

# PENNSYLVANIA BULLETIN

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Pages 1—172

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for the Subject Index for  
January—December 2020

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Family Therapists and Professional Counselors  
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**Latest Pennsylvania Code Reporter  
(Master Transmittal Sheet):**

**No. 554 January 2021**

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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](http://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](http://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.

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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 2021.

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# THE GOVERNOR

## GOVERNOR'S OFFICE

### Proclamation of Disaster Emergency

December 15, 2020

*Whereas*, a severe winter event is expected to impact the Commonwealth of Pennsylvania, causing dangerous winter weather conditions including snow, ice accumulation, and flooding; and

*Whereas*, this emergency event has the potential to cause significant adverse impacts upon the population throughout the Commonwealth; and

*Whereas*, this emergency event may prompt affected county and municipal governments to declare local disaster emergencies because of the winter weather conditions; and

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

*Whereas*, the Commonwealth of Pennsylvania has enacted the Emergency Management Assistance Compact (EMAC) into law, and codified it at 35 Pa.C.S. §§ 7601—7604, in order to provide for mutual aid between states during an emergency that is duly declared by the Governor of the affected state.

*Now Therefore*, pursuant to the provisions of section § 7301(c) of the Emergency Management Services Code, 35 Pa.C.S. § 7101 et seq., I do hereby proclaim the existence of a disaster emergency in Adams, Allegheny, Armstrong, Bedford, Berks, Blair, Bradford, Bucks, Butler, Cambria, Cameron, Carbon, Centre, Chester, Clearfield, Clinton, Columbia, Cumberland, Dauphin, Delaware, Elk, Fayette, Franklin, Fulton, Greene, Huntingdon, Indiana, Jefferson, Juniata, Lackawanna, Lancaster, Lebanon, Lehigh, Luzerne, Lycoming, Mifflin, Monroe, Montgomery, Montour, Northampton, Northumberland, Perry, Philadelphia, Pike, Potter, Schuylkill, Snyder, Somerset, Sullivan, Susquehanna, Tioga, Union, Washington, Wayne, Westmoreland, Wyoming, and York counties and authorize and direct that the Pennsylvania Emergency Management Agency Director, or designee, assume command and control of all statewide emergency operations and that all Commonwealth departments and agencies, under the direction of the Pennsylvania Emergency Management Agency Director, or designee, utilize all available resources and personnel as is deemed necessary to cope with the magnitude and severity of this emergency event.

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

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



*Further*, I hereby direct the Pennsylvania Emergency Management Agency to staff the Commonwealth Response Coordination Center for the duration of this emergency event, and to augment it with personnel from other Commonwealth agencies and departments. I also authorize the Pennsylvania Emergency Management Agency to direct and coordinate the emergency response, recovery, and mitigation activities of other Commonwealth agencies and departments as deemed necessary to deal with the exigencies of this disaster emergency through implementation of the State Emergency Operations Plan; and

*Further*, I hereby authorize the Secretary of Transportation to use all available equipment, resources, and personnel of the Department of Transportation, in whatever manner that she deems necessary, to ensure that all federal-aid and state highways in the areas that may be affected by the emergency event are cleared of snow, debris and any other obstructions resulting from this event and to ensure that highways, bridges, roadbeds, and related facilities and structures that may sustain damage in the disaster affected areas are immediately repaired, maintained, reconstructed, or replaced, or that new construction is undertaken where necessary. In addition, I hereby waive any laws or regulations that would restrict the application and use of the Department's equipment, resources, and personnel to assist local jurisdictions in the repairs and clearing and removal of snow, debris and other types of obstructions from non-state-owned highways. This assistance to local jurisdictions may be provided solely at the discretion of the Secretary of Transportation. This assistance, however, does not apply to privately owned highways, roads, streets, or other types of property; and I hereby authorize the Secretary of Transportation, in her sole discretion, to waive any provision of the Vehicle Code or any other law or regulation which she is authorized by law to administer or enforce as may be necessary to respond to this emergency event; and

*Further*, if investigations made on my behalf determine that the Commonwealth is in need of greater flexibility in the application of state and federal motor carrier regulations to accommodate utility operators and truck drivers in the transporting of fuel, food or other commodities across the state to provide emergency relief and repairs during this event, I hereby direct the Department of Transportation to waive any laws or federal or state regulations related to drivers of commercial vehicles; and

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

*Further*, I hereby authorize the Commissioner of the Pennsylvania State Police to use all available resources and personnel of the Pennsylvania State Police, in whatever manner he deems necessary, to aid in the recovery aspects related to all interstate and other federal and state highways in the Commonwealth to address this emergency event; and

*Further*, I hereby direct that the emergency response, recovery, and mitigation aspects of the Commonwealth and all applicable county, municipal, and other emergency response plans be activated and that all state, county, and municipal actions taken to implement those plans be coordinated through the Pennsylvania Emergency Management Agency; and

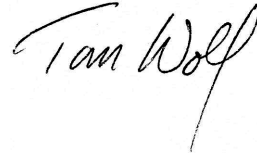
*Further*, I hereby suspend the provisions of any other regulatory statute prescribing the procedures for conduct of Commonwealth business, or the orders, rules or regulations of any Commonwealth agency, if strict compliance with the provisions of any statute, order, rule or regulation would in any way prevent, hinder, or delay necessary action in coping with this emergency event. All Commonwealth agencies may implement their emergency assignments without regard to procedures required by other laws, except mandatory constitutional requirements, pertaining to the perfor-

## THE GOVERNOR

mance of public work, entering into contracts, incurring of obligations, employment of temporary workers, rental of equipment, purchase of supplies and materials, and expenditures of public funds; and

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

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



Governor

[Pa.B. Doc. No. 21-1. Filed for public inspection December 31, 2020, 9:00 a.m.]

## GOVERNOR'S OFFICE

## Proclamation Terminating the Disaster Emergency

December 15, 2020

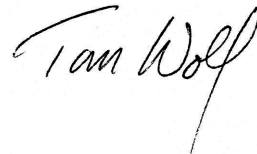
*Whereas*, on October 28, 2020, I proclaimed the existence of a disaster emergency in the Commonwealth due to a civil disturbance that affected the county of Philadelphia in the Commonwealth of Pennsylvania; and

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

*Whereas*, immediate steps were taken to stabilize the affected area, recovery operations commenced, and ongoing monitoring of conditions made at my direction have disclosed that the adverse impacts of the civil disturbance have been mitigated such that emergency conditions no longer exist.

*Now Therefore*, pursuant to the provisions of section 7301(c) of the Emergency Management Services Code, 35 Pa.C.S. § 7101 et seq., I do hereby proclaim the termination of the October 28, 2020, disaster emergency related to civil disturbance in the Commonwealth of Pennsylvania.

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



Governor

[Pa.B. Doc. No. 21-2. Filed for public inspection December 31, 2020, 9:00 a.m.]

# THE COURTS

## Title 210—APPELLATE PROCEDURE

### PART II. INTERNAL OPERATING PROCEDURES

[ 210 PA. CODE CH. 65 ]

#### Amendments to the Superior Court Operating Procedures

The Superior Court of Pennsylvania has adopted an amendment to its published Operating Procedures. The amendment is reflected in the Superior Court Operating Procedures with the adoption of Pa. Code § 65.44

This change was approved on December 16, 2020, effective on January 1, 2021.

#### Annex A

### TITLE 210. APPELLATE PROCEDURE

#### PART II. INTERNAL OPERATING PROCEDURES

#### CHAPTER 65. OPERATING PROCEDURES OF THE SUPERIOR COURT

#### DECISIONAL PROCEDURES

#### § 65.44. Confidentiality Issues.

The names of the parties in a caption for an appeal from a divorce, equitable distribution, custody, visitation or child support decision shall include the full names of the parties. The Court, however, in its discretion, may order that the names of the parties listed in the caption be initialized if the Court determines that a child may be identified from the full names of the parties in the caption. This rule applies only to the names in the caption and does not apply to the text of a circulation or order of the Court. In such documents, the name of the child shall be initialized or the document shall refer to the child as “Child.”

[Pa.B. Doc. No. 21-3. Filed for public inspection December 31, 2020, 9:00 a.m.]

## Title 255—LOCAL COURT RULES

### DELAWARE COUNTY

#### Local Rule No. 507 Approval of Police Complaints and Arrest Affidavits by the Attorney for the Commonwealth; No. MD 1545-17

#### Administrative Order

*And Now*, this 9th day of December, 2020, it is hereby *Ordered and Decreed* that the following local Rule 507 is *Adopted*.

This local Rule 507 *Shall* become effective thirty (30) days after publication of the same in the *Pennsylvania Bulletin*.

Upon publication of the following local Rule 507 and the same taking effect, the previous local Rule(s) 507A<sup>1</sup> *Shall* be contemporaneously *Rescinded*.

*By the Court*

KEVIN F. KELLY,  
*President Judge*

#### Rule 507. Approval of Police Complaints and Arrest Warrant Affidavits by Attorney for the Commonwealth.

(A) The District Attorney of Delaware County having past filed a certificate pursuant to Pennsylvania Rule of Criminal Procedure 507—Approval of Police Complaints and Arrest Warrant Affidavits by Attorney for the Commonwealth, as defined in the Rules of Criminal Procedure, charging the following criminal offenses:

- Criminal Homicide in violation of 18 Pa.C.S.A. Section 2501;
- Murder in any degree in violation of 18 Pa.C.S.A. Section 2502;
- Voluntary Manslaughter in violation of 18 Pa.C.S.A. Section 2503;
- Involuntary Manslaughter in violation of 18 Pa.C.S.A. Section 2504;
- Causing or aiding suicide in violation of 18 Pa.C.S.A. Section 2505;
- Drug delivery resulting in death in violation of 18 Pa.C.S.A. Section 2506;
- Criminal Homicide of unborn child in violation of 18 Pa.C.S.A. Section 2603;
- Murder in any degree of unborn child in violation of 18 Pa.C.S.A. Section 2604;
- Voluntary Manslaughter of unborn child in violation of 18 Pa.C.S.A. Section 2605;
- Aggravated Assault of unborn child in violation of 18 Pa.C.S.A. Section 2606;
- Homicide by Vehicle in violation of 75 Pa.C.S.A. Section 3732;
- Homicide by Vehicle While Driving Under the Influence in violation of 75 Pa.C.S.A. Section 3735;
- Aggravated Assault by vehicle While Driving Under the Influence in violation of 75 Pa.C.S.A. Section 3735.1;
- Aggravated Assault by Vehicle in violation of 75 Pa.C.S.A. Section 3732.1;
- Rape in violation of 18 Pa.C.S.A. Section 3121;
- Statutory Sexual Assault in violation of 18 Pa.C.S.A. Section 3122.1;
- Involuntary Deviate Sexual Intercourse in violation of 18 Pa.C.S.A. Section 3123;
- Sexual Assault in violation of 18 Pa.C.S.A. Section 3124.1;
- Institutional Sexual Assault in violation of 18 Pa.C.S.A. Section 3142.2;
- Aggravated Indecent Assault in violation of 18 Pa.C.S.A. Section 3125; and

<sup>1</sup> See Orders dated March 4, 2014, No. MD 525-2014, and 44 Pa.B. 1878 (March 29, 2014); and Order dated February 10, 2020, No. MD 1545-17 and 50 Pa.B. 1504 (March 14, 2020).

- Personal Use Marijuana, 35 Pa.C.S.A. Section 780-113(a)(31).

Such police complaints and/or arrest warrant affidavits shall not hereafter be accepted by any judicial officer unless the Complaint and/or Affidavit have the approval of a *Deputy District Attorney, Chief Assistant District Attorney* or the *First Assistant District Attorney* of the Delaware County District Attorney’s Office prior to filing.

(B) Upon disapproval of a police complaint, arrest warrant affidavit and/or both by a reviewing Commonwealth’s attorney, the lawyer for the Commonwealth shall furnish to the police officer who prepared the complaint, affidavit, or both a written notice of the disapproval, in substantially the following form, and the Commonwealth’s attorney shall maintain a record of the written notice.

District Attorney File No. \_\_\_\_\_

NOTICE AND RECORD OF DISAPPROVAL  
COMMONWEALTH OF PENNSYLVANIA

VS.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Occurrence Date: \_\_\_\_\_

SUMMARY OF FACTS AND PROBABLE CAUSE:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

CLEAN/NCIC check reveals no outstanding warrants:  
Date \_\_\_\_\_

Complaint/Affidavit/

Application of: \_\_\_\_\_

Charge: \_\_\_\_\_

Police Number: \_\_\_\_\_

Police Department: \_\_\_\_\_

Time: \_\_\_\_\_

Location: \_\_\_\_\_

REASON(S) FOR DISAPPROVAL (Please check appropriate reason)

- \_\_\_\_\_ IC=Insufficient Corroboration
- \_\_\_\_\_ IE=Insufficient Evidence
- \_\_\_\_\_ II=Identification Inconclusive
- \_\_\_\_\_ IJ=Interest of Justice
- \_\_\_\_\_ IS=Inadmissible Evidence
- \_\_\_\_\_ IP=Insufficient Probable Cause
- \_\_\_\_\_ LJ=Lacks Jurisdiction
- \_\_\_\_\_ LP=Lacks Prosecutorial Merit
- \_\_\_\_\_ UW=Unavailable or Uncooperative Witness

- \_\_\_\_\_ UV=Unavailable or Uncooperative Victim
- \_\_\_\_\_ WC=Witness Credibility Contradicted
- \_\_\_\_\_ ID=Inadequate Description of Persons,  
Premises Or Property
- \_\_\_\_\_ NS=Insufficient Cause for  
Nighttime Search

Other: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Source of Information \_\_\_\_\_

DISAPPROVED BY: \_\_\_\_\_

Attorney for the Commonwealth

Date: \_\_\_\_\_

(C) No defendant shall have the right to any relief of any kind based solely on a violation of this Rule.

[Pa.B. Doc. No. 21-4. Filed for public inspection December 31, 2020, 9:00 a.m.]

**Title 255—LOCAL COURT RULES**

**WESTMORELAND COUNTY**

**Rescinding Rules W1920.55-2a(c) and Adopting  
New Rule W1920.55-2a(c); No. 3 of 2020**

**Order**

*And Now*, this 7th day of December, 2020, *It Is Hereby Ordered* that Westmoreland County Rule of Civil Procedure W1920.55-2a(c) is rescinded and new Rules

W1920.55-2a(c) is adopted. This change is effective 30 days after publication in the *Pennsylvania Bulletin*.

*By the Court*

RITA DONOVAN HATHAWAY,  
*President Judge*

**Rule W1920.55-2a. All Counts Master’s Report. Notice. Exceptions. Final Decree.**

(c) The excepting party must request the transcript and make a deposit of fifty (50) dollars towards the preparation of the transcript. The final cost of the tran-

script will be billed against the excepting party at a rate of \$2.00 per page less the fifty (50) dollars deposited. Failure to request or pay for the transcript may result in dismissal of the exceptions.

[Pa.B. Doc. No. 21-5. Filed for public inspection December 31, 2020, 9:00 a.m.]

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# PROPOSED RULEMAKING

## STATE BOARD OF SOCIAL WORKERS, MARRIAGE AND FAMILY THERAPISTS AND PROFESSIONAL COUNSELORS

[ 49 PA. CODE CHS. 47—49 ]

### Child Abuse Reporting Requirements

The State Board of Social Workers, Marriage and Family Therapists and Professional Counselors (Board) proposes to amend §§ 47.12, 47.32, 47.51—47.57, 48.12, 48.32, 48.51—48.57, 49.12, 49.32 and 49.51—49.57 and add §§ 47.58, 47.59, 48.58, 48.59, 49.58 and 49.59 to read as set forth in Annex A.

#### *Effective Date*

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

#### *Statutory Authority*

Section 6(2) of the Social Workers, Marriage and Family Therapists and Professional Counselors Act (63 P.S. § 1906(2)) sets forth the Board's general rulemaking authority. Under sections 6301—6386 of 23 Pa.C.S. (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 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 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 applying for renewal of a license, on or after January 1, 2015, and were implemented as of that date. This proposed rulemaking is 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 §§ 47.12, 48.12 and 49.12 (relating to qualifications for licensure; and general qualifications for licensure) to include the requirement that any applicant for licensure complete at least 3 hours of training in child abuse recognition and reporting as a condition of licensure as required by section 6383(b)(3)(i) of the CPSL. Similarly, the Board proposes to amend §§ 47.32, 48.32 and 49.32 (relating to requirement for biennial renewal) to set forth the requirement in section 6383(b)(3)(ii) of the CPSL that all licensees 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 next proposes comprehensive amendments to the child abuse reporting requirements in Chapters 47, 48 and 49 (relating to State Board of Social Workers, Marriage and Family Therapists and Professional Coun-

selors; State Board of Social Workers, Marriage and Family Therapists and Professional Counselors—licensure of marriage and family therapists; and State Board of Social Workers, Marriage and Family Therapists and Professional Counselors—licensure of professional counselors) to be consistent with the CPSL. The Board proposes to amend §§ 47.51, 48.51 and 49.51 (relating to definitions relating to child abuse reporting requirements) to update the definitions of terms used in the CPSL. Specifically, the Board finds it necessary to add definitions of "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 also proposes to add definitions for the terms "Bureau" and "mandated reporter" for ease of reference. All licensees of the Board are considered "mandated reporters" under the CPSL. Although section 6311(a)(12) of the CPSL (relating to persons required to report suspected child abuse) provides that "[a]n individual supervised or managed by a person" licensed or certified to practice in any health-related field under the jurisdiction of the Department of State who has direct contact with children in the course of employment is also considered a mandated reporter, this proposed rulemaking does not include those individuals because the Board does not otherwise regulate them and cannot enforce the requirements of the CPSL as to unlicensed persons. However, the Board reminds its licensees that individuals they supervise or manage who have direct contact with children in the course of their employment are considered mandated reporters and should be aware of the reporting requirements under the CPSL.

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 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 §§ 47.52, 48.52 and 49.52 (relating to suspected child abuse—mandated reporting requirements) to provide the general rule that all licensees of the Board are considered mandated reporters, and to set forth the mandated reporting requirements in section 6311 of the CPSL and the reporting procedures in section 6313 of the CPSL (relating to reporting procedure).

The Board proposes to amend §§ 47.53, 48.53 and 49.53 (relating to photographs, medical tests and X-rays of child subject to report) by renaming these sections and amending them to delete medical tests and X-rays because licensees of the Board are not authorized to determine that medical tests and X-rays are "clinically indicated" as required by the CPSL, or to order such tests or X-rays. Because doing so would be beyond the scope of practice of a licensed bachelor social worker, licensed social worker, licensed clinical social worker, licensed marriage and family therapist or licensed professional counselor, the Board finds that these amendments will provide clarity to licensees as to the extent of their authority. In addition, amendments are being made to set forth the requirement to submit summaries or reports relating to photographs taken 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 §§ 47.54, 48.54 and 49.54 (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 §§ 47.55, 48.55 and 49.55 (relating to immunity from liability) to incorporate amendments made to section 6318 of the CPSL (relating to immunity from liability); and to amend §§ 47.56, 48.56 and 49.56 (relating to confidentiality—waived) to incorporate the provisions of sections 6311.1 of the CPSL (relating to privileged communications) and 6313(e) of the CPSL, pertaining to the applicability of the Mental Health Procedures Act (50 P.S. §§ 7101—7503). Next, the Board proposes to amend §§ 47.57, 48.57 and 48.57 (relating to noncompliance) to update the criminal penalties for willful failure to make a report 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 new sections to Chapters 47, 48 and 49 pertaining to the mandatory training requirements in Act 31 of 2014. Proposed §§ 47.58, 48.58 and 49.58 (relating to child abuse recognition and reporting—mandatory training requirement) set forth the requirements in section 6383(b) of the CPSL that all individuals applying to the Board for an initial license 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 seeking renewal of a license 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 unless the Bureau has received an electronic report from an approved course provider documenting the attendance/participation by the licensee in an approved course or the licensee has obtained an exemption as permitted by the CPSL.

These proposed sections 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 should otherwise not be subject to the initial training or continuing education requirement. 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 this 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 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 licensee of the Board happened to be a foster parent and was, therefore, 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 from the training requirement “if the licensee submits documentation acceptable to the licensing board that the licensee 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 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 §§ 47.59, 48.59 and 49.59 (relating to child abuse recognition and reporting course approval process) 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 the act of April 15, 2014 (P.L. 411 No. 31) (Act 31). The Bureau has incorporated a requirement that to be approved to provide the mandatory training in child abuse recognition and reporting, an applicant shall be able to report participation/attendance electronically to the Bureau. In this manner, the completion of the training is automatically imported into the applicant’s or licensee’s record with the Board at the time the course is completed. Then, prior to issuing or renewing a license, the system verifies that the training was completed as required. If no record exists, the applicant/licensee would be notified of the need to complete an approved course before the license 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 proposed amendments. Because licensees 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 not be an increased burden. Only applicants for licensure 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 Act 31 training providers are required to report attendance/participation electronically, there are no additional paperwork requirements imposed on the regulated community. 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, a sunset date has not been assigned.

Regulatory Review

Under Section 5(a) of the Regulatory Review Act (71 P.S. § 745.5(a)), on November 24, 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) and to the Chairpersons of the House Professional Licensure Committee (HPLC) and the Senate Consumer Protection and Professional Licensure Committee (SCP/PLC). A copy of this material is available to the public upon request.

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

Public Comment

Interested persons are invited to submit written comments, suggestions or objections regarding this proposed rulemaking to the 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-6919 (Child Abuse Reporting Requirements).

JOY E. CORBY, PhD, LMFT,  
Chairperson

**Fiscal Note:** 16A-6919. 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 47. STATE BOARD OF SOCIAL WORKERS, MARRIAGE AND FAMILY THERAPISTS AND PROFESSIONAL COUNSELORS**  
**LICENSURE**

§ 47.12. Qualifications for licensure.

General qualifications and requirements for applicants for licensure are as follows:

\* \* \* \* \*

(5) The applicant has submitted two Certificates of Recommendation on forms furnished by the Board.

[ (6) The applicant has submitted an affirmation signed by the applicant verifying the information on the application. ]

(6) The applicant has completed at least 3 hours of training in child abuse recognition and reporting in accordance with § 47.58(a) (relating to child abuse recognition and reporting—mandatory training requirement).

(7) The applicant has submitted an affirmation signed by the applicant verifying the information on the application.

CONTINUING EDUCATION

§ 47.32. Requirement for biennial renewal.

The Board requires, as a condition of biennial renewal of a bachelor social worker’s license, a social worker’s license or a clinical social worker’s license, the completion during the preceding biennium of 30 clock hours of continuing education in acceptable courses and programs in social work offered by approved providers. Excess clock hours may not be carried over to the next biennium. At least 3 of the required 30 clock hours must be related to ethical issues and at least 2 clock hours must be in child abuse recognition and reporting in accordance with § 47.58(b) (relating to child abuse recognition and reporting—mandatory training requirement).

CHILD ABUSE REPORTING REQUIREMENTS

§ 47.51. Definitions relating to child abuse reporting requirements.

The following words and terms, when used in this section and [ §§ 47.52—47.57 ] §§ 47.52—47.59 (relating to child abuse reporting requirements), have the following meanings, unless the context clearly indicates otherwise:

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 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 chapter, the term includes all licensed bachelor social workers, licensed social workers and licensed clinical social workers.

*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.

§ 47.52. Suspected child abuse—mandated reporting requirements.

(a) General rule. Under 23 Pa.C.S. § 6311 (relating to persons required to report suspected child abuse), licensed bachelor social workers [ 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. ], licensed social workers and

licensed clinical social workers 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. [ Licensed social workers 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 licensed social worker, 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 licensed bachelor social worker, licensed social worker or licensed clinical social worker (licensee) 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, that licensee 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 to the appropriate county agency within 48 hours after the oral report is made by telephone and must contain, at a minimum, the information required by the Department of Public Welfare in 55 Pa. Code § 3490.18 (relating to filing of a written report by a required reporter). ]

(1) A mandated reporter shall immediately make a report of suspected child abuse to the Department of Human Services by either:

(i) 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.

(ii) Making an electronic report of suspected child abuse in accordance with 23 Pa.C.S. § 6305 (related to electronic reporting) through the Department of Human Service's Child Welfare Information Solution self-service portal at [www.compass.state.pa.us/cwis](http://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.

(2) A written or electronic report of suspected child abuse must include the following information, if known:

(i) The names and addresses of the child, the child's parents and any other person responsible for the child's welfare.

(ii) Where the suspected child abuse occurred.

(iii) The age and sex of each subject of the report.

(iv) The nature and extent of the suspected child abuse, including any evidence of prior abuse to the child or any sibling of the child.

(v) The name and relationship of each individual responsible for causing the suspected abuse and any evidence of prior abuse by each individual.

(vi) Family composition.

(vii) The source of the report.

(viii) The name, telephone number and e-mail address of the person making the report.

(ix) The actions taken by the person making the report, including actions taken under 23 Pa.C.S. §§ 6314—6317.

(x) Other information required by Federal law or regulation.

(xi) Other information that the Department of Human Services may require by regulation.

§ 47.53. Photographs[ , medical tests and X-rays ] of child subject to report.

A licensed bachelor social worker, licensed social worker or licensed clinical social worker 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 ]. 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 § 47.52(c)(1)(ii) (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.

**§ 47.54. Suspected death as a result of child abuse—mandated reporting requirement.**

A licensed **bachelor social worker, licensed social worker or licensed clinical social worker** 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.

**§ 47.55. Immunity from liability.**

Under 23 Pa.C.S. § 6318 (relating to immunity from liability) a licensed **bachelor social worker, licensed social worker or licensed clinical social worker** 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 [ **licensed social worker's** ] actions of the **licensed bachelor social worker, licensed social worker or licensed clinical social worker**. For the purpose of any civil or criminal proceeding, the good faith of the licensed **bachelor social worker, licensed social worker or licensed clinical social worker** shall be presumed. The Board will uphold the same good faith presumption in any disciplinary proceeding that might result by reason of a [ **licensed social worker'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** ] licensee's actions under §§ 47.52—47.54 (relating to suspected child abuse—mandated reporting requirements; photographs of child subject to report; and suspected death as a result of child abuse—mandated reporting requirement).

**§ 47.56. Confidentiality—waived.**

To protect children from abuse, the reporting requirements of §§ 47.52—47.54 (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 provisions of any 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/client 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. Additionally, under 23 Pa.C.S. § 6313(e) (relating to reporting procedure), notwithstanding any other provision of law to the contrary, a mandated reporter who makes a report of suspected child**

**abuse does not violate the Mental Health Procedures Act (50 P.S. §§ 7101—7503) by releasing information necessary to complete the report.**

**§ 47.57. Noncompliance.**

(a) *Disciplinary action.* A licensed **bachelor social worker, licensed social worker or licensed clinical social worker** who willfully fails to comply with the reporting requirements in §§ 47.52—47.54 (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. § 1911).

(b) *Criminal penalties.* Under 23 Pa.C.S. § 6319 (relating to penalties [ **for failure to report** ]), a licensed **bachelor social worker, licensed social worker or licensed clinical social worker** 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 first 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 printed in regular type to enhance readability.)*

**§ 47.58. Child abuse recognition and reporting—mandatory training requirement.**

(a) Except as provided in subsection (c), individuals applying to the Board for a license 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 seeking renewal of a license issued by the Board shall complete, as a condition of biennial renewal of the license, 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 § 47.59 (relating to child abuse recognition and reporting course approval process). The Board will not renew a license unless the Bureau has received an electronic report from an approved course provider documenting the attendance/participation by the licensee in an approved course or the licensee has obtained an exemption under subsection (c).

(c) An applicant or licensee may apply in writing for an exemption from the training/continuing education requirements set forth in subsections (a) and (b) provided the applicant or licensee meets one of the following:

(1) The applicant or licensee submits documentation demonstrating that:

(i) The applicant or licensee 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 or licensee submits documentation demonstrating that:

(i) The applicant or licensee has already completed child abuse recognition training required by 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 or licensee submits documentation demonstrating that the applicant or licensee 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.

**§ 47.59. Child abuse recognition and reporting course approval process.**

(a) An individual, entity or organization may apply for approval to provide mandated reporter training as required 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-stcpsl\_course\_app@pa.gov.

(b) Submissions must 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 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 must 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.

**CHAPTER 48. STATE BOARD OF SOCIAL WORKERS, MARRIAGE AND FAMILY THERAPISTS AND PROFESSIONAL COUNSELORS—LICENSURE OF MARRIAGE AND FAMILY THERAPISTS**

**LICENSURE**

**§ 48.12. General qualifications for licensure.**

General qualifications and requirements for applicants for licensure are as follows:

\* \* \* \* \*

(5) The applicant has submitted two certificates of recommendation on forms furnished by the Board.

[ (6) The applicant has submitted an affirmation signed by the applicant verifying the information on the application. ]

(6) The applicant has completed at least 3 hours of training in child abuse recognition and reporting in accordance with § 48.58(a) (relating to child abuse recognition and reporting—mandatory training requirement).

(7) The applicant has submitted an affirmation signed by the applicant verifying the information on the application.

#### CONTINUING EDUCATION

##### § 48.32. Requirement for biennial renewal.

[ For 2009 renewals and thereafter, the Board will require ] **The Board requires**, as a condition of biennial renewal of a marriage and family therapist's license, the completion during the preceding biennium of 30 clock hours of continuing education in acceptable courses and programs offered by approved providers [ **which shall include at least 3 clock hours in ethical issues** ]. Up to 20 clock hours may be obtained by home study. Excess clock hours may not be carried over to the next biennium. **At least 3 of the required 30 clock hours must be related to ethical issues and at least 2 of the required 30 clock hours must be completed in child abuse recognition and reporting in accordance with § 48.58(b) (relating to child abuse recognition and reporting—mandatory training requirement).**

#### CHILD ABUSE REPORTING REQUIREMENTS

##### § 48.51. Definitions relating to child abuse reporting requirements.

The following words and terms, when used in this section and [ §§ 48.52—48.57 ] §§ 48.52—48.59 (relating to child abuse reporting requirements), have the following meanings, unless the context clearly indicates otherwise:

**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**—[ The term includes 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 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 chapter, the term includes all licensed marriage and family therapists.

**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 to 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*—

[ (i) ] 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.

[ (ii) ] **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 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, ag-

gravated 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.

§ 48.52. Suspected child abuse—mandated reporting requirements.

(a) *General rule.* Under 23 Pa.C.S. § 6311 (relating to persons required to report suspected child abuse), licensed marriage and family therapists [ 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. ] 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.* [ Licensed marriage and family therapists 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 licensed social worker, 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 licensed marriage and family therapist 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, that licensed marriage and family therapist 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 to the appropriate county agency within 48 hours after the oral report is made by telephone and must contain, at a minimum, the information required by the Department of Public Welfare in 55 Pa. Code § 3490.18 (relating to filing of a written report by a required reporter). ]

(1) A mandated reporter shall immediately make a report of suspected child abuse to the Department of Human Services by either:

(i) 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.

(ii) Making an electronic report of suspected child abuse in accordance with 23 Pa.C.S. § 6305 (related to electronic reporting) through the Department of Human Services's Child Welfare Information Solution self-service portal at [www.compass.state.pa.us/cwis](http://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.

(2) A written or electronic report of suspected child abuse must include the following information, if known:

(i) The names and addresses of the child, the child's parents and any other person responsible for the child's welfare.

(ii) Where the suspected child abuse occurred.

(iii) The age and sex of each subject of the report.

(iv) The nature and extent of the suspected child abuse, including any evidence of prior abuse to the child or any sibling of the child.

(v) The name and relationship of each individual responsible for causing the suspected abuse and any evidence of prior abuse by each individual.

(vi) Family composition.

(vii) The source of the report.

(viii) The name, telephone number and e-mail address of the person making the report.

(ix) The actions taken by the person making the report, including actions taken under 23 Pa.C.S. §§ 6314—6317.

(x) Other information required by Federal law or regulation.

(xi) Other information that the Department of Human Services may require by regulation.

§ 48.53. Photographs [ , medical tests and X-rays ] of child subject to report.

A licensed marriage and family therapist 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 ], 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 § 48.52(c)(1)(ii) (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.

§ 48.54. Suspected death as a result of child abuse—mandated reporting requirement.

A licensed marriage and family therapist 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.

§ 48.55. Immunity from liability.

Under 23 Pa.C.S. § 6318 (relating to immunity from liability) a licensed marriage and family therapist 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 licensed marriage and family therapist's actions. For the purpose of any civil or criminal proceeding, the good faith of the licensed marriage and family therapist shall be presumed. The Board will uphold the same good faith presumption in any disciplinary proceeding that might result by reason of a licensed marriage and family therapist'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 §§ 48.52—48.54 (relating to suspected child abuse—mandated reporting requirements; photographs of child subject to report; and suspected death as a result of child abuse—mandated reporting requirement).

§ 48.56. Confidentiality—waived.

To protect children from abuse, the reporting requirements of §§ 48.52—48.54 (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 provisions of any 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/

**client 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. Additionally, under 23 Pa.C.S. § 6313(e) (relating to reporting procedure), notwithstanding any other provision of law to the contrary, a mandated reporter who makes a report of suspected child abuse does not violate the Mental Health Procedures Act (50 P.S. §§ 7101—7503) by releasing information necessary to complete the report.**

**§ 48.57. Noncompliance.**

(a) *Disciplinary action.* A licensed marriage and family therapist who willfully fails to comply with the reporting requirements in §§ 48.52—48.54 (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. § 1911).

(b) *Criminal penalties.* Under 23 Pa.C.S. § 6319 (relating to penalties [ **for failure to report** ]), a licensed marriage and family therapist 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 first 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 printed in regular type to enhance readability.)*

**§ 48.58. Child abuse recognition and reporting—mandatory training requirement.**

(a) Except as provided in subsection (c), individuals applying to the Board for a license as a marriage and

family therapist 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), licensed marriage and family therapists seeking renewal of a license issued by the Board shall complete, as a condition of biennial renewal of the license, at least 2 hours of approved continuing education in child abuse recognition and reporting. 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 § 48.59 (relating to child abuse recognition and reporting course approval process). The Board will not renew a license unless the Bureau has received an electronic report from an approved course provider documenting the attendance/participation by the licensee in an approved course, or the licensee obtains an exemption under subsection (c).

(c) An applicant or licensee may apply in writing for an exemption from the training/continuing education requirements set forth in subsections (a) and (b) provided the applicant or licensee meets one of the following:

(1) The applicant or licensee submits documentation demonstrating that:

(i) The applicant or licensee 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 or licensee submits documentation demonstrating that:

(i) The applicant or licensee has already completed child abuse recognition training required by 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 or licensee submits documentation demonstrating that the applicant or licensee 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.

**§ 48.59. Child abuse recognition and reporting course approval process.**

(a) An individual, entity or organization may apply for approval to provide mandated reporter training as required 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-stcpsl\_course\_app@pa.gov.

(b) Submissions must 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 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 must 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 authorized representative of the providers. 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.

**CHAPTER 49. STATE BOARD OF SOCIAL WORKERS, MARRIAGE AND FAMILY THERAPISTS AND PROFESSIONAL COUNSELORS—LICENSURE OF PROFESSIONAL COUNSELORS**

**LICENSE**

**§ 49.12. General qualifications for licensure.**

General qualifications and requirements for applicants for licensure are as follows:

\* \* \* \* \*

(5) The applicant has submitted two certificates of recommendation on forms furnished by the Board.

**[ (6) The applicant has submitted an affirmation signed by the applicant verifying the information on the application. ]**

**(6) The applicant has completed at least 3 hours of training in child abuse recognition and reporting in accordance with § 49.58(a) (relating to child abuse recognition and reporting—mandatory training requirement).**

**(7) The applicant has submitted an affirmation signed by the applicant verifying the information on the application.**

**CONTINUING EDUCATION**

**§ 49.32. Requirement for biennial renewal.**

**[ For 2009 renewals and thereafter, the Board will require ] The Board requires**, as a condition of biennial renewal of a professional counselor's license, the completion during the preceding biennium of 30 clock hours of continuing education in acceptable courses and programs offered by approved providers **[ which shall include at least 3 clock hours in ethical issues ]**. Up to 20 clock hours may be obtained by home study. Excess clock hours may not be carried over to the next biennium. **At least 3 of the required 30 clock hours must be related to ethical issues and at least 2 of the required 30 clock hours must be completed in child abuse recognition and reporting in accordance with § 49.58(b) (relating to child abuse recognition and reporting—mandatory training requirement).**

**CHILD ABUSE REPORTING REQUIREMENTS**

**§ 49.51. Definitions relating to child abuse reporting requirements.**

The following words and terms, when used in this section and [ §§ 49.52—49.57 ] §§ 49.52—49.59 (relating to child abuse reporting requirements), have the following meanings, unless the context clearly indicates otherwise:

**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 § 49.52 (relating to suspected child abuse—mandated reporting requirements) to make a report of suspected child abuse. For purposes of this chapter, the term includes all licensed professional counselors.

*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—*

[ (i) ] 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.

[ (ii) ] 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 by 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.

**§ 49.52. Suspected child abuse—mandated reporting requirements.**

(a) *General rule.* Under 23 Pa.C.S. § 6311 (relating to persons required to report suspected child abuse), licensed professional counselors [ 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. ] 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.* [ Licensed professional counselors 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 licensed professional counselor, 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 licensed professional counselor 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, that licensed professional counselor 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 to the appropriate county agency within 48 hours after the oral report is made by telephone and must contain, at a minimum, the information required by the Department of Public Welfare in 55 Pa. Code § 3490.18 (relating to filing of a written report by a required reporter). ]

(1) A mandated reporter shall immediately make a report of suspected child abuse to the Department of Human Services by either:

(i) 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.

(ii) Making an electronic report of suspected child abuse in accordance with 23 Pa.C.S. § 6305 (related to electronic reporting) through the Department of Human Service's Child Welfare Information Solution self-service portal at [www.compass.state.pa.us/cwis](http://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.

(2) A written or electronic report of suspected child abuse must include the following information, if known:

(i) The names and addresses of the child, the child's parents and any other person responsible for the child's welfare.

(ii) Where the suspected child abuse occurred.

(iii) The age and sex of each subject of the report.

(iv) The nature and extent of the suspected child abuse, including any evidence of prior abuse to the child or any sibling of the child.

(v) The name and relationship of each individual responsible for causing the suspected abuse and any evidence of prior abuse by each individual.

(vi) Family composition.

(vii) The source of the report.

(viii) The name, telephone number and e-mail address of the person making the report.

(ix) The actions taken by the person making the report, including actions taken under 23 Pa.C.S. §§ 6314—6317.

(x) Other information required by Federal law or regulation.

(xi) Other information that the Department of Human Services may require by regulation.

§ 49.53. Photographs[ , medical tests and X-rays ] of child subject to report.

A licensed professional counselor 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 ], 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 § 49.52(c)(1)(ii) (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.

**§ 49.54. Suspected death as a result of child abuse—mandated reporting requirement.**

A licensed professional counselor 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.

**§ 49.55. Immunity from liability.**

Under 23 Pa.C.S. § 6318 (relating to immunity from liability) a licensed professional counselor 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 licensed professional counselor's actions. For the purpose of any civil or criminal proceeding, the good faith of the licensed professional counselor shall be presumed. The Board will uphold the same good faith presumption in any disciplinary proceeding that might result by reason of a licensed professional counselor'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 §§ 49.52—49.54 (relating to suspected child abuse—mandated reporting requirements; photographs of child subject to report; and suspected death as a result of child abuse—mandated reporting requirement).

**§ 49.56. Confidentiality—waived.**

To protect children from abuse, the reporting requirements of §§ 49.52—49.54 (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 provisions of any 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/client 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. Additionally, under 23 Pa.C.S. § 6313(e) (relating to reporting procedure), notwithstanding any other provision of law to the contrary, a mandated reporter who makes a report of suspected child abuse does not violate the Mental Health Procedures Act (50 P.S. §§ 7101—7503) by releasing information necessary to complete the report.

**§ 49.57. Noncompliance.**

(a) *Disciplinary action.* A licensed professional counselor who willfully fails to comply with the reporting requirements in §§ 49.52—49.54 (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. § 1911).

(b) *Criminal penalties.* Under 23 Pa.C.S. § 6319 (relating to penalties [ for failure to report ]), a licensed professional counselor 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 first 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 printed in regular type to enhance readability.)*

**§ 49.58. Child abuse recognition and reporting—mandatory training requirement.**

(a) Except as provided in subsection (c), individuals applying to the Board for a license as a professional

counselor 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), licensed professional counselors seeking renewal of a license issued by the Board shall complete, as a condition of biennial renewal of the license, 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 § 49.59 (relating to child abuse recognition and reporting course approval process). The Board will not renew a license unless the Bureau has received an electronic report from an approved course provider documenting the attendance/participation by the licensee in an approved course or the licensee has obtained an exemption under subsection (c).

(c) An applicant or licensee may apply in writing for an exemption from the training/continuing education requirements set forth in subsections (a) and (b) provided the applicant or licensee meets one of the following:

(1) The applicant or licensee submits documentation demonstrating that:

(i) The applicant or licensee 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 or licensee submits documentation demonstrating that:

(i) The applicant or licensee has already completed child abuse recognition training required by 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 or licensee submits documentation demonstrating that the applicant or licensee 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.

**§ 49.59. Child abuse recognition and reporting course approval process.**

(a) An individual, entity or organization may apply for approval to provide mandated reporter training as required 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-stcpsl\_course\_app@pa.gov.

(b) Submissions must 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 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 must 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. 21-6. Filed for public inspection December 31, 2020, 9:00 a.m.]



# NOTICES

## DEPARTMENT OF BANKING AND SECURITIES

### Actions on Applications

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

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

### BANKING INSTITUTIONS

#### Holding Company Acquisitions

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Action</i>
12-15-2020	William Penn Bancorporation Bristol Pennsylvania Application for approval to acquire 100% of William Penn Bank, Bristol, PA.	Approved
12-15-2020	JBT Bancorp, Inc. Jonestown Pennsylvania Application for approval to acquire 100% of Jonestown Bank and Trust Company of Jonestown, PA.	Filed

#### Branch Applications

##### De Novo Branches

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
12-14-2020	Univest Bank and Trust Co. Souderton Montgomery County	1103 Rocky Drive West Lawn Berks County	Opened
12-15-2020	William Penn Bank Levittown Bucks County	10 North Main Street Yardley Bucks County	Filed

#### Branch Discontinuances

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
12-11-2020	First Commonwealth Bank Indiana Indiana County	13760 Main Street Southwest Sedalia Madison County, OH	Closed
12-11-2020	First Commonwealth Bank Indiana Indiana County	4327 Quaker Valley Road Alum Bank Bedford County, PA	Closed
12-11-2020	First Commonwealth Bank Indiana Indiana County	5580 Goods Lane Altoona Blair County, PA	Closed
12-11-2020	First Commonwealth Bank Indiana Indiana County	18431 Bennetts Valley Highway Weedville Clearfield County, PA	Closed
12-11-2020	First Commonwealth Bank Indiana Indiana County	1653 Penn Avenue Hollsopple Somerset County, PA	Closed
12-11-2020	First Commonwealth Bank Indiana Indiana County	224 Main Street Plumville Indiana County, PA	Closed

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
12-11-2020	First Commonwealth Bank Indiana Indiana County	409 East Poland Avenue Bessemer Lawrence County, PA	Closed
12-11-2020	First Commonwealth Bank Indiana Indiana County	5847 Forbes Avenue Pittsburgh Allegheny County, PA	Closed
12-11-2020	First Commonwealth Bank Indiana Indiana County	1001 Village Run Road Wexford Allegheny County, PA	Closed
12-11-2020	First Commonwealth Bank Indiana Indiana County	2 West High Street Ashley Delaware County, OH	Closed
12-11-2020	First Commonwealth Bank Indiana Indiana County	1942 Polaris Parkway Columbus Franklin County, OH	Closed
12-11-2020	First Commonwealth Bank Indiana Indiana County	100 Delaware Crossing West Delaware Delaware County, OH	Closed
12-11-2020	First Commonwealth Bank Indiana Indiana County	100 Willow Brook Way South Delaware Delaware County, OH	Closed
12-11-2020	First Commonwealth Bank Indiana Indiana County	34 Evergreen Avenue Lewis Center Delaware County, OH	Closed
12-11-2020	First Commonwealth Bank Indiana Indiana County	3100 Atlantic Boulevard Northeast Canton Stark County, OH	Closed
12-11-2020	First Commonwealth Bank Indiana Indiana County	239 Market Street Lewisburg Union County, PA	Closed
12-11-2020	First Commonwealth Bank Indiana Indiana County	22 West Jefferson Street Jefferson Ashtabula County, OH	Closed
12-11-2020	First Commonwealth Bank Indiana Indiana County	216 West College Avenue State College Centre County, PA	Closed
12-11-2020	First Commonwealth Bank Indiana Indiana County	152 Market Street Leechburg Armstrong County, PA	Closed
12-11-2020	First Commonwealth Bank Indiana Indiana County	525 Sunshine Avenue Central City Somerset County, PA	Closed
12-11-2020	First Commonwealth Bank Indiana Indiana County	427 Maple Street South Fork Cambria County, PA	Closed
12-11-2020	First Commonwealth Bank Indiana Indiana County	200 Market Street Leechburg Armstrong County, PA	Closed
12-11-2020	First Commonwealth Bank Indiana Indiana County	1099 Wayne Avenue Indiana Indiana County, PA	Closed
12-11-2020	First Commonwealth Bank Indiana Indiana County	225 Fifth Avenue McKeesport Allegheny County, PA	Closed
12-11-2020	First Commonwealth Bank Indiana Indiana County	10 Trinity Place Washington Washington County, PA	Closed
12-11-2020	First Commonwealth Bank Indiana Indiana County	5200 Butler Street Pittsburgh Allegheny County, PA	Closed

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
12-11-2020	First Commonwealth Bank Indiana Indiana County	331 East Sixth Avenue Tarentum Allegheny County, PA	Closed
12-11-2020	First Commonwealth Bank Indiana Indiana County	105 Capital Park Drive Sarver Butler County, PA	Closed

**CREDIT UNIONS**

**Articles of Amendment**

<i>Date</i>	<i>Name and Location of Institution</i>	<i>Action</i>
12-01-2020	Reading Berks School Employees Credit Union Reading Berks County	Effective

Amendment to Article Third of the institution’s Articles of Incorporation provides for a change in principal place of business from 2120 Hampden Boulevard, Reading, PA 19604 to 4641 Pottsville Pike, Reading, PA 19605.

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

The Department’s web site at [www.dobs.pa.gov](http://www.dobs.pa.gov) includes public notices for more recently filed applications.

RICHARD VAGUE,  
*Secretary*

[Pa.B. Doc. No. 21-7. Filed for public inspection December 31, 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.*

NPDES No. (Type)	Facility Name & Address	County & Municipality	Stream Name (Watershed #)	EPA Waived Y/N?
PA0061476 (Sewage)	Edgewood MHP 223R Maile Road Greenfield Township, PA 18407	Lackawanna County Glenburn Township	Unnamed Tributary to Ackerly Creek (CWF, MF) (4-F)	Y

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

NPDES No. (Type)	Facility Name & Address	County & Municipality	Stream Name (Watershed #)	EPA Waived Y/N?
PA0081370 (Sewage)	Eisenhower Inn & Conference Center 2634 Emmitsburg Road Gettysburg, PA 17325	Adams County Cumberland Township	UNT Marsh Creek/13-D	Y
PA0266159 (Sewage)	Gregory & Christina Gress 8504 Cumberland Hwy Chambersburg, PA 17202	Franklin County Letterkenny Township	Lehman Run/7-B	Y
PA0038920 (Sewage)	Burnham Borough Authority 200 1st Avenue Burnham, PA 17009	Mifflin County Burnham Borough	Kishacoquillas Creek/12-A	Y

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

NPDES No. (Type)	Facility Name & Address	County & Municipality	Stream Name (Watershed #)	EPA Waived Y/N?
PA0000493 (Industrial)	Pittsburgh Allegheny County Thermal, Ltd. 120 Cecil Place Pittsburgh, PA 15222-3303	Allegheny County Pittsburgh City	Allegheny River (WWF) (18-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.*

**PA0053244**, Sewage, SIC Code 4952, **Charles Adcock dba The Valley Queen**, 13 Bennington Place, Newtown, PA 18940-1701. Facility Name: Valley Queen Apt STP. This existing facility is located in Upper Makefield Township, **Bucks County**.

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

The receiving stream(s), Houghs Creek (WWF), is located in State Water Plan watershed 2-E 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 .0014 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 (GPD)	Report	XXX	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	Inst Min	XXX	XXX	XXX
			4.0			
Total Residual Chlorine (TRC)	XXX	XXX	Inst Min	0.5	XXX	1.2
			XXX			
Carbonaceous Biochemical Oxygen Demand (CBOD <sub>5</sub> )	XXX	XXX	XXX	25.0	XXX	50
Total Suspended Solids	XXX	XXX	XXX	30.0	XXX	60
Fecal Coliform (No./100 ml)	XXX	XXX	XXX	200	XXX	1,000
				Geo Mean		
Ammonia-Nitrogen						
Nov 1 - Apr 30	XXX	XXX	XXX	20.0	XXX	40
May 1 - Oct 31	XXX	XXX	XXX	8.0	XXX	16

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

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

- None

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.

**PA0245208**, Industrial, SIC Code 3452, **Penn Engineering & Manufacturing Corp**, 5190 Old Easton Road, Danboro, PA 18916. Facility Name: Penn Engineering Manufacturing Plant. This proposed facility is located in Plumstead Township, **Bucks County**.

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

The receiving stream(s), North Branch Neshaminy Creek (WWF, MF), is located in State Water Plan watershed 2-F and is classified for Migratory Fishes and Warm Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 003 are based on a design flow of .0072 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
Flow (MGD)	Report	XXX	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Total Suspended Solids	XXX	XXX	Inst Min	30.0	60.0	75
			XXX			
Oil and Grease	XXX	XXX	XXX	15	XXX	30
Ethylbenzene	Report	XXX	XXX	Report	Report	XXX
Benzene	0.00006	0.00012	XXX	0.001	0.002	0.0025
BTEX, Total	0.006	0.012	XXX	0.1	0.2	0.25
Tetrachloroethylene	0.0003	0.0006	XXX	0.005	0.01	0.0125
Toluene	Report	XXX	XXX	Report	Report	XXX
Trichloroethylene	0.0003	0.0006	XXX	0.005	0.01	0.0125
Xylenes, Total	Report	XXX	XXX	Report	Report	XXX
MTBE	0.0012	0.0024	XXX	0.02	0.04	0.05
Vinyl Chloride	0.00009	0.00016	XXX	0.0015	0.0026	0.0036

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

- Acquire Necessary Property Rights
- Proper Sludge Disposal
- BAT/BCT Reopener
- Groundwater Monitoring
- Annual Groundwater Report
- No Stripper Tower Wastewater
- Continuous Operation

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.

