed with the prothonotary of the appellate court within 30 days after the entry of the order sought to be reviewed. The petition shall be deemed filed on the date mailed if the petitioner complies with the requirements set forth in paragraph (b).

(b) *Deemed received on date of mailing.*—If the petition for specialized review is transmitted to the prothonotary of the appellate court by means of first class, express, or priority United States Postal Service mail, the petition shall be deemed received by the prothonotary for the purposes of Pa.R.A.P. 121(a) on the date deposited in the United States mail, as shown on a United States Postal Service Form 3817 Certificate of Mailing, or other similar United States Postal Service form from which the date of deposit can be verified.

The certificate of mailing or other similar Postal Service form from which the date of deposit can be verified shall be cancelled by the Postal Service, shall show the docket number of the matter in the trial court or other government unit and shall be either enclosed with the petition or separately mailed to the prothonotary. Upon actual receipt of the petition for specialized review the prothonotary of the appellate court shall immediately stamp it with the date of actual receipt. That date, or the date of earlier deposit in the United States mail as prescribed in this paragraph, shall constitute the date of filing, which date shall be shown on the docket.

The prothonotary of the appellate court shall immediately note the appellate docket number assignment upon the petition and give written notice of the docket number assignment in person or by first class mail to the government unit or clerk of the trial court, to the petitioner and to the other persons named in the proof of service accompanying the petition.

(c) *Fee.*—The petitioner, upon filing the petition for specialized review, shall pay any fee therefor prescribed by Chapter 27.

(d) *Entry of appearance.*—Upon the filing of the petition for specialized review, the prothonotary of the appellate court shall note on the record as counsel for the petitioner the name of counsel, if any, set forth in or endorsed upon the petition for specialized review, and, as counsel for other parties, counsel, if any, named in the proof of service. The prothonotary shall upon *praecipe* of any such counsel for other parties, filed at any time within 30 days after filing of the petition, strike off or correct the record of appearance. Thereafter a counsel’s appearance for a party may not be withdrawn without leave of court, unless another lawyer has entered or simultaneously enters an appearance for the party.

Rule 1603. Form and Content.

(a) *Caption and parties.*—All parties to the proceeding in the trial court or other government unit other than the petitioner shall be named as respondents.

(b) *Title.*—If the petition for specialized review is filed pursuant to Pa.R.A.P. 1610—1613, the title of the petition shall include a reference to the specific rule invoked.

(c) *Content.*—The petition for specialized review need not be set forth in numbered paragraphs in the manner of a pleading, and shall contain the following (which shall, insofar as practicable, be set forth in the order stated):

(1) a statement of the basis for the jurisdiction of the appellate court.

(2) the name of the party or person seeking review.

(3) the text of the order in question, and the date of its entry. If the order is voluminous, it may, if more convenient, be appended to the petition. If the petition seeks review of a deemed denial, it should so state.

(4) a concise statement of the case containing the facts necessary to an understanding of the issue(s) presented.

(5) the question(s) presented, expressed in the terms and circumstances of the case but without unnecessary detail.

(6) a concise statement of the reasons why the trial court or other government unit erred.

(7) a copy of any opinions relating to the order sought to be reviewed, including findings of fact and conclusions of law, as well as a copy of any other record documents necessary to the appellate court’s review.

(8) the certificate of compliance required by Pa.R.A.P. 127.

(d) *Supporting brief.*—No supporting brief is permitted or required; the petition for specialized review shall present all contentions and arguments relied on with accuracy, brevity, and clarity.

(e) *Length.*—A petition for specialized review shall not exceed 9,000 words. A petition for specialized review that does not exceed 20 pages when produced by a word processor or typewriter shall be deemed to meet the 9,000 word limit. In all other cases, the attorney or the unrepresented filing party shall include a certification that the petition complies with the word count limit. The certificate may be based on the word count of the word processing system used to prepare the brief.

Rule 1604. Service.

A copy of the petition for specialized review shall be served by the petitioner on the trial court or other government unit that made the determination sought to be reviewed. In matters involving the Commonwealth, the petitioner shall similarly serve a copy upon the Attorney General of Pennsylvania. All parties before the trial court or other government unit shall be served in accordance with Pa.R.A.P. 121.

Rule 1605. Response to Petition.

(a) *Time for filing.*—A party may file and serve a response to a petition for specialized review within 30 days of service of the petition. The response shall be deemed filed on the date of mailing if first class, express, or priority United States Postal Service mail is utilized.

(b) *Content.*—The response, which need not be set forth in numbered paragraphs in the manner of a pleading, shall set forth any procedural, substantive, or other

argument or ground why the relief requested should be denied and shall comply with the length limitation and the other provisions of Pa.R.A.P. 1603 to the extent applicable, including the certificate of compliance required by Pa.R.A.P. 127. No separate motion to dismiss a petition for specialized review will be received. A party entitled to file a response under this rule who does not intend to do so shall, within the time fixed by these rules for filing a response, file a letter stating that a response to the petition for specialized review will not be filed. The failure to file a response will not be construed as concurrence in the petition for specialized review.

Rule 1606. Further Review.

A party wishing to seek review in the Supreme Court of a final order of an intermediate appellate court on a petition for specialized review must file a timely petition for allowance of appeal.

SPECIFIC PETITIONS FOR SPECIALIZED REVIEW

Rule 1610. Review of Bail Orders.

Where the trial court enters an order under Pa.R.A.P. 1762(b) granting or denying release or modifying the conditions of release before sentence, a party may seek review of that order by filing a petition for specialized review in the appellate court that would have jurisdiction over the appeal from the judgment of sentence. A party shall file the certificate of compliance required by Pa.R.A.P. 127 with the petition for specialized review.

Official Note: See Pa.R.A.P. 1762(a) and Pa.R.A.P. 1762(e).

Rule 1611. Review of Special Prosecution Orders.

(a) *General rule.*—Within ten days after the entry of the order sought to be reviewed, a petition for specialized review may be filed in the Supreme Court of Pennsylvania seeking review of the following orders:

(1) An order relating to the supersession of a district attorney by an Attorney General or by a court, or to the appointment, supervision, administration or operation of a special prosecutor.

(2) An order relating to the convening or discharge of an investigating grand jury or otherwise affecting its existence.

(3) An order entered in connection with the supervision, administration, or operation of an investigating grand jury or otherwise directly affecting an investigating grand jury or any investigation conducted by it.

(4) An order enforcing or refusing to enforce a subpoena issued by or otherwise affecting the existence or operation of any investigating committee of the General Assembly.

(5) An order of the type specified in subparagraphs (1) through (4) of this paragraph which contains a statement by the trial court pursuant to 42 Pa.C.S. § 702(b) (interlocutory appeals by permission). Chapter 13 shall not be applicable to such an order.

A party shall file the certificate of compliance required by Pa.R.A.P. 127 with the petition for specialized review. Seven copies of any filings under this rule shall be filed with the original. Pa.R.A.P. 3309 (applications for extraordinary relief) shall not be applicable to an order reviewable under this rule.

(b) *Opinion and record.*—The Supreme Court on its own initiative may direct that the trial court comply with Pa.R.A.P. 1925 or that the record be otherwise corrected or supplemented.

(c) *Distribution and disposition.*—Upon receipt of the last filing that a party is entitled to make under this rule, the filings shall be distributed by the Prothonotary to the Supreme Court for its consideration. The Supreme Court may thereafter dispose of the petition or set it down for argument.

(d) *Interlocutory matters.*—The interlocutory or final nature of an order shall not be affected by this rule and, unless independent grounds appear for the review of an interlocutory order, the interlocutory nature of the order will be a sufficient reason for denying the petition. The denial of a petition shall be deemed a disposition on the merits unless otherwise ordered or unless the petition expressly seeks permission to appeal from an interlocutory order and asserts no other basis of jurisdiction on appeal.

(e) *Remand of record.*—Unless otherwise ordered:

(1) A certified copy of the judgment of the Supreme Court and the opinion of the court, if one has been filed, shall be transmitted to the trial court forthwith upon entry, notwithstanding the pendency of any application for reargument or other proceeding affecting the judgment. This transmission shall be in lieu of the remand of the record.

(2) Such transmission shall operate to vacate any order theretofore entered pursuant to Chapter 17.

Official Note: This rule is intended to provide a simple and expeditious method for Supreme Court supervision of special prosecutions and investigations, for example, orders of the supervising judge of an investigating grand jury, findings of contempt (whether civil or criminal) by witnesses called before such a grand jury, etc. Pa.R.A.P. 702(c) and 42 Pa.C.S. § 722(5) vest jurisdiction over such matters in the Supreme Court. However, this rule is not applicable to review of investigating grand jury issues that collaterally arise in a plenary criminal prosecution initiated by complaint, information, or indictment. This rule requires that review be sought within ten days. There is no delay for certification of the record, oral argument is ordinarily not available, and the matter is ready for final disposition by the Supreme Court immediately upon completion of the briefing schedule.

The term “investigating grand jury” in paragraph (a) includes a “multicounty investigating grand jury” convened under 42 Pa.C.S. § 4544. The “independent grounds” referred to in paragraph (d) include grounds for relief in the nature of mandamus, prohibition, etc. and cases where the order is reviewable under the standards of 42 Pa.C.S. § 702(b).

Failure to petition for specialized review under this rule from an interlocutory order will ordinarily not constitute a waiver of objections to the order because, except as prescribed by Pa.R.A.P. 311(g)(1)(ii), there is no requirement under these rules that a party seek available interlocutory relief.

Under Pa.R.A.P. 1702(a), the Supreme Court or a justice thereof will not entertain an application for relief under Pa.R.A.P. 1781 (stay pending action on petitions) in connection with a special prosecution or investigation order until a petition for specialized review has been filed under this rule.

Rule 1612. Review of Out-of-Home Placement in Juvenile Delinquency.

(a) *General rule.*—If a court under the Juvenile Act, 42 Pa.C.S. §§ 6301 *et seq.*, enters an order after an adjudication of delinquency of a juvenile pursuant to Pa.R.J.C.P.

409(A)(2) and 515, which places the juvenile in an out-of-home overnight placement in any agency or institution that shall provide care, treatment, supervision, or rehabilitation of the juvenile, the juvenile may file a petition for specialized review. The petition shall be filed within ten days of the order.

(b) *Content.*—A petition for specialized review under paragraph (a) shall contain: (i) a specific description of any determinations made by the juvenile court; (ii) the matters complained of; (iii) a concise statement of the reasons why the juvenile court abused its discretion in ordering the out-of-home placement; (iv) the proposed terms and conditions of an alternative disposition for the juvenile; (v) a request that the official court reporter for the juvenile court transcribe the notes of testimony as required by paragraph (g) of this rule; and (vi) the certificate of compliance required by Pa.R.A.P. 127. Any order(s) and opinion(s) relating to the out-of-home placement and the transcript of the juvenile court's findings shall be attached as appendices. The petition shall be supported by a certificate of counsel to the effect that it is presented in good faith and not for delay.

(c) *Scope of review.*

(1) The reviewing court shall not consider any challenge to the juvenile court's selection of a specific agency or specific institution as the site of the out-of-home placement and instead may consider only a challenge to the fact that the placement is out-of-home.

(2) The reviewing court shall not consider any challenge to the underlying adjudication of delinquency.

(d) *Response.*—Any response shall be filed within ten days of service of the petition, and no other pleading is authorized.

(e) *Service.*—A copy of the petition for specialized review and any answer thereto shall be served on the judge of the juvenile court and the official court reporter for the juvenile court. All parties in the juvenile court shall be served in accordance with Pa.R.A.P. 121.

(f) *Opinion of juvenile court.*—Upon receipt of a copy of a petition for specialized review under paragraph (a), if the judge who made the disposition of the out-of-home placement did not state the reasons for such placement on the record at the time of disposition pursuant to Pa.R.J.C.P. 512(D), the judge shall file of record a brief statement of the reasons for the determination or where in the record such reasons may be found, within five days of service of the petition for specialized review.

(g) *Transcription of Notes of Testimony.*—Upon receipt of a copy of a petition for specialized review under paragraph (a), the court reporter shall transcribe the notes of testimony and deliver the transcript to the juvenile court within five business days. If the transcript is not prepared and delivered in a timely fashion, the juvenile court shall order the court reporter to transcribe the notes and deliver the notes to the juvenile court, and may impose sanctions for violation of such an order. If the juvenile is proceeding *in forma pauperis*, the juvenile shall not be charged for the cost of the transcript.

(h) *Non-waiver of objection to placement.*—A failure to seek review under this rule of the out-of-home placement shall not constitute a waiver of the juvenile's right to seek review of the placement in a notice of appeal filed by the juvenile from a disposition after an adjudication of delinquency.

Official Note: This rule provides a mechanism for the expedited review of an order of out-of-home placement

entered pursuant to Pa.R.J.C.P. 515. Pa.R.J.C.P. 512(D) requires the judge who made the disposition of an out-of-home placement to place the reasons for the out-of-home placement on the record at the time of the disposition, and paragraph (f) of this rule is applicable only in the exceptional circumstance where the judge who made the disposition of an out-of-home placement fails to comply with Pa.R.J.C.P. 512(D). The Juvenile Act, 42 Pa.C.S. § 6352, sets forth the considerations for a dispositional order following an adjudication of delinquency and the alternatives for disposition. The standard for review of a dispositional order is an abuse of discretion. *See In the Interest of A.D.*, 771 A.2d 45 (Pa. Super. 2001) (*en banc*).

Rule 1613. Review of Order Affecting the Duration of an Indicting Grand Jury.

(a) *General rule.*—Within ten days after the entry of the order sought to be reviewed, the attorney for the Commonwealth may file a petition for specialized review in the Supreme Court of Pennsylvania seeking review of the following orders affecting the duration of an indicting grand jury:

(1) An order failing to grant an extension of term under Pa.R.Crim.P. 556.5(B); or

(2) An order of discharge under Pa.R.Crim.P. 556.5(C).

A party shall file the certificate of compliance required by Pa.R.A.P. 127 with the petition for specialized review. Seven copies of any filings under this rule shall be filed with the original. Pa.R.A.P. 3309 (applications for extraordinary relief) shall not be applicable to an order reviewable under this rule.

(b) *Opinion and record.*—The Supreme Court on its own initiative may direct that the trial court comply with Pa.R.A.P. 1925 (opinion in support of order) or that the trial court supplement the record.

(c) The Supreme Court may dispose of the petition as filed or may set it down for argument.

(d) *Remand of record.*—Unless otherwise ordered, a certified copy of the judgment of the Supreme Court and the opinion of the court, if one has been filed, shall be transmitted to the trial court forthwith upon entry, notwithstanding the pendency of any application for reargument or other proceeding affecting the judgment. This transmission shall be in lieu of the remand of the record.

Official Note: This rule is intended to provide a simple and expeditious method for Supreme Court supervision of orders failing to extend or discharging indicting grand juries under Pennsylvania Rule of Criminal Procedure 556.5.

CHAPTER 17. EFFECT OF APPEALS; SUPERSEDEAS AND STAYS IN GENERAL

Rule 1701. Effect of Appeal Generally.

(a) *General rule.*—Except as otherwise prescribed by these rules, after an appeal is taken or review of a quasijudicial order is sought, the trial court or other government unit may no longer proceed further in the matter.

(b) *Authority of a trial court or [agency] other government unit after appeal.*—After an appeal is taken or review of a quasijudicial order is sought, the trial court or other government unit may:

(1) Take such action as may be necessary to preserve the *status quo*, correct formal errors in papers relating to the matter, cause the record to be transcribed, approved, filed, and transmitted, grant leave to appeal *in forma pauperis*, grant *supersedeas*, and take other action permitted or required by these rules or otherwise ancillary to the appeal or petition for review proceeding.

(2) Enforce any order entered in the matter, unless the effect of the order has been superseded as prescribed in this chapter.

(3) Grant reconsideration of the order which is the subject of the appeal or petition, if:

(i) an application for reconsideration of the order is filed in the trial court or other government unit within the time provided or prescribed by law; and

(ii) an order expressly granting reconsideration of such prior order is filed in the trial court or other government unit within the time prescribed by these rules for the filing of a notice of appeal or petition for review of a quasijudicial order with respect to such order, or within any shorter time provided or prescribed by law for the granting of reconsideration.

A timely order granting reconsideration under this paragraph shall render inoperative any such notice of appeal or petition for review of a quasijudicial order theretofore or thereafter filed or docketed with respect to the prior order. The petitioning party shall and any party may file a *praecipe* with the prothonotary of any court in which such an inoperative notice or petition is filed or docketed and the prothonotary shall note on the docket that such notice or petition has been stricken under this rule. Where a timely order of reconsideration is entered under this paragraph, the time for filing a notice of appeal or petition for review begins to run anew after the entry of the decision on reconsideration, whether or not that decision amounts to a reaffirmation of the prior determination of the trial court or other government unit. No additional fees shall be required for the filing of the new notice of appeal or petition for review.

(4) Authorize the taking of depositions or the preservation of testimony where required in the interest of justice.

(5) Take any action directed or authorized by an appellate court.

(6) Proceed further in any matter in which a non-appealable interlocutory order has been entered, notwithstanding the filing of a notice of appeal or a petition for review of the order.

(c) *Limited to matters in dispute*.—Where only a particular item, claim, or assessment adjudged in the matter is involved in an appeal, or in a petition for review proceeding relating to a quasijudicial order, the appeal or petition for review proceeding shall operate to prevent the trial court or other government unit from proceeding further with only such item, claim, or assessment, unless otherwise ordered by the trial court or other government unit or by the appellate court or a judge thereof as necessary to preserve the rights of the appellant.

(d) [**Certain**] **Original jurisdiction** petitions for review.—The filing of [**a petition for review (except a petition relating to a quasijudicial order)**] **an original jurisdiction petition for review** shall not affect the power or authority of the government unit to proceed further in the matter, but the government unit shall be subject to any orders entered by the appellate court or a judge thereof pursuant to this chapter.

(e) Petitions for specialized review—The filing of a petition for specialized review under Chapter 16 shall not affect the power or authority of the trial court or other government unit to proceed further in the matter, but the provisions of this chapter relating to supersedeas of the order of the trial court or other government unit shall apply.

Official Note: The following statutory provisions relate to *supersedeas* generally:

42 Pa.C.S. § 702(c) (*supersedeas*) provides that, except as otherwise prescribed by general rule, a petition for permission to appeal under that section shall not stay the proceedings before the trial court or other government unit, unless the trial court or other government unit or the appellate court or a judge thereof shall so order. See also Pa.R.A.P. 1313 (effect of filing petition).

42 Pa.C.S. § 5105(e) (*supersedeas*) provides that an appeal shall operate as a *supersedeas* to the extent and upon the conditions provided or prescribed by law, and that unless a *supersedeas* is entered, no appeal from an order concerning the validity of a will or other instrument or the right to the possession of or to administer any real or personal property shall suspend the powers or prejudice the acts of the appointive judicial officer, personal representative, or other person acting thereunder.

Paragraph (a) codifies a well-established principle. See, [**e.g.**], **for example**, *Merrick Estate*, 247 A.2d 786, 787 (Pa. 1968); *Corace v. Balint*, 210 A.2d 882, 889 (Pa. 1965). Pa.R.A.P. 5102 saves the provisions of Section 426 of the Pennsylvania Workers' Compensation Act, 77 P.S. § 871, which permit a rehearing by the agency under certain circumstances during the pendency of an appeal. Pa.R.A.P. 311(h) (further proceedings in trial court) provides that paragraph (a) is not applicable where an appeal as of right is taken from interlocutory orders relating to attachments, [**injunctions, etc., thus making clear that the procedure for seeking appellate review of these collateral matters does not impair the power of the trial court to continue with the merits of the case**] **custodianships, receiverships, and injunctions, and that when such matters are appealed, the trial court may nonetheless proceed with the underlying case.**

Subparagraph (b)(1) sets forth an obvious power of the trial court or other government unit under these rules to take actions to preserve the *status quo* and to clarify or correct an order or verdict. The power to clarify or correct does not extend to substantive modifications. See *Pa. Indus. Energy Coalition v. Pennsylvania PUC*, 653 A.2d 1336, 1344-45 (Pa. Cmwlth. 1995), *aff'd*, 670 A.2d 1152 (Pa. 1996). Examples of permissible actions to preserve the *status quo* are those "auxiliary to the appellate process, such as a *supersedeas* or injunction." *Id.* Examples of permissible corrections are "non-substantial technical amendments to an order, changes in the form of a decree, and modification of a verdict to add prejudgment interest." *Id.* at 1344. "Such actions have no effect on the appeal or petition for review and cannot prompt a new appealable issue." *Id.* at 1345.

Among the permissible "corrections" is the addition or modification of contractual or statutory prejudgment interest, which is an element of contract damages. In such cases, the award of such interest is mandatory and not discretionary. *Tru.Serv Corp. v. Morgan's Tool & Supply Co. Inc.*, 39 A.3d 253, 264 (Pa. 2012). Accordingly, even

though the amount of a verdict is changed by the addition of prejudgment interest, the verdict has been “corrected” and not “modified.”

The Supreme Court has held that, so long as a motion for attorneys’ fees has been timely filed, a trial court may act on that motion under [subdivision] **subparagraph (b)(1)** even after an appeal has been taken. *Samuel-Bassett v. Kia Motors Am., Inc.*, 34 A.3d 1, 48 (Pa. 2011). Thus, unlike the court actions discussed in [*Pa. Indus. Energy Coalition*] ***Pennsylvania Industrial Energy Coalition***, an award of attorneys’ fees constitutes a separately appealable order that would be reviewable upon filing of a timely separate notice of appeal, measured from the date the fee award order was entered.

Generally an appeal does not operate as a *supersedeas* of [**government agency action**] **an order of a government unit**.

Subparagraph (b)(3) is intended to [**handle**] **address** the troublesome question of the effect of **an** application for reconsideration on the appeal process. [**The rule (1) permits the trial court or other government unit to grant reconsideration if action is taken during the applicable appeal period, which is not intended to include the appeal period for cross-appeals, or, during any shorter applicable reconsideration period under the practice below, and (2) eliminates the possibility that the power to grant reconsideration could be foreclosed by the taking of a “snap” appeal. The better procedure under this rule will be for a party seeking reconsideration to file an application for reconsideration below and a notice of appeal, etc. If the application lacks merit the trial court or other government unit may deny the application by the entry of an order to that effect or by inaction. The prior appeal paper will remain in effect, and appeal will have been taken without the necessity to watch the calendar for the running of the appeal period. If the trial court or other government unit fails to enter an order “expressly granting reconsideration” (an order that “all proceedings shall stay” will not suffice) within the time prescribed by these rules for seeking review, paragraph (a) becomes applicable and the power of the trial court or other government unit to act on the application for reconsideration is lost.] **By statute, a trial court has only 30 days from the entry of a final order to “modify or rescind” its order. 42 Pa.C.S. § 5505; see also *Key Automotive Equip. Specialists v. Abernethy*, 636 A.2d 1126, 1128 (Pa. Super. 1994) (recognizing that the statute does not apply to limit reconsideration of interlocutory orders). Under this rule, an express determination by a trial court or other government unit within 30 days that it is reconsidering its earlier order satisfies the statutory requirement; the trial court or other government unit does not need to grant the relief sought in the application for reconsideration within the 30 days. The 30-day period protects against the risk that someone could take a “snap” appeal and foreclose reconsideration, but, because the clock is running on the appeal period and the period for reconsideration simultaneously, filing the notice of appeal at the same time as or shortly after the motion for reconsideration will protect against waiver of the appeal if the trial court or other government unit fails to act.****

Subparagraph (b)(3) provides that: “[W]here a timely order of reconsideration is entered under this paragraph, the time for filing a notice of appeal or petition for review begins to run anew after entry of the decision on reconsideration.” Pursuant to Pa.R.C.P. 1930.2, [**effective July 1, 1994, where**] **if** reconsideration from a domestic relations order has been timely granted, a reconsidered decision or an order directing additional testimony must be entered within 120 days of the entry of the order granting reconsideration or the motion shall be deemed denied. See Pa.R.C.P. 1930.2(c), (d), and (e). The date from which the appeal period will be measured following a reconsidered decision in a domestic relations matter is governed by Pa.R.C.P. 1930.2(d) and (e).

[**Under the 1996 amendments to the Rules of Criminal Procedure governing post-sentence practice, see**] Pa.R.Crim.P. 720 and 721[,] **set fixed times for** reconsideration of a decision on a defendant’s post-sentence motion or on a Commonwealth motion to modify sentence [**must take place within the time limits set by those rules, and the**], **and reconsideration of a deemed denial is prohibited.** The judge may not vacate sentence or “grant reconsideration” pursuant to subparagraph (b)(3) in order to extend the time limits for disposition of those motions. [**Pa.R.Crim.P. 720 and 721 resolved questions raised about the interplay between this subparagraph and post-trial criminal practice. See, e.g., *Commonwealth v. Corson*, 444 A.2d 170 (Pa. Super. 1982).**]

Paragraphs (d) and (e) explain that original jurisdiction petitions for review and petitions for specialized review do not come within Pa.R.A.P. 1701; accordingly, any stay or supersedeas must be sought under other provisions of Chapter 17.

Subparagraph (b)(5) recognizes the authority that an appellate court has to retain jurisdiction while asking a trial court or other government unit to engage in factfinding, an authority that is particularly important when questions arise in an appellate court about the course of events in the trial court or when representation by counsel becomes an issue on appeal.

Rule 1702. Stay Ancillary to Appeal.

(a) *General rule.*—Applications for relief under this chapter will not be entertained by an appellate court or a judge thereof until after a notice of appeal has been filed in the [**lower court and docketed in the appellate court**] **trial court** or a petition for review **or petition for specialized review** has been filed.

(b) *Proceedings on petition for allowance of [or] appeal, petition for permission to appeal, or petition for specialized review.*—Applications for relief under this chapter may be made without the prior filing of a petition for allowance of appeal [or], petition for permission to appeal, **or petition for specialized review**, but the failure to effect timely filing of such a petition, or the denial of such a petition, shall automatically vacate any ancillary order entered under this chapter. In such a case, the clerk of the court in which the ancillary order was entered shall, on *praecipe* of any party to the matter, enter a formal order under this rule vacating such ancillary order.

(c) *Supreme Court review of appellate court supersedeas and stay determinations.*—No appeal, petition for allowance of appeal [or], petition for review [**need be filed**

in the Supreme Court in connection with a re application under Rule 3315 (review of stay orders of appellate courts)], or petition for specialized review need be filed in the Supreme Court in connection with an application under Pa.R.A.P. 3315.

Official Note: [Based on former Superior Court Rule 53 and Commonwealth Court Rule 112A, which required the taking of an appeal prior to an application for supersedeas or other interlocutory order. Subdivision (b) is new and is added in recognition of the fact that the drafting of a petition for allowance of appeal or a petition for permission to appeal in the form required by these rules may not be possible prior to the time when an application for *supersedeas* may have to be made in the appellate court in order to avoid substantial harm.] In any instance in which a party seeks a stay or supersedeas from a trial court or government unit, that party can seek relief from the appellate court that has jurisdiction of the matter and can seek review of that intermediate appellate court's decision from the Supreme Court.

Rule 1704. Application in a Capital Case for a Stay of Execution or for Review of an Order Granting or Denying a Stay of Execution.

Prior notice of the intent to file an application in a capital case for a stay or review of an order granting or denying a stay of execution shall be provided to the Prothonotary of the Pennsylvania Supreme Court, if prior notice is practicable.

The application for stay or review shall set forth the following:

1. The date the warrant issued; the date and nature of the order that prompted the issuance of the warrant; and the date the execution is scheduled, if a date has been set;
2. Whether any direct or collateral challenges to the underlying conviction are pending, and, if so, in what court(s) or tribunal(s);
3. Whether any other applications for a stay of the pending execution have been filed, and, if so, in what court(s) or tribunal(s), when, and the status of the application(s);
4. The grounds for relief and the showing made to the trial court of entitlement to a stay under 42 Pa.C.S. § 9545(c), if applicable;
5. A statement certifying that emergency action is required and setting forth a description of the emergency.

All dockets, pleadings, and orders that are referred to in 1-5 above must be attached to the application. If any of the information provided in the application changes while the motion is pending, the party seeking the stay or review must file with the Pennsylvania Supreme Court written notice of the change within 24 hours.

No notice of appeal [or], petition for review, or petition for specialized review needs to be filed in order to file an application under this rule.

STAY IN CRIMINAL MATTERS

Rule 1762. Release in Criminal Matters.

(a) **Bail when an appeal is pending**—Applications relating to bail when an appeal is pending shall ordinarily first be presented to the [lower court,] trial court

and shall be governed by the Pennsylvania Rules of Criminal Procedure. If the [lower] trial court denies relief, a party may seek relief in the appellate court by filing an application, pursuant to [Rule] Pa.R.A.P. 123, ancillary to the pending appeal.

(b) **Bail when no appeal is pending**.—Applications relating to bail when no appeal is pending:

(1) Applications relating to bail when no appeal is pending shall first be presented to the [lower court,] trial court and shall be governed by the Pennsylvania Rules of Criminal Procedure.

(2) An order relating to bail shall be subject to review pursuant to Chapter [15 (judicial review of governmental determinations)]. Any answer shall be in accordance with Rule 1516 (other pleadings allowed), and no other pleading is authorized. Rule 1517 (applicable rules of pleading) and Rule 1531 (intervention) through 1551 (scope of review) shall not be applicable to a petition for review filed under this paragraph] 16.

(c) [Content. An application for relief under subdivision (a) or a petition for review under subdivision (b) shall set forth specifically and clearly the matters complained of and a description of any determinations made by the lower court. Any order and opinions relating to the bail determination shall be attached as appendices.

(d) **Service**. A copy of the application for relief or the petition for review and any answer thereto shall be served on the judge of the lower court. All parties in the lower court shall be served in accordance with Rule 121(b) (service of all papers required). The Attorney General of Pennsylvania need not be served in accordance with Rule 1514(c) (service), unless the Attorney General is a party in the lower court.

(e) [Entry of Bail].—Bail shall be entered in the [lower] trial court pursuant to the Pennsylvania Rules of Criminal Procedure.

[f] (d) **Extradition matters**.—Relief relating to bail in extradition matters shall be governed by the procedures prescribed by this rule.

[g] (e) **Opinion of [lower] trial court**.—Upon receipt of a copy of an application for relief under [subdivision] paragraph (a) or a petition for specialized review under [subdivision] paragraph (b) that does not include an explanation for the bail determination, the judge who made the bail determination [below] being reviewed shall forthwith file of record a brief statement of the reasons for the determination or where in the record such reasons may be found.

[Official Note: Prior to sentence, Rule 1702 (stay ancillary to appeal) is satisfied by the filing of a plenary petition for review of the order of the lower court granting or denying release. After sentence a separate plenary filing is no longer necessary because the application for release pending appeal may be made as a matter ancillary to the appeal from the order imposing sentence.

The reference in Subdivision (c) to the rulings complained of is not intended to suggest that the

appellate court may ignore objective standards for release such as those established by Pa.R.Crim.P. 530.]

[REVIEW OF DISPOSITIONAL ORDER FOR OUT OF HOME PLACEMENT IN JUVENILE DELINQUENCY MATTERS]

Rule 1770. [Review of Out of Home Placement in Juvenile Delinquency Matters] (Reserved).

[(a) *General rule*.—If a court under the Juvenile Act, 42 Pa.C.S. § 6301 et seq., enters an order after an adjudication of delinquency of a juvenile pursuant to Rules of Juvenile Court Procedure 409(A)(2) and 515, which places the juvenile in an out of home overnight placement in any agency or institution that shall provide care, treatment, supervision or rehabilitation of the juvenile (“Out of Home Placement”), the juvenile may seek review of that order pursuant to a petition for review under Chapter 15 (judicial review of governmental determinations). The petition shall be filed within ten days of the said order.

(b) *Content*.—A petition for review under subdivision (a) shall contain the following:

(1) a specific description of any determinations made by the juvenile court;

(2) the matters complained of;

(3) a concise statement of the reasons why the juvenile court abused its discretion in ordering the Out of Home Placement;

(4) the proposed terms and conditions of an alternative disposition for the juvenile; and

(5) a request that the official court reporter for the juvenile court transcribe the notes of testimony as required by paragraph (g) of this Rule.

Any order(s) and opinion(s) relating to the Out of Home Placement and the transcript of the juvenile court’s findings shall be attached as appendices. The petition shall be supported by a certificate of counsel to the effect that it is presented in good faith and not for delay. The petition shall contain the certificate of compliance required by Pa.R.A.P. 127.

(c) *Objection to specific agency or institution, or underlying adjudication of delinquency, is not permitted*.

(1) A petition for review under paragraph (a) shall not challenge the specific agency or specific institution that is the site of the Out of Home Placement and instead shall be limited to the Out of Home Placement itself.

(2) A petition for review under paragraph (a) shall not challenge the underlying adjudication of delinquency.

(d) *Answer*.—Any answer shall be filed within ten days of service of the petition, and no other pleading is authorized. Any answer shall contain the certificate of compliance required by Pa.R.A.P. 127, Pa.R.A.P. 1517 (applicable rules of pleading) and Pa.R.A.P. 1531 (intervention) through 1551 (scope of review) shall not be applicable to a petition for review filed under paragraph (a).

(e) *Service*.—A copy of the petition for review and any answer thereto shall be served on the judge of the juvenile court and the official court reporter for the juvenile court. All parties in the juvenile court shall be served in accordance with Pa.R.A.P. 121(b) (service of all papers required). The Attorney General of Pennsylvania need not be served in accordance with Pa.R.A.P. 1514(c) (service), unless the Attorney General is a party in the juvenile court.

(f) *Opinion of juvenile court*.—Upon receipt of a copy of a petition for review under paragraph (a), if the judge who made the disposition of the Out of Home Placement did not state the reasons for such placement on the record at the time of disposition pursuant to Rule of Juvenile Court Procedure 512 (D), the judge shall file of record a brief statement of the reasons for the determination or where in the record such reasons may be found, within five days of service of the petition for review.

(g) *Transcription of Notes of Testimony*.—Upon receipt of a copy of a petition for review under paragraph (a), the court reporter shall transcribe the notes of testimony and deliver the transcript to the juvenile court within five business days. If the transcript is not prepared and delivered in a timely fashion, the juvenile court shall order the court reporter to transcribe the notes and deliver the notes to the juvenile court, and may impose sanctions for violation of such an order. If the juvenile is proceeding in forma pauperis, the juvenile shall not be charged for the cost of the transcript. Chapter 19 of the Rules of Appellate Procedure shall not otherwise apply to petitions for review filed under this Rule.

(h) *Non-waiver of objection to placement*.—A failure to seek review under this rule of the Out of Home Placement shall not constitute a waiver of the juvenile’s right to seek review of the placement in a notice of appeal filed by the juvenile from a disposition after an adjudication of delinquency.]

Official Note: [This Rule provides a mechanism for the expedited review of an order of Out of Home Placement entered pursuant to Rule of Juvenile Court Procedure 515. Rule of Juvenile Court Procedure 512(D) requires the judge who made the disposition of an Out of Home Placement to place the reasons for an Out of Home Placement on the record at the time of the disposition, and paragraph (f) of this Rule is only applicable in the exceptional circumstance where the judge who made the disposition of an Out of Home Placement fails to comply with Rule of Juvenile Court Procedure 512(D). The Juvenile Act, 42 Pa.C.S. § 6352, sets forth the considerations for a dispositional order following an adjudication of delinquency and the alternatives for disposition. The standard for review of a dispositional order is an abuse of discretion. See *In the Interest of A.D.*, 771 A.2d 45 (Pa. Super. 2001) (*en banc*).]

Pa.R.A.P. 1770 formerly provided for a petition for review of an out-of-home placement in juvenile delinquency matters. The substance of that rule is now found in Pa.R.A.P. 1612.

**STAY PENDING ACTION ON PETITION FOR
REVIEW**

**Rule 1781. Stay Pending Action on Petition for Review or
Petition for Specialized Review.**

(a) *Application to government unit.*—Application for a stay or supersedeas of an order or other determination of any government unit pending review in an appellate court on petition for review or petition for specialized review shall ordinarily be made in the first instance to the government unit.

(b) *Contents of application for stay or supersedeas.*—An application for stay or supersedeas of an order or other determination of a government unit, or for an order granting an injunction pending review, or for relief in the nature of peremptory mandamus, may be made to the appellate court or to a judge thereof, but the application shall show that application to the government unit for the relief sought is not practicable, or that application has been made to the government unit and denied, with the reasons given by it for the denial, or that the action of the government unit did not afford the relief [**which**] **that** the applicant had requested. The application shall also show the reasons for the relief requested and the facts relied upon, and if the facts are subject to dispute, the application shall be supported by sworn or verified statements or copies thereof. With the application shall be filed such parts, if any, of the record as are relevant to the relief sought. The application shall contain the certificate of compliance required by Pa.R.A.P. 127.

(c) *Notice and action by court.*—Upon such notice to the government unit as is required by Pa.R.A.P. 123 [**(applications for relief)**], the appellate court, or a judge thereof, may grant an order of stay or *supersedeas*, including the grant of an injunction pending review or relief in the nature of peremptory mandamus, upon such terms and conditions, including the filing of security, as the court or the judge thereof may prescribe. Where a statute requires that security be filed as a condition to obtaining a *supersedeas*, the court shall require adequate security.

Official Note: See generally *Pennsylvania Public Utility Commission v. Process Gas Consumers Group*, 467 A.2d 805 (Pa. 1983), for the criteria for the issuance of a stay pending appeal.

**CHAPTER 19. PREPARATION AND
TRANSMISSION OF RECORD AND RELATED
MATTERS**

RECORD ON APPEAL FROM LOWER COURT

Rule 1911. Request for Transcript.

(a) *General rule.*—The appellant shall request any transcript required under this chapter in the manner and make any necessary payment or deposit therefor in the amount and within the time prescribed by Rules 4001 et seq. of the Pennsylvania Rules of Judicial Administration.

(b) *Cross-appeals.*—Where a cross-appeal has been taken, the cross-appellant shall also have a duty to pay for and cause the transcript to be filed and shall share the initial expense equally with all other appellants.

(c) *Form.*—The request for transcript may be endorsed on, incorporated into, or attached to the notice of appeal or other document and shall be in substantially the following form:

[Caption]

A (notice of appeal) (petition for review) (**petition for specialized review**) (other appellate paper, as appropriate) having been filed in this matter, the official court reporter is hereby requested to produce, certify and file the transcript in this matter in conformity with Rule 1922 of the Pennsylvania Rules of Appellate Procedure.

Signature

(d) *Effect of failure to comply.*—If the appellant fails to take the action required by these rules and the Pennsylvania Rules of Judicial Administration for the preparation of the transcript, the appellate court may take such action as it deems appropriate, which may include dismissal of the appeal.

Official Note: For the Uniform Rules Governing Court Reporting and Transcripts, see Pa.R.J.A. No. 4001—4016. Local rules should also be consulted as to deposit requirements, fees, and additional procedures.

**CHAPTER 27. FEES AND COSTS IN APPELLATE
COURTS AND ON APPEAL**

FEES

Rule 2702. Multiple Parties.

Where a joint notice of appeal is filed in the [**lower court,**] **trial court** or docketed in the appellate court, or a joint petition for allowance of appeal is filed under [**Rule 512 (joint appeals)**] **Pa.R.A.P. 512**, or a joint petition for review is filed under [**Rule**] **Pa.R.A.P. 512** or otherwise, or a joint petition for permission to appeal is filed under [**Rule 1312(e) (multiple petitioners)**] **Pa.R.A.P. 1312(e)**, or a **joint petition for specialized review is filed, or where** any other filing under these rules is effected jointly as permitted by these rules, only one fee is payable, regardless of the number of parties to the filing.

Official Note: This rule abolishes the “number of appellants times number of appellees” practice [**heretofore**] **previously** followed in the computation of appellate filing fees.

ARTICLE III. MISCELLANEOUS PROVISIONS

**CHAPTER 33. BUSINESS OF THE SUPREME
COURT**

ORIGINAL MATTERS

Rule 3307. Applications for Leave to File Original Process.

(a) *Scope.*—This rule applies only to matters within the original jurisdiction of the Supreme Court under 42 Pa.C.S. § 721 [**(original jurisdiction)**] which are not in the nature of mandamus or prohibition ancillary to matters within the appellate jurisdiction of the Supreme Court. Applications for relief pursuant to or ancillary to the appellate jurisdiction of the Supreme Court, including relief which may be obtained in the Supreme Court by petition for review or petition for specialized review, are governed by Article I [**(preliminary provisions)**] and Article II [**(appellate procedure)**] and may be filed without an application under this rule. See also [**Rule**] **Pa.R.A.P. 3309** (applications for extraordinary relief).

(b) *General rule.*—The initial pleading in any original action or proceeding shall be prefaced by an application

for leave to file such pleading, showing service upon all parties to such action or proceeding. The matter will be docketed when the application for leave to file is filed with the Prothonotary of the Supreme Court. The application shall be deemed filed on the date received by the prothonotary unless it was on an earlier date deposited in the United States mail and sent by first class, express, or priority United States Postal Service mail as shown on a United States Postal Service Form 3817 Certificate of Mailing or other similar United States Postal Service form from which the date of deposit can be verified. The certificate of mailing or similar Postal Service form from which the date of deposit can be verified shall be cancelled by the Postal Service, shall show the docket number of the matter, if known, and shall be either enclosed with the application or separately mailed to the prothonotary. Appearances shall be filed as in other original actions. An adverse party may file an answer no later than 14 days after service of the application. The answer shall be deemed filed on the date of mailing if first class, express, or priority United States Postal Service mail is utilized. An adverse party who does not intend to file an answer to the application shall, within the time fixed by these rules for the filing of an answer, file a letter stating that an answer to the application will not be filed. Upon receipt of the answer to the application, or a letter stating that no answer will be filed, from each party entitled to file such, the application, pleadings, and answer to the application, if any, shall be distributed by the [**Prothonotary**] **prothonotary** to the Supreme Court for its consideration.

(c) *Disposition of application.*—The Supreme Court may thereafter grant or deny the application or set it down for argument. Additional pleadings may be filed, and subsequent proceedings had, as the Supreme Court may direct. If the application is denied, the matter shall be transferred to the appropriate court by the [**Prothonotary**] **prothonotary** in the same manner and with the same effect as matters are transferred under [**Rule 751 (transfer of erroneously filed cases)**] **Pa.R.A.P. 751**.

[*Official Note:* Based on U.S. Supreme Court Rule 9. Presumably this rule will seldom be invoked, since questions concerning the scope of the original jurisdiction of the Supreme Court may usually be avoided by filing the action in a lower court which clearly has subject matter jurisdiction, and immediately thereafter making application for transfer to the Supreme Court under Rule 3309 (applications for extraordinary relief).]

[**REVIEW OF SPECIAL PROSECUTIONS OR INVESTIGATIONS**]

Rule 3331. [**Review of Special Prosecutions or Investigations**] (**Reserved**).

[(a) *General rule.*—Within the time specified in Rule 1512(b)(3) (special provisions), any of the following orders shall be subject to review pursuant to Chapter 15 (judicial review of governmental determinations):

(1) An order relating to the supersession of a district attorney by an Attorney General or by a court or to the appointment, supervision, administration or operation of a special prosecutor.

(2) An order relating to the convening or discharge of an investigating grand jury or otherwise affecting its existence.

(3) An order entered in connection with the supervision, administration or operation of an investigating grand jury or otherwise directly affecting an investigating grand jury or any investigation conducted by it.

(4) An order enforcing or refusing to enforce a subpoena issued by or otherwise affecting the existence or operation of any investigating committee of the General Assembly.

(5) An order of the type specified in Paragraphs (1) through (4) of this subdivision which contains a statement by the lower court pursuant to 42 Pa.C.S. § 702(b) (interlocutory appeals by permission). Chapter 13 (interlocutory appeals by permission) shall not be applicable to such an order.

The petition shall conform to Rule 123(a) (contents of application for relief) and any answer to the petition shall conform to Rule 1516(a) (general rule). A party entitled to file an answer under this rule who does not intend to do so shall, within the time fixed by these rules for the filing of an answer, file a letter stating that an answer to the petition for review will not be filed. Rule 1517 (applicable rules of pleading) through Rule 1551 (scope of review) shall not be applicable to a petition for review filed under this rule. Seven copies of any papers filed under this rule shall be filed with the original. Rule 3309 (applications for extraordinary relief) shall not be applicable to an order reviewable under this rule.

(b) *Briefs and record.* The petitioner may file and serve a brief in support of the petition for review with the petition for review. Any other party may file and serve an answer and supporting brief within 14 days of service of the petition. Each party shall append to the petition or answer as much of the record below as the party desires to bring to the attention of the court. The Supreme Court on its own initiative may direct that the lower court comply with Rule 1925 (opinion in support of order) or that the record be otherwise corrected or supplemented.

(c) *Distribution and disposition.* Upon receipt of the last paper that a party is entitled to file under this rule, the papers filed under this rule shall be distributed by the Prothonotary to the Supreme Court for its consideration. The Supreme Court may thereafter dispose of the petition or set it down for argument.

(d) *Interlocutory matters.* The interlocutory or final nature of an order shall not be affected by this rule and, unless independent grounds appear for the review of an interlocutory order, the interlocutory nature of the order will be a sufficient reason for denying the petition. The denial of a petition shall be deemed a disposition on the merits unless otherwise ordered or unless the petition expressly seeks permission to appeal from an interlocutory order and asserts no other basis of jurisdiction on appeal.

(e) *Remand of record.* Unless otherwise ordered:

(1) A certified copy of the judgment of the Supreme Court and the opinion of the court, if one has been filed, shall be transmitted to the lower court forthwith upon entry, notwithstanding the pendency of any application for reargument or other proceeding affecting the judgment. This transmission shall be in lieu of the remand of the record.

(2) Such transmission shall operate to vacate any order theretofore entered pursuant to Chapter 17 (effect of appeals; supersedeas and stays).]

Official Note: [This rule is intended to provide a simple and expeditious method for Supreme Court supervision of special prosecutions and investigations, e.g. orders of the supervising judge of an investigating grand jury, findings of contempt (whether civil or criminal) by witnesses called before such a grand jury, *etc.* Rule 702(c) (supervision of special prosecutions or investigations) and 42 Pa.C.S. § 722(5) (direct appeals from courts of common pleas) vest jurisdiction over such matters in the Supreme Court. However, this rule is not applicable to review of investigating grand jury issues that collaterally arise in a plenary criminal prosecution initiated by complaint, information or indictment. Rule 1512(b)(3) (special provisions) requires that review be sought within ten days. Essentially the procedure is analogous to the review of a bail order under Rule 1762 (release in criminal matters). There is no delay for certification of the record, oral argument is ordinarily not available, and the matter is ready for final disposition by the Supreme Court immediately upon completion of the briefing schedule. The term “investigating grand jury” in Subdivision (a) includes a “multicounty investigating grand jury” convened under 42 Pa.C.S. § 4544 (convening multicounty investigating grand jury). The “independent grounds” referred to in Subdivision (d) include grounds for relief in the nature of mandamus, prohibition, *etc.* and cases where the order is reviewable under the standards of 42 Pa.C.S. § 702(b) (interlocutory appeals by permission). Failure to petition for review under this rule from an interlocutory order will ordinarily not constitute a waiver of objections to the order since, except as prescribed by Rule 311(g)(1)(ii) (Waiver of objections), there is no requirement under these rules that a party seek available interlocutory relief.

Under Rule 1702(a) (stay ancillary to appeal), the Supreme Court or a justice thereof will not entertain an application for relief under Rule 1781 (stay pending action on petition for review) in connection with a special prosecution or investigation order until a petition for review has been filed under this rule.]

Pa.R.A.P. 3331 formerly provided for a petition for review of orders relating to special prosecutions or investigations. The substance of the rule is now found in Pa.R.A.P. 1611.

[Pa.B. Doc. No. 20-100. Filed for public inspection January 24, 2020, 9:00 a.m.]

Title 210—APPELLATE PROCEDURE

PART I. RULES OF APPELLATE PROCEDURE

[210 PA. CODE CHS. 1, 9, 11, 13, 17, 23 AND 33]

Order Amending Rules 102, 120, 121, 907, 1112, 1113, 1311, 1701, 2315, 2321, 2323 and Rescinding Rule 3304 of the Pennsylvania Rules of Appellate Procedure; No. 286 Appellate Procedural Rules Doc.

Order

Per Curiam

And Now, this 7th day of January, 2020, upon the recommendation of the Appellate Court Procedural Rules Committee; the proposal having been published for public comment at 44 Pa.B. 471 (January 25, 2014):

It is Ordered pursuant to Article V, Section 10 of the Constitution of Pennsylvania that Rules 102, 120, 121, 907, 1112, 1113, 1311, 1701, 2315, 2321, 2323 of the Pennsylvania Rules of Appellate Procedure are amended and Rule 3304 of the Pennsylvania Rules of Appellate Procedure is rescinded in the following form.

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

Annex A

TITLE 210. APPELLATE PROCEDURE

PART I. RULES OF APPELLATE PROCEDURE

ARTICLE I. PRELIMINARY PROVISIONS

CHAPTER 1. GENERAL PROVISIONS

IN GENERAL

Rule 102. Definitions.

Subject to additional definitions contained in subsequent provisions of these rules which are applicable to specific provisions of these rules, the following words and phrases when used in these rules shall have, unless the context clearly indicates otherwise, the meanings given to them in this rule:

Action.—Any action or proceeding at law or in equity.

Argument.—Where required by the context, the term includes submission on briefs.

Administrative [Office] office.—The Administrative Office of Pennsylvania Courts.

Appeal.—Any petition or other application to a court for review of subordinate governmental determinations. The term includes an application for certiorari under 42 Pa.C.S. § 934 (writs of *certiorari*) or under any other provision of law. Where required by the context, the term includes proceedings on petition for review.

Official Note: Under these rules a “subordinate governmental determination” includes an order of a [lower] trial court. The definition of “government unit” includes courts, and the definition of “determination” includes action or inaction by (and specifically an order entered by) a court or other government unit. In general, any appeal now extends to the whole record, with like effect as upon an appeal from a judgment entered upon the verdict of a jury in an action at law and the scope of

review of an order on appeal is not limited as on broad or narrow *certiorari*. See 42 Pa.C.S. § 5105(d) (scope of appeal).

Appellant.—Includes petitioner for review.

Appellate court.—The Supreme Court, the Superior Court, or the Commonwealth Court.

Appellee.—Includes a party named as respondent in a petition for review.

Application.—Includes a petition or a motion.

Appropriate security.—Security [**which**] **that** meets the requirements of [**Rule**] **Pa.R.A.P.** 1734 (appropriate security).

Children's fast track appeal.—Any appeal from an order involving dependency, termination of parental rights, adoptions, custody, or paternity. See 42 Pa.C.S. §§ 6301 *et seq.*; 23 Pa.C.S. §§ 2511 *et seq.*; 23 Pa.C.S. §§ 2101 *et seq.*; 23 Pa.C.S. §§ 5301 *et seq.*; 23 Pa.C.S. §§ 5102 *et seq.*

Clerk.—Includes prothonotary.

[**Counsel—Counsel of record.**]

Counsel of record.—All attorneys who were counsel of record in the trial court at the time of the filing of the notice of appeal will be counsel of record in the appellate courts. For a criminal defendant, the representation extends up to and including the filing of a petition for allowance of appeal and the handling of such an appeal if granted, unless (1) substitute counsel has entered an appearance and is expressly identified in the *praecipe* as substitute, rather than additional, counsel; (2) the Court of Common Pleas has entered on the docket an order permitting the attorney to withdraw; or (3) an application for withdrawal is granted by the appellate court.

Determination.—Action or inaction by a government unit, which action or inaction is subject to judicial review by a court under Section 9 of Article V of the Constitution of Pennsylvania or otherwise. The term includes an order entered by a government unit.

Docket [Entries] entries.—Includes the schedule of proceedings of a government unit.

General rule.—A rule or order promulgated by or pursuant to the authority of the Supreme Court.

Government unit.—The Governor and the departments, boards, commissions, officers, authorities, and other agencies of the Commonwealth, including the General Assembly and its officers and agencies and any court or other officer or agency of the unified judicial system, and any political subdivision or municipal or other local authority or any officer or agency of any such political subdivision or local authority. The term includes a board of arbitrators whose determination is subject to review under 42 Pa.C.S. § 763(b) (awards of arbitrators).

Hybrid representation.—An attempt to act as counsel for oneself when one has counsel of record.

Judge.—Includes a justice of the Supreme Court.

[**Lower court**—The court from which an appeal is taken or to be taken. With respect to matters arising under Chapter 17 (effect of appeals; supersedeas and stays), the term means the trial court from which the appeal was first taken.]

Matter.—Action, proceeding, or appeal. The term includes a petition for review.

Order.—Includes judgment, decision, decree, sentence, and adjudication.

Petition for allowance of appeal.—

(a) A petition under [**Rule**] **Pa.R.A.P.** 1112 (appeals to the Supreme Court by allowance); or

(b) a statement pursuant to [**Rule**] **Pa.R.A.P.** 2119(f) (discretionary aspects of sentence). See 42 Pa.C.S. § 9781.

Petition for permission to appeal.—A petition under [**Rule**] **Pa.R.A.P.** 1311 (interlocutory appeals by permission).

Petition for review.—A petition under [**Rule**] **Pa.R.A.P.** 1511 (manner of obtaining judicial review of governmental determinations).

President judge.—When applied to the Supreme Court, the term means the Chief Justice of Pennsylvania.

Pro se.—A party representing himself or herself without counsel.

Proof of service.—Includes acknowledgment of service endorsed upon a pleading.

