

PENNSYLVANIA BULLETIN

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Part I

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for the Governor's Office
Regulatory Agenda Notice

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

No. 556, March 2021

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Pennsylvania Bulletin

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

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

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

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

Adoption, Amendment or Repeal of Regulations

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

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

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

Citation to the *Pennsylvania Bulletin*

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

Pennsylvania Code

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

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

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

How to Find Rules and Regulations

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

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

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

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

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

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Printing Format

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

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

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

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

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

Court Rules in Titles 201—246 of the Pennsylvania Code

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

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

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

Fiscal Notes

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

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

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

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List of Pa. Code Chapters Affected

The following numerical guide is a list of the chapters of each title of the *Pennsylvania Code* affected by documents published in the *Pennsylvania Bulletin* during 2021.

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THE GENERAL ASSEMBLY

THE GENERAL ASSEMBLY

Recent Actions during the 2021 Regular Session of the General Assembly

The following is a summary of recent actions of the General Assembly during the 2021 Regular Session:

<i>Doc. No.</i>	<i>Date of Action</i>	<i>Bill Number</i>	<i>Printer's Number</i>	<i>Effective Date</i>	<i>Subject Matter</i>
2021 General Acts of Regular Session Enacted—Act 001					
001	Feb 5	S0109	PN0144	Immediately	Fiscal Code—omnibus amendments
2021 Joint Resolutions of Regular Session Passed—JR 001					
001	Feb 5	S0002	PN0086		Constitution of Pennsylvania—prohibition against denial or abridgment of equality of rights because of race and ethnicity, action on concurrent orders and resolutions and disaster emergency declaration and management

* denotes an effective date with exceptions

Effective Dates of Statutes

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

Advance Copies of Statutes

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

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

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

[Pa.B. Doc. No. 21-360. Filed for public inspection March 12, 2021, 9:00 a.m.]

THE COURTS

Title 237—JUVENILE RULES

PART I. RULES

[237 PA. CODE CHS. 1 AND 4]

Proposed Amendment of Pa.R.J.C.P. 148 and 407

The Juvenile Court Procedural Rules Committee is considering proposing to the Supreme Court of Pennsylvania the amendment of Pennsylvania Rules of Juvenile Court Procedure 148 and 407 to reflect recent legislation for the reasons set forth in the accompanying explanatory report. Pursuant to Pa.R.J.A. No. 103(a)(1), the proposal is being published in the *Pennsylvania Bulletin* for comments, suggestions, or objections prior to submission to the Supreme Court.

Any reports, notes, or comments in the proposal have been inserted by the Committee for the convenience of those using the rules. They neither will constitute a part of the rules nor will be officially adopted by the Supreme Court.

Additions to the text of the proposal are bolded and underlined; deletions to the text are bolded and bracketed.

The Committee invites all interested persons to submit comments, suggestions, or objections in writing to:

Daniel A. Durst, Chief Counsel
Juvenile Court Procedural Rules Committee
Supreme Court of Pennsylvania
Pennsylvania Judicial Center
PO Box 62635
Harrisburg, PA 17106-2635
FAX: 717-231-9541
juvenilerules@pacourts.us

All communications in reference to the proposal should be received by April 30, 2021. E-mail is the preferred method for submitting comments, suggestions, or objections; any e-mailed submission need not be reproduced and resubmitted via mail. The Committee will acknowledge receipt of all submissions.

*By the Juvenile Court
Procedural Rules Committee*

JUDGE JOY REYNOLDS McCOY,
Chair

Annex A

TITLE 237. JUVENILE RULES

PART I. RULES

Subpart A. DELINQUENCY MATTERS

CHAPTER 1. GENERAL PROVISIONS

PART B(1). EDUCATION AND HEALTH OF JUVENILE

Rule 148. Educational Stability and Removal from Home.

(A) *General Rule.* Any order resulting in the removal of the juvenile from home or a change in placement shall address the educational stability of the juvenile.

(B) *School of Origin.* **[A] Subject to statute, a juvenile removed from home shall remain in their school of origin unless the court finds remaining in the school of origin is not in the juvenile's best interest or protective of**

the community. If the court finds that it is not in the best interest for the juvenile or protective of the community to remain in the school of origin, then the court may order the juvenile to be enrolled in another school that best meets the juvenile's needs.

(C) *Another School.* **[If] Subject to statute, if a court orders the juvenile to be enrolled in another school pursuant to paragraph (B), then the juvenile shall attend a public school unless the court finds that a public school is not in the best interest of the juvenile or protective of the community.**

Comment

This rule is intended to apply at any point in a delinquency proceeding when the juvenile is removed from home, including pre-dispositional detention placement and post-dispositional modification resulting in the juvenile's out of home placement or a change to that placement. This rule is intended to complement rather than supersede the requirements of Rule 512(D)(6).

In paragraph (B), the best interest determination should be based on factors including the appropriateness of the current educational setting considering the juvenile's needs, the proximity of the school of origin relative to the placement location, and the protection of the community. This paragraph is intended to facilitate educational stability while the juvenile remains under the jurisdiction of the Juvenile Court and to codify the presumption that a juvenile is to remain in their school of origin absent evidence that it is not in the best interest of the juvenile or protective of the community to do so.

In paragraph (C), circumstances indicating that it may not be in the best interest for the juvenile to attend a public school includes the security and safety of the juvenile and treatment needs. Paragraph (C) is intended to codify the presumption that a juvenile is to attend public school while in placement absent evidence demonstrating that it is not in the best interest of the juvenile or protective of the community to do so. The bundling of residential services and educational services should not be permitted without a court order authorizing such.

The application of paragraph (B) & (C) is subject to statute governing the enrollment of a juvenile adjudicated of sexual assault upon another student enrolled in the same public school entity. See 24 P.S. § 13-1318.1.

For release of information to school, see Rule 163.

Official Note: Rule 148 adopted December 21, 2018, effective May 1, 2019. **Amended** _____, 2021, effective _____, 2021.

Committee Explanatory Reports:

Final Report explaining the provisions of Rule 148 published with the Court's Order at 49 Pa.B. 208 (January 12, 2019).

Final Report explaining the provisions of Rule 148 published with the Court's Order at 49 Pa.B. 610 (February 9, 2019).

Final Report explaining the amendments to Rule 148 published with the Courts' Order at Pa.B. (_____, 2021).

CHAPTER 4. ADJUDICATORY HEARING

Rule 407. Admissions.

* * * * *

(C) Written Admission Colloquy. If a juvenile is making an admission, the colloquy shall be:

- (1) in writing;
- (2) reviewed and completed with the juvenile by an attorney;
- (3) submitted to and reviewed by the court; and
- (4) substantially in the following form:

ADMISSION COLLOQUY FORM

In re _____ JD _____
 (Juvenile) :
 :
 : Delinquent Act(s): _____
 : _____
 : _____
 : _____

Answer all of the questions on this form. If you do not understand any question, leave it blank and ask your lawyer or the judge.

I admit that I did the following things (attorney shall list the delinquent acts, grading of acts, and counts): _____

* * * * *

Possible Consequences of Adjudication of Delinquency:

13) Do you understand that if you are found delinquent, the judge may make you pay money and place you outside of your home or on probation until you turn 21 years old? _____

14) Are you aware that if you are admitting to _____ that your driving license will be suspended now or in the future (which means you will not be able to drive)?

(lawyer shall write acts on this line, cross off, or write n/a).

15) Do you understand that this case can be used against you in the future? For example, if you break the law again, you may get a longer sentence in jail. _____

16) Do you understand that if you are found delinquent, other people may find out about it? You may also have to tell people, including colleges, military recruiters, or employers? _____

17) Do you understand that if you are not a U.S. citizen, it may cause problems, which could include being forced to leave the U.S.? _____

18) Do you understand that if you are admitting to sexual assault that you cannot attend the same school as the victim? You will either be expelled or transferred to another school. _____

Admission Agreements:

[18] (19) Are you aware that the judge does not have to accept any agreement between you and the District Attorney? _____ (write n/a if no agreement)

[19] (20) If you change your mind about admitting to the charges before the judge decides your disposition or consequences, then you can ask the judge to let you take back your admission.

Appeals:

[20] (21) If you are found delinquent after this admission, you can have a higher court review your case for only three reasons:

- a) You did not understand this admission or you were forced to admit;
- b) The court was not the proper court to take your admission; or
- c) The judge's disposition or consequence is more than the biggest punishment an adult would get for the same crime.

If you do not admit, do you understand you have other rights?

Lawyer's Representation and Opportunity to Speak with Guardian:

[21] (22) Are you okay with what your lawyer did for you and how he or she explained everything? _____

[22] (23) Did you talk with your parent or guardian about admitting to the charge(s)? _____

* * * * *

Comment

* * * * *

Pursuant to paragraph (C), an attorney is to review the written admission colloquy with the juvenile prior to entering the courtroom. The practice in some judicial districts permitting the juvenile probation officer to review this colloquy with the juvenile is inconsistent with this rule.

As used in Question 18 of the admission colloquy in paragraph (C)(4), "sexual assault" includes rape, 18 Pa.C.S. § 3121, statutory sexual assault, 18 Pa.C.S. § 3122.1, involuntary deviate sexual intercourse, 18 Pa.C.S. § 3123, sexual assault, 18 Pa.C.S. § 3124.1, aggravated sexual assault, 18 Pa.C.S. § 3125, and indecent assault, 18 Pa.C.S. § 3126. See 24 P.S. 13-13181(j) (defining "sexual assault").

Pursuant to paragraph (D), the written admission colloquy in paragraph (C) is to be amended when the juvenile is admitting to an act that would render the juvenile eligible for court-ordered involuntary treatment upon attaining 20 years of age. See 42 Pa.C.S. §§ 6358, 6403. The court is to conduct a colloquy as to the potential consequences of an admission of this type using the form in paragraph (D).

* * * * *

Official Note: Rule 407 adopted April 1, 2005, effective October 1, 2005. Amended January 18, 2012, effective April 1, 2012. Amended January 23, 2017, effective April 3, 2017. Amended, 2021, effective, 2021.

Committee Explanatory Reports:

Final Report explaining the provisions of Rule 407 published with the Court's Order at 35 Pa.B. 2214 (April 16, 2005).

Final Report explaining the amendments to Rule 407 published with the Courts' Order at 42 Pa.B. 664 (February 4, 2012).

Final Report explaining the amendments to Rule 407 published with the Courts' Order at 47 Pa.B. 825 (February 11, 2017).

Final Report explaining the amendments to Rule 407 published with the Courts' Order at Pa.B. (, 2021).

REPORT

Proposed Amendment of Pa.R.J.C.P. 148 & 407

The Juvenile Court Procedural Rules Committee proposes the amendment of Pennsylvania Rules of Juvenile Court Procedure 148 and 407 to reflect provisions of the Act of Nov. 3, 2020, P.L. 1087, amending the Public School Code of 1949 to, *inter alia*, add Section 1318.1, prohibiting a juvenile adjudicated delinquent of sexual assault from attending the same public school as the victim.

