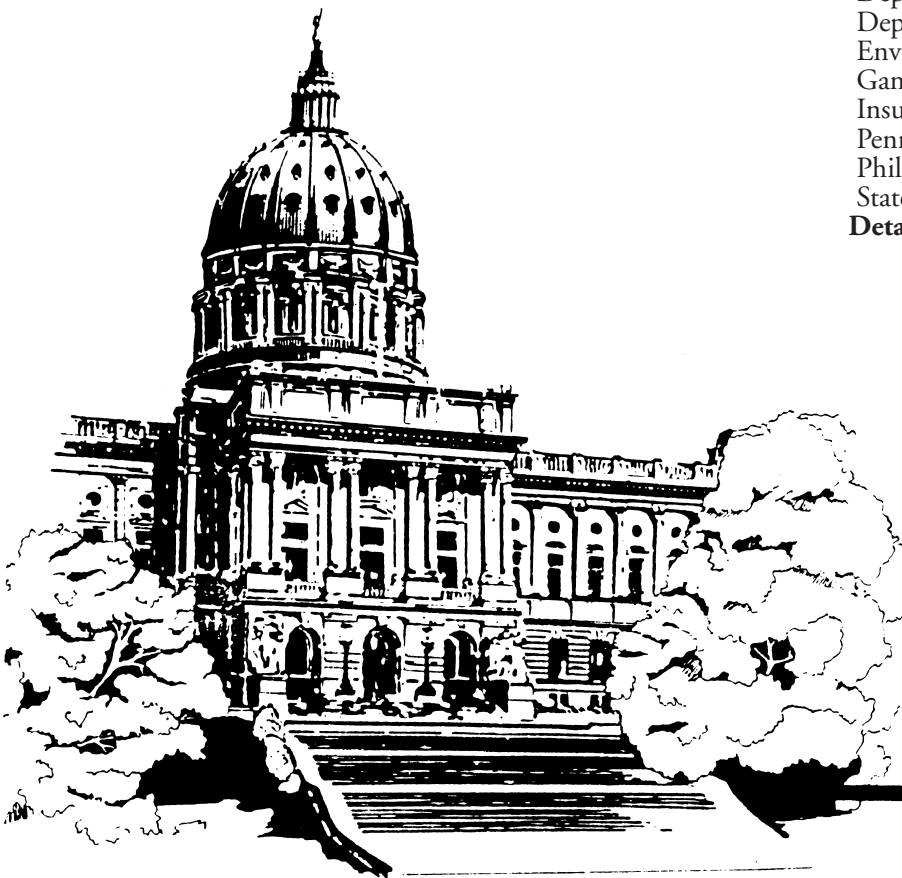


PENNSYLVANIA BULLETIN

Volume 50
Saturday, November 7, 2020 • Harrisburg, PA
Number 45
Pages 6187—6338

Agencies in this issue

The Governor
The Courts
Department of Aging
Department of Banking and Securities
Department of Conservation and Natural Resources
Department of Environmental Protection
Department of Health
Department of Labor and Industry
Environmental Quality Board
Game Commission
Insurance Department
Pennsylvania Public Utility Commission
Philadelphia Parking Authority
State Board of Nursing
Detailed list of contents appears inside.



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

No. 552, November 2020

CUT ON DOTTED LINES AND ENCLOSE IN AN ENVELOPE

CHANGE NOTICE/NEW SUBSCRIPTION

If information on mailing label is incorrect, please email changes to info@pabulletin.com or mail to:

FRY COMMUNICATIONS, INC.
Attn: *Pennsylvania Bulletin*
800 W. Church Rd.
Mechanicsburg, PA 17055-3198

CUSTOMER NUMBER (6 digit number above name on mailing label)

NAME OF INDIVIDUAL

OFFICE NAME—TITLE

ADDRESS (Number and Street)

(City) (State) (Zip Code)

TYPE OR PRINT LEGIBLY

PENNSYLVANIA



BULLETIN

(ISSN 0162-2137)

The *Pennsylvania Bulletin* is published weekly by Fry Communications, Inc. for the Commonwealth of Pennsylvania, Legislative Reference Bureau, 641 Main Capitol Building, Harrisburg, Pennsylvania 17120, under the policy supervision and direction of the Joint Committee on Documents under 45 Pa.C.S. Part II (relating to publication and effectiveness of Commonwealth documents). The subscription rate is \$87.00 per year, postpaid to points in the United States. Individual copies are \$2.50. Checks for subscriptions and individual copies should be made payable to "*Fry Communications, Inc.*" Periodicals postage paid at Harrisburg, Pennsylvania.

Postmaster send address changes to:

FRY COMMUNICATIONS, Inc.
Attn: *Pennsylvania Bulletin*
800 West Church Road
Mechanicsburg, Pennsylvania 17055-3198
(717) 766-0211 ext. 2340
(800) 334-1429 ext. 2340 (toll free, out-of-State)
(800) 524-3232 ext. 2340 (toll free, in State)

Orders for subscriptions and other circulation matters should be sent to:

Fry Communications, Inc.
Attn: *Pennsylvania Bulletin*
800 West Church Road
Mechanicsburg, Pennsylvania 17055-3198

Copyright © 2020 Commonwealth of Pennsylvania

Editorial preparation, composition, printing and distribution of the *Pennsylvania Bulletin* is effected on behalf of the Commonwealth of Pennsylvania by FRY COMMUNICATIONS, Inc., 800 West Church Road, Mechanicsburg, Pennsylvania 17055-3198.

CONTENTS

THE GOVERNOR

Proclamations

Proclamation of disaster emergency 6195

THE COURTS

APPELLATE PROCEDURE

Order amending Rules 904 and 907 of the Pennsylvania Rules of Appellate Procedure; No. 291 appellate procedural rules doc. 6197

DISCIPLINARY BOARD OF THE SUPREME COURT

Notice of disbarment 6202

JUDICIAL SYSTEM GENERAL PROVISIONS

Proposed amendments to the Rules of Disciplinary Enforcement to require certain attorneys who become debtors in bankruptcy to provide written notice of the bankruptcy filing; correction 6197

LOCAL COURT RULES

Clinton County

Local Rules; No. 29 January term 1976 (2 Documents) 6200, 6202

RULES OF CIVIL PROCEDURE

Order amending Rules 1915.10 and 1930.1 of the Pennsylvania Rules of Civil Procedure; No. 710 civil procedural rules doc. 6199

SUPREME COURT

Modification of the magisterial districts within the 10th judicial district of the Commonwealth of Pennsylvania; No. 448 magisterial rules doc. 6202

EXECUTIVE AND INDEPENDENT AGENCIES

DEPARTMENT OF AGING

Notices

Pharmaceutical Assistance Advisory Board virtual meeting 6268

DEPARTMENT OF BANKING AND SECURITIES

Notices

Actions on applications 6268
Adjustment to definition of "base figure" in the Loan Interest and Protection Law 6269

DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

Notices

Conservation and Natural Resources Advisory Council WebEx meeting 6269

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Notices

Applications, actions and special notices 6269

Availability of grants through the Electric Cargo Handling Grant Program 6322
Availability of grants through the Marine and Rail Freight Movers Grant Program 6323
Federal consistency under the Coastal Zone Management Act; United States Army Corps of Engineers 2020 Nationwide permit reissuance 6323
Solid Waste Advisory Committee meeting cancellation 6324

DEPARTMENT OF HEALTH

Notices

Long-term Care Nursing Facilities; requests for exception 6324
Pennsylvania Rural Health Redesign Center Authority Board virtual meeting 6324

DEPARTMENT OF LABOR AND INDUSTRY

Rules and Regulations

Unemployment compensation; extended filing 6204

Notices

Current Prevailing Wage Act debarments 6325
Prevailing Wage Appeals Board virtual meeting 6325

ENVIRONMENTAL QUALITY BOARD

Proposed Rulemaking

CO₂ Budget Trading Program 6212

GAME COMMISSION

Rules and Regulations

Hunting and trapping; general 6208
Special permits; Canada geese depredation 6209

INSURANCE DEPARTMENT

Notices

Application for voluntary surrender of Pennsylvania Certificate of Authority filed by Circle Medical Assurance Company 6325

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Notices

General rule transaction registration of securities certificate 6325
Service of notice of motor carrier applications 6326
Service of notice of motor carrier formal complaints 6327
Telecommunications (2 Documents) 6337

PHILADELPHIA PARKING AUTHORITY

Notices

Service of notice of motor carrier applications in the City of Philadelphia 6337

STATE BOARD OF NURSING

Notices

Bureau of Professional and Occupational Affairs v. Joann Granato Palladino, RN; case No. 19-51-000363 6338

Available Online at <http://www.pacodeandbulletin.gov>

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

Pennsylvania Bulletin

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

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

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

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

Adoption, Amendment or Repeal of Regulations

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

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

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

Citation to the *Pennsylvania Bulletin*

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

Pennsylvania Code

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

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

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

How to Find Rules and Regulations

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

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.

Subscription Information: (717) 766-0211
General Information and Finding Aids: (717) 783-1530

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).

Reproduction, Dissemination or Publication of Information

Third parties may not take information from the *Pennsylvania Code* and *Pennsylvania Bulletin* and reproduce, disseminate or publish information except as provided by 1 Pa. Code § 3.44:

§ 3.44. General permission to reproduce content of Code and Bulletin.

Information published under this part, which information includes, but is not limited to, cross references, tables of cases, notes of decisions, tables of contents, indexes, source notes, authority notes, numerical lists and codification guides, other than the actual text of rules or regulations may be reproduced only with the written consent of the [Legislative Reference] Bureau. The information which appears on the same leaf with the text of a rule or regulation, however, may be incidentally reproduced in connection with the reproduction of the rule or regulation, if the reproduction is for the private use of a subscriber and not for resale. There are no other restrictions on the reproduction of information published under this part, and the Commonwealth hereby consents to a reproduction.

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.

4 Pa. Code (Administration)

Adopted Rules

1	902, 3586, 5651
5	5970
7	3200, 4008
7a	3406

Statements of Policy

9	328, 546, 915, 1118, 1551, 4556, 4557, 4747, 5660, 5853
---	---

7 Pa. Code (Agriculture)

Adopted Rules

150	1836
-----	------

17 Pa. Code (Conservation and Natural Resources)

Adopted Rules

53	4511
----	------

22 Pa. Code (Education)

Adopted Rules

2	4131
---	------

25 Pa. Code (Environmental Protection)

Adopted Rules

78A	3845
86	1508
87	1508
88	1508
89	1508
90	1508
93	3426
123	3714
261a	3581
262a	3581
263a	3581
264a	3581
265a	3581
806	1931

Proposed Rules

93	3724
96	3724
121	2633, 5236
129	2633, 5236
145	6212
250	1011

Statements of Policy

16	3485
----	------

28 Pa. Code (Health and Safety)

Adopted Rules

26	1352
27	5981

31 Pa. Code (Insurance)

Proposed Rules

84a	5260
168	798

34 Pa. Code (Labor and Industry)

Adopted Rules

65	6204
91	792
93	792
95	792
231	5459

Proposed Rules

65	3108
----	------

37 Pa. Code (Law)

Proposed Rules

203	5733
-----	------

40 Pa. Code (Liquor)

Proposed Rules

5	1650
---	------

49 Pa. Code (Professional and Vocational Standards)

Adopted Rules

25	4133
33	3854
35	1838
36	5992
43b	1354
47	4389

Proposed Rules

9	4241
15	4243
25	1364
27	5844
29	2743
37	4245
39	668
42	5848
43b	5850

52 Pa. Code (Public Utilities)

Adopted Rules

54	3861
77	469

Proposed Rules

32	3585
----	------

Statements of Policy

41	1695
69	1652, 3598

55 Pa. Code (Human Services)

Statements of Policy

41	1695
----	------

58 Pa. Code (Recreation)

Adopted Rules

63	1526, 3892
69	1527
119	1246
135	2257, 4743
139	2258
141	2264, 2265, 2268, 2269, 2272, 6208
147	2273, 2274, 2276, 6209

Proposed Rules

51 3894, 5269
 61 3895
 63 1247, 5270
 65 3896, 3898, 4648, 5484, 5485, 5487
 131 1549
 135 1372, 1549, 2279
 139 1373
 141 1379, 1380, 1384, 1385, 4744
 147 1387, 1390, 4744
 801a 4248
 802a 4248
 803a 4248
 804a 4248
 805a 4248
 806a 4248
 807a 4248
 808a 4248
 809a 4248
 810a 4248
 811a 4248
 812a 4248
 813a 4248
 814a 4248
 815a 4248
 816a 4248
 817a 4248
 830a 4248
 1101a 4516
 1102a 4516
 1103a 4516
 1104a 4516
 1105a 4516
 1106a 4516
 1107a 4516
 1108a 4516
 1109a 4516
 1110a 4516
 1111a 4516
 1112a 4516
 1113a 4516
 1114a 4516
 1115a 4516
 1116a 4516
 1117a 4516
 1118a 4516
 1119a 4516
 1120a 4516

Statements of Policy

465b 4142

61 Pa. Code (Revenue)

Adopted Rules

876 1528

67 Pa. Code (Transportation)

Adopted Rules

601 545

Proposed Rules

55 2746

201 Pa. Code (Rules of Judicial Administration)

Adopted Rules

6 2174
 7 2012

Proposed Rules

19 5834

204 Pa. Code (Judicial System General Provisions)

Adopted Rules

27 1344
 29 3423, 5837, 5838
 33 1108
 71 641, 1239, 2012, 2386
 73 2386
 81 3011
 82 2077, 2174
 83 197, 2013, 3571
 85 647, 4014
 89 2387, 2388, 4014
 91 647, 4014
 93 647, 648, 651, 2388, 4014
 213 5216
 303 5341
 307 5441

Proposed Rules

71 4012
 81 4013
 83 642, 2631, 5975, 6197
 85 642, 5977
 89 642
 91 642
 93 642
 303 3203
 307 3305
 309 3409
 311 3417

207 Pa. Code (Judicial Conduct)

Adopted Rules

33 7, 197, 1239

Proposed Rules

51 4017

210 Pa. Code (Appellate Procedure)

Adopted Rules

1 505, 535
 3 505, 5839
 5 505
 7 505
 9 505, 535, 6197
 11 535
 13 505, 535
 15 505
 16 505
 17 505, 535
 19 505
 23 535, 4385
 27 505
 33 505, 535
 37 651, 5731
 63 2013
 69 657

Proposed Rules

1 3823
 3 303
 9 3823
 11 3823, 4383
 13 3823
 17 3823
 19 304
 21 3823
 25 3823

225 Pa. Code (Rules of Evidence)

Adopted Rules
 Article IX 2837

Proposed Rules
 Art IV 5222

231 Pa. Code (Rules of Civil Procedure)

Adopted Rules
 200 198, 306
 400 199
 1000 199
 1915 4019, 6199
 1920 4385
 1930 6199
 Part II 306, 4387

Proposed Rules
 200 3572, 4023
 400 3573, 3575
 1915 3826, 3834
 1990 4023

234 Pa. Code (Rules of Criminal Procedure)

Adopted Rules
 1 4123
 5 4124
 10 4123

Proposed Rules
 1 5224
 4 5224
 5 5224
 6 3576

237 Pa. Code (Juvenile Rules)

Adopted Rules
 1 4128
 11 4128, 5840
 13 2389

Proposed Rules

2 3836
 3 3836
 5 3838
 6 3838

246 Pa. Code (Minor Court Civil Rules)

Adopted Rules
 200 2252, 4491
 300 2252
 400 2252
 500 2252, 4491, 4502
 1000 4491, 4502

Proposed Rules
 300 310
 500 4646

249 Pa. Code (Philadelphia Rules)

Unclassified 788, 1503, 3578, 5228, 5841

252 Pa. Code (Allegheny County Rules)

Unclassified 307

255 Pa. Code (Local Court Rules)

Unclassified 199, 200, 667, 790, 904, 912, 913,
 914, 1114, 1115, 1116, 1350, 1503, 1504, 1505, 1506, 1647,
 1648, 1827, 1829, 2014, 2018, 2019, 2736, 2925, 3011,
 3106, 3308, 3579, 3710, 3711, 4031, 4236, 4510, 4739,
 4740, 5656, 5732, 5842, 5843, 5979, 6200, 6202

THE GOVERNOR

GOVERNOR'S OFFICE

Proclamation of Disaster Emergency

October 28, 2020

Whereas, on October 26, 2020, Walter Wallace, Jr. died in a law enforcement involved incident in Philadelphia, Pennsylvania; and

Whereas, in the aftermath of this tragedy, citizens in Pennsylvania, gathered to honor the life of Walter Wallace, Jr. and to question the circumstances that led to his death; and

Whereas, state, local, and community leaders have called for peaceful protests to ensure the lawful exercise of citizens' constitutional rights; and

Whereas, inside the peaceful exercise of constitutional rights, some assemblies have become dangerous, causing damage to people and property; and

Whereas, it has been determined that a civil disturbance is now affecting Philadelphia County in the Commonwealth; and

Whereas, this civil disturbance poses an imminent threat of danger to the safety and welfare of the people in the affected area; and

Whereas, this emergency event is of such magnitude or severity as to render essential the Commonwealth's supplementation of county and municipal efforts and the activation of all applicable state, county and municipal emergency response plans.

Now Therefore, pursuant to section 7301(c) of the Emergency Management Services Code, 35 Pa.C.S. § 7101 et seq., I do hereby proclaim the existence of a disaster emergency in the county of Philadelphia. I hereby authorize and direct that the Pennsylvania Emergency Management Agency Director or designee assume command and control of statewide emergency operations, and that all Commonwealth departments and agencies, under the direction of the Pennsylvania Emergency Management Agency Director or designee, utilize all available resources and personnel as is deemed necessary to cope with the magnitude and severity of this emergency event.

Further, I hereby transfer up to \$2,000,000 in unused appropriated funds to the Pennsylvania Emergency Management Agency for Emergency Management Assistance Compact expenses related to this emergency, to be increased or decreased as conditions require pursuant to the provisions of section 7604(a) of the Emergency Management Services Code, 35 Pa.C.S. § 7604(a). In addition, I hereby transfer up to \$5,000,000 in unused appropriated funds, to be increased or decreased as conditions require, to the Pennsylvania Emergency Management Agency pursuant to section 1508 of the Act of April 9, 1929 (P.L. 343, No. 176) (the Fiscal Code), 72 P.S. § 1508. The funds shall be used for expenses authorized and incurred related to this emergency. These funds shall be credited to a special account established by the Office of the Budget. I hereby direct that any funds transferred herein that remain unused after all costs related to this emergency have been satisfied shall be returned to the General Fund.

Further, All Commonwealth agencies purchasing supplies or services in response to this emergency are authorized to utilize emergency procurement procedures set forth in section 516 of the Commonwealth Procurement Code, 62 Pa.C.S. § 516. This Proclamation shall serve as the written determination of the basis for the emergency under section 516.

Further, I hereby direct the Pennsylvania Emergency Management Agency to staff the Commonwealth Response Coordination Center for the duration of this emergency event and to augment it with personnel from other state agencies and departments. I also authorize the Agency to direct and coordinate the emergency response, recovery, and mitigation activities

of other state agencies and departments as deemed necessary to deal with the exigencies of this disaster emergency through implementation of the State Emergency Operations Plan; and

Further, pursuant to the powers vested in me by the Constitution and laws of this Commonwealth, 51 Pa.C.S. § 508, I hereby authorize the Adjutant General of Pennsylvania to place on state active duty for the duration of this disaster emergency proclamation, such individuals and units of the Pennsylvania National Guard, as requested by the Pennsylvania Emergency Management Agency, to alleviate the danger to public health and safety caused by this emergency event; and

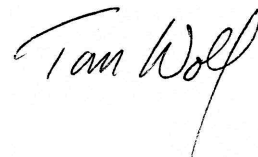
Further, I authorize the Commissioner of the Pennsylvania State Police to use all available resources and personnel in whatever manner he deems necessary during this emergency to assist the actions of the Pennsylvania Emergency Management Agency in addressing the consequences of the emergency, including conferring the power of arrest on out of state law enforcement personnel serving as part of the emergency forces responding to the emergency pursuant to section 7301(f)(9) of the Emergency Management Services Code. Law enforcement personnel shall remain under the operational control of the Commissioner of the Pennsylvania State Police.

Further, I hereby suspend the provisions of any other regulatory statute prescribing the procedures for conduct of Commonwealth business, or the orders, rules or regulations of any Commonwealth agency, if strict compliance with the provisions of any statute, order, rule or regulation would in any way prevent, hinder, or delay necessary action in coping with this emergency event. All Commonwealth agencies may implement their emergency assignments without regard to procedures required by other laws, except mandatory constitutional requirements, pertaining to the performance of public work, entering into contracts, incurring of obligations, employment of temporary workers, rental of equipment, purchase of supplies and materials, and expenditures of public funds; and

Further, I hereby direct that the applicable emergency response and recovery plans of the Commonwealth, counties, municipalities and other entities be activated as necessary and that actions taken to implement those plans be coordinated through the Pennsylvania Emergency Management Agency.

Still Further, I hereby urge the governing bodies and executive officers of all political subdivisions affected by this emergency to act as necessary to meet the current exigencies as legally authorized under this Proclamation, namely, by the employment of temporary workers, by the rental of equipment, and by entering into such contracts and agreements as may be required to meet the emergency, all without regard to those time consuming procedures and formalities normally prescribed by law, mandatory constitutional requirement excepted.

Given under my hand and the Seal of the Governor, at the city of Harrisburg, on this twenty-eighth day of October two thousand twenty, the year of the commonwealth the two hundred and forty-fifth.



Governor

[Pa.B. Doc. No. 20-1530. Filed for public inspection November 6, 2020, 9:00 a.m.]

THE COURTS

Title 204—JUDICIAL SYSTEM GENERAL PROVISIONS

PART V. PROFESSIONAL ETHICS AND CONDUCT [204 PA. CODE CH. 83]

Proposed Amendments to the Rules of Disciplinary Enforcement to Require Certain Attorneys Who Become Debtors in Bankruptcy to Provide Written Notice of the Bankruptcy Filing; Correction

An error occurred in the notice of proposed rulemaking published at 50 Pa.B. 5975 (October 31, 2020). An incorrect fax number was published. The fax number is corrected as follows. The remainder of the notice of proposed rulemaking was accurate as published.

Interested persons are invited to submit written comments by mail or facsimile regarding the proposed amendments to the Executive Office, The Disciplinary Board of the Supreme Court of Pennsylvania, 601 Commonwealth Avenue, Suite 5600, PO Box 62625, Harrisburg, PA 17106-2625, Facsimile number (717-231-3381), Email address Dboard.comments@pacourts.us on or before December 4, 2020.

[Pa.B. Doc. No. 20-1531. Filed for public inspection November 6, 2020, 9:00 a.m.]

Title 210—APPELLATE PROCEDURE

PART I. RULES OF APPELLATE PROCEDURE [210 PA. CODE CH. 9]

Order Amending Rules 904 and 907 of the Pennsylvania Rules of Appellate Procedure; No. 291 Appellate Procedural Rules Doc.

Order

Per Curiam

And Now, this 22nd day of October, 2020, upon the recommendation of the Appellate Court Procedural Rules Committee; the proposal having been published for public comment at 49 Pa.B. 2712 (June 1, 2019):

It is Ordered pursuant to Article V, Section 10 of the Constitution of Pennsylvania that Rule 904 and 907 of the Pennsylvania Rules of Appellate Procedure are amended in the following form.

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

Annex A

TITLE 210. APPELLATE PROCEDURE PART I. RULES OF APPELLATE PROCEDURE ARTICLE II. APPELLATE PROCEDURE CHAPTER 9. APPEALS FROM LOWER COURTS

Rule 904. Content of the Notice of Appeal.

(a) *Form.*—Except as otherwise prescribed by this rule, the notice of appeal shall be in substantially the following form:

COURT OF COMMON PLEAS
OF _____ COUNTY

[A.B.] Party A's full name, Plaintiff:

v.

[C.D.] Party B's full name, Defendant:

Docket or File No. _____

Offense Tracking Number _____

NOTICE OF APPEAL

Notice is hereby given that [C.D.] _____, defendant above named, hereby appeals to the (Supreme) (Superior) (Commonwealth) Court of Pennsylvania from the order entered in this matter on the _____ day of _____ 20 _____. This order has been entered in the docket as evidenced by the attached copy of the docket entry.

(S) _____

(Address and telephone number)

(b) *Caption.*

(1) *General rule.*—The parties shall be stated in the caption as they [**stood upon**] **appeared on** the record of the trial court at the time the appeal was taken.

(2) *Appeal of custody action.*—**In an appeal of a custody action where the trial court has used the full name of the parties in the caption, upon application of a party and for cause shown, an appellate court may exercise its discretion to use the initials of the parties in the caption based upon the sensitive nature of the facts included in the case record and the best interest of the child.**

(c) *Request for transcript.*—The request for transcript contemplated by Pa.R.A.P. 1911 or a statement signed by counsel that either there is no verbatim record of the proceedings or the complete transcript has been lodged of record shall accompany the notice of appeal, but the absence of or defect in the request for transcript shall not affect the validity of the appeal.

(d) *Docket entry.*—The notice of appeal shall include a statement that the order appealed from has been entered on the docket. A copy of the docket entry showing the entry of the order appealed from shall be attached to the notice of appeal.

(e) *Content in criminal cases.*—When the Commonwealth takes an appeal pursuant to Pa.R.A.P. 311(d), the notice of appeal shall include a certification by counsel that the order will terminate or substantially handicap the prosecution.

(f) *Content in children's fast track appeals.*—In a children's fast track appeal, the notice of appeal shall include a statement advising the appellate court that the appeal is a children's fast track appeal.

Official Note: The Offense Tracking Number (OTN) is required only in an appeal in a criminal proceeding. It

enables the Administrative Office of the Pennsylvania Courts to collect and forward to the Pennsylvania State Police information pertaining to the disposition of all criminal cases as provided by the Criminal History Record Information Act, 18 Pa.C.S. [§] §§ 9101[,] *et seq.*

The notice of appeal must include a statement that the order appealed from has been entered on the docket. The appellant does not need to certify that the order has been reduced to judgment. This omission does not eliminate the requirement of reducing an order to judgment before there is a final appealable order where required by applicable practice or case law.

Paragraph (b)(2) provides the authority for an appellate court to initialize captions in custody appeals. See also Pa.R.C.P. 1915.10.

With respect to paragraph (e), in *Commonwealth v. Dugger*, 486 A.2d 382, 386 (Pa. 1985), the Supreme Court held that the Commonwealth's certification that an order will terminate or substantially handicap the prosecution is not subject to review as a prerequisite to the Superior Court's review of the merits of the appeal. The principle in *Dugger* has been incorporated in and superseded by Pa.R.A.P. 311(d). *Commonwealth v. Dixon*, 907 A.2d 468, 471 n.8 (Pa. 2006). Thus, the need for a detailed analysis of the effect of the order, formerly necessarily a part of the Commonwealth's appellate brief, has been eliminated.

A party filing a cross-appeal should identify it as a cross-appeal in the notice of appeal to assure that the prothonotary will process the cross-appeal with the initial appeal. See also Pa.R.A.P. 2113, 2136, and 2185 regarding briefs in cross-appeals and Pa.R.A.P. 2322 regarding oral argument in multiple appeals.

Rule 907. Docketing of Appeal.

(a) *Docketing of appeal.*—Upon the receipt of the papers specified in Pa.R.A.P. 905(b) (transmission to appellate court), the prothonotary of the appellate court shall immediately enter the appeal upon the docket, note the appellate docket number upon the notice of appeal, and give written notice of the docket number assignment in person or by first class mail to the clerk of the trial court, to the appellant, and to the persons named in the proof of service accompanying the notice of appeal. **[An appeal shall be docketed under the caption given to the matter in the trial court, with the appellant identified as such, but if such caption does not contain the name of the appellant, appellant's name, identified as appellant, shall be added to the caption in the appellate court.] Unless an appellate court exercises its discretion, upon application of a party and for cause shown, to use the initials of the parties in an appeal of a custody action, the prothonotary of the appellate court shall docket an appeal under the caption given to the matter in the trial court. The appellant shall be identified in the caption. If the appellant is not identified in the caption of the trial court, the appellant's name shall be added to the caption in the appellate court.**

(b) *Entry of appearance.*—Upon the docketing of the appeal the prothonotary of the appellate court shall note on the record: as counsel for the appellant, the name of counsel, if any, set forth in or endorsed upon the notice of appeal[,]; counsel of record[,]; and any counsel named in the proof of service. The prothonotary of the appellate court shall upon *praecipe* of counsel filed within 30 days after the docketing of the notice of appeal correct the

record of appearances. Also within 30 days after the docketing of the notice of appeal, counsel for a party may strike off his or her appearance by *praecipe*, unless that party is entitled by law to be represented by counsel on appeal. Thereafter, and at any time if a party is entitled by law to be represented by counsel on appeal, a counsel's appearance for a party may not be withdrawn without leave of court, unless another lawyer has entered or simultaneously enters an appearance for the party.

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

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

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

When an appeal is filed in a custody action, upon application of a party and for cause shown the appellate court may make a determination that using the parties' initials in the caption is appropriate after considering the sensitive nature of the facts included in the case record and the child's best interest. See Pa.R.A.P. 904(b)(2).

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

[Pa.B. Doc. No. 20-1532. Filed for public inspection November 6, 2020, 9:00 a.m.]

Title 231—RULES OF CIVIL PROCEDURE

PART I. GENERAL

[231 PA. CODE CHS. 1915 AND 1930]

Order Amending Rules 1915.10 and 1930.1 of the Pennsylvania Rules of Civil Procedure; No. 710 Civil Procedural Rules Doc.

Order

Per Curiam

And Now, this 22nd day of October, 2020, upon the recommendation of the Domestic Relations Procedural Rules Committee, the proposal having been published for public comment in the Pennsylvania Bulletin, 49 Pa.B. 2714 (June 1, 2019):

It is Ordered pursuant to Article V, Section 10 of the Constitution of Pennsylvania that Rules 1915.10 and 1930.1 of the Pennsylvania Rules of Civil Procedure are amended in the following form.

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

Annex A

TITLE 231. RULES OF CIVIL PROCEDURE

PART I. GENERAL

CHAPTER 1915. ACTIONS FOR CUSTODY OF MINOR CHILDREN

Rule 1915.10. Decision. Order.

* * * * *

(b) The court shall enter a custody order as a separate written order or in a separate section of a written opinion.

(1) The court's order shall state sufficiently specific terms to enforce the order.

(2) If the court has made a finding that a party or child is at risk of harm, the court's order shall include safety provisions for the endangered party's or child's protection.

(3) The court may order that the case caption use the parties' initials rather than the parties' names

In the Court of Common Pleas of _____ County, Pennsylvania.

[A. Litigant] Party A's full name,

Plaintiff

vs.

[B. Litigant] Party B's full name,

Defendant

(Title of Pleading)

based on the sensitive nature of the facts in the case record and the child's best interest.

Official Note: See Pa.R.C.P. No. 1930.1(a).

(4) When drafting a written opinion or order in an action having the parties' initials in the case caption, the court shall:

(i) avoid using specific identifiers for people, places, or things that may indirectly reveal the child's identity; and

(ii) use generalized identifiers when describing a child's school, activities, affiliated organizations, or other similar terms.

(c) A custody order shall include a notice outlining the parties' obligations under 23 Pa.C.S. § 5337, regarding a party's intention to relocate with a minor child.

* * * * *

Explanatory Comment—2021

Subdivision (b)(3) allows the court discretion to initialize a custody action's case caption when the child's privacy may be compromised by the sensitive nature of the facts in the case record. When the court determines that the case caption should be initialized, additional privacy safeguards are required under subdivision (b)(4).

Subdivision (b)(4) recognizes that inadvertent disclosure of the child's identity and privacy may occur if the written custody order or opinion provides specific details of the child's life (i.e., school, extracurricular activities). Subdivision (b)(4) requires that the court refrain from using specific identifiers; instead, the court should use general terms (i.e., high school, not John F. Kennedy High School). In circumstances in which name specificity is required, such as school choice, the court should consider a separate order for that issue.

CHAPTER 1930. RULES RELATING TO DOMESTIC RELATIONS MATTERS GENERALLY

Rule 1930.1. Form of Caption. Confidential Information and Confidential Documents. Certification.

(a) Form of Caption.

(1) Except as set forth in subdivision (2), the caption in a domestic relations matter shall include the parties' full names. The form of the caption [in all domestic relations matters] shall be substantially in the following form:

than the parties' names based on the sensitive nature of the facts in the case record and the child's best interest.

Official Note: See Pa.R.C.P. No. 1915.10(b)(3).

(b) Unless public access is otherwise constrained by applicable authority, any attorney, or any party if

unrepresented, who files a document pursuant to these rules with the prothonotary's office shall comply with the requirements of Sections 7.0 and 8.0 of the *Case Records Public Access Policy of the Unified Judicial System of Pennsylvania* (Policy) including a certification of compliance with the Policy and, as necessary, a Confidential Information Form, unless otherwise specified by rule or order of court, or a Confidential Document Form in accordance with the Policy.

* * * * *

Explanatory Comment—2021

Subdivision (a)(1) requires that the parties' full names are used in a domestic relations case caption unless the court determines it necessary to protect the child's identity by initializing the case caption in a custody action based on sensitive facts in the case and the child's best interest. Generally, a child custody case does not include sensitive information or egregious facts that would cause embarrassment to a child and necessitate exceptional privacy measures; however, in the unusual circumstance that a custody action has egregious facts that may cause an issue for the child, the trial court would have the discretion to initialize the caption in order to maintain the child's privacy interests.

Subdivision (a)(2) provides the exception to the general rule in subdivision (a)(1) for a custody action in which the court deems that the child could be adversely affected by the sensitive nature of the facts in the record. In a custody case in which the trial court determines the child's best interest requires an initialized caption, Pa.R.C.P. No. 1915-10(b)(4) requires that additional privacy safeguards are in the written custody order or opinion entered by the court.

The rule's requirement that a case caption use the parties' full names does not alter a party's or an attorney's responsibilities under the Case Records Public Access Policy of the Unified Judicial System of Pennsylvania and subdivision (b).

[Pa.B. Doc. No. 20-1533. Filed for public inspection November 6, 2020, 9:00 a.m.]

Title 25—LOCAL COURT RULES

CLINTON COUNTY

Local Rules; No. 29 January Term 1976

Order

And Now, this 22nd day of October, 2020, *It Is Hereby Ordered* as follows:

1. Current Local Rule No. 205.2(b) is *Rescinded*.
2. The following Local Rule 205.2(b) is *Adopted* by this Court and shall be effective thirty (30) days after being published in the *Pennsylvania Bulletin*.
3. The Clinton County Judicial Law Clerk is Ordered and Directed to:
 - (a) Distribute this Order and the following Local Rules to the Legislative Reference Bureau for publication in the

Pennsylvania Bulletin by emailing a copy of this Order to bulletin@palrb.us and sending two (2) certified copies to:

Legislative Reference Bureau
Pa. Code & Bulletin Office
647 Main Capitol Building
Harrisburg, PA 17120-0033

(b) Cause to be removed from this Court's website Local Rule No. 205.2(b) and replace said Local Rule on this Court's website with the following Local Rule within thirty (30) days after the publication in the *Pennsylvania Bulletin*.

By the Court

CRAIG P. MILLER,
President Judge

Rule 205.2(b). Motion Cover Sheet.

The procedure set forth in this section shall apply to every request for relief and/or application to the court for an order, whether by petition, motion, preliminary objection, exception, or stipulation, that the filing party desires to bring before the court, except a motion for a continuance.

(A) A cover sheet substantially in the form set forth in subsection (G) of this section shall be attached to the front of every request for a court order to which this rule applies. Any request for relief on the front of which an applicable Pennsylvania Rule of Civil Procedure requires a specific order or notice to be attached shall include that order or notice directly following the cover sheet.

(B) The cover sheet shall consist of only one page. Captions may be abbreviated. If additional space is necessary to list counsel and unrepresented parties, a separate sheet may be attached. The filing party or counsel shall be responsible for identifying all parties and others to be given notice or their counsel on the cover sheet. If a party was not served with a copy of the executed cover sheet as a result of an omission of the filing party, the argument or hearing may be rescheduled or, in the discretion of the court, the request for relief may be denied.

(C) If a cover sheet is not attached as required by this rule, the court may choose not to act upon the request for relief until an appropriate cover sheet is filed. If the filing party does not attach a cover sheet as required by this rule, a cover sheet, along with a copy of the original motion may be filed by any party, or the court.

(D) If expedited consideration by the court is requested or required by statute or rule of procedure, the reason for such consideration shall be set forth on the cover sheet. Such consideration must be requested if the date of the pretrial conference has been set or if the case has already been pretried.

(E) A proposed order granting the relief requested shall be attached to the cover sheet.

(F) The court shall schedule argument, hearing or briefing as the court may require, note the scheduling information on the cover sheet, and issue the scheduling order appearing on the cover sheet. The Prothonotary shall docket and promptly forward the completed cover sheet to all parties identified on the cover sheet.

(G) The form of the cover sheet shall be substantially as follows:

COURT OF COMMON PLEAS, CLINTON COUNTY, PENNSYLVANIA
MOTION COVER SHEET

CAPTION (may be abbreviated)

DOCKET NO. _____

Vs.

Case Assigned to Judge _____

___ NONE

- 1. NAME OF FILING PARTY:
2. FILING PARTY'S ATTORNEY:
3. TYPE OF FILING:

4. THE FOLLOWING IS/ARE REQUESTED:
[] Argument
[] Evidentiary Hearing
[] Court Conference
[] Rule to Show Cause
[] Issue an Appropriate Order
[] Entry of Uncontested Order (attach supporting documentation)
[] Expedited Consideration. State the Basis:
[] Telephone Conferencing Requested. (Telephone number shall be provided to court administrator prior to hearing.)
[] Video Conferencing Requested.
[] Attach this Cover Sheet to the Original Motion Previously Filed on:
[] Other:
5. Agreement of Opposing Party Sought? Yes/No
If yes, was it granted or denied?
6. TIME REQUIRED:
7. DATE OF NEXT SCHEDULED PROCEEDING [] None
8. NAMES AND ADDRESSES OF ALL COUNSEL OF RECORD AND UNREPRESENTED PARTIES:
[] Continued on Separate Sheet.

ORDER

- 1. ___ An ___Argument ___Factual Hearing ___Court Conference is scheduled for _____ at _____M. in Courtroom No. _____, Clinton County Courthouse, Lock Haven, PA.
2. ___ Briefs are to be filed by the following dates:
Filing Party _____
Responding Party/Parties _____
3. ___ A Rule is issued upon Respondent to show cause why the Petitioner is not entitled to the relief requested.
4. ___ A Response to the Motion/Petition shall be filed as follows: _____
5. ___ See Order Attached. ___ See Separate Order Issued This Date.
6. ___ Other: _____

DATE: _____

JUDGE

cc: ALL PARTIES OR OTHERS TO BE SERVED WITH NOTICE MUST BE DESIGNATED IN "6" ABOVE.

[Pa.B. Doc. No. 20-1534. Filed for public inspection November 6, 2020, 9:00 a.m.]

Title 255—LOCAL COURT RULES

CLINTON COUNTY

Local Rules; No. 29 January Term 1976

Order

And Now, this 14th day of October, 2020, *It Is Hereby Ordered* as follows:

1. The following Local Rule of Criminal Procedure No. 319 is *Adopted* by this Court and shall be effective thirty (30) days after being published in the *Pennsylvania Bulletin*.

2. The Clinton County Judicial Law Clerk is *Ordered and Directed* to:

(a) Distribute this Order and the following Local Rules to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin* by emailing a copy of this Order to bulletin@palrb.us and sending two (2) certified copies to:

Legislative Reference Bureau
Pa. Code & Bulletin Office
647 Main Capitol Building
Harrisburg, PA 17120-0033

(b) Cause to be removed from this Court's website Local Rule No. 319 and replace said Local Rule on this Court's website with the following Local Rule within thirty (30) days after the publication in the *Pennsylvania Bulletin*.

By the Court

CRAIG P. MILLER,
President Judge

Criminal Local Rule No. 319.

Upon a defendant satisfying all obligations of the Accelerated Rehabilitative Diversionary (ARD) Program, the Adult Probation Office shall forward a memo to the attorney for the Commonwealth which shall have attached a proposed Order of Court that would dismiss the charges and expunge the record of the defendant. A copy

of the memo and proposed Order shall also be forwarded to the attorney for the defendant, or if unrepresented, the defendant. The memo shall have a section for the attorney for the Commonwealth to indicate whether the attorney for the Commonwealth objects or does not object to the entry of said Order, along with a signature line for the attorney for the Commonwealth.

The Office of the attorney for the Commonwealth shall then forward the proposed Order with all attachments to the Judge who presided over the matter. If the attorney for the Commonwealth does not indicate an objection, the Court shall execute the Order and forward said Order to the Office of the Clerk of Courts to be filed.

If the attorney for the Commonwealth indicates an objection, the Court may schedule a hearing to review the matter or take any other necessary action.

[Pa.B. Doc. No. 20-1535. Filed for public inspection November 6, 2020, 9:00 a.m.]

**DISCIPLINARY BOARD OF
THE SUPREME COURT**

Notice of Disbarment

Notice is hereby given that Weldon Stephen Caldbeck (# 32027), having been disbarred in Colorado, the Supreme Court of Pennsylvania issued an Order on October 28, 2020, disbaring Weldon Stephen Caldbeck from the Bar of this Commonwealth, effective November 27, 2020. In accordance with Rule 217(f), Pa.R.D.E., since this formerly admitted attorney resides outside of the Commonwealth of Pennsylvania, this notice is published in the *Pennsylvania Bulletin*.

MARCEE D. SLOAN,
Board Prothonotary

[Pa.B. Doc. No. 20-1536. Filed for public inspection November 6, 2020, 9:00 a.m.]

SUPREME COURT

Modification of the Magisterial Districts within the 10th Judicial District of the Commonwealth of Pennsylvania; No. 448 Magisterial Rules Doc.

Order

Per Curiam

And Now, this 22nd day of October, 2020, upon consideration of the Request of the President Judge of the Tenth Judicial District (Westmoreland County) to eliminate Magisterial District 10-3-11 and reconfigure Magisterial Districts 10-2-08 and 10-3-10 of the Tenth Judicial District (Westmoreland County) of the Commonwealth of Pennsylvania, it is hereby *Ordered and Decreed* that the Request is granted. This Order is effective January 8, 2021.

Said Magisterial Districts shall be as follows:

Magisterial District 10-2-08 Magisterial District Judge Michael R. Mahady	Latrobe Borough Unity Township Youngstown Borough Mt. Pleasant Township (Voting Districts Ridgeview, Mammoth, United, Westmoreland, and Homestead)
--	---

<p>Magisterial District 10-3-10 Magisterial District Judge Charles D. Moore</p>	<p>Hunker Borough Mt. Pleasant Borough New Stanton Borough Scottdale Borough East Huntingdon Township Hempfield Township (Voting District New Stanton) Mt. Pleasant Township (Voting Districts Bridgeport, Duncan, Hecla, Laurel, Pleasant Valley and Spring Garden) South Huntingdon Township (Voting Districts Hixson, Jacobs Creek, Mineral, Port Royal, South Huntingdon, Wyano, and Yukon)</p>
---	---

[Pa.B. Doc. No. 20-1537. Filed for public inspection November 6, 2020, 9:00 a.m.]

—

RULES AND REGULATIONS

Title 34—LABOR AND INDUSTRY

DEPARTMENT OF LABOR AND INDUSTRY

[34 PA. CODE CH. 65]

Unemployment Compensation; Extended Filing

In accordance with section 201(a) of the Pennsylvania Unemployment Compensation Law (UC Law) (43 P.S. § 761(a)), section 204(3) of the Commonwealth Documents Law (CDL) (45 P.S. § 1204(3)), and section 6(d) of the Regulatory Review Act (RRA) (71 P.S. § 745.6(d)), the Department of Labor and Industry (Department), Office of Unemployment Compensation Benefits Policy, amends § 65.43a (relating to extended filings), to read as set forth in Annex A.

Statutory Authority

This emergency certified final-omitted rulemaking is issued under the authority of section 201(a) of the UC Law. That section provides that the Department “shall have power and authority to adopt, amend, and rescind such rules and regulations, require such reports from employers, employes, the board and from any other person deemed by the department to be affected by this act, make such investigations, and take such other action as it deems necessary or suitable.”

Under section 201 of the CDL (45 P.S. § 1201), an agency is required to provide public notice of its intention to promulgate, amend or repeal administrative regulations. Section 202 of the CDL (45 P.S. § 1202) requires agencies to review and consider any written comments submitted under section 201 and authorizes agencies to hold the public hearings as appropriate. However, under section 204 of the CDL, an agency may omit or modify the procedures specified in sections 201 and 202, if:

The agency for good cause finds (and incorporates the finding and a brief statement of the reasons therefor in the order adopting the administrative regulation or change therein) that the procedures specified in sections 201 and 202 are in the circumstances impracticable, unnecessary, or contrary to the public interest.

These regulations are promulgated under section 204(3) of the CDL, because, as explained herein, the Department has determined that the provisions of sections 201 and 202 of the CDL are, in these circumstances impracticable, unnecessary or contrary to the public interest.

These regulations are also being submitted as emergency certified regulations. Section 6(d) of the RRA allows an agency to immediately implement a final-omitted regulation when the Governor certifies that promulgation is necessary to respond to an emergency circumstance specified in the RRA. On October 23, 2020, Governor Tom Wolf issued a Certification of Need for Emergency Regulation finding that this final-omitted rulemaking is required to protect the public health, safety and welfare.

Governor Tom Wolf has determined that this emergency certified final-omitted rulemaking is necessary because of the unprecedented novel coronavirus (COVID-19) global pandemic. Governor Tom Wolf issued a Proclamation of Emergency Disaster on March 6, 2020, and subsequently ordered the closure of non-life-sustaining businesses, resulting in significant unemployment in this Commonwealth.

This emergency certified final-omitted rulemaking is required to protect the public health, safety and welfare as authorized by the CDL and the RRA. Specifically, the amendment in this emergency certified final-omitted rulemaking is immediately necessary, as it impacts the financial welfare of citizens in this Commonwealth with new and continued unemployment compensation (UC) claims, by authorizing the backdating of UC applications and claims for as many as 52 weeks during this unprecedented period of high unemployment directly related to the COVID-19 global pandemic. This amendment will give the Department the authority to expedite the processing of UC applications and claims for claimants who filed late due to the COVID-19 global pandemic. Accordingly, utilizing the procedures specified in sections 201 and 202 of the CDL for this amendment is, under these circumstances, impracticable and contrary to the public interest.

Background

The criteria to be eligible for UC benefits in section 401(c) of the UC Law (43 P.S. § 801(c)) include a requirement that a claimant has made a claim for compensation “in the proper manner and on the form prescribed by the Department.” Claimants are required to file claims for compensation biweekly under § 65.43 (relating to claims for compensation—when to file). Upon filing an application for UC benefits, the Department provides the claimant with a personal identification number (PIN). The PIN is unique to each claimant and allows the claimant to access the Department’s Internet claims’ filing system and to use PA Teleclaims (PAT), the Department’s system for filing claims by telephone. The existing regulation in § 65.43a permits claimants to “backdate” their claims in certain circumstances and provides a limitation on the number of weeks that a claimant can be permitted this extended filing.

On March 6, 2020, Governor Tom Wolf issued a Proclamation of Emergency Disaster related to the COVID-19 global pandemic and ordered a shutdown of non-life-sustaining businesses in this Commonwealth. As a result the unemployment rate rose significantly and the Department received an overwhelming number of new claims. Due to the COVID-19 global pandemic, the Commonwealth’s unemployment rate spiked from 4.7% in February 2020 to 16.1% two months later in April 2020. For context, during the Great Recession, it took 34 months for the unemployment rate in this Commonwealth to reach its highest level, from 4.1% in May 2007 to 8.8% in March 2010. The 1.1% increase in the Commonwealth’s unemployment rate between February 2020 (4.7%) and March 2020 (5.8%) was the largest month-over-month increase on record at the time. The month-over-month increase between March 2020 and April 2020 (16.1%) was ten times higher—10.3%. Since March 6, 2020, the Department has received over 2.6 million initial claim applications for regular UC. In the 3 weeks between March 15, 2020, and April 4, 2020, the Commonwealth’s UC system experienced a surge of initial claims, receiving 1,068,493 claims in just 21 days. Because of the abrupt increase in claims, the Department has had difficulty responding to claimants who have filing issues or need additional assistance. Some of those claimants may have made a valid application for benefits but did not timely file biweekly claims because they were not aware that they were eligible. Other claimants have indicated that they attempted to file for regular UC benefits in March 2020

or April 2020 but their applications were not processed and PINs were never issued. Therefore, they were unable to timely file claims for benefits. Accordingly, UC Service Center staff are experiencing a significant number of claimants filing for regular UC who request backdating of their applications for benefits to March 2020 or April 2020.

This was not a problem unique to the Pennsylvania UC System. According to the Economic Policy Institute (EPI), millions of individuals in states across the nation were unable to file unemployment claims due to the unprecedented number of claims unemployment systems faced. According to the EPI, “[f]or every 10 people who said they successfully filed for unemployment compensation benefits” from mid-March to mid-April, “[t]hree to four additional people tried to apply but could not get through the system to make a claim” and “two additional people did not try to apply because it was too difficult to do so.” Bevins, J. (June 26, 2020). “Cutting off the \$600 boost to unemployment benefits would be both cruel and bad economics.” Retrieved from <https://www.epi.org/blog/cutting-off-the-600-boost-to-unemployment-benefits-would-be-both-cruel-and-bad-economics-new-personal-income-data-show-just-how-steep-the-coming-fiscal-cliff-will-be/>.

The high volume of requests for the backdating of UC claims has continued into the Fall of 2020. The Office of UC Service Centers collected data on the number of backdating requests received for the week of September 14, 2020. Each of the 239 UC claim examiners continued to receive between 5 to 10 backdating requests per week. The requests range from 10 to 26 weeks in backdated claims.

Under § 65.42 (relating to application for benefits—effective date), a claimant’s application for benefits is effective on the first day of the calendar week in which the application is filed or deemed filed in accordance with § 65.43a, whichever is earlier. Where a claimant requests that the application is backdated to an earlier date, there are several reasons that may form the basis for the backdating, as set forth in § 65.43a. Currently, the maximum amount of allowable weeks available to a claimant who was unable to have his or her application processed due to high call volume or a system malfunction, or both, is 10, specifically: 6 weeks for an excessive volume of telephone calls; 2 additional weeks for an unavailable/malfunctioning system; and 2 additional weeks for making all reasonable efforts to file timely but being unable to do so through no fault of the claimant. Under § 65.43a(h), if a claimant is prevented from timely filing an application for benefits and two or more of the reasons apply, the Department can “stack” the reasons to provide the longest extension. Section 65.43a(e) of the Department’s current UC regulations allows for up to 52 weeks of backdating where “[a] UC Office fails to accept a filing as a result of error or mistake by the Department;” however, this exception does not cover the vast majority of requests for backdating that the Department has received for UC applications and claims filed as a result of the COVID-19 global pandemic.

With an amendment to allow up to 52 weeks of backdating during this current period of “high unemployment” as defined in section 405-A(a.1)(2) of the UC Law (43 P.S. § 815(a.1)(2)), those claimants who were unable to successfully file their applications at the beginning of the COVID-19 global pandemic will not lose benefits to which they are entitled and, if otherwise eligible, will receive their much-needed funds.

According to section 203(f) of the Federal-State Extended Unemployment Compensation Act of 1970,

26 U.S.C.A. § 3304 *note*, (Pub.L. No. 102-318, Title IV, § 401(a)(1), July 3, 1992) a period of high unemployment exists where, for the most recent 3 months for which data for all states is published, the average total unemployment rate (TUR) in the state (seasonally adjusted) for the most recent 3-month period equals or exceeds 8.0%. Further, a high unemployment period occurs when the average TUR in the state (seasonally adjusted) equals or exceeds 110% of the average TUR for either or both corresponding 3-month periods in the 2 preceding calendar years. *Id.* With the announcement of the 13.7% unemployment rate for July 2020, the Commonwealth’s 3-month average TUR reached 13.4%, exceeding the threshold of 8.0% to constitute a period of high unemployment. Based on current projections, the Commonwealth’s TUR could remain above 8.0% (and 110% for the same period for one or both of the previous 2 years), and thus a period of high unemployment would remain, until September 2021.

Governor Tom Wolf has determined that the inability of claimants to retroactively file claims during a period of high unemployment, for weeks of benefits to which they would otherwise be entitled, constitutes a condition which may threaten the public health, safety or welfare. As a result, he has executed a Certification of Need for Emergency Regulation. Amending the regulations to include 52 weeks of backdating for applications and claims filed on or after March 6, 2020, through the end of the period of high unemployment, as that term is defined in section 405-A(a.1)(2) of the UC Law related to the COVID-19 global pandemic, would allow the Department to backdate application and claim filings delayed by the pandemic, permit the Department’s UC staff to accept backdated claims without conducting time-intensive fact finding, and allow otherwise eligible claimants who were unable to successfully file their applications at the beginning of the COVID-19 global pandemic to receive their much-needed benefits. Specifically, this regulation will benefit many of the individuals who filed the 1,068,493 claims in the 3 weeks between March 15, 2020, and April 4, 2020, and the 2.6 million claims filed since March 6, 2020. Lastly, an immediate amendment to the regulation is necessary to protect the health, safety and welfare of individuals who are unemployed as a result of the COVID-19 global pandemic.

Compliance with Executive Order 1996-1

Since March 2020, the Department has received thousands of comments and questions from claimants, legislators, and members of the general public about backdating and the delays to the processing and resolution of claims that have resulted from the 2.6 million claims received in less than 6 months, a historic figure unlikely to be surpassed in the future. The Department has received input from claimants, legislators and members of the public through various channels—hundreds of thousands of calls and hundreds of thousands of e-mails received and responded to by the UC Service Centers, thousands of e-mail and telephone inquiries from legislators and legislative staff, in addition to weekly calls held by the Department and legislative leadership and in testimony provided on multiple occasions to the House and Senate Labor and Industry Committees.

In the interest of ensuring that this regulation represents stakeholder consensus to the greatest degree possible, the Department has solicited input from additional stakeholders before proceeding. On October 9, 2020, the Department contacted the AFL-CIO, Community Legal Services, Philadelphia Legal Assistance and the Pennsylvania Chamber of Business and Industry to discuss the

contents of this emergency certified final-omitted rulemaking in its draft form and to seek their comments. On Friday, October 16, 2020, the Pennsylvania Chamber of Business and Industry expressed they had no objection to this emergency regulation. On October 20, 2020, Community Legal Services and Philadelphia Legal Assistance expressed their approval of the emergency regulation. As of submittal of this emergency certified final-omitted rulemaking to the Independent Regulatory Review Commission, the House and Senate Labor and Industry Committees and the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*, the Department has yet to receive comment from the AFL-CIO.

The Department has also engaged with the General Assembly about this emergency certified final-omitted rulemaking. On Tuesday, October 20, 2020, the Department provided testimony to the House Labor and Industry Committee, including testimony about its intent to file this emergency certified final-omitted rulemaking to allow a claim to be backdated for up to 52 weeks because of the COVID-19 global pandemic.

Purpose

The purpose of this emergency certified final-omitted rulemaking is to permit up to 52 weeks of extended filing, or backdating, of UC claims of individuals who are unemployed through no fault of their own for the duration of the period that began with the Governor's issuance of the Proclamation of Emergency Disaster on March 6, 2020, related to the COVID-19 global pandemic, until the end of the current period of "high unemployment," as that term is defined section 405-A(a.1)(2) in the UC Law.

Summary of Final-Omitted Rulemaking

§ 65.43a. Extended filing

This emergency certified final-omitted rulemaking amends subsection (e) to add an additional option for backdating: permitting backdating of UC applications and claims for up to 52 weeks, where a claimant who is unemployed through no fault of his or her own failed to timely file an application or biweekly claims. This emergency certified final-omitted rulemaking limits the availability of such extended filing to the period from March 6, 2020, through the end of the current "period of high unemployment" as defined in section 405-A(a.1)(2) of the UC Law.

Affected Persons

This emergency certified final-omitted rulemaking will affect individuals who could have filed applications or claims, or both, for UC benefits on or after March 6, 2020, through the end of the current statutorily-defined period of high unemployment.

Fiscal Impact

Costs associated with this amendment are too speculative to reliably quantify. By allowing for up to 52 weeks of backdating, the UC Trust Fund may reach insolvency faster and take longer to return to the legislatively-defined level of solvency. However, the moneys in the fund are paid by claimants and their employers for the benefit of claimants when they are unemployed.

This amendment will immediately realize cost savings due to a reduction in the UC staff's fact-findings tasks. The current process for a claimant to request backdating beyond the standard 2 or 6 weeks permitted in the regulation, is time consuming and involves at least two UC staff members. A claimant first speaks with a member of the UC call center staff, who refers the backdating matter to a UC claims' examiner. The UC claims' examiner contacts the claimant, which may take several

attempts. Calls between the UC claims' examiner and claimants can last between 10 to 15 minutes. Ultimately, the UC claims' examiner must issue a denial for the requested weeks of backdating beyond what the current regulation allows. If claimants were able to successfully backdate for all eligible weeks, the UC call center staff may be able to approve the claimant's backdated claim without the need for a UC claims' examiner. The staff time saved by the amendment can be redirected to processing claims, providing customer service and UC administration.

There will be other financial benefits realized as a result of the amendment. Unemployment benefits provide substantial economic benefits to communities with rising unemployment as those benefits allow for continued, although reduced, consumer spending. Accordingly, those claimants who were unable to file their applications successfully at the beginning of the pandemic will receive their much-needed funds.

Reporting, Recordkeeping and Paperwork Requirements

There are no additional reporting, record keeping or paperwork requirements.

Sunset Date

There is no sunset date for these regulations. The authorization for the backdating of UC applications and claims will cease once the statutorily-defined high unemployment period ends.

Contact Person

The contact person is Susan Dickinson, Office of UC Benefits Policy, Department of Labor and Industry, 6th Floor, Labor and Industry Building, 651 Boas Street, Harrisburg, PA 17120, (717) 787-4403, sdickinson@pa.gov.

Regulatory Review

Under section 5.1(c) of the Regulatory Review Act (71 P.S. § 745.5a(c)), on October 27, 2020, the Department submitted a copy of this emergency certified final-omitted rulemaking to the Chairpersons of the Senate Committee on Labor and Industry and the House Committee on Labor and Industry, the Independent Regulatory Review Commission (IRRC), and the Office of Attorney General. In addition to submitting the emergency certified final-omitted rulemaking, the Department has provided the Committees, IRRC, and the Office of Attorney General with a copy of a detailed Regulatory Analysis Form prepared by the Department. A copy of this material is available to the public upon request.

Under section 6(d) of the Regulatory Review Act (71 P.S. § 745.6(d)), the Governor has certified that this final-omitted regulation is required to meet an emergency condition that threatens the public health, safety and welfare. As such, this emergency certified final-omitted regulation is effective upon publication in the *Pennsylvania Bulletin*. Under section 5.1(e) of the Regulatory Review Act (71 P.S. § 745.5a(e)), IRRC will review this regulation at its meeting on December 3, 2020.

Findings

The Department finds that:

(a) This emergency certified final-omitted rulemaking is authorized by section 201(a) of the Pennsylvania Unemployment Compensation Law (43 P.S. § 761(a)), section 204(3) of the Commonwealth Documents Law (45 P.S. § 1204(3)), and section 6(d) of the Regulatory Review Act (71 P.S. § 745.6(d)).

(b) Use of the emergency-certified rulemaking procedure provided in section 6(d) of the Regulatory Review Act (71 P.S. § 745.6(d)) is appropriate because this regu-

lation is required to protect the public health, safety and welfare based on Governor Tom Wolf's Certification of Need for Emergency Regulation dated October 23, 2020.

Order

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

(a) The regulations of the Department, 34 Pa. Code Chapter 65, are amended by amending § 65.43a to read as set forth in Annex A.

(b) The Department shall submit this regulation to the Office of General Counsel and the Office of Attorney General for review and approval as to form and legality, as required by law.

(c) The Department shall submit this regulation to Independent Regulatory Review Commission and the Senate and House Labor and Industry Committees as required by law.

(d) The Secretary of the Department shall certify this regulation and deposit it with the Legislative Reference Bureau as required by law.

(e) This emergency-certified final-omitted rulemaking takes effect immediately upon publication in the *Pennsylvania Bulletin*.

W. GERARD OLEKSIAK,
Secretary

Fiscal Note: 12-113. No fiscal impact; (8) recommends adoption.

GOVERNOR'S OFFICE

Certification of Need for Emergency Regulation

Whereas, the Pennsylvania Unemployment Compensation Law (UC Law), 43 P.S. §§ 751-919.105, authorizes the Department of Labor and Industry (Department) to promulgate regulations to implement the UC Law, pursuant to section 201(a), 43 P.S. § 761(a); and

Whereas, sections 65.41, 65.42, 65.43 and 65.43a of the regulations in Title 34 of the *Pennsylvania Code*, 34 Pa. Code §§ 65.41, 65.42, 65.43 and 64.43a, provide the requirements for filing Unemployment Compensation (UC) benefits applications and claims; and

Whereas, section 65.41 of the regulations (relating to filing methods), 34 Pa. Code § 65.41, describes the acceptable methods of filing applications and claims by one of the following: telephone, internet, or application form sent via U.S. Mail or by facsimile; and

Whereas, section 65.42 of the regulations (relating to application for benefits—effective date), 34 Pa. Code § 65.42, defines the application for benefits' effective date as the first day of the calendar week in which the application is filed or deemed filed in accordance with section 65.43a (relating to extended filing), whichever is earlier; and

Whereas, section 65.43 of the regulations (relating to claims for compensation—when to file), 34 Pa. Code § 65.43, requires claimants to file biweekly claims for benefits no later than the last day of the week immediately following the two-week period; and

Whereas, subsections (c), (d) and (e) of section 65.43a of the regulations (regarding extended filing), 34 Pa. Code § 65.43a, permit claimants to extend the filing deadline for applications and claims under certain circumstances, which is a process referred to as "backdating" because it allows a claimant's application or claim to be backdated to an earlier time than the actual filing; and

Whereas, in most instances, section 65.43a of the existing regulations does not allow an application or claim to be backdated by more than six (6) weeks; and

Whereas, the COVID-19 global pandemic caused historic numbers of initial UC applications in Pennsylvania, including 1,068,493 initial claims filed in the twenty-one day period from March 15, 2020 through April 4, 2020, surpassing the highest number of initial applications previously filed in one year (over 960,000 in 2009); and

Whereas, the influx of UC applications and claims caused by the COVID-19 global pandemic caused delays in filing and processing applications and claims; and

Whereas, following Proclamation of Emergency Disaster for the COVID-19 outbreak on March 6, 2020, a significant number of individuals attempted to file applications and claims requiring more than six (6) weeks of backdating; and

Whereas, since March 6, 2020, the Department has received over 2.5 million initial UC claim applications; and

Whereas, requests for backdating require the Department's UC Staff to conduct time-intensive fact-finding activities, which can further delay the payment of benefits to unemployed Pennsylvanians; and

Whereas, amending the Department's UC regulations to include fifty-two (52) weeks of backdating for applications and claims filed on or after March 6, 2020 through the end of the current high unemployment period, as that term is defined in the UC Law (43 P.S. § 815(a.1)(2)), related to the COVID-19 pandemic, will authorize the Department to backdate applications and claim filings delayed by the pandemic; and

Whereas, amending the UC regulations to include fifty-two (52) weeks of backdating will permit the Department's UC Staff to accept backdated claims without conducting time-intensive fact finding; and

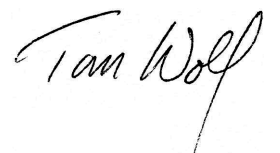
Whereas, amending the UC regulations to allow up to fifty-two (52) weeks of backdating will permit otherwise eligible claimants who were unable to successfully file their applications at the beginning of the pandemic to receive their much-needed benefits and help restore their financial welfare; and

Whereas, an immediate amendment to the UC regulations is necessary to protect the public health, safety and welfare of individuals who are unemployed as a result of the COVID-19 pandemic.

Now Therefore, I do hereby certify that the regulatory amendment to 34 Pa. Code, Part II, Subpart A, Chapter 65, following hereto as ANNEX A is required to meet the emergency conditions enumerated in the recitals above and to safeguard the public health, safety and welfare as described therein;

Further, I hereby authorize the Secretary of the Department of Labor and Industry to publish this amendment in the *Pennsylvania Bulletin* as an Emergency Certified Final-Omitted Rulemaking consistent with the provisions of Section 6(d) of the Regulatory Review Act, *as amended*, 71 P.S. § 745.6(d).

Given under my hand and the Seal of the Governor, at the City of Harrisburg, on this 23rd day of October in the year of our Lord two thousand and twenty, and of the Commonwealth the two hundred and forty fifth.


Governor

Annex A

TITLE 34. LABOR AND INDUSTRY

PART II. BUREAU OF EMPLOYMENT SECURITY

Subpart A. UNEMPLOYMENT COMPENSATION

CHAPTER 65. EMPLOYEE PROVISIONS

Subchapter C. APPLICATION PROCEDURE

APPLICATION FOR BENEFITS AND CLAIMS FOR COMPENSATION

§ 65.43a. Extended filing.

* * * * *

(c) The Department will deem an application for benefits to be filed prior to the week in which it actually is filed if the claimant did not file the application earlier for a reason listed in subsection (e). The Department will deem the application to be filed during the week that precedes the week of actual filing by the number of weeks indicated in subsection (e).

(d) If a claimant fails to file a claim for compensation within the time allowed in subsection (a) or (b) or § 65.43 (relating to claims for compensation—when to file), for a reason listed in subsection (e), the time for filing the claim is extended for the number of weeks indicated in subsection (e).

(e) For purposes of subsections (c) and (d) the number of weeks is determined as follows:

<i>Reason</i>	<i>Number of weeks</i>
The Department suspends accepting filings or is unable to handle all filings, due to an excessive volume of telephone calls or other reasons.	6
The claimant attempts to file by telephone, Internet or fax transmission in accordance with § 65.41 (relating to filing methods), the method used to attempt to file is unavailable or malfunctions, and the attempt to file occurs on the last day that the claimant could timely file by the method used	2
A UC Office fails to accept a filing as a result of error or mistake by the Department.	52
Sickness or death of a member of the claimant's immediate family or an act of God.	2
Other, if the claimant makes all reasonable and good faith efforts to file timely but is unable to do so through no fault of the claimant.	2
During the period following the issuance of the March 6, 2020 Proclamation of Emergency Disaster, issued under 35 Pa.C.S. § 7301 (relating to general authority of Governor) due to the novel coronavirus (COVID-19) global pandemic, until the end of the current "high unemployment" period, as that term is defined in section 405-A(a.1)(2) (43 P.S. § 815(a.1)(2)).	52

* * * * *

[Pa.B. Doc. No. 20-1538. Filed for public inspection November 6, 2020, 9:00 a.m.]

Title 58—RECREATION

GAME COMMISSION

[58 PA. CODE CH. 141]

Hunting and Trapping; General

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission) at its September 26, 2020, meeting amended § 141.18 (relating to permitted devices) to authorize the use of hand-held and firearm-mounted night-vision and infrared optics used solely for furbearer hunting.

This final-form rulemaking will not have an adverse impact on the wildlife resources of this Commonwealth.

The authority for this final-form rulemaking is 34 Pa.C.S. (relating to Game and Wildlife Code) (code).

Notice of proposed rulemaking was published at 50 Pa.B. 4744 (September 19, 2020).

1. *Purpose and Authority*

With the recent passage of House Bill 1188, the Commission now has the regulatory oversight to approve the use of night vision (light enhancement) and infrared (thermal) optical equipment. Each year the Commission is asked to review the prospective use of certain devices for hunting or trapping purposes that are otherwise prohibited by statute or regulation. As part of the review process, the Commission generally reviews to what degree use of a given device might negatively impact principles of resource conservation, equal opportunity, fair chase or public safety. The Commission has recently been requested to formally review the use of hand-held and firearm-mounted night-vision and infrared optics for furbearer hunting. The Commission has reviewed these devices and determined that their use will have no or negligible negative impacts to the previously mentioned principles. The Commission amends § 141.18 to authorize the use of hand-held and firearm-mounted night-vision and infrared optics used solely for furbearer hunting.

Section 2102(a) of the code (relating to regulations) provides that “The commission shall promulgate such regulations as it deems necessary and appropriate concerning game or wildlife and hunting or furtaking in this Commonwealth, including regulations relating to the protection, preservation and management of game or wildlife and game or wildlife habitat, permitting or prohibiting hunting or furtaking, the ways, manner, methods and means of hunting or furtaking, and the health and safety of persons who hunt or take wildlife or may be in the vicinity of persons who hunt or take game or wildlife in this Commonwealth.” The amendments to § 141.18 are adopted under this authority.

2. *Regulatory Requirements*

This final-form rulemaking amends § 141.18 to authorize the use of hand-held and firearm-mounted night-vision and infrared optics used solely for furbearer hunting.

3. *Persons Affected*

Persons wishing to hunt furbearers using hand-held or firearm-mounted night-vision or infrared optics within this Commonwealth will be affected by this final-form rulemaking.

4. *Comment and Response Summary*

The Commission received a total of 20 official comments concerning this final-form rulemaking. Out of this total, 15 supported and 5 opposed the use of hand-held and firearm-mounted night-vision and infrared optics used solely for furbearer hunting

5. *Cost and Paperwork Requirements*

This final-form rulemaking should not result in any additional cost or paperwork.

6. *Effective Date*

This final-form rulemaking will be effective upon final-form publication in the *Pennsylvania Bulletin* and will remain in effect until changed by the Commission.

7. *Contact Person*

For further information regarding this final-form rulemaking, contact Jason L. DeCoskey, Director, Bureau of Wildlife Protection, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797, (717) 783-6526.

Findings

The Commission finds that:

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

(2) The adoption of the amendments of the Commission in the manner provided in this order is necessary and appropriate for the administration and enforcement of the authorizing statute.

Order

The Commission, acting under the authorizing statute, orders that:

(a) The regulations of the Commission, 58 Pa. Code Chapter 141, are amended by amending § 141.18 to read as set forth in Annex A.

(b) The Executive Director of the Commission shall certify this order and Annex A and deposit them with the Legislative Reference Bureau as required by law.

(c) This order shall become effective upon final-form publication in the *Pennsylvania Bulletin*.

BRYAN J. BURHANS,
Executive Director

Fiscal Note: Fiscal Note 48-461 remains valid for the final adoption of the subject regulation.

Annex A

TITLE 58. RECREATION

PART III. GAME COMMISSION

CHAPTER 141. HUNTING AND TRAPPING

Subchapter A. GENERAL

§ 141.18. Permitted devices.

Notwithstanding the prohibitions in § 141.6 (relating to illegal devices), the following devices may be used to hunt or take wildlife:

(1) Firearms that use an electronic impulse to initiate discharge of ammunition. This provision is not intended to authorize use of these devices when these firearms are otherwise prohibited devices for the applicable hunting or trapping season.

* * * * *

(10) Electronic dove decoys used solely for hunting dove.

(11) Electronic hand-held and firearm-mounted night-vision and infrared optics used solely for furbearer hunting.

[Pa.B. Doc. No. 20-1539. Filed for public inspection November 6, 2020, 9:00 a.m.]

Title 58—RECREATION

GAME COMMISSION

[58 PA. CODE CH. 147]

Special Permits; Canada Geese Depredation

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission) at its September 26, 2020, meeting amended § 147.746 (relating to exceptions for resident Canada geese) to align State-level regulations with recent Federal amendments to depredation orders.

This final-form rulemaking will not have an adverse impact on the wildlife resources of this Commonwealth.

The authority for this final-form rulemaking is 34 Pa.C.S. (relating to Game and Wildlife Code) (code).

Notice of proposed rulemaking was published at 50 Pa.B. 4744 (September 19, 2020).

1. *Purpose and Authority*

The Commission amends § 147.746 to align State-level regulations with recent Federal amendments to depredation orders. Depredation orders for resident Canada geese were established in Federal and State regulations in 2006 and have been successful in providing affected individuals and businesses with methods to reduce goose-related

damage and conflicts, especially in situations where recreational hunting is impractical or insufficient for population control. Based on a recent review of the existing depredation orders which found the time frames for certain control activities to be overly restrictive, the United States Fish and Wildlife Service has amended depredation order regulations to allow nest and egg control to occur at any time of year, and to expand the previous May–August time period for take under the agricultural depredation order to also include the month of April in the Atlantic Flyway. Incorporating these Federal changes into State regulations is not expected to result in a large increase in take of Canada geese and will have little to no impact on overall goose populations. However, individual landowners, property managers and agricultural producers will benefit from additional flexibility to address localized instances of negative impacts from this species.

Section 2901(b) of the code (relating to authority to issue permits) provides “[t]he commission may, as deemed necessary to properly manage the game or wildlife resources, promulgate regulations for the issuance of any permit and promulgate regulations to control the activities which may be performed under authority of any permit issued.” The amendments to § 147.746 are adopted under this authority.

2. *Regulatory Requirements*

This final-form rulemaking amends § 147.746 to align State-level regulations with recent Federal amendments to depredation orders.

3. *Persons Affected*

Persons wishing to control populations of Canada geese using a depredation permit within this Commonwealth will be affected by the final-form rulemaking.

4. *Comment and Response Summary*

There were no official comments received regarding this final-form rulemaking.

5. *Cost and Paperwork Requirements*

This final-form rulemaking should not result in any additional cost or paperwork.

6. *Effective Date*

This final-form rulemaking will be effective upon final-form publication in the *Pennsylvania Bulletin* and will remain in effect until changed by the Commission.

7. *Contact Person*

For further information regarding this final-form rulemaking, contact Jason L. DeCoskey, Director, Bureau of Wildlife Protection, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797, (717) 783-6526.

Findings

The Commission finds that:

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

(2) The adoption of the amendments of the Commission in the manner provided in this order is necessary and appropriate for the administration and enforcement of the authorizing statute.

Order

The Commission, acting under the authorizing statute, orders that:

(a) The regulations of the Commission, 58 Pa. Code Chapter 147, are amended by amending § 147.746 to read as set forth in Annex A.

(b) The Executive Director of the Commission shall certify this order and Annex A and deposit them with the Legislative Reference Bureau as required by law.

(c) This order shall become effective upon final-form publication in the *Pennsylvania Bulletin*.

BRYAN J. BURHANS,
Executive Director

Fiscal Note: Fiscal Note 48-459 remains valid for the final adoption of the subject regulation.

Annex A

TITLE 58. RECREATION

PART III. GAME COMMISSION

CHAPTER 147. SPECIAL PERMITS

Subchapter U. DEPREDAATION

§ 147.746. Exceptions for resident Canada geese.

(a) *Egg addling and nest destruction.* Private landowners and managers of public lands and their employees or agents may destroy the nests and eggs of resident Canada geese on lands under their jurisdiction when necessary to resolve or prevent injury to people or damage to property or agricultural crops without the need for a joint state/Federal permit when the following conditions have been met:

(1) Private landowners or managers of public land have registered with the United States Fish and Wildlife Service at <https://epermits.fws.gov/eRCGR/geSI.aspx>. Each person who will be conducting the activity shall be registered at this site prior to implementing control activities.

(i) Eggs may be addled by shaking, freezing with CO₂ or oiling. If addled by oil, only 100% corn oil may be used.

(ii) Nests and eggs may be disposed of by burying or burning.

(2) Persons exercising privileges authorized by this subchapter shall file a report with the United States Fish and Wildlife Service at <https://epermits.fws.gov/eRCGR/geSI.aspx> no later than October 31 of each year. Failure to file a report may result in the denial of permission to addle the eggs or destroy the nests of resident Canada geese in subsequent years.

(3) It shall be unlawful to interfere with the nest or eggs of resident Canada geese without first registering with the United States Fish and Wildlife Service as required by this subchapter.