Quasijudicial order.—An order of a government unit, made after notice and opportunity for hearing, which is by law reviewable solely upon the record made before the government unit, and not upon a record made in whole or in part before the reviewing court.

Reargument.—Includes [, in the case of applications for reargument under Chapter 25 (post-submission proceedings), reconsideration and rehearing] **reconsideration and rehearing, and is requested through an application filed in accordance with Pa.R.A.P. 2541—2547.**

[**Reconsideration**—Includes reargument and rehearing.]

Reproduced [Record] record.—That portion of the record which has been reproduced for use in an appellate court. The term includes any supplemental reproduced record.

Rule of court.—A rule promulgated by a court regulating practice or procedure before the promulgating [**court**] **court(s)**.

Verified [Statement] statement.—A document filed with a clerk under these rules containing statements of fact and a statement by the signatory that it is made subject to the penalties of 18 Pa.C.S. § 4904 (unsworn falsification to authorities).

Official Note: Based on 42 Pa.C.S. § 102 (definitions). The definition of “determination” is not intended to affect the scope of review provided by 42 Pa.C.S. § 5105(d) (scope of appeal) or other provision of law.

DOCUMENTS GENERALLY

Rule 120. Entry of Appearance.

[(a) **Filing**.—] Any counsel filing papers required or permitted to be filed in an appellate court must enter an appearance with the prothonotary of the appellate court unless that counsel has been previously noted on the docket as counsel pursuant to [**Rules**] **Pa.R.A.P.** 907(b), 1112(f), 1311(d) or 1514(d). New counsel appearing for a party after docketing pursuant to [**Rules**] **Pa.R.A.P.** 907(b), 1112(f), 1311(d), or 1514(d) shall file an entry of appearance [**simultaneous**] **simultaneously** with or

prior to the filing of any papers signed by new counsel. The entry of appearance shall specifically designate each party the attorney represents **[and the attorney shall file a certificate of service pursuant to Subdivision (d) of Rule 121 and Rule 122. Where new counsel enters an appearance on behalf of a party currently represented by counsel and there is no simultaneous withdrawal of appearance, new counsel shall serve the party that new counsel represents and all other counsel of record and file a certificate of service.], and whether the attorney is entering an appearance as substitute or additional counsel. The attorney shall file a certificate of service pursuant to paragraph (d) of Pa.R.A.P. 121 and to Pa.R.A.P. 122. If an attorney enters an appearance as substitute counsel for a party, the original counsel of record for that party may withdraw by *praecipe*, without filing an application for permission to withdraw.**

Official Note: [See Subdivision (b) of Rule 907, Subdivision (f) of Rule 1112, Subdivision (d) of Rule 1311 and Subdivision (d) of Rule 1514.]

For admission *pro hac vice*, see Pa.B.A.R. 301.

Rule 121. Filing and Service.

(a) *Filing*.—Papers required or permitted to be filed in an appellate court shall be filed with the prothonotary. Filing may be accomplished by mail addressed to the prothonotary, but except as otherwise provided by these rules, filing shall not be timely unless the papers are received by the prothonotary within the time fixed for filing. If an application under these rules requests relief which may be granted by a single judge, a judge in extraordinary circumstances may permit the application and any related papers to be filed with that judge. In that event the judge shall note thereon the date of filing and shall thereafter transmit such papers to the clerk.

[A pro se filing submitted by a prisoner incarcerated in a correctional facility is deemed filed as of the date it is delivered to the prison authorities for purposes of mailing or placed in the institutional mailbox, as evidenced by a properly executed prisoner cash slip or other reasonably verifiable evidence of the date that the prisoner deposited the pro se filing with the prison authorities.]

(b) *Service of all papers required*.—Copies of all papers filed by any party and not required by these rules to be served by the prothonotary shall, concurrently with their filing, be served by a party or person acting on behalf of that party or person on all other parties to the matter. Service on a party represented by counsel shall be made on counsel.

(c) *Manner of service*.—Service may be:

(1) by personal service, which includes delivery of the copy to a clerk or other responsible person at the office of the person served, but does not include inter-office mail;

(2) by first class, express, or priority United States Postal Service mail, **which service is complete upon mailing;**

(3) by commercial carrier with delivery intended to be at least as expeditious as first class mail if the carrier can verify the date of delivery to it; **or**

(4) by facsimile or e-mail with the agreement of the party being served as stated in the certificate of service.

[Service by mail is complete on mailing.]

(d) *Proof of service*.—Papers presented for filing shall contain an acknowledgement of service by the person served [,] or proof of service certified by the person who made service. Acknowledgement or proof of service may appear on or be affixed to the papers filed. The clerk may permit papers to be filed without acknowledgement or proof of service but shall require such to be filed promptly thereafter.

(e) *Additional time after service by mail and commercial carrier*.—Whenever a party is required or permitted to do an act within a prescribed period after service of a paper upon that party (other than an order of a court or other government unit) and the paper is served by United States mail or by commercial carrier, three days shall be added to the prescribed period.

(f) Date of filing for incarcerated persons.—A pro se filing submitted by a person incarcerated in a correctional facility is deemed filed as of the date of the prison postmark or the date the filing was delivered to the prison authorities for purposes of mailing as documented by a properly executed prisoner cash slip or other reasonably verifiable evidence.

(g) Hybrid representation.—Where there is counsel of record, a party may file only the following documents pro se: (i) a notice of appeal; (ii) a request to change or remove counsel; (iii) a response to a motion to withdraw that has been filed by counsel of record; (iv) a complaint that existing counsel has abandoned the party; or (v) an application to file a petition for allowance of appeal nunc pro tunc. Any other document that a party attempts to file pro se will be noted on the docket but not accepted for filing. This rule is not intended to provide an independent basis for jurisdiction where it does not otherwise exist.

Official Note: [*Subdivision*] **Paragraph (a)**—The term “related papers” in [*subdivision*] **paragraph (a)** of this rule includes any appeal papers required under [*Rule*] **Pa.R.A.P. 1702** (stay ancillary to appeal) as a prerequisite to an application for a stay or similar relief.

[In 2008, the term “paperbooks” was replaced with “briefs and reproduced records” throughout these rules. The reference to the deemed filing date for paperbooks when first class mail was used that was formerly found in subdivision (a) is now found in Rule 2185 regarding filing briefs and in Rule 2186 regarding filing reproduced records.

As to pro se filings by persons incarcerated in correctional facilities, see *Commonwealth v. Jones*, 549 Pa. 58, 700 A.2d 423 (1997); *Smith v. Pa. Bd. of Prob. & Parole*, 546 Pa. 115, 683 A.2d 278 (1996); *Commonwealth v. Johnson*, 860 A.2d 146 (Pa. Super. 2004).]

[*Subdivision*] **Paragraph (c)**—An acknowledgement of service may be executed by an individual other than the person served, *e.g.*, by a clerk or other responsible person.

[*Subdivision*] **Paragraph (d)**—With respect to appearances by new counsel following the initial docketing of appearances pursuant to [*subdivision*] **paragraph (d)** of this rule, please note the requirements of [*Rule*] **Pa.R.A.P. 120** (entry of appearance).

[*Subdivision (e)*—*Subdivision (e)*] *Paragraph (e)*—*Paragraph (e)* of the rule does not apply to the filing of a notice of appeal, a petition for allowance of appeal, a petition for permission to appeal, or a petition for reconsideration or [*re-argument*] *reargument*, since under these rules the time for filing such papers runs from the entry and service of the related order, nor to the filing of a petition for review, which is governed by similar considerations. [*However, these rules permit the filing of such notice and petitions (except a petition for reconsideration or re-argument) in the local county (generally in the county court house; otherwise in a post office), thus eliminating a major problem under the prior practice.*] The amendments to [*Rules*] *Pa.R.A.P.* 903(b), 1113(b), and 1512(a)(2) clarified that [*subdivision*] *paragraph (e)* does apply to calculating the deadline for filing cross-appeals, cross-petitions for allowance of appeal, and additional petitions for review.

Paragraph (f)—This recognizes the holding in *Smith v. Board of Probation and Parole*, 683 A.2d 278, 281 (Pa. 1996) (adopting the prisoner mailbox rule to determine date of filing of a petition for review). *Smith* adopted the reasoning of the United States Supreme Court in *Houston v. Lack*, 487 U.S. 266, 270-71 (1988). See also *Commonwealth v. Jones*, 700 A.2d 423, 426 (Pa. 1997) (extending prisoner mailbox rule to filing of a notice of appeal).

Paragraph (g)—The rule on hybrid representation is premised on *Commonwealth v. Ellis*, 626 A.2d 1137, 1139-40 (Pa. 1993). See 210 Pa. Code § 65.24. If a *pro se* notice of appeal is filed, it will satisfy the timeliness requirement for the filing of a notice of appeal. Counsel of record will, however, be obligated to prosecute that appeal. There are four other instances in which *pro se* documents will be accepted by an appellate court for filing: a request by the party to change or remove counsel; a response to counsel's request to withdraw; a complaint that existing counsel has abandoned the party; and a *pro se* petition for *nunc pro tunc* permission to file a petition for allowance of appeal under *Pa.R.A.P.* 1113(d). All other documents will be noted on the docket as received by the appellate court prothonotary's office but will not be accepted for filing; instead, the *pro se* document will be forwarded to counsel of record with, if the court desires, direction for counsel to respond.

ARTICLE II. APPELLATE PROCEDURE

CHAPTER 9. APPEALS FROM LOWER COURTS

Rule 907. Docketing of Appeal.

(a) *Docketing of appeal.*—Upon the receipt of the papers specified in [*Rule*] *Pa.R.A.P.* 905(b) (transmission to appellate court), the prothonotary of the appellate court shall immediately enter the appeal upon the docket, note the appellate docket number upon the notice of appeal, and give written notice of the docket number assignment in person or by first class mail to the clerk of the [*lower*] *trial* court, to the appellant, and to the persons named in the proof of service accompanying the notice of appeal. An appeal shall be docketed under the caption given to the matter in the [*lower*] *trial* court, with the appellant identified as such, but if such caption does not contain the name of the appellant, [*his*] *appellant's* name, identified as appellant, shall be added to the caption in the appellate court.

(b) *Entry of appearance.*—Upon the docketing of the appeal the prothonotary of the appellate court shall note on the record as counsel for the appellant the name of counsel, if any, set forth in or endorsed upon the notice of appeal, [*and, as counsel for other parties, counsel, if any,*] *counsel of record, and any counsel* named in the proof of service. The prothonotary of the appellate court shall upon *praecipe* of [*any such*] *counsel* [*for other parties,*] filed within 30 days after [*filing*] *the docketing* of the notice of appeal [*strike off or*] correct the record of appearances. Also within 30 days after the docketing of the notice of appeal, counsel for a party may strike off his or her appearance by praecipe, unless that party is entitled by law to be represented by counsel on appeal. Thereafter, and at any time if a party is entitled by law to be represented by counsel on appeal, a counsel's appearance for a party may not be withdrawn without leave of court, unless another lawyer has entered or simultaneously enters an appearance for the party.

Official Note: The transmission of a photocopy of the notice of appeal, showing a stamped notation of filing and the appellate docket number assignment, without a letter of transmittal or other formalities, will constitute full compliance with the notice requirement of [*Subdivision*] *paragraph (a)* of this rule.

[*With regard to subdivision (b) and withdrawal of appearance without leave of the appellate court, counsel may nonetheless be subject to trial court supervision pursuant to Pa.R.Crim.P. 904 (Entry of Appearance and Appointment of Counsel; In forma Pauperis).*] A party may be entitled to the representation by counsel on appeal by constitution, statute, rule, and case law. For example, the Rules of Criminal Procedure require counsel appointed by the trial court to continue representation through direct appeal. *Pa.R.Crim.P.* 120(A)(4) and *Pa.R.Crim.P.* 122(B)(2). Similarly, the Rules of Criminal Procedure require counsel appointed in post-conviction proceedings to continue representation throughout the proceedings, including any appeal from the disposition of the petition for post-conviction collateral relief. *Pa.R.Crim.P.* 904(F)(2) and *Pa.R.Crim.P.* 904(H)(2)(b). The same is true when counsel enters an appearance on behalf of a juvenile in a delinquency matter or on behalf of a child or other party in a dependency matter. *Pa.R.J.C.P.* 150(B), 151, *Pa.R.J.C.P.* 1150(B), 1151(B), (E). It would be rare for counsel in such cases to consider withdrawing by *praecipe*, but the 2020 amendment to the rule avoids any possibility of confusion by clarifying that withdrawal by *praecipe* is available only in matters that do not otherwise require court permission to withdraw.

If a party is entitled to representation on appeal, the appellate court will presume that counsel who represented the party in the trial court will also represent the party on appeal, and counsel will be entered on the appellate court docket. In order to withdraw in such cases, either (1) new counsel must enter an appearance in the appellate court prior to or at the time of withdrawal; (2) counsel must provide the appellate court with an order of the trial court authorizing withdrawal; or (3) counsel must petition the appellate court to withdraw as counsel. Counsel for parties entitled to representation on appeal are cautioned that if any critical

filing in the appellate process is omitted because of an omission by counsel, and if the party ordinarily would lose appeal rights because of that omission, counsel may be subject to discipline.

With respect to appearances by new counsel following the initial docketing appearances pursuant to [**Subdivision**] **paragraph** (b) of this rule, please note the requirements of [**Rule**] **Pa.R.A.P.** 120.

CHAPTER 11. APPEALS FROM COMMONWEALTH COURT AND SUPERIOR COURT

PETITION FOR ALLOWANCE OF APPEAL

Rule 1112. Appeals by Allowance.

(a) *General rule.*—An appeal may be taken by allowance under 42 Pa.C.S. § 724(a) (allowance of appeals from Superior and Commonwealth Courts) from any final order of the Commonwealth Court, not appealable under [**Rule**] **Pa.R.A.P.** 1101 (appeals as of right from the Commonwealth Court), or from any final order of the Superior Court.

(b) *Definition. Final order.*—A final order of the Superior Court or **the** Commonwealth Court is any order that concludes an appeal, including an order that remands an appeal, in whole or in part, unless the appellate court remands and retains jurisdiction.

(c) *Petition for allowance of appeal.*

(1) Allowance of an appeal from a final order of the Superior Court or the Commonwealth Court may be sought by filing a petition for allowance of appeal with the Prothonotary of the Supreme Court within the time allowed by [**Rule**] **Pa.R.A.P.** 1113 (time for petitioning for allowance of appeal), with proof of service on all other parties to the matter in the appellate court below.

(2) If the petition for allowance of appeal is transmitted to the Prothonotary of the Supreme Court by means of first class, express, or priority United States Postal Service mail, the petition shall be deemed received by the [**prothonotary for the purposes of Rule 121(a) (filing) on the date deposited in the United States mail, as shown on**] **Prothonotary for the purposes of Pa.R.A.P. 121(a) (filing) on the date shown by the United States Postal Service as the date accepted for posting, as evidenced by a United States Postal Service Form 3817 Certificate of Mailing or other similar United States Postal Service form from which the date of deposit can be verified. The certificate of mailing or other similar Postal Service form from which the date of deposit can be verified shall be cancelled by the Postal Service, shall show the docket number of the matter in the appellate court below, and shall be either enclosed with the petition or separately mailed to the** [**prothonotary**] **Prothonotary.**

(3) Upon actual receipt of the petition for allowance of appeal, the Prothonotary of the Supreme Court shall immediately stamp it with the date of actual receipt. That date, or the date of earlier deposit in the United States mail as prescribed in this [**subdivision**] **rule**, shall constitute the date when allowance of appeal was sought, which date shall be shown on the docket. The Prothonotary of the Supreme Court shall immediately note the Supreme Court docket number upon the petition for allowance of appeal and give [**written**] notice of the docket number assignment [**in person or by first class mail**] to the prothonotary of the appellate court below

who shall note on the docket that a petition for allowance of appeal has been filed [**to the petitioner and to the other persons**]. **The Prothonotary of the Supreme Court shall send notice to all persons** named in the proof of service accompanying the petition.

(4) In a children's fast track appeal, the Prothonotary of the Supreme Court shall stamp the petition for allowance of appeal with a "Children's Fast Track" designation in red ink, advising the Supreme Court that the petition for allowance of appeal is a children's fast track appeal.

(d) *Reproduced record.*—One copy of the reproduced record, if any, in the appellate court below shall be lodged with the Prothonotary of the Supreme Court at the time the petition for allowance of appeal is filed therein. A party filing a cross-petition for allowance of appeal from the same order need not lodge any reproduced record in addition to that lodged by petitioner.

(e) *Fee.*—The petitioner upon filing the petition for allowance of appeal shall pay any fee therefor prescribed by Chapter 27 (fees and costs in appellate courts and on appeal).

(f) *Entry of appearance.* Upon the filing of the petition for allowance of appeal the Prothonotary of the Supreme Court shall note on the record as counsel for the petitioner the name of his or her counsel, if any, set forth in or endorsed upon the petition for allowance of appeal, and, as counsel for other parties, counsel, if any, named in the proof of service. [**The**] **Unless that party is entitled by law to be represented by counsel on allowance of appeal, the** Prothonotary shall upon *praecipe* of any such counsel for other parties, filed at any time within 30 days after filing of the petition, strike off or correct the record of appearance. [**Thereafter a**] **If entry of appearance in the trial court extends through appeals,** counsel's appearance for a party may not be withdrawn without leave of court. **Appearance cannot be withdrawn without leave of court for counsel who have not filed a praecipe to correct appearance within the first 30 days after the petition is docketed,** unless another lawyer has entered or simultaneously enters an appearance for the party.

Official Note: Based on 42 Pa.C.S. § 724(a) (allowance of appeals from Superior and Commonwealth Courts). The notation on the docket by the Prothonotary of the Superior Court or Commonwealth Court of the filing of a petition for allowance of appeal renders universal the rule that the appeal status of any order may be discovered by examining the docket of the court in which it was entered.

The United States Postal Service form may be in substantially the following form:

* * * * *

The transmittal should be taken *unsealed* to the Post Office, the Form 3817 Certificate of Mailing or other similar United States Postal Service form from which the date of deposit can be verified should be obtained, cancelled, and attached to the petition, and the envelope should only then be sealed. [**Alternately**] **Alternatively,** the cancelled Form 3817 or other similar United States Postal Service form from which the date of deposit can be verified can be submitted to the [**prothonotary**] **Prothonotary** under separate cover with clear identification of the filing to which it relates.

It is recommended that the petitioner obtain a duplicate copy of the Form 3817 or other similar United States

Postal Service form from which the date of deposit can be verified as evidence of mailing. Since the Post Office is technically the filing office for the purpose of this rule, a petition which was mailed in accordance with this rule and which is subsequently lost in the mail will nevertheless toll the time for petitioning for allowance of appeal. However, counsel will be expected to follow up on a mail filing by telephone inquiry to the appellate prothonotary where written notice of the docket number assignment is not received in due course.

[With regard to subdivision (f) and withdrawal of appearance without leave of the appellate court, counsel may nonetheless be subject to trial court supervision pursuant to Pa.R.Crim.P. 904 (Entry of Appearance and Appointment of Counsel; *In Forma Pauperis*).] The Rules of Criminal Procedure require counsel appointed by the trial court to continue representation through direct appeal. Pa.R.Crim.P. 120(A)(4) and Pa.R.Crim.P. 122(B)(2). Similarly, the Rules of Criminal Procedure require counsel appointed in post-conviction proceedings to continue representation throughout the proceedings, including any appeal from the disposition of the petition for post-conviction collateral relief. Pa.R.Crim.P. 904(F)(2) and Pa.R.Crim.P. 904(H)(2)(b). The same is true when counsel enters an appearance on behalf of a juvenile in a delinquency matter or on behalf of a child or other party in a dependency matter. Pa.R.J.C.P. 150(B), 151, Pa.R.J.C.P. 1150(B), 1151(B), (E). It would be rare for counsel in such cases to consider withdrawing by *praecipe*, but the 2020 amendment to the rule avoids any possibility of confusion by clarifying that withdrawal by *praecipe* is available only in matters that do not otherwise require court permission to withdraw.

With respect to appearances by new counsel following the initial docketing of appearances pursuant to [**Subdivision**] **paragraph** (f) of this rule, please note the requirements of [**Rule**] **Pa.R.A.P. 120**.

Where an appellant desires to challenge the discretionary aspects of a sentence of a trial court, the “petition for allowance of appeal” referred to in 42 Pa.C.S. § 9781(b) is deferred until the briefing stage, and the appeal is commenced by filing a notice of appeal pursuant to Chapter 9 rather than a petition for allowance of appeal pursuant to Chapter 11. See note to Pa.R.A.P. 902; note to Pa.R.A.P. 1115; Pa.R.A.P. 2116(b) and the note thereto; Pa.R.A.P. 2119(f) and the note thereto.

Rule 1113. Time for Petitioning for Allowance of Appeal.

(a) *General rule.*—Except as otherwise prescribed by this rule, a petition for allowance of appeal shall be filed with the Prothonotary of the Supreme Court within 30 days after the entry of the order of the Superior Court or the Commonwealth Court sought to be reviewed.

(1) If a timely application [**or**] **for** reargument is filed in the Superior Court or Commonwealth Court by any party, the time for filing a petition for allowance of appeal for all parties shall run from the entry of the order denying reargument or from the entry of the decision on reargument, whether or not that decision amounts to a reaffirmation of the prior decision.

(2) Unless the Superior Court or the Commonwealth Court acts on the application for reargument within 60 days after it is filed, the court shall no longer consider the

application, it shall be deemed to have been denied, and the prothonotary of the appellate court shall forthwith enter an order denying the application and shall immediately give [**written notice in person or by first class mail**] **notice** of entry of the order denying the application to each party who has appeared in the appellate court. A petition for allowance of appeal filed before the disposition of such an application for reargument shall have no effect. A new petition for allowance of appeal must be filed within the prescribed time measured from the entry of the order denying or otherwise disposing of such an application for reargument.

(3) In a children’s fast track appeal, unless the Superior Court acts on the application for reargument within 45 days after it is filed, the court shall no longer consider the application, it shall be deemed to have been denied, and the Prothonotary of the Superior Court shall forthwith enter an order denying the application and shall immediately give [**written notice in person or by first class mail**] **notice** of entry of the order denying the application to each party who has appeared in the appellate court. A petition for allowance of appeal filed before the disposition of such an application for reargument shall have no effect. A new petition for allowance of appeal must be filed within the prescribed time measured from the entry of the order denying or otherwise disposing of such an application for reargument.

(b) [**Cross petitions**] **Cross-petitions.**—Except as otherwise prescribed in [**subdivision**] **paragraph** (c) of this rule, if a timely petition for allowance of appeal is filed by a party, any other party may file a [**cross petition**] **cross-petition** for allowance of appeal within 14 days of the date on which the first petition for allowance of appeal was served, or within the time otherwise prescribed by this rule, whichever period last expires.

(c) *Special provisions.*—Notwithstanding any other provision of this rule, a petition for allowance of appeal from an order in any matter arising under any of the following shall be filed within ten days after the entry of the order sought to be reviewed:

[(1)] **1.** Pennsylvania Election Code.

[(2)] **2.** Local Government Unit Debt Act or any similar statute relating to the authorization of public debt.

(d) *Nunc pro tunc filing.*—**In addition to the right of any petitioner to seek *nunc pro tunc* relief in compliance with the standard set forth in case law, in a criminal case, a party may, (either *pro se* or through counsel) file an application for permission to file a petition for allowance of appeal *nunc pro tunc* if the party directed counsel to file a petition for allowance of appeal but counsel did not do so timely. If the Court cannot determine whether *nunc pro tunc* relief is appropriate from the information provided, the Court may remand to the trial court for factual findings.**

Official Note: See note to [**Rule**] **Pa.R.A.P. 903** (time for appeal).

[**A party filing a cross petition for allowance of appeal pursuant to subdivision (b) should identify it as a cross petition to assure that the prothonotary will process the cross petition with the initial petition. See also Rule 511 (cross appeals), Rule**

2136 (briefs in cases involving cross appeals) and Rule 2322 (cross and separate appeals).]

Paragraph (b)—A party filing a cross-petition for allowance of appeal should identify it as a cross-petition to assure that the prothonotary will process the cross-petition with the initial petition. See also Pa.R.A.P. 511 (cross-appeals), Pa.R.A.P. 2136 (briefs in cases involving cross-appeals), and Pa.R.A.P. 2322 (cross- and separate appeals).

Paragraph (d)—An application for *nunc pro tunc* relief pursuant to Pa.R.A.P. 123 should contain averments and documentation in support of the request. Such an application may eliminate the need for a criminal defendant to vindicate the right to file a petition for allowance of appeal through post-conviction proceedings and preserve judicial resources. This method is available because the Supreme Court has recognized that a criminal defendant has a right to have counsel petition for allowance of appeal. Pennsylvania Rules of Criminal Procedure 120 and 122 require counsel to represent clients through all stages of a direct appeal, and this places on counsel an obligation to file a petition for allowance of appeal if the client requests one, and to represent the client in the Pennsylvania Supreme Court, if allowance of appeal is granted. Parties seeking *nunc pro tunc* relief must act promptly to assert such a right upon learning of the existence of the basis for such relief. See, e.g., *Commonwealth v. Bassion*, 568 A.2d 1316 (Pa. Super. 1990). Additionally, nothing in this rule is intended to expand upon the jurisdictional time limitations of the Post-Conviction Relief Act, 42 Pa.C.S. §§ 9541 et seq.

CHAPTER 13. INTERLOCUTORY APPEALS BY PERMISSION

Rule 1311. Interlocutory Appeals by Permission.

(a) *General rule*.—An appeal may be taken by permission under 42 Pa.C.S. § 702(b) (interlocutory appeals by permission) from any interlocutory order of a [**lower**] trial court or other government unit. See [**Rule**] Pa.R.A.P. 312 (interlocutory appeals by permission).

(b) *Petition for permission to appeal*.—Permission to appeal from an interlocutory order containing the statement prescribed by 42 Pa.C.S. § 702(b) may be sought by filing a petition for permission to appeal with the prothonotary of the appellate court within 30 days after entry of such order in the [**lower**] trial court or other government unit with proof of service on all other parties to the matter in the [**lower**] trial court or other government unit and on the government unit or clerk of the [**lower**] trial court, who shall file the petition of record in such [**lower**] trial court. An application for an amendment of an interlocutory order to set forth expressly the statement specified in 42 Pa.C.S. § 702(b) shall be filed with the [**lower**] trial court or other government unit within 30 days after the entry of such interlocutory order and permission to appeal may be sought within 30 days after entry of the order as amended. Unless the trial court or other government unit acts on the application within 30 days after it is filed, the trial court or other government unit shall no longer consider the application and it shall be deemed denied. If the petition for permission to appeal is transmitted to the prothonotary of the appellate court by means of first class, express, or priority United States Postal Service mail, the petition shall be deemed received

by the prothonotary for the purposes of [**Rule**] Pa.R.A.P. 121(a) (filing) on the date deposited in the United States mail, as shown on a United States Postal Service Form 3817 Certificate of Mailing, or other similar United States Postal Service form from which the date of deposit can be verified. The certificate of mailing or other similar Postal Service form from which the date of deposit can be verified shall be cancelled by the Postal Service, shall show the docket number of the matter in the [**lower**] trial court or other government unit, and shall be either enclosed with the petition or separately mailed to the prothonotary. Upon actual receipt of the petition for permission to appeal, the prothonotary of the appellate court shall immediately stamp it with the date of actual receipt. That date, or the date of earlier deposit in the United States mail as prescribed in this [**subdivision**] paragraph, shall constitute the date when permission to appeal was sought, which date shall be shown on the docket. The prothonotary of the appellate court shall immediately note the appellate docket number assignment upon the petition for permission to appeal and give [**written**] notice of the docket number assignment [**in person or by first class mail**] to the government unit or clerk of the [**lower**] trial court, to the petitioner, and to the other persons named in the proof of service accompanying the petition.

(c) *Fee*.—The petitioner upon filing the petition for permission to appeal shall pay any fee therefor prescribed by Chapter 27 (fees and costs in appellate courts and on appeal).

(d) *Entry of appearance*.—Upon the **acceptance for** filing of the petition for permission to appeal the prothonotary of the appellate court shall note on the record as counsel for the petitioner the name of counsel, if any, set forth in or endorsed upon the petition for permission to appeal, and, as counsel for other parties, counsel, if any, named in the proof of service. [**The**] **Unless that party is entitled by law to be represented by counsel on a petition for permission to appeal, the** prothonotary shall upon *praecipe* of any such counsel for other parties, filed at any time within 30 days after filing of the petition, strike off or correct the record of appearance. [**Thereafter a**] **If entry of appearance in the trial court extends through appeals,** counsel's appearance for a party may not be withdrawn without leave of court[,]. **Leave of court to withdraw is also required for any other counsel who have not filed a praecipe to correct appearance within the first 30 days after the petition is docketed,** unless another lawyer has entered or simultaneously enters an appearance for the party.

Official Note: Based on 42 Pa.C.S. § 702(b) (interlocutory appeals by permission). See note to [**Rule**] Pa.R.A.P. 903 (time for appeal). Compare 42 Pa.C.S. § 5574 (effect of application for amendment to qualify for interlocutory appeal).

See the Official Note to [**Rule**] Pa.R.A.P. 1112 (appeals by allowance) for an explanation of the procedure when Form 3817 or other similar United States Postal Service form from which the date of deposit can be verified is used.

Where the [**administrative agency or lower**] **government unit or trial** court refuses to amend its order to include the prescribed statement, a petition for review under Chapter 15 of the unappealable order of denial is

the proper mode of determining whether the case is so egregious as to justify prerogative appellate correction of the exercise of discretion by the lower tribunal. If the petition for review is granted in such a case, the effect (as in the Federal practice under 28 U.S.C. § 1292(b)) is the same as if a petition for permission to appeal had been filed and granted, and no separate petition for permission to appeal need be filed.

The 1997 amendment to [subdivision] paragraph (b) provides for a deemed denial where the trial court or other [governmental] government unit fails to act on the application within 30 days. Under such circumstances, a party may need to file a *praecipe* for entry of the deemed denial pursuant to [Rule] Pa.R.A.P. 301(d).

[With regard to subdivision (d) and withdrawal of appearance without leave of the appellate court, counsel may nonetheless be subject to trial court supervision pursuant to Pa.R.Crim.P. 904 (Entry of Appearance and Appointment of Counsel; *In Forma Pauperis*).] The Rules of Criminal Procedure require counsel appointed by the trial court to continue representation through direct appeal. Pa.R.Crim.P. 120(A)(4) and Pa.R.Crim.P. 122(B)(2). Similarly, the Rules of Criminal Procedure require counsel appointed in post-conviction proceedings to continue representation throughout the proceedings, including any appeal from the disposition of the petition for post-conviction collateral relief. Pa.R.Crim.P. 904(F)(2) and Pa.R.Crim.P. 904(H)(2)(b). The same is true when counsel enters an appearance on behalf of a juvenile in a delinquency matter or on behalf of a child or other party in a dependency matter. Pa.R.J.C.P. 150(B), 151, Pa.R.J.C.P. 1150(B), 1151(B), (E). It would be rare for counsel in such cases to consider withdrawing by praecipe, but the 2020 amendment to the rule avoids any possibility of confusion by clarifying that withdrawal by praecipe is available only in matters that do not otherwise require court permission to withdraw.

With respect to appearances by new counsel following the initial docketing of appearances pursuant to [Subdivision] paragraph (d) of this rule, please note the requirements of [Rule] Pa.R.A.P. 120.

CHAPTER 17. EFFECT OF APPEALS; SUPERSEDEAS AND STAYS

IN GENERAL

Rule 1701. Effect of Appeal Generally.

(a) *General rule.*—Except as otherwise prescribed by these rules, after an appeal is taken or review of a quasijudicial order is sought, the trial court or other government unit may no longer proceed further in the matter.

(b) *Authority of a trial court or agency after appeal.*—After an appeal is taken or review of a quasijudicial order is sought, the trial court or other government unit may:

(1) Take such action as may be necessary to preserve the status quo, correct formal errors in papers relating to the matter, cause the record to be transcribed, approved, filed and transmitted, grant leave to appeal *in forma pauperis*, grant *supersedeas*, and take other action permitted or required by these rules or otherwise ancillary to the appeal or petition for review proceeding.

(2) Enforce any order entered in the matter, unless the effect of the order has been superseded as prescribed in this chapter.

(3) Grant reconsideration of the order which is the subject of the appeal or petition, if:

(i) an application for reconsideration of the order is filed in the trial court or other government unit within the time provided or prescribed by law; and

(ii) an order expressly granting reconsideration of such prior order is filed in the trial court or other government unit within the time prescribed by these rules for the filing of a notice of appeal or petition for review of a quasijudicial order with respect to such order, or within any shorter time provided or prescribed by law for the granting of reconsideration.

A timely order granting reconsideration under this paragraph shall render inoperative any such notice of appeal or petition for review of a quasijudicial order theretofore or thereafter filed or docketed with respect to the prior order. The petitioning party shall and any party may file a praecipe with the prothonotary of any court in which such an inoperative notice or petition is filed or docketed and the prothonotary shall note on the docket that such notice or petition has been stricken under this rule. Where a timely order of reconsideration is entered under this paragraph, the time for filing a notice of appeal or petition for review begins to run anew after the entry of the decision on reconsideration, whether or not that decision amounts to a reaffirmation of the prior determination of the trial court or other government unit. No additional fees shall be required for the filing of the new notice of appeal or petition for review.

(4) Authorize the taking of depositions or the preservation of testimony where required in the interest of justice.

(5) Take any action directed or authorized [on application by the] by an appellate court.

(6) Proceed further in any matter in which a non-appealable interlocutory order has been entered, notwithstanding the filing of a notice of appeal or a petition for review of the order.

(c) *Limited to matters in dispute.*—Where only a particular item, claim or assessment adjudged in the matter is involved in an appeal, or in a petition for review proceeding relating to a quasijudicial order, the appeal or petition for review proceeding shall operate to prevent the trial court or other government unit from proceeding further with only such item, claim or assessment, unless otherwise ordered by the trial court or other government unit or by the appellate court or a judge thereof as necessary to preserve the rights of the appellant.

(d) *Certain petitions for review.*—The filing of a petition for review (except a petition relating to a quasijudicial order) shall not affect the power or authority of the government unit to proceed further in the matter but the government unit shall be subject to any orders entered by the appellate court or a judge thereof pursuant to this chapter.

Official Note: The following statutory provisions relate to *supersedeas* generally:

42 Pa.C.S. § 702(c) (*supersedeas*) provides that except as otherwise prescribed by general rule, a petition for permission to appeal under that section shall not stay the proceedings before the [lower] trial court or other government unit, unless the [lower] trial court or other government unit or the appellate court or a judge thereof shall so order. See also [Rule] Pa.R.A.P. 1313 (effect of filing petition).

42 Pa.C.S. § 5105(e) (*supersedeas*) provides that an appeal shall operate as a *supersedeas* to the extent and upon the conditions provided or prescribed by law, and that unless a *supersedeas* is entered, no appeal from an order concerning the validity of a will or other instrument or the right to the possession of or to administer any real or personal property shall suspend the powers or prejudice the acts of the appointive judicial officer, personal representative, or other person acting thereunder.

[**Subdivision**] **Paragraph** (a) codifies a well-established principle. *See, e.g., Merrick Estate*, [**432 Pa. 450, 454**,] 247 A.2d 786, 787 (Pa. 1968); *Corace v. Balint*, [**418 Pa. 262, 275-76**,] 210 A.2d 882, 889 (Pa. 1965). [**Rule**] **Pa.R.A.P. 5102** saves the provisions of Section 426 of the Pennsylvania [**Workmen's**] **Workers' Compensation Act** [(**77 P.S. § 871**)], **77 P.S. § 871**, which permit a rehearing by the agency under certain circumstances during the pendency of an appeal. [**Rule**] **Pa.R.A.P. 311(h)** (further proceedings in [**lower**] **trial court**) provides that [**Subdivision**] **paragraph** (a) is not applicable where an appeal as of right is taken from interlocutory orders relating to attachments, injunctions, etc., thus making clear that the procedure for seeking appellate review of these collateral matters does not impair the power of the [**lower**] **trial court** to continue with the **merits of the case** [**proper**].

[**Subdivision**] **Subparagraph** (b)(1) sets forth an obvious power of the [**lower**] **trial court** or [**agency**] **other government unit** under these rules to take actions to preserve the *status quo* and to clarify or correct an order or verdict. The power to clarify or correct does not extend to substantive modifications. *See Pa. Indus. Energy Coalition v. Pennsylvania PUC*, 653 A.2d 1336, 1344-45 (Pa. Cmwlth. 1995), *aff'd*, [**543 Pa. 307**,] 670 A.2d 1152 (Pa. 1996). Examples of permissible actions to preserve the status quo are those "auxiliary to the appellate process, such as a supersedeas or injunction." *Id.* Examples of permissible corrections are "non-substantial technical amendments to an order, changes in the form of a decree, and modification of a verdict to add prejudgment interest." *Id.* at 1344. "Such actions have no effect on the appeal or petition for review and cannot prompt a new appealable issue." *Id.* at 1345.

Among the permissible "corrections" is the addition or modification of contractual or statutory prejudgment interest, which is an element of contract damages. In such cases, the award of such interest is mandatory and not discretionary. *TruServ Corp. v. Morgan's Tool & Supply Co. Inc.*, [**Pa.**,] 39 A.3d 253, 264 (Pa. 2012). Accordingly, even though the amount of a verdict is changed by the addition of prejudgment interest, the verdict has been "corrected" and not "modified."

The Supreme Court has held that, so long as a motion for attorneys' fees has been timely filed, a trial court may act on that motion under subdivision (b)(1) even after an appeal has been taken. *Samuel-Bassett v. Kia Motors Am., Inc.*, [**613 Pa. 371**,] 34 A.3d 1, 48 (Pa. 2011). Thus, unlike the court actions discussed in *Pa. Indus. Energy Coalition*, an award of attorneys' fees constitutes a separately appealable order that would be reviewable upon filing of a timely separate notice of appeal, measured from the date the fee award order was entered.

Generally an appeal does not operate as a *supersedeas* of government agency action.

[**Subdivision**] **Subparagraph** (b)(3) is intended to handle the troublesome question of the effect of application for reconsideration on the appeal process. The rule (1) permits the trial court or other government unit to grant reconsideration if action is taken during the applicable appeal period, which is not intended to include the appeal period for [**cross appeals**] **cross-appeals**, or, during any shorter applicable reconsideration period under the practice below, and (2) eliminates the possibility that the power to grant reconsideration could be foreclosed by the taking of a "snap" appeal. The better procedure under this rule will be for a party seeking reconsideration to file an application for reconsideration below and a notice of appeal, etc. If the application lacks merit, the trial court or other government unit may deny the application by the entry of an order to that effect or by inaction. The prior appeal paper will remain in effect, and appeal will have been taken without the necessity to watch the calendar for the running of the appeal period. If the trial court or other government unit fails to enter an order "expressly granting reconsideration" (an order that "all proceedings shall stay" will not suffice) within the time prescribed by these rules for seeking review, [**Subdivision**] **paragraph** (a) becomes applicable and the power of the trial court or other government unit to act on the application for reconsideration is lost.

[**Subdivision**] **Subparagraph** (b)(3) provides that: "[(W)here] [W]here a timely order of reconsideration is entered under this paragraph, the time for filing a notice of appeal or petition for review begins to run anew after entry of the decision on reconsideration." Pursuant to Pa.R.C.P. 1930.2, effective July 1, 1994, where reconsideration from a domestic relations order has been timely granted, a reconsidered decision or an order directing additional testimony must be entered within 120 days of the entry of the order granting reconsideration or the motion shall be deemed denied. *See Pa.R.C.P. 1930.2(c)*, (d), and (e). The date from which the appeal period will be measured following a reconsidered decision in a domestic relations matter is governed by Pa.R.C.P. 1930.2(d) and (e).

Under the 1996 amendments to the Rules of Criminal Procedure governing post-sentence practice, *see Pa.R.Crim.P. 720 and 721*, reconsideration of a decision on a defendant's post-sentence motion or on a Commonwealth motion to modify sentence must take place within the time limits set by those rules, and the judge may not vacate sentence or "grant reconsideration" pursuant to [**subdivision**] **subparagraph** (b)(3) in order to extend the time limits for disposition of those motions. [**The amendments to**] Pa.R.Crim.P. 720 and [**new Pa.R.Crim.P. 721 resolve**] **721 resolved** questions raised about the interplay between this [**subdivision**] **subparagraph** and post-trial criminal practice. *See, e.g., Commonwealth v. Corson*, 444 A.2d 170 (Pa. Super[], 1982).

Subparagraph (b)(5) recognizes the authority that an appellate court has to retain jurisdiction while asking a trial court or other government unit to engage in factfinding, an authority that is particularly important when questions arise in an appellate court about the course of events in the trial court or when representation by counsel becomes an issue on appeal.

CHAPTER 23. SESSIONS AND ARGUMENT
SCHEDULING OF ARGUMENT

Rule 2315. Time for Argument. Argument Lists.

(a) *General rule.*—Oral argument is not a matter of right and will be permitted only to the extent necessary to enable the appellate court to acquire an understanding of the issues presented. The presiding judge may terminate the argument for any party notwithstanding the fact that the maximum time for argument specified in the applicable provision of these rules has not been exhausted.

(b) *Assignment to lists.*—Argument lists shall consist of the regular list and short list. All cases listed for argument shall be placed upon the regular list unless all the parties upon *praecipe* to the prothonotary of the appellate court request the case to be placed upon the short list.

(c) *Short list.*—The time for argument of cases on the short list shall be limited to not more than 15 minutes for each side. On days when there are cases on both the short list and on the regular list those on the short list shall be heard first and in order of listing.

(d) *Regular list.*—The time for argument of cases on the regular list shall be limited to not more than 30 minutes for each side. When there are two or more appeals from the same order, and in joint appeals, even though they raise different or unrelated questions, [**counsel**] **the person or persons arguing** for all the appellants will be limited to a total of not more than 30 minutes for argument, and [**counsel**] **the person or persons arguing** for all the appellees to a total of not more than 30 minutes. The maximum time shall be divided between or among the appellants or between or among the appellees respectively as they may decide, subject to reduction as prescribed in [**Subdivision**] **paragraph** (a) of this rule.

[*Official Note:* Based on former Supreme Court Rules 24 and 25, former Superior Court Rule 15, and former Commonwealth Court Rule 70. The Superior Court practice of handling all cases on the short list is continued in Rule 3513 (oral arguments).

The maximum time is intended as a limit for complex cases, and counsel should prepare for argument on the assumption that less than the maximum time for argument may be allowed by the presiding judge.]

ORDER AND CONTENT OF ARGUMENT

Rule 2321. Order and Content of Argument.

The appellant shall open, and if permitted by the court by way of rebuttal, may conclude the argument. [**Counsel**] **A person presenting argument** should not read at length from briefs, records, or authorities.

[*Official Note:* Based in part on former Supreme Court Rule 31 (part), and former Superior Court Rule 23 (part). This rule is intended to make clear that the appellant does not have the right at the commencement of argument to reserve a portion of his argument until after the argument for appellee.]

Rule 2323. Physical Exhibits.

If physical exhibits other than documents are to be used at the argument, [**counsel**] **the person presenting argument** shall arrange to have them placed in the [**court room**] **courtroom** before the court convenes on the date of the argument. After the argument [**counsel**], **the person bringing the exhibits** shall cause the exhibits to be removed from the [**court room**] **courtroom** unless the court otherwise directs. If exhibits are not reclaimed by counsel within a reasonable time after notice given by the prothonotary, they shall be destroyed or otherwise disposed of as the prothonotary shall think best.

ARTICLE III. MISCELLANEOUS PROVISIONS

CHAPTER 33. BUSINESS OF THE SUPREME COURT

IN GENERAL

Rule 3304. [**Hybrid Representation**] (**Reserved**).

[Where a litigant is represented by an attorney before the Court and the litigant submits for filing a petition, motion, brief or any other type of pleading in the matter, it shall not be docketed but forwarded to counsel of record.

Official Note: The present rule is premised on *Commonwealth v. Ellis*, 534 Pa. 176, 626 A.2d 1137 (1993) and is to be distinguished from litigants who are pro se in litigation.]

[Pa.B. Doc. No. 20-101. Filed for public inspection January 24, 2020, 9:00 a.m.]

RULES AND REGULATIONS

Title 67—TRANSPORTATION

TURNPIKE COMMISSION

[67 PA. CODE CH. 601]

Automated Speed Enforcement Systems; Temporary Rulemaking

For purposes of implementing the act of October 19, 2018 (P.L. 563, No. 86) (75 Pa.C.S. § 3369 (relating to automated speed enforcement systems in active work zones)) (act) the Turnpike Commission (Commission) incorporates by reference this temporary rulemaking regarding this statute promulgated by the Department of Transportation (Department).

Purpose of this Temporary Rulemaking

The purpose of this chapter is to set forth temporary regulations governing the automated speed enforcement systems (systems). Section 3369(h)(2) of 75 Pa.C.S. grants authority to the Department and Commission to promulgate temporary regulations to carry out the purpose of this chapter.

Persons and Entities Affected

These temporary regulations are necessary to implement the act, which is premised on bringing positive safety improvements to all citizens. These temporary regulations will affect all motorists operating vehicles where a system is authorized by the act, and where motorists engage in conduct resulting in a warning or fine under 75 Pa.C.S. § 3369(c)—(e). Positive impacts to worker safety and the traveling public within authorized work zones and on specific highways identified by the act is anticipated. System administrators and system operators must comply with these temporary regulations in the use and operation of systems.

Fiscal Impact

The act sets forth the deposit and allocation of fines generated through systems at 75 Pa.C.S. § 3369(h)(3)(iii) which will dictate relative fiscal impacts. As the act relates to the Department and Commission, both agencies are exercising their authority and duties to administer the automated speed enforcement system program in accordance with 75 Pa.C.S. § 3369(h)(1), subject to inherent fiscal impacts.

Regulatory Review

Under 75 Pa.C.S. § 3369(h)(2)(ii), the Department and Commission are authorized to promulgate temporary regulations to facilitate the prompt implementation of the act. The temporary regulations thus adopted are not subject to sections 201—205 of the act of July 31, 1968 (P.L. 769, No. 240) (45 P.S. §§ 1201—1205), known as the Commonwealth Documents Law (CDL), the Regulatory Review Act (71 P.S. §§ 745.1—745.14) and section 204(b) of the Commonwealth Attorneys Act (71 P.S. § 732-204(b)).

It is hereby ordered that this temporary rulemaking shall be effective upon publication in *Pennsylvania Bulletin*, subject to the sunset provisions set forth as follows.

Sunset Provisions

Under 75 Pa.C.S. § 3369(h)(1), this temporary rulemaking expires at the end of 5 years, unless extended.

Contact Person

The contact person for this temporary rulemaking is Albert C. Peters, II, General Litigation and Contracts Counsel, Turnpike Commission, 700 South Eisenhower Boulevard, Middletown, PA 17057, (717) 831-7315.

MARK P. COMPTON,
Chief Executive Officer

Fiscal Note: 60-1. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 67. TRANSPORTATION PART II. TURNPIKE COMMISSION CHAPTER 601. TRAFFIC REGULATIONS GENERAL

§ 601.19. Automated speed enforcement systems.

For purposes of implementing the provisions of 75 Pa.C.S. § 3369 (relating to automated speed enforcement systems in active work zones) as they relate to the approval, testing, certification, calibration and use of automated speed enforcement systems, the Commission incorporates by reference the temporary regulations of the Department of Transportation in Chapter 105a (relating to automated speed enforcement systems—temporary regulations) in effect on December 21, 2019.

[Pa.B. Doc. No. 20-102. Filed for public inspection January 24, 2020, 9:00 a.m.]

STATEMENTS OF POLICY

Title 4—ADMINISTRATION

PART II. EXECUTIVE BOARD

[4 PA. CODE CH. 9]

Reorganization of the Office of Administration

The Executive Board approved a reorganization of the Office of Administration effective January 6, 2020.

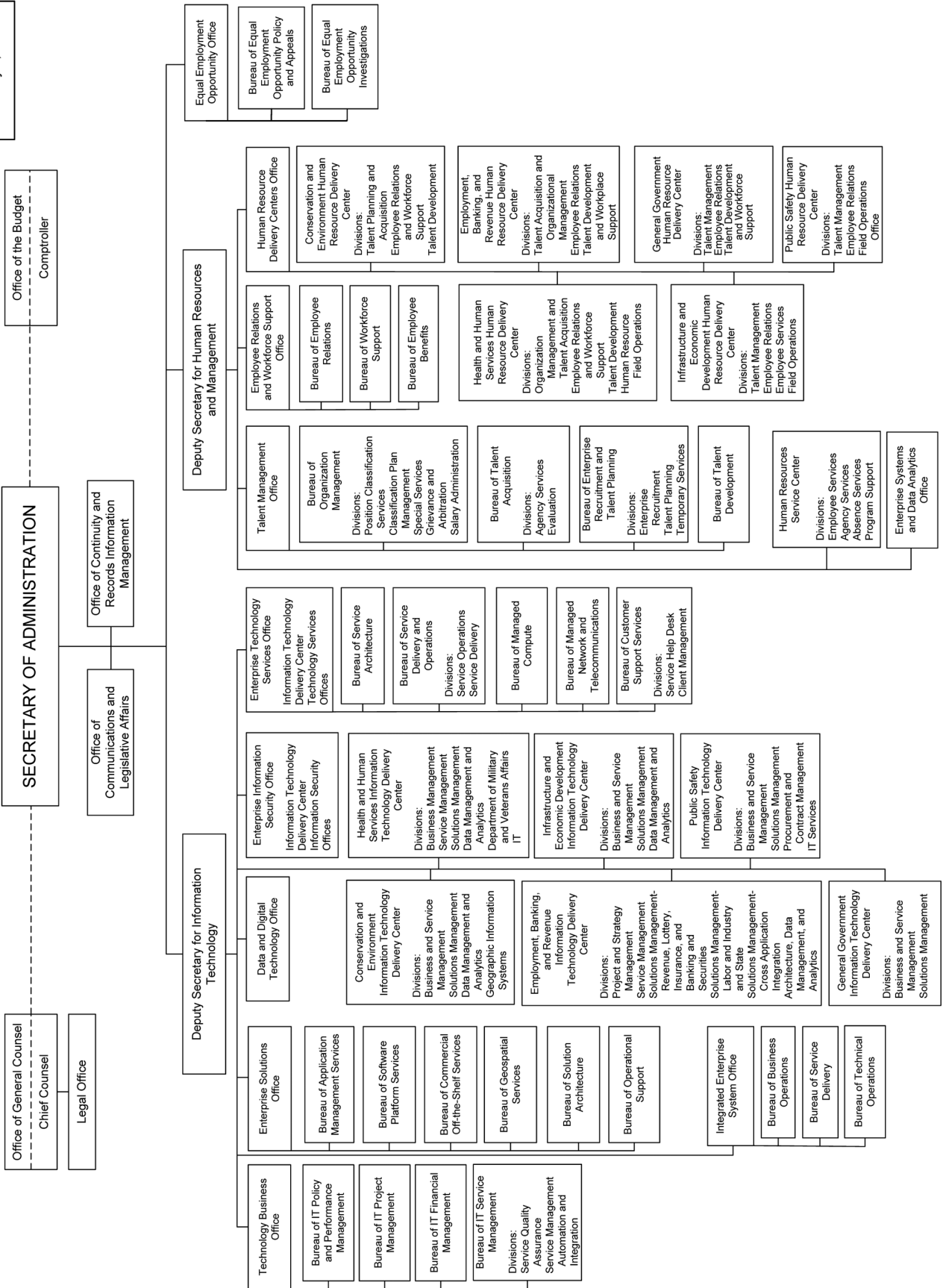
The organization chart at 50 Pa.B. 547 (January 25, 2020) is published at the request of the Joint Committee on Documents under 1 Pa. Code § 3.1(a)(9) (relating to contents of *Code*).

(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. 20-103. Filed for public inspection January 24, 2020, 9:00 a.m.]

GOVERNOR'S OFFICE OF ADMINISTRATION

OR -19-017
January 6, 2019



NOTICES

DEPARTMENT OF AGRICULTURE

General Quarantine Order; Swine Exhibition Requirements

Recitals

A. African Swine Fever is a highly contagious hemorrhagic viral disease affecting domestic and wild swine.

B. There is no vaccine to protect swine against African Swine Fever, nor is there a known cure or treatment for this dangerous transmissible disease.

C. African Swine Fever has a high environmental resistance and can be spread by domestic or wild swine, whether alive or dead, and through raw and processed pork products. African Swine Fever does not cause disease in humans and is not a public health threat.

D. African Swine Fever is known to be transmissible from infected to uninfected swine through contact and via contaminated feed and fomites (non-living objects) such as shoes, clothes, vehicles, equipment and any other goods, products, facilities, specific insect vectors (soft ticks), containers and other objects with which infected swine—alive or dead—may come into contact.

E. Section 2321 of the Domestic Animal Law (Law) establishes a list of “dangerous transmissible diseases” and provides for the designation of additional dangerous transmissible diseases through regulation or temporary order (3 Pa.C.S.A. § 2321).

F. African Swine Fever (ASF) is specifically designated as a dangerous transmissible disease at section 2321(a)(3) of the Law (3 Pa.C.S.A. § 2321(a)(3)).

G. The Domestic Animal Law (Law) (3 Pa.C.S.A. §§ 2301–2389) and section 1702 of the Administrative Code of 1929 (71 P.S. § 442), provides the Pennsylvania Department of Agriculture (PDA) broad authority to regulate the keeping and handling of domestic animals to exclude, contain or eliminate dangerous transmissible diseases, such as ASF.