*Northcentral Region: Regional Clean Water Program Manager, 208 W Third Street, Suite 101, Williamsport, PA 17701-6448, Phone: 570-327-3636, Email: RA-EPNPDES\_NCRO@pa.gov.*

**PA0023531**, Sewage, SIC Code 4952, **Danville Municipal Authority**, P.O. Box 179, Danville, PA 17821-0179. Facility Name: Danville WWTP. This existing facility is located in Danville Borough, **Montour 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) and Mahoning Creek (WWF, MF), is located in State Water Plan watershed 5-E and is classified for Migratory Fishes and Warm Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfalls 001 and 002 are based on a design flow of 3.62 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
pH (S.U.)	XXX	XXX	6.0 Inst Min	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	Report Inst Min	XXX	XXX	XXX
Total Residual Chlorine (TRC)	XXX	XXX	XXX	0.5	XXX	1.6
Carbonaceous Biochemical Oxygen Demand (CBOD <sub>5</sub> )	755	1,210	XXX	25.0	40.0	50
Biochemical Oxygen Demand (BOD <sub>5</sub> )						
Raw Sewage Influent	Report	Report Daily Max	XXX	Report	XXX	XXX
Total Suspended Solids	905	1,360	XXX	30.0	45.0	60
Raw Sewage Influent	Report	Report Daily Max	XXX	Report	XXX	XXX
Fecal Coliform (No./100 ml)						
Oct 1 - Apr 30	XXX	XXX	XXX	2,000 Geo Mean	XXX	10,000
May 1 - Sep 30	XXX	XXX	XXX	200 Geo Mean	XXX	1,000
Ammonia-Nitrogen						
Nov 1 - Apr 30	Report	Report	XXX	Report	Report	XXX
May 1 - Oct 31	755	1,210	XXX	25.0	40.0	50
Cyanide, Free	XXX	XXX	XXX	Report	XXX	XXX

The proposed monitoring requirements and, where appropriate, effluent limits for implementation of the Chesapeake Bay Tributary Strategy are as follows for Outfalls 001 and 002.

Parameters	Mass Units (lbs/day)		Monthly	Concentrations (mg/L)		Instant. Maximum
	Monthly	Annual		Monthly Average	Maximum	
Ammonia-N	Report	Report	XXX	Report	XXX	XXX
Kjeldahl-N	Report	XXX	XXX	Report	XXX	XXX
Nitrate-Nitrite as N	Report	XXX	XXX	Report	XXX	XXX
Total Nitrogen	Report	Report	XXX	Report	XXX	XXX
Total Phosphorus	Report	Report	XXX	Report	XXX	XXX
Net Total Nitrogen	XXX	66,118	XXX	XXX	XXX	XXX
Net Total Phosphorus	XXX	8,816	XXX	XXX	XXX	XXX

Sludge use and disposal description and location(s): Biosolids permit PAG-084802 and Landfill.

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

- Solids Management
- Whole Effluent Toxicity
- Stormwater Requirements

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

The EPA Waiver is not in effect.

*Northwest Region: Clean Water Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481, Phone: 814-332-6942, Email: RA-EPNPDES\_NWRO@pa.gov.*

**PA0288837**, Sewage, SIC Code 8800, **Robert Houk**, 6286 N Edinburg Road, Edinburg, PA 16116-4110. Facility Name: Robert Houk SRSTP. This proposed facility is located in Mahoning Township, **Lawrence County**.

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

The receiving stream(s), Unnamed Tributary of Shenango River (WWF), is located in State Water Plan watershed 20-A and is classified for Warm Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

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

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

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

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

The EPA Waiver is in effect.

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

*Southeast Region: Clean Water Program Manager, 2 East Main Street, Norristown, PA 19401, 484.250.5900.*

**WQM Permit No. 2316407**, Sewage, Amendment, **Aqua Pennsylvania Wastewater Inc.**, 762 W. Lancaster Avenue, Bryn Mawr, PA 19010.

This proposed facility is located in Media Borough, **Delaware County**.

Description of Action/Activity: Replacement and upsizing of approximately 3,000 feet of existing force main.

**WQM Permit No. 0920407**, Sewage, **Aaron Rittenhouse**, 18 Rosenberger Drive, Perkasio, PA 18944.

This proposed facility is located in Hilltown Township, **Bucks County**.

Description of Action/Activity: Construction and operation of a single-family sewage treatment facility.

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

**WQM Permit No. WQG02392001**, Sewage, **Griffin Industrial Realty, Inc.**, 204 W Newberry Road, Bloomfield, CT 06002-5314.

This proposed facility is located in South Whitehall Township, **Lehigh County**.

Description of Proposed Action/Activity: Permit for the installation of a sewer main extension to service the Chapmans Road Flex-Warehouse Facility. The gravity pipe will follow Chapmans Road north from Church Road to Grammes Road, then east through private property to its point of connection to the existing South Whitehall Township public sewer system at the intersection of Church Road and Hausman Road.

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

**WQM Permit No. 3814401, Amendment #1**, Sewerage, **Fredericksburg Sewer & Water Authority**, P.O. Box 161, 113 East Main Street, Fredericksburg, PA 17026-0161.

This proposed facility is located in Bethel Township, **Lebanon County**.

Description of Proposed Action/Activity: Seeking permit approval for amendments to the East Main Street Pump Station.

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

**WQM Permit No. 1020417**, Sewage, **CL Holdings LLC**, 414 North Washington Street, Evans City, PA 16033.

This proposed facility is located in Muddycreek Township, **Butler County**.

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

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


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

**PAI132238**, MS4, **Butler Township Luzerne County**, 83 Corporate Drive, Drums, PA 18222-2123. 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 Butler Township, **Luzerne County**. The receiving streams, Nescopeck Creek (HQ-CWF, TSF, MF), Little Nescopeck Creek (HQ-CWF, MF), Unnamed Tributary to Nescopeck Creek (HQ-CWF, MF), and Long Run (HQ-CWF (existing use)), is located in State Water Plan watershed 5-D and is classified for Migratory Fishes, Cold Water Fishes, and Trout Stocking, aquatic life, water supply and recreation. The applicant is classified as a small MS4.

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

- A Pollutant Reduction Plan (PRP)

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

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

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


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*Southeast Region: Waterways and Wetland Program Manager, 2 East Main Street, Norristown, PA 19401.*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAD510187	ALM Philadelphia, LLC 9830 Colonnade Blvd. Suite 600 San Antonio, TX 78230-2202	Philadelphia County	City of Philadelphia	Schuylkill River (WWF)
PAD230012 Phase 5B	City of Philadelphia, Division of Aviation (DOA), Planning and Environmental Services Philadelphia International Airport Terminal D Third Floor Philadelphia, PA 19153	Delaware County Philadelphia County	Tinicum Township City of Philadelphia	Delaware River (WWF-MF)
PAD150194	Mine Road Partners LP 70 E Lancaster Ave. Frazer, PA 19355	Chester County	Tredyffrin Township	UNT Little Valley Creek (EV), UNT Valley Creek (EV)
PAD150193	Horseshoe Pike Realty, LP 2168 Harts Lane Conshohocken, PA 19428-2417	Chester County	West Brandywine Township	Culbertson Run (HQ-TSF)
PAD460064	College Town Communities 230 Fairhill Associates, LLC P.O. Box 222 Southeastern, PA 19399-0222	Montgomery County	Upper Moreland Township	Round Meadow Run (TSF-MF)
PAD090065	Michael & Jennifer Irick 420 North Pine Top Place Bethlehem, PA 18017-1811	Bucks County	Springfield Township	UNT Cooks Creek (EV)
PAD150192	Diplomat Property Development, LLC 316 E. Union Street West Chester, PA 19382	Chester County	West Pikeland Township	Pine Creek (HQ, TSF, MF)
PAD460044 A-2	PECO Energy Company 2301 Market Street, N3-3 Philadelphia, PA 19103	Montgomery County	Marple Township	UNT Langford Run (WWF, MF)
PAD510057	435 North Broad Associates LLC (aka Toll Brothers) Apartment Living 250 Gibraltar Road Horsham, PA 19044	Philadelphia County	City of Philadelphia	Schuylkill River (CWF, MF)



<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAD230043	MCBH Drexeline Plaza LP 2701 N. Charles Street Suite 404 Baltimore, MD 21218-4351	Delaware County	Upper Darby Township	Darby Creek (TSF), Collen Brook (WWF)

*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 &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAD390166 A-1	PPL Utilities Corporation 2 N. 9th St., GENN 4 Allentown, PA 18101	Lehigh County	Lower Milford Township	UNT to Hosensack Creek (HQ-CWF, MF), EV Wetland

*Monroe County Conservation District, 8050 Running Valley Road, Stroudsburg, PA 18347, 570-629-3060.*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAD450128	Paradise Hills Investments LLC 447 Woodland Road Mount Pocono, PA 18344	Monroe County	Paradise Township	EV Wetlands (EV) UNT to Paradise Creek (HQ-CWF, MF)
PAD450118	VanLauren Properties, LLC P.O. Box 70 Saylorsburg, PA 18353	Monroe County	Chestnuthill Township	McMichael Creek (EV)
PAD450124	Suburban Realty LP 330 Oakford Road Clarks Summit, PA 18411	Monroe County	Stroud Township	Wigwam Run (HQ-CWF, MF)

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

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAD480136	Advanced Health Care Corporation 140 N. Union Ave. Farmington, UT 84025	Northampton County	Hanover Township	Monocacy Creek (HQ-CWF, MF)

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

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAD210063	SAVCO, LLC 3552 Gettysburg Road Suite 101 Camp Hill, PA 17011	Cumberland County	South Middleton Township	Letort Spring Run (HQ-CWF)
PAD380010	LSE Properties, LLC 301 East Hill Street Ephrata, PA 17522	Lebanon County	Bethel Township	UNT Earlakill Run (WWF)
PAD220010	PennDOT District 8-0 2140 Herr Street Harrisburg, PA 17103	Dauphin County	Harrisburg City Paxtang Borough Swatara Township	Paxton Creek (WWF, MF) Spring Creek (CWF, MF)

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

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAD300012	CNX Gas Company, LLC 1000 Consol Energy Drive Canonsburg, PA 15317	Greene County	Center Township	Lightner Run (HQ-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>
Colton Deppen 847 Imes Rd. Mifflin, PA 17058	Juniata County	7.48	716.05	Swine	NA	Approved
Emway Farms Linford Snyder 820 Luxemburg Road Lykens, PA 17048	Dauphin County	34.8	1,897.35	Layer/ Sheep	NA	Renewal
Collett Farm 1118 Luxemburg Road Lykens, PA 17048	Dauphin County	21.3	1,448.08	Layers/ Sheep	NA	Renewal
Emway Pullets 460 Klingers Church Road Lykens, PA 17048	Dauphin County	71.6	3,386.78	Pullet	NA	Renewal
Weiler Creek Farms, LLC 190 Musselman Road Bethel, PA 19507	Berks County	20.8	306.2	Beef, Poultry	N/A	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 published in the *Pennsylvania Bulletin* at which time this determination may be appealed to the Environmental Hearing Board.

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

Persons with a disability that require an auxiliary aid, service or other accommodations to participate during the 30-day public comment period should contact the office listed before the application. TDD users may contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

### SAFE DRINKING WATER

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

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

**Permit No. 4620534**, Public Water Supply.

Applicant	<b>Play &amp; Learn Centers</b> 3000 Main Street Green Lane, PA 19034
Township	Marlborough Township
County	<b>Montgomery County</b>
Responsible Official	Kimberly Follett 3000 Main Street Green Lane, PA 19034
Type of Facility	PWS
Consulting Engineer	Steckbeck Engineering & Surveying, Inc. 279 North Zinns Mill Road Lebanon, PA 17042
Application Received Date	November 23, 2020
Description of Action	Addition to reverse osmosis treatment to existing water treatment system.

### 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 site(s) identified below, 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 date specified below. During this comment period the municipality may request that the person identified below, 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.*

**North Railroad and Biddle Street Parcels**, 201 North Railroad Street, 209 North Railroad Street, 1 Biddle Street, Tamaqua, PA 18252, Tamaqua Borough, **Schuylkill County**. Synergy Environmental, 155 Railroad Plaza, Royersford, PA 19468, on behalf of Tamaqua Medical Center Properties, LLC, 801 Ostrum Street, Bethlehem, PA 18015, submitted a Notice of Intent to Remediate. Soil and groundwater were contaminated by historic releases of gasoline. Future use of the site will be non-residential. The Notice of Intent to Remediate was published in *The Times News* on December 11, 2020.

**Slatebelt Industrial Center (Former Lehigh New England Railroad Property)**, 991 West Pennsylvania Avenue, Pen Argyl, PA 18072, Plainfield Township and Wind Gap Borough, **Northampton County**. Geo-Technology Associates, 2405 John Fries Highway, Quakertown, PA 18951, on behalf of N.A.P.E.R. Development Corp., Inc., 991 West Pennsylvania Avenue, Pen Argyl, PA 18072, submitted a Notice of Intent to Remediate. Soil and groundwater were contaminated with metals, semi-volatile organic compounds, and volatile organic compounds from historic railroad operations. Future use of the site will be non-residential. The Notice of Intent to Remediate was published in the *Lehigh Valley Press* on December 11, 2020.

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

**Vertical Seal Company**, 162 Chapman Road, Pleasantville, PA 16341, Harmony Township, **Forest County**. SE Technologies, LLC, 500 Mosites Way, Pittsburgh, PA 15205 on behalf of Ampco-Pittsburgh Corporation, 726 Bell Avenue #301, Carnegie, PA 15106 has submitted a Notice of Intent to Remediate. Site groundwater has been impacted with metals from water softener backwash that was discharged in a leachfield that served the facility. Future use of the property will be industrial. Notice of Intent to Remediate was published in *The Titusville Herald* on August 14, 2020.

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

**2739-2747 North 5th Street & 2746-2752 North Orkney Street**, 2739-2747 North 5th Street and 2746-2752 North Orkney Street, 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.

#### **DETERMINATION OF APPLICABILITY FOR RESIDUAL WASTE GENERAL PERMITS**

**Application(s) for Determination of Applicability Received Under the Solid Waste Management Act (35 P.S. §§ 6018.101—6018.1003); the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P.S. §§ 4000.101—4000.1904); and Residual Waste Regulations for a General Permit to Operate Residual Waste Processing Facilities and/or the Beneficial Use of Residual Waste Other Than Coal Ash.**

*Northeast Region: Regional Solid Waste Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790.*

**General Permit Application No. WMGR081-NE002. Texas Recovery Systems of PA**, 6370 Hedgewood Drive, Suite 110, Allentown, PA 18106-9266. A determination of applicability for the processing of electronic waste for beneficial reuse at a facility located in Upper Macungie Township, **Lehigh County**. The application for determination of applicability was received by the Regional Office on October 7, 2020 and deemed administratively complete on December 15, 2020.

Comments concerning the application should be directed to Roger Bellas, Environmental Program Manager, Waste Management Program, Northeast Regional Office, 2 Public Square, Wilkes-Barre, PA 18701-1915 at 570-826-2511. TDD users may contact the Department through the Pennsylvania AT&T Relay Service, (800) 654-5984. Public comments must be submitted within 60 days of this notice and may recommend revisions to, and approval or denial of the application.

## **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.**

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

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

**09-0247: General Machine Products, LLC** (3111 Old Lincoln Highway, Trevose, PA 18969), located in Lower Southampton Township, **Bucks County**. General Machine Products submitted a Plan Approval application to the Department for a spray paint booth. The facility's operations include the manufacturing and painting of aerial cable construction equipment, copper and fiber cable placing equipment, manhole and duct tools and motor vehicles accessors. General Machine is minor facility for Volatile Organic Compound (VOC) emissions. The VOC emissions are limited to 5.30 tons per year based on a maximum paint usage of 2,000 gallons per year. Particulate Matter (PM) emissions from the spray paint booth are captured by dry panel filters which reduce the PM emissions by at least 98%. The Plan Approval will contain monitoring, recordkeeping and operating conditions designed to keep the facility operating within all applicable local, State, and Federal air quality requirements.

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

**46-0032H: SPS Technologies, LLC** (301 Highland Avenue, Jenkintown, PA 19046) for installation of one (1) new batch vapor degreaser at their facility in Jenkintown, **Montgomery County**. The plan approval is for a Synthetic Minor facility. VOC emissions shall not exceed the following: 2.08 lb/hr and 9.11 tpy. The plan approval will include monitoring and recordkeeping requirements designed to keep the facility operating within all applicable air quality requirements.

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

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

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

**67-05016H: RH Sheppard Co., Inc.** (101 Philadelphia Street, Hanover, PA 17331) for the modification of the Sinto and Disa Sand Preparation Lines, which includes the construction of two new sand mixers, two new bucket elevators, two new shutoff hoppers, five new belt convey-

ors, a new compactability tester, and the installation of a new baghouse at the facility located in Hanover Borough, **York County**. The expected increases in facility emissions as a result of the changes proposed are: 21.74 tons per year of PM, 3.26 tons per year of PM<sub>10</sub>, and 3.26 tons per year of PM<sub>2.5</sub>. The facility is a Title V facility. DEP's review of the information submitted by the applicant indicates that the air contamination sources as constructed or modified will comply with all regulatory requirements pertaining to air contamination sources and the emission of air contaminants including the best available technology requirement (BAT) of 25 Pa. Code §§ 127.1 and 127.12, and 40 CFR Part 63, Subpart ZZZZZ—National Emission Standards for Hazardous Air Pollutants for Iron and Steel Foundries Area Sources; and 40 CFR Part 64—Compliance Assurance Monitoring. Based on these findings, the Department proposes to issue a plan approval for the proposed construction. If, after the project has been implemented, the Department determines that the sources are constructed and operated in compliance with the plan approval conditions and the specification of the application for plan approval, the requirements established in the plan approval will be incorporated into an Operating Permit pursuant to the administrative amendment provisions of 25 Pa. Code § 127.450.

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

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

**24-012K: GrafTech USA LLC** (800 Theresia Street, Saint Marys, PA 15857). The Department intends to issue plan approval 24-012K to GrafTech USA LLC for authorization to alter their production process, install new sources, modify an existing source, and to install new control devices. Their existing Title V facility is located in St Mary City, **Elk County**.

The aim of this project is to change the diameter of current electrode production, to install additional machining equipment, and to increase the allowable sulfur content of coke consumed during production. A new scrubber will be installed on Source 187 (longitudinal graphitizing furnaces) to reduce SO<sub>2</sub> emissions generated from the coke sulfur content increase. The coke change and control device will result in an overall reduction of SO<sub>2</sub> emission rates.

The Longitudinal Graphitizers (Source ID 187), LG Coke Screening (Source ID 158), and Machining Operations (Source ID 715) are existing sources which will be modified by this project. The project proposes the installation of Column Build End Mill (Source 716), Inspection Coring & Pin Line Machining (Source 717), and Spacer Saw & Cleaning Machine (Exempt).

This application concerns emissions which will be generated from a source considered modified or new as defined by 25 Pa. Code § 121.1 (installed post 1972). Emissions from those sources must be the minimum attainable through the use of the best available technology as required by § 127.12a(5). The BAT analysis concluded that bag house control technology is considered BAT for new Sources 716 & 717 and that SO<sub>2</sub> scrubber control technology is considered BAT for modified Source 187. There is no change in BAT for the remaining sources.

Public notice is required for sources required to obtain a Plan Approval in accordance with 25 Pa. Code § 127.44. The Plan Approval will contain testing, recordkeeping,

emission restriction, reporting, monitoring, and work practice requirements designed to keep the facility operating within all applicable air quality requirements.

GrafTech will be required to perform stack testing of a given source if at any time the Department has reason to believe that its emissions are, or may be, in excess of any applicable air contaminant emission limitation.

The sulfur content of all coke received will be certified and kept in a log. The sulfur content of coke onsite will be less than the highest sulfur content used during a compliant Source 187 stack test unless otherwise approved.

Opacity from any stack equal to or greater than 20% for a period or periods aggregating more than three minutes in any 1 hour or opacity equal to or greater than 60% at any time will be prohibited.

GrafTech will report to the Department within 5 days after the discovery of non-compliance with the plan approval. GrafTech will inspect the site for fugitive emissions, visible emissions, and malodors weekly then record the observations and any corrective actions.

The proposed source, Inspection Coring & Pin Line Machining (Source 717) will be restricted to PM emissions of 0.005 gr/dscf and 5.35 tpy. The Column Build End Mill (Source 716) will be limited to annual PM emissions of 0.38 tpy. GrafTech will be required to stack test Source 717 to verify compliance with its PM restrictions. GrafTech will monitor pressure drop across each control devices' filter media and monitor the control devices' exhaust for the presence of visible emissions. Each will be prescribed preventive maintenance and inspections, the records of which will be kept. Spare bags/cartridges will be kept on site.

The existing source LG Coke Screening (Source 158) will be restricted to PM emissions of 0.02 gr/dscf and 1.98 tpy. The source will be stack tested within 180 days of the plan approval's issuance. All of the source's other current operating permit conditions will remain in effect.

Existing source Machining Operations (Source 715) will remain subject to the conditions of the current operating permit.

Source 187 will receive new emission restrictions. SO<sub>x</sub> emissions from Source 187 directed to Stack 187 will be reduced by 85% (at a minimum) by scrubber C187 when inlet SO<sub>x</sub> concentrations are equal to or greater than 100 ppm. SO<sub>x</sub> emissions from C187 calculated as a 24-hour average will not exceed 19.6 lb/hr. Annual SO<sub>x</sub> emissions from C187, calculated as a 12-month rolling total, will not exceed 85.9 tpy. PM<sub>10</sub> emissions (filterable and condensable) from the stack exiting scrubber C187 combined with the Building 800 Roof Monitor emissions shall not exceed the following: 6.33 lb/hr, 27.74 tpy. PM<sub>2.5</sub> emissions (filterable and condensable) from the stack exiting scrubber C187 combined with the Building 800 Roof Monitor emissions shall not exceed the following: 4.80 lb/hr, 21.01 tpy. VOC emissions from the stack exiting scrubber C187 combined with the Building 800 Roof Monitor emissions shall not exceed the following: 4.50 lb/hr, 19.73 tpy. CO emissions from the stack exiting scrubber C187 combined with the Building 800 Roof Monitor emissions shall not exceed the following: 614.53 lb/hr, 2,705 tpy. H<sub>2</sub>S emissions from the stack exiting scrubber C187 combined with the Building 800 Roof Monitor emissions shall not exceed the following: 0.03 lb/hr, 0.13 tpy. The permittee shall not exceed the following emission rates from the building 800 monitor (internal resistance graphitizer) source: 18.3 lbs/hr of

particulate matter, 30.51 lbs/hr of SO<sub>x</sub> (24-hour average), 544.8 lbs/hr of Carbon Monoxide.

Within 360 days after initial startup of the source/control device, a stack test program shall be performed in accordance with the provisions of Chapter 139 of the Rules and Regulations of the Department of Environmental Protection. The stack tests shall be performed while the source is operating at its maximum achievable or normal production rate as stated in the application. The stack program shall determine the control device's (C187) 3-hour average SO<sub>x</sub> control efficiency (when over 100 ppm) and the control devices' 24-hour average PM<sub>10</sub>, PM<sub>2.5</sub>, SO<sub>x</sub>, VOC, CO, H<sub>2</sub>S, and H<sub>2</sub>SO<sub>4</sub> emission rates (lb/hr). The stack test program shall determine the roof monitor's 24-hour average PM<sub>10</sub>, PM<sub>2.5</sub>, SO<sub>x</sub>, VOC, CO, H<sub>2</sub>S, and H<sub>2</sub>SO<sub>4</sub> emission rates (lb/hr). The 24-hour average tests shall be conducted over three 8-hour segments. Control efficiency shall be determined over 3 1-hour runs by comparing the precontrol and stack emission rates while control device inlet SO<sub>x</sub> concentrations exceed 100 ppm. Within 12 to 18 months prior to the operating permit's expiration, the stack testing program will be repeated.

GrafTech will monitor and record: Inlet air pressure of the control device, Scrubber liquid pressure, Scrubber liquid flow rate, Scrubber liquid pH, Inlet gas temperature. GrafTech will maintain a record of all preventive maintenance and inspections of the control device. Records of sulfur content analysis of each shipment of coke received will be kept. GrafTech will establish and adhere to the approved indicator range for the control device so that operation within the range shall provide reasonable assurance of compliance and comply with CAM.

GrafTech will install audible alarms which sound if the following monitored parameters leave their approved indicator ranges: Inlet air pressure of the control device, Scrubber liquid flow rate, Scrubber liquid pH. GrafTech will perform a weekly visible inspection of the control device's effluent for the presence of visible emissions.

In accordance with 25 Pa. Code § 127.44(e)(1), all the pertinent documents regarding this application (applications, review memos, and draft approvals) are also available for review from 8:00 a.m. to 4:00 p.m. at the Meadville Regional DEP office (Air Quality). Appointments for scheduling a review must be made by calling the DEP at (814) 332-6340.

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**In accordance with 25 Pa. Code § 127.44(e)(2), a 30-day comment period, from the date of publication, will exist for the submission of comments. Any person(s) wishing to provide DEP with additional information, which they believe should be considered prior to the issuance of this permit, may submit the information to Regional Air Quality Program Manager, Pennsylvania Department of Environmental Protection, 230 Chestnut Street, Meadville, PA 16335-3494 and must contain the name, address and telephone number of the person submitting the comments, identification of the proposed plan approval 24-012K: GrafTech USA LLC and a concise statement regarding the relevancy of the information or objections to the issuance of the permit.**

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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 the New Source Review Section Chief, 230 Chestnut St., Meadville, PA 16335; phone number (814) 332-6328.

In accordance with 25 Pa. Code § 127.45, a person may oppose the proposed plan approval by filing a written protest with the Department's Northwest Region.

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

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

*Contact: Janine Tulloch-Reid, Facilities Permitting Chief, (484) 250-5920.*

**23-00055: Cheyney University** (1837 University Circle, Cheyney, PA 19319) a new State Only Operating Permit for the operation of three (3) diesel fuel-fired, ten (10) natural gas-fired emergency generators, miscellaneous natural gas-fired air-conditioning chillers and other exempted or miscellaneous sources in Thornbury Township, **Delaware County**. The permit is for a non-Title V, Synthetic Minor facility. The State Only Operating Permit 23-00055 was issued on 6-29-2015 and expired on 6-29-2020 prior to the submittal of the renewal application. As per DEP's request, a new State Only Operating Permit was submitted in lieu of the renewal, the permit number was retained. The permit will include monitoring, recordkeeping, reporting, and work practice standards designed to keep the facility operating within all applicable air quality requirements.

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

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

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

**06-05061: Cambridge-Lee Industries, LLC** (P.O. Box 14026, Reading, PA 19612-4026) to issue a State Only Operating Permit renewal for the copper tubing production facility located in Ontelaunee Township, **Berks County**. The actual emissions from the facility in 2019 year were 14.91 tons of CO, 19.9 tons of NO<sub>x</sub>, 11.28 tons of PM<sub>10</sub>, 0.13 ton of SO<sub>x</sub> and 35.12 tons of VOC. The Operating Permit will include emission limits and work practice standards along with monitoring, recordkeeping and reporting requirements to ensure the facility complies with the applicable air quality regulations. Among other items, the conditions include provisions derived from 40 CFR 60 Subpart IIII and 40 CFR 63 Subpart CCCCC.

**67-05137: Menasha Packaging** (30 Grumbacher Road, York, PA 17406) to issue a State Only Operating Permit renewal for the operation of the lithographic printing operation in Manchester Township, **York County**. Emissions from the facility in 2019 are as follows: CO—0.13 tpy, NO<sub>x</sub>—0.15 tpy, PM<sub>10</sub>—0.01 tpy, SO<sub>2</sub>—0.00 tpy, VOC—17.59 tpy. The Operating Permit

will include emission limits and work practice standards along with monitoring, recordkeeping and reporting requirements to ensure the facility complies with the applicable air quality regulations. Among other items, the conditions include provisions derived from 25 Pa. Code §§ 129.67b—Control of VOC emissions from offset lithographic printing presses and letterpress printing presses, and 129.52d—Control of VOC emissions from miscellaneous metal parts surface coating processes, miscellaneous plastic parts surface coating processes and pleasure craft surface coatings.

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

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

**14-00031: Glenn O. Hawbaker, Inc.** (711 East College Avenue, Bellefonte, PA 16823) for the State Only Synthetic Minor operating permit renewal authorization for their Sandy Ridge facility (Plant #9) in Rush Township, **Centre County**. The sources for the facility are comprised of the existing Primary Crushing Operation (Source ID P101) and Secondary & Tertiary Crushing Operation (Source ID P102), which are including multiple nonmetallic mineral processing sources, such as jaw crushers, screening and conveyance equipment, as well as the ancillary site activities and source operations including stockpiling, load-out and site roadway usage. The controls in place at the facility are a wet spray dust suppression system (ID C001) and a baghouse (ID C102). The type and quantity of pollutants emitted on a facility-wide potential emissions basis are restricted, as follows: 57.6 tpy of PM<sub>10</sub> and PM<sub>2.5</sub> and 63.7 tpy of PM, based on the existing throughput restrictions for Synthetic Minor status and generally accepted emission factors for the sources. No modifications to the facility occurred over the permit term. In addition to the existing Synthetic Minor limitations, the source is subject to Federal requirements from 40 CFR Part 60 subpart OOO, as well as the Best Available Technology requirements of 25 Pa. Code §§ 127.1 and 127.12. The permit incorporates all applicable requirements for the above including appropriate testing, monitoring, recordkeeping, reporting and work practice conditions to verify compliance. The applicable requirements are derived from 25 Pa. Code Chapters 121 and 145 (relating to Air Resources). All pertinent documents used in the evaluation of the application are available for public review during normal business hours at the PA DEP'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.

**60-00013: RR Donnelley & Sons, Inc.** (1601, Industrial Parkway, Lewisburg, PA 17837) for their paper printing facility located in East Buffalo Township, **Union County**. The facility is currently operating under the State Only Operating Permit 60-00013. The facility's main sources include fourteen nonheatset web printing presses. The facility has potential emissions of 48.8 tons per year of volatile organic compounds, and less than 1 ton per year of total hazardous air pollutants (HAPs) while using inks, fountain solutions and press cleaning solutions at the facility. The potential emissions at the facility reduced due to removal of one printing press. 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 25 Pa. Code Chapters 121–145. All pertinent documents used in the evaluation of the application are available for public review during normal business hours at the Department's Northcentral Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701. Appointments for scheduling a review must be made by calling 570-327-0550.

**55-00010: National Limestone Quarry, Inc.** (P.O. Box 397, Middleburg, PA 17842) for their limestone crushing facility located in Franklin Township, **Snyder County**. The facility is currently operating under the State Only Operating Permit 55-00010. The facility's main sources include crushers, screens, conveyors, cold cleaning degreaser and site haul roads. The facility has potential emissions of 37.26 tons per year of particulate matter. No emission or equipment changes are being proposed by this action at the site except removal of inactive cement silo and associated bins from the renewal permit. 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 25 Pa. Code Chapters 121–145. All pertinent documents used in the evaluation of the application are available for public review during normal business hours at the Department's Northcentral Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701. Appointments for scheduling a review must be made by calling 570-327-0550.

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

*Contact: Thomas Joseph, Facilities Permitting Chief, 412.442.4336.*

**65-00865: DNP Imagingcomm America Corporation** (1001 Technology Drive, Mt. Pleasant, PA 15666). In accordance with 25 Pa. Code §§ 127.424 and 127.425, notice is hereby given that the Pennsylvania Department of Environmental Protection (DEP) intends to issue an Air Quality State Only Operating Permit (Synthetic Minor) to DNP Imagingcomm America Corporation to authorize the continued operation of their thermal transfer ribbons manufacturing plant located in Mount Pleasant, East Huntingdon Township, **Westmoreland County**.

The facility produces thermal transfer ribbons for facsimile, bar code and dye-sublimation printers. Thermal transfer ribbon is used in high quality printing applications. Sources at this facility include coating lines, storage tanks, boilers and an emergency generator. Control units include solvent recovery units, thermal oxidizers, and dust collectors. The facility is currently a synthetic minor source of VOC and HAP because the proposed facility wide potential to emit through Plan Approval PA-65-00865C is limited not to equal or exceed 50 tpy for VOC, 10 tpy for single HAP, and 25 tpy for combined HAPs.

This facility is subject to the applicable requirements of 40 CFR Part 60 Subpart Dc—Standards of Performance for Small Industrial-Commercial-Institutional Steam Generating Units, 40 CFR Part 63 Subpart ZZZZ—NESHAP for Stationary Reciprocating Internal Combustion Engines (RICE), and 25 Pa. Code Chapters 121–145. The proposed SOOP includes source-specific emission limita-

tions, operational restrictions, compliance testing and monitoring requirements, work practice standards, and associated recordkeeping and reporting requirements.

A person may oppose the proposed State Only Operating Permit by filing a written protest with the Department through Noor Nahar via mail to Pennsylvania Department of Environmental Protection, 400 Waterfront Drive, Pittsburgh, PA 15222. Each protest or set of written comments must contain the name, address and telephone number of the person submitting the comments, identification of the proposed State Only Operating Permit (65-00865) and a concise statement of the objections to the Operating Permit issuance and the relevant facts upon which the objections are based.

DNP 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 DNP 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.

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

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

**43-00373: Ellwood Crankshaft & Machine Company** (2575 Freedland Road, Hermitage, PA 16148), the Department intends to issue a State Only Operating Permit for the operation of multi-directional forging operation located in Sharon City, **Mercer County**. The subject facility consists of four clam shell furnaces, each rated at 10.5 MMBtu; four heat treat furnaces, each rated at 15 MMBtu; forging press, quench tanks, machining operations, miscellaneous maintenance welding, shot blast unit, parts washer, die-preheaters and paved/unpaved roadways. The facility's potential emissions (TPY) are: 46.0 NO<sub>x</sub>, 39.0 CO, 3.0 VOC, 5.0 PM, 0.30 SO<sub>x</sub>, 0.84 HAPs, and 49,000.00 Carbon Dioxide. The facility is a natural minor and is subject to State Regulations and Federal Regulations (40 CFR Part 63 XXXXXX). 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) intends to issue a modification of a Natural Minor State Only Operating Permit (NMOP) for the following facility:

**OP20-000027: Southeastern Pennsylvania Transportation Authority—Callowhill Bus Facility** (59th and Callowhill, Philadelphia, PA 19132) for the operation of public bus depot in the City of Philadelphia, **Philadelphia County**. The facility's air emission sources include the following:



- Two (2) 0.75 MMBtu/hr natural gas-fired boilers
- Nine (9) 0.83 MMBtu/hr natural gas-fired rooftop heaters
- One (1) 0.72 MMBtu/hr natural gas-fired hot water pressure heater
- One (1) 0.27 MMBtu/hr natural gas-fired warm air furnace
- One (1) 200 kW emergency generator, firing natural gas
- One (1) soil remediation system that includes an electric thermal oxidizer (ETO) and a granular activated carbon unit (GAC), each with a capacity of 300 SCFM
- Three (3) parts washers, each with a capacity of 40 gal/yr of evaporated cleaner

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

- In Section A, added the email address for the permit contact and updated the current Responsible Official
- Updated the Facility Inventory List in Table A1
  - o Removed Boilers #1, #2, and #3 (Source IDs COMB-01, COMB-02, COMB-03)
  - o Removed Hot Water Pressure Washer (Source ID COMB-04)
  - o Removed Hotsy Pressure Washer (Source ID COMB-14)
  - o Removed Alkota Pressure Washer (Source ID COMB-15)
  - o Added Boilers #1 and #2 (Source ID COMB-16 and COMB-17)
  - o Added the Warm Air Furnace (Source ID COMB-18)
  - o Added the Hot Water Pressure Heater (Source ID COMB-19)
- Updated the Process Flow Diagram, Figure A1
- In Section B, updated the General Conditions to the current AMS versions.
- In Section C, updated the Facility Wide Conditions to the current AMS versions.
- Updated Section D. Source Specific Requirements:
  - o The replacement of testing conditions for the emergency generator
    - Removed "Testing for the emergency generator is limited to 30 minutes per week."
    - Removed "Engine tuning may be performed on the emergency generator one time per year and is limited to four hours."
    - Added "The emergency generators shall operate for a maximum of 100 hours per calendar year for testing, engine tuning, maintenance checks, switch gear testing, emergency repairs, and readiness testing. The emergency generator may be operated for maintenance checks and readiness testing, provided that the tests are recommended by Federal, State or local government, the manufacturer, the vendor, the regional transmission organization or equivalent balancing authority and transmission operator, or the insurance company associated with the engine."
  - o Removed conditions regarding 40 CFR Subpart JJJJJ for the uninstalled Boilers #1, #2, #3

o Removed conditions related to No. 2 oil or kerosene usage for uninstalled combustion units

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.

## 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

<i>Parameter</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instantaneous Maximum</i>
Iron (total)	1.5 to 3.0 mg/l	3.0 to 6.0 mg/l	3.5 to 7.0 mg/l
Manganese (total)	1.0 to 2.0 mg/l	2.0 to 4.0 mg/l	2.5 to 5.0 mg/l
Suspended solids	10 to 35 mg/l	20 to 70 mg/l	25 to 90 mg/l
Aluminum (Total)	0.75 to 2.0 mg/l	1.5 to 4.0 mg/l	2.0 to 5.0 mg/l
pH <sup>1</sup>		greater than 6.0; less than 9.0	

Alkalinity greater than acidity<sup>1</sup>

<sup>1</sup> The parameter is applicable at all times.

A settleable solids instantaneous maximum limit of 0.5 ml/l applied to: surface runoff (resulting from a precipitation event of less than or equal to a 10-year 24-hour event) from active mining areas; active areas disturbed by coal refuse disposal activities; and mined areas backfilled and revegetated; and drainage (resulting from a precipitation event of less than or equal to a 1-year 24-hour event) from coal refuse disposal piles.

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

**Permit No. 30841317 and NPDES Permit No. PA0213527. Consol Pennsylvania Coal Company LLC**, 1000 Consol Energy Drive, Suite 100, Canonsburg, PA 15317, to renew and revise the permit and related NPDES Permit to delete subsidence control plan acres in East Finley, Morris and South Franklin Townships, **Washington County** for Enlow Fork Mine in Richhill, Washington, and Morris Townships, **Greene County** and Amwell, South Franklin, Buffalo, East Finley, Morris, and West Finley Townships and Green Hills Borough, Washington County, affecting -8862.0 proposed subsidence control plan acres. No additional discharges. The application was considered administratively complete on December 3, 2020. Application received: October 2, 2020.

**Permit No. 56121301 and NPDES Permit No. PA0236152. AK Coal Resources, Inc.**, 1134 Stoystown Road, Friedens, PA 15541, to revise the permit and related NPDES Permit to convert approximately 29.9 acres of forest land to unmanaged natural habitat for North Fork Mine in Jenner Township, **Somerset County**. No additional discharges. The application was considered administratively complete on December 10, 2020. Application received: October 22, 2020.

*Knox District Mining Office: P.O. Box 669, 310 Best Avenue, Knox, PA 16232-0669, (814) 797-1191, (Contact: Cayleigh Boniger).*

**Permit No. 16940105 and NPDES No. PA0212130. Original Fuels, Inc.** (P.O. Box 343, Punxsutawney, PA 15767), renewal of an existing bituminous surface mine and associated NPDES permit in Perry Township, **Clarion County**, affecting 131.0 acres. Receiving stream(s): Unnamed tributaries to the Allegheny River classified for the following use(s): WWF. There are no potable surface water supply intakes within 10 miles downstream. Application received: December 14, 2020.

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

**Permit No. 17010102. Compass Coal Company, Inc.**, P.O. Box 169, Punxsutawney, PA 15767. Permit renewal for reclamation only of a bituminous surface mine in Chest Township, **Clearfield County** affecting 117.0 acres. Receiving stream(s): Unnamed Tributaries to North Camp Run and North Camp Run to Chest Creek to the West Branch Susquehanna River classified for the following use(s): CWF. There are no potable water supply intakes within 10 miles downstream. Application received: December 3, 2020.

**Permit No. 17090102 and NPDES PA0257052. RES Coal LLC**, 224 Grange Hall Road, P.O. Box 228, Armagh, PA 15920. Permit renewal for reclamation only of a bituminous surface mine in Decatur Township, **Clearfield County** affecting 259.4 acres. Receiving stream(s): Little Laurel Run to Moshannon Creek classified for the following use(s): CWF, MF. There are no potable water supply intakes within 10 miles downstream. Application received: December 7, 2020.

**Permit No. 17813024 and NPDES PA060877. EnerCorp, Inc.**, 1310 Allport Cutoff, Morrisdale, PA 16858. Permit renewal for reclamation only of a bituminous surface mine for passive treatment only located in Bradford Township, **Clearfield County** affecting 8.3 acres. Receiving stream(s): Unnamed Tributary to the West Branch of Susquehanna River classified for the following use(s): WWF. There are no potable water supply intakes within 10 miles downstream. Application received: December 14, 2020.

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

**Permit No. 54180201. Hegins Mining Company** (P.O. Box 188, Sacramento, PA 17968) commencement, operation and restoration of an anthracite coal refuse reprocessing and preparation plant operation in Reilly Township, **Schuylkill County** affecting 57.7 acres. Application received: May 16, 2018. Application withdrawn December 11, 2020.

**Permit No. GP12-54180201. Hegins Mining Company** (P.O. Box 188, Sacramento, PA 17968), application to operate a coal preparation plant whose pollution control equipment is required to meet all applicable limitations, terms and conditions of General Permit, BAQ-GPA/GP-12 on Surface Mining Permit No. 54180201 in Reilly Township, **Schuylkill County**. Application received: May 16, 2018. Application withdrawn December 11, 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.

*Knox District Mining Office: P.O. Box 669, 310 Best Avenue, Knox, PA 16232-0669, (814) 797-1191, (Contact: Cayleigh Boniger).*

**Permit No. 24589-37190302-E-2. Three Rivers Aggregates, LLC** (1807 Shenango Road, New Galilee, PA 16141). Application for a stream encroachment to conduct activities within 100 feet of an unnamed tributary to the Beaver River in Taylor Township, **Lawrence County**. Receiving stream(s): Unnamed tributaries to the Beaver River classified for the following use(s): WWF. There are no potable water supply intakes within 10 miles downstream. Application received: December 8, 2020.

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

**Permit No. 64200301 and NPDES Permit No. PA0226131. Cavage Mountain View Farm, LLC** (29 Gallik Road, Waymart, PA 18472), commencement, operation and restoration of a topsoil quarry operation in South Caanan Township, **Wayne County** affecting 17.7 acres. Receiving stream: unnamed tributary to Middle Creek, classified for the following use: HQ—cold water fishes. Application received: October 2, 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:

Parameter	30-Day Average	Daily Maximum	Instantaneous Maximum
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	

\*The parameter is applicable at all times.

A settleable solids instantaneous maximum limit of 0.5 ml/l applies to: surface runoff (resulting from a precipitation event of less than or equal to a 10-year 24-hour event) from active mining areas; active areas disturbed by coal refuse disposal activities; mined areas backfilled and revegetated; and all other discharges and drainage (resulting from a precipitation event of greater than 1-year 24-hour to less than or equal to a 10-year 24-hour event) from coal refuse disposal piles. Similarly, modified BAT limits apply to iron, manganese and suspended solids in surface runoff, discharges and drainage resulting from these precipitation events and those of greater magnitude in accordance with 25 Pa. Code §§ 87.102, 88.92, 88.187, 88.292, 89.52 and 90.102.

Exceptions to BAT effluent limits may be applicable in accordance with 25 Pa. Code §§ 87.102, 88.92, 88.187, 88.292, 89.52 and 90.102.

*Effluent Limits for Noncoal Mining Activities*

The limits for noncoal mining activities as provided in 25 Pa. Code Chapter 77 are pH 6 to 9 and other parameters the Department may require.

Discharges from noncoal mines located in some geologic settings (for example, in the coal fields) may require additional water quality based effluent limits. If additional effluent limits are needed for an NPDES permit associated with a noncoal mining permit, then the permit description specifies the parameters.

In addition to BAT or WQBEL limits, coal and noncoal NPDES permits establish effluent limitations in the form of implemented Best Management Practices (BMPs) identified in the associated Erosion and Sedimentation Plan, the Reclamation Plan and the NPDES permit application. These BMPs restrict the rates and quantities of associated pollutants from being discharged into surface waters in this Commonwealth.

More restrictive effluent limitations, restrictions on discharge volume or restrictions on the extent of mining that may occur are incorporated into an NPDES permit when necessary for compliance with water quality standards and antidegradation requirements (in accordance with 25 Pa. Code Chapters 91–96).

The procedures for determining the final effluent limits, using a mass-balance equation or model, are found in Technical Guidance Document 563-2112-115, Developing National Pollutant Discharge Elimination System (NPDES) Permits for Mining Activities. Other specific factors to be considered include public comments and Total Maximum Daily Load(s). Additional discharge limitations may apply in the event that unexpected discharges occur.

Discharge rates for surface mining activities are precipitation driven. Discharge rates for proposed discharges associated with underground mining are noted in the permit description.

Persons wishing to comment on an NPDES draft permit should submit a written statement to the Department at the address of the district mining office indicated before each draft permit within 30-days of this public notice. Comments received within the comment period will be considered in the final determinations regarding the NPDES permit applications. Comments must include the name, address and telephone number of the writer and a concise statement to inform the Department of the exact basis of a comment and the relevant facts upon which it is based.

The Department will also accept requests or petitions for a public hearing on NPDES permit applications, as provided in 25 Pa. Code § 92a.82(d). The request or petition for a public hearing shall be filed within 30-days of this public notice and contain the name, address, telephone number and the interest of the party filing the request and state the reasons why a hearing is warranted. A public hearing may be held if the Department considers the public interest significant. If a hearing is scheduled, a notice of the hearing on the NPDES permit application will be published in the *Pennsylvania Bulletin* and a newspaper of general circulation within the relevant geographical area. When a public hearing is held, the Department will consider comments from the public hearing in the final determination on the NPDES permit application.

*Coal NPDES Draft Permits*

*California District Mining Office: 25 Technology Drive, California Technology Park, Coal Center, PA 15423, (724) 769.1100.*

**NPDES No. PA0236438 (Mining Permit No. 30810703), Consol Pennsylvania Coal Company LLC**, 1000 Consol Energy Drive, Suite 100, Canonsburg, PA 15317, a renewal to the NPDES and mining activity permit for coal refuse disposal activities for Bailey Coal Refuse Disposal Areas No. 1 and No. 2 in Richhill and Morris Townships, **Greene County**, affecting 894.0 surface acres. Receiving stream(s): Boothe Run: WWF, impaired (situation). The application was considered administratively complete: January 30, 2019. The application was received: May 18, 2018.

Unless otherwise noted for a specific outfall, the proposed effluent limits for all outfalls in this permit are the BAT limits described previously for coal mining activities.

*Outfall 001* discharges to: Boothe Run

The proposed effluent limits for *Outfall 001* (Lat: 39° 58' 35.7" Long: -80° 22' 45.9") are:

The following effluent limitations and monitoring requirements apply to the subject outfall from Permit Effective Date To Permit Expiration Date:

<i>Parameter</i>		<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Flow	(mgd)	-	-	-	Report
Iron	(mg/l)	-	1.5	3.0	3.8
Manganese	(mg/l)	-	1.21	2.42	3.03
Aluminum	(mg/l)	-	0.75	0.75	0.75
Suspended Solids	(mg/l)	-	35	70	90
pH	(S.U.)	6.0	-	-	9.0
Alkalinity, Total as CaCO <sub>3</sub>	(mg/l)	-	-	-	Report
Acidity, Total as CaCO <sub>3</sub>	(mg/l)	-	-	-	Report
Alkalinity, Net	(mg/l)	0.0	-	-	-
Osmotic Pressure	(mOs/kg)	-	-	-	Report
Total Dissolved Solids	(mg/l)	-	-	-	Report
Sulfate	(mg/l)	-	-	-	Report

The EPA Waiver is not in effect (Bailey Central Mine Complex, impaired receiving stream).

*Cambria District Mining Office: 286 Industrial Park Road, Ebensburg, PA 15931, 814-472-1900.*

**NPDES No. PA0279421 (Mining Permit No. 32150101), Amerikohl Mining, Inc.**, 202 Sunset Avenue, Butler, PA 16001, revised NPDES permit for a post-mining discharge in West Wheatfield Township, **Indiana County**, affecting 50.5 acres. Receiving stream(s): Unnamed Tributary to Roaring Run, classified for the following use(s): Cold Water Fishes (CWF). This receiving stream is included in the Kiski-Conemaugh TMDL. Application received: October 6, 2020.

The following outfall discharges to Unnamed Tributary to Roaring Run:

<i>Outfall Nos.</i>	<i>New Outfall (Y/N)</i>
006 (ALD Passive Treatment System)	Y

The proposed effluent limits for the previously listed outfall are as follows:

<i>Outfalls: (All Weather Conditions) 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)	1.9	3.8	4.7
Total Suspended Solids (mg/l)	35.0	70.0	90.0

pH (S.U.): Must be between 6.0 and 9.0 standard units at all times.  
Alkalinity must exceed acidity at all times.

*New Stanton District Mining Office, P.O. Box 133, New Stanton, PA 15672, (724) 925.5500.*

**NPDES No. PA0251950 (Surface Mine Permit No. 30100101), Border Energy, LLC**, 966 Crafts Run Road, Madsville, WV 26541, revision to the NPDES permit to change two stormwater outfalls to treatment facility outfalls located in Monongahela Township, **Greene County**, affecting approximately 179.8 acres. Receiving stream(s): Unnamed tributary to Whiteley Creek, classified for the following use(s): WWF. The first downstream potable water supply intake from the point of discharge near Masontown, PA on the Monongahela River. Application received: October 10, 2019.

The following outfalls drain to the UNTs to Whiteley Creek.

<i>Outfall Nos.</i>	<i>New Outfall (Y/N)</i>	<i>Type</i>
001	N	SWO
002	N	SWO
003	N	TFO
004	N	TFO
005	N	SWO

The proposed effluent limits for the previously listed outfalls at all times are as follows:

<i>Parameter</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Total Iron (mg/L)	1.5	3.0	3.7
Total Manganese (mg/L)	1.0	2.0	2.5
Total Aluminum (mg/L)	0.75	0.75	0.75
Total Suspended Solids (mg/L)	35	70	90
Osmotic Pressure (mOsm/kg)	50	50	50
Sulfates (mg/L)		Monitor and Report	
Total Dissolved Solids (mg/L)		Monitor and Report	
Specific Conductivity (µmhos/cm)		Monitor and Report	

Alkalinity must be greater than acidity at all times.  
pH must be between 6.0 and 9.0 at all times.

*Noncoal NPDES Draft Permits*

*Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901-2522, (570) 621.3118.*

**NPDES Permit No. PA0594784. H & K Group, Inc.** (P.O. Box 196, Skippack, PA 19474), renewal of NPDES Permit on Noncoal Surface Mine Permit No. 36900302, in Fulton Township, **Lancaster County**, affecting 74.69 acres. Receiving stream: unnamed tributary to the Octoraro Creek Watershed classified for the following use: trout stocking fishes. The first downstream potable water supply intake from the point of discharge is in Port Deposit, MD. The Department has made a tentative determination to impose the following effluent limitations. Application received: October 16, 2020.

<i>Outfall Nos.</i>	<i>New Outfall (Y/N)</i>	<i>Type</i>
001	No	Pit Water
002	No	Stormwater

<i>Outfalls: 001 Parameter</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instantaneous Maximum</i>
pH <sup>1</sup> (S.U.)	6.0			10.0
Total Alkalinity (as CaCO <sub>3</sub> ) (mg/L)		Monitor And Report		
Total Acidity (as CaCO <sub>3</sub> ) (mg/L)		Monitor And Report		
Net Alkalinity (mg/L)	0.0			
Total Suspended Solids (mg/L)		30.0	70.0	90.0

<i>Outfalls: 001 Parameter</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instantaneous Maximum</i>
Discharge (MGD) 001		2.88	2.88	
Discharge (MGD) 002		0.37	2.61	
Total Settleable Solids 002 (mL/L)				0.5

<sup>1</sup> 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. E4601220-043, Southeastern Pennsylvania Transportation Authority (SEPTA), 1234 Market Street, Philadelphia, PA 19107, Abington Township, Montgomery County, ACOE Philadelphia District.**

SEPTA is proposing to perform the following water obstruction and encroachment activities associated with the SEPTA Jenkintown Flood Mitigation Project:

1. To perform repointing work and gabion retaining walls with Redi-Rock walls associated with rehabilitation of a bridge over Tacony Creek (WWF-MF, SEPTA Bridge 11.22) and in place of the gabion retaining wall system, construct and maintain Redi-Rock retaining walls. This work will result in 98 linear feet (2,159 square feet) of temporary stream impact, 5,026 square feet (0.115 acre) of temporary floodway impact, and 1,291 square feet (0.29 acre) of temporary floodplain impact due to erosion and sedimentation controls required to do the work. (USGS PA Abington Quadrangle—Latitude 40.097914 N, Longitude 75.142236 W).

