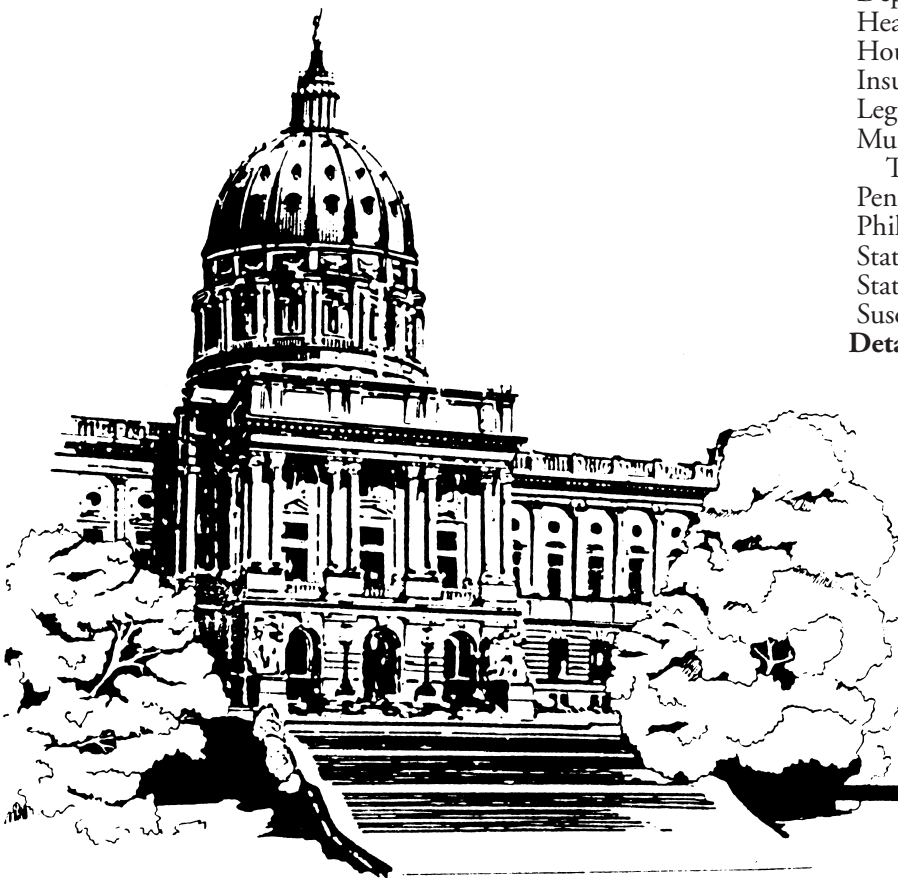


PENNSYLVANIA BULLETIN

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Health Care Cost Containment Council
Housing Finance Agency
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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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List of Pa. Code Chapters Affected

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

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THE GENERAL ASSEMBLY

THE GENERAL ASSEMBLY

Recent Actions during the 2020 Regular Session of the General Assembly

The following is a summary of recent actions of the General Assembly during the 2020 Regular Session:

<i>Doc. No.</i>	<i>Date of Action</i>	<i>Bill Number</i>	<i>Printer's Number</i>	<i>Effective Date</i>	<i>Subject Matter</i>
2020 General Acts of Regular Session Enacted—Act 078					
078	Sep 28	S0902	PN1315	60 days	County Code—filling of vacancies
2020 Vetoes of Regular Session of Bills—Veto 011 through 012					
011	Sep 21	H2787	PN4334		Public School Code of 1949—precautions against spread of COVID-19 and sports and extracurricular activities during COVID-19 pandemic
012	Sep 24	H2025	PN3907		Pennsylvania Carbon Dioxide Cap and Trade Authorization Act—enactment

* denotes an effective date with exceptions

Effective Dates of Statutes

The effective dates specified for laws and appropriation acts were contained in the applicable law or appropriation act. Where no date is specified or where the effective date specified is prior to the date of enactment, the effective date is 60 days after final enactment except for statutes making appropriations or affecting budgets of political subdivisions. See 1 Pa.C.S. §§ 1701—1704 (relating to effective date of statutes).

Advance Copies of Statutes

Section 1106 of 1 Pa.C.S. (relating to prothonotaries to keep files of advance copies of statutes) provides that the prothonotaries of each county shall file advance copies of statutes in their offices for public inspection until the *Laws of Pennsylvania* are generally available.

One-time purchases of the advance copies of statutes can be purchased through the State Bookstore's web site at www.shoppaheritage.com.

VINCENT C. DeLIBERATO, Jr.,
Director
Legislative Reference Bureau

[Pa.B. Doc. No. 20-1402. Filed for public inspection October 16, 2020, 9:00 a.m.]

THE COURTS

Title 210—APPELLATE PROCEDURE

PART I. RULES OF APPELLATE PROCEDURE

[210 PA. CODE CH. 37]

Amendments to Chapter 37 of the Pennsylvania Rules of Appellate Procedure, Business of the Commonwealth Court; No. 126 Misc. Doc. No. 3

Order

Per Curiam

And Now, this 2nd day of October, 2020, it is Ordered pursuant to Pa.R.A.P. 104(a) that Chapter 37 of the Rules of Appellate Procedure, Business of the Commonwealth Court, is amended in the following form. These amendments shall be effective immediately upon publication in the *Pennsylvania Bulletin*.

Annex A

TITLE 210. APPELLATE PROCEDURE

PART I. RULES OF APPELLATE PROCEDURE

ARTICLE III. MISCELLANEOUS PROVISIONS

CHAPTER 37. BUSINESS OF THE COMMONWEALTH COURT

THE COMMONWEALTH COURT

Rule 3706. Docketing Statement.

* * * * *

Official Note: The Commonwealth Court Mediation Program is governed by Section 501 of the Internal Operating Procedures of the Commonwealth Court, 210 Pa. Code § 69.501 (Mediation). Counsel must draft the statement of issues so as to provide all the information required by paragraph (c)(1) and allow for adequate screening for mediation. Counsel should not simply attach a copy of the Pa.R.A.P. 1925(b) statement of [issues] errors complained of on appeal filed in the trial court, because that statement would not provide an adequate “summary of the issues and the case sufficient for an understanding of the nature” of the matter. The attachments required by paragraph (c)(2) may include, for example, the trial court order and opinion, the order and adjudication of a zoning hearing board, the decision of a Workers’ Compensation Judge, and similar orders.

ENFORCEMENT OF AGENCY ORDER

Rule 3761. Enforcement Proceedings.

[(a) *Petition*. When a government unit seeks to enforce an order issued under a statute which it administers, it may initiate the proceedings by filing a petition to enforce.

(b) *Service*. The petitioner shall serve the petition and order in the manner prescribed by the Pennsylvania Rules of Civil Procedure for service of original process and shall file the return or certificate of service prescribed by the same rules.

(c) *Hearing and Notice*. Upon the filing of a petition to enforce, the Court will issue an order setting a date for a hearing and a date by which the respondent must answer the petition. The peti-

tioner shall serve the Court’s order upon the respondent in the manner prescribed by Pa.R.A.P. 121 and 122.

(d) *Relief*. Following the hearing, the Court will enter such orders as may be appropriate.

(e) *Discovery*. Discovery shall be allowed only upon leave of court.]

(a) Government Unit’s Enforcement of its Own Orders.

(1) *Petition*. When a government unit seeks to enforce an order issued under a statute which it administers, it may initiate the proceedings by filing a petition to enforce.

(2) *Service*. The petitioner shall serve the petition and order in the manner prescribed by the Pennsylvania Rules of Civil Procedure for service of original process and shall file the return or certificate of service prescribed by the same rules.

(3) *Hearing and Notice*. Upon the filing of a petition to enforce, the Court will issue an order setting a date for a hearing and a date by which the respondent must answer the petition. The petitioner shall serve the Court’s order upon the respondent in the manner prescribed by Pa.R.A.P. 121 and 122.

(4) *Relief*. Following the hearing, the Court will enter such orders as may be appropriate.

(5) *Discovery*. Discovery shall be allowed only upon leave of court.

(b) Enforcement of Final Determinations of the Office of Open Records.

(1) *Petition*. When a party to a proceeding before the Office of Open Records seeks to enforce a final determination regarding a record requested from a Commonwealth Agency, Legislative Agency, or Judicial Agency, it may initiate proceedings in the Commonwealth Court by filing a petition to enforce.

(2) *Caption*. The petition shall name as the petitioner the party seeking relief. The government unit alleged not to have complied with the final determination and all others who participated in the proceedings before the Office of Open Records shall be named as respondents.

(3) *Form*. The petition shall be divided into consecutively numbered paragraphs. Each paragraph shall contain, as nearly as possible, a single allegation of fact or other statement.

(4) *Content*. The petition shall state the basis for the jurisdiction of the Court, identify the parties, state the date that the final determination was entered, state the material facts giving rise to the need for judicial review, and include a short statement of the relief sought.

(5) *Final determination*. A copy of the final determination sought to be enforced shall be attached to the petition as an exhibit.

(6) *Verification*. The petition shall be verified.

(7) *Service*. The petitioner shall serve the petition in the manner prescribed by the Pennsylvania

Rules of Civil Procedure for service of original process and shall file the return or certificate of service prescribed by those rules.

(8) *Hearing and Notice.* Upon the filing of a petition to enforce, the Court will issue an order setting a date for a hearing and a date by which the respondent(s) must answer the petition. The petitioner shall serve the Court's order upon the respondent in the manner prescribed by Pa.R.A.P. 121 and 122.

(9) *Discovery.* Discovery shall be allowed only upon leave of court.

(10) *Relief.* Following the hearing, the Court will enter such orders as may be appropriate.

(c) *Compliance with Public Access Policy.* The petition shall include a certificate of compliance as required by Pa.R.A.P. 127.

Official Note: Pa.R.A.P. 3761 implements *Pennsylvania Human Relations Commission v. School District of Philadelphia*, 557 Pa. 126, 132, 732 A.2d 578, 581 (1999), in which the Court held that “just as enforcement proceedings are not originally commenced in Commonwealth Court, they are also in the appellate, rather than the original, jurisdiction of the court. It then follows that the rules of appellate procedure, rather than the rules of civil procedure, govern enforcement proceedings in Commonwealth Court.” This analysis was confirmed in *Department of Environmental Protection v. Township of Cromwell*, 613 Pa. 1, 32 A.3d 639 (2012). Petitions for enforcement are not within any other provisions of the Rules of Appellate Procedure. Thus absent Pa.R.A.P., 3761, there would be no clear method of presenting enforcement actions to the Commonwealth Court.

Pa.R.A.P. 3761(b) provides the method for seeking compliance with a final determination of the Office of Open Records in the Commonwealth Court. This differs from proceeding in the courts of common pleas, where the method to obtain judicial review of alleged failure to comply with a final determination of the Office of Open Records may be an action in mandamus or other petition authorized by local rule. *Capinski v. Upper Pottsgrove Township*, 164 A.3d 601 (Pa. Cmwlth. 2017). Use of this petition is appropriate when the final determination was not appealed. If an appeal was taken and the order affirmed by the Commonwealth Court, enforcement is not of the final determination of the Office of Open Records, but rather of the order of the Commonwealth Court.

Because the petition in Pa.R.A.P. 3761(b) is similar to the petition for enforcement of a government unit's own orders described in Pa.R.A.P. 3761(a), both are deemed to be addressed to the appellate jurisdiction of the Commonwealth Court, and thus appealable to the Supreme Court only by filing a petition for allowance of appeal. *Township of Cromwell*, 32 A.3d at 649; *School District of Philadelphia*, 732 A.2d at 581.

[Pa.B. Doc. No. 20-1403. Filed for public inspection October 16, 2020, 9:00 a.m.]

Title 255—LOCAL COURT RULES

BUCKS COUNTY

Regional Central Booking Program; Administrative Order No. 56

Order

And Now, to wit, this 21st day of September, 2020, Administrative Order No. 56, promulgated on October 26th, 2009, and amended on May 11, 2015, and January 13, 2020, is hereby amended as follows:

It is hereby ordered and directed that all defendants either (1) convicted of any offense enumerated by 42 Pa.C.S. § 1725.5(a)(2) or (2) accused of such offenses and accepted into Accelerated Rehabilitative Disposition, which shall include any pre-disposition diversionary program administered by the Court of Common Pleas or any Magisterial District Court within the Seventh Judicial District, shall be assessed a fee of \$250.00 to offset the costs of Central and/or Regional Booking Centers located throughout Bucks County. Said fee shall be assessed as a court cost. This fee is in addition to all other authorized fines, costs and supervision fees legally assessed.

Fees so collected shall be paid into the General Fund of Bucks County. Each year, the Controller's Office shall proportionately disburse these funds to the participating jurisdictions in accordance with the Regional Booking Center Plan developed by those jurisdictions and approved by the Court.

This Order shall become effective immediately.

By the Court

WALLACE H. BATEMAN, Jr.,
President Judge

[Pa.B. Doc. No. 20-1404. Filed for public inspection October 16, 2020, 9:00 a.m.]

PROPOSED RULEMAKING

MUNICIPAL POLICE OFFICERS' EDUCATION AND TRAINING COMMISSION

[37 PA. CODE CH. 203]

Municipal Police Education and Training Act

The Municipal Police Officers Education and Training Commission (Commission) proposes to revise the regulations in Chapter 203, Subchapters A—G, in their entirety, which implement 53 Pa.C.S. § 2164(14) (relating to powers and duties of commission). This proposed rulemaking will read as set forth in Annex A. The reasons for this comprehensive revision are as set forth as follows.

Due to the extensive changes in this omnibus revision, Chapter 203 is proposed to be rescinded and the content will be listed under proposed Chapter 203a (relating to administration of the Program).

Effective Date

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

Statutory Authority

This proposed rulemaking is authorized under 53 Pa.C.S. Chapter 21, Subchapter D (relating to municipal police education and training).

Background and Need for the Amendment

The Commission was established in 1974. The Commission currently consists of 20 statutorily designated Commissioners appointed by various entities. The Commissioner of the State Police is the Chairperson of the Commission and both enlisted and civilian personnel under the Commissioner's supervision provide the staff necessary to carry out the daily operations of the Commission.

The Commission's primary responsibility is to set the training and eligibility requirements for prospective and current police officers covered under 53 Pa.C.S. Chapter 21, Subchapter D. To accomplish this, the Commission regulates and certifies police academies and police training instructors, who teach Commission-mandated curriculums in "basic police training" and "in-service training." Basic police training is the training received while in the police academy. In-service training is the required annual updates that an officer must complete to keep their certification active. When a prospective police officer has successfully completed the training, and is employed by a police department, the police officer applies to the Commission for certification, and must demonstrate completion of appropriate training, psychological and physical fitness for duty, and completion of firearms and lifesaving qualifications. These requirements are set forth in Chapter 203, Subchapter B. A police officer cannot enforce the laws of the Commonwealth or carry a firearm until the police officer is so certified. See 53 Pa.C.S. § 2167(a) (relating to police training). The Commission thus provides uniform standards for the more than 22,000 police officers who are employed by approximately 1,100 diverse police departments throughout this Commonwealth. The Commission also regulates police academies, curriculum

and instructors in Chapter 203, Subchapters C—E, and handles grant allocations as well in Chapter 203, Subchapter F.

Currently, Chapter 203 governs the administration of the Commission. The last major revision to these Commission regulations occurred in 1996. After conducting an exhaustive review and analysis of the current regulations, the Commission has determined that many definitions, key policies and procedures, and criteria related to certification of officers, certification of schools which train officers and course requirements, must be amended to reflect Commission-approved policy changes and statutory changes which touch upon these issues.

Revisions were prompted by a need for updating and providing greater specificity and clarity in many areas within the scope of the Commission's authority. Revisions were also made to provide greater flexibility regarding revisions to 53 Pa.C.S. Chapter 21, Subchapter D and ever-changing climate of police training. Finally, these revisions are reflective of the addition of pre-service applicants (those individuals who have not yet been hired by a police department, but are seeking training to become a police officer) to those who may attend basic police training.

These changes were drafted over an extended working period and feedback from the regulated community was sought. The draft regulations were provided to the Fraternal Order of Police and Pennsylvania Chiefs' of Police Association for review and comment. These two groups respectively represent the majority of both line officers in the field, as well as the police executives who command them. Commission staff spoke to and met with these groups personally; their comments and concerns were reviewed and, where appropriate, changes were considered and made to this proposed rulemaking. The regulations were also provided to the directors of certified police training schools for their review and comment, which was also considered and integrated where appropriate. These preliminary reviews and comments to the Commission staff ensured the regulated community was involved from the beginning stages and were aware of the significant proposed changes and revisions.

Description of the Proposed Rulemaking

As previously mentioned, due to the extensive changes in this omnibus revision, Chapter 203 will be rescinded and the content will be listed under proposed Chapter 203a. Although each section is renumbered in this conversion (that is, § 203.1 becomes § 203a.1), in general the topic of each section remains the same in this conversion.

Subchapter A—General

In Subchapter A (relating to general), § 203a.1 (relating to definitions), existing definitions are updated to reflect updated policy and to be consistent with substantive changes made to other subchapters. New definitions are created for the following terms: "Certified firearms instructor," "Change-of-Status Notice," "Cheating," "Chief," "Command Level," "Document," "Essential Job Functions of a Police Officer," "Federal Law Enforcement Officer," "Firearm," "Good Standing," "LIVESCAN," "Military Police Officer," "Other Qualified Medical Professional," "Signature" and "Suspension." The significance of these new terms is explained as follows in the corresponding applicable subchapters.

Subchapter B—Police Officer Certification Requirements

Subchapter B (relating to police officer certification requirements), which governs Police Officer Certification, is significantly restructured and modified by the Commission. First, § 203.11 for police officers seeking Commission certification is revised. This section now relates to all persons applying for entry to a Commission-certified school (hired or pre-service) or who are returning to basic training after an absence. See § 203a.11 (relating to qualifications for attending basic training at Commission-certified schools).

Due to restrictions related to firearms possession, applicants cannot be subject to an active temporary or final Protection from Abuse order from the Commonwealth or another jurisdiction. Similarly, the term “disqualifying criminal offenses” is changed to “disqualifying offenses” in § 203a.1, and is expanded to preclude an applicant from not only being convicted of a criminal offense punishable by more than 1 year, but also subject to any of the following: an offense under the Uniform Code of Military Justice that resulted in a bad conduct or dishonorable discharge; a conviction or adjudication as a juvenile that would preclude possession or control of a firearm; a finding of mental incompetence or incapacity, involuntary commitment, or other mental health treatment or status that prohibits possession or control of a firearm; or a conviction or adjudication as a juvenile that requires registration as a sex offender under the Commonwealth’s or other state’s Megan’s Law statutes. See § 203a.11(4).

The minimum required reading level is raised from 9th to 11th grade, and while the Nelson-Denny Reading Test is retained as the standard, the regulation is proposed to be amended to allow the Commission to approve another test and publish the alternative standards in the *Pennsylvania Bulletin*. See § 203a.11(5). The reading level was adjusted because of a statistical analysis and input of subject matter experts regarding the essential tasks of the position of municipal police officer (Job Task Analysis).¹

A physical examination continues to be required, under § 203a.11(6), but certain conditions are changed. Language throughout this section referring to the ability to perform “the duties of a police officer” is changed to the preferred phrase “the essential job functions of a police officer,” which is now specifically defined in § 203a.1. Applicants must be free from addictive drugs or excessive use of not only alcohol but also prescription medication. See § 203a.11(6)(i). The use of illegal drugs is not only a concern due to its legality, but also because it is a potential firearms prohibitor. It is clarified that illegal drugs cannot be used for 1 year prior to application and a drug screening will be conducted using laboratory testing procedures required by the Commission. See § 203a.11(6)(ii). Language prohibiting “any debilitating conditions such as tremor, incoordination, convulsion, fainting episodes or other neurological conditions” is more appropriately worded to prohibit “any debilitating neurological or medical conditions” which may affect the applicant’s ability to perform the essential job functions of a police officer. See §§ 203a.1 and 203a.11(6)(iv). The audio acuity test is amended in § 203a.11(6)(vi) and replaced with an updated and more objective standard, based on a

¹ Dr. Valdis A. Lubans, a leading expert in developing and interpreting participant responses to training needs surveys, was contracted in 2012 to investigate the training needs of newly-appointed police officers with 5 years or less of experience as patrol officers. From his statistical analysis based on the feedback he received from officers with less than 5 years on the job, as well as their chiefs and patrol supervisors who participated, he developed basic job performance standards, medical guidelines and police academy entry standards for the Commission, which were incorporated into a Job Task Analysis Report. This process recurs approximately every 10–12 years.

recommendation in the Job Task Analysis. The visual acuity test is moved to subparagraph (v) and restated. Many members of the regulated community participated in the Job Task Analysis and the Fraternal Order of Police and the Pennsylvania Chiefs’ of Police Association saw the regulation with a same/similar version of the proposed changes.

To ensure that results of an applicant’s physical fitness testing do not become stale, the results will only be valid for 6 months after an applicant successfully passes the testing battery. See § 203a.11(8). A bench press requirement is replaced with a 1-minute push-up requirement, as recommended by the recent Job Task Analysis. Moreover, this change makes it possible for the physical fitness testing battery to be accomplished without the need for weight lifting equipment.

The current language of § 203.11(a)(10), which requires the applicant to undergo several checks through their employing police department (that is, criminal history check, credit history check, interviews with at least three references, interviews with former employers for past 5 years and a driving record check verifying that applicants have a valid driver’s license), is proposed to be deleted in favor of two proposed subsections. The first proposed subsection requires that the applicant possess a valid driver’s license. See § 203a.11(9). The second proposed subsection requires that the applicant, at their own expense (since the applicant is not yet fully employed as a police officer), provide Federal Bureau of Investigation and Pennsylvania criminal record checks and a driving history check from all states in which the applicant has been licensed for the past 10 years. See § 203a.11(10). Given that police departments must conduct their own thorough background investigation of the applicant under proposed § 203a.13(a) (relating to certification as a municipal police officer), it was deemed unnecessary and duplicative to include the other aspects of an applicant’s background check into the Commission certification process.

Applicants who are returning to a basic police training program after more than a 30-day absence may simply provide an affidavit attesting that there were no changes to their criminal history instead of requesting and paying for new criminal history checks. Applicants who are arrested for a disqualifying offense during an absence must submit new criminal history checks and a driving history check before being readmitted to the training program. Applicants who are convicted of a disqualifying offense during an absence may not be readmitted.

The current language of § 203.11(a)(11), requiring the successful completion of a basic police training course or obtaining a waiver of training as specified in § 203.12, is proposed to be deleted and is renamed and integrated more appropriately into corresponding proposed § 203a.12 (relating to training requirements).

Proposed § 203a.12 is modified so that it relates to the training requirements for certification, and not only to waiver of the training requirements. As such, the proposed section also incorporates the existing § 203.11(a)(11), with modifications. Applicants are still required to successfully complete a basic police training course given at a Commission-certified school or obtain a waiver of training from the Commission. See § 203a.12(a). Successful completion of the course will continue to be determined by the Commission-certified school, in accordance with Commission standards.

Applicants are still required to complete 100% of all instructional hours, see § 203a.12(b)(2); under prior

§ 203.11(a)(11) they were required to “attend 100% of all classes.” The policy regarding excused absences is proposed to be amended, clarifying that they must be mutually agreed upon by the police officer’s chief (as defined in § 203a.1) and the school director, or the school director alone if the applicant is not employed as a police officer. Applicants are responsible for all course content and testing missed due to the excused absences. See § 203a.12(b)(2)(i) and (ii). A restriction on the reasons for excused absences is proposed to be deleted, leaving this to the sound discretion of the applicant’s chief and the school director.

Like the existing regulation in § 203.11(a)(11), § 203a.12(b)(3) allows the Commission to establish and adjust minimum grades for various testing areas of the basic police training course, which will be published in the *Pennsylvania Bulletin*. Furthermore, subsections (i) and (ii) provide for the same procedures for applicants who fail one or more examinations in testable areas.

A requirement is proposed to be added in § 203a.12(b)(4)(i), mandating that applicants achieve a minimum qualifying firearms score of 75% based upon standards which are determined by the Commission and published in the *Pennsylvania Bulletin*. While the 75% standard is contained within the previous regulations, the additional language provides the Commission the ability to regulate the police firearms training course to be consistent with generally accepted practices in police firearms qualification.

Finally, similar to the existing regulation of § 203.11(a)(11), proposed § 203a.12(b)(4)(ii) mandates that applicants receive certifications in cardiopulmonary resuscitation (CPR) for the Professional Rescuer, with an Automated External Defibrillator (AED), and first aid through an approved regulatory agency.

Proposed § 203a.12(c) contains the provisions regarding waiver of basic police training. Recognizing that applicants may not be given full employment status until certification is received, a change is made from the current regulation so that an applicant needs to simply have a conditional offer of employment as a police officer from a police department to obtain a waiver for the training, in addition to full employment. See § 203a.12(c)(1). Refinements are made to the existing conditions of waiver, including the addition of a 10-year time frame for leaving employment “in good standing” as a State Police Trooper, or as a Commission-certified police officer, or as an out-of-State police officer who was employed full-time for at least 1 year. See § 203a.12(c)(2)(i)—(iii). The Commission mandates the full-time requirement for out-of-State officers to ensure that they do not bypass basic police training under 53 Pa.C.S. Chapter 21, Subchapter D by going to an academy in another state, and to ensure they are not employed in a capacity such as an auxiliary officer, as contained therein. The Commission is imposing the 10-year time requirement to ensure that a police officer’s training and experience has not become stale after being absent from the profession for 10 or more years. The Commission deems that this 10-year period is reasonable based upon changes occurring to the curriculum every decade, based upon the results of a recurrent Job Task Analysis. The term “good standing” is defined in § 203a.1, as the lack of a current definition has led to uncertainty and a lack of continuity in its application; a determination of “good standing” is the responsibility of the employing municipalities, jurisdictions, Federal agencies or certified schools, and will be certified by the Commission. See § 203a.12(f).

A provision is proposed to be added that allows Commission discretion to require that an applicant take all or portions of the current certification period’s Mandatory In-Service Training (discussed as follows) to qualify for a waiver of training in case this is deemed necessary. See § 203a.12(c)(3). Moreover, while applicants must continue to provide proof that they satisfactorily qualified on a police firearms course, a 12-month window is added to ensure that officers who seek a waiver of training are current on their firearms proficiency. See § 203a.12(c)(4)(i). Requirements for a police firearms course, and for certified firearms instructors, will now be published in the *Pennsylvania Bulletin*. Furthermore, applicants for a waiver must also have a current, valid certification in CPR for professional rescuer with an AED component, as well as for first aid. See § 203a.12(c)(4)(ii). AEDs are now common and readily located within public venues, so this training is now mandated by the Commission.

The regulation is also proposed to be amended to allow former Federal law enforcement officers and military police officers to apply for a partial waiver of training. These proposed amendments are in response to the amendment of 53 Pa.C.S. § 2164 in 2012. Those Federal law enforcement officers who left their agency in good standing within 10 years, see § 203a.12(d)(1), and military police officers who were honorably discharged in the previous 10 years, see § 203a.12(d)(2), are eligible. The Commission is required to notify applicants in writing of its decision regarding which portions of the basic police training may be waived. See § 203a.12(d)(3). The Commission reserves the right to require applicants to undergo all required training, with good cause, based upon a review of the applicant’s training and work history. See § 203a.12(e).

A requirement that applicants for a waiver take and pass the patrol vehicle operation test as required in the basic police training course is proposed to be deleted, given that training and on-the-job experience may be recognized by the Commission instead of taking the patrol vehicle operations test. In all instances, the Commission may still require additional training based upon the training and work history of an applicant, as deemed appropriate by the Executive Director.

The existing language of § 203.13, regarding certification as a municipal police officer, is proposed to be amended by language which is far more specific and detailed, including a series of items that applicants must complete before they can be issued a certification as described in the existing regulation. Applicants must be compliant with enumerated § 203a.11, see § 203a.13(a)(1) (relating to certification as a municipal police officer); be subject to a thorough background check conducted by the employing police department regardless of any previously conducted check that was completed, see § 203a.13(a)(2); and take and pass the certification examination administered by the Commission. The certification test is currently required under existing regulations in §§ 203.11 and 203.12 regarding applicants and waiver applicants, but it is moved to proposed § 203a.13 to apply to both types of applicants for certification. Several provisions are proposed to be added with respect to the certification examination.

The examination schedule will be posted on the Commission’s web site. See § 203a.13(a)(4). The results will be valid if the officer maintains certification or for a maximum of 2 years after the officer’s certification lapses or the officer is suspended. See § 203a.13(a)(4)(i). Indi-

viduals re-applying for certification after a revocation of certification must retake and pass the examination. See § 203a.13(a)(4)(i). If an applicant fails the examination after three attempts within 2 years of the first attempt or within 10 years of the completion of the basic police training course, the applicant will be required to take and pass the entire basic police training course to qualify for certification. See § 203a.13(a)(4). Individuals who are not currently employed by a police department or who do not have a conditional offer of employment from a police department, must pay the cost of the examination, equal to the cost of administering the test, which shall be determined by the Commission. See § 203a.13(a)(4)(ii) and (iii).

For consistency and administrative efficiency, the current 2-year initial certification period has been changed. Initial certification will be valid for no more than 2 years, expiring on June 30th of the odd-numbered calendar year after it was issued. See § 203a.13(a)(5). The Commission will continue to provide written or electronic documentation evidencing certification to the applicant's employing police department. See § 203a.13(a)(5). As currently provided, the certification will only be valid in the department identified in the certification documentation and will become void upon the applicant's suspension or termination from employment. See § 203a.13(a)(6).

A provision is proposed to be added that allows the Commission to issue a temporary certification pending the Commission's approval of a candidate. See § 203a.13(b).

The current regulation merely provides that a certification shall be renewed every 2 years, and while this provision is retained, the Commission fleshes out the renewal process and requirements in this proposed rulemaking. Renewal certificates will only be issued to police officers who have satisfied the mandatory in-service training requirements set forth in § 203a.52 (relating to mandatory in-service training courses). See § 203a.13(c)(1) and (2). The Commission must receive a list of officers who successfully completed the trainings. See § 203a.13(c)(1). The officer's chief must maintain and allow for the Commission's inspection, copies of all documents related to the officer's certification for a minimum of the two most recent recertification periods. See § 203a.13(c)(3).

The Commission proposes to add a provision allowing for an inactive status of a police officer's certification in one of two situations: the officer leaves employment with a police department in good standing and is not employed as a police officer elsewhere; or the officer fails to complete the mandatory in-service training requirements set forth in § 203a.52 (unless an extension has been requested). See § 203a.13(d)(1). An inactive certification may be reinstated within the 2-year period immediately following the date on which certification expires or the date of separation from employment. See § 203a.13(d)(2).

Every applicant for certification or recertification must be free from a disqualifying offense (defined *supra*) and remain eligible to possess firearms under State and Federal law. See § 203a.13(e).

The current language of § 203.14, regarding revocation of certification, is proposed to be amended in § 203a.14 (relating to suspension or revocation of certification) to reflect Commission statutory and policy changes in such matters. Most significantly, the section is proposed to be amended to allow the Commission to not only revoke, but also suspend, a certification under the same conditions

but with fact patterns which do not necessarily merit revocation, but rather an intermediate form of corrective action. With few exceptions, this proposed rulemaking has the same criteria as the existing regulations, with word choice changes for consistency with other sections. See § 203a.14(a). While failure to complete annual mandatory in-service training is retained as one of the criteria to suspend or revoke certification, this proposed rulemaking would permit the Commission to approve additional time to allow the officer to comply with this requirement, consistent with existing § 203.14(c), proposed to be deleted as redundant. See § 203a.14(a)(4). Furthermore, while having a physical, psychological or other condition rendering the officer unable to perform the essential job functions of a police officer is retained as one of the criteria upon which the Commission may suspend or revoke certification, a provision is proposed to be added allowing the Commission to require the applicant to provide additional medical information or submit to a medical or psychological examination, at the police department's expense; failure to comply with a directive would result in the immediate suspension of the officer's certification until they are compliant. See § 203a.14(a)(5). Finally, two new criteria are proposed to be added for suspending or revoking certification: ineligibility to possess firearms under Federal or State law, and committing any other act or omission that violates the rules set forth in Subchapter B of this proposed rulemaking. See § 203a.14(a)(10) and (11).

Existing § 203.14(b), regarding a police department's duty to provide documentation to the Commission related to certification, is replaced with new language that simplifies this obligation. See § 203a.14(b). The applicant's chief is now merely required to provide written notification to the Commission when the applicant meets any of the criteria listed in § 203a.14(a) regarding suspension or revocation of certification.

Proposed subsection 203a.14(c) is proposed to be added, allowing an officer to voluntarily surrender their certification instead of suspension or revocation. The Executive Director of the Commission is authorized to accept the officer's voluntary surrender of certification under terms and conditions deemed appropriate.

Existing § 203.15, regarding application packet submission, is proposed to be amended. Forms must be submitted in a manner determined by the Commission, and may now contain an electronic signature. See § 203a.15(a) (relating to application packet submission). Requirements of application forms, under § 203.15(b) are proposed to be amended as follows:

- Existing § 203.15(b)(2) is proposed to be amended by deleting an unnecessary subsection (the ability to process fingerprints by electronic means renders the subsection obsolete) and allowing fingerprint cards to be electronically submitted through "LIVESCAN" (a term which is defined in proposed § 203a.1). See § 203a.15(b)(2).
- Existing § 203.15(b)(3) is proposed to be amended by deleting an unnecessary subsection (the term "physician" is already defined in proposed § 203a.1), clarifying that the physical examination form should be signed by the physician, or other qualified medical professional, who conducted the examination, requiring that the form be submitted to the Commission and the chief of the officer's employing police department, and allowing the results of the physical examination shall be valid for a period not to exceed 2 years. See § 203a.15(b)(3). The physical examination form will not be required if the applicant qualified for a waiver under § 203a.12(c)(2)(i) if the application is

submitted within 2 years of the applicant's separation from employment as a police officer. Based upon conversations with medical professionals, a physical or psychological examination is only invalidated by a significant change to the individual's status, that is, an injury, accident or psychological trauma. As this proposed rulemaking provides for an examination anytime, before or after certification and upon reasonable cause, the extension to 2 years was deemed reasonable. For the same reasons, the 2-year period and other similar changes have been uniformly provided for in § 203a.15(b)(4)–(6).

- Paragraphs (4) and (5) are proposed to be added to § 203a.15(b) requiring that a physician's documentation related to the applicant's audio decibel test and visual acuity test are submitted to the Commission, with the same exemption for applicants qualifying for a waiver under § 203a.12(c)(2)(i).

- The existing subsection pertaining to providing the psychological form is renumbered to § 203a.15(b)(6) due to the additions of the previously-referenced proposed subsections, and is proposed to be amended to be consistent as noted previously.

- Paragraph (7) is proposed to be added to § 203a.15(b) which requires applicants to certify whether they have taken a physical or psychological evaluation in conjunction with an employment application for a police officer within the previous year and provide the results.

Existing § 203.15(c) is proposed to be amended to require that the application be submitted and signed by the applicant's chief. If the chief is the applicant for certification, then it shall be submitted and signed by the chief's supervisor. See § 203a.15(c).

Finally, § 203a.16 (relating to additional medical review) is proposed to be added to Subchapter B. This section allows the Commission to, at any time prior to certification, require an individual to provide additional medical documentation or submit to examination by a medical, psychological or other appropriate expert selected by the Commission, if reasonable cause exists to believe that the individual does not meet any of the requirements of the subchapter. This serves to allow the Commission to extend the validity period of medical and psychological examinations, while providing a clear mechanism for independent medical review to occur whenever needed.

Subchapter C—School Requirements

Subchapter C (relating to school requirements) addresses requirements for those schools that are authorized to train police officers under the auspices of the Commission.

Currently existing § 203.31, regarding eligibility for school certification, is proposed to be amended. A new subsection is proposed to be added to § 203a.31(a) (relating to eligibility for school certification) which affords the Commission the ability to consider an additional factor in evaluating the need for additional police training schools: the number of graduates obtaining employment within the specified geographic area of each Commission-certified school. This was deemed necessary to manage the number of certified schools, based upon the needs of the law enforcement population, job availability and other relevant factors, should the need arise.

Two provisions are proposed to be added which require schools to hire a school director or identify an interim school director meeting the requirements of § 203a.33(a)(2) (relating to minimum school standards

and requirements), and require schools with multiple teaching sites to appoint an onsite coordinator, approved by the Commission, to oversee the daily operation of the site in the absence of the school director. Existing § 203.31(b) is proposed to be amended as § 203a.31(d) and is proposed to be amended by resetting the base year from 1994 to 2014 for the Commission to determine whether new schools are necessary.

The title of existing § 203.32 is shortened from "Initial school certification procedure" to "School certification" to more accurately reflect the content of the section. See § 203a.32 (relating to school certification). Proposed subsection (a) of § 203a.32 adds a provision that if the Commission determines that new certified schools are necessary, it may limit applications to those located in a specific geographic area where a new school is needed most. Minor consistency changes are made to § 203a.32(b)–(d) regarding the procedures to be used for applying for school certification. Proposed subsection (c)(3) of § 203a.32 adds a provision that the Commission may limit those schools to receive certification to those necessary and best qualified to support the police population within a specific geographic area.

The current language of § 203.33, regarding minimum school standards and requirements, is proposed to be amended significantly by updating antiquated provisions and making them current with existing Commission policy. Only technical proposed amendments are made to § 203a.33(a)(1).

Proposed subsection (a)(2) of § 203a.33 adds the standards necessary for school directors, who must be approved by the Commission. The language is based on, and restructured from, existing § 203.37, which is proposed to be deleted and replaced with other language. There are two key changes to the standards for school directors. First, a school director must possess a bachelor's degree or higher in the fields of criminal justice, public administration, education or a related field (only an associate's degree is currently required). Second, school directors must have either 10 years of law enforcement experience including 5 years at a command level directly supervising police officers (currently, the 5 years must be at an administrative level, not at a command level), or other law enforcement related experience as deemed appropriate by the Commission and published in the *Pennsylvania Bulletin* (currently, instead of the 10-year law enforcement experience requirement, supra, a school director must have at least 15 years of increasingly responsible full-time experience as a Federal, State or municipal law enforcement officer with general police powers). These proposed changes retain the requirement that school directors have proven law enforcement experience, but allow greater flexibility for candidates who may have a varied law enforcement background who the Commission deems qualified for the key position. Finally, a "grandfathering" provision is proposed to be added for school directors approved prior to the promulgation of this proposed rulemaking.

Proposed subsection (a)(3) of § 203a.33 regarding compliance with applicable safety standards is proposed to be amended to add a reference to the Uniform Construction Code and applicable State, Federal and local laws, and delete a reference to an outdated law.

Existing § 203.33(a)(14), requiring that schools have and use a suitable area for physical conditioning and defensive tactics, is proposed to be amended. The school may now have multiple areas for such purposes, but they must be approved by the Commission. Furthermore, each

school shall have and use suitable areas approved by the Commission for conducting physical conditioning and defensive tactics in a safe manner. Physical conditioning shall not be conducted in the same area designated for classroom instruction. The school may, with approval of the Commission, conduct physical conditioning and defensive tactics training at an approved off-site facility, which must be the nearest available facility, see § 203a.33(a)(14). The minimum requirements for such areas are proposed to be amended. A school may now either have an isokinetic weight machine (currently required) or sufficient free weights for strength training. See § 203a.33(a)(14)(i). A required measured running course must now be Commission-approved for conducting assessments and testing. See § 203a.33(a)(14)(ii). Additionally, a provision is proposed to be added requiring schools to possess sufficient protective equipment and mats to facilitate defensive tactics and ground fighting. See § 203a.33(a)(14)(vi). The requirements for a “sit and reach flexibility evaluation station” and “skinfold calipers or cloth tape to determine body fat” are proposed to be deleted; the list of additional exercise equipment related physical conditioning training which the school may have to meet its obligations is amended to include stationary bicycles, treadmills, elliptical machines and rowing machines. See § 203a.33(a)(14)(vii).

Regarding the requirement that schools have a Commission-approved firing range, existing § 203.33(a)(15) is proposed to be amended to require that the range must comply with all applicable State, Federal and local laws. See § 203a.33(a)(15). Furthermore, the minimum caliber semi-automatic firearm is proposed to be amended to 9mm from .380 caliber. See § 203a.33(a)(15)(i). This proposed amendment is made as most police departments issue firearms of at least 9mm caliber. A police officer who qualifies with the weapon the police officer will use while on-duty will no longer be required to obtain further qualifications during the calendar year for purposes of certification. See § 203a.33(a)(15)(ii). Schools may now refuse the use of a weapon the firearms instructor deems not only unsafe, inadequate or not appropriate for police training, but also believes has been altered or modified in some way. See § 203a.33(a)(15)(iii).

A school's audio/visual requirements are proposed to be amended in § 203a.33(a)(17), removing antiquated equipment and updating with modern technology such as: multimedia equipment, projection screens, an A/V system capable of playing all media associated with trainings, TV monitors.

New requirements for schools are proposed to be added:

- Schools must only teach the Commission-approved curriculum. See § 203a.33(a)(19).
- Schools may only admit students to basic police training that have been identified as eligible to attend. See § 203a.33(a)(20).
- Schools must conduct a check of the student's driving record and verify a valid license. See § 203a.33(a)(21).
- Schools must report any injuries requiring medical attention to the Commission within 48 hours. See § 203a.33(a)(22).
- The school must use a Commission-approved location for conducting emergency vehicle operation training, which must be located as close to the school as possible. See § 203a.33(a)(23).
- Schools must submit any changes to their training calendar to the Commission within 5 business days. See § 203a.33(b)(2).

- Receive, acknowledge and update curriculum and training policies as directed by the Commission. See § 203a.33(b)(3).

- Schools must maintain additional specified records in their records management system; the Commission may require all schools to utilize a uniform records management system. See § 203a.33(b)(5).

- Schools must not only develop rules regarding discipline, student conduct, school operations and instructor standards (which they are currently required to do), they must also submit those rules to the Commission, and must apply those rules uniformly. See § 203a.33(b)(6).

- The prohibition on schools allowing instructors to teach more than 180 hours of any one basic police training course is proposed to be amended to prohibit an instructor from providing more than 25% of the total hours of any one basic police training course. See § 203a.33(b)(11).

- The existing § 203.33(b)(12) provision requiring schools to develop and transmit lesson plans and course outlines is proposed to be deleted since schools will now be required to use the Commission's curriculum.

- A provision is proposed to be added requiring that schools retain certain records for a minimum of 75 years: class rosters, attendance information, academic transcripts, firearms scores, firearms skills checklists, physical fitness assessments and test scores, course content, class schedules with assigned instructors and any other records designated by the Commission. See § 203a.33(b)(16).

- A provision is proposed to be added requiring that schools comply with the Commission's written directives concerning documents to be released under the Right-to-Know Law. See § 203a.33(b)(17).

- A provision is proposed to be added requiring that schools submit to a physical inspection of records by Commission inspectors upon reasonable notice. See § 203a.33(b)(18).

- The requirement that schools provide to the Commission a roster of all students completing a basic training police course is proposed to be amended. Schools must provide a roster of students, their physical fitness initial assessment and dates of trainings at the beginning of each course. Then, within 5 days of the conclusion of the course, submit to the Commission a roster of all students completing the course, whether they successfully completed the course, and their grades for each block of instruction. Detailed explanations must be provided for any students not successfully completing the course. See § 203a.33(c).

If there is any change in the location of a school or facility of a school, the Executive Director will schedule an inspection of the new location within 30 days after the Commission is notified of the change. See § 203a.33(d). Schools are prohibited from conducting training at the proposed location until tentative approval is given to the school. If a fire marshal, inspector from the Department of Labor and Industry, or other legal authority deems the new location satisfactory, then the Executive Director may give tentative approval. After the new location, has been visited by inspectors from the Commission, and the inspection has determined that the new location meets the standards set forth in this proposed rulemaking, final approval shall be voted upon by the Commission.

Existing § 203.34, regarding school inspections, is proposed to be amended to allow the Commission's inspec-

tors to visit and inspect each approved school at least biennially, rather than the current annual visit. Furthermore, this section is proposed to be amended to allow the Commission specific authority to not only survey the physical facilities of each school, but also its records, equipment, facilities owned or contracted, vehicles, firearms ranges, and driving tracks. Finally, this section is amended to allow the Executive Director to approve an individual as a Commission inspector who has subject matter expertise required to evaluate the school's operations and personnel. See § 203a.34 (relating to school inspections).