(b) *Agricultural facilities.*

(1) *Commercial agricultural production.* Persons actively engaged in commercial agriculture production may apply for a State-issued resident Canada goose depredation permit. This permit allows a commercial agricultural producer and its legitimate employees and agents to engage in the shooting or capture of resident Canada geese when necessary to prevent damage to agricultural

crops and other interests by resident Canada geese. The permit will prescribe the method of taking and the number of resident Canada geese that may be taken. The permit will be valid from April 1—August 31 of the year in which the permit was issued. The permittee shall file a written report on a form provided by the Commission, regarding the activities authorized by the permit no later than October 31 of the year in which the permit was issued. Failure to file the report as required may result in future applications being denied.

(2) *Application fee.* An application fee of \$50 in the form of check or money order shall be remitted to the Commission by the applicant at the time of application.

(c) *Airports and military airfields.*

(1) *Federal requirement.* Airports that are part of the National Plan of Integrated Airport Systems and have

received Federal grant-in aid assistance and military airfields may control resident Canada geese on property that is under their jurisdiction without the need for a State or joint state/Federal depredation permit if they comply with 50 CFR 21.49 (relating to control order for resident Canada geese at airports and military airfields).

(2) *Unlawful acts.* It shall be unlawful to control resident Canada geese on airport or military airfield property through lethal control or to destroy eggs and nests of resident Canada geese unless the participants are in compliance with 50 CFR 21.49 or are in possession of a joint state/Federal Canada goose depredation permit as prescribed in § 147.744 (relating to depredation permits for migratory waterfowl).

[Pa.B. Doc. No. 20-1540. Filed for public inspection November 6, 2020, 9:00 a.m.]

PROPOSED RULEMAKING

ENVIRONMENTAL QUALITY BOARD

[25 PA. CODE CH. 145]

CO₂ Budget Trading Program

The Environmental Quality Board (Board) proposes to amend Chapter 145 (relating to interstate pollution transport reduction) to add Subchapter E (relating to CO₂ budget trading program) to establish a program to limit the emissions of carbon dioxide (CO₂) from fossil fuel-fired electric generating units (EGU) located in this Commonwealth, with a nameplate capacity equal to or greater than 25 megawatts (MWe) as set forth in Annex A.

This proposed rulemaking was adopted by the Board at its meeting of September 15, 2020.

A. *Effective Date*

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

B. *Contact Persons*

For further information, contact Virendra Trivedi, Chief, Division of Permits, Bureau of Air Quality, Rachel Carson State Office Building, P.O. Box 8468, Harrisburg, PA 17105-8468, (717) 783-9476; or Jennie Demjanick, Assistant Counsel, Bureau of Regulatory Counsel, Rachel Carson State Office Building, P.O. Box 8464, Harrisburg, PA 17105-8464, (717) 787-7060. Information regarding submitting comments on this proposed rulemaking appears in section J of this preamble. Persons with a disability may use the Pennsylvania AT&T Relay Service, (800) 654-5984 (TDD users) or (800) 654-5988 (voice users). This proposed rulemaking is available on the Department of Environmental Protection's (Department) web site at www.dep.pa.gov (select "Public Participation," then "Environmental Quality Board").

C. *Statutory Authority*

This proposed rulemaking is authorized under section 5(a)(1) of the Air Pollution Control Act (APCA) (35 P.S. § 4005(a)(1)), which grants the Board the authority to adopt rules and regulations for the prevention, control, reduction and abatement of air pollution in this Commonwealth. Section 6.3(a) of the APCA (35 P.S. § 4006.3(a)) also authorizes the Board by regulation to establish fees to support the air pollution control program authorized by this act and not covered by fees required by section 502(b) of the Clean Air Act (CAA).

D. *Background and Purpose*

The purpose of this proposed rulemaking is to reduce anthropogenic emissions of CO₂, a greenhouse gas (GHG) and major contributor to climate change impacts, in a manner that is protective of public health, welfare and the environment in this Commonwealth. This proposed rulemaking would reduce CO₂ emissions from sources within this Commonwealth and establish the Commonwealth's participation in the Regional Greenhouse Gas Initiative (RGGI), a regional CO₂ Budget Trading Program. This proposed rulemaking would establish a CO₂ Budget Trading Program for this Commonwealth which is capable of linking with similar regulations in states participating in RGGI (participating states). These independently promulgated and implemented CO₂ Budget Trading Program regulations together make up the regional CO₂ Budget Trading Program or RGGI.

This proposed rulemaking would effectuate least cost CO₂ emission reductions for the years 2022 through 2030. The declining CO₂ Emissions Budget in this proposed rulemaking directly results in CO₂ emission reductions of around 20 million short tons in this Commonwealth as well as emission reductions across the broader PJM regional electric grid. However, the Department projects that 188 million short tons of CO₂ that would have been emitted over the next decade are avoided by this Commonwealth's participation in RGGI. According to data from the United States Energy Information Administration (EIA), this Commonwealth generates the 4th most CO₂ emissions from EGUs in the country. Since CO₂ emissions are a major contributor to regional climate change impacts, the Department developed this proposed rulemaking to establish this Commonwealth's participation in a regional approach that significantly reduces CO₂ emissions and this Commonwealth's contribution to regional climate change.

Request for comments

The Board will provide for a comment period for a minimum of 60 days and hold public hearings in impacted areas of this Commonwealth, in accordance with the APCA. During the comment period, the Department is seeking comment on potential approaches for the implementation of this proposed rulemaking that would address equity and environmental justice concerns in this Commonwealth. The Department is also seeking comment on potential approaches that would assist the transition of workers and communities in a just and equitable manner as this Commonwealth continues on a path to cleaner electricity generation. Lastly, the Department is seeking comment on ways to appropriately address the benefits of cogeneration in this Commonwealth, including the allocation of CO₂ allowances similar to the waste coal set-aside provision.

Climate change impacts and the greenhouse effect

Like every state in the country, this Commonwealth has already begun to experience adverse impacts from climate change, such as higher temperatures, changes in precipitation and frequent extreme weather events, including large storms, flooding, heat waves, heavier snowfalls and periods of drought. These impacts could alter the many fundamental assumptions about climate that are intrinsic to this Commonwealth's infrastructure, governments, businesses and the stewardship of its natural resources and environment. If not properly accounted for, changes in climate could result in more frequent road washouts, higher likelihood of power outages, and shifts in economic activity, among other significant impacts. Climate change can also affect vital determinants of health such as clean air, safe drinking water, sufficient food and secure shelter. These vital determinants are particularly affected by the increased extreme weather events, in addition to decreased air quality and an increase in illnesses transmitted by food, water, and disease carriers such as mosquitos and ticks. If these impacts are to be avoided, GHG emissions must be reduced expeditiously.

The impacts of climate change are vast and what was predicted 10 years ago is being confirmed today. Climate change impacts are being caused by the emission and atmospheric concentration of GHGs, namely CO₂. Scientists have confirmed that increased CO₂ emissions from human activity are causing changes to global climate.

Ninety-seven percent of the actively publishing climate scientists agree that climate warming trends over the past century are extremely likely due to human activities. Major scientific institutions including the United States National Academy of Sciences, the United States Global Change Research Program (USGCRP), the American Medical Association, the American Association for the Advancement of Science, and many others endorse this position. In the Fifth Assessment Report of the International Panel on Climate Change (IPCC) released in 2014, the IPCC concluded that, “human influence on the climate system is clear, and recent anthropogenic emissions of GHGs are the highest in history.” See IPCC, 2014: Climate Change 2014: Synthesis Report. Contribution of Working Groups I, II and III to the Fifth Assessment Report of the Intergovernmental Panel on Climate Change.

While CO₂ is a necessary element of life on Earth and acts as a fundamental aspect of nearly every critical system on the planet, CO₂ in high concentrations in the atmosphere leads to the greenhouse effect. The greenhouse effect occurs when CO₂ (and other GHG) molecules absorb solar energy and re-emit infrared energy back to the Earth’s surface. This absorption and re-emitting of infrared energy is what makes certain gases trap heat in the lower atmosphere, not allowing it to go back out to space. The greenhouse effect disrupts the normal process whereby solar energy is absorbed at the Earth’s surface and is radiated back through the atmosphere and back to space. Maintaining the surface temperature of the Earth depends on this balance of incoming and outgoing solar radiation. See the National Aeronautics and Space Administration, “The Causes of Climate Change,” <https://climate.nasa.gov/causes/>.

Global temperatures are increasing due to the greenhouse effect. Significantly changing the global temperature has impacts to every other weather and climate cycle occurring across the world. For instance, global average sea level, which has risen by about 7-8 inches since 1900 (with about 3 inches of that increase occurring since 1993), is expected to rise at least several inches in the next 15 years and by 1–4 feet by 2100. The impacts of increased GHGs in the atmosphere, including extreme weather and catastrophic natural disasters, have become more frequent and more intense. Extreme weather events also contribute to deaths from extreme heat or cold exposure and lost work hours due to illness. The World Health Organization expects climate change to cause around 250,000 additional deaths globally per year between 2030–2050, with additional direct damage costs to health estimated to be around \$2–\$4 billion per year by 2030. Based on the overwhelming scientific evidence, these harms are likely to increase in number and severity unless aggressive steps are taken to reduce GHG emissions.

Climate change impacts assessments

In 2009, the Department released its first Climate Change Impacts Assessment and Climate Change Action Plan, as required under the Pennsylvania Climate Change Act (71 P.S. §§ 1361.1–1361.8). The 2009 Climate Change Impacts Assessment showed that this Commonwealth was already experiencing some of the harmful effects of climate change. That same year, under CAA section 202(a)(1), (42 U.S.C.A. § 7521(a)(1)), the United States Environmental Protection Agency (EPA) issued an “Endangerment Finding,” that six GHGs—CO₂, methane, nitrous oxide, hydrofluorocarbons, perfluorocarbons and sulfur hexafluoride—endanger both the public health

and the public welfare of current and future generations by causing or contributing to climate change. See 74 FR 66496 (December 15, 2009). While the EPA’s 2009 endangerment finding was issued for motor vehicles, the EPA referenced the information on endangerment of public health and welfare found in the 2009 endangerment finding as the required information for the recent promulgation of “Emission Guidelines for Greenhouse Gas Emissions from Existing Electric Utility Generating Units,” commonly known as the “Affordable Clean Energy Rule or ACE rule,” which regulates stationary sources. See 84 FR 32520, 32534 n.146 (July 8, 2019). Additionally, the 2009 Endangerment Finding is further reinforced by the findings of the USGCRP’s Fourth National Climate Assessment (NCA4) which is consistent with the Commonwealth’s 2015 and 2020 Climate Change Impacts Assessments. While these Federal studies inform the Department’s decision to regulate CO₂ emissions within this Commonwealth, they are not determinative because this proposed rulemaking would be promulgated by the Board under the authority of the APCA, not the CAA.

In 2015, the Environment and Natural Resources Institute at Penn State University released an updated Climate Change Impacts Assessment for the Department. The 2015 Climate Change Impacts Assessment found that this Commonwealth has undergone a long-term warming of more than 1.8°F over the prior 110 years, and that due to increased GHG emissions, current warming trends are expected to increase at an accelerated rate with average temperatures projected to increase an additional 5.4 degrees by 2050. This warming will have potential adverse impacts related to agriculture, forests, aquatic ecosystems, water resources, wildlife and public health across this Commonwealth. In this Commonwealth, average annual precipitation has increased by approximately 10% over the past 100 years and, by 2050, is expected to increase by an additional 8%, with a 14% increase during the winter season.

In particular, climate change will worsen air quality relative to what it would otherwise be, causing increased respiratory and cardiac illness. Air quality impacts from climate change are due to the combination of pollutants emitted from anthropogenic sources and weather conditions. Climate change can potentially also worsen water quality, affecting health through consumption of diminished quality drinking water and through contact with surface waters during outdoor recreation. The risk of injury and death from extreme weather events could also increase as a consequence of climate change. Additionally, climate change could affect the prevalence and virulence of air-borne infectious diseases such as influenza. In April 2020, the Environment and Natural Resources Institute at Penn State University released an updated Climate Change Impacts Assessment for the Department, which states that the expected disruptions to this Commonwealth’s climate and impacts on this Commonwealth’s climate sensitive sectors remain as dire as presented in the 2015 Climate Change Impacts Assessment.

On November 23, 2018, the USGCRP released the NCA4, a scientific assessment of the National and regional impacts of natural and human-induced climate change. See United States Global Change Research Program, “Impacts, Risks, and Adaptation in the United States: Fourth National Climate Assessment, Volume II,” (D.R. Reidmiller et al. eds., 2018), <https://nca2018.globalchange.gov/>. The NCA4 represents the work of over 300 government and non-government experts, led by experts within the EPA, the United States Department of Energy and 11 other Federal agencies. The NCA4 shows

how the impacts of climate change are already occurring across the country and emphasizes that future risks from climate change will depend on the decisions made today. It is worth noting that the NCA4 mentions that the Northeast region is a model for other states, as it has traditionally been a leader in GHG mitigation action.

By 2035, the NCA4 projects that the Northeast will see the largest temperature increase in the country of more than 3.6°F on average higher than the preindustrial era. This would occur as much as 2 decades before global average temperatures reach a similar milestone. The changing climate of the Northeast threatens the health and public welfare of its residents and will lead to health-related impacts and costs, including additional deaths, emergency room visits and hospitalizations, higher risk of infectious diseases, lower quality of life and increased costs associated with healthcare utilization. Mosquitoes, fleas and ticks and the diseases they carry have been a particular concern in the Northeast in recent years. Scientists have linked these diseases, specifically tick-related Lyme disease, to climate change.

Climate change also threatens to reverse the advances in air quality that the states in the Northeast, including this Commonwealth, have worked so hard to achieve over the past few decades. In particular, climate change will increase levels of ground-level ozone pollution in the Northeast through changes in weather and increased ozone precursor emissions. Ozone is an irritant and repeated exposure to ozone pollution for both healthy people and those with existing conditions may cause a variety of adverse health effects, including difficulty in breathing, chest pains, coughing, nausea, throat irritation and congestion. In addition, people with bronchitis, heart disease, emphysema, asthma and reduced lung capacity may have their symptoms exacerbated by ozone pollution. Asthma, in particular, is a significant and growing threat to children and adults in this Commonwealth. The NCA4 refers to this reversal as a “climate penalty” and projects it could cause hundreds more ozone pollution-related deaths per year.

Over the past several decades, the Department has made substantial progress in decreasing ground-level ozone pollution in this Commonwealth, including limiting precursor emissions. However, Bucks, Chester, Delaware, Montgomery and Philadelphia counties are designated as marginal nonattainment areas for the 2015 ozone national ambient air quality standards (NAAQS). See 83 FR 25776 (June 4, 2018). There is still more work that needs to be done to reduce emissions in these nonattainment areas and to avoid backsliding on the improvements to air quality across this Commonwealth. An increase in ground-level ozone levels due to climate change would interfere with continued attainment of the ozone NAAQS, hinder progress in marginal nonattainment areas and put public health and welfare at risk.

Immediate action is needed to address this Commonwealth's contribution to climate change

Given the urgency of the climate crisis, including the significant impacts on this Commonwealth, the Board determined that concrete, economically sound and immediate steps to reduce GHG emissions are necessary. As one of the top GHG emitting states in the country, the Board has a compelling interest to reduce GHG emissions to address climate change and protect public health, welfare and the environment. Based on the most recent data from the EPA's State Inventory Tool, in 2017, this Commonwealth generated net GHG emissions equal to 233.20 million metric tons CO₂ equivalent (MMTCO₂e)

Statewide, the vast majority of which are CO₂ emissions. In the context of the world, this Commonwealth's electricity generation sector alone emits more CO₂ than many entire countries including Greece, Colombia, Sweden, Israel, Singapore, Austria, Peru and Portugal. See Joint Research Centre, European Commission, “JRC Science for Policy Report: Fossil CO₂ emissions of all world countries,” 2018, <https://ec.europa.eu/jrc/en/publication/fossil-co2-emissions-all-world-countries-2018-report>.

Historically, the electricity generation sector has been the leading source of CO₂ emissions in this Commonwealth. Based upon data contained in the Department's 2020 GHG Inventory, 29% of this Commonwealth's total GHG emissions are produced by the electricity generation sector. In recent years, this Commonwealth has seen a shift in the electricity generation portfolio mix, resulting from market forces and the establishment of alternative energy goals, and energy efficiency targets. Since 2005, this Commonwealth's electricity generation has shifted from higher carbon-emitting electricity generation sources, such as coal, to lower and zero emission generation sources, such as natural gas, wind and solar. At the same time, overall energy use in the residential, commercial, transportation and electric power sectors has reduced.

However, looking forward, the Department projects CO₂ emissions from the electricity generating sector will increase due to reduced switching from coal to natural gas, the potential closure of zero carbon emitting nuclear power plants, and the addition of new natural gas-fired units in this Commonwealth. The Three Mile Island nuclear power plant already closed on September 20, 2019, amounting to a loss of 818 MW of carbon free generation. However, the modeling conducted for this proposed rulemaking predicts no further nuclear power plant retirements through 2030 with implementation of this proposed rulemaking. Without this proposed rulemaking, this Commonwealth's nuclear fleet may remain at-risk of closure. In fact, the Beaver Valley nuclear power plant, responsible for 1,845 MW of carbon free generation, recently withdrew its closure announcement, specifically citing this Commonwealth's intended participation in RGGI as a key determinant in continuing operations.

This proposed rulemaking is necessary to ensure CO₂ emissions continue to decrease and at a rate that shields this Commonwealth from the worst impacts of climate change. RGGI plays an important role in providing a platform whereby this Commonwealth can reduce CO₂ emissions using a market-based approach. As the electricity generation sector remains one of the leading sources of CO₂ in this Commonwealth, it is imperative that emissions continue to decrease from that sector.

The Commonwealth's GHG emission reduction goals

On January 8, 2019, Governor Tom Wolf signed Executive Order 2019-01, Commonwealth Leadership in Addressing Climate Change and Promoting Energy Conservation and Sustainable Governance, codified at 4 Pa. Code §§ 5.1001—5.1009. This Executive Order set the first ever climate change goal for this Commonwealth to reduce net GHG emissions from 2005 levels by 26% by 2025 and 80% by 2050. These climate change goals align this Commonwealth with the reduction targets under the Paris Agreement aimed at keeping global temperature rise below the 2-degree Celsius threshold. According to climate experts, the 2-degree Celsius threshold is the

level beyond which dire global consequences would occur, including sea level rise, superstorms and crippling heat waves.

On April 29, 2019, the Department issued a Pennsylvania Climate Action Plan that identified GHG emission trends and baselines in this Commonwealth and recommended cost-effective strategies for reducing or offsetting GHG emissions. The Climate Action Plan determined that reducing the overall carbon intensity of the electricity generated in this Commonwealth is one of the most critical strategies for reducing GHG emissions. The Climate Action Plan also identified many different strategies and actions that all Pennsylvanians can take to combat climate change. According to the Climate Action Plan, one of the most cost-effective emissions reduction strategies is to limit CO₂ emissions through an electricity sector cap and trade program. This Commonwealth participating in a cap and trade program is expected to result in the largest near-term reduction in emissions and was deemed cost-effective relative to the social cost of carbon. The Climate Action Plan modeled a cap and trade program that requires a carbon cap equal to a 30% reduction from 2020 CO₂ emissions levels by 2030, which is equivalent to RGGI stringency.

On October 3, 2019, Governor Tom Wolf signed Executive Order 2019-07, Commonwealth Leadership in Addressing Climate Change through Electric Sector Emissions Reductions, codified at 4 Pa. Code §§ 7a.181—7a.183, which directed the Department to use its existing authority under the APCA to develop this proposed rulemaking to abate, control or limit CO₂ emissions from fossil fuel-fired electric power generators. This Executive Order also directed the Department to present this proposed rulemaking to the Board by July 31, 2020. On June 22, 2020, Governor Tom Wolf amended this Executive Order to extend the deadline to September 15, 2020. As directed by this Executive Order, this proposed rulemaking establishes a CO₂ budget consistent in stringency to that established by the participating states, provides for the annual or more frequent auction of CO₂ emissions allowances through a market-based mechanism, and is sufficiently consistent with the RGGI Model Rule such that CO₂ allowances may be traded with holders of allowances from other states.

Considering that this Commonwealth has the fourth leading CO₂ emitting electricity generation sector in the country, this proposed rulemaking is a significant component in achieving the Commonwealth's goals to reduce GHG emissions. Although this proposed rulemaking will not solve global climate change, it will aid this Commonwealth in addressing its share of the impact, joining other states and countries that are addressing their own impacts. The statutory authority for this proposed rulemaking, the APCA, is built on a precautionary principle to protect the air resources of this Commonwealth for the protection of public health and welfare and the environment, including plant and animal life and recreational resources, as well as development, attraction and expansion of industry, commerce and agriculture. To be proactive, this proposed rulemaking is needed to address this Commonwealth's contributions to climate change, particularly CO₂ emissions. The Board determined to address CO₂ emissions through a regional initiative because regional cap and trade programs have proven to be beneficial and cost-effective at reducing air pollutant emissions. In fact, this Commonwealth has and continues to participate in successful regional cap and trade programs.

History and success of this Commonwealth's participation in cap and trade programs

In the 1990 CAA Amendments, the United States Congress determined that the use of market-based principles, such as emissions banking and trading are effective ways of achieving emission reductions. According to the EPA, emissions trading programs are best implemented when the environment and public health concerns occur over a relatively large geographic area and effectively designed emissions trading programs provide flexibility for individual emissions sources to tailor their compliance path to their needs. The EPA has also determined that reducing emissions using a market-based system provides regulated sources with the flexibility to select the most cost-effective approach to reduce emissions and has proven to be a highly effective way to achieve emission reductions, meet environmental goals, and improve human health. In contrast to traditional command and control regulatory methods that establish specific emissions limitations and technology use with limited or no flexibility, cap and trade programs harness the economic incentives of the market to reduce pollution. The Board has a decades-long history of promulgating regulations that have established this Commonwealth's participation in successful cap and trade programs.

Beginning in 1995, this Commonwealth participated in the first national cap and trade program in the United States, the Acid Rain Program, which was established under Title IV of the 1990 CAA Amendments and required, in part, major emission reductions of sulfur dioxide (SO₂) through a permanent cap on the total amount emitted by EGUs. For the first time, the Acid Rain Program introduced a system of allowance trading that used market-based incentives to reduce pollution. The Acid Rain Program reduced SO₂ emissions by 14.5 million tons (92%) from 1990 levels and 16.0 million tons (93%) from 1980 levels. The undisputed success of achieving significant emission reductions in a cost-effective manner led to the application of the market-based cap and trade tool for other regional environmental problems.

From 1999 to 2002, this Commonwealth participated in the Ozone Transport Commission's (OTC) NO_x Budget Program, an allowance trading program designed to reduce summertime NO_x emissions from EGUs to reduce ground-level ozone, which included all of the current states participating in RGGI. According to the OTC's NO_x Budget Program 1999—2002 Progress Report, NO_x Budget Program units successfully reduced ozone season NO_x emissions in 2002 by nearly 280,000 tons, or about 60%, from 1990 baseline levels, achieving greater reductions than required each year of the program. Based on the success of the OTC's NO_x Budget Program and the Acid Rain Program, in 2003 the EPA implemented a regional NO_x cap and trade program under the NO_x SIP Call, which closely resembled the OTC NO_x Budget Program. The EPA again noted the cost savings of achieving emissions reductions through trading.

Beginning in 2009, the EPA's NO_x Budget Trading Program was replaced by the Clean Air Interstate Rule (CAIR) trading program, covering 28 eastern states, which required further summertime NO_x reductions from the power sector as well as SO₂ reductions. Finally, in 2015, CAIR was replaced by the Cross-State Air Pollution Rule trading program.

Authority to regulate CO₂ emissions through a cap and trade program

While the Department developed this proposed rulemaking under the direction of Executive Order 2019-07, the Board has the authority to promulgate this proposed rulemaking under the APCA. Through the APCA, the Legislature granted the Department and the Board the authority to protect the air resources of this Commonwealth, which is inclusive of controlling CO₂ pollution. CO₂ falls under the definition of “air pollution” in section 3 of the APCA (35 P.S. § 4003). The Board has the authority under section 5(a)(1) of the APCA to adopt rules and regulations for the prevention, control, reduction and abatement of air pollution in this Commonwealth. Further, the Commonwealth Court has found that the regulation of air pollution has long been a valid public interest. See e.g., *Bortz Coal Co., v. Commonwealth*, 279 A.2d 388, 391 (Pa. Cmwlth. 1971); *DER v. Pennsylvania Power Co.*, 384 A.2d 273, 284 (Pa. Cmwlth. 1978); *Commonwealth v. Bethlehem Steel Corporation*, 367 A.2d 222, 225 (Pa. 1976). Moreover, the Commonwealth Court has endorsed the Department’s position that the General Assembly, through the APCA, gave the agency the authority to reduce GHG emissions, including CO₂. *Wolf v. Funk*, 144 A.3d 228, 250 (Pa. Cmwlth. 2016).

As mentioned previously, numerous sources, including the EPA, the Penn State University, the USGCRP and the IPCC, have confirmed that CO₂ emissions cause harmful air pollution that is inimical to the public health, safety and welfare, as well as human, plant and animal life. CO₂ is also a GHG and the largest contributor to climate change. Thus, regulating sources of CO₂ emissions is necessary to protect the public health and welfare from harmful air pollution and to address climate change.

As mentioned previously, this Commonwealth has and continues to participate in cap and trade programs. Specifically, the Board promulgated the NO_x Budget Trading Program in Chapter 145, Subchapter A (relating to NO_x Budget Trading Program) and the CAIR NO_x and SO₂ Trading Programs in Chapter 145, Subchapter D (relating to CAIR NO_x and SO₂ Trading Programs). See 30 Pa.B. 4899 (September 23, 2000) and 38 Pa.B. 1705 (April 12, 2008). Although those cap and trade program regulations were promulgated in response to initiatives at the Federal level, both subchapters were promulgated under the broad authority of section 5(a)(1) of the APCA, as is this proposed rulemaking. The statutory authority granted to the Board under section 5(a)(1) of the APCA is broad and unrestrictive related to the adoption of any rule or regulation for the “prevention, control, reduction and abatement of air pollution.” The comprehensive scope of this directive provides the Board with the discretion to promulgate a trading program to reduce CO₂ emissions from fossil fuel-fired EGUs in this Commonwealth.

Regional Greenhouse Gas Initiative (RGGI)

RGGI is a cooperative regional market-based cap-and-trade program designed to reduce CO₂ emissions from fossil fuel-fired EGUs. RGGI is currently composed of ten northeastern states, including Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Rhode Island and Vermont. Since its inception on January 1, 2009, RGGI has utilized a market-based mechanism to cap and cost-effectively reduce CO₂ emissions that cause climate change. Because CO₂ from large fossil fuel-fired EGUs is a major contributor to regional climate change, the participating states developed a regional approach to address CO₂ emissions. This regional approach resulted in a Model Rule appli-

cable to fossil fuel-fired EGUs with a nameplate capacity equal to or greater than 25 MWe. RGGI is implemented in the participating states through each state’s independent CO₂ Budget Trading Program regulations, based on the Model Rule, which link together.

RGGI is a “cap and trade” program that sets a regulatory limit on CO₂ emissions from fossil fuel-fired EGUs and permits trading of CO₂ allowances to effect cost efficient compliance with the regulatory limit. RGGI is also referred to as a “cap and invest” program, because unlike traditional cap and trade programs, RGGI provides a “two-prong” approach to reducing CO₂ emissions from fossil fuel-fired EGUs. The first prong is a declining CO₂ emissions budget and the second prong involves investment of the proceeds resulting from the auction of CO₂ allowances to further reduce CO₂ emissions.

CO₂ emissions budget and CO₂ allowance budget

Each participating state establishes its own annual CO₂ emissions budget which sets the total amount of CO₂ emitted from fossil fuel-fired EGUs in a year. What is commonly referred to as the “RGGI cap” on emissions is a reference to the total of all the state CO₂ emissions budgets. This proposed rulemaking includes a declining annual CO₂ emissions budget, which starts at 78,000,000 tons in 2022 and ends at 58,085,040 tons in 2030. This is anticipated to reduce CO₂ emissions in this Commonwealth by 31% compared to 2019. The declining annual CO₂ emissions budget is equivalent to the CO₂ allowance budget, which is the number of CO₂ allowances available each year. A CO₂ allowance represents a limited authorization by the Department or a participating state under the CO₂ Budget Trading Program to emit up to one ton of CO₂. The number of CO₂ allowances available each year decreases along with the CO₂ emissions budget.

One of the benefits of participating in a regional market-based program is that CO₂ allowances are fungible across the participating states. This means that regulated sources within this Commonwealth may, at their option, purchase or sell CO₂ allowances with other regulated sources inside or outside of this Commonwealth. Although this Commonwealth has an established CO₂ allowance budget for each year, this Commonwealth’s CO₂ allowances are available to meet the compliance obligations in any other participating state and vice versa at the option of those regulated sources. Therefore, CO₂ emissions from this Commonwealth’s power sector are not “capped” by the CO₂ emissions budget, meaning they are not limited to strictly the amount of this Commonwealth’s CO₂ allowances. This provides additional compliance flexibility and the regional market assists in achieving least cost compliance for all participating states.

Consistent with framework of the RGGI Model Rule

As mentioned previously, the participating states developed a Model Rule to use as the framework for each state’s independent CO₂ Budget Trading Program regulation. The development of the RGGI Model Rule was supported by an extensive regional stakeholder process that engaged the regulated community, environmental nonprofits and other organizations with technical expertise in the design of cap and trade programs. The Board is familiar with the structure of the RGGI Model Rule, because it was drafted based on the language in the EPA’s NO_x Budget Trading Program rule in 40 CFR Part 96 (relating to NO_x budget trading program and CAIR NO_x and SO₂ trading programs for state implementation plans), which the Board used as a model for Chapter 145, Subchapter A.

States that participate in RGGI develop regulations that are compatible with the RGGI Model Rule to ensure consistency among the individual programs. Key areas of compatibility include alignment of the main program elements, stringency of the CO₂ allowance budgets and consistency of regulatory language. This consistency is necessary to ensure the fungibility of CO₂ allowances across the participating states, which supports the regional trading of CO₂ allowances and the use of a CO₂ allowance issued in one participating state for compliance by a regulated source in another participating state.

This proposed rulemaking therefore adopts the main program elements of the RGGI Model Rule, including the definitions, applicability, standard regulatory requirements, monitoring and reporting requirements, the CO₂ Allowance Tracking System (COATS), the emissions containment reserve, the cost containment reserve and the CO₂ emissions offset project provisions. The CO₂ allowance budgets in this proposed rulemaking are sufficiently stringent to align with RGGI's goal of reducing CO₂ emissions by 30% from 2020 to 2030. This proposed rulemaking also contains regulatory language consistent with the RGGI, Inc. auction platform, the online platform used to sell CO₂ allowances. RGGI, Inc. is a nonprofit corporation created to provide technical and administrative support services to the participating states in the development and implementation of their CO₂ Budget Trading Programs. Each participating state is also allotted two positions on the Board of Directors of RGGI, Inc. Under this proposed rulemaking, RGGI, Inc. would provide technical and administrative services to support the Department's implementation of this proposed rulemaking. This support would include maintaining COATS and the auction platform and providing assistance with market monitoring. Any assistance provided by RGGI, Inc. would follow the requirements of this proposed rulemaking. RGGI, Inc. has neither any regulatory or enforcement authority within this Commonwealth nor the ability to restrict or interfere with the Department's implementation of this proposed rulemaking.

Each participating state's regulation provides for the distribution of CO₂ allowances from its CO₂ allowance budget. The majority of CO₂ allowances are distributed at auction and each CO₂ allowance sold at auction returns proceeds from the sale to that state to invest in energy efficiency, renewable energy and GHG abatement programs. Some states have elected to designate a limited amount of CO₂ allowances to be "set-aside" in a designated account and distributed to advance individual state policy goals and objectives. Since this proposed rulemaking is consistent with the RGGI Model Rule, the Commonwealth's CO₂ allowances will have equal value to the CO₂ allowances held in the other participating states, meaning they may be freely acquired and traded across the region.

Although CO₂ allocation provisions may vary from state to state, to be consistent with the RGGI Model Rule each participating state allocates a minimum of 25% of its CO₂ allowance budget to a general account from which CO₂ allowances will be sold or distributed to provide funds for energy efficiency measures, renewable or noncarbon-emitting energy technologies, and CO₂ emissions abatement technologies, as well as programmatic costs. Consistent with the RGGI Model Rule, this proposed rulemaking establishes a general account from which CO₂ allowances will be sold or distributed, which is labeled as the Department's air pollution reduction account. Each year, the Department will allocate CO₂ allowances representing 100% of the tons of CO₂ emitted from the

Commonwealth's CO₂ allowance budget to the air pollution reduction account, except for the CO₂ allowances that the Department has set aside for a designated purpose as discussed in the following section. CO₂ allowances in the air pollution reduction account will be sold or distributed to provide funds for use in the elimination of air pollution and programmatic costs.

Modifications from RGGI Model Rule

While this proposed rulemaking is sufficiently consistent with the Model Rule and corresponding regulations in the participating states, the Board, in the exercise of its own independent rulemaking authority, also accounts for the unique environmental, energy and economic intricacies of this Commonwealth. This provides the Board the flexibility to limit CO₂ emissions from fossil fuel-fired EGUs in a way that aligns with the other participating states, while tailoring this proposed rulemaking to this Commonwealth's energy markets. In this proposed rulemaking, the Board made modifications from the language in the Model Rule to include permitting requirements and definitions specific to this Commonwealth, as well as stylistic changes. The Board also made adjustments to the language, including the adjustment for banked allowances and control periods, to reflect the timing of this Commonwealth's participation in RGGI. In addition to these modifications, there are five main areas in which this proposed rulemaking differs from the Model Rule.

First, under § 145.342(i) (relating to CO₂ allowance allocations), the Department proposes to set aside 9,300,000 CO₂ allowances at the beginning of each year for waste coal-fired units located in this Commonwealth. The Board is establishing this waste coal set-aside in this proposed rulemaking because waste coal-fired units provide an environmental benefit of reducing the amount of waste coal piles in this Commonwealth. Reducing waste coal piles is a significant environmental issue in this Commonwealth, because waste coal piles cause air and water pollution, as well as safety concerns. Waste coal-fired units burn waste coal to generate electricity thereby reducing the size, number and impacts of these piles otherwise abandoned and allowed to mobilize and negatively impact air and water quality in this Commonwealth. In recent years, waste coal-fired units have struggled to compete in the energy market, due in part to low natural gas prices, and several units have shut down or announced anticipated closure dates. Given the environmental benefit provided, the Board determined that it is necessary to assist owners or operators of waste coal-fired units with meeting their compliance obligation under this proposed rulemaking. This legacy environmental issue from this Commonwealth's long history of coal mining further underscores why it is vital to not leave additional environmental issues, like climate change, for future generations to solve.

By providing a set aside, as opposed to an exemption, the CO₂ emissions from waste coal-fired units are included in this Commonwealth's CO₂ emissions budget and owners or operators of waste coal-fired units are still required to satisfy compliance of all the regulatory requirements in this proposed rulemaking. After reviewing the last 5 years of CO₂ emission data from waste coal-fired units, the Department determined that the CO₂ allowance set aside should be equal to the total of each waste coal-fired unit's highest year of CO₂ emissions from that 5-year period. That total is 9,300,000 tons of CO₂ emissions. Thus, the Department will set aside 9,300,000 CO₂ allowances annually. Each year, the Department will allocate the CO₂ allowances directly to the compliance

accounts of the waste coal-fired units equal to the unit's actual emissions. However, if the waste coal-fired units emit over 9,300,000 tons of CO₂ emissions sector-wide in any year, then the units must acquire the remaining CO₂ allowances needed to satisfy their compliance obligation.

Second, a strategic use set-aside allocation under § 145.342(j) is proposed to be added. By April 1 of each calendar year, the Department will allocate any undistributed CO₂ allowances from the waste coal set-aside to the strategic use set-aside account. Since generation from waste coal-fired units has been declining in this Commonwealth, waste coal fired-units may emit less than 9,300,000 tons each year and the Department will be left with undistributed CO₂ allowances. Under the strategic use set-aside, the Department will allocate these undistributed CO₂ allowances directly to eligible projects that eliminate air pollution. The Board is establishing the strategic use set-aside particularly to encourage and foster promotion of energy efficiency measures, promote renewable or noncarbon-emitting energy technologies, and stimulate or reward investment in the development of innovative carbon emissions abatement technologies.

Third, a set-aside provision under § 145.342(k) for cogeneration units, including combined heat and power systems (CHP) is proposed to be added. The Board is establishing this set-aside because cogeneration units concurrently produce electricity and useful thermal energy, making them energy efficient and environmentally beneficial. Under the cogeneration set-aside, the Department will adjust the compliance obligation of a cogeneration unit by reducing the total CO₂ emissions by an amount equal to the CO₂ that is emitted as a result of providing useful thermal energy or electricity, or both, supplied directly to a co-located facility during the allocation year. The Department will only provide CO₂ allowances in this set-aside equal to the compliance adjustment. The cogeneration unit will be responsible for obtaining the remaining CO₂ allowances needed to satisfy the unit's compliance obligation. Unlike the waste coal set-aside, the Department would not distribute CO₂ allowances directly to the unit, but rather retire CO₂ allowances on behalf of the unit to reduce its compliance obligation. Also, cogeneration units must fill out an application and provide information to the Department to receive a compliance adjustment.

Fourth, under § 145.305 (relating to limited exemption for CO₂ budget units with electrical output to the electric grid restricted by permit conditions), the Board proposes to provide additional flexibility in the form of a limited exemption for cogeneration units that are interconnected and supply power to a manufacturing facility. A cogeneration unit that supplies less than 15% of its annual total useful energy to the electric grid, not including energy sent to the interconnected manufacturing facility, does not have a compliance obligation under this proposed rulemaking. The owner or operator of the cogeneration unit claiming this limited exemption must have a permit issued by the Department containing a condition restricting the supply to the electric grid. This limited exemption is in addition to the exemption in the RGGI Model Rule for fossil fuel-fired EGUs with a capacity of 25 MWe or greater that supply less than 10% of annual gross generation to the electric grid. The Board is including this additional exemption for cogeneration units that primarily send energy to an interconnected manufacturing facility because these cogeneration units provide a CO₂ emission reduction benefit. These units provide useful thermal energy, a byproduct of electricity generation, to the manufacturing facility which helps prevent the need

for the facility to run additional boilers onsite to generate electricity which in turn avoids additional CO₂ emissions.

Lastly, regulatory language is proposed to be added on the procedure for auctioning CO₂ allowances, which is not contained in the RGGI Model Rule. Several participating states have also added auction procedure language to their CO₂ Budget Trading Program regulations or developed separate auction regulations. By including the auction procedure in this proposed rulemaking, the Board seeks to ensure that auction participants fully understand the auction process and the associated requirements.

In § 145.401 (relating to auction of CO₂ allowances), the Board proposes that the Department will participate in multistate CO₂ allowance auctions in coordination with other participating states based on specific conditions. First, a multistate auction capability and process must be in place for the participating states. A multistate auction must also provide benefits to this Commonwealth that meet or exceed the benefits conferred on this Commonwealth through a Pennsylvania-run auction process. The criteria that the Department will use to determine if the multistate auction "meets or exceeds the benefits" of a Pennsylvania-run auction are whether the auction results in reduced emissions and environmental, public health and welfare, and economic benefits. As discussed further under section F, participation in RGGI would provide those benefits to this Commonwealth. Additionally, the multistate auction process must be consistent with the process described in this proposed rulemaking and include monitoring of each CO₂ allowance auction by an independent market monitor. Since the multistate auctions conducted by RGGI, Inc. satisfy all four of the conditions, the Department will participate in the multistate auctions. However, the Board also states that if the Department finds these four conditions are no longer met, the Department may determine to conduct a Pennsylvania-run auction. By including the ability to conduct a Pennsylvania-run action in this proposed rulemaking, the Board provides for flexibility in case the benefits of the multistate auctions diminish in the future.

Compliance and the RGGI CO₂ Allowance Tracking System (COATS)

Under § 145.304 (relating to applicability), it is proposed that the owner or operator of a fossil-fuel-fired EGU with a nameplate capacity equal to or greater than 25 MWe that sends more than 10% of its annual gross generation to the electric grid would have a compliance obligation. These regulated EGUs are referred to as "CO₂ budget units" and a facility that includes one or more CO₂ budget units is a "CO₂ budget source." Under § 145.306 (relating to standard requirements), it is proposed that the owner or operator of each CO₂ budget source will be required to have a permit under Chapter 127 (relating to construction, modification, reactivation and operation of sources) which incorporates the requirements of the CO₂ Budget Trading Program. The owner or operator will be required to operate the CO₂ budget source and each CO₂ budget unit at the source in compliance with the permit.

Based on the most recent data from the EPA's Clean Air Market Division, the EIA and the Department's emission inventory, the Department estimates that as of the end of 2019, 57 CO₂ budget sources (facilities) with 140 CO₂ budget units would have a compliance obligation under this proposed rulemaking. However, due to the dynamic nature of the electricity generation sector, the number of covered facilities will likely change by the implementation date, January 1, 2022, of this proposed rulemaking. The Department projects based on announced closures and future firm capacity builds that on

January 1, 2022, there will be 62 CO₂ budget sources with 150 CO₂ budget units with a compliance obligation under this proposed rulemaking. The Department conducted an analysis of power sector emissions and the facilities that meet the applicability criteria in this proposed rulemaking and determined that around 99% of this Commonwealth's power sector CO₂ emissions would be covered under this proposed rulemaking.

Within the participating states and under this proposed rulemaking, the owner or operator of a CO₂ budget unit must obtain one CO₂ allowance for each ton of CO₂ emitted from the CO₂ budget unit each year. The owner or operator may use a CO₂ allowance issued by any participating state to demonstrate compliance with any state's regulation, including this proposed rulemaking. RGGI operates on 3-year control periods for compliance, meaning full compliance is evaluated at the end of each 3-year control period. As described under § 145.306(c), at the end of a control period, the owner or operator is required as a permit condition to hold enough CO₂ allowances in their compliance account to cover the CO₂ budget source's CO₂ emissions during the period. The owner or operator must also show interim control period compliance during each of the first two calendar years of a control period. During each interim control period, the owner or operator must hold CO₂ allowances equal to 50% of CO₂ emissions in the compliance account for the CO₂ budget source. As outlined under § 145.355 (relating to compliance), at the end of the control period or interim control period, CO₂ allowances will be deducted from each CO₂ budget source's compliance account to cover each of the CO₂ budget unit's CO₂ emissions at the source for the control period or interim control period.

All owners or operators of CO₂ budget sources are required to open a compliance account in COATS to transfer and hold CO₂ allowances for compliance purposes. The Department will use COATS to determine compliance with this proposed rulemaking by comparing the covered emissions of a CO₂ budget source with the CO₂ allowances held in its compliance account. COATS is a publicly accessible platform that records and tracks data for each state's CO₂ Budget Trading Program, including the transfer of CO₂ allowances that are offered for sale by the participating states and purchased in the quarterly auctions. On the COATS web site, the public can view and download reports of RGGI program data and CO₂ allowance market activity. COATS is used to allocate, award and transfer CO₂ allowances, to certify and provide CO₂ allowances for compliance-related tasks, and to register and submit applications and reports for offset projects.

Under § 145.352 (relating to establishment of accounts), any person may apply to open a general account for the purpose of holding and transferring CO₂ allowances by submitting a complete application for a general account to the Department or its agent. A general account can be used for the receipt, transfer and banking of CO₂ allowances in COATS, but unlike a compliance account, it does not provide for the CO₂ allowance compliance deduction process outlined in this proposed rulemaking. A compliance account is associated with an electric generation facility regulated under a state CO₂ Budget Trading Program, a CO₂ budget source. These accounts are used for compliance with the requirements of each state's CO₂ Budget Trading Program. Only one compliance account will be assigned to each CO₂ budget source. An applicant must have either a general or compliance account to participate in CO₂ allowance auctions. CO₂ allowances

can be "banked" meaning they may be held for future compliance as they have no expiration date.

CO₂ allowances may be acquired through purchases in quarterly multistate auctions, through secondary markets, or by obtaining CO₂ offset allowances. Once a CO₂ allowance is purchased in an auction, it can then be resold in the secondary market. The secondary market assists with compliance by allowing CO₂ allowances to be traded in between quarterly auctions. As previously mentioned, every auction is overseen by an independent market monitor. Trading in the secondary market is also monitored by an independent market monitor to identify anticompetitive conduct. The quarterly multistate auction process continues each consecutive year of the CO₂ Budget Trading Program with fewer CO₂ allowances distributed into the auctions by the participating states each year.

As provided under section 4 of the Environmental Hearing Board Act (35 P.S. § 7514) persons adversely affected by a Department action have the opportunity to appeal the action to the Environmental Hearing Board.

Offsets

As an additional compliance option under this proposed rulemaking, owners or operators of CO₂ budget sources may complete an offset project to reduce or avoid atmospheric loading of CO₂ or CO₂ equivalent (CO₂e) emissions. CO₂e refers to the quantity of a given GHG, other than CO₂, multiplied by its global warming potential. By completing an offset project, the owner or operator will generate CO₂ offset allowances which can be used to offset a portion of the CO₂ budget source's emissions. A CO₂ offset allowance is equivalent to a CO₂ allowance, however a CO₂ offset allowance represents a project-based GHG emission reduction outside of the electric generation sector. This project must be in addition to not in place of an existing legal requirement. Under § 145.355(a)(3), consistent with the RGGI Model Rule and the regulations in the participating states, the number of CO₂ offset allowances available to be deducted for compliance purposes may not exceed 3.3% of the CO₂ budget source's CO₂ emissions for a control period or interim control period.

As described under § 145.395 (relating to CO₂ emissions offset project standards), the three eligible offset categories include landfill methane capture and destruction projects, projects that sequester carbon due to reforestation, improved forest management or avoided conversion, and projects that avoid methane emissions from agricultural manure management operations. Each of the three offset categories are designed to further reduce or sequester emissions of CO₂ or methane within the northeast region. In the RGGI Model Rule, the participating states cooperatively developed prescriptive regulatory requirements for each of the offset categories that have been incorporated into this proposed rulemaking. These requirements ensure that awarded CO₂ offset allowances represent CO₂e emission reductions or carbon sequestration that are real, additional, verifiable, enforceable and permanent.

Under § 145.393 (relating to general requirements), offset projects must be located in this Commonwealth or partly in this Commonwealth and partly within one or more of the participating states, provided that the majority of the CO₂e emission reductions or carbon sequestration occurs in this Commonwealth. Massachusetts, New Hampshire and Rhode Island have determined not to award CO₂ offset allowances, but CO₂ budget sources

located within those states may use CO₂ offset allowances awarded by a participating state, including this Commonwealth. By recognizing CO₂e emission reductions and carbon sequestration outside the electric generation sector and this Commonwealth's CO₂ emissions budget, offset projects provide compliance flexibility and create opportunities for low-cost emission reductions and other co-benefits across various sectors. Thus, including offset projects in this proposed rulemaking provides two crucial benefits, an additional compliance option for owners or operators and the potential for this Commonwealth to further reduce GHG emissions.

Auction proceeds

The auction proceeds are an integral part to carrying out the primary purpose of this proposed rulemaking which is to reduce CO₂ emissions in this Commonwealth in an economically efficient manner. By requiring the attainment of CO₂ allowances, this proposed rulemaking establishes a monetary obligation per ton of CO₂ emitted from a CO₂ budget source. The value of CO₂ allowances is used to further support the CO₂ Budget Trading Program and reduce GHG emissions and any associated costs related to achieving the emission reduction goals. The CO₂ allowances purchased in the multistate auctions generate proceeds that are provided back to the participating states, including this Commonwealth, for investment in initiatives that will further reduce CO₂ emissions. The amount of revenue generated each year is a function of the CO₂ allowance budget and the CO₂ allowance price. Each participating state determines how best to invest auction proceeds to provide public health benefits and further reduce GHG emissions. Historically, RGGI-funded programs, including energy efficiency, clean and renewable energy, GHG abatement and direct bill assistance programs, have saved consumers money and helped support businesses, all with a net positive economic impact.

As provided under section 9.2(a) of the APCA (35 P.S. § 4009.2(a)), this Commonwealth's auction proceeds will be held in a subaccount within the Clean Air Fund, which is administered by the Department "for the use in the elimination of air pollution." Section 9.2(a) of the APCA authorizes the Department to establish separate accounts in the Clean Air Fund as may be necessary or appropriate to implement the requirements of the APCA. Under section 9.2(a) of the APCA, the Board was required to adopt a regulation for the management and use of the money in the Clean Air Fund. The Board adopted Chapter 143 (relating to disbursements from the Clean Air Fund) to provide for the monies paid into the Clean Air Fund to be disbursed at the discretion of the Secretary for use in the elimination of air pollution. See 25 Pa. Code § 143.1(a) (relating to general). Under § 143.1(b), the full and normal range of activities of the Department are considered to contribute to the elimination of air pollution, including purchase of contractual services and payment of the costs of a public project necessary to abate air pollution. The investment of auction proceeds is discussed further under section F.

Benefits

In addition to decreasing CO₂ emissions and addressing this Commonwealth's contribution to regional climate change impacts, this proposed rulemaking would provide numerous benefits to public health and welfare and the environment. The benefits include job creation and worker training, decreased incidences of asthma, respiratory illness and hospital visits, avoidance of premature deaths, avoidance of lost work and school days due to

illness and future electric bill savings. This Commonwealth will also see a decrease in harmful NO_x, SO₂ and particulate matter (PM) emissions, as well as ground level ozone pollution. This will particularly benefit those most often impacted by marginal air quality, such as low income and environmental justice communities. Emerging evidence links chronic exposure to air pollution with higher rates of morbidity and mortality from the novel coronavirus (COVID-19). As such, reductions in CO₂ emissions are even more significant now more than ever before. The COVID-19 pandemic has resulted in a renewed focus on climate change, local air quality impacts, and opportunities for economic development, all areas where RGGI participation can provide value. The benefits of this proposed rulemaking are discussed further under section F.

RGGI provides regulatory certainty

This proposed rulemaking provides regulatory certainty for CO₂ budget sources in this Commonwealth. Although RGGI is a market-based approach, there are also price fluctuation protections that are built into the auction platform to help ensure that CO₂ allowance prices are predictable. Specifically, there are auction mechanisms that identify a precipitous increase or decrease in price, and trigger what are referred to as the Cost Containment Reserve (CCR) and Emissions Containment Reserve (ECR). The CCR process triggers additional CO₂ allowances to be offered for sale in the case of higher than projected emissions reduction costs. Similarly, states implementing the ECR, including this Commonwealth, will withhold CO₂ allowances from the auction to secure additional emissions reductions if prices fall below the established trigger price, so that the ECR will only trigger if emission reduction costs are lower than projected. This provides predictability in terms of both the cost of compliance for covered entities, and a relatively predictable stream of revenue for each participating state. CO₂ allowances may also be purchased through the secondary market when costs are low and held for future compliance years.

Public outreach

As required under the Regulatory Review Act (71 P.S. §§ 745.1—745.15) and further emphasized by Executive Order 2019-07, the Department conducted a robust public outreach effort including the business community, energy producers, energy suppliers, organized labor, environmental groups, low-income and environmental justice advocates and others to ensure that the development and implementation of this program results in reduced emissions, economic gains and consumer savings.

The Department consulted with the Air Quality Technical Advisory Committee (AQTAC) and the Citizens Advisory Council (CAC) in the development of this proposed rulemaking. On December 12, 2019, the Department presented concepts to AQTAC on a potential rulemaking to participate in RGGI. The Department returned to AQTAC on February 13, 2020, to discuss the preliminary draft Annex A. At the April 16, 2020, AQTAC meeting, the Department provided a brief update on the development of this proposed rulemaking. In response to requests from committee members for more opportunities to learn about the CO₂ Budget Trading Program, on April 23, 2020, the Department presented on and provided the modeling results associated with this proposed rulemaking in a Special Joint Informational Meeting of AQTAC and CAC. The meeting was held by means of a webinar and over 225 members of the public were able to listen to the

modeling results. Individuals interested in hearing the modeling results can also watch the meeting at any time through a link on the Department's web site.

AQTAC was established under section 7.6 of the APCA (35 P.S. § 4007.6) to provide technical advice at the request of the Department on policies, guidance and regulations. On May 7, 2020, this proposed rulemaking was presented to AQTAC for review and technical advice before the Department moved this proposed rulemaking forward to the Board for consideration. The meeting was held by means of a webinar and over 200 members of the public had the opportunity to listen to the discussion and to request to provide comments. The AQTAC members were divided on whether to submit a formal letter of concurrence and ultimately declined to do so without a majority decision. The Department will continue to seek technical advice from AQTAC and address member questions and concerns throughout the rulemaking process.

The opportunity to provide public comment on this proposed rulemaking to AQTAC members was provided on three occasions, at the February 13, 2020, April 16, 2020, and May 7, 2020, AQTAC meetings.

Under section 7.6 of the APCA, the Department is required to consult with CAC in the development of the Department's regulations and State Implementation Plans. On November 19, 2019, the Department presented concepts to CAC on a potential rulemaking to participate in RGGI. The Department returned to CAC on February 18, 2020, for an informational presentation on a preliminary draft Annex A. The Department also conferred with CAC's Policy and Regulatory Oversight Committee concerning this proposed rulemaking on May 8, 2020. At the May 19, 2020, CAC meeting, this proposed rulemaking was presented to CAC for review before the Department moved this proposed rulemaking forward to the Board for consideration. The CAC members ultimately declined to submit a formal letter of concurrence with the Department's recommendation to move this proposed rulemaking forward to the Board for consideration. The Department will continue to consult with CAC and address member questions and concerns throughout the rulemaking process.

The opportunity to provide public comment on this proposed rulemaking to CAC members was provided on three occasions, at the November 19, 2019, February 18, 2020, and May 19, 2020, CAC meetings.

Under section 7.8 of the APCA (35 P.S. § 4007.8), the Small Business Compliance Advisory Committee (SBCAC) is required to review and advise the Department on rulemakings which affect small business stationary sources. The Department provided informational presentations on this proposed rulemaking to SBCAC on January 22, 2020, and April 22, 2020. On July 22, 2020, the Department presented this proposed rulemaking to SBCAC for review and advice on the potential small business stationary source impact of this proposed rulemaking. During the presentation, the Department mentioned that it has estimated that ten small business stationary sources, as defined under section 3 of the APCA (35 P.S. § 4003), may need to comply with this proposed rulemaking. Of those ten sources, seven are estimated to be waste coal-fired power plants. The Department also mentioned that it has included in this proposed rulemaking a CO₂ allowance set-aside provision to assist all waste coal-fired power plants located in this Commonwealth with their compliance obligation. The SBCAC ultimately voted not to concur with the Department's recommendation to move this proposed rulemaking

forward to the Board, with four opposed and three in support. The Department will continue to seek advice from SBCAC on the small business stationary source impact of this proposed rulemaking and address member questions and concerns throughout the rulemaking process.

Additionally, the Department provided an informational presentation to the Environmental Justice Advisory Board on May 21, 2020, and had further engagement with Environmental Justice stakeholder groups such as the Chester Environmental Partnership and EJ Stakeholders Group. The Department also provided informational presentations on this proposed rulemaking to the Climate Change Advisory Committee on February 25, 2020, and the Oil and Gas Technical Advisory Board on May 20, 2020.

The Department, working with the Public Utility Commission, engaged with PJM Interconnection to promote the integration of this program in a manner that preserves orderly and competitive economic dispatch within PJM and minimizes emissions leakage. The Department has also met with various stakeholders to receive additional input on this proposed rulemaking on numerous occasions throughout the development process. In particular, the Department met with environmental groups, residents, businesses, legislators, owners and operators of affected sources, industry groups and environmental justice stakeholders during the development of this proposed rulemaking.

E. Summary of Regulatory Requirements

General provisions

§ 145.301. Purpose

This section proposes to establish the purpose of the CO₂ Budget Trading Program.

§ 145.302. Definitions

This section proposes to establish definitions for the following terms: "account number," "acid rain emissions limitation," "acid rain program," "adjustment for banked allowances," "administrator," "agent," "air pollution reduction account," "allocate or allocation," "allocation year," "allowance auction or auction," "ascending price, multiple-round auction," "attribute," "attribute credit," "automated data acquisition and handling system," "award," "beneficial interest," "bidder," "boiler," "CEMS—continuous emission monitoring system," "COATS—CO₂ allowance tracking system," "COATS account," "CO₂ allowance," "CO₂ allowance auction or auction," "CO₂ allowance deduction or deduct CO₂ allowances," "CO₂ allowances held or hold CO₂ allowances," "CO₂ allowance price," "COATS account," "CO₂ allowance transfer deadline," "CO₂ authorized account representative," "CO₂ authorized alternate account representative," "CO₂ budget emissions limitation," "CO₂ budget permit condition," "CO₂ budget source," "CO₂ Budget Trading Program," "CO₂ budget unit," "CO₂ CCR allowance or CO₂ cost containment reserve allowance," "CO₂ CCR trigger price or CO₂ cost containment reserve trigger price," "CO₂ ECR allowance or CO₂ emissions containment reserve allowance," "CO₂ ECR trigger price or CO₂ emissions containment reserve trigger price," "CO₂e—CO₂ equivalent," "CO₂ offset allowance," "cogeneration set-aside account," "cogeneration unit," "combined cycle system," "combustion turbine," "commence commercial operation," "commence operation," "compliance account," "control period," "decay rate," "descending price, multiple-round auction," "discriminatory price, sealed-bid auction," "electronic submission agent," "eligible biomass," "excess emissions," "excess interim

emissions,” “general account,” “GWP—global warming potential,” “gross generation,” “interim control period,” “legacy emissions,” “life-of-the-unit contractual arrangement,” “maximum potential hourly heat input,” “minimum reserve price,” “monitoring system,” “nameplate capacity,” “notice of CO₂ allowance auction,” “operator,” “owner,” “participating state,” “Pennsylvania CO₂ budget trading program adjusted budget,” “Pennsylvania CO₂ budget trading program base budget,” “qualified participant,” “receive or receipt of,” “recording, record or recorded,” “reserve price,” “reviewer,” “source,” “strategic use set-aside account,” “ton or tonnage,” “undistributed CO₂ allowance,” “uniform-price, sealed-bid auction,” “unit,” “unit operating day,” “unsold CO₂ allowance,” “useful thermal energy,” “waste coal,” “waste coal-fired,” and “waste coal set-aside account.” These defined terms are used in the substantive provisions of Subchapter E.

§ 145.303. *Measurements, abbreviations and acronyms*

This section proposes to establish the measurements, abbreviations and acronyms used in Subchapter E.

§ 145.304. *Applicability*

This section proposes to establish that this proposed rulemaking would apply to the owner or operator of a CO₂ budget unit that, at any time on or after January 1, 2005, served or serves an electricity generator with a nameplate capacity equal to or greater than 25 MWe. A CO₂ budget source is any source that includes one or more CO₂ budget unit.

§ 145.305. *Limited exemption for CO₂ budget units with electrical output to the electric grid restricted by permit conditions*

This section proposes to establish a limited exemption and compliance requirements for a CO₂ budget source that has a permit issued by the Department containing a condition restricting the supply of the CO₂ budget unit's annual electrical output to the electric grid to no more than 10% of the annual gross generation of the unit, or restricting the supply less than or equal to 15% of its annual total useful energy to any entity other than the manufacturing facility to which the CO₂ budget source is interconnected.

§ 145.306. *Standard requirements*

This section proposes to establish the standard permit, monitoring, CO₂, excess emissions and recordkeeping and reporting requirements. This section also proposes to establish liability for the CO₂ authorized account representative and the owner or operator of a CO₂ budget source or CO₂ budget unit.

§ 145.307. *Computation of time*

This section proposes to establish the computation of any time period scheduled under the CO₂ Budget Trading Program.

CO₂ authorized account representative for a CO₂ budget source

§ 145.311. *Authorization and responsibilities of the CO₂ authorized account representative*

This section proposes to establish the authorization and responsibilities of the CO₂ authorized account representative.

§ 145.312. *CO₂ authorized alternate account representative*

This section proposes to establish the requirements for the designation of no more than one CO₂ authorized alternate account representative to act on behalf of the CO₂ authorized account representative.

§ 145.313. *Changing the CO₂ authorized account representative and the CO₂ authorized alternate account representative; changes in the owner or operator*

This section proposes to establish the process and requirements for changing the CO₂ authorized account representative or the CO₂ authorized alternate account representative. This section also proposes to establish the process and requirements for changes in the owner or operator.

§ 145.314. *Account certificate of representation*

This section proposes to establish the elements of a complete account certificate of representation for a CO₂ authorized account representative or a CO₂ authorized alternate account representative.

§ 145.315. *Objections concerning the CO₂ authorized account representative*

This section proposes to establish the procedure for objections concerning the CO₂ authorized account representative.

§ 145.316. *Delegation of authority to make electronic submissions and review information in COATS*

This section proposes to provide for a CO₂ authorized account representative or a CO₂ authorized alternate account representative to delegate their authority to make an electronic submission in COATS.

Permits

§ 145.321. *General requirements for a permit incorporating CO₂ Budget Trading Program requirements*

This section proposes to establish the requirement for each CO₂ budget source to have a permit issued under Chapter 127 that incorporates the CO₂ Budget Trading Program requirements.

§ 145.322. *Submission of an application for a new, renewed or modified permit incorporating CO₂ Budget Trading Program requirements*

This section proposes to establish the process and deadlines for the CO₂ authorized account representative to submit a complete permit application to the Department.

§ 145.323. *Contents of an application for a permit incorporating CO₂ Budget Trading Program requirements*

This section proposes to establish the required contents of a complete permit application.

Compliance certification

§ 145.331. *Compliance certification report*

This section proposes to establish the requirement for a CO₂ authorized account representative of a CO₂ budget source to submit to the Department a compliance certification report for each control period. The section proposes to include the required contents of the report and compliance certification.

§ 145.332. *Department action on compliance certifications*

This section proposes to provide for the Department or its agent's review of compliance certifications, the ability to conduct independent audits of submissions and to deduct or transfer CO₂ allowances based on the information in the compliance certification.

CO₂ allowance allocations

§ 145.341. *Pennsylvania CO₂ Budget Trading Program base budget*

This section establishes the Pennsylvania CO₂ Budget Trading Program declining base budget for the years

2022 through 2030 and each succeeding calendar year. For example, in 2022, the Pennsylvania CO₂ Budget Trading Program base budget is 78,000,000 tons and by 2030 and each succeeding calendar year, the Pennsylvania CO₂ Budget Trading Program base budget is 58,085,040 tons.

§ 145.342. *CO₂ allowance allocations*

Subsection (a) proposes to establish that the Department will allocate CO₂ allowances representing 100% of the tons for each allocation year from the Pennsylvania CO₂ Budget Trading Program base budget to the air pollution reduction account, less those allowances set aside each allocation year.

Subsection (b) proposes to establish the Department's set-aside accounts for waste coal, strategic use and cogeneration.

Subsection (c) proposes to establish the Pennsylvania CO₂ Budget Trading Program adjusted budget for the allocation year 2022 and each succeeding calendar year.

Subsection (d) proposes to establish the CCR allocation and the process by which the Department will allocate CO₂ CCR allowances, separate from and additional to the Pennsylvania CO₂ Budget Trading Program base budget to the air pollution reduction account.

Subsection (e) proposes to establish the emissions containment reserve (ECR) and the process by which the Department will convert and transfer any CO₂ allowances that have been withheld from any auction into the Pennsylvania ECR account.

Subsection (f) proposes to provide for the Department to determine whether to make an adjustment for banked allowances and the formula to be used.

Subsection (g) proposes to provide for the Department to establish the Pennsylvania CO₂ Budget Trading Program adjusted budget for an allocation year and the formula to be used.

Subsection (h) proposes to require the Department to publish notice in the *Pennsylvania Bulletin* of the CO₂ Budget Trading Program adjusted budget for the allocation year, if the Department determines to adjust the budget for banked allowances.

Subsection (i) proposes to establish the process for the waste coal set-aside allocation, including the establishment of a general account, allowance transfers, compliance allocation, an exception or exceedance of legacy emissions or 9,300,000 tons during a calendar year, and the set-aside termination. This proposed subsection applies to waste coal-fired units located in this Commonwealth that commenced operation on or before the effective date of this proposed rulemaking, that are subject to the CO₂ Budget Trading Program requirements.

Subsection (j) proposes to establish the process for the strategic use set-aside allocation, including the establishment of a general account, allowance transfers and allocation to eligible projects for the use in the elimination of air pollution. The strategic use set-aside allocation will consist of undistributed CO₂ allowances from the waste coal set-aside account.

Subsection (k) proposes to establish the process for the cogeneration set-aside allocation, including applicability, the establishment of a general account, the required compliance obligation adjustment application, the compliance obligation adjustment determination and the retirement and transfer of CO₂ allowances.

§ 145.343. *Distribution of CO₂ allowances in the air pollution reduction account*

This section proposes to describe how the Department will distribute CO₂ allowances held in the air pollution reduction account. With the exception of CO₂ allowances held in a set-aside account, the Department will make available all CO₂ allowances for purchase or auction each allocation year. The proceeds of the auction will be used in the elimination of air pollution in accordance with the APCA and Chapter 143 and for programmatic costs associated with the CO₂ Budget Trading Program.

CO₂ allowance tracking system

§ 145.351. *CO₂ Allowance Tracking System (COATS) accounts*

This section proposes to describe the nature and function of compliance and general accounts. Compliance accounts are only for CO₂ budget sources, while any person may have a general account.

§ 145.352. *Establishment of accounts*

This section proposes to provide for the establishment of a compliance account by the Department or its agent upon receipt of a complete account certificate of representation. This proposed section also provides for any person to apply to open a general account by submitting a complete application to the Department or its agent that includes the required contents listed in this proposed section. This proposed section establishes the requirements for the authorization of a CO₂ authorized account representative, changing a CO₂ authorized account representative or a CO₂ authorized alternate account representative, changes in persons with ownership interest, objections concerning a CO₂ authorized account representative, delegation by a CO₂ authorized account representative and a CO₂ authorized alternate account representative, and account identification.

§ 145.353. *COATS responsibilities of CO₂ authorized account representative and CO₂ authorized alternate account representative*

This section proposes to allow submissions to the Department or its agent pertaining to a COATS account to be only submitted by the CO₂ authorized account representative or CO₂ authorized alternate account representative for the account.

§ 145.354. *Recordation of CO₂ allowance allocations*

This section proposes to establish the deadlines for the Department or its agent to record and assign a serial number to the CO₂ allowances allocated for the air pollution reduction account, the waste coal set-aside account, the strategic use set-aside account and the cogeneration set-aside account.

§ 145.355. *Compliance*

This section proposes to establish the requirements for allowances available for compliance deduction, deductions for compliance, allowance identification, deductions for excess emissions, recordation of deductions and action by the Department on submissions.

§ 145.356. *Banking*

This section proposes to allow a CO₂ allowance that is held in a compliance account or a general account to be banked or in other words to remain in the account until the CO₂ allowance is deducted or transferred.

§ 145.357. *Account error*

This section proposes to allow the Department or its agent to correct and notify a CO₂ authorized account representative of an error in a COATS account.

§ 145.358. *Closing of general accounts*

This section proposes to allow the CO₂ authorized account representative of a general account to instruct the Department or its agent to close a general account and for a general account that shows no activity for 1 year or more and does not contain any CO₂ allowances to be closed. This proposed section also describes the notification procedure for the closure.

CO₂ allowance transfers

§ 145.361. *Submission of CO₂ allowance transfers*

This section proposes to establish the requirements for a CO₂ authorized account representative to submit a CO₂ allowance transfer to the Department for recordation.

§ 145.362. *Recordation*

This section proposes to establish the requirements and process for the Department to record a CO₂ allowance transfer.

§ 145.363. *Notification*

This section proposes to establish the processes for notification of recordation and non-recordation of a CO₂ allowance transfer and allows for the resubmission of a CO₂ allowance transfer for recordation.

Monitoring, reporting and recordkeeping requirements

§ 145.371. *General monitoring requirements*

This section proposes to establish the monitoring requirements that an owner or operator or CO₂ authorized account representative of a CO₂ budget unit must comply with, including applicable sections of 40 CFR Part 75 (relating to continuous emission monitoring). This proposed section also includes the requirements for installation, certification and data accounting, compliance dates for recording, reporting and quality-assuring data from the monitoring system, reporting data and prohibitions.

§ 145.372. *Initial certification and recertification procedures*

This section proposes to establish the conditions for an exemption from the initial certification requirements, the applicability of recertification, the process for petitions, the certification and recertification requirements, the approval process for initial certification and recertification, the procedures for loss of certification, initial certification and recertification procedures for low mass emissions units and certification and recertification procedures for an alternative monitoring system.

§ 145.373. *Out-of-control periods*

This section proposes to establish the quality assurance requirements and the audit decertification procedure.

§ 145.374. *Notifications*

This section proposes to establish the requirement for a CO₂ authorized account representative for a CO₂ budget unit to submit written notice to the Department and the Administrator in accordance with 40 CFR 75.61 (relating to notifications).

§ 145.375. *Recordkeeping and reporting*

This section proposes to establish the recordkeeping and reporting requirements including monitoring plans, certification applications and quarterly reports.

§ 145.376. *Petitions*

This section proposes to establish the process and requirements for submitting a petition to the Department

or the EPA Administrator requesting approval to apply an alternative monitoring requirement.

§ 145.377. *CO₂ budget units that co-fire eligible biomass*

This section proposes to establish reporting and data calculation requirements for the CO₂ authorized account representative of a CO₂ budget unit that co-fires eligible biomass as a compliance mechanism under the CO₂ Budget Trading Program.

Auction of CO₂ CCR and ECR allowances

§ 145.381. *Purpose*

This section proposes to allow the Department or its agent to specify additional information in the auction notice for each auction, including the time and location of the auction, auction rules, registration deadlines and any additional information deemed necessary or useful.

§ 145.382. *General Requirements*

This section proposes to establish the required contents of an auction notice. This section also proposes to include tables with the CCR trigger price and the ECR trigger price for the years 2023 through 2030. This proposed section also establishes the process for the sale of CCR allowances, implementation of the reserve price and withholding ECR allowances form an auction.

CO₂ emissions offset projects

§ 145.391. *Purpose*

This section proposes to allow the Department to award CO₂ offset allowances to sponsors of CO₂ emissions offset projects that have reduced or avoided atmospheric loading of CO₂, CO₂e or sequestered carbon. CO₂ offset allowances must be real, additional, verifiable, enforceable and permanent within the framework of a standards-based approach.

§ 145.392. *Definitions*

This section proposes to establish definitions for the following terms: “AEPS—Alternative energy portfolio standards,” “anaerobic digester,” “anaerobic digestion,” “anaerobic storage,” “biogas,” “conflict of interest,” “forest offset project,” “forest offset project data report,” “forest offset protocol,” “independent verifier,” “intentional reversal,” “market penetration rate,” “offset project,” “project commencement,” “project sponsor,” “regional-type anaerobic digester,” “reporting period,” “reversal,” “system benefit fund,” “total solids,” “unintentional reversal,” “verification” and “volatile solids.” These proposed defined terms are used in the substantive provisions of §§ 145.391—145.397 (relating to CO₂ emissions offset projects).

§ 145.393. *General requirements*

This section proposes to establish the requirements for an offset project to qualify for the award of CO₂ offset allowances, including the three eligible offset project types, offset project location requirements, the project sponsor, general additionality requirements, maximum allocation periods for offset projects, offset project audits, as well as ineligibility of an offset project due to noncompliance.

§ 145.394. *Application process*

This section proposes to establish the requirement for a project sponsor to establish a general account and to submit a consistency application, including the deadlines and required contents of the consistency application and the process for the Department’s action on consistency applications.

§ 145.395. *CO₂ emissions offset project standards*

This section proposes to establish the eligibility, offset project description, calculation and monitoring and verification requirements for the categories of offset projects, landfill methane capture and destruction, sequestration of carbon due to reforestation, improved forest management or avoided conversion and avoided methane emissions from agricultural manure management operations.

§ 145.396. *Accreditation of independent verifiers*

This section proposes to establish the standards for accreditation of independent verifiers, the required contents of an application for accreditation, the process for Department action on applications for accreditation, reciprocity of independent verifiers across participating states and the required conduct of an accredited verifier.

§ 145.397. *Award and Recordation of CO₂ offset allowances*

This section proposes the process for awarding and recording CO₂ offset allowances. This section also proposes to establish the deadlines for submittal of monitoring and verification reports, the required contents of monitoring and verification reports, the prohibition against filing monitoring and verification reports in more than one participating state and the process for Department action on monitoring and verification reports.

CO₂ allowance auctions

§ 145.401. *Auction of CO₂ allowances*

This section proposes to establish that the Department will participate in a multistate CO₂ allowance auction in coordination with other participating states. However, the Department may determine to conduct a Pennsylvania-run auction if the conditions for participating in a multistate auction are no longer met. The Department may delegate implementation and administrative support for any CO₂ allowance auction and retains its authority to enforce compliance with the CO₂ Budget Trading Program and control over the proceeds.

§ 145.402. *Auction format*

This section proposes to establish the format of a CO₂ allowance auction, the lot of CO₂ allowances and the reserve price.

§ 145.403. *Auction timing and CO₂ allowance submission schedule*

This section proposes to establish the timing of a CO₂ allowance auction, the availability of CO₂ allowances held in the air pollution reduction account and the requirement for an auction to include a CCR reserve and trigger price.

§ 145.404. *Auction notice*

This section proposes to establish the requirement for notice to be provided of each CO₂ allowance auction and the required contents of the notice.

§ 145.405. *Auction participant requirements*

This section proposes to establish the eligibility requirements to participate in a CO₂ allowance auction as a bidder.

§ 145.406. *Auction participant qualification*

This section proposes to establish the requirement for the submittal of a qualification application, the deadline for submittal, the required contents of a qualification

application, the process for Department review of a qualification application and changes in qualification status.

§ 145.407. *Submission of financial security*

This section proposes to establish the requirement for a qualified applicant to provide financial security to the Department to participate in a CO₂ allowance auction as a bidder and the process for requesting return of the financial security.

§ 145.408. *Bid submittal requirements*

This section proposes to establish the requirements and limitations of bid submittals.

§ 145.409. *Approval of auction results*

This section proposes to establish the requirement for an independent monitor to observe the conduct and outcome of each auction and issue a report to the Department. If the Department approves the outcome of an auction based on the contents of the report, the Department will transfer and record the CO₂ allowances to successful bidders and make available the auction clearing price and the number of CO₂ allowances sold in the auction.

F. Benefits, Costs and Compliance

The CO₂ emission reductions accomplished through implementation of this proposed rulemaking would benefit the health and welfare of the approximately 12.8 million residents and the numerous animals, crops, vegetation and natural areas of this Commonwealth by reducing the amount of climate change causing pollution resulting from the regulated sources.

Reduction of CO₂ emissions

This proposed rulemaking includes a CO₂ emission budget which declines by approximately 20 million short tons from 2022 to 2030 within this Commonwealth. However, this Commonwealth will experience CO₂ emission reductions of around 188 million tons as a direct result of participation in RGGI. This results in CO₂ reductions in this Commonwealth and a net benefit to the entire PJM region. The Department's modeling shows that this Commonwealth makes these significant emission reductions while maintaining historic electric generation levels, enhancing this Commonwealth's status as a leading net energy exporter and creating economic opportunities.

The CO₂ emission reductions resulting from this proposed rulemaking are substantial and are the catalyst needed to meet the climate goals for this Commonwealth, as outlined in Executive Order 2019-01, to reduce net GHG emissions Statewide by 26% by 2025 from 2005 levels and by 80% by 2050 from 2005 levels. A predicted reduction of 13.6 million metric tons of CO₂ by 2025 due to this Commonwealth's potential participation in RGGI provides significant assurance that along with prudent investments of auction proceeds and other GHG abatement activities, this Commonwealth will remain on track to reach the 2025 net GHG reduction goal.

Historically, the RGGI program has experienced some emissions leakage. Emissions leakage is the shifting of emissions from states with carbon pricing to states without carbon pricing. The Department's modeling indicates that there may be some future emissions leakage in terms of additional fossil fuel emissions outside of this Commonwealth's borders. Despite the leakage, this Commonwealth's participation in RGGI would result in a net emissions reduction of 86.9 million tons of CO₂ across

PJM for the period between 2020 and 2030. Additionally, the Department has been an active participant in PJM's Carbon Pricing Senior Task Force which is conducting additional modeling in an effort to better understand and control leakage across the entire PJM region.

