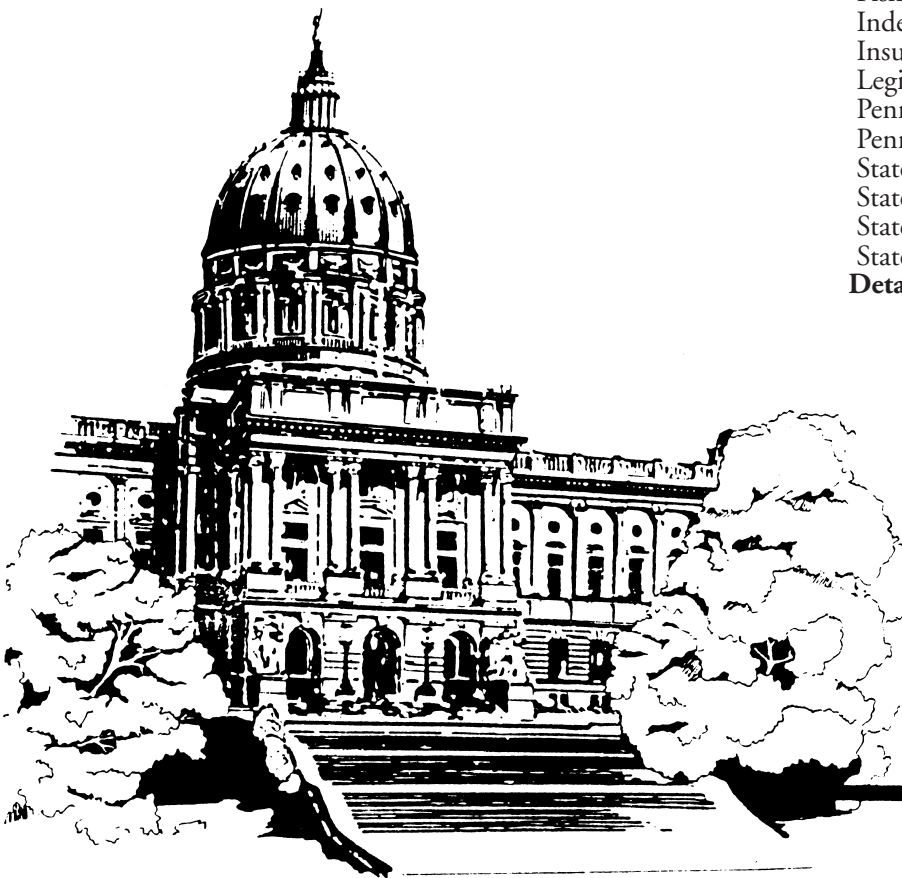


PENNSYLVANIA BULLETIN

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

No. 553, December 2020

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

Pennsylvania Bulletin

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

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

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

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

Adoption, Amendment or Repeal of Regulations

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

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

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

Citation to the *Pennsylvania Bulletin*

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

Pennsylvania Code

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

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

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

How to Find Rules and Regulations

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

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

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

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

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

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Printing Format

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

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

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

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

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

Court Rules in Titles 201—246 of the Pennsylvania Code

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

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

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

Fiscal Notes

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

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

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

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List of Pa. Code Chapters Affected

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

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THE COURTS

Title 246—MINOR COURT CIVIL RULES

PART I. GENERAL

[246 PA. CODE CH. 500]

Order Amending Rules 515 and 516 of the Pennsylvania Rules of Civil Procedure Before Magisterial District Judges; No. 449 Magisterial Rules Doc.

Order

Per Curiam

And Now, this 4th day of December, 2020, upon the recommendation of the Minor Court Rules Committee, the proposal having been submitted without publication pursuant to Pa.R.J.A. No. 103(a)(3):

It is Ordered pursuant to Article V, Section 10 of the Constitution of Pennsylvania that Rules 515 and 516 of the Pennsylvania Rules of Civil Procedure Before Magisterial District Judges 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 246. MINOR COURT CIVIL RULES

PART I. GENERAL

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

Rule 515. Request for Order for Possession.

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

B.(1) Except as otherwise provided in subdivision B(2), if the magisterial district judge has rendered a judgment arising out of a residential lease that the real property be delivered up to the landlord, the landlord may after the 10th day but within [120] 180 days following the date of the entry of the judgment, file with the magisterial district judge a request for an order for possession. The request shall include a statement of the judgment amount, return, and all other matters required by these rules.

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

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

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

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

the landlord may request an order for possession only within [120] 180 days of the date the *supersedeas* or the bankruptcy or other stay is stricken, dismissed, lifted, or otherwise terminated.

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

The 1995 amendment to section 513 of The Landlord and Tenant Act of 1951, 68 P.S. § 250.513, established a 10-day appeal period from a judgment for possession of real estate arising out of a residential lease. See also Rule 1002B(1). Rule 1002B(2)(a) provides for a 30-day appeal period for tenants who are victims of domestic violence. In most cases, the filing of the request for an order for possession in subdivision B(1) is not permitted until after the appeal period has expired. In cases arising out of a residential lease, the request for an order for possession generally must be filed within [120] 180 days of the date of the entry of the judgment.

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

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

Subdivision B(2) provides that in a case arising out of a residential lease, if a *supersedeas* (resulting from an appeal or writ of *certiorari*) or bankruptcy or other stay is stricken, dismissed, lifted, or otherwise terminated, thus allowing the landlord to proceed with requesting an order for possession, the request may be filed only within [120] 180 days of the date the *supersedeas* or the bankruptcy or other stay is stricken, dismissed, lifted, or otherwise terminated.

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

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

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

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

Rule 516. Issuance and Reissuance of Order for Possession.

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

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

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

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

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

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

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

C. In a case arising out of a residential lease [, a] **and upon written request of the landlord, the magisterial district judge shall reissue an order for possession for no more than two additional 60-day periods.** A request for reissuance of an order for possession may be filed only within [120] 180 days of the date of the entry of the judgment or, in a case in which the order for possession is issued and subsequently superseded by an appeal, writ of *certiorari*, *supersedeas*, or a stay pursuant to a bankruptcy proceeding or other federal or state law or Rule 514.1C, only within [120] 180 days of the date the appeal, writ of *certiorari*, or *supersedeas* is stricken, dismissed, or otherwise terminated or the bankruptcy or other stay is lifted.

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

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

Subdivision B provides for reissuance of the order for possession for one additional 60-day period. However, pursuant to subdivision C, in cases arising out of a residential lease, the request for reissuance of the order for possession must be filed within [120] 180 days of the date of the entry of the judgment or, in a case in which the order for possession is issued and subsequently superseded by an appeal, writ of *certiorari*, *supersedeas* or a stay pursuant to a bankruptcy proceeding or other federal or state law or Rule 514.1C, only within [120] 180 days of the date the appeal, writ of *certiorari*, or *supersedeas* is stricken, dismissed, or otherwise terminated, or the bankruptcy or other stay is lifted. **In a case arising out of a residential lease, the magisterial district judge may reissue the order for possession for no more than two additional 60-day periods.** The additional 60-day period need not necessarily immediately follow the original 60-day period of issuance. The written request for reissuance may be in any form and may consist of a notation on the permanent copy of the request for order for possession form, "Reissuance of order for possession requested," subscribed by the landlord. The magisterial district judge shall mark all copies of the reissued order for possession, "Reissued. Request for reissuance filed _____ (time and date)." A new form may be used upon reissuance, those portions retained from the original being exact copies although signatures may be typed or printed with the mark "/s/." There are no filing costs for reissuing an order for possession, for the reissuance is merely a continuation of the original proceeding. However, there may be additional server costs for service of the reissued order for possession.

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

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

the arbitration award on the docket and the time that the landlord files a notice of appeal.

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

FINAL REPORT¹

Recommendation 4-2020, Minor Court Rules Committee

Amendment of Pa.R.C.P.M.D.J. Nos. 515 and 516

EXTENSION OF TIME FOR A LANDLORD TO REQUEST AN ORDER FOR POSSESSION IN A RESIDENTIAL LEASE CASE

I. Introduction

The Minor Court Rules Committee ("Committee") recommended amendments to Rules 515 and 516 of the Pennsylvania Rules of Civil Procedure Governing Actions and Proceedings Before Magisterial District Judges ("Rules"). The amendments will permit a landlord in a case involving a residential lease to request an order for possession within 180 days from the date of entry of judgment rather than the current 120 days. The recommendation is necessitated by exigent circumstances requiring the immediate adoption of the proposal and is adopted in accordance with Pa.R.J.A. No. 103(a)(3), without prior publication for public comment.

II. Background and Discussion

Following the issuance of a judgment in a landlord-tenant case and the requisite waiting period, a landlord seeking to regain property must file a request for an order for possession with the magisterial district court. *See* Rule 515. In residential landlord-tenant cases, the landlord must file the request for an order for possession no later than 120 days from the date of entry of the judgment. *See* Rule 515B(1). Certain actions will stay the period within which a request for order for possession must be filed, such as an appeal or writ of *certiorari* operating as a *supersedeas*, or a bankruptcy or other stay required by state or federal law. *See* Rule 515B(2).

Since the onset of the COVID-19 pandemic, the Court, the federal government, the Governor, and the Centers for Disease Control and Prevention ("CDC"), *inter alia*, have promulgated laws and orders suspending certain residential evictions.² One of the most recent orders staying some residential evictions, issued by the CDC, will expire on December 31, 2020.

The Committee received correspondence recommending an extension of the 120-day period within which a landlord must file a request for an order for possession in a residential landlord-tenant case. An extension would provide the parties with greater flexibility to negotiate and enter into private forbearance agreements. Such private agreements could allow the tenants additional time in which to satisfy back rent obligations while

maintaining current rental payments and housing status. Therefore, the Committee recommended increasing the time period within which a landlord must file a request for an order for possession in a residential lease case from 120 days to 180 days.

III. Rule Changes

Rules 515 and 516 are amended to provide for 180 days within which a landlord in a residential lease case must request an order for possession. Rule 516C is further amended to provide that upon written request of the landlord in a case arising out of a residential lease, the magisterial district judge shall reissue an order for possession for no more than two additional 60-day periods.

[Pa.B. Doc. No. 20-1768. Filed for public inspection December 18, 2020, 9:00 a.m.]

Title 25—LOCAL COURT RULES

LEBANON COUNTY

Rules of Civil Procedure; Administrative Order No. 9 of 2020; Doc. No. 2020-00021

Order of Court

And Now, this 7th day of December, 2020, in compliance with Rule 1018.1 of the Pennsylvania Rules of Civil Procedure, it is *Hereby Ordered* that the Court adopts the following Rule of Civil Procedure Rule 1018.1 regarding Address in Notice to Defend.

The District Court Administrator is *Hereby Ordered* to:

1. File one certified copy of this Order with the Administrative Office of Pennsylvania Courts to adminrules@pacourts.us;
2. Submit two paper copies of this Order to the Legislative Reference Bureau and one electronic copy in Microsoft Word format only to bulletin@palrb.us for publication in the *Pennsylvania Bulletin*;
3. Provide one copy of this Order to the members of the Lebanon County Bar Association;
4. Incorporate the Rule into the set of Local Rules within thirty (30) days of publication of the Local Rule in the *Pennsylvania Bulletin* and publish the rules on the Court's website at www.lebcounty.org.
5. File this Order in the Prothonotary's Office of Lebanon County.

Rule 52-1018.1. Address in Notice to Defend.

The address to be included in the Notice to Defend required by Pa.R.C.P. 1018.1 shall be as follows:

Mid-Penn Legal Services
1150 Chestnut Street, Suite 1
Lebanon, PA 17042
(717) 274-2834

By the Court

JOHN C. TYLWALK,
President Judge

[Pa.B. Doc. No. 20-1769. Filed for public inspection December 18, 2020, 9:00 a.m.]

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

² *See* Order of March 18, 2020, Nos. 531 and 532 Judicial Administration Docket, *In re: General Statewide Judicial Emergency*, pp. 8-9 (suspending eviction, ejection, or other displacement from a residence based upon the failure to make a rent, loan, or other similar payment). *See also* Order of April 1, 2020, Nos. 531 and 532 Judicial Administration Docket, *In re: General Statewide Judicial Emergency*, p. 6, Second Supplemental Order; Order of April 28, 2020, Nos. 531 and 532 Judicial Administration Docket, *In re: General Statewide Judicial Emergency*, p. 12. *See also* Coronavirus Aid, Relief, and Economic Security Act, P.L. 116-136 ("CARES Act"); Commonwealth of Pennsylvania, Executive Order May 7, 2020, § 2, *as amended*, May 21, 2020; Commonwealth of Pennsylvania, Executive Order July 9, 2020, § 2; *Temporary Halt in Residential Evictions to Prevent the Further Spread of COVID-19*, 85 Fed. Reg. 55292 (Sept. 4, 2020) ("CDC Order").

**DISCIPLINARY BOARD OF
THE SUPREME COURT**

Notice of Disbarment

Notice is hereby given that Jason Edward Rheinstein (# 205996), having been disbarred in Maryland, the Supreme Court of Pennsylvania issued an Order on December 9, 2020, disbaring Jason Edward Rheinstein from the Bar of this Commonwealth, effective January 8, 2021. 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. 20-1770. Filed for public inspection December 18, 2020, 9:00 a.m.]

**DISCIPLINARY BOARD OF
THE SUPREME COURT**

Notice of Hearing

A Petition for Reinstatement to the active practice of law has been filed by Jon Ari Lefkowitz and will be the subject of a hearing on February 16, 2021 before a hearing committee designated by the Board. Anyone wishing to be heard in reference to this matter should contact the District I Office of the Disciplinary Board of the Supreme Court of Pennsylvania, 1601 Market St., Suite 3320, Philadelphia, PA, 19103, phone number (215) 560-6296, on or before February 2, 2021.

MARCEE D. SLOAN,
Board Prothonotary

[Pa.B. Doc. No. 20-1771. Filed for public inspection December 18, 2020, 9:00 a.m.]

RULES AND REGULATIONS

Title 55—HUMAN SERVICES

DEPARTMENT OF HUMAN SERVICES

[55 PA. CODE CHS. 20, 3270, 3280 AND 3290]

Regulations for Child Care Providers

The Department of Human Services (Department) amends Chapters 20, 3270, 3280 and 3290 to read as set forth in Annex A under the authority of Articles IX and X of the Human Services Code (act) (62 P.S. §§ 901—922 and 1001—1088). Notice of the proposed rulemaking was published at 48 Pa.B. 6564 (October 13, 2018).

Effective Date

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

Purpose of Regulation

The child care facility regulations in Chapters 3270, 3280 and 3290 (relating to child day care centers; group child day care homes; and family child day care homes) provide standards to aid in protecting the health, safety and rights of families and to reduce risks to children in child care centers, group child care homes and family child care homes. The regulations identify the minimum level of compliance necessary to obtain the Department's certificate of compliance, which constitutes licensure or approval under Chapter 20 (relating to licensure or approval of facilities and agencies) to operate a child care center, a group child care home or a family child care home. For the purpose of this final-form rulemaking, "certified" refers to a child care center, a group child care home or a family child care home that has been granted a certificate of compliance by the Department. The process by which a child care operator becomes and remains certified is called "certification."

This final-form rulemaking is needed to strengthen the minimum standards for child care facilities and to implement the requirements under the Federal Child Care and Development Block Grant Act of 2014 (42 U.S.C.A. §§ 9857—9858r, as reauthorized by Pub.L. No. 113-186) (CCDBG), which was enacted on November 19, 2014, and to implement the requirements under section 1016(c) of the act (62 P.S. § 1016(c)) added under the act of July 14, 2020 (P.L. 639, No. 62), effective in 120 days.

Affected Individuals and Organizations

Children are directly impacted by this final-form rulemaking. There are approximately 7,163 total certified child care facilities operating that have a total licensed capacity to provide care to an estimated 382,158 children across this Commonwealth, all of whom will benefit from the increased health and safety standards established in this final-form rulemaking. The minimum health and safety standards in Chapters 3270, 3280 and 3290 protect all children who attend the 4,916 child care centers, 707 group child care homes and 1,540 family child care homes certified throughout this Commonwealth.

Certified child care facilities are impacted because they will be required to participate in additional professional development and be subject to annual, unannounced inspections as required by the CCDBG. The CCDBG requires that states inspect for compliance with health and safety standards at all certified child care facilities. As such, this final-form rulemaking requires all certified child care facilities to continue to maintain the fire

detection devices or systems that were initially required at the time the certificate of occupancy was issued; this is in compliance with section 1016(c) of the act. To bring certified family child care homes in line with group child care homes and child care centers, family child care homes will be required to conduct fire drills at least once every 60 days. In addition, certified family child care home operators must demonstrate that they have a means to ensure the supervision of children when the operator is taking a restroom break or preparing snacks or meals for the children in care. Also, family child care homes that provide 24-hour care will be required to employ a second caregiver because an operator will not be permitted to work or supervise children alone for more than 16 hours in a 24-hour time period.

There are an estimated 45,612 child care operators and staff throughout this Commonwealth who, after the effective date of the final-form rulemaking, will be required to satisfy the professional development requirements prescribed by the CCDBG (42 U.S.C.A. § 9858c(c)(2)(G)), as well as an additional 6 clock hours of professional development on an annual basis. Although the majority of the staff presently working at certified child care facilities throughout this Commonwealth have already taken the added professional development prescribed by the CCDBG, all staff will also be required to take an additional 6 clock hours, or 12 clock hours total annually, of professional development, as prescribed by the Department. Therefore, this final-form rulemaking will result in added costs to child care operators to satisfy the expanded professional development requirements for themselves and their staff.

Parents are also impacted by this final-form rulemaking, as they expect that their children will be healthy and safe in child care. At the same time, the cost of child care is a concern for parents and directly impacts the choices that parents make regarding child care. This final-form rulemaking may result in increased costs to parents due to the increased costs incurred by child care operators to satisfy the expanded professional development requirements as well as the new requirements relating to monitoring and supervision and 24-hour care in family child care homes.

Additionally, the local emergency management coordinator in local municipalities will receive copies of the emergency plans from child care operators. This information furthers the health and safety interests of children in care because local agencies are often the first to respond to an emergency, and so providing the emergency plans will increase awareness and enable planning by the local agencies.

Finally, this final-form rulemaking impacts the Early Learning Council (ELC), which serves as the Commonwealth's official State advisory council. The ELC represents child care operators, advocates, policy representatives and parents throughout the child care community, and it provides feedback to the Department. The purpose of the ELC is to plan for the expansion of effective early learning and development services for young children and their families and to make recommendations to ensure the plans are implemented successfully. The ELC assisted with the review and analysis of the proposed rulemaking. After the implementation of this final-form rulemaking, the Department will engage in ongoing consultation with the ELC regarding the impact of this final-form rule-

making on children receiving child care services. The ELC will be working with child care providers on the implementation and application of these regulatory changes and providing feedback to the Department on the same.

Accomplishments and Benefits

The Department last amended these child care facility regulations in September 2008. Since 2008, there have been many changes in the field of early care and education that impact on the health and safety of children receiving care. Also, the CCDBG has imposed requirements that states provide specific professional development and conduct annual, unannounced inspections for all certified child care facilities (42 U.S.C.A. § 9858c(c)(2)(G) and (K)(i)(II)(bb)) to ensure that the prescribed health and safety standards are being met. This final-form rulemaking complies with and reflects the updated requirements of the CCDBG.

In addition, the Department has implemented many quality initiatives for child care operators to help them improve the quality of service delivery to children. The quality initiatives include increased professional development opportunities for child care staff working for those operators that choose to participate in the quality initiatives.

Section 16 of the act of December 28, 2015 (P.L. 500, No. 92) repealed Article X(c) of the act (62 P.S. §§ 1070—1080) that set forth registration provisions in the act. As such, the Department removed the registration provisions for family child care homes from Chapter 3290. This final-form rulemaking now requires all family child care homes to be certified. Since 2016, the Department has been certifying all family child care homes in this Commonwealth not previously subject to the certification process. Before that time, family child care home operators declared or “self-certified” that they met the health and safety regulations. The Department did not previously inspect family child care homes on an annual basis under the registration process, but is doing so under the certification process, as is required by the CCDBG. Under this final-form rulemaking, the certification process for family child care homes aligns with the certification processes for child care centers and group child care homes.

Since the Department began certifying family child care homes, it recognized that it needs to clarify and strengthen the supervision requirements. To that end, the Department has addressed these needs through changes to the supervision requirements in this final-form rulemaking for family child care homes.

Under section 1016(c) of the act a statutory requirement for child care facilities to maintain operable fire detection systems was created. As such the Department will reference the statutory changes in this final-form rulemaking.

Paperwork Requirements

This final-form rulemaking requires additional record-keeping by child care facilities, but there is no reasonable alternative to this increased recordkeeping. The Department requires that child care operators verify attendance at the required professional development and that the operators maintain documentation of the attendance by means of an electronic system or a written format. The Department will review the documentation verifying completion of the professional development when conducting inspections to determine the operator’s compliance with the requirement. All child care operators and staff may use the Department’s professional development reg-

istry, which the operators can use to maintain data about staff members and the status of the required professional development. There is no charge to access the Department’s professional development registry.

Finally, this final-form rulemaking reflects the requirements under section 1016(c) of the act, which requires child care facilities to maintain an operable fire detection system, test the system every 30 days and maintain written documentation of the testing of fire detection systems in the facility’s fire drill logs. This final-form rulemaking also adds the requirement that all certified child care facilities must complete fire drills at least once every 60 days, which is required by existing regulations for group child care homes and child care centers. See 55 Pa. Code §§ 3270.94 and 3280.94 (relating to fire drills).

Fiscal Impact

The impact of this final-form rulemaking will result in added costs for child care operators and staff to meet the professional development requirements for all child care facilities. In addition, this final-form rulemaking, as it concerns monitoring means and the provision of 24-hour care, will impact the family child care home community.

Following the Department’s notice of proposed rulemaking and the ensuing public comment period, the Independent Regulatory Review Commission (IRRC) and several commentators suggested the Department re-evaluate the fiscal impact of the added requirements concerning professional development topics and professional development hours prior to publishing this final-form rulemaking. They also suggested that the Department re-evaluate the fiscal impact of the added family child care home requirements relating to monitoring means and 24-hour care prior to submission of this final-form rulemaking.

The Department concurred and reached out to the ELC as well as the family child care community. The Department revised its methods to calculate the costs for increased professional development and for increased supervision in family child care homes. The ELC agreed with the Department’s revised calculation methods. In addition, the family child care community responded to a survey about the monitoring means it would use for increased supervision, which allowed the Department to revise the cost estimates.

Following feedback from IRRC that the wage data used in the proposed rulemaking may be inaccurate, the Department conducted a review of the wage data. Following that review, the Department utilized data in this final-form rulemaking from the updated occupational wage chart available from the Department of Labor and Industry Center for Workforce Information and Analysis. The Department, therefore, has revised the fiscal cost estimates for this final-form rulemaking. Finally, the Department understands that operators are likely to request assistance with added costs to help satisfy some of the requirements in this final-form rulemaking as discussed as follows. Operators that wish to provide higher quality child care through the Commonwealth’s quality rating and improvement system, Keystone STARS (STARS), may be eligible for assistance with some of the added costs.

A summary of the fiscal impact is as follows:

Professional Development

CCDBG requirements now prescribe ten specific professional development topics that operators must complete

before being granted a certificate of compliance to open and operate a certified child care facility. In addition, all staff working at certified child care facilities must have completed the professional development in the ten prescribed topics within 180 days following the effective date of this final-form rulemaking. There will be added costs to child care operators to obtain substitute staff for the approximately 5% of current child care staff who have not yet completed the professional development prescribed by the CCDBG (42 U.S.C.A. § 9858c(c)(2)(G)).

Effective September 30, 2016, the Department began to offer free professional development available online and on a face-to-face basis to allow current child care staff to take the required professional development. As a result, an estimated 95% of all child care staff in currently-certified child care facilities have already taken the available professional development and have met the Federally-prescribed CCDBG requirement. The Department continues to offer this ten-topic professional development online, and it is available to all operators and their staff who have not completed the professional development to meet the requirement. The estimated staff cost for operators to ensure the remaining 5% of current staff completes any outstanding professional development in the CCDBG training topics is \$250,910 Statewide. The source of the wage data in formulating the estimate is the Department of Labor and Industry (DLI) Center for Workforce Information & Analysis, found on its web site at <http://www.workstats.dli.pa.gov/Products/Occupational%20Wages/Pages/default.aspx#.Vz8JtvkrLRA>.

Increased Annual Professional Development Hours

In addition to the topics prescribed by the CCDBG, the Department is increasing the annual clock-hours requirement from 6 hours annually to 12 hours annually for all child care staff working at certified child care facilities across this Commonwealth. This increase aligns the Commonwealth's annual clock-hours requirement with five of the six contiguous states and better safeguards the health and safety of all the children in care. This is described in more detail in response to the following comments. There will be an ongoing cost for all child care staff to obtain the additional 6 clock hours of professional development annually as prescribed in this final-form rulemaking in §§ 3270.31(e), 3280.31(e) and 3290.31(f) (relating to age and training).

Current child care operators will incur added costs for the additional professional development course fees, obtaining substitute child care staff when regular staff takes professional development during hours the facility is open, staff who take the professional development during nights and weekends and who work 40 hours or less per week. Additionally, current child care operators will incur costs for paying overtime wages to staff who take the professional development during nights or weekends and who work more than 40 hours per week as prescribed by the Fair Labor Standards Act (FLSA) of 1938 (29 U.S.C.A. §§ 201—219).

With respect to the increased annual professional development clock hours requirements, the total cost Statewide for child care centers is estimated to be \$4,158,936.

For group child care homes, the total cost Statewide is estimated to be \$180,639, an amount that accounts for the same cost calculations as for child care centers. For family child care homes, the total cost Statewide is estimated to be \$117,040, an amount that accounts for the costs of the professional development course fees as

well as for the costs for obtaining a substitute staff person while the operator takes the professional development.

The Department has determined that the costs to operators to satisfy the increased professional development clock hours requirement strikes an appropriate balance between the added costs and the importance of staff professional development to safeguard the health and safety of all children in care. Furthermore, the proposed increase in the annual requirement for the number of professional development clock hours ensures that the Commonwealth is creating and sustaining a common floor for minimum professional educator qualifications to support the physical and behavioral health and safety of all children enrolled in child care throughout this Commonwealth.

Monitoring Means in Family Child Care Homes

This final-form rulemaking permits family child care operators to utilize a monitoring means to ensure the supervision of children in care for the time required by the operator to either take a restroom break or prepare snacks and meals for the children in care. Following feedback from IRRC, the Department issued a survey to family child care home operators to assess the types of devices or methods each would use to supervise children when they are not physically present in the same space with the children. According to the poll results, 76% of those that responded would utilize a device. Of that number, 43% of family child care home operators indicated they would use a baby monitor, 28% would use a video camera and 5% would use a mirror. The remaining 24% who responded indicated that they would use other methods to meet the monitoring means. Of that 24%, 12% indicated that they already have a second caregiver at all times. The remaining 12% indicated that they would use "other" methods to meet the monitoring means but did not specify those methods.

The Department estimates that the cost of one video camera is \$125, that the cost of one baby monitor is \$50 and that the cost of one mirror is \$25. The Department estimates that the cost to family child care homes that choose to purchase a device to implement a monitoring means will be \$88,900 to satisfy the requirement. The Department determines that the cost to purchase a device, if needed, strikes an appropriate balance between the added cost to the operator to purchase the device and the additional health and safety protections afforded to children by using the device to ensure the continuous, real-time supervision of all children at all times.

24-hour Child Care

IRRC and several commentators suggested the Department re-evaluate the fiscal impact of this final-form rulemaking for family child care homes that provide 24-hour child care because the proposed rulemaking did not include estimated costs to secure an additional designated staff person. When a family child care home offers 24-hour care, determining the time period that the family child care home offers the 24-hour care is contingent on the number of parents who opt for 24-hour care on a daily basis and the number of days the facility is closed due to holidays or vacation. Family child care homes that offer 24-hour child care provide it an average of 180 days per year.

The Department is requiring that family child care home operators that provide child care for a 24-hour period may not provide care alone for more than 16 hours of that 24-hour period and shall employ an additional

staff member for the remaining hours. In those instances, an additional staff member may be required for up to 8 of the remaining 24 hours. Currently, approximately 20% (or 312) of the family child care homes in this Commonwealth offer 24-hour care, although fewer may actually provide 24-hour care because there is not always a constant demand for 24-hour care, or the operator may not offer it consistently. Therefore, the fiscal analysis the Department performed in this regard reflects the estimated costs for all operators that offer the 24-hour care, not those that actually provide 24-hour care, which means the actual cost could actually be less than estimated. These costs include the estimated costs to secure an additional staff person for the remaining 8 hours.

The Statewide daily cost for all family child care home operators that offer 24-hour care to provide 24-hour care is an estimated maximum of \$27,456. Since family child care homes may not offer the care daily throughout the year because of holidays and other scheduling arrangements, the Department determines that, on average, family child care homes offer the care 180 days annually. The Statewide annual cost is, therefore, estimated to be a maximum of \$4,942,080. The Department determines that this final-form rulemaking provides essential protections to the health and safety of children in care by ensuring that family child care home operators and staff who are providing 24-hour care are always alert and sufficiently rested. The Department determines that this benefit to children outweighs the added costs to family child care home operators who provide 24-hour care.

Contact Person

Questions regarding this final-form rulemaking should be directed to Tamula Ferguson, Bureau of Certification Services, Office of Child Development and Early Learning, Department of Human Services, 333 Market Street, 6th Floor, Harrisburg, PA 17105, by e-mail RA-PWCCRegChanges@pa.gov or by fax (717) 787-1529.

Persons with a disability who require an auxiliary aid or service may use the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

Discussion of Comments and Changes

The Department proposed changes to § 20.2 (relating to applicability), which ensure that family child care homes, like group child care homes and child care centers, are certified and not registered, and subject to an announced inspection prior to certification and annual inspections, which is a CCDBG requirement, and section 16 of the act of December 28, 2015 (P.L. 500, No. 92), which repealed Article X(c) of the act (62 P.S. §§ 1070—1080) that set forth registration provisions in the act. The Department reiterates the comments supporting the certification process for family child care homes. The Department is maintaining the language from the proposed regulation in this final-form rulemaking. This final-form rulemaking ensures that family child care homes, like group child care homes and child care centers, are certified and not registered, as required by the CCDBG and current State statute.

Prior to the effective date of section 16 of the act of December 28, 2015 (P.L. 500, No. 92) that set forth registration provisions, family child care homes were registered, not certified, under Article X(c) of the act. Registered family child care homes were not regularly inspected, but instead self-certified compliance with regulations, and received 2-year registration certificates. Family child care homes are now certified like other child care

providers. The Department is, therefore, removing the previous differences in the certification process between family child care homes and other certified child care facilities to conform to section 16 of the act of December 28, 2015 (P.L. 500, No. 92).

Next, the Department adds §§ 3270.15(b), 3280.15(b) and 3290.14(b) (relating to building codes) regarding maintaining the requirements for fire safety after the initial inspection and adds §§ 3270.95, 3280.95 and 3290.95 (relating to fire detection) to this final-form rulemaking to ensure that the Department assesses compliance with fire safety standards at all certified child care facilities across the Commonwealth, as required under section 1016(c) of the act.

The Department clarifies CCDBG requirements in this final-form regulation by adding language to all three chapters in §§ 3270.31(e), 3280.31(e) and 3290.31(e) that clarifies a staff person maintain ongoing professional development in the topics outlined by the CCDBG under 45 CFR 98.41(a)(1)(i)—(x) and 98.44(a)(5) (relating to health and safety requirements; and training and professional development). The changes to this final-form regulation assure alignment with the Commonwealth's most recent Child Care Development Fund Plan, which is dependent on the Department meeting the CCDBG requirements.

Following the publication of the proposed rulemaking, the Department received 62 comments during the 30-day public comment period and 9 comments within 30 days after the close of the public comment period. The comments received during the public comment period came from 37 child care operators, 20 advocacy organizations, 4 consumers and the City of Philadelphia. The comments that came after the close of the 30-day comment period included four operators, four advocacy organizations and one consumer. The Department responded to all comments.

The following is a summary of the comments received and the Department's response to those comments. Also included is a summary of IRRC's comments and the Department's responses to those comments. In addition, the Department also made changes to the regulation, including correcting typographical errors, reformatting to enhance readability and revising language to enhance clarity or conform to changes made in response to comments.

Notably, the overwhelming majority of comments were with respect to regulations that are shared commonly across the three chapters. There were, however, several comments specific to the family child care home regulations in Chapter 3290. Because of the differences between the family child care regulations and the other two chapters, the summary as follows exists in two parts. The first part is the summary for comments received for all three chapters as well as comments received for the child care center regulations, the group child care home regulations, or both. The second part is the summary for comments received for the family child care home regulations only.

Finally, the Department proposed several provisions for deleting §§ 3270.232, 3270.233, 3280.212, 3280.215, 3290.211 and 3290.212. The Department did not receive any comments about these obsolete provisions. The Department deletes these sections in this final-form rulemaking.

General comment

Several commentators suggested that the Department add requirements that were not part of the proposed rulemaking. One commentator requested that changes be made to the requirements for outlets with reference to § 3270.65 (relating to protective electrical covers). Another commentator proposed revisions to lower the qualifications and responsibilities requirements in §§ 3270.36 and 3270.37 (relating to assistant group supervisor qualifications and responsibilities; and aide qualifications and responsibilities). The comments proposed an exemption option from the Department facility person lifeguard requirement and proposed that a process be implemented to permit children to attend an unlicensed outdoor summer camp program and still receive Child Care Works (CCW) funding. The commentator also requested the Department provide an administrative guide providing clarity as to the meaning of the requirements. Another commentator requested changes to add e-cigarettes to § 3270.68 (relating to smoking), and to add a prohibition to § 3270.118 (relating to pets) for pets if children have allergies or asthma triggered by pets. This commentator also requested clarifications on whether the ratio requirements in § 3270.55 (relating to ratios while children are napping) apply to the nap room itself or only for when children are sleeping; and on whether the Department can create policies for release of children to a family member who is intoxicated. Finally, another commentator requested changes to the staff:child ratio requirements in § 3270.51 (relating to similar age level) because they do not permit appropriate supervision.

Response

The Department acknowledges the request concerning electrical covers; the request to lower the requirements for assistant group supervisors and aides; and the requested exemption regarding water safety training. However, these requests do not relate to the CCDBG requirements, changes in State statute or the scope of the proposed rulemaking. The scope of this final-form rulemaking relates to fire safety, emergency plans, frequency of inspections, professional development requirements and the certification of family child care homes. As such, these comments are outside the scope of this final-form rulemaking and the Department declines to add them here. However, the Department appreciates the commentator's comments and will take them under consideration.

The Department further acknowledges the concerns with respect to CCW funding, which are part of the CCDBG requirements. These concerns will be addressed in a separate rulemaking which is currently under way. The Department clarifies that no administrative guide regarding the requirements is needed because the requirements are specific to particular sections of the regulations. Next, the Department declines making any changes to the staff:child ratios prescribed in § 3270.51 at this time because the current staff:child ratios allow for appropriate supervision and are appropriately balanced to account for costs to child care providers in hiring additional staff.

To the extent there are remaining questions with implementation of this final-form rulemaking, the Department will address any remaining difficulties with following the regulations through outreach to the child care community.

§ 3041.13—General requirements

IRRC requests clarification on why “day” isn't proposed to be deleted in § 3041.13(a)(1) and (2) (relating to parent choice) as it is in § 3041.13(a)(3).

Response

The Department's Office of Child Development and Early Learning, Bureau of Policy and Professional Development plans to revise the entire Chapter 3041, including § 3041.13, as a separate rulemaking. The Department's Office of Child Development and Early Learning, Bureau of Certification Services will, therefore, limit this final-form rulemaking to Chapters 20, 3270, 3280 and 3290 and not amend the provisions of § 3041.13.

Chapters 3270, 3280 and 3290—General comments

Twenty commentators responded with general comments, with 16 offering general support of the proposed changes, 3 not in support of the proposed changes, and 1 commentator requesting clarification about why there are three separate chapters of regulations and about whether “day care” will be changed to “child care” throughout all the chapters. One commentator did not agree with the proposed changes because of the difficulty operators face with following the regulations; another cited an executive order signed by the President of the United States concerning new regulations; and another cited concerns about the administration of the Keystone STARS program. Among the 16 commentators who offered general support of the regulations, several recommended additional changes to regulations concerning exclusion of children with symptoms of disease and designated health advocates, neither of which areas were included in the scope of the proposed rulemaking. Several also suggested changes to the Department of Health's regulations. Some commentators requested additional time for the effective date beyond the publication in final-form so that operators have the opportunity to understand the updated requirements.

Response

The Department made changes throughout all three chapters as noted here and as follows. The Department first notes that the three different chapters are largely similar, although there is still a need for the three separate chapters of regulations because each chapter relates to a different type of regulated child care facility: child care center; group child care homes; and family child care homes. There are important differences that impact the health and safety of children such that there is regulatory justification for different requirements among the three chapters. The differences in the types of buildings, the numbers of children who can be cared for in each different type of facility and the qualifications of staff working at the different types of facilities all demonstrate justification for different regulatory requirements.

Next, the Department changed the term “day care” to “child care” throughout all three chapters of this final-form rulemaking except for instances referencing another agency, program office, title or other outside entity.

In addition, this final-form rulemaking strikes the appropriate balance between protecting the health and safety of children in care and addressing the concerns and challenges of the operators. To the extent there are remaining questions with implementation, the Department will address any remaining difficulties with following the regulations through outreach to the child care community upon implementation of this final-form rulemaking. Next, Executive Order 13777, signed by the President of the United States and published at 82 FR 12285 (March 1, 2017), concerns Federal regulatory reform and does not apply to these State regulations. Also,

this final-form rulemaking establishes improved licensure requirements for all certified child care facilities to better protect the health and safety of all children and does not address the Keystone STARS program.

The Department will continue to confer with the child care community about concerns regarding: the exclusion of children with symptoms of disease from attending child care; the suggestion from a commentator that child care facilities designate a staff member to work as a health advocate; and the Department of Health's regulation that excludes children from care who display symptoms of disease.

While the Department has received no comments on this issue, the Department recognizes the critical nature of the novel coronavirus (COVID-19) pandemic. To that end, the Department continues to work closely with the Department of Health regarding guidance and any updated regulation changes the Department of Health issues for child care providers who may be serving children with symptoms of COVID-19. Based on the Department of Health and Centers for Disease Control guidance, the Department has issued 6 announcements to child care providers regarding the additional steps providers may have to take to keep children in care safe, which include screening and quarantine procedures for children who show symptoms of COVID-19.

In addition, the Department needs additional input and research regarding any changes it would make to the Department's current regulations as it pertains to child care providers' responsibilities serving children with symptoms of disease. This rulemaking is primarily aimed to align the Department's requirements with the CCDBG, a funding source which benefits child care providers and children in this Commonwealth. Further, the scope of this rulemaking relates to fire safety, emergency plans, frequency of inspections, professional development requirements and the certification of family child care homes. As such, these comments are outside the scope of this final-form rulemaking.

For these reasons, the Department will not make any changes in this final-form rulemaking related to designating a health advocate. The Department will continue to work with the Department of Health regarding guidance to child care facilities for COVID-19 and other health topics raised by the commentators. The Department will further address the suggestions through training, technical assistance or a future regulatory update. The Department further notes that it is without the statutory authority to modify a Department of Health regulatory requirement.

As for the request to extend additional time for the effective date of this final-form rulemaking, after review, the Department declines the request and notes that it did not include the 60-day implementation period in the proposed regulations because the intent is and remains, that this final-form rulemaking be effective upon publication.

IRRC—General comments

IRRC had two general comments. IRRC first requests an explanation of the extent to which the Department sought input from stakeholders before publishing this final-form rulemaking about the impact of the regulations on the regulated community and how the Department will engage those affected by this final-form rulemaking. Second, to the extent the Department intends to include the additional requirements articulated by the Department of Health, the Pennsylvania Chapter of the Ameri-

can Academy of Pediatrics, pediatricians, the Pennsylvania Breastfeeding Coalition, and child care health and safety consultants, IRRC suggests an Advanced Notice of Final Rulemaking to engage the regulated community.

Response

In response to IRRC's inquiry regarding public input, the Department reached out to ELC, an advisory group for the Office of Child Development and Early Learning, regarding the comments the Department received during the public comment period. The Department reviewed, considered and adopted the suggestions of the ELC regarding computing costs for the additional professional development requirements and for monitoring means in family child care homes. These suggestions are included for implementation of this final-form rulemaking and are reflected in the revised cost estimates for this final-form rulemaking in the Regulatory Analysis Form (RAF). The Department further advised the ELC that suggestions relating to costs and requests for assistance will also be addressed upon implementation through training or technical assistance.

For additional public input, the Department reached out to certified family child care home operators and conducted a survey to determine the monitoring means they would use to ensure that children are supervised at all times. The results of the responses are further detailed in the RAF as well as the fiscal impact section and the comment section for § 3290.113(f) (relating to supervision of children) in this document.

The Department of Health specifically requested that the Department consider obesity prevention because of the growing pervasiveness of obesity in children Nationwide. The Pennsylvania Chapter of the American Academy of Pediatrics and pediatricians requested that the Department consider additional specificity regarding providers' responsibilities in caring for children and excluding children with symptoms of disease. The Pennsylvania Breastfeeding Coalition and other commentators suggested that the Department include a requirement that all staff be trained in breastfeeding, as well as employing child care health and safety consultants. The Department thanks the commentators for their comments and will consider these comments in a future rulemaking. Additional research and outreach to the child care community as well as the commentators is needed before the Department can propose changes to the regulations in these areas. At this time, this final-form rulemaking is focused on the implementation of CCDBG compliance, conformity with State statutory amendments, expanding the duration of training requirements and the certification of family child care homes. Specifically, the scope of this rulemaking relates to fire safety, emergency plans, frequency of inspections, professional development requirements and the certification of family child care homes. As such, these comments are outside the scope of this final-form rulemaking. This final-form rulemaking updates the current regulations to parallel the requirements of the CCDBG and to implement these improved health and safety standards. The Department will address these broader suggestions and concerns by encouraging certain suggestions through training or technical assistance and will continue to examine the suggestions for a future rulemaking.

§ 3280.4—Definitions—"Group Child Care Home"

IRRC commented on the proposed wording of the definition of "group child care home" because of its use of the word "premise" and suggested that it be changed to "other premises."

Response

The Department concurs with the IRRC's comment and is changing the terms in the definition of "group child care home" from "another premises" to "other premises" in this final-form rulemaking.

§§ 3270.4/3280.4/3290.4—*Terminology*—"staff:child ratio"

IRRC requested clarification on the difference in terminology between "regulatory ratio" and "staff:child ratio" and the use of the same term throughout this final-form rulemaking as it appears in the definition of "staff person" and "volunteer."

Response

The terms "regulatory ratio" and "staff:child ratio" are the same. As such, the Department is removing references to "regulatory ratio" and replacing them with "staff:child ratio" in the definitions of "staff person" and "volunteer" in this final-form rulemaking across all three chapters.

§§ 3270.4/3280.4/3290.4—*Definitions*—"Parent"

Five commentators agreed to the change in the definition of "parent." However, some commentators suggested changing "parent" to "family" throughout this final-form rulemaking to include children not living with parents but being cared for by family.

Response

After careful consideration, the Department is not changing this definition. The legal guardian of the child is included in the definition of "parent" and may, therefore, be considered a parent for purposes of this final-form rulemaking. Because a family member may serve as a legal guardian, and because the final-form definition of "parent" includes legal guardianship, changing terminology from "parent" to "family" is not needed.

§§ 3270.4/3280.4/3290.4—*Definitions*—"Volunteer"

Seven commentators responded to the change in definition for "volunteer." Some commentators responded with general support for all the definition changes. Most commentators disagreed with the definition change for "volunteer" because the operator would still be required to supervise any individuals 14 years of age or older in addition to the other children in care.

IRRC is requesting clarification on the definition of "volunteer" and on the fiscal impact to a facility for training student volunteers.

Response

As provided previously, the Department is changing the definition of "volunteer" across all three chapters to add the term "staff:child ratio" and remove the term "regulatory ratio" to ensure consistency of terminology throughout this final-form rulemaking. Further, after careful consideration, the Department is removing the proposed amendment to include a student 14 years of age but under 16 years of age in the definition of "volunteer." Because the Department is no longer amending the substantive definition of "volunteer," there is no fiscal impact. Finally, because the definition of "volunteer" is not substantively changing, the proposed changes to §§ 3270.31(a), 3280.31(a) and 3290.31(c) are not being made. The Department, however, is clarifying in §§ 3270.31(a) and 3280.31(a) that supervision of volunteers must be by a staff person, which aligns with the requirement for family child care homes in § 3290.31(c).

§§ 3270.11/3280.11/3290.11—*Application for and issuance of a certificate of compliance*

Four commentators agreed with the proposed clarification and outline of the certification process for all child care facilities.

IRRC, however, is requesting clarification about the different terminology used for training hours when describing the requirements that an applicant must meet at the time of application and certification.

Response

The Department concurs with IRRC and is changing the terminology to "clock hours" throughout all three chapters of this final-form rulemaking.

§§ 3270.11(b)/3280.11(b)/3290.11(b)—*Application for and issuance of a certificate of compliance*

One commentator disagreed with the requirement that a child care operator or legal entity must re-take the orientation training if moving to a new location.

In addition, IRRC is requesting clarification regarding the orientation training, whether it is a new provision and how it applies to the increase in required annual clock hours of professional development.

Response

The requirement for orientation training for new locations is not a new requirement and is required under current regulations. The Department issues certificates of compliance to a legal entity for a facility at a specific location. The certificate of compliance is void, however, if there is a change in location of the facility. See § 20.57(b)(3). Because certificates of compliance are not transferable to a new location, any legal entity that wishes to change locations must re-apply for a new certificate of compliance. As a new applicant, the legal entity must follow all of the requirements for the application process.

As currently required, an applicant must complete orientation training and provide documentation of its completion as a part of the application process in order to receive a certificate of compliance. Because completing and documenting the orientation training is a prerequisite to becoming certified, taking the orientation training does not count toward the yearly professional development requirement of 12 clock hours. The annual professional development requirement only applies to certified child care operators.

§§ 3270.11(c) and (d)/3280.11(c) and (d)/3290.11(e) and (f)—*Application for and issuance of a certificate of compliance*; and §§ 3270.31(f),(g) and (h)/3280.31(f), (g) and (h)/3290.31(g), (h) and (j)—*Age and training*.

The regulatory requirements in these sections are similar as were the comments. The similar requirements are: 1) the required training topics for health and safety professional development as required by CCDBG; and 2) documentation of the completion of the professional development.

The differences in the requirements are: 1) §§ 3270.11, 3280.11, and 3290.11 (relating to application for and issuance of a certificate of compliance) refer to the requirements for a legal entity who is applying for a certificate of compliance; and 2) §§ 3270.31, 3280.31 and 3290.31 refer to the requirements for new and current staff.

IRRC suggested that the Department consider changing the definition of "legal entity" to mirror the definition of

“person” in 1 Pa.C.S. Chapter 19 (relating to rules of construction). IRRC and several commentators requested that the Department clarify whether pre-certification professional development is a one-time requirement. In addition, IRRC asks that the Department explain its rationale for the 2-year time period in the Preamble to the final-form regulation and suggests that the Department revise the subsection to permit applicants and staff persons to count professional development that was obtained prior to the adoption of this rulemaking towards the professional development requirements. Also, IRRC seeks clarification about why the language in the proposed rulemaking for professional development does not mirror the specific Federal CCDBG requirements.

IRRC also requests clarification on how the Department will implement the effective date for the completion of CCDBG-required professional development for current staff. IRRC next notes incongruity between provisions of the three chapters relating to current staff persons who must complete the required professional development. The verbiage only appears in § 3290.31(i), and IRRC observes that parallel language does not exist in § 3270.31 or § 3280.31. IRRC requested the Department revise the language in Chapters 3270 and 3280 to be consistent with the language in § 3290.31(i).

Thirty-seven commentators commented on these two sections of this final-form rulemaking. Most agreed with the proposed amendments for both sections. Several commentators requested clarification about whether 2 years would be the time frame for accepting the required completed professional development, and whether the time frame for accepting credits for the required professional development could be expanded to 3 to 5 years. Other commentators suggested that language be added into this final-form rulemaking that specifically requires that courses completed within 2 years prior to the date of publication of this final-form rulemaking count toward satisfaction of the required professional development. Several commentators also suggested adding language to the regulation to make clear the required professional development is a one-time requirement. Several commentators suggested adding additional training topics to this final-form rulemaking on basic child development, positive communications practices and positive discipline, breast feeding and obesity prevention.

A commentator requested clarification on whether the course “Reporting Child Abuse” is mandatory. One commentator disagreed with the requirement that new staff be certified within 90 days of employment because it is impractical and suggested a longer time for some staff and a requirement that, at a minimum, half the staff be certified. The commentator was also concerned about the availability of pediatric first aid and pediatric cardiopulmonary resuscitation (CPR) training because of the length of time it takes and suggested the Department provide an Excel spreadsheet to operators for ease of tracking staff’s progress in taking the required professional development. Other commentators also expressed concern that the time frames are not long enough.

Some commentators suggested that the Department consider permitting a waiver to obtain the training for up to 1 year. Another commentator suggested the Department consider ways to help family child care operators with the costs of obtaining the professional development because family child care operators are essential when there is already a lack of high-quality programs. A commentator suggested there were conflicts and inaccura-

cies between the online training offered by the Penn State Cooperative Extension Better Kid Care training and the Department’s regulations.

Response

In response to IRRC’s comment regarding the definition of “legal entity,” the Department is not making changes because the definition of “legal entity” is the same as under the Department’s general licensing chapter in § 20.4, which authorizes the Department to issue certificates of compliance to all types of facilities supervised or licensed by the Department.

Regarding implementation of the professional development for current staff, the Department is clarifying that current staff who have not yet taken the CCDBG-required professional development will have 180 days from the effective date of this final-form rulemaking to complete the prescribed professional development requirements.

The Department acknowledges and concurs with IRRC’s comment observing incongruity across the three chapters of this final-form rulemaking for the CCDBG-required professional development for current staff. Therefore, the Department is adding provisions to §§ 3270.31(h) and 3280.31(h) to reflect language that is consistent with § 3290.31(i) and to clarify that all staff persons must complete the CCDBG-required professional development in §§ 3270.31(f), 3280.31(f) and 3290.31(g).

The Department agrees with IRRC’s observation that the CCDBG-prescribed professional development requirements are identical for applicants as well as current staff persons across the three chapters. Because the requirements are identical, the Department is removing the term “pre-certification” from § 3290.31(i) to avoid confusion thereby making it clear that the requirements apply to all staff persons as well as applicants for a certificate of compliance, and that the requirements are identical across the three chapters.

Regarding the IRRC comment that specific provisions citing the CCDBG language were not included in the proposed regulation, the Department reviewed the CCDBG language and is adding the specific language from the CCDBG into this final-form rulemaking in §§ 3270.11(c), 3280.11(c) and 3290.11(e)). The Department also added identical provisions into §§ 3270.31(f), 3280.31(f) and 3290.31(g) to ensure continued consistency.

The Department has also reviewed and considered the concerns expressed by commentators and IRRC about whether professional development is a one-time requirement. The Department is clarifying in this final-form rulemaking under §§ 3270.31(j), 3280.31(j) and 3290.31(k) that the staff persons in certified child care facilities must engage in professional development that maintains and updates the required CCDBG professional development requirements. The Department is also clarifying in this final-form rulemaking under §§ 3270.31(e)(4)(i), 3280.31(e)(4)(i) and 3290.31(f)(4)(i) that the requirement for first aid training is replaced by the requirement for up-to-date pediatric first aid and pediatric CPR certification.

The Department appreciates the suggestion of additional professional development topics. However, at this time, the Department declines adding these additional topics because this final-form rulemaking parallels requirements from the CCDBG and the Department needs to conduct additional research and seek input from providers and stakeholders regarding how to best implement additional topics. The Department will consider these suggestions for future rulemakings.

The Department acknowledges the suggestions from IRRC and commentators that previously-completed professional development should be counted towards satisfying the professional development requirements. In response, the Department is modifying this final-form rulemaking to specify that the Department will accept professional development completed from September 30, 2016, and forward, in satisfaction of the professional development requirement. The changed time frame to accept professional development appears in the added requirements across all three chapters and is added to §§ 3270.11(d), 3280.11(d) and 3290.11(f) and to §§ 3270.31(g), 3280.31(g) and 3290.31(h) in this final-form rulemaking. Also, the Department considered the time frame and whether it should accept completed professional development prior to 2016. After consideration, the Department will not accept professional development completed prior to September 30, 2016, because professional development must adapt over time to reflect current best practices supported by research. In addition, the Department is clarifying in §§ 3270.31(h) and (i), 3280.31(h) and (i) and 3290.31(j) that a staff person may count the completion of the CCDBG health and safety topics once towards the requirement for the annual clock hours.

The “Reporting Child Abuse” course is mandatory because the existing regulations require compliance with the Child Protective Services Law (CPSL). See §§ 3270.32, 3280.32 and 3290.32 (relating to suitability of persons in the facility). The CPSL, 23 Pa.C.S. § 6383(c) (relating to education and training), requires mandated reporter training for individuals working or seeking to work in child care. However, neither the existing regulations nor this final-form rulemaking mandates specific courses by name, and so the requirement may be satisfied by taking one of the approved courses listed on the Department’s Keep Kids Safe web site at <http://www.keepkidssafe.pa.gov/>.

The Department contends that there is sufficient time to complete the CCDBG-required professional development within 90 days of hire for new staff as stated in §§ 3270.31(f), 3280.31(f) and 3290.31(g) because the courses are available online, thereby allowing all new staff to complete this requirement during an orientation period after hire. It is important for new staff to receive professional development because new staff may not have the health and safety background covered in the CCDBG-required topics of professional development. The Department, therefore, declines the request to require only half of the new staff complete the CCDBG-required professional development within 90 days of hire for the same reasons. As previously stated, current or new individuals working in child care staff positions who have not yet satisfied the professional development requirements will not have to pay a fee for the professional development that is required by the CCDBG. The Department reiterates that child care facility operators may incur costs relating to obtaining substitutes or paying for overtime to staff persons who use work time to take the required professional development.

Regarding the concern that the pediatric first aid and pediatric CPR training takes too long, it is estimated to take approximately 4 hours for the initial training, which the Department does not perceive as burdensome. In addition, part of the training may be taken online. Furthermore, child care staff cannot adequately safeguard the health and safety of children in care without completing training in pediatric first aid and pediatric CPR. The Department observes there are critical differences be-

tween adult first aid and adult CPR, versus pediatric first aid and pediatric CPR. These differences are with respect to physiology, musculature, bone density, and strength of the child versus an adult. Because these differences impact on the techniques used when administering CPR to children, the time commitment to complete the training is outweighed by the importance of the trainings themselves.

The request for the Department to provide an Excel spreadsheet to operators for ease of tracking staff’s progress in taking the required professional development, the Department may address the concerns through training or technical assistance so that providers can create forms that best meet their needs and preferences.

The Department also acknowledges the request for assistance with costs and notes that operators that wish to provide higher quality child care through the Keystone STARS program may be eligible for assistance with costs.

The Department reviewed the online training offered by Penn State Cooperative Extension Better Kid Care and has determined there are no conflicts with the Department’s regulations.

§§ 3280.11(e)/3290.11(h)—Application for and issuance of a certificate of compliance

Commentators submitted comments regarding this provision, and they agreed with the requirement that household members in family child care homes and group child care homes be required to submit clearances. Other commentators suggested adding requirements that prospective staff provide out-of-State clearances if they have not lived in this Commonwealth for the last 5 years as well as either a returned Pennsylvania State Police or FBI clearance required by the Department before being permitted to work in child care. Another commentator requested that the Department accept the Department of Education FBI Clearance instead of the Department’s FBI clearance.

Response

An operator’s responsibility to satisfy all the requirements of the CPSL are already included in the current regulations under §§ 3270.32, 3280.32 and 3290.32. The CPSL, 23 Pa.C.S. §§ 6301—6386 (relating to Child Protective Services Law), governs the requirements for child abuse clearances and criminal history checks for child care employees. The Department is not able to modify these requirements through the Department’s regulations.

§§ 3270.11(g), (h) and (i)/3280.11(h), (i) and (j)/3290.11(i), (k) and (l)—Application for and issuance of a certificate of compliance, and §§ 3270.24(d)/3280.23(d)/3290.21(d)—Departmental access

Similar to the previous comments and responses, the Department is combining the comments and responses for the two areas of the two sections of this final-form rulemaking as stated previously. The regulatory requirements in the two areas are similar, as were the comments.

Eighteen commentators commented on the requirement for announced and unannounced inspections. Most commentators supported the changes, and two commentators noted the importance of meeting all CCDBG requirements. Some commentators disagreed generally. One commentator disagreed with unannounced inspections while expressing concerns that all child care programs are being forced to participate in the Keystone STARS program. Another commentator disagreed with the proposed requirement because it would not give operators the

ability to ensure adequate staff are working at the time of inspection. One commentator requested clarification about whether the second unannounced inspection for technical assistance and STARS outreach was a full inspection or a brief pop-in visit. Some commentators suggested language be added requiring the Department provide technical assistance and information about quality initiatives during an inspection, and another commentator suggested that operators receive a 10-day window for inspection. One of the commentators suggested that all family child care home operators carry liability insurance or disclose if they have none.

Response

The Department acknowledges and agrees with the comments regarding the importance of adhering to all CCDBG requirements. Following feedback from the child care community, the Department reviewed all provisions of its regulatory requirements between Chapter 20 and Chapters 3270, 3280 and 3290 and noted a conflict between § 20.32 (relating to announced inspections) and the CCDBG requirement that all annual inspections of all child care facilities be unannounced. To resolve the conflict, and to ensure the satisfaction of the Federal CCDBG requirements, the Department is adding provisions to §§ 3270.11(i), 3280.11(j) and 3290.11(l) to clarify that annual inspections of child care facilities conducted by the Department will be unannounced. The Department is also aligning and clarifying for all three chapters at §§ 3270.11(g), 3280.11(h) and 3290.11(k) that an agent of the Department annually will conduct at least one onsite unannounced inspection.

The Department acknowledges and declines the suggestions to add to or modify the requirements because this final-form regulation parallels the requirements of the CCDBG, which includes that annual inspections must be unannounced. Further, the suggested requirements that the Department provide technical assistance and information about quality initiatives are not CCDBG requirements. As well, the allowance of a 10-day inspection window would conflict with the CCDBG requirement that the annual inspection be unannounced. The rationale for unannounced inspections is for the Department to ensure that operators are consistently and independently meeting the regulatory requirements to ensure the health and safety of the children in care. The Department declines to add a requirement that all family child care home operators be required to carry liability insurance or disclose if they have none. The requirement was not a part of the proposed rulemaking. While the Department appreciates this suggestion, the Department will not require liability insurance for family child care homes because family child care home providers and other advocates have stressed that coverage for this type of liability insurance is extremely costly and difficult to obtain.

Next, the Department will provide information about quality initiatives so that operators are aware of the opportunities available to increase quality. Also, participation in the Keystone STARS program at a level that exceeds the basic health and safety requirements is voluntary, and the Department may offer information about quality initiatives available to operators during its inspections. This final-form rulemaking addresses certification for all child care operators and not the voluntary Keystone STARS program, which is a program regarding the quality of child care facilities. Finally, even though the Department will conduct at least one unannounced inspection every 12 months, the Department is clarifying

that its agents will conduct additional unannounced inspections. The Department's agents will conduct additional unannounced inspections to assess ongoing regulatory compliance, to respond to a complaint alleging regulatory non-compliance, or in follow-up to verify correction of instances of previous regulatory non-compliance.

§§ 3270.19/3280.18/3290.16—*Child abuse reporting*

Five commentators commented on this provision and they all agreed with the proposed changes clarifying the requirements for mandatory child abuse reporting. IRRC requested clarification about why the omission of the ChildLine telephone number in the proposed regulation is in the public interest and protects the health, safety and welfare of children in child care facilities. IRRC also requested clarification about whether the reporting requirement for family child care homes applies to all facility persons and whether the wording should be changed from “staff person” to “facility person” in § 3290.16.

Response

The Department is including the ChildLine telephone number in this final-form rulemaking so that the reporting requirement is clear from the language without need for outside reference. In addition, the Department agrees with the comment to change the terminology from “staff person” to “facility person” in all three chapters of this final-form rulemaking to ensure consistency.

§§ 3270.24(f)/3280.23(f)/3290.21(f)—*Departmental access*

To improve clarity, IRRC suggested that the Department move the photo identification requirements to the sections addressing inspection.

Response

The Department concurs with IRRC's comment and is moving the identification requirements from §§ 3270.34, 3280.34 and 3290.31 to the access provisions under §§ 3270.24(f), 3280.23(f) and 3290.21(f).

§§ 3270.25(a)/3280.24(a)/3290.22(b)—*Availability of certificate of compliance and applicable regulations*

Four commentators commented on this provision and they all agreed with the proposed requirement that operators provide information to parents on how to access the regulations electronically. One commentator suggested the Department add a sign-off to the Emergency Contact Form as required by §§ 3270.124, 3280.124 and 3290.124 (relating to emergency contact information) indicating parents received electronic copies of the regulations.

IRRC inquired why the Department is no longer requiring that operators post hard copies of the regulations in a conspicuous location. Further, IRRC commented that the Department explain its rationale for removing this requirement and questioned how this removal is in the public interest.

Response

After careful consideration, the Department is deleting the requirement that operators must post a hard copy of the regulations because the Department no longer distributes hard copies of the regulations to operators or the general public. Full copies of all regulations are available online on the Department's web site at <https://www.dhs.pa.gov/providers/Child-Care/Pages/Child-Care-Regulations.aspx> and on the *Pennsylvania Code's* web site at https://www.pacodeandbulletin.gov/Display/pacode?file=/secure/pacode/data/055/articleVDI_toc.html&d=. Using the Department's web site, operators and the general public

can access the regulations from any location that has an Internet connection, be it at home, at the office or in a public location such as a public library or public school. The Department uses the Internet as the only means to communicate with operators and the public about regulatory requirements and other operating procedures. Furthermore, this final-form rulemaking will create a cost-savings for operators because they will no longer be required to print and post a copy of the regulations along with the certificate of compliance. Although no longer required to do so, operators still may choose to print and post hard copies of the regulations.

Lastly, the Department acknowledges and declines the suggestion to add a sign-off to the required Emergency Contact Form indicating that parents received electronic copies of the regulations. The Department, however, may address the suggestion during training or technical assistance by advising child care providers that they must emphasize the parents' responsibility to review the regulations and how to access them electronically.

§§ 3270.27/3280.26/3290.24—*Emergency plan*

Several commentators commented on this provision and most agreed with the proposed requirements for specific accommodations in emergency plans for infants, toddlers, children with chronic medical conditions and children with disabilities because their needs can be drastically different. Most commentators suggested that procedures for a lock-down be added because it is a CCDBG requirement. A commentator also suggested that operators be given additional support to become familiar with the procedures. Another commentator advised that, often, fire drills are conducted with the children, who are evacuated outside and to a safe location. This commentator suggested that children should not have to be included in some emergency drills because the drills themselves may be traumatic to young children. Another commentator advised that it performs monthly fire drills and lock-down drills within the confines of the school property and that they are also subject to a School Safety Plan. This commentator also expressed concern over whether children need to be present in an emergency drill. In addition, there was a request for clarification about what the accommodations would entail, whether operators would incur additional expenses on a daily basis and whether the Department would provide grant money to assist operators with obtaining accommodations, bags or boxes. A commentator also requested that the Department clarify how the regulation impacts transportation, supplies and medications.

Most commentators agreed with the proposed requirement for annual emergency drills, two disagreed, and one requested clarification about whether annual emergency drills would only be shelter-in-place because a practice drill requiring travel to the evacuation facility, if required, may not be safe unless it was an actual emergency. The commentators who disagreed with the annual requirement limited their disagreement to those drills in which the children participate. One commentator noted the importance of emergency plans and fire drills due to the lack of any annual fire safety inspection.

IRRC asks whether the emergency drills include children or are staff only, and notes concerns about the consistency of terminology for "emergency plan drills" versus "emergency drills" and also noted the missing CCDBG requirement for lock down. IRRC also directs the Department to provide more specificity in the final-form regulation or to explain how it plans to address the regulated community's concerns regarding these require-

ments. Also, IRRC notes that in the preamble of the proposed regulation the Department states that "all child care staff are aware of the components of the plan" and points out that the proposed regulation language does not include this requirement.

Response

The different types of accommodations required to evacuate infants, toddlers, children with disabilities, and children with chronic medical conditions during an emergency or fire drill may vary because the situations for an emergency differ based on factors such as, but not limited to, the type of emergency, children needs, and specific operator circumstances. The Department, however, will offer technical assistance about existing resources available to operators that are in the process of developing their emergency plans and accommodations. Existing additional resources include Pennsylvania Emergency Management Agency and other health and safety consultants such as Better Kid Care, which can provide suggestions for the various components of the emergency plans.

As the providers implement the accommodations based on their children's specific needs, the Department will address the availability of resources needed to meet the costs incurred. The Department will also offer support and consultation to providers as they plan for the accommodations that may result in increased costs for transportation, supplies and medications. Also, the language in this final-form rulemaking pertaining to accommodations for infants, toddlers, children with disabilities and children with chronic medical conditions, parallels the requirements of the CCDBG. As such, the Department is not changing this provision.