Existing § 203.35, regarding emergency suspension of school certification, is proposed to be amended by adding two additional reasons for emergency suspensions: failure to admit Commission inspectors to a certified school or its facilities, see § 203a.35(a)(5) (relating to emergency suspension of school certification), and failure to cooperate with an administrative investigation, including a physical review of records, being conducted by the Commission, see § 203a.35(a)(6).

Further, existing § 203.35 is proposed to be amended and improved by adding procedural steps to this process which currently do not exist. Under this proposed rulemaking, the school must be provided with the reasons for the emergency suspension as soon as possible, but no later than 15 business days from the date of the emergency suspension. Within 30 business days of an emergency suspension, the Executive Director shall provide the school with an opportunity to be heard on the conditions giving rise to the suspension. When those conditions are remedied, the certification shall be immediately restored. See § 203a.35(b).

Existing § 203.36, regarding revocation of school certification, is proposed to be amended to allow the Commission the authority to suspend a school's certification in addition to its current authority to revoke a school's certification. The basis for remedial measures are expanded to include violations of any standard or requirement of Subchapter C (relating to school requirements), see § 203a.36(1) (relating to suspension or revocation of school certification), the submission of known false or fraudulent information to the Commission, see § 203a.36(2), subcontracting police training to another noncertified entity, see § 203a.36(3), failure to comply with any settlement agreement entered into with the Executive Director, see § 203a.36(4), failure to conduct one basic police training course every 3 years the school is certified, see § 203a.36(5), failure to correct deficiencies discovered during school inspections after proper identification and notification to the school director, see § 203a.36(6), failure to properly administer courses and maintain confidentiality of all examinations, see § 203a.36(7), failure to cooperate with an administrative investigation being conducted by the Commission, see § 203a.36(8), failure to admit Commission inspectors to the school or its facilities where Commission-sponsored trainings are being conducted, see § 203a.36(9), and any other act or omission which constitutes a violation of 53 Pa.C.S. Chapter 21, Subchapter D or the regulations thereunder, or any other applicable Federal, State or local law, see § 203a.36(10). Two other reasons for suspension or revocation are proposed to be deleted: the failure to take corrective action after an emergency suspension, and the failure to have a school director meeting the requirements contained in Chapter 203a. The Commission has at times identified school deficiencies, which were averse to the efficient operation of the certified school. These deficiencies were not always clearly covered by the provi-

sions of this section; these proposed amendments are designed to ensure voluntary compliance with this proposed rulemaking, but should the certified school fail to comply, the Commission may pursue corrective action to gain necessary compliance.

Existing § 203.37, currently entitled "Minimum standards for school directors," is proposed to be deleted and replaced with a new subject in § 203a.37 (relating to authority of the Executive Director), as the contents of this section were placed into § 203a.33(a)(2). The proposed added language supports the additional basis for suspension or revocation, or both, by allowing the Executive Director of the Commission, at any time prior to or following a suspension or revocation but prior to the issuance of a hearing examiner's recommendation, to enter into a voluntary settlement agreement with the conditions and requirements as the parties deem appropriate. It should be noted that the hearing process and role of hearing examiners is provided for in Subchapter G (relating to notice and hearings).

Subchapter D—Course Requirements

As it relates to the existing Chapter 203, Subchapter D, proposed amendments are made that relate to the basic police training course curriculum and the mandatory and non-mandatory in-service training courses conducted by Commission-certified schools.

Existing § 203.51 is proposed to be amended to reflect the Commission's updated changes to the curriculum for basic police training, which is necessary for initial police officer certification. The current course on "Antisocial Behavior" is replaced with a course entitled "Special Needs, Medical and Behavioral Issues." See § 203a.51(b)(4) (relating to basic police training course curriculum). The course on "Professional Relations" is replaced with a course entitled "Community Policing—Problem Solving." See § 203a.51(b)(5). In addition, five new courses are added: "Ethics" in § 203a.51(b)(17), "Diversity and Sensitivity Training" in § 203a.51(b)(18), "Homeland Security" in § 203a.51(b)(19), "Drug Law Enforcement" in § 203a.51(b)(20) and "Electronic Crimes" in § 203a.51(b)(21). These course titles were updated and changed to be reflective of the current and forthcoming curriculum.

Existing § 203.52 is proposed to be amended in § 203a.52 to reflect the Commission's updated changes to the curriculum for mandatory in-service training courses, which are required annually for all certified police officers. The two components to mandatory in-service training are clarified as academic requirements and police skills requirements. See § 203a.52(b). The police skills requirements (consisting of an annual qualification on a police firearms course and maintenance of a first aid and CPR/AED certification) and academic requirements (consisting of at least 12 credited hours of annual training) are retained with minor changes consistent with amendments to other regulations.

A provision is proposed to be added requiring the Commission to evaluate law enforcement training courses to determine equivalency to mandatory in-service training course requirements, and requiring the Commission to publish a list of any approved training courses on its web site no later than September 30th of each year. The Commission may require completion of any in-service training courses mandatory regardless of the completion of approved equivalency training, during the calendar year. See § 203a.52(c).

Another provision is proposed to be added allowing non-certified law enforcement officers, at the request of

their employing agency and at the sole discretion of the Commission, to attend mandatory in-service trainings. See § 203a.52(d).

The existing provisions regarding the administration of mandatory in-service training are proposed to be renumbered and amended, as outlined in § 203a.52(e). Provisions regarding instructor certification requirements were deleted from this section, as they are incorporated into § 203a.72 for consistency and clarity. A provision is proposed to be added requiring that the courses be taught by an authorized instructor with the exception of Commission-approved online training or the equivalent. See § 203a.52(e)(1). The provision setting forth the procedure when an officer fails an examination is proposed to be amended with updated language. The basic process remains (a different version of the examination will be offered on reexamination; if the officer fails the reexamination a written notice of failure shall be provided). See § 203a.52(e)(7). Proposed subsection (e)(8) places responsibility for security of the examinations on the school and the course instructors or online training providers; violations may result in suspension or revocation of school or instructor certification.

Supporting provisions are proposed to be added to the subsection allowing the employing police department to request an extension of time to allow officers to complete the mandatory in-service trainings. See § 203a.52(e)(10). Either the employing municipality or the officer's chief may apply or a waiver of the time restriction for a line-of-duty connected injury or disability. These applications must be approved by a majority vote of the Commission. If a waiver is not requested, the officer shall not be decertified unless, upon return to service, the officer fails to complete the in-service training requirements deemed appropriate by the Commission. Further, the employing municipality or the officer's chief may apply for a waiver if the officer is deployed by the military. Officers must complete all in-service training after returning from deployment, unless exempted by the Commission. These changes are designed to provide more thorough procedures for the department and are also reflective of changes to 53 Pa.C.S. Chapter 21, Subchapter D itself regarding extensions of time for injured or deployed officers. Under § 203a.52(e)(11), a provision is proposed to be added allowing the Commission to approve online training, or its equivalent, as part of mandatory in-service training. This is done to ensure that current approved online training offered by partnership with the Pennsylvania Chiefs' of Police Association, and possibly others in the future, is provided for by this proposed rulemaking.

Under 53 Pa.C.S. § 2170 (relating to reimbursement of expenses), the Commission is required to, if certain requirements are met and funding is available, reimburse municipalities for the cost of training their officers to Commission standards. Existing § 203.53, pertaining to non-mandatory in-service training courses, is proposed to be amended in two ways. The issuance of training grants made available to municipalities who make application, under 53 Pa.C.S. § 2170, a provision is proposed to be added making clear that grant monies will be provided on a pro rata basis and payments will be limited to the funds available to the Commission for such purposes. See § 203a.53(b)(1) (relating to nonmandatory in-service training courses). Additionally, the authority for approving grant requests in the amount of \$3,000 or less may now be approved by the Executive Director with the concurrence of the Budget Committee, rather than the Commission's Committee. See § 203a.53(c). References to the "Commission's Committee" are replaced with the

"Budget Committee;" references to the "In-Service Training Committee" are updated to the "Training Committee."

Finally, the Commission's existing cheating policy under § 203.54 is proposed to be amended in § 203a.54 (relating to Commission cheating policy), and a new definition of "cheating" is placed into § 203a.1. This cheating policy is updated to provide a clear definition of what constitutes cheating and to allow the Commission more flexibility in imposing sanctions on those found to have cheated; prior incidents which led to decertification proceedings resulted in significant litigation and identified areas where the policy could be improved. An individual is prohibited from intentionally, knowingly or willfully soliciting, possessing, receiving, utilizing, disseminating, acquiring or attempting to acquire questions, answers or answer keys to any official Commission examination without express authority. Individuals are prohibited from any acts of cheating, as further specified, and may not hinder or obstruct a Commission investigation involving cheating. Students must be apprised of, and given written acknowledgement of, the cheating policy before every examination. Written notice of a cheating violation must be sent by the school director to the student and Commission within 2 business days of becoming aware of the violation. The Commission shall investigate all allegations of cheating. The Executive Director may bar an individual not certified by the Commission who is found to have violated the cheating policy from further participation in any Commission training or testing. Certified individuals found to have violated the cheating policy shall be subject to suspension or revocation of their certification after receiving notice and having the opportunity to be heard under the provisions of Subchapter G. The hearing officer shall provide a recommendation regarding the appropriate penalty to the Commission, which may accept, reject or modify the hearing officer's findings, conclusions and recommendations. The Commission shall issue a final order in regards to cheating in accordance with Subchapter G.

Subchapter E—Instructor Certifications

Minor amendments are proposed to be made to existing § 203.71, which contains general provisions, under § 203a.71 (relating to general). It is clarified that individuals may not provide instruction in any Commission-certified course unless they have received instructor certification. Application forms will now be available by means of the Commission's web site. The requirement that applications be notarized is proposed to be deleted. Applicants cannot be convicted of, or subject to, a disqualifying offense.

Existing § 203.72, regarding certification requirements, is also proposed to be amended. Among the current requirements for instructors is the successful completion of a Commission approved instructor course or having a teaching certificate issued by the Department of Education. Specifications are added for the Commission approved-instructor development course, which must consist of a minimum of 40 hours of instruction. See § 203a.72(2)(i)(A) (relating to certification requirements). A listing of approved courses will now be published in the *Pennsylvania Bulletin*. See § 203a.72(2)(i)(A). Further, it is specified that for an instructional area which requires professional education, certification, licensure or other subject matter expertise, the Executive Director may certify (and subsequently deny or rescind) an individual as an instructor for that instructional area only. See § 203a.72(2)(iii). All instructors must acknowledge and abide by an Instructor Code of Conduct as has been

established by the Commission and which will be published in the *Pennsylvania Bulletin*. See § 203a.72(2)(i)(C).

To obtain certification as a special instructor, instructors must also acknowledge and abide by an Instructor Code of Conduct as established by the Commission. See § 203a.72(2)(i)(C). It is now specified that firearms instructors, like other special instructors, must also successfully complete a Commission-approved instructor development course. See § 203a.72(2)(iv)(B).

The provisions setting forth the qualifications for obtaining certification as a special instructor for mandatory in-service training are proposed to be amended and moved, from existing § 203.72(b) to § 203a.72(2)(iv)(F), for ease of reference. Special instructors must now be nominated by the certified school's approved school director. See § 203a.72(2)(iv)(F)(1). For individuals who are not currently a general police training certified instructor but are eligible for certification, temporary certifications shall expire upon the approval of the Commission or the adjournment of the second Commission meeting following issuance of the temporary certification, whichever occurs first (currently, temporary certifications are valid for 6 months). See § 203a.72(2)(iv)(F)(2)(I). The current requirement that special instructors must successfully complete Commission instructor training remains; however, it is specified that the Executive Director shall determine attendance policies for these "workshops" and may reject any nomination for admittance. See § 203a.72(2)(iv)(F)(3). Finally, a provision is proposed to be added that limits certification for mandatory in-service training instructors to 1 calendar year from the date of issuance; instructors must be re-nominated each year for certification. See § 203a.72(2)(iv)(F)(4). The Executive Director may temporarily authorize an instructor to teach make-up mandatory in-service training courses. These proposed amendments are designed to provide clear procedural requirements and substantive standards for mandatory in-service training, as well as ensure the Executive Director is vested with the necessary authority to oversee these instructors.

Existing § 203.72(a)(3) regarding renewal and lapse of police training instructor certification is proposed to be amended so as not to apply to certifications for mandatory in-service training instructors, as this issue will be covered in § 203a.72(2)(iv)(F)(4). A provision is proposed to be added providing that if the Executive Director has determined that the qualifications for certification have been met, a temporary certification may be issued which shall expire upon approval of the final certification by the Commission or the adjournment of the second Commission meeting following issuance of the temporary certification, whichever occurs first. See § 203a.72(3)(iv). However, individuals applying after a revocation shall not receive temporary certification. Certification of a reinstated instructor requires a majority vote by the Commission.

Currently existing § 203.73, regarding revocation of instructor certification, is proposed to be amended to allow the Commission the authority to suspend an instructor's certification in addition to its current authority to revoke an instructor's certification. The existing reasons for the remedial measures are proposed to be deleted and replaced with a significantly modified and expanded list in § 203a.73(a) (relating to suspension or revocation of instructor certification), to fully encompass the grounds upon which the Commission would either suspend or revoke an instructor's certification. The overarching revisions are designed to provide a more comprehensive set of

grounds for revocation and suspension, as it had been determined that previous regulations did not provide sufficient grounds to ensure the Commission has adequate oversight authority. Proposed § 203a.73(c) would allow an instructor to voluntarily surrender their certification instead of suspension or revocation. The Executive Director may accept or reject the instructor's voluntary surrender of certification with the terms and conditions he deems appropriate.

Subchapter F—Reimbursement of Expenses

Consistent with the proposed language of § 203a.53(b)(1), with respect to the issuance of training grants made available to municipalities who make application under section 2170 of the act, a provision is proposed to be added to § 203a.81(a) (relating to basic training) making clear that grant monies will be provided on a pro rata basis and payments will be limited to the funds available to the Commission for these purposes. The same change is made to § 203a.82 (relating to mandatory in-service training).

Further, in proposed § 203a.83 (relating to grants for nonmandatory in-service training programs), references to the disbanded "In-Service Training Committee" are updated to reference to the existing "Budget Committee."

Subchapter G—Notice and Hearings

Existing § 203.102 is proposed to be amended to clarify that notice of a Commission decision adversely affecting a party certified by the Commission will be sent to the certified police officer, certified instructor or certified school. See § 203a.102(a) (relating to notice).

Existing § 203.103 regarding hearing procedure is proposed to be amended to reflect that the Commission will hold hearings in its Harrisburg office (The Commission is no longer housed in the Hershey area, as it was previously). Hearing examiners will now be appointed by the Chairman of the Commission or in any other reasonable manner as determined by the Commission, rather than by a majority vote of the Commission. This is designed to provide more flexibility and reflect the current approved method of appointing hearing officers through the OGC program. Finally, the Commission is given the authority to not only accept or reject, but also modify, the findings of fact, conclusions of law and recommendations, consistent with standing procedures. See § 203a.103 (relating to hearing procedures).

Fiscal Impact and Paperwork Requirements

The proposed amendments will have the following approximate fiscal impacts upon the regulated community, which consists of police officers and their employing municipality/agency, as well as certified police training schools and their staffs.

Subchapter B is proposed to be updated and contains certain additional costs (all projections hereinafter are approximate based upon reasonable estimates; most are expected to be one-time expenses, though this could vary by expense and subchapter). Physical and Psychological examinations (\$75 and \$400, respectively) are still required, along with a five-panel drug screen (\$70) and decibel audio test (\$75). The approximate costs of these are expected to be \$500—\$700 in total. The subchapter also proposed to add the ability of the Commission to request evaluation by an appropriate independent medical expert if needed; due to the variety of potential evaluations, the costs would likely range from several hundred to several thousand dollars. Other costs for this subchapter include up to \$45.85 for background checks

for an applicant for basic police training and \$90 for professional rescuer certification. The other major new cost, though likely infrequent, will be a result of basic police training being required for former law enforcement who have previously completed recognized training, but have been absent from the profession for more than 10 years. If they must attend basic police training again, the cost is currently estimated to be approximately \$6,048.63. Finally, since the law now allows for the recognition of former Federal and military law enforcement training, those former officers will only have to take partial training at a reduced cost, which could be as much as several thousand dollars. The costs and savings for Subchapter B will be borne by the individual applicant, or if employed, by the employing municipality or agency and are most likely one-time expenditures.

Subchapter C proposes to impose a few additional costs upon certified police training schools. This proposed rulemaking now specifically provides for an onsite coordinator for campuses with multiple locations (this has already been done by most schools with a satellite campus). A part-time coordinator may be acceptable, so savings may be realized over a full-time position (salary of approximately \$50,000). Also, by allowing new officers to use their academy firearms qualification for their first year, a one-time savings of \$300 may be recognized in some instances by a municipality/agency. Updates to the required technologies may appear onerous, but as most academies have the necessary equipment already, the cost is presumed to be no more than \$1,000 for one-time upgrades. The other costs are related to updated records retention requirements (\$1,500) and an additional driver's history check for each student (\$10 per student), also both likely one-time expenses, though the need to update records retention capability may occur again at some indeterminate point depending on a school's specific circumstances.

Subchapters D and E (relating to course requirements; and instructor certifications) also are proposed to impose some additional costs on schools. It is anticipated that the new curriculum under Subchapter D has resulted in increases to tuition, (approximate tuition cost estimated at \$6,048.63); there is also additional cost in obtaining professional rescuer certification for an instructor from the American Red Cross (\$300). Some savings may be realized in Subchapter D as equivalency courses will now be allowed to substitute for in-service training, resulting in potential cost savings. Subchapter E proposed to add a few additional minimal costs such as all instructors being required to complete instructor development, as well as additional requirements to become a special instructor. Most of these costs for Subchapters D and E are expected to be one-time expenditures, though tuition is often variable. Subchapters F and G involve minimal changes and any fiscal impact is therefore also believed to be minimal in nature.

These proposed amendments will also impact paperwork requirements. Many of the changes to this proposed rulemaking are designed to allow for more modern and efficient business practices, curtailing costs, time and workload for both the Commonwealth and the regulated community. In some instances, new paperwork is required, such as the I-9 form and certain medical examinations/reviews in Subchapter B, along with a few additional background screenings in Subchapters B and C.

Finally, the impact on the Commonwealth, particularly the Commission, should be minimal, but is hard to

quantify. Commission staff will be required to provide more regular updates to certain matters by publishing in the *Pennsylvania Bulletin* and process additional paperwork in some instances (that is, Partial Waiver of Training Applicants). However, these additional duties will be likely be offset to some degree by more efficient business practices and flexibility as allowed for in this proposed rulemaking. Therefore, the additional fiscal and paperwork impacts upon the Commonwealth are likely to be minimal overall.

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P.S. § 45.5(a)), on September 28, 2020, on behalf of the Municipal Police Officers' Education and Training Commission, the State Police submitted a copy of this proposed rulemaking and a copy of the Regulatory Analysis Form to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the Senate Law and Justice Committee and the House Judiciary Committee. A copy of this material is available on request.

Under section 5(g) of the Regulatory Review Act, IRRC may convey comments, recommendations or objections to the proposed rulemaking within 30 days of the close of the public comment period. The comments, recommendations or objections shall specify the regulatory review criteria in section 5.2 of the Regulatory Review Act (71 P.S. § 745.5b) which have not been met. The Regulatory Review Act specifies detailed procedures for review, prior to final publication of the rulemaking by the State Police, the General Assembly and the Governor for comments, recommendations or objections raised.

Public Comment

Interested persons are invited to submit written comments, suggestions or objections regarding this proposed rulemaking to Sergeant Leslie Barr, Policy and Legislative Affairs Office, State Police, by mail at 1800 Elmerton Avenue, Harrisburg, PA 17110 or by e-mail at lesbarr@pa.gov within 30 days following publication of this proposed rulemaking in the *Pennsylvania Bulletin*. Reference "17-80, Chapter 203 revisions" when submitting comments.

COLONEL ROBERT EVANCHICK,
Commissioner

Fiscal Note: 17-80. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 37. LAW

PART IV. MUNICIPAL POLICE OFFICERS' EDUCATION AND TRAINING COMMISSION

Subpart A. MUNICIPAL POLICE OFFICERS' EDUCATION AND TRAINING PROGRAM

CHAPTER 203. [ADMINISTRATION OF THE PROGRAM] (Reserved)

(Editor's Note: As part of this proposed rulemaking, the Municipal Police Officers' Education and Training Commission is proposing to rescind Chapter 203, which appears in 37 Pa. Code pages 203-1—203-30, serial pages (331437)—(331442), (322731), (322732), (363425), (363426), (322735)—(322740), (336841), (336842), (322743)—(322752), (374975) and (374976).)

Sec.
203.1. (Reserved).
203.11—203.15. (Reserved).
203.31—203.37. (Reserved).
203.51—203.54. (Reserved).

203.71—203.73. (Reserved).
 203.81—203.83. (Reserved).
 203.101—203.103. (Reserved).

(*Editor's Note:* Chapter 203a is proposed to be added and printed in regular type to enhance readability.)

CHAPTER 203a. ADMINISTRATION OF THE PROGRAM

Subchapter A. GENERAL

Sec.
 203a.1. Definitions.

§ 203a.1. Definitions.

In addition to the definitions contained in the act, the following words and terms, when used in this chapter, have the following meanings:

Act—53 Pa.C.S. Chapter 21, Subchapter D (relating to municipal police education and training).

Certification—The assignment of a certification number to a police officer after successful completion of a mandatory basic training course or receipt of a waiver of basic training from the Commission and successful completion of mandatory in-service training. Certification is for a period of 2 years.

Certified police firearms instructor—An individual who possesses a current police firearms instructor rating, and whose firearms instructor training has been approved by the Commission and published on the Commission's public web site.

Certified police officer—A police officer who has met all of the qualifications required by this chapter and is authorized to enforce 18 Pa.C.S. (relating to Crimes Code), moving violations of 75 Pa.C.S. (relating to Vehicle Code), and carry a firearm.

Chairperson of the Commission—The Commissioner of the State Police.

Change-of Status Notice—Either of the following:

(1) A document submitted by a police department as defined by the act to report:

- (i) separation or termination from employment,
- (ii) a criminal arrest,
- (iii) a change of name, or

(iv) a change in the physical or psychological condition of an individual who holds active certification as a police officer; or

(2) a document submitted by a police department identified by the act to reactivate a certification number assigned to an individual whose certification has been inactive for less than 24 months.

Cheating—To solicit, possess, receive, utilize, disseminate, acquire or attempt to acquire questions, answers or answer keys to any official Commission examination, or portion thereof, without written authorization of the Executive Director as required for official Commission business. The term includes, without limitation, communicating verbally, in writing, by means of signals, or electronically any information pertaining to the material or examination; referring to any unauthorized study, educational, or other aid; misrepresenting one's identity; interfering with or obstructing a Commission investigation regarding cheating; or aiding an individual to accomplish any of the items mentioned under this term.

Chief—The agency executive, chief of police, or officer in charge of a police department enumerated under the

act, or the person or governing body exercising executive oversight of a police department enumerated under the act.

Command level—A management position within a police department in which a police officer has responsibility for executive level functions, including without limitation functions such as budgetary requests, development or implementation, or both, of policies, oversight of police supervisors, investigation of police misconduct, discipline, labor relations or contractual interpretation.

Commission—The Municipal Police Officers' Education and Training Commission.

Conviction—A finding of guilt or the entering of a plea of guilty or nolo contendere, whether or not judgment of sentence has been imposed, including without limitation, similar dispositions as provided in the Uniform Code of Military Justice or other State or Federal law.

Disqualifying offense—Any of the following:

(1) A criminal offense under the laws of the Commonwealth, any other state, or the laws of the United States and its recognized territories, principalities and tribes, for which more than 1 year of incarceration can be imposed as punishment, as determined by the laws of the jurisdiction where the criminal offense occurred;

(2) a conviction for an offense under the Uniform Code of Military Justice for which a Bad Conduct or Dishonorable Discharge could be imposed;

(3) any conviction for a criminal offense, or adjudication as a juvenile delinquent, that prohibits the applicant's possession or control of a firearm under the laws of the United States or the Commonwealth;

(4) any finding of mental incompetence or incapacity, involuntary commitment to a mental institution, or other mental health treatment or similar status under State or Federal law that prohibits the possession or control of a firearm under the laws of the United States or the Commonwealth; or

(5) any conviction for a criminal offense, or adjudication as a juvenile delinquent, that requires registration under the Commonwealth of Pennsylvania's Megan's Law statute, or any other similar statutes of other states or the United States and its recognized territories, principalities and tribes.

Document—Any written or electronic submission which contains text or information of a legal, official or similar nature.

Essential job functions of a police officer—The job functions and tasks essential to performing the duties of a municipal police officer, including the ability to effectuate arrests, proficiently handle firearms, operate a police vehicle and perform a variety of physical tasks, the ability to communicate effectively, both verbally and in writing, the ability to comprehend documents and apply rules, procedures, and precedent, and other mental tasks, as well as perform rescue functions and other miscellaneous duties.

Executive Director—The Commission elected head of staff responsible for administration. See section 2164(9) of the act (53 Pa.C.S. § 2164(9) (relating to powers and duties of commission)).

Federal Law Enforcement Officer—A criminal investigator at the General Schedule-1811 level, or uniformed police officer in good standing, with Federal arrest powers, whose duties were generally consistent with those of

a certified police officer within the Commonwealth and who has successfully completed one of the following:

- (1) Federal Bureau of Investigation (FBI) basic training at the FBI Academy in Quantico, Virginia.
- (2) Drug Enforcement Administration basic training academy in Quantico, Virginia.
- (3) Uniformed Police Training Program at the Federal Law Enforcement Training Center.
- (4) Criminal Investigator Training Program at the Federal Law Enforcement Training Center.
- (5) Rural Police Training Program at the Federal Law Enforcement Training Center.

Firearm—Any weapon which is designed to or may readily be converted to expel any projectile by the action of an explosive.

Good Standing—The term refers to the following:

- (1) A currently certified police officer or instructor who is not subject to removal by any employing municipalities or certified schools.
- (2) A former certified police officer, former State Trooper, or former certified instructor who, upon his separation or retirement, was not subject to removal by any employing municipalities, agencies or certified schools.
- (3) A current police officer of another state, Federal law enforcement officer or military police officer who is not subject to removal by any employing jurisdictions, Federal agencies, or if a military police officer, was not subject to any discharge other than honorable.
- (4) A former police officer of another state, Federal law enforcement officer or military police officer who is not subject to removal by the employing jurisdiction, Federal agency, or if a military police officer, was not subject to any discharge other than honorable.

The term excludes any person enumerated in paragraphs (1)–(4), who is, or who upon separation or retirement was, subject to a criminal or administrative investigation that could lead to the person's removal.

LIVESCAN—A computer-based system for the inkless collection and transmission of fingerprints.

Military Police Officer—A member of the United States Armed Services who has successfully completed basic training as a military police officer, criminal investigator, or special agent, and whose Military Occupational Specialty (MOS), Air Force Specialty Code (AFSC), or service equivalent, designates the person as a Military Police Officer (Army—MOS 31B or 31D; Marines—MOS 5800 or 5821; Air Force—AFSC 3P or 7S; Navy—Master at Arms (MA); or a Special Agent with the Coast Guard Investigative Service). The designation must be listed on the applicant's Department of Defense Form 214 (DD-214). The term excludes military police correctional officers.

Other Qualified Medical Professional—A certified registered nurse practitioner licensed in this Commonwealth by the State Board of Nursing, or a physician assistant licensed in this Commonwealth by the State Board of Medicine or by the State Board of Osteopathic Medicine.

Physician—An individual licensed to practice medicine and surgery in this Commonwealth by the State Board of Medicine or by the State Board of Osteopathic Medicine.

School—A Commission-approved training or educational entity that provides basic and in-service police training courses.

Signature—A legally recognized written, electronic, or digital, mark or sign made by an individual on an instrument or document to signify knowledge, approval, acceptance or obligation.

Suspension—Temporary decertification for a period of time determined by the Commission, generally not to exceed 2 years.

Subchapter B. POLICE OFFICER CERTIFICATION REQUIREMENTS

- Sec.
- 203a.11. Qualifications for attending basic training at Commission-certified schools.
 - 203a.12. Training requirements.
 - 203a.13. Certification as a municipal police officer.
 - 203a.14. Suspension or revocation of certification.
 - 203a.15. Application packet submission.
 - 203a.16. Additional medical review.

§ 203a.11. Qualifications for attending basic training at Commission-certified schools.

A person applying for entry to a Commission-certified school or returning to basic training after an absence shall:

- (1) Be 18 years of age or older.
- (2) Provide documentation that the applicant possesses a high school diploma recognized and accepted by the Pennsylvania Department of Education or GED Equivalency.
- (3) Be a citizen of the United States and provide documentation of citizenship using Department of Homeland Security, United States Citizenship and Immigration Services form I-9.
- (4) Be free from both of the following:
 - (i) Conviction of, or being subject to, a disqualifying offense.
 - (ii) An active Temporary or Final Order issued under the Protection from Abuse Act, 23 Pa.C.S. §§ 6101–6122 (relating to protection from abuse), or an equivalent order from another jurisdiction.
- (5) Be able to read at no less than the eleventh grade level, as established through the administration of the Nelson-Denny Reading Test or other reading comprehension test as may be approved by the Commission. The results of the Nelson-Denny Reading Test shall be valid for no more than 3 years from date of completion.
- (6) Be personally examined by a physician or other qualified medical professional who is licensed in this Commonwealth. The examination must include the following findings, in writing, on a form or in a manner prescribed by the Commission:
 - (i) Applicants shall be free from the addictive or excessive use of either alcohol or legal prescription medication.
 - (ii) Applicants shall be free from the use of illegal controlled substances within the previous year. An applicant shall submit to a drug screening using current laboratory testing procedures required by the Commission.
 - (iii) Applicants' physical condition shall be that applicants could reasonably be expected to withstand significant cardiovascular stress.

(iv) Applicants shall be free from any debilitating neurological or medical condition, which may affect the applicants' ability to perform the essential job functions of a police officer.

(v) Applicants shall be found to have visual acuity of at least 20/70, uncorrected in the stronger eye, correctable to at least 20/20; and at least 20/200, uncorrected in the weaker eye, correctable to at least 20/40. In addition, the applicant shall have normal depth and color perception and be free of any other significant visual abnormality. An optometrist or ophthalmologist may conduct this portion of the examination.

(vi) Applicants shall be required to take and pass a decibel audio test using an audiometer with an average loss not to exceed 25 or more decibels at the 500, 1000, 2000 and 3000 Hertz (Hz) levels in either ear with no single frequency loss in excess of 40. The applicant may not use a hearing aid or other aid to perform the test. An audiologist may conduct this portion of the examination.

(vii) Applicants may not be missing any extremities, including digits, which would prevent meeting minimum training requirements and performing the essential job functions of a police officer.

(viii) Applicants shall be free from any other significant physical limitations or disabilities which would, in the physician's or other qualified medical professional's opinion, impair the applicant's ability to complete the required minimum training requirements and perform the essential job functions of a police officer.

(7) Be personally examined by a psychologist licensed in this Commonwealth and found to be psychologically capable to exercise appropriate judgment and restraint in performing the essential job functions of a police officer. The examination shall include the following elements:

(i) *Interview and history.* The psychologist shall personally interview the applicant. The interview shall include a summary of the applicant's personal, educational, employment and criminal history.

(ii) *Required psychological test.* Applicants shall be administered a current standard form of the Minnesota Multiphasic Personality Inventory.

(iii) *Other testing methods.* If the licensed psychologist is unable to certify the applicant's psychological capability to exercise appropriate judgment and restraint to perform the essential job functions of a police officer, including the handling of a lethal weapon, the psychologist shall employ other appropriate techniques to form a professional opinion of the applicant's ability. The use of these additional techniques requires a full and complete written explanation to the Commission on a form submitted by the psychologist to the Commission indicating what additional testing has been performed, the results of the tests and written documentation detailing why the individual possesses the appropriate judgment and restraint to perform the essential job functions of a police officer.

(8) Be evaluated to determine physical fitness using the standards developed by the Cooper Institute for Aerobics Research. Each applicant shall score no lower than the 30th percentile of the Cooper standards, which coincides with the 30th percentile of the general population, in the testing battery to be eligible for employment. A person will not be enrolled in a basic police training course at a police academy certified by the Commission unless the person has obtained a score in the 30th percentile or higher for the person's age and gender as specified in the Cooper standards for the test battery. Physical fitness results remain valid for 6 months after successfully passing the testing battery. The required testing battery is as follows:

(i) 1.5 mile run.

(ii) 300 meter run.

(iii) One minute push-ups.

(iv) One minute sit-ups.

(9) Have and maintain a valid driver's license.

(10) Individuals shall, at their expense, provide Federal Bureau of Investigation and Pennsylvania criminal history checks and a driving history check from all states in which they have been licensed in the past 10 years before entering a Commission-certified police academy. Individuals returning to a basic police training program after an absence of more than 30 days shall provide a notarized affidavit verifying that all criminal history contained in their initial application remains true and accurate. Applicants arrested for a disqualifying offense during an absence shall be required to submit new criminal history and driving history checks before being readmitted to the program. Applicants convicted of a disqualifying offense during an absence shall not be readmitted into the program.

§ 203a.12. Training requirements.

(a) Applicants shall successfully complete a basic police training course given at a Commission-certified school or obtain a waiver of training from the Commission.

(b) *Basic Police Training Course.*

(1) Successful completion of a basic police training course shall be determined by the training school, in accordance with Commission standards.

(2) Applicants shall complete 100% of all instructional hours.

(i) Excused absences shall be mutually agreed upon by the police officer's chief and the school director. School directors shall determine excused absences for applicants not employed as police officers. School directors shall document and submit to the Commission each excused absence and the completion of all make-up hours missed due to the absence.

(ii) Applicants are responsible for all course content and testing that is missed due to the excused absence.

(3) Applicants must complete the basic police training course with a minimum grade as established by the Commission. The Commission will publish a notice in the *Pennsylvania Bulletin* whenever the minimum grade on any tested area of examination changes.

(i) Applicants not achieving the minimum grade in any tested area shall repeat the training in that area before being eligible to retake the examination in that tested area. If the applicant fails to achieve the minimum grade on the applicant's second attempt, the applicant shall be required to retake and pass the entire basic police training course to qualify for certification.

(ii) Applicants not achieving the minimum grade in two separate tested areas during a basic police training course shall be required to retake and pass the entire basic police training course to qualify for certification.

(4) To qualify for certification, an applicant shall:

(i) Achieve a minimum qualifying firearms score of 75% based upon standards as determined by the Commission and published as a notice in the *Pennsylvania Bulletin*.

(ii) Receive certification in cardiopulmonary resuscitation for the professional rescuer with an automatic external defibrillation component, or equivalent, and first aid

from the American Red Cross, the Department of Health, the American Heart Association or other agencies approved by the Department of Health.

(c) *Waiver of training.* Applications for certification for which waivers of training are requested shall be submitted by the applicant's employing police department. An applicant for a waiver of training shall:

(1) Be employed as a police officer or have a conditional offer of employment as a police officer from a police department.

(2) Satisfy one of the following conditions:

(i) Within 10 years, the applicant was a State Trooper, successfully completed his probationary period, and left that position in good standing.

(ii) Within 10 years prior to the date of employment on the application for certification, the applicant was a Commission-certified municipal police officer, employed by a police department enumerated by the act, and left that position in good standing.

(iii) Within 10 years prior to the date of employment on the application for certification, the applicant was employed as a full-time police officer in another state for a minimum of 1 year and left in good standing. This waiver shall be contingent upon the applicant providing documentation demonstrating completion of that state's Peace Officers Standards and Training curriculum, or equivalent, if comparable to that of the act. For purposes of this section, a full-time police officer is a person who is employed by a police department assigned to law enforcement duties; the term does not include persons employed to check parking meters, or to perform only administrative duties, nor does it include corrections officers, auxiliary or fire police.

(3) The applicant may be required to take all, or portions thereof, the current certification period's mandatory in-service training to qualify for a waiver of training, as determined by the Commission.

(4) Provide documentary proof that the applicant has met the following requirements:

(i) *Firearms.* Within the last 12 months, applicants must have qualified on a police firearms course conducted by a certified police firearms instructor with the firearms the applicant will use in the performance of his police duties. The Commission will publish the requirements for a police firearms course and for firearms instructors in the *Pennsylvania Bulletin*.

(ii) *First Aid/Cardiopulmonary resuscitation/Automatic external defibrillation.* Applicants shall have current, valid certifications in first aid and cardiopulmonary resuscitation for the professional rescuer with an automatic external defibrillation component, or equivalent, from the American Red Cross, the American Heart Association, the Department of Health or other agency approved by the Department of Health.

(d) *Partial waiver of training.*

(1) Federal Law Enforcement Officers who left their agency in good standing within 10 years may apply for a waiver of portions of the mandatory basic training curriculum. The waiver shall be contingent upon an applicant's submission of documentation to the Commission verifying successful completion of the blocks of instruction for which the applicant is requesting a waiver. This documentation may include, but is not limited to, official transcripts, certificates of completion, diplomas, lesson plans, syllabi and comprehensive course descriptions. The

Commission may request additional information before making its final determination regarding the waiver. Waivers may only be granted for those portions of the training deemed by the Commission to be comparable or equivalent to that which is required by the act and this chapter.

(2) Military Police Officers who were honorably discharged in the previous 10 years may apply for a waiver of portions of the mandatory basic training curriculum. An application for waiver shall be accompanied by form DD-214 containing verification of the applicant's Military Occupational Specialty, or equivalent, as a Military Police Officer within the applicant's branch of service. The waiver shall be contingent upon an applicant's submission of documentation to the Commission verifying successful completion of the blocks of instruction for which the applicant is requesting a waiver. This documentation may include, but is not limited to, official transcripts, certificates of completion, diplomas, lesson plans, syllabi and comprehensive course descriptions. The Commission may request additional information before making its final determination regarding the waiver. Waivers may only be granted for those portions of the training deemed by the Commission to be comparable or equivalent to that which is required by the act and this chapter.

(3) The Commission will notify the applicant in writing of its decision regarding waiver of training under subsection (d)(1) or (2). The applicant shall be required to take the non-waived portions of the mandatory basic training curriculum at a Commission-certified school.

(e) Notwithstanding any provision of subsections (c) or (d), the Commission or its Executive Director may, based upon a review of the training and work history of an individual, and with good cause, require an applicant to undergo any and all training which is required by law or similar statute, or which it deems essential training to fulfill the requirements of this subchapter.

(f) A determination of good standing under this chapter is the responsibility of the employing municipalities, jurisdictions, Federal agencies, or certified schools, and shall be certified to the Commission.

§ 203a.13. Certification as a municipal police officer.

(a) *Certification.*

(1) Applicants shall meet the requirements of § 203a.11(1)—(4), (6) and (7) (relating to qualifications for attending basic training at Commission-certified schools), pertaining to the qualifications for attending basic police training at Commission-certified schools.

(2) Applicants shall be subject to a thorough background investigation conducted by each police department employing the applicant, regardless of any previously conducted background investigations under this section. The investigation shall include the following:

(i) Documentation of citizenship using Department of Homeland Security, United States Citizenship and Immigration Services form I-9.

(ii) A criminal history check including the submission of fingerprints to the Central Repository for the Commonwealth and to the Federal Bureau of Investigation.

(iii) A check of the applicant's credit history.

(iv) Personal interviews conducted with at least five people who have personal knowledge of the applicant but are not related to the applicant, nor are a member of the applicant's household.

(v) Interviews of the applicant's employers, if any, for the past 5 years to determine the applicant's work history. Consideration may also be given to interviewing the applicant's school director, academy staff or other appropriate academic personnel.

(vi) A check of the applicant's driving record verifying that the applicant has a valid driver's license.

(vii) If the applicant has ever been employed, or is currently employed, as a police officer or other law enforcement official with powers of arrest within this Commonwealth, or in any other state or Federal agency, the applicant's new employing department shall contact any and all of the applicant's previous employers to document the applicant's employment history, including the reason for separation and any factors relevant to the applicant's employment as a municipal police officer.

(3) A report of the background investigation, containing the items listed in paragraph (2), shall be maintained for the duration of the applicant's employment with the police department, and shall be submitted to the Commission upon request.

(4) Applicants shall take and pass the certification examination administered by the Commission at a location and time designated by the Commission. Failure to pass the certification examination after three attempts within a 2-year period from the administration of an applicant's first certification examination, or within 10 years of the completion of the basic police training course, shall result in the applicant being required to take and pass the entire basic police training course to qualify for certification. The schedule for the examinations will be posted on the Commission's web site.

(i) The results of the Commission's certification exam shall be valid for as long as the officer maintains certification, or for a maximum of 2 years after the officer's certification lapses or the officer is suspended. Individuals reapplying for certification after a revocation of certification shall be required to retake and pass the examination. If a revoked individual is granted reinstatement by the Commission, the results of their certification examination shall be valid for a period not to exceed 2 years. If granted recertification, the results shall be valid as long as the officer maintains certification or for a maximum of 2 years after the officer's certification lapses or is suspended.

(ii) Individuals who are not employed as police officers by a police department within this Commonwealth, or do not have a conditional offer of employment from a police department, shall pay an examination fee equal to the actual cost of administering the test, as determined by the Commission. The results of the examination shall be valid for a period of 2 years from the date the examination was administered.

(iii) Applicants who are employed as a police officer by a police department within this Commonwealth or have a conditional offer of that employment shall not pay an examination fee.

(5) Initial certification is valid for no more than 2 years from the date of issuance. Upon the applicant's completion of the Commission's requirements for certification as a police officer, the Commission will supply a written or electronic document evidencing certification to the applicant's employing police department. The document must contain a certification number, the date of issuance, the date of expiration and the name of the employing police department. The initial certification shall expire on June 30th of the odd-numbered year after it was issued.

(6) Certification shall be valid only in the department identified on the document issued by the Commission. Upon suspension or termination of employment by a department, the certification shall be void and the certification document shall be returned to the Commission by the department.

(7) If the certification document has been lost or destroyed, the officer shall provide a notarized statement to the Commission concerning the certification document. Upon receipt of a notarized statement, the Commission will immediately reissue the certification document.

(b) *Temporary certification.*

(1) The Executive Director is authorized to temporarily certify an applicant pending the Commission's approval.

(2) Written or electronic documentation of the applicant's temporary certification will be sent to the employing police department.

(c) *Renewal of certification.*

(1) The Commission will issue a renewal certificate only to police officers who have satisfied the mandatory in-service training requirements set forth under § 203a.52 (relating to mandatory in-service training courses). Mandatory in-service training schools shall provide notice to the Commission of all police officers who have successfully completed the mandatory in-service training course, in a manner determined by the Commission.

(2) The Commission shall renew certification every 2 years for police officers completing the mandatory in-service training requirements outlined in § 203a.52, as evidenced by documentation from the police officer's chief and training records maintained by the Commission.

(3) The chief shall maintain copies of cardiopulmonary resuscitation for professional rescuers with an automatic external defibrillation component and first aid certification cards, as well as documentary proof of annual firearms qualification, for every police officer employed by the department, for a minimum of the 2 most recent recertification periods, and shall allow for inspection or provide the same to the Commission upon request. These documents shall be submitted in a form and manner prescribed by the Commission. Proof of annual firearms qualifications shall include the following:

(i) Exact date and time of qualification.

(ii) Each type of weapon used and information regarding the name of manufacturer, model, caliber, serial number and any modifications to the weapon.

(iii) Name of the firearms instructor serving as the range instructor. Firearms instructors may not conduct self-qualifications.

(iv) Actual numeric score for all weapons used during the qualification.

(v) Course of fire used to conduct the qualification.

(d) *Inactive status.*

(1) A police officer's certification will become inactive when the individual either:

(i) Leaves his employing police department in good standing and is not employed as a certified police officer elsewhere; or

(ii) Fails to complete the mandatory in-service training requirements set forth in § 203a.52(b), unless the police officer has received an extension under § 203a.52(e)(10).

(2) An inactive certification may be reinstated within the 2-year period immediately following the date on which certification expires or the date of separation from employment, whichever occurs first.