The Committee proposes the amendment of Rule 148 insofar as the Act appears to supersede the juvenile court's best interest/community protection analysis in determining whether a juvenile should remain in his or her school of origin. Application of the Act does not appear to invite judicial discretion. The proposed amendment is intended to place the reader on notice that application of the rule may be superseded by statute. A description and citation to the statute are contained in the Comment.

The Act imposes a collateral consequence on the juvenile for an admission of certain offenses. While the Act uses the phrase "sexual assault," that phrase is defined to include six enumerated offenses. *See* 24 P.S. 13-13181(j) (defining "sexual assault"). The Committee believes this collateral consequence is significant because it potentially affects a juvenile's education and ability to return to the school of origin, which may impact a juvenile's life beyond any term of supervision. The Committee is mindful that such a consequence may appear to have less significance when a juvenile goes to placement after adjudication; but the juvenile returning from placement may seek to return to public school. Further, not all juveniles adjudicated for an enumerated offense may go to placement after adjudication.

Accordingly, the Committee proposes amending the admission colloquy set forth in Rule 407(C) to add a question intended to ascertain a juvenile's understanding that returning to a school of origin may not be permitted due to the offense of "sexual assault." Thereafter, the Comment sets forth the enumerated offenses defined by the Act to be a "sexual assault." It is anticipated that the juvenile's counsel will advise the juvenile whether the admitted offense meets that statutory definition.

The Committee invites all comments, concerns, and suggestions regarding this rulemaking proposal.

[Pa.B. Doc. No. 21-361. Filed for public inspection March 12, 2021, 9:00 a.m.]

Title 255—LOCAL COURT RULES

SCHUYLKILL COUNTY

Revised Local Rules of Civil Procedure 1915.3, 1915.4(a), 1915.4-2, 1915.7, 1915.8 and 1915.12; S-305-21

Order of Court

And Now, this 1st day of March, 2021, at 12:30 p.m., the Schuylkill County Court of Common Pleas hereby revises Local Rules of Civil Procedure No. 1915.3, 1915.4(a), 1915.4-2, 1915.7, 1915.8 and 1915.12 for use in the Schuylkill County Court of Common Pleas, Twenty-First Judicial District, effective 30 days after publication in the *Pennsylvania Bulletin*.

The Schuylkill County District Court Administrator is Ordered and Directed to do the following:

1) File one (1) copy of this Order and Rule with the Administrative Office of the Pennsylvania Courts via email to rulescommittees@pacourts.us.

2) File two (2) paper copies of this Order and Rule and (1) electronic copy in a Microsoft Word format to bulletin@palrb.us with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.

3) Publish the local rule on the Schuylkill County Court website at www.co.schuylkill.pa.us.

4) Incorporate the local rule into the set of local rules on www.co.schuylkill.pa.us within thirty (30) days after publication in the *Pennsylvania Bulletin*.

5) File one (1) copy of the local rule in the Office of the Prothonotary for public inspection and copying.

6) Forward one (1) copy to the Law Library of Schuylkill County for publication in the *Schuylkill Legal Record*.

By the Court

WILLIAM E. BALDWIN,
President Judge

Custody Procedure

Rule 1915.3. Commencement of Action. Complaint. Order.

(a) Other than pleadings related to relocation, the moving party shall file in the office of the Prothonotary an original and one (1) copy of all pleadings involving custody issues, including complaints, petitions for modifications, special relief or contempt and preliminary objections. The filing shall be accompanied by the payment of the designated filing and administrative fees. The Prothonotary shall immediately transmit the original and copy to the Civil Court Administrator for assignment and scheduling. The Court Administrator will return the original to the Prothonotary and give the copy to the Conciliation Office, which will send to the moving party a copy of the scheduling order and a conciliation questionnaire. The moving party shall be responsible for service of a copy of the pleading, scheduling order and conciliation questionnaire upon all other parties pursuant to Pa.R.C.P. 402, and shall file a proof of service that complies with Pa.R.C.P. 1930.4(h).

(a.1) A request for a continuance of a Custody Conference or Hearing shall be on the Continuance Form established by the Court. The Continuance Form shall be filed in the Prothonotary's Office and immediately trans-

mitted to the Custody Conciliation Office. Continuance forms are available from the Prothonotary or Court Administrator's Office.

The request shall include a statement of the reasons for the request, whether the request is opposed or unopposed, the number of times the case has been previously continued and a certification by counsel that his/her client has been informed about the request for continuance.

Counsel have an ongoing duty to consult their scheduling calendar immediately upon receipt of a notice scheduling a court proceeding. In the event a continuance is necessary because of a prior attachment or emergency situation, counsel shall promptly request a continuance, and failure to do so may subject counsel to the contempt powers of the Court. Continuance requests shall be made as the conflict is, or should be known, or within twenty-four (24) hours after discovery of emergency circumstances. Emergency circumstances must be explained in writing, and requests due to scheduling conflicts must include a copy of the conflict attachment notice.

The Custody Conciliation Officer shall have the authority to approve only one continuance request from each party. If the Custody Conciliation Officer denies the request for a continuance for any reason, the Officer shall state the reasons for the denial on the written request.

A party may appeal the denial of a request for continuance to the President Judge by submission of the denied continuance request to the President Judge. It is that party's responsibility to advise the Custody Conciliation Officer of the appeal and of the President Judge's decision.

(a.2) In addition to the information required by Pa.R.C.P. 1915.15, every complaint for custody, partial custody or visitation, and every petition for modification of an existing custody order, shall contain the following language:

(1) "Plaintiff has been advised of the requirements to attend the Kids First program."

(2) "Defendant has been advised of the requirements to attend the Kids First program."

(a.3) A completed order shall be attached to the complaint or petition which includes a provision that all parties attend the Kids First Program and the Custody Conciliation Conference which shall be substantially in the form set forth in Sch.R.C.P. 1915.15. All parties named in the pleadings must register for and attend the Kids First program as ordered.

(a.4) PARENT EDUCATION PROGRAM

(1) The Court Administrator shall determine the dates, times, and location of the Parent Education Program designated by the Court.

(2) Brochures and registration forms for the Parent Education program will be available at the Custody Office, Schuylkill County Law Library, and the Prothonotary's Office.

(3) Parties residing outside of Schuylkill County may contact the presenter for possible alternative programs or alternative scheduling if they are unable to attend the scheduled program.

(4) The presenter of the Program is authorized to approve individual requests for changes to the registration requirements and scheduling, only upon a showing of good cause.

(5) Upon successful completion of the Program, the presenter shall issue a certificate of completion to the party and provide the Court Administration of Schuylkill County with a certification of completion which shall be docketed and made part of the record.

(6) The affidavit of service or the certificates of service of a complaint for custody/modification for (shared legal custody) (sole legal custody) (partial physical custody) (primary physical custody) (shared physical custody) (sole physical custody) (supervised physical custody) of the child(ren) shall contain a statement that the opposing party or counsel of record for the opposing party has been served with the Parent Education brochure and registration form.

(7) A party to a custody proceeding who has successfully completed the Parent Education program will be excused from attending another program if the party files of record an affidavit stating that the party has attended and successfully completed the Parent Education program designated by the Court with a copy of the certificate of completion attached as an exhibit.

(c) If a custody claim is asserted in a divorce complaint or counterclaim, the moving party shall, after filing the divorce with the Prothonotary, provide two (2) copies, with the appropriate order attached as per Sch.R.C.P. 1915.15, to the Civil Court Administrator for assignment and scheduling. Thereafter the pleading will be processed and served as in subsection (a) hereof.

Rule 1915.4(a). Prompt Disposition of Custody Cases—Conciliation.

(1) The Court shall appoint one or more person(s) as Court Conciliation Officer(s) to:

(i) conciliate custody cases filed with the Court;

(ii) recommend to the Court interim Orders in appropriate custody cases which shall be in the best interest of the child;

(iii) recommend appointment of counsel for the child;

(iv) recommend the ordering of home studies, psychologicals, or other evaluations by expert witnesses.

(2) All custody matters not specifically reserved to the Court shall be promptly scheduled for a conference before the Custody Conciliation Officer. All parties shall complete the Court's custody conciliation questionnaire and attend such conference.

(3) To facilitate the conciliation process and encourage frank, open, and meaningful exchanges between the parties and their respective counsel, statements made by the parties, or their witnesses shall not be admissible as evidence in Court. The Custody Conciliation Officer may not be a witness for any party.

(4) More than one (1) conciliation conference may be scheduled by the Custody Conciliation Officer, as that Officer deems necessary to conciliate the matter.

(5) If the parties are able to reach an agreement during the conciliation conference, the Conciliation Officer will prepare a stipulation and submit it to the parties for their signature. Upon execution of the stipulation by all parties, the Conciliation Officer will also sign indicating his or her review and shall transmit the stipulation and a proposed order to the Court for approval.

(6) If at the conclusion of the conciliation process the case remains contested, the custody Conciliation Officer shall transfer the case to the Court for assignment to a Judge; except that actions for partial custody shall be assigned to a hearing officer and shall proceed in accordance with Pa.R.C.P. 1915.4-2. As part of that transfer, the custody Conciliation Officer shall prepare and file a report to the Court with copies to the parties. The report shall include such information about the case as shall be directed by the court, which may include a suggested interim order for consideration by the Court. The failure of a party to appear for conciliation will not preclude the entry of an interim order. A report by the Conciliation Officer will be filed with the Prothonotary, who shall seal the report to all except the Court and the parties.

(7) If after receiving the Conciliation Officer's report, the Court orders the parties to submit to evaluations and/or studies, the parties shall promptly comply with the Court's direction regarding the payment for and scheduling of the evaluations and studies. Following receipt of the report(s) from the expert(s), the Court will promptly schedule another conference for the parties with the Conciliation Officer. If the parties reach an agreement at this conference, they may proceed in accordance with subsection (5) hereof. If no agreement is achieved, the Conciliation Officer will proceed pursuant to subsection (6) hereof and provide the Court and parties with a supplemental report.

Rule 1915.4-2. Partial Custody. Office Conference. Hearing. Record. Exceptions. Order.

(b)(4) A party who files exceptions to the hearing officer's report pursuant to Pa.R.C.P. 1915.4-2(b)(4) shall contemporaneously file a supporting brief and serve a copy of the exceptions and brief on all other parties. Any party opposing exceptions to the hearing officer's report shall, within twenty (20) days after being served with exceptions, file a brief in opposition thereto and serve the opposing parties with a copy thereof.

When the exceptions are filed to a hearing officer's report, the Custody Office shall immediately notify the stenographer, who shall complete and file the transcript of the proceedings before the hearing officer within thirty (30) days. Unless granted leave by the Court to proceed in forma pauperis, the party filing exceptions shall pay the cost of transcription. If exceptions are filed by more than one party, the transcription costs shall be shared by the excepting parties on a pro rata basis. The transcription costs shall be paid within thirty (30) days of the date of filing exceptions. If the costs are not timely paid, the stenographer shall so notify the Court after which the exceptions of the non-paying party may be dismissed.