The Department concurs with the suggestions regarding lock-downs and is adding the requirements for a lock-down in this final-form rulemaking in §§ 3270.27(a), 3280.26(a) and 3290.24(a) to satisfy a CCDBG requirement that was received after publication of the proposed rulemaking. The Department will offer support through training and technical assistance upon implementation.

After careful consideration, the Department is also replacing the term "emergency plan drills" with the term "emergency drills" throughout this final-form rulemaking. The CCDBG does not prescribe the types of drills required or specifically require that children be present during the drills. The Department agrees with the commentators that it is not prudent, in all instances, to require that children be present during the drills because the types of emergencies vary and it could be unnecessarily disruptive for the children. The operator must elect and implement the type of drill that best safeguards the health and safety of the children in care.

Staff training about the content of the emergency plan is already a requirement in §§ 3270.27(c), 3280.26(c) and 3290.24(c). The Department will address concerns about the requirements for emergency plans during training and technical assistance sessions.

The Department, however, is retaining the requirement for annual emergency drills in paragraph (6). Regarding the comment about the importance of emergency plans and fire drills due to the lack of any annual fire safety inspection, the Department notes that an annual fire safety inspection is required under section 1016(c)(1) of the act, which increases fire and safety requirements for all child care facilities. This regulatory provision is in conformity with recently-enacted State law.

§§ 3270.27(f)/3280.26(f)/3290.24(g)—*Emergency plan*

Five commentators commented on this provision. Most agreed with the Department's proposed changes. One commentator disagreed with the requirement to send copies of the emergency plan to local municipalities because Philadelphia cannot enforce a State requirement and because Philadelphia does not have the capacity to receive or monitor these plans.

Response

The Department is maintaining the wording in this final-form rulemaking. The Department will require that operators submit their plans to the local Emergency Management Coordinator (EMC) who is designated at a municipality level. The EMC is not required to monitor or enforce the plan, but must be aware, should an emergency arise, that the operator's plan exists.

§§ 3270.31(e)/3280.31(e)/3290.31(f)—*Age and training*

Twenty-three commentators commented on the increased training hours. Most commentators agreed with the general requirement to increase the required professional development hours from 6 to 12 clock hours annually, although some expressed concern over the rise in costs to operators. Some commentators disagreed because the increase would present a financial burden to operators. One commentator disagreed because the added hours do not mirror the Keystone STARS program requirements. Another commentator who disagreed did so over concerns that standards on what is acceptable are unclear and because first aid training and child abuse reporting are not required credited hours. One other commentator disagreed with the increased requirement and expressed that the Commonwealth should reimburse these extra costs by at least 50%. Among the commentators who agreed with the requirement, several expressed concerns that the added requirements were a financial burden, with one commentator noting that the subsidy rate had not risen accordingly for reimbursement. Another commentator suggested the Department assist operators with support in budgeting to help with the added costs and that the Department review opportunities to reduce paperwork requirements with the Professional Development Registry in order to further assist operators. One commentator noted concern that all staff at all facilities should be mandated reporters no matter who is in the facility.

Several commentators noted that the Department underestimated the cost to operators to comply with the requirement because the Department's fiscal projections in the proposed rulemaking for costs to operators to meet the professional development requirements included calculations at a flat hourly rate and not time-and-a-half or double time. Next, five commentators who agreed suggested that this final-form rulemaking include clear language that professional development, as required by the CCDBG, can and does count toward the annual 12 clock hours of professional development that new staff need in the first year of employment.

IRRC also requested the Department review its calculations for determining the costs of the increased professional development requirements. IRRC referenced the public comments regarding the underestimation of the cost to providers to comply with the increase in training hours.

Response

The Department is maintaining the increased clock hours of professional development from the proposed

regulation in this final-form rulemaking. This final-form rulemaking strikes the appropriate balance between the added protection to the health and safety of children in care and the added costs of the additional 6 clock hours annually for professional development required by staff. Importantly, the increase in hours required is consistent with professional development requirements in 5 of the 6 contiguous states of Delaware (15 hours per year), West Virginia (13.5 hours per year), New York (15 hours per year), Maryland (12 hours per year) and Ohio (15 hours per year).

The Commonwealth's current requirement of 6 clock hours of annual professional development falls significantly behind its contiguous states. The increase in the required professional development clock hours ensures that every child participating in a certified child care program receives developmentally-appropriate care that supports optimal child development and growth. The heightened requirement will ensure that child care operators and staff remain at the forefront of delivering quality child care services.

In addition to the Federal CCDBG requirements at 45 CFR 98.41 and 98.44(b)(2)(i) requires states to maintain and update health and safety training standards as found in 45 CFR 98.41(a)(1)(i)—(x), which are the CCDBG training requirements prescribed in §§ 3270.31(f), 3280.31(f) and 3290.31(g). The Department recognizes that to maintain compliance with the Federal requirement regarding updating information under the ten health and safety topics referred to in 45 CFR 98.41, it must increase the annual professional development requirements from 6 to 12 hours annually.

As noted previously, the Keystone STARS Program is a voluntary program. The STARS professional development requirements represent standards that exceed the annual professional development requirements of this final-form rulemaking, which itself represents the minimum requirements to safeguard the health and safety of children in care. The concern that the subsidy reimbursement rate may not rise to cover the additional costs for meeting the increased professional development requirement is outside the scope of this final-form rulemaking, but the Department's program for child care operators that receive a subsidy to serve low-income children will address subsidy reimbursement rates at a separate time, as stated previously in this Preamble.

Next, the topics described in §§ 3270.31(f), 3280.31(f) and 3290.31(g) are clear, acceptable and sufficiently broad to encompass a broad array of topics related to health and safety, as well as early childhood development. Training for child abuse reporting and first aid training are separate requirements from the topics listed for the 12-hour annual professional development requirement. Further, child abuse reporting training is mandated by the CPSL and is not an annual requirement under either the CPSL or these regulations. All facility persons at all child care facilities are mandated reporters.

The Department acknowledges the request for assistance with the added costs to meet the annual professional development requirements. Operators that wish to provide higher-quality child care through the Keystone STARS program may be eligible for assistance with costs. Further, the Professional Development Registry, which houses online professional development data for current staff, is active and available for operators to use to manage the professional development requirements for

staff. The Department will make technical assistance available on the use of the Professional Development Registry.

The source of the wage data in formulating the estimate for the salaries used in the calculations for the professional development costs is the Department of Labor and Industry Center for Workforce Information & Analysis at <http://www.workstats.dli.pa.gov/Products/Occupational%20Wages/Pages/default.aspx#.Vz8JtvkrLRa>.

The Department concurs with the observations of the IRRC and other commentators regarding the calculation of professional development costs in the proposed rulemaking. Following feedback from IRRC and the commentators, the Department reviewed the wage data utilized in the proposed rulemaking. As provided previously, after review, the Department has revised the wage data figures being used in this final-form rulemaking.

The Department reviewed and revised its calculations for the costs of the annual professional development clock hours for all certified operators in its final-form RAF. The Department used the requirements in the FLSA to calculate the overtime costs for certain child care staff. The Department understands that the increase in required annual professional development clock hours will result in added costs to operators. The 6-hour annual professional development requirement was first implemented in 1992, over 27 years ago, and has not been revised since.

Over the last 25 years, industry standards in health and safety have evolved Nationwide. The Department is placing additional emphasis on increased professional development for child care staff as a means to improve quality at child care facilities to better ensure the health and safety of the children in care. As such, this final-form rulemaking updates and strengthens the minimum standards for the professional development of all child care staff Statewide.

As for the suggestion to add language that the required CCDBG professional development can and should count towards the new staff hours in the first year of employment, the Department concurs and is adding these provisions at §§ 3270.31(i), 3280.31(i) and 3290.31(j) to reflect that completion of professional development by staff in the first year of employment counts toward the 12-hour requirement.

At this time, the Department recognizes that child care providers are experiencing operational and financial hardships during the COVID-19 pandemic. As such, under the authority under the Emergency Management Services Code and the Disaster Emergency Declaration, the current regulatory requirement of 6 hours of annual professional development for staff persons is suspended during the disaster emergency. Because the COVID-19 pandemic continues, the Department will begin measuring compliance with this final-form regulation requiring 12 hours of annual professional development at the time of each certified child care facility's next annual inspection following the expiration of the disaster emergency.

§§ 3270.33(d)/3280.33(c)/3290.32(d)—*General requirements for facility persons*

Seven commentators commented on the proposed changes regarding pediatric first aid and pediatric CPR. One commentator disagreed with the use of the term “competent” instead of “currently-certified” for the requirement that one or more facility persons competent in pediatric first aid and CPR techniques always be present while children are in care. Others disagreed with the required minimum number of facility persons competent

in first aid who must be present while children are in care. Those commentators have concerns with potential ratio issues because the required minimum staff number is one, and they suggest the minimum number be increased to two or one not-in-ratio.

Response

The Department is maintaining the terminology related to competency because the Department's existing regulations at §§ 3270.31(e)(4)(i), 3280.31(e)(4)(i) and 3290.31(f)(4)(i) make clear that competence results from completion of the courses. Following review of the provisions, however, the Department observes slight incongruity between § 3290.32(d) with the other two chapters. The Department is, therefore, amending the wording to be consistent with §§ 3270.33(d) and 3280.33(c).

Further, this final-form rulemaking requires that a minimum number of facility persons are competent in pediatric first aid and pediatric CPR. The Department acknowledges the suggestion that the staff:child ratio be increased. However, the Department declines making changes because the current staff:child ratio appears to be adequate based on the Department's experience. The Department will need to study the suggestion and the corollary fiscal impact further before making changes to the number of minimum staff required when children are in care. The Department will consider this suggestion in a future rulemaking.

§§ 3270.34(c)/3280.34(a)/3290.31(a)(3)—*Qualifications and responsibilities*

Five commentators commented on this provision and they all agreed with the requirement that facility persons show identification at the time of inspection to prevent falsification of identity.

IRRC submitted a statement that requests clarification on the meaning of the term “designated responsible person.”

Response

The Department is removing the term “designated responsible person” and is replacing it with “designated staff person who is responsible for compliance” in this final-form rulemaking.

§§ 3270.131(a)/3280.131(a)/3290.131(a)—*Health assessment*

Eighteen commentators commented on the proposed changes to this provision. Nearly all of the commentators disagreed because of the practical difficulties in securing a doctor's appointment to satisfy the requirement. One of the commentators requested a change in regulation to permit a one-week or two-week window to obtain updated child health assessments.

IRRC also inquired regarding the rationale for changing the timing requirements for the receipt of initial health reports from 60 days to 30 days.

Response

The Department declines the request for a one-week or two-week window to obtain updated child health assessments because it is not a requirement of the CCDBG. After careful consideration, the Department concurs with the commentators and IRRC. The proposed regulation was to change the 60-day requirement in the current regulation to 30 days, but, following feedback from the child care community, the Department is maintaining the current requirement of 60 days in this final-form rulemaking.

§§ 3270.166(7)/3280.166(7)/3290.166(7)—*Health assessment*

Fourteen commentators commented and agreed with the proposed changes prohibiting the heating of formula or milk in a microwave oven. Two of the commentators suggested requiring staff training regarding the handling of breast milk, and one suggested that the changes encompass disposable nurser bottles, bottle materials and bottle labeling. Another commentator suggests extending the prohibition to infant food and suggests the use of child care health consultants.

Response

The Department thanks the commentators for their very specific suggestions regarding the safety of meals for infants. The Department needs to do additional research and outreach about the additional requirements suggested by the commentators. Because of the need for additional study on these topics, the Department declines the suggestions to add new requirements, establish additional training requirements, expand the list of items banned or require the use of health consultants. The suggestions were neither a part of the proposed rulemaking nor are they CCDBG requirements, and so the Department will not add them here. The Department plans to seek additional public input on a variety of topics when it considers any changes to the regulatory requirements. In the meantime, the Department may address the suggestions through training or technical assistance. At the same time, the Department is under time constraints by the Federal Administration of Children and Families (ACF) to implement the changes as prescribed by the CCDBG. If the Department does not implement these changes immediately, it could incur a fiscal penalty from ACF.

For these reasons, the Department will not adopt them in this final-form rulemaking.

Chapter 3290—Family Child Care Homes

General comments

One commentator responded in general agreement with the proposed rulemaking.

Response

The Department appreciates the support to more closely align the three chapters of regulations.

§ 3290.2—*Purpose*

Several commentators commented on this provision. Some commentators agreed with the change because it offers better protection of health and safety for the children in care. Other commentators agreed with aligning the family child care home requirements with the group child care home and child care center requirements so that all facilities throughout this Commonwealth are subject to the same regulatory requirements and are certified.

Response

The Department acknowledges the support to align the requirements for applicants who wish to operate certified family child care homes with those who wish to operate certified child care centers and certified group child care homes. Further, in support of aligning the family child care home requirements with the group child care home and child care center requirements so that all child care facilities operate from the same standards, the Department is removing the waiver for age and training requirements under § 3290.25(c) (relating to waivers). After review and careful consideration of the comments sup-

porting alignment of the chapters, the Department determined there is no regulatory justification for permitting waivers for age and training requirements at family child care homes and not at any other type of certified child care facility. Therefore, the Department is not permitting a waiver of age and training requirements for family child care home facility persons to maintain consistency, as such waivers are not permitted for age and training requirements at child care centers and group child care homes.

In further support of alignment of the three chapters, the Department is also replacing the current requirements relating to fire drills for family child care homes with provisions that align with the requirements for group child care homes and child care centers. The Department is making changes to § 3290.94 that prescribe the frequency of required fire drills at family child care homes, which is at least every 60 days, and that the facility must maintain a written record of the fire drills.

§ 3290.3—*Applicability*

Five commentators responded to the proposed change aligning the family child care home requirements with the requirements for child care centers and group child care homes. Some commentators agreed with the change because it offers better protection of health and safety for the children in care. Other commentators agreed with aligning the family child care home requirements with the group child care home and child care center requirements so that all facilities throughout this Commonwealth operate from the same standards and are certified.

Response

The Department appreciates the support to more closely align the three chapters of regulations.

§ 3290.4—*Definitions—“Operator”*

One commentator disagreed with the proposed definition of “operator” because it would negatively impact the maximum number of children in care and result in financial hardship to the staff and operators to find child care for their own children and grandchildren. The commentator also noted that such staff and operators with their own children and grandchildren are ineligible for participation in the Department’s subsidized child care program.

Response

The Department is maintaining these provisions because the change in definition aligns with the definition of “operator” in the other two chapters for certified facilities in §§ 3270.4 and 3280.4 (relating to definitions). Operators’ children and grandchildren are considered related for purposes of determining whether the operator is providing care for too many children at any one time. Additionally, the family child care home operators’ related children and grandchildren are not included in the count of four, five or six unrelated children. Finally, as previously provided, the requirements under the subsidized child care regulations are not a part of this final-form rulemaking. As such, the suggestion is outside the scope of this final-form rulemaking.

§ 3290.4—*Definitions—“Relative”*

Four commentators commented on the expanded definition of “relative” in the proposed rulemaking. Two commentators disagreed with the revised definition because of the lack of a maximum number of “related” children that can be cared for by a family child care operator and the lack of ratio requirements. They suggested the De-

partment adopt the same staff:child ratios and space requirements for family child care homes as exist for group child care homes for unrelated and related children.

Other commentators agreed and suggested the Department consider requiring staff:child ratios and space requirements to apply to related and unrelated children because there is no limit on the maximum number of related children in care.

Response

The definition of “relative” in this final-form rulemaking is the same definition as codified in statute under section 1001 of the act (62 P.S. § 1001). As such, the Department is not changing the definition. The Department also notes that staff:child ratio requirements in a family child care home are limited to one caregiver to a maximum of six unrelated children. Because of the statutory limits on the numbers of unrelated children allowed in care at any one time in family child care homes, and because of the Department’s experience in monitoring compliance at family child care homes, the current staff:child ratio is sufficient to safeguard the health and safety of children in care. The Department may address these concerns through training or technical assistance on a case-by-case basis, or through a future regulatory update.

§ 3290.11—*Application for and issuance of a certificate of compliance*

IRRC commented that the proposed regulation describes family child care homes as facilities providing care for “up to six unrelated children” and is requesting clarification on why the language does not align with the definition of “family child care home.”

Response

The Department concurs with IRRC’s comment and is changing the terminology in this final-form rulemaking to reflect consistency with the definition of “family child care home” as care for “four, five or six children unrelated to the operator” under subsection (c). Similarly, to further align requirements, even though the Department will conduct one unannounced inspection every 12 months, the Department is clarifying in § 3290.11(p), which aligns with the provisions of the other two chapters in §§ 3270.11(k) and 3280.11(l), that it will conduct additional unannounced inspections whenever the Department receives complaints of alleged regulatory non-compliance made against operators.

Also, the Department is changing all references to a certificate of registration to certificate of compliance in this final-form rulemaking to clarify that the requirements are aligned with the requirements for child care centers and group child care homes.

§ 3290.13—*Appeals*

One commentator noted agreement with the changes in language for appeals for family child care homes.

Response

The Department appreciates the support to more closely align the three chapters of regulations by including appeals requirements for family child care home operators that align with the same requirements for child care centers and group child care homes.

§ 3290.31(a)(2)—*Age and training*

Three commentators disagreed with the proposed requirement to have a high school diploma or general

educational development (GED) certificate because the requirement is a burden to operators and families and the requirement should only apply to new operators. The commentators suggested that the Department should grandfather in current operators.

In addition, IRRC requests clarification of the time the operator or staff will have to produce documentation of a high school diploma or general education development certificate (GED) to meet the requirement.

Response

The Department is adding language in this final-form rulemaking to clarify that the requirement is that a family child care home operator must provide documentation of a high school diploma or GED no later than the second renewal of the certificate of compliance, which is sufficient time to obtain such documentation. The Department is deleting the term “initial application,” which was included in the proposed rulemaking, to provide the operator a longer time frame to obtain the GED or high school diploma.

Operators without a GED or high school diploma who were permanently grandfathered in under the 2008 regulatory revisions will continue to be grandfathered in under § 3290.213 if they are still providing child care services. The Department will not consider grandfathering in any operators that began operating after the effective date of the 2008 regulatory revisions. Requiring an operator to obtain a GED or high school diploma reflects a minimum level of literacy sufficient to comply with the regulations and operate a small business, which furthers the health and safety interests of all the children in care.

§ 3290.51—*Maximum number of children*

Two commentators disagreed with the limitation of the number of children in care. The first commentator disagreed the limitation in the proposed rulemaking because it would negatively impact the maximum number of allowed children in care and result in financial hardship to the staff and operators to find child care for their own children and grandchildren. The commentator also noted that such staff and operators with their own children and grandchildren are ineligible for participation in the Department’s subsidized child care program. The second commentator disagreed because two or more operators in a family child care home would provide enough supervision for all the children, whether related or unrelated.

Response

The Department is maintaining the language from the proposed regulation in this final-form rulemaking. An operator’s children and grandchildren are considered related for purposes of determining whether the operator is providing care for too many children at any one time. The family child care home operators’ related children and grandchildren are not included in the count of four, five or six unrelated children. As stated previously, the subsidized child care regulations are not a part of this rulemaking. As such, the comment related to subsidized child care is outside the scope of this rulemaking. The Department may address remaining concerns through training or technical assistance on a case-by-case basis, or through a future regulatory amendment that restricts the number of children irrespective of relationship.

§ 3290.52—*Ratio requirements*

One commentator requested clarification about whether it was permitted for family child care homes that had six of their own children to watch six unrelated children as well.

Response

The arrangement is permissible under Article X of the act as well as the current regulation.

§ 3290.113(f)—*Supervision of children*

Fifteen commentators commented regarding the requirement for a monitoring device, with several noting agreement. A few commentators disagreed with the requirement, with most expressing concern over costs. Several commentators suggested the Department assist operators with finding resources to help pay for the equipment. One commentator who disagreed with the monitoring requirement stated the standards were unclear. Another commentator disagreed with the requirement because the children are always in sight. Another commentator requested clarification about where the children should be located in the home when monitoring devices are in use. That same commentator suggested adding a provision to require the use of photo tags. One commentator who agreed with the use of monitoring suggested the requirement should apply to all facilities and not only family child care homes.

IRRC also commented on this provision, much of which echoed the concerns of the commentators. IRRC requested clarification about whether any alternative regulatory provisions were considered and rejected and whether alternate, less costly technologies such as a mirror satisfy the requirement. IRRC further commented that the terminology “sight technological device” is unclear and suggested it be clarified.

IRRC also inquired whether other states’ policies regarding video monitors were considered. IRRC also inquired regarding the Department’s statutory authority to require video monitoring in family child care homes. In addition, IRRC requests clarification on whether a video monitor is required and whether it must also have audio capabilities. IRRC also inquired on how an operator will be able to determine the appropriate number of devices needed to comply with the requirement. Finally, IRRC inquired how the Department will implement this provision and inform the regulated community.

Response

The Department is making significant changes to this section to address the concerns of the commentators and the IRRC. With respect to the several requests for the Department to assist operators with finding resources to help pay for any needed equipment, the Department understands that this requirement may increase costs but notes that this final-form rulemaking strikes an appropriate balance between the added protection to the health and safety of children in care and any added costs to purchase a monitoring device or secure an additional staff person to ensure supervision. The Department will provide support and consultation relating to a business plan involving implementation.

The Department acknowledges and declines the suggestion to require the use of photo tags because it was not a part of the proposed rulemaking and the Department will not add it here. The Department, however, will address the suggestion through training, technical assistance and when advising on best practices.

The Department is also not adopting the suggestion to extend this monitoring requirement to all certified child care facilities. The rationale of this final-form rulemaking is to permit family child care operators the option to utilize a monitoring means to address potential lapses in supervision inherent to family child care homes. Some

family child care home operators may not have any need to purchase and use a monitoring means due to the presence of additional staff who can ensure supervision at all times.

Regarding regulatory alternatives, the Department considered the regulatory alternative of requiring the operator to have an additional staff person to ensure supervision. The Department rejected that alternative because it could cost a family child care home operator up to \$88 per day to employ a second staff person who is working an 8-hour shift. As noted above in the Fiscal Impact section, this final-form rulemaking clarifies that the use of a mirror may satisfy this monitoring requirement. Further, in response to IRRC’s comment, the Department also deleted the term “sight technological device” and made additional changes to this final-form rulemaking to clarify that the requirement concerns supervision and not mere sight.

Although the Department is not aware of any other states with an analogous regulatory requirement to ensure supervision through the use of monitoring devices, the Department embraces the requirements after certifying family child care homes since 2016, which have demonstrated how a lack of proper supervision in family child care homes can lead to injuries to the children in care.

As previously discussed, the Department reached out to the regulated community to ask about the types of monitoring devices operators intended to use to meet the requirement. Following review of their feedback, the Department estimates total Statewide one-time costs for all family child care homes that will purchase a monitoring device to be \$88,900. As mentioned previously, the Department understands that the requirement for a monitoring means may increase costs but notes that this final-form rulemaking strikes an appropriate balance between the added protection to the health and safety of children in care and any added costs to ensure supervision. As noted, the Department may address remaining concerns with costs upon implementation.

In addition, the Department’s statutory authority to establish the requirement to better protect the health and safety of children in care is under Article X of the act, which authorizes the Department to promulgate the regulations and establish and enforce health and safety standards. The requirement for a monitoring device does not implicate privacy concerns because the purposes and uses of such a device is for the purpose of assisting the caregiver with supervision only and not to record. The Department is assuring that staff persons in a family child care home meet the supervisory responsibilities under §§ 3290.4 and 3290.113(a).

The Department’s final-form rulemaking requires monitoring assistance when an operator cannot meet the supervision requirements in §§ 3290.4 and 3290.113(a), which includes the ability to see, hear, direct and assess the children at all times, because of restroom breaks or preparing meals or snacks. This final-form rulemaking allows for a monitoring means to be used to ensure continuous supervision of children through the use of an electronic monitor, camera, mirror or other device or method so that the operator can see, hear, direct and assess the children in real time at all times. The Department, however, is allowing the operator discretion in selecting the monitoring means because: (1) the technology changes so quickly; (2) the cost of implementing such means varies depending on the needs of the individual home; (3) of the length of time the device needs to be

utilized; and (4) of differences in the layout of the home. Further, the requirement to utilize a monitoring means pertains only to situations involving facilities with only one operator who is unable to properly supervise all the children in care during times the operator is performing tasks relating to child care, such as when preparing snacks or meals or when using the restroom. The revised language in this final-form rulemaking also reflects that the periods of time using the monitoring means are to last only for the time required to complete the tasks, that the operator must remain on the child care premises when utilizing the monitoring means and that the operator must describe how the monitoring means will be used to ensure supervision in its supervision polices, as required by § 3290.121(a) (relating to application). This final-form rulemaking also allows options for the operator to consider when requiring a monitoring means. The operator may not need a video monitor with audio capabilities depending on the layout of the home or if the operator is using another monitoring means.

Further, this final-form rulemaking allows options for the operator to consider when requiring a monitoring means. The number of devices that an operator may need may vary because it depends on several factors, including the layout of the home and the use of an alternate staff person. Some family child care home operators may not need to purchase and use a monitoring device due to the presence of additional staff who can supervise the children when the operator is taking a restroom break or preparing meals. Currently, an estimated 12% of family child care home operators responded to a survey that they employ a second staff person. If an additional staff person is not present, the operator must deploy a monitoring means to ensure that all supervision requirements are met. If an operator uses a video camera to see the children but can still hear, direct and assess the children, depending on how the rooms are configured, the operator may not need a video camera with audio capabilities. There are many similar scenarios involving the use of a monitoring means that could be viable depending upon the layout of the family child care home. Because of these differences of facility staffing and layout, the Department cannot prescribe required locations for all children in care at all child care facilities throughout the Commonwealth. The Department, however, will provide technical assistance and training upon implementation to assist operators with meeting the requirement.

Lastly, the Department will also conduct informational sessions with the regulated community. At these sessions, the Department will provide information on its web site; offer technical assistance on how to meet the regulatory requirements; offer information about resources available to assist with costs; and consider technical assistance suggestions about the use of photo tags or other means to assist with the supervision of children in family child care homes.

§ 3290.113(g)—*Supervision of children*

Thirteen commentators commented on the requirements related to the provision of 24-hour services. Most commentators agreed with the provision, although several commentators disagreed. The commentators noting disagreement primarily did so over financial concerns and concerns over the difficulty with securing additional staff. These responses were generally not in support of requiring a second caregiver. Another commentator requested that a regulation be added requiring napping infants to be checked every 15 to 20 minutes.

IRRC also requested clarification on whether the hours worked need to be consecutive. IRRC reiterates the commentator's concern that the costs to cover additional staff will be passed on to families and notes that it may force them to seek unrelated care. IRRC encourages the Department to reach out to the regulated community to address their concerns. IRRC also inquired whether the costs for an additional caregiver were considered and whether the costs for an additional caregiver can be included in the calculations for the cost of implementation of the regulation.

Response

The Department is not adding the term "consecutive" into this final-form rulemaking. The hours worked need not be consecutive because such language could frustrate the intent of this final-form rulemaking, which is to limit the number of hours one person may care for children in any given 24-hour period. The 16-hour limit is designed to prevent sleep deprivation from affecting the health and safety of children in care. As previously discussed, the Department also performed an updated fiscal analysis that includes a breakdown of the costs for securing a second staff person. The fiscal analysis is discussed previously and also included in the Department's RAF. Approximately 20% of the certified family child care homes Statewide offer 24-hour care. There is a cost to offering the care, but the cost only exists when the family child care home operator actually provides services to children in care overnight. Furthermore, some operators offering such care may not experience having children in care during those hours due to parent work schedules, holidays or other arrangements made by the parents. The Department notes that New York requires an additional staff person for 24-hour care in a family child care home. The Department acknowledges that providing care for more than 16 hours, regardless of whether those hours are consecutive, is a challenge for an operator. The Department further understands that family child care homes try to address the needs of families and that overnight care is one of those needs. The Department acknowledges that it is difficult to come up with a strategy to replace the operator or staff person because a person is needed to satisfy the supervisory requirement. In addition, when operators serve children and remain awake for these additional 8 hours, such practice endangers the health and safety of children in care. Research has shown that sleep deprivation diminishes attention and impairs one's ability to adapt to changing conditions. Operators that work 16 hours or more in a 24-hour period may also experience some of these effects, thereby diminishing the operator's ability to meet the regulatory requirements for supervision. The requirement, therefore, strikes an appropriate balance between limiting the hours an operator can work in a 24-hour period and the health and safety interests of children in care. The Department acknowledges that some families may choose unregulated care for 24-hour care because it may be less costly. Families must realize, however, that regardless of the setting in which the child receives overnight care, the caregiver or staff person must be awake at all times to properly supervise the child, even when the child is sleeping. The requirements for certified family child care homes under this final-form rulemaking help to ensure that children who are sleeping are properly supervised. The Department acknowledges the importance of infant sleep position and supervision and is clarifying that all children must be supervised at all times, including during

nap time. The Department declines the request to prescribe required periods for supervision because supervision is required at all times.

§ 3290.213—*Age and Training*

IRRC requested clarification of what a “permanently-qualified” operator is and whether it is subject to the same regulatory requirements.

Response

A “permanently qualified” operator refers to an operator who, under the 2008 regulatory update, was grandfathered in without a GED or high school diploma. If the operator is still providing care on the effective date of this final-form rulemaking, the operator is not required to obtain a GED or high school diploma. A “permanently qualified” operator; however, is still subject to all other regulatory requirements.

Regulatory Analysis Form (RAF)

IRRC commented that the Department’s response to Question # 25 of the RAF was nonresponse.

Response

The Department responded and further clarified its response to Question # 25 of the RAF in this final-form rulemaking. For this final-form rulemaking, there are no provisions specifically developed for minorities, elderly, small businesses or farmers. These regulations are licensure requirements for the health and safety for all children in licensed child care facilities. The Department considered various populations, including minorities, the elderly, small businesses and farmers, when it established the current regulations and developed this final-form rulemaking. Neither the existing regulations nor this final-form rulemaking differentiates between these specific populations because the underlying concern of the regulatory requirements is to better protect the health and safety of all children in care at all child care facilities throughout this Commonwealth.

Although small businesses are impacted by this final-form rulemaking, all child care facilities are impacted irrespective of the size of the business that owns or operates the facility. The current regulations and this final-form rulemaking prescribe different requirements only as between child care centers, group child care homes and family child care homes. These differences concern the number of children in care and not the size of the business, and such differences are codified by the three different chapters.

To date, the regulations have not resulted in any known disparity between the special populations for minorities, the elderly, small businesses and farmers. There are no changes being made in this final-form rulemaking to specifically address these groups because there are no known disparities amongst them. The Department will consider any concerns that arise with respect to these special populations or groups upon implementation of this final-form rulemaking, as well as through training and technical assistance.

Regulatory Review Act

Under section 5(a) of the Regulatory Review Act (71 P.S. § 745.5(a)), on September 14, 2020, the Department submitted a copy of the notice of proposed rulemaking, published at 48 Pa.B. 6564 to IRRC and the Chairpersons of the House Committee on Children and Youth and the Senate Committee on Health and Human Services for review and comment.

Under section 5(c) of the Regulatory Review Act, IRRC and the House and Senate Committees were provided with copies of the comments received during the public comment period, as well as other documents when requested. In preparing the final-form rulemaking, the Department has considered all comments from IRRC, the House and Senate Committees and the public.

Under section 5.1(j.2) of the Regulatory Review Act (71 P.S. § 745.5a(j.2)), on October 14, 2020, the final-form rulemaking was approved by the House and Senate Committees. Under section 5.1(e) of the Regulatory Review Act, IRRC met on October 15, 2020, and approved the final-form rulemaking.

Findings

The Department finds that:

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

(b) The adoption of this final-form regulation in the manner provided by this order is necessary and appropriate for the administration and enforcement of the act.

Order

The Department, acting under Articles IX and X of the act, orders that:

(a) The regulations of the Department, 55 Pa. Code Chapters 20, 3270, 3280 and 3290, are amended by adding §§ 3270.95, 3280.95, 3290.95; deleting §§ 3270.232, 3270.233, 3280.212—3280.215, 3290.12, 3290.211 and 3290.212; and amending §§ 20.2, 3270.1—3270.3, 3270.4, 3270.11, 3270.15, 3270.16, 3270.19, 3270.24, 3270.25, 3270.27, 3270.31, 3270.32—3270.34, 3270.61, 3270.79, 3270.94, 3270.115, 3270.161, 3270.166, 3270.171, 3270.184, 3270.221, 3270.231, 3270.241, 3280.1—3280.3, 3280.4, 3280.11, 3280.15, 3280.18, 3280.23, 3280.24, 3280.26, 3280.31, 3280.32—3280.34, 3280.94, 3280.115, 3280.166, 3280.171, 3280.184, 3280.221, 3290.1—3290.4, 3290.11, 3290.13, 3290.14, 3290.16, 3290.21, 3290.22, 3290.23, 3290.24, 3290.25, 3290.31, 3290.32, 3290.51, 3290.52, 3290.94, 3290.113, 3290.151, 3290.166, 3290.184 and 3290.213 to read as set forth in Annex A of this order.

(*Editor’s Note:* Proposed §§ 3041.13, 3270.131, 3280.131 and 3290.131 have been withdrawn and are not being amended in this final-form rulemaking.)

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

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

(d) This order shall take effect upon final-form publication in the *Pennsylvania Bulletin*, except that current staff in child care facilities have 180 days from the effective date of this final-form rulemaking to meet the requirements in §§ 3270.31(f), 3280.31(f) and 3290.31(g).

TERESA D. MILLER,
Secretary

(*Editor’s Note:* See IRRC’s approval order at 50 Pa.B. 6096 (October 31, 2020).)

Fiscal Note: Fiscal Note 14-542 remains valid for the final adoption of the subject regulations.

Annex A

TITLE 55. HUMAN SERVICES

PART I. DEPARTMENT OF HUMAN SERVICES

Subpart C. LICENSING/APPROVAL

CHAPTER 20. LICENSURE OR APPROVAL OF FACILITIES AND AGENCIES

GENERAL PROVISIONS

§ 20.2. Applicability.

(a) This chapter applies to facilities and agencies subject to licensure or approval under Articles IX and X of the Human Services Code (62 P.S. §§ 901—922 and 1001—1080).

(b) This chapter applies in addition to applicable program licensure or approval regulations.

PART V. CHILDREN, YOUTH AND FAMILIES MANUAL

Subpart D. NONRESIDENTIAL AGENCIES, FACILITIES AND SERVICES

ARTICLE I. Licensing/Approval

CHAPTER 3270. CHILD CARE CENTERS

GENERAL PROVISIONS

§ 3270.1. Introduction.

This chapter is promulgated to facilitate the safe and healthful care of a child in a child care center and to support families by providing care that promotes the emotional, cognitive, communicative, perceptual-motor, physical and social development of the child.

§ 3270.2. Purpose.

The purpose of this chapter is to provide standards to aid in protecting the health, safety and rights of children and to reduce risks to children in child care centers. This chapter identifies the minimum level of compliance necessary to obtain the Department's certificate of compliance.

§ 3270.3. Applicability.

* * * * *

(c) A legal entity seeking to operate a child care facility as defined in this chapter shall apply for an initial or renewal certificate of compliance in accordance with the requirements established in Chapter 20 (relating to licensure or approval of facilities and agencies).

* * * * *

§ 3270.4. Definitions.

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

ACIP—The Advisory Committee on Immunization Practices of the Centers for Disease Control and Prevention, United States Department of Health and Human Services.

Act—The Human Services Code (62 P.S. §§ 101—1503).

* * * * *

Certificate of compliance—A document issued by the Department to a legal entity permitting the entity to operate a specific type of facility at a specific location for a specific period of time according to applicable Department regulations. A certificate of compliance approves the operation of a facility subject to Article IX of the act

(62 P.S. §§ 901—922) or licenses the operation of a facility subject to Article X of the act (62 P.S. §§ 1001—1088).

* * * * *

Child care center—The premises in which care is provided at any one time for seven or more children unrelated to the operator.

* * * * *

Facility—A child care center.

* * * * *

Parent—The biological or adoptive mother or father, legal guardian or foster mother or father of the child.

* * * * *

Public water system—A system for the provision to the public of water for human consumption that has at least 15 service connections or regularly serves an average of at least 25 individuals daily at least 60 days out of the year. The term includes:

(i) Collection, treatment, storage and distribution facilities under the control of the operator of the system and used in connection with the system.

(ii) Collection or pretreatment storage facilities not under control of the operator which are used in connection with the system.

(iii) A system which provides water for bottling or bulk hauling for human consumption.

Relative—A parent, child, stepparent, stepchild, grandparent, grandchild, brother, sister, half brother, half sister, aunt, uncle, niece or nephew. As applied to facilities subject to approval under Article IX of the act, the term also includes a stepbrother, stepsister or first cousin.

School-age care—Supervised child care in a Departmentally certified facility during the hours when a child is not required to attend school.

* * * * *

Staff person—A person included in the staff:child ratio who is responsible for child care activities.

* * * * *

Volunteer—A person 16 years of age or older who is not included in the staff:child ratio and who assists in implementing daily program activities under the supervision of a staff person.

* * * * *

GENERAL REQUIREMENTS

§ 3270.11. Application for and issuance of a certificate of compliance.

* * * * *

(b) A legal entity or a representative of the legal entity shall participate in an orientation training provided by the Department within 12 months prior to commencing operation of the child care center. The orientation does not count toward the annual minimum of 12 clock hours of child care training required in § 3270.31(e) (relating to age and training).

(c) Prior to issuance of a certificate of compliance, the legal entity or representative of the legal entity shall complete professional development in each of the following topics:

(1) Prevention and control of infectious diseases (including immunization) and the establishment of a grace period that allows homeless children and children in foster care to receive services under this subchapter while their families (including foster families) are taking neces-

sary action to comply with immunization and other health and safety requirements.

(2) Prevention of Sudden Infant Death Syndrome and use of safe sleep practices.

(3) Administration of medication, consistent with standards for parental consent.

(4) Prevention of and response to emergencies due to food and allergic reactions.

(5) Building and physical premises safety, including identification of and protection from hazards that can cause bodily injury such as electrical hazards, bodies of water, and vehicular traffic.

(6) Prevention of shaken baby syndrome and abusive head trauma.

(7) Emergency preparedness and response planning for emergencies resulting from a natural disaster or a man-caused event (such as violence at a child care facility) within the meaning of those terms under section 602(a)(1) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C.A. § 5195a(a)(1)).

(8) Handling and storage of hazardous materials and appropriate disposal of biocontaminants.

(9) Precautions when transporting children.

(10) Pediatric first aid and pediatric cardiopulmonary resuscitation.

(d) Completion of professional development shall be documented by the signature and title of a representative of the professional development entity and include the date the professional development was completed. Documentation shall be included with the application when it is submitted to the regional office. Documentation of the completion of professional development under subsection (c) taken from September 30, 2016, forward satisfies this requirement.

(e) Application for a certificate of compliance shall be submitted to the appropriate regional child care office in accordance with Chapter 20 (relating to the licensure or approval of facilities and agencies).

(f) A certificate of compliance is issued in the manner described in Chapter 20, for a period not to exceed 12 months from the date of issue.

(g) An agent of the Department will annually conduct at least one onsite unannounced inspection of a child care facility.

(h) The facility is subject to announced and unannounced inspections in accordance with § 3270.24(b) (relating to Departmental access).

(i) Except for § 20.32 (relating to announced inspections), the requirements in Chapter 20 (relating to licensure or approval of facilities and agencies) apply to child care facilities.

(j) Sanctions relating to the status of a certificate of compliance are applied under the authority of applicable sections of the act, Chapter 20 and this chapter.

(k) A facility whose certificate of compliance is current as of December 19, 2020, will not be inspected under this chapter until the current certificate of compliance is due to be renewed or when a regulatory violation is alleged and the Department responds to the alleged violation with an inspection.

§ 3270.15. Building codes.

(a) A certificate of compliance will not be granted by the Department until the legal entity provides a certificate of occupancy as proof of compliance with the applicable requirements of the Department of Labor and Industry in 34 Pa. Code § 403.23 (relating to child day care facilities) and under section 1016(c) of the act (62 P.S. § 1016(c)).

(b) The legal entity shall maintain ongoing compliance with the applicable requirements prescribed by the Department of Labor and Industry in 34 Pa. Code § 403.23 and under section 1016(c) of the act at all times following issuance of any certificate of compliance issued by the Department under this chapter.

§ 3270.16. Dual licensure.

If a facility meets the definition of both a private academic school under the authority of the Department of Education and a child care center under the authority of the Department, the legal entity shall apply for approval to operate from both Departments. The facility shall comply with 22 Pa. Code Part II (relating to State Board of Private Academic Schools) and this chapter.

§ 3270.19. Child abuse reporting.

* * * * *

(b) A facility person who has reasonable cause to suspect that a child is a victim of child abuse shall immediately make a report of suspected child abuse to ChildLine through the hotline at 1 (800) 932-0313, online, or any other method as prescribed by the Department.

* * * * *

§ 3270.24. Departmental access.

* * * * *

(c) An agent of the Department will inspect for compliance with this chapter in all areas of the facility premises that are accessible to children.

(d) An agent of the Department will annually conduct at least one onsite unannounced inspection of a child care facility.

(e) An announced inspection will be conducted by the Department prior to the issuance of the initial certificate of compliance.

(f) A valid photo identification of the director or designated staff person who is responsible for compliance with this chapter shall be provided to the agent of the Department at the time of inspection.

§ 3270.25. Availability of certificate of compliance and applicable regulations.

(a) The facility's current certificate of compliance shall be posted in a conspicuous location used by parents. The operator shall provide the parent of each child enrolled with information on how to access the regulations in this chapter electronically and with instructions for contacting the appropriate regional child care office.

* * * * *

§ 3270.27. Emergency plan.

(a) The facility shall have an emergency plan that provides for:

(1) Shelter of children during an emergency including lock-down, shelter in place at the facility and shelter at locations away from the facility premises.

(2) Evacuation of children from the facility building and evacuation of children to a location away from the facility premises. The evacuation routes and evacuation

plans to exit the building may be the same as those required by § 3270.94 (relating to fire drills).

(3) A method for facility persons to contact parents as soon as reasonably possible when an emergency situation arises.

(4) A method for facility persons to inform parents that the emergency has ended and to provide instruction as to how parents can safely be reunited with their children.

(5) Accommodations for infants, toddlers, children with disabilities and children with chronic medical conditions.

(6) Emergency drills shall be conducted annually. Annual emergency drills shall be documented and on file at the facility.

(b) The operator shall review the emergency plan at least annually and update the plan as needed. Each review and update of the emergency plan shall be documented in writing and kept on file at the facility.

* * * * *

(f) The operator shall send a copy of the emergency plan and subsequent plan updates to the local municipality and to the county emergency management agency.

FACILITY PERSONS

§ 3270.31. Age and training.

(a) A volunteer shall be 16 years of age or older and shall be directly supervised at all times by a staff person.

(b) A staff person shall be 18 years of age or older.

(c) An individual 16 years of age or older who is enrolled in an approved training curriculum may be used as a staff person, if the following guidelines are met:

(1) The curriculum is conducted by an institution approved by the Department of Education and accredited by an accrediting agency recognized by the United States Department of Education or the Council on Postsecondary Education and acceptable to the Department of Education.

(2) The curriculum includes acceptable training topics referenced in subsection (e)(2).

(3) The curriculum includes a minimum total of 600 clock hours, distributed as follows:

(i) A minimum of 400 clock hours of classroom training.

(ii) A minimum of 200 clock hours of supervised training in a child care facility.

* * * * *

(e) A staff person shall obtain an annual minimum of 12 clock hours of child care training.

* * * * *

(4) Depending on the provisions of the appropriate regulation, training may be required for certain staff persons. The following constitutes competence in training areas:

(i) *Pediatric first-aid training and pediatric cardiopulmonary resuscitation (CPR)*. Competence is the completion of training by a professional in the field of first-aid and cardiopulmonary resuscitation (CPR). All staff persons shall renew their certification in pediatric first aid and pediatric CPR on or before the expiration of the most current certification.

* * * * *

(f) Staff persons shall complete professional development in the following topics within 90 days of hire:

(1) Prevention and control of infectious diseases (including immunization) and the establishment of a grace period that allows homeless children and children in foster care to receive services under this subchapter while their families (including foster families) are taking necessary action to comply with immunization and other health and safety requirements.

(2) Prevention of Sudden Infant Death Syndrome and use of safe sleep practices.

(3) Administration of medication, consistent with standards for parental consent.

(4) Prevention of and response to emergencies due to food and allergic reactions.

(5) Building and physical premises safety, including identification of and protection from hazards that can cause bodily injury such as electrical hazards, bodies of water and vehicular traffic.

(6) Prevention of shaken baby syndrome and abusive head trauma.

(7) Emergency preparedness and response planning for emergencies resulting from a natural disaster or a man-caused event (such as violence at a child care facility) within the meaning of those terms under section 602(a)(1) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C.A. § 5195a(a)(1)).

(8) Handling and storage of hazardous materials and appropriate disposal of biocontaminants.

(9) Precautions when transporting children.

(10) Pediatric first aid and pediatric cardiopulmonary resuscitation.

(g) Completion of professional development shall be documented by the signature and title of a representative of the professional development entity and include the date professional development was completed. Documentation shall be retained in the facility person's file or maintained in an electronic system as designated by the Department. Documentation of the completion of the professional development under subsection (f) taken from September 30, 2016, forward satisfies this requirement.

(h) All staff persons shall complete the professional development under subsection (f).

(i) Professional development under subsection (f) may count towards the annual clock hours in subsection (e) on a one-time basis.

(j) Staff persons shall obtain available ongoing professional development relating to the health and safety topics as specified in subsection (f) prior to obtaining professional development in other topics as permitted in subsection (e)(2).

§ 3270.32. Suitability of persons in the facility.

* * * * *

(b) Questions relating to the requirements of the CPSL shall be directed to the appropriate regional child care office.

* * * * *

§ 3270.33. General requirements for facility persons.

* * * * *

(d) One or more facility persons competent in pediatric first aid and pediatric cardiopulmonary resuscitation techniques shall be at the facility when one or more children are in care.

§ 3270.34. Director qualifications and responsibilities.

(c) A director shall be employed by a facility and be present at the facility site a minimum of 30 hours per week.

PHYSICAL SITE

§ 3270.61. Measurement and use of indoor child care space.

(i) The total number of children receiving child care services at the facility at any one time may not exceed the facility's maximum capacity.

§ 3270.79. Firearms.

Weapons, firearms and ammunition are prohibited in a child care center.

FIRE SAFETY

§ 3270.94. Fire drills.

(a) The Director or designated staff person who is responsible for compliance with this chapter shall conduct fire drills and ensure that:

(1) Fire drills are conducted at least once every 60 days.

(2) Fire drills are conducted at different times of the day or night, or both, if applicable.

(3) Fire drills are conducted during various program activity times.

(4) The hypothetical locations of the fire are rotated around the facility for each drill such that the hypothetical location is never the same for consecutive drills.

(5) Evacuation routes are posted in a conspicuous location on each floor of the facility.

(6) Evacuation plans provide for the removal of all persons from the facility in a single trip.

(7) Facility persons and children in attendance participate in the fire drill.

(8) Facility persons and children exit the building, weather permitting.

(9) A written record is maintained on file at the facility indicating the specific time of day of the drill, the hypothetical location of the fire, the evacuation time, and the names of the facility persons and the number of children who participate in the fire drill.

§ 3270.95. Fire detection.

(a) Fire detection devices or systems must be in compliance with standards established under section 1016(c) of the act (62 P.S. § 1016(c)).

(b) The Director or designated staff person who is responsible for compliance with this chapter shall ensure the requirements under subsection (a) are met.

PROGRAM

§ 3270.115. Water activity.

(b) Wading.

(1) Staff persons shall supervise children in care using wading pools. Staff: child ratios in subsection (a) apply when children are wading.

NUTRITION

§ 3270.161. Food.

(b) Food handling practices shall conform to the requirements of the Department of Health or the Department of Environmental Resources or its delegate agency where the child care facility is located.

§ 3270.166. Meals for infants.

Meals for infants shall be provided in accordance with the following requirements:

(7) Neither bottled formula nor human milk may be heated in a microwave.

TRANSPORTATION

§ 3270.171. Pick-up and drop-off points.

(a) An operator shall notify local traffic safety authorities annually in writing of the location of the facility and the program's use of pedestrian and vehicular routes around the child care facility.

§ 3270.184. Release of information.

(a) The parent shall have access to the child's complete child care record.

HEAD START PROGRAMS

§ 3270.221. Certificate of compliance.

Child care programs that meet the requirements of this chapter are issued a certificate of compliance. When child care services are operated before or after the Head Start Program, that portion of the extended day which meets the definitions of this chapter shall receive a certificate of compliance.

SPECIAL EXCEPTIONS

§ 3270.231. Staff qualifications.

(a) Staff persons employed in a child care center prior to April 2, 1978, permanently qualify for their position, as long as the staff qualifications in effect as of September 1, 1977, are met.

§ 3270.232. Reserved.

§ 3270.233. Reserved.

SCHOOL-AGE PROGRAMS

§ 3270.241. Requirements specific to school-age programs.

(a) If a child is required to be enrolled in public or private school under the Public School Code of 1949 (24 P.S. §§ 1-101—27-2702) and if the child is not enrolled and if the child is not exempted from enrollment under the Public School Code, a child care facility may not admit the child for care during the hours when the child is required by law to attend public or private school.

CHAPTER 3280. GROUP CHILD CARE HOMES

GENERAL PROVISIONS

§ 3280.1. Introduction.

This chapter is promulgated to facilitate the safe and healthful care of a child in a group child care home and to support families by providing care that promotes the

emotional, cognitive, communicative, perceptual-motor, physical and social development of the child.

§ 3280.2. Purpose.

The purpose of this chapter is to provide standards to aid in protecting the health, safety and rights of children and to reduce risks to children in group child care homes. This chapter identifies the minimum level of compliance necessary to obtain the Department's certificate of compliance.

§ 3280.3. Applicability.

* * * * *

(c) A legal entity seeking to operate a child care facility as defined in this chapter shall apply for an initial or renewal certificate of compliance in accordance with the requirements established in Chapter 20 (relating to licensure or approval of facilities and agencies).

* * * * *

§ 3280.4. Definitions.

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

ACIP—The Advisory Committee on Immunization Practices of the Centers for Disease Control and Prevention, United States Department of Health and Human Services.

Act—The Human Services Code (62 P.S. § § 101—1503).

* * * * *

Certificate of compliance—A document issued by the Department to a legal entity permitting the entity to operate a specific type of facility at a specific location for a specific period of time according to applicable Department regulations. A certificate of compliance approves the operation of a facility subject to Article IX of the act (62 P.S. §§ 901—922) or licenses the operation of a facility subject to Article X of the act (62 P.S. §§ 1001—1088).

* * * * *

Facility—A group child care home.

* * * * *

Group child care home—The premises in which care is provided at one time for more than 6 but fewer than 16 older school-age level children or more than 6 but fewer than 13 children of another age level who are unrelated to the operator. The term includes a facility located in a residence or other premises.

* * * * *

Parent—The biological or adoptive mother or father, legal guardian or foster mother or father of the child.

* * * * *

Potentially hazardous food—A food that consists in whole or in part of milk or milk products, eggs, meat, poultry, fish, shellfish or other ingredients capable of supporting rapid and progressive growth of infectious or toxigenic microorganisms.

Relative—A parent, child, stepparent, stepchild, grandparent, grandchild, brother, sister, half brother, half sister, aunt, uncle, niece or nephew. As applied to facilities subject to approval under Article IX of the act, the term also includes a stepbrother, stepsister or first cousin.

School-age care—Supervised child care in a Departmentally certified facility during the hours when a child is not required to attend school.

* * * * *

Staff person—A person included in the staff:child ratio who is responsible for child care activities.

* * * * *

Volunteer—A person 16 years of age or older who is not included in the staff:child ratio and who assists in implementing daily program activities under the supervision of a staff person.

* * * * *

GENERAL REQUIREMENTS

§ 3280.11. Application for and issuance of a certificate of compliance.

* * * * *

(b) A legal entity or a representative of the legal entity shall participate in an orientation training provided by the Department within 12 months prior to commencing operation of the group child care home. The orientation does not count toward the annual minimum of 12 clock hours of child care training required in § 3280.31(e) (relating to age and training).

(c) Prior to issuance of a certificate of compliance, the legal entity or representative of the legal entity shall complete professional development in each of the following topics:

(1) Prevention and control of infectious diseases (including immunization) and the establishment of a grace period that allows homeless children and children in foster care to receive services under this subchapter while their families (including foster families) are taking necessary action to comply with immunization and other health and safety requirements.

(2) Prevention of Sudden Infant Death Syndrome and use of safe sleep practices.

(3) Administration of medication, consistent with standards for parental consent.

(4) Prevention of and response to emergencies due to food and allergic reactions.

(5) Building and physical premises safety, including identification of and protection from hazards that can cause bodily injury such as electrical hazards, bodies of water, and vehicular traffic.

(6) Prevention of shaken baby syndrome and abusive head trauma.

(7) Emergency preparedness and response planning for emergencies resulting from a natural disaster or a man-caused event (such as violence at a child care facility) within the meaning of those terms under section 602(a)(1) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C.A. § 5195a(a)(1)).

(8) Handling and storage of hazardous materials and appropriate disposal of biocontaminants.

(9) Precautions when transporting children.

(10) Pediatric first aid and pediatric cardiopulmonary resuscitation.

(d) Completion of professional development shall be documented by the signature and title of a representative of the professional development entity and include the date the professional development was completed. Documentation shall be included with the application when it is submitted to the regional office. Documentation of the

completion of professional development under subsection (c) taken from September 30, 2016, forward satisfies this requirement.

(e) Regarding child abuse and criminal history clearances related to the CPSL, the following apply:

(1) At initial application for a certificate of compliance, the legal entity shall submit clearances for the legal entity and for each individual 18 years of age or older who resides in the facility at least 30 days in a calendar year.

(2) At renewal, the legal entity shall submit clearances for each individual 18 years of age or older who resides in the facility at least 30 days in a calendar year if any of the following apply:

(i) The individual attained 18 years of age following the date of the previous application for a certificate of compliance.

(ii) The individual moved into the facility following the date of the previous application for a certificate of compliance.

(3) Clearances are required for the legal entity and for each individual 18 years of age or older who resides in the facility at least 30 days in a calendar year by the Department if an application for renewal is received following expiration of the current certificate of compliance.

(f) Application for a certificate of compliance shall be submitted to the appropriate regional child care office in accordance with Chapter 20 (relating to the licensure or approval of facilities and agencies).

(g) A certificate of compliance is issued in the manner described in Chapter 20, for a period not to exceed 12 months from the date of issue.

(h) An agent of the Department will annually conduct at least one onsite unannounced inspection of a child care facility.

(i) The facility is subject to announced and unannounced inspections in accordance with § 3280.23 (relating to Departmental access).

(j) Except for § 20.32 (relating to announced inspections), the requirements in Chapter 20 (relating to licensure or approval of facilities and agencies) apply to child care facilities.

(k) Sanctions relating to the status of a certificate of compliance are applied under the authority of applicable sections of the act, Chapter 20 and this chapter.

(l) A facility whose certificate of compliance is current as of December 19, 2020, will not be inspected under this chapter until the current certificate of compliance is due to be renewed or when a regulatory violation is alleged and the Department responds to the alleged violation with an inspection.

§ 3280.15. Building codes.

(a) A certificate of compliance will not be granted by the Department until the legal entity provides a certificate of occupancy as proof of compliance with the applicable requirements of the Department of Labor and Industry in 34 Pa. Code § 403.23 (relating to child day care facilities) and under section 1016(c) of the act (62 P.S. § 1016(c)).

(b) The legal entity shall maintain ongoing compliance with the applicable requirements prescribed by the Department of Labor and Industry in 34 Pa. Code § 403.23

and under section 1016(c) of the act at all times following issuance of any certificate of compliance granted by the Department under this chapter.

§ 3280.18. Child abuse reporting.

* * * * *

(b) A facility person who has reasonable cause to suspect that a child is a victim of child abuse shall immediately make a report of suspected child abuse to ChildLine through the hotline at 1 (800) 932-0313, online, or any other method as prescribed by the Department.

* * * * *

§ 3280.23. Departmental access.

* * * * *

(c) An agent of the Department will inspect compliance with this chapter in all areas of the facility premises that are accessible to children.

(d) An agent of the Department will annually conduct at least one onsite unannounced inspection of a child care facility.

(e) An announced inspection will be conducted by the Department prior to the issuance of the initial certificate of compliance.

(f) A valid photo identification of the primary staff person or designated staff person who is responsible for compliance with this chapter shall be provided to the agent of the Department at the time of inspection.

§ 3280.24. Availability of certificate of compliance and applicable regulations.

(a) The facility's current certificate of compliance shall be posted in a conspicuous location used by parents. The operator shall provide the parent of each child enrolled with information on how to access the regulations in this chapter electronically and with instructions for contacting the appropriate regional child care office.

* * * * *

§ 3280.26. Emergency plan.

(a) The facility shall have an emergency plan that provides for:

(1) Shelter of children during an emergency including lock-down, shelter in place at the facility and shelter at locations away from the facility premises.

(2) Evacuation of children from the facility building and evacuation of children to a location away from the facility premises. The evacuation routes and evacuation plans to exit the building may be the same as those required by § 3280.94 (relating to fire drills).

(3) A method for facility persons to contact parents as soon as reasonably possible when an emergency situation arises.

(4) A method for facility persons to inform parents that the emergency has ended and to provide instruction as to how parents can safely be reunited with their children.

(5) Accommodations for infants and toddlers, children with disabilities and children with chronic medical conditions.

(6) Emergency drills shall be conducted annually. Annual emergency drills shall be documented and on file at the facility.

(b) The operator shall review the emergency plan at least annually and update the plan as needed. Each

review and update of the emergency plan shall be documented in writing and kept on file at the facility.

* * * * *

(f) The operator shall send a copy of the emergency plan and subsequent plan updates to the local municipality and to the county emergency management agency.

FACILITY PERSONS

§ 3280.31. Age and training.

(a) A volunteer shall be 16 years of age or older and shall be directly supervised at all times by a staff person.

(b) A staff person shall be 18 years of age or older.

(c) An individual 16 years of age or older who is enrolled in an approved training curriculum may be used as a staff person, if the following guidelines are met:

(1) The curriculum is conducted by an institution approved by the Department of Education and accredited by an accrediting agency recognized by the United States Department of Education or the Council on Postsecondary Education and acceptable to the Department of Education.

(2) The curriculum includes acceptable training topics referenced in subsection (e)(2).

(3) The curriculum includes a minimum total of 600 clock hours, distributed as follows:

(i) A minimum of 400 clock hours of classroom training.

(ii) A minimum of 200 clock hours of supervised training in a child care facility.

* * * * *

(e) A staff person shall obtain an annual minimum of 12 clock hours of child care training.

* * * * *

(4) Depending on the provisions of the appropriate regulation, training may be required for certain staff persons. The following constitutes competence in training areas:

(i) *Pediatric first-aid training and pediatric cardiopulmonary resuscitation (CPR)*. Competence is the completion of training by a professional in the field of first-aid and CPR. All staff persons shall renew their certification in pediatric first aid and pediatric CPR on or before the expiration of the most current certification.

* * * * *

(f) Staff persons shall complete professional development in the following topics within 90 days of hire:

(1) Prevention and control of infectious diseases (including immunization) and the establishment of a grace period that allows homeless children and children in foster care to receive services under this subchapter while their families (including foster families) are taking necessary action to comply with immunization and other health and safety requirements.

(2) Prevention of Sudden Infant Death Syndrome and use of safe sleep practices.

(3) Administration of medication, consistent with standards for parental consent.

(4) Prevention of and response to emergencies due to food and allergic reactions.

(5) Building and physical premises safety, including identification of and protection from hazards that can cause bodily injury such as electrical hazards, bodies of water, and vehicular traffic.

(6) Prevention of shaken baby syndrome and abusive head trauma.

(7) Emergency preparedness and response planning for emergencies resulting from a natural disaster or a man-caused event (such as violence at a child care facility) within the meaning of those terms under section 602(a)(1) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C.A. § 5195a(a)(1)).

(8) Handling and storage of hazardous materials and appropriate disposal of biocontaminants.

(9) Precautions when transporting children.

(10) Pediatric first aid and pediatric cardiopulmonary resuscitation.

(g) Completion of professional development shall be documented by the signature and title of a representative of the professional development entity and include the date professional development was completed. Documentation shall be retained in the facility person's file or maintained in an electronic system as designated by the Department. Documentation of the completion of the professional development under subsection (f) taken from September 30, 2016, forward satisfies this requirement.

(h) All staff persons shall complete the professional development under subsection (f).

(i) Professional development under subsection (f) may count towards the annual clock hours in subsection (e) on a one-time basis.

(j) Staff persons shall obtain available ongoing professional development relating to the health and safety topics as specified in subsection (f) prior to obtaining professional development in other topics as permitted in subsection (e)(2).

§ 3280.32. Suitability of persons in the facility.

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(b) Questions relating to the requirements of the CPSL shall be directed to the appropriate regional child care office.

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§ 3280.33. General requirements for facility persons.

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(c) One or more facility persons competent in pediatric first aid and pediatric cardiopulmonary resuscitation techniques shall be at the facility when one or more children are in care.

§ 3280.34. Primary staff person qualifications and responsibilities.

(a) A primary staff person is responsible for the supervision of children receiving care in the facility.

* * * * *

FIRE SAFETY

§ 3280.94. Fire drills.

(a) The primary staff person or designated staff person who is responsible for compliance with this chapter shall conduct fire drills and ensure that:

(1) Fire drills are conducted at least once every 60 days.

(2) Fire drills are conducted at different times of the day or night, or both, if applicable.

(3) Fire drills are conducted during various program activity times.

(4) The hypothetical locations of the fire are rotated around the facility for each drill such that the hypothetical location is never the same for consecutive drills.

(5) Evacuation routes are posted in a conspicuous location on each floor of the facility.

(6) Evacuation plans provide for the removal of all persons from the facility in a single trip.

(7) Facility persons and children in attendance participate in the fire drill.

(8) Facility persons and children exit the building, weather permitting.

(9) A written record is maintained on file at the facility indicating the specific time of day of the drill, the hypothetical location of the fire, the evacuation time, and the names of the facility persons and the number of children who participate in the fire drill.

§ 3280.95. Fire detection.

(a) Fire detection devices or systems must be in compliance with standards established under section 1016(c) of the act (62 P.S. § 1016(c)).

(b) The primary staff person or designated staff person who is responsible for compliance with this chapter shall ensure the requirements in subsection (a) are met.

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PROGRAM

§ 3280.115. Water activity.

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(b) *Wading.*

(1) Staff persons shall supervise children in care using wading pools. Staff: child ratios in subsection (a) apply when children are wading.

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NUTRITION

§ 3280.166. Meals for infants.

Meals for infants shall be provided in accordance with the following requirements:

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(7) Neither bottled formula nor human milk may be heated in a microwave.

TRANSPORTATION

§ 3280.171. Pick-up and drop-off points.

(a) The operator shall notify local traffic safety authorities in writing of the location of the facility and about the program's use of pedestrian and vehicular routes around the group child care facility.

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CHILD RECORDS

§ 3280.184. Release of information.

(a) The parent shall have access to the child's complete child care record.

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SPECIAL EXCEPTIONS

§ 3280.212. Reserved.

§ 3280.213. Reserved.

§ 3280.214. Reserved.

§ 3280.215. Reserved.

SCHOOL-AGE PROGRAMS

§ 3280.221. Requirements specific to school-age programs.

(a) If a child is required to be enrolled in public or private school under the Public School Code of 1949

(24 P.S. §§ 1-101—27-2702) and if the child is not enrolled and if the child is not exempted from enrollment under the Public School Code, a child care facility may not admit the child for care during the hours when the child is required by law to attend public or private school.

* * * * *

**CHAPTER 3290. FAMILY CHILD CARE HOMES
GENERAL PROVISIONS**

§ 3290.1. Introduction.

This chapter is promulgated to facilitate the safe and healthful care of a child in a family child care home and to support families by providing care that promotes the emotional, cognitive, communicative, perceptual-motor, physical and social development of the child.

§ 3290.2. Purpose.

The purpose of this chapter is to provide standards to aid in protecting the health, safety and rights of children and to reduce the risks to children in family child care homes. This chapter identifies the minimum level of compliance necessary to obtain the Department's certificate of compliance.

§ 3290.3. Applicability.

* * * * *

(c) In addition to the requirements in this chapter, the family child care home shall be in compliance with applicable provisions of Article X of the act (62 P.S. §§ 1001—1088).

(d) A legal entity seeking to operate a child care facility shall apply for an initial or renewal certificate of compliance in accordance with the requirements established in Chapter 20 (relating to licensure or approval of facilities and agencies).

§ 3290.4. Definitions.

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

ACIP—The Advisory Committee on Immunization Practices of the Centers for Disease Control and Prevention, United States Department of Health and Human Services.

Act—The Human Services Code (62 P.S. §§ 101—1503).

* * * * *

Appeal—A written, signed and dated statement requesting reconsideration or modification of a Departmental decision that negatively affects the certificate of compliance of the facility. An appeal is made by the facility operator or by the facility's legal entity.