(3) To request reinstatement of an inactive certification, the chief of the employing police department shall submit all of the following:

(i) Proof of valid certification in first aid and cardiopulmonary resuscitation for professional rescuers with an automatic external defibrillation component or equivalent.

(ii) Documentation verifying qualification with all duty firearms.

(iii) Change-of-Status Notice including an attestation that the newly employing chief fulfilled the requirements of subparagraph (a)(2)(vii) of this section.

(iv) Request to complete mandatory in-service training classes, where applicable.

(e) *Disqualifying offenses.* Applicants and certified police officers shall remain free from conviction of, or being subject to, a disqualifying offense and shall also remain eligible to possess firearms under State and Federal law.

§ 203a.14. Suspension or revocation of certification.

(a) The Commission maintains the right to suspend or revoke a certification after notice and an opportunity to be heard under Subchapter G (relating to notice and hearings) for one or more of the following:

(1) Failure to maintain employment as a police officer under the act.

(2) Failure to possess current certification in first aid and CPR for the professional rescuer with an AED component.

(3) Failure to meet firearms qualification standards as published in the *Pennsylvania Bulletin*.

(4) Failure to successfully complete annual mandatory in-service training courses as published in the *Pennsylvania Bulletin*. The municipality or chief may request additional time, generally not exceeding one certification period, for a police officer employed by the department to complete mandatory in-service training requirements as set forth in § 203a.52(e)(10) (relating to mandatory in-service training courses).

(5) Any physical, psychological or other condition that renders the officer unable to perform the essential job functions of a police officer or otherwise renders the officer unfit for duty. If reasonable cause exists to believe that the police officer has a physical, psychological or other condition that renders him unable to perform the essential job functions of a police officer or otherwise renders the officer unfit for duty, the Commission may require an individual to provide additional medical documentation or submit to an examination. The examination shall be conducted by a physician, other qualified medical professional, psychologist or other appropriate expert selected by the Commission. Any costs associated with the examination shall be the responsibility of the police officer's department or political subdivision. A police officer who is directed to undergo an examination shall cooperatively participate in the examination. Failure to comply with this section shall result in the immediate suspension of the police officer's certification until the time as the police officer complies.

(6) Conviction of, or being subject to, a disqualifying offense.

(7) Submission to the Commission of a document that contains false information.

(8) A certification issued in error.

(9) Cheating.

(10) Any ineligibility to possess firearms under State or Federal law.

(11) Any other act or omission that violates the rules and regulations contained in this subchapter.

(b) The chief of the applicant's employing police department shall provide written notification to the Commission when the applicant meets any of the conditions listed in subsection (a). If the certified officer in question is also the chief of the police department, the notification shall be made by the chief's direct supervisor.

(c) The officer may voluntarily surrender the officer's certification instead of suspension or revocation. The Executive Director, on behalf of the Commission, may accept the officer's voluntary surrender of certification with the terms and conditions as deemed appropriate including length of surrender and conditions of reinstatement. Nothing in this section shall be construed to mean that the Executive Director, on behalf of the Commission, is compelled to accept a voluntary surrender of certification instead of suspension or revocation.

§ 203a.15. Application packet submission.

(a) *General.*

(1) Forms shall be submitted in a manner determined by the Commission.

(2) Forms shall be typewritten or completed in a manner designated by the Commission.

(3) Signatures shall be original or contain an electronic signature recognized under Pennsylvania law.

(b) *Application packets.* Application packets may be obtained by contacting the Commission. Each application packet shall include:

(1) *One application form for certification.* The applicant shall truthfully answer all questions and complete the appropriate sections.

(2) *Two fingerprint cards*—one State Police Applicant Fingerprint Card and one Federal Bureau of Investigation Applicant Fingerprint Card, or the appropriate electronic equivalent.

(i) The fingerprints of the applicant shall be affixed on the fingerprint cards or sent electronically using LIVESCAN.

(ii) Both fingerprint cards shall contain the contributor number PAPSP0100. Criminal fingerprint cards or fingerprint cards not containing the contributor number will not be accepted.

(3) One physical examination form signed by a physician or other qualified medical professional who conducted an examination as required by § 203a.11(6) (relating to qualifications for attending basic training at Commission-certified schools), or if within 2 years of signing by the physician or other qualified medical professional, the physical examination form that was submitted for entry into a basic police training course.

(i) The physical examination form shall be submitted directly to the Commission, regardless of the results of the examination, and a copy shall be submitted to the chief of the applicant's employing police department. Upon request of the Commission or the chief of the

applicant's employing police department, a certified school shall make available to the Commission any physical examination form previously submitted as part of the applicant's acceptance into a basic police training course.

(ii) A physical examination conducted in conjunction with police employment shall be valid for a period not to exceed 2 years and may be used in support of any police employment application during that period. If a change in the applicant's physical condition invalidates the prior physical examination, a reexamination shall be necessary.

(iii) This subsection shall not apply to persons who obtain a waiver of training under § 203a.12(c)(2)(i) (relating to training requirements), if the application occurs within 2 years from the date of separation from the State Police.

(4) One audio decibel test form signed by a physician, other qualified medical professional, or audiologist who conducted an examination as required by § 203a.11(6)(vi), or if within 2 years of signing by the physician, other qualified medical professional, or audiologist, the audio decibel test form that was submitted for entry into a basic police training course.

(i) The audio decibel test form shall be submitted directly to the Commission, regardless of the results of the examination, and a copy shall be submitted to the chief of the applicant's employing police department. Upon request of the Commission or the chief of the applicant's employing police department, a certified school shall make available to the Commission any audio decibel test form previously submitted as part of the applicant's acceptance into a basic police training course.

(ii) A decibel audio test conducted in conjunction with police employment shall be valid for period not to exceed 2 years and may be used in support of any police employment application during that period. If a change in the applicant's physical condition invalidates the prior testing, a reexamination shall be necessary.

(iii) This subsection shall not apply to persons who obtain a waiver of training under § 203a.12(c)(2)(i), if the application occurs within 2 years from the date of separation from the State Police.

(5) One visual acuity form signed by a physician, other qualified medical professional, ophthalmologist or optometrist who conducted an examination as required by § 203a.11(6)(v), or if within 2 years of signing by the physician, other qualified medical professional, ophthalmologist or optometrist, the visual acuity form that was submitted for entry into a basic police training course.

(i) The visual acuity examination form shall be submitted directly to the Commission, regardless of the results of the examination, and a copy shall be submitted to the chief of the applicant's employing police department. Upon request of the Commission or the chief of the applicant's employing police department, a certified school shall make available to the Commission any visual acuity test form previously submitted as part of the applicant's acceptance into a basic police training course.

(ii) A visual acuity examination conducted in conjunction with police employment shall be valid for a period not to exceed 2 years and may be used in support of any police employment application during that period. If a change in the applicant's physical condition invalidates the prior examination, a reexamination shall be necessary.

(iii) This subsection shall not apply to persons who obtain a waiver of training under § 203a.12(c)(2)(i), if the application occurs within 2 years from the date of separation from the State Police.

(6) One psychological evaluation form signed by a licensed psychologist who conducted an examination as required by § 203a.11(7), or if within 2 years of signing by the licensed psychologist, the psychological evaluation form that was submitted for entry into a basic police training course. The psychological evaluation form shall be submitted directly to the Commission, regardless of the results of the evaluation and a copy shall be submitted to the chief of the applicant's employing police department. Upon request of the Commission or the chief of the applicant's employing police department, a certified school shall make available to the Commission any psychological evaluation form previously submitted as part of the applicant's acceptance into a basic police training course.

(i) A psychological evaluation specifically conducted in conjunction with police employment may be valid for a period not to exceed 2 years and may be used in support of any police employment application during that period. If a change in the applicant's psychological condition invalidates the prior psychological evaluation, a reevaluation shall be necessary.

(ii) This subsection shall not apply to persons who obtain a waiver of training under § 203a.12(c)(2)(i) herein, if the application occurs within 2 years from the date of separation from the State Police.

(7) Applicants shall certify whether they have had a physical or psychological evaluation conducted in conjunction with an application for police employment or admission to a Commission-certified school within the previous year and the outcome of the examination or evaluation.

(c) *Submission of packets.* Application packets shall be submitted by the chief of the applicant's employing police department when an officer must attend basic police training or when a waiver of training is requested. Applications require the signature of the chief. If the chief is the applicant, this application shall require the signature of the chief's direct supervisor.

§ 203a.16. Additional medical review.

If reasonable cause exists to believe that the individual does not meet the medical, psychological, physical or other similar requirements of this subchapter, the Commission may, at any time prior to certification, require an individual to provide additional medical documentation or submit to an examination by a physician, other qualified medical professional, psychologist or other appropriate expert selected by the Commission, at the individual's expense. If the results of the examination reveal the individual does not meet the requirements of this subchapter, the individual shall be ineligible for certification until such time as the individual can meet the requirements.

Subchapter C. SCHOOL REQUIREMENTS

- Sec. 203a.31. Eligibility for school certification.
- 203a.32. School certification.
- 203a.33. Minimum school standards and requirements.
- 203a.34. School inspections.
- 203a.35. Emergency suspension of school certification.
- 203a.36. Suspension or revocation of school certification.
- 203a.37. Authority of the Executive Director.

§ 203a.31. Eligibility for school certification.

(a) The Commission will promote the most efficient and economical program for police training by utilizing exist-

ing facilities, programs, and qualified State, local and Federal police personnel. The Commission will determine the need for police training schools by:

- (1) Considering the police population in the area.
- (2) Determining if there is adequate police training available to support the police population.
- (3) The number of graduates obtaining employment within the specified geographic area of the Commission-certified school.
- (b) The school shall hire a school director or identify an interim school director meeting the standards for school directors as established in § 203a.33(a)(2) (relating to minimum school standards and requirements).

(c) Schools with multiple teaching sites shall appoint an onsite coordinator, approved by the Commission, to oversee the daily operation of the site in the absence of the school director.

(d) Until the Commission determines that additional schools are required, only those schools in existence and Commission-certified on or before January 1, 2014, shall be eligible for Commission certification.

§ 203a.32. School certification.

(a) If the Commission determines there is a demonstrated need for additional schools and programs for police training, applications for initial school and training course certification will be accepted from all potential schools. The Commission may limit applications from potential schools to those within a geographic area that has been identified as not having adequate available police training in accordance with § 203a.31(a) (relating to eligibility for school certification).

(b) Schools applying for initial school and training course certification shall:

(1) File an application for approval with the Commission in a form and manner determined by the Commission, which shall be signed by the proposed school's director or the head of the educational institution.

(2) Meet the requirements in § 203a.33 (relating to minimum school standards and requirements).

(c) Commission approval will be as follows:

(1) Upon receipt of an application, the Executive Director will designate Commission inspectors to inspect the facilities of those eligible entities applying for certification. The Commission inspectors shall prepare a report indicating which entities meet the minimum Commission standards. The report, along with all appropriate documentation, shall be presented by the Executive Director to the Commission for final review.

(2) The Commission will review the application and inspection reports of the committee and certify those schools which meet the minimum standards of the act and this subchapter, and which promote the policy in § 203a.31(a)(1)–(3).

(3) The Commission may limit the number of schools it will certify to only those necessary and best qualified to support the police population within the geographic area.

(d) Certification of approved schools, facilities and training courses will be as follows:

(1) If the Commission determines that the application of the school and course complies with the act and this subchapter, the Executive Director, in the name of the Commission, will affix a certification number to the approved application and the corresponding approval.

This certification number will have the prefix MPS, for municipal police school. The certification number will be issued Statewide in numerical sequence, starting with 0001.

(2) If the Commission determines that the school does not meet the requirements of the act and this subchapter, the Executive Director will notify the school by first class and certified mail, return receipt requested, of the reasons upon which the determination is based under Subchapter G (relating to notice and hearings). The school may request a hearing regarding the determination in accordance with Subchapter G.

§ 203a.33. Minimum school standards and requirements.

(a) A school shall meet and maintain the following standards:

(1) A school shall comply with applicable Federal, State or local statutes, ordinances, rules and regulations.

(2) A school shall have a school director approved by the Commission, or identify an interim school director, who meets all of the following criteria:

(i) The school director shall meet either of the following:

(A) Possess a bachelor's or higher degree in criminal justice, public administration, education or related field.

(B) Be a graduate of the Federal Bureau of Investigation National Academy, the Southern Police Institute Administrative Officers Course, the Law Enforcement Instructor Training Course of the Federal Law Enforcement Training Center, the Northwestern University Staff and Command School, or another law enforcement training program approved by the Commission. A list of any other Commission approved training programs will be published in the *Pennsylvania Bulletin*.

(ii) A school director shall have either of the following:

(A) Ten years law enforcement experience including 5 years at a command level directly supervising police officers.

(B) Other law enforcement related experience as deemed appropriate by the Commission on a case specific basis.

(iii) School directors shall possess at least 2 years of experience as a police or adult education instructor.

(iv) A school director shall be free from conviction of, or being subject to, a disqualifying offense.

(v) A school director approved by the Commission prior to the effective date of this regulation shall not be subject to provisions of subparagraphs (i)–(iii), but shall be subject to the conditions of subparagraph (iv).

(3) School buildings shall meet all applicable public safety standards in the Uniform Construction Code as well as all applicable Federal, State and local laws or ordinances.

(4) A comfortable temperature and proper ventilation shall be maintained in all classrooms.

(5) Noise shall be controlled so that each student can hear all instruction.

(6) Smoking shall be prohibited in any training facility authorized, approved or funded by the Commission, except in Commission-approved outdoor smoking areas.

(7) Artificial lighting facilities shall provide an adequate light intensity in all rooms used for instructional purposes, dormitory or study facilities.

(8) The drinking water facilities shall conform to all applicable Federal, State and local laws, regulations and ordinances.

(9) There shall be separate, properly ventilated toilet and lavatory facilities for males and females. There shall be a sufficient number of flush toilets for females and a sufficient number of urinals and flush toilets for males. Each bathroom shall have at least one sink.

(10) Accommodations shall be made for separate male and female changing or shower facilities, or both, as required by the Commission.

(11) The furniture, equipment and supplies of the school shall be of a type, quality and amount necessary for the training required by this Chapter and meet with the approval of the Commission.

(12) Sufficient space for each student and the completion of all learning objectives shall be available in the classrooms.

(13) Dining facilities, kitchens, dormitory facilities and recreational facilities shall comply with the construction and maintenance requirements prescribed for the facilities by the governmental authority having jurisdiction.

(14) Each school shall have and use suitable areas approved by the Commission for conducting physical conditioning and defensive tactics in a safe manner. Physical conditioning shall not be conducted in the same area designated for classroom instruction. The school may, with approval of the Commission, conduct physical conditioning and defensive tactics training at an approved offsite facility, which must be the nearest available facility. At a minimum, the school, offsite facility, or both, shall contain the following:

(i) An Isokinetic weight machine or sufficient free weights to conduct strength training.

(ii) A Commission-approved measured running course for conducting assessments and testing.

(iii) A minimum of 1 baton for every 2 students.

(iv) A minimum of 1 pair of handcuffs for every 2 students.

(v) A stopwatch or chronograph.

(vi) Sufficient protective equipment and mats to facilitate defensive tactics and ground fighting, as required by the basic police training curriculum.

(vii) Additional exercise equipment related to physical conditioning training which may include stationary bicycles, treadmills, elliptical machines and rowing machines.

(viii) Other equipment required by the curriculum.

(15) A Commission-approved firing range shall be available to the school and used for firearms training. The range does not have to be a part of the school facilities, but shall be within a reasonable traveling distance from the school. The range shall be able to accommodate the requirements of the firearms training curriculum. The range shall present no apparent danger to the public as determined by the Commission inspector when considering, without limitation, factors such as location, size, proximity to population, construction, de-

sign and use of the proposed range. The firing range must also comply with all applicable State, Federal and local laws and regulations.

(i) The school shall ensure that weapons utilized in this portion of training are safe. A minimum of .38 caliber or 9mm auto caliber with a capacity of at least 6 rounds of ammunition shall be required for firing.

(ii) A weapon may not be utilized during the training program that is not normally carried by police officers while on duty. At the discretion of the firearms instructor, students working for departments that utilize unconventional weapons shall utilize a more conventional weapon for training purposes. If the student is employed by a police department during basic police training, and qualifies with the weapon he will use upon assuming the duties of a police officer, no further qualification is required during the calendar year for certification purposes. Otherwise, upon the student's successful completion of the training program, the student's employing police department shall also qualify the student with his duty weapons prior to assuming duties as a police officer.

(iii) The school may refuse to allow the use of a weapon that the firearms instructor determines to be altered, modified, unsafe, inadequate or not appropriate for police training.

(iv) The school shall maintain adequate supplies of common ammunition utilized in law enforcement handguns, shotguns and rifles for training programs.

(v) The school may not permit any participation or activity in firearms training that violates the Pennsylvania Uniform Firearms Act of 1995, 18 Pa.C.S. Chapter 61, Subchapter A (relating to Pennsylvania Uniform Firearms Act of 1995) or any applicable Federal, State or local laws.

(vi) The school may not utilize students in a training program to reclaim lead from impact areas at any police firearms course, nor may students be involved in any range construction projects whereby they may be exposed to lead or other toxic substances.

(16) A sufficient number of parking spaces shall be available to accommodate the students, staff and visitors of the school whether at the firing range, classroom facilities, physical fitness facilities or any other location used to conduct Commission-certified training.

(17) Audio/visual equipment shall be available to present the curriculum prepared by the Commission. The equipment shall include:

(i) Multimedia equipment.

(ii) Projection screens or another appropriate projection surface.

(iii) An audio visual system capable of playing all media associated with the basic training or in-service training curriculum.

(iv) Television monitors allowing all classroom participants to sufficiently view any training video from any seat in the classroom.

(v) A chalk board, or equivalent.

(18) Equipment, facilities, supplies, books, and the like, shall be maintained in a clean, safe and proper working condition.

(19) The school shall only teach the Commission-approved curricula and courses as provided for under this Chapter.

(20) The school shall only admit students to the basic police training course who are identified as being eligible for attendance under § 203a.11 (relating to qualifications for attending basic police training at Commission-certified schools).

(21) The school shall conduct a check of the student's driving record and verify that the student has a valid driver's license.

(22) The school shall report any injury requiring professional medical attention to the Commission within 48 hours on a form prescribed by the Commission.

(23) The school shall utilize a Commission-approved location for conducting emergency vehicle operation training, utilizing the nearest available facility. Travel to and from this location shall not count towards the number of hours required by the curriculum.

(b) In addition to subsection (a), the school shall comply with the following requirements:

(1) Conduct at least one basic police training course every 3 years the school is certified.

(2) Submit a training calendar to the Commission, in a form and manner prescribed by the Commission, containing dates and class size for each basic training course to be conducted during the fiscal year. The calendar shall be received by the Commission by June 1st of each year. The school shall submit any changes to the calendar to the Commission within 5 business days of making the changes.

(3) Receive, acknowledge and update curriculum and training policies as directed by the Commission.

(4) Prepare and update all class schedules.

(5) Establish a records management system for all Commission records which shall include admittance applications, criminal history checks, class rosters, attendance, academic grades, physical fitness assessments, firearms skills checklists, firearms scores, student misconduct reports, student critiques of course content and a list of instructors.

(6) Develop and submit to the Commission, rules, including discipline, for student conduct, school operation and instructor standards. The school shall enforce these rules uniformly.

(7) Develop and update detailed written standards for application procedures, including a statement about the maximum enrollment the school can accommodate.

(8) Prepare a current list of tuition charges for all students attending the basic training program.

(9) Utilize only certified instructors as described in Subchapter E (relating to instructor certifications).

(10) Prepare and update, quarterly, the roster of certified instructors and the areas of their certification.

(11) Prohibit instructors from teaching more than 25% of the total hours of any one Basic Police Training Course.

(12) Provide to the Commission, in a form and manner prescribed by the Commission, a student roster, a copy of tentative weekly class schedules, including dates, times, locations, instructors, subjects, by the first day of a basic training program. Changes to the schedule provided shall be submitted to the Commission within 5 business days of making the changes.

(13) Comply with testing procedures prescribed by the Commission. The Commission will publish a notice on the Commission's public web site of the testing procedures and any updates.

(14) Obtain the required textbooks, supplemental textbooks, movies, videos or any other educational aids that are listed as necessary in the curricula prepared by the Commission.

(15) Have instructors inform students taking an examination of the Commission policy and requirements under § 203a.54 (relating to Commission cheating policy) prior to administering a written examination.

(16) Retain the following records for a minimum of 75 years:

(i) Class rosters.

(ii) Attendance.

(iii) Academic grades.

(iv) Firearms scores.

(v) Firearms skills checklists.

(vi) Physical fitness assessments and test scores.

(vii) Course content.

(viii) Class schedule with assigned instructor.

(ix) Any other records deemed appropriate by the Commission.

(17) Comply with the Commission's written directives concerning documents authorized for release under subpoena or a Right-to-Know Law request under the Right-to-Know Law (65 P.S. §§ 67.101—67.3104).

(18) Submit to a physical inspection of records by any Commission inspector. Facilities, areas, items and documents identified within this subchapter may be inspected at any time by any Commission inspector. Records required by this subchapter may be inspected, viewed and copied at any time. The Commission may require originals or copies of these documents be provided upon prior notice to the school.

(c) At the beginning of the basic police training course, the school must submit, in a form and manner determined by the Commission, a roster to the Commission containing the names of the students enrolled, the results of their initial physical fitness assessment, and the beginning and ending dates of training. Within 5 business days of the conclusion of the basic police training course, the school must submit a roster to the Commission indicating whether each student successfully completed the course and listing each student's grades in each block of instruction. For any student who did not successfully complete the course, the school shall provide the Commission with a detailed explanation.

(d) A proposed change in the location of an approved school, or any other approved location and or facility, shall be reported to the Executive Director at least 30 days before the move. The Executive Director will schedule an inspection of the school's new location within 30 days after notice of intent to move. Schools shall not conduct operations at the proposed location until after the completion of the inspection and the tentative approval of the Executive Director.

(1) If a fire marshal, an inspector from the Department of Labor and Industry, or other legal authority deems the new location satisfactory, the Executive Director may give tentative approval of the new location.

(2) After the new location has been visited by inspectors from the Commission, and the inspection has determined that the new location meets the standards set forth in this subchapter, final approval for the move shall be voted upon by the Commission.

(3) If final approval is given for the new location, certification to conduct training at the previous location will automatically be rescinded.

§ 203a.34. School inspections.

(a) *Frequency of inspections.*

(1) Commission inspectors will conduct an initial inspection of all schools that have applied for certification to conduct basic police training.

(2) The Commission's inspectors will visit and inspect each approved school at least biennially. A Commission inspector may conduct an inspection of an approved school at any time to ensure and verify compliance with these regulations, the act, and any other applicable law. An inspection may include review of the following:

- (i) records,
- (ii) equipment,
- (iii) facilities owned or contracted,
- (iv) vehicles,
- (v) ranges,
- (vi) driving tracks.

(3) The school shall meet the minimum school standards in § 203a.33 (relating to minimum school standards and requirements).

(b) *Commission inspectors.* For the purpose of school inspections, the following may be a Commission inspector:

- (1) A Commission member.
- (2) A full-time staff employee, designated by the Executive Director.
- (3) Other contractual personnel employed by the Commission to conduct school inspections.

(4) Any other person, as approved by the Executive Director, whose subject matter expertise may be required to evaluate the school.

§ 203a.35. Emergency suspension of school certification.

(a) If a Commission inspector determines that one or more of the following conditions exist at a school, the Executive Director, on behalf of the Commission, may immediately suspend the school's certification:

- (1) The condition presents a clear and present danger to the public, students or staff of the school.
- (2) The condition would cause the students not to receive training required by the act and this chapter.

(3) The school director does not meet the requirements in § 203a.33(a)(2) (relating to minimum school standards and requirements).

(4) An instructor is subject to suspension or revocation under § 203a.73 (relating to suspension or revocation of instructor certification).

(5) Failure to admit Commission inspectors to a certified school, or other site where Commission-sponsored training is being conducted.

(6) Failure to cooperate with an administrative investigation being conducted on behalf of the Commission. Failure to comply with § 203a.33(b)(18) shall be deemed as a failure to cooperate with an administrative investigation.

(b) The Executive Director shall provide the school with the reason for emergency suspension as soon as

possible, but in no event later than 15 business days from the date of the emergency suspension. Within 30 business days of an emergency suspension, the Executive Director will provide the school with an opportunity to be heard. At the time as the conditions leading to emergency suspension are remedied, the certification shall be immediately restored.

(c) Nothing in this section shall prevent the Commission from also seeking suspension or revocation of a school's certification under § 203a.36 (relating to suspension or revocation of school certification).

§ 203a.36. Suspension or revocation of school certification.

The Commission may, after notice and hearings in compliance with Subchapter G (relating to notice and hearings), suspend or revoke the certification of a school for any of the following reasons:

(1) Failure to comply with minimum school standards or any other standard or requirement of this subchapter.

(2) Submission of a known false or fraudulent document or information or allowing the submission of known false or fraudulent documents or information to the Commission.

(3) Subcontracting of police training to another non-certified entity.

(4) Failure to comply with any settlement agreement entered into under § 203a.37 (relating to authority of the Executive Director).

(5) Failure to conduct one basic police training course every 3 years the school is certified.

(6) Failure to correct deficiencies discovered during school inspections required by § 203a.34 (relating to school inspections), after proper identification and notification to the school director by the Executive Director.

(7) Failure to properly administer a course or maintain the confidentiality of all examinations.

(8) Failure to cooperate with an administrative investigation being conducted by the Commission.

(9) Failure to admit Commission inspectors to the school or other site where Commission sponsored training is being conducted.

(10) Any other action or omission which constitutes a violation of the act or regulations, or any other applicable Federal, State or local law.

§ 203a.37. Authority of the Executive Director.

At any time prior to or following the commencement of a suspension or revocation action, but prior to the issuance of the hearing officer's recommendation, the Executive Director is authorized to, on behalf of the Commission, enter into a voluntary settlement agreement with a certified school under the conditions and requirements as the parties deem appropriate.

Subchapter D. COURSE REQUIREMENTS

Sec.

- 203a.51. Basic police training course curriculum.
- 203a.52. Mandatory in-service training courses.
- 203a.53. Nonmandatory in-service training courses.
- 203a.54. Commission cheating policy.

§ 203a.51. Basic police training course curriculum.

(a) The Commission will set the number of hours required in the basic police training course.

(b) The Commission reserves the right to determine the course content of each area. The basic police training course curriculum shall include instruction in the following areas:

- (1) Pennsylvania criminal law.
- (2) Pennsylvania Rules of Criminal Procedure.
- (3) Pennsylvania Vehicle Code.
- (4) Special needs, medical and behavioral issues.
- (5) Community policing—problem solving.
- (6) Physical conditioning.
- (7) Human relations skills.
- (8) Application of force.
- (9) Firearms training.
- (10) Patrol procedures and operations.
- (11) Investigations.
- (12) Communications.
- (13) Handling violent and dangerous people.
- (14) Custody.
- (15) First aid and CPR for the professional rescuer with an AED component.
- (16) Operation of patrol vehicle.
- (17) Ethics.
- (18) Diversity and sensitivity training.
- (19) Homeland security.
- (20) Drug law enforcement.
- (21) Electronic crimes.
- (22) Other subjects related to basic police training.

§ 203a.52. Mandatory in-service training courses.

(a) Mandatory in-service training is required of a certified police officer.

(b) Mandatory in-service training shall consist of continuous police skills and academic requirements.

(1) Continuous police skills requirements shall consist of the following:

(i) Annual qualification on a police firearms course, as determined by the Commission. This annual qualification shall be required for all firearms authorized for on-duty use, including personal firearms carried instead of issued firearms or as a second or backup firearm. A firearm shall not be carried on duty for which an officer is not qualified. The Commission will provide notice of the annual qualification requirement.

(ii) Maintenance of first aid and cardiopulmonary resuscitation for the professional rescuer with an automatic external defibrillation component certifications as determined by the Commission. Any course required herein must be approved by the Department of Health; the Commission will provide notice of the approved certifications.

(2) Academic in-service requirements shall consist of at least 12 credited hours of annual training as determined yearly by the Commission. The Commission will provide notice of the course descriptions and specific hours.

(c) The Commission will evaluate law enforcement training courses to determine equivalency to mandatory in-service training course requirements. The Commission will provide notice of approved training courses, no later

than September 30 of each year. The Commission may require completion of any mandatory in-service training course regardless of the completion of approved equivalency training, during the calendar year, in accordance with 53 Pa.C.S. § 2164(6) (relating to powers and duties of commission).

(d) Noncertified law enforcement officers may, at the request of their employing agency, attend mandatory in-service training sponsored by the Commission at the sole and absolute discretion of the Commission.

(e) The administration of mandatory in-service training shall be governed by the following:

(1) The courses must be taught by an instructor as authorized in § 203a.72 (relating to certification requirements), except for Commission approved online training or equivalent.

(2) Each school shall submit, in a form and manner prescribed by the Commission, a training calendar to the Commission prior to the beginning of each quarter of the calendar year. Course title, dates of training, time of classes, name of instructor and specific location shall be included in the calendar.

(3) Maximum class size for mandatory in-service courses will be established by the Commission and based on course content and teaching methods.

(4) Mandatory in-service training courses are subject to inspection by a Commission inspector.

(5) Acceptance into classes for which reimbursement is to be requested from the Commission shall be limited to currently employed police officers and county detectives. A fee may not be charged to these individuals for any program paid for by the Commission.

(6) Only examinations provided by the Commission will be used to determine successful completion of academic requirements for these courses. Minimum passing scores shall be determined by the Commission for each examination. The Commission will provide notice of the minimum passing score for each examination.

(7) An individual failing to pass the examination at the end of a course shall be given the opportunity for reexamination. The reexamination shall be in the same format as the original examination, but shall be a different version of the examination. If an individual fails the reexamination, a written notice of failure shall immediately be sent by the certified school by means of first class and certified mail, return receipt requested, to the Commission, the employing municipality(ies), and the individual must retake the entire course as directed by the Commission.

(8) Any certified school, and any course instructor or online training provider who administers mandatory in-service training courses, shall be responsible for proper administration of the courses, as well as the security of the examinations. Any certified school or course instructor found in violation of this section may have its certification suspended or revoked in accordance with § 203a.36 (relating to suspension or revocation of school certification) or § 203a.73 (relating to suspension or revocation of instructor certification).

(9) Newly certified police officers may not be required to participate in the mandatory in-service training courses in the year in which they are certified.

(10) A municipality or chief may request extensions of time from the Commission, in accordance with the act, for officers unable to complete in-service training enumerated

within the time frame. The request shall be filed with the Commission and include justification for the extension.

(i) The municipality or chief may apply for a waiver of the time restriction for a line-of-duty connected injury or disability. This waiver application shall include appropriate medical documentation demonstrating the officer's ability to return to full duty status without accommodation. Applications for a waiver must be approved by a majority vote of the Commission. Should a police officer's chief fail to request a waiver, as required under this subsection, the police officer shall not be decertified unless, upon return to service, the officer fails to complete the in-service training requirements deemed appropriate by the Commission.

(ii) The municipality or chief shall provide proof of military deployment or military activation preventing the completion of mandatory in-service requirements for any year within the certification period as provided by 53 Pa.C.S. § 2167(d) (relating to police training) and 51 Pa.C.S. § 7502 (relating to retention of licenses and certifications of persons entering military service), and upon return, individuals must complete all in-service training required by the Commission, unless exempted.

(11) Nothing in this subchapter shall be interpreted to prohibit the Commission from approving online training, or its equivalent, as part of mandatory in-service training.

§ 203a.53. Nonmandatory in-service training courses.

(a) A political subdivision of the Commonwealth may apply for in-service training grants for the actual expenses of providing nonmandatory in-service training programs to police officers. A political subdivision may apply for a nonmandatory in-service training grant by filing an application and resolution with the Commission.

(1) A copy of the application and resolution may be obtained from the Commission.

(2) The Commission will only consider requests for nonmandatory in-service training grants that comply with the following:

(i) All sections of the application shall be completed.

(ii) The application shall be accompanied by a certified copy of the resolution. The resolution shall be adopted by the governing body and shall provide that the political subdivision shall adhere to the standards for training established by the Commission while receiving any Commonwealth funds under the act and this subchapter.

(3) Applications and resolutions shall be filed with the Commission and received at least 45 days prior to the commencement of the proposed training program. The Commission, or its Executive Director, has the discretion to waive the 45-day filing limitation for good cause, but only if the grant request was submitted prior to the commencement of the proposed training program.

(b) Limitations for funding of nonmandatory in-service training programs are as follows:

(1) Only courses approved by the Commission will be eligible for nonmandatory in-service training grants. Payments made to municipalities under 53 Pa.C.S. § 2170 (relating to reimbursement of expenses) shall be limited to funds available and shall be made on a pro rata basis.

(i) The Commission has the discretion to approve or disapprove any proposed course, based upon law enforcement requirements.

(ii) Approved courses will be published on the Commission's public web site.

(2) Courses with less than 12 or more than 40 police officers enrolled will not be approved for nonmandatory in-service training grants. At the discretion of the Executive Director or by a majority vote of the Training Committee, a different minimum or maximum enrollment may be established for a specific course.

(3) Nonmandatory in-service training grant requests will not be approved unless the instructors for the course are approved by the Commission.

(4) The Commission may not approve nonmandatory in-service training grant requests for the following:

(i) Firearms qualification.

(ii) Special Weapons and Tactics (SWAT type training).

(iii) First aid and cardiopulmonary resuscitation for the professional rescuer with an automatic external defibrillation training.

(c) Nonmandatory in-service training grant requests in the amount of \$3,000 or less may be approved by the Executive Director with the concurrence of the Budget Committee.

(1) The Budget Committee chairperson has the authority to convene a Committee meeting for reviewing grant requests. The Committee may not act on any grant request unless at least three Committee members are present at the meeting.

(2) The Budget Committee members will vote to either approve or deny each grant request based on the information presented and the standards established by this chapter. In the case of a tie vote by the Committee, the Commission will make the final determination on the grant request.

(3) The Budget Committee chairperson will formally report actions taken by the Committee at the next regularly scheduled Commission meeting.

(d) Nonmandatory in-service grant requests in excess of \$3,000 may be approved only by the Commission. The Training Committee will review every request and make a recommendation to the Commission.

(1) The chairperson of the Training Committee will formally report the recommendation of the Committee, including any dissenting or minority statements, to the Commission prior to the Commission's final decision on the grant request.

(2) The Commission members will vote to either approve or deny each grant request based on the Training Committee's recommendations, the information presented and the standards established by this chapter.

(e) The Executive Director will notify the political subdivision in writing of the Commission's determination concerning the grant request. Notice will be forwarded to the requesting political subdivision by first class and certified mail, return receipt requested.

§ 203a.54. Commission cheating policy.

(a) The contents of all examinations are confidential. An individual may not cheat.

(b) Prior to administering an examination, the instructor or test administrator shall inform students taking the examination of the Commission's cheating policy. The instructor shall ensure all students taking the examination read and acknowledge, in writing, this policy. All testing materials, including tests, answer sheets and any

similar materials subject to this policy, shall be retained for all basic and in-service testing for a period of no less than 2 years.

(c) Written notice of a cheating allegation shall be sent to the individual and the Commission by the school director within 2 business days of when the instructor or school director becomes aware of the alleged violation.

(d) The Commission will investigate an alleged act of cheating.

(e) The Executive Director may bar an individual not certified by the Commission from further participation in any Commission training or testing for violation of this section.

(f) An individual certified by the Commission who is found to have violated this section shall be subject to a suspension or revocation of the individual's certification after receiving notice and having the opportunity to be heard under Subchapter G (relating to notice and hearings). The hearing officer shall provide findings of facts, conclusions of law, and recommendations regarding the appropriate penalty to the Commission. The Commission will review the hearing officer's findings, conclusions and recommendations, and may accept, reject, or modify the same as appropriate. The Commission will issue a final order in accordance with Subchapter G.

Subchapter E. INSTRUCTOR CERTIFICATIONS

Sec.

203a.71. General.

203a.72. Certification requirements.

203a.73. Suspension or revocation of instructor certification.

§ 203a.71. General.

(a) Certifications will be reviewed and approved by the Commission and issued by the Executive Director.

(b) Instructor certifications issued under this subchapter are for the sole purpose of identifying those qualified to teach in police training courses certified by the Commission. No individual may provide instruction in any Commission-certified course, or portion thereof, unless the individual has received certification in accordance with this subchapter.

(c) The instructor application procedure is as follows:

(1) The Commission will determine the form and manner for application for instructor certification. Application forms may be obtained from the Commission's public web site or by contacting the Commission.

(2) Approved school directors shall submit application packets for instructor certification on behalf of their instructors in a manner determined by the Commission. Only applications for individuals employed by a certified school will be accepted by the Commission.

(3) Documentary proof shall accompany each application verifying satisfaction of the requirements for certification including required degrees contained under § 203a.72 (relating to certification requirements).

(4) Prior to submission of the application, the school director shall interview an applicant, at which time the director shall review the supporting documentation to be submitted with the application. The school director shall certify that the information contained in the application is true and correct to the best of the school director's knowledge and meets the requirements of this subchapter.

(5) An applicant may not have been convicted of, or subject to, a disqualifying offense.

§ 203a.72. Certification requirements.

Police training instructors:

(1) *Types*. The Commission will certify the following two types of police training instructors:

(i) *General instructors*. An instructor eligible to teach any course other than a course as described under subparagraph (ii).

(ii) *Special instructors*. An instructor eligible to teach any of the following courses: first aid, CPR for the professional rescuer with an AED component, firearms, physical conditioning, application of force, patrol vehicle operation or mandatory in-service training.

(2) *Qualifications*.

(i) To obtain certification as a general instructor, an applicant shall satisfy the following requirements:

(A) Successfully complete a Commission-approved instructor development course, or possess a teaching certificate issued by the Department of Education, or have full-time employment with academic rank at an accredited college or university. A Commission-approved instructor development course must consist of a minimum of 40 hours of instruction. A listing of approved courses will be published in the *Pennsylvania Bulletin*.

(B) Have 5 years police experience, or have an associate's degree and 4 years police experience, or have a bachelor's degree and 3 years police experience. The applicant shall provide transcripts for submission with the application for instructor certification, as verification of degree(s) conferred.

(C) Acknowledge and abide by an Instructor Code of Conduct, as established by the Commission.

(ii) Attorneys licensed to practice law in this Commonwealth do not need to meet the requirements of subparagraph (i)(A) or (B).

(iii) For an instructional area which requires special professional education, certification, licensure or other subject matter expertise, the Executive Director may certify an individual as an instructor for that specific instructional area only. An instructor does not need to meet the requirements of subparagraphs (i)(A) or (i)(B). The Executive Director, in the Executive Director's sole and absolute discretion, may deny or rescind the certification.

(iv) To obtain certification as a special instructor, an applicant shall provide documentation evidencing the special requirements listed for each course or program, and acknowledge and abide by an Instructor Code of Conduct, as established by the Commission:

(A) *First aid and CPR for the professional rescuer with AED component*. An applicant shall possess current instructor certification for:

(I) for CPR for the professional rescuer with an AED component, or its equivalent; and

(II) first aid issued by

(-a-) the American Red Cross,

(-b-) the American Heart Association,

(-c-) the Department of Health, or

(-d-) other agency approved by the Department of Health.

(B) *Firearms*. An applicant shall possess a current Police Firearms Instructor rating from the National Rifle Association, the State Police, the Federal Bureau of

Investigation, Smith and Wesson Academy, the Philadelphia Police Academy, United States Secret Service or other certification approved by the Commission. Firearms instructors shall also provide documentation of their successful completion of a Commission approved instructor development course as described in subparagraph (i)(A).

(C) *Physical conditioning.* An applicant shall provide documentation of successful completion of a Commission approved instructor development course, as described in subparagraph (i)(A), and training or education which evidences expertise as a physical conditioning instructor.

(D) *Application of force.* An applicant shall provide documentation of successful completion of a Commission approved instructor development course, as described in subparagraph (i)(A), and training or education which evidences expertise as a defensive tactics instructor.

(E) *Patrol vehicle operation.* An applicant shall provide documentation of successful completion of a Commission approved instructor development course, as described in subparagraph (i)(A), and an instructor's course in emergency vehicle operation or police driver proficiency.

(F) *Mandatory in-service training.* To obtain special instructor certification as a mandatory in-service training instructor, an applicant shall:

(1) Be employed by a certified basic training school and be nominated by the certified school's approved school director.

(2) Be certified as a general police training instructor in the area of instruction he will present, or satisfy one of the following:

(I) If not currently a general police training certified instructor, but eligible for certification, an application for instructor certification under § 203a.71(c)(2) (relating to general) shall be submitted to the Commission and a temporary certificate obtained. At the discretion of the Executive Director, a temporary certification may be issued, which shall expire upon the approval of the Commission or the adjournment of the second Commission meeting following issuance of the temporary certification, whichever occurs first. Temporary certificates are not renewable.

(II) If a course is offered in mandatory in-service training that is not comparable to a course offered in the basic police curriculum, the Executive Director will determine requirements for selection as an instructor for that course.

(3) Have successfully completed a Commission instructor training workshop for the courses in which certification is sought. Application for certification as a general police training instructor shall be submitted to the Commission and approved by the Commission or its designee prior to attending any instructor training programs. The Executive Director will determine attendance policies for the instructor training workshops and is authorized to reject any nomination for admittance to the workshops.

(4) Mandatory in-service instructor certification is valid only for one calendar year from the date of issuance. The instructor must be re-nominated, in accordance with subparagraph (1), each year for certification as a mandatory in-service training instructor. The Executive Director may temporarily authorize an instructor to teach make-up mandatory in-service training courses.

(3) *Renewal and lapse of police training instructor certification.*

(i) Police training instructor certification, with the exception of mandatory in-service training instructor certification, shall be valid for 2 years and each certificate shall contain an expiration date. An instructor shall not be permitted to teach without a current certificate.

(ii) Police training instructor certification, with the exception of mandatory in-service training instructor certification, will be renewed automatically by the Commission if the certified instructor has satisfied both of the following requirements:

(A) Has taught in either a basic training course or a mandatory in-service training course certified by the Commission at least one time during the 2-year period they are certified, as evidenced by the records of a certified school which shall be submitted to the Commission on an annual basis.

(B) Maintained current qualifications in the main subject areas for which certification has been granted, and provides documentation of these qualifications to the Commission prior to any lapse in certification.

(iii) Failure to satisfy subparagraph (ii) shall prevent renewal of the instructor certification and cause the certification to expire. A lapsed certification may not be renewed and to regain certification, the school shall submit an application on behalf of the individual as a new instructor.

(iv) If the Executive Director has determined that the qualifications for certification have been met, the Executive Director may issue a temporary certification which shall expire upon the approval of the final certification by the Commission or the adjournment of the second Commission meeting following issuance of the temporary certification, or whichever is first. Individuals applying for certification after a revocation shall not receive temporary certification. Certification of a reinstated instructor requires a majority vote by the Commission.

§ 203a.73. Suspension or revocation of instructor certification.

(a) The Commission may suspend or revoke any instructor certification for any of the following circumstances after notice and opportunity to be heard under Subchapter G (relating to notice and hearings):

(1) Conviction of, or being subject to, a disqualifying offense.

(2) Conduct which violates the Instructor Code of Conduct as required under § 203a.72(2)(C) (relating to certification requirements).

(3) Failing to present the full curriculum or program.

(4) Teaching improper or incorrect material or not presenting the Commission-approved program.

(5) Cheating, failing to report cheating to the Commission, or aiding another instructor or student to cheat as defined in section 203a.1 (relating to definitions).

(6) Inadequate preparation for class which materially affects the instructor's ability to properly present or convey the course material.

(7) Being intoxicated or impaired in class.

(8) Using inappropriate language.

(9) Known falsification of a document submitted to the Commission, or submission to the Commission of a document knowing it to contain false information. Docu-

ments or information may include without limitation: scores on examinations, grades for a course, classroom hours presented, attendance of participants, or other information received directly from the instructor or through a certified school or police department.

(10) Use of instructor certification for an unauthorized purpose.

(11) Termination of the instructor for any reason by a certified school.

(12) Failure to maintain the required qualifications for police training instructor certification.

(13) Any other act or omission that violates the rules and regulations of this subchapter or any other Federal, State or local law.

(b) The Commission shall have the discretion to suspend or revoke an individual's special instructor certification without impacting the individual's general instructor certification. Suspension or revocation of a general instructor certification shall also result in the same penalty to the individual's special instructor certification.