2. To remove an existing culvert over Tacony Creek (WWF-MF, SEPTA Culvert 0.16) and in its place, construct and maintain a 34-foot wide, 78-foot long, CON/SPAN arch bridge system resulting in 79 linear feet (2,441 square feet) of permanent watercourse impact (USGS PA Abington Quadrangle—Latitude 40.097914 N, Longitude 75.139112 W). Also, to perform a stream restoration with the construction and maintenance of an overflow basin within the 100-year floodplain of Baeder Run (WWF-MF) and five outfalls with the placement of riprap rock aprons. This work will result in 57 linear feet (428 square feet) of permanent watercourse impact for the outfalls, 1,216 linear feet (14,661 square feet) of temporary impact for the culvert replacement and stream restoration, 13,782 square feet (0.320 acre) of permanent floodway impact for the outfalls and stream restoration, 9,313 square feet (0.213 acre) of temporary floodway impact for the culvert replacement and stream restoration, 42,246 square feet (0.969 acre) of permanent floodplain impact with 18,134 square feet (0.416 acre) of temporary floodplain impact for the stream restoration and overflow basin (USGS PA Abington Quadrangle—Latitude 40.097914 N, Longitude 75.139112 W).

3. To perform a stream restoration on Tacony Creek (WWF-MF) resulting in 91 linear feet (3,384 square feet) of permanent watercourse impact due to placement of riprap for scour hole repairs and 506 linear feet (17,455 square feet) of temporary watercourse impact, 10,161 square feet (0.233 acre) of permanent floodway impact, 3,405 square feet (0.077 acre) of temporary floodway impact, 25,085 square feet (0.576 acre) of permanent floodplain impact, and 18,886 square feet (0.434 acre) of temporary floodplain impact for the stream restoration. Additional impact includes 253 square feet (0.006 acre) of permanent floodplain impact associated with the construction and maintenance of an outfall and includes the placement of riprap rock apron. This work also includes rehabilitation work associated with a bridge (SEPTA Bridge 10.97) which includes repointing, replacement of missing stones, and spall repair. (USGS PA Abington Quadrangle—Latitude 39.836710 N, Longitude 75.389625 W).

This project is located near the Jenkintown-Wyncote SEPTA train station within and adjacent to SEPTA Right-of-Way in Abington Township, Montgomery County (USGS PA Germantown Quadrangle—Latitude 40.097159 N, Longitude 75.138727 W).

*Northcentral Region: Waterways & Wetlands Program Manager, 208 West Third Street, Williamsport, PA 17701, 570-327-3636.*

The Department through Joint Permit **E5304220-021**, **The Department of Conservation and Natural Resources**, 400 Market St., Harrisburg, PA.

The applicant proposes to construct and maintain a 40 ft by 13 ft prefabricated bridge on concrete strip footings. The bridge will connect a snowmobile trail over Losey Run (HQ-CWF, Wild Trout), HUC 12 Code: 020502050202, tributary to Pine Creek (HQ-CWF, Class A Trout). The bridge will lessen the impact to Losey Run by trail users. The proposed structure will be located in Ulysses Township, **Potter County** and within the Susquehannock State Forest. The project is located within the Brookland, PA USGS Quadrangle at coordinates (41.773776, -77.758343). Installation is planned for the Spring of 2021.

**E1804220-024: Devanie Dufour**, 2238 Teaberry Lane, Lock Haven, PA 17745. Dufour Floodway Property, Lamar

Township, **Clinton County**, U.S. Army Corps of Engineers Baltimore District (Mill Hall, PA Quadrangle; 41° 5' 7.66" N, 77° 28' 12.31" W).

The applicant proposes to construct a new single-story single-family residence to replace the existing flood damaged home. The new home will be elevated on reinforced concrete piers supporting a steel frame above the FEMA 100 yr. Flood elevation. New home size and location will remain essentially the same as the existing home. The project is in the floodway of Cedar Run (HQ-CWF, MF) and will result in 0.1 acre of direct floodway impact.

**E1404220-024: York Acquisitions, LLC**, 8008 Corporate Center Drive, #201, Charlotte, NC 28226. Aspen Heights Squirrel Dr, College Township, **Centre County**, U.S. Army Corps of Engineers Baltimore District (State College, PA Quadrangle; 40.806985 N, 77.833142W).

The applicant proposes to construct Post Construction Stormwater Management (PCSM) outfall consisting of a 24" outfall pipe, concrete wingwall, and rip-rap apron above the Ordinary High Water Mark (OHWM) of Thompson Run (HQ-CWF, MF). The project result in 0.1 acre of direct floodway impact.

**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.**

*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 &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N</i>
PA0276341 (Storm Water)	Biospectra—Stroudsburg Facility 100 Majestic Way Bangor, PA 18013-2860	Monroe County Stroud Township	Little Pocono Creek (HQ-CWF, MF) (1-E)	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 &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N</i>
PA0081442 (Sewage)	South Eastern Mid School STP 377 Main Street Fawn Grove, PA 17321-9514	York County Fawn Township	Falling Branch (CWF, MF) in Watershed(s) 7-I	Y
PA0082163 (Sewage)	New Life for Girls Inc. P.O. Box 170 5925 Lewisberry Road Dover, PA 17315-0170	York County Conewago Township	Unnamed Tributary to Laurel Run (WWF) in Watershed(s) 7-F	Y
PA0086312 (Sewage)	James Dorwart 1375 Old Quaker Road Etters, PA 17319-9116	York County Fairview Township	Nauvoo Run (WWF) in Watershed(s) 7-F	Y
PA0023604 (Sewage)	McAlisterville STP P.O. Box 61 McAlisterville, PA 17049-0061	Juniata County Fayette Township	Little Lost Creek (TSF) in Watershed(s) 12-A	Y
PA0086932 (Sewage)	Yorkana MHP P.O. Box 247 Silver Spring, PA 17575-0247	York County Lower Windsor Township	Unnamed Tributary to Cabin Creek (WWF) in Watershed(s) 7-I	Y
PA0043567 (Sewage)	York Springs Municipal Authority Adams County 311 Main Street York Springs, PA 17372-0222	Adams County York Springs Borough	Adams County to Gardner Run (WWF) in Watershed(s) 7-F	Y
PA0086550 (Sewage)	Siddens Residence 65 Stonewall Lane Alburtis, PA 18011-2608	Berks County Longswamp Township	Unnamed Tributary to Swabia Creek (HQ-CWF) (2-C)	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N</i>
PA0034185 (Sewage)	High Meadows MHP STP 4751 Kendor Drive Lower Burrell, PA 15068-9506	Westmoreland County Allegheny Township	Unnamed Tributary to Allegheny River (WWF) (18-A)	Y
PA0219347 (Sewage)	Iams Properties SRSTP 4124 Finleyville Elrama Road Finleyville, PA 15332-3125	Washington County Union Township	Lobbs Run (WWF) (19-C)	Y
PA0219053 (Industrial)	Pitt Ohio Express Washington Terminal 9 Industry Drive Eighty-Four, PA 15330	Washington County North Strabane Township	Unnamed Tributary to Little Chartiers Creek (HQ-WWF) (20-F)	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N?</i>
PA0000256 (Industrial)	PA American Water Punxsutawney District P.O. Box 888 800 Hershey Park Drive Hershey, PA 17003	Jefferson County Gaskill Township	East Branch Mahoning Creek (CWF) (17-D)	Y



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**II. New or Expanded Facility Permits, Renewal of Major Permits and EPA Nonwaived Permit Actions.**


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

**NPDES Permit No. PA0276332**, Storm Water, SIC Code 3295, **Pennsylvania Perlite Corporation**, 1428 Mauch Chunk Road, Bethlehem, PA 18018-2338.

This proposed facility is located in Bethlehem City, **Northampton County**.

Description of Proposed Action/Activity: Issuance of an NPDES Permit for a new discharge of treated stormwater.

**NPDES Permit No. PA0276367**, Storm Water, SIC Code 2086, 4225, **Mott's LLP**, 7350 Industrial Boulevard, Allentown, PA 18106-9344.

This proposed facility is located in Upper Macungie Township, **Lehigh County**.

Description of Proposed Action/Activity: Issuance of an NPDES Permit for a new discharge of treated stormwater.

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

**NPDES Permit No. PA0288764**, Sewage, SIC Code 8800, **Holly & Todd Propst**, 8909 Rohl Road, North East, PA 16428-2478.

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

Description of Proposed Action/Activity: Issuance of an NPDES Permit for a new discharge of treated sewage.

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**III. WQM Industrial Waste and Sewerage Actions under The Clean Streams Law.**


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*Southeast Region: Clean Water Program Manager, 2 East Main Street, Norristown, PA 19401, 484.250.5900.*

**WQM Permit No. 4620406**, Sewage, **West Pottsgrove Township**, 980 Grosstown Road, Stowe, PA 19464-6124.

This proposed facility is located in West Pottsgrove Township, **Montgomery County**.

Description of Action/Activity: Replacement of existing sanitary sewer between E. Vine St. and Glasgow St.

**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 realignment due to Alderfer Bridge replacement.

**WQM Permit No. 1520406**, Sewage, SIC Code 4952, **West Goshen Sewer Authority Chester County**, 1025 Paoli Pike, West Chester, PA 19380.

This proposed facility is located in West Goshen Township, **Chester County**.

Description of Action/Activity: The rehabilitation of the Westtown Way Pumping Station No. 13 due to age. The rehabilitation will include the replacement new controls and instrumentation, a grinder pump, 3 dry pit submersible pumps rated at 4,300 gpm, replaced pipe discharge and valving, along with a new flow meter and a permanent emergency generator.

*Northcentral Region: Regional Clean Water Program Manager, 208 W Third Street, Suite 101, Williamsport, PA 17701-6448, Phone: 570.327.3636.*

**WQM Permit No. 4920402**, Sewage, SIC Code 4952, **Lewis Township Northumberland County**, 1428 Rovendale Drive, Watsontown, PA 17777-8459.

This proposed facility is located in Lewis Township, **Northumberland County**.

Description of Proposed Action/Activity: Schell & Koch Road Sanitary Sewer Extension.

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

**WQM Permit No. 0220200**, Industrial, SIC Code 4613, **Buckeye Pipeline Co. LP**, 3324 University Boulevard, Coraopolis, PA 15108.

This proposed facility is located in Moon Township, **Allegheny County**.

Description of Proposed Action/Activity: Permit authorizing construction and operation of a mobile treatment system comprised of pre-filters, granulated carbon vessels and post filters associated with the discharge of hydrostatic test waters under NPDES PAG106212.

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

**WQM Permit No. 2520423**, Sewage, SIC Code 8800, **Holly & Todd Propst**, 8909 Rohl Road, North East, PA 16428-2478.

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

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

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**IV. NPDES Stormwater Discharges from Municipal Separate Storm Sewer Systems (MS4) Individual Permits Issued.**


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*Southeast Region: Clean Water Program Manager, 2 East Main Street, Norristown, PA 19401, Phone: 484-250-5970.*

<i>NPDES Permit No.</i>	<i>Permittee Name &amp; 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>
PAI130059	Plumstead Township P.O. Box 387 5186 Plumstead Road Plumsteadville, PA 18949-0387	Plumstead Township Bucks County	Pine Run (TSF, MF) and Unnamed Tributary to Cabin Run (CWF, MF)/ TSF, CWF, and MF	Y	Y

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**VI. NPDES Discharges of Stormwater Associated with Construction Activities Individual Permit Actions.**


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*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 &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAD390161 Issued	Wesley Works Properties, LLC 500 Chestnut St Emmaus, PA 18049	Lehigh County	Emmaus Borough	Leibert Creek (HQ-CWF, MF)
PAD390154 Issued	Hotel Hamilton, LLC 7540 Windsor Dr. Allentown, PA 18105	Lehigh County	South Whitehall Township	Cedar Creek (HQ-CWF, MF)
PAD390157 Issued	Allentown Economic Development Corporation 905 Harrison St Allentown, PA 18103	Lehigh County	City of Allentown	Little Lehigh Creek (HQ-CWF, MF)
PAD480062 Issued	Huratiak Homes LLC 416 O. W. Road Bangor, PA 18013-9380	Northampton County	City of Bethlehem	Saucon Creek (HQ-CWF, MF)

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**VII. Approvals to Use NPDES and/or Other General Permits.**


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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.**


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PAG-01	General Permit for Discharges for Stormwater Discharges Associated with Small Construction Activities.
PAG-02	General Permit for Discharges of Stormwater Associated with Construction Activities
PAG-03	General Permit for Discharges of Stormwater from Industrial Activities
PAG-04	General Permit for Discharges from Small Flow Treatment Facilities
PAG-05	General Permit for Discharges from Petroleum Product Contaminated Groundwater Remediation Systems
PAG-06	General Permit for Wet Weather Overflow Discharges from Combined Sewer Systems (CSO)
PAG-07	General Permit for Beneficial Use of Exceptional Quality Sewage Sludge by Land Application
PAG-08	General Permit for Beneficial Use of Non-Exceptional Quality Sewage Sludge by Land Application to Agricultural Land, Forest, a Public Contact Site or a Land Reclamation Site
PAG-08 (SSN)	Site Suitability Notice for Land Application Under Approved PAG-08 General Permit Coverage
PAG-09	General Permit for Beneficial Use of Residential Septage by Land Application to Agricultural Land, Forest, or a Land Reclamation Site
PAG-09 (SSN)	Site Suitability Notice for Land Application Under Approved PAG-09 General Permit Coverage
PAG-10	General Permit for Discharges from Hydrostatic Testing of Tanks and Pipelines

PAG-11	General Permit for Discharges from Aquatic Animal Production Facilities
PAG-12	Concentrated Animal Feeding Operations (CAFOs)
PAG-13	Stormwater Discharges from Municipal Separate Storm Sewer Systems (MS4)
PAG-14	(To Be Announced)
PAG-15	General Permit for Discharges from the Application of Pesticides

*General Permit Type—PAG-02*

*Southeast Region: Waterways and Wetlands Program Manager, 2 East Main Street, Norristown, PA 19401, 484-250-5160.*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone Number</i>
PAC230170 Issued	Springfield Township 50 Powell Road Springfield, PA 19064	Delaware County	Springfield Township	Whiskey Run (WWF)	Delaware County Conservation District 1521 N. Providence Road Media, PA 19063 610-892-9484
PAC090240 Issued	Global Metal Works 1509 Clyde-Waite Dr. Bristol, PA 19007	Bucks County	Bristol Township	Mill Creek (WWF-MF)	Bucks County Conservation District 1456 Ferry Road Doylestown, PA 18901-5550 215-345-7577
PAC090386 Issued	Nursery Depot 1227 Charter Lane Ambler, PA 19002-1564	Bucks County	Hilltown Township	Deep Run Creek (WWF)	Bucks County Conservation District 1456 Ferry Road Doylestown, PA 18901-5550 215-345-7577
PAC230152 Issuance	Spring Lane LLC 3164 Hollow Road Malvern, PA 19355	Delaware County	Brookhaven Borough	Ridley Creek (TSE, MF)	Delaware County Conservation District 1521 N. Providence Road Media, PA 19063 610-892-9484
PAC230162 Issuance	Astoria Chadds Ford, LLC 1121 Roe Avenue eadwood, KS 66211-1922	Delaware County	Concord Township	UNT Beaver Creek (WWF, MF)	Delaware County Conservation District 1521 N. Providence Road Media, PA 19063 610-892-9484

*Northeast Region: Waterways and Wetlands Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915, 570-826-2511.*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone Number</i>
PAC390120 Authorization/ Issuance	Toll PA IV, LP 1140 Virginia Dr. Fort Washington, PA 19034	Lehigh County	Upper Saucon Township	Saucon Creek (CWF, MF), Laurel Run (CWF, MF)	Lehigh County Conservation District 4184 Dorney Park Road Suite 105 Allentown, PA 18401 610-391-9583
PAC400183 Authorization/ Issuance	Kimberly Popple Blueberry Hill LLC 220 S River St Wilkes-Barre, PA 18711	Luzerne County	Duryea Boro	Susquehanna River (WWF, MF) Lackawanna River (CWF, MF)	Luzerne County Conservation District 325 Smiths Pond Road Shavertown, PA 18708 570-674-7991
PAC480109 Authorization/ Issuance	7065-A William Penn Highway, LLC Kathy Novak 1655 Jonathan Lane Bethlehem, PA 18015	Northampton County	Bethlehem Township	Nancy Run (CWF, MF)	Northampton County Conservation District 14 Gracedale Ave Greystone Building Nazareth, PA 18064-9211 610-829-6276

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

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

NPDES Permit No.	Applicant Name & Address	County	Municipality	Receiving Water/Use	Contact Office & Phone Number
PAC060137 Major Amendment Issued	Sonshine II, LP 227 Granite Run Drive Suite 100 Lancaster, PA 17601	Berks County	Union Township	Schuylkill River (WWF-MF)	Southcentral Regional Office 909 Elmerton Avenue Harrisburg, PA 17110 717.705.4802

Northcentral Region: Watershed Management Program Manager, 208 West Third Street, Williamsport, PA 17701.

Permit No.	Applicant Name & Address	Municipality & County	Receiving Water/Use	Contact Office & Phone No.
PAC080054	Matt Cook, Leather Stocking Gas Co, Inc. 330 West William St Corning, NY 14830	Wyalusing Township & Borough Bradford County	Susquehanna River WWF	Bradford County Conservation District Stoll Natural Resource Ctr 200 Lake Rd Ste E Towanda, PA 18848 (570) 265-5539, X 6
PAC140111	Scott Burk 110 Maple Drive Centre Hall, PA 16828	Potter Township Centre County	UNT Roaring Run CWF	Centre County Conservation District 414 Holmes Ave Ste 4 Bellefonte, PA 16823 (814) 355-6817
PAC190054	PPL Electric Utilities Corp 1639 Church Rd Allentown, PA 18104-9342	Town of Bloomsburg Columbia County	UNT Fishing Creek	Columbia County Conservation District 702 Sawmill Rd Ste 204 Bloomsburg, PA 17815 (570) 784-1310 X 102
PAC410056	4 Girton Drive, LP 46 S. Main St Muncy, PA 17756	Clinton Township Lycoming County	Turkey Run WWF	Lycoming County Conservation District 542 County Farm Rd Ste 202 Montoursville, PA 17754 (570) 433-3003
PAC410057	PennDOT 3-0 715 Jackson Ave Montoursville, PA 17754	Fairfield Township Lycoming County	Bennetts Run—WWF W Br Susquehanna River WWF	Lycoming County Conservation District 542 County Farm Rd Ste 202 Montoursville, PA 17754 (570) 433-3003
PAC410058	LHB Warehouse, LLC 288 Myrtle Ave Ramsey, NJ 07446	City of Williamsport Lycoming County	W Br Susquehanna River WWF	Lycoming County Conservation District 542 County Farm Rd Ste 202 Montoursville, PA 17754 (570) 433-3003

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

Permit No.	Applicant Name & Address	Municipality & County	Receiving Water/Use	Contact Office & Phone No.
PAC430014A1	Borough of Stoneboro 59 Lake Street P.O. Box 337 Stoneboro, PA 16153	Borough of Stoneboro Mercer County	Sawmill Run WWF	Mercer County Conservation District 24 Avalon Court Suite 300 Mercer, PA 16137 724-662-2242

<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Municipality &amp; County</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
PAC100204	Winmer Properties LP 800 South Washington Street Evans City, PA 16033	Butler Township Butler County	UNT to Connequenessing Creek WWF	Butler County Conservation District 120 Hollywood Drive Suite 201 Butler, PA 16001 724-284-5270

*General Permit Type—PAG-03**Southeast Regional Office, Clean Water Program, 2 E Main Street, Norristown, PA 19401.*

<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Municipality &amp; County</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
PAG030111	Amazon Com Services LLC P.O. Box 80842 Attn: Na Env Dept Seattle, WA 98108-0842	Philadelphia City Philadelphia County	Poquessing Creek (WWF, MF)—3-J	DEP Southeast Regional Office Clean Water Program 2 E Main Street Norristown, PA 19401 484.250.5970
PAG030112	Amazon.com Service LLC P.O. Box 80842 Seattle, WA 98108-0842	Falls Township Bucks County	Rock Run (WWF, MF) 2-E	DEP Southeast Regional Office Clean Water Program 2 E. Main Street Norristown, PA 19401 484.250.5970
PAG030071 A-1	SS Industries Holdings, Inc. 105 G.P. Clement Drive Collegeville, PA 19426	Perkiomen Township Montgomery County	Unnamed Tributary to Schoolhouse Run (TSF, MF) and Schoolhouse Run (TSF, MF)—3-E	DEP Southeast Regional Office Clean Water Program 2 E Main Street Norristown, PA 19401 484.250.5970

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

<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Municipality &amp; County</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
PAR606196 A-1	Millerstown Pick-A-Part Inc. 3150 Lardintown Road Tarentum, PA 15084-3445	Fawn Township Allegheny County and Clinton Township Butler County	Lardintown Run (TSF)—18-A	DEP Southwest Regional Office Clean Water Program 400 Waterfront Drive Pittsburgh, PA 15222-4745 412.442.4000

*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 &amp; Address</i>	<i>Municipality &amp; County</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
PAG133561	Newberry Township York County 1915 Old Trail Road Etters, PA 17319	Newberry Township York County	Unnamed Tributary to Fishing Creek (TSF, MF), Conewago Creek (WWF, MF), Unnamed Tributary of Fishing Creek (TSF, MF), and Unnamed Tributary of Bennett Run (WWF, MF)—7-E and 7-F	DEP Southcentral Regional Office Clean Water Program 909 Elmerton Avenue Harrisburg, PA 17110-8200 717-705-4918

## NOTICES

<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Municipality &amp; County</i>	<i>Receiving Water / Use</i>	<i>Contact Office &amp; Phone No.</i>
PAG133656	Dover Township York County 2480 W Canal Road Dover, PA 17315-3410	Dover Township York County	Fox Run (TSF, MF), Unnamed Tributary of Fox Run (TSF, MF), Little Conewago Creek (TSF, MF), and Honey Run (TSF, MF)—7-F	DEP Southcentral Regional Office Clean Water Program 909 Elmerton Avenue Harrisburg, PA 17110-8200 717-705-4918
PAG133548	Carroll Township York County 555 Chesnut Grove Road Dillsburg, PA 17019	Carroll Township York County	Unnamed Tributary to Yellow Breeches Creek (CWF, MF), Fishers Run (CWF, MF), and Unnamed Tributary to Dogwood Run (CWF, MF)—7-E	DEP Southcentral Regional Office Clean Water Program 909 Elmerton Avenue Harrisburg, PA 17110-8200 717-705-4918
PAG133671	Jackson Township York County 439 Roth Church Road Spring Grove, PA 17362-8872	Jackson Township York County	Little Conewago Creek (TSF, MF) and Unnamed Stream—7-H and 7-F	DEP Southcentral Regional Office Clean Water Program 909 Elmerton Avenue Harrisburg, PA 17110-8200 717-705-4918
PAG133676	Dallastown Borough York County 175 E Broad Street Dallastown, PA 17313	Dallastown Borough York County	Unnamed Tributary to Barshinger Creek (CWF, MF) and Unnamed Tributary to Mill Creek (WWF, MF)—7-H	DEP Southcentral Regional Office Clean Water Program 909 Elmerton Avenue Harrisburg, PA 17110-8200 717-705-4918
PAG133557	Fairview Township York County 599 Lewisberry Road New Cumberland, PA 17070-2399	Fairview Township York County	Yellow Breeches Creek (CWF, MF), Marsh Run (WWF, MF), Susquehanna River (WWF, MF), Unnamed Tributary of Fishing Creek (CWF (existing use)), Unnamed Tributary to Big Spring Run (TSF, MF), and Big Spring Run (TSF, MF)—7-E and 7-C	DEP Southcentral Regional Office Clean Water Program 909 Elmerton Avenue Harrisburg, PA 17110-8200 717-705-4918
PAG133731	Penn Township York County 20 Wayne Avenue Hanover, PA 17331	Penn Township York County	Oil Creek (WWF, MF) and Unnamed Tributary to West Branch Codorus Creek (WWF, MF)—7-H	DEP Southcentral Regional Office Clean Water Program 909 Elmerton Avenue Harrisburg, PA 17110-8200 717-705-4918
PAG133649	West York Borough York County 1381 W Poplar Street York, PA 17404	West York Borough York County	Codorus Creek (WWF, MF)—7-H	DEP Southcentral Regional Office Clean Water Program 909 Elmerton Avenue Harrisburg, PA 17110-8200 717-705-4918

<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Municipality &amp; County</i>	<i>Receiving Water / Use</i>	<i>Contact Office &amp; Phone No.</i>
PAG133673	Windsor Borough York County 2 E Main Street P.O. Box 190 Windsor, PA 17366-9730	Windsor Borough York County	Fishing Creek (TSF, MF)—7-I	DEP Southcentral Regional Office Clean Water Program 909 Elmerton Avenue Harrisburg, PA 17110-8200 717-705-4918
PAG133560	Dillsburg Borough York County 151 South Baltimore Street Dillsburg, PA 17019	Dillsburg Borough York County	Unnamed Tributary to Dogwood Run (CWF, MF)—7-E	DEP Southcentral Regional Office Clean Water Program 909 Elmerton Avenue Harrisburg, PA 17110-8200 717-705-4918
PAG133576	Spring Garden Township York County 558 S Ogontz Street York, PA 17403	Spring Garden Township York County	Mill Creek (WWF, MF), Codus Creek (WWF, MF), Unnamed Tributary to Codorus Creek (WWF, MF), Unnamed Tributary to Mill Creek (WWF, MF), and Unnamed Tributary of Codorus Creek (WWF, MF)—7-H	DEP Southcentral Regional Office Clean Water Program 909 Elmerton Avenue Harrisburg, PA 17110-8200 717-705-4918
PAG133652	Springfield Township York County 9211 Susquehanna Trail S Seven Valleys, PA 17360	Springfield Township York County	Unnamed Tributary to East Branch Codus Creek (CWF, MF) and Unnamed Tributary of East Branch Codus Creek (CWF, MF)—7-H	DEP Southcentral Regional Office Clean Water Program 909 Elmerton Avenue Harrisburg, PA 17110-8200 717-705-4918
PAG133670	Windsor Township York County 1480 Windsor Road Red Lion, PA 17356-9583	Windsor Township York County	Unnamed Tributary to Pine Run (CWF, MF), Kreutz Creek (WWF, MF), and Unnamed Tributary to Beaver Creek (CWF, MF)—7-I	DEP Southcentral Regional Office Clean Water Program 909 Elmerton Avenue Harrisburg, PA 17110-8200 717-705-4918
PAG133657	Yoe Borough York County 150 N Maple Street Yoe, PA 17313-1110	Yoe Borough York County	Mill Creek (WWF, MF)—7-H	DEP Southcentral Regional Office Clean Water Program 909 Elmerton Avenue Harrisburg, PA 17110-8200 717-705-4918
PAG133655	West Manchester Township York County 380 E Berlin Road York, PA 17408	West Manchester Township York County	Codus Creek (WWF, MF) and Little Conewago Creek (TSF, MF)—7-H and 7-F	DEP Southcentral Regional Office Clean Water Program 909 Elmerton Avenue Harrisburg, PA 17110-8200 717-705-4918
PAG133596	York City York County 101 S George Street York, PA 17401	York City York County	Willis Run (WWF, MF), Codus Creek (WWF, MF), and Unnamed Tributary to Codorus Creek (WWF, MF)—7-H	DEP Southcentral Regional Office Clean Water Program 909 Elmerton Avenue Harrisburg, PA 17110-8200 717-705-4918

## NOTICES

<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Municipality &amp; County</i>	<i>Receiving Water / Use</i>	<i>Contact Office &amp; Phone No.</i>
PAG133562	Monaghan Township York County 202 S. York Road Dillsburg, PA 17019-9515	Monaghan Township York County	Unnamed Tributary to Fishers Run (CWF, MF), Stony Run (CWF, MF), and Unnamed Tributary of Yellow Breeches Creek (CWF, MF) in Watershed(s) 7-E	DEP Southcentral Regional Office Clean Water Program 909 Elmerton Avenue Harrisburg, PA 17110-8200 717-705-4918
PAG133752	West Manheim Township York County 2412 Baltimore Pike Hanover, PA 17331	West Manheim Township York County	Unnamed Tributary to South Branch Conewago Creek (WWF, MF), South Branch Conewago Creek (WWF, MF), and Unnamed Tributary to West Branch Codorus Creek (WWF, MF)—7-H and 7-F	DEP Southcentral Regional Office Clean Water Program 909 Elmerton Avenue Harrisburg, PA 17110-8200 717-705-4918
PAG133594	Springettsbury Township York County 1501 Mount Zion Road York, PA 17401	Springettsbury Township York County	Unnamed Tributary of Kreutz Creek (WWF, MF), Codorus Creek (WWF, MF), and Unnamed Tributary to Mill Creek (WWF, MF)—7-H and 7-I	DEP Southcentral Regional Office Clean Water Program 909 Elmerton Avenue Harrisburg, PA 17110-8200 717-705-4918
PAG133595	York Township York County 190 Oak Road Dallastown, PA 17313-9300	York Township York County	East Branch Codorus Creek (WWF, MF), Unnamed Tributary to East Branch Codorus Creek (CWF, MF), Unnamed Tributary to Barshinger Creek (CWF, MF), Mill Creek (WWF, MF), Unnamed Tributary of Barshinger Creek (CWF, MF), Inners Creek (CWF, MF), Barshinger Creek (CWF, MF), Unnamed Tributary to Codorus Creek (WWF, MF), Unnamed Tributary to Mill Creek (WWF, MF), and Unnamed Tributary of Codorus Creek (WWF, MF)—7-H	DEP Southcentral Regional Office Clean Water Program 909 Elmerton Avenue Harrisburg, PA 17110-8200 717-705-4918



<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Municipality &amp; County</i>	<i>Receiving Water / Use</i>	<i>Contact Office &amp; Phone No.</i>
PAG133740	Hanover Borough York County 44 Frederick Street Hanover, PA 17331	Hanover Borough York County	Oil Creek (WWF, MF), Unnamed Tributary to Gitts Run (WWF, MF), and Unnamed Tributary of South Branch Conewago Creek (WWF, MF)—7-H and 7-F	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>
John Nolt 10190 Mountain Rd. Port Royal, PA 17082	Juniata County	9.8	491.16	Turkeys	NA	Approved
Zugstead Farm, Inc. 558 Freed Road Mifflintown, PA 17059	Juniata County	988.2	1,683.50	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. 2660004, Operations Permit, Public Water Supply.**

Applicant	<b>Pennsylvania American Water Company</b> 852 Wesley Dr. Mechanicsburg, PA 17055
Township	Overfield Township
County	<b>Wyoming County</b>
Type of Facility	PWS
Consulting Engineer	Ms. Maureen Coleman, P.E. Pennsylvania American Water Company 2699 Stafford Ave. Scranton, PA 18505
Permit to Operate Issued	December 14, 2020

*Northcentral Region: Safe Drinking Water Program Manager, 208 West Third Street, Williamsport, PA 17701.*

**Operations Permit** issued to: **Towanda Municipal Authority**, 724 Main Street, Towanda, PA 18848, **PWSID No. 2080029**, North Towanda Township, **Bradford County** on December 10, 2020 for the operation of facilities approved under construction permit #0818501. This permit authorizes the operation of 3 additional sources of supply, known as Church Well, Roberts Well No. 1, and Roberts Well No. 2, and operation of a Pall Aria AP-6 continuous microfiltration plant, including a 93,900-gallon clearwell and chemical feed systems (sodium hypochlorite post disinfection, polyaluminum chloride wastewater coagulation, citric acid-sodium hydroxide-sodium hypochlorite “clean-in-place”).

### SEWAGE FACILITIES ACT PLAN APPROVAL

#### Plan Approvals Granted Under the Pennsylvania Sewage Facilities Act, Act of January 24, 1966, P.L. 1535, as amended, 35 P.S. § 750.5.

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

*Plan Location:*

<i>Township</i>	<i>Township Address</i>	<i>County</i>
York Township	190 Oak Road Dallastown, PA 17313	York County

*Plan Description:* Approval of a revision to the official plan of York Township, York County. The project is known as Major League Properties. The plan provides for a Small Flow Treatment Facility (SFTF) proposal to replace a malfunctioning on-lot sewage disposal system serving an existing single-family residential dwelling and a workshop/office building on 1.03 acres with total esti-

mated sewage flows of 400 gpd. There is a proposed stream discharge that will be tributary to Inners Creek. The proposed development is located at 3275 Honey Valley Road in York Township, York County. The Department’s review of the plan revision has not identified any significant impacts resulting from this proposal. The DEP Code Number for this planning module is A3-67971-701-3s and the APS Id is 1026135. Any permits must be obtained in the name of the property owner.

### 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>
Exeter Township	4975 DeMoss Road Reading, PA 19606	Berks County

*Plan Description:* The exemption from the requirement to revise the Official Plan for the Berks County Municipal District Court development, DEP Code No. A3-06932-302-3E, APS Id 1028268, consisting of one new Municipal District Court building with flows of 458 gallons per day using PA American Water sewers, is disapproved. The proposed development is located on Perkiomen Avenue. This plan is disapproved because it does not qualify as an exemption from the requirement to revise the Official Plan. It does not qualify because the project proposes the connection to or an extension of public sewers where the existing collection, conveyance, or treatment facilities have an existing or a 5-year projected hydraulic or organic overload under Chapter 94 and as per Chapter 71, Section 71.51(b)(2)(ii).

### LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

#### UNDER ACT 2, 1995 PREAMBLE 2

**The following plans and reports were submitted under the Land Recycling and Environmental Remediation Standards Act (35 P.S. §§ 6026.101—6026.908).**

Provisions of Sections 301—308 of the Land Recycling and Environmental Remediation Standards Act (act) (35 P.S. §§ 6026.301—6026.308) require the Department to publish in the *Pennsylvania Bulletin* a notice of submission of plans and reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the act’s remediation standards. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis for selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed and summaries of sampling analytical results which demonstrate that remediation has attained the cleanup standard selected. Submission of plans and reports, other than the final report, will also be published in the *Pennsylvania Bulletin*. These include the remedial investigation report, risk assessment report and cleanup plan for a site-specific standard remediation. A remedial investigation report includes conclusions from the site

investigation; concentration of regulated substances in environmental media; benefits of reuse of the property; and, in some circumstances, a fate and transport analysis. If required, a risk assessment report describes potential adverse effects caused by the presence of regulated substances. If required, a cleanup plan evaluates the abilities of potential remedies to achieve remedy requirements.

For further information concerning plans or reports, contact the environmental cleanup program manager in the Department Regional Office under which the notice of receipt of plans or reports appears. If information concerning plans or reports is required in an alternative form, contact the community relations coordinator at the appropriate Regional Office. TDD users may telephone the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

The Department has received the following plans and reports:

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

**Booth Street and West 4th Street**, Intersection of Booth Street and West 4th Street, Chester, PA 19013, City of Chester, **Delaware County**. Paul White, Brickhouse Environmental, 515 South Franklin Street, West Chester, PA 19380 on behalf of Michael Frankel, FMM QOZB, LLC, P.O. Box 67, Essington, PA 19029 submitted a Final Report concerning remediation of chlorinated solvent contamination in soil and groundwater. The report is intended to document remediation of the site to meet the Statewide Health Standard.

**Broad and Washington & U-Haul Site**, 1223-1245 Washington Street, 1301-1333 Washington Street, 1001-1029 South Broad Street, and 1300-1342 Carpenter Street, Philadelphia, PA 19147, City of Philadelphia, **Philadelphia County**. Shad Manning, REPSG, Inc., 6901 Kingsessing Avenue, Suite 201, Philadelphia, PA 19142 on behalf of Tina Roberts, Broad and Washington Partners, LP, 817 North 3rd Street, Philadelphia, PA 19123 submitted a Cleanup Plan concerning remediation of site soil contaminated with PAHs. The report is intended to document remediation of the site to meet the Site-Specific Standard.

**Folcroft West Business Park**, 701A, 701B, 701C Ashland Avenue and 801 Carpenters Crossing, Folcroft, 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 Remedial Investigation Report/Cleanup Plan/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.

**PECO Former Chester Crosby MGP**, 2nd and Chester Streets, Chester, PA 19013, City of Chester, **Delaware County**. W. Scott McCartney, PE, Wood Environment & Infrastructure Solutions, Inc., 4600 J Barry Court, Suite 210, Canonsburg, PA 15317 on behalf of Peter Farrand, PECO Energy Company, 2301 Market Street, Philadelphia, PA 19013 submitted a Remedial Investigation Report/Cleanup Plan/Final Report concerning remediation

of site soil and groundwater contaminated with PAHs. The report is intended to document remediation of the site to meet the Site-Specific Standard.

**Lansdale Finishers**, 117 South Broad Street, Lansdale, PA 19446, Lansdale Borough, **Montgomery County**. Marc Chartier, Pennoni Associates, Inc., 1900 Market Street, Suite 300, Philadelphia, PA 19103 on behalf of Jon Herzog, Commerce Pursuit Capital, LP, 1300 Virginia Drive, Suite 215, Fort Washington, PA 19034 submitted a Remedial Investigation Report/Cleanup Plan/Risk Assessment Report concerning remediation of site soil and groundwater contaminated with chlorinated solvents. The report is intended to document remediation of the site to meet the Site-Specific Standard.

**Willow Grove Oil Service Company**, 5, 35, 55 Davisville Road, 13 and 15 East Moreland Road, Willow Grove, PA 19090, Upper Moreland Township, **Montgomery County**. Christopher Zeliznak, PG, EnviroSure, Inc., 319 South High Street, First Floor, West Chester, PA 19382 on behalf of Andrew Stitzinger, James & Robert Stitzinger Partnership, P.O. Box 1329, Lansdale, PA 19446 submitted a Final Report concerning remediation of site soil contaminated with inorganics. The report is intended to document remediation of the site to meet the Statewide Health Standard.

**80 East Oregon Avenue**, 80 East Oregon Avenue, Philadelphia, PA 19148, City of Philadelphia, **Philadelphia County**. Marc Chartier, Pennoni Associates, Inc., 1900 Market Street, Suite 300, Philadelphia, PA 19103 on behalf of Suresh Reddy Anam, Anam Properties, LLC, 2500 West Cheltenham Avenue, Philadelphia, PA 19148 submitted a Remedial Investigation Report/Cleanup Plan concerning remediation of chlorinated solvent contamination in soil and groundwater. The report is intended to document remediation of the site to meet the Site-Specific Standard.

**1717 West Allegheny Avenue**, 1717 West Allegheny Avenue, Philadelphia, PA 19132, City of Philadelphia, **Philadelphia County**. Stephen Huxta, Brickhouse Environmental, 515 South Franklin Street, West Chester, PA 19382 on behalf of John R. McConnell, Cristo Rey Philadelphia High School, 1717 West Allegheny Avenue, Philadelphia, PA 19132 submitted a Remedial Investigation Report/Risk Assessment Report/Cleanup Plan concerning remediation of site soil and groundwater contaminated with chlorinated solvents. The report is intended to document remediation of the site to meet the Site-Specific Standard.

**Estate of Nicholas Abbonizio**, 2528 Haverford Road, Ardmore, PA 19003, Haverford Township, **Delaware County**. Richard S. Werner, PG, Environmental Consulting, Inc., 2002 Renaissance Boulevard, Suite 110, King of Prussia, PA 19406 on behalf of Francesca Abbonizio, Estate of Nicholas Abbonizio, 848 Conner Road, West Chester, PA 19003 submitted a Final Report concerning remediation of site soil and groundwater contaminated with unleaded gasoline. The report is intended to document remediation of the site to meet the Site-Specific Standard.

**2001 Beach Street**, 2001 Beach Street, Philadelphia, PA 19125, City of Philadelphia, **Philadelphia County**. Thomas A. Petrecz, Penn Environmental & Remediation, Inc., 2755 Bergey Road, Hatfield, PA 19440 on behalf of Devin Tuohey, The Concordia Group, 161 Leverington Avenue, Suite 101, Philadelphia, PA 19127 submitted a Risk Assessment Report/Remedial Investigation Report/

Cleanup Plan concerning remediation of site soil contaminated with PAHs. The report is intended to document remediation of the site to meet the Site-Specific Standard.

**580 East Lancaster Avenue**, 576 and 580 East Lancaster Avenue, Berwyn, PA 19312, Easttown Township, **Chester County**. Michael S. Welsh, PE, 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 Cleanup Plan concerning remediation of site soil and groundwater contaminated with MTBE, chlorinated solvents and other organics. The report is intended to document remediation of the site to meet the Site-Specific Standard.

*Northcentral Region: Environmental Cleanup and Brownfields Program Manager, 208 West Third Street, Williamsport, PA 17701.*

**Main Street Facility Heating Oil Release**, 171 W. Main Street, Rebersburg, PA 16872, Miles Township, **Centre County**. McKee Environmental, Inc., 86 Quartz Drive, Bellefonte, PA 16823, on behalf of Eagle Towing and Recovery, 1049 S. Eagle Valley Road, Milesburg, PA 16853, has submitted a Final Report concerning remediation of site soil contaminated with heating oil. The report is intended to document remediation of the site to meet the Residential Statewide Health Standard.

**Ashby 1H Well Pad**, Bluebird Road, Milan, PA 18831, Athens Township, **Bradford County**. Moody and Associates, Inc., 11548 Cotton Road, Meadville, PA 16336, on behalf of EOG Resources, Inc., P.O. Box 182, Home, PA 15747, has submitted a Final Report concerning remediation of site soil contaminated with production water. The report is intended to document remediation of the site to meet the Residential Background and Statewide Health Standards.

**Hoppaugh Pad B (3H)**, Little York Road, Columbia Cross Roads, PA 16914, Springfield Township, **Bradford County**. Moody and Associates, Inc., 11548 Cotton Road, Meadville, PA 16336, on behalf of EOG Resources, Inc., 6260 Route 119 Highway North, Home, PA 15747, has submitted a Final Report concerning remediation of site soil contaminated with production water. The report is intended to document remediation of the site to meet the Residential Background and Statewide Health Standards.

## LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

### UNDER ACT 2, 1995 PREAMBLE 3

**The Department has taken action on the following plans and reports under the Land Recycling and Environmental Remediation Standards Act (35 P.S. §§ 6026.101—6026.907).**

Section 250.8 of 25 Pa. Code and administration of the Land Recycling and Environmental Remediation Standards Act (act) require the Department to publish in the *Pennsylvania Bulletin* a notice of its final actions on plans and reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the remediation standards of the act. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis of selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed and summaries of

sampling methodology and analytical results which demonstrate that the remediation has attained the cleanup standard selected. Plans and reports required by the act for compliance with selection of remediation to a site-specific standard, in addition to a final report, include a remedial investigation report, risk assessment report and cleanup plan. A remedial investigation report includes conclusions from the site investigation; concentration of regulated substances in environmental media; benefits of reuse of the property; and, in some circumstances, a fate and transport analysis. If required, a risk assessment report describes potential adverse effects caused by the presence of regulated substances. If required, a cleanup plan evaluates the abilities of potential remedies to achieve remedy requirements. A work plan for conducting a baseline remedial investigation is required by the act for compliance with selection of a special industrial area remediation. The baseline remedial investigation, based on the work plan, is compiled into the baseline environmental report to establish a reference point to show existing contamination, describe proposed remediation to be done and include a description of existing or potential public benefits of the use or reuse of the property. The Department may approve or disapprove plans and reports submitted. This notice provides the Department's decision and, if relevant, the basis for disapproval.

For further information concerning the plans and reports, contact the environmental cleanup program manager in the Department Regional Office under which the notice of the plan or report appears. If information concerning a final report is required in an alternative form, contact the community relations coordinator at the appropriate Regional Office. TDD users may telephone the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

The Department has received the following plans and reports:

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

**Lukas Property**, 362 West Lancaster Avenue, Wayne, PA 19807, Radnor Township, **Delaware County**. Gary Drennen, Synergy Environmental, 155 Railroad Plaza, Royersford, PA 19468 on behalf of Joe Lukas, Lukas Property, 362 West Lancaster Avenue, Wayne, PA 19087 submitted a Final Report concerning the remediation of site soil and groundwater contaminated with chlorinated solvents. The Report was reviewed by the Department which issued a technical deficiency letter on November 19, 2020.

**80 East Oregon Avenue**, 80 East Oregon Avenue, Philadelphia, PA 19148, City of Philadelphia, **Philadelphia County**. Marc Chartier, Pennoni Associates, Inc., 1900 Market Street, Inc., Suite 300, Philadelphia, PA 19103 on behalf of Sukesh Reddy Anam, Anam Properties, LLC, 2500 West Cheltenham Avenue, Philadelphia, PA 19148 submitted a Remedial Investigation Report/Cleanup Plan concerning the remediation of site soil and groundwater contaminated with chlorinated solvents. The Report was reviewed by the Department which issued an administrative deficiency letter on November 20, 2020.

**Willow Grove Oil Services Company**, 5, 35, 55 Davisville Road, 13 and 15 East Moreland Road, Willow Grove, PA 19090, Upper Moreland Township, **Montgomery**

**County.** Christopher Zeliznak, P.G., EnviroSure, Inc., 319 South High Street, First Floor, West Chester, PA 19382 on behalf of Andrew Stitzinger, James & Robert Stitzinger Partnership, P.O. Box 1329, Lansdale, PA 19446 submitted a Final Report concerning the remediation of site soil contaminated with inorganics. The Report was reviewed by the Department which issued an administrative deficiency letter on November 20, 2020.

**222 and 224 North Franklin Street,** 222 and 224 North Franklin Street, West Chester, PA 19380, West Chester Borough, **Chester County.** Stephen Huxta, P.G., Brickhouse Environmental, 515 South Franklin Street, West Chester, PA 19382 on behalf of Sylvia Kenion, 224 North Franklin Street, West Chester, PA 19380 submitted a Final Report concerning the remediation of site soil contaminated with No. 2 fuel oil. The Final Report demonstrated attainment of the Statewide Health Standard and was approved by the Department on November 11, 2020.

**Harbison Residence,** 905 Church Street, Marcus Hook, PA 19061, Marcus Hook Borough, **Delaware County.** Richard Trimpi, PG, Trimpi Associates, Inc., 1635 Old Plains Road, Pennsburg, PA 18073 on behalf of Rosemary Harbison, 905 Church Street, Marcus Hook, PA 19601 submitted a Final Report concerning the remediation of site soil contaminated with No. 2 fuel oil. The Final Report demonstrated attainment of the Statewide Health Standard and was approved by the Department on November 11, 2020.

**Lansdale Finishers,** 117 South Broad Street, Lansdale, PA 19446, Lansdale Borough, **Montgomery County.** Marc Chartier, Pennoni Associates, Inc., 1900 Market Street, Suite 300, Philadelphia, PA 19103 on behalf of Jon Herzog, Commerce Pursuit Capital, LP, 1300 Virginia Drive, Suite 215, Fort Washington, PA 19034 submitted a Remedial Investigation Report/Cleanup Plan/Risk Assessment Report concerning the remediation of site soil and groundwater contaminated with chlorinated solvents. The Report was approved by the Department on November 23, 2020.

**Philadelphia Naval Business Center,** 2500 League Island Boulevard, Building 603, Philadelphia, PA 19112, City of Philadelphia, **Philadelphia County.** Michael Nines, P.E., Manko, Gold, Katcher & Fox, LLP, 401 City Avenue, Suite 901, Bala Cynwyd, PA 19004 on behalf of Anne Nevins, Philadelphia Industrial Development Corporation (PIDC), 1500 Market Street, Suite 3500 West, Philadelphia, PA 19102 submitted a Baseline Environmental Report concerning the remediation of site soil contaminated with lead. The Special Industrial Area Report was approved by the Department on November 23, 2020.

**Mills Residence,** 723 Lower State Road, North Wales, PA 19454, Horsham Township, **Montgomery County.** Richard Trimpi, PG, Trimpi Associates, Inc., 1635 Old Plains Road, Pennsburg, PA 18073 on behalf of Andrea Gluch, State Farm Insurance, P.O. Box 106169, Atlanta, GA 30348 submitted a Final Report concerning the remediation of site soil and groundwater contaminated with No. 2 fuel oil. The Final Report demonstrated attainment of the Statewide Health Standard and was approved by the Department on November 25, 2020.

**403 Collingdale Avenue,** 403 Collingdale Avenue, Collingdale, PA 19023, Collingdale Borough, **Delaware County.** Henry G. Bienkowski, Crawford Environmental

Service, LLC, 20 Cardinal Drive, Birdsboro, PA 19508 on behalf of Alvin Bunch, Just Oil LLC, 4201 Brown Street, Philadelphia, PA 19104 submitted a Final Report concerning the remediation of site soil contaminated with No. 2 fuel oil. The Final Report demonstrated attainment of the Statewide Health Standard and was approved by the Department on November 25, 2020.

**United States Steel Corporation (KIPC),** 210 Acre Parcel, One Ben Fairless Drive, Fairless Hills, PA 19030, Falls Township, **Bucks County.** John Garges, GHD Services, Inc., 410 Eagleview Boulevard, Suite 110, Exton, PA 19341 on behalf of Mark R. Rupnow, United States Steel Corporation, Penn Liberty Plaza One, 1350 Penn Avenue, Suite 200, Pittsburgh, PA 15222 submitted a Remedial Investigation Report/Risk Assessment Report/Final Report concerning the remediation of site soil contaminated with inorganics. The Final Report demonstrated attainment of the site-specific standard and was approved by the Department on November 2, 2020.

**601-701 Washington Street Property,** 601-701 Washington Street, Conshohocken, PA 191428, Whitemarsh Township, **Montgomery County.** Michael Gonshor, PG, Roux Associates, Inc., 402 Heron Drive, Logan Township, NJ, 08085 on behalf of Kevin Kyle, 601 Washington Street Associates, LP, 201 King of Prussia Road, Suite 501, Radnor, PA 19807 submitted a Remedial Investigation Report/Cleanup Plan/Risk Assessment Report/Final Report concerning the remediation of site groundwater contaminated with PCE and TCE. The Report was reviewed by the Department which issued a technical deficiency letter on November 4, 2020.

**Proposed LCB Senior Living Facility,** 211 Belmont Avenue, Bala Cynwyd, PA 19004, Lower Merion Township, **Montgomery County.** Jeffery T. Bauer, PG, Whitestone Associates, Inc., 1600 Manor Drive, Suite 220, Chalfont, PA 18914 on behalf Edward J. SanClemente, LCB Senior Living, 3 Edgewater Drive, Norwood, MA 02062, submitted a Final Report concerning the remediation of site soil contaminated with inorganics. The Final Report demonstrated attainment of the Statewide Health Standard and was approved by the Department on December 4, 2020.

**Latch-Rosen Property,** Lot 46-04-195, 3800 Post Road, Trainer, PA 19061, Trainer Borough, **Delaware County.** Catherine Grzybek, GHD, 410 Eagleview Boulevard, Suite 110, Exton, PA 19341 on behalf of Deborah LaMond, Phillips 66 Remediation Management, 1400 Park Avenue, Room BOB S-26, Linden, NJ 07036 submitted a Risk Assessment Report/Final Report concerning the remediation of site soil and groundwater contaminated with pesticides. The Report was reviewed by the Department which issued an administrative deficiency letter on December 1, 2020.