Applicant—A legal entity that applies to operate a certified family child care home.

* * * * *

Casual contact—The ordinary, routine and age-appropriate association of children, parents and facility persons in the course of daily assembly in a facility.

Certificate of compliance—A document issued by the Department to a legal entity permitting the entity to operate a specific type of facility at a specific location for a specific period of time according to applicable Department regulations. A certificate of compliance licenses the operation of a facility subject to Article X of the act (62 P.S. §§ 1001—1088).

Child—A person 15 years of age or younger.

* * * * *

Denial—The written refusal of the Department to issue a certificate of compliance to a new applicant.

* * * * *

Facility—A family child care home.

* * * * *

Family child care home—A home other than the child's own home, operated for profit or not-for-profit, in which child care is provided at any one time to four, five or six children unrelated to the operator.

* * * * *

Nonrenewal—The written refusal of the Department to issue a certificate of compliance to a legal entity previously granted a certificate of compliance at the same location.

Operator—The legal entity or a person designated by the legal entity to serve as the staff person.

Parent—The biological or adoptive mother or father, legal guardian or foster mother or father of the child.

* * * * *

Regional office of child care—Departmental offices responsible for certified child care facilities located in counties assigned to the regional office. A certificate of compliance is issued by a regional office to the legal entity responsible for the operation of a family child care home.

Relative—A parent, child, stepparent, stepchild, grandparent, grandchild, brother, sister, half-brother, half-sister, aunt, uncle, niece or nephew.

Revocation—The Department's written retraction of a certificate of compliance which occurs prior to expiration of the facility's certificate of compliance.

* * * * *

Staff person—A person included in the staff:child ratio who is responsible for child care activities.

* * * * *

Volunteer—A person 16 years of age or older who is not included in the staff:child ratio and who assists in implementing daily program activities under the supervision of a staff person.

GENERAL REQUIREMENTS

§ 3290.11. Application for and issuance of a certificate of compliance.

(a) An individual desiring information about the certification requirements for the operation of a family child care home shall contact the Department at the appropriate regional office.

(b) An applicant who may be interested in applying for a certificate of compliance shall participate in an orientation training provided by the Department within 12 months prior to issuance of a certificate of compliance. The orientation does not count toward the annual minimum of 12 clock hours of child care training required in § 3290.31(f) (relating to age and training).

(c) An applicant shall obtain a valid certificate of compliance to operate a family child care home to care for four, five or six unrelated children at a specific location. The certificate of compliance will be issued by the Department to the legal entity prior to commencement of operation at a specified location.

(d) An applicant desiring to apply for a certificate of compliance shall submit application documents, on forms prescribed by the Department, to the appropriate regional office.

(e) Prior to issuance of a certificate of compliance, the applicant or representative of the applicant shall complete professional development in each of the following topics:

(1) Prevention and control of infectious diseases (including immunization) and the establishment of a grace period that allows homeless children and children in foster care to receive services under this subchapter while their families (including foster families) are taking necessary action to comply with immunization and other health and safety requirements.

(2) Prevention of Sudden Infant Death Syndrome and use of safe sleep practices.

(3) Administration of medication, consistent with standards for parental consent.

(4) Prevention of and response to emergencies due to food and allergic reactions.

(5) Building and physical premises safety, including identification of and protection from hazards that can cause bodily injury such as electrical hazards, bodies of water, and vehicular traffic.

(6) Prevention of shaken baby syndrome and abusive head trauma.

(7) Emergency preparedness and response planning for emergencies resulting from a natural disaster or a man-caused event (such as violence at a child care facility) within the meaning of those terms under section 602(a)(1) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C.A. § 5195a(a)(1)).

(8) Handling and storage of hazardous materials and appropriate disposal of biocontaminants.

(9) Precautions when transporting children.

(10) Pediatric first aid and pediatric cardiopulmonary resuscitation.

(f) Completion of professional development shall be documented by the signature and title of a representative of the professional development entity and include the date the professional development was completed. Documentation shall be included with the application when it is submitted to the regional office. Documentation of the completion of the professional development under subsection (e) taken from September 30, 2016, forward satisfies this requirement.

(g) Family child care home providers that operate under a certificate of compliance prior to December 19, 2020 shall complete the professional development under subsection (e).

(h) Regarding child abuse and criminal history clearances related to the CPSL, the following apply:

(1) At initial application for a certificate of compliance, the applicant shall submit clearances for the applicant and for each individual 18 years of age or older who resides in the child care facility at least 30 days in a calendar year.

(2) At renewal, the legal entity shall submit clearances for each individual 18 years of age or older who resides in the child care facility at least 30 days in a calendar year if any of the following apply:

(i) The individual attained 18 years of age following the date of the previous application for a certificate of compliance.

(ii) The individual moved into the child care facility following the date of the previous application for a certificate of compliance.

(3) Clearances are required for the legal entity and for each individual 18 years of age or older who resides in the facility at least 30 days in a calendar year by the Department if an application for renewal is received following expiration of the current certificate of compliance.

(i) Prior to making a decision about the issuance of a certificate of compliance, the Department's agent shall conduct an announced pre-certification inspection at the location where the family child care home will operate.

(j) A certificate of compliance is issued in the manner described in Chapter 20 (relating to licensure or approval of facilities and agencies) for a period not to exceed 12 months from the date of issue.

(1) A certificate of compliance is issued to a specific legal entity at a specific location. A certificate of compliance is not transferrable.

(2) A certificate of compliance is void without notice if there is a change in the legal entity or the location of the child care facility.

(k) An agent of the Department will annually conduct at least one onsite unannounced inspection of a child care facility.

(l) Except for § 20.32 (relating to announced inspections), the requirements in Chapter 20 (relating to licensure or approval of facilities and agencies) apply to child care facilities.

(m) A facility is subject to announced and unannounced inspections in accordance with § 3290.21 (relating to Departmental access).

(n) The facility is subject to inspections as follows:

(1) An announced pre-certification inspection.

(2) An unannounced inspection, not less than annually.

(3) In response to a complaint on an unannounced basis.

(o) A legal entity desiring to renew a certificate of compliance shall submit a correct, completed application and other required materials to the appropriate regional office of the Department prior to the expiration of the current certificate of compliance.

(p) A legal entity whose facility's certificate of compliance is current as of December 19, 2020, will not be inspected under this chapter until the current certificate of compliance is due to be renewed or when a regulatory violation is alleged and the Department responds to the alleged violation with an inspection.

(q) Sanctions relating to the status of a certificate of compliance under the authority of section 1026 of the act (62 P.S. § 1026) regarding refusal to issue license; revocation; notice, § 20.54 (relating to provisional certificate of compliance), § 20.71 (relating to conditions for denial, nonrenewal or revocation) and this chapter apply to a family child care home.

§ 3290.12. Reserved.

§ 3290.13. Appeals.

(a) Appeals related to the Department's licensure decisions shall be made under 2 Pa.C.S. §§ 501—508 and

701—704 (relating to Administrative Agency Law) and 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure).

* * * * *

(c) A facility's operator may appeal a Departmental decision relating to the status of the facility's certificate of compliance.

(d) The Department will include information relative to appeal procedures when notifying operators of one or more of the following decisions:

(1) Denial of a certificate of compliance.

(2) Failure to renew a certificate of compliance.

(3) Revocation of a certificate of compliance.

* * * * *

§ 3290.14. Building codes.

(a) A certificate of compliance will not be granted by the Department until the legal entity provides a certificate of occupancy as proof of compliance with the applicable requirements in 34 Pa. Code § 403.23 (relating to child day care facilities) and under section 1016(c) of the act (62 P.S. § 1016(c)).

(b) The legal entity shall maintain ongoing compliance with the applicable requirements prescribed by the Department of Labor and Industry in 34 Pa. Code § 403.23 and under section 1016(c) of the act at all times following issuance of any certificate of compliance granted by the Department under this chapter.

§ 3290.16. Child abuse reporting.

* * * * *

(b) A facility person who has reasonable cause to suspect that a child is a victim of child abuse shall immediately make a report of suspected child abuse to ChildLine through the hotline at 1 (800) 932-0313, online or any other method as prescribed by the Department.

* * * * *

§ 3290.21. Departmental access.

* * * * *

(c) An agent of the Department will inspect for compliance with this chapter in all areas of the facility premises that are accessible to children.

(d) An agent of the Department will annually conduct at least one onsite unannounced inspection of a child care facility.

(e) An announced inspection will be conducted by the Department prior to the issuance of the initial certificate of compliance.

(f) A valid photo identification of the operator or designated staff person who is responsible for compliance with this chapter shall be provided to the agent of the Department at the time of inspection.

§ 3290.22. Availability of certificate of compliance and applicable regulations.

(a) The facility's current certificate of compliance shall be posted in a conspicuous location used by parents, with instructions for contacting the appropriate regional child care office posted at the same location.

(b) The operator shall provide the parent of each child enrolled in the facility with information on how to access the regulations in this chapter electronically and with instructions for contacting the appropriate regional child care office.

(c) The operator shall post a copy of each inspection summary issued by the Department next to the facility's certificate of compliance in a conspicuous location used by parents. The inspection summary must remain posted until an agent of the Department verifies that each noncompliance item noted on the inspection summary has been corrected.

§ 3290.23. Compliance with nondiscrimination requirements.

* * * * *

(b) A certificate of compliance will not be granted by the Department to a legal entity unless compliance with civil rights laws and applicable regulations has been met. The applicable laws as identified on the certificate of compliance application are:

- (1) The Pennsylvania Human Relations Act (43 P.S. §§ 951—962.2).
(2) The Age Discrimination Act of 1975 (42 U.S.C.A. §§ 6101—6107).
(3) Title VI of the Civil Rights Act of 1964 (42 U.S.C.A. §§ 2000d—2000d-4a).
(4) Title VII of the Civil Rights Act of 1964 (42 U.S.C.A. §§ 2000e—2000e-5).
(5) Section 504 of the Rehabilitation Act of 1973 (29 U.S.C.A. § 794).
(6) The Americans with Disabilities Act of 1990 (42 U.S.C.A. §§ 12101—12514).

(c) The appropriate forms to establish compliance shall be included with the application for certification.

§ 3290.24. Emergency plan.

(a) The facility shall have an emergency plan that provides for:

- (1) Shelter of children during an emergency including lock-down, shelter in place at the facility and shelter at locations away from the facility premises.
(2) Evacuation of children from the facility building and evacuation of children to a location away from the facility premises. The evacuation routes and evacuation plans to exit the building may be the same as those required by § 3290.94 (relating to fire drills).

* * * * *

(4) A method for facility persons to inform parents that the emergency has ended and to provide instruction as to how parents can safely be reunited with their children.

(5) Accommodations of infants and toddlers, children with disabilities and children with chronic medical conditions.

(b) The operator shall review the emergency plan at least annually and update the plan as needed. Each review and update of the emergency plan shall be documented in writing and kept on file at the facility.

* * * * *

(d) Emergency drills shall be conducted annually. Annual emergency drills shall be documented and on file at the facility.

(e) The emergency plan shall be posted in the facility at a conspicuous location.

(f) The operator shall provide to the parent of each enrolled child a letter explaining the emergency procedures described in subsection (a). The operator shall also provide to the parent of each enrolled child a letter explaining any subsequent update to the plan.

(g) The operator shall send a copy of the emergency plan and subsequent plan updates to the local municipality and to the county emergency management agency.

§ 3290.25. Waivers.

(a) A waiver excuses an operator from meeting a regulatory standard and substitutes another standard which the operator shall meet. The substituted standard has the same legal effect as the regulatory standard.

(b) The operator shall submit the request for waiver to the regional office before the facility is inspected for issuance or renewal of a certificate of compliance.

(c) An operator may request a waiver of only the regulatory standards in the following sections:

- (1) Physical site requirements in §§ 3290.61—3290.78 (relating to physical site).
(2) Equipment requirements in §§ 3290.101—3290.107 (relating to equipment).

(d) The Department will grant a waiver only if the following conditions are met:

- (1) The waiver is not requested as a substitute for correcting a Departmental citation of noncompliance.
(2) The request for waiver does not alter the applicability or purpose of a regulation.
(3) The request shows evidence that the operator has a plan to achieve the objective of the regulation.
(4) The request certifies that the operator will meet regulatory standards related to the health, safety and rights of children.
(5) The request for waiver does not violate or condone noncompliance with another Federal or State law or regulation.

(6) The request for waiver may not jeopardize Federal or State funding.

FACILITY PERSONS

§ 3290.31. Age and training.

(a) The operator shall have the following qualifications:

- (1) Be 18 years of age or older.
(2) Have a high school diploma or a general educational development certificate and submit proof to the appropriate regional office of the Department no later than the submission of the second renewal application.

(b) Staff persons shall be 18 years of age or older.

(c) A volunteer shall be 16 years of age or older. A volunteer shall be directly supervised at all times by a staff person.

(d) An individual 16 years of age or older who is enrolled in an approved training curriculum may be used as a staff person if the following guidelines are met:

* * * * *

(3) The curriculum includes a minimum total of 600 clock hours, distributed as follows:

* * * * *

(ii) A minimum of 200 clock hours of supervised training in a child care facility.

* * * * *

(f) A staff person shall obtain an annual minimum of 12 clock hours of child care training.

* * * * *

(4) Depending on the provisions of the appropriate regulation, training may be required for certain staff persons. The following constitutes competence in training areas:

* * * * *

(i) *Pediatric first-aid training and pediatric cardiopulmonary resuscitation (CPR)*. Competence is the completion of training by a professional in the field of first-aid and CPR. All staff persons shall renew their certification in pediatric first aid and pediatric CPR on or before the expiration of the most current certification.

* * * * *

(g) Staff persons shall complete professional development in the following topics within 90 days of the date of hire:

(1) Prevention and control of infectious diseases (including immunization) and the establishment of a grace period that allows homeless children and children in foster care to receive services under this subchapter while their families (including foster families) are taking necessary action to comply with immunization and other health and safety requirements.

(2) Prevention of Sudden Infant Death Syndrome and use of safe sleep practices.

(3) Administration of medication, consistent with standards for parental consent.

(4) Prevention of and response to emergencies due to food and allergic reactions.

(5) Building and physical premises safety, including identification of and protection from hazards that can cause bodily injury such as electrical hazards, bodies of water and vehicular traffic.

(6) Prevention of shaken baby syndrome and abusive head trauma.

(7) Emergency preparedness and response planning for emergencies resulting from a natural disaster or a man-caused event (such as violence at a child care facility) within the meaning of those terms under section 602(a)(1) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C.A. § 5195a(a)(1)).

(8) Handling and storage of hazardous materials and appropriate disposal of biocontaminants.

(9) Precautions when transporting children.

(10) Pediatric first aid and pediatric cardiopulmonary resuscitation.

(h) Completion of professional development shall be documented by the signature and title of a representative of the professional development entity and include the date the professional development was completed. Documentation of the completion of the professional development under subsection (g) taken from September 30, 2016, forward satisfies this requirement.

(i) All staff persons shall complete the professional development under subsection (g). Documentation of the completion of training shall be kept in the facility person's file or maintained in an electronic system as designated by the Department.

(j) Professional development under subsection (g) may count towards the annual clock hours under subsection (f) on a one-time basis.

(k) Staff persons shall obtain available ongoing professional development relating to the health and safety

topics as specified in subsection (g) prior to obtaining professional development in other topics as permitted in subsection (f)(2).

§ 3290.32. Suitability of persons in the facility.

* * * * *

(b) Questions relating to the requirements of the CPSL shall be directed to the appropriate regional child care office.

* * * * *

(d) One or more facility persons competent in pediatric first-aid and pediatric cardiopulmonary resuscitation techniques shall be at the facility when one or more children are in care.

STAFF-CHILD RATIO

§ 3290.51. Maximum number of children.

The number of children in care may not exceed six children at any one time who are unrelated to either the legal entity or the staff person. At any one time, the related children of either the legal entity or the staff person, but not both, may be excluded in determining compliance with this section.

§ 3290.52. Ratio requirements.

The operator may provide care to no more than five related and unrelated infants and toddlers at any one time. No more than two related and unrelated infants may receive care at any one time. The following numbers of infants and toddlers are permitted in a family child care home:

* * * * *

§ 3290.94. Fire drills.

(a) The operator or designated staff person who is responsible for compliance with this chapter shall conduct fire drills and ensure that:

(1) Fire drills are conducted at least once every 60 days.

(2) Fire drills are conducted at different times of the day or night, or both, if applicable.

(3) Fire drills are conducted during various program activity times.

(4) The hypothetical locations of the fire are rotated around the facility for each drill such that the hypothetical location is never the same for consecutive drills.

(5) Evacuation routes are posted in a conspicuous location on each floor of the facility.

(6) Evacuation plans provide for the removal of all persons from the facility in a single trip.

(7) Facility persons and children in attendance participate in the fire drill.

(8) Facility persons and children exit the building, weather permitting.

(9) A written record is maintained on file at the facility indicating the specific time of day of the drill, the hypothetical location of the fire, the evacuation time, and the names of the facility persons and the number of children who participate in the fire drill.

§ 3290.95. Fire detection.

(a) Fire detection devices or systems must be in compliance with standards established under section 1016(c) of the act (62 P.S. § 1016(c)).

(b) The operator or designated staff person who is responsible for compliance with this chapter shall ensure the requirements in subsection (a) are met.

* * * * *

PROGRAM

§ 3290.113. Supervision of children.

* * * * *

(e) A facility person may not restrain a child by using bonds, ties or straps to restrict a child’s movement or by enclosing the child in a confined space, closet or locked room. The prohibition against restraining a child does not apply to the use of adaptive equipment prescribed for a child with special needs.

(f) When there is only one operator present in the family child care home and the operator is unable to be physically present with the children because the operator is preparing snacks or meals for children in care or the operator is using the restroom, the operator may comply with the supervision requirement in subsection (a) through the use of an electronic monitor, camera, mirror, or other device or method so the operator can see, hear, direct and assess the children in real time at all times.

(1) Supervision by a device or method under subsection (f) is permitted only for a reasonable period of time necessary for the operator to perform the specific task.

(2) The operator shall remain on the family child care home premises while supervising children by a device or method under subsection (f).

(3) A family child care home operator that provides supervision under this subsection shall include it in its supervision policies under § 3290.121(a) (relating to application).

(g) When a family child care home operator provides services for 24 hours per day, the operator may not work for a period of more than 16 hours in a 24-hour time period. The operator must secure a designated staff person to ensure that there is appropriate supervision as required in subsection (a).

ADULT HEALTH

§ 3290.151. Health assessment.

(a) A facility person providing direct care who comes into contact with the children or who works with food preparation shall have a health assessment on file at the facility.

(1) The operator shall submit a health assessment to the Department prior to issuance of an initial or renewal certificate of compliance.

* * * * *

NUTRITION

§ 3290.166. Meals for infants.

Meals for infants shall be provided in accordance with the following requirements:

* * * * *

(7) Neither bottled formula nor human milk may be heated in a microwave oven.

CHILD RECORDS

§ 3290.184. Release of information.

(a) The parent shall have access to the child’s complete child care record.

* * * * *

SPECIAL EXCEPTIONS

§ 3290.211. Reserved.

§ 3290.212. Reserved.

§ 3290.213. Age and training.

The operator of a facility who is lawfully operating a family child care home registered by the Department as of September 22, 2008, is permanently qualified as an operator of a family child care home.

[Pa.B. Doc. No. 20-1772. Filed for public inspection December 19, 2020, 9:00 a.m.]

PROPOSED RULEMAKING

STATE BOARD OF EDUCATION

[22 PA. CODE CH. 49]

Certification of Professional Personnel

The State Board of Education (Board) proposes to amend Chapter 49 (relating to certification of professional personnel) to read as set forth in Annex A. The Board is acting under the authority of sections 1109, 1141, 2603-B and 2604-B of the Public School Code of 1949 (act) (24 P.S. §§ 11-1109, 11-1141, 26-2603-B and 26-2604-B).

Purpose

Chapter 49 sets forth requirements for educator preparation, certification, induction and ongoing professional education.

Background

In July 2018, the Department of Education (Department) invited interested stakeholders to participate in dialog on issues surrounding educator preparation and certification. Attendees at forums held in Philadelphia, Harrisburg and Pittsburgh provided input on potential changes to State policy that could strengthen preparation and certification and strategies to advance the Department's other priorities for the educator workforce, including diversifying Pennsylvania's educator workforce and ensuring all students have equitable access to effective teachers. Stakeholder feedback from these convenings was considered in tandem with a review of research on the impact and effectiveness of policy changes suggested by stakeholders in a report prepared for the Department by the Learning Policy Institute (LPI).

Guided then by input from diverse stakeholders and a review of related academic literature, the Secretary of Education (Secretary) presented a set of recommendations to the Board for updating Chapter 49 in November 2018. The Board accepted the Secretary's recommendations on its agenda for consideration and initiated a major review of Chapter 49 that is to occur at 10-year intervals per § 49.51(b) (relating to review of certification) with the Secretary's recommendations serving as a starting point for that review.

The Board, through its Teacher and School Leader Effectiveness Committee (Committee), held four public hearings on the Secretary's recommended updates to Chapter 49 and invited additional testimony from stakeholders on the chapter broadly. In advance of the hearings, draft proposed amendments to Chapter 49 prepared by the Secretary were posted on the Board's web site for public review. Hearings were held at the Philadelphia School District administration building on March 4, 2019, at the Department of Education in Harrisburg on March 14, 2019, at Lock Haven University on March 28, 2019, and at the Allegheny Intermediate Unit on April 23, 2019. In addition to providing an opportunity to testify before the Committee, the Board invited individuals to submit written testimony on draft proposed revisions to Chapter 49.

Individuals affiliated with small businesses were welcome to participate in the public hearings convened by the Committee and to submit written testimony to the Board. In addition, the Board invited comments on the impact of draft proposed amendments on small businesses

directly from the Pennsylvania chapter of the National Federation of Independent Business prior to adopting this proposed rulemaking.

Comments received during this process were taken into consideration by the Board in making further revisions to the Secretary's recommendations. Draft proposed amendments to Chapter 49 were reviewed and approved by the Committee and by the Council of Higher Education before being adopted by the Board as a proposed rulemaking at its public meeting on July 8, 2020.

Need for the rule

This proposed rulemaking has two aims—conforming the chapter to changes in State statute and enhancing educator preparedness by establishing new training requirements related to culturally responsive and sustaining education (CR-SE), structured literacy and professional ethics.

The majority of proposed revisions reflect technical amendments to align certain provisions of Chapter 49 with statutory changes to the Public School Code, clarify ambiguous language and update language for relevancy.

Substantive changes related to educator training are needed to address concerns surrounding Pennsylvania's supply of effective educators. Section 49.51(a) directs the Department to report annually to the Board on the status of certification in the Commonwealth. Data presented in the Department's July 2020 annual human capital report shows that enrollment in traditional educator preparation programs in this Commonwealth has decreased by 67% since 2010, with a slight increase between 2017 and 2018.

This downward trend is consistent with declines in educator preparation program enrollments Nationally that fell by 35% between 2009 and 2014. Data on National educator preparation program enrollments was presented by LPI in a presentation titled "National Trends in Teacher Preparation and Certification" that was delivered at a public meeting of the Board in March 2019. The steep decline in the number of individuals preparing for a career in education is a contributing factor to the challenges districts face in hiring fully prepared educators. Issues surrounding educator supply further are compounded by persistent teacher shortages in certain geographic areas and subject areas.

The decline in supply and resulting shortages disproportionately impact inequities in access to qualified teachers for low-income students and students of color. A report prepared by LPI titled "Examining Educator Certification in Pennsylvania: Research and Recommendations for Chapter 49" notes that the eight districts that top the State's list for teacher shortages based on unfilled vacancies are all Title I districts. Title I is a Federal program that provides financial assistance to local education agencies and schools with high numbers or high percentages of children from low-income families. Collectively, in 2016-2017, these districts served over 13% of the State's overall student population and over 30% of student of color in this Commonwealth. According to the LPI report, six of the eight districts with the greatest teacher shortages serve primarily students of color.

To address these gaps, the State has become increasingly reliant on long-term substitutes serving on emergency permits to staff classrooms as evidenced by a 100% increase in the number of emergency permits issued to districts in Pennsylvania between 2014-2015 and 2016-

2017. Data on the increasing reliance on emergency permits was presented to the Board in the Department's 2018 annual certification report and further reported in the aforementioned report prepared by LPI. These circumstances are concerning because research demonstrates that teachers with little or no preparation often lead classrooms with lower student outcomes and experience a higher attrition rate from the field. Nationally, 66% of teacher turnover in 2015-2016 was due to pre-retirement attrition, as reported by LPI in its March 2019 presentation at a public meeting of the Board.

While significant turnover occurs before educators reach retirement age, the Board gauged Pennsylvania's educator workforce needs by reviewing data on the supply gap as measured by potential retirements. In 2018-2019, 12% of teachers were close to or at the age of retirement (defined as 55 years of age or older) and, in that same year, 5% of teachers were close to retirement based on years of services (defined as 30 or more years of service) as evidenced by data in the Department's July 2020 annual human capital report.

Proposed amendments are intended to reinforce the professional integrity expected of both new and experienced educators. The Professional Standards and Practices Commission, the State body charged with adjudicating educator misconduct, has seen its caseload more than triple over the past 5 years according to data from the Commission. The Commission disciplines nearly 300 educators annually, and the Department's Office of Chief Counsel currently has more than 2,000 educator misconduct complaints pending. Protecting students from educator misconduct is of the utmost imperative. Through these proposed amendments, the Board seeks to ensure that educators in this Commonwealth are prepared not just in pedagogy and content knowledge, but that they possess a clear understanding of the ethical practice that is expected of them.

Collectively, these challenging circumstances require attention to ensure that all students in this Commonwealth are served by teachers fully prepared to meet their needs. To address these challenges, the Board is proposing new educator training requirements that would be integrated throughout three points in an educator's career to provide a continuum of professional learning.

First, this proposed rulemaking would add requirements for instruction for preservice educators, which would be delivered as part of undergraduate or alternative post-baccalaureate programs for individuals who are working toward earning a teaching certificate. Under this proposed rulemaking, individuals studying to become teachers would need to complete instruction in professional ethics, structured literacy, and CR-SE. CR-SE is inclusive of mental wellness, trauma-informed instruction, cultural awareness, and technological and virtual engagement.

Second, this proposed rulemaking would add requirements for training as newly-employed teachers enter the profession. When teachers enter the classroom for the first time, they are required to complete an induction program that includes a variety of professional support services, often delivered under the guidance of a mentor teacher, to facilitate entry into the education profession. Induction programs typically span an educator's first year in the classroom, and, under this proposed rulemaking, would make supports available for at least the first 2 years of an educator's career. This proposed rulemaking would require induction programs for newly-employed

educators to include training in CR-SE, as described previously, and in professional ethics.

Finally, this proposed rulemaking would add requirements for training as part of continuing professional development for current educators. The act of November 23, 1999 (P.L. 529, No. 48) amended the act to require educators in this Commonwealth to complete continuing education requirements every 5 years to maintain an active teaching certificate. Educators must earn either six credits of collegiate study, six credits of Department-approved continuing professional education courses, or 180 hours of continuing professional education programs, activities or learning experiences through a Department-approved provider to maintain active certification status.

Further, both section 1205.1 of the act (24 P.S. §§ 12-1205.1) and § 49.17 (relating to continuing professional education) require school entities to develop continuing professional education plans every 3 years. The existing requirements of Chapter 49 further require that professional education plans must address training in meeting the needs of diverse learners (defined as students with limited English language proficiency or students with disabilities), improving language and literacy acquisition, and closing the achievement gap among students. This proposed rulemaking would require that continuing professional education for current educators include training in CR-SE, structured literacy and professional ethics.

The proposed substantive amendments are intended to support efforts to improve educator recruitment, increase the number of classrooms staffed by fully prepared teachers, increase retention in the profession, and improve student outcomes by strengthening the preparation of new educators, creating conditions to provide more support for educators as they enter the classroom and by improving the skill sets of current educators in working with an increasingly diverse student population.

Provisions of this Proposed Rulemaking

The majority of revisions in this proposed rulemaking would make technical amendments to either align provisions of Chapter 49 with statutory changes, clarify language or update language for relevancy. The balance of proposed amendments would establish new competencies for educators to be incorporated both in preservice instruction for individuals preparing to enter the field and in training delivered through induction programs and professional development for current educators. This proposed rulemaking would strengthen supports for beginning educators by extending the length of induction programs. Finally, this proposed rulemaking would create additional certification pathways for school psychologists.

§ 49.1. Definitions

Proposed amendments to § 49.1 (relating to definitions) would add a new definition for "alternative program provider." The act of June 30, 2011 (P.L. 112, No. 24) amended the act to create new powers and duties for the Secretary through the addition of section 1207.1 to the act (24 P.S. § 12-1207). These powers permit the Secretary to evaluate and approve postbaccalaureate certification programs and to evaluate and approve qualified providers of postbaccalaureate certification programs, which may include providers other than institutions of higher education. The definition of "alternative program provider" is proposed to be added as a technical revision to align the regulation with the authorization in statute permitting the Secretary to approve these providers and to acknowledge the current landscape of educator prepa-

ration providers that is inclusive of approved alternative programs. References to alternative program providers are incorporated throughout the chapter as appropriate to recognize the presence of alternative program providers.

The term “approved teacher certification program” is proposed to be amended for relevance to refer to “approved educator preparation program.” This proposed revision to terminology recognizes that preservice education providers offer a breadth of programming that extends beyond preparing individuals to serve only as classroom teachers. The definition is being amended to reflect the presence of alternative program providers, as described previously in the proposed new definition.

A new definition for “baccalaureate degree” is proposed to be added as a technical amendment to provide context for individuals qualified to pursue certification through an alternative program provider as defined in statute. Requirements established in section 1207.1 of the act set forth that these programs may be offered at the postbaccalaureate level.

The existing definition of “professional certified personnel” is being revised to refer to “certified personnel” to clarify professional as certified and to reflect the application of the term as applied in current inter-State reciprocity agreements.

A new definition of “completer” is proposed to be added to differentiate between a candidate who has met all requirements in a certification program and candidates who have received a certificate, as some completers do not become certified.

A definition for “culturally relevant and sustaining education” is proposed to be added to describe new competencies for educators in which instruction and training would be required under this proposed rulemaking. The definition of CR-SE includes the following specific competencies: mental wellness, trauma-informed approaches to instruction, technological and virtual engagement, and cultural awareness.

The existing definition for the “Professional Educator Discipline Act” is proposed to be amended to the “Educator Discipline Act” to appropriately refer to the Act as it was renamed under the act of December 18, 2013 (P.L. 1205, No. 120). References to the “Professional Educator Discipline Act” throughout the entirety of the chapter are updated accordingly to align with the title as changed in statute.

A new definition for “historically underrepresented groups” is proposed to be added to provide context for reporting under § 49.14(4)(v) (relating to approval of institutions).

A new definition for “professional ethics” is proposed to be added to provide context for instruction and training for educators in ethical practice and professional integrity that would be required under this proposed rulemaking.

The term “school entity” is being amended to replace the existing reference to “area vocational-technical schools” with “area career and technical schools.” This proposed amendment aligns language included in the definition with terminology as it was updated throughout the act under revisions enacted by the act of October 30, 2019 (P.L. 460, No. 76).

A new definition for “structured literacy” is proposed to be added to provide context for instruction and training

for educators in these competencies that would be required under the proposed rulemaking.

A new definition of “subject area” is proposed to be added to distinguish content instruction from grade spans.

§ 49.12. Eligibility

References to providing a physician’s certification in paragraph (2) are deleted as these certificates are no longer required in statute.

Paragraph (4) is amended for clarification.

§ 49.13. Policies

Proposed amendments replacing the term “teacher education” with “educator preparation” are reflected in subsection (b)(1) and (4) to update language for relevancy and to reflect proposed updates to the definition of “approved educator certification program” in § 49.1. Parallel amendments to this terminology are reflected throughout the balance of the chapter for greater accuracy and relevancy in identifying the breadth of program offerings by preservice education providers.

Section 49.13(4)(ii) requires instruction in professional ethics to be integrated throughout educator preparation programs and directs the Department to determine whether this requirement is being satisfied by educator preparation providers. This instruction must align with standards for competencies in professional ethics that would be developed by the Department as set forth elsewhere in this proposed rulemaking (§ 49.14(4)(i)).

Subsection (c) is proposed to be amended for clarity and to reference the proposed new definition of “alternative program provider” to recognize the presence of alternative providers in the landscape of educator preparation programs.

Subsection (f) is proposed to be added to the regulation to address procedures for evaluating applicants for certification who seek certification after their educator preparation program has closed or been discontinued. This addition is intended to ensure there are no gaps in the evaluation of applicants.

§ 49.14. Approval of institutions and alternative program providers

The title of this section is proposed to be amended to reference the proposed new definition of “alternative program provider” to recognize the inclusion of these providers in section 1207.1 of the act. References to “alternative program provider” are proposed to be added throughout the section, and throughout the balance of the chapter as appropriate, to reflect the Secretary’s responsibility for approving these providers as established under the act of June 30, 2011 (P.L. 112, No. 24).

Proposed amendments to paragraph (4)(i) require educator preparation program providers to deliver instruction that includes competencies, coursework, and field experiences in professional ethics, structured literacy, and CR-SE, inclusive of mental wellness, trauma-informed approaches to instruction, cultural relevancy, and virtual instruction. The section further would require the Department of Education to identify the competencies and to develop standards for them.

Paragraph (4)(iv) proposes to grant more discretion over clinical experiences to the Secretary in consultation with the Board.

Paragraph (4)(v) proposes to establish annual reporting requirements for educator preparation programs on stu-

dents admitted, retained and graduated, including students from historically underrepresented groups.

Proposed amendments to paragraph (4)(vii) better clarify the institutional approval process.

Paragraph (4)(viii) proposes to grant more discretion over clinical experiences to the Secretary in consultation with the Board.

Paragraph (4)(x) proposes to clarify the Board's role in consulting with the Secretary to approve achievement targets.

Amendments to paragraph (6) are proposed to acknowledge the need of educator preparation programs to comply with federal requirements.

§ 49.15. *Approval of experimental programs*

As noted in the previous section, the proposed new definition for "alternative program provider" is being added to relevant provisions throughout the chapter to recognize their inclusion in the landscape of educator preparation programs.

Section 49.15 (relating to approval of experimental programs) proposes to add a cross-reference to § 49.13 (relating to policies) for clarification to highlight needs for experimental programs to meet requirements.

§ 49.16. *Approval of induction plans*

The Board proposes to amend subsection (a) to strengthen the supports available to beginning educators by extending the length of induction programs to 2 years.

Proposed amendments to subsection (c) direct school entities to include professional ethics, cognitive competencies and CR-SE in induction program plans for new educators.

§ 49.17. *Continuing professional education*

Proposed amendments to subsection (a)(6) require school entities to provide professional development in CR-SE, structured literacy and professional ethics.

The proposed amendments direct school entities to address delivery of training in CR-SE for current educators as part of existing continuing professional education plans. Inclusion of trauma-informed approaches to instruction as a component of professional development for current educators, which would be required by the inclusion of CR-SE in Subsection (a)(6), is consistent with the recent additions of sections 1205.1 and 1205.7 to the act that require school entities' professional education plans to include trauma-informed approaches.

In addition to providing a foundation in professional ethics for individuals preparing to enter the profession as established earlier in the proposed rulemaking, training in professional ethics would be delivered to current educators under revisions to § 49.17(a)(6) that direct school entities to address professional ethics as a component of their continuing professional education plans.

Finally, proposed amendments to subsection (a)(6) would require school entities to provide training in structured literacy for educators at the elementary level as part of existing continuing professional education plans.

Subsections (b) and (c) are proposed to reflect technical amendments to align the regulation with sections 1205.5 and 1217 of the act that set forth requirements for continuing professional education for school and system leaders.

Proposed amendments to subsection (d) align terminology in this section with proposed amendments to the definition of "certified personnel" in § 49.1.

§ 49.18. *Assessment*

Proposed amendments to subsection (a) and provide clarification that assessments used to demonstrate the knowledge and skills delineated in this section may be stand-alone measures. These clarifications reflect existing practice in preservice assessment.

Subsection (b) is proposed to be amended for grammatical consistency with the proposed amendments to subsection (a).

Subsection (c) is proposed to be amended for clarification and for cross-reference to changes enacted under the act of October 22, 2014 (P.L. 2624, No. 168) which added section 1207.3 of the act (24 P.S. § 12-1207.3). Section 1207.3 establishes satisfactory achievement of the basic skills assessment as a requirement to be reached prior to formal entry into a certification preparation program and further established that candidates enrolled in a postbaccalaureate certification program are not required to take and pass a basic skills assessment.

Subsection (d) is proposed to be amended to establish a more feasible timeframe for conducting periodic reviews of assessments required for certification by changing the timeframe from every 3 years to every 5 years.

Subsection (e) is proposed to be amended to clarify that certifications added-on through testing by individuals with an Instructional I or Intern Certificate may be issued in related subject areas, and retains the exclusion for all special education certificates to be added-on through testing. Proposed amendments to this section clarify the Board's role in consulting with the Secretary in identifying other certification areas that may be excluded.

§ 49.31. *Criteria for eligibility*

Section 49.31 (relating to criteria for eligibility) proposes to add language to include approved private schools and eligible providers as defined in Chapter 405.2 (relating to definitions) to reflect changes in statute.

§ 49.65. *Out-of-State and Nationally-certified applicants*

Subsection (a)(3) is proposed to be amended to make clear that the section refers to subjects on out-of-State certificates, rather than to subjects that the candidate desires to teach.

Subsection (d) is proposed to be added to permit school psychologists certified by the National Association of School Psychologists to be granted the highest level certificate available for certification as a school psychologist. This revision parallels existing policy for classroom teachers in subsection (c) that permits educators certified by the National Board for Professional Teaching Standards to be granted the highest level certificate applicable.

Subsection (e) is proposed to be amended to reflect more accurate terminology and to make clear that a candidate must demonstrate mastery of the "certification" area, not the "subject" area. In this subsection, the existing reference to "bachelor's" is replaced with "baccalaureate" to align with the new proposed definition of "baccalaureate degree" in § 49.1.

Multiple provisions of Chapter 49 are being updated to reflect changes made to statute by the act of June 30, 2011 (P.L. 112, No. 24), including proposed amendments to subsection (f). The act of June 30, 2011 (P.L. 112, No. 24) modified eligibility requirements, set forth in section

1206(a) of the act (24 P.S. § 12-1206(a)), for issuing instructional certificates to candidates who hold a valid certificate from another state. Proposed technical amendments presented in subsection (f) bring the regulation in line with eligibility requirements as now defined in statute regarding the experience that must be demonstrated by out-of-State candidates certified in another state who are seeking certification in this Commonwealth. Proposed revisions to this section add references to educational specialist, supervisory and administrative certificates to clarify the types of certificates to which these requirements apply.

§ 49.72. *Categories of certificates and letters of eligibility*

Subsection (a)(10) proposes to rename the category of “Vocational Education Certificates” as “Career and Technical Education Certificates.” This terminology update is consistent with global terminology changes enacted throughout the act by the act of October 30, 2019 (P.L. 460, No. 76).

§ 49.82. *Instructional I*

Subsection (a) proposes to add language for consistency with Chapter 405.2 regarding eligible providers and in acknowledgement of additional providers for qualified service leading to conversion of Instructional Level I to Instructional Level II certification.

§ 49.83. *Instructional II*

The proposed amendment to § 49.83(1) (relating to instructional II) establishes completion of a 2-year induction program as a requirement to earn an Instructional II certification. This revision is included for consistency with the proposed amendments to § 46.16(a) (relating to approval of induction plans) that would strengthen the supports available to beginning educators by extending the length of induction programs to 2 years.

§ 49.84. *Collegiate credit acceptable for conversion of the Instructional I Certificate*

Subsection (a) proposes to add a reference to “approved associate degree-granting institutions” to permit credits earned at a community college to be accepted toward credits required to convert an Instructional Level I to an Instructional Level II certificate.

Subsection (c) proposes to add language to permit graduate credits earned before an individual becomes certified to count toward the credits required for conversion of a Level I certificate.

§ 49.85. *Limitations*

Subsection (c) proposes to reflect technical amendments to align the regulation with changes to Special Education certificates under the act enacted by the act of October 19, 2018 (P.L. 545, No. 82) that added section 1202.1 of the act (24 P.S. § 12-1202.1). These statutory changes modified the grade spans and ages for these certificates and decoupled the requirement for special education certificates to be issued in tandem with an additional content area certificate.

Language in subsection (f)(2) is proposed to be amended for clarity.

Subsection (g) proposes to update existing language that permits the Secretary to grant exceptions in response to shortages of certified personnel to include an effective date of January 1, 2022. This revision aligns the date of applicability with changes to the act enacted under the act of October 19, 2018 (P.L. 545, No. 82).

§ 49.86. *Accelerated program for Early Childhood and Elementary/Middle level certificate holders*

The proposed amendment separates the words “certificate” and “holders” to correct a typographical error in the existing text of the regulation.

§ 49.90. *Criteria for eligibility*

Language in subsection (a)(1) related to eligibility criteria for a Temporary Teaching Certificate is proposed to be deleted as the criteria are no longer used due to changes in statute.

§ 49.91. *Criteria for eligibility*

Consistent with revisions elsewhere in the regulation, subsection (c) is proposed to be amended for clarity to refer to “certification” area rather than “subject” area.

Subsection (d) proposes to reflect revisions both for clarity and to align with practice that an Intern Certificate is valid for 3 years of service, rather than 3 calendar years.

§ 49.92. *Term of validity*

Like § 49.91(d) (relating to criteria for eligibility), this proposed amendment reflects both clarity and alignment with practice that an Intern Certificate is valid for 3 years of service, rather than 3 calendar years.

§ 49.104. *College credit acceptable for conversion of Educational Specialist I Certificate*

Subsection (c) proposes to permit graduate credits earned before certification as an Educational Specialist to count toward conversion of the certificate from Level I to Level II.

§ 49.111. *Supervisory Certificate*

Subsections (b) and (c) are proposed to permit individuals certified in one area of supervision to add-on another area by demonstrating expertise in the content of that area. Special Education Supervisory Certificates would be excluded from this add-on pathway.

Subsection (e) is proposed to be added to permit school psychologists who have completed 5 years of satisfactory certified experience as a school psychologist to be issued a Special Education Supervisory Certificate. The Board proposes this revision to help increase the availability of qualified special education supervisors in this Commonwealth.

§ 49.121. *Administrative Certificate*

Subsection (a) proposes to align the regulation with changes to the act enacted under the act of July 20, 2007 (P.L. 278, No. 45) that established school leadership standards that must be addressed in principal and superintendent leadership programs.

Subchapter C. Career and Technical Education Certification

Throughout the entirety of Subchapter C (relating to vocational education certification), and the balance of Chapter 49, references to “vocational-technical education” are proposed to be amended to refer to the more current term “career and technical education.” These proposed amendments are included for consistency with the same terminology updates that were reflected globally in the act under revisions enacted under the act of October 30, 2019 (P.L. 460, No. 76).

§ 49.131. *Basic requirements for baccalaureate and nonbaccalaureate programs*

Proposed amendments to subsection (a) replace “teacher education” with a more current and more accurate refer-

ence to “educator preparation,” as reflected throughout the chapter, and adds a reference to the proposed new definition for “alternative program provider” to recognize the presence of these providers in the landscape of educator preparation.

§ 49.142. *Career and Technical Instructional I*

Proposed amendments to subsections (a)(1) and (b) align these provisions with statutory changes enacted under the act of June 22, 2018 (P.L. 241, No. 39) that address requirements for issuing Career and Technical Instructional I, Career and Technical Instructional II and Career and Technical Intern certification.

Section 49.143. *Career and Technical Instructional II*

Proposed amendments to paragraph (2) align this provision with statutory changes enacted under the act of June 22, 2018 (P.L. 241, No. 39) that address requirements for issuing Career and Technical Instructional I, Career and Technical Instructional II and Career and Technical Intern certification.

Paragraph (3) is proposed to be amended for clarity to bring the conversion of Career and Technical I certification to Career and Technical II certification into alignment with conversion from Instructional I to Instructional II under § 49.18(a) (relating to assessment).

Paragraph (4) proposes to establish completion of a 2-year induction program as a requirement to earn a Career and Technical Instructional II certification. This revision is included for alignment with the proposed amendments to § 46.16(a) that would strengthen the supports available to beginning educators by extending the length of induction programs to 2 years.

Section 49.151. *Eligibility and criteria*

Proposed amendments to subsection (b) align this provision with statutory changes enacted under the act of June 22, 2018 (P.L. 241, No. 39) that address requirements for issuing Career and Technical Instructional I, Career and Technical Instructional II and Career and Technical Intern certification.

Subsection (c) is proposed to be added to clarify that continuing enrollment in a State-approved teacher intern program is a condition for maintaining the validity of a Career and Technical Education Intern Certificate from one year to the next. This clarification aligns with language regarding eligibility for Intern Certificates as set forth in § 49.91(d) (relating to criteria for eligibility).

§ 49.153. *Career and Technical Day-to-Day Substitute Permit*

Subsection (b) proposes to delete a cross-reference to § 49.32 (relating to exceptional case permits).

§ 49.163. *Career and Technical Administrative Director*

Proposed amendments to paragraph (1) that reduce the minimum number of years required from 5 years to 3 years reflect technical amendments to align with changes in statute. Further revisions to this section provide clarity and relevancy by amending the phrase “successful teaching in vocational education” with the phrase “relevant professional experience in a Career and Technical Education School.”

Paragraph (2) proposes to add a cross-reference to § 49.111(a) (relating to supervisory certificate) and add a reference to an “approved alternative program” as established under section 1207.1 of the act.

§ 49.172. *Letter of eligibility*

Subsection (a)(3) reflects proposed technical amendments to align eligibility requirements for receiving a Superintendent’s Letter of Eligibility with changes to section 1000.3 of the act (24 P.S. § 10-1003) enacted under the act of June 30, 2012 (P.L. 684, No. 82). These changes permit individuals to earn a Superintendent’s Letter of Eligibility based on prior experience in higher education.

§ 49.182. *Letter of eligibility*

Subsection (d) is proposed to be added by the Board to permit Intermediate Unit Boards of Directors to address vacancies in their Executive Director positions by appointing an Acting Director to serve in that capacity for not more than 1 year if the Intermediate Unit (I.U.) Board finds it impossible or impractical to fill the vacancy.

§ 49.191. *Letters of equivalency*

Paragraph (1) proposes to clarify procedures for earning a letter of equivalency for a baccalaureate degree by removing the requirement that the minimum number of credits toward the equivalency that must be earned at a State-approved baccalaureate degree granting institution, currently set at 18 of the 90 total credits required, must be completed during the final 30 credits.

Paragraph (2) proposes to update language for clarity to refer to certification area as opposed to primary teaching assignment. This clarification is being recommended so that college-level credits earned in pursuit of a Letter of Equivalency for a master’s degree be in the candidate’s certification area(s) rather than in the primary teaching assignment. This proposed revision improves the alignment of the credits with the candidate’s formal education and area(s) of expertise, if these are different from the primary teaching assignment. In addition, this proposed revision streamlines application reviews by the Department as staff examining applications have ready access to the candidate’s certification area(s) but not the primary teaching assignment.

Affected Parties

This proposed rulemaking would affect educator preparation program providers and the students enrolled in their programs, public school entities and educators.

Cost and Paperwork Estimates

Extending induction programs to 2 years may result in a cost for school entities that do not currently offer that length of support for beginning educators. Currently, 58 school entities offer a 2-year induction program and another 68 school entities offer a 3-year induction program. There are 551 school entities that offer a 1-year induction program. This proposed rulemaking would impact those 551 school entities that would need to extend induction programs for another year. Costs to districts could range from \$1,000 to \$5,000 per second-year teacher to support mentor stipends and additional professional development days. The estimated cost to school entities for scaling to 2-year induction programs State-wide is \$9,643,000 (based on the 551 school entities that would need to convert from a 1-year to a 2-year induction model and an assumption that each of those school entities would support seven second-year teachers annually at a cost of \$2,500 per second-year teacher).

The Department would incur costs to support the delivery of training in new competencies for educators as part of both induction programs and professional education for current classroom educators. Some training op-

portunities focused on the new competencies identified in the proposed amendments already are available through the State's existing network of I.U.s and other professional development educational entities within this Commonwealth. Work to develop additional trainings in mental wellness, trauma-informed instruction, cultural awareness, and virtual and technological engagement, and to provide professional development to I.U. staff to serve as trainers, is estimated at a one-time cost of \$26,700. This estimate is based on engaging 10 stakeholders over a 2-day period to develop new topics and trainings at a cost of \$3,000 for facilitators and \$2,000 to support expenses related to this work, and an additional cost of \$21,700 to train one staff person in each of the State's 29 I.U.s at a cost of \$750 per I.U.

Support for providing training to current classroom educators at the elementary level in structured literacy is estimated at \$350,000 annually. Professional development training and technical assistance in structure literacy currently is available at no cost to school entities through the Pennsylvania Training and Technical Assistance Network. To support the proposed amendments to Chapter 49 that would require this training for all elementary educators, the Department intends to enhance and scale up the current offerings by hiring a Statewide lead for structured literacy efforts and establishing a Statewide system of supports in structured literacy through the existing network of I.U.s. The estimated annual cost to support this work is based on a cost of \$203,000 to support trainings to be offered by 29 I.U.s (estimated at \$700/day for 10 days annually) and to support the salary and benefits of hiring a Statewide lead. Support for the first 2 years of this work has been budgeted through Federal funds available through the Coronavirus Aid, Relief, and Economic Security Act (Pub.L. 116-136, 134 Stat. 281) (CARES Act) set aside funds.

Effective Date

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

Sunset Date

The Board will review the effectiveness of Chapter 49 every 10 years in accordance with § 49.51(b) that directs the Board to conduct a major review of certification regulations at 10-year intervals. Thus, no sunset date is necessary.

Regulatory Review

Under sections 5(a) and 5(f) of the Regulatory Review Act (71 P.S. §§ 745.5(a) and (f)), on December 8, 2020, the Board submitted a copy of this proposed rulemaking and a copy of the Regulatory Analysis Form to the Independent Regulatory Review Commission (IRRC) and the Legislative Reference Bureau. Under section 5(f) of the Regulatory Review Act, the Board will submit this proposed regulation and a copy of the Regulatory Analysis Form to the Chairpersons of the House and Senate Committees on Education at the start of the 2021-2022 legislative session, no later than the second Monday after the date by which both committee designations have been published in the *Pennsylvania Bulletin*. 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 Regula-

tory Review Act specifies detailed procedures for review, prior to final publication of the rulemaking, by the Board, the General Assembly and the Governor.

Public Comments and Contact Person

Interested persons and individuals affiliated with small businesses are invited to submit written comments, questions, suggestions, commendations, concerns or objections regarding this proposed rulemaking to Karen Molchanow, Executive Director, State Board of Education, 333 Market Street, 1st Floor, Harrisburg, PA 17126, ra-stateboardofed@pa.gov. Comments must be submitted to the Board within 30 days of publication of this notice of proposed rulemaking in the *Pennsylvania Bulletin*.

Persons with disabilities needing an alternative means of providing public comment may make arrangements by calling the Board at (717) 787-3787 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.

KAREN MOLCHANOW,
Executive Director

Fiscal Note: 6-346. (1) General Fund; (2) Implementing Year 2020-21 is \$350,000; (3) 1st Succeeding Year 2021-22 is \$376,000; 2nd Succeeding Year 2022-23 is \$350,000; 3rd Succeeding Year is \$350,000; 4th Succeeding Year is \$350,000; 5th Succeeding Year is \$350,000; (4) 2019-20 Program—\$5,309,000; 2018-19 Program—\$5,309,000; 2017-18 Program—\$5,959,000; (7) Teacher Professional Development (8) recommends adoption. Funds have been included in the budget to cover this increase.

Annex A

TITLE 22. EDUCATION

PART I. STATE BOARD OF EDUCATION

Subpart C. HIGHER EDUCATION

CHAPTER 49. CERTIFICATION OF PROFESSIONAL PERSONNEL

Subchapter A. GENERAL PROVISIONS

THE PROGRAM

§ 49.1. Definitions.

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

Act—The Public School Code of 1949 (24 P.S. §§ 1-101—27-2702).

Alternative program provider—provider of accelerated post-baccalaureate preparation program, other than an institution of higher education, that has been approved by the Department in accordance with section 1207.1 of the act (24 P.S. § 12-1207.1(a)).

Approved [teacher] educator certification program—A sequence of courses and experiences, offered by a preparing institution [which] or **alternative program provider, that** is reviewed and approved by the Department.

* * * * *

Assessment of subject matter—A measurement of a candidate's knowledge of an academic field or discipline to be taught in the public schools of this Commonwealth.

Baccalaureate degree—A conferred bachelor's degree from an approved 4-year college or university.

The Department shall accept a conferred graduate degree as satisfaction of the Baccalaureate/bachelor's degree required for issuance of a certificate or permit.

Candidate—A person seeking certification in any of the areas outlined in this chapter.

Certificate—A document prepared and issued by the Department indicating that the holder has completed an approved professional preparation program and is qualified to perform specific professional duties.

Certified personnel—Professional employees, excluding school secretaries, as defined in section 1101 of the act (24 P.S. § 11-1101) or educators, or both, holding a comparable certificate from another state.

Chief school administrator—The superintendent, intermediate unit executive director, or equivalent private school administrator.

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Community provider—A not-for-profit or for-profit organization that operates prekindergarten programs.

Completer—A candidate who has successfully met all requirements of an approved certification preparation program of any type. Except where specified in certification definitions and in program framework guidelines, Department-required certification assessments are not considered program requirements.

Continuing professional education—The formal acquisition of collegiate or in-service credits designed to improve and expand the expertise of professional personnel.

Core academic subject—Includes reading, language arts, mathematics, science, foreign languages, social studies and the arts.

Culturally relevant and sustaining education (CR-SE)—Education that ensures equity for all students and seeks to eliminate systemic institutional racial and cultural barriers that inhibit the success of all students in this Commonwealth—particularly those who have been historically underrepresented. Culturally Relevant and Sustaining Education encompasses skills for educators including, but not limited to, approaches to mental wellness, trauma-informed approaches to instruction, technological and virtual engagement, cultural awareness and any factors that inhibit equitable access for all students in this Commonwealth.

Day-to-day substitute permit—A permit issued for no longer than 20 consecutive days to fill a position due to the absence of professional certified personnel.

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Educational specialist—Professional certified personnel whose primary responsibility is to render professional service other than classroom teaching, such as dental hygienist, home and school visitor, instructional technology specialist, social restoration specialist, nutrition service specialist, elementary counselor, secondary counselor, school nurse and school psychologist.

Educator Discipline Act—24 P.S. §§ 2070.1a—2070.18a.

Emergency permit—A permit issued to fill a vacancy resulting from resignation, termination, retirement, death or the creation of a new position.

Exceptional case permit—A permit issued to fill a vacancy due to exceptional conditions.

Historically underrepresented groups—Groups that are documented to have been represented across time in the educator population in proportions below their representation in the general population. These include, but are not limited to, people of color, the economically disadvantaged and first-generation college-goers.

Inclusive setting—The placement of a diverse learner in a regular classroom setting.

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PSPC—Professional Standards and Practices Commission—A body composed of educators from the fields of basic and higher education, members of the general public and an ex officio member of the Board established by the [**Professional**] Educator Discipline Act.

* * * * *

Preparing institution—A college or university that offers a program approved by the Department to prepare professional personnel for employment in the public schools.

[Professional certified personnel—Professional employees, excluding school secretaries, as defined in section 1101 of the act (24 P.S. § 11-1101).]

Professional duties—A duty the performance of which is restricted to [**professional**] personnel by the scope of their certificate.

[Professional Educator Discipline Act—24 P.S. §§ 2070.1a—2070.18a.]

Professional ethics—The accepted and collectively agree upon standards of behavior, values, and principles that, in conjunction with applicable laws and regulations, are meant to inform and guide professional decision-making. These standards of behavior, values, and principles include those detailed in the most recent Model Code of Ethics for Educators, as published by the National Association of State Directors of Teacher Education and Certification, and other ethical codes, guidelines, or standards unique to professional disciplines.

Satisfactory achievement—An acceptable level of performance as determined by the Secretary in consultation with the Board on the Department-prescribed assessments required in this chapter.

School entity—Public schools, school districts, intermediate units, area [**vocational-technical**] **career and technical** schools, charter schools, cyber schools and independent schools.

Structured literacy—Systemic, explicit instruction that integrates listening, speaking, reading, and writing and emphasizes the structure of language across the speech sound system (phonology), the writing system (orthography), the structure of sentences (syntax), the meaningful parts of words (morphology), the relationships among words (semantics), and the organization of spoken and written discourse.

Subject Area—Specific areas of instructional content.

Term of validity—A period of time as specified in §§ 49.33, 49.34, 49.82, 49.92, 49.102, 49.142 and 49.152

in which the holder of a certificate is entitled to perform the professional duties for which the certificate was issued.

§ 49.12. Eligibility.

In accordance with sections 1109, 1202 and 1209 of the act (24 P.S. §§ 11-1109, 12-1202 and 12-1209), every professional employee certified or permitted to serve in the schools of this Commonwealth shall:

(1) Be of good moral character.

[(2) Provide a physician's certificate stating that the applicant, with or without reasonable accommodation, is able to perform successfully the essential functions and duties of an educator. A qualified applicant who has tuberculosis or another communicable disease or a mental disability, will not be deemed to pose a direct threat to the health or safety of others unless a threat to health or safety cannot be eliminated by a reasonable accommodation.]

[(3)] (2) Be at least 18 years of age.

[(4)] (3) Except in the case of the Resource Specialist Permit, [Vocational Instructional Intern Certificate, and Vocational Instructional Certificate, have earned minimally a baccalaureate degree as a general education requirement] Career and Technical Emergency Permit, Career and Technical Instructional Intern Certificate, and Career and Technical Instructional Certificate, have earned a baccalaureate degree.

§ 49.13. Policies.

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(b) The Department will have the following responsibilities with respect to certification and permitting of professional personnel in the schools of this Commonwealth:

(1) Provision of advisory services to college and school personnel in matters pertaining to [teacher education] educator preparation and certification.

(2) Designation of professional titles for personnel.

(3) Prescription of procedures for issuance of certificates and permits.

(4) Evaluation and approval of [teacher education] educator preparation programs leading to the certification and permitting of professional personnel.

(i) The evaluation by the Department will provide assurance that, on or before January 1, 2011, teacher education programs will require at least 9 credits of 270 hours, or an equivalent combination thereof, regarding accommodations and adaptations for students with disabilities in an inclusive setting. Within the context of these 9 credits or 270 hours, instruction in literacy skills development and cognitive skill development for students with disabilities must be included, as determined by the institution. At least 3 credits or 90 additional hours, or an equivalent combination thereof, must address the instructional needs of English language learners. For purposes of this requirement, 1 credit equals 30 hours of coursework. Applicable hours are limited to a combination of seat hours of classroom instruction, field observation experiences, major research assignments, and development and implementation of lesson plans with accommodations and adaptations for diverse learners in an inclusive setting.

(ii) The evaluation by the Department will provide assurance that educator preparation programs demonstrate the integration of professional ethics throughout the preparation program.

[(ii)] (iii) Program approval reviews shall be conducted by professional educators from basic and higher education.

* * * * *

(c) Except for applicants whose certification status is subject to subsection (b)(9) and § 49.171 (relating to general requirements), the Department will require that an applicant for a certificate shall have completed an approved [teacher] preparation program and shall be recommended by the preparing institution or **alternative program provider.**

(d) The Department will have the right to review approved programs at any time. Major evaluations shall be conducted at 7-year intervals, by professional educators appointed by the Department in accordance with subsection (b)(4), to review process and content.

(e) The Department will accept the request of an institution to withdraw from an approved program. The Department will have the right to withdraw the approval of a program from an institution. New students may not be accepted in a program which has lost its approved status after the date of the action.

(f) The Department shall prescribe procedures for evaluation of an applicant's preparation in the event that application for a certificate is made after the program at a preparing college or university has closed or been discontinued.

§ 49.14. Approval of institutions **and alternative program providers.**

To be authorized to conduct programs that lead to certificates for professional positions, institutions and any of their off-campus centers **as well as alternative program providers** engaged in the preparation of [teachers] **educators** shall meet the following requirements:

(1) Be approved as a baccalaureate or graduate degree granting institution **or alternative program provider** by the Department.

(2) Be evaluated and approved as [a teacher] **an educator** preparing institution **or alternative program provider** to offer specific programs leading to certification in accordance with procedures established by the Department.

(3) Report to the Department, for approval, all planned changes in previously approved programs. This report shall be made 90 days prior to the implementation of the planned changes.

(4) Follow Department prescribed standards developed from the following principles:

(i) Institutions **and alternative program providers** develop clear goals and purposes for each program, [including attention to professional ethics and responsibilities.] **which shall include competencies, coursework and field experiences that address professional ethics, cognitive competencies, structured literacy, and culturally relevant and sustaining education. The Department will identify these competencies and develop associated standards.**

(ii) Institutions **and alternative program providers** are able to demonstrate how instructional and clinical activities provide educator candidates with the capacity to enable the achievement of all students, including diverse learners in an inclusive setting.

(iii) Institutions **and alternative program providers** are able to demonstrate that educator candidates have participated in instructional activities that enable the candidates to provide instruction to students to meet the provisions of Chapter 4 (relating to academic standards and assessment).

(iv) Institutions **and alternative program providers** are able to demonstrate that educator candidates successfully participate in sequential clinical experiences fully integrated within the instructional program **as determined by the Secretary in consultation with the State Board.**

(v) Institutions **and alternative program providers** have clearly expressed standards for admission to, retention in and graduation from approved programs and **[actively encourage the participation of students from historically underrepresented groups.] can demonstrate recruitment and participation of students from historically underrepresented groups. Institutions and alternative program providers annually will report on students admitted, retained, and graduated from their programs, including numbers from historically underrepresented groups.**

(vi) Institutions **and alternative program providers shall** provide ongoing assessment of educator candidates' knowledge, skills, dispositions and performance with which to identify needs for further study, certification assessment assistance or clinical experience or dismissal from the program.

(vii) Institutions **and alternative program providers** can demonstrate how information from systematic evaluations of their programs, including students and educator evaluators, and achievement levels of candidates for certification in the Department-designed assessment program, are used for continual program improvement **and shall develop corrective action steps if identified as at-risk or low performing program providers as defined by the Department.**

(viii) Institutions **and alternative program providers**, in partnership with local education agencies, provide a school-based experience integrating the teacher candidates' knowledge, skills and dispositions in professional practice. This experience shall be fully supported by institutional faculty, including frequent observation, consultation with supervising teachers and opportunities for formative and summative evaluation. **Minimum numbers of pre-culminating field experience hours shall be determined by the Secretary in consultation with the Board. Requirements for culminating field experiences, including length of culminating field experiences beyond the minimum required in § 354.25(f) (relating to preparation program curriculum), shall be determined by the Secretary in consultation with the Board. Additional requirements for supervising teachers, beyond the minimum required in § 354.25(f)(2), shall be determined by the Secretary in consultation with the Board. Requirements for supervising teachers in fields that are customarily staffed at one per building or at similarly low levels not addressed in § 354.25 shall be determined by the Secretary in consultation with the Board.**

(ix) Institutions **and alternative program providers** provide ongoing support for novice educators in partnership with local education agencies during their induction period, including observation, consultation and assessment.

(x) Institutions **[provide] and alternative program providers supply** evidence that an acceptable percentage of candidates applying for certification as determined by the Secretary and **approved by the Board** achieve at a satisfactory level on all assessments appropriate to initial certification in each program for which they are approved.

(5) Institutions **and alternative program providers** may enter into articulation agreements with community colleges that permit students to earn credits toward meeting the requirements of this chapter.

(6) Institutions will comply with requirements set forth in the Federal Elementary and Secondary Education Act (20 U.S.C.A. §§ 6301—7981) and the Federal Higher Education Act (20 U.S.C.A. §§ 1001—1019d).

§ 49.15. Approval of experimental programs.

The Department may enter into a written agreement with a preparing institution **or alternative program provider** wishing to conduct an experimental program. The institution **and alternative program provider** shall meet the requirements described in § 49.13 (relating to policies) and § 49.14 (relating to approval of institutions). Certification shall be given to graduates of an experimental program upon recommendation by the institution **or alternative program provider** if the **[institution] provider** has met all of the following requirements:

(1) Submitted a detailed explanation of the experimental program to the Department for approval.

(2) Planned a thorough procedure conforming to accepted canons of educational research for evaluating results of the experimental program. These results shall be reported to the Department in accordance with a schedule approved at the time of the agreement.

(3) Agreed to terminate the experimental program upon request by the Department when it is judged by a program approval team to be inadequate for preparation of professional personnel.

§ 49.16. Approval of induction plans.

(a) Each school entity shall submit to the Department for approval a plan for **[the] a 2-year** induction experience for first-year teachers (including teachers in prekindergarten programs, when offered), long-term substitutes who are hired for a position for 45 days or more and educational specialists. The induction plan shall be submitted every 6 years as required under § 4.13(b) (relating to strategic plans). The induction plan shall be prepared by teacher or educational specialist representatives, or both, chosen by teachers and educational specialists and administrative representatives chosen by the administrative personnel of the school entity. Newly employed professional personnel with prior school teaching experience may be required by the school entity to participate in an induction program. A school entity shall make its induction plan available for public inspection and comment for a minimum of 28 days prior to approval of the plan by the school entity's governing board and submission of the plan to the Department.