(c) Upon notification that Commission staff is investigating an instructor and reasonably believes the instructor to be in violation of a provision under subsection (a), the instructor may voluntarily surrender his certification instead of suspension or revocation. The Executive Director, on behalf of the Commission, may accept the instructor's voluntary surrender of certification with the terms and conditions he deems appropriate, including length of surrender and conditions of reinstatement. Nothing in this section shall be construed to mean that the Executive Director, on behalf of the Commission, is compelled to accept a voluntary surrender of certification instead of suspension or revocation.

Subchapter F. REIMBURSEMENT OF EXPENSES

Sec.

203a.81. Basic training.

203a.82. Mandatory in-service training.

203a.83. Grants for nonmandatory in-service training programs.

§ 203a.81. Basic training.

(a) The Commission will reimburse each political subdivision for allowable tuition and expenses incurred by their police officers while attending certified basic police training, if the political subdivision adheres to the training standards established by the Commission. Payments made to municipalities under 53 Pa.C.S. § 2170 (relating to reimbursement of expenses) shall be limited to funds available, and shall be made on a pro rata basis. Application for reimbursement shall be made in the following manner:

(1) A political subdivision shall file an application with the Commission on a form supplied by the Commission within 120 days of the completion of the training.

(i) Requests submitted after 120 days shall be accompanied by a justification for late submission. The Commission will not consider requests for reimbursement received more than one year after the completion of the training.

(ii) A separate form shall be submitted for each police officer requesting reimbursement in accordance with this chapter.

(2) Following the political subdivision's annual audit, the head of the political subdivision and the individual performing the audit shall verify the proper expenditure of Commission funds.

(i) Verification shall be provided on a form supplied by the Commission.

(ii) The verification shall be filed with the Commission.

(iii) The political subdivision shall file the form only for fiscal years in which Commission funding was provided.

(b) The political subdivision may request reimbursement for the following:

(1) Sixty percent of the police officer's regular salary while attending a certified basic training course.

(2) Reasonable tuition for the basic police training course.

(i) The Commission must approve the tuition rate prior to reimbursement. Tuition rate approval will require a majority vote of the Commission.

(ii) The Commission will consider the reasonableness of the tuition rate based on the following:

(A) The length of the course.

(B) The instructor salaries.

(C) The facility costs.

(D) The administrative costs.

(E) The supply costs.

(F) The cost-effectiveness of the tuition compared with tuition charged by other institutions.

(iii) The Commission-approved tuition rate is the only amount a certified school may charge a participant in the training program.

(iv) A certified basic police training school may not change its tuition rate for a particular course without prior approval from the Commission.

(A) Requests for tuition increases will not be considered by the Commission more than once every 2 years.

(B) Requests for tuition increases shall enumerate all sources of revenue the institution receives.

(C) The Commission will consider any tuition increase requests in conjunction with program changes mandated by the Commission.

(3) The Commission will reimburse all reasonable subsistence and lodging costs for police officers who are not commuting to and from the basic police training course. A police officer who is commuting to and from the basic police training course will only be reimbursed for the cost of lunch.

(4) Reasonable travel expenses are as follows:

(i) The Commission will reimburse for police officers commuting to the basic police training course for the mileage incurred while attending the course.

(ii) Noncommuters are eligible for mileage of one round trip while attending the course.

(iii) Mileage reimbursement, whether for commuters or noncommuters, will only be allowed to the nearest available certified basic police training school from the police officer's place of employment.

(iv) Travel shall be by the most direct route.

(5) Reasonable living and travel expenses shall be governed by 4 Pa. Code Chapter 40 (relating to travel and subsistence).

(c) Limitations on reimbursement are as follows:

(1) A political subdivision may not be reimbursed for the basic training of a police officer if reimbursement has

previously been made or claimed for the same police officer by a political subdivision.

(2) A police officer who does not successfully complete the certified basic police training course and for whom reimbursement has been claimed or obtained by a political subdivision is not eligible for additional reimbursement while attending a subsequent basic police training course.

(d) If the Commission determines that a request for reimbursement does not meet the requirements of the act and this chapter, the Executive Director will specify in writing and forward to the requesting political subdivision, by certified mail, return receipt requested, the reasons for the Commission's action.

§ 203a.82. Mandatory in-service training.

(a) The Commission will reimburse schools certified by the Commission in the form of tuition as provided in 53 Pa.C.S. § 2170(e)(1) and (2) (relating to reimbursement of expenses).

(1) The Commission will establish the tuition for each course considering the following factors: historical training costs, course requirements and course development costs.

(2) The tuition established by the Commission will be published on the Commission's public web site and will remain in effect for the duration of each course.

(3) The tuition established by the Commission for each course shall apply to all schools certified by the Commission and all other training resources deemed necessary by the Commission.

(4) Certified schools or other training resources unable to conduct the required training at the established tuition rate shall have the right to a hearing under Subchapter G (relating to notice and hearings).

(b) The Commission will reimburse schools or other training resources for law enforcement officers authorized by the Commission. Law enforcement officers employed by a law enforcement agency not eligible for reimbursement under the act may attend mandatory in-service training courses after the law enforcement agency pays the tuition to the Commission. Payments made to municipalities under 53 Pa.C.S. § 2170 shall be limited to funds available, and shall be made on a pro rata basis.

(c) The Commission will only reimburse a school for a police officer to attend a course one time. The school shall submit invoices of all police officers who have attended the mandatory in-service training course to the Commission within 30 days of the course's completion.

§ 203a.83. Grants for nonmandatory in-service training programs.

(a) The Commission may provide grants only for actual expenses, in whole or in part, incurred by political subdivisions for providing nonmandatory in-service training programs to police officers within this Commonwealth in accordance with the act and this chapter.

(1) Allowable nonmandatory in-service training expenses shall be limited to the following:

- (i) *Instructors.* Expenditures for necessary items.
- (ii) *Services.* Expenditures for rental and contractual services.
- (iii) *Supplies.* Expenditure for necessary supplies for course instruction not including nonexpendable equipment purchases.

(iv) *Administration.* Reasonable expenditures for developing and implementing the training program. This expenditure will not exceed 5% of the total grant amount unless otherwise approved by the Commission or Budget Committee. This expenditure may not exceed 10% of the total grant amount.

(2) The Commission may approve additional expenditures not explicitly provided for in this chapter upon request. Expenses which are not approved by the Commission shall be borne by the political subdivision providing the training program. Law enforcement officers employed by a law enforcement agency not eligible for reimbursement under the act may attend nonmandatory in-service training courses after the law enforcement agency pays the tuition established for the course to the Commission.

(b) The Commission may establish the maximum amount of funds which may be granted to each county for providing nonmandatory in-service training to police officers. The allocation will be based on the number of police officers employed in the county.

(c) The Commission will disburse moneys approved for nonmandatory in-service training grants in the following manner:

(1) The Commission will disburse one half of the grant to the political subdivision within 45 days of the Commission's approval, except for good cause.

(2) To receive the remaining grant moneys, the political subdivision shall submit a final audit and course roster to the Commission within 120 days following the conclusion of the training course. Requests for reimbursement will not be considered after 120 days following the conclusion of the training course.

(3) The Commission may request an independent audit of the political subdivision to verify its actual nonmandatory training expenditures prior to disbursing the remaining grant amount.

(d) Nonmandatory in-service training grant funds that have been disbursed to a political subdivision in error or as a result of an unauthorized or improper request for reimbursement shall immediately be returned to the Commission upon discovery. A political subdivision which fails to comply with the Commission's demand for the return of funds in accordance with this section shall be ineligible for further funding from the Commission until the funds are returned.

(e) The allocation of grants for nonmandatory in-service training programs shall be contingent upon the availability of funds appropriated for the programs.

Subchapter G. NOTICE AND HEARINGS

- Sec.
- 203a.101. Scope.
- 203a.102. Notice.
- 203a.103. Hearing procedures.

§ 203a.101. Scope.

Under 1 Pa. Code § 31.1 (relating to scope of part), 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure) is applicable to the proceedings of the Commission, unless it is inconsistent with this subchapter.

§ 203a.102. Notice.

(a) The Commission will forward in writing by certified mail, return receipt requested, to the certified police officer, certified instructor or certified school adversely

affected by an action of the Commission, a notice specifying the reasons for the Commission’s action.

(b) A certified police officer, certified instructor or certified school given notice of an adverse action by Commission staff may file a written request for a hearing within 15 days after receipt of the notice. The date of receipt of the request by the Commission and not the date of deposit in the mail is determinative of a timely request for a hearing.

§ 203a.103. Hearing procedures.

(a) The Commission will schedule a hearing and send notice of the hearing to all parties to the proceedings. Unless another location is designated by the Commission, the Commission will hold hearings at its offices in Harrisburg, Pennsylvania.

(b) A hearing examiner will be appointed to preside at the hearing by:

- (1) the Chairman of the Commission; or

(2) in any other reasonable manner as determined by the Commission.

(c) The Commission will review the hearing officer’s findings of fact, conclusions of law, and recommendations, and may accept, reject, or modify the findings of fact, conclusions of law, and recommendations as appropriate, and by a majority vote issue a final order. The Commission will specify in writing and forward to all relevant parties by certified mail, return receipt requested, the final order of the Commission.

(d) Subsections (b) and (c) supplement 1 Pa. Code §§ 35.185—35.190 (relating to presiding officers) and 1 Pa. Code § 35.226 (relating to final orders).

(e) A proposed report will not be deemed a final order if a brief on exceptions is not filed. This subchapter supersedes 1 Pa. Code § 35.213 (relating to effect of failure to except to proposed report) and any references thereto.

[Pa.B. Doc. No. 20-1405. Filed for public inspection October 16, 2020, 9:00 a.m.]

NOTICES

DEPARTMENT OF AGRICULTURE

Holding and Humane Disposition of Stray Unlicensed Dogs

The Department of Agriculture (Department) gives notice that effective January 1, 2021, it shall decrease the amount it reimburses humane societies and societies for the prevention of cruelty to animals that maintain compounds for the humane disposition of stray unlicensed dogs apprehended running at large. The current reimbursement amount is \$40 per dog. As of January 1, 2021, the reimbursement amount for the care and disposal of the dogs at the facilities shall decrease to \$5 per dog. No other fee will be paid by the Department for the care and disposal of stray unlicensed dogs with respect to which this \$5 per dog sum is accepted.

This reimbursement is authorized under the regulation at 7 Pa. Code § 25.1 (relating to general), which allows the Secretary of the Department to determine an appropriate reimbursement amount (over \$5) on a funds-available basis. The reimbursement payments will be funded from the Dog Law Restricted Account, from funds which are hereby declared to be "surplus" funds for the limited purposes set forth in section 1002(b) of the Dog Law (3 P.S. § 459-1002(b)).

The referenced \$5 per dog payments shall be applicable to dogs apprehended on or after January 1, 2021, and will continue on a funds-available basis until further notice.

RUSSELL REDDING,
Secretary

[Pa.B. Doc. No. 20-1406. Filed for public inspection October 16, 2020, 9:00 a.m.]

DEPARTMENT OF BANKING AND SECURITIES

Actions on Applications

The Department of Banking and Securities (Department), under the authority in the Banking Code of 1965 (7 P.S. §§ 101—2204), the Department of Banking and Securities Code (71 P.S. §§ 733-1—733-1203) and 17 Pa.C.S. (relating to Credit Union Code), has taken the following actions on applications received for the week ending October 6, 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>
10-01-2020	Huntingdon Valley Bank Huntingdon Valley Montgomery County	990 Spring Garden Street Philadelphia Philadelphia County	Opened
10-05-2020	The Muncy Bank and Trust Company Muncy Lycoming County	201 South Market Street South Williamsport Lycoming County	Approved

Branch Discontinuances

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
09-21-2020	Peoples Security Bank and Trust Company Scranton Lackawanna County	304 Main Street Duryea Luzerne County	Closed
09-21-2020	Peoples Security Bank and Trust Company Scranton Lackawanna County	526 Cedar Avenue Scranton Lackawanna County	Closed
09-21-2020	Peoples Security Bank and Trust Company Scranton Lackawanna County	534 Main Street Gouldsboro Wayne County	Closed
09-30-2020	Community Bank Carmichaels Greene County	565 Donner Avenue Monessen Westmoreland County	Closed

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
09-30-2020	Community Bank Carmichaels Greene County	1090 East Bethlehem Boulevard Wheeling Ohio County, WV	Closed

Articles of Amendment

<i>Date</i>	<i>Name and Location of Institution</i>	<i>Action</i>
10-01-2020	Noah Bank Elkins Parks Montgomery County	Filed

Amendment to Article V of the institution's Articles of Incorporation to provide for an increase in the number of common shares authorized to be issued from 20 million to 100 million, to reduce the par value of common stock from \$1 to \$0.10 per shares, and to authorize the issuance of nonvoting common stock as well as amend Article XIII to provide for disapplication of section 1610 of the Banking Code of 1965 (7 P.S. § 1610).

Articles of Amendment provide for the institution's Articles of Incorporation to be amended and restated in their entirety.

CREDIT UNIONS**Change of Principal Place of Business**

<i>Date</i>	<i>Name and Location of Institution</i>	<i>Address</i>	<i>Action</i>
09-16-2020	Franklin-Oil Region Credit Union Franklin Venango County	<i>To:</i> 101 North 13th Street Franklin Venango County <i>From:</i> 1219 Liberty Street Franklin Venango County	Effective
09-17-2020	Members Choice Financial Credit Union Danville Montour County	<i>To:</i> 390 Walnut Street Danville Montour County <i>From:</i> 230 Walnut Street Danville Montour County	Effective

Branch Applications**Branch Relocations**

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
09-30-2020	Freedom Credit Union Warminster Bucks County	<i>To:</i> 35 West Street Road Warminster Bucks County <i>From:</i> 25 Jacksonville Road Warminster Bucks County	Approved

Articles of Amendment

<i>Date</i>	<i>Name and Location of Institution</i>	<i>Action</i>
09-16-2020	Franklin-Oil Region Credit Union Franklin Venango County	Effective

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

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

RICHARD VAGUE,
Acting Secretary

DEPARTMENT OF BANKING AND SECURITIES

Maximum Lawful Rate of Interest for Residential Mortgages for the Month of November 2020

The Department of Banking and Securities (Department), under the authority contained in section 301 of the act of January 30, 1974 (P.L. 13, No. 6) (41 P.S. § 301), determines that the maximum lawful rate of interest for residential mortgages for the month of November 2020, is 3 1/2%.

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

Each month the Department is required by State law to compute and announce the ceiling rate on residential mortgages in this Commonwealth. This maximum rate is determined by adding 2.50 percentage points to the yield rate on long-term government bonds as published by the Federal Reserve Board or the United States Treasury, or both. The latest yield rate on long-term government securities is 1.10 to which was added 2.50 percentage points for a total of 3.60 that by law is rounded off to the nearest quarter at 3 1/2%.

RICHARD VAGUE,
Acting Secretary

[Pa.B. Doc. No. 20-1408. Filed for public inspection October 16, 2020, 9:00 a.m.]

DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

Proposed Exchange of Property

The Commonwealth, acting through the Department of Conservation and Natural Resources (Department), and Cummings Township are proposing to negotiate an exchange of property interests in Brown and Cummings Townships, Lycoming County.

The exchange would involve approximately 1.1 acres (Tiadaghton Timbers) property in Brown Township, Lycoming County to be conveyed from Cummings Township to the Commonwealth, in exchange for approximately 0.5 acre of Tiadaghton State Forest land located in Cummings Township, Lycoming County to be conveyed from the Commonwealth to Cummings Township. Cummings Township's supervisors have approved a motion to enter an agreement of sale for the purchase of the Tiadaghton Timbers property, which is currently owned by the Clinton County Society for the Prevention of Cruelty to Animals. The Commonwealth's acquisition of the Tiadaghton Timbers property from Cummings Township will provide additional access to the Tiadaghton State Forest and the Coudy Pike snowmobile trail. Cummings Township plans to use the proposed Commonwealth property to be conveyed for special events and

additional parking for its fire company. An environmental review was conducted by the Bureau of Forestry regarding the exchange, and the review was approved by the State Forester and Director of the Department, Bureau of Forestry.

As is the policy of the Department, the public is hereby notified of this proposed exchange. A 30-day period for public inquiry or comment, or both, will be in effect beginning October 17, 2020, and ending November 17, 2020. Oral or written comments or questions concerning this proposed exchange may be addressed to Audrey Broucek, Department of Conservation and Natural Resources, Office of Chief Counsel, P.O. Box 8767, Harrisburg, PA 17105-8767, abroucek@pa.gov, (717) 772-4171. Oral or written comments, or both, will become part of the official document used in the final decision process. Written documents are also available regarding the proposed land exchange by request.

If, in the duration of the 30-day comment period, a significant amount of public concern develops, the Secretary of the Department may schedule a public informational meeting.

CINDY ADAMS DUNN,
Secretary

[Pa.B. Doc. No. 20-1409. Filed for public inspection October 16, 2020, 9:00 a.m.]

DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

Proposed Exchange of Property

The Department of Conservation and Natural Resources (Department), acting through the Bureau of Forestry, and REA-Young, LLC, Barnett-Young, LLC, F.J. Young Company, James R. Young, Jeffrey K. Young and John F. Young are proposing to negotiate an exchange of property interests in West Branch, Pike, Portage and Homer Townships, Potter County. REA-Young, LLC, Barnett-Young, LLC, F.J. Young Company, James R. Young, Jeffrey K. Young and John F. Young hold undivided interests in the real property proposed to be exchanged and will hereinafter be referred to as "Youngs."

Youngs propose to convey 3,391.518 acres of oil, gas and mineral rights underlying existing State forest lands administered by the Elk and Susquehannock State Forest Districts in Portage and Homer Townships. In return, the Bureau of Forestry proposes to convey 2,949.72 acres of oil, gas and mineral rights underlying private property in West Branch and Pike Townships. An environmental review was conducted by the Bureau of Forestry regarding the exchange, and the review was approved by the State Forester and Director of the Department, Bureau of Forestry.

As is the policy of the Department, the public is hereby notified of this exchange. A 30-day period for public inquiry or comment, or both, will be in effect beginning October 17, 2020, and ending November 17, 2020. Oral or written comments or questions concerning this proposed exchange may be addressed to Audrey Broucek, Department of Conservation and Natural Resources, Office of

Chief Counsel, P.O. Box 8767, Harrisburg, PA 17105-8767, (717) 772-4171, abroucek@pa.gov. Oral or written comments, or both, will become part of the official document used in the final decision process. Written documents are also available regarding the proposed land exchange by request.

If, in the duration of the 30-day comment period, a significant amount of public concern develops, the Secre-

tary of the Department may schedule a public informational meeting.

CINDY ADAMS DUNN,
Secretary

[Pa.B. Doc. No. 20-1410. Filed for public inspection October 16, 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.

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N?</i>
PA0228362 (Sewage)	Gateway Landing 5741 State Route 87 Williamsport, PA 17701-8645	Lycoming County Plunketts Creek Township	Loyalsock Creek (EV (existing use)) (10-B)	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>
PA0219347 (Sewage)	Iams Properties SRSTP 4124 Finleyville Elrama Road Finleyville, PA 15332-3125	Washington County Union Township	Lobbs Run (WWF) (19-C)	Y
PA0255734 (Sewage)	Lost Warrior Bison Ranch Ltd Property 222 Longsite Drive #43 Uniontown, PA 15401	Westmoreland County East Huntingdon Township	Unnamed Tributary to Jacobs Creek (WWF) (19-D)	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>
PA0239852 (Sewage)	Andrew P Terwilliger SFTF 2125 W Washington Street Bradford, PA 16701-2551	McKean County Bradford Township	Unnamed tributary of Willow Creek (HQ-CWF) (16-B)	Y
PA0222852 (Sewage)	West Fallowfield Township STP P.O. Box 157 6817 Main Street Hartstown, PA 16131-0157	Crawford County West Fallowfield Township	Patton Run (20-A)	Y
PA0272981 (Sewage)	Ashley A Pintado SRSTP 113 Serenity Lane Renfrew, PA 16053	Butler County Forward Township	Unnamed Tributary to Glade Run (WWF) (20-C)	Y

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

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

PA0086134, Sewage, SIC Code 6514, **David R Miller & David Schvien**, 906 and 904 Huffs Church Road, Alburdis, PA 18011-2129. Facility Name: Miller & Schvien Residences. This existing facility is located in District Township, **Berks County**.

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

The receiving stream(s), West Branch Perkiomen Creek (CWF), is located in State Water Plan watershed 3-E and is classified for Cold Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.0008 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Instant Minimum</i>	<i>Concentrations (mg/L)</i>		<i>Instant Maximum</i>
	<i>Annual Average</i>	<i>Average Weekly</i>		<i>Annual Average</i>	<i>Avg. Monthly</i>	
Flow (MGD)	Report	XXX	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Biochemical Oxygen Demand (BOD ₅)	XXX	XXX	XXX	30.0	XXX	60.0
Total Suspended Solids	XXX	XXX	XXX	30.0	XXX	60.0
Total Residual Chlorine (TRC)	XXX	XXX	XXX	0.5	XXX	1.6

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Instant Minimum</i>	<i>Concentrations (mg/L)</i>		<i>Instant Maximum</i>
	<i>Annual Average</i>	<i>Average Weekly</i>		<i>Annual Average</i>	<i>Annual Average</i>	
Fecal Coliform (No./100 ml)						
Oct 1 - Apr 30	XXX	XXX	XXX	2,000	XXX	10,000
May 1 - Sep 30	XXX	XXX	XXX	200	XXX	1,000

Sludge use and disposal description and location(s): Collected screenings, slurries, sludges, and other solids shall be handled and disposed of in compliance with State and federal laws and regulations.

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

- Annual Maintenance Reporting form submitted to DEP
- Annual measurement of scum and septage or annual pumping in treatment units
- Pumping out of septic tanks on regular basis

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

The EPA Waiver is in effect.

PA0009326, Industrial, SIC Code 2033, 2037, **Motts LLP**, 45 Aspers North Road, Aspers, PA 17304-9486. Facility Name: Motts Juice Proc Plant Aspers. This existing facility is located in Menallen Township, **Adams County**.

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

The receiving stream(s), Opossum Creek (TSF), is located in State Water Plan watershed 7-F and is classified for Trout Stocking, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 1.04 MGD.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	6.0	XXX	XXX	XXX
CBOD ₅						
May 1 - Oct 31	104	208	XXX	12.0	24.0	30.0
Nov 1 - Apr 30	217	434	XXX	25.0	50.0	62.5
Total Suspended Solids	260	520	XXX	30.0	60.0	75.0
Ammonia-Nitrogen						
May 1 - Oct 31	13.0	26.0	XXX	1.5	3.0	3.75
Nov 1 - Apr 30	22.0	43.0	XXX	2.5	5.0	6.25
Total Phosphorus	XXX	XXX	XXX	2.0	4.0	5.0
Total Dissolved Solids	Report	Report	XXX	Report	Report	XXX
Sulfate	Report	Report	XXX	Report	Report	XXX
Chloride	Report	Report	XXX	Report	Report	XXX
Bromide	Report	Report	XXX	Report	Report	XXX

The proposed monitoring requirements and, where appropriate, effluent limits for implementation of the Chesapeake Bay Tributary Strategy are as follows for Outfall 001.

<i>Parameters</i>	<i>Mass (lbs)</i>		<i>Minimum</i>	<i>Concentration (mg/l)</i>	
	<i>Monthly</i>	<i>Annual</i>		<i>Monthly Average</i>	<i>Maximum</i>
Ammonia-N	Report	Report	XXX	Report	XXX
Kjeldahl-N	Report	XXX	XXX	Report	XXX
Nitrate-Nitrite as N	Report	XXX	XXX	Report	XXX
Total Nitrogen	Report	Report	XXX	Report	XXX
Total Phosphorus	Report	Report	XXX	Report	XXX
Net Total Nitrogen*	Report	18,645	XXX	XXX	XXX
Net Total Phosphorus*	Report	729	XXX	XXX	XXX

* This permit contains conditions which authorize the permittee to apply nutrient reduction credits to meet the Net Total Nitrogen and the Net Total Phosphorus effluent mass limits, under the Department's Chapter 96 regulations. The condition includes the requirement to report the application of these credits in Supplemental Discharge Monitoring Reports (DMRs) submitted to the Department.

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

The EPA Waiver is not in effect.

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

PA0027375, Sewage, SIC Code 4952, **City of DuBois**, 16 W Scribner Avenue, DuBois, PA 15801-2210. Facility Name: City of DuBois Wastewater Treatment Plant. This existing facility is located in City of DuBois, **Clearfield County**.

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

The receiving stream(s), Sandy Lick Creek, is located in State Water Plan watershed 17-C and is classified for trout stocking, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

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

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		IMAX
	Average Monthly	Daily Maximum		Average Monthly	Daily Maximum	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	Inst Min	XXX	XXX	XXX
Total Residual Chlorine (TRC)	XXX	XXX	Inst Min	0.16	XXX	0.52
Carbonaceous Biochemical Oxygen Demand (CBOD ₅)			XXX			
Nov 1 - Apr 30	770	1,155	XXX	21.0	31.5	42
		Wkly Avg			Wkly Avg	
May 1 - Oct 31	255	385	XXX	7.0	10.5	14
		Wkly Avg			Wkly Avg	
Total Suspended Solids	1,100	1,650	XXX	30.0	45.0	60
		Wkly Avg			Wkly Avg	
Fecal Coliform (No./100 ml)						
Oct 1 - Apr 30	XXX	XXX	XXX	2,000	XXX	10,000
				Geo Mean		
May 1 - Sep 30	XXX	XXX	XXX	200	XXX	1,000
				Geo Mean		
Total Nitrogen	XXX	Report	XXX	XXX	Report	XXX
Ammonia-Nitrogen	230	340	XXX	6.3	9.3	12.6
Nov 1 - Apr 30		Wkly Avg			Wkly Avg	
May 1 - Oct 31	75	110	XXX	2.1	3.1	4.2
		Wkly Avg			Wkly Avg	
Total Phosphorus	XXX	Report	XXX	XXX	Report	XXX
Aluminum, Total	80	130	XXX	2.18	3.63	5.45
Copper, Total (ug/L)	0.48	0.76	XXX	13.27	20.71	33.17
Cyanide, Free (ug/L)	Report	Report	XXX	Report	Report	XXX
Lead, Total (ug/L)	0.22	0.28	XXX	6.03	7.80	15.07
Zinc, Total	4.03	8.07	XXX	0.11	0.22	0.27
Dichlorobromomethane (ug/L)	0.10	0.16	XXX	2.85	4.44	7.12
Bis(2-Ethylhexyl) Phthalate (ug/L)	Report	Report	XXX	Report	Report	XXX
Chloroform (ug/L)	XXX	Report	XXX	XXX	Report	XXX
Isophorone (ug/L)	2.16	4.32	XXX	58.90	117.8	147.25
Biochemical Oxygen Demand (BOD ₅)						
Raw Sewage Influent	Report	Report	XXX	Report	XXX	XXX
Total Suspended Solids						
Raw Sewage Influent	Report	Report	XXX	Report	XXX	XXX

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

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

Parameters	Mass Units (lbs/day)		IMAX	Concentrations (mg/L)		IMAX
	Average Monthly	Daily Maximum		Average Monthly	Daily Maximum	
Fecal Coliform (No./100 ml)						
Oct 1 - Apr 30	XXX	XXX	XXX	2,000	XXX	10,000
May 1 - Sep 30	XXX	XXX	XXX	Geo Mean 200	XXX	1,000
Ultraviolet light intensity (mW/cm ²)	XXX	XXX	Report	Geo Mean XXX	XXX	XXX
Total Nitrogen	XXX	Report	XXX	XXX	Report	XXX
Ammonia-Nitrogen						
Nov 1 - Apr 30	230	340	XXX	6.3	9.3	12.6
May 1 - Oct 31	75	Wkly Avg 110	XXX	2.1	Wkly Avg 3.1	4.2
Wkly Avg		Wkly Avg			Wkly Avg	
Total Phosphorus	XXX	Report	XXX	XXX	Report	XXX
Aluminum, Total	80	130	XXX	2.18	3.63	5.45
Copper, Total (ug/L)	0.48	0.76	XXX	13.27	20.71	33.17
Cyanide, Free (ug/L)	0.32	0.50	XXX	8.75	13.65	21.87
Lead, Total (ug/L)	0.22	0.28	XXX	6.03	7.80	15.07
Zinc, Total	4.03	8.07	XXX	0.11	0.22	0.27
Dichlorobromomethane (ug/L)	0.10	0.16	XXX	2.85	4.44	7.12
Bis(2-Ethylhexyl) Phthalate (ug/L)	0.22	0.35	XXX	6.22	9.70	15.52
Chloroform (ug/L)	XXX	Report	XXX	XXX	Report	XXX
Isophorone (ug/L)	2.16	4.32	XXX	58.90	117.8	147.25
Biochemical Oxygen Demand (BOD ₅)						
Raw Sewage Influent	Report	Report	XXX	Report	XXX	XXX
Total Suspended Solids						
Raw Sewage Influent	Report	Report	XXX	Report	XXX	XXX

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

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

The EPA Waiver is not in effect.

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

PA0100200, Sewage, SIC Code 4953, **Reynolds Disposal Company**, 301 Arlington Drive, Greenville, PA 16125-8214. Facility Name: Reynolds Disposal. This existing facility is located in Pymatuning Township, **Mercer 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), Shenango River (WWF), is located in State Water Plan watershed 20-A and is classified for Warm Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 1.25 MGD.—Limits.

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		IMAX
	Average Monthly	Weekly Average		Average Monthly	Weekly Average	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	Daily Min 4.0	XXX	XXX	XXX
Total Residual Chlorine (TRC)	XXX	XXX	XXX	0.5	XXX	1.6
Carbonaceous Biochemical Oxygen Demand (CBOD ₅)	260	417	XXX	25.0	40.0	50
Biochemical Oxygen Demand (BOD ₅)						
Raw Sewage Influent	Report	Report	XXX	Report	XXX	XXX
Daily Max		Daily Max				
Total Suspended Solids						
Raw Sewage Influent	Report	Report	XXX	Report	XXX	XXX
Daily Max		Daily Max				

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		IMAX
	Average Monthly	Weekly Average		Average Monthly	Weekly Average	
Total Suspended Solids	312	469	XXX	30.0	45.0	60
Fecal Coliform (No./100 ml)						
Oct 1 - Apr 30	XXX	XXX	XXX	2,000	XXX	10,000
May 1 - Sep 30	XXX	XXX	XXX	Geo Mean 200	XXX	1,000
Total Nitrogen	Report	XXX	XXX	Report	XXX	XXX
Ammonia-Nitrogen						
Nov 1 - Apr 30	260	XXX	XXX	25.0	XXX	50
May 1 - Oct 31	99	XXX	XXX	9.5	XXX	19
Total Phosphorus	10.0	XXX	XXX	1.0	XXX	2
Chloride	Report	XXX	XXX	Report	XXX	XXX
Total Nickel	Report	XXX	XXX	Report	XXX	XXX

Sludge use and disposal description and location(s): Sludge is hauled offsite to a DEP approved landfill for disposal.

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

- Whole Effluent Toxicity (WET)

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 not in effect.

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

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

WQM Permit No. 0720403, Sewerage, **Gary Huff**, 1881 Reightown Road, Tyrone, PA 16686.

This proposed facility is located in Antis Township, **Blair County**.

Description of Proposed Action/Activity: Seeking permit approval for the construction/operation of a single residence sewage treatment plant to serve their residence at 471 Moser Road, Altoona.

WQM Permit No. WQG02212002, Sewerage, **Silver Spring Township Sewer Authority**, 5 Willow Mill Park Road, Suite #3, Mechanicsburg, PA 17050.

This proposed facility is located in Silver Spring Township, **Cumberland County**.

Description of Proposed Action/Activity: Seeking permit approval for the construction/operation of the pump station and sewer extension North of I-81.

WQM Permit No. 3617202, Amendment, CAFO Operation, **Walnut Run Farms**, 292 Elm Road, Lititz, PA 17543.

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

Description of Proposed Action/Activity: Seeking permit approval for the construction/operation of a new circular concrete manure storage structure as planned.

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

WQM Permit No. WQG02042001, Sewage, **Bradys Run Sanitary Authority**, 2326 Darlington Road, Beaver Falls, PA 15010-1357.

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

Description of Proposed Action/Activity: construction of sewers and pump station for Chippewa Trails development.

WQM Permit No. 6520403, Sewage, **Lost Warrior Bison Ranch Ltd**, 222 Longsite Drive # 43, Uniontown, PA 15401.

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

Description of Proposed Action/Activity: Installation of a Singulair Bio-Kinetic Model 960-500 treatment tank utilizing extended aeration process, Hydro-Kinetic Bio-Film Reactor, and Model AT 1500 UV disinfection system. The Singulair treatment tank consists of flow equalization, pretreatment, aeration, clarification, and tertiary filtration.

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

WQM Permit No. 2719403 A-1, Sewage, **Jack R. Bishop**, 142 E Main Street, Columbus, PA 16405-1508.

This existing facility is located in Howe Township, **Forest County**.

Description of Proposed Action/Activity: Install Premier Tech PACK coco filter unit at Single Residence Sewage Treatment Plant.

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

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

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

Wayne Conservation District, 648 Park St, Honesdale, PA 18431, 570-253-0930.

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAD640024	Kernwood Homes, Inc Garrett Hill Road Honesdale, PA 18431	Wayne County	Berlin Township	Holbert Creek (HQ-CWF, MF)

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

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAD020032	3250 Liberty Owner, LLC 651 Holiday Drive Suite 225 Pittsburgh, PA 15220-2740	Allegheny County	City of Pittsburgh	Ohio/Allegheny River (WWF)
PAD020034	CSX Transportation, Inc. 500 Water Street Jacksonville, FL 32202	Allegheny County	Stowe Township	Ohio River (WWF-N)
PAD260014	Fayette County Housing Authority 624 Pittsburgh Road Uniontown, PA 15401	Fayette County	City of Connellsville	Youghiogheny River (HQ-CWF)
PAD300011	Peoples Natural Gas Co., LLC 375 North Shore Drive Suite 600 Pittsburgh, PA 15212-5866	Greene County	Morris Township	Browns Creek (HQ-WWF)
PAD630055	Dredge Docks, Inc. 1231 River Avenue Pittsburgh, PA 15212	Washington County	Centerville Borough	Monongahela River (WWF)
PAD630057	Ted Taylor Builders Suite 101 608 East McMurray Road McMurray, PA 15317	Washington County	Peters Township	UNT to Chartiers Creek (HQ-WWF)

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. PAG123909, CAFO, **Nolt Glendon**, 252 Millbach Road, Newmanstown, PA 17073-9233.

This proposed facility is located in Greenwich Township, **Berks County**.

Description of size and scope of proposed operation/activity: Duck (Layer): 109.60 AEUs.

The receiving stream, Unnamed Tributary to Maiden Creek (TSF, MF), is in watershed 3-B 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 rain storms, the CAFO general permit is a non-discharge NPDES permit. Where applicable, compliance with 40 CFR federal effluent limitation guidelines is required. The general permit requires no other numeric effluent limitations and compliance with the Pennsylvania Nutrient Management Act and the Clean Stream Law constitutes compliance with the state narrative water quality standards.

STATE CONSERVATION COMMISSION

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

This notice provides information about agricultural operations that have submitted nutrient management plans (NMPs) for approval under 3 Pa.C.S. Chapter 5 and that have or anticipate submitting applications for new, amended or renewed (National Pollutant Discharge Elimination System) NPDES permits, or Notices of Intent (NOIs) for coverage under a

general permit, for CAFOs, under 25 Pa. Code Chapter 92a. This notice is provided in accordance with 25 Pa. Code Chapter 92a and 40 CFR Part 122, implementing The Clean Streams Law and the Federal Clean Water Act.

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

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

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

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

<i>Agricultural Operation Name and Address</i>	<i>County</i>	<i>Total Acres</i>	<i>Animal Equivalent Units</i>	<i>Animal Type</i>	<i>Special Protection Waters (HQ or EV or NA)</i>	<i>Renewal/ New</i>
Walnut Run Farms Carl & John Myer 292 Elm Road Lititz, PA 17543	Lancaster	1,200	1.62	Dairy	NA	Renewal
Harley Bange 15629 Trough Creek Valley Pike Huntingdon, PA 16652	Huntingdon	551.1	396.30	Swine/ Beef	NA	Renewal

PUBLIC WATER SUPPLY PERMITS

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

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

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

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

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

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

SAFE DRINKING WATER

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

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

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

Application No. 4020514, Public Water Supply.

Applicant	Overbrook Water Company 185 Huntsville Road Dallas, PA 18612
Municipality	Dallas Township
County	Luzerne
Responsible Official	Ronald P. Fitch, Owner Overbrook Water Company 185 Huntsville Road Dallas, PA 18612
Type of Facility	Public Water Supply
Consulting Engineer	Martin J. Gilligan, P.E. Martin J. Gilligan, LLC 52 Westminster Drive Dallas, PA 18612

Application Received Date	September 10, 2020
Description of Action	System modifications including installation of VFD pump controls at the East and West systems, substitution of chemical feed pumps, and other upgrades.

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.

Northeast Region: Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711-0790.

Contact: Raymond Kempa, New Source Review Chief—Telephone: 570-826-2507.

58-0001B: Tennessee Gas Pipeline Company LLC (1001 Louisiana St, Suite 100, Houston, TX 77002) for the construction and operation of a combustion turbine-driven compressor and associated equipment at their existing compressor station located in Clifford Twp., **Susquehanna County**.

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.

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

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

18-00033B: Renovo Energy Center, LLC (12011 Sunset Hills Road, Suite 110, Reston, VA 20190-5919) has submitted an application to the Pennsylvania Department of Environmental Protection for plan approval to construct a natural gas/ultra-low sulfur diesel-fired (ULSD) combined-cycle power plant to produce 1,240 MW or less of electricity in Renovo Borough, **Clinton County**. The project consists of two (2) identical 1 x 1 powerblocks where each powerblock consists of a combustion turbine and steam turbine with a natural gas-fired duct burner and a heat recovery steam generator. The maximum heat input rating of each combustion turbine is 3,541 MMBtu/hr firing natural gas and 3,940 MMBtu/hr firing ULSD. The maximum heat input rating of the duct burners is 1,005 MMBtu/hr (HHV) firing on natural gas. The duct burners are not used when the combustion turbines fire ULSD. The air contaminants from each power block will be controlled by a selective catalytic reduction (SCR) system and an oxidation catalyst. Ancillary equipment for the facility also being proposed

by Renovo Energy Center, LLC include: one (1) 2,206 brake horsepower (bhp) diesel-fired Caterpillar model 3512C emergency generator engine, one (1) 237 bhp diesel-fired Clarke/John Deere model JU6H-UFAD88 fire pump engine, two (2) 66 MMBtu/hr natural gas-fired auxiliary boilers, three (3) 15 MMBtu/hr natural gas-fired water bath heaters, one (1) 3 MMBtu/hr natural gas-fired dew point gas heater, one (1) 3,500,000-gallon ultra-low sulfur diesel fuel (ULSD) storage tank, two (2) 20,000-gallon lube oil storage tanks, two (2) 26,000-gallon aqueous ammonia storage tanks, one (1) 2,500-gallon ULSD storage tank (emergency generator engine), one (1) 350 gallon ULSD storage tank (fire pump engine), twelve (12) sulfur hexafluoride-containing high voltage circuit breakers. The proposed project is subject to the Prevention of Significant Deterioration (PSD) of Air Quality regulations of 40 CFR 52.21, the Nonattainment New Source Review (NNSR) regulations of 25 Pa. Code §§ 127.201–27.218, and the Best Available Technology (BAT) requirements of 25 Pa. Code §§ 127.1 and 127.12. The facility’s total particulate matter (PM) including PM₁₀ and PM_{2.5}, nitrogen oxides, carbon monoxide and volatile organic compounds emissions are subject to the PSD requirements. The facility’s nitrogen oxides and volatile organic compounds emissions are also subject to the NNSR requirements. The Department has determined that the proposed levels of the air contaminants emissions satisfy Best Available Control Technology (BACT) and Lowest Achievable Emission Rate (LAER) requirements as well as the Department’s BAT requirements.

The facility is also subject to the following Standards of Performance for New Stationary Sources (NSPS): 40 CFR Part 60 Subpart Dc—Standards of Performance for Small Industrial-Commercial-Institutional Steam Generating Units codified in 40 CFR 60.40c through 60.48c. 40 CFR Part 60 Subpart IIII—Standards of Performance for Stationary Compression Ignition Internal Combustion Engines codified in 40 CFR 60.4200 through 60.4219. 40 CFR Part 60 Subpart KKKK—Standards of Performance for Stationary Combustion Turbines codified in 40 CFR 60.4300 through 60.4420. 40 CFR Part 60 Subpart TTTT—Standards of Performance for Greenhouse Gas Emissions for Electric Utility Generating Units codified in 40 CFR 60.5508 through 60.5580. The proposed project is also subject to 40 CFR Part 63 Subpart ZZZZ—National Emission Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion

Engines codified 40 CFR 63.6580 through 63.6675 as applicable to the proposed diesel-fired engines. Based on the review of the application, the Department has determined that the construction and operation of the proposed project will satisfy all applicable requirements of these subparts including Maximum Achievable Control Technology (MACT) requirements.

Renovo Energy Center, LLC (REC) has conducted air quality analyses using air dispersion modeling which satisfy the requirements of the Prevention of Significant Deterioration (PSD) regulations codified in 40 CFR 52.21 and 25 Pa. Code § 127.83. In accordance with 40 CFR 52.21(k) through (n), REC conducted air quality analyses of emissions of carbon monoxide (CO), nitrogen oxides (NO_x), particulate matter less than or equal to 2.5 micrometers in diameter (PM_{2.5}), particulate matter less than or equal to 10 micrometers in diameter (PM₁₀), and sulfur dioxide (SO₂) for its Renovo Energy Center. REC’s source impact analyses demonstrate that emissions from the Renovo Energy Center would not cause or contribute to air pollution in violation of the National Ambient Air Quality Standards for CO, nitrogen dioxide (NO₂), PM_{2.5}, PM₁₀, or SO₂. Additionally, REC’s source impact analyses demonstrate that emissions from the Renovo Energy Center would not cause or contribute to air pollution in violation of the Class II or Class I PSD increments for NO₂, PM_{2.5}, PM₁₀, or SO₂.

In accordance with 40 CFR 52.21(o), REC provided additional impact analyses of the impairment to visibility, soils, and vegetation that would occur as a result of the Renovo Energy Center and general commercial, residential, industrial, and other growth associated with the Renovo Energy Center. In accordance with 40 CFR 52.21(p), written notice of the Renovo Energy Center 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 Renovo Energy Center 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 Renovo Energy Center is provided in the following tables:

<i>Pollutant</i>	<i>Averaging Period</i>	<i>Degree of Class II PSD Increment Consumption</i>		<i>Class II PSD Increment</i>
		<i>micrograms per cubic meter</i>	<i>Percent of Class II PSD Increment</i>	<i>micrograms per cubic meter</i>
NO ₂	Annual	< 1.27164	< 5.09%	25
PM _{2.5}	24-hour	< 8.39059	< 93.23%	9
	Annual	< 1.27313	< 31.83%	4
PM ₁₀	24-hour	< 14.10192	< 47.01%	30
	Annual	< 1.26493	< 7.45%	17
SO ₂	3-hour	< 8.15721	< 1.60%	512
	24-hour	< 2.14058	< 2.36%	91
	Annual	< 0.19293	< 0.97%	20

Degree of Class I PSD Increment Consumption from Operation of the Renovo Energy Center

<i>Pollutant</i>	<i>Averaging Period</i>	<i>Degree of Class I PSD Increment Consumption</i>		<i>Class I PSD Increment</i>
		<i>micrograms per cubic meter</i>	<i>Percent of Class I PSD Increment</i>	<i>micrograms per cubic meter</i>
NO ₂	Annual	< 0.00670	< 0.278%	2.5
PM _{2.5}	24-hour	< 0.12904	< 6.46%	2
	Annual	< 0.01487	< 1.49%	1
PM ₁₀	24-hour	< 0.01902	< 0.24%	8
	Annual	< 0.00667	< 0.17%	4
SO ₂	3-hour	< 0.01258	< 0.06	25
	24-hour	< 0.00289	< 0.06	5
	Annual	< 0.00103	< 0.06	2

Based on the findings previously presented, the Department intends to issue a plan approval for the proposed project. The Department proposes placing the following conditions in an issued plan approval to ensure compliance with all applicable air quality regulatory requirements:

1. Pursuant to the best available control technology of the Prevention of Significant Deterioration provisions in 40 CFR 52.21 and of 25 Pa. Code § 127.83 and the lowest achievable emission rate of the New Source Review Regulation provisions in 25 Pa. Code §§ 127.201—127.217 as well as the best available technology provisions in 25 Pa. Code §§ 127.1 and 127.12:

(a) The air contaminant emissions from the exhaust of each boiler incorporated in Source 031 shall not exceed the following limitations:

i. Nitrogen Oxides (NO_x, expressed as NO₂)—0.006 lb/MMBtu and 0.44 tpy

ii. Carbon Monoxide (CO)—0.036 lb/MMBtu and 2.61 tpy

iii. Volatile Organic Compound—0.002 lb/MMBtu and 0.15 tpy

iv. Particulate Matter less than 10 microns in diameter (PM₁₀)—0.0019 lb/MMBtu and 0.14 tpy

(b) Each boiler in Source 031 shall only utilize natural gas as fuel and fire no more than 145,200 MMBtu of natural gas in either boiler in any 12 consecutive month period.