H. This includes authority, set forth at section 2329 of the Law, to establish and enforce quarantine orders “Whenever a dangerous transmissible disease . . . exists anywhere within or outside of this Commonwealth . . . the department shall have the power to establish and enforce quarantines of any such infected, exposed, contaminated, suspected or susceptible domestic animal. In addition . . . a quarantine may apply to any goods, products, facilities, containers, vehicles or materials that may carry dangerous transmissible disease . . . and may be applied on or in or against any premises, area or locality . . .” (3 Pa.C.S.A. § 2329(a)).

I. Section 2329(d) of the Law provides specific authority to establish and enforce a general quarantine order against “. . . any area or locality within this Commonwealth for any of the reasons set forth in subsection (a) to prevent a dangerous transmissible disease . . . from being carried into, within, from or out of the area or locality that is subject to the quarantine. A general quarantine order may include any domestic animals, conveyances, containers, goods, products or materials that may carry dangerous transmissible disease . . . and may include any area or locality, including all buildings, structures, premises and equipment located therein.” (3 Pa.C.S.A. § 2329(d))

J. ASF is found in countries around the world, particularly in sub-Saharan Africa. To date, 11 Asian countries have reported outbreaks since August 2018, including Indonesia, Mongolia, North Korea, South Korea, China, the Philippines, Vietnam, Laos, Cambodia, Myanmar and Timor-Leste. China has confirmed more than 163 cases of ASF and has lost an estimated 200 million swine which amounts to thirty-three percent of all the pigs in the world. The disease is also spreading within the European Union (EU), and the virus has reached 10 member states of the EU.

K. Although ASF has not been detected in North America, Central America or South America, it is important to note ASF is rapidly spreading and has reached South Korea and the Philippines. Currently, there are only 6,000 miles separating the continental United States from this devastating disease.

L. Pennsylvania is ranked 12th nationally for pork production and 5th nationally for number of swine processed. ASF presents serious threats to animal health and the economic vitality of the Commonwealth’s swine production industry. Introduction of ASF into the commercial swine herds of this Commonwealth would result in severe economic losses to the infected herd owners as well as loss of valuable National and International trade opportunities for all Pennsylvania’s pork producers.

M. The PDA through this Quarantine Order establishes reasonable requirements to allow for movement of swine and products within this Commonwealth for exhibition purposes, while protecting against the introduction of ASF into this Commonwealth’s commercial production swine population.

Order of Quarantine:

With the foregoing recitals incorporated into this Order of Quarantine by reference, the Pennsylvania Department of Agriculture (PDA) under authority of the Domestic Animal Law, at 3 Pa.C.S.A. § 2329(d) and section 1702 of the Administrative Code of 1929 (71 P.S. § 442), hereby establishes a General Order of Quarantine related to the dangerous transmissible disease African Swine Fever (ASF) and the shipment and holding of swine, alive or dead, and any conveyances, containers, goods, products or materials capable of harboring ASF, within and through the Commonwealth of Pennsylvania. The following are the conditions, restrictions and requirements of this Order:

1. *Quarantine Area.* The area covered by this General Quarantine Order is the entire Commonwealth of Pennsylvania.

2. *Applicability and Time Period of Order.* The terms, provisions and requirements of this Order are applicable to all live and dead swine, swine manure, swine offal and swine germplasm, and any conveyances, containers, goods, products or materials capable of harboring ASF located within or to be shipped through or in the Commonwealth of Pennsylvania (Quarantine Area), from the effective date of this Order until the time this Order is rescinded in writing by the PDA.

3. *Definitions.* The following terms when used in this Order have the following meanings:

Accredited veterinarian. A licensed veterinarian jointly accredited by APHIS-USDA and the Department in the state the veterinarian is licensed to perform official duties

on behalf of APHIS-USDA or the Department in the state the veterinarian is licensed to practice veterinary medicine. See accreditation standards established by 9 CFR Parts 160 and 161 (relating to definition of terms; and requirements and standards for accredited veterinarians and suspension or revocation of such accreditation).

Animal Exhibition. Any temporary spectacle, display, event, exhibition or act featuring performing animals including, but not limited to, circuses, pony rides, animal exhibits, weight pull events, and petting zoos. This definition shall exclude zoologic exhibits and Pennsylvania Game Commission menagerie permit holders.

Breeding swine. A sexually intact swine 6 months of age or older or a sexually intact swine 5 months of age or younger selected for producing offspring.

Certificate of Veterinary Inspection (ICVI). An official document issued by a federal, state, tribal, or accredited veterinarian certifying that the animals identified on the document have been inspected and were found to satisfy the regulations pertaining to their intended movement—within the same state, between states, or internationally.

Direct movement to slaughter. Transported to a facility for slaughter, without stops or unloading except for feeding and watering, during which the animals are not commingled with any other animals unless all are destined for slaughter.

Market swine. A swine that is registered and entered in a PDA-sponsored market swine class, weighing at least 210 pounds and approximately 6 months old.

Pennsylvania health certificate. A legible official document, made on a form (AAI-13) provided by the Department, prepared by an accredited Pennsylvania veterinarian or a representative of the Department certifying the health of animals described therein according to the health requirements established by this chapter.

Recognized slaughter establishment. A slaughter establishment operated under the Federal Meat Inspection Act (21 U.S.C.A. §§ 601—623, 641—645, 661, 671—680 and 691) or a State inspected slaughter establishment.

Slaughter market. An animal market approved by the Department for the sale of slaughter animals in accordance with Chapter 5 (relating to animal markets) and the act of June 22, 1931 (P.L. 650, No. 225) (3 P.S. §§ 431—439), known as the Farm Animal Dealer or Broker License Law.

Swine Health Monitor. A Swine Health Monitor (SHM) is a person appointed by a fair board or livestock show committee who is familiar with swine and can recognize when swine are sick. This individual shall be trained by an accredited veterinarian to recognize animal health parameters or clinical signs suggestive of Foot and Mouth Disease (FMD), Classical Swine Fever (CSF), and African Swine Fever (ASF). This individual shall immediately report any clinical signs suggestive of FMD, CSF, and ASF to the veterinarian holding the veterinarian-client-patient relationship with the fair or show board. The veterinarian will then follow up by examining animal and notify the State Animal Health Official (SAHO) when appropriate.

Veterinarian-Client-Patient Relationship. A veterinarian-client-patient-relationship (VCPR) is defined by the American Veterinary Medical Association as the basis for interaction among veterinarians, their clients, and their patients and is critical to the health of an animal. A VCPR means that all of the following are required:

a. The veterinarian has assumed the responsibility for making clinical judgments regarding the health of the patient and the client has agreed to follow the veterinarians' instructions.

b. The veterinarian has sufficient knowledge of the patient to initiate at least a general or preliminary diagnosis of the medical condition of the patient. This means that the veterinarian is personally acquainted with the keeping and care of the patient by virtue of a timely examination of the patient by the veterinarian, or medically appropriate and timely visits by the veterinarian to the operation where the patient is managed.

c. The veterinarian is readily available for follow-up evaluation or has arranged for the following: veterinary emergency coverage, and continuing care and treatment.

d. The veterinarian provides oversight of treatment, compliance, and outcome.

e. Patient records are maintained.

4. *Exhibition Requirements.* Beginning January 1, 2020, fair boards and livestock show committees must establish a VCPR and appoint a SHM for all animal exhibitions. No swine species shall be exhibited in this Commonwealth unless each animal meets all of the following criteria:

a. Is accompanied by a Pennsylvania health certificate or ICVI that was issued by a licensed and accredited veterinarian not more than 14 days before the date of the animal exhibition.

b. Shall be permanently identified by an official 840 series radio frequency identification (RFID) ear tag and the ear tag number recorded on the Pennsylvania health certificate or ICVI.

i. If the swine does not have an 840 RFID tag at the time of purchase by an exhibitor, a tag may be acquired by one of the following methods:

a. Apply for premises ID through PDA and purchase RFID tags through a distributor.

b. Request an accredited veterinarian to apply an 840 RFID at the time of issuance of certificate of veterinary inspection.

c. Has been visually inspected for signs of disease prior to unloading at the exhibition by an accredited veterinarian or a Swine Health Monitor appointed by the fair board or livestock show committee.

d. The Swine Health Monitor shall immediately report any clinical signs of disease to the veterinarian holding the veterinarian-client-patient relationship with the fair board or livestock show committee. The veterinarian shall immediately follow up by examining the animal and notify the SAHO when appropriate.

e. Any swine showing signs of illness upon arrival shall not be permitted to unload and must be reported to the accredited veterinarian holding the veterinarian-client-patient-relationship with the show or fair board.

5. *Exhibition Timing and Order.* All breeding swine animal exhibitions are to occur prior to the arrival of any market swine. Breeding swine must be removed from the animal exhibition premises prior to any market swine arriving. Breeding swine animal exhibitions, excluding birthing or educational displays which are not competing, shall arrive, exhibit, and depart in a period no greater than 72 hours.

6. *Birthing Exhibitions.* Swine birthing exhibitions and educational displays which are not competing may occur concurrently with market swine animal exhibition as long as reasonable precaution is made to ensure the biosecurity of the swine birthing exhibition or educational display.

7. All market swine exhibited in PDA sponsored market shows shall move directly to a PDA or USDA licensed slaughter facility following the animal exhibition and may not be diverted to premises other than a recognized slaughter establishment or a slaughter market in which the sales are designated slaughter only sales.

8. Non-PDA Sponsored shows including jackpot shows and 4-H roundups not occurring during a PDA sponsored fair or show, where arrival, exhibition and departure of the swine occur within a 72 hour window and there is no public access to the animals other than observation during competitions, shall be exempt from the terminal slaughter requirement listed in paragraph 6.

9. All conveyances, containers, goods, products or materials in contact with swine being shipped within or through the Commonwealth of Pennsylvania for animal exhibition shall be cleaned and disinfected in accordance with the following:

a. A conveyance used for the transportation of swine to fairs and shows shall be cleaned and disinfected by an exhibitor prior to each use and shall be free of visible accumulations of manure.

b. At the conclusion of swine animal exhibitions, and after all swine have left premises, the fair board or livestock show committee shall ensure all holding pens and animal exhibition areas have had all organic material removed and gone through the fair board or livestock show committee's cleaning and disinfection process.

10. *Violations/Penalties.* Any person violating the requirements of this Order shall be subject to enforcement and penalties as are allowed under the provisions of the Domestic Animal Law (3 Pa.C.S.A. § 2301 et seq.), which include, revocation of license, criminal prosecution, civil penalties of up to \$10,000 per violation, injunctive relief or any combination of these penalties.

11. *No Restriction on Further Action by PDA.* This Order shall not be construed as limiting PDA's authority to establish additional quarantine or testing requirements or take any actions otherwise permitted under applicable statute or regulation.

12. *Contact information.* Questions regarding this General Quarantine Order is to the Commonwealth of Pennsylvania, Department of Agriculture, Bureau of Animal Health, 2301 North Cameron Street, Harrisburg, PA 17110 or by telephone at 717-772-2852, or email at RA-ahds@pa.gov.

13. *Effective Date.* This Order is immediately effective as of January 1, 2020 or upon the date of publication in the *Pennsylvania Bulletin*, whichever date is sooner, and shall remain in effect unless rescinded or modified by subsequent order.

RUSSELL C. REDDING,
Secretary

[Pa.B. Doc. No. 20-104. Filed for public inspection January 24, 2020, 9:00 a.m.]

DEPARTMENT OF AGRICULTURE

Interstate and International Quarantine Order— Swine Exhibition Requirements

Recitals

A. African swine fever (ASF) is a highly contagious hemorrhagic viral disease affecting domestic and wild swine. There is no treatment for or approved vaccine against ASF. African swine fever virus (ASFV) can be spread by live or dead pigs, domestic or wild, and raw and processed pork products. Transmission can also occur via contaminated feed, specific insect vectors (soft ticks), and fomites (non-living objects) such as shoes, clothes, vehicles, equipment etc., due to the high environmental resistance of ASFV.

B. Section 2321 of the Domestic Animal Law (Law) establishes a list of "dangerous transmissible diseases" and provides for the designation of additional dangerous transmissible diseases through regulation or temporary order (3 Pa.C.S.A. § 2321).

C. African swine fever (ASF) is specifically designated as a dangerous transmissible disease at section 2321(a)(3) of the Law (3 Pa.C.S.A. § 2321(a)(3)).

D. The Domestic Animal Law (Law) (3 Pa.C.S.A. §§ 2301—2389) and section 1702 of the Administrative Code of 1929 (71 P.S. § 442), provides the Pennsylvania Department of Agriculture (PDA) broad authority to regulate the keeping and handling of domestic animals to exclude, contain or eliminate dangerous transmissible diseases, such as ASF.

E. This includes authority, set forth at section 2329 of the Law, to establish and enforce quarantine orders "Whenever a dangerous transmissible disease...exists anywhere within or outside of this Commonwealth..." (3 Pa.C.S.A. § 2329(a)).

F. Section 2329(c) of the Law provides specific authority to establish and enforce an interstate and international quarantine order, stating, "An interstate or international quarantine may be established and enforced by order of the department against any place or places outside this Commonwealth for any of the reasons set forth in subsection (a) or where dangerous transmissible diseases...are reported to exist. An interstate or international quarantine may prohibit the bringing of any domestic animals, conveyances, containers, goods, products or materials into this Commonwealth except in accordance with the requirements set forth in the quarantine order..." (3 Pa.C.S.A. § 2329(c)).

G. ASF is found in countries around the world, particularly in sub-Saharan Africa. To date, 11 Asian countries have reported outbreaks since August 2018, including Indonesia, Mongolia, North Korea, South Korea, China, the Philippines, Vietnam, Laos, Cambodia, Myanmar and Timor-Leste. China has confirmed more than 163 cases of ASF and has lost an estimated 200 million swine which amounts to thirty-three percent of all the pigs in the world. The disease is also spreading within the European Union (EU), and the virus has reached 10 member states of the EU.

H. ASF presents serious threats to animal health and the economic vitality of the Commonwealth's swine production industry. Introduction of ASF into the commercial swine herds of this Commonwealth would result in severe economic losses to the infected herd owners as well as

loss of valuable National and International trade opportunities for all of Pennsylvania's pork producers.

I. The PDA through this Quarantine Order establishes reasonable requirements to allow for movement of swine and products into and within this Commonwealth for exhibition purposes, while protecting against the introduction of ASF into this Commonwealth's commercial swine population.

Order of Quarantine:

With the foregoing recitals incorporated into this Order of Quarantine by reference, the Pennsylvania Department of Agriculture (PDA) under authority of the Domestic Animal Law, at 3 Pa.C.S.A. § 2329(c) and section 1702 of the Administrative Code of 1929 (71 P.S. § 442), hereby establishes an Interstate and International Order of Quarantine related to the dangerous transmissible disease African Swine Fever (ASF) and the importation or shipment of swine, alive or dead, and any conveyances, containers, goods, products or materials capable of harboring ASF, into and through the Commonwealth of Pennsylvania. The following terms, requirements and restrictions are hereby established with respect to the exhibition of swine within this Commonwealth:

1. *Quarantine Area.* This Interstate and International Quarantine Order is applicable to all states and territories of the United States and foreign countries and the entire Commonwealth of Pennsylvania and shall be in effect until this Order is specifically rescinded or revised in writing by the PDA.

2. *Definitions.* The following terms when used in this Order have the following meanings:

Accredited veterinarian. A licensed veterinarian jointly accredited by APHIS-USDA and the Department in the state the veterinarian is licensed to perform official duties on behalf of APHIS-USDA or the Department in the state the veterinarian is licensed to practice veterinary medicine. See accreditation standards established by 9 CFR Parts 160 and 161 (relating to definition of terms; and requirements and standards for accredited veterinarians and suspension or revocation of such accreditation).

Animal Exhibition. Any temporary spectacle, display, event, exhibition or act featuring performing animals including, but not limited to, circuses, pony rides, animal exhibits, weight pull events, and petting zoos. This definition shall exclude zoologic exhibits and Pennsylvania Game Commission menagerie permit holders.

Breeding swine. A sexually intact swine 6 months of age or older or a sexually intact swine 5 months of age or younger selected for producing offspring.

Direct movement to slaughter. Transported to a facility for slaughter, without stops or unloading except for feeding and watering, during which the animals are not commingled with any other animals unless all are destined for slaughter.

Interstate Certificate of Veterinary Inspection (ICVI). An official document issued by a federal, state, tribal, or accredited veterinarian certifying that the animals identified on the document have been inspected and were found to satisfy the regulations pertaining to their intended movement—within the same state, between states, or internationally.

Market swine. A swine that is registered and entered in a PDA-sponsored market swine class, weighing at least 210 pounds and approximately 6 months old.

Recognized slaughter establishment. A slaughter establishment operated under the Federal Meat Inspection Act (21 U.S.C.A. §§ 601—623, 641—645, 661, 671—680 and 691) or a State inspected slaughter establishment.

Slaughter market. An animal market approved by the Department for the sale of slaughter animals in accordance with Chapter 5 (relating to animal markets) and the act of June 22, 1931 (P.L. 650, No. 225) (3 P.S. §§ 431—439), known as the Farm Animal Dealer or Broker License Law.

Swine Health Monitor. A Swine Health Monitor (SHM) is a person appointed by a fair board or livestock show committee who is familiar with swine and can recognize when swine are sick. This individual shall be trained by an accredited veterinarian to recognize animal health parameters or clinical signs suggestive of Foot and Mouth Disease (FMD), Classical Swine Fever (CSF), and African Swine Fever (ASF). This individual shall immediately report any clinical signs suggestive of FMD, CSF, and ASF to the veterinarian holding the veterinarian-client-patient relationship with the fair or show board. The veterinarian will then follow up by examining animal and notify the State Animal Health Official (SAHO) when appropriate.

Veterinarian-Client-Patient Relationship. A veterinarian-client-patient-relationship (VCPR) is defined by the American Veterinary Medical Association as the basis for interaction among veterinarians, their clients, and their patients and is critical to the health of an animal. A VCPR means that all of the following are required:

a. The veterinarian has assumed the responsibility for making clinical judgments regarding the health of the patient and the client has agreed to follow the veterinarians' instructions.

b. The veterinarian has sufficient knowledge of the patient to initiate at least a general or preliminary diagnosis of the medical condition of the patient. This means that the veterinarian is personally acquainted with the keeping and care of the patient by virtue of a timely examination of the patient by the veterinarian, or medically appropriate and timely visits by the veterinarian to the operation where the patient is managed.

c. The veterinarian is readily available for follow-up evaluation or has arranged for the following: veterinary emergency coverage, and continuing care and treatment.

d. The veterinarian provides oversight of treatment, compliance, and outcome.

e. Patient records are maintained.

3. Beginning January 1, 2020, no swine species shall be exhibited in this Commonwealth unless each animal meets all of the following criteria:

a. Is accompanied by a ICVI that was issued by a licensed and accredited veterinarian not more than 14 days before the date of the animal exhibition.

b. Shall be permanently identified by an official 840 series radio frequency identification (RFID) ear tag and the ear tag number recorded on the ICVI.

c. Has been visually inspected for signs of disease prior to unloading at the animal exhibition by an accredited veterinarian or a Swine Health Monitor appointed by the fair board or livestock show committee.

d. Any pig showing signs of illness upon arrival shall not be permitted to unload and must be reported to the accredited veterinarian holding the veterinarian-client-patient-relationship with the show or fair board.

4. All breeding swine animal exhibitions are to occur prior to the arrival of any market swine. Breeding swine must be removed from the animal exhibition premises prior to any market swine arriving. Breeding swine animal exhibitions, excluding birthing or educational displays which are not competing, shall arrive, exhibit, and depart in a period no greater than 72 hours.

5. Swine birthing exhibitions and educational displays which are not competing may occur concurrently with market swine animal exhibition as long as reasonable precaution is made to ensure the biosecurity of the swine birthing exhibition or educational display.

6. All market swine exhibited in Department sponsored market shows shall move directly to a PDA or USDA licensed slaughter facility following the animal exhibition and may not be diverted to premises other than a recognized slaughter establishment or a slaughter market in which the sales are designated slaughter only sales.

7. Non-PDA Sponsored shows including jackpot shows and 4-H roundups not occurring during a PDA sponsored fair or show, where arrival, exhibition and departure of the swine occur within a 72 hour window and there is no public access to the animals other than observation during competitions, shall be exempt from the terminal slaughter requirement listed in paragraph 6.

8. All swine imported into the Commonwealth for animal exhibition shall meet interstate health requirements established at section 3.131 of PDA's regulations (7 Pa. Code § 3.131).

9. All conveyances, containers, goods, products or materials in contact with swine being shipped within or through the Commonwealth of Pennsylvania for animal exhibition shall be cleaned and disinfected in accordance with the following:

a. A conveyance used for the transportation of swine to fairs and shows shall be cleaned and disinfected by an exhibitor prior to each use and shall be free of visible accumulations of manure.

10. *Violations and Penalties.* Any person violating the requirements of this Quarantine Order shall be subject to enforcement and penalties as are allowed under the provisions of the Domestic Animal Law (3 Pa.C.S.A. § 2301 et seq.), which include, revocation of license, criminal prosecution and/or civil penalties of up to \$10,000 per violation and injunctive relief.

11. *No Restriction on Further Action by PDA.* This Order shall not be construed as limiting the PDA's authority to establish additional quarantine or testing requirements or take any actions otherwise permitted under applicable statute or regulation.

12. *Contact information.* Questions regarding this Interstate and International Quarantine Order is to the Commonwealth of Pennsylvania, Department of Agriculture, Bureau of Animal Health, 2301 North Cameron Street, Harrisburg, PA 17110 or by telephone at 717-772-2852, or email at RA-ahds@pa.gov.

13. *Effective Date.* This Order is immediately effective as of January 1, 2020 or upon the date of publication in the *Pennsylvania Bulletin*, whichever date is sooner, and shall remain in effect unless rescinded or modified by subsequent order.

RUSSELL C. REDDING,
Secretary

[Pa.B. Doc. No. 20-105. Filed for public inspection January 24, 2020, 9:00 a.m.]

DEPARTMENT OF BANKING AND SECURITIES

Actions on Applications

The Department of Banking and Securities (Department), under the authority in the Banking Code of 1965 (7 P.S. §§ 101—2204), the Department of Banking and Securities Code (71 P.S. §§ 733-1—733-1203) and 17 Pa.C.S. (relating to Credit Union Code), has taken the following actions on applications received for the week ending January 14, 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

Holding Company Acquisitions

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Action</i>
01-11-2020	ACNB Corporation Gettysburg Adams County	Effective
	Application for approval to acquire 100% of Frederick County Bancorp, Inc., Frederick, MD, and thereby indirectly acquire 100% of Frederick County Bank, Frederick, MD.	

Consolidations, Mergers and Absorptions

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Action</i>
01-11-2020	ACNB Bank Gettysburg Adams County Merger of Frederick County Bank, Frederick, MD, with and into ACNB Bank, Gettysburg. As a result of the merger, the following branch offices of Frederick County Bank became branch offices of ACNB Bank: 2 North Market Street Frederick Frederick County, MD 6910 Crestwood Boulevard Frederick Frederick County, MD 200 Commerce Drive Walkersville Frederick County, MD	Effective
	165a Thomas Johnson Drive Frederick Frederick County, MD 490 Monocacy Boulevard Frederick Frederick County, MD	

Branch Applications**De Novo Branches**

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
12-31-2019	Centric Bank Harrisburg Dauphin County	105 Lancaster Avenue Devon Chester County	Opened
01-02-2020	Mars Bank Mars Butler County	109 South Broad Street Grove City Mercer County	Opened
01-06-2020	Somerset Trust Company Somerset Somerset County	232 Pittsburgh Street Connellsville Fayette County	Opened
01-09-2020	Firsttrust Savings Bank Conshohocken Montgomery County	32 West Pennsylvania Avenue Towson Baltimore County, MD	Approved
01-09-2020	Bank of Bird-in-Hand Bird-in-Hand Lancaster County Application to establish two mobile branches in Lancaster and Chester Counties to service the following proposed geographic locations: Providence Township Lancaster County Terre Hill Borough Lancaster County Clay Township Lancaster County Lower Oxford Township Chester County	West Earl Township Lancaster County Ephrata Township Lancaster County East Hempfield Township Lancaster County	Approved
01-14-2020	Brentwood Bank Bethel Park Allegheny County	1001 Hastings Park Drive Bridgeville Allegheny County (Limited Service Facility)	Approved

Branch Relocations

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
12-30-2019	Riverview Bank Marysville Perry County	<i>To:</i> 1460 Washington Boulevard Williamsport Lycoming County <i>From:</i> 1542 East 3rd Street Williamsport Lycoming County	Effective

Branch Discontinuances

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
01-07-2020	Somerset Trust Company Somerset Somerset County	300 Laurel Drive Connellsville Fayette County	Closed

CREDIT UNIONS

No activity.

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

ROBIN L. WIESSMANN,
Secretary

[Pa.B. Doc. No. 20-106. Filed for public inspection January 24, 2020, 9:00 a.m.]

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Applications, Actions and Special Notices

APPLICATIONS

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

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

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

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

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

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

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

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

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

I. NPDES Renewal Applications.

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N?</i>
PA0036269 (Sewage)	Stewartstown Borough Authority 6 North Main Street Stewartstown, PA 17363	York County/ Hopewell Township	Ebaugh's Creek/7I	Y
PA0082635 (Sewage)	Sun Valley Campground 2 N Riverside Plaza Chicago, IL 60606	Lancaster County/ Brecknock Township	UNT to Rock Run/7J	Y
PA0261394 (Sewage)	Randy Macko 3315A Back Road Halifax, PA 17032	Dauphin County/ Jefferson Township	South Fork Powell Creek/6C	Y

Southwest Region: Clean Water Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, Phone: 412.442.4000.

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N?</i>
PAS236107 (Storm Water)	Mitsubishi Chemicals Advanced Materials Inc Delmont Manufacturing 201 Industrial Drive Delmont, PA 15626-1016	Westmoreland County Salem Township	Unnamed Tributary of Beaver Run (HQ-CWF) (18-B)	Yes
PA0034258 (Sewage)	Independence Elementary School STP 2354 Brodhead Road Aliquippa, PA 15001-4585	Beaver County Independence Township	Raccoon Creek (WWF) (20-D)	Yes

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N?</i>
PA0100650 (Sewage)	Forrest Brooke MHP P.O. Box 1105 Hermitage, PA 16148-0105	Mercer County Lackawannock Township	Unnamed Tributary to Magargee Run (WWF) (20-A)	Yes
PA0100315 (Sewage)	Farma Parks MHP 87 Hughey Road Greenville, PA 16125-9617	Mercer County Perry Township	Unnamed Tributary to Little Shenango River (TSF) (20-A)	Yes
PA0210358 (Sewage)	Paul T Green SRSTP 842 Quaker Hill Road Warren, PA 16365-4283	Warren County Glade Township	Unnamed Tributary to Conewango Creek (CWF) (16-B)	Yes

The following notice reflects changes to the notice published on March 9, 2019.

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N?</i>
PA0044016 (Industrial)	Linesville Fish Culture Station Benner Spring Fish Research Station 1735 Shiloh Road State College, PA 16801-8495	Crawford County Pine Township	Pymatuning Reservoir (Shenango River) (20-A)	Yes

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. Telephone 484-250-5970.

PA0053279, Sewage, SIC Code 4952, **The McKee Group**, 1490 Durham Road, New Hope, PA 18938. Facility Name: Buckingham Springs STP. This existing facility is located in Buckingham Township, **Bucks 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, Unnamed Tributary to Mill Creek (WWF, MF), is located in State Water Plan watershed 2-F and is classified for Migratory Fishes and Warm Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of .1 MGD.—Limits.

Parameters	Mass Units (lbs/day)			Concentrations (mg/L)		Instant. Maximum
	Average Monthly	Average Weekly	Minimum	Average Monthly	Maximum	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	Inst Min 5.0	XXX	XXX	XXX
Total Residual Chlorine (TRC)	XXX	XXX	Inst Min XXX	0.06	XXX	0.19
Carbonaceous Biochemical Oxygen Demand (CBOD ₅)						
Nov 1 - Apr 30	13	XXX	XXX	15	XXX	30
May 1 - Oct 31	8.3	XXX	XXX	10	XXX	20
Total Suspended Solids	25	XXX	XXX	30	XXX	60
Total Dissolved Solids	1,251	XXX	XXX	1,500.0	XXX	XXX
Fecal Coliform (No./100 ml)						
Oct 1 - Apr 30	XXX	XXX	XXX	200 Geo Mean	1,000 90% SAMPLES	XXX
May 1 - Sep 30	XXX	XXX	XXX	200 Geo Mean	XXX	1,000
Nitrate-Nitrite as N						
Nov 1 - Jun 30	Report	XXX	XXX	Report	XXX	XXX
Jul 1 - Oct 31	6.7	XXX	XXX	8.0	XXX	16
Total Nitrogen	Report	XXX	XXX	Report	XXX	XXX
Ammonia-Nitrogen						
Nov 1 - Apr 30	5.8	XXX	XXX	7.0	XXX	14
May 1 - Oct 31	2.5	XXX	XXX	3.0	XXX	6
Total Phosphorus						
Nov 1 - Mar 31	1.7	XXX	XXX	2.0	XXX	4
Apr 1 - Oct 31	1.1	XXX	XXX	1.5	XXX	3

Sludge use and disposal description and location(s): hauling out the sludge every five to seven years from reed beds by contractors.

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
- G. Fecal Coliform Requirement
- H. Small Stream Discharge
- I. Solids Management

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.

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

PA0010201, Industrial Waste, SIC Code 4941, **Columbia Water Co.**, P.O. Box 350, 220 Locust Street, Columbia, PA 17512-0350. Facility Name: Walnut Street Water Treatment Facility. This existing facility is located in Columbia Borough, **Lancaster County**.

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

The receiving stream(s), Susquehanna River (WWF, MF), is located in State Water Plan watershed 7-G and is classified for Warm Water Fishery and Migratory Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of .091 MGD.—Limits:

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>			<i>Concentrations (mg/L)</i>		
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Total Residual Chlorine (TRC)	XXX	XXX	Inst Min XXX	0.50	XXX	1.0
Total Suspended Solids	Report	Report	XXX	30	60	75
Total Aluminum	Report	Report	XXX	4.0	8.0	10
Total Iron	Report	Report	XXX	2.0	4.0	5.0
Total Manganese	Report	Report	XXX	1.0	2.0	2.5

Sludge use and disposal description and location(s): Settled solids and screenings are hauled away and properly disposed of at an off-site location.

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

- Approval Contingencies
- Collected Screenings, Slurries, Sludges, and other Solids Management
- NPDES Permit Supersedes WQM Permit Requirements
- Modification of Permits to Conform to Newly Developed Standards or ELGs
- Chlorine Minimization
- Sedimentation Basin Cleaning

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

The EPA Waiver is in effect.

PA0052485, Sewage, SIC Code 6515, **Mountain Springs Investors LLC**, P.O. Box 365, Shartlesville, PA 19554-0365. Facility Name: Mountain Springs MHP. This existing facility is located in Upper Bern Township, **Berks County**.

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

The receiving stream(s), Unnamed Tributary to Mill Creek (TSF, MF), is located in State Water Plan watershed 3-B 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 .010 MGD.—Limits:

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>			<i>Concentrations (mg/L)</i>		
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Maximum</i>	<i>Instant. Maximum</i>
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX Daily Max	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	Inst Min 5.0	XXX	XXX	XXX
Total Residual Chlorine (TRC)	XXX	XXX	XXX	0.43	XXX	1.42
Carbonaceous Biochemical Oxygen Demand (CBOD ₅)	XXX	XXX	XXX	25	XXX	50
Total Suspended Solids	XXX	XXX	XXX	30	XXX	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
Total Nitrogen	Report	XXX	XXX	Geo Mean Report	XXX	XXX

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		Instant. Maximum
	Average Monthly	Average Weekly		Average Monthly	Maximum	
Ammonia-Nitrogen						
Nov 1 - Apr 30	XXX	XXX	XXX	20	XXX	40
May 1 - Oct 31	XXX	XXX	XXX	8.0	XXX	16
Total Phosphorus	Report	XXX	XXX	Report	XXX	XXX

Sludge use and disposal description and location(s): Sludge, biosolids, and screenings are hauled away and properly disposed of at an off-site location.

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

- Stormwater Prohibition
- Approval Contingencies
- Collected Screenings, Slurries, Sludges, and other Solids Management
- Potential for Future Sewage Facilities Planning Requirements
- Chlorine Minimization
- Intermittent/Ephemeral Stream Discharge
- Delaware River Basin Commission Requirements

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

The EPA Waiver is in effect.

Southwest Regional Office: Regional Clean Water Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, Telephone: 412.442.4000.

PA0235555, Industrial, SIC Code 1222, **Homer City Generation LP**, 1750 Power Plant Road, Homer City, PA 15748-8009. Facility Name: Dixon Run Central Treatment Facility. This existing facility is located in Cherryhill Township, **Indiana County**.

Description of Proposed Activity: The application is to renew an NPDES permit for discharges of treatment mine drainage.

The following notice reflects changes to the notice published on November 9, 2019.

The receiving streams, Allen Run (CWF) and Two Lick Creek (TSF), are located in State Water Plan watershed 18-D and are classified for Cold Water Fishes and Trout Stocking, aquatic life, water supply and recreation. The discharges are not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.044 MGD. Limits are modified as follows:

Parameters	Mass Units (lbs/day)		Instant. Minimum	Concentrations (mg/L)		Instant. Maximum
	Average Monthly	Daily Maximum		Average Monthly	Daily Maximum	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Total Suspended Solids	XXX	XXX	XXX	35.0	70.0	90
Total Dissolved Solids	XXX	XXX	XXX	Report	Report	XXX
Osmotic Pressure (mOs/kg)	XXX	XXX	XXX	Report	Report	XXX
Acidity, Total (as CaCO ₃)	XXX	XXX	XXX	Report	Report	XXX
Net Alkalinity	XXX	XXX	0.0	XXX	XXX	XXX
Alkalinity, Total (as CaCO ₃)	XXX	XXX	XXX	Report	Report	XXX
Aluminum, Total	XXX	XXX	XXX	0.75	0.75	XXX
Iron, Total	XXX	XXX	XXX	1.5	3.0	XXX
Manganese, Total	XXX	XXX	XXX	1.0	2.0	XXX
Sulfate, Total	XXX	XXX	XXX	Report	Report	XXX
Thallium, Total	XXX	XXX	XXX	Report	Report	XXX
Chloride	XXX	XXX	XXX	Report	Report	XXX

The proposed effluent limits for Outfall 002 are based on a design flow of 0.044 MGD. Limits are modified as follows:

Parameters	Mass Units (lbs/day)		Instant. Minimum	Concentrations (mg/L)		Instant. Maximum
	Average Monthly	Daily Maximum		Average Monthly	Daily Maximum	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Total Suspended Solids	XXX	XXX	XXX	35.0	70.0	90
Total Dissolved Solids	XXX	XXX	XXX	Report	Report	XXX
Osmotic Pressure (mOs/kg)	XXX	XXX	XXX	Report	Report	XXX

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Instant. Minimum</i>	<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
Acidity, Total (as CaCO ₃)	XXX	XXX	XXX	Report	Report	XXX
Net Alkalinity	XXX	XXX	0.0	XXX	XXX	XXX
Alkalinity, Total (as CaCO ₃)	XXX	XXX	XXX	Report	Report	XXX
Aluminum, Total	XXX	XXX	XXX	0.75	0.75	XXX
Iron, Total	XXX	XXX	XXX	1.5	3.0	XXX
Manganese, Total	XXX	XXX	XXX	1.0	2.0	XXX
Sulfate, Total	XXX	XXX	XXX	Report	Report	XXX
Chloride	XXX	XXX	XXX	Report	Report	XXX

All other limits and monitoring requirements remain unchanged from the November 9, 2019 notice.

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

The EPA Waiver is in effect.

PA0022331, Sewage, SIC Code 4952, **West Elizabeth Sanitary Authority**, 125 Lower First Street, West Elizabeth, PA 15088. Facility Name: West Elizabeth STP. This existing facility is located in West Elizabeth Borough, **Allegheny 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 Monongahela River (WWF), is located in State Water Plan watershed 19-C and is classified for Warm Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 1.06 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Daily 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>	
Flow (MGD)	Report	Report	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	XXX	XXX	XXX
Carbonaceous Biochemical Oxygen Demand (CBOD ₅)	221	336	XXX	25.0	38.0	50
Biochemical Oxygen Demand (BOD ₅) 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	265	398	XXX	30.0	45.0	60
Total Dissolved Solids	Report	Report Daily Max	XXX	Report	Report Daily Max	XXX
Fecal Coliform (No./100 ml) Oct 1 - Apr 30	XXX	XXX	XXX	2,000 Geo Mean	XXX	10,000
May 1 - Sep 30	XXX	XXX	XXX	200 Geo Mean	XXX	1,000
Ultraviolet light transmittance (%)	XXX	XXX	Report	XXX	XXX	XXX
Ammonia-Nitrogen	221	XXX	XXX	25.0	38.0	50
Total Nitrogen	XXX	XXX	XXX	XXX	Report Daily Max	XXX
Total Phosphorus	XXX	XXX	XXX	XXX	Report Daily Max	XXX

Sludge use and disposal description and location(s): Sludge is hauled to the Clairton WWTP for processing then landfilled.

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

- The Permittee will conduct annual chronic WET tests.

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

The EPA Waiver is not in effect.

PA0203688, Sewage, SIC Code 4952, **West Pike Run Township**, P.O. Box 222, Daisytown, PA 15427-0222. Facility Name: West Pike Run Township M.A. STP. This existing facility is located in West Pike Run Township, **Washington County**.

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

The receiving stream, Pike Run (TSF), is in State Water Plan watershed 19-C and is classified for Trout Stocking, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of .063 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>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	XXX	XXX	XXX
Total Residual Chlorine (TRC)	XXX	XXX	XXX	0.5	XXX	1.6
Carbonaceous Biochemical Oxygen Demand (CBOD ₅)	13.1	XXX	XXX	25	XXX	50
Biochemical Oxygen Demand (BOD ₅)						
Raw Sewage Influent	Report	XXX	XXX	Report	XXX	XXX
Total Suspended Solids	15.8	XXX	XXX	30	XXX	60
Total Suspended Solids Raw Sewage Influent	Report	XXX	XXX	Report	XXX	XXX
Fecal Coliform (No./100 ml)						
Oct 1 - Apr 30	XXX	XXX	XXX	2,000 Geo Mean	XXX	10,000
May 1 - Sep 30	XXX	XXX	XXX	200 Geo Mean	XXX	1,000
Ammonia-Nitrogen						
Nov 1 - Apr 30	XXX	XXX	XXX	Report	XXX	Report
May 1 - Oct 31	XXX	XXX	XXX	23	XXX	46

The proposed effluent limits for Outfall 001 are based on a design flow of .063 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Average Monthly</i>	<i>Maximum</i>	
Total Nitrogen	XXX	XXX	XXX	XXX	Report Daily Max	XXX
Total Phosphorus	XXX	XXX	XXX	XXX	Report Daily Max	XXX

Sludge use and disposal description and location(s): Other Sewage Treatment Facility.

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

The EPA Waiver is in effect.

PA0255475, Industrial, SIC Code 4941, **Harmar Township Municipal Water Authority**, 200 Pearl Avenue, Cheswick, PA 15024. Facility Name: Harmar Township Water Treatment Plant. This proposed facility is located in Harmar Township, **Allegheny County**.

Description of Proposed Activity: The application is for a new NPDES permit for a new discharge of filter backwash water from the water treatment plant.

The receiving stream, Allegheny River (WWF), is located in State Water Plan watershed 18-A 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 0.24 MGD.—Permit Effective Date (PED) to Permit Expiration Date Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Daily Minimum</i>	<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Total Residual Chlorine (TRC)	XXX	XXX	XXX	0.5	1.0	XXX

Parameters	Mass Units (lbs/day)		Daily Minimum	Concentrations (mg/L)		Instant. Maximum
	Average Monthly	Daily Maximum		Average Monthly	Daily Maximum	
Total Suspended Solids	XXX	XXX	XXX	30.0	60.0	XXX
Aluminum, Total	XXX	XXX	XXX	4.0	8.0	XXX
Iron, Total	XXX	XXX	XXX	2.0	4.0	XXX
Manganese, Total	XXX	XXX	XXX	1.0	2.0	XXX

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

The EPA Waiver is in effect.

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

PA0287989, Sewage, SIC Code 8800, **Gorden Smith**, 637 Fredonia Road, Greenville, PA 16125. Facility Name: Gorden Smith SRSTP. This proposed facility is located in Delaware 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(s), Unnamed Tributary of Otter Creek (TSF), is located in State Water Plan watershed 20-A and is classified for Trout Stocking, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

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

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		Instant. Maximum
	Average Monthly	Average Weekly		Annual Average	Maximum	
Flow (GPD)	Report Annl Avg	XXX	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0 Inst Min	XXX	XXX	9.0
Biochemical Oxygen Demand (BOD ₅)	XXX	XXX	XXX	10.0	XXX	20
Total Suspended Solids	XXX	XXX	XXX	10.0	XXX	20
Fecal Coliform (No./100 ml)	XXX	XXX	XXX	200	XXX	XXX

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

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

The EPA Waiver is in effect.

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

Southeast Region: Clean Water Program Manager, 2 East Main Street, Norristown, PA 19401, 484.250.5900.

WQM Permit No. 0919410, Sewage, **Chalfont New Britain Township Joint Sewer Authority**, 1645 Upper State Road, Doylestown, PA 18901-2666.

This proposed facility is located in Doylestown Township, **Bucks County**.

Description of Action/Activity: Installation of a sludge dryer.

WQM Permit No. 1519409, Sewage, **Oxford Area Sewer Authority**, P.O. Box 380, Oxford, PA 19363-0380.

This proposed facility is located in Lower Oxford Township, **Chester County**.

Description of Action/Activity: Construction and operation of a new pump station & force main to serve a new 100+ unit subdivision.

WQM Permit No. 4619409, Sewage, **Upper Merion Township**, 175 West Valley Forge Road, King of Prussia, PA 19406-1802.

This proposed facility is located in Upper Merion Township, **Montgomery County**.

Description of Action/Activity: Sewer replacement along Swedeland Road; connection to Glaxo Smith-Kline West campus.

WQM Permit No. WQG02461917, Sewage, **Aqua Pennsylvania Wastewater Inc.**, 762 W. Lancaster Avenue, Bryn Mawr, PA 19101-3489.

This proposed facility is located in Limerick Township, **Montgomery County**.

Description of Action/Activity: Proposed sewer collection system and a combined gravity & low pressure sewer system.

WQM Permit No. 0919411, Sewage, **Pennsylvania American Water**, 852 Wesley Drive, Mechanicsburg, PA 17055.

This proposed facility is located in Lower Makefield Township, **Bucks County**.

Description of Action/Activity: Water Treatment Disinfection Improvements.

WQM Permit No. 1596401, Sewage, Amendment, **Aqua Pennsylvania Wastewater Inc.**, 762 W. Lancaster Avenue, Bryn Mawr, PA 19010.

This proposed facility is located in East Brandywine Township, **Chester County**.

Description of Action/Activity: Upgrades to preliminary treatment process, including a new influent screening facility, a new influent pump station and upgrades to the electrical and HVAC systems.

WQM Permit No. WQG02461918, Sewage, **Masons Mill Partner LP**, 1800 Byberry Road, Suite 1410, Huntingdon Valley, PA 19006.

This proposed facility is located in Bryn Athyn Borough, **Montgomery County**.

Description of Action/Activity: Public sanitary sewer.

WQM Permit No. 4604419, Sewage, Amendment, **Masons Mill Partner, LP**, 1800 Byberry Road, Suite 1410, Huntingdon Valley, PA 19006.

This proposed facility is located in Bryn Athyn Borough, **Montgomery County**.

Description of Action/Activity: Reducing the length of force main covered by WQM Permit.

WQM Permit No. 4604419, Sewage, Transfer, **Upper Moreland Hatboro Joint Sewer Authority**, 2875 Terwood Road, Willow Grove, PA 19090-1434.

This proposed facility is located in Bryn Athyn Borough, **Montgomery County**.

Description of Action/Activity: Transfer ownership.

WQM Permit No. 4620401, Sewage, **Clemens Food Group**, P.O. Box 902, Hatfield, PA 19440-0902.

This proposed facility is located in Hatfield Township, **Montgomery County**.

Description of Action/Activity: Installation of 3 new boilers to serve proposed expansion of the existing facility.

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

WQM Permit No. 5503402 A-1, Sewage, **Eastern Snyder County Region Authority**, P.O. Box 330, Selinsgrove, PA 17870-0330.

This existing facility is located in Penn Township, **Snyder County**.

Description of Proposed Action/Activity: Install pumps, screens, blowers, MLSS mixers, dewatering units & other equipment to replace and/or supplement aged equipment to improve reliability of operations.

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

WQM Permit No. 6519403, Sewage, **Municipal Authority of Westmoreland County**, 124 Park and Pool Road, New Stanton, PA 15672.

This proposed facility is located in City of Jeannette, **Westmoreland County**.

Description of Proposed Action/Activity: The Authority proposes to consolidate and reconstruct CSO Structures 009 & 010, reconstruction of CSO Structure 006, and sewer line replacement work along Chambers Avenue.

WQM Permit No. 1119403, Sewage, **Highland Sewer & Water Authority**, 120 Tank Drive, Johnstown, PA 15904-3251.

This proposed facility is located in Richland Township, **Cambria County**.

Description of Proposed Action/Activity: Construct low-pressure sanitary sewer extension to serve 34 homes along Scalp Ave, Berwick Rd and Walters Ave.

WQM Permit No. 8928-S A-1, Sewage, **Ductmate Ind**, 1502 Ind Drive, Monongahela, PA 15063-9753.

This existing facility is located in Forward Township, **Allegheny County**.

Description of Proposed Action/Activity: installation of a chlorination/de-chlorination unit.

WQM Permit No. 9656-S A-2, Sewage, **Arnold City Westmoreland County**, 1829 5th Avenue, Arnold, PA 15068.

This existing facility is located in Arnold City, **Westmoreland County**.

Description of Proposed Action/Activity: Replace sewer line under 14th Street by 5th Ave. to reduce CSOs.

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

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

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

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

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAD390148	Lehigh Northampton Airport Auth 3311 Airport Rd Allentown, PA 18190	Lehigh	Allentown City	Little Lehigh Creek (HQ-CWF, MF)

Monroe County Conservation District, 8050 Running Valley Road, Stroudsburg, PA 18347, 570-629-3060.

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAD450104	Shawnee Development Inc 6277 Sea Harbor Dr Orlando, FL 32821	Monroe	Smithfield Twp	Shawnee Creek (HQ-CWF, MF)

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

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAD300010	Contura Pennsylvania Land, LLC P.O. Box 1020 158 Portal Road Waynesburg, PA 15370	Greene County	Center Township	Pursley Creek (HQ-WWF)
PAD630048	Pennsylvania Department of Transportation, District 12-0 825 North Gallatin Avenue Extension Uniontown, PA 15101	Washington County	South Strabane Township	UNT to Little Chartiers Creek (HQ-WWF)
PAD630049	Duquesne Light Company 2841 New Beaver Avenue Pittsburgh, PA 15233	Washington County	Union Township	Monongahela River (WWF)

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

Lancaster County Conservation District: 1383 Arcadia Road, Room 200, Lancaster, PA 17601-3149.

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAD360048	State Road Investors LLC 2456 Noll Drive Lancaster, PA 17603	Lancaster County	East Hempfield Township	Swarr Run and UNT to Swarr Run/TSF, MF

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

PAG-12	CAFOs
PAG-13	Stormwater Discharges from Municipal Separate Storm Sewer Systems (MS4)

MS4 PAG-13 Notices of Intent Received.

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

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>Municipality, County</i>	<i>Waiver Application Submitted (Y/N)</i>	<i>Pollutant Reduction Plan Submitted (Y/N)</i>
PAG133570	Franklin Township York County 150 Century Lane Dillsburg, PA 17019-9461	Franklin Township, York County	Y	N

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: Water Supply Management Program Manager, 2 East Main Street, Norristown, PA 19401, Telephone 484.250.5980.

Contact: Kimberleigh Rivers, Clerk Typist 2, 484.250.5887.

Permit No. 0919535, Public Water Supply.

Applicant	Thomas Jefferson University Hospitals, Inc. 111 S. 11th Street, 2nd Floor Philadelphia, PA 19107
Township	Langhorne
County	Bucks
Responsible Official	Edward W. Sampey Vice President of Facilities 111 S. 11th Street, 2nd Floor Philadelphia, PA 19107
Type of Facility	PWS
Consulting Engineer	EBL Engineers, Inc. 8005 Harford Road Parkville, MD 21234
Application Received Date	December 24, 2019
Description of Action	Addition of chlorination at Thomas Jefferson University Hospital Bucks Campus.

Permit No. 0919539, Public Water Supply.

Applicant	Kinder Works-Doylestown 1090 Pebble Hill Road Doylestown, PA 18901
Township	Doylestown
County	Bucks
Responsible Official	April Bass 1090 Pebble Hill Road Doylestown, PA 18901
Type of Facility	PWS
Consulting Engineer	J.S. Madaras Consulting, LLC 250 Indian Lane Boyertown, PA 19512
Application Received Date	December 19, 2019
Description of Action	Permit application received for the installation of arsenic removal system and UV disinfection.

Northcentral Region: Safe Drinking Water Program Manager, 208 West Third Street, Suite 101, Williamsport, PA 17701-6448.

Application No. 4120502—Bulk Water Hauler Finished—Public Water Supply.

Applicant	Berger Septic Inc.
Township/Borough	City of Williamsport
County	Lycoming County
Responsible Official	Mr. Rennel W. Rodarmel III 921 Westminster Drive Williamsport, PA 17701
Type of Facility	Public Water Supply
Consulting Engineer	Mr. James Greg Myers Earth Systems Engineering, Inc. 286 Meredith Lane Bellefonte, PA 16823
Application Received	December 10, 2019
Description of Action	Authorizes Berger Septic potable water withdrawal: to haul water from approved sources to site for potable water use.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995 PREAMBLE 1

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

Sections 302, 303, 304 and 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, State-wide 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, Benjamin Stone-Thonus, 717-705-4705, 909 Elmerton Avenue, Harrisburg, PA 17110.

Former Manheim Holder Site, 13 South Wolf Street, Manheim, PA 17545, Borough of Manheim, **Lancaster County**. GZA GeoEnvironmental, Inc., 1515 Market Street, Suite 945, Philadelphia, PA 19102, on behalf of UGI Utilities, Inc., 1 UGI Drive, Denver, PA 17517, submitted a Notice of Intent to Remediate site soil contaminated with lead and PAHs from former manufactured gas storage activities. The site will be remediated to the Residential Statewide Health Standard. Future use of the site is will continue to be used as a gas regulator facility already existing on the property. The Notice of Intent to Remediate was published in the *LNP* on December 31, 2019.

Northcentral Region: Environmental Cleanup Program Manager, 208 West Third Street, Williamsport, PA 17701, Telephone number: 570-237-3636.

Contact: Lisa Hensel, Clerk Typist II, 570-327-3653.

Interstate 80 at MM 213W, Turbot Township, **Northumberland County**. Northridge Group, Inc., P.O. Box 231, Northumberland, PA 17857, on behalf of Knorr Hauling, Inc., 617 Maple Street, Berwick, PA 18603, has submitted a Notice of Intent to Remediate concerning site soil contaminated with diesel fuel, motor oil, antifreeze and hydraulic fluid. The site is and will remain a berm area adjacent to the Interstate roadway. A summary of the Notice of Intent to Remediate was published in *The Daily Item* on December 6, 2019.

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

John Deblasio Property, 1313 West Woodlawn Street, Whitehall Township, **Lehigh County**. EMS Environmental, 4550 Bath Pike, Bethlehem, PA 18017, on behalf of John Deblasio Estate c/o Nick Schaefer, 4227 Winchester Road, Allentown, PA 18104, submitted a Notice of Intent to Remediate. Soil was contaminated by a release of heating oil from an underground storage tank. Future use of the site will be residential. The Notice of Intent to Remediate was published in *The Press* on December 11, 2019.

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

1322 Brandywine Creek Road, 1322 Brandywine Creek Road, Newlin Township, **Chester County**. Stephen Huxta, PG, Brickhouse Environmental, 515 South Franklin Street, West Chester, PA 19129 on behalf of Joan McIlvaine, 3403 Midvale Avenue, Philadelphia, PA 19129 submitted a Notice of Intent to Remediate. Site soil was found to be impacted by a release of heating oil. The proposed future use of the property will remain residential. The Notice of Intent to Remediate was published in the *Daily Local News* on November 15, 2019.

NW Controls Facility Property, 2210 Shelly Road, Upper Salford Township, **Montgomery County**. Terence A. O'Reilly, PG, TriState Environmental Management Services, Inc., 368 Dunksferry Road, Bensalem, PA 19020 on behalf of Keith Miller/Guardian for Karl Ifert, Acom Fund LLC, 6 Kendra Court, Ridgefield, CT 06877 submitted a Notice of Intent to Remediate. Soils and groundwater at the site have been found to be impacted by trichloroethene, tetrachloroethene and other related compounds. The future use of the property will continue to be non-residential. The Notice of Intent to Remediate was published in *The Reporter* on November 29, 2019.