(b) The Department will establish guidelines and will review for approval induction plans submitted by school entities.

(c) Induction plan guidelines shall include professional ethics, cognitive competencies, and culturally relevant and sustaining education as determined by the Secretary.

[(c)] (d) The induction plan shall reflect a mentor relationship between the first-year teacher, long-term substitute or educational specialist, teacher educator and the induction team.

[(d)] (e) Criteria for approval of the induction plans will be established by the Secretary in consultation with the Board and must include induction activities that focus on teaching diverse learners in inclusive settings.

§ 49.17. Continuing professional education.

(a) As required under § 4.13(a) (relating to strategic plans), a school entity shall submit to the Secretary for approval a 3-year professional education plan every 3 years in accordance with the professional education guidelines established by the Secretary and section 1205.1 of the act (24 P.S. § 12-1205.1). A school entity shall make its professional education plan available for public inspection and comment for a minimum of 28 days prior to approval of the plan by the school entity's governing board and submission of the plan to the Secretary.

* * * * *

(6) The continuing professional education plan must include a section which describes how the professional education needs of the school entity, including those of diverse learners, and its professional employees are to be met through implementation of the plan. The plan must describe how professional development activities will improve language and literacy acquisition for all students **[and], including the provision of training in structured literacy for professional employees at the elementary level. The plan must contribute to closing achievement gaps among students, and improve professional employees knowledge of professional ethics and culturally relevant and sustaining education.**

* * * * *

(b) A commissioned officer who **[obtains] holds** a Letter of Eligibility for Superintendent **[shall present to the Secretary evidence of satisfactory completion of 6 credit hours of continuing professional education courses] shall satisfy the requirements for continuing professional education through the completion of courses and credits approved by the Department to address the school leadership standards of section 1217 of the act (24 P.S. § 12-1217) in accordance with section 1205.5 of the act (24 P.S. § 12-1205.5) every 5 years. [This subsection will be satisfied by taking collegiate studies or Department-approved in-service courses or a combination thereof.]**

(c) **[Professional] Certified** personnel **including school or system leaders defined in section 1205.5(g)** who fail to comply with the continuing professional education plan under subsection (a) or fail to complete the requirements of sections 1205.1 **[and]**, 1205.2 **and 1205.5** of the act will have their certificates or **[commissions] Letter of Eligibility** rendered inactive

by the Department until the requirement is met. **[Professional] Certified** personnel and **school or system leaders** whose certificate or **[commission] Letter of Eligibility** is rendered inactive shall have a right to appeal the action to the Secretary.

(d) School districts that employ **[professional] certified** personnel or commissioned officers with inactive certificates or commissions are subject to penalties provided for under section 2518 of the act (24 P.S. § 25-2518).

(e) Certified personnel are responsible for monitoring their own progress toward completing the requirements prescribed by sections 1205.1 and 1205.2 of the act and for notifying the Department of any changes to their home mailing address.

§ 49.18. Assessment.

(a) The Secretary will **[institute an assessment program] establish assessments** for candidates for certification designed to assess their basic skills; professional knowledge and practice; and subject matter knowledge. Candidates for elementary, K-12 instructional, special education and early childhood certificates shall also be assessed in the area of general knowledge. The following principles will guide the Secretary in the development of **[an] any** assessment **[program]**:

(1) **[The assessment program] Assessments** will be based in the standards developed for each certificate.

(2) **[The assessment program] Assessments** will measure the candidate's abilities across the domains of basic skills knowledge, professional knowledge and practice, and subject matter knowledge employing a variety of measures at a minimum of three points:

(i) During the candidate's preparation program.

(ii) Upon application for initial certification.

(iii) Upon application for Level II, supervisory or administrative certification.

(3) **[The assessment program] Assessments** will be developed in consultation with teachers, administrators, teacher educators and educational specialists with relevant certification.

(4) **[The assessment program] Assessments** will employ, when appropriate, available assessment tools, instruments and procedures.

(b) The Secretary, in consultation with the Board, will establish a satisfactory achievement level for **[the] any** assessments in subsection (a).

(c) The assessments in basic skills **[and] will be given, and satisfactory achievement levels shall be reached, prior to formal entry into a certification preparation program in accordance with section 1207.3 of the act (24 P.S. § 12-1207.3). The assessments in** general knowledge; professional knowledge and practice; and subject matter knowledge will be given, and satisfactory achievement levels shall be **[reached] obtained**, prior to the issuance of a certificate. **Candidates who will complete all certification requirements at the post-baccalaureate level are not required to take and pass assessments in basic skills (See 24 P.S. § 12-1207.3).**

(d) A periodic review of the **[assessment program] assessments** will be made by the Board every **[3] 5** years.

(e) The Department may issue additional subject areas to holders of Instructional (see §§ 49.82 and 49.83 relating to Instructional I; and Instructional II) or Intern (see § 49.91 (relating to criteria for eligibility)) certification in related subject areas and who pass the appropriate subject matter testing components [in areas other than Health and Physical Education, Cooperative Education and all]. All Special Education areas are excluded. The Department may identify other certification areas to be excluded from eligibility based on criteria established by the Secretary [and approved by] in consultation with the Board.

EMERGENCY, LONG-TERM AND DAY-TO-DAY SUBSTITUTE PERMITS

§ 49.31. Criteria for eligibility.

The Department may issue an emergency, Long-Term or Day-to-Day Substitute Permit for service in the public schools, [at the request of the employing public school entity] an approved private school or an eligible provider setting as defined in § 405.2 (relating to definitions), at the request of the employing entity, to an applicant who is a graduate of a 4-year college or [university to] university to fill a vacant position or to serve as a long-term or day-to-day substitute teacher, when a fully qualified and properly certificated applicant is not available. The permit is issued on the basis of terms and conditions agreed upon between the requesting public school entity and the Department. Each July, the Department will report to the Board the number and nature of emergency, Long-Term and Day-to-Day Substitute Permits issued during that year. A long-term substitute permit may be issued only after the position has been posted a minimum of 10 days on the school entity's [website] web site and no qualified candidate has been identified.

MISCELLANEOUS PROVISIONS

§ 49.64a. Authority to annul and reinstate certificates and discipline professional educators.

(a) A professional certificate or letter of eligibility obtained by fraud or mistake shall be considered void "ab initio" and shall be annulled by the Secretary. An annulment will not be effected without prior notice and hearing in accordance with reasonable procedures as the Secretary will prescribe, after review of and comment on the procedures by the Board.

(b) In accordance with the authority vested with the PSPC by the [Professional] Educator Discipline Act, the Commission may discipline professional educators.

(c) In accordance with the authority vested with the PSPC by section 16 of the Teacher Certification Law (24 P.S. § 2070.16), the Commission may reinstate a professional educator's certificate.

§ 49.65. Out-of-State and Nationally-certified applicants.

(a) The Department will issue the appropriate Commonwealth certificate to applicants who have:

(1) Graduated from a State approved out-of-State college or university whose [teacher education] educator preparation requirements are comparable to those of this Commonwealth.

(2) Completed the preparing institution's [teacher education] educator preparation program.

(3) Received the recommendation of the preparing institution for the [subject or area to be taught] out-of-State certificate issued.

(4) Presented evidence of satisfactory achievement in assessments prescribed by the Department under § 49.18(a) (relating to assessment) and the requirements of Chapter 354 (relating to teacher preparation).

(b) The Department may enter into a reciprocal certification agreement with the appropriate authority of another state to recognize comparable certificates. A temporary teaching permit may be issued to educators prepared outside of this Commonwealth in accordance with the current reciprocity agreement with other states. It will be valid for 1 year to allow the teacher to meet the Commonwealth's requirements as out lined in the reciprocity agreement.

(c) Candidates certified by the National Board for Professional Teaching Standards will be granted the highest level certificate applicable.

(d) School psychologists certified by the National Association of School Psychologists will be granted the highest level certificate available for certification as a school psychologist.

[(d)] (e) Candidates successfully completing other National teacher training programs that require a candidate to demonstrate mastery of the [subject] certification area to be taught and professional knowledge needed for classroom effectiveness as approved by the Board, will be certified to teach in this Commonwealth, provided the approved program includes 1 year of intensive supervision in an internship program approved by the Secretary and the teacher has satisfied the basic certification requirements of the act (see 24 P.S. §§ 12-1202 and 12-1209), such as having good moral character, being at least 18 years old and having a [bachelor's] baccalaureate degree.

[(e)] (f) Candidates holding a valid and current instructional, educational specialist, supervisory, or administrative certificate issued by [one of the states party to the Interstate Certification Agreement with Pennsylvania] another state may be eligible for comparable certification if [they have taught on the out-of-State certificate for 3 of the past 7 years] the applicant has 2 years of successful classroom or school experience in the area for which Pennsylvania certification is sought and [have] has achieved the qualifying score on the appropriate content area test required by the Commonwealth [and meet the requirements of § 49.12 (relating to eligibility). The out-of-State certificate must be comparable to the grade level and scope of the Pennsylvania certificate being requested, and the test must have been taken within 5 years of the date of application for the Pennsylvania certificate. In those cases, no other tests will be required].

§ 49.68. Evaluation of prescribed requirements and standards.

Institutions of higher education within this Commonwealth with approved [teacher education] educator preparation programs are authorized to evaluate, equate, and accredit educational experience and background of candidates for meeting the specific requirements for certification. A candidate may not be recommended for certification until providing evidence of

satisfactory achievement in the assessments under § 49.18 (relating to assessment).

Subchapter B. CERTIFICATION OF GRADUATES FROM COMMONWEALTH INSTITUTIONS

GENERAL PROVISIONS

§ 49.71. Basic requirements.

Applicants for a certificate shall have completed, in addition to all legal requirements, a program of [**teacher education**] **educator preparation** approved by the Department and shall have the recommendation of the preparing institution.

§ 49.72. Categories of certificates and letters of eligibility.

(a) The following basic categories of certificates and letters of eligibility will be issued by the Department:

- (1) Temporary Permit.
- (2) Emergency and Substitute Permits.
- (3) Intern Certificates.
- (4) Instructional Certificates.
- (5) Educational Specialist Certificates.
- (6) Supervisory Certificate.
- (7) Administrative Certificate.
- (8) Program Specialist Certificate.
- (9) Letters of Eligibility.
- (10) [**Vocational**] **Career and Technical** Education Certificates.
- (11) Exceptional Case Permits.
- (12) Resource Specialist Permits.

(b) The Secretary annually will disseminate an approved list of official titles of all certificates and letters of eligibility which the Department has issued during the past fiscal year or proposes to issue in the ensuing year.

INSTRUCTIONAL CERTIFICATES

§ 49.82. Instructional I.

(a) The Instructional I Certificate is valid for 6 years of teaching in public schools **or in eligible provider settings (as defined in § 405.2 (relating to definitions))** in this Commonwealth in the area for which it applies. It may be converted to an Instructional II Certificate as provided by § 49.83 (relating to Instructional II).

(b) The Instructional I Certificate will be issued to applicants who:

- (1) Possess a baccalaureate degree.
- (2) Present evidence of successful completion of a Department-approved teacher preparation program.
- (3) Present evidence of satisfactory achievement in assessments prescribed by the Department under § 49.18(a) (relating to assessment).
- (4) Receive recommendation for certification from [**a**] **the preparing** college or university **or alternative program provider**.

§ 49.83. Instructional II.

The Instructional II Certificate will be issued to an applicant who has completed:

- (1) A Department-approved **2-year** induction program.

* * * * *

§ 49.84. Collegiate credit acceptable for conversion of the Instructional I Certificate.

(a) College credit acceptable for conversion to the Instructional II Certificate shall be earned at a State-approved **associate degree-granting institution**, baccalaureate or graduate degree granting institution.

(b) Credits earned in programs designed to prepare for professional fields such as law, medicine or theology, when relevant to the area of certification, will be considered acceptable for purposes of renewing or converting the Instructional I Certificate.

(c) Credits shall be earned subsequent to the conferring of the baccalaureate degree. **Graduate credits earned prior to obtaining the Instructional I certificate are considered acceptable for purposes of converting the Instructional I Certificate.**

§ 49.85. Limitations.

* * * * *

(b) For instructional certificates issued on or after January 1, 2013, the grade level limitations shall be the following:

(1) Early Childhood (prekindergarten, kindergarten, grades one through four or ages 3 through 9).

(2) Elementary/Middle (grades four through eight or ages 9 through 14). Elementary/Middle Certificates permit instruction in any subject in grades four, five and six and in a core academic subject or subjects in grades seven and eight.

(3) Secondary (grades seven through twelve or ages 11 through 21).

(4) Specialized Areas (prekindergarten through grade twelve or up through age 21).

(5) Special education-PK—8 (prekindergarten through grade eight (ages 3 through 14)). Applicants for this certificate shall also obtain certification in one of the following certificates:

- (i) Early Childhood—in accordance with paragraph (1).
- (ii) Elementary/Middle—in accordance with paragraph (2).
- (iii) Reading Specialist—in accordance with paragraph (4).

(6) Special Education-7—12 (grades seven through twelve (ages 11 through 21)). Applicants for this certificate shall also obtain certification in one of the following certificates:

- (i) Secondary—in accordance with paragraph (3).
- (ii) Reading Specialist—in accordance with paragraph (4).

(7) Special Education Hearing Impaired, Visually Impaired and Speech/Language Impaired Certificates (prekindergarten, kindergarten, grades one through twelve or ages 3 through 21).

(c) Instructional certificates issued beginning January 1, 2013, through December 31, 2021, remain valid for the term of the certificate for the grade spans and age levels outlined in subsection (b) paragraphs (1)—(7). For instructional certificates issued on or after January 1, 2022, the grade level limitations shall be the following:

(1) Grade level limitations as presented in (b)(1)—(4).

(2) Special Education PK—12 (prekindergarten through grade 12 or under 21 years of age). Applicants for this certificate are not required to obtain any additional certificates.

(3) Special Education Hearing Impaired, Visually Impaired and Speech/Language Impaired Certificates (prekindergarten, kindergarten, grades one through twelve or a person 3 years of age and a person under the age of 21).

[(c) (d)] The decision about staffing based on age or grade level rests with the school entity.

[(d) (e)] The Secretary may grant exceptions to the grade and age level limitations between Early Childhood (subsection (b)(1)), Elementary/Middle (subsection (b)(2)), Special Education-PK—8 (subsection (b)(5)) and Special Education-7—12 (subsection (b)(6)) for individual teachers on a case-by-case basis. The school entity shall submit a written request to the Secretary that provides justification for the exception. The Secretary will set a time limit for each individual exception granted. The Secretary will issue guidelines that outline the circumstances under which exceptions will be granted.

[(e) (f)] When a school district contracts with a community provider for the provision of prekindergarten services, prekindergarten teachers providing the services shall possess a certificate in early childhood as provided in subsection (a)(1) or subsection (b)(1) within the following time frame:

(1) For contracts in place prior to September 22, 2007, September 24, 2012.

(2) For **[new] first-time** contracts, 5 years from the start of services.

[(f) (g)] The Secretary may grant exceptions in response to shortages of certified personnel that apply Statewide to specific provisions of this section when it is necessary to facilitate transition to the revised provisions scheduled to become effective on January 1, **[2013] 2022**. Exceptions may be granted under the following conditions:

(1) The Secretary will provide a written certification to the Board that includes relevant information and justification of the need for the exception. If the Board does not disapprove the exception within 90 days of receipt of the certification, the exception will stand approved.

(2) The exception will be valid for a limited term not to exceed 3 years.

(3) The Secretary will report annually to the Board on the nature and status of exceptions made under this section.

§ 49.86. Accelerated program for Early Childhood and Elementary/Middle level [certificateholders] certificate holders.

(a) The Department will establish standards consistent with the criteria outlined in subsection (d) for an accelerated program for Early Childhood and Elementary/Middle level **[certificateholders] certificate holders** to be effective January 1, 2013.

(b) Early Childhood Instructional I or Instructional II **[certificateholders] certificate holders** may add the Elementary/Middle Level I Certificate through the suc-

cessful completion of a Department approved accelerated program of study offered by an approved Commonwealth institution.

(c) Elementary/Middle Level Instructional I or Instructional II **[certificateholders] certificate holders** may add the Early Childhood Instructional I Certificate through the successful completion of a Department approved accelerated program of study offered by an approved Commonwealth institution.

(d) Accelerated programs must include appropriate level academic content aligned with State academic standards, child development and instructional practice appropriate for the developmental level covered by the certificate. Applicants shall demonstrate subject matter knowledge by passing the appropriate assessment under § 49.18 (relating to assessment).

TEMPORARY TEACHING PERMITS

§ 49.90. Criteria for eligibility.

(a) The Department may make a one-time issuance of a Temporary Teaching Permit for service in a specific area of instruction for use in elementary, middle or secondary schools to applicants who, in addition to meeting the requirements of § 49.12 (relating to eligibility), **[present evidence of one of the following:**

(1) For candidates prepared outside of this Commonwealth, met all requirements for an Instructional I certificate, with the exception of the Math/English course requirements under Chapter 354 (relating to preparation of professional educators).

(2) For candidates holding] hold a credential issued by a Board-approved National alternative certification program[,] **and** completed any ancillary requirements agreed upon by the Department and the credentialing authority.

(b) The Temporary Teaching Permit will be valid for 1 calendar year from the date of issuance.

(c) The Department will issue an Instructional I certificate when the prescribed courses or ancillary requirements are satisfied.

INTERN CERTIFICATES

§ 49.91. Criteria for eligibility.

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(c) Intern **[certificate] Certificate** programs must provide flexible and accelerated pedagogical training to teachers who have demonstrated competency in a **[subject]** certification area, provided that the first year of teaching includes a minimum of one classroom observation each month by an approved college/university in this Commonwealth.

(d) An Intern Certificate is valid for 3 **[calendar]** years **of service**. This professional certificate may be issued only to an applicant who is a graduate of an accredited 4-year college or university. During the first year, the applicant shall complete all tests, enroll in an authorized program and complete a minimum of nine credits per year. The certificate requires continuing enrollment in a State-approved teacher intern program. This certificate cannot be renewed.

§ 49.92. Term of validity.

The Intern Certificate will be issued for the period of time necessary for the candidate to complete the approved intern program, but this time period will not exceed 3 years **of service**.

EDUCATIONAL SPECIALIST CERTIFICATES

§ 49.104. College credit acceptable for conversion of Educational Specialist I Certificate.

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(c) Credits shall be earned subsequent to the conferring of the baccalaureate degree. Graduate credits earned prior to obtaining the Educational Specialist I certificate are considered acceptable for purposes of converting the Educational Specialist I Certificate.

SUPERVISORY CERTIFICATES

§ 49.111. Supervisory Certificate.

(a) The Department will issue Supervisory Certificates for positions in the schools of this Commonwealth to persons who:

(1) Have completed 5 years of satisfactory [**professional**] **certified** experience in the area in which the supervisory certificate is sought.

(2) Have completed an approved graduate program preparing the applicant for the responsibilities of supervising in the program area and of directing the activities of certified professional employees.

(3) Present evidence of satisfactory achievement in assessments prescribed by the Department under § 49.18(a) (relating to assessment).

(4) Are able to help students achieve under Chapter 4 (relating to academic standards and assessment).

(5) Meet the following standards:

(i) The supervisor understands the central concepts of organizational leadership, tools of research and inquiry and principles of teaching and learning that make supervision effective and efficient.

(ii) The supervisor understands how all children learn and develop and configures resources to support the intellectual, social and personal growth of all students.

(iii) The supervisor knows and understands effective instructional strategies and encourages and facilitates employment of them by teachers.

(iv) The supervisor uses an understanding of individual and group motivation to create a professional development environment that engages teachers to develop and apply effective instructional techniques for all students.

(v) The supervisor is an effective communicator with various school communities.

(vi) The supervisor organizes resources and manages programs effectively.

(vii) The supervisor understands and uses formative and summative assessment strategies to gauge effectiveness of people and programs on student learning.

(viii) The supervisor understands the process of curriculum development, implementation and evaluation and uses this understanding to develop high quality curricula for student learning in collaboration with teachers, administrators, parents and community members.

(ix) The supervisor possesses knowledge and skills in observation of instruction and conducting conferences with professional staff that are intended to improve their performance and enhance the quality of learning experiences for all students.

(x) The supervisor thinks systematically about practice, learns from experience, seeks the advice of others, draws

upon educational research and scholarship and actively seeks out opportunities to grow professionally.

(xi) The supervisor contributes to school effectiveness by collaborating with other professionals and parents, by using community resources, and by working as an advocate to improve opportunities for student learning.

(b) Notwithstanding the requirements of subsection (a), and excluding Special Education Supervisory Certification, the Department may issue additional Supervisory Certificate areas to individuals who already hold a valid Pennsylvania Supervisory Certificate if they demonstrate competency in the requested supervisory area by one of the following:

(1) complete 12 Department-approved credits of collegiate study in the supervisory area sought, or

(2) achieve a passing score on the applicable content test.

(c) For Supervisory Certificates issued pursuant to paragraph (b), 5 years of service in the area is not required.

[(b)] (d) A Supervisory Certificate for either Curriculum and Instruction or Pupil Personnel Services will be issued to persons who:

(1) Have 5 years of satisfactory professional certified service in the school program area for which the comprehensive certificate is sought.

(2) Have completed an approved graduate program preparing the applicant for the broad area, districtwide supervisory functions specified by the endorsement area of the certificate.

(3) Present evidence of satisfactory achievement in assessments prescribed by the Department under § 49.18(a).

(e) Notwithstanding the requirements of subsection (a), the Department may issue a Special Education Supervisory Certification to individuals who have completed 5 years of satisfactory certified experience as a school psychologist.

ADMINISTRATIVE CERTIFICATES

§ 49.121. Administrative Certificate.

(a) The Department will issue Administrative Certificates to persons who have [had] a minimum of [5] 3 years of satisfactory [**professional certified school**] **instructional or student support experience completed in a public or private PK—12 school or accredited institution of higher education and have completed an approved program of graduate study, approved alternative program, or completed the alternative route in accordance with section 1207.1(d) of the act (24 P.S. § 1207.1(d))** preparing the applicant to direct, operate, supervise and administer the organizational and general educational activities of a school. Applicants shall be recommended by the preparing institution **or alternative program provider** in which the [**graduate**] program was completed. Candidates for administrative certificates shall be able to help students achieve under Chapter 4 (relating to academic standards and assessment).

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Subchapter C. [VOCATIONAL] CAREER AND TECHNICAL EDUCATION CERTIFICATION
GENERAL PROVISIONS

§ 49.131. **Basic requirements for baccalaureate and nonbaccalaureate programs.**

(a) Applicants for a certificate shall have completed, in addition to all legal requirements, a program of [**teacher education**] **educator preparation** approved by the Department and shall have received the recommendation of the preparing institutions **or alternative program provider**.

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§ 49.132. **Types of certificates.**

Five basic types of certificates will be issued, as follows:

- (1) [**Vocational**] **Career and Technical** Instructional Intern.
- (2) [**Vocational**] **Career and Technical** Instructional.
- (3) Supervisor of [**Vocational**] **Career and Technical** Education.
- (4) [**Vocational**] **Career and Technical** Administrative Director.
- (5) [**Vocational**] **Career and Technical** Substitute Permits.

§ 49.133. **Levels of certification.**

[**Vocational**] **Career and Technical** Instructional Certificates shall be issued for the following levels of qualifications:

- (1) Level I (Provisional).
- (2) Level II (Permanent).

[VOCATIONAL] CAREER AND TECHNICAL INSTRUCTIONAL CERTIFICATES

§ 49.141. **General.**

(a) The Department will issue [**Vocational**] **Career and Technical** Instructional Certificates to persons whose primary responsibility is teaching occupational skills in State approved [**vocational**] **career and technical** education programs in the public schools of this Commonwealth. The certificates will be valid for teaching in any [**vocational**] **career and technical** or technical area for which the holder has registered his occupational competency credential with the Department in the manner prescribed by the Department.

(b) The holder of a [**Vocational**] **Career and Technical** Teaching Certificate may also teach the technical skills and knowledge of the holder's occupation in courses of comparable content provided in secondary school programs which have not been accorded State approval as [**vocational**] **career and technical** education programs under conditions in the policies and standards of the Department. Candidates for [**Vocational**] **Career and Technical** Teaching Certificates shall be able to help students achieve under Chapter 4 (relating to academic standards and assessment).

§ 49.142. [**Vocational**] **Career and Technical** Instructional I.

(a) A single certificate will be issued and titled, “[**Vocational**] **Career and Technical** Instructional Certifi-

cate.” Individuals qualifying for this certificate shall be authorized to teach in the areas for which they also hold an occupational competency credential. The occupational competency credential will be issued by the Department or an institution of higher education approved by the Secretary. The applicant shall have:

(1) A minimum of [**2 years**] **8,000 hours (equivalent to 4 years full-time)** wage-earning experience [**in addition to the learning period required to establish competency in the occupation to be taught**] **in the occupational area to be taught or 4,000 hours (equivalent to 2 years) wage-earning experience plus a baccalaureate degree.**

(2) Successfully completed the occupational competency examination or evaluation of credentials for occupations where examinations do not exist or present evidence of satisfactory achievement on an assessment of subject matter under § 49.18 (relating to assessment).

(3) Completed 18 credit hours in an approved program of [**vocational teacher education**] **career and technical educator preparation**. For [**Vocational**] **Career and Technical I** Certificates issued on or after January 1, 2013, the 18 credit hours must include at least 3 credits or 90 hours, or equivalent combination thereof, regarding accommodations and adaptations for diverse learners in an inclusive setting. For purposes of this requirement, 1 credit equals 30 hours of coursework. Applicable hours are limited to a combination of seat hours of classroom instruction, field observation experiences, major research assignments, and development and implementation of lesson plans with accommodations and adaptations for diverse learners in an inclusive setting.

(4) Presented evidence of satisfactory achievement on the assessment of basic skills under § 49.18.

(b) The [**Vocational**] **Career and Technical** Instructional I Certificate shall be valid for [**6**] **8** years during which time the applicant shall complete the approved preparation program leading to the [**Vocational**] **Career and Technical Instructional II Certificate**.

§ 49.143. [**Vocational**] **Career and Technical** Instructional II.

The [**Vocational**] **Career and Technical** Instructional II Certificate shall be a permanent certificate issued to an applicant who has:

(1) Completed 3 years of satisfactory teaching on a [**Vocational**] **Career and Technical** Instructional I Certificate attested to by the chief school administrator of the approved public or nonpublic school entity in which the most recent service of the applicant was performed.

(2) Completed [**60 credit hours**] **an additional 42 credit hours** including at least 6 credits or 180 hours, or an equivalent combination thereof, regarding accommodations and adaptations for students with disabilities in an inclusive setting and at least 3 credits or 90 hours, or an equivalent combination thereof, in teaching English language learners, in an approved program in the appropriate field of [**vocational**] **career and technical** education. For purposes of this requirement, 1 credit equals 30 hours of coursework. Applicable hours are limited to a combination of seat hours of classroom instruction, field observation experiences, major research assignments, and development and implementation of

lesson plans with accommodations and adaptations for diverse learners in an inclusive setting.

(3) Presented evidence of satisfactory achievement in assessments **[of general knowledge and of professional knowledge and practice under § 49.18] under § 49.18(a)** (relating to assessment).

(4) Completed a Department-approved **2-year** induction program.

**[VOCATIONAL] CAREER AND TECHNICAL
INTERN CERTIFICATES**

§ 49.151. Eligibility and criteria.

(a) The Department will issue **[Vocational] Career and Technical** Intern Certificates for teaching in State approved programs of **[vocational] career and technical** education in the public schools of this Commonwealth to applicants who have:

(1) Met all eligibility requirements stipulated in § 49.12 (relating to eligibility) except for the baccalaureate degree requirement in § 49.12(4).

(2) Provided evidence of satisfactory achievement in assessments of subject matter under § 49.18 (relating to assessment) or satisfactory occupational competency by one of the following:

(i) Successfully completing the occupational competency examination of the Department.

(ii) Securing recognition of occupational competency upon the basis of credentials review and adequate work experience beyond the learning period as established by the Department in those competency areas where occupational competency examinations do not exist.

(iii) Receiving State licensure or occupational accreditation by a Board of Examiners recognized by the Commonwealth.

(iv) Receiving certification from another state whose certification criteria are similar to those of this Commonwealth.

(3) Been accepted for enrollment in a State approved **[vocational teacher] career and technical educator** preparation program at a Commonwealth college or university.

(4) Been recommended for the certificate by the institution at which they are enrolled or accepted.

(b) The applicant shall be issued a **[Vocational] Career and Technical** Instructional I Certificate upon presenting evidence of **[2 years] 8,000 hours (equivalent to 4 years full-time) wage-earning experience [, completion of an approved intern program,] in the occupational area to be taught** and satisfactory achievement on the assessment of basic skills.

(c) The certificate requires continued enrollment in a State-approved teacher intern program.

§ 49.152. Term of validity.

The **[Vocational] Career and Technical** Instructional Intern Certificate shall be issued for the period of time needed by the applicant to complete 18 semester hours within the approved **[vocational teacher] career and technical educator** preparation program, but in no case shall the validity period exceed 3 years from the date of issuance.

§ 49.153. **[Vocational] Career and Technical** Day-to-Day Substitute Permit.

(a) The chief school administrator or **[vocational] career and technical** school administrative director having jurisdiction over any approved **[Vocational] Career and Technical** Education program is authorized to issue a special Day-to-Day Substitute Permit to an occupational practitioner when no properly certified teachers are available. The teacher shall function under the supervision of a properly certified supervisor or administrator. Assignments as described in this section shall be made only in case of an emergency and may not exceed 20-consecutive school days. This permit will be valid for 20 days of substitute service and may be renewed for an additional 20 school days upon the approval of the Secretary.

(b) This permit does not qualify the holder to serve as a regularly employed teacher to fill a vacant position or as a long-term substitute. These positions shall be filled by a person holding a valid **[Vocational] Career and Technical** Instructional or a State issued Long-term or Day-to-Day Substitute Permit. **[Reference should be made to § 49.32 (relating to Exceptional Case Permits).]**

**SUPERVISOR OF [VOCATIONAL] CAREER AND
TECHNICAL EDUCATION CERTIFICATE**

§ 49.161. Supervisor of **[Vocational] Career and Technical** Education.

(a) The Department will issue a Supervisor of **[Vocational] Career and Technical** Education Certificate to a person who has a minimum of 3 years satisfactory certified **[vocational] career and technical** teaching experience and whose primary assignment will be one or more of the following:

(1) Instructional supervision in the fields of **[vocational] career and technical** education—**[vocational] career and technical** agriculture, **[vocational] career and technical** business, distributive education, health occupations, **[vocational] career and technical** home economics, and **[vocational] career and technical** industrial, or trade and industrial—in area **[vocational] career and technical** schools and corresponding **[vocational] career and technical** courses in the public secondary schools of this Commonwealth.

(2) Directing the activities of professional staff teaching in the program areas specified in paragraph (1).

(b) The Department will issue a Supervisor of **[Vocational] Career and Technical** Education Certificate to a person who shall meet the requirements of § 49.111(a)(3)—(5) (relating to Supervisory Certificate).

**[VOCATIONAL] CAREER AND TECHNICAL
ADMINISTRATIVE DIRECTOR CERTIFICATE**

§ 49.163. **[Vocational] Career and Technical** Administrative Director.

The Department will issue the **[Vocational] Career and Technical** Administrative Director Certificate to persons who:

(1) Have a minimum of [5] 3 years [successful teaching in vocational education] of relevant professional experience in a Career and Technical Education School.

(2) Have completed an approved program of graduate study following standards listed in [§] §§ 49.111(a) and 49.121(d) (relating to Supervisory Certificate; and Administrative Certificate) or an approved alternative program under section 1207.1 of the act (24 P.S. § 12-1207.1) preparing them to direct, operate, supervise, and administer the organizational and educational activities of a [vocational technical] career and technical school or department; applicants shall be recommended by the preparing institution in which the graduate program was completed.

(3) Present evidence of satisfactory achievement on assessments prescribed by the Department under § 49.18(a) (relating to assessment).

Subchapter D. OUT-OF-STATE APPLICANTS

§ 49.172. Letter of eligibility.

(a) The Department will issue the appropriate letter of eligibility for consideration for appointment as a district superintendent or an assistant district superintendent to an applicant who:

(1) Has completed a Pennsylvania approved graduate level program of educational administrative study for the preparation of chief school administrators or been prepared through an out-of-State graduate level program equivalent to those approved in this Commonwealth.

(2) Has received the recommendation of the preparing institution for certification as a chief school, district level, administrator.

(3) Has provided evidence of 6 years of [certified] satisfactory educational or student support service in [the basic] private or public K-12 schools [and, for the superintendent's letter, including] or an accredited institution of higher education of which at least 3 years [of satisfactory certified] must be service in supervisory or administrative positions.

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Subchapter E. COMMISSIONS AND CERTIFICATES FOR INTERMEDIATE UNITS

§ 49.182. Letter of eligibility.

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(c) A commission will be issued to a person holding an appropriate letter of eligibility upon the candidate's election as the executive director or assistant executive director of an intermediate unit by its respective board of directors.

(d) When an Intermediate Unit Board of Directors finds it impossible or impractical to fill immediately a vacancy occurring in the position of intermediate unit executive director or assistant intermediate unit executive director, the board may appoint an acting intermediate unit executive director or an acting intermediate unit executive director who does not meet the requirements of subsection (a) to serve no more than 1 year from the time of the appointment as acting intermediate unit executive director or acting assistant intermediate unit executive director.

Subchapter F. LETTERS OF EQUIVALENCY FOR PAY PURPOSES

§ 49.191. Letters of Equivalency.

A Letter of Equivalency will be issued for salary purposes only, subject to the following terms and conditions:

(1) The Letter of Equivalency for Baccalaureate Degree is issued to holders of [Vocational] Career and Technical Instructional I, [Vocational] Career and Technical Instructional II or their equivalents upon the accumulation of 90 college credits. A minimum of 18 credit hours [of the final 30] shall be earned at a State-approved baccalaureate degree granting institution. [The remaining 12] Twelve of the final 30 credit hours may be satisfied, in full or in part, through in-service programs approved by the Secretary for meeting baccalaureate equivalency requirements.

(2) The Letter of Equivalency for Master's Degree is issued to persons holding a valid Instructional I, Instructional II, Educational Specialist I, Educational Specialist II certificate, [Vocational] Career and Technical Instructional I, [Vocational] Career and Technical Instructional II certificate, or their equivalents, upon the accumulation of 36 hours of graduate level credit. A minimum of 18 academic graduate credits shall be earned in the content area of the applicant's [primary teaching assignment] certification area(s) at a college or university approved to offer graduate work. A maximum of 18 of the credit requirement may be satisfied through in-service programs approved by the Secretary for meeting master's equivalency requirements.

(3) A grade of "C" or better is required in college and university courses in which grades are given and a letter of satisfactory completion is required for all in-service courses used toward the attainment of the certificate.

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STATE BOARD OF PHYSICAL THERAPY

[49 PA. CODE CH. 40]

Child Abuse Reporting Requirements

The State Board of Physical Therapy (Board) proposes to amend §§ 40.12, 40.16, 40.19, 40.67, 40.162, 40.191, 40.192 and 40.201—40.207 and add §§ 40.208 and 40.209 (relating to child abuse recognition and reporting—mandatory training requirement; and child abuse recognition and reporting course approval process) to read as set forth in Annex A.

Effective Date

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

Statutory Authority

Section 3(a) of the Physical Therapy Practice Act (63 P.S. § 1303(a)) sets forth the Board's general rule-making authority. Under 23 Pa.C.S. Chapter 63 (relating to Child Protective Services Law) (CPSL), specifically section 6383(b)(2) of the CPSL (relating to education and

training), the Board is required to promulgate regulations to implement the mandatory reporting requirements for licensees and certificate holders of the Board.

Background and Purpose

Beginning in 2014, and continuing through 2019, the General Assembly made numerous amendments to the CPSL, including the requirement imposed under the act of April 15, 2014 (P.L. 411, No. 31) (Act 31) on all health-related Boards to require training in child abuse recognition and reporting for licensees and certificate holders who are considered “mandated reporters” under the CPSL. Section 2 of Act 31 provided that these training requirements would apply to all persons applying for a license or certificate, or applying for renewal of a license or certificate, on or after January 1, 2015, and were implemented as of that date. These proposed amendments are required to update the Board’s existing regulations on the subject of child abuse reporting to be consistent with the CPSL.

Description of the Proposed Amendments

The Board proposes to amend §§ 40.12, 40.16 and 40.162 (relating to application for licensure; licensure by endorsement; and application for certification) to include the requirement that an applicant for licensure as a physical therapist or certification as a physical therapist assistant complete at least 3 hours of training in child abuse recognition and reporting as a condition of licensure or certification as required by Act 31. Similarly, the Board proposes to amend §§ 40.19 and 40.191 (relating to renewal of physical therapist license; and renewal of certification) to set forth the requirement imposed by Act 31 that all licensees and certificate holders applying for biennial renewal complete at least 2 hours of continuing education in child abuse recognition and reporting as a condition of renewal. The Board is also proposing amendments to §§ 40.67 and 40.192 (relating to continuing education for licensed physical therapist; and continuing education for certified physical therapist assistant) to incorporate these 2 contact hours of continuing education.

The Board next proposes comprehensive amendments to the child abuse reporting requirements in Subchapter D (relating to child abuse reporting requirements). First, the Board proposes to amend § 40.201 (relating to definitions) to update the definitions of terms used in the CPSL. Specifically, the Board finds it necessary to define the terms “bodily injury,” “child,” “parent,” “program, activity or service” and “serious physical neglect” and to amend the definitions of “child abuse,” “perpetrator,” “person responsible for the child’s welfare,” “recent acts or omissions” and “sexual abuse or exploitation” to comport with amendments made to the CPSL. The Board proposes to add definitions for the terms “Bureau” and “mandated reporter” for ease of reference. The Board proposes to delete definitions for “individual residing in the same home as the child” and “serious physical injury” because these terms have been deleted from the CPSL. The Board also proposes to amend, where necessary throughout this proposed rulemaking, “Department of Public Welfare” to “Department of Human Services,” as the name of that agency has changed.

The Board is proposing to amend § 40.202 (relating to suspected child abuse—mandated reporting requirements) to provide the general rule that all licensed physical therapists and certified physical therapist assistants are considered mandated reporters, and to set forth the mandated reporting requirements in section 6311(b) of the CPSL (relating to persons required to report sus-

pected child abuse), and the reporting procedures in section 6313 of the CPSL (relating to reporting procedure). The Board has also determined that it is necessary to propose amendments to § 40.203 (relating to photographs, medical tests and X-rays of child subject to report) to set forth the requirement to submit documentation, summaries or reports relating to photographs, medical tests and X-rays to the county children and youth social service agency within 48 hours of making an electronic report in accordance with section 6314 of the CPSL (relating to photographs, medical tests and X-rays of child subject to report).

The Board is proposing to amend § 40.204 (relating to suspected death as a result of child abuse—mandated reporting requirement) to incorporate an amendment made to section 6317 of the CPSL (relating to mandatory reporting and postmortem investigation of deaths) to permit a report to be made to the appropriate coroner or medical examiner of the county where the death occurred, or of the county where the injuries were sustained. Further, the Board is proposing to amend § 40.205 (relating to immunity from liability) to incorporate amendments made to section 6318 of the CPSL (relating to immunity from liability); and to amend § 40.206 (relating to confidentiality—waived) to incorporate the provisions of section 6311.1 of the CPSL (relating to privileged communications). The Board proposes to amend § 40.207 (relating to noncompliance) to update the criminal penalties for willful failure to make a report or referral to conform to the increased criminal penalties in the amendments to section 6319 of the CPSL (relating to penalties).

The Board proposes to add two sections to Subchapter D to incorporate the mandatory training requirements in Act 31. Proposed § 40.208 would set forth the requirements in section 6383(b)(3) of the CPSL that all individuals applying to the Board for an initial license or certificate are required to complete at least 3 hours of training in child abuse recognition and reporting which has been approved by the Department of Human Services; and that all licensees and certificate holders seeking renewal are required to complete at least 2 hours of continuing education in child abuse recognition and reporting as a requirement of renewal. The Board would also provide notice that these 2 or more hours of training would be accepted as a portion of the total continuing education required for biennial renewal, and not an additional requirement, as provided in section 6383(b)(3)(ii) of the CPSL. In addition, the Board would provide notice that it will not renew a license or certificate unless the Bureau has received an electronic report from an approved course provider documenting the attendance/participation by the licensee or certificate holder or the licensee or certificate holder has obtained an exemption as permitted by the CPSL.

This section would also include the process for applying for an exemption from the mandatory training requirements as set forth in section 6383(b)(4) and (6) of the CPSL, for individuals who have already completed similar training or who otherwise should be exempt from the training requirements. The Board notes that section 6383(b)(4)(ii)(B) of the CPSL provides an exemption for individuals who have already completed child abuse recognition training required by the Human Services Code (62 P.S. §§ 101—1503) (formerly known as the Public Welfare Code), and the training was approved by the Department of Human Services. However, the Department of Human Services has confirmed that there is no

provision in the Human Services Code that requires such training. Instead, section 6383(c) of the CPSL sets forth the requirement that certain individuals and entities regulated by the Department of Human Services complete mandated reporter training. Therefore, the Board believes it is appropriate to include an exemption for a licensee or certificate holder who has already completed comparable training in child abuse recognition and reporting required by the Department of Human Services under section 6383(c). For example, if a physical therapist happened to be a foster parent and, therefore, was required to complete the training under section 6383(c), there would be no need to repeat the training as a condition of licensure or license renewal under section 6383(b). In addition, section 6383(b)(6) permits the Board to exempt a licensee or certificate holder from the training requirement if the licensee or certificate holder “submits documentation acceptable to the licensing board that the licensee [or certificate holder] should not be subject to the training or continuing education requirement.” The Board believes that this section also provides authority to the Board to determine that those licensees and certificate holders who are required to complete comparable training under section 6383(c) should be exempt from the training requirement under section 6383(b), provided they submit acceptable documentation to the Board evidencing completion of comparable training.

Finally, the Board proposes to add § 40.209 to set forth the administrative process developed by the Bureau of Professional and Occupational Affairs (Bureau), in conjunction with the Department of Human Services, for individuals, entities and organizations to apply for approval to deliver the training required under Act 31. The Bureau has established a requirement that to be approved to provide the mandatory training in child abuse recognition and reporting, an applicant must be able to report participation/attendance electronically to the Bureau. In this manner, the completion of the training is automatically imported into the individual’s record with the Board at the time the course is completed. Then, prior to issuing or renewing a license or certificate, the system verifies that the training was completed as required. If no record exists, the applicant, licensee or certificate holder would be notified of the need to complete an approved course before the license or certificate can be issued or renewed.

Fiscal Impact and Paperwork Requirements

The Board does not anticipate any significant fiscal impact or paperwork requirements relating to these amendments. Because licensees and certificate holders are already required to complete mandatory continuing education, and these 2 hours in child abuse recognition and reporting are incorporated in the existing requirement, there would be no increased burden. Only applicants for licensure or certification would incur an additional requirement, and as there are many low-cost and free options available to complete the training, the Board anticipates this impact to also be minimal. Because all approved training providers of the mandatory training in child abuse recognition and reporting are required to report attendance/participation electronically, there are no additional paperwork requirements imposed on licensees or certificate holders. In addition, the implementation of an electronic reporting system for mandated reporters of child abuse under the CPSL by the Department of Human Services has decreased the paperwork requirements related to the mandatory reporting requirements.

Sunset Date

The Board continuously monitors the effectiveness of its regulations on a fiscal year and biennial basis. Therefore, no sunset date has been assigned.

Regulatory Review

Under section 5(f) of the Regulatory Review Act (71 P.S. § 745.5(f)), on December 9, 2020, the Board submitted a copy of this proposed rulemaking and a copy of a Regulatory Analysis Form to the Independent Regulatory Review Commission (IRRC). A copy of this material is available to the public upon request. On the same date, the Board submitted this proposed rulemaking to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*. The Board will submit this proposed rulemaking and required material to the standing committees of the House and Senate no later than the second Monday after the date by which both committee designations have been published in the *Pennsylvania Bulletin*.

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

Public Comment

Interested persons are invited to submit written comments, suggestions, or objections regarding this proposed rulemaking to Regulatory Counsel, Department of State, P.O. Box 69523, Harrisburg, PA 17106-9523, RA-STRegulatoryCounsel@pa.gov, within 30 days following publication of this proposed rulemaking in the *Pennsylvania Bulletin*. Comments should be identified as pertaining to rulemaking 16A-6518 (Child Abuse Reporting Requirements).

CYNTHIA POTTER, PT, DPT,
Chairperson

Fiscal Note: 16A-6518. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 49. PROFESSIONAL AND VOCATIONAL STANDARDS

PART I. DEPARTMENT OF STATE

Subpart A. PROFESSIONAL AND OCCUPATIONAL AFFAIRS

CHAPTER 40. STATE BOARD OF PHYSICAL THERAPY

Subchapter A. PHYSICAL THERAPISTS LICENSURE

§ 40.12. Application for licensure.

- (a) Evidence, satisfactory to the Board, shall be submitted indicating that the applicant:
 - (1) Is at least 20 years of age, unless otherwise waived upon application to and review by the Board.
 - (2) Is of good moral character.
 - (3) Is not addicted to the habitual use of alcohol, narcotics or other habit forming drugs.

(4) Has met the professional requirements in § 40.11 (relating to educational requirements for licensure by examination).

(5) Has completed at least 3 hours of training in child abuse recognition and reporting in accordance with § 40.208(a) (relating to child abuse recognition and reporting—mandatory training requirement).

(b) The applicant shall apply on forms supplied by the Board, answer all questions fully and provide all documentation required under subsection (a).

(c) The applicant shall pay the fee in § 40.5 (relating to fees) for application for physical therapist licensure by examination/endorsement.

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§ 40.16. Licensure by endorsement.

(a) An applicant for licensure by endorsement who is educated in another state or territory of the United States is required to submit the professional credentials in § 40.11 (relating to license by examination; requirements for examination), and comply with the following:

(1) **[Submit] The applicant shall submit** a written application on forms provided by the Board, together with evidence satisfactory to the Board that the applicant is licensed or otherwise registered as a physical therapist in another state or territory of the United States, or in the District of Columbia, if the requirements for licensure or registration in the state, territory or district were, at the date of licensure or registration, substantially equal to the requirements for licensure or registration in this Commonwealth under the act.

(2) **[A] The applicant shall submit the** fee prescribed in § 40.5 (relating to fees) **[must accompany each application]** for licensure by endorsement.

(3) The applicant shall have completed at least 3 hours of training in child abuse recognition and reporting in accordance with § 40.208(a) (relating to child abuse recognition and reporting—mandatory training requirement).

(b) In addition to the requirements in subsection (a), an applicant for licensure by endorsement who received education in a country outside of the United States is required to meet the educational requirements as set forth in § 40.17(5) and (6) (relating to foreign-educated physical therapists applying to take the licensure examination and pursue a clinical experience)[.] **and comply with the following:**

(1) The applicant shall submit documentary evidence that the applicant is authorized to practice as a physical therapist without limitation in the country where the professional education occurred.

(2) The applicant shall hold a valid license by examination in another state or territory of the United States, providing the requirements were, at the time of receiving the license, substantially equivalent to the requirements as set forth in the act.

(3) The applicant shall have completed at least 3 hours of approved training in child abuse recognition and reporting in accordance with § 40.208(a) (relating to child abuse recognition and reporting—mandatory training requirement).

§ 40.19. Renewal of physical therapist license.

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(c) A licensee applying for biennial renewal shall:

(1) Complete and submit the renewal application, including payment of the biennial renewal fee in § 40.5 (relating to fees) for application for biennial renewal of physical therapist license.

(2) Disclose any license to practice as a physical therapist in another state, territory, possession or country.

(3) Disclose any disciplinary action pending before the appropriate healthcare licensing authority in any other jurisdiction or taken since the most recent application for renewal, whether or not licensed to practice in that other jurisdiction.

(4) Disclose any pending criminal charges and any finding or verdict of guilt, admission of guilt, plea of nolo contendere or other criminal conviction since the most recent application for renewal.

(5) Verify that the licensee has complied with the continuing education requirements mandated by section 7.2 of the act (63 P.S. § 1307.2) during the biennial period immediately preceding the period for which renewal is sought in accordance with § 40.67 (relating to continuing education for licensed physical therapist), **including at least 2 hours of approved courses in child abuse recognition and reporting in accordance with § 40.208(b) (relating to child abuse recognition and reporting—mandatory training requirement).** The Board will not renew a license if the licensee has not completed the continuing education required under **[section 7.2 of the act] § 40.67** during the biennial period immediately preceding the period for which renewal is sought.

(6) Verify that, if practicing as a physical therapist in this Commonwealth, the licensee maintains professional liability insurance coverage in accordance with section 9(b)(4) of the act (63 P.S. § 1309(b)(4)) and § 40.69 (relating to professional liability insurance).

CONTINUING EDUCATION

§ 40.67. Continuing education for licensed physical therapist.

(a) *Contact hour requirements.* **[Beginning with the January 1, 2013—December 31, 2014 biennial renewal period, a] A** licensed physical therapist shall satisfy the following continuing education requirements.

(1) During each biennial renewal period, a licensee shall complete qualifying continuing education equal to at least 30 contact hours of continuing physical therapy education, including at least 2 contact hours in law or ethics applicable to the practice of physical therapy, **and at least 2 contact hours in child abuse recognition and reporting in accordance with § 40.208(b) (relating to child abuse recognition and reporting—mandatory training requirement).**

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Subchapter C. PHYSICAL THERAPIST ASSISTANTS

CERTIFICATION

§ 40.162. Application for certification.

(a) he applicant shall submit evidence satisfactory to the Board, on forms supplied by the Board, that the applicant has met the following criteria. The applicant:

(1) Is at least 18 years of age, unless otherwise determined by the Board that the [candidate] applicant has proved the capability to accept and handle the responsibilities appurtenant to certification.

(2) Is of good moral character.

(3) Is not addicted to the habitual use of alcohol, narcotics or other habit-forming drugs.

(4) Has met the professional requirements for certification under § 40.163 (relating to requirements for certification).

(5) Has completed at least 3 hours of training in child abuse recognition and reporting in accordance with § 40.208(a) (relating to child abuse recognition and reporting—mandatory training requirement).

(b) An applicant for certification issued by the Board shall apprise the Board of the following:

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MAINTENANCE OF CERTIFICATION

§ 40.191. Renewal of certification.

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(c) To retain the right to provide services as a physical therapist assistant, the certified physical therapist assistant's certification shall be renewed by the certified physical therapist assistant in the manner prescribed by the Board, and the required fee shall be paid by the certified physical therapist assistant prior to the expiration of the next biennium. A certified physical therapist assistant applying for biennial certificate renewal shall:

(1) Complete and submit the renewal application, including payment of the biennial renewal fee in § 40.5 (relating to fees) for application for biennial renewal of physical therapist assistant certificate.

(2) Disclose any license, certificate, registration or other authorization to provide services as a physical therapist assistant in another state, territory, possession or country.

(3) Disclose any disciplinary action pending before the appropriate healthcare licensing authority in any other jurisdiction or taken since the most recent application for renewal, whether or not licensed, registered or certified to practice in that other jurisdiction.

(4) Disclose any pending criminal charges and any finding or verdict of guilt, admission of guilt, plea of nolo contendere or other criminal conviction since the most recent application for renewal.

(5) Verify that the certified physical therapist assistant has complied with the continuing education requirements mandated by section 9.1(j) of the act (63 P.S. § 1309.1(j)) during the biennial period immediately preceding the period for which renewal is sought in accordance with § 40.192 (relating to continuing education for certified physical therapist assistant), **including at least 2 hours of approved courses in child abuse recognition and reporting in accordance with § 40.208(b) (relating to child abuse recognition and reporting—mandatory training requirement).** The Board will not renew a physical therapist assistant certification if the certified physical therapist assistant has not completed the continuing education required under [section 9.1(j) of the act] § 40.192 during the biennial period immediately preceding the period for which renewal is sought.

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CONTINUING EDUCATION

§ 40.192. Continuing education for certified physical therapist assistant.

(a) *Contact hour requirements.* [Beginning with the January 1, 2013—December 31, 2014 biennial renewal period, a] A certified physical therapist assistant shall satisfy the following continuing education requirements.

(1) During each biennial renewal period, a certified physical therapist assistant shall complete qualifying continuing education equal to at least 30 contact hours of continuing physical therapy education, including at least 4 contact hours in identifying and responding to emergency health conditions [and], at least 2 contact hours in law or ethics applicable to the practice of physical therapy **and at least 2 contact hours in child abuse recognition and reporting in accordance with § 40.208(b) (relating to child abuse recognition and reporting—mandatory training requirement).**

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Subchapter D. CHILD ABUSE REPORTING REQUIREMENTS

§ 40.201. Definitions.

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

Act—The Physical Therapy Practice Act (63 P.S. §§ 1301—1312).

***Bodily injury*—Impairment of physical condition or substantial pain.**

***Bureau*—Bureau of Professional and Occupational Affairs within the Department of State of the Commonwealth.**

***Child*—An individual under 18 years of age.**

Child abuse—[A term meaning any of the following:

(i) A recent act or failure to act by a perpetrator which causes nonaccidental serious physical injury to a child under 18 years of age.

(ii) An act or failure to act by a perpetrator which causes nonaccidental serious mental injury to or sexual abuse or sexual exploitation of a child under 18 years of age.

(iii) A recent act, failure to act or series of acts or failures to act by a perpetrator which creates an imminent risk of serious physical injury to or sexual abuse or sexual exploitation of a child under 18 years of age.

(iv) Serious physical neglect by a perpetrator constituting prolonged or repeated lack of supervision or the failure to provide the essentials of life, including adequate medical care, which endangers a child's life or development or impairs the child's functioning.]

Intentionally, knowingly or recklessly doing any of the following:

(i) Causing bodily injury to a child through any recent act or failure to act.

(ii) Fabricating, feigning or intentionally exaggerating or inducing a medical symptom or disease

which results in a potentially harmful medical evaluation or treatment to the child through any recent act.

(iii) Causing or substantially contributing to serious mental injury to a child through any act or failure to act or a series of such acts or failures to act.

(iv) Causing sexual abuse or exploitation of a child through any act or failure to act.

(v) Creating a reasonable likelihood of bodily injury to a child through any recent act or failure to act.

(vi) Creating a likelihood of sexual abuse or exploitation of a child through any recent act or failure to act.

(vii) Causing serious physical neglect of a child.

(viii) Engaging in any of the following recent acts:

(A) Kicking, biting, throwing, burning, stabbing or cutting a child in a manner that endangers the child.

(B) Unreasonably restraining or confining a child, based on consideration of the method, location or duration of the restraint or confinement.

(C) Forcefully shaking a child under 1 year of age.

(D) Forcefully slapping or otherwise striking a child under 1 year of age.

(E) Interfering with the breathing of a child.

(F) Causing a child to be present at a location while a violation of 18 Pa.C.S. § 7508.2 (relating to operation of methamphetamine laboratory) is occurring, provided that the violation is being investigated by law enforcement.

(G) Leaving a child unsupervised with an individual, other than the child's parent, who the actor knows or reasonably should have known:

(I) Is required to register as a Tier II or Tier III sexual offender under 42 Pa.C.S. Chapter 97, Subchapter H (relating to registration of sexual offenders), when the victim of the sexual offense was under 18 years of age when the crime was committed.

(II) Has been determined to be a sexually violent predator under 42 Pa.C.S. § 9799.24 (relating to assessments) or any of its predecessors.

(III) Has been determined to be a sexually violent delinquent child as defined in 42 Pa.C.S. § 9799.12 (relating to definitions).

(IV) Has been determined to be a sexually violent predator under 42 Pa.C.S. § 9799.58 (relating to assessments) or has to register for life under 42 Pa.C.S. § 9799.55(b) (relating to registration).

(ix) Causing the death of the child through any act or failure to act.

(x) Engaging a child in a severe form of trafficking in persons or sex trafficking, as those terms are defined under section 103 of the Trafficking Victims Protection Act of 2000 (Division A of Pub.L. No. 106-386).

ChildLine—An organizational unit of the Department of [**Public Welfare**] **Human Services**, which operates a 24-hour a day Statewide toll-free telephone system for receiving reports of suspected child abuse, referring reports for investigation and maintaining the reports in the appropriate file.

Individual residing in the same home as the child—An individual who is 14 years of age or older and who resides in the same home as the child.]

Mandated reporter—A person who is required under section 6311 of the Child Protective Services Law (23 Pa.C.S. § 6311 (relating to persons required to report suspected child abuse)) to make a report of suspected child abuse. For purposes of this subchapter, the term includes all physical therapists and physical therapist assistants.

Parent—A biological parent, adoptive parent or legal guardian.

Perpetrator—[A person who has committed child abuse and is a parent of the child, a person responsible for the welfare of a child, an individual residing in the same home as a child or a paramour of a child's parent.] A person who has committed child abuse as defined in this section.

(i) This term includes only the following:

(A) A parent of the child.

(B) A spouse or former spouse of the child's parent.

(C) A paramour or former paramour of the child's parent.

(D) A person 14 years of age or older and responsible for the child's welfare or having direct contact with children as an employee of child-care services, a school or through a program, activity or service.

(E) An individual 14 years of age or older who resides in the same home as the child.

(F) An individual 18 years of age or older who does not reside in the same home as the child but is related within the third degree of consanguinity or affinity by birth or adoption of the child.

(G) An individual 18 years of age or older who engages a child in severe forms of trafficking in persons or sex trafficking, as those terms are defined under section 103 of the Trafficking Victims Protection Act of 2000 (Division A of Pub.L. No. 106-386).

(ii) Only the following may be considered a perpetrator for failing to act, as provided in this section:

(A) A parent of the child.

(B) A spouse or former spouse of the child's parent.

(C) A paramour or former paramour of the child's parent.

(D) A person 18 years of age or older and responsible for the child's welfare.

(E) A person 18 years of age or older who resides in the same home as the child.

Person responsible for the child's welfare—A person who provides permanent or temporary care, supervision, mental health diagnosis or treatment, training or control of a

child in lieu of parental care, supervision and control. [The term does not include a person who is employed by or provides services or programs in a public or private school, intermediate unit or area vocational-technical school.]

Program, activity or service—Any of the following in which children participate and which is sponsored by a school or a public or private organization:

- (i) A youth camp or program.
- (ii) A recreational camp or program.
- (iii) A sports or athletic program.
- (iv) A community or social outreach program.
- (v) An enrichment or educational program.
- (vi) A troop, club or similar organization.

Recent [acts or omissions—Acts or omissions] act or failure to act—An act or failure to act committed within 2 years of the date of the report to the Department of [Public Welfare] Human Services or county agency.

Serious mental injury—A psychological condition, as diagnosed by a physician or licensed psychologist, including the refusal of appropriate treatment, that does one or more of the following:

- (i) Renders a child chronically and severely anxious, agitated, depressed, socially withdrawn, psychotic or in reasonable fear that the child's life or safety is threatened.
- (ii) Seriously interferes with a child's ability to accomplish age-appropriate developmental and social tasks.

[Serious physical injury—An injury that causes a child severe pain or significantly impairs a child's physical functioning, either temporarily or permanently.]

Serious physical neglect—Any of the following when committed by a perpetrator that endangers a child's life or health, threatens a child's well-being, causes bodily injury or impairs a child's health, development or functioning:

- (i) A repeated, prolonged or egregious failure to supervise a child in a manner that is appropriate considering the child's developmental age and abilities.
- (ii) The failure to provide a child with adequate essentials of life, including food, shelter or medical care.

Sexual abuse or exploitation—[The employment, use, persuasion, inducement, enticement or coercion of a child to engage in or assist another person to engage in sexually explicit conduct or a simulation of sexually explicit conduct for the purpose of producing a visual depiction, including photographing, videotaping, computer depicting or filming, of sexually explicit conduct or the rape, sexual assault, involuntary deviate sexual intercourse, aggravated indecent assault, molestation, incest, indecent exposure, prostitution, statutory sexual assault or other form of sexual exploitation of children.] Any of the following:

- (i) The employment, use, persuasion, inducement, enticement or coercion of a child to engage in or

assist another individual to engage in sexually explicit conduct, which includes the following:

(A) Looking at sexual or other intimate parts of a child or another individual for the purpose of arousing or gratifying sexual desire in any individual.

(B) Participating in sexually explicit conversation either in person, by telephone, by computer or by a computer-aided device for the purpose of sexual stimulation or gratification of any individual.

(C) Actual or simulated sexual activity or nudity for the purpose of sexual stimulation or gratification of any individual.

(D) Actual or simulated sexual activity for the purpose of producing visual depiction, including photographing, videotaping, computer depicting or filming.

(ii) Any of the following offenses committed against a child:

(A) Rape as defined in 18 Pa.C.S. § 3121 (relating to rape).

(B) Statutory sexual assault as defined in 18 Pa.C.S. § 3122.1 (relating to statutory sexual assault).

(C) Involuntary deviate sexual intercourse as defined in 18 Pa.C.S. § 3123 (relating to involuntary deviate sexual intercourse).

(D) Sexual assault as defined in 18 Pa.C.S. § 3124.1 (relating to sexual assault).

(E) Institutional sexual assault as defined in 18 Pa.C.S. § 3124.2 (relating to institutional sexual assault).

(F) Aggravated indecent assault as defined in 18 Pa.C.S. § 3125 (relating to aggravated indecent assault).

(G) Indecent assault as defined in 18 Pa.C.S. § 3126 (relating to indecent assault).

(H) Indecent exposure as defined in 18 Pa.C.S. § 3127 (relating to indecent exposure).

(I) Incest as defined in 18 Pa.C.S. § 4302 (relating to incest).

(J) Prostitution as defined in 18 Pa.C.S. § 5902 (relating to prostitution and related offenses).

(K) Sexual abuse as defined in 18 Pa.C.S. § 6312 (relating to sexual abuse of children).

(L) Unlawful contact with a minor as defined in 18 Pa.C.S. § 6318 (relating to unlawful contact with minor).

(M) Sexual exploitation as defined in 18 Pa.C.S. § 6320 (relating to sexual exploitation of children).

(iii) For the purposes of subparagraph (i), the term does not include consensual activities between a child who is 14 years of age or older and another person who is 14 years of age or older and whose age is within 4 years of the child's age.

§ 40.202. Suspected child abuse—mandated reporting requirements.

(a) *General rule.* Under 23 Pa.C.S. § 6311 (relating to persons required to report suspected child abuse), [physical therapists and physical therapist assis-

tants who, in the course of their employment, occupation or practice of their profession, come into contact with children shall report or cause a report to be made to the Department of Public Welfare and to the appropriate county agency when they have reasonable cause to suspect on the basis of their professional or other training or experience, that a child coming before them in their professional or official capacity is a victim of child abuse.] all physical therapists and physical therapist assistants are considered mandated reporters. A mandated reporter shall make a report of suspected child abuse in accordance with this section if the mandated reporter has reasonable cause to suspect that a child is a victim of child abuse under any of the following circumstances:

(1) The mandated reporter comes into contact with the child in the course of employment, occupation and practice of the profession or through a regularly scheduled program, activity or service.

(2) The mandated reporter is directly responsible for the care, supervision, guidance or training of the child, or is affiliated with an agency, institution, organization, school, regularly established church or religious organization or other entity that is directly responsible for the care, supervision, guidance or training of the child.

(3) A person makes a specific disclosure to the mandated reporter that an identifiable child is the victim of child abuse.

(4) An individual 14 years of age or older makes a specific disclosure to the mandated reporter that the individual has committed child abuse.

(b) *Staff members of public or private agencies, institutions and facilities.* [Physical therapists and physical therapist assistants who are staff members of a medical or other public or private institution, school, facility or agency, and who, in the course of their employment, occupation or practice of their profession, come into contact with children shall immediately notify the person in charge of the institution, school, facility or agency or the designated agent of the person in charge when they have reasonable cause to suspect on the basis of their professional or other training or experience, that a child coming before them in their professional or official capacity is a victim of child abuse. Upon notification by the Board regulated practitioner, the person in charge or the designated agent shall assume the responsibility and have the legal obligation to report or cause a report to be made in accordance with subsections (a), (c) and (d)] Whenever a physical therapist or physical therapist assistant is required to make a report under subsection (a) in the capacity as a member of the staff of a medical or other public or private institution, school, facility or agency, the physical therapist or physical therapist assistant shall report immediately in accordance with subsection (c) and shall immediately thereafter notify the person in charge of the institution, school, facility or agency or the designated agent of the person in charge.

(c) *Reporting procedure.* [Reports of suspected child abuse shall be made by telephone and by written report.

(1) *Oral reports.* Oral reports of suspected child abuse shall be made immediately by telephone to ChildLine, (800) 932-0313.

(2) *Written reports.* Written reports shall be made within 48 hours after the oral report is made by telephone. Written reports shall be made on forms available from a county children and youth social service agency.]

A mandated reporter shall immediately make a report of suspected child abuse to the Department of Human Services by either:

(1) Making an oral report of suspected child abuse by telephone to ChildLine at (800) 932-0313, followed by a written report within 48 hours to the Department of Human Services or the county agency assigned to the case in a manner and format prescribed by the Department of Human Services. The written report submitted under this subparagraph may be submitted electronically.