#### HAZARDOUS WASTE TRANSPORTER LICENSE

**Actions on applications for Hazardous Waste Transporter License received under the Solid Waste Management Act of July 7, 1980 (P.L. 380, No. 97) (35 P.S. §§ 6018.101–6018.1003) and regulations to transport hazardous waste.**

*Central Office: Bureau of Land Recycling and Waste Management, Division of Hazardous Waste Management, P.O. Box 69170, Harrisburg, PA 17106-9170.*

*Renewal Applications Received*

**Harold Marcus Limited,** 15124 Longwoods Road, Bothwell, ON N0P 1C0. License No. PA-AH 0207. Effective November 1, 2020.

**Heritage-Crystal Clean, LLC**, 2175 Point Boulevard, Elgin, IL 60123. License No. PA-AH 0672. Effective November 7, 2020.

**US Environmental, Inc.**, 409 Boot Road, Downingtown, PA 19335. License No. PA-AH 0675. Effective December 15, 2020.

**Bed Rock, Inc. DBA TSMTCO**, 8141 East 7th Street, Joplin, MO 64801. License No. PA-AH 0697. Effective December 10, 2020.

**Vickery Transportation, Inc.**, 3956 State Route 412, Vickery, OH 43464. License No. PA-AH 0698. Effective December 10, 2020.

**World Resource Company**, 170 Walnut Lane, Pottsville, PA 17901. License No. PA-AH 0883. Effective December 3, 2020.

*Transporter Licenses Reissued*

**Harold Marcus Limited**, 15124 Longwoods Road, Bothwell, ON N0P 1C0. License No. PA-AH 0207. Effective November 7, 2020.

**Heritage-Crystal Clean, LLC**, 2175 Point Boulevard, Elgin, IL 60123. License No. PA-AH 0672. Effective November 13, 2020.

**US Environmental, Inc.**, 409 Boot Road, Downingtown, PA 19335. License No. PA-AH 0675. Effective December 15, 2020.

**Bed Rock, Inc. DBA TSMTCO**, 8141 East 7th Street, Joplin, MO 64801. License No. PA-AH 0697. Effective December 10, 2020.

**Vickery Transportation, Inc.**, 3956 State Route 412, Vickery, OH 43464. License No. PA-AH 0698. Effective December 10, 2020.

**World Resource Company**, 170 Walnut Lane, Pottsville, PA 17901. License No. PA-AH 0883. Effective December 3, 2020.

*New Applications Received*

**Fielding Environmental, LLC**, 150 4th Avenue, Freedom, PA 15042. License No. PA-AH 0908. Effective December 16, 2020.

*New Transporter Licenses Issued*

**Fielding Environmental, LLC**, 150 4th Avenue, Freedom, PA 15042. License No. PA-AH 0908. Effective December 16, 2020.

*Transporter Licenses Voluntarily Terminated*

**Elliott Truck Line, Inc.**, P.O. Box 1, Vinita, OK 74301. License No. PA-AH 0355. Effective November 23, 2020.

**Nexeo Solutions Plastics, LLC**, 415 S First St, Lurkin, TX 75901. License No. PA-AH 0894. Effective December 10, 2020.

**REGULATED MEDICAL AND  
CHEMOTHERAPEUTIC WASTE  
TRANSPORTER LICENSES**

**Actions on applications for Regulated Medical and Chemotherapeutic Waste Transporter License received under the Solid Waste Management Act of July 7, 1980 (P.L. 380, No. 97) (35 P.S. §§ 6018.101—6018.1003) and Act 93 of June 28, 1988 (P.L. 525, No. 93) and regulations to transport regulated medical and chemotherapeutic waste.**

*Central Office: Bureau of Land Recycling and Waste Management, Division of Hazardous Waste Management, P.O. Box 69170, Harrisburg, PA 17106-9170.*

*Renewal Applications Received*

**Environmental Transport Group, Inc.**, P.O. Box 296, Flanders, NJ 07836. License No. PA-HC 0023. Effective December 10, 2020.

*Transporter License Reissued*

**Environmental Transport Group, Inc.**, P.O. Box 296, Flanders, NJ 07836. License No. PA-HC 0023. Effective December 10, 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.**

*Northeast Region: Regional Solid Waste Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915.*

**General Permit Application No. WMGR038-NE009. Roundhouse Rubber LLC**, 10 Taylor Street, Scott Township, PA 18447-7510. A determination of applicability for the processing of waste tires for beneficial reuse at a facility located in Greenfield Township, **Lackawanna County**. The application was approved by the Regional Office on December 16, 2020.

Persons interested in reviewing the permit may contact Roger Bellas, Environmental Program Manager, Northeast Regional Office, 2 Public Square, Wilkes-Barre, PA 18701-1915 at 570-826-2511. TDD users may contact the Department through the Pennsylvania AT&T Relay Service, (800) 654-5984.

**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.**

*Southcentral Region: Regional Solid Waste Manager, 909 Elmerton Avenue, Harrisburg, PA 17110.*

**Permit No. 101538. WSI Sandy Run Landfill, LLC**, 995 Landfill Road, Hopewell, PA 16650, Broad Top Township, **Bedford County**. Modification to existing permit 101538 to update the Form R, Waste Analysis and Classification Plan. The Southcentral Regional Office issued a permit modification on December 15, 2020.

Persons interested in reviewing the permit modification may contact John Oren, Permits Section Chief, Waste Management Program, 909 Elmerton Avenue, Harrisburg, PA 17110, 717-705-4706. TDD users may contact the Department through the Pennsylvania AT&T Relay service, (800) 654-5984.

## AIR QUALITY

**General Plan Approval and Operating Permit Usage Authorized under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and 25 Pa. Code Chapter 127 to construct, modify, reactivate or operate air contamination sources and associated air cleaning devices.**

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

*Contact: Raymond Kempa, New Source Review Chief—Telephone: 570-826-2531.*

**GP14-48-002: Herron Crematory, Inc.** (458 Center Street, Bethlehem, PA 18018) on December 15, 2020, for the operation of a crematory controlled by an after burner at the facility located in City of Bethlehem, **Northampton County**.

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

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

**GP14-67-03900: Panebaker Funeral Home/Loyal Companion Pet Crematory** (311 Broadway, Hanover, PA 17331) on December 16, 2020, for a pet crematory adjacent to an existing funeral home located in Hanover Borough, **York County**.

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

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

**GP5-65-00955C (AG5-65-00009A): Peoples Natural Gas Company, LLC** (375 North Shore Drive, Pittsburgh, PA 15212) on December 16, 2020, received authorization under GP-5 for construction and/or operation of sources and controls including: the installation and operation of one (1) 276 bhp Caterpillar G3406 four stroke rich burn (4SRB) natural gas-fired compressor engine as well as ongoing operation of: One (1) 3,000 gallon produced fluids storage tank; One (1) 500 gallon lubricating oil tank; Fugitive emissions components; Blowdowns; and two (2) catalytic heaters, rated at approximately 3,000 and 5,000 Btu/hr respectively both of which are sources of minor significance at the facility. Equipment is associated with its Merwin Compressor Station facility located in Washington Township, **Westmoreland County**.

**Plan Approvals Issued under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and regulations in 25 Pa. Code Chapter 127, Subchapter B relating to construction, modification and reactivation of air contamination sources and associated air cleaning devices.**

*Northeast Region: Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18701-1915.*

*Contact: Raymond Kempa, New Source Review Chief—Telephone: 570-826-2531.*

**40-00144A: Ball Metal Beverage Container Corp.** (9300 West 108th Circle, Westminster, CO 80021) issued on December 14, 2020 for beverage can manufacturing lines with filters and RTOs at their facility to be located in Jenkins Twp., **Luzerne County**

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

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

**22-03102A: Derry Township Municipal Authority** (670 Clearwater Road, Hershey, PA 17033) on December 16, 2020, for the construction of a biogas-fired combined heat and power (CHP) generation system including gas conditioning and gas conveyance systems at the Waste Water Treatment Facility in Derry Township, **Dauphin County**.

**Plan Approval Revisions Issued including Extensions, Minor Modifications and Transfers of Ownership under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and 25 Pa. Code §§ 127.13, 127.13a and 127.32.**

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

*Contact: James Beach, New Source Review Chief—Telephone: 484-250-5920.*

**15-0081B: Johnson Matthey Inc.** (1401 King Road, West Chester, PA 19380-1467) on December 11, 2020 for modification to the existing Vertical Wet Scrubbers, (Niro: Scrubbers) (Source ID:C02) controlling the Acid Meta Stripping Rom (Source ID 102) to ensure compliance with the allowable limits for HCl and HNO<sub>3</sub> and to require only on scrubber units operate at any given time in West Whiteland Township, **Chester City**.

**23-0034: Villanova University** (800 E. Lancaster Avenue, Villanova, PA 19085-1603) on December 11, 2020 for authorizes installation and temporary operation of 6 New Natural Gas Emergency Generators, one Cummins Model No. C80kW, three Cummins Model No. C110 N6, 1—kW, one Cummins Model No. GFBC, 250kW, one Caterpillar Model DG125-2, 125kW in Radnor Township, **Delaware County**.

**09-0024K: Waste Management of PA, Inc.** (1000 New Ford Mill Road, Morrisville, PA 9067-6702) on December 9, 2020 for the installation of two (2) 6,000 scfm ultra low emission flares to combust the landfill gas collected from the Tullytown landfill including the Valley Fill expansion in Tullytown Borough, **Bucks County**.

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

*Contact: David Balog, New Source Review Chief—Telephone: 814-332-6940.*

**10-027H: Calumet Karns City Refining LLC** (138 Petrolia Street, Karns City, PA 16041) on November 25, 2020, effective November 29, 2020, has issued a plan approval extension for the construction of a refrigerated condenser in Karns City Borough, **Butler County**. This is a Title V facility. This will expire on May 31, 2021.

**43-384A: Davis Alloys Manufacturing, LLC** (295 East High Street, Sharpsville, PA 16150) on November 25, 2020, effective November 27, 2020, has issued a 4-month plan approval extension to allow time for the facility to submit its initial State Only Operating Permit application at the facility in Sharpsville Borough, **Mercer County**. This is a State Only facility. This will expire on March 31, 2021.

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**Plan Approvals Denied, Terminated, Modified, Suspended or Revoked under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and the provisions of 25 Pa. Code §§ 127.13b and 127.13c.**

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

*Contact: James Beach, New Source Review Chief—Telephone: 484-250-5920.*

**46-0295A: Airgas USA, Inc.—Montgomeryville Facility** (107 Park Drive, Montgomeryville, PA 18936-9613) for construction and operation of polishing metal compressed gas cylinders and painting them with protective coatings, located in Montgomery Township, **Montgomery County**. This Plan Approval will terminate on December 30, 2020 as the facility meets the exemption requirements according to 25 Pa. Code § 127.14(a)(8) and the DEP document, “Air Quality Permit Exemptions (Document: 275-2101-003/August 8, 2018)”.

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**Title V Operating Permits Issued under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and 25 Pa. Code Chapter 127, Subchapter G.**

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

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

**67-05033: Gichner Systems Group, Inc.** (490 East Locust Street, P.O. Box 481, Dallastown, PA 17313-0481) on December 11, 2020, for the metal shelter manufacturing and repair facility located in York City, **York County**. The Title V permit was renewed.

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

*Contact: Matthew Williams, Facilities Permitting Chief—Telephone: 814-332-6940.*

**32-00055: Homer City Generation L.P. Generating Station** (1750 Power Plant Road, Homer City, PA 15748), on December 15, 2020, the Department issued the renewal of the Title V Operating Permit of an electric utility steam generating facility located in Center Township, **Indiana County**. Permitted air contamination sources at the facility are three coal-fired electric generating units (EGUs), an auxiliary boiler, oil-fired space heaters, emergency engines, storage and handling systems, storage tanks, coal preparation activities, and miscellaneous plant fugitives. In this renewal, new permit requirements incorporated include: Cross-State Air Pollution Rule (40 CFR 97 Subparts AAAAA, CCCCC, EEEEE); Mercury and Air Toxics Standards (MATS) Rule (40 CFR 63 Subpart UUUUU); Additional Reasonably Available Control Technology Requirements for Major Sources of NO<sub>x</sub> and VOC (RACT II, 25 Pa. Code §§ 129.96 to 129.100); and Compliance Assurance Monitoring (CAM) requirements for two EGUs’ Novel Integrated Desulfurization Systems. Other permit changes include: incorporation of Plan Approval 32-00055I requirements; addition of contingency measures established through a Consent Order and Agreement; update of 25 Pa. Code § 123.22 based on the July 25, 2020 amendments; implementation of 25 Pa. Code § 123.22 for the auxiliary boiler; incorporation of applicable sections of Federal rules previously incorporated by reference only; update of source test submittals; removal of CAM require-

ments for two EGUs’ electrostatic precipitators; and removal of a 2-year PM stack test requirement. To address latest developments on RACT II requirements for SCR-equipped coal-fired combustion units, a Compliance Schedule on submission of Case-by-Case RACT II proposal is added.

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**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.**

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

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

**18-00023: Hanson Aggregates PA, LLC** (7660 Imperial Way, Allentown, PA 18195) on December 10, 2020 was issued a renewal State Only Operating Permit for the Salona Quarry located in Lamar Township, **Clinton County**. The State Only Operating Permit contains all applicable regulatory requirements including monitoring, recordkeeping and reporting conditions.

**14-00009: Mount Nittany Medical Center** (1800 E Park Avenue, State College, PA 16803) on December 11, 2020, was issued a renewal State Only Operating Permit for the Mount Nittany Medical Center’s facility located in College Township, **Centre County**. The State Only Operating Permit contains all applicable regulatory requirements including monitoring, recordkeeping and reporting conditions.

**55-00011: National Limestone Quarry, Inc.** (P.O. Box 397, Middleburg, PA 17842) on December 16, 2020, was issued a renewal State Only Operating Permit for the National Limestone Quarry Inc.’s Fremont Quarry located in Perry Township, **Snyder County**. The State Only Operating Permit contains all applicable regulatory requirements including monitoring, recordkeeping and reporting conditions.

**41-00061: Hanson Aggregates PA, LLC** (7660 Imperial Way, Allentown, PA 18195) on December 17, 2020 was issued a renewal State Only Operating Permit for the Montoursville Sand and Gravel Plant located in Fairfield Township, **Lycoming County**. The State Only Operating Permit contains all applicable regulatory requirements including monitoring, recordkeeping and reporting conditions.

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

*Contact: Matthew Williams, Facilities Permitting Chief—Telephone: 814-332-6940.*

**03-00209: Buffalo Limestone, Inc./Stitt Mine Plant** (805 Garretts Run Road, Ford City, PA 16226). The Department intends to issue a Natural Minor State Only Operating Permit for the operation of a limestone plant located in Kittanning Township, **Armstrong County**. The operation of the facility’s air contamination source consisting of: crushing, screening, transferring, stockpiling, and unloading/loading. The facility utilizes two diesel engines to operate the processing equipment. The potential emissions are estimated at 54.31 tpy NO<sub>x</sub>, 11.70 tpy CO, 3.59 tpy SO<sub>x</sub>, 4.33 tpy VOC, 5.43 tpy PM and 4.68 tpy PM<sub>10</sub>. 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.



**10-00401: Commercial Asphalt Supply Fennelton Plant** (161 Plain Grove Road, Slippery Rock, PA 16057). On December 9, 2020, the Department issued a State Only Operating Permit for the operation of hot mix asphalt plant located in Clearfield Township, **Butler County**. The facility consists of a 400 ton per hour hot mix batch asphalt plant, aggregate storage piles, asphalt storage silos and aggregate handling. The facility has the potential to emit (TPY): 31.2 CO, 6.24 NO<sub>x</sub>, 9.04 PM, 0.82 SO<sub>x</sub>, 7.68 VOC, and 8,880.00 CO<sub>2</sub>. The facility is a natural minor and is subject to State Regulations and Federal Regulations (40 CFR Part 60 Subpart I). The permit includes additional operation requirements, monitoring requirements, and recordkeeping requirements to ensure compliance with the Clean Air Act and the Air Pollution Control Act.

**43-00036: Hodge Foundry, Inc.** (42 Leech Road, Greenville, PA 16125-9724). On December 14, 2020, the Department issued the renewal of the State-Only Operating Permit of a gray iron foundry located in Hempfield Township, **Mercer County**. Permitted air contamination sources are electric induction furnaces, inoculation, pouring and cooling, shakeout, finishing operations, heat treating furnaces, coating operations, sand reclamation, core and mold preparation, and other supporting activities. To maintain VOC and HAP emissions below major source thresholds, the facility is subject to elective restrictions of 49.5 tons VOC, 24.5 tons combined HAPs, and 9.5 tons single HAP in any 12-month rolling period. For permitting purposes, the facility is Synthetic Minor. In this renewal, applicable provisions of 40 CFR 63 Subpart ZZZZZ are updated to reflect the latest amendments effective September 2020. Implementation of 25 Pa. Code § 129.52 is revised and corrected. With the metal parts coating operations having the potential to exceed the 2.7-TPY VOC threshold, 25 Pa. Code § 129.52d is also incorporated.

**Operating Permit Revisions Issued including Administrative Amendments, Minor Modifications or Transfers of Ownership under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and 25 Pa. Code §§ 127.412, 127.450, 127.462 and 127.464.**

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

*Contact: Janine Tulloch-Reid, New Source Review Chief—Telephone: 484-250-5920.*

**09-00142: Bank of America National Association** (35 Runway Dr., Levittown, PA 19057-4700) on December 14, 2020, to incorporate Plan Approval 09-0142E, correct typographical errors and to include a physical address for applicable correspondences to DEP Central Office via courier for its facility located in Bristol Twp., **Bucks County**. The Administrative Amendment of the State-Only Operating Permit for this facility is issued in accordance with the Air Pollution Control Act (35 P.S. §§ 4001—4015) and 25 Pa. Code § 127.450.

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

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

**47-00014: United States Gypsum Company** (86 PPL Road, Danville, PA 17821) was issued a minor operating permit modification for their Title V permit which included alternative work practices for the Source ID P103 and P104 calcining kettle dust collectors at their

Washingtonville Plant, using the electronic filter breakage detectors installed for the devices. The facility is located in Derry Township, **Montour County**.

**08-00045: Hamilton Liberty, LLC** (151 Liberty Lane, Towanda, PA 18848) on December 16, 2020, was issued a revised Title V operating permit to revise the corporate name from Panda Liberty LLC and the facility name for the Hamilton Liberty LLC (fka Panda Liberty Power Project) facility located in Asylum Township, **Bradford County**.

**41-00084: Hamilton Patriot, LLC** (50 Patriot Lane, Montgomery, PA 17752) on December 17, 2020, was issued a revised Title V operating permit to revise the corporate name from Panda Patriot, LLC, the responsible official, the permit contact, and the facility name for the Hamilton Patriot, LLC (fka Panda Patriot Generation Plant) facility located in Clinton Township, **Lycoming County**.

**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.**

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

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

**19-00025: Ingredient, Inc.** (920 7th Avenue, Berwick, PA 18603) terminated State Only Operating Permit 19-00025 on December 8, 2020 for the Berwick Plant located in Berwick Borough, **Columbia County**. All sources at this facility have been either decommissioned or removed from the facility.

## 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. 17831601. River Hill Coal Company, Inc.**, P.O. Box 141, Kylertown, PA 16847, permit revisions on a coal preparation plant/processing facility for postmining land use change from Forestland to Industrial/Commercial in Karthaus Township, **Clearfield**

County affecting 16.0 acres. Receiving stream(s): West Branch of the Susquehanna River classified for the following use(s): WWF, MF. There are no potable water supply intakes within 10 miles downstream. Application received: July 24, 2019. Permit issued: December 15, 2020.

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

**Permit No. 49070101R2. D. Molesevich & Sons Construction Co., Inc.** (P.O. Box 121, Mt. Carmel, PA 17851), renewal of an anthracite surface mine operation in Mt. Carmel and Conyngham Townships, **Northumberland and Columbia Counties** affecting 816.0 acres. Receiving stream: unnamed tributary to Mahanoy Creek. Application received: August 14, 2017. Renewal issued: December 11, 2020.

**Permit No. PAM1120060R. Molesevich & Sons Construction Co., Inc.** (P.O. Box 121, Mt. Carmel, PA 17851), renew coverage under the General NPDES Permit for Stormwater Discharges Associated with Mining Activities (BMP GP-104) on Surface Mining Permit No. 49070101 in Mt. Carmel and Conyngham Townships, **Northumberland and Columbia Counties**, receiving stream: unnamed tributary to Mahanoy Creek. Application received: August 14, 2017. Renewal issued: December 11, 2020.

#### *Noncoal Permits Issued*

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

**Permit No. 07202801. Glass Bagging Enterprises, Inc.,** P.O. Box 120, Duncansville, PA 16635, commencement, operation, and restoration of a small noncoal (industrial minerals) operation in Frankstown Township, **Blair County**, affecting 5.0 acres. Receiving stream: Frankstown Branch of the Juniata River classified for the following use: WWF. There are no potable water supply intakes within 10 miles downstream. Permit received: August 26, 2020. Permit issued: December 16, 2020.

**Permit No. PAM420004-GP104. Glass Bagging Enterprises, Inc.,** P.O. Box 120, Duncansville, PA 16635. Coverage under the General NPDES Permit for Stormwater Discharges Associated with Mining Activities (BMP GP-104) on Noncoal Permit No. 07202801 located in Frankstown Township, **Blair County**. Receiving stream: Frankstown Branch of the Juniata River classified for the following uses: WWF. There are no potable water supply intakes within 10 miles downstream. Notice of Intent for Coverage received: August 26, 2020. Approved: December 16, 2020.

**Permit No. PAM416008-GP104. P&W Excavating, Inc.,** P.O. Box 712, McConnellsburg, PA 17233. Renew coverage under the General NPDES Permit for Stormwater Discharges Associated with Mining Activities (BMP GP-104) on Noncoal Permit No. 6577SM3A located in Todd Township, **Fulton County**. Receiving streams: unnamed tributary to Big Cove Creek classified for the following uses: cold water fishes, migratory fishes. There are no potable water supply intakes within 10 miles downstream. Notice of Intent for Coverage received: October 27, 2020. Approved: December 16, 2020.

## ACTIONS ON BLASTING ACTIVITY APPLICATIONS

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**Actions on applications under the Explosives Acts of 1937 and 1957 and 25 Pa. Code § 211.124. Blasting activity performed as part of a coal or noncoal mining activity will be regulated by the mining permit for that coal or noncoal mining activity.**

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#### *Blasting Permits Issued*

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

**Permit No. 40204118. Maurer & Scott Sales, Inc.** (122 Thomas Street, Coopersburg, PA 18036), construction blasting for PFNonwovens site in Hazle and East Union Townships, **Luzerne and Schuylkill Counties** with an expiration date of December 23, 2021. Permit issued: December 15, 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.**

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

**E2103220-021. Sporting Hill I LP**, 2 Kacey Court, Suite 201, Mechanicsburg, PA 17055. Hampden Township, **Cumberland County**, U.S. Army Corps of Engineers, Baltimore District Office.

To 1) place and maintain fill in 0.03 acre of Palustrine Emergent (PEM) wetland within the watershed of Conodoguinet Creek (WWF) and 2) enclose 160 linear feet of stream channel under waiver 25 Pa. Code § 105.12(a)(2), all for the purpose of constructing two multi-family residential buildings along Sporting Hill Road in Hampden Township, Cumberland County (Latitude: 40° 14' 18"; Longitude: -76° 58' 15.58"). The amount of wetland impact is considered a de minimus impact of 0.03 acre and wetland mitigation is not required. Permit issued December 14, 2020.

**E2203220-023 & GP052203220-029. Vision Elizabethtown, LLC**, 633 West Germantown Pike, Suite 104, Plymouth Meeting, PA 19462. Londonderry Township, **Dauphin County**, U.S. Army Corps of Engineers, Baltimore District Office.

To 1.) place and maintain fill in and around palustrine emergent wetlands, impacting 0.45 acre of wetland; 2.) install and maintain a 12.0-foot long, 44.0-inch diameter reinforced concrete pipe extension with endwalls in an unnamed tributary to Conewago Creek (TSF, MF); 3.) install and maintain an 8.0-inch diameter PVC sanitary sewer line crossing of an unnamed tributary to Conewago Creek (TSF, MF); and 4.) construct and maintain an access drive in the floodway of an unnamed tributary to Conewago Creek (TSF, MF), impacting 0.06 acre of floodway, all for the purpose of constructing two industrial buildings. The project is located at the intersection of North Hertzler Road and Hoffer Road (Latitude: 40° 10' 13" N; Longitude: 76° 38' 35" W) in Londonderry Township, Dauphin County. To compensate for wetland impacts, the applicant is required to create 0.45 acre of wetlands onsite. Permit issued December 16, 2020.

*Northcentral Region: Waterways & Wetlands Program Manager, 208 West Third Street, Williamsport, PA 17701, 570-327-3636.*

**E1704220-021: Melissa Gulla**, 1476 Old Broadhead Road, Monaca, PA 15061. Treasure Lake House Construction, Sandy Township, **Clearfield County**, U.S. Army Corps of Engineers Pittsburgh District (Sabula Quadrangle; Latitude 41° 10' 25" N; 78° 44' 9" W).

The applicant will construct a new house on Treasure Lake Road in Sandy Township and impact a portion of a palustrine emergent wetland. There will be 0.050 acre of permanent direct, 0.086 acre of temporary direct, and no indirect impacts to the wetland. The wetland is not classified as exceptional value or habitat for threatened or endangered species.

**E1804220-023: Woodward Township, Clinton County**, 86 Riverside Terrace, Lock Haven, PA 17745. T-404 Queens Run Rd Improvements, Woodward Town-

ship, **Clinton County**, U.S. Army Corps of Engineers Baltimore District (Lock Haven Quadrangle; Latitude 41° 11' 24.54"; -77° 28' 29.45").

The applicant is authorized to construct and maintain a drainage improvement project, consisting of installation of nine (9) cross pipes, including headwalls and endwalls, 235 feet of new french drain, a 12 ft x 25 ft french mattress under and adjacent to Queens Run Road, in Woodward Township, Clinton County, located in the floodway of Queens Run (HQ-CWF). The project proposes .1 acre of direct floodway impact.

**E1904220-022. Benton Township**, 236 Shickshinny Road, Benton, PA 17814. Karns Road Flood Repairs, in Benton Township, **Columbia County**, ACOE Baltimore District (Stillwater, PA Quadrangle; Latitude: 41° 10' 26.92"; Latitude -76° 20' 42.87").

To construct, operate and maintain four reaches of stream bank stabilization with varying reaches and the total length of stream bank to be stabilized is 484 Ln. Ft. that is spread out along 1665 Ln. Ft. of an Unnamed Tributary to Raven Creek, cold Water Fishery. The sections of stream will be stabilized with R-7 riprap armoring and the height of the armoring varies throughout the rehabilitation locations ranging from 6' to 15'. The four reaches are as follows: Site 4: 38 Ln. Ft. of R-7 riprap, 14' height with 42" placement depth, Site 8: 35 Ln. Ft. of R-7 riprap, 8' height with 42" placement depth, Site 11: 100 Ln. Ft. of R-7 riprap, 6' height with 42" placement depth, Site 15: 311 Ln. Ft. R-7 riprap, 15' height with 42" placement depth. This project is located along Karnes Road from the intersection with Lower Raven Creek Road. This permit was issued under Section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

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

**E1006220-025, SunCap Property Group**, 6101 Carnegie Boulevard, Suite 180, Charlotte, NC 28209, Victory Warehouse Development, in Clinton Township, **Butler County**, ACOE Pittsburgh District (Curtisville, PA Quadrangle Lat: 40.72576; Long: -79.847210°).

To impact a total of 192 feet of two tributaries to Davis Run having a contributory drainage areas less than 100 acres and to fill 0.142 acre of PSS and 0.087 acre of PEM wetlands for construction of a 220,000 square foot commercial building and related facilities on a 40.67 acre parcel on South Noah Drive near Saxonburg, PA (Curtisville, PA Quadrangle Lat: 40.72576° Long: -79.847210°) in Clinton Township, Butler County. Project includes on-site creation of 0.371 acre of replacement wetland.

*Central Office: Bureau of Waterways Engineering and Wetlands, Rachel Carson State Office Building, 400 Market Street, 2nd Floor, Harrisburg, PA 17101, telephone: 717-787-3411.*

**MB990565-0001. Land Reclamation Group, LLC**, Ligonier Reservoir Lane, Laughlintown, PA 15655; Furnace Run Mitigation Bank, Ligonier Township, **Westmoreland County**, USACE Pittsburgh District (N: 40°, 12', 32.63"; W: 79°, 10', 47.04").

Approval to construct and maintain the Furnace Run Mitigation Bank is granted. The project consists of the removal of three dams and restoration, enhancement and conservation activities within approximately 26 acres of the Furnace Run watershed (EV, CWF). The 26 acres comprising the Furnace Run Mitigation Bank will be

placed under conservation easements. The project includes activities affecting uplands, floodplains, approximately 2,354 linear feet of watercourses; and approximately 0.74 acre of wetland all within the Furnace Run watershed. The project's baseline credits are set at 2,354 stream credits and 4.49 wetland credits. The project is approved to provide compensatory mitigation for impacts located within Compensation Service Area 18. Use of secondary service areas will be handled on a case-by-case basis. The project may provide compensatory mitigation credits through the applicant's existing permit MB9915-0003. This application was jointly evaluated as a mitigation bank by the Army Corps of Engineers under the 2008 Mitigation Rule.

*Eastern Region: Oil and Gas Management Program Manager, 208 West Third Street, Suite 101, Williamsport, PA 17701-6448.*

**E4129220-026: ARD Operating, LLC**, 33 West Third Street, Suite 300, Williamsport, PA 17701. Chapman Bohlin Pad A to Salt Run Pad A Gathering Pipeline in Cascade Township, **Lycoming County**, ACOE Baltimore District.

To construct, operate and maintain approximately 1.22-miles (6,415 ft) of two (2) 8-inch diameter flex steel natural gas pipeline, 0.28-mile (1,476 ft) of two (2) 6-inch diameter flex steel natural gas pipeline and 0.05-mile (262 ft) of two (2) 6-inch diameter flex steel natural gas pipeline in Cascade Township, Lycoming County. Additionally, a 16-inch diameter above-ground temporary waterline (TAGWL) that is approximately 7,656 linear feet will also be included. The purpose of this project is to provide a conveyance of low-pressure natural gas between the existing Salt Run natural gas well pads and the Chapman Bohlin Meter Site within an existing right-of-way fifty (50) feet in width.

The project will result in a total of 12 LF (159 SF) of permanent and 125 LF (1796 SF) of temporary stream impacts, 3500 SF (0.0804 acre) of permanent and 7544 SF (0.1732 acre) of temporary floodway impacts and 2190 SF (0.0503 acre) of permanent and 11677 SF (0.2681 acre) of temporary wetland impacts all for the purpose of constructing a natural gas pipeline for Marcellus well development.

#### Stream Impact Table:

Resource Name	Municipality Quadrangle	Activity	Chapter 93	Listed Trout	Impact Area Temp. (SF)	Impact Length Temp. (LF)	Impact Area Perm. (SF)	Impact Length Perm. (LF)	Lat. Long.
Channel 6 UNT Salt Run	Cascade Bodines	Pipeline & Workspace	HQ-CWF; EV	Wild	33	82	4	10	41.461692° 76.881652°
Channel 5 UNT Salt Run	Cascade Bodines	Pipeline & Workspace	HQ-CWF; EV	Wild	46	741	4	64	41.461650° 76.881415°
Channel 1 UNT Salt Run	Cascade Bodines	Pipeline & Workspace	HQ-CWF; EV	Wild	46	973	4	85	41.461602° 76.881144°
TOTAL IMPACTS					125	1,796	12	159	
TOTAL STREAM IMPACTS					46	973	4	85	
TOTAL WAIVER 2 IMPACTS					79	823	8	74	

#### Wetland Impact Table:

Resource Name	Municipality Quadrangle	Activity	Cowardin Class	Listed Trout	Total Impact Area Temp. (SF)	Impact Length Temp. (LF)	Total Impact Area Perm. (SF)	Impact Length Perm. (LF)	Lat. Long.
Wetland/Upland Mosaic	Cascade Bodines	Pipeline & Workspace	PFO; EV	Wild	98	3,424	95	1,417	41.461573° 76.880984°
Wetland 24	Cascade Bodines	Pipeline & Workspace	PEM; EV	Wild	180	8,253	193	773	41.468786° 76.867263°
TOTAL IMPACTS					278	11,677	288	2,190	
PEM					180	8,253	193	773	
PSS									
PFO					98	3,424	95	1,417	

#### Floodway Impact Table:

Resource Name	Municipality Quadrangle	Activity	Impact Area Temp. (SF)	Impact Length Temp. (LF)	Impact Area Perm. (SF)	Impact Length Perm. (LF)	Lat. Long.
Channel 6 UNT Salt Run	Cascade Bodines	Pipeline & Workspace	89	2,410	66	989	41.461692° 76.881652°

Resource Name	Municipality Quadrangle	Activity	Impact Area Temp. (SF)	Impact Length Temp. (LF)	Impact Area Perm. (SF)	Impact Length Perm. (LF)	Lat. Long.
Channel 5 UNT Salt Run	Cascade Bodines	Pipeline & Workspace	78	1,841	82	904	41.461650° 76.881415°
Channel 1 UNT Salt Run	Cascade Bodines	Pipeline & Workspace	166	3,293	206	1,607	41.461602° 76.881144°
TOTAL IMPACTS			333	7,544	354	3,500	

### ENVIRONMENTAL ASSESSMENTS

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

**EA4306220-021, Buhl Park Corporation**, 715 Hazen Road, Hermitage, PA 16418. Buhl Park Lake Julia Wetland Enhancement, in Hermitage, **Mercer County**, ACOE Pittsburgh District (Sharon East, PA Quadrangle N: 41.246151; W: -80.483702).

The applicant proposes to enhance 1.05 acres of existing wetland along a UNT to McCullough Run discharging to Lake Julia in Buhl Park, Hermitage. Enhancement activities include grading management of invasive species, and planting of native wetland species. As part of the project they will also install a concrete weir and flashboard outflow structure to manage water in the restored wetland. An elevated twenty by twenty-foot observation deck and part of an asphalt walkway will be installed partially in the restoration site for public observation of the wetlands.

**EA4206220-022, McKean County Conservation District**, 17137 Route 6, Smethport, PA 16749, HR35 AMD Pactive Treatment System, in Norwich Township, **McKean County**, ACOE Pittsburgh District (Norwich, PA Quadrangle N: 41.704303; W: -78.319214).

The McKean County Conservation District is proposing to collect a discharge of AMD water that forms a small seep from historic surface mining in the headwaters of Hamlin Run (HQ-CWF) and divert the water into an oxalic limestone bed treatment system. The treatment system will not be located in any regulated resources, however the oxalic limestone bed will discharge back into the existing stream channel after a ten-hour contact time to ensure maximum alkalinity generation.

## CORRECTIVE ACTION UNDER ACT 32, 1989

### PREAMBLE 2

**The Following Plans and Reports Were Submitted Under the Storage Tank and Spill Prevention Act (35 P.S. §§ 6021.101—6021.2104).**

Provisions of 25 Pa. Code Chapter 245, Subchapter D, Administration of the Storage Tank and Spill Prevention Program, require the Department of Environmental Protection (DEP) to publish in the *Pennsylvania Bulletin* a notice of submission of plans and reports. A remedial action plan is submitted to summarize the site characterization, document the design and construction details for the remedial action, and describe how the remedial action will attain the selected remediation standard. The remedial action plan also provides results of studies performed and data collected to support the remedial action and a description of postremediation care requirements. A remedial action completion report is submitted to document

cleanup of a release of a regulated substance at a site to the selected remediation standard. A remedial action completion report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis of selecting the environmental media of concern, documentation supporting the selection of residential or non-residential exposure factors, a description of the remediation performed and summaries of sampling methodology and analytical results which demonstrate that the remediation has attained the cleanup standard selected.

For further information concerning plans or reports, please contact the Environmental Cleanup Program Manager in the DEP Regional Office under which the notice of receipt of plans or reports appears. If information concerning plans or reports is required in an alternative form, contact the Community Relations Coordinator at the appropriate Regional Office listed. TDD users may telephone DEP through the Pennsylvania AT&T Relay Service at (800) 654-5984.

DEP has received the following plans and reports:

*Southeast Region: Environmental Cleanup & Brownfields Program, 2 East Main Street, Norristown, PA 19401, 484-250-5960.*

*Contact: Richard Staron, Professional Geologist Manager.*

**Brunos SVC CTR**, 23-43127, 5000 Township Line Rd., Drexel Hill, PA 19026, Upper Darby Township, **Delaware County**. Comstock Environmental Services LLC, P.O. Box 509, Lafayette Hill, PA 19444, on behalf of Bruno's Service Center, 5000 Township Line Road, Drexel Hill, PA 19026, submitted a Remedial Action Plan concerning remediation of soil and groundwater contaminated with unleaded gasoline. The report is intended to document remediation of the site to meet nonresidential Statewide Health Standards.

**Farrelly Bros**, 23-28716, 2717 Haverford Rd., Ardmore, PA 19003, Haverford Township, **Delaware County**. Comstock Environmental Services LLC, P.O. Box 509, Lafayette Hill, PA 19444, on behalf of Farrelly Brothers Construction, 2717 Haverford Road, Ardmore, PA 19003 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 nonresidential Statewide Health Standards.

**PA Air Natl Guard Willow Grove ARS**, 46-25723, 2164 McGuire St., Willow Grove, PA 19090, Horsham Township, **Montgomery County**. HydroGeoLogic, Inc., 11107 Sunset Hills Road, Suite 400, Reston, VA 20190, on behalf of Department of the Air Force, 772 ESS/PKB, 2261 Hughes Avenue, Suite 163, JBSA Lackland Air Force Base, TX 78236-9853, submitted a Remedial Action Plan concerning remediation of soil and groundwater contami-

nated with unleaded gasoline. The report is intended to document remediation of the site to meet residential Statewide Health Standards.

*Southcentral Region: Environmental Cleanup & Brownfields Program, 909 Elmerton Avenue, Harrisburg, PA 17110, 717-705-4705.*

*Contact: Gregory Bowman, Environmental Group Manager.*

**UPS Altoona Center**, Storage Tank Facility ID # 07-27295, 3042 Route 764, Duncansville, PA 16635-8045, Allegheny Township, **Blair County**. Arcadis U.S., Inc., 10 Friends Lane, Suite 200, Newtown, PA 18940, on behalf of United Parcel Service Corporate Buildings & Systems Engineering, 55 Glenlake Parkway NE, Atlanta, GA 30328, submitted a combination Act 2 Final Report and Storage Tank Program Remedial Action Completion Report concerning remediation of soil and groundwater contaminated with petroleum contaminants. The plan is intended to document remediation of the site to meet the Site-Specific Standard.

**Tanglewood Valero**, Storage Tank Facility ID # 36-28236, 1201 Lancaster Pike, Quarryville, PA 17566-9748, East Drumore Township, **Lancaster County**. Environmental Alliance, Inc., 5341 Limestone Road, Wilmington, DE 19808, on behalf of Shreeji Petroleum, Inc., 1201 Lancaster Pike, Quarryville, PA 17566-9748 submitted a Remedial Action Plan concerning remediation of soil and groundwater contaminated with petroleum. The plan is intended to document the remedial actions for meeting the Statewide Health and Site-Specific Standards.

**Tyrone Convenience Store**, Storage Tank Facility ID # 07-15475, 1960 Adams Avenue, Tyrone, PA 16686, Tyrone Borough, **Blair County**. P. Joseph Lehman, Inc., Post Office Box 419, Hollidaysburg, PA 16648 on behalf of Mr. Hiteshkumar Patel, 1960 Adams Avenue, Tyrone, PA 16686, submitted a Remedial Action Plan concerning remediation of groundwater contaminated with petroleum contaminants. The plan is intended to document remediation of the site to meet the Statewide Health Standard.

*Northwest Region: Environmental Cleanup & Brownfields Program, 230 Chestnut Street, Meadville, PA 16335-3481, 814-332-6648.*

*Contact: Kim Bontrager, Clerk Typist 3.*

**Tom Dylewski SVC**, Storage Tank Facility ID # 25-05386, 4421 Pine Avenue, Erie, PA 16504, City of Erie, **Erie County**. Environmental Remediation and Recovery, Inc., 4250 Route 6N, Edinboro, PA 16412, on behalf of Mark Dylewski, 4421 Pine Avenue, Erie, PA 16504 submitted a Remedial Action Completion Report concerning remediation of soil and groundwater contaminated with benzene, toluene ethyl benzene, xylenes, cumene, naphthalene, MTBE, 1,2,4-trimethylbenzene and 1,3,5-trimethylbenzene. The plan is intended to document the remedial actions to meet the Statewide Health Standard.

**Dixonville Food N Gas**, Storage Tank Facility ID # 32-81438, 17659 State Route 403 Highway N, Dixonville, PA 15734, Green Township, **Indiana County**. Cribbs & Associates, Inc., P.O. Box 44, Delmont, PA 15626, on behalf of Mr. Naveed Chowdhry, 17659 State Route 403 Highway N, Dixonville, PA 15734, submitted a Remedial Action Completion Report 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 report is intended to document remediation of the site to meet the Statewide Health Standard.

**Meadow Brook Dairy**, Storage Tank Facility ID # 25-22253, 2365 Buffalo Road, Erie, PA 16510, City of Erie, **Erie County**. Antea USA, Inc., 565 Allegheny Avenue, Suite 100, Oakmont, PA 15139, on behalf of Dean Foods Company, 2711 Haskell, Suite 3400, Dallas, TX 75204, submitted a Remedial Action Completion Report concerning remediation of soil and groundwater contaminated with benzene, ethylbenzene, cumene, methyl tertiary butyl ether (MTBE), naphthalene, toluene, 1,2,4-trimethylbenzene and 1,3,5-trimethylbenzene. The report is intended to document remediation of the site to meet the Statewide Health Standard.

## CORRECTIVE ACTION UNDER ACT 32, 1989

### PREAMBLE 3

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**The Department of Environmental Protection (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).**

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Provisions of 25 Pa. Code Chapter 245, Subchapter D, Administration of the Storage Tank and Spill Prevention Program, require DEP to publish in the *Pennsylvania Bulletin* a notice of its final actions on plans and reports.

A remedial action plan is submitted to summarize the site characterization, document the design and construction details for the remedial action, and describe how the remedial action will attain the selected remediation standard. The remedial action plan also provides results of studies performed and data collected to support the remedial action and a description of postremediation care requirements. A remedial action completion report is submitted to document cleanup of a release of a regulated substance at a site to the selected remediation standard. A remedial action completion report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis of selecting the environmental media of concern, documentation supporting the selection of residential or non-residential exposure factors, a description of the remediation performed and summaries of sampling methodology and analytical results which demonstrate that the remediation has attained the cleanup standard selected.

DEP may approve or disapprove plans and reports submitted. This notice provides DEP's decision and, if relevant, the basis for disapproval.

For further information concerning the plans and reports, please contact the Environmental Cleanup Program Manager in the DEP Regional Office under which the notice of the plan or report appears. If information concerning a report is required in an alternative form, contact the Community Relations Coordinator at the appropriate Regional Office listed. TDD users may telephone DEP through the Pennsylvania AT&T Relay Service at (800) 654-5984.

DEP has received the following plans and reports:

*Southeast Region: Environmental Cleanup & Brownfields Program, 2 East Main Street, Norristown, PA 19401, 484-250-5960.*

*Contact: Richard Staron, Professional Geologist Manager.*

**Amer Auto Wash**, 51-27103, 7885 Oxford Ave., Philadelphia, PA 19111, City of Philadelphia, **Philadelphia County**. Environmental Consulting, Inc., 2002 Renaissance Boulevard, Suite 110, King of Prussia, PA 19046, on behalf of Fox Chase Holdings Company, 7539 Haverford Ave., Philadelphia, PA 19151 submitted a Remedial Action Plan concerning remediation of soil and groundwater contaminated with unleaded gasoline. The report was not acceptable to meet nonresidential Statewide Health and Site-Specific Standards and was disapproved on December 15, 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.*

**Former Schneck Oil**, Storage Tank ID# 39-34817, 1201 North Quebec Street, Allentown, PA 18103, Allentown City, **Lehigh County**. AECOM, 100 Sterling Parkway, Suite 205, Mechanicsburg, PA 17050, on behalf of Norfolk Southern Railway Company, 110 Franklin Road SE, Roanoke, VA 24042-0028, has submitted a revised Remedial Action Completion Report concerning remediation of soil and groundwater contaminated with gasoline, diesel, fuel oil, and used motor oil. The revised Remedial Action Completion Report demonstrated attainment of a combination of Site Specific and Statewide Health Standards and was approved by DEP on December 15, 2020.

**Sheetz #319**, Storage Tank ID# 40-37719, 163 South Memorial Highway, Trucksville, PA 18708, Kingston Township, **Luzerne County**, EnviroTrac, on behalf of Sheetz, 351 Sheetz Way, Claysburg, PA 16625, submitted a Remedial Action Completion Report concerning remediation groundwater contaminated with gasoline. The Remedial Action Completion Report demonstrated attainment of Statewide Health Standards and was approved by DEP on December 17, 2020.

*Southcentral Region: Environmental Cleanup & Brownfields Program, 909 Elmerton Avenue, Harrisburg, PA 17110, 717-705-4705.*

*Contact: Cherie Campbell, Soil Scientist.*

**Tanglewood Valero**, Storage Tank Facility ID #36-28236, 1201 Lancaster Pike, Quarryville, PA 17566-9748, East Drumore Township, **Lancaster County**. Environmental Alliance, Inc., 5341 Limestone Road, Wilmington, DE 19808, on behalf of Shreeji Petroleum, Inc., 1201 Lancaster Pike, Quarryville, PA 17566-9748 submitted a Remedial Action Plan concerning remediation of soil and groundwater contaminated with petroleum. The Remedial Action Plan was acceptable to meet the Statewide Health and Site-Specific Standards and was approved by DEP on December 21, 2020.

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## SPECIAL NOTICES

### ACTIVE AND ABANDONED MINE OPERATIONS DISTRICT MINING OPERATIONS

*California District Mining Office, 25 Technology Drive, Coal Center, PA 15423.*

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### Request for Comment and Notice of Public Meeting.

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*New Stanton District Office, P.O. Box 133, 131 Broadview Road, New Stanton, PA 15672.*

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### Soberdash Government Financed Construction Contract (GFCC) Virtual Public Meeting.

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The Department of Environmental Protection, New Stanton District Mining Operations has received a request for a public meeting regarding the **Robindale Energy Services, Inc. Government Financed Construction Contract (GFCC) 65-19-01** application and Notice of Intent (NOI) to conduct GFCC activities under PAG-02 (NPDES General Permit for Discharges of Stormwater Associated with Construction Activities) in South Huntingdon Township, **Westmoreland County**. The proposed GFCC 65-19-01 consists of reclamation of abandoned mine land, including screening approximately 350,000 tons of coal refuse currently covering 12 acres, transporting an estimated 297,500 tons of refuse from the site, and reclamation of 17 acres of land to a vegetated level pad with soiled out-slopes for industrial land use. Operational controls and non-discharging erosion and sedimentation controls requested in the PAG-02 NOI are proposed to minimize impact to Sewickley Creek from reclamation activities. In accordance with Governor Tom Wolf's emergency disaster declaration and based on advice from the Department of Health regarding the mitigation of the spread of the novel coronavirus (COVID-19), the DEP has scheduled a virtual public meeting for Wednesday, February 3, 2021, beginning at 10:00 a.m. The meeting will end at 12:00 p.m. or earlier if no additional commenters are present.

Individuals who wish to observe or speak at the virtual public meeting must contact community relations coordinator Lauren Fraley at [lfraley@pa.gov](mailto:lfraley@pa.gov) or 412-442-4203 a minimum of 24 hours in advance of the event to reserve a time to ask questions. Individuals who register for the event will receive the link and instructions on how to join via email or phone. Video demonstrations and screen sharing will not be permitted.

Individuals wishing to attend who require an auxiliary aid, service or other accommodation to participate should contact Lauren Fraley at 412.442.4203. The Pennsylvania AT&T Relay Service is available by calling 1.800.654.5984 (TTD users) or 1.800.654.5988 (voice users) and request that the call be relayed to Lauren Fraley at the previously listed number.

[Pa.B. Doc. No. 21-8. Filed for public inspection December 31, 2020, 9:00 a.m.]

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## DEPARTMENT OF ENVIRONMENTAL PROTECTION

### Availability of Technical Guidance

Technical guidance documents (TGD) are available on the Department of Environmental Protection's (Department) web site at [www.depgreenport.state.pa.us/elibrary/](http://www.depgreenport.state.pa.us/elibrary/). The "Technical Guidance Final Documents" heading is the link to a menu of the various Department bureaus where each bureau's final TGDs are posted. The "Technical Guidance Draft Documents" heading is the link to the Department's draft TGDs.

### Ordering Paper Copies of Department Technical Guidance

The Department encourages the use of the Internet to view and download TGDs. When this option is not

available, persons can order a paper copy of any of the Department's draft or final TGDs by contacting the Department at (717) 783-8727.

In addition, bound copies of some of the Department's documents are available as Department publications. Check with the appropriate bureau for more information about the availability of a particular document as a publication.

#### *Changes to TGDs*

Following is the current list of recent changes. Persons who have questions or comments about a particular document should contact the person whose name and phone number are listed with each document.

#### *Final Technical Guidance; Minor Revision*

*DEP ID:* 263-0900-001. *Title:* Storage Tank System Variances. *Description:* This TGD provides: guidelines for the qualifying conditions for an underground or aboveground storage tank variance; variance request criteria; application process; and the Department's review and approval process. This TGD was revised to update regulatory language which changed as the result of the revisions to the storage tank regulations in 25 Pa. Code Chapter 245 (relating to administration of the Storage Tank and Spill Prevention Program) published at 48 Pa.B. 7875 (December 22, 2018). Minor editorial changes were made.

*Contact:* Questions regarding this TGD can be directed to Danielle Mattive at [dmattive@pa.gov](mailto:dmattive@pa.gov) or (717) 772-5830.

*Effective Date:* January 2, 2021

PATRICK McDONNELL,  
*Secretary*

[Pa.B. Doc. No. 21-9. Filed for public inspection December 31, 2020, 9:00 a.m.]

## DEPARTMENT OF ENVIRONMENTAL PROTECTION

### Oil and Gas Technical Advisory Board Virtual Meeting Schedules for 2021

The Oil and Gas Technical Advisory Board (Board) will meet virtually at 9 a.m. on May 5, 2021, September 9, 2021, and December 16, 2021.

Individuals who wish to join the meetings may do so remotely. Information will be provided on the Board's webpage. Individuals interested in providing public comments during a meeting must sign up prior to the start of that meeting by contacting Todd M. Wallace at [twallace@pa.gov](mailto:twallace@pa.gov) or (717) 783-6395.

Information on how to join the meetings, as well as agenda and meeting materials, will be available on the Board's webpage, found through the Public Participation tab on the Department of Environmental Protection's (Department) web site at [www.dep.pa.gov](http://www.dep.pa.gov) (select "Public Participation," then "Advisory Committees," then "Oil and Gas Advisory Committees," then "Oil and Gas Technical Advisory Board").

Individuals are encouraged to visit the Board's webpage to confirm meeting date, time and location prior to each meeting. Questions can be directed to Todd M. Wallace at [twallace@pa.gov](mailto:twallace@pa.gov) or (717) 783-6395.

Persons in need of accommodations, as provided for in the Americans with Disabilities Act of 1990, should contact the Department at (717) 783-6395 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. 21-10. Filed for public inspection December 31, 2020, 9:00 a.m.]