The participating states together, including this Commonwealth, will achieve regional CO₂ emissions reductions of 30% by 2030. According to data from the World Bank, by 2022 based on Gross Domestic Product (GDP), the participating states would comprise the third largest economy in the world. These CO₂ emission reductions are even more significant when viewed from this collective impact. Reductions in CO₂ emissions will help decrease the adverse impacts of climate change on human health, the environment and the economy. Specifically, CO₂ emission reductions may decrease costs from extreme weather events and climate-related ailments that also result in increased health care costs.

Health benefits of this proposed rulemaking

According to the NCA4, climate-driven changes in weather, human activity and natural emissions are all expected to impact future air quality across the United States. Many emission sources of GHGs also emit air pollutants that harm human health. Controlling these common emission sources would both mitigate climate change and have immediate benefits for air quality and human health. The energy sector, which includes energy production, conversion, and use, accounts for 84% of GHG emissions as well as 80% of emissions of NO_x and 96% of SO₂. Specifically, mitigating GHGs can lower emissions of SO₂, NO_x, PM, ozone and PM precursors, and other hazardous pollutants, reducing the risks to human health from air pollution.

While this proposed rulemaking requires CO₂ emission reductions, co-pollutants will also be reduced, because multiple pollutants are emitted from fossil fuel-fired EGUs. While the benefits of the cumulative CO₂ emission reductions will be tremendous, the Department also estimates that this proposed rulemaking will lead to a reduction of co-pollutants as well. This proposed rulemaking would provide public health benefits due to the expected reductions in emissions of CO₂ and the ancillary emission reductions or co-benefits of SO₂ and NO_x reductions. The Department's modeling projects cumulative emission reductions of 112,000 tons of NO_x and around 67,000 tons of SO₂ over the decade.

The Department used the EPA's Regional Incidence-per-Ton methodology which calculates total avoided incidences of major health issues, and calculation of avoided lost work and school days due to reduced emissions. Through 2030, it is estimated that between 283 and 641 premature deaths will be avoided in this Commonwealth due to emission reductions resulting directly from this proposed rulemaking. Children and adults alike will suffer less from respiratory illnesses, 30,000 less incidences of upper and lower respiratory symptoms which leads to reduced emergency department visits and avoided hospital admissions. Healthier children will be able to play more, as incidences of minor restricted-activity days decline on the order of almost 500,000 days between now and 2030. Adults would be healthier as well which results in over 83,000 avoided lost workdays due to health impacts. The public health benefits to this Commonwealth of these avoided SO₂ and NO_x emissions range between \$2.79 billion to \$6.3 billion by 2030, averaging between \$232 million to \$525 million per year.

A 2017 independent study by Abt Associates, a global research firm focused on health and environmental policy,

on the "Analysis of the Public Health Impacts of the Regional Greenhouse Gas Initiative, 2009—2014" showed that participating states gained significant health benefits in the first 6 years of RGGI implementation alone. From 2009—2014, the participating states avoided around 24% of CO₂ emissions that would have otherwise been emitted during that period, resulting in around \$5 billion in avoided health related costs. See Abt Associates, "Analysis of the Public Health Impacts of the Regional Greenhouse Gas Initiative, 2009—2014," January 2017, <https://www.abtassociates.com/sites/default/files/files/Projects/executive%20summary%20RGGI.pdf>. Since this proposed rulemaking would lead to a 31% reduction of projected CO₂ emissions, or avoided emissions, over the next decade, this Commonwealth is likely to see similar gains in health benefits.

A recent study led by researchers from the Columbia Center for Children's Environmental Health at Columbia University Mailman School of Public Health (Columbia study), published on July 29, 2020, on the "Co-Benefits to Children's Health of the U.S. Regional Greenhouse Gas Initiative" indicates that the health benefits from RGGI are even more significant than estimated in 2017 by Abt Associates. The Columbia study concluded that the co-pollutant reductions resulting from RGGI have provided considerable child health benefits to participating and neighboring states. In particular, between 2009—2014, RGGI resulted in an estimated 537 avoided cases of childhood asthma, 112 avoided preterm births, 98 avoided cases of autism spectrum disorder and 56 avoided cases of term low birthweight. Those child health benefits also have significant economic value, estimated at \$199.6—\$358.2 million between 2009 and 2014 alone. However, the researchers note that the actual health benefits are even greater than estimated because the analysis does not capture the future health benefits related to reductions in childhood PM_{2.5} exposure and mitigating climate change, such as fewer heat-related illnesses or cases of vector-borne disease to which children are especially vulnerable. See Frederica Perera, David Cooley, Alique Berberian, David Mills and Patrick Kinney, "Co-Benefits to Children's Health of the U.S. Regional Greenhouse Gas Initiative," *Environmental Health Perspectives*, Vol. 128, No. 7, July 2020, <https://ehp.niehs.nih.gov/doi/10.1289/EHP6706>.

Benefits of continued waste coal pile remediation

While this Commonwealth's participation in RGGI will have tangible health, environmental and economic benefits, the inclusion of the waste coal set-aside has the additional benefit of avoiding unintended impacts to this generation sector, so that the environmental benefits of continuing to remediate this Commonwealth's legacy waste coal piles may continue. For context, since 1988 a total of 160.7 million tons of waste coal has been removed and burned to generate electricity, with an additional 200 million tons of coal ash beneficially used at mine sites. Of this Commonwealth's over 13,000 acres of waste coal piles cataloged by the Department, 3,700 acres have been reclaimed with roughly 9,000 acres remaining. Additionally, of the piles that remain, approximately 40 of them have ignited, and continually burn which significantly impacts local air quality.

Benefits of cogeneration and CHP systems

As discussed previously, this proposed rulemaking provides a set-aside and limited exemption for cogeneration or CHP which will benefit existing systems while encouraging new installations in this Commonwealth. CHP systems use energy efficiently by simultaneously produc-

ing electricity and useful thermal energy from the same fuel source. CHP captures the wasted heat energy that is typically lost through power generation, using it to provide cost-effective heating and cooling to factories, businesses, universities and hospitals. CHP systems are able to use less fuel compared to other fossil fuel-fired EGUs to produce a given energy output. Less fuel being burned results in fewer air pollutant emissions, including CO₂ and other GHGs. In addition to reducing emissions, CHP benefits the economy and businesses by improving manufacturing competitiveness through increased energy efficiency and providing a way for businesses to reduce energy costs while enhancing energy reliability.

Benefits of RGGI participation

As previously mentioned, cap and trade programs have an established track record as economically efficient, market-driven mechanisms for reducing pollution in a variety of contexts. Other countries and states have found that cap and trade programs are effective methods to achieve significant GHG emission reductions. RGGI is one of the most successful cap and trade programs and it is well-established with an active carbon trading market for the northeastern United States. This successful market-based program has significantly reduced and continues to reduce emissions. The participating states have collectively reduced power sector CO₂ pollution by over 45% since 2009, while experiencing per capita GDP growth and reduced energy costs. The program design of RGGI would enable the Board to regulate CO₂ emissions from the power sector in a way that is economically efficient thereby driving long-term investments in cleaner sources of energy.

Part of what makes RGGI economically efficient is that it is a regional cap and invest program, which allows EGUs to achieve least-cost compliance by buying and selling allowances in a multistate auction or in regional secondary markets. RGGI CO₂ allowances are fungible across the participating states, meaning that though this Commonwealth would have an established allowance budget for each year, this Commonwealth's allowances are available to meet the compliance obligations in any other RGGI state and vice versa at the option of the regulated sources. Therefore, CO₂ emissions from this Commonwealth's power sector are not limited to strictly the amount of this Commonwealth's CO₂ allowances. This cooperation allows EGUs more flexibility in terms of compliance and allows the market to continue to signal entrance and exit of generation. Though each state has its own annual allocation, compliance occurs at the regional level rather than on a state-by-state basis. In this respect, the market assists in achieving least cost compliance for all participating states.

Another benefit of participating in multistate auctions run by RGGI, Inc. is that RGGI, Inc. has retained the services of an independent market monitor to monitor the auction, CO₂ allowance holdings, and CO₂ allowance transactions, among other activities. The market monitor provides independent expert monitoring of the competitive performance and efficiency of the RGGI allowance market. This includes identifying attempts to exercise market power, collude or otherwise manipulate prices in the auction or the secondary market, or both, making recommendations regarding proposed market rule changes to improve the efficiency of the market for RGGI CO₂ allowances, and assessing whether the auctions are administered in accordance with the noticed auction rules and procedures. The market monitor will monitor bidder behavior in each auction and report to the participating

states any activities that may have a material impact on the efficiency and performance of the auction. The participating states, through RGGI, Inc., release a Market Monitor Report shortly after each CO₂ allowance auction. The Market Monitor Report includes aggregate information about the auction including the dispersion of projected demand, the dispersion of bids and a summary of bid prices, showing the minimum, maximum, average and clearing price and the CO₂ allowances awarded.

RGGI has helped the participating states create jobs, save money for consumers, and improve public health, while reducing power sector emissions and transitioning to a cleaner electric grid. In an independent and nonpartisan evaluation of the first three control periods in RGGI, the Analysis Group, one of the largest economic consulting firms globally, found that the participating states experienced economic benefits in all three control periods, while reducing CO₂ emissions. The participating states added between \$1.3 billion and \$1.6 billion in net economic value during each of the three control periods. The participating states also showed growth in economic output, increased jobs and reduced long-run wholesale electricity costs. See Analysis Group, "The Economic Impacts of the Regional Greenhouse Gas Initiative on Northeast and Mid-Atlantic States," <https://www.analysisgroup.com/Insights/cases/the-economic-impacts-of-the-regional-greenhouse-gas-initiative-on-northeast-and-mid-atlantic-states/>.

A recent report from the Acadia Center, a nonprofit organization committed to advancing the clean energy future, entitled "The Regional Greenhouse Gas Initiative: Ten Years in Review," shows that CO₂ emissions from power plants in the participating states have decreased 47%, which is 90% faster than in the rest of country. The participating states were able to achieve that significant reduction while the GDP grew by 47%, outpacing the rest of the country by 31%.

RGGI has also driven substantial reductions in harmful co-pollutants, making the region's air cleaner and its people healthier. Additionally, proceeds from RGGI auctions generated nearly \$3.3 billion in state investments from 2009 to 2019. See Acadia Center, "The Regional Greenhouse Gas Initiative 10 Years in Review," 2019, https://acadiacenter.org/wp-content/uploads/2019/09/Acadia-Center_RGGI_10-Years-in-Review_2019-09-17.pdf.

For comparison, according to the Department's 2019 GHG Inventory Report from 2005 to 2016, this Commonwealth reduced its net emissions by 33.5% while the participating states reduced CO₂ pollution from covered sources by over 45% over the same period. Additionally, this reduction was achieved while the region's per-capita GDP has continued to grow, highlighting the synergies between environmental protection and economic development.

Additionally, this proposed rulemaking may create economic opportunities for clean energy businesses. By establishing a cost for emitting CO₂, and pricing this externality into the energy market, the CO₂ Budget Trading Program will provide a market incentive for developing and deploying technologies that improve the fuel efficiency of electric generation, generate electricity from non-carbon emitting resources, reduce CO₂ emissions from combustion sources and encourage carbon capture and sequestration. The energy efficiency sector is the largest component of all energy jobs in this Commonwealth and the renewable energy sector contains some of the fastest growing jobs in the country.

Investment of auction proceeds benefits consumers and the economy

The proceeds generated from this proposed rulemaking would be invested into programs that would reduce air pollution and create positive economic impacts in this Commonwealth. The Department plans to develop a draft plan for public comment outlining reinvestment options separate from this proposed rulemaking. However, the Department conducted modeling to estimate the economic impacts of this proposed rulemaking. The Department analyzed the net economic benefits of the program investments using the Regional Economic Model, Inc. model. The extensive economic modeling will help the Department determine the best ways to invest the auction proceeds in this Commonwealth to maximize emission reductions and economic benefits. The modeling anticipates that in the first year of participation in RGGI, approximately \$300 million in auction proceeds will be generated for the use in the elimination of air pollution in this Commonwealth. The auction proceeds would be spent on programs related to the regulatory goal, and the Department modeled a scenario in which the proceeds are invested in energy efficiency, renewable energy and GHG abatement.

The proceeds will aid this Commonwealth in the transition toward a clean energy economy. In 2015, the EPA noted that the energy market was moving toward cleaner sources of energy and states needed to make plans for and invest in the next generation of power production, particularly considering that current assets and infrastructure were aging. By strategically investing the proceeds, this Commonwealth can help ensure that, as new investments are being made, they are integrated with the need to address GHG pollution from the electric generation sector. See 80 FR 64661, 64678 (October 23, 2015). These energy transitions are occurring both in this Commonwealth and Nationally.

Nationally, the last 10 years have seen coal's position steadily erode due to a combination of low electricity demand, mounting concern over climate, and increased competition from natural gas and renewables. The same is true for coal generation in this Commonwealth. Since 2005, electricity generation in this Commonwealth has shifted from higher carbon-emitting electricity generation sources, such as coal, to lower and zero emissions generation sources, such as natural gas, and renewable energy. Between now and 2030, coal generation is expected to decline dramatically. In 2010, coal generation represented 47% of this Commonwealth's generation portfolio and is expected to decline to roughly 1% of this Commonwealth's generation portfolio in 2030. This shift away from coal-fired generation occurs irrespective of this Commonwealth's participation in RGGI. Anticipating the need for transition, for these communities and employees, auction proceeds can be used to mitigate these impacts and assist communities and families through the energy transition. This could include repowering of the existing coal-fired power plants to natural gas, investments in worker training or other community-based support programs.

The Department would invest a portion of the proceeds in energy efficiency initiatives because energy efficiency is a low-cost resource for achieving CO₂ emission reductions while reducing peak demand and ultimately reducing electricity costs. Lower energy costs create numerous benefits across the economy, allowing families to invest in other priorities and businesses to expand. Energy efficiency savings can be achieved cost-effectively by upgrading appliances and lighting, weatherizing and insulating

buildings, upgrading HVAC and improving industrial processes. Additionally, all consumers benefit from energy efficiency programs, not just direct program participants because focused investment in energy efficiency can lower peak electricity demand and can decrease overall electricity costs which results in savings for all energy consumers. Additionally, energy efficiency projects are labor-intensive which create local jobs and boost local economy. For instance, projects involving home retrofits directly spur employment gains in the housing and construction industries.

Investing a portion of the auction proceeds into energy efficiency initiatives is also crucial to addressing the impacts of climate change on consumers. According to the NCA4, rising temperatures are projected to reduce the efficiency of power generation while increasing energy demands, resulting in higher electricity costs. Energy efficiency will help lessen those impacts by putting downward pressure on both demand and electricity costs.

Historically, the participating states have invested a significant portion of their auction proceeds in energy efficiency programs. According to RGGI's 2017 Investment Report, over the lifetime of the installed measures, the investments made in energy efficiency in 2017 alone are projected to save participants over \$879 million on energy bills, providing benefits to more than 291,000 participating households and 2,600 participating businesses. The investments are also projected to further avoid the release of 6.6 million short tons of CO₂ pollution.

The Department would also invest a portion of the proceeds in clean and renewable electricity generation, such as energy derived from clean or zero emissions sources including geothermal, hydropower, solar and wind. Clean and renewable energy systems reduce reliance on fossil fuels and provide climate resilience benefits, including reduced reliance on centralized power. They also offer the opportunity to save money on electricity costs by installing onsite renewable energy and also reduce power lost through transmission and distribution. Investing in clean and renewable projects will help this Commonwealth meet its climate goals, drive in-State investments and job creation, and lessen the pressure on the CO₂ allowance budget by generating more electricity without additional emissions.

The participating states invested 14% of their 2017 auction proceeds in clean and renewable energy projects. Over the lifetime of the projects installed in 2017, these investments are projected to offset \$329.6 million in energy expenses for nearly 500 households and businesses. The investments are also projected to avoid the release of 1.2 million short tons of CO₂ emissions.

The Department would also invest a portion of the proceeds in GHG abatement initiatives. GHG abatement includes a broad category of projects encompassing other ways of reducing GHGs, apart from energy efficiency and clean and renewable energy. Examples of potential programs in this Commonwealth include abandoned oil and gas well plugging, electric vehicle infrastructure, carbon capture, utilization and storage, combined heat and power, energy storage, repowering projects and vocational trainings, among others.

For reference, in 2017, an estimated 14% of RGGI investments were made in GHG abatement programs and projects. For the duration of the project lifetime, those investments are expected to avoid over 431,000 short tons of CO₂ emissions across the region.

The Department modeled an investment scenario with 31% of annual proceeds for energy efficiency, 32% for

renewable energy and 31% for GHG abatement, and 6% for any programmatic costs related to administration and oversight of the CO₂ Budget Trading Program (5% for the Department and 1% for RGGI, Inc). These programmatic costs are in line with the historical amounts reserved by the participating states.

The results of the modeling show that this proposed rulemaking will not only combat climate change and improve air quality, but also provide positive economic value to this Commonwealth. The modeling estimates that from 2022 to 2030, this proposed rulemaking would lead to an increase in Gross State Product of \$1.9 billion and a net increase of 27,752 jobs in this Commonwealth. The Department's modeling also indicates that investments from this proposed rulemaking would spur an addition of 9.4 gigawatts of renewable energy and result in a load reduction of 29 terawatt hours of electricity from energy efficiency projects.

Benefits of cap and trade v. traditional command and control

In 2003, the EPA issued "A Guide to Designing and Operating a Cap and Trade Program for Pollution Control," in which the EPA detailed the benefits of cap and trade programs and the advantages they provide over more traditional approaches to environmental regulation. By establishing an emissions budget, cap and trade programs can provide a greater level of environmental certainty than other environmental policy options. The regulated sources, across the region, must procure allowances to cover emissions or risk being penalized for lack of compliance. Traditional command and control regulations, on the other hand, tend to rely on variable emission rates and usually only regulated existing or new sources. However, under cap and trade programs, new and existing sources must comply with the emissions budget. A cap and trade program may also encourage sources to achieve emission reductions in anticipation of future compliance, resulting in the earlier achievement of environmental and human health benefits. In fact, the Department's modeling shows that this is occurring as this Commonwealth prepares to participate in RGGI in 2022.

The EPA also noted in the guide that banking of allowances, which this proposed rulemaking allows, provides an additional incentive to reduce emissions earlier than required. Banking provides flexibility by allowing sources to save unused allowances for use in a later compliance period when the emissions budget is lower and the costs to reduce emissions may be higher. With command and control, the regulating authority specifies sector-wide technology and performance standards that each of the affected sources must meet, whereas cap and trade provides sources with the flexibility to choose the technologies that minimize their costs while achieving their emission target. Cap and trade programs also provide more accountability than a command and control program. Under this proposed rulemaking and other cap and trade programs, sources must account for every ton of emissions they emit by acquiring allowances. On the other hand, command and control programs tend to rely on periodic inspections and assumptions that control technology is functioning properly to show compliance. See EPA, "Tools of the Trade: A Guide to Designing and Operating a Cap and Trade Program for Pollution Control," June 2003, EPA430-B-03-002, <https://www.epa.gov/sites/production/files/2016-03/documents/tools.pdf>.

Compliance costs

This proposed rulemaking applies to owners or operators of fossil fuel-fired EGUs, within this Commonwealth,

with a nameplate capacity equal to or greater than 25 MWe. This proposed rulemaking is designed to effectuate least cost CO₂ emission reductions for the years 2022 through 2030 within this Commonwealth. In addition to purchasing CO₂ allowances and completing offset projects to generate CO₂ offset allowances, CO₂ budget units may reduce their compliance obligations by reducing CO₂ emissions through other alternatives such as heat rate improvements, fuel switching and co-firing of biofuels.

To comply with this proposed rulemaking, each CO₂ budget unit within this Commonwealth will need to acquire CO₂ allowances equal to its CO₂ emissions. If CO₂ allowances are purchased through the multistate auctions, the owner or operator of a CO₂ budget unit will pay the auction allowance price, currently around \$5 per ton, for each ton of CO₂ the unit emits. As mentioned previously, reserved CO₂ CCR allowances can be released into the auction if allowance prices exceed predefined price levels, meaning emission reduction costs are higher than projected. The total cost of purchasing allowances will therefore vary per unit based on how much CO₂ the unit emits and the allowance price. The owner or operator may also purchase CO₂ allowances on the secondary market where they could potentially purchase CO₂ allowances at a price lower than the RGGI allowance price. CO₂ allowances also have no expiration date and can be acquired and banked to defray future compliance costs.

Since the Department will allocate CO₂ allowances to waste coal-fired units each year up to 9,300,000 allowances sector-wide, waste coal-fired units will incur minimal compliance costs. Owners or operators of waste coal-fired units will only need to purchase CO₂ allowances if the set-aside amount is exceeded. However, waste coal-fired units still have to comply with the other components of the regulation, including incorporating the CO₂ budget trading programs into their permits.

The requirements this proposed rulemaking would establish will require the owner or operator of an applicable source to submit a complete application for a new, renewed or modified permit and pay the associated fee. The application must be submitted by the later of 6 months after the effective date of the final-form rulemaking or 12 months before the date on which the CO₂ budget source, or a new unit at the source, commences operation.

The Department estimates that the costs related to monitoring, recordkeeping and reporting will be minimal as this proposed rulemaking utilizes current methods and, in most instances, will require no additional emissions reporting. For instance, the continuous emission monitoring required under this proposed rulemaking is already in existence at the regulated source and the necessary emissions data is currently reported to the EPA. There may be minimal programmatic costs related to the submittal of compliance certification reports and auction, account, and offset project related forms.

Compliance costs will vary by CO₂ budget unit as the amount of CO₂ emitted is the primary driver of compliance costs. Overall CO₂ emissions are impacted by operational decisions such as run time, and by emissions intensity which varies by fuel type, and abatement technology employed. Additionally, certain sources may be eligible for set-aside allowances at no cost.

In 2022, this Commonwealth's CO₂ emissions from CO₂ budget sources are estimated to be 57 million short tons. Given the 3-year compliance schedule, all 57 million CO₂

allowances will not need to be purchased in the first year. The total amount of allowances available will decline as the amount of CO₂ emissions in this Commonwealth decline.

As CO₂ budget sources would need one allowance for each ton of CO₂ emitted, the owners or operators would need to acquire 57 million CO₂ allowances at the estimated 2022 allowance price of \$5.58 (2017\$/Ton). If these CO₂ allowances were all purchased at quarterly multi-state auctions in 2022, the total purchase cost would be \$318 million. The CO₂ budget sources would then most likely incorporate this compliance cost into their offer price for electricity. The price of electricity is then passed onto electric consumers. However, that does not mean that \$318 million will be passed onto this Commonwealth's electric consumers.

Electric consumer impact

Historically, this Commonwealth has exported 1/3 of its electricity generation, and that will continue into the future. In fact, if this Commonwealth participates in RGGI, electricity exports will increase even more than business-as-usual. Therefore, it can be expected that at least 1/3 of the cost of compliance would be borne by out-of-state electric consumers. In 2022, this Commonwealth's net electricity exports are estimated at 68,000 gigawatt hours (GWh), representing 31% of this Commonwealth's 2022 electricity generation of 217,476 GWh. As a result, without factoring in the strategic investment of auction proceeds, the remaining 69% of the cost of compliance or \$219 million would be borne by this Commonwealth. This percentage is also dependent on the CO₂ emissions intensity of the exported generation. However, this does not mean that electric consumers in this Commonwealth will therefore pay \$219 million. There are several other factors involved in determining the impact on consumer electric bills.

According to the EIA's Annual Energy Outlook from January 2020, the major components of the United States average price of electricity in 2019 were 58% generation, 29% distribution and 13% transmission costs. This proposed rulemaking would only impact the generation portion of a consumer electric bill, which is a little more than 1/2 of the bill. The Department's modeling estimates that over the next decade wholesale energy prices will stay in between a range of an increase of 3% and a decrease of 3% as a result of this proposed rulemaking. That amounts to a roughly 1.5% increase or decrease in the average retail electricity rate, which is less than the swing in prices traditionally seen as a result of seasonal fluctuations in the energy market.

The average residential electric consumer in this Commonwealth spends from \$97.04 to \$136.60 per month depending on whether they heat their homes with electricity or another fuel source. Although electricity rates vary in this Commonwealth by Electric Distribution Company service territories, these bill amounts represent the average electricity rates across this Commonwealth.

If this proposed rulemaking is implemented and this Commonwealth begins participating in RGGI in 2022, residential electric consumer bills will increase by an estimated 1.5% in the short-term. This amounts to an additional \$1.46 to \$2.05 per month depending on the home heating source. However, the Department's modeling shows that this minor increase is temporary. As a result of the revenue reinvestments from the auction proceeds, by 2030, energy prices will fall below business-

-as-usual prices resulting in future consumer electricity cost savings. This means electric consumers will see greater electric bill savings in the future than if this proposed rulemaking were not implemented.

Compliance assistance plan

The Department will continue to educate and assist the public and the regulated community in understanding the proposed requirements and how to comply with them throughout the rulemaking process. The Department will continue to work with the Department's provider of Small Business Stationary Source Technical and Environmental Compliance Assistance. These services are currently provided by the Environmental Management Assistance Program (EMAP) of the Pennsylvania Small Business Development Centers. The Department has partnered with EMAP to fulfill the Department's obligation to provide confidential technical and compliance assistance to small businesses as required by the APCA, section 507 of the CAA (42 U.S.C.A. § 7661f) and authorized by the Small Business and Household Pollution Prevention Program Act (35 P.S. §§ 6029.201—6029.209).

In addition to providing one-on-one consulting assistance and onsite assessments, EMAP also operates a toll-free phone line to field questions from small businesses in this Commonwealth, as well as businesses wishing to start up in, or relocate to, this Commonwealth. EMAP operates and maintains a resource-rich environmental assistance web site and distributes an electronic newsletter to educate and inform small businesses about a variety of environmental compliance issues.

Paperwork requirements

The recordkeeping and reporting requirements for owners and operators of applicable sources under this proposed rulemaking are minimal because the records required align with the records already required to be kept for emission inventory purposes and for other Federal and State requirements.

G. Pollution Prevention

The Pollution Prevention Act of 1990 (42 U.S.C.A. §§ 13101—13109) established a National policy that promotes pollution prevention as the preferred means for achieving State environmental protection goals. The Department encourages pollution prevention, which is the reduction or elimination of pollution at its source, through the substitution of environmentally friendly materials, more efficient use of raw materials and the incorporation of energy efficiency strategies. Pollution prevention practices can provide greater environmental protection with greater efficiency because they can result in significant cost savings to facilities that permanently achieve or move beyond compliance.

This proposed rulemaking would help ensure that the citizens of this Commonwealth would benefit from reduced emissions of CO₂ from regulated sources. Reduced levels of CO₂ would promote healthful air quality and ensure the continued protection of the environment and public health and welfare.

H. Sunset Review

This Board is not establishing a sunset date for this proposed rulemaking, since it is needed for the Depart-

ment to carry out its statutory authority. The Department will closely monitor this proposed rulemaking after promulgation as a final-form rulemaking in the *Pennsylvania Bulletin* for its effectiveness and recommend updates to the Board as necessary.

I. Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P.S. § 745.5(a)), on October 21, 2020, the Department submitted a copy of this proposed rulemaking to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin* and to the Independent Regulatory Review Commission (IRRC) and the Chairpersons of the House and Senate Environmental Resources and Energy Committees. In addition to submitting this proposed rulemaking, the Department has provided IRRC and the House and Senate Committees with a copy of a detailed Regulatory Analysis Form prepared by the Department. A copy of this material is available to the public upon request.

Under section 5(g) of the Regulatory Review Act, IRRC may convey any comments, recommendations or objections to the proposed rulemaking within 30 days of the close of the public comment period. The comments, recommendations or objections must specify the regulatory review criteria in section 5.2 of the Regulatory Review Act (71 P.S. § 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 Department, the General Assembly and the Governor.

J. Public Comments

Interested persons are invited to submit to the Board written comments, suggestions, support, or objections regarding this proposed rulemaking. Comments, suggestions, support or objections must be received by the Board by January 14, 2021.

Comments may be submitted to the Board by accessing the Board's online comment system at <http://www.ahs.dep.pa.gov/eComment>.

Comments may also be submitted by e-mail to RegComments@pa.gov. A subject heading of this proposed rulemaking and a return name and address must be included in each transmission.

If an acknowledgement of comments submitted online or by e-mail is not received by the sender within 2 working days, the comments should be retransmitted to the Board to ensure receipt. Comments submitted by facsimile will not be accepted.

Comments may also be submitted to the Board by mail or express mail. Written comments should be mailed to the Environmental Quality Board, P.O. Box 8477, Harrisburg, PA 17105-8477. Express mail should be sent to the Environmental Quality Board, Rachel Carson State Office Building, 16th Floor, 400 Market Street, Harrisburg, PA 17101-2301.

K. Public Hearings

In accordance with Governor Tom Wolf's emergency disaster declaration and based on advice from the Department of Health regarding the mitigation of the spread of COVID-19, the Board will hold ten virtual public hearings for the purpose of accepting comments on this proposed rulemaking. The hearings will be held as follows:

- December 8, 2020, at 9 a.m.—12 p.m.
- December 8, 2020, at 1 p.m.—4 p.m.
- December 9, 2020, at 1 p.m.—4 p.m.
- December 9, 2020, at 6 p.m.—9 p.m.

- December 10, 2020, at 1 p.m.—4 p.m.
- December 10, 2020, at 6 p.m.—9 p.m.
- December 11, 2020, at 9 a.m.—12 p.m.
- December 11, 2020, at 1 p.m.—4 p.m.
- December 14, 2020, at 1 p.m.—4 p.m.
- December 14, 2020, at 6 p.m.—9 p.m.

Persons wishing to present testimony at a hearing must contact Jennifer Swan for the Department and the Board, at (717) 783-8727 or RA-EPEQB@pa.gov at least 24 hours in advance of the hearing to reserve a time to present testimony. Language interpretation services are available upon request. Persons in need of language interpretation services must contact Jennifer Swan by 5 p.m. on December 1, 2020.

Registration to present testimony at a hearing is on a first come, first served basis. To help provide interested persons with an opportunity to present testimony, organizations are limited to designating one witness to present testimony on their behalf at one of the hearings. Verbal testimony is limited to 5 minutes for each witness. Video demonstrations and screen sharing by witnesses will not be permitted.

Witnesses are requested to submit a written copy of their verbal testimony by e-mail to RegComments@pa.gov after providing testimony at the hearing.

Information on how to access the hearings will be available on the Board's webpage found through the Public Participation tab on the Department's web site at www.dep.pa.gov (select "Public Participation," then "Environmental Quality Board"). Prior to each hearing, individuals are encouraged to visit the Board's webpage for the most current information for accessing each hearing.

Any members of the public wishing to observe the public hearing without providing testimony are also directed to access the Board's webpage. The public hearings may be accessed by means of telephone or Internet connection. Those who have not registered with Jennifer Swan in advance as described previously will remain muted for the duration of the public hearing.

Persons in need of accommodations as provided for in the Americans with Disabilities Act of 1990 should contact the Board at (717) 783-8727 or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) or (800) 654-5988 (voice users) to discuss how the Board may accommodate their needs.

PATRICK McDONNELL,
Chairperson

Fiscal Note: 7-559. No fiscal impact; (8) recommends adoption.

Annex A

**TITLE 25. ENVIRONMENTAL PROTECTION
PART I. DEPARTMENT OF ENVIRONMENTAL PROTECTION**

Subpart C. PROTECTION OF NATURAL RESOURCES

ARTICLE III. AIR RESOURCES

CHAPTER 145. INTERSTATE POLLUTION TRANSPORT REDUCTION

Subchapter E. CO₂ BUDGET TRADING PROGRAM

(Editor's Note: Sections 145.301—145.409 are proposed to be added and are printed in regular type to enhance readability.)

GENERAL PROVISIONS

Sec.	
145.301.	Purpose.
145.302.	Definitions.
145.303.	Measurements, abbreviations and acronyms.
145.304.	Applicability.
145.305.	Limited exemption for CO ₂ budget units with electrical output to the electric grid restricted by permit conditions.
145.306.	Standard requirements.
145.307.	Computation of time.

§ 145.301. Purpose.

This subchapter establishes the Pennsylvania component of the CO₂ Budget Trading Program, which is designed to reduce anthropogenic emissions of CO₂, a greenhouse gas, from CO₂ budget sources in a manner that is protective of public health, welfare and the environment.

§ 145.302. Definitions.

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

Account number—The identification number given by the Department or its agent to each CO₂ Allowance Tracking System (COATS) account.

Acid rain emissions limitation—A limitation on emissions of sulfur dioxide or NO_x under the Acid Rain Program under Title IV of the Clean Air Act (42 U.S.C.A. §§ 7651—7651o).

Acid Rain Program—A multi-state sulfur dioxide and NO_x air pollution control and emission reduction program established by the Administrator under Title IV of the Clean Air Act and 40 CFR Parts 72—78.

Adjustment for banked allowances—An adjustment that may be applied to the Pennsylvania CO₂ Budget Trading Program base budget for an allocation year to address CO₂ allowances held in general and compliance accounts, including compliance accounts established under the CO₂ Budget Trading Program, but not including accounts opened by participating states, that are in addition to the aggregate quantity of emissions from all CO₂ budget sources in all of the participating states at the end of the control period immediately preceding the allocation year and as reflected in the CO₂ Allowance Tracking System on March 15 of the year following the control period.

Administrator—The Administrator of the EPA or the Administrator's authorized representative.

Agent—A qualified entity that may assist the Department with technical and administrative support functions in accordance with the requirements of this subchapter.

Air pollution reduction account—The general account established by the Department from which CO₂ allowances will be sold or distributed to provide funds for use in the elimination of air pollution in accordance with the act and Chapter 143 (relating to disbursements from the clean air fund) and the administration of the Pennsylvania component of the CO₂ Budget Trading Program.

Allocate or allocation—The determination by the Department of the number of CO₂ allowances to be recorded in the compliance account of a CO₂ budget source, the waste coal set-aside account, the strategic use set-aside account, the cogeneration set-aside account, the air pollution reduction account, or the general account of the sponsor of an approved CO₂ emissions offset project.

Allocation year—A calendar year for which the Department allocates or awards CO₂ allowances under §§ 145.341 and 145.391—145.397 (relating to Pennsylvania

CO₂ trading program base budget; and CO₂ emissions offset projects). The allocation year of each CO₂ allowance is reflected in the unique identification number given to the allowance under § 145.354(c) (relating to recordation of CO₂ allowance allocations).

Allowance auction or auction—A bidding process in which the Department or its agent offers CO₂ allowances for sale.

Ascending price, multiple-round auction—A bidding process that starts with an opening price that increases each round by predetermined increments. In each round, a bidder offers the quantity of CO₂ allowances the bidder is willing to purchase at the posted price. Rounds continue as long as demand exceeds the quantity of CO₂ allowances offered for sale. At the completion of the final round, CO₂ allowances will be allocated by one of three methods:

(i) At the final price to remaining bidders and unsold CO₂ allowances to be withheld for a future auction.

(ii) At the penultimate price, first to final round bidders and then to bidders in the penultimate round in chronological order of bid during the penultimate round for all remaining CO₂ allowances.

(iii) According to an alternative mechanism designed to effectuate the objectives of this subchapter.

Attribute—A characteristic associated with electricity generated using a particular renewable fuel, such as its generation date, facility geographic location, unit vintage, emissions output, fuel, state program eligibility, or other characteristic that can be identified, accounted for and tracked.

Attribute credit—A unit that represents the attributes related to one megawatt-hour of electricity generation.

Automated Data Acquisition and Handling System—The component of the continuous emissions monitoring system, or other emissions monitoring system approved for use under § 145.371 (relating to general monitoring requirements), designed to interpret and convert individual output signals from pollutant concentration monitors, flow monitors, diluent gas monitors and other component parts of the monitoring system to produce a continuous record of the measured parameters in the measurement units required by § 145.371.

Award—The determination by the Department of the number of CO₂ offset allowances to be recorded in the general account of a project sponsor under § 145.397 (relating to award and recordation of CO₂ offset allowances). Award is a type of allocation.

Beneficial interest—A profit, benefit or advantage resulting from the ownership of a CO₂ allowance.

Bidder—A qualified participant who has met the requirements of §§ 145.405 and 145.406 (relating to auction participant requirements; and auction participant qualification) and has been determined by the Department to be eligible to participate in a specified CO₂ allowance auction under § 145.406.

Boiler—An enclosed fossil or other fuel-fired combustion device used to produce heat and to transfer heat to recirculating water, steam or other medium.

CEMS—continuous emissions monitoring system—The equipment required under § 145.371 to sample, analyze, measure and provide, by means of readings recorded at least once every 15 minutes, using an automated data acquisition and handling system, a permanent record of stack gas volumetric flow rate, stack gas moisture con-

tent, and oxygen or carbon dioxide concentration, as applicable, in a manner consistent with 40 CFR Part 75 (relating to continuous emission monitoring) and § 145.371. The following systems are types of continuous emissions monitoring systems required under § 145.371.

(i) A flow monitoring system, consisting of a stack flow rate monitor and an automated data acquisition and handling system and providing a permanent, continuous record of stack gas volumetric flow rate, in standard cubic feet per hour.

(ii) A nitrogen oxides emissions rate (or NO_x-diluent) monitoring system, consisting of a NO_x pollutant concentration monitor, a diluent gas (CO₂ or O₂) monitor, and an automated data acquisition and handling system and providing a permanent, continuous record of NO_x concentration, in parts per million, diluent gas concentration, in percent CO₂ or O₂; and NO_x emissions rate, in pounds per million British thermal units (lb/MMBtu).

(iii) A moisture monitoring system, as defined in 40 CFR 75.11(b)(2) (relating to specific provisions for monitoring SO₂ emissions) and providing a permanent, continuous record of the stack gas moisture content, in percent H₂O.

(iv) A carbon dioxide monitoring system, consisting of a CO₂ pollutant concentration monitor (or an oxygen monitor plus suitable mathematical equations from which the CO₂ concentration is derived) and an automated data acquisition and handling system and providing a permanent, continuous record of CO₂ emissions, in percent CO₂.

(v) An oxygen monitoring system, consisting of an O₂ concentration monitor and an automated data acquisition and handling system and providing a permanent, continuous record of O₂, in percent O₂.

COATS—CO₂ allowance tracking system—

(i) A system by which the Department or its agent records allocations, deductions and transfers of CO₂ allowances under the CO₂ Budget Trading Program.

(ii) The system may also be used to track all of the following:

- (A) CO₂ emissions offset projects.
- (B) CO₂ allowance prices.
- (C) Emissions from affected sources.

*COATS account—*An account established by the Department or its agent for purposes of recording the allocation, holding, transferring or deducting of CO₂ allowances. The tracking system may also be used to track CO₂ offset allowances, CO₂ allowance prices and emissions from affected sources.

*CO₂ allowance—*A limited authorization by the Department or a participating state under the CO₂ Budget Trading Program to emit up to 1 ton of CO₂, subject to all applicable limitations contained in this subchapter.

*CO₂ allowance auction or auction—*The sale of CO₂ allowances through competitive bidding as administered in accordance with §§ 145.401—145.409 (relating to CO₂ allowance auctions).

*CO₂ allowance deduction or deduct CO₂ allowances—*The permanent withdrawal of CO₂ allowances by the Department or its agent from a COATS compliance account to account for one of the following:

(i) The number of tons of CO₂ emitted from a CO₂ budget source for a control period or an interim control period, determined in accordance with § 145.371.

(ii) The forfeit or retirement of CO₂ allowances as provided by this subchapter.

*CO₂ allowances held or hold CO₂ allowances—*The CO₂ allowances recorded by the Department or its agent or submitted to the Department or its agent for recordation, in accordance with §§ 145.351 and 145.361 (relating to CO₂ Allowance Tracking System (COATS) accounts; and submission of CO₂ allowance transfers), in a COATS account.

*CO₂ allowance price—*The price for CO₂ allowances in the CO₂ Budget Trading Program for a particular time period as determined by the Department, calculated based on a volume-weighted average of transaction prices reported to the Department, and taking into account prices as reported publicly through reputable sources.

*CO₂ allowance transfer deadline—*Midnight of the March 1 occurring after the end of the relevant control period and each relevant interim control period or, if that March 1 is not a business day, midnight of the first business day thereafter and is the deadline by which CO₂ allowances must be submitted for recordation in a CO₂ budget source's compliance account in order for the source to meet the CO₂ requirements of § 145.306(c) (relating to standard requirements) for the control period and each interim control period immediately preceding the deadline.

CO₂ authorized account representative—

(i) For a CO₂ budget source and each CO₂ budget unit at the source, the person who is authorized by the owner or operator of the source and all CO₂ budget units at the source, in accordance with § 145.311 (relating to authorization and responsibilities of the CO₂ authorized account representative), to represent and legally bind each owner and operator in matters pertaining to the CO₂ Budget Trading Program.

(ii) For a general account, the person who is authorized under §§ 145.351—145.358 to transfer or otherwise dispose of CO₂ allowances held in the general account.

CO₂ authorized alternate account representative—

(i) For a CO₂ budget source and each CO₂ budget unit at the source, the alternate person who is authorized by the owner or operator of the source and all CO₂ budget units at the source, in accordance with § 145.311, to represent and legally bind each owner and operator in matters pertaining to the CO₂ Budget Trading Program.

(ii) For a general account, the alternate person who is authorized under §§ 145.351—145.358 to transfer or otherwise dispose of CO₂ allowances held in the general account.

*CO₂ budget emissions limitation—*For a CO₂ budget source, the tonnage equivalent, in CO₂ emissions in a control period or an interim control period, of the CO₂ allowances available for compliance deduction for the source for a control period or an interim control period.

*CO₂ budget permit condition—*The portion of the permit issued by the Department under Chapter 127 (relating to construction, modification, reactivation and operation of sources) to the owner or operator of a CO₂ budget source which specifies the CO₂ Budget Trading Program requirements applicable to the CO₂ budget source.

*CO₂ budget source—*A facility that includes one or more CO₂ budget units.

*CO₂ Budget Trading Program—*A multi-state CO₂ air pollution control and emissions reduction program established under this subchapter and corresponding regula-

tions in other participating states as a means of reducing emissions of CO₂ from CO₂ budget sources.

CO₂ budget unit—A unit that is subject to the CO₂ Budget Trading Program requirements under § 145.304 (relating to applicability).

CO₂ CCR allowance or CO₂ cost containment reserve allowance—A CO₂ allowance that is offered for sale at an auction by the Department for the purpose of containing the cost of CO₂ allowances.

CO₂ CCR trigger price or CO₂ cost containment reserve trigger price—The minimum price at which CO₂ CCR allowances are offered for sale by the Department or its agent at an auction.

CO₂ ECR allowance or CO₂ emissions containment reserve allowance—A CO₂ allowance that is withheld from sale at an auction by the Department for the purpose of additional emission reduction in the event of lower than anticipated emission reduction costs.

CO₂ ECR trigger price or CO₂ emissions containment reserve trigger price—The price below which CO₂ allowances will be withheld from sale by the Department or its agent at an auction.

CO₂e—CO₂ equivalent—The quantity of a given greenhouse gas multiplied by its global warming potential.

CO₂ offset allowance—A CO₂ allowance that is awarded to the sponsor of a CO₂ emissions offset project under § 145.397 and is subject to the relevant compliance deduction limitations of § 145.355(a)(3) (relating to compliance).

Cogeneration set-aside account—A general account established by the Department for the allocation of CO₂ allowances for retirement in an amount equal to the adjustment of the compliance obligation of a cogeneration unit under § 145.342(k) (relating to CO₂ allowance allocations).

Cogeneration unit—An electric-generating unit that simultaneously produces both electric and useful thermal energy from the same primary energy facility.

Combined cycle system—A system comprised of one or more combustion turbine, heat recovery steam generator and steam turbine configured to improve overall efficiency of electricity generation or steam production.

Combustion turbine—An enclosed fossil or other fuel-fired device that is comprised of a compressor, if applicable, a combustor and a turbine, and in which the flue gas resulting from the combustion of fuel in the combustor passes through the turbine, rotating the turbine.

Commence commercial operation—With regard to a unit that serves a generator, to have begun to produce steam, gas or other heated medium used to generate electricity for sale or use, including test generation.

(i) For a unit that is a CO₂ budget unit under § 145.304 on the date the unit commences commercial operation, the date shall remain the unit's date of commencement of commercial operation even if the unit is subsequently modified, reconstructed or repowered.

(ii) For a unit that is not a CO₂ budget unit under § 145.304 on the date the unit commences commercial operation, the date the unit becomes a CO₂ budget unit under § 145.304 is the unit's date of commencement of commercial operation.

Commence operation—To have begun any mechanical, chemical or electronic process, including, with regard to a unit, start-up of the unit's combustion chamber.

(i) For a unit that is a CO₂ budget unit under § 145.304 on the date of commencement of operation, the date shall remain the unit's date of commencement of operation even if the unit is subsequently modified, reconstructed or repowered.

(ii) For a unit that is not a CO₂ budget unit under § 145.304 on the date of commencement of operation, the date the unit becomes a CO₂ budget unit under § 145.304 shall be the unit's date of commencement of operation.

Compliance account—A COATS account, established by the Department or its agent for a CO₂ budget source under § 145.351, that holds CO₂ allowances available for use by the owner or operator of the source for a control period and each interim control period for the purpose of meeting the CO₂ requirements of § 145.306(c).

Control period—A 3-calendar-year period. The fifth control period, which is the first control period in which Pennsylvania will participate in the CO₂ Budget Trading Program, is from January 1, 2021, through December 31, 2023, inclusive. Each subsequent sequential 3-calendar-year period is a separate control period.

Decay rate—The amount of a gas removed from the atmosphere over a number of years.

Descending price, multiple-round auction—An auction that starts with a high provisional price, which falls in each round by predetermined increments. In each round, a bidder can lock in the purchase of some number of CO₂ allowances at the current provisional price and wait for the price to fall. Rounds continue so long as the number of CO₂ allowances locked-in is less than the quantity of CO₂ allowances offered for sale.

Discriminatory price, sealed-bid auction—A single-round, sealed-bid auction in which a bidder may submit multiple bids for CO₂ allowances at different prices. The price paid by winning bidders with the highest bids for CO₂ allowances is their own bid price.

Electronic submission agent—The person who is delegated authority by a CO₂ authorized account representative or a CO₂ authorized alternate account representative to make an electronic submission to the Department or its agent under this subchapter.

Eligible biomass—

(i) Sustainably harvested woody and herbaceous fuel sources that are available on a renewable or recurring basis, including dedicated energy crops and trees, agricultural food and feed crop residues, aquatic plants, unadulterated wood and wood residues, animal wastes, other clean organic wastes not mixed with other solid wastes, biogas and other neat liquid biofuels derived from these fuel sources.

(ii) This term does not include old growth timber.

Excess emissions—The amount of CO₂ emissions, in tons, emitted by a CO₂ budget source during a control period that exceeds the CO₂ budget emissions limitation for the source.

Excess interim emissions—The amount of CO₂ emissions, in tons, emitted by a CO₂ budget source during an interim control period multiplied by 0.50 that exceeds the CO₂ budget emissions limitation for the source.

General account—A COATS account established by the Department under § 145.351 that is not a compliance account.

GWP—Global Warming Potential—

(i) A measure of the radiative efficiency or heat-absorbing ability of a particular gas relative to that of CO₂ after taking into account the decay rate of each gas relative to that of CO₂.

(ii) GWPs used in this subchapter are consistent with the values used in the Intergovernmental Panel on Climate Change, Fifth Assessment Report.

Gross generation—The electrical output in MWe at the terminals of the generator.

Interim control period—A calendar-year period, during each of the first and second calendar years of each control period. The first interim control period for the fifth control period starts on January 1, 2021, and ends on December 31, 2021, inclusive. The second interim control period for the fifth control period starts on January 1, 2022, and ends on December 31, 2022, inclusive. Each successive 3-year control period will have 2 interim control periods, comprised of each of the first 2 calendar years of that control period.

Legacy emissions—The amount of CO₂ emissions in tons equal to the highest year of CO₂ emissions from a waste coal-fired unit during the 5-year period beginning January 1, 2015, through December 31, 2019, as determined by the Department.

Life-of-the-unit contractual arrangement—A unit participation power sales agreement under which a customer reserves, or is entitled to receive, a specified amount or percentage of nameplate capacity or associated energy from any specified unit under a contract for:

- (i) The life of the unit.
- (ii) A cumulative term of no less than 30 years, including a contract that permits an election for early termination.
- (iii) A period equal to or greater than 25 years or 70% of the economic useful life of the unit determined as of the time the unit is built, with option rights to purchase or release some portion of the nameplate capacity and associated energy generated by the unit at the end of the period.

Maximum potential hourly heat input—An hourly heat input used for reporting purposes when a unit lacks certified monitors to report heat input. If the unit intends to use 40 CFR Part 75, Appendix D (relating to optional SO₂ emissions data protocol for gas-fired and oil-fired units) to report heat input, this value shall be calculated, in accordance with 40 CFR Part 75, using the maximum fuel flow rate and the maximum gross calorific value. If the unit intends to use a flow monitor and a diluent gas monitor, this value shall be reported, in accordance with 40 CFR Part 75, using the maximum potential flow rate and either the maximum CO₂ concentration in percent CO₂ or the minimum O₂ concentration in percent O₂.

Minimum reserve price—The price for calendar year 2020 is \$2.32. Each calendar year thereafter, the minimum reserve price shall be 1.025 multiplied by the minimum reserve price from the previous calendar year, rounded to the nearest whole cent.

Monitoring system—A monitoring system that meets the requirements of this subchapter, including a CEMS, an excepted monitoring system or an alternative monitoring system.

Nameplate capacity—The maximum electrical output in MWe that a generator can sustain over a specified period of time when not restricted by seasonal or other de-

ratings as measured in accordance with the United States Department of Energy standards.

Notice of CO₂ allowance auction—The notification for a specific auction or auctions issued under § 145.404 (relating to auction notice).

Operator—A person who operates, controls or supervises a CO₂ budget unit or a CO₂ budget source and shall include, but not be limited to, a holding company, utility system or plant manager of the unit or source.

Owner—Any of the following persons:

(i) A holder of any portion of the legal or equitable title in a CO₂ budget unit or a CO₂ budget source.

(ii) A holder of a leasehold interest in a CO₂ budget unit or a CO₂ budget source, other than a passive lessor, or a person who has an equitable interest through such lessor, whose rental payments are not based, either directly or indirectly, upon the revenues or income from the CO₂ budget unit.

(iii) A purchaser of power from a CO₂ budget unit under a life-of-the-unit contractual arrangement in which the purchaser controls the dispatch of the unit.

(iv) With respect to any general account, a person who has an ownership interest with respect to the CO₂ allowances held in the general account and who is subject to the binding agreement for the CO₂ authorized account representative to represent that person's ownership interest with respect to CO₂ allowances.

Participating state—A state that has established a corresponding regulation as part of the CO₂ Budget Trading Program.

Pennsylvania CO₂ Budget Trading Program adjusted budget—The annual amount of CO₂ tons available in Pennsylvania for allocation in a given allocation year, in accordance with the CO₂ Budget Trading Program, determined in accordance with § 145.342. CO₂ offset allowances allocated to project sponsors and CO₂ CCR allowances offered for sale at an auction are separate from and additional to CO₂ allowances allocated from the Pennsylvania CO₂ Budget Trading Program adjusted budget.

Pennsylvania CO₂ Budget Trading Program base budget—The annual amount of CO₂ tons available in Pennsylvania for allocation in a given allocation year, in accordance with the CO₂ Budget Trading Program and as specified in § 145.341. CO₂ offset allowances allocated to project sponsors and CO₂ CCR allowances offered for sale at an auction are separate from and additional to CO₂ allowances allocated from the Pennsylvania CO₂ Budget Trading Program base budget.

Qualified participant—A person who has submitted a qualification application under § 145.406(a) and that the Department determines to be qualified to participate in CO₂ allowance auctions under § 145.406(e).

Receive or receipt of—When referring to the Department or its agent, to come into possession of a document, information or correspondence, whether sent in writing or by authorized electronic transmission, as indicated in an official correspondence log, or by a notation made on the document, information or correspondence, by the Department or its agent in the regular course of business.

Recordation, record or recorded—With regard to CO₂ allowances, the movement of CO₂ allowances by the Department or its agent from one COATS account to another, for purposes of allocation, transfer or deduction.

Reserve price—The minimum acceptable price for each CO₂ allowance offered for sale in a specific auction. The reserve price at an auction is either the minimum reserve price or the CCR trigger price, as specified in § 145.382 (relating to general requirements).

Reviewer—The individual who is delegated authority by a CO₂ authorized account representative or a CO₂ authorized alternate account representative to review information in COATS under this subchapter.

Source—A governmental, institutional, commercial or industrial structure, installation, plant, building or facility that emits or has the potential to emit any air pollutant. A source, including a source with multiple units, shall be considered a single facility.

Strategic use set-aside account—A general account established by the Department for the distribution of CO₂ allowances to encourage and foster promotion of energy efficiency measures, promotion of renewable or noncarbon-emitting energy technologies, stimulation or reward of investment in the development of innovative carbon emissions abatement technologies with significant carbon reduction potential.

Ton or tonnage—A short ton that is 2,000 pounds or 0.9072 metric ton.

Undistributed CO₂ allowance—A CO₂ allowance originally allocated to a set-aside account as under § 145.342 that were not distributed.

Uniform-price, sealed-bid auction—A single-round, sealed-bidding process in which a bidder may submit multiple bids at different prices. The price paid by all successful bidders will be uniform and equal to the highest rejected bid price.

Unit—A fossil fuel-fired stationary boiler, combustion turbine or combined cycle system.

Unit operating day—A calendar day in which a unit combusts any fuel.

Unsold CO₂ allowance—A CO₂ allowance that has been made available for sale in an auction conducted by the Department or its agent, but not sold.

Useful thermal energy—

(i) Energy in the form of direct heat, steam, hot water or other thermal form applied for a useful purpose in an industrial, institutional or commercial process.

(ii) This term does not include steam made available for electricity production.

Waste coal—The coal disposed or abandoned prior to July 31, 1982, or disposed of thereafter in a permitted coal refuse disposal site regardless of when disposed of and used to generate electricity, as defined under section 2 of the Alternative Energy Portfolio Standards Act (73 P.S. § 1648.2).

Waste coal-fired—The combustion of waste coal or, if in combination with any other fuel, waste coal comprises 75% or greater of the annual heat input on a Btu basis. Facilities combusting waste coal shall use at a minimum a circulating fluidized bed boiler and be outfitted with a limestone injection system and a fabric filter particulate removal system.

Waste coal set-aside account—A general account established by the Department for the allocation of CO₂ allowances in an amount sufficient to provide CO₂ allowances equal to the legacy emissions from all waste coal-fired units under § 145.342(i).

§ 145.303. Measurements, abbreviations and acronyms.

Measurements, abbreviations and acronyms used in this subchapter are defined as follows:

CH₄—methane.

hr—hour.

lb—pounds.

MMBtu—Million Btu.

MW—megawatt.

MWe—megawatt electrical.

§ 145.304. Applicability.

(a) *CO₂ budget unit*. Beginning _____ (*Editor's Note*: The blank refers to the effective date of this rulemaking, when published as a final-form rulemaking.), this subchapter applies to an owner or operator of a unit that, at any time on or after January 1, 2005, served or serves an electricity generator with a nameplate capacity equal to or greater than 25 MWe.

(b) *CO₂ budget source*. Any source that includes one or more CO₂ budget units shall be a CO₂ budget source, subject to the requirements of this subchapter.

§ 145.305. Limited exemption for CO₂ budget units with electrical output to the electric grid restricted by permit conditions.

(a) *Exemption*. Notwithstanding § 145.304 (relating to applicability), a CO₂ budget source that has a permit issued by the Department containing a condition restricting the supply of the CO₂ budget unit's annual electrical output to the electric grid to no more than 10% of the annual gross generation of the unit, or restricting the supply less than or equal to 15% of its annual total useful energy to any entity other than the manufacturing facility to which the CO₂ budget source is interconnected and which complies with subsection (c), shall be exempt from the requirements of this subchapter, except for the provisions of this section, §§ 145.302, 145.303, and 145.307 (relating to definitions; measurements, abbreviations and acronyms; and computation of time) and, if applicable because of the allocation of CO₂ allowances during the pre-exemption time period, §§ 145.341, 145.351 and 145.361 (relating to Pennsylvania CO₂ Budget Trading Program base budget; CO₂ Allowance Tracking System (COATS) accounts; and submission of CO₂ allowance transfers).

(b) *Effective date*. The exemption under subsection (a) shall become effective as of the January 1 on or after the date on which the restriction on the percentage of annual gross generation that may be supplied to the electric grid and the provisions in the permit required under subsection (a) become final.

(c) *Compliance*.

(1) The owner or operator of a CO₂ budget unit exempt under subsection (a) shall comply with the restriction on the percentage of annual gross generation that may be supplied to the electric grid described in subsection (a).

(2) The owner or operator of a CO₂ budget unit exempt under subsection (a) shall report to the Department the amount of annual gross generation and the amount of annual gross generation supplied to the electric grid during the calendar year by the following March 1.

(3) For a period of 10 years from the date the records are created, the owner or operator of a CO₂ budget unit exempt under subsection (a) shall retain, at the source

that includes the unit, records demonstrating that the conditions of the permit under subsection (a) were met. The Department may, in writing, extend the 10-year period for keeping records, at any time prior to the end of the period. The owner or operator bears the burden of proof that the unit met the restriction on the percentage of annual gross generation that may be supplied to the electric grid.

(4) The owner or operator and, to the extent applicable, the CO₂ authorized account representative of a CO₂ budget unit exempt under subsection (a) shall comply with the requirements of this subchapter concerning all time periods for which the exemption is not in effect, even if the requirements arise, or must be complied with, after the exemption takes effect.

(5) A CO₂ budget unit exempt under subsection (a) will lose its exemption, on the earlier of the following dates:

(i) The restriction on the percentage of annual gross generation that may be supplied to the electric grid described in subsection (a) is removed from the unit's permit or otherwise becomes no longer applicable in any year that commences on or after January 1, 2022.

(ii) The unit fails to comply or the owner or operator fails to meet their burden of proving that the unit is complying with the restriction on the percentage of annual gross generation that may be supplied to the electric grid described in subsection (a) during any year that commences on or after January 1, 2022.

(6) A unit that loses its exemption in accordance with paragraph (c)(5) shall be subject to the requirements of this subchapter. For the purposes of this subchapter, the unit shall be treated as commencing operation on the date the unit loses its exemption.

§ 145.306. Standard requirements.

(a) Permit requirements.

(1) The owner or operator of each CO₂ budget source shall have a CO₂ budget permit condition in their permit required under Chapter 127 (relating to construction, modification, reactivation and operation of sources) and shall submit to the Department the following:

(i) A complete application for a new, renewed or modified permit under § 145.323 (relating to contents of an application for a permit incorporating CO₂ Budget Trading Program requirements) in accordance with the deadlines specified in § 145.322 (relating to submission of an application for a new, renewed or modified permit incorporating CO₂ Budget Trading Program requirements).

(ii) Any supplemental information that the Department determines is necessary to review the permit application and issue or deny a permit, permit renewal or permit modification that includes CO₂ Budget Trading Program requirements.

(2) The owner or operator of each CO₂ budget source required to have a permit under Chapter 127 shall ensure that the permit incorporates the requirements of the CO₂ Budget Trading Program and shall operate the CO₂ budget source and each CO₂ budget unit at the source in compliance with the permit.

(b) Monitoring requirements.

(1) The owner or operator and, to the extent applicable, the CO₂ authorized account representative of each CO₂ budget source and each CO₂ budget unit at the source, shall comply with the monitoring requirements of §§ 145.371—145.377 (relating to monitoring, reporting and recordkeeping requirements).

(2) The Department will use the emissions measurements recorded and reported in accordance with §§ 145.371—145.377 to determine the unit's compliance with the CO₂ requirements under subsection (c).

(c) *CO₂ requirements.* A CO₂ budget unit shall be subject to the CO₂ requirements starting on January 1, 2022, or the date on which the unit commences operation, whichever is later.

(1) For the purpose of determining compliance with subsection (c)(2), total tons for a control period or an interim control period shall be calculated as the sum of all recorded hourly emissions or the tonnage equivalent of the recorded hourly emissions rates, in accordance with §§ 145.371—145.377. The Department will round total CO₂ emissions to the nearest whole ton, so that any fraction of a ton equal to or greater than 0.50 ton is deemed to equal 1 ton and any fraction of a ton less than 0.50 ton is deemed to equal zero tons.

(2) The owner or operator of each CO₂ budget source and each CO₂ budget unit at the source shall, as of the CO₂ allowance transfer deadline, hold CO₂ allowances available for compliance deductions under § 145.355 (relating to compliance), in the source's compliance account, as follows:

(i) For a control period, the amount of CO₂ allowances held shall be no less than the total CO₂ emissions for the control period from all CO₂ budget units at the source, less the CO₂ allowances deducted to meet the requirements of subsection (c)(2)(ii), with respect to the previous 2 interim control periods, as determined in accordance with §§ 145.351—145.358 (relating to CO₂ allowance tracking system) and §§ 145.371—145.377.

(ii) For an interim control period, the amount of CO₂ allowances held shall be no less than the total CO₂ emissions for the interim control period from all CO₂ budget units at the source multiplied by 0.50, as determined in accordance with §§ 145.351—145.358 and 145.371—145.377.

(3) Each ton of CO₂ emitted in excess of the CO₂ budget emissions limitation for a control period shall constitute a separate violation of this subchapter and the act.

(4) Each ton of excess interim emissions shall constitute a separate violation of this subchapter and the act.

(5) CO₂ allowances shall be held in, deducted from, or transferred among COATS accounts in accordance with §§ 145.341—145.343 (relating to CO₂ allowance allocations), 145.351—145.358, and 145.361—145.363 (relating to CO₂ allowance transfers) and 145.397 (relating to award and recordation of CO₂ offset allowances).

(6) A CO₂ allowance shall not be deducted, to comply with the requirements under subsection (c), for a control period or interim control period that ends prior to the year for which the CO₂ allowance was allocated.

(7) A CO₂ offset allowance shall not be deducted, to comply with the requirements under subsection (c), beyond the applicable percent limitations in § 145.355(a)(3).

(8) A CO₂ allowance is a limited authorization by the Department or a participating state to emit 1 ton of CO₂ in accordance with the CO₂ Budget Trading Program. No provision of the CO₂ Budget Trading Program, this subchapter, an application for a new, renewed or modified permit to incorporate the requirements of the CO₂ Budget Trading Program, a permit that includes the requirements of the CO₂ Budget Trading Program, or any

provision of law shall be construed to limit the authority of the Department or a participating state to terminate or limit the authorization.

(9) A CO₂ allowance under the CO₂ Budget Trading Program does not constitute a property right.

(d) *Excess emissions requirements.* The owner or operator of a CO₂ budget source that has excess emissions in any control period or excess interim emissions for any interim control period shall do the following:

(1) Forfeit the CO₂ allowances required for deduction under § 145.355(d)(1) and (2).

(2) Pay any fine, penalty or assessment or comply with any other remedy imposed under § 145.355(d)(3).

(e) *Recordkeeping and reporting requirements.*

(1) Except as provided in subsection (e)(1)(i), the owner or operator of the CO₂ budget source and each CO₂ budget unit at the source shall maintain at a central location and provide upon request by the Department the following documents for 10 years from the date the document is created. This period may be extended for cause, at any time prior to the end of 10 years, in writing by the Department.

(i) The account certificate of representation for the CO₂ authorized account representative for the CO₂ budget source and each CO₂ budget unit at the source and all documents that demonstrate the truth of the statements in the account certificate of representation, in accordance with § 145.314 (relating to account certificate of representation). The certificate and documents shall be retained beyond the 10-year period until the documents are superseded because of the submission of a new account certificate of representation changing the CO₂ authorized account representative.

(ii) The emissions monitoring information, in accordance with §§ 145.371—145.377 and 40 CFR 75.57 (relating to general recordkeeping provisions).

(iii) Copies of all reports, compliance certifications and other submissions and all records made or required under the CO₂ Budget Trading Program.

(iv) Copies of the documents used to complete an application for a new or modified permit that incorporates the requirements of the CO₂ Budget Trading Program and any submission under the CO₂ Budget Trading Program or to demonstrate compliance with the requirements of the CO₂ Budget Trading Program.

(2) The CO₂ authorized account representative of a CO₂ budget source and each CO₂ budget unit at the source shall submit the reports and compliance certifications required under this subchapter, including the requirements under §§ 145.331 and 145.332 (relating to compliance certification report; and Department action on compliance certifications).

(f) *Liability.*

(1) Except as provided under § 127.403 (relating to permitting of sources operating lawfully without a permit), a permit revision may not excuse any violation of the requirements of this subchapter that occurs prior to the date that the revision takes effect.

(2) Any provision of this subchapter that applies to a CO₂ authorized account representative shall apply to the owner or operator of the source and of the CO₂ budget units at the source.

(3) Any provision of this subchapter that applies to a CO₂ budget source shall also apply to the owner or operator of the source and of the CO₂ budget units at the source.

(4) Any provision of this subchapter that applies to a CO₂ budget unit shall also apply to the owner or operator of the unit.

(g) *Effect on other authorities.* No provision of this subchapter, a permit application or a permit shall be construed as exempting or excluding the owner or operator and, to the extent applicable, the CO₂ authorized account representative, from compliance with any provision of the act, the Clean Air Act or the regulations promulgated under the Clean Air Act or the act.

§ 145.307. Computation of time.

(a) Unless otherwise stated, any time period scheduled, under the CO₂ Budget Trading Program, to begin on the occurrence of an act or event shall begin on the day the act or event occurs.

(b) Unless otherwise stated, any time period scheduled, under the CO₂ Budget Trading Program, to begin before the occurrence of an act or event shall be computed so that the period ends the day before the act or event occurs.

(c) Unless otherwise stated, if the final day of any time period, under the CO₂ Budget Trading Program, falls on a weekend or a State or Federal holiday, the time period shall be extended to the next business day.

CO₂ AUTHORIZED ACCOUNT REPRESENTATIVE FOR A CO₂ BUDGET SOURCE

Sec.

145.311. Authorization and responsibilities of the CO₂ authorized account representative.

145.312. CO₂ authorized alternate account representative.

145.313. Changing the CO₂ authorized account representative and the CO₂ authorized alternate account representative; changes in the owners and operators.

145.314. Account certificate of representation.

145.315. Objections concerning the CO₂ authorized account representative.

145.316. Delegation of authority to make electronic submissions and review information in COATS.

§ 145.311. Authorization and responsibilities of the CO₂ authorized account representative.

(a) Except as provided under § 145.312 (relating to CO₂ authorized alternate account representative), each CO₂ budget source, including all CO₂ budget units at the source, shall have only one CO₂ authorized account representative, with regard to all matters under the CO₂ Budget Trading Program concerning the source or any CO₂ budget unit at the source.

(b) The CO₂ authorized account representative of the CO₂ budget source shall be selected by an agreement binding on the owner or operator of the source and all CO₂ budget units at the source and must act in accordance with the certificate of representation under § 145.314 (relating to account certificate of representation).

(c) Upon receipt by the Department or its agent of a complete account certificate of representation under § 145.314, the CO₂ authorized account representative of the source shall represent and, by their representations, actions, inactions or submissions, legally bind each owner and operator of the CO₂ budget source represented and each CO₂ budget unit at the source in all matters pertaining to the CO₂ Budget Trading Program, notwithstanding any agreement between the CO₂ authorized

account representative and the owner or operator. The owner or operator shall be bound by any decision or order issued to the CO₂ authorized account representative by the Department or a court regarding the source or unit.

(d) The Department will issue a permit that incorporates the requirements of the CO₂ Budget Trading Program and establish a COATS account for a CO₂ budget source only after the Department or its agent has received a complete account certificate of representation under § 145.314 for a CO₂ authorized account representative of the source and the CO₂ budget units at the source.

(e) Each submission under the CO₂ Budget Trading Program shall be submitted, signed and certified by the CO₂ authorized account representative for each CO₂ budget source on behalf of which the submission is made. Each submission shall include the following certification statement by the CO₂ authorized account representative:

“I am authorized to make this submission on behalf of the owner or operator of the CO₂ budget sources or CO₂ budget units for which the submission is made. I certify under penalty of law that I have personally examined, and am familiar with, the statements and information submitted in this document and all its attachments. Based on my inquiry of those individuals with primary responsibility for obtaining the information, I certify that the statements and information are to the best of my knowledge and belief true, accurate and complete. I am aware that there are significant penalties under 18 Pa.C.S. § 4904 for submitting false statements and information or omitting required statements and information.”

(f) The Department or its agent will accept or act on a submission made on behalf of the owner or operator of a CO₂ budget source or a CO₂ budget unit only if the submission has been made, signed and certified in accordance with subsection (e).

§ 145.312. CO₂ authorized alternate account representative.

(a) An account certificate of representation may designate only one CO₂ authorized alternate account representative who may act on behalf of the CO₂ authorized account representative. The agreement by which the CO₂ authorized alternate account representative is selected shall include a procedure for authorizing the CO₂ authorized alternate account representative to act instead of the CO₂ authorized account representative.

(b) Upon receipt by the Department or its agent of a complete account certificate of representation under § 145.314 (relating to account certificate of representation), any representation, action, inaction or submission by the CO₂ authorized alternate account representative shall be deemed to be a representation, action, inaction or submission by the CO₂ authorized account representative.

(c) Except in this section and §§ 145.311(a), 145.313, 145.314 and 145.352, whenever the term “CO₂ authorized account representative” is used in this subchapter, the term shall include the CO₂ authorized alternate account representative.

§ 145.313. Changing the CO₂ authorized account representative and the CO₂ authorized alternate account representative; changes in the owner or operator.

(a) *Changing the CO₂ authorized account representative.* The CO₂ authorized account representative may be changed at any time upon receipt by the Department or

its agent of a superseding complete account certificate of representation under § 145.314 (relating to account certificate of representation). Notwithstanding a change, the representations, actions, inactions and submissions by the previous CO₂ authorized account representative or CO₂ authorized alternate account representative prior to the time and date when the Department or its agent receives the superseding account certificate of representation shall be binding on the new CO₂ authorized account representative and the owner or operator of the CO₂ budget source and the CO₂ budget units at the source.

(b) *Changing the CO₂ authorized alternate account representative.* The CO₂ authorized alternate account representative may be changed at any time upon receipt by the Department or its agent of a superseding complete account certificate of representation under § 145.314. Notwithstanding a change, the representations, actions, inactions and submissions by the previous CO₂ authorized alternate account representative prior to the time and date when the Department or its agent receives the superseding account certificate of representation shall be binding on the new CO₂ authorized alternate account representative and the owner or operator of the CO₂ budget source and the CO₂ budget units at the source.

(c) *Changes in the owner or operator.*

(1) If a new owner or operator of a CO₂ budget source or a CO₂ budget unit is not included in the list of owners and operators submitted in the account certificate of representation, the new owner or operator shall be deemed to be subject to and bound by the account certificate of representation, the representations, actions, inactions and submissions of the CO₂ authorized account representative and any CO₂ authorized alternate account representative of the source or unit, and the decisions, orders, actions and inactions of the Department, as if the new owner or operator were included in the list.

(2) Within 30 days following any change in the owner or operator of a CO₂ budget source or a CO₂ budget unit, including the addition of a new owner or operator, the CO₂ authorized account representative or CO₂ authorized alternate account representative shall submit a revision to the account certificate of representation amending the list of owners and operators to include the change.

§ 145.314. Account certificate of representation.

(a) A complete account certificate of representation for a CO₂ authorized account representative or a CO₂ authorized alternate account representative shall include the following elements in a format prescribed by the Department or its agent:

(1) Identification of the CO₂ budget source and each CO₂ budget unit at the source for which the account certificate of representation is submitted.

(2) The name, address, e-mail address and telephone number of the CO₂ authorized account representative and any CO₂ authorized alternate account representative.

(3) A list of the owners and operators of the CO₂ budget source and of each CO₂ budget unit at the source.

(4) The following certification statement by the CO₂ authorized account representative and any CO₂ authorized alternate account representative:

“I certify that I was selected as the CO₂ authorized account representative or CO₂ authorized alternate account representative, as applicable, by an agreement binding on the owner or operator of the CO₂ budget source and each CO₂ budget unit at the source. I certify

that I have all the necessary authority to carry out my duties and responsibilities under the CO₂ Budget Trading Program on behalf of the owner or operator of the CO₂ budget source and of each CO₂ budget unit at the source and that each owner and operator shall be fully bound by my representations, actions, inactions, or submissions and by any decision or order issued to me by the Department or a court regarding the source or unit.”

(5) The signature of the CO₂ authorized account representative and any CO₂ authorized alternate account representative and the dates signed.

(b) Unless otherwise required by the Department or its agent, documents of agreement referred to in the account certificate of representation shall not be submitted to the Department or its agent. The Department and its agent are not under any obligation to review or evaluate the sufficiency of documents of agreement, if submitted.

§ 145.315. Objections concerning the CO₂ authorized account representative.

(a) Once a complete account certificate of representation under § 145.314 (relating to account certificate of representation) has been submitted and received, the Department and its agent will rely on the account certificate of representation unless the Department or its agent receives a superseding complete account certificate of representation under § 145.314.

(b) Except as provided in § 145.313(a) or (b) (relating to changing the CO₂ authorized account representative and the CO₂ authorized alternate account representative; changes in the owners and operators), an objection or other communication submitted to the Department or its agent concerning the authorization, or any representation, action, inaction or submission of the CO₂ authorized account representative will not affect any representation, action, inaction or submission of the CO₂ authorized account representative or the finality of a decision or order by the Department or its agent under the CO₂ Budget Trading Program.

(c) The Department and its agent will not adjudicate any private legal dispute concerning the authorization or any representation, action, inaction or submission of a CO₂ authorized account representative, including private legal disputes concerning the proceeds of CO₂ allowance transfers.

§ 145.316. Delegation of authority to make electronic submissions and review information in COATS.

(a) A CO₂ authorized account representative or a CO₂ authorized alternate account representative may delegate, to one or more persons, their authority to make an electronic submission to the Department or its agent under this subchapter.

(b) To delegate authority to make an electronic submission to the Department or its agent, the CO₂ authorized account representative or CO₂ authorized alternate account representative must submit to the Department or its agent a notice of delegation, in a format prescribed by the Department that includes the following:

(1) The name, address, e-mail address and telephone number of the delegating CO₂ authorized account representative or CO₂ authorized alternate account representative.

(2) The name, address, e-mail address and telephone number of each electronic submission agent.

(3) For each electronic submission agent, a list of the type of electronic submissions under subsection (a) for which authority is delegated.

(4) The following certification statements by the delegating CO₂ authorized account representative or CO₂ authorized alternate account representative:

(i) “I agree that any electronic submission to the Department or its agent that is by the electronic submission agent identified in this notice of delegation and of a type listed for the electronic submission agent in this notice of delegation and that is made when I am a CO₂ authorized account representative or CO₂ authorized alternate account representative and before this notice of delegation is superseded by another notice of delegation under subsection (d) shall be deemed to be an electronic submission by me.”

(ii) “Until this notice of delegation is superseded by another notice of delegation under subsection (d), I agree to maintain an e-mail account and to notify the Department or its agent immediately of any change in my e-mail address unless all delegation authority by me under this subsection is terminated.”

(c) A notice of delegation submitted under subsection (b) will be effective, with regard to the CO₂ authorized account representative or CO₂ authorized alternate account representative identified in the notice, upon receipt of the notice by the Department or its agent and until receipt by the Department or its agent of a superseding notice of delegation by the CO₂ authorized account representative or CO₂ authorized alternate account representative. The superseding notice of delegation may replace any previously identified electronic submission agent, add a new electronic submission agent or eliminate entirely any delegation of authority.

(d) Any electronic submission covered by the certification under subsection (b)(4) and made in accordance with a notice of delegation effective under subsection (b) shall be deemed to be an electronic submission by the CO₂ authorized account representative or CO₂ authorized alternate account representative submitting the notice of delegation.