(2) Making an electronic report of suspected child abuse in accordance with 23 Pa.C.S. § 6305 (relating to electronic reporting) through the Department of Human Service's Child Welfare Information Solution self-service portal at www.compass.state.pa.us/cwis. A confirmation by the Department of Human Services of the receipt of a report of suspected child abuse submitted electronically relieves the mandated reporter of the duty to make an additional oral or written report.

(d) *Written or electronic reports.* [Written reports shall be made in the manner and on forms prescribed by the Department of Public Welfare. The following information shall be included in the written reports, if available] A written or electronic report of suspected child abuse, shall include the following information, if known:

(1) The names and addresses of the child [and the parents or], the child's parents and any other person responsible for the [care of the child, if known] child's welfare.

(2) Where the suspected child abuse occurred.

(3) The age and sex of [the subjects] each subject of the report.

(4) The nature and extent of the suspected child abuse including any evidence of prior abuse to the child or [siblings] any sibling of the child.

(5) The name and relationship of [the persons] each individual responsible for causing the suspected abuse [, if known,] and any evidence of prior abuse by [those persons] each individual.

(6) Family composition.

(7) The source of the report.

(8) The name, telephone number and e-mail address of the person making the report [and where that person can be reached].

(9) The actions taken by the [reporting source, including the taking of photographs and X-rays, removal or keeping of the child or notifying the medical examiner or coroner] person making the report, including actions taken under 23 Pa.C.S. §§ 6314—6317.

[(10) Other information which the Department of Public Welfare may require by regulation.]

(10) Other information required by Federal law or regulation.

(11) Other information which the Department of Human Services may require by regulation.

§ 40.203. Photographs, medical tests and X-rays of child subject to report.

A physical therapist or physical therapist assistant may take or cause to be taken photographs of the child who is subject to a report and, if clinically indicated, cause to be performed a radiological examination and other medical tests on the child. Medical summaries or reports of the photographs, X-rays and relevant medical tests taken shall be sent to the county children and youth social service agency at the time the written report is sent, **or within 48 hours after an electronic report is made under § 40.202(c)(2) (relating to suspected child abuse—mandated reporting requirements)**, or as soon thereafter as possible. The county children and youth social service agency shall have access to actual photographs or duplicates and X-rays and may obtain them or duplicates of them upon request.

§ 40.204. Suspected death as a result of child abuse—mandated reporting requirement.

A physical therapist or physical therapist assistant who has reasonable cause to suspect that a child died as a result of child abuse shall report that suspicion to the coroner **or medical examiner** of the county where death occurred or, in the case where the child is transported to another county for medical treatment, to the coroner **or medical examiner** of the county where the injuries were sustained.

§ 40.205. Immunity from liability.

Under 23 Pa.C.S. § 6318 (relating to immunity from liability) a physical therapist or physical therapist assistant who participates in good faith in the making of a report **of suspected child abuse, making a referral for general protective services, cooperating or consulting with an investigation including providing information to a child fatality or near fatality review team**, testifying in a proceeding arising out of an instance of suspected child abuse **or general protective services** or **[the taking of photographs] engaging in any action authorized under 23 Pa.C.S. §§ 6314—6317**, shall have immunity from civil and criminal liability that might **otherwise** result by reason of the physical therapist's or physical therapist assistant's actions. For the purpose of any civil or criminal proceeding, the good faith of the physical therapist or physical therapist assistant shall be presumed. The Board will uphold the same good faith presumption in any disciplinary proceeding that might result by reason of a physical therapist's or physical therapist assistant's actions **[in participating in good faith in the making of a report, cooperating with an investigation, testifying in a proceeding arising out of an instance of suspected child abuse or the taking of photographs] under §§ 40.202—40.204 (relating to suspected child abuse—mandated reporting requirements; photographs, medical tests and x-rays of child subject to report; and suspected death as a result of child abuse—mandated reporting requirement).**

§ 40.206. Confidentiality—waived.

To protect children from abuse, the reporting requirements of §§ 40.202—40.204 (relating to suspected child

abuse—mandated reporting requirements; photographs, medical tests and X-rays of child subject to report; and suspected death as a result of child abuse—mandated reporting requirement) take precedence over the confidentiality provisions in § 40.52(c) (relating to unprofessional conduct; physical therapists) and any other client confidentiality, ethical principle or professional standard that might otherwise apply. **In accordance with 23 Pa.C.S. § 6311.1 (relating to privileged communications), privileged communications between a mandated reporter and a patient does not apply to a situation involving child abuse and does not relieve the mandated reporter of the duty to make a report of suspected child abuse.**

§ 40.207. Noncompliance.

(a) *Disciplinary action.* A physical therapist or physical therapist assistant who willfully fails to comply with the reporting requirements in §§ 40.202—40.204 (relating to suspected child abuse—mandated reporting requirements; photographs, medical tests and X-rays of child subject to report; and suspected death as a result of child abuse—mandated reporting requirement) will be subject to disciplinary action under section 11 of the act (63 P.S. § 1311).

(b) *Criminal penalties.* Under 23 Pa.C.S. § 6319 (relating to penalties **[for failure to report]**), a physical therapist or physical therapist assistant who is required to report a case of suspected child abuse **or to make a referral to the appropriate authorities and** who willfully fails to do so commits **[a summary offense for the first violation and a misdemeanor of the third degree for a second or subsequent violation.] a criminal offense, as follows:**

(1) An offense not otherwise specified in paragraphs (2), (3) or (4) is a misdemeanor of the second degree.

(2) An offense is a felony of the third degree if all of the following apply:

(i) The mandated reporter willfully fails to report.

(ii) The child abuse constitutes a felony of the third degree or higher.

(iii) The mandated reporter has direct knowledge of the nature of the abuse.

(3) If the willful failure to report continues while the mandated reporter knows or has reasonable cause to suspect a child is being subjected to child abuse by the same individual, or while the mandated reporter knows or has reasonable cause to suspect that the same individual continues to have direct contact with children through the individual's employment, program, activity or service, the mandated reporter commits a felony of the third degree, except that if the child abuse constitutes a felony of the first degree or higher, the mandated reporter commits a felony of the second degree.

(4) A mandated reporter who, at the time of sentencing for an offense under 23 Pa.C.S. § 6319, has been convicted of a prior offense under 23 Pa.C.S. § 6319, commits a felony of the third degree, except that if the child abuse constitutes a felony of the first degree or higher, the penalty for the second or subsequent offense is a felony of the second degree.

(Editor's Note: The following sections are proposed to be added and are printed in regular type to enhance readability.)

§ 40.208. Child abuse recognition and reporting—mandatory training requirement.

(a) Except as provided in subsection (c), individuals applying to the Board for an initial license or certificate shall complete, as a condition of licensure, at least 3 hours of training in child abuse recognition and reporting requirements which has been approved by the Department of Human Services.

(b) Except as provided in subsection (c), licensees and certificate holders seeking renewal of a license or certificate issued by the Board shall complete, as a condition of biennial renewal of the license or certificate, at least 2 hours of approved continuing education in child abuse recognition and reporting, as a portion of the total continuing education required for biennial renewal. For credit to be granted, the continuing education course or program must be approved by the Bureau, in consultation with the Department of Human Services, as set forth in § 40.209 (relating to child abuse recognition and reporting course approval process). The Board will not renew a license or certificate unless the Bureau has received an electronic report from an approved course provider documenting the attendance/participation by the licensee or certificate holder in an approved course or the licensee or certificate holder has obtained an exemption under subsection (c).

(c) An applicant, licensee or certificate holder may apply in writing for an exemption from the training/continuing education requirements set forth in subsections (a) and (b) provided the applicant, licensee or certificate holder meets one of the following:

(1) The applicant, licensee or certificate holder submits documentation demonstrating that:

(i) The applicant, licensee or certificate holder has already completed child abuse recognition training as required by section 1205.6 of the Public School Code of 1949 (24 P.S. § 12-1205.6).

(ii) The training was approved by the Department of Education in consultation with the Department of Human Services.

(iii) The amount of training received equals or exceeds the amount of training or continuing education required under subsection (a) or (b), as applicable.

(2) The applicant, licensee or certificate holder submits documentation demonstrating that:

(i) The applicant, licensee or certificate holder has already completed child abuse recognition training required by section 23 Pa.C.S. § 6383(c) (relating to education and training).

(ii) The training was approved by the Department of Human Services.

(iii) The amount of training received equals or exceeds the amount of training or continuing education required under subsection (a) or (b), as applicable.

(3) The applicant, licensee or certificate holder submits documentation demonstrating that the applicant, licensee or certificate holder should not be subject to the training or continuing education requirement. Each request for an exemption under this paragraph will be considered on a case-by-case basis.

§ 40.209. Child abuse recognition and reporting course approval process.

(a) An individual, entity or organization may apply for approval to provide mandated reporter training as re-

quired under 23 Pa.C.S. § 6383(b) (relating to education and training) by submitting the course materials set forth in subsection (b) simultaneously to the Department of Human Services, Office of Children, Youth and Families, and to the Bureau at the following addresses:

(1) Department of Human Services, Office of Children, Youth and Families, Health and Welfare Building, 625 Forster Street, Harrisburg, PA 17120; or electronically at RA-PWOCYFCPSL@pa.gov.

(2) Bureau of Professional and Occupational Affairs, 2601 North Third Street, P.O. Box 2649, Harrisburg, PA 17105-2649; or electronically at RA-steps1_course_app@pa.gov.

(b) Submissions shall include the following:

(1) Contact information (mailing address, e-mail address and telephone number) for the agency/course administrator.

(2) General description of the training and course delivery method.

(3) Title of the course.

(4) Timed agenda and estimated hours of training.

(5) Learning objectives.

(6) Intended audience.

(7) All course related materials, including as applicable:

(i) Handouts.

(ii) Narrated script or talking points.

(iii) Interactive activities or exercises.

(iv) Videos and audio/visual content.

(v) Knowledge checks, quizzes or other means of assessing participant's understanding of the material.

(vi) For online courses, a transcript or recording of audio training.

(8) Citation of sources, including written permission to use copyrighted material, if applicable.

(9) Anticipated credentials or experience of the presenter, or biography of presenter, if known.

(10) Printed materials used to market the training.

(11) Evaluation used to assess participants' satisfaction with the training.

(12) Sample certificate of attendance/participation, which shall include:

(i) Name of participant.

(ii) Title of training.

(iii) Date of training.

(iv) Length of training (2 or 3 hours).

(v) Name and signature of the authorized representative of the provider. The signature may be an electronic signature.

(vi) Statement affirming the participant attended the entire course.

(13) Verification of ability to report participation/attendance electronically to the Bureau in a format prescribed by the Bureau.

(c) The Bureau will notify the applicant in writing upon approval of the course and will post a list of approved courses on the Bureau's web site and the Board's web site.

[Pa.B. Doc. No. 20-1774. Filed for public inspection December 18, 2020, 9:00 a.m.]

STATE BOARD OF PSYCHOLOGY

[49 PA.CODE CH. 41]

Licensure by Endorsement

The State Board of Psychology (Board) proposes to amend Chapter 41 by adding §§ 41.52a and 41.52b (relating to licensure by endorsement; and provisional endorsement license) and amending § 41.1 (relating to definitions) to read as set forth in Annex A.

Effective Date

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

Statutory Authority

The provisions of 63 Pa.C.S. § 3111 (relating to licensure by endorsement) require licensing boards and commissions to issue a license, certificate, registration or permit to an applicant to allow practice in this Commonwealth provided the applicant meets the following criteria: holds a current license, certificate, registration or permit from another state, territory or country whose licensing requirements are substantially equivalent to or exceed the requirements in this Commonwealth; demonstrates competency; has not committed any act that constitutes grounds for refusal, suspension or revocation of a license, certificate, registration or permit to practice that profession or occupation in this Commonwealth, unless the board or commission determines such conduct is not an impediment to granting the license, certificate, registration or permit; is in good standing and has not been disciplined by the jurisdiction that issued the license, certificate, registration or permit, unless the board or commission determines such conduct is not an impediment to granting the license, certificate, registration or permit; and the applicant pays fees, as established by regulation. Additionally, 63 Pa.C.S. § 3111 authorizes boards and commissions to issue a provisional license, certificate, registration or permit while an applicant is satisfying remaining requirements for licensure by endorsement, for which the Board must set by regulation the terms of expiration.

The act of July 1, 2020 (P.L. 545, No. 53) added 63 Pa.C.S. § 3111 as part of the consolidation of the act of July 2, 1993 (P.L. 345, No. 48) (Act 48) into Title 63, Chapter 31 of the *Pennsylvania Consolidated Statutes*. The text of 63 Pa.C.S. § 3111 was originally added to Act 48 by the act of July 1, 2019 (P.L. 292, No. 41).

Background and Need for the Amendments

This proposed rulemaking is needed to effectuate 63 Pa.C.S. § 3111, which requires the Board to issue a license to applicants who meet the requirements for licensure by endorsement as set forth in 63 Pa.C.S. § 3111. Under 63 Pa.C.S. § 3111, the Board must determine whether standards for licensure are substantially equivalent to or exceed those established by the Board. Additionally, 63 Pa.C.S. § 3111 requires the Board to determine the methods of competency, including comple-

tion of continuing education or experience in the profession or occupation for at least 2 of the 5 years preceding the date of the application, and must establish, by regulation, the expiration of provisional endorsement license. This proposed rulemaking sets forth the criteria for eligibility for licensure by endorsement, including the specific methods required for an applicant to demonstrate competency as well as requirements for granting a provisional endorsement license.

Description of the Proposed Amendments

The Board proposes to amend § 41.1 by adding a definition for the term "jurisdiction." The term "jurisdiction" is defined consistent with 63 Pa.C.S. § 3111 to include a state, territory or country. The Board proposes to add §§ 41.52a and 41.52b. Proposed § 41.52a requires an applicant to satisfy seven criteria for licensure by endorsement. The first criterion, as set forth in proposed subsection (a)(1), require an applicant to provide proof of a current license, certification, registration or permit in good standing to practice in another jurisdiction whose standards are substantially equivalent to or exceed those established by the Board under section 6 of the Professional Psychologists Practice Act (act) (63 P.S. § 1206) regarding qualification for license, and §§ 41.31 and 41.32 (relating to educational qualifications; and experience qualifications), respectively. Proposed subsection (a)(1) further requires an applicant to submit a copy of the current applicable law, regulation or other rule governing licensure, certification, registration or permit requirements and scope of practice in the jurisdiction that issued the license, certificate, registration or permit. This proposed rulemaking would also require that the copy of the applicable law, regulation or other rule include the enactment date. Additionally, because 63 Pa.C.S. § 3111 is applicable to territories and other countries that use languages other than English, where the applicable law, regulation or other rule is in a language other than English, the Board would require, at the applicant's expense, translation of the applicable law, regulation or other rule by a professional translation service.

The second criterion requires demonstration of competency and is set forth in proposed subsection (a)(2). Under this provision, an applicant must provide proof of competency by demonstrating either experience in the practice of the profession or completion of continuing education. To demonstrate competency by experience, an applicant must demonstrate active engagement in the practice of psychology for at least 2 of the 5 years immediately preceding the date of the application in the jurisdiction that issued the license, certificate, registration or permit. To demonstrate competency by continuing education, an applicant must submit proof of completion of 30 hours of continuing education that meets the requirements of § 41.59 (relating to continuing education). The continuing education must be completed during the 24 months immediately preceding the date of the application. The Board proposes completion of the continuing education within 24 months immediately preceding the date of the application because a 24-month limitation correlates with the Board's biennial renewal continuing education requirement.

The third and fourth criteria are set forth in proposed subsection (a)(3) and (4) which incorporates the statutory prohibitions in 63 Pa.C.S. § 3111(a)(3) and (4) pertaining to conduct that would constitute grounds for refusal, suspension or revocation of a license, certificate, registration or permit to practice the profession or occupation, and prior discipline by the jurisdiction that issued the license.

The fifth criterion is set forth in proposed subsection (a)(5) and provides for payment of an application fee, as required under 63 Pa.C.S. § 3111(a)(5). The applicable fee for licensure by endorsement under 63 Pa.C.S. § 3111 is the initial application fee in § 41.12 (relating to fees) of the Board's current fee schedule (\$105).

The sixth criterion requires applicants to satisfy application requirements, as set forth in the act and Chapter 41, including compliance with § 41.30(b)(2) and (3) (relating to qualifications and documentation necessary for licensure). Under § 41.30(b)(2) and (3), an applicant is required to submit a criminal history records information report and a Child Abuse History Clearance.

Finally, the seventh criterion requires completion of 3 hours of training in child abuse recognition and reporting, which is mandated continuing education under the Child Protective Services Law (CPSL), 23 Pa.C.S. § 6383(b)(3)(i) (relating to education and training).

In proposed § 41.52a(b), the Board may require a personal interview or additional information to assist the Board in determining eligibility and competency. Also, consistent with 63 Pa.C.S. § 3111(a)(3) and (4), proposed § 41.52a(c) authorizes the Board, in its discretion, to determine that an act prohibited under section 8 of the act (63 P.S. § 1208) or disciplinary action by a jurisdiction are not impediments to the granting of a license, certification, registration or a permit by endorsement under 63 Pa.C.S. § 3111.

Consistent with 63 Pa.C.S. § 3111(b), proposed § 41.52b provides that the Board, in its discretion, may issue a provisional endorsement license while an applicant is satisfying remaining requirements under 63 Pa.C.S. § 3111 and proposed § 41.52a. Proposed § 41.52b(b) sets the expiration of a provisional endorsement license at 1 year, unless the Board determines that an expiration date of less than 1 year is appropriate. Additionally, upon a written request, the Board may extend the term of the license upon a showing of good cause. Proposed § 41.52b(c) sets forth reasons for which a provisional endorsement license will be terminated by the Board, including when the Board denies a license or the provisional endorsement licensee fails to comply with the terms of a provisional endorsement license. Finally, proposed § 41.52b(d) clarifies that while an individual may reapply for a license by endorsement under proposed § 41.52a, the Board will not issue a subsequent provisional endorsement license to an applicant who previously held a provisional endorsement license that expired or was terminated.

Fiscal Impact and Paperwork Requirements

This proposed rulemaking will have no adverse fiscal impact on the Commonwealth or its political subdivisions. The costs to the Board related to processing applications for licensure by endorsement will be recouped through fees paid by applicants. Applicants who apply for licensure by endorsement will be impacted by the \$105 initial application fee in § 41.12 and may incur continuing education expenses if they choose to demonstrate competency by completing 30 hours of continuing education. Applicants who demonstrate competency through experience will have to pay the \$105 initial application fee. All applicants must complete child abuse recognition and reporting training, as required by section 6383(b)(3)(i) of the CPSL. There are free in-person and online child abuse recognition and reporting training options available; therefore, the Board does not anticipate a negative fiscal impact for this statutorily mandated training.

Sunset Date

The Board continuously monitors the cost effectiveness of the Board's regulations. Therefore, no sunset date has been assigned.

Regulatory Review

Under section 5(f) of the Regulatory Review Act (71 P.S. § 745.5(f)), on December 9, 2020, the Board submitted a copy of this proposed rulemaking and a copy of a Regulatory Analysis Form to the Independent Regulatory Review Commission (IRRC). A copy of this material is available to the public upon request. On the same date, the Board submitted this proposed rulemaking to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*. The Board will submit this proposed rulemaking and required material to the standing committees of the House and Senate no later than the second Monday after the date by which both committee designations have been published in the *Pennsylvania Bulletin*.

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

Public Comment

Interested persons are invited to submit written comments, recommendations or objections regarding this proposed rulemaking to Board Counsel, State Board of Psychology, P.O. Box 69523, Harrisburg, PA 17106-9523, RA-STRegulatoryCounsel@pa.gov within 30 days of publication of this proposed rulemaking in the *Pennsylvania Bulletin*. Reference 16A-6326 (Licensure by Endorsement), when submitting comments.

RICHARD F. SMALL, PhD,
Chairperson

Fiscal Note: 16A-6326. No fiscal impact. Any associated costs are covered by a fee; (8) recommends adoption.

Annex A

TITLE 49. PROFESSIONAL AND VOCATIONAL STANDARDS

PART I. DEPARTMENT OF STATE

Subpart A. PROFESSIONAL AND OCCUPATIONAL AFFAIRS

CHAPTER 41. STATE BOARD OF PSYCHOLOGY GENERAL

§ 41.1. Definitions.

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

* * * * *

Individual residing in the same home as the child—An individual who is 14 years of age or older and who resides in the same home as the child.

Jurisdiction—A state, territory or country.

National Register—The Council for the National Register of Health Service Providers.

* * * * *

MISCELLANEOUS

(*Editor's Note:* The following sections are proposed to be added and are printed in regular type to enhance readability.)

§ 41.52a. Licensure by endorsement.

(a) *Requirements for issuance.* To be issued a license by endorsement under 63 Pa.C.S. § 3111 (relating to licensure by endorsement), an applicant must satisfy all of the following requirements:

(1) Has a current license, certification, registration or permit in good standing to practice psychology in another jurisdiction whose standards are substantially equivalent to or exceed those established by the Board under section 6 of the act (63 P.S. § 1206) and §§ 41.31 and 41.32 (relating to educational qualifications; and experience qualifications).

(i) An applicant must submit a copy of the current applicable law, regulation or other rule governing licensure, certification, registration or permit requirements and scope of practice in the jurisdiction that issued the license, certification, registration or permit.

(ii) If the applicable law, regulation or other rule is in a language other than English, at the applicant's expense, the applicable law, regulation or other rule shall be translated by a professional translation service and verified to be complete and accurate.

(iii) The copy of the applicable law, regulation or other rule must include the enactment date.

(2) Demonstrates competency by one of the following:

(i) Experience in the practice of psychology by demonstrating, at a minimum, that the applicant has actively engaged in the practice of psychology in the jurisdiction that issued the license, certificate, registration or permit for 2 of the last 5 years immediately preceding the filing of the application with the Board.

(ii) Completion of 30 hours of continuing education that meets the requirements of § 41.59 (relating to continuing education) during the 24 months immediately preceding the date of the application.

(3) Has not committed any act that constitutes grounds for refusal, suspension or revocation of a license to practice psychology under section 8 of the act (63 P.S. § 1208).

(4) Has not been disciplined by the jurisdiction that issued the license, certificate, registration or permit.

(5) Has paid the initial application fee as set forth in § 41.12 (relating to fees).

(6) Satisfies application requirements as required by the act and this chapter, including § 41.30(b)(2) and (3) (relating to qualifications and documentation necessary for licensure).

(7) Completes 3 hours of training in child abuse recognition and reporting from a provider approved by the Department of Human Services as required under 23 Pa.C.S. § 6383(b)(3)(i) (relating to education and training).

(b) *Interview and additional information.* An applicant may be required to appear before the Board for a personal interview and may be requested to submit additional information, including supporting documentation relating to competency and experience.

(c) *Prohibited acts.* Notwithstanding subsection (a)(3) and (4), the Board may, in its discretion, determine that an act prohibited under section 8 of the act or disciplinary

action by a jurisdiction are not impediments to the granting of a license by endorsement under 63 Pa.C.S. § 3111.

§ 41.52b. Provisional endorsement license.

(a) *Provisional endorsement license.* The Board may, in its discretion, issue a provisional endorsement license to an applicant while the applicant is satisfying remaining requirements for licensure by endorsement under 63 Pa.C.S. § 3111 (relating to licensure by endorsement) and § 41.52a(a) (relating to licensure by endorsement).

(b) *Expiration of a provisional endorsement license.*

(1) An individual holding a provisional endorsement license may practice for up to 1 year after issuance of the provisional endorsement license. The Board, in its discretion, may determine that an expiration date of less than 1 year is appropriate.

(2) Upon a written request and a showing of good cause, the Board may grant an extension of no longer than 1 year from the expiration date of the provisional endorsement license.

(c) *Termination of a provisional endorsement license.* A provisional endorsement license terminates as follows:

(1) The provisional endorsement license terminates when the Board denies the license.

(2) Failure to comply with the terms of a provisional endorsement license will result in termination of the provisional endorsement license.

(d) *Reapplication.* An individual may reapply for licensure by endorsement under § 41.52a after expiration or termination of a provisional endorsement license; however, the individual may not be issued a subsequent provisional endorsement license.

[Pa.B. Doc. No. 20-1775. Filed for public inspection December 18, 2020, 9:00 a.m.]

DEPARTMENT OF HUMAN SERVICES

[55 PA. CODE CHS. 123 AND 133]

Definitions and Redetermination

The Department of Human Services (Department), under the authority of sections 201(2), 403(b) and 432.2 of the Human Services Code (62 P.S. §§ 201(2), 403(b) and 432.2), proposes to amend Chapters 123 and 133 (relating to definitions; and redetermining eligibility) to read as set forth in Annex A.

Purpose of Rulemaking

The purpose of this proposed rulemaking is to expand the types of interviews available to Temporary Assistance for Needy Families (TANF) applicants and recipients to meet application and redetermination requirements. This proposed rulemaking removes the need for a face-to-face interview and adds a definition for "personal interview," which will enable TANF applicants and recipients to participate in required interviews by phone, in person or by other means approved by the Department. This change will make the TANF interview process more flexible, efficient and accessible for applicants and recipients.

Background

Prior to determination of eligibility, under section 432.2(a), the Department must conduct a personal interview with the applicant or with the caretaker relatives of the needy children. Under the current definitions in § 123.22 (relating to definitions), the Department must conduct a face-to-face interview in the County Assistance Office (CAO) for each TANF application and redetermination. Because Federal TANF regulations do not require that TANF interviews be face-to-face, the Department proposes to expand the means by which the Department may interview TANF applicants and recipients.

Requirements

The following is a summary of the proposed changes:

§ 123.22. Definitions

The Department proposes to amend the definitions of application interview and screening interview to delete the requirement that these interviews be face-to-face, requiring a “personal interview” instead. The Department also proposes to add a definition for personal interview. A personal interview is a meeting or discussion between an applicant or recipient, and an eligibility worker, which may be in person, by telephone or by other means approved by the Department. The Department proposes to replace “filed application form” with “application” because applications may also be submitted electronically. The Department also proposes to remove the term “CAO” from the definition to reflect that an eligibility worker will conduct the interview, regardless of location in or out of a County Assistance Office.

§ 133.23. Requirements

The Department proposes to delete text in subsection (c) that requires face-to-face redetermination contacts in the home or office and to add text to require the Department to conduct a personal interview.

Affected Individuals and Organizations

This proposed rulemaking affects TANF applicants and recipients.

Accomplishments and Benefits

These proposed amendments will make the TANF interview process more flexible, and accessible for applicant and recipients. The change will also make the TANF review process more flexible and efficient for the Department. With these changes, the required personal interview may be in person, by telephone or by other means approved by the Department. With expanded interview options, the Department may plan with applicants and recipients the most convenient and efficient type of personal interview. For applicants and recipients, these options can save time and avoid the extra travel and childcare expenditures they might have with face-to-face interviews.

Fiscal Impact

There are no costs associated with this proposed rulemaking. This proposed rulemaking may result in travel cost savings for applicants and recipients. Applicants and recipients may also avoid travel and childcare expenditures and lost wages from unpaid leave time.

Paperwork Requirements

There are no new paperwork requirements under this proposed rulemaking.

Effective Date

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

Public Comment

Interested persons are invited to submit written comments, suggestions or objections regarding this proposed rulemaking to the Department of Human Services, Office of Income Maintenance, Room 230, 1006 Hemlock Drive, P.O. Box 2675, Harrisburg, PA 17110-3595, RA-Oimcomments@pa.gov using the subject header “Definitions and Redetermination Regulations.” Comments, suggestions or objections are due within 30 days from the date of publication of this proposed rulemaking in the *Pennsylvania Bulletin*. Reference Regulation No. 14-550 when submitting comments.

Persons with a disability who require an auxiliary aid or service may submit comments by using the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

Regulatory Review Act

Under section 5(a) of the Regulatory Review Act (71 P.S. § 745.5(a)), on December 7, 2020, the Department submitted a copy of this proposed rulemaking to the Independent Regulatory Review Commission (IRRC) during a sine die session. On the fourth Monday in January 2021, or after both Committees have been designated, whichever is later, the Department will submit a copy of this proposed rulemaking to the Chairpersons of the House Committee on Health and the Senate Committee on Health and Human Services. In addition to submitting this proposed rulemaking, the Department has provided to IRRC, and will provide to the Committees upon delivery, a copy of a Regulatory Analysis Form prepared by the Department. A copy of this form is available to the public upon request.

Under section 5(g) of the Regulatory Review Act, IRRC may convey comments, recommendations or objections to the proposed rulemaking, within 30 days after 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.

TERESA D. MILLER,
Secretary

Fiscal Note: 14-550. No fiscal impact; (8) recommends adoption.

Annex A**TITLE 55. HUMAN SERVICES****PART II. PUBLIC ASSISTANCE MANUAL****Subpart B. INTAKE AND REDETERMINATION****CHAPTER 123. DEFINITIONS****TANF/GA INTAKE AND REDETERMINATION
DEFINITIONS****§ 123.22. Definitions.**

The following words and terms, when used in this chapter and Chapters 125, 133 and 141 (relating to application process; redetermining eligibility; and general eligibility provisions), have the following meanings, unless the context clearly indicates otherwise:

* * * * *

Application interview—A [**face-to-face**] **personal** interview between an applicant and an eligibility worker [**which is scheduled within 13-calendar days after receipt of an application. The purpose of the application interview is**], to gather and record information and to secure verification needed to establish eligibility.

* * * * *

Monthly assistance payment—The amount of money issued monthly that is based on the family size allowance plus, if applicable, a special need allowance, reduced by the net income of the budget group.

Personal interview—A meeting or discussion between an applicant or recipient and an eligibility worker, in person, by telephone or by other means approved by the Department.

Reapplication—A completed, signed form approved by the Department which is filed with the CAO by a recipient and used for a complete redetermination of continued eligibility of a budget group.

* * * * *

Screening interview—A [**face-to-face or telephone**] **personal** interview between the applicant and [**a CAO**] **an eligibility** worker which includes a review of the [**filed**] application [**form**] to assure that information necessary to determine eligibility is provided [**on the form**] prior to determining a person ineligible or prior to scheduling an application interview.

**CHAPTER 133. REDETERMINING ELIGIBILITY
REDETERMINING ELIGIBILITY PROVISIONS
FOR TANF/GA**

§ 133.23. Requirements.

* * * * *

(c) *Redetermination contacts.* [**Redetermination contacts with the client may be in the home or in the office, depending on the preference of the client. Office and home visits shall be scheduled with the client. It may not always be possible to plan a visit so that home visits to the client without notice may be occasionally necessary; for example, when substantiating information is required and urgent to determine the continued eligibility of the client. Home visits shall always be made in accord with the principle of the Department respecting the right of the client to privacy and personal dignity as set forth in § 121.1 (relating to policy)**] **The Department shall schedule and conduct a personal interview with the recipient.**

(d) *Controls for redeterminations.* To carry out the function of redetermining eligibility, a central control of necessary future actions is maintained to provide a method whereby reasonably predictable changes in the total caseload can be acted on within appropriate time limits.

[Pa.B. Doc. No. 20-1776. Filed for public inspection December 18, 2020, 9:00 a.m.]

STATEMENTS OF POLICY

Title 4—ADMINISTRATION

PART II. EXECUTIVE BOARD

[4 PA. CODE CH. 9]

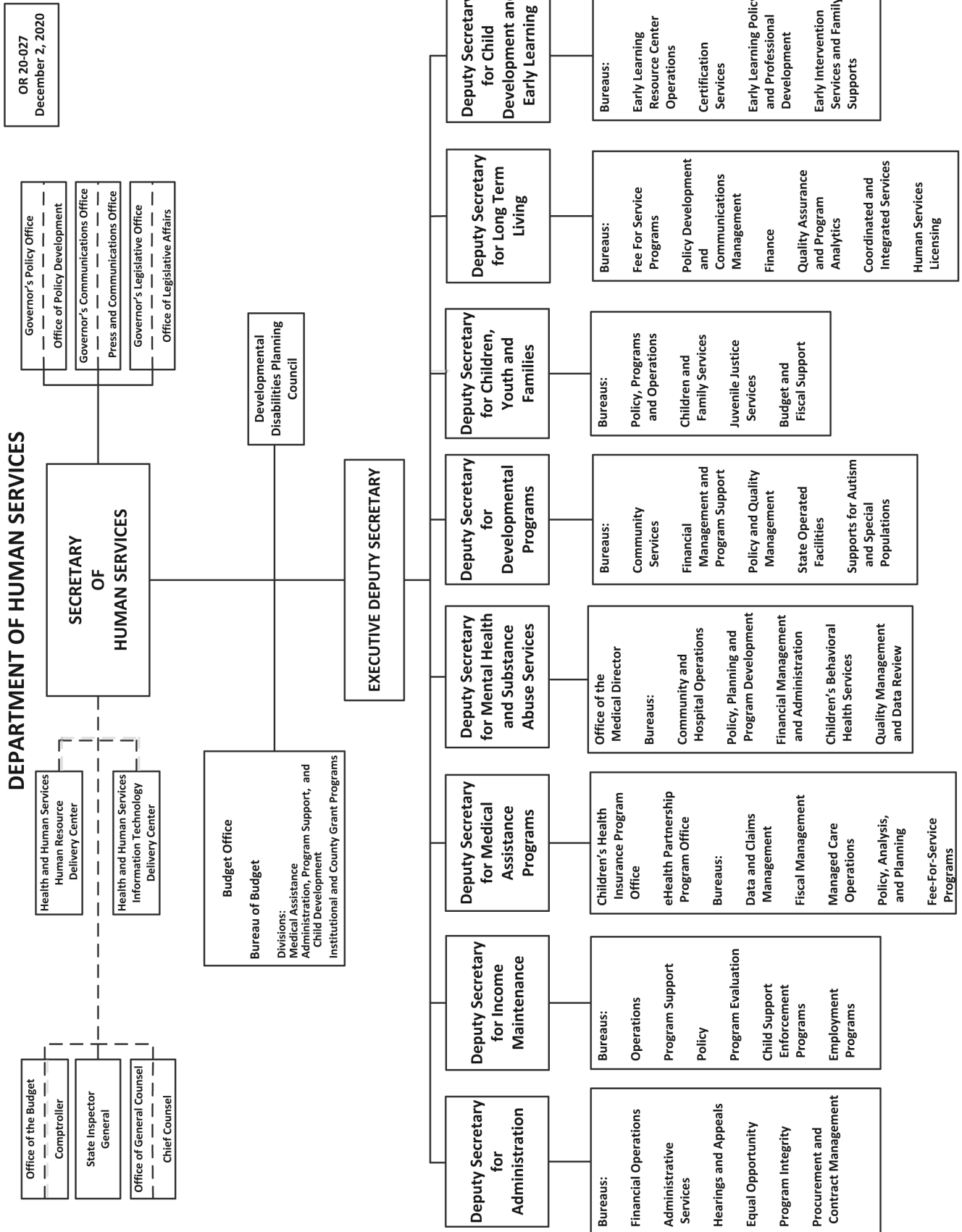
Reorganization of the Department of Human Services

The Executive Board approved a reorganization of the Department of Human Services effective December 2, 2020.

The organization chart at 50 Pa.B. 7197 (December 19, 2020) is published at the request of the Joint Committee on Documents under 1 Pa. Code § 3.1(a)(9) (relating to contents of *Code*).

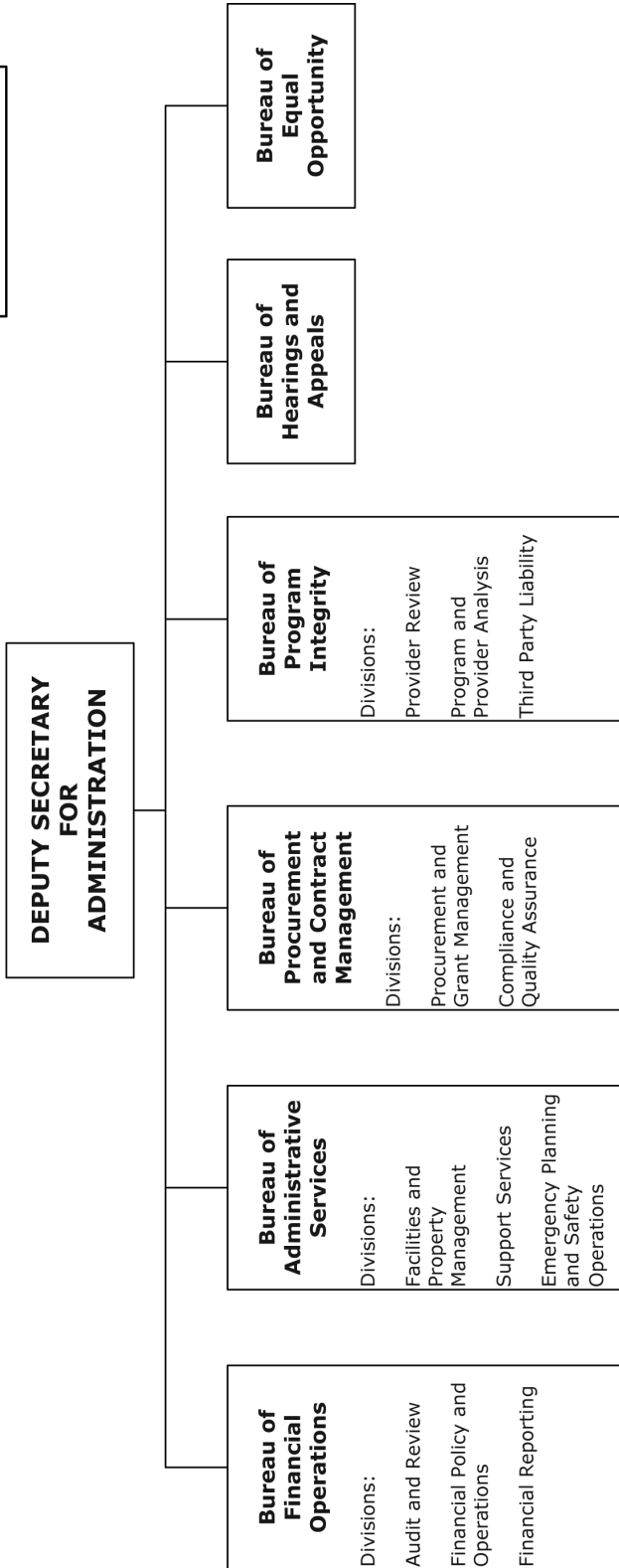
(Editor's Note: The Joint Committee on Documents has found organization charts to be general and permanent in nature. This document meets the criteria of 45 Pa.C.S. § 702(7) (relating to contents of Pennsylvania Code) as a document general and permanent in nature which shall be codified in the Pennsylvania Code.)

[Pa.B. Doc. No. 20-1777. Filed for public inspection December 18, 2020, 9:00 a.m.]



**DEPARTMENT OF HUMAN SERVICES
DEPUTY SECRETARY FOR ADMINISTRATION**

OR 20-027
December 2, 2020



NOTICES

DEPARTMENT OF BANKING AND SECURITIES

Actions on Applications

The Department of Banking and Securities (Department), under the authority in the Banking Code of 1965 (7 P.S. §§ 101—2204), the Department of Banking and Securities Code (71 P.S. §§ 733-1—733-1203) and 17 Pa.C.S. (relating to Credit Union Code), has taken the following actions on applications received for the week ending December 8, 2020.

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

BANKING INSTITUTIONS

Branch Applications

De Novo Branches

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
11-20-2020	1st Colonial Community Bank Cherry Hill Camden County, New Jersey	440 Linfield Trappe Road Limerick Montgomery County, PA	Filed
12-04-2020	Somerset Trust Company Somerset Somerset County	3 South Broadway Street Frostburg Allegany County, MD	Opened
12-04-2020	InFirst Bank Indiana Indiana County	909 Menoher Boulevard Johnstown Cambria County	Approved
12-04-2020	CNB Bank Clearfield Clearfield County	4001 Rockside Road Seven Hills Cuyahoga County, OH	Approved
12-08-2020	1st Colonial Community Bank Cherry Hill Camden County, New Jersey	440 Linfield Trappe Road Limerick Montgomery County, PA	Approved

Branch Discontinuances

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
11-30-2020	Penn Community Bank Doylestown Bucks County	10 North Main Street Yardley Bucks County	Closed
11-30-2020	Landmark Community Bank Pittston Luzerne County	920 Northern Boulevard Clarks Summit Lackawanna County	Closed
12-04-2020	Luzerne Bank Luzerne Luzerne County	1077 Route 315 Wilkes-Barre Luzerne County	Closed

CREDIT UNIONS

No activity.

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

RICHARD VAGUE,
Secretary

[Pa.B. Doc. No. 20-1778. Filed for public inspection December 18, 2020, 9:00 a.m.]

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Applications, Actions and Special Notices

APPLICATIONS

THE CLEAN STREAMS LAW AND THE FEDERAL CLEAN WATER ACT APPLICATIONS FOR NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) PERMITS AND WATER QUALITY MANAGEMENT (WQM) PERMITS

This notice provides information about persons who have applied for a new, amended or renewed NPDES or WQM permit, a permit waiver for certain stormwater discharges or submitted a Notice of Intent (NOI) for coverage under a General Permit. The applications concern, but are not limited to, discharges regarding industrial, animal or sewage waste, discharges to groundwater, discharges associated with municipal separate storm sewer systems (MS4), stormwater associated with construction activities or concentrated animal feeding operations (CAFO). This notice is provided in accordance with 25 Pa. Code Chapters 91 and 92a and 40 CFR Part 122, implementing The Clean Streams Law (35 P. S. §§ 691.1—691.1001) and the Federal Clean Water Act (33 U.S.C.A. §§ 1251—1376).

<i>Location</i>	<i>Permit Authority</i>	<i>Application Type or Category</i>
Section I	NPDES	Renewals
Section II	NPDES	New or Amendment
Section III	WQM	Industrial, Sewage or Animal Waste; Discharge into Groundwater
Section IV	NPDES	MS4 Individual Permit
Section V	NPDES	MS4 Permit Waiver
Section VI	NPDES	Individual Permit Stormwater Construction
Section VII	NPDES	NOI for Coverage under NPDES General Permits

For NPDES renewal applications in Section I, the Department of Environmental Protection (Department) has made a tentative determination to reissue these permits for 5 years subject to effluent limitations and monitoring and reporting requirements in their current permits, with appropriate and necessary updated requirements to reflect new and changed regulations and other requirements.

For applications for new NPDES permits and renewal applications with major changes in Section II, as well as applications for MS4 Individual Permits and Individual Stormwater Construction Permits in Sections IV and VI, the Department, based upon preliminary reviews, has made tentative determinations of proposed effluent limitations and other terms and conditions for the permit applications. In accordance with 25 Pa. Code § 92a.32(d), the proposed discharge of stormwater associated with construction activities will be managed in accordance with the requirements of 25 Pa. Code Chapter 102. These determinations are published as proposed actions for comments prior to taking final actions.

Unless indicated otherwise, the United States Environmental Protection Agency (EPA) Region III Administrator has waived the right to review or object to proposed NPDES permit actions under the waiver provision in 40 CFR 123.24(d).

Persons wishing to comment on NPDES applications are invited to submit statements to the contact office noted before the application within 30-days from the date of this public notice. Persons wishing to comment on WQM permit applications are invited to submit statements to the office noted before the application within 15-days from the date of this public notice. Comments received within the respective comment periods will be considered in the final determinations regarding the applications. A comment submittal should include the name, address and telephone number of the writer and a concise statement to inform the Department of the exact basis of a comment and the relevant facts upon which it is based.

The Department will also accept requests for public hearings on applications. A public hearing may be held if the responsible office considers the public response significant. If a hearing is scheduled, a notice of the hearing will be published in the *Pennsylvania Bulletin* and a newspaper of general circulation within the relevant geographical area. The Department will postpone its final determination until after a public hearing is held.

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

I. NPDES Renewal Applications.

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N?</i>
PA0062537 (Sewage)	East Union Township Wastewater Treatment Plant P.O. Box 245 Sheppton, PA 18248-0245	Schuylkill County East Union Township	Little Tomhicken Creek (CWF, MF) (5-E)	Y

<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>
PA0052426 (Sewage)	Schnecksville North STP P.O. Box 1488 Skipack, PA 19474	Lehigh County North Whitehall Township	Tributary 3649 to Coplay Creek (CWF/MF) (2-C)	Y
PA0063304 (Industrial)	Blythe Township Municipal Authority Crystal Run WTP 375 Valley Street New Philadelphia, PA 17959-1218	Schuylkill County Cass Township	West Creek (CWF) a.k.a. Crystal Run (3-A)	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N?</i>
PA0082392 (Sewage)	Derry Twp Muni Auth— Southwest STP 670 Clearwater Road Hershey, PA 17033	Dauphin County Derry Township	Swatara Creek/(7-D)	Y
PA0081451 (Sewage)	Red Lion Area School District— Clearview Elementary School 696 Delta Road Red Lion, PA 17356	York County Chanceford Township	West Branch Tom's Creek/(7-I)	Y
PA0267236 (Sewage)	Cornette Res 5196 Shenks Ferry Road Brogue, PA 17309-9044	York County Chanceford Township	Boyd's Run (WWF, MF) (7-I)	Y
PA0021849 (Sewage)	Millerstown Muni Auth 44 N. High St. Millerstown, PA 17602	Perry County Greenwood Township	Tuscarora/Bufalo Creek/12-B	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>
PA0264041 (Sewage)	Garth Mathe SRSTP 3749 Williams Road Erie, PA 16510-6147	Erie County Harborcreek Township	Unnamed Tributary to Sevenmile 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.

PA0055468, Sewage, SIC Code 6515, **Hd Holdings LLC**, 506 Gehman Road, Barto, PA 19504-9541. Facility Name: Pleasant Run Trailer Park STP. This existing facility is located in New Hanover Township, **Montgomery 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), Deep Creek (TSF, MF), is located in State Water Plan watershed 3-E and is classified for Migratory Fishes and Trout Stocking, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of .0053 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	6.0	XXX	XXX	9
Dissolved Oxygen	XXX	XXX	5.0	XXX	XXX	XXX
Total Residual Chlorine (TRC)	XXX	XXX	XXX	0.5	XXX	1.0
Carbonaceous Biochemical Oxygen Demand (CBOD ₅)	XXX	XXX	XXX	25	XXX	50
Total Suspended Solids	XXX	XXX	XXX	30	XXX	60

<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>	
Fecal Coliform (No./100 ml)	XXX	XXX	XXX	200	XXX	1,000
Total Nitrogen	XXX	XXX	XXX	Geo Mean Report	Report Daily Max	XXX
Ammonia-Nitrogen	XXX	XXX	XXX	10.0	XXX	20
Total Phosphorus	XXX	XXX	XXX	4.0	XXX	6

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

I. Other Requirements

- A. No Stormwater
- B. Necessary Property Rights
- C. Proper Sludge Disposal
- D. Abandon STP when Public Sewer Become Available
- E. Chlorine Minimization
- F. Small Stream Discharge
- G. Notification of Designation of Responsible Operator
- H. Remedial Measures if Public Nuisance
- I. Instantaneous Maximum
- J. Twice per Month Sampling Frequency

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.

PA0036412, Sewage, SIC Code 8361, **Tel Hai Retirement Comm**, P.O. Box 190, Honey Brook, PA 19344-0190. Facility Name: Tel Hai Rest Home. This existing facility is located in Honey Brook Township, **Chester County**.

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

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

The proposed effluent limits for Outfall 001 are based on a design flow of .07 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	XXX	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	XXX	0.5	XXX	1.6
CBOD ₅						
Nov 1 - Apr 30	9.2	XXX	XXX	15.8	XXX	31.6
May 1 - Oct 31	4.6	XXX	XXX	7.9	XXX	15.8
BOD ₅						
Raw Sewage Influent	Report	XXX	XXX	Report	XXX	XXX
Total Suspended Solids						
Raw Sewage Influent	Report	XXX	XXX	Report	XXX	XXX
Total Suspended Solids	12.8	XXX	XXX	22	XXX	44
Fecal Coliform (No./100 ml)	XXX	XXX	XXX	200	XXX	1,000
Ultraviolet light transmittance (%)	XXX	XXX	XXX	Report	XXX	XXX
Nitrate-Nitrite as N	Report	XXX	XXX	Report	XXX	XXX
Total Nitrogen	13.8	XXX	XXX	23.6	XXX	47.2
Ammonia-Nitrogen						
Nov 1 - Apr 30	4.0	XXX	XXX	6.9	XXX	13.8
May 1 - Oct 31	1.3	XXX	XXX	2.3	XXX	4.6
Total Kjeldahl Nitrogen	Report	XXX	XXX	Report	XXX	XXX
Total Phosphorus						
Nov 1 - Mar 31	0.9	XXX	XXX	2.0	XXX	4
Apr 1 - Oct 31	0.9	XXX	XXX	1.5	XXX	3

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

1. No Stormwater
2. Sludge Disposal Requirement
3. Abandon STP When Municipal Sewers Available
4. Notification of Designation of Operator
5. Water Quality Management permit
6. Change in Ownership
7. 2/Month Monitoring Requirement
8. Visual Inspection for Tank Overflows
9. No Debris through Toilets or Drains
10. Maintenance and Logs for Calibration of Meters and Gauges
11. TRC monitoring

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 not in effect.

PA0020532, Sewage, SIC Code 4952, **Upper Montgomery Joint Authority**, 1100 Mensch Dam Road, Pennsburg, PA 18073. Facility Name: Upper Montgomery Joint Authority STP. This existing facility is located in Upper Hanover Township, **Montgomery 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), Green Lane Reservoir (Perkiomen Creek) (TSF), is located in State Water Plan watershed 3-E 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.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Weekly Average</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	Inst Min 5.0	XXX	XXX	XXX
Total Residual Chlorine (TRC)	XXX	XXX	Inst Min XXX	0.5	XXX	1.2
Carbonaceous Biochemical Oxygen Demand (CBOD ₅)						
Raw Sewage Influent	Report	XXX	XXX	Report	XXX	XXX
Carbonaceous Biochemical Oxygen Demand (CBOD ₅)	417	667	XXX	25	40	50
Biochemical Oxygen Demand (BOD ₅)					Wkly Avg	
Raw Sewage Influent	Report	XXX	XXX	Report	XXX	XXX
Total Suspended Solids	500	750	XXX	30	45	60
Raw Sewage Influent	Report	XXX	XXX	Report	XXX	XXX
Fecal Coliform (No./100 ml)	XXX	XXX	XXX	200	XXX	1,000
Nitrate-Nitrite as N	XXX	XXX	XXX	Geo Mean	XXX	XXX
Total Nitrogen	Report	XXX	XXX	Report	XXX	XXX
Ammonia-Nitrogen	167	XXX	XXX	10.0	XXX	20
Total Phosphorus	8.34	XXX	XXX	0.5	XXX	1

The proposed effluent limits for Outfall 001 are based on a design flow of 2 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Weekly Average</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
Total Dissolved Solids	16,680	33,360	XXX	1,000.0	2,000.0	2,500
Copper, Total	Avg Qrtly XXX	Daily Max XXX	XXX	Avg Qrtly Report	Report	XXX
Iron, Dissolved	XXX	XXX	XXX	Avg Qrtly Report	Report	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>Weekly Average</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
Toxicity, Chronic - Ceriodaphnia Survival (TUc)	XXX	XXX	XXX	XXX	Report	XXX
Toxicity, Chronic - Ceriodaphnia Reproduction (TUc)	XXX	XXX	XXX	XXX	Report	XXX
Toxicity, Chronic - Pimephales Survival (TUc)	XXX	XXX	XXX	XXX	Report	XXX
Toxicity, Chronic - Pimephales Growth (TUc)	XXX	XXX	XXX	XXX	Report	XXX

The proposed effluent limits for stormwater Outfalls 002—006 are based on a design flow of 0 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>	
pH (S.U.)	XXX	XXX	Report Inst Min	XXX	XXX	Report
Carbonaceous Biochemical Oxygen Demand (CBOD ₅)	XXX	XXX	XXX	XXX	Report	XXX
Chemical Oxygen Demand (COD)	XXX	XXX	XXX	XXX	Report	XXX
Total Suspended Solids	XXX	XXX	XXX	XXX	Report	XXX
Oil and Grease	XXX	XXX	XXX	XXX	Report	XXX
Total Kjeldahl Nitrogen	XXX	XXX	XXX	XXX	Report	XXX
Total Phosphorus	XXX	XXX	XXX	XXX	Report	XXX
Iron, Dissolved	XXX	XXX	XXX	XXX	Report	XXX

Sludge use and disposal description and location(s): Sewage sludge is used for land application under General Permit PAG—08 in Farms in Berks County and also sent to Pioneer Crossing Landfill for disposal.

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

- Proper disposal of sludges, slurries, and other solids
- TRC minimization in effluent
- Notification of the designation of the responsible operator
- Operations and Maintenance Plan
- High Flow Management Plan
- WET requirements
- Requirement applicable to Stormwater Outfalls

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 not in effect.

PA0012424, Industrial, SIC Code 2851, **McAdoo & Allen Inc.**, 201 South Hellertown Avenue, Quakertown, PA 18951-1768. Facility Name: Quaker NCCW & SW System. This existing facility is located in Quakertown Borough, **Bucks 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), Beaver Run (TSF, MF), is located in State Water Plan watershed 2-D and is classified for Migratory Fishes and Trout Stocking, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 003, Outfall 004 and Monitoring Point MP 106 are based on a design flow of .0264 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	XXX	XXX	XXX	XXX	XXX
pH (S.U.)	Daily Min XXX	XXX	6.0 Inst Min	XXX	XXX	9.0
Temperature (deg F) (°F)	XXX	XXX	XXX	XXX	XXX	110

The proposed effluent limits for Outfalls 005 and 010 are based on a design flow of 0 MGD.—Limits.

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		IMAX
	Average Monthly	Average Weekly		Average Monthly	Maximum	
pH (S.U.)	XXX	XXX	XXX	XXX	XXX	Report
Chemical Oxygen Demand (COD)	XXX	XXX	XXX	XXX	XXX	Report
Total Suspended Solids	XXX	XXX	XXX	XXX	XXX	Report
Nitrate-Nitrite as N	XXX	XXX	XXX	XXX	XXX	Report
Total Phosphorus	XXX	XXX	XXX	XXX	XXX	Report
Aluminum, Total	XXX	XXX	XXX	XXX	XXX	Report
Iron, Total	XXX	XXX	XXX	XXX	XXX	Report
Lead, Total	XXX	XXX	XXX	XXX	XXX	Report
Zinc, Total	XXX	XXX	XXX	XXX	XXX	Report

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

- Proper disposal of screenings, slurries, sludges and other solids
- Temperature requirements for receiving stream
- Discharge located in Special Protection Waters
- Requirements applicable to stormwater outfalls

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

The EPA Waiver is in effect.

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

PA0021580, Sewage, SIC Code 4952, **Catasauqua Borough**, 90 Bridge Street, Catasauqua, PA 18032. Facility Name: Catasauqua Borough WWTF. This existing facility is located in Catasauqua Borough, **Lehigh 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, the Lehigh River (TSF/MF), is located in State Water Plan watershed 2-C and is classified for Trout Stocking and Migratory Fish, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 2.25 MGD.

Parameters	Mass Units (lbs/day)		Instant. Minimum	Concentrations (mg/L)		IMAX
	Average Monthly	Weekly Average		Average Monthly	Weekly Average	
Flow (MGD)	Report	Report Daily Max	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	5.0	XXX	XXX	XXX
Total Residual Chlorine (TRC)	XXX	XXX	XXX	XXX	XXX	1.2
Carbonaceous Biochemical Oxygen Demand (CBOD ₅)	469	750	XXX	25.0	40.0	50.0
Biochemical Oxygen Demand (BOD ₅)						
Raw Sewage Influent	Report	Report Daily Max	XXX	Report	XXX	XXX
Total Suspended Solids	563	844	XXX	30.0	45.0	60.0
Total Suspended Solids Raw Sewage Influent	Report	Report Daily Max	XXX	Report	XXX	XXX
Fecal Coliform (No./100 ml)	XXX	XXX	XXX	200 Geo Mean	XXX	1,000
Nitrate-Nitrite as N	Report	XXX	XXX	Report	XXX	XXX
Total Nitrogen	Report	XXX	XXX	Report	XXX	XXX
Ammonia-Nitrogen						
Nov 1 - Apr 30	375	XXX	XXX	20.0	XXX	40.0
May 1 - Oct 31	150	XXX	XXX	8.0	XXX	16.0
Total Kjeldahl Nitrogen	Report	XXX	XXX	Report	XXX	XXX
Total Phosphorus	Report	XXX	XXX	Report	XXX	XXX
Total Dissolved Solids	Report	XXX	XXX	Report	XXX	XXX
Copper, Total	Avg Qrtly Report	XXX	XXX	Avg Qrtly Report	XXX	XXX

Sludge use and disposal description and location(s): As per the most recently submitted Sewage Sludge/Biosolids Production and Disposal supplemental DMR form (for September 2020), biosolids are hauled to Grand Central Landfill by Waste Management.

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

- POTW Pretreatment Program Implementation
- Solids Management
- Whole Effluent Toxicity (WET)

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

The EPA Waiver is not in effect.

Southcentral Region: Regional Clean Water Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110-8200, Phone: 717-705-4800, Email: RA-EPNPDES_SCRO@pa.gov.

PA0020664, Sewage, SIC Code 4952, **Middletown Water Joint Venture LLC**, 9 W. 57th Street, Suite 4200, New York, NY 10019. Facility Name: Middletown Borough WWTP. This existing facility is located in Middletown Borough, **Dauphin County**.

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

The receiving stream(s), Susquehanna River (WWF), is located in State Water Plan watershed 7-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 2.2 MGD.—Limits.

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		IMAX
	Average Monthly	Weekly Average		Average Monthly	Weekly Average	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	Inst Min 5.0	XXX	XXX	XXX
Total Residual Chlorine (TRC)	XXX	XXX	Daily Min XXX	0.5	XXX	1.6
Carbonaceous Biochemical Oxygen Demand (CBOD ₅)	459	734	XXX	25.0	40.0	50
Biochemical Oxygen Demand (BOD ₅)						
Raw Sewage Influent	Report	Report	XXX	Report	XXX	XXX
Total Suspended Solids	550	826	XXX	30.0	45.0	60
Raw Sewage Influent	Report	Report	XXX	Report	XXX	XXX
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
Nitrate-Nitrite as N (Total Load, lbs) (lbs)	XXX Report	XXX XXX	XXX XXX	Report XXX	XXX XXX	XXX XXX
Total Nitrogen (Total Load, lbs) (lbs)	XXX Report	XXX XXX	XXX XXX	Report XXX	XXX XXX	XXX XXX
Ammonia-Nitrogen (Total Load, lbs) (lbs)	XXX Report	XXX XXX	XXX XXX	Report XXX	XXX XXX	XXX XXX
Total Kjeldahl Nitrogen (Total Load, lbs) (lbs)	XXX Report	XXX XXX	XXX XXX	Report XXX	XXX XXX	XXX XXX
Total Phosphorus (Total Load, lbs) (lbs)	37 Report	XXX XXX	XXX XXX	2.0 XXX	XXX XXX	4 XXX

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		IMAX
	Average Monthly	Weekly Average		Average Monthly	Weekly Average	
(Total Load, lbs) (lbs) Effluent Net	Report Total Mo	XXX	XXX	XXX	XXX	XXX
Total Nitrogen (lbs) Effluent Net	XXX	40,182 Total Annual	XXX	XXX	XXX	XXX
Total Nitrogen (lbs)	XXX	Report Total Annual	XXX	XXX	XXX	XXX
Ammonia (lbs)	XXX	Report Total Annual	XXX	XXX	XXX	XXX
Total Phosphorus (lbs) Effluent Net	XXX	5,358 Total Annual	XXX	XXX	XXX	XXX
Total Phosphorus (lbs)	XXX	Report Total Annual	XXX	XXX	XXX	XXX

Sludge use and disposal description and location(s):

- Sludge is thickened in a rotary drum thickener prior to aerobic digestion through an Autothermal Thermophillic Aerobic Digestion (ATAD) process. The digested product is dewatered through a centrifuge to produce Class A biosolids for land application on Agricultural fields.

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
- 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.

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

PA0027146, Sewage, SIC Code 4952, **Ambridge Borough Municipal Authority**, 600 11th Street, Ambridge, PA 15003-2377. Facility Name: Ambridge Borough STP. This existing facility is located in Ambridge Borough, **Beaver 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), named Ohio River and Unnamed Tributary to Ohio River (WWF), are located in State Water Plan watershed 20-G 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 2.56 MGD.—Limits.

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		IMAX
	Average Monthly	Weekly Average		Average Monthly	Weekly Average	
Total Nitrogen	XXX	XXX	XXX	XXX	Report Daily Max	XXX
Total Phosphorus	XXX	XXX	XXX	XXX	Report Daily Max	XXX

The proposed effluent limits for Outfall 001 are based on a design flow of 2.56 MGD.—Limits.

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		IMAX
	Average Monthly	Weekly Average		Average Monthly	Weekly Average	
Flow (MGD)	Report	Report Daily Max	XXX	XXX	XXX	XXX

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		IMAX
	Average Monthly	Weekly Average		Average Monthly	Weekly Average	
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	Inst Min Report Inst Min	XXX	XXX	XXX
Total Residual Chlorine (TRC)	XXX	XXX	XXX	0.5	XXX	1.6
Carbonaceous Biochemical Oxygen Demand (CBOD ₅)	533.7	811.3	XXX	25	40	50
Biochemical Oxygen Demand (BOD ₅)						
Raw Sewage Influent	Report	Report	XXX	Report	Report	XXX
Total Suspended Solids	640.5	960.7	XXX	30	45	60
Raw Sewage Influent	Report	Report	XXX	Report	Report	XXX
Fecal Coliform (No./100 ml)						
Nov 1 - Mar 31	XXX	XXX	XXX	2,000 Geo Mean	XXX	10,000
Apr 1 - Oct 31	XXX	XXX	XXX	200 Geo Mean	XXX	400
Ammonia-Nitrogen	533.7	XXX	XXX	25	XXX	XXX

Sludge use and disposal description and location(s): Bruener landfill.

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 412-442-4000.

The EPA Waiver is not in effect.

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

Southeast Region: Clean Water Program Manager, 2 East Main Street, Norristown, PA 19401, 484.250.5900.

WQM Permit No. 4620408, Sewage, **Lower Salford Township Authority**, 57 Main Street, Harleysville, PA 19438-2515.

This proposed facility is located in Lower Salford Township, **Montgomery County**.

Description of Action/Activity: Sewer line realignment.

WQM Permit No. WQG02092013, Hilltown Township Water and Sewer Authority, 316 Highland Road, Sellersville, PA 18960-2816.

This proposed facility is located in Hilltown Township, **Bucks County**.

Description of Action/Activity: Propose force main grinder pump system as part of a 5-lot residential subdivision.

WQM Permit No. WQG02232014, Sewage, **Rose Hill Developers, L.P.**, 1 Raymond Drive, Havertown, PA 19083.

This proposed facility is located in Chester Heights Borough, **Delaware County**.

Description of Action/Activity: Construction and operation of a grinder pump and force main.

WQM Permit No. 1520408, Sewage, **Oxford Area Sewer Authority**, P.O. Box 380, Chester, PA 19363-0380.

This proposed facility is located in Oxford Borough, **Chester County**.

Description of Action/Activity: Construction and operation of a pumping station and force main.

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

WQM Permit No. 0116201, Amendment, Industrial Waste, **Rice Fruit Company**, 2760 Carlisle Road, Gardners, PA 17324.

This proposed facility is located in Menallen Township, **Adams County**.

Description of Proposed Action/Activity: Seeking permit approval for amendments at the Rice Fruit Packaging Plant.

WQM Permit No. 3120404, Sewerage, **Julian DiGilio**, 12048 Guyer Road, Petersburg, PA 16669.

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

Description of Proposed Action/Activity: Seeking permit approval for the construction/operation of a single residence sewage treatment plant to serve their home.

WQM Permit No. 3412401, Sewerage, **Thompstontown Municipal Authority**, P.O. Box 154, Thompstontown, PA 17094.

This proposed facility is located in Thompstontown Borough, **Juniata County**.

Description of Proposed Action/Activity: Seeking permit approval for a rerate.

WQM Permit No. WQG02362003, Sewerage, **East Donegal Sewer Authority**, 190 Rock Point Road, Marietta, PA 17547.

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

Description of Proposed Action/Activity: Seeking permit approval for the construction/operation of sewers to serve Bridle Path at Village Square Section 3.

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

WQM Permit No. 0471209 A-1, Sewage, SIC Code 2821, **BVPV Styrenics LLC**, 400 Frankfort Road, Monaca, PA 15061-2212.

This existing facility is located in Potter Township, **Beaver County**.

Description of Proposed Action/Activity: Installation of an ultraviolet light disinfection system to replace sodium hypochlorite as the primary means of sewage disinfection.

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.