## DEPARTMENT OF HEALTH

### Changes to the Mandated Newborn Screening and Genetics Screening Panels

Senate Bill 983 was passed on November 25, 2020, and will take effect on May 24, 2021. This act (P.L. \_\_\_\_\_, No. 133) amends the act of September 9, 1965 (P.L. 497, No. 251), known as the Newborn Child Testing Act (act) (35 P.S. §§ 621—625). This legislation was introduced to provide further definitions and provide for mandated screening and follow-up. This law mandates submitters (hospitals, midwives and birth centers) to screen for the following disorders:

- I. Phenylketonuria (PKU).
- II. Maple syrup urine disease (MSUD).
- III. Sickle-cell disease (hemoglobinopathies).
- IV. Galactosemia (GALT).
- V. Congenital adrenal hyperplasia (CAH).
- VI. Primary congenital hypothyroidism (CH).
- VII. Glycogen storage disease type II (Pompe).
- VIII. Hurler syndrome (MPS I).
- IX. Adrenoleukodystrophy (ALD).
- X. Spinal muscular atrophy (SMA).
- XI. Isovaleric acidemia/Isovalery-CoA dehydrogenase deficiency (IVA).
- XII. Glutaric acidemia Type I/Glutaryl-CoA dehydrogenase deficiency Type I (GA I).
- XIII. 3-Hydroxy 3-Methylglutaryl-CoA lyase deficiency (HMG).
- XIV. Multiple carboxylase deficiency (MCD).
- XV. Methylmalonic acidemia (mutase deficiency) (MUT).
- XVI. Methylmalonic acidemia (Cbl A, B).
- XVII. 3-Methylcrotonyl-CoA carboxylase deficiency (3MCC).
- XVIII. Propionic acidemia/propionyl-CoA carboxylase deficiency (PROP).
- XIX. Beta-Ketothiolase deficiency (BKT).
- XX. Medium chain acyl-CoA dehydrogenase deficiency (MCAD).
- XXI. Very long-chain acyl-CoA dehydrogenase deficiency (VLCAD).
- XXII. Long-chain L-3-OH acyl-CoA dehydrogenase deficiency (LCHAD).
- XXIII. Trifunctional protein deficiency (TFP).



- XXIV. Carnitine uptake defect (CUD).
- XXV. Homocystinuria (HCY).
- XXVI. Tyrosinemia type I (TYR I).
- XXVII. Argininosuccinic acidemia (ASA).
- XXVIII. Citrullinemia (CIT).
- XXIX. HB S/Beta-thalassemia (Hb S/Th).
- XXX. HB S/C disease (Hb S/C).
- XXXI. Biotinidase deficiency (BIOT).
- XXXII. Cystic fibrosis (CF).
- XXXIII. Severe combined immunodeficiency disease (SCID).
- XXXIV. Globoid cell leukodystrophy (Krabbe).

Fiscal responsibility for screening costs is as follows: the Department of Health (Department) will be responsible for the screening costs of disorders I—X as previously listed. The submitter will be responsible for the screening costs of disorders XI—XXXIV as previously listed. Prior to making any changes to the previous list of disorders, the Department and the Newborn Screening and Follow-up Technical Advisory Board (Board) will jointly transmit notification by means of the *Pennsylvania Bulletin* that establishes a public comment period of at least 30 days. Mandated screening and follow-up will at a minimum include: disorders previously listed; disorders added by the Board; and disorders listed in the Recommended Uniform Screening Panel by the United States Department of Health and Human Services. For screening of the disorders previously listed, and any disorders added to the newborn screening panel, the submitter is required to utilize and enter into agreement with the newborn screening laboratory contracted with the Department.

Additional amendments include changes to the definitions listed in the act and the consistency of the multidisciplinary members of the Board.

For additional information, contact Stacey Gustin, Director, Division of Newborn Screening and Genetics, at (717) 783-8143. Speech and/or hearing-impaired persons use V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

RACHEL L. LEVINE, MD,  
*Secretary*

[Pa.B. Doc. No. 21-11. Filed for public inspection December 31, 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):

Guthrie Home Health PA  
421 Tomahawk Road  
Towanda, PA 18848  
LIC # 712005

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 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. 21-12. Filed for public inspection December 31, 2020, 9:00 a.m.]

## DEPARTMENT OF HEALTH

### Infant Hearing Screening Advisory Committee Virtual Meeting

The Infant Hearing Screening Advisory Committee established under the Infant Hearing, Education, Assessment, Reporting and Referral (IHEARR) Act (11 P.S. §§ 876-1—876-9), will hold a public meeting on Thursday, January 28, 2021. The meeting will be held by means of Skype from 1 p.m. until 3 p.m. The meeting can be accessed through Skype at <https://meet.lync.com/pagov/mbeall/DMN87ZB7> or by calling 1 (267) 332-8737 and entering call ID: 686775015#. Agenda items will include reports by the Cytomegalovirus and Audiology subcommittees, a review of the Newborn Hearing Screening Program activities and group discussion on Early Hearing Detection Intervention challenges and successes during the novel coronavirus (COVID-19) pandemic.

For additional information or for persons with a disability who wish to attend the meeting and require auxiliary aid, service or other accommodation to do so, contact Mark Beall, Program Administrator, Division of Newborn Screening and Genetics, (717) 783-8143. Speech and/or hearing-impaired persons use V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

This meeting is subject to cancellation without notice.

RACHEL L. LEVINE, MD,  
*Secretary*

[Pa.B. Doc. No. 21-13. Filed for public inspection December 31, 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 § 201.22(e) (relating to prevention, control and surveillance of tuberculosis (TB)):

Conemaugh Memorial Medical Center Transitional Care Unit  
320 Main Street  
Johnstown, PA 15901  
FAC ID # 20760201

The following long-term care nursing facility is seeking an exception to 28 Pa. Code § 201.22(j):

ManorCare Health Services—North Hills  
1105 Perry Highway  
Pittsburgh, PA 15237  
FAC ID # 127902

The following long-term care nursing facilities are seeking exceptions to 28 Pa. Code § 205.6(a) (relating to function of building):

Chapel Manor  
1104 Welsh Road  
Philadelphia, PA 19115  
FAC ID # 031602

Powerback Rehabilitation  
1526 Lombard Street  
Philadelphia, PA 19146  
FAC ID # 200402

The following long-term care nursing facility is seeking an exception to 28 Pa. Code § 211.12(b) (relating to nursing services):

Masonic Village at Warminster  
850 Norristown Road  
Warminster, PA 18974  
FAC ID # 310102

These requests are on file with the Department of Health (Department). Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Nursing Care Facilities, Room 526, Health and Welfare Building, Harrisburg, PA 17120, (717) 787-1816, fax (717) 772-2163, ra-paexcept@pa.gov.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the previously listed address.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of the request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address or phone number, or for speech and/or hearing-impaired persons, call the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

RACHEL L. LEVINE, MD,  
*Secretary*

[Pa.B. Doc. No. 21-14. Filed for public inspection December 31, 2020, 9:00 a.m.]

## DEPARTMENT OF HEALTH

### Renal Disease Advisory Committee Virtual Meeting

The Renal Disease Advisory Committee, established by section 4 of the act of June 23, 1970 (P.L. 419, No. 140)

(35 P.S. § 6204), will hold its quarterly public meeting on Friday, January 22, 2021, from 10 a.m. to 12 p.m. by means of a conference call. The purpose of the meeting is to discuss new and ongoing issues relating to treatment of chronic renal disease and the Department of Health's programs related to care and treatment. To join the call, dial +1 (267) 332-8737 and when prompted, enter the following conference code: 707424228#.

For additional information or for persons with a disability who wish to attend the meeting and require an auxiliary aid, service or other accommodation to do so contact Tara Trego, Director, Bureau of Family Health, 7th Floor East, Health and Welfare Building, 625 Forster Street, Harrisburg, PA 17120, (717) 772-2762, or for speech and/or hearing impaired persons, call the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

This meeting is subject to cancellation without notice.

RACHEL L. LEVINE, MD,  
*Secretary*

[Pa.B. Doc. No. 21-15. Filed for public inspection December 31, 2020, 9:00 a.m.]

## DEPARTMENT OF REVENUE

### Pennsylvania #LOVE Fast Play Game 5108

Under the State Lottery Law (72 P.S. §§ 3761-101—3761-314) and 61 Pa. Code § 803.11 (relating to powers and duties of the Secretary of Revenue), the Secretary of Revenue hereby provides public notice of the rules for the following lottery game:

1. *Name:* The name of the lottery game is Pennsylvania #LOVE (hereinafter “#LOVE”). The game number is PA-5108.

2. *Definitions:*

(a) *Authorized retailer or retailer:* A person who is properly licensed by the Lottery pursuant to 61 Pa. Code §§ 805.1—805.17.

(b) *Bar code:* The symbology on the ticket containing certain encrypted validation and accounting data used for identifying winning and losing tickets.

(c) *GAME:* A specific, pre-defined portion of the play area, which contains two play symbols and a prize symbol that, when played according to the instructions, determine whether a player wins a prize. Each GAME is played separately.

(d) *GAME PLAY SYMBOLS:* The numbers, letters, symbols or other characters found in the play area that, when matched against the “WINNING SYMBOLS” play symbols, determine whether a player wins a prize.

(e) *Game Ticket:* A bearer instrument produced through a Lottery Terminal that is the player's record of a play for a Fast Play lottery game and sold by an authorized retailer containing the play and validation data as published in this game notice.

(f) *Lottery Central Computer System:* The computer gaming system on which all Fast Play plays are recorded.

(g) *Lottery Terminal:* A device authorized by the Lottery to function in an interactive mode with the Lottery Central Computer System for the purpose of issuing plays, executing Quick Pick selections, and entering,

receiving, and processing lottery transactions, including making purchases, validating plays, transmitting reports, and performing inventory functions.

(h) *Play*: A chance to participate in a particular Fast Play lottery game.

(i) *Play Area*: The area on a ticket which contains one or more play symbols.

(j) *Play Symbol*: A number, letter, symbol, image or other character found in the play area which is used to determine whether a player wins a prize.

(k) *Prize*: A non-monetary item, money, or experience that can be won as specified in section 7 (relating to prizes available to be won and determination of prize winners) of this game notice.

(l) *WINNING SYMBOLS*: The numbers, letters, symbols or other characters found in the play area that, when matched against the play symbols in any "GAME," determine whether a player wins a prize.

(m) *Winning ticket*: A game ticket which has been validated and qualifies for a prize.

3. *Price*: The price of a #LOVE ticket is \$1.

4. *Description of the #LOVE Fast Play lottery game*:

(a) The #LOVE lottery game is an instant win game printed from a Lottery Terminal. All prizes are predetermined, and the player does not have the ability to select their own play symbols. #LOVE tickets may be purchased from an authorized retailer or at a Lottery self-service terminal that sells terminal-based Lottery game tickets. Tickets purchased from an authorized retailer shall be printed on-demand at the time of purchase and may not be preprinted by the retailer.

(b) #LOVE is played by matching any of the play symbols in the "WINNING SYMBOLS" area to both of the play symbols located in any "GAME." A player matching two of the play symbols in this manner will win the prize shown for that "GAME." A bet slip is not used to play this game.

(c) Players can win the prizes identified in section 7 (relating to prizes available to be won and determination of prize winners).

(d) A #LOVE game ticket cannot be canceled or voided once printed by the Lottery Terminal, even if printed in error.

(e) To purchase a ticket at an authorized retailer, a player must remit the purchase price to the retailer and verbally request a #LOVE game ticket. The ticket shall be the only valid proof of the bet placed and the only valid receipt for claiming a prize.

(f) To purchase a ticket at a Pennsylvania Lottery self-service terminal, the player must insert into the self-service terminal a dollar amount equal to the total purchase price of a #LOVE game ticket and select the #LOVE option on the Lottery self-service terminal. The ticket shall be the only valid proof of the bet placed and the only valid receipt for claiming a prize.

5. *#LOVE ticket characteristics*:

(a) A #LOVE ticket shall contain a play area, the cost of the play, the date of sale and a bar code. Each ticket consists of four play areas designated as "GAME 1," "GAME 2," "GAME 3" and "GAME 4." Each "GAME" is played separately.

(b) *Play Symbols*: Each #LOVE ticket will contain a "WINNING SYMBOLS" area and four "GAME" areas. The play symbols and their captions, located in the "WINNING SYMBOLS" area and each of the four "GAME" areas, are: Happy (HAPPY) symbol, Love (LOVE) symbol, Wink (WINK) symbol, Kiss (KISS) symbol, O.K. (O.K.) symbol, Cool (COOL) symbol, Thumbs Up (THUMB UP) symbol, Wonder (WONDER) symbol, Curious (CURIOUS) symbol, Excited (EXCITED) symbol, Shy (SHY) symbol, Grin (GRIN) symbol, Peace (PEACE) symbol, Shocked (SHOCKED) symbol, Laugh (LAUGH) symbol, Angry (ANGRY) symbol, Smart (SMART) symbol, Sleepy (SLEEPY) symbol, Goofy (GOOFY) symbol and a Star (STAR) symbol.

(c) *Prize Symbols*: The prize symbols and their captions, located in the play area, are: \$1<sup>00</sup> (ONE DOL), \$2<sup>00</sup> (TWO DOL), \$4<sup>00</sup> (FOR DOL), \$5<sup>00</sup> (FIV DOL), \$10<sup>00</sup> (TEN DOL), \$20<sup>00</sup> (TWENTY), \$50<sup>00</sup> (FIFTY), \$100 (ONE HUN), \$200 (TWO HUN), \$400 (FOR HUN) and \$1,400 (FORTNHUN).

(d) *Prizes*: The prizes that can be won in this game are: \$1, \$2, \$4, \$5, \$10, \$20, \$50, \$100, \$200, \$400 and \$1,400. A player can win up to four times on a ticket.

(e) *Approximate number of tickets available for the game*: Approximately 1,200,000 tickets will be available for sale for the #LOVE lottery game.

6. *Second-Chance Drawing*: The Pennsylvania Lottery will conduct a Love Potion Second-Chance Drawing for which non-winning #LOVE lottery game tickets may be eligible as provided for in section 9.

7. *Prizes available to be won and determination of prize winners*:

(a) All #LOVE prize payments will be made as one-time, lump-sum cash payments.

(b) Holders of tickets upon which any of the "WINNING SYMBOLS" play symbols match both of the play symbols in a "GAME," and a prize symbol of \$1,400 (FORTNHUN) appears in the "PRIZE" area for that "GAME," on a single ticket, shall be entitled to a prize of \$1,400.

(c) Holders of tickets upon which any of the "WINNING SYMBOLS" play symbols match both of the play symbols in a "GAME," and a prize symbol of \$400 (FOR HUN) appears in the "PRIZE" area for that "GAME," on a single ticket, shall be entitled to a prize of \$400.

(d) Holders of tickets upon which any of the "WINNING SYMBOLS" play symbols match both of the play symbols in a "GAME," and a prize symbol of \$200 (TWO HUN) appears in the "PRIZE" area for that "GAME," on a single ticket, shall be entitled to a prize of \$200.

(e) Holders of tickets upon which any of the "WINNING SYMBOLS" play symbols match both of the play symbols in a "GAME," and a prize symbol of \$100 (ONE HUN) appears in the "PRIZE" area for that "GAME," on a single ticket, shall be entitled to a prize of \$100.

(f) Holders of tickets upon which any of the "WINNING SYMBOLS" play symbols match both of the play symbols in a "GAME," and a prize symbol of \$50<sup>00</sup> (FIFTY) appears in the "PRIZE" area for that "GAME," on a single ticket, shall be entitled to a prize of \$50.

(g) Holders of tickets upon which any of the “WINNING SYMBOLS” play symbols match both of the play symbols in a “GAME,” and a prize symbol of \$20.<sup>00</sup> (TWENTY) appears in the “PRIZE” area for that “GAME,” on a single ticket, shall be entitled to a prize of \$20.

(h) Holders of tickets upon which any of the “WINNING SYMBOLS” play symbols match both of the play symbols in a “GAME,” and a prize symbol of \$10.<sup>00</sup> (TEN DOL) appears in the “PRIZE” area for that “GAME,” on a single ticket, shall be entitled to a prize of \$10.

(i) Holders of tickets upon which any of the “WINNING SYMBOLS” play symbols match both of the play symbols in a “GAME,” and a prize symbol of \$5.<sup>00</sup> (FIV DOL) appears in the “PRIZE” area for that “GAME,” on a single ticket, shall be entitled to a prize of \$5.

(j) Holders of tickets upon which any of the “WINNING SYMBOLS” play symbols match both of the play symbols

in a “GAME,” and a prize symbol of \$4.<sup>00</sup> (FOR DOL) appears in the “PRIZE” area for that “GAME,” on a single ticket, shall be entitled to a prize of \$4.

(k) Holders of tickets upon which any of the “WINNING SYMBOLS” play symbols match both of the play symbols in a “GAME,” and a prize symbol of \$2.<sup>00</sup> (TWO DOL) appears in the “PRIZE” area for that “GAME,” on a single ticket, shall be entitled to a prize of \$2.

(l) Holders of tickets upon which any of the “WINNING SYMBOLS” play symbols match both of the play symbols in a “GAME,” and a prize symbol of \$1.<sup>00</sup> (ONE DOL) appears in the “PRIZE” area for that “GAME,” on a single ticket, shall be entitled to a prize of \$1.

8. *Number and description of prizes and approximate chances of winning:* The following table sets forth the approximate number of winners, amounts of prizes, and approximate chances of winning:

<i>When You Match Both Symbols in any “GAME” To Any “WINNING SYMBOLS,” Win PRIZE Shown For That “GAME.” Win With:</i>	<i>Win:</i>	<i>Approximate Chances Of Winning Are 1 In:</i>	<i>Approximate No. Of Winners Per 1,200,000 Tickets:</i>
\$1	\$1	8	150,000
\$1 × 2	\$2	25	48,000
\$2	\$2	33.33	36,000
\$1 × 4	\$4	125	9,600
(\$1 × 2) + \$2	\$4	166.67	7,200
\$2 × 2	\$4	200	6,000
\$4	\$4	250	4,800
(\$1 × 3) + \$2	\$5	200	6,000
(\$2 × 2) + \$1	\$5	250	4,800
\$4 + \$1	\$5	333.33	3,600
\$5	\$5	208.33	5,760
(\$4 × 2) + (\$1 × 2)	\$10	500	2,400
(\$4 × 2) + \$2	\$10	500	2,400
\$5 × 2	\$10	1,000	1,200
\$10	\$10	1,000	1,200
\$5 × 4	\$20	1,000	1,200
(\$5 × 2) + \$10	\$20	1,250	960
\$10 × 2	\$20	5,000	240
\$20	\$20	5,000	240
(\$10 × 3) + \$20	\$50	24,000	50
(\$20 × 2) + (\$5 × 2)	\$50	24,000	50
(\$20 × 2) + \$10	\$50	24,000	50
\$50	\$50	24,000	50
(\$20 × 2) + \$50 + \$10	\$100	24,000	50
\$50 × 2	\$100	60,000	20
\$100	\$100	60,000	20
\$50 × 4	\$200	60,000	20
(\$50 × 2) + \$100	\$200	60,000	20
\$100 × 2	\$200	120,000	10
\$200	\$200	120,000	10
\$100 × 4	\$400	60,000	20

<i>When You Match Both Symbols in any "GAME" To Any "WINNING SYMBOLS," Win PRIZE Shown For That "GAME." Win With:</i>	<i>Win:</i>	<i>Approximate Chances Of Winning Are 1 In:</i>	<i>Approximate No. Of Winners Per 1,200,000 Tickets:</i>
(\$100 × 2) + \$200	\$400	120,000	10
\$200 × 2	\$400	120,000	10
\$400	\$400	120,000	10
\$1,400	\$1,400	240,000	5

Each GAME is played separately.

Prizes, including top prizes, are subject to availability at the time of purchase.

9. *Second-Chance Drawing:* The Pennsylvania Lottery's (hereafter, the "Lottery") Love Potion Second-Chance Drawing for qualifying Fast Play lottery game tickets (hereafter, the "Drawing").

(a) *Qualifying Tickets:* Non-winning PA-5106 Love You to the Moon and Back (\$5), PA-5107 Love is in the Air (\$2) and PA-5108 #LOVE (\$1) Fast Play lottery game tickets ("Qualifying Tickets") are eligible for entry in the Drawing.

(b) *Participation and entry:*

(1) Entrants must be members of the Pennsylvania Lottery VIP Players Club to participate in the Drawing. To join the VIP Players Club, visit <http://www.palottery.state.pa.us/vipplayersclub/login.aspx>. Becoming a VIP Players Club member is free.

(2) To enter the Drawing, entrants must submit the identifying information from at least one Qualifying Ticket via the Drawing's promotional web site, available at <http://www.palottery.com>, or the Lottery's official mobile application during the entry period. The identifying information from a Qualifying Ticket may be submitted only once in the Drawing. No other method of submission will be accepted, and entries submitted using any other method, including entries mailed or hand-delivered to the Lottery, are not valid and will be disqualified.

(3) Each entry must be complete and the information supplied by the entrant must be accurate. Incomplete entries cannot be accepted.

(4) Only one claimant per entry is allowed.

(5) Entrants must be 18 years of age or older.

(6) Players may submit the identifying information from an unlimited number of Qualifying Tickets in the Drawing.

(7) Once an entry has been submitted it cannot be withdrawn or changed.

(c) *Drawing description:*

(1) The Lottery will conduct one Love Potion Second-Chance Drawing for qualifying Fast Play Lottery game tickets. All time references are Eastern Prevailing Time.

(2) All entries received after 11:59:59 p.m. January 4, 2021, through 11:59:59 p.m. February 18, 2021, will be entered into the Drawing to be held between February 19, 2021 and March 2, 2021.

(3) The entry period for the Drawing will be posted to the Lottery's publicly accessible web site at <http://www.palottery.com>.

(4) When a Qualifying Ticket is entered into the Drawings, the entry has a chance to be multiplied by 2 or 14 (hereafter the "Entry Multiplier Prize"). Each Qualifying Ticket will have a predetermined ticket file assigned at the time the ticket is printed that will determine whether an entry will be multiplied. If an entry is multiplied, the entrant will be notified during the entry process.

(5) The number of entries an entrant will receive for the Drawing is determined by the purchase price of the Qualifying Ticket entered and the Entry Multiplier Prize, if applicable. The respective purchase price and corresponding number of entries for the Qualifying Ticket is as follows: PA-5106 Love You to the Moon and Back (\$5) = five entries, PA-5107 Love is in the Air (\$2) = two entries and PA-5108 #LOVE (\$1) = one entry.

(6) Players may review prizes won and their entries for the Drawing via the Drawing's promotional web site.

(d) *Prizes available to be won, determination of winners, and odds of winning:*

(1) The prize entitlements described below are subject to all restrictions and limitations described in section 9(e) or mentioned anywhere else in these rules.

(2) The following table sets forth the approximate number of Entry Multiplier Prizes and the approximate odds of winning an Entry Multiplier Prize:

<i>Qualifying Tickets:</i>	<i>Approximate Number of Entry Multiplier Prizes:</i>		<i>Approximate Odds of Winning a 2X or 14X Multiplier Are 1 In:</i>	
	<i>2X</i>	<i>14X</i>	<i>2X</i>	<i>14X</i>
PA-5106 Love You to the Moon and Back	86,324	215,809	10	4
PA-5107 Love is in the Air	89,478	223,695	10	4
PA-5108 #LOVE	90,800	226,999	10	4

(3) The Lottery will conduct one Drawing from among all the entries received during the entry period as described in section 9(c)(2).

(i) The first through the fifth entries selected in the Drawing will be winning entries and the entrants who submitted those winning entries shall each be entitled to a prize of \$14,000, less required income tax withholding.

(ii) The sixth through the eighth entries selected in the Drawing will be winning entries and the entrants who submitted those winning entries shall each be entitled to a prize of \$2,000.

(iii) The ninth through the thirteenth entries selected in the Drawing will be winning entries and the entrants who submitted those winning entries shall each be entitled to a prize of \$1,400.

(iv) The fourteenth through the sixty-third entries selected in the Drawing will be winning entries and the entrants who submitted the winning entries shall each be entitled to a prize of \$100 iLottery Bonus Money.

(4) All prizes will be paid as lump-sum cash payments or uploaded to a winning player's lottery account.

(5) Winners of iLottery Bonus Money are not required to claim a prize. Winners of iLottery Bonus Money will have the iLottery Bonus Money credited to their Lottery account and will receive an email notifying them that they won a prize.

(6) The number of winning entries to be selected for the Drawing will be posted to the Lottery's publicly accessible web site.

(7) The odds of winning in the Drawing depend upon the number of entries received for the Drawing.

(8) A computer-generated randomizer will be used to select the Drawing winners.

(e) *Drawing restrictions:*

(1) To be eligible to participate in the Drawing, entrants must have complied with the requirements of these rules.

(2) The Lottery is not responsible for late, lost or misdirected entries not entered into the Drawing. The Lottery is not responsible for entries that are not entered into the Drawing because of incompatible internet browsers, mobile Lottery application failure or other technical issues. If an entry is selected as a winner and rejected or otherwise disqualified during or following the Drawing, the Lottery will select another entry to replace the rejected or otherwise disqualified entry in accordance with these rules and Lottery procedure.

(3) If any discrepancy exists between these rules and any material describing the Drawing, these rules shall govern.

(4) Employees of the Lottery, 9Rooftops Marketing, LLC (formerly known as MARC USA), Scientific Games International Inc., MDI Entertainment, LLC, and their subcontractors, or a spouse, child, brother, sister or parent residing as a member of the same household in the principle place of residence of any such person are not eligible to participate in the Drawing. Offer void where prohibited or restricted.

(5) The Pennsylvania Lottery reserves the right, in its sole discretion, to cancel or suspend the Drawing and change these rules if the Drawing cannot be conducted as planned due to errors in these rules or advertising, unauthorized intervention, tampering, fraud, technical errors, viruses, worms, bugs, or any other cause beyond

the control of the Lottery that, in the Lottery's sole judgment, could corrupt or impair the administration, security, fairness, integrity, or proper conduct of the Drawing.

(6) All entries shall be subject to verification by the Lottery.

(7) The Pennsylvania Lottery reserves the right, in its sole discretion, to disqualify an entrant found to be tampering with the operation of the Drawing or to be acting in violation of these rules or applicable law.

(8) The Drawing is governed by the laws of the Commonwealth of Pennsylvania. Applicable laws and regulations apply.

(9) Prizes must be claimed within 1 year of the drawing date of the Drawing in which the prize was won. If no claim is made within 1 year of the drawing date of the Drawing in which the prize was won, the right of an entrant to claim the prize won, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided by statute.

(10) Final determination of winners will be made by the Secretary, whose judgment will be final and binding.

(11) A prize awarded in the Drawing to a person who dies before receiving the prize shall be paid according to 61 Pa. Code § 811.16 (relating to prizes payable after death of a prize winner).

(12) A winner is responsible for all taxes arising from or in connection with any prize won.

(13) A player may only win the prize for which the player is first selected in the Drawing. Subsequent entries, from the same individual, selected in the Drawing will be disqualified and a replacement entry will be selected.

(14) Winners of iLottery Bonus Money must abide by the iLottery Terms & Conditions, the iLottery Bonus Policy and these rules. iLottery Bonus Money will expire 90 days from the date on which the winner was notified, via email, of the prize win, as further detailed in section 9(d)(5). iLottery Bonus Money has a five times play through requirement in order to convert the iLottery Bonus Money into cash. For example, for a player winning \$100 of iLottery Bonus Money, the player is required to place \$500 in wagers before the iLottery Bonus Money awarded is converted into cash which may be withdrawn from the player's Lottery account.

(15) Prizes are not transferrable.

(16) Other restrictions may apply.

10. *Ticket responsibility:*

(a) A Fast Play lottery game ticket is a bearer document deemed to be owned by the person holding the game ticket, except that if a name is contained on the back of the game ticket, the person named will, for all purposes, be considered the owner of the game ticket.

(b) The holder of a Fast Play lottery game ticket has the sole responsibility for checking the accuracy and condition of the data printed on the game ticket.

(c) The Commonwealth shall not be responsible for a lost or stolen Fast Play lottery game ticket, or for a Fast Play ticket redeemed by a player in error.

11. *Ticket validation and requirements:*

(a) *Valid Fast Play lottery game tickets.* To be a valid Fast Play lottery game ticket, the presented game ticket must meet the following requirements:

(1) The game ticket's bar code shall be present in its entirety.

(2) The game ticket must be intact.

(3) The game ticket may not be mutilated, altered, reconstituted or tampered with.

(4) The game ticket may not be counterfeit or a duplicate of a winning ticket.

(5) The game ticket must have been validly issued.

(6) The game ticket data shall have been recorded on the Lottery Central Computer System and the game ticket data shall match the computer record in every respect.

(7) The game ticket must not be defectively printed or printed or produced in error such that it cannot be processed or validated by the Lottery.

(8) The game ticket must pass other confidential security checks of the Lottery.

(b) *Invalid or defective game tickets:* A game ticket not passing the validation requirements in subsection (a) will be considered invalid and no payment will be made on account of any play recorded thereon. The determination of the Secretary in this regard is final.

12. *Procedures for claiming and payment of prizes:*

(a) A prize may be claimed through an authorized retailer or the Lottery, as provided in this section. A prize must be claimed within 1 year of the sale date of the Fast Play lottery game ticket.

(b) An authorized retailer is authorized to pay prizes of \$2,500 or less. The holder of a game ticket evidencing a winning play representing a prize of \$2,500 or less may be paid by a participating authorized retailer if a proper validation pay ticket was issued by the retailer's Lottery Terminal.

(c) The holder of a game ticket evidencing a winning play representing a prize in excess of \$2,500 may present the game ticket to an authorized retailer, Lottery District Office, or Lottery Headquarters.

(d) The holder of a game ticket evidencing a winning play shall present the ticket, in person, to an authorized retailer, Lottery Headquarters or a Lottery District Office. The retailer or the Lottery will issue payment if:

(1) The game ticket is scanned and the play is validated through the Lottery Terminal or the Lottery Central Computer System;

(2) A claim form is properly and fully completed;

(3) The identification of the claimant is confirmed; and

(4) The winning ticket has not expired, pursuant to this section or section 14 (relating to unclaimed prizes).

(e) The Commonwealth shall not be responsible for a winning play paid in error by an authorized retailer.

(f) In the event a prize described in these rules is not available, the Lottery may either provide a substitute prize, determined by the Secretary to have an equivalent value to the prize won, or make a cash payment to the winner, in an amount determined by the Secretary to have an equivalent value to the prize won.

13. *Funding for prizes:* Moneys will be drawn from the State Lottery Fund, to the extent necessary, to fund the payment of prizes under this section. If this lottery game is terminated for any cause, prize moneys remaining undistributed will remain in the State Lottery Fund and used for purposes otherwise provided for by law.

14. *Unclaimed prizes:* Unclaimed prize money on winning Fast Play lottery game tickets will be retained by the Secretary for payment to the persons entitled thereto for 1 year from the sale date of the Fast Play lottery game ticket. If no claim is made within 1 year from the sale date of the Fast Play lottery game ticket, the right of a ticket holder to claim the prize represented by that ticket, if any, shall expire.

15. *Purchase and prize restrictions:* A Fast Play lottery game ticket may not be purchased by, and a prize may not be paid, to an officer or employee of the Lottery, Lottery professional services contractors or subcontractors, or to a spouse, child, brother, sister or parent residing in the same household of an officer, employee, contractor or subcontractor who is involved in the production, distribution or operation of systems for the validation or accounting of Fast Play games.

16. *Governing law:*

(a) By purchasing a ticket, the purchaser agrees to comply with and abide by the State Lottery Law (72 P.S. §§ 3761-101—3761-314), this notice, instructions, conditions and final decisions of the Secretary, and procedures established by the Secretary for the conduct of the Fast Play #LOVE lottery game.

(b) Decisions made by the Secretary, including the declaration of prizes and the payment thereof, in interpretation of this notice are final and binding on players and persons making a claim in respect thereof.

17. *Retailer compensation:*

(a) Authorized retailers may be entitled to compensation as determined by the Lottery.

(b) No authorized retailer or employee of an authorized retailer shall request, demand, or accept gratuities or any compensation other than as provided in subsection (a) in exchange for the performance of duties authorized pursuant to the Lottery retailer's license without the Lottery's prior written authorization.

18. *Retailer Incentive Programs:* The Lottery may conduct a separate Retailer Incentive Program for retailers who sell Pennsylvania Fast Play #LOVE lottery game tickets.

19. *Retailer bonus:* The Lottery may offer a retailer bonus in connection with the sale of Pennsylvania Fast Play lottery game tickets. If a retailer bonus is offered, a Lottery retailer shall be eligible for a bonus as described in this section. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$100,000 and not exceeding \$500,000 shall be paid a bonus of \$500. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$500,001 and not exceeding \$1,000,000 shall be paid a bonus of \$5,000. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$1,000,001 and not exceeding \$10,000,000 shall be paid a bonus of \$10,000. A Lottery retailer is entitled only to the largest bonus for which they qualify on a winning ticket. A bonus will be initiated for payment after the Fast Play game ticket is claimed and validated. A bonus will not be awarded to a Lottery retailer that sells a non-winning Pennsylvania Lottery Fast Play game ticket used to enter a Pennsylvania Lottery second-chance drawing or promotion that is subsequently selected to win a prize.

20. *Termination of the game:* The Secretary may announce a termination date, after which no further tickets from this game may be sold. The announcement will be disseminated through media used to advertise or promote #LOVE or through normal communications methods.

21. *Applicability:* This notice applies only to the #LOVE lottery game announced in this notice.

C. DANIEL HASSELL,  
Secretary

[Pa.B. Doc. No. 21-16. Filed for public inspection December 31, 2020, 9:00 a.m.]

## DEPARTMENT OF REVENUE

### Pennsylvania JACKPOT PARTY® Fast Play Game 5104

Under the State Lottery Law (72 P.S. §§ 3761-101—3761-314) and 61 Pa. Code § 803.11 (relating to powers and duties of the Secretary of Revenue), the Secretary of Revenue hereby provides public notice of the rules for the following lottery game:

1. *Name:* The name of the lottery game is Pennsylvania JACKPOT PARTY® (hereinafter “JACKPOT PARTY®”). The game number is PA-5104.

2. *Definitions:*

(a) *Authorized retailer or retailer:* A person who is properly licensed by the Lottery pursuant to 61 Pa. Code §§ 805.1—805.17.

(b) *Bar code:* The symbology on the ticket containing certain encrypted validation and accounting data used for identifying winning and losing tickets.

(c) *BALLOON BONUS:* The area at the bottom of a JACKPOT PARTY® ticket containing five play symbols that, when played according to the instructions, determine whether the player wins a prize. The “BALLOON BONUS” area is played separately.

(d) *Game Ticket:* A bearer instrument produced through a Lottery Terminal that is the player’s record of a play for a Fast Play lottery game and sold by an authorized retailer containing the play and validation data as published in this game notice.

(e) *Lottery Central Computer System:* The computer gaming system on which all Fast Play plays are recorded.

(f) *Lottery Terminal:* A device authorized by the Lottery to function in an interactive mode with the Lottery Central Computer System for the purpose of issuing plays, executing Quick Pick selections, and entering, receiving, and processing lottery transactions, including making purchases, validating plays, transmitting reports, and performing inventory functions.

(g) *Play:* A chance to participate in a particular Fast Play lottery game.

(h) *Play Area:* The area on a ticket, which contains one or more play symbols.

(i) *Play Symbol:* A number, letter, symbol, image or other character found in the play area, which is used to determine whether a player wins a prize.

(j) *Prize:* A non-monetary item, money, or experience that can be won as specified in section 6 (relating to prizes available to be won and determination of prize winners) of this game notice.

(k) *PROGRESSIVE TOP PRIZE:* The top prize available for this game that begins with a minimum prize amount that grows at a pre-determined rate every time a ticket is purchased, and then resets to the minimum prize amount whenever a top prize winning ticket is sold.

(l) *WINNING NUMBERS:* The numbers, letters, symbols or other characters found in the play area that, when matched against the play symbols in the “YOUR NUMBERS” area, determine whether a player wins a prize.

(m) *Winning ticket:* A game ticket which has been validated and qualifies for a prize.

(n) *YOUR NUMBERS:* The numbers, letters, symbols or other characters found in the play area that, when matched against the play symbols in the “WINNING NUMBERS” area, determine whether a player wins a prize.

3. *Price:* The price of a JACKPOT PARTY® ticket is \$20.

4. *Description of the JACKPOT PARTY® Fast Play lottery game:*

(a) The JACKPOT PARTY® lottery game is an instant win game printed from a Lottery Terminal. With the exception of the “PROGRESSIVE TOP PRIZE,” prizes are predetermined, and the player does not have the ability to select their own play symbols. JACKPOT PARTY® tickets may be purchased from an authorized retailer or at a Lottery self-service terminal that sells terminal-based Lottery game tickets. Tickets purchased from an authorized retailer shall be printed on-demand at the time of purchase and may not be preprinted by the retailer.

(b) JACKPOT PARTY® is played by matching the play symbols located in the “YOUR NUMBERS” area to the play symbols located in the “WINNING NUMBERS” area. A player matching play symbols in this manner will win the prize shown under the “YOUR NUMBERS” play symbol. A bet slip is not used to play this game.

(c) JACKPOT PARTY® is also played by matching the prize amounts in the “BALLOON BONUS” area. Players matching three like prize amounts will win that amount. Players matching two like prize amounts and a Push Pin (5TIMES) symbol will win five times that prize amount. The “BALLOON BONUS” is played separately.

(d) Players can win the prizes identified in section 6 (relating to prizes available to be won and determination of prize winners).

(e) A JACKPOT PARTY® game ticket cannot be canceled or voided once printed by the Lottery Terminal, even if printed in error.

(f) To purchase a ticket at an authorized retailer, a player must remit the purchase price to the retailer and verbally request a JACKPOT PARTY® game ticket. The ticket shall be the only valid proof of the bet placed and the only valid receipt for claiming a prize.

(g) To purchase a ticket at a Pennsylvania Lottery self-service terminal, the player must insert into the self-service terminal a dollar amount equal to the total purchase price of a JACKPOT PARTY® game ticket and select the JACKPOT PARTY® option on the Lottery self-service terminal. The ticket shall be the only valid proof of the bet placed and the only valid receipt for claiming a prize.



5. **JACKPOT PARTY®** ticket characteristics:

(a) A JACKPOT PARTY® ticket shall contain a play area, the cost of the play, the date of sale, and a bar code.

(b) *Play Symbols:* Each JACKPOT PARTY® ticket play area will contain a “WINNING NUMBERS” area, a “YOUR NUMBERS” area and a “BALLOON BONUS” area. The play symbols and their captions, located in the “WINNING NUMBERS” area and the “YOUR NUMBERS” area, are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN), 20 (TWENT), 21 (TWYONE), 22 (TWYTWO), 23 (TWYTHR), 24 (TWYFOR), 25 (TWYFIV), 26 (TWYSIX), 27 (TWYSVN), 28 (TWYEGT), 29 (TWYNIN), 30 (THIRT), 31 (THYONE), 32 (THYTWO), 33 (THYTHR), 34 (THYFOR), 35 (THYFIV), 36 (THYSIX), 37 (THYSVN), 38 (THYEGT), 39 (THYNIN) and 40 (FORT). The prize/play symbols, located in the “BALLOON BONUS” area, are: \$20<sup>00</sup> (TWENTY), \$30<sup>00</sup> (THIRTY), \$40<sup>00</sup> (FORTY), \$50<sup>00</sup> (FIFTY), \$100 (ONE HUN), \$200 (TWO HUN), \$500 (FIV HUN), \$1,000 (ONE THO) and a Push Pin (5TIMES) symbol.

(c) *Prize Symbols:* The prize symbols and their captions, located in the “YOUR NUMBERS” area, are: \$20<sup>00</sup> (TWENTY), \$30<sup>00</sup> (THIRTY), \$40<sup>00</sup> (FORTY), \$50<sup>00</sup> (FIFTY), \$100 (ONE HUN), \$200 (TWO HUN), \$500 (FIV HUN), \$1,000 (ONE THO), \$10,000 (TEN THO) and PROG (TOP PRIZE).

(d) *Prizes:* The prizes that can be won in this game are: \$20, \$30, \$40, \$50, \$100, \$200, \$500, \$1,000, \$10,000 and the “PROGRESSIVE TOP PRIZE.” The “PROGRESSIVE TOP PRIZE” amount starts at \$300,000 and increases by \$2.50 every time a JACKPOT PARTY® ticket is purchased. When a “PROGRESSIVE TOP PRIZE” winning ticket is sold, the “PROGRESSIVE TOP PRIZE” resets to \$300,000. JACKPOT PARTY® contains a feature that can multiply the prize won in the “BALLOON BONUS” area as detailed in section 4 (relating to description of the JACKPOT PARTY® Fast Play lottery game). For a complete list of prizes that can be won in this game, including multiplied prizes, see section 7 (relating to number and description of prizes and approximate chances of winning). A player can win up to 21 times on a ticket.

(e) *Approximate number of tickets available for the game:* Approximately 1,200,000 tickets will be available for sale for the JACKPOT PARTY® lottery game.

6. *Prizes available to be won and determination of prize winners:*

(a) All JACKPOT PARTY® prize payments will be made as one-time, lump-sum cash payments.

(b) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches any of the “WINNING NUMBERS” play symbols and a prize symbol of PROG (TOP PRIZE) appears in the “Prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of a “PROGRESSIVE TOP PRIZE.” The amount won under this paragraph is the amount of the “PROGRESSIVE TOP PRIZE,” determined by the Lottery Central Computer System, as of the time the winning ticket was purchased. The amount won will be a minimum of \$300,000.

(c) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches any of the “WINNING NUMBERS” play symbols and a prize symbol of \$10,000

(TEN THO) appears in the “Prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$10,000.

(d) Holders of tickets upon which two matching prize/play symbols of \$1,000 (ONE THO) and a Push Pin (5TIMES) symbol appear in the “BALLOON BONUS” area, on a single ticket, shall be entitled to a prize of \$5,000.

(e) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches any of the “WINNING NUMBERS” play symbols and a prize symbol of \$1,000 (ONE THO) appears in the “Prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$1,000.

(f) Holders of tickets upon which two matching prize/play symbols of \$200 (TWO HUN) and a Push Pin (5TIMES) symbol appear in the “BALLOON BONUS” area, on a single ticket, shall be entitled to a prize of \$1,000.

(g) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches any of the “WINNING NUMBERS” play symbols and a prize symbol of \$500 (FIV HUN) appears in the “Prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$500.

(h) Holders of tickets upon which two matching prize/play symbols of \$100 (ONE HUN) and a Push Pin (5TIMES) symbol appear in the “BALLOON BONUS” area, on a single ticket, shall be entitled to a prize of \$500.

(i) Holders of tickets upon which three prize/play symbols of \$500 (FIV HUN) appears in the “BALLOON BONUS” area, on a single ticket, shall be entitled to a prize of \$500.

(j) Holders of tickets upon which two matching prize/play symbols of \$50<sup>00</sup> (FIFTY) and a Push Pin (5TIMES) symbol appear in the “BALLOON BONUS” area, on a single ticket, shall be entitled to a prize of \$250.

(k) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches any of the “WINNING NUMBERS” play symbols and a prize symbol of \$200 (TWO HUN) appears in the “Prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$200.

(l) Holders of tickets upon which two matching prize/play symbols of \$30<sup>00</sup> (THIRTY) and a Push Pin (5TIMES) symbol appear in the “BALLOON BONUS” area, on a single ticket, shall be entitled to a prize of \$150.

(m) Holders of tickets upon which three prize/play symbols of \$200 (TWO HUN) appears in the “BALLOON BONUS” area, on a single ticket, shall be entitled to a prize of \$200.

(n) Holders of tickets upon which two matching prize/play symbols of \$40<sup>00</sup> (FORTY) and a Push Pin (5TIMES) symbol appear in the “BALLOON BONUS” area, on a single ticket, shall be entitled to a prize of \$200.

(o) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches any of the “WINNING NUMBERS” play symbols and a prize symbol of \$100 (ONE HUN) appears in the “Prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$100.

(p) Holders of tickets upon which two matching prize/play symbols of \$20<sup>00</sup> (TWENTY) and a Push Pin

(5TIMES) symbol appear in the “BALLOON BONUS” area, on a single ticket, shall be entitled to a prize of \$100.

(q) Holders of tickets upon which three prize/play symbols of \$100 (ONE HUN) appears in the “BALLOON BONUS” area, on a single ticket, shall be entitled to a prize of \$100.

(r) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches any of the “WINNING NUMBERS” play symbols and a prize symbol of \$50<sup>.00</sup> (FIFTY) appears in the “Prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$50.

(s) Holders of tickets upon which three prize/play symbols of \$50<sup>.00</sup> (FIFTY) appears in the “BALLOON BONUS” area, on a single ticket, shall be entitled to a prize of \$50.

(t) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches any of the “WINNING NUMBERS” play symbols and a prize symbol of \$40<sup>.00</sup> (FORTY) appears in the “Prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$40.

(u) Holders of tickets upon which three prize/play symbols of \$40<sup>.00</sup> (FORTY) appears in the “BALLOON

BONUS” area, on a single ticket, shall be entitled to a prize of \$40.

(v) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches any of the “WINNING NUMBERS” play symbols and a prize symbol of \$30<sup>.00</sup> (THIRTY) appears in the “Prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$30.

(w) Holders of tickets upon which three prize/play symbols of \$30<sup>.00</sup> (THIRTY) appears in the “BALLOON BONUS” area, on a single ticket, shall be entitled to a prize of \$30.

(x) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches any of the “WINNING NUMBERS” play symbols and a prize symbol of \$20<sup>.00</sup> (TWENTY) appears in the “Prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$20.

(y) Holders of tickets upon which three prize/play symbols of \$20<sup>.00</sup> (TWENTY) appears in the “BALLOON BONUS” area, on a single ticket, shall be entitled to a prize of \$20.

7. *Number and description of prizes and approximate chances of winning:* The following table sets forth the approximate number of winners, amounts of prizes, and approximate chances of winning:

<i>When Any Of “YOUR NUMBERS” Match Any “WINNING NUMBER,” Win Prize Shown Under The Matching Number. Win With:</i>	<i>“BALLOON BONUS.”</i>	<i>Win:</i>	<i>Approximate Chances Of Winning Are 1 In:</i>	<i>Approximate No. Of Winners Per 1,200,000 Tickets:</i>
	3—\$20s	\$20	14.29	84,000
\$20		\$20	14.29	84,000
	3—\$30s	\$30	33.33	36,000
\$30		\$30	33.33	36,000
	3—\$40s	\$40	50	24,000
\$20 × 2		\$40	50	24,000
\$20	3—\$20s	\$40	27.78	43,200
\$40		\$40	45.45	26,400
	3—\$50s	\$50	142.86	8,400
\$20	3—\$30s	\$50	100	12,000
\$30	3—\$20s	\$50	100	12,000
\$50		\$50	142.86	8,400
	3—\$100s	\$100	2,000	600
	2—\$20s w/ PUSH PIN	\$100	400	3,000
\$30 × 2	3—\$40s	\$100	6,000	200
\$40 × 2	3—\$20s	\$100	6,000	200
\$50 × 2		\$100	6,000	200
(\$30 × 2) + (\$20 × 2)		\$100	6,000	200
\$50 + \$30 + \$20		\$100	6,000	200
\$50 + \$20	3—\$30s	\$100	4,000	300
\$50 + \$30	3—\$20s	\$100	4,000	300
\$50	3—\$50s	\$100	4,000	300
\$100		\$100	3,000	400

<i>When Any Of "YOUR NUMBERS" Match Any "WINNING NUMBER," Win Prize Shown Under The Matching Number. Win With:</i>	<i>"BALLOON BONUS:"</i>	<i>Win:</i>	<i>Approximate Chances Of Winning Are 1 In:</i>	<i>Approximate No. Of Winners Per 1,200,000 Tickets:</i>
	3—\$200s	\$200	6,000	200
	2—\$40s w/ PUSH PIN	\$200	6,000	200
\$20 × 5	2—\$20s w/ PUSH PIN	\$200	6,000	200
\$20 × 10		\$200	6,000	200
\$50 × 2	2—\$20s w/ PUSH PIN	\$200	6,000	200
(\$20 × 3) + \$40	2—\$20s w/ PUSH PIN	\$200	4,000	300
(\$30 × 2) + (\$20 × 2)	2—\$20s w/ PUSH PIN	\$200	4,000	300
(\$40 × 2) + \$20	2—\$20s w/ PUSH PIN	\$200	4,000	300
\$30 + \$20	2—\$30s w/ PUSH PIN	\$200	4,000	300
\$50 + \$30 + \$20	2—\$20s w/ PUSH PIN	\$200	4,000	300
\$50	2—\$30s w/ PUSH PIN	\$200	4,000	300
\$100	2—\$20s w/ PUSH PIN	\$200	6,000	200
\$200		\$200	6,000	200
	3—\$500s	\$500	24,000	50
	2—\$100s w/ PUSH PIN	\$500	24,000	50
\$40 × 10	2—\$20s w/ PUSH PIN	\$500	24,000	50
\$50 × 10		\$500	24,000	50
\$100 × 3	2—\$40s w/ PUSH PIN	\$500	24,000	50
\$200 × 2	2—\$20s w/ PUSH PIN	\$500	24,000	50
\$50 × 5	2—\$50s w/ PUSH PIN	\$500	12,000	100
(\$50 × 3) + (\$40 × 2) + (\$30 × 2) + (\$20 × 3)	2—\$30s w/ PUSH PIN	\$500	12,000	100
(\$100 × 2) + (\$50 × 3)	2—\$30s w/ PUSH PIN	\$500	12,000	100
\$200 + \$100 + \$30 + \$20	2—\$30s w/ PUSH PIN	\$500	24,000	50
\$500		\$500	24,000	50
	2—\$200s w/ PUSH PIN	\$1,000	40,000	30
\$100 × 10		\$1,000	60,000	20
(\$50 × 10) + (\$40 × 5) + (\$20 × 5)	2—\$40s w/ PUSH PIN	\$1,000	60,000	20
(\$100 × 5) + (\$50 × 4) + (\$40 × 5)	2—\$20s w/ PUSH PIN	\$1,000	60,000	20
(\$200 × 2) + (\$100 × 2) + (\$50 × 2) + \$30 + \$20	2—\$50s w/ PUSH PIN	\$1,000	60,000	20

<i>When Any Of "YOUR NUMBERS" Match Any "WINNING NUMBER," Win Prize Shown Under The Matching Number. Win With:</i>	<i>"BALLOON BONUS:"</i>	<i>Win:</i>	<i>Approximate Chances Of Winning Are 1 In:</i>	<i>Approximate No. Of Winners Per 1,200,000 Tickets:</i>
\$500	2—\$100s w/ PUSH PIN	\$1,000	40,000	30
\$1,000		\$1,000	60,000	20
\$1,000 × 5	2—\$1,000s w/ PUSH PIN	\$10,000	240,000	5
\$10,000		\$10,000	240,000	5
\$300,000		\$300,000*	400,000	3

BALLOON BONUS: Reveal 3 like amounts, win that amount. Reveal 2 like amounts and a "Push Pin" (5TIMES) symbol, win 5 times that amount! BALLOON BONUS is played separately.

\*PROGRESSIVE TOP PRIZE: The minimum value of the PROGRESSIVE TOP PRIZE is \$300,000. The PROGRESSIVE TOP PRIZE increases by \$2.50 every time a ticket is purchased, and resets to \$300,000 whenever a top prize winning ticket is sold.

Prizes, including top prizes, are subject to availability at the time of purchase.