(e) A CO₂ authorized account representative or a CO₂ authorized alternate account representative may delegate, to one or more persons, their authority to review information in COATS under this subchapter.

(f) To delegate authority to review information in COATS under subsection (e), the CO₂ authorized account representative or CO₂ authorized alternate account representative must submit to the Department or its agent a notice of delegation, in a format prescribed by the Department that includes the following:

(1) The name, address, e-mail address and telephone number of the delegating CO₂ authorized account representative or CO₂ authorized alternate account representative.

(2) The name, address, e-mail address and telephone number of each reviewer.

(3) For each reviewer, a list of the type of information under subsection (e) for which authority is delegated.

(4) The following certification statements by the delegating CO₂ authorized account representative or CO₂ authorized alternate account representative:

(i) “I agree that any information that is reviewed by the reviewer identified in this notice of delegation and of a type listed for the information accessible by the re-

viewer in this notice of delegation and that is made when I am a CO₂ authorized account representative or CO₂ authorized alternate account representative and before this notice of delegation is superseded by another notice of delegation under subsection (g) shall be deemed to be a review by me.”

(ii) “Until this notice of delegation is superseded by another notice of delegation under subsection (g), I agree to maintain an e-mail account and to notify the Department or its agent immediately of any change in my e-mail address unless all delegation authority by me under this subsection is terminated.”

(g) A notice of delegation submitted under subsection (f) shall be effective, with regard to the CO₂ authorized account representative or CO₂ authorized alternate account representative identified in the notice, upon receipt of the notice by the Department or its agent and until receipt by the Department or its agent of a superseding notice of delegation by the CO₂ authorized account representative or CO₂ authorized alternate account representative. The superseding notice of delegation may replace any previously identified reviewer, add a new reviewer or eliminate entirely any delegation of authority.

PERMITS

- Sec. 145.321. General requirements for a permit incorporating CO₂ Budget Trading Program requirements.
- 145.322. Submission of an application for a new, renewed or modified permit incorporating CO₂ Budget Trading Program requirements.
- 145.323. Contents of an application for a permit incorporating CO₂ Budget Trading Program requirements.

§ 145.321. General requirements for a permit incorporating CO₂ Budget Trading Program requirements.

(a) Except as provided under § 127.403 (relating to permitting of sources operating lawfully without a permit), each CO₂ budget source must have a permit issued by the Department under Chapter 127 (relating to construction, modification, reactivation and operation of sources).

(b) The permit for each CO₂ budget source shall contain all applicable CO₂ Budget Trading Program requirements.

§ 145.322. Submission of an application for a new, renewed or modified permit incorporating CO₂ Budget Trading Program requirements.

(a) For any CO₂ budget source, the owner or operator shall submit a complete permit application under Chapter 127 (relating to construction, modification, reactivation and operation of sources) incorporating the CO₂ Budget Trading Program requirements in this subchapter to the Department by the later of the following:

- (1) 6 months after _____ (*Editor’s Note:* The blank refers to the effective date of this rulemaking, when published as a final-form rulemaking.)
- (2) 12 months before the date on which the CO₂ budget source, or a new unit at the source, commences operation.

(b) If the Department approves the incorporation of CO₂ Budget Trading Program requirements into a permit, the Department will establish permit conditions in the permit that will enable the Department to readily verify whether emissions from the source operations meet the requirements of this subchapter. Such permit conditions will set forth replicable procedures, including monitoring, source emissions testing and recordkeeping and reporting procedures, sufficient to ensure that emissions are quanti-

fied and recorded and that compliance with the emissions limitation under this subchapter is enforceable.

§ 145.323. Contents of an application for a permit incorporating CO₂ Budget Trading Program requirements.

A complete permit application shall include the following concerning the CO₂ budget source for which the application is submitted, in a format prescribed by the Department:

- (1) Identification of the CO₂ budget source, including plant name and the Office of Regulatory Information Systems or facility code assigned to the source by the Energy Information Administration of the United States Department of Energy, if applicable.
- (2) Identification of each CO₂ budget unit at the CO₂ budget source.
- (3) The standard requirements under § 145.306 (relating to standard requirements).
- (4) The compliance certification requirements under § 145.331 (relating to compliance certification report).
- (5) The compliance requirements under § 145.355 (relating to compliance).
- (6) The monitoring, recordkeeping and reporting requirements under §§ 145.371—145.377 (relating to monitoring, reporting and recordkeeping requirements).

COMPLIANCE CERTIFICATION

- Sec. 145.331. Compliance certification report.
- 145.332. Department action on compliance certifications.

§ 145.331. Compliance certification report.

(a) *Applicability and deadline.* For each control period, except for an interim control period, in which a CO₂ budget source is subject to the CO₂ requirements of § 145.306(c) (relating to standard requirements), the CO₂ authorized account representative of the source shall submit a compliance certification report to the Department by March 1 following the relevant control period.

(b) *Contents of report.* The CO₂ authorized account representative shall include in the compliance certification report under subsection (a) the following:

- (1) Identification of the CO₂ budget source and each CO₂ budget unit at the source.
- (2) At the CO₂ authorized account representative’s option, the serial numbers of the CO₂ allowances that are to be deducted from the source’s compliance account under § 145.355 (relating to compliance) for the control period or an interim control period, including the serial numbers of any CO₂ offset allowances that are to be deducted subject to the limitations of § 145.355(a)(3).
- (3) The compliance certification under subsection (c).

(c) *Compliance certification.* In the compliance certification report under subsection (a), the CO₂ authorized account representative shall certify, based on reasonable inquiry of those persons with primary responsibility for operating the source and the CO₂ budget units at the source in compliance with the CO₂ Budget Trading Program, whether the source and each CO₂ budget unit at the source for which the compliance certification is submitted was operated during the calendar years covered by the report in compliance with the requirements of the CO₂ Budget Trading Program, including the following:

(1) Whether the CO₂ budget source was operated in compliance with the CO₂ requirements of § 145.306(c).

(2) Whether the monitoring plan applicable to each unit at the source has been maintained to reflect the actual operation and monitoring of the unit and contains the information necessary to attribute CO₂ emissions to the unit, in accordance with §§ 145.371—145.377 (relating to monitoring, reporting and recordkeeping requirements).

(3) Whether all the CO₂ emissions from the units at the source were monitored or accounted for through the missing data procedures and reported in the quarterly monitoring reports, including whether conditional data were reported in the quarterly reports in accordance with §§ 145.371—145.377. If conditional data were reported, the owner or operator shall indicate whether the status of all conditional data has been resolved and all necessary quarterly report resubmissions have been made.

(4) Whether the facts that form the basis for certification under §§ 145.371—145.377 of each monitor at each unit at the source, or for using an excepted monitoring method or alternative monitoring method approved under §§ 145.371—145.377, if any, have changed.

(5) If a change is required to be reported under subsection (c)(4), specify the nature of the change, the reason for the change, when the change occurred and how the unit's compliance status was determined subsequent to the change, including what method was used to determine emissions when a change mandated the need for monitor recertification.

§ 145.332. Department action on compliance certifications.

(a) The Department or its agent may review and conduct independent audits concerning any compliance certification or any other submission under the CO₂ Budget Trading Program and make appropriate adjustments of the information in the compliance certification or other submission.

(b) The Department or its agent may deduct CO₂ allowances from or transfer CO₂ allowances to a CO₂ budget source's compliance account based on the information in the compliance certification or other submission, as adjusted under subsection (a).

CO₂ ALLOWANCE ALLOCATIONS

Sec.

145.341. Pennsylvania CO₂ Budget Trading Program base budget.

145.342. CO₂ allowance allocations.

145.343. Distribution of CO₂ allowances in the air pollution reduction account.

§ 145.341. Pennsylvania CO₂ Budget Trading Program base budget.

(a) For 2022, the Pennsylvania CO₂ Budget Trading Program base budget is 78,000,000 tons.

(b) For 2023, the Pennsylvania CO₂ Budget Trading Program base budget is 75,510,630 tons.

(c) For 2024, the Pennsylvania CO₂ Budget Trading Program base budget is 73,021,260 tons.

(d) For 2025, the Pennsylvania CO₂ Budget Trading Program base budget is 70,531,890 tons.

(e) For 2026, the Pennsylvania CO₂ Budget Trading Program base budget is 68,042,520 tons.

(f) For 2027, the Pennsylvania CO₂ Budget Trading Program base budget is 65,553,150 tons.

(g) For 2028, the Pennsylvania CO₂ Budget Trading Program base budget is 63,063,780 tons.

(h) For 2029, the Pennsylvania CO₂ Budget Trading Program base budget is 60,574,410 tons.

(i) For 2030 and each succeeding calendar year, the Pennsylvania CO₂ Budget Trading Program base budget is 58,085,040 tons.

§ 145.342. CO₂ allowance allocations.

(a) *General allocations.* The Department will allocate CO₂ allowances representing 100% of the tons for each allocation year from the Pennsylvania CO₂ Budget Trading Program base budget set forth in § 145.341 (relating to Pennsylvania CO₂ Budget Trading Program base budget) to the air pollution reduction account, less those CO₂ allowances set aside each allocation year under subsection (b).

(b) *Set-aside allocations.*

(1) *Waste coal set-aside account.* The Department will allocate CO₂ allowances to a waste coal set-aside account for each allocation year from the Pennsylvania CO₂ Budget Trading Program base budget set forth in § 145.341, as provided under subsection (i).

(2) *Strategic use set-aside account.* The Department will allocate undistributed CO₂ allowances to the strategic use set-aside account for each allocation year from the waste coal set-aside account, as provided under subsection (j).

(3) *Cogeneration set-aside account.* The Department will allocate CO₂ allowances to a cogeneration set-aside account for each allocation year from the Pennsylvania CO₂ Budget Trading Program base budget set forth in § 145.341, as provided under subsection (k).

(c) *CO₂ allowances available for allocation.* For the allocation year 2022 and each succeeding calendar year, the Pennsylvania CO₂ Budget Trading Program adjusted budget shall be the maximum number of CO₂ allowances available for allocation in a given allocation year, except for CO₂ offset allowances and CO₂ CCR allowances. In any year in which there is no adjusted budget, the adjusted budget shall equal the base budget.

(d) *Cost Containment Reserve (CCR) allocation.* To contain the cost of CO₂ allowances, the Department will allocate CO₂ CCR allowances, separate from and additional to the Pennsylvania CO₂ Budget Trading Program base budget set forth in § 145.341, to the air pollution reduction account. The Department will allocate CO₂ CCR allowances by doing the following:

(1) The Department will initially allocate CCR allowances for calendar year 2022 in an amount equal to 10% of the Pennsylvania CO₂ Budget Trading Program base budget for 2022 set forth in § 145.341(a).

(2) On or before January 1, 2023, and on or before January 1 of each calendar year thereafter, the Department will allocate current vintage year CCR allowances equal to 10% of the Pennsylvania CO₂ Budget Trading Program base budget for the calendar year and withdraw the number of CO₂ CCR allowances that remain in the air pollutant reduction account at the end of the prior calendar year.

(e) *Emissions Containment Reserve (ECR) Withholding.* To provide additional emissions reductions in the event of lower than anticipated emissions reduction costs, the Department will convert and transfer any CO₂ allowances

that have been withheld from any auction into the Pennsylvania ECR account. The Department will withhold CO₂ ECR allowances by doing the following:

(1) If the condition in § 145.382(d)(1) (relating to general requirements) is met at an auction, then the maximum number of CO₂ ECR allowances that will be withheld from that auction will be equal to 10% of the Pennsylvania CO₂ Budget Trading Program base budget for that calendar year minus the total quantity of CO₂ ECR allowances that have been withheld from any prior auction in that calendar year. Any CO₂ ECR allowances withheld from an auction will be transferred into the Pennsylvania ECR account.

(2) CO₂ allowances that have been transferred into the Pennsylvania ECR account will remain in the Pennsylvania ECR account as CO₂ ECR allowances and not be withdrawn.

(f) *Adjustment for banked allowances.* The Department may determine whether any adjustments for banked allowances will be made by using the following formula:

$$ABA = ((A - AE)/Y) \times RS\%$$

Where:

ABA = The adjustment for banked allowances quantity in tons.

A (adjustment) = The total quantity of CO₂ allowances of vintage years held in general and compliance accounts, including compliance accounts established under the CO₂ Budget Trading Program, but not including accounts opened by participating states, as reflected in COATS.

AE (adjustment emissions) = The total quantity of emissions from all CO₂ budget sources in all participating states, reported under the CO₂ Budget Trading Program as reflected in COATS prior to the year of the adjustment.

RS% = The Commonwealth's adjustment year budget divided by the adjustment year regional budget.

Y = The time period in years over which the adjustment occurs.

(g) *CO₂ Budget Trading Program adjusted budget.* The Department may establish the Pennsylvania CO₂ Budget Trading Program adjusted budget for an allocation year by the following formula:

$$AB = BB - ABA$$

Where:

AB = The Pennsylvania CO₂ Budget Trading Program adjusted budget.

BB = The Pennsylvania CO₂ Budget Trading Program base budget.

ABA = The adjustment for banked allowances quantity in tons.

(h) If the Department determines to adjust the budget for banked allowances under subsections (f) and (g), the Department will publish in the *Pennsylvania Bulletin* the CO₂ Budget Trading Program adjusted budget for the allocation year.

(i) *Waste coal set-aside allocation.* The waste coal set-aside allocation will consist of tons from the Pennsylvania CO₂ Budget Trading Program base budget set forth in § 145.341, as applicable. The Department will administer the waste coal set-aside account in accordance with the following:

(1) *Applicability.* This subsection applies to waste coal-fired units located in Pennsylvania that commenced op-

eration on or before _____ (*Editor's Note:* The blank refers to the effective date of this rulemaking, when published as a final-form rulemaking.), that are subject to the CO₂ Budget Trading Program requirements under § 145.304 (relating to applicability).

(2) *General account.* The Department will open and manage a general account for the waste coal set-aside account.

(3) *Allowance transfer.* By March 1 of each calendar year, the Department may transfer a portion of the CO₂ allowances allocated to the air pollution reduction account to the waste coal set-aside account in an amount equal to legacy emissions from waste coal-fired units applicable under subsection (i)(1). The Department has determined that the total amount of legacy emissions equal 9,300,000 tons.

(4) *Compliance allocation.* Except for a year with an exceedance of legacy emissions under subsection (i)(5), by March 1 of each calendar year, the Department will allocate CO₂ allowances from the waste coal set-aside account to the compliance account of each waste coal-fired unit in an amount equal to the actual number of CO₂ emissions in tons emitted from the waste coal-fired unit during the previous year.

(i) After allocating CO₂ allowances under subsection (i)(4), the Department will transfer any undistributed CO₂ allowances from the waste coal set-aside account to the strategic use set-aside account.

(ii) CO₂ allowances allocated under this subsection must only be used for compliance with the CO₂ budget emissions limitation for the waste coal-fired unit. The sale or transfer of CO₂ allowances from the unit's compliance account will be considered a violation of this subchapter.

(5) *Exception for exceedance of legacy emissions.* If the total actual CO₂ emissions from waste coal-fired units exceed 9,300,000 tons during a calendar year, the Department will account for the exceedance as follows:

(i) By February 15 of the year following the exceedance, the Department will determine the difference between each unit's legacy emissions and the unit's actual emissions during the previous year.

(ii) By February 15 of the year following the exceedance, the Department will allocate CO₂ allowances from the waste coal set-aside account to the compliance account of each waste coal-fired unit in an amount equal to the actual number of CO₂ emissions in tons emitted from the waste coal-fired unit during the previous year minus the exceedance of legacy emissions.

(iii) After the allocation under subsection (i)(5)(ii), if there are CO₂ allowances remaining in the waste coal set-aside account, the Department may distribute CO₂ allowances to each waste coal-fired unit requiring CO₂ allowances to meet the CO₂ requirements under § 145.306(c) (relating to standard requirements) in an amount proportionate to the exceedance.

(iv) By the CO₂ allowance transfer deadline of the year following the exceedance, the owner or operator of each waste coal-fired unit requiring additional CO₂ allowances to satisfy the CO₂ requirements under § 145.306(c) must transfer CO₂ allowances for compliance deductions under § 145.355 (relating to compliance) to the compliance account of the unit.

(6) *Set-aside termination.* If no CO₂ allowances are allocated under subsection (i)(4) in any calendar year due

to the fact that there were no actual CO₂ emissions from waste coal-fired units subject to this subsection, then the CO₂ allowances remaining in the waste coal set-aside account will be transferred to the strategic use set-aside account. No additional CO₂ allowances will be allocated to the waste coal set-aside account under subsection (i)(3) and the Department will close the waste coal set-aside account.

(j) *Strategic use set-aside allocation.* The strategic use set-aside allocation will consist of undistributed CO₂ allowances from the waste coal set-aside account. The Department will administer the strategic use set-aside account in accordance with the following:

(1) *General account.* The Department will open and manage a general account for the strategic use set-aside account.

(2) *Allowance transfer.* By April 1 of each calendar year, the Department will transfer undistributed CO₂ allowances allocated to the waste coal set-aside account to the strategic use set-aside account.

(3) *Allocation to eligible projects.* The Department may distribute CO₂ allowances from the strategic use set-aside account for the use in the elimination of air pollution including the following:

(i) Encourage and foster promotion of energy efficiency measures.

(ii) Promotion of renewable or noncarbon-emitting energy technologies.

(iii) Stimulation or reward of investment in the development of innovative carbon emissions abatement technologies with significant carbon reduction potential.

(k) *Cogeneration set-aside allocation.* The cogeneration set-aside allocation will consist of tons from the Pennsylvania CO₂ Budget Trading Program base budget set forth in § 145.341, as applicable. The Department will administer the cogeneration set-aside account in accordance with the following:

(1) *Applicability.* The Department will adjust the compliance obligation of a CO₂ budget unit that is a cogeneration unit for which a complete application has been filed under subsection (k)(3).

(2) *General account.* The Department will open and manage a general account for the cogeneration set-aside account.

(3) *Compliance obligation adjustment application.* By January 30 of the year following the allocation year for which the compliance obligation adjustment is being requested, the CO₂ authorized account representative seeking the compliance obligation adjustment for a cogeneration unit shall submit to the Department a complete application, in a format prescribed by the Department, that includes the following:

(i) Documentation that the CO₂ budget unit is a cogeneration unit.

(ii) Identification of the compliance account for the CO₂ budget unit.

(iii) Identification of the allocation year for which an adjustment request is being made.

(iv) Specification of the amount of the adjustment being requested, as determined under subsection (k)(4).

(v) The calculations and supporting data used to determine the compliance obligation adjustment being requested and an explanation of the data and the methods on which the calculations are based.

(4) *Compliance obligation adjustment determination.* After verifying that the information submitted in the application under paragraph (k)(3) is complete and accurate, the Department will determine the compliance obligation adjustment for a CO₂ budget unit that meets the applicability requirements under paragraph (k)(1) based on the CO₂ emissions from the CO₂ budget unit during the allocation year for which an adjustment request is being submitted. The Department will adjust the compliance obligation by reducing the total CO₂ emissions by an amount equal to the CO₂ that is emitted as a result of providing useful thermal energy or electricity, or both, supplied directly to the co-located facility during the allocation year. The compliance obligation will include CO₂ emissions associated with the production of electricity that is supplied to a regional electric grid, transmission and related distribution systems and the cogeneration unit will be responsible for securing CO₂ allowances for those emissions.

(5) *Retirement and transfer of CO₂ allowances.* At the end of each control period, the Department will retire CO₂ allowances from the cogeneration set-aside account in an amount equal to the CO₂ emissions deducted from one or more compliance obligations under subsection (k)(4). The Department will transfer any remaining CO₂ allowances to the air pollution reduction account to be available for auction.

§ 145.343. Distribution of CO₂ allowances in the air pollution reduction account.

(a) Except for the CO₂ allowances allocated to the waste coal set-aside account under § 145.342(i) (relating to CO₂ allowance allocations), the strategic use set-aside account under § 145.342(j) and the cogeneration set-aside account under § 145.342(k), the Department will make all CO₂ allowances for an allocation year that are held in the air pollution reduction account for that allocation year available for purchase or auction by no later than the December 31 of the calendar year that corresponds to that allocation year.

(b) The Department will administer the air pollution reduction account so that CO₂ allowances will be sold in a transparent allowance auction. The proceeds of the auction will be used in the elimination of air pollution in accordance with the act and Chapter 143 (relating to disbursements from the Clean Air Fund) and for programmatic costs associated with the CO₂ Budget Trading Program.

(c) The Department or its agent, will not be obligated to sell any CO₂ allowances for less than the reserve price.

(d) The Department may transfer to the air pollution reduction account undistributed or unsold CO₂ allowances at the end of each control period, including CO₂ allowances allocated to the waste coal set-aside account under § 145.342(i), the strategic use set-aside account under § 145.342(j) and the cogeneration set-aside account under § 145.342(k).

CO₂ ALLOWANCE TRACKING SYSTEM

Sec.	
145.351.	CO ₂ Allowance Tracking System (COATS) accounts.
145.352.	Establishment of accounts.
145.353.	COATS responsibilities of CO ₂ authorized account representative and CO ₂ authorized alternate account representative.
145.354.	Recordation of CO ₂ allowance allocations.
145.355.	Compliance.
145.356.	Banking.
145.357.	Account error.
145.358.	Closing of general accounts.

§ 145.351. CO₂ Allowance Tracking System (COATS) accounts.

(a) *Nature and function of compliance accounts.* Consistent with § 145.352(a) (relating to establishment of accounts), the Department or its agent will establish one compliance account for each CO₂ budget source. Allocations of CO₂ allowances under §§ 145.341—145.343 (relating to CO₂ allowance allocations) and deductions or transfers of CO₂ allowances under §§ 145.332, 145.355 and 145.357 (relating to Department action on compliance certifications; compliance; and account error) or §§ 145.361—145.363 (relating to of CO₂ allowance transfers) will be recorded in the compliance accounts.

(b) *Nature and function of general accounts.* Consistent with § 145.352(b), the Department or its agent will establish, upon request, a general account for any person. Transfers of CO₂ allowances under §§ 145.361—145.363 will be recorded in the general account.

§ 145.352. Establishment of accounts.

(a) *Compliance accounts.* Upon receipt of a complete account certificate of representation under § 145.314 (relating to account certificate of representation), the Department or its agent will establish a compliance account for each CO₂ budget source for which the account certificate of representation was submitted.

(b) *General accounts.*

(1) Any person may apply to open a general account for the purpose of holding and transferring CO₂ allowances by submitting a complete application for a general account to the Department or its agent that includes the following:

(i) The name, mailing address, e-mail address and telephone number of the CO₂ authorized account representative and any CO₂ authorized alternate account representative.

(ii) The organization name and type of organization.

(iii) A list of all persons subject to a binding agreement for the CO₂ authorized account representative or any CO₂ authorized alternate account representative to represent their ownership interest with respect to the CO₂ allowances held in the general account.

(iv) The following certification statement by the CO₂ authorized account representative and any CO₂ authorized alternate account representative:

“I certify that I was selected as the CO₂ authorized account representative or the CO₂ authorized alternate account representative by an agreement that is binding on all persons who have an ownership interest with respect to CO₂ allowances held in the general account. I certify that I have all the necessary authority to carry out my duties and responsibilities under the CO₂ Budget Trading Program on behalf of all persons and that each person shall be fully bound by my representations, actions, inactions or submissions and by any order or decision issued to me by the Department or its agent or a court regarding the general account.”

(v) The signature of the CO₂ authorized account representative and any CO₂ authorized alternate account representative and the dates signed.

(vi) Unless otherwise required by the Department or its agent, documents of agreement referred to in the application for a general account should not be submitted to the Department or its agent. The Department and its

agent are not under any obligation to review or evaluate the sufficiency of any documents of agreement, if submitted.

(2) *Authorization of CO₂ authorized account representative.*

(i) Upon receipt by the Department or its agent of a complete application for a general account under subsection (b)(1), the Department or its agent will establish a general account for the person for whom the application is submitted.

(ii) The CO₂ authorized account representative and any CO₂ authorized alternate account representative for the general account shall represent and, by their representations, actions, inactions or submissions, legally bind each person who has an ownership interest with respect to CO₂ allowances held in the general account in all matters pertaining to the CO₂ Budget Trading Program, notwithstanding an agreement between the CO₂ authorized account representative or any CO₂ authorized alternate account representative and the person. This person shall be bound by any order or decision issued to the CO₂ authorized account representative or any CO₂ authorized alternate account representative by the Department or its agent or a court regarding the general account.

(iii) Any representation, action, inaction or submission by any CO₂ authorized alternate account representative shall be deemed to be a representation, action, inaction or submission by the CO₂ authorized account representative.

(iv) Each submission concerning the general account shall be submitted, signed and certified by the CO₂ authorized account representative or any CO₂ authorized alternate account representative for the persons having an ownership interest with respect to CO₂ allowances held in the general account. Each submission shall include the following certification statement by the CO₂ authorized account representative or any CO₂ authorized alternate account representative:

“I am authorized to make this submission on behalf of the persons having an ownership interest with respect to the CO₂ allowances held in the general account. I certify under penalty of law that I have personally examined, and am familiar with, the statements and information submitted in this document and all its attachments. Based on my inquiry of those individuals with primary responsibility for obtaining the information, I certify that the statements and information are to the best of my knowledge and belief true, accurate and complete. I am aware that there are significant penalties under 18 Pa.C.S. § 4904 for submitting false statements and information or omitting required statements and information.”

(v) The Department or its agent will accept or act on a submission concerning the general account only if the submission has been made, signed and certified in accordance with subsection (b)(2)(iv).

(3) *Changing CO₂ authorized account representative and CO₂ authorized alternate account representative; changes in persons with ownership interest.*

(i) The CO₂ authorized account representative or the CO₂ authorized alternate account representative for a general account may be changed at any time upon receipt by the Department or its agent of a superseding complete application for a general account under subsection (b)(1). Notwithstanding a change, the representations, actions, inactions and submissions by the previous CO₂ authorized account representative, or the previous CO₂ autho-

rized alternate account representative, prior to the time and date when the Department or its agent receives the superseding application for a general account shall be binding on the new CO₂ authorized account representative or the new CO₂ authorized alternate account representative and the persons with an ownership interest with respect to the CO₂ allowances in the general account.

(ii) A revision of ownership listing shall include the following:

(A) If a new person having an ownership interest with respect to CO₂ allowances in the general account is not included in the list of persons in the application for a general account, the new person shall be deemed to be subject to and bound by the application for a general account, the representations, actions, inactions and submissions of the CO₂ authorized account representative and any CO₂ authorized alternate account representative, and the decisions, orders, actions and inactions of the Department or its agent, as if the new person were included in the list.

(B) Within 30 days following any change in the persons having an ownership interest with respect to CO₂ allowances in the general account, including the addition or deletion of persons, the CO₂ authorized account representative or any CO₂ authorized alternate account representative shall submit a revision to the application for a general account amending the list of persons having an ownership interest with respect to the CO₂ allowances in the general account to include the change.

(4) *Objections concerning CO₂ authorized account representative.*

(i) Once a complete application for a general account under subsection (b)(1) has been submitted and received, the Department or its agent will rely on the application until a superseding complete application for a general account under subsection (b)(3)(i) is received by the Department or its agent.

(ii) Except as provided in subsections (b)(3)(i) and (ii), no objection or other communication submitted to the Department or its agent concerning the authorization, or any representation, action, inaction or submission of the CO₂ authorized account representative or any CO₂ authorized alternate account representative for a general account will affect any representation, action, inaction or submission of the CO₂ authorized account representative or any CO₂ authorized alternate account representative or the finality of any decision or order by the Department or its agent under the CO₂ Budget Trading Program.

(iii) The Department or its agent will not adjudicate a private legal dispute concerning the authorization or any representation, action, inaction or submission of the CO₂ authorized account representative or any CO₂ authorized alternate account representative for a general account, including private legal disputes concerning the proceeds of CO₂ allowance transfers.

(5) *Delegation by CO₂ authorized account representative and CO₂ authorized alternate account representative.*

(i) A CO₂ authorized account representative or a CO₂ authorized alternate account representative may delegate, to one or more persons, their authority to make an electronic submission to the Department or its agent under § 145.361 (relating to submission of CO₂ allowance transfers).

(ii) To delegate authority to make an electronic submission to the Department or its agent in accordance with

subsection (b)(5)(1), the CO₂ authorized account representative or CO₂ authorized alternate account representative must submit to the Department or its agent a notice of delegation, in a format prescribed by the Department that includes the following:

(A) The name, address, e-mail address and telephone number of the CO₂ authorized account representative or CO₂ authorized alternate account representative.

(B) The name, address, e-mail address and telephone number of each electronic submission agent.

(C) For each electronic submission agent, a list of the type of electronic submissions under subsection (b)(5)(1) for which authority is delegated.

(D) The following certification statements by the delegating CO₂ authorized account representative or CO₂ authorized alternate account representative:

(I) "I agree that any electronic submission to the Department or its agent that is by an electronic submission agent identified in this notice of delegation and of a type listed for the electronic submission agent in this notice of delegation and that is made when I am a CO₂ authorized account representative or CO₂ authorized alternate account representative before this notice of delegation is superseded by another notice of delegation under 25 Pa. Code § 145.352(b)(5)(ii) shall be deemed to be an electronic submission by me."

(II) "Until this notice of delegation is superseded by another notice of delegation under 25 Pa. Code § 145.352(b)(5)(ii), I agree to maintain an e-mail account and to notify the Department or its agent immediately of any change in my e-mail address unless all delegation authority by me under subparagraph (b)(5)(ii) is terminated."

(iii) A notice of delegation submitted under subsection (b)(5)(ii) shall be effective, with regard to the delegating CO₂ authorized account representative or CO₂ authorized alternate account representative identified in the notice, upon receipt of the notice by the Department or its agent and until receipt by the Department or its agent of a superseding notice of delegation by the CO₂ authorized account representative or CO₂ authorized alternate account representative. The superseding notice of delegation may replace any previously identified electronic submission agent, add a new electronic submission agent, or eliminate entirely any delegation of authority.

(iv) Any electronic submission covered by the certification in subsection (b)(5)(ii)(D) and made in accordance with a notice of delegation effective under subsection (b)(5)(ii) shall be deemed to be an electronic submission by the CO₂ authorized account representative or CO₂ authorized alternate account representative submitting the notice of delegation.

(c) *Account identification.* The Department or its agent will assign a unique identifying number to each account established under subsection (a) or subsection (b).

§ 145.353. COATS responsibilities of CO₂ authorized account representative and CO₂ authorized alternate account representative.

Following the establishment of a COATS account, the submissions to the Department or its agent pertaining to the account, including submissions concerning the deduction or transfer of CO₂ allowances in the account, shall be made only by the CO₂ authorized account representative or CO₂ authorized alternate account representative for the account.

§ 145.354. Recordation of CO₂ allowance allocations.

(a) By January 1 of each calendar year, the Department or its agent will record the CO₂ allowances allocated for the air pollution reduction account under § 145.342(a) (relating to CO₂ allowance allocations).

(b) By January 1 of each calendar year, the Department or its agent will record the CO₂ allowances allocated for the waste coal set-aside account under § 145.342(b)(1), for the strategic use set-aside account under § 145.342(b)(2) and for the cogeneration set-aside account under § 145.342(b)(3) for the year after the last year for which CO₂ allowances were previously allocated to the set-aside account.

(c) The Department or its agent will assign each CO₂ allowance a serial number that will include digits identifying the year for which the CO₂ allowance is allocated.

§ 145.355. Compliance.

(a) *Allowances available for compliance deduction.* The CO₂ allowances are available to be deducted for compliance with the CO₂ requirements under § 145.306(c) (relating to standard requirements) for a control period or an interim control period only if the CO₂ allowances meet the following:

(1) The CO₂ allowances, other than CO₂ offset allowances, are allocated for a prior control period, the same control period or the interim control period for which the allowances will be deducted.

(2) The CO₂ allowances are held in the CO₂ budget source's compliance account as of the CO₂ allowance transfer deadline for that control period or the interim control period or are transferred into the compliance account by a CO₂ allowance transfer correctly submitted for recordation under § 145.361 (relating to submission of CO₂ allowance transfers) by the CO₂ allowance transfer deadline for that control period or the interim control period.

(3) For CO₂ offset allowances, the number of CO₂ offset allowances available to be deducted in order for a CO₂ budget source to comply with the CO₂ requirements under § 145.306(c) for a control period or an interim control period may not exceed 3.3% of the CO₂ budget source's CO₂ emissions for that control period or 3.3% of 0.50 times the CO₂ budget source's CO₂ emissions for an interim control period, as determined in accordance with §§ 145.351—145.358 (relating to CO₂ allowance tracking system) and 145.371—145.377 (relating to monitoring, reporting and recordkeeping requirements).

(4) The CO₂ allowances are not necessary for deductions for excess emissions for a prior control period under subsection (d).

(b) *Deductions for compliance.* Following the recordation, in accordance with § 145.362 (relating to recordation), of CO₂ allowance transfers submitted for recordation in the CO₂ budget source's compliance account by the CO₂ allowance transfer deadline for a control period or interim control period, the Department or its agent will deduct CO₂ allowances available under subsection (a) to cover the source's CO₂ emissions for the control period or interim control period, as follows:

(1) Until the amount of CO₂ allowances deducted equals the number of tons of total CO₂ emissions, or 0.50 times the number of tons of total CO₂ emissions for an interim control period, less any CO₂ emissions attributable to the burning of eligible biomass, determined in

accordance with §§ 145.371—145.377, from all CO₂ budget units at the CO₂ budget source for the control period or interim control period.

(2) Until there are no more CO₂ allowances remaining in the compliance account that are available to be deducted under subsection (a), if there are insufficient CO₂ allowances to complete the deductions in subsection (b)(1).

(c) *Allowance identification.*

(1) The CO₂ authorized account representative for a CO₂ budget source's compliance account may identify by serial number the CO₂ allowances to be deducted from the compliance account for emissions or excess emissions for a control period or an interim control period in accordance with subsection (b) or subsection (d). The identification shall be made in the compliance certification report submitted in accordance with § 145.331 (relating to compliance certification report).

(2) The Department or its agent will deduct CO₂ allowances for a control period or an interim control period from the CO₂ budget source's compliance account, in the absence of an identification or in the case of a partial identification of available CO₂ allowances by serial number under subsection (c)(1), in the following order:

(i) CO₂ offset allowances subject to the relevant compliance deduction limitations under subsection (a)(3) will be deducted in chronological order. In the event that some, but not all, CO₂ offset allowances from a particular allocation year are to be deducted, CO₂ offset allowances will be deducted by serial number, with lower serial number allowances deducted before higher serial number allowances.

(ii) CO₂ allowances, other than CO₂ offset allowances, that are available for deduction under subsection (a) will be deducted in chronological order. In the event that some, but not all, CO₂ allowances from a particular allocation year are to be deducted, CO₂ allowances will be deducted by serial number, with lower serial number allowances deducted before higher serial number allowances.

(d) *Deductions for excess emissions.*

(1) After making the deductions for compliance under subsection (b), the Department or its agent will deduct from the CO₂ budget source's compliance account a number of CO₂ allowances, equal to 3 times the number of the CO₂ budget source's excess emissions.

(2) If the compliance account does not contain sufficient CO₂ allowances to cover 3 times the number of the CO₂ budget source's excess emissions, the CO₂ budget source shall immediately transfer CO₂ allowances into its compliance account in an amount equal to 3 times the number of the CO₂ budget source's excess emissions. No CO₂ offset allowances may be deducted to account for the source's excess emissions.

(3) A CO₂ allowance deduction required under subsection (d)(1) will not affect the liability of the owner or operator of the CO₂ budget source or the CO₂ budget units at the source for any fine, penalty or assessment, or their obligation to comply with any other remedy, for the same violation, as ordered under the Clean Air Act or the act. The following guidelines will be followed by the Department in assessing fines, penalties or other obligations:

(i) For purposes of determining the number of days of violation, if a CO₂ budget source has excess emissions for

a control period or an interim control period, each day in the control period or an interim control period constitutes a day of violation unless the owner or operator of the unit demonstrates that a lesser number of days should be considered.

(ii) Each ton of excess emissions is a separate violation.

(e) *Recordation.* The Department or its agent will record in the appropriate compliance account all deductions from the account under subsections (b)—(d).

(f) *Action by the Department on submissions.*

(1) The Department may review and conduct independent audits concerning any submission under the CO₂ Budget Trading Program and make appropriate adjustments of the information in the submissions.

(2) The Department may deduct CO₂ allowances from or transfer CO₂ allowances to a CO₂ budget source's compliance account based on information in the submissions, as adjusted under subsection (f)(1).

§ 145.356. Banking.

A CO₂ allowance that is held in a compliance account or a general account will remain in the account until the CO₂ allowance is deducted or transferred under § 145.332, § 145.355, § 145.357 or §§ 145.361—145.363.

§ 145.357. Account error.

The Department or its agent may correct any error in a COATS account. Within 10 business days of making the correction, the Department or its agent will notify the CO₂ authorized account representative for the account.

§ 145.358. Closing of general accounts.

(a) The CO₂ authorized account representative of a general account may instruct the Department or its agent to close the account by submitting a statement requesting deletion of the account from COATS and by correctly submitting for recordation under § 145.361 (relating to submission of CO₂ allowance transfers) a CO₂ allowance transfer of all CO₂ allowances in the account to one or more other COATS account.

(b) If a general account shows no activity for 1 year or more and does not contain any CO₂ allowances, the Department or its agent may notify the CO₂ authorized account representative for the account that the account will be closed in COATS following 30 business days after the notice is sent. The Department or its agent will close the account after the 30-day period unless before the end of the 30-day period the Department or its agent receives a correctly submitted transfer of CO₂ allowances into the account under § 145.361 or a statement submitted by the CO₂ authorized account representative requesting that the account should not be closed. The Department or its agent will have sole discretion to determine if the owner or operator of the unit demonstrated that the account should not be closed.

CO₂ ALLOWANCE TRANSFERS

Sec.

145.361 Submission of CO₂ allowance transfers.

145.362 Recordation.

145.363 Notification.

§ 145.361. Submission of CO₂ allowance transfers.

The CO₂ authorized account representatives seeking recordation of a CO₂ allowance transfer shall submit the transfer to the Department or its agent. The CO₂ allowance transfer shall include the following, in a format prescribed by the Department:

(1) The numbers identifying the accounts of the transferor and transferee.

(2) A specification by serial number of each CO₂ allowance to be transferred.

(3) The printed name and signature of the CO₂ authorized account representative of the transferor account and the date signed.

(4) The date of the completion of the last sale or purchase transaction for the CO₂ allowance, if any.

(5) The purchase or sale price of the CO₂ allowance that is the subject of a sale or purchase transaction under paragraph (4).

§ 145.362. Recordation.

(a) Within 5 business days of receiving a CO₂ allowance transfer, except as provided in subsection (b), the Department or its agent will record a CO₂ allowance transfer by moving each CO₂ allowance from the account of the transferor to the account of the transferee as specified by the request, if the following are met:

(1) The transfer is correctly submitted under § 145.361 (relating to submission of CO₂ allowance transfers).

(2) The account of the transferor includes each CO₂ allowance identified by serial number in the transfer.

(b) A CO₂ allowance transfer into or out of a compliance account that is submitted for recordation following the CO₂ allowance transfer deadline and that includes any CO₂ allowance allocated for a control period or interim control period prior to or the same as the control period or interim control period to which the CO₂ allowance transfer deadline applies will not be recorded until after completion of the process in § 145.355(b) (relating to compliance).

(c) A CO₂ allowance transfer submitted for recordation that fails to meet the requirements of subsection (a) will not be recorded.

§ 145.363. Notification.

(a) *Notification of recordation.* Within 5 business days of recordation of a CO₂ allowance transfer under § 145.362 (relating to recordation), the Department or its agent will notify each party to the transfer. Notice will be given to the CO₂ authorized account representative of the account of the transferor and the CO₂ authorized account representative of the account of the transferee.

(b) *Notification of non-recordation.* Within 10 business days of receipt of a CO₂ allowance transfer that fails to meet the requirements of § 145.362(a), the Department or its agent will notify the CO₂ authorized account representative of the account of the transferor and the CO₂ authorized account representative of the account of the transferee of the following:

(1) A decision not to record the transfer.

(2) The reasons for the non-recordation.

(c) *Resubmission.* Nothing in this section precludes the resubmission of a CO₂ allowance transfer for recordation following notification under subsection (b).

MONITORING, REPORTING AND RECORDKEEPING REQUIREMENTS

Sec.

145.371 General monitoring requirements.

145.372 Initial certification and recertification procedures.

145.373 Out-of-control periods.

145.374 Notifications.

145.375 Recordkeeping and reporting.

145.376 Petitions.

145.377 CO₂ budget units that co-fire eligible biomass.

§ 145.371. General monitoring requirements.

The owner or operator, and to the extent applicable, the CO₂ authorized account representative of a CO₂ budget unit, shall comply with the monitoring, recordkeeping and reporting requirements as provided in this section and §§ 145.372—145.377 and all applicable sections of 40 CFR Part 75 (relating to continuous emission monitoring). Where referenced in §§ 145.371—145.377 (relating to monitoring, reporting and recordkeeping requirements), the monitoring requirements of 40 CFR Part 75 shall be adhered to in a manner consistent with the purpose of monitoring and reporting CO₂ mass emissions under this subchapter. For purposes of complying with these requirements, the definitions in § 145.302 (relating to definitions) and in 40 CFR 72.2 (relating to definitions) apply, and the terms “affected unit,” “designated representative” and “continuous emissions monitoring system” in 40 CFR Part 75 shall be replaced by the terms “CO₂ budget unit,” “CO₂ authorized account representative” and “continuous emissions monitoring system,” respectively, as defined in § 145.302. For units not subject to an acid rain emissions limitation, the term “Administrator” in 40 CFR Part 75 shall be replaced with “the Administrator, Department or its agent.” The owner or operator of a CO₂ budget unit who monitors a unit that is not a CO₂ budget unit pursuant to the common, multiple or bypass stack procedures in 40 CFR 75.72(b)(2)(ii) (relating to determination of NO_x mass emissions for common stack and multiple stack configurations) or 40 CFR 75.16(b)(2)(ii)(B) (relating to special provisions for monitoring emissions from common, bypass, and multiple stacks for SO₂ emissions and heat input determinations) as pursuant to 40 CFR 75.13 (relating to specific provisions for monitoring CO₂ emissions) for purposes of complying with this subchapter, shall monitor and report CO₂ mass emissions from a unit that is not a CO₂ budget unit in accordance with the monitoring, reporting and recordkeeping requirements for a CO₂ budget unit under §§ 145.371—145.377.

(1) *Requirements for installation, certification and data accounting.* The owner or operator of each CO₂ budget unit must meet the following:

(i) Install all monitoring systems necessary to monitor CO₂ mass emissions in accordance with 40 CFR Part 75, except for equation G-1. This includes all systems required to monitor CO₂ concentration, stack gas flow rate, O₂ concentration, heat input and fuel flow rate, in accordance with 40 CFR Part 75, Subpart H (relating to NO_x mass emissions provisions).

(ii) Successfully complete all certification tests required under § 145.372 (relating to initial certification and recertification procedures) and meet all other provisions of this subchapter and 40 CFR Part 75 applicable to the monitoring systems under paragraph (1)(i).

(iii) Record, report and quality-assure the data from the monitoring systems under paragraph (1)(i).

(2) *Compliance dates.* The owner or operator of a CO₂ budget unit shall meet the monitoring system certification and other requirements of paragraph (1) and shall record, report and quality-assure data from the monitoring systems under paragraph (1)(i) according to the following schedule:

(i) Except for a CO₂ budget unit under paragraph (2)(ii), a CO₂ budget unit that commences commercial operation before July 1, 2021, shall comply with this section and §§ 145.372—145.377 by January 1, 2022.

(ii) A CO₂ budget unit that commences commercial operation on or after July 1, 2021, shall comply with the

requirements of this section and §§ 145.372—145.377 by the later of the following dates:

(A) January 1, 2022.

(B) The earlier of:

(I) 90-unit operating days after the date on which the unit commences commercial operation.

(II) 180 calendar days after the date on which the unit commences commercial operation.

(iii) The owner or operator of a CO₂ budget unit for which construction of a new stack or flue installation is completed after the applicable deadline under paragraph (2)(i) or (2)(ii) by the earlier of:

(A) 90-unit operating days after the date on which emissions first exit to the atmosphere through the new stack or flue.

(B) 180 calendar days after the date on which emissions first exit to the atmosphere through the new stack or flue.

(3) *Reporting data.*

(i) Except as provided in paragraph (3)(ii), the owner or operator of a CO₂ budget unit that does not meet the applicable compliance date set forth in paragraph (2) for any monitoring system under paragraph (1)(i) shall, for each monitoring system, determine, record and report maximum potential, or as appropriate minimum potential, values for CO₂ concentration, CO₂ emissions rate, stack gas moisture content, fuel flow rate, heat input and any other parameter required to determine CO₂ mass emissions under 40 CFR 75.31(b)(2) or 40 CFR 75.31(c)(3) (relating to initial missing data procedures), or 40 CFR Part 75, Appendix D, Section 2.4 (relating to optional SO₂ emissions data protocol for gas-fired and oil-fired units), as applicable.

(ii) The owner or operator of a CO₂ budget unit that does not meet the applicable compliance date set forth in paragraph (2)(iii) for any monitoring system under paragraph (1)(i) shall, for each monitoring system, determine, record and report substitute data using the applicable missing data procedures in 40 CFR Part 75, Subpart D (relating to missing data substitution procedures) or Appendix D, instead of the maximum potential, or as appropriate minimum potential, values for a parameter if the owner or operator demonstrates that there is continuity between the data streams for that parameter before and after the construction or installation under paragraph (2)(iii).

(A) A CO₂ budget unit subject to an acid rain emissions limitation that qualifies for the optional SO₂, NO_x and CO₂ emissions calculations for low mass emissions (LME) units under 40 CFR 75.19 (relating to optional SO₂, NO_x, and CO₂ emissions calculation for low mass emissions (LME) units) and report emissions for the acid rain program using the calculations under 40 CFR 75.19, shall also use the CO₂ emissions calculations for LME units under 40 CFR 75.19 for purposes of compliance with this subchapter.

(B) A CO₂ budget unit subject to an acid rain emissions limitation that does not qualify for the optional SO₂, NO_x and CO₂ emissions calculations for LME units under 40 CFR 75.19, shall not use the CO₂ emissions calculations for LME units under 40 CFR 75.19 for purposes of compliance with this subchapter.

(C) A CO₂ budget unit not subject to an acid rain emissions limitation shall qualify for the optional CO₂

emissions calculation for LME units under 40 CFR 75.19, if the unit emits less than 100 tons of NO_x annually and no more than 25 tons of SO₂ annually.

(4) *Prohibitions.*

(i) An owner or operator of a CO₂ budget unit may not use an alternative monitoring system, alternative reference method or another alternative for the required CEMS without having obtained prior written approval in accordance with § 145.376 (relating to petitions).

(ii) An owner or operator of a CO₂ budget unit may not operate the unit so as to discharge, or allow to be discharged, CO₂ emissions to the atmosphere without accounting for the emissions in accordance with the applicable provisions of this subchapter and 40 CFR Part 75.

(iii) An owner or operator of a CO₂ budget unit may not disrupt the CEMS, a portion thereof or another approved emissions monitoring method, and thereby avoid monitoring and recording CO₂ mass emissions discharged into the atmosphere, except for periods of recertification or periods when calibration, quality assurance testing or maintenance is performed in accordance with the applicable provisions of this subchapter and 40 CFR Part 75.

(iv) An owner or operator of a CO₂ budget unit may not retire or permanently discontinue use of the CEMS, any component thereof or another approved emissions monitoring system under this subchapter, except under one of the following circumstances:

(A) The owner or operator is monitoring emissions from the unit with another certified monitoring system approved, in accordance with the applicable provisions of this subchapter and 40 CFR Part 75, by the Department for use at the unit that provides emissions data for the same pollutant or parameter as the retired or discontinued monitoring system.

(B) The CO₂ authorized account representative submits notification of the date of certification testing of a replacement monitoring system in accordance with § 145.372(d)(3)(i) (relating to initial certification and recertification procedures).

§ 145.372. Initial certification and recertification procedures.

(a) *Exemption.* The owner or operator of a CO₂ budget unit shall be exempt from the initial certification requirements for a monitoring system under § 145.371(1)(i) (relating to general monitoring requirements) if the following conditions are met:

(1) The monitoring system has been previously certified in accordance with 40 CFR Part 75 (relating to continuous emission monitoring).

(2) The applicable quality-assurance and quality-control requirements of 40 CFR 75.21 (relating to quality assurance and quality control requirements) and 40 CFR Part 75, Appendix B (relating to quality assurance and quality control procedures) and Appendix D (relating to optional SO₂ emissions data protocol for gas-fired and oil-fired units) are fully met for the certified monitoring system described in subsection (a)(1).

(b) *Applicability.* The recertification provisions of this section shall apply to a monitoring system under § 145.371(1)(i) that is exempt from initial certification requirements under subsection (a).

(c) *Petitions.* Notwithstanding subsection (a), if the Administrator approved a petition under 40 CFR

75.72(b)(2)(ii) or 40 CFR 75.16(b)(2)(ii)(B) (relating to determination of NO_x mass emissions for common stack and multiple stack configurations; and special provisions for monitoring emissions from common, bypass, and multiple stacks for SO₂ emissions and heat input determinations) as pursuant to 40 CFR 75.13 (relating to specific provisions for monitoring CO₂ emissions) for apportioning the CO₂ emissions rate measured in a common stack or a petition under 40 CFR 75.66 (relating to petitions to the administrator) for an alternative requirement in 40 CFR Part 75, the CO₂ authorized account representative shall submit the petition to the Department under § 145.376(a) (relating to petitions) to determine if the approval applies under the CO₂ Budget Trading Program.

(d) *Certification and recertification.* Except as provided in subsection (a), the owner or operator of a CO₂ budget unit shall comply with the initial certification and recertification procedures for a CEMS and an excepted monitoring system under 40 CFR Part 75, Appendix D and under § 145.371(1)(i). The owner or operator of a CO₂ budget unit that qualifies to use the low mass emissions excepted monitoring methodology in 40 CFR 75.19 (relating to optional SO₂, NO_x, and CO₂ emissions calculation for low mass emissions (LME) units) or that qualifies to use an alternative monitoring system under 40 CFR Part 75, Subpart E (relating to alternative monitoring systems) shall comply with the procedures in subsection (e) or subsection (f), respectively.

(1) *Requirements for initial certification.* The owner or operator of a CO₂ budget unit shall ensure that each CEMS required under § 145.371(1)(i), including the automated data acquisition and handling system, successfully completes all of the initial certification testing required under 40 CFR 75.20 (relating to initial certification and recertification procedures) by the applicable deadlines specified in § 145.371(2). In addition, whenever the owner or operator installs a monitoring system to meet the requirements of this subchapter in a location where no monitoring system was previously installed, initial certification in accordance with 40 CFR 75.20 is required.

(2) *Requirements for recertification.*

(i) Whenever the owner or operator makes a replacement, modification or change to a certified CEMS under § 145.371(1)(i) that the Administrator or the Department determines significantly affects the ability of the system to accurately measure or record CO₂ mass emissions or to meet the quality-assurance and quality-control requirements of 40 CFR 75.21 or 40 CFR Part 75, Appendix B, the owner or operator shall recertify the monitoring system according to 40 CFR 75.20(b).

(ii) For a system using stack measurements including stack flow, stack moisture content, CO₂ or O₂ monitors, whenever the owner or operator makes a replacement, modification or change to the flue gas handling system or the unit's operation that the Administrator or the Department determines to significantly change the flow or concentration profile, the owner or operator shall recertify the CEMS according to 40 CFR 75.20(b).

(3) *Approval process for initial certification and recertification.*

(i) *Notification of certification.* The CO₂ authorized account representative shall submit to the Department and the appropriate EPA Regional Office a written notice of the dates of certification in accordance with § 145.374 (relating to notifications).

(ii) *Certification application.* The CO₂ authorized account representative shall submit to the Department a

certification application for each monitoring system required under 40 CFR 75.63 (relating to initial certification or recertification application). A complete certification application shall include the information specified in 40 CFR 75.63.

(iii) *Provisional certification data.* The provisional certification date for a monitor shall be determined in accordance with 40 CFR 75.20(a)(3). A provisionally certified monitor may be used under the CO₂ budget Trading Program for a period not to exceed 120 days after receipt by the Department of the complete certification application for the monitoring system or component thereof under subsection (d)(3)(i). Data measured and recorded by the provisionally certified monitoring system or component thereof, in accordance with the requirements of 40 CFR Part 75, will be considered valid quality-assured data (retroactive to the date and time of provisional certification), if the Department does not invalidate the provisional certification by issuing a notice of disapproval within 120 days of receipt of the complete certification application by the Department.

(iv) *Certification application approval process.* The Department will issue a written notice of approval or disapproval of the certification application to the owner or operator within 120 days of receipt of the complete certification application under subsection (d)(3)(ii). If the Department does not issue the notice within the 120-day period, each monitoring system which meets the applicable performance requirements of 40 CFR Part 75 and is included in the certification application will be deemed certified for use under the CO₂ Budget Trading Program.

(A) *Approval notice.* If the certification application is complete and shows that each monitoring system meets the applicable performance requirements of 40 CFR Part 75, the Department will issue a written notice of approval of the certification application within 120 days of receipt.

(B) *Incomplete application notice.* If the certification application is not complete, the Department will issue a written notice of incompleteness that sets a date by which the CO₂ authorized account representative must submit the additional information required to complete the certification application. If the CO₂ authorized account representative does not comply with the notice of incompleteness by the specified date, then the Department may issue a notice of disapproval under subsection (d)(3)(iv)(C). The 120-day review period may not begin prior to receipt of a complete certification application.

(C) *Disapproval notice.* If the certification application shows that any monitoring system or component thereof does not meet the performance requirements of 40 CFR Part 75, or if the certification application is incomplete and the requirement for disapproval under subsection (d)(3)(iv)(B) is met, then the Department will issue a written notice of disapproval of the certification application. Upon issuance of the notice of disapproval, the provisional certification is invalidated by the Department and the data measured and recorded by each uncertified monitoring system or component thereof will not be considered valid quality-assured data beginning with the date and hour of provisional certification. The owner or operator shall follow the procedures for loss of certification in subsection (d)(3)(v) for each monitoring system or component thereof which is disapproved for initial certification.

(D) *Audit decertification.* The Department may issue a notice of disapproval of the certification status of a monitor in accordance with § 145.373(b) (relating to out-of-control periods).

(v) *Procedures for loss of certification.* If the Department issues a notice of disapproval of a certification application under subsection (d)(3)(iv)(C) or a notice of disapproval of certification status under subsection (d)(3)(iv)(D), the following apply:

(A) The owner or operator shall substitute the following values, for each disapproved monitoring system, for each hour of unit operation during the period of invalid data beginning with the date and hour of provisional certification and continuing until the time, date and hour specified under 40 CFR 75.20(a)(5)(i) or 40 CFR 75.20(g)(7):

(I) For a unit using or intending to monitor for CO₂ mass emissions using heat input or for a unit using the low mass emissions excepted methodology under 40 CFR 75.19, the maximum potential hourly heat input of the unit.

(II) For a unit intending to monitor for CO₂ mass emissions using a CO₂ pollutant concentration monitor and a flow monitor, the maximum potential concentration of CO₂ and the maximum potential flow rate of the unit under 40 CFR Part 75, Appendix A, Section 2.1 (relating to specifications and test procedures).

(B) The CO₂ authorized account representative shall submit a notification of certification retest dates and a new certification application in accordance with subsections (d)(3)(i) and (ii).

(C) The owner or operator shall repeat all certification tests or other requirements that were failed by the monitoring system, as indicated in the Department's notice of disapproval, no later than 30-unit operating days after the date of issuance of the notice of disapproval.

(e) *Initial certification and recertification procedures for low mass emissions units using the excepted methodologies under § 145.371(3)(ii).* The owner or operator of a unit qualified to use the low mass emissions excepted methodology under § 145.371(3)(ii) shall meet the applicable certification and recertification requirements of 40 CFR 75.19(a)(2), 40 CFR 75.20(h) and this section. If the owner or operator of the unit elects to certify a fuel flow meter system for heat input determinations, the owner or operator shall also meet the certification and recertification requirements in 40 CFR 75.20(g).

(f) *Certification and recertification procedures for an alternative monitoring system.* The CO₂ authorized account representative of each unit for which the owner or operator intends to use an alternative monitoring system approved by the Administrator and, if applicable, by the Department under 40 CFR Part 75, Subpart E shall comply with the applicable notification and application procedures of 40 CFR 75.20(f).

§ 145.373. Out-of-control periods.

(a) *Quality assurance requirements.* Whenever a monitoring system fails to meet the quality assurance and quality control requirements or data validation requirements of 40 CFR Part 75 (relating to continuous emission monitoring), data shall be substituted using the applicable procedures in 40 CFR Part 75, Subpart D (relating to missing data substitution procedures) or Appendix D (relating to optional SO₂ emissions data protocol for gas-fired and oil-fired units).

(b) *Audit decertification.* Whenever both an audit of a monitoring system and a review of the initial certification or recertification application reveal that any monitoring system should not have been certified or recertified

because it did not meet a particular performance specification or other requirement under § 145.372 (relating to initial certification and recertification procedures) or the applicable provisions of 40 CFR Part 75, both at the time of the initial certification or recertification application submission and at the time of the audit, the Department will issue a notice of disapproval of the certification status of the monitoring system. For the purposes of this paragraph, an audit shall be either a field audit or an audit of any information submitted to the Department or the Administrator. By issuing the notice of disapproval, the Department revokes prospectively the certification status of the monitoring system. The data measured and recorded by the monitoring system will not be considered valid quality-assured data from the date of issuance of the notification of the revoked certification status until the date and time that the owner or operator completes subsequently approved initial certification or recertification tests for the monitoring system. The owner or operator shall follow the initial certification or recertification procedures in § 145.372 for each disapproved monitoring system.

§ 145.374. Notifications.

The CO₂ authorized account representative for a CO₂ budget unit shall submit written notice to the Department and the Administrator in accordance with 40 CFR 75.61 (relating to notifications).

§ 145.375. Recordkeeping and reporting.

(a) *General provisions.* The CO₂ authorized account representative shall comply with the recordkeeping and reporting requirements in this section, the applicable recordkeeping and reporting requirements under 40 CFR 75.73 (relating to recordkeeping and reporting) and with the requirements of § 145.311(e) (relating to authorization and responsibilities of the CO₂ authorized account representative).

(b) *Monitoring plans.* The owner or operator of a CO₂ budget unit shall submit a monitoring plan in the manner prescribed in 40 CFR 75.62 (relating to monitoring plan submittals).

(c) *Certification applications.* The CO₂ authorized account representative shall submit an application to the Department within 45 days after completing all CO₂ monitoring system initial certification or recertification tests required under § 145.372 (relating to initial certification and recertification procedures) including the information required under 40 CFR 75.63 (relating to initial certification or recertification application) and 40 CFR 75.53(g) and (h) (relating to monitoring plan).

(d) *Quarterly reports.* The CO₂ authorized account representative shall submit quarterly reports, as follows:

(1) The CO₂ mass emissions data for the CO₂ budget unit, in an electronic format prescribed by the Administrator unless otherwise prescribed by the Administrator or the Department for each calendar quarter beginning with one of the following:

(i) For a unit that commenced commercial operation before January 1, 2022, the calendar quarter covering January 1, 2022, through March 31, 2022.

(ii) For a unit that commenced commercial operation on or after January 1, 2022, the calendar quarter corresponding to, the earlier of the date of provisional certification or the applicable deadline for initial certification under § 145.371(2) (relating to general monitoring requirements).

(2) The CO₂ authorized account representative shall submit each quarterly report to the Administrator and the Department or its agent within 30 days following the end of the calendar quarter covered by the report. Quarterly reports shall be submitted in the manner specified in 40 CFR Part 75, Subpart H (relating to NO_x mass emissions provisions) and 40 CFR 75.64 (relating to quarterly reports).

(i) Quarterly reports shall be submitted for each CO₂ budget unit, or group of units using a common stack, and shall include all the data and information required in 40 CFR Part 75, Subpart G (relating to reporting requirements) except for opacity, heat input, NO_x and SO₂ provisions.

(3) The CO₂ authorized account representative shall submit to the Administrator or the Department a compliance certification in support of each quarterly report based on reasonable inquiry of those persons with primary responsibility for ensuring that all the unit's emissions are correctly and fully monitored. The certification shall state that the following conditions have been met:

(i) The monitoring data submitted were recorded in accordance with the applicable requirements of this subchapter and 40 CFR Part 75 (relating to continuous emission monitoring), including the quality assurance procedures and specifications.

(ii) For a unit with add-on CO₂ emissions controls and for all hours where data are substituted in accordance with 40 CFR 75.34(a)(1) (relating to units with add-on emission controls), the add-on emissions controls were operating within the range of parameters listed in the quality assurance/quality control program under 40 CFR Part 75, Appendix B (relating to quality assurance and quality control procedures) and the substitute values do not systematically underestimate CO₂ emissions.

(iii) The CO₂ concentration values substituted for missing data under 40 CFR Part 75, Subpart D (relating to missing data substitution procedures) do not systematically underestimate CO₂ emissions.

§ 145.376. Petitions.

(a) Except as provided in subsection (c), the CO₂ authorized account representative of a CO₂ budget unit that is subject to an acid rain emissions limitation may submit a petition to the Administrator under 40 CFR 75.66 (relating to petitions to the administrator) and to the Department requesting approval to apply an alternative to any requirement of 40 CFR Part 75 (relating to continuous emission monitoring).

(b) Application of an alternative to any requirement of 40 CFR Part 75 is in accordance with this subchapter only to the extent that the petition is approved in writing by the Administrator and subsequently approved in writing by the Department.

(c) The CO₂ authorized account representative of a CO₂ budget unit that is not subject to an acid rain emissions limitation may submit a petition to the Administrator under 40 CFR 75.66 and to the Department requesting approval to apply an alternative to any requirement of 40 CFR Part 75. Application of an alternative to any requirement of 40 CFR Part 75 is in accordance with this subchapter only to the extent that the petition is approved in writing by the Administrator and subsequently approved in writing by the Department.

(d) In the event that the Administrator declines to review a petition under subsection (c), the CO₂ authorized account representative of a CO₂ budget unit that is not

subject to an acid rain emissions limitation may submit a petition to the Department requesting approval to apply an alternative to any requirement of §§ 145.371—145.377 (relating to monitoring, reporting and recordkeeping requirements)). That petition shall contain all of the relevant information specified in 40 CFR 75.66. Application of an alternative to any requirement of §§ 145.371—145.377 is in accordance with §§ 145.371—145.377 only to the extent that the petition is approved in writing by the Department.

(e) The CO₂ authorized account representative of a CO₂ budget unit that is subject to an acid rain emissions limitation may submit a petition to the Administrator under 40 CFR 75.66 and to the Department requesting approval to apply an alternative to a requirement concerning any additional CEMS required under the common stack provisions of 40 CFR 75.72 (relating to determination of NO_x mass emissions for common stack and multiple stack configurations) or a CO₂ concentration CEMS used under 40 CFR 75.71(a)(2) (relating to specific provisions for monitoring NO_x and heat input for the purpose of calculating NO_x mass emissions). Application of an alternative to any requirement is in accordance with §§ 145.371—145.377 only to the extent the petition is approved in writing by the Administrator and subsequently approved in writing by the Department.

§ 145.377. CO₂ budget units that co-fire eligible biomass.

(a) The CO₂ authorized account representative of a CO₂ budget unit that co-fires eligible biomass as a compliance mechanism under this subchapter shall report the following information to the Department or its agent for each calendar quarter:

(1) For each shipment of solid eligible biomass fuel fired at the CO₂ budget unit:

(i) The total eligible biomass fuel input, on an as-fired basis, in pounds.

(ii) The moisture content, on an as-fired basis, as a fraction by weight.

(2) For each distinct type of gaseous eligible biomass fuel fired at the CO₂ budget unit:

(i) The density of the biogas, on an as-fired basis, in pounds per standard cubic foot.

(ii) The moisture content of the biogas, on an as-fired basis, as a fraction by total weight.

(iii) The total eligible biomass fuel input, in standard cubic feet.

(3) For each distinct type of eligible biomass fuel fired at the CO₂ budget unit:

(i) The dry basis carbon content of the fuel type, as a fraction by dry weight.

(ii) The dry basis higher heating value, in MMBtu per dry pound.

(iii) The total dry basis eligible biomass fuel input, in pounds, calculated in accordance with subsection (b).

(iv) The total eligible biomass fuel heat input, in MMBtu, calculated in accordance with subsection (d)(1).

(v) A chemical analysis, including heating value and carbon content.

(4) The total amount of CO₂ emitted from the CO₂ budget unit due to firing eligible biomass fuel, in tons, calculated in accordance with subsection (c).

(5) The total amount of heat input to the CO₂ budget unit due to firing eligible biomass fuel, in MMBtu, calculated in accordance with subsection (d)(2).

(6) A description and documentation of the monitoring technology employed, and a description and documentation of the fuel sampling methodology employed, including sampling frequency and carbon ash testing.

(b) An owner or operator of a CO₂ budget unit shall calculate and submit to the Department or its agent on a quarterly basis the total dry weight for each distinct type of eligible biomass fired by the CO₂ budget unit during the reporting quarter. The total dry weight shall be determined for each fuel type as follows:

(1) For solid fuel types:

$$F_j = \sum_{i=1}^m (1 - M_i) \times F_i$$

Where:

F_j = Total eligible biomass dry basis fuel input (lbs) for fuel type j.

F_i = Eligible biomass as fired fuel input (lbs) for fired shipment i.

M_i = Moisture content (fraction) for fired shipment i.

i = Fired fuel shipment.

j = Fuel type.

m = Number of shipments.

(2) For gaseous fuel types:

$$F_j = D_j \times V_j \times (1 - M_j)$$

Where:

F_j = Total eligible biomass dry basis fuel input (lbs) for fuel type j.

D_j = Density of biogas (lbs/scf) for fuel type j.

V_j = Total volume (scf) for fuel type j.

M_j = Moisture content (fraction) for fuel type j.

j = Fuel type.

(c) CO₂ emissions due to firing of eligible biomass shall be determined as follows:

(1) For any full calendar quarter during which no fuel other than eligible biomass is combusted at the CO₂ budget unit, as measured and recorded in accordance with §§ 145.371—145.376 (relating to monitoring, reporting and recordkeeping requirements) or for any full calendar quarter during which fuels other than eligible biomass are combusted at the CO₂ budget unit, as determined using the following equation:

$$CO_2 \text{ tons} = \sum_{j=1}^n F_j \times C_j \times O_j \times \frac{44}{12} \times 0.0005$$

Where:

CO₂ tons = CO₂ emissions due to firing of eligible biomass for the reporting quarter.

F_j = Total eligible biomass dry basis fuel input (lbs) for fuel type j, as calculated in subsection (b).

C_j = Carbon fraction (dry basis) for fuel type j.

O_j = Oxidation factor for eligible biomass fuel type j, derived for solid fuels based on the ash content of the eligible biomass fired and the carbon content of this ash, as determined under subsection (a)(3)(v); for gaseous eligible biomass fuels, a default oxidation factor of 0.995 may be used.

44/12 = The number of tons of carbon dioxide that are created when 1 ton of carbon is combusted.

0.0005 = The number of short tons which is equal to 1 pound.

j = Fuel type.

n = Number of distinct fuel types.

(d) Heat input due to firing of eligible biomass for each quarter shall be determined as follows:

(1) For each distinct fuel type:

$$H_j = F_j \times HHV_j$$

Where:

H_j = Heat input (MMBtu) for fuel type j.

F_j = Total eligible biomass dry basis fuel input (lbs) for fuel type j, as calculated in subsection (b).

HHV_j = Higher heating value (MMBtu/lb), dry basis, for fuel type j, as determined through chemical analysis.

j = Fuel type.

(2) For all fuel types:

$$\text{Heat input MMBtu} = \sum_{i=1}^n H_j$$

Where:

H_j = Heat input (MMBtu) for fuel type j.

j = Fuel type.

n = Number of distinct fuel types.

AUCTION OF CO₂ CCR AND ECR ALLOWANCES

Sec.

145.381. Purpose.

145.382. General requirements.

§ 145.381. Purpose.

The following requirements shall apply to each allowance auction. The Department or its agent may specify additional information in the auction notice for each auction. This additional information may include the time and location of the auction, auction rules, registration deadlines and any additional information deemed necessary or useful.

§ 145.382. General requirements.

(a) In the auction notice for each auction, the Department or its agent shall include the following:

(1) The number of CO₂ allowances offered for sale at the auction, not including any CO₂ CCR allowances.

(2) The number of CO₂ CCR allowances that will be offered for sale at the auction if the condition in subsection (b)(1) is met.

(3) The minimum reserve price for the auction.

(4) *The CCR trigger price for the auction.* The CCR trigger price in calendar year 2022 shall be \$13.91. Each calendar year after 2022, the CCR trigger price shall be 1.07 multiplied by the CCR trigger price from the previous calendar year, rounded to the nearest whole cent, as shown in Table 1.

Table 1. CO₂ CCR Trigger Price

2023	2024	2025	2026	2027	2028	2029	2030
\$14.88	\$15.92	\$17.03	\$18.22	\$19.50	\$20.87	\$22.33	\$23.89

(5) The maximum number of CO₂ allowances that may be withheld from sale at the auction if the condition in subsection (d)(1) is met.

(6) *The ECR trigger price for the auction.* The ECR trigger price in calendar year 2022 shall be \$6.42. Each calendar year after 2022, the ECR trigger price shall be 1.07 multiplied by the ECR trigger price from the previous calendar year, rounded to the nearest whole cent, as shown in Table 2.

Table 2. CO₂ ECR Trigger Price

2023	2024	2025	2026	2027	2028	2029	2030
\$ 6.87	\$ 7.35	\$ 7.86	\$ 8.41	\$ 9.00	\$ 9.63	\$10.30	\$11.02

(b) For the sale of CO₂ CCR allowances, the Department or its agent will do the following:

(1) CO₂ CCR allowances will only be sold at an auction in which the total demand for allowances, above the CCR trigger price, exceeds the number of CO₂ allowances available for purchase at the auction, not including any CO₂ CCR allowances.

(2) If the condition in subsection (b)(1) is met at an auction, then the number of CO₂ CCR allowances offered for sale by the Department or its agent at the auction will be equal to the number of CO₂ CCR allowances in the air pollution reduction account at the time of the auction.

(3) After all of the CO₂ CCR allowances in the air pollution reduction account have been sold in a given calendar year, no additional CO₂ CCR allowances will be sold at any auction for the remainder of that calendar year, even if the condition in subsection (b)(1) is met at an auction.

(4) At an auction in which CO₂ CCR allowances are sold, the reserve price for the auction shall be the CCR trigger price.

(5) If the condition in subsection (b)(1) is not satisfied, no CO₂ CCR allowances will be offered for sale at the auction and the reserve price for the auction will be equal to the minimum reserve price.

(c) The Department or its agent will implement the reserve price in the following manner:

(1) No CO₂ allowances will be sold at any auction for a price below the reserve price for that auction.

(2) If the total demand for CO₂ allowances at an auction is less than or equal to the total number of CO₂ allowances made available for sale in that auction, then the auction clearing price for the auction shall be the reserve price.

(d) For the withholding of CO₂ ECR allowances from an auction, the Department or its agent will do the following:

(1) CO₂ ECR allowances will only be withheld from an auction if the demand for allowances would result in an auction clearing price that is less than the ECR trigger price prior to the withholding from the auction of any ECR allowances.

(2) If the condition in subsection (d)(1) is met at an auction, then the maximum number of CO₂ ECR allowances that may be withheld from that auction will be equal to the quantity in § 145.342(e)(1) (relating to CO₂ allowance allocations) minus the total quantity of CO₂ ECR allowances that have been withheld from any prior auction in that calendar year. The Department will transfer any CO₂ ECR allowances withheld from an auction into the Pennsylvania ECR Account.

CO₂ EMISSIONS OFFSET PROJECTS

- Sec. 145.391. Purpose.
- 145.392. Definitions.
- 145.393. General requirements.
- 145.394. Application process.
- 145.395. CO₂ emissions offset project standards.
- 145.396. Accreditation of independent verifiers.
- 145.397. Award and recordation of CO₂ offset allowances.

§ 145.391. Purpose.

The Department may award CO₂ offset allowances to sponsors of CO₂ emissions offset projects that have reduced or avoided atmospheric loading of CO₂, CO₂e or sequestered carbon as demonstrated in accordance with the applicable provisions of §§ 145.391—145.397 (relating to CO₂ emissions offset projects). The requirements of §§ 145.391—145.397 seek to ensure that CO₂ offset allowances awarded represent CO₂ equivalent emission reductions or carbon sequestration that are real, additional, verifiable, enforceable and permanent within the framework of a standards-based approach. Subject to the relevant compliance deduction limitations of § 145.355(a)(3) (relating to compliance), CO₂ offset allowances may be used by any CO₂ budget source for compliance purposes.

§ 145.392. Definitions.

The following words and terms, when used in §§ 145.391—145.397 (relating to CO₂ emissions offset projects), have the following meanings, unless the context clearly indicates otherwise:

AEPS—Alternative energy portfolio standards—Standards establishing that a certain amount of energy sold from alternative energy sources, as defined under section 2 of the Alternative Energy Portfolio Standards Act (73 P.S. § 1648.2), is included as part of the sources of electric generation by electric utilities within this Commonwealth.

Anaerobic digester—A device that promotes the decomposition of organic material to simple organics and gaseous biogas products, in the absence of elemental oxygen,

usually accomplished by means of controlling temperature and volume, and that includes a methane recovery system.

Anaerobic digestion—The decomposition of organic material including manure brought about through the action of microorganisms in the absence of elemental oxygen.

Anaerobic storage—Storage of organic material in an oxygen-free environment, or under oxygen-free conditions, including holding tanks, ponds and lagoons.

Biogas—Gas resulting from the decomposition of organic matter under anaerobic conditions, the principle constituents of which are methane and carbon dioxide.

Conflict of interest—A situation that may arise with respect to an individual in relation to any specific project sponsor, CO₂ emissions offset project or category of offset projects, such that the individual’s other activities or relationships with other persons or organizations render or may render the individual incapable of providing an impartial certification opinion, or otherwise compromise the individual’s objectivity in performing certification functions.

Forest offset project—An offset project involving reforestation, improved forest management or avoided conversion.

Forest offset project data report—The report prepared by a project sponsor each year that provides the information and documentation required by §§ 145.391—145.397 or the forest offset protocol.

Forest offset protocol—The protocol titled “Regional Greenhouse Gas Initiative Offset Protocol U.S. Forest Projects,” published by the participating states on June 12, 2013.

Independent verifier—An individual that has been approved by the Department or its agent to conduct verification activities.

Intentional reversal—Any reversal caused by a forest owner’s negligence, gross negligence or willful intent, including harvesting, development and harm to the area within the offset project boundary.

Market penetration rate—A measure of the diffusion of a technology, product or practice in a defined market, as represented by the percentage of annual sales for a product or practice, or as a percentage of the existing installed stock for a product or category of products, or as the percentage of existing installed stock that utilizes a practice.

Offset project—

(i) All equipment, materials, items or actions directly related to the reduction of CO₂e emissions or the sequestration of carbon specified in a consistency application submitted under § 145.394 (relating to application process).

(ii) This term does not include equipment, materials, items or actions unrelated to an offset project reduction of CO₂e emissions or the sequestration of carbon but occurring at a location where an offset project occurs, unless specified in § 145.395 (relating to CO₂ emissions offset project standards).

Project commencement—

(i) For an offset project involving physical construction, other work at an offset project site or installation of equipment or materials, the date of the beginning of the activity.

(ii) For an offset project that involves the implementation of a management activity or protocol, the date on which the activity is first implemented or the protocol is first utilized.

(iii) For an offset project involving reforestation, improved forest management or avoided conversion, the date specified in section 3.2 of the forest offset protocol.

Project sponsor—The sponsor of an offset project under §§ 145.391–145.397.