(c) Each boiler incorporated in Source 031 shall be equipped with ultra-low NO_x burners and flue gas recirculation.

(d) Source 031 shall be operated in accordance with the manufacturer's specifications and good operating practices.

2. The permittee shall conduct EPA reference method testing within 180 days of the startup of each boiler incorporated in Source 031 for nitrogen oxides and carbon monoxide to demonstrate compliance with the emission limitations.

3. Pursuant to 40 CFR 60.48c(g), the permittee shall keep records of the amount of natural gas fired in each boiler incorporated in Source 031 on a daily basis.

4. Each boiler in incorporated in Source 031 is subject to the requirements of 40 CFR Part 60 Subpart Dc Sections 60.40c through 60.48c. The permittee shall com-

ply with all applicable requirements of 40 CFR Part 60 Subpart Dc Sections 60.40c through 60.48c.

5. Pursuant to the best available control technology of the Prevention of Significant Deterioration provisions in 40 CFR 52.21 and of 25 Pa. Code § 127.83 and the lowest achievable emission rate of the New Source Review Regulation provisions in 25 Pa. Code §§ 127.201—127.217 as well as the best available technology provisions in 25 Pa. Code §§ 127.1 and 127.12:

(a) The air contaminant emissions from the exhaust of each heater incorporated in Source 032 shall not exceed the following limitations:

i. nitrogen oxides—0.011 lb/MMBtu and 0.72 tpy

ii. carbon monoxide—0.037 lb/MMBtu and 2.43 tpy

iii. volatile organic compound—0.005 lb/MMBtu and 0.33 tpy

iv. particulate matter less than 10 microns in diameter (PM₁₀)—0.0019 lb/MMBtu and 0.12 tpy

(b) The permittee shall only operate no more than two (2) heaters incorporated in Source 032 at a time.

(c) Each heater incorporated in Source 032 shall be equipped with a low NO_x burner.

(d) Each heater incorporated in Source 032 shall only utilize natural gas as fuel.

(e) Source 032 shall be operated in accordance with the manufacturer's specifications and good operating practices.

6. Pursuant to the best available control technology of the Prevention of Significant Deterioration provisions in 40 CFR 52.21 and of 25 Pa. Code § 127.83 and the lowest achievable emission rate of the New Source Review Regulation provisions in 25 Pa. Code §§ 127.201—127.217 as well as the best available technology provisions in 25 Pa. Code §§ 127.1 and 127.12:

(a) The air contaminant emissions from the exhaust of Source 033 shall not exceed the following limitations:

i. nitrogen oxides—0.033 lb/MMBtu and 0.43 tpy

ii. carbon monoxide—0.082 lb/MMBtu and 1.08 tpy

iii. volatile organic compound—0.005 lb/MMBtu and 0.07 tpy

(b) Source 033 shall only utilize natural gas as fuel.

(c) Source 033 shall be operated in accordance with the manufacturer's specifications and good operating practices.

7. Pursuant to the best available control technology of the Prevention of Significant Deterioration provisions in 40 CFR 52.21 and of 25 Pa. Code § 127.83 and the lowest achievable emission rate of the New Source Review Regulation provisions in 25 Pa. Code §§ 127.201—127.217 as well as the best available technology provisions in 25 Pa. Code §§ 127.1 and 127.12:

(a) Emissions from the exhaust of Control Devices C101A, C101B, C102A and C102B associated with Sources P101 and P102, respectively, shall not exceed the following specified limits while firing natural gas:

i. nitrogen oxides—2.0 ppm_{dv} corrected to 15% O₂ and 33.30 lb/hr

ii. carbon monoxide—0.9 ppm_{dv} corrected to 15 %O₂ and 7.00 lb/hr for the CT only and 1.5 ppm_{dv} corrected to 15% O₂ and 15.20 lb/hr for both the CT and DB

iii. volatile organic compounds—0.7 ppm_{dv} corrected to 15% O₂ and 3.10 lb/hr for the CT only and 1.6 ppm_{dv} corrected to 15% O₂ and 9.30 lb/hr for both the CT and DB

iv. sulfur dioxide—0.0012 lb/MMBtu and 5.43 lb/hr

v. total (filterable and condensable) particulate matter—0.0050 lb/MMBtu and 22.50 lb/hr

vi. formaldehyde—0.58 lb/hr

vii. sulfuric acid—0.0009 lb/MMBtu and 4.07 lb/hr

viii. ammonia slip—5 ppm_{dv} corrected to 15% O₂ and 32.34 lb/hr

(b) emissions from the exhaust of Control Devices C101A, C101B, C102A and C102B associated with Sources P101 and P102, respectively, shall not exceed the following specified limits while firing ULSD:

i. nitrogen oxides—4.0 ppm_{dv} corrected to 15% O₂ and 59.60 lb/hr

ii. carbon monoxide—2.0 ppm_{dv} corrected to 15% O₂ and 18.10 lb/hr

iii. volatile organic compounds—2.0 ppm_{dv} corrected to 15% O₂ and 10.40 lb/hr

iv. sulfur dioxide—0.0018 lb/MMBtu and 7.09 lb/hr

v. total (filterable and condensable) particulate matter—0.0122 lb/MMBtu and 48.20 lb/hr

vi. sulfuric acid—0.0012 lb/MMBtu and 4.62 lb/hr

vii. ammonia slip—5 ppm_{dv} corrected to 15% O₂ and 28.98 lb/hr

(c) The nitrogen oxides, carbon monoxide and ammonia emissions limits shall be established as a one-hour period.

(d) Unless otherwise specified herein, the above emissions limits shall apply at all times except for periods of startup and shutdown.

(e) The applicable sulfur dioxide requirements in 40 CFR 60.4330 are streamlined into this permit condition.

8. The permittee shall install, certify, maintain and operate continuous emission monitoring systems (CEMS) for nitrogen oxides, carbon monoxide, carbon dioxide and ammonia emissions as well as volumetric flow on the exhaust of each combined cycle powerblock in accordance with all applicable requirements specified in 25 Pa. Code Chapter 139 and the Department's "Continuous Source Monitoring Manual." No CEMS or flow monitoring system may however be installed unless Phase I approval has first been obtained from the Department.

9. The permittee shall submit a Phase I application to the Department for all CEMS and flow monitoring systems to be associated with each combined cycle powerblock at least 180 days prior to the expected commencement of operation of each respective unit.

10. Pursuant to the best available control technology requirements of the Prevention of Significant Deterioration provisions in 40 CFR 52.21 and of 25 Pa. Code § 127.83 and the lowest achievable emission rate of the New Source Review Regulation provisions in 25 Pa. Code §§ 127.201—127.217 as well as the best available technology provisions in 25 Pa. Code §§ 127.1 and 127.12, emissions from Sources P101 and P102 shall not exceed the following limits:

(a) nitrogen oxides while firing on natural gas:

i. 53 lbs per hot start;

ii. 81 lbs per warm start;

iii. 123 lbs per cold start;

iv. 14 lbs per shutdown;

v. 25.20 tons in any 12-consecutive month period;

(b) nitrogen oxides while firing on ULSD:

i. 112 lbs per hot start;

ii. 172 lbs per warm start;

iii. 221 lbs per cold start;

iv. 43 lbs per shutdown;

v. 5.40 tons in any 12-consecutive month period;

(c) volatile organic compounds while firing on natural gas:

i. 22 lbs per hot start;

ii. 24 lbs per warm start;

iii. 53 lbs per cold start;

iv. 19 lbs per shutdown;

v. 11.40 tons in any 12-consecutive month period;

(d) volatile organic compounds while firing on ULSD:

i. 30 lbs per hot start;

ii. 33 lbs per warm start;

iii. 141 lbs per cold start;

iv. 7 lbs per shutdown;

v. 1.0 ton in any 12-consecutive month period;

(e) carbon monoxide while firing on natural gas:

i. 177 lbs per hot start;

ii. 190 lbs per warm start;

iii. 699 lbs per cold start;

iv. 152 lbs per shutdown;

v. 90.80 tons in any 12-consecutive month period;

(f) carbon monoxide while firing on ULSD:

i. 273 lbs per hot start;

ii. 286 lbs per warm start;

iii. 704 lbs per cold start;

iv. 48 lbs per shutdown;

v. .40 tons in any 12-consecutive month period;

(g) total (filterable and condensable) particulate matter (PM per PM₁₀ per PM_{2.5}) while firing on natural gas:

- i. 4.0 lbs per hot start;
- ii. 7.3 lbs per warm start;
- iii. 8.3 lbs per cold start;
- iv. 3.0 lbs per shutdown;
- v. 2.70 tons in any 12-consecutive month period;

(h) total (filterable and condensable) particulate matter (PM per PM₁₀ per PM_{2.5}) while firing on ULSD:

- i. 16 lbs per hot start;
- ii. 32 lbs per warm start;
- iii. 36 lbs per cold start;
- iv. 10 lbs per shutdown;
- v. 1.10 tons in any 12-consecutive month period;

(i) These emission limits apply only during startup and shutdown events associated with Sources P101 and P102. These emission rates are included as part of, and not in addition to, the annual emission limits for Sources P101 and P102, respectively.

(j) For the purposes of demonstrating compliance with these emission limits, the term “startup” and “shutdown” are defined as follows:

i. A cold start is defined as a restart occurring 72 hours or more after shutdown and shall not be in excess of 45 minutes in duration.

ii. A warm start is defined as a restart occurring between 8 to 72 hours after shutdown and shall not be in excess of 40 minutes in duration.

iii. A hot start is defined as a restart occurring less than 8 hours after shutdown and shall not be in excess of 20 minutes in duration.

iv. Shutdown is defined as the period between the time that the combined cycle powerblock drops below 60 percent operating level. Shutdown shall not occur for more than 12 minutes in duration.

v. The permittee shall record the time, date, justification, and duration of each startup and shutdown.

11. Pursuant to the best available technology requirements of 25 Pa. Code §§ 127.1 and 127.12, the permittee shall monitor and keep records of the amount and type of fuel used each month in each of the combined cycle powerblocks as well as the monthly heat input and hours of operation. All information to satisfy this recordkeeping requirement shall be kept for a minimum of five (5) years and shall be made available to the Department upon request.

12. Pursuant to the best available control technology of the Prevention of Significant Deterioration provisions in 40 CFR 52.21 and of 25 Pa. Code § 127.83, as well as the best available technology provisions in 25 Pa. Code §§ 127.1 and 127.12, each combined cycle powerblock shall be fired on either natural gas or ultra-low sulfur diesel (ULSD) fuel. The sulfur content of the natural gas shall not exceed 0.4 grains/100 scf and the sulfur content of the ULSD shall not exceed 15 ppm.

13. Pursuant to 25 Pa. Code § 127.12b, (a) the permittee shall keep accurate and comprehensive records of the following to demonstrate compliance with the fuel requirements previously specified under part I. Restrictions for each combined cycle powerblock:

(a) The gas quality characteristics in a current, valid purchase contract, tariff sheet or transportation contract for the gaseous fuel and ULSD, specifying that the maximum total sulfur content of the natural gas is 0.4 grain/100 scf or less and minimum percent methane composition equals 70% by volume for natural gas or the fuel has a lower heating value between 950 and 1,100 British thermal units per standard cubic foot for natural gas and the total sulfur content of the ULSD is 15 ppm or less; or

(b) Representative fuel sampling data which show that the sulfur content of the gaseous fuel does not exceed 0.4 grain/100 scf and minimum percent methane composition equals 70% by volume or the fuel has a lower heating value between 950 and 1,100 British thermal units per standard cubic foot and the sulfur content of the ULSD is 15 ppm or less.

(c) With additional authority for this item taken from 40 CFR 70.6, the records of the fuel sampling performed in this paragraph shall include the following:

- i. The date, place, and time of sampling;
- ii. The date(s) analyses were performed;
- iii. The company or entity that performed the analyses;
- iv. The analytical techniques or methods used;
- v. The results of such analyses; and
- vi. The operating conditions as existing at the time of sampling or measurement.

vii. All information to satisfy this recordkeeping requirement shall be kept for a minimum of five (5) years and shall be made available to the Department upon request.

14. Pursuant to the best available control technology of the Prevention of Significant Deterioration provisions in 40 CFR 52.21 and of 25 Pa. Code § 127.83, as well as the best available technology provisions in 25 Pa. Code §§ 127.1 and 127.12, emissions from the operation of each individual combined cycle powerblock shall not exceed in any 12 consecutive month period the following specified limits:

- (a) nitrogen oxides—177.58 tons
- (b) carbon monoxide—162.93 tons
- (c) volatile organic compounds—51.22 tons
- (d) total (filterable and condensable) particulate matter—105.96 tons
- (e) sulfur oxides—26.74 tons
- (f) total combined hazardous air pollutants—9.94 tons
- (g) formaldehyde—2.53 tons
- (h) ammonia—138.68 tons
- (i) sulfuric acid—17.70 tons
- (j) greenhouse gases—2,709,297 tons

15. The permittee shall conduct initial EPA reference method testing within 180 days of the startup of each combined cycle powerblock and subsequent testing every two years from the previous tests for nitrogen oxides, carbon monoxide, ammonia slip, volatile organic compounds (including formaldehyde), sulfur oxides (SO₂), sulfuric acid mist, total (filterable and condensable) particulate matter as well as keep record of the monthly emissions of sulfur oxides (SO₂), sulfuric acid mist, total (filterable and condensable) particulate matter to demonstrate compliance with the emission limitations.

16. The Department will evaluate the actual emission rates and may revise the allowable emission limitations based upon demonstrated performance (CEMS data, stack tests results), and/or subsequently promulgated applicable requirements during the first five years of operation. Any revision of the allowable emission limitations shall be accomplished by permit modification provided that the revised allowable emission limitations do not exceed levels at which the lowest achievable emission rate (LAER), best available control technology (BACT) and best available technology (BAT) were evaluated, do not exceed the level at which the facility impacts were modeled, and that are not a result of a physical change at the facility or change in mode of operation.

17. Pursuant to the best available control technology of the Prevention of Significant Deterioration provisions in 40 CFR 52.21 and of 25 Pa. Code § 127.83, as well as the best available technology provisions in 25 Pa. Code §§ 127.1 and 127.12, the emission of visible air contaminants from the operation of each combined cycle powerblock shall not be in excess of 10% opacity for any 3-minute block period for normal operation and 10% opacity for any 6-minute block period for startups/shutdowns.

18. Pursuant to the best available technology requirements of 25 Pa. Code §§ 127.1 and 127.12:

(a) The inlet temperature, outlet temperature, and pressure differential across the SCR catalyst shall be monitored and recorded on a continuous basis. Visual and audible alarms shall be utilized to indicate improper operation.

(b) The pre-control and post-control NO_x emissions shall be monitored by the feed-forward process control loop to ensure maximum achievable control efficiency and minimum NH₃ slip.

(c) The pressure differential across the oxidation catalyst as well as the catalyst inlet and outlet temperatures shall be monitored and recorded on a continuous basis (1-hour average). Visual and audible alarms shall be utilized to indicate improper operation. The pressure differential and temperature ranges will be established based upon the recorded data and the stack testing.

(d) An oxygen monitor shall be placed in each stack to monitor oxygen levels to ensure maximum achievable combustion efficiency.

(e) High efficiency inlet air filters shall be used in the air inlet section of each combined cycle powerblock.

(f) The permittee shall monitor the pressure differential across the inlet air filters and record it on a weekly basis.

(g) All air-contaminant sources and control devices shall be maintained and operated in a manner consistent with good air pollution control practices and in accordance with the manufacturer's recommendations as well as manufacturer's maintenance plan.

(h) The total combined hours of startups and shutdowns for each combined cycle powerblocks while firing natural gas shall not exceed 460 hours in any 12 consecutive month period.

(i) The total combined hours of startups and shutdowns for each combined cycle powerblocks while firing ULSD shall not exceed 40 hours in any 12 consecutive month period.

19. Pursuant to the best available control technology of the Prevention of Significant Deterioration provisions in

40 CFR 52.21 and of 25 Pa. Code § 127.83 and the lowest achievable emission rate of the New Source Review Regulation provisions in 25 Pa. Code §§ 127.201—127.217 as well as the best available technology provisions in 25 Pa. Code §§ 127.1 and 127.12, each combustion turbine associated with a powerblock shall be equipped with dry-low-NO_x (DLN) combustors.

20. Pursuant to the best available control technology of the Prevention of Significant Deterioration provisions in 40 CFR 52.21 and of 25 Pa. Code § 127.83 and the lowest achievable emission rate of the New Source Review Regulation provisions in 25 Pa. Code §§ 127.201—127.217 as well as the best available technology provisions in 25 Pa. Code §§ 127.1 and 127.12, Source P101 and P102 shall only be fired on ULSD fuel no more than 720 hours in any 12 consecutive month period.

21. The permittee shall comply with all applicable SO₂ monitoring requirements specified in 40 CFR 60.4360, 60.4365, and 60.4370.

22. The permittee shall comply with all applicable monitoring requirements specified in 40 CFR 60.4340, 60.4345, and 60.4350.

23. Pursuant to the best available technology requirements of 25 Pa. Code §§ 127.1 and 127.12, the permittee shall operate and maintain the stationary combustion turbine, air pollution control equipment, and monitoring equipment in a manner consistent with good air pollution control practices for minimizing emissions at all times including during startup, shutdown, and malfunctions pursuant to 40 CFR 60.4333.

24. The permittee shall comply with the applicable testing requirements specified in 40 CFR 60.4400, 60.4405, and 60.4415.

25. The permittee shall comply with the reporting requirements specified in 40 CFR 60.4375 and 60.4380.

26. The permittee shall submit a complete Acid Rain (Title IV) permit application in accordance with the deadlines specified in 40 CFR 72.30(b)(2)(ii).

27. The permittee shall comply with the applicable requirements of 40 CFR Part 97.

28. The permittee shall submit a complete NO_x Budget permit application in accordance with 40 CFR 97.21(b)(1)(ii).

29. The permittee shall comply with the applicable Mandatory GHG Reporting requirements of 40 CFR Part 98.

30. The facility shall comply with the requirements in 40 CFR Part 98 Subpart D, (40 CFR 98.40 through 98.48).

31. Source P101 and P102 are subject to the requirements of 40 CFR Part 60 Subpart KKKK Sections 60.4300—60.4420. The permittee shall comply with all applicable requirements of 40 CFR Part 60 Subpart KKKK Sections 60.4300—60.4420.

32. Sources P101 and P102 are subject to the requirements of 40 CFR Part 60 Subpart TTTT Sections 60.5508—60.5580. The permittee shall comply with all applicable requirements of 40 CFR Part 60 Subpart TTTT Sections 60.5508—60.5580.

33. Pursuant to the new source review provisions in 25 Pa. Code §§ 127.201—127.217, the permittee shall purchase and apply 418.1 tons per year of NO_x emission reduction credits (ERCs) and 120.2 tons per year of VOC ERCs prior to commencing operation of any source at the

facility to offset the total of the net increase in potential to emit. The permittee shall certify to the Northcentral Regional Office of the Department the amount of ERCs purchased, the company from which the ERCs were purchased, and the effective date of transfer of the ERCs. The purchase and application of the NO_x and VOC ERCs shall be tracked in the Department's ERC registry system. Failure to purchase and apply the ERCs prior to commencing operation at the facility shall make this plan approval null and void.

34. Pursuant to the requirements of 40 CFR 60.4205(b) and 60.4211(c), Sources P103 and P104 shall be EPA certified to meet the emissions standards that are specified in 40 CFR 89.112 and 89.113 for the same model year and maximum engine power.

35. Pursuant to the best available control technology of the Prevention of Significant Deterioration provisions in 40 CFR 52.21 and of 25 Pa. Code § 127.83 and the lowest achievable emission rate of the New Source Review Regulation provisions in 25 Pa. Code §§ 127.201—127.217 as well as the best available technology provisions in 25 Pa. Code §§ 127.1 and 127.12:

(a) The air contaminant emissions from the exhaust of Source P103 shall not exceed the following limitations:

- i. nitrogen oxides—4.48 g/hp-hr and 5.45 tpy
- ii. carbon monoxide—1.23 g/hp-hr and 1.50 tpy
- iii. volatile organic compound—0.80 g/hp-hr and 0.97 tpy
- iv. particulate matter—0.13 g/hp-hr and 0.16 tpy.

(b) The air contaminant emissions from the exhaust of Source P104 shall not exceed the following limitations:

- i. nitrogen oxides—2.7 g/bhp-hr and 0.18 tpy
- ii. carbon monoxide—0.90 g/bhp-hr and 0.06 tpy
- iii. volatile organic compound—0.10 g/bhp-hr and 0.01 tpy
- iv. particulate matter—0.10 g/bhp-hr and 0.01 tpy

(c) Source P103 shall not be operated greater than 500 hours in any 12 consecutive month period.

(d) Source P104 shall not be operated greater than 250 hours in any 12 consecutive month period.

36. Pursuant to the best available technology requirements of 25 Pa. Code §§ 127.1 and 127.12:

(a) the total hours of operation of Source P103 and Source P104 shall not exceed 500 hours and 250 hours in any 12-consecutive month period, respectively.

(b) The duration of each readiness test associated with the engines shall be no more than 30 minutes.

(c) There shall be no simultaneous readiness testing of the engine-generator and fire pump engine within the same hour.

(d) There shall be no readiness testing of the engines during the startup or shutdown of the combined cycle powerblocks

(e) The visible emissions from Sources P103 and P104 shall not exceed 15% for any 3-minute block period and 50% at any time.

(f) The permittee shall only use ultra-low sulfur diesel fuel (15 ppm sulfur maximum) pursuant to 40 CFR Part 80 Subpart I, to operate Sources P103 and P104.

(g) Sources P103 and P104 shall be equipped with a non-resettable hour meter that accurately monitors each engine's hours of operation.

(h) The permittee shall keep accurate and comprehensive records of the following information for Source P103 and P104:

i) the supporting information and calculations used to demonstrate that the emissions of particulate matter and sulfur oxides from the exhaust of the engine comply with the best available technology emissions limitations as well as the requirements in 25 Pa. Code §§ 123.13 and 123.21, respectively;

ii) the fuel certification reports for each delivery of diesel fuel

iii) the stack test reports, if required.

37. Pursuant to the requirements of 40 CFR 60.4211(f), the operation of Source P103 shall not be used for peak shaving or to generate income by supplying power to an electric grid or otherwise supply non-emergency power as part of a financial arrangement with another entity.

38. Pursuant to 40 CFR 60.4206, the permittee shall operate and maintain Source P103 and P104 to achieve the emission standards specified in 40 CFR 89.112 and 89.113 over the entire life of the engine. Any testing used to verify compliance with this work practice restriction shall be performed in accordance with 40 CFR Part 60 Subpart IIII, including 40 CFR 60.4212, and Department-approved test methods and procedures.

39. Pursuant to 40 CFR 60.4210(f), Source P103 and P104 shall meet the labeling requirements in Section 60.4210(f).

40. Pursuant to 40 CFR 60.4211(c), Source P103 and P104 shall be installed and configured according to the manufacturer's emission-related specifications.

41. The permittee shall record the hours that Sources P103 and P104 operated through the non-resettable hour meter and shall calculate the 12-consecutive month total hours of operation, including supporting documentation, to verify compliance with the operational restriction specified in this permit on a monthly basis. Additionally, the permittee shall record the time of operation of the engine and the reason the engine was in operation during that time. The information used to demonstrate compliance with this condition shall be kept for a minimum of five years and shall be made available to the Department upon request.

42. The permittee shall not store any liquid containing volatile organic compounds (VOC) with a vapor pressure greater than 1.5 psia (10.5 kilopascals) under actual storage conditions in each storage tank associated with Source P105 unless each of the tanks are equipped with pressure relief valve which is maintained in good operating condition and which are set to release at no less than 0.7 psig of pressure or 0.3 psig of vacuum, or the highest possible pressure and vacuum in accordance with state or local fire codes or the National Fire Prevention Association guidelines or other national consensus standards acceptable to the Department.

43. The permittee shall keep a record of the vapor pressure of the contents of each storage tank associated with Source P105 unless the respective tank is equipped with pressure relief valves that meets the requirement in this permit relating to pressure release settings. All information used to demonstrate compliance with this

permit condition shall be kept for minimum of five (5) years and shall be made available to the Department upon request.

44. Pursuant to the best available control technology requirements of the Prevention of Significant Deterioration provisions in 40 CFR 52.21 and of 25 Pa. Code § 127.83 and the best available technology provisions of 25 Pa. Code §§ 127.1 and 127.12, the combined total sulfur hexafluoride (SF₆) emissions from all of the circuit breakers used at the facility shall not exceed 16 pounds in any 12 consecutive month period. Additionally, the greenhouse gas emissions, expressed as CO₂e, from all of the circuit breakers used at the facility shall not exceed 183 tons in any 12 consecutive month period.

45. Pursuant to the best available control technology requirements of the Prevention of Significant Deterioration provisions in 40 CFR 52.21 and of 25 Pa. Code § 127.83 and the best available technology provisions of 25 Pa. Code §§ 127.1 and 127.12, the circuit breakers at the facility shall be state-of-the-art sealed enclosed-pressure circuit breakers equipped with low-pressure alarms and a low-pressure lockout where the alarms are triggered when 10% of the sulfur hexafluoride (SF₆) (by weight) has escaped. When the alarms are triggered, the permittee shall take immediate corrective action and fix the circuit breaker units to a new state in order to prevent the emission of sulfur hexafluoride (SF₆) to the maximum extent practicable.

All pertinent documents used in the evaluation of the application are available for public review during normal business hours at the Department's Northcentral Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701. Appointments for scheduling a review must be made by calling 570-327-3636.

Any person(s) wishing to provide the Department with additional information, which they believe should be considered prior to the issuance of this plan approval, may submit the information to the Department of Environmental Protection at the address shown in the preceding paragraph. A 30-day comment period from the date of this publication 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 Plan Approval No. 18-00033B) and a concise statement regarding the relevancy of the information or objections to issuance of the plan approval.

A public hearing may be held, if the Department of Environmental Protection, in its discretion, decides that such a hearing is warranted 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 of Environmental Protection determines such notification is sufficient. Written comments or requests for a public hearing should be directed to Muhammad Q. Zaman, Environmental Program Manager, Department of Environmental Protection, Air Quality Program, Northcentral Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701, 570-327-3648.

OPERATING PERMITS

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

Southcentral Region: Air Quality Program, 909 Elmer-ton Avenue, Harrisburg, PA 17110.

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

07-05010: ST Products, LLC dba Small Tube Products (200 Oliphant Dr, Duncansville, PA 16635) for the operation of a metal tube mill located in Allegheny Township, **Blair County**. This is for renewal of the existing Title V operating permit. Actual 2019 air emissions are estimated at 176.77 tons CO, 26.07 tons VOC, 2.52 tons NO_x, and less than 1 ton of PM₁₀, SO_x, and HAPs. The Title V Operating Permit will include emission limits and work practice standards along with monitoring, recordkeeping and reporting requirements to ensure the facility complies with the applicable air quality regulations. Among other items, the conditions include provisions for the emergency engine and degreasing operations subject to the following regulations: MACT 40 CFR Part 63: Emergency Engine: Subpart ZZZZ—National Emission Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines. 25 Pa. Code: Degreasing Operations: Section 127.63—Degreasing operations. Section 127.63a—Control of VOC emissions from industrial cleaning solvents.

07-05001: Appvion, Inc. (100 Paper Mill Road, Roaring Spring, PA 16673-1488) for the operation of a Kraft pulp and paper mill in Roaring Spring Borough, **Blair County**. This is for renewal of the existing Title V operating permit. Actual 2019 air emissions are estimated at 44.4 tons PM₁₀, 33.0 tons PM_{2.5}, 368.7 tons NO_x, 517.8 tons CO, 77.1 tons VOC, and 831.4 tons SO₂, and 44.59 tons HAPs. The Title V Operating Permit will include emission limits and work practice standards along with monitoring, recordkeeping and reporting requirements to ensure the facility complies with the applicable air quality regulations. Among other items, the conditions include provisions for the boilers, emergency engines, pulp mill, and chemical recovery combustion units subject to the following regulations: NSPS 40 CFR Part 60: Boilers: Subpart Db—Standards of Performance for Industrial-Commercial-Institutional Steam Generating Units. Engine: Subpart III—Standards of Performance for Stationary Compression Ignition Internal Combustion Engines. Pulp Mill: Subpart BB—Standards of Performance Kraft Pulp Mills. MACT 40 CFR Part 63: Boilers: Subpart DDDDD—National Emission Standards for Hazardous Air Pollutants for Major Sources: Industrial, Commercial and Institutional Boilers and Process Heaters. Engine: Subpart ZZZZ—National Emission Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines. Pulp Mill: Subpart S—National Emission Standards for Hazardous Air Pollutants from the Pulping and Paper Industry. Chemical Recovery Combustion Units: Subpart MM—National Emission Standards for Hazardous Air Pollutants for Chemical Recovery Combustion Sources at Kraft, Soda, Sulfite, and Stand-Alone Semicheical Pulp Mills.

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

Contact: Thomas Joseph, Facilities Permitting Chief, 412.442.4336.

56-00262: Advance Disposal Services, Inc., Mostoller Landfill, LLC, (1184 McClellandtown Rd., McClellandtown, PA 15458). In accordance with 25 Pa. Code §§ 127.424, 127.425 and 127.521, the Department of

Environmental Protection (DEP) is providing notice that it intends to issue a Title V Operating Permit (TV-56-000262) renewal to Mostoller Landfill, Inc. for the operation of Mostoller Landfill as a solid waste management facility located in Brothersvalley and Somerset Township, **Somerset County**.

The Mostoller landfill accepts municipal solid wastes, construction/demolition wastes, and approved residual and special handling wastes. The facility property encompasses approximately 1,200 acres, of which 278.1 acres are permitted for landfill operations. The disposal capacity of the landfill is estimated at 3.8 million tons of waste. Sources and the control devices at this facility are: the landfill itself (consisting of disposal areas being constructed, disposal areas actively accepting waste, and closed disposal areas), Paved and Unpaved Roads, Landfill Gas Fugitive, Emergency Generator, LFG Ground Flare (Enclosed Flare), Backup candle flare, Water Truck, and Landfill Gas collection system.

This facility has the potential emissions of the following type and quantity of air contaminants (on an annual basis): 98 tons of carbon monoxide, 27 tons of nitrogen oxides, 23 tons of particulate matter, 5 tons of sulfur oxides, 17 tons of volatile organic compounds, and 7.6 tons of hazardous air pollutants. The emission restriction, testing, monitoring, recordkeeping, reporting and work practice conditions of the TVOP have been derived from the applicable requirements of 40 CFR Parts 60, 40 CFR Parts 61, 40 CFR Parts 63 and 25 Pa. Code Article III, Chapters 121—145.

This facility has the emissions limit of the following type and quantity of air contaminants (on an annual basis): 160.2 tons of carbon monoxide, 28.6 tons of nitrogen oxides, 34.3 tons of particulate matter, 7.1 tons of sulfur oxides, and 27.0 tons of volatile organic compounds. No emission or equipment changes are being proposed by this action. The emission restriction, testing, monitoring, recordkeeping, reporting and work practice conditions of the TVOP have been derived from the applicable requirements of 40 CFR Parts 60, 40 CFR Parts 63 and 25 Pa. Code Article III, Chapters 121—145.

Copies of the application, DEP's analysis and other documents used in the evaluation of the application are available for public review during normal business hours at the Department's Southwest Regional Office, 400 Waterfront Drive, Pittsburgh, PA 15222. Appointments for scheduling a review must be made by calling 412.442.4000.

Any person may submit comments, a request for the Department to hold a public hearing, or a protest to the operating permit or a proposed condition thereof, by filing such submissions in writing with the Department at the Southwest Regional Office. A 30-day comment period from the date of this publication will exist for the submission of comments.

All requests for a public hearing, and all protests to a proposed action, shall be filed with the Department within 30 days of the date that notice of the proposed action was published under 25 Pa. Code § 127.521(b) (relating to public notice). A protest must include the name, address and telephone number of the person filing the protest, identification of the proposed permit issuance being opposed (Operating Permit TV- 56-00262) and a concise statement of the objections to the permit issuance and the relevant facts upon which the objections are based.

A public hearing may be held in accordance with 25 Pa. Code § 127.429, if the Department, in its discre-

tion, 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.

Written comments, protests and requests for a public hearing should be directed to Noor Nahar, Air Quality Engineering Specialist, Department of Environmental Protection, Southwest Region, 400 Waterfront Drive, Pittsburgh, PA 15222.

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

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

Contact: Thomas Joseph, Facilities Permitting Chief, 412.442.4336.

04-00084: Anchor Hocking, LLC, (400 9th Street, Monaca, PA 15061-1862) Synthetic Minor Operating Permit is for a pressed and blown glass and glassware manufacturing facility located in Monaca Borough, **Beaver County**. In accordance with 25 Pa. Code §§ 127.424 and 127.425, the Department of Environmental Protection (DEP) has received an application and is providing notice that it intends to issue an Air Quality Operating Permit for the previously-mentioned facility. Sources of emissions consist of one 2.7 MMBtu/hr fire suppression boiler, a mold trade shop controlled by two 9,450 scfm baghouses, three cooling towers, one melt tank controlled by a 22,000 scfm ceramic activated dust filtration system, three quench and shock lehrs, seven annealing lehrs and glazer, glass forming lubricants, a batch plant controlled by various bin vents and baghouses, small boilers and heaters totaling 13 MCF/hr, a 30-HP hi-vac central vacuum system, a decorating Lehr, a parts washer, and miscellaneous sources including roadways, a sandblasting operation, and a cullet crusher. The facility is required to conduct daily surveys of the site while operating to ensure compliance with visible, fugitive, and malodor emission requirements and maintain records of those surveys. The facility-wide potential-to-emit is 98.7 TPY NO_x, 29.4 TPY CO, 11.9 TPY VOC, 18.4 TPY PM-FIL, 16.8 PM-CON, 18.3 TPY PM₁₀, 16.7 TPY PM_{2.5}, 25.4 TPY SO_x, 87,545 TPY CO_{2e}, 1.0 TPY total HAP, and 0.3 TPY single HAP. The facility is a synthetic minor for NO_x emissions, and the melt tank is monitored by a certified CEMS. The air quality permit includes operation requirements, monitoring requirements, and recordkeeping requirements for the site. Synthetic minor operating permit restrictions include a facility-wide NO_x emission limit, tracking facility-wide NO_x emissions on a 12-month rolling basis, short-term NO_x emission limitations and monitoring, and the use of a certified CEMS system, among other monitoring and recordkeeping requirements.

Those who wish to provide the Department with additional written information that they believe should be considered prior to the issuance of the Synthetic Minor State-Only Operating Permit may submit the information to Tom Joseph, Facilities Permit Chief, Department of Environmental Protection, Southwest Regional Office, 400 Waterfront Drive, Pittsburgh, PA 15222. Written comments must contain the name, address and telephone

number of the person submitting the comments, identification of the proposed Operating Permit (04-00084) and concise statements regarding the relevancy of the information or objections to issuance of the Operating Permit.

A public hearing may be held, if the Department, in its discretion, decides that such a hearing is warranted based on the information received. All persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in the newspaper or by the *Pennsylvania Bulletin*, or by telephone, where the Department determines such notification by telephone is sufficient. Written comments or requests for a public hearing should be directed to Tom Joseph, Facilities Permit Chief, at the previously listed address.

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

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

11-00531: Sunoco Pipeline L.P. (525 Fritztown Road, Sinking Spring, PA 19608). In accordance with 25 Pa. Code §§ 127.424, 127.425, and 127.521, the Department is providing notice that they intend to issue a renewal natural minor State Only Operating Permit for the operation of the Ebensburg Station located in Cambria Township, **Cambria County**.

Emission sources at the facility include pump station seal leaks and maintenance activities including pigging operations controlled by a 30 MMBtu/hr enclosed flare and fugitive VOC emissions. Potential emissions from this facility are estimated at 0.04 tons of NO_x per year, 0.20 ton of CO per year, 1.33 ton of VOC per year, 0.07 ton of HAPs per year, 92.82 tons of greenhouse gases per year.

The facility is subject to the applicable requirements of 25 Pa. Code Article III, Chapters 121—145. The proposed operating permit includes emission limitations, monitoring, work practice, reporting, and recordkeeping requirements for the facility.

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

Any person may submit comments, a request for the Department to hold a public hearing, or a protest to the proposed operating permit or a condition thereof by submitting the information to Nick Waryanka, 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 OP-11-00531) and concise statements regarding the relevancy of the information of 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 discre-

tion, 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.

63-00893: Master Woodcraft Corporation (100 Stationvue, Washington, PA 15301-6184) natural minor operating permit for the operation of a commercial made-to-order woodshop located in Chartiers Township, **Washington County**. Sources of emissions at the facility include eight (8) natural gas-fired heaters totaling 0.416 MMBtu/hr, plant VOC sources consisting of two (2) spray booths controlled using airless spray guns and controlled by panel filters, and plant woodworking equipment controlled by a 10,000 scfm dust collector. The facility's potential-to-emit is estimated to be following: 20.0 TPY VOC; 0.16 TPY CO; 4.62 TPY PM₁₀; 4.62 TPY PM_{2.5}; 0.18 TPY NO_x; 12.0 TPY total HAP; 4.5 TPY single HAP; 0.002 TPY SO_x, and 215 TPY CO_{2e}. This facility is subject to the applicable requirements of 25 Pa. Code Chapters 121—145. The proposed State-Only Operating Permit includes emission restrictions, monitoring, recordkeeping, reporting, and work practice standards requirements for the site.

Those who wish to provide the Department with additional written information that they believe should be considered prior to the issuance of the State-Only Operating Permit may submit the information to Tom Joseph, Facilities Permit Chief, Department of Environmental Protection, Southwest Regional Office, 400 Waterfront Drive, Pittsburgh, PA 15222. Written comments must contain the name, address and telephone number of the person submitting the comments, identification of the proposed Operating Permit (63-00893) and concise statements regarding the relevancy of the information or objections to issuance of the Operating Permit.

A public hearing may be held, if the Department, in its discretion, decides that such a hearing is warranted based on the information received. All persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in the newspaper or by the *Pennsylvania Bulletin*, or by telephone, where the Department determines such notification by telephone is sufficient. Written comments or requests for a public hearing should be directed to Tom Joseph, Facilities Permit Chief, at the previously listed address.

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

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

63-00955: National Fuel Gas Supply Corporation (6363 Main Street, Williamsville, NY 14221). In accordance with 25 Pa. Code § 127.441 and § 127.425, the Department is providing notice that they intend to issue a renewed, facility-wide, natural minor, State Only Operating Permit for the continued operation of a natural gas

pipeline compressor station, known as the Buffalo Compressor Station, located in Buffalo Township, **Washington County**.

Total compressive total compressive power at the facility is 25,300-bhp. The facility has two, 2,370-bhp reciprocating, natural gas (NG)-fired, lean burn, compressor engines, with CO and VOC emissions controlled by oxidation catalysts. It also has two, 10,280-bhp turbine, NG-fired compressor engines. In addition, the facility has an 803-bhp, NG-fired, lean burn, emergency generator engine, equipped with a non-selective catalyst (NSCR, 3-Way), which controls NO_x, CO, and VOC emissions.

Annual potential emissions are 79.0 tons of NO_x, 66.1 tons of CO, 37.1 tons of VOC, 6.8 tons of PM₁₀, 6.8 tons of PM_{2.5}, and 0.2 ton of SO₂. Potential annual emissions of the sum of all HAPs combined, are 9.4 tons, including 6.1 tons of formaldehyde and 1.4 ton of acetaldehyde. Potential annual emissions of greenhouse gases are 121,619 tons of CO₂e. However, as a result of federal court ruling, a facility that exceeds the major source threshold for CO₂e only, is still considered a minor source for air permitting. Sources at the Buffalo Compressor Station are subject to 40 CFR Part 63, Subpart A—General Provisions, Subpart JJJJ—Standards of Performance for Stationary Spark Ignition Internal Combustion Engines, and Subpart KKKK—Standards of Performance for Stationary Combustion Turbines. Sources are also subject to 25 Pa. Code Chapters 121—145. The permit includes emission limitations, testing, monitoring, record-keeping, and reporting requirements, for the plant.

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> or by contacting Tom Joseph, Facilities Permitting Chief, directly.

Those who wish to provide the Department with additional written information that they believe should be considered prior to the issuance of this Operating Permit may submit the information to Martin L. Hochhauser, P.E., Pennsylvania Department of Environmental Protection, 400 Waterfront Drive, Pittsburgh, PA 15222. Each written comment must contain the name, address and telephone number of the person submitting the comments, identification of the proposed Operating Permit (specify Operating Permit SOOP-63-00955), and concise statements regarding the relevancy of the information or objections to issuance of the Operating Permit.

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

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

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

42-00181: Elkhorn Gas Processing LLC Lewis Run Gas Plant (4613 East 91st Street, Tulsa, OK 74137). The Department intends to issue a modification of the Natural Minor Operating Permit to operate the natural gas processing plant in Bradford Township, **McKean County**. Source 106 (700 HP Compressor Engine) was previously exempted from plan approval. The modification removes conditions applicable to the previous General Permit for this source which are not applicable to the source.

PLAN APPROVALS

Receipt of Plan Approval Applications and Intent to Issue Plan Approvals, and Intent to Issue Amended Operating Permits under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and 25 Pa. Code Chapter 127, Subchapter B and Subchapter F. These actions may include the administrative amendments of an associated operating permit.

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

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

40-00142A: Re-Match Inc. (Lot #4A-1&2 Great Valley Boulevard, Hanover Township, PA 18706) for their facility located in Hanover Township, **Luzerne County**.

In accordance with 25 Pa. Code §§ 127.44(a) and 127.45(a), that the Department of Environmental Protection (DEP) has received and intends to issue a Plan Approval to Re-Match Inc. (Lot #4A-1&2 Great Valley Boulevard, Hanover Township, PA 18706) for their facility located in Hanover Township, Luzerne County. This Plan Approval No. 40-00142A will be incorporated into a Synthetic Minor Permit at a later date.

Plan Approval No. 40-00142A is for an artificial turf recycling facility which includes one (1) natural gas fired dryer, one (1) shredder, one (1) granulator, two (2) cutting mills, six (6) sifters, and three (3) screening machines using two (2) baghouse dust collectors to control particulate matter (PM) emissions. The company shall be subject to and comply with 25 Pa. Code § 123.13 for particulate matter emissions. These limits will meet BAT requirements for this source. The Plan Approval and Operating permit will contain additional recordkeeping and operating restrictions designed to keep the facility operating within all applicable air quality requirements.

Copies of the application, DEP's analysis and other documents used in the evaluation of the application are available for public review during normal business hours at Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18701-1915.

Any person(s) wishing to provide DEP with additional information, which they believe should be considered prior to the issuance of this permit, may submit the information to the address shown in the preceding paragraph. Each written comment must contain the name, address and telephone number of the person submitting the comments, identification of the proposed permit No. 40-00142A and a concise statement regarding the relevancy of the information or objections to the issuance of the permit.