PAI130005, MS4, **Franconia Township**, 671 Allentown Road, Telford, PA 18969-0128. 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 Franconia Township, **Montgomery County**. The receiving streams, East Branch Perkiomen Creek (TSF, MF), Unnamed Tributary to West Branch Neshaminy Creek (WWF, MF), Skippack Creek (TSF, MF), and Indian Creek (TSF, MF), are located in State Water Plan watershed 3-E and 2-F and are classified for Migratory Fishes, Warm 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 with the application to reduce pollutant loads to impaired waters:

- A Total Maximum Daily Load (TMDL) Plan/Pollutant Reduction Plan (PRP)

The Department has made a tentative determination to issue the NPDES permit. Written comments on the application and draft permit will be accepted for 30 days following publication of this notice. The period for comment may be extended at the discretion of DEP for one additional 15-day period. You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 484-250-5910 or by contacting our regional Records Management unit via e-mail at RA-SERecordsReview@pa.gov.

The EPA waiver is in effect for small MS4 and is not in effect for large MS4s.

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

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

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

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

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAD390187	Allentown Parking Authority 603 West Linden St. Allentown, PA 18101	Lehigh County	City of Allentown	Jordan Creek (TSF, MF) Little Lehigh Creek (HQ-CWF, TSF, MF)
PAD390184	6776 Hamilton, LLC 6776 Albright Ave. Allentown, PA 18104	Lehigh County	Lower Macungie Township	UNT to Little Lehigh Creek (HQ-CWF, MF)

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

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAD360066	PPL Electric Utilities Corporation 2 North Ninth Street GENN4 Allentown, PA 18101-1179	Lancaster County	East Drumore Township Eden Township Colerain Township Bart Township Sadsbury Township	Stewart Run (HQ-CWF, MF) UNTs Stewart Run (HQ-CWF, MF) UNTs South Fork Big Beaver Creek (TSF, MF) Bowery Run (HQ-CWF, MF) UNTs Bowery Run (HQ-CWF, MF) West Branch Octoraro Creek (HQ-CWF, MF) UNTs West Branch Octoraro Creek (HQ-CWF, MF) Valley Run (TSF, MF) UNTs Valley Run (TSF, MF) Knott Run (HQ-CWF, MF) UNTs Knott Run (HQ-CWF, MF)
PAD060046	Colebrookdale Woods, LLC 3801 Germantown Pike Collegeville, PA 19423	Berks County	Colebrookdale Township	UNTs Ironstone Creek (TSF) Ironstone Creek (TSF)

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

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAD020037	Allegheny Valley Joint Sewer Authority P.O. Box 158 Cheswick, PA 15024	Allegheny County	Harmar Township Springdale Township Springdale Borough Cheswick Borough	Allegheny River (WWF)
PAD300012	CNX Gas Company, LLC 1000 Consol Energy Drive Canonsburg, PA 15317	Greene County	Center Township	Lightner Run (HQ-WWF)
PAD300013	CNX Gas Company, LLC 1000 Consol Energy Drive Canonsburg, PA 15317	Greene County	Morris Township	Bates Fork (HQ-WWF); UNT to Bates Fork (HQ-WWF)

Central Office: Bureau of Abandoned Mine Reclamation, 400 Market Street, 13th Floor, P.O. Box 69205, Harrisburg, PA 17106-9205.

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAD690001	PADEP—Bureau of Abandoned Mine Reclamation Full Gospel Church AML Site Greenbrier Road Dunbar, PA 15431	Fayette County	Stewart Township	Tribs. to Bruner Run & Jonathan Run/EV Opossum Creek Youghiogheny Watershed

Regional Permit Coordination Office: 400 Market Street, Harrisburg, PA 17101, Email: RA-EPREGIONALPERMIT@pa.gov.

Allegheny County Conservation District: 33 Terminal Way, Suite 325B, Pittsburgh, PA 15219-1216, (412) 241-7645.

NPDES Permit No.	Applicant Name & Address	County	Municipality	Receiving Water/Use
PAD020036	Pennsylvania Turnpike Commission 700 S Eisenhower Blvd Middletown, PA 17057	Allegheny County	West Mifflin Borough and City of Duquesne	Thompson Run (WWF), Tributary to Monongahela River (WWF), Monongahela River (WWF)

**STATE CONSERVATION COMMISSION
PROPOSED NUTRIENT MANAGEMENT PLANS RELATED TO APPLICATIONS
FOR NPDES PERMITS FOR CAFOs**

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

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

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

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

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

<i>Agricultural Operation Name and Address</i>	<i>County</i>	<i>Total Acres</i>	<i>Animal Equivalent Units</i>	<i>Animal Type</i>	<i>Special Protection Waters (HQ or EV or NA)</i>	<i>Renewal/ New</i>
Jason Wenger 5376 Elizabethtown Road Manheim, PA 17545	Lancaster County	166	529.39	Dairy/Swine	NA	Renewal
Walnut Run Farms Carl & John Myer 292 Elm Road Lititz, PA 17543	Lancaster County	1,200	1.62	Dairy	NA	Renewal
Cedar Hill Poultry 120 Harbold-Altland Rd Wellsville, PA 17365	York County	19.5	417.44	Poultry	NA	New

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 pub-

lished 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. 3520504, Public Water Supply.

Applicant	Aqua Pennsylvania Inc. 1 Aqua Way White Have, PA 18661
Township and County	Roaring Brook Township Lackawanna County
Responsible Official	Mr. Karl Stephens Regional Manager Northeast & Central Operations Aqua Pennsylvania Inc. 1 Aqua Way White Have, PA 18661
Type of Facility	Public Water Supply
Consulting Engineer	Mr. Daniel J Hopkins, P.E. Project Engineer 201 Penn Street P.O. Box 32 Reading, PA 19603
Application Received	September 29, 2020
Description of Action	Elmbrook Water System Jonslea and Wilcrest Well House Improvements

Application No. 4520507, Public Water Supply.

Applicant	PA American Water (Fernwood Tank) 852 Wesley Drive Mechanicsburg, PA 17055
Township and County	Middle Smithfield Township Monroe County
Responsible Official	Mr. Bruce Aiton Vice President—Engineering
Type of Facility	Public Water Supply
Consulting Engineer	Mr. Daniel J Hopkins, P.E. Project Engineer 201 Penn Street P.O. Box 32 Reading, PA 19603
Application Received	November 12, 2020

Description of Action	Replacement of existing storage tank with new 0.50 MG tank
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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 specified. 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:

Northeast Region: Environmental Cleanup & Brownfields Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915, 570-826-2511.

Contact: Eric Supey, Environmental Program Manager.

First National Bank Montrose, 281 Church Street, Montrose, PA 18801, Montrose Borough, **Susquehanna County**. Geological & Environmental Associates Inc., 430 West Mountain Road, Plymouth, PA 18651, on behalf of First National Bank, 2591 Park Center Boulevard, State College, PA 16801, submitted a Notice of Intent to Remediate. Soil was contaminated by a release of petroleum from an underground storage tank. Future use of the site will be nonresidential. The Notice of Intent to Remediate was published in *The Susquehanna County Independent* on November 4, 2020.

Shields Compressor Station, 322 Hunsinger Road, Dimock, PA 18816, Dimock Township, **Susquehanna County**. Aptim Environmental & Infrastructure LLC, 500 Penn Center, Suite 1000, Pittsburgh, PA 15235, on behalf of Williams Field Services Company LLC, 10 SR29 N, Tunkhannock, PA 18657, submitted a Notice of Intent to Remediate. Soil was contaminated by a release of produced water, natural gas condensate, lubricating oil, and glycols. Future use of the site will be nonresidential. The Notice of Intent to Remediate was published in *The Susquehanna County Independent* on November 25, 2020.

Dennis Russo Property, 1417 Derhammer Street, Easton, PA 18040, Forks Township, **Northampton County**. United Environmental Services, P.O. Box 701, Schuylkill Haven, PA 17972, on behalf of Dennis Russo, 1417 Derhammer Street, Easton, PA 18040, submitted a Notice of Intent to Remediate. Soil and groundwater were contaminated by a release of heating oil from an aboveground storage tank. Future use of the site will be residential. The Notice of Intent to Remediate was published in *The Express Times* on September 16, 2020.

Northcentral Region: Environmental Cleanup and Brownfields Program Manager, 208 West Third Street, Williamsport, PA 17701.

Woolrich Mill and Treatment Plant Properties, 2 Mill Street, Woolrich, PA 17779, Pine Creek Township, **Clinton County**. Mountain Research, LLC, 825 25th Street, Altoona, PA 16601, on behalf of Woolrich Incorporated, LLC, 2 Mill Street, Woolrich, PA 17779, has submitted a Notice of Intent to Remediate concerning remediation of site soil and groundwater contaminated with volatile organic compounds. The applicant proposes to remediate the site to meet the Site-Specific Standard. A summary of the Notice of Intent to Remediate was published in *The Lock Haven Express* on October 8, 2020.

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

2739-2747 North 5th Street & 2746-2754 North Orkney Streets, 2739-2747 North 5th Street & 2746-2754 North Orkney Streets, Philadelphia, PA 19133, City of Philadelphia, **Philadelphia County**. John Filoon, REPSG, Inc., 6901 Kingsessing Avenue, Suite 201, Philadelphia, PA 19142 on behalf of Maria Gonzalez, Hispanic Association of Contractors and Enterprises (HACE), 167 West Allegheny Avenue, Suite 200, Philadelphia, PA 19140 submitted a Notice of Intent to Remediate. Soil was impacted with metals and PAHs. The site is currently planned to be redeveloped for residential use. The

proposed cleanup standard for the site is Site-Specific Standard. The Notice of Intent to Remediate was published in *The Philadelphia Daily News* on September 28, 2020.

601 Spruce Street, 601 West Spruce Street, Perkasio, PA 18944, Perkasio Borough, **Bucks County**. Mark Fortna, Penn E&R, Inc., 2755 Bergey Road, Hatfield, PA 19440 on behalf of James Cassidy, 601 Spruce Street Investment Partners, LLC, 270 West Walnut Lane, Philadelphia, PA 19144 submitted a Notice of Intent to Remediate. Site soil has been found to be impacted with VOCs and inorganics. The intended future use of the property is residential. The proposed cleanup standard for the site is Site-Specific Standard/Statewide Health Standard. The Notice of Intent to Remediate was published in *The Perkasio News Herald* on September 20, 2020.

Glen Riddle Junction, 250 Martins Lane, Media, PA 19063, Middletown Township, **Delaware County**. Mark Schaeffer, Stantec Consulting Services, Inc., 1060 Andrew Drive, Suite 140, West Chester, PA 19380 on behalf of Brad Fish, Energy Transfer, 100 Green Street, Marcus Hook, PA 19061 submitted a Notice of Intent to Remediate. The site soil has been found to be contaminated with leaded gasoline. The proposed future use of the property will be non-residential for use as a petroleum pipeline transfer station. The proposed cleanup standard for the site is Statewide Health Standard. The Notice of Intent to Remediate was published in *The Philadelphia Daily News* on September 23, 2020.

(Revised) 1315 Grant Avenue, 1315 Grant Avenue, Woodlyn, PA 19094, Ridley Township, **Delaware County**. Michael Gonshor, PG, Roux Associates, Inc., 402 Heron Drive, Logan Township, NJ 08085 on behalf of Charles J. Catania, Jr., Catania Engineering Associates, Inc., 520 West MacDade Boulevard, Milmont Park, PA 19033 submitted a Notice of Intent to Remediate. Groundwater and soil at the site have been found to be contaminated with leaded gasoline. The proposed future use of this site will remain residential. The proposed cleanup standard for the site is Statewide Health Standard. The original Notice of Intent to Remediate was published in *The Delaware County Times* on March 5, 2018.

(Revised) 580 East Lancaster Avenue, 576 and 580 East Lancaster Avenue, Berwyn, PA 19312, Easttown Township, **Chester County**. Michael S. Welsh, P.E., Welsh Environmental, Inc., 131 Clearview Drive, Downingtown, PA 19335 on behalf of David Della Porta, Berwyn Owner, LLC, 775 Lancaster Avenue, Suite 210, Villanova, PA 19075 submitted a Notice of Intent to Remediate. Soil and groundwater have been contaminated with benzene, chlorobenzene and MTBE. The proposed future use is residential. The proposed cleanup standard for the site is Site-Specific Standard. The original Notice of Intent to Remediate was published in *The Daily Local News* on February 8, 2019.

AIR QUALITY

PLAN APPROVAL AND OPERATING PERMIT APPLICATIONS

The Department has developed an "integrated" plan approval, State Operating Permit and Title V Operating Permit program. This integrated approach is designed to make the permitting process more efficient for the Department, the regulated community and the general public. This approach allows the owner or operator of a facility to submit permitting documents relevant to its

application for all sources related to a facility or a proposed project, affords an opportunity for public input, and provides for a decision on the issuance of the necessary permits.

The Department received applications for Plan Approvals or Operating Permits from the following facilities. Copies of the application, the Department's analysis, all pertinent documents used in the evaluation of the application and subsequently prepared proposed plan approvals/operating permits are available for public review during normal business hours at the appropriate 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.

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.

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

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

11-00258A: Texas Eastern Transmission LP (224 Texas Lane, Lilly, PA 15938-5703). Notice is hereby given in accordance with 25 Pa. Code §§ 127.44—127.46 that the Department of Environmental Protection (Department) intends to issue Air Quality Plan Approval 11-00258A for installation of two (2) Solar, 18,100 HP, Titan 130 natural gas-fired compressor turbines at the Lilly Compressor Station located in Cresson Township, **Cambria County**. These new turbines will replace four (4) turbines. The turbines will be built with SoLoNO_x dry low NO_x (DLN) technology for the control of NO_x and equipped with oxidation catalysts for the control of CO, VOCs, and organic hazardous air pollutants (HAPS). The facility is also replacing the current 445 bhp emergency generator (Source ID 106) with a Waukesha VGF24GL 585 hp, natural gas, emergency generator. The project will also include the installation of two (2) fuel gas heaters, each rated at 1.212 MMBtu/hr heat input, two (2) space heaters rated at 0.105 MMBtu/hr and 0.110 MMBtu/hr, three (3) separator vessels each rated less than 200 gallons used to collect pipeline liquids, one (1) 1,880 gallons pipeline liquids tank, one (1) 3,550 gallons oil tank, and one (1) 12,690 gallons oily water tank.

Potential to emit from the facility after installation of the new sources and controls will be:

Table 1: Facility Wide Potential to Emit

<i>Air Contaminant</i>	<i>Emission Rate (tpy)</i>
Nitrogen Oxides (NO _x)	52.0
Carbon Monoxide (CO)	40.0
Total Particulate Matter (PM)	10.0
Particulate Matter Less Than 10 Microns in Diameter (PM ₁₀)	10.0
Particulate Matter Less Than 2.5 Microns In Diameter (PM _{2.5})	10.0
Sulfur Oxides (SO _x)	21.0
Volatile Organic Compounds (VOC)	44.0
Hazardous Air Pollutants (HAP)	4.0
Formaldehyde (HCHO)	1.0
Carbon Dioxide Equivalents (CO _{2e})	194,500

The facility will be a State Only facility upon completion of the project. The authorization is subject to State regulations including 25 Pa. Code §§ 123.1, 123.2, 123.31, and 123.41, Federal New Source Performance Standards including 40 CFR Part 60 Subpart KKKK—Standards of Performance for Stationary Combustion Turbines and 40 CFR Part 60 Subpart JJJJ—Standards of Performance for Stationary Spark Ignition Internal Combustion Engines. This plan Approval has been conditioned to ensure compliance with all applicable rules. This includes emissions restrictions, operational restrictions, testing, monitoring, recordkeeping, reporting, and work practice requirements. The Department has determined that the proposed facility satisfies Best Available Technology ("BAT") requirements. Once compliance with the Plan

Approval is demonstrated, the applicant will be required to submit a State Only Operating Permit (SOOP) application in accordance with 25 Pa. Code Subchapter F.

The Plan Approval Application, the Department's Air Quality Review Memorandum, and the proposed Air Quality Plan Approval for this project are available for review by any interested party at the Department's Southwest Regional Office, 400 Waterfront Drive, Pittsburgh, PA 15222. A file review can be scheduled through the DEP's website at <https://www.dep.pa.gov/Citizens/PublicRecords/Pages/Informal-File-Review.aspx>.

A person may oppose the proposed plan approval by filing a written protest with the Department through Melissa Jativa, Pennsylvania Department of Environmental Protection, 400 Waterfront Drive, Pittsburgh, PA 15222, mjativa@pa.gov, or fax 412.442.4194. Each protest or set of written comments must contain the name, address and telephone number of the person submitting the comments, identification of the proposed Plan Approval (PA-11-00258A), and a concise statement of the objections to the plan approval issuance and the relevant facts upon which the objections are based.

A public hearing may be held, if the Department, in its discretion, decides that such a hearing is warranted based on the information received. All persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in the newspaper or by the *Pennsylvania Bulletin*, or by telephone or email, where the Department determines such notification is sufficient. Written comments or requests for a public hearing should be directed to Edward F. Orris, Environmental Engineer Manager, Pennsylvania Department of Environmental Protection, 400 Waterfront Drive, Pittsburgh, PA 15222 or by email to eorris@pa.gov.

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

OPERATING PERMITS

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

Southcentral Region: Air Quality Program, 909 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.

06-05081: Delaware County Solid Waste Authority (583 Longview Road, Boyertown, PA 19512) for operation of a municipal solid waste landfill at the Rolling Hills Landfill in Earl Township, **Berks County**. The facility's actual emissions as reported for the year 2019 were estimated at 11.4 tons of CO, 11.3 tons of NO_x, 21.4 tons of PM₁₀, 3.4 tons of SO_x, and 2.3 tons of VOCs. The renewal of the Title V Operating Permit will include emission limits and work practice standards along with monitoring, recordkeeping and reporting requirements to ensure the facility complies with the applicable air quality regulations. Among other items, the conditions include provisions derived from 40 CFR 60, Subpart WWW—Standards of Performance for Municipal Solid Waste Landfills.

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

Northeast Region: Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18701-1915.

Contact: Norman Frederick, Facility Permitting Chief, (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 wldf. 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, recordkeep-

ing, 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.

52-00001: Columbia Gas Transmission/Milford Township Compressor Station (1700 MacCorkle Ave SE, Charleston, WV 25314-1518). The Department intends to issue a renewal of the State-Only (Natural) Minor operating permit for a natural gas transmission facility located in Milford Township, **Pike County**. The sources consist of compressor engines (turbines) and a generator. The sources are considered minor emission sources 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.

48-00001: Columbia Gas Transmission/Easton Compressor Station (1700 MacCorkle Ave SE, Charleston, WV 25314-1518). The Department intends to issue a renewal of the State-Only (Natural) Minor operating permit for a natural gas transmission facility located in Forks Township, **Northampton County**. The sources consist of reciprocating engines and turbines and a generator. The sources are considered minor emission sources 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.

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.

36-03120: Esbshade Mills (220 Eby Chiques Road, Mount Joy, PA 17552) for an animal feed processing facility located in Rapho Township, **Lancaster County**. This is for renewal of the existing State-Only Permit. Potential emissions from the facility are estimated at 10.0 tpy of PM. Among other items, the conditions include provisions derived from 40 CFR Part 63 Subpart DDDDDDD—National Emission Standards for Hazardous Air Pollutants for Area Sources: Prepared Feeds Manufacturing and 40 CFR 63 Subpart ZZZZ—National Emissions Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines. The Operating Permit will include emission limits and work practice standards along with monitoring, recordkeeping and reporting requirements to ensure the facility complies with the applicable air quality regulations.

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

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

19-00010: Wise Foods, Inc. (228 Raseley Street, Berwick, PA 18603) for their Wise Foods Berwick plant located in Berwick Borough, **Columbia County**. The facility is currently operating under the State Only Operating Permit 19-00010. The facility's main sources include three (3) potato chip manufacturing lines, nine (9) related snack food manufacturing lines, 71 combustion units and six (6) process ovens. The facility has potential emissions of 89.25 tons per year of nitrogen oxides, 77.60 tons per year of carbon monoxide, 54.64 tons per year of sulfur oxides, 36.96 tons per year of particulate matter, 10.60 tons per year of volatile organic compounds, and 1.15 tons per year of total hazardous air pollutants (HAPs) while burning natural gas fuel at the facility. The facility has taken synthetic minor restriction to limit the air emissions at the site. No major emission or equipment changes are being proposed by this action at the site. The emergency generators are subject to 40 CFR Part 63, Subpart ZZZZ—National Emission Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines. The emission limits, throughput limitations and work practice standards along with testing, monitoring, recordkeeping and reporting requirements have been included in the operating permit to ensure the facility complies with all applicable Federal and State air quality regulations. These operating permit conditions have been derived from the applicable requirements of Title 25 Pa. Code Chapters 121—145, as well as 40 CFR Parts 60, 63 and 98. 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.

04-00218: NF & M International, Inc. (1729 Pennsylvania Avenue, Monaca, PA 15061). 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 NF & M International to authorize the continued operation of their plant located in the Monaca Borough, **Beaver County**.

NF & M International, Inc., is a producer of titanium bar and billet products for the aerospace market and a manufacturer of small-diameter precision tolerance bar and seam free coil products for aerospace fastener, automotive and medical applications. The facility consists of two 10 MMBtu/hr natural gas fired annealing furnaces, various abrasive grinders, saws, sanders, torch cutter, shot blaster, and acid pickling operation with scrubbers. There are four baghouses to control particulate emissions. This facility has the potential to emit 14.96 tons per year of NO_x, 0.06 ton per year of SO_x, 12.76 tons per year of PM₁₀, 0.03 ton per year of VOCs, 0.02 ton per year of Hydrofluoric acid, 0.044 ton per year of Nitric acid and 0.01 ton per year of Sulfuric acid.

The proposed authorization is subject to State 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.

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 (04-00218) and a concise statement of the objections to the Operating Permit issuance and the relevant facts upon which the objections are based.

NF & M International, 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 NF & M International, 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.

65-00163: PA Department of Human Services (P.O. Box 111, SR 1014, Torrance, PA 15779). In accordance with 25 Pa. Code §§ 127.441 and 127.425, the Department is providing notice that they intend to issue an initial, facility-wide, State Only Operating Permit for the continued operation of a boiler house at a hospital, known as the Torrance State Hospital, located in Derry Township, **Westmoreland County**.

The semiconductor finishing plant contains air contamination sources consist of four, 14.6 through 33.5 MMBtu/hr, natural gas and backup fuel oil-fired, steam generating boilers, fourteen, {five, LPG-fueled (112-bhp total) and nine, diesel (1,300-bhp total)} emergency engines, and # 2 fuel oil tanks. The facility was previously a Title V source, but removed its coal-fired boilers, reducing its potential emissions below major source thresholds.

Annual potential emissions are 40.2 tons of CO, 27.7 tons of NO_x, 4.1 tons of PM₁₀, 4.1 tons of PM_{2.5}, 3.4 tons of VOC, 1.2 tons of SO₂, and 0.8 ton of all HAPs combined. Sources at the Torrance State Hospital are subject to 40 CFR Part 60, Subpart A—General Provisions, and 40 CFR Part 60, Subpart Dc—Standards of Performance for Small Industrial-Commercial-Institutional Steam Generating Units. Sources are also subject to 25 Pa. Code Chapters 121–145. The permit includes emission limitations and testing, operational, monitoring, reporting, and recordkeeping requirements for the plant.

The application, the DEP's Review Memorandum, and the proposed permit are available for public review during normal business hours at DEP's Southwest Regional Office, 400 Waterfront Drive, Pittsburgh, PA 15222. A file review can be scheduled through the DEP's website at <https://www.dep.pa.gov/Citizens/PublicRecords/Pages/Informal-File-Review.aspx>.

Those who wish to provide the Department with additional written information that they believe should be considered prior to the issuance of this Title V Operating Permit may submit the information to Martin L. Hochhauser, P.E., Pennsylvania Department of Environmental Protection, 400 Waterfront Drive, Pittsburgh, PA 15222. Each written comment must contain the name, address, and telephone number of the person submitting the comments, identification of the proposed Operating Permit (specify Operating Permit SOOP-65-00163) and concise statements regarding the relevancy of the information or objections to issuance of the Operating Permit.

All comments must be received prior to the close of business 30 days after the date of this publication. In accordance with 25 Pa. Code § 127.428, prior to issuing an operating permit, the Department may hold a fact-finding conference or hearing at which the petitioner, and a person who has properly filed a protest under § 127.426 (relating to filing protests) may appear and give testimony. The Department is not required to hold a conference or hearing. The applicant, the protestant and other participants will be notified of the time, place, and purpose of a conference or hearing, in writing or by publication in a newspaper or the *Pennsylvania Bulletin*, unless the Department determines that notification by telephone will be sufficient.

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

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

43-00304: Greenville Veterinary Clinic (409 E. Jamestown Road, Greenville, PA 16125). The Department intends to issue the renewal of the State Only Operating Permit for the animal crematory located in West Salem Township, **Mercer County**. The primary sources at the facility are a 1.5 million Btu/hr. animal cremator rated at 75 lbs/hr and a 25W natural gas fueled emergency generator. The facility is a Natural Minor. Potential emissions for all pollutants are below the major source thresholds. The renewal permit contains emission restrictions, recordkeeping, work practice, and additional requirements to ensure compliance with the Clean Air Act and the Air Pollution Control Act.

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

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

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

OP20-000031: The Vanguard Group, Inc. (2000 Kubach Road, Philadelphia, PA 19116) for the operation of an office building facility in the City of Philadelphia, **Philadelphia County**. The facility's air emission sources include four (4) 2,340 horsepower diesel emergency generators.

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

Persons wishing to file protest, comments, or request a public hearing on the previously listed operating permit must submit the protest, comments, or public hearing request within 30 days from the date of this notice. Any

protests or comments filed with AMS must include a concise statement of the objections to the permit issuance and the relevant facts upon which the objections are based. Based upon the information received during the public comment period, AMS may modify the operating permit or schedule a public hearing. The hearing notice will be published in the *Pennsylvania Bulletin* and a local newspaper at least thirty days before the hearing.

PLAN APPROVALS

Receipt of Plan Approval Applications and Intent to Issue Plan Approvals, and Intent to Issue Amended Operating Permits under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and 25 Pa. Code Chapter 127, Subchapter B and Subchapter F. These actions may include the administrative amendments of an associated operating permit.

Northeast Region: Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18701-1915.

Contact: Norman Frederick, Facility Permitting Chief, (570) 826-2409.

40-00143A: 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 **Bekaert Corporation** (165 New Commerce Blvd., Wilkes-Barre, PA 18706) for installation of a steel wire drawing process with fabric collector to remove soap dust at their manufacturing facility to be located in Hanover Township, **Luzerne County**.

The Department of Environmental Protection's (Department) review of the information submitted by Bekaert Corporation indicates that the wire drawing process to be constructed will comply with all regulatory requirements pertaining to air contamination source and the emission of air contaminants including 25 Pa. Code § 123.41 for visible emissions and the best available technology requirement (BAT) of 25 Pa. Code §§ 127.1 and 127.12. Proposed fabric collector will collect 99% of particulate emissions generated from the steel wire drawing process operations before discharging into atmosphere. The use of baghouse capable of removing 99% of emissions meets Department's BAT criteria for this type of process. The company will operate the sources and maintain the system in accordance with the good engineering practices to assure proper operation of the system. The Plan Approval and Operating permit will contain additional recordkeeping and operating restrictions designed to keep the facility operating within all applicable air quality requirements.

The facility is a State Only facility. If the Department determines that the process is constructed and operated in compliance with the plan approval conditions and the specification of the application for Plan Approval 40-00143A, the requirements established in the plan approval will be incorporated into State Only Operating Permit 40-000143 pursuant to the administrative amendment provisions of 25 Pa. Code § 127.450.

All pertinent documents used in the evaluation of the application are available for public review during normal business hours at the Department's Northeast Regional Office, Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18701-1915. Appointments for scheduling a review must be made by calling 570-826-2511.

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. 40-00143A and a concise statement regarding the relevancy of the information or objections to the issuance of the permit.

A public hearing may be held, if the Department of Environmental Protection, in its discretion, decides that such a hearing is warranted based on the comments received. All persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in the newspaper or the *Pennsylvania Bulletin* or by telephone, where DEP determines such notification is sufficient. Written comments or requests for a public hearing should be directed to Ray Kempa, Environmental Engineer Manager, New Source Review Section, Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18701-1915, Phone 570-826-2511 within 30 days after publication date.

COAL & NONCOAL MINING ACTIVITY APPLICATIONS

Applications under the Surface Mining Conservation and Reclamation Act (52 P.S. §§ 1396.1—1396.31); the Noncoal Surface Mining Conservation and Reclamation Act (52 P.S. §§ 3301—3326); the Clean Streams Law (35 P.S. §§ 691.1—691.1001); the Coal Refuse Disposal Control Act (52 P.S. §§ 30.51—30.66); the Bituminous Mine Subsidence and Land Conservation Act (52 P.S. §§ 1406.1—1406.21). Mining activity permits issued in response to such applications will also address the applicable permitting requirements of the following statutes: the Air Pollution Control Act (35 P.S. §§ 4001—4015); the Dam Safety and Encroachments Act (32 P.S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P.S. §§ 6018.101—6018.1003).

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

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

Written comments or objections related to a mining permit application should contain the name, address and telephone number of persons submitting comments or objections; application number; and a statement of sufficient detail to inform the Department on the basis of comment or objection and relevant facts upon which it is based.

Requests for an informal conference, or a public hearing, as applicable, on a mining permit application, as provided by 25 Pa. Code § 77.123 (relating to public hearing-informal conferences) or § 86.34 (relating to in-

formal 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 acidity ¹			

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.

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

Permit No. 17850127. King Coal Sales, Inc., P.O. Box 712, Philipsburg, PA 16866. Permit renewal for reclamation only of a bituminous surface and auger mine located in Morris Township, **Clearfield County** affecting 233.0 acres. Receiving stream(s): Alder Run classified for the following use(s): CWF. There are no potable water supply intakes within 10 miles downstream. Application received: November 20, 2020.

Permit No. 17070106 and NPDES PA0256528. Junior Coal Contracting, Inc., 2330 Six Mile Road, Philipsburg, PA 16866. Permit renewal for continued operation and restoration of a bituminous surface and auger coal mine located in Decatur Township, **Clearfield County** affecting 245.6 acres. Receiving stream(s): Unnamed Tributary to Big Run and Big Run classified for the following use(s): CWF. There are no potable water supply intakes within 10 miles downstream. Application received: November 20, 2020.

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

Permit No. 54930102C3 and NPDES Permit No. PA0223492. Rausch Creek Coal Mining Good Spring, LLC, 978 Gap Street, Valley View, PA 17983, correction to an existing anthracite surface mine operation to add 5.0 acres for a total of 564.3 acres in Porter Township, **Schuylkill County**. Receiving stream: East Branch Rausch Creek, classified for the following use: cold water fishes. Application received: October 8, 2020.

Permit No. 54803203R6 and NPDES Permit No. PA0123862. Rausch Creek Fuel, Inc., 978 Gap Street, Valley View, PA 17983, renewal of an existing anthracite coal refuse reprocessing operation in Hegins Township, **Schuylkill County** affecting 76.0 acres. Receiving stream: East Branch Rausch Creek, classified for the following use: cold water fishes. Application received: October 19, 2020.

Noncoal Applications Received

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

Table 2

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

* The parameter is applicable at all times.

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

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

Permit No. 34200801, Dryhouse Stoneworks, 30 Walnut Grove Lane, Belleville, PA 17004, commencement, operation, and restoration of a small noncoal (industrial minerals) operation in Beale Township, **Juniata County**, affecting 5.0 acres, receiving stream(s): unnamed tributary to Doyle Run. Application received: December 1, 2020.

Knox District Mining Office: P.O. Box 669, 310 Best Avenue, Knox, PA 16232-0669, (814) 797-1191, (Contact: Cayleigh Boniger).

Permit No. 25100303. McDonald Sand & Gravel, Inc., 11425 Neiger Road, Girard, PA 16417, renewal of existing NPDES Permit No. PA0258997 in Springfield Township, **Erie County**. Receiving stream(s): Unnamed tributary to Crooked Creek, classified for the following use(s): HQ-CWF. There are no potable surface water supply intakes within 10 miles downstream. Application received: November 16, 2020.

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

Permit No. 7475SM4C11 and NPDES Permit No. PA0121592. Lehigh Cement Co., LLC, 7600 Imperial Way, Allentown, PA 18195, correction to increase the discharge rate of Point 001 from 0.59 MGD to 2.63 MGS on an existing NPDES permit for discharge of treated mine drainage from a quarry operation in Upper and Lower Nazareth Townships, **Northampton County** affecting 255.0 acres. Receiving stream: tributary 03394 to East Branch Monocacy Creek. Application received: October 19, 2020.

Permit No. 58070854. Michael E. Stanton, 109 Terrytown Road, Wyalusing, PA 18853, Stage I & I bond release of a quarry operation in Rush Township, **Susquehanna County** affecting 2.0 acres on land owned by Michael E. Stanton. Application received: November 9, 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

Cambria District Mining Office: 286 Industrial Park Road, Ebensburg, PA 15931, (814) 472.1900.

NPDES No. PA0213136 (Mining Permit No. 56950105) Marquise Mining Corp., P.O. Box 338, Blairsville, PA 15717, permit renewal for reclamation only of a bituminous surface mine in Stonycreek Township, **Somerset County** affecting 245 acres. Receiving streams: unnamed tributaries to Wells Creek and unnamed tributaries to the Stonycreek River classified for following use: cold water fishes. Application received: November 17, 2020.

Unless otherwise noted for a specific outfall, the proposed effluent limits for all outfalls in this permit are the BAT limits described previously for coal mining activities.

The following outfall discharges to: unnamed tributaries to Wells Creek and unnamed tributaries to the Stonycreek River.

Outfalls: (All Weather Conditions) Parameter	Outfall Nos.	New Outfall (Y/N)	
	005	N	
	30-Day Average	Daily Maximum	Instant. Maximum
Iron (mg/l)	1.5	3.0	3.7
Manganese (mg/l)	1.0	2.0	2.5
Aluminum (mg/l)	.75	1.5	1.8
Total Suspended Solids (mg/l)	35.0	70.0	90.0
Osmotic Pressure (milliosmoles/kg)	50.0	50.0	50.0

Moshannon District Mining Office: 186 Enterprise Drive, Philipsburg, PA 16866, (814) 342.8200.

NPDES No. PA0243515 (Mining Permit No. 17030109), **Tamberlin Brothers Coal Company**, P.O. Box 1419, Clearfield, PA 16830 renewal of an NPDES permit for a surface coal mine in Huston Township, **Clearfield County**, affecting 75.2 acres. Receiving stream(s): Grapevine Run and Heath Run, classified for the following use(s): CWF. The receiving streams are included in the Bennett Branch Sinnemahoning Creek Watershed TMDL. Application received: June 22, 2020.

The following outfalls discharge to Grape Run:

Outfall Nos.	New Outfall (Y/N)	Type
001	N	Treatment (TF-F)
002	N	Treatment (TF-G)
003	N	Treatment (TF-H)
004	N	Treatment (TF-I)
006	N	Sedimentation (SP-A)
007	N	Sedimentation (SP-C)

The following outfalls discharge to Heath Run:

Outfall Nos.	New Outfall (Y/N)	Type
008	N	Sedimentation (SP-D)
009	N	Sedimentation (SP-E)

The proposed effluent limits for the previously listed outfalls are as follows:

<i>Outfall(s): 001—004 (All Weather Conditions)</i> <i>Parameter</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Iron (mg/l)	3.0	6.0	7.0
Manganese (mg/l)	2.0	4.0	5.0
Aluminum (mg/l)	2.0	4.0	5.0
Total Suspended Solids (mg/l)	35.0	70.0	90.0
Sulfate (mg/L)			Monitor & Report
Flow (gpm)			Monitor & Report
Temperature (°C)			Monitor & Report
Specific Conductivity (µmhos/cm)			Monitor & Report
pH (S.U.): Must be between 6.0 and 9.0 standard units at all times.			
Alkalinity must exceed acidity at all times.			

<i>Outfalls: 006—009 (Dry Weather Conditions)</i> <i>Parameter</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Iron (mg/l)	3.0	6.0	7.0
Manganese (mg/l)	2.0	4.0	5.0
Aluminum (mg/l)			Monitor & Report
Total Suspended Solids (mg/l)	35.0	70.0	90.0
Sulfate (mg/L)			Monitor & Report
Flow (gpm)			Monitor & Report
Temperature (°C)			Monitor & Report
Specific Conductivity (µmhos/cm)			Monitor & Report
pH (S.U.): Must be between 6.0 and 9.0 standard units at all times.			
Alkalinity must exceed acidity at all times.			

<i>Outfalls: 006—009 (≤10-yr/24-hr Precip. Event)</i> <i>Parameter</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Iron (mg/l)	N/A	N/A	7.0
Total Settleable Solids (ml/l)	N/A	N/A	0.5
Sulfate (mg/L)			Monitor & Report
Flow (gpm)			Monitor & Report
Temperature (°C)			Monitor & Report
Specific Conductivity (µmhos/cm)			Monitor & Report
pH (S.U.): Must be between 6.0 and 9.0 standard units at all times.			
Alkalinity must exceed acidity at all times.			

Outfalls: 006—009 (>10-yr/24-hr Precip. Event)
pH (S.U.): Must be between 6.0 and 9.0 standard units at all times.
Alkalinity must exceed acidity at all times.

NPDES No. PA0243477 (Mining Permit No. 17030106), Waroquier Coal Company, P.O. Box 128, Clearfield, PA 16830, permit renewal of an NPDES permit for a coal surface mine in Beccaria Township, **Clearfield County**, affecting 244.0 acres. Receiving stream(s): Unnamed tributary to/and Dotts Hollow, classified for the following use(s): Cold Water Fishes (CWF). Application received: September 4, 2020.

Unless otherwise noted for a specific outfall, the proposed effluent limits for all outfalls in this permit are the BAT limits described previously for coal mining activities.

The following outfalls discharge to an unnamed tributary to/and Dotts Hollow:

<i>Outfall Nos.</i>	<i>New Outfall (Y/N)</i>	<i>Type</i>
001 (F)	N	Treatment
002 (G)	N	Treatment
003 (H)	N	Treatment
004 (I)	N	Treatment
005 (J)	N	Treatment
006 (A)	N	Sediment
007 (B)	N	Sediment
008 (C)	N	Sediment
009 (D)	N	Sediment
010 (E)	N	Sediment

The proposed effluent limits for the previously listed outfalls are as follows:

<i>Outfalls: 001 and 003—005 (All Discharges)</i> <i>Parameter</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Iron (mg/l)	3.0	6.0	7.0
Manganese (mg/l)	2.0	4.0	5.0
Aluminum (mg/l)	2.0	4.0	5.0
Total Suspended Solids (mg/l)	35.0	70.0	90.0

<i>Outfalls: 001 and 003—005 (All Discharges)</i>	<i>30-Day</i>	<i>Daily</i>	<i>Instant.</i>
<i>Parameter</i>	<i>Average</i>	<i>Maximum</i>	<i>Maximum</i>
Sulfate (mg/L)		Monitor & Report	
Flow (gpm)		Monitor & Report	
Temperature (°C)		Monitor & Report	
Specific Conductivity (µmhos/cm)		Monitor & Report	
pH (S.U.): Must be between 6.0 and 9.0 standard units at all times.			
Alkalinity must exceed acidity at all times.			

<i>Outfalls: 005, 006 and 008—010 (Dry Weather)</i>	<i>30-Day</i>	<i>Daily</i>	<i>Instant.</i>
<i>Parameter</i>	<i>Average</i>	<i>Maximum</i>	<i>Maximum</i>
Iron (mg/l)	3.0	6.0	7.0
Manganese (mg/l)	2.0	4.0	5.0
Total Suspended Solids (mg/l)	35.0	70.0	90.0
Aluminum (mg/l)		Monitor & Report	
Sulfate (mg/L)		Monitor & Report	
Flow (gpm)		Monitor & Report	
Temperature (°C)		Monitor & Report	
Specific Conductivity (µmhos/cm)		Monitor & Report	
pH (S.U.): Must be between 6.0 and 9.0 standard units at all times.			
Alkalinity must exceed acidity at all times.			

<i>Outfalls: 005, 006 and 008—010 (≤10-yr/24-hr Precip. Event)</i>	<i>30-Day</i>	<i>Daily</i>	<i>Instant.</i>
<i>Parameter</i>	<i>Average</i>	<i>Maximum</i>	<i>Maximum</i>
Iron (mg/l)	N/A	N/A	7.0
Total Settleable Solids (ml/l)	N/A	N/A	0.5
Sulfate (mg/L)		Monitor & Report	
Flow (gpm)		Monitor & Report	
Temperature (°C)		Monitor & Report	
Specific Conductivity (µmhos/cm)		Monitor & Report	
pH (S.U.): Must be between 6.0 and 9.0 standard units at all times.			
Alkalinity must exceed acidity at all times.			

Outfalls: 005, 006 and 008—010 (>10-yr/24-hr Precip. Event)
 pH (S.U.): Must be between 6.0 and 9.0 standard units at all times.
 Alkalinity must exceed acidity at all times.

<i>Outfalls: 002, 007 (All Discharges)</i>	<i>30-Day</i>	<i>Daily</i>	<i>Instant.</i>
<i>Parameter</i>	<i>Average</i>	<i>Maximum</i>	<i>Maximum</i>
Iron (mg/l)	3.0	6.0	7.0
Manganese (mg/l)	2.0	4.0	5.0
Aluminum (mg/l)	1.4	2.8	3.5
Total Suspended Solids (mg/l)	35.0	70.0	90.0
Sulfate (mg/L)		Monitor & Report	
Flow (gpm)		Monitor & Report	
Temperature (°C)		Monitor & Report	
Specific Conductivity (µmhos/cm)		Monitor & Report	
pH (S.U.): Must be between 6.0 and 9.0 standard units at all times.			
Alkalinity must exceed acidity at all times.			

NPDES No. PA0215694 (Mining Permit No. 17851501), RES Coal LLC, 51 Airport Road, Clearfield, PA 16830 renewal of an NPDES permit for a coal preparation facility and tipple in Boggs Township, **Clearfield County** affecting 50.4 acres. Receiving stream(s): Clearfield Creek and Long Run, classified for the following use(s): WWF and CWF, respectively. The receiving streams are included in the Clearfield Creek Watershed TMDL. Application received: July 24, 2020.

The following outfalls discharge to Clearfield Creek:

<i>Outfall Nos.</i>	<i>New Outfall (Y/N)</i>	<i>Type</i>
001	N	Treatment (SB-3)
005	N	Sedimentation (SB-4)

The following outfalls discharge to Long Run:

<i>Outfall Nos.</i>	<i>New Outfall (Y/N)</i>	<i>Type</i>
004	N	Sedimentation (ST-3)
006	N	Sedimentation (SB-5)

The proposed effluent limits for the previously listed outfalls are as follows:

<i>Outfall(s): 001 and 005 (All Weather Conditions)</i>	<i>30-Day</i>	<i>Daily</i>	<i>Instant.</i>
<i>Parameter</i>	<i>Average</i>	<i>Maximum</i>	<i>Maximum</i>
Iron (mg/l)	1.5	3.0	3.7

<i>Outfall(s): 001 and 005 (All Weather Conditions)</i>	<i>30-Day</i>	<i>Daily</i>	<i>Instant.</i>
<i>Parameter</i>	<i>Average</i>	<i>Maximum</i>	<i>Maximum</i>
Manganese (mg/l)	1.0	2.0	2.5
Aluminum (mg/l)	0.75	0.75	0.75
Total Suspended Solids (mg/l)	35.0	70.0	90.0
Sulfate (mg/L)			Monitor & Report
Flow (gpm)			Monitor & Report
Temperature (°C)			Monitor & Report
Specific Conductivity (µmhos/cm)			Monitor & Report
Osmotic Pressure			Monitor & Report
pH (S.U.): Must be between 6.0 and 9.0 standard units at all times.			
Alkalinity must exceed acidity at all times.			

The proposed effluent limits for the previously listed outfalls are as follows:

<i>Outfall(s): 004 and 006 (All Weather Conditions)</i>	<i>30-Day</i>	<i>Daily</i>	<i>Instant.</i>
<i>Parameter</i>	<i>Average</i>	<i>Maximum</i>	<i>Maximum</i>
Iron (mg/l)	3.0	6.0	7.0
Manganese (mg/l)	1.0	2.0	2.5
Aluminum (mg/l)	0.75	0.75	0.75
Total Suspended Solids (mg/l)	35.0	70.0	90.0
Sulfate (mg/L)			Monitor & Report
Flow (gpm)			Monitor & Report
Temperature (°C)			Monitor & Report
Specific Conductivity (µmhos/cm)			Monitor & Report
Osmotic Pressure			Monitor & Report
pH (S.U.): Must be between 6.0 and 9.0 standard units at all times.			
Alkalinity must exceed acidity at all times.			

Noncoal NPDES Draft Permits

Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901-2522, (570) 621.3118.

NPDES Permit No. PA0013731. Gill Quarries, Inc. (P.O. Box 187, Fairview Village, PA 19409), renewal of NPDES Permit on Surface Mine Permit No. 8073SM5 in East Norriton Township, **Montgomery County** affecting 38.31 acres. Receiving stream: unnamed tributary to Stony Creek to Schuylkill River Watershed classified for the following uses: trout stocking, migratory and warm water fishes. The first downstream potable water supply intake from the point of discharge is at Norristown on the Schuylkill River. The Department has made a tentative determination to impose effluent limitations, within the ranges specified in Table 1. Application received: February 3, 2020.

<i>Outfall Nos.</i>	<i>New Outfall (Y/N)</i>	<i>Type</i>		
001	No	Stormwater		
SP02	No	Groundwater/Stormwater		
<i>Outfalls:</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instantaneous Maximum</i>	
<i>Parameter</i>	<i>Minimum</i>			
pH ¹ (S.U.)	6.0		9.0	
Total Alkalinity (as CaCO ₃) (mg/L)			Monitor And Report	
Total Acidity (as CaCO ₃) (mg/L)			Monitor And Report	
Net Alkalinity (mg/L)	0.0			
Total Suspended Solids (mg/L)	35.0	70.0	90.0	
Discharge (MGD) SP0 ₂	0.5	0.5		
Total Dissolved Solids (mg/L)			Monitor And Report	
Sulfates (mg/L)			Monitor And Report	
Chloride (mg/L)			Monitor And Report	
Oil and Grease (mg/L)			Monitor And Report	
Turbidity (NTU) Outfall SP0 ₂	40.0	80.0	100.0	

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)).

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. E4601220-042, PECO Energy Company, 2301 Market Street, N3-3, Philadelphia, PA 19103, Lower Merion Township, **Montgomery County**, ACOE Philadelphia District.

To construct and maintain approximately 295 LF of a 24-inch diameter steel gas main along Righters Mill Road. An approximately 90 LF section of a 24-inch diameter steel gas main will be installed via jack and bore beneath the Mill Creek (TSF-MF) within a 30-inch diameter steel casing associated with the damaged 16-inch gas line. An emergency permit (EP4620027) was authorized for the installation of a 12-inch diameter temporary bypass steel gas main, and the cut and capping of the existing 16-inch, leaking gas main. The area is within the National Register listed Mill Creek Historic District.

The site is located at 30 Righters Mill Road (Norristown, PA USGS Quadrangle, Latitude: 40.031434; Longitude: -75.269531) in Lower Merion Township, Montgomery County.

Northeast Region: Waterways & Wetlands Program, 2 Public Square, Wilkes-Barre, PA 18701-1915.

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

E3902220-031. West Hills (Hillwood) Partners, LP, 5050 W. Tilghman Street, Suite 435, Allentown, PA 18104, in Weisenberg Township, **Lehigh County**, U.S. Army Corps of Engineers, Philadelphia District.

To construct and maintain a stream restoration project with dam removal in a 517-foot reach of a UNT to Lyon Creek (HQ-CWF, MF) using natural stream channel design techniques to create a natural stream corridor. Work will include re-grading of the channel, re-grading floodplain, establishment of riparian buffers, and the placement of in-stream structures including random boulder

placement, rock cross vanes, live stake plantings and constructed riffles. The project is located on the right of Seipstown Road approximately 0.2 mile after the intersection with Golden Key Road (Topton, PA Quadrangle Latitude: 40° 35' 12" Longitude: -75° 42' 18") in the Weisenberg Township, Lehigh County.

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

E3603220-028. Ephrata Township, 265 Akron Road, Ephrata, PA 17522, Ephrata Township, **Lancaster County**, U.S. Army Corps of Engineers Baltimore District.

To install and maintain 1.) 25 boulder deflectors in Cocalico Creek (WWF, MF); 2.) 3 muddills totaling 105 feet in length in Cocalico Creek (WWF, MF); 3.) construct and maintain 643 feet of boulder wall in Cocalico Creek (WWF, MF); 4.) excavate and maintain 2 floodplain benches in the floodway of Cocalico Creek (WWF, MF) permanently impacting 0.61 acre of floodway; 5.) construct and maintain a 17.0-foot long by 10.0-foot wide fishing pier in Cocalico Creek (WWF, MF); 6.) install and maintain an 8.0-foot long by 16.0-foot wide boat launch in Cocalico Creek (WWF, MF); 7.) grade and maintain a trail and parking lot in the floodway of Cocalico Creek (WWF, MF) permanently impacting 0.80 acre of floodway; and 8.) construct and maintain a rain garden in the floodway of Cocalico Creek (WWF, MF), impacting 0.002 acre of floodway, for the purposes of restoring Cocalico Creek and increasing recreational opportunities for the public. The project is located approximately 500 feet southwest of the intersection of W. Mohlers Church Road and E. Trout Run Road (Latitude: 401917° N; Longitude: 76.1691°W) in Ephrata Township, Lancaster County. No wetlands will be impacted by this project.

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

E1105120-025, PennDOT District 9-0, 1620 North Juniata Street, Hollidaysburg, PA 16648, Reade Township, **Cambria County**; Baltimore ACOE District.

The applicant is proposing to:

Remove an existing, single span, slab bridge, having a normal clear span of 16.2', minimum underclearance of 4.22', and clear roadway width of 23'.

Construct and maintain a replacement, single cell, precast box culvert with end sections, having a normal clear span of 18', a minimum underclearance 4', and clear roadway width of 39'.

For the purpose of replacing a deficient structure. The project will have a permanent impact of 85 LF, and temporary impact of 137 LF to Sandy Run (HQ-CWF) (MF). The project will also have a total, permanent impact of 0.061 acre, and total, temporary impact of 0.160 acre, to four PEM wetlands.

The project site is located along Glendale Valley Boulevard, between Van Ormer Road and State Park Road (Blandburg, PA USGS topographic quadrangle; N: 40°, 39', 59.3366"; W: -78°, 29', 36.9435"; Sub-basin 08C; USACE Baltimore District), in Reade Township, Cambria County.

ACTIONS

THE PENNSYLVANIA CLEAN STREAMS LAW AND THE FEDERAL CLEAN WATER ACT
FINAL ACTIONS TAKEN FOR NPDES PERMITS AND WQM PERMITS

The Department has taken the following actions on previously received applications for new, amended and renewed NPDES and WQM permits, applications for permit waivers and NOIs for coverage under General Permits. This notice of final action is provided in accordance with 25 Pa. Code Chapters 91 and 92a and 40 CFR Part 122, implementing provisions of The Clean Streams Law (35 P.S. §§ 691.1—691.1001) and the Federal Clean Water Act (33 U.S.C.A. §§ 1251—1376).

<i>Location</i>	<i>Permit Authority</i>	<i>Application Type or Category</i>
Section I	NPDES	Renewals
Section II	NPDES	New or Amendment
Section III	WQM	Industrial, Sewage or Animal Wastes; Discharges to Groundwater
Section IV	NPDES	MS4 Individual Permit
Section V	NPDES	MS4 Permit Waiver
Section VI	NPDES	Individual Permit Stormwater Construction
Section VII	NPDES	NOI for Coverage under NPDES General Permits

Sections I—VI contain actions regarding industrial, animal or sewage wastes discharges, discharges to groundwater, and discharges associated with MS4, stormwater associated with construction activities and CAFOs. Section VII contains notices for parties who have submitted NOIs for Coverage under General NPDES Permits. The approval for coverage under these General NPDES Permits is subject to applicable effluent limitations, monitoring, reporting requirements and other conditions in each General Permit. The approval of coverage for land application of sewage sludge or residential septage under applicable general permit is subject to pollutant limitations, pathogen and vector attraction reduction requirements, operational standards, general requirements, management practices and other conditions in the respective permit. The permits and related documents, effluent limitations, permitting requirements and other information are on file and may be inspected and arrangements made for copying at the contact office noted before the action.

Persons aggrieved by an action may appeal that action to the Environmental Hearing Board (Board) under section 4 of the Environmental Hearing Board Act (35 P.S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to Administrative Agency Law). The appeal should be sent to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P.O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Board through the Pennsylvania AT&T Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30-days of publication of this notice in the *Pennsylvania Bulletin* unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary to the Board at (717) 787-3483. This paragraph does not, in and of itself, create a right of appeal beyond that permitted by applicable statutes and decisional law.

For individuals who wish to challenge an action, the appeal must reach the Board within 30-days. A lawyer is not needed to file an appeal with the Board.

Important legal rights are at stake, however, so individuals should contact a lawyer at once. Persons who cannot afford a lawyer may qualify for free pro bono representation. Call the Secretary to the Board at (717) 787-3483 for more information.

I. NPDES Renewal Permit Actions.

Southeast Region: Clean Water Program Manager, 2 East Main Street, Norristown, PA 19401, Phone: 484.250.5970.

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N?</i>
PA0244538 (Industrial)	Buckmans, Inc. 105 Airport Road Pottstown, PA 19464-3438	Montgomery County Limerick Township	Possum Hollow Run (WWF, MF) 3-D	Y
PA0056642 (Storm Water)	Meenan Oil Company 8301 Lansdowne Avenue Upper Darby, PA 19082-5408	Delaware County Upper Darby Township	Naylor's Run (WWF, MF) (3-G)	Y
PA0058921 (Storm Water)	JDM Materials Upper Southampton Plant 851 County Line Road Huntingdon Valley, PA 19006-1111	Bucks County Upper Southampton Township	Unnamed Tributary to Southampton Creek (TSF, MF) (3-J)	Y
PA0058971 (Storm Water)	Langhorne Plant 851 County Line Road Huntingdon Valley, PA 19006-1111	Bucks County Middletown Township	Mill Creek (WWF) (2-E)	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N</i>
PA0031267 (Sewage)	Hegins-Hubley Elementary School 110 West Main Street Valley View, PA 17983-9423	Schuylkill County Hegins Township	Pine Creek (CWF, MF) (6-C)	Y
PA0061662 (Sewage)	Arrowhead Sewer 961 Arrowhead Drive Pocono Lake, PA 18347-7856	Monroe County Coolbaugh Township	Lehigh River (HQ-CWF) (2-A)	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N</i>
PA0085570 (Industrial)	Millersburg Borough Water System 101 West Street Millersburg, PA 17061-1363	Dauphin County Upper Paxton Township	Wiconisco Creek (WWF) Watershed(s) 6-C	Y
PA0009326 (Industrial)	Motts Juice Proc Plant Aspers 45 Aspers North Road Aspers, PA 17304-9486	Adams County Menallen Township	Opossum Creek (TSF) Watershed(s) 7-F	N
PA0082201 A-1 (Sewage)	The York Water Co. 130 East Market Street York, PA 17401-1219	Franklin County Letterkenny Township	Conodoguinet Creek (WWF) Watershed(s) 7-B	Y
PA0267139 (Sewage)	Lapp Valley Farms Development 245 Mentzer Road New Holland, PA 17557-9507	Lancaster County Leacock Township	Unnamed Tributary to Pequea Creek (CWF, MF) Watershed(s)7-K	Y
PA0086894 A-1 (Sewage)	Country View Manor Community, LLC P.O. Box 66 East Berlin, PA 17316-0066	York County Washington Township	Unnamed Tributary to Red Run in Watershed(s) 7-F	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>
PA0216721 (Sewage)	Meerhoff Sf STP 1118 Old Route 31 Mount Pleasant, PA 15666-8867	Westmoreland County Mount Pleasant Township	Unnamed tributary to Jacobs Creek (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>
PA0239160 (Sewage)	McCalmont Township WWTP P.O. Box 255 127 Firehouse Lane Anita, PA 15711-0255	Jefferson County McCalmont Township	Elk Run (CWF) (17-D)	Y
PAS228302 (Storm Water)	Northwest Hardwoods Endeavor Facility 17403 PA Route 666 Endeavor, PA 16322	Forest County Hickory Township	East Hickory Creek (HQ-CWF) (16-F)	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. PA0244775, Industrial, **PA American Water Co.**, 852 Wesley Drive, Mechanicsburg, PA 17055-4436.

This existing facility is located in Norristown Borough, **Montgomery County**.

Description of Existing Action/Activity: Issuance of an NPDES Permit for an existing discharge of treated industrial.

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

NPDES Permit No. PA0255734, Sewage, SIC Code 8800, **Lost Warrior Bison Ranch Ltd**, 222 Longsite Drive # 43, Uniontown, PA 15401.

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

Description of Proposed Action/Activity: 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. PA0288772, Sewage, SIC Code 8800, **Calvary Baptist Church Independent of Center Road**, P.O. Box 175, Linesville, PA 16424-0175.

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

Description of Proposed Action/Activity: Issuance of an NPDES Permit for a new discharge of treated sewage.

NPDES Permit No. PA0288624, Sewage, SIC Code 5411, **Route 36 LLC**, 530 Spring Avenue, Dubois, PA 15801-1554.

This proposed facility is located in Washington Township, **Clarion County**.

Description of Proposed Action/Activity: Issuance of an NPDES Permit for a new discharge of treated sewage.

NPDES Permit No. PA0288667, Sewage, SIC Code 8800, **Braden Shaffer**, 2550 Quance Road, McKean, PA 16426-2130.

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

Description of Proposed Action/Activity: Issuance of an NPDES Permit for a new discharge of treated sewage.

NPDES Permit No. PA0288721, Sewage, SIC Code 8800, **Amanda Ritchey**, 478 Huntley Road, Bear Lake, PA 16402-3710.

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

Description of Proposed Action/Activity: 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. 0920405, Sewage, **David Aichenbaum**, 135 Valley Park Road, Phoenixville, PA 19460.

This proposed facility is located in Schuylkill Township, **Chester County**.

Description of Proposed Action/Activity: Single family residence STP on 2.63 acres bisected by a stream.

WQM Permit No. 1520407, Sewage, **West Chester Borough Chester County**, Goose Creek Wastewater Treatment Plant, West Chester, PA 19382.

This proposed facility is located in East Bradford Township, **Chester County**.

Description of Proposed Action/Activity: Installation of 3 new tertiary disk filters, a filter feed pump station a wet well and a filter effluent chamber.

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

WQM Permit No. WQG02222003, Sewage, SIC Code 4952, **Lower Swatara Township Municipal Authority Dauphin County**, 1499 Spring Garden Drive, Middletown, PA 17057-3271.

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

Description of Proposed Action/Activity: To construct a low-pressure sewer to extend sewer services to a proposed Wilsbach Distribution facility located on 1977 Oberlin Road in Lower Swatara Township.

WQM Permit No. 0695404 A-3, Sewage, SIC Code 4952, **Bally Borough**, 425 Chestnut Street, Bally, PA 19503-9614.

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

Description of Proposed Action/Activity:

This amendment approves the modification of sewage facilities consisting of:

The installation of two Blue-White Industries FlexFlo peristaltic metering pumps on top of Gemini2 storage tanks and associated piping for the purpose of converting the existing gas chlorine disinfection system to a liquid gas chlorine disinfection system.

WQM Permit No. 2895401 T-1, Sewage, SIC Code 4952, **The York Water Co.**, 130 East Market Street, York, PA 17401-1219.

This facility is located in Letterkenny Township, **Franklin County**.

Description of Proposed Action/Activity:

This (permit/transfer) approves the (operation/transfer) of sewage facilities consisting of:

A pretreatment comminutor, aerated equalization tank, extended activated sludge trains (2), clarifiers and UV disinfection.

WQM Permit No. 3620402, Sewage, SIC Code 0241, **Old Rd Realty LLC**, 245 Mentzer Road, New Holland, PA 17557-9507.

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

Description of Proposed Action/Activity: Construction of a small flow treatment facility for sewage.

WQM Permit No. 3617202 A-1, CAFO, SIC Code 0241, **Carl G & John G Myer**, 292 Elm Road, Lititz, PA 17543-9450.

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

Description of Proposed Action/Activity:

Walnut Run Farms CAFO is an existing dairy operation based in Penn Township, Lancaster County. The operation holds a PAG-12 permit (NPDES Permit No. PAG123790) including 830 Mature Dairy Cows, 260 Dairy Heifers, and 200 Dairy Calves totaling 1,380.36 AEUs on 1,161.6 spreadable acres with an animal density of 1.18 AEU/Acre. Walnut Run Farms currently holds a WQM permit (No. 3617202) and submitted an application for a WQM permit modification for its proposed circular concrete manure storage structure.

Walnut Run Farms is proposing to build a second Circular Concrete Manure Storage Structure in the crop field south of the Existing Circular Storage # 1. The proposed Circular Concrete Structure # 2 has been sized to provide additional manure storage volume for the dairy operation, as current manure storage facilities on the farm provide less than six months of storage duration. The total operational volume with the addition of the proposed storage will be 3.45 MG.

WQM Permit No. 6796405, Sewage, SIC Code 4952, **Country View Manor Community, LLC**, P.O. Box 66, East Berlin, PA 17316-0066.

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

Description of Proposed Action/Activity:

This transfer approves the transfer of sewage facilities consisting of:

Equalization, aeration, clarification, chlorination, dechlorination, flow metering, post aeration, and sludge handling units. The facility was designed to serve 20 existing mobile homes and 30 more anticipated connections.

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

WQM Permit No. 6371403 A-1, Sewage, SIC Code 8249, **Western Area Career & Technology Center**, 688 Western Avenue, Canonsburg, PA 15317-1477.

This existing facility is located in Chartiers Township, **Washington County**.

Description of Proposed Action/Activity: Construction and operation of a new 500-gallon chlorine contact tank with a tablet chlorinator and a tablet dechlorinator and the addition of post-aeration to the existing sewage treatment plant.

WQM Permit No. 0420401, Sewage, SIC Code 4952, **Center Township Sanitary Authority**, 224 Center Grange Road, Aliquippa, PA 15001-1421.

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

Description of Proposed Action/Activity: expansion and upgrade of the Upper Moon Run interceptor.

WQM Permit No. WQG02042001, Sewage, SIC Code 4952, **Bradys Run Sanitary Authority**, 2326 Darlington Road, Beaver Falls, PA 15010-1357.

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

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

WQM Permit No. 6520403, Sewage, SIC Code 8800, **Lost Warrior Bison Ranch Ltd**, 222 Longsite Drive # 43, Uniontown, PA 15401.

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

Description of Proposed Action/Activity: Installation of a Singulair Bio-Kinetic Model 960-500 treatment tank utilizing extended aeration process, Hydro-Kinetic Bio-Film Reactor, and Model at 1,500 UV disinfection system. The Singulair treatment tank consists of flow equalization, pretreatment, aeration, clarification, and tertiary filtration.

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

WQM Permit No. WQG01202001, Sewage, SIC Code 8800, **Calvary Baptist Church Independent of Center Road**, P.O. Box 175, Linesville, PA 16424-0175.

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

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

WQM Permit No. 1620405, Sewage, SIC Code 5411, **Route 36 LLC**, 530 Spring Avenue, Dubois, PA 15801-1554.

This proposed facility is located in Washington Township, **Clarion County**.

Description of Proposed Action/Activity: Small Flow Treatment Facility.

WQM Permit No. 2520418, Sewage, SIC Code 8800, **Braden Shaffer**, 2550 Quance Road, McKean, PA 16426-2130.

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

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

WQM Permit No. 6220406, Sewage, SIC Code 8800, **Amanda Ritchey**, 478 Huntley Road, Bear Lake, PA 16402-3710.

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

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

IV. NPDES Stormwater Discharges from Municipal Separate Storm Sewer Systems (MS4) Individual Permits Issued.

Northwest Regional Office: Regional Clean Water Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481, Telephone: 814.332.6942.

<i>NPDES Permit No.</i>	<i>Permittee Name & Address</i>	<i>Municipality, County</i>	<i>Receiving Water(s)/Use(s)</i>	<i>TMDL Plan Submitted (Y/N)</i>	<i>Pollutant Reduction Plan Submitted (Y/N)</i>
PAI138301	Millcreek Township Erie County 3608 W 26th Street Erie, PA 16506-2059	Millcreek Township Erie County	Unnamed Stream (CWF, MF) and Walnut Creek (CWF, MF)/CWF and MF	N	Y

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

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>
PAD480121 Issued	Sullivan Trail LLC 642 Washington Avenue Haddonfield, NJ 08033	Northampton County	Forks Township	Bushkill Creek (HQ-CWF, MF)

Southcentral Region: Waterways & Wetlands Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110 (717) 705-4802.

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAD060043 Issued	Gateway West Housing Associates, LP 726 Yorklyn Road Suite 150 Hockessin, DE 19707	Berks County	City of Reading	Schuylkill River (WWF, MF)
PAD010008 Issued	E. Frank Buck Jr. and Loni Z. Buck 2080 Mummasburg Road Gettysburg, PA 17325	Adams County	Franklin Township	UNT Marsh Creek (CWF, MF) UNT Mummasburg Run (CWF, MF) Wetlands EV wetlands

VII. Approvals to Use NPDES and/or Other General Permits.

The EPA Region III Administrator has waived the right to review or object to this permit action under the waiver provision 40 CFR 123.23(d).

