

PENNSYLVANIA BULLETIN

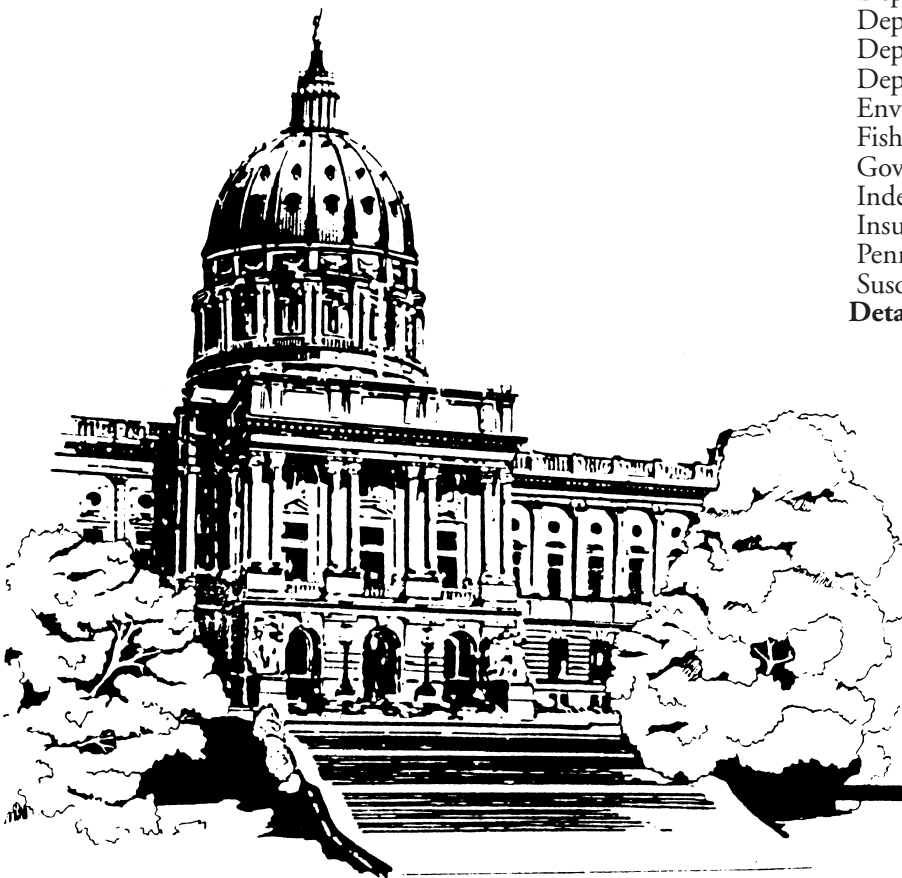
Volume 50
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January—September 2020

Part I

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

No. 551, October 2020

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Pennsylvania Bulletin

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

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

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

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

Adoption, Amendment or Repeal of Regulations

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

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

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

Citation to the *Pennsylvania Bulletin*

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

Pennsylvania Code

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

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

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

How to Find Rules and Regulations

Search for your area of interest in the *Pennsylvania Code*. The *Pennsylvania Code* is available at www.pacodeandbulletin.gov.

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

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

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

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

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Printing Format

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

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

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

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

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

Court Rules in Titles 201—246 of the Pennsylvania Code

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

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

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

Fiscal Notes

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

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

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

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THE GOVERNOR

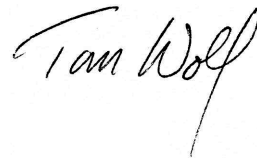
GOVERNOR'S OFFICE

Proclamation; House Bill No. 2787, Printer's No. 4334

I, Tom Wolf, Governor of the Commonwealth of Pennsylvania, have caused this Proclamation to issue and, in compliance with the provisions of Section 15 of Article IV of the Constitution of Pennsylvania, do hereby give notice that I have filed in the Office of the Secretary of the Commonwealth, with my objections thereto, the following bill passed by both houses of the General Assembly at the Regular Session of 2019-2020:

House Bill No. 2787, Printer's No. 4334, entitled "An Act [a]mending the act of March 10, 1949 (P.L. 30, No. 14), entitled 'An act relating to the public school system, including certain provisions applicable as well to private and parochial schools; amending, revising, consolidating and changing the laws relating thereto,' in school health services, providing for precautions against spread of COVID-19; and, in terms and courses of study, providing for sports and extracurricular activities during COVID-19 pandemic."

Given under my hand and the Great Seal of the Commonwealth, at the County of Dauphin, this twenty-first day of September, in the year of our Lord two thousand and twenty, and of the Commonwealth the two hundred and forty-fifth.



Governor

Attest:

JONATHAN MARKS,
Deputy Secretary for Elections and Commissions

[Pa.B. Doc. No. 20-1340. Filed for public inspection October 2, 2020, 9:00 a.m.]

GOVERNOR'S OFFICE

Notice of Veto; House Bill 2787, Printer's No. 4334

September 21, 2020

To the Honorable House of Representatives
of the Commonwealth of Pennsylvania

Pursuant to Article IV, Section 15 of the Pennsylvania Constitution, I am returning herewith, without my approval, House Bill 2787, Printer's Number 4334.

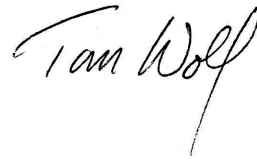
We have been confronting extraordinary challenges with the COVID-19 pandemic. As we continue the fight against COVID-19, we need to continue to prioritize the health and welfare of Pennsylvanians and minimize public health risks. However, this bill does nothing to promote public health or ensure that our children have a safe learning environment. As we reopen our schools, we need to continue to be vigilant and take precautions to keep ourselves, our communities, and our children healthy. These mitigation efforts not only help keep our children, teachers, and staff healthy, they also help keep our schools open.

This bill is entirely unnecessary. While I recommended against holding school sports before January 2021, it was a recommendation and neither an order nor a mandate. Local school governing bodies have maintained the authority to decide how extracurricular activities, including school sports, proceed at the local level. Furthermore, to the extent COVID-19 cases may rise and spread during the fall and through the upcoming cold and flu season, the Department of Health must maintain the critical authority to limit exposure to COVID-19. Minimizing this exposure is paramount.

This bill also has constitutional infirmities as it attempts to take away executive authority during the 2020-2021 school year. Instead of unnecessary legislation, we need to focus on providing schools the tools and resources they need to be successful in educating our children and we need to help people impacted by the pandemic with legislation such as funding for small businesses and child care, and paid sick leave for employees.

For the reasons set forth above, I must withhold my signature from House Bill 2787, Printer's Number 4334.

Sincerely,

A handwritten signature in black ink that reads "Tom Wolf". The signature is written in a cursive style with a long, sweeping tail on the letter "f".

Governor

[Pa.B. Doc. No. 20-1341. Filed for public inspection October 2, 2020, 9:00 a.m.]

THE COURTS

SUPREME COURT

First Judicial District Livestream Policy; No. 539 Judicial Administration Doc.

Order

Per Curiam

And Now, this 17th day of September, 2020, in accordance with this Court's general supervisory and administrative authority pursuant to Article V Section 10 of the Pennsylvania Constitution, enforcement by the First Judicial District of the portion of paragraph (4) of the "Public Access to Judicial Proceedings During the COVID-19 Pandemic-Livestream Policy," which permits the public "to access judicial proceedings remotely, on dedicated court YouTube channels," is hereby *Stayed*.

The Court Administrator of Pennsylvania is directed to coordinate with the First Judicial District regarding the Livestream Policy.

[Pa.B. Doc. No. 20-1342. Filed for public inspection October 2, 2020, 9:00 a.m.]

RULES AND REGULATIONS

Title 34—LABOR AND INDUSTRY

DEPARTMENT OF LABOR AND INDUSTRY

[34 PA. CODE CH. 231]

Minimum Wage

The Department of Labor and Industry (Department) amends Chapter 231 (relating to minimum wage). The amendments are submitted in accordance with sections 5(a)(5) and 9 of The Minimum Wage Act of 1968 (act), (43 P.S. §§ 333.105(a)(5) and 333.109), for the purpose of carrying out the act and to safeguard the minimum wage rates established thereby.

Statutory Authority

This final-form rulemaking is issued under the authority provided in section 5(a) of the act, which requires the Secretary of Labor and Industry (Secretary) to define the terms “bona fide executive”, “administrative” and “professionals”, and section 9 of the act, which requires the Secretary to enforce the act and to

make and, from time to time, revise regulations, with the assistance of the [Minimum Wage Advisory Board], when requested by the secretary, which shall be deemed appropriate to carry out the purposes of this act and to safeguard the minimum wage rates thereby established. Such regulations may include, but are not limited to, regulations defining and governing bona fide executive, administrative, or professional employees and outside salespersons, learners and apprentices, their number, proportion, length of learning period, and other working conditions; handicapped workers; part-time pay; overtime standards; bonuses; allowances for board, lodging, apparel, or other facilities or services customarily furnished by employers to employees; allowances for gratuities; or allowances for such other special conditions or circumstances which may be incidental to a particular employer-employee relationship.

The act provides three exemptions from the minimum wage and overtime provisions of the act for individuals employed in the following capacities: executive, administrative and professional (EAP). Section 5(a)(5) of the act authorizes the Secretary to define and delimit these exemptions by regulation.

Purpose

This final-form rulemaking amends the Department's existing minimum wage regulations in §§ 231.1, 231.71—231.74 and 231.82—231.84.

This final-form rulemaking provides a long overdue update of the definitions of the EAP employees who are exempt from the overtime and minimum wage provisions of the act and modernizes the obsolete salary threshold for those workers. This final-form rulemaking is consistent with the stated purpose of section 1 of the act (43 P.S. § 333.101): to protect employees from unreasonably low wages not fairly commensurate with the value of the services rendered. To the extent permissible and appropriate under Pennsylvania law, it more closely aligns with Federal law, which provides more consistency for employers and lessens the burden of compliance with different Federal and State standards. The amendments to the duties test for the EAP exemptions make the applicable test easier to understand and therefore will increase

compliance. This final-form rulemaking will result in less misclassification of workers, thus reducing litigation over an employee's status.

The update to the salary thresholds will protect employees in this Commonwealth from being arbitrarily designated as exempt and required to work excessive overtime hours without additional compensation. The current Federal salary threshold of \$23,660 over which an EAP employee does not have to be paid overtime is artificially low due to the passage of 15 years since the salary thresholds were updated and the lack of adjustment for inflation or the current economy. Although the Federal threshold was scheduled to be increased on January 1, 2020, that threshold is based upon the earnings of the lowest-paid salaried employees in the nation and is not reflective of this Commonwealth's economy. This final-form rulemaking uses a methodology that takes into account the economic realities in the Commonwealth, uses more relevant, Pennsylvania-specific data, and also utilizes that same methodology to adjust the salary threshold at regular intervals where the data supports an adjustment. It thus replaces infrequent, dramatic changes caused by sporadic rulemaking with more predictable and modest changes by maintaining the salary level at a fixed percentage of earnings to help ensure that the test continues to reflect actual wage conditions consistent with the duties of exempt employees, providing a gradual threshold adjustment between comprehensive rulemaking.

This final-form rulemaking also gradually phases in the higher salary threshold, first adopting the new Federal threshold and then incrementally adjusting to the Pennsylvania-appropriate threshold. This will allow time for employers to plan and adjust operations to determine how best to implement this final-form rulemaking based on the individual needs of the business. This final-form rulemaking need not have a detrimental impact on employers. As more fully explained herein, employers will have a range of options to choose from in implementing the new duties test and updated thresholds for their EAP employees, enabling employers to make these changes cost neutral for their operation.

Ensuring that workers are fairly compensated and paid a living wage will have an overall positive economic impact for this Commonwealth. In addition, increased competitiveness of employers in this Commonwealth to attract skilled labor, positive economic impact due to increased spending by affected workers and discretionary time returned to employees are all benefits to the Commonwealth.

This final-form rulemaking is in the public interest, is within the Department's statutory authority and is consistent with the legislative intent expressed in the act. It takes into account the concerns of the various stakeholders and will have a positive economic impact on this Commonwealth without overly onerous requirements on businesses and it is all accomplished with a clear, feasible and reasonable regulatory scheme and provisions.

Background

The EAP exemptions (otherwise known as the “white-collar exemptions”) signal the General Assembly's intention to exclude bona fide EAP employees from the act's protections. The act does not define these terms. Rather,

the General Assembly specifically gave authority to the Department to define each of these exemptions through regulation.

In addition to the act, the requirement to pay employees a minimum wage and overtime is found in the Fair Labor Standards Act of 1938 (FLSA) (29 U.S.C.A. §§ 201—219). Section 13(a)(1) of the FLSA (29 U.S.C.A. § 213(a)(1)) also contains similar EAP exemptions from its minimum wage and overtime requirements. The United States Department of Labor (USDOL) also issued regulations defining these exemptions at 29 CFR 541.100—541.304.

Under both the Federal and Commonwealth regulations, there is a three-prong test that an employee must meet to be exempt from minimum wage and overtime requirements. First, the employee cannot be paid on an hourly basis; second, the employee must receive a salary at a threshold set by regulation; and third, the employee must perform specific duties set by regulations.

However, there are two significant differences between Commonwealth regulations implementing the act and USDOL's regulations implementing the FLSA, which creates a dual regulatory scheme. First, the salary thresholds for the act's EAP exemptions are much lower than the salary thresholds for the FLSA's EAP exemptions. Second, the duties test to qualify for the act's EAP exemptions is different than the duties test to qualify for the FLSA's EAP exemptions.

The lower salary threshold has essentially rendered the act inconsequential to protect employees from misclassification, because it is exceeded by the Federal threshold for virtually all employees. The FLSA applies to all employers with gross sales of at least \$500,000 or who engage in interstate commerce. The term "interstate commerce" has been defined very broadly and, in fact, includes nearly every employer in this Commonwealth. In addition, the current Commonwealth regulations contain an outdated duties test and salary threshold to determine whether an EAP employee is exempt from payment of overtime for hours worked in excess of 40 per week. The current duties test for executive employees are set forth in § 231.82 (relating to executive); for administrative employees in § 231.83 (relating to administrative); and for professional employees in § 231.84 (relating to professional). The current salary thresholds range from \$155 per week to \$250 per week, well below the hourly minimum wage.

The Commonwealth's regulations have not been updated since 1977, which results in three issues.

First, many individuals are being improperly classified as exempt because the salary thresholds found in the Commonwealth's current regulations are not reflective of the current salaries of individuals who are EAP or professionals. The salary thresholds established in the recently superseded USDOL regulations defining the FLSA were established in 2004 and were also not reflective of the current salaries of employees serving in executive, administrative or professional capacities. Only recently, on September 27, 2019, the USDOL issued a final rule raising the FLSA's salary thresholds for exempt EAP employees to \$684 per week effective January 1, 2020. See *Defining and Delimiting the Exemptions for Executive, Administrative, Professional, Outside Sales and Computer Employees*, 84 FR 51230 (September 27, 2019).

However, the data USDOL used to support the Federal salary threshold was based upon workers in the lowest-

wage region of the country (that is, the South). Those wages are not reflective of wages paid to workers in this Commonwealth. Thus, a regulatory change is necessary to ensure that individuals who are not EAP or professionals are not improperly exempted from minimum wages and overtime under the act.

Second, the Commonwealth's regulations for the EAP exemptions contain two separate tests for employees to be exempt: the short test and the long test. Under the short test, an employee is exempt if that employee performs one specific duty listed in the regulation governing the exemption and is compensated at or above the higher salary threshold listed in that regulation. Under the long test, an employee is exempt if that employee performs all the duties found in the regulation governing the exemption and is compensated at or above the lower salary threshold listed in that regulation. This differs from the FLSA's regulations defining the EAP exemptions, which contain one standard duties test and one salary threshold for each exemption.

Third, the duties to qualify for each exemption have become outdated and need to be clarified to prevent the improper classification of employees and to be more consistent the duties for the EAP exemptions found in the FLSA's regulations defining the EAP exemptions.

The Department agrees with many commentators that making the act's regulations consistent with the FLSA's regulations with regard to duties would make compliance easier for employers who would no longer have to make separate evaluations of an employee's duties to determine whether they are exempt under both the act and the FLSA. As such, the Department has made an effort to harmonize its regulations with the Federal regulations to the extent permissible and appropriate under the act.

Compliance with Executive Order 1996-1, Regulatory Review and Promulgation

The Governor's Middle-Class Task Force held six meetings between September 29, 2017, and November 20, 2017. These meetings included workers and students, along with representatives of businesses, labor unions, workforce development programs, institutions of higher education and other post-secondary training. On several occasions, workers expressed concern about the inability to join the ranks of the middle class or maintain their middle-class status because of low or stagnant wages.

On January 10, 2018, the Department solicited input on a draft of the proposed rulemaking from the Minimum Wage Advisory Board (Board). The Department presented its intention to revise the regulations to the Board at an open meeting and gave the Board members the ability to comment. The Board is appointed by the Secretary under section 6 of the act (43 P.S. § 333.106) to assist the Secretary to carry out the duties prescribed by the act. The Board consists of three representatives of an established, recognized association of employers (including the PA Chamber of Business and Industry (PA Chamber)) and three representatives from the general public.

In its presentation, the Department informed the Board that it was clarifying the duties tests in the regulations including replacing the short and long tests with a standard duties test. In addition, the Department notified the members that it was raising the salary threshold to qualify for the executive, administrative and professional exemptions. The Board members were provided the opportunity to comment on the Department's intention to update the regulations. Some Board members expressed approval of the intention to update the regulations, and

some members expressed concerns about such a large increase in the salary threshold. Department staff considered this feedback, and introduced a phase-in approach to raising the salary threshold over a 3-year period.

The proposed rulemaking was published at 48 Pa.B. 3731 (June 23, 2018) with a 30-day public comment period. The Department extended the public comment period for an additional 30 days, with a notice published at 48 Pa.B. 4258 (July 21, 2018). The public comment period closed on August 22, 2018.

During the public comment period, the Department received 917 unique comments from 898 commenters, including comments from the legislature. In total, the Department received 1,101 comments, some of which were submitted more than once by the same commentator. The Department also received comments from the Independent Regulatory Review Commission (IRRC).

In response to comments related to the Department's outreach efforts, the Department hosted ten roundtable meetings throughout this Commonwealth to consult with the regulated community and obtain feedback on the proposed rulemaking. The Department, together with the Pennsylvania Chamber of Commerce and the American Federation of Labor and Congress of Industrial Organizations (AFL-CIO), held five sessions with businesses in this Commonwealth and local chambers of commerce, and five sessions with local labor organizations between May 20, 2019, and June 6, 2019. The agendas for these roundtable meetings provided that the goals were to educate stakeholders on the exemptions and the Department's application, and to engage stakeholders and elicit feedback. The Department specifically asked the stakeholders to discuss the impacts of the proposed rulemaking and provide recommendations for changes.

On May 20, 2019, the Department held a roundtable in Harrisburg, PA including the following participants: Keystone Research Center, Service Employees International Union (SEIU), Communications Workers of America, SEIU Healthcare and AFL-CIO.

On May 21, 2019, the Department held a roundtable in Harrisburg, PA, including the following participants: Harrisburg Regional Chamber of Commerce, the Pennsylvania Chamber of Commerce, Pennsylvania Association of Community Bankers, Army Heritage Foundation, Ned Smith Nature Center, HACC, Perfectly Pennsylvania, RETTEW, Capital Blue Cross, Greater Reading Chamber Alliance, York County Economic Alliance, Hampton Inn, Insurance Agents and Brokers, Hershey Entertainment and Resorts, Dickinson College and Pennsylvania Consortium for Liberal Arts.

On May 22, 2019, the Department held a roundtable in Erie, PA for local businesses, including the following participants: Country Fair Stores, Family House, Inc., Community Health Net, Knox McLaughlin, Erie Federal Credit Union, Community Resources for Independence, Achievement Center, North Country Brewing Company and Mercyhurst.

On May 22, 2019, the Department held another roundtable in Erie, PA for local labor organizations, including the following participants: AFL-CIO Northwest, IBEW 56, UE Local 506 (Wabtech) and UE Local 618 (Wabtech).

On May 28, 2019, the Department held a roundtable in Malvern, PA, including the following participants: Abel Brothers Towing & Automotive, Inc., East Goshen Township, Aqua, Miller's Insurance Agency, Inc., CCCBI, Endo International, Chester County Economic Development Council, Sojourn Philly, Desmond Hotel & Conference

Center, Community Action Partnership, Cozen O'Connor, Exton Regional Chamber of Commerce, Post & Schell, Chester County Economic Development Council, Wawa, Inc., Gawthrop Greenwood, PC, Germantown Cricket Club, National Bank of Ethiopia and West Chester University.

On May 29, 2019, the Department held a roundtable in Plymouth Meeting, PA including the following participants: Philadelphia AFL-CIO, Pathways PA, Community Legal Services, Outten & Golden, Stephan Zouras, R., Winebrake and Santillo, Berger Montague and UFCW.

On June 2, 2019, the Department held a roundtable in Pittsburgh, PA, including the following participants: USW and Mon Valley Unemployed Committee.

On June 5, 2019, the Department held another roundtable in Pittsburgh, PA, including the following participants: Allie Kiski Chamber of Commerce, Sodini & Company, African American Chamber of Commerce of Western Pennsylvania, Keep It Simple Training, Eat'N Park, SMC Business Controls, North Side/North Shore Chamber of Commerce, Priory Hospitality, HR-FamilyLinks, Duquesne, Robert Morris, Community Care Connect, MHY Family Services, Community Human Services, Standard Bank, Littler Mendelsohn and Family House.

On June 6, 2019, the Department held a roundtable in Scranton, PA for local businesses, including the following participants: Greater Scranton Chamber, Ufberg Law, Advocacy Alliance, Fidelity Bank, Commonwealth Health/Moses Taylor Hospital, Girl Scouts in the Heart of PA, Allied Services, SLHDA, UFCW Federal Credit Union, Institute for HR & Services, Needle Law, Greater Scranton Chamber and Ben Franklin Technology Partners. Also, on June 6, 2019, the Department held another roundtable for local labor organization in Scranton, Pennsylvania including the following participants: AFSCME and Labor Law Compliance.

In these roundtable sessions, businesses in this Commonwealth and local chambers of commerce commented that the proposed rulemaking's departure from the Federal rule creates confusion, especially for employers in multiple states, and that it is challenging for employers to know whether they are in compliance with Federal and State law. Businesses in this Commonwealth expressed concern about the proposed rulemaking's use of data from the Northeast census region to develop the exempt salary thresholds, arguing that Pennsylvania is the lowest wage-earning state within that region. Employers suggested that the proposed rulemaking required employers to terminate positions, cease funding health insurance and move salaried positions to hourly positions. Employers also suggested that employees will lose the flexibility in their schedules to meet "crunch times" when overtime is needed and to offset times when work is less plentiful.

Businesses in this Commonwealth commented that the increase from year 1 to year 3 is a big increase and recommended raising the wage at a slower rate. Lastly, the local chambers of commerce expressed a concern about the Commonwealth's ability to compete in the other states with lower salary thresholds. They recommend that the Department adopt a rulemaking that adopts the Federal rules and adds the exceptions.

Nonprofit organizations commented that they are not able to absorb this increase in costs or to budget for overtime. They noted that events and programs are often scheduled in the evening and that employees at nonprofit organizations do not have standard working hours. Nonprofit organizations also expressed concerns about in-

creasing costs and not knowing whether there will be an increase in government contracts that help fund their operations. They recommended that employees be exempt from overtime if they average 40 hours over a 2-week pay period.

The local labor organizations commented that the proposed rulemaking would properly compensate workers and is an integral part of raising the minimum wage. They also commented that the existing law places managerial expectations on employees at small businesses that are not actually managers. The local labor organizations recommended more public outreach on this rulemaking, noting that many employees are not aware that they are entitled to overtime and that the law contains exemptions for overtime.

The local labor organizations supported the proposed rulemaking and commented that social workers, case managers and secretaries may now be eligible for overtime and that these changes are an integral part of raising the minimum wage. They also commented that the incremental increases made this proposed rulemaking easier for the employer. These local labor organizations believed it was appropriate to use data from the Northeast census region which includes Pennsylvania. They also recommend a pay schedule for other than salaried workers, and asked the Department to consider that an employee may be employed by two employers under the same umbrella organization and, for that reason, not collect overtime.

The Department considered the comments from the local businesses, local chambers of commerce and the local labor organizations in the development of this final-form rulemaking. In particular, the Department considered how nonprofit organizations will be affected, especially those reimbursed at a formula rate by State and Federal government. As a result of these comments, the Department is considering outlining best practices for employers to allow employers to consider options to implement this final-form rulemaking. In addition, the Department will engage in outreach activities and establish educational sessions to ensure that stakeholders are informed of the EAP exemptions' new duties tests and salary threshold and the differences between State and Federal requirements. Once this final-form rulemaking is approved, the Department will hold educational sessions for all stakeholders in Harrisburg, Scranton, Pittsburgh, Altoona, Philadelphia and Erie. The Department will work with the Regional Chambers and associations to distribute fact sheets and offer assistance. The Department will ensure that those organizations have the Bureau's toll-free number and the e-mail address of a resource account created specifically for this issue so that questions will be answered timely and consistently.

Summary of Comments and Responses on the Proposed Rulemaking

The proposed rulemaking was published at 48 Pa.B. 3731. Public comments on the proposed rulemaking were accepted through August 23, 2018. The Department received comments from 898 commentators during the public comment period and IRRC. The comments were considered and are addressed in the comment and response document that accompanies this final-form rulemaking. A summary of major comments and responses is set forth as follows. The remaining comments are addressed in the comment and response document attached to this final-form rulemaking.

IRRC Comments

1. Efforts to reach consensus

IRRC commented that the proposed rulemaking had not achieved consensus and that the Department should engage in dialogue with individuals and representatives of those programs and employment sectors that were part of the initial Governor's Middle-Class Task Force meeting. In response, the Department engaged in an extensive public outreach campaign.

The Middle-Class Task Force held six sessions between September 29, 2017, and November 20, 2017 and engaged 74 participants who served as representatives of regional chambers, businesses, educational institutions, nonprofit groups, labor organizations and the general public. In response to IRRC's direction to engage in stakeholder outreach and engage in dialogue with representatives of the Governor's Middle-Class Task Force meetings, the Department held ten stakeholder roundtable sessions across the State between May 20, 2019, and June 6, 2019, as detailed previously. Five regional chambers hosted the business stakeholder roundtables and five labor organizations hosted the labor stakeholder roundtables. The Department invited and met with participants spanning each sector at the roundtable meetings to provide education on the current application of the EAP exemptions, explain the Department's proposed rulemaking, and listen to attendees' feedback on how the proposed rulemaking would impact their lives, businesses or organizations. The business roundtables were attended by members of the business community, educational institutions, nonprofit groups and lawyers who represent employers. The labor roundtables were attended by labor organizations, members of the general public, and attorneys who represent employees.

The purpose of the roundtables and the extensive review of comments that the Department undertook was intended to find areas of agreement between vastly opposed interests. Although it is not possible to achieve total consensus, the Department has carefully evaluated the concerns of all affected groups.

There is no dispute that the current Pennsylvania salary threshold is obsolete and needs to be updated. Although it will be superseded by a new Federal threshold to become effective on January 1, 2020, the Federal threshold of \$23,660 has been in place since 2004 and was likewise obsolete. The long-term failure to adjust the salary threshold dilutes the purpose of the regulation; namely, that the duties test and salary threshold differentiate between exempt individuals performing actual, EAP duties, while lower paid white-collar workers are extended overtime protections. Such a failure demands an appropriate increase in the salary threshold.

The Department also heeded the commentators who urged the Department to await publication of the Federal rule and to more closely align with the Federal standards. As discussed at length herein, the Department has taken substantial steps to more closely align with the Federal standards, to the extent consistent with its statutory authority. As described herein, there are some Federal exemptions that the act simply does not empower the Department to adopt.

The Department has also revised its methodology, as is discussed in detail herein, based on comments regarding the use of salary and wage data information for the Northeast region of the country. Instead, it has developed its salary threshold figures for this final-form rulemaking strictly from Pennsylvania data, so that it accurately reflects economic realities in the Commonwealth.

2. *Legislative comments*

In its comment, IRRC specifically identified two legislative concerns: whether the legislative process should be used instead of the regulatory process; and whether the Department should wait for the Federal government to issue its overtime rule. IRRC also encouraged the Department to work with the standing committees and State lawmakers to address their issues as this final-form rulemaking was developed.

The Department received the following legislative comments that also suggested use of the legislative process over the regulatory process: The Honorable Senators Lisa Baker, Kim Ward, The Honorable Representative Robert Kauffman, and members of the House Labor and Industry Committee (The Honorable Representatives Ryan Mackenzie, Jesse Topper, Jim Cox, Cris Dush, Sheryl Delozier, Mark Gillen, Seth Grove, Dawn Keefer, Fred Keller, Kate Klunk, David Maloney, John McGinnis, Steven Mentzer, Eric Nelson and Jack Rader). The Department also received comments expressing a similar concern from Michael Lawson and from Gail Landis, on behalf of the Greater Reading Chamber of Commerce.

The Department also received comments supporting the Department's use of the regulatory process to increase salary thresholds and revise definitions from the following legislators: The Honorable Representative John Galloway, The Honorable Senator Christine Tartaglione and members of the House Labor and Industry Committee (The Honorable Representatives John Galloway, Leanne Krueger, Morgan Cephas, Daniel Deasy, Maria Donatucci, Jeanne McNeill, Dan Miller, Gerald Mullery, Ed Neilson, Adam Ravenstahl, and Pam Snyder).

Under section 5(a)(5) of the act, the Secretary is authorized to define and delimit employment in a bona fide "executive, administrative or professional capacity." While the Department acknowledges the legislature's ability to address such issues through the legislative process, as the law exists at this time, the Department's use of the regulatory process to increase salary thresholds, revise definitions and update the duties tests for EPA employees is squarely within the Department's statutory authority.

In response to IRRC's concern and numerous other comments asking the Department to wait for the publication of the final USDOL rulemaking, the Department postponed publication of its final-form rulemaking package until the USDOL rulemaking was published. The USDOL promulgated its final rule on September 27, 2019, at 84 FR 51230, establishing a new salary threshold for employees performing in EAP capacities effective on January 1, 2020. In USDOL's final rulemaking, USDOL updated its current salary threshold to qualify for the EAP exemptions from \$455 per week to \$684 per week for all employees except for employees who are not employed by the Federal government and who work in the Northern Mariana Islands, Guam, Puerto Rico, the United States Virgin Islands or American Samoa. The USDOL's final rule also updated the salary threshold for employees who are highly compensated employees, work in educational establishments and computer employees. In its final rule, the USDOL clarified that a weekly salary rate may be translated into an equivalent amount for periods longer than a week, and amended its rule to allow ten percent of the salary amount to be satisfied by the payment of nondiscretionary bonuses, incentives and commissions paid annually or more frequently instead of quarterly or more frequently.

The Department has more closely aligned this final-form rulemaking with the Federal regulations, including the new Federal rule effective on January 1, 2020. A detailed explanation of the Federal rule and the Department's efforts to align with that rule appears herein, in response IRRC's fifth comment.

The Department engaged with the legislature after the proposed regulatory package was submitted to IRRC. First, in July 2018, the Department met with staff of the Department's legislative oversight committees, which are Labor and Industry Committees of the House of Representatives and the Senate. The meeting offered an overview of and an opportunity to answer questions about the Department's proposed regulations to modernize overtime regulations. Of particular note, majority committee staff from both the House and Senate expressed concerns about the new salary threshold and questioned why exemptions and technical language were not being updated to align more with Federal regulations.

In September 2018, the House Labor and Industry Committee held a public hearing regarding the Department's proposed regulations. The Secretary of Labor and Industry and the Deputy Secretary for Safety and Labor Management Relations, who oversee the program area that administers and enforces Pennsylvania's labor laws, participated in this public hearing by offering oral and written testimony and answering questions asked by committee members. The public hearing offered a valuable opportunity to hear from a range of stakeholder groups. A significant takeaway from this public hearing was that many employers and individuals indicated a fundamental misunderstanding of eligibility and applicability of current overtime exemptions for workers. For example, some employers believe any salaried employee is automatically exempt from overtime.

Lastly, the Department received the written comments referenced previously from legislators and standing committees during the regulatory review process, which have been taken into consideration and are addressed herein.

3. *The Regulation is in the public interest*

IRRC commented that the Department should provide more detailed information for each section of this final-form regulation in the preamble and should explain why the amendments are required. The Department has done so herein on pages 38—44 of the preamble, under "Summary of Amendments."

In enacting the act, the General Assembly established the public policy direction underpinning the Department's exercise of its authority under the act:

Employees are employed in some occupations in the Commonwealth of Pennsylvania for wages unreasonably low and not fairly commensurate with the value of the services rendered. Such a condition is contrary to public interest and public policy commands its regulation. Employees employed in such occupations are not as a class on a level of equality in bargaining with their employers in regard to minimum fair wage standards, and "freedom of contract" as applied to their relations with their employers is illusory. Judged by any reasonable standard, wages in such occupations are often found to bear no relation to the fair value of the services rendered. In the absence of effective minimum fair wage rates for employees, the depression of wages by some employers constitutes a serious form of unfair competition against other employers, reduces the purchasing power of the workers and threatens the stability of the economy. **The**

evils of unreasonable and unfair wages as they affect some employees employed in the Commonwealth of Pennsylvania are such as to render imperative the exercise of the police power of the Commonwealth for the protection of industry and of the employees employed therein and of the public interest of the community at large.

43 P.S. § 333.101 (emphasis added). The legislature has determined that the protection of workers from unreasonably low wages is in the public interest.

This final-form rulemaking is in the public interest because the Commonwealth's current regulation is obsolete and no longer is relevant to provide guidance to employers to properly classify employees as exempt and to protect employees from employers who improperly misclassify them as exempt. The regulation is obsolete for two reasons. First, the duties test in the current regulations is out of date and no longer aligns with the USDOL duties test as it once did. The two different duties tests prescribed by Federal and State law make it difficult for employers to accurately determine which employees are exempt from receiving overtime. Second, the salary threshold in the Department's current regulation has failed to keep pace with current wages and thus applies to very few of the salaried employees it was intended to protect. The Department's final-form rulemaking is intended to update these regulations for easier comprehension and compliance by this Commonwealth's business community, and to provide protections to certain white-collar employees consistent with the express intent of the act.

The duties and salary threshold tests in the act have not been updated since 1977. At that time, the duties and salary threshold aligned with the USDOL rules. Since 1977, the USDOL has updated the Federal regulations twice, in 2004 and in 2019, and have significantly changed both the duties and salary threshold tests for the FLSA's salary exemptions. Although the Federal salary threshold will be updated on January 1, 2020, that threshold was calculated based on salary data for the Southern region of the United States—a region with the lowest wages Nationally. The Department will initially align with the Federal threshold and take a graduated approach to achieving a threshold that is representative of the Commonwealth's economy.

Updating Pennsylvania's duties test and the salary threshold is essential to meet the intent of the overtime exemption regulation. As the Department discovered during its stakeholder outreach, both employers and employees often misunderstand this regulation. There is confusion around Pennsylvania's antiquated use of both a short and long test for EAP exemptions. Further, most individuals understand only the salary threshold portion of the regulation, and mistakenly assume that if they make over \$23,660 (USDOL's current threshold until the updated USDOL regulation takes effect on January 1, 2020), they are ineligible for overtime. However, under both the Department's regulation and USDOL's regulation, the individual must make over the salary threshold and meet the duties test. The increase in the salary threshold will better align the average salaries paid for employees who perform EAP duties with those duties; aligning Pennsylvania's duties test with the Federal duties test will assist employers with compliance.

Even opponents of the proposed rulemaking acknowledge that the existing regulation is outdated and the salary thresholds are obsolete. The methodology used by the Department to arrive at a fair and realistic salary

threshold and the alignment of the duties test with the Federal regulation is in the public interest.

4. *Economic or fiscal impacts of the regulation; protection of the public health, safety and welfare*

IRRC commented that the Department should explain the reasonableness of the proposed salary thresholds in light of the fact that the National average for salary increases has been about 3% and that, even with the 3-year phase in, the Department's proposed salary increase is significant. IRRC summarized a number of the public comments, which are addressed more fully in the attached comment and response document that accompanies this final-form rulemaking. IRRC's comment expressed concern with the cost of compliance for nonprofit and educational institutions, as well as local governments. It asked the Department to consult with the regulated community to "gain a thorough understanding of the fiscal impacts of this proposal."

As set forth in detail herein, the Department consulted at length with the regulated community in an effort to understand concerns and to appreciate the impact of the regulation on both businesses and employees. As a result of that outreach, the Department has revised its methodology to take into account concerns with the geographic reach of the data set selected. As previously outlined, the revised salary threshold in the final-form rulemaking is based on Pennsylvania Occupation Employment Statistics data. This data better reflects economic realities in Pennsylvania and has, in fact, resulted in a salary threshold that is more than \$2,000 lower than the salary level the Department proposed last year.

Business response to the salary threshold will vary depending on the characteristics of the business's operations, current staffing structure and current scheduling practices. Each affected employer must consider the regulation, including both the duties test and the salary threshold, and consider if they will adjust operations to make the regulation cost neutral, or if they wish to maintain several options for operations, including requiring employees to work beyond 40 hours per week, and therefore respond to the regulation in a way that may increase payroll costs. To adjust for this final-form rulemaking, employers may pursue one or a combination of options: pay nonexempt employees overtime; limit nonexempt employee hours to 40 hours a week to avoid overtime costs; allow for some overtime but reduce base pay or benefits; or raise nonexempt employee salaries above the threshold.

The Department estimates the total direct cost to the regulated community in this Commonwealth to comply with this regulation to be an average of \$78.42 per employer per year across the current and next 5 fiscal years:

FY 2019-2020 Total Employer Cost: \$6,961,025

FY 2020-2021 Total Employer Cost: \$14,315,133—
\$14,734,347

FY 2021-2022 Total Employer Cost: \$21,954,959—
\$23,508,359

FY 2022-2023 Total Employer Cost: \$28,058,135—
\$30,394,558

FY 2023-2024 Total Employer Cost: \$28,636,918—
\$31,041,393

FY 2024-2025 Total Employer Cost: \$28,636,918—
\$31,041,393

This takes into consideration that all employers in the State will review the new regulation and that some will recognize that they are exempt from the regulation due to being certain municipal, public or limited types of non-profit employers. It also considers that, given that the salary threshold will be phased in to \$45,500 over 2 years, the number of newly nonexempt workers in the first year will be lower than the number of newly nonexempt workers upon full implementation.

In addition to the fiscal and economic impact on the business community, there will be a fiscal and economic impact for affected workers and for communities in this Commonwealth. Approximately 82,000 EAP workers Statewide will benefit from these updated regulations by January 1, 2022. Depending on how their employer reacts to these regulations, these individuals and their families could benefit from increased income or improved quality of work/family balance, or both.

FY 2020-2021: \$3,565,467—\$3,984,681 in increased worker wages

FY 2021-2022: \$13,211,856—\$14,765,256 in increased worker wages

FY 2022-2023: \$19,871,561—\$22,207,985 in increased worker wages

FY 2023-2024: \$20,450,344—\$22,854,819 in increased worker wages

FY 2024-2025: \$20,450,344—\$22,854,819 in increased worker wages

These additional wages to workers create “induced spending” in the community; this is consumer spending on retail establishments, restaurants and other goods and services. Estimated induced spending is as follows:

FY 2020-2021 Economic Impact: \$1,957,441—\$2,187,590 in induced spending

FY 2021-2022 Economic Impact: \$7,253,309—\$8,106,125 in induced spending

FY 2022-2023 Economic Impact: \$10,909,487—\$12,192,184 in induced spending

FY 2023-2024 Economic Impact: \$11,227,239—\$12,547,296 in induced spending

FY 2024-2025 Economic Impact: \$11,227,239—\$12,547,296 in induced spending

Finally, additional wages and induced spending creates an increase in tax revenue for State and local governments. Estimated additional tax revenues are as follows:

FY 2020-2021: \$181,839—\$203,219 in State and local tax revenues

FY 2021-2022: \$673,805—\$753,028 in State and local tax revenues

FY 2022-2023: \$1,013,450—\$1,132,607 in State and local tax revenues

FY 2023-2024: \$1,042,968—\$1,165,596 in State and local tax revenues

FY 2024-2025: \$1,042,968—\$1,165,596 in State and local tax revenues

5. *Clarity, feasibility and reasonableness; possible conflict with or duplication of statutes or existing regulations*

IRRC commented that the proposed rulemaking did not fully align with Federal regulations. IRRC pointed out that exemptions exist in Federal regulations for highly compensated employees, outside sales, certain computer employees, business owners and employees of educational

establishments and reiterated the concern that omission of these provisions will contribute to inconsistencies and complicate compliance.

As an initial matter, “the FLSA does not supersede state law; Pennsylvania may enact and impose more generous overtime provisions than those contained under the FLSA which are more beneficial to employees.” *Bayada Nurses, Inc. v. Com., Dept of Labor & Indus.*, 8 A.3d 866, 883 (2010). In *Bayada*, the Pennsylvania Supreme Court noted that other courts confronting related issues have held that the FLSA does not prohibit state regulation of wages and overtime if the state’s standards are more beneficial to workers. *Id.* at 883 (citing *Pettis Moving Co., Inc. v. Roberts*, 784 F.2d 439, 441 (2d Cir. 1986) (“Section 218(a) of the FLSA explicitly permits states to set more stringent overtime provisions than the FLSA.”)). See also *Knepper v. Rite Aid Corp.*, 675 F.3d 249, 262 (3d Cir. 2012) (FLSA’s saving clause evinces a clear intent to preserve rather than supplant state law and undermines any suggestion that Congress intended to occupy the field of wage and hour regulation).

Thus while the FLSA’s purpose is to establish a National floor under which wage protections cannot drop, the FLSA does not supersede a state’s minimum wage laws, require that states adopt minimum wage and overtime standards at levels established in the FLSA, nor prohibit a state’s provision of more stringent protections.

Computer employee exemption

The Department cannot create a computer exemption because that exemption does not exist in the act. While the FLSA specifically exempts “any employee who is a computer systems analyst, computer programmer, software engineer, or other similarly skilled worker” and defines the relevant duties and compensation rate, see 29 U.S.C.A. § 213(a)(17), this exemption does not exist anywhere in the act. The Department cannot add an entirely different category of exempt employee through regulation where the legislature has not so provided. *See, e.g. Nationwide Mut. Ins. Co. v. Foster*, 580 A.2d 436, 442 (Pa. Cmwlth. 1990) (agencies cannot add substantive terms to statutes which do not exist in the statute).

Other exemptions

The Department’s current regulations implementing the act contain an exemption for outside sales but do not contain exemptions for highly compensated employees, business owners and employees of educational establishments. Moreover, the Department’s proposed rulemaking did not address updating or creating these exemptions and, due to that lack of notice, the Department received no comments from labor organizations regarding whether the outside sales exemption should be updated, or a new exemption created. As such, it would be more appropriate to address these issues in a future rulemaking where the Department can conduct outreach and receive input from all interested parties.

Other commentators recommended that the Department mirror Federal law and adopt an 8/80 rule for the health care industry. For the Department to adopt this rule, the Department would need to amend § 231.42 (relating to workweek), which implements the act and defines the term “workweek” as a period of 7 consecutive work days. This amendment also would be better addressed in a future rulemaking to provide all interested parties an opportunity to review and comment on any proposed changes.

Other commentators noted the absence of a concurrent duties test and key definitions such as primary duty and

salary basis. While the Department has more closely aligned its regulations with Federal regulations, the Department has not adopted all Federal definitions. However, the Department does look to Federal law for guidance for interpreting its regulations. The Department will continue to review Federal regulations and may address any additional inconsistencies in future rulemakings.

Federal overtime rule

IRRC observed that many commentators, including members of the legislature, noted that the USDOL was in the process of promulgating a Federal overtime rule. Specifically, that comment was submitted by the Honorable Representative Robert Kauffman, the Honorable Senator Kim Ward, members of the House State Government Committee (The Honorable Representatives Daryl Metcalfe, Matt Dowling, Cris Dush, Seth Grove, Kristin Hill, Jerry Knowles, Brett Miller, Brad Roae, Frank Ryan, Rick Saccone, Tommy Sankey, Craig Staats, Justin Walsh, Judy Ward, and Jeff Wheeland), members of the House Labor and Industry Committee (Honorable Representatives Ryan Mackenzie, Jesse Topper, Jim Cox, Cris Dush, Sheryl Delozier, Mark Gillen, Seth Grove, Dawn Keefer, Fred Keller, Kate Klunk, David Maloney, John McGinnis, Steven Mentzer, Eric Nelson and Jack Rader), suggesting that the Department should await the USDOL rulemaking process. There were also a number of public comments to that effect, which are addressed more fully in the attached comment and response document that accompanies this final-form rulemaking.

In fact, the Department heeded the suggestion that it await the final USDOL rulemaking. The USDOL promulgated its final rule on September 27, 2019, at 84 FR 51230, establishing a new salary threshold for employees performing in EAP capacities effective on January 1, 2020. In USDOL's final rulemaking, USDOL updated its current salary threshold to qualify for the EAP exemptions from \$455 per week to \$684 per week for all employees except for employees who are not employed by the Federal government and who work in United States territories. The USDOL's final rule also updated the salary threshold for employees who are highly compensated employees, work in educational establishments and computer employees. In its final rule, the USDOL clarified that a weekly salary rate may be translated into an equivalent amount for periods longer than a week, and amended its rule to allow 10% of the salary amount to be satisfied by the payment of nondiscretionary bonuses, incentives and commissions paid annually or more frequently instead of quarterly or more frequently.

After reviewing the USDOL's final rulemaking, in its final regulations, the Department adjusted its initial salary threshold to \$684 per week and amended the language allowing the payment of quarterly bonuses to allow the payment of yearly bonuses. The Department's final regulations will also let employers decide whether to use a calendar year, fiscal year or anniversary of hire year for calculating and paying bonuses.

Applicability

IRRC commented on the concerns of public employers. IRRC noted the comments from public employers, which are addressed more fully in the attached comment and response document that accompanies this final-form rulemaking, that public employers would incur compliance costs. As explained as follows, the Department's overtime regulations have been and continue to be inapplicable to public employers, including State-affiliated entities, coun-

ties, municipalities and public-school systems. This final-form rulemaking does nothing to change that status. Instead, the FLSA, which expressly includes state-related entities within its definition of covered employers, establishes the rules applicable to public employers.

Section 3(g) of the act (43 P.S. § 333.103(g)) defines the term "employer" as "any individual, partnership, association, corporation, business trust, or any person or group of persons acting, directly or indirectly, in the interest of an employer in relation to any employee." The term specifically omits public employers. The omission of public employers from the act's definition of "employer" indicates the intent of the General Assembly to exclude public employers from coverage under the act. Neither courts nor agencies can add requirements to a statute by interpretation. See, e.g., *Kegerise v. Delgrande*, 183 A.3d 997, 1005 (Pa. 2018) (courts "must not add, by interpretation, a requirement not included by the legislature"); *Shapiro v. State Bd. of Accountancy*, 856 A.2d 864, 877 (Pa. Cmwlth. 2004) (court may not insert a word the legislature failed to supply into a statute). In construing the Wage Payment and Collection Law (43 P.S. §§ 260.1—260.13), the Commonwealth Court held that it "must give effect to the legislature's intent as it was expressed in the language of the statute and cannot supply an omission in a statute where it appears that the matter has been intentionally omitted. Municipal corporations such as the Borough are not included within the definition of "employer," and we, as an appellate court, cannot expand the definition of "employer" to include them." *Huffman v. Borough of Millvale*, 591 A.2d 1137, 1138-39 (Pa. Cmwlth. 1991). Likewise, an agency cannot supply a term that appears to have been intentionally omitted from a statute through an interpretative rule. See, e.g., *Nationwide Mut. Ins. Co. v. Foster*, 580 A.2d 436, 442 (Pa. Cmwlth. 1990) (agencies cannot add terms to statutes which do not exist in the statute).

Although no Pennsylvania court has specifically addressed whether the act applies to public employers, in 1976 the Attorney General opined that the act does not apply to public employees. Office of Attorney General, Official Opinion No. 76-29, *Applicability of Minimum Wage Act to Public Employees*, 1 Pa. D.&C. 33 (Pa. A.G.), 1976 WL 401515 (October 18, 1976). The Attorney General traced the parallel development of the definition of "employer" in the act and the FLSA. The Attorney General noted that the FLSA was amended on April 8, 1974, P.L. 93-259, 88 Stat. 62 to specifically include public agencies within the definition of "employer" in 29 U.S.C.A. § 203(d), and to remove the exemption previously afforded the States and their political subdivisions. Since 1974, the FLSA has defined "employer" as "any person acting directly or indirectly in the interest of an employer in relation to an employee and includes a public agency," 29 U.S.C.A. § 203(d), and provided a definition of "employee" applicable to individuals employed by a public agency which generally includes "any individual employed by a State, political subdivision of a State, or an interstate governmental agency." 29 U.S.C.A. § 203(e)(2)(C).

The General Assembly has amended the act five times since the FLSA was amended to include public entities within the definition of "employer" in 1974, but has not altered the definition of "employer" to include public entities. The General Assembly's clear intention by its omission was not to extend coverage under the act to public employers. Accordingly, because the General Assembly has chosen not to include the Commonwealth or any of its political subdivisions in the act's definition of

employer, the Department has properly interpreted the act to exclude them. This exemption is longstanding and it appears, from the relatively small number of comments, that most public employers understood that the proposed rulemaking would not apply to them.

IRRC suggested that the Department explicitly identify the types of employers which are exempt from the requirements of the act and, thus, the Department's regulations implementing the act.

The following employers are exempt from the act under section 5(a)(4) by virtue of their omission from the text of the act: Commonwealth agencies, counties, cities, boroughs, townships, state-related schools, Penn State University, public schools, conservation districts and port authorities. Additionally, there is a specific exemption in the act for weekly, semiweekly or daily newspapers with a circulation of less than 4,000, the major part of which circulation is within the county where published or counties contiguous thereto. There is also a specific exemption in the act under section 5(a)(9) for public amusement or recreational establishments, organized camps, or religious or nonprofit educational conference centers, if they do not operate for more than 7 months in any calendar year, or if during the preceding calendar year, their average receipts for any 6 months of such year were not more than 33 1/3% of its average receipts for the other 6 months of the year. The Department is also constitutionally precluded from enforcing the act against Federal entities. "Of course, under fundamental tenets of our Republic the Commonwealth of Pennsylvania has no power to make the Federal government subject to any of its laws and regulations." *Hughes v. WCAB (Salem Transp. Co., Inc.)*, 513 A.2d 576, 578 (Pa. Cmwlth. 1986).

6. *Reasonableness of requirements, implementation procedures and timetables for compliance by the public and private sectors*

IRRC next commented that the Department should explain how the implementation schedule provides sufficient time for compliance and for employers to make necessary adjustments to business practices, as well as a communication strategy. IRRC noted a comment from the Honorable Representative John Galloway that suggested that the Department consider delaying the initial implementation for a period of time to allow notification to employers.

Because the Department waited for the publication of the Federal regulation, and aligned the threshold for the first year with the Federal threshold which becomes

effective on January 1, 2020, this final-form rulemaking has little impact until January 1, 2021. The regulated community is already on notice of the increased Federal threshold and will have a year before the first of two graduated steps to bring the exempt salary threshold to the level warranted by Pennsylvania-specific data becomes effective.

The Department will engage in outreach activities and establish educational sessions to ensure that stakeholders are informed of the EAP exemptions' new duties tests and salary threshold and provide clarity on the differences between State and Federal requirements. Following approval of this final-form rulemaking, the Department plans to hold educational sessions for all stakeholders in Harrisburg, Scranton, Pittsburgh, Altoona, Philadelphia and Erie. In addition, the Department will work with the State and Regional Chambers and associations to distribute fact sheets and offer assistance. The Department will ensure that those organizations have the Bureau's toll-free number and the e-mail address of a resource account created specifically for this issue so that questions will be answered timely and consistently.

7. *Whether regulation is supported by acceptable data; reasonableness of requirements, implementation procedures and timetables for compliance; statutory authority; whether the regulation represents a policy decision of such a substantial nature that it requires legislative review*

Salary threshold phase-in

Many commenters expressed concern about the salary threshold's large increase from phase in through final amount, thereby potentially creating many newly nonexempt workers. IRRC pointed to commenters' statements that the average salary increases each year at 3%. However, the Department notes that the salary threshold has not increased for 15 years and on the State level for 42 years. The increase from the phase in amount to final amount is intended to compensate for the lack of appropriate updates to the salary threshold for many years.

Further, the Department's proposed increase aligns with or is less than salary threshold increases in previous State and Federal rulemakings. The Department has heeded the comments of the employer community that it cannot accommodate sharp increases to the salary threshold, and will therefore establish a Pennsylvania-specific salary threshold over 3 years and implement an automatic review and escalation mechanism every 3 years to avoid sharply increasing the salary threshold in the future.

<i>Year</i>	<i>Weekly Salary Threshold</i>	<i>% Increase from Previous Threshold</i>
1975 (previous rulemaking in 1970)	Short Test: \$250 Long-Test for Exec & Admin: \$155 Long-Test for Prof: \$170	Short Test: 25% increase Long Test, E&A: 24% increase Long Test, Prof: 21% increase
2004 USDOL	\$455 (\$23,660 annually)	82% increase from Long Test 192% increase from Executive/Administrative Test 168% increase from Short Test
2020 USDOL	\$684 (\$35,568 annually)	50% from 2004
2021 PAL&I	\$780 (\$40,560 annually)	14% from 2020 USDOL
2022 PAL&I	\$875 (\$45,500 annually)	12% from PAL&I 2021

Since the proposed rulemaking was published, the Federal government has issued a rule establishing a new salary threshold for EAP employees. The Department has aligned the State threshold for the first year with the Federal threshold that will become effective on January 1, 2020. Therefore, there is no impact to employers from the Pennsylvania-specific salary threshold until January 1, 2021, when the incremental increase in the threshold would diverge from the Federal threshold. Therefore, employers will have time to prepare and adjust, and the Department will undertake a communication and educational campaign, described previously, to ensure that employers are aware of the changes and their obligations under this regulation.

Automatic Review and Adjustment Mechanism

This final-form rulemaking also includes a mechanism to automatically review and adjust the exempt salary threshold every 3 years where the data establishes that it is necessary to prevent an erosion of its effectiveness. "Experience has shown that fixed earning thresholds become substantially less effective over time. Additionally, lengthy delays between updates necessitate disruptively large increases when overdue updates finally occur." See USDOL Wage and Hour Division Fact Sheet: Final Rule to Update the Regulations Defining and Delimiting the Exemptions for Executive, Administrative and Professional Employees (September 2019). This has been the experience in this Commonwealth where the salary threshold has eroded over the passage of 15 years during which no adjustment was made for economic growth or inflation, resulting in an artificially low threshold that allows employees working in EAP capacities to be designated as exempt and required to work often excessive overtime hours without additional compensation. In addition to the misalignment of the exempt salary level and EAP duties, sporadic large increases lead to the employer community having to play "catch up" each time the salary threshold is increased. Several commenters noted that difficulty of attempting to level-set wages in a 3-year period after so many years of regulatory inaction.

This final-form rulemaking will provide a mechanism to review and adjust the salary threshold every 3 years using the same Pennsylvania-specific data-set and methodology used to establish the Pennsylvania salary level for Year 3 of the 3-year phase-in period (\$875/week or \$45,500 annual pay). This is a change from the proposed rulemaking which proposed to use data based on the 30th percentile of weekly earnings of full-time nonhourly workers in the Northeast region. As previously noted, the Department agreed with commenters that the Northeast region, which includes Pennsylvania wages at the low end of high-wage eastern seaboard cities, was not the appropriate measure for the Commonwealth. Instead, this final-form rulemaking provides for a triennial adjustment of the salary threshold—based on the 10th percentile of wages in the exempt occupations in this Commonwealth based on the data. The triennial salary level adjustment would be reviewed by the Board and published in the *Pennsylvania Bulletin* at least 30 days in advance of the effective date, giving the employer community adequate time to adjust to the smaller, more predictable salary level adjustments. In times of economic downturn, when wages are not expected to rise, it is unlikely that the then-current data will support an increase to the salary threshold.

The Department has the statutory authority to promulgate the automatic adjustment mechanism of the regulations. Courts in the Commonwealth have long recognized

the power of an administrative agency to administer a statutorily-mandated program and under the act, has expressly delegated authority to the Department to "define and delimit" the EAP terms in section 5(a) of the act, and left it to the Department's discretion how to do so. This is the same broad delegation of authority underpinning the Department's use of a salary threshold as a characteristic to define the EAP exemption in 1977, the exercise of which authority has never been challenged in Pennsylvania. The Department has made other significant changes to the way the act is implemented under the same broad authority to define the EAP categories by deleting the long and short tests in the EAP exemptions, by allowing bonuses to count towards the salary amount and by aligning the duties more closely with the Federal regulation.

Under the automatic adjustment mechanism, salary level changes will occur at regular, 3-year intervals using the same methodology and data used to establish the original Pennsylvania-specific salary threshold. This mechanism will benefit employers and employees by replacing infrequent, and this more drastic salary level changes with gradual changes occurring at predictable intervals. The automatic adjustment mechanism was part of the Department's proposed rulemaking which established a salary threshold that adequately distinguishes between who may meet the duties requirements of the EAP exemptions and those who likely do not. The automatic review and adjustment provision merely recalculates this salary threshold every 3 years using current data and the same methodology used to establish the initial Pennsylvania EAP salary threshold. Because the methodology and dataset remain the same, the automatic adjustment mechanism merely keeps the salary threshold accurate considering changing salary levels in the Pennsylvania workplace. It does not change the duties test, salary level test or the methodology used to calculate the salary

The Department has considered the input and feedback of the regulated community in establishing the new Pennsylvania salary threshold. The automatic adjustment provision does not change the salary level test set in the Department's final regulations and which requires that exempt employees be paid a salary equal to at least the weighted average 10th percentile of wages for exempt occupations in Pennsylvania. The weighting reflects the relative number of individuals employed in the particular exempt occupations. Using the automatic adjustment provision does not substantively change the salary level test or duties test, but merely adjusts the salary threshold based on current data in the same dataset used to establish the Pennsylvania-specific salary level established in this final-form rulemaking. Thus, the automatic adjustment provision is not a new rulemaking. The standard and process for calculating the adjustment is being set in this final-form rulemaking. It is merely a mechanism to preserve the accuracy and continuing effectiveness of the salary level test. The triennial adjustment mechanism, which will be based on current data, will ensure that the salary test continues to reflect the same salary threshold based on the weighted average 10th percentile of wages for exempt occupations in this Commonwealth.

As the effectiveness of the salary threshold erodes over time, workers may be mistakenly misclassified as exempt solely based on salary alone and not in concert with the duties test. Thus, when the salary threshold is again adjusted in a regulatory update, employers are faced with a situation in which a large number of previously ex-

empted employees may now be nonexempt, either due to initial misclassification or due to the salary threshold being updated to reflect wages being paid to employees in the current labor market.

The Department has therefore indexed the adjustment of the salary threshold to the weighted average 10th percentile wage of all exempt workers in Pennsylvania and will update the salary threshold in 2023 and then every 3 years thereafter.

The automatic review and adjustment mechanism allows the regulation to be carried out as intended: there would be few instances of an employee being exempt prior to a regulatory update and subject to overtime upon update due to a large increase in the salary threshold to reflect current wages. Periodic small adjustments to the salary threshold allow the salary threshold to continue to meet the intent of the regulation without causing upheaval to the employer community.

Federal district court litigation over 2016 Federal rulemaking

IRRC asked how the Department's rulemaking differs from a Federal regulation that was rejected by a district court in Texas on the grounds that the salary level was so high that it rendered the duties test for the EAP exemptions irrelevant and whether the Department considered another methodology. As explained herein, the Department has revised its methodology in its final-form rulemaking and that methodology differs significantly from that used in the Texas case.

In May 2016, the USDOL published a regulation which raised the minimum salary level for exempt employees under the FLSA from \$455 per week to \$913 per week. The new salary level was based on the 40th percentile of weekly earnings of full-time salaried workers in the lowest wage region of the United States (the South), and also created an automatic updating mechanism that adjusts the minimum salary level every 3 years starting in 2020.

In response, the State of Nevada and 20 other states sued the USDOL challenging the overtime regulation. The parties challenging the Federal regulation asserted that revisions to the minimum salary threshold exceeded USDOL's authority under section 213(a)(1) and was inconsistent with the intent of the FLSA because the regulation increased the minimum salary threshold to so high a level that it was no longer a plausible proxy for the job duties of an executive, administrative, or professional capacity employee. The USDOL countered that the regulation is within its delegated authority because section 213(a)(1) explicitly grants authority to the Department to define and delimit the terms "bona fide executive, administrative, or professional capacity," and, therefore, the court should defer to the USDOL's interpretation of the statute.

The Federal district court held the USDOL regulation implementing a salary increase to the FLSA's exemptions invalid. *Nevada v. United States Dept of Labor*, 275 F.Supp.3d 795 (E.D. Texas 2017). The Federal district court noted that the USDOL has the authority to implement a salary threshold to identify those persons serving in EAP capacities and thus exempt from overtime pay, because the salary threshold serves as a defining characteristic when determining who, in good faith, performs actual EAP duties. The Federal district court determined, however, that because the regulation more than doubled the previous minimum salary level, making overtime status depend predominately on a minimum salary level,

and thereby supplanting an analysis of an employee's job duties. The court noted that entire categories of previously exempt employees who perform "bona fide executive, administrative, or professional capacity" duties would now qualify for the exemption based on salary alone. The court held that because the FLSA unambiguously indicated Congress's intent that employees doing "bona fide executive, administrative, or professional capacity" duties to be exempt from overtime pay, the USDOL exceeded its authority by using a salary-level test that effectively eliminates the duties-focused test prescribed under the FLSA.

The Federal district court decision is neither precedential nor is particularly applicable to the Department's final-form rulemaking because of significant factual dissimilarities between the 2016 USDOL final rule and the Department's final regulations. The final regulations implementing the act differ in material respects from the 2016 Federal regulation, including the methodology, which relies upon Pennsylvania-specific data regarding exempt employees, and resulting exempt salary thresholds that are reflective of the existing Commonwealth workforce of exempt employees.

More specifically, the Department's regulation differs from the 2016 USDOL regulation invalidated by the Texas Federal district court in the at least three significant ways.

First, the Department's increase is smaller than the 2016 USDOL rule and is phased in over 2 years rather than immediately effective. In the *Nevada* case, the Federal district court based its decision that USDOL's regulation violated the FLSA in part on the fact that USDOL immediately doubled the salary threshold, from \$455 to \$913 per week, which in the court's view effectively eliminated the test based on the employee's duties. Under the Department's regulation, the salary level immediately resets to \$684, to be consistent with the salary threshold set in the USDOL's new rule, which becomes effective on January 1, 2020. The Pennsylvania-specific salary threshold gradually rises to the Year 2 intermediate salary threshold of \$780 (a 14% increase of the salary level effective on January 1, 2020) and in the following year to the Year 3 salary threshold of \$875 (a 12% increase over the Year 2 salary level). This gradual phase-in avoids what was perceived to be a disruptively large increase.

Second, unlike the USDOL's 2016 rulemaking, which focused exclusively on the salary level of exempt employees in the EAP categories, the increase in the salary threshold is part of the larger effort to update the EAP definitions to make the more relevant in the modern marketplace and more consistent with the Federal exemptions. The Department's final-form rulemaking also updates the duties test to qualify for the EAP exemption, including eliminating the long and short tests, establishing that the duties remain the focus of the exempt analysis. The Department's comprehensive overhaul of the Commonwealth's EAP regulations undercuts the notion that the salary threshold is intended to be or will be determinative of an employee's status, in disregard of an analysis of the employee's job duties. In *Nevada*, the court noted that the USDOL's 2016 rulemaking stated that white collar employees earning less than \$913 per week would be eligible for overtime "irrespective of their job duties and responsibilities." 275 F.Supp.3d at 806 (quoting 81 FR 32391, 32405 (May 23, 2016)). In this final-form rulemaking, the Department both modernized its definitions and developed a salary threshold that is consistent

with EAP duties, calculated using the data of exempt employees in this Commonwealth.

Third, the Department used a different methodology to calculate the salary threshold than the USDOL used in 2016 to calculate its salary threshold. Pennsylvania's EAP salary threshold has failed to keep pace with the rising nominal salaries of exempt salaried workers, and no longer protects most EAP workers intended by this regulation to receive minimum wage and overtime pay. The salary threshold has not been updated since 1977 and is currently \$8,060 per year for executive and administrative employees under the long test. For Professional employees the salary threshold is \$8,840 per year for the long test. For all the EAP exemptions, the annual salary threshold is \$13,000 per year for the short test. The purpose of the salary threshold is such that nonexempt workers should be unlikely to make more than the threshold, and exempt workers should be unlikely to make less than the threshold. Today in this Commonwealth, the average yearly salary of individuals in exempt occupations is \$82,480. As such, the current salary thresholds are irrelevant because virtually all white-collar workers make a higher salary than the salary threshold. This final-form rulemaking sets the salary threshold for all EAP exemptions at the weighted average of 10th percentile exempt wages (the Department's methodology for determining salary threshold) and would be \$45,500 per year. This will act as a real threshold to ensure that salaried workers are properly classified as exempt.

Moreover, the decision of the Texas Federal district court is inherently flawed. The standard imposed by the court in that case created a standard that would invalidate nearly any regulation that relied on a salary threshold. An examination of the decision shows that the judge not only misunderstood the operation of the rule at issue, he based his decision on the fact that the regulation gave new overtime protections to workers whose jobs had not changed. The decision ignored the fact that the 2004 amendment to the Federal rule similarly extended overtime protections to workers whose jobs had not changed, as does the new USDOL rule, which estimates that 1.2 million workers who would otherwise be exempt under the current salary level will qualify for overtime based on the change in the salary threshold alone. See 84 FR 51238. There is no precedent for deciding that a rule is invalid based solely on its impact.

The Federal district court in Nevada did not analyze the legal validity of the automatic adjustment provision in the 2016 USDOL rulemaking, instead finding that because the salary level set in the rulemaking was invalid, so too was the automatic adjustment of that salary level.

Basis for salary increase in final regulations

There was a split in commentary from legislators who believed that the salary threshold increase proposed in the Department's proposed rulemaking was sufficiently high as to be inconsistent with the definitions of the EAP duties, and others who did not.