The exceptions to the hearing officer's report shall be decided on the briefs of the parties unless oral argument is requested by praecipe of one or more parties.

Rule 1915.7. Consent Order.

If the parties are able to reach an agreement prior to the conciliation conference, they may file a petition requesting that a consent order be entered and include a proposed order. The order shall be substantially in the form of the custody stipulation utilized pursuant to Sch.R.C.P. 1915.4. The parties may be required to complete a questionnaire. The Court may, in its discretion, enter an order without taking testimony.

If the parties are able to reach an agreement after the conciliation conference, they may file a stipulation signed by the parties and counsel. The order shall be substantially in the form of the custody stipulation utilized

pursuant to Sch.R.C.P. 1915.4. The Court may, in its discretion, enter an order without taking testimony.

If an order for psychological and/or home evaluations has been entered, then the proposed order shall include a provision to vacate the order for psychological and/or home evaluations.

Rule 1915.8. Physical and Mental Examination of Persons.

(a) The Custody Conciliation Officer shall maintain and, on request, provide counsel and the parties with a list of psychiatrists, psychologists, social workers, counselors, and the like, who are available for consultation, evaluation, and testimony in custody matters.

In the event that psychological studies, home studies or other evaluations are deemed necessary to a proper disposition of the matter and ordered by the Court, the cost of such studies may be assessed against the parties in a manner as determined by the Court after reviewing the report of the Custody Conciliation Officer following the conciliation conference. Such assessment will be based on what the Court believes to be in the best interest of the child and what will best facilitate the timely resolution of the matter, taking into consideration the parties' ability to pay.

Rule 1915.12. Civil Contempt.

(a) Petitions for contempt of Custody Orders shall follow the procedure and form set forth in Pa.R.C.P. 1915.12. The petitioner shall complete a praecipe to transmit indicating that the matter is a contempt petition, shall list witnesses and time necessary for hearing and list the Judge who entered the Order to be enforced. Filing and transmittal shall follow Sch.R.C.P. 1915.3.

Upon receipt of service of a petition for contempt and the praecipe for transmittal the responding party shall, within five (5) days, submit a written report to the Court Administrator estimating the time required for presentation of respondent's case and a list of witnesses to be called.

[Pa.B. Doc. No. 21-362. Filed for public inspection March 12, 2021, 9:00 a.m.]

SUPREME COURT

Elimination and Modification of Magisterial Districts within the 7th Judicial District of the Commonwealth of Pennsylvania; No. 452 Magisterial Rules Doc.

Order

Per Curiam

And Now, this 25th day of February, 2021, upon consideration of the Petition of the President Judge of the Seventh Judicial District (Bucks County) to eliminate Magisterial District Court 07-1-04 and modify Magisterial Districts 07-1-02 and 07-1-03 of the Seventh Judicial District (Bucks County) of the Commonwealth of Pennsylvania, it is hereby *Ordered* that the Petition is *Denied*.

[Pa.B. Doc. No. 21-363. Filed for public inspection March 12, 2021, 9:00 a.m.]

SUPREME COURT**Relocation of Magisterial District 31-1-02 within the
Thirty-first Judicial District of the Common-
wealth of Pennsylvania; No. 453 Magisterial
Rules Doc.****Order***Per Curiam*

And Now, this 1st day of March, 2021, upon consider-
ation of the Petition for Relocation of Magisterial District
Court 31-1-02 within the Thirty-first Judicial District

(Lehigh County) of the Commonwealth of Pennsylvania, it is hereby *Ordered and Decreed* that the Petition, which provides for the relocation of the office of Magisterial District 31-1-02 to the Old Lehigh County Courthouse, 501 West Hamilton Avenue, Allentown Pennsylvania, which is outside of the boundaries of Magisterial District 31-1-02, is granted. The relocation may occur at the discretion of the President Judge pursuant to the renovation of the building and to enable appropriate notice to be provided.

[Pa.B. Doc. No. 21-364. Filed for public inspection March 12, 2021, 9:00 a.m.]

RULES AND REGULATIONS

Title 58—RECREATION

GAME COMMISSION [58 PA. CODE CH. 137] Wildlife; Diseases

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission) at its January 23, 2021, meeting amended §§ 137.34 and 137.35 (relating to wildlife disease and emergency authority of Director; and Chronic Wasting Disease restrictions) to expand the authority of the Executive Director to issue executive orders to address additional diseases and species beyond only Chronic Wasting Disease (CWD) and cervids. The Commission also amended § 137.35 to enhance its CWD response capabilities within this Commonwealth by defining the term ‘Established Area,’ restricting the movement of high-risk parts outside from Established Areas and further expanding the ban on importation of high-risk parts to all areas outside this Commonwealth.

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

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

Notice of proposed rulemaking was published at 50 Pa.B. 6780 (November 28, 2020).

1. *Purpose and Authority*

The Commission amended two sections to address wildlife disease within this Commonwealth. With the first change, the Commission amended §§ 137.34 and 137.35 to expand the authority of the Executive Director to issue executive orders to address additional diseases and species of wildlife beyond only CWD and cervids. Section 137.34 currently addresses only the emergency authority of the Game Commission’s Executive Director as it pertains to CWD and cervids. Previously, this section did not address any other diseases or the impacts of these diseases on other species of wildlife. The Commission has determined that a more comprehensive regulation capable of application to any number of wildlife diseases will provide the Executive Director with the necessary authority and flexibility to respond to additional wildlife diseases other than CWD that threaten human, domestic and wild animal, or environmental health and safety within this Commonwealth. The need for expanding existing regulatory language was recently recognized as a result of the ongoing rabbit hemorrhagic disease outbreak in the Southwestern United States.

The changes to § 137.34 primarily consist of replacing the terms ‘CWD’ with the term ‘wildlife disease’ and ‘cervid’ with ‘wildlife’ to give the section an expanded application to additional diseases and additional species of wildlife, but also includes a number of other housekeeping changes, including the addition of a provision limiting the Commission’s ability to take action under this section involving wildlife species concurrently regulated with the Federal government (such as migratory birds) without the concurrence of the Federal government. The related amendments to § 137.35 in this first change are limited to an update to the reference to the new title of § 137.34.

In a related, but distinct second change, the Commission has also amended § 137.35 to enhance its CWD response capabilities within the Commonwealth by adding and defining the term ‘Established Area,’ restricting the movement of high-risk parts outside from Established Areas and further expanding the ban on importation of high-risk parts to all areas outside this Commonwealth. Established Areas are defined as any geographic area of this Commonwealth that is within a Disease Management Area and has a higher concentration of disease prevalence that is targeted by the Commission for enhanced CWD management activities. Implementation of these new Established Area controls are intended to reduce CWD transmission risk factors. This change also replaces the prohibition of importation of high-risk cervid parts from only CWD endemic states and Canadian provinces with a general prohibition against the importation of high-risk parts from cervids harvested, taken or killed anywhere outside of this Commonwealth. These changes reflect the strategies described in the CWD Response Plan recently adopted by the Commission.

Section 2102(a) of the code (relating to regulations) provides that “The commission shall promulgate such regulations as it deems necessary and appropriate concerning game or wildlife and hunting or furtaking in this Commonwealth, including regulations relating to the protection, preservation and management of game or wildlife and game or wildlife habitat, permitting or prohibiting hunting or furtaking, the ways, manner, methods and means of hunting or furtaking, and the health and safety of persons who hunt or take wildlife or may be in the vicinity of persons who hunt or take game or wildlife in this Commonwealth.” The amendments to §§ 137.34 and 137.35 are adopted under this authority.

2. *Regulatory Requirements*

This final-form rulemaking amends §§ 137.34 and 137.35 to expand the authority of the Executive Director to issue executive orders to address additional diseases and species of wildlife beyond only CWD and cervids. This final-form rulemaking also amended § 137.35 to define the term ‘Established Area,’ restrict the movement of high-risk parts outside from Established Areas and further expand the ban on importation of high-risk parts to all areas outside this Commonwealth.

3. *Persons Affected*

Persons wishing to import high-risk wildlife parts into the Commonwealth or export high-risk wildlife parts of any area designated as a Disease Management Area or Established Area will be affected by this final-form rulemaking.

4. *Comment and Response Summary*

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

5. *Cost and Paperwork Requirements*

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

6. *Effective Date*

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

7. Contact Person

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

Findings

The Commission finds that:

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

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

Order

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

(a) The regulations of the Commission, 58 Pa. Code Chapter 137, are amended by amending §§ 137.34 and 137.35 to read as set forth in Annex A.

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

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

BRYAN J. BURHANS,
Executive Director

Fiscal Note: Fiscal Note 48-462 remains valid for the final adoption of the subject regulations.

Annex A

TITLE 58. RECREATION

PART III. GAME COMMISSION

CHAPTER 137. WILDLIFE

§ 137.34. Wildlife disease and emergency authority of Director.

(a) The Director has emergency authority to take actions to mitigate risk factors and to determine the prevalence and geographic distribution of wildlife diseases, if the Director concludes that the introduction or spread of wildlife diseases poses a threat to human, domestic and wild animal, and environmental health and safety within or adjacent to this Commonwealth.

(1) The Director has emergency authority to:

(i) Institute importation and exportation restrictions to mitigate disease transmission risk factors.

(ii) Define and designate Disease Management Areas (DMA) in this Commonwealth.

(2) The Director has emergency authority within designated DMAs to:

(i) Allow the taking of wildlife without regard to established seasons and bag limits and methods of take.

(ii) Require mandatory disease testing or disposal of wildlife or wildlife parts.

(iii) Prohibit the movement of high-risk wildlife parts.

(iv) Prohibit the rehabilitation of wildlife.

(v) Prohibit the use and possession of wildlife products.

(vi) Prohibit the feeding of wildlife.

(vii) Prohibit the issuance of new permits and allow the suspension or modification of existing permits to possess or transport live wildlife.

(3) Notwithstanding paragraphs (1) and (2), the emergency authority of the Director will not be construed to extend to:

(i) The regulation of captive wildlife held under 3 Pa.C.S. Chapter 23 (relating to Domestic Animal Law) or the requirements of a lawful quarantine order issued by the Department of Agriculture.

(ii) The unilateral regulation of wildlife concurrently managed by the Commonwealth and the Federal government.

(b) It is unlawful for a person to violate a provision of an Executive Order issued by the Director under the authority of this section. A person violating this section will, upon conviction, be sentenced to pay the fine prescribed in the act.

§ 137.35. Chronic Wasting Disease restrictions.

(a) *Importation.*

(1) It is unlawful to import any high-risk parts or materials from cervids harvested, taken or killed outside of this Commonwealth.

(2) This subsection may not be construed to limit the importation of non-high-risk parts or materials from cervids harvested, taken or killed outside of this Commonwealth.

(b) *Exportation.*

(1) It is unlawful to remove or export any high-risk parts or materials from cervids harvested, taken or killed, including by vehicular accident, within any Disease Management or Established Area established within this Commonwealth.