631 Catherine Street, 631 Catherine Street, Warminster Township, **Bucks County**. Richard D. Trimpi, Trimpi Associates Inc., 1635 Old Plains Road, Hatfield, PA 18073 on behalf of Eugene B. Wolstenholme, Marital Trust/Ralph Wolstenholme, 121 Pritchard Hollow Road, Westfield, PA 16950 submitted a Notice of Intent to Remediate. A release of petroleum impacted soil and shallow groundwater on the property. The current use and proposed future use of the property is commercial. The Notice of Intent to Remediate was published in the *Bucks County Courier Times* on November 7, 2019.

Sellersville Senior Apartments, LLC Property, Western Corner of the Intersection of East Clymer Avenue and Diamond Street, Sellersville Borough, **Bucks County**. Christopher M. Kern, P.G., Liberty Environmen-

tal, Inc., 505 Penn Street, Suite 400, Reading, PA 19601 on behalf of Daniel McKee, Sellersville Senior Apartments, LLC, 12 Lutheran Drive, Telford, PA 18969 submitted a Notice of Intent to Remediate. The property has been found to be contaminated with PAHs and mercury. The proposed future use of the property will be residential. The Notice of Intent to Remediate was published in the *Bucks County Courier Times* on November 29, 2019.

Furniture Mart USA, 50 Hulmeville Avenue, Pennel Borough, **Bucks County**. David Schantz, Aquaterra Technologies, Inc., 122 South Church Street, West Chester, PA 19382 on behalf of Roger Betesh, Furniture Mart USA, 50 Hulmeville Avenue, Pennel, PA 19047 submitted a Notice of Intent to Remediate. Arsenic and vanadium were detected in soil. Proposed future use of the property may be residential. The Notice of Intent to Remediate was published in the *Lower Bucks Times* on January 3, 2020.

Lots 5, 6 and 6A of the Moyer Farm Subdivision, Moyer and Township Line Roads, New Hanover Township, **Montgomery County**. Jeffrey A. Leed, Leed Environmental, Inc., 2209 Quarry Drive, Suite C-35, Reading, PA 19609 on behalf of Joseph Margusity, Wexford Court, LLC, 356 Hidden Farm Drive, Exton, PA 19341 submitted a Notice of Intent to Remediate. The soil on the site has been found to contain arsenic. The proposed future use of the property will be residential. The Notice of Intent to Remediate was published in *The Mercury* on December 6, 2019.

REGISTRATION FOR RESIDUAL WASTE GENERAL PERMITS

Registration(s) Received Under the Solid Waste Management Act; the Municipal Waste Planning, Recycling and Waste Reduction Act; and Residual Waste Regulations for a General Permit to Operate Residual Waste Processing Facilities and the Beneficial Use of Residual Waste other than Coal Ash.

Southwest Region: Regional Solid Waste Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745. Telephone 412-442-4000.

General Permit Application No. WMGR123SW040. EQT Production Company, 2400 Ansys Drive, Suite 200, Canonsburg, PA 15317. A request for registration for coverage under General Permit WMGR123 to construct and operate the Magnum Aboveground Storage Tank Facility for storage and reuse of oil and gas liquid waste at a facility located in Center Township, **Greene County**. The registration was received in the Regional Office on January 2, 2020 accepted as administratively complete on January 13, 2020.

General Permit Application No. WMGR123SW039. EQM Gathering OPCO, LLC, 2200 Energy Drive, Canonsburg, PA 15317. A request for registration for coverage under General Permit WMGR123 to construct and operate the Perch Storage Facility for storage and reuse of oil and gas liquid waste at a facility located in Aleppo Township, **Greene County**. The registration was received in the Regional Office on December 26, 2019 accepted as administratively complete on January 9, 2020.

AIR QUALITY

PLAN APPROVAL AND OPERATING PERMIT APPLICATIONS

The Department has developed an "integrated" plan approval, State Operating Permit and Title V Operating Permit program. This integrated approach is designed to make the permitting process more efficient for the Department, the regulated community and the general public. This approach allows the owner or operator of a facility to submit permitting documents relevant to its application for all sources related to a facility or a proposed project, affords an opportunity for public input, and provides for a decision on the issuance of the necessary permits.

The Department received applications for Plan Approvals or Operating Permits from the following facilities.

Copies of the application, the Department's analysis, all pertinent documents used in the evaluation of the application and subsequently prepared proposed plan approvals/operating permits are available for public review during normal business hours at the appropriate Department Regional Office. Appointments for scheduling a review must be made by calling the appropriate Department Regional Office. The address and phone number of the Regional Office is listed before the application notices.

Persons wishing to file a written protest or provide comments or additional information, which they believe should be considered prior to the issuance of a permit, may submit the information to the Department's Regional Office. A 30-day comment period from the date of this publication will exist for the submission of comments, protests and information. Each submission must contain the name, address and telephone number of the person submitting the comments, identification of the proposed Plan Approval/Operating Permit including the permit number and a concise statement regarding the relevancy of the information or objections to issuance of the permit.

A person wishing to request a hearing may do so during the 30-day comment period. A public hearing may be held, if the Department, in its discretion, decides that a hearing is warranted based on the information received. Persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in the newspaper, the *Pennsylvania Bulletin* or by telephone, when the Department determines this type of notification is sufficient. Requests for a public hearing and any relevant information should be directed to the appropriate Department Regional Office.

Permits issued to the owners or operators of sources subject to 25 Pa. Code Chapter 127, Subchapter D or E, or located within a Title V facility or subject to 25 Pa. Code § 129.51(a) or permits issued for sources with limitations on their potential to emit used to avoid otherwise applicable Federal requirements may be submitted to the United States Environmental Protection Agency for review and approval as a revision to the State Implementation Plan. Final Plan Approvals and Operating Permits will contain terms and conditions to ensure that the sources are constructed and operating in compliance with applicable requirements in the Air Pollution Control Act (35 P.S. §§ 4001—4015), 25 Pa. Code Chapters 121—145, the Federal Clean Air Act (42 U.S.C.A. §§ 7401—7671q) and regulations adopted under the Federal Clean Air Act.

Persons with a disability who wish to comment and require an auxiliary aid, service or other accommodation

to participate should contact the regional office listed before the application. TDD users may contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

PLAN APPROVALS

Plan Approval Applications Received under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and 25 Pa. Code Chapter 127, Subchapter B that may have special public interest. These applications are in review and no decision on disposition has been reached.

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

Contact: Dave Balog, New Source Review Chief, (814) 332-6328.

24-012K: Graftech USA LLC (800 Theresia Street, Saint Marys, PA 15857) plan approval application received for the installation and initial operation of new sources, the modification of existing sources, and the installation and initial operation of a new control device at their existing Title V facility located in St Mary City, **Elk County**. A new column build end mill and an electrode machining process is proposed. A new SO₂ scrubber is proposed. The modification of Sources 187, 715, and 158 is proposed.

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.

Southeast Regional Office: 2 East Main Street, Philadelphia, PA 19401.

AMS IP17-00452: Delaware Valley Recycling, Inc. (3107 South 61st St., Philadelphia, PA 19153), **Philadelphia County**, for modification of PA No. 13322 issued on January 22, 2016 and extended through IP No. 17-000195 on June 15, 2019.

The modifications include the following:

- Installation of 3 Silos, Recycled Lumpbreaker Recycled Asphalt Pavement (RAP)/Crusher with Electric Engine and Baghouse # 2, virgin aggregate cold feed bins, virgin aggregate scalping screen, dust storage silo, enclosed drag conveyor, Recycled Product Bins, Oversize Screen (inline for recycled circuit, feeds crusher), liquid asphalt cement tanks, liquid asphalt calibration tank.

- To remove all crushers from plan approval permits number IP17-000195; and include electric crusher.

The modifications are not expected to increase emissions from the facility.

The plan approval will contain operating, monitoring and recordkeeping requirements to ensure operation within all applicable requirements.

Anyone affected by the proposed plan approval modification may submit written comments or a request for a public hearing by mail to Air Management Services, 321 University Avenue, 2nd Floor, Philadelphia, PA 19104, Attn: Debra Williams within thirty (30) days from today. Comments received by facsimile will not be accepted.

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

Contact: Raymond Kempa, New Source Review Chief, (570) 826-2507.

35-00038A: Lockheed Martin Corporation (459 Kennedy Drive, Archbald, PA 18403) for the construction and operation of one in-line liquid cleaning machine to serve as a printed circuit board washer at the site located in Archbald Borough, **Lackawanna County**. This facility is a Non-Title V facility. The company shall not exceed 50 TPY VOC emissions from the facility. The company shall comply with 123.31 for odor emissions. There is no production increase associated with this project. The company will operate the facility 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.

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

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

24-131W: SGL Carbon LLC (900 Theresia St., St. Marys, PA 15857) for the installation of six (6) graphitizing and purification furnace(s), and associated three-stage scrubber at their facility in the City of St. Marys, **Elk County**.

Notice is hereby given pursuant to 25 Pa. Code §§ 127.44(b) and 127.424(b), that the Pennsylvania Department of Environmental Protection (DEP) intends to issue Plan Approval 24-131W to SGL Carbon LLC for the installation of six (6) graphitizing and purification furnace(s), and an associated three-stage scrubber at the company's facility located at 900 Theresia St., City of St. Marys, Elk County. The Plan Approval will subsequently be incorporated into the facility's State Only Operating Permit through an administrative amendment in accordance with 25 Pa. Code § 127.450.

Plan Approval No. 24-131W is for the installation of six (6) graphitizing and purification furnace(s), with emissions of chlorine and particulate matter to be controlled by a three-stage scrubber, consisting of two (2) venturi scrubbers, and a packed tower scrubber. Based on the information provided by the applicant and DEP's own analysis, emissions from the subject source(s) will not exceed 1.36 ton of particulate matter and 0.09 ton of chlorine per year. The Plan Approval will contain additional monitoring, recordkeeping, and work practice requirements 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 are available for public inspection between the hours of 8 a.m. and 4 p.m. weekdays at the following shown address. To make an appointment, contact Records Management at 814-332-6340.

Anyone wishing to provide DEP with additional information they believe should be considered may submit the information to the following shown address. Comments must be received by the Department within 30 days of the last day of publication. Written comments should include the name, address, and telephone number of the person submitting comments, identification of the proposed Plan Approval; No. 24-131W and a concise state-

ment regarding the relevancy of the information or any objections to issuance of the Plan Approval.

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

43-309C: Deist Industries, Inc., dba Bucks Fabricating (3550 Perry Highway, Hadley, PA 16130), the Department intends to issue an Air Quality Plan Approval for the proposed installation and operation of a third surface coating booth, a heated air make-up unit, a source modification, and an increase in the facility-wide potential to emit (PTE) for their facility located at in Sandy Creek Township, **Mercer County**.

Notice is hereby given, in accordance with 25 Pa. Code § 127.44(b), for actions taken on an application for plan approval for sources located within a Title V facility.

This facility currently operates two (2) surface coating operations under authority of Operating Permit NM-43-00309. The proposed new sources include: One (1) Colmet Spray Booth, XDS series, Model XDS-20-14-50-P-DT (Source 114) equipped with Binks Receptor Filter, or equivalent, panel/blanket type filter, and one (1) natural gas-fired Comet Spray Booth Heated Air Make-up Unit, Model CT-227 NG HRH H.O.T. (Source 115) rated at 5.5 MMBtu/hr.

Installation and operation of the proposed new equipment increases the facility-wide PTE for Volatile Organic Compounds (VOC), Hazardous Air Pollutants (HAP), combustion emissions identified as Nitrogen Oxides (NO_x), Sulfur Oxides (SO_x), Carbon Monoxide (CO), Particulate Matter (PM, PM₁₀, PM_{2.5}), VOC, HAP, and Greenhouse gases (GHG). The modification to Source 102, Assembly Cleaning Process (Hand Wipe), increases the potential VOC and HAP emissions. The combined emissions increase resulting from installation and operation of the new sources, Sources 114 and 115, and the modification to Source 102 are estimated to be 37 tons of VOC per consecutive 12-month period and 6.74 tons of HAP per consecutive 12-month period.

The surface coating operation is subject to the 25 Pa. Code § 129.52d Table 1, VOC content limits for Metal Parts and Products Surface Coating for Extreme Performance Coatings and is limited to:

- (i) Air-dried—3.5 lbs/gal coating, less water & exempt compounds, as applied (0.42 kg VOC/liter coating, less water & exempt compounds, as applied)
- (ii) Baked—3.0 lbs/gal coating, less water & exempt compounds, as applied (0.36 kg VOC/liter coating, less water & exempt compounds, as applied)

The following proposed emission increases for the new sources (Sources 114 and 115) and the modified source (Source 102) are summarized:

<i>Pollutant</i>	<i>Sources 114 / 102</i>	<i>Source 115</i>
NO _x (Nitrogen Oxides)	0	2.41
CO (Carbon Monoxide)	0	2.02
SO _x (Sulfur Oxides)	0	0.01
VOC (Volatile Organic Compounds)	37.0	0.13
PM ₁₀ (Particulate Matter <10 microns)		0.18
PM (Particulate Matter)	0	0.18
PM _{2.5} (Particulate Matter <2.5 microns)	0	0.18
n-propyl bromide	6.63	0
Xylene	4.83	0
<i>Total HAP</i>	6.74	0

The facility-wide VOC emission limitation will increase to 67 tons in any consecutive twelve (12) month rolling period. As a result of this increase, the facility is now a major VOC emitting facility and meets the definition of a Title V facility. After the new equipment construction is complete and the temporary operation period commences, the owner/operator shall submit a complete Title V operating permit application, including all sources (new and existing) and controls, for authorization to continue operation at the facility.

This action is subject to State regulations including 25 Pa. Code Chapter 127—Construction, Modification, Reactivation, and Operation of Sources and Compliance Assurance Monitoring Plan. These modifications will result in facility-wide criteria pollutant emission increases to levels above the major source threshold for VOC but remain below the significance levels for Nonattainment New Source Review under 25 Pa. Code Subchapter E and Prevention of Significant Deterioration under 40 CFR 52.21.

The emissions from the new and modified sources have been evaluated and determined, through a five (5)-step, “top down” analysis approach, to meet the minimum attainable emissions through the use of best available technology as required 25 Pa. Code § 127.12(a)(5). The facility will demonstrate compliance with emission limitations through air pollution control devices, monitoring, testing, recordkeeping, reporting and work practice requirements, as applicable.

In accordance with 25 Pa. Code § 127.44, the public notice provisions, the Department of Environmental Protection, Northwest Regional Office, has made a preliminary determination to approve this Plan Approval.

In accordance with 25 Pa. Code § 127.44(c) & (e), the proposed plan approval will be submitted to the U.S. Environmental Protection Agency (EPA) and affected states for comment prior to issuance.

In accordance with 25 Pa. Code § 127.44(f)(1), all the pertinent documents regarding this application (applications, review memos, and draft approvals) are also available for review from 8:00 a.m. to 4:00 p.m. at the Meadville Regional DEP Office (Air Quality). Appointments for scheduling a review must be made by calling the DEP at (814) 332-6340.

In accordance with 25 Pa. Code § 127.44(f)(2), a 30-day comment period, from the date of publication, will exist for the submission of comments.

In accordance with 25 Pa. Code § 127.45(b), 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 Eric A. Gustafson, Regional Air Quality Program Manager, Pennsylvania Department of Environmental Protection, 230 Chestnut Street, Meadville, PA 16335-3494 and must contain the name, address and telephone number of the person submitting the comments, identification of the proposed plan approval [43-309C] 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 or for additional information should be directed to Eric A. Gustafson, Regional Air Quality Program Manager, Pennsylvania Department of Environmental Protection, 230 Chestnut St., Meadville, PA 16335; Phone (814) 332-6940.

In accordance with 25 Pa. Code § 127.45, a person may oppose the proposed plan approval by filing a written protest with the Department's Northwest Region Air Quality Program Manager. If a plan approval has not undergone the previously listed public notice process, the change to an operating permit must be treated as a significant modification. In these situations, the Department should follow the procedures described in §§ 127.421—127.431 for State Only Operating Permits or §§ 127.521—127.524 for Title V operating permits.

OPERATING PERMITS

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

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

Contact: Janine Tulloch-Reid, Facilities Permitting Chief, (484) 250-5920.

23-00012: Braskem America, Inc. (750 West 10th Street, Marcus Hook, PA 19061) for renewal of the Title V Operating Permit for its Marcus Hook Plant, a polypropylene manufacturing facility, located in Marcus Hook Borough, **Delaware County**.

The Braskem plant is a major facility for volatile organic compounds (VOC) emissions. In 2018, emissions calculated in tons per year were: volatile organic compounds (VOC)—52.3; nitrogen oxides (NO_x)—11.7; sulfur oxides (SO_x)—0.056; carbon monoxide (CO)—49.2 and particulate matter less than 10 microns (PM₁₀)—12.7. Sources at the facility include (2) two polypropylene manufacturing plants each with (3) storage silos, a propylene splitter process and a propylene unloading rack. Minor sources include 2-256 hp fire pump engines and a maintenance parts washer. VOC emissions from the polypropylene plants are controlled by an on-site flare and VOC emissions from the propylene splitter process and unloading rack are controlled by an off-site flare.

Sources at the facility are subject to the following Federal regulations: two Subparts from 40 CFR Part 60, Subpart DDD—Standards of Performance for Volatile

Organic Compound Emissions from the Polymer Manufacturing Industry and Subpart VV—Standards of Performance for Equipment Leaks of VOC in the Synthetic Organic Chemicals Manufacturing Industry for which Construction, Reconstruction or Modification Commenced after January 5, 1981 and on or before November 7, 2006 and 40 CFR Part 63, Subpart ZZZZ—National Emissions Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines.

The Commonwealth regulations 25 Pa. Code §§ 129.91—129.95, Stationary Sources of NO_x and VOCs, and §§ 129.96—129.100, Additional RACT Requirements for Major Sources of NO_x and VOC, which mandate facilities install Reasonably Available Control Technology (RACT), applies to the Braskem plant. This renewal Operating Permit includes conditions for a case by case determination for RACT besides the renewal of the Operating Permit, pursuant to 25 Pa. Code § 127.446.

Upon final approval, the permit will be renewed for a period of five (5) years.

The renewal does not authorize any increase in air emissions of regulated pollutants above previously approved levels. The renewal contains all applicable requirements including monitoring, recordkeeping and reporting.

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

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

08-00003: JELD-WEN, Inc. (825 Shiner Road, P.O. Box 311, Towanda, PA 18848-0311) to issue a renewal Title V operating permit for their facility located in Wysox Township, **Bradford County**. The facility is currently operating under Title V Operating Permit 08-00003. The facility's sources include seventy-four small (less than 10 million Btu per hour) natural gas/# 2 oil-fired combustion units with a total combined heat input rating 115 million Btu per hour, an 82.4 million Btu per hour natural gas/propane-fired boiler, a 273.2 million Btu per hour natural gas/propane/wood-fired boiler, wood handling and stock piling operations for the wood-fired boiler, three hardboard manufacturing lines, three tempering operations, four door and trim surface coating operations, numerous saws, hogs and sanders, eight emergency generators and fire pumps rated between 17 and 175 horsepower and 68 material storage tanks.

The facility has the potential to emit 310.20 tons of nitrogen oxides (NO_x) per year, 479.72 tons of carbon monoxide (CO) per year, 844.94 tons of volatile organic compounds (VOCs) per year, 57.87 tons of sulfur oxides (SO_x), 1,630.25 tons of particulate matter (PM, including PM₁₀) per year and 8.13 tons of hazardous air pollutants. No emission or equipment changes are being proposed by this action. The emission limits, throughput limitations and work practice standards along with testing, monitoring, record keeping 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 Subpart Dc of 40 CFR Part 60, Subparts DDDD, QQQQ, ZZZZ, DDDDD and HHHHH of 40 CFR Part 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, Williams-

port, PA 17701. Appointments for scheduling a review must be made by calling 570.327.0550.

Southwest Region: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.

Contact: Thomas Joseph, P.E., Facilities Permitting Chief, (412) 442-4336.

65-00853: ArcelorMittal Monessen, LLC (345 Donner Avenue, Monessen, PA 15062). In accordance with 25 Pa. Code §§ 127.441, 127.425, and 127.521, the Department is providing notice that they intend to issue a renewed Title V Operating Permit for the continued operation of a coal coking plant, known as the Monessen Plant, located in the City of Monessen, **Westmoreland County**.

The Monessen Plant is a by-product recovery, coal coking plant that produces furnace coke. The coke is used by ArcelorMittal in blast furnaces at other facilities. The main emission sources at Monessen Plant are two coke batteries (37 and 19 slot type ovens, respectively), each exhausting to an individual combustion stack, two excess coke oven gas (COG) flares, and two Boilers (143 MMBtu/hr each, COG and NG). The facility also generates charging, pushing, quenching, underfiring, door leak, top side, and soaking emissions from the coke batteries, as well as emissions from a coke by-product plant, desulfurization unit, 900-bp emergency diesel engine, and plant roads. Emissions are controlled by desulfurization of the coke oven gas prior to its combustion, as well as LDAR and EPA MACT mandated monitoring and repair procedures.

Annual facility-wide potential emissions are 1,423 tons of CO, 775 tons of NO_x, 97 tons of VOC, 97 tons of PM₁₀, and 83 tons of PM_{2.5}. It also emits 5.2 tons of hydrogen chloride, 3.7 tons of benzene, and 2.5 tons of coke oven emissions. The annual sum of all HAP emissions is 15.2 tons. Annual emission of greenhouse gases is 177,072 tons per year. Sources at the facility are subject to 40 CFR Part 60, Subpart A—General Provisions, 40 CFR Part 60, Subpart Db—Standards of Performance for Industrial-Commercial-Institutional Steam Generating Units, 40 CFR Part 61, Subpart A—General Provisions, 40 CFR Part 61, Subpart L—National Emission Standard for Benzene Emissions from Coke By-Product Recovery Plants, 40 CFR Part 61, Subpart V—National Emission Standard for Equipment Leaks (Fugitive Emission Sources), 40 CFR Part 61, Subpart FF—National Emission Standard for Benzene Waste Operations, 40 CFR Part 63, Subpart A—General Provisions, 40 CFR Part 63, Subpart L—National Emission Standards for Coke Oven Batteries, 40 CFR Part 63, Subpart ZZZZ—National Emissions Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines, and 25 Pa. Code Chapters 121—145 (Air Resources). No equipment changes are being approved by this action. The permit includes emission limitations and operational, monitoring, testing, recordkeeping, workpractice, and reporting requirements for the plant.

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

Those who wish to provide the Department with additional written information that they believe should be considered prior to the issuance of this Title V Operating

Permit may submit the information to Martin L. Hochhauser, P.E., Pennsylvania Department of Environmental Protection, 400 Waterfront Drive, Pittsburgh, PA 15222. Each written comment must contain the name, address and telephone number of the person submitting the comments, identification of the proposed Operating Permit (specify Operating Permit TVOP-65-00853), 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.

Operating Permits for Non-Title V Facilities Issued under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and 25 Pa. Code Chapter 127, Subchapter F.

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

Contact: Janine Tulloch-Reid, Facilities Permitting Chief, (484) 250-5920.

46-00213: Cremation Society of Pennsylvania, 371 East Church Road, King of Prussia, PA 19406, **Montgomery County**, for the renewal of the State Only Operating Permit. The facility owns and operates one (1) crematory unit, designated as Source ID 101. Facility-wide emissions for all criteria pollutants are below the threshold for major sources operating in the Philadelphia Metropolitan Area; therefore, the facility is classified as a Natural Minor. The renewal permit will include monitoring, recordkeeping, and reporting requirements designed to keep the facility within all applicable air quality requirements.

46-00279: West Laurel Hill Cemetery, 215 Belmont Avenue, Bala Cynwyd, PA 19004, **Montgomery County**, for the renewal of the State Only Operating Permit. The facility owns and operates a crematory unit, designated as Source ID 501. Facility-wide emissions for all criteria pollutants are below the threshold for major sources operating in the Philadelphia Metropolitan Area; therefore, the facility is classified as a Natural Minor. The renewal permit will include monitoring, recordkeeping, and reporting requirements designed to keep the facility within all applicable air quality requirements.

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

The City of Philadelphia, Air Management Services (AMS) intends to reissue a Minor State Only Operating Permit for the following facility:

OP18-00046: Tastepoint Inc., 7800 Holstein Avenue, Philadelphia, PA 19153, **Philadelphia County**, operating food flavoring manufacturing that includes a 4.1 MMBtu/hr boiler and a 0.83 MMBtu/hr Cleaver brooks boiler each firing natural gas, five Spray driers with

natural gas combustion units, thirteen Mix tanks, a 220-gallon reactor, seven Blenders and two Rotoclones.

The facility also changes ownership from Henry Ottens manufacturing Co. to Tastepoint Inc. The facility is also operated by Tastepoint Inc.

The operating permit will be reissued under 25 Pa. Code, Philadelphia Code Title 3 and Air Management Regulation XIII. Permit copies and other supporting information are available for public inspection at AMS, 321 University Avenue, Philadelphia, PA 19104. For further information, contact Edward Wiener at (215) 685-9426.

Persons wishing to file protest or comments on the previously listed operating permit must submit the protest or comments within 30 days from the date of this notice. Any protests or comments filed with AMS must include a concise statement of the objections to the permit issuance and the relevant facts upon which the objections are based. Based upon the information received during the public comment period, AMS may modify the operating permit or schedule a public hearing. The hearing notice will be published in the *Pennsylvania Bulletin* and a local newspaper at least thirty days before the hearing.

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

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

40-00090: Bridon American Corporation (280 New Commerce Boulevard, Wilkes-Barre, PA 18706). The Department intends to issue a State-Only Operating Permit for operation of sources at a fabricated wire products manufacturing facility in Hanover Township, **Lehigh County**. The sources include a wire rod acid picking line, and a wire pulling line. Control devices include a packed tower scrubber and a baghouse. 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.

40-00109: Gruma Corporation (15 Elmwood Avenue, Mountain Top, PA 18707). The Department intends to issue a State-Only Operating Permit for operation of sources at a tortilla manufacturing facility in Wright Township, **Luzerne County**. The sources include press lines, die-cut lines, toasting ovens, chip-fry line, and ink printers. Control devices include a mist eliminator and thermal oxidizer. 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.

45-00009: Vertellus DWG, LLC (P.O. Box 730, Delaware Water Gap, PA 18327-0730). The Department intends to issue a State-Only Operating Permit for operation of sources at an organic chemical manufacturing facility in Delaware Water Gap Borough, **Monroe County**. The sources include vessels, tanks, centrifuges, and a diesel-fired emergency generator. Control devices include three scrubbers. 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.

48-00101: Airlite Plastics Co. (2860 Bath Pike, Nazareth, PA 18064). The Department intends to issue a State-Only Operating Permit for operation of sources at a polystyrene foam products manufacturing facility in Upper Nazareth Township, **Northampton County**. The sources include a pre-expander, mesh aging bags, molding presses, molded parts storage, a burn-off oven, and a 5MMBtu/hr natural gas and oil-fired boiler. Control devices include one regenerative thermal oxidizer. 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.

Southwest Region: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.

Contact: Thomas Joseph, P.E., Facilities Permitting Chief, (412) 442-4336.

11-00529: Ebensburg Animal Hospital (922 Rowena Dr, Ebensburg, PA 15931). Natural Minor Operating Permit is for the operation of the facility's air contamination source consisting of one natural gas-fired, 100 lb/hr Matthews International-Cremation Division IEB-16 crematory incinerator rated at 750.0 MBtu/hr primary chamber and 2.0 MMBtu/hr secondary chamber located in Ebensburg Borough, **Cambria County**. The potential-to-emit at this facility is as follows: 0.86 TPY NO_x; 0.72 TPY CO; 1.32 TPY PM₁₀; and 0.05 TPY VOC. Emissions of all other pollutants are negligible. The facility is limited to 0.08 gr/dcsf particulate matter corrected to 7% oxygen and 500 ppmv sulfur oxides. The permit includes emission restrictions, operating requirements, monitoring requirements, work practice standards, and recordkeeping requirements for the site.

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. Written comments must contain the name, address and telephone number of the person submitting the comments, identification of the proposed Operating Permit (11-00529) and concise statements regarding the relevancy of the information or objections to issuance of the Operating Permit.

A public hearing may be held, if the Department, in its discretion, decides that such a hearing is warranted based on the information 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 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.

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

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>.

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

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 **Georgia Pacific Consumer Operations LLC** (605 Kuebler Road, Easton, PA 18040-9282) for their facility located in Forks Twp., **Northampton County**. This Plan Approval No. 48-00031D will be incorporated into the company's **Synthetic Minor Permit 48-00031** through an administrative amendment at a later date.

Plan Approval No. 48-00031D is for the replacement and operation of cup forming machines at the facility. Particulate emissions generated by these machines will be controlled by two (2) existing cyclones. Potential particulate (PM₁₀) and VOC emissions from the facility will not change due to replacement of machines. The company shall be subject to and comply with 25 Pa. Code § 123.41 for visible emissions. Particulate emissions from the cyclone will be less than 0.02 grain/dscf and will meet BAT requirements for these sources. 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.

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. 48-00031D 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 Group Manager, Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18701, 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 ¹		greater than 6.0; less than 9.0	

Alkalinity greater than acidity¹

¹ The parameter is applicable at all times.

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

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

32991301 and NPDES Permit No. PA0215228. Rosebud Mining Company, 301 Market Street, Kittanning, PA 16201, to renew the permit and related NPDES permit for the Nolo Deep Mine in Buffington, Brush Valley, Cherryhill, and Pine Townships, **Indiana County**. No additional discharges. The application was considered administratively complete on January 6, 2020. Application received: November 25, 2019.

Cambria District Mining Office: 286 Industrial Park Road, Ebensburg, PA 15931, 814-472-1900, (Contact: Holly Calvetti).

Permit 56823123 and NPDES No. PA0608548. Croner, Inc., 1576 Stoystown Road, P.O. Box 260, Friedens, PA 15541, permit renewal for reclamation only of a bituminous surface mine in Brothersvalley Township, **Somerset County**, affecting 203 acres. Receiving stream(s): unnamed tributary to Buffalo Creek and unnamed tributary to Swamp Creek classified for the following use(s): CWF. There are no potable water supply intakes within 10 miles downstream. Application received: December 30, 2019.

Permit 05070101. J&J Svonavec Excavating, Inc., 110 Windermere Lane, Somerset, PA 15501, permit renewal for reclamation only of a bituminous surface mine in Broad Top Township, **Bedford County**, affecting 129 acres. Receiving stream(s): East Fork and North Fork Brewster Hollow Run classified for the following use(s): WWF. The first downstream potable water supply intake from the point of discharge is Saxton Municipal Authority on Raystown Branch Juniata River. Application received: January 7, 2020.

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: Holly Calvetti).

Permit 11190801. Hite Coal & Stone Supply, LLC, P.O. Box 350, Carrolltown, PA 15722, commencement, operation and restoration of a small noncoal (industrial minerals) operation in East Carroll Township, **Cambria County**, affecting 5.0 acres. Receiving stream(s): Laurel Lick Run. Application received: December 19, 2019.

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

59040301 and NPDES PA0243868. Jody Fisher dba Fisher Aggregate, 1658 Buckwheat Hollow Road, Lawrenceville, PA 16929, renewal for an existing NPDES on a large noncoal surface mining site located in Lawrence Township, **Tioga County** affecting 9.6 acres. Receiving stream(s): Daily Creek and Unnamed Tributary to Tioga River classified for the following use(s): WWF. Application received: January 8, 2020.

08090304 and NPDES PA0257206. M. R. Dirt, 21186 Route 187, Towanda, PA 18848, renewal for an existing NPDES on a large noncoal surface mining site located in Wysox Township, **Bradford County** affecting 52.0 acres. Receiving stream(s): Unnamed Tributary No. 1 to Wysox Creek classified for the following use(s): CWF, MF. Application received: January 6, 2020.

Noncoal Applications Withdrawn

New Stanton District Office: P.O. Box 133, 131 Broadview Road, New Stanton, PA 15672, 724-925-5500. (Contact: Tracy Norbert).

63100401. Neiswonger Construction, Inc., 17592 Route 322, Strattanville, PA 16258, withdrawal of revision application to add an additional 4.5 acres to an existing large noncoal surface mine in Deemston Borough, **Washington County**, affecting 74.2 acres. Receiving stream(s): unnamed tributaries to Ten Mile Creek and Ten Mile Creek classified for the following use(s): TSF. The first downstream potable water supply intake from the point of discharge is Tri-County Joint Municipal Authority. Application received: December 20, 2019. Application withdrawn: January 7, 2020.

Coal NPDES Draft Permits

Cambria District Mining Office: 286 Industrial Park Road, Ebensburg, PA 15931, 814-472-1900, (Contact: Holly Calvetti).

NPDES No. PA0605921 (Mining Permit No. 56663125), PBS Coals, Inc., 1576 Stoystown Road, Friedens, PA 15541, renewal of an NPDES permit for surface coal mining in Stonycreek Township, **Somerset County**, affecting 27.5 acres. Receiving stream(s): Schrock Run classified for the following use(s): CWF. This receiving stream is included in the Kiski-Conemaugh TMDL. Application received: December 3, 2019.

The following outfalls discharge to Schrock Run:

<i>Outfall Nos.</i>	<i>New Outfall (Y/N)</i>
003 (SP1)	N
004 (SP10A & 10B)	N
007 (SPE)	N

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

<i>Outfalls: 003, 004 & 007 (All Weather Conditions)</i>	<i>30-Day</i>	<i>Daily</i>	<i>Instant.</i>
<i>Parameter</i>	<i>Average</i>	<i>Maximum</i>	<i>Maximum</i>
Iron (mg/l)	1.5	3.0	3.7
Manganese (mg/l)	1.0	2.0	2.5
Aluminum (mg/l)	0.75	1.5	1.8
Total Suspended Solids (mg/l)	35.0	70.0	90.0

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

New Stanton District Office: P.O. Box 133, 131 Broadview Road, New Stanton, PA 15672, 724-925-5500. (Contact: Tracy Norbert).

NPDES No. PA0251348 (Mining Permit No. 3378BC21), Milrock Mining, Inc. (Convention Tower Building, 960 Penn Avenue, Suite 400, Pittsburgh, PA 15222). Renewal NPDES permit for a bituminous surface mine in Wharton and Henry Clay Townships, **Fayette County**, affecting 4.8 acres. Receiving streams: Unnamed Tributaries to Fike Run, classified for the following use(s): HQ-CWF. Application received: March 17, 2019.

The following outfall discharges to Unnamed Tributaries to Fike Run:

<i>Outfall No.</i>	<i>New Outfall (Y/N)</i>	<i>Type</i>
001	N	TFO

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

<i>Parameter</i>	<i>30-Day</i>	<i>Daily</i>	<i>Instant.</i>
<i>Parameter</i>	<i>Average</i>	<i>Maximum</i>	<i>Maximum</i>
Iron (mg/l)	3.00	6.00	7.00
Manganese (mg/l)	2.00	4.00	5.00
Total Suspended Solids (mg/l)	35	70	90

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

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 §§ 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 and Wetlands Program, 2 East Main Street, Norristown, PA 19401, Telephone 484.250.5160.

Contact: Elaine Henderson, Clerk Typist 3, 484.250.5157.

Permit No. E51-300, PECO Energy Company, 2301 Market Street, Philadelphia, PA 19103, City of Philadelphia, Philadelphia County, ACOE Philadelphia District.

PECO Energy Company is proposing to demolish an existing building (formally the University Motor Inn) supported by piles within the Schuylkill River (WWF-MF) and to remove and replace an existing transmission tower. In its place, PECO is proposing to perform grading along the river bank and to remove existing piles associated with the construction and maintenance of 500 linear foot rip-rap armor bank stabilization as well as the construction and maintenance of a new monopole and substation resulting in 536 linear feet (2,500 square feet, 0.057 acre) of permanent watercourse impact, 536 linear feet (25,884 square feet, 0.593 acre) of temporary watercourse impact, 9,024 square feet (0.207 acre) of permanent floodway impact, and 455 square feet (0.010 acre) of temporary floodway impact. This activity also involves the replacement of an existing transmission line beginning at the new substation crossing to Tower 2 adjacent to Grays Ferry Crescent Trail and terminating at Tower 3 adjacent to Grays Ferry Avenue. This project is associated with the Civic Substation Project and is located at 600 South University Avenue in Philadelphia (USGS PA Philadelphia Quadrangle—Latitude 39.943569 N, Longitude 75.201055 W).

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

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

E4502219-007. LPC Pocono I, LLC, One North Wacker Drive, Suite 1925, Chicago, IL 60606, in Mt.

Pocono Borough & Coolbaugh Township, Monroe County, U.S. Army Corps of Engineers, Philadelphia District.

To fill two (2) isolated open water pits impacting approximately 0.02 acre for the purpose of constructing a 750,000 sqft warehouse facility, parking lot and grading associated with the Pocono Mountains Business Park South Section 2—Lot # 28 Project. When heading east on PA SR-940, turn left onto Industrial Park Drive and go about 0.3 mile before turning right onto Market Way Drive. The project is located at the end of Market Way Drive (Mount Pocono, PA Quadrangle Latitude: 41° 7' 45" Longitude: -75° 22' 22") in Mt. Pocono Borough and Coolbaugh Township, Monroe County.

E4802219-006. Walnutport Authority, 417 Lincoln Ave., Walnutport, PA 18088-1418, in Walnutport Borough, Northampton County, U.S. Army Corps of Engineers, Philadelphia District.

To install and maintain a utility line crossing of 78 linear feet of the Lehigh Canal (TSF, MF) and 28 linear feet of associated floodway. The utility line crossing will consist of a 6-inch diameter HDPE water main to be installed via horizontal directional drilling. The project is located on the right side of South Canal Street approximately 0.3 mile after the intersection of South Canal Street and Main Street (Cementon, PA Quadrangle Latitude: 40° 44' 58" Longitude: -75° 35' 56") in Walnutport Borough, Northampton County.

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

E6106219-001, Venango County, 1174 Elk Street, Franklin, PA 16323. Miller Farm Bridge (T-635), in Oil Creek and Cherrytree Townships, Venango County, ACOE Pittsburgh District (Titusville South, PA Quadrangle N: 41°, 33', 54.6"; W: -79°, 39', 22.9").

To rehabilitate the existing single-span truss bridge carrying Miller Farm Road (T-635) over Oil Creek in Oil Creek Township and Cherrytree Township, Venango County approximately 1.75 mile west of its intersection with White City Road. The project will utilize a temporary causeway in Oil Creek to perform the rehabilitation. The project proposes a de minimus permanent impact of 0.03 acre of palustrine forested wetland.

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.

D09-270EA. Melvin Gensamer, 3610 Pickertown Road, Chalfont, PA 18914, Warrington Township, Bucks County, USACOE Philadelphia District.

Project proposes to remove the Gensamer Dam to eliminate a threat to public safety and to restore approximately 90 feet of stream channel to a free-flowing condition. The proposed restoration project includes minor grading and armoring of the downstream banks where the breach has caused erosion. The project is located across a tributary to Neshaminy Creek (TSF, MF) (Doylestown, PA Quadrangle, Latitude: 40.2715, Longitude: -75.1878).

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 A&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 & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N?</i>
PA0056758 A-1 (Sewage)	Warrington Township Tradestown Sewer System & STP 1275 Almshouse Road Warrington, PA 18946	Bucks County Warrington Township	Mill Creek (TSF, MF) 2-F	Yes

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N</i>
PA0247651 (Storm Water)	United Parcel Service Lewistown 1821 S 19th Street Harrisburg, PA 17104-3206	Mifflin County Armagh Township	Unnamed Tributary of Tea Creek (HQ-CWF, MF) (12-A)	Yes
PA0034860 (Sewage)	Penn Valley MHP 123 Gilpin Drive West Chester, PA 19382-7412	Lancaster County Penn Township	Unnamed Tributary to Chiques Creek (WWF) (7-G)	No

Northcentral Regional Office: Regional 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 & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N?</i>
PA0114332 (Industrial)	Dresser Wellsboro Plant GW Cleanup 3000 N Sam Houston Parkway E Houston, TX 77032-3219	Tioga County Delmar Township	Unnamed Tributary to Baldwin Run (HQ-CWF) (9-A)	Yes
PA0232505 (Sewage)	Brady Township STP 3906 Shamokin Trail Luthersburg, PA 15848	Clearfield County Brady Township	Unnamed Tributary to Luthersburg Branch (17-C)	Yes
PA0114545 (Industrial)	Troy's Suds Depot P.O. Box 153 Sylvania, PA 16945-0153	Bradford County Troy Township	South Branch Sugar Creek (TSF) (4-C)	Yes
PA0112895 (Sewage)	Beverly A. Roeder 205B Independent Street Catawissa, PA 17820-8202	Columbia County Roaring Creek Township	Unnamed Tributary to Mill Creek (HQ-CWF, MF) (5-E)	Yes
PA0233668 (Sewage)	Kathleen Danley SFTF 462 Bullit Run Road Howard, PA 16841-2726	Centre County Howard Township	Bullit Run (CWF) (9-C)	Yes

Southwest Region: Clean Water Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745. Phone: 412.442.4000.

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N</i>
PA0041114 (Sewage)	The Kiski School STP 1888 Brett Lane Saltsburg, PA 15681-8951	Westmoreland County Loyalhanna Township	Kiskiminetas River (WWF) (18-C)	Yes

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 No. PA0057801, Sewage, **Brad J. Bennington**, 520 Ridge Valley Road, Sellersville, PA 18960-1136.

This existing facility is located in West Rockhill Township, **Bucks County**.

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

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

NPDES Permit No. PA0001228A-1, Industrial, SIC Code 3621, **Curtiss Wright Corp**, 1000 Wright Way, Cheswick, PA 15024-1008.

This existing facility is located in Harmar Township, **Allegheny County**.

Description of Existing Action/Activity: Issuance of an NPDES Permit Amendment for the addition of a new IMP for the discharge from a new test loop.

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

Southeast Region: Clean Water Program Manager, 2 East Main Street, Norristown, PA 19401, 484.250.5900.

WQM Permit No. WQG02091105, Sewage, Transfer, **Bucks County Water & Sewer Authority**, 1275 Almshouse Road, Warrington, PA 18976.

This proposed facility is located in Warrington Township, **Bucks County**.

Description of Action/Activity: Permit transfer from ownership Warrington Township to Bucks County Water & Sewer Authority.

WQM Permit No. WQG02090620, Sewage, Transfer, **Bucks County Water & Sewer Authority**, 1275 Almshouse Road, Warrington, PA 18976.

This proposed facility is located in Warrington Township, **Bucks County**.

Description of Action/Activity: Permit transfer from ownership Warrington Township to Bucks County Water & Sewer Authority.

WQM Permit No. WQG02091208, Sewage, Transfer, **Bucks County Water & Sewer Authority**, 1275 Almshouse Road, Warrington, PA 18976.

This proposed facility is located in Warrington Township, **Bucks County**.

Description of Action/Activity: Permit transfer from ownership Warrington Township to Bucks County Water & Sewer Authority.

WQM Permit No. WQG02091209, Sewage, Transfer, **Bucks County Water & Sewer Authority**, 1275 Almshouse Road, Warrington, PA 18976.

This proposed facility is located in Warrington Township, **Bucks County**.

Description of Action/Activity: Permit transfer from ownership Warrington Township to Bucks County Water & Sewer Authority.

WQM Permit No. WQG02091813, Sewage, Transfer, **Bucks County Water & Sewer Authority**, 1275 Almshouse Road, Warrington, PA 18976.

This proposed facility is located in Warrington Township, **Bucks County**.

Description of Action/Activity: Permit transfer from ownership Warrington Township to Bucks County Water & Sewer Authority.

WQM Permit No. WQG02091806, Sewage, Transfer, **Bucks County Water & Sewer Authority**, 1275 Almshouse Road, Warrington, PA 18976.

This proposed facility is located in Warrington Township, **Bucks County**.

Description of Action/Activity: Permit transfer from ownership Warrington Township to Bucks County Water & Sewer Authority.

WQM Permit No. WQG02150803, Sewage, **Mendenhall Inn**, P.O. Box 607, Concordville, PA 19331.

This proposed facility is located in Kennett Township, **Chester County**.

Description of Action/Activity: Transfer ownership from Alexander Hionis & Partners to Mendenhall Inn.

WQM Permit No. 1501401, Sewage, Renewal, **Aqua Pennsylvania Wastewater Inc.**, 762 W. Lancaster Avenue, Bryn Mawr, PA 19010.

This proposed facility is located in Penn Township, **Chester County**.

Description of Action/Activity: Permit renewal for the operation of the Penn Township WQM Permit.

Northeast Region: Clean Water Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790.

WQM Permit No. 6470403A-1, Sewage, SIC Code 7032, **Lake Bryn Mawr Camp**, 593 Bryn Mawr Road, Honesdale, PA 18431.

This existing facility is located in Oregon Township, **Wayne County**.

Description of Proposed Action/Activity: The project is for the construction/installation of an effluent flow meter and an ultraviolet disinfection system at the wastewater treatment plant. The applicant also requested for four existing unpermitted 2 HP Kasco Pond Aerators to be included in this permit. Provisions are also included for backup tablet dechlorination in the event chlorine is used for backup disinfection.

Southwest Region: Clean Water Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745. Phone: 412.442.4000.

WQM Permit No. WQG02651801-A1, Sewage, **Derry Township Municipal Authority**, P.O. Box 250, 5760 Route 982, New Derry, PA 15671.

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

Description of Proposed Action/Activity: Proposed amendment for the relocation and construction of a Pump Station to serve Keystone State Park and some existing residences with on-lot septic systems. Treatment to be provided at the existing New Alexandria STP.

The Pennsylvania Infrastructure Investment Authority (PENNVEST) which administers Pennsylvania's State Revolving Fund has been identified as a possible funding source. The Department's review of the Water Quality Management (Part II) Permit has not identified any significant environmental impacts resulting from this proposal.

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

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

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

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

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAD130022	PPL Electric Utilities Corporation Two North 9th Street, GENN 4 Allentown, PA 18101-1139	Carbon County	Franklin Township Lower Towamensing Township	Bull Run (EV, MF) Pohopoco Creek (CWF, MF) Fireline Creek (CWF, MF) Mill Creek (CWF, MF)

Monroe County Conservation District, 8050 Running Valley Road, Stroudsburg, PA 18347, 570-629-3060.

NPDES Permit No.	Applicant Name & Address	County	Municipality	Receiving Water/Use
PAD450097	The Shoppes at Turtle Walk, LP 116 Turtle Walk Lane Bartonsville, PA 18321	Monroe	Hamilton Township	UNT Pocono Creek (HQ-CWF, MF)

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

The EPA Region III Administrator has waived the right to review or object to this permit action under the waiver provision 40 CFR 123.23(d).

List of NPDES and/or Other General Permit Types.

PAG-01	General Permit for Discharges for Stormwater Discharges Associated with Small Construction Activities.
PAG-02	General Permit for Discharges of Stormwater Associated with Construction Activities
PAG-03	General Permit for Discharges of Stormwater from Industrial Activities
PAG-04	General Permit for Discharges from Small Flow Treatment Facilities
PAG-05	General Permit for Discharges from Petroleum Product Contaminated Groundwater Remediation Systems
PAG-06	General Permit for Wet Weather Overflow Discharges from Combined Sewer Systems (CSO)
PAG-07	General Permit for Beneficial Use of Exceptional Quality Sewage Sludge by Land Application
PAG-08	General Permit for Beneficial Use of Non-Exceptional Quality Sewage Sludge by Land Application to Agricultural Land, Forest, a Public Contact Site or a Land Reclamation Site
PAG-08 (SSN)	Site Suitability Notice for Land Application Under Approved PAG-08 General Permit Coverage
PAG-09	General Permit for Beneficial Use of Residential Septage by Land Application to Agricultural Land, Forest, or a Land Reclamation Site
PAG-09 (SSN)	Site Suitability Notice for Land Application Under Approved PAG-09 General Permit Coverage
PAG-10	General Permit for Discharges from Hydrostatic Testing of Tanks and Pipelines
PAG-11	General Permit for Discharges from Aquatic Animal Production Facilities
PAG-12	Concentrated Animal Feeding Operations (CAFOs)
PAG-13	Stormwater Discharges from Municipal Separate Storm Sewer Systems (MS4)
PAG-14	(To Be Announced)
PAG-15	General Permit for Discharges from the Application of Pesticides

General Permit Type—PAG-02

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

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

Permit No.	Facility Location: Municipality & County	Applicant Name & Address	Receiving Water/Use	Contact Office & Phone No.
PAC390088 Authorization/ Issuance	N Whitehall Twp Lehigh County	Shirley A Schneck 5426 Rt 873 Schnecksville, PA 18078	Fall Creek (CWF, MF)	Lehigh County Conservation District 4184 Dorney Park Road Suite 105 Allentown, PA 18401 610-391-9583

<i>Permit No.</i>	<i>Facility Location: Municipality & County</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
PAC400121 Authorization/ Issuance	Hazle Twp Luzerne County E Union Twp Schuylkill County	620 Oak Ridge LLC Robert Mericle 100 Baltimore Dr Wilkes-Barre, PA 18702	Tomhicken Creek (CWF, MF) Catawissa Creek (CWF, MF)	Luzerne Conservation District 325 Smiths Pond Road Shavertown, PA 18708 570-674-7991 Schuylkill Conservation District 1206 AG Center Drive Pottsville, PA 17901-9733 570-622-3742

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

Contact: Nathan Phillips, Section Chief, 717.705.4802.

<i>Permit No.</i>	<i>Facility Location: Municipality & County</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
PAC210179 Issued	Upper Allen Township Cumberland County	PPL Electric Utilities Corporation 2 North Ninth Street, GENN 4 Allentown, PA 18101	UNT Yellow Breeches Creek (CWF, MF) UNT Cedar Run (CWF, MF)	Cumberland County Conservation District 310 Allen Road Suite 301 Carlisle, PA 17013-9101 717.240.7812
PAC220210 Issued	Lower Paxton Township Dauphin County	Allentown Boulevard Association, LLC 700 Ayers Avenue Lemoyne, PA 17043	UNT Beaver Creek (WWF, MF)	Dauphin County Conservation District 1451 Peters Mountain Road Dauphin, PA 17018 717.921.8100
PAC360059 Issued	Warwick Township Lancaster County	Rock Lititz Properties LP 100 Rock Lititz Boulevard Lititz, PA 17543	Santo Domingo Creek (WWF, MF)	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601-3149 717.299.5361, ext. 5
PAC360479 Issued	Strasburg Township Lancaster County	Aaron Glick 440 South Vintage Road Paradise, PA 17562	Walnut Run (WWF, MF)	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601-3149 717.299.5361, ext. 5
PAC360353 Issued	Pequea Township Lancaster County	CCS Building Group 100 Willow Valley Lake Drive Willow Street, PA 17584	Goods Run (TSF) UNT Stehman Run (WWF)	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601-3149 717.299.5361, ext. 5
PAC360444 Issued	Lancaster City Lancaster County	Lancaster City 120 North Duke Street Lancaster, PA 17602	Conestoga River (WWF)	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601-3149 717.299.5361, ext. 5

<i>Permit No.</i>	<i>Facility Location: Municipality & County</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
PAC360450 Issued	Mount Joy Township Elizabethtown Borough Lancaster County	Hickory Run Properties LLC 1410 Hickory Run Drive Elizabethtown, PA 17022	UNT Conoy Creek (TSF, MF)	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601-3149 717.299.5361, ext. 5
PAC360489 Issued	East Hempfield Township Lancaster County	St. Leo the Great 2427 Marietta Avenue Lancaster, PA 17601	Little Conestoga Creek (WWF)	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601-3149 717.299.5361, ext. 5
PAC360491 Issued	East Hempfield Township Lancaster County	Peter Alecxi 2372 Franklin Road Columbia, PA 17512	Swarr Run (TSF)	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601-3149 717.299.5361, ext. 5
PAC360443 Issued	East Cocalico Township Lancaster County	Elliot Hoffman 1424 East Newport Road Lititz, PA 17543	Little Cocalico Creek (TSF, MF)	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601-3149 717.299.5361, ext. 5
PAC360468 Issued	Quarryville Borough Lancaster County	Jerome Rhoads 624 South Prince Street Lancaster, PA 17608	UNT Big Beaver Creek (TSF) Pequea Creek (TSF)	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601-3149 717.299.5361, ext. 5
PAC500023 Issued	Centre Township Perry County	Todd M. & Audrey S. Bear 986 Royer Road New Bloomfield, PA 17068	UNT Little Juniata Creek (CWF)	Perry County Conservation District 31 West Main Street P.O. Box 36 New Bloomfield, PA 17068 717.582.8988, ext. 4
PAC670294 Issued	West Manheim Township York County	Hanover Borough 44 Frederick Street Hanover, PA 17331	South Branch Conewago Creek (WWF, MF)	York County Conservation District 118 Pleasant Acres Road York, PA 17402 717.840.7430
PAC670278 Issued	Red Lion Borough Windsor Township York County	Rexroth Equities, LP P.O. Box 297 Dallastown, PA 17313	Fishing Creek (TSF)	York County Conservation District 118 Pleasant Acres Road York, PA 17402 717.840.7430
PAC670283 Issued	West Manheim Township York County	Day Farm Partners, LLC 772 Springbloom Drive Millersville, MD 21108	Pine Run (CWF)	York County Conservation District 118 Pleasant Acres Road York, PA 17402 717.840.7430

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

<i>Permit No.</i>	<i>Facility Location: Municipality & County</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
PAC490049	Ralpho Twp Northumberland Cnty	Northeast Shooting Complex 405 Monastery Palmyra, PA 17078	UNT Shamokin Ck CWF, MF	Northumberland County Conservation District 441 Plum Creek Rd Sunbury, PA 17801 (570) 286-7114 ext. 4
PAC530006	Roulette Twp, Potter Cnty	West Penn Power Company 800 Cabin Hill Dr Greensburg, PA 15601	Alleghany River, Carkd Creek, Fishing Creek—CWF	Potter County Conservation District 107 Market St Coudersport, PA 16915 (814) 274-8411 ext. 4

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

<i>Facility Location and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office and Phone No.</i>
Cambria County Clearfield Township	PAC110046-A1	Cambria Heights School District 426 Glendale Lake Road Patton, PA 16668	UNT to Chest Creek (CWF)	Cambria County Conservation District 401 Candlelight Drive Suite 229 Ebensburg, PA 15931 (814) 472-2120
Cresson Borough Cresson Township	PAC110058	Penn Cambria School District 201 Sixth Street Cresson, PA 16630	Little Conemaugh River (CWF)	Cambria County Conservation District 401 Candlelight Drive Suite 229 Ebensburg, PA 15931 (814) 472-2120
Westmoreland County Manor Borough	PAC650174	Sandy Hill Development, LLC 1712 Mount Nebo Road Sewickley, PA 15143	UNT to Bushy Run (TSF); Bushy Run (TSF)	Westmoreland County Conservation District 218 Donohoe Road Greensburg, PA 15601 (724) 837-5271
Rostraver Township	PAC650191	C. Harper 100 Harper Drive Belle Vernon, PA 15012	Cedar Creek (TSF)	Westmoreland County Conservation District 218 Donohoe Road Greensburg, PA 15601 (724) 837-5271
Ligonier Township	PAC650200	Ligonier Camp and Conference Center 188 Macartney Lane Ligonier, PA 15658 Fort Construction Group, Inc. 235 West Main Street Ligonier, PA 15658	UNT to Mill Creek (CWF)	Westmoreland County Conservation District 218 Donohoe Road Greensburg, PA 15601 (724) 837-5271

General Permit Type—PAG-3

*Facility Location:
Municipality &
County*

West Norriton
Township
Montgomery County

Permit No.
PAG030100

Applicant Name & Address
Woot Services, LLC
2455 Boulevard of the Generals
Norristown, PA 19403

*Receiving
Water/Use*
Indian Creek
(WWF, MF) 3-F

*Contact Office &
Phone No.*
DEP Southeast
Regional Office
Clean Water Program
2 E. Main Street
Norristown, PA 19401
484.250.5970

General Permit Type—PAG-07

*Facility Location:
Municipality &
County*

Permit No.
PAG072201

Frailey Township
Schuylkill County

Applicant Name & Address
Natural Soil Products
2286 East Center Street
Tremont, PA 17981

*Receiving
Water/Use*
N/A

*Contact Office &
Phone No.*
Northeast Regional
570-826-2511

General Permit Type—PAG-08

*Facility Location:
Municipality &
County*

Permit No.
PAG082210

Frailey Township
Schuylkill County

Applicant Name & Address
Natural Soil Products
2286 East Center Street
Tremont, PA 17981

*Receiving
Water/Use*
N/A

*Contact Office &
Phone No.*
Northeast Regional
570-826-2511

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>
Willard Hackman 1035 Dean Hill Rd Wellsboro, PA 16901	Tioga	444.5	705.3	Swine	NA	Approved

PUBLIC WATER SUPPLY PERMITS

The Department has taken the following actions on applications received under the Pennsylvania Safe Drinking Water Act (35 P.S. §§ 721.1—721.17) for the construction, substantial modification or operation of a public water system.