A public hearing may be held, if the Department of Environmental Protection, in its discretion, decides that such a hearing is warranted based on the comments received. All persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in the newspaper or the *Pennsylvania Bulletin* or by telephone, where DEP determines such notification is sufficient. Written comments or requests for a public hearing should be directed to Ray Kempa, Chief, New Source Review Section, Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18701-1915, Phone 570-826-2511 within 30 days after publication date.

48-00089C: Spray Tek LLC (3010 Avenue B, Bethlehem, PA 18017) for their facility in the City of Bethlehem, **Northampton County**.

In accordance with 25 Pa. Code §§ 127.44(a) and 127.45(a), the Department of Environmental Protection (DEP) has received and intends to issue a Plan Approval to Spray Tek LLC (3010 Avenue B, Bethlehem, PA 18017) for their facility in City of Bethlehem, Northampton County. This Plan Approval No. 48-00089C will be incorporated into a Synthetic Minor Permit through an administrative amendment at a later date.

Plan Approval No. 48-00089C is for the installation and operation of one (1) new natural gas heated spray dryer using one (1) wet scrubber to control particulate matter (PM) emissions and one (1) carbon adsorber to control malodors. The company shall be subject to and comply with 25 Pa. Code § 123.13 for particulate matter emissions and 25 Pa. Code § 123.31 for malodors. These limits will meet BAT requirements for this source emissions. The Plan Approval and Operating permit will contain additional recordkeeping and operating restrictions designed to keep the facility operating within all applicable air quality requirements.

Copies of the application, DEP's analysis and other documents used in the evaluation of the application are available for public review during normal business hours at Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711.

Any person(s) wishing to provide DEP with additional information, which they believe should be considered prior to the issuance of this permit, may submit the information to the address shown in the preceding paragraph. Each written comment must contain the name, address and telephone number of the person submitting the comments, identification of the proposed permit No. 48-00089C and a concise statement regarding the relevancy of the information or objections to the issuance of the permit.

A public hearing may be held, if the Department of Environmental Protection, in its discretion, decides that such a hearing is warranted based on the comments received. All persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in the newspaper or the *Pennsylvania Bulletin* or by telephone, where DEP determines such notification is sufficient. Written comments or requests for a public hearing should be directed to Ray Kempa, Environmental Group Manager, New Source Review Section, Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711, Phone 570-826-2511 within 30 days after publication date.

COAL & NONCOAL MINING ACTIVITY APPLICATIONS

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

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

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

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

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

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

Coal Applications Received

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

Table 1

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

Alkalinity greater than acidity¹

¹ The parameter is applicable at all times.

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

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

Permit No. 63743702 and NPDES Permit No. PA0214248. Eighty-Four Mining Company, 46226 National Road, St. Clairsville, OH 43950, to renew the permit and related NPDES Permit for Mine 84 Refuse Area in Somerset Township, **Washington County**. No additional discharges. The application was considered administratively complete on September 24, 2020. Application received: June 29, 2020.

Permit No. 32041301 and NPDES Permit No. PA0235644. Rosebud Mining Company, 301 Market Street, Kittanning, PA 16201, to revise the permit and related NPDES Permit for installation of a rock dust and a power borehole for the Brush Valley Mine in Center and Brush Valley Townships, **Indiana County**, affecting 3.7 proposed surface acres. No additional discharges. The application was considered administratively complete on September 24, 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. 4274SM5 and NPDES No. PA0262218. New Enterprise Stone & Lime Co., Inc., P.O. Box 77, New Enterprise, PA 16664, permit renewal for reclamation only of a bituminous surface and auger mine in Broad Top Township, **Bedford County**, affecting 11.5 acres. Receiving streams: unnamed tributary to Six Mile Run classified for the following use: warm water fishes. The first downstream potable water supply intake from the point of discharge is the Saxton Municipal Water Authority. Application received: September 29, 2020.

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

Permit No. 17100110 and NPDES PA0257427. Black Cat Coal, LLC, 446 Wm. Cemetery Road, Curwensville, PA 16833, permit renewal for continued operation and restoration of a bituminous surface coal mine located in Brady Township, **Clearfield County**, affecting 28.0 acres. Receiving stream(s): Stump Creek classified for the following use(s): CWF. There are no potable water supply intakes within 10 miles downstream. Application received: September 23, 2020.

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

Permit No. 30140101. Stash Mining, LLC, 675 Old Route 51 Road, Waltersburg, PA 15488. Renewal application for reclamation only to an existing bituminous surface mine, located in Monongahela Township, **Greene County**, affecting 62.6 acres. Receiving streams: unnamed tributaries to Monongahela River, unnamed tributaries to Whiteley Creek to Monongahela River, classified for the following use: WWF. Renewal application received: September 28, 2020.

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

Permit No. 54851305R7. S & J Coal Mine, (15 Motter Drive, Pine Grove, PA 17963), renewal of an existing anthracite underground mine operation in Cass & New Castle Townships, **Schuylkill County**, affecting 1.7 surface acre. Receiving stream: Wheeler Creek to West Branch Schuylkill River, classified for the following uses: cold water and migratory fishes. Application received: September 14, 2020.

Permit No. 54851305C6. S & J Coal Mine, (15 Motter Drive, Pine Grove, PA 17963), correction to an anthracite underground mine operation to expand the underground mining acres from 19.0 acres to 56.1 acres. Receiving stream: Wheeler Creek to West Branch Schuylkill River, **Schuylkill County**, classified for the following uses: cold water and migratory fishes. Application received: September 14, 2020.

Noncoal Applications Received

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

Table 2

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

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

Permit No. 38950301C5 and NPDES Permit No. PA0223646. H & K Group, Inc., (P.O. Box 196, Skippack, PA 19474), renewal of an NPDES Permit for discharge of treated mine drainage from a quarry operation in Cornwall Borough, **Lebanon County**, affecting 175.5 acres. Receiving stream: unnamed tributary to Snitz Creek, classified for the following use: trout stocking fishes. Application received: September 11, 2020.

Permit No. 40090301C8 and NPDES Permit No. PA0224774. Cedar Rock Materials Corp., (1206 Salem Boulevard, Berwick, PA 18603), renewal of an NPDES Permit for discharge of treated mine drainage from a quarry operation in Salem Township, **Luzerne County**, affecting 252.0 acres. Receiving stream: unnamed tributaries to Susquehanna River and Susquehanna River, classified for the following uses: cold water and migratory fishes and warm water and migratory fishes. Application received: September 16, 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.

NPDES No. PA0256951 (Mining Permit No. 17080114), Waroquier Coal Company, P.O. Box 128, Clearfield, PA 16830 renewal of an NPDES permit for a surface coal mine in Jordan Township, **Clearfield County**, affecting 97 acres. Receiving stream(s): Davison Run and North Witmer Run, classified for the following use(s): CWF. The receiving streams are included in the Clearfield Creek Watershed TMDL. Application received: May 15, 2020.

The following outfalls discharge to Davidson Run:

<i>Outfall Nos.</i>	<i>New Outfall (Y/N)</i>	<i>Type</i>
003	N	Treatment (TF-H)
004	N	Sedimentation (SP-A)
007	N	Sedimentation (SP-D)

The following outfall discharges to North Witmer Run:

<i>Outfall Nos.</i>	<i>New Outfall (Y/N)</i>	<i>Type</i>
002	N	Treatment (TF-F)

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

<i>Outfall(s): 002 and 003 (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
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: 004 and 007 (Dry 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
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: 004 and 007 (≤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: 004 and 007 (>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.

New Stanton District Mining Office, P.O. Box 133, New Stanton, PA 15672, (724) 925.5500.

NPDES No. PA0278459 (GFCC No. 26-19-01) Stash Mining, LLC, 675 Old Route 51, Waltersburg, PA 15488, new NPDES permit for a Government Financed Construction Contract (GFCC) reclamation project located in Franklin Township, **Fayette County**, affecting approximately 25.9 acres. Receiving stream(s): Unnamed tributary to Redstone Creek, classified for the following use(s): WWF. The first downstream potable water supply intake from the point of discharge is in Newell, PA. Application received: July 16, 2020.

The following outfalls drain to the a UNT to Redstone Creek:

Outfall Nos.	New Outfall (Y/N)	Type
001	Y	MDT
002	Y	MDT
003	Y	SWO
004	Y	SWO

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

Parameter	30-Day Average	Daily Maximum	Instant. Maximum
Total Iron (mg/L)	1.5	3.0	3.7
Total Manganese (mg/L)	1.0	2.0	2.5
Total Aluminum (mg/L)	0.75	0.75	0.75
Total Suspended Solids (mg/L)	35	70	90
Sulfates (mg/L)			Monitor and Report
Total Dissolved Solids (mg/L)			Monitor and Report
Specific Conductivity (µmhos/cm)			Monitor and Report

Alkalinity must be greater than acidity at all times.
 pH must be between 6.0 and 9.0 at all times.

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) 654-209-5984.

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.

E4002220-028. Jerry Brown, 121 Maple Street, Dallas, PA 18618, in Harveys Lake Borough, **Luzerne County**, U.S. Army Corps of Engineers, Baltimore District.

To construct and maintain a 1,500 sq. ft. pile-supported dock within the normal pool elevation of Harveys Lake (HQ-CWF). The project is located at Pole #204 along Lakeside Drive (S.R. 415) (Harveys Lake, PA Quadrangle, Latitude: 41° 21' 45"; Longitude: -76° 3' 18") in Harveys Lake Borough, Luzerne County. (Harveys Lake, PA Quadrangle, Latitude: 41° 21' 45"; Longitude: -76° 3' 18").

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

E2203219-007. Union Deposit Corporation, 750 East Park Drive, Harrisburg, PA 17111, Lower Paxton Township, **Dauphin County**, U.S. Army Corps of Engineers Baltimore District.

To relocate and maintain 317 linear feet of an a UNT to Paxton Creek (WWF, MF) impacting 16,455 sq. ft of the

associated floodway for the purpose of constructing a proposed apartment community and associated infrastructure. The project is located North of the intersection of Oakhurst Blvd and Blue Ridge Crest Circle (Latitude: 40.342, Longitude: -76.8548) in Lower Paxton Township, Dauphin County.

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

E6305220-024, Peters Township, 610 East McMurray Road, McMurray, PA 15317, Peters Township, **Washington County**; Pittsburgh ACOE District.

The applicant proposes to:

1. Relocate approximately 1,507 feet of an existing Unnamed Tributary (UNT) to Brush Run (WWF), by constructing and maintaining approximately 1,437 feet of new channel with grade control structures;

2. Construct, operate, and maintain a 12-foot-long ford crossing across a restored portion of the a UNT to Brush Run;

3. Place and maintain fill within 0.03 acre of Wetland 1 (PEM) as a part of the stream restoration;

4. Place and maintain fill within 0.0001 acre of Wetland 5 (PEM/PFO) as a part of the stream restoration;

For the purpose of providing nutrient and sediment load reduction toward Peters Township's MS4 requirements of their NPDES permit. Approximately 0.17 acre of

replacement wetlands will be constructed within the reestablished floodplain to mitigate for impacts to wetlands. Cumulatively, the project will temporarily impact 0.92 acre of wetlands, and temporarily impact 2.7 acres of the floodway of the a UNT to Brush Run.

The project site is located near the intersection of Bebout Road and Bunker Hill Drive in Canonsburg, PA (Bridgeville, PA USGS topographic quadrangle; N: 40°, 16', 31"; W: -80°, 4', 18.8"; Sub-basin 20F; USACE Pittsburgh District), in Peters Township, Washington County.

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

E1006220-023, Pennsylvania-American Water Company, 825 Wesley Drive, Mechanicsburg, PA 17055. Butler WTP LT2 and Electrical Improvements, in Butler, Summit, and Oakland Townships, **Butler County**, ACOE Pittsburgh District (East Butler and Mount Chestnut, PA Quadrangle N: 40°, 53.1', 10.9449"; W: 79°, 52', 31.323").

Construction of a building addition and modifications to an existing water treatment plan in the floodway and 100-year floodplain of Connoquenessing Creek at the Butler Water Treatment Plant along the west side of S.R. 38 just north of Henricks Road. Impacts to the floodway consists of a storm drain outfall. The impacts to the floodplain consist of the renovation of an existing wastewater tank, construction of wastewater tank, installation of nine valve, metering, waste, and spill containment vaults, construction of two bioretention facilities and construction of an addition to an existing building.

ACTIONS

THE PENNSYLVANIA CLEAN STREAMS LAW AND THE FEDERAL CLEAN WATER ACT

FINAL ACTIONS TAKEN FOR NPDES PERMITS AND WQM PERMITS

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

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

Sections I—VI contain actions regarding industrial, animal or sewage wastes discharges, discharges to groundwater, and discharges associated with MS4, stormwater associated with construction activities and CAFOs. Section VII contains notices for parties who have submitted NOIs for Coverage under General NPDES Permits. The approval for coverage under these General NPDES Permits is subject to applicable effluent limitations, monitoring, reporting requirements and other conditions in each General Permit. The approval of coverage for land application of sewage sludge or residential septage under applicable general permit is subject to pollutant limitations, pathogen and vector attraction reduction requirements, operational standards, general requirements, management practices and other conditions in the respective permit. The permits and related documents, effluent limitations, permitting requirements and other information are on file and may be inspected and arrangements made for copying at the contact office noted before the action.

Persons aggrieved by an action may appeal that action to the Environmental Hearing Board (Board) under section 4 of the Environmental Hearing Board Act (35 P.S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to Administrative Agency Law). The appeal should be sent to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P.O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Board through the Pennsylvania AT&T Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30-days of publication of this notice in the *Pennsylvania Bulletin* unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the

Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary to the Board at (717) 787-3483. This paragraph does not, in and of itself, create a right of appeal beyond that permitted by applicable statutes and decisional law.

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

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

I. NPDES Renewal Permit Actions.

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

NPDES No. (Type)	Facility Name & Address	County & Municipality	Stream Name (Watershed #)	EPA Waived Y/N?
PA0254061 (Sewage)	Opalewski SRSTP 130 Chiccarello Drive Clinton, PA 15026-1330	Beaver County Hanover Township	Unnamed Tributary to Traverse Creek (HQ-CWF) (20-D)	Y

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

NPDES No. (Type)	Facility Name & Address	County & Municipality	Stream Name (Watershed #)	EPA Waived Y/N?
PA0239925 (Sewage)	Jennifer A & Paul M Mohtashemi SRSTP 7867 Mercer Pike Meadville, PA 16335-5677	Crawford County Richmond Township	Unnamed Tributary to Woodcock Creek (HQ-CWF) (16-A)	Y
PA0043826 (Industrial)	United Erie Manufacturing 2797 Freedland Road Hermitage, PA 16148-9027	Erie County Erie City	Mill Creek (WWF, MF) and Unnamed Stream (15-A and -)	Y
PA0104299 (Sewage)	Camp Lutherlyn P.O. Box 355 Prospect, PA 16052-0355	Butler County Connoquenessing Township	Semiconon Run (CWF) (20-C)	Y

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

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

NPDES Permit No. PA0288586, Sewage, SIC Code 8800, **Ida Mae Acker Estate**, 703 Dahlia Drive, Monroeville, PA 15146-1217.

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

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

NPDES Permit No. PA0288497, Sewage, SIC Code 8800, **Judith Gosnell Lamb & Roy Lamb**, 33 W Methodist Road, Greenville, PA 16125-9712.

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

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

NPDES Permit No. PA0288551, Sewage, SIC Code 8800, **Diane & Richard McMillen**, 2858 E 28th Street, Erie, PA 16510-2822.

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

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

NPDES Permit No. PA0288471, Sewage, SIC Code 4952, 8800, **Gino Nicastro**, 421 Pike Street, Farrell, PA 16121-1543.

This proposed facility is located in Hermitage City, **Mercer County**.

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

NPDES Permit No. PA0288560, Sewage, SIC Code 8800, **Samuel Melaragno**, 4151 McLaughlin Road, McKean, PA 16426-2034.

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

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

NPDES Permit No. PA0288578, Sewage, SIC Code 8800, **Steven McNeil**, 2093 Mapleview Road, Brookville, PA 15825.

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

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

WQM Permit No. 0409402 A-1, Sewage, SIC Code, **Scott D. & Stacy L. Opalewski**, 130 Chiccarello Drive, Clinton, PA 15026-1330.

This existing facility is located in Hanover Township, **Beaver County**.

Description of Proposed Action/Activity: Installation of a Premier Tech Ecoflo coco filter tank with an integrated pump and DiUV disinfection kit to replace the existing sand filter, aeration tank, and UV unit.

WQM Permit No. 0483202 A-2, Industrial, SIC Code 4953, **Industrial Wastes LLC**, 333 N Summit Street, Toledo, OH 43699-0086.

This existing facility is located in Darlington Township, **Beaver County**.

Description of Proposed Action/Activity: Permit amendment authorizing the following modifications: 1) change the ammonia treatment process from use of gaseous chlorine to liquid sodium hypochlorite; 2) change the residual chlorine treatment process from use of gaseous sulfur dioxide to liquid sodium metabisulfite; 3) addition of a granulated activated carbon treatment process as a polishing step for further reduction of residual chlorine in order to meet lower effluent limits; 4) addition of flow straighteners in existing settling tanks to enhance settling of solids; and 5) addition of electric sludge transfer pumps to move settled material from settling tanks to a sludge holding tank.

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

WQM Permit No. 2020402, Sewage, SIC Code 8800, **Ida Mae Acker Estate**, 703 Dahlia Drive, Monroeville, PA 15146-1217.

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

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

WQM Permit No. 4320409, Sewage, SIC Code 8800, **Judith Gosnell Lamb & Roy Lamb**, 33 W Methodist Road, Greenville, PA 16125-9712.

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

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

WQM Permit No. WQG028320 A-1, Sewage, SIC Code 4952, **Breakneck Creek Region Authority**, 1166 Mars Evans City Road, Mars, PA 16046-2216.

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

Description of Proposed Action/Activity: Sewer extension and improvements to Denny Road Pump Station.

WQM Permit No. 6220405, Sewage, SIC Code 8800, **Diane & Richard McMillen**, 2858 E 28th Street, Erie, PA 16510-2822.

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

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

WQM Permit No. 4320407, Sewage, SIC Code 4952, 8800, **Gino Nicastro**, 421 Pike Street, Farrell, PA 16121-1543.

This proposed facility is located in Hermitage City, **Mercer County**.

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

WQM Permit No. 2520416, Sewage, SIC Code 8800, **Samuel Melaragno**, 4151 McLaughlin Road, McKean, PA 16426-2034.

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

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

WQM Permit No. 1620404, Sewage, SIC Code 8800, **Steven McNeil**, 2093 Mapleview Road, Brookville, PA 15825.

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

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

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>
PAD090032	Pennsylvania Turnpike Commission 700 South Eisenhower Boulevard Middletown, PA 17057-5529	Montgomery County Bucks County	Salford Township West Rockhill and Milford Townships	Unnamed Tributary to Ridge Valley Creek, Ridge Valley Creek, Unnamed Tributary to Unami Creek, Unami Creek, Schmoutz Creek, Unnamed Tributary to Molasses Creek, Molasses Creek HQ-TSF-MF

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

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAD390158 Authorization/ Issuance	Allentown Commerce Park Corp 47 Parsippany Rd Whippany, NJ 07981	Lehigh County	City of Allentown	Trout Creek (HQ-CWF, MF)
PAD450102 Authorization/ Issuance	Penn DOT Engineering Dist. 5-0 1002 Hamilton Street Allentown, PA 18101	Monroe County	East Stroudsburg Borough	UNT to Brodhead Creek (CWF, MF), EV Wetlands

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

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>
PAD060045 Issued	CenturyLink Communications, LLC 665 Buckstone Drive Southampton, PA 18966	Berks County Lehigh County	Cumru Township Longswamp Township Maidencreek Township Maxatawny Township Muhlenberg Township Ontelaunee Township Richmond Township Ruscombmanor Township Lyons Borough Fleetwood Borough Topton Borough City of Reading Lower Macungie Township Salisbury Township Upper Milford Township Alburtis Borough Emmaus Borough Macungie Borough City of Allentown	Swabia Creek (HQ-CWF) UNT Swabia Creek (HQ-CWF) UNT Little Lehigh Creek (HQ-CWF) Leibert Creek (HQ-CWF) Trout Creek (HQ-CWF) Lehigh River (WWF) UNT Lehigh River (HQ-CWF) Little Lehigh Creek (HQ-CWF) Toad Creek (HQ-CWF) Schuylkill River (WWF) Laurel Run (WWF) UNT Willow Creek (CWF) Willow Creek (CWF) UNT Moselem Creek (HQ-CWF) UNT Sacony Creek (CWF) Sacony Creek (CWF) Angelica Creek (CWF)

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAD210046 Issued	Group & Group 1545 Holly Pike Carlisle, PA 17015	Cumberland County	Dickinson Township	Yellow Breeches Creek (HQ-CWF, MF)

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>
PAD630051	Columbia Gas of Pennsylvania 2021 West Slate Street New Castle, PA 16101	Washington County	North Strabane Township	UNT to Little Chartiers Creek (HQ-WWF)

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

The EPA Region III Administrator has waived the right to review or object to this permit action under the waiver provision 40 CFR 123.23(d).

List of NPDES and/or Other General Permit Types.

PAG-01	General Permit for Discharges for Stormwater Discharges Associated with Small Construction Activities.
PAG-02	General Permit for Discharges of Stormwater Associated with Construction Activities
PAG-03	General Permit for Discharges of Stormwater from Industrial Activities
PAG-04	General Permit for Discharges from Small Flow Treatment Facilities
PAG-05	General Permit for Discharges from Petroleum Product Contaminated Groundwater Remediation Systems
PAG-06	General Permit for Wet Weather Overflow Discharges from Combined Sewer Systems (CSO)
PAG-07	General Permit for Beneficial Use of Exceptional Quality Sewage Sludge by Land Application
PAG-08	General Permit for Beneficial Use of Non-Exceptional Quality Sewage Sludge by Land Application to Agricultural Land, Forest, a Public Contact Site or a Land Reclamation Site
PAG-08 (SSN)	Site Suitability Notice for Land Application Under Approved PAG-08 General Permit Coverage
PAG-09	General Permit for Beneficial Use of Residential Septage by Land Application to Agricultural Land, Forest, or a Land Reclamation Site
PAG-09 (SSN)	Site Suitability Notice for Land Application Under Approved PAG-09 General Permit Coverage
PAG-10	General Permit for Discharges from Hydrostatic Testing of Tanks and Pipelines
PAG-11	General Permit for Discharges from Aquatic Animal Production Facilities
PAG-12	Concentrated Animal Feeding Operations (CAFOs)
PAG-13	Stormwater Discharges from Municipal Separate Storm Sewer Systems (MS4)
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>
PAC150239	AGC Chemicals America, Inc 55 East Uwchlan Avenue Exton, PA 19341	Caln Township Chester County	Beaver Creek CWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
PAC150218	County of Chester 313 West Market Street West Chester, PA 19380	Phoenixville Borough Chester County	Unnamed Tributary to Schuylkill River WWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900

<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>
PAC230161 Authorization/ Issuance	Springbrooke Industrial, LLC 300 Conshohocken State Road West Conshohocken, PA 19428-3801	Aston Township Delaware County	Marcus Hook Creek WWF-MF Baldwin Run WF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
PAC090390	J.G. Petrucci Company, Inc. 264 Williams Road Woodstown, NJ 08089-2077	Lower Southampton Township Bucks County	Unnamed Tributary to Neshaminy Creek WWF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
PAC090381	Dolington Land, L.P. 250 Gibraltar Road Horsham, PA 19044-2323	Upper Makefield Township Bucks County	Houghs Creek WWF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900

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

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

NPDES

<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>
PAC400180 Authorization/ Issuance	1 Great Valley LLC Robert Mericle 100 Baltimore Dr Wilkes-Barre, PA 18702	Luzerne County	Hanover Twp	Garringers Creek (CWF, MF)	Luzerne Conservation District 325 Smiths Pond Road Shavertown, PA 18708 570-674-7991

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

NPDES

<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>
PAC010136 Issued	Clover Lane Development, LP 160 Ram Drive Hanover, PA 17331	Adams County	Cumberland Township	UNT Marsh Creek (CWF)	Adams County Conservation District 670 Old Harrisburg Road Suite 201 Gettysburg, PA 17325-3404 717.334.0636
PAC220244	PPL Electric Utilities Corp 2 North 9th Street GENN 4 Allentown, PA 18101	Dauphin County	Lykens Borough Wiconisco Township Williams Township	Wiconisco Creek (WWF) Bear Creek (CWF, MF)	Dauphin County Conservation District 1451 Peters Mountain Road Dauphin, PA 17018 717.921.8100
PAC220090 Major Amendment	The McNaughton Company 4400 Deer Path Road Suite 201 Harrisburg, PA 17110	Dauphin County	Swatara Township	Swatara Creek (WWF, MF)	Dauphin County Conservation District 1451 Peters Mountain Road Dauphin, PA 17018 717.921.8100
PAC220231	PA DEP General Services 1800 Herr Street Harrisburg, PA 17103	Dauphin County	Harrisburg City	Paxton Creek (WWF, MF)	Dauphin County Conservation District 1451 Peters Mountain Road Dauphin, PA 17018 717.921.8100

<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>
PAC220147 Major Amendment	BT NEWYO LLC 55 Glenlake Parkway NE Atlanta, GA 30328	Dauphin County	Lower Swatara Township	Swatara Creek (WWF, MF)	Dauphin County Conservation District 1451 Peters Mountain Road Dauphin, PA 17018 717.921.8100
PAC220245	Ern Tobias & Verna P. Tobias 760 Tobias Road Halifax, PA 17032	Dauphin County	Halifax Township	UNT Gurdys Run (WWF)	Dauphin County Conservation District 1451 Peters Mountain Road Dauphin, PA 17018 717.921.8100
PAC220194	Hanuman4, Inc. 7975 Jonestown Road Harrisburg, PA 17112	Dauphin County	West Hanover Township	Manada Creek (WWF)	Dauphin County Conservation District 1451 Peters Mountain Road Dauphin, PA 17018 717.921.8100
PAC220243	PA Turnpike Commission 700 South Eisenhower Boulevard Middletown, PA 17057	Dauphin County	Lower Swatara Township	UNT Susquehanna River (WWF)	Dauphin County Conservation District 1451 Peters Mountain Road Dauphin, PA 17018 717.921.8100
PAC220241	Londonderry Township 783 South Geyers Church Road Middletown, PA 17057	Dauphin County	Londonderry Township	Swatara Creek (WWF) Lynch Run (TSF) Conewago Creek (TSF)	Dauphin County Conservation District 1451 Peters Mountain Road Dauphin, PA 17018 717.921.8100
PAC220252	Harrisburg, PA (SWC Derry and Milroy) LLC 1400 Sixteenth Street Suite 300 Oak Brook, IL 60523	Dauphin County	Swatara Township	Beaver Creek (WWF)	Dauphin County Conservation District 1451 Peters Mountain Road Dauphin, PA 17018 717.921.8100
PAC220139	Derry Township Municipal Authority 670 Clearwater Road Hershey, PA 17033	Dauphin County	Derry Township	Swatara Creek (WWF)	Dauphin County Conservation District 1451 Peters Mountain Road Dauphin, PA 17018 717.921.8100
PAC360500	PTV 1102, LLC 400 Penn Center Boulevard Building 4 Suite 100 Pittsburgh, PA 15235	Lancaster County	East Donegal Township	UNT Susquehanna River (WWF)	Lancaster County Conservation District 1383 Arcadia Road, Room 200 Lancaster, PA 17601-3149 717.299.5361, ext. 5
PAC360271 A-2	DAS Distributors Inc. 100 North Market Street Elizabethtown, PA 17022	Lancaster County	West Donegal Township	UNT Conewago Creek (TSF, MF) UNT Conoy Creek (TSF, MF)	Lancaster County Conservation District 1383 Arcadia Road, Room 200 Lancaster, PA 17601-3149 717.299.5361, ext. 5

NOTICES

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<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone Number</i>
PAC360530	Dairy Road Development, LLC 61 Church Street Landisville, PA 17538	Lancaster County	East Hempfield Township	UNT Little Conestoga Creek (TSF, MF)	Lancaster County Conservation District 1383 Arcadia Road, Room 200 Lancaster, PA 17601-3149 717.299.5361, ext. 5
PAC360462	Fox Clearing, LLC 227 Granite Run Drive Suite 100 Lancaster, PA 17601	Lancaster County	Penn Township	Little Conestoga Creek (WWF)	Lancaster County Conservation District 1383 Arcadia Road, Room 200 Lancaster, PA 17601-3149 717.299.5361, ext. 5
PAC360542	PPL Electric Utilities Corp. 2 North 9th Street GENN4 Allentown, PA 18101	Lancaster County	East Cocalico Township	Cocalico Creek (WWF, MF) Stony Run (WWF, MF) Little Muddy Creek (WWF, MF)	Lancaster County Conservation District 1383 Arcadia Road, Room 200 Lancaster, PA 17601-3149 717.299.5361, ext. 5
PAC380143	Landmark Homes at the Pinnacle, LLC 1737 W. Main St. Ephrata, PA 17522	Lebanon County	North Londonderry Township	Killinger Creek (TSF)	Lebanon County Conservation District 2120 Cornwall Road Lebanon, PA 17042-9788 717.277.5275
PAC380181	Bible Fellowship Church of Lebanon 1635 Mill Road Lebanon, PA 17042	Lebanon County	North Cornwall Township	UNT Snitz Creek (TSF)	Lebanon County Conservation District 2120 Cornwall Road Lebanon, PA 17042-9788 717.277.5275

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

<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Facility Location: Municipality & County</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
PAC140105	Foxdale Village Corporation 500 East Marylyn Ave State College, PA 16801	State College Borough Centre County	UNT to Slab Cabin Run CWF, MF	Centre County Conservation District 414 Holmes Ave Ste 4 Bellefonte, PA 16823 (814) 355-6817
PAC470024	Montour, LLC 18 McMichael Rd Washingtonville, PA 17884	Derry Township Montour County Delaware Township Northumberland County	Susquehanna River WWF, MF Chillisquaque Creek WWF, MF	Montour County Conservation District 14 E Mahoning St Danville, PA 17821 (570) 271-1140

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 & Address</i>	<i>Facility Location and Municipality</i>	<i>Receiving Water/Use</i>	<i>Contact Office and Phone Number</i>
PAC560047	CriLon Corporation 279 Industrial Park Road Somerset, PA 15501	Somerset Township	UNT to East Branch of Coxes Creek (TSF)	Somerset County Conservation District 6024 Glades Pike Suite 103 Somerset, PA 15501 814-289-4250

<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Facility Location and Municipality</i>	<i>Receiving Water/Use</i>	<i>Contact Office and Phone Number</i>
PAC630166	Columbia Gas of PA 2021 West State Street New Castle, PA 16101	Cross Creek Township Independence Township	UNT to Cross Creek (WWF); Cross Creek (WWF)	Washington County Conservation District 50 Old Hickory Ridge Road, Suite 1 Washington, PA 15301 724-705-7098
PAC650058	Adelphoi USA, Inc. 1119 Village Way Latrobe, PA 15650	Unity Township and City of Latrobe	Monastery Run (WWF)	Westmoreland County Conservation District J. Roy Houston Conservation Center 218 Donohoe Road Greensburg, PA 15601 724-837-5271
PAC650058 A1	Adelphoi USA, Inc. 1119 Village Way Latrobe, PA 15650	Unity Township and City of Latrobe	Monastery Run (WWF)	Westmoreland County Conservation District J. Roy Houston Conservation Center 218 Donohoe Road Greensburg, PA 15601 724-837-5271
PAC650228	Penn Township Commissioners 2001 Municipal Court Harrison City, PA 15636	Penn Township	UNT to Bushy Run (TSF)	Westmoreland County Conservation District J. Roy Houston Conservation Center 218 Donohoe Road Greensburg, PA 15601 724-837-5271
PAC650239	West Penn Power, a FirstEnergy Company 800 Cabin Hill Drive Greensburg, PA 15601	North Huntingdon Township	Brush Creek (TSF)	Westmoreland County Conservation District J. Roy Houston Conservation Center 218 Donohoe Road Greensburg, PA 15601 724-837-5271
PAC650229	Weaver Investments, Inc. 3121 Deerfield Court Murrysville, PA 15668	Penn Township	Bushy Run (TSF)	Westmoreland County Conservation District J. Roy Houston Conservation Center 218 Donohoe Road Greensburg, PA 15601 724-837-5271
PAC650236	Pasquarelli Property Management 1300 White Oak Drive North Huntingdon, PA 15642	North Huntingdon Township	UNT to Little Sewickley Creek (TSF)	Westmoreland County Conservation District J. Roy Houston Conservation Center 218 Donohoe Road Greensburg, PA 15601 724-837-5271
PAC650151	ADESA Auctions 13085 Hamilton Crossing Boulevard Carmel, IN 46032-1412	Hempfield Township	UNTs to Sewickley Creek (WWF)	Westmoreland County Conservation District J. Roy Houston Conservation Center 218 Donohoe Road Greensburg, PA 15601 724-837-5271

<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Facility Location and Municipality</i>	<i>Receiving Water/Use</i>	<i>Contact Office and Phone Number</i>
PAC650204	Blackthorn Investors, LLC 223 Fourth Avenue, Fourth Floor Pittsburgh, PA 15222	Penn Township	Lyons Run (TSF)	Westmoreland County Conservation District J. Roy Houston Conservation Center 218 Donohoe Road Greensburg, PA 15601 724-837-5271
PAC650234	Municipality Authority of Westmoreland County 124 Park and Pool Road New Stanton, PA 15672	Hempfield Township	UNT to Jacks Run (WWF) Jacks Run (WWF)	Westmoreland County Conservation District J. Roy Houston Conservation Center 218 Donohoe Road Greensburg, PA 15601 724-837-5271

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>
North Cornwall Township	320 South 18th Street Lebanon, PA 17042-5753	Lebanon

Plan Description: Approval is granted for an Act 537 Special Study for North Cornwall Township, Lebanon County. The study provides for the replacement of the Dairy Road Pump Station with a larger pump station with a capacity of 7.0 mgd. The Department's review of the special study has not identified any significant impacts resulting from this proposal. Permits must be acquired in the name of the municipality. The DEP Code Numbers for this plan are B1-38916-ACT and Application No. 1021051.

Plan Location:

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Swatara Township	68 Supervisors Drive Jonestown, PA 17038	Lebanon County

Plan Description: Approval of a revision to the official plan of Swatara Township, Lebanon County has been issued. This action is a result of the review of a planning module for the Swatara Mobile Home Park Development (DEP Code No. A3-38923-174-3; APS ID No. 1014051). The development—located at 472 South Lancaster Street in Lebanon—consists of twenty-four existing single-family residences and one new single-family residence connecting to the Northern Lebanon County Authority's sewage collection, conveyance, and treatment system by construction of a new pump station and force main. The pump station will be privately owned and the force main will be owned by the Authority. The existing private wastewater treatment plant serving the mobile home park will be decommissioned. The Department's review of the plan revision has not identified any significant impacts result-

ing from this proposal. Any permits must be obtained in the name of the Northern Lebanon County Authority.

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:

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

Prospect Metal Company, 3640 York Road, New Oxford, PA 17350, Straban Township, **Adams County**. Moody and Associates, Inc., 11548 Cotton Road, Meadville, PA 16335, on behalf of Nucor Skyline, 300 Technology Center Way, Suite 450, Rock Hill, SC 29730, and JKLM Corporation, 3640 York Road, New Oxford, PA 17350 submitted a Final Report concerning remediation of site soil contaminated with PCB oil. The Final Report is intended to document remediation of the site to meet the Residential Statewide Health Standard.

275 Quickel Road, 275 Quickel Road, Conewago Township, **York County**. Brickhouse Environmental, Inc., 515 South Franklin Street, West Chester, PA 19382, on behalf of Connie Holtzapfle, 4415 Bull Road, Dover, PA 17315, submitted a Final Report concerning remediation of site soil contaminated with heating oil. The Final Report is intended to document remediation of the site to meet the Residential Statewide Health Standard.

OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE

Permit(s) Renewed Under the Solid Waste Management Act (35 P.S. §§ 6018.101—6018.1003), the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P.S. §§ 4000.101—4000.1904) and Regulations to Operate Solid Waste Processing or Disposal Area or Site.

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

Permit No. 101704, Breezewood Transfer, LLC, P.O. Box 4, Breezewood, PA 15533, **Bedford County**. The permit for the Breezewood Transfer Facility, Solid Waste Permit No. 101704, was renewed on September 29, 2020, and is extended until April 21, 2031.

Permit No. 101389, Lancaster County Solid Waste Management Authority, 1299 Harrisburg Pike, P.O. Box 4425, Lancaster, PA 17604, **Lancaster County**. The permit for the Frey Farm Landfill, Solid Waste Permit No. 101389, was renewed on September 29, 2020, and is extended until May 26, 2031.

Northcentral Region: Regional Solid Waste Manager, 208 West Third Street, Williamsport, PA 17701.

Permit No. 301315, Talen Energy-Montour, LLC, 18 McMichael Road, Washingtonville, PA 17884, Derry Township, **Montour County**. Minor modification to the spillway of the Residual Waste Ash Basin No. 1 Landfill. The permit was issued by DEP Northcentral Regional office on September 30, 2020.

Permit No. 101719, PA Waste, LLC, 1785 Bustleton Pike, Feasterville, PA 19053, Boggs Township, **Clearfield County**. Minor modification of Camp Hope Run Landfill's Solid Waste Permit for the inclusion of a condition addressing a Right-of Way issue. The permit was issued by DEP Northcentral Regional office on October 1, 2020.

Persons interested in reviewing the permit may contact Lisa D. Houser, P.E., Environmental Engineer Manager, Williamsport Regional Office, 208 West Third Street,

Suite 101, Williamsport, PA 17701, 570-327-3752. TDD users may contact the Department through the Pennsylvania AT&T Relay Service, (800) 654-5984.

AIR QUALITY

General Plan Approval and Operating Permit Usage Authorized under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and 25 Pa. Code Chapter 127 to construct, modify, reactivate or operate air contamination sources and associated air cleaning devices.

Northeast Region: Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711-0790.

Contact: Raymond Kempa, New Source Review Chief—Telephone: 570-826-2531.

AG5-13-00001A: PennEast Pipeline Company (835 Knitting Mills Way, Wyomissing, PA 19610) on September 18, 2020 the general operating permit GP5 issued for the construction & operation of a natural gas transmission station at the facility located in Kidder Township, **Carbon County**.

GP1-40-006: State Correctional Institution at Dallas/Department of Corrections (1000 Follies Road, Dallas, PA 18612) on September 29, 2020 for the operation of three (3) natural gas # oil fired boilers at the State Correctional Institute Facility located in Jackson Township, **Luzerne County**.

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

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

GP13-28-05035: St. Thomas Development, Inc. (409 Stenton Avenue, Flourtown, PA 19031) on September 30, 2020, for an existing batch asphalt plant, under GP13, at the St. Thomas Quarry located in St. Thomas Township, **Franklin County**. The general permit authorization was renewed.

GP3-36-03215A: Mellott Company (100 Mellott Drive, Warfordsburg, PA 17267) on October 2, 2020, for the installation and operation of portable nonmetallic mineral processing equipment, under GP3, at the Cedar Hill Quarry located in Fulton Township, **Lancaster County**.

GP11-36-03215A: Mellott Company (100 Mellott Drive, Warfordsburg, PA 17267) on October 2, 2020, for the installation and operation four nonroad engines, under GP11, to power portable nonmetallic mineral processing equipment, at the Cedar Hill Quarry located in Fulton Township, **Lancaster County**.

Plan Approvals Issued under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and regulations in 25 Pa. Code Chapter 127, Subchapter B relating to construction, modification and reactivation of air contamination sources and associated air cleaning devices.

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

Contact: Raymond Kempa, New Source Review Chief—Telephone: 570-826-2531.

64-00018B: Lake Region Crematorium, LLC (143 Gravity Road, Lake Ariel, PA 18436) on August 17, 2020

for the installation and operation of one (1) human remains incinerator at their facility in Lake Township, **Wayne County**.

40-00141A: Wren Manufacturing Inc. (1070 Hanover Street, Hanover Township, PA 18706) on September 4, 2020 for the installation of a kitchen cabinet manufacturing process with two (2) baghouses and eight (8) paint spray booths at their facility in Hanover Twp., **Luzerne County**.

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

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

38-03003E: Bayer Healthcare, LLC (400 West Stoever Avenue, Myerstown, PA 17067) September 29, 2020, for the installation of a Combined Heat and Power (CHP), 2.0 MW, Siemens Model KG2 3G (or similar) natural gas fired combustion turbine. The turbine will be equipped with a heat recovery steam generator (HRSG). NO_x emissions will be controlled by a Dry Low Emissions (DLE) combustion system. The CHP system will be installed at the Myerstown plant located in Myerstown Borough, **Lebanon County**.

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

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

PA-04-00061C: Nalco Company (125 Nalco Way, Ellwood City, PA 16117) Plan Approval issuance date effective October 01, 2020, to install and operate one (1) 10,000-gallon Sodium Hypochlorite tank, one (1) 3,400-gallon Sodium Hydroxide tank, one (1) 3,400-gallon Sodium Bromide tank, one (1) 3,000-gallon reactor vessel 1 to store sulfamic acid and other non-volatile material, one (1) 6,000-gallon reactor vessel 2 to store bleach and other non-volatile material, one (1) Mesh Pad Packed Tower Scrubber 99% efficiency, two (2) 10,000-gallon tanks to store halogen based chemical solution, one (1) waste tank, and product rail loading at their Ellwood City Plant located in Franklin Township, **Beaver County**.

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

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

20-194G: Lord Corporation, Saegertown (601 South Street, Saegertown, PA 16433), on September 23, 2020 issued a Plan Approval for the construction and operation of a new CM-2 polymer manufacturing process in Saegertown Borough, **Crawford County**. This is a Title V facility.

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.

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.

21-03132A: Generations Tribute Center & Crematory (P.O. Box 431, New Cumberland, PA 17070) on September 30, 2020, for the construction of a human crematory located in New Cumberland Borough, **Cumberland County**. The unit will be a Matthews Environmental IE43-PPI (Power Pak I) multiple-chamber crematory. The plan approval was extended.

06-05112D: WBLF Acquisition Co., LLC—Western Berks Landfill (455 Poplar Neck Road, Birdsboro, PA 19508) on October 2, 2020, for the installation of an on-site landfill gas (LFG) to energy plant at the municipal waste landfill in Cumru Township, **Berks County**. The energy plant will consist of a gas treatment system, three (3) 1,148 bHP (856 kW) Caterpillar C3516 LE engines and one (1) 500 scfm candlestick flare. The plan approval was extended.

06-05112E: WBLF Acquisition Co. LLC—Western Berks Landfill (455 Poplar Neck Road, Birdsboro, PA 19508) on October 2, 2020, for the installation of a fourth 1,148 bHP (856 kW) Caterpillar C3516 LE engine as part of the facility's on-site landfill gas (LFG) to energy plant in Cumru Township, **Berks County**. The plan approval was extended.

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

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

03-196B: National Fuel Gas Supply Corporation, Kaylor Compressor Station (3021 Pump Station Lane, Sugar creek, PA 16028) on September 29, 2020, effective September 29, 2020, has issued a plan approval extension for construction and operation of a new ground flare to control dehydrator emissions in Sugar creek Township, **Armstrong County**. This is a State Only facility. This will expire on March 30, 2021.

10-333D: Penn United Technologies Incorporated (799 North Pike Road, Cabot, PA 16023) on September 30, 2020, effective September 30, 2020, has issued a plan approval extension to complete a compliance evaluation for a batch vapor degreasing unit using trichloroethylene solvent in Jefferson Township, **Butler County**. This is a State Only facility. This will expire on January 31, 2021.

16-132L: Clarion Boards LLC (143 Fiberboard Road, Shippensburg, PA 16254) on September 30, 2020, effective September 30, 2020, has issued a plan approval extension for the continued construction phase of the RTO and Dryer in Paint Township, **Clarion County**. This is a Title V facility. This will expire on March 30, 2021.

20-037B: US Bronze Foundry and Machine (18649 Brake Shoe Road, Meadville, PA 16335) on September 30, 2020, effective September 30, 2020, has issued a plan approval extension to allow the facility time to submit an administrative amendment to roll in this plan approval to the facility operating permit in Woodcock Township, **Crawford County**. This is a State Only facility. This will expire on December 31, 2020.