The Honorable Representative Robert Kauffman conceded the need to update the salary threshold but commented that the Department's proposed rulemaking increased it so significantly that the exemptions were more heavily dependent on a salary test than a duties test. The Honorable Senator Kim Ward likewise conceded that the salary thresholds should be updated, but that the proposed increase exceeded a reasonable level and, in some cases, would make the duties test irrelevant. The

Honorable Senator Lisa Baker commented that the regulations would be subject to legal challenge.

However, some legislative comments were supportive of the salary threshold. The Honorable Representative John Galloway noted the severe need for improvements to minimum wage and overtime rules and estimated that when fully enacted, the threshold would expand overtime protection to 455,000 Pennsylvanians. The Honorable Senator Christine Tartaglione commented that the National mandatory overtime threshold of \$23,660 is too low and results in someone who makes \$11.38 per hour not qualifying for mandatory overtime pay. The members of the House Labor and Industry Committee (the Honorable Representatives John Galloway, Leanne Krueger, Morgan Cephas, Daniel Deasy, Maria Donatucci, Jeanne McNeill, Dan Miller, Gerald Mullery, Ed Neilson, Adam Ravenstahl and Pam Snyder) also supported the threshold to provide "meaningful and tangible wage protections for low-wage and middle-class workers."

IRRC requested that the Department explain the reasonableness of the final option pursued and how its methodology differs from the USDOL's methodology in deriving the exempt salary level in the now-superseded 2016 Federal rulemaking. After carefully considering the public comments and the feedback that the Department received from its roundtable discussions, the Department adjusted the methodology and dataset that it used to arrive at its salary level.

Feedback provided to the Department was also sharply split. The Department reviewed more than 1,000 public comments and hosted ten stakeholder roundtables across the State. Businesses overwhelmingly stated that \$47,892 is too high for the salary threshold, and workers, labor organizations, and others stated that \$47,892 is adequate or is too low.

In conjunction with its review of these comments, the Department re-examined the intent of the General Assembly in exempting EAP employees from the minimum wage and salary provisions of the act, and the purpose of the salary level test, which serves as a defining characteristic when determining who, in good faith, performs EAP duties. Defining characteristics of the current overtime exemptions are as follows:

- The individual must be paid a salary, versus an hourly wage; and
- The individual is employed in an EAP capacity—under the respective duties tests; and
- The individual must be compensated at a salary basis of a certain amount—the salary threshold (not less than \$250 a week per Pennsylvania's current regulation; in current practice \$455 a week as per the USDOL Fair Labor Standards Act update in 2004).

Duties Test

Regarding the duties test, the Department is in agreement with many commentators that Pennsylvania's duties test should align with the Federal regulations. The Commonwealth's current regulations align with the Federal law as it existed in 1977, which included the long and short duties test. At the time, Federal regulations included a long test with a more restrictive duties test and a lower salary threshold, and a short test with a less stringent duties requirements and a higher salary threshold. In 2004 the duties test was simplified to reflect the less stringent duties in the short test and eliminated the long test.

The duties test in the Department’s proposed rule-making still differed from the USDOL duties test. In this final-form rulemaking, the Department has mirrored the general duties test set forth in the Federal regulations, acknowledging that the consistently-expressed concern of employers that the discrepancies between the Commonwealth’s regulations and USDOL regulations make it difficult for employers to know if they are in compliance with the duties test. Aligning the duties test more closely to the Federal duties will provide increased clarity to both employers and employees as to who is and is not an exempt employee.

Salary Threshold

Regarding the salary threshold, the Department believes that the threshold should be set at an amount that allows the Department to enforce the intent of the act exemptions: that individuals performing actual executive, administrative or professional duties are exempt, while lower-paid white-collar workers are extended overtime protections.

The Department considered the salary thresholds that USDOL set in its previous rulemakings. Historically, USDOL examined data on actual wages paid to exempt employees, and then set the salary level at an amount slightly lower than might be indicated by data. In 1940 and 1949, USDOL looked at the average salary paid to the lowest level of exempt employee. In 1949, the USDOL created the new short test, which differed from

the initial duties test, now the long test. The most significant difference between the short test and long test was that the long test limited the amount of time an exempt employee could spend on nonexempt duties, while the short test did not include a specific limit on nonexempt work. 69 FR 22122, 22165 (April 23, 2004).

Beginning in 1958, USDOL set salary levels for the long test to exclude approximately the lowest-paid 10% of exempt salaried employees.

The salary tests have thus been set for the country as a whole. . .with appropriate consideration given to the fact that the same salary cannot operate with equal effect as a test in high-wage and low-wage industries and regions, and in metropolitan and rural areas, in an economy as complex and diversified as that of the United States. Despite the variation in effect, however, it is clear that the objectives of the salary tests will be accomplished if the levels selected are set at points near the lower end of the current range of salaries for each of the categories. Such levels will assist in demarcating the “bona fide” executive, administrative, and professional employees without disqualifying any substantial number of such employees.

Id. at 22166. Throughout the regulatory history of USDOL using both a short and long test, the short test threshold was significantly higher than the long test threshold (see table as follows).

<i>Year</i>	<i>Executive</i>	<i>Administrative</i>	<i>Professional</i>	<i>Short Test</i>
1938	\$30	\$30	None	None
1940	\$30	\$50	\$50	None
1949	\$55	\$75	\$75	\$100
1958	\$80	\$95	\$95	\$125
1963	\$100	\$100	\$115	\$150
1970	\$125	\$125	\$140	\$200
1975	\$155	\$155	\$170	\$250

Id. at 22165.

However, in 2004, USDOL departed from this methodology in its final rulemaking, streamlining the long and short duties test into a single test, as well as moving from the previous salary threshold methodology to the use of the 20th percentile of all salaried employees in the South. Id. at 22167.

USDOL justified this departure from previous methodology in two ways. First, USDOL stated that the change in salary threshold methodology was due to the change from the short and long test structure. Second, USDOL stated that “this adjustment (from use of exempt workers to all salaried workers) achieved much the same purpose as restricting the analysis to a lower percentage of exempt employees. Assuming that employees earning a lower salary are more likely nonexempt, both approaches are capable of reaching exactly the same endpoint.” 69 FR 22167.

This logic underpinning the USDOL’s 2004 change in methodology was flawed for two significant reasons. First, the 10th percentile of exempt workers was the method traditionally used for the long test, and as per information from previous rulemakings, the long test threshold was historically set significantly lower than the short test threshold. Therefore, when eliminating the two different tests and moving to one standard test, it would have been reasonable and logical for the USDOL to have sought a

salary threshold that was more inclusive of lower-salaried workers, rather than “reaching exactly the same endpoint.” Second, the setting of the salary threshold “at the lower end of the range of salaries” for exempt occupations cannot be accurately carried out if the data used to determine a lower range includes data on all salaries—exempt or otherwise. Further, exempt occupations, especially the “executive” category, employ fewer people than nonexempt occupations, as nonmanagement employees generally outnumber management employees in most establishments. Therefore, including data on all salaried employees will “water down” the dataset, providing a skewed “lower end of the range of salaries” than would be provided by considering only data on exempt occupations.

This flawed analysis was the basis for the recent Federal rulemaking that established \$684 per week as the salary threshold to qualify for the EAP exemptions. However, the purpose of setting a salary threshold is to assist the Department in identifying employees that the General Assembly intended to be exempt. The use of salary data of employees who work in nonexempt job classifications does not align to this purpose.

For the Department to fulfill the intent of the General Assembly in enacting the overtime exemption into law, the Department chose a methodology for determining the salary threshold that differs from the USDOL’s methodology in two distinct ways. First, the Department used data

based on exempt full-time workers, rather than the USDOL's methodology of using data based on all full-time workers. Second, the Department used wage information that is specific to Pennsylvania to determine the salary threshold, rather than the USDOL's methodology of setting the threshold using the 20th percentile of workers in the Nation's lowest wage region. The USDOL's use of income percentile in the lowest wage region is intended to ensure that the Federal salary threshold is useable in every area of the Nation—that is, that the threshold, even if used in the lowest wage areas of the country, would be highly unlikely to include actual EAP employees.

Pennsylvania's Methodology

In response to public comment, the Department changed the methodology in this final-form rulemaking from the methodology used in the proposed rulemaking. In the proposed rulemaking, the Department set the salary threshold at 30% of all salaried workers in the Northeast Region. Commentators accurately pointed out that this data included wage data from high income areas such as New York City, Boston and other northeast metropolitan areas. In consideration of this concern, the Department revised the methodology to limit the calculation of the salary threshold to Pennsylvania-specific data.

The Department's labor market information bureau, the Center for Workforce Information and Analysis (CWIA), reviewed more than 800 Standard Occupational Classification (SOC) titles and determined that 300 SOC titles have job duties that reasonably fall into the exempt EAP categories, while 500 were deemed to be potentially nonexempt. Using Pennsylvania's Occupational Employment Statistics data for 2018, the most recent year for which this data is available, CWIA identified the employment volume and 10th percentile wage for each exempt occupation. The 10th percentile wage for each occupation was multiplied by total employment in the same occupation to create a weighted 10th percentile wage for each exempt occupation. CWIA then aggregated total employment across all exempt occupations, aggregated the weighted 10th percentile wages for total weighted 10th percentile wage across all exempt occupations, and divided the aggregated weighted 10th percentile wage by aggregated employment to determine the average 10th percentile wage of all exempt workers, which is \$45,500.

To set its final salary three-step implementation process, the Department raised its initial salary threshold to \$684 per week which is consistent with USDOL's newly issued salary level. That salary threshold will be effective as of the date of publication in the *Pennsylvania Bulletin*. The Department dropped its proposed salary threshold of \$921 per week to the final \$875 per week, which will be effective 2 years after publication of the initial salary threshold in the *Pennsylvania Bulletin*. The Department's intermediate or second step increase is now \$780 per week, which is halfway between the initial salary threshold and the final salary threshold and is effective 1 year from publication of the initial salary threshold in the *Pennsylvania Bulletin*: \$684 on date of publication, \$780 one year after publication, \$875 two years after publication.

Whether this regulation represents a policy decision of such a substantial nature that it should receive legislative review

IRRC again commented that the Department should clarify to what extent it has engaged the legislature in developing the regulation. As previously noted, the De-

partment engaged with the legislature after the proposed regulatory package was submitted to IRRC.

First, in July 2018, the Department met with staff of the Department's legislative oversight committees, which are Labor and Industry Committees of the House of Representatives and Senate. The meeting offered an overview of and an opportunity to answer questions about the Department's proposed regulations to modernize overtime regulations. Of particular note, majority committee staff from both the House and Senate expressed concerns about the new salary threshold and questioned why exemptions and technical language were not being updated to align more with Federal regulations.

Secondly, in September 2018, the House Labor and Industry Committee held a public hearing on the topic of the Department's proposed regulations. The Secretary of Labor and Industry and the Deputy Secretary for Safety and Labor Management Relations, which oversees the program area that administers and enforces labor laws in this Commonwealth, participated in this public hearing by offering oral and written testimony and answering questions asked by committee members. Moreover, the public hearing offered a valuable opportunity to hear from a range of stakeholder groups. A significant takeaway from this public hearing was that many employers and individuals indicated a fundamental misunderstanding of eligibility and applicability of overtime exemptions for workers. Lastly, the Department received written comments from legislators and standing committees during the regulatory review process, which have been taken into consideration and are addressed herein.

The Department's authority to adopt regulations defining and delimiting the EAP exemptions of the act is clear. The General Assembly has already made a basic policy decision and indicated, in enacting section 1 of the act, that it intended to protect employees from "unreasonably low" wages that were "not fairly commensurate with the value of the services rendered." The General Assembly has also specifically directed the Department to define the EAP exemptions by regulation. Section 5(a) of the act, provides that "[e]mployment in the following classifications shall be exempt from both the minimum wage and overtime provisions of this act: (5) In a bona fide executive, administrative, or professional capacity. . . (as such terms are defined and delimited from time to time by regulations of the secretary)." Therefore, this final-form rulemaking is not required to be the subject of legislation.

Inclusion of bonus pay

IRRC next commented on the inclusion of bonus pay. It cited a public comment submitted by Anna Caporuscio on behalf of Sheetz, Inc., which noted the burden on employers of making quarterly adjustments for every exempt employee for which a nondiscretionary bonus, incentive or commission is used to satisfy the salary threshold. IRRC requested that the Department explain its determination that 10% was an appropriate cap for bonus pay and provide its rationale for establishing a percentage cap as part of the salary level test.

In the proposed rulemaking, the Department proposed to allow up to 10% of the salary threshold to be satisfied by nondiscretionary bonuses, incentives, and commissions, paid quarterly or more frequently. In this final-form rulemaking, the Department's proposal regarding the percentage of the salary threshold remains at 10%; however, this final-form rulemaking states that the payment may be an annual payment. The Department selected a 10% cap for bonus pay to align with the

Federal regulation. This is also reflective of business operations without creating an undue hardship on employees.

The intent of the Department in allowing a certain percentage of salary to be payable by bonus or other incentive payment was meant to reflect the way that certain industries, business models, or occupations, or both, structure their compensation package to employees, while at the same time not creating an undue hardship on employees, especially lower-salaried employees. For instance, an individual making \$36,000 a year would have a gross weekly salary of \$692; allowing 10% of that salary to be paid in a lump sum reduces weekly salary to \$623, a reduction of \$276 a month. For lower-income workers, any reduction in wages results in hardship.

While the Department believes that requiring bonuses to be paid on at least a quarterly basis is the most beneficial to employees, it has also taken into consideration comments from employers that this creates an unnecessary administrative burden and may not take into account certain sales occupations that rely on “busy seasons” for a majority of earnings. As such, the Department’s final-form rulemaking provides that bonuses may now count towards the salary threshold if they are paid on an annual basis. This is consistent with USDOL’s September 2019 final rule.

8. *Clarity, feasibility and reasonableness; possible conflict with or duplication of statutes or existing regulation*

IRRC commented that the existing regulations use the phrase “customarily and regularly” to describe the discretion and independent judgment that an individual working in an administrative capacity must possess to qualify for an exemption from the overtime rule and noted that this phrase does not appear in the Federal regulation. See § 231.83(a)(2). IRRC indicated that several commentators expressed concern that the Department did not amend this provision in its proposed rulemaking. One commentator who expressed this concern applauded the Department’s efforts to align the duties test with the Federal regulations. After reviewing these comments and considering IRRC’s recommendation, the Department has removed this language from its final-form rulemaking and replaced it with language that mirrors the language in the USDOL’s regulation defining the administrative exemption. See 29 CFR 541.200 (relating to general rule for administrative employees).

9. *Miscellaneous*

IRRC commented regarding the use of the term “handicapped worker” in § 231.1 (relating to definitions). IRRC urged the Department to update the term to “worker with a disability.” The Department agrees with IRRC that this term is an outdated term that should be updated. The Department also made appropriate amendments in § 231.71—231.74.

Additional legislative comments

In addition to the comments that were referenced or adopted by IRRC, there were other comments from State lawmakers that are addressed as follows.

The Honorable Representative Robert Kauffman commented that the proposed salary thresholds are so high that they reduce the importance of the duties test. The Honorable Senator Kim Ward, while conceding that the salary threshold should be updated, expressed that the duties of the individual should be the main deciding factor.

This final-form rulemaking does not inappropriately reduce the importance of the duties test. The duties test is not, as some commentators suggested, rendered irrelevant. In fact, as discussed previously, the Department acknowledges the importance of a duties test by amending its regulations to more closely align with the Federal duties test.

The Honorable Representative Kauffman also expressed concern that the ability of the Commonwealth and counties to provide cost-effective health care and human services will be impaired by imposing these requirements on provider agencies. However, the General Assembly has already made a basic policy decision and indicated, in enacting section 1 of the act, that it intended to protect employees from “unreasonably low” wages that were “not fairly commensurate with the value of the services rendered.” That employees being paid a fair wage for their work may result in some minimal cost increases is not a reason to reject this final-form rulemaking. In fact, employers have a range of options to respond to the possibility of small cost increases occasioned by this final-form rulemaking. Business response to the regulation will vary depending on the characteristics of the business’s operations, current staffing structure and current scheduling practices. To adjust for this final-form rulemaking, employers may pursue one or a combination of several options:

- Pay nonexempt employees’ overtime;
- Limit nonexempt employee hours to 40 hours a week to avoid overtime costs;
- Allow for some overtime but reducing base pay or benefits;
- Raise nonexempt employee salaries to above the threshold.

There has been a Federal minimum wage since 1938 and business have found more efficient ways to operate. They can hire additional employees to supplement the work of nonexempt employees, cap employees’ hours to avoid the extra cost of overtime and switch employees from a salary basis to an hourly basis without having to change duties. Employers will have the flexibility to determine what approach works best for them. But the fact that an employer provides human services should not give them the right to pay an unreasonably low wage to its workers, particularly at a level that makes their employees eligible for public assistance benefits. The General Assembly determined, in not exempting nonprofits from the act, that employees of nonprofit organizations, just like their counterparts in for-profit enterprises, are entitled to a fair wage. If that were not the case, it would be increasingly difficult for nonprofits to recruit and retain employees.

The Honorable Senator Kim Ward, along with other public commentators, raised the Federal district court decision in Texas that invalidated the USDOL’s 2016 Federal regulation which promulgated a salary threshold under the FLSA for EAP employees. The public commentators that echoed this concern are listed and addressed in the comment and response document that accompanies this final-form regulation. In fact, this final-form rulemaking is distinguishable from the Federal regulation at issue in the Texas case.

The Department’s final-form rulemaking differs from the rule struck down by the Texas Federal district court in a number of material ways. The Department’s increase is smaller than the 2016 USDOL rulemaking and is phased in over 2 years rather than immediately effective.

The Department's final-form rulemaking is a comprehensive update that also updates the duties test to qualify for the EAP exemption to align more closely with USDOL regulations. This includes eliminating the long and short tests. Most significantly, the Department used a different methodology to calculate the salary threshold than the Federal government used to calculate its salary threshold, using Pennsylvania-specific data for exempt workers rather than a Nationwide lowest common denominator based on the region of the United States with lowest wages.

Additionally, the decision of the Texas Federal district court is inherently flawed. The standard imposed by the court in that case created a standard that would invalidate nearly any regulation that relied on a salary threshold. An examination of the decision shows that the judge not only misunderstood the operation of the rule at issue, he based his decision on the fact that fact that the regulation gave new overtime protections to workers whose jobs had not changed. The decision ignored the fact that the 2004 amendment to the Federal rule similarly extended overtime protections to workers whose jobs had not changed. There is no precedent for deciding that a rule is invalid based solely on its impact.

The Honorable Senator Ward also questions whether increasing the threshold will result in less flexibility for employees. There is nothing in this final-form rulemaking that would prohibit employers from offering employees flexibility of hours. Employers can choose to provide flexible shifts to employees previously classified as exempt. The only difference would be that employers would be required to make sure employees understand that they cannot work past 40 hours per week or pay overtime when it is necessary for employees to work more than 40 hours per week. Employers opting to provide less flexibility to employees may find themselves at a competitive disadvantage in attracting and retaining employees.

The Honorable Senator Ward further commented that she was concerned with the impact to nonprofit organizations, as well as local and State government. As explained previously, local and State governments are excluded from coverage under the act and therefore this final-form rulemaking does not increase labor costs for public sector employers. State and local governments would not be required to raise taxes or cut programs due to higher labor costs. The Department has no authority to exempt nonprofits from the scope of the act, as that basic policy decision has already been made by the General Assembly by not exempting them from the act's definition in section 3(g) for "employer." Employees of nonprofits should enjoy the same right to a fair wage as other employees. And as discussed herein, employers will have a range of options to achieve compliance. They will not automatically be required to increase labor costs.

Members of the House State Government Committee (the Honorable Representatives Daryl Metcalfe, Matt Dowling, Kris Dush, Seth Grove, Kristin Hill, Jerry Knowles, Brett Miller, Brad Roae, Frank Ryan, Rick Saccone, Tommy Sankey, Craig Staats, Justin Walsh, Judy Ward and Jeff Wheeland) expressed concern that the final-form rulemaking will require employers to engage in additional timekeeping and other recordkeeping to comply. In fact, employers are already obligated to keep such records. Section 8 of the act (43 P.S. § 333.108) specifically directs that employers keep "a true and accurate record of the hours worked by each employee and the wages paid to each." The act does not require that such records be kept only for hourly employees.

There should be no impact on recordkeeping requirements, as those requirements already exist.

The Honorable Senator Lisa Baker urged the Department to support legislation that she has proposed rather than promulgate regulations. However, the bill proposed by the Honorable Senator Baker, which was significantly different from the Department's proposed rulemaking, did not move out of committee last session and, although it has been reintroduced, it remains in committee. The Honorable Senator Baker indicated in her comments that she sought closer alignment with the Federal regulations. As discussed in detail previously, this final-form rulemaking represents significantly closer alignment with the Federal regulations.

The Department also received comments supportive of the proposed rulemaking from a number of legislators. The Honorable Representative John Galloway noted that the rulemaking was consistent with the intent of the act and would benefit workers and communities in this Commonwealth. He noted that wages have been stagnant, despite low unemployment and increased demand for labor and that wealth disparities between upper-income, lower-income and middle-income families have been increasing.

The Honorable Senator Christine Tartaglione expressed her "ardent" support for the proposed regulations, pointing out that in the mid-1970s, more than 60% of salaried workers qualified for overtime, but that currently, the ratio is less than 1 in 10. She stated that approval of the regulations would benefit not only workers but the economy, as workers are also consumers and fair pay increases spending power.

Members of the House Labor and Industry Committee (the Honorable Representatives John Galloway, Leanne Krueger, Morgan Cephas, Daniel Deasy, Maria Donatucci, Jeanne McNeill, Dan Miller, Gerald Mullery, Ed Neilson, Adam Ravenstahl and Pam Snyder) expressed support for the proposed rulemaking, noting that simplifying the duties test would facilitate compliance and reduce inquiries. They also noted that modernizing the salary threshold would provide meaningful and tangible wage protections for low-wage and middle-class workers.

Other significant public comments

The Department received a large number of public comments, which were fairly divided. Public comments were considered and, due to the volume, are addressed in the comment and response document that accompanies this final-form rulemaking. However, some of the common comments are addressed here.

Geographic considerations

A number of commentators expressed concern over the use of the 30th percentile of weekly earnings for full-time salaried employees in the Northeast. As discussed at length herein, the Department has revised its methodology to use Pennsylvania-specific data. However, there were also comments that expressed concern over the differences between urban and rural areas within the State. Several commentators asserted that an increase to the salary threshold would impact rural areas disproportionately.

County-level data demonstrates that the exempt salary threshold of \$45,500 is below most other county's median household income, including those in high-population and rural areas. Counties with some of the State's most significant populations—Allegheny, Dauphin, Erie, Lackawanna, Lancaster and Lehigh—have median household

income levels of 6% to 35% above \$45,500. Only Philadelphia had a median household income that was lower (-11%). Counties with some of the State's sparsest populations in rural areas—Elk, Fulton and Mercer—have median household income levels of 4% to 10% above the proposed overtime threshold.

Furthermore, when drilling down to the average annual occupational wages by county, certain occupations, regardless of county, will be lower or higher than the proposed overtime threshold. Occupations that we expect to be the most impacted by the proposed overtime threshold by volume alone include management, business and financial operations, and office and administrative support.

The average annual wage for management; business and financial operations; construction and extraction; and installation, maintenance, and repair occupations was generally significantly higher than \$45,500 across the State, including rural areas. For example, average wage levels for the management occupation, included those in rural regions that were above 45% (Cameron), 140% (Fulton), 127% (Elk), 83% (Forest), 147% (Fayette) and 144% (Mercer). Occupations under the office and administrative support; sales and related; production; and transportation and material moving categories typically had lower average wages than the proposed overtime threshold. Other categories, such as Community and Social Services were more mixed, depending on the county.

Employee morale / flexibility

Commentators expressed that implementation of this final-form rulemaking would be bad for employee morale, stating that it would cause organizations to shift employees from salaried to hourly, would require workers to punch a clock and track hours, and that employee flexibility would be reduced.

However, organizations have several ways in which to become compliant with this final-form rulemaking. The shift from salary to hourly is entirely an organizational decision.

Several commentators stated the loss of flexibility is bad for worker morale. Examples included that exempt workers can currently work longer hours on certain days to work fewer hours on other days, allowing them to attend their children's extracurricular activities or attend appointments. Commentators asserted that this flexibility would end once an employee becomes nonexempt and must be paid overtime for hours worked over 40. However, the regulation specifies only the number of hours that may be worked in a week before overtime must be paid; each organization still has flexibility as to how and when an employee fulfills their 40-hour workweek.

This comment seems to assume that employees must have a set schedule or that they must be on the employer's premises. The act does not contain any such restrictions. This final-form rulemaking will not prevent employers from providing flexibility to their employees. An employee that needs to be out of the office for a couple of hours on a Monday can be given the option to make up the hours on other days, or to work from home that evening. There is no requirement that employees be forced to punch a time clock.

Likewise, there is no requirement that employees be converted to hourly positions. Even if an employer chooses to convert an employee to an hourly position, any concerns about morale should be offset by the fact that the employee will be paid fairly for hours worked.

Some businesses stated that capping employee hours at 40 does not allow an employee to pursue advancement

opportunities. However, by promoting employees into low-paying managerial jobs, but then taking advantage of exempt status and forcing unpaid overtime, workers are trapped in a position where they have very little time to independently improve their economic situation by pursuing education goals or working a second job to supplement income while "working their way up the ladder." Indeed, these workers become beholden to their current employer, with minimal time outside of work to pursue other opportunities. They must hope that their hard work at their current employer is noticed and that internal advancement is available, as that is the only feasible way they will improve their current situation.

The fact is, regardless of how an employer chooses to comply, workers will benefit from this final-form rulemaking. Perhaps this is the reason that the Department received no comments from or on behalf of workers raising these concerns. Some employees will have their salary raised above the threshold, so that they continue to be exempt. Some employees will become hourly and will begin being compensated for hours worked in excess of 40 hours per week. Other employees will no longer be required to work in excess of 40 hours per week without compensation. Employers that take the step of reducing wages will have difficulty retaining their employees, especially given a tight labor market.

Impact on small business

A number of commentators opined that the proposed rulemaking would be detrimental to the interests of small businesses in this Commonwealth. These comments do not recognize the flexibility that employers will have in determining how to implement this final-form rulemaking.

Affected businesses will likely adapt to the regulation in the least costly way possible. Business response to the regulation will vary depending on the characteristics of the business's operations, current staffing structure and current scheduling practices. Each affected employer must consider the regulation, including both the duties test and the salary threshold, and consider if they will adjust operations to make the regulation cost neutral, or if they wish to maintain several options for operations, including requiring employees to work beyond 40 hours a week, and therefore respond to the regulation in a way that may increase payroll costs.

To adjust for this final-form rulemaking, employers may pursue one or a combination of several options:

- Pay nonexempt employees overtime;
- Limit nonexempt employee hours to 40 hours a week to avoid overtime costs;
- Allow for some overtime but reducing base pay or benefits;
- Raise nonexempt employee salaries to above the threshold.

The Department estimates the total direct cost to the regulated community in this Commonwealth to comply with this regulation to be an average of \$78.42 per employer per year across the current and next 5 fiscal years:

FY 2019-2020 Total Employer Cost: \$6,961,025

FY 2020-2021 Total Employer Cost: \$ 14,315,133—\$14,734,347

FY 2021-2022 Total Employer Cost: \$ 21,954,959—\$23,508,239

FY 2022-2023 Total Employer Cost: \$ 28,058,135—
\$30,394,558

FY 2023-2024 Total Employer Cost: \$ 28,636,918—
\$31,041,393

FY 2024-2025 Total Employer Cost: \$ 28,636,918—
\$31,041,393

This takes into consideration that all employers in the State will review the new regulation and that some will then realize they are exempt from the regulation due to being certain municipal, public or limited nonprofit employers. It also considers that, given that the salary threshold will be phased in to \$45,500 over time, the number of newly nonexempt workers will be lower initially than the number of newly nonexempt workers upon full implementation of the new salary threshold. Again, costs to employers will depend not only on if the employee is exempt and if the employer has any nonexempt workers currently on staff, but how the employer chooses to respond to the regulation.

Comments in favor of rulemaking

The Department also received comments supportive of the proposed rulemaking. In addition to the comments that are more fully addressed in the comment and response document that accompanies this final-form rulemaking, the Department received extensive comments from the following entities.

Community Legal Services, Inc (CLS) submitted both extensive legal and policy comments on behalf of their low wage clients in support of the Department's proposed rulemaking for amending and clarifying the overtime exemptions for EAP employees under the act. CLS also submitted a separate comment in support of the proposed rulemaking on behalf of itself as a nonprofit employer.

CLS explained that it supports the proposed changes because they would update the salary threshold to reflect current wage levels and keep pace with the cost of living in this Commonwealth and clarify the duties test to reduce misclassification and unnecessary litigation that are a burden on both employers and employees. Moreover, CLS noted that the regulation complies with the Regulatory Review Act since the Department has the authority to make the proposed changes, it aligns with the intent of the act and the proposal will be a net gain to the Commonwealth providing a positive effect on public health and welfare and clarity and reasonableness to existing regulations. CLS commented that the proposed rulemaking would benefit over 37,000 workers in Philadelphia alone and reduce costly litigation, for business, especially small business, by making the overtime regulations less complex and vague and more straightforward and precise.

The Women's Law Project (WLP) pointed out that clarifying the definition of EAP employees and "raising the minimum salary to reflect current wage levels" would mean that the number of misclassified workers would decrease, and that employers would find it much more difficult to improperly "get around" the overtime requirements and "workers on the lower end of the wage spectrum are paid correctly." WLP explained that "employers who do not want to pay overtime will simply choose to hire more people to work extra hours that are currently worked for free."

The Pennsylvania AFL-CIO submitted comments in support of the proposed rulemaking, commenting that the proposed regulations, which would clarify the definition of EAP employees and raise the minimum salary to reflect

current wage levels, are long overdue after 40 years and would make it difficult for employers to misclassify employees to get around the overtime requirements. In the end, the AFL-CIO noted that the regulations would provide much needed relief to workers who have fallen behind the cost of living but at the same time, even with the necessary changes, would not impose much of a hardship on employers since 465,000 workers who currently fall into the EAP exemption would still remain exempt from overtime under proposed regulation.

The Philadelphia Unemployment Project (PUP), a nonprofit employer, submitted comments strongly supporting the Department's proposed changes to the overtime regulations. PUP viewed the overtime regulations as one way to provide workers with a much-needed increase in wages while employers remain reluctant to raise wages despite generous corporate tax cuts, tight labor markets and a robust economic expansion. More significantly, PUP stated that "as a small non-profit," it is "willing to live with these increases on overtime pay" for its staff and urged adoption of these regulations.

Pennsylvania Council of Churches (PCofC), a nonprofit entity, submitted comments in support of the Department's regulation regarding EAP salaried worker exemptions noting that the prior regulation has been in place since 1977 and "has not kept pace with the cost of living and housing in Pennsylvania, or with the realities of our workplace." PCofC viewed the proposed rulemaking as effectively addressing the fundamental question of worker fairness.

The International Brotherhood of Electrical Workers (IBEW) commented that employers have constantly taken advantage of the 40-year-old obsolete regulations to misclassify workers and pay sub-standard wages. IBEW goes on to note that by updating the regulations, as proposed by the Department, employers would be discouraged from misclassifying workers and job classifications and as a result, numerous Pennsylvania workers would benefit by bringing them overtime protection and additional income which would multiply into benefits throughout the Commonwealth.

The National Employment Law Project (NELP), submitted extensive comments in support of the Department's proposed rulemaking. NELP noted that the Department's proposed regulation defining EAP exemptions reinforces and advances the purposes of the act's overtime provisions and the bright-line salary test creates an effective, efficient and predictable means to define and delimit the EAP exemptions. NELP commented that the Department's salary threshold proposal is within the low range for today's labor market and its proposal for indexing the salary threshold is sound since it is a fair, predictable and efficient way to ensure that the scope of exemptions continues to keep pace with the act's intended reach. NELP supported the proposed rulemaking because it is in the public interest, complies with the agency's statutory authority and legislative intent, and will have a positive economic impact on the Commonwealth, which NELP noted is all accomplished with a clear, feasible and reasonable regulatory provisions.

Summary of Amendments

In response to IRRC's comment asking for a more detailed explanation as to why amendments are needed and why they are in the public interest, the Department provides the following explanations regarding its amendments.

Many of the Department's amendments are based upon the Department's stated goal of more closely aligning the

duties test with Federal regulations. The Department recognizes that discrepancies between the Commonwealth's regulations and Federal regulations make it difficult for employers to know if they are in compliance with the duties test. This was expressed by businesses during the ten roundtable discussions the Department organized in Spring of 2019 and in various formal comments submitted. Commentators suggest, and the Department agrees that aligning the duties test more closely to the Federal duties test will provide increased clarity to both employers and employees as to who is and is not an exempt employee, reduce misclassification, will decrease litigation arising from misclassification issues.

§ 231.1 Definitions

In the proposed rulemaking, the Department amended § 231.1 to add a definition of "general operation." The Department proposed this definition to align with the Federal regulations. See 29 CFR 541.201(b) (relating to directly related to management or general business operations). As suggested by IRRC and many commentators, adopting definitions that align with Federal regulations will assist the Department, employers and employees in properly and consistently determining whether employees are exempt under the administrative exemption. In this final-form rulemaking, the Department removes the term "general operation" from the definitional section and adds it to § 231.83 since that term exclusively applies to the section. In addition, the Department revises the term "general operation" to "directly related to management or general business operations" so that the term is consistent with Federal regulatory language. Changing the definitional term does not substantively impact the definition or the application of the definition. Further, the Legislative Reference Bureau (LRB) edited the definition to conform with the *Pennsylvania Code & Bulletin Style Manual*. However, the Department has determined that to the extent practicable, mirroring the Federal regulatory language is of the utmost importance to limit confusion and create consistency. Therefore, the Department includes the following amendments in this final-form rulemaking: at the beginning of the definition, the addition of the phrase, "To include, but is not limited to;" replaced the commas with semi-colons; and used lower case for the term "internet." The Department also amended the proposed definition by deleting the phrase "and similar activities," which is located at the end of the definition. The Department deletes this phrase because it is redundant given the inclusion of the language "includes but is not limited to" within the definition of "directly related to management or general business operations." As such, the Department added the word "and" before "legal and regulatory compliance" since that is now the last item in the list of duties. The amendments in this final-form rulemaking do not substantively impact the definition of directly related to general business operations or the application of the definition.

The Department also proposed adding a definition for the term "management." The Department proposed adding this definition to align with the Federal regulations. See 29 CFR 541.102 (relating to management). As suggested by IRRC and many commentators, adopting definitions that align with Federal regulations will assist the Department, employers, and employees in properly and consistently determining whether employees are exempt. In this final-form rulemaking, the Department removes the term "management" from the definitional section and adds it to § 231.82 since that term exclusively applies to the section. In addition, the Department amended the proposed definition by deleting the phrase "and similar

activities," which is located at the end of the definition. The Department deletes this phrase because it is not a phrase used in the Federal definition. The Department also amends this final-form rulemaking to add the phrase, "to include, but is not limited to," which the LRB deleted. The Department amends the regulation in this way to mirror the Federal regulatory language. The Department submits that the phrase "including, but is not limited to" might be construed as being broader than "and similar activities." The Department makes a minor grammatical edit to conform to the Federal regulation by adding a comma in the phrase, "interviewing, selecting, and training of employees." The Department also changes the word "and" to "or" in the phrase "providing for the safety and security of the employees or the property" to mirror the Federal regulatory definition of management. *Id.*

The Department adds a definition for "Minimum Wage Advisory Board" to add clarity given the reference to the Board at §§ 231.82(4), 231.83(3) and 231.84(2).

The Department removes the defined term "Handicapped Worker" and replaces it with the defined term "Worker with a disability" at the suggestion of IRRC and to update outdated language. While the defined term has changed, the substance of the definition remains the same. The Department further made this terminology change in §§ 231.71, 231.72, 231.73 and 231.74.

§ 231.82 Executive

Duties test

In the proposed rulemaking, the Department amended § 231.82(1) by replacing the phrase "consists of" with "is." The Department proposed this amendment to improve the readability of the section. Additionally, the definition in the proposed rulemaking is the verbatim language from the Federal regulation. See 29 CFR 541.100 (relating to general rule for executive employees). Therefore, consistent with the Department's overall goal to align its regulations with Federal regulations where practicable, the Department's final-form rulemaking includes this amendment. As noted earlier, the Department creates new subparagraph (1)(i) to define the term "management."

The Department proposed deleting § 231.82(5) in the proposed rulemaking. Section 231.82(5) includes different wage requirements for individuals whose primary duties are executive and individuals who spend up to 20% performing nonexecutive duties. This duty requirement is inconsistent with Federal regulations with regard to executive employees. See 29 CFR 541.100. The Department's final-form rulemaking includes this amendment to align with the correlating Federal regulation.

The Department received numerous comments supporting the Department's efforts to more closely align with correlating Federal regulations, but commentators underscored the importance of amending other inconsistencies to align with Federal regulations. In response to this concern, the Department reviewed the Executive exemption to determine if it should make other amendments to further align the Department's regulations to the correlating Federal regulation. The Department therefore includes in its final-form amendment changes to § 231.82(3) which adds a comma after "hiring," deletes the word "or" before firing; adds a comma after the word "firing"; deletes the phrase "and as to the" before "advancement"; deletes the word "and" before "promotion"; and replaces the phrase "will be" with "are." These changes mirror the language in Federal regulation.

In addition, the Department includes in its final-form rulemaking the deletion of § 231.82(4), which includes a requirement that the individual “customarily and regularly exercises discretionary powers.” In deleting this provision, the Department aligns the executive duties test with the correlating Federal regulations. The Department does not believe the deletion of this provision will have a substantive impact on the implementation of the executive exemption because the concept of customarily and regularly exercising discretionary powers is captured in the definition of management as adopted in this final-form rulemaking.

As a result of the deletion of paragraph (4) of § 231.82, the Department renumbers paragraph (5) to paragraph (4) and paragraph (6) to paragraph (5).

§ 231.83 *Administrative*

Duties test

In the proposed rulemaking, the Department amended § 231.83(1) by replacing the phrase “consists of” with “is.” The Department proposed this amendment to improve the readability of the section. Additionally, the definition in the proposed rulemaking is the verbatim language from the Federal regulation. See 29 CFR 541.200. Therefore, consistent with the Department’s overall goal to align its regulations with Federal regulations where practicable, the Department’s final-form rulemaking includes this amendment to align with the correlating Federal regulation. In this final-form rulemaking at § 231.83(1), the Department also amends the term from “general operation” to “directly related to management or general business operations” to align with the terminology used in Federal regulations. See 29 CFR 541.201. As noted earlier, the Department creates a new subparagraph 231.83(1)(i) to define the term “directly related to management or general business operations.”

In the proposed rulemaking, the Department amended § 231.83(2) by including the phrase, “with respect to matters of significance.” The Department proposed this amendment to clarify that administrative personnel must regularly exercise judgment and discretion in matters of significance and to also align with the Federal regulations. See 29 CFR 541.200(a)(3). The phrase “with respect to matters of significance” is the verbatim language from the Federal regulation. *Id.* Consistent with the Department’s overall goal to more closely align with Federal regulations, the Department makes one further amendment in this final-form rulemaking. The Department amends § 231.82(2) to mirror the Federal regulatory language in 29 CFR 541.200(a)(3) by replacing “who customarily and regularly exercises” with “whose primary duty includes the exercise of” discretion and independent judgment with respect of matters of significance. This change will provide greater clarity to employers that employees are not exempt under the administrative exemption unless they have the ability to exercise discretion on important matters.

In the proposed rulemaking, the Department deleted § 231.83(3) to ensure that employees who only assist other executives and administrative personnel or who only perform work requiring specialized training, experience or knowledge or who only perform specialized tasks or assignments are no longer classified as exempt. The Department deleted § 231.83(4), which contains wage requirements for individuals whose primary duties are administrative and individuals who spend up to 20% performing nonadministrative duties. These amendments were adopted in the proposed rulemaking to align the

Commonwealth’s regulation with Federal regulations at 29 CFR 541.200. The Department includes these amendments in its final-form rulemaking to align with the correlating Federal regulation. Aligning the regulatory language with the correlating Federal regulation will provide employers in this Commonwealth with only one duties test to determine whether an employee is exempt from the minimum wage and overtime under the administrative exemption.

§ 231.84 *Professional*

Duties test

In the proposed rulemaking, the Department amended § 231.84(1) by replacing the phrase “consists of” with “is.” The Department proposed this amendment to improve the readability of the section. Additionally, the definition in the proposed rulemaking is the verbatim language from the Federal regulation. See 29 CFR 541.300 (relating to general rule for professional employees). The Department also made minor clarifications in the proposed rulemaking to conform to proper regulatory style under the *Pennsylvania Code & Bulletin Style Manual*. Therefore, consistent with the Department’s overall goal to align its regulations with Federal regulations where practicable, the Department’s final-form rulemaking includes the proposed amendments to align with the correlating Federal regulation.

In addition, the Department replaces the language “the performance of work that is original and creative in character in a recognized field of artistic endeavor” with “invention, imagination, originality or talent in a recognized field of artistic or creative endeavor.” This language mirrors the language in the Federal regulation.

In the proposed rulemaking, the Department deleted § 231.84(4), which contains wage requirements for individuals whose primary duties are professional and individuals who spend up to 20% performing nonprofessional duties. This amendment was proposed in the proposed rulemaking to align the Commonwealth’s regulation with Federal regulations at 29 CFR 541.300. The Department includes this amendment in this final-form rulemaking to align with the correlating Federal regulation. Aligning the regulatory language with the correlating Federal regulation will provide employers in this Commonwealth with only one duties test to determine whether an employee is exempt from the minimum wage and overtime under the professional exemption.

In the final-form rulemaking, the Department deletes § 231.84(2) and (3). These changes align the Department’s final-form regulation with the correlating Federal regulation. Aligning the regulatory language with the correlating Federal regulation will provide employers in this Commonwealth with only one duties test to determine whether an employee is exempt from the minimum wage and overtime under the professional exemption.

As a result of the deletion of paragraphs (2) and (3) of § 231.84, the Department renumbers paragraph (4) to paragraph (2) and paragraph (5) to paragraph (3).

Short and Long Duties Tests and Salary Threshold for Executive, Administrative and Professional Exemptions

The Commonwealth’s existing regulations align with the Federal law as it existed in 1977, which included the long and short duties test. See §§ 231.82(6) (renumbered in this final-form rulemaking as § 231.82(4)), 231.83(5) (renumbered in this final-form rulemaking as § 231.83(3)) and 231.84(5) (renumbered in this final-form rulemaking as § 231.84(3)). The long test includes a more

restrictive duties test and a lower salary threshold, and the short test includes a less stringent duties requirements and a higher salary threshold. *Id.*

In 2004, Federal regulations eliminated the short and long duties test and adopted less stringent duties in the short test. See 69 FR 22122. However, the Department did not make a change to its regulations. As such, the discrepancies between the Department's regulations and USDOL's regulations make it difficult for employers in this Commonwealth to know if white-collar salaried employees are entitled to receive overtime. This was expressed by businesses during the ten roundtable discussions the Department organized in Spring 2019 and in various formal comments submitted. Aligning the duties test in this final-form rulemaking to the duties test in the Federal regulations will eliminate this burden, making it easier for employers to comply with the law and for employees to know if they should be classified as an exempt or nonexempt EAP employee. Accordingly, the Department's proposed amendments eliminated the long duties test found in §§ 231.82(6) (renumbered in this final-form rulemaking as 231.82(4)) and 231.83(5) (renumbered in this final-form rulemaking as 231.83(3)) and 231.84(5) (renumbered in this final-form rulemaking as 231.84(2)). The Department includes this amendment in this final-form rulemaking to align with the correlating Federal regulation.

In the proposed rulemaking, at §§ 231.82(5)(i)—(iv) (renumbered in this final-form rulemaking as 231.82(4)(i)—(iv)); 231.83(3)(i)—(iv) (renumbered in this final-form rulemaking as 231.83(3)(i)—(iv)); and 231.84(4)(i)—(iv) (renumbered in this final-form rulemaking as 231.84(2)(i)—(iv)), the Department's salary thresholds increased the minimum salary amount to \$610 per week effective the date of publication of this final-form rulemaking; to \$766 per week effective 1 year after the date of publication of this final-form rulemaking; to \$921 per week effective 2 years after the date of publication of this final-form rulemaking. In proposing these figures, the Department reviewed data regarding salaried workers in the Northeast region. The Department also proposed, effective 3 years after the date of publication of this final-form rulemaking and January 1st of every 3rd year thereafter, an increase at a rate equal to the 30th percentile of weekly earnings of full-time nonhourly workers in the Northeast Census region in the second quarter of the prior year as published by the USDOL, Bureau of Labor Statistics. As more fully discussed earlier in this preamble, the Department amends the salary thresholds in this final-form rulemaking to \$684 per week effective the date of publication of this final-form rulemaking; to \$780 per week effective 1 year after the date of publication of this final-form rulemaking; and to \$875 per week effective 2 years after the date of publication of this final-form rulemaking. The Department also modified its methodology for subsequent 3-year adjustments as more fully discussed elsewhere in this preamble. These adjustments will be published 3 years after the date this final-form rulemaking is published in the *Pennsylvania Bulletin* and every 3 years thereafter.

Finally, in this final-form rulemaking, the Department amends the editor notes at §§ 231.82(4)(i)—(iv); 231.83(3)(i)—(iv); and 231.84(2)(i)—(iv) to ensure the effective dates of the salary thresholds are clear. The LRB modified the editor notes to read, "The blank refers to the effective date of the adoption of this proposed rulemaking." The Department intends for the effective date to begin as of the date of the publication of this final-form rulemaking. To avoid confusions regarding effective dates,

the Department amends the editor notes to reference the date of publication of this final-form rulemaking instead of the proposed rulemaking. The Department also amends the number of days to numbers of years to allow for easier comprehension.

In addition, in this final-form rulemaking the Department adds a role for the Board. At least 90 days prior to the publication required by §§ 231.82(4)(iv), 231.83(3)(iv) and 231.84(2)(iv), the Department shall present the adjusted weekly salary rate and supporting information to the Board. At a meeting to be held no later than 60 days prior to the effective date, the Board will have the opportunity to advise and consult the Secretary regarding the adjusted weekly salary rate. At least 30 days prior to the effective date for the adjusted weekly salary rate, the Department will be required to publish this figure on its web site and in the *Pennsylvania Bulletin*. The Board consists of three representatives of established recognized associations of labor organizations, three representatives of established recognized associations of employers and three members from the general public. See section 6(b) of the act (43 P.S. § 333.106(b)). The Department makes this change because the Board is representative of the communities affected by the adjusted weekly salary rate. As such, it is able to advise the Department on whether the data the Department will use to set the adjusted weekly salary rate is complete and accurate.

Bonuses, Incentives, and Commissions or Executive, Administrative and Professional Exemptions

Finally, in the proposed rulemaking, the Department added additional provisions at §§ 231.82(6) (renumbered in this final-form rulemaking as 231.82(5)), 231.83(4) and 231.84(2) (renumbered in this final-form rulemaking as 231.84(4)), which allows up to 10% of the salary amount to be paid by nondiscretionary bonuses, incentives or commissions. Under the proposed regulations, bonuses, incentives or commissions must be paid on at least a quarterly basis. If by the last quarter, the salary and bonuses, incentives or commissions do not equal at least 13 times the weekly salary threshold, then the employer must make a one-time payment equal to the amount of the underpayment by the end of the next pay period of the next quarter. This one-time payment only counts towards the payment requirements of the previous quarter. The Department proposed this regulation to align with Federal regulations that were published in 2016 and later enjoined.

The USDOL recently published a new final rule updating and revising the regulations issued under the FLSA implementing the exemptions from minimum wage and overtime pay requirements for executive, administrative, professional, outside sales, and computer employees. See 84 FR 51230, 51235 (September 27, 2019). The new Federal regulations became effective on January 1, 2020, and include an updated approach to considering bonuses, incentives or commissions. Under the new Federal regulations, up to 10% of the salary amount may be satisfied by the payment of nondiscretionary bonuses, incentives and commission payments, that are paid annually or more frequently. *Id.* at 51307. Additionally, the employer may utilize any 52-week period as the year, such as a calendar year, a fiscal year or an anniversary of hire year. If the employer does not identify some other year period in advance, the calendar year will apply. If by the last pay period of the 52-week period the sum of the employee's weekly salary plus nondiscretionary bonus, incentive and commission payments received is less than 52 times the weekly salary amount required by the applicable Federal

regulation, the employer may make one final payment sufficient to achieve the required level no later than the next pay period after the end of the year. Any such final payment made after the end of the 52-week period may count only toward the prior year's salary amount and not toward the salary amount in the year it was paid. Id.

In an effort to align the Department's regulations with the Federal regulations, the Department adopted the standards as promulgated by the USDOL as set forth in the *Federal Register*. Id. While quarterly payments are the most beneficial to employees while still allowing the use of bonus/incentive payments to be counted towards the salary threshold, this creates an unnecessary administrative burden for employers and may not take into account certain sales occupations that rely on "busy seasons" for a majority of earnings. As such, allowing bonus to count for a salary as they are paid on a yearly basis is more appropriate. It is also more appropriate to allow the employer to choose whether a year is a calendar, fiscal or work anniversary year to provide employers with more flexibility.

Miscellaneous Clarity

In this final-form rulemaking, the Department also amends the regulations to delete the use of the word "his" and insert a gender-neutral reference. None of the amendments are substantive in nature. See §§ 231.1, 231.82(4), 231.83(1) and (3) and 231.84(2).

Fiscal Impact

There is minimal impact to the Department in enforcing the changes in this final-form rulemaking. The potential fiscal impact to employers is detailed more fully in response to comments from IRRC about economic and fiscal impact, as well as in response to comments regarding costs to small business. This potential impact is largely dependent on which of the multitude of available options an employer chooses in response to this final-form rulemaking.

Affected Persons

This final-form rulemaking will affect all employers in this Commonwealth covered by the act and all individuals who are employed by these entities.

Reporting, Recordkeeping and Paperwork Requirements

This final-form rulemaking will not require the creation of new forms and reporting requirements.

Sunset Date

A sunset date is not appropriate for this final-form rulemaking because the Department believes that the regulation is necessary to carry out the Department's statutory duty under the act. However, the Department will continue to monitor the impact and effectiveness of the regulation.

Effective Date

This final-form rulemaking will take effect upon publication in the *Pennsylvania Bulletin*.

Contact Person

The contact person for this final-form rulemaking is Jennifer Berrier, Deputy Secretary for Safety and Labor-Management Relations, 651 Boas Street, Room 1701, Harrisburg, PA 17121, (717) 787-8665, or by e-mail to jberrier@pa.gov within 30 days of publication in the *Pennsylvania Bulletin*.

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P.S. § 745.5(a)), on June 12, 2018, the Department submitted a copy of the notice of proposed rulemaking, published at 48 Pa.B. 3731, to IRRC and the Chairpersons of the House and Senate Labor and Industry Committees for review and comment. Under section 5(c) of the Regulatory Review Act, IRRC and the Committees were provided with copies of the comments received during the public comment period, as well as other documents when requested. In preparing the final-form rulemaking, the Department has considered all comments from IRRC, the House and Senate Committees and the public.

On October 17, 2019, the Department delivered the final-form rulemaking to IRRC, and the Chairpersons of the House and Senate Labor and Industry Committees. The Department withdrew this regulation on November 21, 2019, to add clarifying language to §§ 231.82(4)(iv), 231.83(3)(iv) and 231.84(2)(iv) and to fix typographical and spelling errors.

On December 9, 2019, the Department re-delivered the final-form rulemaking to IRRC, and the Chairpersons of the House and Senate Labor and Industry Committees. Under section 5.1(e) of the Regulatory Review Act, IRRC met on January 31, 2020, and approved the final-form rulemaking. Under section 7(d) of the Regulatory Review Act, the final-form rulemaking was deemed approved by the House and Senate Committees.

Findings

The Department finds that:

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

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

(3) This final form rulemaking is necessary and suitable for the administration of the act.

Order

The Department, acting under its authorizing statute, orders that:

(a) The regulations of the Department, 34 Pa. Code Chapter 231, are amended by amending §§ 231.1, 231.71—231.74 and 231.82—231.84 to read as set forth in Annex A.

(*Editor's Note:* Amended §§ 231.71—231.74 did not appear in the proposed rulemaking published at 48 Pa.B. 3731.)

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

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

(d) The regulations shall take effect upon publication in the *Pennsylvania Bulletin*.

W. GERARD OLEKSIK,
Secretary

Fiscal Note: Fiscal Note 12-106 remains valid for the final adoption of the subject regulations.

Annex A

TITLE 34. LABOR AND INDUSTRY

PART XII. BUREAU OF LABOR LAW COMPLIANCE

CHAPTER 231. MINIMUM WAGE

GENERAL PROVISIONS

§ 231.1. Definitions.

* * * * *

(b) In addition to the provisions of subsection (a), the following words and terms, when used in this chapter, have the following meanings, unless the context clearly indicates otherwise:

* * * * *

Department—The Department of Labor and Industry of the Commonwealth.

Domestic services—Work in or about a private dwelling for an employer in the capacity as a householder, as distinguished from work in or about a private dwelling for such employer in the employer’s pursuit of a trade, occupation, profession, enterprise or vocation.

Hotel or motel—An establishment which as a whole or part of its business activities offers lodging accommodations for hire to the public, and services in connection therewith or incidental thereto.

* * * * *

Lodging—A housing facility available for the personal use of the employee at all hours.

Minimum Wage Advisory Board—A Board created in the Department of Labor and Industry under section 6 of the act (43 P.S. § 333.106) regarding the Minimum Wage Advisory Board.

Nonprofit organization—A corporation, unincorporated association, community chest, fund or foundation organized and operated exclusively for religious, charitable or educational purposes, no part of the net earnings of which inures to the benefit of any private shareholder or individual.

* * * * *

Week—A period of 7 consecutive days starting on any day selected by the employer.

Worker with a disability—An individual whose earning capacity for the work to be performed is impaired by physical or mental deficiency or injury.

EMPLOYMENT OF WORKERS WITH A DISABILITY

§ 231.71. Procedure.

(a) An employer who wishes to employ workers with a disability at less than the prescribed minimum wage shall complete an application on forms furnished by the Secretary.

(b) The application shall set forth the following information:

- (1) The nature of the disability in detail.
- (2) A description of the occupation at which the worker with a disability is to be employed.
- (3) The wage the employer proposes to pay the worker with a disability per hour.
- (4) Other information as may be required by the Secretary.

(c) The application shall be signed jointly by the employer and the worker with a disability for whom such application is being made, except as otherwise authorized by the Secretary.

§ 231.72. Conditions for granting certificate.

A certificate may be issued if the application is in proper form and sets forth facts showing that:

- (1) The disability impairs the earning capacity of the worker for the work the employee is to perform.
- (2) The proposed minimum wage is commensurate with the production capacity of the employee.

§ 231.73. Special certificate.

If the application and other available information indicate that the requirements of these §§ 231.71—231.76 (relating to employment of workers with a disability) are satisfied, the Secretary will issue a certificate. If issued, copies of the certificate will be mailed to the employer and the worker with a disability, and if the certificate is not issued, the employer and the worker with a disability will be given written notice of the denial.

§ 231.74. Specifications of the certificate.

(a) A certificate will specify, among other things, the name of the worker with a disability, the name of the employer, the occupation in which the worker with a disability is to be employed, the authorized subminimum wage rate and the period of time during which such wage rate may be paid.

(b) A certificate shall be effective for a period to be designated by the Secretary. The worker with a disability employed under the certificate may be paid subminimum wages only during the effective period of the certificate.

(c) The wage rate set in the certificate will be fixed at a figure designated to reflect adequately the earning capacity of the worker with a disability.

(d) A money received by a worker with a disability by reason of a state or Federal pension or compensation program for persons with a disability may not be considered as offsetting any part of the wage due the worker with a disability by the employer.

(e) Except as otherwise provided in section 5(a)—(c) of the act (43 P.S. § 333.105(a)—(c)), the worker with a disability shall be paid not less than 1 1/2 times the regular rate for hours worked in excess of 40 in the workweek.

(f) The terms of a certificate, including the subminimum wage rate specified therein, may be amended by the Secretary upon written notice to the parties concerned if the facts justify the amendment.

SPECIAL DEFINITIONS

§ 231.82. Executive.

Employment in a bona fide executive capacity means work by an individual:

- (1) Whose primary duty is the management of the enterprise in which he is employed or of a customarily recognized department or subdivision.
- (i) For this section the term “management” is defined as follows: to include, but is not limited to, activities such as interviewing, selecting, and training of employees; setting and adjusting employees’ rates of pay and hours of work; directing the work of employees; maintaining production or sales records for use in supervision or control; appraising employees’ productivity and efficiency for the

purpose of recommending promotions or other changes in status; handling employee complaints and grievances; disciplining employees; planning the work; determining the techniques to be used to perform work; apportioning the work among the employees; determining the type of materials, supplies, machinery, equipment or tools to be used or merchandise to be bought, stocked and sold; controlling the flow and distribution of materials or merchandise and supplies; providing for the safety and security of the employees or the property; planning and controlling the budget, and monitoring or implementing legal compliance measures.

(2) Who customarily and regularly directs the work of two or more other employees.

(3) Who has the authority to hire or fire other employees or whose suggestions and recommendations as to the hiring, firing, advancement, promotion or any other change of status of other employees are given particular weight.

(4) Who is compensated for services on a salary basis at a rate of not less than:

(i) \$684 per week exclusive of board, lodging or other facilities, effective October 3, 2020.

(ii) \$780 per week exclusive of board, lodging or other facilities, effective October 3, 2021.

(iii) \$875 per week exclusive of board, lodging or other facilities, effective October 3, 2022.

(iv) Effective October 3, 2023, and each 3rd year thereafter, and at a rate equal to the weighted average 10th percentile wages for Pennsylvania workers who work in exempt executive, administrative or professional classifications as determined by the Department with advice and consultation by the Minimum Wage Advisory Board and based on an annual wage survey of all worker classifications conducted by the Department.

(A) At least 90 days prior to the effective date of each 3-year period in subparagraph (iv), the Department will submit to the Minimum Wage Advisory Board, the adjusted weekly salary rate under subparagraph (iv) and the information supporting the adjusted salary rate.

(B) Upon review of the information submitted by the Department and at a meeting to be held no later than 60 days before the effective date of the adjusted weekly salary rate, the Minimum Wage Advisory Board may provide advice and consultation to the Secretary regarding the adjusted weekly salary rate.

(C) At least 30 days prior to the effective date of each 3-year period in subparagraph (iv), the Department will publish the adjusted weekly salary rate on its web site and in the *Pennsylvania Bulletin*.

(5) Up to 10% of the salary amount required under paragraph (4) may be satisfied by the payment of nondiscretionary bonuses, incentives and commissions that are paid annually or more frequently. The employer may use any 52-week period as the year, such as a calendar year, fiscal year or anniversary of hire year. If the employer does not identify some other year period in advance, the calendar year will apply. If by the last pay period of the year the sum of the employee's weekly salary plus nondiscretionary bonus, incentive and commission payments received does not equal 52 times the weekly salary amount required under this section, the employer may make 1 final payment sufficient to achieve the required level no later than the next pay period after the end of the year. A final payment made after the end of the year

may count only toward the prior year's salary amount and not toward the salary amount in the year it was paid.

§ 231.83. Administrative.

Employment in a bona fide administrative capacity means work by an individual:

(1) Whose primary duty is the performance of office or nonmanual work directly related to management or general business operations of the employer or the customers of the employer.

(i) For the purpose of this section the term "directly related to management or general business operations" is defined as follows: to include, but is not limited to, work in functional areas such as tax; finance; accounting; budgeting; auditing; insurance; quality control; purchasing; procurement; advertising; marketing; research; safety and health; personnel management; human resources; employee benefits; labor relations; public relations, government relations; computer network, internet and database administration; legal and regulatory compliance.

(2) Whose primary duty includes the exercise of discretion and independent judgment with respect to matters of significance.

(3) Who is compensated for services on a salary basis at a rate of not less than:

(i) \$684 per week exclusive of board, lodging or other facilities, effective October 3, 2020.

(ii) \$780 per week exclusive of board, lodging or other facilities, effective October 3, 2021.

(iii) \$875 per week exclusive of board, lodging or other facilities, effective October 3, 2022.

(iv) Effective October 3, 2023, and each 3rd year thereafter, at a rate equal to the weighted average 10th percentile wages for Pennsylvania workers who work in exempt executive, administrative or professional classifications as determined by the Department with advice and consultation by the Minimum Wage Advisory Board and based on an annual wage survey of all worker classifications conducted by the Department.

(A) At least 90 days prior to the effective date of each 3-year period in subparagraph (iv), the Department will submit to the Minimum Wage Advisory Board, the adjusted weekly salary rate under subparagraph (iv) and the information supporting the adjusted salary rate.

(B) Upon review of the information submitted by the Department and a meeting to be held no later than 60 days before the effective date, the Minimum Wage Advisory Board may provide advice and consultation to the secretary regarding the weekly salary rate.

(c) At least 30 days prior to the effective date of each 3-year period, the Department will publish this figure on its web site and in the *Pennsylvania Bulletin*.

(4) Up to 10% of the salary amount required under paragraph (3) may be satisfied by the payment of nondiscretionary bonuses, incentives and commissions that are paid yearly or more frequently. The employer may use any 52-week period as the year, such as a calendar year, fiscal year or anniversary of hire year. If the employer does not identify some other year period in advance, the calendar year will apply. If by the last pay period of the year the sum of the employee's weekly salary plus nondiscretionary bonus, incentive and commission payments received does not equal 52 times the weekly salary amount required by this section, the employer may make 1 final payment sufficient to achieve the required level no

later than the next pay period after the end of the year. A final payment made after the end of the year may count only toward the prior year's salary amount and not toward the salary amount in the year it was paid.

§ 231.84. Professional.

Employment in a bona fide professional capacity means work by an individual:

(1) Whose primary duty is the performance of work requiring either of the following:

(i) Knowledge of an advanced type in a field of science or learning customarily acquired by a prolonged course of specialized instruction and study.

(ii) Invention, imagination, originality or talent in a recognized field of artistic or creative endeavor.

(2) Who is compensated for services on a salary or fee basis at a rate of not less than:

(i) \$684 per week exclusive of board, lodging or other facilities, effective October 3, 2020.

(ii) \$780 per week exclusive of board, lodging or other facilities, effective October 3, 2021.

(iii) \$875 per week exclusive of board, lodging or other facilities, effective October 3, 2022.

(iv) Effective October 3, 2023 and each 3rd year thereafter, at a rate equal to the weighted average 10th percentile wages for Pennsylvania workers who work in exempt executive, administrative or professional classifications as determined by the Department with advice and consultation by the Minimum Wage Advisory Board and based on an annual wage survey of all worker classifications conducted by the Department.

(A) At least 90 days prior to the effective date of each 3-year period in subparagraph (iv), the Department will submit to the Minimum Wage Advisory Board, the adjusted weekly salary rate under subparagraph (iv) and the information supporting the adjusted salary rate.

(B) Upon review of the information submitted by the Department and a meeting to be held no later than 60 days before the effective date, the Minimum Wage Advisory Board may provide advice and consultation to the secretary regarding the weekly salary rate.

(C) At least 30 days prior to the effective date of each 3-year period, the Department will publish this figure on its web site and in the *Pennsylvania Bulletin*.

(3) Up to 10% of the salary or fee amount required under paragraph (2) may be satisfied by the payment of nondiscretionary bonuses, incentives and commissions that are paid yearly or more frequently. The employer may use any 52-week period as the year, such as a calendar year, fiscal year or anniversary of hire year. If the employer does not identify some other year period in advance, the calendar year will apply. If by the last pay period of the year the sum of the employee's weekly salary plus nondiscretionary bonus, incentive and commission payments received does not equal 52 times the weekly salary amount required by this section, the employer may make 1 final payment sufficient to achieve the required level no later than the next pay period after the end of the year. A final payment made after the end of the year may count only toward the prior year's salary amount and not toward the salary amount in the year it was paid.

[Pa.B. Doc. No. 20-1343. Filed for public inspection October 2, 2020, 9:00 a.m.]

PROPOSED RULEMAKING

FISH AND BOAT COMMISSION

[58 PA. CODE CH. 65]

Fishing; Special Fishing Regulations

The Fish and Boat Commission (Commission) proposes to amend Chapter 65 (relating to special fishing regulations). The Commission is publishing this proposed rulemaking under the authority of 30 Pa.C.S. (relating to Fish and Boat Code) (code). The proposed amendments remove Lake Perez from the Commission's list of waters under miscellaneous special regulations.

A. *Effective Date*

This proposed rulemaking, if approved on final-form rulemaking, will go into effect upon publication in the *Pennsylvania Bulletin*.

B. *Contact Person*

For further information on this proposed rulemaking, contact Wayne Melnick, Esq., P.O. Box 67000, Harrisburg, PA 17106-7000, (717) 705-7810. This proposed rulemaking is available on the Commission's web site at www.fishandboat.com.

C. *Statutory Authority*

The proposed amendment to § 65.24 (relating to miscellaneous special regulations) are published under the statutory authority of section 2307(a) of the code (relating to waters limited to specific purposes).

D. *Purpose and Background*

The specific purpose and background of this proposed amendment is described in more detail under the summary of proposal.

E. *Summary of Proposal*

Lake Perez, a 72-acre impoundment owned by the Pennsylvania State University, is located in Barree Township, Huntingdon County, approximately 3 miles northeast from the Village of Neffs Mills. The dam impounds Shavers Creek at river-mile 13.6 upstream from its confluence with the Juniata River. This reservoir was completely dewatered in late spring 2009 to complete dam and spillway repairs and modifications per Department of Environmental Protection dam safety standards. Following completion of these repairs and modifications, refill occurred during 2014, and the Commission resumed annual adult trout stocking in 2015 to provide immediate angling opportunities. Additionally, the Commission stocked the lake from 2014 through 2018 with select fish species to establish a self-sustaining, high-quality warm-water and cool-water fishery.

Since 2015, Lake Perez has been managed with miscellaneous special regulations under § 65.24 that allow for

the harvest of trout under Commonwealth Inland Waters angling regulations, but no harvest of other fish species. The intent of these temporary regulations is to facilitate rapid development of the warm-water and cool-water fish populations in the absence of harvest, and once re-established, the lake would be recommended for removal from the miscellaneous special regulation and moved to one of the Commission's existing warm-water regulation programs.