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

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

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

SAFE DRINKING WATER

Actions taken under the Pennsylvania Safe Drinking Water Act (35 P.S. §§ 721.1—721.17).

Southeast Region: Safe Drinking Water Program Manager, 2 East Main Street, Norristown, PA 19401, Telephone 484.250.5980.

Contact: Kimberleigh Rivers, Clerk Typist 2, 484.250.5887.

Permit No. 5119501, Public Water Supply.
 Applicant **Philadelphia Water Department**
 1101 Market Street
 2nd Floor
 Philadelphia, PA 19107-2994
 Township City of Philadelphia
 County **Philadelphia**
 Type of Facility PWS
 Consulting Engineer CDM Smith, Inc.
 3605 Vartan Way
 Suite 202
 Harrisburg, PA 17110
 Permit to Construct December 24, 2019
 Issued

Permit No. 4619530, Public Water Supply.
 Applicant **Red Hill Authority**
 433 Main Street
 Red Hill, PA 18076

Township Upper Milford
 County **Montgomery**
 Type of Facility PWS
 Consulting Engineer Cedarville Engineering, LLC
 159 E. High Street
 Pottstown, PA 19464

Permit to Construct December 24, 2019
 Issued

Permit No. 0919508, Public Water Supply.

Applicant **New Britain Inn**
 376 Butler Avenue
 New Britain, PA 18901

Township New Britain
 County **Montgomery**
 Type of Facility PWS
 Consulting Engineer Lenape Valley Engineer
 P.O. Box 74
 Chalfont, PA 18914

Permit to Construct December 24, 2019
 Issued

Operation Permit No. 0919537, issued: to: **USS Real Estate**, One Ben Fairless Drive, Fairless Hills, PA 19030, **PWS ID # 1090775**, Falls Township, **Bucks County**, on December 24, 2019, for the operation facilities uses of flow weighted average individual filter effluent turbidity for reporting of combined filter effluent turbidity facilities approved under construction permit # 0919537.

Operations Permit No. 2314510, issued: to: **Chester Water Authority**, P.O. Box 467, Chester, PA 19016-0467, **PWS ID # 1230004**, Lower Oxford Township, **Chester County** on December 24, 2019, for the operation of Village Green Tank No. 9 following repainting facilities approved under construction permit # 2314510.

Operations Permit No. 1517521 issued to: **Aqua Pennsylvania, Inc.**, 762 West Lancaster Avenue, Bryn Mawr, PA 19010, **PWS ID # 1460073**, Charlestown Township, **Chester County** on December 24, 2019, for the operation of GridBee Mixer and THM removal System at Sidley Tank facilities approved under construction permit # 1517521.

Operations Permit No. 0919534 issued to: **Morrisville Municipal Authority**, 35 Union Street, Morrisville, PA 19067, **PWS ID # 1090037**, Lower Makefield Township, **Bucks County** on December 12, 2019, for the operation use of flow weighted average individual filter effluent turbidity for reporting of combined filter effluent turbidity facilities approved under construction permit # 0919534.

Operations Permit No. 1519526 issued to: **CCR Management, Inc.**, 427 Exton Commons, Exton, PA 19341, **PWS ID # 1150209**, West Vincent Township, **Chester County** on December 24, 2019, for the operation pH adjustment using sodium hydroxide facilities approved under construction permit # 1519526.

Operations Permit No. 1519537 issued to: **Nottingham Inn**, 190 Baltimore Pike, Nottingham, PA 17601, **PWS ID # 1150427**, West Nottingham Township, **Chester County** on December 24, 2019, for the operation of public water supply system, Wells 1—4, nitrate treatment and UV disinfection at Well 2, rescission of permit facilities approved under construction permit # 1519537.

Operations Permit No. 1519539 issued to: **CASD Kings Highway**, 841 West Kings Highway, Coatesville,

PA 19512, **PWS ID # 1150838**, West Caln Township, **Chester County** on December 31, 2019, for the operation of pH adjustment using sodium hydroxide and installation of a continuous pH monitor facilities approved under construction permit # 1519539.

Operations Permit No. 4619532 to: **Pottstown Hospital Tower Health**, 1600 East High Street, Pottstown, PA 19464, **PWS ID # 1460500**, Pottstown Borough, **Montgomery County** on December 24, 2019, for the operation of emergency use of chlorine dioxide and point-of-use legionella treatment on the hot water system facilities approved under construction permit # 1460500.

Northcentral Region: Safe Drinking Water Program Manager, 208 West Third Street, Suite 101, Williamsport, PA 17701-6448.

Permit No. 1819501MA—Construction—Public Water Supply.

Applicant	Suburban Lock Haven Water Authority
Township/Borough	Lamar Township
County	Clinton County
Responsible Official	Mr. Jack Peters Suburban Lock Haven Water Authority 7893 Nittany Valley Drive Mill Hall, PA 17751
Type of Facility	Public Water Supply—Construction
Consulting Engineer	Mr. Jeff R. Garrigan, P.E. 474 Windmere Drive Suite 100 College Township, PA 16801
Permit Issued	January 8, 2020
Description of Action	Authorizes the authority to install an electric, submersible, potable mixer (GridBee GS-9) in an 886,000-gallon storage tank in Lamar Township Business Park in Lamar Township, Clinton County.

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

Operation Permit issued to **Indiana County Municipal Services Authority, PWSID No. 5320109**, Armstrong Township, **Indiana County**. Permit Number 3217523MA issued January 7, 2020 for the operation of the Watts Hill Road Waterline Replacement. This permit is issued in response to an operation inspection conducted by the Department of Environmental Protection personnel on November 25, 2019.

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.

United States Steel Corporation—Keystone Industrial Port Complex, 143 Acre Parcel, One Ben Fairless Drive, Falls Township, **Bucks County**. John A Garges, GHD, 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 Remedial Investigation Report/Cleanup Plan/Final concerning remediation of site soil contaminated with inorganics. The report is intended to document remediation of the site to meet the Site-Specific Standard.

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

J. Foltz 8H Wellsite, 484 Oakley Road, Brooklyn Township, **Susquehanna County**. Civil & Environmental Consultants, 333 Baldwin Road, Pittsburgh, PA 15205 on behalf of Cabot Oil & Gas Corporation, 2000 Park Lane, Suite 300, Pittsburgh, PA 15275, submitted a Final Report concerning remediation of groundwater contaminated by a release of base oil during natural gas well drilling operations. The report is intended to document remediation of the site to meet Statewide Health Standards.

Southcentral Region: Environmental Cleanup and Brownfields Program Manager; Benjamin Stone-Thonus, 717-705-4705, 909 Elmerton Avenue, Harrisburg, PA 17110.

FR&S # 3 Industrial Waste Site, Red Lane and Lincoln Road, Exeter Township, **Berks County**. BAI Group, LLC, 341 10th Avenue, Suite 103, Royersford, PA 19468, on behalf of Wood Nursery Corporation, Exeter Associates Incorporated, and Buddies Nursery, Inc., P.O. Box 264, Birdsboro, PA 19508, submitted a Cleanup Plan, Risk Assessment Report, and Final Report concerning remediation of site groundwater contaminated with demolition and industrial waste. The combined reports are intended to document remediation of the site to meet the Site-Specific Standard.

Oakland Fuel Oil Company, LLC Project, 17607 SR 75 South, Spruce Hill Township, **Juniata County**. Northridge Group, Inc., P.O. 231, Northumberland, PA 17857, on behalf of PennDOT District 2-0, 4373 William Penn Highway, Mifflintown, PA 17059, and Enos Wengerd, 17607 SR 75 South, Port Royal, PA 17082, submitted a Final Report concerning remediation of site soil contaminated with heating oil and diesel fuel. The report is intended to document remediation of the site to meet the Residential Statewide Health Standard.

Northcentral Region: Environmental Cleanup Program Manager, 208 West Third Street, Williamsport, PA 17701, Telephone number: 570-237-3636.

Contact: Lisa Hensel, Clerk Typist II, 570-327-3653.

COP Tract 285 G Pad, Grugan Township, **Clinton County**. Creston Environmental, LLC, P.O. Box 1373, Camp Hill, PA 17001, on behalf of ARD Operating, LLC, 33 W. Third St., Suite 300, Williamsport, PA 17701, has submitted a Final Report concerning site soil contaminated with produced water. The Final Report is intended to document remediation of the site to meet the Residential Background and Statewide Health Standards for soil.

PA Tract 8546H Pad A, Chapman Township, **Clinton County**. Moody and Associates, Inc., 199 S Johnson Rd, Bldg 2, Suite 101, Houston, PA 15342, on behalf of XTO Energy, Inc., 190 Thorn Hill Road, Warrendale, PA 15086, has submitted a Site Characterization and Final Report concerning site soil contaminated with brine. The Final report is intended to document remediation of the site to meet the Residential Background and Statewide Health Standards for Soil.

TI-09-Brown Pad, 959 Stony Lane, Jackson Township, **Lycoming County**. Moody and Associates, Inc., 11548 Cotton Road, Suite 101, Meadville, PA 16335, on behalf of SWN Production Company, LLC, 10000 Energy Drive, Spring, TX 77389, has submitted a Combined Site Characterization and Soil Remedial Action Completion Report concerning remediation of site soil and groundwater contaminated with produced water. The report is intended to document remediation of the site to meet the Background and Statewide Health Standards.

Interstate 80 at MM 213W, Turbot Township, **Northumberland County**. Northridge Group, Inc., P.O. Box 231, Northumberland, PA 17857, on behalf of Knorr Hauling, Inc., 617 Maple Street, Berwick, PA 18603, has submitted a Final Report concerning site soil contaminated with diesel fuel, motor oil, antifreeze and hydraulic fluid. The report is intended to document remediation of the site to meet the Non-Residential Statewide Health Standard for Soil.

State Route 54W near the intersection with State Route 901, Mount Carmel Township, **Northumberland**

County. Northridge Group, Inc., P.O. Box 231, Northumberland, PA 17857, on behalf of American Cargo, Inc., 5893 Eldon Drive, Liberty Township, OH 45011, has submitted a Final Report concerning remediation of site soil contaminated with diesel fuel. The Final Report is intended to document remediation of the site to meet the Non-Residential Statewide Health Standard.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995 PREAMBLE 3

The Department has taken action on the following plans and reports under the Land Recycling and Environmental Remediation Standards Act (35 P.S. §§ 6026.101—6026.907).

Section 250.8 of 25 Pa. Code and administration of the Land Recycling and Environmental Remediation Standards Act (act) require the Department to publish in the *Pennsylvania Bulletin* a notice of its final actions on plans and reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the remediation standards of the act. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis of selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed and summaries of sampling methodology and analytical results which demonstrate that the remediation has attained the cleanup standard selected. Plans and reports required by the act for compliance with selection of remediation to a site-specific standard, in addition to a final report, include a remedial investigation report, risk assessment report and cleanup plan. A remedial investigation report includes conclusions from the site investigation; concentration of regulated substances in environmental media; benefits of reuse of the property; and, in some circumstances, a fate and transport analysis. If required, a risk assessment report describes potential adverse effects caused by the presence of regulated substances. If required, a cleanup plan evaluates the abilities of potential remedies to achieve remedy requirements. A work plan for conducting a baseline remedial investigation is required by the act for compliance with selection of a special industrial area remediation. The baseline remedial investigation, based on the work plan, is compiled into the baseline environmental report to establish a reference point to show existing contamination, describe proposed remediation to be done and include a description of existing or potential public benefits of the use or reuse of the property. The Department may approve or disapprove plans and reports submitted. This notice provides the Department's decision and, if relevant, the basis for disapproval.

For further information concerning the plans and reports, contact the environmental cleanup program 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:

Northcentral Region: Environmental Cleanup Program Manager, 208 West Third Street, Williamsport, PA 17701, Telephone number: 570-237-3636.

Contact: Lisa Hensel, Clerk Typist II, 570-327-3653.

Interstate 80 at MM 116.3E, Lawrence Township, **Clearfield County**. Northridge Group, Inc., P.O. Box 231, Northumberland, PA 17857, on behalf of FedEx Ground, 1000 FedEx Drive, Moon Township, PA 15108, submitted a Final report concerning remediation of site soil contaminated with diesel fuel. The report demonstrated attainment of the Statewide Health Standard and was approved by the Department on December 16, 2019.

Propel Transport Project, Lawrence Township, **Clearfield County**. Crawford Environmental Service, LLC, 20 Cardinal Drive, Birdsboro, PA 19508, on behalf of Propel Transport, LLC, 1001 North Randolph Street, Philadelphia, PA 19123, has submitted a Final Report concerning remediation of site soil contaminated with diesel fuel and used motor oil. The report demonstrated attainment of the Statewide Health Standard and was approved by the Department on December 23, 2019.

Interstate 80 at MM 213W, Turbot Township, **Northumberland County**. Northridge Group, Inc., P.O. Box 231, Northumberland, PA 17857, on behalf of Knorr Hauling, Inc., 617 Maple Street, Berwick, PA 18603, submitted a Final Report concerning site soil contaminated with diesel fuel, motor oil, antifreeze and hydraulic fluid. The report demonstrated attainment of the Non-Residential Statewide Health Standard for Soil and was approved by the Department on December 30, 2019.

1158 Sunbury Road, Danville, Riverside Borough, **Northumberland County**. Northridge Group, Inc., P.O. Box 231, Northumberland, PA 17857, on behalf of Joan Finn, 1158 Sunbury Road, Danville, PA 17821 submitted a Final Report concerning remediation of site soil contaminated with # 2 heating oil. The Final Report failed to demonstrate attainment of the Statewide Health Standard and was disapproved by the Department on December 23, 2019.

Harer 713 Pad, Roaring Branch, Liberty Township, **Tioga County**. Civil & Environmental Consultants, Inc., 333 Baldwin Road, Pittsburgh, PA 15205, on behalf of Rockdale Marcellus, LLC, 4600 J Barry Court, Suite 120, Canonsburg, PA 15317, submitted a Site Characterization and Final Report concerning remediation of site soil contaminated with produced water. The Final Report demonstrated attainment of the Background and Statewide Health Standards and was approved by the Department on December 17, 2019.

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

Wyeth Lab, 611 East Nields Street, Borough of West Chester, **Chester County**. Daniel P. Sheehan, PE, Arcadis U.S. Inc., 824 East Market Street, Suite 820, Wilmington, DE 19801 on behalf of Eli Kahn, 611 East Nield Street, LLC, 120 Pennsylvania Avenue, Malvern, PA 19355 submitted a Final Report concerning the remediation of site soil and groundwater contaminated with lead, other organics, PAHs and chlorinated solvents. The Report was reviewed by the Department which issued a technical deficiency letter on December 31, 2019.

OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE

Permit(s) Issued Under the Solid Waste Management Act (35 P.S. §§ 6018.101—6018.1003), the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P.S. §§ 4000.101—4000.1904) and Regulations to Operate Solid Waste Processing or Disposal Area or Site.

Northwest Region: Regional Solid Waste Manager, 230 Chestnut Street, Meadville, PA 16335-3481.

Permit Application No. 100403. Seneca Landfill, Inc., 421 Hartmann Road, Evans City, PA 16033, Jackson Township, **Butler County**. On January 8, 2020 the Northwest Regional Office issued a major permit modification to Seneca Landfill, Inc. The modification expands the disposal area by an additional 71 acres and increase the Average Daily Volume from 3,800 tons per day to 6,000 tons per day. The permit expiration date is being changed to January 8, 2030. The major permit modification was received on April 27, 2018. The application was considered complete by the Northwest Regional Office on August 14, 2018.

Southwest Region: Regional Solid Waste Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745. Telephone 412-442-4000.

Permit ID No. 300491. Homer City Generation, LP, 1750 Power Plant Road, Homer City, PA 15748. Major modification for the Stages IV and V Expansion of the existing residual waste landfill at the Homer City Ash Disposal Site in Center and Blacklick Townships, **Indiana County**. The permit modification was issued by the Southwest Regional Office on January 8, 2020.

Northeast Region: Regional Solid Waste Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915.

Permit No. 100022. Chrin Brothers, Inc., 1225 Industrial Drive, Easton, PA 18042. An application for major permit modification for the Eastern Expansion and Overlay and for permit renewal for the continued operation of the Chrin Brothers Sanitary Landfill located in Williams Township, **Northampton County**. The Eastern Expansion and Overlay consists of a lateral expansion to the east of the facility and an overlay on the existing disposal area. The applications were approved by the Regional Office on January 6, 2020.

Persons interested in reviewing the permit may contact Roger Bellas, Regional Waste Management Program Manager, Department of Environmental Protection, 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.

Northcentral Region: Regional Solid Waste Manager, 208 West Third Street, Williamsport, PA 17701.

Permit No. 301197. Shawville Power LLC, 250 Power Plant Road, Shawville, PA 16873, Bradford Township, **Clearfield County**. Reissuance of Solid Waste Permit No. 301197 to change owner name for the Shawville Ash Disposal Site. The permit was issued by the Northcentral Regional Office on December 16, 2019.

Persons interested in reviewing the permit may contact Lisa D. Houser, P.E., Environmental Engineer Manager, Williamsport Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701, 570-327-3752. TDD users may contact the Department through the Pennsylvania AT&T Relay Service, (800) 654-5984.

Permit No. 101546. Potter County Solid Waste Authority, 2504 SR 49 West, Ulysses Township, **Potter County**. Renewal of Solid Waste Permit No. 101546 for the operation of a municipal waste transfer station. This approval also includes the permit modification for the increase in permitted hours of operation, increase in permitted average daily tonnage and daily maximum tonnage. The permit was issued by the Northcentral Regional Office on January 10, 2020.

Persons interested in reviewing the permit may contact Lisa D. Houser, P.E., Environmental Engineer Manager, Williamsport Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701, 570-327-3752. 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.

GP3-46-0164: Highway Materials, Inc. (409 Senton Avenue, Flourtown, PA 19031) on January 10, 2020 for a portable mineral processing plant in White Marsh Township, **Montgomery County**.

GP9-46-0107: Highway Materials, Inc. (409 Stenton Avenue, Flourtown, PA 19031) on January 10, 2020 for operation of a Diesel No. 2 Fuel-fired internal combustion engine in Whitemarsh Township, **Montgomery 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.

GP7-36-03027B: Standard Offset Printing Co., Inc. (500 East Oregon Road, Lititz, PA 17543) on January 3, 2020, for two sheetfed offset lithographic printing presses (one new and one existing) at the printing facility located in Manheim Township, **Lancaster County**.

Plan Approvals Issued under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and regulations in 25 Pa. Code Chapter 127, Subchapter B relating to construction, modification and reactivation of air contamination sources and associated air cleaning devices.

Northeast Regional Office: 2 Public Square, Wilkes-Barre, PA 18701.

64-00020A: Federal Bureau of Prisons—USP Canaan (P.O. Box 400, Waymart, PA 18472) on January 2, 2020 for the operation of three emergency generators at their facility located in Canaan Twp., **Wayne 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.

06-05081C: Delaware County Solid Waste Authority (583 Longview Road, Boyertown, PA 17604) on January 3, 2020, for the construction of a lateral expansion to the Rolling Hills Landfill located in Earl Township, **Berks County**.

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

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

49-00028A: Wildwood Cemetery Co. d/b/a Pomfret Manor Cemetery & Crematory (900 Packer Street, Sunbury, PA 17801) on January 9, 2020, to construct a crematory unit at the Pomfret Manor Cemetery & Crematory facility located in the City of Sunbury, **Northumberland County**.

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.

23-0009K: The Boeing Company (P.O. Box 16858, MS P01-29) on January 13, 2020 for construction of the following equipment to support the new Common Configuration Readiness and Modernization (CCRAM) program in Ridley Township, **Delaware County**.

23-0003AC Monroe Energy LLC (4101 Post Road, Trainer, PA 19061-5052) on January 13, 2020 for the installation of An Ultra-low Sulfur Gasoline (ULSG) unit and for a crude rate throughout increase in Trainer Borough, **Delaware 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.

21-05028C: Fry Communications, Inc., Building 3 (101 Fry Drive, Mechanicsburg, PA 17050) on January 3, 2020, for the installation of a new 75" Manroland Litho-man IV 4-80 745 lithographic printing press at the printing facility located in Mechanicsburg Borough, **Cumberland County**. The printing press includes an integral dryer and afterburner for the control of VOC emissions. The plan approval was extended with a compliance schedule.

28-05002J: Letterkenny Army Depot—US Department of Defense (One Overcash Avenue, Chambersburg, PA 17201) on January 9, 2020, to construct a new AP Rocket Motor Destruction (ARMD) Facility within the Letterkenny Munitions Center ammunition storage area, at the Letterkenny Army Depot in Greene/Letterkenny Townships, **Franklin County**. Air emissions from the ARMD will be controlled by a wet scrubber system,

followed by an ADIOX packed bed scrubber tower absorption system. The plan approval was extended.

06-05154B: Birdsboro Power LLC (1 Armorcast Road, Birdsboro, PA 19508) on January 9, 2020, for the modification of plan approval 06-05154A, which was issued for the construction of a natural gas-fired combined cycle electric generation facility located in Birdsboro Borough, **Berks County**. The plan approval modification removed duct burner emissions and hours of operation restrictions since the duct burners will not be installed. Also, it removed the startup/shutdown hours of operation restrictions. The plan approval was extended.

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

AMS IP19-000803: Philadelphia Energy Solutions Refining and Marketing LLC (3144 Passyunk Ave, Philadelphia, PA 19145) on December 17, 2019, for the Tier 3 Projects that will make several operational and process changes to comply with the U.S.E.P.A. Tier 3 gasoline standards. The changes will allow PES to meet the regulatory standards by performing additional sulfur-removal from finished gasoline, straight run naphtha, and other gasoline blending streams currently generated and processed at the refinery. The changes are not expected to provide for increased net production of gasoline, but rather will provide more intensive processing of existing refinery streams. The facility is located in Philadelphia, **Philadelphia County**. The extension is valid for 180 days from the date of the previous plan approval extension to allow for completion of construction. The plan approval has been extended to June 17, 2020 (from December 17, 2019). The plan approval was extended.

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.

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

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

54-00049: US Department of Justice; FCI Schuylkill (P.O. Box 700, Minersville, PA 17954). The Department issued, on 1/2/20, a State-Only Operating Permit for operation of sources at a correctional institution in Butler Township, **Schuylkill County**. The sources include three natural-gas and # 2 oil fired boilers, and one diesel-fired emergency generator. The operating permit contains all applicable requirements for emission limitations, work practice standards, testing, monitoring, recordkeeping, and reporting standards used to verify facility compliance with Federal and State air pollution regulations.

Southcentral Region: Air Quality Program, 909 Elmerston Avenue, Harrisburg, PA 17110.

Contact: Thomas Hanlon, Facilities Permitting Chief, 717-705-4862, Thomas Bianca, New Source Review Chief, 717-705-4863, or William Weaver, Regional Air Quality Manager, 717-705-4702.

36-03019: Flury Foundry Co. (1160 Elizabeth Avenue, Lancaster, PA 17601-4364) on January 3, 2020, for the brass and bronze foundry located in Manheim Township, **Lancaster County**. The State-only permit was renewed.

22-03099: The Hershey Company (19 East Chocolate Avenue, Hershey, PA 17033) on January 6, 2020, for the industrial wastewater treatment plant located in Derry Township, **Dauphin County**.

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

Contact: Matthew Williams, Facilities Permitting Chief—Telephone: 814-332-6940.

43-00055: Anchor Concrete, Fredonia Plant (97 Main St., Fredonia, PA 16124), on January 13, 2020, the Department issued the renewal of the State-Only Operating Permit of a facility that blends and packages concrete mix products located in Fredonia Borough, **Mercer County**. Permitted air contamination sources are a rotary drum dryer, and bagging and storage operations. The facility is Natural Minor for permitting purposes. In this renewal, two permitted sources, a bagging line and a degreaser, no longer operated and/or removed from the site are removed from the operating permit. There are no new Federal and State regulations applicable to the facility.

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.

09-00234: WCR, Inc.—Northeast Region (4080 Blanche Road, Bensalem, PA 19020) on January 13, 2020 for an administrative amendment for the replacement of an existing spray booth with the installation of a new spray booth at an existing facility located in Bensalem Township, **Bucks County**.

Northeast Regional Office: 2 Public Square, Wilkes-Barre, PA 18701.

54-00073: INGENCO Wholesale Power, LLC (2250 Dabney Road, Richmond, VA 23230) on December 26, 2019, for the facility located in Pine Grove Township, **Schuylkill County**. This Title V operating permit was administratively amended to reflect a change in the name of the Responsible Official.

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.

28-05040: Ingenco Wholesale Power LLC (2250 Dabney Road, Richmond, VA 23230-3323) on January 3, 2020, for the landfill gas-to-energy facility associated with the Mountain View Landfill located in Peters Township, **Franklin County**. The Title V permit was administratively amended in order to incorporate a change in the responsible official.

ACTIONS ON COAL AND NONCOAL MINING ACTIVITY APPLICATIONS

Actions on applications under the Surface Mining Conservation and Reclamation Act (52 P.S. §§ 1396.1—1396.31); the Noncoal Surface Mining Conservation and Reclamation Act (52 P.S. §§ 3301—3326); the Clean Streams Law (35 P.S. §§ 691.1—691.1001); the Coal Refuse Disposal Control Act (52 P.S. §§ 30.51—30.66); the Bituminous Mine Subsidence and Land Conservation Act (52 P.S. §§ 1406.1—1406.21). The final action on each application also constitutes action on the NPDES permit application and, if noted, the request for a Section 401 Water Quality Certification. Mining activity permits issued in response to such applications will also address the application permitting requirements of the following statutes; the Air Quality Control Act (35 P.S. §§ 4001—4015); the Dam Safety and Encroachments Act (32 P.S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P.S. §§ 6018.101—6018.1003).

Coal Permits Issued

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

26961601 and NPDES Permit No. PA0214779. Matt Canestrale Contracting, Inc., P.O. Box 234, Belle Vernon, PA 15012, to renew the permit and related NPDES Permit for the LaBelle Site located in Luzerne Township, **Fayette County** and East Bethlehem Township, **Washington County**. No additional discharges. The application was considered administratively complete on April 19, 2017. Application received: December 27, 2016. Permit issued: January 9, 2020.

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

GFCC No. 54-19-01. Waste Management & Processors, Inc. (10 Gilberton Road, Gilberton, PA 17934), Government Finance Construction Contract issued for incidental and necessary coal refuse material for the reclamation of the abandoned unreclaimed site in Gilberton Borough, **Schuylkill County** affecting 14.8 acres, receiving stream: Mahanoy Creek. Application received: November 9, 2018. GFCC issued: January 7, 2020.

Permit No. PAG02-541901. Waste Management & Processors, Inc. (10 Gilberton Road, Gilberton, PA 17934), General NPDES Stormwater Permit for stormwater discharges associated with construction activities on GFCC No. 54-19-01 in Gilberton Borough, **Schuylkill County**, receiving stream: Mahanoy Creek. Application received: November 9, 2018. Permit issued: January 7, 2020.

GP12 No. GP12-541901. Waste Management & Processors, Inc. (10 Gilberton Road, Gilberton, PA 17934), general operating permit to operation a coal preparation plant on GFCC No. 54-19-01 in Gilberton Borough, **Schuylkill County**. Application received: January 11, 2019. Permit issued: January 7, 2020.

Permit No. 54870101R6. Kuperavage Enterprises, Inc. (P.O. Box 99, Middleport, PA 17953), renewal of an existing anthracite surface mine, coal refuse reprocessing and coal refuse disposal operation in Blythe Township, **Schuylkill County** affecting 638.0 acres, receiving

stream: unnamed tributary to Schuylkill River. Application received: April 16, 2019. Renewal issued: January 9, 2020.

Permit No. PAM113085R. Kuperavage Enterprises, Inc. (P.O. Box 99, Middleport, PA 17953), renew coverage under the General NPDES Permit for Stormwater Discharges Associated with Mining Activities (BMP GP-104) on Surface Mining Permit No. 54870101 in Blythe Township, **Schuylkill County**, receiving stream: unnamed tributary to Schuylkill River. Application received: April 16, 2019. Renewal issued: January 9, 2020.

Noncoal Permits Issued

New Stanton District Office: P.O. Box 133, 131 Broadview Road, New Stanton, PA 15672, 724-925-5500. (Contact: Tracy Norbert).

63100401. Neiswonger Construction, Inc., 17592 Route 322, Strattanville, PA 16258, revision application to add an additional 6.6 acres to an existing large noncoal surface mine in Deemston Borough, **Washington County**, affecting 74.2 acres. Receiving stream(s): unnamed tributaries to Ten Mile Creek and Ten Mile Creek classified for the following use(s): TSF. The first downstream potable water supply intake from the point of discharge is Tri-County Joint Municipal Authority. Application received: December 20, 2019. Permit Issued: January 7, 2020.

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

Permit No. 64000301C5 and NPDES Permit No. PA0224073. The H & K Group, Inc. (P.O. Box 196, Skippack, PA 19474), renewal of an NPDES Permit for discharge of treated mine drainage from a quarry operation in Lebanon Township, **Wayne County**. Receiving stream: unnamed tributary to Big Brook. Application received: October 22, 2018. Renewal issued: January 7, 2020.

Permit No. 5273SM1C9 and NPDES Permit No. PA0594261. The H & K Group, Inc. (P.O. Box 196, Skippack, PA 19474), renewal of an NPDES Permit for discharge of treated mine drainage from a quarry operation in Aston Township, **Delaware County**. Receiving stream: Chester Creek. Application received: July 26, 2019. Renewal issued: January 7, 2020.

Permit No. 52970301C7 and NPDES Permit No. PA0226033. GF Edwards, Inc. (204 SR 435, Elmhurst Township, PA 18444), correction of an existing quarry operation to issue NPDES Permit for discharge of treated mine drainage in Greene Township, **Pike County** affecting 173.06 acres. Receiving stream: Wallenpaupack Creek. Application received: April 1, 2019. Permit issued: January 7, 2020.

Permit No. 7174SM1C10 and NPDES Permit No. PA0009407. Hempt Brothers, Inc. (205 Creek Road, Camp Hill, PA 17011), renewal of an NPDES Permit for discharge of treated mine drainage from a quarry operation in Lower Swatara and Swatara Townships and Steelton Borough, **Dauphin County**. Receiving stream: unnamed tributary to Susquehanna River. Application received: September 13, 2019. Renewal issued: January 8, 2020.

Permit No. 22880301C12 and NPDES Permit No. PA0223948. Rocky Licensing Corp. (2400 Thea Drive, Suite 3A, Harrisburg, PA 17110), renewal of an NPDES Permit for discharge of treated mine drainage from a quarry operation in Lower Swatara Township, **Dauphin**

County affecting 143.1 acres. Receiving stream: Swatara Creek. Application received: July 17, 2018. Renewal issued: January 9, 2020.

Permit No. 6576SDM1A2C10 and NPDES Permit No. PA0119229. 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 Hamilton Township, **Monroe County** affecting 226.7 acres. Receiving stream: unnamed tributary to McMichael Creek. Application received: August 5, 2019. Renewal issued: January 9, 2020.

Permit No. PAM119029. 4D's Ventures, Inc. (7295 Kingsley Road, Kingsley, PA 18826), coverage under the General NPDES Stormwater Permit for stormwater discharges associated with mining activities on Surface Mining Permit No. 58122504 in Franklin Township, **Susquehanna County**, receiving stream: unnamed tributary to Snake Creek. Application received: November 18, 2019. Permit issued: January 10, 2020.

Permit No. PAM114029R. Glen-Gery Corp. (P.O. Box 7001, Wyomissing, PA 19610), renew coverage under the General NPDES Permit for Stormwater Discharges Associated With Mining Activities (BMP GP-104) on Surface Mining Permit No. 4875SM1 in York Township, **York County**, receiving streams: Mill Creek and unnamed tributary to Mill Creek. Application received: April 19, 2019. Renewal issued: January 10, 2020.

ACTIONS ON BLASTING ACTIVITY APPLICATIONS

Actions on applications under the Explosives Acts of 1937 and 1957 and 25 Pa. Code § 211.124. Blasting activity performed as part of a coal or noncoal mining activity will be regulated by the mining permit for that coal or noncoal mining activity.

Blasting Permits Issued

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

Permit No. 23204101. M3 Explo, LLC (P.O. Box 528, Brownsville, PA 15417), construction blasting for Ponds Edge in Middletown Township, **Delaware County** with an expiration date of January 3, 2021. Permit issued: January 7, 2020.

Permit No. 40204101. Maurer & Scott Sales, Inc. (122 Thomas Street, Coopersburg, PA 18036), construction blasting for Center Point Phase IIB Lot 30 in Pittston Township, **Luzerne County** with an expiration date of December 20, 2020. Permit issued: January 7, 2020.

Permit No. 36204101. Keystone Blasting Service (15 Hopeland Road, Lititz, PA 17543), construction blasting for Eli Beiler dwelling in West Earl Township, **Lancaster County** with an expiration date of February 28, 2020. Permit issued: January 8, 2020.

FEDERAL WATER POLLUTION CONTROL ACT SECTION 401

The Department has taken the following actions on previously received permit applications, requests for Environmental Assessment approval, and requests for Water Quality Certification under Section 401 of the Federal Water Pollution Control Act (FWPCA) (33 U.S.C.A. § 1341).

Except as otherwise noted, the Department has granted 401 Water Quality Certification certifying that the construction and operation described will comply with the applicable provisions of sections 301—303, 306 and 307 of the FWPCA (33 U.S.C.A. §§ 1311—1313, 1316 and 1317), and that the construction will not violate applicable Federal and State Water Quality Standards.

Any person aggrieved by these actions may appeal, pursuant to Section 4 of the Environmental Hearing Board Act, 35 P.S. § 7514, and the Administrative Agency Law, 2 Pa.C.S. Chapter 5A, to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P.O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Board through the Pennsylvania AT&T Relay Service, (800) 654-5984. Appeals must be filed with the Environmental Hearing Board within 30-days of publication of this notice in the *Pennsylvania Bulletin*, unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in braille or on audiotape from the Secretary to the Board at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decisional law.

If you want to challenge this action, your appeal must reach the Board within 30-days. You do not need a lawyer to file an appeal with the Board.

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

WATER OBSTRUCTIONS AND ENCROACHMENTS

Actions on applications for the following activities filed under the Dam Safety and Encroachments Act (32 P.S. §§ 693.1—693.27), section 302 of the Flood Plain Management Act (32 P.S. § 679.302) and The Clean Streams Law and Notice of Final Action for Certification under section 401 of the FWPCA.

Permits, Environmental Assessments and 401 Water Quality Certifications:

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

Contact: Edward Muzic, Section Chief, 717.705.4802.

E0103219-001. Mr. David B. Lutz & Ms. Jeanne G. Lutz, 11 Custer Drive, East Berlin, PA 17316, Reading Township, **Adams County**, ACOE Baltimore District.

To construct and maintain a 16.0-foot by 38.0-foot expansion to an existing boat dock/boathouse (30.0-foot by 38.0-foot) at a residence property on Lake Meade (WWF, MF). The project site is located in Reading Township, Adams County, Pennsylvania (Latitude: (39.9815), Longitude: (-77.0424)). The project will provide 608 square feet of permanent impacts to Lake Meade and the immediate shoreline. The project is located on Custer Drive, off of Lake Meade Road, approximately 9.0-miles SE of the PA-94/US-15 interchange. No wetlands will be impacted by this project. Permit issued January 10, 2020.

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

E19042-003. Municipal Authority of the Town of Bloomsburg, 1000 Market Street, Suite 9, Bloomsburg, PA 17815. Bloomsburg Waste Water Treatment Plant, in Town of Bloomsburg, **Columbia County**, ACOE Baltimore District (Bloomsburg, PA Quadrangle, Latitude: 40° 59' 14.2"; Longitude: -76° 27' 28.73").

To remove and restore to existing grade the primary distribution chamber and the waste receiving station; to construct, operate and maintain a influent grit removal facility, a wet well access stair tower, associated parking and paved access areas, storm water facilities and height increases to existing facilities to above elevation 480.4. All work is located in the flood fringe of the Susquehanna River located at 551 West Fort McClure Boulevard, Bloomsburg, PA 17815. This permit was issued under Section 106.12(d).

E5904219-009: Blossburg Municipal Authority, Hamilton Township, **Tioga County**, U.S. Army Corps of Engineers Baltimore District (Blossburg Quadrangle; Latitude 41° 39' 4.8" N; Longitude 77° 2' 44.3" W).

The applicant proposes to install two utility stream crossings in the Taylor Run (EV, MF) watershed. Crossing

1 will have a 10" ductile water line and crossing # 2 will be a 6" ductile water line and a 6" PVC Electric line. The crossing will have a cumulative permanent watercourse impact of 510 square feet.

E1819-003: Joshua And Kelly Day, Bald Eagle Township, **Clinton County**, U.S. Army Corps of Engineers Baltimore District (Beech Creek Quadrangle; Latitude 41.108262; -77.504190).

The applicant will construct and maintain a single family residential home addition on the left bank of the 100 year floodway of Bald Eagle Creek (WWF-MF). No work will occur below the OHWM. The project will permanently impact .013 acre of the 100 year floodway of Bald Eagle Creek (WWF-MF).

E47042-001. Danville Borough, 463 Mill Street, Danville, PA 17821. Construction in Sechler Run 10-year floodplain. Danville Borough, **Montour County**. Danville PA Quadrangle Latitude N: 40° 57' 44" Longitude W: -76° 36' 02".

To construct a new permanent gathering area in the 100-year floodplain of Sechler Run. The proposed project involves fill in the flood fringe.

The project proposes to have the following impacts

Stream Impact Table:

Impact #	Resource Name	Municipality	Activity	Chapter 93	Listed Trout	Impact Length Temp. (LF)	Impact Area Temp. (SF)	Impact Length Perm. (LF)	Impact Area Perm. (SF)	Lat. Long.
0	Sechler Run	Danville Borough	-	CWF-MF	None	0	0	0	0	
TOTAL						0	0	0	0	

Floodway Impact Table:

Impact #	Resource Name	Municipality	Activity	Chapter 93	Listed Trout	Impact Length Temp. (LF)	Impact Area Temp. (SF)	Impact Length Perm. (LF)	Impact Area Perm. (SF)	Lat. Long.
1	Sechler Run	Danville Borough	Fill	CWF-MF	None	0	0	195—90	17,550	40.962369 -76.617458
TOTAL						0	0	0	17,550	

The total estimated permanent floodway impact disturbance for the project is approximate 17,500 square feet of Sachler Runs Floodway.

The proposed crossings will not permanently impact cultural or archaeological resources, national/state/local parks, forests recreational areas, landmarks wildlife refuge, or historical sites. Brewer Creek is classified with a designated use of Warm Water Fishery (WWF) and Migratory Fishes (MF).

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

E1006219-005, MHB Real Estate Holdings, LLC, 705 Moravia St, New Castle, PA 16101. Butler Equipment Rental, in Lawrence Township, **Butler County**, ACOE Pittsburgh District Evans City and Zelenople, PA Quadrangles N: 40°, 49', 13"; W: -80°, 07', 29").

To conduct the following activities associated with the expansion of an existing heavy equipment rental and

storage yard and to permit unpermitted activities that preciously occurred at the site located at 322 Perry Highway (Evans City and Zelenople, PA Quadrangles N: 40°, 49', 13"; W: -80°, 07', 29") Lancaster Township, Butler County:

1. To fill a total of 0.199 acre of PEM wetland (2 wetlands previously filled);
2. To construct and maintain 3 stormwater outfalls (1 previously constructed);
3. To remove a timber foot bridge;
4. To create 0.2 acre of PSS replacement wetland [0.15 acre on the west side of Scholars Run and 0.05 acre on the east side of Scholars Run adjacent to existing wetlands].

E6206219-003, Caledonia Land Company LLC, 450 Saybrook Road, Sheffield, PA 16347. Weatherby Bridge, in

Pine Grove Township, **Warren County**, ACOE Pittsburgh District (Scandia, PA Quadrangle N: 41°, 56', 14.158"; W: -79°, 4', 58.398").

To construct, operate, and maintain a 16-foot wide steel beam bridge having a clear span of 42 feet and an underclearance of 4.5 feet on concrete abutments across Akeley Run (CWF) at a point approximately 3,000 feet west of the Priest Hollow Road and Renolds Road intersection (Scandia, PA Quadrangle N: 41°, 56', 14.158"; W: -79°, 4', 58.398") in Pine Grove Township, Warren County.

E1006219-006, Geyer Construction and Development, Inc., 451 Denny Road, Valencia, PA 16059-1507. Adams Corners Development, in Adams Township, **Butler County**, ACOE Pittsburgh District (Valencia, PA Quadrangle N: 40°, 41', 33"; W: -79°, 58', 25").

To permanently impact 123 linear feet of UNT Glade Run for the installation of a 48-inch diameter stream enclosure, to permanently impact 0.15 acre of wetland, and to mitigate for impacts by creating 0.15 acre of wetland on the project site associated with the construction, operation, and maintenance of a mixed-use land development at the intersection of SR 228 and Three Degree Road [Valencia, PA Quadrangle N: 40.6926°; W: -79.9737°] in Adams Township, Butler County.

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

E4129-084: Regency Marcellus Gas Gathering, LLC, 101 West Third Street, Williamsport, PA 17701, McNett Township, **Lycoming County**, ACOE Baltimore District.

To construct, operate, and maintain:

1. an 8-inch diameter natural gas line and a temporary timber mat bridge impacting 2,087 square feet of a Palustrine Emergent Wetland (EV) (Grover, PA Quadrangle, Latitude: 41° 33' 09", Longitude: -76° 48' 18");

The project will result in 0.05 acre of new wetland impacts all for the purpose of installing natural gas gathering line, and access roadway to a natural gas well site for Marcellus well development. This project is a major modification to the original permit, E4129-084 and associated with E0829-088 and E5729-072, originally posted to the *Pennsylvania Bulletin* on February 8, 2014.

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.

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

ESCGP-3 # ESG295819010-01
Applicant Name Cabot Oil and Gas Corporation
Contact Person Kenneth Marcum
Address 2000 Park Lane, Suite 300
City, State, Zip Pittsburgh, PA 15275
County Susquehanna
Township(s) Springville
Receiving Stream(s) and Classification(s) UNT to Meshopen Creek (CWF, MF), UNT to Thomas Creek (CWF, MF)

ESCGP-3 # ESG294118004-00
Applicant Name Regency Marcellus Gas Gathering, LLC
Contact Person Tom Glisson
Address 6051 Wallace Road Ext, 3rd Floor
City, State, Zip Wexford, PA 15090
County Lycoming
Township(s) McNett
Receiving Stream(s) and Classification(s) UNT to Rock Run (EV-CWF), Rock Run (EV-CWF), UNT to North Pleasant Stream (EV-CWF), North Pleasant Stream (EV-CWF)
Secondary: Lycoming Creek (EV-CWF), Pleasant Stream (EV-CWF)

ESCGP-3 # ESG295819053-00
Applicant Name Williams Field Services Company, LLC
Contact Person Barry Mahar
Address 310 SR 29 N
City, State, Zip Tunkhannock, PA 18657-6817
County Susquehanna
Township(s) Gibson
Receiving Stream(s) and Classification(s) Tunkhannock Creek # 4456 (NRT-CWF-MF)

ESCGP-3 # ESG295819032-00
Applicant Name SWN Prod Co, LLC
Contact Person Marsha Vogel
Address P.O. Box 12359
City, State, Zip Spring, TX 77391-2359
County Susquehanna
Township(s) Jackson
Receiving Stream(s) and Classification(s) Butler Creek (CWF, MF)
Secondary: Tunkhannock Creek (CWF, MF)

ESCGP-3 # ESG295819029-00
Applicant Name SWN Prod Co, LLC
Contact Person Marsha Vogel
Address P.O. Box 12359
City, State, Zip Spring, TX 77391-2359
County Susquehanna
Township(s) Jackson
Receiving Stream(s) and Classification(s) Little Butler Creek (CWF, MF), Salt Lick Creek (HQ, CWF, MF)
Secondary: Tunkhannock Creek (CWF, MF), Susquehanna River (WWF)

ESCGP-3 # ESG295719007-00
 Applicant Name Appalachia Midstream SVC, LLC
 Contact Person Joel Moore
 Address 400 IST CTR
 City, State, Zip Horseheads, NY 14845
 County Sullivan/Bradford
 Township(s) Colley Twp/Wilmot Twp
 Receiving Stream(s) and Classification(s) Wolf Run (CWF, MF), UNT to Wolf Run (CWF, MF)
 Secondary: North Branch Mehoopany Creek (CWF, MF), North Branch Mehoopany Creek (CWF, MF)

CORRECTIVE ACTION UNDER ACT 32, 1989

PREAMBLE 2

The following plans and reports were submitted under the Storage Tank and Spill Prevention Act (35 P.S. §§ 6021.101—6021.2104).

Provisions of 25 Pa. Code Chapter 245 Subchapter D, Administration of the Storage Tank and Spill Prevention Program, require the Department of Environmental Protection (DEP) to publish in the *Pennsylvania Bulletin* a notice of submission of plans and reports. A remedial action plan is submitted to summarize the site characterization, document the design and construction details for the remedial action, and describe how the remedial action will attain the selected remediation standard. The remedial action plan also provides results of studies performed and data collected to support the remedial action and a description of postremediation care requirements. A remedial action completion report is submitted to document cleanup of a release of a regulated substance at a site to the selected remediation standard. A remedial action completion report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis of selecting the environmental media of concern, documentation supporting the selection of residential or non-residential exposure factors, a description of the remediation performed and summaries of sampling methodology and analytical results which demonstrate that the remediation has attained the cleanup standard selected.

For further information concerning plans or reports, please contact the Environmental Cleanup Program Manager in the DEP Regional Office under which the notice of receipt of plans or reports appears. If information concerning plans or reports is required in an alternative form, contact the Community Relations Coordinator at the appropriate Regional Office listed. TDD users may telephone the DEP through the Pennsylvania AT&T Relay Service at (800) 654-5984.

The Department has received the following plans and reports:

Northcentral Region: Environmental Cleanup Program Manager, 208 West Third Street, Williamsport, PA 17701, Telephone number: 570-237-3636.

Contact: Lisa Hensel, Clerk Typist II, 570-327-3653.

TravelCenters of America, Storage Tank Facility ID # 18-05853, 5600 Nittany Valley Drive, Lamar, Porter Township, **Clinton County**. Hydro-Terra Group, 7420 Derry Street, Harrisburg, PA 17111, on behalf of TravelCenters of America, 24601 Center Ridge Road, West Lake, OH 44145, submitted a Remedial Action Completion Report concerning remediation of soil contaminated with diesel fuel. The report is intended to document remediation of the site to meet the Statewide Health Standard.

7-11 Store 40157 (Former Sunoco Station # 0363-3468), Storage Tank Facility ID # 49-24097, N. Fourth Ave and Arch Street, City of Sunbury, **Northumberland County**. Aquaterra Technologies, Inc., P.O. Box 744, West Chester, PA 19381, on behalf of Sunoco, LLC, c/o Evergreen Resources Group, LLC, 2 Righter Parkway, Suite 120, Wilmington, DE 19803 submitted a Remedial Action Completion Report concerning remediation of soil and groundwater contaminated with leaded and unleaded gasoline. The report is intended to document remediation of the site to meet the Site-Specific 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:

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

Sunoco 0004-2184, Storage Tank ID # 35-20320, 915 Wyoming Avenue, Scranton City, **Lackawanna County**. EnviroTrac, 176 Thorn Hill Road, Warrendale, PA 15086, on behalf of Sunoco, Inc., 1109 Milton Avenue, Syracuse, NY 13204, submitted a Remedial Action Plan concerning remediation of soil and groundwater contaminated with

petroleum. The Remedial Action Plan was not acceptable to meet Statewide Health Standards and was disapproved by DEP on January 8, 2020.

Pickerel Inn, 52-28255, 1524 State Route 402, Porter Township, **Pike County**, Letterle & Associates, 2022 Axemann Road, Suite 201, Bellefonte, PA 16823, on behalf of Terri Koch, 1524 State Route 402, Dingmans Ferry, PA 18328, submitted a Remedial Action Completion Report concerning remediation of soil and groundwater contaminated with gasoline. The Remedial Action Completion Report demonstrated attainment of Statewide Health Standards and was approved by DEP on January 10, 2020.

Penske Truck Leasing, 40-13319, 100 Dessen Drive, Hazle Township, **Luzerne County**, GHD, 410 Eagleview Boulevard, Suite 110, Exton, PA 19341, on behalf of Penske Truck Leasing, 100 Dessen Drive, Hazleton, PA 18201 submitted a Remedial Action Completion Report concerning remediation of soil and groundwater contaminated with diesel. The Remedial Action Completion Report demonstrated attainment of Statewide Health Standards and was approved by DEP on January 13, 2020.

Northcentral Region: Environmental Cleanup Program Manager, 208 West Third Street, Williamsport, PA 17701, Telephone number: 570-237-3636.

Contact: Lisa Hensel, Clerk Typist II, 570-327-3653.

Shall's General Store. Storage Tank Facility ID 53-70474, Main Street and School Street, Oswayo, **Potter County**. Mobile Environmental Analytical, Inc., 1365 Ackermanville Road, Bangor, PA 18013, on behalf of Ms. Gina Shall, 1016 Silver Lake Boulevard, Frankfort, KY 40601, submitted a Remedial Action Completion Report concerning remediation of soil & groundwater contaminated with unleaded gasoline. The Remedial Action Completion Report demonstrated attainment of the Statewide Health Standard and was approved by DEP on January 8, 2020.

SPECIAL NOTICES

AIR QUALITY

Notice of Proposed Revision to the State Implementation Plan for Oxides of Nitrogen, Volatile Organic Compounds, Notice of Public Hearing, and Notice of Intent to Issue RACT II Plan Approval Permit IP16-000223.

Southeast Regional Office, 2 East Main Street, Norristown, PA 19401.

City of Philadelphia—Public Health, Philadelphia Air Management Services, 321 University Avenue, 2nd Floor, Philadelphia, PA 19104-4543.

Approval of a Reasonably Available Control Technology (RACT II) Plan for **Newman and Company, Inc.** located in Philadelphia, **Philadelphia County**.