8. *Ticket responsibility:*

(a) A Fast Play lottery game ticket is a bearer document deemed to be owned by the person holding the game ticket, except that if a name is contained on the back of the game ticket, the person named will, for all purposes, be considered the owner of the game ticket.

(b) The holder of a Fast Play lottery game ticket has the sole responsibility for checking the accuracy and condition of the data printed on the game ticket.

(c) The Commonwealth shall not be responsible for a lost or stolen Fast Play lottery game ticket, or for a Fast Play ticket redeemed by a player in error.

9. *Ticket validation and requirements:*

(a) *Valid Fast Play lottery game tickets.* To be a valid Fast Play lottery game ticket, the presented game ticket must meet the following requirements:

(1) The game ticket's bar code shall be present in its entirety.

(2) The game ticket must be intact.

(3) The game ticket may not be mutilated, altered, reconstituted or tampered with.

(4) The game ticket may not be counterfeit or a duplicate of a winning ticket.

(5) The game ticket must have been validly issued.

(6) The game ticket data shall have been recorded on the Lottery Central Computer System and the game ticket data shall match the computer record in every respect.

(7) The game ticket must not be defectively printed or printed or produced in error such that it cannot be processed or validated by the Lottery.

(8) The game ticket must pass other confidential security checks of the Lottery.

(b) *Invalid or defective game tickets:* A game ticket not passing the validation requirements in subsection (a) will be considered invalid and no payment will be made on account of any play recorded thereon. The determination of the Secretary in this regard is final.

10. *Procedures for claiming and payment of prizes:*

(a) A prize may be claimed through an authorized retailer or the Lottery, as provided in this section. A prize must be claimed within 1 year of the sale date of the Fast Play lottery game ticket.

(b) An authorized retailer is authorized to pay prizes of \$2,500 or less. The holder of a game ticket evidencing a winning play representing a prize of \$2,500 or less may be paid by a participating authorized retailer if a proper validation pay ticket was issued by the retailer's Lottery Terminal.

(c) The holder of a game ticket evidencing a winning play representing a prize in excess of \$2,500 may present the game ticket to an authorized retailer, Lottery District Office, or Lottery Headquarters.

(d) The holder of a game ticket evidencing a winning play shall present the ticket, in person, to an authorized retailer, Lottery Headquarters or a Lottery District Office. The retailer or the Lottery will issue payment if:

(1) The game ticket is scanned and the play is validated through the Lottery Terminal or the Lottery Central Computer System;

(2) A claim form is properly and fully completed;

(3) The identification of the claimant is confirmed; and

(4) The winning ticket has not expired, pursuant to this section or section 12 (relating to unclaimed prizes).

(e) The Commonwealth shall not be responsible for a winning play paid in error by an authorized retailer.

(f) In the event a prize described in these rules is not available, the Lottery may either provide a substitute prize, determined by the Secretary to have an equivalent value to the prize won, or make a cash payment to the winner, in an amount determined by the Secretary to have an equivalent value to the prize won.

11. *Funding for prizes:* Moneys will be drawn from the State Lottery Fund, to the extent necessary, to fund the payment of prizes under this section. If this lottery game is terminated for any cause, prize moneys remaining undistributed will remain in the State Lottery Fund and used for purposes otherwise provided for by law.

12. *Unclaimed prizes:* Unclaimed prize money on winning Fast Play lottery game tickets will be retained by

the Secretary for payment to the persons entitled thereto for 1 year from the sale date of the Fast Play lottery game ticket. If no claim is made within 1 year from the sale date of the Fast Play lottery game ticket, the right of a ticket holder to claim the prize represented by that ticket, if any, shall expire.

13. *Purchase and prize restrictions:* A Fast Play lottery game ticket may not be purchased by, and a prize may not be paid, to an officer or employee of the Lottery, Lottery professional services contractors or subcontractors, or to a spouse, child, brother, sister or parent residing in the same household of an officer, employee, contractor or subcontractor who is involved in the production, distribution or operation of systems for the validation or accounting of Fast Play games.

14. *“PROGRESSIVE TOP PRIZE” restrictions:*

(a) An amount of \$2.50 from the sale of each JACKPOT PARTY® ticket will be accumulated in the “PROGRESSIVE TOP PRIZE” pool.

(b) *Prize Amount:* The amount of the “PROGRESSIVE TOP PRIZE” at the time a ticket is purchased can only be verified through the Lottery’s Central Computer System. Any advertisement or any materials describing the amount of the “PROGRESSIVE TOP PRIZE” are only valid as of the time they are posted. If any discrepancy exists between this notice and any material describing or advertising the JACKPOT PARTY® game, this notice and the data contained in the Lottery’s Central Computer System shall govern.

(c) The “PROGRESSIVE TOP PRIZE” and all other prizes are subject to availability at the time of purchase. The Lottery is not responsible for prizes that are not awarded due to technical issues. In the event of a “PROGRESSIVE TOP PRIZE” being reset without the actual sale of a “PROGRESSIVE TOP PRIZE” winning ticket, all prize money that had accumulated into the “PROGRESSIVE TOP PRIZE” pool (i.e. \$2.50 from the sale of each ticket) shall be awarded as part of the next “PROGRESSIVE TOP PRIZE” won.

(d) Prizes payable to “PROGRESSIVE TOP PRIZE” winners will be paid as a one-time cash payment. For the purposes of calculation of the prize to be paid to “PROGRESSIVE TOP PRIZE” winners, the “PROGRESSIVE TOP PRIZE” amount will be rounded up to the nearest \$0.50.

15. *Governing law:*

(a) By purchasing a ticket, the purchaser agrees to comply with and abide by the State Lottery Law (72 P.S. §§ 3761-101—3761-314), this notice, instructions, conditions and final decisions of the Secretary, and procedures established by the Secretary for the conduct of the Fast Play JACKPOT PARTY® lottery game.

(b) Decisions made by the Secretary, including the declaration of prizes and the payment thereof, in interpretation of this notice are final and binding on players and persons making a claim in respect thereof.

16. *Retailer compensation:*

(a) Authorized retailers may be entitled to compensation as determined by the Lottery.

(b) No authorized retailer or employee of an authorized retailer shall request, demand, or accept gratuities or any compensation other than as provided in subsection (a) in exchange for the performance of duties authorized pursuant to the Lottery retailer’s license without the Lottery’s prior written authorization.

17. *Retailer Incentive Programs:* The Lottery may conduct a separate Retailer Incentive Program for retailers who sell Pennsylvania Fast Play JACKPOT PARTY® lottery game tickets.

18. *Retailer bonus:* The Lottery may offer a retailer bonus in connection with the sale of Pennsylvania Fast Play lottery game tickets. If a retailer bonus is offered, a Lottery retailer shall be eligible for a bonus as described in this section. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$100,000 and not exceeding \$500,000 shall be paid a bonus of \$500. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$500,001 and not exceeding \$1,000,000 shall be paid a bonus of \$5,000. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$1,000,001 and not exceeding \$10,000,000 shall be paid a bonus of \$10,000. A Lottery retailer is entitled only to the largest bonus for which they qualify on a winning ticket. A bonus will be initiated for payment after the Fast Play game ticket is claimed and validated. A bonus will not be awarded to a Lottery retailer that sells a non-winning Pennsylvania Lottery Fast Play game ticket used to enter a Pennsylvania Lottery second-chance drawing or promotion that is subsequently selected to win a prize.

19. *Termination of the game:* The Secretary may announce a termination date, after which no further tickets from this game may be sold. The announcement will be disseminated through media used to advertise or promote JACKPOT PARTY® or through normal communications methods.

20. *Applicability:* This notice applies only to the JACKPOT PARTY® lottery game announced in this notice.

C. DANIEL HASSELL,  
*Secretary*

[Pa.B. Doc. No. 21-17. Filed for public inspection December 31, 2020, 9:00 a.m.]

## DEPARTMENT OF REVENUE

### Pennsylvania Love is in the Air Fast Play Game 5107

Under the State Lottery Law (72 P.S. §§ 3761-101—3761-314) and 61 Pa. Code § 803.11 (relating to powers and duties of the Secretary of Revenue), the Secretary of Revenue hereby provides public notice of the rules for the following lottery game:

1. *Name:* The name of the lottery game is Pennsylvania Love is in the Air (hereinafter “Love is in the Air”). The game number is PA-5107.

2. *Definitions:*

(a) *Authorized retailer or retailer:* A person who is properly licensed by the Lottery pursuant to 61 Pa. Code §§ 805.1—805.17.

(b) *Bar code:* The symbology on the ticket containing certain encrypted validation and accounting data used for identifying winning and losing tickets.

(c) *Game Ticket*: A bearer instrument produced through a Lottery Terminal that is the player's record of a play for a Fast Play lottery game and sold by an authorized retailer containing the play and validation data as published in this game notice.

(d) *IN THE AIR BONUS PLAY SYMBOLS*: The four symbols, found in the hot air balloons within the "YOUR NUMBERS" area that, when matched according to the instructions, determine whether the player wins a prize of \$20.

(e) *Lottery Central Computer System*: The computer gaming system on which all Fast Play plays are recorded.

(f) *Lottery Terminal*: A device authorized by the Lottery to function in an interactive mode with the Lottery Central Computer System for the purpose of issuing plays, executing Quick Pick selections, and entering, receiving, and processing lottery transactions, including making purchases, validating plays, transmitting reports, and performing inventory functions.

(g) *Play*: A chance to participate in a particular Fast Play lottery game.

(h) *Play Area*: The area on a ticket which contains one or more play symbols.

(i) *Play Symbol*: A number, letter, symbol, image or other character found in the play area which is used to determine whether a player wins a prize.

(j) *Prize*: A non-monetary item, money, or experience that can be won as specified in section 7 (relating to prizes available to be won and determination of prize winners) of this game notice.

(k) *WINNING NUMBERS*: The numbers, letters, symbols or other characters found in the play area that, when matched against the play symbols in the "YOUR NUMBERS" area, determine whether a player wins a prize.

(l) *Winning ticket*: A game ticket which has been validated and qualifies for a prize.

(m) *YOUR NUMBERS*: The numbers, letters, symbols or other characters found in the play area that, when matched against the play symbols in the "WINNING NUMBERS" area, determine whether a player wins a prize.

3. *Price*: The price of a Love is in the Air ticket is \$2.

4. *Description of Love is in the Air Fast Play lottery game*:

(a) Love is in the Air lottery game is an instant win game printed from a Lottery Terminal. All prizes are predetermined, and the player does not have the ability to select their own play symbols. Love is in the Air tickets may be purchased from an authorized retailer or at a Lottery self-service terminal that sells terminal-based Lottery game tickets. Tickets purchased from an authorized retailer shall be printed on-demand at the time of purchase and may not be preprinted by the retailer.

(b) Love is in the Air is played by matching the play symbols located in the "YOUR NUMBERS" area to the play symbols located in the "WINNING NUMBERS" area. A player correctly matching a "YOUR NUMBERS" play symbol to a "WINNING NUMBERS" play symbol wins the prize shown under the matching "YOUR NUMBERS" play symbol. A bet slip is not used to play this game.

(c) Love is in the Air tickets contain an "IN THE AIR BONUS" area. When the player finds all four letters to

spell the word LOVE, using the "IN THE AIR BONUS" play symbols, located within each of the four hot air balloons in the "YOUR NUMBERS" area, the player wins \$20 instantly.

(d) Players can win the prize identified in section 7 (relating to prizes available to be won and determination of prize winners).

(e) Love is in the Air tickets cannot be canceled or voided once printed by the Lottery Terminal, even if printed in error.

(f) To purchase a ticket at an authorized retailer, a player must remit the purchase price to the retailer and verbally request a Love is in the Air ticket. The ticket shall be the only valid proof of the bet placed and the only valid receipt for claiming a prize.

(g) To purchase a ticket at a Pennsylvania Lottery self-service terminal, the player must insert into the self-service terminal a dollar amount equal to the total purchase price of a Love is in the Air ticket and select the Love is in the Air option on the Lottery self-service terminal. The ticket shall be the only valid proof of the bet placed and the only valid receipt for claiming a prize.

#### 5. *Love is in the Air ticket characteristics*:

(a) Love is in the Air tickets shall contain a play area, the cost of the play, the date of sale, and a bar code.

(b) *Play Symbols*: Love is in the Air tickets will contain a "WINNING NUMBERS" area and a "YOUR NUMBERS" area. The play symbols and their captions, located in the "WINNING NUMBERS" area and the "YOUR NUMBERS" area, are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN), 20 (TWENT), 21 (TWYONE), 22 (TWYTWO), 23 (TWYTHR), 24 (TWYFOR) and 25 (TWYFIV). The "IN THE AIR BONUS" play symbols, located in the play area, are: L symbol, O symbol, V symbol and an E symbol.

(c) *Prize Symbols*: The prizes symbols and their captions, located in the play area, are: \$2<sup>00</sup> (TWO DOL), \$4<sup>00</sup> (FOR DOL), \$5<sup>00</sup> (FIV DOL), \$10<sup>00</sup> (TEN DOL), \$15<sup>00</sup> (FIFTEEN), \$20<sup>00</sup> (TWENTY), \$30<sup>00</sup> (THIRTY), \$50<sup>00</sup> (FIFTY), \$100 (ONE HUN), \$200 (TWO HUN), \$500 (FIV HUN) and \$5,000 (FIV THO).

(d) *Prizes*: The prizes that can be won in this game are: \$2, \$4, \$5, \$10, \$15, \$20, \$30, \$50, \$100, \$200, \$500 and \$5,000. The prize that can be won in the "IN THE AIR BONUS" is \$20. A player can win up to 11 times on a ticket.

(e) *Approximate number of tickets available for the game*: Approximately 1,200,000 tickets will be available for sale for the Love is in the Air lottery game.

6. *Second-Chance Drawing*: The Pennsylvania Lottery will conduct a Love Potion Second-Chance Drawing for which non-winning Love is in the Air lottery game tickets may be eligible as provided for in section 9.

7. *Prizes available to be won and determination of prize winners*:

(a) All Love is in the Air prize payments will be made as one-time, lump-sum cash payments.

(b) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches any of the “WINNING NUMBERS” play symbols and a prize symbol of \$5,000 (FIV THO) appears in the “Prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$5,000.

(c) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches any of the “WINNING NUMBERS” play symbols and a prize symbol of \$500 (FIV HUN) appears in the “Prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$500.

(d) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches any of the “WINNING NUMBERS” play symbols and a prize symbol of \$200 (TWO HUN) appears in the “Prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$200.

(e) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches any of the “WINNING NUMBERS” play symbols and a prize symbol of \$100 (ONE HUN) appears in the “Prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$100.

(f) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches any of the “WINNING NUMBERS” play symbols and a prize symbol of \$50<sup>00</sup> (FIFTY) appears in the “Prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$50.

(g) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches any of the “WINNING NUMBERS” play symbols and a prize symbol of \$30<sup>00</sup> (THIRTY) appears in the “Prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$30.

(h) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches any of the “WINNING NUMBERS” play symbols and a prize symbol

of \$20<sup>00</sup> (TWENTY) appears in the “Prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$20.

(i) Holders of tickets upon which an L symbol, an O symbol, a V symbol and an E symbol appear in the play area, on a single ticket, shall be entitled to a prize of \$20.

(j) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches any of the “WINNING NUMBERS” play symbols and a prize symbol of \$15<sup>00</sup> (FIFTEEN) appears in the “Prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$15.

(k) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches any of the “WINNING NUMBERS” play symbols and a prize symbol of \$10<sup>00</sup> (TEN DOL) appears in the “Prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$10.

(l) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches any of the “WINNING NUMBERS” play symbols and a prize symbol of \$5<sup>00</sup> (FIV DOL) appears in the “Prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$5.

(m) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches any of the “WINNING NUMBERS” play symbols and a prize symbol of \$4<sup>00</sup> (FOR DOL) appears in the “Prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$4.

(n) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches any of the “WINNING NUMBERS” play symbols and a prize symbol of \$2<sup>00</sup> (TWO DOL) appears in the “Prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$2.

8. *Number and description of prizes and approximate chances of winning:* The following table sets forth the approximate number of winners, amounts of prizes, and approximate chances of winning:

<i>When Any Of “YOUR NUMBERS” Match Any “WINNING NUMBER,” Win Prize Shown Under The Matching Number. Win With:</i>	<i>“IN THE AIR BONUS”:</i>	<i>Win:</i>	<i>Approximate Chances Of Winning Are 1 In:</i>	<i>Approximate No. Of Winners Per 1,200,000 Tickets:</i>
\$2		\$2	8.70	138,000
\$2 × 2		\$4	33.33	36,000
\$4		\$4	33.33	36,000
\$5		\$5	25.00	48,000
\$5 × 2		\$10	333.33	3,600
(\$2 × 3) + \$4		\$10	125.00	9,600
(\$4 × 2) + \$2		\$10	125.00	9,600
\$10		\$10	333.33	3,600
\$5 × 3		\$15	1,000	1,200
(\$2 × 3) + \$5 + \$4		\$15	1,000	1,200
(\$4 × 2) + \$5 + \$2		\$15	1,000	1,200

<i>When Any Of "YOUR NUMBERS" Match Any "WINNING NUMBER," Win Prize Shown Under The Matching Number. Win With:</i>	<i>"IN THE AIR BONUS":</i>	<i>Win:</i>	<i>Approximate Chances Of Winning Are 1 In:</i>	<i>Approximate No. Of Winners Per 1,200,000 Tickets:</i>
\$10 + \$5		\$15	2,000	600
\$15		\$15	2,000	600
	\$20 w/ LOVE	\$20	142.86	8,400
\$5 × 4		\$20	2,000	600
\$10 × 2		\$20	2,000	600
(\$4 × 4) + (\$2 × 2)		\$20	1,000	1,200
(\$5 × 2) + (\$4 × 2) + \$2		\$20	1,000	1,200
\$20		\$20	1,000	1,200
\$2 × 5	\$20 w/ LOVE	\$30	2,400	500
\$5 × 2	\$20 w/ LOVE	\$30	2,667	450
(\$4 × 2) + \$2	\$20 w/ LOVE	\$30	3,000	400
(\$4 × 5) + (\$2 × 5)		\$30	12,000	100
(\$5 × 4) + \$10		\$30	12,000	100
(\$10 × 2) + (\$5 × 2)		\$30	12,000	100
\$20 + \$10		\$30	12,000	100
\$30		\$30	12,000	100
(\$4 × 5) + (\$2 × 5)	\$20 w/ LOVE	\$50	12,000	100
(\$5 × 2) + (\$4 × 5)	\$20 w/ LOVE	\$50	12,000	100
(\$10 × 2) + \$30		\$50	24,000	50
(\$10 × 2) + (\$4 × 2) + \$2	\$20 w/ LOVE	\$50	12,000	100
(\$20 × 2) + \$10		\$50	24,000	50
\$30	\$20 w/ LOVE	\$50	12,000	100
\$50		\$50	24,000	50
\$50 × 2		\$100	24,000	50
(\$30 × 2) + \$20	\$20 w/ LOVE	\$100	12,000	100
(\$30 × 3) + (\$4 × 2) + \$2		\$100	24,000	50
\$50 + \$30	\$20 w/ LOVE	\$100	12,000	100
\$100		\$100	24,000	50
\$50 × 4		\$200	120,000	10
\$100 × 2		\$200	120,000	10
(\$50 × 2) + (\$30 × 2) + (\$5 × 4)	\$20 w/ LOVE	\$200	60,000	20
\$200		\$200	120,000	10
(\$100 × 3) + \$200		\$500	240,000	5
(\$100 × 4) + (\$50 × 2)		\$500	240,000	5
\$500		\$500	240,000	5
\$5,000		\$5,000	240,000	5

IN THE AIR BONUS: When LOVE is spelled using the letters found in the hot air balloons in the YOUR NUMBERS area, win \$20 instantly!

Prizes, including top prizes, are subject to availability at the time of purchase.

9. *Second-Chance Drawing:* The Pennsylvania Lottery's (hereafter, the "Lottery") Love Potion Second-Chance Drawing for qualifying Fast Play lottery game tickets (hereafter, the "Drawing").

(a) *Qualifying Tickets:* Non-winning PA-5106 Love You to the Moon and Back (\$5), PA-5107 Love is in the Air (\$2) and PA-5108 #LOVE (\$1) Fast Play lottery game tickets ("Qualifying Tickets") are eligible for entry in the Drawing.

(b) *Participation and entry:*

(1) Entrants must be members of the Pennsylvania Lottery VIP Players Club to participate in the Drawing. To join the VIP Players Club, visit <http://www.palottery.state.pa.us/vipplayersclub/login.aspx>. Becoming a VIP Players Club member is free.

(2) To enter the Drawing, entrants must submit the identifying information from at least one Qualifying Ticket via the Drawing's promotional web site, available at <http://www.palottery.com>, or the Lottery's official mobile application during the entry period. The identifying information from a Qualifying Ticket may be submitted



only once in the Drawing. No other method of submission will be accepted, and entries submitted using any other method, including entries mailed or hand-delivered to the Lottery, are not valid and will be disqualified.

(3) Each entry must be complete and the information supplied by the entrant must be accurate. Incomplete entries cannot be accepted.

(4) Only one claimant per entry is allowed.

(5) Entrants must be 18 years of age or older.

(6) Players may submit the identifying information from an unlimited number of Qualifying Tickets in the Drawing.

(7) Once an entry has been submitted it cannot be withdrawn or changed.

(c) *Drawing description:*

(1) The Lottery will conduct one Love Potion Second-Chance Drawing for qualifying Fast Play Lottery game tickets. All time references are Eastern Prevailing Time.

(2) All entries received after 11:59:59 p.m. January 4, 2021, through 11:59:59 p.m. February 18, 2021, will be entered into the Drawing to be held between February 19, 2021 and March 2, 2021.

(3) The entry period for the Drawing will be posted to the Lottery's publicly accessible web site at <http://www.palottery.com>.

(4) When a Qualifying Ticket is entered into the Drawings, the entry has a chance to be multiplied by 2 or 14 (hereafter the "Entry Multiplier Prize"). Each Qualifying Ticket will have a predetermined ticket file assigned at the time the ticket is printed that will determine whether an entry will be multiplied. If an entry is multiplied, the entrant will be notified during the entry process.

(5) The number of entries an entrant will receive for the Drawing is determined by the purchase price of the Qualifying Ticket entered and the Entry Multiplier Prize, if applicable. The respective purchase price and corresponding number of entries for the Qualifying Ticket is as follows: PA-5106 Love You to the Moon and Back (\$5) = five entries, PA-5107 Love is in the Air (\$2) = two entries and PA-5108 #LOVE (\$1) = one entry.

(6) Players may review prizes won and their entries for the Drawing via the Drawing's promotional web site.

(d) *Prizes available to be won, determination of winners, and odds of winning:*

(1) The prize entitlements described below are subject to all restrictions and limitations described in section 9(e) or mentioned anywhere else in these rules.

(2) The following table sets forth the approximate number of Entry Multiplier Prizes and the approximate odds of winning an Entry Multiplier Prize:

<i>Qualifying Tickets:</i>	<i>Approximate Number of Entry Multiplier Prizes:</i>		<i>Approximate Odds of Winning a 2X or 14X Multiplier Are 1 In:</i>	
	2X	14X	2X	14X
PA-5106 Love You to the Moon and Back	86,324	215,809	10	4
PA-5107 Love is in the Air	89,478	223,695	10	4
PA-5108 #LOVE	90,800	226,999	10	4

(3) The Lottery will conduct one Drawing from among all the entries received during the entry period as described in section 9(c)(2).

(i) The first through the fifth entries selected in the Drawing will be winning entries and the entrants who submitted those winning entries shall each be entitled to a prize of \$14,000, less required income tax withholding.

(ii) The sixth through the eighth entries selected in the Drawing will be winning entries and the entrants who submitted those winning entries shall each be entitled to a prize of \$2,000.

(iii) The ninth through the thirteenth entries selected in the Drawing will be winning entries and the entrants who submitted those winning entries shall each be entitled to a prize of \$1,400.

(iv) The fourteenth through the sixty-third entries selected in the Drawing will be winning entries and the entrants who submitted the winning entries shall each be entitled to a prize of \$100 iLottery Bonus Money.

(4) All prizes will be paid as lump-sum cash payments or uploaded to a winning player's lottery account.

(5) Winners of iLottery Bonus Money are not required to claim a prize. Winners of iLottery Bonus Money will have the iLottery Bonus Money credited to their Lottery account and will receive an email notifying them that they won a prize.

(6) The number of winning entries to be selected for the Drawing will be posted to the Lottery's publicly accessible web site.

(7) The odds of winning in the Drawing depend upon the number of entries received for the Drawing.

(8) A computer-generated randomizer will be used to select the Drawing winners.

(e) *Drawing restrictions:*

(1) To be eligible to participate in the Drawing, entrants must have complied with the requirements of these rules.

(2) The Lottery is not responsible for late, lost or misdirected entries not entered into the Drawing. The Lottery is not responsible for entries that are not entered into the Drawing because of incompatible internet browsers, mobile Lottery application failure or other technical issues. If an entry is selected as a winner and rejected or otherwise disqualified during or following the Drawing, the Lottery will select another entry to replace the rejected or otherwise disqualified entry in accordance with these rules and Lottery procedure.

(3) If any discrepancy exists between these rules and any material describing the Drawing, these rules shall govern.

(4) Employees of the Lottery, 9Rooftops Marketing, LLC (formerly known as MARC USA), Scientific Games

International Inc., MDI Entertainment, LLC, and their subcontractors, or a spouse, child, brother, sister or parent residing as a member of the same household in the principle place of residence of any such person are not eligible to participate in the Drawing. Offer void where prohibited or restricted.

(5) The Pennsylvania Lottery reserves the right, in its sole discretion, to cancel or suspend the Drawing and change these rules if the Drawing cannot be conducted as planned due to errors in these rules or advertising, unauthorized intervention, tampering, fraud, technical errors, viruses, worms, bugs, or any other cause beyond the control of the Lottery that, in the Lottery's sole judgment, could corrupt or impair the administration, security, fairness, integrity, or proper conduct of the Drawing.

(6) All entries shall be subject to verification by the Lottery.

(7) The Pennsylvania Lottery reserves the right, in its sole discretion, to disqualify an entrant found to be tampering with the operation of the Drawing or to be acting in violation of these rules or applicable law.

(8) The Drawing is governed by the laws of the Commonwealth of Pennsylvania. Applicable laws and regulations apply.

(9) Prizes must be claimed within 1 year of the drawing date of the Drawing in which the prize was won. If no claim is made within 1 year of the drawing date of the Drawing in which the prize was won, the right of an entrant to claim the prize won, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided by statute.

(10) Final determination of winners will be made by the Secretary, whose judgment will be final and binding.

(11) A prize awarded in the Drawing to a person who dies before receiving the prize shall be paid according to 61 Pa. Code § 811.16 (relating to prizes payable after death of a prize winner).

(12) A winner is responsible for all taxes arising from or in connection with any prize won.

(13) A player may only win the prize for which the player is first selected in the Drawing. Subsequent entries, from the same individual, selected in the Drawing will be disqualified and a replacement entry will be selected.

(14) Winners of iLottery Bonus Money must abide by the iLottery Terms & Conditions, the iLottery Bonus Policy and these rules. iLottery Bonus Money will expire 90 days from the date on which the winner was notified, via email, of the prize win, as further detailed in section 9(d)(5). iLottery Bonus Money has a five times play through requirement in order to convert the iLottery Bonus Money into cash. For example, for a player winning \$100 of iLottery Bonus Money, the player is required to place \$500 in wagers before the iLottery Bonus Money awarded is converted into cash which may be withdrawn from the player's Lottery account.

(15) Prizes are not transferrable.

(16) Other restrictions may apply.

10. *Ticket responsibility:*

(a) A Fast Play lottery game ticket is a bearer document deemed to be owned by the person holding the game ticket, except that if a name is contained on the back of

the game ticket, the person named will, for all purposes, be considered the owner of the game ticket.

(b) The holder of a Fast Play lottery game ticket has the sole responsibility for checking the accuracy and condition of the data printed on the game ticket.

(c) The Commonwealth shall not be responsible for a lost or stolen Fast Play lottery game ticket, or for a Fast Play ticket redeemed by a player in error.

11. *Ticket validation and requirements:*

(a) *Valid Fast Play lottery game tickets.* To be a valid Fast Play lottery game ticket, the presented game ticket must meet the following requirements:

(1) The game ticket's bar code shall be present in its entirety.

(2) The game ticket must be intact.

(3) The game ticket may not be mutilated, altered, reconstituted or tampered with.

(4) The game ticket may not be counterfeit or a duplicate of a winning ticket.

(5) The game ticket must have been validly issued.

(6) The game ticket data shall have been recorded on the Lottery Central Computer System and the game ticket data shall match the computer record in every respect.

(7) The game ticket must not be defectively printed or printed or produced in error such that it cannot be processed or validated by the Lottery.

(8) The game ticket must pass other confidential security checks of the Lottery.

(b) *Invalid or defective game tickets:* A game ticket not passing the validation requirements in subsection (a) will be considered invalid and no payment will be made on account of any play recorded thereon. The determination of the Secretary in this regard is final.

12. *Procedures for claiming and payment of prizes:*

(a) A prize may be claimed through an authorized retailer or the Lottery, as provided in this section. A prize must be claimed within 1 year of the sale date of the Fast Play lottery game ticket.

(b) An authorized retailer is authorized to pay prizes of \$2,500 or less. The holder of a game ticket evidencing a winning play representing a prize of \$2,500 or less may be paid by a participating authorized retailer if a proper validation pay ticket was issued by the retailer's Lottery Terminal.

(c) The holder of a game ticket evidencing a winning play representing a prize in excess of \$2,500 may present the game ticket to an authorized retailer, Lottery District Office, or Lottery Headquarters.

(d) The holder of a game ticket evidencing a winning play shall present the ticket, in person, to an authorized retailer, Lottery Headquarters or a Lottery District Office. The retailer or the Lottery will issue payment if:

(1) The game ticket is scanned and the play is validated through the Lottery Terminal or the Lottery Central Computer System;

(2) A claim form is properly and fully completed;

(3) The identification of the claimant is confirmed; and

(4) The winning ticket has not expired, pursuant to this section or section 14 (relating to unclaimed prizes).

(e) The Commonwealth shall not be responsible for a winning play paid in error by an authorized retailer.

(f) In the event a prize described in these rules is not available, the Lottery may either provide a substitute prize, determined by the Secretary to have an equivalent value to the prize won, or make a cash payment to the winner, in an amount determined by the Secretary to have an equivalent value to the prize won.

13. *Funding for prizes:* Moneys will be drawn from the State Lottery Fund, to the extent necessary, to fund the payment of prizes under this section. If this lottery game is terminated for any cause, prize moneys remaining undistributed will remain in the State Lottery Fund and used for purposes otherwise provided for by law.

14. *Unclaimed prizes:* Unclaimed prize money on winning Fast Play lottery game tickets will be retained by the Secretary for payment to the persons entitled thereto for 1 year from the sale date of the Fast Play lottery game ticket. If no claim is made within 1 year from the sale date of the Fast Play lottery game ticket, the right of a ticket holder to claim the prize represented by that ticket, if any, shall expire.

15. *Purchase and prize restrictions:* A Fast Play lottery game ticket may not be purchased by, and a prize may not be paid, to an officer or employee of the Lottery, Lottery professional services contractors or subcontractors, or to a spouse, child, brother, sister or parent residing in the same household of an officer, employee, contractor or subcontractor who is involved in the production, distribution or operation of systems for the validation or accounting of Fast Play games.

16. *Governing law:*

(a) By purchasing a ticket, the purchaser agrees to comply with and abide by the State Lottery Law (72 P.S. §§ 3761-101—3761-314), this notice, instructions, conditions and final decisions of the Secretary, and procedures established by the Secretary for the conduct of the Fast Play Love is in the Air lottery game.

(b) Decisions made by the Secretary, including the declaration of prizes and the payment thereof, in interpretation of this notice are final and binding on players and persons making a claim in respect thereof.

17. *Retailer compensation:*

(a) Authorized retailers may be entitled to compensation as determined by the Lottery.

(b) No authorized retailer or employee of an authorized retailer shall request, demand, or accept gratuities or any compensation other than as provided in subsection (a) in exchange for the performance of duties authorized pursuant to the Lottery retailer's license without the Lottery's prior written authorization.

18. *Retailer Incentive Programs:* The Lottery may conduct a separate Retailer Incentive Program for retailers who sell Pennsylvania Fast Play Love is in the Air lottery game tickets.

19. *Retailer bonus:* The Lottery may offer a retailer bonus in connection with the sale of Pennsylvania Fast Play lottery game tickets. If a retailer bonus is offered, a Lottery retailer shall be eligible for a bonus as described in this section. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$100,000 and not exceeding \$500,000 shall be paid a bonus of \$500. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize,

either payable in a single installment or having a guaranteed minimum payout, of at least \$500,001 and not exceeding \$1,000,000 shall be paid a bonus of \$5,000. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$1,000,001 and not exceeding \$10,000,000 shall be paid a bonus of \$10,000. A Lottery retailer is entitled only to the largest bonus for which they qualify on a winning ticket. A bonus will be initiated for payment after the Fast Play game ticket is claimed and validated. A bonus will not be awarded to a Lottery retailer that sells a non-winning Pennsylvania Lottery Fast Play game ticket used to enter a Pennsylvania Lottery second-chance drawing or promotion that is subsequently selected to win a prize.

20. *Termination of the game:* The Secretary may announce a termination date, after which no further tickets from this game may be sold. The announcement will be disseminated through media used to advertise or promote Love is in the Air or through normal communications methods.

21. *Applicability:* This notice applies only to the Love is in the Air lottery game announced in this notice.

C. DANIEL HASSELL,  
Secretary

[Pa.B. Doc. No. 21-18. Filed for public inspection December 31, 2020, 9:00 a.m.]

## DEPARTMENT OF REVENUE

### Pennsylvania Love You to the Moon and Back Fast Play Game 5106

Under the State Lottery Law (72 P.S. §§ 3761-101—3761-314), and 61 Pa. Code § 803.11 (relating to powers and duties of the Secretary of Revenue), the Secretary of Revenue hereby provides public notice of the rules for the following lottery game:

1. *Name:* The name of the lottery game is Pennsylvania Love You to the Moon and Back (hereinafter "Love You to the Moon and Back"). The game number is PA-5106.

2. *Definitions:*

(a) *Authorized retailer or retailer:* A person who is properly licensed by the Lottery pursuant to 61 Pa. Code §§ 805.1—805.17.

(b) *Bar code:* The symbology on the ticket containing certain encrypted validation and accounting data used for identifying winning and losing tickets.

(c) *Game Ticket:* A bearer instrument produced through a Lottery Terminal that is the player's record of a play for a Fast Play lottery game and sold by an authorized retailer containing the play and validation data as published in this game notice.

(d) *Lottery Central Computer System:* The computer gaming system on which all Fast Play plays are recorded.

(e) *Lottery Terminal:* A device authorized by the Lottery to function in an interactive mode with the Lottery Central Computer System for the purpose of issuing plays, executing Quick Pick selections, and entering, receiving, and processing lottery transactions, including

making purchases, validating plays, transmitting reports, and performing inventory functions.

(f) *MOON & BACK WINALL BONUS*: The area on a Love You to the Moon and Back ticket containing one play symbol that, when matched according to the instructions, determine whether the player wins all 12 prizes shown in the “YOUR NUMBERS” area.

(g) *Play*: A chance to participate in a particular Fast Play lottery game.

(h) *Play Area*: The area on a ticket which contains one or more play symbols.

(i) *Play Symbol*: A number, letter, symbol, image or other character found in the play area which is used to determine whether a player wins a prize.

(j) *Prize*: A non-monetary item, money, or experience that can be won as specified in section 7 (relating to prizes available to be won and determination of prize winners) of this game notice.

(k) *WINNING NUMBERS*: The numbers, letters, symbols or other characters found in the play area that, when matched against the play symbols in the “YOUR NUMBERS” area, determine whether a player wins a prize.

(l) *Winning ticket*: A game ticket which has been validated and qualifies for a prize.

(m) *YOUR NUMBERS*: The numbers, letters, symbols or other characters found in the play area that, when matched against the play symbols in the “WINNING NUMBERS” area, determine whether a player wins a prize.

3. *Price*: The price of a Love You to the Moon and Back ticket is \$5.

4. *Description of Love You to the Moon and Back Fast Play lottery game*:

(a) Love You to the Moon and Back lottery game is an instant win game printed from a Lottery Terminal. All prizes are predetermined, and the player does not have the ability to select their own play symbols. Love You to the Moon and Back tickets may be purchased from an authorized retailer or at a Lottery self-service terminal that sells terminal-based Lottery game tickets. Tickets purchased from an authorized retailer shall be printed on-demand at the time of purchase and may not be reprinted by the retailer.

(b) Love You to the Moon and Back is played by matching any of the play symbols located in the “YOUR NUMBERS” area to any of the play symbols located in the “WINNING NUMBERS” area. A player matching play symbols in this manner will win the prize shown under the matching “YOUR NUMBERS” play symbol. A bet slip is not used to play this game.

(c) Love You to the Moon and Back tickets contain a “MOON & BACK WINALL BONUS” area. Whenever a player matches the play symbol in the “MOON & BACK WINALL BONUS” area to any of the play symbols in the “WINNING NUMBERS” area, the player wins all 12 prizes shown.

(d) Players can win the prizes identified in section 7 (relating to prizes available to be won and determination of prize winners).

(e) Love You to the Moon and Back tickets cannot be canceled or voided once printed by the Lottery Terminal, even if printed in error.

(f) To purchase a ticket at an authorized retailer, a player must remit the purchase price to the retailer and verbally request a Love You to the Moon and Back ticket. The ticket shall be the only valid proof of the bet placed and the only valid receipt for claiming a prize.

(g) To purchase a ticket at a Pennsylvania Lottery self-service terminal, the player must insert into the self-service terminal a dollar amount equal to the total purchase price of a Love You to the Moon and Back ticket and select Love You to the Moon and Back option on the Lottery self-service terminal. The ticket shall be the only valid proof of the bet placed and the only valid receipt for claiming a prize.

5. *Love You to the Moon and Back ticket characteristics*:

(a) Love You to the Moon and Back tickets shall contain a play area, the cost of the play, the date of sale, and a bar code.

(b) *Play Symbols*: Love You to the Moon and Back tickets will contain a “WINNING NUMBERS” area, a “YOUR NUMBERS” area and a “MOON & BACK WINALL BONUS” area. The play symbols and their captions, located in the “WINNING NUMBERS” area and the “YOUR NUMBERS” area, are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN), 20 (TWENT), 21 (TWYONE), 22 (TWY TWO), 23 (TWYTHR), 24 (TWYFOR), 25 (TWYFIV), 26 (TWYSIX), 27 (TWYSVN), 28 (TWYEGT), 29 (TWYNIN) and 30 (THIRT). The “MOON & BACK WINALL BONUS” play symbols, located in the “MOON & BACK WINALL BONUS” area, are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN), 20 (TWENT), 21 (TWYONE), 22 (TWY TWO), 23 (TWYTHR), 24 (TWYFOR), 25 (TWYFIV), 26 (TWYSIX), 27 (TWYSVN), 28 (TWYEGT), 29 (TWYNIN) and 30 (THIRT).

(c) *Prize Symbols*: The prize symbols and their captions, located in the “YOUR NUMBERS” area, are: \$5<sup>00</sup> (FIV DOL), \$10<sup>00</sup> (TEN DOL), \$15<sup>00</sup> (FIFTEEN), \$20<sup>00</sup> (TWENTY), \$25<sup>00</sup> (TWYFIV), \$50<sup>00</sup> (FIFTY), \$100 (ONE HUN), \$200 (TWO HUN), \$1,000 (ONE THO) and \$25,000 (TWYFIVTHO).

(d) *Prizes*: The prizes that can be won in this game are: \$5, \$10, \$15, \$20, \$25, \$50, \$100, \$200, \$1,000 and \$25,000. A player can win up to 12 times on a ticket.

(e) *Approximate number of tickets available for the game*: Approximately 1,200,000 tickets will be available for sale for Love You to the Moon and Back lottery game.

6. *Second-Chance Drawing*: The Pennsylvania Lottery will conduct a Love Potions Second-Chance Drawing for which non-winning Love You to the Moon and Back lottery game tickets may be eligible as provided for in section 9.

7. *Prizes available to be won and determination of prize winners*:

(a) All Love You to the Moon and Back prize payments will be made as one-time, lump-sum cash payments.

(b) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches any of the “WINNING NUMBERS” play symbols and a prize symbol of \$25,000 (TWYFIVTHO) appears in the “Prize” area

under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$25,000.

(c) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$1,000 (ONE THO) appears in the "Prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$1,000.

(d) Holders of tickets upon which the "MOON & BACK WINALL BONUS" play symbol matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$100 (ONE HUN) appears in eight of the "Prize" areas and a prize symbol of \$50<sup>00</sup> (FIFTY) appears in four of the "Prize" areas, on a single ticket, shall be entitled to a prize of \$1,000.

(e) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$200 (TWO HUN) appears in the "Prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$200.

(f) Holders of tickets upon which the "MOON & BACK WINALL BONUS" play symbol matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$25<sup>00</sup> (TWY FIV) appears in four of the "Prize" areas, a prize symbol of \$20<sup>00</sup> (TWENTY) appears in two of the "Prize" areas, a prize symbol of \$15<sup>00</sup> (FIFTEEN) appears in two of the "Prize" areas, a prize symbol of \$10<sup>00</sup> (TEN DOL) appears in two of the "Prize" areas and a prize symbol of \$5<sup>00</sup> (FIV DOL) appears in two of the "Prize" areas, on a single ticket, shall be entitled to a prize of \$200.

(g) Holders of tickets upon which the "MOON & BACK WINALL BONUS" play symbol matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$25<sup>00</sup> (TWY FIV) appears in two of the "Prize" areas, a prize symbol of \$20<sup>00</sup> (TWENTY) appears in five of the "Prize" areas and a prize symbol of \$10<sup>00</sup> (TEN DOL) appears in five of the "Prize" areas, on a single ticket, shall be entitled to a prize of \$200.

(h) Holders of tickets upon which the "MOON & BACK WINALL BONUS" play symbol matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$20<sup>00</sup> (TWENTY) appears in two of the "Prize" areas, a prize symbol of \$15<sup>00</sup> (FIFTEEN) appears in three of the "Prize" areas, a prize symbol of \$10<sup>00</sup> (TEN DOL) appears in three of the "Prize" areas, a prize symbol of \$5<sup>00</sup> (FIV DOL) appears in two of the "Prize" areas, a prize symbol of \$50<sup>00</sup> (FIFTY) appears in one of the "Prize" areas and a prize symbol of \$25<sup>00</sup> (TWY FIV) appears in one of the "Prize" areas, on a single ticket, shall be entitled to a prize of \$200.

(i) Holders of tickets upon which the "MOON & BACK WINALL BONUS" play symbol matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$15<sup>00</sup> (FIFTEEN) appears in three of the "Prize" areas, a prize symbol of \$10<sup>00</sup> (TEN DOL) appears in three of the "Prize" areas, a prize symbol of \$5<sup>00</sup> (FIV DOL) appears in five of the "Prize" areas and a prize symbol of \$100 (ONE HUN) appears in one of the "Prize" areas, on a single ticket, shall be entitled to a prize of \$200.

(j) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING

NUMBERS" play symbols and a prize symbol of \$100 (ONE HUN) appears in the "Prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$100.

(k) Holders of tickets upon which the "MOON & BACK WINALL BONUS" play symbol matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$20<sup>00</sup> (TWENTY) appears in two of the "Prize" areas, a prize symbol of \$10<sup>00</sup> (TEN DOL) appears in two of the "Prize" areas, and a prize symbol of \$5<sup>00</sup> (FIV DOL) appears in eight of the "Prize" areas, on a single ticket, shall be entitled to a prize of \$100.

(l) Holders of tickets upon which the "MOON & BACK WINALL BONUS" play symbol matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$15<sup>00</sup> (FIFTEEN) appears in two of the "Prize" areas, a prize symbol of \$10<sup>00</sup> (TEN DOL) appears in four of the "Prize" areas, and a prize symbol of \$5<sup>00</sup> (FIV DOL) appears in six of the "Prize" areas, on a single ticket, shall be entitled to a prize of \$100.

(m) Holders of tickets upon which the "MOON & BACK WINALL BONUS" play symbol matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$10<sup>00</sup> (TEN DOL) appears in five of the "Prize" areas, and a prize symbol of \$5<sup>00</sup> (FIV DOL) appears in six of the "Prize" areas and a prize symbol of \$20<sup>00</sup> (TWENTY) appears in one of the "Prize" areas, on a single ticket, shall be entitled to a prize of \$100.

(n) Holders of tickets upon which the "MOON & BACK WINALL BONUS" play symbol matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$10<sup>00</sup> (TEN DOL) appears in eight of the "Prize" areas and a prize symbol of \$5<sup>00</sup> (FIV DOL) appears in four of the "Prize" areas, on a single ticket, shall be entitled to a prize of \$100.

(o) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$50<sup>00</sup> (FIFTY) appears in the "Prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$50.

(p) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$25<sup>00</sup> (TWY FIV) appears in the "Prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$25.

(q) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$20<sup>00</sup> (TWENTY) appears in the "Prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$20.

(r) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$15<sup>00</sup> (FIFTEEN) appears in the "Prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$15.

(s) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the

“WINNING NUMBERS” play symbols and a prize symbol of \$10<sup>00</sup> (TEN DOL) appears in the “Prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$10.

(t) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches any of the “WINNING NUMBERS” play symbols and a prize symbol of \$5<sup>00</sup>

(FIV DOL) appears in the “Prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$5.

8. *Number and description of prizes and approximate chances of winning:* The following table sets forth the approximate number of winners, amounts of prizes, and approximate chances of winning:

<i>When Any Of “YOUR NUMBERS” Match Any “WINNING NUMBER,” Win Prize Shown Under The Matching Number. Win With:</i>	<i>Win:</i>	<i>Approximate Chances Of Winning Are 1 In:</i>	<i>Approximate No. Of Winners Per 1,200,000 Tickets:</i>
\$5	\$5	8.85	135,600
\$5 × 2	\$10	20	60,000
\$10	\$10	50	24,000
\$5 × 3	\$15	55.56	21,600
\$10 + \$5	\$15	66.67	18,000
\$15	\$15	66.67	18,000
\$5 × 4	\$20	166.67	7,200
\$10 × 2	\$20	166.67	7,200
(\$5 × 2) + \$10	\$20	166.67	7,200
\$15 + \$5	\$20	166.67	7,200
\$20	\$20	166.67	7,200
\$5 × 5	\$25	500	2,400
(\$5 × 2) + \$15	\$25	500	2,400
(\$10 × 2) + \$5	\$25	500	2,400
\$15 + \$10	\$25	500	2,400
\$20 + \$5	\$25	500	2,400
\$25	\$25	500	2,400
\$10 × 5	\$50	1,200	1,000
(\$10 × 3) + (\$5 × 4)	\$50	1,200	1,000
(\$15 × 2) + \$20	\$50	1,200	1,000
(\$20 × 2) + \$10	\$50	1,200	1,000
\$25 + \$20 + \$5	\$50	1,200	1,000
\$50	\$50	1,200	1,000
MOON & BACK BONUS w/ ((\$10 × 8) + (\$5 × 4))	\$100	1,714	700
MOON & BACK BONUS w/ ((\$10 × 5) + (\$5 × 6) + \$20)	\$100	1,714	700
MOON & BACK BONUS w/ ((\$15 × 2) + (\$10 × 4) + (\$5 × 6))	\$100	1,714	700
MOON & BACK BONUS w/ ((\$20 × 2) + (\$10 × 2) + (\$5 × 8))	\$100	1,714	700
(\$20 × 2) + (\$15 × 2) + (\$10 × 2) + (\$5 × 2)	\$100	24,000	50
\$50 + \$20 + \$15 + \$10 + \$5	\$100	24,000	50
\$100	\$100	12,000	100
MOON & BACK BONUS w/ ((15 × 3) + (\$10 × 3) + (\$5 × 5) + \$100)	\$200	40,000	30
MOON & BACK BONUS w/ ((\$20 × 2) + (\$15 × 3) + (\$10 × 3) + (\$5 × 2) + \$50 + \$25)	\$200	40,000	30
MOON & BACK BONUS w/ ((\$25 × 2) + (\$20 × 5) + (\$10 × 5))	\$200	40,000	30

<i>When Any Of "YOUR NUMBERS" Match Any "WINNING NUMBER," Win Prize Shown Under The Matching Number. Win With:</i>	<i>Win:</i>	<i>Approximate Chances Of Winning Are 1 In:</i>	<i>Approximate No. Of Winners Per 1,200,000 Tickets:</i>
MOON & BACK BONUS w/ ((\$25 × 4) + (\$20 × 2) + (\$15 × 2) + (\$10 × 2) + (\$5 × 2))	\$200	40,000	30
\$100 × 2	\$200	120,000	10
\$200	\$200	120,000	10
MOON & BACK BONUS w/ ((\$100 × 8) + (\$50 × 4))	\$1,000	120,000	10
\$1,000	\$1,000	120,000	10
\$25,000	\$25,000	240,000	5

When the MOON & BACK WINALL BONUS number matches any WINNING NUMBER, win all 12 prizes shown!

Prizes, including top prizes, are subject to availability at the time of purchase.

9. *Second-Chance Drawing:* The Pennsylvania Lottery's (hereafter, the "Lottery") Love Potion Second-Chance Drawing for qualifying Fast Play lottery game tickets (hereafter, the "Drawing").

(a) *Qualifying Tickets:* Non-winning PA-5106 Love You to the Moon and Back (\$5), PA-5107 Love is in the Air (\$2) and PA-5108 #LOVE (\$1) Fast Play lottery game tickets ("Qualifying Tickets") are eligible for entry in the Drawing.

(b) *Participation and entry:*

(1) Entrants must be members of the Pennsylvania Lottery VIP Players Club to participate in the Drawing. To join the VIP Players Club, visit <http://www.palottery.state.pa.us/vipplayersclub/login.aspx>. Becoming a VIP Players Club member is free.

(2) To enter the Drawing, entrants must submit the identifying information from at least one Qualifying Ticket via the Drawing's promotional web site, available at <http://www.palottery.com>, or the Lottery's official mobile application during the entry period. The identifying information from a Qualifying Ticket may be submitted only once in the Drawing. No other method of submission will be accepted, and entries submitted using any other method, including entries mailed or hand-delivered to the Lottery, are not valid and will be disqualified.

(3) Each entry must be complete and the information supplied by the entrant must be accurate. Incomplete entries cannot be accepted.

(4) Only one claimant per entry is allowed.

(5) Entrants must be 18 years of age or older.

(6) Players may submit the identifying information from an unlimited number of Qualifying Tickets in the Drawing.

(7) Once an entry has been submitted it cannot be withdrawn or changed.

(c) *Drawing description:*

(1) The Lottery will conduct one Love Potion Second-Chance Drawing for qualifying Fast Play Lottery game tickets. All time references are Eastern Prevailing Time.

(2) All entries received after 11:59:59 p.m. January 4, 2021, through 11:59:59 p.m. February 18, 2021, will be entered into the Drawing to be held between February 19, 2021 and March 2, 2021.

(3) The entry period for the Drawing will be posted to the Lottery's publicly accessible web site at <http://www.palottery.com>.

(4) When a Qualifying Ticket is entered into the Drawings, the entry has a chance to be multiplied by 2 or 14 (hereafter the "Entry Multiplier Prize"). Each Qualifying Ticket will have a predetermined ticket file assigned at the time the ticket is printed that will determine whether an entry will be multiplied. If an entry is multiplied, the entrant will be notified during the entry process.