The black bass and panfish populations were evaluated during 2019 and 2020 to monitor progress towards development of a high-quality warm-water and cool-water fishery. Sportfish abundance and population size structure have improved to levels where populations can now sustain limited harvest. As such, it is recommended that Lake Perez be removed from miscellaneous special regulations under § 65.24 in favor of management with the Commission's existing warm-water regulation programs that allow for limited harvest of warm-water and cool-water fish. If this regulation is removed, Lake Perez will be proposed for designation into the Panfish Enhancement program under § 65.11 (relating to panfish enhancement). All other fish species will be managed with Commonwealth Inland Waters angling regulations under § 61.1 (relating to Commonwealth inland waters).

The Commission proposes that § 65.24 be amended to read as set forth in Annex A.

F. *Paperwork*

This proposed rulemaking will not increase paperwork and will not create new paperwork requirements.

G. *Fiscal Impact*

This proposed rulemaking will have no adverse fiscal impact on the Commonwealth or its political subdivisions.

H. *Public Comments*

Interested persons are invited to submit written comments, objections, or suggestions about this proposed rulemaking to the Executive Director, Fish and Boat Commission, P.O. Box 67000, Harrisburg, PA 17106-7000, within 30 days after publication of this notice in the *Pennsylvania Bulletin*. Comments submitted by facsimile will not be accepted.

Comments also may be submitted electronically by completing the form at www.fishandboat.com/regcomments. If an acknowledgment of electronic comments is not received by the sender within 2 working days, the comments should be retransmitted to ensure receipt. Electronic comments submitted in any other manner will not be accepted.

TIMOTHY D. SCHAEFFER,
Executive Director

Fiscal Note: 48A-306. No fiscal impact; (8) recommends adoption.

Annex A
TITLE 58. RECREATION
PART II. FISH AND BOAT COMMISSION
Subpart B. FISHING

CHAPTER 65. SPECIAL FISHING REGULATIONS

§ 65.24. Miscellaneous special regulations.

The following waters are subject to the following miscellaneous special regulations:

<i>County</i>	<i>Name of Water</i>	<i>Special Regulations</i>
	* * * * *	
Dauphin, Juniata, Perry	Juniata River (31.7 miles) from SR0075 bridge at Port Royal downstream to the mouth, including all tributaries to a point 1/2 mile upstream from the confluence	Bass (Smallmouth and Largemouth)—No harvest year-round—catch and immediate release only. From 12:01 a.m. the first Saturday after April 11 to 12:01 a.m. the first Saturday after June 11—No Bass tournaments. Remainder of the year—Catch-measure-immediate release tournaments only. It is unlawful for an angler to repeatedly cast into a clearly visible bass spawning nest or bed in an effort to catch or take bass. A bass caught and immediately returned unharmed to the waters from which taken will not be considered a violation of this section.
[Huntingdon]	[Lake Perez]	[All species except trout—catch and release/no harvest; it is unlawful to take, kill, or possess any fish except trout. All fish caught other than trout must be immediately returned unharmed. Trout—inland regulations apply. See § 61.1. This miscellaneous special regulation will remain in effect until June 16, 2018.]
Huntingdon	Raystown Lake (includes Raystown Branch from the Raystown Dam downstream to the confluence with the Juniata River).	Trout (all species)—no closed season. Daily limit: First Saturday after April 11 until Labor Day—5 trout per day; day after Labor Day to first Saturday after April 11 of the following year—3 trout per day. Size limits: Inland rules apply. Smelt may be taken from shore or by wading by means of dip nets not to exceed 20 inches in diameter or 20 inches square. The daily limit per person is the greater of 1 gallon of smelt by volume or 200 smelt by number.
	* * * * *	

[Pa.B. Doc. No. 20-1344. Filed for public inspection October 2, 2020, 9:00 a.m.]

FISH AND BOAT COMMISSION

[58 PA.CODE CH. 65]

Fishing; Special Fishing Regulations

The Fish and Boat Commission (Commission) proposes to amend Chapter 65 (relating to special fishing regulations). The Commission is publishing this proposed rulemaking under the authority of 30 Pa.C.S. (relating to Fish and Boat Code) (code). The proposed amendments remove Opossum Lake from the Commission’s list of waters under miscellaneous special regulations.

A. Effective Date

This proposed rulemaking, if approved on final-form rulemaking, will go into effect upon publication in the *Pennsylvania Bulletin*.

B. Contact Person

For further information on this proposed rulemaking, contact Wayne Melnick, Esq., P.O. Box 67000, Harrisburg, PA 17106-7000, (717) 705-7810. This proposed rulemaking is available on the Commission’s web site at www.fishandboat.com.

C. Statutory Authority

The proposed amendment to § 65.24 (relating to miscellaneous special regulations) are published under the

statutory authority of section 2307(a) of the code (relating to waters limited to specific purposes).

D. Purpose and Background

The specific purpose and background of this proposed amendment is described in more detail under the summary of proposal.

E. Summary of Proposal

Opossum Lake, a 47-acre impoundment owned by the Commonwealth and managed by the Commission, is located in Lower Frankford Township, Cumberland County, approximately 6 miles west-northwest of the Borough of Carlisle. The dam impounds Opossum Creek at river-mile 0.5 upstream from its confluence with Conodoguinet Creek. This reservoir was completely dewatered in October 2008 to complete dam and spillway repairs and modifications per Department of Environmental Protection dam safety standards. Following completion of these repairs and modifications, refill occurred by spring 2013 and the Commission resumed annual adult trout stocking to provide immediate angling opportunities. Additionally, the Commission stocked the lake from 2013 through 2015 with select fish species to establish a high-quality warm-water and cool-water fishery.

Since 2012, Opossum Lake has been managed with miscellaneous special regulations under § 65.24 that allow for the harvest of trout under Commonwealth Inland

Waters angling regulations but no harvest of other fish species. The intent of these temporary regulations was to facilitate rapid development of the warm-water and coolwater fish populations in the absence of harvest, and once re-established, the lake would be recommended for removal from the miscellaneous special regulations and moved to one of the Commission's existing warm-water regulation programs.

The black bass and panfish populations were evaluated from 2015 through 2020 to monitor progress towards development of a high-quality warm-water and cool-water fishery. Sportfish abundance and population size structure have steadily improved to levels where populations can now sustain limited harvest. As such, it is recommended that Opossum Lake be removed from miscellaneous special regulations under § 65.24 in favor of management with the Commission's existing warm-water regulation programs that allow for limited harvest of warm-water and cool-water fish. If these regulations are removed, Opossum Lake will be proposed for designation into the Big Bass and the Panfish Enhancement programs in §§ 65.9 and 65.11 (relating to big bass; and panfish enhancement). All other fish species will be managed with Commonwealth Inland Waters angling regulations in § 61.1 (relating to Commonwealth inland waters).

The Commission proposes that § 65.24 be amended to read as set forth in Annex A.

F. Paperwork

This proposed rulemaking will not increase paperwork and will not create new paperwork requirements.

G. Fiscal Impact

This proposed rulemaking will have no adverse fiscal impact on the Commonwealth or its political subdivisions.

H. Public Comments

Interested persons are invited to submit written comments, objections, or suggestions about this proposed rulemaking to the Executive Director, Fish and Boat Commission, P.O. Box 67000, Harrisburg, PA 17106-7000, within 30 days after publication of this notice in the *Pennsylvania Bulletin*. Comments submitted by facsimile will not be accepted.

Comments also may be submitted electronically by completing the form at www.fishandboat.com/regcomments. If an acknowledgment of electronic comments is not received by the sender within 2 working days, the comments should be retransmitted to ensure receipt. Electronic comments submitted in any other manner will not be accepted.

TIMOTHY D. SCHAEFFER,
Executive Director

Fiscal Note: 48A-305. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 58. RECREATION

PART II. FISH AND BOAT COMMISSION

Subpart B. FISHING

CHAPTER 65. SPECIAL FISHING REGULATIONS

§ 65.24. Miscellaneous special regulations.

The following waters are subject to the following miscellaneous special regulations:

County	Name of Water	Special Regulations
		* * * * *
Crawford	Pymatuning Reservoir	Only carp and suckers may be taken by means of spearing or archery in compliance otherwise with § 63.8 (relating to long bows, crossbows, spears and gigs). Minnow seines and dip nets are restricted to no more than 4 feet in size, and the mesh of the nets shall measure no less than 1/8 nor more than 1/2-inch on a side. Float line fishing is prohibited.
[Cumberland]	[Opossum Lake]	[All species except trout—catch and release/no harvest; it is unlawful to take, kill, or possess any fish except trout. All fish caught other than trout must be immediately returned unharmed. Trout—Inland regulations apply. See § 61.1.]
Cumberland, Dauphin, Juniata, Lancaster, Northumberland, Perry, Snyder, York	Susquehanna River (98.0 miles) from the inflatable dam near Sunbury downstream to Holtwood Dam, including all tributaries to a point 1/2 mile upstream from the confluence	Bass (Smallmouth and Largemouth)—No harvest year-round—catch and immediate release only. From 12:01 a.m. the first Saturday after April 11 to 12:01 a.m. the first Saturday after June 11—No Bass tournaments. Remainder of the year—Catch-measure-immediate release tournaments only. It is unlawful for an angler to repeatedly cast into a clearly visible bass spawning nest or bed in an effort to catch or take bass. A bass caught and immediately returned unharmed to the waters from which taken will not be considered a violation of this section.
		* * * * *

[Pa.B. Doc. No. 20-1345. Filed for public inspection October 2, 2020, 9:00 a.m.]

FISH AND BOAT COMMISSION

[58 PA. CODE CH. 65]

Fishing; Special Fishing Regulations

The Fish and Boat Commission (Commission) proposes to amend Chapter 65 (relating to special fishing regulations). The Commission is publishing this proposed rulemaking under the authority of 30 Pa.C.S. (relating to Fish and Boat Code) (code). The proposed amendments add Whipple Lake to the Commission's list of waters under miscellaneous special regulations.

A. Effective Date

This proposed rulemaking, if approved on final-form rulemaking, will go into effect upon publication in the *Pennsylvania Bulletin*.

B. Contact Person

For further information on this proposed rulemaking, contact Wayne Melnick, Esq., P.O. Box 67000, Harrisburg, PA 17106-7000, (717) 705-7810. This proposed rulemaking is available on the Commission's web site at www.fishandboat.com.

C. Statutory Authority

The proposed amendment to § 65.24 (relating to miscellaneous special regulations) are published under the statutory authority of section 2307(a) of the code (relating to waters limited to specific purposes).

D. Purpose and Background

The specific purpose and background of this proposed amendment is described in more detail under the summary of proposal.

E. Summary of Proposal

Whipple Lake, a 22-acre impoundment owned by the Department of Conservation and Natural Resources, is located within Whipple Dam State Park, Jackson Township, Huntingdon County, approximately 6 miles south of the Borough of State College. This lake was completely dewatered in October 2019 to remove sediment and complete structural improvements to the dam. The earth-fill dam impounds Laurel Run at river-mile 4.6 upstream from its confluence with Standing Stone Creek. Prior to the drawdown in 2019, the lake offered angling opportunities for multiple warm-water and cool-water fish species, as well as adult trout stocked by the Commission. Sediment removal and dam structure improvements are expected to be complete by summer 2020 with refilling initiated soon after.

The Commission plans to initiate stocking the lake beginning in spring 2021, or as soon as refilling condi-

tions allow, with fingerling plants of select fish species to establish a high-quality warm-water and cool-water fishery. Immediately upon refilling of the lake, Commission staff propose to open the lake to fishing under a miscellaneous special regulation that will allow for the harvest of trout under Commonwealth Inland Waters angling regulations, but allow only catch and release fishing for all other fish species. Commission staff believe that this approach will allow for the most rapid development of a balanced warm-water and cool-water fish community, while offering acceptable levels of recreational angling opportunities. Fisheries Management Division staff will monitor the fish populations while they develop, make necessary modifications to the species stocked and recommend adjustments to the regulations governing fish harvest to the Board of Commissioners to continually provide high-quality recreational angling opportunities at Whipple Lake. Once the warm-water fishery is re-established, the lake will be recommended for removal from the miscellaneous special regulation and inclusion in one of the Commission's existing warm-water regulation programs.

The Commission proposes that § 65.24 be amended to read as set forth in Annex A.

F. Paperwork

This proposed rulemaking will not increase paperwork and will not create new paperwork requirements.

G. Fiscal Impact

This proposed rulemaking will have no adverse fiscal impact on the Commonwealth or its political subdivisions.

H. Public Comments

Interested persons are invited to submit written comments, objections, or suggestions about this proposed rulemaking to the Executive Director, Fish and Boat Commission, P.O. Box 67000, Harrisburg, PA 17106-7000, within 30 days after publication of this notice in the *Pennsylvania Bulletin*. Comments submitted by facsimile will not be accepted.

Comments also may be submitted electronically by completing the form at www.fishandboat.com/regcomments. If an acknowledgment of electronic comments is not received by the sender within 2 working days, the comments should be retransmitted to ensure receipt. Electronic comments submitted in any other manner will not be accepted.

TIMOTHY D. SCHAEFFER,
Executive Director

Fiscal Note: 48A-304. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 58. RECREATION

PART II. FISH AND BOAT COMMISSION

Subpart B. FISHING

CHAPTER 65. SPECIAL FISHING REGULATIONS

§ 65.24. Miscellaneous special regulations.

The following waters are subject to the following miscellaneous special regulations:

County	Name of Water	Special Regulations
		* * * * *

PROPOSED RULEMAKING

<i>County</i>	<i>Name of Water</i>	<i>Special Regulations</i>
Huntingdon	Raystown Lake (includes Raystown Branch from the Raystown Dam downstream to the confluence with the Juniata River).	Trout (all species)—no closed season. Daily limit: First Saturday after April 11 until Labor Day—5 trout per day; day after Labor Day to first Saturday after April 11 of the following year—3 trout per day. Size limits: Inland rules apply. Smelt may be taken from shore or by wading by means of dip nets not to exceed 20 inches in diameter or 20 inches square. The daily limit per person is the greater of 1 gallon of smelt by volume or 200 smelt by number.
Huntingdon	<u>Whipple Lake</u>	<u>All species except trout—catch and release/no harvest; it is unlawful to take, kill or possess any fish except trout. All fish caught other than trout must be immediately returned unharmed.</u> <u>Trout—inland regulations apply. See § 61.1. This miscellaneous special regulation will remain in effect until further notice.</u>
Lehigh	Leaser Lake	All species except trout—Catch and release/no harvest; it is unlawful to take, kill or possess any fish except trout. All fish caught other than trout must be immediately returned unharmed. Trout—Inland regulations apply. See § 61.1.
* * * * *		

[Pa.B. Doc. No. 20-1346. Filed for public inspection October 2, 2020, 9:00 a.m.]

NOTICES

DEPARTMENT OF BANKING AND SECURITIES

Actions on Applications

The Department of Banking and Securities (Department), under the authority in the Banking Code of 1965 (7 P.S. §§ 101—2204), the Department of Banking and Securities Code (71 P.S. §§ 733-1—733-1203) and 17 Pa.C.S. (relating to Credit Union Code), has taken the following actions on applications received for the week ending September 22, 2020.

Under section 503.E of the Department of Banking and Securities Code (71 P.S. § 733-503.E), any person wishing to comment on the following applications, with the exception of branch applications, may file comments in writing with the Department of Banking and Securities, Bank Supervision or Credit Union and Trust Supervision (as applicable), 17 North Second Street, Suite 1300, Harrisburg, PA 17101-2290. Comments must be received no later than 30 days from the date notice regarding receipt of the application is published in the *Pennsylvania Bulletin*. The nonconfidential portions of the applications are on file at the Department and are available for public inspection, by appointment only, during regular business hours. To schedule an appointment, for banks (717) 783-8240 and for credit unions and trust companies (717) 783-2253. Photocopies of the nonconfidential portions of the applications may be requested consistent with the Department's Right-to-Know Law Records Request policy.

BANKING INSTITUTIONS

Branch Applications

De Novo Branches

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
09-17-2020	Somerset Trust Company Somerset Somerset County	201 Falcon Drive Connellsville Fayette County, PA (Limited Service Facility)	Approved
09-17-2020	Somerset Trust Company Somerset Somerset County	3 South Broadway Street Frostburg Allegany County, MD	Approved

CREDIT UNIONS

No activity.

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

RICHARD VAGUE,
Acting Secretary

[Pa.B. Doc. No. 20-1347. Filed for public inspection October 2, 2020, 9:00 a.m.]

DEPARTMENT OF EDUCATION

Cyber Charter School Application; Virtual Hearing

The Department of Education (Department) will conduct virtual public hearings regarding cyber charter school applications received on or before October 1, 2020. The hearings will be held on November 4, 2020, November 5, 2020, November 10, 2020, and November 12, 2020.

The hearings will take place virtually, beginning at 9 a.m.

Login information to access the hearings will be posted to the Department's Division of Charter School's Applications webpage at <https://www.education.pa.gov/K-12/Charter%20Schools/Pages/Charter-Applications.aspx>.

The hearings pertain to applicants seeking to operate a new cyber charter school beginning in the 2021-2022 school year. The purpose of the hearings is to gather information from applicants about the proposed cyber charter schools as well as receive comments from interested individuals regarding any applications. The names of the applicants, copies of the applications and a listing of the dates and times scheduled for the hearings on each

applications can be viewed on the Department's web site on or before October 16, 2020, at www.education.pa.gov.

Individuals who wish to provide comments on an application during the hearings must provide a copy of their written comments to the Department and the applicant on or before October 30, 2020. Comments provided by this deadline and presented at the hearings will become part of the certified record concerning the applications. Failure to comply with this deadline will preclude the individual from providing comments at the hearings. Verbal comments may be limited based on the number of individuals requesting time to provide comments. Additionally, persons unable to attend the hearings may provide the Department and the applicant with written comments on or before October 30, 2020, and any written comments will become part of the certified record.

The hearings will be conducted by a panel of individuals who have completed an initial review of the applications. Panel members may question the applicants on issues identified during the initial review, as well as issues raised in the written comments filed by the deadline. Panel members may also question individuals who offer verbal comments. Commentators will not be permitted to question either the applicant or the panel members.

Comments sent to the Department should be addressed to the Division of Charter Schools, 333 Market Street, 3rd Floor, Harrisburg, PA 17126-0333, ra-charterschools@pa.gov. Comments sent to applicants should be addressed using the contact information contained within the application by means of mail, in addition to being e-mailed. Hearing agendas will be prepared no later than October 30, 2020, when the Department is aware of the number of individuals who wish to provide verbal comments at each hearing. The hearing agendas will provide the order of presentation, as well as specify the amount of time allotted to each commentator.

Hearing agendas will be posted under Charter School Applications on the Department's web site at <http://www.education.pa.gov/K-12/Charter%20Schools/Pages/Charter-Applications.aspx>.

For questions regarding these hearings, contact the Division at ra-charterschools@pa.gov.

PEDRO A. RIVERA,
Secretary

[Pa.B. Doc. No. 20-1348. Filed for public inspection October 2, 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.

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N?</i>
PA0020109 (Industrial)	MC OpCo LLC 6605 Foul Rift Road Bangor, PA 18013-4857	Northampton County Lower Mount Bethel Township	Delaware River (WWF, MF) (1-F)	Y
PA0031267 (Sewage)	Hegins-Hublely Elementary School 110 W Main Street Valley View, PA 17983-9423	Schuylkill County Hegins Township	Pine Creek (CWF, MF) (6-C)	Y
PA0034746 (Sewage)	Li'l Wolf MHP 2 North Riverside Plaza Suite 800 Chicago, IL 60606-2682	Lehigh County North Whitehall Township	Unnamed Tributary to Coplay Creek (CWF, MF) (2-C)	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N?</i>
PA0252476 (Sewage)	Shuppe Rentals Trailer Park SFTF SR 2010 Dilliner, PA 15327	Greene County Dunkard Township	Unnamed Tributary to Dunkard Creek (WWF) (19-G)	Y
PA0218111 (Sewage)	Tire Hill WWTP 1120 Tire Hill Road Johnstown, PA 15905-7707	Somerset County Conemaugh Township	Stony Creek (CWF) (18-E)	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N?</i>
PA0031461 (Sewage)	Hickory Hill Country Village MHP 9208 Tannery Road Girard, PA 16417	Erie County Waterford Township	Unnamed Tributary of Trout Run (16-A)	Y
PA0222721 (Sewage)	Squaw Valley Woodlands STP 3179 Morningside Dr. Emlenton, PA 16373-2313	Butler County Allegheny Township	Unnamed Tributary to Carrs Run (CWF) (16-G)	Y
PA0239453 (Industrial)	Intech Metals 7028 Ridgway Saint Marys Road Ridgway, PA 15853	Elk County Ridgway Borough	Unnamed Tributary to Elk Creek (17-A)	Y
PA0239178 (Sewage)	David J Mays SFTF 13 Church Street Westline, PA 16740-2815	McKean County Lafayette Township	Kinzua Creek (CWF) (16-B)	Y

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

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

PA0058629, Storm Water, SIC Code 5015, **Jamison's Used Auto Parts**, 529 Flint Hill Road, King of Prussia, PA 19406. Facility Name: Jamison's Used Auto Parts. This existing facility is located in Upper Merion Township, **Montgomery County**.

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

The receiving stream, Unnamed Tributary to Schuylkill River, is located in State Water Plan watershed 3-F 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 an average storm event—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Average Monthly</i>	<i>Maximum</i>	
pH (S.U.)	XXX	XXX	6.0 Inst Min	XXX	XXX	9.0
Chemical Oxygen Demand (COD)	XXX	XXX	XXX	XXX	XXX	Report
Total Suspended Solids	XXX	XXX	XXX	XXX	XXX	Report
Oil and Grease	XXX	XXX	XXX	15.0 Avg Qrtly	XXX	30.0
Total Recoverable Petroleum Hydrocarbons	XXX	XXX	XXX	XXX	XXX	Report
Gasoline Range Organics	XXX	XXX	XXX	XXX	XXX	Report
Diesel Range Organics	XXX	XXX	XXX	XXX	XXX	Report
BTEX, Total	XXX	XXX	XXX	XXX	XXX	Report

The proposed effluent limits for Outfall 001 are based on an average storm event—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Average Monthly</i>	<i>Maximum</i>	
Aluminum, Total	XXX	XXX	XXX	XXX	XXX	Report
Cadmium, Total	XXX	XXX	XXX	XXX	XXX	Report
Chromium, Total	XXX	XXX	XXX	XXX	XXX	Report
Copper, Total	XXX	XXX	XXX	XXX	XXX	Report
Iron, Dissolved	XXX	XXX	XXX	XXX	XXX	Report
Lead, Total	XXX	XXX	XXX	XXX	XXX	Report
Zinc, Total	XXX	XXX	XXX	XXX	XXX	Report

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

- A. Stormwater Outfalls
- B. Best Management Practices
- C. Routine Inspections
- D. PPC Plan
- E. Stormwater Monitoring Requirements
- F. Acquire Necessary Property Rights
- G. Proper Sludge Disposal
- H. Small stream discharge

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

The EPA Waiver is in effect.

PA0053546, Sewage, SIC Code 8811, **Dzedzy Frank**, 412 Lincoln Road, Phoenixville, PA 19460-2112. Facility Name: Dzedzy SRSTP. This existing facility is located in East Pikeland Township, **Chester County**.

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

The receiving stream(s), Pickering Creek (HQ-TSF, MF), is located in State Water Plan watershed 3-D and is classified for MF (Migratory Fishes) and High-Quality Waters—Trout Stocking, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

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

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Annual Average</i>	<i>Maximum</i>	
Flow (MGD)	Report Annl Avg	XXX	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0 Inst Min	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	6.0 Inst Min	XXX	XXX	XXX
Total Residual Chlorine (TRC)	XXX	XXX	XXX	Report	XXX	Report
Carbonaceous Biochemical Oxygen Demand (CBOD ₅)						
Nov 1 - Apr 30	XXX	XXX	XXX	20.0	XXX	40
May 1 - Oct 31	XXX	XXX	XXX	Report	XXX	20

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Annual Average</i>	<i>Maximum</i>	
Total Suspended Solids	XXX	XXX	XXX	10.0	XXX	20
Fecal Coliform (No./100 ml)	XXX	XXX	XXX	200	XXX	1,000
Ammonia-Nitrogen						
Nov 1 - Apr 30	XXX	XXX	XXX	6.0	XXX	12
May 1 - Oct 31	XXX	XXX	XXX	2.0	XXX	4

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

- A. AMR to DEP
- B. DMR to DEP if Attached
- C. 1/year Measure Depth of Septage and Scum
- D. Septic Tanks Pumped out Every Three Years
- E. Total Residual Chlorine Requirement
- F. No Stormwater
- G. Necessary Property Rights
- H. Proper Sludge Disposal
- I. Abandon STP when Municipal Sewers Available

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.

PA0028614, Sewage, SIC Code 4952, **Spring City Borough Chester County**, 6 S Church Street, Spring City, PA 19475-1876. Facility Name: Spring City Borough STP & Sewer System. This existing facility is located in Spring City Borough, **Chester 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), Schuylkill River (WWF, MF), is located in State Water Plan watershed 3-D and is classified for Migratory Fishes and Warm Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of .610 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Daily Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Weekly Average</i>		<i>Monthly Average</i>	<i>Weekly Average</i>	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	Inst Min	XXX	XXX	XXX
Carbonaceous Biochemical Oxygen Demand (CBOD ₅)			Inst Min			
Nov 1 - Apr 30	127	203	XXX	25	40	50
Carbonaceous Biochemical Oxygen Demand (CBOD ₅)						
May 1 - Oct 31	76	114	XXX	15	22.5	30
Raw Sewage Influent	XXX	XXX	XXX	Report	XXX	XXX
Total Suspended Solids	153	229	XXX	30	45	60
Fecal Coliform (No./100 ml)	XXX	XXX	XXX	200	XXX	1,000
Ultraviolet light transmittance (%)	XXX	XXX	Report	Geo Mean	XXX	XXX
Total Nitrogen	Report	XXX	XXX	XXX	XXX	XXX
Ammonia-Nitrogen				Report	XXX	XXX
Nov 1 - Apr 30	61	XXX	XXX	12	XXX	24
May 1 - Oct 31	31	XXX	XXX	6	XXX	12
Total Phosphorus	10	XXX	XXX	2.0	XXX	4
Total Dissolved Solids	Report	Report	XXX	1,000.0	2,000.0	2,500
PCBs Dry Weather Analysis (pg/L)	Avg Qrtly	Daily Max	XXX	Avg Qrtly	Daily Max	XXX
	XXX	XXX	XXX	Report	XXX	XXX
				Daily Max		

Sludge use and disposal description and location(s): Pottstown WWTP.

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

- A. No Stormwater in Sewers
- B. Obtain necessary Property Rights
- C. Proper Sludge Disposal
- D. Chlorine Minimization
- E. Notification of Responsible Operator
- F. Operations and Maintenance Plan
- G. Fecal Coliform Reporting

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.

PA0053473, Sewage, SIC Code 4952, **Thornbury Township Delaware County**, 6 Township Drive, Cheyney, PA 19319-1008. Facility Name: Thornbury Township STP & Sewer System. This existing facility is located in Thornbury Township, **Delaware County**.

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

The receiving stream(s), Chester Creek (TSF, MF), is located in State Water Plan watershed 3-G and is classified for Migratory Fishes and Trout Stocking, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of .18 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Weekly Average</i>		<i>Average Monthly</i>	<i>Weekly Average</i>	
Total Dissolved Solids	XXX	XXX	XXX	Report Avg Qrtly	XXX	XXX
Copper, Total	XXX	XXX	XXX	Report Avg Qrtly	XXX	XXX
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	5.0 Inst Min	XXX	XXX	XXX
Total Residual Chlorine (TRC)	XXX	XXX	XXX	0.5	XXX	1.2
Carbonaceous Biochemical Oxygen Demand (CBOD ₅) Raw Sewage Influent	Report 38	XXX 60	XXX XXX	Report 25	XXX 40	XXX 50
Carbonaceous Biochemical Oxygen Demand (CBOD ₅) Biochemical Oxygen Demand (BOD ₅) Raw Sewage Influent	Report 45	XXX 68	XXX XXX	Report 30	XXX 45	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	200 Geo Mean	XXX	1,000
May 1 - Sep 30	XXX	XXX	XXX	200 Geo Mean	XXX	1,000
Total Nitrogen Ammonia-Nitrogen	XXX	XXX	XXX	Report	XXX	XXX
Nov 1 - Apr 30	18.0	XXX	XXX	12.0	XXX	24
May 1 - Oct 31	6.0	XXX	XXX	4.0	XXX	8
Total Phosphorus	3.0	XXX	XXX	2.0	XXX	4

Sludge use and disposal description and location(s): Hauled off-site.

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

- No Stormwater
- Necessary Property Rights
- Proper Sludge Disposal
- Chlorine Optimization

- Responsible Operator
- Operations and Maintenance plan
- DRBC requirements
- No Hauled-In Wastes
- Solids Management
- Seasonal Effluent Limits for Fecal Coliform

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.

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

PA0276332, Storm Water, SIC Code 3295, **Pennsylvania Perlite Corporation**, 1428 Mauch Chunk Road, Bethlehem, PA 18018-2338. Facility Name: Pennsylvania Perlite Corporation. This proposed facility is located in Bethlehem City, **Northampton County**.

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

The receiving stream(s), Monocacy Creek (HQ-CWF, MF), is located in State Water Plan watershed 2-C and is classified for High Quality—Cold Water and Migratory Fish, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0 MGD (Stormwater).

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
pH (S.U.)	XXX	XXX	6.0 Inst Min	XXX	XXX	9.0
Total Suspended Solids	XXX	XXX	XXX	XXX	XXX	100.0
Aluminum, Total	XXX	XXX	XXX	XXX	Report	XXX
Iron, Total	XXX	XXX	XXX	XXX	Report	XXX

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

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
pH (S.U.)	XXX	XXX	6.0 Inst Min	XXX	XXX	9.0
Total Suspended Solids	XXX	XXX	XXX	XXX	XXX	100.0
Aluminum, Total	XXX	XXX	XXX	XXX	Report	XXX
Iron, Total	XXX	XXX	XXX	XXX	Report	XXX

The proposed effluent limits for Outfall 003 are based on a design flow of 0 MGD (Stormwater).

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
pH (S.U.)	XXX	XXX	6.0 Inst Min	XXX	XXX	9.0
Total Suspended Solids	XXX	XXX	XXX	XXX	XXX	100.0
Aluminum, Total	XXX	XXX	XXX	XXX	Report	XXX
Iron, Total	XXX	XXX	XXX	XXX	Report	XXX

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

- Stormwater Outfalls and Authorized Non-Stormwater Discharges
- Best Management Practices (BMPs)
- Routine Inspections
- Preparedness, Prevention and Contingency (PPC) Plan
- Stormwater Monitoring Requirements

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 570-826-5472.

The EPA Waiver is in effect.

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

PA0288730, Sewage, SIC Code 8800, **Eric Bruening**, 5230 Harrison Street, Pittsburgh, PA 15201-2628. Facility Name: Eric Bruening SRSTP. This proposed facility is located in North East Township, **Erie County**.

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

The receiving stream(s), Unnamed Stream, is located in State Water Plan watershed 15-A and is classified for, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

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

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		IMAX
	Average Monthly	Average Weekly		Annual Average	Maximum	
Flow (GPD)	Report	XXX	XXX	XXX	XXX	XXX
pH (S.U.)	Annl Avg	XXX	6.0 Inst Min	XXX	XXX	9.0
Biochemical Oxygen Demand (BOD ₅)	XXX	XXX	XXX	10.0	XXX	20
Total Suspended Solids	XXX	XXX	XXX	10.0	XXX	20
Fecal Coliform (No./100 ml)	XXX	XXX	XXX	200	XXX	XXX

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

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

The EPA Waiver is in effect.

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

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

WQM Permit No. 5420403, Sewage, **Orwigsburg Borough Schuylkill County**, 209 N Warren Street, Orwigsburg, PA 17961-1852.

This proposed facility is located in Orwigsburg Borough, **Schuylkill County**.

Description of Proposed Action/Activity: The project will consist of replacing approximately 2,000 linear feet of 8-inch TC pipe with 10-inch PVC sewer main conveying flow from North Warren Street cross country to Long Avenue, continuing to the intersection of West Mifflin Street.

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

WQM Permit No. WQG02222003, Sewerage, **Municipal Authority of Lower Swatara**, 1499 Spring Garden Drive, Middletown, PA 17057.

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

Description of Proposed Action/Activity: Seeking approval for the construction/operation of the pumping station to serve Wilsbach Distribution Facility.

WQM Permit No. 3620406, Sewerage, **Earl Township Sewer Authority**, 517 N. Railroad Avenue, New Holland, PA 17557.

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

Description of Proposed Action/Activity: Seeking approval or the construction/operation of the Tower Road sewer extension.

WQM Permit No. 0120403, Amendment, Sewerage, **Carroll Valley Sewer & Water Authority**, 5885 Fairfield Road, Fairfield, PA 17320.

This proposed facility is located in Carroll Valley Borough, **Adams County**.

Description of Proposed Action/Activity: Seeking permit approval for the construction/operation of the Sanders Road pump station.

WQM Permit No. 0687409, Amendment 2, Fleetwood Borough, 110 West Arch Street, Suite 104, Fleetwood, PA 19522.

This facility is located in Fleetwood Borough, **Berks County**.

Description of Proposed Action/Activity: DEP initiated rerate.

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

WQM Permit No. 6220406, Sewage, **Amanda Ritchey**, 478 Huntley Road, Bear Lake, PA 16402-3710.

This proposed facility is located in Freehold Township, **Warren County**.

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

WQM Permit No. WQG01202001, Sewage, **Calvary Baptist Church Independent of Center Road**, P.O. Box 175, Linesville, PA 16424-0175.

This proposed facility is located in Conneaut Township, **Crawford County**.

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

WQM Permit No. 2520422, Sewage, **Eric Bruening**, 5230 Harrison Street, Pittsburgh, PA 15201-2628.

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

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

WQM Permit No. 6120403, Sewage, **John M Yoder**, 14048 Higby Hill Road, Townville, PA 16360-1328.

This proposed facility is located in Cherrytree Township, **Venango County**.

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

WQM Permit No. 2520423, Sewage, **Holly & Todd Propst**, 8909 Rohl Road, North East, PA 16428-2478.

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

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

IV. NPDES Individual Permit Applications for Stormwater Discharges from Municipal Separate Storm Sewer Systems (MS4s).

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

PAI132219, MS4, **Bushkill Township**, 1114 Bushkill Center Road, Nazareth, PA 18064. The application is for a renewal of an individual NPDES permit for the discharge of stormwater from a regulated municipal separate storm sewer system (MS4) to waters of the Commonwealth in Bushkill Township, **Northampton County**. The receiving streams, Bushkill Creek (HQ-CWF/MF), Shoeneck Creek (WWF/MF), Tributaries 4642, 4645, 4647, 4650, 4651, 4654 and 4655 to Bushkill Creek (HQ-CWF/MF), and Tributaries 3394 and 3399 to East Branch Monocacy Creek (HQ-CWF/MF) are located in State Water Plan watersheds 2-C and 1-F and are classified as previously indicated, as well as for aquatic life, water supply and recreation. The applicant is classified as a small MS4.

The applicant has submitted the following plan(s) with the application to reduce pollutant loads to impaired waters:

- A Pollutant Reduction Plan (PRP)

The Department has made a tentative determination to issue the NPDES permit. Written comments on the application and draft permit will be accepted for 30 days following publication of this notice. The period for comment may be extended at the discretion of DEP for one additional 15-day period. You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 570-826-5472.

The EPA waiver is in effect for small MS4s and is not in effect for large MS4s.

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

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

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAD510044 A-1	PECO Energy Company 2301 Market Street, S7-2 Philadelphia, PA 19103	Montgomery Delaware	West Conshohocken Borough Upper Merion Township Lower Merion Township Haverford Township Radnor Township Marple Township	Gulph Creek Schuylkill River WWF-MF
PAD150189	US Home Corporation d/b/a Lennar 2465 Kuser Road Third Floor Hamilton, NJ 08690-3303	Chester	Spring City	Unnamed Tributary Schuylkill River, via st. sewer WWF-MF Unnamed Tributary Schuylkill River, via scf WWF-MF Stony Run, via sheet flow HQ-TSF-MF

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAD510069	300 Columbus LLC One Bryant Park New York, NY 10036-6744	Philadelphia	City of Philadelphia	Delaware River WWF-MF
PAD230049	Congregation Beth Yeshua 28 South New Middletown Road Media, PA 19063	Delaware	Middletown Township	Ridley Creek HQ-TSF Chrome Run TSF-MF

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

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

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

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAD390181	K & M Associates 496 Lone Lane Allentown, PA 18104	Lehigh	Upper Macungie Township	Cedar 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>
PAD450106 A-1	CMBK Resort Holdings, LLC 193 Resort Drive Tannersville, PA 18372	Monroe	Pocono Township	Coolmoor Creek (HQ-CWF, MF)
PAD450121	Richard Iadevaio 1536 Cherry Lane Road East Stroudsburg, PA 18301	Monroe	Middle Smithfield Township	UNT to Bush Kill Creek (HQ-CWF, MF) Bush Kill Creek (HQ-CWF, MF)

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

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAD480018 A-1	Charles Chrin Estate 400 South Greenwood Ave. Easton, PA 18064	Northampton	Palmer Township	Bushkill Creek (HQ-CWF, MF)

Pike County Conservation District, 556 Route 402, Suite 1, Hawley, PA 18428, 570-226-8220.

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAD520027	Pennsylvania Department of Transportation Engineering District 4-0 55 Keystone Industrial Park Dunmore, PA 18512	Pike	Dingman Township Milford Township	Crooked Swamp (EV) Raymondskill Creek (HQ-CWF, MF) Gum Brook (HQ-CWF, MF) Sawkill Creek (EV, MF) Swale Brook (HQ-CWF, MF) Sloat Brook (EV, MF)

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

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAD210059	South Middleton Township Municipal Authority 345 Lear Lane Boiling Springs, PA 17007	Cumberland	South Middleton Township Carlisle Borough	Letort Spring Run (HQ-CWF, MF)

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAD670043	Kinsley Construction, Inc. 2700 Water Street York, PA 17405	York	West Manchester Township	Codorus Creek (WWF)
PAD210061	Samuel Cressler 9400 Molly Pitcher Highway Shippensburg, PA 17257	Cumberland	Shippensburg Borough	Middle Spring Creek (CWF, MF)
PAD360062	Timothy W. Hoover & Andrea S. Webb 58 Park Avenue East Fallowfield, PA 19320	Lancaster	Little Britain Township	Reynolds Run (HQ-CWF, MF)

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

Jefferson County Conservation District, 1514 Route 28, Brookville, PA 15825, 814-849-7463.

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAD330001A1	Nine Star Capital LP 80 North Park Place Dubois, PA 15801 Co-Applicant Love's Travel Stops and County Stores Inc 10601 N Pennsylvania Avenue Oklahoma City, OK 73120	Jefferson County	Pine Township	Mill Creek CWF Little Mill Creek HQ-CWF Sugarcamp Run HQ-CWF

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

PAG-12 CAFOs

CAFO Notices of Intent Received.

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

NPDES Permit No. PAG123905, CAFO, **Stewhills Farm LLC**, 950 Muddy Creek Forks Road, Airville, PA 17302-9303.

This proposed facility is located in Chanceford Township, **York County**.

Description of size and scope of proposed operation/activity: Swine (Grow Finish), Beef (Finishing): 739.40 AEUs.

The receiving stream, Unnamed Tributary to West Branch Toms Run (TSF, MF), is in watershed 7-I and classified for: Migratory Fishes and Trout Stocking.

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

NPDES Permit No. PAG123904, CAFO, **Good Eric**, 40 Hunsicker Drive, Womelsdorf, PA 19567-1620.

This proposed facility is located in Dover Township, **York County**.

Description of size and scope of proposed operation/activity: Broiler (Large), Beef (Finishing): 436.16 AEUs.

The receiving stream Davidsburg Run (WWF, MF), is in watershed 7-F and classified for: Migratory Fishes and Warm Water Fishes.

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

STATE CONSERVATION COMMISSION

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

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

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

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

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

**ACT 38
NUTRIENT MANAGEMENT PLANS
CAFO PUBLIC NOTICE SPREADSHEET—APPLICATIONS**

<i>Agricultural Operation Name and Address</i>	<i>County</i>	<i>Total Acres</i>	<i>Animal Equivalent Units</i>	<i>Animal Type</i>	<i>Special Protection Waters (HQ or EV or NA)</i>	<i>Renewal/ New</i>
John Nolt 10190 Mountain Rd. Port Royal, PA 17082	Juniata	9.8	491.16	Turkeys	None	Renewal
Drew Remley 1170 Salt Spring Road Roaring Branch, PA 17765	Tioga	933.5	1,708.97	Swine	HQ	Renewal
Hetrickdale Farms 69 Hetrick Road Bernville, PA 19506	Berks	2,165.6	2,968.61	Dairy	NA	Renewal

PUBLIC WATER SUPPLY PERMITS

Under the Pennsylvania Safe Drinking Water Act (35 P.S. §§ 721.1—721.17), the following parties have applied for PWS permits to construct or substantially modify public water systems.

Persons wishing to comment on permit applications are invited to submit statements to the office listed before the application within 30 days of this public notice. Comments received within this 30-day comment period will be considered in the formulation of the final determinations regarding an application. A comment should include the name, address and telephone number of the writer and a concise statement to inform the Department of the exact basis of a comment and the relevant facts upon which it is based. A public hearing may be held after consideration of comments received during the 30-day public comment period.

Following the comment period, the Department will make a final determination regarding the proposed permit. Notice of this final determination will be published in the *Pennsylvania Bulletin* at which time this determination may be appealed to the Environmental Hearing Board.

The permit application and related documents are on file at the office listed before the application and available for public review. Arrangements for inspection and copying information should be made with the office listed before the application.

Persons with a disability that require an auxiliary aid, service or other accommodations to participate during the 30-day public comment period should contact the office

listed before the application. TDD users may contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

SAFE DRINKING WATER

Applications Received Under the Pennsylvania Safe Drinking Water Act (35 P.S. §§ 721.1—721.17).

Southeast Region: Safe Drinking Water Program Manager, 2 East Main Street, Norristown, PA 19401.

Permit No. 0920517, Public Water Supply.

Applicant	Pennsylvania American Water 852 Wesley Drive Mechanicsburg, PA 17055
Township	Lower Makefield
County	Bucks
Responsible Official	Bruce Aiton 852 Wesley Drive Mechanicsburg, PA 17055
Type of Facility	PWS
Consulting Engineer	Herbert, Rowland & Grubic, Inc. 852 Wesley Drive Mechanicsburg, PA 19406
Application Received Date	September 17, 2020
Description of Action	Construction and installation of one (1) replacement of the existing Oxford Valley High Service booster station.

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

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

Application No. 4520503, Public Water Supply.

Applicant	PA American Water 852 Wesley Drive Mechanicsburg, PA 17055
Township and County	Middle Smithfield Township Monroe County
Responsible Official	Mr. Bruce Aiton Vice President—Engineering
Type of Facility	Public Water Supply
Consulting Engineer	Mr. Daniel J Hopkins, P.E. Project Engineer 201 Penn Street P.O. Box 32 Reading, PA 19603
Application Received	August 20, 2020
Description of Action	Replacement of existing storage tank with new 0.300 MG tank.

WATER ALLOCATIONS

Applications received under the Act of June 24, 1939 (P.L. 842, No. 365) (35 P.S. §§ 631—641) relating to the Acquisition of Rights to Divert Waters of the Commonwealth.

Southeast Region: Water Supply Management Program Manager, 2 East Main Street, Norristown, PA 19401, Telephone 484-250-5160.

Contact: Kimberleigh Rivers, Clerk Typist 2, 424.250.5887.

WA-15-917A, Water Allocations. **Valley Township**, 890 West Lincoln Township, P.O. Box 467, Coatesville, PA 19320, Valley, Township, **Chester County**. Renewal of subsidiary water allocation permit from Pennsylvania American Water Company.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995 PREAMBLE 1

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

Sections 302—305 of the Land Recycling and Environmental Remediation Standards Act (Act) require the Department of Environmental Protection (Department) to publish in the *Pennsylvania Bulletin* an acknowledgment noting receipt of any Notices of Intent to Remediate. An acknowledgment of the receipt of a Notice of Intent (NOI) to Remediate is used to identify a site where a person proposes to, or has been required to, respond to a release of a regulated substance at a site. Persons intending to use the background standard, Statewide health standard, the site-specific standard, or who intend to remediate a site as a special industrial area, must file a (NOI) to Remediate with the Department. A NOI to Remediate filed with the Department provides a brief description of the location of the site, a list of known or suspected contaminants at the site, the proposed remediation mea-

asures for the site, and a description of the intended future use of the site. A person who demonstrates attainment of one, or a combination of the cleanup standards, or who receives approval of a special industrial area remediation identified under the Act, will be relieved of further liability for the remediation of the site for any contamination identified in reports submitted to and approved by the Department. Furthermore, the person shall not be subject to citizen suits or other contribution actions brought by responsible persons not participating in the remediation.

Under Sections 304(n)(1)(ii) and 305(c)(2) of the Act, there is a 30-day public and municipal comment period for sites proposed for remediation using a site-specific standard, in whole or in part, and for sites remediated as a special industrial area. This period begins when a summary of the NOI to Remediate is published in a newspaper of general circulation in the area of the site. For the following identified site(s), proposed for remediation to a site-specific standard or as a special industrial area, the municipality, within which the site is located, may request to be involved in the development of the remediation and reuse plans for the site if the request is made within 30-days of the following specified date. During this comment period the municipality may request that the following identified person, as the remediator of the site, develop and implement a public involvement plan. Requests to be involved, and comments, should be directed to the remediator of the site.

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

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

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

Tague Lumber, 6100 Easton Road, Plumstead Township, **Bucks County**. Navjot Chanderdat, Earth Data Northeast Inc., Springdale Drive, Exton, PA 19460 on behalf of Jerry Kapp, Tague Lumber, 405 Bridge Street, Phoenixville, PA 19460 submitted a Notice of Intent to Remediate. Soil at the site has been contaminated with heating oil and gasoline. The proposed future use of the property will be non-residential and it will continue to be used for storage. The proposed cleanup standard for the site is Statewide Health Standard. The Notice of Intent to Remediate was published in *The Intelligencer* on August 31, 2020.

Southcentral Region: Environmental Cleanup and Brownfields Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110.

2200 Stacey Drive, Reading, PA 19605, Muhlenberg Township, **Berks County**. Crawford Environmental Services, LLC, 20 Cardinal Drive, Birdsboro, PA 19508, on behalf of High Point Real Estate Group, LP, 401 Commerce Drive, Suite 104, Fort Washington, PA 19034, submitted a Notice of Intent to Remediate site soil contaminated with No. 2 fuel and diesel oil. The site will be remediated to the Residential Statewide Health Stan-

dard. Future use of the site is not known. The Notice of Intent to Remediate was published in *The Reading Eagle* on July 17, 2020.

Northwest Region: Environmental Cleanup and Brownfields Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481.

NWREC Transformer Release Great Lakes Case & Cabinet, 4193 Route 6N, Washington Township, **Erie County**. Environmental Remediation & Recovery, Inc., 4250 Route 6N, Edinboro, PA 16412 on behalf of Northwestern Rural Electric Cooperative, P.O. Box 551, Edinboro, PA 16412, has submitted a Notice of Intent to Remediate. An electrical transformer had a release of fluid that resulted in the potential contamination of 1,2,4-Trimethylbenzene and/or 1,3,5-Trimethylbenzene to site soil. Intended future use of the property will be commercial/industrial. The Notice of Intent was published in the *Erie Times-News* on September 2, 2020.

RESIDUAL WASTE GENERAL PERMITS

Application(s) for New Permit Administratively Complete under the Solid Waste Management Act (35 P.S. §§ 6018.101—6018.1003); the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P.S. §§ 4000.101—4000.1904); and Residual Waste Regulations for a General Permit to Operate Residual Waste Processing Facilities and/or the Beneficial Use of Residual Waste other than Coal Ash.

Southwest Region: Regional Solid Waste Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, Telephone 412-442-4000.

General Permit No. WMGR047SW002. Cosmos Technologies, Inc., 700 River Avenue, Suite 412, Pittsburgh, PA 15212. A new permit application for authorization under General Permit WMGR047 for the beneficial use of residual aggregate as acid mine drainage treatment plant feed stock at the Cosmos Technologies-Correal Discharge, Knopsnyder Road, Normalville, PA 16469 in Saltlick Township, **Fayette County**, was deemed administratively complete by the Regional Office on September 21, 2020.

Persons interested in reviewing the general permit or the application may contact the Department of Environmental Protection, Regional Files, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, 412-442-4000. TDD users may contact the Department through the Pennsylvania AT&T Relay Service, (800) 654-5984.

Application(s) for Renewal Administratively Complete under the Solid Waste Management Act (35 P.S. §§ 6018.101—6018.1003); the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P.S. §§ 4000.101—4000.1904); and Residual Waste Regulations for a General Permit to Operate Residual Waste Processing Facilities and/or the Beneficial Use of Residual Waste other than Coal Ash.

Southwest Region: Regional Solid Waste Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, Telephone 412-442-4000.

General Permit No. WMGR123SW045. Range Resources Appalachia, LLC, 3000 Town Center Boulevard, Canonsburg, PA 15317. A permit renewal application for coverage under General Permit WMGR123 for the processing and beneficial use of oil and gas liquid waste

at the Huffy Tank Pad, 264 Seal Rd., Eighty Four, PA 15330 in Somerset Township, **Washington County**, was deemed administratively complete by the Regional Office on September 22, 2020.

Persons interested in reviewing the general permit or the application may contact the Department of Environmental Protection, Regional Files, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, 412-442-4000. TDD users may contact the Department through the Pennsylvania AT&T Relay Service, (800) 654-5984.

DETERMINATION OF APPLICABILITY FOR RESIDUAL WASTE GENERAL PERMITS

Application(s) for Renewal Administratively Complete under the Solid Waste Management Act (35 P.S. §§ 6018.101—6018.1003); the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P.S. §§ 4000.101—4000.1904); and Residual Waste Regulations for a General Permit to Operate Residual Waste Processing Facilities and/or the Beneficial Use of Residual Waste other than Coal Ash.

Southwest Region: Regional Solid Waste Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, Telephone 412-442-4000.

General Permit No. WMGR144SW002. Iron Mountain US, LLC, 1 Pilarsky Way, Aliquippa, PA 15001-5958. A permit application for a determination of applicability and coverage under General Permit WMGR144 for the processing and beneficial use of steel slag from historic slag placement areas for use as construction material sub-base, hot or warm mix pavement aggregate, ready mix concrete ingredient, antiskid, and for use in Marcellus shale pad construction and well annular material at the Vanderbilt Site, 585 Leisenring Vanderbilt Rd., Vanderbilt, PA 15486-1004 in Dunbar Township, **Fayette County**, was deemed administratively complete by the Regional Office on September 16, 2020.

General Permit No. WMGR047SW001. Iron Mountain US, LLC, 1 Pilarsky Way, Aliquippa, PA 15001-5958. A permit application for a determination of applicability and coverage under General Permit WMGR047 for the processing and beneficial use of the "residual aggregate" generated from the extraction of metal from metal alloy slag at the Vanderbilt Site, 585 Leisenring Vanderbilt Rd., Vanderbilt, PA 15486-1004 in Dunbar Township, **Fayette County**, was deemed administratively complete by the Regional Office on September 16, 2020.

Persons interested in reviewing the general permit or the application may contact the Department of Environmental Protection, Regional Files, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, 412-442-4000. TDD users may contact the Department through the Pennsylvania AT&T Relay Service, (800) 654-5984.

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.

Southwest Region, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.

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

04-00740B: Shell Chemical Appalachia LLC (300 Frankfort Road, Monaca, PA 15061). Notice is hereby given in accordance with 25 Pa. Code §§ 127.44—127.46 that the Department of Environmental Protection (Department) intends to issue Air Quality Plan Approval: PA-04-00740B to Shell Chemical Appalachia LLC (Shell) for the installation and temporary operation of sulfur hexafluoride (SF₆)-insulated high voltage equipment associated with the cogen area of the Shell Polymers Monaca Site in Potter and Center Townships, **Beaver County**. Concurrently, Plan Approval PA-04-00740C is being advertised for as-built changes in design and construction.

Air contamination sources and controls to be authorized include:

- SF₆-insulated high voltage equipment; controlled by leak detection and repair (LDAR).

Potential to emit from the project will not exceed 854 tons of Carbon Dioxide Equivalents (CO₂e).

This authorization is subject to Prevention of Significant Deterioration (PSD) requirements of 40 CFR 52.21; adopted in its entirety by the Department and incorporated by reference under 25 Pa. Code § 127.83; for CO₂e. Since there are no NAAQS or PSD increments for GHGs, the requirements in 40 CFR 52.21(k) and 51.166(k) of EPA's regulations to demonstrate that a source does not cause or contribute to a violation of the NAAQS is not applicable to GHGs; thus, PSD modeling for CO₂e or GHGs is not required.

This authorization is subject to State regulations including 25 Pa. Code Chapters 123—Standards for Contaminants; 127—Construction, Modification, Reactivation, and Operation of Sources; 129—Standards for Sources; 135—Reporting of Sources; and 139—Sampling and Testing. This authorization is also subject to Federal regulations including 40 CFR Parts 52—Approval and Promulgation of Implementation Plans (specifically 52.21—Prevention of Significant Deterioration of Air Quality) and Part 98—Mandatory Greenhouse Gas Reporting.

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

A person may oppose the proposed plan approval by filing a written protest with the Department through Melissa Jativa via the U.S. Postal Service to Pennsylvania Department of Environmental Protection, 400 Waterfront Drive, Pittsburgh, PA 15222; email to mjativa@pa.gov; or fax to 412.442.4194. Additional written comments may also be submitted. Each protest or set of written comments must contain the name, address and telephone number of the person submitting the comments, identification of the proposed Plan Approval (PA-04-00740B) and a concise statement of the objections to the plan approval issuance and the relevant facts upon which the objections are based.

A public hearing may be held, if the Department, 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 is sufficient. Written comments or requests for a public hearing should be directed to Mark R. Gorog, Regional Air Quality Program Manager, Pennsylvania Department of Environmental Protection, 400 Waterfront Drive, Pittsburgh, PA 15222 or by email to mgorog@pa.gov.

Shell's Plan Approval application, the Department's Air Quality Review Memorandum, and the Proposed Air Quality Plan Approval for this project are available for review by any interested party at the Pennsylvania Department of Environmental Protection, Southwest Regional Office, 400 Waterfront Drive, Pittsburgh, PA 15222. Documents are available for review at the Department's Southwest Regional webpage at <https://www.dep.pa.gov/About/Regional/SouthwestRegion/Community%20Information/Pages/Shell-Petrochemical-Complex.aspx>, or by going to www.dep.pa.gov/southwest and navigating to the Shell Petrochemical Complex project tab. Additionally, to request a review of the Shell Plan Approval Application, to receive an electronic copy of the Department's Air Quality Review Memorandum, or to receive an electronic copy of the Department's proposed air Quality Plan Approval for this project, a person may contact the Department's Southwest Regional Office File Review Coordinator at 412.442.4000.

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

04-00740C: Shell Chemical Appalachia, LLC (300 Frankfort Road, Monaca, PA 15061). Notice is hereby given in accordance with 25 Pa. Code §§ 127.44—127.46 that the Department of Environmental Protection (Department) intends to issue Air Quality Plan Approval: PA-04-00740C to Shell Chemical Appalachia LLC (Shell) for “as-built” changes in design and construction associated with the Shell Polymers Monaca Site to be located on the site formerly occupied by Horsehead Corporation's Monaca Zinc Smelter plant in Potter and Center Townships, **Beaver County**. Concurrently, Plan Approval PA-04-00740B is being advertised for the installation and temporary operation of sulfur hexafluoride (SF6)-insulated high voltage equipment.

This application addresses the differences between the “as-built” facility and the original plan approval (PA-04-00740A) which was issued on June 18, 2015. The “as-built” changes included in this plan approval application include equipment additions, removal and downsizing of equipment, and increases and decreases in the unit capacities of some equipment.

The following changes from PA-04-00740A are requested to be authorized at this site under PA-04-00740C:
Equipment Additions:

- Two (2) diesel-fired emergency engines (103 bhp and 67 bhp)
- Three (3) natural gas-fired emergency engines (158 bhp, 50 bhp, and 113 bhp)
- Two (2) emergency engine diesel storage tanks (133 gallons and 140 gallons)

- Two (2) 18,000-gallons vehicle fuel diesel storage tanks
- Talc transport via railcar with all transfer points controlled by fabric filter with outlet grain loading not to exceed 0.005 gr/dscf
- Three (3) pressurized methanol storage vessels (36,000-gals, 6,450 gals, and 67,200 gals) and associated components
- Polyethylene Unit No. 3 intermittent particulate vents controlled by fabric filter with outlet grain loading not to exceed 0.005 gr/dscf
- Liquefied petroleum gas (LPG) loading other than C3+

Equipment Changes—Removed or Downsized:

- Removal of four 5,028 bhp diesel-fired emergency generator engines
- Removal of four emergency generator diesel storage tanks
- Removal of one 700 bhp firewater pump engine
- Removal of one firewater pump engine diesel storage tank
- Decreased rating of two (2) Firewater pump engines from 700 bhp to 488 bhp
- Decrease in capacity of spent caustic vent thermal incinerator from 8 to 2.5 tons/hr (Heat input unchanged)
- Decrease process cooling water tower rate from 305 to 295.9 MMgal/min
- Decrease in blending silo rate from 3,000,000 metric tons per year to 2,400,000 metric tons per year
- Deduster vent removal for Elutriator wash air
- Decrease in light gasoline loading rate
- Decrease in C3+ emissions
- Decrease in PE3 activated catalyst vent emissions
- Road length updated from 0.97 to 0.49 mile

Equipment Changes—Increased Equipment Capacities:

- Increase in three (3) combustion turbines heat input from 475 to 481.4 MMBtu/hr each and duct burner heat input increase from 189 to 234 MMBtu/hr each
- Recovered oil & flow equalization & removal tank capacity increase from 24,000 to 521,000 gal and 742,000 to 878,000 gal
- Increase in railcar handling and storage PE rates, truck handling and storage PE rates, railcar loading PE rates, and truck loading PE rates
- Increase in pyrolysis fuel oil loading
- Increase in Cogen cooling water tower circulation rate
- Flare gas composition changes & sweep gas rate decreases for multipoint ground flare (MPGF) and low-pressure thermal incinerator (LPTI).
- Flare gas composition changes & sweep gas rate decreases for high pressure ground flare (HPGF) and high-pressure elevated flare (HPEF)

Table 1 shows the change in emissions resulting from the as-built changes when compared to the facility wide potential emissions of Plan Approval PA-04-00740A.

Table 1: Emission Changes from PA-04-00740A

<i>Air Contaminant</i>	<i>Emission Changes (tpy)</i>
Nitrogen Oxides (NO _x)	(19) ^a
Carbon Monoxide (CO)	(28) ^a
Filterable Particulate Matter (PM)	4
Particulate Matter Less Than 10 Microns in Diameter (PM ₁₀)	5
Particulate Matter Less Than 2.5 Microns in Diameter (PM _{2.5})	5
Sulfur Oxides (SO _x)	2
Volatile Organic Compounds (VOC)	(5) ^a
Hazardous Air Pollutants (HAP)	1.5
Ammonia (NH ₃)	2
Carbon Dioxide Equivalents (CO ₂ e)	55,352

^a Parenthetical values represent a decrease in emissions from PA-04-00740A.

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

Table 2: Facility Wide Potential to Emit

<i>Air Contaminant</i>	<i>Emission Rate (tpy)</i>
Nitrogen Oxides (NO _x)	329
Carbon Monoxide (CO)	984
Filterable Particulate Matter (PM)	75
Particulate Matter Less Than 10 Microns in Diameter (PM ₁₀)	169
Particulate Matter Less Than 2.5 Microns in Diameter (PM _{2.5})	164
Sulfur Oxides (SO _x)	23
Volatile Organic Compounds (VOC)	517
Hazardous Air Pollutants (HAP)	32
Ammonia (NH ₃)	54
Carbon Dioxide Equivalents (CO ₂ e)	2,303,645

This authorization is subject to Prevention of Significant Deterioration (PSD) requirements of 40 CFR 52.21; adopted in its entirety by the Department and incorporated by reference under 25 Pa. Code § 127.83; for NO₂, CO, PM, PM₁₀, and CO₂e. In accordance with the PSD rules in 40 CFR 52.21 and 25 Pa. Code § 127.83, Shell has performed an air quality analysis which utilizes dispersion modeling. Shell's air quality analysis satisfies the requirements of the PSD rules and is consistent with the U.S. Environmental Protection Agency's (EPA) Guideline on Air Quality Models (40 CFR Part 51, Appendix W) and the EPA's air quality modeling policy and guidance.

Shell revised the air quality analyses that it previously conducted, using air dispersion modeling, to support the Department's issuance of Plan Approval 04-00740A. The revised air quality analyses satisfy the requirements of the Prevention of Significant Deterioration (PSD) regulations codified in 40 CFR 52.21 and 25 Pa. Code § 127.83.

In accordance with 40 CFR 52.21(k)–(n), Shell conducted air quality analyses of emissions of carbon monoxide (CO), nitrogen oxides (NO_x), and particulate matter less than or equal to 10 micrometers in diameter (PM₁₀) for its Shell Polymers Monaca Site. Shell's source impact analyses demonstrate that emissions from the Shell Polymers Monaca Site would not cause or contribute to air pollution in violation of the National Ambient Air Quality Standards for CO, nitrogen dioxide (NO₂), or PM₁₀. Additionally, Shell's source impact analyses demonstrate that emissions from the Shell Polymers Monaca Site would not cause or contribute to air pollution in violation of the Class II or Class I PSD increments for NO₂ or PM₁₀.

In accordance with 40 CFR 52.21(o), Shell provided additional impact analyses of the impairment to visibility, soils, and vegetation that would occur as a result of the Shell Polymers Monaca Site and general commercial, residential, industrial, and other growth associated with the Shell Polymers Monaca Site.

In accordance with 40 CFR 52.21(p), written notice of the Shell Polymers Monaca Site has been provided to the Federal Land Managers of nearby Federal Class I areas as well as initial screening calculations to demonstrate that emissions from the Shell Polymers Monaca Site would not adversely impact air quality related values and visibility in nearby Federal Class I areas.

In accordance with the public notice requirements in 25 Pa. Code § 127.45(b)(4), the degree of Class II and Class I PSD increment consumption expected to result from the operation of the Shell Polymers Monaca Site is provided in the following tables:

Table 3: Degree of Class II PSD Increment Consumption from Operation of Shell Facility

<i>Pollutant</i>	<i>Averaging Period</i>	<i>Degree of Class II Increment Consumption</i>		<i>Class II Increment</i>
		<i>micrograms / meter³</i>	<i>% of Class II PSD Increment</i>	<i>micrograms / meter³</i>
NO ₂	Annual	< 1.29211	< 5.17 %	25
PM ₁₀	24-Hour	< 9.60440	< 32.02 %	30
	Annual	< 2.80329	< 16.49 %	17

Table 4: Degree of Class I PSD Increment Consumption from Operation of Shell Facility

<i>Pollutant</i>	<i>Averaging Period</i>	<i>Degree of Class I Increment Consumption</i>		<i>Class I Increment</i>
		<i>micrograms / meter³</i>	<i>% of Class I PSD Increment</i>	<i>micrograms / meter³</i>
NO ₂	Annual	< 0.02763	< 1.11 %	2.5
PM ₁₀	24-Hour	< 0.29529	< 3.69 %	8
	Annual	< 0.01998	< 0.50 %	4

Shell has performed an inhalation risk assessment in order to evaluate potential cancer and noncancer inhalation risks from this facility’s potential air emissions. Emission rates of compounds of potential concern (COPC) have been modeled to derive exposure concentrations. The highest modeled exposure concentrations were then multiplied or divided by compound-specific unit risk factors or reference concentrations, respectively. Chronic risks for each COPC were then summed and compared against the Department’s benchmark excess lifetime cancer risk and health index (HI) values. Acute risks for each COPC were compared against the Department’s benchmark hazard quotient (HQ) value.

Table 5: Inhalation Risk Assessment Results Summary

<i>Inhalation Risk</i>	<i>Department Benchmark</i>	<i>Modeled Risk</i>	<i>Less Than Benchmark?</i>
Excess Lifetime Cancer Risk	1 in 100,000	0.94 in 100,000	Yes
Chronic Noncancer Risk	HI < 0.25	HI = 0.10	Yes
Acute Noncancer Risk	HQ < 1	HQ = 0.41	Yes

The Department’s technical review concludes that Shell’s inhalation risk assessment was conducted according to the Department-approved protocol and is acceptable. Furthermore, the Department’s independent inhalation risk assessment concludes that chronic cancer and noncancer risks as well as acute noncancer risks do not exceed the Department’s benchmarks.

This authorization is subject to New Source Review (NSR) requirements of 25 Pa. Code Chapter 127, Subchapter E for NO_x, VOC, and PM_{2.5}. These air contaminants are subject to Lowest Achievable Emission Rate (LAER) requirements. This location is designated as an area of nonattainment for the 2008 Lead NAAQS; however, lead emissions from this facility will be negligible because gaseous fuels, which contain little if any lead, will be combusted on site. NSR requirements have not been triggered for lead. Shell has secured 379 tons of NO_x, 612 tons of VOC, and 164 tons of PM_{2.5} emission reduction credits (ERCs) in order to offset emission increases from those air contaminants.