24-131R: SGL Carbon (900 Theresia Street, Saint Marys, PA 15857) on September 29, 2020, effective Sep-

tember 29, 2020, has issued a plan approval extension to allow stack test report evaluation for a new Chemical Vapor Deposition Reactor # 6) and scrubber located in Building 500 CVD Operations in Saint Marys City, **Elk County**. This is a State Only facility. This will expire on March 30, 2021.

62-176B: Lignetics of New England (1055 Matthews Run Road, Youngville, PA 16371) on September 29, 2020, effective September 29, 2020, has issued a plan approval extension to modify the facility's rotary wood dryer to include new, larger wood-fired burner and the replacement of the multi-cyclone in Brokenstraw Township, **Warren County**. This is a State Only facility. This will expire on March 30, 2021.

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.

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.

21-03133: Penn State Health—Hampden Medical Center (2200 Good Hope Road, Enola, PA 17033) on September 30, 2020, for the new hospital in Hampden Township, **Cumberland County**. This is the initial State-Only air permit for this facility.

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

Contact: Thomas Joseph, Facilities Permitting Chief, 412.442.4336.

65-00080: Duraloy Technologies, Inc. (120 Bridge Street, Scottdale, PA 15683-1748) on October 1, 2020 a Synthetic Minor State Only Operating Permit (SOOP) renewal to Duraloy Technologies, Inc. to authorize the continued operation of their facility in Scottdale Borough, **Westmoreland County**.

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

Contact: Matthew Williams, Facilities Permitting Chief—Telephone: 814-332-6940.

10-00220: ESM Group, Inc., (995 Saxonburg, Blvd, Saxonburg, PA 16056-2317). On September 30, 2020, the Department issued a renewal of the State Only Operating Permit for the facility located on Myoma Road in Adams Township, **Butler County**. The facility is a Natural Minor. Potential Emissions are as follows: 16.8192 tpy Particulate Matter; 8.4096 tpy PM₁₀. The primary sources at the facility include truck dumping of raw materials, blending of raw materials, materials handling, materials mixing & bagging, storage silos, a weigh-out station, and 2 parts washers. 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.

42-00154: Bradford Regional Medical Center (116 Interstate Parkway, Bradford, PA 16701), on September 29, 2020, the Department issued the renewal of the State-Only Operating Permit of a healthcare institution located in Bradford City, **McKean County**. Permitted air

contamination sources are two gas-fired/oil-fired boilers and two emergency diesel generators. The facility is Natural Minor for permitting purposes. In this renewal, changes in 25 Pa. Code § 123.22 as amended on July 25, 2020 are incorporated. Operating hours restrictions are added to assure the gas-fired/oil-fired boilers' exemption from 40 CFR 63 Subpart JJJJJ. With the exception of § 60.48c(g), sections and provisions of 40 CFR 60 Subpart Dc are removed. For one emergency diesel generator, permit conditions based on the RFD exempting the source from plan approval requirements are removed. Source test submittals are revised based on Source Testing Section's latest instructions.

De Minimis Emissions Increases Authorized under 25 Pa. Code § 127.449.

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.

21-03108: Sunoco Pipeline, L.P.—Plainfield Station Pump Station (74 Pinedale Road, Carlisle, PA 17015). Pursuant to 25 Pa. Code § 127.449(i), this *Pennsylvania Bulletin* notice is for a de minimis emissions increase of 0.131 tpy VOC resulting from the change of service from natural gas liquids (NGL) to refined products at the Plainfield Pump Station located in Lower Frankford Township, **Cumberland County**. The change of service will include the addition of a 1,000-gallon sump tank and a small quantity of fugitive emission components associated with the tank. Refined products include, but is not limited to, various grades of gasoline, diesel, kerosene, and jet fuel. The facility will not utilize the pump station flare (Source ID C101) to support movement of refined petroleum products. In periods when there is no NGL throughput at the facility, the station flare will not be in service, and, if necessary, depending on the duration of such periods, a maintenance plan will be established in accordance with 25 Pa. Code § 127.11a. This is the first de minimis emissions increase at the facility during the term of the current operating permit.

07-03062: Sunoco Pipeline, L.P.—Hollidaysburg Pump Station (Convention Center Drive, Altoona, PA 16602). Pursuant to 25 Pa. Code § 127.449(i), this *Pennsylvania Bulletin* Notice is for a de minimis emissions increase of 0.131 tpy VOC resulting from the change of service from natural gas liquids (NGL) to refined products at the Hollidaysburg Pump Station located in Allegheny Township, **Blair County**. The change of service will include the addition of a 1,000-gallon sump tank and a small quantity of fugitive emission components associated with the tank. Refined products include, but is not limited to, various grades of gasoline, diesel, kerosene, and jet fuel. The facility will not utilize the pump station flare (Source ID C101) to support movement of refined petroleum products. In periods when there is no NGL throughput at the facility, the station flare will not be in service, and, if necessary, depending on the duration of such periods, a maintenance plan will be established in accordance with 25 Pa. Code § 127.11a. This is the first de minimis emissions increase at the facility during the term of the current operating permit.

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. 14743701 and NPDES Permit No. PA0600156. Pennsylvania Mines, LLC, 835 Hamilton Street, Suite 150, Allentown, PA 18101, to renew the permit and related NPDES Permit for Pauline Hollow Coal Refuse Disposal Site located in Rush Township, **Centre County**. No additional discharges. The application was considered administratively complete on January 14, 2019. Application received: April 9, 2018. Permit issued: September 10, 2020.

Permit No. 63141301 and NPDES Permit No. PA0215431. Consol Mining Company LLC, 1000 Consol Energy Drive, Suite 100, Canonsburg, PA 15317, to revise the permit and related NPDES Permit for three (3) boreholes and piping for Westland Mine located in Chartiers and Mount Pleasant Townships, **Washington County**, affecting 1.6 surface acres. No additional discharges. The application was considered administratively complete on April 9, 2020. Application received: February 11, 2020. Permit issued: September 18, 2020.

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

Permit No. 56090103 and NPDES No. PA0262358. Mountaineer Mining Corp., 1010 Garrett Shortcut Road, Berlin, PA 15530, permit renewal for reclamation only of a bituminous surface mine in Brothersvalley Township, **Somerset County**, affecting 58.1 acres. Receiving streams: unnamed tributaries to and Buffalo Creek classified for the following use: cold water fishes. There are no potable water supply intakes within 10 miles downstream. Application received: July 17, 2020. Permit issued: September 29, 2020.

Permit No. 32040202 and NPDES No. PA0249670. Robindale Energy Services, Inc., 224 Grange Hall Road, P.O. Box 228, Armagh, PA 15920, permit renewal for the continued operation and restoration of a bituminous surface and coal refuse reprocessing mine in East Wheatfield Township, **Indiana County** affecting 34.5 acres. Receiving streams: Conemaugh River, classified for the following use: warm water fishes. There are

no potable water supply intakes within 10 miles downstream. Application received: April 24, 2020. Permit issued: September 30, 2020.

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

Permit No. 54040101R3. Char-Pac Coal Company (P.O. Box 81, Minersville, PA 17954), renewal for reclamation activities only of an existing anthracite surface mine operation in Foster Township, **Schuylkill County** affecting 200.5 acres. Receiving stream: Hans Yost Creek. Application received: August 14, 2019. Renewal issued: September 29, 2020.

Permit No. 54040101C4. Char-Pac Coal Company (P.O. Box 81, Minersville, PA 17954), correction to an existing anthracite surface mine operation to update the post-mining land use from forestland to unmanaged natural habitat in Foster Township, **Schuylkill County** affecting 200.5 acres. Receiving stream: Hans Yost Creek. Application received: October 11, 2019. Correction issued: September 29, 2020.

Permit No. 40180101. Land Stewardship, LLC (124 West Spring Street, West Hazleton, PA 18201), commencement, operation and restoration of an anthracite surface mine operation in Sugarloaf Township and West Hazleton Borough, **Luzerne County** affecting 93.0 acres. Receiving stream: Black Creek. Application received: March 19, 2018. Permit issued: October 1, 2020.

Permit No. PAM118015. Land Stewardship, LLC (124 West Spring Street, West Hazleton, PA 18201), coverage under the General NPDES Stormwater Permit for stormwater discharges associated with mining activities on Surface Mining Permit No. 40180101 in Sugarloaf Township and West Hazleton Borough, **Luzerne County**, receiving stream: Black Creek. Application received: March 19, 2018. Permit issued: October 1, 2020.

Noncoal Permits Issued

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

Permit No. 03920301. Continental Clay Company, P.O. Box 1013, 260 Oak Avenue, Kittanning, PA 16201. Revision application for post-mining land use change from pastureland to industrial/commercial for the southern surface support area to an existing noncoal underground mine, located in Rayburn Township, **Armstrong County**, affecting 264.0 acres. Receiving streams: unnamed tributaries to the Allegheny River, classified for the following use: CWF. PA American Water—Kittanning is the potable water supply intake within 10 miles downstream from the point of discharge. Application received: May 23, 2019. Permit revision issued: September 24, 2020.

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

Permit No. 64030301C and NPDES Permit No. PA0224332. ER Linde Construction Corp., (9 Collan Park, Honesdale, PA 18431), renewal of an NPDES Permit for discharge of treated mine drainage from a quarry operation in Palmyra Township, **Wayne County**. Receiving stream: Middle Creek. Application received: August 1, 2019. Renewal issued: October 1, 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

New Stanton District Office: P.O. Box 133, 131 Broadview Road, New Stanton, PA 15672, 724-925-5500, (Contact: Tracy Norbert).

Permit No. 65204102. Wampum Hardware Company, 636 Paden Road, New Galilee, PA 16141-2018. Blasting activity permit for the construction of the commercial/industrial site development, to conduct seismic activity located in Hempfield Township, **Westmoreland County** with an expiration date of December 31, 2021. Blasting permit issued: September 29, 2020.

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

Permit No. 36204134. Maine Drilling & Blasting, Inc. (P.O. Box 1140, Gardiner, ME 04345), construction blasting for Lancaster County Country Club in Manheim Township, **Lancaster County** with an expiration date of September 25, 2021. Permit issued: September 28, 2020.

Permit No. 48204109. American Rock Mechanics, Inc. (7531 Chestnut Street, Zionsville, PA 18092), construction blasting for Chrin Lot 4 West in Palmer Township, **Northampton County** with an expiration date of July 10, 2021. Permit issued: September 28, 2020.

Permit No. 52204101. Holbert Explosives, Inc. (237 Mast Hope Plank Road, Suite A, Lackawaxen, PA 18435), construction blasting for Zimmerman Residence in Palmyra Township, **Monroe County** with an expiration date of September 6, 2021. Permit issued: September 28, 2020.

Permit No. 64204004. Northeast Blasting (403 Middle Creek Road, Honesdale, PA 18431), construction blasting for Rob Giblin house foundation in Berlin Township, **Wayne County** with an expiration date of September 12, 2021. Permit issued: September 29, 2020.

Permit No. 38204111. Keystone Blasting Service (15 Hopeland Road, Lititz, PA 17543), construction blasting for Newburg Village in Millcreek Township, **Lebanon County** with an expiration date of September 30, 2021. Permit issued: October 1, 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.

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

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

E5802119-002. PA Department of Transportation, Eng District 4-0, 55 Keystone Industrial Park, Dunmore, PA 18512, Jessup Township, **Susquehanna County**, Army Corps of Engineers, Baltimore District.

To remove the existing structure and to construct and maintain a 35.3'-foot wide single-span Integral Abutment bridge carrying SR 3029 across East Branch Wyalusing Creek (CWF, MF) having a 66.91-foot span and a 9.05'-foot underclearance. The project also includes approximately 0.02 acre of PEM/PSS wetland impacts.

The project is located along S.R. 3029 Sec10S Segment 0130, Offset 1064, approximately 0.2 mile north of the S.R. 3029/0706 intersection (Montrose West, PA Quadrangle Latitude: 41° 48' 45.4"; Longitude: -75° 57' 42.5").

E4002120-003. PA Department of Transportation, Eng District 4-0, 55 Keystone Industrial Park, Dunmore, PA 18512, Hazle Township, **Luzerne County**, Army Corps of Engineers, Baltimore District.

To fill 0.13 acre of PEM/PSS wetlands for the construction of the Hazelton Beltway Extension, SR 0424 Section 390 project and for the associated wetland mitigation site driveway realignment.

The project is located from the I-81/SR 424 intersection (Exit 141) to the southern end of Commerce Drive (Conyngham, PA Quadrangle Latitude: 40° 55' 31.40"; Longitude: -76° 0' 44.82" to Latitude 40° 55' 50.05"; Longitude: -76° 1' 31.20") and the wetland mitigation site is located at 40° 55' 31.83"; Longitude: -76° 3' 3.89".

E5402219-005. Jeremy Yeakley & Eden Troxell, 325 Hazle Street, Tamaqua, PA 18252. Walker Township, **Schuylkill County**, Army Corps of Engineers Philadelphia District.

To authorize a previously completed private driveway crossing of Cold Run (HQ-CWF, MF) consisting of a 7-foot span by 3' - 8" rise HDPE open bottom pipe arch culvert with 6-inches of natural streambed embedment and upstream and downstream stone headwalls. This culvert crossing will be constructed to replace the previously installed dual 30" HDPE culverts. A de minimis impact area of wetlands (EV) equal to approximately 0.02 acre is associated with this crossing.

The project is located approximately 0.9 mile east of the intersection of Valley Road (T-529) and Mountain Road (SR 2003) (Orwigsburg, PA Quadrangle Latitude: 40° 42' 55.0"; Longitude: -76° 3' 20.0") in Walker Township, Schuylkill County.

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

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

To construct, operate, and maintain:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

21) a 24-inch diameter steel natural gas pipeline and temporary timber mat crossings impacting 25,438 square feet (0.58 acre) of palustrine emergent wetlands (PEM) (Montrose East, PA Quadrangle; Latitude: 41° 46' 16", Longitude: -75° 49' 36"),

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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 differ-

ent time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary to the Board at (717) 787-3483. This paragraph does not, in and of itself, create a right of appeal beyond that permitted by applicable statutes and decisional law.

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

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

Southwest District: Oil & Gas Management Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222, (412) 442-4281.

ESCGP-3 # ESG073020003-00
Applicant Name EQT Production Co
Contact Person Todd Klaner
Address 400 Woodcliff Drive
City, State, Zip Canonsburg, PA 15317
County Greene
Township(s) Jackson Twp
Receiving Stream(s) and Classification(s) UNT to Toms Run (WWF); Toms Run (WWF); Dunkard Creek (WWF)

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

ESCGP-3 # ESG295820043-00
Applicant Name SWN Production Company, LLC
Contact Person Marsha Vogel
Address P.O. Box 12359
City, State, Zip Spring, TX 77391-2359
County Susquehanna
Township(s) Liberty
Receiving Stream(s) and Classification(s) UNT to Susquehanna River A (CWF/MF), a UNT to Susquehanna River B (CWF/MF)
Secondary: Susquehanna River (WWF/MF), Susquehanna River (WWF/MF)

ESCGP-3 # ESG295820044-00
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) Middletown
Receiving Stream(s) and Classification(s) UNT to Middle Branch Wyalusing Creek (CWF/MF)
Secondary: Wyalusing Creek (WWF/MF)

ESCGP-3 # ESG295820017-00
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) Silver Lake
Receiving Stream(s) and Classification(s) Laurel Lake Creek (CWF, MF) Secondary: Silver Creek (EV)

[Pa.B. Doc. No. 20-1411. Filed for public inspection October 16, 2020, 9:00 a.m.]

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Agricultural Advisory Board Virtual Meeting

The Agricultural Advisory Board (Board) meeting scheduled for Thursday, October 22, 2020, will begin at 9 a.m. and will be held as a virtual meeting (previously scheduled to be held in Room 206 at the Bureau of Labs, Harrisburg, PA). Individuals who wish to join the meeting may do so remotely. Information will be provided on the Board's webpage. Individuals interested in providing public comments during the meeting must sign up prior to the start of the meeting by contacting Jay Braund at jbraund@pa.gov or (717) 772-5636.

Information on how to join the meeting, as well as agenda and meeting materials, will be available on the 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 "Agricultural Advisory Board," then "Agendas and Handouts").

Individuals are encouraged to visit the Board's webpage to confirm meeting date, time and location prior to each meeting. Questions concerning the October 22, 2020, meeting can be directed to Jay Braund at jbraund@pa.gov or (717) 772-5636.

Persons in need of accommodations as provided for in the Americans with Disabilities Act of 1990 should contact the Department at (717) 772-5636 or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users) to discuss how the Department may accommodate their needs.

PATRICK McDONNELL,
Secretary

[Pa.B. Doc. No. 20-1412. Filed for public inspection October 16, 2020, 9:00 a.m.]

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Radiation Protection Advisory Committee Virtual Meeting

The Radiation Protection Advisory Committee (Committee) meeting scheduled for Thursday, October 29, 2020, will be held as a virtual meeting and will begin at 9 a.m. Individuals who wish to join the meeting may do so remotely. Information 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 John Chipppo at jchippo@pa.gov or (717) 783-9730.

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 "Radiation Advisory Committees," then "Radiation Protection 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 29, 2020, meeting can be directed to John Chipppo at jchippo@pa.gov or (717) 783-9730.

Persons in need of accommodations as provided for in the Americans with Disabilities Act of 1990 should contact the Department at (717) 787-3720, 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. 20-1413. Filed for public inspection October 16, 2020, 9:00 a.m.]

DEPARTMENT OF HEALTH

Ambulatory Surgical Facilities; Requests for Exceptions for August 2020

The following ambulatory surgical facilities (ASF) have filed requests for exceptions under 28 Pa. Code § 51.33 (relating to requests for exceptions) with the Department of Health (Department), which has authority to license ASFs under the Health Care Facilities Act (35 P.S. §§ 448.101—448.904b). The following requests for exceptions relate to regulations governing ASF licensure in 28 Pa. Code Chapters 51 and 551—571 (relating to general information; and ambulatory surgical facilities).

<i>Facility Name</i>	<i>Regulation and relating to</i>
Ambulatory Care Specialists of Cranberry, LLC	28 Pa. Code § 569.35(7) (relating to general safety precautions)
Beaver Valley Ambulatory Surgery Center, LLC	28 Pa. Code § 551.21(d)(1)—(3) (relating to criteria for ambulatory surgery)
Brookpark Surgery Center, LLC	28 Pa. Code § 553.1 (relating to principle)
	28 Pa. Code § 553.31(a) and (b) (relating to administrative responsibilities)
	28 Pa. Code § 555.1 (relating to principle)
	28 Pa. Code § 557.2(a)—(d) (relating to plan)

<i>Facility Name</i>	<i>Regulation and relating to</i>
Geisinger Medical Center Outpatient Surgery Woodbine	28 Pa. Code § 551.21(d)(1)
Greater Pittsburgh Surgery, LLC	28 Pa. Code § 551.21(d)(1) and (3)
King of Prussia Surgery Center	28 Pa. Code § 569.35(7)
Nazareth Endoscopy Center, LLC	28 Pa. Code § 551.3 (relating to definitions)
	28 Pa. Code § 555.31(a) (relating to principle)
Orthopaedic Surgery Center at Bryn Mawr Hospital	28 Pa. Code § 551.21(d)(1)
Penn Highlands Dubois Surgery Center	28 Pa. Code § 567.32 (relating to policies and procedures)

The previously listed requests are on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@pa.gov. Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the previously listed address. Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, or for speech and/or hearing-impaired persons, call the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

RACHEL L. LEVINE, MD,
Secretary

[Pa.B. Doc. No. 20-1414. Filed for public inspection October 16, 2020, 9:00 a.m.]

DEPARTMENT OF HEALTH

Ambulatory Surgical Facilities; Requests for Exceptions for September 2020

The following ambulatory surgical facilities (ASF) have filed requests for exceptions under 28 Pa. Code § 51.33 (relating to requests for exceptions) with the Department of Health (Department), which has authority to license ASFs under the Health Care Facilities Act (35 P.S. §§ 448.101—448.904b). The following requests for exceptions relate to regulations governing ASF licensure in 28 Pa. Code Chapters 51 and 551—571 (relating to general information; and ambulatory surgical facilities).

<i>Facility Name</i>	<i>Regulation and relating to</i>
North Pointe Surgery Center—Lebanon	28 Pa. Code § 551.21(d)(1) (relating to criteria for ambulatory surgery)
Pocono Ambulatory Surgery Center, Limited	28 Pa. Code § 551.21(d)(1)
Saint Luke's Anderson Ambulatory Surgery Center	28 Pa. Code § 551.21(d)(1) and (2)
The Surgery Center of the Pennsylvania Hospital	28 Pa. Code § 567.53(1) (relating to sterilization control)

The previously listed requests are on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@pa.gov. Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the previously listed address. Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, or for speech and/or hearing-impaired persons, call the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

RACHEL L. LEVINE, MD,
Secretary

[Pa.B. Doc. No. 20-1415. Filed for public inspection October 16, 2020, 9:00 a.m.]

DEPARTMENT OF HEALTH

Ambulatory Surgical Facilities; Requests for Exceptions for October 2020

The following ambulatory surgical facilities (ASF) have filed requests for exceptions under 28 Pa. Code § 51.33 (relating to requests for exceptions) with the Department of Health (Department), which has authority to license ASFs under the Health Care Facilities Act (35 P.S. §§ 448.101—448.904b). The following requests for exceptions relate to regulations governing ASF licensure in 28 Pa. Code Chapters 51 and 551—571 (relating to general information; and ambulatory surgical facilities).

<i>Facility Name</i>	<i>Regulation and relating to</i>
Beaver Valley Ambulatory Surgery Center, LLC	28 Pa. Code § 551.21(d)(1)—(3) (relating to criteria for ambulatory surgery)
Langhorne Surgical Center	28 Pa. Code § 569.35(7) (relating to general safety precautions)
Midlantic Urology Surgery Center, LLC	28 Pa. Code § 569.35(7)
North Pointe Surgery Center—Lebanon	28 Pa. Code § 551.21(d)(1)
Penn Highlands Dubois Surgery Center	28 Pa. Code § 567.53(1) (relating to sterilization control)

The previously listed requests are on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@pa.gov. Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the previously listed address. Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, or for speech and/or hearing-impaired persons, call the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

RACHEL L. LEVINE, MD,
Secretary

[Pa.B. Doc. No. 20-1416. Filed for public inspection October 16, 2020, 9:00 a.m.]

DEPARTMENT OF HEALTH

Decisions on Requests for Exceptions to Health Care Facility Regulations for July 2020

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), effective June 6, 1998, the Department of Health (Department) has published in the *Pennsylvania Bulletin* all requests by entities licensed under the Health Care Facilities Act (35 P.S. §§ 448.101—448.904b), for exceptions to regulations contained in 28 Pa. Code Part IV, Subparts B—G.

Section 51.33(d) of 28 Pa. Code provides that the Department will publish notice of all approved exceptions on a periodic basis. The Department has determined that it will publish notice of all exceptions, both approved and denied. The following list contains the decisions made on exception requests published in the *Pennsylvania Bulletin* from July 1, 2020, through July 31, 2020. Future publications of decisions on exception requests will appear on a periodic basis.

Requests for additional information on the exception request and the Department's decision should be made to the relevant division of the Department. Inquiries regarding hospitals, abortion facilities and ambulatory surgical facilities shall be addressed to Garrison E. Gladfelder, Jr., Director, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980. Inquiries regarding long-term care facilities shall be addressed to Susan Williamson, Director, Division of Nursing Care Facilities, Room 528, Health and Welfare Building, Harrisburg, PA 17120, (717) 787-1816.

Ambulatory Surgical Facilities

<i>Facility Name</i>	<i>28 Pa. Code Regulation</i>	<i>Dec. Date</i>	<i>Decision</i>
Children's Dental Surgery	§ 551.22(3)(i) (relating to criteria for performance on pediatric patient)	07/05/2020	Granted Probationary w/Conditions
Children's Dental Surgery of Bethlehem	§ 551.22(3)(i)	07/05/2020	Granted Probationary w/Conditions
Children's Dental Surgery of Malvern	§ 551.22(3)(i)	07/05/2020	Granted Probationary w/Conditions
Hypertension-Nephrology Associates Vascular Center	§ 551.21(d)(3) (relating to criteria for ambulatory surgery)	07/08/2020	Granted Probationary w/Conditions

<i>Facility Name</i>	<i>28 Pa. Code Regulation</i>	<i>Dec. Date</i>	<i>Decision</i>
UPMC West Mifflin Outpatient Surgery Center	§ 553.1 (relating to principle)	07/06/2020	Granted w/Conditions
	§ 555.1 (relating to principle)	07/06/2020	Granted w/Conditions
	§ 557.2(a)—(d) (relating to plan)	07/06/2020	Granted w/Conditions
	§ 557.3(a)—(f) (relating to Quality Assurance and Improvement Program)	07/06/2020	Granted w/Conditions
	§ 567.53(1) (relating to sterilization control)	07/08/2020	Granted w/Conditions
	§ 567.53(2) (relating to sterilization control)	07/06/2020	Granted w/Conditions

Hospitals

<i>Facility Name</i>	<i>28 Pa. Code Regulation</i>	<i>Dec. Date</i>	<i>Decision</i>
The Chester County Hospital	§ 153.1(a) 7.1(a)(3) general requirements	07/17/2020	Granted
Crozer-Chester Medical Center	§ 153.1(a) 2.1-7.2.2.1 corridor width	07/05/2020	Granted
	§ 153.1(a) 2.1-7.2.2.3(2)(a)(i) doors and door hardware	07/09/2020	Granted
	§ 153.1(a) 2.2-2.6.2.2(2) space requirements	07/05/2020	Granted
	§ 153.1(a) 2.2-2.6.2.2(3)(b) space requirements	07/09/2020	Granted
	§ 153.1(a) 2.5-2.2.2.1 capacity	07/09/2020	Granted
Encompass Health Rehabilitation Hospital of Sewickley, LLC	§ 153.1(a) 2.6-2.2.2.2(2)(a) space requirements	07/13/2020	Granted
	§ 153.1(a) 2.6-3.1.10(1) support areas for patients	07/13/2020	Granted
Geisinger Wyoming Valley Medical Center	§ 153.1(a) 2.1-2.8.8.2(1)(c) medication preparation room	07/05/2020	Granted
	§ 153.1(a) 2.1-2.8.8.2(2)(a) medication-dispensing units, stations and carts	07/05/2020	Granted
Grand View Health	§ 153.1(a) 2.1-3.5.8.19(2)(b) facilities for processing ultrasound probes	07/05/2020	Granted
The Robert Packer Hospital	§ 153.1(a) 2.2-3.4.7.3(6)(c) patient uptake/cool-down room	07/05/2020	Granted
Thomas Jefferson University Hospitals, Inc.	§ 153.1(a) 2.1-2.2.5.1(1) location	07/13/2020	Granted
UPMC Hamot	§ 153.1(a) 2.1-3.4.1.2 location	07/07/2020	Granted
	§ 153.1(a) 2.2-3.3.3.5(2) other design requirements	07/07/2020	Granted
	§ 153.1(a) 2.2-3.3.4.1 application	07/07/2020	Granted
	§ 153.1(a) 2.2-3.3.6.1 general	07/07/2020	Granted
	§ 153.1(a) 2.2-3.3.6.2(1)—(3) nurse or control stations	07/07/2020	Granted
	§ 153.1(a) 2.2-3.3.6.14(2) environmental services room	07/07/2020	Granted
	§ 153.1(a) 2.2-3.4.2.1(3) general	07/07/2020	Granted

Nursing Care Facilities

<i>Facility Name</i>	<i>28 Pa. Code Regulation</i>	<i>Dec. Date</i>	<i>Decision</i>
Premier Armstrong Rehabilitation and Nursing Facility	§ 201.3 (relating to definitions)	07/30/2020	Withdrawn
Villa Crest, LLC	§ 205.67(k) (relating to electric requirements for existing and new construction)	07/04/2020	Granted

Persons with a disability who require an alternative format of this notice (for example, large print, audiotope, Braille) should contact the Division of Acute and Ambulatory Care or the Division of Nursing Care Facilities at the previously referenced address or telephone number, or for speech and/or hearing-impaired persons, call the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

RACHEL L. LEVINE, MD,
Secretary

[Pa.B. Doc. No. 20-1417. Filed for public inspection October 16, 2020, 9:00 a.m.]

DEPARTMENT OF HEALTH

Decisions on Requests for Exceptions to Health Care Facility Regulations for August 2020

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), effective June 6, 1998, the Department of Health (Department) has published in the *Pennsylvania Bulletin* all requests by entities licensed under the Health Care Facilities Act (35 P.S. §§ 448.101—448.904b), for exceptions to regulations contained in 28 Pa. Code Part IV, Subparts B—G.

Section 51.33(d) of 28 Pa. Code provides that the Department will publish notice of all approved exceptions on a periodic basis. The Department has determined that it will publish notice of all exceptions, both approved and denied. The following list contains the decisions made on exception requests published in the *Pennsylvania Bulletin* from August 1, 2020, through August 31, 2020. Future publications of decisions on exception requests will appear on a periodic basis.

Requests for additional information on the exception request and the Department's decision should be made to the relevant division of the Department. Inquiries regarding hospitals, abortion facilities and ambulatory surgical facilities shall be addressed to Garrison E. Gladfelder, Jr., Director, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980. Inquiries regarding long-term care facilities shall be addressed to Susan Williamson, Director, Division of Nursing Care Facilities, Room 528, Health and Welfare Building, Harrisburg, PA 17120, (717) 787-1816.

Ambulatory Surgical Facilities

<i>Facility Name</i>	<i>28 Pa. Code Regulation</i>	<i>Dec. Date</i>	<i>Decision</i>
Ambulatory Care Specialists of Cranberry, LLC	§ 569.35(7) (relating to general safety precautions)	08/24/2020	Granted w/Conditions
Brookpark Surgery Center, LLC	§ 553.1 (relating to principle)	08/06/2020	Granted w/Conditions
	§ 553.31(a) and (b) (relating to administrative responsibilities)	08/06/2020	Granted w/Conditions
	§ 555.1 (relating to principle)	08/06/2020	Granted w/Conditions
	§ 557.2(a)—(d) (relating to plan)	08/06/2020	Granted w/Conditions
Greater Pittsburgh Surgery, LLC	§ 551.21(d)(1) and (3) (relating to criteria for ambulatory surgery)	08/12/2020	Granted w/Conditions
King of Prussia Surgery Center	§ 569.35(7)	08/06/2020	Granted
Nazareth Endoscopy Center, LLC	§ 555.31(a) (relating to principle)	08/06/2020	Granted Probationary w/Conditions

Hospitals

<i>Facility Name</i>	<i>28 Pa. Code Regulation</i>	<i>Dec. Date</i>	<i>Decision</i>
Evangelical Community Hospital	§ 107.61 (relating to written orders)	08/06/2020	Granted w/Conditions
Grand View Health	§ 153.1(a) (relating to minimum standards) 2.2-3.4.2.2(2)(a) space requirements	08/06/2020	Granted
Millcreek Community Hospital	§ 153.1(a) 2.1-3.8.7.1 location	08/12/2020	Granted w/Conditions
	§ 153.1(a) 2.1-3.8.7.1 location	08/12/2020	Granted
	§ 153.1(a) 2.1-3.8.8.2(1)(a)(ii) work areas for preparing, dispensing and administering medications	08/12/2020	Granted
	§ 153.1(a) 2.2-2.12.4.3 seclusion rooms	08/06/2020	Granted

<i>Facility Name</i>	<i>28 Pa. Code Regulation</i>	<i>Dec. Date</i>	<i>Decision</i>
Penn Highlands Dubois	§ 153.1(a) 2.1-3.2.1.2(3)(e) single-patient examination/observation room	08/17/2020	Granted
Penn Presbyterian Medical Center	§ 153.1(a) 2.1-8.5.2.3(2) technology distribution room (TDR)	08/07/2020	Granted
Saint Joseph Medical Center	§ 153.1(a) A2.2-3.3.2.1(1)(a) general	08/10/2020	Granted
Thomas Jefferson University Hospitals, Inc.	§ 153.1(a) 2.1-2.2.5.1(1) and (2) location	08/17/2020	Granted
	§ 153.1(a) 2.1-7.2.2.3(2)(a)(i) doors and door hardware	08/24/2020	Granted w/Conditions
	§ 153.1(a) 2.2-2.5.4.2(1) airborne infection isolation (AII) room	08/17/2020	Granted
	§ 153.1(a) 2.2-2.6.2.2(2) space requirements	08/17/2020	Granted
	§ 153.1(a) 2.2-2.6.2.2(3)(a)—(c) clearances	08/17/2020	Granted
	§ 153.1(a) 2.2-2.6.2.2(3)(a)—(d) space requirements	08/17/2020	Granted
	§ 153.1(a) 2.2-2.6.2.2(5) space requirements	08/17/2020	Granted
	§ 153.1(a) 2.2-2.6.2.6(1) toilet room or human waste disposal room	08/17/2020	Granted
	§ 153.1(a) 2.2-2.6.2.6(1)(a) and (b) toilet room or human waste disposal room	08/17/2020	Granted
	§ 153.1(a) 2.2-3.2.2.5 hand-washing station	08/17/2020	Granted
	§ 153.1(a) 2.2-3.2.2.7 shower room	08/17/2020	Granted
	§ 153.1(a) 2.2-3.2.9.2 staff toilet room	08/17/2020	Granted

Nursing Care Facilities

<i>Facility Name</i>	<i>28 Pa. Code Regulation</i>	<i>Dec. Date</i>	<i>Decision</i>
Crosslands	§ 205.2(a) (relating to resident bedrooms)	08/08/2020	Granted
Elizabeth Manor Healthcare and Rehabilitation Center	§ 205.2(a)	08/08/2020	Granted
Hermitage Nursing and Rehabilitation	§ 201.22(j) (relating to prevention, control and surveillance of tuberculosis (TB))	08/08/2020	Granted
Redstone Highlands Health Care Center	§ 201.22(j)	08/15/2020	Granted
Rehabilitation and Nursing Center at Greater Pittsburgh	§ 201.22(j)	08/08/2020	Granted
	§ 211.9(g) (relating to pharmacy services)	08/15/2020	Granted
Transitions Healthcare North Huntingdon	§ 211.9(g)	08/29/2020	Granted

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RACHEL L. LEVINE, MD,
Secretary

[Pa.B. Doc. No. 20-1418. Filed for public inspection October 16, 2020, 9:00 a.m.]

DEPARTMENT OF HEALTH

Decisions on Requests for Exceptions to Health Care Facility Regulations for September 2020

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), effective June 6, 1998, the Department of Health (Department) has published in the *Pennsylvania Bulletin* all requests by entities licensed under the Health Care Facilities Act (35 P.S. §§ 448.101—448.904b), for exceptions to regulations contained in 28 Pa. Code Part IV, Subparts B—G.

Section 51.33(d) of 28 Pa. Code provides that the Department will publish notice of all approved exceptions on a periodic basis. The Department has determined that it will publish notice of all exceptions, both approved and denied.

The following list contains the decisions made on exception requests published in the *Pennsylvania Bulletin* from September 1, 2020, through September 30, 2020. Future publications of decisions on exception requests will appear on a periodic basis.

Requests for additional information on the exception request and the Department's decision should be made to the relevant division of the Department. Inquiries regarding hospitals, abortion facilities and ambulatory surgical facilities shall be addressed to Garrison E. Gladfelder, Jr., Director, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980. Inquiries regarding long-term care facilities shall be addressed to Susan Williamson, Director, Division of Nursing Care Facilities, Room 528, Health and Welfare Building, Harrisburg, PA 17120, (717) 787-1816.

Ambulatory Surgical Facilities

<i>Facility Name</i>	<i>28 Pa. Code Regulation</i>	<i>Dec. Date</i>	<i>Decision</i>
Integrated Surgical Institute—Ambulatory Surgical Center	§ 569.35(7) (relating to general safety precautions)	09/09/2020	Granted w/Conditions
Pocono Ambulatory Surgery Center, Limited	§ 551.21(d)(1) (relating to criteria for ambulatory surgery)	09/09/2020	Granted Probationary w/Conditions
Saint. Luke's Anderson Ambulatory Surgery Center	§ 551.21(d)(2)	09/10/2020	Granted w/Conditions
The Surgery Center of the Pennsylvania Hospital	§ 567.53(1) (relating to sterilization control)	09/09/2020	Granted w/Conditions

Hospitals

<i>Facility Name</i>	<i>28 Pa. Code Regulation</i>	<i>Dec. Date</i>	<i>Decision</i>
The Chester County Hospital	§ 107.61 (relating to written orders)	09/09/2020	Granted w/Conditions
Delaware County Memorial Hospital	§ 153.1(a) (relating to minimum standards) 2.1-2.4.3.9(1)(b) special design elements	09/25/2020	Granted w/Conditions
Encompass Health Rehabilitation Hospital of Sewickley, LLC	§ 153.1(a) 2.1-2.9.1 staff lounge facilities	09/09/2020	Granted
	§ 153.1(a) 2.6-2.3.1.2(1) dining, recreation and day spaces	09/09/2020	Granted w/Conditions
	§ 153.1(a) 2.6-2.3.2.1(1)(b) activities of daily living unit	09/21/2020	Granted
Holy Spirit Hospital	§ 153.1(a) 2.1-3.4.2.2(2)(c) space requirements	09/09/2020	Granted
The Lancaster General Hospital	§ 153.1(a) 2.1-3.6.2.3(1)(a) and (b) support areas for the external beam radiation therapy suite	09/09/2020	Granted
Penn Highlands Dubois	§ 153.1(a) 2.1-3.4.2.2(2)(a)(iii) and (b)(iii) space requirements	09/09/2020	Granted
Pennsylvania Hospital of the University of Pennsylvania Health System	§ 149.3 (relating to facilities)	09/09/2020	Granted w/Conditions
Saint Joseph Medical Center	§ 107.61	09/09/2020	Granted w/Conditions
	§ 153.1(a) 2.2-3.4.5.6 patient treatment/resuscitation area	09/10/2020	Granted w/Conditions
Saint Luke's Hospital—Sacred Heart Campus	§ 127.32 (relating to written orders)	09/09/2020	Granted
	§ 153.1(a) 2.5-2.2.8.3 documentation area	09/09/2020	Granted
	§ 153.1(a) 2.5-2.2.8.4 offices for staff	09/09/2020	Granted
UPMC Hamot	§ 153.1(a) 2.2-2.9.3.2(1) space requirements	09/21/2020	Granted
UPMC Magee—Womens Hospital	§ 153.1(a) 2.2-2.8.2.2(1)(b) space requirements	09/09/2020	Granted
West Penn Hospital	§ 153.1(a) 2.1-7.2.2.3(3)(a) door swing	09/09/2020	Granted

Nursing Care Facilities

<i>Facility Name</i>	<i>28 Pa. Code Regulation</i>	<i>Dec. Date</i>	<i>Decision</i>
Pennknoll Village	§ 201.22(k) (relating to prevention, control and surveillance of tuberculosis (TB))	09/19/2020	Granted

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RACHEL L. LEVINE, MD,
Secretary

[Pa.B. Doc. No. 20-1419. Filed for public inspection October 16, 2020, 9:00 a.m.]

DEPARTMENT OF HEALTH**Hospitals; Requests for Exceptions for August 2020**

The following hospitals have filed requests for exceptions under 28 Pa. Code § 51.33 (relating to requests for exceptions) with the Department of Health (Department), which has authority to license hospitals under the Health Care Facilities Act (35 P.S. §§ 448.101—448.904b). The following requests for exceptions relate to regulations governing hospital licensure in 28 Pa. Code Chapters 51 and 101—158 (relating to general information; and general and special hospitals).

<i>Facility Name</i>	<i>Regulation and relating to</i>
Evangelical Community Hospital	28 Pa. Code § 107.61 (relating to written orders)

The following hospitals have filed requests for exceptions under 28 Pa. Code § 153.1 (relating to minimum standards). Requests for exceptions under this section relate to minimum standards that hospitals must comply with under the *Guidelines for Design and Construction of Hospitals and Outpatient Facilities—2014 Edition*, or *Guidelines for Design and Construction of Hospitals—2018 Edition*, *Guidelines for Design and Construction of Outpatient Facilities—2018 Edition*. The following list includes the citation to the section under the *Guidelines* that the hospital is seeking an exception.

<i>Facility Name</i>	<i>FGI Guidelines Section and relating to</i>	<i>Yr¹</i>
Grand View Health	2.2-3.4.2.2(2)(a) (relating to space requirements)	18
Lehigh Valley Hospital	2.2-2.6.2.6(1) (relating to toilet room or human waste disposal room)	18
Millcreek Community Hospital	2.1-3.8.7.1 (relating to location)	18-O
	2.1-3.8.8.2(1)(a)(ii) (relating to work areas for preparing, dispensing and administering medications)	18-O
	2.2-2.12.4.3 (relating to seclusion rooms)	18
The Milton S. Hershey Medical Center	1.1-5.2.1 (relating to code compliance)	18-O
Penn Highlands Dubois	2.1-3.2.1.2(3)(e) (relating to single-patient examination/observation room)	18
Penn Presbyterian Medical Center	2.1-8.5.2.3(2) (relating to technology distribution room (TDR))	18
Saint Joseph Medical Center	A2.2-3.3.2.1(1)(a) (relating to general)	18
Thomas Jefferson University Hospitals, Inc.	2.1-2.2.5.1(1) and (2) (relating to location)	18
	2.1-7.2.2.3(2)(a)(i) (relating to doors and door hardware)	18
	2.2-2.2.2.7(2)(c)(i) (relating to patient bathing facilities)	18
	2.2-2.5.4.2(1) (relating to airborne infection isolation (AII) room)	18
	2.2-2.6.2.2(2) (relating to space requirements)	18
	2.2-2.6.2.2(3)(a)—(c) (relating to clearances)	18
	2.2-2.6.2.2(3)(a)—(d) (relating to space requirements)	18
	2.2-2.6.2.2(5) (relating to space requirements)	18
	2.2-2.6.2.6(1)(a) and (b)	18
	2.2-3.2.2.5 (relating to hand-washing station)	18
	2.2-3.2.2.7 (relating to shower room)	18
	2.2-3.2.8.1(1) (relating to support areas for the observation unit)	18

<i>Facility Name</i>	<i>FGI Guidelines Section and relating to</i>	<i>Yr¹</i>
	2.2-3.2.8.2(6)(a) (relating to other observation unit support areas)	18
	2.2-3.2.9.2 (relating to staff toilet room)	18

¹ 2018 Year FGI Regulations for Outpatient Facilities are indicated by “-O.”

The previously listed requests are on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@pa.gov. Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the previously listed address. Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, for speech and/or hearing impaired persons V/TT (717) 783-6154, or for speech and/or hearing impaired persons, call the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

RACHEL L. LEVINE, MD,
Secretary

[Pa.B. Doc. No. 20-1420. Filed for public inspection October 16, 2020, 9:00 a.m.]

DEPARTMENT OF HEALTH

Hospitals; Requests for Exceptions for September 2020

The following hospitals have filed requests for exceptions under 28 Pa. Code § 51.33 (relating to requests for exceptions) with the Department of Health (Department), which has authority to license hospitals under the Health Care Facilities Act (35 P.S. §§ 448.101—448.904b). The following requests for exceptions relate to regulations governing hospital licensure in 28 Pa. Code Chapters 51 and 101—158 (relating to general information; and general and special hospitals).

<i>Facility Name</i>	<i>Regulation and relating to</i>
The Chester County Hospital	28 Pa. Code § 107.61 (relating to written orders)
Pennsylvania Hospital of the University of Pennsylvania Health System	28 Pa. Code § 147.82 (relating to sterilization control)
Saint Joseph Medical Center	28 Pa. Code § 107.61
Saint Luke’s Hospital—Sacred Heart Campus	28 Pa. Code § 127.32 (relating to written orders)
Washington Health System Greene	28 Pa. Code § 111.2 (relating to organization and staffing)

The following hospitals have filed requests for exceptions under 28 Pa. Code § 153.1 (relating to minimum standards). Requests for exceptions under this section relate to minimum standards that hospitals must comply with under the *Guidelines for Design and Construction of Hospitals and Outpatient Facilities—2014 Edition*, or *Guidelines for Design and Construction of Hospitals—2018 Edition*, *Guidelines for Design and Construction of Outpatient Facilities—2018 Edition*. The following list includes the citation to the section under the *Guidelines* that the hospital is seeking an exception.