(5) The number of entries an entrant will receive for the Drawing is determined by the purchase price of the Qualifying Ticket entered and the Entry Multiplier Prize, if applicable. The respective purchase price and corresponding number of entries for the Qualifying Ticket is as follows: PA-5106 Love You to the Moon and Back (\$5) = five entries, PA-5107 Love is in the Air (\$2) = two entries and PA-5108 #LOVE (\$1) = one entry.

(6) Players may review prizes won and their entries for the Drawing via the Drawing's promotional web site.

(d) *Prizes available to be won, determination of winners, and odds of winning:*

(1) The prize entitlements described below are subject to all restrictions and limitations described in section 9(e) or mentioned anywhere else in these rules.

(2) The following table sets forth the approximate number of Entry Multiplier Prizes and the approximate odds of winning an Entry Multiplier Prize:

<i>Qualifying Tickets:</i>	<i>Approximate Number of Entry Multiplier Prizes:</i>		<i>Approximate Odds of Winning a 2X or 14X Multiplier Are 1 In:</i>	
	<i>2X</i>	<i>14X</i>	<i>2X</i>	<i>14X</i>
PA-5106 Love You to the Moon and Back	86,324	215,809	10	4
PA-5107 Love is in the Air	89,478	223,695	10	4
PA-5108 #LOVE	90,800	226,999	10	4

(3) The Lottery will conduct one Drawing from among all the entries received during the entry period as described in section 9(c)(2).

(i) The first through the fifth entries selected in the Drawing will be winning entries and the entrants who submitted those winning entries shall each be entitled to a prize of \$14,000, less required income tax withholding.

(ii) The sixth through the eighth entries selected in the Drawing will be winning entries and the entrants who submitted those winning entries shall each be entitled to a prize of \$2,000.

(iii) The ninth through the thirteenth entries selected in the Drawing will be winning entries and the entrants who submitted those winning entries shall each be entitled to a prize of \$1,400.

(iv) The fourteenth through the sixty-third entries selected in the Drawing will be winning entries and the entrants who submitted the winning entries shall each be entitled to a prize of \$100 iLottery Bonus Money.

(4) All prizes will be paid as lump-sum cash payments or uploaded to a winning player's lottery account.

(5) Winners of iLottery Bonus Money are not required to claim a prize. Winners of iLottery Bonus Money will have the iLottery Bonus Money credited to their Lottery account and will receive an email notifying them that they won a prize.

(6) The number of winning entries to be selected for the Drawing will be posted to the Lottery's publicly accessible web site.

(7) The odds of winning in the Drawing depend upon the number of entries received for the Drawing.

(8) A computer-generated randomizer will be used to select the Drawing winners.

(e) *Drawing restrictions:*

(1) To be eligible to participate in the Drawing, entrants must have complied with the requirements of these rules.

(2) The Lottery is not responsible for late, lost or misdirected entries not entered into the Drawing. The Lottery is not responsible for entries that are not entered into the Drawing because of incompatible internet browsers, mobile Lottery application failure or other technical issues. If an entry is selected as a winner and rejected or otherwise disqualified during or following the Drawing, the Lottery will select another entry to replace the rejected or otherwise disqualified entry in accordance with these rules and Lottery procedure.

(3) If any discrepancy exists between these rules and any material describing the Drawing, these rules shall govern.

(4) Employees of the Lottery, 9RoofTops Marketing, LLC (formerly known as MARC USA), Scientific Games International Inc., MDI Entertainment, LLC, and their subcontractors, or a spouse, child, brother, sister or parent residing as a member of the same household in the principle place of residence of any such person are not eligible to participate in the Drawing. Offer void where prohibited or restricted.

(5) The Pennsylvania Lottery reserves the right, in its sole discretion, to cancel or suspend the Drawing and change these rules if the Drawing cannot be conducted as planned due to errors in these rules or advertising, unauthorized intervention, tampering, fraud, technical errors, viruses, worms, bugs, or any other cause beyond the control of the Lottery that, in the Lottery's sole judgment, could corrupt or impair the administration, security, fairness, integrity, or proper conduct of the Drawing.

(6) All entries shall be subject to verification by the Lottery.

(7) The Pennsylvania Lottery reserves the right, in its sole discretion, to disqualify an entrant found to be tampering with the operation of the Drawing or to be acting in violation of these rules or applicable law.

(8) The Drawing is governed by the laws of the Commonwealth of Pennsylvania. Applicable laws and regulations apply.

(9) Prizes must be claimed within 1 year of the drawing date of the Drawing in which the prize was won. If no claim is made within 1 year of the drawing date of the Drawing in which the prize was won, the right of an entrant to claim the prize won, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided by statute.

(10) Final determination of winners will be made by the Secretary, whose judgment will be final and binding.

(11) A prize awarded in the Drawing to a person who dies before receiving the prize shall be paid according to 61 Pa. Code § 811.16 (relating to prizes payable after death of a prize winner).

(12) A winner is responsible for all taxes arising from or in connection with any prize won.

(13) A player may only win the prize for which the player is first selected in the Drawing. Subsequent entries, from the same individual, selected in the Drawing will be disqualified and a replacement entry will be selected.

(14) Winners of iLottery Bonus Money must abide by the iLottery Terms & Conditions, the iLottery Bonus Policy and these rules. iLottery Bonus Money will expire 90 days from the date on which the winner was notified, via email, of the prize win, as further detailed in section 9(d)(5). iLottery Bonus Money has a five times play through requirement in order to convert the iLottery Bonus Money into cash. For example, for a player winning \$100 of iLottery Bonus Money, the player is required to place \$500 in wagers before the iLottery Bonus Money awarded is converted into cash which may be withdrawn from the player's Lottery account.

(15) Prizes are not transferrable.

(16) Other restrictions may apply.

10. *Ticket responsibility:*

(a) A Fast Play lottery game ticket is a bearer document deemed to be owned by the person holding the game ticket, except that if a name is contained on the back of the game ticket, the person named will, for all purposes, be considered the owner of the game ticket.



(b) The holder of a Fast Play lottery game ticket has the sole responsibility for checking the accuracy and condition of the data printed on the game ticket.

(c) The Commonwealth shall not be responsible for a lost or stolen Fast Play lottery game ticket, or for a Fast Play ticket redeemed by a player in error.

11. *Ticket validation and requirements:*

(a) *Valid Fast Play lottery game tickets.* To be a valid Fast Play lottery game ticket, the presented game ticket must meet the following requirements:

(1) The game ticket's bar code shall be present in its entirety.

(2) The game ticket must be intact.

(3) The game ticket may not be mutilated, altered, reconstituted or tampered with.

(4) The game ticket may not be counterfeit or a duplicate of a winning ticket.

(5) The game ticket must have been validly issued.

(6) The game ticket data shall have been recorded on the Lottery Central Computer System and the game ticket data shall match the computer record in every respect.

(7) The game ticket must not be defectively printed or printed or produced in error such that it cannot be processed or validated by the Lottery.

(8) The game ticket must pass other confidential security checks of the Lottery.

(b) *Invalid or defective game tickets:* A game ticket not passing the validation requirements in subsection (a) will be considered invalid and no payment will be made on account of any play recorded thereon. The determination of the Secretary in this regard is final.

12. *Procedures for claiming and payment of prizes:*

(a) A prize may be claimed through an authorized retailer or the Lottery, as provided in this section. A prize must be claimed within 1 year of the sale date of the Fast Play lottery game ticket.

(b) An authorized retailer is authorized to pay prizes of \$2,500 or less. The holder of a game ticket evidencing a winning play representing a prize of \$2,500 or less may be paid by a participating authorized retailer if a proper validation pay ticket was issued by the retailer's Lottery Terminal.

(c) The holder of a game ticket evidencing a winning play representing a prize in excess of \$2,500 may present the game ticket to an authorized retailer, Lottery District Office, or Lottery Headquarters.

(d) The holder of a game ticket evidencing a winning play shall present the ticket, in person, to an authorized retailer, Lottery Headquarters or a Lottery District Office. The retailer or the Lottery will issue payment if:

(1) The game ticket is scanned and the play is validated through the Lottery Terminal or the Lottery Central Computer System;

(2) A claim form is properly and fully completed;

(3) The identification of the claimant is confirmed; and

(4) The winning ticket has not expired, pursuant to this section or section 14 (relating to unclaimed prizes).

(e) The Commonwealth shall not be responsible for a winning play paid in error by an authorized retailer.

(f) In the event a prize described in these rules is not available, the Lottery may either provide a substitute prize, determined by the Secretary to have an equivalent value to the prize won, or make a cash payment to the winner, in an amount determined by the Secretary to have an equivalent value to the prize won.

13. *Funding for prizes:* Moneys will be drawn from the State Lottery Fund, to the extent necessary, to fund the payment of prizes under this section. If this lottery game is terminated for any cause, prize moneys remaining undistributed will remain in the State Lottery Fund and used for purposes otherwise provided for by law.

14. *Unclaimed prizes:* Unclaimed prize money on winning Fast Play lottery game tickets will be retained by the Secretary for payment to the persons entitled thereto for 1 year from the sale date of the Fast Play lottery game ticket. If no claim is made within 1 year from the sale date of the Fast Play lottery game ticket, the right of a ticket holder to claim the prize represented by that ticket, if any, shall expire.

15. *Purchase and prize restrictions:* A Fast Play lottery game ticket may not be purchased by, and a prize may not be paid, to an officer or employee of the Lottery, Lottery professional services contractors or subcontractors, or to a spouse, child, brother, sister or parent residing in the same household of an officer, employee, contractor or subcontractor who is involved in the production, distribution or operation of systems for the validation or accounting of Fast Play games.

16. *Governing law:*

(a) By purchasing a ticket, the purchaser agrees to comply with and abide by the State Lottery Law (72 P.S. §§ 3761-101—3761-314), this notice, instructions, conditions and final decisions of the Secretary, and procedures established by the Secretary for the conduct of the Fast Play Love You to the Moon and Back lottery game.

(b) Decisions made by the Secretary, including the declaration of prizes and the payment thereof, in interpretation of this notice are final and binding on players and persons making a claim in respect thereof.

17. *Retailer compensation:*

(a) Authorized retailers may be entitled to compensation as determined by the Lottery.

(b) No authorized retailer or employee of an authorized retailer shall request, demand, or accept gratuities or any compensation other than as provided in subsection (a) in exchange for the performance of duties authorized pursuant to the Lottery retailer's license without the Lottery's prior written authorization.

18. *Retailer Incentive Programs:* The Lottery may conduct a separate Retailer Incentive Program for retailers who sell Pennsylvania Fast Play Love You to the Moon and Back lottery game tickets.

19. *Retailer bonus:* The Lottery may offer a retailer bonus in connection with the sale of Pennsylvania Fast Play lottery game tickets. If a retailer bonus is offered, a Lottery retailer shall be eligible for a bonus as described in this section. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$100,000 and not exceeding \$500,000 shall be paid a bonus of \$500. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$500,001 and not exceeding \$1,000,000 shall be paid a bonus of \$5,000. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$1,000,001 and not exceeding \$10,000,000 shall be paid a bonus of \$10,000. A Lottery retailer is entitled only to the largest bonus for which they qualify on a winning ticket. A bonus will be initiated for payment after the Fast Play game ticket is claimed and validated. A bonus will not be awarded to a Lottery retailer that sells a non-winning Pennsylvania Lottery Fast Play game ticket used to enter a Pennsylvania Lottery second-chance drawing or promotion that is subsequently selected to win a prize.

20. *Termination of the game:* The Secretary may announce a termination date, after which no further tickets from this game may be sold. The announcement will be

disseminated through media used to advertise or promote Love You to the Moon and Back or through normal communications methods.

21. *Applicability:* This notice applies only to Love You to the Moon and Back lottery game announced in this notice.

C. DANIEL HASSELL,  
*Secretary*

[Pa.B. Doc. No. 21-19. Filed for public inspection December 31, 2020, 9:00 a.m.]

## HEALTH CARE COST CONTAINMENT COUNCIL

### Teleconference Meeting Scheduled

The Health Care Cost Containment Council (Council) has scheduled the following meeting by teleconference: Thursday, January 7, 2021—Council meeting at 10 a.m.

The public is invited to participate. To do so contact Reneé Greenawalt, rgreenawalt@phc4.org at least 24 hours in advance so that arrangements can be made.

JOE MARTIN,  
*Executive Director*

[Pa.B. Doc. No. 21-20. Filed for public inspection December 31, 2020, 9:00 a.m.]

## INDEPENDENT REGULATORY REVIEW COMMISSION

### Notice of Comments Issued

Section 5(g) of the Regulatory Review Act (71 P.S. § 745.5(g)) provides that the Independent Regulatory Review Commission (Commission) may issue comments within 30 days of the close of the public comment period. The Commission comments are based upon the criteria contained in section 5.2 of the Regulatory Review Act (71 P.S. § 745.5b).

The Commission has issued comments on the following proposed regulation. The agency must consider these comments in preparing the final-form regulation. The final-form regulation must be submitted within 2 years of the close of the public comment period or it will be deemed withdrawn.

<i>Reg. No.</i>	<i>Agency/Title</i>	<i>Close of the Public Comment Period</i>	<i>IRRC Comments Issued</i>
17-80	Municipal Police Officers' Education and Training Commission Municipal Police Education and Training Act 50 Pa.B. 5733 (October 17, 2020)	11/16/20	12/16/20

### Municipal Police Officers' Education and Training Commission Regulation # 17-80 (IRRC # 3270)

#### Municipal Police Education and Training Act

**December 16, 2020**

We submit for your consideration the following comments on the proposed rulemaking published in the October 17, 2020 *Pennsylvania Bulletin*. Our comments are based on criteria in Section 5.2 of the Regulatory Review Act (71 P.S. § 745.5b). Section 5.1(a) of the Regulatory Review Act (71 P.S. § 745.5a(a)) directs the Municipal Police Officers' Education and Training Commission (Commission) to respond to all comments received from us or any other source.

### Subchapter A. GENERAL

#### 1. Section 203a.1. Definitions.—Clarity.

##### *Certification*

The definition of “certification” contains a substantive provision relating to the length of certification. Section 2.11(e) of the *Pennsylvania Code & Bulletin Style Manual (Style Manual)* states that substantive provisions may not be contained in a definition section. For clarity, we recommend moving the length of certification to the body of the regulations.

Further, this definition applies only to municipal police officers. This chapter includes certification requirements for schools and instructors. For clarity, we recommend revising this definition to address all certifications issued by the Commission.

*Certified police firearms instructor*

The definition of “certified police firearms instructor” states that this individual is “*approved* by the Commission.” (Emphasis added.) Under Section 203a.72 (relating to certification requirements), an instructor is certified. We ask the Commission to clarify the terminology used in this definition.

*Change-of Status Notice*

The definition of “Change-of Status Notice” describes in paragraph (1) a document used to report certain actions. This paragraph of the definition is not used in the regulations. Section 2.11(c) of the *Style Manual* directs that a definition not used in a chapter should not be included. To improve clarity, we suggest that the Commission delete paragraph (1) or explain in the Preamble to the final-form regulation why it is not necessary to do so.

*Military Police Officer*

The definition of “Military Police Officer” includes the requirements to meet this classification. Do Military Occupational Specialty designations include officer designations? We ask the Commission to respond to this question in the Preamble to the final-form regulation and amend the definition as necessary.

*Suspension*

The definition of “suspension” contains a substantive provision relating to the length of suspension. Section 2.11(e) of the *Style Manual* states that substantive provisions may not be contained in a definition section. For clarity, we recommend moving the length of suspension to the body of the regulations.

## **Subchapter B. POLICE OFFICER CERTIFICATION REQUIREMENTS**

### **2. Section 203a.11. Qualifications for attending basic training at Commission-certified schools.—Clarity and lack of ambiguity; Reasonableness of requirements, implementation procedures and timetables for compliance by the public and private sectors.**

*Paragraph (5)*

Paragraph (5) requires an applicant for basic police training to take a Nelson-Denny Reading Test. This paragraph does not state who is responsible for administering the test or the manner in which results are recorded. We ask the Commission to add the testing entity and the form of results in the final-form regulation to improve clarity and to ensure proper implementation or explain in the Preamble to the final-form regulation why it is not necessary to do so.

Further, the Preamble of the proposed regulation states that the regulation allows “the Commission to approve another test and publish the alternative standards in the *Pennsylvania Bulletin*.” This paragraph does not include this language. We ask the Commission to add the provision regarding testing and standards or explain in the Preamble to the final-form regulation why it is not necessary to do so.

*Paragraphs (6) and (7)*

Paragraphs (6) and (7) require an applicant to be examined by a physician and a psychologist, respectively. Validity statements are provided for the tests in paragraphs (5) and (8) but are not included in paragraphs (6) and (7). We ask the Commission to explain in the Preamble to the final-form regulation the timetable for

compliance with these examination requirements and consider revising the final-form regulation to include validity requirements.

*Paragraph (8)*

Paragraph (8) requires an applicant to be evaluated to determine physical fitness. This paragraph does not state who is responsible for assessing an applicant’s physical fitness or the manner in which results are recorded. We ask the Commission to specify who conducts this evaluation and the form of results in the final-form regulation to improve clarity and ensure proper implementation or explain in the Preamble to the final-form regulation why it is not necessary to do so.

*Paragraph (10)*

Paragraph (10) requires that a student “returning to a basic police training program after an absence of more than 30 days shall provide a notarized affidavit verifying that all criminal history contained in their initial application remains true and accurate.” Why is the driving history check not included in the affidavit? The Commission should consider requiring an affidavit to include verification of driving history or explain in the Preamble to the final-form regulation why it is not necessary to do so.

### **3. Section 203a.12. Training requirements.—Clarity; Implementation procedures; Reasonableness; Protection of the public health, safety and welfare.**

*Subsections (c)—(e)*

Subsection (c) provides for a waiver of basic police training for former State Police Troopers, Commission-certified officers and out-of-State officers who left employment in good standing within 10 years of applying for certification. Subsection (d) provides for a partial waiver of basic police training for former Federal law enforcement officers who left agencies in good standing in the previous 10 years and military police officers who were honorably discharged in the previous 10 years. Under subsection (e), the Commission reserves the right to “require an applicant to undergo any and all training which is required by law or similar statute, or which it deems essential training to fulfill the requirements of” Subchapter B (relating to police officer certification requirements).

We have four questions about these subsections. First, why is the 10-year timeframe in subsections (c) and (d) reasonable given the changes in basic police training course curriculum and physical, medical and psychological requirements for applicants? Second, how does the 10-year timeframe in subsections (c) and (d) protect the public health, safety and welfare? Third, why are requirements for firearms, first aid, cardiopulmonary resuscitation for the professional rescuer and automatic external defibrillation not included in subsection (d)? Fourth, how will the Commission implement subsection (e)?

We ask the Commission to explain in the Preamble to the final-form regulation the implementation procedures for granting waivers of training, how these waivers adequately protect the public health, safety and welfare, and the reasonableness of the 10-year timeframe.

*Subsection (f)*

Under subsection (f), a “determination of good standing . . . is the responsibility of the employing municipalities,

jurisdictions, Federal agencies, or certified schools, and shall be certified *to the Commission.*” (Emphasis added.) The Preamble of the proposed regulation states that the determination “will be certified *by the Commission.*” (Emphasis added.) The final-form regulation should be clarified so that the entity making the determination is accurately stated.

**4. Section 203a.13. Certification as a municipal police officer.—Clarity and lack of ambiguity; Implementation procedures; Protection of the public health, safety and welfare; Reasonableness.**

Subsection (a)(1) requires applicants for certification to “meet the requirements of [Section] 203a.11(1)—(4), (6) and (7) (relating to qualifications for attending basic training at Commission-certified schools).” Section 203a.11(10) states that individuals applying to basic training shall “provide Federal Bureau of Investigation and Pennsylvania criminal history checks and a driving history check from all states in which they have been licensed in the past 10 years before entering a Commission-certified police academy.” Subsection (a)(2)(ii) requires the police department employing the applicant to conduct a background investigation including a “criminal history check.” Subsection (a)(2)(vi) requires the police department employing the applicant to do a “check of the applicant’s driving record verifying that the applicant has a valid driver’s license.” The background investigations listed in subsection (a) lack the clarity and specificity of the requirements in Section 203a.11(10). We ask the Commission to improve the clarity of Section 203a.13(a)(2)(ii) and (vi) by either cross-referencing Section 203a.11(10) or adding the level of detail included in that paragraph.

Subsection (a)(4) requires an applicant who fails to pass a certification examination “after three attempts within a 2-year period from the administration of an applicant’s first certification examination, or within 10 years of the completion of the basic police training course” to take and pass the entire basic police training course to qualify for certification. We have two questions. First, are the 2-year and 10-year timeframes reasonable given the changes in basic police training course curriculum? Second, how do these allowances protect the public health, safety and welfare? We ask the Commission to explain in the Preamble to the final-form regulation why these timeframes are reasonable and how they adequately protect the public health, safety and welfare.

Subsection (a)(6) requires that “the certification document shall be returned to the Commission by the department” when a municipal police officer is suspended or terminated. Subsection (a)(5) states that “the Commission will supply a written or electronic document evidencing certification to the applicant’s employing police department.” How does a police department return an electronic document to the Commission? The Preamble to the final-form regulation should explain the implementation procedures for this requirement.

Subsection (a)(7) states that when a “certification document has been lost or destroyed, the *officer* shall provide a notarized statement to the Commission concerning the certification document.” (Emphasis added.) Subsection (a)(5) specifies that the certification document is provided to the employing police department. The Commission should explain in the Preamble to the final-form regulation why an officer is required to submit the statement.

**5. Section 203a.14. Suspension or revocation of certification.—Clarity; Implementation procedures; Protection of the public health, safety and welfare.**

*Subsection (a)*

Subsection (a)(4) provides that “[f]ailure to successfully complete annual mandatory in-service training courses as published in the *Pennsylvania Bulletin*” is a criterion for suspension or revocation of a municipal police officer’s certification. Section 203a.13(c), (c)(2) and (d)(1)(ii) (relating to certification as a municipal police officer) cross-references Section 203a.52 (relating to mandatory in-service training courses). For clarity and consistency, the Commission should consider replacing the publication with a cross-reference to the mandatory in-service training regulation.

*Subsection (b)*

Subsection (b) requires the chief of a police department to “provide written notification to the Commission when the applicant meets any of the conditions listed in subsection (a).” A timeframe for providing notification is not specified in this subsection. To ensure protection of the public health, safety and welfare, and efficient implementation, we ask the Commission to revise this subsection to require the chief of a police department to provide written notification within a specific timeframe.

**6. Section 203a.15. Application packet submission.—Need; Reasonableness of requirements, implementation procedures and timetables for compliance by the public and private sectors.**

Subsection (b)(7) requires applicants for certification to “certify whether they have had a physical or psychological evaluation conducted in conjunction with an application for police employment or admission to a Commission-certified school within the previous year and the outcome of the examination or evaluation.” Under subsection (b)(3)(ii) and (6)(i), physical and psychological examinations are valid for no more than two years and may be used in support of any police employment application during that period. We ask the Commission to explain in the Preamble to the final-form regulation why the requirement in subsection (b)(7) is reasonable, why it is needed and how applicants will comply with these timeframes.

**7. Section 203a.16. Additional medical review.—Clarity; Implementation procedures.**

Section 203a.16 includes a procedure to require an applicant for certification to “provide additional medical documentation or submit to an examination” if “reasonable cause exists to believe that the individual does not meet the medical, psychological, physical or other similar requirements” in Subchapter B. When the results of an examination determine that the applicant does not meet the standards in Subchapter B, “the individual shall be ineligible for certification until such time as the individual can meet the requirements.” This section does not provide a timeframe for the applicant to meet the requirements for certification. We ask the Commission to explain in the Preamble to the final-form regulation how this section will be implemented with respect to the time periods for achieving certification as addressed throughout Subchapter B. The Commission should also consider revising this section to improve clarity.

Further, this section does not require the Commission to notify the applicant of the reasons for the ineligibility determination. This section also does not provide the

applicant the opportunity to request a hearing under Subchapter G (relating to notice and hearings). We ask the Commission to explain in the Preamble to the final-form regulation how it will implement this regulation and consider revising this section to provide the opportunity to request a hearing under Subchapter G.

### Subchapter C. SCHOOL REQUIREMENTS

#### 8. Section 203a.32. School certification.—Clarity; Implementation procedures; Need.

Subsection (d)(2) requires the Executive Director to “notify the school by first class *and* certified mail, return receipt requested.” (Emphasis added.) Why is notice required to be given by both first class and certified mail? We ask the Commission to consider how it will implement this provision and clarify the final-form regulation as needed.

This comment also applies to Section 203a.52(e)(7) and Section 203a.53(e) (relating to nonmandatory in-service training courses).

#### 9. Section 203a.33. Minimum school standards and requirements.—Implementation procedures; Need; Protection of the public health, safety and welfare; Reasonableness.

##### Subsection (a)

Subsection (a) lists school standards and requirements. Section 203a.31 (relating to eligibility for school certification) requires schools with multiple teaching sites to “appoint an onsite coordinator. . .to oversee the daily operation of the site in the absence of the school director.” The onsite coordinator requirement is not included in this subsection. The Commission should add this requirement in this subsection to ensure that it is implemented during the certification process or explain in the Preamble to the final-form regulation why it is not necessary to do so.

Subsection (a)(14) and (15) provides for offsite physical conditioning facilities and firing ranges. Subsection (a)(23), regarding a facility used to conduct emergency vehicle operation training, states that “[t]ravel to and from this location shall not count towards the number of hours required by the curriculum.” This provision is not included in paragraphs (14) and (15). A statement regarding travel should be added to paragraphs (14) and (15) to ensure that hours of study are consistently calculated or the Commission should explain in the Preamble to the final-form regulation why it is not necessary to do so.

Subsection (a)(15)(ii) states that an “employing police department shall also qualify the student with his duty weapons prior to assuming duties as a police officer” when the student qualifies with a firearm not used by an employing police department. Does the Commission allow a police department to conduct firearms qualification? We ask the Commission to explain in Preamble to the final-form regulation how this subparagraph will be implemented.

Subsection (a)(15)(iii) states that a “school *may* refuse to allow the use of a weapon that the firearms instructor determines to be altered, modified, unsafe, inadequate or not appropriate for police training.” (Emphasis added.) Subsection (a)(15)(i) requires that a “school *shall* ensure that weapons utilized in this portion of training are safe.” (Emphasis added.) To protect the public health, safety and welfare, we ask the Commission to revise subsection (a)(15)(iii) so that the a school is obligated to refuse unsafe weapons or explain in the Preamble to the final-form regulation why it is not necessary to do so.

Subsection (a)(21) requires a school to “conduct a check of the student’s driving record and verify that the student

has a valid driver’s license.” Under Section 203a.11, a student is required to maintain a valid driver’s license in paragraph (9) and “at their expense, provide. . .a driving history check from all states in which they have been licensed in the past 10 years before entering a Commission-certified police academy” in paragraph (10). The provision in subsection (a)(21) appears to conflict with the requirements in Section 203a.11(9) and (10). The Commission should explain in the Preamble to the final-form regulation how a school will implement these provisions and the need for subsection (a)(21).

##### Subsection (b)

Subsection (b)(5) requires a school to maintain a records management system and specifies records to be included in the system. Subsection (b)(16) directs the school to maintain “for a minimum of 75 years” a set of records, including “other records deemed appropriate by the Commission.” We have two concerns. First, paragraphs (5) and (16) do not clearly list the records to be maintained. Second, the requirement to maintain records for 75 years may require significant resources. We ask the Commission to revise the list of records in these paragraphs to establish a standard that is predictable for the regulated community. Further, we ask the Commission to explain in the Preamble to the final-form regulation why a 75-year record retention requirement is needed and reasonable.

#### 10. Section 203a.34. School inspections.—Clarity; Possible conflict with statutes.

Subsection (a)(2) states that Commission “inspectors will visit and inspect each approved school *at least biennially*.” (Emphasis added.) Under 53 Pa.C.S. § 2164(13) (relating to powers and duties of commission), the Commission shall “visit and inspect approved schools *at least once a year*.” (Emphasis added.) We ask the Commission to explain in the Preamble to the final-form regulation how this regulation is consistent with the statute. Further, the Commission should consider revising this paragraph to clarify the inspection requirements.

#### 11. Section 203a.35. Emergency suspension of school certification.—Clarity; Implementation procedures.

##### Subsection (a)

Subsection (a)(3) states that a school director not meeting the criteria in Section 203a.33(a)(2) (relating to minimum school standards and requirements) is a condition for emergency suspension of a school’s certification. Section 203a.33(a)(2) also provides for an interim school director. For clarity and to ensure proper implementation, we suggest that the Commission include an interim school director in subsection (a)(3).

##### Subsection (b)

Subsection (b) requires the Executive Director to provide a school with the reason for emergency suspension and an opportunity to be heard. We suggest that the Commission add a cross-reference to Subchapter G to improve clarity and to ensure proper implementation of this regulation.

### Subchapter D. COURSE REQUIREMENTS

#### 12. Section 203a.52. Mandatory in-service training courses.—Clarity and lack of ambiguity; Implementation procedures.

##### Subsection (b)

Subsection (b)(1)(i) states that the “Commission will provide notice of the course descriptions and specific

hours.” The method of notice is not provided. Throughout this chapter, information is either published on the Commission’s website or official notice is made in the *Pennsylvania Bulletin*. We suggest that the Commission revise this subparagraph to clarify how notice will be made to the regulated community.

This comment also applies to subsection (b)(1)(ii) and (2), (c) and (e)(6).

*Subsection (e)*

Subsection (e)(10)(ii) addresses the completion of mandatory in-service training by a municipal police officer who is deployed by the military. A chief of a police department is required to provide proof of deployment or activation. Subsection (e)(10)(i), regarding line-of-duty connected injury or disability, addresses a chief who fails to request an extension. We ask the Commission to clarify the implementation procedures for a waiver for military service by adding a provision addressing a chief who fails to request an extension or explain in the Preamble to the final-form regulation why it is not necessary to do so.

**13. Section 203a.53. Nonmandatory in-service training courses.—Clarity.**

Section 203a.53(b)(1)(ii) states that “[a]pproved courses will be published on the Commission’s public web site.” Under Section 203a.72(2)(i)(A), approved courses for police training instructors are published in the *Pennsylvania Bulletin*. For clarity and consistency, we ask the Commission to consider publishing approved nonmandatory in-service training courses in the *Pennsylvania Bulletin* or explain in the Preamble to the final-form regulation why it is impractical to do so.

**14. Section 203a.54. Commission cheating policy.—Clarity.**

Subsection (b) requires that all “testing materials, including tests, answer sheets and any similar materials subject to this policy, shall be retained for all basic and in-service testing for a period of no less than 2 years.” As a follow-up to Comment # 9, we suggest that the Commission add these documents to Section 203a.33(b)(5) and (16) for clarity. Further, we ask the Commission to revise the record retention period in this subsection to be consistent with Section 203a.33(b)(16).

**Subchapter E. INSTRUCTOR CERTIFICATIONS**

**15. Section 203a.72. Certification requirements.—Clarity; Reasonableness.**

Paragraph (2)(i)(C) and (iv) requires instructors to “[a]cknowledge and abide by an Instructor Code of Conduct, as established by the Commission.” The Preamble of the proposed regulation states that the Instructor Code of Conduct “will be published in the *Pennsylvania Bulletin*.” These provisions do not include this language. The Commission should consider clarifying these provisions by stating where the Code will be published.

Under paragraph (2)(ii) and (iii), attorneys and instructors of certain instructional areas are not required to meet the requirements in subparagraph (i)(A) and (B). These clauses require instructors to meet teaching requirements and provide transcripts to verify degrees, respectively. We ask the Commission to explain in the Preamble to the final-form regulation why it is reasonable to certify instructors who have not received instructor training and why it is not necessary to review transcripts of degrees conferred.

**16. Section 203a.73. Suspension or revocation of instructor certification.—Clarity and lack of ambiguity.**

Subsection (a)(2) provides for the suspension or revocation of instructor certification for “[c]onduct which violates the Instructor Code of Conduct as required under [Section] 203a.72(2)(i)(C).” This paragraph is not applicable to special instructors. Accordingly, we ask the Commission to clarify this paragraph by cross-referencing Section 203a.72(2)(iv) so that special instructors are included or explain in the Preamble to the final-form regulation why it is not necessary to do so.

**Subchapter F. REIMBURSEMENT OF EXPENSES**

**17. Section 203a.81. Basic training.—Clarity; Implementation procedures; Possible conflict with statutes.**

Subsection (a) states that “[p]ayments made to municipalities under 53 Pa.C.S. § 2170 (relating to reimbursement of expenses) shall be limited to funds available, and shall be made on a pro rata basis.” Section 2170(a) of 53 Pa.C.S. requires that the “[C]ommission shall provide for reimbursement” of basic training expenses. (Emphasis added.) We ask the Commission to explain in the Preamble to the final-form regulation how this regulation is consistent with the statute. Further, the Commission should consider revising this subsection to clarify how it will implement the statute.

This comment also applies to Section 203a.53(b)(1) and Section 203a.82(b) (relating to mandatory in-service training).

**18. Section 203a.83. Grants for nonmandatory in-service training programs.—Clarity; Implementation procedures.**

Subsection (a)(1)(iv) provides for grants for developing and implementing a nonmandatory in-service training program. Reasonable expenditures for administration “will not exceed 5% of the total grant amount unless otherwise approved by the Commission or Budget Committee. This expenditure may not exceed 10% of the total grant amount.” Is the intent of this subparagraph to limit the discretion of the Commission or the Budget Commission? We ask the Commission to explain in the Preamble to the final-form regulation how limits for administrative expenses are implemented and to clarify the subparagraph accordingly.

**Subchapter G. NOTICE AND HEARINGS**

**19. Section 203a.102. Notice.—Clarity.**

This section does not state if any provisions in 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure) are superseded. We ask the Commission to carefully review this section and 1 Pa. Code Part II to determine any provisions that are superseded. Further, this section should be clarified as required under 1 Pa. Code § 13.38 (relating to special rules of administrative practice and procedure).

This comment also applies to Section 203a.103(a) (relating to hearing procedures).

**20. Regulatory Analysis Form (RAF).—Economic or fiscal impact.**

The response to RAF Question # 20 provides a cost savings and an estimate of costs for local governments

that are not included in RAF Question # 23. The response to RAF Question # 22 states that costs for instructor training and certifications are not included in RAF Question # 23. We ask the Commission to update the RAF submitted with the final-form regulation to estimate costs and savings for local governments and the regulated community.

### 21. Miscellaneous clarity.

- Definitions in Section 203a.1 (relating to definitions) with internal subdivisions should be renumbered in accordance with Section 2.1 of the *Style Manual* (relating to arrangement of *Code*).
- Section 203a.32(c)(2) (relating to school certification) should be revised to refer to reports of Commission inspectors as specified in paragraph (1).
- Section 203a.33(a)(2)(v) should be revised to replace “the effective date of this regulation” with a date certain.
- Section 203a.72(2)(iv)(F) should be renumbered in accordance with Section 2.1 of the *Style Manual*.
- Section 203a.73(a)(2) (relating to suspension or revocation of instructor certification) should cross-reference Section 203a.72(2)(i)(C). (Emphasis added.)
- Section 203a.103(b) and (c) refers to a “hearing examiner” and a “hearing officer,” respectively. (Emphasis added.) Consistent terminology should be used in the final-form regulation.

GEORGE D. BEDWICK,  
*Chairperson*

[Pa.B. Doc. No. 21-21. Filed for public inspection December 31, 2020, 9:00 a.m.]

## INSURANCE DEPARTMENT

### Alleged Violation of Insurance Laws; Matthew Robert Leo Kimmy; Doc. No. SC20-12-015

Notice is hereby given of the Order to Show Cause issued on December 15, 2020, by the Deputy Insurance Commissioner in the previously-referenced matter. Violations of the following are alleged: sections 611-A(7), (9), (15) and (20) and 678-A(a) of The Insurance Department Act of 1921 (40 P.S. §§ 310.11(7), (9), (15) 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. 21-22. Filed for public inspection December 31, 2020, 9:00 a.m.]

## INSURANCE DEPARTMENT

### Application for Renewal of Designation as a Certified Reinsurer

Hannover Rück SE of Hannover, Germany has applied for renewal of its designation as a certified reinsurer in this Commonwealth. The application was received on December 8, 2020, and was made under section 319.1 of The Insurance Company Law of 1921 (40 P.S. § 442.1) and 31 Pa. Code § 161.3a (relating to requirements for certified reinsurers).

Persons who wish to comment on the application are invited to submit a written statement to the Insurance Department (Department) within 30 days from the date of this issue of the *Pennsylvania Bulletin*. Each written statement must include name, address and telephone number of the interested party; identification of the application to which the statement is addressed; and a concise statement with sufficient detail and relevant facts to inform the Department of the exact basis of the statement. Written statements should be directed to Kimberly A. Rankin, Director, Bureau of Company Licensing and Financial Analysis, Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120, fax (717) 787-8557, krankin@pa.gov. Comments received will be forwarded to the applicant for appropriate response.

JESSICA K. ALTMAN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 21-23. Filed for public inspection December 31, 2020, 9:00 a.m.]

## INSURANCE DEPARTMENT

### Application for Renewal of Designation as a Certified Reinsurer

TransRe London Limited has applied for renewal of its designation as a certified reinsurer in this Commonwealth. The application was received on December 8, 2020, and was made under section 319.1 of The Insurance Company Law of 1921 (40 P.S. § 442.1) and 31 Pa. Code § 161.3a (relating to requirements for certified reinsurers).

Persons who wish to comment on the application are invited to submit a written statement to the Insurance Department (Department) within 30 days from the date of this issue of the *Pennsylvania Bulletin*. Each written statement must include name, address and telephone number of the interested party; identification of the application to which the statement is addressed; and a concise statement with sufficient detail and relevant facts to inform the Department of the exact basis of the statement. Written statements should be directed to Kimberly A. Rankin, Director, Bureau of Company Licens-

ing and Financial Analysis, Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120, fax (717) 787-8557, krankin@pa.gov. Comments received will be forwarded to the applicant for appropriate response.

JESSICA K. ALTMAN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 21-24. Filed for public inspection December 31, 2020, 9:00 a.m.]

## INSURANCE DEPARTMENT

### Pennsylvania Compensation Rating Bureau; United States Longshore and Harbor Workers' Compensation Act; Rate Filing

On December 14, 2020, the Insurance Department received from the Pennsylvania Compensation Rating Bureau (Bureau) a filing for proposed revisions to rates applicable to workers eligible for benefits under the Longshore and Harbor Workers' Compensation Act (33 U.S.C.A. §§ 901—950).

The filing proposes an overall rate level increase of 0.77% effective April 1, 2021. (This overall figure represents an average; the effect of this filing on the rates for individual insureds will vary.) The filing is available for review on the Bureau's web site at [www.pcrb.com](http://www.pcrb.com) in the "Filings" section.

Interested parties are invited to submit written comments, suggestions or objections by means of e-mail to Eric Zhou, Insurance Department, Office of Insurance Product Regulation, [gzhou@pa.gov](mailto:gzhou@pa.gov), within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

JESSICA K. ALTMAN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 21-25. Filed for public inspection December 31, 2020, 9:00 a.m.]

## MILK MARKETING BOARD

### Hearing and Presubmission Schedule; Milk Marketing Area No. 3; Teleconference

Under the provisions of the Milk Marketing Law (31 P.S. §§ 700j-101—700j-1302), the Milk Marketing Board (Board) will conduct a public hearing by means of teleconference for Milk Marketing Area No. 3 on March 3, 2021, beginning at 9:15 a.m. The dial in number is (267) 332-8737. The conference ID is 143 213 350.

The purpose of the hearing is to receive testimony and exhibits concerning cost replacement in Milk Marketing Area No. 3. Evidence will be limited to the following: annualized processing, packaging and delivery costs; updated costs for containers, ingredients and Class II products; updated labor, utility and insurance costs based on comparisons between costs per point for the first halves of calendar years 2019 and 2020; skim and butterfat contents of products regulated by the Board; adjustment for shrinkage, sales of bulk products and cream processing costs; and a reasonable rate of return to milk dealers. Evidence and testimony will be considered regarding the heating fuel adjuster in Milk Marketing Area No. 3. Evidence and testimony will be considered

regarding the diesel fuel cost adjuster in Milk Marketing Area No. 3. Evidence and testimony will be considered regarding the container efficiency adjustment.

The staff of the Board is deemed to be a party to this hearing, and the attorney representing staff is deemed to have entered his appearance. Other persons who wish to present evidence may be included on the Board's list of parties by: (1) having their attorney file with the Board on or before 1 p.m. on January 19, 2021, a notice of appearance substantially in the form prescribed by 1 Pa. Code § 31.25 (relating to form of notice of appearance); or (2) if unrepresented by counsel, filing with the Board on or before 1 p.m. on January 19, 2021, notification of their desire to be included as a party. Parties should indicate in their notices of appearance if alternate means of service, that is, e-mail or fax, are acceptable. Notices of appearance filed electronically should be directed to [deberly@pa.gov](mailto:deberly@pa.gov).

The parties shall observe the following requirements for advance filing of witness information and exhibits:

1. By 2 p.m. on February 5, 2021, Board staff shall file with the Board, in person or electronically, one original and ensure receipt by all other parties of one copy of:

a. A list of witnesses who will testify for the party, along with a statement of the subjects concerning which each witness will testify. A witness who will be offered as an expert shall be so identified, along with the witness's area or areas of proposed expertise. For expert witnesses there shall also be filed a statement of the substance of the facts and opinions to which the expert is expected to testify and a summary of the grounds for each opinion.

b. Each exhibit to be presented, including testimony to be offered in written form.

2. By 2 p.m. on February 19, 2021, each responding party shall file and serve as set forth in paragraph 1 information concerning rebuttal witnesses and copies of rebuttal exhibits.

3. By 2 p.m. on February 25, 2021, each party shall file and serve as set forth in paragraph 1 information concerning surrebuttal witnesses and copies of surrebuttal exhibits.

Parties that wish to offer in evidence documents on file with the Board, public documents or records in other proceedings before the Board, or who wish the Board to take official notice of facts, shall comply with, respectively, 1 Pa. Code § 35.164, § 35.165, § 35.167 or § 35.173. Regardless whether these rules require production of a document as an exhibit, copies shall be provided to each Board member and to all other parties.

Requests by parties for Board staff to provide data pertinent to the hearing shall be made in writing directed to [chardbarger@pa.gov](mailto:chardbarger@pa.gov) and received by 1 p.m. on February 22, 2021.

Electronic filings should be made to [deberly@pa.gov](mailto:deberly@pa.gov). The filing address for the Board is Milk Marketing Board, Room 110, Agriculture Building, 2301 North Cameron Street, Harrisburg, PA 17110.

CAROL HARDBARGER,  
*Secretary*

[Pa.B. Doc. No. 21-26. Filed for public inspection December 31, 2020, 9:00 a.m.]



## MILK MARKETING BOARD

### Hearing and Presubmission Schedule; Milk Marketing Area No. 5; Teleconference

Under the provisions of the Milk Marketing Law (31 P.S. §§ 700j-101—700j-1302), the Milk Marketing Board (Board) will conduct a public hearing by means of teleconference for Milk Marketing Area No. 5 on March 3, 2021, beginning at 9:30 a.m. The dial in number is (267) 332-8737. The conference ID is 143 213 350.

The purpose of the hearing is to receive testimony and exhibits concerning cost replacement in Milk Marketing Area No. 5. Evidence will be limited to the following: annualized processing, packaging and delivery costs; updated costs for containers, ingredients and Class II products; updated labor, utility and insurance costs based on comparisons between costs per point for the first halves of calendar years 2019 and 2020; skim and butterfat contents of products regulated by the Board; adjustment for shrinkage, sales of bulk products and cream processing costs; and a reasonable rate of return to milk dealers. Evidence and testimony will be considered regarding the heating fuel adjuster in Milk Marketing Area No. 5. Evidence and testimony will be considered regarding the diesel fuel cost adjuster in Milk Marketing Area No. 5. Evidence and testimony will be considered regarding the container efficiency adjustment.

The staff of the Board is deemed to be a party to this hearing, and the attorney representing staff is deemed to have entered his appearance. Other persons who wish to present evidence may be included on the Board's list of parties by: (1) having their attorney file with the Board on or before 1 p.m. on January 19, 2021, a notice of appearance substantially in the form prescribed by 1 Pa. Code § 31.25 (relating to form of notice of appearance); or (2) if unrepresented by counsel, filing with the Board on or before 1 p.m. on January 19, 2021, notification of their desire to be included as a party. Parties should indicate in their notices of appearance if alternate means of service, that is, e-mail or fax, are acceptable. Notices of appearance filed electronically should be directed to [deberly@pa.gov](mailto:deberly@pa.gov).

The parties shall observe the following requirements for advance filing of witness information and exhibits:

1. By 2 p.m. on February 5, 2021, Board staff shall file with the Board, in person or electronically, one original and ensure receipt by all other parties of one copy of:

a. A list of witnesses who will testify for the party, along with a statement of the subjects concerning which each witness will testify. A witness who will be offered as an expert shall be so identified, along with the witness's area or areas of proposed expertise. For expert witnesses there shall also be filed a statement of the substance of the facts and opinions to which the expert is expected to testify and a summary of the grounds for each opinion.

b. Each exhibit to be presented, including testimony to be offered in written form.

2. By 2 p.m. on February 19, 2021, each responding party shall file and serve as set forth in paragraph 1 information concerning rebuttal witnesses and copies of rebuttal exhibits.

3. By 2 p.m. on February 25, 2021, each party shall file and serve as set forth in paragraph 1 information concerning surrebuttal witnesses and copies of surrebuttal exhibits.

Parties that wish to offer in evidence documents on file with the Board, public documents or records in other proceedings before the Board, or who wish the Board to take official notice of facts, shall comply with, respectively, 1 Pa. Code § 35.164, § 35.165, § 35.167 or § 35.173. Regardless whether these rules require production of a document as an exhibit, copies shall be provided to each Board member and to all other parties.

Requests by parties for Board staff to provide data pertinent to the hearing shall be made in writing directed to [chardbarga@pa.gov](mailto:chardbarga@pa.gov) and received by 1 p.m. on February 22, 2021.

Electronic filings should be made to [deberly@pa.gov](mailto:deberly@pa.gov). The filing address for the Board is Milk Marketing Board, Room 110, Agriculture Building, 2301 North Cameron Street, Harrisburg, PA 17110.

CAROL HARDBARGER,  
*Secretary*

[Pa.B. Doc. No. 21-27. Filed for public inspection December 31, 2020, 9:00 a.m.]

## MILK MARKETING BOARD

### Hearing and Presubmission Schedule; Milk Marketing Area No. 6; Teleconference

Under the provisions of the Milk Marketing Law (31 P.S. §§ 700j-101—700j-1302), the Milk Marketing Board (Board) will conduct a public hearing by means of teleconference for Milk Marketing Area No. 6 on March 3, 2021, beginning at 9:45 a.m. The dial in number is (267) 332-8737. The conference ID is 143 213 350.

The purpose of the hearing is to receive testimony and exhibits concerning cost replacement in Milk Marketing Area No. 6. Evidence will be limited to the following: annualized processing, packaging and delivery costs; updated costs for containers, ingredients and Class II products; updated labor, utility and insurance costs based on comparisons between costs per point for the first halves of calendar years 2019 and 2020; skim and butterfat contents of products regulated by the Board; adjustment for shrinkage, sales of bulk products and cream processing costs; and a reasonable rate of return to milk dealers. Evidence and testimony will be considered regarding the heating fuel adjuster in Milk Marketing Area No. 6. Evidence and testimony will be considered regarding the diesel fuel cost adjuster in Milk Marketing Area No. 6. Evidence and testimony will be considered regarding the container efficiency adjustment.

The staff of the Board is deemed to be a party to this hearing, and the attorney representing staff is deemed to have entered his appearance. Other persons who wish to present evidence may be included on the Board's list of parties by: (1) having their attorney file with the Board on or before 1 p.m. on January 19, 2021, a notice of appearance substantially in the form prescribed by 1 Pa. Code § 31.25 (relating to form of notice of appear-

ance); or (2) if unrepresented by counsel, filing with the Board on or before 1 p.m. on January 19, 2021, notification of their desire to be included as a party. Parties should indicate in their notices of appearance if alternate means of service, that is, e-mail or fax, are acceptable. Notices of appearance filed electronically should be directed to [deberly@pa.gov](mailto:deberly@pa.gov).

The parties shall observe the following requirements for advance filing of witness information and exhibits:

1. By 2 p.m. on February 5, 2021, Board staff shall file with the Board, in person or electronically, one original and ensure receipt by all other parties of one copy of:

a. A list of witnesses who will testify for the party, along with a statement of the subjects concerning which each witness will testify. A witness who will be offered as an expert shall be so identified, along with the witness's area or areas of proposed expertise. For expert witnesses there shall also be filed a statement of the substance of the facts and opinions to which the expert is expected to testify and a summary of the grounds for each opinion.

b. Each exhibit to be presented, including testimony to be offered in written form.

2. By 2 p.m. on February 19, 2021, each responding party shall file and serve as set forth in paragraph 1 information concerning rebuttal witnesses and copies of rebuttal exhibits.

3. By 2 p.m. on February 25, 2021, each party shall file and serve as set forth in paragraph 1 information concerning surrebuttal witnesses and copies of surrebuttal exhibits.

Parties that wish to offer in evidence documents on file with the Board, public documents or records in other proceedings before the Board, or who wish the Board to take official notice of facts, shall comply with, respectively, 1 Pa. Code § 35.164, § 35.165, § 35.167 or § 35.173. Regardless whether these rules require production of a document as an exhibit, copies shall be provided to each Board member and to all other parties.

Requests by parties for Board staff to provide data pertinent to the hearing shall be made in writing directed to [chardbarge@pa.gov](mailto:chardbarge@pa.gov) and received by 1 p.m. on February 22, 2021.

Electronic filings should be made to [deberly@pa.gov](mailto:deberly@pa.gov). The filing address for the Board is Milk Marketing Board, Room 110, Agriculture Building, 2301 North Cameron Street, Harrisburg, PA 17110.

CAROL HARDBARGER,  
*Secretary*

[Pa.B. Doc. No. 21-28. Filed for public inspection December 31, 2020, 9:00 a.m.]

## PATIENT SAFETY AUTHORITY

### Virtual Public Meeting

The Patient Safety Authority (Authority), established by section 303 of the Medical Care Availability and Reduction of Error (MCARE) Act (40 P.S. § 1303.303), announces a meeting of the Authority's Board to be held

virtually by means of the Authority's webinar platform (Cisco Webex) on Thursday, January 14, 2021, at 1 p.m.

There will be Webex capability to attend the meeting remotely, so registration is required.

Individuals can register for this Board meeting by going to <https://papsa.webex.com/papsa/onstage/g.php?MTID=e8820fbb8acc7ac6ab0eb59ef0be7bbd5>.

Individuals who are unable to sign in by the previously listed link may dial-in by using the following information:

*Audio Dial-In Information:* 1-415-655-0003—United States Toll

*Access Code/Event Number:* 126 533 7519

*Password:* Jan2021BdMtg!

Individuals with questions regarding this meeting, which is open to the public, should contact the Authority at (717) 346-0469.

REGINA M. HOFFMAN, MBA, BSN, RN, CPPS,  
*Executive Director*

[Pa.B. Doc. No. 21-29. Filed for public inspection December 31, 2020, 9:00 a.m.]

## PENNSYLVANIA PUBLIC UTILITY COMMISSION

### Abolition of a Crossing

**A-2019-3013783. CSX Transportation, Inc.** Application of CSX Transportation, Inc. for approval of the abolition of the crossing (DOT No. 140 634 G) where Cemetery Avenue crosses above grade the tracks of CSX Transportation, Inc. located in the City of Philadelphia, Philadelphia County.