Regional-type anaerobic digester—An anaerobic digester using feedstock from more than one agricultural operation or importing feedstock from more than one agricultural operation.

Reporting period—The period of time covered by a forest offset project data report. The first reporting period for a forest offset project in an initial crediting period may consist of 6 to 24 consecutive months; all subsequent reporting periods in an initial crediting and all reporting periods in any renewed crediting period must consist of 12 consecutive months.

Reversal—A greenhouse gas emission reduction or greenhouse gas removal enhancement for which CO₂ offset allowances have been issued that is subsequently released or emitted back into the atmosphere due to any intentional or unintentional circumstance.

System benefit fund—Any fund collected directly from retail electricity or natural gas ratepayers.

Total solids—The total of all solids in a sample, including the total suspended solids, total dissolved solids and volatile suspended solids.

Unintentional reversal—Any reversal, including, wild-fires, insects or disease that is not the result of the forest owner's negligence, gross negligence or willful intent.

Verification—The confirmation by an independent verifier that certain parts of a CO₂ emissions offset project consistency application and measurement, monitoring or verification report conforms to the requirements of §§ 145.391–145.397.

Volatile solids—The fraction of total solids that is comprised primarily of organic matter as defined in EPA Method Number 160.4, Methods for the Chemical Analysis of Water and Wastes (MCAWW) (EPA/600/4-79/020).

§ 145.393. General requirements.

(a) *Eligibility*. To qualify for the award of CO₂ offset allowances, offset projects shall satisfy all the applicable requirements of §§ 145.391–145.397 (relating to CO₂ emissions offset projects).

(1) *Offset project types*. The following types of offset projects are eligible for the award of CO₂ offset allowances:

- (i) Landfill methane capture and destruction.
- (ii) Sequestration of carbon due to reforestation, improved forest management or avoided conversion.
- (iii) Avoided methane emissions from agricultural manure management operations.

(2) *Offset project locations*. To qualify for the award of CO₂ offset allowances, an offset project must be located in:

- (i) This Commonwealth.
- (ii) Partly in this Commonwealth and partly in one or more other participating states, provided that more of the CO₂e emissions reduction or carbon sequestration due to

the offset project is projected to occur in this Commonwealth than in any other participating state.

(b) *Project sponsor*. Any person may act as the sponsor of an offset project, provided that person meets the requirements under § 145.394 (relating to application process).

(c) *General additionality requirements*. Except as provided under § 145.395 (relating to CO₂ emissions offset project standards), the Department will not award CO₂ offset allowances to an offset project that meets the following:

(1) An offset project that is required under any local, state or Federal law, regulation, or administrative or judicial order. If an offset project receives a consistency determination under § 145.394 and is later required by local, state or Federal law, regulation, or administrative or judicial order, then the offset project will remain eligible for the award of CO₂ offset allowances until the end of its current allocation period but its eligibility will not be extended for an additional allocation period.

(2) An offset project that includes an electric generation component, unless the project sponsor transfers legal rights to any and all attribute credits, other than the CO₂ offset allowances awarded under § 145.397 (relating to award and recordation of CO₂ offset allowances), generated from the operation of the offset project that may be used for compliance with AEPS or a regulatory requirement, to the Department or its agent.

(3) An offset project that receives funding or other incentives from any system benefit fund or other incentives provided through revenue from the auction or sale of CO₂ allowances in the air pollution reduction account under § 145.342(a) (relating to CO₂ allowance allocations).

(4) An offset project that is awarded credits or allowances under any other mandatory or voluntary greenhouse gas program, except as described in § 145.395(b)(10).

(d) *Maximum allocation periods for offset projects*.

(1) *Maximum allocation periods*. Except as provided in subsection (d)(2), the Department may award CO₂ offset allowances under § 145.397 for an initial 10-year allocation period. At the end of the initial 10-year allocation period, the Department may award CO₂ offset allowances for a second 10-year allocation period, provided the project sponsor has submitted a consistency application under § 145.394 prior to the expiration of the initial allocation period, and the Department has issued a consistency determination under § 145.394(e)(2).

(2) *Maximum allocation period for sequestration of carbon due to reforestation, improved forest management or avoided conversion*. The Department may award CO₂ offset allowances under § 145.397 for any project involving reforestation, improved forest management or avoided conversion for an initial 25-year allocation period. At the end of the initial 25-year allocation period, or any subsequent crediting period, the Department may award CO₂ offset allowances for a subsequent 25-year allocation period, provided the project sponsor has submitted a consistency application for the offset project under § 145.394 prior to the expiration of the initial allocation period, and the Department has issued a consistency determination under § 145.394(e)(2).

(e) *Offset project audit*. A project sponsor shall provide in writing, an access agreement to the Department

granting the Department or its agent access to the physical location of the offset project to inspect for compliance with §§ 145.391—145.397.

(f) *Ineligibility due to noncompliance.*

(1) If at any time the Department determines that a project sponsor has not complied with the requirements of §§ 145.391—145.397, then the Department may revoke and retire any and all CO₂ offset allowances in the project sponsor's account.

(2) If at any time the Department determines that an offset project does not comply with the requirements of §§ 145.391—145.397, then the Department may revoke any approvals it has issued relative to the offset project.

§ 145.394. Application process.

(a) *Establishment of general account.* The sponsor of an offset project must establish a general account under § 145.352(b) (relating to establishment of accounts). All submissions to the Department required for the award of CO₂ offset allowances under §§ 145.391—145.397 (relating to CO₂ emissions offset projects) must be from the CO₂ authorized account representative for the general account of the project sponsor.

(b) *Consistency application deadlines.* A consistency application for an offset project shall be submitted, in a format prescribed by the Department and consistent with the requirements of this section by the following deadlines:

(1) For an offset project not involving reforestation, improved forest management or avoided conversion, by the date that is 6 months after the offset project is commenced.

(2) For an offset project involving reforestation, improved forest management or avoided conversion the consistency application, by the date that is one year after the offset project is commenced, except as provided under § 145.395(b)(9) (relating to CO₂ emissions offset project standards).

(3) The Department will deny any consistency application that fails to meet the deadlines in subsection (b).

(c) *Consistency application contents.* For an offset project, the consistency application must include the following:

(1) The project's sponsor's name, address, e-mail address, telephone number, facsimile transmission number and account number.

(2) The offset project description as required by the relevant provisions under § 145.395.

(3) A demonstration that the offset project meets all applicable requirements in §§ 145.391—145.397.

(4) The emissions baseline determination as required by the relevant provisions under § 145.395.

(5) An explanation of how the projected reduction or avoidance of atmospheric loading of CO₂ or CO₂e or the sequestration of carbon is to be quantified, monitored and verified as required by the relevant provisions under § 145.395.

(6) A completed consistency application agreement signed by the project sponsor that reads as follows:

“The undersigned project sponsor recognizes and accepts that the application for, and the receipt of, CO₂ offset allowances under the CO₂ Budget Trading Program is predicated on the project sponsor following all the requirements of §§ 145.391—145.397. The undersigned

project sponsor holds the legal rights to the offset project or has been granted the right to act on behalf of a party that holds the legal rights to the offset project. I understand that eligibility for the award of CO₂ offset allowances under §§ 145.391—145.397 is contingent on meeting the requirements of §§ 145.391—145.397. I authorize the Department or its agent to audit this offset project for purposes of verifying that the offset project, including the monitoring and verification plan, has been implemented as described in this application. I understand that this right to audit shall include the right to enter the physical location of the offset project. I submit to the legal jurisdiction of the Commonwealth of Pennsylvania.”

(7) A statement and certification report signed by the offset project sponsor certifying that all offset projects for which the sponsor has received CO₂ offset allowances under §§ 145.391—145.397, under the sponsor's ownership or control or under the ownership or control of any entity which controls, is controlled by, or has common control with the sponsor are in compliance with all applicable requirements of the CO₂ Budget Trading Program in all participating states.

(8) A verification report and certification statement signed by an independent verifier accredited under § 145.396 (relating to accreditation of independent verifiers) that expresses that the independent verifier has reviewed the entire application and evaluated the following in relation to the applicable requirements at § 145.393 (relating to general requirements) and § 145.395, and any applicable guidance issued by the Department:

(i) The adequacy and validity of information supplied by the project sponsor to demonstrate that the offset project meets the applicable eligibility requirements of §§ 145.393 and 145.395.

(ii) The adequacy and validity of information supplied by the project sponsor to demonstrate baseline emissions under the applicable requirements under § 145.395.

(iii) The adequacy of the monitoring and verification plan submitted under the applicable requirements under § 145.395.

(iv) Any other evaluations and statements as may be required by the Department.

(9) Disclosure of any voluntary or mandatory programs, other than the CO₂ Budget Trading Program, to which greenhouse gas emissions data related to the offset project has been or will be reported.

(d) The Department will not accept as submitted a consistency application for an offset project if a consistency application has already been submitted for the same project, or any portion of the same project, in another participating state, unless the consistency application was rejected by another participating state solely because more of the CO₂e emissions reduction or carbon sequestration resulting from the offset project is projected to occur in this Commonwealth than in any other participating state.

(e) *Department action on consistency applications.*

(1) *Completeness determination.* Within 30 days following receipt of the consistency application submitted under subsection (b), the Department will notify the project sponsor whether the consistency application is complete. A complete consistency application is one that is in a form prescribed by the Department and is determined by the Department to contain all applicable information and documentation required by §§ 145.391—145.397. In no event will a completeness determination prevent the

Department from requesting additional information to make a consistency determination under subsection (e)(2).

(2) *Consistency determination.* Within 90 days of making the completeness determination under subsection (e)(1), the Department will issue a determination as to whether the offset project is consistent with the requirements of § 145.393 and this section and the requirements of the applicable offset project standard of § 145.395. For any offset project found to lack consistency with these requirements, the Department will inform the project sponsor of the offset project's deficiencies.

§ 145.395. CO₂ emissions offset project standards.

(a) *Landfill methane capture and destruction.* To qualify for the award of CO₂ offset allowances under §§ 145.391–145.397 (relating to CO₂ emissions offset projects), an offset project that captures and destroys methane from a landfill shall meet the requirements of this subsection and all other applicable requirements of §§ 145.391–145.397.

(1) *Eligibility.* An offset project shall occur at a landfill that is not subject to the New Source Performance Standards for municipal solid waste landfills, 40 CFR Part 60, Subpart Cc and Subpart WWS (relating to emission guidelines and compliance times for municipal solid waste landfills; and standards of performance for municipal solid waste landfills).

(2) *Offset project description.* The project sponsor shall provide a detailed narrative of the offset project actions to be taken, including documentation that the offset project meets the eligibility requirements of subsection (a)(1). The project narrative shall include the following:

(i) Identification of the owner or operator of the offset project.

(ii) Location and specifications of the landfill where the offset project will occur, including waste in place.

(iii) Identification of the owner or operator of the landfill where the offset project will occur.

(iv) Specifications of the equipment to be installed and a technical schematic of the offset project.

(3) *Emissions baseline determination.* The emissions baseline shall represent the potential fugitive landfill emissions of CH₄, in tons of CO₂e, as represented by the CH₄ collected and metered for thermal destruction as part of the offset project and calculated as follows:

$$\text{Emissions (tons CO}_2\text{e)} = (\text{V} \times \text{M} \times (1 - \text{OX}) \times \text{GWP})/2000$$

Where:

V = volume of CH₄ collected (ft³).

M = Mass of CH₄ per cubic foot (0.04246 lbs/ft³ default value at 1 atmosphere, 20°C).

OX = Oxidation factor (0.10), representing estimated portion of collected CH₄ that would have eventually oxidized to CO₂ if not collected.

GWP = CO₂e global warming potential of CH₄ (28).

(4) *Calculating emissions reductions.* Emissions reductions shall be determined based on potential fugitive CH₄ emissions that would have occurred at the landfill if metered CH₄ collected from the landfill for thermal destruction as part of the offset project was not collected and destroyed. CO₂e emissions reductions shall be calculated as follows:

$$\text{Emissions (tons CO}_2\text{e)} = (\text{V} \times \text{M} \times (1 - \text{OX}) \times \text{Cef} \times \text{GWP})/2000$$

Where:

V = Volume of CH₄ collected (ft³).

M = Mass of CH₄ per cubic foot (0.04246 lbs/ft³ default value at 1 atmosphere and 20°C).

OX = Oxidation factor (0.10), representing estimated portion of collected CH₄ that would have eventually oxidized to CO₂ if not collected.

Cef = Combustion efficiency of methane control technology (0.98).

GWP = CO₂e global warming potential of CH₄ (28).

(5) *Monitoring and verification requirements.* An offset project shall employ a landfill gas collection system that provides continuous metering and data computation of landfill gas volumetric flow rate and CH₄ concentration. Annual monitoring and verification reports shall include monthly volumetric flow rate and CH₄ concentration data, including documentation that the CH₄ was actually supplied to the combustion source. Monitoring and verification is also subject to the following:

(i) As part of the consistency application, the project sponsor shall submit a monitoring and verification plan that includes a quality assurance and quality control program associated with equipment used to determine landfill gas volumetric flow rate and CH₄ composition. The monitoring and verification plan shall also include provisions for ensuring that measuring and monitoring equipment is maintained, operated and calibrated based on manufacturer recommendations, as well as provisions for the retention of maintenance records for audit purposes. The monitoring and verification plan shall be certified by an independent verifier accredited under § 145.396 (relating to accreditation of independent verifiers).

(ii) The project sponsor shall annually verify landfill gas CH₄ composition through landfill gas sampling and independent laboratory analysis using applicable EPA laboratory test methods.

(b) *Sequestration of carbon due to reforestation, improved forest management or avoided conversion.* To qualify for the award of CO₂ offset allowances under §§ 145.391–145.397, an offset project that involves reforestation, improved forest management, or avoided conversion shall meet all requirements of this subsection and the forest offset protocol, and all other applicable requirements of §§ 145.391–145.397.

(1) *Eligibility.* A forest offset project shall satisfy all eligibility requirements of the forest offset protocol and this subsection.

(2) *Offset project description.* The project sponsor shall provide a detailed narrative of the offset project actions to be taken, including documentation that the offset project meets the eligibility requirements of subsection (b)(1). The offset project description must include all information identified in sections 8.1 and 9.1 of the forest offset protocol, and any other information deemed necessary by the Department.

(3) *Carbon sequestration baseline determination.* Baseline onsite carbon stocks shall be determined as required by sections 6.1.1, 6.1.2, 6.2.1, 6.2.2, 6.2.3, 6.3.1 and 6.3.2 of the forest offset protocol, as applicable.

(4) *Calculating carbon sequestered.* Net greenhouse gas reductions and greenhouse gas removal enhancements

shall be calculated as required by section 6 of the forest offset protocol. The project's risk reversal rating shall be calculated using the forest offset protocol Determination of a Forest Project's Reversal Risk Rating assessment worksheet.

(5) *Monitoring and verification requirements.* Monitoring and verification are subject to the following:

(i) Monitoring and verification reports shall include all forest offset project data reports submitted to the Department, including any additional data required by section 9.2.2 of the forest offset protocol.

(ii) The consistency application shall include a monitoring and verification plan certified by an independent verifier accredited under § 145.396 and shall consist of a forest carbon inventory program, as required by section 8.1 of the forest offset protocol.

(iii) Monitoring and verification reports shall be submitted not less than every 6 years, except that the first monitoring and verification report for reforestation projects must be submitted within 12 years of project commencement.

(6) *Forest Offset Project Data Reports.* A project sponsor shall submit a forest offset project data report to the Department for each reporting period. Each forest offset project data report must cover a single reporting period. Reporting periods must be contiguous and there must be no gaps in reporting once the first reporting period has commenced.

(7) Prior to the award of CO₂ offset allowances under § 145.397 (relating to award and recordation of CO₂ offset allowances), or to any surrender of allowances under § 145.395(b)(8)(ii)(C) (relating to CO₂ emissions offset project standards), any quantity expressed in metric tons, or metric tons of CO₂e, shall be converted to tons using the conversion factor specified in § 145.302 (relating to definitions).

(8) *Carbon sequestration permanence.* The project sponsor shall meet the following requirements to address reversals of sequestered carbon.

(i) *Unintentional reversals.* The project sponsor shall address an unintentional reversal of sequestered carbon as follows:

(A) Notify the Department of the reversal and provide an explanation for the nature of the unintentional reversal within 30 calendar days of its discovery.

(B) Submit to the Department a verified estimate of current carbon stocks within the offset project boundary within 1 year of the discovery of the unintentional reversal.

(ii) *Intentional reversals.* The project sponsor shall address an intentional reversal of sequestered carbon as follows:

(A) Notify the Department in writing of the intentional reversal and provide a written description and explanation of the intentional reversal within 30 calendar days of the intentional reversal.

(B) Submit to the Department a verified estimate of current carbon stocks within the offset project boundary within 1 year of the occurrence of an intentional reversal.

(C) If an intentional reversal occurs, and CO₂ offset allowances have been awarded to the offset project, the forest owner must surrender to the Department or its agent for retirement a quantity of CO₂ allowances corre-

sponding to the quantity of CO₂e tons reversed within 6 months of notification by the Department.

(I) The Department will provide notification after the project sponsor has submitted a verified estimate of carbon stocks to the Department, or if the project sponsor fails to submit verified estimate of carbon stocks after 1 year has elapsed since the occurrence of the intentional reversal.

(II) If the forest owner does not surrender valid CO₂ allowances to the Department within 6 months of notification by the Department, the forest owner will be subject to enforcement action and each CO₂e equivalent ton of carbon sequestration intentionally reversed will constitute a separate violation of this subchapter and the act.

(D) *Project Termination Requirements.*

(I) The project sponsor must surrender to the Department or its agent for retirement a quantity of CO₂ allowances in the amount calculated under project termination provisions in the forest offset protocol within 6 months of project termination.

(II) If the project sponsor does not surrender to the Department or its agent a quantity of CO₂ allowances in the amount calculated under project termination provisions in the forest offset protocol within 6 months of project termination, the project sponsor will be subject to enforcement action and each CO₂ offset allowance not surrendered will constitute a separate violation of this subchapter and the act.

(iii) *Disposition of Forest Sequestration Projects After a Reversal.* The Department will terminate a forest offset project if a reversal lowers the forest offset project's actual standing live carbon stocks below its project baseline standing live carbon stocks.

(9) *Timing of forest offset projects.* The Department may award CO₂ offset allowances under § 145.397 only for forest offset projects that are initially commenced on or after January 1, 2014.

(10) *Projects that Have Been Awarded Credits by a Voluntary Greenhouse Gas Reduction Program.* The provisions of §§ 145.393(c)(4) and 145.394(b)(2) (relating to general requirements; and application process) shall not apply to forest projects that have been awarded credits under a voluntary greenhouse gas reduction program. For those projects, the number of CO₂ offset allowances will be calculated under the requirements of this subsection, without regard to quantity of credits that were awarded to the project under the voluntary program, provided that the project satisfies the following:

(i) All other general requirements of §§ 145.391—145.397, including all specific requirements of this subsection, for all reporting periods for which the project has been awarded credits under a voluntary greenhouse gas program and also intends to be awarded CO₂ offset allowances under § 145.397.

(ii) At the time of submittal of the consistency application for the project, the project sponsor submits forest offset data reports and a monitoring and verification report covering all reporting periods for which the project has been awarded credits under a voluntary greenhouse gas program and also intends to be awarded CO₂ offset allowances under § 145.397. Forest offset data reports and monitoring and verification reports must meet all requirements of subsections (b)(5) and (6).

(iii) The voluntary greenhouse gas program has published information to allow the Department to verify the

information included in the consistency application and the consistency application includes information sufficient to allow the Department to determine the following:

(A) The offset project has met all legal and contractual requirements to allow it to terminate its relationship with the voluntary greenhouse gas program and the termination has been completed.

(B) The project sponsor or voluntary greenhouse gas program has cancelled or retired all credits that were awarded for carbon sequestration that occurred during the time periods for which the project intends to be awarded CO₂ offset allowances under § 145.397, and the credits were cancelled or retired for the sole purpose of allowing the project to be awarded CO₂ offset allowances under § 145.397.

(c) *Avoided methane emissions from agricultural manure management operations.* To qualify for the award of CO₂ offset allowances under §§ 145.391—145.397, an offset project that captures and destroys methane from animal manure and organic food waste using anaerobic digesters shall meet the requirements of this subsection and all other applicable requirements of §§ 145.391—145.397.

(1) *Eligibility.* To be eligible for CO₂ offset allowances, an offset project under this subsection shall:

(i) Consist of the destruction of that portion of methane generated by an anaerobic digester that would have been generated in the absence of the offset project through the uncontrolled anaerobic storage of manure or organic food waste.

(ii) Employ only manure-based anaerobic digester systems using livestock manure as the majority of digester feedstock, defined as more than 50% of the mass input into the digester on an annual basis. Organic food waste used by an anaerobic digester shall only be that which would have been stored in anaerobic conditions in the absence of the offset project.

(2) *Exceptions to the general requirements.* The provisions of § 145.393(c)(2) and (3) shall not apply to an agricultural manure management offset project that meets the following:

(i) The offset project is located in a participating state that has a market penetration rate for anaerobic digester projects of 5% or less. The market penetration determination shall utilize the most recent market data available at the time of submission of the consistency application under § 145.394 and shall be determined as follows:

$$MP (\%) = \frac{MG_{AD}}{MG_{STATE}}$$

Where:

MG_{AD} = Average annual manure generation for the number of dairy cows and swine serving all anaerobic digester projects in the applicable state at the time of submission of a consistency application under § 145.394.

MG_{STATE} = Average annual manure production of all dairy cows and swine in the participating state at the time of submission of a consistency application under § 145.394.

(ii) The offset project is located at a farm with 4,000 or less head of dairy cows, or a farm with equivalent animal units, assuming an average live weight for dairy cows in pounds per cow of 1,400 pounds, or, if the project is a regional-type anaerobic digester, total annual manure input to the digester is designed to be less than the average annual manure produced by a farm with 4,000 or less head of dairy cows, or a farm with equivalent animal

units, assuming an average live weight for dairy cows in pounds per cow of 1,400 pounds.

(3) *Offset project description.* The project sponsor shall provide a detailed narrative of the offset project actions to be taken, including documentation that the offset project meets the eligibility requirements of subsection (c)(1). The offset project narrative shall include the following:

(i) Identification of the owner or operator of the offset project.

(ii) Location and specifications of the facility where the offset project will occur.

(iii) Identification of the owner or operator of the facility where the offset project will occur.

(iv) Specifications of the equipment to be installed and a technical schematic of the offset project.

(v) Location and specifications of the facilities from which anaerobic digester influent will be received, if different from the facility where the offset project will occur.

(4) *Emissions baseline determination.* The emissions baseline shall represent the potential emissions of the CH₄ that would have been produced in a baseline scenario under uncontrolled anaerobic storage conditions and released directly to the atmosphere in the absence of the offset project.

(i) Baseline CH₄ emissions shall be calculated as follows:

$$E_b = (V_m \times M) / 2000 \times GWP$$

Where:

E_b = Potential CO₂e emissions due to calculated CH₄ production under site-specific anaerobic storage and weather conditions (tons).

V_m = Volume of CH₄ produced each month from decomposition of volatile solids in a baseline uncontrolled anaerobic storage scenario under site-specific storage and weather conditions for the facility at which the manure or organic food waste is generated (ft³).

M = Mass of CH₄ per cubic foot (0.04246 lb/ft³ default value at one atmosphere and 20°C).

GWP = Global warming potential of CH₄ (28).

(ii) The estimated amount of volatile solids decomposed each month under the uncontrolled anaerobic storage baseline scenario in kilograms (kg) shall be calculated as follows:

$$VS_{dec} = VS_{avail} \times f$$

Where:

VS = Volatile solids as determined from the equation:

$$VS = M_m \times TS\% \times VS\%$$

Where:

M_m = Mass of manure or organic food waste produced per month (kg).

TS% = Concentration (%) of total solids in manure or organic food waste as determined through EPA 160.3 testing method (EPA Method Number 160.3, Methods for the Chemical Analysis of Water and Wastes (EPA/600/4-79/020)).

VS% = Concentration (%) of volatile solids in total solids as determined through EPA 160.4 testing method (EPA Method Number 160.4, Methods for the Chemical Analysis of Water and Wastes (EPA/600/4-79/020)).

VS_{avail} = Volatile solids available for decomposition in manure or organic food waste storage each month as determined from the equation:

$$VS_{avail} = VS_p + 1/2 VS_{in} - VS_{out}$$

Where:

VS_p = Volatile solids present in manure or organic food waste storage at beginning of month (left over from previous month) (kg).

VS_{in} = Volatile solids added to manure or organic food waste storage during the course of the month (kg). The factor of 1/2 is multiplied by this number to represent the average mass of volatile solids available for decomposition for the entire duration of the month.

VS_{out} = Volatile solids removed from the manure or organic food waste storage for land application or export (assumed value based on standard farm practice).

f = van't Hoff-Arrhenius factor for the specific month as determined using the equation below. Using a base temperature of 30°C, the equation is as follows:

$$f = \exp\{[E(T_2 - T_1)] / [(GC \times T_1 \times T_2)]\}$$

Where:

f = Conversion efficiency of VS to CH₄ per month.

E = Activation energy constant (15,175 cal/mol).

T_2 = Average monthly ambient temperature for facility where manure or organic food waste is generated (converted from degrees Celsius to degrees Kelvin) as determined from the nearest National Weather Service certified weather station (if reported temperature °C > 5 °C; if reported temperature °C < 5 °C, then $f = 0.104$).

T_1 = 303.15 (30°C converted to °K).

GC = Ideal gas constant (1.987 cal/K mol).

(iii) The volume of CH₄ produced in cubic feet (ft³) from decomposition of volatile solids shall be calculated as follows:

$$V_m = (VS_{dec} \times B_o) \times 35.3147$$

Where:

V_m = Volume of CH₄ (ft³).

VS_{dec} = Volatile solids decomposed (kg).

B_o = Manure or organic food waste type-specific maximum methane generation constant (m³ CH₄/kg VS decomposed). For dairy cow manure, $B_o = 0.24$ m³ CH₄/kg VS decomposed. The methane generation constant for other types of manure shall be those cited at the EPA, Inventory of U.S. Greenhouse Gas Emissions and Sinks: 1990—2010, Annex 3, Table A 180 (EPA, February 2017), unless the project sponsor proposes an alternate methane generation constant and that alternate is approved by the Department. If the project sponsor proposes to use a methane generation constant other than the ones found in the previously-cited reference, the project sponsor must provide justification and documentation to the Department.

(5) *Calculating emissions reductions.* Emissions reductions shall be calculated as follows:

$$ER_t = E_b - E_p$$

Where:

ER_t = CO₂e emissions reductions due to project activities (tons).

E_b = Potential CO₂e emissions due to calculated CH₄ production under site-specific anaerobic storage and weather conditions (tons).

E_p = CO₂e emissions due to project activities additional to baseline (tons), including manure transportation, flaring, venting and effluent management.

(6) *Transport CO₂ emissions.* Emissions reductions may not exceed the potential emissions of the anaerobic digester, as represented by the annual volume of CH₄ produced by the anaerobic digester, as monitored under subsection (c)(5). CO₂ emissions due to transportation of manure and organic food waste from the site where the manure and organic food waste was generated to the anaerobic digester shall be subtracted from the emissions calculated under subsection (c)(4)(i)—(iii). Transport CO₂ emissions shall be determined through one of the following methods:

(i) Documentation of transport fuel use for all shipments of manure and organic food waste from off-site to the anaerobic digester during each reporting year and a log of transport miles for each shipment. Off-site is defined as a location that is not contiguous with the property where the anaerobic digester is located. CO₂ emissions shall be determined through the application of an emissions factor for the fuel type used. If this option is chosen, the following emissions factors shall be applied as appropriate:

(A) Diesel fuel: 22.912 lbs. CO₂/gallon.

(B) Gasoline: 19.878 lbs. CO₂/gallon.

(C) Other fuel: submitted emissions factor approved by the Department.

(ii) Documentation of total tons of manure and organic food waste transported from off-site for input into the anaerobic digester during each reporting year, as monitored under subsection (c)(7)(i), and a log of transport miles and fuel type used for each shipment. CO₂ emissions shall be determined through the application of a ton-mile transport emission factor for the fuel type used. If this option is chosen, the following emissions factors shall be applied as appropriate for each ton of manure delivered and multiplied by the number of miles transported:

(A) Diesel fuel: 0.131 lb. CO₂ per ton-mile.

(B) Gasoline: 0.133 lb. CO₂ per ton-mile.

(C) Other fuel: submitted emissions factor approved by the Department.

(7) *Monitoring and verification requirements.* An offset project shall employ a system that provides metering of biogas volumetric flow rate and determination of CH₄ concentration. Annual monitoring and verification reports shall include monthly biogas volumetric flow rate and CH₄ concentration determination. Monitoring and verification shall also meet the following:

(i) If the offset project is a regional-type anaerobic digester, manure and organic food waste from each distinct source supplying to the anaerobic digester shall be sampled monthly to determine the amount of volatile solids present. Any emissions reduction will be calculated according to mass of manure and organic food waste in kilograms (kg) being digested and percentage of volatile solids present before anaerobic digestion, consistent with the requirements under subsection (c)(4) and subsection (c)(7)(iii) and apportioned accordingly among sources. The project sponsor shall provide supporting material and receipts tracking the monthly receipt of manure and

organic food waste in kilograms (kg) used to supply the anaerobic digester from each supplier.

(ii) If the offset project includes the anaerobic digestion of organic food waste eligible under subsection (c)(1)(ii), organic food waste shall be sampled monthly to determine the amount of volatile solids present before anaerobic digestion, consistent with the requirements at subsection (c)(4) and subsection (c)(7)(iii), and apportioned accordingly.

(iii) The project sponsor shall submit a monitoring and verification plan as part of the consistency application that includes a quality assurance and quality control

program associated with equipment used to determine biogas volumetric flow rate and CH₄ composition. The monitoring and verification plan shall be specified in accordance with the applicable monitoring requirements listed in Table 3. The monitoring and verification plan shall also include provisions for ensuring that measuring and monitoring equipment is maintained, operated and calibrated based on manufacturer's recommendations, as well as provisions for the retention of maintenance records for audit purposes. The monitoring and verification plan shall be certified by an independent verifier accredited under § 145.396.

Table 3. Monitoring requirements

<i>Parameter</i>	<i>Measurement Unit</i>	<i>Frequency of Sampling</i>	<i>Sampling Methods</i>
Influent flow (mass) into the digester	Kilograms (kg) per month (wet mass)	Monthly total into the digester	In descending order of preference: 1) Recorded mass 2) Digester influent pump flow 3) Livestock population and application of American Society of Agricultural and Biological Engineers (ASABE) standard (ASAE D384.2, March 2005)
Influent total solids concentration (TS)	Percent (of sample)	Monthly, depending upon recorded variations	EPA Method Number 160.3, Methods for the Chemical Analysis of Water and Wastes (EPA/600/4-79/020)
Influent volatile solids (VS) concentration	Percent (of TS)	Monthly, depending upon recorded variations	EPA Method Number 160.4, Methods for the Chemical Analysis of Water and Wastes (EPA/600/4-79/020)
Average monthly ambient temperature	Temperature °C	Monthly (based on farm averages)	Closest National Weather Service—certified weather station
Volume of biogas produced by digester	Standard cubic feet (scf)	Continuous, totalized monthly	Flow meter
Methane composition of biogas produced by digester	Percent (of sample)	Quarterly	Bag sampling and third party laboratory analysis using applicable EPA test methods

§ 145.396. Accreditation of independent verifiers.

(a) *Standards for accreditation.* An independent verifier may be accredited by the Department to provide verification services as required of a project sponsor under this subchapter, provided that an independent verifier meets all the requirements of this section.

(1) *Verifier minimum requirements.* Each accredited independent verifier shall demonstrate knowledge of the following:

- (i) Utilizing engineering principles.
- (ii) Quantifying greenhouse gas emissions.
- (iii) Developing and evaluating air emissions inventories.
- (iv) Auditing and accounting principles.
- (v) Information management systems.
- (vi) The requirements of this subchapter.
- (vii) Such other qualifications as may be required by the Department to provide competent verification services as required for individual offset categories under § 145.395 (relating to CO₂ emissions offset project standards).

(2) *Organizational qualifications.* An accredited independent verifier shall demonstrate that they meet the following:

(i) No direct or indirect financial relationship, beyond a contract for provision of verification services, with any offset project developer or project sponsor.

(ii) Employ staff with professional licenses, knowledge and experience appropriate to the specific category of offset projects under § 145.395 that they seek to verify.

(iii) Hold a minimum of \$1 million of professional liability insurance. If the insurance is in the name of a related entity, the verifier shall disclose the financial relationship between the verifier and the related entity, and provide documentation supporting the description of the relationship.

(iv) Implementation of an adequate management protocol to identify potential conflicts of interest with regard to an offset project, offset project developer or project sponsor, or any other party with a direct or indirect financial interest in an offset project that is seeking or has been granted approval of a consistency application under § 145.394(e) (relating to application process), and remedy any conflicts of interest prior to providing verification services.

(3) *Pre-qualification of verifiers.* The Department may require prospective verifiers to successfully complete a training course, workshop or test developed by the Department or its agent, prior to submitting an application for accreditation.

(b) *Application for accreditation.* An application for accreditation shall not contain any proprietary information and shall include the following:

(1) The applicant's name, address, e-mail address, telephone number and facsimile transmission number.

(2) Documentation that the applicant has at least 2 years of experience in each of the knowledge areas specified at subsection (a)(1)(i)—(v), and as may be required under subsection (a)(1)(vii).

(3) Documentation that the applicant has successfully completed the requirements at subsection (a)(3), as applicable.

(4) A sample of at least one work product that provides supporting evidence that the applicant meets the requirements at subsections (a)(1) and (2). The work product shall have been produced, in whole or part, by the applicant and shall consist of a final report or other material provided to a client under contract in previous work. For a work product that was jointly produced by the applicant and another entity, the role of the applicant in the work product shall be clearly explained.

(5) Documentation that the applicant holds professional liability insurance as required under subsection (a)(2)(iii).

(6) Documentation that the applicant has implemented an adequate management protocol to address and remedy any conflict of interest issues that may arise, as required under subsection (a)(2)(iv).

(c) *Department action on applications for accreditation.* The Department will approve or deny a complete application for accreditation within 45 days after submission. Upon approval of an application for accreditation, the independent verifier shall be accredited for a period of 3 years from the date of application approval.

(d) *Reciprocity.* Independent verifiers accredited in other participating states may be deemed to be accredited in this Commonwealth, at the discretion of the Department.

(e) *Conduct of an accredited verifier.*

(1) Prior to engaging in verification services for an offset project sponsor, the accredited verifier shall disclose all relevant information to the Department to allow for an evaluation of potential conflict of interest with respect to an offset project, offset project developer or project sponsor. The accredited verifier shall disclose information concerning its ownership, past and current clients, related entities, as well as any other facts or circumstances that have the potential to create a conflict of interest.

(2) An accredited verifier shall have an ongoing obligation to disclose to the Department any facts or circumstances that may give rise to a conflict of interest with respect to an offset project, offset project developer or project sponsor.

(3) The Department may reject a verification report and certification statement from an accredited verifier, submitted as part of a consistency application required under § 145.394(b) or submitted as part of a monitoring and verification report submitted under § 145.397(b) (relating to award and recordation of CO₂ offset allowances), if the Department determines that the accredited verifier has a conflict of interest related to the offset project, offset project developer or project sponsor.

(4) The Department may revoke the accreditation of a verifier at any time for the following:

(i) Failure to fully disclose any issues that may lead to a conflict of interest situation with respect to an offset project, offset project developer or project sponsor.

(ii) The verifier is no longer qualified due to changes in staffing or other criteria.

(iii) Negligence or neglect of responsibilities pursuant to the requirements of this subchapter.

(iv) Intentional misrepresentation of data or other intentional fraud.

§ 145.397. Award and Recordation of CO₂ offset allowances.

(a) *Award of CO₂ offset allowances.* Following the issuance of a consistency determination under § 145.394(e)(2) (relating to application process) and the approval of a monitoring and verification report under the provisions of subsection (f), the Department will award one CO₂ offset allowance for each ton of demonstrated reduction in CO₂ or CO₂e emissions or sequestration of CO₂.

(b) *Recordation of CO₂ offset allowances.* After CO₂ offset allowances are awarded under subsection (a)(1), the Department will record the CO₂ offset allowances in the project sponsor's general account.

(c) *Deadlines for submittal of monitoring and verification reports.*

(1) For an offset project undertaken prior to January 1, 2022, the project sponsor shall submit the monitoring and verification report covering the pre-2022 period by June 30, 2022.

(2) For an offset project undertaken on or after January 1, 2022, the project sponsor shall submit the monitoring and verification report within 6 months following the completion of the last calendar year during which the offset project achieved CO₂e reductions or sequestration of CO₂ for which the project sponsor seeks the award of CO₂ offset allowances.

(d) *Contents of monitoring and verification reports.* For an offset project, the monitoring and verification report must include the following:

(1) The project sponsor's name, address, e-mail address, telephone number, facsimile transmission number and account number.

(2) The CO₂ emissions reduction or CO₂ sequestration determination as required by the relevant provisions of § 145.395 (relating to CO₂ emissions offset project standards), including a demonstration that the project sponsor complied with the required quantification, monitoring and verification procedures under § 145.395, as well as those outlined in the consistency application approved under § 145.394(e)(2).

(3) A signed certification statement that reads "The undersigned project sponsor hereby confirms and attests that the offset project upon which this monitoring and verification report is based is in full compliance with all of the requirements of §§ 145.391—145.397. The project sponsor holds the legal rights to the offset project or has been granted the right to act on behalf of a party that holds the legal rights to the offset project. I understand that eligibility for the award of CO₂ offset allowances under §§ 145.391—145.397 is contingent on meeting the requirements of §§ 145.391—145.397. I authorize the Department or its agent to audit this offset project for purposes of verifying that the offset project, including the monitoring and verification plan, has been implemented as described in the consistency application that was the subject of a consistency determination by the Depart-

ment. I understand that this right to audit shall include the right to enter the physical location of the offset project and to make available to the Department or its agent any and all documentation relating to the offset project at the Department's request. I submit to the legal jurisdiction of the Commonwealth of Pennsylvania."

(4) A certification signed by the project sponsor certifying that all offset projects for which the sponsor has received CO₂ offset allowances under this subchapter or similar provisions in the rules of other participating states, under the sponsor's ownership or control or under the ownership or control of any entity which controls, is controlled by, or has common control with the sponsor are in compliance with all applicable requirements of the CO₂ Budget Trading Program in all participating states.

(5) A verification report and certification statement signed by an independent verifier accredited under § 145.396 (relating to accreditation of independent verifiers) that documents that the independent verifier has reviewed the monitoring and verification report and evaluated the following in relation to the applicable requirements at § 145.395, and any applicable guidance issued by the Department:

(i) The adequacy and validity of information supplied by the project sponsor to determine CO₂ emissions reductions or CO₂ sequestration under the applicable requirements at § 145.395.

(ii) The adequacy and consistency of methods used to quantify, monitor and verify CO₂ emissions reductions and CO₂ sequestration in accordance with the applicable requirements at § 145.395 and as outlined in the consistency application approved under § 145.394(e)(2).

(iii) The adequacy and validity of information supplied by the project sponsor to demonstrate that the offset project meets the applicable eligibility requirements under § 145.395.

(iv) Other evaluations and verification reviews as may be required by the Department.

(6) Disclosure of any voluntary or mandatory programs, other than the CO₂ Budget Trading Program, to which greenhouse gas emissions data related to the offset project has been or will be reported.

(e) *Prohibition against filing monitoring and verification reports in more than one participating state.* The Department will only accept a monitoring and verification report for an offset project that has received a consistency determination under § 145.394(e)(2) and will not accept a monitoring and verification report for an offset project that has received a consistency determination in other participating states.

(f) *Department action on monitoring and verification reports.*

(1) A complete monitoring and verification report is one that is in an approved form and is determined by the Department to be complete for the purpose of commencing review of the monitoring and verification report. In no event shall a completeness determination prevent the Department from requesting additional information needed by the Department to approve or deny a monitoring and verification report.

(2) Within 45 days following receipt of a complete report, the Department will approve or deny a complete monitoring and verification report, in a format approved by the Department, filed with the Department under subsections (c) and (d).

CO₂ ALLOWANCE AUCTIONS

Sec.

- 145.401. Auction of CO₂ allowances.
- 145.402. Auction format.
- 145.403. Auction timing and CO₂ allowance submission schedule.
- 145.404. Auction notice.
- 145.405. Auction participant requirements.
- 145.406. Auction participant qualification.
- 145.407. Submission of financial security.
- 145.408. Bid submittal requirements.
- 145.409. Approval of auction results.

§ 145.401. Auction of CO₂ allowances.

(a) Except as provided under subsection (b), the Department will participate in a multistate CO₂ allowance auction in coordination with other participating states based on the following:

(1) A multistate auction capability and process is in place for the participating states.

(2) The multistate auction can provide benefits to this Commonwealth that meet or exceed the benefits conferred on Pennsylvania through its own Pennsylvania-run auction process.

(3) The multistate auction process is consistent with the process described in §§ 145.401—145.409 (relating to CO₂ allowance auctions).

(4) The multistate auction process includes monitoring of each CO₂ allowance auction by an independent monitor to identify any collusion, market power or price manipulation.

(b) Should the Department find that the conditions in subsection (a) are no longer met, the Department may determine to conduct a Pennsylvania-run auction in accordance with §§ 145.341—145.343 (relating to Pennsylvania CO₂ Budget Trading Program base budget; CO₂ allowance allocations; and distribution of CO₂ allowances in the air pollution reduction account) and 145.401—145.409.

(c) The Department may delegate the implementation and administrative support functions for any CO₂ allowance auction conducted under §§ 145.401—145.409 to an agent qualified to conduct auctions, including a regional entity, provided that the agent shall perform all functions under the direction and oversight of the Department.

(d) The Department will retain its authority to enforce compliance with all sections of this subchapter and will retain control over the proceeds associated with the sale of Pennsylvania CO₂ allowances, whether sold in a multistate or Pennsylvania CO₂ allowance auction and will credit the proceeds to the Clean Air Fund established under the act.

§ 145.402. Auction format.

(a) The format of a CO₂ allowance auction will be one or more of the following:

- (1) Uniform-price sealed-bid.
- (2) Discriminatory-price sealed-bid.
- (3) Ascending price, multiple-round.
- (4) Descending price, multiple-round.

(b) CO₂ allowances will be auctioned in lots of 1,000 CO₂ allowances, unless the volume of CO₂ allowances auctioned requires an individual lot size smaller than 1,000.

(c) The Department will establish a reserve price for each CO₂ allowance auction, which will be either the minimum reserve price or the CCR trigger price, as specified under § 145.382 (relating to general require-

ments), Table 1 (relating to CO₂ CCR trigger price) and §§ 145.381 and 145.382 (relating to purpose; and general requirements).

§ 145.403. Auction timing and CO₂ allowance submission schedule.

(a) A CO₂ allowance auction will be held no less frequently than annually, and as frequently as the Department determines is necessary and practical to ensure the availability of CO₂ allowances to CO₂ budget units and CO₂ budget sources and to support the effective functioning of the CO₂ allowance market.

(b) Prior to the end of each control period or interim control period, the Department will make available for sale by auction, all CO₂ allowances held in the air pollution reduction account that are designated for the allocation years associated with that control period or interim control period. This will not include CO₂ allowances set aside in the waste coal set-aside account under § 145.342(i) (relating to CO₂ allowance allocations), the strategic use set-aside account under § 145.342(j) or the cogeneration set-aside account under § 145.342(k).

(c) The number of CO₂ allowances to be made available for sale in an auction will be disclosed in the notice of CO₂ allowance auction issued under § 145.404 (relating to auction notice).

(d) An auction of CO₂ allowances will include a CO₂ cost containment reserve and a CCR trigger price, as provided under § 145.342.

§ 145.404. Auction notice.

(a) A notice of each CO₂ allowance auction will be provided no later than 45 days prior to the date upon which the auction will be conducted.

(b) In addition to the information specified under § 145.382(a) (relating to general requirements), the notice of a CO₂ allowance auction will include the following:

- (1) The date, time and location of the CO₂ allowance auction.
- (2) The format for the CO₂ allowance auction.
- (3) The categories of bidders who will be eligible to bid.
- (4) The number and allocation years of Pennsylvania CO₂ allowances to be auctioned.
- (5) The minimum reserve price.
- (6) All information regarding the CO₂ cost containment reserve, required to be in the notice under § 145.382(a).
- (7) The procedures for conducting the CO₂ allowance auction, including the required bid submission format and process, and information regarding financial settling of CO₂ allowance payments.
- (8) All CO₂ allowance auction participation requirements.
- (9) The amount and type of financial security required and instructions for submitting acceptable financial surety.
- (10) Participation limits, including bidding limits that may apply to an individual bidder or a group of related bidders.
- (11) Application instructions for applying to participate in the CO₂ allowance auction.
- (12) Identification of a Pennsylvania auction contact person for further information.

(13) Other pertinent rules or procedures of the auction as may be required to ensure a transparent, fair and competitive auction.

§ 145.405. Auction participant requirements.

(a) To be classified by the Department as a bidder eligible to participate in a specific CO₂ allowance auction, a qualified participant must meet the following:

(1) Be a member of a category of those eligible to participate in the specified CO₂ allowance auction as indicated by the notice of CO₂ allowance auction issued under § 145.404(b) (relating to auction notice).

(2) Open and maintain a compliance account or general account, established under § 145.351 (relating to CO₂ allowance tracking system (COATS) accounts).

(3) Submit financial security, such as a bond, cash, certified funds or an irrevocable stand-by letter of credit, in a manner and form acceptable to the Department, as specified in the notice of CO₂ allowance auction issued under § 145.404(b).

(b) The Department will announce the categories of parties that are eligible to participate in a specific CO₂ allowance auction as part of the notice of the CO₂ allowance auction, provided that an owner or operator of a CO₂ budget unit located in this Commonwealth is always eligible to participate in a CO₂ allowance auction.

(c) For a CO₂ allowance auction, the following categories of parties may be eligible to participate:

- (1) The owner or operator of a CO₂ budget unit located in this Commonwealth.
- (2) The owner or operator of a CO₂ budget unit located in a participating state.
- (3) A broker.
- (4) An environmental organization.
- (5) A financial or investment institution.
- (6) Any other market participant, as may be specified in the notice of the CO₂ allowance auction.

§ 145.406. Auction participant qualification.

(a) A person who intends to participate in a CO₂ allowance auction shall submit a qualification application to the Department, in the form and manner specified in the notice of the CO₂ allowance auction.

(b) The deadline for submitting a qualification application will be established in the notice of the CO₂ allowance auction.

(c) As part of a qualification application, an applicant shall provide information and documentation relating to the ability and authority of the applicant to execute bids and honor contractual obligations, including the following:

- (1) Identification by the applicant of either a compliance account or general account established under § 145.351 (relating to CO₂ allowance tracking system (COATS) accounts) and identification of the CO₂ authorized account representative for the compliance account or general account.
- (2) Information and documentation regarding the corporate identity, ownership, affiliations and capital structure of the entity represented by the applicant.
- (3) Identification of any indictment or felony conviction of the applicant or any member, director, principal, partner or officer of the entity represented by the applicant or any affiliate or related entity.

(4) Identification of any previous or pending investigation of the applicant or the entity represented by the applicant or any affiliate or related entity, with respect to any alleged violation of any rule, regulation or law associated with any commodity market or exchange.

(5) Other information and declarations as the Department determines may be required of an applicant to ensure the integrity of the CO₂ allowance auction process.

(d) The Department will determine whether a qualification application is complete, or incomplete, or otherwise deficient. If the Department determines that an application is incomplete or otherwise deficient, the applicant will be given 10 business days to provide additional information to the Department to complete the application or remedy any application deficiency.

(e) The Department will review a complete qualification application, make a determination as to whether the applicant is qualified to participate in the CO₂ allowance auction and notify the applicant in writing not later than 15 days before the CO₂ allowance auction.

(f) The Department may deny qualification to an applicant based on information submitted in a qualification application to ensure the integrity of the CO₂ allowance auction process in accordance with the requirements and procedures for auctions established under §§ 145.405, 145.407 and 145.408 (relating to auction participant requirements; submission of financial security; and bid submittal requirements).

(g) The Department may revoke the qualification status of a qualified participant, if the participant fails to comply with the applicable requirements of this subchapter, or if the Department determines that they have knowingly provided false or misleading information or withheld pertinent information from the qualification application submitted under subsection (a). The Department may also prohibit the qualified participant from participating in a future CO₂ allowance auction where the Department determines that the prior conduct could compromise the integrity of a subsequent CO₂ allowance auction.

(h) A qualified participant will remain qualified to participate in future CO₂ allowance auctions after the Department's qualification determination, provided that there has been no material change to the information supplied to the Department in the qualification application submitted under subsection (a). If there is a material change to the information in the qualification application submitted under subsection (a), the qualification status will expire as of the date of the change, pending the submission of a new qualification application under subsection (a) and a determination by the Department that the applicant is qualified to participate in a CO₂ allowance auction.

(i) Prior to each CO₂ allowance auction, a qualified participant who intends to participate in the auction shall notify the Department, through a notice of intent to bid, that they intend to participate in the upcoming CO₂ allowance auction. The notice shall be submitted to the Department by the same date as that required for submitting a qualification application established in the notice of the CO₂ allowance auction.

(j) As part of a notice of intent to bid submitted to the Department under subsection (i), a qualified participant

shall notify the Department whether there has been a material change to the information supplied in the qualification application submitted under subsection (a).

§ 145.407. Submission of financial security.

(a) To participate in a CO₂ allowance auction, a qualified participant shall provide financial security to the Department, including a bond, cash, certified funds or an irrevocable stand-by letter of credit, in a form and manner prescribed by the Department in the notice of the CO₂ allowance auction.

(b) The Department will approve the qualified participant to participate as a bidder in the specified CO₂ allowance auction after the Department has approved the financial security submitted under subsection (a). The eligibility to bid in any auction shall be limited to the level of financial security provided.

(c) A qualified participant who submits financial security may request return of the financial security at any time prior to or following a CO₂ allowance auction, subject to the following limitations:

(1) A request for the return of financial security prior to a CO₂ allowance auction will result in the Department revoking approval to participate in the CO₂ allowance auction, as of the date of the request.

(2) The Department will not return the financial security if the Department has a current or pending claim to the financial security as a result of the failure of the bidder to abide by the requirements of this subchapter or to pay the full amount of a submitted bid when payment is due.

§ 145.408. Bid submittal requirements.

(a) A bidder shall submit a bid, in a form and manner prescribed by the Department, in an amount that does not exceed the amount of financial security provided to the Department.

(b) A bidder, including any affiliate or agent of the bidder, or any combination of bidders with related beneficial interests, shall purchase no more than 25% of the CO₂ allowances offered for sale in a CO₂ allowance auction. The limitation, which will not be increased by CCR allowances, will be published in the auction notice under § 145.404(b) (relating to auction notice).

(c) A bidder shall not use or employ any manipulative, misleading or deceptive practice in connection with its prequalification application or purchase of CO₂ allowances from the Department, including, any practice that contravenes or violates any applicable Federal or participating state law, rules or regulation.

(d) A bid submitted at a CO₂ allowance auction is a binding offer for the purchase of CO₂ allowances.

§ 145.409. Approval of auction results.

(a) An independent monitor, such as a certified public accounting firm or similar entity, shall observe the conduct and outcome of each auction and issue a report to the Department in accordance with professional auditing standards addressing whether the auction was conducted in accordance with the procedures and requirements

under §§ 145.341—145.343 and 145.401—145.409 (relating to CO₂ allowance allocations; and CO₂ allowance auctions) and whether there was any indication of collusive behavior among auction participants or attempts at market manipulation that impacted the results of the auction.

(b) The independent monitor shall monitor allowance market data and information known to the Department, including CO₂ allowance transactions and associated pricing reported in COATS, and other relevant data and information to ensure fair competition, efficient pricing and protection against collusive or manipulative behavior in the CO₂ allowance auctions and the CO₂ Budget Trading Program.

(c) The Department may approve the outcome of a CO₂ allowance auction following the completion of the auction, based on an evaluation of the report from the independent monitor.

(d) Upon receipt and approval by the Department of the report and upon payment in full by successful bidders, the Department or its agent shall transfer and record the corresponding CO₂ allowances to the compliance or general account of each successful bidder.

(e) After the Department has approved the results of a CO₂ allowance auction, the Department will make available the auction clearing price and the number of CO₂ allowances sold in the auction.

[Pa.B. Doc. No. 20-1541. Filed for public inspection November 6, 2020, 9:00 a.m.]

NOTICES

DEPARTMENT OF AGING

Pharmaceutical Assistance Advisory Board Virtual Meeting

The Pharmaceutical Assistance Advisory Board will hold a meeting by means of Skype on Wednesday, December 2, 2020, from 8:30 a.m. to 10 a.m. Discussion topics will be: medication therapy management; medication synchronization; PACE opioid use interventions; pharmacy reimbursement issues; 2021 PACE Part D wrap around; and PACE legislative initiatives.

Individuals can join the online meeting at <https://meet.lync.com/pagov/memcdaniel/7WQBHLYP> or by using the Skype Web App at <https://meet.lync.com/pagov/memcdaniel/7WQBHLYP?sl=1>.

Individuals can join by calling 1 (267) 332-8737. The conference ID number is 794922446.

ROBERT TORRES,
Secretary

[Pa.B. Doc. No. 20-1542. Filed for public inspection November 6, 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 27, 2020.

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

BANKING INSTITUTIONS

Holding Company Acquisitions

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Action</i>
10-19-2020	William Penn Bancorporation Bristol Pennsylvania	Filed
Application for approval to acquire 100% of William Penn Bank, Bristol, PA.		

Branch Applications

De Novo Branches

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
10-22-2020	Middletown Valley Bank Middletown Frederick County, MD	11337 Buchanan Trail East Waynesboro Franklin County, PA	Filed
10-22-2020	InFirst Bank Indiana Indiana County	909 Menoher Boulevard Johnstown Cambria County	Filed

Branch Relocations

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
10-26-2020	The Dime Bank Honesdale Wayne County	<i>To:</i> 1564 Route 507 Greentown Pike County <i>From:</i> 1586 Route 507 Greentown Pike County	Filed

Articles of Amendment

<i>Date</i>	<i>Name and Location of Institution</i>	<i>Action</i>
09-03-2020	Bank of Bird-in-Hand Bird-in-Hand Lancaster County	Effective

Amendment to Article V of the institution's Articles of Incorporation provides for an increase in the authorized number of shares of common stock, par value \$1 per share, from 20 million to 50 million and to authorize 2 million shares of preferred stock, par value \$1 per share, and provide the bank's Board of Directors with the ability to establish classes of preferred stock with differing rights, privileges, preferences, redemption and voting rights.

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

CREDIT UNIONS

No activity.

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

RICHARD VAGUE,
Acting Secretary

[Pa.B. Doc. No. 20-1543. Filed for public inspection November 6, 2020, 9:00 a.m.]

DEPARTMENT OF BANKING AND SECURITIES

Adjustment to Definition of "Base Figure" in the Loan Interest and Protection Law

The Department of Banking and Securities (Department), as required by the definition of "base figure" in section 101 of the act of January 30, 1974 (P.L. 13, No. 6) (41 P.S. § 101), known as the Loan Interest and Protection Law, is publishing the following notice regarding the inflation-adjusted base figure for the calendar year 2021. The Department has determined that the current base figure of \$260,404 adjusted for annual inflation using the "Consumer Price Index—All Urban Consumers: U.S. All Items 1982-84 = 100" published by the United States Department of Labor Bureau of Labor Statistics results in a base figure of \$263,975. This new base figure will be effective January 1, 2021, for the calendar year 2021.

RICHARD VAGUE,
Acting Secretary

[Pa.B. Doc. No. 20-1544. Filed for public inspection November 6, 2020, 9:00 a.m.]

DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

Conservation and Natural Resources Advisory Council WebEx Meeting

The Conservation and Natural Resources Advisory Council (Council) to the Department of Conservation and Natural Resources (Department) will hold a WebEx meeting on November 18, 2020, at 10 a.m. The WebEx meeting can be accessed through a link found on the Council's web site prior to the meeting at www.dcnr.pa.gov/cnrac.

Questions concerning this WebEx meeting or agenda items can be directed to Gretchen Leslie at (717) 772-9084. For public comment to be considered at the public meeting, follow instructions on the Council's web site.

Persons in need of accommodations as provided for in the Americans with Disabilities Act of 1990 should contact Aara Vinsh directly at (717) 787-9306 or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

CINDY ADAMS DUNN,
Secretary

[Pa.B. Doc. No. 20-1545. Filed for public inspection November 6, 2020, 9:00 a.m.]

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Applications, Actions and Special Notices

APPLICATIONS

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

This notice provides information about persons who have applied for a new, amended or renewed NPDES or WQM permit, a permit waiver for certain stormwater discharges or submitted a Notice of Intent (NOI) for coverage under a

General Permit. The applications concern, but are not limited to, discharges regarding industrial, animal or sewage waste, discharges to groundwater, discharges associated with municipal separate storm sewer systems (MS4), stormwater associated with construction activities or concentrated animal feeding operations (CAFO). This notice is provided in accordance with 25 Pa. Code Chapters 91 and 92a and 40 CFR Part 122, implementing The Clean Streams Law (35 P. S. §§ 691.1—691.1001) and the Federal Clean Water Act (33 U.S.C.A. §§ 1251—1376).

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

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

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

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

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

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

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

I. NPDES Renewal Applications.

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N?</i>
PA0246464 (Sewage)	East Hanover Township Dairy Lane Sewage Treatment Plant 100 Dairy Lane Palmyra, PA 17078	Dauphin County East Hanover Township	Bow Creek (7-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>
PA0000256 (Industrial)	PA American Water Punxsutawney District 800 Hershey Park Drive P.O. Box 888 Hershey, PA 17003	Jefferson County Gaskill Township	East Branch Mahoning Creek (CWF) (17-D)	Y
PA0273139 (Sewage)	Dennis & Diann Frampton SFTF 246 Devore Drive Meadville, PA 16335-1412	Crawford County East Mead Township	Unnamed Tributary of Woodcock Creek (16-A)	Y
PA0221686 (Storm Water)	Macdonald & Owen Lumber 11424 Route 36 Brookville, PA 15825-8656	Jefferson County Oliver Township	Beaver Run (HQ-CWF) (17-C)	Y

<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>
PA0273171 (Sewage)	John Kleiner SRSTP 3777 Williams Road Erie, PA 16510-6147	Erie County Harborcreek Township	Unnamed Tributary to Sixmile Creek (CWF, MF) (15-A)	Y

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

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

PA0056430, Storm Water, SIC Code 4226, 4613, **Sunoco Partners Marketing & Terminals, LP**, 100 Green Street, Marcus Hook, PA 19061. Facility Name: Fort Mifflin Terminal. This existing facility is located in Tinicum Township, Delaware County.

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

The receiving streams, Delaware River and Unnamed Tributary to Delaware River, are located in State Water Plan watershed 3-F and are classified for Migratory Fishes and Warm Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on an average flow of stormwater—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Average Quarterly</i>	<i>Maximum</i>	
pH (S.U.)	XXX	XXX	6.0 Inst Min	XXX	XXX	9.0
Total Suspended Solids	XXX	XXX	XXX	Report	XXX	XXX
Oil and Grease	XXX	XXX	XXX	15	XXX	30
Total Recoverable Petroleum Hydrocarbons	XXX	XXX	XXX	15.0	XXX	30.0

The proposed effluent limits for Outfall 002 are based on an average flow of stormwater—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Average Quarterly</i>	<i>Maximum</i>	
pH (S.U.)	XXX	XXX	6.0 Inst Min	XXX	XXX	9.0
Total Suspended Solids	XXX	XXX	XXX	Report	XXX	XXX
Oil and Grease	XXX	XXX	XXX	15	XXX	30
Total Recoverable Petroleum Hydrocarbons	XXX	XXX	XXX	15.0	XXX	30.0

Stormwater Outfall 003 is not required to be monitored.

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

1. Stormwater Outfalls
2. BMPs
3. Routine Inspections
4. PC Plan
5. Stormwater Monitoring
6. Acquire Necessary Property Rights
7. Proper Sludge Disposal

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

The EPA Waiver is in effect.

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

PA0023604, Sewage, SIC Code 4952, **McAlisterville Area Joint Authority Juniata County**, P.O. Box 61, McAlisterville, PA 17049-0061. Facility Name: McAlisterville STP. This existing facility is located in Fayette Township, Juniata 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), Little Lost Creek (TSF), is located in State Water Plan watershed 12-A and is classified for Trout Stocking, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 13 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>		<i>Average Monthly</i>	<i>Weekly Average</i>	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	Inst Min 5.0	XXX	XXX	XXX
Total Residual Chlorine (TRC)	XXX	XXX	Report Inst Min	0.17	XXX	0.56
Carbonaceous Biochemical Oxygen Demand (CBOD ₅)	XXX	XXX	XXX	25.0	40.0	50
Biochemical Oxygen Demand (BOD ₅)						
Raw Sewage Influent	Report	Report	XXX	Report	XXX	XXX
CBOD ₅ (Total Load, lbs) (lbs)	27.0	43.0	XXX	XXX	XXX	XXX
Total Suspended Solids						
Raw Sewage Influent	Report	Report	XXX	Report	XXX	XXX
Total Suspended Solids (Total Load, lbs) (lbs)	XXX	XXX	XXX	30.0	45.0	60
Fecal Coliform (CFU/100 ml)	32.0	49.0	XXX	XXX	XXX	XXX
Oct 1 - Apr 30	XXX	XXX	XXX	2,000	XXX	XXX
May 1 - Sep 30	XXX	XXX	XXX	Geo Mean 200	XXX	XXX
Ammonia-Nitrogen				Geo Mean		
Nov 1 - Apr 30	XXX	XXX	XXX	6.0	XXX	12
May 1 - Oct 31	XXX	XXX	XXX	2.0	XXX	4
Ammonia-Nitrogen (Total Load, lbs) (lbs)						
Nov 1 - Apr 30	6.5	XXX	XXX	XXX	XXX	XXX
May 1 - Oct 31	2.1	XXX	XXX	XXX	XXX	XXX
Total Phosphorus (Total Load, lbs) (lbs)	XXX	XXX	XXX	2.0	XXX	4
	2.1	XXX	XXX	XXX	XXX	XXX

The proposed effluent limits for Outfall 001 are based on a design flow of 13 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>		<i>Average Monthly</i>	<i>Weekly Average</i>	
Nitrate-Nitrite as N	XXX	XXX	XXX	Report Semi Avg	XXX	XXX
Nitrate-Nitrite as N (Total Load, lbs) (lbs)	XXX	Report Semi Avg	XXX	XXX	XXX	XXX
Total Nitrogen (Total Load, lbs) (lbs)	XXX	Report Semi Avg	XXX	XXX	XXX	XXX
Total Kjeldahl Nitrogen (Total Load, lbs) (lbs)	XXX	XXX	XXX	Report Semi Avg	XXX	XXX
	XXX	Report Semi Avg	XXX	XXX	XXX	XXX

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

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.

PA0021075, Sewage, SIC Code 4952, **Myerstown Borough Lebanon County**, 101 S Railroad Street, Myerstown, PA 17067-1351. Facility Name: Myerstown STP. This existing facility is located in Myerstown Borough, **Lebanon 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), Tulpehocken Creek (TSF), is located in State Water Plan watershed 3-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 2 MGD.—Limits.

Parameters	Mass Units (lbs/day)		Daily 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 Inst Min	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	5.0	XXX	XXX	XXX
Carbonaceous Biochemical Oxygen Demand (CBOD ₅)						
Nov 1 - Apr 30	417	667	XXX	25	40	50
May 1 - Oct 31	283	450	XXX	17	27	34
Biochemical Oxygen Demand (BOD ₅)						
Raw Sewage Influent	Report	Report	XXX	Report	XXX	XXX
Daily Max						
Total Suspended Solids						
Raw Sewage Influent	Report	Report	XXX	Report	XXX	XXX
Daily Max						
Total Suspended Solids	500	750	XXX	30	45	60
Fecal Coliform (No./100 ml)						
Oct 1 - Apr 30	XXX	XXX	XXX	2,000 Geo Mean	XXX	10,000
May 1 - Sep 30	XXX	XXX	XXX	200 Geo Mean	XXX	1,000
Ammonia-Nitrogen						
Nov 1 - Apr 30	265	XXX	XXX	15.9	XXX	31.8
May 1 - Oct 31	88	XXX	XXX	5.3	XXX	10.6
Total Phosphorus	16.7	XXX	XXX	1.0	XXX	2
Arsenic, Total	0.718	XXX	XXX	0.043	XXX	0.108
Ultraviolet light dosage (mWsec/cm ²)	XXX	XXX	Report	XXX	XXX	XXX
Total Dissolved Solids	XXX	XXX	XXX	Report	XXX	XXX
Avg Qrtly						
Total Nitrogen	XXX	XXX	XXX	Report	XXX	XXX
Avg Qrtly						

Sludge use and disposal description and location(s):

- Digested sludge is dewatered using centrifuge and the dewatered cake is hauled off-site to the Greater Lebanon Refuse Authority Landfill.

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

- Stormwater Prohibition
- Approval Contingencies
- Proper Waste/Solids Management
- Restriction on receipt of hauled in waste under certain conditions
- WET testing requirements
- Pretreatment Implementation Condition
- Stormwater Conditions

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.

PA0009423, Industrial, SIC Code 4941, **Everett Borough Area Municipal Authority Bedford County**, 100 Mechanic Street, Everett, PA 15537-1177. Facility Name: Everett Borough Water System. This existing facility is located in West Providence Township, **Bedford 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), Johns Branch (WWF), is located in State Water Plan watershed 11-D and is classified for Warm Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of.028 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
Nitrate-Nitrite as N	XXX	XXX	XXX	Report Annl Avg	XXX	XXX
Total Nitrogen	XXX	XXX	XXX	Report Annl Avg	XXX	XXX
Ammonia-Nitrogen	XXX	XXX	XXX	Report Annl Avg	XXX	XXX
Total Kjeldahl Nitrogen	XXX	XXX	XXX	Report Annl Avg	XXX	XXX
Total Phosphorus	XXX	XXX	XXX	Report Annl Avg	XXX	XXX

The proposed effluent limits for Outfall 001 are based on a design flow of.028 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX Daily Max	6.0 Inst Min	XXX	XXX	9.0
Total Residual Chlorine (TRC)	XXX	XXX	XXX	0.2	XXX	0.9
Total Suspended Solids	XXX	XXX	XXX	30.0	60.0	75
Aluminum, Total	0.35	0.69	XXX	1.48	2.96	3.7
Iron, Total	Report	Daily Max Report	XXX	2.0	4.0	5
Manganese, Total	Report	Daily Max Report	XXX	1.0	2.0	2.5

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.

PA0080489, Sewage, SIC Code 5812, **Liberty Truckstop Inc.**, 3298 Susquehanna Trail, Duncannon, PA 17020-7108. Facility Name: Liberty Travel Plz Duncannon. This existing facility is located in Watts Township, **Perry 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), Buffalo Creek (WWF), is located in State Water Plan watershed 6-C and is classified for Warm Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of.015 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Average Monthly</i>	<i>Maximum</i>	
Nitrate-Nitrite as N	XXX	XXX	XXX	Report Avg Qrtly	XXX	XXX
Total Nitrogen	XXX	XXX	XXX	Report Avg Qrtly	XXX	XXX
Ammonia-Nitrogen	XXX	XXX	XXX	Report Avg Qrtly	XXX	XXX
Total Kjeldahl Nitrogen	XXX	XXX	XXX	Report Avg Qrtly	XXX	XXX
Total Phosphorus	XXX	XXX	XXX	Report Avg Qrtly	XXX	XXX

The proposed effluent limits for Outfall 001 are based on a design flow of.015 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Average Monthly</i>	<i>Maximum</i>	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX Daily Max	6.0 Inst Min	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	5.0 Inst Min	XXX	XXX	XXX

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Average Monthly</i>	<i>Maximum</i>	
Total Residual Chlorine (TRC)	XXX	XXX	XXX	0.5	XXX	1.6
Carbonaceous Biochemical Oxygen Demand (CBOD ₅)	XXX	XXX	XXX	25	XXX	50
Total Suspended Solids	XXX	XXX	XXX	30	XXX	60
Fecal Coliform (No./100 ml)						
Oct 1 - Apr 30	XXX	XXX	XXX	2,000	XXX	10,000
May 1 - Sep 30	XXX	XXX	XXX	Geo Mean 200	XXX	1,000
				Geo Mean		

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.

PA0281751 A-1, Concentrated Animal Feeding Operation (CAFO), **Kish View Farm (Kish View Farm CAFO)**, 4733 E Main Street, Belleville, PA 17004-9296.

Kish View Farm has submitted an application for an Individual NPDES permit for CAFO known as Kish View Farm CAFO, located in Union Township, **Mifflin County**.

The CAFO is situated near Unnamed Tributary of Kishacoquillas Creek (HQ-CWF, MF) in Watershed 12-A, which is classified for High Quality—Cold Water and Migratory Fish. The CAFO is designed to maintain an animal population of approximately 1,279.63 animal equivalent units (AEUs) consisting of 650 mature dairy cows, 280 dairy heifers, and 205 dairy calves. Liquid manure passes through a methane digester and is stored in a circular manure storage at the home farm, an earthen lagoon on the Glick Farm, and an underbarn manure storage on the AJ Farm. A release or discharge to waters of the Commonwealth under normal operating conditions is not expected. Normal operating conditions are defined as conditions below a 25-year, 24-hour storm event.

The Department has conducted administrative and technical reviews of the application. Based on the preliminary review and application of lawful standards and regulations, the Department has made a tentative determination to issue an NPDES permit for the operation subject to the terms and conditions and monitoring and reporting requirements specified in the permit.

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

The Environmental Protection Agency (EPA) permit waiver provision under 40 CFR 123.24(e) does not apply to this NPDES permit.

PA0267317, Sewage, SIC Code 8800, **Howard G Williamson**, 388 Hollen Road, Tyrone, PA 16686-7316. Facility Name: Howard Williamson Res. This proposed facility is located in Antis Township, **Blair County**.

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

The receiving stream(s), Sugar Run (WWF, MF), is located in State Water Plan watershed 11-A and is classified for Migratory Fishes and Warm Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

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

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Annual Average</i>	<i>Maximum</i>	
Flow (GPD)	Report Annl Avg	XXX	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	5.0 Inst Min	XXX	XXX	9.0
Carbonaceous Biochemical Oxygen Demand (CBOD ₅)	XXX	XXX	XXX	10.0	XXX	20.0
Total Suspended Solids	XXX	XXX	XXX	10.0	XXX	20.0
Fecal Coliform (No./100 ml)	XXX	XXX	XXX	200	XXX	XXX

Sludge use and disposal description and location(s): Outfall 001.

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.

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.

PA0038865, Sewage, SIC Code 4952, **Zerbe Township Municipal Authority**, 800 Mahanoy Street, Trevorton, PA 17881-1106. Facility Name: Zerbe Township Wastewater Treatment Plant. This existing facility is located in Zerbe Township, **Northumberland 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), Zerbe Run, is located in State Water Plan watershed 6-B and is classified for Cold Water Fishes and Migratory Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.5 MGD.—Limits.

Parameters	Mass Units (lbs/day)			Concentrations (mg/L)		
	Average Monthly	Weekly Average	Instant. Minimum	Average Monthly	Weekly Average	Instant. Maximum
Flow (MGD)	Report	Report Daily Max	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	5.0	XXX	XXX	XXX
Carbonaceous Biochemical Oxygen Demand (CBOD ₅)						
Nov 1 - Apr 30	100	150	XXX	24.0	36.0	48
May 1 - Oct 31	50	75	XXX	12.0	18.0	24
Biochemical Oxygen Demand (BOD ₅)						
Raw Sewage Influent	Report	Report Daily Max	XXX	Report	XXX	XXX
Total Suspended Solids						
Raw Sewage Influent	Report	Report Daily Max	XXX	Report	XXX	XXX
Total Suspended Solids	125	185	XXX	30.0	45.0	60
Fecal Coliform (No./100 ml)						
Oct 1 - Apr 30	XXX	XXX	XXX	2000 Geo Mean	XXX	10,000
May 1 - Sep 30	XXX	XXX	XXX	200 Geo Mean	XXX	1,000
Nitrate-Nitrite as N (Total Load, lbs) (lbs)	XXX Report Total Mo	XXX XXX	XXX XXX	Report XXX	XXX XXX	XXX XXX
Total Nitrogen (Total Load, lbs) (lbs)	XXX Report Total Mo	XXX XXX	XXX XXX	Report XXX	XXX XXX	XXX XXX
Ammonia-Nitrogen						
Nov 1 - Apr 30	43	65	XXX	10.5	15.6	21.3
May 1 - Oct 31	14	21	XXX	3.5	5.2	7.1
(Total Load, lbs) (lbs)	Report Total Mo	XXX	XXX	XXX	XXX	XXX
Total Kjeldahl Nitrogen (Total Load, lbs) (lbs)	XXX Report Total Mo	XXX XXX	XXX XXX	Report XXX	XXX XXX	XXX XXX
Total Phosphorus (Total Load, lbs) (lbs)	XXX Report Total Mo	XXX XXX	XXX XXX	Report XXX	XXX XXX	XXX XXX
Copper, Total (ug/L)	0.062	0.096	XXX	14.8	23.1	37
Zinc, Total (ug/L)	Report	Daily Max Report Daily Max	XXX	Report	Daily Max Report Daily Max	XXX
Ultraviolet light dosage (mjoules/cm ²)	XXX	XXX	Report	XXX	XXX	XXX

The proposed monitoring requirements and effluent limits for implementation of Pennsylvania's Chesapeake Bay Watershed Implementation Plan are as follows for Outfall 001.—Limits.

Parameters	Mass Units (lbs)			Concentrations (mg/L)		Instant. Maximum
	Monthly	Annual	Monthly	Monthly Average	Maximum	
Total Nitrogen (Total Load, lbs) (lbs)	XXX	Report Total Annual	XXX	XXX	XXX	XXX

Parameters	Mass Units (lbs)		Monthly	Concentrations (mg/L)		Instant. Maximum
	Monthly	Annual		Monthly Average	Maximum	
Effluent Net	XXX	7,306 Total Annual Report Total	XXX	XXX	XXX	XXX
Ammonia-Nitrogen (Total Load, lbs) (lbs)	XXX	974 Total Annual	XXX	XXX	XXX	XXX
Total Phosphorus (Total Load, lbs) (lbs)	XXX	974 Total Annual	XXX	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.

Sludge use and disposal description and location(s): Landfill or other wastewater treatment plant.

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.

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

PA0255718, Sewage, SIC Code 8800, **Judith A Whitehead**, 2149 Henry Road, Sewickley, PA 15143. Facility Name: Whitehead Property SRSTP. This proposed facility is located in Sewickley Hills Borough, **Allegheny County**.

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

The receiving stream(s), Unnamed Tributary to Little Sewickley Creek (HQ-TSF), is located in State Water Plan watershed 20-G and is classified for High Quality Waters—Trout Stocking, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.0006 MGD.—Limits.

Parameters	Mass Units (lbs/day)		Instant. Minimum	Concentrations (mg/L)		IMAX
	Annual Average	Average Weekly		Annual Average	Maximum	
Flow (GPD)	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	10.0	XXX	20.0
Total Suspended Solids	XXX	XXX	XXX	10.0	XXX	20.0
Fecal Coliform (No./100 ml)	XXX	XXX	XXX	200	XXX	1,000

Sludge use and disposal description and location(s): To be hauled off-site.

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 412-442-4000.

The EPA Waiver is in effect.

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

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

WQM Permit No. WQG01202002, Sewage, **Faron Reckhart**, 21602 Boyle Road, Cochranon, PA 16313.