<i>Facility Name</i>	<i>FGI Guidelines Section and relating to</i>	<i>Yr¹</i>
Encompass Health Rehabilitation Hospital of Sewickley, LLC	2.1-2.9.1 (relating to staff lounge facilities)	18
	2.6-2.3.1.2(1) (relating to dining, recreation and day spaces)	18
	2.6-2.3.2.1(1)(b) (relating to activities of daily living unit)	18
Holy Spirit Hospital	2.1-3.4.2.2(2)(c) (relating to space requirements)	18
The Lancaster General Hospital	2.1-3.6.2.3(1)(a) and (b) (relating to support areas for the external beam radiation therapy suite)	18-O
Penn Highlands Dubois	2.1-3.4.2.2(2)(a)(iii) and (b)(iii)	18
Saint Joseph Medical Center	2.2-3.4.5.6 (relating to patient treatment/resuscitation area)	18
Saint Luke’s Hospital—Sacred Heart Campus	2.5-2.2.8.3 (relating to documentation area)	18
	2.5-2.2.8.4 (relating to offices for staff)	18
UPMC East	2.2-3.4.6.1 (relating to ultrasound room)	18

<i>Facility Name</i>	<i>FGI Guidelines Section and relating to</i>	<i>Yr¹</i>
UPMC Hamot	2.2-2.9.3.2(1) (relating to space requirements)	18
	2.2-2.9.3.9(3)(a) (relating to special design elements)	18
UPMC Magee—Womens Hospital	2.2-2.8.2.2(1)(b) (relating to space requirements)	18
West Penn Hospital	2.1-7.2.2.3(3)(a) (relating to door swing)	18

¹ 2018 Year FGI Regulations for Outpatient Facilities are indicated by “-O.”

The previously listed requests are on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@pa.gov. Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the previously listed address. Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, for speech and/or hearing impaired persons V/TT (717) 783-6154, or for speech and/or hearing impaired persons, call the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

RACHEL L. LEVINE, MD,
Secretary

[Pa.B. Doc. No. 20-1421. Filed for public inspection October 16, 2020, 9:00 a.m.]

DEPARTMENT OF HEALTH

Hospitals; Requests for Exceptions for October 2020

The following hospitals have filed requests for exceptions under 28 Pa. Code § 51.33 (relating to requests for exceptions) with the Department of Health (Department), which has authority to license hospitals under the Health Care Facilities Act (35 P.S. §§ 448.101—448.904b). The following requests for exceptions relate to regulations governing hospital licensure in 28 Pa. Code Chapters 51 and 101—158 (relating to general information; and general and special hospitals).

<i>Facility Name</i>	<i>Regulation and relating to</i>
Allied Services Institute of Rehabilitation Medicine	28 Pa. Code § 103.31 (relating to the chief executive officer)
	28 Pa. Code § 109.2(a) and (b) (relating to director of nursing services)
Geisinger-Bloomsburg Hospital	28 Pa. Code § 115.31(b) (relating to patient medical records)
John Heinz Institute of Rehabilitation Medicine	28 Pa. Code § 103.31
	28 Pa. Code § 109.2(a) and (b)
Nazareth Hospital	28 Pa. Code § 51.23 (relating to positron emission tomography)
UPMC Altoona	28 Pa. Code § 107.61 (relating to written orders)
	28 Pa. Code § 107.62(a) and (b) (relating to oral orders)
UPMC Carlisle	28 Pa. Code § 107.61
	28 Pa. Code § 107.62(a) and (b)
UPMC Hanover	28 Pa. Code § 107.61
	28 Pa. Code § 107.62(a) and (b)
UPMC Lititz	28 Pa. Code § 107.61
	28 Pa. Code § 107.62(a) and (b)
UPMC Magee-Womens Hospital	28 Pa. Code § 107.61
	28 Pa. Code § 107.62(a) and (b)
UPMC Memorial	28 Pa. Code § 107.61
	28 Pa. Code § 107.62(a) and (b)
UPMC Northwest	28 Pa. Code § 107.61
	28 Pa. Code § 107.62(a) and (b)

<i>Facility Name</i>	<i>Regulation and relating to</i>
UPMC Pinnacle Hospitals	28 Pa. Code § 107.61
	28 Pa. Code § 107.62(a) and (b)
UPMC Presbyterian Shadyside	28 Pa. Code § 107.61
	28 Pa. Code § 107.62(a) and (b)
Washington Health System Greene	28 Pa. Code § 111.2 (relating to organization and staffing)
Wellspan Ephrata Community Hospital	28 Pa. Code § 103.31
	28 Pa. Code § 109.2(b)

The following hospitals have filed requests for exceptions under 28 Pa. Code § 153.1 (relating to minimum standards). Requests for exceptions under this section relate to minimum standards that hospitals must comply with under the *Guidelines for Design and Construction of Hospitals and Outpatient Facilities—2014 Edition*, or *Guidelines for Design and Construction of Hospitals—2018 Edition*, *Guidelines for Design and Construction of Outpatient Facilities—2018 Edition*. The following list includes the citation to the section under the *Guidelines* that the hospital is seeking an exception.

<i>Facility Name</i>	<i>FGI Guidelines Section and relating to</i>	<i>Yr¹</i>
Delaware County Memorial Hospital	2.1-2.4.3.9(1)(b) (relating to special design elements)	18
Grove City Medical Center	2.1-8.5.2.3(2) (relating to technology distribution room (TDR))	18
Kindred Hospital—Philadelphia	2.6-2.2.2.1(1) (relating to capacity)	18
Millcreek Community Hospital	2.2-2.2.2.1(1)	18
Pottstown Hospital	2.2-2.2.2.1(1)	18
	2.2-2.2.2.2(1)(b) and (2)(b) (relating to space requirements)	18
	2.2-2.2.2.6 (relating to patient toilet room)	18
	2.2-2.2.10.2 (relating to patient toilet room)	18
Thomas Jefferson University Hospitals, Inc.	2.1-2.9.3.1 (relating to staff storage facilities)	18
	2.1-2.9.8.15(3)(a) (relating to patient toilet room)	18
	2.1-3.4.4.2 (relating to Phase I post-anesthetics care unit)	18
	2.1-8.4.4 (relating to medical gas and vacuum systems for 2.2-2.5.2)	18
	2.2-2.5.2.2(1)(a) and 2(a) and (b) (relating to space requirements)	18
	2.2-2.9.8.15(2)(b) (relating to examination/treatment room and/or multipurpose diagnostic testing room)	18
	2.2-3.3.9.2 (relating to support areas for the surgical department)	18
UPMC Pinnacle Hospitals	2.1-3.8.7.3(1) (relating to hand-washing station)	18-O
	2.6-3.1.2.1(3) (relating to space requirements)	18-O
	2.6-3.1.2.2(3) (relating to clearances)	18-O
	2.6-3.2 (relating to examination rooms)	18-O
	2.6-3.9.2 (relating to staff toilet room)	18-O

¹ 2018 Year FGI Regulations for Outpatient Facilities are indicated by “-O.”

The previously listed requests are on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@pa.gov. Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the previously listed address. Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, for speech and/or hearing impaired persons V/TT (717) 783-6154, or for speech and/or hearing impaired persons, call the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

RACHEL L. LEVINE, MD,
Secretary

[Pa.B. Doc. No. 20-1422. Filed for public inspection October 16, 2020, 9:00 a.m.]

DEPARTMENT OF HEALTH

Pennsylvania Rural Health Redesign Center Authority Board Virtual Meeting

The Pennsylvania Rural Health Redesign Center Authority Board (Board), established under section 302 of the Pennsylvania Rural Health Redesign Center Authority Act (35 P.S. § 449.132), will hold its next meeting on Wednesday, October 21, 2020, from 10 a.m. to 12 p.m. The meeting will be held virtually and can be accessed by means of Skype at <https://meet.lync.com/pagov/megpatel/R540PNYR> or by using the following call-in information: toll number: +1 (267) 332-8737; conference ID: 77885397#.

The Board is charged with administering the Pennsylvania Rural Health Model (Model) which aims to protect the financial viability of rural hospitals in this Commonwealth through transitioning them from a traditional fee-for-service model to a global budget payment model. The meeting will provide updates on a variety of topics including Model status updates, Federal grant deliverables, global budget methodology and more. The Board will also discuss current and upcoming activities.

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 Emily Roussel, Executive Assistant for Health Innovation, Department of Health, (717) 425-0623, eroussel@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).

This meeting is subject to cancellation without notice.

RACHEL L. LEVINE, MD,
Secretary

[Pa.B. Doc. No. 20-1423. Filed for public inspection October 16, 2020, 9:00 a.m.]

DEPARTMENT OF HEALTH

Temporary Scheduling of Substance; Isotonitazene as a Schedule I Controlled Substance

The Secretary of Health (Secretary) of the Department of Health (Department) is issuing this final order temporarily scheduling Isotonitazene which is not currently listed in any schedule of The Controlled Substance, Drug, Device and Cosmetic Act (act) (35 P.S. §§ 780-101—780-144). This final order will place Isotonitazene in Schedule I under the act. The Secretary is taking this action because the scheduling of Isotonitazene in this Commonwealth on a temporary basis is necessary to avoid an imminent hazard to public safety.

On September 3, 2020, under section 3(d)(4) of the act (35 P.S. § 780-103(d)(4)), the Secretary transmitted to the Attorney General for his review a copy of her notice of intent to issue a final order. The Secretary's notice of intent was published at 50 Pa.B. 4616 (September 5, 2020). On October 1, 2020, the Attorney General agreed in writing that the temporary scheduling of Isotonitazene as a Schedule I controlled substance under the act was appropriate. The Attorney General had, by law, 30 days from receipt of the proposed notice to provide written comments to the Department, if any.

Any formal order may not be issued before the expiration of 14 days after both:

(i) The date of publication in the *Pennsylvania Bulletin* of the proposed notice of the intention to issue a final notice and the grounds upon which the order is to be issued.

(ii) The date the Secretary transmitted the notice to the Attorney General.

This formal order temporarily scheduling Isotonitazene as a Schedule I controlled substance is effective for 1 year from the date of publication of the final order in the *Pennsylvania Bulletin*. The Secretary may, during proceedings to permanently control Isotonitazene under the act, extend the temporary scheduling for up to 1 additional year. 35 P.S. § 780-103(d)(2).

Background

The United States Drug Enforcement Administration (DEA) temporarily scheduled Isotonitazene as a Schedule I narcotic under the Federal Controlled Substance Act (CSA) (21 U.S.C.A. §§ 801—971) on August 20, 2020. Under the CSA, every controlled substance is classified into one of five schedules based upon its potential for abuse, its currently accepted medical use in treatment in the United States, and the degree of dependence the drug or other substance may cause. 21 U.S.C.A. § 812. The initial schedules of controlled substances established by Congress are found at 21 U.S.C.A. § 812(c), and the current list of all scheduled substances is published at 21 CFR part 1308 (relating to schedules of controlled substances).

Section 201 of the CSA (21 U.S.C.A. § 811), provides the United States Attorney General with the authority to temporarily place a substance in Schedule I of the CSA for 2 years if they find that the action is necessary to avoid an imminent hazard to the public safety. The Attorney General has delegated scheduling authority under section 201 of the CSA to the Administrator of the DEA. To find that placing a substance temporarily into Schedule I of the CSA is necessary to avoid an imminent hazard to the public safety, the Administrator is required to consider: (1) the substances' history and current pattern of abuse; (2) the scope, duration and significant of abuse; and (3) what, if any, risk there is to the public health. 21 U.S.C.A. § 811(h)(3).

Substances in Schedule I are those that have a high potential for abuse, no currently accepted medical use in treatment in the United State, and a lack of accepted safety for use under medical supervision. 21 U.S.C.A. § 812(b)(1). The Administrator for the DEA determined that, because Isotonitazene: (1) has a high potential for abuse; (2) has no currently accepted medical use in treatment in the United States; and (3) lacks accepted safety for use under medical supervision, it was necessary to temporarily schedule the substance into Schedule I of the CSA to avoid an imminent hazard to the public safety. The final order temporarily scheduling Isotonitazene was effective on August 20, 2020, and will be in effect for a period of 2 years, with a possible extension of 1 additional year, pending completion of the regular (permanent) scheduling process.

However, Isotonitazene is not currently a scheduled substance in this Commonwealth. In the United States, Isotonitazene is considered one of the most persistent and prevalent new opioids. Isotonitazene has been identified in at least 18 deaths in the United States that occurred between August 2019 and January 2020. Pharmacological data suggest that the group of synthetic opioids that includes Isotonitazene (along with Etonitazene, Metonitazene and Clonitazene) has potency similar to or greater than fentanyl based on their structural modifica-

tions. Because Isotonitazene poses a substantial risk to the citizens of this Commonwealth, the Secretary has determined to schedule it as a Schedule I controlled substance on a temporary basis. In doing so, the Secretary is acting to protect the citizens of this Commonwealth and bring the Commonwealth into conformity with Federal law.

Legal Authority and Action

Under section 3 of the act, the Secretary shall control all substances listed in Schedules I through V of the act. Under section 3(d) of the act, the Secretary is authorized to schedule any substance on a temporary basis to avoid an imminent hazard to public safety. When determining whether a substance poses an imminent hazard to public safety, the Secretary is required to consider: (1) the substance's history and current pattern of abuse; (2) the substance's scope, duration and significance of its abuse; (3) the risk to the public health; and (4) whether the substance is controlled under Federal law. When a substance is already controlled under Federal law, the Secretary is not required to take the remaining factors into consideration.

In addition, the Secretary is authorized under section 3(d) of the act, to schedule on a temporary basis a substance under one of the schedules in section 4 of the act (35 P.S. § 780-104), regarding schedules of controlled substances, if the substance is not listed in any other schedule in section 4 of the act or 28 Pa. Code §§ 25.72 and 25.75 (relating to schedules of controlled substances; and paregoric) and if no exception or approval is in effect for the substance under section 505 of the Federal Food, Drug and Cosmetic Act (21 U.S.C.A. § 355). As previously noted, the United States Food and Drug Administration has not approved Isotonitazene for any type of medical use.

Because this substance is a Schedule I narcotic under the CSA, the Secretary has the authority to temporarily schedule this substance under the act. Although not required to do so in taking this action, the Secretary has considered: (1) that Isotonitazene currently is not approved for legitimate use in the United States; (2) that Isotonitazene has potency similar to or greater than fentanyl; (3) the availability of Isotonitazene through online distributors; and (4) the addictive nature of Isotonitazene. Accordingly, the Secretary determined that Isotonitazene is a dangerous hazard to public safety.

To revise 28 Pa. Code § 25.72 to conform to any final notice issued by the Secretary under section 3(c) of the act to temporarily schedule Isotonitazene as a Schedule I controlled substance, the Department plans to promulgate a conforming amendment to 28 Pa. Code § 25.72 through final rulemaking with proposed rulemaking omitted.

Accessibility

For additional information, or persons with a disability who require an alternative format of this notice (for example, large print, audiotape, Braille) should contact the Department of Health, Lori Gutierrez, MPA, Deputy Director, Policy Office, 625 Forester Street, 8th Floor, Health and Welfare Building, Harrisburg, PA 17120, (717) 317-5426, or for speech and/or hearing impaired persons, call the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

RACHEL L. LEVINE, MD,
Secretary

[Pa.B. Doc. No. 20-1424. Filed for public inspection October 16, 2020, 9:00 a.m.]

HEALTH CARE COST CONTAINMENT COUNCIL

Data Submission and Collection

Under section 6(a)(2) of the Health Care Cost Containment Act (act) (35 P.S. § 449.6(a)(2)), the Health Care Cost Containment Council is required to publish a list of diseases, procedures and medical conditions, not to exceed 35, for which data under subsections 6(c)(21) and (d) of the act shall be required.

The list of 35 diseases, procedures and medical conditions follows:

1. Heart Attack
2. Heart Failure
3. Chest Pain
4. Abnormal Heartbeat
5. Coronary Bypass
6. Heart Valve Replacement
7. Percutaneous Transluminal Coronary Angioplasty
8. Pneumonia
9. Asthma
10. Respiratory Failure
11. Blood Clot in Lung
12. Lung Repair
13. Hypotension
14. Blood Clot in Extremities
15. Vascular Repair
16. Stroke
17. Removal of Blockage in Head and Neck Vessel
18. Craniotomy
19. Diabetes
20. Digestive Disease
21. Liver Disease
22. Colorectal Repair
23. Gallbladder Removal
24. Stomach and Small Intestine Repair
25. Kidney Failure
26. Kidney and Urinary Tract Infection
27. Prostatectomy
28. Medical Back
29. Major Joint Repair
30. Neck/Back Repair
31. Breast Cancer
32. Hysterectomy
33. Infectious Disease
34. Ventilation for Respiratory Disease
35. Tracheostomy

JOE MARTIN,
Executive Director

[Pa.B. Doc. No. 20-1425. Filed for public inspection October 16, 2020, 9:00 a.m.]

HOUSING FINANCE AGENCY

CARES Rent Relief Program Guidelines

The Housing Finance Agency (Agency) hereby provides notice of the CARES Rent Relief Program (CARES RRP). CARES RRP was established under the Federal Coronavirus Aid, Relief, and Economic Security Act (Pub.L. No. 116-136) (act). The act established CARES RRP as an emergency response to the novel coronavirus (COVID-19) pandemic to disburse funds to counties throughout this Commonwealth to provide financial assistance on behalf of low to moderate income renters experiencing difficulty making rent payments as a result of the COVID-19 pandemic. Assistance shall be made available in the form of a grant and funds will be paid directly to landlords or property owners.

This notice changes the eligibility criteria, as well as the application submission and evaluation process first published at 50 Pa.B. 3351 (July 4, 2020) and amended at 50 Pa.B. 4822 (September 19, 2020). This notice removes language referencing execution of releases by landlords regarding releasing remaining rental balances for months when the Agency pays the landlord rental assistance. In addition, this notice identifies the timelines applicable to application submission and funding disbursement. Applications will be available on the Agency's CARES web site at <https://www.phfa.org/pacares/>. Participating organizations will accept CARES RRP applications beginning July 6, 2020, until November 4, 2020, in accordance with the Executive Order "Staying the Application Deadline under the COVID Relief-Mortgage and Rental Assistance Grant Program" issued by Governor Tom Wolf on October 5, 2020.

The guidance contained herein amends and supersedes the previously published CARES RRP Guidelines initially published at 50 Pa.B. 3351 and first amended at 50 Pa.B. 4822, as set forth as follows. The remainder of the CARES RRP Guidelines published on July 4, 2020, and amended on September 19, 2020, not amended in this notice remain in full force and effect.

Section 3, *CARES RRP Compliance*, Paragraph (b) of the existing CARES RRP Guidelines is amended to read as follows:

(b) *Property Owner Requirements*. Property owners seeking CARES RRP assistance on behalf of tenant households and lessees applying for CARES RRP funding must complete and submit the necessary documents, described as follows, directly to the office/agency designated by the county:

- (i) Landlord Application.
- (ii) Landlord/Property Certification Form.
- (iii) Lessee Household Certification.

Copies of all executed, included but not limited to all CARES RRP Landlord Application, Landlord/Property Certification Forms, Lessee Household Certifications and any other documents required by the Agency must be saved until December 31, 2025.

ROBIN L. WIESSMANN,
Executive Director

[Pa.B. Doc. No. 20-1426. Filed for public inspection October 16, 2020, 9:00 a.m.]

HOUSING FINANCE AGENCY

Pandemic Mortgage Assistance Program Guidelines

The Housing Finance Agency (Agency) hereby provides notice of the Pandemic Mortgage Assistance Program (Program). The Program was established under the Federal Coronavirus Aid, Relief, and Economic Security Act (Pub.L. No. 116-136) (act). The act establishes the Program to be administered by the Agency for the purpose of providing emergency mortgage assistance on behalf of homeowners who are delinquent in their mortgage payments and who have experienced job loss or reduced income as a result of the novel coronavirus (COVID-19) pandemic. Assistance shall be made available in the form of a grant and funds will be paid directly to lenders. The provision of assistance shall, at all times, remain subject to the availability of funding.

This notice changes the eligibility criteria, as well as the application submission and evaluation process first published at 50 Pa.B. 3352 (July 4, 2020) and amended at 50 Pa.B. 4824 (September 19, 2020). This notice removes language referencing execution of releases by lenders regarding releasing remaining loan balances for months when the Agency pays the landlord rental assistance. In addition, this notice identifies the timelines applicable to application submission and funding disbursement. Applications are available on the Agency's web site at www.phfa.org. The Agency will accept Program applications beginning July 6, 2020, until November 4, 2020, in accordance with the Executive Order "Staying the Application Deadline under the COVID Relief-Mortgage and Rental Assistance Grant Program" issued by Governor Tom Wolf on October 5, 2020.

The guidance contained herein amends and supersedes the previously published CARES Program Guidelines initially published at 50 Pa.B. 3352 and first amended at 50 Pa.B. 4824, as set forth as follows. The remainder of the CARES Program Guidelines published on July 4, 2020, and amended on September 19, 2020, not amended in this notice remain in full force and effect.

Section 3, *Limitation on Assistance*, Paragraph (d)(2) of the existing Program Guidelines is amended to read as follows:

(2) Applicants may be eligible for assistance when the monthly mortgage payment exceeds \$1,000; however, the Program may only provide up to the maximum amount of assistance of \$1,000 per month, per mortgage.

Section 5, *Application and Review Process*, Paragraph (a)(2)(ii) of the existing Program Guidelines is amended to read as follows:

(ii) *Lender attestation and certification*. In addition to certifying that the information provided in the application is accurate, any lender that applies for or receives the Program on behalf of any homeowner must agree to apply the Program funds to mortgage payments only and for the designated period, as approved by the Agency.

Section 7, *Acknowledgement*, Paragraph (b) of the existing Program Guidelines is amended to read as follows:

(b) *Lender acknowledgment*. Lenders that have agreed to accept Program assistance will receive an acknowledgment with the Program payment indicating that processing of the check indicates the lender's agreement to apply the Program funds to mortgage payments only and for

the designated period indicated on the itemization provided with the check.

ROBIN L. WIESSMANN,
Executive Director

[Pa.B. Doc. No. 20-1427. Filed for public inspection October 16, 2020, 9:00 a.m.]

INSURANCE DEPARTMENT

Application for Approval of Proposed Merger of The Employer's Fire Insurance Company, Lamorak Insurance Company and Potomac Insurance Company with and into Bedivere Insurance Company

An application has been received requesting approval of the merger of The Employer's Fire Insurance Company, a Pennsylvania domestic stock property insurance company, Lamorak Insurance Company, a Pennsylvania domestic stock casualty insurance company, and Potomac Insurance Company, a Pennsylvania domestic stock casualty insurance company with and into Bedivere Insurance Company, a Pennsylvania domestic stock casualty insurance company. The filing was made under 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 Steven L. Yerger, Company Licensing Division, Insurance Department, at syerger@pa.gov. Comments received will be forwarded to the applicant for appropriate response.

JESSICA K. ALTMAN,
Insurance Commissioner

[Pa.B. Doc. No. 20-1428. Filed for public inspection October 16, 2020, 9:00 a.m.]

INSURANCE DEPARTMENT

Application for Merger of Bankers Independent Insurance Company, a Good2Go Auto Insurance Company with and into Personal Service Insurance Company, a Good2Go Auto Insurance Company

An application has been received requesting approval of the merger of Bankers Independent Insurance Company, a Good2Go Auto Insurance Company, a stock casualty insurance company organized under the laws of the Commonwealth, with and into Personal Service Insurance Company, a Good2Go Auto Insurance Company, a stock casualty insurance company organized under the laws of the Commonwealth. The filing was made under Article XIV of The Insurance Company Law of 1921 (40 P.S. §§ 991.1401—991.1413).

Persons wishing to comment on the grounds of public or private interest in this merger are invited to submit a written statement to the Insurance Department (Department) within 30 days from the date of publication of this

notice in the *Pennsylvania Bulletin*. Each written statement must include the 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 Lori Bercher, lbercher@pa.gov.

JESSICA K. ALTMAN,
Insurance Commissioner

[Pa.B. Doc. No. 20-1429. Filed for public inspection October 16, 2020, 9:00 a.m.]

INSURANCE DEPARTMENT

Application and Request for a Certificate of Authority to Provide a Continuing Care Retirement Community by Elizabethtown Opco, LLC

Elizabethtown Opco, LLC has applied for a Certificate of Authority to operate a Continuing Care Retirement Community at Elizabethtown Retirement Community in Elizabethtown, PA. The initial filing was received on October 2, 2020, and was made under the Continuing-Care Provider Registration and Disclosure Act (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 e-mailed to Karen M. Feather, kfeather@pa.gov.

JESSICA K. ALTMAN,
Insurance Commissioner

[Pa.B. Doc. No. 20-1430. Filed for public inspection October 16, 2020, 9:00 a.m.]

LEGISLATIVE REFERENCE BUREAU

Documents Filed But Not Published

The Legislative Reference Bureau (Bureau) accepted the following documents during the preceding calendar month for filing without publication under 1 Pa. Code § 3.13(b) (relating to contents of *Bulletin*). The Bureau will continue to publish on a monthly basis either a summary table identifying the documents accepted during the preceding calendar month under this subsection or a statement that no documents have been received. For questions concerning or copies of documents filed, but not published, call (717) 783-1530.

Executive Board

Resolution No. CB-20-015, Dated July 16, 2020. Collective Bargaining—PSCOA Agreement, 2020-2021.

Resolution No. CB-20-016, Dated September 3, 2020. Collective Bargaining—Side Letter of Agreement with PSEA Local Association at Hiram G. Andrews Center, 2019-2023 Labor Agreement.

Resolution No. CB-20-017, Dated September 3, 2020. Side Letter with CIVEA to provide Reassignment Pay Differential Program due to COVID-19 Pandemic.

Governor's Office

Management Directive No. 310.19—Accounting for Disbursement of Funds for Interagency Agreements, Memorandums of Understanding, and Notifications of Subgrant, Amended September 4, 2020.

Management Directive No. 520.06—Position Classification, Amended September 14, 2020.

DUANE M. SEARLE,
Director
Pennsylvania Code and Bulletin

[Pa.B. Doc. No. 20-1431. Filed for public inspection October 16, 2020, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Natural Gas Service

A-2020-3022283. Columbia Gas of Pennsylvania, Inc. Application of Columbia Gas of Pennsylvania, Inc. for approval of the abandonment of natural gas service to one residential premise located in Allegheny County.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities) on or before Monday, November 2, 2020. Filings must be made with the Secretary of the Pennsylvania Public Utility Commission, 400 North Street, 2nd Floor, Harrisburg, PA 17120, with a copy served on the applicant. The documents filed in support of the application are available only online for inspection and copying on the Pennsylvania Public Utility Commission's (Commission) web site at www.puc.pa.gov and at the applicant's business address. In accordance with the Commission's Emergency Order at M-2020-3019262, all parties participating in matters pending before the Commission are required to Efile their submissions by opening an Efiling account—free of charge—through the Commission's web site and accepting Eservice.

Applicant: Columbia Gas of Pennsylvania, Inc.

Through and By Counsel: Amy Hirakis, Esquire, NiSource Corporate Services Company, 800 North Third Street, Suite 204, Harrisburg, PA 17102, ahirakis@nsource.com; Meagan B. Moore, Esquire, 121 Champion Way, Suite 100, Canonsburg, PA 15317, mbmoore@nsource.com

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 20-1432. Filed for public inspection October 16, 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 November 2, 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-2020-3022069. Oris Investment, LLC, t/a K&O Transit (211 Wilde Avenue, Drexel Hill, Delaware County, PA 19026) in paratransit service, from 6901 Market Street, Upper Darby, PA 19082, Delaware County; 2955 Market Street, Philadelphia, PA 19104; and 101 East Olney Avenue, Philadelphia, PA 19120; to the following State correctional facilities: SCI Albion, SCI Benner Township, SCI Cambridge Spring, SCI Camp Hill, SCI Chester, SCI Coal Township, SCI Dallas, SCI Fayette, SCI Forest, SCI Frackville, SCI Greene, SCI Houtzdale, SCI Huntingdon, SCI Laurel Highlands, SCI Mahanoy, SCI Mercer, SCI Muncy, SCI Phoenix, SCI Pine Grove, SCI Rockview, SCI Somerset and SCI Waymart; and return.

A-2020-3022082. Rhonda Lynn Lamey (351 Oak Hollow Road, Lock Haven, Clinton County, PA 17745) for the right to begin to transport, as a common carrier, by motor vehicles, persons in paratransit service, limited to persons whose personal convictions prevent them from owning or operating motor vehicles, from points in Clinton County to points in Pennsylvania, and return.

A-2020-3022131. Love And Care Transportation, LLC (135 Derby Lane, Bensalem, Bucks County, PA 19020) for the right to begin to transport, as a common carrier, by motor vehicles, clients of Bensalem Adult Day Care in paratransit service, between points in the Counties of Bucks, Chester, Delaware and Montgomery, and the City and County of Philadelphia. *Attorney:* David J. Averett, Esquire, 7719 Castor Avenue, Second Floor, Philadelphia, PA 19152.

A-2020-3022174. Moving Forward Ing, LLC (2471 Cheltenham Avenue, Suite D121, Wyncote, Montgomery County, PA 19095) in limousine service, between points in Pennsylvania; excluding areas under the jurisdiction of the Philadelphia Parking Authority. *Attorney:* David P. Temple, 1600 Market Street, Suite 1320, Philadelphia, PA 19103.

Application of the following for the approval of the right and privilege to *discontinue/abandon* operating as common carriers by motor vehicle and for cancellation of the certificate of public convenience as described under the application.

A-2020-3022198. Grace Adult Day Health Care, Inc. (392 Glenmeadow Road, Richboro, Bucks County, PA 18954) for the discontinuance and cancellation of its authority, begin to transport, as a common carrier, by motor vehicle, persons in paratransit service, from points in the County of Philadelphia, to points in Pennsylvania,

and return, as described in the original ordering paragraph at Docket No. A-2015-2507517.

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 20-1433. Filed for public inspection October 16, 2020, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Telecommunications

A-2020-3022306. Verizon Pennsylvania, LLC and GC Pivotal, LLC. Joint petition of Verizon Pennsylvania, LLC and GC Pivotal, LLC for approval of an amendment to the interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Verizon Pennsylvania, LLC and GC Pivotal, LLC, by their counsel, filed on October 6, 2020, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of an interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, 400 North Street, Harrisburg, PA 17120. Comments are due on or before 10 days after the date of publication of this notice. The documents filed in support of Verizon Pennsylvania, LLC and GC Pivotal, LLC joint petition are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, at the Commission's web site at www.puc.pa.gov and at the applicant's business address.

The contact person is Kathryn Sophy, Director, Office of Special Assistants, (717) 787-8108.

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 20-1434. Filed for public inspection October 16, 2020, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Telecommunications

A-2020-3022308. Verizon North, LLC and GC Pivotal, LLC. Joint petition of Verizon North, LLC and GC Pivotal, LLC for approval of an amendment to interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Verizon North, LLC and GC Pivotal, LLC, by their counsel, filed on October 6, 2020, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of an amendment to interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, 400 North Street, Harrisburg,

PA 17120. Comments are due on or before 10 days after the date of publication of this notice. The documents filed in support of Verizon North, LLC and GC Pivotal, LLC joint petition are available for inspection at the Commission's web site at www.puc.pa.gov and at the applicant's business web site.

The contact person is Kathryn Sophy, Director, Office of Special Assistants, (717) 787-1827.

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 20-1435. Filed for public inspection October 16, 2020, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Transfer Direct Control

A-2020-3022292. Eric Klein and Adam Goldberg, Transferors, and Redwood Services Group, LLC, Transferee. Joint application of Eric Klein and Adam Goldberg, Transferors, and Redwood Services Group, LLC, Transferee for authority to transfer direct control of Telco Experts, LLC, Operating Company.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities) on or before Monday, November 2, 2020. Filings must be made with the Secretary of the Pennsylvania Public Utility Commission, 400 North Street, 2nd Floor, Harrisburg, PA 17120, with a copy served on the applicant. The documents filed in support of the application are available only online for inspection and copying on the Pennsylvania Public Utility Commission's (Commission) web site at www.puc.pa.gov and at the applicant's business address. In accordance with the Commission's Emergency Order at M-2020-3019262, all parties participating in matters pending before the Commission are required to Efile their submissions by opening an Efiling account—free of charge—through the Commission's web site and accepting Eservice.

Applicants: Eric Klein and Adam Goldberg; Redwood Services Group, LLC; Telco Experts, LLC

Through and By: John F. Lushis, Jr., Esquire, Norris McLaughlin, PA, 515 West Hamilton Street, Suite 502, Allentown, PA 18102, jlushis@norris-law.com

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 20-1436. Filed for public inspection October 16, 2020, 9:00 a.m.]

PHILADELPHIA PARKING AUTHORITY

Service of Notice of Motor Carrier Applications in the City of Philadelphia

The following permanent authority applications to render service as common carriers in the City of Philadelphia have been filed with the Philadelphia Parking Authority's

(PPA) Taxicab and Limousine Division (TLD). Formal protests must be filed in accordance with 52 Pa. Code Part II (relating to Philadelphia Parking Authority) with the TLD's Office of the Clerk, 2415 South Swanson Street, Philadelphia, PA 19148, no later than November 2, 2020. The nonrefundable protest filing fee is \$5,000 payable to the PPA by certified check or money order. The applications are available for inspection at the TLD between 9 a.m. and 4 p.m., Monday through Friday (contact TLD Director Christine Kirlin, Esq. at (215) 683-9653 to make an appointment) or may be inspected at the business addresses of the respective applicants or attorneys, or both.

Doc. No. A-20-10-01. Odu Taxi, LLC (58 Folcroft Avenue, Folcroft, PA 19032): An application for a medallion taxicab certificate of public convenience (CPC) to transport, as a common carrier, persons in taxicab service between points within the City of Philadelphia and from points in the City of Philadelphia to points in Pennsylvania, and return. *Attorney for Applicant:* David R. Alperstein, Esq., 314 Cherry Avenue, Voorhees, NJ 08043.

Doc. No. A-20-10-02. Dele Management, LLC (2028 South Redfield Street, Philadelphia, PA 19143): An application for a medallion taxicab CPC to transport, as a common carrier, persons in taxicab service between points within the City of Philadelphia and from points in the City of Philadelphia to points in Pennsylvania, and return. *Attorney for Applicant:* David R. Alperstein, Esq., 314 Cherry Avenue, Voorhees, NJ 08043.

Doc. No. A-20-10-03. Amiyo Taxi, LLC (412 Chestnut Street, Upper Darby, PA 19082): An application for a medallion taxicab CPC to transport, as a common carrier, persons in taxicab service between points within the City of Philadelphia and from points in the City of Philadelphia to points in Pennsylvania, and return. *Attorney for Applicant:* David R. Alperstein, Esq., 314 Cherry Avenue, Voorhees, NJ 08043.

Doc. No. A-20-10-04. Garg, LLC (167 Chatham Road, Upper Darby, PA 19082): An application for a medallion taxicab CPC to transport, as a common carrier, persons in taxicab service between points within the City of Philadelphia and from points in the City of Philadelphia to points in Pennsylvania, and return. *Attorney for Applicant:* David R. Alperstein, Esq., 314 Cherry Avenue, Voorhees, NJ 08043.

Doc. No. A-20-10-05. Vagner Transportation, Inc. (222 Wembly Road, Upper Darby, PA 19082): An application for a medallion taxicab CPC to transport, as a common carrier, persons in taxicab service between points within the City of Philadelphia and from points in the City of Philadelphia to points in Pennsylvania, and return.

Doc. No. A-20-10-06. Milon, LLC (4532 Remo Crescent Road, Bensalem, PA 19020): An application for a medallion taxicab CPC to transport, as a common carrier, persons in taxicab service between points within the City of Philadelphia and from points in the City of Philadelphia to points in Pennsylvania, and return.

SCOTT PETRI,
Executive Director

[Pa.B. Doc. No. 20-1437. Filed for public inspection October 16, 2020, 9:00 a.m.]

STATE BOARD OF NURSING

Bureau of Professional and Occupational Affairs v. Wesley Washington, RN; Case No. 18-51-004979

On May 18, 2020, Wesley Washington, RN, license No. RN647636, last known of Pittsburgh, Allegheny County, Niles, OH and Warren, OH, had his license indefinitely suspended, retroactive to January 29, 2019, and was assessed \$787.50 in costs of investigation, for being unable to practice nursing with reasonable skill and safety and violating a previous State Board of Nursing (Board) order.

Individuals may obtain a copy of the adjudication at www.pals.pa.gov or by writing to Ariel E. O'Malley, Board Counsel, State Board of Nursing, P.O. Box 69523, Harrisburg, PA 17106-9523.

This order represents the final Board decision in this matter. It may be appealed to the Commonwealth Court of Pennsylvania by the filing of a petition for review with that court in accordance with the Pennsylvania Rules of Appellate Procedure. Individuals who take an appeal to the Commonwealth Court must serve the Board with a copy of their petition for review. The Board contact for receiving service of appeals is the previously-named Board counsel.

ANN M. COUGHLIN, DNP, MBA, MSN, RN,
Chairperson

[Pa.B. Doc. No. 20-1438. Filed for public inspection October 16, 2020, 9:00 a.m.]

STATE REAL ESTATE COMMISSION

Bureau of Professional and Occupational Affairs v. Oak Lawn Memorial Gardens, Inc. and James H. Delaney, Jr.; Case Nos. 16-56-09991 and 16-56-09992

On May 21, 2020, Oak Lawn Memorial Gardens, Inc., license Nos. LB042051A and CE000086A, and James H. Delaney, Jr., license Nos. LM042061A, LM042061B, LM042061C and LS001536A, of Gettysburg, Adams County, had their licenses revoked for misappropriating cemetery merchandise funds and being convicted of a felony and a misdemeanor.

Individuals may obtain a copy of the adjudication at www.pals.pa.gov or by writing to Juan A. Ruiz, Board Counsel, State Real Estate Commission, P.O. Box 69523, Harrisburg, PA 17106-9523.

This order represents the final State Real Estate Commission (Commission) decision in this matter. It may be appealed to the Commonwealth Court of Pennsylvania by the filing of a petition for review with that court in accordance with the Pennsylvania Rules of Appellate Procedure. Individuals who take an appeal to the Commonwealth Court must serve the Commission with a copy of their petition for review. The Commission contact for receiving service of appeals is the previously-named Commission counsel.

ANNE M. RUBIN,
Chairperson

[Pa.B. Doc. No. 20-1439. Filed for public inspection October 16, 2020, 9:00 a.m.]

SUSQUEHANNA RIVER BASIN COMMISSION

Telephonic Public Hearing

The Susquehanna River Basin Commission (Commission) will hold a telephonic public hearing on November 5, 2020, at 2:30 p.m. Due to the novel coronavirus (COVID-19) situation and the relevant orders in place in the Commission's member jurisdictions, the Commission will hold this hearing telephonically. The conference number is (888) 387-8686. The conference room code number is # 9179686050. The telephonic public hearing will end at 5 p.m. or at the conclusion of public testimony, whichever is sooner. At this telephonic public hearing, the Commission will hear testimony on the projects listed in the Supplementary Information section of this notice. The projects and proposals are intended to be scheduled for Commission action at its next business meeting, tentatively scheduled for December 11, 2020, which will be noticed separately. The public should take note that this telephonic public hearing will be the only opportunity to offer oral comment to the Commission for the listed projects and proposals. The deadline for the submission of written comments is November 18, 2020.

For further information contact Jason Oyler, General Counsel and Secretary to the Commission, (717) 238-0423, fax (717) 238-2436.

Information concerning the applications for these projects is available at the Commission's Water Application and Approval Viewer at <https://www.srbc.net/waav>. Additional supporting documents are available to inspect and copy in accordance with the Commission's Access to Records Policy at www.srbc.net/regulatory/policies-guidance/docs/access-to-records-policy-2009-02.pdf.

Supplementary Information

The telephonic public hearing will cover the following projects.

Projects Scheduled for Action:

1. Project Sponsor and Facility: Cabot Oil & Gas Corporation (Susquehanna River), Susquehanna Depot Borough, Susquehanna County, PA. Application for renewal of surface water withdrawal of up to 1.500 mgd (peak day) (Docket No. 20161202).

2. Project Sponsor and Facility: Chesapeake Appalachia, LLC (Towanda Creek), Monroe Borough and Monroe Township, Bradford County, PA. Application for surface water withdrawal of up to 1.500 mgd (peak day).

3. Project Sponsor and Facility: Denver Borough, Borough of Denver, Lancaster County, PA. Application for renewal of groundwater withdrawal of up to 0.120 mgd (30-day average) from Well 4 (Docket No. 19960102).

4. Project Sponsor and Facility: Elmira Water Board, City of Elmira, Chemung County, NY. Application for renewal of groundwater withdrawals (30-day averages) of up to 0.958 mgd from Well PW-40, 1.656 mgd from Well PW-41 and 0.389 mgd from Well PW-42, for a total wellfield limit of 3.00 mgd (Docket No. 19901105).

5. Project Sponsor: Goodyear Lake Hydro, LLC. Project Facility: Colliersville Hydroelectric Project, Town of Milford, Otsego County, NY. Application for an existing hydroelectric facility.

6. Project Sponsor and Facility: Hastings Municipal Authority, Elder Township, Cambria County, PA. Application for groundwater withdrawal of up to 0.260 mgd (30-day average) from Mine Spring No. 1 Well.

7. Project Sponsor: Borough of Middletown. Project Facility: SUEZ/Middletown Water System, Middletown Borough, Dauphin County, PA. Application for renewal of groundwater withdrawal of up to 0.219 mgd (30-day average) from Well 5 (Docket No. 19890701), as well as recognizing historic withdrawals from Wells 1—4.

8. Project Sponsor: New York State Office of Parks, Recreation and Historic Preservation. Project Facility: Indian Hills State Golf Course (Irrigation Pond), Towns of Erwin and Lindley, Steuben County, NY. Applications for an existing surface water withdrawal of up to 0.940 mgd (peak day) and consumptive use of up to 0.850 mgd (peak day).

9. Project Sponsor and Facility: Seneca Resources Company, LLC (Cowanesque River), Deerfield Township, Tioga County, PA. Application for renewal of surface water withdrawal of up to 0.999 mgd (peak day) (Docket No. 20161218-2).

Project Scheduled for Action Involving a Diversion:

1. Project Sponsor: JKLM Energy, LLC. Project Facility: Goodwin and Son's Sand and Gravel Quarry, Roulette Township, Potter County, PA. Application for renewal of an into-basin diversion from the Ohio River Basin of up to 1.100 mgd (peak day) from the Goodwin and Son's Sand and Gravel Quarry (Docket No. 20161221).

Commission-Initiated Project Approval Modification:

1. Project Sponsor: Lycoming County Recreation Authority. Project Facility: White Deer Golf Courses, Brady Township, Lycoming County, PA. Conforming to the grandfathered amount with the forthcoming determination for a groundwater withdrawal of up to 0.169 mgd (30-day average) from Well 2 (Docket No. 20020806).

Opportunity to Appear and Comment:

Interested parties may call into the hearing to offer comments to the Commission on any business previously listed required to be subject of a public hearing. Given the telephonic nature of the meeting, the Commission strongly encourages those members of the public wishing to provide oral comments to pre-register with the Commission by e-mailing Jason Oyler at joyler@srbc.net prior to the hearing date. The presiding officer reserves the right to limit oral statements in the interest of time and to otherwise control the course of the hearing. Access to the hearing by means of telephone will begin at 2:15 p.m. Guidelines for the public hearing are posted on the Commission's web site, www.srbc.net, prior to the hearing for review. The presiding officer reserves the right to modify or supplement the guidelines at the hearing. Written comments on any business previously listed required to be subject of a public hearing may also be mailed to Jason Oyler, Secretary to the Commission, Susquehanna River Basin Commission, 4423 North Front Street, Harrisburg, PA 17110-1788, or submitted electronically through <https://www.srbc.net/regulatory/public-comment/>. Comments mailed or electronically submitted must be received by the Commission on or before November 18, 2020, to be considered.

Authority: Pub.L. No. 91-575, 84 Stat. 1509 et seq., 18 CFR Parts 806—808

Dated: October 2, 2020

ANDREW D. DEHOFF,
Executive Director

[Pa.B. Doc. No. 20-1440. Filed for public inspection October 16, 2020, 9:00 a.m.]