This authorization is subject to State regulations including 25 Pa. Code Chapters 123—Standards for Contaminants; 127—Construction, Modification, Reactivation, and Operation of Sources; 129—Standards for Sources; 135—Reporting of Sources; 139—Sampling and Testing; and 145—Interstate Pollution Transport Reduction. Specific source standards include 25 Pa. Code §§ 129.56 and 129.57 for storage tanks containing VOCs, 25 Pa. Code § 129.65 for ethylene production plants, and 25 Pa. Code § 129.71 for LDAR requirements for ethylene and polyethylene manufacturing fugitive sources. State standards for contaminants and sources are superseded in most cases by more stringent BACT and LAER requirements. This authorization is also subject to Federal New Source

Performance Standards (NSPS) including 40 CFR Part 60 Subparts Kb, VV, VVa, DDD, NNN, RRR, IIII, JJJJ, KKKK, and TTTT; National Emission Standards for Hazardous Air Pollutants (NESHAP) including 40 CFR Part 61 Subparts J, V, and FF; and NESHAP including 40 CFR Part 63 Subparts SS, UU, XX, YY, EEEE, FFFF, YYYY, and ZZZZ. Other applicable Federal regulations include 40 CFR Parts 52—Approval and Promulgation of Implementation Plans (specifically 52.21—Prevention of Significant Deterioration of Air Quality), 64—Compliance Assurance Monitoring; 68—Chemical Accident Prevention Provisions; 72, 73, and 75—Permits Regulation, Sulfur Dioxide Allowance System, and Continuous Emission Monitoring; Part 97—Federal NO_x Budget Trading Program, CAIR NO_x and SO₂ Trading Programs, and CSAPR NO_x and SO₂ Trading Programs, and Part 98—Mandatory Greenhouse Gas Reporting.

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

A person may oppose the proposed plan approval by filing a written protest with the Department through Melissa Jativa via the U.S. Postal Service to Pennsylvania Department of Environmental Protection, 400 Waterfront Drive, Pittsburgh, PA 15222; email to mjativa@pa.gov; or fax to 412.442.4194. Additional written comments

may also be submitted. Each protest or set of written comments must contain the name, address and telephone number of the person submitting the comments, identification of the proposed Plan Approval (PA-04-00740C) and a concise statement of the objections to the plan approval issuance and the relevant facts upon which the objections are based.

A public hearing may be held, if the Department, 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 is sufficient. Written comments or requests for a public hearing should be directed to Mark R. Gorog, Regional Air Quality Program Manager, Pennsylvania Department of Environmental Protection, 400 Waterfront Drive, Pittsburgh, PA 15222 or by email to mgorog@pa.gov.

Shell's Plan Approval application, the Department's Air Quality Review Memorandum, and the Proposed Air Quality Plan Approval for this project are available for review by any interested party at the Pennsylvania Department of Environmental Protection, Southwest Regional Office, 400 Waterfront Drive, Pittsburgh, PA 15222. Documents are available for review at the Department's Southwest Regional webpage at <https://www.dep.pa.gov/About/Regional/SouthwestRegion/Community%20Information/Pages/Shell-Petrochemical-Complex.aspx>, or by going to www.dep.pa.gov/southwest and navigating to the Shell Petrochemical Complex project tab. Additionally, to request a review of the Shell Plan Approval Application, to receive an electronic copy of the Department's Air Quality Review Memorandum, or to receive an electronic copy of the Department's proposed air Quality Plan Approval for this project, a person may contact the Department's Southwest Regional Office File Review Coordinator at 412.442.4000.

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

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

Contact: James Beach, New Source Review Chief, (484) 250-5920.

15-0128A: Brandywine Green dba Pet Memorial (126 Turner Lane, West Chester, PA 19380) for the removal of two (2) Crawford Crematories (450-lb/hr, each) and the installation of three (3) B&L Crematories (250-lb/hr, each). The facility is located in West Goshen Township, **Chester County**. This facility is a non-Title V facility. The newly proposed crematoriums will each be controlled by an afterburner, along with the existing crematoriums. This Plan Approval will implement a sitewide throughput limit of 5,188.84 tons of animals/pets cremated per year. The facility will have the following potential emission: 18.17 TPY of PM, 6.49 TPY of SO_x, 25.98 TPY of CO, 8.31 TPY of NO_x, 8.12 TPY of VOCs, and 5.58 TPY of HCl. Emissions of PM are expected to be less than 0.08 grains per dry standard cubic feet, corrected to 7 percent O₂. Emissions of SO_x are expected to be less than 500 ppmv. The Plan Approval will contain

monitoring, recordkeeping, and operating conditions designed to keep the facility operating within the allowable emissions and all applicable air quality requirements.

Anyone wishing to request information regarding this action can do so by contacting the Southeast Regional Office through the contact person listed in the previously listed header. Comments on the draft permit (or plan approval) can be submitted through the Air Quality resource account at RA-EPSEROPUBCOM@pa.gov.

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.

36-05017G: Conestoga Wood Specialties Corp. (245 Reading Road, East Earl, PA 17519-0158) for the construction of a new Venjakob conveyorized spray coating line, and associated ovens, at the kitchen cabinet manufacturing facility located in East Earl Township, **Lancaster County**. This equipment will replace the existing CEFLA coating line (Source ID # 204). The emission increases from the construction of the new equipment, not counting the decreases of 27.62 tpy of VOCs, 0.29 tpy of PM₁₀, and 16.47 tpy of HAP emissions from removal of the existing CEFLA line, are expected to be: 28.51 tpy of VOCs, 1.21 tpy of PM₁₀, and 17.0 tpy of HAPs. DEP's review of the information submitted by the applicant indicates that the air contamination sources as installed will comply with all regulatory requirements pertaining to air contamination sources and the emission of air contaminants including the best available technology requirement (BAT) of 25 Pa. Code §§ 127.1 and 127.12, as well as 25 Pa. Code § 129.52—Surface coating processes, 25 Pa. Code §§ 129.101—129.107—Wood Furniture Manufacturing Operations, and 40 CFR Part 63, Subpart JJ—National Emission Standards for Wood Furniture Manufacturing Operations. Based on these findings, the Department proposes to issue a plan approval for the proposed construction. If, after the project has been implemented, the Department determines that the sources are constructed and operated in compliance with the plan approval conditions and the specification of the application for plan approval, the requirements established in the plan approval will be incorporated into a Title V Operating Permit pursuant to the administrative amendment provisions of 25 Pa. Code § 127.450.

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

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

16-148D: Robert V. Burns Crematorium, Inc. (638 Wood Street, Clarion, PA 16214). The Department of Environmental Protection intends to issue a plan approval to Robert V. Burns Crematorium for the installation of a second human crematory at their facility located in Clarion Borough, **Clarion County**. This is an existing non-Title V facility. Public notice is required for sources required to obtain a Plan Approval in accordance with 25 Pa. Code § 127.44.

This application proposes occasional opening of the crematory's door during operation. This crematory was not eligible for authorization under General Plan Approval 14 per the Department's instruction that those facilities which open their primary chamber's door during operation, could no longer use the general permit. Robert V. Burns Crematorium has elected to apply for a plan

approval rather than discontinue the opening of their crematories' doors which they feel is necessary for economical and complete cremation cycles. Special conditions will be included in this plan approval which address door opening and its' impact on emissions and operation. The crematory will be required to meet all emission and temperature requirements while the door is opened and will have additional recordkeeping and monitoring requirements.

The Plan Approval will contain testing, recordkeeping, emission restriction, reporting, and work practice requirements designed to keep the facility operating within all applicable air quality requirements. Emissions from the proposed source are estimated to be: less than 1.25 ton per year (tpy) of particulate matter, less than 1.0 tpy (each) of SO_x, NO_x, CO, VOC, and HAP.

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) 332-6940.

In accordance with 25 Pa. Code § 127.44(f)(2), a 30-day comment period, from the date of publication, will exist for the submission of comments. Any person(s) wishing to provide DEP with additional information, which they believe should be considered prior to the issuance of this permit, may submit the information to Regional Air Quality Program Manager, Pennsylvania Department of Environmental Protection, 230 Chestnut Street, Meadville, PA 16335-3494 and must contain the name, address and telephone number of the person submitting the comments, identification of the proposed plan approval 16-148D: Robert V. Burns Crematorium 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. 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. Written comments or requests for a public hearing should be directed to Eric A. Gustafson, 230 Chestnut St., Meadville, PA 16335; Phone (814) 332-6819.

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.

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

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

32-00059: Keystone-Conemaugh Projects, LLC Conemaugh Station (175 Cornell Road, Suite 1, Blairsville, PA 15717). The Department intends to issue a renewal of the Title V Operating Permit for the operation of the electrical generation facility in West Wheatfield Township, **Indiana County**.

The facility's major emission sources include two pulverized coal-fired (PC) boilers (Source IDs 031 and 032), each with nominal maximum heat inputs of 8,280 MMBtu/hour, 211.5 and 212.5 MMBtu/hour auxiliary boilers, four 3,600 bhp peaking diesel electrical generators, emergency diesel engines and fire pumps, coal handling, plant haul roads, cooling towers, miscellaneous propane heaters and sorbent handling and storage. The facility reported actual emissions in TPY for 2019 as: 7,674.32 NO_x, 6,678.15 CO, 4,298.82 SO_x, 1,168.07 PM₁₀, 22.7 VOC, 26.69 HAPs, and 11,464,065.45 CO₂. The facility is subject to the Title V Operating Permit requirements adopted in 25 Pa. Code Chapter 127, Subchapter G. The facility is subject to the New Source Performance Standards for Performance for Industrial-Commercial-Institutional Steam Generating Units (Subpart Db), Standards of Performance for Coal Preparation and Processing Plants (Subpart Y); the National Emission Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines (Subpart ZZZZ), Industrial, Commercial, and Institutional Boilers and Process Heaters (Subpart DDDDD) and Coal and Oil Fired Electric Steam Utility Steam Generating Units (Subpart UUUUU); and the Cross State Air Pollution Rule (CASPR) for NO_x Annual Trading Program (Subparts AAAAA), SO₂ Group 1 Trading Program (Subpart CCCCC), and NO_x Ozone Season Group 2 Trading Program (Subpart EEEEE). The renewal permit includes additional operation requirements, monitoring requirements, and recordkeeping requirements to ensure compliance with the Clean Air Act and the Air Pollution Control Act.

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

Southcentral Region: Air Quality Program, 909 Elmerston Avenue, Harrisburg, PA 17110.

Contact: Thomas Hanlon, Facilities Permitting Chief, (717) 705-4862, Thomas Bianca, New Source Review Chief, (717) 705-4863, or William Weaver, Regional Air Quality Manager, (717) 705-4702.

67-03083: Utz Quality Foods, LLC (900 High Street, Hanover, PA 17331) to issue a State Only Operating Permit for the snack food manufacturing facility located in Hanover Borough, **York County**. The actual emissions from the facility in 2019 are estimated at 20.0 tons NO_x; 16.4 tons CO; 10.23 tons PM₁₀; 10.23 tons PM_{2.5}; 1.74 tons VOC; 0.1 ton SO_x; 0.4 ton hexane; and 0.4 ton total HAPs. The Operating Permit will include emission limits and work practice standards along with testing, monitoring, recordkeeping and reporting requirements to ensure the facility complies with the applicable air quality regulations. Among other items, the conditions include provisions derived from 40 CFR Part 63, Subpart ZZZZ—National Emission Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines (Source IDs 902, 903 and 904) and 40 CFR Part 60, Subpart JJJJ—Standards of Performance for Stationary Spark Ignition Internal Combustion Engines (Source ID 901).

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

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

41-00033: Williamsport Hospital (700 High Street, Williamsport, PA 17701), for the facility located in

Williamsport, **Lycoming County**. The facility's sources include one (1) natural gas-fired co-gen engine, two (2) natural gas/# 2 fuel oil-fired boilers, four (4) natural gas-fired boilers, two (2) diesel-fired emergency generators, one (1) natural gas-fired emergency generator and one (1) diesel-fired fire pump engine. The facility has the potential to emit particulate matter (PM₁₀), nitrogen oxides (NO_x), carbon monoxide (CO), volatile organic compounds (VOCs), hazardous air pollutants (HAPs) and sulfur oxides (SO_x) below the major emission thresholds. In accordance with 25 Pa. Code § 127.446, the Department of Environmental Protection (DEP) has received an application and intends to issue an Air Quality operating permit renewal for the previously-mentioned facility. The subject facility has the following potential emissions: 36.38 TPY of carbon monoxide; 53.72 TPY of nitrogen oxides; 0.31 TPY of sulfur oxides; 2.53 TPY of particulate matter; 4.49 TPY of volatile organic compounds, 1.35 TPY of total hazardous air pollutants and 59,548 TPY of greenhouse gases. The Department has determined that the sources at the facility satisfy best available technology (BAT) requirements, pursuant to 25 Pa. Code §§ 127.1 and 127.12, the New Source Performance Standards (NSPS) pursuant to 40 CFR Part 60 Subpart III and JJJJ and the National Emission Standards for Hazardous Air Pollutants (NESHAP) pursuant to 40 CFR Part 63 Subparts ZZZZ. The proposed operating permit will include emission limits and work practice standards along with monitoring, recordkeeping and reporting requirements to ensure the facility complies with all applicable air quality regulations.

Southwest Region, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.

Contact: Thomas Joseph, Facilities Permitting Chief, 412.442.4336.

30-00166: Greene Team Pellet Fuel (150 Carmichaels Rd., Carmichaels, PA 15320). In accordance with 25 Pa. Code §§ 127.424, 127.425 and 127.521, the Department is providing notice that it intends to issue a natural minor State Only Operating Permit (SOOP) for the operation of a wood pelletizing plant in Greene Township, **Greene County**.

Equipment at this facility includes a 26.0 MMBtu/hr, wood waste-fired rotary dryer to reduce the moisture content of raw sawdust which is then processed into wood pellets for use in residential pellet burning stoves. The dryer is controlled by a high efficiency multi-clone dust collector. The pellet production process includes crushing the dried saw dust with a hammer mill, screening the saw dust, forming the pellets, and then sorting the pellets by size. These processes are controlled by a 10,000 acfm baghouse. Potential emissions from the facility are estimated to be 16.3 tons NO_x per year, 16.4 tons of CO per year, 2.5 tons SO₂ per year, 7.1 tons VOC per year, 3.1 tons HAPs per year, and 37.2 tons PM₁₀ per year. These estimates are based on an annual 7,800 hours of operation as requested by the owner/operator. The facility is subject to the applicable requirements of 25 Pa. Code Chapters 121—145. The proposed SOOP renewal includes conditions relating to applicable emissions restrictions, testing, monitoring, recordkeeping, reporting, and work practice standards requirements.

The application, DEP's Review Memorandum, and the proposed permit are available for public review during normal business hours at DEP's Southwest Regional Office, 400 Waterfront Drive, Pittsburgh, PA 15222. A file

review can be scheduled through the DEP's website at <https://www.dep.pa.gov/Citizens/PublicRecords/Pages/Informal-File-Review.aspx>.

Any person may submit comments, a request for the Department to hold a public hearing, or a protest to the proposed operating permit or a condition thereof by submitting the information to Nick Waryanka, P.E., Air Quality Engineer, at the Southwest Regional Office. A 30-day comment period from the date of publication of this notice will exist for the submission of comments. Each written comment must contain the name, address and telephone number of the person submitting the comments, identification of the proposed permit specify Operating Permit 30-00166 and concise statements regarding the relevancy of the information in the proposed permit or objections to issuance of the permit.

A public hearing may be held in accordance with 25 Pa. Code § 127.429, if the Department, in its discretion, decides that such a hearing is warranted based on the information received. If a public hearing is held, all persons who have properly filed a protest under 25 Pa. Code § 127.426 may appear and give testimony. The applicant, the protestant, and other participants will be notified of the decision to hold a hearing (and the time, place and purpose of such hearing) by publication in the newspaper or by the *Pennsylvania Bulletin*, or by telephone, where the Department determines such notification by telephone is sufficient.

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

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

16-00149: Clarion Laminates, LLC (301 Fiberboard Road, Shippensburg, PA 16254). The Department intends to issue the renewal of the State Only Operating Permit for the facility located in Paint Township, **Clarion County**. The primary sources at the facility include 2 natural gas fired thermal oil heaters; 8 natural gas fired space heaters; 2 laminating & saw lines; 3 profiling lines; a degreaser unit; a bonding line; and dust transfer processes. The facility is a Natural Minor. Potential emissions for all pollutants are below the major source thresholds. Potential emissions are as follows: 41.083 tpy PM; 41.082 tpy PM₁₀; 4.0 tpy NO_x; 2.16 tpy CO; 0.022 tpy SO_x; 0.19 tpy VOC; and 4,126 tpy CO₂. The renewal permit contains emission restrictions, recordkeeping, work practice, and additional requirements to ensure compliance with the Clean Air Act and the Air Pollution Control Act.

20-00043: Lindy Paving, Inc., Conneaut Lake Asphalt Plant (11203 Ellion Road, Conneaut Lake, PA 16316). The Department intends to issue the renewal of the State-Only Operating Permit of an asphalt plant located in Sadsbury Township, **Crawford County**. Permitted air contamination sources include the hot mix asphalt (HMA) batch plant (i.e., rotary dryer, hot elevators, screens, and bins), asphalt cement storage tanks heater, recycled asphalt pavement (RAP) system, cold aggregate bins, and finished products silos. The HMA plant is subject to a throughput limit of 495,000 tons in any 12-month rolling period, restricting its CO & PM₁₀ emissions below major source thresholds. For permitting purposes, the facility is Synthetic Minor. In this renewal, permit conditions based on an approved Request for Determination (RFD) are removed. With monthly HMA throughputs already reported in annual emissions inventory reports, an annual reporting on 12-month rolling HMA throughputs is removed.

20-00106: Greenleaf Corporation (18695 Greenleaf Drive, Saegertown, PA 16433). The Department intends to issue the renewal of the State Only Operating Permit for the facility located in Hayfield Township, **Crawford County**. The primary sources at the facility include natural gas combustion for building heat; a natural gas fueled graphite resistance furnace; 5 high/low temperature salt bath furnaces; a CVD coating furnace; an electric grieve oven; 2 spray dryers; grinding & polishing processes; a paraffin wax process; an electric rotary calciner; 6 cold degreasing parts washers; 7 natural gas fired emergency generators; and 1 diesel fired emergency generator. The facility is a Natural Minor. Potential emissions for all pollutants are below the major source thresholds. The emergency generators are subject to 40 CFR Part 63 Subpart ZZZZ, the National Emissions Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines. The diesel fired emergency engine is subject to 40 CFR Part 60 Subpart IIII, Standards of Performance for Stationary Compression Ignition Internal Combustion Engines, and one of the natural gas fired emergency engines is subject to 40 CFR Part 60 Subpart JJJJ, Standards of Performance for Stationary Spark Ignition Internal Combustion Engines. The renewal permit contains emission restrictions, recordkeeping, work practice, and additional requirements to ensure compliance with the Clean Air Act and the Air Pollution Control Act.

Philadelphia: Air Management Services, 321 University Avenue, Philadelphia, PA 19104-4543.

Contact: Edward Wiener, Chief, Source Registration at 215-685-9426.

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

OP19-000041: William J Green, Jr. Federal Building (600 Arch Street, Philadelphia, PA 19106), for the operation of air emission sources in Federal administrative buildings, in the City of Philadelphia, **Philadelphia County**. The facility's air emission sources are three (3) boilers firing natural gas primarily and No. 2 oil during periods of natural gas curtailment each rated 16.329 MMBtu/hr, three (3) hot water heaters firing natural gas each rated 0.285 MMBtu/hr, two emergency generators firing No. 2 oil rated 1,006 HP and 1,495 HP, and one (1) emergency generator firing natural gas rated 650 HP.

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

- In Section A, added the permit contact email and updated the responsible official information.
- In Table A1, updated the Facility Inventory update the source ID numbers, remove three (3) old hot water heaters, add three (3) new hot water heaters, remove an old emergency generator, add a new emergency generator, and update the stack information.
- Updated the Process Flow Diagram for consistency with Table A1.
- In Section D: Source Specific Requirements
 - o For the boilers, added Condition D.2.(a)(3) for combined No. 2 oil usage limit for the boilers requested by the facility to assure compliance with the Synthetic Minor limits.
 - o Removed the tuneup requirements and energy assessment requirements for the boilers from the SMOP

because the facility requested exemption from 40 CFR 63 Subpart JJJJJ and previously always operated the boilers within the exemption requirements, and added Condition D.2.(a)(4) for the exemption of the boilers from 40 CFR 63 Subpart JJJJJ.

- o Added Condition D.1.(c)(5) for Emergency Generator 011 emission limits.

- o Updated the requirements of 25 Pa. Code §§ 129.201—129.205 in D.1.(c)(6) and D.2.(b)(5) for the Emergency Generators 005 and 011.

- o Updated Conditions D.2.(b)(2)(i) and (ii) to update the definition of emergencies and modify the allowable hours for testing, engine tuning, maintenance checks, and readiness testing for each emergency generator to 100 hours per calendar year.

- o Updated Condition D.2.(b)(3)(i) for the operating hour limit for the Emergency Generator 005 requested by the facility to assure compliance with the Synthetic Minor limits.

- o Updated the ozone season requirement in Condition D.2.(b)(4) to check and record AQI forecast based on updated websites.

- o In Condition D.3.(b)(2), specified that compliance with PM emission limit of 25 Pa. Code § 123.13(c)(1)(i) shall be based on method 5 only.

- o Updated the monitoring requirements in Section D.4 and the recordkeeping requirements in Section D.5.

- o Added Conditions D.5.(b)(1) and D.5.(c)(1) for the requirement to keep record of maintenance conducted on the boilers, hot water heaters, and emergency generators.

- o Added Condition D.6.(b)(1) and updated Condition D.5.(b)(6), for the requirements of 40 CFR 60 Subpart Dc that the boilers must comply with.

The operating permit will be issued under 25 Pa. Code, Philadelphia Code Title 3 and Air Management Regulation XIII. Permit copies and other supporting information are available for public inspection at AMS, 321 University Avenue, Philadelphia, PA 19104. For further information, contact Edward Wiener at (215) 685-9426.

Persons wishing to file protest, comments, or request a public hearing on the previously listed operating permit must submit the protest, comments or request for public hearing within 30 days from the date of this notice. Any protests or comments filed with AMS must include a concise statement of the objections to the permit issuance and the relevant facts upon which the objections are based. Based upon the information received during the public comment period, AMS may modify the operating permit or schedule a public hearing. The hearing notice will be published in the *Pennsylvania Bulletin* and a local newspaper at least thirty days before the hearing.

COAL & NONCOAL MINING ACTIVITY APPLICATIONS

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

Dam Safety and Encroachments Act (32 P.S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P.S. §§ 6018.101—6018.1003).

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

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

Written comments or objections related to a mining permit application should contain the name, address and telephone number of persons submitting comments or

objections; application number; and a statement of sufficient detail to inform the Department on the basis of comment or objection and relevant facts upon which it is based.

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

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

Coal Applications Received

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

Table 1

<i>Parameter</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instantaneous Maximum</i>
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).

Permit No. 56100701 and NPDES Permit No. PA0235989. Wilson Creek Energy, LLC, 1576 Stoystown Road, P.O. Box 260, Friedens, PA 15541, to revise the permit and related NPDES Permit for the water handling plan and outfall 003 for Milford # 3 CRDA in Milford Township, **Somerset County**. No additional discharges. The application was considered administratively complete on September 3, 2020. Application received: July 27, 2020.

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

Permit No. 56200103 and NPDES No. PA0279757. Wilson Creek Energy, LLC, P.O. Box 260, 1576 Stoystown Road, Friedens, PA 15541, commencement, operation and restoration of a bituminous surface and auger mine in Lincoln Township, **Somerset County** affecting 75.4 acres. Receiving stream: Unnamed Tributaries to Quemahoning Creek classified for the following use: cold water fishes. There are no potable water supply intakes within 10 miles downstream. Application received: September 8, 2020.

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

Permit No. 17030106 and NPDES PA0243477. Waroquier Coal Company, P.O. Box 128, Clearfield, PA 16830, permit renewal for continued operation and restoration of a bituminous surface coal mine located in Beccaria Township, **Clearfield County** affecting 244.0 acres. Receiving stream(s): Unnamed Tributaries to Dotts Run and Dotts Run classified for the following use(s): CWF. There are no potable water supply intakes within 10 miles downstream. Application received: September 4, 2020.

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

Permit No. 40130201R. Ken Nowakowski (80 Foote Avenue, Duryea, PA 18642), renewal of an existing anthracite coal refuse reprocessing operation in Avoca Borough, **Luzerne County** affecting 15.7 acres. Receiving stream: Mill Creek, classified for the following use: cold water fishes. Application received: August 13, 2020.

Permit No. 54850107R7. Lone Eagle Coal Company, Inc. (2068 Old Phoenix Road, Pottsville, PA 17901), renewal for reclamation activities only of an anthracite surface mine operation in Foster Township, **Schuylkill County** affecting 55.9 acres. Receiving stream: West Branch Schuylkill River, classified for the following use: cold water fishes. Application received: August 14, 2020.

Withdrawn

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

Permit No. 32081301 and NPDES Permit No. PA0235946. Rosebud Mining Company, 301 Market Street, Kittanning, PA 16201, to revise the permit and related NPDES Permit for Coral-Graceton Mine located in Center and Blacklick Townships, **Indiana County**, affecting 3,822.1 proposed underground acres and 3,822.1 proposed subsidence control plan acres. No additional discharges. The application was considered administratively complete on February 4, 2020. Application received: December 23, 2019. Permit Withdrawn: August 18, 2020.

Noncoal Applications Received

Effluent Limits—The following effluent limits will apply to NPDES permits issued in conjunction with a noncoal mining permit:

Table 2

<i>Parameter</i>	<i>30-day Average</i>	<i>Daily Maximum</i>	<i>Instantaneous Maximum</i>
Suspended solids	10 to 35 mg/l	20 to 70 mg/l	25 to 90 mg/l
Alkalinity exceeding acidity* pH*		greater than 6.0; less than 9.0	

* The parameter is applicable at all times.

A settleable solids instantaneous maximum limit of 0.5 ml/l applied to surface runoff resulting from a precipitation event of less than or equal to a 10-year 24-hour event. If coal will be extracted incidental to the extraction of noncoal minerals, at a minimum, the technology-based effluent limitations identified under coal applications will apply to discharges of wastewater to streams.

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

Permit No. PAM215004. North Star Leasing Inc., DBA North Star Stone, P.O. Box 322, Meshoppen, PA 18630, coverage under General NPDES Permit for Stormwater Discharges Associated with Mining Activities (BMP GP-104) on Noncoal Permit No 08152501 located in Asylum Township, **Bradford County**. Receiving stream(s): Durell Creek and Susquehanna River Watershed classified for the following use(s): WWF, MF. There are no potable water supply intakes within 10 miles downstream. Notice of Intent for Coverage received: August 19, 2020.

Permit No. 59090301 and NPDES PA0257249. Signor Brothers Contracting, LLC, 30 Poplar Street, P.O. Box 98, Arnot, PA 16911, renewal for an existing NPDES on a large noncoal surface mining site located in Bloss Township, **Tioga County** affecting 26.8 acres. Receiving stream(s): Unnamed Tributary to Johnson Creek and Johnson Creek classified for the following use(s): CWF. Application received: August 31, 2020.

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

Permit No. 47140301C2 and NPDES Permit No. PA0225495. Hanson Aggregates PA, LLC (7660 Imperial Way, Allentown, PA 18195), renewal of an NPDES permit for discharge of treated mine drainage from a quarry operation in Limestone & Liberty Townships, **Montour County** affecting 437.95 acres; Receiving streams: Chillisquaque and Creek and unnamed tributary to Chillisquaque Creek, classified for the following uses: warm water and migratory fishes. Application received: August 13, 2020.

Permit No. 45950302C13 and NPDES Permit No. PA0613037. H & K Group, Inc. (P.O. Box 196, Skippack, PA 19474), renewal of an existing NPDES Permit for discharge of treated mine drainage from a quarry operation in Tobyhanna Township, **Monroe County** affecting 116.45 acres. Receiving streams: Twomile Run and unnamed tributary to Trout Creek, classified for the following uses: HQ—cold water fishes and EV. Application received: August 14, 2020.

MINING ACTIVITY NPDES DRAFT PERMITS

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

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

Effluent Limits for Coal Mining Activities

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

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

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

Alkalinity greater than acidity*

*The parameter is applicable at all times.

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

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

Effluent Limits for Noncoal Mining Activities

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

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

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

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

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

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

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

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

Coal NPDES Draft Permits

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

NPDES No. PA0219851 (Mining Permit No. 17940122), Waroquier Coal Company, P.O. Box 128, Clearfield, PA 16830 renewal of an NPDES permit for coal surface mine in Greenwood Township, Clearfield County affecting 120.2 acres. Receiving stream(s): Watts Creek, classified for the following use(s): Cold Water Fishes (CWF)/High Quality (HQ). This receiving stream is included in the Clearfield Creek Watershed TMDL. Application received: July 22, 2020.

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

The following outfalls discharge to Watts Creek:

<i>Outfall Nos.</i>	<i>New Outfall (Y/N)</i>	<i>Type</i>
005 (SP5)	N	Sediment
006 (SP6)	N	Sediment

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

<i>Outfalls: 005 (SP5), 006 (SP6) (Dry Weather)</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)	3.0	6.0	7.0
Manganese (mg/l)	2.0	4.0	5.0
Total Suspended Solids (mg/l)	35.0	70.0	90.0
Aluminum (mg/l)			Monitor & Report
Sulfate (mg/L)			Monitor & Report
Flow (gpm)			Monitor & Report
Temperature (°C)			Monitor & Report
Specific Conductivity (µmhos/cm)			Monitor & Report
pH (S.U.): Must be between 6.0 and 9.0 standard units at all times.			
Alkalinity must exceed acidity at all times.			

<i>Outfalls: 005 (SP5), 006 (SP6) (≤10-yr/24-hr Precip. Event)</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)	N/A	N/A	7.0
Total Settleable Solids (ml/l)	N/A	N/A	0.5
Sulfate (mg/L)			Monitor & Report
Flow (gpm)			Monitor & Report
Temperature (°C)			Monitor & Report
Specific Conductivity (µmhos/cm)			Monitor & Report
pH (S.U.): Must be between 6.0 and 9.0 standard units at all times.			
Alkalinity must exceed acidity at all times.			

Outfalls: 005 (SP5), 006 (SP6) (>10-yr/24-hr Precip. Event)
 pH (S.U.): Must be between 6.0 and 9.0 standard units at all times.
 Alkalinity must exceed acidity at all times.

NPDES No. PA0220060 (Mining Permit No. 17950106), Waroquier Coal Company, P.O. Box 128, Clearfield, PA 16830 renewal of an NPDES permit for coal surface mine in Greenwood Township, **Clearfield County** affecting 111.2 acres. Receiving stream(s): Watts Creek, classified for the following use(s): Cold Water Fishes (CWF)/High Quality (HQ). This receiving stream is included in the Clearfield Creek Watershed TMDL. Application received: July 22, 2020.

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

The following outfalls discharge to Unnamed Tributary # 2 to Watts Creek:

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

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

<i>Outfalls: 001 (SP1), 002 (SP2) (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)	3.0	6.0	7.0
Manganese (mg/l)	2.0	4.0	5.0
Aluminum (mg/l)	2.9	5.8	7.2
Total Suspended Solids (mg/l)	35.0	70.0	90.0
Sulfate (mg/L)			Monitor & Report
Flow (gpm)			Monitor & Report
Temperature (°C)			Monitor & Report
Specific Conductivity (µmhos/cm)			Monitor & Report
pH (S.U.): Must be between 6.0 and 9.0 standard units at all times.			
Alkalinity must exceed acidity at all times.			

<i>Outfalls: 007 (TP1) (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)	3.0	6.0	7.0
Manganese (mg/l)	2.0	4.0	5.0
Aluminum (mg/l)	2.0	4.0	5.0

Outfalls: 007 (TP1) (All Weather Conditions)

<i>Parameter</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Total Suspended Solids (mg/l)	35.0	70.0	90.0
Sulfate (mg/L)		Monitor & Report	
Flow (gpm)		Monitor & Report	
Temperature (°C)		Monitor & Report	
Specific Conductivity (µmhos/cm)		Monitor & Report	

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

The following outfall discharges to Watts Creek:

<i>Outfall Nos.</i>	<i>New Outfall (Y/N)</i>	<i>Type</i>
005 (SP5)	N	Sediment

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

<i>Outfalls: 007 (Dry Weather) Parameter</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Iron (mg/l)	3.0	6.0	7.0
Manganese (mg/l)	2.0	4.0	5.0
Total Suspended Solids (mg/l)	35.0	70.0	90.0
Aluminum (mg/l)		Monitor & Report	
Sulfate (mg/L)		Monitor & Report	
Flow (gpm)		Monitor & Report	
Temperature (°C)		Monitor & Report	
Specific Conductivity (µmhos/cm)		Monitor & Report	

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

Outfalls: 005 (SP5) (≤10-yr/24-hr Precip. Event)

<i>Parameter</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Iron (mg/l)	N/A	N/A	7.0
Total Settleable Solids (ml/l)	N/A	N/A	0.5
Sulfate (mg/L)		Monitor & Report	
Flow (gpm)		Monitor & Report	
Temperature (°C)		Monitor & Report	
Specific Conductivity (µmhos/cm)		Monitor & Report	

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

Outfalls: 005 (SP5) (>10-yr/24-hr Precip. Event)

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

Noncoal NPDES Draft Permits

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

NPDES No. PA0608874 (Mining Permit No. 08830301, Chemung Plant and 08140301, Chemung Plant # 2), Dalrymple Gravel & Contracting Co, Inc., 2105 South Broadway, Pine City, NY 14871, renewal of an NPDES permit for Non Coal Surface Mine in Athens Township, **Bradford County**, affecting 337.3 acres. Receiving stream(s): Chemung River, classified for the following use(s): Warm Water Fishes (WWF). Application received: August 6, 2020.

There are no outfalls directly to streams. All surface water runoff is contained onsite.

NPDES No. PA0256111 (Mining Permit No. 14040302, Aaronsburg West Operation), Con-Stone, Inc., P.O. Box 28, Bellefonte, PA 16823, renewal of an NPDES permit for Non-Coal Surface Mine in Haines Township, **Centre County**, affecting 95.1 acres. Receiving stream(s): Pine Creek, classified for the following use(s): Cold Water Fishes (CWF), Exceptional Value (EV). Application received: August 12, 2020.

There are no outfalls directly to streams under normal weather conditions. All outfalls discharge to groundwater via infiltration galleries.

The following outfalls discharge to Elk Creek and Pine Creek via emergency spillways of sediment ponds in response to precipitation events that exceed a 10-yr/24-hr event:

<i>Outfall Nos.</i>	<i>New Outfall (Y/N)</i>	<i>Type</i>
001	N	SBB ES, Sediment
002	N	SBA ES, Sediment
003	N	SBD ES, Sediment

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

<i>Outfalls: 001, 002, 003</i> <i>Parameter</i>	<i>30-Day</i> <i>Average</i>	<i>Daily</i> <i>Maximum</i>	<i>Instant.</i> <i>Maximum</i>
Total Suspended Solids (mg/l)			35.0
Flow (gpm or MGD)		Monitor Only	
pH (S.U.): Must be between 6.0 and 9.0 standard units.			

NPDES No. PA0220248 (Mining Permit No. 1474301, Mines 1—4 (1,082 acres; Mining Permit No. 14980301, Mines 5 & 6 (481.1 acres) and 14180401, Pleasant Gap Mine Noll Property (470 acres)), Graymont (PA), Inc., 375 Graymont Road, Bellefonte, PA 16823 renewal of an NPDES permit for Noncoal Deep Mine and supporting Surface Activities in Spring Township, **Centre County**, affecting 2,033.1 total acres, 84.9 surface acres. Receiving stream(s): Logan Branch, classified for the following use(s): MF (Migratory Fishes), CWF (Cold Water Fishes). Application received: July 20, 2020.

The following outfalls discharge to Logan Branch:

<i>Outfall Nos.</i>	<i>New Outfall (Y/N)</i>	<i>Type</i>
001	N	Eby Sink, Treatment
003	N	McJunkin Injection Site, Treatment
001-B	N	Whiterock Sink, Treatment
002-B	N	Agway Sink, Treatment
005-B	N	Smeltzer Farm, Treatment
010-B	N	Logan Branch Pipeline, Treatment
012	N	Truck Wash, Treatment

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

<i>Outfalls: 001, 003, 002-B, 005-B</i> <i>Parameter</i>	<i>30-Day</i> <i>Average</i>	<i>Daily</i> <i>Maximum</i>	<i>Instant.</i> <i>Maximum</i>
Total Suspended Solids (mg/l)	25.0	45.0	62.5
Iron (mg/l)	1.5	3.0	3.7
Manganese (mg/l)	1.0	2.0	2.5
Flow (gpm)		Monitor Only	
pH (S.U.): Must be between 6.0 and 9.0 standard units.			

<i>Outfalls: 001-B</i> <i>Parameter</i>	<i>30-Day</i> <i>Average</i>	<i>Daily</i> <i>Maximum</i>	<i>Instant.</i> <i>Maximum</i>
Total Suspended Solids (mg/l)	25.0	45.0	62.5
Iron (mg/l)	1.5	3.0	3.7
Manganese (mg/l)	1.0	2.0	2.5
Flow (gpm)			3,000
pH (S.U.): Must be between 6.0 and 9.0 standard units.			

<i>Outfalls: 010B</i> <i>Parameter</i>	<i>30-Day</i> <i>Average</i>	<i>Daily</i> <i>Maximum</i>	<i>Instant.</i> <i>Maximum</i>
Total Suspended Solids (mg/l)	35.0	70.0	90.0
Iron (mg/l)	1.5	3.0	3.7
Manganese (mg/l)	1.0	2.0	2.5
Flow (gpm)		Monitor Only	
Turbidity (NTU)		Monitor Only	
Temperature		Monitor Only	
pH (S.U.): Must be between 6.0 and 9.0 standard units.			

<i>Outfalls: 012</i> <i>Parameter</i>	<i>30-Day</i> <i>Average</i>	<i>Daily</i> <i>Maximum</i>	<i>Instant.</i> <i>Maximum</i>
Total Suspended Solids (mg/l)			62.0
Iron (mg/l)			3.7
Manganese (mg/l)			2.5
Flow (gpm)		Monitor Only	
Oil and Grease		Monitor Only	
pH (S.U.): Must be between 6.0 and 9.0 standard units.			

The following outfalls discharge to Logan Branch:

<i>Outfall Nos.</i>	<i>New Outfall (Y/N)</i>	<i>Type</i>
002	N	Eby Sink, Sediment
013	N	Mobile Shop Sediment Trap, Sediment
014	N	Std Pit Sediment Trap # 1, Sediment

<i>Outfall Nos.</i>	<i>New Outfall (Y/N)</i>	<i>Type</i>	
015	N	Std Pit Sediment Trap # 2, Sediment	
018	N	Std Pit Sediment Trap # 3, Sediment	
<i>Outfalls: 002</i>	<i>30-Day</i>	<i>Daily</i>	<i>Instant.</i>
<i>Parameter</i>	<i>Average</i>	<i>Maximum</i>	<i>Maximum</i>
Total Suspended Solids (mg/l)	25.0	45.0	62.0
Iron (mg/l)	1.5	3.0	3.7
Manganese (mg/l)	1.0	2.0	2.5
Flow (gpm)		Monitor Only	
pH (S.U.): Must be between 6.0 and 9.0 standard units.			
<i>Outfalls: 013</i>	<i>30-Day</i>	<i>Daily</i>	<i>Instant.</i>
<i>Parameter</i>	<i>Average</i>	<i>Maximum</i>	<i>Maximum</i>
Total Suspended Solids (mg/l)			62.0
Iron (mg/l)			3.7
Manganese (mg/l)			2.5
Flow (gpm)		Monitor Only	
Oil and Grease		Monitor Only	
pH (S.U.): Must be between 6.0 and 9.0 standard units.			
<i>Outfalls: 014, 015, 018</i>	<i>30-Day</i>	<i>Daily</i>	<i>Instant.</i>
<i>Parameter</i>	<i>Average</i>	<i>Maximum</i>	<i>Maximum</i>
Total Suspended Solids (mg/l)			90.0
Flow (gpm)		Monitor Only	
Oil and Grease		Monitor Only	
pH (S.U.): Must be between 6.0 and 9.0 standard units.			

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

NPDES Permit No. PA0594415. Hanson Aggregates PA, LLC (7600 Imperial Way, Allentown, PA 18195), renewal of NPDES Permit on Noncoal Surface Mine Permit No. 6575SM1 in Hamilton Township, **Monroe County** affecting 180 acres. Receiving streams: unnamed tributaries to Lake and Cherry Creek Watersheds classified for the following use: HQ—cold water fishes. The first downstream potable water supply intake from the point of discharge is at Portland, PA on the Delaware River. The Department has made a tentative determination to impose effluent limitations, within the ranges specified in Table 1 in addition to the limits identified in Table 2. Application received: January 10, 2020.

<i>Outfall Nos.</i>	<i>New Outfall (Y/N)</i>	<i>Type</i>		
001	No	Stormwater		
002	No	Stormwater/Groundwater		
<i>Outfalls: 001, 002</i>		<i>30-Day</i>	<i>Daily</i>	<i>Instantaneous</i>
<i>Parameter</i>	<i>Minimum</i>	<i>Average</i>	<i>Maximum</i>	<i>Maximum</i>
pH ¹ (S.U.)	6.0			9.0
Total Alkalinity (as CaCO ₃) (mg/L)			Monitor And Report	
Total Acidity (as CaCO ₃) (mg/L)			Monitor And Report	
Net Alkalinity (mg/L)	0.0			
Total Suspended Solids (mg/L)		35.0	70.0	90.0
Discharge (MGD) 001	0.200			
Discharge (MGD) 002	1.400			
Total Dissolved Solids (mg/L)			Monitor And Report	
Sulfates (mg/L)			Monitor And Report	
Oil and Grease (mg/L)			Monitor And Report	
Turbidity (NTU)			Monitor And Report	

¹ This Parameter is applicable 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 Sections 301—303, 306 and 307 of the FWPCA (33 U.S.C.A. §§ 1311—1313, 1316 and 1317), as well as relevant State requirements. Persons objecting to approval of a request for certification under Section 401 or to the issuance of a Dam Permit or Water Obstruction and Encroachment Permit, or the approval of an Environmental Assessment must submit any comments, suggestions or objections within 30-days of the date of this notice, as well as any questions to the office noted above the application. Comments should contain

the name, address and telephone number of the person commenting, identification of the certification request to which the comments or objections are addressed, and a concise statement of comments, objections or suggestions including the relevant facts upon which they are based.

The Department may conduct a fact-finding hearing or an informal conference in response to comments if deemed necessary. Each individual will be notified, in writing, of the time and place of a scheduled hearing or conference concerning the certification request to which the comment, objection or suggestion relates. Maps, drawings and other data pertinent to the certification request are available for inspection between the hours of 8:00 AM and 4:00 PM on each working day at the office noted above the application.

If you are a person with a disability and wish to attend the hearing and you require an auxiliary aid, service or other accommodation to participate in the proceedings, please contact the specified program. TDD users may contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

WATER OBSTRUCTIONS AND ENCROACHMENTS

Applications Received Under the Dam Safety and Encroachments Act (32 P.S. §§ 693.1—693.27) and Section 302 of the Flood Plain Management Act (32 P.S. § 679.302) and Requests for Certification Under Section 401 of the Federal Water Pollution Control Act (33 U.S.C.A. § 1341(a)).

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

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

E4002220-026. CAN DO, Inc., One South Church Street, Hazleton, PA 18201, in Hazle Township, **Luzerne County**, U.S. Army Corps of Engineers, Baltimore District.

To construct and maintain the following water obstruction and encroachments associated with the Lot 104 industrial building project in the Humboldt Industrial Park:

1. To fill two (2) wetland areas permanently impacting a total of 0.07 acre of isolated, PEM wetlands for the purpose of constructing a 105,000 sq ft warehouse facility. Wetland mitigation is proposed in a 1:1 ratio on site.

2. To construct and maintain a stream enclosure of a UNT to Cranberry Creek (CWF, MF) consisting of 676-foot long 24-inch diameter SLCPP pipe. The stream enclosure will tie into an existing stream enclosure on Lot 103 to the west.

The project is located on Lot 104 in the Humboldt Industrial Park-East, approximately 0.6-mile down Commerce Drive on the right (Conyngham, PA Quadrangle Latitude: 40° 55' 52"; Longitude: -76° 1' 47") in Hazle Township, Luzerne County.

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

E0703220-022. Randall and Holly Sheetz, 3341 Scotch Valley Road, Hollidaysburg, PA 16648, Frankstown Township, **Blair County**, U.S. Army Corps of Engineers Baltimore District.

To construct and maintain 1200 feet of sewer main extension and two service laterals to service an existing residential home, a barn and extend for a future home in/across floodway of UNT to New Creek (HQ-CWF) and

having 0.046 acre temporary and 0.005 acre permanent floodways impacts, 0.09 acre temporary and 0.01 acre permanent impact to exceptional value wetlands, for the purpose of abating a failing on-lot septic system located on the south side of Scotch Valley Road in Frankstown Township, Blair County. Latitude (40.487345); Longitude (-78.305447).

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

E1804220-023: Woodward Township, Clinton County, 86 Riverside Terrace, Lock Haven, PA 17745. T-404 Queens Run Rd Improvements, Woodward Township, **Clinton County**, U.S. Army Corps of Engineers Baltimore District (Lock Haven Quadrangle; Latitude: 41° 11' 24.54"; Longitude: -77° 28' 29.45"). The applicant proposes a drainage improvement project consists of installation of nine (9) cross pipes, including headwalls and endwalls, 235 feet of new french drain, a 12 ft x 25 ft french mattress under and adjacent to Queens Run Road, in Woodward Township, Clinton County, located in the floodway of Queens Run (HQ-CWF). The project proposes 0.1 acre of direct floodway impact.

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

E0205220-022, Allegheny Valley Joint Sewer Authority, P.O. Box 158, Cheswick, PA 15204, Harmer Township, **Allegheny County**; Pittsburgh ACOE District.

The applicant proposes to:

1. Construct and maintain connections to outlet structure and upgrades to forebay berm and Pocket Wet Pond within the FEMA defined floodway of the Allegheny River;

2. Construct and maintain a riprap outlet (RA-2) structure and 36" HDPE storm sewer pipe via open trench within the FEMA defined floodway of the Allegheny River;

3. Construct and maintain 12' wide concrete cascade for wastewater treatment plant outfall via open trench within the FEMA defined floodway of the Allegheny River;

4. Construct and maintain 15" HDPE storm sewer outfall including rock apron via open trench within the FEMA defined floodway of the Allegheny River;

5. Construct and maintain 16" HDPE sewage forcemain under Guys Run (WWF), and associated floodway, and PFO wetland via directional drilling;

6. Construct and maintain 30" HDPE sewage forcemain under Deer Creek (WWF) and associated floodway, and PFO wetland via directional drilling;

7. Construct and maintain 48" PVC gravity sewer line under PEM wetland via open trench;

8. Construct and maintain 24" HDPE sewage overflow outfall including rock apron via open trench within the FEMA defined floodway of the Allegheny River (WWF);

9. Construct and maintain a variable diameter (2.0', 1.75', 1.5' and 1.25') PVC gravity sewer line via open trench under Tawney Run (WWF) and associated floodway; and

10. Construct and maintain 18" PVC gravity sewer line via open trench under a UNT to Tawney Run (WWF) and associated floodway.

For the purpose of upgrading the Allegheny Valley Joint Sewer Authority Sewage Treatment Plant facility, the construction of a new pump station, new gravity sewer lines, and forcemain. The project will result in permanent impacts to Deer Creek (66 LF), Guys Run (286 LF), Tawney Run (127 LF) and a UNT to Tawney Run (25 LF), temporary impacts to Guys Run (0.08 acre) and Allegheny River (0.24 acre), permanent impacts to the FEMA defined floodway of the Allegheny River (0.29 acre), and permanent impacts to the floodway of Deer Creek (0.01 acre), Guys Run (0.03 acre), Tawney Run (1.41 acre) and UNT to Tawney Run (1.10 acre) and temporary impacts to the FEMA defined floodway of the Allegheny River (1.60 acre), and temporary impacts to the floodway of Guys Run (0.18 acre). Additionally, approximately 0.92 acre of permanent impact and 0.03 acre of temporary impact to PFO wetlands. The project site is located at 2400 Freeport Road (New Kensington West, PA

USGS topographic quadrangle; N: 40°, 31', 50.12"; W: -79°, 50', 51.62"; Sub-basin 18A; USACE Pittsburgh District), in Cheswick Borough, Harmar Township, Springdale Borough and Springdale Township Allegheny County.

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

E1006220-024, Thornhill Partners, LP (c/o Elmhurst Development, LLC), One Bigelo Square, Suite 630, Pittsburgh, PA 15219. Heights at Thornhill (Phase 2), in Cranberry Township, **Butler County**, ACOE Pittsburgh District (Mars, PA Quadrangle N: 40.677478; W: -80.115955).

To fill 0.009 acre of PEM wetland for the construction of a stormwater management pond associated with development of Heights at Thornhill (Phase 2) along Thorn Hill Road approximately 1.5 mile west of US 19.

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—691.101) and the Federal Clean Water Act (33 U.S.C.A. §§ 1251—1376).

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

Sections I—VI contain actions regarding industrial, animal or sewage wastes discharges, discharges to groundwater, and discharges associated with MS4, stormwater associated with construction activities and CAFOs. Section VII contains notices for parties who have submitted NOIs for Coverage under General NPDES Permits. The approval for coverage under these General NPDES Permits is subject to applicable effluent limitations, monitoring, reporting requirements and other conditions in each General Permit. The approval of coverage for land application of sewage sludge or residential septage under applicable general permit is subject to pollutant limitations, pathogen and vector attraction reduction requirements, operational standards, general requirements, management practices and other conditions in the respective permit. The permits and related documents, effluent limitations, permitting requirements and other information are on file and may be inspected and arrangements made for copying at the contact office noted before the action.

Persons aggrieved by an action may appeal that action to the Environmental Hearing Board (Board) under section 4 of the Environmental Hearing Board Act (35 P.S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to Administrative Agency Law). The appeal should be sent to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P.O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Board through the Pennsylvania AT&T Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30-days of publication of this notice in the *Pennsylvania Bulletin* unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary to the Board at (717) 787-3483. This paragraph does not, in and of itself, create a right of appeal beyond that permitted by applicable statutes and decisional law.

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

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

I. NPDES Renewal Permit Actions.

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N</i>
PA0065579 (Storm Water)	USS Achey Scrapyard 355 E Second Mountain Road Schuylkill Haven, PA 17972	Schuylkill County North Manheim Township	Mahoney Creek (CWF, MF) (3-A)	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N</i>
PA0083151 (Sewage) Issued	Penn Manor School District P.O. Box 1001 Millersville, PA 17551	Lancaster County Martic Township	Pequea Creek (WWF, MF) in Watershed(s) 7-K	Y
PA0261122 (Sewage) Issued	Train Collectors Association P.O. Box 248 Strasburg, PA 17579-0248	Lancaster County Paradise Township	Unnamed Tributary to Pequea Creek (WWF, MF) in Watershed(s) 7-K	Y
PA0038318 (Sewage) Issued	Salisbury Elementary WWTP 166 South New Holland Road P.O. Box 130 Kinzers, PA 17535-0130	Lancaster County Salisbury Township	Pequea Creek (WWF) Watershed(s) 7-K	Y
PA0038326 (Sewage) Issued	Pequea Valley High School P.O. Box 130 Kinzers, PA 17535-0130	Lancaster County Leacock Township	Pequea Creek (WWF) Watershed(s) 7-K	Y
PA0088978 (Sewage) Issued	West Pennsboro STP 2150 Newville Road Carlisle, PA 17015-7747	Cumberland County West Pennsboro Township	Conodoguinet Creek (WWF, MF) Watershed(s) 7-B	Y
PA0087866 (Industrial— Ground Water Cleanup) Issued	Texas Eastern Trans LP Entriiken 5400 Westheimer Court Houston, TX 77056	Huntingdon County Todd Township	Unnamed Tributary to Great Trough Creek (TSF, MF) Watershed(s) 11-D	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N</i>
PA0216445 (Sewage)	Paradigm Aviation SFTF 226 Airport Road Mount Pleasant, PA 15666-4902	Fayette County Bullskin Township	Unnamed Tributary to Jacobs Creek (WWF) (19-D)	Y
PA0253847 (Sewage)	Wenatchee # 17 SRSTP 447 S. Shore Trail Central City, PA 15926	Somerset County Indian Lake Borough	Unnamed Tributary of Indian Creek (CWF) (18-E)	Y
PA0098663 (Sewage)	R. P. Woodhouse STP 72 Donley Road Eighty-Four, PA 15330-2068	Washington County Somerset Township	Opossum Run (HQ-WWF) (20-F)	Y

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>
PA0102181 (Sewage)	Two Mile Run County Park 471 Beach Road Franklin, PA 16323-7519	Venango County Sugarcreek Borough	Twomile Run (CWF) (16-E)	Y

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

Southeast Region: Water Management Program Manager, 2 East Main Street, Norristown, PA 19401.

NPDES Permit No PA0053538, Storm Water, SIC Code 2833, 2834, 2836, **Merck Sharp & Dohme Corp**, 770 Summeytown Pike, West Point, PA 19486.

This existing facility is located in Upper Gwynedd Township, **Montgomery County**.

Description of Existing Action/Activity: Issuance of an NPDES Permit for an existing discharge of treated stormwater.
Northwest Region: Clean Water Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481.

NPDES Permit No. PA0288632, Sewage, SIC Code 8800, **Craig Handlovic**, 140 Klein Road, Cranberry Twp, PA 16066-3320.

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

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

NPDES Permit No. PA0288543, Sewage, SIC Code 8800, **Christopher Boltz**, 221 Hannahstown Road, Cabot, PA 16023-2117.

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

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

NPDES Permit No. PA0288462, Sewage, SIC Code 8800, **Katie & Kevin Elder**, 5350 Old French Road, Erie, PA 16509-3644.

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

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

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

Southeast Region: Clean Water Program Manager, 2 East Main Street, Norristown, PA 19401, 484.250.5900.

WQM Permit No. 1520405 Sewage, **PA American Water Company**, 4 Wellington Boulevard, Wyomissing, PA 19610.

This proposed facility is located in Sadsbury Township, **Chester County**.

Description of Action/Activity: Proposed gravity sewer and pump station with force main for proposed development.

WQM Permit No. 2311403 Sewage, Amendment, **Newtown Township Municipal Authority**, 209 Bishop Hollow Road, Newtown Square, PA 19073-3219.

This proposed facility is located in Newtown Township, **Delaware County**.

Description of Action/Activity: Rerate the existing Ashford Pump Station.

WQM Permit No. 0983418 A-1, Sewage, **Bucks County Water & Sewer Authority**, 1275 Almshouse Road, Warrington, PA 18976-1209.

This existing facility is located in Doylestown Township, **Bucks County**.

Description of Proposed Action/Activity: Rerating WWTP for wet weather flow from 0.425 MGD to 0.6 MGD.

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

WQM Permit No. 4820402, Sewage, SIC Code 4200, **Bridge Moorestown Rd LLC**, 1 Gatehouse Drive, Parsippany, NJ 07054-4523.

This proposed facility is located in Bushkill Township, **Northampton County**.

Description of Proposed Action/Activity: This application is for a wastewater treatment plant using Moving Bed Biofilm Reactors (MBBR), a sewage collection system and a drip irrigation system to serve a proposed commercial development to be known as Bridge Dev Partners LLC's Warehouse. The effluent from the proposed wastewater treatment plant will be discharged to a drip irrigation field for land application and disposal of the treated wastewater. The hydraulic design capacity of the treatment system is 4,970 gpd which comes from the proposed 427,875 SF warehouse facility's estimated 142 employees with no Industrial Waste contribution. The proposed project is located at 433 Moorestown Road.

WQM Permit No. 5420402, Sewage, SIC Code 6512, **NP New Castle, LLC**, 4825 NW 41st Street, Suite 500, Riverside, MO 64150-7806.

This existing facility is located in New Castle Township, **Schuylkill County**.

Description of Proposed Action/Activity: The project is for the addition of a dechlorination tank with aeration and a dechlorination tablet feeder at the Schuylkill Mall sewage treatment plant.

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

WQM Permit No. 2220403, Sewage, SIC Code 4952, **Londonderry Township**, 783 S Geyers Church Road, Middletown, PA 17057-4424.

This facility is located in Londonderry Township, **Dauphin County**.

Description of Proposed Action/Activity:

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

- Three pump stations with wet wells and sewage grinders with associated equipment and controls
- Various lengths of force mains with diameters 6-inch, 8-inch and 14-inch
- Various lengths of gravity sewers with diameters 8-inch, 10-inch, 12-inch, 15-inch and 18-inch
- Several manholes and stream crossings

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

WQM Permit No. 6572405-A5, Sewage, SIC Code 4952, **New Kensington City Municipal Sanitary Authority**, 120 Logans Ferry Road, New Kensington, PA 15068.

This proposed facility is located in the City of New Kensington, **Westmoreland County**.

Description of Proposed Action/Activity: Proposed construction of modifications to the existing New Kensington City Municipal Sanitary Authority—Sewage Treatment Plant (STP) to increase wet weather flow treatment capacity. Treatment to be provided at the existing STP.

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

WQM Permit No. 1020413, Sewage, SIC Code 8800, **Craig Handlovic**, 140 Klein Road, Cranberry Twp, PA 16066-3320.

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

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

WQM Permit No. 4390201 A-1, Industrial, SIC Code 3316, **NLMK PA LLC**, 15 Roemer Boulevard, Farrell, PA 16121-2201.

This existing facility is located in Farrell City, **Mercer County**.

Description of Proposed Action/Activity: Replacement in kind of existing clarifier and relocation of internal sub-outfall 504.

WQM Permit No. 1020410, Sewage, SIC Code 8800, **Christopher Boltz**, 221 Hannahstown Road, Cabot, PA 16023-2117.

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

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

WQM Permit No. 4283402 A-1, Sewage, SIC Code 4941, **Bradford City Water Authority**, 28 Kennedy Street, Bradford, PA 16701-2006.

This existing facility is located in Bradford Township, **McKean County**.

Description of Proposed Action/Activity: Replacement of existing onlot system with EcoFlo package system.

WQM Permit No. 2520415, Sewage, SIC Code 8800, **Katie & Kevin Elder**, 5350 Old French Road, Erie, PA 16509-3644.

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

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

IV. NPDES Stormwater Discharges from Municipal Separate Storm Sewer Systems (MS4) Individual Permits Issued.

Southeast Region: Clean Water Program Manager, 2 East Main Street, Norristown, PA 19401, Phone: 484-250-5970.

<i>NPDES Permit No.</i>	<i>Permittee Name & Address</i>	<i>Municipality, County</i>	<i>Receiving Water(s)/Use(s)</i>	<i>TMDL Plan Submitted (Y/N)</i>	<i>Pollutant Reduction Plan Submitted (Y/N)</i>
PAI130041	Borough of Lansdale 1 Vine Street Lansdale, PA 19446	Borough of Lansdale Montgomery County	Unnamed Tributary to Towamencin Creek, Wissahickon Creek, and Unnamed Tributary to West Branch Neshaminy Creek/WWF, TSF, and MF	Y	Y

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

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

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAD150132	151 Sheree Boulevard Partners, LLC 120 Pennsylvania Avenue Malvern, PA 19355	Chester	Upper Uwchlan Township	Shamona Creek HQ-TSF

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

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

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAD390166 Authorization/ Issuance	PPL Electric Utilities Corporation 2 N. 9th St, Genn 4 Allentown, PA 18101	Lehigh	Lower Milford Township	UNT to Hosensack Creek (HQ-CWF, MF) and EV Wetlands
PAD390023 Authorization/ Issuance	Mack Trucks, Inc. 3350 Gehman Rd Macungie, PA 18062	Lehigh	Lower Macungie Township	Swabia Creek (HQ-CWF, MF)
PAD450114 Authorization/ Issuance	Sanofi Pasteur, Inc. Discovery Drive Swiftwater, PA 18370	Monroe	Pocono Township	Swiftwater Creek (HQ-CWF, MF)
PAD450111 Authorization/ Issuance	Moose Crossing Storage Associates, LLC 610 Newtown Road Suite B Villanova, PA 19085-1135	Monroe	Tobyhanna Township	UNT to Tobyhanna Creek (HQ-CWF, MF) UNT to Two Mile Run (HQ-CWF, MF)

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

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAD670001 A-1 Issued	GLC Newberry, LLC 7660 Imperial Way Suite 120 Allentown, PA 18195-1016	York County	Newberry Township	Fishing Creek (TSF, MF) UNT Fishing Creek (TSF, MF) EV Wetlands

Southwest Region: Dana Drake, Waterways and Wetlands Program, 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>
PAD650021	Redevelopment Authority of Westmoreland County 40 North Pennsylvania Avenue Greensburg, PA 15601	Westmoreland County	Derry Borough	UNT to McGee Run (CWF)

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

The EPA Region III Administrator has waived the right to review or object to this permit action under the waiver provision 40 CFR 123.23(d).

List of NPDES and/or Other General Permit Types.

PAG-01	General Permit for Discharges for Stormwater Discharges Associated with Small Construction Activities.
PAG-02	General Permit for Discharges of Stormwater Associated with Construction Activities
PAG-03	General Permit for Discharges of Stormwater from Industrial Activities
PAG-04	General Permit for Discharges from Small Flow Treatment Facilities
PAG-05	General Permit for Discharges from Petroleum Product Contaminated Groundwater Remediation Systems
PAG-06	General Permit for Wet Weather Overflow Discharges from Combined Sewer Systems (CSO)
PAG-07	General Permit for Beneficial Use of Exceptional Quality Sewage Sludge by Land Application
PAG-08	General Permit for Beneficial Use of Non-Exceptional Quality Sewage Sludge by Land Application to Agricultural Land, Forest, a Public Contact Site or a Land Reclamation Site
PAG-08 (SSN)	Site Suitability Notice for Land Application Under Approved PAG-08 General Permit Coverage
PAG-09	General Permit for Beneficial Use of Residential Septage by Land Application to Agricultural Land, Forest, or a Land Reclamation Site
PAG-09 (SSN)	Site Suitability Notice for Land Application Under Approved PAG-09 General Permit Coverage
PAG-10	General Permit for Discharges from Hydrostatic Testing of Tanks and Pipelines

PAG-11	General Permit for Discharges from Aquatic Animal Production Facilities
PAG-12	Concentrated Animal Feeding Operations (CAFOs)
PAG-13	Stormwater Discharges from Municipal Separate Storm Sewer Systems (MS4)
PAG-14	(To Be Announced)
PAG-15	General Permit for Discharges from the Application of Pesticides

General Permit Type—PAG-02

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

<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Facility Location: Municipality & County</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
PAC230130	SAFStor Land Co., LLC 2470 Daniells Bridge Road Suite 161 Athens, GA 30606	Folcroft Borough Delaware County	Hermesprota Creek WWF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
PAC460441	Foulkeways At Gwynedd 1120 Meetinghouse Road Gwynedd, PA 19436	Lower Gwynedd Township Montgomery County	Unnamed Tributary to Trewellyn Creek TSF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
PAC460456	Bharatiya Temple Inc. P.O. Box 463 1612 County Line Road Montgomeryville, PA 18936	Montgomery Township Montgomery County	Little Neshaminy Creek WWF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
PAC460495	PennDOT District 6-0 7000 Geerdes Boulevard King of Prussia, PA 19406	Upper Merion Township Montgomery County	Trout Creek WWF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
PAC460527	Schwenksville Investment Properties 1202 North Gravel Pike P.O. Box 303 Zieglerville, PA 19492	Schwenksville Borough Montgomery County	Perkiomen Creek TSF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
PAC460453	Airport Square Shopping Associates LP 810 Seventh Avenue 10th Floor New York, NY 10019	Montgomery Township Montgomery County	Tributary to Little Neshaminy Creek WWF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
PAC460494 Denial	Select Properties 2312 North Broad Street Colmar, PA 18915	Lower Frederick Township Montgomery County	Goshenhoppen Creek TSF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
PAC460230	Castle Sanatoga LLC 2052 Lucon Road Skeppack, PA 19474	Lower Pottsgrove Township Montgomery County	Sanatoga Creek WWF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
PAC460313	Kevin Goodchild 1247 Old Ford Road Abington, PA 19006	Abington Township Montgomery County	Tributary to Pennypack TSF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
PAC460498	Andrew Teufel 161 Cardiff Lane Haverford, PA 19041	Lower Merion Township Montgomery County	Mill Creek TSF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900

NOTICES

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<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Facility Location: Municipality & County</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
PAC460477	Malvern School Properties 20 Creek Road Glen Mills, PA 19342	Upper Merion Township Montgomery County	Trout Creek WWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
PAC460533	PennDot District 6-0 7000 Geerdes Blvd King of Prussia, PA 19406	Norristown Borough Montgomery County	Stoney Creek TSF-MF-WWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
PAC460488	Bradwoods Corporation 188 Bechtel Road Collegeville, PA 19426	Upper Providence Township Montgomery County	Donny Brook TSF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
PAC460277	The Perkiomen School 200 Seminary Ave Pennsburg, PA 18073	Pennsburg Borough Montgomery County	Unnamed Tributary to Perkiomen Creek TSF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
PAC460105	Geryville Storage LLC 224 Cathill Road Sellersville, PA 18703	Upper Hanover Township Montgomery County	Unnamed Tributary to Macoby Creek TSF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
PAC460444	Envision Land Use Matrix LLC 485 Devon Park Drive Suite 106 Wayne, PA 19087	Hatfield Township Montgomery County	Neshaminy Creek WWF-MF-TSF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
PAC090374	Penn Valley Gas, Inc. 3000 Meetinghouse Road Telford, PA 18969	West Rockhill Township Bucks County	Mill Creek TSF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
PAC090360	Penns Trail Investment, LP 76 Griffiths Miles Circle Warminster, PA 18974-0058	Newtown Township Bucks County	Unnamed Tributary to Core Creek CWF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900

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

<i>NPDES</i>					
<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone Number</i>
PAC010149 Issued	Lisa Carey 80 Woodcrest Drive Gettysburg, PA 17325	Adams	Cumberland Township	Marsh Creek (CWF)	Adams County Conservation District 670 Old Harrisburg Road Suite 201 Gettysburg, PA 17325-3404 717.334.0636
PAC310017 Issued	Scott College 1503 Wall Street Saxton, PA 16678	Huntingdon	Hopewell Township	UNT Shy Beaver Creek (WWF, MF)	Huntingdon County Conservation District 10605 Raystown Road Suite A Huntingdon, PA 16652-9603 814.627.1627

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone Number</i>
PAC670378 A-1 Issued	York County Board of Commissioners 28 East Market Street York, PA 17401	York	Springettsbury Township	UNT Kreutz Creek (WWF, MF)	Southcentral Regional Office Department of Environmental Protection 909 Elmerton Avenue Harrisburg, PA 17110 717.705.4802

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

<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Facility Location and Municipality</i>	<i>Receiving Water/Use</i>	<i>Contact Office and Phone Number</i>
PAC630188	West Penn Power Company 800 Cabin Hill Road Greensburg, PA 15601	Nottingham Township Peters Township	UNT to Peters Creek (TSF)	Washington County Conservation District 50 Old Hickory Ridge Road Suite 1 Washington, PA 15301 724-705-7098
PAC630197	GE Grid Solutions 1 Power Lane Charleroi, PA 15022	Speers Borough	UNT to South Branch Maple Creek (WWF); Monongahela River (WWF)	Washington County Conservation District 50 Old Hickory Ridge Road Suite 1 Washington, PA 15301 724-705-7098

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

<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Facility Location: Municipality & County</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
PAC250111	Country Fair Inc. 2251 East 30th Street Erie, PA 16510	Harborcreek Township Erie County	UNT to Four Mile Creek WWF, MF	Erie County Conservation District 1927 Wager Road Erie, PA 16509 814-825-6403
PAC250108	FIDC 106 LLC 100 DeBartolo Place Suite 400 Boardman, OH 44512	Millcreek Township Erie County	Unnamed tributary to Lake Erie	Erie County Conservation District 1927 Wager Road Erie, PA 16509 814-825-6403
PAC100199	Bi-Lo Gas Station 3 Northgate Plaza # 2 Harmony, PA 16037	Jackson Township Butler County	Scholars Run WWF	Butler County Conservation District 120 Hollywood Drive Suite 201 Butler, PA 16001 724-284-5270
PAC100198	Slippery Rock University 1 Morrow Way Slippery Rock, PA 16057	Slippery Rock Township Butler County	Tributary Slippery Rock Creek CWF	Butler County Conservation District 120 Hollywood Drive Suite 201 Butler, PA 16001 724-284-5270
PAC100185	Forsythe Fields LLC Mr. Mark Heinauer 514 Ridge Court Wexford, PA 15090	Middlesex Township Butler County	Glade Run WWF	Butler County Conservation District 120 Hollywood Drive Suite 201 Butler, PA 16001 724-284-5270

General Permit Type—PAG-13

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

<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Facility Location: Municipality & County</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
PAG133558	Palmyra Borough Lebanon County 325 South Railroad Street Palmyra, PA 17078	Palmyra Borough Lebanon County	Unnamed Tributary to Killinger Creek (TSF, MF), Unnamed Tributary of Spring Creek (WWF, MF), and Unnamed Tributary to Spring Creek (WWF, MF)—7-D	Clean Water Program SCRO 717-705-4918
PAG133683	Jackson Township Lebanon County 60 N Ramona Road Myerstown, PA 17067-2149	Jackson Township Lebanon County	Unnamed Tributary to Little Swatara Creek, Unnamed Tributary of Little Swatara Creek (CWF, MF), Unnamed Tributary to Mill Creek (TSF, MF), Unnamed Tributary to Tulpehocken Creek (CWF, MF), Deep Run (WWF, MF), Tulpehocken Creek (TSF, MF), Owl Creek (WWF, MF), Unnamed Tributary to Deep Run (WWF, MF), and Unnamed Tributary to Owl Creek (WWF, MF)—7-D and 3-C	Clean Water Program SCRO 717-705-4918

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>
Lazy Hog Farm Chris Hoffman 201 S Homestead Rd. McAlsiterville, PA 17049	Mifflin	135	524.99	Swine	NA	Approved
Marlin Hartzler 39 Hazel Lane Belleville, PA 17004	Mifflin	134.8	253.15/ 4.75	Swine/ Beef	NA	Approved
Will-O-Bett Farm— Paul Dagostin 137 Bomboy Lane Berwick, PA 18603	Luzerne	103.2	768.95	Swine/ Beef	NA	Approved
Cotner Farms, Inc— Dean James 970 Rushtown Road Danville, PA 17821	Northumberland	19.3	1,492.83	Layer	NA	Approved
Just-A-Mere Farm— Josh Daniels 3746 Mahantango Creek Road Dalmatia, PA 17017	Northumberland	325.6	86.38	Ducks/ Beef	NA	Approved
John Pfleeger 460 Gold Road Muncy, PA 17756	Northumberland	447.7	724.90	Swine/ Beef/ Chicken	NA	Approved
Jonathan Stauffer 3535 Old State Road Leck Kill, PA 17836	Northumberland	10	263.76	Layer	NA	Approved
Joe Jurgielewicz & Son, Ltd. 1016 Plum Creek Road Sunbury, PA 17801	Northumberland	86.07	109.10	Duck	NA	Approved
Lamar Sensenig 114 Huckleberry Road Jonestown, PA 17039	Lebanon	56.4	319.90	Broilers/ Sheep	NA	Approved
Willie/Eugene Weiler— Weiler Farms # 2 Weiler Meadow Farm 350 East Mill Avenue Myerstown, PA 17067	Lebanon	140	1,055.67	Swine Broiler Sheep	NA	Approved
Reid Hoover— Brook Corner Holsteins 400 Mt. Wilson Road Lebanon, PA 17042	Lebanon	350.2	864.65	Dairy	NA	Approved
Ken and Diane Haller Ken-Dii Farms, LLC 225 S. Carpenter Street Newmanstown, PA 17073	Lebanon	23.5	368.57	Broilers	None	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).