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

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

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

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

PAI130059, MS4, **Plumstead Township**, P.O. Box 387, Plumsteadville, PA 18949-0387. The application is for a renewal of an individual NPDES permit for the discharge of stormwater from a regulated municipal separate storm sewer system (MS4) to waters of the Commonwealth in Plumstead Township, **Bucks County**. The receiving streams, Pine Run (TSF, MF) and Unnamed Tributary to Cabin Run (CWF, MF), are located in State Water Plan watershed 2-D and 2-F and are classified for Migratory Fishes, Cold Water Fishes, and Trout Stocking, aquatic life, water supply and recreation. The applicant is classified as a small MS4.

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

- A Pollutant Reduction Plan (PRP)
- A Total Maximum Daily Load (TMDL) Plan

The Department has made a tentative determination to issue the NPDES permit. Written comments on the application and draft permit will be accepted for 30 days following publication of this notice. The period for comment may be extended at the discretion of DEP for one additional 15-day period. You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 484-250-5910 or by contacting our regional Records Management unit via e-mail at RA-SERRecordsReview@pa.gov.

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

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

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

NPDES

<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAD090058	Quaker Pointe Hotels, LLC 1915 John Fries Highway Quakertown, PA 18951	Bucks County	Milford Township	Molasses Creek HQ-TSF
PAD230048	Griffiths Construction, Inc. 851 Kimberton Road Chester Springs, PA 19425	Delaware County	Edgmont Township	Little Pony Trail Creek HQ-TSF
PAD230046	Sproul Road Developers, LLC One Tower Bridge 100 Front Street Suite 560 West Conshohocken, PA 19428-2871	Delaware County	Marple Township	UNT to Whetstone Run WWF-MF
PAD510077	Broad & Washington, LP 1719 Rittenhouse Square Philadelphia, PA 19103	Philadelphia County	City of Philadelphia	Delaware River WWF-MF

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 & 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>
Arlin Benner 2100 Glenville Road Cochranville, PA 19330	Chester County	526.3	2,787.5	Dairy	N/A	Amendment

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. 3520505 , Public Water Supply.
Applicant GSP Management Company (Pocono Manor MHP) P.O. Box 677 Morgantown, PA 19543
Township Clifton Township
Responsible Official Lackawanna County
Type of Facility Public Water Supply
Consulting Engineer Mr. James A. Cieri, Sr., P.E. James A. Cieri—Professional Engineer, LLC 914 Mountain Road Harrisburg, PA 17112
Application Received Date October 20, 2020
Description of Action Application proposes the relocation of existing PWS system facilities to a New Wellhouse for Well Nos. 1 and 2 and the relocation of PWS facilities for Well No. 3 to a new Well House. Revisions to 4-Log will be provided in this application submittal. The separate distribution systems for the three wells will also be interconnected as part of this project.

Application No. 6420504 , Public Water Supply.
Applicant Aqua PA, Inc. 762 W. Lancaster Avenue Bryn Mawr, PA 19010
Borough and County Waymart Borough Wayne County
Responsible Official Joseph G. Thurwanger, PE Aqua PA, Inc. 762 W. Lancaster Avenue Bryn Mawr, PA 19010
Type of Facility PWS
Consulting Engineer Daniel J. Hopkins, PE Entech Engineering, Inc. 500 N Center Street Pottsville, PA 17901
Application Received Date September 29, 2020

Description of Action Waymart Water System Well 2 & Well 3 Well House Improvements.

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

Permit No. 3020503, Public Water Supply.

Applicant **Southwestern Pennsylvania Water Authority**
1442 Jefferson Road
P.O. Box 187
Jefferson, PA 15344

Township Wayne Township

County **Greene County**

Responsible Official Timothy Faddis
Manager

Type of Facility Water system

Consulting Engineer Bankson Engineers, Inc.
267 Blue Run Road
Suite 200
Cheswick, PA 15024

Application Received Date July 17, 2020

Description of Action Installation of gas chlorination feed equipment at the Kingwood Road Pump Station.

Permit No. 2620506, Public Water Supply.

Applicant **Municipal Authority of Westmoreland County**
124 Park & Pool Road
New Stanton, PA 15672

Township Dunbar Township

County **Fayette County**

Responsible Official John Ashton
Assistant Manager

Type of Facility Water system

Consulting Engineer Gibson-Thomas Engineering Co., Inc.
1004 Ligonier Street
P.O. Box 853
Latrobe, PA 15650

Application Received Date October 20, 2020

Description of Action Expansion of the Indian Creek Water Treatment Plant from 40 MGD to 50 MGD.

MINOR AMENDMENT

Applications Received Under the Pennsylvania Safe Drinking Water Act.

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

Application No. 0420508MA, Minor Amendment.

Applicant **Beaver Falls Municipal Authority**
1425 Eighth Avenue
Beaver Falls, PA 15010

Borough Eastvale Borough

County **Beaver County**

Responsible Official James Riggio
Manager
Beaver Falls Municipal Authority
1425 Eighth Avenue
Beaver Falls, PA 15010

Type of Facility Water system

Consulting Engineer Entech Engineering, Inc.
400 Rouser Road
Building 2, Suite 200
Coraopolis, PA 15108

Application Received Date October 12, 2020

Description of Action Replacement of media in Filters #4 & #5 at the Eastvale Water Treatment Plant.

Application No. 0220522MA, Minor Amendment.

Applicant **Pittsburgh Water and Sewer Authority**
1200 Penn Avenue
Pittsburgh, PA 15222

Township or Borough City of Pittsburgh

County **Allegheny County**

Responsible Official William Pickering
Executive Director

Type of Facility Water system

Consulting Engineer Pittsburgh Water and Sewer Authority
1200 Penn Avenue
Pittsburgh, PA 15222

Application Received Date July 7, 2020

Description of Action New liner and cover over the Highland No. 2 Reservoir.

Application No. 0220522MA, Public Water Supply.

Applicant **Pittsburgh Water and Sewer Authority**
1200 Penn Avenue
Pittsburgh, PA 15222

Township or Borough City of Pittsburgh

County **Allegheny County**

Responsible Official William Pickering
Executive Director

Type of Facility Water system

Consulting Engineer Pittsburgh Water and Sewer Authority
1200 Penn Avenue
Pittsburgh, PA 15222

Application Received Date September 30, 2020

Description of Action Installation of approximately 5,700 feet of waterline (2019 Large Diameter Water Main Improvements Rising Mains 3 and 4 Project).

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995 PREAMBLE 1

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

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

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

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

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

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

Ay Machine Company, 350 Railroad Avenue, Ephrata, PA 17522, Ephrata Borough, **Lancaster County**. Reliance Environmental, Inc., 235 North Duke Street, Lancaster, PA 17602, on behalf of AY Machine Company, East King Street, Ephrata, PA 17522, submitted a Notice of Intent to Remediate site soil contaminated with No. 2 Fuel Oil. The site will be remediated to the Residential Statewide Health Standard. Future use of the site is to continue to be used for nonresidential purposes. September 9, 2020. The Notice of Intent to Remediate was published in the *LNP* on September 9, 2020.

Northcentral Region: Environmental Program Manager; 208 West Third Street, Williamsport, PA 17701.

Contact: Randy Farmerie, 570-327-3716

Lucas Trucking Project, US Route 15 North at Exit 162, Liberty Township, **Tioga County**. Northridge Group, Inc., P.O. Box 231, Northumberland, PA 17857, on behalf of Lucas Trucking Corp, 9657 N Route 220 Highway, Jersey Shore, PA 17740, has submitted a Notice of Intent to Remediate concerning site soil contaminated with diesel fuel. The applicant proposes to remediate the site to meet the Non-Residential Statewide Health Standard. A summary of the Notice of Intent to Remediate was published in the *Daily Item* on August 29, 2020.

AIR QUALITY

PLAN APPROVAL AND OPERATING PERMIT APPLICATIONS

The Department has developed an “integrated” plan approval, State Operating Permit and Title V Operating Permit program. This integrated approach is designed to make the permitting process more efficient for the Department, the regulated community and the general public. This approach allows the owner or operator of a facility to submit permitting documents relevant to its application for all sources related to a facility or a proposed project, affords an opportunity for public input, and provides for a decision on the issuance of the necessary permits.

The Department received applications for Plan Approvals or Operating Permits from the following facilities. Copies of the application, the Department’s analysis, all pertinent documents used in the evaluation of the application and subsequently prepared proposed plan approvals/operating permits are available for public review during normal business hours at the appropriate Department Regional Office. Appointments for scheduling a review must be made by calling the appropriate Department Regional Office. The address and phone number of the Regional Office is listed before the application notices.

Persons wishing to file a written protest or provide comments or additional information, which they believe should be considered prior to the issuance of a permit, may submit the information to the Department’s Regional Office. A 30-day comment period from the date of this publication will exist for the submission of comments, protests and information. Each submission must contain the name, address and telephone number of the person submitting the comments, identification of the proposed Plan Approval/Operating Permit including the permit

number and a concise statement regarding the relevancy of the information or objections to issuance of the permit.

A person wishing to request a hearing may do so during the 30-day comment period. A public hearing may be held, if the Department, in its discretion, decides that a hearing is warranted based on the information received. Persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in the newspaper, the *Pennsylvania Bulletin* or by telephone, when the Department determines this type of notification is sufficient. Requests for a public hearing and any relevant information should be directed to the appropriate Department Regional Office.

Permits issued to the owners or operators of sources subject to 25 Pa. Code Chapter 127, Subchapter D or E, or located within a Title V facility or subject to 25 Pa. Code § 129.51(a) or permits issued for sources with limitations on their potential to emit used to avoid otherwise applicable Federal requirements may be submitted to the United States Environmental Protection Agency for review and approval as a revision to the State Implementation Plan. Final Plan Approvals and Operating Permits will contain terms and conditions to ensure that the sources are constructed and operating in compliance with applicable requirements in the Air Pollution Control Act (35 P.S. §§ 4001—4015), 25 Pa. Code Chapters 121—145, the Federal Clean Air Act (42 U.S.C.A. §§ 7401—7671q) and regulations adopted under the Federal Clean Air Act.

Persons with a disability who wish to comment and require an auxiliary aid, service or other accommodation to participate should contact the regional office listed before the application. TDD users may contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

PLAN APPROVALS

Plan Approval Applications Received under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and 25 Pa. Code Chapter 127, Subchapter B that may have special public interest. These applications are in review and no decision on disposition has been reached.

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

Contact: Dave Balog, New Source Review Chief, (814) 332-6328.

25-066J: Accuride Erie, L.P. (1015 East 12th Street, Erie, PA 16503), for the proposed scrubber fan/motor replacement for 7,000 Tons Forge Lines No. 5 (Source 113) and No. 6 (Source 114). The facility is located in Erie City, **Erie County**. This is a State Only facility.

Intent to Issue Plan Approvals and Intent to Issue or Amend Operating Permits under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and 25 Pa. Code Chapter 127, Subchapter B. These actions may include the administrative amendments of an associated operating permit.

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

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

15-0085C: Lincoln University (1570 Baltimore Pike, Lincoln University, PA 19352-9141) for the permitting of

four (4) 1,500-kW diesel generators and the modification of various boilers and smaller emergency generators, located at an existing Synthetic Minor facility in Lower Oxford Township and Upper Oxford Township, **Chester County**. The four (4) 1,500-kW diesel generators will each be restricted to 100 hours of operation per 12-month rolling period. Through this Plan Approval the various boilers and smaller emergency generators will be subject to new fuel limits or hours of operation to ensure that the facility remains a Synthetic Minor facility. The four (4) 1,500-kW diesel generators, along with two (2) of the smaller diesel-fired generators, will be subject to 40 CFR Part 60, Subpart IIII. The larger boilers (Source IDs 031, 32, and 33A) are subject to 40 CFR Part 60, Subpart Dc. The following are site-wide potential emissions from the campus: NO_x—15.67 TPY; VOC—1.0 TPY; CO—10.19 TPY; PM—1.38 TPY; SO_x—5.05 TPY; and HAP—0.25 TPY. This Plan Approval does not trigger applicability toward NSR or PSD regulations. The plan approval will include limits and restrictions, monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

Northeast Region: Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18701-1915.

Contact: Raymond Kempa, New Source Review Chief, (570) 826-2507.

40-00144A: Ball Metal Beverage Container Corporation (9300 W. 108th Circle, Westminster, CO 80021) for the installation and operation of four beverage can manufacturing lines with baghouse and two regenerative thermal oxidizers (RTOs) to control emissions from the facility to be located in Jenkins Twp., **Luzerne County**. This Plan Approval No. 40-00144A will be incorporated into a State Only Permit through an administrative amendment at a later date.

The Department of Environmental Protection's (Department) review of the information submitted by the Ball Metal Beverage Container Corporation indicates that the air contamination sources to be constructed will comply with all regulatory requirements pertaining to air contamination sources and the emission of air contaminants including 40 CFR Part 60, Subpart WW, 25 Pa. Code § 129.52 Surface Coating process requirements and the best available technology requirement (BAT) of 25 Pa. Code §§ 127.1 and 127.12. The VOC emissions from the facility will not equal or exceed 50 TPY, based on a 12-month rolling sum. The NO_x, Total PM, SO_x, and CO emissions from the facility will not equal or exceed 100 TPY, based on a 12-month rolling sum. The HAPs from the facility must never equal or exceed 10 TPY of any single HAP and must never equal or exceed 25 TPY of all aggregated HAPs, based on a 12-month rolling sum.

The Plan approval and Operating Permit will include testing, monitoring, recordkeeping, and reporting requirements designed to keep the sources operating within all applicable air quality requirements. For further details, contact Ray Kempa at (570) 826-2511 within 30 days after publication date.

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 para-

graph. Each written comment must contain the name, address and telephone number of the person submitting the comment, identification of the proposed permit No. 40-00144A and a concise statement regarding the relevancy of the information or objections to the issuance of the permit.

A public hearing may be held, if the Department of Environmental Protection, in its discretion, decides that such a hearing is warranted based on the comments received. All persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in the newspaper or the *Pennsylvania Bulletin* or by telephone, where DEP determines such notification is sufficient. Written comments or requests for a public hearing should be directed to Ray Kempa, Chief, New Source Review Section, Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711, Phone number 570-826-2511 within 30 days after publication date.

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

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

11-00536A: CPV Fairview, LLC (50 Braintree Hill Office Park, Suite 300, Braintree, MA 02184) plan approval extension effective on October 28, 2020, with expiration on April 28, 2021, for continued temporary operation of air contamination sources and controls associated with the CPV Fairview Energy Center located at 2862 William Penn Avenue, Johnstown, PA 15909, in Jackson Township, **Cambria County**.

11-00536B: CPV Fairview, LLC (50 Braintree Hill Office Park, Suite 300, Braintree, MA 02184) plan approval extension effective on October 28, 2020, with expiration on April 28, 2021, for continued temporary operation of air contamination sources and controls associated with the CPV Fairview Energy Center located at 2862 William Penn Avenue, Johnstown, PA 15909, in Jackson Township, **Cambria County**.

63-00922D: Robinson Power Company, LLC (563 Route 18, P.O. Box 127, Burgettstown, PA 15021) on October 23, 2020, to extend the construction period for an additional 18 months. Construction commenced on October 5, 2020, with the pouring of the foundation for the aqueous ammonia tank at the proposed natural gas-fired combined cycle power plant known as the Beech Hollow Energy Facility to be located in Robinson Township, **Washington County**. The new expiration date is March 28, 2022.

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.

Northeast Region: Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18701-1915.

Contact: Norman Frederick, Facility Permitting Chief, (570) 826-2409.

54-00073: Ingenco Wholesale Power, LLC (2250 Dabney Road, Richmond, VA 23230). The Department intends to issue a renewal of the Title V Operating Permit for electric power services in Pine Grove Township, **Schuylkill County**. As a major source, the facility is subject to the Title V permitting requirements of the Clean Air Act Amendments as adopted by the Commonwealth under 25 Pa. Code Chapter 127, Subchapter G.

The sources consist of eighteen (18) engines. The proposed Title V Operating Permit contains applicable requirements for emission limitations, work practice standards, testing, monitoring, recordkeeping, and reporting standards used to verify facility compliance with Federal and State air pollution regulations.

Southcentral Region: Air Quality Program, 909 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.

36-05028: CNH Industrial America LLC (500 Diller Avenue, New Holland, PA 17557) to issue a Title V Operating Permit for the agricultural machinery manufacturing facility located in New Holland Borough, **Lancaster County**. The actual emissions from the facility in 2018 are estimated at 8.7 tons of CO, 9.9 tons of NO_x, 1.4 tons of PM₁₀, 1.2 tons of SO_x and 36.3 tons of VOC. The Operating Permit will include emission limits and work practice standards along with monitoring, recordkeeping and reporting requirements to ensure the facility complies with the applicable air quality regulations. Among other items, the conditions include provisions derived from 40 CFR 63 Subpart DDDDD, 40 CFR 63 Subpart MMMM, 40 CFR 63 Subpart ZZZZ and 25 Pa. Code § 129.63.

28-05004: Grove US, LLC (1565 Buchanan Trail East, Shady Grove, PA 17256) to issue a Title V Operating Permit for the crane manufacturing facility located in Antrim Township, **Franklin County**. The Title V Operating Permit is undergoing renewal combined with approval of a Reasonably Available Control Technology II (RACT II) plan. The actual emissions from the facility in 2019 year are estimated at 34.37 tons of VOC; 7.36 tons of NO_x; 5.78 tons of CO, and 0.5-ton HAPs. The Operating Permit will include emission limits and work practice standards along with monitoring, recordkeeping and reporting requirements to ensure the facility complies with the applicable air quality regulations. Among other items, the conditions include provisions derived from:

- 25 Pa. Code, § 129.52—Surface coating processes;
- 25 Pa. Code, § 129.52d—Control of VOC emissions from miscellaneous metal parts surface coating processes, miscellaneous plastic parts surface coating processes and pleasure craft surface coatings;
- 25 Pa. Code § 129.62—General standards for bulk gasoline terminals/plants, and small gasoline storage tanks;
- 25 Pa. Code, § 129.63—Degreasing Operations;
- 25 Pa. Code § 129.97—Presumptive RACT requirements, RACT emission limitations and petition for alternative compliance schedule;
- 25 Pa. Code § 129.99—Alternative RACT proposal and petition for alternative compliance schedule;
- 40 CFR Part 63, Subpart ZZZZ—National Emissions Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines;
- 40 CFR Part 63, Subpart XXXXXX—National Emission Standards for Hazardous Air Pollutants Area Source Standards for Nine Metal Fabrication and Finishing Source Categories;
- 40 CFR Part 60, Subpart IIII—Standards of Performance for Stationary Compression Ignition Internal Combustion Engines;

- 40 CFR Part 60, Subpart JJJJ—Standards of Performance for Stationary Spark Ignition Internal Combustion Engines.

Also, in accordance with 25 Pa. Code §§ 129.91—129.100, the Department has made a preliminary determination to approve a RACT II plan to be submitted as part of the PA State Implementation Plan (SIP) for the Grove facility.

The proposed SIP revision does not adopt any new regulations. It incorporates the provisions and requirements contained in the amended RACT approval for the facility, which are intended to satisfy the requirements for the 1997, 2008 and 2015 National Ambient Air Quality Standards (NAAQS) for ozone.

The proposed RACT II plan, if approved by DEP, will be issued as part of the renewal of the facility's Title V operating permit (28-05004). The relevant RACT II requirements will also be submitted to the U.S. Environmental Protection Agency (EPA) for approval and incorporation into Pennsylvania's State Implementation Plan. Requirements that are not part of the RACT II approval will be excluded from the SIP submittal.

The proposed RACT II requirements for this facility that are proposed to be submitted to the EPA as part of the SIP, are as follows:

001: The permittee shall comply with the following work practices for cleaning materials:

a) Store all VOC-containing cleaning materials and used shop towels in closed containers.

b) Ensure that mixing vessels and storage containers used for VOC-containing cleaning materials are kept closed at all times except when depositing or removing these materials.

c) Minimize spills of VOC-containing cleaning materials and clean-up spills immediately.

d) Convey VOC-containing cleaning materials from one location to another in closed containers or pipes.

e) Minimize VOC emissions from cleaning of application, storage, mixing or conveying equipment by ensuring that equipment cleaning is performed without atomizing the cleaning solvent and all spent solvent is captured in closed containers.

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 Tom Bianca, P.E., West Permit Section Chief, Air Quality Program, DEP South-central Regional Office, at tbianca@pa.gov. A 30-day comment period from the date of publication of this notice will exist for the submission of comments, protests and information. Each submission must contain the name, address and telephone number of the person submitting the comments, identification of the proposed RACT II Operating Permit including the permit number and a concise statement regarding the relevancy of the information or objections to issuance of the proposed RACT II Plan.

Public Hearing: In accordance with Governor Tom Wolf's emergency disaster declaration and based on advice from the Department of Health regarding the mitigation of the spread of the novel coronavirus (COVID-19), a virtual public hearing will be held on December 9, at 10:00 a.m. to accept oral comments on the proposed permit action and the proposed SIP revision. Individuals who wish to observe or present testimony at the informal

conference must contact John Repetz at 717-705-4904 or jrepetz@pa.gov a minimum of 24 hours in advance of the hearing to reserve a time to present testimony. Citizens who register for the event will receive the link and instructions on how to join via email.

Organizations are limited to designating one individual to present verbal comments on their behalf. Verbal comments are limited to 5 minutes for each presenter. Video demonstrations and screen sharing by presenters will not be permitted.

Any persons presenting verbal comments are requested to submit a written copy of their verbal testimony by e-mail to Tom Bianca, P.E., at tbianca@pa.gov, by no later than ten days after the hearing. All pertinent documents related to the proposed DEP action are available for public review contacting Tom Bianca, P.E., at tbianca@pa.gov.

Individuals who are in need of an accommodation for the hearing as provided for in the Americans with Disabilities Act should contact Tom Bianca, P.E., at tbianca@pa.gov or make accommodations through the Pennsylvania AT&T Relay Service at 1-800-654-5984 (TDD).

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

Contact: Thomas Joseph, Facilities Permitting Chief, 412.442.4336.

04-00033: BVPV Styrenics, LLC (400 Frankfort Road, Monaca, PA 15061-2212) Administrative Amendment, on October 19, 2020, the Department processed a Change of Ownership from Nova Chemicals, Inc., to BVPV Styrenics, LLC, at the Beaver Valley Facility. This facility manufactures polystyrene and other plastics. The facility is located in Potter Township, **Beaver County**.

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

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

Contact: Janine Tulloch-Reid, Facilities Permitting Chief, (484) 250-5920.

15-00094: Metallurgical Products Company (810 Lincoln Avenue, West Chester, PA 19381) for the renewal of the State Only Operating Permit for operation of copper alloying facility located in West Goshen Township, **Chester County**. There are no changes to sources at the facility. The facility's potential to emit for all criteria pollutants after the use of add-on control devices is less than the thresholds applicable to facilities located in the Philadelphia Metropolitan Statistical Area; therefore, the facility is a Synthetic Minor. The renewal permit will include monitoring, recordkeeping and reporting requirements designed to keep the plant operating within all applicable air quality requirements.

Northeast Region: Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18701-1915.

Contact: Norman Frederick, Facility Permitting Chief, (570) 826-2409.

13-00015: Arfan, Inc., Palmerton Facility (525 Delaware Ave., Palmerton, PA 18071-1910). The Department

intends to issue a renewal State-Only (Natural Minor) Permit for the human crematory facility located in the Borough of Palmerton, **Carbon County**. The primary sources consist of one (1) crematory incinerator. The control device consists of an afterburner. The source is considered a minor emission source of nitrogen oxide (NO_x), sulfur oxides (SO_x), carbon monoxide (CO), total suspended particulate (TSP) and VOC's. The proposed operating permit contains applicable requirements for emission limitations, work practice standards, testing, monitoring, recordkeeping, and reporting standards used to verify facility compliance with Federal and State air pollution regulations.

40-00101: Pennsy Supply Inc., Pittston West Quarry (2400 Thea Drive, Suite 3A, Harrisburg, PA 17110). The Department intends to issue a renewal State-Only (Synthetic Minor) Permit for the operation of a drum mix asphalt plant and stone manufacturing facility in Jenkins Township, **Luzerne County**. The sources consist of feed bins, screens, belts, conveyors, and a drum mix asphalt plant with wdlf. The control devices are baghouses and a cyclone. The sources are considered minor emission sources of nitrogen oxide (NO_x), sulfur oxides (SO_x), carbon monoxide (CO), total suspended particulate (TSP), and volatile organic compounds (VOC) emissions. The proposed operating permit contains applicable requirements for emission limitations, work practice standards, testing, monitoring, recordkeeping, and reporting standards used to verify facility compliance with Federal and State air pollution regulations.

40-00108: Pennsy Supply Inc., Pittston Quarry (2400 Thea Drive, Suite 3A, Harrisburg, PA 17110). The Department intends to issue a renewal State-Only (Natural Minor) Permit for the operation of crushed and broken stone mining and quarrying facility in Jenkins Township, **Luzerne County**. The sources consist of primary, secondary, and tertiary crushers, screens, and conveyors. The sources are controlled by a water spray system. The sources are considered minor emission sources of nitrogen oxide (NO_x), sulfur oxides (SO_x), carbon monoxide (CO), total suspended particulate (TSP), and volatile organic compounds (VOC) emissions. The proposed operating permit contains applicable requirements for emission limitations, work practice standards, testing, monitoring, recordkeeping, and reporting standards used to verify facility compliance with Federal and State air pollution regulations.

54-00062: World Resources Company/dba WRC Proc. Inc. (170 Walnut Ln, Pottsville, PA 17901-8559). The Department intends to issue a renewal State-Only (Natural Minor) Permit for the manufacture of secondary nonferrous metals located in Norwegian Township, **Schuylkill County**. The primary sources are extraction process, thermal concentrating unit, and a fluid bed processor. The control devices are scrubbers. The sources are considered minor emission sources of nitrogen oxide (NO_x), sulfur oxides (SO_x), carbon monoxide (CO), total suspended particulate (TSP), and volatile organic compounds (VOC) emissions. The proposed operating permit contains applicable requirements for emission limitations, work practice standards, testing, monitoring, recordkeeping, and reporting standards used to verify facility compliance with Federal and State air pollution regulations.

35-00072: UNIMAC-KPS (1001 Moosic Rd., Old Forge, PA 18518-2085). The Department intends to issue a renewal State-Only (Natural Minor) Permit for the manufacture of commercial printing located in Old Forge, **Lackawanna County**. The primary sources consist of

four (4) flexo presses. The sources are considered minor emission sources of nitrogen oxide (NO_x), sulfur oxides (SO_x), carbon monoxide (CO), total suspended particulate (TSP), and volatile organic compounds (VOC) emissions. The proposed operating permit contains applicable requirements for emission limitations, work practice standards, testing, monitoring, recordkeeping, and reporting standards used to verify facility compliance with Federal and State air pollution regulations.

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

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

08-00044: Barefoot Pellets Company (P.O. Box 96, Troy, PA 16947) to issue a renewal State Only Operating Permit for their wood pellet manufacturing facility located in Troy Township, **Bradford County**. The facility is currently operating under State Only Operating Permit 08-00044. The facility's main source is a 20 MMBTU/hr natural gas-fired rotary dryer. The facility has potential emissions of 25.2 TPY of CO; 15.12 TPY of NO_x; 0.14 TPY of SO_x; 39.96 TPY of PM/PM₁₀; 18.07 TPY of VOCs and 2.92 TPY HAPs. The emission limits and work practice standards along with testing, monitoring, recordkeeping and reporting requirements have been included in the operating permit to ensure the facility complies with all applicable Federal and State air quality regulations. These operating permit conditions have been derived from the applicable requirements of 25 Pa. Code Chapters 121—145. All pertinent documents used in the evaluation of the application are available for public review during normal business hours at the Department's Northcentral Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701. Appointments for scheduling a review must be made by calling 570-327-0550.

18-00023: Hanson Aggregates PA, LLC (7660 Imperial Way, Allentown, PA 18195) to issue a renewal State Only Operating Permit for the Salona Quarry located in Lamar Township, **Clinton County**. The facility is currently operating under State Only Operating Permit 18-00023. The facility's sources include a non-metallic mineral crushing plant consisting of multiple crushers, conveyors and screens, one cold cleaning degreaser, onsite unpaved haul roads and a miscellaneous heater, engines and storage tanks. The facility has potential emissions of 3.08 TPY of CO; 4.95 TPY of NO_x; 0.26 TPY of SO_x; 10.99 TPY of PM/PM₁₀; 4.18 TPY of VOCs; 2.00 TPY of combined hazardous air pollutants; 423 TPY GHGs. Three screens at this plant are subject to 40 CFR 60, Subpart OOO—Standards of Performance for Nonmetallic Mineral Processing Plants. The emission limits and work practice standards along with testing, monitoring, recordkeeping, and reporting requirements have been included in the operating permit to ensure the facility complies with all applicable Federal and State air quality regulations. These operating permit conditions have been derived from the applicable requirements of Title 25 Pa. Code Chapters 121—145, as well as 40 CFR Part 60. 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 570-327-0550.

55-00011: National Limestone Quarry, Inc. (P.O. Box 397, Middleburg, PA 17842) for the Fremont Quarry

located in Perry Township, **Snyder County**. In accordance with 25 Pa. Code §§ 127.424 and 127.425, the Department of Environmental Protection (DEP) has received an application and intends to issue a renewal of an Air Quality Operating Permit for the previously-mentioned facility. The subject facility has the potential to emit 15.92 TPY of particulate matter with an aerodynamic diameter of less than 10 micron and 0.20 TPY of volatile organic compounds. The Department has determined that the sources at the facility satisfy best available technology (BAT) requirements, pursuant to 25 Pa. Code §§ 127.1 and 127.12. The operating permit will include emission limits and work practice standards along with testing, monitoring, recordkeeping and reporting requirements to ensure the facility complies with all applicable air quality regulations. All pertinent documents used in the evaluation of the application are available for public review during normal business hours at the Department's Northcentral Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701. Appointments for scheduling a review must be made by calling 570-327-0550.

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

Contact: Thomas Joseph, Facilities Permitting Chief, 412.442.4336.

65-01027: Leedsworld, Inc. (400 Hunt Valley Road, New Kensington, PA 15068). In accordance with 25 Pa. Code §§ 127.424 and 127.425 the Department of Environmental Protection (DEP) gives notice that they intend to issue a State Only Operating Permit (SOOP) renewal to Leedsworld, Inc. to authorize the continued operation of their facility located in Upper Burrell and Washington Township, **Westmoreland County**.

The subject facility consists of approximately 200 printing machines, natural gas-fired building heat, and an emergency generator. The facility is a synthetic minor and is not permitted to exceed 50 tons tpy VOC on a 12-month rolling basis. Potential emissions from the facility are provided by the company as followed: 5.96 tpy NO_x, 5.01 tpy CO, 0.04 tpy SO_x, 4.42 tpy PM, 1.25 tpy PM₁₀, 49.91 tpy VOC, 2.46 tpy Toluene, 1.84 tpy Methanol and 5.0 tpy cumulative HAPs. The facility is required to maintain purchases and use records of all inks, solvents, alcohols, and any other product used to contain VOC or HAP on a 12-month rolling basis and must annually report emissions from all emitting sources. The proposed authorization is subject to State and Federal Regulations. The emission restriction, testing, monitoring, recordkeeping, reporting and work practice conditions of the proposed permit have been derived from the applicable requirements of 25 Pa. Code Article III, Chapters 121–145 and Federal Regulations (ZZZZ).

A person may oppose the proposed State Only Operating Permit by filing a written protest with the Department through Noor Nahar via mail to Pennsylvania Department of Environmental Protection, 400 Waterfront Drive, Pittsburgh, PA 15222. Each protest or set of written comments must contain the name, address and telephone number of the person submitting the comments, identification of the proposed State Only Operating Permit (65-01027) and a concise statement of the objections to the Operating Permit issuance and the relevant facts upon which the objections are based.

Leedsworld, Inc. State Only Operating Permit Application, the Department's Air Quality Review Memorandum, and the Proposed Air Quality Operating Permit for this facility are available for review by any interested party at the Pennsylvania Department of Environmental Protection, Southwest Regional Office, 400 Waterfront Drive, Pittsburgh, PA 15222. To request a review of the Leedsworld, Inc. State Only Operating Permit application, to receive an electronic copy of the Department's Air Quality Review Memorandum, or to receive an electronic copy of the Department's proposed Air Quality Operating Permit for this facility, a person may contact Noor Nahar at nnahar@pa.gov or 412.442.5225.

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

65-00065: Hanson Aggregates BMC, Inc./Lower Burrell Plant (2200 Springfield Pike, Connellsville, PA 15425-6412). On October 21, 2020, the Department issued a Natural Minor Operating Permit renewal for the operation of the facility's air contamination sources consisting of a sand and gravel depot, used for barge unloading, aggregate handling, stockpiling, and shipping via truck. Lower Burrell Plant operates one 200 tph excavator, five 200 tph conveyors, and one 50-gallon parts washer. The facility is limited to 0.04 gr/dscf particulate matter and 500 ppmv sulfur oxides. The proposed operating permit includes conditions relating to applicable emission restrictions, testing, monitoring, recordkeeping, reporting, and work practice standards requirements for each unit located at the facility in Lower Burrell City, **Westmoreland County**.

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

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

10-00401: Commercial Asphalt Supply Fennelton Plant (161 Plain Grove Road Slippery Rock, PA 16057). The Department intends to issue a State Only Operating Permit for the operation of hot mix asphalt plant located in Clearfield Township, **Butler County**. The facility consists of a 400-ton per hour hot mix batch asphalt plant, aggregate storage piles, asphalt storage silos and aggregate handling. The facility has the potential to emit (TPY): 31.2 CO, 6.24 NO_x, 9.04 PM, 0.82 SO_x, 7.68 VOC, and 8,880.00 CO₂. The facility is a natural minor and is subject to State Regulations and Federal Regulations (40 CFR Part 60 Subpart I). The permit includes additional operation requirements, monitoring requirements, and recordkeeping requirements to ensure compliance with the Clean Air Act and the Air Pollution Control Act.

42-00155: MSL Oil & Gas Corp. (Route 219 and Route 59 intersection, Lewis Run, Lafayette, PA 16738). The Department intends to issue the renewal of the State-Only Operating Permit of a natural gas extraction and stripping facility located in Lafayette Township, **McKean County**. Permitted air contamination sources at the facility include an inlet compressor, a refrigerant compressor, an outlet compressor, a glycol dehydration unit, a degreaser unit, and equipment leaks. The glycol dehydration unit is subject to 40 CFR 63 Subpart HH. The compressor engines are subject to 40 CFR 63 Subpart ZZZZ. For permitting purposes, the facility is Natural Minor. No major permit changes are made in this renewal.

PLAN APPROVALS

Receipt of Plan Approval Applications and Intent to Issue Plan Approvals, and Intent to Issue Amended Operating Permits under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and 25 Pa. Code Chapter 127, Subchapter B and Subchapter F. These actions may include the administrative amendments of an associated operating permit.

Northeast Region: Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18701-1915.

Contact: Raymond Kempa, New Source Review Chief—Telephone: 570-826-2531.

Plan Approval No. 40-00145A: Notice is hereby given in accordance with 25 Pa. Code §§ 127.44(a) and 127.45(a), that the Department of Environmental Protection (DEP) has received and intends to issue a Plan Approval to **UTZ Quality Foods, LLC** (900 High Street, Hanover Twp., PA 17331) for their facility located in Hanover Twp., **Luzerne County**. This Plan Approval No. 40-00145A will be incorporated into a State Only Permit through an administrative amendment at a later date.

Plan Approval No. 40-00145A is for the installation of a new Kettle Line with baghouse. VOC emissions from the plant will remain under 50 TPY threshold limit, 12-month rolling sum. Total HAP emissions from the facility will be under 25 TPY, 12-month rolling sum. Single HAP emissions will be under 10 TPY, 12-month rolling sum. The company shall be subject to and comply with 25 Pa. Code § 123.31 for malodorous emissions. The company shall be subject to and comply with 25 Pa. Code § 123.13 for particulate emissions. The company shall be subject to and comply with 25 Pa. Code § 123.41 for visible emissions. Emissions from the line will be controlled by the use of a baghouse. These limits will meet BAT requirements for this source. The Plan Approval and Operating permit will contain additional recordkeeping and operating restrictions designed to keep the facility operating within all applicable air quality requirements.

Copies of the application, DEP's analysis and other documents used in the evaluation of the application are available for public review during normal business hours at Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711.

Any person(s) wishing to provide DEP with additional information, which they believe should be considered prior to the issuance of this permit, may submit the information to the address shown in the preceding paragraph. Each written comment must contain the name, address and telephone number of the person submitting the comments, identification of the proposed permit No. 40-00145A and a concise statement regarding the relevancy of the information or objections to the issuance of the permit.

A public hearing may be held, if the Department of Environmental Protection, in its discretion, decides that such a hearing is warranted based on the comments received. All persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in the newspaper or the *Pennsylvania Bulletin* or by telephone, where DEP determines such notification is sufficient. Written comments or requests for a public hearing should be directed to Ray

Kempa, Chief, New Source Review Section, Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711, Phone 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. 30121301 and NPDES Permit No. PA0236195. Consol Pennsylvania Coal Company LLC, 1000 Consol Energy Drive, Suite 100, Canonsburg, PA 15317, to revise the permit and related NPDES Permit for installation of a degas borehole for Harvey Mine in Richhill and Morris Townships, **Greene County**, affecting 2.2 proposed surface acres. No additional discharges. The application was considered administratively complete on October 9, 2020. Application received: August 20, 2020.

Permit No. 03813704 and NPDES Permit No. PA0236403. Consol Mining Company LLC, 1000 Consol Energy Drive, Suite 100, Canonsburg, PA 15317, to renew the permit and related NPDES Permit for Keystone No. 1 Coal Refuse Disposal Area in Plumcreek Township, **Armstrong County**. No additional discharges. The application was considered administratively complete on October 9, 2020. Application received: August 21, 2020.

Permit No. 30841316 and NPDES Permit No. PA0213535. Consol Pennsylvania Coal Company LLC, 1000 Consol Energy Drive, Suite 100, Canonsburg, PA 15317, to revise the permit and related NPDES Permit for installation of four degas boreholes for Bailey Mine & Prep Plant in Richhill and Aleppo Townships, **Greene County**, affecting 19.9 proposed surface acres. No additional discharges. The application was considered administratively complete on October 9, 2020. Application received: August 20, 2020.

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

Permit No. 17150101. EnerCorp, Inc., 1310 Allport Cutoff, Morrisdale, PA 16858, permit renewal for reclamation of a bituminous surface coal mine located in Cooper Township, **Clearfield County** affecting 6.8 acres. Receiving stream(s): Crawford Run (CWF, MF), and Moshannon Creek (TSF, MF), classified for the following use(s): CWF, MF, and TSF. There are no potable water supply intakes within 10 miles downstream. Application received: October 19, 2020.

Permit No. 17941601 and NPDES PA0215708. Forcey Coal, Inc., 475 Banion Road, Madera, PA 16661, permit renewal for reclamation of a coal preparation plant/processing facility located in Bigler Township, **Clearfield County** affecting 11.3 acres. Receiving stream(s): Unnamed tributary to Muddy Run to Muddy Run, classified for the following use(s): CWF. There are no potable water supply intakes within 10 miles downstream. Application received: October 15, 2020.

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

Permit No. 54763209R7. Gilberton Coal Company (10 Gilberton Road, Gilberton, PA 17934), renewal of an existing anthracite coal refuse reprocessing and coal refuse disposal operation in Butler Township and Ashland Borough, **Schuylkill County** affecting 109.0 acres. Receiving stream: Mahanoy Creek, classified for the following uses: cold water and migratory fishes. Application received: October 2, 2020.

Permit No. 54763209C3. Gilberton Coal Company (10 Gilberton Road, Gilberton, PA 17934), correction to update the post-mining land use from forestland to unmanaged natural habitat and forestland of an existing anthracite coal refuse reprocessing and coal refuse disposal operation in Butler Township and Ashland Borough, **Schuylkill County** affecting 109.0 acres. Receiving stream: Mahanoy Creek, classified for the following uses: cold water and migratory fishes. Application received: October 2, 2020.

Permit No. 54663021R7. Reading Anthracite Company (P.O. Box 1200, Pottsville, PA 17901), renewal of an existing anthracite surface mine, refuse reprocessing, refuse disposal and coal preparation plant operation in New Castle Township, **Schuylkill County** affecting 693.0 acres. Receiving stream: Mill Creek, classified for the following uses: cold water and migratory fishes. Application received: October 2, 2020.

Permit No. GP12-54663021R2. Reading Anthracite Company (P.O. Box 1200, Pottsville, PA 17901), renewal application to operate a coal preparation plant whose pollution control equipment is required to meet all applicable limitations, terms and conditions of General Permit, BAQ-GPA/GP-12 on Surface Mining Permit No. 54663021 in New Castle Township, **Schuylkill County**. Application received: October 2, 2020.

Noncoal Applications Received

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

Table 2

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

* The parameter is applicable at all times.

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

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

Permit No. 6875SM1 and PAM418025, After the Wire, LLC, 363 Park Drive, Reedsville, PA 17084, permit transfer of a large noncoal (industrial minerals) mine (formerly New Enterprise Stone & Lime Co., Inc.) in Derry Township, **Mifflin County**, affecting 67.6 acres. Receiving stream: unnamed tributary to Kishacoquillas Creek, classified for the following uses: Trout Stocked Fishes, Migratory Fishes. The first downstream potable water supply intake from the point of discharge is Fairview Water Association source 001, 6.25 mi, site ID 796441. Application received: October 15, 2020.

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

Permit No. 26950401 and NPDES Permit No. PA0201294. Amerikohl Aggregates, Inc., 202 Sunset Drive, Butler, PA 16001. Renewal application received for an existing noncoal surface mine located in Springfield Township, **Fayette County**, affecting 640.0 acres. Receiving stream(s): unnamed tributaries to Clay Run, Clay Run, unnamed tributaries to Buck Run, Sugarcamp Hollow and Buck Run, classified for the following use(s): HQ-CWF, CWF. Application received: October 16, 2020.

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

Permit No. 36900302C11 and NPDES Permit No. PA0594784. 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 Fulton Township, **Lancaster County** affecting 74.69 acres. Receiving stream: unnamed tributary to Octoraro Creek, classified for the following use: Trout stock fishes. Application received: October 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

California District Mining Office: 25 Technology Drive, California Technology Park, Coal Center, PA 15423, (724) 769.1100.

NPDES No. PA0001392 (Mining Permit No. 32713707), Robindale Energy Services, Inc., 224 Grange Hall Road, P.O. Box 228, Armagh, PA 15920, a renewal to the NPDES and mining activity permit for coal refuse disposal activities for No. 24 Refuse Site in Pine Township, **Indiana County**, affecting 77.9 surface acres. Receiving stream(s): Dutch Run; CWF. Kiskiminetas-Conemaugh River Watershed TMDL. The application was considered administratively complete: January 11, 2017. The application was received: August 8, 2016.

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

Outfall 001 discharges to: Dutch Run

The proposed effluent limits for *Outfall 001* (Lat: 40° 35' 14" Long: -78° 52' 20") are:

The following effluent limitations and monitoring requirements apply to the subject outfall from Permit Effective Date to Permit Expiration Date:

<i>Parameter</i>		<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Flow	(mgd)	-	-	-	Report
Iron	(mg/l)	-	1.5	3.0	3.8
Manganese	(mg/l)	-	1.0	2.0	2.5
Aluminum	(mg/l)	-	0.75	0.75	0.75
Suspended Solids	(mg/l)	-	35	70	90
pH	(S.U.)	6.0	-	-	9.0
Alkalinity, Total as CaCO ₃	(mg/l)	-	-	-	Report
Acidity, Total as CaCO ₃	(mg/l)	-	-	-	Report
Alkalinity, Net	(mg/l)	0.0	-	-	-
Osmotic Pressure (mOs/kg)	(mg/l)	-	-	-	Report
Total Dissolved Solids	(mg/l)	-	-	-	Report
Sulfate	(mg/l)	-	-	-	Report
Chloride	(mg/l)	-	-	-	Report
Bromide	(mg/l)	-	-	-	Report

The EPA Waiver is not in effect (Kiskiminetas-Conemaugh River Watershed TMDL).

Knox District Mining Office: White Memorial Building, P.O. Box 669, Knox, PA 16232-0669, (814) 797.1191.

NPDES No. PA0259675 (Permit No. 10150101), 4 Aces Mining, LLC (1451 Kennerdell Road, Kennerdell, PA 16374), Transfer of an NPDES permit for a bituminous surface mine in Marion Township, **Butler County**, affecting 48.0 acres. Receiving stream(s): Unnamed tributary to Blacks Creek and Blacks Creek classified for the following use(s): CWF. TMDL: None. Application received: August 14, 2020.

The following outfalls discharge to an unnamed tributary to Blacks Creek and Blacks Creek:

<i>Outfall Nos.</i>	<i>New Outfall (Y/N)</i>
003	N
004	N

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

<i>Parameter</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
pH ¹ (S.U.)	6.0			9.0
Iron (mg/l)		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
Alkalinity greater than acidity ¹				

¹ The parameter is applicable at all times.

The following outfalls discharge to an unnamed tributary to Blacks Creek and Blacks Creek:

<i>Outfall Nos.</i>	<i>New Outfall (Y/N)</i>
001	N
002	N

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

<i>Parameter</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
pH ¹ (S.U.)	6.0			9.0
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
Alkalinity greater than acidity ¹				

¹ The parameter is applicable at all times.

NPDES No. PA0104779 (Permit No. 24880103), Energy Resources, Inc. (c/o Murray Energy Corporation, 46226 Nation Road, Saint Clairsville, OH 43950), revised NPDES permit for a bituminous surface mine in Horton Township, **Elk County**, affecting 541.0 acres. Receiving stream(s): Unnamed tributary to Mead Run classified for the following use(s): CWF. TMDL: Little Toby Creek. Application received: September 14, 2020.

The following outfalls discharge to an unnamed tributary to Mead Run:

<i>Outfall Nos.</i>	<i>New Outfall (Y/N)</i>
3TR	N
T12	Y

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

<i>Parameter</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
pH ¹ (S.U.)	6.0			9.0
Iron (mg/l)		2.34	4.68	5.85
Manganese (mg/l)		2.0	4.0	5.0
Aluminum (mg/l)		0.75	0.75	0.75
Total Suspended Solids (mg/l)		35.0	70.0	90.0
Alkalinity greater than acidity ¹				

¹ The parameter is applicable at all times.

Noncoal NPDES Draft Permits

Moshannon District Mining Office: 186 Enterprise Drive, Philipsburg, PA 16866, (814) 342.8200.

NPDES No. PA0257249 (Mining Permit No. 59090301), Signor Brothers Contracting LLC, 30 Poplar Street, P.O. Box 98, Arnot, PA 16911, renewal of an NPDES permit for Noncoal Surface Mine Permit in Bloss Township, **Tioga County** affecting 26.8 acres. Receiving stream: Johnson Creek, classified for the following use(s): Cold Water Fishes (CWF). This receiving stream is included in the Tioga River Watershed TMDL. Application received: August 31, 2020.

The following outfalls discharge to unnamed tributaries to/and Johnson Creek:

<i>Outfall Nos.</i>	<i>New Outfall (Y/N)</i>	<i>Type</i>
001 (SBA)	N	Sediment Basin A
002 (SBB)	N	Sediment Basin B
003 (SBA)	N	Sediment Basin C
004 (STD)	N	Sediment Trap D
004 (STA)	N	Sediment Trap A

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

<i>Outfalls: 001—005 Parameter</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Total Suspended Solids (mg/l)	35.0	70.0	90.0
Flow (gpm)		Report	

pH (S.U.): Must be between 6.0 and 9.0 standard units.

Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901-2522, (570) 621.3118.

NPDES Permit No. PA0223352. Eureka Stone Quarry, Inc. (P.O. Box 249, Chalfont, PA 18914), renewal of NPDES Permit on Noncoal Surface Mining Permit Nos. 7973SM5 & 09030301 in Wrightstown Township, **Bucks County** affecting 158.6 acres. Receiving streams: Neshaminy Creek Watershed, classified for the following uses: warm water and migratory fishes. The first downstream potable water supply intake from the point of discharge is at Oakford, PA. The Department has made a tentative determination to impose effluent limitations, within the ranges specified in Table 1 for the listed parameters in addition to the limits identified in Table 2. Application received: May 24, 2020.

<i>Outfall Nos.</i>	<i>New Outfall (Y/N)</i>	<i>Type</i>		
001	No	Pit Water/Stormwater		
<i>Outfalls: Parameter</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instantaneous Maximum</i>
pH ¹ (S.U.)	6.0			9.0
Total Alkalinity (as CaCO ₃) (mg/L)			Monitor And Report	
Total Acidity (as CaCO ₃) (mg/L)			Monitor And Report	
Net Alkalinity (mg/L)	0.0			
Total Suspended Solids (mg/L)		11.88	23.76	29.70
Discharge (MGD)		1.1	5.8	
Total Dissolved Solids (mg/L)			Monitor And Report	
Sulfates (mg/L)			Monitor And Report	
Oil and Grease (mg/L)			Monitor And Report	

¹ This Parameter is applicable at all times.

FEDERAL WATER POLLUTION CONTROL ACT, SECTION 401

The following permit applications, requests for Environmental Assessment approval and requests for 401 Water Quality Certification have been received by the Department of Environmental Protection. Section 401 of the Federal Water Pollution Control Act (FWPCA) (33 U.S.C.A. § 1341), requires the State to certify that the involved projects will not violate the applicable provisions of Sections 301—303, 306 and 307 of the FWPCA 33 U.S.C.A. §§ 1311—1313, 1316 and 1317, as well as relevant State requirements. Persons objecting to approval of a request for certification under Section 401 or to the issuance of a Dam Permit or Water Obstruction and Encroachment Permit, or the approval of an Environmental Assessment must submit any comments, suggestions or objections within 30-days of the date of this notice, as well as any questions to the office noted above the application. Comments should contain the name, address and telephone number of the person commenting, identification of the certification request to which the comments or objections are addressed, and a concise statement of comments, objections or suggestions including the relevant facts upon which they are based.

The Department may conduct a fact-finding hearing or an informal conference in response to comments if deemed necessary. Each individual will be notified, in writing, of the time and place of a scheduled hearing or

conference concerning the certification request to which the comment, objection or suggestion relates. Maps, drawings and other data pertinent to the certification request are available for inspection between the hours of 8:00 AM and 4:00 PM on each working day at the office noted above the application.

If you are a person with a disability and wish to attend the hearing and you require an auxiliary aid, service or other accommodation to participate in the proceedings, please contact the specified program. TDD users may contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

WATER OBSTRUCTIONS AND ENCROACHMENTS

Applications Received Under the Dam Safety and Encroachments Act (32 P.S. §§ 693.1—693.27) and Section 302 of the Flood Plain Management Act (32 P.S. § 679.302) and Requests for Certification Under Section 401 of the Federal Water Pollution Control Act (33 U.S.C.A. § 1341(a)).

Northeast Region: Waterways & Wetlands Program, 2 Public Square, Wilkes-Barre, PA 18701-1915.

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

E400220-029. Earth Conservancy, 101 South Main Street, Ashley, PA 18706, in Hanover Township, **Luzerne County**, U.S. Army Corps of Engineers, Baltimore District.

To construct and maintain the following water obstructions and encroachments associated with the Espy Run Stream Restoration Project:

1) A channel change within a 3,000-LF section of Espy Run (CWF, MF) consisting of an 11-foot wide trapezoidal channel having a 3-foot wide streambed underlain with R-5 riprap, erosion matting, topsoil, geotextile, sand, and a clay liner. This channel will have 2:1 side slopes, boulder placement, step pools, and a 100-foot riparian buffer planting area. The purpose of this channel is to interconnect the discharge from the Hanover Reservoir and re-establish the historic Espy Run stream channel that was removed as a result of past mining practices. This is an after-the-fact authorization.

2) A stream crossing of Espy Run (CWF, MF) consisting of a 120-ft wide, 24-ft span, 7-ft high open-bottom concrete arch culvert, R-5 riprap, A-Jacks structures, and concrete wingwalls. This is an after-the-fact authorization.

The project is located approximately 0.4 mile south of the intersection of Middle Road and South Prospect Street (Wilkes-Barre West, PA Quadrangle Latitude: 41° 10' 57.55"; Longitude: -75° 59' 35.27") in Hanover Township, Luzerne County. (Wilkes-Barre West, PA Quadrangle, Latitude: 41°10'57.55"; Longitude: -75°59'35.27").

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

E2103220-022. Silver Spring Township, 8 Flowers Drive, Mechanicsburg, PA 17055. Silver Spring Township, **Cumberland County**, U.S. Army Corps of Engineers Baltimore District.

The applicant proposes to 1.) construct and maintain a 21.0-foot wide boat launch ramp in Conodoguinet Creek (WWF, MF) and its floodway, impacting 70 linear feet of stream and 0.04 acre of floodway; 2) expand and maintain an existing parking lot in the floodway of the Conodoguinet Creek (WWF, MF), impacting 0.06 acre of floodway; 3.) regrade and maintain a bioswale in the floodway of Conodoguinet Creek (WWF, MF), impacting 0.35 acre of floodway; and 4.) regrade and maintain a bioswale in the floodway of Conodoguinet Creek (WWF, MF), impacting 0.29 acre of floodway; and all for the purpose of meeting MS4 responsibilities. The project is located immediately northeast of the intersection of Sample Bridge Road and Glen Eagles Drive (Latitude: 40° 15' 45" N; Longitude: 77° 01' 11") in Silver Spring Township, Cumberland County. No wetlands will be impacted by this project.

E6703220-023. York Township Water and Sewer Authority, 190 Oak Road, Dallastown, PA 17313-9307, York Township, **York County**, U.S. Army Corps of Engineers Baltimore District.

The applicant proposes to: 1) construct and maintain a pump station facility partially within the floodway of an unnamed tributary to East Branch Codorus Creek (CWF, MF), permanently impacting 0.06 acre of floodway; 2) abandon 3,000 linear feet of existing sanitary sewer line in the floodway of an unnamed tributary to East Branch Codorus Creek (CWF, MF); and 3) construct and maintain 2,927 linear feet an 8.0-inch Ductile Iron sewer force main, permanently impacting 75 linear feet of stream channel and 0.01 acre of emergent wetland and temporarily impacting 226 linear feet of stream channel, 1.51 acres of floodway, and 0.26 acre of emergent wetland all along an unnamed tributary to East Branch Codorus Creek (CWF, MF), all for the purpose of replacing an aging sewer line. The project spans between 39° 53' 49.1" N;

-76° 41' 20.8" and 39° 54' 15.2" N; -76° 41' 22.1" in York Township, York County. The 0.01 acre of permanent wetland impact is considered de minimis and no compensatory wetland mitigation is required.

E0103220-024. Susquehanna Area Regional Airport Authority, 1100 Chambersburg Road, PA 17325 in Cumberland Township, **Adams County**, U.S. Army Corps of Engineers Baltimore District.

The applicant proposes to: 1) place and maintain an 80-foot long 18.0-inch diameter culvert extension onto an existing culvert within an a UNT to Marsh Creek (CWF, MF), permanently impacting three emergent wetlands totaling 0.043 acre and temporarily impacting 0.01 acre of emergent wetland for the purpose of constructing a new taxiway, 2) relocate 38.0-linear feet of an a UNT to Marsh Creek (CWF, MF) into a 227.0-foot long 18.0-inch diameter culvert enclosure for the purpose of redirecting flow downstream and alleviating flooding on adjacent properties, 3) place and maintain a 42.0-foot long triple 15.0-inch culvert crossing in an a UNT to Marsh Creek (CWF, MF) for the purpose of a new taxiway, 4) place and maintain a 45.0-foot long dual 15.0-inch culvert crossing in an a UNT to Marsh Creek (CWF, MF), temporarily impacting 0.01 acre of forested wetland, for the purpose of a new taxiway, 5) place and maintain a 45.0-foot long dual 15.0-inch culvert crossing in an a UNT to Marsh Creek (CWF, MF), for the purpose of a new taxiway, 6) place and maintain fill in 0.11 acre of floodway on an a UNT to Marsh Creek (CWF, MF) for the purpose of an expanded aircraft parking apron, and 7) remove an existing pond and restore a 38.0-foot long stream channel within the formerly impounded area for the purpose of removing a wildlife attractant near the airport runway. The overall project is to provide upgrades to the Gettysburg Regional Airport, located along SR 30 in Cumberland Township, Adams County (Latitude: 39.8433, Longitude: -77.2708). Permanent wetland impacts will be 0.043 acre in size which is considered de minimis and no compensatory wetland mitigation is required.

E6703220-025. North Codorus Township, 1986 Stoverstown Road, Spring Grove, PA 17362, in North Codorus Township, **York County**, U.S. Army Corps of Engineers Baltimore District.

The applicant proposes to 1) place and maintain fill in a 161-foot, 4-foot diameter CMP stream enclosure, 2) construct and maintain a 162-foot, 4-foot diameter steel pipe adjacent to the abandoned pipe in an Unnamed Tributary to Codorus Creek (WWF), 3) place and maintain R-7 riprap for scour protection 40 feet downstream of the enclosure, 4) replace and maintain an 18-inch CMP outfall at the stream enclosure outlet in the Unnamed Tributary to Codorus Creek, and 5) temporarily impact 0.037 acre of wetlands from downstream staging area and temporary boring machine pad (Latitude: 39.8768; Longitude: -76.8336). The project is located on Cedar Drive west of the intersection with Cedar Hill Locust in North Codorus Township, York County.

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

E5605120-026, PennDOT District 9-0, 1620 N. Juniata Street, Hollidaysburg, PA 16648, Stonycreek Township, **Somerset County**; Pittsburgh ACOE District.

The applicant proposes to:

Remove an existing, structurally deficient, reinforced concrete slab bridge, with a normal clear span of 8' and roadway width of 18'.

Construct and maintain a replacement, precast reinforced concrete box culvert, with a 10' clear span and roadway width of 28', having a permanent impact of 112 LF, and temporary impact of 146 LF to an unnamed tributary (UNT) to Stonycreek River (CWF), and a permanent impact to three PEM wetlands, totaling 0.012 acre.

Construct and maintain a relocation of an UNT, adjacent to the structure, having a permanent impact of 187 LF, and a temporary impact of 191 LF to a second a

UNT to Stonycreek River (CWF).

For the purpose of replacing a structurally deficient structure, carrying SR 1007 Section 03B over an a UNT to Stonycreek River.

The project site is located along Lambertsville Road in Shanksville, PA (Stoystown, PA USGS topographic quadrangle; N: 40°, 1', 32.7013"; W: 78°, 54', 44.6771"; Sub-basin 18E; USACE Pittsburgh District), in Stonycreek Township, Somerset County.

STORAGE TANKS

SITE-SPECIFIC INSTALLATION PERMITS

The following Storage Tank Site-Specific Installation Permit application has been received by the Department of Environmental Protection (Department) and is currently under review. Persons wishing to comment on the proposed permit are invited to submit a statement to the Bureau of Environmental Cleanup and Brownfields, Division of Storage Tanks, P.O. Box 8762, Harrisburg, PA 17105-8762, within 30 days from the date of this publication. Comments may also be submitted via email to tanks@pa.gov. Comments received within this 30-day period will be considered in the formulation of the final determinations regarding this application. Responses should include the name, address and telephone number of the writer and a concise statement to inform the Department of the exact basis of the comment and the relevant facts upon which it is based.

The following applications have been received for Storage Tank Site-Specific Installation Permits under the authority of the Storage Tank Spill Prevention Act (35 P.S. §§ 6021.304, 6021.504, 6021.1101 and 6021.1102) and under 25 Pa. Code Chapter 245, Subchapter C.

SSIP

Application

No.	Applicant Name & Address	County	Municipality	Tank Type	Tank Capacity
20011	Hill Top Energy Center, LLC 278 Thomas Road Carmichaels, PA 15320 Attn: James Ryan	Greene	Cumberland Township	5 ASTs storing hazardous substances and petroleum products	22,000 gallons total

ACTIONS

THE PENNSYLVANIA CLEAN STREAMS LAW AND THE FEDERAL CLEAN WATER ACT

FINAL ACTIONS TAKEN FOR NPDES PERMITS AND WQM PERMITS

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

Location	Permit Authority	Application Type or Category
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.

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N?</i>
PA0087459 (Sewage) Issued	Country View Village LLP P.O. Box 375 Gap, PA 17527-0375	Perry County Centre Township	Unnamed Tributary to Trout Run (CWF, MF) in Watershed(s) 7-A	Y
PA0085243 (Sewage) Issued	Manns Choice Harrison Township STP 101 Chestnut Street Manns Choice, PA 15550	Bedford County Harrison Township	Raystown Branch Juniata River (TSF) in Watershed(s) 11-C	Y
PA0051861 (Sewage) Issued	Penn Sylvan Nudist Camp 5028 Camp Road Mohnton, PA 19540-7723	Berks County Brecknock Township	Unnamed Tributary of Muddy Creek (HQ-TSF) in Watershed(s) 7-J	Y
PA0083186 (Sewage) Issued	Sideling Hill Turnpike Plaza P.O. Box 8 Middletown, PA 17057-0008	Fulton County Taylor Township	Lick Branch (HQ-CWF) in Watershed(s) 12-C	Y
PA0261017 (Sewage) Issued	Almony Residence 302 Gemmill Road Delta, PA 17314-8867	York County Peach Bottom Township	Peach Bottom Township, York County, to Neill Run (CWF (existing use)) in Watershed(s) 7-I	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N?</i>
PA0209155 (Sewage)	Sorge Apartments WWTF 1019 W Front Street Berwick, PA 18603-4509	Columbia County Madison Township	Spruce Run (CWF) (5-C)	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N</i>
PA0096172 (Industrial)	McKeesport Water System— Water Treatment Plant 124 Park N Pool Drive New Stanton, PA 15672-2404	Allegheny County McKeesport City	Youghiogheny River (WWF) (19-D)	Y
PA0253197 (Storm Water)	Rollock Co. 3179 Lincoln Highway Stoystown, PA 15563-7919	Cambria County Franklin Borough	Little Conemaugh River (WWF) (18-E)	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N?</i>
PA0005053 (Industrial)	Closed Warren Generating Station 250 Power Plant Drive Shawville, PA 16873	Warren County Conewango Township	Allegheny River (WWF) (16-B)	Y

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

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

NPDES Permit No. PA0051993 A-3, Sewage, **J.H.S. Group LLC**, 1030 N West End Boulevard, Quakertown, PA 18951-4108.

This existing facility is located in Richland Township, **Bucks County**.

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

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

NPDES Permit No. PA0204811, Storm Water, SIC Code 3089, **North American Profiles USA Inc.**, 1 Contact Place, Delmont, PA 15626-1402.

This existing facility is located in Salem Township, **Westmoreland County**.

Description of Existing Action/Activity: Issuance of an NPDES Permit for an existing discharge of industrial stormwater.

NPDES Permit No. PA0255726, Sewage, SIC Code 4952, **Mount Pleasant Township Municipal Authority**, P.O. Box 411, Hickory, PA 15340-0411.

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

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

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

NPDES Permit No. PA0288683, Sewage, SIC Code 8800, **Joseph Miklosky**, 3044 German Hill Road, Tionesta, PA 16353-7523.

This proposed facility is located in Kingsley Township, **Forest County**.

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

NPDES Permit No. PA0288691, Sewage, SIC Code 8800, **Steven J Weed**, 411 Pasadena Drive, Erie, PA 16505-1036.

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. PA0288489, Sewage, SIC Code 8800, **Terence O'Keefe**, 226 Patterson School Road, Grove City, PA 16127-4938.

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

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

NPDES Permit No. PA0288659, Sewage, SIC Code 8800, **Dennis D Hamilton**, 539 Scott Ridge Road, Harmony, PA 16037-8823.

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

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

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

Southeast Region: Clean Water Program Manager, 2 East Main Street, Norristown, PA 19401, 484.250.5900.

WQM Permit No. 1520405, Sewage, **PA American Water Co.**, 4 Wellington Boulevard, Wyomissing, PA 19610.

This proposed facility is located in Sadsbury Township, **Chester County**.

Description of Proposed Action/Activity: Proposed gravity sewer and pump station with forcemain.

WQM Permit No. 0983426 T-3, Sewage, SIC Code 4952, **J.H.S. Group LLC**, 1030 N West End Boulevard, Quakertown, PA 18951-4108.

This existing facility is located in Richland Township, **Bucks County**.

Description of Proposed Action/Activity: Transfer of WQM permit.

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

WQM Permit No. 0595404 T-1, Sewage, SIC Code 4952, **Donald Miller Residence**, 10300 Raystown Road Saxton, PA 16678.

This facility is located in Liberty Township, **Bedford County**.

Description of Proposed Action/Activity:

This transfer approves the transfer of sewage facilities consisting of: A septic tank, a septic tank effluent dose tank with pump, a sand filter, a chlorinator prior to discharge through the outfall.

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

WQM Permit No. 5620400, Sewage, SIC Code 8800, **Indian Lake Borough**, 1301 Causeway Drive, Central City, PA 15926.

This proposed facility is located in Indian Lake Borough, **Somerset County**.

Description of Proposed Action/Activity: The Applicant proposes to construct a new SRSTP to serve Lot # 1 in the Pine Cove Subdivision. The SRSTP will discharge to two 2,000-gallon holding tanks and later hauled off-site for final treatment/disposal.

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

WQM Permit No. 2720406, Sewage, SIC Code 8800, **Joseph Miklosky**, 3044 German Hill Road, Tionesta, PA 16353-7523.

This proposed facility is located in Kingsley Township, **Forest County**.

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

WQM Permit No. 2520421, Sewage, SIC Code 8800, **Steven J Weed**, 411 Pasadena Drive, Erie, PA 16505-1036.

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

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

WQM Permit No. 4320408, Sewage, SIC Code 8800, **Terence O'Keefe**, 226 Patterson School Road, Grove City, PA 16127-4938.

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

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

WQM Permit No. 1020414, Sewage, SIC Code 8800, **Dennis D Hamilton**, 539 Scott Ridge Road, Harmony, PA 16037-8823.

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

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

WQM Permit No. 4320403 A-1, Sewage, SIC Code 8800, **Brandon Persch**, 1171 Barkeyville Road, Grove City, PA 16127.

This existing facility is located in Pine Township, **Mercer 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>
PAD150158	Bozzuto Development Company 480 East Swedesford Road Suite 110 Wayne, PA 19087	Chester County	Tredyffrin Township	Valley Creek EV
PAD460055	900 River Road, LLC c/o Novaya Foxfield Industrial, LLC 265 Franklin Street Suite 1001 Boston, MA 02110	Montgomery County	Upper Merion Township	Matsunk Creek WWF-MF Schuylkill River WWF-MF
PAD150109	United Sports Training Center 1426 Marshallton Thorndale Road Downingtown, PA 19335	Chester County	West Bradford Township	Unnamed Tributary to Broad Run EV
PAD460040	PennDOT District 6-0 7000 Geerdes Boulevard King of Prussia, PA 19406-1525	Montgomery County	Norristown Municipality East Norriton Township Whitpain Township	Unnamed Tributary to Sawmill Run TSF-MF Unnamed Tributary to East Branch Stony Creek TSF-MF East Branch Stony Creek TSF-MF

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

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

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAD450108 A-1 Authorization/ Issuance	Tobyhanna Site LLC 619 Iron Street Lehighton, PA 18235	Monroe County	Tobyhanna Township	Indian Run (EV)
PAD480024 A-1 Authorization/ Issuance	Township of Palmer c/o Tom Adams, P.E. 3 Weller Place Palmer, PA 18045	Northampton County	Palmer Township	Bushkill 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>
PAD630027	Glencannon Homes Association P.O. Box 831 McMurray, PA 15317	Washington County	North Strabane Township	Little Chartiers Creek (HQ-WWF)

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

Erie County Conservation District, 1927 Wager Road, Erie, PA 16509, 814-825-6403.

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAD250009	RGS Products Inc 455 West 2nd Street Waterford, PA 16441	Erie County	Waterford Borough	Tributary to Trout Run HQ-CWF

Cambria District: Bureau of Abandoned Mine Reclamation Environmental Program Manager, 286 Industrial Park Road, Ebensburg, PA 15931, 814-472-1800.

Contact: Patrick M. Webb, P.E., Mining Engineer Manager, 814-472-1800.

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAD680008	Bureau of Abandoned Mine Reclamation Cambria Office 286 Industrial Park Road Ebensburg, PA 15931-4119	Indiana County	Canoe Township	North Branch Straight Run (HQ-CWF) and Unnamed Tributary to North Branch Straight Run (HQ-CWF)

VII. Approvals to Use NPDES and/or Other General Permits.

The EPA Region III Administrator has waived the right to review or object to this permit action under the waiver provision 40 CFR 123.23(d).

List of NPDES and/or Other General Permit Types.

PAG-01	General Permit for Discharges for Stormwater Discharges Associated with Small Construction Activities.
PAG-02	General Permit for Discharges of Stormwater Associated with Construction Activities
PAG-03	General Permit for Discharges of Stormwater from Industrial Activities
PAG-04	General Permit for Discharges from Small Flow Treatment Facilities
PAG-05	General Permit for Discharges from Petroleum Product Contaminated Groundwater Remediation Systems
PAG-06	General Permit for Wet Weather Overflow Discharges from Combined Sewer Systems (CSO)
PAG-07	General Permit for Beneficial Use of Exceptional Quality Sewage Sludge by Land Application
PAG-08	General Permit for Beneficial Use of Non-Exceptional Quality Sewage Sludge by Land Application to Agricultural Land, Forest, a Public Contact Site or a Land Reclamation Site
PAG-08 (SSN)	Site Suitability Notice for Land Application Under Approved PAG-08 General Permit Coverage

PAG-09	General Permit for Beneficial Use of Residential Septage by Land Application to Agricultural Land, Forest, or a Land Reclamation Site
PAG-09 (SSN)	Site Suitability Notice for Land Application Under Approved PAG-09 General Permit Coverage
PAG-10	General Permit for Discharges from Hydrostatic Testing of Tanks and Pipelines
PAG-11	General Permit for Discharges from Aquatic Animal Production Facilities
PAG-12	Concentrated Animal Feeding Operations (CAFOs)
PAG-13	Stormwater Discharges from Municipal Separate Storm Sewer Systems (MS4)
PAG-14	(To Be Announced)
PAG-15	General Permit for Discharges from the Application of Pesticides

General Permit Type—PAG-02

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

<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Municipality & County</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
PAC230002	Folcroft Development Partners, LP 1535 Street Suite 200 Philadelphia, PA 19102	Folcroft Borough Delaware County	Darby Creek WWF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
PAC230163	WRD Sears L.P. 33 Rock Hill Road Suite 350 Bala Cynwyd, PA 19004	Millbourne Borough Delaware County	Cobbs Creek WWF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
PAC230139	Upper Darby School District 4611 Bond Avenue Drexel Hill, PA 19026	Upper Darby Township Delaware County	Collen Brook WWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
PAC090387	Grand View Health 700 Lawn Avenue Sellersville, PA 18960-1548	West Rockhill Township Bucks County	Unnamed Tributary to East Branch Perkiomen Creek TSF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
PAC090365	Applebutter V, LLC 5050 Applebutter Road Pipersville, PA 18947	Plumstead Township Bucks County	Unnamed Tributary to Cabin Run CWF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
PAC090394	Bristol Township School District 5 Blue Lake Road Levittown, PA 19057-3017	Bristol Township Bucks County	Unnamed Tributary to Mill Creek WWF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
PAC090387	Grand View Health 700 Lawn Avenue Sellersville, PA 18960-1548	West Rockhill Township Bucks County	Unnamed Tributary to East Branch Perkiomen Creek TSF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
PAC230020 A-2	BPG Properties, Ltd. 3815 West Chester Pike Newtown Square, PA 19073	Newtown Township County	Foxes Run-CWF, MF and Preston Run-CWF, MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
PAC090398	390 George Patterson Boulevard Associates, LLC One Towner Bridge 100 Front Street Suite 560 West Conshohocken, PA 19428-2897	Bristol Township Bucks County	Mill 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.