(2) This subsection may not be construed to limit the removal or exportation of non-high-risk parts or materials from cervids harvested, taken or killed within any Disease Management or Established Area established within this Commonwealth.

(3) This subsection may not be construed to limit the removal or exportation of high-risk parts or materials from cervids harvested, taken or killed in any Disease Management or Established Area established within this Commonwealth if the parts or materials are transported directly to any location or facility designated and approved in advance by the Commission to receive high-risk cervid parts for waste disposal, taxidermy or butchering purposes. Locations or facilities designated and approved to receive high-risk cervid parts for waste disposal, taxidermy or butchering purposes will be made known through public announcement, web site and other means reasonably intended to reach the widest audience.

(4) All cervids harvested, taken or killed within any Disease Management or Established Area established within this Commonwealth are subject to disease testing. This testing may require hunters to present cervids, or cervid parts, for checking and sampling at prescribed locations under conditions in a forthcoming notice. The submission process, if any, will be made known through public announcement, web site and other means reasonably intended to reach the widest audience. The cost of testing, sampling and analysis will be borne by the Commission.

(5) It is unlawful to rehabilitate wild, free-ranging cervids within any Disease Management or Established Area established within this Commonwealth.

(6) It is unlawful to use or possess cervid urine-based attractants in any outdoor setting within any Disease Management or Established Area established within this Commonwealth.

(7) It is unlawful to directly or indirectly feed wild, free-ranging cervids within any Disease Management or Established Area established within this Commonwealth. This prohibition may not be construed to apply to normal or accepted agricultural, habitat management, oil and gas drilling, mining, forest management, or other legitimate commercial or industrial practices. If otherwise lawful feeding is attracting cervids, the Commission may provide written notice prohibiting this activity. Failure to discontinue this activity is a violation of this section.

(8) The Commission will not issue any new permit to possess or transport live cervids within any Disease Management or Established Area established within this Commonwealth.

(c) *Nonapplicability.*

(1) Nothing in this section shall be construed to extend to the regulation of captive cervids held under 3 Pa.C.S. Chapter 23 (relating to Domestic Animal Law) or the requirements of a lawful quarantine order issued by the Department of Agriculture.

(2) Nothing in this section shall be construed to limit the Commission's authority to establish or enforce additional importation, exportation, possession, transportation, or testing requirements or restrictions on cervid parts or materials under the authority of § 137.34 (relating to wildlife disease and emergency authority of Director).

(d) *Authority to designate.* The Executive Director has the authority to designate and publish Disease Management and Established Areas established within this Commonwealth. The Executive Director will publish this list and any updates in the *Pennsylvania Bulletin*.

(e) *Definitions.* The following words and terms, when used in this section, have the following meanings, unless the context clearly indicates otherwise:

CWD—Chronic Wasting Disease—The transmissible spongiform encephalopathy of cervids.

Cervid—Any member of the family Cervidae (deer), specifically including, but not limited to, the following species: black-tailed deer; caribou; elk; fallow deer; moose; mule deer; red deer; sika deer; white-tailed deer; and any hybrids thereof.

Disease Management Area—Any geographic area of this Commonwealth influenced by a positive case of CWD and targeted by the Commission for CWD management activities.

Established Area—Any geographic area of this Commonwealth that is within a Disease Management Area and has a higher concentration of disease prevalence that is targeted by the Commission for enhanced CWD management activities.

Feeding—The act of placing any artificial or natural substance for the use or consumption of wild, free-ranging cervids on an annual, seasonal or emergency basis.

High-risk parts or materials—Any parts or materials, derived from cervids, which are known to accumulate abnormal prions. This includes any of the following: head (including brain, tonsils, eyes and lymph nodes); spinal cord/backbone (vertebra); spleen; skull plate with attached antlers, if visible brain or spinal cord material is present; cape, if visible brain or spinal cord material is present; upper canine teeth, if root structure or other soft material is present; any object or article containing visible brain or spinal cord material; and brain-tanned hide.

Non-high-risk parts or materials—Any parts or materials, derived from cervids, which are not known to accumulate abnormal prions. This includes any of the following: meat, without the backbone; skull plate with attached antlers, if no visible brain or spinal cord material is present; tanned hide or rawhide with no visible brain or spinal cord material present; cape, if no visible brain or spinal cord material is present; upper canine teeth, if no root structure or other soft material is present; and taxidermy mounts, if no visible brain or spinal cord material is present.

(f) *Violations.* A person violating a requirement or restriction in this section may be prosecuted under section 2102 or 2307 of the act (relating to regulations; and unlawful taking or possession of game or wildlife) and, upon conviction, be sentenced to pay the fine prescribed in the act.

[Pa.B. Doc. No. 21-365. Filed for public inspection March 12, 2021, 9:00 a.m.]

PROPOSED RULEMAKING

BOARD OF COAL MINE SAFETY

[25 PA. CODE CH. 208]

Prohibiting Electronic Liquid-Vaporizing Devices at Underground Bituminous Coal Mines

The Board of Coal Mine Safety proposes to amend Chapter 208 (relating to underground coal mine safety) to read as set forth in Annex A.

This proposed rulemaking was adopted by the Board at its meeting of September 1, 2020.

A. *Effective Date*

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

B. *Contact Persons*

For further information, contact Richard Wagner, Director, Bureau of Mine Safety, P.O. Box 133, New Stanton, PA 15672, (724) 925-5551; or Christopher Minott, Assistant Counsel, Bureau of Regulatory Counsel, P.O. Box 8464, 9th Floor, Rachel Carson State Office Building, Harrisburg, PA 17105, (717) 787-9372. Information regarding submitting comments on this proposal appears in section J of this preamble. Persons with a disability may use the Pennsylvania Hamilton Relay Service by calling (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

C. *Statutory Authority*

This proposed rulemaking is authorized under section 106.1(a) of the Bituminous Coal Mine Safety Act (BCMSA) (52 P.S. § 690-106.1(a)), which grants the Board of Coal Mine Safety (Board) the authority to adopt regulations that are necessary or appropriate to implement the requirements of the BCMSA and to protect the health, safety and welfare of miners and other individuals in and about mines. Section 106.1(f)(2) of the BCMSA further provides that regulations may address any hazards not addressed by existing safety standards.

D. *Background and Purpose*

On July 7, 2008, the BCMSA was enacted, which was the first significant update of the Commonwealth's underground bituminous coal mine safety laws since 1961. Section 106 of BCMSA (52 P.S. § 690-106) establishes the Board, which consists of three members representing mine workers, three members representing underground bituminous coal mine operators and the Secretary of the Department of Environmental Protection (Department) who serves as the Board's chairperson.

The purposes of BCMSA, enumerated under section 103(b) (52 P.S. § 690-103(b)), include the establishment and promulgation of improved mandatory standards to protect the health and safety of miners and other individuals in and about mines. To protect the health and safety of miners and other individuals, this proposed rulemaking will amend the smoking prohibition at underground bituminous coal mines to expressly prohibit the use or possession, or both, of electronic liquid-vaporizing devices, including electronic cigarettes, and impose a penalty for violations of the prohibition. By prohibiting the use of or possession, or both, of electronic liquid vaporizing devices at underground bituminous coal mines, this proposed rulemaking addresses both explosive

and distraction hazards these devices present at underground bituminous coal mining operations.

Currently, under section 510(b) (52 P.S. § 690-510(b)), the Department decertifies individuals who violate smoking safety standards. This proposed rulemaking would give the Department additional authority to assess a civil monetary penalty, stating that the Department will assess a civil penalty of up to the regulatory maximum amount for each violation, which is currently at \$338. The civil penalty will provide the Department with flexibility to punish smoking safety standard violations where decertification may not be appropriate or sufficient as a standalone penalty. In determining whether to deviate from the maximum civil penalty, the Department will consider the number of smoking articles confiscated during a search, the number of previous violations, the experience level and certification status of the offending individual, and any unique circumstances that may constitute a mitigating factor. However, the Board is interested to hear from commentators on whether the proposed language should be modified to say that the Department shall assess a fine at the regulatory maximum amount for each violation. This change would take away the Department's discretion to assess a fine lower than the regulatory maximum amount.

This proposed rulemaking will also separately distinguish the prohibition at surface work areas of underground bituminous coal mines from the prohibition inside these mines.

Coal mine fires pose a constant danger to the safety of miners and to their livelihood. Underground mine fires pose an added hazard because of the confined environment with remote exits. The Federal government has enacted safety regulations for underground coal mines that has greatly improved the safety of miners. See 30 CFR Part 75 (relating to mandatory safety standards—underground coal mines). However, mine fires and fire injuries remain serious hazards for all coal mining operations. The combination of an electronic cigarette and a lithium-ion battery is a new and unique hazard. There is no analogy among consumer products to the risk of a severe, acute injury presented by an e-cigarette. Fires or explosions caused by the batteries used in electronic cigarette are uncommon. However, the consequences can be devastating and life-altering for the victims. This is especially a concern in the underground mining environment, where explosions in underground mines are caused by accumulations of flammable gas or combustible dust, or both, mixed with air in the presence of an ignition source. While much progress has been made in preventing explosion disasters in coal mines, explosions still occur, sometimes producing multiple fatalities. Preventing fires is essential to the health and safety of mine workers.

Miners, their families, mining companies and others will benefit from the additional safety ensured by the avoided hazards associated with the use or possession of electronic liquid-vaporizing devices at underground bituminous coal mines. Additionally, miners, mine officials, mine operators and the Department will benefit from clarity regarding how the use and possession of these devices are regulated at underground bituminous coal mines.

E. Summary of Regulatory Requirements

This proposed rulemaking amends the existing smoking prohibition at § 208.375 (relating to smoking prohibition), which applies at surface work areas of underground bituminous coal mines.

§ 208.375. Smoking prohibition: surface work areas

Subsection (a) retains the existing smoking prohibition at surface work areas of underground bituminous coal mines, which incorporates the Federal regulation at 30 CFR 77.1711 (relating to smoking prohibition).

Proposed subsection (b) expressly prohibits electronic liquid-vaporizing devices and authorizes the imposition of a penalty for violations of this section. The penalty refers to the penalty imposed under Federal law, so as not to be more stringent. See 30 CFR 100.5(d) (relating to determination of penalty amount; special assessment). Under the Federal Civil Penalties Inflation Adjustment Act of 1990 (28 U.S.C.A. §§ 2461—2467), the maximum penalty is updated every year to reflect inflation and is currently set at \$338 as of January 15, 2020. See 85 FR 2299 (January 15, 2020). The penalty will not be exclusive of any other enforcement option the Department determines is warranted under the particular circumstances of the violation.

§ 208.376. Smoking prohibition: underground areas

Proposed subsections (a)—(c) are based on the existing provisions of the smoking prohibition in underground bituminous coal mines from section 268(b) of the BCMSA (52 P.S. § 690-268(b)) and add clarification that this prohibition applies to the use and possession of electronic liquid-vaporizing devices. Subsection (a) prohibits the use of smoking materials, subsection (b) prohibits the possession of smoking materials and subsection (c) authorizes operators to search any individual entering the mine.