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

Operations Permit issued to: **Centre County MHC, LLC**, 208 Greystone Drive, Shavertown, PA 18708, **PWSID No. 4140043**, Huston Township, **Centre County** on September 16, 2020 for the operation of facilities approved under construction Permit No. 1489508-T3, 1498504-T3, MA (1-25-12)-T1.

Public Water Supply Permit No. 1498504-T3 supersedes PWS Permit No. 1498504-T2 and Minor Amendment (to PWS Permit No. 1498504) by consolidating these two permits into PWS Permit No. 1498504-T3.

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

Permit No. 0220513, Major Amendment. Public Water Supply.

Applicant	Pennsylvania American Water Company 852 Wesley Drive Mechanicsburg, PA 17055
Borough or Township	Canton Township
County	Washington
Type of Facility	Malone Ridge booster station
Consulting Engineer	Pennsylvania American Water Company 852 Wesley Drive Mechanicsburg, PA 17055
Permit Issued	September 2, 2020

Permit No. 0219548, Major Amendment. Public Water Supply.

Applicant	Harrison Township Water Authority 1705 Rear Freeport Road Natrona Heights, PA 15065
Borough or Township	Fawn and Harrison Townships
County	Allegheny
Type of Facility	Summit Drive and Ridge Road water storage tank feed stations
Consulting Engineer	NIRA Consulting Engineers, Inc. 950 Fifth Avenue Coraopolis, PA 15108
Permit Issued	September 16, 2020

Permit No. 0420502, Major Amendment. Public Water Supply.

Applicant	Beaver Falls Municipal Authority 1425 Eighth Avenue Beaver Falls, PA 15010
Borough or Township	West Mayfield Borough & New Sewickley Township
County	Beaver
Type of Facility	West Mayfield 45th Street and Freedom tank rehabilitation
Consulting Engineer	KLH Engineers, Inc. 5173 Campbells Run Road Pittsburgh, PA 15205
Permit Issued	September 16, 2020

Permit No. 1119507MA, Minor Amendment. Public Water Supply.

Applicant	West View Water Authority 210 Perry Highway Pittsburgh, PA 15229
Borough or Township	Pine Township
County	Allegheny
Type of Facility	Wexford water storage tank renovations
Consulting Engineer	Bankson Engineers, Inc. Suite 200 267 Blue Run Road Cheswick, PA 15024
Permit Issued	September 10, 2020

Permit No. 2620503, Minor Amendment. Public Water Supply.

Applicant	Pennsylvania American Water Company 852 Wesley Drive Mechanicsburg, PA 17055
Borough or Township	Brownsville
County	Fayette
Type of Facility	Brownsville WTP chemical feed building improvements
Consulting Engineer	Pennsylvania American Water Company 852 Wesley Drive Mechanicsburg, PA 17055
Permit Issued	September 2, 2020

Operations Permit issued to: **Pennsylvania American Water Company**, 852 Wesley Drive, Mechanicsburg, PA 17055, **PWSID No. 5020039**, Carroll and Fallowfield Townships, **Washington County** on March 10, 2020 for the operation of facilities approved under permit # 0217547 for the operation of the Eldora # 2 water storage tank with mixing system.

Operations Permit issued to: **Municipal Authority of Westmoreland County**, 124 Park & Pool Road, New Stanton, PA 15672, **PWSID No. 5650032**, Conemaugh Township, **Indiana County** on September 16, 2020 for the operation of facilities approved under permit # 6518503MA for the operation of the Speranza/Elders Ridge Road waterline project.

Operations Permit issued to: **Creekside Springs, LLC**, 667 Merchant Street, Ambridge, PA 15003, **PWSID No. 5046492**, Ambridge Borough, **Beaver County** on September 16, 2020 for the operation of facilities approved under permit # 5046492-T1-A1 for the addition of alkaline water as a finished product.

Operations Permit issued to: **Borough of Sewickley Water Authority**, 601 Thorn Street, P.O. Box 190, Sewickley, PA 15143, **PWSID No. 5020050**, Sewickley Borough, **Allegheny County** on September 14, 2020 for the operation of facilities approved under permit # 0219525MA for the operation of the Waterworks Park Reservoir liner.

Operations Permit issued to: **Creswell Heights Joint Authority**, 3961 Jordan Street, P.O. Box 301, South Heights, PA 15081, **PWSID No. 5040063**, Crescent Township, **Beaver County** on September 10, 2020 for the operation of facilities approved under permit # 0418530MA for the operation of the Spring Run Road waterline replacement project.

Operations Permit issued to: **Vanport Township Municipal Authority**, 285 River Avenue, Vanport, PA 15009, **PWSID No. 5040055**, Vanport Township, **Beaver County** on September 16, 2020 for the operation of facilities approved under permit # 0420505-EI for the emergency interconnection designation for the interconnection with Beaver Borough Municipal Authority (Sassafras and River interconnection).

Operations Permit issued to: **Forbes Regional Hospital-Allegheny Health Network**, 2570 Haymaker Road, Monroeville, PA 15146, **PWSID No. 5020962**, City of Monroeville, **Allegheny County** on September 18, 2020 for the operation of facilities approved under permit # 0219528 for the use of a chlorine dioxide treatment system at the Forbes Regional Hospital.

Operations Permit issued to: **West Penn Allegheny Health System, Inc.**, 565 Coal Valley Road, Jefferson Hills, PA 15025, **PWSID No. 5630443**, Canonsburg Borough, **Washington County** on September 18, 2020 for the operation of facilities approved under permit # 6318505 for the use of a Barclay Water Management iChlor system at the Canonsburg Hospital.

SEWAGE FACILITIES ACT PLAN APPROVAL

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

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

Plan Location:

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Antis Township	909 North Second Street Bellwood, PA 16617	Blair

Plan Description: Approval of a revision to the official plan of Antis Township, Blair County. The project is known as Howard Williamson Property SFTF. The plan provides for the installation of a small flow treatment facility with a discharge on the property into Sugar Run, to replace a failing on-lot sewage disposal system for a single-family dwelling on a 1.0-acre lot. The property is located at 388 Hollen Road. The Department's review of the plan revision has not identified any significant impacts resulting from this proposal. The DEP Code Num-

ber for this planning module is A3-07906-331-3s and the APS Id is 1017812. Any permits must be obtained in the name of the property owner.

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

Plan Location: Turbotville Borough, Northumberland County

<i>Borough</i>	<i>Borough Address</i>	<i>County</i>
Turbotville Borough	P.O. Box 264 Turbotville, PA 17772	Northumberland

Plan Description: The plan concerns the existing Turbotville wastewater system and its service area, and it proposes to construct a new wastewater treatment plant, which consists of installing a new Continuous Flow Sequencing Batch Reactor outside of the fence and floodway, which will allow for full construction prior to removing the existing WWTP from service. This proposal's projected cost for the construction of a new wastewater treatment plant is expected to be \$3,940,000.00. The primary funding source identified is Pennsylvania-American Water Company operating cash flows, with the potential to seek funding through a line of credit with American Water Capital Corporation (AWCC), long term debt financing, and/or equity investments through American Water. The submission is consistent with the planning requirements in Chapter 71 of DEP's regulations. No significant environmental or historical impacts were identified in the review of the plan.

BIOSOLIDS INDIVIDUAL PERMITS

(PABIG, SSN AND PABIS)

The Department of Environmental Protection has taken the following actions on the previously received individual permit applications for the land application of treated sewage sludge (biosolids).

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.

For individuals who wish to challenge this action, the appeal must reach the board within 30-days. A lawyer is not needed to file an appeal.

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 (717) 787-3483 for more information.

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

PABIG 3501. Smith's Disposal Facility LLC, 660 Beaver Run Road, New Oxford, PA 17350, **Adams County**, Straban Township. Smith's Sanitary Septic Services LLC, 1234 Baltimore Street, Hanover, PA 17331 has applied to amend an existing individual permit for beneficial use of biosolids (residential septage) by land application. The amendment will modify permit condition B.3 to increase the amount of biosolids that can be stored at the site.

The total volume of residential septage stored on site at any one time shall not exceed 1,800,000 gallons. Residential septage may not be combined with other wastes.

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.

601-701 Washington Street, Whitmarsh Township, **Montgomery County**. Michael Gonshor, PG, 402 Heron Drive, Logan Township, NJ 08085 on behalf of Kevin Kyle, 601 Washington Street Associates, LP, 201 King of Prussia Road, Suite 501, Radnor, PA 19807 submitted a Remedial Investigation Report/Risk Assessment Report/Cleanup Plan/Final Report concerning remediation of site groundwater contaminated with petroleum and SVOCs. The report is intended to document remediation of the site to meet the Site-Specific Standard.

Southcentral Region: Environmental Cleanup and Brownfields Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110.

Former Caciolo Residence, 1208 Huffs Church Road, Barto, PA 19504, Hereford Township, **Berks County**. Trimpi Associates, Inc., 1635 Old Plains Road, Pennsburg, PA 18073 on behalf of Nationwide Insurance, P.O. Box 198, Harleysville, PA 19438, and Tylor and Amanda Moore, 1208 Huffs Church Road, Barto, PA 19504, submitted a Final Report concerning remediation of site soil contaminated with No. 2 fuel oil. The Final 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: 570-327-3636.

McHugh Residence, 222 Julia Street, Dushore Borough, **Sullivan County**. Aquaterra Technologies, Inc., P.O. Box 744, West Chester, PA 19381 on behalf of Peggy McHugh, 222 Julia Street, Dushore, PA 18614, has submitted a Final Report concerning site soil contaminated with No. 2 fuel oil. The report is intended to document remediation of the site to meet the Residential Statewide Health Standard.

Northwest Region: Environmental Cleanup and Brownfields Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481.

Webco Manufacturing Facility, 32 Progress Drive, Sugar creek Borough, **Venango County**. Geosyntec Consultants, Inc., 5313 Campbells Run Road, Suite 150, Pittsburgh, PA 15205 on behalf of Webco Industries, 201 South Woodland Drive, Sand Springs, OK 74063 has submitted a Final Report concerning remediation of site soil contaminated with Copper, Zinc, Benzene, Anthracene, Benzo[a]anthracene, Benzo[b]fluoranthene, Benzo[a]perylene, Benzo[g,h,i]pyrene, Bis[2-ethylhexyl]phthalate, Benzo butyl phthalate, Chrysene, Fluorene, Naphthalene, Phenanthrene, and Pyrene. The report is intended to document remediation of the site to meet the 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:

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

Parkwood Fill Site, Dunks Ferry Road and Mechanicsville Road, City of Philadelphia, **Philadelphia County**. Jennifer L. Gresh, PG, Duffield Associates, Inc., 211 North 13th Street, Suite 702, Philadelphia, PA 19107 on behalf of Daniel Harkins, Philadelphia Department of Public Property, City Hall-Room 784, Philadelphia, PA 19107 submitted a Remedial Investigation Report/Risk Assessment Report concerning the remediation of site soil contaminated with SVOCs and metals. The Report was reviewed by the Department which issued a technical deficiency letter on September 11, 2020.

United States Steel Corporation—Keystone Industrial Port Complex (143-Acre Parcel), One Ben Fairless Drive, Falls Township, **Bucks County**. John Garges, GHD Services Incorporation, 410 Eagleview Boulevard, Suite 110, Exton, PA 19341 on behalf of Mark Rupnow, United States Steel Corporation, 1350 Penn Avenue, Suite 200, Pittsburgh, PA 15222 submitted a Remedial Investigation Report/Risk Assessment Report/Final Report con-

cerning the remediation of site soil contaminated with PAHs. The Report was disapproved by the Department on September 11, 2020.

1952 East Allegheny Avenue, 1952 East Allegheny Avenue, City of Philadelphia, **Philadelphia County**. Natalie Griffith, REPSG, Inc., 6901 Kingsessing Avenue, Philadelphia, PA 19142 on behalf of Casey O'Donnell, Impact Services Corporation, 1952 East Allegheny Avenue, Philadelphia, PA 19134 submitted a Remedial Investigation Report/Final Report concerning the remediation of site soil and groundwater contaminated with No. 2 fuel oil. The Report was reviewed by the Department which issued a technical deficiency letter on September 4, 2020.

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 c/o Keith Miller, Guardian for Karl Ifert, Acorn Fund, LLC, 6 Kendra Court, Ridgefield, CT 06877 submitted a Remedial Investigation Report/Cleanup Plan concerning the remediation of site soil and groundwater contaminated with chlorinated solvents. The Report was approved by the Department on September 2, 2020.

Dublin Town Center, North Main Street and Elephant Road, Dublin Borough, **Bucks County**. Rocco Mercuri, Gilmore Associate Inc., 65 East Butler Avenue, New Britain, PA 18901 on behalf of Robert Loughery, Dublin Town Center I, LP, 128 Slotter Road, Perkasio, PA 18944 submitted a Final Report concerning the remediation of site soil contaminated with arsenic. The Final Report demonstrated attainment of the Statewide health standard and was approved by the Department on September 4, 2020.

Mulcahy Residence, 5938 Corrigan Road, Solebury Township, **Bucks County**. Sean Fullmer, P.G., Compliance Management International, 1350 Welsh Road, North Wales, PA 19454 on behalf of Wayne Mulcahy, 5938 Corrigan Road, Doylestown, PA 18902 submitted a Final Report concerning the remediation of site soil contaminated with benzene, ethylbenzene, isopropyl benzene, toluene, naphthalene, methyl tertiary butyl ether (MTBE), 1,2,4-trimethylbenzene (1,2,4-TMB), and 1,3,5-trimethylbenzene (1,3,5-TMB). The Final Report demonstrated attainment of the Statewide health standard and was approved by the Department on September 4, 2020.

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

McCloskey Property, 3890 Larkspur Drive, Allentown, PA 18104, Lower Macungie Township, **Lehigh County**. JMT Industrial & Environmental Contracting Services, 710 Uhler Road, Easton, PA 18040, on behalf of Kevin McCloskey, 3890 Larkspur Drive, Allentown, PA 18104, submitted a Final Report concerning remediation of soil contaminated by heating oil from an underground storage tank. The report documented remediation of the site to meet Statewide Health Standards and was approved by DEP on September 18, 2020.

Chestnut Ridge at Rodale (former Rodale Corporate HQ), 400 South 10th Street, Emmaus, PA 18049, Emmaus Borough, **Lehigh County**. Barry Isett & Associates, 85 South Route 100, Allentown, PA 18106, on behalf of Phoebe Richland Health Care Center, 1925 Turner Street, Allentown, PA 18104, submitted a combined Remedial Investigation Report, Risk Assessment, Cleanup Plan, and Final Report concerning remediation of soil

contaminated with Arsenic, Beryllium, Cadmium, Lead, and Thallium from a historic iron mine that was later used as the Emmaus Borough dump. The Remedial Investigation Report was approved, but the Risk Assessment, Cleanup Plan, and Final Report were not acceptable to meet Site-Specific standards and were disapproved by DEP on September 18, 2020.

Southcentral Region: Environmental Cleanup and Brownfields Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110.

620 Sycamore Drive, 620 Sycamore Drive, Columbia, PA 17512, West Hempfield Township, **Lancaster County**. BL, 2601 Market Place, Suite 350, Harrisburg, PA 17110, on behalf of 620 Sycamore Drive Associates, LLC, 100 Front Street, West Conshohocken, PA 19428, submitted a Remedial Investigation, Risk Assessment, and Final Report concerning remediation of site soil contaminated with metals from an iron ore deposit. The combined Final Report did not demonstrate attainment of the Site-Specific Standard, and was disapproved by the Department on September 14, 2020.

Former Fincor Automation, Inc., 3750 East Market Street, York, PA 17402, Springettsbury Township, **York County**. Environmental Strategies Consulting, 11911 Freedom Drive, Suite 900, Reston, VA 20190, on behalf of Emerson Electric Company, 8000 West Florissant Avenue, St. Louis, MO 63136, submitted a Cleanup Plan and Final Report concerning remediation of site soil and groundwater contaminated with VOCs. The Final Report did not demonstrate attainment of the Site-Specific Standard and was disapproved by the Department on September 14, 2020.

Former Mt. Joy MGP, 223-225 West Main Street, Mt. Joy, PA 17552, Mt. Joy Borough, **Lancaster County**. Silar Services, 1851 French Creek Road, Phoenixville, PA 19460, on behalf of PPL Electric Utilities, 1639 Church Road, Allentown, PA 18104, submitted a Remedial Investigation Report and Cleanup Plan concerning remediation of site soil contaminated with Volatile Organic Compounds (VOCs), Semi-volatile Organic Compounds (SVOCs) and metals. The combined Report was approved by the Department on September 21, 2020.

Pro Max Fence System, 2621 Centre Avenue, Reading, PA 19605, Reading Borough, **Berks County**. ACV Environmental Services, Inc., 928 East Hazelwood Road, Rahway, NJ 07065, on behalf of Diesel Direct, 85 White Oak Road, P.O. Box 429, Manheim, PA 17545, and Pro Max Fence System, 2621 Centre Avenue, Reading, PA 19605, submitted a Final Report concerning remediation of site soil contaminated with diesel fuel. The Final Report demonstrated attainment of the Residential Statewide Health Standard and was approved by the Department on September 18, 2020.

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

Stoneroad Trucking, LLC Project, 2197 Snyderstown Road, Upper Augusta Township, **Northumberland County**. Northridge Group, Inc., P.O. Box 231, Northumberland, PA 17857, on behalf of Stoneroad Trucking, LLC, 346 Rose Road, Paxinos, PA 17860, has submitted a Final Report concerning the remediation of site soil contaminated with diesel fuel and hydraulic fluid. The report demonstrated attainment of the Non-Residential Statewide Health Standard for soil and was approved by the Department on September 11, 2020.

Glenn O Hawbaker, Inc. Pleasant Gap Facility, 118 Bedrock Lane, Bellefonte, Spring Township, **Centre County**. Glenn O. Hawbaker, Inc., 711 E. College Ave, Bellefonte, PA 16823, has submitted a Final Report concerning remediation of site soil contaminated with diesel fuel. The report demonstrated attainment of the Non-Residential Statewide Health Standard for Soil and was approved by the Department on September 15, 2020.

Northwest Region: Environmental Cleanup and Brownfields Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481.

Trout Compressor Station, 161 Airport Road, West Franklin Township, **Armstrong County**. Moody and Associates, Inc., 11548 Cotton Road, Suite 101, Meadville, PA 16335 on behalf of Pine Run Midstream, LLC, 1000 Commerce Drive Park Place One, Suite 400, Pittsburgh, PA 15275 has submitted a Final Report concerning the remediation of site soil contaminated with Benzene and Triethylene glycol. The Final Report demonstrated attainment of the Statewide Health Standard and was approved by the Department on September 18, 2020.

AIR QUALITY

General Plan Approval and Operating Permit Usage Authorized under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and 25 Pa. Code Chapter 127 to construct, modify, reactivate or operate air contamination sources and associated air cleaning devices.

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

Contact: Raymond Kempa, New Source Review Chief—Telephone: 570-826-2531.

AG5A-58-00019A: Chesapeake Appalachia, LLC (P.O. Box 18496, Oklahoma City, OK 73154-9528) on September 22, 2020 for the installation of a natural gas fired engine with existing equipment at the Parkhurst SUS Wellpad located in Auburn Twp., **Susquehanna County**.

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

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

AG5-14-00001A: EXCO Appalachia Midstream, LLC (260 Executive Drive, Suite 100, Cranberry, PA 16066) was issued on September 15, 2020, an authorization for continued operation of the Confer Compressor Station in Burnside Township, **Centre County**, pursuant to the PA DEP Air Quality Bureau's General Plan Approval and General Operating Permit for Natural Gas Compression Stations, Processing Plants, and Transmission Stations (BAQ-GPA/GP-5).

AG5-59-00014A: NFG Midstream Covington, LLC (6363 Main Street, Williamsville, NY 14221) was issued on September 10, 2020, an authorization for continued operation of the Empire Compressor Station in Rutland Township, **Tioga County**, pursuant to the PA DEP Air Quality Bureau's General Plan Approval and General Operating Permit for Natural Gas Compression Stations, Processing Plants, and Transmission Stations (BAQ-GPA/GP-5) after a change of ownership from SWEPI LP.

AG5-59-00015A: NFG Midstream Covington, LLC (6363 Main Street, Williamsville, NY 14221) was issued on September 10, 2020, an authorization for continued operation of the Krause Compressor Station in Sullivan

Township, **Tioga County**, pursuant to the PA DEP Air Quality Bureau's General Plan Approval and General Operating Permit for Natural Gas Compression Stations, Processing Plants, and Transmission Stations (BAQ-GPA/GP-5) after a change of ownership from SWEPI LP.

AG5-59-00018A: NFG Midstream Covington, LLC (6363 Main Street, Williamsville, NY 14221) was issued on September 10, 2020, an authorization for continued operation of the Netterman Compressor Station in Charleston Township, **Tioga County**, pursuant to the PA DEP Air Quality Bureau's General Plan Approval and General Operating Permit for Natural Gas Compression Stations, Processing Plants, and Transmission Stations (BAQ-GPA/GP-5) after a change of ownership from SWEPI LP.

AG5-59-00020A: NFG Midstream Covington, LLC (6363 Main Street, Williamsville, NY 14221) was issued on September 10, 2020, an authorization for continued operation of the Stock 144 Compressor Station in Delmar Township, **Tioga County**, pursuant to the PA DEP Air Quality Bureau's General Plan Approval and General Operating Permit for Natural Gas Compression Stations, Processing Plants, and Transmission Stations (BAQ-GPA/GP-5) after a change of ownership from SWEPI LP.

AG5-59-00016A: NFG Midstream Covington, LLC (6363 Main Street, Williamsville, NY 14221) was issued on September 10, 2020, an authorization for continued operation of the Lawton Compressor Station in Delmar Township, **Tioga County**, pursuant to the PA DEP Air Quality Bureau's General Plan Approval and General Operating Permit for Natural Gas Compression Stations, Processing Plants, and Transmission Stations (BAQ-GPA/GP-5) after a change of ownership from SWEPI LP.

AG5-59-00017A: NFG Midstream Covington, LLC (6363 Main Street, Williamsville, NY 14221) was issued on September 10, 2020, an authorization for continued operation of the Matz Compressor Station in Chatham Township, **Tioga County**, pursuant to the PA DEP Air Quality Bureau's General Plan Approval and General Operating Permit for Natural Gas Compression Stations, Processing Plants, and Transmission Stations (BAQ-GPA/GP-5) after a change of ownership from SWEPI LP.

AG5-59-00019A: NFG Midstream Covington, LLC (6363 Main Street, Williamsville, NY 14221) was issued on September 10, 2020, an authorization for continued operation of the Shelman Compressor Station in Charleston Township, **Tioga County**, pursuant to the PA DEP Air Quality Bureau's General Plan Approval and General Operating Permit for Natural Gas Compression Stations, Processing Plants, and Transmission Stations (BAQ-GPA/GP-5) after a change of ownership from SWEPI LP.

AG5-59-00021A: NFG Midstream Covington, LLC (6363 Main Street, Williamsville, NY 14221) was issued on September 10, 2020, an authorization for continued operation of the Wellsboro Compressor Station in Richmond Township, **Tioga County**, pursuant to the PA DEP Air Quality Bureau's General Plan Approval and General Operating Permit for Natural Gas Compression Stations, Processing Plants, and Transmission Stations (BAQ-GPA/GP-5) after a change of ownership from SWEPI LP.

GP9-14-00038B: Valley Enterprise Container, LLC (111 Eagleville Road, P.O. Box 230, Blanchard, PA 16826) on September 15, 2020, for authorization to construct and temporarily operate a 2008 Caterpillar model C-12 diesel-

fired engine rated at 432 brake-horsepower (bhp) and equipped with Harco Manufacturing supplied DOC-14.5 x 3.5 x 2-6 oxidation catalyst for carbon monoxide (CO) control pursuant to the General Plan Approval and/or General Operating Permit for Diesel or No. 2 fuel-fired Internal Combustion Engines (BAQ-GPA/GP-9) at the Valley Enterprise Facility located in Liberty Township, **Centre County**.

Southwest Region, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.

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

GP3-56-00310D: PBS Coals, Inc. (P.O. Box 260, Friedens, PA 15541-0260) on September 21, 2020, to allow the installation and operation of a portable nonmetallic mineral processing plant consisting of two (2) crushers with two (2) 2-deck vibratory screens, one (1) 3-deck vibratory screen located in Brothersvalley Township, **Somerset County**.

GP11-56-00310D PBS Coals, Inc. (P.O. Box 260, Friedens, PA 15541-0260) on September 21, 2020, to allow the installation and operation of four (4) nonroad diesel-fired engines of various capacities in conjunction with a portable nonmetallic mineral processing plant located in Brothersvalley Township, **Somerset County**.

GP5A-63-01041 (AG5A-63-00024A) SWN Production Company, LLC (1300 Fort Pierpont Dr., Ste. 201, Morgantown, WV 26508-1314) on September 21, 2020, for authorization to operate: Two natural gas-fired 3306 TA Caterpillar engines each rated at 203 bhp; one (1) Votec VRU engine rated at 92 bhp; eight (8) Marcellus natural gas wells; eight (8) gas processing units (GPU) four rated at 1.00 MMBtu/hr and four rated at 2.0 MMBtu/hr; three (3) 400 bbl produced water tanks; three (3) 400-bbl condensate tanks; two (2) truck load-out operations connected to an enclosed combustor rated at 11.7 MMBtu/hr; one (1) VRU; one (1) heater treater tower rated at 0.75 MMBtu/hr; thirty-two (32) intermittent bleed/low bleed pneumatic controllers, each rated at 13.5 scf/hr; fugitive emission components monitored via an OGI camera; compressor blowdowns, VRU compressor blowdowns, and miscellaneous vessel blowdowns; associated fugitives; miscellaneous vessels include sand traps, fuel traps, fuel separators, and low pressure tower; and associated piping equipment pursuant to the General Plan Approval and/or General Operating Permit for Natural Gas Compression and/or Processing Facilities (BAQ-GPA/GP-5) at the Bernard McCulley Wellpad located in West Finley Township, **Washington County**.

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

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

GP5-42-222F: Pennsylvania General Energy Company, LLC 1H Compressor Station (790 Colegrove Brook Road, Smethport, PA 16749) on September 7, 2020, for the authority for continued operation (GP5 renewal) of a 203 bhp compressor engine, a 220 bbl fiberglass tank and storage tanks (BAQ-GPA/GP5) located at their facility in Norwich Township, **McKean 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.

09-0196H: Abington Reldan Metals LLC (550 Old Bordentown Road, Fairless Hills, PA 19030-4510) on September 17, 2020 an extension for installation and operation of one unit of Melt Furnace and associated dry lime injection system in Falls Township, **Bucks County**.

23-0038F: DELCORA (P.O. Box 999, 100 E 5th Street, Chester, PA 19016-0999) on September 17, 2020 an extension to install a new air pollution control system for each of the two multiple hearth incinerators, comprising quench, multi-venturi scrubber, wet electrostatic precipitator and regenerative thermal oxidizer in Chester City, **Delaware County**.

09-0236: Covanta Metals MKT LLC (445 South Street, Morristown, NJ 07960-6475) on September 17, 2020 for the construction and operation of a non-ferrous metal recovery facility in Falls Township, **Bucks County**.

23-0009J: The Boeing Co. (P.O. Box 16858) on September 17, 2020 an extension for the installation and operation of two (2) new 36 MMBtu/hr dual fuel (natural gas/No. 2 fuel oil) boilers that will replace two (2) existing boilers being removed: Cleaver Brooks 1 (Bldg 3-05) [Source ID 033, 42 MMBtu/hr] and Cleaver Brooks 2 (Bldg 3-05) [Source ID 039, 42 MMBtu/hr] in Ridley Township, **Delaware County**.

09-0210A: Waste Mgmt. of Fairless Hill LLC (1000 Ne Ford Mill Road, Morrisville, PA 19067-3704) on September 17, 2020 an extension for construction of the second flare from the originally issued Plan Approval 09-0210A for the Fairless Landfill in Falls Township, **Bucks County**.

09-0007C: Waste Mgmt. Disposal 1 Svc of PA Inc. (1000 New Ford Mill Road, Morrisville, PA 19067-3704) on September 17, 2020 an extension for installation of landfill gas collection and a treatment system and a pipeline for the sale of landfill gas; and two backup flares at their location in Falls Township, **Bucks County**.

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

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

08-00001A: Tennessee Gas Pipeline Company LLC (1001 Louisiana Street, Houston, TX 77002) was issued an extended authorization for additional 180 days to permit continued operation of the emergency generator engine (Source ID P103A) pending issuance of an operating permit. The source is located at their Station 319 facility in Wyalusing Township, **Bradford County**. The plan approval has been extended to March 21, 2021.

Title V Operating Permits Issued under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and 25 Pa. Code Chapter 127, Subchapter G.

Southcentral Region: Air Quality Program, 909 Elmerston Avenue, Harrisburg, PA 17110.

Contact: Thomas Hanlon, Facilities Permitting Chief, 717-705-4862, Thomas Bianca, New Source Review Chief, 717-705-4863, or William Weaver, Regional Air Quality Manager, 717-705-4702.

07-05045: Curry Rail Services, Inc. (P.O. Box 538, Hollidaysburg, PA 16648-0538) on September 16, 2020,

for the Locomotive Cabin and Rail Car Manufacturing facility located in Hollidaysburg Borough, **Blair County**. This is the facility's initial Title V permit.

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

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

17-00003: Dominion Energy Transmission Inc. (120 Tredegar Street, Richmond, VA, 23192) was issued a Title V operating permit on September 21, 2020, for a Title V operating permit renewal for operation of their Luther Transmission Station located in Brady Township, **Clearfield County**. The renewal permit contains emission limits, throughput limitations and work practice standards along with testing, monitoring, recordkeeping and reporting requirements to ensure the facility complies with all applicable Federal and State air quality regulations

Southwest Region, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.

Contact: Thomas Joseph, Facilities Permitting Chief, 412.442.4336.

65-00713: Greenridge Reclamation, LLC (234 Landfill Road, Scottsdale, PA 15683) on September 14, 2020 a Title V Operating Permit (TVOP-65-00713) renewal to Greenridge Reclamation, LLC for the continued operation of a municipal solid waste landfill in East Huntingdon Township, **Westmoreland County**.

Operating Permits for Non-Title V Facilities Issued under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and 25 Pa. Code Chapter 127, Subchapter F.

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

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

15-00022 Columbia Gas Transmission, LLC (310 Fellowship Road, West Vincent Township, PA 19425) on September 17, 2020 Title V Operating Permit renewal for a natural gas transportation facility that operates engines and boilers at their location in West Vincent Township, **Chester County**.

09-00031: Eureka Stone Quarry, Inc. (P.O. Box 249, Chalfont, PA 18914) on September 17, 2020 for renewal of the State Only Operating Permit for a facility comprising a stone crushing operation and two asphalt plants located in Wrightstown Township, **Bucks County**.

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

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

41-00015: Pennsylvania Department of Corrections (State Correctional Institute—Muncy, P.O. Box 180, Muncy, PA 17756) on September 16, 2020, for the issuance of State Only Operating Permit (renewal) for the Pennsylvania Department of Corrections State Correctional Institute at Muncy facility located in Clinton Township, **Lycoming County**. All applicable conditions including Federal and State regulations and appropriate monitoring, recordkeeping, and reporting requirements regarding compliance with the operating permit conditions have been included in the State Only Operating Permit renewal.

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

Contact: Matthew Williams, Facilities Permitting Chief—Telephone: 814-332-6940.

61-00034: Franklin Industries Co. (P.O. Box 671, Franklin, PA 16323) on September 22, 2020, the Department issued the renewal of the State Only Operating Permit for the facility located in the City of Franklin, **Venango County**. The primary sources at the facility include natural gas combustion for building heat; a natural gas fueled walking beam furnace; natural gas combustion for scarfing activities; a 1.5 million Btu/hr natural gas fueled pre-heat oven; a 2.5 million Btu/hr natural gas fueled drying oven; a 4 million Btu/hr natural gas fueled drying oven; 2 dip coating lines; a flow coating line; and 5 cold degreasing parts washers. The facility is a Synthetic Minor due to the potential VOC emissions from the coating lines and the permit contains conditions for limiting those VOC emissions to not more than 47 tons per year. Potential emissions for all other criteria pollutants are below the major source thresholds. Actual 2019 emissions were as follows: 8.4 tons NO_x; 0.05 ton SO_x; and 10.8 tons VOC. The renewal permit contains emission restrictions, recordkeeping, work practice, and additional requirements to ensure compliance with the Clean Air Act and the Air Pollution Control Act.

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.

09-00174: Liberty Coating Company (21 South Steel Road, Morrisville, PA 19067) on September 17, 2020, for an Administrative Amendment to incorporate plan approval 09-0174G for an abrasive blasting unit with an associated baghouse for their facility located in West Rockhill Township, **Bucks County**.

09-00077: WM Renewable Energy, LLC (1021 Main Street, Houston, TX 77002) on September 17, 2020, the Operating Permit was amended for a change of ownership of the Pennsbury Power Plant from Exelon Generation Company, LLC to WM Renewable Energy for their Title V facility located in Falls Township, **Bucks County**.

46-00172: Thales DIS USA (101 Park Dr., Montgomeryville, PA 18936) for change of name only for the facility located in Montgomery Township, **Montgomery County**. Facility previously operated under Gemalto, Inc. The name of the company is being changed at this time for branding purposes. The Administrative Amendment of the State-Only Operating Permit # 46-00172 for this facility is issued under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and 25 Pa. Code § 127.450.

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

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

41-00005: Lycoming Engines (652 Oliver Street, Williamsport, PA 17701) on September 22, 2020, was issued a revised Title V operating permit for their Oliver Street Plant located in the City of Williamsport, **Lycom-**

ing County for a change in the Responsible Official and their designated representative for the facility. The revised Title V operating permit contains all applicable regulatory requirements including monitoring, recordkeeping and reporting conditions.

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).

Permit No. 63921301 and NPDES Permit No. PA0214434. UMCO Energy, Inc., 46226 National Road, St. Clairsville, OH 43950, to renew the permit and related NPDES Permit for High Quality Mine located in Fallowfield Township, **Washington County**. No additional discharges. The application was considered administratively complete on February 1, 2019. Application received: January 2, 2019. Permit issued: July 27, 2020.

Permit No. 32061302 and NPDES Permit No. PA0235768. Rosebud Mining Company, 301 Market Street, Kittanning, PA 16201 to renew the permit and related NPDES Permit for Knob Creek Mine located in Young and Conemaugh Townships, **Indiana County**. No additional discharges. The application was considered administratively complete on January 9, 2019. Application received: April 2, 2018. Permit issued: August 5, 2020.

Permit No. 03981301 and NPDES Permit No. PA0215198. Rosebud Mining Company, 301 Market Street, Kittanning, PA 16201 to renew the permit and related NPDES Permit for Parkwood Mine located in Plumcreek and Southbend Townships, **Armstrong County** and Armstrong Township, **Indiana County**. No additional discharges. The application was considered administratively complete on March 15, 2019. Application received: December 24, 2018. Permit issued: August 12, 2020.

Permit No. 11031301 and NPDES Permit No. PA0235539. Rosebud Mining Company, 301 Market Street, Kittanning, PA 16201 to renew the permit and related NPDES Permit for Madison Mine located in Jackson, Cambria, Croyle, and Summerhill Townships, **Cambria County**. No additional discharges. The applica-

tion was considered administratively complete on February 12, 2019. Application received: July 30, 2018. Permit issued: August 26, 2020.

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

Permit No. 32950202 and NPDES No. PA0213039. Cambria Reclamation Corporation, 2929 Allen Parkway, Suite 2200, Houston, TX 77019, permit renewal for the continued operation and restoration of a bituminous surface refuse reprocessing mine in Center Township, **Indiana County** affecting 287.3 acres. Receiving streams: Unnamed tributary to/and Yellow Creek classified for the following uses: cold water fishes and trout stocked fishery. There are no potable water supply intakes within 10 miles downstream. Application received: June 1, 2020. Permit issued: September 17, 2020.

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

Permit No. 30090101 and NPDES Permit No. PA0251607. Shannopin Materials, LLC, 966 Crafts Run Road, Maidsville, WV 26541. Renewal permit issued for continued mining to an existing surface mine located in Monongahela Township, **Greene County**, affecting 120 acres. Receiving streams: unnamed tributaries to Dunkard Creek and the Monongahela River. Classified for the following use: WWF. Application received: August 22, 2019. Permit issued: September 10, 2020.

Noncoal Permits Issued

Knox District Mining Office: P.O. Box 669, 310 Best Avenue, Knox, PA 16232-0669, 814-797-1191, (Contact: Cayleigh Boniger).

Permit No. 25202801. Ben Kosienski d/b/a Ben Kosienski Trucking & Excavating (2998 East Stancliff Road, McKean, PA 16426) commencement, operation and restoration of a small industrial minerals surface mine in Washington Township, **Erie County** affecting 5.0 acres. Receiving streams: Unnamed tributary to Little Conneauttee Creek. Application received: May 11, 2020. Permit Issued: September 14, 2020.

Permit No. PAM620004. Ben Kosienski d/b/a Ben Kosienski Trucking & Excavating (2998 East Stancliff Road, McKean, PA 16426) coverage under General NPDES Permit for stormwater discharges (BMP GP-104) associated with mining activities on Surface Mining Permit No. 25202801 in Washington Township, **Erie County**. Receiving streams: Unnamed tributary to Little Conneauttee Creek. Application received: May 11, 2020. Permit Issued: September 14, 2020.

Permit No. 33032805. Coolspring Sand & Gravel Company, Inc. (c/o William Mauthe, 636 Mountain Run Road, DuBois, PA 15801-7038) final bond release for a small noncoal mining operation in Oliver Township, **Jefferson County**. Restoration of 5.0 acres completed. Receiving streams: Little Sandy Creek. Application Received: October 23, 2019. Final bond release approved: September 16, 2020.

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

Permit No. 63090601 and NPDES Permit PA0251712. Mon River Aggregates, LLC, P.O. Box 435, Millsboro, PA 15348. NPDES renewal issued for continued mining to an existing noncoal surface mine located in

East Bethlehem Township, **Washington County**, affecting 50.3 acres. Receiving streams: unnamed tributaries to Tenmile Creek and Tenmile Creek. Classified for the following use: WWF. Application received: September 11, 2017. Permit issued: September 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

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

Permit No. GFCC 17-18-02. RES Coal LLC, 51 Airport Road, Clearfield, PA 16830. Blasting for contracting and reclamation in Chest Township, **Clearfield County** with an expiration date of December 31, 2021. Permit issued: September 11, 2020.

Permit No. 08204111. John H. Brainard, P.O. Box 66, Clifford, PA 18413. Blasting for the William Davis Shale Pit in Troy Township, **Bradford County** with an expiration date of December 31, 2021. Permit issued: September 16, 2020.

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

Permit No. 23204001. Dykon Explosive Demolition Corp. (15400 South Yale Avenue, Bixby, OK 74008), blasting for the felling of a Kimberly Clark smokestack in Chester Township, **Delaware County** with an expiration date of September 19, 2020. Permit issued: September 16, 2020.

Permit No. 35204108. Explosive Services, Inc. (7 Pine Street, Bethany, PA 18431), construction blasting for The Highlands at Archbald in Archbald Borough, **Lackawanna County** with an expiration date of September 15, 2021. Permit issued: September 17, 2020.

Permit No. 09204105. Rock Work, Inc. (1257 DeKalb Pike, Blue Bell, PA 19422), construction blasting for Grove Valley Farm in Warrington Township, **Bucks County** with an expiration date of October 1, 2021. Permit issued: September 18, 2020.

FEDERAL WATER POLLUTION CONTROL ACT SECTION 401

The Department has taken the following actions on previously received permit applications, requests for Environmental Assessment approval, and requests for Water Quality Certification under Section 401 of the Federal Water Pollution Control Act (FWPCA) (33 U.S.C.A. § 1341).

Except as otherwise noted, the Department has granted 401 Water Quality Certification certifying that the construction and operation described will comply with the applicable provisions of Sections 301—303, 306 and 307 of the FWPCA (33 U.S.C.A. §§ 1311—1313, 1316 and 1317), and that the construction will not violate applicable Federal and State Water Quality Standards.

Any person aggrieved by these actions may appeal, pursuant to Section 4 of the Environmental Hearing

Board Act, 35 P.S. § 7514, and the Administrative Agency Law, 2 Pa.C.S. Chapter 5A, to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P.O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Board through the Pennsylvania AT&T Relay Service, (800) 654-5984. Appeals must be filed with the Environmental Hearing Board within 30-days of publication of this notice in the *Pennsylvania Bulletin*, unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in braille or on audiotape from the Secretary to the Board at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decisional law.

If you want to challenge this action, your appeal must reach the Board within 30-days. You do not need a lawyer to file an appeal with the Board.

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

WATER OBSTRUCTIONS AND ENCROACHMENTS

Actions on applications for the following activities filed under the Dam Safety and Encroachments Act (32 P.S. §§ 693.1—693.27), section 302 of the Flood Plain Management Act (32 P.S. § 679.302) and The Clean Streams Law and Notice of Final Action for Certification under section 401 of the FWPCA.

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

Permit No. E15-915, East Whiteland Township, 209 Conestoga Road, Frazer, PA 19355, East Whiteland Township, **Chester County,** ACOE Philadelphia District.

To perform the following listed water obstruction and encroachment activities associated with the Gunkle Spring Mill. The proposed project consists of the excavation of a channel that leads from Valley Creek (EV). The proposed excavation will have 2,500 square feet of temporary impact to the floodway and 200 square feet of permanent impact in wetlands.

The site is approximately at 86 Moores Road, Malvern, PA 19335 (Malvern Latitude: 40° 3' 8"; Longitude: -75° 33' 50") in East Whiteland Township, Chester County. Permit issued September 8, 2020.

Permit No. E23-551, Swarthmore College, 500 College Avenue, Swarthmore, PA 19081-1390, Swarthmore Borough, **Delaware County,** ACOE Philadelphia District.

To restore, rehabilitate, and maintain approximately 834 feet long eroded stream and banks along the swale, and UNT to Crum Creek (WWF/MF) associated with the improvements and several aspects of ecological uplift. The project will include the installation of riffles, Log Vanes, and about 30-inch high imbricated rock walls to support the stabilization.

The site is located about 500 feet southwest of Cedar Lane and Collegeville Avenue (Lansdowne, PA, USGS

Quadrangle Latitude: 39.904427; Longitude: -75.356854) in Swarthmore Borough, Delaware County. Permit issued September 18, 2020.

Permit No. E4601220-032, PECO Energy Company, 2301 Market Street, N3-3, Philadelphia, PA 19103, Lower Merion Township, **Montgomery County,** ACOE Philadelphia District.

To construct and maintain 590 LF of a 2-inch diameter steel gas main along Conshohocken State Road and crosses below a UNT to the Schuylkill River (WWF-MF) associated with the gas service connection to the existing gas meter of the National Register eligible Llewellyn/Inspiration Farm (farmhouse).

The site is located at 701 Conshohocken State Road (Valley Forge, PA, USGS Quadrangle, Latitude: 40.050138; Longitude: -75.403517) in Lower Merion Township, Montgomery County. Permit issued September 11, 2020.

Permit No. E4601220-034, PECO Energy Company, 2301 Market Street, Philadelphia, PA 19103, Borough of Pottstown, **Montgomery County,** ACOE Philadelphia District.

To perform the following listed water obstruction and encroachment activities associated with the PECO 2021 AGIMP Pottstown A1 Gas Pipeline Installation Project. The proposed project involves the installation of approximately 735 linear feet (LF) of 6-inch diameter plastic gas main via open-cut trench within the paved right-of-way (ROW) along East High and Edgewood Streets and crossed over the Unnamed Tributary (UNT) to the Schuylkill River (WWF, MF). The project proposes 1.5 square feet permanent stream impacts and 1,925 square feet temporary floodway impact. There are no impacts in wetlands.

The site is approximately located at intersection of Edgewood and East High Streets in Pottstown, PA (Pottstown, PA, Latitude: 40° 14' 39"; Longitude: -75° 37' 44") in the Borough of Pottstown, Montgomery County. Permit issued September 18, 2020.

Permit No. E5101220-003, City of Philadelphia, 1515 Arch Street, 10th Floor, Philadelphia, PA 19107, City of Philadelphia, **Philadelphia County,** ACOE Philadelphia District.

To construct and maintain approximately 2,730 feet long and about 15 to 20 feet wide multi-use recreational trail between Christian and 34th Streets (Grays Ferry Section) along the eastern side floodway/floodplain of the Schuylkill River (WWF/MF) associated with the Schuylkill River Park Extension. The project will include one cable-stayed structure and two concrete bulb-tee beam approach bridges supported on various piers and two towers.

The site is located along the east bank of Schuylkill River between Christian and 34th Streets (Philadelphia, PA, USGS Quadrangle Latitude: 39.939982; Longitude: -75.194120) in Philadelphia City, Philadelphia County. Permit issued September 21, 2020.

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

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

E4802220-001. Pennsylvania Department of Conservation and Natural Resources, 400 Market Street, 8th Floor, Harrisburg, PA 17101, Williams Township, **Northampton County,** U.S. Army Corps of Engineers, Philadelphia District.

To remove an existing structure and to construct and maintain a stream enclosure of a UNT to the Delaware River (TSF, MF) consisting of a 72-inch diameter, 177-LF steel plate pipe culvert, concrete wingwalls, R-8/R-4 riprap aprons choked with natural streambed material, and having an invert depressed 6-inches below existing streambed elevation. This stream enclosure crosses below the channel associated with the Delaware Canal (WWF, MF) and terminates on the eastern side of the gravel towpath. The project is located approximately 0.16 mile south of the intersection of S.R. 611 and Mill Street (Easton & Reigelsville, PA Quadrangle Latitude: 40° 37' 47"; Longitude: -75° 11' 30") in Williams Township, Northampton County.

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

E2103219-002. Ridgewall, LLC, 227 Granite Run Drive, Lancaster, PA 17601, Silver Spring Township, **Cumberland County**, U.S. Army Corps of Engineers Baltimore District.

To relocate approximately 839 linear feet of Trindle Spring Run (CWF, MF) for the purpose of widening and re-aligning Woods Drive. The proposed stream re-location is to improve an existing intersection with significant safety and traffic issues. The project property is located at 33 Woods Drive in Silver Spring Township. Latitude (40° 14' 2.32" N), Longitude (77° 0' 42.95" W) and is approximately 40.47 acres in size. Permit issued September 18, 2020.

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

E65-995-A1, Derry Township Municipal Authority, P.O. Box 250, New Derry, PA 15671, Derry Township, Salem Township, and New Alexandria Borough, **Westmoreland County**; Pittsburgh ACOE District.

Has been given consent to:

Amend DEP Permit No. E65-995, which authorized impacts to regulated waters of the Commonwealth in association with the Keystone Area Sanitary Sewer Project to:

1. Construct and maintain two (2) bridges that will span Loyalhanna Creek (WWF), five (5) bridges that will span McCune Run (WWF), and two (2) bridges that will cross unnamed tributaries to McCune Run (WWF). These bridges will cumulatively and permanently impact 478 linear feet of watercourses, from these trail crossings of these watercourses. The project will also temporarily impact 281 linear feet of watercourses and will permanently impact 0.49 acre of floodplain.

2. Construct and maintain a 6-foot wide, 130-foot-long raised walking surface, through the existing open bottom arch culvert, under SR 981, carrying McCune Run.

3. Place and maintain fill or erosion control mats in approximately 0.286 acre of wetlands, cumulatively, in association with the construction of 11 wetland crossings. Wetland types impacted include PEM, PSS, and PFO.

For the purpose of constructing a 2.86-mile hiking and biking trail from Keystone State Park to New Alexandria. The trail will be 10 feet in width, and for the majority of the route, will follow the previously authorized Keystone Area Sanitary Sewer Project (DEP Permit E65-995). The

project site is located near Keystone State Park, on the Saltsburg and Latrobe, PA USGS topographic quadrangles. The project begins near Greywing Community Park at 40° 23' 38.7"; -79° 25' 25.5" and ends near Keystone Lake at 40° 22' 29.69"; -79° 23' 45.93" (Subbasin 18C; USACE Pittsburgh District), in Derry Township, Salem Township and New Alexandria Borough, Westmoreland County.

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

E2506220-021, Edinboro Resort LLC, 12670 Edinboro Rd., Edinboro, PA 16412. Edinboro Resort Site Enhancement, in Washington Township, **Erie County**, ACOE Pittsburgh District (Edinboro North, PA Quadrangle N: 41.884567; W: -80.128586).

To construct a raised walkway approximately 3 feet above ordinary pool elevation of the lake and approximately 437 feet long and extend approximately 8 feet over Edinboro Lake at the Edinboro Lake Resort (Edinboro North, PA Quadrangle N: 41.884567; W: -80.128586) in Washington Township, Erie County.

E4306220-021, Tri County Landfill Inc., 159 TCI Park Drive, Grove City, PA 16127. Tri County Existing Landfill Upgrade, in Liberty and Pine Townships, **Mercer County**, ACOE Pittsburgh District (Mercer, PA Quadrangle N: 41.144669; W: -80.133222).

To fill a total of 5.94 acres of wetlands to expand and upgrade the Tri County Landfill located along PA Route 208 east of I-79 (Mercer, PA Quadrangle 41.145790, -80.127685) in Liberty and Pine Townships, Mercer County. Project includes creation of 9.49 acres of replacement wetland on-site at 41.14790, -80.127685.

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.

Southcentral Region: Waterways & Wetlands, 909 Elmerston Avenue, Harrisburg, PA 17110-8200.

ESCGP-3 # ESG00011190001
 Applicant Name Sunoco Pipeline LP
 Contact Person Steven Scott
 Address 525 Fritztown Road
 City, State, Zip Sinking Spring, PA 19608
 County Berks
 Township(s) New Morgan Borough & Caernarvon Township
 Receiving Stream(s) and Classification(s) UNT Hay Creek (EV-MF) UNT East Branch Conestoga (WWF, MF)

Southwest District: Oil & Gas Management Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222, (412) 442-4281.

ESCGP-3 # ESG076519002-00
 Applicant Name Chevron Appalachia, LLC
 Contact Person Branden Weimer
 Address 700 Cherrington Parkway
 City, State, Zip Coraopolis, PA 15108
 County Westmoreland
 Township(s) Sewickley Twp
 Receiving Stream(s) and Classification(s) UNT to Youghiogheny River (WWF)
 Secondary Receiving Water—Youghiogheny River (WWF)

Northwest Region: Oil and Gas Management Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481.

ESCGP-3 # ESX150190031-01
 Applicant Name ETC Northeast Pipeline, LLC
 Contact Person Brad Fiesler
 Address 6051 Wallace Road Ext., Suite 300
 City, State, Zip Wexford, PA 15090
 County Butler
 Township(s) Parker
 Receiving Stream(s) and Classification(s) Unnamed Tributaries to North Branch Bear Creek (CWF)
 Secondary; North Brance Bear Creek (CWF)

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

ESCP # ESP062520001
 Applicant Name PADOT District 1-0
 Address 255 Elm Street

City, State and Zip Oil City, PA 16301
 Contact Person and Address Erie County Conservation District, 1927 Wager Road, Erie, PA 16509, 814-825-6403
 Municipality Springfield Township, Girard Township, Platea Borough
 County Erie County
 Receiving Water/Use Crooked Creek and Tributaries HQ, CWF, MF, Raccoon Creek and Tributaries CWF, MF

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

ESCGP-3 # ESG295820026-00
 Applicant Name SWN Production Company, LLC
 Contact Person Marsha Vogel
 Address P.O. Box 12359
 City, State, Zip Spring, TX 77391-2359
 County Susquehanna
 Township(s) Jackson
 Receiving Stream(s) and Classification(s) UNT to Drinker Creek (CWF, MF)
 Secondary: Drinker Creek (CWF, MF)

ESCGP-3 # ESG295820029-00
 Applicant Name SWN Production Company, LLC
 Contact Person Marsha Vogel
 Address P.O. Box 12359
 City, State, Zip Spring, TX 77391-2359
 County Susquehanna
 Township(s) Bridgewater
 Receiving Stream(s) and Classification(s) Silver Creek (CWF, MF & EV, MF)
 Secondary: Susquehanna River (WWF)

ESCGP-3 # ESG290820024-00
 Applicant Name Chesapeake Appalachia
 Contact Person Eric Haskins
 Address 14 Chesapeake Lane
 City, State, Zip Sayre, PA 18840
 County Bradford
 Township(s) Wilmot
 Receiving Stream(s) and Classification(s) UNT Susquehanna River (WWF, MF), UNT Sugar Run Creek (CWF, MF)
 Secondary: Susquehanna River (WWF, MF), Sugar Run Creek (CWF, MF)

STORAGE TANKS

SITE-SPECIFIC INSTALLATION PERMITS

The following Storage Tank Site-Specific Installation Permits, under the authority of the Storage Tank Spill Prevention Act (35 P.S. §§ 6021.304, 6021.504, 6021.1101 and 6021.1102) and under 25 Pa. Code Chapter 245, Subchapter C, have been issued by the Bureau of Environmental Cleanup and Brownfields, Director, P.O. Box 8763, Harrisburg, PA 17105-8763.

SSIP PermitNo.	Applicant Name & Address	County	Municipality	Tank Type	Tank Capacity
20-63-010	Alstom Grid LLC One Power Lane Charleroi, PA 15022 Attn: Altay Keresteci	Washington County	Speers Borough	2 ASTs storing mineral oil	30,000 gallons total

CORRECTIVE ACTION UNDER ACT 32, 1989

PREAMBLE 2

The following plans and reports were submitted under the Storage Tank and Spill Prevention Act (35 P.S. §§ 6021.101—6021.2104).

Provisions of 25 Pa. Code Chapter 245 Subchapter D, Administration of the Storage Tank and Spill Prevention Program, require the Department of Environmental Protection (DEP) to publish in the *Pennsylvania Bulletin* a notice of submission of plans and reports. A remedial action plan is submitted to summarize the site characterization, document the design and construction details for the remedial action, and describe how the remedial action will attain the selected remediation standard. The remedial action plan also provides results of studies performed and data collected to support the remedial action and a description of postremediation care requirements. A remedial action completion report is submitted to document cleanup of a release of a regulated substance at a site to the selected remediation standard. A remedial action completion report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis of selecting the environmental media of concern, documentation supporting the selection of residential or non-residential exposure factors, a description of the remediation performed and summaries of sampling methodology and analytical results which demonstrate that the remediation has attained the cleanup standard selected.

For further information concerning plans or reports, please contact the Environmental Cleanup Program Manager in the DEP Regional Office under which the notice of receipt of plans or reports appears. If information concerning plans or reports is required in an alternative form, contact the Community Relations Coordinator at the appropriate Regional Office listed. TDD users may telephone the DEP through the Pennsylvania AT&T Relay Service at (800) 654-5984.

The Department has received the following plans and reports:

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

Allentown Sunoco, Storage Tank ID # 39-23145, 2255 Lehigh Street, Allentown, PA 18103, Allentown City, **Lehigh County**. Reliance Environmental, 235 North Duke Street, Lancaster, PA 17602, on behalf of HSR, Inc., 101 Parsons Lane, Newtown, PA 18940, submitted a revised, combined Site Characterization Report and Remedial Action Plan concerning remediation of soil contaminated with petroleum. The report is intended to document the remedial actions for meeting the Statewide Health Standards.

Route 66 Auto Plaza, Storage Tank ID # 35-24204, 611 Route 6, Mayfield, PA 18433, Mayfield Borough, **Lackawanna County**. McKee Environmental, 86 Quartz Drive, Bellefonte, PA 16823, on behalf of Esprit Investment Corp., 15 Fletcher Drive, Montville, NJ 07045, submitted a combined Site Characterization Report and Remedial Action Plan concerning remediation of soil and groundwater contaminated with gasoline. The report is intended to document the remedial actions for meeting the Statewide Health Standards.

Former Schneck Oil, Storage Tank ID # 39-34817, 1201 North Quebec Street, Allentown, PA 18103, Allen-

town City, **Lehigh County**. AECOM, 100 Sterling Parkway, Suite 205, Mechanicsburg, PA 17050, on behalf of Norfolk Southern Railway Company, 110 Franklin Road SE, Roanoke, VA 24042-0028, has submitted a revised Remedial Action Completion Report concerning remediation of soil and groundwater contaminated with gasoline, diesel, fuel oil, and used motor oil. The report is intended to document remediation of the site to meet Site Specific Standards.

Port Carbon Service Station, Storage Tank ID # 54-05960, 1 Second Street, Port Carbon, PA 17965, Port Carbon Borough, **Schuylkill County**, Liberty Environmental, 505 Penn Street, Suite 400, Reading, PA 19601, submitted a Remedial Action Completion Report on behalf of John Modesto, 1 Second Street, Port Carbon, PA 17965, concerning remediation of soils and groundwater contaminated with gasoline and # 2 fuel oil. The report is intended to document remediation of the site to meet Statewide health standards.

Southcentral Region: Environmental Cleanup & Brownfields Program, 909 Elmerton Avenue, Harrisburg, PA 17110, 717-705-4705.

Contact: Gregory Bowman, Environmental Group Manager.

W E Schlegel Hardware & Grocery Store, Storage Tank Facility ID # 34-61027, 24015 Route 333, Thompsontown, PA 17094 Delaware Township, **Juniata County**. Comstock Environmental Services, Inc., P.O. Box 509, Lafayette Hill, PA 19444, on behalf of WE Schlegel, Inc., 24015 Route 333, Thompsontown, PA 17094 submitted a Remedial Action Plan concerning remediation of soil and groundwater contaminated with petroleum constituents. The plan is intended to document the remedial actions for meeting the Statewide Health Standard.

Southwest Region: Environmental Cleanup Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.

Solomon's Mini Mart II, Primary Facility ID # 65-81313, 600 Hancock Ave., Vandergrift, PA 15690, Vandergrift Borough, **Westmoreland County**. Letterle & Associates, Inc., 2859 Oxford Blvd, Allison Park, PA 15101, on behalf of Susan Solomon, Solomon's Mini Mart II, 600 Hancock Ave., Vandergrift, PA 15690, submitted a revised Remedial Action Plan concerning the remediation of soil and groundwater contaminated with petroleum products. The report is intended to document remediation of the site to meet the Statewide health standard.

Former Chippewa Buy N Fly # 4, Primary Facility ID # 04-28195, 2561 Constitution Blvd., Beaver Falls, PA 15010, Chippewa Township, **Beaver County**. Flynn Environmental, Inc., 5640 Whipple Ave., N.W., North Canton, OH 44720, on behalf of W.R Blackwood, W. Richard Blackwood FLP 2, 644 Blackhawk Rd., Beaver Falls, PA 15010, submitted a combined Site Characterization Report and Remedial Action Completion Report concerning the remediation of soil and groundwater contaminated with petroleum products. The report is intended to document remediation of the site to meet the Statewide health standard.

1 Cochran Buick GMC, Primary Facility ID # 02-80869, 318 Old Haymaker Rd., Monroeville, PA 15146, Monroeville Borough, **Allegheny County**. Independence Environmental Consulting, LLC, 1750 Kaylor Road, Hummelstown, PA 17036, on behalf of Body by Cochran, f/k/a Cochran Pontiac, Inc., 318 Old Haymaker Rd., Monroeville, PA 15146, submitted a combined Site Characterization Report and Remedial Action Completion

Report concerning the remediation of groundwater contaminated with petroleum products. The report is intended to document remediation of the site to meet the Statewide health standard.

Northwest Region: Environmental Cleanup & Brownfields Program, 230 Chestnut Street, Meadville, PA 16335-3481, 814-332-6648.

Port Meadville Airport, Storage Tank Facility ID # 20-17500, 16306 Corporate Drive, Vernon Township, **Crawford County**. P. Joseph Lehman, Inc., P.O. Box 419, Hollidaysburg, PA 16648, on behalf of the Crawford County Regional Airport Authority, P.O. Box 1011, Meadville, PA 16335, submitted a Remedial Action Completion Report concerning remediation of soil and groundwater contaminated with 1,3,5-trimethyl benzene, 1,2,4-trimethyl benzene, benzene, toluene, ethylbenzene, xylenes (Total), cumene, methyl tert-butyl ether, naphthalene, 1,2 dibromoethane, 1,2 dichloroethane and lead. The report is intended to document remediation of the site to meet the Statewide Health Standard.

7 Eleven 35898, Storage Tank Facility ID # 37-01190, 2702 Wilmington Road, New Castle, PA 16101, Neshannock Township, **Lawrence County**. AECOM Technical Services, 625 West Ridge Pike, Suite E-100, Conshohocken, PA 19428, on behalf of Mr. Mark Becker, 7 Eleven Inc., P.O. Box 711, Dallas, TX 75521-0711, submitted a Remedial Action Completion Report concerning remediation of soil and groundwater contaminated with benzene, toluene, ethylbenzene, naphthalene, cumene, total xylenes, 1,2,4-trimethylbenzene (TMB), 1,3,4-TMB and methyl tert-butyl ether. The report is intended to demonstrate attainment of the Statewide Health and Site-Specific Standards.

CORRECTIVE ACTION UNDER ACT 32, 1989

PREAMBLE 3

The DEP has taken action on the following plans and reports under the Storage Tank and Spill Prevention Act (35 P.S. §§ 6021.101—6021.2104).

Provisions of 25 Pa. Code, Chapter 245 Subchapter D, Administration of the Storage Tank and Spill Prevention Program, require the Department of Environmental Protection (DEP) to publish in the *Pennsylvania Bulletin* a notice of its final actions on plans and reports.