In accordance with 25 Pa. Code §§ 129.96—129.100, the Air Management Service (AMS) has made a preliminary determination to approve a RACT II Plan Approval and an amendment to the State Implementation Plan (SIP) for the Newman and Company, Inc. owned and operated by Newman and Company, Inc. in Philadelphia, Philadelphia County.

The proposed SIP revision does not adopt any new regulations. It incorporates the provisions and requirements contained in the amended RACT approval for the

facility, which are intended to satisfy the requirements for the 2008 National Ambient Air Quality Standards (NAAQS) for ozone.

The proposed amendments to the RACT II determination, if finally approved, will be incorporated into RACT II Plan Approval No. IP16-000223 for the facility. The proposed amendments to the RACT II determination, if finally approved, will also be incorporated into a revised operating permit (V15-003) for the facility. Therefore, this notice serves as the public's only opportunity under Title V to provide comments on record for this proposed permit action. The relevant RACT II Plan Approval requirements will be submitted to the U.S. Environmental Protection Agency (EPA) as a revision to Pennsylvania's State Implementation Plan and will remain in effect until replaced pursuant to 40 CFR 51 and approval by the EPA. Requirements that are not part of the RACT II determination will be excluded from the SIP submittal.

The following is a summary of the proposed amendments to the RACT II determination for this operation that will be submitted to the EPA as a SIP revision:

Source	NO _x RACT II Requirement
118 MMBtu/hr Union Cogeneration boiler (Boiler # 1)	Newman shall comply with following emission limits, monitoring and recordkeeping requirements for boiler # 1: (a) NO _x emission limits not to exceed (i) 0.43 lb/MMBtu when firing # 6 oil; (ii) 0.43 lb/MMBtu when firing natural gas; (iii) The total NO _x emissions limit of 121 tons per rolling 12-month period. (b) Testing Requirements (i) Newman and Company, Inc. shall conduct a NO _x performance test on boiler # 1 every five years while burning No. 6 oil and natural gas.

The plan approval also contains monitoring and recordkeeping requirements to ensure operation within all applicable requirements.

Copies of the application, AMS analysis, all pertinent documents used in the evaluation of the application, and subsequently prepared proposed RACT II Plan Approval/SIP are available for public review during normal business hours at 321 University Avenue, 2nd Floor, Philadelphia, PA 19104. Persons wishing to review these documents should contact Debra Williams (215-685-7572) at the above address.

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 RACT II Plan Approval, may submit the information to the Chief of Source Registration, 321 University Avenue, Philadelphia, PA 19104. A 30-day comment period from the Date of Publication in the *Pennsylvania Bulletin* 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 RACT II Plan Approval including the permit number and a concise

statement regarding the relevancy of the information or objections to issuance of the proposed RACT II Plan Approval.

Persons wishing to request for a public hearing must provide a written request to “Chief of Source Registration” to the above address within 30 days from this publication date. If requested by the public, AMS will hold a public hearing to accept comments on the proposed RACT II Plan Approval revision and the proposed SIP revision. The hearing will be held, if requested, on March 5, 2020, at 6:30 PM at the Spelman Building, 321 University Avenue, 1st Floor Conference Room, Philadelphia, PA 19104. Persons with a disability who desire to attend the meeting and require an auxiliary aid, service, or other accommodation to participate in the proceedings should contact Henry Kim at (215) 685-9439 to discuss how AMS may accommodate their needs.

Please note that any updates made to any aspect of the hearing, including whether or not a hearing will be held, will be posted online at <https://www.phila.gov/departments/air-pollution-control-board/air-management-notices/>.

Notice of Proposed Revision to the State Implementation Plan for Volatile Organic Compounds, Notice of Public Hearing, and Notice of Intent to Issue Revised Air Quality Operating Permit # 10-00267.

Northwest Region: 230 Chestnut Street, Meadville, PA 16335-3481, 814-332-6945.

In accordance with 25 Pa. Code §§ 129.96—129.100, the Pennsylvania Department of Environmental Protection (the Department) has made a preliminary determination to approve an alternate Reasonably Available Control Technology (RACT II) plan and seeks approval of an amendment to the State Implementation Plan (SIP) for **Kawneer Commercial Windows, LLC** for the facility in Cranberry Township, **Butler County**. And in accordance with 25 Pa. Code § 127.521, the Department of Environmental Protection intends to modify the Title V Operating Permit for the facility. The facility is located at 71 Progress Ave., Cranberry Township, PA 16066-3511. The facility’s representative to contact concerning this application is Mr. Keith Cessna, Environmental Manager. His phone number is 724-776-7028.

The proposed SIP revision does not adopt any new regulations. It incorporates the provisions and requirements contained in the amended RACT II approval for the facility, which are intended to satisfy the requirements for the 1997, 2008, and 2015 National Ambient Air Quality Standard (NAAQS) for ozone.

The proposed amendments to the RACT II determination, if finally approved, will be incorporated into the revised operating permit (10-00267) for the facility. The relevant RACT II requirements will be submitted to the U.S. Environmental Protection Agency (EPA) as a revision to Pennsylvania’s SIP and will remain in effect until replaced pursuant to 40 CFR 51 and approval by the EPA. Requirements that are not part of the RACT II determination will be excluded from the SIP submittal; this includes the provisions of the Department’s presumptive RACT II requirements in accordance with 25 Pa. Code § 129.97, as they apply to existing sources at this facility.

The facility is a major stationary source as defined in Title I, Part D of the Clean Air Act Amendments due to its potential to emit VOCs. The facility is therefore

subject to the Title V Operating Permit requirements adopted in 25 Pa. Code Chapter 127, Subchapter G.

The Cranberry Township facility manufactures commercial windows that includes the operation of surface coating processes and various process ovens. The surface coating processes are subject to 40 CFR 63 Subpart MMM NESHAP for Surface Coating of Miscellaneous Metal Parts and Products. Various process heaters are subject to 40 CFR 63 Subpart DDDD NESHAP for Major Sources: Industrial, Commercial and Institutional Boilers and Process Heaters. The emergency generator is subject to 40 CFR 60 Subpart III NSPS for Stationary Compression Ignition Internal Combustion Engines. The Tellkamp Line and Binks Booth is subject to 25 Pa. Code § 129.52 for surface coating processes and the parts washers are subject to 25 Pa. Code § 129.63, which ensure compliance with RACT II requirements (§ 129.96(a)).

The following is a summary of the proposed amendments to the RACT II determination for this facility that will be submitted to the EPA as a SIP revision:

<i>Source</i>	<i>RACT II Requirement</i>
102, Coated-Extrusion Bake Oven 124, Paint Kitchen	WORK PRACTICE REQUIREMENTS The facility shall comply with the work practice requirements for this source established under Subpart MMMM and this operating permit.
105, Fill Line Adhesive Appl. (1 Line)	WORK PRACTICE REQUIREMENTS The permittee shall maintain this source in accordance with the manufacturer’s specifications and good air pollution control practices.
106, Assembly (Sealing, Cleaning, Touch-Up)	WORK PRACTICE REQUIREMENTS a) The owner/operator shall use good operating practices at all times to ensure the air emissions of Source 106 are kept to a minimum. The following practices shall be implemented at a minimum: 1) Solvents shall be stored in closed containers. Containers shall remain closed to the maximum extent possible during operation. 2) The owner/operator shall use solvent dispensing cans designed to handle flammable liquids which minimize spills and evaporation. 3) VOC containing cleaning solvent shall not be applied via spray. Cleaning solvent shall be applied to the cleaning rag using

Source	RACT II Requirement
	dispensing cans. Sprays containing less than 3% VOC (by weight) are exempted from this requirement. 4) Waste solvent rags shall be managed as required by RCRA 25 Pa. Code § 260a and/or 25 Pa. Code § 299. b) The owner/operator shall periodically evaluate lower VOC product substitution. This shall occur at a minimum of once per calendar year and shall be recorded in a log.

Public hearing. If requested, a public hearing will be held at 10 a.m. on March 2, 2020, to accept oral comments on the proposed operating permit revision and the proposed SIP revision. The hearing will be held, if requested, at the DEP Northwest Regional Office, 230 Chestnut Street, Meadville, PA 16335. To request a hearing, to register to speak at a hearing, or to inquire if a hearing will be held, please contact Tom Decker at 814-332-6615. The last day to pre-register to speak at a hearing, if one is held, will be February 24, 2020. If we do not receive any pre-registered speakers by this date, the hearing will be cancelled.

Please note that any updates made to any aspect of the hearing, including whether or not a hearing will be held, will be posted online at: <http://www.dep.pa.gov/About/Regional/NorthwestRegion/Community-Information/Pages/RACT-II.aspx>.

We ask that you contact Tom Decker, Environmental Community Relations Specialist at 814-332-6615 or monitor our web site to determine if a hearing will be held.

Persons wishing to present testimony at the hearing should contact Tom Decker at least one week in advance of the hearing to reserve a time to present testimony. Oral testimony will be limited to a maximum of 10 minutes per individual and 2 written copies of the oral testimony are requested. Each organization is requested to designate one witness to present testimony on its behalf. Persons unable to attend the hearing, if it is held, may submit 3 copies of a written statement and exhibits within 10 days thereafter to Eric A. Gustafson, Environmental Program Manager, Pennsylvania Department of Environmental Protection, Northwest Regional Office, 230 Chestnut Street, Meadville, PA 16335.

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 Eric A. Gustafson, Environmental Program Manager, Pennsylvania Department of Environmental Protection, Northwest Regional Office, 230 Chestnut Street, Meadville, PA 16335. A 30-day comment period from January 25, 2020, will exist for the submission of comments, protests and information. Each submission must contain the following information: name, address and telephone number of the person submitting the comments; identification of the proposed permit number 10-00267; and concise statements regarding the relevancy of the information or objections to issuance of the permit or the proposed RACT II Plan.

All pertinent documents are available for public review between 8 a.m. and 4 p.m. at the DEP Northwest Regional Office, 230 Chestnut Street, Meadville, PA 16335. Appointments for scheduling a review may be made by calling the Department at 814-332-6078.

Persons with a disability who wish to comment and require an auxiliary aid, service, or other accommodations to do so should contact Virginia Cain, Environmental Community Relations Specialist, at 484-250-5808 or the Pennsylvania AT&T Relay Service at 1-800-654-5984 (TDD) to discuss how the Department may accommodate your needs.

[Pa.B. Doc. No. 20-107. Filed for public inspection January 24, 2020, 9:00 a.m.]

DEPARTMENT OF HEALTH

Human Immunodeficiency Virus (HIV) Community Prevention Planning Committee Public Meetings

The Statewide HIV Planning Group, established by the Department of Health (Department) under sections 301(a) and 317 of the Public Health Service Act (42 U.S.C.A. §§ 241(a) and 247b), will hold a public meeting on Wednesday, February 12, 2020, from 9 a.m. to 4:30 p.m. and on Thursday, February 13, 2020, from 9 a.m. to 4:30 p.m. at the Best Western Premier The Central Hotel, 800 East Park Drive, Harrisburg, PA 17111.

Jurisdictional HIV prevention planning is a required activity of the Department's Centers for Disease Control and Prevention grant for Comprehensive HIV Prevention Programs for Health Departments. Additionally, the Ryan White HIV/AIDS Treatment Extension Act of 2009 (Pub.L. No. 111-87), previously known as the Ryan White Comprehensive AIDS Resources Emergency Act of 1990 (42 U.S.C.A. §§ 300ff-21—300ff-38), requires that the Department engage in a public advisory planning process in developing a comprehensive plan. The purpose of these meetings is to conduct an integrated prevention and care HIV planning process by which the Department works in partnership with the community and stakeholders to enhance access to HIV prevention, care and treatment services.

For additional information or persons with a disability who wish to attend the meeting who require an auxiliary aid, service or other accommodation to do so should contact Jill Garland, Bureau Director, Department of Health, Bureau of Communicable Diseases, 625 Forster Street, Health and Welfare Building, Harrisburg, PA 17120, (717) 547-3428, or for speech and/or hearing impaired persons, call the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

The Department reserves the right to cancel these meetings without prior notice.

RACHEL L. LEVINE, MD,
Secretary

[Pa.B. Doc. No. 20-108. Filed for public inspection January 24, 2020, 9:00 a.m.]

DEPARTMENT OF HEALTH

Long-Term Care Nursing Facilities; Requests for Exception

The following long-term care nursing facilities are seeking exceptions to 28 Pa. Code § 201.22(e) (regarding prevention, control and surveillance of tuberculosis (TB)):

SpiriTrust Lutheran The Village at Gettysburg
1075 Old Harrisburg Road
Gettysburg, PA 17325
FAC ID # 124402

SpiriTrust Lutheran The Village at Shrewsbury
200 Luther Road
Shrewsbury, PA 17361
FAC ID # 970902

SpiriTrust Lutheran The Village at Sprengle Drive
1801 Folkemer Circle
York, PA 17404
FAC ID # 015902

These requests are on file with the Department of Health (Department). Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Nursing Care Facilities, Room 526, Health and Welfare Building, Harrisburg, PA 17120, (717) 787-1816, fax (717) 772-2163, ra-paexcept@pa.gov.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the previously listed address.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of the request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address or phone number, or for speech and/or hearing-impaired persons, call the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

RACHEL L. LEVINE, MD,
Secretary

[Pa.B. Doc. No. 20-109. Filed for public inspection January 24, 2020, 9:00 a.m.]

DEPARTMENT OF HEALTH

Public Health Council Meeting Regarding the Preventive Health and Health Services Block Grant

The Public Health Council will be holding a meeting (teleconference call) on January 30, 2020, from 10 a.m. to 11 a.m. The purpose of the meeting is to discuss the Preventive Health and Health Services Block Grant Federal Fiscal Year 2019 Distribution of Uncommitted Funds to be used before the expiration of the grant which would be September 30, 2020. The meeting (teleconference call) will be held in the Department of Health, Health and Welfare Building, Room 1000, Harrisburg, PA 17120.

For additional information contact Teresa Sanders, Administrative Officer, Bureau of Health Promotion and

Risk Reduction, Room 1000, Health and Welfare Building, Harrisburg, PA at (717) 787-6214.

Persons with a disability who wish to attend the meeting and require auxiliary aid, service or other special accommodations to do so should contact Teresa Sanders, Administrative Officer, at (717) 787-6214, or for speech and/or hearing impaired persons, call the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

This meeting is subject to cancellation without notice.

RACHEL L. LEVINE, MD,
Secretary

[Pa.B. Doc. No. 20-110. Filed for public inspection January 24, 2020, 9:00 a.m.]

DEPARTMENT OF HEALTH

Traumatic Brain Injury Advisory Board Meeting

The Traumatic Brain Injury Advisory Board (Board), established under section 1252 of the Federal Traumatic Brain Injury Act of 1996 (42 U.S.C.A. § 300d-52), will hold a public meeting on Friday, February 7, 2020, from 10 a.m. to 3:30 p.m. The meeting will be held in the large conference room of the Community Center, 2nd Floor, Giant Food Store, 2300 Linglestown Road, Harrisburg, PA 17110.

The Department of Health's (Department) Head Injury Program (HIP) strives to ensure that eligible individuals who have a traumatic brain injury receive high quality rehabilitative services aimed at reducing functional limitations and improving quality of life. The Board assists the Department in understanding and meeting the needs of persons living with traumatic brain injury and their families. This quarterly meeting will provide updates on a variety of topics including the number of people served by HIP. In addition, meeting participants will discuss budgetary and programmatic issues, community programs relating to traumatic brain injury and available advocacy opportunities.

For additional information, or for persons with a disability who wish to attend the meeting and require an auxiliary aid, service or other accommodation to do so, contact Nicole Johnson, Division of Community Systems Development and Outreach, at (717) 772-2763, or for speech and/or hearing-impaired persons, contact V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Service at (800) 654-5984.

This meeting is subject to cancellation without notice.

RACHEL L. LEVINE, MD,
Secretary

[Pa.B. Doc. No. 20-111. Filed for public inspection January 24, 2020, 9:00 a.m.]

DEPARTMENT OF REVENUE

Annual Inflation Adjustment for Distributions to Counties and Municipalities; Pennsylvania Gaming Cash Flow Management

In accordance with 61 Pa. Code § 1001.8 (relating to State Gaming Fund transfers), the Secretary of Revenue

announces that, for the year beginning January 1, 2020, the Annual Inflation Adjustment as proscribed in 4 Pa.C.S. § 1403(d) (relating to establishment of State Gaming Fund and net slot machine revenue distribution) is 2.4%.

Section 1403(c) of 4 Pa.C.S. requires the Department of Revenue (Department) to utilize the most recent Consumer Price Index effective immediately prior to the date the adjustment is due to take effect to calculate the quarterly distributions from the State Gaming Fund to counties or municipalities. This adjustment was published by the United States Department of Labor, Bureau of Labor Statistics on January 14, 2020. Therefore, the Department is publishing notice of the Annual Inflation Adjustment.

C. DANIEL HASSELL,
Secretary

[Pa.B. Doc. No. 20-112. Filed for public inspection January 24, 2020, 9:00 a.m.]

DEPARTMENT OF REVENUE

Pennsylvania Bang Boom Ka-Pow Instant Lottery Game 1444

Under the State Lottery Law (72 P.S. §§ 3761-101—3761-314) and 61 Pa. Code § 819.203 (relating to notice of instant game rules), the Secretary of Revenue hereby provides public notice of the rules for the following instant lottery game:

1. *Name:* The name of the game is Pennsylvania Bang Boom Ka-Pow (hereinafter “Bang Boom Ka-Pow”). The game number is PA-1444. Bang Boom Ka-Pow is separated into three separate themed scenes as follows: Bang, Boom, and Ka-Pow. All scenes are organized under the same game and the same prize structure and no one scene is determinative of the prizes available to be won on any individual game ticket.

2. *Price:* The price of a Bang Boom Ka-Pow instant lottery game ticket is \$1.

3. *Play symbols:* Each Bang Boom Ka-Pow instant lottery game ticket will contain one play area. The prize play symbols and their captions, located in the play area, are: FREE (TICKET), \$2⁰⁰ (TWO DOL), \$4⁰⁰ (FOR DOL), \$5⁰⁰ (FIV DOL), \$10⁰⁰ (TEN DOL), \$15⁰⁰ (FIFTEEN), \$20⁰⁰ (TWENTY), \$50⁰⁰ (FIFTY), \$100 (ONE HUN), \$500 (FIV HUN), \$5,000 (FIV THO) and a BANG BOOM KA-POW (WIN5) symbol.

4. *Prizes:* The prizes that can be won in this game are: Free \$1 Ticket, \$2, \$4, \$5, \$10, \$15, \$20, \$50, \$100, \$500 and \$5,000. A player can win up to two times on a ticket.

5. *Approximate number of tickets printed for the game:* Approximately 8,400,000 tickets will be printed for the Bang Boom Ka-Pow instant lottery game.

6. *Determination of prize winners:*

(a) Holders of tickets with three matching prize play symbols of \$5,000 (FIV THO) in the play area, on a single ticket, shall be entitled to a prize of \$5,000.

(b) Holders of tickets with three matching prize play symbols of \$500 (FIV HUN) in the play area, on a single ticket, shall be entitled to a prize of \$500.

(c) Holders of tickets with three matching prize play symbols of \$100 (ONE HUN) in the play area, on a single ticket, shall be entitled to a prize of \$100.

(d) Holders of tickets with three matching prize play symbols of \$50⁰⁰ (FIFTY) in the play area, on a single ticket, shall be entitled to a prize of \$50.

(e) Holders of tickets with three matching prize play symbols of \$20⁰⁰ (TWENTY) in the play area, on a single ticket, shall be entitled to a prize of \$20.

(f) Holders of tickets with three matching prize play symbols of \$15⁰⁰ (FIFTEEN) in the play area, on a single ticket, shall be entitled to a prize of \$15.

(g) Holders of tickets with three matching prize play symbols of \$10⁰⁰ (TEN DOL) in the play area, on a single ticket, shall be entitled to a prize of \$10.

(h) Holders of tickets with three matching prize play symbols of \$5⁰⁰ (FIV DOL) in the play area, on a single ticket, shall be entitled to a prize of \$5.

(i) Holders of tickets upon which a BANG BOOM KA-POW (WIN5) play symbol appears in the play area, on a single ticket, shall be entitled to a prize of \$5.

(j) Holders of tickets with three matching prize play symbols of \$4⁰⁰ (FOR DOL) in the play area, on a single ticket, shall be entitled to a prize of \$4.

(k) Holders of tickets with three matching prize play symbols of \$2⁰⁰ (TWO DOL) in the play area, on a single ticket, shall be entitled to a prize of \$2.

(l) Holders of tickets with three matching prize play symbols of FREE (TICKET) in the play area, on a single ticket, shall be entitled to a prize of one Bang Boom Ka-Pow instant game ticket or one Pennsylvania Lottery instant game ticket of equivalent sale price which is currently on sale.

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

<i>Reveal 3 Like Amounts, Win That Amount. Win With:</i>	<i>Win:</i>	<i>Approximate Odds Are 1 In:</i>	<i>Approximate No. Of Winners Per 8,400,000 Tickets:</i>
3—FREEs	FREE \$1 TICKET	9.01	932,400
3—\$2s	\$2	32.26	260,400
3—\$4s	\$4	50	168,000
\$5 w/ BANG BOOM KA-POW	\$5	40	210,000
3—\$5s	\$5	125	67,200

<i>Reveal 3 Like Amounts, Win That Amount. Win With:</i>	<i>Win:</i>	<i>Approximate Odds Are 1 In:</i>	<i>Approximate No. Of Winners Per 8,400,000 Tickets:</i>
(3—\$2s) + (\$5 w/ BANG BOOM KA-POW)	\$7	166.67	50,400
(3—\$5s) + (\$5 w/ BANG BOOM KA-POW)	\$10	125	67,200
3—\$10s	\$10	1,000	8,400
(3—\$10s) + (\$5 w/ BANG BOOM KA-POW)	\$15	1,000	8,400
3—\$15s	\$15	1,000	8,400
(3—\$15s) + (\$5 w/ BANG BOOM KA-POW)	\$20	1,000	8,400
3—\$20s	\$20	1,000	8,400
(3—\$20s) + (\$5 w/ BANG BOOM KA-POW)	\$25	2,667	3,150
3—\$50s	\$50	6,000	1,400
3—\$100s	\$100	12,000	700
3—\$500s	\$500	420,000	20
3—\$5,000s	\$5,000	840,000	10

Reveal a “BANG BOOM KA-POW” (WIN5) symbol, win \$5 instantly!

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

8. *Retailer incentive awards:* The Lottery may conduct a separate Retailer Incentive Program for retailers who sell Bang Boom Ka-Pow instant lottery game tickets.

9. *Retailer bonus:* The Lottery may offer a retailer bonus in connection with the sale of Pennsylvania instant lottery game tickets. If a retailer bonus is offered, a Lottery retailer shall be eligible for a bonus as described in this section. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$100,000 and not exceeding \$500,000 shall be paid a bonus of \$500. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$500,001 and not exceeding \$1,000,000 shall be paid a bonus of \$5,000. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$1,000,001 and not exceeding \$10,000,000 shall be paid a bonus of \$10,000. A Lottery retailer is entitled only to the largest bonus for which he qualifies on a winning ticket. A bonus will be initiated for payment after the instant ticket is claimed and validated. A bonus will not be awarded to a Lottery retailer that sells a non-winning Pennsylvania Lottery instant ticket used to enter a Pennsylvania Lottery second-chance drawing or promotion that is subsequently selected to win a prize.

10. *Unclaimed prize money:* For a period of 1 year from the announced close of Bang Boom Ka-Pow, prize money from winning Bang Boom Ka-Pow instant lottery game tickets will be retained by the Secretary for payment to the persons entitled thereto. If no claim is made within 1 year of the announced close of the Bang Boom Ka-Pow instant lottery game, the right of a ticket holder to claim the prize represented by the ticket, if any, will

expire and the prize money will be paid into the State Lottery Fund and used for purposes provided for by statute.

11. *Governing law:* In purchasing a ticket, the customer agrees to comply with and abide by the State Lottery Law (72 P.S. §§ 3761-101—3761-314), 61 Pa. Code Part V (relating to State Lotteries) and the provisions contained in this notice.

12. *Termination of the game:* The Secretary may announce a termination date, after which no further tickets from this game may be sold. The announcement will be disseminated through media used to advertise or promote Bang Boom Ka-Pow or through normal communications methods.

C. DANIEL HASSELL,
Secretary

[Pa.B. Doc. No. 20-113. Filed for public inspection January 24, 2020, 9:00 a.m.]

DEPARTMENT OF REVENUE

Pennsylvania Dublin Dollars Instant Lottery Game 1442

Under the State Lottery Law (72 P.S. §§ 3761-101—3761-314) and 61 Pa. Code § 819.203 (relating to notice of instant game rules), the Secretary of Revenue hereby provides public notice of the rules for the following instant lottery game:

1. *Name:* The name of the game is Pennsylvania Dublin Dollars (hereinafter “Dublin Dollars”). The game number is PA-1442.

2. *Price:* The price of a Dublin Dollars instant lottery game ticket is \$5.

3. *Play symbols:* Each Dublin Dollars instant lottery game ticket will contain one play area featuring a

“WINNING NUMBERS” area, a “YOUR NUMBERS” area and two “LUCKY SPOT” areas. The “LUCKY SPOT” areas are played separately. The play symbols and their captions, located in the “WINNING NUMBERS” area and the “YOUR NUMBERS” area, are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN), 20 (TWENT), 21 (TWYONE), 22 (TWYTWO), 23 (TWYTHR), 24 (TWYFOR), 25 (TWYFIV), 26 (TWYSIX), 27 (TWYSVN), 28 (TWYEGT), 29 (TWYNIN) and 30 (THIRT). The play symbols and their captions, located in either of the “LUCKY SPOT” areas, are: Shamrock (NO BONUS) symbol, Leprechaun (TRY AGAIN) symbol, Pot of Gold (NO BONUS) symbol, Gold Bar (TRY AGAIN) symbol, Diamond (NO BONUS) symbol, Rainbow (TRY AGAIN) symbol, Dollar Sign (DLRSN) symbol and a Double Dollar Sign (DOUBLE) symbol.

4. *Prize symbols:* The prize symbols and their captions, located in the “YOUR NUMBERS” area, are: \$5⁰⁰ (FIV DOL), \$10⁰⁰ (TEN DOL), \$15⁰⁰ (FIFTEEN), \$20⁰⁰ (TWENTY), \$25⁰⁰ (TWY FIV), \$30⁰⁰ (THIRTY), \$40⁰⁰ (FORTY), \$50⁰⁰ (FIFTY), \$100 (ONE HUN), \$150 (ONEHUNFTY), \$200 (TWO HUN), \$500 (FIV HUN), \$1,000 (ONE THO), \$5,000 (FIV THO) and \$50,000 (FTY THO). The prize symbols and their captions, located in either of the “LUCKY SPOT” areas, are: \$5⁰⁰ (FIV DOL), \$10⁰⁰ (TEN DOL), \$15⁰⁰ (FIFTEEN), \$20⁰⁰ (TWENTY), \$25⁰⁰ (TWY FIV), \$30⁰⁰ (THIRTY), \$40⁰⁰ (FORTY), \$50⁰⁰ (FIFTY), \$100 (ONE HUN), \$150 (ONEHUNFTY), \$200 (TWO HUN), \$500 (FIV HUN), \$1,000 (ONE THO) and \$5,000 (FIV THO).

5. *Prizes:* The prizes that can be won in this game are: \$5, \$10, \$15, \$20, \$25, \$30, \$40, \$50, \$100, \$150, \$200, \$500, \$1,000, \$5,000 and \$50,000. The prizes that can be won in either of the “LUCKY SPOT” areas are: \$5, \$10, \$15, \$20, \$25, \$30, \$40, \$50, \$100, \$150, \$200, \$500, \$1,000 and \$5,000. A player can win up to ten times on a ticket.

6. *Second-Chance Drawing:* The Pennsylvania Lottery will conduct a Go for the Green Second-Chance Drawing for which non-winning Dublin Dollars instant lottery game tickets may be eligible as provided for in section 10.

7. *Approximate number of tickets printed for the game:* Approximately 6,000,000 tickets will be printed for the Dublin Dollars instant lottery game.

8. *Determination of prize winners:*

(a) Determination of prize winners for holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches any of the “WINNING NUMBERS” play symbols are:

(1) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches any of the “WINNING NUMBERS” play symbols and a prize symbol of \$50,000 (FTY THO) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$50,000.

(2) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches any of the “WINNING NUMBERS” play symbols and a prize symbol of \$5,000 (FIV THO) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$5,000.

(3) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches any of the

“WINNING NUMBERS” play symbols and a prize symbol of \$1,000 (ONE THO) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$1,000.

(4) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches any of the “WINNING NUMBERS” play symbols and a prize symbol of \$500 (FIV HUN) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$500.

(5) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches any of the “WINNING NUMBERS” play symbols and a prize symbol of \$200 (TWO HUN) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$200.

(6) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches any of the “WINNING NUMBERS” play symbols and a prize symbol of \$150 (ONEHUNFTY) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$150.

(7) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches any of the “WINNING NUMBERS” play symbols and a prize symbol of \$100 (ONE HUN) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$100.

(8) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches any of the “WINNING NUMBERS” play symbols and a prize symbol of \$50⁰⁰ (FIFTY) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$50.

(9) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches any of the “WINNING NUMBERS” play symbols and a prize symbol of \$40⁰⁰ (FORTY) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$40.

(10) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches any of the “WINNING NUMBERS” play symbols and a prize symbol of \$30⁰⁰ (THIRTY) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$30.

(11) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches any of the “WINNING NUMBERS” play symbols and a prize symbol of \$25⁰⁰ (TWY FIV) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$25.

(12) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches any of the “WINNING NUMBERS” play symbols and a prize symbol of \$20⁰⁰ (TWENTY) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$20.

(13) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches any of the “WINNING NUMBERS” play symbols and a prize symbol of \$15⁰⁰ (FIFTEEN) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$15.

(14) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches any of the

“WINNING NUMBERS” play symbols and a prize symbol of \$10⁰⁰ (TEN DOL) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$10.

(15) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches any of the “WINNING NUMBERS” play symbols and a prize symbol of \$5⁰⁰ (FIV DOL) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$5.

(b) Determination of prize winners for holders of tickets with two matching prize symbols in the “YOUR NUMBERS” area are:

(1) Holders of tickets upon which two matching prize symbols of \$500 (FIV HUN) appear in the “YOUR NUMBERS” area, on a single ticket, shall be entitled to a prize of \$1,000.

(2) Holders of tickets upon which two matching prize symbols of \$200 (TWO HUN) appear in the “YOUR NUMBERS” area, on a single ticket, shall be entitled to a prize of \$400.

(3) Holders of tickets upon which two matching prize symbols of \$100 (ONE HUN) appear in the “YOUR NUMBERS” area, on a single ticket, shall be entitled to a prize of \$200.

(4) Holders of tickets upon which two matching prize symbols of \$50⁰⁰ (FIFTY) appear in the “YOUR NUMBERS” area, on a single ticket, shall be entitled to a prize of \$100.

(5) Holders of tickets upon which two matching prize symbols of \$20⁰⁰ (TWENTY) appear in the “YOUR NUMBERS” area, on a single ticket, shall be entitled to a prize of \$40.

(6) Holders of tickets upon which two matching prize symbols of \$15⁰⁰ (FIFTEEN) appear in the “YOUR NUMBERS” area, on a single ticket, shall be entitled to a prize of \$30.

(7) Holders of tickets upon which two matching prize symbols of \$10⁰⁰ (TEN DOL) appear in the “YOUR NUMBERS” area, on a single ticket, shall be entitled to a prize of \$20.

(8) Holders of tickets upon which two matching prize symbols of \$5⁰⁰ (FIV DOL) appear in the “YOUR NUMBERS” area, on a single ticket, shall be entitled to a prize of \$10.

(c) Determination of prize winners for holders of tickets with a Dollar Sign (DLRSN) play symbol or Double Dollar Sign (DOUBLE) play symbol in either of the “LUCKY SPOT” areas are:

(1) Holders of tickets upon which a Dollar Sign (DLRSN) play symbol appears in either of the “LUCKY SPOT” areas and a prize symbol of \$5,000 (FIV THO) appears in the “prize” area under that Dollar Sign (DLRSN) play symbol, on a single ticket, shall be entitled to a prize of \$5,000.

(2) Holders of tickets upon which a Dollar Sign (DLRSN) play symbol appears in either of the “LUCKY SPOT” areas and a prize symbol of \$1,000 (ONE THO) appears in the “prize” area under that Dollar Sign (DLRSN) play symbol, on a single ticket, shall be entitled to a prize of \$1,000.

(3) Holders of tickets upon which a Double Dollar Sign (DOUBLE) play symbol appears in either of the “LUCKY SPOT” areas and a prize symbol of \$500 (FIV HUN)

appears in the “prize” area under that Double Dollar Sign (DOUBLE) play symbol, on a single ticket, shall be entitled to a prize of \$1,000.

(4) Holders of tickets upon which a Dollar Sign (DLRSN) play symbol appears in either of the “LUCKY SPOT” areas and a prize symbol of \$500 (FIV HUN) appears in the “prize” area under that Dollar Sign (DLRSN) play symbol, on a single ticket, shall be entitled to a prize of \$500.

(5) Holders of tickets upon which a Double Dollar Sign (DOUBLE) play symbol appears in either of the “LUCKY SPOT” areas and a prize symbol of \$200 (TWO HUN) appears in the “prize” area under that Double Dollar Sign (DOUBLE) play symbol, on a single ticket, shall be entitled to a prize of \$400.

(6) Holders of tickets upon which a Dollar Sign (DLRSN) play symbol appears in either of the “LUCKY SPOT” areas and a prize symbol of \$200 (TWO HUN) appears in the “prize” area under that Dollar Sign (DLRSN) play symbol, on a single ticket, shall be entitled to a prize of \$200.

(7) Holders of tickets upon which a Double Dollar Sign (DOUBLE) play symbol appears in either of the “LUCKY SPOT” areas and a prize symbol of \$100 (ONE HUN) appears in the “prize” area under that Double Dollar Sign (DOUBLE) play symbol, on a single ticket, shall be entitled to a prize of \$200.

(8) Holders of tickets upon which a Dollar Sign (DLRSN) play symbol appears in either of the “LUCKY SPOT” areas and a prize symbol of \$150 (ONEHUNFTY) appears in the “prize” area under that Dollar Sign (DLRSN) play symbol, on a single ticket, shall be entitled to a prize of \$150.

(9) Holders of tickets upon which a Dollar Sign (DLRSN) play symbol appears in either of the “LUCKY SPOT” areas and a prize symbol of \$100 (ONE HUN) appears in the “prize” area under that Dollar Sign (DLRSN) play symbol, on a single ticket, shall be entitled to a prize of \$100.

(10) Holders of tickets upon which a Double Dollar Sign (DOUBLE) play symbol appears in either of the “LUCKY SPOT” areas and a prize symbol of \$50⁰⁰ (FIFTY) appears in the “prize” area under that Double Dollar Sign (DOUBLE) play symbol, on a single ticket, shall be entitled to a prize of \$100.

(11) Holders of tickets upon which a Double Dollar Sign (DOUBLE) play symbol appears in either of the “LUCKY SPOT” areas and a prize symbol of \$30⁰⁰ (THIRTY) appears in the “prize” area under that Double Dollar Sign (DOUBLE) play symbol, on a single ticket, shall be entitled to a prize of \$60.

(12) Holders of tickets upon which a Dollar Sign (DLRSN) play symbol appears in either of the “LUCKY SPOT” areas and a prize symbol of \$50⁰⁰ (FIFTY) appears in the “prize” area under that Dollar Sign (DLRSN) play symbol, on a single ticket, shall be entitled to a prize of \$50.

(13) Holders of tickets upon which a Dollar Sign (DLRSN) play symbol appears in either of the “LUCKY SPOT” areas and a prize symbol of \$40⁰⁰ (FORTY) appears in the “prize” area under that Dollar Sign (DLRSN) play symbol, on a single ticket, shall be entitled to a prize of \$40.

(14) Holders of tickets upon which a Double Dollar Sign (DOUBLE) play symbol appears in either of the

“LUCKY SPOT” areas and a prize symbol of \$20.⁰⁰ (TWENTY) appears in the “prize” area under that Double Dollar Sign (DOUBLE) play symbol, on a single ticket, shall be entitled to a prize of \$40.

(15) Holders of tickets upon which a Double Dollar Sign (DOUBLE) play symbol appears in either of the “LUCKY SPOT” areas and a prize symbol of \$15.⁰⁰ (FIFTEEN) appears in the “prize” area under that Double Dollar Sign (DOUBLE) play symbol, on a single ticket, shall be entitled to a prize of \$30.

(16) Holders of tickets upon which a Dollar Sign (DLRSN) play symbol appears in either of the “LUCKY SPOT” areas and a prize symbol of \$25.⁰⁰ (TWY FIV) appears in the “prize” area under that Dollar Sign (DLRSN) play symbol, on a single ticket, shall be entitled to a prize of \$25.

(17) Holders of tickets upon which a Dollar Sign (DLRSN) play symbol appears in either of the “LUCKY SPOT” areas and a prize symbol of \$20.⁰⁰ (TWENTY) appears in the “prize” area under that Dollar Sign (DLRSN) play symbol, on a single ticket, shall be entitled to a prize of \$20.

(18) Holders of tickets upon which a Double Dollar Sign (DOUBLE) play symbol appears in either of the “LUCKY SPOT” areas and a prize symbol of \$10.⁰⁰ (TEN DOL) appears in the “prize” area under that Double Dollar Sign (DOUBLE) play symbol, on a single ticket, shall be entitled to a prize of \$20.

(19) Holders of tickets upon which a Dollar Sign (DLRSN) play symbol appears in either of the “LUCKY SPOT” areas and a prize symbol of \$15.⁰⁰ (FIFTEEN) appears in the “prize” area under that Dollar Sign (DLRSN) play symbol, on a single ticket, shall be entitled to a prize of \$15.

(20) Holders of tickets upon which a Dollar Sign (DLRSN) play symbol appears in either of the “LUCKY SPOT” areas and a prize symbol of \$10.⁰⁰ (TEN DOL) appears in the “prize” area under that Dollar Sign (DLRSN) play symbol, on a single ticket, shall be entitled to a prize of \$10.

(21) Holders of tickets upon which a Double Dollar Sign (DOUBLE) play symbol appears in either of the “LUCKY SPOT” areas and a prize symbol of \$5.⁰⁰ (FIV DOL) appears in the “prize” area under that Double Dollar Sign (DOUBLE) play symbol, on a single ticket, shall be entitled to a prize of \$10.

(22) Holders of tickets upon which a Dollar Sign (DLRSN) play symbol appears in either of the “LUCKY SPOT” areas and a prize symbol of \$5.⁰⁰ (FIV DOL) appears in the “prize” area under that Dollar Sign (DLRSN) play symbol, on a single ticket, shall be entitled to a prize of \$5.

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

<i>When Any Of Your Numbers Match Any Winning Number; Win Prize Shown Under The Matching Number. Win With:</i>	<i>MATCH 2:</i>	<i>LUCKY SPOTS:</i>	<i>Win:</i>	<i>Approximate Odds Are 1 In:</i>	<i>Approximate No. Of Winners Per 6,000,000 Tickets:</i>
		\$5 w/ \$ SYMBOL	\$5	21.43	280,000
\$5			\$5	20	300,000
		\$5 w/ \$\$ SYMBOL	\$10	100	60,000
		\$10 w/ \$ SYMBOL	\$10	85.71	70,000
	2—\$5s		\$10	60	100,000
\$10			\$10	75	80,000
\$5		\$10 w/ \$ SYMBOL	\$15	150	40,000
\$10		\$5 w/ \$ SYMBOL	\$15	150	40,000
		\$15 w/ \$ SYMBOL	\$15	150	40,000
\$15			\$15	150	40,000
\$10		\$5 w/ \$\$ SYMBOL	\$20	600	10,000
\$15		\$5 w/ \$ SYMBOL	\$20	600	10,000
\$10	2—\$5s		\$20	600	10,000
		(\$10 w/ \$ SYMBOL) + (\$5 w/ \$\$ SYMBOL)	\$20	300	20,000
		\$10 w/ \$\$ SYMBOL	\$20	600	10,000
		\$20 w/ \$ SYMBOL	\$20	600	10,000
	2—\$10s		\$20	600	10,000
\$20			\$20	300	20,000
		\$25 w/ \$ SYMBOL	\$25	600	10,000
\$25			\$25	600	10,000
\$10 + \$5		\$15 w/ \$ SYMBOL	\$30	300	20,000

<i>When Any Of Your Numbers Match Any Winning Number; Win Prize Shown Under The Matching Number. Win With:</i>	<i>MATCH 2:</i>	<i>LUCKY SPOTS:</i>	<i>Win:</i>	<i>Approximate Odds Are 1 In:</i>	<i>Approximate No. Of Winners Per 6,000,000 Tickets:</i>
	2—\$10s	\$5 w/ \$\$ SYMBOL	\$30	300	20,000
	2—\$15s		\$30	300	20,000
\$30			\$30	300	20,000
\$10	2—\$5s	\$20 w/ \$ SYMBOL	\$40	600	10,000
\$15	2—\$10s	\$5 w/ \$ SYMBOL	\$40	600	10,000
\$20	2—\$10s		\$40	600	10,000
	2—\$15s	\$10 w/ \$ SYMBOL	\$40	600	10,000
		\$20 w/ \$\$ SYMBOL	\$40	600	10,000
	2—\$20s		\$40	600	10,000
\$40			\$40	300	20,000
\$20 + \$15 + \$10 + \$5			\$50	1,200	5,000
\$10	2—\$20s		\$50	685.71	8,750
\$10		\$20 w/ \$\$ SYMBOL	\$50	1,200	5,000
\$10		\$40 w/ \$ SYMBOL	\$50	1,200	5,000
\$20	2—\$10s	\$5 w/ \$\$ SYMBOL	\$50	1,200	5,000
	2—\$10s	\$15 w/ \$\$ SYMBOL	\$50	1,200	5,000
		\$50 w/ \$ SYMBOL	\$50	1,200	5,000
\$50			\$50	600	10,000
\$50 + \$20 + \$15 + \$10 + \$5			\$100	6,000	1,000
\$10	2—\$20s	\$50 w/ \$ SYMBOL	\$100	6,000	1,000
\$30 + \$20	2—\$10s	\$15 w/ \$\$ SYMBOL	\$100	6,000	1,000
\$50 + \$20	2—\$5s	\$10 w/ \$\$ SYMBOL	\$100	6,000	1,000
		\$50 w/ \$\$ SYMBOL	\$100	12,000	500
		\$100 w/ \$ SYMBOL	\$100	10,000	600
	2—\$50s		\$100	2,400	2,500
\$100			\$100	6,000	1,000
\$20 + \$15 + \$10	2—\$50s	\$5 w/ \$ SYMBOL	\$150	30,000	200
		\$150 w/ \$ SYMBOL	\$150	30,000	200
\$150			\$150	30,000	200
\$100 + \$50 + \$40 + \$10			\$200	30,000	200
	2—\$50s	\$100 w/ \$ SYMBOL	\$200	30,000	200
		\$100 w/ \$\$ SYMBOL	\$200	30,000	200
		\$200 w/ \$ SYMBOL	\$200	30,000	200
	2—\$100s		\$200	30,000	200
\$200			\$200	30,000	200
\$50 + \$40 + \$10	2—\$100s	\$200 w/ \$ SYMBOL	\$500	30,000	200
\$100	2—\$200s		\$500	30,000	200
	2—\$200s	\$50 w/ \$\$ SYMBOL	\$500	30,000	200
		\$500 w/ \$ SYMBOL	\$500	30,000	200
\$500			\$500	30,000	200
\$200 + \$100 + \$50 + \$40 + \$20 + \$15 + \$10 + \$5		(\$500 w/ \$ SYMBOL) + (\$30 w/ \$\$ SYMBOL)	\$1,000	1,200,000	5

<i>When Any Of Your Numbers Match Any Winning Number; Win Prize Shown Under The Matching Number. Win With:</i>	<i>MATCH 2:</i>	<i>LUCKY SPOTS:</i>	<i>Win:</i>	<i>Approximate Odds Are 1 In:</i>	<i>Approximate No. Of Winners Per 6,000,000 Tickets:</i>
\$500	2—\$200s	\$50 w/ \$\$ SYMBOL	\$1,000	1,200,000	5
\$500		(\$200 w/ \$\$ SYMBOL) + (\$100 w/ \$ SYMBOL)	\$1,000	1,200,000	5
		\$500 w/ \$\$ SYMBOL	\$1,000	1,200,000	5
		\$1,000 w/ \$ SYMBOL	\$1,000	1,200,000	5
	2—\$500s		\$1,000	1,200,000	5
\$1,000			\$1,000	1,200,000	5
		\$5,000 w/ \$ SYMBOL	\$5,000	1,200,000	5
\$5,000			\$5,000	1,200,000	5
\$50,000			\$50,000	600,000	10

Match 2 like prize amounts, DOUBLE that amount.

LUCKY SPOTS: Reveal a “DOLLAR SIGN” (DLRSN) symbol, win prize shown under that symbol. Reveal a “DOUBLE DOLLAR SIGN” (DOUBLE) symbol, DOUBLE the prize shown under that symbol!

LUCKY SPOTS played separately.

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

10. *Second-Chance Drawing:* The Pennsylvania Lottery’s (hereafter, the “Lottery”) Go for the Green Second-Chance Drawing for qualifying instant lottery game tickets (hereafter, the “Drawing”):

(a) *Qualifying Tickets:* Non-winning PA-1442 Dublin Dollars (\$5) and PA-1443 Lucky Bucks (\$2) instant lottery game tickets are eligible for entry into the Drawing.

(b) *Participation and entry:*

(1) Entrants must be members of the Pennsylvania Lottery VIP Players Club to participate in the Drawing. To join the VIP Players Club, visit <http://www.palottery.state.pa.us/vipplayersclub/login.aspx>. Becoming a VIP Players Club member is free.

(2) To enter the Drawing, entrants must submit the identifying information from at least one Qualifying Ticket via the Drawing’s promotional web site, available at <http://www.palottery.com>, or the Lottery’s official mobile application, during the entry period. The identifying information from a Qualifying Ticket may be submitted only once in the Drawing. Entries will automatically be awarded at the time of successful submission of a Qualifying Ticket. No other method of submission will be accepted. Entries submitted using any other method, including entries mailed or hand-delivered to the Lottery, are not valid and will be disqualified.

(3) Each entry must be complete and the information supplied by the entrant must be accurate. Incomplete entries cannot be submitted.

(4) Only one claimant per entry allowed.

(5) Entrants must be 18 years of age or older.

(6) Players may submit the identifying information from an unlimited number of Qualifying Tickets in the Drawing.

(7) Once an entry has been submitted it cannot be withdrawn or changed.

(c) *Drawing description:*

(1) The Lottery will conduct one Go for the Green Second-Chance Drawing for qualifying instant lottery game tickets. All time references are Eastern Prevailing Time.

(2) All entries received after 11:59:59 p.m. January 26, 2020, through 11:59:59 p.m. March 26, 2020, will be entered into the Drawing to be held between March 27, 2020 and April 7, 2020.

(3) The entry period for the Drawing will be posted to the Lottery’s publicly accessible web site at <http://www.palottery.com>.

(4) The number of entries an entrant will receive for the Drawing is determined by the purchase price of the Qualifying Ticket entered. The respective purchase price and corresponding number of entries for the Qualifying Ticket is as follows: PA-1442 Dublin Dollars (\$5) = five entries and PA-1443 Lucky Bucks (\$2) = two entries.

(5) Players may review prizes won and their entries for the Drawing via the Drawing’s promotional web site.

(d) *Prizes available to be won, determination of winners, and odds of winning:*

(1) The prize entitlements described below are subject to all restrictions and limitations described in section 10(e), or those mentioned anywhere else in these rules.

(2) The Lottery will conduct one Drawing from among all the entries received during the entry period as described in section 10(c)(2).

(i) The first through the third entries selected from the total number of instant lottery game ticket entries awarded in the Drawing will be winning entries, and the entrants who submitted those winning entries shall each be entitled to a prize of \$17,000, less required income tax withholding.

(ii) The fourth through the eighth entries selected from the total number of instant lottery game ticket entries

awarded in the Drawing will be winning entries, and the entrants who submitted those winning entries shall each be entitled to a prize of \$7,500, less required income tax withholding.

(iii) The ninth through the eighteenth entries selected from the total number of instant lottery game ticket entries awarded in the Drawing will be winning entries, and the entrants who submitted those winning entries shall each be entitled to a prize of \$5,000.

(iv) The nineteenth through the sixty-eighth entries selected from the total number of instant lottery game entries awarded in the Drawing will be winning entries, and the entrants who submitted those winning entries shall each be entitled to a prize of \$100 iLottery Bonus Money.

(3) All prizes will be paid as a lump-sum cash payment or uploaded to a winning player's lottery account.

(4) Winners of iLottery Bonus Money are not required to claim a prize. Winners of iLottery Bonus Money will have the iLottery Bonus Money credited to their lottery account and will receive an email notifying them that they won a prize.

(5) The number of winning entries to be selected for the Drawing will be posted to the Lottery's publicly accessible web site.

(6) The odds of winning in the Drawing depend upon the number of entries received for the Drawing.

(7) A computer-generated randomizer will be used to select the Drawing winners.

(e) *Drawing restrictions:*

(1) To be eligible to participate in the Drawing, entrants must have complied with the requirements of these rules.

(2) The Lottery is not responsible for late, lost or misdirected entries not entered into the Drawing. The Lottery is not responsible for entries that are not entered into the Drawing because of incompatible internet browsers, mobile Lottery application failure or other technical issues. If a Drawing entry is selected as a winner and rejected or otherwise disqualified during or following the Drawing, the Lottery will select another entry to replace the rejected or otherwise disqualified entry in accordance with these rules and Lottery procedure.

(3) If any discrepancy exists between these rules and any material describing the Drawing, these rules shall govern.

(4) Employees of the Lottery, MARC USA, MUSL, Scientific Games International, Inc., MDI Entertainment, LLC, and their subcontractors, or a spouse, child, brother, sister or parent residing as a member of the same household in the principle place of residence of any such person are not eligible to participate in the Drawing. Offer void where prohibited or restricted.

(5) The Lottery reserves the right, in its sole discretion, to cancel or suspend the Drawing and change these rules if the Drawing cannot be conducted as planned due to errors in these rules or advertising, unauthorized intervention, tampering, fraud, technical errors, viruses, worms, bugs, or any other cause beyond the control of the Lottery that, in the Lottery's sole judgment, could corrupt or impair the administration, security, fairness, integrity, or proper conduct of the Drawing.

(6) All entries shall be subject to verification by the Lottery.

(7) The Lottery reserves the right, in its sole discretion, to disqualify an entrant found to be tampering with the operation of the Drawing or to be acting in violation of these rules or applicable law.

(8) The Drawing is governed by the laws of the Commonwealth of Pennsylvania. Applicable laws and regulations apply.

(9) Prizes must be claimed within 1 year of the drawing date of the Drawing in which the prize was won. If no claim is made within 1 year of the drawing date of the Drawing in which the prize was won, the right of an entrant to claim the prize won, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided by statute.

(10) Final determination of winners will be made by the Secretary, whose judgment will be final and binding.

(11) A prize awarded in the Drawing to a person who dies before receiving the prize shall be paid according to 61 Pa. Code § 811.16 (relating to prizes payable after death of a prize winner).

(12) A winner is responsible for all taxes arising from or in connection with any prize won.

(13) A player may only win the prize for which the player is first selected in the Drawing. Subsequent entries, from the same individual, selected in the same Drawing will be disqualified and a replacement entry will be selected.

(14) Winners of iLottery Bonus Money must abide by the iLottery Terms & Conditions, the iLottery Bonus Policy and these rules. iLottery Bonus Money will expire 90 days from the date on which the winner was notified, via email, of the prize win, as further detailed in section 10(d)(4) iLottery Bonus Money has a five times play through requirement in order to convert the iLottery Bonus Money into cash. For example, for a player winning \$100 of iLottery Bonus Money, the player is required to place \$500 in wagers before the iLottery Bonus Money awarded is converted into cash which may be withdrawn from the player's lottery account.

(15) Prizes are not transferrable.

(16) Other restrictions may apply.

11. *Retailer incentive awards:* The Lottery may conduct a separate Retailer Incentive Program for retailers who sell Dublin Dollars instant lottery game tickets.

12. *Retailer bonus:* The Lottery may offer a retailer bonus in connection with the sale of Pennsylvania instant lottery game tickets. If a retailer bonus is offered, a Lottery retailer shall be eligible for a bonus as described in this section. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$100,000 and not exceeding \$500,000 shall be paid a bonus of \$500. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$500,001 and not exceeding \$1,000,000 shall be paid a bonus of \$5,000. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$1,000,001 and not exceeding \$10,000,000 shall be paid a bonus of \$10,000. A Lottery retailer is entitled only to the largest bonus for which he qualifies on a winning ticket. A bonus will be initiated for payment after the instant ticket is claimed and validated. A bonus will

not be awarded to a Lottery retailer that sells a non-winning Pennsylvania Lottery instant ticket used to enter a Pennsylvania Lottery second-chance drawing or promotion that is subsequently selected to win a prize.

13. *Unclaimed prize money:* For a period of 1 year from the announced close of Dublin Dollars, prize money from winning Dublin Dollars instant lottery game tickets will be retained by the Secretary for payment to the persons entitled thereto. If no claim is made within 1 year of the announced close of the Dublin Dollars instant lottery game, the right of a ticket holder to claim the prize represented by the ticket, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided for by statute.