Proposed subsection (d) will authorize the imposition of a penalty for violations of this section. Just as in § 208.375, described previously, the penalty refers to the penalty imposed under Federal law, so as not to be more stringent. See 30 CFR 100.5(d). Under the Federal Civil Penalties Inflation Adjustment Act of 1990, the maximum penalty is updated every year to reflect inflation and is currently set at \$338 as of January 15, 2020. See 85 FR 2299. The penalty will not be exclusive of any other enforcement option the Department determines is warranted under the particular circumstances of the violation.

F. Benefits, Costs and Compliance

Benefits

This proposed rulemaking will improve safety by expressly prohibiting the use or possession, or both, of electronic liquid-vaporizing devices, which present safety hazards, under the existing prohibitions against smoking and possession of smoking materials. The safety of miners in the workplace is a compelling public interest. All miners, their families, mining companies and others will benefit from the additional safety ensured by the avoided hazards associated with the use or possession of electronic liquid-vaporizing devices at underground bituminous coal mines, such as explosive hazards and distraction hazards. Additionally, miners, mine officials, mine operators and the Department will benefit from clarity regarding how the use and possession of these devices are regulated at underground bituminous coal mines.

Compliance costs

This proposed rulemaking will not create any compliance costs and therefore does not minimize compliance costs. Because this proposed rulemaking prohibits the use or possession of certain items by persons at underground bituminous coal mines, the only requirement to comply is that persons not use or possess these items, which they can do at no cost.

Paperwork requirements

This proposed rulemaking does not generate additional paperwork because mining operators must comply with the existing statute and regulation.

G. Pollution Prevention

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

H. Sunset Review

The Board is not proposing a sunset date for these regulations, since they are needed for the Department to carry out its statutory authority. The Department will continue to review these regulations for their effectiveness and recommend updates to the Board as necessary.

I. Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P.S. § 745.5(a)), on February 25, 2021, the Department 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 and Senate Environmental Resources and Energy Committees. A copy of this material is available to the public upon request.

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

J. Public Comments

Interested persons are invited to submit to the Board written comments, suggestions, support or objections regarding this proposed rulemaking. Comments, suggestions, support or objections must be received by the Board by April 12, 2021. Comments may be submitted to the Board online, by e-mail, by mail or express mail as follows.

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

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

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

Written comments should be mailed to the Board of Coal Mine Safety, P.O. Box 8477, Harrisburg, PA 17105. Express mail should be sent to the Board of Coal Mine Safety, Rachel Carson State Office Building, 16th Floor, 400 Market Street, Harrisburg, PA 17101-2301.

PATRICK McDONNELL,
Chairperson

Fiscal Note: 7-588. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 25. ENVIRONMENTAL PROTECTION
PART I. DEPARTMENT OF ENVIRONMENTAL PROTECTION
Subpart D. ENVIRONMENTAL HEALTH AND SAFETY
ARTICLE IV. OCCUPATIONAL HEALTH AND SAFETY
CHAPTER 208. UNDERGROUND COAL MINE SAFETY

MISCELLANEOUS

§ 208.375. Smoking prohibition: surface work areas.

(a) The provisions of 30 CFR 77.1711 (relating to smoking prohibition) are incorporated by reference.

(b) An individual who violates the mandatory safety standards relating to smoking, including the use of electronic liquid-vaporizing devices or e-cigarettes, shall be subject to a civil penalty assessed by the Department, which penalty:

(1) May not be more than the maximum civil penalty provided under 30 CFR 100.5(d) (relating to determination of penalty amount; special assessment) for each occurrence of this violation.

(2) May not preclude the Department from exercising any other remedy available to it.

(Editor's Note: The following text is proposed to be added and printed in regular type to enhance readability.)

§ 208.376. Smoking prohibition: underground areas.

(a) An individual may not smoke or use an open flame in any underground bituminous coal mine.

(b) An individual may not at any time enter a mine with or carry into the mine any smoking or smoker related articles, matches, pipes, cigars, cigarettes, electronic liquid-vaporizing devices, including e-cigarettes, or any device for making flames or fire not approved under section 350 of the act (52 P.S. § 690-350).

(c) In all mines the operator may search or cause to be searched any individual, including the individual's clothing and material belongings, entering or about to enter the mine, or inside the mine, to prevent an individual from taking or carrying into the mine any of the articles prohibited by this section.

(d) An individual who violates the mandatory safety standards relating to smoking or the use or carrying of smoking materials, including electronic liquid-vaporizing devices, including e-cigarettes, matches or lighters, shall be subject to a civil penalty assessed by the Department that:

(1) May not be more than the maximum civil penalty provided under 30 CFR 100.5(d) (relating to determination of penalty amount; special assessment) for each occurrence of this violation.

(2) May not preclude the Department from exercising any other remedy available to it.

[Pa.B. Doc. No. 21-366. Filed for public inspection March 12, 2021, 9:00 a.m.]

UNEMPLOYMENT COMPENSATION BOARD OF REVIEW

[34 PA. CODE CH. 101]

Appeals from Determinations of Department

In accordance with section 203(d) of the Pennsylvania Unemployment Compensation Law (UC Law) (43 P.S. § 763(d)) and section 506 of the Administrative Code of 1929 (71 P.S. § 186) the Unemployment Compensation Board of Review (Board) is submitting this proposed rulemaking for the purpose of providing additional means for the filing of electronic appeals.

The Board proposes the following amendments to §§ 101.2 and 101.82(b) (relating to definitions; and time for filing appeal from determination of Department) as set forth in Annex A.

Statutory Authority

This proposed rulemaking is issued under the authority provided in section 203(d) of the UC Law which authorizes the Board to adopt, amend or rescind rules of procedure related to appeals. Section 506 of the Administrative Code of 1929 provides authority for the promulgation of rules and regulations for departmental administrative boards, stating: “[T]he several departmental administrative boards and commissions, are hereby empowered to prescribe rules and regulations, not inconsistent with law, for the government of their respective departments, boards, or commissions. . . [and] the distribution and performance of their business. . . .”

Background

The Board is a departmental administrative board under section 203(c) of the UC Law, which provides that it “shall have all the powers and perform all the duties generally vested in, and imposed upon, departmental administrative boards and commissions” by the Administrative Code of 1929. The Board is established under sections 202, 207.1 and 503 of the Administrative Code of 1929 (71 P.S. §§ 62, 67.1 and 183). The Board voted to adopt the proposed amendments in Annex A on January 6, 2021.

Under sections 501(e) and 502 of the UC Law (43 P.S. §§ 821(e) and 822) parties have 15 days to file an appeal from a Department of Labor and Industry (Department) determination or referee decision. Section 101.82 establishes the methods by which an appeal may be filed and how the date of filing is determined for each filing method. The regulation was last amended on September

20, 2003, to expand the methods of filing beyond only personal delivery or delivery by United States mail. Existing § 101.82(b) allows for filing by United States mail, common carrier, fax transmission, “electronic transmission other than fax transmission” and personal delivery. It also determines the date of filing by each method, including by postage meter mark if there is no United States postmark on a mailed appeal.

The Department is in the process of establishing a new electronic “Pennsylvania UC Claims System” that will allow parties to securely file and manage unemployment compensation (UC) claims online. It will also enable the parties to file appeals electronically by means of the system at no cost. These amendments to the regulation are necessary to permit filing appeals by means of this online system, establish the date of filing and allocate the accountability of errors by the electronic system to the Department. The proposed amendment also distinguishes filing by means of e-mail from filing through the new system.

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

On March 6, 2020, the Board sent an e-mail explaining the amendments to the regulations and soliciting comments by April 10, 2020, to Geoffrey Moomaw, President, Interstate Tax Service; Brian Phillips, Executive Assistant to the President, PA AFL-CIO; Alex Halper, Director, Government Affairs, PA Chamber of Commerce; Barney Oursler, Co-founder, Mon Valley Unemployment Project; Rebecca Oyler, Legislative Director, National Federation of Independent Business; Sharon Dietrich, Managing Attorney and Litigation Director, Community Legal Services; Julia Simon-Mishel, Supervising Attorney of the Unemployment Compensation Unit, Philadelphia Legal Assistance; John Dodds, Director, Philadelphia Unemployed Project; Irwin Aronson, PA Building Trades and PA AFL-CIO; and John Stember, Board Chairperson, Mon Valley Unemployed Committee. On March 12, 2020, the Board sent the same e-mail to Joseph Fogarty, Equifax Manager UI Program Relationship. No comments were received from any of the recipients.

Purpose

This proposed rulemaking amends the existing regulation establishing methods by which a party can file an appeal. It simplifies and clarifies e-mail appeals and establishes appeals filed by means of the Pennsylvania UC Claims System.

Summary of Proposed Rulemaking

34 Pa. Code § 101.2

This section is proposed to be amended to add a definition of “Pennsylvania UC Claims System.”

34 Pa. Code § 101.82(b)(4)

The proposed amendment to this paragraph eliminates “electronic transmission other than fax transmission” and replaces it with “e-mail.” This will simplify and clarify that the subsection is only applicable to electronic mail communication, as opposed to other forms of electronic communication. It also provides that the party will receive a confirmation e-mail that the appeal has been received. This effectively places the party on notice that if the confirmation e-mail is not received, the appeal has not been filed, prompting additional action by the party. This should reduce the number of untimely or misdirected appeals.

34 Pa. Code § 101.82(b)(4.1)

This proposed amendment establishes the filing of an appeal by means of the Department’s new Pennsylvania UC Claims System. The amendment provides that the party will receive a confirmation from the system that the appeal has been received. This effectively places the party on notice that if the confirmation is not received, the appeal has not been filed, prompting additional action by the party. This should reduce the number of untimely or misfiled appeals. Additionally, the amendment provides that if there is a delay in transmission due to system or technological failure of the Pennsylvania UC Claims System, the date of filing will be redetermined by means of the adjudicatory process. Further, the Board will make available to its referees any relevant records regarding system outages. This places the accountability on the Department and Board, rather than the party.

Affected Persons

This proposed regulation will affect all employees in this Commonwealth who have filed claims for UC benefits, received adverse decisions, and who wish to file appeals, and all employers with former or current employees who have filed claims for UC benefits, received adverse decisions and who wish to file appeals.

Fiscal Impact

These proposed amendments do not have any appreciable fiscal impact.

Reporting, Recordkeeping and Paperwork Requirements

This proposed rulemaking will not require the creation of new forms or reporting requirements.

Sunset Date

A sunset date is not appropriate for this proposed rulemaking. However, the Board will continue to monitor its effectiveness.

Effective Date

This proposed rulemaking will become effective upon publication in the *Pennsylvania Bulletin* on the date of implementation of the Pennsylvania UC Claims System.

Contact Person

Interested persons are invited to submit written comments, suggestions or objections regarding the proposed amendments to Brian Parr, UC Appeals System Administrator, Unemployment Compensation Board of Review, 651 Boas Street, Room 1114, Harrisburg, PA 17121, (717) 787-5122 or by e-mail to RA-LIUCBR-REGCOMM@pa.gov within 30 days of publication in the *Pennsylvania Bulletin*.