A remedial action plan is submitted to summarize the site characterization, document the design and construction details for the remedial action, and describe how the remedial action will attain the selected remediation standard. The remedial action plan also provides results of studies performed and data collected to support the remedial action and a description of postremediation care requirements. A remedial action completion report is submitted to document cleanup of a release of a regulated substance at a site to the selected remediation standard. A remedial action completion report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis of selecting the environmental media of concern, documentation supporting the selection of residential or non-residential exposure factors, a description of the remediation performed and summaries of sampling methodology and analytical results which demonstrate that the remediation has attained the cleanup standard selected.

The DEP may approve or disapprove plans and reports submitted. This notice provides the DEP's decision and, if relevant, the basis for disapproval.

For further information concerning the plans and reports, please contact the Environmental Cleanup Program Manager in the DEP Regional Office under which the notice of the plan or report appears. If information concerning a report is required in an alternative form, contact the Community Relations Coordinator at the appropriate Regional Office listed. TDD users may telephone the DEP through the Pennsylvania AT&T Relay Service at (800) 654-5984.

The DEP has received the following plans and reports:

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

Gibson Travel Plaza, Storage Tank ID # 58-50845, 2174 State Route 848, New Milford, PA 18834, New Milford Township, **Susquehanna County**, MEA, 1365 Ackermanville Road, Bangor, PA 18013, submitted a Remedial Action Completion Report and addendum on behalf of Raceway Holdings LLC, 2227 Scranton-Carbondale Highway, Scranton, PA 18508, concerning remediation of soils and groundwater contaminated with petroleum. The Remedial Action Completion demonstrated attainment of a combination of Statewide Health and Site-Specific Standards and was approved by DEP on September 21, 2020.

Market Convenience, Storage Tank ID # 40-23187, 581 Market Street, Kingston, PA 18704, Kingston Borough, **Luzerne County**. MEA, 1365 Ackermanville Road, Bangor, PA 18013, on behalf of ANS Real Estate LLC, 581 Market Street, Kingston, PA 18704, submitted a Remedial Action Completion Report concerning remediation of soil and groundwater contaminated with gasoline. The report demonstrated attainment of Statewide Health Standards and was approved by DEP on September 22, 2020.

Southcentral Region: Environmental Cleanup & Brownfields Program, 909 Elmerton Avenue, Harrisburg, PA 17110, 717-705-4705.

Contact: Cherie M. Campbell, Soil Scientist.

UGO, Storage Tank Facility ID # 50-60967, 5115 Spring Road, Shermans Dale, PA 17090, Carroll Township, **Perry County**. Letterle & Associates, 2022 Axemann Road, Suite 201, Bellefonte, PA 16823, on behalf of Pranav LLC, 642 Parkwood Drive, York, PA 17404-1575 submitted a Remedial Action Plan concerning remediation of soil and groundwater contaminated with petroleum constituents. The Remedial Action Plan was acceptable to meet the Statewide Health Standard and was approved by DEP on September 21, 2020.

Southwest Region: Environmental Cleanup Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.

Berlin Auto, Primary Facility ID # 56-81167, 3512 Berlin Plank Rd., Berlin, PA 15530, Berlin Borough, **Somerset County**. Appalachian Engineering Group, 213 Dale St., Ste. 1, P.O. Box 162, Meyersdale, PA 15552, on behalf of Berlin Auto, LLC, 913 Rockdale Rd., Rockwood, PA 15557, submitted a revised combined Site Characterization Report and Remedial Action Plan concerning the remediation of soil and groundwater contaminated with petroleum products. The report was acceptable to meet the site-specific standards and was approved on September 18, 2020.

Northwest Region: Environmental Cleanup & Brownfields Program, 230 Chestnut Street, Meadville, PA 16335-3481, 814-332-6648.

Country Fair 38, Storage Tank Facility ID # 25-91603, 1818 Sassafras Street, City of Erie, **Erie County**. Groundwater & Environmental Services, Inc., 301 Commerce Park Drive, Cranberry Township, PA 16066, on behalf of Country Fair, Inc., 2251 East 30th Street, Erie, PA 16501, submitted a Remedial Action Plan concerning remediation of soil and groundwater contaminated with benzene, toluene, cumene, ethylbenzene, MTBE, naphthalene, xylenes, 1,2,4-trimethylbenzene and 1,3,5-trimethylbenzene. The Remedial Action Plan was acceptable to meet the Statewide Health Standard and was approved by DEP on September 16, 2020.

Tic Toc Food Mart 104, Storage Tank Facility ID # 37-05179, 1001 Mt. Jackson Road, New Castle, PA 16102, North Beaver Township, **Lawrence County**. ATC Group Services, LLC, 270 William Pitt Way, Pittsburgh, PA 15238, on behalf of Mr. William Pitzer, Tic Toc Food Mart, Inc., 547 Mt. Jackson Road, New Castle, PA 16102, submitted a Remedial Action Completion Report concerning remediation of soil and groundwater contaminated with benzene, toluene, ethylbenzene, naphthalene, cumene, total xylenes and methyl tert-butyl ether. The Remedial Action Completion Report demonstrated attainment of the Statewide Health Standard and was approved by DEP on September 16, 2020.

Port Meadville Airport, Storage Tank Facility ID # 20-17500, 16306 Corporate Drive, Vernon Township, **Crawford County**. P. Joseph Lehman, Inc., P.O. Box 419, Hollidaysburg, PA 16648, on behalf of the Crawford County Regional Airport Authority, P.O. Box 1011, Meadville, PA 16335, submitted a Remedial Action Completion Report concerning remediation of soil and groundwater contaminated with 1,3,5-trimethyl benzene, 1,2,4-trimethyl benzene, benzene, toluene, ethylbenzene, xylenes (Total), cumene, methyl tert-butyl ether, naphthalene, 1,2 dibromoethane, 1,2 dichloroethane and lead. The Remedial Action Completion Report demonstrated attainment of the Statewide Health Standard and was approved by DEP on September 16, 2020.

SPECIAL NOTICES

WATER MANAGEMENT

The Department of Environmental Protection (Department) provides notice of the Department's approval of permit modifications to the following Chapter 102, Erosion and Sediment Control Permit and Chapter 105 Water Obstruction and Encroachment Permits.

EROSION AND SEDIMENT CONTROL

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

Following are the Chapter 102 permit modifications reviewed by the Department associated with this project:

Applicant: Sunoco Pipeline, LP (SPLP), 535 Fritztown Road, Sinking Spring, PA 19608.

ESG0100015001, Pennsylvania Pipeline Project (PPP)/Mariner East II in Upper Uwchlan Township & West Whiteland Township, **Chester County**; and Middletown Township, **Delaware County**.

HDD 280, Upper Uwchlan Township, Chester County—Received on April 30, 2019, including additional information received through June 29, 2020. This modification

consists of a change in the route and installation method for the 16- and 20-inch diameter pipelines. Specifically, the applicant has requested to convert the installation method of both the 16- and 20-inch diameter pipelines from an HDD to an open cut installation and one conventional bore. The change in methodology is proposed to minimize impacts to Waters of the Commonwealth and avoid potential future growth requirements of the PA Turnpike I-76.

HDD 400, West Whiteland Township, Chester County—Received on May 13, 2019, including additional information received through June 10, 2020. This modification consists of a change in installation method for the 20-inch diameter pipeline. Specifically, the applicant requested to change the installation method for the 20-inch diameter pipeline from an HDD to a direct pipe bore and open trench installation. The direct pipe bore would go under the Exton Bypass (State Route 30), AMTRAK (American Track National Railroad Passenger Corporation), Norfolk Southern Railroad, and Wetland WL-K21. The remaining 1,269 feet would be installed via open trench installation. The change in installation method will not result in any increase in permanent impacts to Wetland WL-K21 or other Waters of the Commonwealth as set forth in the original Chapter 105 authorization.

HDD 620, Middletown Township, Delaware County—Received on March 25, 2019, including additional information received through June 22, 2020. This modification consists of a change in the route and installation method for the 16- and 20-inch diameter pipelines. Specifically, the applicant requested to change the Horizontal Directional Drill (HDD) installation method for the 20-inch and portions of the 16-inch diameter pipelines to a conventional open trench construction through Wetland WL-I1 and Stream S-I2, conventional auger bore under Glen Riddle Road, and a direct pipe bore under Riddlewood Drive and the Southeast Pennsylvania Transportation Authority's (SEPTA) Railroad.

WATER OBSTRUCTIONS AND ENCROACHMENTS

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

Following are the Chapter 105 permit modifications reviewed by the Department associated with this project:

Applicant: Sunoco Pipeline, LP (SPLP), 535 Fritztown Road, Sinking Spring, PA 19608.

E15-862, Pennsylvania Pipeline Project (PPP)/Mariner East II in Upper Uwchlan Township and West Whiteland Township, Chester County, ACOE Philadelphia District.

HDD 280, Upper Uwchlan Township, Chester County—Received on April 30, 2019, including additional information received through June 29, 2020. This modification consists of a change in the route and installation method for the 16- and 20-inch diameter pipelines. Specifically, the applicant has requested to convert the installation method of both the 16- and 20-inch diameter pipelines from an HDD to an open cut installation and one conventional bore. The change in methodology is proposed to minimize impacts to Waters of the Commonwealth and avoid potential future growth requirements of the PA Turnpike I-76.

HDD 400, West Whiteland Township, Chester County—Received on May 13, 2019, including additional information received through June 10, 2020. This modification consists of a change in installation method for the 20-inch diameter pipeline. Specifically, the applicant re-

quested to change the installation method for the 20-inch diameter pipeline from an HDD to a direct pipe bore and open trench installation. The direct pipe bore would go under the Exton Bypass (State Route 30), AMTRAK (American Track National Railroad Passenger Corporation), Norfolk Southern Railroad, and Wetland WL-K21. The remaining 1,269 feet would be installed via open trench installation. The change in installation method will not result in any increase in permanent impacts to Wetland WL-K21 or other Waters of the Commonwealth as set forth in the original Chapter 105 authorization.

E23-524, Pennsylvania Pipeline Project (PPP)/Mariner East II in Middletown Township and West Whiteland Township, **Chester County**, ACOE Philadelphia District.

HDD 620, Middletown Township, Delaware County—Received on March 25, 2019, including additional information received through June 22, 2020. This modification consists of a change in the route and installation method for the 16- and 20-inch diameter pipelines. Specifically, the applicant requested to change the Horizontal Directional Drill (HDD) installation method for the 20-inch and portions of the 16-inch diameter pipelines to a conventional open trench construction through Wetland WL-I1 and Stream S-I2, conventional auger bore under Glen Riddle Road, and a direct pipe bore under Riddlewood Drive and the Southeast Pennsylvania Transportation Authority's (SEPTA) Railroad.

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 receipt of written notice of this action 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.

[Pa.B. Doc. No. 20-1349. Filed for public inspection October 2, 2020, 9:00 a.m.]

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Air Quality Technical Advisory Committee Virtual Meeting

The Air Quality Technical Advisory Committee (Committee) meeting scheduled for Thursday, October 15, 2020, will be held as a virtual meeting and will begin at 9:15 a.m. Individuals who wish to join the meeting may do so remotely. Information will be provided on the Committee's webpage. Individuals interested in providing public comments during the meeting must sign up prior to the start of the meeting by contacting Kirit Dalal at kdalal@pa.gov or (717) 772-3436.

Information on how to join the meeting, as well as agenda and meeting materials, will be available on the

Committee's webpage, found through the Public Participation tab on the Department of Environmental Protection's (Department) web site at www.dep.pa.gov (select "Public Participation," then "Advisory Committees," then "Air Quality Technical Advisory Committee").

Individuals are encouraged to visit the Committee's webpage to confirm the meeting date, time and location prior to each meeting. Questions concerning the October 15, 2020, meeting can be directed to Kirit Dalal at kdalal@pa.gov or (717) 772-3436.

Persons in need of accommodations as provided for in the Americans with Disabilities Act of 1990 should contact Kirit Dalal at (717) 772-3436 or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users) to discuss how the Department may accommodate their needs.

PATRICK McDONNELL,
Secretary

[Pa.B. Doc. No. 20-1350. Filed for public inspection October 2, 2020, 9:00 a.m.]

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Availability of Grants through the Truck and Bus Fleet Grant Program

The Department of Environmental Protection (Department) announces an opportunity to apply for \$3 million in grants offered through the Truck and Bus Fleet Grant Program (Program) (formerly Class 8 Truck and Transit Bus Grant Program), one of the programs under the Driving PA Forward Initiative. This funding is available for eligible diesel emission reduction projects that will improve air quality and protect public health and the environment by reducing emissions from diesel-powered vehicles and engines.

The Department is seeking applications for projects that will replace or repower eligible diesel-powered Class 4–8 trucks, school buses, shuttle buses or transit buses. The majority of the fleet's annual operation time must occur within this Commonwealth. Public and private entities that operate eligible diesel-powered vehicles throughout the State should apply. These entities may include school districts, municipal authorities, political subdivisions, State agencies, nonprofit entities, corporations, limited liability companies or partnerships incorporated or registered in this Commonwealth, air quality or transportation organizations, and metropolitan or rural planning organizations.

The Department will not reimburse grant recipients for project costs incurred prior to the grant performance period set forth in the applicable grant agreement. The Program guidelines and application instructions are available on the Department's Driving PA Forward web site at <http://www.depgis.state.pa.us/DrivingPAForward/>.

A recorded presentation providing an overview of the Program and application process will be available on the Department's Driving PA Forward web site during the application period. Applicants can contact the Bureau of Air Quality at ra-epvwmitigation@pa.gov or (717) 787-9495 with questions or to request clarification about the presentation or Program documents.

All applications must be submitted online through the Commonwealth's Electronic Single Application web site at www.esa.dced.state.pa.us/Login.aspx. The Department is now accepting applications. Applications must be received by 4 p.m. on Friday, November 13, 2020, at which time the Department will review and score applications.

PATRICK McDONNELL,
Secretary

[Pa.B. Doc. No. 20-1351. Filed for public inspection October 2, 2020, 9:00 a.m.]

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Availability of Rebates through the Onroad Rebate Program

The Department of Environmental Protection (Department) announces an opportunity to apply for \$6.4 million in rebates offered through the Onroad Rebate Program (Program), one of the programs under the Driving PA Forward Initiative. This funding is available for diesel vehicle replacement and repower projects that will improve air quality and protect public health and the environment by reducing emissions from older diesel vehicles.

The Department is seeking applications for projects that will replace or repower eligible diesel-powered Class 4–8 trucks, school buses, shuttle buses or transit buses. The new vehicles or engines may be powered by natural gas, clean diesel, full electric or other alternative fuels. Eligible applicants include school districts, municipal authorities, political subdivisions, other State agencies, nonprofit entities, corporations, limited liability companies or partnerships incorporated or registered in this Commonwealth, air quality or transportation organizations, and metropolitan or rural planning organizations.

The Department will not reimburse rebate recipients for project costs incurred prior to the date of the rebate application, unless otherwise noted. The Program guidelines and application instructions are available on the Department's Driving PA Forward web site at <http://www.depgis.state.pa.us/DrivingPAForward/>.

A recorded presentation providing an overview of the Program and application process will be available on the Department's Driving PA Forward web site during the application period. Applicants can contact the Bureau of Air Quality at ra-epvwmitigation@pa.gov or (717) 787-9495 with questions or to request clarification about the presentation or Program documents.

All applications must be submitted online through the Commonwealth's Electronic Single Application web site at www.esa.dced.state.pa.us/Login.aspx. The Department is now accepting applications. The application period will not close, but the Department will reevaluate the Program requirements and rebate levels following the issuance of \$6.4 million in vouchers, or by December 31, 2020, whichever occurs first. The Department will accept, review and approve applications for rebates on a first-come, first-served basis.

PATRICK McDONNELL,
Secretary

[Pa.B. Doc. No. 20-1352. Filed for public inspection October 2, 2020, 9:00 a.m.]

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Availability of Technical Guidance

Technical guidance documents (TGD) are available on the Department of Environmental Protection's (Department) web site at www.depgreenport.state.pa.us/elibrary/. The "Technical Guidance Final Documents" heading is the link to a menu of the various Department bureaus where each bureau's final TGDs are posted. The "Technical Guidance Draft Documents" heading is the link to the Department's draft TGDs.

Ordering Paper Copies of Department Technical Guidance

The Department encourages the use of the Internet to view and download TGDs. When this option is not available, persons can order a paper copy of any of the Department's draft or final TGDs by contacting the Department at (717) 783-8727.

In addition, bound copies of some of the Department's documents are available as Department publications. Check with the appropriate bureau for more information about the availability of a particular document as a publication.

Changes to TGDs

Following is the current list of recent changes. Persons who have questions or comments about a particular document should contact the person whose name and phone number are listed with each document.

Draft Technical Guidance: Substantive Revision

DEP ID: 562-4180-306. **Title:** Civil Penalty Assessments for Coal Mining Operations. **Description:** This guidance is used when assessing civil penalties for violations that occur at active coal mining operations. The existing guidance document was last revised in 2005 and was in need of substantive revisions. An update to this guidance was previously published as a draft for public comment. Due to substantial changes made in response to the comments received and the amount of time since the previous draft was published, the Department is republishing this document as a draft for public comment. The revisions included in this draft clarify terminology, include appropriate regulatory citations and explain the procedures for assessing civil penalties. A new section has also been added to more clearly define the civil penalty assessment procedures for water quality violations and incorporate the factors considered for such civil penalty calculations in keeping with the Clean Streams Law (35 P.S. §§ 691.1–691.1001) and 25 Pa. Code Chapter 92a (relating to National Pollutant Discharge Elimination System permitting, monitoring and compliance).

Written Comments: Interested persons may submit written comments on this draft TGD through Monday, November 2, 2020. Comments submitted by facsimile will not be accepted. All comments, including comments submitted by e-mail, must include the commentator's name and address. Commentators are encouraged to submit comments using the Department's online eComment tool at www.ahs.dep.pa.gov/eComment or by e-mail to ecomment@pa.gov. Written comments can be mailed to the Technical Guidance Coordinator, Department of Environmental Protection, Policy Office, Rachel Carson State Office Building, P.O. Box 2063, Harrisburg, PA 17105-2063.

Contact: Questions regarding this TGD can be directed to Eric Oliver at eoliver@pa.gov or (814) 342-8200.

Effective Date: Upon publication of notice as final in the *Pennsylvania Bulletin*.

PATRICK McDONNELL,
Secretary

[Pa.B. Doc. No. 20-1353. Filed for public inspection October 2, 2020, 9:00 a.m.]

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Citizens Advisory Council Virtual Meeting; Change to Meeting Start Time

The Citizens Advisory Council (Council) meeting scheduled for Tuesday, November 17, 2020, will be held as a virtual meeting combined with the Environmental Justice Advisory Board. The meeting will begin at 12:30 p.m. (previously scheduled to begin at 10 a.m.).

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

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

Individuals are encouraged to visit the Council's webpage to confirm meeting date, time and location prior to each meeting. Questions concerning the November 17, 2020, meeting can be directed to Keith Salador at ksalador@pa.gov or (717) 787-8171.

Persons in need of accommodations as provided for in the Americans with Disabilities Act of 1990 should contact Keith Salador at (717) 787-8171 or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users) to discuss how the Department may accommodate their needs.

PATRICK McDONNELL,
Secretary

[Pa.B. Doc. No. 20-1354. Filed for public inspection October 2, 2020, 9:00 a.m.]

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Climate Change Advisory Committee Virtual Meeting; Change to Meeting Start Time

The Climate Change Advisory Committee (Committee) meeting scheduled for Tuesday, October 27, 2020, will be held as a virtual meeting and will begin at 9 a.m. (previously scheduled to begin at 10 a.m.). Individuals who wish to join the meeting may do so remotely. Information will be provided on the Committee's webpage. Individuals interested in providing public comments dur-

ing the meeting must sign up prior to the start of the meeting by contacting Lindsay Byron at lbyron@pa.gov or (717) 772-8951.

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

Individuals are encouraged to visit the Committee's webpage to confirm meeting date, time and location prior to each meeting. Questions concerning the October 27, 2020, meeting can be directed to Lindsay Byron at lbyron@pa.gov or (717) 772-8951.

Persons in need of accommodations as provided for in the Americans with Disabilities Act of 1990 should contact the Department at (717) 772-8951 or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users) to discuss how the Department may accommodate their needs.

PATRICK McDONNELL,
Secretary

[Pa.B. Doc. No. 20-1355. Filed for public inspection October 2, 2020, 9:00 a.m.]

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Environmental Justice Advisory Board Virtual Meeting and Citizens Advisory Council Joint Meeting

The Environmental Justice Advisory Board (Board) meeting scheduled for Tuesday, November 17, 2020, will be held as a virtual meeting beginning at 9 a.m. The Board will then join the Citizens Advisory Council (Council) at 12:30 p.m. for a combined virtual meeting.

Individuals who wish to join either meeting may do so remotely. Information will be provided on the Board's and Council's webpages. Individuals interested in providing public comments during the meeting must sign up prior to the start of the meeting by contacting Allison Acevedo at alacevedo@pa.gov or (484) 250-5818.

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

Individuals are encouraged to visit the Board's webpage to confirm meeting date, time and location prior to each meeting. Questions concerning the November 17, 2020, meeting can be directed to Allison Acevedo at alacevedo@pa.gov or (484) 250-5818.

Persons in need of accommodations as provided for in the Americans with Disabilities Act of 1990 should contact Allison Acevedo at (484) 250-5818 or through the Pennsylvania AT&T Relay Service at (800) 654-5984

(TDD users) or (800) 654-5988 (voice users) to discuss how the Department may accommodate their needs.

PATRICK McDONNELL,
Secretary

[Pa.B. Doc. No. 20-1356. Filed for public inspection October 2, 2020, 9:00 a.m.]

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Residual Waste General Permit WMGR123; Base Permit Extension

Under the authority of the Solid Waste Management Act (35 P.S. §§ 6018.101—6018.1003) and the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P.S. §§ 4000.101—4000.1904), the Department of Environmental Protection (Department) by this notice issues a 3-month extension of the terms of its current General Permit No. WMGR123. The current General Permit No. WMGR123 is scheduled to expire October 4, 2020. This General Permit authorizes permittees to process, transfer and beneficially use oil and gas liquid waste to develop or hydraulically fracture an oil or gas well.

The Department published notice of its intent to modify and renew General Permit No. WMGR123 (WMGR123) at 50 Pa.B. 2137 (April 18, 2020). The Department received significant public interest in the proposed modifications to WMGR123. Due to the volume and breadth of the comments received, WMGR123 will be renewed with its existing permit language for 3 months, until January 4, 2021. This will allow time for the Department to finalize responses to the comments received during the 60-day public comment period.

At this time, the Department will not take a final action on pending renewal applications under WMGR123 until the revised General Permit WMGR123 has been issued. Until the Department acts on the pending renewal applications, existing coverage under WMGR123 will automatically continue in accordance with the following general permit Condition C.19., provided permittees are in compliance with all other terms and conditions of WMGR123:

“In the event that a timely and complete application for renewal has been submitted and the Department is unable, through no fault of the permittee, to reissue the general permit or approval for coverage before its current coverage expiration date, the terms and conditions of the approved coverage will automatically continue and will remain fully effective and enforceable pending the issuance or denial of the renewal for permit coverage, provided the permittee is, and has been, operating in compliance with the terms and conditions of the general permit.”

The terms and conditions of WMGR123 remain fully effective and enforceable pending the Department's final action on the application for renewal of permit coverage.

Persons interested in reviewing the general permit may contact Chris Solloway at csolloway@pa.gov, (717) 787-7381, or Environmental Group Manager, Permits Section, Division of Municipal and Residual Waste, Bureau of Waste Management, P.O. Box 69170, Harrisburg, PA 17106-9170.

Persons in need of accommodations as provided for in the Americans with Disabilities Act of 1990 should contact Chris Solloway at (717) 787-7381 or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users) to discuss how the Department may accommodate their needs.

PATRICK McDONNELL,
Secretary

[Pa.B. Doc. No. 20-1357. Filed for public inspection October 2, 2020, 9:00 a.m.]

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Small Business Compliance Advisory Committee Virtual Meeting

The Small Business Compliance Advisory Committee (Committee) meeting scheduled for Wednesday, October 28, 2020, will be held as a virtual meeting and will begin at 10 a.m. Individuals who wish to join the meeting may do so remotely. Information will be provided on the Committee's webpage. Individuals interested in providing public comments during the meeting must sign up prior to the start of the meeting by contacting Lucas Hershey at luchershey@pa.gov or (717) 787-7019.

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

Individuals are encouraged to visit the Committee's webpage to confirm meeting date, time and location prior to each meeting. Questions concerning the October 28, 2020, meeting can be directed to Lucas Hershey at luchershey@pa.gov or (717) 787-7019.

Persons in need of accommodations as provided for in the Americans with Disabilities Act of 1990 should contact Lucas Hershey at (717) 787-7019 or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users) to discuss how the Department may accommodate their needs.

PATRICK McDONNELL,
Secretary

[Pa.B. Doc. No. 20-1358. Filed for public inspection October 2, 2020, 9:00 a.m.]

DEPARTMENT OF ENVIRONMENTAL PROTECTION

State Board for Certification of Water and Wastewater Systems Operators Virtual Meeting; Conference Call

The State Board for Certification of Water and Wastewater Systems Operators (Board) meeting scheduled for Wednesday, October 14, 2020, will be held as a conference

call and will begin at 10 a.m. Individuals who wish to join the call may do so. Information will be provided on the Board's webpage. Individuals interested in providing public comments during the meeting should sign up prior to the start of the meeting by contacting Ed Chescattie at echescatti@pa.gov or (717) 772-2184.

The agenda and meeting materials, as well as call-in information, will be available on the Board's webpage, found through the Public Participation tab on the Department of Environmental Protection's (Department) web site at www.dep.pa.gov (select "Public Participation," then "Advisory Committees," then "Water Advisory Committees," then "State Board for Certification of Water and...").

Individuals are encouraged to visit the Board's webpage to confirm meeting date, time and location prior to each meeting. Questions concerning the October 14, 2020, meeting can be directed to Ed Chescattie at echescatti@pa.gov or (717) 772-2184.

Persons in need of accommodations as provided for in the Americans with Disabilities Act of 1990 should contact Ed Chescattie at (717) 772-2184 or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users) to discuss how the Department may accommodate their needs.

PATRICK McDONNELL,
Secretary

[Pa.B. Doc. No. 20-1359. Filed for public inspection October 2, 2020, 9:00 a.m.]

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Technical Advisory Committee on Diesel Powered Equipment Virtual Meeting

The Technical Advisory Committee on Diesel Powered Equipment (Committee) meeting scheduled for Wednesday, October 14, 2020, will be held as a virtual meeting and will begin at 10 a.m. Individuals who wish to join the meeting may do so remotely. Information will be provided on the Committee's webpage. Individuals interested in providing public comments during the meeting must sign up prior to the start of the meeting by contacting Margaret Scheloske at mscheloske@pa.gov or (724) 404-3143.

Information on how to join the meeting, as well as agenda and meeting materials, will be available on the Committee's webpage, found through the Public Participation tab on the Department of Environmental Protection's (Department) web site at www.dep.pa.gov (select "Public Participation," then "Advisory Committees," then "Mining Advisory Committees" then "Technical Advisory Committee on Diesel..." then "2020").

Individuals are encouraged to visit the Committee's webpage to confirm meeting date, time and location prior to each meeting. Questions concerning the October 14, 2020, meeting can be directed to Margaret Scheloske at mscheloske@pa.gov or (724) 404-3143.

Persons in need of accommodations as provided for in the Americans with Disabilities Act of 1990 should contact Margaret Scheloske at (724) 404-3143 or through the Pennsylvania AT&T Relay Service at (800) 654-5984

(TDD users) or (800) 654-5988 (voice users) to discuss how the Department may accommodate their needs.

PATRICK McDONNELL,
Secretary

[Pa.B. Doc. No. 20-1360. Filed for public inspection October 2, 2020, 9:00 a.m.]

DEPARTMENT OF HEALTH

Health Research Advisory Committee Virtual Meeting

The Department of Health's Health Research Advisory Committee, established by section 903(b) of the Tobacco Settlement Act (35 P.S. § 5701.903(b)), will hold a public meeting on Tuesday, October 6, 2020, from 10:30 a.m. to 12 p.m. The meeting will be held virtually by means of Skype with the information posted at <https://www.health.pa.gov/topics/Research/CURE/Pages/Committee.aspx>.

The purpose of the meeting is to review the work of the Committee and to discuss the health research priority for the State Fiscal Year 2021-2022.

For additional information or persons with disabilities who wish to attend the meeting and requiring an auxiliary aid, service or other accommodation, contact Penny E. Harris, MEd, CAC, LPC, Director, Health Research Office, or Pamela Brown, Management Technician, Health Research Office, ra-healthresearch@pa.gov. 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).

Check the Department of Health, Health Research Office CURE Health Research Advisory Committee web site at <https://www.health.pa.gov/topics/Research/CURE/Pages/Committee.aspx> for any changes to this public meeting.

This meeting is subject to cancellation without notice.

RACHEL L. LEVINE, MD,
Secretary

[Pa.B. Doc. No. 20-1361. Filed for public inspection October 2, 2020, 9:00 a.m.]

DEPARTMENT OF HEALTH

Renal Disease Advisory Committee Virtual Meeting

The Renal Disease Advisory Committee, established by section 4 of the act of June 23, 1970 (P.L. 419, No. 140) (35 P.S. § 6204), will hold its quarterly public meeting on Friday, October 16, 2020, from 10 a.m. to 12 p.m. by means of a conference call. The purpose of the meeting is to discuss new and ongoing issues relating to treatment of chronic renal disease and the Department of Health's programs related to care and treatment. To join the call, dial +1 (267) 332-8737 and when prompted, enter the following conference code: 144305835#.

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 Tara Trego, Director, Bureau of Family Health, 7th Floor East, Health and Welfare Building, 625 Forster Street, Harrisburg, PA 17120, (717) 772-2762, 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. 20-1362. Filed for public inspection October 2, 2020, 9:00 a.m.]

DEPARTMENT OF HEALTH

Special Pharmaceutical Benefits Program Advisory Council Teleconference Meeting

The Statewide Special Pharmaceutical Benefits Program (SPBP) Advisory Council, established by the Department of Health (Department) to aid in the carrying out of its Federal grant responsibilities under section 2616 of the Ryan White Comprehensive AIDS Resource Emergency Act of 1990 (42 U.S.C.A. § 300ff-26), will hold a public telephonic meeting on Thursday, October 29, 2020, from 10 a.m. to 12 p.m. To participate dial in by location (866) 588-4789 (toll free). The meeting ID is 863329957. Consider calling in by 9:50 a.m. so the meeting can begin promptly at 10 a.m. Individuals who have questions may call Sandy Brosius at (717) 547-3419.

The SPBP Advisory Council will provide program guidance and recommendations to the Department's SPBP in regard to the following: drug formulary; covered lab services; drug utilization review; clinical programs; eligibility; and program management.

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 Sandy Brosius, Bureau of Communicable Diseases, Department of Health, Health and Welfare Building, 625 Forster Street, Harrisburg, PA 17120, (717) 547-3419, or for speech or hearing impaired persons contact V/TT (717) 783-0572 or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

This meeting is subject to cancellation without prior notice.

RACHEL L. LEVINE, MD,
Secretary

[Pa.B. Doc. No. 20-1363. Filed for public inspection October 2, 2020, 9:00 a.m.]

DEPARTMENT OF HEALTH

Spinal Cord Research Advisory Committee Virtual Meeting

The Department of Health's Spinal Cord Research Advisory Committee (Committee), established by section 903.1(b) of the Tobacco Settlement Act (35 P.S. § 5701.903A(b)), will hold a public meeting on Wednesday, October 14, 2020, from 9:30 a.m. to 11 a.m. The meeting will be held virtually by means of Skype at +1 (267) 332-8737, conference ID: 441839745#.

The purpose of the meeting is to review the work of the Committee and to plan the process to establish the spinal cord research priorities for the State Fiscal Year 2021-2022.

For additional information or persons with disabilities who wish to attend the meeting and require an auxiliary aid, service or other accommodation, contact Penny E. Harris, MEd, CAC, LPC, Director, Health Research Office, or Pamela Brown, Management Technician, Health Research Office, (717) 231-2825, ra-healthresearch@pa.gov, by mail to the Health and Welfare Building, Room 833, 625 Forster Street, Harrisburg, PA 17120-0701, 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).

Check the Department of Health, Health Research Office CURE Spinal Cord Research Advisory Committee web site at <https://www.health.pa.gov/topics/Research/CURE/Pages/Spinal-Cord.aspx> for any changes to this public meeting.

This meeting is subject to cancellation without notice.

RACHEL L. LEVINE, MD,
Secretary

[Pa.B. Doc. No. 20-1364. Filed for public inspection October 2, 2020, 9:00 a.m.]

DEPARTMENT OF LABOR AND INDUSTRY

Uniform Construction Code Review and Advisory Council Teleconference Meeting

The Uniform Construction Code Review and Advisory Council will hold a teleconference meeting on Tuesday, October 6, 2020, at 10 a.m.

The meeting's dial-in number is 814-677-6330, Bridge 3, Participant Pin 8795.

The Americans with Disability Act contact is Nathan Clark at (717) 772-9162.

Questions concerning this meeting may be directed to Nathan Clark at (717) 772-9162.

W. GERARD OLEKSIK,
Secretary

[Pa.B. Doc. No. 20-1365. Filed for public inspection October 2, 2020, 9:00 a.m.]

DEPARTMENT OF REVENUE

Pennsylvania Boo-Yah Fast Play Game 5098

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

1. *Name:* The name of the lottery game is Pennsylvania Boo-Yah (hereinafter "Boo-Yah"). The game number is PA-5098.

2. *Definitions:*

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

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

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

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

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

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

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

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

(i) *Prize*: A non-monetary item, money, or experience that can be won as specified in section 7 (relating to prizes available to be won and determination of prize winners) of this game notice.

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

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

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

3. *Price*: The price of a Boo-Yah ticket is \$1.

4. *Description of the Boo-Yah Fast Play lottery game*:

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

(b) Boo-Yah is played by matching any of the play symbols in the "YOUR NUMBERS" area to any of the play symbols located in the "WINNING NUMBERS" area. A player matching play symbols in this manner will win the prize shown above the matching "YOUR NUMBERS" play symbol. When the player matches a "13" (THRTN) symbol, the player wins \$13 instantly. A bet slip is not used to play this game.

(c) Players can win the prizes identified in section 7 (relating to prizes available to be won and determination of prize winners).

(d) A Boo-Yah game ticket cannot be canceled or voided once printed by the Lottery Terminal, even if printed in error.

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

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

5. *Boo-Yah ticket characteristics*:

(a) A Boo-Yah ticket shall contain a play area, the cost of the play, the date of sale, and a bar code.

(b) *Play Symbols*: Each Boo-Yah ticket play area will contain a "WINNING NUMBERS" area and a "YOUR NUMBERS" area. The play symbols and their captions, located in the "WINNING NUMBERS" and "YOUR NUMBERS" areas, are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN), 20 (TWENT) and a 13 (THRTN) symbol.

(c) *Prize Symbols*: The prize symbols and their captions, located in the top row of the "YOUR NUMBERS" area, are: FREE (TICKET), \$1.⁰⁰ (ONE DOL), \$2.⁰⁰ (TWO DOL), \$3.⁰⁰ (THR DOL), \$5.⁰⁰ (FIV DOL), \$10.⁰⁰ (TEN DOL), \$13.⁰⁰ (THIRTEEN), \$20.⁰⁰ (TWENTY), \$30.⁰⁰ (THIRTY), \$50.⁰⁰ (FIFTY), \$100 (ONE HUN), \$500 (FIV HUN) and \$1,300 (THRTNHUN). The prize symbols and their captions, located in the bottom row of the "YOUR NUMBERS" area, are: FREE (TICKET), \$1.⁰⁰ (ONE DOL), \$2.⁰⁰ (TWO DOL), \$3.⁰⁰ (THR DOL), \$5.⁰⁰ (FIV DOL), \$10.⁰⁰ (TEN DOL), \$13.⁰⁰ (THIRTEEN), \$20.⁰⁰ (TWENTY), \$30.⁰⁰ (THIRTY), \$50.⁰⁰ (FIFTY), \$100 (ONE HUN), \$500 (FIV HUN) and \$1,300 (THRTNHUN).

(d) *Prizes*: The prizes that can be won in this game are: Free \$1 Ticket, \$1, \$2, \$3, \$5, \$10, \$13, \$20, \$30, \$50, \$100, \$500 and \$1,300. A player can win up to eight times on a ticket.

(e) *Approximate number of tickets available for the game*: Approximately 1,200,000 tickets will be available for sale for the Boo-Yah lottery game.

6. *Second-Chance Drawing*: The Pennsylvania Lottery will conduct a Count de Money Second-Chance Drawing for which non-winning Boo-Yah lottery game tickets may be eligible as provided for in section 9.

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

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

(b) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$1,300 (THRTNHUN) appears in the "Prize" area above the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$1,300.

(c) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$500 (FIV HUN) appears in the "Prize" area above the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$500.

(d) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$100 (ONE HUN) appears in the "Prize" area above the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$100.

(e) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$50.00 (FIFTY) appears in the "Prize" area above the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$50.

(f) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$30.00 (THIRTY) appears in the "Prize" area above the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$30.

(g) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$20.00 (TWENTY) appears in the "Prize" area above the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$20.

(h) Holders of tickets upon which a 13 (THRTN) symbol appears in the "WINNING NUMBERS" area and matches a 13 (THRTN) symbol in the "YOUR NUMBERS" area, and a prize symbol of \$13.00 (THIRTEEN) appears in the "Prize" area above the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$13.

(i) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$10.00 (TEN DOL) appears in the "Prize" area above the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$10.

(j) 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 \$5.00 (FIV DOL) appears in the "Prize" area above the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$5.

(k) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$3.00 (THR DOL) appears in the "Prize" area above the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$3.

(l) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$2.00 (TWO DOL) appears in the "Prize" area above the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$2.

(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 \$1.00 (ONE DOL) appears in the "Prize" area above the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$1.

(n) 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 FREE (TICKET) appears in the "Prize" area above the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of one Boo-Yah Fast Play Game Ticket.

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

<i>When Any Of YOUR NUMBERS Match Any WINNING NUMBER, Win Prize Shown Above The Matching Number. Win With:</i>	<i>Win:</i>	<i>Approximate Chances Of Winning Are 1 In:</i>	<i>Approximate No. Of Winners Per 1,200,000 Tickets:</i>
FREE	FREE \$1 TICKET	10	120,000
\$1	\$1	18.18	66,000
\$1 × 2	\$2	43.48	27,600
\$2	\$2	43.48	27,600
\$1 × 3	\$3	200	6,000
\$2 + \$1	\$3	200	6,000
\$3	\$3	200	6,000
(\$2 × 2) + \$1	\$5	333.33	3,600
\$3 + \$2	\$5	333.33	3,600
\$5	\$5	333.33	3,600
\$5 × 2	\$10	1,000	1,200
(\$3 × 2) + (\$2 × 2)	\$10	1,000	1,200
\$5 + \$3 + \$2	\$10	1,000	1,200
\$10	\$10	1,000	1,200
(\$3 × 3) + (\$2 × 2)	\$13	1,000	1,200
(\$5 × 2) + \$2 + \$1	\$13	1,000	1,200

<i>When Any Of YOUR NUMBERS Match Any WINNING NUMBER, Win Prize Shown Above The Matching Number. Win With:</i>	<i>Win:</i>	<i>Approximate Chances Of Winning Are 1 In:</i>	<i>Approximate No. Of Winners Per 1,200,000 Tickets:</i>
\$10 + \$3	\$13	1,000	1,200
\$13 w/ 13 SYMBOL MATCH	\$13	142.86	8,400
(\$13 w/ 13 SYMBOL MATCH) + (\$1 × 2) + \$3 + \$2	\$20	5,000	240
(\$13 w/ 13 SYMBOL MATCH) + (\$2 × 2) + \$3	\$20	5,000	240
(\$13 w/ 13 SYMBOL MATCH) + (\$3 × 2) + \$1	\$20	5,000	240
(\$13 w/ 13 SYMBOL MATCH) + \$5 + \$2	\$20	5,000	240
\$20	\$20	5,000	240
(((\$13 w/ 13 SYMBOL MATCH) × 2) + (\$2 × 2))	\$30	2,000	600
(\$13 w/ 13 SYMBOL MATCH) + (\$5 × 2) + (\$2 × 2) + \$3	\$30	2,000	600
(\$13 w/ 13 SYMBOL MATCH) + \$10 + \$5 + \$2	\$30	2,000	600
\$30	\$30	12,000	100
(((\$13 w/ 13 SYMBOL MATCH) × 2) + (\$10 × 2) + (\$2 × 2))	\$50	6,000	200
(((\$13 w/ 13 SYMBOL MATCH) × 3) + (\$5 × 2) + \$1)	\$50	12,000	100
(\$13 w/ 13 SYMBOL MATCH) + (\$3 × 2) + \$30 + \$1	\$50	12,000	100
(\$13 w/ 13 SYMBOL MATCH) + \$20 + \$10 + \$5 + \$2	\$50	12,000	100
\$50	\$50	12,000	100
(((\$13 w/ 13 SYMBOL MATCH) × 2) + (\$10 × 2) + \$30 + \$20 + \$3 + \$1)	\$100	24,000	50
(((\$13 w/ 13 SYMBOL MATCH) × 3) + \$50 + \$5 + \$3 + \$2 + \$1)	\$100	24,000	50
(\$13 w/ 13 SYMBOL MATCH) + \$50 + \$20 + \$10 + \$5 + \$2	\$100	120,000	10
\$100	\$100	120,000	10
\$100 × 5	\$500	120,000	10
\$500	\$500	120,000	10
\$1,300	\$1,300	120,000	10

When the matching number is a "13" (THRTN), win \$13 instantly!

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

9. *Second-Chance Drawing:* The Pennsylvania Lottery's (hereafter, the "Lottery") Count de Money Second-Chance Drawing for qualifying Fast Play lottery game tickets (hereafter, the "Drawing").

(a) *Qualifying Tickets:* Non-winning PA-5096 Franklin-Stein (\$10), PA-5097 Whole Lotta Mummy (\$5) and PA-5098 Boo-Yah (\$1) Fast Play lottery game tickets ("Qualifying Tickets") are eligible for entry in 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. No other method of submission will be accepted, and 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 accepted.

(4) Only one claimant per entry is 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 Count de Money Second-Chance Drawing for qualifying Fast Play Lottery game tickets. All time references are Eastern Prevailing Time.

(2) All entries received after 11:59:59 p.m. October 5, 2020, through 11:59:59 p.m. November 5, 2020, will be entered into the Drawing to be held between November 6, 2020 and November 18, 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) When a Qualifying Ticket is entered into the Drawings, the entry has a chance to be multiplied by 13 (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.

(5) 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-5096 Franklin-Stein (\$10) = ten entries, PA-5097 Whole Lotta Mummy (\$5) = five entries and PA-5098 Boo-Yah (\$1) = one entry.

(6) 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 9(e) or 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>Game:</i>	<i>Approximate Number of Entry Multiplier Prizes:</i>	<i>Approximate Odds of Winning a 13X Multiplier Are 1 In:</i>
PA-5098 Boo-Yah	227,338	4

(3) The Lottery will conduct one Drawing from among all the entries received during the entry period as described in section 9(c)(2).

(i) The first and the second entries selected in the Drawing will be winning entries and the entrants who submitted those winning entries shall each be entitled to a prize of \$31,000, less required income tax withholding.

(ii) The third through the seventh entries selected in the Drawing will be winning entries and the entrants who submitted those winning entries shall each be entitled to a prize of \$10,000, less required income tax withholding.

(iii) The eighth through the twelfth entries selected 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 thirteenth through the twenty-second entries selected in the Drawing will be winning entries and the entrants who submitted the winning entries shall each be entitled to a prize of \$1,300.

(v) The twenty-third through the thirty-second entries selected in the Drawing will be winning entries and the entrants who submitted the winning entries shall each be entitled to a prize of \$500.

(vi) The thirty-third through the eighty-second entries selected in the Drawing will be winning entries and the entrants who submitted the winning entries shall each be entitled to a prize of \$100 iLottery Bonus Money.

(4) All prizes will be paid as lump-sum cash payments or 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 the Drawing will be posted to the Lottery's publicly accessible web site.

(7) The odds of winning in the Drawing depend upon the number of entries received for the Drawing.

(8) 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 an 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.

<i>Game:</i>	<i>Approximate Number of Entry Multiplier Prizes:</i>	<i>Approximate Odds of Winning a 13X Multiplier Are 1 In:</i>
PA-5096 Franklin-Stein	207,255	4
PA-5097 Whole Lotta Mummy	219,165	4

(3) If any discrepancy exists between these rules and any material describing the Drawing, these rules shall govern.

(4) Employees of the Lottery, 9RoofTops Marketing, LLC (formerly known as MARC USA), 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 Pennsylvania 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 Pennsylvania 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 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 9(d)(5). 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.

10. *Ticket responsibility:*

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

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

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

11. *Ticket validation and requirements:*

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

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

(2) The game ticket must be intact.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(4) The winning ticket has not expired, pursuant to this section or section 14 (relating to unclaimed prizes).

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

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

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

14. *Unclaimed prizes:* Unclaimed prize money on winning Fast Play lottery game tickets will be retained by the Secretary for payment to the persons entitled thereto for 1 year from the sale date of the Fast Play lottery game ticket. If no claim is made within 1 year from the sale date of the Fast Play lottery game ticket, the right of a ticket holder to claim the prize represented by that ticket, if any, shall expire.

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

16. *Governing law:*

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

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

17. *Retailer compensation:*

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

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

18. *Retailer Incentive Programs:* The Lottery may conduct a separate Retailer Incentive Program for retailers who sell Pennsylvania Fast Play Boo-Yah lottery game tickets.

19. *Retailer bonus:* The Lottery may offer a retailer bonus in connection with the sale of Pennsylvania Fast Play lottery game tickets. If a retailer bonus is offered, a Lottery retailer shall be eligible for a bonus as described in this section. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in

a single installment or having a guaranteed minimum payout, of at least \$100,000 and not exceeding \$500,000 shall be paid a bonus of \$500. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$500,001 and not exceeding \$1,000,000 shall be paid a bonus of \$5,000. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$1,000,001 and not exceeding \$10,000,000 shall be paid a bonus of \$10,000. A Lottery retailer is entitled only to the largest bonus for which they qualify on a winning ticket. A bonus will be initiated for payment after the Fast Play game ticket is claimed and validated. A bonus will not be awarded to a Lottery retailer that sells a non-winning Pennsylvania Lottery Fast Play game ticket used to enter a Pennsylvania Lottery second-chance drawing or promotion that is subsequently selected to win a prize.

20. *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 Boo-Yah or through normal communications methods.

21. *Applicability:* This notice applies only to the Boo-Yah lottery game announced in this notice.

C. DANIEL HASSELL,
Secretary

[Pa.B. Doc. No. 20-1366. Filed for public inspection October 2, 2020, 9:00 a.m.]

DEPARTMENT OF REVENUE

Pennsylvania Franklin-Stein Fast Play Game 5096

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

1. *Name:* The name of the lottery game is Pennsylvania Franklin-Stein (hereinafter "Franklin-Stein"). The game number is PA-5096.

2. *Definitions:*

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

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

(c) *BUBBLE BONUS PLAY SYMBOLS:* The ten symbols, found within the "YOUR NUMBERS" area that, when matched according to the instructions, determine whether the player wins a prize of \$100.

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

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

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

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

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

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

(j) *Prize*: A non-monetary item, money, or experience that can be won as specified in section 7 (relating to prizes available to be won and determination of prize winners) of this game notice.

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

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

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

3. *Price*: The price of a Franklin-Stein ticket is \$10.

4. *Description of Franklin-Stein Fast Play lottery game*:

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

(b) Franklin-Stein has two ways to win a prize. A bet slip is not used to play this game.

(1) *Key Number Match*: Franklin-Stein is played by matching the play symbols located in the "YOUR NUMBERS" area to the play symbols located in the "WINNING NUMBERS" area. A player correctly matching a "YOUR NUMBERS" play symbol to a "WINNING NUMBERS" play symbol wins the prize shown under the matching "YOUR NUMBERS" play symbol.

(2) *Count Up*: Players finding five Frankenstein "BUBBLE BONUS PLAY SYMBOLS" in the play area will win a prize of \$100.

(c) Players can win the prize identified in section 7 (relating to prizes available to be won and determination of prize winners).

(d) Franklin-Stein tickets cannot be canceled or voided once printed by the Lottery Terminal, even if printed in error.

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

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

5. *Franklin-Stein ticket characteristics*:

(a) Franklin-Stein tickets shall contain a play area, the cost of the play, the date of sale, and a bar code.

(b) *Play Symbols*: Franklin-Stein tickets will contain a "WINNING NUMBERS" area and a "YOUR NUMBERS" area. 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 "BUBBLE BONUS PLAY SYMBOLS," located in the play area, are: Frankenstein symbol, Spider symbol, Bats symbol, Ghost symbol, Spider Web symbol, Pumpkin symbol, Cat symbol, Full Moon symbol, Cauldron symbol, and a Witch symbol.

(c) *Prize Symbols*: The prizes symbols and their captions located in the play area are: \$10⁰⁰ (TEN DOL), \$15⁰⁰ (FIFTEEN), \$20⁰⁰ (TWENTY), \$30⁰⁰ (THIRTY), \$50⁰⁰ (FIFTY), \$100 (ONE HUN), \$500 (FIV HUN), \$1,000 (ONE THO), \$5,000 (FIV THO) and \$50,000 (FTY THO).

(d) *Prizes*: The prizes that can be won in this game are: \$10, \$15, \$20, \$30, \$50, \$100, \$500, \$1,000, \$5,000 and \$50,000. The prize that can be won in the "BUBBLE BONUS" is \$100. A player can win up to 17 times on a ticket.

(e) *Approximate number of tickets available for the game*: Approximately 1,200,000 tickets will be available for sale for the Franklin-Stein lottery game.

6. *Second-Chance Drawing*: The Pennsylvania Lottery will conduct a Count de Money Second-Chance Drawing for which non-winning Franklin-Stein lottery game tickets may be eligible as provided for in section 9.

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

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

(b) *Determination of prize winners for Key Number Match*:

(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 \$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.

(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 \$50.00 (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.

(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 \$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.

(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 \$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.

(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 \$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.

(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 \$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.

(c) *Determination of prize winners for Count Up:* Holders of tickets upon which five Frankenstein symbols appear in the play area, on a single ticket, shall be entitled to a prize of \$100.

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

<i>When Any of “YOUR NUMBERS” Match Any “WINNING NUMBER,” Win Prize Shown Under The Matching Number. Win With:</i>	<i>“BUBBLE BONUS”:</i>	<i>Win:</i>	<i>Approximate Chances Of Winning Are 1 In:</i>	<i>Approximate No. Of Winners Per 1,200,000 Tickets:</i>
\$10		\$10	6.67	180,000
\$15		\$15	20	60,000
\$10 × 2		\$20	45.45	26,400
\$20		\$20	47.62	25,200
\$15 × 2		\$30	100	12,000
\$20 + \$10		\$30	50	24,000
\$30		\$30	100	12,000
\$10 × 5		\$50	333.33	3,600
(\$15 × 2) + (\$10 × 2)		\$50	333.33	3,600
(\$20 × 2) + \$10		\$50	200	6,000
\$30 + \$20		\$50	200	6,000
\$50		\$50	333.33	3,600
\$20 × 5		\$100	2,400	500
\$50 × 2		\$100	2,400	500
(\$10 × 5) + \$50		\$100	2,400	500
(\$15 × 4) + (\$10 × 4)		\$100	2,400	500
(\$20 × 3) + (\$15 × 2) + \$10		\$100	2,400	500
(\$20 × 4) + (\$10 × 2)		\$100	2,400	500
(\$30 × 2) + (\$20 × 2)		\$100	2,400	500
(\$30 × 3) + \$10		\$100	2,400	500
\$50 + \$30 + \$20		\$100	2,400	500
	\$100 w/ 5 FRANKENSTEIN	\$100	600	2,000

<i>When Any of "YOUR NUMBERS" Match Any "WINNING NUMBER," Win Prize Shown Under The Matching Number. Win With:</i>	<i>"BUBBLE BONUS":</i>	<i>Win:</i>	<i>Approximate Chances Of Winning Are 1 In:</i>	<i>Approximate No. Of Winners Per 1,200,000 Tickets:</i>
\$100		\$100	2,400	500
\$50 × 8	\$100 w/ 5 FRANKENSTEIN	\$500	12,000	100
\$100 × 4	\$100 w/ 5 FRANKENSTEIN	\$500	12,000	100
\$100 × 5		\$500	12,000	100
(\$30 × 5) + (\$20 × 5) + \$100 + \$50	\$100 w/ 5 FRANKENSTEIN	\$500	12,000	100
(\$50 × 4) + (\$15 × 4) + (\$10 × 4) + \$100	\$100 w/ 5 FRANKENSTEIN	\$500	12,000	100
(\$50 × 3) + (\$30 × 4) + (\$20 × 6) + \$10	\$100 w/ 5 FRANKENSTEIN	\$500	24,000	50
(\$50 × 5) + (\$30 × 5)	\$100 w/ 5 FRANKENSTEIN	\$500	12,000	100
(\$50 × 6) + (\$20 × 5)	\$100 w/ 5 FRANKENSTEIN	\$500	12,000	100
(\$100 × 2) + (\$50 × 4)	\$100 w/ 5 FRANKENSTEIN	\$500	12,000	100
(\$100 × 3) + (\$50 × 2)	\$100 w/ 5 FRANKENSTEIN	\$500	24,000	50
\$500		\$500	24,000	50
\$500 × 2		\$1,000	24,000	50
(\$50 × 6) + (\$20 × 5) + \$500	\$100 w/ 5 FRANKENSTEIN	\$1,000	24,000	50
(\$50 × 8) + \$500	\$100 w/ 5 FRANKENSTEIN	\$1,000	24,000	50
(\$100 × 4) + \$500	\$100 w/ 5 FRANKENSTEIN	\$1,000	12,000	100
(\$100 × 5) + \$500		\$1,000	24,000	50
(\$100 × 6) + (\$50 × 4) + (\$20 × 5)	\$100 w/ 5 FRANKENSTEIN	\$1,000	12,000	100
(\$100 × 7) + (\$30 × 5) + (\$15 × 2) + (\$10 × 2)	\$100 w/ 5 FRANKENSTEIN	\$1,000	12,000	100
(\$100 × 8) + (\$50 × 2)	\$100 w/ 5 FRANKENSTEIN	\$1,000	24,000	50
\$1,000		\$1,000	24,000	50
\$1,000 × 5		\$5,000	120,000	10
\$5,000		\$5,000	120,000	10
\$50,000		\$50,000	120,000	10

BUBBLE BONUS: When you find five "FRANKENSTEIN" symbols in the play area above, win \$100 instantly! BUBBLE BONUS is played separately.

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

9. *Second-Chance Drawing:* The Pennsylvania Lottery's (hereafter, the "Lottery") Count de Money Second-Chance Drawing for qualifying Fast Play lottery game tickets (hereafter, the "Drawing").

(a) *Qualifying Tickets:* Non-winning PA-5096 Franklin-Stein (\$10), PA-5097 Whole Lotta Mummy (\$5) and

PA-5098 Boo-Yah (\$1) Fast Play lottery game tickets ("Qualifying Tickets") are eligible for entry in 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. No other method of submission will be accepted, and 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 accepted.

(4) Only one claimant per entry is 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 Count de Money Second-Chance Drawing for qualifying Fast Play Lottery game tickets. All time references are Eastern Prevailing Time.

(2) All entries received after 11:59:59 p.m. October 5, 2020, through 11:59:59 p.m. November 5, 2020, will be entered into the Drawing to be held between November 6, 2020 and November 18, 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) When a Qualifying Ticket is entered into the Drawings, the entry has a chance to be multiplied by 13 (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.

(5) 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-5096 Franklin-Stein (\$10) = ten entries, PA-5097 Whole Lotta Mummy (\$5) = five entries and PA-5098 Boo-Yah (\$1) = one entry.

(6) 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 9(e) or 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>Game:</i>	<i>Approximate Number of Entry Multiplier Prizes:</i>	<i>Approximate Odds of Winning a 13X Multiplier Are 1 In:</i>
PA-5096 Franklin-Stein	207,255	4

<i>Game:</i>	<i>Approximate Number of Entry Multiplier Prizes:</i>	<i>Approximate Odds of Winning a 13X Multiplier Are 1 In:</i>
PA-5097 Whole Lotta Mummy	219,165	4
PA-5098 Boo-Yah	227,338	4

(3) The Lottery will conduct one Drawing from among all the entries received during the entry period as described in section 9(c)(2).

(i) The first and the second entries selected in the Drawing will be winning entries and the entrants who submitted those winning entries shall each be entitled to a prize of \$31,000, less required income tax withholding.

(ii) The third through the seventh entries selected in the Drawing will be winning entries and the entrants who submitted those winning entries shall each be entitled to a prize of \$10,000, less required income tax withholding.

(iii) The eighth through the twelfth entries selected 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 thirteenth through the twenty-second entries selected in the Drawing will be winning entries and the entrants who submitted the winning entries shall each be entitled to a prize of \$1,300.

(v) The twenty-third through the thirty-second entries selected in the Drawing will be winning entries and the entrants who submitted the winning entries shall each be entitled to a prize of \$500.

(vi) The thirty-third through the eighty-second entries selected in the Drawing will be winning entries and the entrants who submitted the winning entries shall each be entitled to a prize of \$100 iLottery Bonus Money.

(4) All prizes will be paid as lump-sum cash payments or 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 the Drawing will be posted to the Lottery's publicly accessible web site.

(7) The odds of winning in the Drawing depend upon the number of entries received for the Drawing.

(8) 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 an 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, 9Rooftops Marketing, LLC (formerly known as MARC USA), 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 Pennsylvania 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 Pennsylvania 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 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 9(d)(5). 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.

10. *Ticket responsibility:*

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

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

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

11. *Ticket validation and requirements:*

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

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

(2) The game ticket must be intact.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(4) The winning ticket has not expired, pursuant to this section or section 14 (relating to unclaimed prizes).

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

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

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

14. *Unclaimed prizes:* Unclaimed prize money on winning Fast Play lottery game tickets will be retained by the Secretary for payment to the persons entitled thereto for 1 year from the sale date of the Fast Play lottery game ticket. If no claim is made within 1 year from the sale date of the Fast Play lottery game ticket, the right of a ticket holder to claim the prize represented by that ticket, if any, shall expire.

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

16. *Governing law:*

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

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

17. *Retailer compensation:*

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

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

18. *Retailer Incentive Programs:* The Lottery may conduct a separate Retailer Incentive Program for retailers who sell Pennsylvania Fast Play Franklin-Stein lottery game tickets.

19. *Retailer bonus:* The Lottery may offer a retailer bonus in connection with the sale of Pennsylvania Fast Play lottery game tickets. If a retailer bonus is offered, a Lottery retailer shall be eligible for a bonus as described in this section. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$100,000 and not exceeding \$500,000 shall be paid a bonus of \$500. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$500,001 and not exceeding \$1,000,000 shall be paid a bonus of \$5,000. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$1,000,001 and not exceeding \$10,000,000 shall be paid a bonus of \$10,000. A Lottery retailer is entitled only to the largest bonus for which they qualify on a winning ticket. A bonus will be initiated for payment after the Fast Play game ticket is claimed and validated. A bonus will not be awarded to a Lottery retailer that sells a non-winning Pennsylvania Lottery Fast Play game ticket used to enter a Pennsylvania Lottery second-chance drawing or promotion that is subsequently selected to win a prize.

20. *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 Franklin-Stein or through normal communications methods.

21. *Applicability:* This notice applies only to the Franklin-Stein lottery game announced in this notice.

C. DANIEL HASSELL,
Secretary

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DEPARTMENT OF REVENUE

Pennsylvania Whole Lotta Mummy Fast Play Game 5097

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

1. *Name:* The name of the lottery game is Pennsylvania Whole Lotta Mummy (hereinafter "Whole Lotta Mummy"). The game number is PA-5097.

2. *Definitions:*

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

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

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

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

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

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

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

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

(i) *Prize*: A non-monetary item, money, or experience that can be won as specified in section 7 (relating to prizes available to be won and determination of prize winners) of this game notice.

(j) *ROW*: A specific, pre-defined portion of the play area, which contains four play symbols and a prize symbol that, when played according to the instructions, determine whether a player wins a prize. Each ROW is played separately.

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

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

3. *Price*: The price of a Whole Lotta Mummy ticket is \$5.

4. *Description of the Whole Lotta Mummy Fast Play lottery game*:

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

(b) Whole Lotta Mummy is played by matching any of the play symbols in the "WINNING SYMBOLS" area to the play symbols located in a "ROW." A player matching any of the play symbols in this manner will win the prize shown to the right of that "ROW." When a "Mummy" (MUMMY) symbol appears in a winning "ROW," win all five prizes shown. A bet slip is not used to play this game.

(c) Players can win the prizes identified in section 7 (relating to prizes available to be won and determination of prize winners).

(d) A Whole Lotta Mummy game ticket cannot be canceled or voided once printed by the Lottery Terminal, even if printed in error.

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

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

5. *Whole Lotta Mummy ticket characteristics*:

(a) A Whole Lotta Mummy ticket shall contain a play area, the cost of the play, the date of sale, and a bar code. Each ticket consists of five play areas designated as "ROW 1," "ROW 2," "ROW 3," "ROW 4," and "ROW 5." Each "ROW" is played separately.

(b) *Play Symbols*: Each Whole Lotta Mummy ticket will contain a "WINNING SYMBOLS" area and five "ROW" areas. The play symbols and their captions, located in the "WINNING SYMBOLS" area and the five "ROW" areas, are: Vampire (VAMPIRE) symbol, Ghost (GHOST) symbol, Tombstone (TMBSTN) symbol, Spooky Eyes (SPKYEYES) symbol, Broom (BROOM) symbol, Wand (WAND) symbol, Owl (OWL) symbol, Tree (TREE) symbol, Candle (CANDLE) symbol, Potion (POTION) symbol, Pumpkin (PUMPKIN) symbol, Cauldron (CAULDRN) symbol, Full Moon (FUL MOON) symbol, Spider Web (SPDR WEB) symbol, Skull (SKULL) symbol, Haunted House (HOUSE) symbol, Bats (BATS) symbol, Spider (SPIDER) symbol, Witch Hat (WITCH HAT) symbol, Calendar (HALLOWEEN) symbol, Eyeball (EYEBALL) symbol, Crystal Ball (CRSTL BAL) symbol, Hand (HAND) symbol, Snake (SNAKE) symbol, Crow (CROW) symbol, Zombie (ZOMBIE) symbol, Cat (CAT) symbol, Witch (WITCH) symbol and a Mummy (MUMMY) symbol.

(c) *Prize Symbols*: The prize symbols and their captions, located in the play area, are: \$5⁰⁰ (FIV DOL), \$10⁰⁰ (TEN DOL), \$15⁰⁰ (FIFTEEN), \$20⁰⁰ (TWENTY), \$25⁰⁰ (TWY FIV), \$50⁰⁰ (FIFTY), \$100 (ONE HUN), \$500 (FIV HUN), \$1,000 (ONE THO) \$5,000 (FIV THO) and \$31,000 (THRONETHO).

(d) *Prizes*: The prizes that can be won in this game are: \$5, \$10, \$15, \$20, \$25, \$50, \$100, \$500, \$1,000 \$5,000 and \$31,000. A player can win up to five times on a ticket.

(e) *Approximate number of tickets available for the game*: Approximately 1,200,000 tickets will be available for sale for the Whole Lotta Mummy lottery game.

6. *Second-Chance Drawing*: The Pennsylvania Lottery will conduct a Count de Money Second-Chance Drawing for which non-winning Whole Lotta Mummy lottery game tickets may be eligible as provided for in section 9.

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

(a) All Whole Lotta Mummy prize payments will be made as one-time, lump-sum cash payments.

(b) Holders of tickets upon which any of the "WINNING SYMBOLS" play symbols matches any of the play symbols in a "ROW," and a prize symbol of \$31,000 (THRONETHO) appears in the "Prize" area to the right of that "ROW," on a single ticket, shall be entitled to a prize of \$31,000.

(c) Holders of tickets upon which any of the "WINNING SYMBOLS" play symbols matches any of the play symbols in a "ROW," and a prize symbol of \$5,000 (FIV THO) appears in the "Prize" area to the right of that "ROW," on a single ticket, shall be entitled to a prize of \$5,000.

(d) Holders of tickets upon which any of the “WINNING SYMBOLS” play symbols matches any of the play symbols in a “ROW,” and a prize symbol of \$1,000 (ONE THO) appears in the “Prize” area to the right of that “ROW,” on a single ticket, shall be entitled to a prize of \$1,000.

(e) Holders of tickets upon which any of the “WINNING SYMBOLS” play symbols matches any of the play symbols in a “ROW,” and a prize symbol of \$500 (FIV HUN) appears in the “Prize” area to the right of that “ROW,” on a single ticket, shall be entitled to a prize of \$500.

(f) Holders of tickets upon which any of the “WINNING SYMBOLS” plays symbol is a Mummy (MUMMY), and a matching Mummy (MUMMY) play symbol appears in any “ROW” and a prize symbol of \$100 (ONE HUN) appears in all five of the “Prize” areas to the right of the “ROWS,” on a single ticket, shall be entitled to a prize of \$500.

(g) Holders of tickets upon which any of the “WINNING SYMBOLS” play symbols matches any of the play symbols in a “ROW,” and a prize symbol of \$100 (ONE HUN) appears in the “Prize” area to the right of that “ROW,” on a single ticket, shall be entitled to a prize of \$100.

(h) Holders of tickets upon which any of the “WINNING SYMBOLS” plays symbol is a Mummy (MUMMY), and a matching Mummy (MUMMY) play symbol appears in any “ROW” and a prize symbol of \$50⁰⁰ (FIFTY) appears in one of the “Prize” areas, a prize symbol of \$20⁰⁰ (TWENTY) appears in one of the “Prize” areas, a prize symbol of \$15⁰⁰ (FIFTEEN) appears in one of the “Prize” areas, a prize symbol of \$10⁰⁰ (TEN DOL) appears in one of the “Prize” areas and a prize symbol of \$5⁰⁰ (FIV DOL) appears in one of the “Prize” areas to the right of the “ROWS,” on a single ticket, shall be entitled to a prize of \$100.