List of NPDES and/or Other General Permit Types.

PAG-01	General Permit for Discharges for Stormwater Discharges Associated with Small Construction Activities.
PAG-02	General Permit for Discharges of Stormwater Associated with Construction Activities
PAG-03	General Permit for Discharges of Stormwater from Industrial Activities
PAG-04	General Permit for Discharges from Small Flow Treatment Facilities
PAG-05	General Permit for Discharges from Petroleum Product Contaminated Groundwater Remediation Systems
PAG-06	General Permit for Wet Weather Overflow Discharges from Combined Sewer Systems (CSO)
PAG-07	General Permit for Beneficial Use of Exceptional Quality Sewage Sludge by Land Application
PAG-08	General Permit for Beneficial Use of Non-Exceptional Quality Sewage Sludge by Land Application to Agricultural Land, Forest, a Public Contact Site or a Land Reclamation Site
PAG-08 (SSN)	Site Suitability Notice for Land Application Under Approved PAG-08 General Permit Coverage
PAG-09	General Permit for Beneficial Use of Residential Septage by Land Application to Agricultural Land, Forest, or a Land Reclamation Site

- PAG-09 (SSN) Site Suitability Notice for Land Application Under Approved PAG-09 General Permit Coverage
- PAG-10 General Permit for Discharges from Hydrostatic Testing of Tanks and Pipelines
- PAG-11 General Permit for Discharges from Aquatic Animal Production Facilities
- PAG-12 Concentrated Animal Feeding Operations (CAFOs)
- PAG-13 Stormwater Discharges from Municipal Separate Storm Sewer Systems (MS4)
- PAG-14 (To Be Announced)
- PAG-15 General Permit for Discharges from the Application of Pesticides

General Permit Type—PAG-02

Northeast Region: 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>
PAC400167 Authorization/ Issuance	EURO Foods Inc. Al Augustine 2008 SR 940 Hwy Freeland, PA 18224-3202	Luzerne County	Foster Twp	Black Creek (CWF, MF)	Luzerne Conservation District 325 Smiths Pond Road Shavertown, PA 18708 570-674-7991
PAC520004 Authorization/ Issuance	Mark Strouse 149 Kokolias Ln Matamoras, PA 18336	Pike County	Westfall Twp	Delaware River (WWF, MF)	Pike County Conservation District 556 Route 402 Suite 1 Hawley, PA 18428 570-226-8220

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>
PAC060288 Issued	Landen Bernheiser 606 Court Street Reading, PA 19610	Berks County	Ontelaunee Township	Maiden Creek (WWF, MF)	Berks County Conservation District 1238 County Welfare Road Suite 200 Leesport, PA 19533-9710 610.372.4657
PAC060272 Issued	Vernon Nolt 203 Oak Lane Bernville, PA 19506	Berks County	Jefferson Township	UNT Little Northkill Creek (CWF, MF) Wetlands	Berks County Conservation District 1238 County Welfare Road Suite 200 Leesport, PA 19533-9710 610.372.4657
PAC060279 Issued	John Bohman PennDOT 1002 Hamilton Street Allentown, PA 18101	Berks County	Ruscombmanor Township	Manatawny Creek (CWF, MF)	Berks County Conservation District 1238 County Welfare Road Suite 200 Leesport, PA 19533-9710 610.372.4657
PAC060296 Issued	The Hankin Group 707 Eagleview Boulevard Exton, PA 19341	Berks County	Caernarvon Township	Tributary 07810 Conestoga River (WWF)	Berks County Conservation District 1238 County Welfare Road Suite 200 Leesport, PA 19533-9710 610.372.4657

<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>
PAC060297 Issued	Lee Williams 1590 Canary Road Quakertown, PA 18951	Berks County	Washington Township	Swamp Creek (CWF, MF)	Berks County Conservation District 1238 County Welfare Road Suite 200 Leesport, PA 19533-9710 610.372.4657
PAC070081 Issued	Fred Imler P.O. Box 836 Duncansville, PA 16635	Blair County	Allegheny Township	UNT Gillans Run (CWF, MF)	Blair County Conservation District 1407 Blair Street Hollidaysburg, PA 16648 814.696.0877, ext. 5
PAC220218 A-2 Issued	DHK, D&H Lot, LLC 6259 Reynolds Mill Road Seven Valleys, PA 17360-8844	Dauphin County	Lower Swatara Township	UNT Susquehanna River (WWF, MF)	Department of Environmental Protection Southcentral Regional Office 909 Elmerton Avenue Harrisburg, PA 17110 717.705.4802
PAC280054 A-1 Issued	NP Greencastle III, LLC 4825 NW 41st Street Suite 500 Riverside, MO 64150	Franklin County	Antrim Township	UNT Conococheague Creek (WWF)	Franklin County Conservation District 185 Franklin Farm Lane Chambersburg, PA 17202 717.264.5499
PAC670434 Issued	Inch & Company Construction 2950 Lewisberry Road York, PA 17406	York County	Jacobus Borough	UNT East Branch Codorus Creek (CWF)	York County Conservation District 2401 Pleasant Valley Road Suite 101 Room 139 York, PA 17402 717.840.7430
PAC670345 Issued	DCM Development Company 584 Grandview Road Lewisberry, PA 17339	York County	Newberry Township	UNT Fishing Creek (TSF)	York County Conservation District 2401 Pleasant Valley Road Suite 101 Room 139 York, PA 17402 717.840.7430
PAC670413 Issued	AFW Development, Inc. 2760 Charlestown Road Lancaster, PA 17603	York County	Dover Township	Fox Run (TSF)	York County Conservation District 2401 Pleasant Valley Road Suite 101 Room 139 York, PA 17402 717.840.7430

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 and County</i>	<i>Receiving Water/Use</i>	<i>Contact Office and Phone Number</i>
PAC040082	Harmony Ridge Real Estate, LP 1280 Breitenstein Road Ambridge, PA 15003	Harmony Township Beaver County	Ohio River (WWF)	Beaver County Conservation District 156 Cowpath Road Aliquippa, PA 15001 724-378-1701

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<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Municipality and County</i>	<i>Receiving Water/Use</i>	<i>Contact Office and Phone Number</i>
PAC560046	Municipal Authority of the Borough of Somerset 347 West Main Street Somerset, PA 15501	Somerset Borough and Somerset Township Somerset County	East and West Branches of Coxes Creek (TSF); Parson Run (WWF)	Somerset County Conservation District Somerset County Ag Center 6024 Glades Pike Suite 103 Somerset, PA 15501 814-445-4652

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

<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Facility Location: Municipality & County</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
PAC320044	Highridge Water Authority 17 Maple Avenue Blairsville, PA 15717	Burrell Township Indiana County	Blacklick Creek and UNT CWF	Indiana County Conservation District 280 Indian Springs Road Suite 124 Indiana, PA 15701 724-471-4751
PAC320045	PA American Water Company 852 Wesley Drive Mechanicsburg, PA 17055	White Township Indiana County	Two Lick Creek CWF	Indiana County Conservation District 280 Indian Springs Road Suite 124 Indiana, PA 15701 724-471-4751

General Permit Type—PAG-03

Northeast Region: Clean Water Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915, Email: RA-EPNPDES_NERO@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>
PAG032266 (Storm Water)	Old Dominion Freight Line, Inc.—SCR 500 Old Dominion Way Thomasville, NC 27360-8923	Luzerne County Pittston Township	Collins Creek (CWF, MF) (5-A)	Northeast Region Clean Water Program Manager 2 Public Square Wilkes-Barre, PA 18701-1915

General Permit Type—PAG-08 (SSN)

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>
PAG07 PAG08 WMGR099 PABIS9903	Synagro 1605 Dooley Rd. P.O. Box B Whiteford, MD 21160 Facility Location: Brenneman—Wilson Farm 109 Wilson Drive Williamsburg, PA 16693	Catharine Township Blair County	DEP—SCRO—Clean Water Program 909 Elmerton Avenue Harrisburg, PA 17110-8200 717-705-4707
PAG07 PAG08 WMGR099 PABIS9903	Synagro 1605 Dooley Rd. P.O. Box B Whiteford, MD 21160 Facility Location: Brenneman Brothers 1 Farm 8073 Fox Run Road Williamsburg, PA 16693	Catharine Township Blair County	DEP—SCRO—Clean Water Program 909 Elmerton Avenue Harrisburg, PA 17110-8200 717-705-4707

<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Municipality & County</i>	<i>Contact Office & Phone No.</i>
PAG07	Synagro	Catharine Township	DEP—SCRO—Clean Water Program
PAG08	1605 Dooley Rd.	Blair County	909 Elmerton Avenue
WMGR099	P.O. Box B		Harrisburg, PA 17110-8200
PABIS9903	Whiteford, MD 21160		717-705-4707
	Facility Location:		
	Brenneman Brothers 2 Farm		
	1455 Yellow Springs Drive		
	Williamsburg, PA 16693		

General Permit Type—PAG-13

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

<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Municipality & County</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
PAG133592	Denver Borough MS4 501 Main Street Denver, PA 17517-1427	Lancaster County Denver Borough	Cocalico Creek (WWF, MF) and Little Cocalico Creek (TSF, MF) (7-J)	DEP Southcentral Regional Office Clean Water Program 909 Elmerton Avenue Harrisburg, PA 17110-8200 717-705-4918

STATE CONSERVATION COMMISSION

NUTRIENT MANAGEMENT PLANS RELATED TO APPLICATIONS FOR NPDES PERMITS FOR CAFOs

The State Conservation Commission has taken the following actions on previously received applications for nutrient management plans under 3 Pa.C.S. Chapter 5, for agricultural operations that have or anticipate submitting applications for new, amended or renewed NPDES permits or NOIs for coverage under a general permit for CAFOs under 25 Pa. Code Chapter 92a. This notice is provided in accordance with 25 Pa. Code Chapter 92a and 40 CFR Part 122, implementing The Clean Streams Law and the Federal Clean Water Act.

Persons aggrieved by an action may appeal under 3 Pa.C.S. § 517, section 4 of the Environmental Hearing Board Act and 2 Pa.C.S. §§ 501—508 and 701—704 to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P.O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users should contact the Environmental Hearing Board (Board) through the Pennsylvania AT&T Relay Service at (800) 654-5984. Appeals must be filed with the Board within 30-days of publication of this notice in the *Pennsylvania Bulletin*. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary of the Board at (717) 787-3483. This paragraph does not, in and of itself, create a right of appeal beyond that permitted by applicable statutes and decision law.

For individuals who wish to challenge actions, appeals must reach the Board within 30-days. A lawyer is not needed to file an appeal with the Board.

Important legal rights are at stake, however, so individuals should show this notice to a lawyer at once. Persons who cannot afford a lawyer may qualify for pro bono representation. Call the Secretary of the Board at (717) 787-3483 for more information.

NUTRIENT MANAGEMENT PLAN CAFO PUBLIC NOTICE SPREADSHEET—ACTIONS

<i>Agricultural Operation Name and Address</i>	<i>County</i>	<i>Total Acres</i>	<i>AEU's</i>	<i>Animal Type</i>	<i>Special Protection Waters (HQ or EV or NA)</i>	<i>Approved or Disapproved</i>
Ridge View Farms John & David Sweigart 189 Ridge View Road South Elizabethtown, PA 17022	Lancaster County	379.6	1,980.62	Swine/Dairy	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. 3480055, Operations Permit: Public Water Supply.

Applicant **Pennsylvania American Water Company (PAWC) Stony Garden WTP (Sodium Permanganate Feed System)**
852 Wesley Drive Mechanicsburg, PA 17055

Township Hamilton Township

County **Monroe County**

Type of Facility PWS

Consulting Engineer Mr. Eric J. Keller, P.E.
Project Manager Engineer PAWC
852 Wesley Drive Mechanicsburg, PA 17055

Permit to Operate Issued November 18, 2020

Permit No. 3480050, Operations Permit Public Water Supply.

Applicant **Easton Suburban Water Authority (West Reservoir Cover & Liner Replacement Project)**
3700 Hartley Avenue Easton, PA 18043

City City of Easton

County **Northampton County**

Type of Facility PWS

Consulting Engineer Mr. Samuel Wood, P.E.
Gannett Fleming, Inc.
P.O. Box 67100
Harrisburg, PA 17106

Permit to Operate Issued November 18, 2020

Permit No. 4520504, Public Water Supply.

Applicant **Brodhead Creek Regional Authority (Eagle Valley Booster Pump Station)**
410 Mill Creek Road East Stroudsburg, PA 18301

Municipality East Stroudsburg Borough

County **Monroe County**

Type of Facility Public Water Supply

Consulting Engineer Michael J. McCarey, P.E.
Carroll Engineering Corporation
949 Easton Road Warrington, PA 18976

Permit to Construct Issued December 4, 2020

Northcentral Region: Safe Drinking Water Program Manager, 208 West Third Street, Williamsport, PA 17701.

Operations Permit issued to: **SCI Rockview**, 1 Rockview Place, P.O. Box A, Bellefonte, PA 16823, **PWSID No. 1419502**, Benner Township, **Centre County** on December 3, 2020 for the operation of facilities approved under construction permit # 1419502. This permit authorizes SCI Rockview—PA Department of Corrections to operate water softening units in a 24 ft. x 40 ft. building adjacent to Forestry Camp, along Reservoir Road, north of water filtration plant, to reduce the hardness in the water from the filtration plant prior to distribution.

Operations Permit issued to: **Pennsylvania American Water Company**, 852 Wesley Drive, Mechanicsburg, PA 17055, **PWSID No. 4490023**, Milton Borough, **Northumberland & Union Counties** on December 3, 2020 for the operation of facilities approved under construction permit # 4920508MA. This permit authorizes Pennsylvania American Water Company to operate the seven new individual and combined filter turbidimeters at Milton and White Deer Water Treatment Plants and the new amperometric entry point chlorine analyzer at White Deer Water Treatment Plant.

WATER ALLOCATIONS

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

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.

WA45-1002, Water Allocation, **Borough of East Stroudsburg**, P.O. Box 303, 24 Analomink Street, East Stroudsburg, PA 18301, **Monroe County**. This permit grants the right to purchase up to 1.2 million gallons per day (MGD), based on a daily average in a peak month, from the Brodhead Creek Regional Authority (BCRA) for a limited time period during the construction of the

Middle Dam Rehabilitation Project located in the Borough of East Stroudsburg, Monroe County.

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>Township</i>	<i>Township Address</i>	<i>County</i>
Huston Township	1230 Piney Creek Road Martinsburg, PA 16662	Blair County

Plan Description: The planning module for the Fred Metz Subdivision, DEP Code No. A3-07914-167-2, APS Id 1023451, consisting of a residential subdivision of two new building lots using on-lot sewage systems with denitrification and wells, is disapproved. The proposed development is located at 237 Metz Lane, Martinsburg, Pennsylvania. This plan is disapproved because the applicant proposes to use a denitrification system not approved by the Department of Environmental Protection for use in Pennsylvania.

BIOSOLIDS INDIVIDUAL PERMITS (PABIG, SSN AND PABIS)

The Department of Environmental Protection has taken the following actions on the previously received individual permit applications for the land application of treated sewage sludge (biosolids).

<i>Permit No.</i>	<i>Applicant Name & Address</i>
PABIG4802	McGuire's Septic Service (McGuire's Pit) 678 Hornbrook Road Towanda, PA 18848

<i>Township & County</i>
Sheshequin Township Bradford County

*Contact Office &
Telephone No.*

DEP—NCRO
208 W 3rd St.
Suite 101
Williamsport, PA 17701
(570) 327-0528

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

Any person aggrieved by these actions may appeal, pursuant to Section 4 of the Environmental Hearing Board Act, 35 P.S. Section 7514, and the Administrative Agency Law, 2 Pa.C.S. Chapter 5A, to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P.O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Board through the Pennsylvania AT&T Relay Service, (800) 654-5984. Appeals must be filed with the Environmental Hearing Board within 30 days of publication of this notice in the *Pennsylvania Bulletin*, unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in braille or on audiotape from the Secretary to the Board at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decisional law.

For individuals who wish to challenge this action, the appeal must reach the board within 30-days. A lawyer is not needed to file an appeal.

Important legal rights are at stake, however, so individuals should show this notice to a lawyer at once. Persons who cannot afford a lawyer may qualify for free pro bono representation. Call the Secretary to the Board (717) 787-3483 for more information.

Northcentral Region: Clean Water Program Manager, 208 West Third Street, Williamsport, PA 17701.

cleanup standard selected. Submission of plans and reports, other than the final report, will also be published in the *Pennsylvania Bulletin*. These include the remedial investigation report, risk assessment report and cleanup plan for a site-specific standard remediation. A remedial investigation report includes conclusions from the site investigation; concentration of regulated substances in environmental media; benefits of reuse of the property; and, in some circumstances, a fate and transport analysis. If required, a risk assessment report describes potential adverse effects caused by the presence of regulated substances. If required, a cleanup plan evaluates the abilities of potential remedies to achieve remedy requirements.

For further information concerning plans or reports, contact the environmental cleanup program manager in the Department Regional Office under which the notice of receipt of plans or reports appears. If information concerning plans or reports is required in an alternative form, contact the community relations coordinator at the appropriate Regional Office. TDD users may telephone the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

The Department has received the following plans and reports:

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

Folcroft West Business Park, 701A, 701B, 701C Ashland Avenue and 801 Carpenters Crossing, Folcroft Borough, PA 19032, Folcroft Borough, **Delaware County**. Michael Edelman, TRC Environmental Corporation, 1801 Market Street, Suite 1380, Philadelphia, PA 19103 on behalf of Brian Coyle, Henderson Ashland Carpenters Crossing Associates LLC (Ashland I, II, and IV) and Henderson Ashland Three Associates LLC (Ashland III), 112 Chesley Drive, Suite 200, Media, PA 19032 submitted a Final Report concerning remediation of site groundwater contaminated with chlorinated solvent compounds including perchloroethylene, trichloroethylene, cis-1,2 dichloroethylene and vinyl chloride. The report is intended to document remediation of the site to meet the Site-Specific Standard.

2500-2530 Welsh Road, 2500-2530 Welsh Road, Philadelphia, PA 19152, City of Philadelphia, **Philadelphia County**. Richard S. Werner, P.G., Environmental Consulting, Inc., 2002 Renaissance Boulevard, Suite 110, King of Prussia, PA 19406 on behalf of Peter Clelland, BET Investments, Inc., 200 Dryden Road, Suite 200, Dresher, PA 19025 submitted a Remedial Investigation Report/Cleanup Plan concerning remediation of site groundwater contaminated with PCE. The report is intended to document remediation of the site to meet the Site-Specific Standard.

2400 Market Street Release Area, 2400 Market Street, Philadelphia, PA 19103, City of Philadelphia, **Philadelphia County**. Mark Reisig, Tetra Tech, Inc., 1560 Broadway, Suite 1400, Denver, CO, 80202 on behalf of Payton Michael, CenturyLink Communications, LLC d/b/a Lumen Technologies Group, 1025 Eldorado Boulevard 23-203, Broomfield, CO, 80021 submitted a Final Report concerning remediation of site soil and groundwater contaminated with diesel fuel. The report is intended to document remediation of the site to meet the Statewide Health Standard.

Wyeth-West Chester, 611 East Nields Street, West Chester, PA 19380, West Chester Borough, **Chester County**. Daniel P. Sheehan, PE, Arcadis U.S., Inc., 824 East Market Street, Suite 820, Wilmington, DE, 19801 on behalf of Eli Kahn, 611 East Nield Street, LLC, 120 Pennsylvania Avenue, Malvern, PA 19355 submitted a Final Report concerning remediation of site groundwater contaminated with VOCs and TCE. The report is intended to document remediation of the site to meet the Site-Specific Standard.

Glen Riddle Junction, 250 Martins Lane, Media, PA 19063, Middletown Township, **Delaware County**. Mark Schaeffer, Stantec Consulting Services, Inc., 1060 Andrew Drive, Suite 140, West Chester, PA 19380 on behalf of Brad Fish, Energy Transfer, 100 Green Street, Marcus Hook, PA 19061 submitted a Final Report concerning remediation of site soil contaminated with unleaded gasoline. The report is intended to document remediation of the site to meet the Statewide Health Standard.

Oxford Former MGP Site, 402 South Street, Borough of Oxford, PA 19363, Oxford Borough, **Chester County**. Bryan Sladky, PG, Silar Services, Inc., 1851 French Creek Road, Denver, PA 17517 on behalf of Gordon G. Araujo, Jr., 1 UGI Drive, Denver, PA 17517 submitted a Final Report concerning remediation of site soil and groundwater contaminated with chlorinated solvents, PAHs and

diesel fuel. The report is intended to document remediation of the site to meet the Site-Specific/Statewide Health Standards.

Northeast Region: Environmental Cleanup & Brownfields Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915, 570-826-2511.

Contact: Eric Supey, Environmental Program Manager.

Dennis Russo Property, 1417 Derhammer Street, Easton, PA 18040, Forks Township, **Northampton County**. United Environmental Services, P.O. Box 701, Schuylkill Haven, PA 17972, on behalf of Dennis Russo, 1417 Derhammer Street, Easton, PA 18040, submitted a Final Report concerning remediation of soil and groundwater contaminated by a release of heating oil from an aboveground storage tank. The report is intended to document remediation of the site to meet Statewide Health Standards.

Silberline Manufacturing Company—Lansford Plant, 201 East Dock Street, Lansford, PA 18232, Lansford Borough, **Carbon County**, Hydro-Terra Group, 7420 Derry Street, Harrisburg, PA 17111, on behalf of Silberline Manufacturing Company LLC, 130 Lincoln Drive, Tamaqua, PA 18252, submitted a Final Report concerning remediation of site soil and groundwater contaminated due to releases of # 6 fuel oil and volatile organic compounds at the site. The report is intended to document remediation of the site to meet Site-Specific Standards.

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

Love's Travel Stop 366, 20-22 Old Forge Road, Jonestown, PA 17038, Union Township, **Lebanon County**. United Environmental Services, Inc., P.O. Box 701, Schuylkill Haven, PA 17972, on behalf of Love's Travel Stops and Country Stores, Inc., P.O. Box 26210, Oklahoma City, OK 73126, submitted a Final Report concerning remediation of site soil contaminated with diesel fuel. The Final Report is intended to document remediation of the site to meet the Residential Statewide Health Standard.

United Parcel Service (UPS) Altoona Center, 3042 Route 764, Duncansville, PA 16635, Allegheny Township, **Blair County**. Arcadis, U.S., Inc., 2410 Paces Ferry Road, Suite 400, Atlanta, GA 30339, on behalf of United Parcel Service, 55 Glenlake Parkway, Atlanta, GA 30328, submitted a Final Report concerning remediation of site soil and groundwater contaminated with No. 2 fuel oil. The Final Report is intended to document remediation of the site to meet the Residential Statewide Health and Site-Specific Standards.

Northcentral Region: Environmental Cleanup and Brownfields Program Manager, 208 West Third Street, Williamsport, PA 17701.

Peter's Sandblasting Heating Oil Release, 280 W. Brown Street, Lock Haven, PA 17745, Castanea Township, **Clinton County**. McKee Environmental, Inc., 86 Quartz Drive, Bellefonte, PA 16823, on behalf of Peter's Sandblasting, 280 W. Brown Street, Lock Haven, PA 17745, has submitted a Final Report concerning remediation of site groundwater contaminated with heating oil. The report is intended to document remediation of the site to meet the Residential Statewide Health Standard.

Hydro Recovery Blossburg Facility Release, 10 Boone Run Road, Blossburg, PA 16912, Blossburg

Borough, **Tioga County**. Penn Environmental & Remediation, 13180 Route 6, Mansfield, PA 16933, on behalf of Hydro Recovery, LP, 34 Northeast Drive, Hershey, PA 17033, has submitted a Final Report concerning remediation of site soil contaminated with Hydraulic Stimulation Fluid. The report is intended to document remediation of the site to meet the Residential Statewide Health Standard.

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

NWREC Transformer Release Great Lakes Case & Cabinet, 4193 Route 6N, Edinboro, PA 16412, Washington Township, **Erie County**. Environmental Remediation & Recovery, Inc., 4250 Route 6N, Edinboro, PA 16412, on behalf of Northwestern Rural Electric Company Association, 22534 Highway 86, Cambridge Springs, PA 16403 has submitted a Final Report concerning remediation of site soil contaminated with 1,2,4-Trimethylbenzene, 1,3,5-Trimethylbenzene, Polychlorinated Biphenyls (PCB)-1016, PCB-1221, PCB-1232, PCB-1242, PCB-1248, PCB-1254, and PCB-1260. The report is intended to document remediation of the site to meet the Statewide Health Standard.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995 PREAMBLE 3

The Department has taken action on the following plans and reports under the Land Recycling and Environmental Remediation Standards Act (35 P.S. §§ 6026.101—6026.907).

Section 250.8 of 25 Pa. Code and administration of the Land Recycling and Environmental Remediation Standards Act (act) require the Department to publish in the *Pennsylvania Bulletin* a notice of its final actions on plans and reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the remediation standards of the act. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis of selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed and summaries of sampling methodology and analytical results which demonstrate that the remediation has attained the cleanup standard selected. Plans and reports required by the act for compliance with selection of remediation to a site-specific standard, in addition to a final report, include a remedial investigation report, risk assessment report and cleanup plan. A remedial investigation report includes conclusions from the site investigation; concentration of regulated substances in environmental media; benefits of reuse of the property; and, in some circumstances, a fate and transport analysis. If required, a risk assessment report describes potential adverse effects caused by the presence of regulated substances. If required, a cleanup plan evaluates the abilities of potential remedies to achieve remedy requirements. A work plan for conducting a baseline remedial investigation is required by the act for compliance with selection of a special industrial area remediation. The baseline remedial investigation, based on the work plan, is compiled into the baseline environmental report to establish a reference point to show existing contamination, describe proposed remediation to

be done and include a description of existing or potential public benefits of the use or reuse of the property. The Department may approve or disapprove plans and reports submitted. This notice provides the Department's decision and, if relevant, the basis for disapproval.

For further information concerning the plans and reports, contact the environmental cleanup program manager in the Department Regional Office under which the notice of the plan or report appears. If information concerning a final report is required in an alternative form, contact the community relations coordinator at the appropriate Regional Office. TDD users may telephone the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

The Department has received the following plans and reports:

Northeast Region: Environmental Cleanup & Brownfields Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915, 570-826-2511.

Contact: Eric Supey, Environmental Program Manager.

Stofanek Custom Cabinetry, 176 Nazareth Pike, Bethlehem, PA 18020, Lower Nazareth Township, **Northampton County**. Crawford Environmental Services, 20 Cardinal Drive, Birdsboro, PA 19508, on behalf of Arphil Properties LLC, 176 Nazareth Pike, Bethlehem, PA 18020, submitted a Final Report concerning remediation of soil contaminated by heating oil from an underground storage tank. The Final Report was not acceptable to meet Statewide Health Standards and was disapproved by DEP on December 1, 2020.

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 documented remediation of the site to meet combination of Statewide Health and Background Standards and was approved by DEP on December 3, 2020.

Cosklo Property, 840 Church Street, Clifford, PA 18421, Clifford Township, **Susquehanna County**. Joseph Jannick, 221 Airport Road, Clifford, PA 18421, on behalf of Edward Cosklo, 251 Airport Road, Clifford, PA 18421, submitted a revised Final Report concerning remediation of soil contaminated by heating oil from an aboveground storage tank. The report demonstrated attainment of the Statewide Health Standards and was approved by DEP on December 7, 2020.

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

Clean Enterprises, 315 West State Street, Quarryville, PA 17566, Quarryville Borough, **Lancaster County**. Reliance Environmental, Inc., 235 North Duke Street, Lancaster, PA 17602, on behalf of Stoner-Wade Ford, Inc., 415 West Fourth Street, Quarryville, PA 17566, and GEN 2 3 LLC, 315 West State Street, P.O. Box 664, Quarryville, PA 17566 submitted Remedial Investigation and Cleanup Plan concerning remediation of site soil and groundwater contaminated with historical dry cleaning operations. The combined Report was disapproved by the Department on November 30, 2020.

Former North American Communications Property, 141 NAC Drive, Duncansville, PA 16635, Blair

Township, **Blair County**. KU Resources, 22 South Linden Street, Duquesne, PA 15110, on behalf of Former North American Communications Property, 141 NAC Drive, Duncansville, PA 16635, submitted a Baseline Environmental Report concerning remediation of soil and groundwater contaminated by a historic release of chlorinated solvents. The Report for this Special Industrial Area site demonstrated attainment of a site-specific standard and was approved by the Department on December 1, 2020.

Klugh/Beck Residence, 6340 Lemon Street, East Petersburg, PA 17520, East Petersburg Borough, **Lancaster County**. August Mack Environmental, Inc., 941 Wheatland Avenue, Suite 401, Lancaster, PA 17603, on behalf of Nationwide Insurance, P.O. Box 182067, Columbus, OH 43218, submitted a Final Report concerning remediation of site soil contaminated with heating oil. The Final Report demonstrated attainment of the Residential Statewide Health Standard and was approved by the Department on December 3, 2020.

Stadium Row Development and Philhaven Behavioral Health, 812 and 816 North Prince Street, Lancaster, PA 17603, City of Lancaster, **Lancaster County**. ECS Mid-Atlantic, 52-6 Grumbacher Road, York, PA 17406, on behalf of Stadium Row, LLC, 729 East Orange Street, Lancaster, PA 17602, Second Strong and Detweiler, LLC, 812 Prince Street, Lancaster, PA 17603, and Stadium Row, LLC, 816 North Prince Street, Lancaster, PA 17603 submitted a Remedial Investigation, Risk Assessment, and Cleanup Plan concerning remediation of site soil contaminated with benzene and metals. The combined Report was approved by the Department on December 4, 2020.

Northcentral Region: Environmental Cleanup and Brownfields Program Manager, 208 West Third Street, Williamsport, PA 17701.

Compressor Station 517, 102 Pole Bridge Road, Benton, PA 17814, 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 demonstrated attainment of the Residential Statewide Health Standard and was approved by the Department on December 1, 2020.

RESIDUAL WASTE GENERAL PERMITS

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

Northcentral Region: Regional Solid Waste Manager, 208 West Third Street, Williamsport, PA 17701.

General Permit No. WMGR038NC010. S & J Recycling, Inc., 3576 Old Route 15, New Columbia, PA 17856, White Deer Township, **Union County**. Minor Modifica-

tion application to increase the maximum tonnage of tires on site to 150 tons, adding a third shredder, and building an overhang roof to protect roll offs from weather. The permit was issued by DEP Northcentral Regional Office on November 19, 2020.

Persons interested in reviewing the permit may contact Lisa D. Houser, P.E., Environmental Engineer Manager, Williamsport Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701. 570-327-3752. TDD users may contact the Department through the Pennsylvania AT&T Relay Service, (800) 654-5984.

OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE

Permit(s) Issued Under the Solid Waste Management Act (35 P.S. §§ 6018.101—6018.1003), the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P.S. §§ 4000.101—4000.1904) and Regulations to Operate Solid Waste Processing or Disposal Area or Site.

Northcentral Region: Regional Solid Waste Manager, 208 West Third Street, Williamsport, PA 17701.

Permit No. 101568. University Area Joint Authority, 1576 Spring Valley Road, State College, PA 16801, College Township, **Centre County**. Renewal of solid waste permit number 101568 for the operation of the Spring Creek Composting Facility. The permit was issued by the Northcentral Regional Office on December 1, 2020.

Persons interested in reviewing the permit may contact Lisa D. Houser, P.E., Environmental Engineer Manager, Williamsport Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701, 570-327-3752. TDD users may contact the Department through the Pennsylvania AT&T Relay Service, (800) 654-5984.

AIR QUALITY

General Plan Approval and Operating Permit Usage Authorized under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and 25 Pa. Code Chapter 127 to construct, modify, reactivate or operate air contamination sources and associated air cleaning devices.

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

Contact: James Beach, New Source Review Chief—Telephone: 484-250-5920.

GP14-09-0152: Donald R. Kreider, V.M.D (1501 2nd Street Pike, Southampton, PA 18966) on December 2, 2020 for an animal crematory located in Upper Southampton Township, **Bucks County**.

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

Contact: Raymond Kempa, New Source Review Chief—Telephone: 570-826-2531.

GP9-39-014: Neuber Environmental Services, Inc. (1100 Grosser Road, Suite C, Gilbertsville, PA 19525) on December 2, 2020, for the construction and operation of Internal Combustion Engines at the facility located in Allentown City, **Lehigh County**.

GP3-39-014: Neuber Environmental Services, Inc. (1100 Grosser Road, Suite C, Gilbertsville, PA 19525) on December 2, 2020, for the construction and operation of a portable stone crushing plant at the facility located in Allentown City, **Lehigh County**.

Plan Approvals Issued under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and regulations in 25 Pa. Code Chapter 127, Subchapter B relating to construction, modification and reactivation of air contamination sources and associated air cleaning devices.

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

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

49-00065C: Polar Tech Industries, Inc. (1017 West Valley Avenue, Elysburg, PA 17824) on December 1, 2020, to extend the authorization to modify an expandable polystyrene foam processing operation at their facility located in Ralpho Township, **Northumberland County** to May 29, 2021. The plan approval has been extended.

Operating Permits for Non-Title V Facilities Issued under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and 25 Pa. Code Chapter 127, Subchapter F.

Northeast Region: Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18701-1915.

Contact: Norman Frederick, Facility Permitting Chief—Telephone: 570-826-2409.

40-00109: Gruma Corporation (15 Elmwood Avenue, Mountain Top, PA 18707). The Department issued, on December 7, 2020, a State-Only Operating Permit for operation of sources at a tortilla manufacturing facility in Wright Township, **Luzerne County**. The sources include press lines, die-cut lines, toasting ovens, chip-fry line, and ink printers. Control devices include a mist eliminator and thermal oxidizer. The operating permit contains all applicable requirements for emission limitations, work practice standards, testing, monitoring, recordkeeping, and reporting standards used to verify facility compliance with Federal and State air pollution regulations.

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

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

55-00003: Susquehanna University (514 University Ave., Selinsgrove, PA 17870) on December 3, 2020 was issued a renewal State Only Operating Permit for their campus located in Selinsgrove Borough, **Snyder County**. The State Only Operating Permit contains all applicable regulatory requirements including monitoring, recordkeeping and reporting conditions.

55-00004: William Penn Cabinetry, LLC (401 E. Front St., P.O. Box 112, Freeburg, PA 17827) on December 8, 2020 was issued a State Only Operating Permit for their Freeburg Plant located in Freeburg Borough, **Snyder County**. The State Only Operating Permit contains all applicable regulatory requirements including monitoring, recordkeeping and reporting conditions.

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

Contact: Thomas Joseph, Facilities Permitting Chief, 412.442.4336.

65-00979: Laurel Mountain Midstream Operating, LLC (Park Place Corporate Center 2, 2000 Commerce Drive, Pittsburgh, PA 15275). On December 4, 2020, the Department issued an initial State Only Synthetic Minor

Operating Permit for operation of the Herminie Compressor Station located in South Huntingdon Township, **Westmoreland County**. The emission sources covered by this operating permit will include two (2) Caterpillar Model G3516B, natural gas-fired compressor engines, 1,380 bhp at 1,400 rpm; controlled by oxidation catalysts and regulated by automatic air/fuel ratio controllers, one (1) Caterpillar Model G3512LE, natural gas-fired compressor engine, 810 bhp at 1,200 rpm; controlled by oxidation catalyst and regulated by automatic air/fuel ratio controller, one Caterpillar Model G3612LE, natural gas-fired compressor engine, 3,550 bhp at 1,000 rpm; controlled by oxidation catalyst and regulated by automatic air/fuel ratio controller, one (1) Cummins Model QSB7-G6, diesel-fired emergency generator engine, 282 bhp at 1,800 rpm, one (1) tri-ethylene glycol (TEG) dehydrator, rated at 35 MMscf/day controlled by an enclosed combustor rated at 4.0 MMBtu/hr, one (1) TEG dehydrator, rated at 150 MMscf/day, controlled by an enclosed combustor rated at 6.18 MMBtu/hr, two (2) natural gas-fired reboilers rated at 0.50 and 2.67 MMBtu/hr, five (5) produced water storage tanks with 1,728 barrel (bbl) total capacity, truck loadout activities, pigging activities, plant fugitives, startup/shutdown/maintenance emissions, pneumatic devices, engine crank case emissions, and venting/blowdowns. The facility is subject to the applicable requirements of 25 Pa. Code Article III, Chapters 121—145. The final Operating Permit includes emission limitations, monitoring, work practice standards, reporting, and recordkeeping requirements for the facility.

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

Contact: Matthew Williams, Facilities Permitting Chief—Telephone: 814-332-6940.

10-00344: Fannie's Friends Inc. Animal Crematory (352 Railroad Street, Evans City, PA 16033). On November 12, 2020, the Department issued a Natural Minor State Only Operating Permit for the operation of two natural gas incinerators located in Evans City Borough, **Butler County**. The subject facility consists of one 150 lb/hr animal incinerator, B&L Cremation System propane-fired rated at 0.3 MMBtu/hr primary chamber and 1.0 MMBtu/hr secondary chamber and one 130 lb/hr animal incinerator, B&L Cremation System propane-fired rated at 0.3 MBtu/hr primary chamber and 1.0 MMBtu/hr secondary chamber. The potential emissions are 1.2 tpy NO_x and less than 1.0 tpy for all other criteria pollutants. The facility is subject to State Regulations. 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.

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

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

The City of Philadelphia, Air Management Services (AMS) issued on December 1, 2020 a renewal Synthetic Minor Operating Permit for the following facility:

OP17-000054: T.D.P.S Materials (3870 N. 2nd Street, Philadelphia, PA 19140), for a block and asphalt paving mixture manufacturing facility in the City of Philadelphia, **Philadelphia County**. The facility's air emission sources include the following:

- One (1) 300 ton/hr hot mix asphalt drum plant with an 85 MMBtu/hr burner firing natural gas, propane, or No. 2 oil.

- One (1) 32,053 scf/min baghouse to control emissions from the hot mix asphalt drum plant.
- One (1) concrete crushing plant consisting of a 400 ton/hr concrete crusher with a 100-brake horsepower (bhp) screener diesel engine for and a 475 bhp crusher diesel engine.
- Fugitive emissions from material handling and vehicle operations.

The City of Philadelphia, Air Management Services (AMS) issued an Operating Permit Renewal for the following facility:

OP20-000023: AT&T Corporation (500 S 27th Street, Philadelphia, PA 19146) issued on December 4, 2020 for the operation of air emission sources at a telephone communications company in the City of Philadelphia, **Philadelphia County**. The facility's air emission sources are: six (6) 1072.8 HP turbine emergency generators firing kerosene fuel and one (1) 1,676.25 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.

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

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

07-05003: Norfolk Southern Railway Co. (200 North 4th Avenue, Altoona, PA 16601-6702) on December 1, 2020, for the Juniata Locomotive Shops facility located in Logan Township, **Blair County**. The Title V permit administratively amended to incorporate the provisions of Plan Approval No. 07-05003E.

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

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

55-00005: Wood Mode, LLC (One Second St., Kreamer, PA 17833) issued a revised Title V operating permit on December 8, 2020, to include additional sealers for use in the company's emissions averaging program at its Kreamer wood kitchen cabinet manufacturing facility located in Middlecreek Township, **Snyder County**. This revised Title V operating permit contains all applicable regulatory requirements including monitoring, record-keeping, and reporting conditions.

Operating Permits Denied, Terminated, Suspended or Revoked under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and 25 Pa. Code §§ 127.431 and 127.461.

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

Contact: Matthew Williams, Facilities Permitting Chief—Telephone: 814-332-6940.

25-00124: Lindy Paving Erie (2340 2nd Ave, Pittsburgh, PA 15219). On December 3, 2020, the Synthetic Minor Operating Permit was revoked for the facility located in Erie City, **Erie County**. This Permit was

revoked because the facility is no longer operational, and the facility has applied for Emission Reduction Credits.

61-00191: WS Packaging Group (1642 DeBence Drive, Franklin, PA 16323). On November 23, 2020, the Synthetic Minor Operating Permit was revoked for the facility located in Sandy Creek Township, **Venango County**. This Permit was revoked because the sources were shut down and only building heat remains with a total heat input of 5.8 MMBtu/hr heat input. Individual heating units are each exempt from plan approval and operating permit.

ACTIONS ON COAL AND NONCOAL MINING ACTIVITY APPLICATIONS

Actions on applications under the Surface Mining Conservation and Reclamation Act (52 P.S. §§ 1396.1—1396.31); the Noncoal Surface Mining Conservation and Reclamation Act (52 P.S. §§ 3301—3326); the Clean Streams Law (35 P.S. §§ 691.1—691.1001); the Coal Refuse Disposal Control Act (52 P.S. §§ 30.51—30.66); the Bituminous Mine Subsidence and Land Conservation Act (52 P.S. §§ 1406.1—1406.21). The final action on each application also constitutes action on the NPDES permit application and, if noted, the request for a Section 401 Water Quality Certification. Mining activity permits issued in response to such applications will also address the application permitting requirements of the following statutes; the Air Quality Control Act (35 P.S. §§ 4001—4015); the Dam Safety and Encroachments Act (32 P.S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P.S. §§ 6018.101—6018.1003).

Coal Permits Issued

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

Permit No. 17940122 and NPDES PA0219851. Waroquier Coal Company, P.O. Box 128, Clearfield, PA 16830. Permit renewal for reclamation only of a bituminous surface coal mine in Greenwood Township, **Clearfield County** affecting 120.2 acres. Receiving stream(s): Watts Creek classified for the following use(s): CWF/HQ. This receiving stream is included in the Clearfield Creek Watershed TMDL. Application received: July 22, 2020. Permit issued: November 24, 2020.

Noncoal Permits Issued

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

Permit No. 28130301. David H. Martin Excavating, Inc., 4961 Cumberland Highway, Chambersburg, PA 17202, permit revision to change the post-mining land use from Agricultural to Industrial/Commercial/Solar Electrical Facility or Agricultural on a noncoal surface mine in Hamilton Township, **Franklin County** affecting 67.2 acres. Receiving streams: unnamed tributaries to East Branch Conococheague Creek classified for the following use: warm water fishery. There are no potable water supply intakes within 10 miles downstream. Application received: July 31, 2020. Permit issued: December 3, 2020.

Permit No. 28130302. RA Hill, Inc., 1364 Lincoln Way East, Chambersburg, PA 17202, permit revision to change the post-mining land use from Agricultural to Industrial/Commercial/Solar Electrical Facility or Agricultural on a large noncoal operation in Hamilton Township, **Franklin County** affecting 52.39 acres. Receiving streams: unnamed tributary to Conococheague Creek classified for the following use: warm water fishes. There are no potable water supply intakes within 10 miles downstream. Application received: July 31, 2020. Permit issued: December 3, 2020.

Permit No. PAM415004-GP104. R.A. Hill, Inc., 1364 Lincoln Way East, Chambersburg, PA 17202. Renew coverage under the General NPDES Permit for Stormwater Discharges Associated with Mining Activities (BMP GP-104) on Noncoal Permit No. 28130302 located in Hamilton Township, **Franklin County**. Receiving streams: unnamed tributary to Conococheague Creek classified for the following uses: warm water fishes. There are no potable water supply intakes within 10 miles downstream. Notice of Intent for Coverage received: July 27, 2020. Approved: December 3, 2020.

Knox District Mining Office: P.O. Box 669, 310 Best Avenue, Knox, PA 16232-0669, 814-797-1191, (Contact: Cayleigh Boniger).

Permit No. 25992805. Raymond D. Showman & Sons, Inc. (12851 Route 86, Edinboro, PA 16412). Final bond release for a small noncoal mining operation in Washington Township, **Erie County**. Restoration of 2.5 acres completed. Receiving stream(s): Unnamed tributary to Conneauttee Creek. Application received: September 14, 2020. Final bond release approved: September 28, 2020.

Permit No. 62042801. Raymond C. Shield (1493 North Main Street, Russell, PA 16345). Final bond release for a small noncoal mining operation in Pine Grove Township, **Warren County**. Restoration of 1.0 acre completed. Receiving stream(s): Akeley Run. Application received: September 21, 2020. Final bond release approved: November 24, 2020.

Permit No. 25072802. Edinger Trucking & Snow Removal (11511 Route 8, Wattsburg, PA 16442). Final bond release for a small noncoal mining operation in Greene Township, **Erie County**. Restoration of 3.0 acres completed. Receiving stream(s): Unnamed tributary to East Branch LeBoeuf Creek. Application received: September 28, 2020. Final bond release approved: November 6, 2020.

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

Permit No. PAM220005-GP104. Bishop Brothers Construction Co., Inc., 1376 Leisure Drive, Towanda, PA 18848. Coverage under the General NPDES Permit for Stormwater Discharges Associated with Mining Activities (BMP GP-104) on **Noncoal Permit No. 08122502** located in Sheshequin Township, **Bradford County**. Receiving stream(s): Horn Brook classified for the following use(s): WWF, MF. There are no potable water supply intakes within 10 miles downstream. Notice of Intent for Coverage received: August 1, 2020. Permit issued: November 24, 2020.

Permit No. PAM214005-GP104. Robert D. Confer, 359 Mill Street Ext., Howard, PA 16841. Extension. Renew coverage under the General NPDES Permit for Stormwater Discharges Associated with Mining Activities (BMP GP-104) on **Noncoal Permit No. 14140801** located

in Burnside Township, **Centre County**. Receiving stream(s): Moshannon Creek classified for the following use(s): CWF, MF. There are no potable water supply intakes within 10 miles downstream. Notice of Intent for Coverage received: August 20, 2020. Permit issued: November 24, 2020.

Permit No. PAM215004-GP104. North Star Leasing Inc. DBA North Star Stone, P.O. Box 322, Meshoppen, PA 18630. Renew coverage under the General NPDES Permit for Stormwater Discharges Associated with Mining Activities (BMP GP-104) on **Noncoal Permit No. 08152501** located in Asylum Township, **Bradford County**. Receiving stream(s): Durell Creek and Susquehanna River Watershed classified for the following use(s): WWF, MF. There are no potable water supply intakes within 10 miles downstream. Notice of Intent for Coverage received: August 19, 2020. Permit issued: November 24, 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. Section 7514, and the Administrative Agency Law, 2 Pa.C.S. Chapter 5A, to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P.O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Board through the Pennsylvania AT&T Relay Service, (800) 654-5984. Appeals must be filed with the Environmental Hearing Board within 30-days of publication of this notice in the *Pennsylvania Bulletin*, unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in braille or on audiotape from the Secretary to the Board at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decisional law.

If you want to challenge this action, your appeal must reach the Board within 30-days. You do not need a lawyer to file an appeal with the Board.

Important legal rights are at stake, however, so you should show this notice to a lawyer at once. If you cannot afford a lawyer, you may qualify for free pro bono representation. Call the Secretary to the Board (717) 787-3483 for more information.

WATER OBSTRUCTIONS AND ENCROACHMENTS

Actions on applications for the following activities filed under the Dam Safety and Encroachments Act (32 P.S. §§ 693.1—693.27), section 302 of the Flood Plain Management Act (32 P.S. § 679.302) and The Clean Streams Law and Notice of Final Action for Certification under section 401 of the FWPCA.

Northeast Region: Waterways and Wetlands Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915.

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

E5402220-023. Minersville Sewer Authority, 2 East Sunbury Street, Minersville, PA 17954, Branch Township, **Schuylkill County**, U.S. Army Corps of Engineers, Philadelphia District.

To fill and maintain a 0.006-acre area within the floodplain of the West Branch of the Schuylkill River (CWF, MF) consisting of a 23-foot long, 13-foot wide concrete pad and a 15-foot wide, 5.5-foot wide, 8.5-foot high emergency generator. This activity will result in a 50 ft³ of new fill within the floodplain. The project is located directly west of the existing Minersville Sewer Authority Wastewater Treatment Plant building, approximately 0.38 mile south of the intersection of Pottsville-Minersville Highway (S.R. 901) and East Sunbury Street (Swatara Hill, PA Quadrangle Latitude: 40° 41' 9", Longitude: -76° 15' 20") in Branch Township, Schuylkill County.

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

E0103220-022. Clayton C. Tock, 20627 Lewins Court, Sterling, VA 20165. Mt. Joy Township, **Adams County**, U.S. Army Corps of Engineers, Baltimore District.

To construct and maintain two (2) additions onto two (2) existing docks, now totaling 544.0 square feet and 138.0 square feet, and to construct and maintain a 190.0 lineal foot sea wall, to stabilize the existing lake bank. The project is located at 84 Meade Drive in Mount Joy Township, Adams County (Latitude: 39.8065, Longitude: -77.1910). Permit issued December 9, 2020.

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

E6505220-022, PA Game Commission, 2001 Elmerston Avenue, Harrisburg, PA 17110; Saint Clair Township, **Westmoreland County**, Pittsburgh ACOE District.

Has been given consent to:

Remove an existing ford crossing and construct, operate, and maintain a replacement 14 LF wide by 35 LF long single span bridge over Poplar Run (HQ-CWF).

The purpose of the project serves to provide a dependable crossing location for PGC officials to access areas of SGL # 42 and for habitat improvement.

Permanent project impacts are 14 linear feet to the watercourse and 0.016 acre to the floodway. The project site is located at 700 Sugar Run Road, New Florence, PA 15944 (Rachelwood, PA USGS topographic quadrangle; N: 40°, 22', 17"; W: -79°, 01', 59"; Sub-basin 18D; USACE Pittsburgh District), in Saint Clair Township, Westmoreland County.

Eastern Region: Oil and Gas Management Program Manager, 208 West Third Street, Suite 101, Williamsport, PA 17701-6448.

E0829220-028: Chesapeake Appalachia, LLC, 14 Chesapeake Lane, Sayre, PA 18840, Overton Township, **Bradford County**, ACOE Baltimore District.

To construct, operate and maintain:

1. a 16-inch diameter temporary waterline impacting 69 square feet of a Palustrine Forested Wetland (Overton, PA Quadrangle, Latitude: 41.584684°, Longitude: -76.535727°);

2. a 16-inch diameter temporary waterline and a timber mat bridge impacting 3,360 square feet of a Palustrine Emergent Wetland (Overton, PA Quadrangle, Latitude: 41.584751°, Longitude: -76.533859°);

3. a 16-inch diameter temporary waterline impacting 18 linear feet of Level Branch (EV, MF) (Overton, PA Quadrangle, Latitude: 41.583788°, Longitude: -76.527309°);

4. a 16-inch diameter temporary waterline and a timber mat bridge impacting 20 linear feet of an unnamed tributary to Level Branch (EV, MF) (Overton, PA Quadrangle, Latitude: 41.583411°, Longitude: -76.526462°);

5. a 16-inch diameter temporary waterline and a timber mat bridge impacting 520 square feet of a Palustrine Emergent Wetland (Overton, PA Quadrangle, Latitude: 41.582627°, Longitude: -76.524008°);

6. a 16-inch diameter temporary waterline impacting 12 linear feet of an unnamed tributary to Level Branch (EV, MF) (Overton, PA Quadrangle, Latitude: 41.582495°, Longitude: -76.523584°);

7. a 16-inch diameter temporary waterline impacting 613 square feet of a Palustrine Emergent Wetland (Overton, PA Quadrangle, Latitude: 41.582186°, Longitude: -76.523156°);

8. a 16-inch diameter temporary waterline and a timber mat bridge impacting 2,160 square feet of a Palustrine Emergent Wetland (Overton, PA Quadrangle, Latitude: 41.581158°, Longitude: -76°520505°).

9. a 16-inch diameter temporary waterline and a timber mat bridge impacting 1,220 square feet of a Palustrine Emergent Wetland (Overton, PA Quadrangle, Latitude: 41.579657°, Longitude: -76°519491°).

The project will result in 50 linear feet and 326 square feet of temporary stream impacts, 7,873 square feet (0.18 acre) of temporary PEM wetland impacts and 69 square feet (0.001 acre) of temporary PFO wetlands impacts, all for the purpose of establishing a temporary water supply for Marcellus well development in Overton Township, Bradford County.

EROSION AND SEDIMENT CONTROL

The following Erosion and Sediment Control permits have been issued.

Persons aggrieved by an action may appeal that action to the Environmental Hearing Board (Board) under section 4 of the Environmental Hearing Board Act and 2 Pa.C.S. §§ 501—508 and 701—704. The appeal should be sent to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P.O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Board through the Pennsylvania AT&T Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30-days of publication of this notice in the *Pennsylvania Bulletin*

unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary to the Board at (717) 787-3483. This paragraph does not, in and of itself, create a right of appeal beyond that permitted by applicable statutes and decisional law.

For individuals who wish to challenge an action, the appeal must reach the Board within 30-days. A lawyer is not needed to file an appeal with the Board.

Important legal rights are at stake, however, so individuals should show this notice to a lawyer at once. Persons who cannot afford a lawyer may qualify for free pro bono representation. Call the Secretary to the Board at (717) 787-3483 for more information.

Eastern Region: Oil and Gas Management Program Manager, 208 West Third Street, Suite 101, Williamsport, PA 17701-6448.

ESCGP-3 # ESG296619001-01
 Applicant Name Appalachia Midstream Services, LLC
 Contact Person Adam Weightman
 Address 30351 Route 6
 City, State, Zip Wysox, PA 18854
 County Wyoming County
 Township(s) Forkston & North Branch
 Receiving Stream(s) and Classification(s) Douglas Hollow (CWF, MF), UNT to North Branch Mehoopany Creek (CWF, MF), Farr Hollow (CWF, MF)
 Secondary: North Branch Mehoopany Creek (CWF, MF), Mehoopany Creek (CWF, MF), North Branch Mehoopany Creek (CWF, MF)

ESCGP-3 # ESG295820040-00
 Applicant Name SWN Production Company, LLC
 Contact Person Afton R. Sterling
 Address 917 State Route 92 North
 City, State, Zip Tunkhannock, PA 18657
 County Susquehanna County
 Township(s) Silver Lake
 Receiving Stream(s) and Classification(s) UNT to McCormick (CWF/MF, NRT, EV), Laurel Lake Creek (CWF/MF, NRT)
 Secondary: Laurel Lake Creek (CWF/MF, NRT), Silver Creek (CWF/MF, NRT, EV)

ESCGP-3 # ESG291820003-00
 Applicant Name STL Resources, LLC
 Contact Person Seth Rodriguez
 Address 12300 Perry Highway, Ste 308
 City, State, Zip Wayne, PA 15090
 County Clinton County
 Township(s) Grugan & Gallagher
 Receiving Stream(s) and Classification(s) Deep Hollow (HQ-CWF, MF), Davis Cabin Hollow (HQ-CWF, MF)
 Secondary: Wildcat Hollow (HQ-CWF, MF), Wildcat Hollow (HQ-CWF, MF)

ESCGP-3 # ESG29-023-15-0008 (Renewal)
 Applicant Name NFG Midstream Clermont, LLC
 Contact Person Dale Smith
 Address 1100 State Street
 City, State, Zip Erie, PA 16501-1912
 County Cameron County
 Township(s) Shippen
 Receiving Stream(s) and Classification(s) Cherry Run (EV), Billy Buck Run (EV), UNT to Elk Fork (EV)
 Secondary: Driftwood Branch Sinnemahoning Creek (EV), Driftwood Branch Sinnemahoning Creek (EV), Elk Fork (EV)

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 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.

For further information concerning plans or reports, please contact the Environmental Cleanup Program Manager in the DEP Regional Office under which the notice of receipt of plans or reports appears. If information concerning plans or reports is required in an alternative form, contact the Community Relations Coordinator at the appropriate Regional Office listed. TDD users may telephone the DEP through the Pennsylvania AT&T Relay Service at (800) 654-5984.

The Department has received the following plans and reports:

Southeast Region: Environmental Cleanup & Brownfields Program, 2 East Main Street, Norristown, PA 19401, 484-250-5960.

Contact: Richard Staron, Professional Geologist Manager.

Souderton Fuels 67425, 46-23960, 303 Harleysville Pike, PA 18964, Franconia Township, **Montgomery County**. Antea USA, Inc., 535 Route 38, Suite 203, Cherry Hill, NJ 08002, on behalf of Getty Properties Corp., Two Jericho Plaza, Suite 110, Wing C, Jericho, NY 11753 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 standards.

Amoco Car Wash, 23-27098, 3100 Edgemont Ave., Parkside, PA 19013, 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 report is intended to docu-

ment remediation of the site to meet residential State-wide health and site-specific standards.

Northeast Region: Environmental Cleanup & Brownfields Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915, 570-826-2511.

Contact: Eric Supey, Environmental Program Manager.

Atlantic Oil & Heating Company, Storage Tank ID # 13-14253, Blakeslee Boulevard, Lehigh, PA 18235, Lehigh Township, **Carbon County**. MEA 1365 Ackermanville Road, Bangor, PA 18013, on behalf of Pipeline Petroleum, Inc., P.O. Box 159, Macungie, PA 18062, has submitted a Remedial Action Plan concerning remediation of soil and groundwater contaminated with fuel oil. The Remedial Action Plan is intended to document the remedial actions for meeting the Site-Specific Standards.

Northcentral Region: Environmental Cleanup & Brownfields Program, 208 West Third Street, Suite 101, Williamsport, PA 17701, 570-327-3636.

Contact: Randy Farmerie, Environmental Program Manager.

Coudersport Service Center, Storage Tank Facility ID # 53-18399, 200 S. Main St., Coudersport, PA 16915, Coudersport Borough, **Potter County**. Mobile Environmental Analytical, Inc., 1365 Ackermanville Rd., Bangor, PA 18013, on behalf of Coudersport Service Center, 200 S. Main St., Coudersport, PA 16915, 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 the Site-Specific Standard.

Tressler's Midway Gulf, Storage Tank Facility ID # 18-03809, 5817 Nittany Valley Road, Lamar, PA 16848, Porter Township, **Clinton County**. Keystone Environmental, Health and Safety, Services, Inc., 1111 12th Ave, Altoona, PA 16601, on behalf of Mr. John F. Tressler, Jr., 5817 Nittany Valley Road, Lamar, PA 16848, submitted a Remedial Action Completion Report Addendum concerning remediation of soil and groundwater contaminated with unleaded gasoline. The report is intended to document remediation of the site to meet the Site-Specific Standard.

Northwest Region: Environmental Cleanup & Brownfields Program, 230 Chestnut Street, Meadville, PA 16335-3481, 814-332-6648.

Contact: Kim Bontrager, Clerk Typist 3.

Vennards Crossroads Convenience, Storage Tank Facility ID # 32-81802, 4895 Lucerne Road, Indiana, PA 15701-6001, White Township, **Indiana County**. Cribbs & Associates, Inc., P.O. Box 44, Delmont, PA 15626, on behalf of Mr. Richard Vennard, 5190 White Oak Drive, Indiana, PA 15701-9479, 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 Statewide Health Standard.

CORRECTIVE ACTION UNDER ACT 32, 1989

PREAMBLE 3

The DEP has taken action on the following plans and reports under the Storage Tank and Spill Prevention Act (35 P.S. §§ 6021.101–6021.2104).

Provisions of 25 Pa. Code Chapter 245, Subchapter D, Administration of the Storage Tank and Spill Prevention Program, require the Department of Environmental Protection (DEP) to publish in the *Pennsylvania Bulletin* a notice of its final actions on plans and reports.

A remedial action plan is submitted to summarize the site characterization, document the design and construction details for the remedial action, and describe how the remedial action will attain the selected remediation standard. The remedial action plan also provides results of studies performed and data collected to support the remedial action and a description of postremediation care requirements. A remedial action completion report is submitted to document cleanup of a release of a regulated substance at a site to the selected remediation standard. A remedial action completion report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis of selecting the environmental media of concern, documentation supporting the selection of residential or 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.

The DEP may approve or disapprove plans and reports submitted. This notice provides the DEP's decision and, if relevant, the basis for disapproval.

For further information concerning the plans and reports, please contact the Environmental Cleanup Program Manager in the DEP Regional Office under which the notice of the plan or report appears. If information concerning a report is required in an alternative form, contact the Community Relations Coordinator at the appropriate Regional Office listed. TDD users may telephone the DEP through the Pennsylvania AT&T Relay Service at (800) 654-5984.

The DEP has received the following plans and reports:

Southeast Region: Environmental Cleanup & Brownfields Program, 2 East Main Street, Norristown, PA 19401, 484-250-5960.

Contact: Richard Staron, Professional Geologist Manager.

Embodys Sunoco, 46-24044, 1435 E. High St., Pottstown, PA 19464, Pottstown Borough, **Chester County**. Coventry Environmental Associates, P.O. Box 224, Saint Peters, PA 19470, on behalf of Embodys Sunoco, 1435 E. High St., Pottstown, PA 19464 submitted a Remedial Action Completion Report concerning remediation of soil and groundwater contaminated with diesel fuel and unleaded gasoline. The Remedial Action Completion Report demonstrated attainment of residential Statewide health standard and was approved by the DEP on December 3, 2020.

Mobil Oil 15 Dax, 15-43629, 638 E. Gay St., West Chester Borough, **Chester County**. Arcadis U.S., Inc., 6041 Wallace Road Ext., Suite 300, Wexford, PA15090, on behalf of ExxonMobil Environmental & Property Solutions, 875 West Poplar Avenue, Suite 23, # 353, Collierville, TN 38017, submitted a Remedial Action Plan concerning remediation of soil and groundwater contami-

nated with petroleum products. The report did not demonstrate attainment of site-specific standards and was disapproved by the DEP on December 7, 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.

Sunoco 0363 5232, Storage Tank ID # 48-24150, 868 Nazareth Pike, Nazareth, PA 18064, Lower Nazareth Township, **Northampton County**. EnviroTrac, 176 Thorn Hill Road, Warrendale, PA 15086, on behalf of Evergreen Resources, LLC, 2 Righter Parkway, Suite 120, Wilmington, DE 19803, has submitted a combined Remedial Action Plan and Remedial Action Completion Report concerning remediation of soil and groundwater contaminated with gasoline. The report demonstrated attainment of a combination of Site Specific and Statewide Health Standards and was approved by DEP on December 2, 2020.

Salisbury Township School District Bus Garage, Storage Tank ID # 39-07828, 1700 Gaskill Avenue, Allentown, PA 18103, Salisbury Township, **Lehigh County**. Aquaterra Technologies, 901 South Bolmar Street, Suite A, West Chester, PA 19382, on behalf of Salisbury Township School District, 1140 Salisbury Road, Allentown, PA 18103, has submitted a combined Remedial Action Plan and Remedial Action Completion Report concerning remediation of soil and groundwater contaminated with gasoline. The report demonstrated attainment of Site Specific Standards and was approved by DEP on December 4, 2020.

Southcentral Region: Environmental Cleanup & Brownfields Program, 909 Elmerton Avenue, Harrisburg, PA 17110, 717-705-4705.

Contact: Cherie Campbell, Soil Scientist.

Martin Paving, Storage Tank Facility ID # 36-61945, 531 East 28th Division Highway, Lititz, PA 17543, Elizabeth Township, **Lancaster County**. Crawford Environmental Services, LLC, 20 Cardinal Drive, Birdsboro, PA 19508, on behalf of Martin Paving, Inc., 531 East 28th Division Highway, Lititz, PA 17543 submitted a Remedial Action Plan concerning remediation of soil contaminated with petroleum. The Remedial Action Plan was acceptable to meet the Nonresidential Statewide Health Standard and was approved by DEP on December 10, 2020.

Northcentral Region: Environmental Cleanup & Brownfields Program, 208 West Third Street, Suite 101, Williamsport, PA 17701, 570-327-3636.

Contact: Randy Farmerie, Environmental Program Manager.

Curwensville Tire, Storage Tank Facility ID # 17-71861, 222 Filbert Street, Curwensville, PA 16833, Pike Township, **Clearfield County**. Tetra Tech, on behalf of Mr. John F. Tressler, Jr., 5817 Nittany Valley Road, Lamar, PA 16848, submitted a Remedial Action Completion Report Addendum concerning remediation of soil contaminated with unleaded gasoline. The Remedial Action Completion Report demonstrated attainment of the Site-Specific Standard and was approved by DEP on November 9, 2020.

SPECIAL NOTICES

WATER MANAGEMENT

FEDERAL WATER POLLUTION CONTROL ACT SECTION 401

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 FM 100 Project.

Regional Permit Coordination Office: 400 Market Street, Harrisburg, PA 17101, Email: RA-EPREGIONAL PERMIT@pa.gov.

WQ0083219-002, National Fuel Gas Supply Corporation, 1100 State Street, Erie, PA 16512. FM 100 Project (Project), in **Cameron, Clearfield, Clinton, Elk, McKean, and Potter Counties**, Baltimore and Pittsburgh Corps Districts. The proposed project involves modernization of a portion of the existing pipeline system, and abandonment of aging infrastructure. The modernization portion of the project starts in Sergeant Township, McKean County (Latitude: 41.70265°; Longitude: -78.500103°) and ends in Allegany Township, Potter County (Latitude: 41.886014°; Longitude: -77.950358°). The abandonment portion of the project starts in Huston Township, Clearfield County (Latitude: 41.219814°; Longitude: -78.559042°) and ends in Portage Township, Potter County (Latitude: 41.589831°; Longitude: -78.058392°).

On July 18, 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. CP19-491-000). The FERC Environmental Assessment for the Project, which was issued on February 7, 2020, may be viewed on FERC's website at www.ferc.gov (search eLibrary; Docket Search; CP19-491-000).

On November 21, 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.