<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>
PAC130019 Authorization/ Issuance	Lehigh Valley Health Network 2100 Mack Blvd P.O. Box 4000 Allentown, PA 18103	Carbon County	Mahoning Township	Mahoning Creek (CWF, MF)	Carbon County Conservation District 5664 Interchange Road Lehigh, PA 18235 610-377-4894
PAC350101 Authorization/ Issuance	Gary Toth 517 Simerell Road South Abington Twp. PA 18411	Lackawanna County	S. Abington Township	UNT to Leggetts Creek (CWF, MF)	Lackawanna County Conservation District 1038 Montdale Road Scott Township, PA 18447 570-382-3086
PAC540092 Authorization/ Issuance	Honeywell Intl Inc. Erin Poremba 98 Westwood Rd Pottsville, PA 17901	Schuylkill County	Norwegian Township	UNT to West Branch Schuylkill River (CWF, MF)	Schuylkill Conservation District 1206 AG Center Drive Pottsville, PA 17901-9733 570-622-3742
PAC540087 Authorization/ Issuance	Cynthia Motter 348 Camp Rd Pine Grove, PA 17963	Schuylkill County	Washington Township	Lower Little Swatara Creek (CWF, MF)	Schuylkill Conservation District 1206 AG Center Drive Pottsville, PA 17901-9733 570-622-3742

Southcentral Region: Waterways and 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>	<i>Contact Office & Phone Number</i>
PAC070079 Issued	Greenfield Township Municipal Authority 1342 Bedford Street P.O. Box 372 Claysburg, PA 16625	Blair County	Greenfield Township	Smokey Run (CWF, MF) Beaverdam Creek (CWF, MF)	Blair County Conservation District 1407 Blair Street Hollidaysburg, PA 16648 814.696.0877, ext. 5
PAC210213 Issued	Golf Enterprises, Inc. 4400 Deer Path Woods Suite 1 Harrisburg, PA 17110	Cumberland County	Hampden Township	Sears Run (WWF)	Cumberland County Conservation District 310 Allen Road Suite 301 Carlisle, PA 17013-9101 717.240.7812
PAC210205 Issued	JLM Real Estate Investments, LLC 950 East Main Street Schuylkill Haven, PA 17972	Cumberland County	Hopewell Township	UNT Newburg Run (WWF)	Cumberland County Conservation District 310 Allen Road Suite 301 Carlisle, PA 17013-9101 717.240.7812
PAC210221 Issued	Meadowsgreen Developers, LLC 641 Montgomery Avenue Chambersburg, PA 17201	Cumberland County	Southampton Township	Burd Run (CWF)	Cumberland County Conservation District 310 Allen Road Suite 301 Carlisle, PA 17013-9101 717.240.7812
PAC360566 Issued	Michael Nissley 204 Franklin Road Washington Boro, PA 17582	Lancaster County	Manor Township	UNT Stamans Run (WWF, MF)	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601-3149 717.299.5361, ext. 5

NOTICES

6301

<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>
PAC360535 Issued	701 Stony Battery Road, LLC One Tower Bridge 100 Front Street Suite 560 West Conshohocken, PA 19428	Lancaster County	East Hempfield Township	UNT Chickies Creek (CWF, MF) UNT Swarr Run (WWF, MF)	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601-3149 717.299.5361, ext. 5
PAC360516 Issued	Strasburg Rail Road Company Route 741 East P.O. Box 96 Strasburg, PA 17579	Lancaster County	Paradise Township	Pequea Creek (WWF)	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601-3149 717.299.5361, ext. 5
PAC360537 Issued	Leon Ray and Doris Burkholder 580 Indiantown Road Ephrata, PA 17522	Lancaster County	West Cocalico Township	UNT Indian Run (TSF, MF)	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601-3149 717.299.5361, ext. 5
PAC670131 A-1 Issued	FedEx Ground Package System, Inc. 1000 FedEx Drive Moon Township, PA 15108	York County	Fairview Township	Fishing Creek (TSF, MF)	York County Conservation District 2401 Pleasant Valley Road Suite 101, Room 139 York, PA 17402 717.840.7430
PAG02-0001-13-025 Three amendments Approved May 23, 2019	Insurance Auto Auctions, Inc. Two Westbrook Corporate Center Suite 500 Westchester, IL 60154	Adams County	Latimore Township	UNT Latimore Creek (CWF, MF)	Department of Environmental Protection SCRO Waterways & Wetlands Program 909 Elmerton Avenue Harrisburg, PA 17110-9207 717.705.4802

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

<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Municipality & County</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
PAC140109 Renew	Witherite Property Management 188 South Main Street Pleasant Gap, PA 16823	Spring Township Centre County	UNT to Logan Branch CWF	Centre County Conservation District 414 Holmes Ave Ste 4 Bellefonte, PA 16823 (814) 355-6817
PAC140108	Precision Acoustic Devices, LLC 2820 E. College Avenue State College, PA 16801	Spring Township Centre County	UNT to Logan Branch	Centre County Conservation District 414 Holmes Ave Ste 4 Bellefonte, PA 16823 (814) 355-6817
PAC140035 A-1 Major Amendment	Waldenheim, LLC 444 E. College Ave #560 State College, PA 16801	Harris Township Centre County	UNT Spring Creek CWF	Centre County Conservation District 414 Holmes Ave Ste 4 Bellefonte, PA 16823 (814) 355-6817

NOTICES

<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Municipality & County</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
PAC140110 Renewal	Eric J. Stashak 328 Government Place Williamsport, PA 17701	Harris Township Centre County	UNT Cedar Run CWF	Centre County Conservation District 414 Holmes Ave Ste 4 Bellefonte, PA 16823 (814) 355-6817
PAC170038-1	Francis J. Palo Inc. P.O. Box 368 309 S. 4th Ave Clarion, PA 16214	Bradford Township Clearfield County	Abes Run CWF	Clearfield County Conservation District 511 Spruce St Ste 6 Clearfield, PA 16830 (814) 765-2629
PAC190042	Lions Gate Commons Community 328 Buttonwood St Reading, PA 19601	Scott Township Columbia County	UNT to Kinney Run Fishing Creek	Columbia County Conservation District 702 Sawmill Rd Ste 204 Bloomsburg, PA 17815 (570) 784-1310 X 102
PAC190048	Amanda Nungesser 1167 Ridge Rd Bloomsburg, PA 17815	Scott Township Columbia County	UNT to Fishing Creek	Columbia County Conservation District 702 Sawmill Rd Ste 204 Bloomsburg, PA 17815 (570) 784-1310 X 102
PAC190049	Fox Coal Company 212 W Cherry St Mount Carmel, PA 17851	Conyningham Township Columbia County		Columbia County Conservation District 702 Sawmill Rd Ste 204 Bloomsburg, PA 17815 (570) 784-1310 X 102
PAC190050	Amanda Newswanger 46 Reed Road Danville, PA 17821	Madison Township Columbia County	UNT to Fishing Creek	Columbia County Conservation District 702 Sawmill Rd Ste 204 Bloomsburg, PA 17815 (570) 784-1310 X 102
PAC190051	PennDOT Engineering District 3-0 715 Jordan Ave Montoursville, PA 17754	Mifflin Township Nescopeck Township Nescopeck Bor Columbia County	Susquehanna River	Columbia County Conservation District 702 Sawmill Rd Ste 204 Bloomsburg, PA 17815 (570) 784-1310 X 102
PAC600057	Jeffrey Snyder 5898 New Columbia Rd New Columbia, PA 17856	Kelly and White Deer Township Union County	CWF-MF	Union County Conservation District Union County Government Center 155 N 15th St Lewisburg, PA 17837 (570) 524-3860
PAC605005	Steve Daniels 960 Century Drive Mechanicsburg, PA 17055	Buffalo Township Union County	Limestone Run WWF, MF	Union County Conservation District Union County Government Center 155 N 15th St Lewisburg, PA 17837 (570) 524-3860

NOTICES

6303

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

<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>	<i>Contact Office and Phone Number</i>
PAC020602	Carnegie Mellon University 5000 Forbes Avenue Pittsburgh, PA 15213-3712	City of Pittsburgh	Monongahela River (WWF)	Allegheny County Conservation District 33 Terminal Way Suite 325B Pittsburgh, PA 15219 412-291-8010
PAC020233 A1	The Pennsylvania Turnpike Commission P.O. Box 67676 Harrisburg, PA 17106-7676	Marshall Township	UNT to Brush Creek (WWF)	Allegheny County Conservation District 33 Terminal Way Suite 325B Pittsburgh, PA 15219 412-291-8010
PAC020632	CGR Real Estate, LLC 700 River Avenue Suite 316 Pittsburgh, PA 15212-5907	Franklin Park Borough	Fish Run (CWF)	Allegheny County Conservation District 33 Terminal Way Suite 325B Pittsburgh, PA 15219 412-291-8010
PAC020533	Elizabeth Township 522 Rock Run Road Elizabeth, PA 15037-2430	Elizabeth Township	Youghiogheny River (WWF)	Allegheny County Conservation District 33 Terminal Way Suite 325B Pittsburgh, PA 15219 412-291-8010
PAC020609	Robinson Township 1000 Church Hill Road Pittsburgh, PA 15205	Robinson Township	UNT to Campbells Run (WWF)	Allegheny County Conservation District 33 Terminal Way, Suite 325B Pittsburgh, PA 15219 412-291-8010
PAC020597	Pennsylvania—American Water Company 852 Wesley Drive Mechanicsburg, PA 17055	Collier Township	UNT to Robinson Run (WWF)	Allegheny County Conservation District 33 Terminal Way Suite 325B Pittsburgh, PA 15219 412-291-8010
PAC020562	A. Folino Construction, Inc. 109 Dark Hollow Road Oakmont, PA 15139	Penn Hills Township	UNT to Plum Creek (WWF)	Allegheny County Conservation District 33 Terminal Way Suite 325B Pittsburgh, PA 15219 412-291-8010
PAC020605	Marshall Trails, LLC 1712 Mount Nebo Road Sewickley, PA 15143	Marshall Township	Pine Creek (CWF)	Allegheny County Conservation District 33 Terminal Way Suite 325B Pittsburgh, PA 15219 412-291-8010
PAC020613	Sisters of the Holy Spirit 5246 Clarwin Avenue Pittsburgh, PA 15229	Ross Township	UNT to Girtys Run (WWF)	Allegheny County Conservation District 33 Terminal Way Suite 325B Pittsburgh, PA 15219 412-291-8010
PAC020633	Independence Excavating, Inc. 3826 Saxonburg Boulevard Cheswick, PA 15024	Ross Township	Girtys Run (WWF)	Allegheny County Conservation District 33 Terminal Way Suite 325B Pittsburgh, PA 15219 412-291-8010

<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>	<i>Contact Office and Phone Number</i>
PAC020484	Alderman Fill Site 116 Spring Run Road Extension Coraopolis, PA 15108	Findlay Township	UNT to Flaugherty Run (WWF)	Allegheny County Conservation District 33 Terminal Way Suite 325B Pittsburgh, PA 15219 412-291-8010
PAC020618	A. M. Rodriguez Associates, Inc. 100 West Station Square Suite 350 Pittsburgh, PA 15219	Penn Hills Township	UNT to Quigley Creek (WWF)	Allegheny County Conservation District 33 Terminal Way Suite 325B Pittsburgh, PA 15219 412-291-8010
PAC020637	James M. Quinn Construction Company 4075 Homestead Duquesne Road West Mifflin, PA 15122	Munhall Borough	Homestead Run (WWF)	Allegheny County Conservation District 33 Terminal Way Suite 325B Pittsburgh, PA 15219 412-291-8010
PAC020617	Forty-Fourth and Summit Development, LLC 4735 Butler Street Pittsburgh, PA 15201	City of Pittsburgh	Allegheny River (WWF)	Allegheny County Conservation District 33 Terminal Way Suite 325B Pittsburgh, PA 15219 412-291-8010
PAC020628	Plum Borough School District 900 Elicker Road Plum, PA 15239	Plum Borough	UNT to Little Plum Creek (WWF)	Allegheny County Conservation District 33 Terminal Way Suite 325B Pittsburgh, PA 15219 412-291-8010
PAC020639	Asbury Heights 700 Bower Hill Road Pittsburgh, PA 15234	Mount Lebanon Borough	Scrubgrass Run (WWF)	Allegheny County Conservation District 33 Terminal Way Suite 325B Pittsburgh, PA 15219 412-291-8010
PAC040094	Dutch Ridge Associates, LP 4533 Dutch Ridge Road Beaver, PA 15009	Brighton Township	UNT to South Branch Bradys Run (TSF); a UNT to Two Mile Run (WWF)	Beaver County Conservation District 156 Cowpath Road Aliquippa, PA 15001 724-378-1701
PAC110068	RRC Development P.O. Box 100 Loretto, PA 15940	Cambria Township	UNT to South Branch Blacklick Creek (CWF)	Washington County Conservation District 50 Old Hickory Ridge Road Suite 1 Washington, PA 15301 724-206-9446
PAC560047	CriLon Corporation 279 Industrial Park Road Somerset, PA 15501	Somerset Borough	UNT to East Branch of Coxes Creek (TSF)	Somerset County Conservation District Somerset County Ag Center 6024 Glades Pike Suite 103 Somerset, PA 15501 814-445-4652

NOTICES

6305

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

<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Municipality & County</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
PAC420017	Pennsylvania Electric Company 341 White Pond Drive Akron, OH 44320	Liberty Township McKean County	Skimmer Creek CWF Allegheny River CWF	Mercer County Conservation District 747 Greenville Road Mercer, PA 16137 724-662-2242
PAC030032	Harvest Community Church 143 Reed Road Kittanning, PA 16201	East Franklin Township Armstrong County	UNT to Allegheny River WWF	Armstrong County Conservation District 120 S Grant Avenue Suite 2 Kittanning, PA 16201 724-548-3425
PAC250118	Mr. Roger Richards 230 West 6th Street Erie, PA 16507	Millcreek Township Erie County	UNT Walnut Creek CWF-MF	Erie County Conservation District 1927 Wager Road Erie, PA 16509 814-825-6403

Cambria District: Bureau of Abandoned Mine Reclamation Environmental Program Manager, 286 Industrial Park Road, Ebensburg, PA 15931, 814-472-1800.

Contact: Patrick M. Webb, P.E., Mining Engineer Manager, 814-472-1800.

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>
PAC680039	Glenn O. Hawbaker, Inc. 1952 Waddle Road Suite 203 State College, PA 16803 and Bureau of Abandoned Mine Reclamation Cambria Office 286 Industrial Park Road Ebensburg, PA 15931	Blair County	Antis Township	Little Juniata River (TSF, CWF) and Unnamed Tributary to Little Juniata River (WWF)	Cambria District Office 286 Industrial Park Road Ebensburg, PA 15931 814-472-1800

General Permit Type—PAG-03

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

<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Municipality & County</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
PAG036278	Michael Brothers Hauling, Inc. 901 Horning Road Pittsburgh, PA 15236-2833	Baldwin Borough Allegheny County	Lick Run (TSF)—19-C	DEP Southwest Regional Office Clean Water Program 400 Waterfront Drive Pittsburgh, PA 15222-4745 412.442.4000

General Permit Type—PAG-04

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

<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Municipality & County</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
PAG043849 A1 Issued	Donald Miller Residence 10300 Raystown Road Saxton, PA 16678	Liberty Township Bedford County	Unnamed Tributary of Sugar Camp Run (WWF) in Watershed 11-D	SCRO Clean Water Program 717-705-4824

General Permit Type—PAG-08

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

<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Municipality & County</i>	<i>Contact Office & Phone No.</i>
PAG-08-3502	Wyomissing Valley Joint Municipal Authority 701 Old Wyomissing Road Reading, PA 19611 Attn: David Wisser, Authority Manager	City of Reading Berks County	DEP-SCRO 909 Elmerton Ave. Harrisburg, PA 17110 717-705-4707

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

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

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

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

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

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

<i>Agricultural Operation Name and Address</i>	<i>County</i>	<i>Total Acres</i>	<i>AEU's</i>	<i>Animal Type</i>	<i>Special Protection Waters (HQ or EV or NA)</i>	<i>Approved or Disapproved</i>
Dennis and Denise Staub Site Address: 904 Germany Road East Berlin, PA 17316 Mailing Address: 352 Fleshman Mill Road New Oxford, PA 17350	Adams County	29	553.28	Turkeys	NA	Approved
R.W. Sauder Inc. Hegins Valley Layer Complex 824 Church Road Hegins, PA 17938	Schuylkill County	1	3,336.78	Poultry— Layers	NA	Approved
Haas Farms, LLC Stephen & Virginia Haas 15 Haas Road Klingerstown, PA 17941	Schuylkill, Northumberland and Dauphin Counties	2,117.8	563.40	Poultry— Layers	NA	Approved

PUBLIC WATER SUPPLY PERMITS

The Department has taken the following actions on applications received under the Pennsylvania Safe Drinking Water Act (35 P.S. §§ 721.1—721.17) for the construction, substantial modification or operation of a public water system.

Persons aggrieved by an action may appeal that action to the Environmental Hearing Board (Board) under section 4 of the Environmental Hearing Board Act and 2 Pa.C.S. §§ 501—508 and 701—704. The appeal should be sent to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P.O. Box 8457, Harrisburg, PA 17105-8457,

(717) 787-3483. TDD users may contact the Board through the Pennsylvania AT&T Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin* unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary to the Board at (717) 787-3483. This paragraph does not, in and of itself, create a right of appeal beyond that permitted by applicable statutes and decisional law.

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

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

SAFE DRINKING WATER

Actions taken under the Pennsylvania Safe Drinking Water Act (35 P.S. §§ 721.1—721.17).

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

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

Permit No. 3396420, Operations Permit Public Water Supply.

Applicant	Nestle Waters North America, Inc. (New Bottling Line 8 & Trucks Addition Project) 305 Nestle Way Breinigsville, PA 18031
Township	Upper Macungie Township
County	Lehigh County
Type of Facility	Bottled Water Facility
Consulting Engineer	Edward E. Davis, P.E. Miller Brothers Construction, Inc. P.O. Box 472 Schuylkill Haven, PA 17972
Permit to Operate Issued	October 16, 2020

Northcentral Region: Safe Drinking Water Program Manager, 208 West Third Street, Williamsport, PA 17701.

Operations Permit issued to: **State College Borough Water Authority**, 1201 West Branch Road, State College, PA 16801, **PWSID No. 4140096**, Ferguson Township, **Centre County** on October 21, 2020, for the operation of facilities approved under **construction permit #1491504-A1**. This permit amends filter plant operating conditions to meet two Treatment Performance Toolbox Options in Appendix B to Subchapter L of 25 Pa. Code Chapter 109 in order to receive a 1-Log Cryptosporidium removal credit.

Operations Permit issued to: **7-Eleven Store #40410**, 8478 Route 104, Mt. Pleasant Mills, PA 17853, **PWSID No. 4550812**, Perry Township, **Snyder County** on October 21, 2020, for the operation of facilities ap-

proved under **construction permit #5520501**. This permit authorizes the operation of a chlorination system for 4-log disinfection and reverse osmosis for TDS (Total Dissolved Solids) reduction at 7-Eleven Store #40410. This approval includes Well No. 1 as a source of supply, 10" Big Blue sediment filter, Culligan Gold 10" Soft Minder water softener, ASV-13.5C Ultraviolet disinfection system, Solenoid valve, Axeon N-2000 Reverse Osmosis Unit and its components, Stenner Pump Classic 85 MHP40 Pump Model, 12.5% Sodium Hypochlorite, HuberPure Calcium Carbonate, two Flex-Lite FLU 120-gallon contact tanks, 6 gpm Dole Flow Control Valve, Norwesco 500-gallon polyethylene storage tank, two Grundfos Scala2 Booster Pumps, Wave Cyber WR-120 Pressure Tank and the distribution system. Note that the entire water system is now approved by a public water supply operation permit under 25 Pa. Code § 109.503 and no longer qualifies for noncommunity approval under § 109.505.

SEWAGE FACILITIES ACT PLAN DISAPPROVAL

Plan Disapprovals Granted Under the Pennsylvania Sewage Facilities Act, Act of January 24, 1966, P.L. 1535, as amended, 35 P.S. § 750.5.

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

Plan Location:

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Fermanagh Township	109 Municipal Rd. Mifflintown, PA 17059	Juniata

Plan Description: The planning exemption for the Daniel U. Shetler Subdivision, DEP Code No. A3-34904-178-2E, APS Id 1025089, consisting of two new single-family residential lots each using individual on-lot sewage disposal systems, is disapproved. The proposed development is located on Orwig Drive. This plan is disapproved because it does not qualify as an exemption from the requirement to revise the Official Plan. It does not qualify because the subdivision proposes the use of on-lot sewage disposal systems in an area underlain by carbonate geology as per Chapter 71, Section 71.51(b)(1)(ii).

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:

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

Contact: Eric Supey, Environmental Program Manager.

S. Groover Pad 1, 661 Johnson Pond Road, Montrose, PA 18801, Bridgewater Township, **Susquehanna County**. Resource Environmental Management, 50 Maple Street, Montrose, PA 18801, on behalf of Cabot Oil & Gas Corporation, 2000 Park Lane, Suite 300, Pittsburgh, PA 15275, submitted a Final Report concerning remediation of soil contaminated by a release of recycled water (brine) from a truck. The report is intended to document remediation of the site to meet a combination of Statewide Health and Background Standards.

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

Lanchester Center, 5363 Lincoln Highway, Gap, PA 17527, Salisbury Township, **Lancaster County**. Reliance Environmental, Inc., 235 North Duke Street, Lancaster, PA 17603, on behalf of Lanchester Associates, LP, 795 Chestnut Street, P.O. Box 306, and submitted a Final Report concerning remediation of site soil and groundwater contaminated with diesel fuel. The Final Report is intended to document remediation of the site to meet the Residential Statewide Health Standard.

Former Witmer Brothers Garage, 2089 East Lincoln Highway, Lancaster, PA 17602, East Lampeter Township, **Lancaster County**. August Mack Environmental, Inc., 941 Wheatland Avenue, Suite 401, Lancaster, PA 17603, on behalf of Mr. Lloyd Witmer, 122 North Water Street, New Holland, PA 17557, and Ellen M. Witmer, 279 Ridge Road, Ephrata, PA 17522 submitted a Remedial Investigation Report, Cleanup Plan, and Final Report concerning remediation of site groundwater contaminated with No. 2 fuel oil. The combined Report is intended to document remediation of the site to meet the Site-Specific Standard.

Former Star Enterprise (Texaco) Bulk Storage Terminal, 127 Texaco Road, Mechanicsburg, PA 17050, Silver Spring Township, **Cumberland County**. Sovereign Consulting, Inc., 1 Tarby Lane, Oxford, CT 06478, on

behalf of Motiva Enterprises, LLC, P.O. Box, 4540, Houston, TX 77210 and Lucknow Highspire Terminals, P.O. Box 2621, Harrisburg, PA 17105 submitted a Final Report concerning remediation of site soil and groundwater contaminated with petroleum hydrocarbons. The Final Report is intended to document remediation of the site to meet Site-Specific Standard. The report was administratively incomplete and was disapproved by the Department on October 23, 2020.

Northcentral Region: Environmental Program Manager, 208 West Third Street, Williamsport, PA 17701.

Contact: Randy Farmerie, 570-327-3716.

Compressor Station 517, 102 Pole Bridge Road, Jackson Township, **Columbia County**. BL Companies, 2601 Market Place, Suite 350, Harrisburg, PA 17701, on behalf of Transcontinental Gas Pipe Line Co., LLC, 102 Pole Bridge Road, Benton, PA 17814, has submitted a Final Report concerning remediation of site soil contaminated with diesel fuel. The report is intended to document remediation of the site to meet the Residential Statewide Health Standard.

Hybrid Drilling Clean Up Project, Interstate 80 at MM 219.9 E, Danville, Valley Township, **Montour County**. Northridge Group, Inc., P.O. Box 231, Northumberland, PA 17857, on behalf of Hybrid Drilling, 37225 Barnesville-Bethesda Road, Barnesville, OH 43713, has submitted a Final report concerning remediation of site soil contaminated with diesel fuel and hydraulic fluid. The report is intended to document remediation of the site to meet the Non-Residential Statewide Health Standard.

Lucas Trucking Project, US Route 15 North at Exit 162, Liberty Township, **Tioga County**. Northridge Group, Inc., P.O. Box 231, Northumberland, PA 17857, on behalf of Lucas Trucking Corp, 9657 N Route 220 Highway, Jersey Shore, PA 17740, has submitted a Final Report concerning remediation of site soil contaminated with diesel fuel. The report is intended to document remediation of the site to meet the Non-Residential Statewide Health Standard.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995 PREAMBLE 3

The Department has taken action on the following plans and reports under the Land Recycling and Environmental Remediation Standards Act (35 P.S. §§ 6026.101—6026.907).

Section 250.8 of 25 Pa. Code and administration of the Land Recycling and Environmental Remediation Standards Act (act) require the Department to publish in the *Pennsylvania Bulletin* a notice of its final actions on plans and reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the remediation standards of the act. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis of selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed and summaries of sampling methodology and analytical results which demonstrate that the remediation has attained the cleanup standard selected. Plans and reports required by the act for compliance with selection of remediation to a site-

specific standard, in addition to a final report, include a remedial investigation report, risk assessment report and cleanup plan. A remedial investigation report includes conclusions from the site investigation; concentration of regulated substances in environmental media; benefits of reuse of the property; and, in some circumstances, a fate and transport analysis. If required, a risk assessment report describes potential adverse effects caused by the presence of regulated substances. If required, a cleanup plan evaluates the abilities of potential remedies to achieve remedy requirements. A work plan for conducting a baseline remedial investigation is required by the act for compliance with selection of a special industrial area remediation. The baseline remedial investigation, based on the work plan, is compiled into the baseline environmental report to establish a reference point to show existing contamination, describe proposed remediation to be done and include a description of existing or potential public benefits of the use or reuse of the property. The Department may approve or disapprove plans and reports submitted. This notice provides the Department's decision and, if relevant, the basis for disapproval.

For further information concerning the plans and reports, contact the environmental cleanup program manager in the Department regional office under which the notice of the plan or report appears. If information concerning a final report is required in an alternative form, contact the community relations coordinator at the appropriate regional office. TDD users may telephone the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

The Department has received the following plans and reports:

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

Contact: Eric Supey, Environmental Program Manager.

Pinebrook Bible Conference Center, 5339 Pinebrook Road, East Stroudsburg, PA 18360, Stroud Township, **Monroe County**. Boucher & James, 1456 Ferry Road, Building 500, Doylestown, PA 18901, on behalf of Spruce Lake Retreat, 5389 Route 447, Canadensis, PA 18325, submitted a Final Report concerning remediation of soil contaminated by heating oil from an underground storage tank. The report documented remediation of the site to meet Statewide Health Standards and was approved by DEP on October 20, 2020.

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

Former Caciolo Residence, 1208 Huffs Church Road, Barto, PA 19504, Hereford Township, **Berks County**. Trimpi Associates, 1635 Old Plains Road, Pennsburg, PA 18073, on behalf of Nationwide Insurance Company, P.O. Box 198, Harleysville, PA 19438, and Tylor and Amanda Moore, 1208 Huffs Church Road, Barto, PA 19504 submitted a Final Report concerning remediation of site soil contaminated with No. 2 fuel oil. The Final Report demonstrated attainment of the Residential Statewide Health Standard and was approved by the Department on October 21, 2020.

Northcentral Region: Environmental Program Manager, 208 West Third Street, Williamsport, PA 17701.

Contact: Randy Farmerie, 570-327-3716.

Bim BRA Pad, 198 Boice Lane, Sugar Run, Wilmot Township, **Bradford County**. Creston Environmental,

LLC, P.O. Box 1373, Camp Hill, PA 17001, on behalf of Chesapeake Appalachia, LLC, 14 Chesapeake Lane, Sayre, PA 18840, has submitted a Final Report concerning remediation of site soil contaminated with Produced Water. The report demonstrated attainment of the Residential Statewide Health Standard and was approved by the Department on October 23, 2020.

X.P.O. Logistics Cleanup Project, US Route 15 at MM 152 Southbound, Trout Run, Cogan House Township, **Lycoming County**. Northridge Group, Inc., P.O. Box 231, Northumberland, PA 17857, on behalf of X.P.O. Logistics, 2211 Old Earhart Road, Suite 100, Ann Arbor, MI 48105, has submitted a Final Report concerning site soil contaminated with diesel fuel, motor oil and anti-freeze. The report demonstrated attainment of the Non-Residential Statewide Health Standard and was approved by the Department on October 21, 2020.

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

June 2020 D08-O Pad Brine Release, Wellendorf Road, Sergeant Township, **McKean County**. ARM Group, LLC, 1129 West Governor Road, P.O. Box 797, Hershey, PA 17033 on behalf of Highland Field Services, LLC, 5800 Corporate Boulevard, Suite 300, Pittsburgh, PA 15237 has submitted a Final Report concerning the remediation of site soil contaminated with Aluminum, Barium, Boron, Iron, Lithium, Manganese, Selenium, Strontium, Vanadium, Zinc, and Chloride. The Final report demonstrated attainment of the Statewide Health Standard and was approved by the Department on October 23, 2020.

International Paper—South Yard, 1565 East Lake Road, City of Erie, **Erie County**. Wood Environmental & Infrastructure Solutions, Inc., 4600 J Barry Court, Suite 210, Canonsburg, PA 15317 on behalf of Erie Management Group, 1540 East Lake Road, Suite 300, Erie, PA 16511 has submitted a Baseline Environmental Report concerning the remediation of site surface water contaminated with iron. The Final Report demonstrated attainment of the Special Industrial Area Requirements and was approved by the Department on October 23, 2020.

DETERMINATION OF APPLICABILITY FOR RESIDUAL WASTE GENERAL PERMITS

Determination of Applicability for General Permit Issued Under the Solid Waste Management Act (35 P.S. §§ 6018.101—6018.1003); the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P.S. §§ 4000.101—4000.1904); and Residual Waste Regulations for a General Permit to Operate Residual Waste Processing Facilities and/or the Beneficial Use of Residual Waste Other Than Coal Ash.

Southcentral Region: Regional Solid Waste Manager, 909 Elmerton Avenue, Harrisburg, PA 17110.

General Permit No. WMGR038SC009A. Edge Rubber Recycling, LLC, 811 Progress Road, Chambersburg, PA 17201, Chambersburg Borough, **Franklin County**. Modification to WMGR038SC009A, which authorizes the processing, reuse, and beneficial use of waste tires, which include whole tires, tire chips, baled tires, tire shreds, and crumb rubber. The permitted processing is limited to

collection, sorting, storage, recapping, cleaning, shredding, chipping, grinding, crumbing, cutting, and baling of waste tires. The permitted beneficial use of the whole waste tires, tire chips, baled tires, tire shreds, and crumb rubber is limited to use in recapping, as fuel in boilers or other combustion units, in civil engineering practices, and as an ingredient in or as a commercial product. This permit modification allows for the addition of a new building and storage areas and decreases the bond amount due to dewatering of crumb rubber (authorized in a concurrent modification to the base WMGR038 permit). The Department issued a modification to the determination of applicability on October 16, 2020. Persons interested in reviewing the general permit may contact John Oren, Permits Section Chief, Waste Management Program, 909 Elmerton Avenue, Harrisburg, PA 17110, 717-705-4706. TDD users may contact the Department through the Pennsylvania AT&T Relay Service, (800) 654-5984.

General Permit No. WMGR139. Roaring Spring Blank Book Company for the Roaring Spring Biofuel facility located at 231 Cove Lane Road, Suite 3, Roaring Spring, PA 16673, Taylor Township, **Blair County**. A Determination of Applicability under Residual Waste General Permit No. WMGR139 was originally issued to Roaring Spring Blank Book Company on January 3, 2013. This permit authorized the processing of raw materials from pre-consumer manufacturing operations, including paper and polymer-based products, waste grain, textiles, non-halogenated plastics, wood, and packaging materials into use as fuel cubes. On June 10, 2020, the permittee notified the Department of closure of the facility and requested their bond be released and their permit revoked. The Department approved bond release and revoked the permit on October 26, 2020.

Persons interested in reviewing the general permit may contact John Oren, P.E., Permits Section Chief, PADEP Southcentral Regional Office, Waste Management Program, 909 Elmerton Avenue, Harrisburg, PA 17110, (717) 705.4907. 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 18701-1915.

Contact: Raymond Kempa, New Source Review Chief—Telephone: 570-826-2531.

GP3-58-045B: F.S. Lopke Contracting Inc. (3430 State Route 434, Apalachin, NY 13732) on October 26, 2020 for the operation of a portable crushing operation with water sprays located at the O'Dell Quarry site in Harford Twp., **Susquehanna County**.

GP9-58-045B: F.S. Lopke Contracting Inc (3430 State Route 434, Apalachin, NY 13732) on October

26, 2020 for the operation of diesel IC engines located at the O'Dell Quarry site in Harford Twp., **Susquehanna County**.

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

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

GP4-18-00028A: Truck Lite Co., LLC (786 McElhattan Drive, McElhattan, PA 17748) on October 13, 2020 to authorize the operation of a natural gas-fired burn off oven pursuant to the General Plan Approval and General Operating Permit for Burn Off Ovens (BAQ-GPA/GP-4) at their facility in Wayne Township, **Clinton County**.

AG5-08-00008A: HEP Pennsylvania Gathering, LLC (17806 1H-10W, Suite 210, San Antonio, TX 77032) on October 13, 2020, authorize the continued operation of one (1) 2,275 brake horsepower, Caterpillar model 3608LE lean-burn, natural gas-fired compressor engine, twelve (12) 1,380 brake horsepower Caterpillar model G3516B lean-burn, natural gas-fired compressor engines equipped with Powertherm Company, Inc. model 201 VO-3-200-7114 oxidation catalyst, two (2) 80 million cubic foot per day, Exterran tri-ethylene glycol dehydrators and a 155 brake horsepower, Kohler model 100ERESB, natural gas-fired emergency generator pursuant to the General Plan Approval and/or General Operating Permit for Compression Stations, Processing Plants and Transmission Stations (BAQ-GPA/GP-5) at the White CPF # 1 Compressor Station located in Stevens Township, **Bradford County**.

AG5-08-00009A: HEP Pennsylvania Gathering, LLC (17806 1H-10W, Suite 210, San Antonio, TX 77032) on October 14, 2020, authorize the continued operation of five (5) 1775 bhp Caterpillar model G3606 compressor engines with oxidation catalysts, two (2) 60 MMscf/day dehyds with 1.5 MMBtu/hr reboilers and two (2) 1,380 bhp Caterpillar model G3516 ULB natural-gas-fired compressor engines with oxidation catalysts at the Greenzweig Compressor Station located in Herrick Township, **Bradford County** pursuant to the General Plan Approval and/or General Operating Permit for Compression Stations, Processing Plants and Transmission Stations (BAQ-GPA/GP-5).

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.

American Zinc Recycling Corp (900 Delaware Avenue, Palmerton, PA 18071-2008) issued on October 22, 2020 to establish lower VOC limits on the kilns at the site located in Palmerton Borough, **Carbon County**.

Versum Materials US, LLC (357 Marian Avenue, Tamaqua, PA 18252) issued on October 21, 2020 for an Arsine Process Line with scrubber at the site located in Rush Twp., **Schuylkill 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.

36-05069A: Fenner, Inc. (311 West Stiegel Street, Manheim, PA 17545) on October 19, 2020, for the installation of a new fabric coating line at the drive belt manufacturing facility in Manheim Borough, **Lancaster County**. Air emissions from the new fabric coating line will be controlled by a regenerative thermal oxidizer and packed bed scrubber.

Plan Approval Revisions Issued including Extensions, Minor Modifications and Transfers of Ownership under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and 25 Pa. Code §§ 127.13, 127.13a and 127.32.

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

Contact: James Beach, New Source Review Chief—Telephone: 484-250-5920.

46-0221C: Upper Moreland Hatboro Joint Sewer Authority (2875 Terwood Road, Willow Grove, PA 19090-1434) on October 19, 2020 an extension for the modification of an existing emergency generator (Source ID No. 700) as a non-emergency generator. The facility will continue to also use the source as an emergency generator in Upper Moreland Township, **Montgomery County**.

46-0020L: Superior Tube Co Inc. (3900 Germantown Pike, Collegeville, PA 19426-3112) On October 19, 2020 an extension for shakedown period under Plant-wide Applicability Limit, VOC limit of 96.2 tpy, and the increase of VOC emission limit to Source ID No. 149 (Vapor Degreaser #661) in Lower Providence, **Montgomery County**.

46-0035I: GlaxoSmithKline LLC (709 Swedeland Road, King of Prussia, PA 19406-2711) on October 22, 2020 an extension for shakedown period of four natural gas/No. 2 oil fired boilers, one No. 2 oil fired emergency generator engine and one No. 2 fuel oil 29,800 gallon AST in Upper Merion Township, **Montgomery 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.

06-05158A: Allan Myers, LP (638 Lancaster Avenue, Malvern, PA 19355) on October 21, 2020, for the construction of an asphalt plant on Leesport Avenue in Ontelaunee Township, **Berks County**. The plan approval was extended.

36-05025A: Texas Eastern Transmission LP (5400 Westheimer Court, Houston, TX 77056) on October 21, 2020, for the installation of two (2) new 7,700 HP natural gas-fired turbines equipped with dry low NO_x technology and oxidation catalysts to replace six (6) existing 1,760 HP compressor engines at the Marietta natural gas compressor station located in East Donegal Township, **Lancaster County**. The plan approval was extended.

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

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

18-00021B: Avery Dennison Performance Polymers (171 Draketown Road, Mill Hall, PA 17751) on October 20, 2020, to extend the authorization to operate their R-100 emulsion reactor at their facility located in Mill Hall, **Clinton County** on a temporary basis until April 19, 2020. The plan approval has been extended.

Title V Operating Permits Issued under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and 25 Pa. Code Chapter 127, Subchapter G.

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

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

19-00007: Transcontinental Gas Pipe Line Company, LLC (2800 Post Oak Blvd, Houston, TX 77056) on October 20, 2020, was issued a renewal Title V operating permit for their Compressor Station 517 located in Jackson Township, **Columbia County**. The facility's main sources include five natural gas-fired combustion turbines which are used to drive the compressors at the facility. The Title V operating permit contains all applicable regulatory requirements including monitoring, recordkeeping and reporting conditions.

53-00004: Dominion Energy Transmission Inc. (120 Tredegar Street, Richmond, VA, 23192) was issued a Title V operating permit on October 22, 2020, for Title V operating permit renewal for operation of their Harrison Transmission Station located in Harrison Township, **Potter County**. The Title V operating permit contains the necessary requirements including monitoring, recordkeeping, and reporting conditions to ensure compliance with applicable Federal and State regulations.

Operating Permits for Non-Title V Facilities Issued under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and 25 Pa. Code Chapter 127, Subchapter F.

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

Contact: Janine Tulloch-Reid, Facilities Permitting Chief—Telephone: 484-250-5920.

09-00050: Hanson Aggregates BMC Inc. (7660 Imperial Way, Allentown, PA 18195) on October 26, 2020 for renewal of a State-Only Operating Permit for a hot mix asphalt plant in Wrightstown Township, **Bucks County**.

09-00175: Hanson Aggregates BMC Inc. (7660 Imperial Way, Allentown, PA 18195) on October 26, 2020 for renewal of a State-Only Operating Permit for a nonmetallic mineral processing plant in Wrightstown Township, **Bucks County**.

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

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

28-03044: Tarco Roofing Materials, Inc. (8650 Molly Pitcher Highway, Greencastle, PA 17225-9716) on October 22, 2020, for the asphalt roofing manufacturing facility

located in Antrim Township, **Franklin County**. The State-Only Permit was renewed.

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

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

17-00018: Harmony Area School District (5239 Ridge Road, Westover, PA 16692) was issued a renewal State Only Operating Permit on October 16, 2020, for their facility in Burnside Township, **Clearfield County**. All applicable Federal and state regulatory requirements including appropriate testing, monitoring, recordkeeping, reporting, and work practice to verify compliance are included in the permit.

41-00056: Wenger Feeds, LLC (101 W. Harrisburg Ave., Rheems, PA 17570) on October 20, 2020 was issued a renewal State Only Operating Permit for the Muncy Mill located in Clinton Township, **Lycoming County**. The State Only Operating Permit contains all applicable regulatory requirements including monitoring, record-keeping and reporting conditions.

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

Contact: Matthew Williams, Facilities Permitting Chief—Telephone: 814-332-6940.

25-00037: Joseph McCormick Construction Co., Inc. (1507 Wesley Avenue, Erie, PA 16510-1675), on October 26, 2020, the Department issued the renewal of the State-Only Operating Permit of an asphalt plant located in Wesleyville Borough, **Erie County**. Permitted air contamination sources include a batch hot mix asphalt (HMA) plant and a diesel-powered portable crusher. Subject to requirements established through PA 25-037A, the HMA plant has an annual HMA throughput limit of 480,000 tons, restricting its CO emissions below the 100-TPY major source threshold. For permitting purposes, the facility is Synthetic Minor. In this renewal, the diesel-powered portable crusher is added as a permitted source subject to emission limits pursuant to 25 Pa. Code §§ 123.13 and 123.21 and to operating hours restriction that ensures its engine's exemption from 40 CFR 63 Subpart ZZZZ. With PA 25-037A having language on stack testing, provisions on source test submittals are added to the operating permit.

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

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

The City of Philadelphia, Air Management Services (AMS) issued an initial Operating Permit for the following facility:

OP19-000032: Springside Chestnut Hill Academy (8000 Cherokee St, Philadelphia, PA 19118) issued on October 21, 2020 for the operation of air emission sources at a school in the City of Philadelphia, **Philadelphia County**. The facility has combined Lower School and Upper School campuses under one campus. The Lower School air emission sources are: three (3) boilers, each rated less than 5 MMBTU/hr and firing natural gas as a

primary fuel or No. 2 oil during periods of natural gas curtailment and one (1) air handling unit rated less than 1 MMBTU/hr firing natural gas. The Upper School air emission sources are: one (1) boiler rated 1.701 MMBTU/hr firing No. 2 oil, one (1) boiler rated 1.04 MMBTU/hr firing natural gas, two (2) boilers, each rated less than 6 MMBTU/hr and firing natural gas as a primary fuel or No. 2 oil during periods of natural gas curtailment, two (2) hot water heaters and two (2) air handling units, each rated less than 1 MMBTU/hr and firing natural gas, and one (1) 168 HP emergency generator firing diesel fuel.

Operating Permit Revisions Issued including Administrative Amendments, Minor Modifications or Transfers of Ownership under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and 25 Pa. Code §§ 127.412, 127.450, 127.462 and 127.464.

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

Contact: Janine Tulloch-Reid, New Source Review Chief—Telephone: 484-250-5920.

46-00300: GlaxoSmithKline, LLC/Biopharm (893 Schuylkill River Road, West Conshohocken, PA 19428) on October 21, 2020 for an Administrative Amendment, in accordance with 25 Pa. Code § 127.450(a)(2), to change of the Responsible Official Contact from James Crawford, Site Director to Rachel Haddock, Site Director in their Title V Operating Permit for this facility located in Upper Merion Township, **Montgomery County**.

Southcentral Region: Air Quality Program, 909 Elmer-ton Avenue, Harrisburg, PA 17110.

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

67-05016: R. H. Sheppard Co., Inc. (1010 Philadelphia Street, Hanover, PA 17331-2038) on October 21, 2020, for the gray and ductile iron foundry located in Hanover Borough, **York County**. The Title V operating permit was administratively amended due to an ownership change.

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

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

Permit No. 14090102 and NPDES PA0257117. RES Coal LLC, 224 Grange Hall Road, Armagh, PA 15920, permit renewal for continued operation and restoration of a bituminous surface coal mine located in Rush Township, **Centre County** affecting 236.6 acres. Receiving stream(s): Trout Run, Unnamed Tributary to Moshannon Creek classified for the following use(s): CWF. There are no potable water supply intakes within 10 miles downstream. Application received: April 9, 2020. Permit issued: October 22, 2020.

Permit No. 17130103 and NPDES PA0269557. Waroquier Coal Company, P.O. Box 128, Clearfield, PA 16830, permit revision to add 3.4 acres that includes Sediment Pond 2 to the permit boundary, add Sediment Pond 2 to the NPDES permit and reissue the NPDES as a separate permit rather than Part A of the SMP to a bituminous coal surface mine in Lawrence Township, **Clearfield County** affecting 33 acres. Receiving stream(s): Orr's Run, classified for the following use(s): CWF. This receiving stream is included in the West Branch Susquehanna TMDL. Application received: June 25, 2019. Permit issued: October 22, 2020.

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

Permit No. 03090102. Rosebud Mining Company, 301 Market Street, Kittanning, PA 16201. Permit issued for a non-started status three-year renewal to an existing bituminous surface mine located in Plumcreek Township, **Armstrong County**, affecting 25.5 acres. Receiving streams: Plumcreek; classified for the following use: TSF. There is no potable water supply intake within 10 miles of the point of discharge. Permit received: August 31, 2020. Permit issued: October 15, 2020.

Noncoal Permits Issued

Knox District Mining Office: P.O. Box 669, 310 Best Avenue, Knox, PA 16232-0669, 814-797-1191, (Contact: Cayleigh Boniger).

Permit No. 37202803. S & S Processing, Inc. (P.O. Box 373, West Pittsburgh, PA 16160) commencement, operation and restoration of a small industrial minerals surface mine in Mahoning Township, **Lawrence County** affecting 7.0 acres. Receiving streams: Mahoning River. Application received: July 21, 2020. Permit Issued: October 20, 2020.

Permit No. PAM620006. S & S Processing, Inc. (P.O. Box 373, West Pittsburgh, PA 16160) coverage under General NPDES Permit for stormwater discharges (BMP GP-104) associated with mining activities on **Surface Mining Permit No. 37202803** in Mahoning Township, **Lawrence County**. Receiving streams: Mahoning River. Application received: July 21, 2020. Permit Issued: October 20, 2020.

Permit No. PAM62100302. A.C.A. Sand & Gravel, LLC (8955 Wattsburg Road, Erie, PA 16509) renewal of coverage under General NPDES Permit for stormwater discharges (BMP GP-104) associated with mining activities on **Surface Mining Permit No. 62100302** in Columbus Township, **Warren County**. Receiving streams: Unnamed tributary to Brokenstraw Creek. Application received: August 26, 2020. Permit Issued: October 19, 2020.

Permit No. PAM615009. H & H Materials, Inc. (190 Canon Road, Stoneboro, PA 16153) renewal of coverage under General NPDES Permit for stormwater discharges (BMP GP& # 8209;104) associated with mining activities on **Surface Mining Permit No. 43150301** in Lake Township, **Mercer County**. Receiving streams: Little Shenango River. Application received: August 31, 2020. Permit Issued: October 19, 2020.

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

Permit No. PAM219014. Big Woods Land Company, P.O. Box 400, McElhattan, PA 17748, coverage under General NPDES Permit for Stormwater Discharges Associated with Mining Activities (BMP GP-104) on **new Noncoal Permit No. 18192802** located in Pine Creek Township, **Clinton County**. Receiving stream(s): Chatham Run classified for the following use(s): CWF, MF. Notice of Intent for Coverage received: September 6, 2019. Permit issued: October 14, 2020.

Permit No. NPDES No. PA0613819 (Mining Permit No. 6775SM1). National Limestone Quarry, Inc., P.O. Box 397, Middleburg, PA 17842, renewal for an existing NPDES on a large noncoal surface mining site located in Franklin and Beaver Townships, **Snyder County** affecting 97.0 acres. Receiving stream(s): Middle Creek classified for the following use(s): TSF, MF. Application received: April 30, 2020. Permit issued: October 22, 2020.

ACTIONS ON BLASTING ACTIVITY APPLICATIONS

Actions on applications under the Explosives Acts of 1937 and 1957 and 25 Pa. Code § 211.124. Blasting activity performed as part of a coal or noncoal mining activity will be regulated by the mining permit for that coal or noncoal mining activity.

Blasting Permits Issued

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

Permit No. 14204106. Douglas Explosives, Inc., 2052 Philipsburg-Bigler Highway, Philipsburg, PA 16866, blasting for residential development construction, Rockey Ridge Phase 5, located in Harris Township, **Centre County** with an expiration date of January 1, 2021. Permit issued: October 20, 2020.

Permit No. 08204113. Meshoppen Blasting, Inc., Frantz Road, P.O. Box 127, Meshoppen, PA 18630, blasting for construction of the Chesapeake Coyote Run Gas Well Pad and Access Road located in Tuscarora Township, **Bradford County** with an expiration date of October 20, 2021. Permit issued: October 26, 2020.

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

Permit No. 15204105. M3 Explo, LLC (P.O. Box 528, Brownsville, PA 15417), construction blasting for Hill View in Caln Township, **Chester County** with an expiration date of August 10, 2021. Permit issued: October 19, 2020.

Permit No. 46204110. M3 Explo, LLC (P.O. Box 528, Brownsville, PA 15417), construction blasting for Lime-

kiln Phase I in Ambler Borough, **Montgomery County** with an expiration date of October 13, 2021. Permit issued: October 19, 2020.

Permit No. 40204116. Explosive Services, Inc. (7 Pine Street, Bethany, PA 18431), construction blasting for Scranton Craftsman Humboldt Lot 9 in Hazle Township, **Luzerne County** with an expiration date of October 21, 2021. Permit issued: October 20, 2020.

Permit No. 54204103. Maurer & Scott Sales, Inc. (122 Thomas Street, Coopersburg, PA 18036), construction blasting for Northpoint Development Mahanoy Business Park in Mahanoy and Ryan Townships, **Schuylkill County** with an expiration date of October 14, 2022. Permit issued: October 21, 2020.

Permit No. 06204113. Schlouch, Inc. (P.O. Box 69, Blandon, PA 19510), construction blasting for Hamburg Commerce Lot 1 in Perry and Winsor Townships, **Berks County** with an expiration date of October 29, 2021. Permit issued: October 22, 2020.

Permit No. 36204138. Keystone Blasting Service (15 Hopeland Road, Lititz, PA 17543), construction blasting for Joe Rohrer Manure Pit in Strasburg Township, **Lancaster County** with an expiration date of December 30, 2020. Permit issued: October 22, 2020.

Permit No. 15204106. Valley Rock Solutions, LLC (P.O. Box 246, Macungie, PA 18062), construction blasting for Woodlands at Greystone in West Goshen Township, **Chester County** with an expiration date of October 12, 2021. Permit issued: October 23, 2020.

FEDERAL WATER POLLUTION CONTROL ACT SECTION 401

The Department has taken the following actions on previously received permit applications, requests for Environmental Assessment approval, and requests for Water Quality Certification under Section 401 of the Federal Water Pollution Control Act (FWPCA) (33 U.S.C.A. § 1341).

Except as otherwise noted, the Department has granted 401 Water Quality Certification certifying that the construction and operation described will comply with the applicable provisions of Sections 301—303, 306 and 307 of the FWPCA 33 U.S.C.A. §§ 1311—1313, 1316 and 1317, and that the construction will not violate applicable Federal and State Water Quality Standards.

Any person aggrieved by these actions may appeal, pursuant to Section 4 of the Environmental Hearing Board Act, 35 P.S. § 7514, and the Administrative Agency Law, 2 Pa.C.S. Chapter 5A, to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P.O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Board through the Pennsylvania AT&T Relay Service, (800) 654-5984. Appeals must be filed with the Environmental Hearing Board within 30-days of publication of this notice in the *Pennsylvania Bulletin*, unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in braille or on audiotape

from the Secretary to the Board at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decisional law.

If you want to challenge this action, your appeal must reach the Board within 30-days. You do not need a lawyer to file an appeal with the Board.

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

WATER OBSTRUCTIONS AND ENCROACHMENTS

Actions on applications for the following activities filed under the Dam Safety and Encroachments Act (32 P.S. §§ 693.1—693.27), section 302 of the Flood Plain Management Act (32 P.S. § 679.302) and The Clean Streams Law and Notice of Final Action for Certification under section 401 of the FWPCA.

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

Permit No. E4601220-023, Lower Salford Township, 379 Main Street, Harleysville, PA 19438, Lower Salford Township, **Montgomery County**, ACOE Philadelphia District.

To perform the following water obstruction and encroachment activities associated with the Alderfer Road over West Branch of Skippack Creek Bridge Replacement Project:

1. To remove an existing 26-foot long, 33-foot wide double span concrete slab bridge over West Branch of Skippack Creek (TSF-MF), and in its place, construct and maintain 40-foot long, 50-foot wide single span conventional beam bridge resulting in 40 linear feet (1,307 square feet, 0.030 acre) of permanent watercourse impact, 610 square feet (0.14 acre) of permanent floodway impact, and 0.024 acre of permanent floodplain impact due to channel grading and widening.

2. To widen stream channel and perform grading of stream bank in order to increase hydraulic capacity upstream of proposed bridge resulting in 282 linear feet (4,269 square feet, 0.098 acre) of permanent watercourse impact, 7 linear feet (87 square feet (0.002 acre) of temporary watercourse impact, 5,445 square feet (0.125 acre) of permanent floodway impact, 6,360 square feet (0.146 acre) of temporary floodway impact, 0.215 acre of permanent floodplain impact, and 0.216 acre of temporary floodplain impact due to access and erosion and sediment controls.

3. To remove an existing 18-inch RCP outfall and a 14-inch by 23-inch RCP outfall, and in their place, construct and maintain a 24-inch RCP outfall and an 18-inch outfall resulting in 436 square feet (0.010 acre) of permanent floodway impact. This activity also includes the placement of riprap rock aprons.

4. To excavate fill within a wetland area (Wetland 1, PEM) downstream of the proposed bridge location resulting in 218 square feet (0.005 acre) of permanent wetland impact.

5. To place fill within the floodway of the West Branch of Skippack Creek (TSF-MF) associated with the construction of the roadway embankment resulting in 9,932 square feet (0.228 acre) of permanent floodway impact and 6,403 square feet (0.147 acre) of temporary floodway impact due to construction access and erosion and sediment controls.

Overall, there will be 322 linear feet (5,576 square feet, 0.128 acre) of permanent watercourse impact, 7 linear feet (87 square feet, 0.002 acre) of temporary watercourse impact, 16,422 square feet (0.377 acre) of permanent floodway impact, 12,763 square feet (0.293 acre) of temporary floodway impact and 218 square feet (0.005 acre) of permanent wetland impact. In addition, floodplain impact include 0.37 acre of permanent floodplain impact due to placement of fill, roadway work and outfall work with 0.43 acre of temporary floodplain impact due to access and E&S. This project is located on Alderfer Road approximately 680 feet east of Main Street in Lower Salford Township, Montgomery County (USGS PA Schuylkill; Upper Merion Quadrangle—Latitude: 40.271236 N, Longitude: 75.377743 W). Permit issued October 23, 2020.

Northeast Region: Waterways and Wetlands Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915.

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

E3902220-022. Griffin Industrial Realty, Inc., 204 West Newberry Road, Bloomfield, CT 06002, South Whitehall, **Lehigh County**, Army Corps of Engineers Philadelphia District.

To construct and maintain the following water obstructions and encroachments associated with the Chapmans Road Flex Warehouse Facility project.

1. To permanently impact 0.15 acre of isolated PEM wetland (W02A) for the construction of a parking lot.

2. To permanently impact 0.24 acre of EV wetland (W01A) for the widening of an existing roadway, construction of a driveway access crossing and extension of two existing stormwater outfall structures.

3. To construct and maintain a roadway crossing of an a UNT to Jordan Creek (HQ-CWF, MF) and permanently impact 0.03 acre of adjacent EV wetlands (W01B) consisting of 45-foot long, 36-inch diameter, RCP pipe depressed 6-inches below the existing streambed elevation with headwalls and rip rap apron.

4. To construct and maintain three outfall structures to an a UNT to Jordan Creek (HQ-CWF, MF). The first outfall (EW31) consists of an 18-inch RCP pipe with a concrete headwall and rip rap apron. The second outfall (EW34) consists of a 24-inch RCP pipe with a concrete headwall and rip rap apron. The third outfall (EW40) consists of a 15-inch HDPE pipe with a headwall and rip rap apron.

5. To construct and maintain two 30-inch RCP stormwater pipes crossing an a UNT to Jordan Creek (HQ-CWF, MF) and adjacent wetlands.

The project is located at 4741 Chapmans Road (Allentown West, PA Quadrangle Latitude: 40° 36' 30"; Longitude: -75° 34' 25") in South Whitehall Township, Lehigh County.

E4502220-022. Brodhead Creek Regional Authority, 410 Mill Creek Road, East Stroudsburg, PA 18301. Stroud Township, **Monroe County**, Army Corps of Engineers Philadelphia District.

To construct and maintain a permanent rock j-hook structure for re-directing stream flow and managing the deposition of gravel and sediment. This will include perpetual maintenance and removal of accumulated gravel and sediment around the raw water intake structure of the water filtration plant. The structure will also serve as a permanent access ramp for the perpetual maintenance. In addition, gravel bars in the areas immediately upstream of the raw water intake structure will be removed and restored down to the normal stream bed elevation. The project is located at 410 Mill Creek Road (East Stroudsburg, PA Quadrangle Latitude: 41° 1' 4"; Longitude: -75° 12' 6") in Stroud Township, Monroe County.

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

E2203219-011. SUEZ Water Pennsylvania, Inc. 6310 Allentown Boulevard, Suite 104, Harrisburg, PA 17112, Susquehanna Township, **Dauphin County**, U.S. Army Corps of Engineers Baltimore District.

To construct a 23' x 40' structure permanently impacting approximately 920 sq. ft of the 100-year floodplain of the Susquehanna River (WWF, MF) for the purpose of housing all the equipment required for the new Ultraviolet system. Latitude (40° 16' 39.99" N), Longitude (-76° 53' 46.05" W). Permit issued October 22, 2020.

Northwest Region: Oil and Gas Management Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481.

E10-08-220-022, Pine Run Midstream, LLC 1000 Commerce Drive, Park Place One, Suite 400, Pittsburgh, PA 15275. Debbie Lane to W46 Pipeline, in Winfield Township, **Butler County**, ACOE Pittsburgh District, Worthington, PA Quadrangle N: 40°, 46', 08.16"; W: 79°, 42', 34.68".

The project consists of installation of a 1.1-mile-long, 12-inch gathering gas pipeline that will be installed via open trench for the entire length. The proposed project impacts in Butler County include a total of 147 linear feet of permanent impacts, and 32 linear feet of temporary impacts to UNT's of Cornplanter Run (HQ-TSF). Four floodways will be impacted having 0.33 acre of permanent impacts and 0.05 acre of temporary impacts, 0.023 acre of temporary impacts and 0.097 acre of permanent impacts to Palustrine Emergent wetland(s) are also proposed.

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

E0829220-022: Chesapeake Appalachia, LLC, 14 Chesapeake Lane, Sayre, PA 18840, Tuscarora Township, **Bradford County**, ACOE Baltimore District.

To construct, operate and maintain:

1. a 24' x 7' and a 24' x 5' concrete box culvert with wingwalls impacting 157 linear feet of Fargo Creek (CWF, MF), impacting 571 square feet of an adjacent Palustrine Forested Wetland and impacting 4,990 square feet of an adjacent Palustrine Emergent Wetland (Laceyville, PA Quadrangle Latitude: 41° 41' 02", Longitude: -76° 08' 48");

2. a temporary road impacting 157 linear feet of Fargo Creek and impacting 1,278 square feet of an adjacent Palustrine Emergent Wetland (Laceyville, PA Quadrangle Latitude: 41° 41' 03", Longitude: -76° 08' 45");

3. a 2.5' x 3.5' concrete box culvert with wingwalls impacting 66 linear feet of an unnamed tributary to

Fargo Creek (CWF, MF) (Laceyville, PA Quadrangle Latitude: 41° 40' 59", Longitude: -76° 08' 43");

4. a permanent access road impacting 179 linear feet, or 10,231 square feet of floodway impacts to an unnamed tributary to Fargo Creek (CWF, MF) (Laceyville, PA Quadrangle Latitude: 41° 40' 59", Longitude: -76° 08' 38");

5. a permanent access road impacting 422 square feet of a Palustrine Emergent Wetland (Laceyville, PA Quadrangle Latitude: 41° 40' 59", Longitude: -76° 08' 37");

6. a temporary timber mat bridge impacting 42 linear feet, or 3,443 square feet of floodway impacts to an unnamed tributary to Fargo Creek (CWF, MF) (Laceyville, PA Quadrangle Latitude: 41° 40' 58", Longitude: -76° 08' 36");

7. a permanent access road impacting 484 linear feet, or 20,691 square feet of floodway impacts to an unnamed tributary to Fargo Creek (CWF, MF) (Laceyville, PA Quadrangle Latitude: 41° 40' 59", Longitude: -76° 08' 34");

8. a 15" Reinforced Concrete Pipe impacting 57 linear feet of an unnamed tributary to Fargo Creek (CWF, MF) and impacting 660 square feet of an adjacent Palustrine Emergent Wetland (Laceyville, PA Quadrangle Latitude: 41° 40' 59", Longitude: -76° 08' 30");

The project will result in 279 linear feet or 2,478 square feet of temporary stream impacts, 64,413 square feet of floodway impacts, 571 square feet of PFO impacts and 7,350 square feet of PEM impacts, all for the purpose of installing a natural gas well pad and permanent access road for Marcellus Shale development in Tuscarora Township, Bradford County. Impacts will be mitigated by on-site creation of 0.133 acre of PSS/PFO wetland and 9,062 square feet (0.21 acre) of riparian forest buffer plantings.

EROSION AND SEDIMENT CONTROL

The following Erosion and Sediment Control permits have been issued.

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

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

Important legal rights are at stake, however, so individuals should show this notice to a lawyer at once. Persons who cannot afford a lawyer may qualify for free

pro bono representation. Call the Secretary to the Board at (717) 787-3483 for more information.

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

ESCGP-3 # ESG295820037-00

Applicant Name SWN Production Company, LLC

Contact Person Marsha Vogel

Address P.O. Box 12359

City, State, Zip Spring, TX 77391-2359

County Susquehanna County

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 # ESG295820042-00

Applicant Name SWN Production Company, LLC

Contact Person Marsha Vogel

Address P.O. Box 12359

City, State, Zip Spring, TX 77391-2359

County Susquehanna County

Township(s) Jackson

Receiving Stream(s) and Classification(s) Canawacta Creek (CWF, MF), Drinker Creek (CWF, MF)

Secondary: Susquehanna River (WWF), Susquehanna River (WWF)

ESCGP-3 # ESG295820027-00

Applicant Name SWN Production Company, LLC

Contact Person Marsha Vogel

Address P.O. Box 12359

City, State, Zip Spring, TX 77391-2359

County Susquehanna County

Township(s) Franklin

Receiving Stream(s) and Classification(s) Snake Creek (CWF, MF)

Secondary: Susquehanna River (WWF, MF)

ESCGP-3 # ESG294120016-00

Applicant Name Beech Resources, LLC

Contact Person Donald Stevenson

Address 343 Pine Street, Suite 1

City, State, Zip Williamsport, PA 17701

County Lycoming County

Township(s) Lycoming

Receiving Stream(s) and Classification(s) Lycoming Creek (EV);

Secondary: Susquehanna River (WWF)

ESCGP-3 # ESG295820038-00

Applicant Name Cabot Oil & Gas Corporation

Contact Person Kenneth Marcum

Address 2000 Park Lane, Ste 300

City, State, Zip Pittsburgh, PA 15275

County Susquehanna County

Township(s) Harford

Receiving Stream(s) and Classification(s) Butler Creek (CWF-MF), Nine Partners Creek (CWF, MF)

Secondary: Tunkhannock Creek (CWF-MF), Tunkhannock Creek (CWF, MF)

CORRECTIVE ACTION UNDER ACT 32, 1989

PREAMBLE 2

The Following Plans and Reports Were Submitted Under the Storage Tank and Spill Prevention Act (35 P.S. §§ 6021.101—6021.2104).

Provisions of 25 Pa. Code Chapter 245, Subchapter D, Administration of the Storage Tank and Spill Prevention Program, require the Department of Environmental Protection (DEP) to publish in the *Pennsylvania Bulletin* a notice of submission of plans and reports. A remedial action plan is submitted to summarize the site characterization, document the design and construction details for the remedial action, and describe how the remedial action will attain the selected remediation standard. The remedial action plan also provides results of studies performed and data collected to support the remedial action and a description of postremediation care requirements. A remedial action completion report is submitted to document cleanup of a release of a regulated substance at a site to the selected remediation standard. A remedial action completion report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis of selecting the environmental media of concern, documentation supporting the selection of residential or non-residential exposure factors, a description of the remediation performed and summaries of sampling methodology and analytical results which demonstrate that the remediation has attained the cleanup standard selected.

For further information concerning plans or reports, please contact the Environmental Cleanup Program Manager in the DEP Regional Office under which the notice of receipt of plans or reports appears. If information concerning plans or reports is required in an alternative form, contact the Community Relations Coordinator at the appropriate Regional Office listed. TDD users may telephone DEP through the Pennsylvania AT&T Relay Service at (800) 654-5984.

DEP has received the following plans and reports:

Southeast Region: Environmental Cleanup & Brownfields Program, 2 East Main Street, Norristown, PA 19401, 484-250-5960.

Contact: Richard Staron, Professional Geologist Manager.

Stans Svc Ctr, 15-42889, 62 Ridge Rd., Phoenixville, PA 19460, East Pikeland Township, **Chester County**. Synergy Environmental, Inc., 155 Railroad Plaza, Royersford, PA 19468, on behalf of Stan's Auto Service, 62 Ridge Road, Phoenixville, PA 19460 submitted a Remedial Action Completion Plan and Remedial Action Completion Report concerning remediation of soil contaminated with unleaded gasoline. The report is intended to document remediation of the site to meet residential site-specific standards.

PBF Logistics Products Terminals LLC, Facility ID# 51-26277, 6850 Essington Avenue, City of Philadelphia, **Philadelphia County**. Groundwater & Environmental Services, Inc., 440 Creamery Way, Suite 500, Exton, PA 19341, on behalf of PBF Logistics Products Terminals LLC, 6850 Essington Avenue, Philadelphia, PA 19153 submitted a Remedial Action Plan concerning remediation of soil and groundwater contaminated with unleaded gasoline. The report is intended to document remediation of the site to meet Statewide health and site-specific standards.

Sunoco 0363 4334, 46-41438, 913 Bethlehem Pike, North Wales, PA 19454, Montgomery Township, **Montgomery County**. EnviroTrac Ltd., 602 S. Bethlehem Pike, Suite A2/A3, Ambler, PA 19002, on behalf of Lukoil North America, LLC, 302 Harper Drive, Suite 303, Moorestown, NJ 08057 submitted a Remedial Action Completion Report concerning remediation of soil and

groundwater contaminated with unleaded gasoline. The report is intended to document remediation of the site to meet residential Statewide health and site-specific standards.

Lukoil 69727, 15-35591, 201 Morehall Rd., Malvern, PA 19355, East Whiteland Township, **Chester County**. EnviroTrac Ltd., 602 S. Bethlehem Pike, Suite A2/A3, Ambler, PA 19002, on behalf of Lukoil North America, LLC, 302 Harper Drive, Suite 303, Moorestown, NJ 08057, submitted a Remedial Action Plan concerning remediation of soil and groundwater contaminated with unleaded gasoline. The report is intended to document remediation of the site to meet residential Statewide health and site-specific standards.

Southcentral Region: Environmental Cleanup & Brownfields Program, 909 Elmerton Avenue, Harrisburg, PA 17110, 717-705-4705.

Contact: Gregory Bowman, Environmental Group Manager.

Harrisburg Terminal, Storage Tank Facility ID #22-11092, 5140 Paxton Street, Harrisburg, PA 17111-2520, Swatara Township, **Dauphin County**. Piedmont Geologic, 6003-145 Chapel Hill Road, Raleigh, NC 27607, on behalf of Lucknow-Highspire Terminal, LLC, P.O. Box 2621, Harrisburg, PA 17105, submitted a Remedial Action Plan concerning remediation of soil and groundwater contaminated with petroleum products. The plan is intended to document the remedial actions for meeting a combination of Statewide Health and Site-Specific Standards.

DISA Petroleum, Storage Tank Facility ID #22-06712, 3801 Walnut Street, Harrisburg, PA 17109, Susquehanna Township, **Dauphin County**. Aquaterra Technologies, Inc., P.O. Box 744, West Chester, PA 19381, on behalf of Walnut Street Enterprise LLC, 103 Nevermore Circle, North Wales, PA 19454, submitted a Remedial Action Plan concerning remediation of groundwater contaminated with petroleum products. The plan is intended to document the remedial actions for meeting the Statewide Health Standard.

Suburban Temple, Storage Tank Facility ID #06-26252, 5365 Allentown Pike, Route 222, Temple, PA 19560, Muhlenberg Township, **Berks County**. Groundwater Sciences Corporation, 2601 Market Street, Suite 310, Harrisburg, PA 17110, on behalf of Suburban Propane, 240 Route 10 West, Whippany, NJ 07981, submitted a Remedial Action Completion Report concerning remediation of soil and groundwater contaminated with petroleum products. The report is intended to document attainment of the Site-Specific Standard.

Northwest Region: Environmental Cleanup & Brownfields Program, 230 Chestnut Street, Meadville, PA 16335-3481, 814-332-6648.

Fueland 209, Storage Tank Facility ID #32-19060, 102 Washington Street, Saltsburg, **Indiana County**. Letterle & Associates, 191 Howard Street, Suite 108, Franklin, PA 16323, on behalf of Superior Petroleum Company, 8199 McKnight Road, Pittsburgh, PA 15237, submitted a Remedial Action Plan concerning remediation of soil and groundwater contaminated with benzene, toluene, ethylbenzene, xylenes, methyl tert-butyl ether, cumene, naphthalene, 1,2,4-trimethylbenzene, and 1,3,5-trimethylbenzene. The plan is intended to document the remedial actions for meeting the Site-Specific Standard.

CORRECTIVE ACTION UNDER ACT 32, 1989

PREAMBLE 3

**The Department of Environmental Protection Has
Taken Action on The Following Plans and Reports
Under the Storage Tank and Spill Prevention
Act (35 P.S. §§ 6021.101—6021.2104).**

Provisions of 25 Pa. Code Chapter 245, Subchapter D, Administration of the Storage Tank and Spill Prevention Program, require DEP to publish in the *Pennsylvania Bulletin* a notice of its final actions on plans and reports.

A remedial action plan is submitted to summarize the site characterization, document the design and construction details for the remedial action, and describe how the remedial action will attain the selected remediation standard. The remedial action plan also provides results of studies performed and data collected to support the remedial action and a description of postremediation care requirements. A remedial action completion report is submitted to document cleanup of a release of a regulated substance at a site to the selected remediation standard. A remedial action completion report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis of selecting the environmental media of concern, documentation supporting the selection of residential or non-residential exposure factors, a description of the remediation performed and summaries of sampling methodology and analytical results which demonstrate that the remediation has attained the cleanup standard selected.

DEP may approve or disapprove plans and reports submitted. This notice provides DEP's decision and, if relevant, the basis for disapproval.

For further information concerning the plans and reports, please contact the Environmental Cleanup Program Manager in the DEP Regional Office under which the notice of the plan or report appears. If information concerning a report is required in an alternative form, contact the Community Relations Coordinator at the appropriate Regional Office listed. TDD users may telephone DEP through the Pennsylvania AT&T Relay Service at (800) 654-5984.

DEP has received the following plans and reports:

Southeast Region: Environmental Cleanup & Brownfields Program, 2 East Main Street, Norristown, PA 19401, 484-250-5960.

Contact: Richard Staron, Professional Geologist Manager.

Amoco Car Wash, 23-27098, 3100 Edgmont Ave., Parkside Borough, **Delaware County**. Reliance Environmental, Inc., 235 N. Duke St., Lancaster, PA 17602 on behalf of Jagger Investments, LLC, 1770 Oregon Pike, Lancaster, PA 17601 submitted a Remedial Action Completion Report concerning remediation of soil and groundwater contaminated with leaded and unleaded gasoline. The Remedial Action Completion Report did not demonstrate attainment of residential Statewide health and site-specific standards and was disapproved on October 13, 2020.

Finch Petro, 09-30778, 610 York Rd., Warminster Township, **Bucks County**. RT Environmental Services

Inc., 215 West Church Road, King of Prussia, PA 19046, on behalf of Finch Petroleum, LLC, 610 York Road, Warminster, PA 18974 submitted a Site Characterization Report and Remedial Action Plan concerning remediation of soil and groundwater contaminated with unleaded gasoline. The Remedial Action Plan was acceptable to meet nonresidential Statewide health standards and was approved by the DEP on October 14, 2020.

Sunoco 0003 1625, 46-40429, 290 S. Gulph Rd., King of Prussia, PA 19406, Upper Merion Township, **Montgomery County**. Groundwater & Environmental Services, Inc., 440 Creamery Way, Suite 500, Exton, PA 19341, on behalf of Evergreen Resources Management Operations, 2 Righter Parkway, Suite 120, Wilmington, DE 19803 submitted a Remedial Action Completion Report concerning remediation of soil and groundwater contaminated with unleaded gasoline. The Remedial Action Completion Report demonstrated attainment of non-residential Statewide health and site-specific standards and was approved on October 16, 2020.

East Falls Gulf, 51-42763, 3503 Midvale Ave., **City of Philadelphia**. Environmental Maintenance Company, 1420 E. Mermaid Lane, Glenside, PA 19038, on behalf of East Falls Gulf Inc., Philadelphia, PA 19129 submitted a Remedial Action Completion Report concerning remediation of soil and groundwater contaminated with petroleum products. The Remedial Action Completion Report demonstrated attainment of residential Statewide health standards and was approved on October 19, 2020.

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

Contact: Eric Supey, Environmental Program Manager.

Allentown Sunoco, Storage Tank ID# 39-23145, 2255 Lehigh Street, Allentown, PA 18103, Allentown City, **Lehigh County**. Reliance Environmental, 235 North Duke Street, Lancaster, PA 17602, on behalf of HSR, Inc., 101 Parsons Lane, Newtown, PA 18940, submitted a revised, combined Site Characterization Report and Remedial Action Plan concerning remediation of soil contaminated with petroleum. The revised, combined Site Characterization Report and Remedial Action Plan was acceptable to meet Statewide Health Standards and was approved by DEP on October 26, 2020.

Southcentral Region: Environmental Cleanup & Brownfields Program, 909 Elmerton Avenue, Harrisburg, PA 17110, 717-705-4705.

Contact: Michael Stefanic, P.G.

Pilot Travel Center 245, Storage Tank Primary Facility ID #22-03902, 7961 Linglestown Road, Harrisburg, PA 17112, West Hanover Township, **Dauphin County**. Sovereign Consulting, Inc., 359 Northgate Drive, Suite 400, Warrendale, PA 15086, on behalf of Pilot Travel Centers, LLC, P.O. Box 10146, 5508 Lonas Drive, Knoxville, TN 37939 submitted a Remedial Action Completion Report concerning remediation of soil and groundwater contaminated with petroleum constituents. The Remedial Action Completion Report did not demonstrate attainment of the Statewide Health Standard and was disapproved by DEP on October 7, 2020.

Contact: Gregory Bowman, Environmental Group Manager.

Fawn Grove Bulk Facility, Storage Tank Facility ID #67-13888, 50 Mill Street, Fawn Grove, PA 17321, Fawn Grove Borough, **York County**. Liberty Environmental, Inc., 315 West James Street, Suite 205, Lancaster, PA

17603, on behalf of M&G Fuel Service, 50 Mill Street, Fawn Grove, PA 17352 submitted a Remedial Action Plan concerning remediation of soil and groundwater contaminated with petroleum contaminants. The Remedial Action Plan was acceptable to meet the Site-Specific Standard and was approved by the DEP on October 22, 2020.

Northwest Region: Environmental Cleanup & Brownfields Program, 230 Chestnut Street, Meadville, PA 16335-3481, 814-332-6648.

Yorktown Center, Storage Tank Facility ID #25-55432, 2519 West 12th Street, Millcreek Township, **Erie County**. Apex Companies, LLC, 1600 Commerce Circle, Trafford, PA 15085, on behalf of Yorktown Station, LLC, 1150 Northlake Drive, Cincinnati, OH 45249, submitted a Remedial Action Completion Report concerning remediation of soil and groundwater contaminated with benzene, toluene, cumene, ethylbenzene, naphthalene, pyrene, benzo(a)anthracene, chrysene, benzo(b)fluoranthene, benzo(a)pyrene, indeno(1,2,3-cd)pyrene, benzo(g,h,i)perylene, and lead. The Remedial Action Completion Report demonstrated attainment of the Statewide Health Standard and was approved by DEP on October 21, 2020.

7 Eleven 35898, Storage Tank Facility ID #37-01190, 2702 Wilmington Road, New Castle, PA 16101, Neshannock Township, **Lawrence County**. AECOM Technical Services, 625 West Ridge Pike, Suite E-100, Conshohocken, PA 19428, on behalf of Mr. Mark Becker, 7 Eleven Inc., P.O. Box 711, Dallas, TX 75521-0711, submitted a Remedial Action Completion Report concerning remediation of soil and groundwater contaminated with benzene, toluene, ethylbenzene, naphthalene, cumene, total xylenes, 1,2,4-trimethylbenzene (TMB), 1,3,4-TMB and methyl tert-butyl ether. The Remedial Action Completion Report demonstrated attainment of the Site-Specific and Statewide Health Standards and was approved by DEP on October 21, 2020.

SPECIAL NOTICES

WATER MANAGEMENT

FEDERAL WATER POLLUTION CONTROL ACT, SECTION 401

The Department has taken the following actions on previously received permit applications, requests for Environmental Assessment approval and requests for Water Quality Certification under section 401 of the Federal Water Pollution Control Act (FWPCA) (33 U.S.C.A. § 1341).

Any person aggrieved by this action may file a petition for review pursuant to Section 19(d) of the Federal Natural Gas Act, 15 U.S.C.A. § 717r(d), with the Office of the Clerk, United States Court of Appeals for the Third Circuit, 21400 U.S. Courthouse, 601 Market Street, Philadelphia, PA 19106-1790 as provided by law. This paragraph does not, in and of itself, create a right of appeal beyond that permitted by applicable statutes and decisional law. Important legal rights are at stake, so you should show this document to a lawyer promptly.

Actions on applications for the following activities filed under the Dam Safety and Encroachments Act (32 P.S. §§ 693.1—693.27), section 302 of the Flood Plain Management Act (32 P.S. § 679.302) and The Clean Streams Law and Notice of Final Action for Certification under section 401 of the FWPCA.

Permits, Environmental Assessments and 401 Water Quality Certifications Issued:

PUBLIC NOTICE OF FINAL STATE WATER QUALITY CERTIFICATION FOR FERC REGULATED PIPELINE PROJECT

State Water Quality Certification Issued by the Commonwealth of Pennsylvania, Department of Environmental Protection Pursuant to Section 401 of the Clean Water Act for the Leidy South Project

Regional Permit Coordination Office: 400 Market Street, Harrisburg, PA 17101, Email: RA-EPREGIONAL PERMIT@pa.gov.

WQ0083219-001, Transcontinental Gas Pipe Line Company, LLC (Transco) (Applicant), 2800 Post Oak Boulevard, Level 11, Houston, TX 77056. Leidy South Project (Project), in Chapman Township and Leidy Township, **Clinton County**; Jordan Township, **Lycoming County**; Clinton Township, **Wyoming County**; Fairmount Township, **Luzerne County**; Orange Township and Jackson Township, **Columbia County**; and Hegins Township, **Schuylkill County**, ACOE Baltimore District. The pipeline portion of this proposed project starts at the Leidy Hub in Clinton County (Latitude: 41.429722°; Longitude: -77.847892°) and proceeds discontinuously to an existing valve near Hilltop Lane (Latitude: 41.365753°; Longitude: -77.674233°), with another section continuing from State Road 2079 in Lycoming County (Latitude: 41.261739°; Longitude: -76.528995°) to the Lycoming County line near Route 118 (Latitude: 41.267467°; Longitude: -76.463275°). The project also includes: the new Compressor Station 607 in Luzerne County (Latitude: 41.299705°; Longitude: -76.22439°); the new Compressor Station 620 in Schuylkill County (Latitude: 40.676298°; Longitude: -76.473615°, no resource impacts); modifications to Compressor Station 610 in Columbia County (Latitude: 41.105032°; Longitude: -76.449796°, no resource impacts); modifications to Compressor Station 605 in Wyoming County (Latitude: 41.577222°; Longitude: -75.804444°, no resource impacts and no earth disturbance); and several pipe yards.