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P.S. § 745.5(a)) on March 1, 2021, 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 and Senate Labor and Industry Committees. 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 shall specify the regulatory review criteria which have not been met. The Regulatory

Review Act specifies detailed procedures for review, prior to final publication of the rulemaking, by the Board, the General Assembly and the Governor of comments, recommendations or objections raised.

RICHARD W. BLOOMINGDALE,
Chairperson

Fiscal Note: 12-112. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 34. LABOR AND INDUSTRY

PART VI. UNEMPLOYMENT COMPENSATION BOARD OF REVIEW

CHAPTER 101. GENERAL REQUIREMENTS

Subchapter A. GENERAL PROVISIONS

§ 101.2. Definitions.

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

* * * * *

Party—The Department, the claimant, the last employer of the claimant and another employer affected by the appeal proceedings.

Pennsylvania UC Claims System—The Department’s information technology system of record for the filing, management and processing of unemployment compensation claims and appeals.

Personal delivery—Delivery by or on behalf of a party that is not enumerated in § 101.82(b)(1)—(4) (relating to time for filing appeal from determination of Department) where a person personally files the appeal at a Board office or workforce investment office.

* * * * *

Subchapter C. APPEALS FROM DETERMINATIONS OF DEPARTMENT

§ 101.82. Time for filing appeal from determination of Department.

(a) A party seeking to appeal a Department determination shall file an appeal in the form and manner specified in § 101.81 (relating to filing of appeal from determination of Department) and this section on or before the 15th day after the date on which notification of the decision of the Department was delivered personally to the appellant or mailed to him at his last known post office address.

(b) A party may file a written appeal by any of the following methods:

* * * * *

(4) *Electronic [transmission other than fax transmission] mail (e-mail)*. The date of filing is the receipt date recorded by the Department appeal office or the Board’s [electronic transmission] e-mail system, if the [electronic record] e-mail message is in a form capable of being processed by that system. **Filing will be acknowledged by a confirmation e-mail.** A party filing by [electronic transmission] e-mail shall comply with Department instructions concerning format. A party filing an appeal by [electronic transmission] e-mail is responsible for using the proper format and for delay, disruption, interruption of electronic signals and readability of the document and accepts the risk that the appeal may not be properly or timely filed.

(4.1) Pennsylvania UC Claims System. The date of filing is the receipt date recorded by the Pennsylvania UC Claims System. Filing will be acknowledged by a confirmation from the Pennsylvania UC Claims System. If the filing is delayed as a result of system or technological failure of the Pennsylvania UC Claims System, the date of filing will be redetermined through the adjudicatory process. The Board will make available to the Referee relevant Department records regarding system outages where a party alleges a late filing due to system or technological failure.

(5) *Personal delivery to a workforce investment office or the Board.* The filing date will be the date the appeal was personally delivered to the workforce investment office or the Board during its normal business hours.

[Pa.B. Doc. No. 21-367. Filed for public inspection March 12, 2021, 9:00 a.m.]

STATE BOARD OF FUNERAL DIRECTORS

[49 PA. CODE CH. 13]

Child Abuse Reporting Requirements

The State Board of Funeral Directors (Board) proposes to amend §§ 13.11, 13.231, 13.301—13.307 and 13.401, and add §§ 13.308 and 13.309 (relating to child abuse recognition and reporting—mandatory training requirement; and child abuse recognition and reporting course approval process) to read as set forth in Annex A.

Effective Date

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

Statutory Authority

Section 16(a) of the Funeral Director Law (63 P.S. § 479.16(a)) sets forth the Board’s general rulemaking authority. Under sections 6301—6387 of 23 Pa.C.S. (relating to Child Protective Services Law (CPSL)), specifically, section 6383(b)(2) of the CPSL, 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 by the act of April 15, 2014 (P.L. 411, No. 31) (Act 31) on many professional and occupational licensing boards, including the Board, to require training in child abuse recognition and reporting. Section 2 of Act 31 provides 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. These amendments are required to update the Board’s existing regulations on the subject of child abuse reporting to be consistent with the numerous amendments made to the CPSL.

Description of the Proposed Amendments

The Board proposes to amend § 13.11 (relating to general requirements) to include the requirement that any applicant for licensure as a funeral director 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 (relating to education and training). Similarly, the Board proposes to amend § 13.231 (relating to biennial registration; unregistered status and inactive status; failure to renew), to incorporate the requirement that funeral directors complete at least 2 hours of approved courses in child abuse recognition and reporting as a condition of renewal as required under section 6383(b)(3)(ii) of the CPSL.

The Board next proposes comprehensive amendments to the child abuse reporting requirements. First, the Board proposes to amend § 13.301 (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 define the terms “bodily injury,” “child,” “parent,” “program, activity or service” and “serious physical neglect” and to amend the definitions of “child abuse,” “perpetrator,” “person responsible for the child’s welfare,” “recent acts or omissions” and “sexual abuse or exploitation” to comport with amendments made to the CPSL. The Board has also added a definition for the term “mandated reporter” for ease of reference. The Board proposes to delete definitions for “individual residing in the same home as the child” and “serious physical injury” because these terms have been deleted from the CPSL. The Board also proposes to amend, where necessary throughout this proposed rulemaking, “Department of Public Welfare” to “Department of Human Services,” as the name of that agency has changed.

The Board is proposing to amend § 13.302 (relating to suspected child abuse—mandated reporting requirements) to provide the general rule that all funeral directors are considered mandated reporters, and to set forth the mandated reporting requirements as provided in section 6311(b) of the CPSL (relating to persons required to report suspected child abuse), and the reporting procedures in section 6313 of the CPSL (relating to reporting procedure). The Board has also determined that it is necessary to propose amendments to § 13.303 (relating to photographs, medical tests and X-rays of child subject to report) to set forth the requirement to submit documentation relating to photographs, medical test and X-rays to the county children and youth social service agency within 48 hours of making an electronic report in accordance with section 6314 of the CPSL (relating to photographs, medical test and X-rays of child subject to report).

The Board is proposing to amend § 13.304 (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 such a report to be made to the 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 § 13.305 (relating to immunity from liability) to incorporate amendments made to section 6318 of the CPSL (relating to immunity from liability). Likewise, the Board proposes to amend § 13.307 (relating to noncompliance) to update the criminal penalties for willful failure to make a report or referral to conform to the increased criminal penalties in section 6319 of the CPSL (relating to penalties).

The Board proposes to add two new sections to incorporate the mandatory training requirements set forth in section 6383(b)(3)(i) and (ii) of the CPSL. Section 13.308 sets forth the requirements 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 are required to complete at least 2 hours of continuing education in child abuse recognition and reporting as a requirement of renewal. These 2 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.

This section would also include the process for applying for an exemption from the mandatory training requirements as set forth in section 6383(b)(4) and (6) of the CPSL, for individuals who have already completed similar training or who otherwise should be exempt from the training requirements. The Board notes that section 6383(b)(4)(ii)(B) of the CPSL provides an exemption for individuals who have already completed child abuse recognition training required by the Human Services Code (62 P.S. §§ 101—1503) (formerly known as the Public Welfare Code), and the training was approved by the Department of Human Services. However, the Department of Human Services has confirmed that there is no provision in the Human Services Code that requires 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 funeral director happened to be a foster parent and, therefore, was required to complete the training under section 6383(c), there would be no need to repeat the training as a condition of licensure or license renewal under section 6383(b). In addition, section 6383(b)(6) permits the Board to exempt a licensee 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.

Additionally, the Board proposes to add § 13.309 to set forth the administrative process developed by the Bureau of Professional and Occupational Affairs (Bureau), in conjunction with the Department of Human Services, for individuals, entities and organizations to apply for approval to deliver the training required under Act 31. The Bureau has established a requirement that to be approved to provide the mandatory training in child abuse recognition and reporting, an applicant must be able to report participation/attendance electronically to the Bureau. In this manner, the completion of the training is automatically imported into the individual’s record with the Board at the time the course is completed. Then, prior to issuing or renewing a license, the system verifies that the training was completed as required. If no record exists, the applicant or licensee would be notified of the need to complete an approved course before the license can be issued or renewed.

Finally, the Board proposes to amend § 13.401 (relating to credit hour requirements) to incorporate the required

2 hours of continuing education in child abuse recognition and reporting, and to clarify the fact that, although the Board generally waives the continuing education requirement during the renewal period in which the funeral director is initially licensed, there is no such exception in the CPSL pertaining to the required child abuse education. Thus, all newly licensed funeral directors would need to complete only 2 hours of continuing education (in child abuse recognition and reporting) during their first renewal period, unless granted an exemption as provided in § 13.308(c)(3).

Fiscal Impact and Paperwork Requirements

The Board does not anticipate any significant fiscal impact or paperwork requirements relating to these 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 be no increased burden. Only applicants for licensure as a funeral director would incur an additional requirement, and as there are many low-cost and free options available to complete the training, the Board anticipates this impact to also be minimal. Because all approved training providers of the mandatory training in child abuse recognition and reporting are required to report attendance/participation electronically, there are no additional paperwork requirements imposed on licensees or certificate holders. In addition, the implementation of an electronic reporting system for mandated reporters of child abuse under the CPSL by the Department of Human Services has decreased the paperwork requirements related to the mandatory reporting requirements.

Sunset Date

The Board continuously monitors the effectiveness of its regulations on a fiscal year and biennial basis. Therefore, no sunset date has been assigned.

Regulatory Review

Under Section 5(a) of the Regulatory Review Act (71 P.S. § 745.5(a)), on February 26, 2021, 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 Senate Consumer Protection and Professional Licensure Committee and the House Professional Licensure Committee. 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 or by e-mail to 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-4824 (Child Abuse Reporting Requirements).

WILLIAM G. HARRIS,
Chairperson

Fiscal Note: 16A-4824. 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 13. STATE BOARD OF FUNERAL DIRECTORS

LICENSURE

§ 13.11. General requirements.

* * * * *

(c) In addition to the educational and training requirements, an applicant for licensure in this Commonwealth shall pass a combined oral, practical and written examination. A limited exception will be the granting of a restricted license to estates, widow's or widower's of deceased funeral directors.

(d) An applicant for licensure as a funeral director in this Commonwealth shall complete at least 3 hours of training in child abuse recognition and reporting in accordance with § 13.308(a) (relating to child abuse recognition and reporting—mandatory training requirement) as a condition of licensure.

LICENSE RENEWAL

§ 13.231. Biennial registration; unregistered status and inactive status; failure to renew.

(a) A licensee shall register each biennial period to retain the right to practice. Initial registration shall automatically occur when a license is issued. Registration for a biennial period expires on the first day of February of every even numbered year. Unless excused by the Board for good cause under section 10(b)(4) of the act (63 P.S. § 479.10(b)(4)), the Board will not grant an application for renewal of a funeral director license unless the licensee has certified that the licensee has completed the amount of continuing education required by § 13.401 (relating to credit hour requirements), **including at least 2 hours of approved courses in child abuse recognition and reporting in accordance with § 13.308(b) (relating to child abuse recognition and reporting—mandatory training requirement).**

* * * * *

CHILD ABUSE REPORTING REQUIREMENTS

§ 13.301. Definitions relating to child abuse reporting requirements.