14. *Governing law:* In purchasing a ticket, the customer agrees to comply with and abide by the State Lottery Law (72 P.S. §§ 3761-101—3761-314), 61 Pa. Code Part V (relating to State Lotteries) and the provisions contained in this notice.

15. *Termination of the game:* The Secretary may announce a termination date, after which no further tickets from this game may be sold. The announcement will be disseminated through media used to advertise or promote Dublin Dollars or through normal communications methods.

C. DANIEL HASSELL,
Secretary

[Pa.B. Doc. No. 20-114. Filed for public inspection January 24, 2020, 9:00 a.m.]

DEPARTMENT OF REVENUE

Pennsylvania JAMES BOND 007™ Instant Lottery Game 1441

Under the State Lottery Law (72 P.S. §§ 3761-101—3761-314) and 61 Pa. Code § 819.203 (relating to notice of instant game rules), the Secretary of Revenue hereby provides public notice of the rules for the following instant lottery game:

1. *Name:* The name of the game is Pennsylvania JAMES BOND 007™ (hereafter “JAMES BOND 007™”). The game number is PA-1441.

2. *Price:* The price of a JAMES BOND 007™ instant lottery game ticket is \$10.

3. *Play symbols:* Each JAMES BOND 007™ instant lottery game ticket will contain one play area featuring a “WINNING NUMBERS” area, a “YOUR NUMBERS” area and a “Q BONUS” area. The “Q BONUS” area is played separately. The play symbols and their captions, located in the “WINNING NUMBERS” area, are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (EGHTN), 19 (NINTN), 20 (TWENT), 21 (TWYONE), 22 (TWYTWO), 23 (TWYTHR), 24 (TWYFOR), 25 (TWYFIV), 26 (TWYSIX), 28 (TWYEGT), 29 (TWNIN), 30 (THIRT), 31 (THYONE), 32 (THYTWO), 33 (THYTHR), 34 (THYFOR), 35 (THYFIV), 36 (THYSIX), 38 (THYEGT), 39 (THYNIN) and 40 (FORTY). The play symbols and their captions, located in the “YOUR NUMBERS” area, are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16

(SIXTN), 18 (EGHTN), 19 (NINTN), 20 (TWENT), 21 (TWYONE), 22 (TWYTWO), 23 (TWYTHR), 24 (TWYFOR), 25 (TWYFIV), 26 (TWYSIX), 28 (TWYEGT), 29 (TWNIN), 30 (THIRT), 31 (THYONE), 32 (THYTWO), 33 (THYTHR), 34 (THYFOR), 35 (THYFIV), 36 (THYSIX), 38 (THYEGT), 39 (THYNIN), 40 (FORTY), Spectre (WINPRZ) symbol, 7X (7TIMES) symbol and a 007 (WINALL) symbol. The play symbols and their captions, located in the “Q BONUS” area, are: Helicopter (NO BONUS) symbol, Lock (TRY AGAIN) symbol, Steering Wheel (NO BONUS) symbol, Boat (TRY AGAIN) symbol, Sunglasses (NO BONUS) symbol, Camera (TRY AGAIN) symbol, Parachute (NO BONUS) symbol, Flashlight (TRY AGAIN) symbol and a Binoculars (WIN100) symbol.

4. *Prize symbols:* The prize symbols and their captions, located in the “YOUR NUMBERS” area, are: \$10⁰⁰ (TEN DOL), \$15⁰⁰ (FIFTEEN), \$20⁰⁰ (TWENTY), \$30⁰⁰ (THIRTY), \$50⁰⁰ (FIFTY), \$70⁰⁰ (SVNTY), \$100 (ONE HUN), \$150 (ONEHUNFTY), \$300 (THR HUN), \$700 (SVN HUN), \$1,000 (ONE THO), \$7,000 (SVN THO) and \$300,000 (THRHUNTHO).

5. *Prizes:* The prizes that can be won in this game are: \$10, \$15, \$20, \$30, \$50, \$70, \$100, \$150, \$300, \$700, \$1,000, \$7,000 and \$300,000. The prize that can be won in the “Q BONUS” area is \$100. A player can win up to 16 times on a ticket.

6. *Second-Chance Drawing:* The Pennsylvania Lottery will conduct a JAMES BOND Lottery Challenge Second-Chance Drawing for which non-winning JAMES BOND 007™ instant lottery game tickets may be eligible as provided for in section 10.

7. *Approximate number of tickets printed for the game:* Approximately 9,600,000 tickets will be printed for the JAMES BOND 007™ instant lottery game.

8. *Determination of prize winners:*

(a) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches any of the “WINNING NUMBERS” play symbols and a prize symbol of \$300,000 (THRHUNTHO) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$300,000.

(b) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches any of the “WINNING NUMBERS” play symbols and a prize symbol of \$7,000 (SVN THO) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$7,000.

(c) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a 7X (7TIMES) symbol, and a prize symbol of \$1,000 (ONE THO) appears in the “prize” area under that 7X (7TIMES) symbol, on a single ticket, shall be entitled to a prize of \$7,000.

(d) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches any of the “WINNING NUMBERS” play symbols and a prize symbol of \$1,000 (ONE THO) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$1,000.

(e) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a Spectre (WINPRZ) symbol, and a prize symbol of \$1,000 (ONE THO) appears in the “prize” area under that Spectre (WINPRZ) symbol, on a single ticket, shall be entitled to a prize of \$1,000.

(f) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a 007 (WINALL) symbol, and

a prize symbol of \$100 (ONE HUN) appears in five of the “prize” areas and a prize symbol of \$50⁰⁰ (FIFTY) appears in ten of the “prize” areas, on a single ticket, shall be entitled to a prize of \$1,000.

(g) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a 007 (WINALL) symbol, and a prize symbol of \$70⁰⁰ (SVNTY) appears in ten of the “prize” areas, a prize symbol of \$50⁰⁰ (FIFTY) appears in three of the “prize” areas, a prize symbol of \$30⁰⁰ (THIRTY) appears in one of the “prize” areas and a prize symbol of \$20⁰⁰ (TWENTY) appears in one of the “prize” areas, on a single ticket, shall be entitled to a prize of \$900.

(h) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches any of the “WINNING NUMBERS” play symbols and a prize symbol of \$700 (SVN HUN) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$700.

(i) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a Spectre (WINPRZ) symbol, and a prize symbol of \$700 (SVN HUN) appears in the “prize” area under that Spectre (WINPRZ) symbol, on a single ticket, shall be entitled to a prize of \$700.

(j) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a 7X (7TIMES) symbol, and a prize symbol of \$100 (ONE HUN) appears in the “prize” area under that 7X (7TIMES) symbol, on a single ticket, shall be entitled to a prize of \$700.

(k) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a 007 (WINALL) symbol, and a prize symbol of \$100 (ONE HUN) appears in two of the “prize” areas, a prize symbol of \$50⁰⁰ (FIFTY) appears in six of the “prize” areas, a prize symbol of \$30⁰⁰ (THIRTY) appears in six of the “prize” areas and a prize symbol of \$20⁰⁰ (TWENTY) appears in one of the “prize” areas, on a single ticket, shall be entitled to a prize of \$700.

(l) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a 007 (WINALL) symbol, and a prize symbol of \$50⁰⁰ (FIFTY) appears in eight of the “prize” areas, a prize symbol of \$30⁰⁰ (THIRTY) appears in six of the “prize” areas and a prize symbol of \$20⁰⁰ (TWENTY) appears in one of the “prize” areas, on a single ticket, shall be entitled to a prize of \$600.

(m) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches any of the “WINNING NUMBERS” play symbols and a prize symbol of \$300 (THR HUN) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$300.

(n) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a Spectre (WINPRZ) symbol, and a prize symbol of \$300 (THR HUN) appears in the “prize” area under that Spectre (WINPRZ) symbol, on a single ticket, shall be entitled to a prize of \$300.

(o) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a 007 (WINALL) symbol, and a prize symbol of \$20⁰⁰ (TWENTY) appears in all fifteen of the “prize” areas, on a single ticket, shall be entitled to a prize of \$300.

(p) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a 007 (WINALL) symbol, and a prize symbol of \$20⁰⁰ (TWENTY) appears in five of the “prize” areas and a prize symbol of \$10⁰⁰

(TEN DOL) appears in ten of the “prize” areas, on a single ticket, shall be entitled to a prize of \$200.

(q) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches any of the “WINNING NUMBERS” play symbols and a prize symbol of \$150 (ONEHUNFTY) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$150.

(r) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a Spectre (WINPRZ) symbol, and a prize symbol of \$150 (ONEHUNFTY) appears in the “prize” area under that Spectre (WINPRZ) symbol, on a single ticket, shall be entitled to a prize of \$150.

(s) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a 007 (WINALL) symbol, and a prize symbol of \$10⁰⁰ (TEN DOL) appears in all fifteen of the “prize” areas, on a single ticket, shall be entitled to a prize of \$150.

(t) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a 7X (7TIMES) symbol, and a prize symbol of \$20⁰⁰ (TWENTY) appears in the “prize” area under that 7X (7TIMES) symbol, on a single ticket, shall be entitled to a prize of \$140.

(u) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a 7X (7TIMES) symbol, and a prize symbol of \$15⁰⁰ (FIFTEEN) appears in the “prize” area under that 7X (7TIMES) symbol, on a single ticket, shall be entitled to a prize of \$105.

(v) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches any of the “WINNING NUMBERS” play symbols and a prize symbol of \$100 (ONE HUN) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$100.

(w) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a Spectre (WINPRZ) symbol, and a prize symbol of \$100 (ONE HUN) appears in the “prize” area under that Spectre (WINPRZ) symbol, on a single ticket, shall be entitled to a prize of \$100.

(x) Holders of tickets upon which a Binoculars (WIN100) symbol appears in the “Q BONUS” area, on a single ticket, shall be entitled to a prize of \$100.

(y) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches any of the “WINNING NUMBERS” play symbols and a prize symbol of \$70⁰⁰ (SVNTY) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$70.

(z) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a Spectre (WINPRZ) symbol, and a prize symbol of \$70⁰⁰ (SVNTY) appears in the “prize” area under that Spectre (WINPRZ) symbol, on a single ticket, shall be entitled to a prize of \$70.

(aa) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a 7X (7TIMES) symbol, and a prize symbol of \$10⁰⁰ (TEN DOL) appears in the “prize” area under that 7X (7TIMES) symbol, on a single ticket, shall be entitled to a prize of \$70.

(bb) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches any of the “WINNING NUMBERS” play symbols and a prize symbol of \$50⁰⁰ (FIFTY) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$50.

(cc) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a Spectre (WINPRZ) symbol, and a prize symbol of \$50^{.00} (FIFTY) appears in the “prize” area under that Spectre (WINPRZ) symbol, on a single ticket, shall be entitled to a prize of \$50.

(dd) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches any of the “WINNING NUMBERS” play symbols and a prize symbol of \$30^{.00} (THIRTY) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$30.

(ee) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a Spectre (WINPRZ) symbol, and a prize symbol of \$30^{.00} (THIRTY) appears in the “prize” area under that Spectre (WINPRZ) symbol, on a single ticket, shall be entitled to a prize of \$30.

(ff) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches any of the “WINNING NUMBERS” play symbols and a prize symbol of \$20^{.00} (TWENTY) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$20.

(gg) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a Spectre (WINPRZ) symbol, and a prize symbol of \$20^{.00} (TWENTY) appears in the “prize” area under that Spectre (WINPRZ) symbol, on a single ticket, shall be entitled to a prize of \$20.

(hh) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches any of the “WINNING NUMBERS” play symbols and a prize symbol of \$15^{.00} (FIFTEEN) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$15.

(ii) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a Spectre (WINPRZ) symbol, and a prize symbol of \$15^{.00} (FIFTEEN) appears in the “prize” area under that Spectre (WINPRZ) symbol, on a single ticket, shall be entitled to a prize of \$15.

(jj) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches any of the “WINNING NUMBERS” play symbols and a prize symbol of \$10^{.00} (TEN DOL) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$10.

(kk) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a Spectre (WINPRZ) symbol, and a prize symbol of \$10^{.00} (TEN DOL) appears in the “prize” area under that Spectre (WINPRZ) symbol, on a single ticket, shall be entitled to a prize of \$10.

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

<i>When Any Of Your Numbers Match Any Winning Number, Win Prize Shown Under The Matching Number. Win With:</i>	<i>Q BONUS:</i>	<i>Win:</i>	<i>Approximate Odds Are 1 In:</i>	<i>Approximate No. Of Winners Per 9,600,000 Tickets:</i>
\$10 w/ SPECTRE		\$10	15	640,000
\$10		\$10	20	480,000
\$15 w/ SPECTRE		\$15	30	320,000
\$15		\$15	30	320,000
\$10 × 2		\$20	120	80,000
(\$10 w/ SPECTRE) × 2		\$20	100	96,000
\$20 w/ SPECTRE		\$20	60	160,000
\$20		\$20	120	80,000
\$15 × 2		\$30	600	16,000
(\$15 w/ SPECTRE) × 2		\$30	200	48,000
\$30 w/ SPECTRE		\$30	100	96,000
\$30		\$30	600	16,000
\$10 × 5		\$50	300	32,000
(\$15 × 2) + (\$10 × 2)		\$50	300	32,000
(((\$20 w/ SPECTRE) × 2) + \$10)		\$50	150	64,000
\$50 w/ SPECTRE		\$50	200	48,000
\$50		\$50	300	32,000
\$10 × 7		\$70	600	16,000
(\$15 × 4) + \$10		\$70	600	16,000
(((\$20 w/ SPECTRE) × 3) + \$10)		\$70	300	32,000
\$10 w/ 7X SYMBOL		\$70	200	48,000
\$70 w/ SPECTRE		\$70	300	32,000
\$70		\$70	600	16,000
007 SYMBOL w/ (\$10 × 15)		\$150	1,200	8,000

<i>When Any Of Your Numbers Match Any Winning Number, Win Prize Shown Under The Matching Number. Win With:</i>	<i>Q BONUS:</i>	<i>Win:</i>	<i>Approximate Odds Are 1 In:</i>	<i>Approximate No. Of Winners Per 9,600,000 Tickets:</i>
$((\$10 \text{ w/ SPECTRE}) \times 5) + (\$10 \times 10)$		\$150	4,000	2,400
\$50	\$100 w/ BINOCULARS	\$150	1,200	8,000
\$150 w/ SPECTRE		\$150	4,000	2,400
\$150		\$150	3,000	3,200
007 SYMBOL w/ $(\$20 \times 15)$		\$300	2,400	4,000
007 SYMBOL w/ $(\$20 \times 5) + (\$10 \times 10)$	\$100 w/ BINOCULARS	\$300	2,400	4,000
$\$50 \times 6$		\$300	60,000	160
$(\$50 \times 2) + (\$20 \times 5)$	\$100 w/ BINOCULARS	\$300	60,000	160
$(\$15 \text{ w/ 7X SYMBOL}) + (\$15 \times 5) + (\$10 \times 2)$	\$100 w/ BINOCULARS	\$300	60,000	160
$(\$20 \text{ w/ 7X SYMBOL}) + (10 \times 6)$	\$100 w/ BINOCULARS	\$300	60,000	160
\$300 w/ SPECTRE		\$300	60,000	160
\$300		\$300	60,000	160
007 SYMBOL w/ $(\$100 \times 2) + (\$50 \times 6) + (\$30 \times 6) + \20		\$700	6,000	1,600
007 SYMBOL w/ $(\$50 \times 8) + (\$30 \times 6) + \$20$	\$100 w/ BINOCULARS	\$700	6,000	1,600
$\$70 \times 10$		\$700	120,000	80
$(\$50 \times 10) + (\$20 \times 5)$	\$100 w/ BINOCULARS	\$700	60,000	160
$(\$50 \text{ w/ SPECTRE}) \times 10 + (\$20 \times 5)$	\$100 w/ BINOCULARS	\$700	60,000	160
\$100 w/ 7X SYMBOL		\$700	60,000	160
\$700 w/ SPECTRE		\$700	60,000	160
\$700		\$700	120,000	80
007 SYMBOL w/ $(\$100 \times 5) + (\$50 \times 10)$		\$1,000	40,000	240
007 SYMBOL w/ $(\$70 \times 10) + (\$50 \times 3) + \$30 + \20	\$100 w/ BINOCULARS	\$1,000	40,000	240
$\$100 \times 10$		\$1,000	120,000	80
$(\$100 \times 2) + (\$70 \times 10)$	\$100 w/ BINOCULARS	\$1,000	120,000	80
$(\$100 \text{ w/ 7X SYMBOL}) + (\$50 \times 4)$	\$100 w/ BINOCULARS	\$1,000	120,000	80
$(\$100 \text{ w/ SPECTRE}) \times 2 + ((\$10 \text{ w/ 7X SYMBOL}) \times 10)$	\$100 w/ BINOCULARS	\$1,000	120,000	80
\$1,000 w/ SPECTRE		\$1,000	120,000	80
\$1,000		\$1,000	120,000	80
\$1,000 w/ 7X SYMBOL		\$7,000	960,000	10
\$7,000		\$7,000	960,000	10
\$300,000		\$300,000	960,000	10

Reveal a "SPECTRE" (WINPRZ) symbol, win prize shown under that symbol automatically.

Reveal a "7X" (7TIMES) symbol, win 7 times the prize shown under that symbol.

Reveal a "007" (WINALL) symbol, win all 15 prizes shown!

Q BONUS: Reveal a "BINOCULARS" (WIN100) symbol, win \$100 instantly! BONUS is played separately.

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

10. *Second-Chance Drawing*: The *JAMES BOND Lottery Challenge* Second-Chance Drawings from the Pennsylvania Lottery for qualifying instant lottery game tickets (hereafter, the “Drawings”):

(a) *Qualifying Tickets*: PA-1441 JAMES BOND 007™ (\$10) instant lottery game tickets are eligible for entry into the Drawings.

(b) *Participation and entry*:

(1) Entrants must be members of the Pennsylvania Lottery VIP Players Club to participate in the Drawings. To join the VIP Players Club, visit <http://www.palottery.state.pa.us/vipplayersclub/login.aspx>. Becoming a VIP Players Club member is free.

(2) To enter the Drawings, entrants must submit the identifying information from at least one Qualifying Ticket via the Drawings’ promotional web site, available at <http://www.palottery.com>, or the Pennsylvania Lottery’s official mobile application, during the entry period. The identifying information from a Qualifying Ticket may be submitted only once in the Drawings. Entries will automatically be awarded at the time of successful submission of a Qualifying Ticket. Entries awarded will be applied to the active drawing at the time of successful submission of the entry and will carry forward to the next drawings. No other method of submission will be accepted. Entries submitted using any other method, including entries mailed or hand-delivered to the Pennsylvania Lottery, are not valid and will be disqualified.

(3) Each entry must be complete and the information supplied by the entrant must be accurate. Incomplete entries cannot be submitted.

(4) Only one claimant per entry allowed.

(5) Entrants must be 18 years of age or older.

(6) Players may submit the identifying information from an unlimited number of Qualifying Tickets in the Drawings.

(7) Once an entry has been submitted it cannot be withdrawn or changed.

(c) *Drawings description*:

(1) The Lottery will conduct three drawings. Drawings entries are cumulative and are eligible for all drawings that occur after the entry is made. All time references are Eastern Prevailing Time.

(2) All entries received after 11:59:59 p.m. January 26, 2020, through 11:59:59 p.m. March 26, 2020, will be entered into Bonus Drawing #1, to be held between March 27, 2020, and April 8, 2020.

(3) All entries received after 11:59:59 p.m. January 26, 2020, through 11:59:59 p.m. June 4, 2020, will be entered into Bonus Drawing #2, to be held between June 5, 2020, and June 17, 2020.

(4) All entries received after 11:59:59 p.m. January 26, 2020, through 11:59:59 p.m. August 27, 2020, will be entered into the *JAMES BOND Lottery Challenge* Trip Prize Drawing, to be held between August 28, 2020 and September 8, 2020.

(5) The entry periods for each of the drawings will be posted to the Pennsylvania Lottery’s publicly accessible web site.

(6) When a Qualifying Ticket is entered into the Drawings, the entry has a chance to be multiplied by seven

(hereafter the “Entry Multiplier Prize”). Each Qualifying Ticket will have a predetermined ticket file assigned at the time the ticket is printed that will determine whether an entry will be multiplied. If an entry is multiplied, the entrant will be notified during the entry process.

(7) The number of entries an entrant will receive for the Drawings is determined by the purchase price of the Qualifying Ticket entered and the Entry Multiplier Prize, if applicable. The respective purchase price and corresponding number of entries for the Qualifying Ticket is as follows: PA-1441 JAMES BOND 007™ (\$10) = ten entries.

(8) Players may review prizes won and their entries for each of the drawings via the Drawings’ promotional web site.

(d) *Prizes available to be won, determination of winners, and odds of winning*:

(1) The prize entitlements described below are subject to all restrictions and limitations described in sections 10(e), (f) and (g), or those mentioned anywhere else in these rules.

(2) The following table sets forth the approximate number of Entry Multiplier Prizes and the approximate odds of winning an Entry Multiplier Prize:

<i>Approximate Number of Entry Multiplier Prizes:</i>	<i>Approximate Odds of Winning a 7X Multiplier Are 1 In:</i>
1,710,513	4

(3) Lottery will conduct three drawings from among all the entries received during the entry periods as described in section 10(c).

(i) The first through the twentieth entries selected in Bonus Drawing #1 will be winning entries and the entrants who submitted the winning entries shall each be entitled to a prize of \$100 iLottery Bonus Money.

(ii) The first through the twentieth entries selected in Bonus Drawing #2 will be winning entries and the entrants who submitted the winning entries shall each be entitled to a prize of \$100 iLottery Bonus Money.

(iii) The first through the twentieth entries selected in the *JAMES BOND Lottery Challenge* Trip Prize Drawing will be winning entries and the entrants who submitted the winning entries shall each be entitled to a prize of one *JAMES BOND Lottery Challenge* Trip Prize Package, as described in section 10(e).

(4) All iLottery Bonus Money prizes will be uploaded to a winning player’s lottery account.

(5) Winners of iLottery Bonus Money are not required to claim a prize. Winners of iLottery Bonus Money will have the iLottery Bonus Money credited to their lottery account and will receive an email notifying them that they won a prize.

(6) The number of winning entries to be selected for each of the drawings will be posted to the Pennsylvania Lottery’s publicly accessible web site.

(7) The odds of winning in each of the drawings depend upon the number of entries received for that drawing.

(8) A computer-generated randomizer will be used to select the Drawings winners.

(e) *JAMES BOND Lottery Challenge* Trip Prize Package Description:

(1) Each *JAMES BOND Lottery Challenge* Trip Prize Package (hereafter “Trip Prize Package”) shall consist of a four-night trip for the Trip Prize Package Winner and up to one guest to Las Vegas, NV during the Spring of 2021. Each Trip Prize Package shall have a value of \$8,281.15. The specific date and location of the Trip Prize Package events are subject to change and shall be posted to the Lottery’s publicly available web site no later than March 31, 2020. Each Trip Prize Package shall include:

(i) Round trip airfare, if required, for up to two, coach class tickets on a major airline, as defined by the Federal Aviation Administration, from a United States international airport to McCarran International Airport in Las Vegas, NV (inclusive of all security fees, taxes and surcharges). It is the responsibility of the Trip Prize Package Winner to comply with the REAL ID Act to the extent that the Act is applicable to the Trip Prize Package Winner’s air travel.

(ii) Ground transfers between McCarran International Airport and the assigned destination hotel and, if necessary, between the hotel and Scientific Games International, Inc. hosted events (hereafter “SGI”).

(2) The *JAMES BOND Lottery Challenge* Trip Prize Package, which shall further consist of:

(i) Accommodations of one three star or better hotel room in a deluxe hotel for four nights (double occupancy, room and room tax only).

(ii) Admission to the *JAMES BOND Lottery Challenge* venue for the Trip Prize Package Winner and guest, along with a chance to participate in the *JAMES BOND Lottery Challenge* Tournament, as described in section 10(e)(3) below, with other Trip Prize Package Winners.

(iii) \$1,000 spending money for the winner, provided in the form of a check one to two weeks prior to the scheduled trip departure date.

(iv) State income tax withholding in the amount of \$94.62, and federal income tax withholding in the amount of \$1,987.48 (excluding any additional prizes won during the *JAMES BOND Lottery Challenge* Tournament included in the *JAMES BOND Lottery Challenge* Package).

(3) *JAMES BOND Lottery Challenge* Tournament Description:

(i) Each Trip Prize Package Winner shall receive the chance to participate in the *JAMES BOND Lottery Challenge* Tournament Games (hereafter “Games”).

(ii) The Games shall afford each participant the chance to win cash prizes ranging from \$1,000 to a potential maximum of \$1,156,000.

(iii) The Games consist of two events, a Stage Show Event that includes four separate mini-games (hereafter “Stage Show”) and a Bonus Event Tournament (hereafter

“Tournament”) in which each participant will accumulate points that award set cash prizes at the conclusion of the Games.

(iv) The “Stage Show” includes the following mini-games:

(A) “Casino Royale,” a high/low card game with cash prizes of up to \$1,000;

(B) “Shaken, Not Stirred,” a dice game with prizes of up to \$5,000;

(C) “Diamonds Are Forever,” a wheel spin game with prizes of up to \$50,000; and

(D) “Goldfinger,” a match three game with prizes of up to \$1,000,000.

(v) The Tournament will consist of two separate Rounds, a Points Round followed by a Multiplier Round.

(A) The Points Round will afford each participant an identical number of starting points. During the Points Round, points will be randomly added or subtracted to the participant’s points total. After the Points Round has completed, participants will be ranked according to their remaining points.

(B) The following table sets forth the cash prizes that can be won during the Tournament Points Round:

<i>Rank:</i>	<i>Prize:</i>
First Place	\$10,000
Second Place	\$7,500
Third Place	\$5,000
Fourth Place	\$2,500
Fifth Place and Below	\$1,000

(C) The Multiplier Round will permit each participant to draw one lottery ball randomly chosen from a pool of 20 lottery balls of identical shape, weight and size, using a lottery ball mixing machine.

(D) The pool of 20 lottery balls includes one lottery ball with a 10X symbol, one lottery ball with a 5X symbol and one lottery ball with a 2X symbol. The remaining 17 lottery balls are blank.

(E) If the participant draws a lottery ball with a printed multiplier from the lottery ball mixing machine, that participant will multiply all winnings received in the Points Round of the Tournament by the multiplier shown. If the participant draws a blank lottery ball from the lottery ball mixing machine, the participant will be awarded the cash prize won in the Points Round.

(F) The following table sets forth the potential cash prizes that may be awarded at the conclusion of the Tournament Multiplier Round:

<i>Rank:</i>	<i>Prize:</i>	<i>10X</i>	<i>5X</i>	<i>2X</i>
First Place	\$10,000	\$100,000	\$50,000	\$20,000
Second Place	\$7,500	\$75,000	\$37,500	\$15,000
Third Place	\$5,000	\$50,000	\$25,000	\$10,000
Fourth Place	\$2,500	\$25,000	\$12,500	\$5,000
Fifth Place and Below	\$1,000	\$10,000	\$5,000	\$2,000

(G) At the conclusion of the Multiplier Round, each participant will be awarded the cash prize indicated in the table above based on the participant's finishing rank in the Points Round and prize multiplier received in the Multiplier Round, if any.

(H) The total cash prize won during the Game, less any required state and federal income tax withholdings, will be mailed to the Trip Prize Package Winner within 21 business days after their departure from Las Vegas, NV.

(f) *Trip Prize Package Restrictions:*

(1) There is no cash option for the Trip Prize Package.

(2) All Trip Prize Package Winners must be 21 years of age or older at the time of the scheduled Trip Prize. If the Trip Prize Package Winner is not 21 years of age or older at the time of the scheduled Trip Prize Package, they may designate a Proxy to participate in the Games. A designated Proxy must be 21 years of age or older at the time of the scheduled Trip Prize Package.

(3) The Trip Prize Package does not include: mileage, insurance, gratuities, meals, parking fees, baggage fees, alcoholic beverages (other than those served without charge at any reception or party), personal expenses such as telephone calls, valet service, laundry, incidentals and the like, revision or cancellation fees which may be charged by the hotel or other suppliers, or any other items not expressly specified herein.

(4) Except as otherwise provided herein, Trip Prize Package Winners must accept the Trip Prize Package.

(5) If a Trip Prize Package Winner is determined to be ineligible to receive the Trip Prize Package, an alternate will be selected as though the Trip Prize Package Winner had forfeited the Trip Prize Package as described in section 10(h)(9).

(6) In the event that a Trip Prize Package Winner is traveling via air and fails to appear at the designated time and place of departure (excluding flight delays), the Lottery or SGI shall use reasonable efforts to reschedule the flight at the expense of the Trip Prize Package Winner. If the flight cannot be rescheduled, the Trip Prize Package Winner shall forfeit the air travel, lodging, and ground transfer portions of the Trip Prize Package. A Proxy will be selected to attend the Games in the Trip Prize Package Winner's place.

(7) In the event that a Trip Prize Package Winner fails to check in to the destination hotel when they arrive in Las Vegas, NV, the Lottery or SGI shall use reasonable efforts to reschedule the hotel reservation. If the reservation cannot be rescheduled, the Trip Prize Package Winner shall forfeit the balance of the Trip Prize Package with the exception of the return flight and \$1,000 spending money. A Proxy will be selected to attend the Games in the Trip Prize Package Winner's place.

(8) In the event that the Trip Package Prize Winner fails to arrive for their scheduled participation in the Games, their right to personally participate in the Games shall be forfeited. A Proxy will be selected to attend the Games in the Trip Prize Package Winner's place.

(9) In the event that a Trip Prize Package Winner is determined to be unable to attend the trip, after the trip has been booked, the balance of the Trip Prize Package shall be forfeited with the exception of the \$1,000 cash portion of the Trip Prize Package. A Proxy will be selected to attend the Games in the Trip Prize Package Winner's place.

(10) In the event that a Proxy is selected to attend the Games, the Trip Prize Package Winner will be legally entitled to receive any winnings earned in the Games, less any outstanding legally mandated offsets not collected from the liquidated portion of the Trip Prize Package.

(11) If a Proxy is appointed under subsections 10(f)(6) through 10(f)(9) above, the Trip Prize Package Winner is bound by all choices and selections made by the Proxy.

(12) A Trip Prize Package Winner or a guest of the winner must have a valid credit card or shall be required to post a cash deposit for incidentals to check into the hotel.

(13) A Trip Prize Package Winner is solely responsible for the actions of the guests who accompany them on the trip. A guest of a Trip Prize Package Winner must be 21 years of age or older at the time the Trip Prize Package is to occur.

(14) The Lottery is not responsible for injury, loss or damage to person or property in connection with the Trip Prize Package. A Trip Prize Package Winner and guest participate solely at their own risk and responsibility.

(15) If a prize described in these rules is not available, the Lottery may either provide a substitute prize, determined by the Lottery to have an equivalent value to the prize won, or make a cash payment to the Trip Prize Package Winner, in an amount determined by the Lottery to have an equivalent value to the prize won. If a Trip Prize Package Winner is unable to attend the trip according to sections 10(f)(5) through (10)(f)(10), the Trip Prize Package shall not be "unavailable" for the purposes of this section, 10(f)(15).

(16) If certain elements of the Trip Prize Package are not available, the Lottery may provide substitute elements, as determined by the Lottery.

(g) *Delinquent Support Offset:*

(1) If the Department of Human Services, pursuant to 23 Pa.C.S.A. § 4308, the Department of Revenue or the Administrative Office of Pennsylvania Courts, pursuant to 72 P.S. § 215, determines that a Trip Prize Package Winner is a delinquent support obligor as provided in 23 Pa.C.S.A. § 4308 or 72 P.S. § 215, and if the amount of any arrearages shall be \$1,000, or less, the amount of any arrearages shall be deducted from the spending money portion of the Trip Prize Package. After the delinquent support obligation is met, the Trip Prize Package Winner will receive the remaining portion of the Trip Prize Package spending money, if any, which shall be fulfilled according to Lottery procedure.

(2) If the Department of Human Services, pursuant to 23 Pa.C.S.A. § 4308, the Department of Revenue or the Administrative Office of Pennsylvania Courts, pursuant to 72 P.S. § 215, determines that a Trip Prize Package Winner is a delinquent support obligor, as provided in 23 Pa.C.S.A. § 4308 or 72 P.S. § 215, and if the amount of any arrearages shall be greater than \$1,000, the prize winner shall forfeit the prize and shall be considered to have waived their right to receive the prize under section 10(h). In this event, the Lottery will select another entry to replace the forfeited entry in accordance with these rules and Lottery procedure.

(h) *Drawings restrictions:*

(1) To be eligible to participate in the Drawings, entrants must have complied with the requirements of these rules and Lottery procedure.

(2) The Lottery is not responsible for late, lost or misdirected entries not entered into the Drawings. The Lottery is not responsible for entries that are not entered into the Drawings because of incompatible internet browsers, mobile Lottery application failure or other technical issues. If an entry is selected as a winner and rejected or otherwise disqualified during or following the Drawings, the Lottery will select another entry to replace the rejected or otherwise disqualified entry in accordance with these rules and Lottery procedure.

(3) If any discrepancy exists between these rules and any material describing the Drawings, these rules shall govern.

(4) Employees of the Pennsylvania Lottery, MARC USA, MUSL, SGI, Inc., MDI Entertainment, LLC, and their subcontractors, or a spouse, child, brother, sister or parent residing as a member of the same household in the principle place of residence of any such person are not eligible to participate in the Drawings. Offer void where prohibited or restricted.

(5) The Pennsylvania Lottery reserves the right, in its sole discretion, to cancel or suspend the Drawings and change these rules if the drawings cannot be conducted as planned due to errors in these rules or advertising, unauthorized intervention, tampering, fraud, technical errors, viruses, worms, bugs, or any other cause beyond the control of the Pennsylvania Lottery that, in the Pennsylvania Lottery's sole judgment, could corrupt or impair the administration, security, fairness, integrity, or proper conduct of the Drawings.

(6) All entries shall be subject to verification by the Pennsylvania Lottery.

(7) The Pennsylvania Lottery reserves the right, in its sole discretion, to disqualify an entrant found to be tampering with the operation of the Drawings or to be acting in violation of these rules or applicable law.

(8) The Drawings are governed by the laws of the Commonwealth of Pennsylvania. Applicable laws and regulations apply.

(9) A Trip Prize Package Winner will have 7 business days from the date the Trip Prize Package Winner is notified by the Lottery, via email, to return a completed claim form to the Lottery. At the close of business on the 7th business day following the email date, the Trip Prize Package will be forfeited and the Lottery will award the prize to the first available alternative selected as part of the drawing process. The alternate shall have 7 business days to return the completed claim forms to the Lottery. The notification and email dates referenced herein shall be the date the email is sent to the Trip Prize Package Winner by the Lottery.

(10) Final determination of winners will be made by the Secretary, whose judgment will be final and binding.

(11) A prize awarded in the Drawings to a person who dies before receiving the prize shall be paid according to 61 Pa. Code § 811.16 (relating to prizes payable after death of a prize winner).

(12) A winner is responsible for all taxes arising from or in connection with any prize won.

(13) A player may only win the prize for which the player is first selected in each of the Drawings. Subsequent entries, from the same individual, selected in the same Drawings will be disqualified and a replacement entry will be selected.

(14) Winners of iLottery Bonus Money must abide by the iLottery Terms & Conditions, the iLottery Bonus

Policy and these rules. iLottery Bonus Money will expire 90 days from the date on which the winner was notified, via email, of the prize win, as further detailed in section 10(d). iLottery Bonus Money has a five times play through requirement in order to convert the iLottery Bonus Money into cash. For example, if a player wins \$100 of iLottery Bonus Money, the player is required to place \$500 in wagers before the iLottery Bonus Money awarded is converted into cash, which may be withdrawn from the player's lottery account.

(15) Prizes are not transferrable.

(16) Other restrictions may apply.

11. *Retailer incentive awards:* The Lottery may conduct a separate Retailer Incentive Program for retailers who sell JAMES BOND 007™ instant lottery game tickets.

12. *Retailer bonus:* The Lottery may offer a retailer bonus in connection with the sale of Pennsylvania instant lottery game tickets. If a retailer bonus is offered, a Lottery retailer shall be eligible for a bonus as described in this section. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$100,000 and not exceeding \$500,000 shall be paid a bonus of \$500. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$500,001 and not exceeding \$1,000,000 shall be paid a bonus of \$5,000. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$1,000,001 and not exceeding \$10,000,000 shall be paid a bonus of \$10,000. A Lottery retailer is entitled only to the largest bonus for which he qualifies on a winning ticket. A bonus will be initiated for payment after the instant ticket is claimed and validated. A bonus will not be awarded to a Lottery retailer that sells a non-winning Pennsylvania Lottery instant ticket used to enter a Pennsylvania Lottery second-chance drawing or promotion that is subsequently selected to win a prize.

13. *Unclaimed prize money:* For a period of 1 year from the announced close of JAMES BOND 007™, prize money from winning JAMES BOND 007™ instant lottery game tickets will be retained by the Secretary for payment to the persons entitled thereto. If no claim is made within 1 year of the announced close of the JAMES BOND 007™ instant lottery game, the right of a ticket holder to claim the prize represented by the ticket, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided for by statute.

14. *Governing law:* In purchasing a ticket, the customer agrees to comply with and abide by the State Lottery Law (72 P.S. §§ 3761-101—3761-314), 61 Pa. Code Part V (relating to State Lotteries) and the provisions contained in this notice.

15. *Termination of the game:* The Secretary may announce a termination date, after which no further tickets from this game may be sold. The announcement will be disseminated through media used to advertise or promote JAMES BOND 007™ or through normal communications methods.

C. DANIEL HASSELL,
Secretary

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DEPARTMENT OF REVENUE

Pennsylvania Lucky Bucks Instant Lottery Game 1443

Under the State Lottery Law (72 P.S. §§ 3761-101—3761-314) and 61 Pa. Code § 819.203 (relating to notice of instant game rules), the Secretary of Revenue hereby provides public notice of the rules for the following instant lottery game:

1. *Name:* The name of the game is Pennsylvania Lucky Bucks (hereinafter “Lucky Bucks”). The game number is PA-1443.

2. *Price:* The price of a Lucky Bucks instant lottery game ticket is \$2.

3. *Play symbols:* Each Lucky Bucks instant lottery game ticket will contain one play area featuring a “WINNING NUMBERS” area and a “YOUR NUMBERS” area. The play symbols and their captions, located in the “WINNING NUMBERS” area, are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN) and 20 (TWENT). The play symbols and their captions, located in the “YOUR NUMBERS” area, are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN), 20 (TWENT), Horseshoe (SHOE) symbol and a LUCKY (WIN20) symbol.

4. *Prize symbols:* The prize symbols and their captions, located in the “YOUR NUMBERS” area, are: \$2.⁰⁰ (TWO DOL), \$4.⁰⁰ (FOR DOL), \$5.⁰⁰ (FIV DOL), \$10.⁰⁰ (TEN DOL), \$20.⁰⁰ (TWENTY), \$30.⁰⁰ (THIRTY), \$40.⁰⁰ (FORTY), \$100 (ONE HUN), \$200 (TWO HUN), \$400 (FOR HUN), \$1,000 (ONE THO) and \$10,000 (TEN THO).

5. *Prizes:* The prizes that can be won in this game are: \$2, \$4, \$5, \$10, \$20, \$30, \$40, \$100, \$200, \$400, \$1,000 and \$10,000. A player can win up to 10 times on a ticket.

6. *Second-Chance Drawing:* The Pennsylvania Lottery will conduct a Go for the Green Second-Chance Drawing for which non-winning Lucky Bucks instant lottery game tickets may be eligible as provided for in section 10.

7. *Approximate number of tickets printed for the game:* Approximately 5,400,000 tickets will be printed for the Lucky Bucks instant lottery game.

8. *Determination of prize winners:*

(a) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches either of the “WINNING NUMBERS” play symbols and a prize symbol of \$10,000 (TEN THO) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$10,000.

(b) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches either of the “WINNING NUMBERS” play symbols and a prize symbol of \$1,000 (ONE THO) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$1,000.

(c) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a Horseshoe (SHOE) symbol, and a prize symbol of \$1,000 (ONE THO) appears in the

“prize” area under that Horseshoe (SHOE) symbol, on a single ticket, shall be entitled to a prize of \$1,000.

(d) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches either of the “WINNING NUMBERS” play symbols and a prize symbol of \$400 (FOR HUN) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$400.

(e) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a Horseshoe (SHOE) symbol, and a prize symbol of \$400 (FOR HUN) appears in the “prize” area under that Horseshoe (SHOE) symbol, on a single ticket, shall be entitled to a prize of \$400.

(f) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches either of the “WINNING NUMBERS” play symbols and a prize symbol of \$200 (TWO HUN) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$200.

(g) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a Horseshoe (SHOE) symbol, and a prize symbol of \$200 (TWO HUN) appears in the “prize” area under that Horseshoe (SHOE) symbol, on a single ticket, shall be entitled to a prize of \$200.

(h) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches either of the “WINNING NUMBERS” play symbols and a prize symbol of \$100 (ONE HUN) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$100.

(i) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a Horseshoe (SHOE) symbol, and a prize symbol of \$100 (FOR HUN) appears in the “prize” area under that Horseshoe (SHOE) symbol, on a single ticket, shall be entitled to a prize of \$100.

(j) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches either of the “WINNING NUMBERS” play symbols and a prize symbol of \$40.⁰⁰ (FORTY) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$40.

(k) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a Horseshoe (SHOE) symbol, and a prize symbol of \$40.⁰⁰ (FORTY) appears in the “prize” area under that Horseshoe (SHOE) symbol, on a single ticket, shall be entitled to a prize of \$40.

(l) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches either of the “WINNING NUMBERS” play symbols and a prize symbol of \$30.⁰⁰ (THIRTY) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$30.

(m) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a Horseshoe (SHOE) symbol, and a prize symbol of \$30.⁰⁰ (THIRTY) appears in the “prize” area under that Horseshoe (SHOE) symbol, on a single ticket, shall be entitled to a prize of \$30.

(n) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches either of the “WINNING NUMBERS” play symbols and a prize symbol of \$20.⁰⁰ (TWENTY) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$20.

(o) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a Horseshoe (SHOE)

symbol, and a prize symbol of \$20⁰⁰ (TWENTY) appears in the “prize” area under that Horseshoe (SHOE) symbol, on a single ticket, shall be entitled to a prize of \$20.

(p) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a LUCKY (WIN20) symbol, and a prize symbol of \$20⁰⁰ (TWENTY) appears in the “prize” area under that LUCKY (WIN20) symbol, on a single ticket, shall be entitled to a prize of \$20.

(q) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches either of the “WINNING NUMBERS” play symbols and a prize symbol of \$10⁰⁰ (TEN DOL) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$10.

(r) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a Horseshoe (SHOE) symbol, and a prize symbol of \$10⁰⁰ (TEN DOL) appears in the “prize” area under that Horseshoe (SHOE) symbol, on a single ticket, shall be entitled to a prize of \$10.

(s) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches either of the “WINNING NUMBERS” play symbols and a prize symbol of \$5⁰⁰ (FIV DOL) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$5.

(t) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a Horseshoe (SHOE) symbol, and a prize symbol of \$5⁰⁰ (FIV DOL) appears in the

“prize” area under that Horseshoe (SHOE) symbol, on a single ticket, shall be entitled to a prize of \$5.

(u) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches either of the “WINNING NUMBERS” play symbols and a prize symbol of \$4⁰⁰ (FOR DOL) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$4.

(v) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a Horseshoe (SHOE) symbol, and a prize symbol of \$4⁰⁰ (FOR DOL) appears in the “prize” area under that Horseshoe (SHOE) symbol, on a single ticket, shall be entitled to a prize of \$4.

(w) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches either of the “WINNING NUMBERS” play symbols and a prize symbol of \$2⁰⁰ (TWO DOL) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$2.

(x) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a Horseshoe (SHOE) symbol, and a prize symbol of \$2⁰⁰ (TWO DOL) appears in the “prize” area under that Horseshoe (SHOE) symbol, on a single ticket, shall be entitled to a prize of \$2.

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

<i>When Any Of Your Numbers Match Either Winning Number, Win Prize Shown Under The Matching Number. Win With:</i>	<i>Win:</i>	<i>Approximate Odds Are 1 In:</i>	<i>Approximate No. Of Winners Per 5,400,000 Tickets:</i>
\$2 w/ HORSESHOE	\$2	37.5	144,000
\$2	\$2	13.64	396,000
\$2 × 2	\$4	75	72,000
\$4 w/ HORSESHOE	\$4	42.86	126,000
\$4	\$4	75	72,000
\$5 w/ HORSESHOE	\$5	75	72,000
\$5	\$5	75	72,000
\$2 × 5	\$10	1,500	3,600
(((\$2 w/ HORSESHOE) × 3) + (\$2 × 2))	\$10	750	7,200
(\$5 w/ HORSESHOE) × 2	\$10	300	18,000
\$10 w/ HORSESHOE	\$10	107.14	50,400
\$10	\$10	750	7,200
\$5 × 4	\$20	1,500	3,600
(\$2 w/ HORSESHOE) × 10	\$20	500	10,800
\$20 w/ LUCKY	\$20	71.43	75,600
\$20 w/ HORSESHOE	\$20	1,500	3,600
\$20	\$20	1,500	3,600
\$5 × 6	\$30	6,000	900
(\$20 w/ LUCKY) + (((\$2 w/ HORSESHOE) × 4) + \$2)	\$30	2,400	2,250
(\$20 w/ LUCKY) + (\$10 w/ HORSESHOE)	\$30	750	7,200
\$30 w/ HORSESHOE	\$30	2,400	2,250

<i>When Any Of Your Numbers Match Either Winning Number, Win Prize Shown Under The Matching Number. Win With:</i>	<i>Win:</i>	<i>Approximate Odds Are 1 In:</i>	<i>Approximate No. Of Winners Per 5,400,000 Tickets:</i>
\$30	\$30	6,000	900
\$4 × 10	\$40	6,000	900
(((\$5 w/ HORSESHOE) × 4) + (\$4 × 4) + (\$2 × 2))	\$40	12,000	450
(\$20 w/ LUCKY) + ((\$10 w/ HORSESHOE) × 2)	\$40	12,000	450
(\$20 w/ LUCKY) × 2	\$40	666.67	8,100
\$40 w/ HORSESHOE	\$40	12,000	450
\$40	\$40	6,000	900
\$10 × 10	\$100	12,000	450
(\$20 w/ LUCKY) + ((\$10 w/ HORSESHOE) × 4) + (\$10 × 3) + (\$5 × 2)	\$100	12,000	450
(((\$20 w/ LUCKY) × 3) + ((\$10 w/ HORSESHOE) × 4))	\$100	12,000	450
(\$20 w/ LUCKY) × 5	\$100	12,000	450
(\$20 w/ HORSESHOE) × 5	\$100	24,000	225
\$100 w/ HORSESHOE	\$100	24,000	225
\$100	\$100	12,000	450
\$20 × 10	\$200	120,000	45
(((\$20 w/ LUCKY) × 5) + ((\$20 w/ HORSESHOE) × 5))	\$200	60,000	90
(\$20 w/ LUCKY) × 10	\$200	60,000	90
\$200 w/ HORSESHOE	\$200	120,000	45
\$200	\$200	120,000	45
\$40 × 10	\$400	120,000	45
(((\$20 w/ LUCKY) × 5) + (\$100 × 2) + (\$40 × 2) + \$20)	\$400	120,000	45
(((\$100 w/ HORSESHOE) × 2) + (\$40 × 4) + (\$10 × 4))	\$400	120,000	45
\$400 w/ HORSESHOE	\$400	120,000	45
\$400	\$400	120,000	45
\$1,000 w/ HORSESHOE	\$1,000	540,000	10
\$1,000	\$1,000	540,000	10
\$10,000	\$10,000	540,000	10

Reveal a "HORSESHOE" (SHOE) symbol, win prize shown under that symbol automatically.

Reveal a "LUCKY" (WIN20) symbol, win \$20 instantly!

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

10. *Second-Chance Drawing:* The Go for the Green Second-Chance Drawing from the Pennsylvania Lottery (hereafter, the "Lottery") for qualifying instant lottery game tickets (hereafter, the "Drawing"):

(a) *Qualifying Tickets:* Non-winning PA-1442 Dublin Dollars (\$5) and PA-1443 Lucky Bucks (\$2) instant lottery game tickets are eligible for entry into the Drawing.

(b) *Participation and entry:*

(1) Entrants must be members of the Pennsylvania Lottery VIP Players Club to participate in the Drawing.

To join the VIP Players Club, visit <http://www.palottery.state.pa.us/vipplayersclub/login.aspx>. Becoming a VIP Players Club member is free.

(2) To enter the Drawing, entrants must submit the identifying information from at least one Qualifying Ticket via the Drawing's promotional web site, available at <http://www.palottery.com>, or the Lottery's official mobile application, during the entry period. The identifying information from a Qualifying Ticket may be submitted only once in the Drawing. Entries will automatically be awarded at the time of successful submission of a Qualifying Ticket. No other method of submission will be accepted. Entries submitted using any other method,

including entries mailed or hand-delivered to the Lottery, are not valid and will be disqualified.

(3) Each entry must be complete and the information supplied by the entrant must be accurate. Incomplete entries cannot be submitted.

(4) Only one claimant per entry allowed.

(5) Entrants must be 18 years of age or older.

(6) Players may submit the identifying information from an unlimited number of Qualifying Tickets in the Drawing.

(7) Once an entry has been submitted it cannot be withdrawn or changed.

(c) *Drawing description:*

(1) The Lottery will conduct one Go for the Green Second-Chance Drawing for qualifying instant lottery game tickets. All time references are Eastern Prevailing Time.

(2) All entries received after 11:59:59 p.m. January 26, 2020, through 11:59:59 p.m. March 26, 2020, will be entered into the Drawing to be held between March 27, 2020 and April 7, 2020.

(3) The entry period for the Drawing will be posted to the Lottery's publicly accessible web site at <http://www.palottery.com>.

(4) The number of entries an entrant will receive for the Drawing is determined by the purchase price of the Qualifying Ticket entered. The respective purchase price and corresponding number of entries for the Qualifying Ticket is as follows: PA-1442 Dublin Dollars (\$5) = five entries and PA-1443 Lucky Bucks (\$2) = two entries.

(5) Players may review prizes won and their entries for the Drawing via the Drawing's promotional web site.

(d) *Prizes available to be won, determination of winners, and odds of winning:*

(1) The prize entitlements described below are subject to all restrictions and limitations described in section 10(e), or those mentioned anywhere else in these rules.

(2) The Lottery will conduct one Drawing from among all the entries received during the entry period as described in section 10(c)(2).

(i) The first through the third entries selected from the total number of instant lottery game ticket entries awarded in the Drawing will be winning entries, and the entrants who submitted those winning entries shall each be entitled to a prize of \$17,000, less required income tax withholding.

(ii) The fourth through the eighth entries selected from the total number of instant lottery game ticket entries awarded in the Drawing will be winning entries, and the entrants who submitted those winning entries shall each be entitled to a prize of \$7,500, less required income tax withholding.

(iii) The ninth through the eighteenth entries selected from the total number of instant lottery game ticket entries awarded in the Drawing will be winning entries, and the entrants who submitted those winning entries shall each be entitled to a prize of \$5,000.

(iv) The nineteenth through the sixty-eighth entries selected from the total number of instant lottery game entries awarded in the Drawing will be winning entries,

and the entrants who submitted those winning entries shall each be entitled to a prize of \$100 iLottery Bonus Money.

(3) All prizes will be paid as a lump-sum cash payment or uploaded to a winning player's lottery account.

(4) Winners of iLottery Bonus Money are not required to claim a prize. Winners of iLottery Bonus Money will have the iLottery Bonus Money credited to their lottery account and will receive an email notifying them that they won a prize.

(5) The number of winning entries to be selected for the Drawing will be posted to the Lottery's publicly accessible web site.

(6) The odds of winning in the Drawing depend upon the number of entries received for the Drawing.

(7) A computer-generated randomizer will be used to select the Drawing winners.

(e) *Drawing restrictions:*

(1) To be eligible to participate in the Drawing, entrants must have complied with the requirements of these rules.

(2) The Lottery is not responsible for late, lost or misdirected entries not entered into the Drawing. The Lottery is not responsible for entries that are not entered into the Drawing because of incompatible internet browsers, mobile Lottery application failure or other technical issues. If a Drawing entry is selected as a winner and rejected or otherwise disqualified during or following the Drawing, the Lottery will select another entry to replace the rejected or otherwise disqualified entry in accordance with these rules and Lottery procedure.

(3) If any discrepancy exists between these rules and any material describing the Drawing, these rules shall govern.

(4) Employees of the Lottery, MARC USA, MUSL, Scientific Games International, Inc., MDI Entertainment, LLC, and their subcontractors, or a spouse, child, brother, sister or parent residing as a member of the same household in the principle place of residence of any such person are not eligible to participate in the Drawing. Offer void where prohibited or restricted.

(5) The Lottery reserves the right, in its sole discretion, to cancel or suspend the Drawing and change these rules if the Drawing cannot be conducted as planned due to errors in these rules or advertising, unauthorized intervention, tampering, fraud, technical errors, viruses, worms, bugs, or any other cause beyond the control of the Lottery that, in the Lottery's sole judgment, could corrupt or impair the administration, security, fairness, integrity, or proper conduct of the Drawing.