Applicant is proposing the installation and maintenance of an approximately 29.5-mile-long, 20-inch diameter pipeline (Line YM58), a 0.4 mile 12-inch diameter pipeline (extension of existing Line KL), and a 1.4-mile-long 24-inch diameter pipeline loop (YM 224) and appurtenant facilities in various municipalities within Clinton County, McKean County and Potter County for the purpose of transportation of natural gas. Applicant is also proposing to abandon in place approximately 44.9 miles of 12-inch diameter steel natural gas pipeline and appurtenant facilities in various municipalities within Cameron County, Clearfield County, Elk County and Potter County. The Project, as proposed, will require approximately 555.8 acres of earth disturbance, and the following impacts to streams, floodways, and wetlands:

Cameron County: 1.32 acres of floodway impacts to Driftwood Branch Sinnemahoning Creek (TSF, MF) and

Bennett Branch Sinnemahoning Creek (WWF, MF); 0.02 acre of temporary impacts to PSS wetlands.

Clearfield County: 1.68 acres of floodway impacts to Bennett Branch Sinnemahoning Creek (CWF, MF), Tributaries to Bennett Branch Sinnemahoning Creek (CWF, MF), Laurel Run (HQ-CWF, MF); 0.22 acre of temporary impacts to PEM and PSS wetlands.

Elk County: 5 feet of temporary impacts Medix Run (HQ-CWF, MF) and a tributary to Medix Run (HQ-CWF, MF); 0.05 acre of floodway impacts; 0.11 acres of temporary impacts to PEM wetlands.

McKean County: total of 1,062 feet of impacts to Tributaries to Wernway Hollow (HQ-CWF, MF), Tributary to Browns Mill Hollow Run (HQ-CWF), Robbins Brook and tributaries thereof (HQ-CWF), Donley Fork (HQ-CWF), Potato Creek (TSF), tributaries to Potato Creek (CWF), Coalbed Hollow (HQ-CWF), Bemis Hollow (HQ-CWF) and tributaries thereof, Allegheny Portage Creek (CWF) and tributaries thereof, Allegheny River (CWF) and tributaries thereof, Tributary to Benson Hollow (CWF), Coleman Creek (CWF) and tributaries thereof, Tributary to Jordan Hollow (CWF), Tributaries to Red Mill Brook (CWF), Tributaries to Irons Hollow (CWF), Tributaries to Robbins Brook (HQ-CWF), Tributaries to Walcott Brook (CWF), Tributary to Fishing Creek (CWF), Tributaries to Warner Brook (HQ-CWF); 21.113 acres of floodway impacts; 13.783 acres of temporary impacts to PEM, PSS and PFO wetlands; and 1.744 acres of permanent impacts to PEM, PSS and PFO wetlands.

Potter County: total 282 feet of impacts to Jordan Hollow (CWF) and tributaries thereof, Ernst Hollow (CWF), Sartwell Creek (CWF) and tributaries thereof, Baker Hollow (CWF), Fishing Creek (CWF) and tributaries thereof, East Branch Fishing Creek (HQ-CWF) and tributary thereof, Whitney Creek (EV) and tributaries thereof, 4.113 acres of floodway impacts; 1.087 acres of temporary impacts to PEM, PSS and PFO wetlands; and 0.139 acre of permanent impacts to PEM, PSS, and PFO wetlands.

PADEP published notice of its proposed SWQC in the *Pennsylvania Bulletin* on April 18, 2020 (50 Pa.B. 2082) and received one comment letter from one public entity. PADEP has reviewed, evaluated, and carefully considered the comments received during the review of the water quality certification request. The comments did not result in substantive changes to the final certification.

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 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 obtain and comply with a National Pollutant Discharge Elimination System (NPDES) permit(s) 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.

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.

9. *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.

10. *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 SWQC. PADEP may require additional measures to achieve compliance with any applicable law or regulation.

11. *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.

12. *Severability*—The provisions of this SWQC are severable and should any provision of this SWQC be declared invalid or unenforceable, the remainder of the 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.

[Pa.B. Doc. No. 20-1779. Filed for public inspection December 18, 2020, 9:00 a.m.]

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Federal Consistency Under the Coastal Zone Management Act; National Performance Standards for Discharges Incidental to the Normal Operation of a Commercial Vessel

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 Environmental Protection Agency (EPA) is proposing National performance standards for discharges incidental to the normal operation of a commercial vessel.

On October 26, 2020, the EPA proposed regulations under the Clean Water Act (CWA) (33 U.S.C.A. §§ 1251—

1376), as amended by the Vessel Incidental Discharge Act (VIDA) of 2018, to establish National performance standards for discharges incidental to the normal operation of primarily commercial vessels (85 FR 67818 (October 26, 2020)). The proposed rule would establish National standards for primarily nonmilitary and nonrecreational vessels 79 feet in length and above, into the waters of the United States or the waters of the contiguous zone. The proposed National standards of performance were developed in coordination with the United States Coast Guard (USCG). The EPA contends that the proposed standards, once finalized and implemented through corresponding USCG regulations addressing implementation, compliance and enforcement, would reduce the discharge of pollutants from vessels and streamline the current patchwork of Federal, state and local vessel discharge requirements.

Additionally, the EPA is proposing procedures for states to follow if they choose to petition the EPA to issue an emergency order, to review any standard of performance, regulation or policy, to request additional requirements with respect to discharges in the Great Lakes, or to apply to the EPA to prohibit one or more types of vessel discharges proposed for regulation in the rulemaking into specified waters to provide greater environmental protection. The proposed rule would establish general and specific technology-based discharge standards of performance for approximately 82,000 domestic and international nonmilitary, nonrecreational vessels operating in the waters of the United States or the waters of the contiguous zone. Discharges from commercial vessels have been regulated under section 402 of the CWA (33 U.S.C.A. § 1342) regarding the National Pollutant Discharge Elimination System permitting regime through the 2013 Vessel General Permit (VGP).

The VIDA is intended to transfer authority for establishing discharge requirements for commercial vessels from the VGP permitting program to the new uniform national regulation-based program under section 312(p) of the CWA (33 U.S.C.A. § 1322(p)). With certain exceptions, VIDA requires that the proposed standards be at least as stringent as the general requirements contained in the 2013 VGP. Section 312(p) of the CWA, captioned “uniform national standards for discharges incidental to normal operation of vessels,” directs the EPA to promulgate performance standards that apply consistently throughout the country to the regulated vessel discharges covered by the proposed VIDA rule. Among Congress’ purposes in enacting the VIDA is to provide for uniform, environmentally sound standards and requirements for the management of discharges. The approach does not allow for state-specific distinctions in the development of the technology-based standards. The EPA has further determined that the proposed rule is a de minimis Federal activity because the requirements in the proposed rule are not significantly different than those established under the 2013 VGP. Vessels are already required to meet the requirements of the 2013 VGP, and the EPA expects that the proposed changes in the rule from the VGP requirements will not generate significant, new or different coastal effects. The EPA expects that any direct or indirect coastal effects resulting from the proposed rule will be environmentally beneficial.

This activity is subject to Department review for Federal consistency because it is a Federal agency activity and will have reasonably foreseeable effects on the 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), the EPA has determined that the proposed activity will be conducted in a manner consistent with the applicable enforceable policies of the Commonwealth's NOAA-approved Coastal Resources Management Program. Interested parties may request a copy of the Federal Consistency Determination from the Department contact listed as follows.

Questions regarding this review can be directed to Matthew Walderon, Federal Consistency Coordinator, at RA-Fed_Consistency@pa.gov or (717) 772-2196.

The Department will consider all comments received on or before Monday, January 4, 2021, 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. 20-1780. Filed for public inspection December 18, 2020, 9:00 a.m.]

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Residual Waste General Permit WMGR123; Base Permit Renewal with Revisions

Under the authority of the Solid Waste Management Act (35 P.S. §§ 6018.101—6018.1003) and the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P.S. §§ 4000.101—4000.1904), the Department of Environmental Protection (Department) is providing notice of the renewal of General Permit No. WMGR123 with revisions. This revised general permit will take effect Monday, January 4, 2021. This general permit authorizes permittees to process, transfer and beneficially use oil and gas liquid waste to develop or hydraulically fracture an oil or gas well. The revisions to WMGR123 consist of the following:

- Clarification to the proposed definitions for “processing,” “transfer” and “oil and gas liquid waste.”
- Minor updates to clarify the difference between a “unit” which pertains to structures used to contain de-wasted oil and gas liquid waste, and a “facility” which pertains to an operation that processes or transfers oil and gas liquid waste.
- Minor updates to terminology referencing de-wasted material and oil and gas liquid waste.

- Removal of proposed conditions that allowed for WMGR123 permittees processing oil and gas liquid waste to meet Appendix A limits for de-wasting to request a reduced sampling and analysis frequency and reduced parameter list.

- Addition of standard language that would allow for clearances provided by the Pennsylvania Natural Heritage Program to be considered during a Pennsylvania Natural Diversity Inventory (PNDI) review.

- Addition of language that would allow Radiation Protection Actions Plans to be maintained in an electronic format on sites where an office or building is not located onsite, provided the plan is available at the facility at all times, and to allow for electronic copies of the plan to be provided to the Department upon request.

- Addition of language to allow all records that are required to be maintained by permittees to be maintained in either hard copy or an electronic format.

- Inclusion of minor updates to references to the Oil and Gas Act (58 Pa.C.S. 2301—3504 (relating to oil and gas)).

- Inclusion of a minor clarification to Condition C.22., relating to inspection requirements for WMGR123 operations located on a well pad that are not actively processing or transferring (storing) oil and gas liquid waste.

- Addition of two conditions that would require Department notification of the beginning of construction activities and certification of equipment installation at WMGR123 operations prior to processing or transfer, as requested by regional office staff.

- Addition of Condition C.27 that states permittees are not authorized to use open-top storage tanks or any other air contamination sources under the terms of WMGR123 unless the facility demonstrates that the open top tanks or sources are in compliance with 25 Pa. Code Subpart C, Article III (relating to air resources), pertaining to air emissions.

- Addition of Condition E.3. that would require permittees to immediately notify the Department in the event that the maximum volume of processed and unprocessed oil and gas liquid waste utilized in approved bonding calculations are exceeded.

Persons interested in reviewing the general permit may contact Chris Solloway at csolloway@pa.gov, (717) 787-7381 or Environmental Group Manager, Permits Section, Division of Municipal and Residual Waste, Bureau of Waste Management, P.O. Box 69170, Harrisburg, PA 17106-9170.

Persons in need of accommodations as provided for in the Americans with Disabilities Act of 1990 should contact Chris Solloway at (717) 787-7381 or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users) to discuss how the Department may accommodate their needs.

PATRICK McDONNELL,
Secretary

[Pa.B. Doc. No. 20-1781. Filed for public inspection December 18, 2020, 9:00 a.m.]

DEPARTMENT OF HEALTH

Ambulatory Surgical Facilities; Requests for Exceptions

The following ambulatory surgical facilities (ASF) have filed requests for exceptions under 28 Pa. Code § 51.33 (relating to requests for exceptions) with the Department of Health (Department), which has authority to license ASFs

under the Health Care Facilities Act (35 P.S. §§ 448.101—448.904b). The following requests for exceptions relate to regulations governing ASF licensure in 28 Pa. Code Chapters 51 and 551—571 (relating to general information; and ambulatory surgical facilities).

<i>Facility Name</i>	<i>Regulation and relating to</i>
Bucks County Surgical Suites	28 Pa. Code § 551.21(d)(1) (relating to criteria for ambulatory surgery)
Evangelical Ambulatory Surgical Center, LLC	28 Pa. Code § 551.22(4) (relating to criteria for performance of ambulatory surgery on pediatric patients)
Geisinger Medical Center Outpatient Surgery Woodbine	28 Pa. Code § 551.21(d)(1)
Integrated Surgical Institute	28 Pa. Code § 551.21(d)(1)
Penn Highlands Dubois Surgery Center	28 Pa. Code § 567.53 (1) (relating to sterilization control)
Penn Medicine Radnor Surgery Center	28 Pa. Code § 569.35(7) (relating to general safety precautions)
UPMC West Mifflin Outpatient Surgery Center	28 Pa. Code § 569.35(7)
Western Pa Surgery Center	28 Pa. Code § 551.21(d)(1)

The previously listed requests are on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163 or ra-paexcept@pa.gov. Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the previously listed address. Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, or for speech and/or hearing-impaired persons, call the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

RACHEL L. LEVINE, MD,
Secretary

[Pa.B. Doc. No. 20-1782. Filed for public inspection December 18, 2020, 9:00 a.m.]

DEPARTMENT OF HEALTH

Decisions on Requests for Exceptions to Health Care Facility Regulations

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), effective June 6, 1998, the Department of Health (Department) has published in the *Pennsylvania Bulletin* all requests by entities licensed under the Health Care Facilities Act (35 P.S. §§ 448.101—448.904b), for exceptions to regulations contained in 28 Pa. Code Part IV Subparts B—G.

Section 51.33(d) of 28 Pa. Code provides that the Department will publish notice of all approved exceptions on a periodic basis. The Department has determined that it will publish notice of all exceptions, both approved and denied. The following list contains the decisions made on exception requests published in the *Pennsylvania Bulletin* for the month of November 2020. Future publications of decisions on exception requests will appear on a periodic basis.

Requests for additional information on the exception request and the Department's decision should be made to the relevant division of the Department. Inquiries regarding hospitals, abortion facilities and ambulatory surgical facilities shall be addressed to Garrison E. Gladfelter, Jr., Director, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980. Inquiries regarding long-term care facilities shall be addressed to Susan Williamson, Director, Division of Nursing Care Facilities, Room 528, Health and Welfare Building, Harrisburg, PA 17120, (717) 787-1816.

Hospitals

<i>Facility Name</i>	<i>28 Pa. Code Regulation</i>	<i>Dec. Date</i>	<i>Decision</i>
AHN Emerus Westmoreland, LLC	§ 153.1(a) (relating to minimum standards) 2.1-4.3.2.2(1) and (2) sinks	11/15/2020	Granted
The Hospital of the University of Pennsylvania	§ 149.3 (relating to facilities)	11/15/2020	Granted w/Conditions

<i>Facility Name</i>	<i>28 Pa. Code Regulation</i>	<i>Dec. Date</i>	<i>Decision</i>
Lower Bucks Hospital	§ 153.1(a) 2.2-3.4.2.5(1)(a) system component room	11/06/2020	Granted
Millcreek Community Hospital	§ 153.1(a) 2.2-2.12.4.3 seclusion rooms	11/15/2020	Granted
	§ 153.1(a) 2.5-2.2.10.2(1) and (2) social spaces	11/09/2020	Granted
	§ 153.1(a) 2.5-2.2.10.2(3) social spaces	11/09/2020	Granted w/Conditions
	§ 153.1(a) 2.5-2.2.8.16(1) and (2) consultation room(s)	11/15/2020	Granted
	§ 153.1(a) 2.5-2.2.8.18 space for group therapy	11/15/2020	Granted
Penn Highlands Huntingdon	§ 153.1(a) 1.2-6.4.2.2 design response for accommodations for patients of size	11/06/2020	Granted
	§ 153.1(a) 2.1-2.10.2.1 door openings	11/06/2020	Granted
	§ 153.1(a) 2.1-2.10.2.2 door openings	11/06/2020	Granted
	§ 153.1(a) 2.1-3.2.1.2(2)(a)(i) and (ii) and (b)(ii) space requirements	11/06/2020	Granted
Saint Christopher's Hospital For Children	§ 107.61 (relating to written orders) regarding medical orders)	11/09/2020	Granted w/Conditions
Suburban Community Hospital	§ 153.1(a) 2.2-2.6.2.2(2) and (3)(b) space requirements	11/15/2020	Granted
	§ 153.1(a) 2.2-2.6.2.6(1)(a)-(b) toilet room or human waste disposal room	11/15/2020	Granted
UPMC Pinnacle Hospitals	§ 153.1(a) 2.1-3.8.7.3(1) hand-washing station	11/07/2020	Granted
UPMC Presbyterian Shadyside	§ 153.1(a) 2.2-2.6.2.2(3) space requirements	11/09/2020	Granted
Wilkes-Barre General Hospital	§ 153.1(a) 2.2-3.4.2.2(2)(a) space requirements	11/06/2020	Granted

Nursing Care Facilities

<i>Facility Name</i>	<i>28 Pa. Code Regulation</i>	<i>Dec. Date</i>	<i>Decision</i>
Cumberland Crossings Retirement Community	§ 201.22(j) (relating to prevention, control and surveillance of tuberculosis (TB))	11/23/2020	Granted
Elk Haven Nursing Home	§ 211.9(g) (relating to pharmacy services)	11/16/2020	Granted
Frey Village	§ 201.22(j) (relating to prevention, control and surveillance of tuberculosis (TB))	11/23/2020	Granted
The Williamsport Home	§ 201.22(e) (relating to prevention, control and surveillance of tuberculosis (TB))	11/16/2020	Granted

Persons with a disability who require an alternative format of this notice (for example, large print, audiotope, Braille) should contact the Division of Acute and Ambulatory Care or the Division of Nursing Care Facilities at the previously referenced address or telephone number, or for speech and/or hearing-impaired persons, call the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

RACHEL L. LEVINE, MD,
Secretary

[Pa.B. Doc. No. 20-1783. Filed for public inspection December 18, 2020, 9:00 a.m.]

DEPARTMENT OF HEALTH

Home Health Agencies; Requests for Exception

The following home health agencies are seeking exceptions to 28 Pa. Code § 601.31 (relating to acceptance of patients, plan of treatment and medical supervision):

Excelsa Health Home Care and Hospice
501 West Otterman Street
Greensburg, PA 15601
LIC # 709005

Omni Home Care
221 Hospital Drive
Suite 2
Tyrone, PA 16686
LIC # 77960501

OSS Health at Home
1873 Powder Mill Road
York, PA 17402
LIC # 04870501

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 Home Health, Forum Place, Suite 701, 555 Walnut Street, Harrisburg, PA 17101, (717) 783-1379, fax (717) 787-3188, ra-communityprogramlicensure@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. 20-1784. Filed for public inspection December 18, 2020, 9:00 a.m.]

DEPARTMENT OF HEALTH

Hospitals; Requests for Exceptions

The following hospital has filed requests for exceptions under 28 Pa. Code § 51.33 (relating to requests for exceptions) with the Department of Health (Department), which has authority to license hospitals under the Health Care Facilities Act (35 P.S. §§ 448.101—448.904b). The following request for exceptions relates to regulations governing hospital licensure in 28 Pa. Code Chapters 51 and 101—158 (relating to general information; and general and special hospitals).

<i>Facility Name</i>	<i>Regulation and relating to</i>
West Penn Hospital	28 Pa.B. § 138.15 (relating to high-risk cardiac catheterizations)

The following hospitals have filed requests for exceptions under 28 Pa. Code § 153.1 (relating to minimum standards). Requests for exceptions under this section relate to minimum standards that hospitals must comply with under the *Guidelines for Design and Construction of Hospitals and Outpatient Facilities—2014 Edition*, or *Guidelines for Design and Construction of Hospitals—2018 Edition*, *Guidelines for Design and Construction of Outpatient Facilities—2018 Edition*. The following list includes the citation to the section under the *Guidelines* that the hospital is seeking an exception.

<i>Facility Name</i>	<i>FGI Guidelines Section and relating to</i>	<i>Yr¹</i>
Clarion Hospital	2.1-2.8.9.2(1)—(6) features	18
	2.1-2.9.2.1 staff toilet room	18
	2.1-2.9.2.2 staff toilet room	18
	2.1-2.9.2.3 staff toilet room	18
	2.1-2.9.3.1 staff storage facilities	18
	2.1-3.4.2.1 patient care station design	18
	2.2-2.9.3.2(3) space requirements	18
	2.2-2.9.11.8(2)(a)-(b) support areas for the cesarean delivery suite	18
	2.2-3.1.3.2(5) and (7) entrance	18
	2.2-3.1.3.4(1)(a)—(c) public waiting area	18
	2.2-3.1.3.6(6)(a)(i)—(iii) treatment room or area	18
	2.2-3.1.3.6(8) human decontamination room	18
	2.2-3.1.4.2(1) airborne infection isolation (AII) room	18
	2.2-3.1.8.14 environmental services room(s)	18
Conemaugh Memorial Medical Center	2.2-3.3.1.1(1)-(2) location and layout	18
	2.2-3.10.2.2(1)(b) space requirements	18
Jefferson Hospital	2.2-3.10.2.2(2)(a)—(c) space requirements	18
	2.6-2.2.2.2(1) space requirements	18
	2.6-2.2.2.2(2)(a) space requirements	18
Reading Hospital	2.6-2.2.2.7(2)(c) and (d) patient bathing facilities	18
	2.2-2.8.10.2(1)(a)—(e) parent/infant room(s)	18

¹ 2018 Year FGI Regulations for Outpatient Facilities are indicated by “-O.”

The previously listed requests are on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, or ra-paexcept@pa.gov. Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the

previously listed address. Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, for speech and/or hearing impaired persons V/TT (717) 783-6154, or for speech and/or hearing impaired persons, call the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

RACHEL L. LEVINE, MD,
Secretary

[Pa.B. Doc. No. 20-1785. Filed for public inspection December 18, 2020, 9:00 a.m.]

DEPARTMENT OF HEALTH

Long-Term Care Nursing Facilities; Requests for Exception

The following long-term care nursing facility is seeking an exception to 28 Pa. Code § 205.6(a) (relating to function of building):

Roosevelt Rehabilitation and Healthcare Center
7800 Bustleton Avenue
Philadelphia, PA 19152
FAC ID # 210102

This request is 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. 20-1786. Filed for public inspection December 18, 2020, 9:00 a.m.]

DEPARTMENT OF MILITARY AND VETERANS AFFAIRS

Determination of Need; Disabled Veterans' Real Estate Tax Exemption

Under 51 Pa.C.S. § 8904 (relating to duty of commission), the State Veterans' Commission (Commission) fixes uniform and equitable standards for the determination of need for certain disabled veterans and their unmarried surviving spouses to qualify for an exemption from real estate taxes on their principal dwellings. In so doing, the Commission was required by law to apply a rebuttable

presumption that an applicant with annual income of \$75,000 or less has a need for the exemption.

Section 8904 of 51 Pa.C.S. further provides that, beginning on January 1, 2009, the Commission will adjust the annual income level qualifying for the rebuttable presumption in an amount equal to the change in the Consumer Price Index for the preceding 2 years. Adjustments were made to the annual income level that became effective on January 1, 2009, 2011, 2013, 2015, 2017 and 2019.

During the 2-year period from November 1, 2018, until October 31, 2020, the Consumer Price Index (All Urban Consumers/Seasonally Adjusted) increased by a total of 2.90%. Accordingly, beginning January 1, 2021, the Commission will apply a rebuttable presumption that an applicant for the Disabled Veterans' Real Estate Tax Exemption Program with an annual income of \$95,279 or less may have a need for the exemption. Applicants whose annual income exceed \$95,279 may attempt to rebut the presumption that they do not need the exemption from real estate tax on their principal dwelling by submitting expenditure documentation that they believe demonstrates their need.

In applying the \$95,279 annual income level, the Office of Veterans' Affairs will follow the following approach when determining the effective date of the exemption:

Applications pending on December 31, 2020, which are determined to demonstrate need based on eligibility criteria applicable on or before that date, shall be effective based on the date of application in accordance as provided by 43 Pa. Code § 5.25 (relating to effective date of exemption).

Applications pending on December 31, 2020, which did not demonstrate need when applying the prior annual rebuttable presumption income level, but which are eligible under the revised income level applicable on January 1, 2021, shall be effective as of January 1, 2021, unless the presumption is rebutted.

Applications filed with the local boards for assessment and revision of taxes or similar board or agency on or after January 1, 2021, shall be effective based on the date of application as provided by 43 Pa. Code § 5.25.

Applicants who were denied certificates of need prior to January 1, 2021, but who believe they qualify after that date, may reapply with the effective date of any exception being based on the date of the new application as provided by 43 Pa. Code § 5.25 unless the presumption is rebutted.

MARK J. SCHINDLER,
Major General, PAARNG
Acting Adjutant General

[Pa.B. Doc. No. 20-1787. Filed for public inspection December 18, 2020, 9:00 a.m.]

FISH AND BOAT COMMISSION

Proposed Exemptions to Allow for the Continued Stocking of Class A Stream Sections

The Fish and Boat Commission (Commission) intends to consider at its meeting on January 25 and 26, 2021, whether to allow trout stocking to continue on each of the Class A wild trout streams listed as follows. Under 58 Pa. Code § 57.8a (relating to Class A wild trout streams), the Executive Director will obtain approval of the Commission prior to granting permission to stock a Class A wild trout stream under 58 Pa. Code § 71.4 (relating to stocking of designated waters).

On September 30, 2014 (effective January 1, 2015), the Statement of Policy at 58 Pa. Code § 57.8a was amended to require the Executive Director to obtain approval from the Commission prior to granting permission to stock a Class A wild trout stream section. Following the update to 58 Pa. Code § 57.8a, staff developed internal decision-making criteria to allow continued Commission stocking of a limited number of Class A wild trout stream sections. Subsequently, 13 stream sections that support strong Class A wild Brown Trout populations were officially designated as Class A wild trout streams during the 2015–2017 timeframe following updated wild trout surveys, and stocking was continued. The stream sections where stocking continued are heavily fished waters in high-density human population centers of a size and character that can support a fishery featuring both stocked and wild trout components.

Historically, there have been very few streams where stocking of trout following Class A designation was considered and warranted. However, there are rare cases, beyond the current 13 stocked Class A wild trout stream sections, where a stocking exemption should be considered. To account for these rare circumstances, staff developed additional decision-making criteria to consider internal and external requests for continued stocking of newly designated Class A wild trout streams. These criteria provide staff direction to guide decisions when unusual situations arise but do not automatically result in continued stocking when criteria are met, as most Class A stream sections are best managed solely for wild trout with no stocking. They offer a mechanism for transparent, timely and consistent consideration of requests to continue the stocking of newly designated Class A wild trout streams. These criteria, listed as follows, can also be found in the *Operational Guidelines for the Management of Trout Fisheries in Pennsylvania Waters, 5th edition* anticipated to be released in December 2020 and available at www.fishandboat.com.

1. Pre-existing youth fishing derbies and special use areas that were properly permitted by the Commission and have a history of more than one past occurrence.

2. Pre-existing private stockings on private property on recently designated (that is, within 1 year of posting in the *Pennsylvania Bulletin*) Class A stream sections that have been closed to public angling at the time of Class A designation and at least since 2010. Historic stockings need to be verifiable by documentation, stocking records and have a history of more than one past occurrence.

3. Stream sections stocked by the Commission, a cooperative nursery or a private group, or both, or individual, the year prior to Class A designation, have a history of more than one past occurrence, and meet the following sub-criteria.

a) The stream section was stocked with adult trout during the year immediately prior to its designation as a Class A wild trout stream.

b) Angler use (anglers/mile of stream) in the stream section equals or exceeds the Statewide 50th percentile of angler use for the opening weekend of trout season as documented by Commission staff, or the stream section is a special regulation area under 58 Pa. Code Chapter 65 (relating to special fishing regulations) that was stocked by the Commission the year immediately prior to its designation as a Class A wild trout stream.

c) The trout species to be stocked are not the same species as the primary component of the wild trout population.

d) The stocking numbers and frequency will not exceed those of the year prior to the Class A designation.

4. Previously received an exemption or a Special Activities Permit from the Commission between 2010 and the present to allow for continued stocking of a Class A wild trout stream section. If the exemption was time-limited and not renewed before expiration, it will be considered a new request and a determination will be made according to other exemption criteria.

Exemptions to the prohibition of stocking hatchery trout into Class A wild trout stream sections will be granted only under rare circumstances. Consideration is only given to requests for continued stocking in stream sections within 1 year of the section being designated as Class A and posted in the *Pennsylvania Bulletin*; however, entities that previously received an exemption or a Special Activities Permit from the Commission between 2010 and the present to allow for continued stocking are eligible for consideration. Should an exemption be granted, the Commission will determine the species of trout, number of trout and frequency of stocking consistent with stocking strategies and historical stocking rates of the stream section to minimize impacts to the Class A wild trout population. All stocking provisions will be communicated in writing by the Commission to the entity receiving the exemption for continued stocking on Class A designated waters. Stocking exemptions will be valid for no more than 5 years at which time the need for continuance may be evaluated.

To date, Commission staff have identified 13 potential exemptions to 58 Pa. Code § 57.8a that meet the criteria to consider the continuance of trout stocking at 12 Class A stream sections. Of these 13 potential exemptions, 10 are associated with youth fishing derbies that occur on a small portion of the stream section. The general exemption classification, stream name, stream section, county and commissioner district are listed as follows.

Youth fishing derbies

- Beaver Run (Section 01), Clearfield County, Commissioner District 3
- Freeman Run (Section 03), Potter County, Commissioner District 3
- McElhattan Creek (Section 02), Clinton County, Commissioner District 3
- Yellow Creek (Section 02), Bedford County, Commissioner District 4
- Letort Spring Run (Section 03), Cumberland County, Commissioner District 6 (two events)
- Laurel Run (Section 02), Berks County, Commissioner District 8

- Unnamed tributary to Tulpehocken Creek (Womelsdorf) (Section 02), Berks County, Commissioner District 8

- Wyomissing Creek (Section 03), Berks County, Commissioner District 8

General fishing derbies (adult and youth participants)

- Kishacoquillas Creek (Section 05), Mifflin County, Commissioner District 4

Children/Disabled Fishing Areas

- Marvin Creek (Section 01), McKean County, Commissioner District 3

Previous stocking exemption granted

- Cross Fork (Section 03), Potter County, Commissioner District 3

- Warriors Mark Run (Section 01), Huntingdon County, Commissioner District 4

Persons with comments, objections or suggestions concerning the additions are invited to submit comments in writing to the Executive Director, Fish and Boat Commission, P.O. Box 67000, Harrisburg, PA 17106-7000, within 30 days after publication of this notice in the *Pennsylvania Bulletin*. Comments also may be submitted electronically by completing the form at www.fishandboat.com/regcomments. If an acknowledgment of electronic comments is not received by the sender within 2 working days, the comments should be retransmitted to ensure receipt. Electronic comments submitted in any other manner will not be accepted.

TIMOTHY D. SCHAEFFER,
Executive Director

[Pa.B. Doc. No. 20-1788. Filed for public inspection December 18, 2020, 9:00 a.m.]

INDEPENDENT REGULATORY REVIEW COMMISSION

Actions Taken by the Commission

The Independent Regulatory Review Commission met publicly at 10 a.m., Thursday, December 3, 2020, and announced the following:

Actions Taken—Regulations Approved:

Department of Labor and Industry # 12-113: Emergency Backdating (amends 34 Pa. Code, Part II, Chapter 65.43a)

State Board of Dentistry # 16A-4633: Public Health Dental Hygiene Practitioner Practice Sites (amends 49 Pa. Code § 33.205b)

Approval Order

Public Meeting Held
December 3, 2020

Commissioners Voting: George D. Bedwick, Chairperson; John F. Mizner, Esq., Vice Chairperson; John J. Soroko, Esq.; Murray Ufberg, Esq.; Dennis A. Watson, Esq.

*Department of Labor and Industry—
Emergency Backdating;
Regulation No. 12-113 (# 3276)*

On October 27, 2020, the Independent Regulatory Review Commission (Commission) received this regula-

tion from the Department of Labor and Industry. This rulemaking amends 34 Pa. Code, Part II, Chapter 65.43a. Notice of proposed rulemaking was omitted for this regulation. Governor Tom Wolf certified the regulation as necessary to meet an emergency on October 23, 2020. This regulation became effective upon publication in the *Pennsylvania Bulletin* on November 7, 2020.

This regulation permits backdating of unemployment compensation applications and claim filings, delayed by the COVID-19 pandemic, for up to 52 weeks. This 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 the Unemployment Compensation Law 43 P.S. § 815(a.1)(2).

We have determined this regulation is consistent with the statutory authority of the Department (43 P.S. § 761(a)) and the intention of the General Assembly. Having considered all of the other criteria of the Regulatory Review Act, we find promulgation of this regulation is in the public interest.

By Order of the Commission:

This regulation is approved.

Approval Order

Public Meeting Held
December 3, 2020

Commissioners Voting: George D. Bedwick, Chairperson; John F. Mizner, Esq., Vice Chairperson; John J. Soroko, Esq.; Murray Ufberg, Esq.; Dennis A. Watson, Esq.

*State Board of Dentistry—
Public Health Dental Hygiene Practitioner Practice Sites;
Regulation No. 16A-4633 (# 3228)*

On March 12, 2019, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the State Board of Dentistry (Board). This rulemaking amends 49 Pa. Code § 33.205b. The proposed regulation was published in the March 23, 2019 *Pennsylvania Bulletin* with a public comment period ending on April 22, 2019. The final-form regulation was submitted to the Commission on October 29, 2020.

This final-form regulation adds locations where public health dental hygiene practitioners may practice in order to expand access to dental hygiene services, oral health education and referrals to dentists. These locations include medical offices and clinics in dental health professional shortage areas, drug and alcohol treatment facilities, and facilities licensed and regulated by the Department of Health and the Department of Human Services.

We have determined this regulation is consistent with the statutory authority of the Board (63 P.S. §§ 122(o) and 130j(b)(10)) and the intention of the General Assembly. Having considered all of the other criteria of the Regulatory Review Act, we find promulgation of this regulation is in the public interest.

By Order of the Commission:

This regulation is approved.

GEORGE D. BEDWICK,
Chairperson

[Pa.B. Doc. No. 20-1789. Filed for public inspection December 18, 2020, 9:00 a.m.]

INSURANCE DEPARTMENT

Alleged Violation of Insurance Laws; H2O Works, Inc.; Doc. No. SC20-12-002

Notice is hereby given of the Order to Show Cause issued on December 8, 2020, by the Deputy Insurance Commissioner in the previously-referenced matter. Violations of the following are alleged: section 611-A(1), (13) and (20) of The Insurance Department Act of 1921 (40 P.S. § 310.11(1), (13) and (20)).

The respondent shall file a written answer to the Order to Show Cause within 30 days of the date of issue. If respondent files a timely answer, a formal administrative hearing shall be held in accordance with 2 Pa.C.S. §§ 501—588 (relating to Administrative Agency Law), 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure), 31 Pa. Code §§ 56.1—56.3 (relating to Special Rules of Administrative Practice and Procedure) and other relevant procedural provisions of law.

Answers, motions preliminary to those at hearing, protests, petitions to intervene or notices of intervention, if any, must be filed in writing with the Hearings Administrator, Insurance Department, Administrative Hearings Office, 901 North 7th Street, Harrisburg, PA 17102, ra-hearings@pa.gov.

Persons with a disability who wish to attend the previously-referenced administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing, contact Domenica Dean, Agency ADA Coordinator, at (717) 705-4194.

JESSICA K. ALTMAN,
Insurance Commissioner

[Pa.B. Doc. No. 20-1790. Filed for public inspection December 18, 2020, 9:00 a.m.]

INSURANCE DEPARTMENT

Alleged Violation of Insurance Laws; Paul Dean Manchester; Doc. No. SC20-12-003

Notice is hereby given of the Order to Show Cause issued on December 8, 2020, by the Deputy Insurance Commissioner in the previously-referenced matter. Violations of the following are alleged: sections 611-A(1), (2), (8) and (20) and 678-A(a) of The Insurance Department Act of 1921 (40 P.S. §§ 310.11(1), (2), (8) and (20) and 310.78(a)).

The respondent shall file a written answer to the Order to Show Cause within 30 days of the date of issue. If respondent files a timely answer, a formal administrative hearing shall be held in accordance with 2 Pa.C.S. §§ 501—588 (relating to Administrative Agency Law), 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure), 31 Pa. Code §§ 56.1—56.3 (relating to Special Rules of Administrative Practice and Procedure) and other relevant procedural provisions of law.

Answers, motions preliminary to those at hearing, protests, petitions to intervene or notices of intervention, if any, must be filed in writing with the Hearings Administrator, Insurance Department, Administrative Hearings Office, 901 North 7th Street, Harrisburg, PA 17102, ra-hearings@pa.gov.

Persons with a disability who wish to attend the previously-referenced administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing, contact Domenica Dean, Agency ADA Coordinator, at (717) 705-4194.

JESSICA K. ALTMAN,
Insurance Commissioner

[Pa.B. Doc. No. 20-1791. Filed for public inspection December 18, 2020, 9:00 a.m.]

INSURANCE DEPARTMENT

Alleged Violation of Insurance Laws; Philip Gabriel Mendez; Doc. No. SC20-12-004

Notice is hereby given of the Order to Show Cause issued on December 8, 2020, by the Deputy Insurance Commissioner in the previously-referenced matter. Violations of the following are alleged: section 6(a)(12) and (13) of the act of December 20, 1983 (P.L. 260, No. 72) (63 P.S. § 1606(a)(12) and (13)), known as the Public Adjuster Licensing Law.

The respondent shall file a written answer to the Order to Show Cause within 30 days of the date of issue. If respondent files a timely answer, a formal administrative hearing shall be held in accordance with 2 Pa.C.S. §§ 501—588 (relating to Administrative Agency Law), 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure), 31 Pa. Code §§ 56.1—56.3 (relating to Special Rules of Administrative Practice and Procedure) and other relevant procedural provisions of law.

Answers, motions preliminary to those at hearing, protests, petitions to intervene or notices of intervention, if any, must be filed in writing with the Hearings Administrator, Insurance Department, Administrative Hearings Office, 901 North 7th Street, Harrisburg, PA 17102, ra-hearings@pa.gov.

Persons with a disability who wish to attend the previously-referenced administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing, contact Domenica Dean, Agency ADA Coordinator, at (717) 705-4194.

JESSICA K. ALTMAN,
Insurance Commissioner

[Pa.B. Doc. No. 20-1792. Filed for public inspection December 18, 2020, 9:00 a.m.]

LEGISLATIVE REFERENCE BUREAU

Documents Filed But Not Published

The Legislative Reference Bureau (Bureau) accepted the following documents during the preceding calendar month for filing without publication under 1 Pa. Code § 3.13(b) (relating to contents of *Bulletin*). The Bureau will continue to publish on a monthly basis either a summary table identifying the documents accepted during the preceding calendar month under this subsection or a statement that no documents have been received. For

questions concerning or copies of documents filed, but not published, call (717) 783-1530.

Executive Board

Resolution No. CB-20-024, Dated November 17, 2020. Authorizing the collective bargaining agreement between the FOP # 114 (Fish and Boat) and the Commonwealth, effective 7/1/2020.

Governor's Office

Management Directive No. 105.05—Use of the Determination of Tax-Exempt Category for Capital Projects Form, Amended November 2, 2020.

DUANE M. SEARLE,
Director
Pennsylvania Code and Bulletin

[Pa.B. Doc. No. 20-1793. Filed for public inspection December 18, 2020, 9:00 a.m.]

**PENNSYLVANIA INFRASTRUCTURE
INVESTMENT AUTHORITY
DEPARTMENT OF
ENVIRONMENTAL PROTECTION**

**Environmental Assessment Approval for PENNVEST
Funding Consideration**

Scope: Clean Water and Drinking Water State Revolving Fund Projects for January 20, 2021, Pennsylvania Infrastructure Investment Authority (PENNVEST) Board meeting consideration

Description: PENNVEST, which administers the Commonwealth's Clean Water State Revolving Fund (CWSRF) and Drinking Water State Revolving Fund (DWSRF), is intended to be the funding source for the following projects. The Department of Environmental Protection's (Department) review of these projects, and the information received in the Environmental Report for these projects, has not identified any significant, adverse environmental impact resulting from any of the proposed projects. The Department hereby approves the Environmental Assessment for each project. If no significant comments are received during this comment period, the Environmental Assessment will be considered approved and funding for the project will be considered by PENNVEST.

To be considered, the Department must receive comments on this approval on or by Tuesday, January 19, 2021. Electronic comments should be submitted using the Department's eComment tool at www.ahs.dep.pa.gov/eComment. Written comments can be submitted by e-mail to ecomment@pa.gov or by mail to the Policy Office, Department of Environmental Protection, Rachel Carson State Office Building, P.O. Box 2063, Harrisburg, PA 17105-2063. Use "PENNVEST SRF-Environmental Assessment" as the subject line in written communication.

For more information about the approval of the following Environmental Assessments or the Clean Water and Drinking Water State Revolving Loan Programs contact Richard Wright at riwright@pa.gov or the Bureau of Clean Water, Department of Environmental Protection, P.O. Box 8774, Harrisburg, PA 17105-8774, (717)

772-4059, or visit the Department's web site at www.dep.pa.gov/Business/Water/CleanWater/InfrastructureFinance/Pages/default.aspx.

Any comments received during the comment period, along with the Department's comment and response document will be available on the Department's web site at www.dep.pa.gov/Business/Water/CleanWater/InfrastructureFinance/Pages/EnvironmentalReview.aspx.

Upon approval, the full list of approved projects and their costs can be found in a press release on PENNVEST's web site at www.pennvest.pa.gov.

CWSRF Projects Being Considered:

<i>Applicant:</i>	Brown Township Municipal Authority
<i>County:</i>	Mifflin
<i>Applicant Address:</i>	7748 State Route 655 Reedsville, PA 17084

Project Description: This project consists of constructing a new 60-foot diameter circular final clarifier, modifying yard piping and existing tanks to split flow between clarifiers and installing a new utility water pump system.

Problem Description: The existing rectangular clarifiers are permitted as backup clarifiers. However, due to lack of continual service, age and maintenance needs, the backup clarifiers can only be used for very short periods of time when emergency conditions require the existing circular clarifier to be out of service. Redundancy and improved operational reliability are needed.

<i>Applicant:</i>	Franklin Township Supervisors
<i>County:</i>	Lycoming
<i>Applicant Address:</i>	61 School Lane P.O. Box 85 Lairdsville, PA 17742

Project Description: The project consists of constructing 8,500 linear feet of gravity sewers, 41 manholes, a pumping station and 1,800 linear feet of force main that will send sewage to a new 25,000-gallon per day (gpd) sequencing batch reactor sewage treatment plant. The plant will discharge to Little Muncy Creek, a cold-water fishery. The treatment technology selected will minimize the credits that must be purchased to comply with the Chesapeake Bay Tributary Strategy, reducing long-term operation and maintenance costs.

Problem Description: The Village of Lairdsville in Franklin Township is a documented needs area due to malfunctioning onlot systems combined with small lot sizes and unsuitable soils. A sanitary survey of 36 of the 64 properties was conducted in the proposed service area, finding five malfunctions, a 13.8% malfunction rate. Additionally, 12 of the surveyed properties were determined to have substandard onlot systems.

<i>Applicant:</i>	Perry Township
<i>County:</i>	Mercer
<i>Applicant Address:</i>	1096 Fredonia Road P.O. Box 69 Hadley, PA 16130

Project Description: The proposed project includes the construction of 42,500 linear feet of pressure sewer mains and pressure service laterals, 118 simplex grinder pumps,

one duplex grinder pump, one triplex grinder pump and a 46,000-gpd extended aeration wastewater treatment plant.

Problem Description: This project addresses sewage needs for the Hadley and Camp Perry areas of Perry Township that are currently served by onlot systems. These are the more heavily developed areas within the Township with an onlot malfunction rate of approximately 86% including a wildcat sewer which has seven homes connected. The recommended solution is a new wastewater treatment plant and low-pressure sewer system for the Hadley and Camp Perry areas. These onlot systems leach untreated and partially treated wastewater onto the ground surface and into the waters of this Commonwealth. This project will eliminate the malfunctioning sewage systems thereby improving the areas water quality.

<i>Applicant:</i>	City of Philadelphia
<i>County:</i>	Philadelphia
<i>Applicant Address:</i>	1101 Market Street 2nd Floor Philadelphia, PA 19107

Project Description: The City of Philadelphia, Philadelphia Water Department (PWD) has developed a long-term control plan that includes conveying additional combined sewer overflow (CSO) to the City's Northeast Water Pollution Control Plant for treatment. CSO is a combination of sanitary sewage and stormwater that historically has overflowed to the Delaware River untreated. As part of this effort, the PWD is undergoing a major construction project to build a conduit to bypass primary treated effluent around the secondary treatment process. The bypassed flow will be disinfected. The other part of this major infrastructure improvement project is the design and construction of new preliminary treatment facilities consisting of screening and grit removal in advance of existing primary sedimentation. The combination of these two major infrastructure improvements will provide the PWD with the facilities necessary to treat additional CSO flow and comply with the Department's June 1, 2011, Consent Order and Agreement and the United States Environmental Protection Agency's (EPA) September 21, 2012, Administrative Order for Compliance on Consent.

Problem Description: The City of Philadelphia, PWD is under a Consent Order and Agreement with the Department for violations under the Clean Streams Law and under an Administrative Order for Compliance on Consent with the EPA for violations under the Clean Water Act (33 U.S.C.A. §§ 1251—1388).

DWSRF Projects Being Considered:

<i>Applicant:</i>	Altoona Water Authority — Bellwood Water Treatment Facility Improvements
<i>County:</i>	Blair
<i>Applicant Address:</i>	900 Chestnut Avenue Altoona, PA 16601-4496

Project Description: The proposed project consists of the following components: new raw water metering, new

ozone generation and injection system, new membrane microfiltration units, new ultraviolet disinfection system, upgraded chemical feed system and miscellaneous upgrades regarding the building structure.

Problem Description: The existing facilities at the Bellwood Water Treatment Plant are over 24 years old and most of the existing equipment is at the end of its useful life. A total of 23 plant production interruptions have been recorded since 2010 which is considered excessive for plants that are designed for uninterrupted service. In addition, the plant and operation staff have a difficult time treating high turbidity water.

<i>Applicant:</i>	Altoona Water Authority— Bellwood Dam Upgrades
<i>County:</i>	Blair
<i>Applicant Address:</i>	900 Chestnut Avenue Altoona, PA 16601-4496

Project Description: The Altoona Water Authority is proposing to construct a new spillway, parapet wall, valve vault, access roads and appurtenant structures as permitted by the Department's Dam Safety Program. Additionally, a new reservoir intake structure and aeration system will be constructed as permitted by the Department's Safe Drinking Water Program.

Problem Description: The existing Bellwood Dam was constructed in 1902 and has undergone multiple modifications, the latest being in 1946. The Department's Bureau of Waterways Engineering and Wetlands, Dam Safety Program conducted an inspection and reported that the spillway capacity is severely deficient and need attention. In addition, the dam does not have an upstream intake structure for controlled water withdrawals, nor does it have a means to shutoff water if the 115-year old intake pipe leaks through the dam.

<i>Applicant:</i>	Middleburg Municipal Authority
<i>County:</i>	Snyder
<i>Applicant Address:</i>	13 North Main Street Middleburg, PA 17842

Project Description: Middleburg Municipal Authority proposes to install a 290,000-gallon concrete contact tank, a new meter building and a 163,000-gallon standpipe tank. The scope also includes replacing approximately 10,000 linear feet of water mains, three water meters with new electromagnetic flow meters, five turbidimeters, filter media and its underlying porous plate and recoating the three filter units. The standpipe storage tank and water mains will be in Middleburg Borough, while the water filtration plant rehabilitation and concrete contact tank construction will be in Franklin Township.

Problem Description: The water distribution system is prone to line failures as it contains old cast iron and asbestos cement pipe that have exceeded their useful lives. Customers on the north side of the service area and in higher elevations have experienced low water pressure issues. Well # 3 cannot be put online due to a hydraulic restriction at the old reservoir. In addition, the Middleburg Municipal Authority is under a Consent

Order and Agreement with the Department to install alarm and automatic shutdown capabilities at the water treatment plant.

PATRICK McDONNELL,
Secretary
Department of Environmental Protection

BRION JOHNSON,
Executive Director
Pennsylvania Infrastructure Investment Authority

[Pa.B. Doc. No. 20-1794. Filed for public inspection December 18, 2020, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Natural Gas Service

A-2020-3023178. Columbia Gas of Pennsylvania, Inc. Application of Columbia Gas of Pennsylvania, Inc. for approval of the abandonment of natural gas service to one residential premise located in Centre County.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities) on or before Monday, January 4, 2021. Filings must be made with the Secretary of the Pennsylvania Public Utility Commission, 400 North Street, 2nd Floor, Harrisburg, PA 17120, with a copy served on the applicant. The documents filed in support of the application are available only online for inspection and copying on the Pennsylvania Public Utility Commission's (Commission) web site at www.puc.pa.gov and at the applicant's business address. In accordance with the Commission's Emergency Order at M-2020-3019262, all parties participating in matters pending before the Commission are required to Efile their submissions by opening an Efiling account—free of charge—through the Commission's web site and accepting Eservice.

Applicant: Columbia Gas of Pennsylvania, Inc.

Through and By Counsel: Theodore J. Gallagher, Esquire, 121 Champion Way, Suite 100, Canonsburg, PA 15317, tjgallagher@nisource.com

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 20-1795. Filed for public inspection December 18, 2020, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Policy Proceeding—Utilization of Storage Resources as Electric Distribution Assets; Doc. No. M-2020-3022877

The Pennsylvania Public Utility Commission (PUC or Commission) continues to work diligently to ensure electric distribution companies (EDCs) transition toward a future which accommodates evolving needs of customers with increased reliability and resiliency. Presently, eight of the eleven EDCs have an approved long-term infrastructure improvement plan (LTIIP) that facilitates

achievement of these goals.¹ Further, the overriding goal during this transition is to ensure that customer rates remain affordable.

As technology and customer needs change, utilities change distribution systems to accommodate the public convenience, safety, and system reliability. Variables in this venture that were once nascent are now ubiquitous. Case in point, increases in behind-the-meter generation resources, such as solar arrays and microturbines, are increasingly challenging utilities to meet customer needs and transition from a one-directional centralized grid to a bi-directional distributed grid. Another variable in this regard is the increased utilization of the distribution grid to fuel electric vehicles.

Further, variables that threaten reliability and have always existed are now even more prevalent. Think no further than increases in major weather occurrences such as thunderstorms, floods, hurricanes, derechos and ice storms. EDCs have seen significant negative impacts to reliability due to increased severe weather, as documented in our most recent Electric Service Reliability in Pennsylvania Report.²

This sea change in the circumstances brings unique and new challenges to electric distribution companies. These come first in the form of potentially lower capacity utilization through increased peak demand. Second, such circumstances make ensuring reliability and resiliency more challenging than ever.

However, advances in technology appear to offer the potential to utilize novel resources which provide affordable customer rates and better utility service. In this regard, the Commission is interested in exploring policies which can allow electric utilities the opportunity to substitute conventional distribution upgrades with alternatives that may provide sound economic investments. Of specific focus here is the Commission's interest in exploring the viability of utility investment in electric storage as a distribution asset utilized for the purposes of enhancing or maintaining reliability. As electricity storage cost economics persistently improve, discussion of this subject matter is timely. Exploring this topic is warranted since utilization of batteries on the distribution grid, in appropriate circumstances, may offer an option to foster reliability that will have a less significant rate impact than other more conventional utility restoration or improvement investments.

To that end, the Commission wishes to start a proceeding to inform the Commission on utilities' and other stakeholders' positions regarding this topic. It is the Commission's hope that the information solicited in this proceeding can guide any potential future regulatory policies related to utilization of electric storage within electric utility distribution resource planning. To commence this process, the Commission specifically seeks responses to the inquiries identified in the attached list.

Interested parties are invited to submit written comments for inclusion in the record with the Secretary of the Commission within thirty (30) days of publication in the *Pennsylvania Bulletin*. Comments shall be filed consistent with the Commission's July 27, 2020 Secretarial Letter. Modification to Filing and Service Requirements Emergency Order, Docket No. M-2020-3019262 (Secretarial Letter issued July 27, 2020). Pursuant to this Secretarial

¹ Pike County Light & Power's LTIIP Petition is currently being reviewed by the Commission and, if approved, would make nine of the eleven EDCs with an approved LTIIP.

² The report may be downloaded here: https://www.puc.pa.gov/General/publications_reports/pdf/Electric_Service_Reliability2019.pdf.

Letter, all filings are to be made by e-filing or by electronic mail. This information can be found on the Commission's website at www.puc.state.pa.us/efiling/default.aspx.

The contact persons for this matter are Assistant Counsel Aspasia V. Staevska, (717) 425-7403, astaevska@pa.gov, Joe Cardinale, (717) 787-5558, jcardinale@pa.gov in the Law Bureau; Eric Matheson, (717) 346-3863, ematheson@pa.gov in the Office of the Executive Director; and Fixed Utility Financial Analyst David Edinger, (717) 787-3512, dedinger@pa.gov in the Bureau of Technical Utility Services.

ROSEMARY CHIAVETTA,
Secretary

**Questions for Comment in the Policy Proceeding—
Utilization of Storage Resources as Electric
Distribution Assets; Doc. No. M-2020-3022877**

1. What applications can electric storage provide as a distribution asset for utilities that would facilitate improved reliability and resiliency?

2. What are the defining characteristics of electric storage used for distribution asset planning as distinguished from generation resources? What thresholds, if any, would classify electric storage as a generation resource and therefore outside permitted distribution ratemaking and recovery?

3. Is it prudent for utilities to include electric storage in their distribution resource planning and, if so, where and under what circumstances? Further, is it appropriate for utilities to include such investments in rate base?

[Pa.B. Doc. No. 20-1796. Filed for public inspection December 18, 2020, 9:00 a.m.]

**PENNSYLVANIA PUBLIC
UTILITY COMMISSION**

Proposed Changes in Indirect Control

A-2020-3023204 and A-2020-3023205. Lingo Communications, LLC, Lingo Communications of the Northeast, LLC, Matrix Telecom, LLC and B. Riley Principal Investments, LLC. Joint application of Lingo Communications, LLC, Lingo Communications of the Northeast, LLC, Matrix Telecom, LLC and B. Riley Principal Investments, LLC for approval of proposed changes in indirect control of Lingo Communications of the Northeast, LLC and Matrix Telecom, LLC to B. Riley Principal Investments, LLC.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities) on or before Monday, January 4, 2021. 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.

Joint Applicants: Lingo Communications, LLC; Lingo Communications of the Northeast, LLC; Matrix Telecom, LLC; B. Riley Principal Investments, LLC

Through and By Counsel: Susan E. Bruce, Esquire, Kenneth R. Stark, Esquire, McNeese Wallace & Nurick, LLC, 100 Pine Street, P.O. Box 1166, Harrisburg, PA 17108-1166, (717) 237-5254, fax (717) 260-1666, sbruce@mcneese.com, kstark@mcneese.com; Cherie R. Kiser, Esquire, Angela F. Collins, Esquire, Cahill Gordon & Reindel, LLP, 1990 K Street, NW, Suite 950, Washington, DC 20006, (202) 862-8900, fax (212) 269-5420, ckiser@cahill.com, acollins@cahill.com

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 20-1797. Filed for public inspection December 18, 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 January 4, 2021. 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-2020-3022112. Someguyandhiscar, LLC (P.O. Box 3791, 3607 Poplar Street, Erie, Erie County, PA 16508) for the right to begin to transport, as a common carrier, by motor vehicles, persons in paratransit service, between points in the Counties of Butler, Crawford, Erie, Lawrence, Mercer, Venango and Warren.

A-2020-3023052. Here 4U Transport, LLC (753 Burmont Road, Drexel Hill, Delaware County, PA 19026) persons in paratransit service, limited to transportation to and from medical appointments, between points in the Counties of Delaware and Montgomery, and the City and County of Philadelphia.

A-2020-3023127. Hamburg Emergency Medical Services, Inc. (P.O. Box 186, Hamburg, Berks County, PA 19526) for the right to begin to transport, as a common carrier, by motor vehicle, persons in paratransit service in wheelchair and stretcher vans, from points in the Counties of Berks, Lehigh and Schuylkill, to points in Pennsylvania, and return. *Attorney:* Christina M. Mellott, Es-

quire, Page, Wolfberg & Wirth, LLC, 5010 East Trindle Road, Suite 202, Mechanicsburg, PA 17050.

A-2020-3023150. Tucked with Care, LLC (2349 Mill Street, Aliquippa, Beaver County, PA 15001) for the right to begin to transport, as a common carrier, by motor vehicles, persons in paratransit service, between points in the Counties of Allegheny, Beaver, Butler, Fayette, Lawrence, Washington and Westmoreland to points in Pennsylvania, and return.

Application of the following for the approval of the right and privilege to *discontinue/abandon* operating as *common carriers* by motor vehicle and for cancellation of the certificate of public convenience as described under the application.

A-2020-3023095. Steel Street Tours, LLC (3519 Southwood Drive, Easton, Northampton County, PA 18045) 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, between points in the City of Bethlehem, located in Northampton and Lehigh Counties, as originally described in the original ordering paragraph at Docket No. A-2012-2292244.

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 20-1798. Filed for public inspection December 18, 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 January 4, 2021, 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. Mildred Transit Corp; Docket No. C-2020-3019944

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 Mildred Transit Corp, (respondent) is under suspension effective March 21, 2020 for failure to maintain evidence of insurance on file with this Commission.

2. That respondent maintains a principal place of business at 45 E. City Ave. # 382, Bala Cynwyd, PA 19004.

3. That respondent was issued a Certificate of Public Convenience by this Commission on April 04, 2019, at A-6420850.

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-6420850 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 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. Altrans Travel
 and Tours, Inc.; Docket No. C-2020-3020288**

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 Altrans Travel and Tours, Inc., (respondent) is under suspension effective May 21, 2020 for failure to maintain evidence of insurance on file with this Commission.

2. That respondent maintains a principal place of business at 303 Grayson Drive, Clarks Green, PA 18411.

3. That respondent was issued a Certificate of Public Convenience by this Commission on July 19, 2010, at A-00107517.

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-00107517 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 under-

stand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: September 15, 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 regulations and by paying the fine proposed in this Complaint by certified check or money order within twenty (20) days of the date of service of this Complaint. Accord certificates of insurance and faxed form Es and Hs are unacceptable as evidence of insurance.

The proof of insurance must be filed with the:

Compliance Office, Bureau of Technical Utility
Services
Pennsylvania Public Utility Commission
400 North Street
Harrisburg, PA 17120

Payment of the fine must be made to the Commonwealth of Pennsylvania and should be forwarded to:

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
400 North Street
Harrisburg, PA 17120

Your payment is an admission that you committed the alleged violation and an agreement to cease and desist from further violations. Upon receipt of the evidence of insurance from your insurer, and upon receipt of your payment, the Complaint proceeding shall be closed.

D. If you file an Answer which either admits or fails to deny the allegations of the Complaint, the Bureau of Investigation and Enforcement will request the Commission to issue an Order imposing the penalty set forth in this Complaint.

E. If you file an Answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision. The Judge is not bound by the penalty set forth in the Complaint, and may impose additional and/or alternative penalties as appropriate.

F. If you are a corporation, you must be represented by legal counsel. 52 Pa. Code § 1.21.

Alternative formats of this material are available for persons with disabilities by contacting the Commission's ADA Coordinator at 717-787-8714. Do not call this number if you have questions as to why you received this complaint. For those questions you may call 717-783-3847.

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 20-1799. Filed for public inspection December 18, 2020, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Telecommunications

A-2020-3023208. Commonwealth Telephone Company, d/b/a Frontier Communications Commonwealth Telephone Company, LLC and Comcast Phone of Pennsylvania, LLC. Joint petition of Commonwealth Telephone Company, d/b/a Frontier Communications Commonwealth Telephone Company, LLC and Comcast Phone of Pennsylvania, LLC for approval of an amendment to interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Commonwealth Telephone Company, d/b/a Frontier Communications Commonwealth Telephone Company, LLC and Comcast Phone of Pennsylvania, LLC, by their counsel, filed on December 7, 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 Commonwealth Telephone Company, d/b/a Frontier Communications Commonwealth Telephone Company, LLC and Comcast Phone of Pennsylvania, LLC joint petition are available for inspection at the Commission's web site at www.puc.pa.gov and at the applicant's business web site.

The contact person is Kathryn Sophy, Director, Office of Special Assistants, (717) 787-1827.

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 20-1800. Filed for public inspection December 18, 2020, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Telecommunications

A-2020-3023218. Commonwealth Telephone Company, d/b/a Frontier Communications Commonwealth Telephone Company, LLC and Comcast Business Communications, LLC. Joint petition of Commonwealth Telephone Company, d/b/a Frontier Communications Commonwealth Telephone Company, LLC and Comcast Business Communications, LLC for approval of an amendment to interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Commonwealth Telephone Company, d/b/a Frontier Communications Commonwealth Telephone Company, LLC and Comcast Business Communications, LLC, by their counsel, filed on December 7, 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 Commonwealth Telephone Company, d/b/a Frontier Communications Commonwealth Telephone Company, LLC and Comcast Business Communications, LLC joint petition are available for inspection at the Commission's web site at www.puc.pa.gov and at the applicant's business web site.

The contact person is Kathryn Sophy, Director, Office of Special Assistants, (717) 787-1827.

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 20-1801. Filed for public inspection December 18, 2020, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Telecommunications

A-2020-3023219. Frontier Communications of Pennsylvania, LLC, Frontier Communications of Breezewood, LLC and Comcast Phone of Pennsylvania, LLC. Joint petition of Frontier Communications of Pennsylvania, LLC, Frontier Communications of Breezewood, LLC and Comcast Phone of Pennsylvania, LLC for approval of an amendment to interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Frontier Communications of Pennsylvania, LLC, Frontier Communications of Breezewood, LLC and Comcast Phone of Pennsylvania, LLC, by their counsel, filed on December 7, 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 Frontier Communications of Pennsylvania, LLC, Frontier Communications of Breezewood, LLC and Comcast Phone of Pennsylvania, LLC joint petition are available for inspection at the Commission's web site at www.puc.pa.gov and at the applicant's business web site.

The contact person is Kathryn Sophy, Director, Office of Special Assistants, (717) 787-1827.

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 20-1802. Filed for public inspection December 18, 2020, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Telecommunications

A-2020-3023222. Frontier Communications of Breezewood, LLC, Frontier Communications of Pennsylvania, LLC and Comcast Business Communications, LLC. Joint petition of Frontier Communications of Breezewood, LLC, Frontier Communications of Pennsylvania, LLC and Comcast Business Communications, LLC for approval of an amendment to interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Frontier Communications of Breezewood, LLC, Frontier Communications of Pennsylvania, LLC and Comcast Business Communications, LLC, by their counsel, filed on December 7, 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 Frontier Communications of Breezewood, LLC, Frontier Communications of Pennsylvania, LLC and Comcast Business Communications, LLC joint petition are available for inspection at the Commission's web site at www.puc.pa.gov and at the applicant's business web site.

The contact person is Kathryn Sophy, Director, Office of Special Assistants, (717) 787-1827.

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 20-1803. Filed for public inspection December 18, 2020, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Transfer of Control

A-2020-3023192 and A-2020-3023193. Radiate Holdings, LP, RCN Telecom Services (Lehigh), LLC, RCN

Telecom Services of Philadelphia, LLC and Stonepeak Associates IV, LLC. Joint application of Radiate Holdings, LP, RCN Telecom Services (Lehigh), LLC, RCN Telecom Services of Philadelphia, LLC and Stonepeak Associates IV, LLC for approval of a transfer of control.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities) on or before Monday, January 4, 2021. 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.

Joint Applicants: Radiate Holdings, LP; RCN Telecom Services (Lehigh), LLC; RCN Telecom Services of Philadelphia, LLC; Stonepeak Associates IV, LLC

Through and By Counsel: Edward A. Yorkgitis, Jr., Winifred R. Brantl, Kelley Drye & Warren, LLP, 3050 K Street, NW, Suite 400, Washington, DC 20007, (202) 945-6649, fax (202) 342-8451, cyorkgitis@kelleydrye.com, wbrantl@kelleydrye.com; Michael Nilsson, Harris, Wiltshire & Grannis, LLP, 1919 M Street, NW, Suite 800, Washington, DC 20036, (202) 730-1334, mnilsson@hwglaw.com

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 20-1804. Filed for public inspection December 18, 2020, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Transfer of Indirect Control

A-2020-3021995. Access Point, Inc. Application of Access Point, Inc. for approval of the transfer of indirect control to GTT Americas, LLC nunc pro tunc.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities)

on or before Monday, January 4, 2021. 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: Access Point, Inc.; GTT Americas, LLC

Through and By: Sharon Thomas, Consultant, Inteserra Consulting Group, Inc., 151 Southhall Lane, Suite 450, Maitland, FL 32751, (407) 740-3031, stomas@inteserra.com; Tony Hansel, VP, Deputy General Counsel, GTT Communications, 7900 Tysons One Place, Suite 1450, McLean, VA 22102, tony.hansel@gtt.net

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 20-1805. Filed for public inspection December 18, 2020, 9:00 a.m.]

STATE ATHLETIC COMMISSION

Public Meetings for 2021

The State Athletic Commission (Commission) of the Department of State announces its schedule for regular meetings to be held at least once every 2 months in 2021 under 5 Pa.C.S. § 103 (relating to duties of commission). All meetings will be held at 11 a.m. in Room 303, North Office Building, Harrisburg, PA 17120. These meetings are open to the public and are scheduled as follows:

February 24, 2021
April 28, 2021
June 23, 2021
August 25, 2021
October 27, 2021
December 15, 2021

Individuals with questions regarding these meetings should contact the Commission at (717) 787-5720.

GREGORY P. SIRB,
Executive Director

[Pa.B. Doc. No. 20-1806. Filed for public inspection December 18, 2020, 9:00 a.m.]