The following words and terms, when used in this section and [§§ 13.302—13.307] §§ 13.302—13.309 (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.

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] 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 licensed funeral directors.

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—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.

§ 13.302. Suspected child abuse—mandated reporting requirements.

(a) General rule. Under 23 Pa.C.S. § 6311 (relating to persons required to report suspected child abuse), funeral directors [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 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. [Funeral directors 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 funeral director, 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 mandated reporter is required to make a report under subsection (a) in the capacity as a member of the staff of a medical, dental 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 within 48 hours after the oral report is made by telephone. Written reports shall be made on forms available from a county children and your social service agency.]

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

(1) Making an oral report of suspected child abuse by telephone to ChildLine at (800) 932-0313, followed by a written report within 48 hours to the Department of Human Services or the county agency assigned to the case in a manner and format prescribed by the Department of Human Services. The written report submitted under this paragraph may be submitted electronically.

(2) 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. A confirmation by the Department of Human Services of the receipt of a report of suspected child abuse submitted electronically relieves the mandated reporter of the duty to make an additional oral or written report.

(d) Written or electronic reports. [Written reports shall be made in the manner and on forms prescribed by the Department of Public Welfare. The following information shall be included in the written reports, if available] A written or electronic report of suspected child abuse, shall include the following information, if known:

(1) The names and addresses of the child [and], the child's parents [or] and any other person responsible for the [care of the child, if known] child's welfare.

(2) Where the suspected child abuse occurred.

(3) The age and sex of [the subjects] each subject of the report.

(4) The nature and extent of the suspected child abuse including any evidence of prior abuse to the child or **[siblings] any sibling** of the child.

(5) The name and relationship of **[the persons] each individual** responsible for causing the suspected abuse **[, if known,]** and any evidence of prior abuse by **[those persons] each individual**.

(6) Family composition.

(7) The source of the report.

(8) The **name, telephone number and e-mail address of the** person making the report **[and where that person can be reached]**.

(9) The actions taken by the **[reporting source, including the taking of photographs and X-rays, removal or keeping of the child or notifying the medical examiner or coroner] person making the report, including actions taken under 23 Pa.C.S. §§ 6314—6317.**

(10) **Other information required by Federal law or regulation.**

(11) Other information which the Department of **[Public Welfare] Human Services** may require by regulation.

§ 13.303. Photographs, medical tests and X-rays of child subject to report.

A funeral director may take or cause to be taken photographs of the child who is subject to a report and, if clinically indicated, cause to be performed a radiological examination and other medical tests on the child. Medical summaries or reports of the photographs, X-rays and relevant medical tests taken shall be sent to the county children and youth social service agency at the time the written report is sent, **or within 48 hours after an electronic report is made under § 13.302(c)(2) (relating to suspected child abuse—mandated reporting requirements),** or as soon thereafter as possible. The county children and youth social service agency shall have access to actual photographs or duplicates and X-rays and may obtain them or duplicates of them upon request.

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

A funeral director 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.

§ 13.305. Immunity from liability.

Under 23 Pa.C.S. § 6318 (relating to immunity from liability) a funeral director 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 funeral director's actions. For the purpose of any civil or criminal proceeding, the good faith of the funeral director shall be presumed. The Board will uphold the same good faith presumption in any disciplinary proceeding that might result by reason of a funeral director'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 §§ 13.302—13.304 (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).**

§ 13.306. Confidentiality—waived.

To protect children from abuse, the reporting requirements of §§ 13.302—13.304 (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 in § 13.201 (relating to professional responsibilities) and any other client confidentiality, ethical principle or professional standard that might otherwise apply.

§ 13.307. Noncompliance.

(a) *Disciplinary action.* A funeral director who willfully fails to comply with the reporting requirements in §§ 13.302—13.304 (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. § 479.11).

(b) *Criminal penalties.* **[Under 23 Pa.C.S. § 6319 (relating to penalties for failure to report), a funeral director who is required to report a case of suspected child abuse 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.] Under 23 Pa.C.S. § 6319 (relating to penalties), a funeral director 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 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 § 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.)

§ 13.308. Child abuse recognition and reporting—mandatory training requirement.

(a) Except as provided in subsection (c), individuals applying to the Board for a license shall submit proof of completion of 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. This 2 hours of continuing education in child abuse recognition and reporting will be accepted as a portion of the continuing education required under § 13.401 (relating to credit hour requirements) regardless of whether it otherwise meets the requirements of §§ 13.402—13.405. 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 § 13.309 (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 holder 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 under 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.

§ 13.309. 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-steps1_course_app@pa.gov.

(b) Submissions shall include the following:

(1) Contact information (mailing address, e-mail address and telephone number) for the agency/course administrator.

(2) General description of the training and course delivery method.

(3) Title of the course.

(4) Timed agenda and estimated hours of training.

(5) Learning objectives.

(6) Intended audience.

(7) All course related materials including, as applicable:

(i) Handouts.

(ii) Narrated script or talking points.

(iii) Interactive activities or exercises.

(iv) Videos and audio/visual content.

(v) Knowledge checks, quizzes or other means of assessing participant's understanding of the material.

(vi) For online courses, a transcript or recording of audio training.

(8) Citation of sources, including written permission to use copyrighted material, if applicable.

(9) Anticipated credentials or experience of the presenter, or biography of presenter, if known.

(10) Printed materials used to market the training.

(11) Evaluation used to assess participants' satisfaction with the training.

(12) Sample certificate of attendance/participation, which shall include:

(i) Name of participant.

(ii) Title of training.

- (iii) Date of training.
 - (iv) Length of training (2 or 3 hours).
 - (v) Name and signature of the authorized representative of the approved 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.

CONTINUING EDUCATION

§ 13.401. Credit hour requirements.

(a) During each biennial renewal period, a licensed funeral director shall complete 6 hours of continuing education, **including at least 2 hours of approved courses in child abuse recognition and reporting in accordance with § 13.308(b) (relating to child abuse recognition and reporting—mandatory training requirement).** [This] **Except for the mandatory training in child abuse recognition and reporting, this provision does not require a funeral director to complete continuing education during the renewal period in which the funeral director is first issued a license.**

(b) Except as permitted in § 13.231(d) (relating to biennial registration; unregistered status and inactive status; failure to renew) or as directed by the Board, continuing education may satisfy the requirement of subsection (a) only for the biennium during which it was completed. No hour of continuing education may be used to satisfy the requirement of subsection (a) for more than 1 biennium.

[(c) The requirement of subsection (a) will take effect, beginning with the biennial renewal period of February 1, 2006—January 31, 2008.]

[Pa.B. Doc. No. 21-368. Filed for public inspection March 12, 2021, 9:00 a.m.]

GAME COMMISSION

[58 PA. CODE CH. 139] Seasons and Bag Limits

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission) proposed at its January 23, 2021, meeting to amend § 139.4 (relating to seasons and bag limits for the license year) to provide updated seasons and bag limits for the 2021-2022 hunting/furtaking license year.

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

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

This proposed rulemaking was made public at the January 23, 2021, meeting of the Commission. Comments can be sent until April 7, 2021, to the Director, Information and Education, Game Commission, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797.

1. Purpose and Authority

To effectively manage the wildlife resources and provide hunting and trapping opportunities in this Commonwealth during the upcoming license year, the Commission is proposing to amend § 139.4 to provide updated seasons and bag limits for the 2021-2022 license year. The 2021-2022 seasons and bag limits have been amended to reflect current available scientific data, population and harvest records, field surveys and professional staff observations, as well as recommendations received from staff, organized sporting groups, members of the agricultural community and others interested in the management of the wildlife resources of this Commonwealth.

Proposed Sunday hunting dates are similar to those used in 2020-2021. However, expansions of Sunday opportunity are proposed in that the Sundays during the archery deer and firearms bear seasons would also be open for other species (except migratory game birds and wild turkey) with seasons encompassing those dates. These expansions of Sunday opportunity are the only changes proposed for small game and furbearer seasons.

With wild turkey population trends declining in many wildlife management units, closure of the fall season in Wildlife Management Unit (WMU) 5A and reductions in season length for 14 other WMUs are recommended in accordance with Wild Turkey Management Plan guidelines to increase hen survival. For deer, a Statewide 14-day concurrent antlered and antlerless firearms season is recommended to simplify regulations and provide increased opportunity, especially for younger hunters. Also, the extended (post-Christmas) firearms season is proposed to be set at the WMU level (2B, 5C and 5D) rather than at the county level to simplify regulations, given that antlerless harvests are evenly distributed throughout these WMUs regardless of firearms restrictions.

Minor expansions of archery bear hunting opportunity are proposed in WMUs 2B, 5B, 5C and 5D. Other black bear season recommendations are similar to those in 2020. The antlerless designation is proposed to be removed from the late elk season to provide the Commission the flexibility to issue antlered elk licenses for this season, if and when appropriate. Specific license allocation recommendations for all elk seasons will be provided in April.

Section 322(c)(1) of the code (relating to powers and duties of the commission) specifically empowers the commission to “fix seasons, daily shooting or taking hours, and any modification thereof, and daily, season and possession limits for any species of game or wildlife.” Section 2102(b)(1) of the code (relating to regulations) authorizes the commission to “promulgate regulations relating to seasons and bag limits for hunting or furtaking. . .” The amendments to § 139.4 are proposed under this authority.

2. Regulatory Requirements

This proposed rulemaking will amend § 139.4 to provide updated seasons and bag limits for the 2021-2022 hunting/furtaking license year.

3. Persons Affected

Persons wishing to hunt or trap game or wildlife within this Commonwealth during the 2021-2022 hunting/furtaking license year will be affected by this proposed rulemaking.

4. Cost and Paperwork Requirements

This proposed rulemaking should not result in any additional cost or paperwork.

5. *Effective Date*

The effective dates of this proposed rulemaking are July 1, 2021, to June 30, 2022.

Wildlife Protection, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797, (717) 783-6526.

BRYAN J. BURHANS,
Executive Director

6. *Contact Person*

For further information regarding this proposed rulemaking, contact Jason L. DeCoskey, Director, Bureau of

Fiscal Note: 48-465. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 58. RECREATION

PART III. GAME COMMISSION

CHAPTER 139. SEASONS AND BAG LIMITS

(*Editor's Note:* As part of this proposed rulemaking, the Commission is proposing to replace the table which appears in § 139.4, 58 Pa. Code pages 139-3—139-14, serial pages (401511)—(401522), with the following table.)

§ 139.4 Seasons and bag limits for the license year.