(6) All entries shall be subject to verification by the Lottery.

(7) The Lottery reserves the right, in its sole discretion, to disqualify an entrant found to be tampering with the operation of the Drawing or to be acting in violation of these rules or applicable law.

(8) The Drawing is governed by the laws of the Commonwealth of Pennsylvania. Applicable laws and regulations apply.

(9) Prizes must be claimed within 1 year of the drawing date of the Drawing in which the prize was won. If no claim is made within 1 year of the drawing date of the Drawing in which the prize was won, the right of an entrant to claim the prize won, if any, will expire and the

prize money will be paid into the State Lottery Fund and used for purposes provided by statute.

(10) Final determination of winners will be made by the Secretary, whose judgment will be final and binding.

(11) A prize awarded in the Drawing to a person who dies before receiving the prize shall be paid according to 61 Pa. Code § 811.16 (relating to prizes payable after death of a prize winner).

(12) A winner is responsible for all taxes arising from or in connection with any prize won.

(13) A player may only win the prize for which the player is first selected in the Drawing. Subsequent entries, from the same individual, selected in the same Drawing will be disqualified and a replacement entry will be selected.

(14) Winners of iLottery Bonus Money must abide by the iLottery Terms & Conditions, the iLottery Bonus Policy and these rules. iLottery Bonus Money will expire 90 days from the date on which the winner was notified, via email, of the prize win, as further detailed in section 10(d)(4). iLottery Bonus Money has a five times play through requirement in order to convert the iLottery Bonus Money into cash. For example, for a player winning \$100 of iLottery Bonus Money, the player is required to place \$500 in wagers before the iLottery Bonus Money awarded is converted into cash which may be withdrawn from the player's lottery account.

(15) Prizes are not transferrable.

(16) Other restrictions may apply.

11. *Retailer incentive awards:* The Lottery may conduct a separate Retailer Incentive Program for retailers who sell Lucky Bucks instant lottery game tickets.

12. *Retailer bonus:* The Lottery may offer a retailer bonus in connection with the sale of Pennsylvania instant lottery game tickets. If a retailer bonus is offered, a Lottery retailer shall be eligible for a bonus as described in this section. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$100,000 and not exceeding \$500,000 shall be paid a bonus of \$500. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$500,001 and not exceeding \$1,000,000 shall be paid a bonus of \$5,000. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$1,000,001 and not exceeding \$10,000,000 shall be paid a bonus of \$10,000. A Lottery retailer is entitled only to the largest bonus for which he qualifies on a winning ticket. A bonus will be initiated for payment after the instant ticket is claimed and validated. A bonus will not be awarded to a Lottery retailer that sells a non-winning Pennsylvania Lottery instant ticket used to enter a Pennsylvania Lottery second-chance drawing or promotion that is subsequently selected to win a prize.

13. *Unclaimed prize money:* For a period of 1 year from the announced close of Lucky Bucks, prize money from winning Lucky Bucks instant lottery game tickets will be retained by the Secretary for payment to the persons entitled thereto. If no claim is made within 1 year of the announced close of the Lucky Bucks instant lottery game, the right of a ticket holder to claim the prize represented by the ticket, if any, will expire and the

prize money will be paid into the State Lottery Fund and used for purposes provided for by statute.

14. *Governing law:* In purchasing a ticket, the customer agrees to comply with and abide by the State Lottery Law (72 P.S. §§ 3761-101—3761-314), 61 Pa. Code Part V (relating to State Lotteries) and the provisions contained in this notice.

15. *Termination of the game:* The Secretary may announce a termination date, after which no further tickets from this game may be sold. The announcement will be disseminated through media used to advertise or promote Lucky Bucks or through normal communications methods.

C. DANIEL HASSELL,
Secretary

[Pa.B. Doc. No. 20-116. Filed for public inspection January 24, 2020, 9:00 a.m.]

DEPARTMENT OF TRANSPORTATION

Draft 2020 Public Participation Plan

The Department of Transportation (Department) will release the Draft 2020 Public Participation Plan (Plan) on Monday, January 27, 2020, for public review and comment. The Plan outlines the Department's public participation methods used when developing the Statewide Long Range Transportation Plan, the Twelve Year Program, the Statewide Transportation Improvement Program and the Public Participation Plan. The Plan also explains how the public can get involved in the Statewide transportation planning and programming processes. The public is encouraged to review the draft Plan and get involved to help guide the Department's public participation methods.

During the comment period, Monday, January 27, 2020, through Wednesday, March 11, 2020, the draft document and the electronic comment form are available at PennDOT.gov/PublicParticipation. Paper copies of the draft document and comment form are available at the Department's district offices, metropolitan and rural planning organization offices, and stakeholder locations throughout this Commonwealth. A list of sites is available on the web site.

Persons who require special assistance to participate should contact the Bureau of Equal Opportunity, (800) 468-4201.

YASSMIN GRAMIAN,
Acting Secretary

[Pa.B. Doc. No. 20-117. Filed for public inspection January 24, 2020, 9:00 a.m.]

DEPARTMENT OF TRANSPORTATION

State Transportation Commission Meeting

The State Transportation Commission (Commission) will hold a meeting on Thursday, February 20, 2020, from

10 a.m. to 12 p.m. in Conference Room 8N1, Commonwealth Keystone Building, Harrisburg, PA. For more information, contact the Commission, (717) 787-2913, RA-PennDOTSTC@pa.gov.

YASSMIN GRAMIAN,
Acting Secretary

[Pa.B. Doc. No. 20-118. Filed for public inspection January 24, 2020, 9:00 a.m.]

DEPARTMENT OF TRANSPORTATION

Transportation Advisory Commission Meeting

The Transportation Advisory Commission (Commission) will hold a meeting on Monday, February 3, 2020, from 10 a.m. to 12 p.m. in Conference Room 8N1, Commonwealth Keystone Building, Harrisburg, PA. For more information, contact the Commission, (717) 787-2913, RA-PennOTSTC@pa.gov.

YASSMIN GRAMIAN,
Acting Secretary

[Pa.B. Doc. No. 20-119. Filed for public inspection January 24, 2020, 9:00 a.m.]

ENVIRONMENTAL HEARING BOARD

Lynda Williams v. Department of Environmental Protection and Estate of Harry Simon, Permittee; EHB Doc. No. 2018-067-C

Lynda Williams has appealed the issuance by the Department of Environmental Protection of NPDES Stormwater Construction Permit No. PAD 150046 to the Estate of Harry Simon for the construction of residential lots located in West Whiteland Township, Chester County.

A hearing on the appeal has been scheduled to begin at 10:30 a.m. on April 27, 2020, at the Norristown offices of the Environmental Hearing Board, Fourth Floor, 2 East Main Street, Norristown, PA. Any changes to the hearing schedule may be found on the Environmental Hearing Board's (Board) web site at <http://ehb.courtapps.com>.

The appeal, and other filings related to the appeal, may be reviewed by any interested person on request during normal business hours at the Board's Harrisburg office, or through the Board's web site. If information concerning this notice is required in an alternative form contact the Secretary to the Board at (717) 787-3483. TDD users may telephone the Board through the Pennsylvania AT&T Relay Center at (800) 654-5984.

THOMAS W. RENWAND,
Chairperson

[Pa.B. Doc. No. 20-120. Filed for public inspection January 24, 2020, 9:00 a.m.]

INSURANCE DEPARTMENT

Application for Renewal of Designation as a Certified Reinsurer

Hannover Life Reassurance Company of America (Bermuda) Ltd. has applied for renewal of its designation as a certified reinsurer in this Commonwealth. The application was received on January 8, 2020, and was made under section 319.1(a) of The Insurance Company Law of 1921 (40 P.S. § 442.1(a)) and 31 Pa. Code § 161.3a (relating to requirements for certified reinsurers).

Persons who wish to comment on the application are invited to submit a written statement to the Insurance Department (Department) within 30 days from the date of this issue of the *Pennsylvania Bulletin*. Each written statement must include name, address and telephone number of the interested party; identification of the application to which the statement is addressed; and a concise statement with sufficient detail and relevant facts to inform the Department of the exact basis of the statement. Written statements should be directed to Kimberly A. Rankin, Director, Bureau of Company Licensing and Financial Analysis, Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120, fax (717) 787-8557, krankin@pa.gov. Comments received will be forwarded to the applicant for appropriate response.

JESSICA K. ALTMAN,
Insurance Commissioner

[Pa.B. Doc. No. 20-121. Filed for public inspection January 24, 2020, 9:00 a.m.]

INSURANCE DEPARTMENT

Application for Renewal of Designation as a Certified Reinsurer

Underwriters at Lloyd's, London have applied for renewal of its designation as a certified reinsurer in this Commonwealth. The application was received on January 13, 2020, and was made under section 319.1(a) of The Insurance Company Law of 1921 (40 P.S. § 442.1(a)) and 31 Pa. Code § 161.3a (relating to requirements for certified reinsurers).

Persons who wish to comment on the application are invited to submit a written statement to the Insurance Department (Department) within 30 days from the date of this issue of the *Pennsylvania Bulletin*. Each written statement must include name, address and telephone number of the interested party; identification of the application to which the statement is addressed; and a concise statement with sufficient detail and relevant facts to inform the Department of the exact basis of the statement. Written statements should be directed to Kimberly A. Rankin, Director, Bureau of Company Licensing and Financial Analysis, Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120, fax (717) 787-8557, krankin@pa.gov. Comments received will be forwarded to the applicant for appropriate response.

JESSICA K. ALTMAN,
Insurance Commissioner

[Pa.B. Doc. No. 20-122. Filed for public inspection January 24, 2020, 9:00 a.m.]

INSURANCE DEPARTMENT

MedAmerica Insurance Company (SERFF # MILL-132021942); Rate Increase Filing for Group LTC Form GRP11-342-MA-PA-601

MedAmerica Insurance Company is requesting approval to increase the premium an aggregate 21.1% on 66 policyholders with group LTC form GRP11-342-MA-PA-601.

Unless formal administrative action is taken prior to April 9, 2020, the subject filing may be deemed approved by operation of law.

A copy of the filing is available on the Insurance Department's (Department) web site at www.insurance.pa.gov (hover the cursor over the "Consumers" tab, then select "Long Term Care Rate Filings").

Copies of the filing are also available for public inspection, by appointment, during normal working hours at the Department's Harrisburg office.

Interested parties are invited to submit written comments, suggestions or objections to Valerie Leonard, Actuarial Associate, Insurance Department, Insurance Product Regulation, Room 1311, Strawberry Square, Harrisburg, PA 17120, vleonard@pa.gov within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

JESSICA K. ALTMAN,
Insurance Commissioner

[Pa.B. Doc. No. 20-123. Filed for public inspection January 24, 2020, 9:00 a.m.]

INSURANCE DEPARTMENT

MedAmerica Insurance Company (SERFF # MILL-132029491); Rate Increase Filing for Individual LTC Forms

MedAmerica Insurance Company is requesting approval to increase the premium an aggregate 32.7% on 275 policyholders with forms SPL-336 and FSPL-336.

Unless formal administrative action is taken prior to April 9, 2020, the subject filing may be deemed approved by operation of law.

A copy of the filing is available on the Insurance Department's (Department) web site at www.insurance.pa.gov (hover the cursor over the "Consumers" tab, then select "Long Term Care Rate Filings").

Copies of the filing are also available for public inspection, by appointment, during normal working hours at the Department's Harrisburg office.

Interested parties are invited to submit written comments, suggestions or objections to David D'Agostino, Actuarial Associate, Insurance Department, Insurance Product Regulation, Room 1311, Strawberry Square, Harrisburg, PA 17120, davdagosti@pa.gov within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

JESSICA K. ALTMAN,
Insurance Commissioner

[Pa.B. Doc. No. 20-124. Filed for public inspection January 24, 2020, 9:00 a.m.]

INSURANCE DEPARTMENT

MedAmerica Insurance Company (SERFF # MILL-132217744); Rate Increase Filing for Several LTC Forms

MedAmerica Insurance Company is requesting approval to increase the premium an aggregate 57.7% on 197 policyholders with LTC forms LTC-LBP-2PA, LTC-LBP8-MA-PA, LTC-CD5-2PA, LTC-CD8-MA-PA, LTC-CD9-MA-PA, NTQ11-337-MA-PA-601, NTQ11-337-MA-PA-998, LTQ11-336-MA-PA-601, LTQ11-336-MA-PA-998, FLQ11-336-MA-PA-601, HTQ11-338-MA-PA-601 and HTQ11-338-MA-PA-998.

Unless formal administrative action is taken prior to April 8, 2020, the subject filing may be deemed approved by operation of law.

A copy of the filing is available on the Insurance Department's (Department) web site at www.insurance.pa.gov (hover the cursor over the "Consumers" tab, then select "Long Term Care Rate Filings").

Copies of the filing are also available for public inspection, by appointment, during normal working hours at the Department's Harrisburg office.

Interested parties are invited to submit written comments, suggestions or objections to Benjamin Irwin, Actuarial Associate I, Insurance Department, Insurance Product Regulation, Room 1311, Strawberry Square, Harrisburg, PA 17120, beirwin@pa.gov within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

JESSICA K. ALTMAN,
Insurance Commissioner

[Pa.B. Doc. No. 20-125. Filed for public inspection January 24, 2020, 9:00 a.m.]

INSURANCE DEPARTMENT

Michael J. Nazzario, Sr.; License Denial Appeal; Doc. No. AG20-01-001

Under Article VI-A of The Insurance Department Act of 1921 (40 P.S. §§ 310.1—310.99a), Michael J. Nazzario, Sr. has appealed the denial of an application for an insurance producer's license. The proceedings in this matter will be governed by 2 Pa.C.S. §§ 501—508, 561—588 and 701—704 (relating to Administrative Agency Law), 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure) and 31 Pa. Code §§ 56.1—56.3 (relating to Special Rules of Administrative Practice and Procedure).

A prehearing telephone conference initiated by this office is scheduled for February 12, 2020, at 9:30 a.m. Each party shall provide the Hearings Administrator a telephone number to be used for the telephone conference on or before February 10, 2020. A hearing shall occur on February 26, 2020, at 9:30 a.m. in the Administrative Hearings Office, Capitol Associates Building, Room 200, 901 North Seventh Street, Harrisburg, PA 17102.

Protests, petitions to intervene or notices of intervention, if any, must be filed on or before January 29, 2020, with the Hearings Administrator, Administrative Hearings Office, Capitol Associates Building, Room 200, 901 North Seventh Street, Harrisburg, PA 17102. Answer to

protests, petitions to intervene or notices of intervention, if any shall be filed on or before February 5, 2020.

Persons with a disability who wish to attend the previously referenced administrative hearing and require an auxiliary aid, service or other accommodations to participate in the hearing should contact Joseph Korman, (717) 787-4429, jkorman@pa.gov.

JESSICA K. ALTMAN,
Insurance Commissioner

[Pa.B. Doc. No. 20-126. Filed for public inspection January 24, 2020, 9:00 a.m.]

INSURANCE DEPARTMENT

Lorenzo Wright; License Denial Appeal; Doc. No. AG20-01-002

Under Article VI-A of The Insurance Department Act of 1921 (40 P.S. §§ 310.1—310.99a), Lorenzo Wright has appealed the denial of an application for an insurance producer's license. The proceedings in this matter will be governed by 2 Pa.C.S. §§ 501—508, 561—588 and 701—704 (relating to Administrative Agency Law), 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure) and 31 Pa. Code §§ 56.1—56.3 (relating to Special Rules of Administrative Practice and Procedure).

A prehearing telephone conference initiated by this office is scheduled for February 20, 2020, at 10 a.m. Each party shall provide the Hearings Administrator a telephone number to be used for the telephone conference on or before February 18, 2020. A hearing shall occur on March 5, 2020, at 10 a.m. in the Administrative Hearings Office, Capitol Associates Building, Room 200, 901 North Seventh Street, Harrisburg, PA 17102.

Protests, petitions to intervene or notices of intervention, if any, must be filed on or before February 6, 2020, with the Hearings Administrator, Administrative Hearings Office, Capitol Associates Building, Room 200, 901 North Seventh Street, Harrisburg, PA 17102. Answer to protests, petitions to intervene or notices of intervention, if any shall be filed on or before February 13, 2020.

Persons with a disability who wish to attend the previously referenced administrative hearing and require an auxiliary aid, service or other accommodations to participate in the hearing should contact Joseph Korman, (717) 787-4429, jkorman@pa.gov.

JESSICA K. ALTMAN,
Insurance Commissioner

[Pa.B. Doc. No. 20-127. Filed for public inspection January 24, 2020, 9:00 a.m.]

MILK MARKETING BOARD

Hearing and Presubmission Schedule; All Milk Marketing Areas; Over-Order Premium

Under the provisions of the Milk Marketing Law (31 P.S. §§ 700j-101—700j-1302), the Milk Marketing Board (Board) will conduct a public hearing for Milk Marketing Areas 1—6 on March 4, 2020, at 10 a.m. in Room 309, Agriculture Building, 2301 North Cameron Street, Harrisburg, PA.

The purpose of the hearing is to receive testimony and exhibits concerning the level and duration of the Class I over-order premium.

The staff of the Board is deemed to be a party to this hearing, and the attorney representing staff is deemed to have entered his appearance. Other persons who wish to present evidence may be included on the Board's list of parties by: (1) having their attorney file with the Board on or before 12 p.m. on January 29, 2020, a notice of appearance substantially in the form prescribed by 1 Pa. Code § 31.25 (relating to form of notice of appearance); or (2) if unrepresented by counsel, filing with the Board on or before 12 p.m. on January 29, 2020, notification of their desire to be included as a party. Parties shall indicate in their notices of appearance if alternate means of service, that is, e-mail or fax, are acceptable. Notices of appearance filed electronically should be directed to deberly@state.pa.us.

The parties shall observe the following requirements for advance filing of witness information and exhibits. The Board may exclude witnesses or exhibits of a party that fails to comply with these requirements. Copies of the filings will be available on the Board web site at <http://www.mmb.pa.gov/Public%20Hearings/>.

1. By 2 p.m. on February 6, 2020, the petitioner shall file with the Board, in person or by mail, one original and five copies and ensure receipt by all other parties of one copy of:

a. A list of witnesses who will testify for the petitioner, along with a statement of the subjects concerning which each witness will testify. A witness who will be offered as an expert shall be so identified, along with the witness's area or areas of proposed expertise. For expert witnesses there shall also be filed a written report or written testimony explaining the substance of the facts and opinions to which the expert is expected to testify and a summary of the grounds for each opinion.

b. Each exhibit to be presented, including testimony to be offered in written form.

2. By 2 p.m. on February 20, 2020, each responding party shall file and serve as set forth in paragraph 1 information concerning rebuttal witnesses and copies of rebuttal exhibits.

3. By 2 p.m. on February 27, 2020, parties shall file and serve as set forth in paragraph 1 information concerning surrebuttal witnesses and copies of surrebuttal exhibits.

Parties that wish to offer in evidence documents on file with the Board, public documents, or records in other proceedings before the Board, or wish the Board to take official notice of facts, shall comply with, respectively, 1 Pa. Code § 35.164, § 35.165, § 35.167 or § 35.173. Whenever these rules require production of a document as an exhibit, five copies shall be provided for Board use and one copy shall be provided to each interested party.

Requests by parties for Board staff to provide data pertinent to the hearing shall be made in writing addressed to tmoyer@pa.gov and received in the Board office by 2 p.m. on February 21, 2020.

The filing address for the Board is Milk Marketing Board, Room 110, Agriculture Building, 2301 North Cameron Street, Harrisburg, PA 17110.

CAROL A. HARDBARGER, PhD,
Consumer Member

[Pa.B. Doc. No. 20-128. Filed for public inspection January 24, 2020, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Act 13 of 2012; Producer Fees for Calendar Year 2019

Average Annual Price of Natural Gas for Calendar
Year 2019:⁽¹⁾ \$2.628

Consumer Price Index (CPI), Urban Consumers,
PA, NJ, DE and MD:⁽²⁾ 2.4%

Number of Spud Wells for Calendar Years 2018 and 2019

	2018	2019
Number of wells spud	777	613

CPI adjustment to spud well fees is not applicable in 2019. See 58 Pa.C.S. § 2302(c) (relating to unconventional gas well fee).

Unconventional Gas Well Fees for Calendar Year 2018

Year of Well ⁽³⁾	Horizontal	Vertical—Producing
Year 1	\$45,700	\$9,100
Year 2	\$35,500	\$7,100
Year 3	\$30,400	\$6,100
Year 4—10	\$15,200	\$3,000

⁽¹⁾ Source: www.business.directenergy.com

⁽²⁾ Source: www.bls.gov

⁽³⁾ Horizontal unconventional gas wells pay the yearly fee upon spudding plus 2 subsequent years. Fees after the first 3 years are based on production levels as defined in 58 Pa.C.S. § 2302(b.1). Vertical wells producing gas levels above a 90,000 cubic feet average in any one given month during the current reporting year are subject to 20% of the applicable horizontal well fee rounded to the nearest \$100.

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 20-129. Filed for public inspection January 24, 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 February 10, 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 the approval of the right and privilege to *discontinue/abandon* operating as *common carriers* by motor vehicle and for cancellation of the certificate of public convenience as described under each application.

A-2020-3015436. Airquest Aviation, LP (485 Airport Road, Butler, Butler County, PA 16002) for the discontinuance of service and cancellation of its certificate, to transport, as a common carrier, by motor vehicle, at A-6417861, persons in limousine service, between points in the Counties of Allegheny, Beaver, Butler and Westmoreland.

A-2020-3015442. Sharon A. Larosa (4835 Long Run Road, Loganton, Clinton County, PA 17747) for the discontinuance and cancellation for her certificate, to transport, as a common carrier, by motor vehicle, persons in paratransit service, limited to persons whose personal convictions prevent them from owning or operating motor vehicles, from points in Clinton County to points in Pennsylvania, and return, as described at Docket No. A-00123864.

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 20-130. Filed for public inspection January 24, 2020, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Service of Notice of Motor Carrier Formal Complaints

Formal complaints have been issued by the Pennsylvania Public Utility Commission. Answers must be filed in accordance with 52 Pa. Code (relating to public utilities). Answers are due February 10, 2020, and must be made with the Secretary, Pennsylvania Public Utility Commission, 400 North Street, Harrisburg, PA 17120, with a copy to the First Deputy Chief Prosecutor, Pennsylvania Public Utility Commission.

**Pennsylvania Public Utility Commission;
Bureau of Investigation and Enforcement v.
Scott Wyland, t/a Mountain Top Enterprises;
Docket No. C-2019-3014283**

COMPLAINT

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Investigation and Enforcement and other bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Investigation and Enforcement hereby represents as follows:

1. That all authority issued to Scott Wyland, t/a Mountain Top Enterprises, (respondent) is under suspension effective November 04, 2019 for failure to maintain evidence of insurance on file with this Commission.

2. That respondent maintains a principal place of business at 814 Wilson St., Gallitzin, PA 16641.

3. That respondent was issued a Certificate of Public Convenience by this Commission on December 10, 2018, at A-8920942.

4. That respondent has failed to maintain evidence of Liability and Cargo insurance on file with this Commission. The Bureau of Investigation and Enforcement's proposed civil penalty for this violation is \$500.00 and cancellation of the Certificate of Public Convenience.

5. That respondent, by failing to maintain evidence of insurance on file with this Commission, violated 66 Pa.C.S. § 512, 52 Pa. Code § 32.2(c), and 52 Pa. Code § 32.11(a), § 32.12(a) or § 32.13(a).

Wherefore, unless respondent pays the penalty of \$500.00 or files an answer in compliance with the attached notice and/or causes its insurer to file evidence of insurance with this Commission within twenty (20) days of the date of service of this Complaint, the Bureau of Investigation and Enforcement will request that the Commission issue an Order which (1) cancels the Certificate of Public Convenience held by respondent at A-8920942 for failure to maintain evidence of current insurance on file with the Commission, (2) fines Respondent the sum of five hundred dollars (\$500.00) for the illegal activity described in this Complaint, (3) orders such other remedy as the Commission may deem to be appropriate, which may include the suspension of a vehicle registration and (4) imposes an additional fine on the respondent should cancellation occur.

Respectfully submitted,
David W. Loucks, Chief
Motor Carrier Enforcement
Bureau of Investigation and Enforcement
400 North Street
Harrisburg, PA 17120

VERIFICATION

I, David W. Loucks, Chief, Motor Carrier Enforcement, Bureau of Investigation and Enforcement, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect that the Bureau will be able to prove same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: 11/14/2019

David W. Loucks, Chief
Motor Carrier Enforcement
Bureau of Investigation and Enforcement

NOTICE

A. You must file an Answer within 20 days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial Letter. See 52 Pa. Code § 1.56(a). The Answer must raise all factual and legal arguments that you wish to claim in your defense, include the docket number of this Complaint, and be verified. You may file your Answer by mailing an original to:

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
400 North Street
Harrisburg, PA 17120

Or, you may eFile your Answer using the Commission's website at www.puc.pa.gov. The link to eFiling is located under the Filing & Resources tab on the homepage. If your Answer is 250 pages or less, you are not required to file a paper copy. If your Answer exceeds 250 pages, you must file a paper copy with the Secretary's Bureau.

Additionally, a copy should either be mailed to:

Michael L. Swindler, Deputy Chief Prosecutor
Pennsylvania Public Utility Commission
Bureau of Investigation and Enforcement
400 North Street
Harrisburg, PA 17120

Or, emailed to Mr. Swindler at: RA-PCCmplntResp@pa.gov

B. If you fail to answer this Complaint within 20 days, the Bureau of Investigation and Enforcement will request that the Commission issue an Order imposing the penalty.

C. You may elect not to contest this Complaint by causing your insurer to file proper evidence of current insurance in accordance with the Commission's regulations and by paying the fine proposed in this Complaint by certified check or money order within twenty (20) days of the date of service of this Complaint. Accord certificates of insurance and faxed form Es and Hs are unacceptable as evidence of insurance.

The proof of insurance must be filed with the:

Compliance Office, Bureau of Technical Utility Services
Pennsylvania Public Utility Commission
400 North Street
Harrisburg, PA 17120

Payment of the fine must be made to the Commonwealth of Pennsylvania and should be forwarded to:

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
400 North Street
Harrisburg, PA 17120

Your payment is an admission that you committed the alleged violation and an agreement to cease and desist from further violations. Upon receipt of the evidence of insurance from your insurer, and upon receipt of your payment, the Complaint proceeding shall be closed.

D. If you file an Answer which either admits or fails to deny the allegations of the Complaint, the Bureau of Investigation and Enforcement will request the Commission to issue an Order imposing the penalty set forth in this Complaint.

E. If you file an Answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision. The Judge is not bound by the penalty set forth in the Complaint, and may impose additional and/or alternative penalties as appropriate.

F. If you are a corporation, you must be represented by legal counsel. 52 Pa. Code § 1.21.

Alternative formats of this material are available for persons with disabilities by contacting the Commission's ADA Coordinator at 717-787-8714. Do not call this num-

ber if you have questions as to why you received this complaint. For those questions you may call 717-783-3847.

**Pennsylvania Public Utility Commission;
Bureau of Investigation and Enforcement v.
Bryan A. Hall; Docket No. C-2019-3014696**

COMPLAINT

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Investigation and Enforcement and other bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Investigation and Enforcement hereby represents as follows:

1. That all authority issued to Bryan A. Hall, (respondent) is under suspension effective November 19, 2019 for failure to maintain evidence of insurance on file with this Commission.
2. That respondent maintains a principal place of business at 3395 Business Route 220 North, P.O. Box 248, Bedford, PA 15522.
3. That respondent was issued a Certificate of Public Convenience by this Commission on January 07, 2013, at A-8914631.
4. That respondent has failed to maintain evidence of Liability and Cargo insurance on file with this Commission. The Bureau of Investigation and Enforcement's proposed civil penalty for this violation is \$500.00 and cancellation of the Certificate of Public Convenience.
5. That respondent, by failing to maintain evidence of insurance on file with this Commission, violated 66 Pa.C.S. § 512, 52 Pa. Code § 32.2(c), and 52 Pa. Code § 32.11(a), § 32.12(a) or § 32.13(a).

Wherefore, unless respondent pays the penalty of \$500.00 or files an answer in compliance with the attached notice and/or causes its insurer to file evidence of insurance with this Commission within twenty (20) days of the date of service of this Complaint, the Bureau of Investigation and Enforcement will request that the Commission issue an Order which (1) cancels the Certificate of Public Convenience held by respondent at A-8914631 for failure to maintain evidence of current insurance on file with the Commission, (2) fines Respondent the sum of five hundred dollars (\$500.00) for the illegal activity described in this Complaint, (3) orders such other remedy as the Commission may deem to be appropriate, which may include the suspension of a vehicle registration and (4) imposes an additional fine on the respondent should cancellation occur.

Respectfully submitted,
David W. Loucks, Chief
Motor Carrier Enforcement
Bureau of Investigation and Enforcement
400 North Street
Harrisburg, PA 17120

VERIFICATION

I, David W. Loucks, Chief, Motor Carrier Enforcement, Bureau of Investigation and Enforcement, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I

expect that the Bureau will be able to prove same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: 12/05/19

David W. Loucks, Chief
Motor Carrier Enforcement
Bureau of Investigation and Enforcement

NOTICE

A. You must file an Answer within 20 days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial Letter. See 52 Pa. Code § 1.56(a). The Answer must raise all factual and legal arguments that you wish to claim in your defense, include the docket number of this Complaint, and be verified. You may file your Answer by mailing an original to:

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
400 North Street
Harrisburg, PA 17120

Or, you may eFile your Answer using the Commission's website at www.puc.pa.gov. The link to eFiling is located under the Filing & Resources tab on the homepage. If your Answer is 250 pages or less, you are not required to file a paper copy. If your Answer exceeds 250 pages, you must file a paper copy with the Secretary's Bureau.

Additionally, a copy should either be mailed to:

Michael L. Swindler, Deputy Chief Prosecutor
Pennsylvania Public Utility Commission
Bureau of Investigation and Enforcement
400 North Street
Harrisburg, PA 17120

Or, emailed to Mr. Swindler at: RA-PCCmplntResp@pa.gov

B. If you fail to answer this Complaint within 20 days, the Bureau of Investigation and Enforcement will request that the Commission issue an Order imposing the penalty.

C. You may elect not to contest this Complaint by causing your insurer to file proper evidence of current insurance in accordance with the Commission's regulations and by paying the fine proposed in this Complaint by certified check or money order within twenty (20) days of the date of service of this Complaint. Accord certificates of insurance and faxed form Es and Hs are unacceptable as evidence of insurance.

The proof of insurance must be filed with the:

Compliance Office, Bureau of Technical Utility Services
Pennsylvania Public Utility Commission
400 North Street
Harrisburg, PA 17120

Payment of the fine must be made to the Commonwealth of Pennsylvania and should be forwarded to:

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
400 North Street
Harrisburg, PA 17120

Your payment is an admission that you committed the alleged violation and an agreement to cease and desist

from further violations. Upon receipt of the evidence of insurance from your insurer, and upon receipt of your payment, the Complaint proceeding shall be closed.

D. If you file an Answer which either admits or fails to deny the allegations of the Complaint, the Bureau of Investigation and Enforcement will request the Commission to issue an Order imposing the penalty set forth in this Complaint.

E. If you file an Answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision. The Judge is not bound by the penalty set forth in the Complaint, and may impose additional and/or alternative penalties as appropriate.

F. If you are a corporation, you must be represented by legal counsel. 52 Pa. Code § 1.21.

Alternative formats of this material are available for persons with disabilities by contacting the Commission's ADA Coordinator at 717-787-8714. Do not call this number if you have questions as to why you received this complaint. For those questions you may call 717-783-3847.

—

**Pennsylvania Public Utility Commission;
Bureau of Investigation and Enforcement v.
LCS Transportation, LLC;
Docket No. C-2019-3014568**

COMPLAINT

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Investigation and Enforcement and other bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Investigation and Enforcement hereby represents as follows:

1. That all authority issued to LCS Transportation, LLC, (respondent) is under suspension effective November 14, 2019 for failure to maintain evidence of insurance on file with this Commission.
2. That respondent maintains a principal place of business at 2019 Washington Boulevard, Easton, PA 18042.
3. That respondent was issued a Certificate of Public Convenience by this Commission on September 18, 2018, at A-8921363.
4. That respondent has failed to maintain evidence of Liability and Cargo insurance on file with this Commission. The Bureau of Investigation and Enforcement's proposed civil penalty for this violation is \$500.00 and cancellation of the Certificate of Public Convenience.
5. That respondent, by failing to maintain evidence of insurance on file with this Commission, violated 66 Pa.C.S. § 512, 52 Pa. Code § 32.2(c), and 52 Pa. Code § 32.11(a), § 32.12(a) or § 32.13(a).

Wherefore, unless respondent pays the penalty of \$500.00 or files an answer in compliance with the attached notice and/or causes its insurer to file evidence of insurance with this Commission within twenty (20) days of the date of service of this Complaint, the Bureau of Investigation and Enforcement will request that the

Commission issue an Order which (1) cancels the Certificate of Public Convenience held by respondent at A-8921363 for failure to maintain evidence of current insurance on file with the Commission, (2) fines Respondent the sum of five hundred dollars (\$500.00) for the illegal activity described in this Complaint, (3) orders such other remedy as the Commission may deem to be appropriate, which may include the suspension of a vehicle registration and (4) imposes an additional fine on the respondent should cancellation occur.

Respectfully submitted,
David W. Loucks, Chief
Motor Carrier Enforcement
Bureau of Investigation and Enforcement
400 North Street
Harrisburg, PA 17120

VERIFICATION

I, David W. Loucks, Chief, Motor Carrier Enforcement, Bureau of Investigation and Enforcement, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect that the Bureau will be able to prove same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: 11/25/2019

David W. Loucks, Chief
Motor Carrier Enforcement
Bureau of Investigation and Enforcement

NOTICE

A. You must file an Answer within 20 days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial Letter. See 52 Pa. Code § 1.56(a). The Answer must raise all factual and legal arguments that you wish to claim in your defense, include the docket number of this Complaint, and be verified. You may file your Answer by mailing an original to:

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
400 North Street
Harrisburg, PA 17120

Or, you may eFile your Answer using the Commission's website at www.puc.pa.gov. The link to eFiling is located under the Filing & Resources tab on the homepage. If your Answer is 250 pages or less, you are not required to file a paper copy. If your Answer exceeds 250 pages, you must file a paper copy with the Secretary's Bureau.

Additionally, a copy should either be mailed to:

Michael L. Swindler, Deputy Chief Prosecutor
Pennsylvania Public Utility Commission
Bureau of Investigation and Enforcement
400 North Street
Harrisburg, PA 17120

Or, emailed to Mr. Swindler at: RA-PCCmplntResp@pa.gov

B. If you fail to answer this Complaint within 20 days, the Bureau of Investigation and Enforcement will request that the Commission issue an Order imposing the penalty.

C. You may elect not to contest this Complaint by causing your insurer to file proper evidence of current

insurance in accordance with the Commission's regulations and by paying the fine proposed in this Complaint by certified check or money order within twenty (20) days of the date of service of this Complaint. Accord certificates of insurance and faxed form Es and Hs are unacceptable as evidence of insurance.

The proof of insurance must be filed with the:

Compliance Office, Bureau of Technical Utility
Services
Pennsylvania Public Utility Commission
400 North Street
Harrisburg, PA 17120

Payment of the fine must be made to the Commonwealth of Pennsylvania and should be forwarded to:

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
400 North Street
Harrisburg, PA 17120

Your payment is an admission that you committed the alleged violation and an agreement to cease and desist from further violations. Upon receipt of the evidence of insurance from your insurer, and upon receipt of your payment, the Complaint proceeding shall be closed.

D. If you file an Answer which either admits or fails to deny the allegations of the Complaint, the Bureau of Investigation and Enforcement will request the Commission to issue an Order imposing the penalty set forth in this Complaint.

E. If you file an Answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision. The Judge is not bound by the penalty set forth in the Complaint, and may impose additional and/or alternative penalties as appropriate.

F. If you are a corporation, you must be represented by legal counsel. 52 Pa. Code § 1.21.

Alternative formats of this material are available for persons with disabilities by contacting the Commission's ADA Coordinator at 717-787-8714. Do not call this number if you have questions as to why you received this complaint. For those questions you may call 717-783-3847.

**Pennsylvania Public Utility Commission;
Bureau of Investigation and Enforcement v.
Collin Rhodes, t/a C & K Trucking;
Docket No. C-2019-3014694**

COMPLAINT

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Investigation and Enforcement and other bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Investigation and Enforcement hereby represents as follows:

1. That all authority issued to Collin Rhodes, t/a C & K Trucking, (respondent) is under suspension effective November 19, 2019 for failure to maintain evidence of insurance on file with this Commission.

2. That respondent maintains a principal place of business at 43908 Cloverdale Road, Centerville, PA 16404.

3. That respondent was issued a Certificate of Public Convenience by this Commission on October 24, 2018, at A-8921395.

4. That respondent has failed to maintain evidence of Liability and Cargo insurance on file with this Commission. The Bureau of Investigation and Enforcement's proposed civil penalty for this violation is \$500.00 and cancellation of the Certificate of Public Convenience.

5. That respondent, by failing to maintain evidence of insurance on file with this Commission, violated 66 Pa.C.S. § 512, 52 Pa. Code § 32.2(c), and 52 Pa. Code § 32.11(a), § 32.12(a) or § 32.13(a).

Wherefore, unless respondent pays the penalty of \$500.00 or files an answer in compliance with the attached notice and/or causes its insurer to file evidence of insurance with this Commission within twenty (20) days of the date of service of this Complaint, the Bureau of Investigation and Enforcement will request that the Commission issue an Order which (1) cancels the Certificate of Public Convenience held by respondent at A-8921395 for failure to maintain evidence of current insurance on file with the Commission, (2) fines Respondent the sum of five hundred dollars (\$500.00) for the illegal activity described in this Complaint, (3) orders such other remedy as the Commission may deem to be appropriate, which may include the suspension of a vehicle registration and (4) imposes an additional fine on the respondent should cancellation occur.

Respectfully submitted,
David W. Loucks, Chief
Motor Carrier Enforcement
Bureau of Investigation and Enforcement
400 North Street Harrisburg, PA 17120

VERIFICATION

I, David W. Loucks, Chief, Motor Carrier Enforcement, Bureau of Investigation and Enforcement, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect that the Bureau will be able to prove same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: 12/05/19

David W. Loucks, Chief
Motor Carrier Enforcement
Bureau of Investigation and Enforcement

NOTICE

A. You must file an Answer within 20 days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial Letter. See 52 Pa. Code § 1.56(a). The Answer must raise all factual and legal arguments that you wish to claim in your defense, include the docket number of this Complaint, and be verified. You may file your Answer by mailing an original to:

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
400 North Street
Harrisburg, PA 17120

Or, you may eFile your Answer using the Commission's website at www.puc.pa.gov. The link to eFiling is located under the Filing & Resources tab on the homepage. If your Answer is 250 pages or less, you are not required to file a paper copy. If your Answer exceeds 250 pages, you must file a paper copy with the Secretary's Bureau.

Additionally, a copy should either be mailed to:

Michael L. Swindler, Deputy Chief Prosecutor
Pennsylvania Public Utility Commission
Bureau of Investigation and Enforcement
400 North Street
Harrisburg, PA 17120

Or, emailed to Mr. Swindler at: RA-PCCmplntResp@pa.gov

B. If you fail to answer this Complaint within 20 days, the Bureau of Investigation and Enforcement will request that the Commission issue an Order imposing the penalty.

C. You may elect not to contest this Complaint by causing your insurer to file proper evidence of current insurance in accordance with the Commission's regulations and by paying the fine proposed in this Complaint by certified check or money order within twenty (20) days of the date of service of this Complaint. Accord certificates of insurance and faxed form Es and Hs are unacceptable as evidence of insurance.

The proof of insurance must be filed with the:

Compliance Office, Bureau of Technical Utility
Services Pennsylvania Public Utility Commission
400 North Street
Harrisburg, PA 17120

Payment of the fine must be made to the Commonwealth of Pennsylvania and should be forwarded to:

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
400 North Street
Harrisburg, PA 17120

Your payment is an admission that you committed the alleged violation and an agreement to cease and desist from further violations. Upon receipt of the evidence of insurance from your insurer, and upon receipt of your payment, the Complaint proceeding shall be closed.

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F. If you are a corporation, you must be represented by legal counsel. 52 Pa. Code § 1.21.

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**Pennsylvania Public Utility Commission;
Bureau of Investigation and Enforcement v.
DZ Taxi, LLC, d/b/a Black Bear Car Service;
Docket No. C-2019-3015111**

COMPLAINT

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Investigation and Enforcement and other bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Investigation and Enforcement hereby represents as follows:

1. That all authority issued to DZ Taxi, LLC, d/b/a Black Bear Car Service, (respondent) is under suspension effective December 14, 2019 for failure to maintain evidence of insurance on file with this Commission.

2. That respondent maintains a principal place of business at 804 Delaware Drive, Matamoras, PA 18336.

3. That respondent was issued a Certificate of Public Convenience by this Commission on September 26, 2018, at A-6315019.

4. That respondent has failed to maintain evidence of Liability insurance on file with this Commission. The Bureau of Investigation and Enforcement's proposed civil penalty for this violation is \$500.00 and cancellation of the Certificate of Public Convenience.

5. That respondent, by failing to maintain evidence of insurance on file with this Commission, violated 66 Pa.C.S. § 512, 52 Pa. Code § 32.2(c), and 52 Pa. Code § 32.11(a), § 32.12(a) or § 32.13(a).

Wherefore, unless respondent pays the penalty of \$500.00 or files an answer in compliance with the attached notice and/or causes its insurer to file evidence of insurance with this Commission within twenty (20) days of the date of service of this Complaint, the Bureau of Investigation and Enforcement will request that the Commission issue an Order which (1) cancels the Certificate of Public Convenience held by respondent at A-6315019 for failure to maintain evidence of current insurance on file with the Commission, (2) fines Respondent the sum of five hundred dollars (\$500.00) for the illegal activity described in this Complaint, (3) orders such other remedy as the Commission may deem to be appropriate, which may include the suspension of a vehicle registration and (4) imposes an additional fine on the respondent should cancellation occur.

Respectfully submitted,
David W. Loucks, Chief
Motor Carrier Enforcement
Bureau of Investigation and Enforcement
400 North Street
Harrisburg, PA 17120

VERIFICATION

I, David W. Loucks, Chief, Motor Carrier Enforcement, Bureau of Investigation and Enforcement, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect that the Bureau will be able to prove same at any hearing held in this matter. I understand that the

statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: 12/24/19

David W. Loucks, Chief
Motor Carrier Enforcement
Bureau of Investigation and Enforcement

NOTICE

A. You must file an Answer within 20 days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial Letter. See 52 Pa. Code § 1.56(a). The Answer must raise all factual and legal arguments that you wish to claim in your defense, include the docket number of this Complaint, and be verified. You may file your Answer by mailing an original to:

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
400 North Street
Harrisburg, PA 17120

Or, you may eFile your Answer using the Commission's website at www.puc.pa.gov. The link to eFiling is located under the Filing & Resources tab on the homepage. If your Answer is 250 pages or less, you are not required to file a paper copy. If your Answer exceeds 250 pages, you must file a paper copy with the Secretary's Bureau.

Additionally, a copy should either be mailed to:

Michael L. Swindler, Deputy Chief Prosecutor
Pennsylvania Public Utility Commission
Bureau of Investigation and Enforcement
400 North Street
Harrisburg, PA 17120

Or, emailed to Mr. Swindler at: RA-PCCmplntResp@pa.gov

B. If you fail to answer this Complaint within 20 days, the Bureau of Investigation and Enforcement will request that the Commission issue an Order imposing the penalty.

C. You may elect not to contest this Complaint by causing your insurer to file proper evidence of current insurance in accordance with the Commission's regulations and by paying the fine proposed in this Complaint by certified check or money order within twenty (20) days of the date of service of this Complaint. Accord certificates of insurance and faxed form Es and Hs are unacceptable as evidence of insurance.

The proof of insurance must be filed with the:

Compliance Office, Bureau of Technical Utility Services
Pennsylvania Public Utility Commission
400 North Street
Harrisburg, PA 17120

Payment of the fine must be made to the Commonwealth of Pennsylvania and should be forwarded to:

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
400 North Street
Harrisburg, PA 17120

Your payment is an admission that you committed the alleged violation and an agreement to cease and desist from further violations. Upon receipt of the evidence of insurance from your insurer, and upon receipt of your payment, the Complaint proceeding shall be closed.

D. If you file an Answer which either admits or fails to deny the allegations of the Complaint, the Bureau of Investigation and Enforcement will request the Commission to issue an Order imposing the penalty set forth in this Complaint.

E. If you file an Answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision. The Judge is not bound by the penalty set forth in the Complaint, and may impose additional and/or alternative penalties as appropriate.

F. If you are a corporation, you must be represented by legal counsel. 52 Pa. Code § 1.21.

Alternative formats of this material are available for persons with disabilities by contacting the Commission's ADA Coordinator at 717-787-8714. Do not call this number if you have questions as to why you received this complaint. For those questions you may call 717-783-3847.

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 20-131. Filed for public inspection January 24, 2020, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Wastewater Service

A-2020-3015680. Pennsylvania-American Water Company. Application of Pennsylvania-American Water Company for approval to begin to offer, render, furnish or supply wastewater service to the public in an additional portion of South Coatesville Borough, Chester County.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities) on or before Monday, February 10, 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 for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, on the Pennsylvania Public Utility Commission's web site at www.puc.pa.gov and at the applicant's business address.

Applicant: Pennsylvania-American Water Company

Through and By Counsel: Elizabeth Rose Triscari, Esquire, Pennsylvania-American Water Company, 852 Wesley Drive, Mechanicsburg, PA 17055

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 20-132. Filed for public inspection January 24, 2020, 9:00 a.m.]

PHILADELPHIA PARKING AUTHORITY

Notice of Cancellation of Sales of Wheelchair Accessible Taxicab Medallions

The Philadelphia Parking Authority's (Authority) Board Order No. 19-001 (Authority Order), published at 49 Pa.B. 3700 (July 13, 2019), directed the Taxicab and Limousine Division (TLD) to administer the sale of four Philadelphia taxicab medallions, each of which are designated as wheelchair accessible vehicle (WAV) taxicab medallions (hereinafter WAV Medallions). This notice included the date, time and location of the bid openings for each of those WAV Medallions. To date, the Authority has not sold any of those WAV Medallions due to lack of participation by potential bidders. The WAV Medallions were listed to be sold as follows:

Scheduled Sale Dates and WAV Medallion Nos.

September 18, 2019: WP-1692, WP-1693, WP-1694 and WP-1695

However, under Paragraph No. 15 of the Authority Order, the TLD Director exercised her discretion to remove the WAV Medallions from being sold as scheduled due to lack of participation. The TLD Director will place the aforementioned WAV Medallions before the Authority Board for a new sale authorization, under the terms and conditions as the Authority may then impose.

SCOTT PETRI,
Executive Director

[Pa.B. Doc. No. 20-133. Filed for public inspection January 24, 2020, 9:00 a.m.]

PHILADELPHIA PARKING AUTHORITY

Notice of Cancellation of Sales of Wheelchair Accessible Taxicab Medallions

The Philadelphia Parking Authority's (Authority) Board Order No. 19-002 (Authority Order), published at 49 Pa.B. 3702 (July 13, 2019), directed the Taxicab and Limousine Division (TLD) to administer the sale of 44 Philadelphia taxicab medallions, each of which are designated as wheelchair accessible vehicle (WAV) taxicab medallions (WAV Medallions). This notice included the date, time and location of the bid openings for each of those WAV Medallions. To date, the Authority has not sold any of those WAV Medallions due to lack of participation by potential bidders. The WAV Medallions were listed to be sold as follows:

Scheduled Sale Dates and Medallion Nos.

September 18, 2019: WP-1662, WP-1663, WP-1664, WP-1665, WP-1666, WP-1667, WP-1668 and WP-1669

September 25, 2019: WP-1670, WP-1671, WP-1673, WP-1674, WP-1675, WP-1676, WP-1677, WP-1678, WP-1679, WP-1680, WP-1681 and WP-1682

October 2, 2019: WP-1683, WP-1684, WP-1685, WP-1686, WP-1687, WP-1688, WP-1689, WP-1690, WP-1691, WP-1696, WP-1697 and WP-1698

October 9, 2019: WP-1699, WP-1700, WP-1701, WP-1702, WP-1703, WP-1704, WP-1705, WP-1706, WP-1707, WP-1708, WP-1709 and WP-1710

However, under Paragraph No. 10 of the Authority Order, the TLD Director exercised her discretion to remove the remaining aforementioned WAV Medallions from being sold as scheduled due to lack of participation. The TLD Director will place the aforementioned WAV Medallions before the Authority Board for a new sale authorization, under the terms and conditions as the Authority may then impose.

SCOTT PETRI,
Executive Director

[Pa.B. Doc. No. 20-134. Filed for public inspection January 24, 2020, 9:00 a.m.]

PHILADELPHIA PARKING AUTHORITY

Service of Reminder Notice of Citation Complaint

Philadelphia Parking Authority, Taxicab and Limousine Division v. Crown Limousine, Inc.; **Doc. No. C-19-01-118**

Attention Crown Limousine, Inc., last known address of 15 Joshua Drive, Richboro, PA 18954, this is a reminder notice that Citation Complaint T-27891 (Citation) was issued against you by the Enforcement Department of the Philadelphia Parking Authority's (Authority) Taxicab and Limousine Division (TLD) via publication in the *Pennsylvania Bulletin* on February 23, 2019 (see 49 Pa.B. 906), citing you have committed a violation of 52 Pa. Code § 1051.4 for "failure to pay assessment," which carries a recommended penalty of \$500. Pursuant to 52 Pa. Code § 1005.13(b) (relating to answers to citations), an answer to the Citation was due no later than March 11, 2019.

Respondents must either request a hearing on a citation or pay the penalty identified in a citation within fifteen (15) days of issuance. See 52 Pa. Code § 1005.13(b). If you fail to take immediate action by either requesting a hearing or paying the penalty identified above, it may result in the entry of a default order as to the Citation and the penalty; along with imposing any suspension or revocation identified in the Citation or disbarment from providing Transportation Network Company (TNC) service in Philadelphia.

Please take the necessary actions to satisfy the above referenced Citation immediately. Payments made payable to the Philadelphia Parking Authority or requests for a hearing may be submitted to:

Office of the Clerk
Philadelphia Parking Authority
Taxicab and Limousine Division
2415 South Swanson Street
Philadelphia, PA 19148-4113

If you have any questions concerning this notice, you may contact the TLD's Office of the Clerk, Heidi Robb, (215) 683-9498, TLDClerk@philapark.org.

SCOTT PETRI,
Executive Director

[Pa.B. Doc. No. 20-135. Filed for public inspection January 24, 2020, 9:00 a.m.]

STATE BOARD OF NURSING

Bureau of Professional and Occupational Affairs v. Danielle Georgette Brown, RN; Case No. 19-51-017663

On December 10, 2019, Danielle Georgette Brown, RN, license No. RN663583, last known of North Lauderdale, FL, had her nursing license suspended for failing to pay a previously imposed civil penalty.

Individuals may obtain a copy of the Final Adjudication and Order by writing to Carole Clarke Smith, Board Counsel, State Board of Nursing, P.O. Box 69523, Harrisburg, PA 17106-9523.

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. The Board contact for receiving service of appeals is the previously-named Board counsel.

ANN M. COUGHLIN, MBA, MSN, RN,
Chairperson

[Pa.B. Doc. No. 20-136. Filed for public inspection January 24, 2020, 9:00 a.m.]

STATE BOARD OF NURSING

Bureau of Professional and Occupational Affairs v. Bonnie Martinez, RN; Case No. 16-51-15018

On October 29, 2018, Bonnie Martinez, RN, license No. RN642896, last known of El Paso, TX, was reprimanded and assessed a \$500 civil penalty based on disciplinary action taken by another state and failure to inform same to the State Board of Nursing (Board).

Individuals may obtain a copy of the adjudication by writing to Carole Clarke Smith, Board Counsel, State Board of Nursing, P.O. Box 69523, Harrisburg, PA 17106-9523.

This order represents the final 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. The Board contact for receiving service of appeals is the previously-named Board counsel.

ANN M. COUGHLIN, MBA, MSN, RN,
Chairperson

[Pa.B. Doc. No. 20-137. Filed for public inspection January 24, 2020, 9:00 a.m.]

THADDEUS STEVENS COLLEGE OF TECHNOLOGY

Request for Bids

Thaddeus Stevens College of Technology is soliciting bids for supplying and installing a dust collector for welding booths. Bid documents can be obtained from Carrie Harmon, Thaddeus Stevens College, 750 East King Street, Lancaster, PA 17602, (717) 299-7787, harmon@stevenscollege.edu.

DR. WILLIAM E. GRISCOM,
President

[Pa.B. Doc. No. 20-138. Filed for public inspection January 24, 2020, 9:00 a.m.]

THADDEUS STEVENS COLLEGE OF TECHNOLOGY

Request for Bids

Thaddeus Stevens College of Technology is soliciting bids for as needed pipe insulation removal and replacement, priced on a time and material. Bid documents can be obtained from Carrie Harmon, Thaddeus Stevens College, 750 East King Street, Lancaster, PA 17602, (717) 299-7787, harmon@stevenscollege.edu.

DR. WILLIAM E. GRISCOM,
President

[Pa.B. Doc. No. 20-139. Filed for public inspection January 24, 2020, 9:00 a.m.]