On October 24, 2019, CSX Transportation, Inc. filed an application with the Pennsylvania Public Utility Commission (Commission) requesting authorization to permanently abolish the public rail-highway bridge crossing where the tracks of its Philadelphia subdivision are crossed by Cemetery Avenue in the City of Philadelphia.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). Filings must be made with the Secretary of the Commission by eFiling through the Commission's web site at [www.puc.pa.gov](http://www.puc.pa.gov) or mailing the filing by overnight delivery to the Secretary of the Commission, 400 North Street, Harrisburg, PA 17120. Copies must be served upon Administrative Law Judge Darlene Heep and counsel to CSX Transportation, Inc. on or before 15 days from the date of publication of this notice. Protests and petitions to intervene can also be eFiled on the Commission's web site at [www.puc.pa.gov](http://www.puc.pa.gov). A copy of CSX Transportation, Inc.'s application is available for inspection online on the Commission's web site. A public hearing will be held remotely on February 9-10, 2021, with participation information available on the public meetings and hearings page of the Commission's web site.

*Applicant:* CSX Transportation, Inc.

*Applicant's Counsel:* Benjamin C. Dunlap, Jr., Nauman, Smith, Shissler & Hall, LLP, 200 North 3rd Street, 18th Floor, Harrisburg, PA 17101

ROSEMARY CHIAVETTA,  
Secretary

[Pa.B. Doc. No. 21-30. Filed for public inspection December 31, 2020, 9:00 a.m.]

## PENNSYLVANIA PUBLIC UTILITY COMMISSION

### Electric Generation Supplier License Cancellations of Companies with an Expired Financial Security, Insufficient Financial Security Amount or Language

Public Meeting held  
December 17, 2020

*Commissioners Present:* Gladys Brown Dutrieuille, Chairperson; David W. Sweet, Vice Chairperson; John F. Coleman, Jr.; Ralph V. Yanora

*Electric Generation Supplier License Cancellations of  
Companies with an Expired Financial Security,  
Insufficient Financial Security Amount or  
Language; M-2020-3015227*

#### Tentative Order

*By the Commission:*

The Commission's regulations at 52 Pa. Code § 54.40(a) state that an Electric Generation Supplier (EGS) license will not be issued or remain in force until the licensee furnishes a bond or other security approved by the Commission. In addition, 52 Pa. Code § 54.40(d) states that the maintenance of an EGS license is contingent on the licensee providing proof to the Commission that a bond or other approved security in the amount directed by the Commission has been obtained.

Each EGS must file an original bond, letter of credit, continuation certificate, amendment, or other approved financial instrument with Rosemary Chiavetta, Secretary, Pennsylvania Public Utility Commission, 400 North Street, Harrisburg, PA, 17120, prior to the EGS's current security expiration date. Each financial instrument must be an original document that displays a "wet" signature or digital signature, preferable in blue ink, and displays a "raised seal" or original notary stamp. The name of the principal on the original financial instrument must match exactly with the name that appears on the EGS's license issued by the Commission.

Failure to file before the financial security's expiration date may cause Commission staff to initiate a formal proceeding that may lead to the following: cancellation of each company's electric supplier license, removal of each company's information from the Commission's website and notification to all electric distribution companies, in which each company is licensed to do business, of the cancellation of the license.

While we recognize that the COVID-19 pandemic has provided some challenges related to the continuance of

normal business operations, it is imperative that the Commission have an approved financial security in place with each EGS to ensure compliance with 52 Pa. Code § 54.40(d). On March 25, 2020, Commission staff issued an EGS Financial Security Filing Guidance Memo (Guidance Memo) that stated the following:

- Where practical, EGSs should file an original bond, letter of credit, continuation certificate, amendment, or other financial instrument. These original financial instruments should display "wet" signatures or digital signatures, preferably in blue ink, and display a "raised seal" or original notary stamp.

- EGSs should email a copy of the original financial instrument directly to Secretary Chiavetta at [rchiavetta@pa.gov](mailto:rchiavetta@pa.gov). Secretary Chiavetta has waived the restriction on emailed filings that contain confidential and proprietary material. As such, financial security instruments will be permitted to be filed by email for the duration of the Commission's work from home order.

- If an EGS is unable to acquire a "raised seal" or original notary stamp on the financial security during the pendency of the COVID-19 emergency, the Secretary's Bureau will not reject the financial security.

- If an EGS has been granted a reduction in its financial security, and it is time to renew the annual reduction, please file an original annual compliance filing with the Secretary's Bureau and a copy via email at [rchiavetta@pa.gov](mailto:rchiavetta@pa.gov).

Please note that the requirement that EGSs maintain a valid financial security on file with the Commission, remains in effect.

Be advised that emailed financial security instruments—after review and acceptance of the Secretary's Bureau and the Bureau of Technical Utility Services—will be provisionally approved by the Commission until Commission staff resume working in the Keystone Building. EGSs must still mail the original bond with original signatures and notary stamp as per the Commission's normal practice.

On July 27, 2020, the Commission issued a Secretarial Letter which modified certain filing and service requirements.<sup>1</sup> Specifically, this Secretarial Letter amended the Emergency Order issued on March 20, 2020, at Docket No. M-2020-3019262 regarding the filing of certain confidential documents. At the time the Emergency Order was issued, the Commission did not have access to its physical location. However, since that time the Commission has secured limited access to its place of business. Under these circumstances and consistent with the authority provided to the Secretary by the Emergency Order, the Secretarial Letter requires that confidential filings made pursuant to 52 Pa. Code § 54.40(a) (EGS financial securities), must be filed with the Secretary by overnight delivery and are not to be filed electronically with the Secretary.

As of December 8, 2020, each EGS listed in the Supplier Table below has not provided proof to the Commission that it has a bond or other approved security in the amount or language directed by the Commission, to replace a bond which is expired or which is non-compliant with Commission regulations.

<sup>1</sup> Docket No. M-2020-3019262.

**Supplier Table—List of Electric Generation Suppliers**

<i>Docket Number</i>	<i>Company Name</i>	<i>Financial Security Expiration Date</i>	<i>Commission Approved Amount or Language</i>
A-2019-3013423	CA GROUP USA, INC.	8/28/2020	Yes
A-2012-2335819*	ENTRUST ENERGY EAST, INC.	11/30/2020	No
A-2017-2620414	GOLD STAR ENERGY, LLC	11/6/2020	Yes
A-2018-3006576*	N THERM, LLC	10/23/2021	No
A-2010-2151569	PLATINUM ADVERTISING II, LLC	12/1/2020	Yes
A-2009-2150016	RELIABLE POWER ALTERNATIVES CORPORATION	12/1/2020	Yes
A-2017-2585980	TRUSTED ENERGY, LLC	12/5/2020	Yes
A-2020-3016555	US ENERGY LINK, LLC	11/15/2020	Yes

\*Taking title to electricity

As part of its EGS license validation procedures, the Commission's Bureau of Technical Utility Services sent a 90-day Security Renewal Notice email to each entity in the Supplier Table above stating that original documentation of a bond, or other approved security in the amount or language directed by the Commission, must be filed within 30-days prior to each entity's security expiration date. None of the companies listed in the Supplier Table provided the required documentation.

Based on the above facts, we tentatively conclude that the EGSs listed in the Supplier Table are not in compliance with 52 Pa. Code § 54.40(a) and (d) and therefore it is appropriate to initiate the cancellation process for the EGS license of each company listed in the Supplier Table, without the necessity of a formal complaint, as being in the public interest; *Therefore,*

*It Is Ordered That:*

1. Cancellation of the Electric Generation Supplier License of each company listed in the Supplier Table is hereby tentatively approved as being in the public interest.

2. The Secretary serve a copy of this Tentative Order upon the Office of Consumer Advocate, the Office of Small Business Advocate, the Bureau of Investigation & Enforcement, all electric distribution companies, all of the Electric Generation Suppliers in the Supplier Table and publish a copy of this Tentative Order in the *Pennsylvania Bulletin* with a 30-day comment period.

3. The Secretary serve a copy of this Tentative Order upon the Pennsylvania Department of Revenue—Bureau of Compliance, Business License Clearance Division.

4. Absent the filing of adverse public comment or the filing of an approved security within 30-days after publication in the *Pennsylvania Bulletin*, the Bureau of Technical Utility Services shall prepare a Final Order for entry by the Secretary.

5. Upon entry of the Final Order described in Ordering Paragraph No. 4 above, each company listed in the Supplier Table will be stricken from all active utility lists maintained by the Commission's Bureau of Technical Utility Services and the Assessment Section of the Bureau of Administration, removed from the Commission's website, and notifications be sent to all electric distribution companies in which the Electric Generation Suppliers are licensed to do business.

6. Upon entry of the Final Order described in Ordering Paragraph No. 4, each electric distribution company in

which the Electric Generation Suppliers are licensed to do business, shall return the customers of the Electric Generation Suppliers to default service.

ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 21-31. Filed for public inspection December 31, 2020, 9:00 a.m.]

## PENNSYLVANIA PUBLIC UTILITY COMMISSION

### Energy Efficiency and Conservation Program; Doc. No. M-2020-3015228

The following electric distribution companies filed Energy Efficiency and Conservation Plans with the Pennsylvania Public Utility Commission (Commission) on November 30, 2020, in compliance with 66 Pa.C.S. § 2806.1(b)(1)(ii) (relating to energy efficiency and conservation program):

Duquesne Light Company at Doc. No. M-2020-3020818  
Metropolitan Edison Company at Doc. No. M-2020-3020820  
PECO Energy Company at Doc. No. M-2020-3020830  
Pennsylvania Electric Company at Doc. No. M-2020-3020821  
Pennsylvania Power Company at Doc. No. M-2020-3020822  
PPL Electric Utilities Corporation at Doc. No. M-2020-3020824  
West Penn Power Company at Doc. No. M-2020-3020823

Each plan is available on the Commission's web site at <https://www.puc.pa.gov/filing-resources/issues-laws-regulations/act-129/energy-efficiency-and-conservation-eec-program/>.

In accordance with the Energy Efficiency and Conservation Program Implementation Order, entered on June 18, 2020, at Doc. No. M-2020-3015228, responsive pleadings, along with comments and recommendations, are to be filed with the Commission within 20 days of the publication of this notice in the *Pennsylvania Bulletin*. Any filing must reference the docket number associated with the individual electric distribution company plan it is ad-

dressings. If a filing addresses more than one plan, it must be filed at all plan dockets that are addressed.

ROSEMARY CHIAVETTA,  
Secretary

[Pa.B. Doc. No. 21-32. Filed for public inspection December 31, 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 18, 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-2020-3022930. Bridget Rankins, t/a Family Care for You** (28 Gooseneck Road, Levittown, Bucks County, PA 19057) persons in paratransit service, from points in Bucks County, and the City and County of Philadelphia, to points in Pennsylvania, and return.

**A-2020-3023243. North Star Limo, LLC** (6437 Market Street, 2nd Floor Rear Apartment, Upper Darby, Delaware County, PA 19082) persons in limousine service, between points in the Counties of Bucks, Chester, Delaware and Montgomery.

**A-2020-3023301. City Rides Corporation** (3402 Lansing Street, Philadelphia, Philadelphia County, PA 19136) for the right to begin to transport, as a common carrier, by motor vehicles, persons in paratransit service, from points in the Counties of Bucks, Chester, Delaware and Montgomery, and the City and County of Philadelphia to points in Pennsylvania, and return.

#### Applications of the following for approval of the *beginning of the exercise of the right and privilege of operating motor vehicles as common carriers for the transportation of household goods as described under each application.*

**A-2020-3023248. JK Elite Movers, Inc.** (148 East Street Road, # 177, Feasterville, Bucks County, PA 19053) household goods in use, between points in Pennsylvania.

**A-2020-3023292. Devin Yusef Latimore, t/a No Stress Movers** (1515 Market Street, Suite 1200, Philadelphia, Philadelphia County, PA 19102) for the right to

begin to transport, as a common carrier, by motor vehicle, household goods in use, between points in Pennsylvania.

#### Applications of the following for the approval of the *right and privilege to discontinue/abandon operating as common carriers by motor vehicle and for cancellation of the certificate of public convenience as described under each application.*

**A-2020-3022660. Carl R. Bieber, Inc.** (P.O. Box 180, 320 Fair Street, Kutztown, Berks County, PA 19530) for the discontinuance and cancellation of its authority, to transport, as a common carrier, by motor vehicle, persons in scheduled route service, as thoroughly described in the original ordering paragraph at Docket No. A-00086357, F.8.

**A-2020-3023182. Move All Movers, LLC** (238 Timber Ridge Road, Morgantown, PA 19543) for the discontinuance of service and cancellation of its certificate at A-8921084, to transport, as a common carrier, by motor vehicle, household goods in use, between points in Pennsylvania.

ROSEMARY CHIAVETTA,  
Secretary

[Pa.B. Doc. No. 21-33. Filed for public inspection December 31, 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 18, 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. Mirza Corporation One, Inc., t/a American Limo; Docket No. C-2020-3020810

##### 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 Mirza Corporation One, Inc., t/a American Limo, (respondent) is under suspension effective June 18, 2020 for failure to maintain evidence of insurance on file with this Commission.

2. That respondent maintains a principal place of business at 551 General Muhlenberg Road, King of Prussia, PA 19406.

3. That respondent was issued a Certificate of Public Convenience by this Commission on August 04, 2005, at A-00121507.

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-00121507 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, Chief  
Motor Carrier Enforcement  
Bureau of Investigation and Enforcement  
400 North Street  
Harrisburg, PA 17120

#### VERIFICATION

I, Kimberly M. Johnston, 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: 8/7/2020

Kimberly M. Johnston, 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](http://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](mailto: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 Commis-

ion'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. C & G Trucking, LLC; Docket No. C-2020-3021892**

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 C & G Trucking, LLC, (respondent) is under suspension effective August 29, 2020 for failure to maintain evidence of insurance on file with this Commission.
2. That respondent maintains a principal place of business at P.O. Box 75, Monaca, PA 15061.
3. That respondent was issued a Certificate of Public Convenience by this Commission on November 03, 2015, at A-8918086.
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-8918086 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: October 20, 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](http://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](mailto: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. Samuel Groff, t/a  
A & M Community Travel; Docket No.  
C-2020-3022196**

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 Samuel Groff, t/a A & M Community Travel, (respondent) is under suspension effective September 14, 2020 for failure to maintain evidence of insurance on file with this Commission.

2. That respondent maintains a principal place of business at 232 Masser Road, Watsonstown, PA 17810.

3. That respondent was issued a Certificate of Public Convenience by this Commission on June 27, 2016, at A-6418799.

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 at-

tached 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-6418799 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: October 26, 2020

Kimberly M. Johnston, Acting  
Chief  
Motor Carrier Enforcement  
Bureau of Investigation and En-  
forcement

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](http://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](mailto: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. 21-34. Filed for public inspection December 31, 2020, 9:00 a.m.]

## PENNSYLVANIA PUBLIC UTILITY COMMISSION

### Transfer by Sale and Water Service

**A-2020-3023369. Pennsylvania-American Water Company.** Application of Pennsylvania-American Water Company under section 1102 of the Public Utility Code (66 Pa.C.S. § 1102 (relating to enumeration of acts

requiring certificate)) for approval of: (1) the transfer, by sale, of substantially all of the SLIBCO Utilities, Inc., assets, properties and rights related to its water distribution systems to Pennsylvania-American Water Company; and (2) adoption of the rates identified in Pennsylvania-American Water Company's pro forma tariff supplement effective the date of closing to be charged for the provision of water service to eight commercial customers within the Glenmaura Corporate Center in Moosic Borough, Lackawanna 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 18, 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](http://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:* Pennsylvania-American Water Company

*Through and By Counsel:* Elizabeth Rose Triscari, Esquire, Pennsylvania-American Water Company, 852 Wesley Drive, Mechanicsburg, PA 17055, (717) 550-1556, [elizabeth.triscari@amwater.com](mailto:elizabeth.triscari@amwater.com)

ROSEMARY CHIAVETTA,  
Secretary

[Pa.B. Doc. No. 21-35. Filed for public inspection December 31, 2020, 9:00 a.m.]

## STATE CONSERVATION COMMISSION

### Access to Odor Management Plans for Concentrated Animal Operations and Concentrated Animal Feeding Operations and Volunteers Complying with the Commonwealth's Facility Odor Management Program

This notice is provided to direct the public to the State Conservation Commission's (Commission) Facility Odor Management Program webpage at [https://www.agriculture.pa.gov/Plants\\_Land\\_Water/StateConservationCommission/OdorManagementProgram/Pages/default.aspx](https://www.agriculture.pa.gov/Plants_Land_Water/StateConservationCommission/OdorManagementProgram/Pages/default.aspx) or alternatively to the Commission's office to obtain information relating to Odor Management Plans (OMP) submitted for Commission action under 3 Pa.C.S. §§ 501—522 (relating to nutrient management and odor management).

The Commission's Odor Management Program Public Noticing webpage at [https://www.agriculture.pa.gov/Plants\\_Land\\_Water/StateConservationCommission/OdorManagementProgram/Pages/PA-Odor-Management-Program-Public-Notices.aspx](https://www.agriculture.pa.gov/Plants_Land_Water/StateConservationCommission/OdorManagementProgram/Pages/PA-Odor-Management-Program-Public-Notices.aspx), provides the public with the name, address, animal equivalent units, animal type, Odor Site Index score and submission type for the various OMP under review by the Commission. This listing of plans under review can also be accessed by contacting the Commission's office in Harrisburg at (717) 787-8821. The

Commission will not take an action on a submitted OMP until it has been noticed on this list for a minimum of 21 days.

All Commission actions on submitted OMPs will be published in the *Pennsylvania Bulletin*.

Persons wishing to view or obtain a copy of submitted OMPs are directed to submit a Right-To-Know request to the Department of Agriculture (Department) to arrange access to the plans currently under review.

Persons wishing to comment on an OMP under review by the Commission are invited to submit a written statement outlining their comments on the plan to the Commission's Odor Management Program within 21 days from the plan notice date provided on the Commission's listing of plans under review on the Odor Management Program Public Noticing webpage. Persons with a question relating to the submission of comments on a plan under review may contact the Commission office by phone to discuss the process for the submission of comments.

Comments should include the name, address and telephone number of the writer, and a concise statement to inform the Commission of the exact basis of the comments and the relevant facts upon which they are based. Comments may be submitted, in writing, to the State Conservation Commission; Department of Agriculture, ATTN: Odor Management Program Coordinator, 2301 North Cameron Street, Room 311, Harrisburg, PA 17110.

Persons with a disability who wish to provide comments and require an auxiliary aid, service or other accommodation to participate in the proceedings should contact the specified program. TDD users should contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

PATRICK McDONNELL,  
*Chairperson*

[Pa.B. Doc. No. 21-36. Filed for public inspection December 31, 2020, 9:00 a.m.]

**STATE CONSERVATION COMMISSION**

**Action on Odor Management Plans for Concentrated Animal Operations and Concentrated Animal Feeding Operations and Volunteers Complying with the Commonwealth's Facility Odor Management Program**

The State Conservation Commission has taken the following actions on previously received applications for Odor Management Plans under 3 Pa.C.S. §§ 501—522 (relating to nutrient management and odor management).

Persons aggrieved by any action may appeal under 3 Pa.C.S. § 517 (relating to appealable actions), 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) 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 any right of appeal beyond that permitted by applicable statutes and decision law.

For individuals who wish to challenge an action, 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, so individuals interested in challenging this action 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.

**Odor Management Plan—Public Notice Spreadsheet—Actions**

<i>Ag Operation Name, Address</i>	<i>County/Township</i>	<i>Animal Equivalent Units</i>	<i>Animal Type</i>	<i>New, Amended or Existing</i>	<i>Action Taken</i>
Hyasota Hill LLC—Swine Finishing Barn 270 Hyasota Hill Road Hollsopple, PA 15935	Somerset County/ Conemaugh Township	729.07	Swine	New	Approved
Austin Fry 3750 Smalsh Barrick Road Middleburg, PA 17842	Snyder County/ Jackson Township	168	Swine	New	Approved
Barrick's Dairy, LLC 2653 Walnut Bottom Road Carlisle, PA 17013	Cumberland County/ Penn Township	312.99	Swine	New	Approved
Shadow Ridge Farm, LLC 2418 Bachman Road Lancaster, PA 17602	Lancaster County/ Strasburg Township	642.05	Layer/ Cattle	Existing	Amended

PATRICK McDONNELL,  
*Chairperson*

[Pa.B. Doc. No. 21-37. Filed for public inspection December 31, 2020, 9:00 a.m.]

## SUSQUEHANNA RIVER BASIN COMMISSION

### Actions Taken at December Meeting

As part of its regular business meeting held on December 11, 2020, from Harrisburg, PA, the Susquehanna River Basin Commission (Commission) approved the applications of certain water resources projects, and took additional actions, as set forth in the Supplementary Information.

The business meeting was held on December 11, 2020.

For further information contact Jason E. Oyler, General Counsel and Secretary, (717) 238-0423, Ext. 1312, fax (717) 238-2436, joyler@srbc.net. Regular mail inquiries may be sent to the Susquehanna River Basin Commission, 4423 North Front Street, Harrisburg, PA 17110-1788. Also see the Commission's web site at [www.srbc.net](http://www.srbc.net).

#### Supplementary Information

In addition to the actions taken on projects identified in the previous summary and the listings as follows, the following items were also presented or acted upon at the business meeting: (1) tabled action on a policy to incentivize the use of impaired waters; (2) adoption of an updated regulatory program fee schedule; (3) adoption of a general permit for groundwater remediation projects; (4) ratification/approval of contracts/grants; (5) a report on delegated settlements; and (6) Regulatory Program projects.

The Commission is also making its draft Comprehensive Plan available for public comment. The draft plan can be obtained by visiting the Commission's web site, <https://www.srbc.net/our-work/programs/planning-operations/comprehensive-plan.html>, or by contacting Paula Ballaron, Manager of Policy Implementation and Outreach. The Commission will hold a public hearing on the Comprehensive Plan on February 4, 2021, by means of telephone. The Commission will also host two webinars on January 25 and 27, 2021. Written public comments may be sent to John Balay, Manager of Planning and Operations. The deadline for written public comments is February 19, 2021.

#### Project Applications Approved

1. Project Sponsor and Facility: Cabot Oil & Gas Corporation (Susquehanna River), Susquehanna Depot Borough, Susquehanna County, PA. Application for renewal of surface water withdrawal of up to 1.500 mgd (peak day) (Docket No. 20161202).

2. Project Sponsor and Facility: Chesapeake Appalachia, LLC (Towanda Creek), Monroe Borough and Monroe Township, Bradford County, PA. Application for surface water withdrawal of up to 1.500 mgd (peak day).

3. Project Sponsor and Facility: Denver Borough, Lancaster County, PA. Application for renewal of groundwater withdrawal of up to 0.120 mgd (30-day average) from Well 4 (Docket No. 19960102).

4. Project Sponsor and Facility: Elmira Water Board, City of Elmira, Chemung County, NY. Applications for renewal of groundwater withdrawals (30-day averages) of up to 0.958 mgd from Well PW-40, 1.656 mgd from Well PW-41 and 0.389 mgd from Well PW-42, for a total wellfield limit of 3.000 mgd (Docket No. 19901105).

5. Project Sponsor: Goodyear Lake Hydro, LLC. Project Facility: Colliersville Hydroelectric Project, Town of Milford, Otsego County, NY. Application for an existing hydroelectric facility.

6. Project Sponsor: Borough of Middletown. Project Facility: SUEZ/Middletown Water System, Middletown Borough, Dauphin County, PA. Application for renewal of groundwater withdrawal of up to 0.219 mgd (30-day average) from Well 5 (Docket No. 19890701), as well as recognizing historic withdrawals from Wells 1—4.

7. Project Sponsor and Facility: Seneca Resources Company, LLC (Cowanesque River), Deerfield Township, Tioga County, PA. Application for renewal of surface water withdrawal of up to 0.999 mgd (peak day) (Docket No. 20161218-2).

#### Project Scheduled for Action Involving a Diversion

8. Project Sponsor: JKLM Energy, LLC. Project Facility: Goodwin and Son's Sand and Gravel Quarry, Roulette Township, Potter County, PA. Application for renewal of an into-basin diversion from the Ohio River Basin of up to 1.100 mgd (peak day) from the Goodwin and Son's Sand and Gravel Quarry (Docket No. 20161221).

#### Commission Initiated Project Approval Modifications

9. Project Sponsor: Lycoming County Recreation Authority. Project Facility: White Deer Golf Courses, Brady Township, Lycoming County, PA. Conforming the grandfathered amount with the forthcoming determination for a groundwater withdrawal of up to 0.169 mgd (30-day average) from Well 2 (Docket No. 20020806).

#### Project Applications Tabled

10. Project Sponsor and Facility: Hastings Municipal Authority, Elder Township, Cambria County, PA. Application for groundwater withdrawal of up to 0.260 mgd (30-day average) from Mine Spring No. 1 Well.

11. Project Sponsor: New York State Office of Parks, Recreation and Historic Preservation. Project Facility: Indian Hills State Golf Course (Irrigation Pond), Towns of Erwin and Lindley, Steuben County, NY. Applications for an existing surface water withdrawal of up to 0.940 mgd (peak day) and consumptive use of up to 0.850 mgd (peak day).

*Authority:* Pub.L. No. 91-575, 84 Stat. 1509 et seq., 18 CFR Parts 806—808

*Dated:* December 15, 2020

ANDREW D. DEHOFF,  
*Executive Director*

[Pa.B. Doc. No. 21-38. Filed for public inspection December 31, 2020, 9:00 a.m.]

## SUSQUEHANNA RIVER BASIN COMMISSION

### Grandfathering Registration Notice

The Susquehanna River Basin Commission lists the following Grandfathering (GF) Registration for projects under 18 CFR 806, Subpart E (relating to grandfathered projects) from November 1, 2020, through November 30, 2020.

For further information contact Jason E. Oyler, General Counsel and Secretary, (717) 238-0423, Ext. 1312, fax

(717) 238-2436, joyler@srbc.net. Regular mail inquiries may be sent to the Susquehanna River Basin Commission, 4423 North Front Street, Harrisburg, PA 17110-1788.

*Supplementary Information*

This notice lists GF Registration for projects, described as follows, under 18 CFR 806, Subpart E for the time period previously specified:

*GF Registration Under 18 CFR Part 806, Subpart E:*

1. Shippensburg University, GF Certificate No. GF-202011127, Shippensburg Township, Cumberland County, PA; Wells 1—3 and 5; Issue Date: November 4, 2020.

2. West Earl Water Authority—Public Water Supply System, GF Certificate No. GF-202011128, West Earl Township, Lancaster County, PA; Nolt Well; Issue Date: November 4, 2020.

3. Biglerville Borough Authority—Biglerville Borough Water Company, GF Certificate No. GF-202011129, Biglerville Borough and Butler Township, Adams County, PA; Wells 5 and 6; Issue Date: November 5, 2020.

4. Greenfield Township Municipal Authority—Public Water Supply System, GF Certificate No. GF-202011130, Greenfield Township, Blair County, PA; Wells 1 and 3; Issue Date: November 5, 2020.

5. City of Cortland—Cortland Water Department, GF Certificate No. GF-202011131, City of Cortland, Cortland County, NY; Wells 3—5; Issue Date: November 5, 2020.

6. New Freedom Borough—New Freedom Borough Water, GF Certificate No. GF-202011132, New Freedom Borough, York County, PA; Wells 1, 3, 4 and 8; Issue Date: November 5, 2020.

7. Clinton County Recreation Authority—Belles Springs Golf Course, GF Certificate No. GF 202011133, Lamar Township, Clinton County, PA; Spring Fed Pond; Issue Date: November 24, 2020.

8. Village of McGraw—Public Water Supply System, GF Certificate No. GF-202011134, Village of McGraw, Cortland County, NY; Academy St. Well 1 (original) and Academy St. Well 1 (replacement); Issue Date: November 24, 2020.

9. Conagra Brands—Milton, PA, GF Certificate No. GF-202011135, Milton Borough, Northumberland County, PA; Wells 1 and 2 and consumptive use; Issue Date: November 24, 2020.

*Authority:* Pub.L. No. 91-575, 84 Stat. 1509 et seq., 18 CFR Parts 806 and 808

*Dated:* December 15, 2020

ANDREW D. DEHOFF,  
*Executive Director*

[Pa.B. Doc. No. 21-39. Filed for public inspection December 31, 2020, 9:00 a.m.]

## SUSQUEHANNA RIVER BASIN COMMISSION

### Projects Approved for Consumptive Uses of Water

The Susquehanna River Basin Commission (Commission) has approved by rule the following list of projects from October 1, 2020, through October 31, 2020.

For further information contact Jason E. Oyler, General Counsel and Secretary, (717) 238-0423, Ext. 1312, fax (717) 238-2436, joyler@srbc.net. Regular mail inquiries may be sent to the Susquehanna River Basin Commission, 4423 North Front Street, Harrisburg, PA 17110-1788.

*Supplementary Information*

This notice lists the projects, described as follows, receiving approval for the consumptive use of water under the Commission's approval by rule process in 18 CFR 806.22(e) and (f) (relating to standards for consumptive uses of water) for the time period previously specified:

*Water Source Approval—Issued Under 18 CFR 806.22(f):*

1. Seneca Resources Company, LLC; Pad ID: Barbine 292; ABR-20100614.R2; Charleston Township, Tioga County, PA; Consumptive Use of Up to 4.0000 mgd; Approval Date: October 1, 2020.

2. Repsol Oil & Gas USA, LLC; Pad ID: SHEDDEN (01 075) L; ABR-201007004.R2; Granville Township, Bradford County, PA; Consumptive Use of Up to 6.0000 mgd; Approval Date: October 1, 2020.

3. LPR Energy, LLC; Pad ID: Lightner East Drilling Pad # 1; ABR-201009087.R2; Juniata Township, Blair County, PA; Consumptive Use of Up to 2.0000 mgd; Approval Date: October 2, 2020.

4. Seneca Resources, LLC; Pad ID: Covington Pad L; ABR-201008065.R2; Covington Township, Tioga County, PA; Consumptive Use of Up to 4.0000 mgd; Approval Date: October 14, 2020.

5. Seneca Resources, LLC; Pad ID: COP Pad C; ABR-201008027.R2; Lawrence Township, Clearfield County, PA; Consumptive Use of Up to 4.9990 mgd; Approval Date: October 14, 2020.

6. Seneca Resources, LLC; Pad ID: Doan 893; ABR-20100670.R2; Deerfield Township, Tioga County, PA; Consumptive Use of Up to 3.0000 mgd; Approval Date: October 14, 2020.

7. Seneca Resources, LLC; Pad ID: Anthony 564; ABR-201006111.R2; Delmar Township, Tioga County, PA; Consumptive Use of Up to 3.0000 mgd; Approval Date: October 14, 2020.

8. Seneca Resources, LLC; Pad ID: Hauswirth 516; ABR-20100688.R2; Richmond Township, Tioga County, PA; Consumptive Use of Up to 4.0000 mgd; Approval Date: October 14, 2020.

9. Seneca Resources, LLC; Pad ID: Matz 824; ABR-201007010.R2; Chatham Township, Tioga County, PA; Consumptive Use of Up to 4.0000 mgd; Approval Date: October 14, 2020.

10. Seneca Resources, LLC; Pad ID: Frost 573; ABR-201007013.R2; Covington Township, Tioga County, PA; Consumptive Use of Up to 4.0000 mgd; Approval Date: October 14, 2020.

11. Seneca Resources, LLC; Pad ID: Sorensen 876; ABR-201007021.R2; Osceola Township, Tioga County, PA; Consumptive Use of Up to 4.0000 mgd; Approval Date: October 14, 2020.

12. Chesapeake Appalachia, LLC; Pad ID: Hopson; ABR-201010004.R2; Asylum Township, Bradford County, PA; Consumptive Use of Up to 7.50000 mgd; Approval Date: October 14, 2020.

13. Chesapeake Appalachia, LLC; Pad ID: Yvonne; ABR-201010015.R2; Rush Township, Susquehanna County, PA; Consumptive Use of Up to 7.50000 mgd; Approval Date: October 14, 2020.
14. Diversified Production, LLC; Pad ID: Phoenix E; ABR-201008130.R2; Duncan Township, Tioga County, PA; Consumptive Use of Up to 3.0000 mgd; Approval Date: October 14, 2020.
15. Chief Oil & Gas, LLC; Pad ID: Warburton North Drilling Pad; ABR-201510003.R1; Forks Township, Sullivan County, PA; Consumptive Use of Up to 2.5000 mgd; Approval Date: October 14, 2020.
16. Cabot Oil & Gas Corporation; Pad ID: ArnoneJ P1; ABR-201507004.R1; Brooklyn Township, Susquehanna County, PA; Consumptive Use of Up to 5.0000 mgd; Approval Date: October 14, 2020.
17. Cabot Oil & Gas Corporation; Pad ID: BistisM P1; ABR-201507005.R1; Lathrop Township, Susquehanna County, PA; Consumptive Use of Up to 5.0000 mgd; Approval Date: October 14, 2020.
18. Eclipse Resources-PA, LP; Pad ID: Abplanalp; ABR-201510001.R1; Westfield Township, Tioga County, PA; Consumptive Use of Up to 5.0000 mgd; Approval Date: October 14, 2020.
19. Eclipse Resources-PA, LP; Pad ID: Painter; ABR-201510002.R1; Westfield Township, Tioga County, PA; Consumptive Use of Up to 5.0000 mgd; Approval Date: October 14, 2020.
20. SWN Production Company, LLC; Pad ID: Ball; ABR-201007060.R2; Stevens Township, Bradford County, PA; Consumptive Use of Up to 4.9990 mgd; Approval Date: October 28, 2020.
21. Repsol Oil & Gas USA, LLC; Pad ID: FEUSNER (03 044) J; ABR-201007094.R2; Columbia Township, Bradford County, PA; Consumptive Use of Up to 6.0000 mgd; Approval Date: October 28, 2020.
22. Repsol Oil & Gas USA, LLC; Pad ID: WARNER VALLEY FARM LLC (05 002); ABR-201007130.R2; Pike Township, Bradford County, PA; Consumptive Use of Up to 6.0000 mgd; Approval Date: October 28, 2020.
23. Repsol Oil & Gas USA, LLC; Pad ID: WATSON (03 051) B; ABR-201007084.R2; Columbia Township, Bradford County, PA; Consumptive Use of Up to 6.0000 mgd; Approval Date: October 28, 2020.
24. Cabot Oil & Gas Corporation; Pad ID: LambertR P1; ABR-201507006.R1; Gibson Township, Susquehanna County, PA; Consumptive Use of Up to 5.0000 mgd; Approval Date: October 28, 2020.
25. Cabot Oil & Gas Corporation; Pad ID: AdamsJ P1; ABR-201007121.R2; Harford Township, Susquehanna County, PA; Consumptive Use of Up to 5.0000 mgd; Approval Date: October 28, 2020.
26. Cabot Oil & Gas Corporation; Pad ID: DavisG P1; ABR-201007120.R2; Gibson Township, Susquehanna County, PA; Consumptive Use of Up to 5.0000 mgd; Approval Date: October 28, 2020.
27. Seneca Resources, LLC; Pad ID: Wood 874; ABR-201007069.R2; Deerfield Township, Tioga County, PA; Consumptive Use of Up to 4.0000 mgd; Approval Date: October 28, 2020.
28. Seneca Resources, LLC; Pad ID: Hamblin 860; ABR-201007117.R2; Middlebury Township, Tioga County, PA; Consumptive Use of Up to 4.0000 mgd; Approval Date: October 28, 2020.
29. Frontier Natural Resources, Inc.; Pad ID: Winner 4H; ABR-201009094.R2; West Keating Township, Clinton County, PA; Consumptive Use of Up to 4.0000 mgd; Approval Date: October 28, 2020.
30. SWN Production Company, LLC; Pad ID: NR-19-Walker Diehl; ABR-201507003.R1; Oakland Township, Susquehanna County, PA; Consumptive Use of Up to 4.9990 mgd; Approval Date: October 28, 2020.
31. Cabot Oil & Gas Corporation; Pad ID: PlonskiJ P1; Brooklyn Township, Susquehanna County, PA; Consumptive Use of Up to 5.0000 mgd; Approval Date: October 28, 2020.
32. Seneca Resources Company, LLC; Pad ID: Gee 848V; ABR-201007093.R2; Middlebury Township, Tioga County, PA; Consumptive Use of Up to 4.0000 mgd; Approval Date: October 28, 2020.
33. ARD Operating, LLC; Pad ID: COP Tr 285 Pad D; ABR-201008013.R2; Chapman Township, Clinton County, PA; Consumptive Use of Up to 4.0000 mgd; Approval Date: October 28, 2020.
34. Repsol Oil & Gas USA, LLC; Pad ID: YOUNG (05 080); ABR-201007080.R2; Warren Township, Bradford County, PA; Consumptive Use of Up to 6.0000 mgd; Approval Date: October 30, 2020.
35. EOG Resources, Inc.; Pad ID: KINGSLEY 2H; ABR-20100692.R2; Springfield Township, Bradford County, PA; Consumptive Use of Up to 3.0000 mgd; Approval Date: October 30, 2020.
36. EOG Resources, Inc.; Pad ID: KINGSLEY 3H; ABR-20100698.R2; Springfield Township, Bradford County, PA; Consumptive Use of Up to 3.0000 mgd; Approval Date: October 30, 2020.
37. Repsol Oil & Gas USA, LLC; Pad ID: CUMMINGS LUMBER (01 081); ABR-201007088.R2; Troy Township, Bradford County, PA; Consumptive Use of Up to 6.0000 mgd; Approval Date: October 30, 2020.
38. ARD Operating, LLC; Pad ID: COP Tr 356 Pad H; ABR-201008020.R2; Cummings Township, Lycoming County, PA; Consumptive Use of Up to 4.0000 mgd; Approval Date: October 30, 2020.
39. ARD Operating, LLC; Pad ID: COP Tr 290 Pad B; ABR-201008029.R2; McHenry Township, Lycoming County, PA; Consumptive Use of Up to 4.0000 mgd; Approval Date: October 30, 2020.
40. ARD Operating, LLC; Pad ID: Brian K. Frymire Pad A; ABR-201008056.R2; Cascade Township, Lycoming County, PA; Consumptive Use of Up to 4.0000 mgd; Approval Date: October 30, 2020.
41. Seneca Resources Company, LLC; Pad ID: Clark 392; ABR-201008004.R2; Delmar Township, Tioga County, PA; Consumptive Use of Up to 4.0000 mgd; Approval Date: October 30, 2020.
42. Seneca Resources Company, LLC; Pad ID: Fish 301; ABR-201008034.R2; Richmond Township, Tioga County, PA; Consumptive Use of Up to 4.0000 mgd; Approval Date: October 30, 2020.
43. EXCO Resources (PA), LLC; Pad ID: COP Tract 706 (Pad B); ABR-201008059.R2; Burnside Township, Centre County, PA; Consumptive Use of Up to 8.0000 mgd; Approval Date: October 30, 2020.
44. Chief Oil & Gas, LLC; Pad ID: SGL-12 L SOUTH UNIT PAD; ABR-202010001; Leroy Township, Bradford County, PA; Consumptive Use of Up to 2.5000 mgd; Approval Date: October 30, 2020.

*Approval By Rule—Revoked Under 18 CFR 806.22(f):*

1. Seneca Resources Company, LLC, Pad ID: Wolfinger Pad A, ABR-201008064.R1; City of Saint Mary's, Elk County; and Shippen Township, Cameron County, PA; Revocation Date: May 21, 2020.

*Authority:* Pub.L. No. 91-575, 84 Stat. 1509 et seq., 18 CFR Parts 806—808

*Dated:* December 15, 2020

ANDREW D. DEHOFF,  
*Executive Director*

[Pa.B. Doc. No. 21-40. Filed for public inspection December 31, 2020, 9:00 a.m.]

## SUSQUEHANNA RIVER BASIN COMMISSION

### Projects Approved for Consumptive Uses of Water

The Susquehanna River Basin Commission (Commission) has approved by rule the following list of projects from November 1, 2020, through November 30, 2020.

For further information contact Jason E. Oyler, General Counsel and Secretary, (717) 238-0423, Ext. 1312, fax (717) 238-2436, joyler@srbc.net. Regular mail inquiries may be sent to the Susquehanna River Basin Commission, 4423 North Front Street, Harrisburg, PA 17110-1788.

#### *Supplementary Information*

This notice lists the projects, described as follows, receiving approval for the consumptive use of water under the Commission's approval by rule process in 18 CFR 806.22(e) and (f) (relating to standards for consumptive uses of water) for the time period previously specified:

#### *Water Source Approval—Issued Under 18 CFR 806.22(f):*

1. LPR Energy, LLC; Pad ID: Davis Drilling Pad # 1; ABR-201007067.R2; West Clair Township, Bedford County, PA; Consumptive Use of Up to 2.0000 mgd; Approval Date: November 11, 2020.

2. Pennsylvania General Energy Company, LLC; Pad ID: COP Tract 729 Pad D; ABR-201008052.R2; Cummings Township, Lycoming County, PA; Consumptive Use of Up to 3.0000 mgd; Approval Date: November 11, 2020.

3. Pennsylvania General Energy Company, LLC; Pad ID: COP Tract 729 Pad C; ABR-201008051.R2; Cummings Township, Lycoming County, PA; Consumptive Use of Up to 3.0000 mgd; Approval Date: November 11, 2020.

4. Repsol Oil & Gas USA, LLC; Pad ID: ROY (03 062) L; ABR-201008089.R2; Wells Township, Bradford County, PA; Consumptive Use of Up to 6.0000 mgd; Approval Date: November 11, 2020.

5. Rockdale Marcellus, LLC; Pad ID: Swingle 725; ABR-201007129.R2; Canton Township, Bradford County, PA; Consumptive Use of Up to 4.0000 mgd; Approval Date: November 11, 2020.

6. Seneca Resources Company, LLC; Pad ID: Bauer 849; ABR-201008032.R2; Middlebury Township, Tioga County, PA; Consumptive Use of Up to 4.0000 mgd; Approval Date: November 11, 2020.

7. Seneca Resources Company, LLC; Pad ID: Fuleihan 417; ABR-201008073.R2; Delmar Township, Tioga County, PA; Consumptive Use of Up to 4.0000 mgd; Approval Date: November 11, 2020.

8. Repsol Oil & Gas USA, LLC; Pad ID: DETWEILER (02 100) R; ABR-201008023.R2; Covington Township, Tioga County, PA; Consumptive Use of Up to 6.0000 mgd; Approval Date: November 16, 2020.

9. Repsol Oil & Gas USA, LLC; Pad ID: DCNR 594 (02 205); ABR-201008040.R2; Bloss Township, Tioga County, PA; Consumptive Use of Up to 6.0000 mgd; Approval Date: November 16, 2020.

10. Repsol Oil & Gas USA, LLC; Pad ID: DCNR 587 (02 019); ABR-201008072.R2; Ward Township, Tioga County, PA; Consumptive Use of Up to 6.0000 mgd; Approval Date: November 16, 2020.

11. Seneca Resources Company, LLC; Pad ID: Sticklin 510; ABR-201007113.R2; Delmar Township, Tioga County, PA; Consumptive Use of Up to 4.0000 mgd; Approval Date: November 16, 2020.

12. Epsilon Energy USA, Inc.; Pad ID: Harold Craig Pad; ABR-202011002; Rush Township, Susquehanna County, PA; Consumptive Use of Up to 7.5000 mgd; Approval Date: November 19, 2020.

13. SWN Production Company, LLC; Pad ID: Chamberlin; ABR-201008008.R2; Stevens Township, Bradford County, PA; Consumptive Use of Up to 4.9990 mgd; Approval Date: November 19, 2020.

14. ARD Operating, LLC; Pad ID: Nevin L. Smith Pad A; ABR-201008115.R2; Gamble Township, Lycoming County, PA; Consumptive Use of Up to 4.0000 mgd; Approval Date: November 19, 2020.

15. Rockdale Marcellus, LLC; Pad ID: Hedrick 702; ABR-201007092.R2; Union Township, Tioga County, PA; Consumptive Use of Up to 4.0000 mgd; Approval Date: November 19, 2020.

16. Cabot Oil & Gas Corporation; Pad ID: WarrinerR P4; ABR-201008123.R2; Dimock Township, Susquehanna County, PA; Consumptive Use of Up to 5.0000 mgd; Approval Date: November 19, 2020.

17. Repsol Oil & Gas USA, LLC; Pad ID: AYERS (05 005) K; ABR-201008129.R2; Orwell Township, Bradford County, PA; Consumptive Use of Up to 6.0000 mgd; Approval Date: November 20, 2020.

18. Repsol Oil & Gas USA, LLC; Pad ID: STROPE (05 026) G; ABR-201008152.R2; Warren Township, Bradford County, PA; Consumptive Use of Up to 6.0000 mgd; Approval Date: November 20, 2020.

19. Repsol Oil & Gas USA, LLC; Pad ID: CARPENTER (03 023) K; ABR-201008141.R2; Columbia Township, Bradford County, PA; Consumptive Use of Up to 6.0000 mgd; Approval Date: November 20, 2020.

20. ARD Operating, LLC; Pad ID: Brooks Family Pad A; ABR-201508002.R1; Cascade Township, Lycoming County, PA; Consumptive Use of Up to 4.0000 mgd; Approval Date: November 20, 2020.

21. Cabot Oil & Gas Corporation; Pad ID: StockholmK P2; ABR-201008134.R2; Rush Township, Susquehanna County, PA; Consumptive Use of Up to 5.0000 mgd; Approval Date: November 20, 2020.

22. Cabot Oil & Gas Corporation; Pad ID: Maiolini P3; ABR-201008114.R2; Dimock and Auburn Townships, Susquehanna County, PA; Consumptive Use of Up to 5.0000 mgd; Approval Date: November 20, 2020.

23. Cabot Oil & Gas Corporation; Pad ID: Teel P2; ABR-201508004.R1; Dimock Township, Susquehanna County, PA; Consumptive Use of Up to 5.0000 mgd; Approval Date: November 20, 2020.

24. Cabot Oil & Gas Corporation; Pad ID: KingD P1; ABR-201009010.R2; Dimock Township, Susquehanna County, PA; Consumptive Use of Up to 5.0000 mgd; Approval Date: November 20, 2020.

25. Rockdale Marcellus, LLC; Pad ID: Yaggie 704; ABR-201006113.R2; Union Township, Tioga County, PA; Consumptive Use of Up to 4.0000 mgd; Approval Date: November 24, 2020.

26. Repsol Oil & Gas USA, LLC; Pad ID: Sparrow Hawk; ABR-201009044.R2; Covington Township, Tioga County, PA; Consumptive Use of Up to 6.0000 mgd; Approval Date: November 24, 2020.

27. Cabot Oil & Gas Corporation; Pad ID: CosnerW P1; ABR-201009047.R2; Springville Township, Susquehanna County, PA; Consumptive Use of Up to 5.0000 mgd; Approval Date: November 24, 2020.

28. Greylock Production, LLC; Pad ID: Coldstream Affiliates # 1MH; ABR-201007051.R2; Goshen Township, Clearfield County, PA; Consumptive Use of Up to 3.0200 mgd; Approval Date: November 25, 2020.

29. Greylock Production, LLC; Pad ID: Whitetail # 1—5MH; ABR-201008112.R2; Goshen Township, Clearfield County, PA; Consumptive Use of Up to 3.0200 mgd; Approval Date: November 25, 2020.

30. ARD Operating, LLC; Pad ID: COP Tr 685 Pad C; ABR-201009013.R2; Cummings Township, Lycoming County, PA; Consumptive Use of Up to 4.0000 mgd; Approval Date: November 25, 2020.

31. BKV Operating, LLC; Pad ID: Baker 2H; ABR-201008137.R2; Forest Lake Township, Susquehanna County, PA; Consumptive Use of Up to 5.0000 mgd; Approval Date: November 27, 2020.

32. Chesapeake Appalachia, LLC; Pad ID: Tama; ABR-201010057.R2; North Towanda Township, Bradford County, PA; Consumptive Use of Up to 7.5000 mgd; Approval Date: November 27, 2020.

33. Seneca Resources Company, LLC; Pad ID: Hotchkiss 472; ABR-201009045.R2; Charleston Township, Tioga County, PA; Consumptive Use of Up to 4.0000 mgd; Approval Date: November 27, 2020.

34. Chesapeake Appalachia, LLC; Pad ID: Folta; ABR-201010044.R2; Tuscarora Township, Bradford County, PA; Consumptive Use of Up to 7.5000 mgd; Approval Date: November 30, 2020.

35. Cabot Oil & Gas Corporation; Pad ID: FraserE P1; ABR-201009052.R2; Forest Lake Township, Susquehanna County, PA; Consumptive Use of Up to 5.0000 mgd; Approval Date: November 30, 2020.

36. Seneca Resources Company, LLC; Pad ID: Klettinger 294; ABR-201009054.R2; Delmar Township, Tioga County, PA; Consumptive Use of Up to 4.0000 mgd; Approval Date: November 30, 2020.

37. Chesapeake Appalachia, LLC; Pad ID: Norton; ABR-201011008.R2; Elkland Township, Sullivan County, PA; Consumptive Use of Up to 7.5000 mgd; Approval Date: November 30, 2020.

38. Chesapeake Appalachia, LLC; Pad ID: Penecale; ABR-201011060.R2; North Branch Township, Wyoming County, PA; Consumptive Use of Up to 7.5000 mgd; Approval Date: November 30, 2020.

39. Chesapeake Appalachia, LLC; Pad ID: Taylor; ABR-201011034.R2; Orwell Township, Bradford County, PA; Consumptive Use of Up to 7.5000 mgd; Approval Date: November 30, 2020.

40. Chesapeake Appalachia, LLC; Pad ID: Zaleski; ABR-201011021.R2; Asylum Township, Bradford County, PA; Consumptive Use of Up to 7.5000 mgd; Approval Date: November 30, 2020.

*Authority:* Pub.L. No. 91-575, 84 Stat. 1509 et seq., 18 CFR Parts 806—808

*Dated:* December 15, 2020

ANDREW D. DEHOFF,  
*Executive Director*

[Pa.B. Doc. No. 21-41. Filed for public inspection December 31, 2020, 9:00 a.m.]

## SUSQUEHANNA RIVER BASIN COMMISSION

### Projects Approved for Minor Modifications

The Susquehanna River Basin Commission (Commission) lists the minor modifications approved for previously approved projects from November 1, 2020, through November 30, 2020.

For further information contact Jason E. Oyler, General Counsel, (717) 238-0423, Ext. 1312, fax (717) 238-2436, joyler@srbc.net. Regular mail inquiries may be sent to the Susquehanna River Basin Commission, 4423 North Front Street, Harrisburg, PA 17110-1788.

#### *Supplementary Information*

This notice lists previously approved projects, receiving approval of minor modifications, described as follows, under 18 CFR 806.18 (relating to approval modifications) or to Commission Resolution Nos. 2013-11 and 2015-06 for the time period previously specified:

#### *Minor Modification Issued Under 18 CFR 806.18*

1. Northeast Marcellus Aqua Midstream I, LLC, Docket No. 20200919, Tunkhannock Township, Wyoming County, PA; approval to change intake design to add a temporary intake structure to allow withdrawals during low flow conditions when the existing permanent intake is inoperable; Approval Date: November 12, 2020.

*Authority:* Pub.L. No. 91-575, 84 Stat. 1509 et seq., 18 CFR Parts 806—808

*Dated:* December 15, 2020

ANDREW D. DEHOFF,  
*Executive Director*

[Pa.B. Doc. No. 21-42. Filed for public inspection December 31, 2020, 9:00 a.m.]