On July 31, 2019, Applicant filed an application with the Federal Energy Regulatory Commission (FERC) under Section 7 of the Natural Gas Act (15 U.S.C.A. § 717f) seeking a certificate of public convenience and necessity to construct and operate its Project (FERC Docket No. CP19-494). The FERC Environmental Assessment for the Project was issued on February 13, 2020. FERC issued the certificate of public convenience and necessity on July 17, 2020. The documents may be viewed on FERC's website at www.ferc.gov (search eLibrary; Docket Search; CP19-494).

On August 23, 2019, Applicant requested a State water quality certification (SWQC) from the Pennsylvania Department of Environmental Protection (PADEP), as required by Section 401 of the Clean Water Act (33 U.S.C.A. § 1341), to ensure that the construction, operation and maintenance of the Project will protect water quality in Pennsylvania consistent with the requirements of State law and the Clean Water Act.

The Project, as proposed, includes approximately 8.7-mile-long, 36-inch discontinuous pipeline, 3.5-mile-long, 42-inch pipeline, two new compressor stations,

modifications at two existing compressor stations, and associated ancillary facilities to transport natural gas from northern and western Pennsylvania to Transco's Zone 6, which includes portions of Pennsylvania, New York, New Jersey, and Maryland. The Project, as proposed, will require approximately 403 acres of earth disturbance. The project will have permanent impacts to 846 linear feet and temporary impacts to 478 linear feet of streams including the Little Muncy Creek (EV, MF), a UNT to Little Muncy Creek (EV, MF), Buck Run (EV, MF), West Branch Little Muncy Creek (EV, MF), a UNT to West Branch Little Muncy Creek (EV, MF), Post Hollow Run (EV, MF), a UNT to Skunk Hollow (HQ-CWF, MF), a UNT to Young Womans Creek (HQ-CWF, MF), Young Womans Creek (HQ-CWF, MF), a UNT to Dark Hollow (EV, MF), a UNT to Paddy Run (EV, MF), Paddy Run (EV, MF), a UNT to Hensel Fork (EV, MF), Hensel Fork (EV, MF), a UNT to Drury Run (EV, MF), and Drury Run (EV, MF). The Project will also have 2.88 acres of permanent impacts, and 2.17 acres of temporary impacts to floodways. The Project will have 3.05 acres of temporary PEM, PSS, and PFO wetland impacts, and 3.24 acres of PEM, PSS, and PFO permanent impacts. In total, the Project will impact 22 streams and 37 wetlands.

PADEP published notice of its proposed SWQC in the *Pennsylvania Bulletin* on September 28, 2019 (49 Pa.B. 5579) and received one comment letter from one public. PADEP has reviewed and considered the comments received. No significant changes to the SWQC were made.

PADEP certifies that the construction, operation and maintenance of the Project complies with the applicable provisions of sections 301—303, 306 and 307 of the Federal Clean Water Act (33 U.S.C.A. §§ 1311—1313, 1316 and 1317). The PADEP further certifies that the construction, operation and maintenance of the Project complies with Pennsylvania water quality standards and the requirements thereof and that the construction, operation and maintenance of the Project will maintain and protect applicable Commonwealth water quality standards provided that the construction, operation and maintenance of the project complies with the following PADEP water quality permitting programs, criteria and conditions established pursuant to Pennsylvania law:

1. Discharge of Hydrostatic Test Water—Applicant shall comply with the National Pollutant Discharge Elimination System (NPDES) permit for the discharge of water from the hydrostatic testing of the pipeline associated with the Project pursuant to Pennsylvania's Clean Streams Law (35 P.S. §§ 691.1—691.1001), 25 Pa. Code Chapter 92a (relating to NPDES permitting, monitoring and compliance), and all other applicable regulations.

The applicant applied for and received a National Pollution Discharge Elimination System (NPDES) Permit, No. PA0207849 from DEP's Clean Water Program, which became effective on August 1, 2020. This permit authorizes water discharge of hydrostatic testing effluent water from the Leidy South Project in Clinton, Lycoming, Luzerne, Columbia, and Schuylkill Counties and includes effluent limitations and requirements for effluent sampling.

2. Erosion and Sediment Control and Stormwater Management—All projects proposing earth disturbance must implement best management practices (BMPs) to protect

and maintain water quality pursuant to Pennsylvania's Clean Streams Law (35 P.S. §§ 691.1—691.1001) and Storm Water Management Act (32 P.S. §§ 680.1—680.17), 25 Pa. Code Chapter 102 (relating to erosion and sediment control), and all other applicable regulations. Applicant shall obtain and comply with an Erosion and Sediment Control Permit(s) for earth disturbance associated with the Project as provided in 25 Pa. Code § 102.5.

3. Water Obstruction and Encroachment Permits—Applicant shall obtain and comply with a Water Obstruction and Encroachment Permit(s) for the construction, operation and maintenance of all stream and wetland crossings associated with the Project pursuant to Pennsylvania's Clean Streams Law, Dam Safety and Encroachments Act (32 P.S. §§ 693.1—693.27), and Flood Plain Management Act (32 P.S. §§ 679.101—679.601.), 25 Pa. Code Chapter 105 (relating to dam safety and waterway management), 25 Pa. Code Chapter 106 (relating to floodplain management), and all other applicable regulations.

4. Other Water Quality Requirements—Applicant shall obtain any other permits, authorizations or approvals required to construct, operate, and maintain the Project from any interstate or international agency as required by an interstate compact or international agreement that has established water quality standards applicable to surface waters of this Commonwealth, including wetlands.

5. Water Quality Monitoring—PADEP retains the right to specify additional studies or monitoring to ensure that water quality in the receiving waters associated with the Project is not adversely impacted by any operational and construction process that may be employed by Applicant.

6. Operation—At all times, Applicant shall properly operate and maintain all Project facilities and systems of treatment and control (and related appurtenances) installed to achieve compliance with the terms and conditions of this SWQC and all required permits, authorizations and approvals. Proper operation and maintenance includes adequate laboratory controls, appropriate quality assurance procedures, and the operation of backup or auxiliary facilities or similar systems installed by Applicant.

7. Inspection—The Project, including all relevant records, are subject to inspection at reasonable hours and intervals by an authorized representative of PADEP or the delegated County Conservation District to determine compliance with this SWQC, including all permits, authorizations or approvals issued to ensure the project shall maintain and protect state water quality standards as required by this SWQC. The Applicant shall provide a copy of this SWQC to an authorized representative conducting an inspection of the Project.

8. Transfer of Projects—If Applicant intends to transfer any legal or equitable interest in the Project or any portion(s) thereof, the Applicant shall provide a copy of this SWQC and copies of any permits, authorizations or approvals obtained to comply with the SWQC upon the prospective transferee of the legal and equitable interest at least thirty (30) days prior to the contemplated transfer and shall simultaneously inform the appropriate PADEP Office of such intent. Notice to PADEP shall

include a transfer agreement signed by the existing and new owners containing a specific date for transfer of responsibility, coverage, and liability under the SWQC and any permits, authorizations and approvals obtained to comply with the SWQC. The new owner shall submit to PADEP a new application form for the SWQC and any permits, authorizations and approvals required to comply with the SWQC signed by the new owner.

Correspondence—All correspondence with and submittals to PADEP concerning this SWQC shall be addressed to the Department of Environmental Protection, Regional Permit Coordination Office, Domenic Rocco, PE, Director, 400 Market Street, Harrisburg, PA 17101, RA-EPREGIONALPERMIT@pa.gov.

9. Reservation of Rights—PADEP may modify, suspend or revoke this SWQC if (i) PADEP becomes aware of new facts about the Project that warrant such action; or (ii) PADEP determines that the Applicant has not complied with the terms and conditions of this certification. PADEP may require additional measures to achieve compliance with any applicable law or regulation.

10. Other Laws—Nothing in this SWQC shall be construed to preclude the institution of any legal action or to relieve Applicant from any responsibilities, liabilities, or penalties established pursuant to any applicable law or regulation.

11. Severability—The provisions of this SWQC are severable and should any provision of this SWQC be declared invalid or unenforceable, the remainder of this SWQC shall not be affected thereby.

Any person aggrieved by this action may file a petition for review pursuant to Section 19(d) of the Federal Natural Gas Act, 15 U.S.C.A. § 717r(d), with the Office of the Clerk, United States Court of Appeals for the Third Circuit, 21400 U.S. Courthouse, 601 Market Street, Philadelphia, PA 19106-1790 as provided by law. This paragraph does not, in and of itself, create a right of appeal beyond that permitted by applicable statutes and decisional law. Important legal rights are at stake, so you should show this document to a lawyer promptly.

WATER OBSTRUCTIONS AND ENCROACHMENTS

Regional Permit Coordination Office: 400 Market Street, Harrisburg, PA 17101, Email: RA-EPREGIONAL PERMIT@pa.gov.

Transcontinental Gas Pipe Line Company, LLC (Transco), 2800 Post Oak Boulevard, Level 11, Houston, TX 77056. Leidy South Project (Project).

The applicant is proposing the installation and maintenance of approximately 8.7 miles of 36-inch diameter discontinuous pipeline, a 6.3-mile long loop (Hensel Replacement) and a 2.4-mile long loop (Hilltop Loop) in Clinton County; the installation and maintenance of an approximately 3.5 miles of 42-inch diameter pipeline (Benton Loop) in Lycoming County; the construction and maintenance of two new compressor stations in Schuylkill and Luzerne Counties; and upgrades to existing compressor stations in Columbia and Wyoming Counties. The project consists of three Chapter 105 Water Obstruction and Encroachment Permits and one Chapter 102 Erosion and Sediment Control Permit. Below are the Chapter 105

permit applications being reviewed by the Department. There are no water obstructions and encroachments proposed in Schuylkill, Columbia and Wyoming Counties.

E1883219-001. The Clinton County portion of the proposed project (Hensel Replacement and Hilltop Loop) is located in Chapman and Leidy Townships, U.S. Army Corps of Engineers, Baltimore District. The Hensel Replacement pipeline starts at the Leidy Hub (Latitude: 41.429722°; Longitude: -77.847892°) and extends to (Latitude: 41.398853°; Longitude: -77.753725°). The Hilltop Loop pipeline starts at (41.377531°; Longitude: -77.715581°) and continues to an existing valve near Hilltop Lane (Latitude: 41.365753°; Longitude: -77.674233°).

The permit authorizes the construction, operation, and maintenance of water obstructions and encroachments associated with the Clinton County portion of the Leidy South Project. The Clinton County portion consists of two sections, the Hensel Replacement and the Hilltop Loop. The Hensel Replacement includes approximately 6.3 miles of 36-inch pipeline and ancillary facilities. The Hilltop Loop includes approximately 2.4 miles of 36-inch pipeline and ancillary facilities. The proposed project impacts in Clinton County include a total of 213 linear feet of temporary impacts and 587 linear feet of permanent impacts to Post Hollow Run (HQ-CWF, MF), Unnamed Tributary (UNT) to Young Womans Creek (HQ-CWF, MF), Young Womans Creek (HQ-CWF, MF), a UNT to Dark Hollow (EV, MF), a UNT to Paddy Run (EV, MF), Paddy Run (EV, MF), a UNT to Hensel Fork (EV, MF), Hensel Fork (EV, MF), a UNT to Drury Run (EV, MF), Drury Run (EV, MF), and a UNT to Skunk Hollow (HQ-CWF, MF); 2.45 acres of permanent impacts and 1.26 acres of temporary impacts to floodways; 1.60 acres of temporary impacts to PEM, PSS, and PFO wetlands; and 1.72 acres of permanent impacts to PEM, PSS, and PFO wetlands. 1.69 acres of the permanent wetland impacts are to exceptional value wetlands. The permittee is required to compensate for the functional conversion of PFO and PSS wetlands associated with the proposed project impacts by providing 0.73 acre of successful compensatory wetland mitigation (Permittee-Responsible Mitigation) through wetland enhancement at the Chillisquaue Creek Mitigation Site (Latitude: 41.012344°; Longitude: -76.752311°) in Liberty Township, Montour County.

E4183219-001. The Lycoming County portion of the proposed project (Benton Loop) is located in Jordan Township, U.S. Army Corps of Engineers, Baltimore District. The Benton Loop starts near State Road 2079 (Latitude: 41.261739°; Longitude: -76.528995°) and extends to the county line near Route 118 (Latitude: 41.267467°; Longitude: -76.463275°) in Jordan Township, Lycoming County, PA.

The permit authorizes the construction, operation, and maintenance of water obstructions and encroachments associated with the Lycoming County portion of the Leidy South Project. The Lycoming County portion consists of one section, the Benton Loop. The Benton Loop includes approximately 3.5 miles of 42-inch diameter pipeline and ancillary facilities. The proposed project impacts in Lycoming County include a total of 265 linear feet of temporary impacts and 259 linear feet of permanent impacts to Little Muncy Creek (EV, MF), a UNT to Little Muncy Creek (EV, MF), Buck Run (EV, MF), West Branch Little Muncy Creek (EV, MF), and a UNT to West Branch

Little Muncy Creek (EV, MF); 0.43 acre of permanent impacts and 0.91 acre of temporary impacts to floodways; 1.12 acre of temporary impacts to PEM, PSS, and PFO wetlands; and 1.52 acres of permanent impacts to PEM, PSS, and PFO wetland. 1.33 acre of the permanent wetland impacts are to exceptional value wetlands. The permittee is required to compensate for the functional conversion of PFO and PSS wetlands associated with the proposed project impacts by providing 0.21 acre of successful compensatory wetland mitigation (Permittee-Responsible Mitigation) through wetland enhancement at the Chillisquaque Creek Mitigation Site (Latitude: 41.012344°; Longitude: -76.752311°) in Liberty Township, Montour County.

E4083219-001. The Luzerne County portion of the proposed project (Compressor Station 607) is located in Fairmount Township, U.S. Army Corps of Engineers, Baltimore District. Compressor Station 607 is located on the east side of Maransky Road approximately 0.3 mile south of its intersection with SR 0118 (Latitude: 41.299705°; Longitude: -76.22439°) in Fairmount Township, Luzerne County, PA.

The permit authorizes the construction, operation, and maintenance of water obstructions and encroachments associated with the Luzerne County portion of the Leidy

South Project. The Luzerne County portion consists of a new compressor station, Compressor Station 607. The proposed project impacts in Luzerne County include 0.33 acre of temporary impacts to PEM wetlands.

EROSION AND SEDIMENT CONTROL

Regional Permit Coordination Office: 400 Market Street, Harrisburg, PA 17101, Email: RA-EPREGIONAL PERMIT@pa.gov.

ESG830019002-00. The Department of Environmental Protection (Department) provides notice of final action regarding the following Chapter 102, Erosion and Sediment Control Permit Application related to Earth Disturbance Associated with Oil and Gas Exploration, Production, Processing or Treatment Operations or Transmission Facilities. The Leidy South Project proposes the installation and maintenance of approximately 8.7 miles of discontinuous 36-inch pipeline with ancillary facilities in Clinton County; installation and maintenance of approximately 3.5 miles of 42-inch pipeline with ancillary facilities in Lycoming County; the construction and maintenance of two new compressor stations in Schuylkill and Luzerne Counties; and upgrades to existing compressor stations in Columbia and Wyoming Counties. The proposed project will require 403 acres of earth disturbance.

<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Counties</i>	<i>DEP Office</i>
ESG830019002-00	Transcontinental Gas Pipe Line Company, LLC c/o Joseph Dean 2800 Post Oak Blvd Level 11 Houston, TX 77056	Clinton Lycoming Luzerne Columbia Schuylkill	Regional Permit Coordination Office

Any person aggrieved by this action may file a petition for review pursuant to Section 19(d) of the Federal Natural Gas Act, 15 U.S.C.A. § 717r(d), with the Office of the Clerk, United States Court of Appeals for the Third Circuit, 21400 U.S. Courthouse, 601 Market Street, Philadelphia, PA 19106-1790 as provided by law. This paragraph does not, in and of itself, create a right of appeal beyond that permitted by applicable statutes and decisional law. Important legal rights are at stake, so you should show this document to a lawyer promptly.

[Pa.B. Doc. No. 20-1546. Filed for public inspection November 6, 2020, 9:00 a.m.]

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Availability of Grants through the Electric Cargo Handling Grant Program

The Department of Environmental Protection (Department) announces an opportunity to apply for approximately \$2.5 million in grants offered through the Electric Cargo Handling Grant Program (Program), one of the programs under the Driving PA Forward Initiative. This funding is available for eligible diesel emission reduction projects that will improve air quality and protect public health and the environment by reducing emissions from large forklifts, airport ground support equipment and port cargo handling equipment.

The Department is seeking applications for projects that will replace or repower eligible large forklifts, airport ground support equipment and port cargo handling equipment with electric versions of the equipment. Other restrictions may apply. Public and private entities that own or operate eligible vehicles, engines or equipment

throughout the State should apply. These entities may include airports and port authorities, school districts, municipal authorities, political subdivisions, State agencies, nonprofit entities, corporations, limited liability companies or partnerships incorporated or registered in this Commonwealth, air quality or transportation organizations, and metropolitan or rural planning organizations.

The Department will not reimburse grant recipients for project costs incurred prior to the grant performance period set forth in the applicable grant agreement. The Program guidelines and application instructions are available on the Department's Driving PA Forward webpage at www.depgis.state.pa.us/DrivingPAForward.

A recorded presentation providing an overview of the Program and application process will be available on the Department's Driving PA Forward webpage during the application period. Interested applicants with questions or to request clarification about the presentation or Program documents may contact the Bureau of Air Quality at ra-epvwmitigation@pa.gov or (717) 787-9495.

All applications must be submitted online through the Commonwealth's Electronic Single Application web site at www.esa.decd.state.pa.us/Login.aspx. The Department is

now accepting applications. Applications must be received by 4 p.m. on Friday, March 5, 2021, at which time the Department will review and score applications.

PATRICK McDONNELL,
Secretary

[Pa.B. Doc. No. 20-1547. Filed for public inspection November 6, 2020, 9:00 a.m.]

now accepting applications. Applications must be received by 4 p.m. on Friday, March 19, 2021, at which time the Department will review and score applications.

PATRICK McDONNELL,
Secretary

[Pa.B. Doc. No. 20-1548. Filed for public inspection November 6, 2020, 9:00 a.m.]

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Availability of Grants through the Marine and Rail Freight Movers Grant Program

The Department of Environmental Protection (Department) announces an opportunity to apply for approximately \$8.7 million in grants offered through the Marine and Rail Freight Movers Grant Program (Program), one of the new programs under the Driving PA Forward Initiative. This funding is available for eligible diesel emission reduction projects that will improve air quality and protect public health and the environment by reducing emissions from switcher locomotives, ferries and tugboats.

The Department is seeking applications for projects that will: (1) repower or replace diesel-powered, pre-Tier 4 freight switcher locomotives, that operate 1,000 hours or more per year, with any new United States Environmental Protection Agency (EPA) or California Air Resources Board-certified (if required) diesel, alternative fuel or all-electric engine; or (2) repower or upgrade unregulated, Tier 1 or Tier 2, diesel-powered marine engines in ferries or tugboats with an EPA certified remanufactured system or an EPA verified engine upgrade. Other restrictions may apply. Public and private entities that own or operate eligible freight switcher locomotives, ferries or tugboats (towboats) throughout this Commonwealth should apply. These entities may include school districts, municipal authorities, political subdivisions, State agencies, nonprofit entities, corporations, limited liability companies or partnerships incorporated or registered in this Commonwealth, air quality or transportation organizations, and metropolitan or rural planning organizations.

The Department will not reimburse grant recipients for project costs incurred prior to the grant performance period set forth in the applicable grant agreement. The Program guidelines and application instructions are available on the Department's Driving PA Forward webpage at www.depgis.state.pa.us/DrivingPAForward.

A recorded presentation providing an overview of the Program and application process will be available on the Department's Driving PA Forward webpage during the application period. Interested applicants with questions or to request clarification about the presentation or Program documents may contact the Bureau of Air Quality at ra-epvwmitigation@pa.gov or (717) 787-9495.

All applications must be submitted online through the Commonwealth's Electronic Single Application web site at www.esa.dced.state.pa.us/Login.aspx. The Department is

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Federal Consistency Under the Coastal Zone Management Act; United States Army Corps of Engineers 2020 Nationwide Permit Reissuance

This notice is published under section 306(d)(14) of the Federal Coastal Zone Management Act of 1972 (CZMA) (16 U.S.C.A. § 1455(d)(14)), regarding public participation during consistency determinations. The Department of Environmental Protection (Department), Coastal Resources Management Program has received notice that the United States Army Corps of Engineers (USACE), Baltimore District is proposing to reissue and modify the Nationwide Permits (NWP) (85 FR 57298 (September 15, 2020)).

NWPs authorize certain activities under section 404 of the Clean Water Act (33 U.S.C.A. § 1344) and section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C.A. § 403). The USACE is proposing to reissue its 52 existing NWPs and associated general conditions and definitions, with some modifications. USACE is also proposing to issue five new NWPs. Two of those proposed new NWPs would authorize certain categories of mariculture activities (that is, seaweed and finfish mariculture) that are not authorized by NWP 48. USACE is proposing to divide the current NWP that authorizes utility line activities (NWP 12) into three separate NWPs that address the differences in how different linear projects are constructed, the substances they convey, and the different standards and best management practices that help ensure those NWPs authorize only those activities that have no more than minimal adverse environmental effects.

Specifically, USACE is proposing to modify the current utility line NWP 12 to authorize only oil and natural gas pipeline activities. Two proposed new NWPs would authorize activities associated with the construction, maintenance, repair and removal of electric utility lines/telecommunication lines and utility lines that convey water, sewage and other substances. The fifth proposed new NWP would authorize discharges of dredged or fill material into jurisdictional waters for the construction, expansion and maintenance of water reuse and reclamation facilities. USACE is proposing these modifications to simplify and clarify the NWPs, reduce burdens on the regulated public, and continue to comply with the statutory requirement that these NWPs authorize only activities with no more than minimal individual and cumulative adverse environmental effects. Information regarding the USACE's proposal, including NWP suspensions and regional conditions, is available at www.nab.usace.army.mil/Missions/Regulatory/Public-Notices/Public-Notice-View/Article/2364484/spn-20-62-nationwide-permit-reissuance-request-for-comments.

This activity is subject to Department review for Federal consistency because it is a Federal agency activity and will have reasonably foreseeable effects on this Commonwealth's coastal resources or uses.

In accordance with section 307 of the CZMA (16 U.S.C.A. § 1456) and the National Oceanic and Atmospheric Administration (NOAA) regulations at 15 CFR Part 930, Subpart C (relating to consistency for Federal agency activities), USACE has determined that the proposed reissuance will be conducted in a manner consistent with the applicable enforceable policies of the Commonwealth's NOAA-approved Coastal Resources Management Program. Interested parties may request a copy of the Federal Consistency Determination from the Department contact listed as follows.

Questions regarding this review should be directed to Matthew Walderon, Federal Consistency Coordinator, at RA-Fed_Consistency@pa.gov or (717) 772-2196.

The Department will consider all comments received on or before Monday, November 23, 2020, before issuing a final Federal consistency concurrence or objection. Comments submitted by facsimile will not be accepted. All comments, including comments submitted by e-mail, must include the commentator's name and address. Commentators are encouraged to submit comments using the Department's online eComment tool at www.ahs.dep.pa.gov/eComment or by e-mail to ecomment@pa.gov. Written comments can be mailed to the Department of Environmental Protection, Policy Office, 400 Market Street, P.O. Box 2063, Harrisburg, PA 17105-2063.

PATRICK McDONNELL,
Secretary

[Pa.B. Doc. No. 20-1549. Filed for public inspection November 6, 2020, 9:00 a.m.]

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Solid Waste Advisory Committee Meeting Cancellation

The December 9, 2020, meeting of the Solid Waste Advisory Committee (Committee) is cancelled. The next regular meeting of the Committee has not yet been scheduled. A notice for the next scheduled meeting will be published in a future issue of the *Pennsylvania Bulletin*.

Information will be provided on the Committee's webpage, found through the Public Participation tab on the Department of Environmental Protection's (Department) web site at www.dep.pa.gov (select "Public Participation," then "Advisory Committees," then "Waste Advisory Committees," then "Solid Waste Advisory Committee (SWAC)").

Individuals are encouraged to visit the Committee's webpage to confirm meeting date, time and location prior to each meeting. Questions can be directed to Laura Henry at lahenry@pa.gov or (717) 772-5713.

Persons in need of accommodations as provided for in the Americans with Disabilities Act of 1990 should contact the Department at (717) 783-2360 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. 20-1550. Filed for public inspection November 6, 2020, 9:00 a.m.]

DEPARTMENT OF HEALTH

Long-Term Care Nursing Facilities; Requests for Exception

The following long-term care nursing facilities are seeking exceptions to 28 Pa. Code § 201.22(j) (relating to prevention, control and surveillance of tuberculosis (TB)):

Cumberland Crossings Retirement Community
1 Longsdorf Road
Carlisle, PA 17013
FAC ID # 016502

Frey Village
1020 North Union Street
Middletown, PA 17057
FAC ID # 062102

These requests are on file with the Department of Health (Department). Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Nursing Care Facilities, Room 526, Health and Welfare Building, Harrisburg, PA 17120, (717) 787-1816, fax (717) 772-2163, ra-paexcept@pa.gov.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the previously listed address.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of the request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address or phone number, or for speech and/or hearing-impaired persons, call the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

RACHEL L. LEVINE, MD,
Secretary

[Pa.B. Doc. No. 20-1551. Filed for public inspection November 6, 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 Monday, November 16, 2020, from 1 p.m. to 3 p.m. The meeting will be held virtually and can be accessed by means of Skype at <https://meet.lync.com/pagov/megpatel/9PJFPSD7> or by using the following call-in information: toll number: +1 (267) 332-8737; conference ID: 198806988#.

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. It will also discuss current and upcoming activities.

For additional information or for persons with a disability who wish to attend the meeting and require and auxiliary aid, service or other accommodation to do so, contact Emily Roussel, Executive Advisor 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. 20-1552. Filed for public inspection November 6, 2020, 9:00 a.m.]

DEPARTMENT OF LABOR AND INDUSTRY

Current Prevailing Wage Act Debarments

The following contractors have been determined to have intentionally violated the Pennsylvania Prevailing Wage Act (act) (43 P.S. §§ 165-1—165-17). This notice is published for the information and convenience of public bodies subject to the act. Under section 11(e) of the act (43 P.S. § 165-11(e)), no contracts for public work shall be awarded to these contractors, or either one of them, or any firms, corporations or partnerships in which either one of these contractors has an interest, for 3 years after the date of publication in the *Pennsylvania Bulletin*.

<i>Contractor</i>	<i>Address</i>	<i>Date of Debarment</i>
Shipley Bros. Construction, Inc., Frank L. Shipley, and Chris Shipley, individually FEIN # 20-4047875	8037 Rowan Road Cranberry Township, PA 16066	November 7, 2020

W. GERARD OLEKSIK,
Secretary

[Pa.B. Doc. No. 20-1553. Filed for public inspection November 6, 2020, 9:00 a.m.]

DEPARTMENT OF LABOR AND INDUSTRY

Prevailing Wage Appeals Board Virtual Meeting

The Prevailing Wage Appeals Board will hold a public meeting on Tuesday, November 10, 2020, at 10 a.m. The meeting will be held virtually. Individuals may join the meeting by dialing (267) 332-8737. The conference ID number is 871380983.

The Americans with Disability Act contact is Gina Meckley at (717) 558-8543.

W. GERARD OLEKSIK,
Secretary

[Pa.B. Doc. No. 20-1554. Filed for public inspection November 6, 2020, 9:00 a.m.]

Persons wishing to comment on the grounds of public or private interest concerning the surrender 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 the name, address and telephone number of the writer; identification of the application to which the comment is addressed; and a concise statement with sufficient detail to inform the Department of the exact basis of the comment and the relevant facts upon which it is based. Written statements must be e-mailed to Cressinda Bybee, cbybee@pa.gov.

JESSICA K. ALTMAN,
Insurance Commissioner

[Pa.B. Doc. No. 20-1555. Filed for public inspection November 6, 2020, 9:00 a.m.]

INSURANCE DEPARTMENT

Application for Voluntary Surrender of Pennsylvania Certificate of Authority Filed by Circle Medical Assurance Company

Circle Medical Assurance Company, a domestic stock casualty insurance company, has submitted an application for approval to surrender its Insurance Department Certificate of Authority.

PENNSYLVANIA PUBLIC UTILITY COMMISSION

General Rule Transaction Registration of Securities Certificate

A-2020-3022621 and A-2020-3022622. Consolidated Communications of Pennsylvania, LLC and Consoli-

dated Communications Enterprise Services, Inc. Joint application of Consolidated Communications of Pennsylvania, LLC and Consolidated Communications Enterprise Services, Inc. for authority to complete a general rule transaction and registration of securities certificate involving the pledge of assets and stock.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities) on or before Monday, November 23, 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: Consolidated Communications of Pennsylvania, LLC; Consolidated Communications Enterprise Services, Inc.

Through and By: Carl R. Shultz, Esquire, Kristine E. Marsilio, Esquire, Eckert Seamans Cherin & Mellott, LLC, 213 Market Street, 8th Floor, Harrisburg, PA 17101, (717) 237-6000, fax (717) 237-6019, cshultz@eckertseamans.com, kmarsilio@eckertseamans.com; Megan Brown, Esquire, Daniel P. Brooks, Esquire, Wiley Rein, LLP, 1776 K Street NW, Washington, DC 20006, MBrown@wiley.law, dbrooks@wiley.law

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 20-1556. Filed for public inspection November 6, 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 23, 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-2020-3021917. Laura W. Aftosmis and Johnson D. Wagner Testamentary Trust, t/a Revest Properties, d/b/a Hampton Inn Greensburg (1000 Towne Square Drive, Greensburg, PA 15601) for the right to begin to transport, as a common carrier, by motor vehicle, persons in paratransit service, from the Hampton Inn Greensburg, to points in Westmoreland County, and return.

A-2020-3022419. Shuttle Relay, LLC (325 Chestnut Street, Suite 876, Philadelphia, PA 19106) persons in paratransit service, by motor vehicle, from points in the City and County of Philadelphia, to points in Pennsylvania, and return.

A-2020-3022492. Evangelical Regional Mobile Medical Services, LLC (One Hospital Drive, Lewisburg, Union County, PA 17837) persons in paratransit service, limited to service provided in wheelchair vans and stretcher vans, from points in Northumberland, Snyder and Union Counties, to points in Pennsylvania, and return. *Attorney:* Kenneth R. Stark, 100 Pine Street, P.O. Box 1166, Harrisburg, PA 17101.

Application of the following for approval of the beginning of the exercise of the right and privilege of operating motor vehicles as common carriers for the transportation of household goods as described under the application.

A-2020-3022317. Khrista Crawley, t/a Tradestorm (P.O. Box 12752, Reading, Berks County, PA 19612) household goods in use, between points within a 150-mile radius of Reading, Berks County, limited to service within this Commonwealth.

Applications of the following for the approval of the right and privilege to discontinue/abandon operating as common carriers by motor vehicle and for cancellation of the certificate of public convenience as described under each application.

A-2020-3022509. Knightlife Limousine, LLC (633 East 29th Street, Erie, Erie County, PA 16504) for the discontinuance and cancellation of its authority, to transport, as a common carrier, by motor vehicle, persons in group and party service, in vehicles seating 11 to 15 passengers, including the driver, from points in Erie County, to points in Pennsylvania, and return; excluding areas under the jurisdiction of the Philadelphia Parking Authority, as described in the original ordering paragraph at Docket A-2019-3013219.

A-2020-3022545. Brelyn Transportation, LLC (2163 North Franklin Street, Philadelphia, Philadelphia County, PA 19122) discontinuance of service and cancellation of its certificate, to transport, as a common carrier, by motor vehicle, at A-2017-2625111, persons in paratransit service, from points in the Counties of Cambria and Philadelphia, to points in Pennsylvania, and return; and from points in the Counties of Cambria and Philadelphia, to State correctional facilities in Pennsylvania, and return.

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 20-1557. Filed for public inspection November 6, 2020, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Service of Notice of Motor Carrier Formal Complaints

Formal complaints have been issued by the Pennsylvania Public Utility Commission. Answers must be filed in accordance with 52 Pa. Code (relating to public utilities). Answers are due November 23, 2020, and must be made with the Secretary, Pennsylvania Public Utility Commission, 400 North Street, Harrisburg, PA 17120, with a copy to the First Deputy Chief Prosecutor, Pennsylvania Public Utility Commission.

Pennsylvania Public Utility Commission; Bureau of Investigation and Enforcement v. Mjolnir Limited Liability Company; Docket No. C-2020-3019170

COMPLAINT

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Investigation and Enforcement and other bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Investigation and Enforcement hereby represents as follows:

1. That all authority issued to Mjolnir Limited Liability Company, (respondent) is under suspension effective March 01, 2020 for failure to maintain evidence of insurance on file with this Commission.
2. That respondent maintains a principal place of business at 30 Flick Road, Hadley, PA 16130.
3. That respondent was issued a Certificate of Public Convenience by this Commission on April 02, 2019, at A-8921965.
4. That respondent has failed to maintain evidence of Liability and Cargo insurance on file with this Commission. The Bureau of Investigation and Enforcement's proposed civil penalty for this violation is \$500.00 and cancellation of the Certificate of Public Convenience.
5. That respondent, by failing to maintain evidence of insurance on file with this Commission, violated 66 Pa.C.S. § 512, 52 Pa. Code § 32.2(c), and 52 Pa. Code § 32.11(a), § 32.12(a) or § 32.13(a).

Wherefore, unless respondent pays the penalty of \$500.00 or files an answer in compliance with the attached notice and/or causes its insurer to file evidence of insurance with this Commission within twenty (20) days of the date of service of this Complaint, the Bureau of Investigation and Enforcement will request that the Commission issue an Order which (1) cancels the Certificate of Public Convenience held by respondent at A-8921965 for failure to maintain evidence of current insurance on file with the Commission, (2) fines Respondent the sum of five hundred dollars (\$500.00) for the illegal activity described in this Complaint, (3) orders such other remedy as the Commission may deem to be appropriate, which may include the suspension of a vehicle registration and (4) imposes an additional fine on the respondent should cancellation occur.

Respectfully submitted,
David W. Loucks, Chief
Motor Carrier Enforcement
Bureau of Investigation and Enforcement
400 North Street
Harrisburg, PA 17120

VERIFICATION

I, David W. Loucks, Chief, Motor Carrier Enforcement, Bureau of Investigation and Enforcement, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect that the Bureau will be able to prove same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: March 11, 2020

David W. Loucks, Chief
Motor Carrier Enforcement
Bureau of Investigation and Enforcement

NOTICE

A. You must file an Answer within 20 days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial Letter. See 52 Pa. Code § 1.56(a). The Answer must raise all factual and legal arguments that you wish to claim in your defense, include the docket number of this Complaint, and be verified. You may file your Answer by mailing an original to:

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
400 North Street
Harrisburg, PA 17120

Or, you may eFile your Answer using the Commission's website at www.puc.pa.gov. The link to eFiling is located under the Filing & Resources tab on the homepage. If your Answer is 250 pages or less, you are not required to file a paper copy. If your Answer exceeds 250 pages, you must file a paper copy with the Secretary's Bureau.

Additionally, a copy should either be mailed to:

Michael L. Swindler, Deputy Chief Prosecutor
Pennsylvania Public Utility Commission
Bureau of Investigation and Enforcement
400 North Street
Harrisburg, PA 17120

Or, emailed to Mr. Swindler at: RA-PCCmplntResp@pa.gov

B. If you fail to answer this Complaint within 20 days, the Bureau of Investigation and Enforcement will request that the Commission issue an Order imposing the penalty.

C. You may elect not to contest this Complaint by causing your insurer to file proper evidence of current insurance in accordance with the Commission's regulations and by paying the fine proposed in this Complaint by certified check or money order within twenty (20) days of the date of service of this Complaint. Accord certificates of insurance and faxed form Es and Hs are unacceptable as evidence of insurance.

The proof of insurance must be filed with the:

Compliance Office, Bureau of Technical Utility Services
 Pennsylvania Public Utility Commission
 400 North Street
 Harrisburg, PA 17120

Payment of the fine must be made to the Commonwealth of Pennsylvania and should be forwarded to:

Rosemary Chiavetta, Secretary
 Pennsylvania Public Utility Commission
 400 North Street
 Harrisburg, PA 17120

Your payment is an admission that you committed the alleged violation and an agreement to cease and desist from further violations. Upon receipt of the evidence of insurance from your insurer, and upon receipt of your payment, the Complaint proceeding shall be closed.

D. If you file an Answer which either admits or fails to deny the allegations of the Complaint, the Bureau of Investigation and Enforcement will request the Commission to issue an Order imposing the penalty set forth in this Complaint.

E. If you file an Answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision. The Judge is not bound by the penalty set forth in the Complaint, and may impose additional and/or alternative penalties as appropriate.

F. If you are a corporation, you must be represented by legal counsel. 52 Pa. Code § 1.21.

Alternative formats of this material are available for persons with disabilities by contacting the Commission's ADA Coordinator at 717-787-8714. Do not call this number if you have questions as to why you received this complaint. For those questions you may call 717-783-3847.

Pennsylvania Public Utility Commission; Bureau of Investigation and Enforcement v. Edwards, Morgan Thomas, d/b/a Morgan Edwards Excursions; Docket No. C-2020-3014608

COMPLAINT

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Investigation and Enforcement and other bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Investigation and Enforcement Prosecutory Staff hereby represents as follows:

1. That Edwards, Morgan Thomas, Respondent, maintains its principal place of business at 2643 Schley Street, Erie, PA 16508.

2. That Respondent was issued a certificate of public convenience by this Commission to broker trips from one point to another in the Commonwealth of Pennsylvania on April 20, 1961, at PUC utility code No. 690800.

3. That PUC Motor Carrier Enforcement Office Manager Kimberly Johnston researched the Respondent on the internet and there was no business name found, no address, no telephone number listed anywhere. A certified

and first-class letter went out on December 4, 2019. The certified letter was returned as not deliverable. The letters included an application to cancel authority. No contact has been made by the carrier and the form has not been returned to the Commission.

4. That Respondent abandoned or discontinued service without having first filed an application with this Commission for abandonment or discontinuance of service.

5. That Respondent, by failing to file an application with this Commission prior to abandoning or discontinuing service, violated 52 Pa. Code § 3.3819(a) and 66 Pa.C.S. § 1102(a)(2). The penalty for this violation is cancellation of the Certificate of Public Convenience.

Wherefore, the Bureau of Investigation and Enforcement Prosecutory Staff hereby requests that the Commission issue an Order which cancels the Certificate of Public Convenience held by Edwards, Morgan Thomas at PUC utility code no. 690800.

Respectfully submitted,
 David W. Loucks, Chief
 Motor Carrier Enforcement
 Bureau of Investigation and Enforcement
 P.O. Box 3265
 Harrisburg, PA 17105-3265

VERIFICATION

I, David W. Loucks, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect that the Bureau will be able to prove same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: 03/05/2020

David W. Loucks, Chief
 Motor Carrier Enforcement
 Bureau of Investigation and Enforcement

NOTICE

A. You must file an Answer within twenty (20) days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial Cover Letter for this Complaint and Notice, 52 Pa. Code § 1.56(a). An Answer is a written explanation of circumstances wished to be considered in determining the outcome. The Answer shall raise all factual and legal arguments that you wish to claim in your defense and must include the reference number of this Complaint. Your Answer must be verified and the original shall be mailed to:

Rosemary Chiavetta, Secretary
 Pennsylvania Public Utility Commission
 400 North Street, 2nd Floor
 Harrisburg, PA 17120

Additionally, please serve a copy on:

Michael L. Swindler, Deputy Chief Prosecutor
 Bureau of Investigation and Enforcement
 Pennsylvania Public Utility Commission
 400 North Street, 3rd Floor
 Harrisburg, PA 17120

Or, e-mailed to Mr. Swindler at: RA-PCCmplntResp@pa.gov

B. If you fail to answer this complaint within twenty (20) days, the Bureau of Investigation and Enforcement will request that the Commission issue a Secretarial Letter imposing a penalty. The penalty could include a

fine, the suspension or revocation of your certificate of public convenience or other remedy.

C. You may elect not to contest this complaint by paying the fine proposed in this Complaint by certified check or money order. Payment must be made to the Commonwealth of Pennsylvania and should be forwarded to:

Rosemary Chiavetta, Secretary
 Pennsylvania Public Utility Commission
 400 North Street, 2nd Floor
 Harrisburg, PA 17120

Your payment is an admission that you committed the alleged violation and an agreement to cease and desist from further violations. Upon receipt of your payment, the complaint proceeding shall be closed.

D. If you file an Answer, which admits or fails to deny the allegations of the Complaint, the Bureau of Investigation and Enforcement will request that the Commission issue a Secretarial Letter imposing a penalty.

E. If you file an Answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision. The judge is not bound by the optional fine set forth above.

F. Alternative formats of this material are available for persons with disabilities by contacting the Commission's ADA Coordinator at 717-787-8714.

Pennsylvania Public Utility Commission; Bureau of Investigation and Enforcement v. BTS Services, Inc.; Docket No. C-2020-3018983

COMPLAINT

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Investigation and Enforcement and other bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Investigation and Enforcement hereby represents as follows:

1. That all authority issued to BTS Services, Inc., (respondent) is under suspension effective February 20, 2020 for failure to maintain evidence of insurance on file with this Commission.

2. That respondent maintains a principal place of business at 9 Parkside Drive, Hummelstown, PA 17036.

3. That respondent was issued a Certificate of Public Convenience by this Commission on April 27, 2016, at A-6418373.

4. That respondent has failed to maintain evidence of Liability insurance on file with this Commission. The Bureau of Investigation and Enforcement's proposed civil penalty for this violation is \$500.00 and cancellation of the Certificate of Public Convenience.

5. That respondent, by failing to maintain evidence of insurance on file with this Commission, violated 66 Pa.C.S. § 512, 52 Pa. Code § 32.2(c), and 52 Pa. Code § 32.11(a), § 32.12(a) or § 32.13(a).

Wherefore, unless respondent pays the penalty of \$500.00 or files an answer in compliance with the attached notice and/or causes its insurer to file evidence of

insurance with this Commission within twenty (20) days of the date of service of this Complaint, the Bureau of Investigation and Enforcement will request that the Commission issue an Order which (1) cancels the Certificate of Public Convenience held by respondent at A-6418373 for failure to maintain evidence of current insurance on file with the Commission, (2) fines Respondent the sum of five hundred dollars (\$500.00) for the illegal activity described in this Complaint, (3) orders such other remedy as the Commission may deem to be appropriate, which may include the suspension of a vehicle registration and (4) imposes an additional fine on the respondent should cancellation occur.

Respectfully submitted,
 David W. Loucks, Chief
 Motor Carrier Enforcement
 Bureau of Investigation and Enforcement
 400 North Street
 Harrisburg, PA 17120

VERIFICATION

I, David W. Loucks, Chief, Motor Carrier Enforcement, Bureau of Investigation and Enforcement, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect that the Bureau will be able to prove same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: 3/04/2020

David W. Loucks, Chief
 Motor Carrier Enforcement
 Bureau of Investigation and Enforcement

NOTICE

A. You must file an Answer within 20 days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial Letter. See 52 Pa. Code § 1.56(a). The Answer must raise all factual and legal arguments that you wish to claim in your defense, include the docket number of this Complaint, and be verified. You may file your Answer by mailing an original to:

Rosemary Chiavetta, Secretary
 Pennsylvania Public Utility Commission
 400 North Street
 Harrisburg, PA 17120

Or, you may eFile your Answer using the Commission's website at www.puc.pa.gov. The link to eFiling is located under the Filing & Resources tab on the homepage. If your Answer is 250 pages or less, you are not required to file a paper copy. If your Answer exceeds 250 pages, you must file a paper copy with the Secretary's Bureau.

Additionally, a copy should either be mailed to:

Michael L. Swindler, Deputy Chief Prosecutor
 Pennsylvania Public Utility Commission
 Bureau of Investigation and Enforcement
 400 North Street
 Harrisburg, PA 17120

Or, emailed to Mr. Swindler at: RA-PCCmplntResp@pa.gov

B. If you fail to answer this Complaint within 20 days, the Bureau of Investigation and Enforcement will request that the Commission issue an Order imposing the penalty.

C. You may elect not to contest this Complaint by causing your insurer to file proper evidence of current insurance in accordance with the Commission's regulations and by paying the fine proposed in this Complaint by certified check or money order within twenty (20) days of the date of service of this Complaint. Accord certificates of insurance and faxed form Es and Hs are unacceptable as evidence of insurance.

The proof of insurance must be filed with the:

Compliance Office, Bureau of Technical Utility Services
Pennsylvania Public Utility Commission
400 North Street
Harrisburg, PA 17120

Payment of the fine must be made to the Commonwealth of Pennsylvania and should be forwarded to:

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
400 North Street
Harrisburg, PA 17120

Your payment is an admission that you committed the alleged violation and an agreement to cease and desist from further violations. Upon receipt of the evidence of insurance from your insurer, and upon receipt of your payment, the Complaint proceeding shall be closed.

D. If you file an Answer which either admits or fails to deny the allegations of the Complaint, the Bureau of Investigation and Enforcement will request the Commission to issue an Order imposing the penalty set forth in this Complaint.

E. If you file an Answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision. The Judge is not bound by the penalty set forth in the Complaint, and may impose additional and/or alternative penalties as appropriate.

F. If you are a corporation, you must be represented by legal counsel. 52 Pa. Code § 1.21.

Alternative formats of this material are available for persons with disabilities by contacting the Commission's ADA Coordinator at 717-787-8714. Do not call this number if you have questions as to why you received this complaint. For those questions you may call 717-783-3847.

Pennsylvania Public Utility Commission; Bureau of Investigation and Enforcement v. Jason E. Kahley, t/a Jason E. Kahley Trucking; Docket No. C-2020-3018810

COMPLAINT

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Investigation and Enforcement and other bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Investigation and Enforcement hereby represents as follows:

1. That all authority issued to Jason E. Kahley, t/a Jason E. Kahley Trucking, (respondent) is under suspen-

sion effective February 10, 2020 for failure to maintain evidence of insurance on file with this Commission.

2. That respondent maintains a principal place of business at 101 North Main Street, Mifflintown, PA 17059.

3. That respondent was issued a Certificate of Public Convenience by this Commission on August 02, 2013, at A-8915845.

4. That respondent has failed to maintain evidence of Liability and Cargo insurance on file with this Commission. The Bureau of Investigation and Enforcement's proposed civil penalty for this violation is \$500.00 and cancellation of the Certificate of Public Convenience.

5. That respondent, by failing to maintain evidence of insurance on file with this Commission, violated 66 Pa.C.S. § 512, 52 Pa. Code § 32.2(c), and 52 Pa. Code § 32.11(a), § 32.12(a) or § 32.13(a).

Wherefore, unless respondent pays the penalty of \$500.00 or files an answer in compliance with the attached notice and/or causes its insurer to file evidence of insurance with this Commission within twenty (20) days of the date of service of this Complaint, the Bureau of Investigation and Enforcement will request that the Commission issue an Order which (1) cancels the Certificate of Public Convenience held by respondent at A-8915845 for failure to maintain evidence of current insurance on file with the Commission, (2) fines Respondent the sum of five hundred dollars (\$500.00) for the illegal activity described in this Complaint, (3) orders such other remedy as the Commission may deem to be appropriate, which may include the suspension of a vehicle registration and (4) imposes an additional fine on the respondent should cancellation occur.

Respectfully submitted,
David W. Loucks, Chief
Motor Carrier Enforcement
Bureau of Investigation and Enforcement
400 North Street
Harrisburg, PA 17120

VERIFICATION

I, David W. Loucks, Chief, Motor Carrier Enforcement, Bureau of Investigation and Enforcement, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect that the Bureau will be able to prove same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: February 21, 2020

David W. Loucks, Chief
Motor Carrier Enforcement
Bureau of Investigation and Enforcement

NOTICE

A. You must file an Answer within 20 days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial Letter. See 52 Pa. Code § 1.56(a). The Answer must raise all factual and legal arguments that you wish to claim in your defense, include the docket number of this Complaint, and be verified. You may file your Answer by mailing an original to:

Rosemary Chiavetta, Secretary
 Pennsylvania Public Utility Commission
 400 North Street
 Harrisburg, PA 17120

Or, you may eFile your Answer using the Commission's website at www.puc.pa.gov. The link to eFiling is located under the Filing & Resources tab on the homepage. If your Answer is 250 pages or less, you are not required to file a paper copy. If your Answer exceeds 250 pages, you must file a paper copy with the Secretary's Bureau.

Additionally, a copy should either be mailed to:

Michael L. Swindler, Deputy Chief Prosecutor
 Pennsylvania Public Utility Commission
 Bureau of Investigation and Enforcement
 400 North Street
 Harrisburg, PA 17120

Or, emailed to Mr. Swindler at: RA-PCCmplntResp@pa.gov

B. If you fail to answer this Complaint within 20 days, the Bureau of Investigation and Enforcement will request that the Commission issue an Order imposing the penalty.

C. You may elect not to contest this Complaint by causing your insurer to file proper evidence of current insurance in accordance with the Commission's regulations and by paying the fine proposed in this Complaint by certified check or money order within twenty (20) days of the date of service of this Complaint. Accord certificates of insurance and faxed form Es and Hs are unacceptable as evidence of insurance.

The proof of insurance must be filed with the:

Compliance Office, Bureau of Technical Utility Services
 Pennsylvania Public Utility Commission
 400 North Street
 Harrisburg, PA 17120

Payment of the fine must be made to the Commonwealth of Pennsylvania and should be forwarded to:

Rosemary Chiavetta, Secretary
 Pennsylvania Public Utility Commission
 400 North Street
 Harrisburg, PA 17120

Your payment is an admission that you committed the alleged violation and an agreement to cease and desist from further violations. Upon receipt of the evidence of insurance from your insurer, and upon receipt of your payment, the Complaint proceeding shall be closed.

D. If you file an Answer which either admits or fails to deny the allegations of the Complaint, the Bureau of Investigation and Enforcement will request the Commission to issue an Order imposing the penalty set forth in this Complaint.

E. If you file an Answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision. The Judge is not bound by the penalty set forth in the Complaint, and may impose additional and/or alternative penalties as appropriate.

F. If you are a corporation, you must be represented by legal counsel. 52 Pa. Code § 1.21.

Alternative formats of this material are available for persons with disabilities by contacting the Commission's ADA Coordinator at 717-787-8714. Do not call this num-

ber if you have questions as to why you received this complaint. For those questions you may call 717-783-3847.

Pennsylvania Public Utility Commission; Bureau of Investigation and Enforcement v. Ratoskey & Trainor, Inc.; Docket No. C-2020-3018865

COMPLAINT

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Investigation and Enforcement and other bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Investigation and Enforcement hereby represents as follows:

1. That all authority issued to Ratoskey & Trainor, Inc., (respondent) is under suspension effective February 13, 2020 for failure to maintain evidence of insurance on file with this Commission.

2. That respondent maintains a principal place of business at 240 Flint Hill Road, King of Prussia, PA 19406.

3. That respondent was issued a Certificate of Public Convenience by this Commission on June 08, 2011, at A-8912931.

4. That respondent has failed to maintain evidence of Liability insurance on file with this Commission. The Bureau of Investigation and Enforcement's proposed civil penalty for this violation is \$500.00 and cancellation of the Certificate of Public Convenience.

5. That respondent, by failing to maintain evidence of insurance on file with this Commission, violated 66 Pa.C.S. § 512, 52 Pa. Code § 32.2(c), and 52 Pa. Code § 32.11(a), § 32.12(a) or § 32.13(a).

Wherefore, unless respondent pays the penalty of \$500.00 or files an answer in compliance with the attached notice and/or causes its insurer to file evidence of insurance with this Commission within twenty (20) days of the date of service of this Complaint, the Bureau of Investigation and Enforcement will request that the Commission issue an Order which (1) cancels the Certificate of Public Convenience held by respondent at A-8912931 for failure to maintain evidence of current insurance on file with the Commission, (2) fines Respondent the sum of five hundred dollars (\$500.00) for the illegal activity described in this Complaint, (3) orders such other remedy as the Commission may deem to be appropriate, which may include the suspension of a vehicle registration and (4) imposes an additional fine on the respondent should cancellation occur.

Respectfully submitted,
 David W. Loucks, Chief
 Motor Carrier Enforcement
 Bureau of Investigation and Enforcement 400 North Street Harrisburg, PA 17120

VERIFICATION

I, David W. Loucks, Chief, Motor Carrier Enforcement, Bureau of Investigation and Enforcement, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect that the Bureau will be able to prove same at any

hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: February 24, 2020

David W. Loucks, Chief
Motor Carrier Enforcement
Bureau of Investigation and Enforcement

NOTICE

A. You must file an Answer within 20 days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial Letter. See 52 Pa. Code § 1.56(a). The Answer must raise all factual and legal arguments that you wish to claim in your defense, include the docket number of this Complaint, and be verified. You may file your Answer by mailing an original to:

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
400 North Street
Harrisburg, PA 17120

Or, you may eFile your Answer using the Commission's website at www.puc.pa.gov. The link to eFiling is located under the Filing & Resources tab on the homepage. If your Answer is 250 pages or less, you are not required to file a paper copy. If your Answer exceeds 250 pages, you must file a paper copy with the Secretary's Bureau.

Additionally, a copy should either be mailed to:

Michael L. Swindler, Deputy Chief Prosecutor
Pennsylvania Public Utility Commission
Bureau of Investigation and Enforcement
400 North Street
Harrisburg, PA 17120

Or, emailed to Mr. Swindler at: RA-PCCmplntResp@pa.gov

B. If you fail to answer this Complaint within 20 days, the Bureau of Investigation and Enforcement will request that the Commission issue an Order imposing the penalty.

C. You may elect not to contest this Complaint by causing your insurer to file proper evidence of current insurance in accordance with the Commission's regulations and by paying the fine proposed in this Complaint by certified check or money order within twenty (20) days of the date of service of this Complaint. Accord certificates of insurance and faxed form Es and Hs are unacceptable as evidence of insurance.

The proof of insurance must be filed with the:

Compliance Office, Bureau of Technical Utility Services
Pennsylvania Public Utility Commission
400 North Street
Harrisburg, PA 17120

Payment of the fine must be made to the Commonwealth of Pennsylvania and should be forwarded to:

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
400 North Street
Harrisburg, PA 17120

Your payment is an admission that you committed the alleged violation and an agreement to cease and desist from further violations. Upon receipt of the evidence of

insurance from your insurer, and upon receipt of your payment, the Complaint proceeding shall be closed.

D. If you file an Answer which either admits or fails to deny the allegations of the Complaint, the Bureau of Investigation and Enforcement will request the Commission to issue an Order imposing the penalty set forth in this Complaint.

E. If you file an Answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision. The Judge is not bound by the penalty set forth in the Complaint, and may impose additional and/or alternative penalties as appropriate.

F. If you are a corporation, you must be represented by legal counsel. 52 Pa. Code § 1.21.

Alternative formats of this material are available for persons with disabilities by contacting the Commission's ADA Coordinator at 717-787-8714. Do not call this number if you have questions as to why you received this complaint. For those questions you may call 717-783-3847.

Pennsylvania Public Utility Commission; Bureau of Investigation and Enforcement v. D & G Cargo Express, LLC; Docket No. C-2020-3018556

COMPLAINT

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Investigation and Enforcement and other bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Investigation and Enforcement hereby represents as follows:

1. That all authority issued to D & G Cargo Express, LLC, (respondent) is under suspension effective February 07, 2020 for failure to maintain evidence of insurance on file with this Commission.
2. That respondent maintains a principal place of business at 533 Franklin St., Reading, PA 19611.
3. That respondent was issued a Certificate of Public Convenience by this Commission on February 17, 2016, at A-8918244.
4. That respondent has failed to maintain evidence of Liability and Cargo insurance on file with this Commission. The Bureau of Investigation and Enforcement's proposed civil penalty for this violation is \$500.00 and cancellation of the Certificate of Public Convenience.
5. That respondent, by failing to maintain evidence of insurance on file with this Commission, violated 66 Pa.C.S. § 512, 52 Pa. Code § 32.2(c), and 52 Pa. Code § 32.11(a), § 32.12(a) or § 32.13(a).

Wherefore, unless respondent pays the penalty of \$500.00 or files an answer in compliance with the attached notice and/or causes its insurer to file evidence of insurance with this Commission within twenty (20) days of the date of service of this Complaint, the Bureau of Investigation and Enforcement will request that the Commission issue an Order which (1) cancels the Certificate of Public Convenience held by respondent at A-8918244 for failure to maintain evidence of current

insurance on file with the Commission, (2) fines Respondent the sum of five hundred dollars (\$500.00) for the illegal activity described in this Complaint, (3) orders such other remedy as the Commission may deem to be appropriate, which may include the suspension of a vehicle registration and (4) imposes an additional fine on the respondent should cancellation occur.

Respectfully submitted,
David W. Loucks, Chief
Motor Carrier Enforcement
Bureau of Investigation and Enforcement
400 North Street Harrisburg, PA 17120

VERIFICATION

I, David W. Loucks, Chief, Motor Carrier Enforcement, Bureau of Investigation and Enforcement, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect that the Bureau will be able to prove same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: February 18, 2020

David W. Loucks, Chief
Motor Carrier Enforcement
Bureau of Investigation and Enforcement

NOTICE

A. You must file an Answer within 20 days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial Letter. See 52 Pa. Code § 1.56(a). The Answer must raise all factual and legal arguments that you wish to claim in your defense, include the docket number of this Complaint, and be verified. You may file your Answer by mailing an original to:

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
400 North Street
Harrisburg, PA 17120

Or, you may eFile your Answer using the Commission's website at www.puc.pa.gov. The link to eFiling is located under the Filing & Resources tab on the homepage. If your Answer is 250 pages or less, you are not required to file a paper copy. If your Answer exceeds 250 pages, you must file a paper copy with the Secretary's Bureau.

Additionally, a copy should either be mailed to:

Michael L. Swindler, Deputy Chief Prosecutor
Pennsylvania Public Utility Commission
Bureau of Investigation and Enforcement
400 North Street
Harrisburg, PA 17120

Or, emailed to Mr. Swindler at: RA-PCCmplntResp@pa.gov

B. If you fail to answer this Complaint within 20 days, the Bureau of Investigation and Enforcement will request that the Commission issue an Order imposing the penalty.

C. You may elect not to contest this Complaint by causing your insurer to file proper evidence of current insurance in accordance with the Commission's regulations and by paying the fine proposed in this Complaint by certified check or money order within twenty (20) days

of the date of service of this Complaint. Accord certificates of insurance and faxed form Es and Hs are unacceptable as evidence of insurance.

The proof of insurance must be filed with the:

Compliance Office, Bureau of Technical Utility Services
Pennsylvania Public Utility Commission
400 North Street
Harrisburg, PA 17120

Payment of the fine must be made to the Commonwealth of Pennsylvania and should be forwarded to:

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
400 North Street
Harrisburg, PA 17120

Your payment is an admission that you committed the alleged violation and an agreement to cease and desist from further violations. Upon receipt of the evidence of insurance from your insurer, and upon receipt of your payment, the Complaint proceeding shall be closed.

D. If you file an Answer which either admits or fails to deny the allegations of the Complaint, the Bureau of Investigation and Enforcement will request the Commission to issue an Order imposing the penalty set forth in this Complaint.

E. If you file an Answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision. The Judge is not bound by the penalty set forth in the Complaint, and may impose additional and/or alternative penalties as appropriate.

F. If you are a corporation, you must be represented by legal counsel. 52 Pa. Code § 1.21.

Alternative formats of this material are available for persons with disabilities by contacting the Commission's ADA Coordinator at 717-787-8714. Do not call this number if you have questions as to why you received this complaint. For those questions you may call 717-783-3847.

Pennsylvania Public Utility Commission; Bureau of Investigation and Enforcement v. Jefferson Cargo, LLC; Docket No. C-2020-3015297

COMPLAINT

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Investigation and Enforcement and other bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Investigation and Enforcement hereby represents as follows:

1. That all authority issued to Jefferson Cargo, LLC, (respondent) is under suspension effective December 27, 2019 for failure to maintain evidence of insurance on file with this Commission.

2. That respondent maintains a principal place of business at 4905 Pack Saddle Way, Flower Mound, TX 75028.

3. That respondent was issued a Certificate of Public Convenience by this Commission on August 02, 2018, at A-8921182.

4. That respondent has failed to maintain evidence of Liability and Cargo insurance on file with this Commission. The Bureau of Investigation and Enforcement's proposed civil penalty for this violation is \$500.00 and cancellation of the Certificate of Public Convenience.

5. That respondent, by failing to maintain evidence of insurance on file with this Commission, violated 66 Pa.C.S. § 512, 52 Pa. Code § 32.2(c), and 52 Pa. Code § 32.11(a), § 32.12(a) or § 32.13(a).

Wherefore, unless respondent pays the penalty of \$500.00 or files an answer in compliance with the attached notice and/or causes its insurer to file evidence of insurance with this Commission within twenty (20) days of the date of service of this Complaint, the Bureau of Investigation and Enforcement will request that the Commission issue an Order which (1) cancels the Certificate of Public Convenience held by respondent at A-8921182 for failure to maintain evidence of current insurance on file with the Commission, (2) fines Respondent the sum of five hundred dollars (\$500.00) for the illegal activity described in this Complaint, (3) orders such other remedy as the Commission may deem to be appropriate, which may include the suspension of a vehicle registration and (4) imposes an additional fine on the respondent should cancellation occur.

Respectfully submitted,
David W. Loucks, Chief
Motor Carrier Enforcement
Bureau of Investigation and Enforcement
400 North Street
Harrisburg, PA 17120

VERIFICATION

I, David W. Loucks, Chief, Motor Carrier Enforcement, Bureau of Investigation and Enforcement, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect that the Bureau will be able to prove same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: 01/06/2020

David W. Loucks, Chief
Motor Carrier Enforcement
Bureau of Investigation and Enforcement

NOTICE

A. You must file an Answer within 20 days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial Letter. See 52 Pa. Code § 1.56(a). The Answer must raise all factual and legal arguments that you wish to claim in your defense, include the docket number of this Complaint, and be verified. You may file your Answer by mailing an original to:

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
400 North Street
Harrisburg, PA 17120

Or, you may eFile your Answer using the Commission's website at www.puc.pa.gov. The link to eFiling is located under the Filing & Resources tab on the homepage. If your Answer is 250 pages or less, you are not required to file a paper copy. If your Answer exceeds 250 pages, you must file a paper copy with the Secretary's Bureau.

Additionally, a copy should either be mailed to:

Michael L. Swindler, Deputy Chief Prosecutor
Pennsylvania Public Utility Commission
Bureau of Investigation and Enforcement
400 North Street
Harrisburg, PA 17120

Or, emailed to Mr. Swindler at: RA-PCCmplntResp@pa.gov

B. If you fail to answer this Complaint within 20 days, the Bureau of Investigation and Enforcement will request that the Commission issue an Order imposing the penalty.

C. You may elect not to contest this Complaint by causing your insurer to file proper evidence of current insurance in accordance with the Commission's regulations and by paying the fine proposed in this Complaint by certified check or money order within twenty (20) days of the date of service of this Complaint. Accord certificates of insurance and faxed form Es and Hs are unacceptable as evidence of insurance.

The proof of insurance must be filed with the:

Compliance Office, Bureau of Technical Utility
Services
Pennsylvania Public Utility Commission
400 North Street
Harrisburg, PA 17120

Payment of the fine must be made to the Commonwealth of Pennsylvania and should be forwarded to:

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
400 North Street
Harrisburg, PA 17120

Your payment is an admission that you committed the alleged violation and an agreement to cease and desist from further violations. Upon receipt of the evidence of insurance from your insurer, and upon receipt of your payment, the Complaint proceeding shall be closed.

D. If you file an Answer which either admits or fails to deny the allegations of the Complaint, the Bureau of Investigation and Enforcement will request the Commission to issue an Order imposing the penalty set forth in this Complaint.

E. If you file an Answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision. The Judge is not bound by the penalty set forth in the Complaint, and may impose additional and/or alternative penalties as appropriate.

F. If you are a corporation, you must be represented by legal counsel. 52 Pa. Code § 1.21.

Alternative formats of this material are available for persons with disabilities by contacting the Commission's ADA Coordinator at 717-787-8714. Do not call this number if you have questions as to why you received this complaint. For those questions you may call 717-783-3847.

Pennsylvania Public Utility Commission; Bureau of Investigation and Enforcement v. DDH Trucking, LLC; Docket No. C-2020-3018911

COMPLAINT

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Investigation and Enforcement and other bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Investigation and Enforcement hereby represents as follows:

1. That all authority issued to DDH Trucking, LLC, (respondent) is under suspension effective February 17, 2020 for failure to maintain evidence of insurance on file with this Commission.
2. That respondent maintains a principal place of business at 2861 W. State St., New Castle, PA 16101.
3. That respondent was issued a Certificate of Public Convenience by this Commission on April 02, 2019, at A-8920217.
4. That respondent has failed to maintain evidence of Liability insurance on file with this Commission. The Bureau of Investigation and Enforcement's proposed civil penalty for this violation is \$500.00 and cancellation of the Certificate of Public Convenience.
5. That respondent, by failing to maintain evidence of insurance on file with this Commission, violated 66 Pa.C.S. § 512, 52 Pa. Code § 32.2(c), and 52 Pa. Code § 32.11(a), § 32.12(a) or § 32.13(a).

Wherefore, unless respondent pays the penalty of \$500.00 or files an answer in compliance with the attached notice and/or causes its insurer to file evidence of insurance with this Commission within twenty (20) days of the date of service of this Complaint, the Bureau of Investigation and Enforcement will request that the Commission issue an Order which (1) cancels the Certificate of Public Convenience held by respondent at A-8920217 for failure to maintain evidence of current insurance on file with the Commission, (2) fines Respondent the sum of five hundred dollars (\$500.00) for the illegal activity described in this Complaint, (3) orders such other remedy as the Commission may deem to be appropriate, which may include the suspension of a vehicle registration and (4) imposes an additional fine on the respondent should cancellation occur.

Respectfully submitted,
David W. Loucks, Chief
Motor Carrier Enforcement
Bureau of Investigation and Enforcement
400 North Street
Harrisburg, PA 17120

VERIFICATION

I, David W. Loucks, Chief, Motor Carrier Enforcement, Bureau of Investigation and Enforcement, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect that the Bureau will be able to prove same at any hearing held in this matter. I understand that the

statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: February 28, 2020

David W. Loucks, Chief
Motor Carrier Enforcement
Bureau of Investigation and Enforcement

NOTICE

A. You must file an Answer within 20 days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial Letter. See 52 Pa. Code § 1.56(a). The Answer must raise all factual and legal arguments that you wish to claim in your defense, include the docket number of this Complaint, and be verified. You may file your Answer by mailing an original to:

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
400 North Street
Harrisburg, PA 17120

Or, you may eFile your Answer using the Commission's website at www.puc.pa.gov. The link to eFiling is located under the Filing & Resources tab on the homepage. If your Answer is 250 pages or less, you are not required to file a paper copy. If your Answer exceeds 250 pages, you must file a paper copy with the Secretary's Bureau.

Additionally, a copy should either be mailed to:

Michael L. Swindler, Deputy Chief Prosecutor
Pennsylvania Public Utility Commission
Bureau of Investigation and Enforcement
400 North Street
Harrisburg, PA 17120

Or, emailed to Mr. Swindler at: RA-PCCmplntResp@pa.gov

B. If you fail to answer this Complaint within 20 days, the Bureau of Investigation and Enforcement will request that the Commission issue an Order imposing the penalty.

C. You may elect not to contest this Complaint by causing your insurer to file proper evidence of current insurance in accordance with the Commission's regulations and by paying the fine proposed in this Complaint by certified check or money order within twenty (20) days of the date of service of this Complaint. Accord certificates of insurance and faxed form Es and Hs are unacceptable as evidence of insurance.

The proof of insurance must be filed with the:

Compliance Office, Bureau of Technical Utility Services
Pennsylvania Public Utility Commission
400 North Street
Harrisburg, PA 17120

Payment of the fine must be made to the Commonwealth of Pennsylvania and should be forwarded to:

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
400 North Street
Harrisburg, PA 17120

Your payment is an admission that you committed the alleged violation and an agreement to cease and desist from further violations. Upon receipt of the evidence of insurance from your insurer, and upon receipt of your payment, the Complaint proceeding shall be closed.

D. If you file an Answer which either admits or fails to deny the allegations of the Complaint, the Bureau of Investigation and Enforcement will request the Commission to issue an Order imposing the penalty set forth in this Complaint.

E. If you file an Answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision. The Judge is not bound by the penalty set forth in the Complaint, and may impose additional and/or alternative penalties as appropriate.

F. If you are a corporation, you must be represented by legal counsel. 52 Pa. Code § 1.21.

Alternative formats of this material are available for persons with disabilities by contacting the Commission's ADA Coordinator at 717-787-8714. Do not call this number if you have questions as to why you received this complaint. For those questions you may call 717-783-3847.

—————

Pennsylvania Public Utility Commission; Bureau of Investigation and Enforcement v. Extreme Health Care Services, LLC; Docket No. C-2020-3019975

COMPLAINT

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Investigation and Enforcement and other bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Investigation and Enforcement hereby represents as follows:

1. That all authority issued to Extreme Health Care Services, LLC, (respondent) is under suspension effective April 29, 2020 for failure to maintain evidence of insurance on file with this Commission.

2. That respondent maintains a principal place of business at 140 South 17th Street, Harrisburg, PA 17104.

3. That respondent was issued a Certificate of Public Convenience by this Commission on September 11, 2013, at A-6415315.

4. That respondent has failed to maintain evidence of Liability insurance on file with this Commission. The Bureau of Investigation and Enforcement's proposed civil penalty for this violation is \$500.00 and cancellation of the Certificate of Public Convenience.

5. That respondent, by failing to maintain evidence of insurance on file with this Commission, violated 66 Pa.C.S. § 512, 52 Pa. Code § 32.2(c), and 52 Pa. Code § 32.11(a), § 32.12(a) or § 32.13(a).

Wherefore, unless respondent pays the penalty of \$500.00 or files an answer in compliance with the attached notice and/or causes its insurer to file evidence of insurance with this Commission within twenty (20) days of the date of service of this Complaint, the Bureau of Investigation and Enforcement will request that the Commission issue an Order which (1) cancels the Certifi-

cate of Public Convenience held by respondent at A-6415315 for failure to maintain evidence of current insurance on file with the Commission, (2) fines Respondent the sum of five hundred dollars (\$500.00) for the illegal activity described in this Complaint, (3) orders such other remedy as the Commission may deem to be appropriate, which may include the suspension of a vehicle registration and (4) imposes an additional fine on the respondent should cancellation occur.

Respectfully submitted,
Kimberly M. Johnston, Acting Chief
Motor Carrier Enforcement
Bureau of Investigation and Enforcement
400 North Street
Harrisburg, PA 17120

VERIFICATION

I, Kimberly M. Johnston, Acting Chief, Motor Carrier Enforcement, Bureau of Investigation and Enforcement, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect that the Bureau will be able to prove same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: 09/02/2020

Kimberly M. Johnston, Acting
Chief
Motor Carrier Enforcement
Bureau of Investigation and Enforcement

NOTICE

A. You must file an Answer within 20 days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial Letter. See 52 Pa. Code § 1.56(a). The Answer must raise all factual and legal arguments that you wish to claim in your defense, include the docket number of this Complaint, and be verified. You may file your Answer by mailing an original to:

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
400 North Street
Harrisburg, PA 17120

Or, you may eFile your Answer using the Commission's website at www.puc.pa.gov. The link to eFiling is located under the Filing & Resources tab on the homepage. If your Answer is 250 pages or less, you are not required to file a paper copy. If your Answer exceeds 250 pages, you must file a paper copy with the Secretary's Bureau.

Additionally, a copy should either be mailed to:

Michael L. Swindler, Deputy Chief Prosecutor
Pennsylvania Public Utility Commission
Bureau of Investigation and Enforcement
400 North Street
Harrisburg, PA 17120

Or, emailed to Mr. Swindler at: RA-PCCmplntResp@pa.gov

B. If you fail to answer this Complaint within 20 days, the Bureau of Investigation and Enforcement will request that the Commission issue an Order imposing the penalty.

C. You may elect not to contest this Complaint by causing your insurer to file proper evidence of current insurance in accordance with the Commission's regula-

tions and by paying the fine proposed in this Complaint by certified check or money order within twenty (20) days of the date of service of this Complaint. Accord certificates of insurance and faxed form Es and Hs are unacceptable as evidence of insurance.

The proof of insurance must be filed with the:

Compliance Office, Bureau of Technical Utility Services
Pennsylvania Public Utility Commission
400 North Street
Harrisburg, PA 17120

Payment of the fine must be made to the Commonwealth of Pennsylvania and should be forwarded to:

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
400 North Street
Harrisburg, PA 17120

Your payment is an admission that you committed the alleged violation and an agreement to cease and desist from further violations. Upon receipt of the evidence of insurance from your insurer, and upon receipt of your payment, the Complaint proceeding shall be closed.

D. If you file an Answer which either admits or fails to deny the allegations of the Complaint, the Bureau of Investigation and Enforcement will request the Commission to issue an Order imposing the penalty set forth in this Complaint.

E. If you file an Answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision. The Judge is not bound by the penalty set forth in the Complaint, and may impose additional and/or alternative penalties as appropriate.

F. If you are a corporation, you must be represented by legal counsel. 52 Pa. Code § 1.21.

Alternative formats of this material are available for persons with disabilities by contacting the Commission's ADA Coordinator at 717-787-8714. Do not call this number if you have questions as to why you received this complaint. For those questions you may call 717-783-3847.

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 20-1558. Filed for public inspection November 6, 2020, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Telecommunications

A-2020-3022619. Verizon Pennsylvania, LLC and QuantumShift Communications, Inc. Joint petition of Verizon Pennsylvania, LLC and QuantumShift Communications, Inc. for approval of an amended interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Verizon Pennsylvania, LLC and QuantumShift Communications, Inc., by their counsel, filed on October 28, 2020, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of an amendment to 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 QuantumShift Communications, Inc. 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. 20-1559. Filed for public inspection November 6, 2020, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Telecommunications

A-2020-3022620. Verizon North, LLC and QuantumShift Communications, Inc. Joint petition of Verizon North, LLC and QuantumShift Communications, Inc. for approval of an amendment to interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Verizon North, LLC and QuantumShift Communications, Inc., by their counsel, filed on October 28, 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 QuantumShift Communications, Inc. 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. 20-1560. Filed for public inspection November 6, 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 23, 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-20-10-10. SFT Trans, Inc. (35 Marian Court, Upper Darby, PA 19082): 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.

Doc. No. A-20-10-11. Tara & Gani, LLC (346 North 42nd Street, Philadelphia, PA 19104): 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-20-10-12. AMCB, LLC (500 Cynthia Avenue, Penn del, PA 19047): 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-20-10-13. OP1 Taxi, LLC (3747 Genesee Drive, Philadelphia, PA 19154): 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 Philadel-

phia to points in Pennsylvania, and return. *Attorney for Applicant:* David R. Alperstein, Esq., 314 Cherry Avenue, Voorhees, NJ 08043.

SCOTT PETRI,
Executive Director

[Pa.B. Doc. No. 20-1561. Filed for public inspection November 6, 2020, 9:00 a.m.]

STATE BOARD OF NURSING

Bureau of Professional and Occupational Affairs v. Joann Granato Palladino, RN; Case No. 19-51-000363

On May 3, 2019, Joann Granato Palladino, RN, license No. RN260010L, last known of Philadelphia, Philadelphia County, had her license suspended by the State Board of Nursing (Board) for no less than 3 years, retroactive to January 18, 2019, based on violating the terms of a previous Board order.

Individuals may obtain a copy of the adjudication at www.pals.pa.gov or by writing to Judith Pachter Schulder, 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.

ANN M. COUGHLIN, DNP, MBA, MSN, RN,
Chairperson

[Pa.B. Doc. No. 20-1562. Filed for public inspection November 6, 2020, 9:00 a.m.]