(i) Holders of tickets upon which any of the “WINNING SYMBOLS” plays symbol is a Mummy (MUMMY), and a matching Mummy (MUMMY) play symbol appears in any “ROW” and a prize symbol of \$25⁰⁰ (TWY FIV) appears in two of the “Prize” areas, a prize symbol of \$20⁰⁰ (TWENTY) appears in two of the “Prize” areas and a prize symbol of \$10⁰⁰ (TEN DOL) appears in one of the “Prize” areas to the right of the “ROWS,” on a single ticket, shall be entitled to a prize of \$100.

(j) Holders of tickets upon which any of the “WINNING SYMBOLS” plays symbol is a Mummy (MUMMY), and a matching Mummy (MUMMY) play symbol appears in any “ROW” and a prize symbol of \$25⁰⁰ (TWY FIV) appears in three of the “Prize” areas, a prize symbol of \$20⁰⁰ (TWENTY) appears in one of the “Prize” areas and a prize symbol of \$5⁰⁰ (FIV DOL) appears in one of the “Prize” areas to the right of the “ROWS,” on a single ticket, shall be entitled to a prize of \$100.

(k) Holders of tickets upon which any of the “WINNING SYMBOLS” plays symbol is a Mummy (MUMMY), and a matching Mummy (MUMMY) play symbol appears in any “ROW” and a prize symbol of \$20⁰⁰ (TWENTY) appears in all five of the “Prize” areas to the right of the “ROWS,” on a single ticket, shall be entitled to a prize of \$100.

(l) Holders of tickets upon which any of the “WINNING SYMBOLS” play symbols matches any of the play symbols in a “ROW,” and a prize symbol of \$50⁰⁰ (FIFTY) appears in the “Prize” area to the right of that “ROW,” on a single ticket, shall be entitled to a prize of \$50.

(m) Holders of tickets upon which any of the “WINNING SYMBOLS” plays symbol is a Mummy (MUMMY), and a matching Mummy (MUMMY) play symbol appears in any “ROW” and a prize symbol of \$15⁰⁰ (FIFTEEN) appears in two of the “Prize” areas, a prize symbol of \$5⁰⁰ (FIV DOL) appears in two of the “Prize” areas and a prize symbol of \$10⁰⁰ (TEN DOL) appears in one of the “Prize” areas to the right of the “ROWS,” on a single ticket, shall be entitled to a prize of \$50.

(n) Holders of tickets upon which any of the “WINNING SYMBOLS” plays symbol is a Mummy (MUMMY), and a matching Mummy (MUMMY) play symbol appears in any “ROW” and a prize symbol of \$10⁰⁰ (TEN DOL) appears in all five of the “Prize” areas to the right of the “ROWS,” on a single ticket, shall be entitled to a prize of \$50.

(o) Holders of tickets upon which any of the “WINNING SYMBOLS” play symbols matches any of the play symbols in a “ROW,” and a prize symbol of \$25⁰⁰ (TWY FIV) appears in the “Prize” area to the right of that “ROW,” on a single ticket, shall be entitled to a prize of \$25.

(p) Holders of tickets upon which any of the “WINNING SYMBOLS” plays symbol is a Mummy (MUMMY), and a matching Mummy (MUMMY) play symbol appears in any “ROW” and a prize symbol of \$5⁰⁰ (FIV DOL) appears in all five of the “Prize” areas to the right of the “ROWS,” on a single ticket, shall be entitled to a prize of \$25.

(q) Holders of tickets upon which any of the “WINNING SYMBOLS” play symbols matches any of the play symbols in a “ROW,” and a prize symbol of \$20⁰⁰ (TWENTY) appears in the “Prize” area to the right of that “ROW,” on a single ticket, shall be entitled to a prize of \$20.

(r) Holders of tickets upon which any of the “WINNING SYMBOLS” play symbols matches any of the play symbols in a “ROW,” and a prize symbol of \$15⁰⁰ (FIFTEEN) appears in the “Prize” area to the right of that “ROW,” on a single ticket, shall be entitled to a prize of \$15.

(s) Holders of tickets upon which any of the “WINNING SYMBOLS” play symbols matches any of the play symbols in a “ROW,” and a prize symbol of \$10⁰⁰ (TEN DOL) appears in the “Prize” area to the right of that “ROW,” on a single ticket, shall be entitled to a prize of \$10.

(t) Holders of tickets upon which any of the “WINNING SYMBOLS” play symbols matches any of the play symbols in a “ROW,” and a prize symbol of \$5⁰⁰ (FIV DOL) appears in the “Prize” area to the right of that “ROW,” on a single ticket, shall be entitled to a prize of \$5.

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

<i>When You Match Any Of The "WINNING SYMBOLS" To Any Symbol In A "ROW," Win Prize Shown To The Right Of That "ROW." Win With:</i>	<i>Win:</i>	<i>Approximate Chances Of Winning Are 1 In:</i>	<i>Approximate No. Of Winners Per 1,200,000 Tickets:</i>
\$5	\$5	7.14	168,000
\$5 × 2	\$10	33.33	36,000
\$10	\$10	33.33	36,000
\$5 × 3	\$15	166.67	7,200
\$10 + \$5	\$15	200	6,000
\$15	\$15	142.86	8,400
\$5 × 4	\$20	250	4,800
\$10 × 2	\$20	250	4,800
\$20	\$20	250	4,800
(\$5 × 5) w/ MUMMY MATCH	\$25	33.33	36,000
(\$10 × 2) + \$5	\$25	333.33	3,600
\$25	\$25	1,000	1,200
(\$10 × 5) w/ MUMMY MATCH	\$50	1,200	1,000
(((\$15 × 2) + (\$5 × 2) + \$10) w/ MUMMY MATCH	\$50	1,200	1,000
\$25 × 2	\$50	2,400	500
(\$20 × 2) + (\$5 × 2)	\$50	2,400	500
\$20 + \$15 + \$10 + \$5	\$50	3,000	400
\$25 + \$20 + \$5	\$50	3,000	400
\$50	\$50	3,000	400
(\$20 × 5) w/ MUMMY MATCH	\$100	3,000	400
(((\$25 × 3) + \$20 + \$5) w/ MUMMY MATCH	\$100	3,000	400
(((\$25 × 2) + (\$20 × 2) + \$10) w/ MUMMY MATCH	\$100	3,000	400
(\$50 + \$20 + \$15 + \$10 + \$5) w/ MUMMY MATCH	\$100	3,000	400
\$50 + \$25 + \$15 + \$10	\$100	12,000	100
\$100	\$100	12,000	100
(\$100 × 5) w/ MUMMY MATCH	\$500	3,000	400
\$500	\$500	12,000	100
\$500 × 2	\$1,000	120,000	10
\$1,000	\$1,000	120,000	10
\$5,000	\$5,000	120,000	10
\$31,000	\$31,000	120,000	10

When the matching symbol is a "MUMMY" (MUMMY) symbol, win all five prizes shown! Each ROW is played separately.

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

9. *Second-Chance Drawing:* The Pennsylvania Lottery's (hereafter, the "Lottery") Count de Money Second-Chance Drawing for qualifying Fast Play lottery game tickets (hereafter, the "Drawing").

(a) *Qualifying Tickets:* Non-winning PA-5096 Franklin-Stein (\$10), PA-5097 Whole Lotta Mummy (\$5) and PA-5098 Boo-Yah (\$1) Fast Play lottery game tickets ("Qualifying Tickets") are eligible for entry in 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. No other method of submission will be accepted, and 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 accepted.

(4) Only one claimant per entry is 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 Count de Money Second-Chance Drawing for qualifying Fast Play Lottery game tickets. All time references are Eastern Prevailing Time.

(2) All entries received after 11:59:59 p.m. October 5, 2020, through 11:59:59 p.m. November 5, 2020, will be entered into the Drawing to be held between November 6, 2020 and November 18, 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) When a Qualifying Ticket is entered into the Drawings, the entry has a chance to be multiplied by 13 (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.

(5) 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-5096 Franklin-Stein (\$10) = ten entries, PA-5097 Whole Lotta Mummy (\$5) = five entries and PA-5098 Boo-Yah (\$1) = one entry.

(6) 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 9(e) or 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>Qualifying Ticket:</i>	<i>Approximate Number of Entry Multiplier Prizes:</i>	<i>Approximate Odds of Winning a 13X Multiplier Are 1 In:</i>
PA-5096 Franklin-Stein	207,255	4
PA-5097 Whole Lotta Mummy	219,165	4

<i>Qualifying Ticket:</i>	<i>Approximate Number of Entry Multiplier Prizes:</i>	<i>Approximate Odds of Winning a 13X Multiplier Are 1 In:</i>
PA-5098 Boo-Yah	227,338	4

(3) The Lottery will conduct one Drawing from among all the entries received during the entry period as described in section 9(c)(2).

(i) The first and the second entries selected in the Drawing will be winning entries and the entrants who submitted those winning entries shall each be entitled to a prize of \$31,000, less required income tax withholding.

(ii) The third through the seventh entries selected in the Drawing will be winning entries and the entrants who submitted those winning entries shall each be entitled to a prize of \$10,000, less required income tax withholding.

(iii) The eighth through the twelfth entries selected 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 thirteenth through the twenty-second entries selected in the Drawing will be winning entries and the entrants who submitted the winning entries shall each be entitled to a prize of \$1,300.

(v) The twenty-third through the thirty-second entries selected in the Drawing will be winning entries and the entrants who submitted the winning entries shall each be entitled to a prize of \$500.

(vi) The thirty-third through the eighty-second entries selected in the Drawing will be winning entries and the entrants who submitted the winning entries shall each be entitled to a prize of \$100 iLottery Bonus Money.

(4) All prizes will be paid as lump-sum cash payments or 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 the Drawing will be posted to the Lottery's publicly accessible web site.

(7) The odds of winning in the Drawing depend upon the number of entries received for the Drawing.

(8) 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 an 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, 9RoofTops Marketing, LLC (formerly known as MARC USA), 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 Pennsylvania 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 Pennsylvania 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 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 9(d)(5). 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.

10. *Ticket responsibility:*

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

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

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

11. *Ticket validation and requirements:*

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

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

(2) The game ticket must be intact.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(4) The winning ticket has not expired, pursuant to this section or section 14 (relating to unclaimed prizes).

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

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

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

14. *Unclaimed prizes:* Unclaimed prize money on winning Fast Play lottery game tickets will be retained by the Secretary for payment to the persons entitled thereto for 1 year from the sale date of the Fast Play lottery game ticket. If no claim is made within 1 year from the sale date of the Fast Play lottery game ticket, the right of a ticket holder to claim the prize represented by that ticket, if any, shall expire.

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

16. *Governing law:*

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

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

17. *Retailer compensation:*

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

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

18. *Retailer Incentive Programs:* The Lottery may conduct a separate Retailer Incentive Program for retailers who sell Pennsylvania Fast Play Whole Lotta Mummy lottery game tickets.

19. *Retailer bonus:* The Lottery may offer a retailer bonus in connection with the sale of Pennsylvania Fast Play lottery game tickets. If a retailer bonus is offered, a Lottery retailer shall be eligible for a bonus as described in this section. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$100,000 and not exceeding \$500,000

shall be paid a bonus of \$500. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$500,001 and not exceeding \$1,000,000 shall be paid a bonus of \$5,000. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$1,000,001 and not exceeding \$10,000,000 shall be paid a bonus of \$10,000. A Lottery retailer is entitled only to the largest bonus for which they qualify on a winning ticket. A bonus will be initiated for payment after the Fast Play game ticket is claimed and validated. A bonus will not be awarded to a Lottery retailer that sells a non-winning Pennsylvania Lottery Fast Play game ticket used to enter a Pennsylvania Lottery second-chance drawing or promotion that is subsequently selected to win a prize.

20. *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 Whole Lotta Mummy or through normal communications methods.

21. *Applicability:* This notice applies only to the Whole Lotta Mummy lottery game announced in this notice.

C. DANIEL HASSELL,
Secretary

[Pa.B. Doc. No. 20-1368. Filed for public inspection October 2, 2020, 9:00 a.m.]

DEPARTMENT OF TRANSPORTATION

Transportation Advisory Commission Virtual Meeting

The Transportation Advisory Commission will hold a conference call meeting on Thursday, October 15, 2020, starting at 10 a.m. The meeting will be held virtually by means of Skype. The dial-in number is +1 (267) 332-8737. The conference ID is 969736637.

For more information, contact the Office of the State Transportation Commission at (717) 787-2913 or RA-PennDOTSTC@pa.gov.

YASSMIN GRAMIAN,
Secretary

[Pa.B. Doc. No. 20-1369. Filed for public inspection October 2, 2020, 9:00 a.m.]

ENVIRONMENTAL HEARING BOARD

Roman and Lydia Procyk and William S. Apfelbaum v. Department of Environmental Protection, Montgomery County Conservation District and Kevin Goodchild, Permittee; EHB Doc. No. 2020-084-C

Appellants have appealed the Department of Environmental Protection's affirmance of the Montgomery County Conservation District's approval of Permittee's request to

amend his coverage under NPDES General Permit PAG-02 to discharge stormwater associated with construction activities.

A date for the hearing on the appeal has not yet been scheduled.

The appeal is filed with the Environmental Hearing Board (Board) at its office on the Second Floor, Rachel Carson State Office Building, 400 Market Street, P.O. Box 8457, Harrisburg, PA 17105-8457, and may be reviewed by any interested party on request during normal business hours. 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.

Petitions to intervene in the appeal may be filed with the Board by interested parties under 25 Pa. Code § 1021.81 (relating to intervention). Copies of the Board's rules of practice and procedure are available upon request from the Board.

THOMAS W. RENWAND,
Chairperson

[Pa.B. Doc. No. 20-1370. Filed for public inspection October 2, 2020, 9:00 a.m.]

GOVERNOR'S OFFICE

Regulatory Agenda

Executive Order 1996-1 requires all agencies under the jurisdiction of the Governor to submit for publication semi-annually an agenda of regulations under development or consideration.

The agendas are compiled to provide members of the regulated community advanced notice of regulatory activity. It is the intention of the Administration that these agendas will serve to increase public participation in the regulatory process.

Agency contacts should be contacted for more information regarding the regulation and the procedure for submitting comments.

This Agenda represents the Administration's present intentions regarding future regulations. The information provided is current as of September 21, 2020. The nature and complexity of an individual regulation obviously will determine whether and when any particular regulation listed (as well as any considered subsequent to publication of this Agenda) is published.

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Department of Aging			
Older Adult Daily Living Centers 6 Pa. Code Chapter 11	Fall 2020, as Proposed	The purpose of 6 Pa. Code Chapter 11 is to protect the health, safety and well-being of persons with functional impairments for the licensure and operation of Older Adult Daily Living Centers (OADLC). These regulations—the statutory authority for which is found in Act 118 of 1990 and in 62 P.S. Chapter 2 § 1511—were adopted on July 2, 1993 and effective October 12, 1993. The Pennsylvania Department of Aging is responsible for the enforcement of these regulations. OADLC services provide a structured program of services to clients who require the service along with valuable respite to caregivers. The proposed rulemaking would update the existing regulatory language to address changes in other statutes, regulations, codes, ordinances, and other professional standards and practices, along with addressing the increasing frailty of clients served in OADLC.	Barb Valaw (717) 787-4522

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Pennsylvania Community Adult Respite Services Program Act 166 of 2014	Fall 2020, as Proposed	Act 166 of 2014 (P.L. 2615, Oct. 22, 2014, No. 166) created a new program called the Pennsylvania Community Adult Respite Services Program (CARP), authorizing the Department of Aging to license and inspect community adult respite services programs that serve participants with minor functional impairments. The purpose of the proposed rulemaking is to provide guidance to persons wishing to provide community adult respite services to eligible persons for part of a 24-hour day, filling a niche between senior centers and older adult daily living centers, as required by Act 166 of 2014.	Barb Valaw (717) 787-4522
<i>Department of Agriculture</i>			
Pennsylvania Preferred Program Regulations 7 Pa. Code Chapter 107 (# 2-186)	October 2020, as Proposed	This regulation will establish standards required under the Pennsylvania Preferred Act (3 Pa.C.S. §§ 4601—4611).	Laura England (717) 783-8462
Agricultural Conservation Easement Purchase Program 7 Pa. Code Chapter 138e (# 2-192)	October 2020, as Proposed. The underlying statute has been amended, which will entail a delay and rewrite of the proposed regulation.	The regulation will revise the regulation to address the five amendments of the Agricultural Area Security Law that occurred since 2004, when the regulation was last revised. The revision will accomplish a “housekeeping” update to reflect the department’s experience in administering the Agricultural Conservation Easement purchase program.	Doug Wolfgang (717) 783-3167
Milk Sanitation 7 Pa. Code Chapter 59a (# 2-194)	November 2020, as Proposed	The regulation will: 1) accomplish a “housekeeping” update to the technical Milk Sanitation regulations; 2) allow for the lawful production and sale of raw milk butter; and 3) lower the maximum permissible somatic cell count for milk.	Sheri Morris (717) 787-4315
<i>Department of Banking and Securities (DOBS)</i>			
Modernization of Banking regulations under the Banking Code of 1965— Title 10, Parts I—VI	Fall 2020, as Proposed	The Banking Code of 1965 underwent substantial modernization in 2014. There is a need to amend the regulations to reflect this modernization and other recent legislative changes on the state level as well as to conform with federal legislative and regulatory changes.	Stefanie Hamilton (717) 787-1471
Promulgation of agency rules of administrative practice and procedure, to be added to Title 10, Part I	Fall 2020, as Proposed	The Department currently uses the General Rules of Administrative Practice and Procedure (“GRAAP”), which contemplate that an agency may promulgate its own rules. 1 Pa. Code § 31.1(c). The agency desires to enact rules more suited to its statutory requirements.	Stefanie Hamilton (717) 787-1471
Final omitted rulemaking for changes to regulations under the Banking Code of 1965— Title 10	Fall 2020, with omission of notice of proposed rulemaking under 45 P.S. § 1204	The Department will be pursuing a final omitted rulemaking to delete portions of Title 10 that have been preempted or rendered moot by either state or federal law.	Stefanie Hamilton (717) 787-1471

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
<i>Department of Community and Economic Development (DCED)</i>			
No regulations being developed or considered at this time.			
<i>Department of Conservation and Natural Resources (DCNR)</i>			
Snowmobile and All-Terrain Vehicle Grants 17 Pa. Code Chapter 53 (# 7B-9)	Winter/Spring 2020	The regulation would implement a grant program using funds from the snowmobile and ATV management restricted accounts.	Alex MacDonald (717) 772-4586 Lisa Maiorana, Esq. (717) 783-0139
<i>Department of Corrections (DOC)</i>			
Inmate Correspondence 37 Pa. Code § 93.2	Fall 2020, as Proposed	Inmate correspondence regulations are being revised to reflect new DOC procedures for processing mail.	Tracey Tubbs (717) 728-7763
Inmate Visiting Privileges 37 Pa. Code § 93.3	Fall 2020, as Proposed	Inmate visiting privileges regulations are being revised to reflect DOC changes to its visiting policy.	Tracey Tubbs (717) 728-7763
Purchase for Inmates by Family and Friends 37 Pa. Code § 93.4	Fall 2020, as Proposed	Purchase for inmates by family and friends regulations are being revised for clarification and to more accurately comport with current standards.	Tracey Tubbs (717) 728-7763
<i>Department of Drug and Alcohol Programs (DDAP)</i>			
Recovery House Regulations 28 Pa. Code Chapter 709, Subchapter L (new)	Fall 2020, as Final-Omitted	Act 59 of 2017 directs DDAP to establish regulations for recovery houses that receive public funds or referrals. Recovery houses provide support to individuals receiving outpatient treatment for substance use disorder who may benefit from supportive housing, a substance-free environment, and peer camaraderie. Preparation of the final-omitted regulatory package is under way.	Jordan Lewis (717) 736-7466
<i>Department of Education (PDE)</i>			
Regulations of the State Board of Private Academic Schools 22 Pa. Code Chapters 51, 53, 55, 57, 59, 61 and 63	Spring 2021, as Proposed	These regulations define the requirements for obtaining licensure as a Private Academic School. The Board is in the process of updating the regulations, which were promulgated in 1988. The regulations are promulgated under the authority of the Private Academic Schools Act (24 P.S. §§ 6701 et. seq.).	Matthew Stem (717) 787-2127
Professional Standards and Practices Commission 22 Pa. Code Chapter 235	Fall 2020, as Final	This chapter sets forth the standards for professional practice and conduct applicable to educators. The regulation updates this chapter to conform to the 2014 amendments to the Educator Discipline Act (24 P.S. § 2070.1a et seq.) and to expound the obligations educators owe to students, colleagues and the profession, with an emphasis on appropriate student-teacher boundaries, electronic communications with students and role model responsibilities. The regulation is promulgated under the authority of sections 5(a)(10) and 5(a)(14) of the Educator Discipline Act (24 P.S. § 2070.5(a)(10) and § 2070.5(a)(14)).	Shane Crosby (717) 787-6576
Department of Education	Fall 2020, as Proposed	These regulations will address the possession and use of medical marijuana by students and employees on the grounds of a preschool, primary school and a secondary school. These regulations are promulgated under authority of the Medical Marijuana Act (2016 Pa. Laws 16).	Sherri Smith (717) 772-4557

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Department of Education	Fall 2020, as Proposed	This regulation will establish the permanent fees for institutions of higher education to participate in the state authorization reciprocity agreement. These regulations are promulgated under authority granted by the Act 35 of 2016 (24 P.S. § 1-124(b)).	Lynette Kuhn (717) 783-8228
Regulations of the State Board of Private Licensed Schools 22 Pa. Code Chapter 73	Fall 2020, as Proposed	These regulations define the requirements for obtaining and maintaining licensure as a Private Licensed School and set outcomes benchmarks. The regulations are promulgated under the authority of the Private Licensed Schools Act (24 P.S. §§ 6501 et. seq.).	Lynette Kuhn (717) 783-8228
Regulations of Special Education Services and Programs 22 Pa. Code Chapter 14	Fall 2020, as Final-Omitted	This regulation supports Pennsylvania's people with an intellectual disability by updating the language in 22 Pa. Code relating to education by replacing the terms "mentally retarded" and "mental retardation" with the terms "intellectual disability" or "intellectual disabilities." The regulation is promulgated under the authority of Sections 502, 1372, 26-2603-B, of the Public School Code of 1949, as amended, 24 P.S. Sections 5-502, 13-1372, 26-2603-B. Sections 875-101 through 875-503 of the Early Intervention Services System Act, as amended, 11 P.S. Sections 875-101 through 875-503.	Karen Molchanow (717) 787-3787
Regulations of Charter School and Cyber Charter School Services and Programs for Children with Disabilities 22 Pa. Code Chapter 711	Fall 2020, as Final-Omitted	This regulation supports Pennsylvania's people with an intellectual disability by updating the language in 22 Pa. Code relating to education by replacing the terms "mentally retarded" and "mental retardation" with the terms "intellectual disability" or "intellectual disabilities." The regulation is promulgated under the authority of Sections 1701-A through 1732-A, 1749-A(b)(8), 1751-A, of the Public School Code of 1949, as amended, 24 P.S. §§ 17-1701-A through 17-1732-A, 17-1749-A(b)(8), 17-1751-A and §§ 875-101 through 875-503 of the Early Intervention Services System Act, as amended, 11 P.S. §§ 875-101 through 875-503.	Sherri Smith (717) 772-4557
State Board of Education 22 Pa. Code Chapter 49	Fall 2020, as Proposed	These regulations establish requirements for certification of professional personnel employed in the public schools of the Commonwealth. The regulations are open for a required major review. In Spring 2019, the Board began initial stakeholder outreach on the draft amendments proposed by the Secretary of Education by conducting statewide public hearings and inviting written comments. The regulations are promulgated under the authority of the Public School Code of 1949, 24 P.S. § 2603-B.	Karen Molchanow (717) 787-3787

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
State Board of Education 22 Pa. Code Chapter 4	Fall 2020, as Proposed	These regulations establish the academic standards for Science and Technology, and for Environment and Ecology and serve as the basis for curriculum development and instruction in schools in the Commonwealth. In September 2019, the State Board of Education directed the Pennsylvania Department of Education to begin the process of updating the science standards to align with current research and best practices, including a review of the Next Generation Science Standards.	Karen Molchanow (717) 787-3787
		At the same time, the Board will make technical updates to Chapter 4 to align relevant sections of the regulation with changes to high school graduation requirements enacted by Act 158 of 2018 and will update terminology to replace references to vocational-technical education with the more appropriate term Career and Technical Education. The regulations are promulgated under the authority of Public School Code of 1949, 24 P.S. § 26-2604-B(b)(vii).	
State Board of Education 22 Pa. Code Chapter 11	Fall 2020, as Final-Omitted	The Board will make technical updates to Chapter 11 to align relevant sections of the regulation with the changes to the compulsory school age that were enacted by Act 16 of 2019.	Karen Molchanow (717) 787-3787
Department of Education	Winter 2020, as Proposed	The Department will promulgate new regulations to ensure transparency and accountability in implementation of the Charter School Law related to the establishment of a charter school entity, the governance and operation of a charter school entity, and the closure of a charter school entity. The regulations are promulgated under the authority of the Public School Code of 1949, 24 P.S. §§ 17-1732-A(c) and 17-1751-A.	Adam Schott (717) 525-5755
<i>Environmental Hearing Board (EHB)</i>			
Practice and Procedure 25 Pa. Code Chapter 1021 (# 106-13)	Fall 2020, as Proposed	The rulemaking proposes to amend the Board's rules in the following categories: motions for admission pro hac vice; petitions to appeal nunc pro tunc; the requirement of a table of contents in briefs exceeding 30 pages and in prehearing memoranda; and other minor corrections to the rules.	Maryanne Wesdock, Senior Assistant Counsel (412) 565-5245

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
<i>Department of Environmental Protection (DEP)</i>			
Water Supply Replacement for Coal Surface Mining 25 Pa. Code Chapters 87—90 (# 7-545)	Quarter 4, 2020, EQB Consideration, as Final	This rulemaking revises Chapters 87—90, to clarify what is necessary to meet the coal mine operator's obligation to permanently pay the operation and maintenance costs for replacement water supplies. (Surface Mining Conservation and Reclamation Act)	Sharon Hill (717) 787-6842 shill@pa.gov
Noncoal Mining Clarifications and Corrections 25 Pa. Code Chapter 77 (# 7-554)	Quarter 4, 2020, EQB Consideration, as Proposed	This rulemaking proposes to clarify and correct existing regulatory requirements for noncoal mining. The rulemaking also proposes to update the blasting section to be consistent with the recently revised Chapter 211 and to reflect current technology. (Noncoal Surface Mining Conservation and Reclamation Act, Clean Streams Law)	Bill Allen (717) 783-9580 wallen@pa.gov
Coal Refuse Disposal Revisions 25 Pa. Code Chapter 90 (# 7-565)	Quarter 1, 2021, EQB Consideration, as Proposed	This rulemaking proposes to implement Act 74 of 2019. Proposed regulatory amendments will include clarification of the triggering events that would require an operator to install a system to prevent precipitation from contacting the coal refuse; differences between the State and Federal regulations relating to temporary cessation; and establish a connection between the disposal area and the source of the refuse. (Surface Mining Conservation and Reclamation Act, Clean Streams Law, Coal Refuse Disposal Control Act)	Greg Greenfield (717) 787-3174 grgreenfie@pa.gov
Environmental Protection Performance Standards for Conventional Oil and Gas Operators 25 Pa. Code Chapter 78 (# 7-539)	Quarter 2, 2021, EQB Consideration, as Proposed	This rulemaking proposes to amend the Oil and Gas regulations applicable to conventional operators (Chapter 78) to update the environmental protection performance standards related to oil and gas activities. (2012 Oil and Gas Act, Clean Streams Law, Solid Waste Management Act, Dam Safety Encroachment Act, Land Recycling and Environmental Remediation Standards Act, Radiation Protection Act, Unconventional Well Report Act, Act 126 of 2014)	Kurt Klapkowski (717) 772-2199 kklapkowski@pa.gov
Waste Management and Related Issues at Conventional Oil and Gas Well Sites 25 Pa. Code Chapter 78 (# 7-540)	Quarter 2, 2021, EQB Consideration, as Proposed	This proposed rulemaking relates primarily to the proper management of waste generated at conventional oil and gas well sites. The purpose of this regulation is to update the performance standards for surface activities at conventional well sites to ensure that these activities are conducted in a manner that protects the health, safety, and environment and property of Pennsylvania's residents.	Kurt Klapkowski (717) 772-2199 kklapkowski@pa.gov

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Administration of the Land Recycling Program 25 Pa. Code Chapter 250 (# 7-552)	Quarter 1, 2021, Consideration as Final	The rulemaking proposes to amend 25 Pa. Code Chapter 250 to update the medium specific concentrations (MSCs) established under the Statewide health standard based on the most recent published scientific information. MSCs are concentrations of contaminants in soil and groundwater that are protective of human health and the environment under various exposure scenarios. This rule also proposes to add MSCs for three new contaminants, including Perfluorooctanoic Acid (PFOA), Perfluorooctance Sulfonate (PFOS), and Perfluorobutane Sulfonate (PFBS). These contaminants are within the Per- and Poly-fluoroalkyl Acid (PFAS) family of compounds for which the U.S. Environmental Protection Agency (EPA) has published toxicological data. These regulations identify the formulas DEP must use to calculate MSCs and the sources of the toxicological information. This rulemaking also proposes to clarify administrative elements of Chapter 250. DEP is required by § 250.11 to propose appropriate MSC changes based on current scientific information no more than 36 months after the effective date of the most recently promulgated MSCs. (Land Recycling and Environmental Remediation Standards Act)	Troy Conrad (717) 783-9480 tconrad@pa.gov
Radiation Safety Requirements for Non-Healing Arts Radiation Generating Devices 25 Pa. Code Chapters 227 and 228 (# 7-555)	Quarter 4, 2020, EQB Consideration, as Proposed	This rulemaking proposes to update Chapter 227 to stay current with advances that have occurred in the uses of non-medical X-ray equipment. The revisions will ensure consistency with other government agencies that similarly regulate these devices. (Radiation Protection Act)	John Chipppo (717) 787-2480 jchipppo@pa.gov
Water Quality Standards—Class A Stream Redesignations 25 Pa. Code Chapter 93 (# 7-548)	Quarter 4, 2020, EQB Consideration, as Final	The regulatory changes included in this rulemaking are the result of stream evaluations conducted by DEP in response to a submittal of data from the Pennsylvania Fish and Boat Commission (PFBC). In this rulemaking, redesignations rely on § 93.4b(a)(2)(ii) to qualify streams for High Quality (HQ) designations based upon their classifications as Class A wild trout streams. DEP staff conducted an independent review of the trout biomass data in the PFBC's fisheries management reports for streams throughout the Commonwealth to ensure that the HQ criteria were met. Based on these data and appropriate regulatory criteria, DEP developed this package of stream redesignations including HQ stream redesignations in the Delaware, Susquehanna and Ohio River basins. (Section 303(c)(1) of the Federal Clean Water Act)	Tom Barron (717) 787-9637 tbarron@pa.gov

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Water Quality Standard for Manganese 25 Pa. Code Chapters 93 and 96 (# 7-553)	Quarter 2, 2021, EQB Consideration as Final	This rulemaking proposes to address a provision regarding the water quality standards for manganese included in Act 40 of 2017. This rulemaking proposes to amend 25 Pa. Code Chapter 93 (relating to water quality standards) and 25 Pa. Code Chapter 96 (relating to water quality standards implementation). The amendments propose to delete manganese from Table 3 at § 93.7 (relating to specific water quality criteria) and add manganese to Table 5 at § 93.8c (relating to human health and aquatic life criteria for toxic substances). Also, the amendments propose two alternatives for a point of compliance with the manganese water quality standard: the point of all existing or planned surface potable water supply withdrawals; or all surface waters (i.e., near the point of discharge). (Administrative Code of 1929, Pennsylvania Clean Streams Law, Federal Clean Water Act)	Michael Lookenbill (717) 787-2959 mlookenbil@pa.gov
Water Quality Standards—Dunbar Creek et al. Stream Redesignations 25 Pa. Code Chapter 93 (# 7-557)	Quarter 4, 2020 EQB Consideration, as Proposed	The regulatory changes included in this rulemaking are the result of stream evaluations conducted by DEP in response to petitions submitted by citizens and data collected by the Department. In this rulemaking, redesignations rely on § 93.4b(a) and (b) to qualify one water for High Quality (HQ) and seven waters for Exceptional Value (EV) as well as correct the erroneous HQ designation of UNT Oley Creek to remove HQ. One water will be redesignated from Trout Stocking to Cold Water Fishes. Based on these data and appropriate regulatory criteria, DEP developed this package of stream redesignations including HQ stream redesignations in the Delaware, Susquehanna and Ohio River basins. (Section 303(c)(1) of the Federal Clean Water Act)	Michael Lookenbill (717) 783-2959 mlookenbil@pa.gov

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Water Quality Management and NPDES Permit Application Fees and Annual Fees 25 Pa. Code Chapters 91 and 92a (# 7-533)	Quarter 1, 2021, EQB Consideration, as Final	This rulemaking proposes to amend fees related to water quality management permitting (Chapter 91) and proposes to amend the fee schedule for NPDES permit applications (Chapter 92a). Chapter 91 establishes, among other things, a water quality management (WQM) permitting program for the construction of sewage and industrial waste treatment facilities and for land application of sewage and industrial wastes. DEP began its Chapter 92a annual invoicing and fee collection program in December 2010. Chapter 92a updated the fee schedule for NPDES permit applications for persons to discharge pollutants from point sources into surface waters. In addition, Chapter 92a introduced an annual fee for certain facilities authorized to discharge pollutants by individual NPDES permits. A fee analysis that DEP presented to the EQB in 2014 highlighted that, despite the fee increase in 2010, revenue continues to fall short of expenses, impeding the work of Programs to carry out necessary tasks for protecting water resources in the Commonwealth. (Pennsylvania Clean Streams Law)	Sean Furjanic (717) 787-2137 sefurjanic@pa.gov
National Pollutant Discharge Elimination System (NPDES) Program and Combined Sewer Overflows (CSO) 25 Pa. Code Chapter 92a (# 7-563)	Quarter 1, 2021, EQB Consideration, as Proposed	This rulemaking proposes to amend 25 Pa. Code § 92a.51(a) to provide an exception for combined sewer overflows (CSO) dischargers with approved long-term control plans (LTCPs) to comply with water quality standards in accordance with the schedule contained in the approved LTCPs allowing renewals of NPDES permits for CSOs to move forward. (Federal Clean Water Act, Pennsylvania Clean Streams Law)	Sean Furjanic (717) 787-2137 sefurjanic@pa.gov
Dam Safety and Waterway Management 25 Pa. Code Chapter 105 (# 7-556)	Quarter 1, 2021, Publication, as Proposed	This proposed rulemaking would amend Chapter 105; clarifying existing requirements; deleting or updating obsolete and antiquated requirements; incorporating new or revised sections and definitions; and correcting typographical errors. (Federal Clean Water Act, Pennsylvania Clean Streams Law, Dam Safety and Encroachment Act)	Sid Freyermuth (717) 772-5977 sfreyermuth@pa.gov
Air Quality Fee Schedule Amendments 25 Pa. Code Chapters 127 and 139 (# 7-536)	Quarter 3, 2020, IRRC Consideration, as Final	This rulemaking amends existing requirements and fee schedules codified in Chapter 127, Subchapter I to ensure that fees collected are sufficient to cover the costs of administering the air program as required under Section 6.3(a) of the Air Pollution Control Act (35 P.S. § 4006.3(a)). Upon promulgation, the final-form regulation will be submitted to the EPA for approval as a revision to the SIP or the Title V Program Approval, as appropriate. (Air Pollution Control Act)	Susan Hoyle (717) 772-2329 shoyle@pa.gov

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Control of VOC Emissions from Oil and Natural Gas Sources 25 Pa. Code Chapter 129 (# 7-544)	Quarter 3, 2021, EQB Consideration, as Final	This rulemaking proposes to establish emission limitations and other requirements codified in 25 Pa. Code Chapter 129 consistent with reasonably available control technology (RACT). The proposed rulemaking would establish RACT requirements for volatile organic compounds and other pollutants from existing oil and natural gas production facilities, compressor stations, processing plants, and transmission stations. Upon promulgation, the final-form regulation would be submitted to the EPA for approval as a SIP revision. (Air Pollution Control Act)	Susan Hoyle (717) 772-2329 shoyle@pa.gov
Control of VOCs from Gasoline Dispensing Facilities (Stage I and Stage II) 25 Pa. Code Chapters 121 and 129 (# 7-525)	Quarter 3, 2020, Publication, as Proposed	This rulemaking proposes to remove the requirement to install new Stage II vapor recovery systems and establish procedures for the decommissioning of existing Stage II vapor recovery systems. Stage II systems that are not decommissioned will be required to comply with existing Stage II regulatory maintenance requirements. Industry standards for Stage I and Stage II vapor leak monitoring and relating measures will be added for small gasoline storage tanks. Upon promulgation, the final-form regulation would be submitted to the EPA for approval as a SIP revision. (Air Pollution Control Act)	Susan Hoyle (717) 772-2329 shoyle@pa.gov
Requirements for the Control of Hydrofluorocarbons (HFCs) in New or Retrofit Equipment and New Consumer Products 25 Pa. Code Chapters 121, 129 and 130 (# 7-562)	Quarter 1, 2021, EQB Consideration, as Proposed	This proposed rulemaking would provide significant reductions in HFC emissions, a potent greenhouse gas, by preventing the future use of HFCs in sources such as air conditioning and refrigeration. Reductions in HFC emissions will help address climate change and decrease the adverse impacts of climate change on human health, the environment, and the economy. (Air Pollution Control Act)	Susan Hoyle (717) 772-2329 shoyle@pa.gov
VOC RACT Requirements for Certain CTG Source Categories and Additional RACT Requirements for Major Sources of NO _x and VOCs for the 2015 Ozone NAAQS 25 Pa. Code Chapters 121 and 129 (# 7-561)	Quarter 4, 2020, EQB Consideration, as Proposed	This proposed rulemaking would be part of the Commonwealth's demonstration to fulfill the RACT requirements for the 2015 8-hour ozone NAAQS. The proposed rulemaking would establish presumptive VOC RACT requirements and RACT emission limitations for these CTG source categories: shipbuilding and ship repair surface coating; synthetic organic chemical manufacturing industry air oxidation, distillation, and reactor processes; and large petroleum dry cleaners. The proposed rulemaking would further establish additional presumptive NO _x and VOC RACT requirements and RACT emission limitations for certain major stationary sources of NO _x and VOC emissions. (Air Pollution Control Act)	Susan Hoyle (717) 772-2329 shoyle@pa.gov

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
CO ₂ Budget Trading Program 25 Pa. Code Chapter 145 (# 7-559)	Quarter 3, 2020 EQB Consideration, as Proposed	This rulemaking proposes to amend 25 Pa. Code Chapter 145 (relating to interstate pollution transport reduction) by adding Subchapter E (relating to CO ₂ budget trading program). This proposed rulemaking would establish a cap on carbon dioxide (CO ₂) emissions from fossil fuel-fired electric generating units, with a nameplate capacity equal to or greater than 25 megawatts (MWe), in Pennsylvania. This rulemaking would allow Pennsylvania to participate in the Regional Greenhouse Gas Initiative by establishing the Pennsylvania component of the CO ₂ Budget Trading Program which is designed to reduce anthropogenic emissions of CO ₂ , a greenhouse gas, in a manner that is protective of public health, welfare and the environment and is economically efficient. (Air Pollution Control Act)	Hayley Book (717) 787-6107 hbook@pa.gov
MAX Delisting 25 Pa. Code Chapter 261a (# 7-566)	Quarter 1, 2021 EQB Consideration, as Proposed	This proposed rulemaking seeks to amend 25 Pa. Code Chapter 261a to exclude the wastewater sludge generated from the treatment disposal impoundment and landfill leachate and contact stormwater at the MAX Environmental Technologies, Inc. Bulger and Yukon facilities from the list of hazardous wastes under the Resource Conservation and Recovery Act of 1976 (RCRA) and Solid Waste Management Act and their implementing regulations. The regulatory changes in this rulemaking, once promulgated, will codify delisting the wastewater sludge from the Bulger and Yukon Facilities as a hazardous waste. (Solid Waste Management Act, Resource Conservation and Recovery Act)	Tom Mellott (717) 783-3390 mtmellott@pa.gov
Municipal Waste Processing Permit-By-Rule; Rural Transfer Facility 25 Pa. Code Chapter 271 (# 7-564)	Quarter 1, 2021 EQB Consideration, as Proposed	This proposed rulemaking amends 25 Pa. Code Chapter 271.103 to add a new municipal waste processing permit-by-rule (PBR) for rural transfer facilities. It establishes requirements for operation of a rural transfer facility, including siting, storage, recordkeeping and other requirements. This proposed rulemaking was developed to create waste management and recycling opportunities for more citizens and in communities that are currently underserved or without collection infrastructure. (Solid Waste Management Act; Municipal Waste Planning, Recycling and Waste Reduction Act)	Laura Henry (717) 772-5713 lahenry@pa.gov

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Prohibiting Electronic Liquid-Vaporizing Devices at Underground Bituminous Coal Mines 25 Pa. Code Chapter 208 (# 7-558)	Quarter 3, 2020 BCMS Consideration, as proposed	This proposed rulemaking will amend the smoking prohibition at underground bituminous coal mines to expressly prohibit the use and/or possession of electronic liquid-vaporizing devices, including, but not limited to, electronic cigarettes, and will provide for the imposition of a penalty for violations of the prohibition. This proposed rulemaking will also separately distinguish the prohibition at surface work areas of underground bituminous coal mines from the prohibition in the underground areas of these mines. (Bituminous Coal Mine Safety Act)	Richard Wagner (724) 925-5551 rwagner@pa.gov
Amendments to the Pennsylvania Clean Vehicles Program, 25 Pa. Code Chapter 126, Subchapter D	Quarter 3, 2021 EQB Consideration, as Proposed	This rulemaking will establish a requirement for automakers to offer for sale a percentage of ZEV Program-eligible light duty vehicles as part of their model offerings. With the availability of more non-emitting vehicles available for Pennsylvania's residents to purchase and the opportunity for residents to replace existing gasoline-powered or diesel-powered light-duty vehicles with non-emitting vehicles, emissions of criteria and toxic air pollutants and GHGs will be reduced from Pennsylvania's air. Vehicles are a significant contribution of air pollution and this rulemaking will improve ambient air quality and reduce the adverse effects of air pollution on public health and welfare, including the environment, particularly within environmental justice communities.	Chris Trostle (717) 772-3926 dtrostle@pa.gov
<i>Department of General Services (DGS)</i>			
State Metrology Laboratory Fee Schedule 70 Pa. Code Chapter 110 (# 8-27)	Fall 2020, as Final Form	These regulations will increase the fees charged by the State Metrology Laboratory and update the description fields to accurately reflect the Metrology Lab's measurement parameters and ranges. Proposed rulemaking delivered to IRRC on June 18, 2019 and subsequently published in <i>Pa. Bulletin</i> on June 29, 2019; agency reviewing Legislative and IRRC comments received and working on Final Form regulatory package.	Ken Hess (717) 787-4352 Mary Fox (717) 787-6789
<i>Department of Health (DOH)</i>			
Health Facilities and Hospitals 28 Pa. Code Chapters 51 and 101—158	November 2020, as Proposed	The Secretary of Health created a task force of hospital industry representatives to review the current hospital regulations and provide recommendations to improve the quality of care in hospitals across the state. The hospital regulations will be updated to reflect those recommendations.	Sarah Kurish (717) 783-2500 Susan Coble (717) 783-1078 Scott Mincemoyer (717) 736-7358 Lawrence Clark (717) 547-3047

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Long Term Care Facilities 28 Pa. Code Chapters 201—211	December 2020, as Proposed	Pennsylvania's long-term care facility licensure regulations were last updated in 1999. Since that time, the clinical complexity of nursing home residents has changed substantially. The Nursing Home Quality Improvement Task Force was commissioned by the Secretary of Health to make recommendations for revisions to the regulations. The long-term care facility regulations will be updated to reflect those recommendations.	Kevin Hoffman (717) 783-2500 Susan Coble (717) 783-1078 Ann Chronister (717) 787-8015 Lawrence Clark (717) 547-3047
Communicable and Noncommunicable Diseases 28 Pa. Code Chapter 27	February 2021, as Proposed	To revise the listing and details associated with the reportable disease regulations (Chapter 27) to include additional and emerging diseases, new laboratory tests, and changes to exclusion policies for individuals with evidence of disease. Changes will allow for alignment with national standards and improve disease surveillance, investigation and response efforts.	Yvette M. Kostelac (717) 783-2500 Raphael Barishansky (717) 783-8804 Sharon Watkins (717) 787-3350
The Controlled Substance, Drug, Device and Cosmetic Act P.L. 233, No. 64	March 2021, as Proposed	Act 96 of 2018 amends the Controlled Substance, Drug, Device and Cosmetic Act to provide for the required use of electronic prescribing for scheduled II—V controlled substances, including provisions for exemptions and penalties. Per Act 96 the Department of Health will promulgate regulations necessary to implement the requirements of the Act.	Keith Fickel (717) 783-2500 Meghna Patel (717) 787-6436
Screening and Follow-up for Diseases of the Newborn 28 Pa. Code Chapter 28	November 2020, as Proposed	To revise and update the newborn screening regulations (Chapter 28) to include additional diseases, changes to policies and reporting requirements. Critical congenital heart defects in accordance with the Newborn Child Pulse Oximetry Screening Act and hearing screening in accordance with the Infant Hearing, Education, Assessment, Reporting, and Referral Act will be added to the regulations.	Keith Fickel (717) 783-2500 Stacey Gustin (717) 783-8143
Medical Marijuana Program 28 Pa. Code Chapters 1141a—1230a	November 2021, as Proposed	To promulgate as proposed permanent regulations to update existing temporary regulations to the Medical Marijuana program.	Carol Mowery (717) 783-2500 Mark Kovalcin (717) 783-2500 John Collins (717) 547-3047
Tanning Regulations	January 2021, as Proposed	The Indoor Tanning Act provides for regulations to be promulgated by the Department as required for implementation of the Act. The Department is proposing regulations to further clarify the requirements for the operation of tanning facilities and to provide for safety of the consumers of tanning products.	Keith Fickel (717) 783-2500 Linda Chamberlain (717) 736-7350
<i>Department of Human Services (DHS)</i>			
Psychiatric Rehabilitation Services 55 Pa. Code Chapter 5231	Winter 2021, as Proposed	This regulation will amend psychiatric rehabilitation services for individuals 14 years of age and older with serious mental health conditions to support the transition to adulthood, implement an initiative to improve coordination between the child and adult mental health care systems, and amend outdated language throughout.	Jonathan McVey (717) 783-4286

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Subsidized Child Care Eligibility 55 Pa. Code Chapters 3041, 3042	Fall 2020, as Proposed	This regulation will rescind Chapter 3041 and replace it with Chapter 3042 to add requirements imposed by the 2014 Reauthorization of the Child Care Development Block Grant and amend other requirements regarding redetermination, continuation of subsidy during job loss, reporting and verification, financial eligibility, and prioritized groups.	Jonathan McVey (717) 783-4286
Child Day Care Centers, Group Child-Care Day-Care Homes, Family Child Day Care Homes 55 Pa. Code Chapters 3270, 3280 and 3290 (# 14-542)	Fall 2020, as Final	This regulation will add new requirements imposed by the 2014 Reauthorization of the Child Care Development Block Grant and other requirements, including employment, background checks, training, water safety training, and equipment.	Jonathan McVey (717) 783-4286
Definitions and Requirements 55 Pa. Code Chapters 123 and 133	Winter 2021, as Proposed	This regulation will allow applicants for and recipients of Temporary Assistance to Needy Families (TANF) to fulfill requirements without a face-to-face interview.	Jonathan McVey (717) 783-4286
Medical Assistance Manual 55 Pa. Code Chapter 1101.51	Winter 2021, as Proposed	This regulation will be amended to rescind the outdated "shared space" language at § 1101.51(b)(3) to allow for a more integrated approach to the provision of health care by multi-disciplinary and co-location arrangements.	Jonathan McVey (717) 783-4286
Medical Assistance Manual 55 Pa. Code Chapter 1121	Winter 2021, as Proposed	This proposed regulation includes technical amendments to Title 55 of the <i>Pennsylvania Code</i> , Chapters 1101, 1121, 1141, 1142 and 1144. In addition to the technical amendments, the payment methodology for covered outpatient drugs has been amended in Chapter 1121 to comply with the Covered Outpatient Drugs final rule issued by CMS on 2/1/16 (81 FR 5170).	Jonathan McVey (717) 783-4286
Medical Assistance Manual 55 Pa. Code §§ 1101.65 and 1150.51	Winter 2021, as Proposed	This regulation will be amended to rescind language at 55 Pa. Code § 1101.65(3) and § 1150.51(a) that prohibits payments to practitioners' corporations or partnerships composed of unlike practitioners. The rescission of the prohibitive language will allow payment to be made to a group of unlike providers.	Jonathan McVey (717) 783-4286
Certified Registered Nurse Anesthetists Medical Assistance Manual Chapter 1150	Spring 2021, as Proposed	This proposed regulation provides for direct payment for anesthesia administered to the administering Certified Registered Nurse Anesthetists instead of the supervising physicians. The amendment also provides for payment for anesthesia services in an outpatient hospital and ambulatory surgical center.	Jonathan McVey (717) 783-4286
Medical Marijuana in Facilities 55 Pa. Code Chapters 3270, 3280, 3290, 3800, 5310, 6400 and 6600	Winter 2021, as Proposed	This regulation will amend Chapters 3270, 3280, 3290, 3800, 5310, 6400 and 6600 as directed by Section 2105 of Act 16 of 2016, the Medical Marijuana Act, regarding possession and use of medical marijuana in child care centers or other social services centers.	Jonathan McVey (717) 783-4286

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Administration of County Children and Youth Social Service Programs 55 Pa. Code Chapter 3130	Spring 2021, as Proposed	This regulation will replace Chapter 3130 to align with current practice models and support implementation of improvements consistent with the Child and Family Services Review findings and amendments to state and federal laws.	Jonathan McVey (717) 783-4286
Adult Protective Services 55 Pa. Code Chapter 15	Winter 2021, as Proposed	This regulation will govern the investigation of allegations of abuse, neglect, exploitation or abandonment of adults between the ages of 18 and 59 years, and the provision of protective services as indicated by the results of those investigations. The authority for the regulation and resulting services is provided by Act 70 of 2010, the Adult Protective Services Act.	Jonathan McVey (717) 783-4286
<i>Pennsylvania Insurance Department (PID)</i>			
Health Insurance Reserves (NAIC Model Regulation)	Fall 2020, as Final	Amendments to Chapter 84a based upon NAIC Model amendments regarding actuarial reserving requirements.	Richard L. Hendrickson, Department Counsel (717) 787-2567
Mental Health Parity Analysis Documentation	Winter 2020, as Proposed	Creation of new Chapter 168, setting forth requirements for Mental Health Parity Analysis Documentation.	Richard L. Hendrickson, Department Counsel (717) 787-2567
<i>Department of Labor and Industry (L&I)</i>			
Flammable and Combustible Liquids Title 34, Part I, Chapters 14 and 14a Bureau of Occupational and Industrial Safety	Spring 2021, as Proposed	Update regulations based on Act 144 of 2012 and adopt requirements for storage and dispensing of compressed natural gas as vehicular fuel.	Matthew Kegg (717) 783-6304
Unemployment Compensation Title 34, Chapter 101 Board of Review	Fall 2020, as Proposed	Update regulation to reflect statutory and operational changes. Also, update regulations based on needs for Benefits Modernization System.	Brian Parr (717) 787-5122
Unemployment Compensation Title 34, Chapter 65 Employee Provisions	Fall 2020, as Proposed	Update regulations based on needs for Benefits Modernization System and other operational changes.	Susan Dickinson (717) 787-4403
Services for the Blind and Visually Impaired Currently Title 55, Part IV, Adult Services Manual, Subpart D Non-residential Agencies/Facilities/Services Chapter 2430 to be moved to Title 34	Winter 2020, as Proposed	Deletion of current regulations and creation of new regulations for the Business Enterprise Program to reflect operational changes, based on the transfer of the program from the Department of Welfare to L&I, Act 15 of 1999.	Rod Alcidonis (717) 787-7312
Apprenticeship EEO Regulations Title 34, Chapter 81 Equal Opportunity in Apprenticeship Programs	Spring 2021, as Proposed	Update the PA apprenticeship regulations to align with new federal EEO regulations.	Eric Ramsay (717) 787-6997
Bureau of Workers' Compensation Title 34, Chapter 123 Subchapter B. Impairment Ratings	Fall 2020, as Proposed	Update regulations to reflect new statutory provisions and changes to the IRE process enacted by Act 111 of 2018.	Marianne Saylor (717) 783-5421
Employment of Minors Title 34, Part 1, Chapter 11 Bureau of Labor Law Compliance	Fall 2021, as Proposed	Update regulations related to employment of minors to reflect 2012 updates to the Child Labor Act.	Bryan Smolock (717) 787-0606

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Special Rules of Administrative Practice and Procedure Before the Workers' Compensation Appeal Board, Title 34, Part VII, Chapter 111, Workers' Compensation Appeal Board	Fall 2020, as Proposed	Modernize regulations to reflect judicial best practices in scheduling of oral argument after the parties file briefs.	Steven Loux (717) 783-7838
<i>Department of Military and Veterans Affairs (DMVA)</i>			
Veterans' Homes Regulations 43 Pa. Code Chapter 7	Spring 2021, as Proposed	The Department wishes to promulgate a comprehensive update to its regulations on State Veterans' Homes. The statutory authority for these regulations is section 902(10) of the Military and Veterans Code (51 Pa.C.S § 903(10)). These regulations are out-of-date. They were last updated in 1986. The purpose of the changes to these regulations is to bring them in line with best practices in the long-term care arena.	Elizabeth Pettis (717) 861-8503
Bureau of Veterans' Affairs 43 Pa. Code Chapter 5	Winter 2021, as Proposed	The Department wishes to promulgate a comprehensive update to its regulations related to the former Bureau of Veterans' Affairs that is now the Bureau of Programs, Initiatives, Reintegration and Outreach. The statutory authority for these regulations Sections 1704(7) and 7701 of the Military and Veterans Code (51 Pa.C.S.). These regulations are out-of-date. They were last updated in 1991.	Elizabeth Pettis (717) 861-8503
Fort Indiantown Gap 43 Pa. Code (new Chapter)	Spring 2022, as Proposed	Fort Indiantown Gap is owned by the Commonwealth of Pennsylvania and operated by the Department of Military and Veterans Affairs. The post is home to tens of thousands of Soldiers and civilians every year for training and other activities. Department wishes to promulgate regulatory authority and installation regulations that enhance the safety of military and civilian personnel and protect the military and Commonwealth property. The statutory authority for these regulations Chapter 7 § 708 of the Military and Veterans Code (51 Pa.C.S.).	Elizabeth Pettis (717) 861-8503
<i>Municipal Police Officers' Education and Training Commission (MPOETC)</i>			
Administration of the Municipal Police Officers' Education and Training Program 37 Pa. Code Chapter 203 (# 17-80)	Summer 2021, as Proposed This regulatory packet has been approved by OAG. Pending submission to IRRC, committees and LRB.	Title 53 Pa.C.S. § 2164(14) conveys powers and duties to the Municipal Police Officers' Education and Training Commission to make such rules and regulations and to perform such other duties as may be reasonably necessary or appropriate to implement the education and training program for police officers. Omnibus revisions to Chapter 203, which pertains to the certification and training of the Commonwealth's municipal police officers, are necessary to modernize these regulations, as they have not undergone a major revision since 1996. The amendments that will be proposed are the product of an extensive review project that included key stakeholders of the regulated community.	Sergeant Leslie Barr (717) 705-0843

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Administration of Law Enforcement Background Investigations and Employment Information Act 57 of 2020	Spring 2021, as Proposed Under development	Act 57 of 2020 (P.L. 613, July 14, 2020, No. 57) established the requirement for background investigations and employment information for law enforcement officers. Duties conveyed to the Municipal Police Officers' Education and Training Commission include to establish and maintain an electronic database containing separation records of law enforcement officers; establish minimum background investigation standards; and promulgate regulations.	Sergeant Leslie Barr (717) 705-0843
<i>Pennsylvania Commission on Crime and Delinquency (PCCD)</i>			
Sheriffs' and Deputy Sheriffs' Education and Training Program 37 Pa. Code Chapter 421	Spring 2021, as Proposed	The Deputy Sheriffs' Education and Training Board (Board), an advisory board within the Commission on Crime and Delinquency, plans to amend the regulations at 37 Pa. Code Chapter 421 (relating to Deputy Sheriffs' Education and Training Board) due to statutory changes in Act 114 of 2014 (Act of Jul. 9, 2014, P.L. 1006, No. 114).	Mike Pennington (717) 265-8461 Debra Sandifer (717) 265-8517
<i>Pennsylvania Emergency Management Agency (PEMA)</i>			
No regulations being developed or considered at this time.			
<i>Pennsylvania Infrastructure Investment Authority (PENNVEST)</i>			
Pennsylvania Infrastructure Investment Authority (PENNVEST) Assistance and Clean Water State Revolving Fund 25 Pa. Code §§ 963.1—963.20, including inter alia: 963.12(a) 963.13(c) 963.13(e) 963.15(a) 963.15(c) 963.16 963.18(c) 963.20 (# 101-10)	Fall 2020, as Proposed The PENNVEST Board voted to approve the proposed rulemaking on January 29, 2020.	Revisions under consideration include, inter alia: Amendments to 25 Pa. Code §§ 963.1—963.20 to be consistent with statutory revisions imposed by P.L. 51, No. 16, enacted June 19, 2013, the Federal Water Resources Reform and Development Act of 2014, and guidance revisions implemented by the Department of Environmental Protection, to reflect updates to business practices, and to incorporate any provisions necessary to accommodate for the deletion of 25 Pa. Code § 965 in its entirety, including, but not limited to the following: (1) Amend 25 Pa. Code § 963.12(a)(1) by revising the section to provide for the eligibility of certain interior plumbing costs. (2) Delete 25 Pa. Code § 963.12(a)(3) and § 963.12(c)(3) thereby allowing PENNVEST to provide financial assistance (loan and grant) for costs associated with the purchase of land that qualify as eligible costs under § 963.11(a)(4). (3) Delete 25 Pa. Code § 963.12(a)(7) thereby allowing PENNVEST to provide financial assistance (loan and grant) for costs associated with the extraction for profit of minerals or other resources from wastewater or sludge whether the project is sponsored by a public or private actor.	Shawn W. Weis (717) 783-6776

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
		<p>(4) Amend 25 Pa. Code § 963.13(c) by revising the section to provide for an amortization of advance funding loans with a term of 59 months of interest only and repayment of principal and interest on the 60th month.</p> <p>(5) Delete 25 Pa. Code § 963.13(e) requiring PENNVEST to set aside 10% of the available finance assistance for advance funding assistance due to a lack of demand.</p> <p>(6) Amend 25 Pa. Code § 963.15(a) by revising the first sentence to provide for a change in the normal loan term to allow 3 years of interest only prior to principal amortization.</p> <p>(7) Amend 25 Pa. Code § 963.15(c)(5) to provide that maximum interest rates on loans shall be determined based upon the unemployment rate for the applicable county in the most recent calendar year for which data has been finalized as of the application cutoff date.</p> <p>(8) Amend 25 Pa. Code § 963.15(c)(6) by revising the sentence to define “bond interest rate” to mean the rate of interest paid by the Commonwealth in its issuance of general obligation bonds immediately preceding the application cut-off date for the next regularly scheduled PENNVEST Board meeting.</p> <p>(9) Amend 25 Pa. Code § 963.16 to provide the parameters of a loan or bond guarantee program to be provided by PENNVEST.</p> <p>(10) Amend 25 Pa. Code § 963.18(c)(2)(iii) to increase the threshold for PENNVEST’s prior written approval of change orders from \$25,000, or 2 percent of the amount of the project’s construction cost, whichever is less, to \$50,000.</p> <p>(11) Delete 25 Pa. Code § 963.20 eliminating the requirement for a second opinion project review for projects in excess of \$10M.</p>	
<i>Pennsylvania State Police (PSP)</i>			
<p>Training and Minimum Standards Under the Wiretapping and Electronic Surveillance Control Act 37 Pa. Code Chapter 51</p>	<p>Fall 2021, as Proposed</p>	<p>Title 18 Pa.C.S. § 5724 requires the Commissioner of the Pennsylvania State Police (PSP) and the Attorney General to establish a training course for certification related to conducting wiretapping and electronic surveillance. Revisions to Chapter 51 as it relates to officer certification/re-certification and authorization to engage in the conduct of communications interception will be proposed to adjust the training to current technology and operational needs.</p>	<p>Sergeant Leslie Barr (717) 705-0843</p>

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Purchase and Possession of Partially-Manufactured Frame or Receiver for Pistol or Rifle 37 Pa. Code (new chapter)	Summer 2021 as Proposed	Title 18 Pa.C.S. § 6111.1 requires the Pennsylvania State Police to administer the provisions of the Uniform Firearms Act. The Office of Attorney General, Official Opinion 2019-3, 49 Pa.B. 7659, establishes a partially-manufactured frame or receiver for a pistol or rifle as a firearm as defined within the Uniform Firearms Act. The purpose of the proposed rulemaking is to ensure clear guidance is given to licensees/sheriffs and the public in processing the sale/transfer and possession of a partially-manufactured frame or receiver for a pistol or rifle.	Sergeant Leslie Barr (717) 705-0843
<i>Department of Revenue (DOR)</i>			
Amendments to Local Option Small Games of Chance (SGOC) 61 Pa. Code Chapter 901a	October 2020, as Proposed	The Department is proposing to replace Chapter 901 with a new Chapter 901a as a result of the amendments to the SGOC law. The proposed rulemaking will reorganize and clarify the SGOC regulations as well as incorporate necessary changes to implement Acts 2 and 184 of 2012 and Acts 90 and 92 of 2013.	John Brenner (717) 705-3906
Amendments to Realty Transfer Tax (RTT) Regulations 61 Pa. Code Chapter 91	September 2020, as Proposed	Amendments to the RTT regulations are being proposed to improve the clarity and effectiveness of the regulations. Additionally, the proposed amendments will be consistent with Department policy and language in the RTT statute.	John Brenner (717) 705-3906
iLottery [Games] 61 Pa. Code Chapter 876 (# 15-460)	Proposed rulemaking published at 49 Pa.B. 2242 (May 4, 2019)	Act 42 of 2017 authorized the Department to promulgate “temporary” regulations for iLottery games, effective for two years upon publication in the <i>Pennsylvania Bulletin</i> . The temporary regulations for iLottery Games were published at 48 Pa.B. 1829 (March 31, 2018) and codified in the June 2018 Supplement to the <i>Pennsylvania Code</i> . The final-form rulemaking became effective upon publication in the <i>Pennsylvania Bulletin</i> at 50 Pa.B. 1528 (March 14, 2020) and was codified in the June 2020 Supplement to the <i>Pennsylvania Code</i> .	Casey Fenstermaker (717) 346-1860
Corporate Net Income Tax—61 Pa. Code Chapter 153 (Proposed Rulemaking) Business income and nonbusiness income	October 2020, as Proposed	Under the authority contained in section 6 of the Tax Reform Code of 1971 (TRC) (72 P.S. § 6), the Department is proposing amendments to the Corporate Net Income Tax regulations by adding section 153.24a (relating to business and nonbusiness income) due to legislative changes and further development of the Unitary Business Principle of the U.S. Constitution in case law. Informal Public Outreach was conducted in January/February 2020.	Douglas Berguson (717) 346-4633
<i>Department of State (DOS)</i>			
<i>State Board of Accountancy</i>			
Competence to Supervise Attest Services 49 Pa. Code § 11.23a (# 16A-5516)	Winter 2020-2021, as Proposed	The proposed rulemaking would provide a CPE “safe harbor” for licensees supervising attest services; require licensees supervising, signing or authorizing another to sign an accountant’s report for attest services to comply with the competency requirements; and fix a typographical error.	Sara Fox (717) 783-3399

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
<i>State Architects Licensure Board</i>			
Electronic Seals and Signing 49 Pa. Code Chapter 9 (# 16A-4111)	Spring 2021, as Final	The proposed regulations would update existing regulations on seals and set forth standard requirements for electronic seals and electronic signing of design documents. The goal of this proposal is to be consistent with proposed regulations of the State Registration Board for Professional Engineers, Land Surveyors and Geologists and the State Board of Landscape Architects to provide all design professionals with standards that are as consistent as possible with respect to both traditional seals and electronic seals to benefit both the design professionals and their clients.	Amanda Li (717) 783-3397
<i>State Athletic Commission</i>			
Prohibited Drug Testing— 58 Pa. Code, Part I, Subpart A, Chapter 15 (# 16-58)	Winter 2020-2021, as Proposed	The proposed rulemaking would revise existing regulations on drug testing for boxers, mixed martial arts participants and kick boxers, as authorized under section 709 of the Boxing Act.	Martha Brown (717) 783-0736
<i>State Board of Auctioneer Examiners</i>			
Schedule of Fees 49 Pa. Code § 1.41 (# 16A-6411)	Fall 2020, as Proposed	The proposed rulemaking is needed to increase application and biennial renewal fees to provide sufficient biennial revenue to meet projected expenditures as required under section 6(a) of the Auctioneer Licensing and Trading Assistant Registration Act (63 P.S. § 734.6).	Terrie Kocher (717) 783-3397
<i>State Board of Barber Examiners</i>			
Schedule of Fees 49 Pa. Code § 3.103 (# 16A-4230)	Fall 2020, as Proposed	The proposed rulemaking is needed to increase the application and biennial renewal fees to provide sufficient biennial revenue to meet the projected expenditures as required under section 14 of the Barbers' License Law (63 P.S. § 564).	Kelly Diller (717) 783-1261
<i>State Board of Chiropractic</i>			
Government Employee Liability Coverage 49 Pa. Code §§ 5.17(f) and 5.41 (# 16A-4325)	Fall 2020, as Proposed	The Chiropractic Practice Act requires chiropractors to maintain professional liability insurance, including self-insurance. This regulation would permit a licensee who practices exclusively on behalf of the government to meet this requirement by reliance upon the coverage provided under the Federal Tort Claims Act or the Sovereign Immunity Act as administered by the Commonwealth's Employee Liability Self-Insurance Program.	Michelle Roberts (717) 783-7155
Child Abuse Reporting Requirements 49 Pa. Code §§ 5.91—5.96 (# 16A-4322)	Fall 2020, as Proposed	This regulation updates the Board's existing regulations relating to mandatory reporting of suspected child abuse under the Child Protective Services Law (CPSL) to conform to recent amendments to the CPSL, including the requirement that all applicants and licensees of the State Board of Chiropractic obtain required training in child abuse recognition and reporting.	Michelle Roberts (717) 783-7155

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Commissioner of Professional and Occupational Affairs			
Act 41 Regulations (Boards and Commissions have not yet assigned specific regulation numbers.)	Fall 2020, as Proposed	Act 41 was signed by the Governor on July 1, 2019, and requires all licensing boards and commissions under the Bureau of Professional and Occupational Affairs to draft regulations for the implementation of Act 41 to include methods of determining competency and terms of provisional licenses.	Jacqueline A. Wolfgang (717) 783-7200
Representation 49 Pa. Code Chapter 43b (# 16A-065)	Winter 2020-2021, as Proposed	This regulation is a procedural regulation that will permit representation by non-attorneys for partnerships, corporations, limited liability companies, trusts, agencies and political subdivisions, and other associations.	Jacqueline A. Wolfgang (717) 783-7200
Bureau of Elections Services and Notary			
Notaries Public 4 Pa. Code, Part VIII, Subpart C (# 16-59)	Winter 2020-2021, as Proposed	The rulemaking implements the act of October 9, 2013 (P.L. 609, No. 73), which adopted the Revised Uniform Law on Notarial Acts (RULONA).	Martha Brown (717) 783-0736
State Board of Cosmetology			
Schedule of Fees 49 Pa. Code Chapter 7 (# 16A-4520)	Winter 2020-2021, as Proposed	The proposed rulemaking would increase the application and biennial renewal fees to provide sufficient biennial revenue to meet the projected expenditures as required under section 14 of the Cosmetology Law (63 P.S. § 522).	Kelly Diller (717) 783-1261
Massage Therapists in Cosmetology or Esthetician Salons 49 Pa. Code Chapter 7 (# 16A-4518)	Winter 2020-2021, as Proposed	The proposed rulemaking implements part of the Act 136 of 2014 (P.L. 2476, No. 136), which allows massage therapists to practice within the licensed square footage of cosmetology or esthetician salons and requires the Board and the State Board of Massage Therapy to jointly promulgate regulations to carry out these provisions. <i>Statutory Authority:</i> Sections 11 and 9.3 of the Act of May 3, 1933 (P.L. 242, No. 86), commonly referred to as the Beauty Culture Law, 63 P.S. §§ 515.3 and 517.	Kelly Diller (717) 783-1261
State Board of Crane Operators			
Schedule of Civil Penalties 49 Pa. Code Chapter 43b (# 16A-7103)	Fall 2020, as Proposed	The proposed regulation would create a schedule of civil penalties for violations of the Crane Operator Licensure Act and regulations of the State Board of Crane Operators.	Amanda Li (717) 783-1404
Bureau of Corporations and Charitable Organizations			
Non-attorney Representation 19 Pa. Code, Part I, Subpart B, (new) Article VI (# 16-64)	Winter 2020-2021, as Proposed	The proposed rulemaking would permit certain individuals to represent an association in an appeal or petition before the Department, superseding 1 Pa. Code § 31.21 (relating to appearance in person).	Martha Brown (717) 783-0736
State Board of Dentistry			
Anesthesia Update 49 Pa. Code, Subchapter E, §§ 33.331—33.342 (# 16A-4621)	Winter 2020-2021, as Proposed	This proposed rulemaking would update the standards for the administration of general anesthesia, deep sedation, moderate sedation, minimal sedation and nitrous oxide/oxygen analgesia in dental offices to conform to and adopt the current standards used by the dental profession.	Lisa Burns (717) 783-7162

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
General Revisions 49 Pa. Code Chapter 33 (# 16A-4628)	Winter 2020-2021, as Proposed	The State Board of Dentistry has undertaken a review of existing regulations with the goal of updating the regulations and eliminating outdated and obsolete provisions. This proposed rulemaking would generally amend, update and clarify the regulations relating to fictitious names, biennial renewal, inactive status, reactivation, licensure by criteria approval, acceptable proof of professional liability insurance, use of titles, advertising, unprofessional conduct, multi-disciplinary professional corporations, exclusion of auxiliary personnel from performing radiological procedures and continuing dental education. It would also implement two new licensure categories: restricted faculty licenses (incorporating into this rulemaking the subject matter from prior Reg. # 16A-4632) and temporary volunteer dental licenses (incorporating into this rulemaking the subject matter from prior Reg. # 16A-4631).	Lisa Burns (717) 783-7162
Expansion of PHDHP Practice Sites 49 Pa. Code § 33.205b (# 16A-4633)	Fall 2020, as Final	This regulation would clarify and expand the practice settings in which public health dental hygiene practitioners (PHDHPs) may perform dental hygiene services without the supervision of a dentist.	Lisa Burns (717) 783-7162
Fees 49 Pa. Code § 33.339 (# 16A-4634)	Fall 2020, as Proposed	This proposed regulation would amend § 33.339 (relating to fees) to increase the application fees, biennial renewal fees, restricted faculty license fees and unrestricted permit fees to provide sufficient biennial revenue to meet the projected expenditures as required under section 4(b) of the Dental Law (63 P.S. § 123(b)).	Lisa Burns (717) 783-7126
<i>State Board of Professional Engineers, Land Surveyors and Geologists</i>			
Electronic Seals and Signatures 49 Pa. Code Chapter 37 (# 16A-4712)	Spring 2021, as Proposed	The proposed regulations would update existing regulations on seals and set forth standard requirements for electronic seals and electronic signing of design documents. The goal of this proposal is to be consistent with proposed regulations of the State Architects Licensure Board and the State Board of Landscape Architects to provide all design professionals with standards that are as consistent as possible with respect to both traditional seals and electronic seals to benefit both the design professionals and their clients.	Jeannie Bronshtein (717) 783-7049
<i>State Board of Funeral Directors</i>			
Limited Liability Company 49 Pa. Code §§ 13.95-13.96, 13.103 and 13.109-13.110 (# 16A-4826)	Fall 2020, as Proposed	The proposed regulation would set forth that a limited liability company that has only two or more funeral directors as its members may be licensed as a partnership and with only a single funeral director as its sole member may be licensed as a sole proprietorship. Statutory Authority: Sections 8 and 16(a) of the Funeral Director Law, 63 P.S. §§ 479.8, 479.16(a).	Heidy Weirich (717) 783-4866

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Child Abuse Reporting Requirements 49 Pa. Code §§ 13.301—13.307 (# 16A-4824)	Fall 2020, as Proposed	This regulation updates the Board's existing regulations relating to mandatory reporting of suspected child abuse under the Child Protective Services Law (CPSL) to conform to recent amendments to the CPSL, including the requirement that all applicants and licensees of the State Board of Funeral Directors obtain required training in child abuse recognition and reporting.	Heidy Weirich (717) 783-4866
<i>State Board of Landscape Architects</i>			
Electronic Signature and Seals 49 Pa. Code Chapter 15 (# 16A-6112)	Spring 2021, as Final	The proposed regulations would update existing regulations on seals and set forth standard requirements for electronic seals and electronic signing of design documents. The goal of this proposal is to be consistent with proposed regulations of the State Registration Board for Professional Engineers, Land Surveyors and Geologists and the State Architects Licensure Board to provide all design professionals with standards that are as consistent as possible with respect to both traditional seals and electronic seals to benefit both the design professionals and their clients.	Terri Kocher (717) 772-8528
<i>State Board of Massage Therapy</i>			
General Revisions 49 Pa. Code §§ 20.1—20.54 (# 16A-725)	Winter 2020-2021, as Proposed	This proposed rulemaking updates several provisions, including education, scope of practice, and examinations. Statutory Authority: Section 4(2) of the Massage Therapy Act, 63 P.S. § 627.4(2).	Christina Townley (717) 783-7155
Massage Therapists in Cosmetology or Esthetician Salons 49 Pa. Code Chapter 20 (# 16A-726)	Winter 2020-2021, as Proposed	This proposed rulemaking enacts part of the act of September 24, 2014 (P.L. 2476, No. 136), which allows massage therapists to practice in cosmetology or esthetician salons. Statutory Authority: Act 136 requires the Board and the State Board of Cosmetology to jointly promulgate regulations implementing the new law; Section 4(2) of the Massage Therapy Law, 63 P.S. § 4(2), provides the Board's general authority to promulgate regulations.	Christina Townley (717) 783-7155
Child Abuse Reporting Requirements 49 Pa. Code Chapter 20 (# 16A-722)	Fall 2020, as Proposed	This regulation implements mandatory reporting requirements relating to suspected child abuse under the Child Protective Services Law (CPSL) to conform to recent amendments to the CPSL, including the requirement that all applicants and licensees of the State Board of Massage Therapy obtain required training in child abuse recognition and reporting.	Christina Townley (717) 783-7155

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
State Board of Medicine			
Practitioners of Oriental Medicine 49 Pa. Code Chapter 18 (# 16A-4956)	Winter 2020-2021, as Proposed	This proposed rulemaking would revise the regulations relating to acupuncturists and practitioners of oriental medicine (POM) to transform the current POM license into a one-time registration, make amendments to reflect legislative changes regarding acupuncturists which have occurred since the prior regulatory amendments on the topic, and to address acceptable testing scores due to new test formats. The rulemaking is in accordance to the Governor's recommendation for occupational licensure reform.	Suzanne Zerbe (717) 787-7768
Naturopathic Doctors 49 Pa. Code Chapter 18 (# 16A-4953)	Spring 2021, as Proposed	The proposed rulemaking will amend the Board's regulations to implement the Naturopathic Doctor Registration Act, Act of Nov. 3, 2016, P.L. 997, No. 128, 63 P.S. §§ 272.101—272.301, which provides for the registration of naturopathic doctors. The proposal establishes fees, registration requirements, continuing education requirements, standards of practice, required records, advertising, grounds for discipline and types of discipline.	Suzanne Zerbe (717) 787-7768
Examinations 49 Pa. Code §§ 16.1, 17.11, 17.12 and 17.12c (# 16A-4948)	Fall 2020, as Proposed	The proposed rulemaking will conform the regulation to reflect changes made by the National Board of Medical Examiners to the United States Medical Licensing Examination (USMLE) regarding limitations on the number and timing of attempts an applicant may take the various USMLE parts. The proposed rulemaking will also remove the detailed descriptions of the FLEX and Federation of State Medical Boards (FSMB) licensing examinations which have not been offered for 24 and 33 years, respectively. Statutory Authority: Section 8 of the Medical Practice Act of 1985 (63 P.S. § 422.8).	Suzanne Zerbe (717) 787-7768
Orthotic Fitter Extension of Temporary Practice Permit 49 Pa. Code Chapter 18 §§ 18.841 and 18.842 (# 16A-4947)	Fall 2020, as Proposed	The proposed rulemaking would extend the temporary practice permit from 12 months to 18 months to be consistent with National certification standards and provide permit holders with a full year to test. It would also permit an individual who has failed the certification examination three times and whose permit has expired to apply for a second permit after completing another approved education program.	Suzanne Zerbe (717) 787-7768
Child Abuse Reporting Requirements 49 Pa. Code §§ 16.101— 16.107 (# 16A-4941)	Fall 2020, as Proposed	This regulation updates the Board's existing regulations relating to mandatory reporting of suspected child abuse under the Child Protective Services Law (CPSL) to conform to recent amendments to the CPSL, including the requirement that all applicants and licensees of the State Board of Medicine obtain required training in child abuse recognition and reporting.	Suzanne Zerbe (717) 787-7768

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
<i>State Board of Examiners of Nursing Home Administrators</i>			
Continuing Education Requirements 49 Pa. Code § 39.11 (# 16A-6219)	Spring 2021, as Final	The proposed regulation amends the biennial continuing education requirement to conform with the Governor's recommendations for licensure reform that were generated by Executive Order 2017-3. The biennial requirement of 48 credit hours will be reduced to 36. Additionally, the rulemaking provides for showing of continued competence where a licensee has been inactive for a period of time.	Chris Stuckey (717) 783-4856
Child Abuse Reporting Requirements 49 Pa. Code Chapter 39 (# 16A-6218)	Fall 2020, as Proposed	This regulation implements mandatory reporting requirements relating to suspected child abuse under the Child Protective Services Law (CPSL) to conform to recent amendments to the CPSL, including the requirement that all applicants and licensees of the State Board of State Board of Examiners of Nursing Home Administrators obtain required training in child abuse recognition and reporting.	Chris Stuckey (717) 783-4856
<i>State Board of Nursing</i>			
Nursing Education Programs 49 Pa. Code Chapter 21 (# 16A-5141)	Winter 2020-2021, as Proposed	This proposed rulemaking consolidates and updates pre-and post-licensure education regulations for registered nurses, licensed practical nurses and certified registered nurse practitioners and updates IV therapy terminology.	Cindy Miller (717) 783-7142
Child Abuse Reporting Requirements 49 Pa. Code §§ 21.501— 21.507 (# 16A-5140)	Fall 2020, as Proposed	This regulation updates the Board's existing regulations relating to mandatory reporting of suspected child abuse under the Child Protective Services Law (CPSL) to conform to recent amendments to the CPSL, including the requirement that all applicants and licensees of the State Board of Nursing obtain required training in child abuse recognition and reporting.	Cindy Miller (717) 783-7142
<i>State Board of Occupational Therapy Education and Licensure</i>			
Educational Programs 49 Pa. Code §§ 42.1 and 42.13 (# 16A-6712)	Fall 2020, as Proposed	The State Board of Occupational Therapy Education and Licensure intends to propose this regulation to specifically recognize educational programs that are accredited by the Accreditation Council for Occupational Therapy Education (ACOTE) and other national accrediting agencies.	Christina Townley (717) 783-1389
Child Abuse Reporting Requirements 49 Pa. Code §§ 42.41, 42.42, 42.45 and 42.47 (# 16A-6719)	Fall 2020, as Proposed	This regulation updates the Board's existing regulations relating to mandatory reporting of suspected child abuse under the Child Protective Services Law (CPSL) to conform to recent amendments to the CPSL, including the requirement that all applicants and licensees of the State Board of Occupational Therapy Education and Licensure obtain required training in child abuse recognition and reporting.	Christina Townley (717) 783-1389

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
State Board of Optometry			
General Revisions 49 Pa. Code Chapter 23 (# 16A-5213)	Winter 2020-2021, as Final	Section 3(b)(14) of the Optometric Practice and Licensure Act (act) gives the Board the authority to promulgate all rules and regulations necessary to carry out the purposes of the act. Section 5(b) of the act provides the minimal requirements for continuing education of 30 hours in a biennial period for licensed optometrists. The amendments ensure that clear guidance is given to licensees in prescribing contact lenses, reporting continuing education and the standards for accepting commercial support from the providers of continuing education.	Christina Stuckey (717) 783-7155
Child Abuse Reporting Requirements 49 Pa. Code §§ 23.111— 23.116 (# 16A-5215)	Fall 2020, as Proposed	This regulation updates the Board's existing regulations relating to mandatory reporting of suspected child abuse under the Child Protective Services Law (CPSL) to conform to recent amendments to the CPSL, including the requirement that all applicants and licensees of the State Board of Optometry obtain required training in child abuse recognition and reporting.	Christina Stuckey (717) 783-7155
State Board of Osteopathic Medicine			
Prescribing 49 Pa. Code § 25.218 (# 16A-5330)	Spring 2021, as Proposed	The State Board of Osteopathic Medicine proposes this rulemaking to set forth the minimum acceptable standards of practice that an osteopathic physician or physician assistant licensed by the Board must follow when prescribing, administering or dispensing drugs, including the requirements of the Safe Emergency Prescribing Act (Act 122 of 2016), the provisions of Chapter 52A of Title 35, relating to prescribing opioids to minors, and the provisions of Chapter 51 of Title 35 relating to safe opioid prescription and voluntary non-opioid directives.	Aaron Hollinger (717) 783-4858
Licensure Requirements 49 Pa. Code Chapter 25 (# 16A-5335)	Winter 2020-2021, as Proposed	This proposed rulemaking is needed to address the current transition and ultimate merger of the American Osteopathic Association (AOA), the American Association of Colleges of Osteopathic Medicine (AACOM) and the Accreditation Council for Graduate Medical Education (ACGME), creating a single accreditation system for all graduate medical education.	Aaron Hollinger (717) 783-4858
Child Abuse Reporting Requirements 49 Pa. Code §§ 25.401— 25.416 (# 16A-5326)	Fall 2020, as Proposed	This regulation updates the Board's existing regulations relating to mandatory reporting of suspected child abuse under the Child Protective Services Law (CPSL) to conform to recent amendments to the CPSL, including the requirement that all applicants and licensees of the State Board of Osteopathic Medicine obtain required training in child abuse recognition and reporting.	Aaron Hollinger (717) 783-4858

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
<i>State Board of Pharmacy</i>			
Administration of Injectable Medications, Biologicals and Immunizations 49 Pa. Code §§ 27.12 and 27.401—27.407 (# 16A-5429)	Fall 2020, as Proposed	This proposed rulemaking addresses amendments to section 9.2 of the Pharmacy Act (63 P.S. § 380-9.2) which reduce the age of patients to whom pharmacists can administer influenza immunizations and permit pharmacy interns to administer injectable medications, biologicals and immunizations.	Melanie Zimmerman (717) 783-7156
Child Abuse Reporting Requirements 49 Pa. Code Chapter 27 (# 16A-5430)	Winter 2020-2021, as Proposed	This regulation implements mandatory reporting requirements relating to suspected child abuse under the Child Protective Services Law (CPSL) to conform to recent amendments to the CPSL, including the requirement that all applicants and licensees of the State Board of State Board of Pharmacy obtain required training in child abuse recognition and reporting.	Melanie Zimmerman (717) 783-7156
<i>State Board of Physical Therapy</i>			
Early Exam and CE for Clinical Instruction 49 Pa. Code Chapter 40 (# 16A-6522)	Winter 2020-2021, as Proposed	This proposed rulemaking would allow physical therapist students, and physical therapist assistant students, to sit for the requisite examinations up to 90 days prior to graduation from their respective programs. Additionally, this proposed rulemaking would allow physical therapists (PTs) and physical therapist assistants (PTAs) who provide clinical instruction to student PTs and student PTAs, at clinical facilities affiliated with accredited programs, to receive credit for one (1) contact hour of continuing education for each 40 hours of clinical instruction up to a maximum of four (4) contact hours per biennial period.	Michelle Roberts (717) 783-7134
Child Abuse Reporting Requirements 49 Pa. Code Chapter 40 (# 16A-6518)	Fall 2020, as Proposed	This regulation updates the Board's existing regulations relating to mandatory reporting of suspected child abuse under the Child Protective Services Law (CPSL) to conform to recent amendments to the CPSL, including the requirement that all applicants and licensees of the State Board of Physical Therapy obtain required training in child abuse recognition and reporting.	Michelle Roberts (717) 783-7134
<i>State Board of Podiatry</i>			
Continuing Education 49 Pa. Code § 29.61 (# 16A-4417)	Winter 2020-2021, as Final	This proposed rulemaking would reduce the biennial requirement for continuing education, in accordance with the Governor's recommendations for licensure reform; additionally, the rulemaking would provide for the use of distance learning to satisfy the continuing education requirement and provide for exemptions.	Aaron Hollinger (717) 783-4858

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Child Abuse Reporting Requirements 49 Pa. Code §§ 29.91—29.97 (# 16A-4412)	Fall 2020, as Proposed	This regulation updates the Board's existing regulations relating to mandatory reporting of suspected child abuse under the Child Protective Services Law (CPSL) to conform to recent amendments to the CPSL, including the requirement that all applicants and licensees of the State Board of Podiatry obtain required training in child abuse recognition and reporting.	Aaron Hollinger (717) 783-4858
<i>State Board of Psychology</i>			
Continuing Education 49 Pa. Code § 41.59 (# 16A-6317)	Fall 2020, as Proposed	The Board, in its effort to continually review the efficacy of its regulations, has again reviewed the continuing education regulations and has determined that amendments are needed to update, revise and clarify the continuing education requirements. This proposed rulemaking would amend the requirements relating to home study, instruction and carry over.	Chris Stuckey (717) 783-7155
Code of Ethics 49 Pa. Code § 41.61 (# 16A-6324)	Winter 2020-2021, as Proposed	This proposed rulemaking will update the Board's Code of Conduct to adopt the American Psychological Association's (APA) Ethical Principles of Psychologists and Code of Conduct and various enumerated APA practice guidelines.	Chris Stuckey (717) 783-7155
General Revisions 49 Pa. Code § 41.31 (# 16A-6320)	Winter 2020-2021, as Proposed	This proposed rulemaking will update the Board's regulations to conform to changes made to the Professional Psychologists Practice Act by the Act of June 23, 2016 (P.L. 379, No. 53) (Act 53 of 2016). Act 53 of 2016 clarifies the scope of practice of psychology, grants the Board the power to issue temporary licenses to out of state licensees, revises and removes some of the previous exemptions to licensure, removes the time limitation pertaining to the retaking of the licensure examinations, eliminates the requirement that at least one year of supervised experience be obtained subsequent to the granting of the doctoral degree, gives the Board the ability to bar a suspended licensee from engaging in any other form of counseling or mental health practice, and requires licensees to report multiple licensure of any other health profession. <i>Statutory Authority:</i> Section 3.2(2) of the Professional Psychologists Practice Act, 63 P.S. § 1203.2(2).	Chris Stuckey (717) 783-7155
Child Abuse Reporting Requirements 49 Pa. Code §§ 41.1, 41.42, 41.45, 41.47 (# 16A-6322)	Fall 2020, as Proposed	This regulation updates the Board's existing regulations relating to mandatory reporting of suspected child abuse under the Child Protective Services Law (CPSL) to conform to recent amendments to the CPSL, including the requirement that all applicants and licensees of the State Board of Psychology obtain required training in child abuse recognition and reporting.	Chris Stuckey (717) 783-7155

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
<i>State Board of Certified Real Estate Appraisers</i>			
Appraisal Management Companies 49 Pa. Code Chapter 36 (# 16A-7023)	Fall 2020, as Final-Omitted	This rulemaking updates two definitions within the Board's regulations to ensure compliance with Federal law.	Heidy Weirich (717) 783-4866
<i>State Real Estate Commission</i>			
General Revisions 49 Pa. Code Chapter 35 (# 16A-5616)	Winter 2020-2021, as Proposed	The proposed rulemaking would update the Commission's regulations to reflect changes in the law and practice in the industry, which include advertising and escrow requirements. Statutory Authority: Section 404 of the Real Estate Licensing and Registration Act, 63 P.S. § 455.404. This regulation was formerly entitled "Advertising." The Board decided to expand the regulation to include other general updates.	Krista Linsenbach (717) 783-3658
<i>State Board of Social Workers, Marriage and Family Therapists and Professional Counselors</i>			
Licensed Bachelor Social Worker 49 Pa. Code Chapter 47 (# 16A-6922)	August 29, 2020, as Final	The rulemaking would amend the Board's regulations to implement the act of October 22, 2014 (P.L. 2884, No. 179) (Act 179) which provides for the establishment of a bachelor level social worker's license. The regulation establishes fees, licensure requirements, continuing education requirements, and standards of practice for licensed bachelor social workers.	Sandra Matter (717) 783-1389
General Revisions 49 Pa. Code Chapters 47—49 (# 16A-6923)	Winter 2020-2021, as Proposed	The Board has undertaken a comprehensive review of its regulations relating to qualifications for licensure, supervision of clinical experience, including the provision of supervision through electronic means, and continuing education. The purpose of this rulemaking is to eliminate outdated provisions, update standards to reflect modern technology, and to modernize the Board's processes relating to licensure.	Sandra Matter (717) 783-1389
Child Abuse Reporting Requirements 49 Pa. Code Chapters 47—49 (# 16A-6919)	Fall 2020, as Proposed	This regulation updates the Board's existing regulations relating to mandatory reporting of suspected child abuse under the Child Protective Services Law (CPSL) to conform to recent amendments to the CPSL, including the requirement that all applicants and licensees of the State Board of Social Workers, Marriage and Family Therapists and Professional Counselors obtain required training in child abuse recognition and reporting.	Sandra Matter (717) 783-1389
<i>State Board of Vehicle Manufacturers, Dealers and Salespersons</i>			
Fees 49 Pa. Code § 19.4 (# 16A-5726)	Fall 2020, as Proposed	This proposed rulemaking would increase application fees and biennial renewal fees for licensees of the Board such that revenues would be sufficient to meet projected expenditures. Statutory Authority: Section 30(a) of the Board of Vehicles Act (Act) (63 P.S. § 818.30(a)) requires an increase in fees when the expenses incurred by the Board to meet its obligations under the Act, including enforcement, exceed revenues.	Janice Cline (717) 772-0483

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
State Board of Veterinary Medicine			
Licensure of Euthanasia Technicians and Animal Protection Organizations 49 Pa. Code Chapter 31 (# 16A-5726)	Fall 2020, as Proposed	This proposed rulemaking is necessary to implement the act of October 24, 2012 (P.L. 1452, No. 182) (Act 182 of 2012) which amended the Animal Destruction Method Authorization Law to require the State Board of Veterinary Medicine to register animal organizations and to license euthanasia technicians to permit the organizations to purchase controlled substances and employ euthanasia technicians for the humane euthanasia of small domestic animals.	Michelle Roberts (717) 783-7134
Department of Transportation (DOT)			
Registration Class Stickers 67 Pa. Code Chapter 55	Fall 2020, as Final	This rulemaking will delete Chapter 55 and eliminate the issuance of weight class stickers. The elimination of these stickers will result in cost savings to the Department and the regulated community.	Jeffrey Spotts (717) 787-5299
School Bus Drivers—Physical and Mental Criteria 67 Pa. Code Chapter 71	Winter 2020, as Proposed	This rulemaking will update the medical standards for school bus drivers that have brain disease, cognitive impairment or a mental/emotional disorder.	Jeffrey Spotts (717) 787-5299
Drivers—Physical and Mental Criteria 67 Pa. Code Chapter 83	Winter 2020, as Proposed	This rulemaking will update the medical standards for all drivers that have brain disease, cognitive impairment or a mental/emotional disorder.	Jeffrey Spotts (717) 787-5299
Access to and Occupancy of Highways by Driveways and Local Roads 67 Pa. Code Chapter 441	Fall 2020, as Proposed	The Department will be promulgating a regulation to rewrite the entirety of Chapter 441 and to address comments received during the promulgation of an earlier promulgated Chapter 441 regulation redefining the term “owner.”	Jeffrey Spotts (717) 787-5299
Permanent Regulation for RADAR and LIDAR for State Police and Automated Enforcement Systems 67 Pa. Code Chapter 105	Winter 2020, as Proposed	The Department will be promulgating a regulation to define proper testing and calibration of RADAR and LIDAR Systems to be used by state police and automated enforcement systems.	Jeffrey Spotts (717) 787-5299
Intrastate Motor Carrier Safety 67 Pa. Code Chapter 231	Winter 2020, as Proposed	This rulemaking is necessary to waive hours of service and other requirements for mass transportation organizations and their drivers, while establishing new requirements consistent with the public interest.	Jeffrey Spotts (717) 787-5299

[Pa.B. Doc. No. 20-1371. Filed for public inspection October 2, 2020, 9:00 a.m.]

INDEPENDENT REGULATORY REVIEW COMMISSION

Actions Taken by the Commission

The Independent Regulatory Review Commission met publicly at 10 a.m., Thursday, September 17, 2020, and announced the following:

Actions Taken—Regulations Approved:

Department of Health # 10-209: Complete Reporting of CD4 T-Lymphocyte, Viral Load and Genotyping Test Results Relating to HIV (amends 28 Pa. Code Chapter 27)

Environmental Quality Board # 7-536: Air Quality Fee Schedule Amendments (amends 25 Pa. Code Chapters 121 and 127)

Approval Order

Public Meeting Held
September 17, 2020

Commissioners Voting: George D. Bedwick, Chairperson;
John F. Mizner, Esq., Vice Chairperson; John J. Soroko,
Esq.; Murray Ufberg, Esq.; Dennis A. Watson, Esq.

*Department of Health—
Complete Reporting of CD4 T-Lymphocyte, Viral Load and
Genotyping Test Results Relating to HIV;
Regulation No. 10-209 (# 3235)*

On May 15, 2019, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the Department of Health (Department). This rulemaking amends 28 Pa. Code Chapter 27. The proposed regulation was published in the May 25, 2019 *Pennsylvania Bulletin* with a public comment period ending on June 24, 2019. The final-form regulation was submitted to the Commission on August 12, 2020.

This final-form rulemaking amends existing regulations to require the reporting of all CD4 T-lymphocyte cell counts relating to HIV infection, as well as all viral load test results and genotyping results.

We have determined this regulation is consistent with the statutory authority of the Department (35 P.S. § 521.16) and the intention of the General Assembly. Having considered all of the other criteria of the Regulatory Review Act, we find promulgation of this regulation is in the public interest.

By Order of the Commission:

This regulation is approved.

Approval Order

Public Meeting Held
September 17, 2020

Commissioners Voting: George D. Bedwick, Chairperson;
John F. Mizner, Esq., Vice Chairperson; John J. Soroko,
Esq., dissenting; Murray Ufberg, Esq.; Dennis A. Watson, Esq.

*Environmental Quality Board—
Air Quality Fee Schedule Amendments;
Regulation No. 7-536 (# 3231)*

On March 27, 2019, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the Environmental Quality Board (EQB). This rulemaking amends 25 Pa. Code Chapters 121 and 127. The proposed regulation was published in the April 13, 2019 *Pennsylvania Bulletin* with a public comment period ending on June 17, 2019. The final-form regulation was submitted to the Commission on August 14, 2020.

This final-form regulation amends the air quality fee schedule for Title V and Non-Title V facilities by increasing existing plan approval application and operating permit fees and establishing new application fees for plantwide applicability limits, ambient air impact modeling of certain plan approval applications, risk assessments, asbestos abatement or demolition or renovation project notifications, and requests for determination. It also provides for the Department to establish application fees for the use of general plan approvals and general operating permits for stationary or portable sources. The annual operating permit “administration” fee is revised to be the annual operating permit “maintenance” fee.

We have determined this regulation is consistent with the statutory authority of the EQB (35 P.S. §§ 4005(a)(1) and (8) and 4006.3(a)) and the intention of the General Assembly. Having considered all of the other criteria of the Regulatory Review Act, we find promulgation of this regulation is in the public interest.

By Order of the Commission:

This regulation is approved.

GEORGE D. BEDWICK,
Chairperson

[Pa.B. Doc. No. 20-1372. Filed for public inspection October 2, 2020, 9:00 a.m.]

INSURANCE DEPARTMENT
**Alleged Violations of Insurance Laws; Bernard Gil;
Doc. No. SC20-09-011**

Notice is hereby given of the Order to Show Cause issued on September 22, 2020, by the Deputy Insurance Commissioner in the previously-referenced matter. Violations of the following is alleged: section 611-A(20) and 678-A(b) of The Insurance Department Act of 1921 (40 P.S. §§ 310.11(20) and 310.78(b)).

The respondent shall file a written answer to the Order to Show Cause within 30 days of the date of issue. If respondent files a timely answer, a formal administrative hearing shall be held in accordance with 2 Pa.C.S. §§ 501—588 (relating to Administrative Agency Law), 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure), 31 Pa. Code §§ 56.1—56.3 (relating to Special Rules of Administrative Practice and Procedure) and other relevant procedural provisions of law.

Answers, motions preliminary to those at hearing, protests, petitions to intervene or notices of intervention, if any, must be filed in writing with the Hearings Administrator, Insurance Department, Administrative Hearings Office, 901 North 7th Street, Harrisburg, PA 17102.

Persons with a disability who wish to attend the previously-referenced administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing, contact Domenica Dean, Agency ADA Coordinator, (717) 705-4194.

JESSICA K. ALTMAN,
Insurance Commissioner

[Pa.B. Doc. No. 20-1373. Filed for public inspection October 2, 2020, 9:00 a.m.]

INSURANCE DEPARTMENT
**Alleged Violations of Insurance Laws; Ryan
Stocker; Doc. No. SC20-09-018**

Notice is hereby given of the Order to Show Cause issued on September 22, 2020, by the Deputy Insurance Commissioner in the previously-referenced matter. Violations of the following are alleged: section 611-A(6), (8) and (20) and 678-A(a) of The Insurance Department Act of 1921 (40 P.S. §§ 310.11(6), (8) and (20) and 310.78(a)).

The respondent shall file a written answer to the Order to Show Cause within 30 days of the date of issue. If respondent files a timely answer, a formal administrative hearing shall be held in accordance with 2 Pa.C.S. §§ 501—588 (relating to Administrative Agency Law), 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure), 31 Pa. Code §§ 56.1—56.3 (relating to Special Rules of Administrative Practice and Procedure) and other relevant procedural provisions of law.

Answers, motions preliminary to those at hearing, protests, petitions to intervene or notices of intervention, if any, must be filed in writing with the Hearings Administrator, Insurance Department, Administrative Hearings Office, 901 North 7th Street, Harrisburg, PA 17102.

Persons with a disability who wish to attend the previously-referenced administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing, contact Domenica Dean, Agency ADA Coordinator, (717) 705-4194.

JESSICA K. ALTMAN,
Insurance Commissioner

[Pa.B. Doc. No. 20-1374. Filed for public inspection October 2, 2020, 9:00 a.m.]

INSURANCE DEPARTMENT

Alleged Violations of Insurance Laws; Scott Wenhold; Doc. No. SC20-09-010

Notice is hereby given of the Order to Show Cause issued on September 22, 2020, by the Deputy Insurance Commissioner in the previously-referenced matter. Violations of the following is alleged: section 611-A(1), (12), (13) and (20) of The Insurance Department Act of 1921 (40 P.S. § 310.11(1), (12), (13) and (20)).

The respondent shall file a written answer to the Order to Show Cause within 30 days of the date of issue. If respondent files a timely answer, a formal administrative hearing shall be held in accordance with 2 Pa.C.S. §§ 501—588 (relating to Administrative Agency Law), 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure), 31 Pa. Code §§ 56.1—56.3 (relating to Special Rules of Administrative Practice and Procedure) and other relevant procedural provisions of law.

Answers, motions preliminary to those at hearing, protests, petitions to intervene or notices of intervention, if any, must be filed in writing with the Hearings Administrator, Insurance Department, Administrative Hearings Office, 901 North 7th Street, Harrisburg, PA 17102.

Persons with a disability who wish to attend the previously-referenced administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing, contact Domenica Dean, Agency ADA Coordinator, (717) 705-4194.

JESSICA K. ALTMAN,
Insurance Commissioner

[Pa.B. Doc. No. 20-1375. Filed for public inspection October 2, 2020, 9:00 a.m.]

INSURANCE DEPARTMENT

Application for Approval to Acquire Control of Community Insurance Company and Montour Mutual Insurance Company

Loudoun Mutual Insurance Company, a Virginia domiciled mutual insurance company, has filed an application for approval to acquire control of Community Insurance Company, a Pennsylvania domiciled stock property insurance company, and Montour Mutual Insurance Company, a Pennsylvania domiciled mutual property insurance company. The filing was made under the requirements of Article XIV of The Insurance Company Law of 1921 (40 P.S. §§ 991.1401—991.1413).

Persons wishing to comment on the acquisition 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 must be e-mailed to Cressinda Bybee, cbybee@pa.gov.

JESSICA K. ALTMAN,
Insurance Commissioner

[Pa.B. Doc. No. 20-1376. Filed for public inspection October 2, 2020, 9:00 a.m.]

INSURANCE DEPARTMENT

Application and Request for a Certificate of Authority to Provide a Continuing Care Retirement Community by Encore Living Group, Inc.

Encore Living Group, Inc. has applied for a Certificate of Authority to operate a Continuing Care Retirement Community at Encore on the Lake in Canonsburg, PA. The initial filing was received on September 18, 2020, and was made under the Continuing-Care Provider Registration and Disclosure Act (40 P.S. §§ 40 P.S. 3201—3225).

Persons wishing to comment on the grounds of public or private interest to the issuance of a Certificate of Authority 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 details to inform the Department of the exact basis of the statement. Written statements should be directed to Karen M. Feather, Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120, fax (717) 787-8557, kfeather@pa.gov.

JESSICA K. ALTMAN,
Insurance Commissioner

[Pa.B. Doc. No. 20-1377. Filed for public inspection October 2, 2020, 9:00 a.m.]

INSURANCE DEPARTMENT

COVID-19 Guidance—Discontinuation of Temporary Resident Producer Licensure; Notice 2020-21

This notice is being issued to all insurers, insurance agencies and interested parties in this Commonwealth to provide information on the discontinuation of temporary resident producer licensure in this Commonwealth. This notice modifies notice 2020-12 published at 50 Pa.B. 2354 (May 2, 2020).

On April 22, 2020, to assure the continuity of certain vital insurance services and to address the disruption caused by the spread of the novel coronavirus (COVID-19) in this Commonwealth, the Insurance Department (Department) issued notice 2020-12 to announce the Department's beginning of temporary resident producer licensure to qualifying individuals under section 609-A of The Insurance Department Act of 1921 (40 P.S. § 310.9). Since test centers are now operating, and online remote testing is available for insurance license examinations in the Commonwealth, the disruption caused by COVID-19 has been mitigated. Therefore, effective October 19, 2020, the Department will no longer accept applications for temporary licensure.

As a reminder, temporary producer licensees must adhere to the following terms and conditions to convert a temporary license to a full resident producer license:

- Individuals will be required to take and pass the appropriate producer licensing examination.
- Producer licensing examination sites adhere to the safety restrictions and guidelines to enforce social distancing established by Governor Tom Wolf and the Department of Health. Note that the operating status of an examination site is subject to change should such closure become necessary to protect the health of the public.
- The Department offers the option of remote testing for insurance license exams. Confirm that individuals meet all technical compatibility requirements when scheduling the examination.
- Be aware that the appointment with the sponsoring insurer will be cancelled when the individual's full resident producer license is issued.

If individuals take and pass the producer licensing exam while their temporary license is active:

- The examination score will be forwarded to the Department.
- The full resident producer license will be issued upon receipt of the individual's passing exam score.
- Individuals will receive an e-mail notification with their resident producer license number.
 - o Individuals do not need to submit a new application, pay a fee or complete a fingerprinting/background check.
- If individuals take and pass the producer licensing exam within 6 months after their temporary license expires:
 - The examination score will be automatically sent to the Department.
 - Individuals do not need to submit a new application or pay a fee.
 - Individuals must complete a fingerprinting/background check at an Identogo enrollment center. To

pre-register and schedule an appointment, visit uenroll.identogo.com and enter service code 1KG8Q3.

If individuals take and pass the licensing exam 7 or more months after their temporary license expires:

- Individuals will be required to submit a new application and pay a fee.
- Individuals must complete a fingerprinting/background check at an Identogo enrollment center. To pre-register and schedule an appointment, visit uenroll.identogo.com and enter service code 1KG8Q3.

Individuals with questions about this notice should contact the resource account, ra-in-producer@pa.gov, (717) 787-3840.

JESSICA K. ALTMAN,
Insurance Commissioner

[Pa.B. Doc. No. 20-1378. Filed for public inspection October 2, 2020, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Electric Generation Supplier License Cancellations of Companies with an Expired Financial Security, Insufficient Financial Security Amount or Language

Public Meeting held
September 17, 2020

Commissioners Present: Gladys Brown Dutrieuille, Chairperson; David W. Sweet, Vice Chairperson; John F. Coleman, Jr.; Ralph V. Yanora

Electric Generation Supplier License Cancellations of Companies with an Expired Financial Security, Insufficient Financial Security Amount or Language;
M-2020-3015227

Tentative Order

By the Commission:

The Commission's regulations at 52 Pa. Code § 54.40(a) state that an Electric Generation Supplier (EGS) license will not be issued or remain in force until the licensee furnishes a bond or other security approved by the Commission. In addition, 52 Pa. Code § 54.40(d) states that the maintenance of an EGS license is contingent on the licensee providing proof to the Commission that a bond or other approved security in the amount directed by the Commission has been obtained.

Each EGS must file an original bond, letter of credit, continuation certificate, amendment, or other approved financial instrument with Rosemary Chiavetta, Secretary, Pennsylvania Public Utility Commission, 400 North Street, Harrisburg, PA 17120, prior to the EGS's current security expiration date. Each financial instrument must be an original document that displays a "wet" signature or digital signature, preferable in blue ink, and displays a "raised seal" or original notary stamp. The name of the principal on the original financial instrument must match exactly with the name that appears on the EGS's license issued by the Commission.

Failure to file before the financial security's expiration date may cause Commission staff to initiate a formal proceeding that may lead to the following: cancellation of

each company’s electric supplier license, removal of each company’s information from the Commission’s website and notification to all electric distribution companies, in which each company is licensed to do business, of the cancellation of the license.

While we recognize that the COVID-19 pandemic has provided some challenges related to the continuance of normal business operations, it is imperative that the Commission have an approved financial security in place with each EGS to ensure compliance with 52 Pa. Code § 54.40(d). On March 25, 2020, Commission staff issued an EGS Financial Security Filing Guidance Memo (Guidance Memo) that stated the following:

- Where practical, EGSs should file an original bond, letter of credit, continuation certificate, amendment, or other financial instrument. These original financial instruments should display “wet” signatures or digital signatures, preferably in blue ink, and display a “raised seal” or original notary stamp.
- EGSs should email a copy of the original financial instrument directly to Secretary Chiavetta at rchiavetta@pa.gov. Secretary Chiavetta has waived the restriction on emailed filings that contain confidential and proprietary material. As such, financial security instruments will be permitted to be filed by email for the duration of the Commission’s work from home order.
- If an EGS is unable to acquire a “raised seal” or original notary stamp on the financial security during the pendency of the COVID-19 emergency, the Secretary’s Bureau will not reject the financial security.
- If an EGS has been granted a reduction in its financial security, and it is time to renew the annual reduction, please file an original annual compliance

filing with the Secretary’s Bureau and a copy via email at rchiavetta@pa.gov.

Please note that the requirement that EGSs maintain a valid financial security on file with the Commission, remains in effect.

Be advised that emailed financial security instruments—after review and acceptance of the Secretary’s Bureau and the Bureau of Technical Utility Services—will be provisionally approved by the Commission until Commission staff resume working in the Keystone Building. EGSs must still mail the original bond with original signatures and notary stamp as per the Commission’s normal practice.

On July 27, 2020, the Commission issued a Secretarial Letter which modified certain filing and service requirements.¹ Specifically, this Secretarial Letter amended the Emergency Order issued on March 20, 2020, at Docket No. M-2020-3019262 regarding the filing of certain confidential documents. At the time the Emergency Order was issued, the Commission did not have access to its physical location. However, since that time the Commission has secured limited access to its place of business. Under these circumstances and consistent with the authority provided to the Secretary by the Emergency Order, the Secretarial Letter requires that confidential filings made pursuant to 52 Pa. Code § 54.40(a) (EGS financial securities), must be filed with the Secretary by overnight delivery and are not to be filed electronically with the Secretary.

As of September 4, 2020, each EGS listed in the Supplier Table below has not provided proof to the Commission that it has a bond or other approved security in the amount or language directed by the Commission, to replace a bond which is expired or which is non-compliant with Commission regulations.

Supplier Table—List of Electric Generation Suppliers

<i>Docket Number</i>	<i>Company Name</i>	<i>Financial Security Expiration Date</i>	<i>Commission Approved Amount or Language</i>
A-2011-2254554*	ALPHA GAS AND ELECTRIC, LLC	9/4/2020	No
A-2011-2233438*	ARCELORMITTAL USA, LLC	8/22/2020	Yes
A-2012-2334188	AUI ASSOCIATES, INC.	9/3/2020	Yes
A-2015-2490851	BOLLINGER ENERGY CORPORATION	9/1/2020	Yes
A-2012-2337640	BROADWAY ENERGY SOLUTIONS, INC.	8/29/2020	Yes
A-2009-2129427	PES BROKERS, INC.	9/3/2020	Yes
A-2013-2380918	SAVE ON ENERGY, LLC	8/20/2020	Yes
A-2009-2132890	TFS ENERGY SOLUTIONS, LLC	9/1/2020	Yes
A-2010-2201267	TOTAL ENERGY RESOURCES, LLC	9/3/2020	Yes

*Taking title to electricity

As part of its EGS license validation procedures, the Commission’s Bureau of Technical Utility Services sent a 90-day Security Renewal Notice email to each entity in the Supplier Table above stating that original documentation of a bond, or other approved security in the amount or language directed by the Commission, must be filed within 30 days prior to each entity’s security expiration date. None of the companies listed in the Supplier Table provided the required documentation.

Based on the above facts, we tentatively conclude that the EGSs listed in the Supplier Table are not in compliance with 52 Pa. Code § 54.40(a) and (d) and therefore it is appropriate to initiate the cancellation process for the EGS license of each company listed in the Supplier Table, without the necessity of a formal complaint, as being in the public interest; *Therefore*,¹

¹ Docket No. M-2020-3019262

It Is Ordered That:

1. Cancellation of the Electric Generation Supplier License of each company listed in the Supplier Table is hereby tentatively approved as being in the public interest.

2. The Secretary serve a copy of this Tentative Order upon the Office of Consumer Advocate, the Office of Small Business Advocate, the Bureau of Investigation & Enforcement, all electric distribution companies, all of the Electric Generation Suppliers in the Supplier Table and publish a copy of this Tentative Order in the *Pennsylvania Bulletin* with a 30-day comment period.

3. The Secretary serve a copy of this Tentative Order upon the Pennsylvania Department of Revenue—Bureau of Compliance, Business License Clearance Division.

4. Absent the filing of adverse public comment or the filing of an approved security within 30 days after publication in the *Pennsylvania Bulletin*, the Bureau of Technical Utility Services shall prepare a Final Order for entry by the Secretary.

5. Upon entry of the Final Order described in Ordering Paragraph No. 4 above, each company listed in the Supplier Table will be stricken from all active utility lists maintained by the Commission’s Bureau of Technical Utility Services and the Assessment Section of the Bureau of Administration, removed from the Commission’s website, and notifications be sent to all electric distribution companies in which the Electric Generation Suppliers are licensed to do business.

6. Upon entry of the Final Order described in Ordering Paragraph No. 4, each electric distribution company in which the Electric Generation Suppliers are licensed to do business, shall return the customers of the Electric Generation Suppliers to default service.

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 20-1379. Filed for public inspection October 2, 2020, 9:00 a.m.]

**PENNSYLVANIA PUBLIC
UTILITY COMMISSION**

Finding; Prehearing Conference

P-2020-3021470. SUEZ Water Pennsylvania, Inc. Petition of SUEZ Water Pennsylvania, Inc. for a finding on an expedited basis that the site and location on that site of a building to be constructed in Susquehanna Township, Dauphin County are reasonably necessary for the convenience or welfare of the public.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities) on or before October 13, 2020. Filings must be made with the Secretary of the Pennsylvania Public Utility Commission, 400 North Street, Harrisburg, PA 17120, with a copy served on the petitioner and a copy provided to the Administrative Law Judge by efilng with the Secretary of the Pennsylvania Public Utility Commission (Commission) through the Commission’s Efilng system.

The documents filed in support of the petition are available for inspection through the Commission’s web

site at www.puc.pa.gov by searching under the previously listed docket number or by searching the applicant’s web site.

Applicant: SUEZ Water Pennsylvania, Inc.

Through and by Counsel: Jonathan P. Nase, Esquire, Michael D. Klein, Esquire, Robert M. Careless, Esquire, Cozen O’Connor, 17 North Second Street, Suite 1410, Harrisburg, PA 17101

Prehearing Conference

An initial prehearing conference on the previously-captioned case will be held as follows:

<i>Type:</i>	Telephonic call-in
<i>Date:</i>	Thursday, October 15, 2020
<i>Time:</i>	10 a.m.
<i>Presiding:</i>	Administrative Law Judge Joel Cheskis 400 North Street 2nd Floor West Harrisburg, PA 17120 (717) 787-1399

During this time, the Commission is following Governor Tom Wolf’s emergency order with respect to the novel coronavirus (COVID-19) pandemic. The Commission’s offices are closed and all personnel is teleworking until the emergency is lifted. As a result, the Commission cannot access either incoming or outgoing mail delivery. Therefore, all parties are required to open an efilng account and use electronic services until further notice.

The Commission offers a free eFiling Subscription Service, which allows users to automatically receive an e-mail notification whenever a document is added, removed or changed on the Commission’s web site regarding a specific case. Instructions for subscribing to this service are on the Commission’s web site at http://www.puc.pa.gov/Documentation/eFiling_Subscriptions.pdf.

Scheduling Office: (717) 787-1399

Pennsylvania AT&T Relay Service number for persons who are deaf or hearing-impaired: (800) 654-5988

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 20-1380. Filed for public inspection October 2, 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 October 19, 2020. Documents filed in support of the applications are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, and at the business address of the respective applicant.

Applications of the following for approval to begin operating as common carriers for transportation of persons as described under each application.

A-2020-3021875. Trust Masonah Sons Logistics, LLC (426 Stiles Avenue, Ridley Park, PA 19078) persons in paratransit service, by motor vehicle, from points in the County of Delaware and the City and County of Philadelphia, to points in Pennsylvania, and return.

A-2020-3021968. Integrated Medical Transport, LLC (322C East Allen Street, Suite C, Mechanicsburg, Cumberland County, PA 17055) persons in paratransit service from points in the Counties of Bradford, Columbia, Delaware, Fulton, Huntingdon, Lackawanna, Luzerne, Lycoming, Mifflin, Montour, Philadelphia, Pike, Sullivan, Susquehanna, Tioga, Union, Wayne and Wyoming to points in Pennsylvania, and return. *Attorneys:* Kevin J. McKeon, Todd S. Stewart, Bryce R. Beard, 100 North Tenth Street, Harrisburg, PA 17101.

A-2020-3022006. Road Runner Transit, LLC (718 Chestnut Hill Road, Denver, Lancaster County, PA 17517) persons whose personal convictions prevent them from owning or operating motor vehicles, in paratransit service, from points in Lancaster County, to points in Pennsylvania, and return.

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 20-1381. Filed for public inspection October 2, 2020, 9:00 a.m.]

SUSQUEHANNA RIVER BASIN COMMISSION

Actions Taken at September Meeting

As part of its regular business meeting held on September 18, 2020, in Harrisburg, PA, the Susquehanna River Basin Commission (Commission) approved the applications of certain water resources projects, and took additional actions, as set forth in the following Supplementary Information.

The business meeting was held on September 18, 2020.

For further information contact Jason E. Oyler, General Counsel and Secretary, (717) 238-0423, Ext. 1312, fax (717) 238-2436, joyler@srbc.net. Regular mail inquiries may be sent to the Susquehanna River Basin Commission, 4423 North Front Street, Harrisburg, PA 17110-1788. Also see the Commission's web site at www.srbc.net.

Supplementary Information

In addition to the actions taken on projects identified in the previous summary and the listings as follows, the following items were also presented or acted upon at the business meeting: (1) tabled action on a general permit; (2) rescission of Policy No. 98-03; (3) ratification of grants and agreements; (4) modifications to the Commission expense budget for Fiscal Year (FY) 2021; (5) adoption of the proposed expense budget for FY 2022; (6) adoption of

resolution regarding member allocation; (7) adoption of an updated Water Resources Program; (8) adoption of amendments to the Comprehensive Plan; (9) approval of two emergency certificate extensions; (10) approval of a request for waiver of 6-month renewal deadline; and (11) election of officers for FY 2021.

Project Applications Approved

1. Project Sponsor and Facility: Bloomfield Borough Water Authority, Centre Township, Perry County, PA. Application for renewal of groundwater withdrawal of up to 0.056 mgd (30-day average) from Well 1 (Docket No. 19901103).

2. Project Sponsor: Byler Golf Management, Inc. Project Facility: Iron Valley Golf Club, Cornwall Borough, Lebanon County, PA. Modification to change consumptive use mitigation method (Docket No. 19981206).

3. Project Sponsor and Facility: Cabot Oil & Gas Corporation, Eaton Township, Wyoming County, PA. Application for renewal of groundwater withdrawal of up to 0.864 mgd (30-day average) from the Hatchery Wellfield (Wells 1—3) (Docket No. 20160610).

4. Project Sponsor and Facility: Cabot Oil & Gas Corporation (Susquehanna River), Great Bend Township, Susquehanna County, PA. Application for renewal of surface water withdrawal of up to 2.000 mgd (peak day) (Docket No. 20160902).

5. Project Sponsor and Facility: Chesapeake Appalachia, LLC (Susquehanna River), Wilmot Township, Bradford County, PA. Application for surface water withdrawal of up to 3.000 mgd (peak day).

6. Project Sponsor and Facility: Chesapeake Appalachia, LLC (Susquehanna River), Windham Township, Wyoming County, PA. Application for surface water withdrawal of up to 3.000 mgd (peak day).

7. Project Sponsor and Facility: Chesapeake Appalachia, LLC (Wyalusing Creek), Wyalusing Township, Bradford County, PA. Application for surface water withdrawal of up to 3.000 mgd (peak day).

8. Project Sponsor and Facility: Green Leaf Water LLC (Lycoming Creek), Lewis Township, Lycoming County, PA. Application for renewal of surface water withdrawal of up to 0.900 mgd (peak day) (Docket No. 20160601).

9. Project Sponsor and Facility: Lake Meade Municipal Authority, Reading Township, Adams County, PA. Application for groundwater withdrawal of up to 0.252 mgd (30-day average) from Well 3.

10. Project Sponsor and Facility: Meadia Heights Golf Club, LLC, West Lampeter Township, Lancaster County, PA. Modification to change consumptive use mitigation method (Docket No. 20000204).

11. Project Sponsor and Facility: Montgomery Water Authority, Clinton Township, Lycoming County, PA. Application for renewal of groundwater withdrawal of up to 0.267 mgd (30-day average) from Well 1 (Docket No. 19881102).

12. Project Sponsor: Pixelle Specialty Solutions, LLC. Project Facility: Spring Grove Mill (Codorus Creek and Unnamed Tributary to Codorus Creek), Spring Grove Borough, Jackson Township, and North Codorus Township, York County, PA. Applications for existing surface water withdrawals (peak day) of up to 19.800 mgd (New Filter Plant Intake), 6.000 mgd (Old Filter Plant Intake), and 0.750 mgd (Kessler Pond Intake); consumptive use of up to 3.650 mgd (peak day); and existing groundwater withdrawals (30-day average) of up to 0.039 mgd (Well 1)

and 0.021 mgd (Well 2). Proposed action to include combining all existing and new approvals into a single approval document with a single approval term.

13. Project Sponsor and Facility: Repsol Oil & Gas USA, LLC (Susquehanna River), Sheshequin Township, Bradford County, PA. Application for renewal of surface water withdrawal of up to 1.500 mgd (peak day) (Docket No. 20160908).

14. Project Sponsor and Facility: S.T.L. Resources, LLC (West Branch Susquehanna River), Grugan Township, Clinton County, PA. Application for surface water withdrawal of up to 3.450 mgd (peak day).

15. Project Sponsor and Facility: Shippensburg Borough Authority, Southampton Township, Cumberland County, PA. Application for renewal of groundwater withdrawal of up to 1.280 mgd (30-day average) from Well 1 (Docket No. 19900713).

Commission Initiated Project Approval Modifications

16. Project Sponsor and Facility: The Municipal Authority of the Borough of Berlin, Allegheny Township, Somerset County, PA. Conforming the grandfathering amount with the forthcoming determination for a groundwater withdrawal up to 0.030 mgd (30-day average) from Well 6 (Docket No. 19980702).

17. Project Sponsor and Facility: Iron Masters Country Club, Bloomfield Township, Bedford County, PA. Conforming the grandfathering amount with the forthcoming determination for groundwater withdrawals up to 0.051 mgd (30-day average) from Well 10 and up to 0.061 mgd (30-day average) from Well 14 (Docket No. 20020813).

18. Project Sponsor and Facility: Sinking Valley Country Club, Tyrone Township, Blair County, PA. Conforming the grandfathering amount with the forthcoming determination for groundwater withdrawals up to 0.081 mgd (30-day average) from the 14th Fairway Well and up to 0.099 mgd (30-day average) from the 8th Tee Well (Docket No. 20020811).

Project Application Tabled

19. Project Sponsor: Togg Mountain, LLC. Project Facility: Toggenburg Mountain Winter Sports Center (West Branch Tioughnioga Creek), Town of Fabius, Onondaga County, NY. Modification to increase consumptive use (peak day) by an additional 0.505 mgd, for a total consumptive use of up to 0.990 mgd, and increase surface water withdrawal (peak day) by an additional 2.300 mgd, for a total surface water withdrawal of up to 4.500 mgd (Docket No. 20180911).

Authority: Pub.L. No. 91-575, 84 Stat. 1509 et seq., 18 CFR Parts 806—808

Dated: September 22, 2020

ANDREW D. DEHOFF,
Executive Director

[Pa.B. Doc. No. 20-1382. Filed for public inspection October 2, 2020, 9:00 a.m.]

SUSQUEHANNA RIVER BASIN COMMISSION

Grandfathering Registration Notice

The Susquehanna River Basin Commission lists the following Grandfathering (GF) Registration for projects

under 18 CFR 806, Subpart E (relating to registration of grandfathered projects) from August 1, 2020, through August 31, 2020.

For further information contact Jason E. Oyler, General Counsel and Secretary, (717) 238-0423, Ext. 1312, fax (717) 238-2436, joyler@srbc.net. Regular mail inquiries may be sent to the Susquehanna River Basin Commission, 4423 North Front Street, Harrisburg, PA 17110-1788.

Supplementary Information

This notice lists GF Registration for projects, described as follows, under 18 CFR 806, Subpart E for the time period previously specified:

GF Registration Under 18 CFR Part 806, Subpart E

1. Borough of Everett Area Municipal Authority—Public Water Supply System, GF Certificate No. GF-202008107, Everett Borough and West Providence Township, Bedford County, PA; Tatesville Tunnels, Well 1 and Well 2; Issue Date: August 12, 2020.

2. Carlisle Country Club, GF Certificate No. GF-202008108, Middlesex Township, Cumberland County, PA; Letort Spring Run and consumptive use; Issue Date: August 12, 2020.

3. Kerry, Inc.—Kerry Bio-Science, GF Certificate No. GF-202008109, Town of Norwich, Chenango County, NY; Well 1, Well 2 and consumptive use; Issue Date: August 19, 2020.

4. Town of Owego—Water District # 4, GF Certificate No. GF-202008110, Town of Owego, Tioga County, NY; Wells 1—3; Issue Date: August 27, 2020.

Authority: Pub.L. No. 91-575, 84 Stat. 1509 et seq., 18 CFR Parts 806 and 808

Dated: September 22, 2020

ANDREW D. DEHOFF,
Executive Director

[Pa.B. Doc. No. 20-1383. Filed for public inspection October 2, 2020, 9:00 a.m.]

SUSQUEHANNA RIVER BASIN COMMISSION

Projects Approved for Consumptive Uses of Water

The Susquehanna River Basin Commission (Commission) has approved by rule the following list of projects from August 1, 2020, through August 31, 2020.

For further information contact Jason E. Oyler, General Counsel and Secretary, (717) 238-0423, Ext. 1312, fax (717) 238-2436 joyler@srbc.net. Regular mail inquiries may be sent to the Susquehanna River Basin Commission, 4423 North Front Street, Harrisburg, PA 17110-1788.

Supplementary Information

This notice lists the projects, described as follows, receiving approval for the consumptive use of water under the Commission's approval by rule process in 18 CFR 806.22(f)(13) (relating to standards for consumptive uses of water) for the time period previously specified:

Water Source Approval—Issued Under 18 CFR 806.22(f):

1. Chesapeake Appalachia, LLC; Pad ID: Slumber Valley; ABR-201008015.R2; Meshoppen Township, Wyoming County, PA; Consumptive Use of Up to 7.5000 mgd; Approval Date: August 3, 2020.

2. XTO Energy, Inc.; Pad ID: Tome 8522H; ABR-20100556.R2; Moreland Township, Lycoming County, PA; Consumptive Use of Up to 4.0000 mgd; Approval Date: August 4, 2020.

3. XTO Energy, Inc.; Pad ID: Moser 8521H; ABR-20100641.R2; Franklin Township, Lycoming County, PA; Consumptive Use of Up to 4.0000 mgd; Approval Date: August 4, 2020.

4. BKV Operating, LLC; Pad ID: Sickler 5H; ABR-20100679.R2; Washington Township, Wyoming County, PA; Consumptive Use of Up to 5.0000 mgd; Approval Date: August 6, 2020.

5. Chesapeake Appalachia, LLC; Pad ID: Lattimer; ABR-201008038.R2; Litchfield Township, Bradford County, PA; Consumptive Use of Up to 7.50000 mgd; Approval Date: August 6, 2020.

6. Inflection Energy (PA), LLC; Pad ID: Strouse Well Pad; ABR-201505002.R1; Hepburn Township, Lycoming County, PA; Consumptive Use of Up to 4.0000 mgd; Approval Date: August 6, 2020.

7. XTO Energy, Inc.; Pad ID: Brown 8519H; ABR-20100604.R2; Moreland Township, Lycoming County, PA; Consumptive Use of Up to 4.0000 mgd; Approval Date: August 6, 2020.

8. Chesapeake Appalachia, LLC; Pad ID: Dave; ABR-201008107.R2; Albany Township, Bradford County, PA; Consumptive Use of Up to 7.5000 mgd; Approval Date: August 18, 2020.

9. Tilden Marcellus, LLC; Pad ID: Simonetti 817 (rev); ABR-20100545.R2; Gaines Township, Tioga County, PA; Consumptive Use of Up to 4.9900 mgd; Approval Date: August 18, 2020.

10. Tilden Marcellus, LLC; Pad ID: Coon Hollow 904; ABR-20100560.R2; West Branch Township, Potter County, PA; Consumptive Use of Up to 4.9900 mgd; Approval Date: August 18, 2020.

11. Range Resources—Appalachia, LLC; Pad ID: Harman, Lewis Unit # 1H; ABR-20100554.R2; Moreland Township, Lycoming County, PA; Consumptive Use of Up to 0.1000 mgd; Approval Date: August 18, 2020.

12. ARD Operating, LLC; Pad ID: COP Tr 728 Pad A; ABR-20100631.R2; Watson Township, Lycoming County, PA; Consumptive Use of Up to 4.0000 mgd; Approval Date: August 18, 2020.

13. ARD Operating, LLC; Pad ID: David C Duncan Pad A; ABR-20100635.R2; Cascade Township, Lycoming County, PA; Consumptive Use of Up to 4.0000 mgd; Approval Date: August 18, 2020.

14. ARD Operating, LLC; Pad ID: COP Tr 289 C; ABR-20100636.R2; McHenry Township, Lycoming County, PA; Consumptive Use of Up to 4.0000 mgd; Approval Date: August 19, 2020.

15. Chief Oil & Gas, LLC; Pad ID: Bedford; ABR-201008139.R2; Elkland Township, Sullivan County, PA; Consumptive Use of Up to 7.5000 mgd; Approval Date: August 21, 2020.

16. Chief Oil & Gas, LLC; Pad ID: Hottenstein; ABR-201008148.R2; Forks Township, Sullivan County, PA; Consumptive Use of Up to 7.5000 mgd; Approval Date: August 26, 2020.

17. Chief Oil & Gas, LLC; Pad ID: Benspond; ABR-201008146.R2; Elkland Township, Sullivan County, PA; Consumptive Use of Up to 7.5000 mgd; Approval Date: August 26, 2020.

18. Chesapeake Appalachia, LLC; Pad ID: Fremar; ABR-201008147.R2; Fox Township, Sullivan County, PA; Consumptive Use of Up to 7.5000 mgd; Approval Date: August 26, 2020.

19. Chesapeake Appalachia, LLC; Pad ID: Roundtop; ABR-201008067.R2; Colley Township, Sullivan County, PA; Consumptive Use of Up to 7.5000 mgd; Approval Date: August 26, 2020.

20. Repsol Oil & Gas USA, LLC; Pad ID: ROY (03 046) B; ABR-20100629.R2; Wells Township, Bradford County, PA; Consumptive Use of Up to 6.0000 mgd; Approval Date: August 26, 2020.

21. Repsol Oil & Gas USA, LLC; Pad ID: LYON (01 078) S; ABR-20100696.R2; Troy Township, Bradford County, PA; Consumptive Use of Up to 6.0000 mgd; Approval Date: August 26, 2020.

22. Tilden Marcellus, LLC; Pad ID: Pierson 810; ABR-20100633.R2; Gaines Township, Tioga County, PA; Consumptive Use of Up to 4.9900 mgd; Approval Date: August 26, 2020.

23. Range Resources—Appalachia, LLC; Pad ID: Shohocken Hunt Club Unit # 1H—# 6H; ABR-20100646.R2; Cummings Township, Lycoming County, PA; Consumptive Use of Up to 2.0000 mgd; Approval Date: August 26, 2020.

24. Repsol Oil & Gas USA, LLC; Pad ID: ROY (03 040) B; ABR-20100650.R2; Wells Township, Bradford County, PA; Consumptive Use of Up to 6.0000 mgd; Approval Date: August 28, 2020.

25. Repsol Oil & Gas USA, LLC; Pad ID: SCHUCKER (03 006) A; ABR-20100654.R2; Columbia Township, Bradford County, PA; Consumptive Use of Up to 6.0000 mgd; Approval Date: August 28, 2020.

26. Repsol Oil & Gas USA, LLC; Pad ID: FEUSNER (03 053) J; ABR-201006100.R2; Columbia Township, Bradford County, PA; Consumptive Use of Up to 6.0000 mgd; Approval Date: August 28, 2020.

27. ARD Operating, LLC; Pad ID: Larry's Creek F&G Pad D; ABR-20100684.R2; Cummings Township, Lycoming County, PA; Consumptive Use of Up to 4.0000 mgd; Approval Date: August 28, 2020.

28. EXCO Resources (PA), LLC; Pad ID: Confer (Pad 32); ABR-20100699.R2; Burnside Township, Centre County, PA; Consumptive Use of Up to 3.0000 mgd; Approval Date: August 28, 2020.

Authority: Pub.L. No. 91-575, 84 Stat. 1509 et seq., 18 CFR Parts 806—808

Dated: September 22, 2020

ANDREW D. DEHOFF,
Executive Director

[Pa.B. Doc. No. 20-1384. Filed for public inspection October 2, 2020, 9:00 a.m.]