2021-2022 OPEN HUNTING AND FUR TAKING SEASONS, DAILY LIMIT, FIELD POSSESSION LIMIT AND SEASON LIMIT
OPEN SEASON INCLUDES FIRST AND LAST DATES LISTED

<i>Species</i>	<i>First Day</i>		<i>Last Day</i>	<i>Daily Limit</i>	<i>Field Possession Limit After Second Day</i>
<i>Squirrel</i> —(Combined species) ¹ <i>Eligible Junior Hunters only, with or without the required junior license</i>	Sept. 11		Sept. 25	6	18
<i>Squirrel</i> —(Combined species) ²	Sept. 11 Sun. ³ , Nov. 14 Nov. 15 Sun. ³ , Nov. 21 Nov. 22 Dec. 13 Dec. 27	and and and and and and	Nov. 13 Sun. ³ , Nov. 14 Nov. 20 Sun. ³ , Nov. 21 Nov. 26 Dec. 24 Feb. 28, 2022	6	18
<i>Ruffed Grouse</i> ²	Oct. 16 Sun. ³ , Nov. 14 Nov. 15 Sun. ³ , Nov. 21 Nov. 22 Dec. 13	and and and and and	Nov. 13 Sun. ³ , Nov. 14 Nov. 20 Sun. ³ , Nov. 21 Nov. 26 Dec. 24	2	6
<i>Rabbit, Cottontail</i> ¹ <i>Eligible Junior Hunters only, with or without the required junior license</i>	Oct. 2		Oct. 16	4	12
<i>Rabbit, Cottontail</i> ²	Oct. 16 Sun. ³ , Nov. 14 Nov. 15 Sun. ³ , Nov. 21 Nov. 22 Dec. 13 Dec. 27	and and and and and and	Nov. 13 Sun. ³ , Nov. 14 Nov. 20 Sun. ³ , Nov. 21 Nov. 26 Dec. 24 Feb. 28, 2022	4	12

PROPOSED RULEMAKING

<i>Species</i>	<i>First Day</i>		<i>Last Day</i>	<i>Daily Limit</i>	<i>Field Possession Limit After Second Day</i>
<i>Ring-necked Pheasant</i> —There is no open season for the taking of pheasants in the Franklin County Wild Pheasant Recovery Area.					
Central Susquehanna Wild Pheasant Recovery Area— <i>Male only</i> ¹	As authorized by the Executive Order				
<i>Ring-necked Pheasant—Male or Female</i> ¹ <i>Eligible Junior Hunters only, with or without the required junior license</i>	Oct. 9		Oct. 16	2	6
<i>Ring-necked Pheasant—Male or Female</i> ²	Oct. 23 Sun. ³ , Nov. 14 Nov. 15 Sun. ³ , Nov. 21 Nov. 22 Dec. 13 Dec. 27	and and and and and and	Nov. 13 Sun. ³ , Nov. 14 Nov. 20 Sun. ³ , Nov. 21 Nov. 26 Dec. 24 Feb. 28, 2022	2	6
<i>Bobwhite Quail</i> ²	Oct. 23 Sun. ³ , Nov. 14 Nov. 15 Sun. ³ , Nov. 21 Nov. 22 Dec. 13 Dec. 27	and and and and and and	Nov. 13 Sun. ³ , Nov. 14 Nov. 20 Sun. ³ , Nov. 21 Nov. 26 Dec. 24 Feb. 28, 2022	8	24
<i>Hare (Snowshoe Rabbits) or Varying Hare</i> ¹	Dec. 27		Jan. 1, 2022	1	3
<i>Woodchuck (Groundhog)</i> ²	July 1 Sun. ³ , Nov. 14 Nov. 15 Sun. ³ , Nov. 21 Nov. 22 Dec. 13	and and and and and	Nov. 13 Sun. ³ , Nov. 14 Nov. 20 Sun. ³ , Nov. 21 Nov. 26 June 30, 2022	Unlimited	

TURKEY

<i>Species</i>	<i>First Day</i>		<i>Last Day</i>	<i>Daily Limit</i>	<i>Field Possession Limit After Season Limit</i>
<i>Turkey, Fall—Male or Female</i> ¹ WMU 2B (Shotgun, Bow and Arrow only) WMU 1A, 1B, 4A, 4B, 4D and 4E WMUs 2A, 2F, 2G, 2H, 3A, 3B, 3C, 3D and 4C	Oct. 30 Nov. 24 Oct. 30 Oct. 30	and	Nov. 19 Nov. 26 Nov. 6 Nov. 13	1	1

<i>Species</i>	<i>First Day</i>		<i>Last Day</i>	<i>Daily Limit</i>	<i>Field Possession Limit After Season Limit</i>
WMU 2C, 2D and 2E	Oct. 30	and	Nov. 13		
WMU 5B	Nov. 24		Nov. 26		
WMUs 5A, 5C and 5D	Nov. 2	Nov. 4			
	Closed to fall turkey hunting				
<i>Turkey, Spring</i> ¹ <i>Bearded Bird only,</i> <i>Eligible Junior Hunters only,</i> with the required junior license	Apr. 23, 2022		Apr. 23, 2022	1	1
<i>Turkey, Spring</i> ^{1,4} <i>Bearded Bird only</i>	April 30, 2022	and	May 14, 2022	1	2
	May 16, 2022		May 31, 2022	May be hunted 1/2 hour before sunrise to 12 noon May be hunted 1/2 hour before sunrise to 1/2 hour after sunset	

MIGRATORY GAME BIRDS

Except as further restricted by this chapter, the seasons, bag limits, hunting hours and hunting regulations for migratory game birds shall conform to regulations adopted by the United States Secretary of the Interior under authority of the Migratory Bird Treaty Act (16 U.S.C.A. §§ 703—712) as published in the *Federal Register* on or about February 28 of each year.

Exceptions:

- (a) Hunting hours in § 141.4 (relating to hunting hours).
- (b) Nontoxic shot as approved by the Director of the United States Fish and Wildlife Service is required for use statewide in hunting and taking of migratory waterfowl.
- (c) Hunting on Sunday not authorized.¹

<i>Species</i>	<i>First Day</i>		<i>Last Day</i>	<i>Daily Limit</i>	<i>Field Possession Limit After Second Day</i>
<i>Crow</i> ³ (Hunting permitted on Friday, Saturday and Sunday only)	July 2		Apr. 10, 2022	Unlimited	
<i>Starling and English Sparrow</i> ³	No closed season except during the regular firearms deer seasons.			Unlimited	

FALCONRY

<i>Species</i>	<i>First Day</i>		<i>Last Day</i>	<i>Daily Limit</i>	<i>Field Possession Limit After Second Day</i>
<i>Squirrel</i> —(Combined species) ²	Sept. 1	and and and and and	Nov. 13	6	18
	Sun. ³ , Nov. 14		Sun. ³ , Nov. 14		
	Nov. 15		Nov. 20		
	Sun. ³ , Nov. 21		Sun. ³ , Nov. 21		
	Nov. 22		Nov. 26		
	Dec. 13		Mar. 31, 2022		
<i>Quail</i> ²	Sept. 1	and	Nov. 13	8	24
	Sun. ³ , Nov. 14		Sun. ³ , Nov. 14		

PROPOSED RULEMAKING

<i>Species</i>	<i>First Day</i>		<i>Last Day</i>	<i>Daily Limit</i>	<i>Field Possession Limit After Second Day</i>
	Nov. 15 Sun. ³ , Nov. 21 Nov. 22 Dec. 13	and and and and	Nov. 20 Sun. ³ , Nov. 21 Nov. 26 Mar. 31, 2022		
<i>Ruffed Grouse</i> ²	Sept. 1 Sun. ³ , Nov. 14 Nov. 15 Sun. ³ , Nov. 21 Nov. 22 Dec. 13	and and and and and	Nov. 13 Sun. ³ , Nov. 14 Nov. 20 Sun. ³ , Nov. 21 Nov. 26 Mar. 31, 2022	2	6
<i>Cottontail Rabbits</i> ²	Sept. 1 Sun. ³ , Nov. 14 Nov. 15 Sun. ³ , Nov. 21 Nov. 22 Dec. 13	and and and and and	Nov. 13 Sun. ³ , Nov. 14 Nov. 20 Sun. ³ , Nov. 21 Nov. 26 Mar. 31, 2022	4	12
<i>Snowshoe or Varying Hare</i> ²	Sept. 1 Sun. ³ , Nov. 14 Nov. 15 Sun. ³ , Nov. 21 Nov. 22 Dec. 13	and and and and and	Nov. 13 Sun. ³ , Nov. 14 Nov. 20 Sun. ³ , Nov. 21 Nov. 26 Mar. 31, 2022	1	3
<i>Ring-necked Pheasant—Male² and Female—(Combined)</i>	Sept. 1 Sun. ³ , Nov. 14 Nov. 15 Sun. ³ , Nov. 21 Nov. 22 Dec. 13	and and and and and	Nov. 13 Sun. ³ , Nov. 14 Nov. 20 Sun. ³ , Nov. 21 Nov. 26 Mar. 31, 2022	2	6
<i>Migratory Game Bird</i> ¹ —Seasons and bag limits shall be in accordance with Federal regulations.					

WHITE-TAILED DEER

<i>Species</i>	<i>First Day</i>		<i>Last Day</i>	<i>Season Limit</i>
<i>Deer, Archery (Antlered and Antlerless)</i> ^{2,5} With the required archery license WMUs 2B, 5C and 5D	Sept. 18 Sun. ³ , Nov. 14 Nov. 15	and and and	Nov. 13 Sun. ³ , Nov. 14 Nov. 20	One antlered deer, and an antlerless deer with each required and antlerless license.

<i>Species</i>	<i>First Day</i>		<i>Last Day</i>	<i>Season Limit</i>
	Sun. ³ , Nov. 21 Nov. 22 Dec. 27	and and	Sun. ³ , Nov. 21 Nov. 26 Jan. 29, 2022	
<i>Deer, Archery (Antlered and Antlerless)</i> ^{2,5} With the required archery license WMUs 1A, 1B, 2A, 2C, 2D, 2E, 2F, 2G, 2H, 3A, 3B, 3C, 3D, 4A, 4B, 4C, 4D, 4E, 5A and 5B	Oct. 2 Sun. ³ , Nov. 14 Nov. 15 Dec. 27	and and and	Nov. 13 Sun. ³ , Nov. 14 Nov. 19 Jan. 17, 2022	One antlered deer, and an antlerless deer with each required antlerless license.
<i>Deer, Muzzleloading (Antlerless only)</i> ¹ With the required muzzleloading license	Oct. 16		Oct. 23	An antlerless deer with each required antlerless license.
<i>Deer, Special firearms (Antlerless only)</i> Only Junior and Senior License Holders, ⁶ Commission Disabled Person Permit Holders (to use a vehicle as a blind), and Residents serving on active duty in the United States Armed Forces or United States Coast Guard	Oct. 21		Oct. 23	An antlerless deer with each required antlerless license.
<i>Deer, Regular Firearms (Antlered and Antlerless)</i> ^{2,5} Statewide	Nov. 27 Sun. ³ , Nov. 28 Nov. 29	and and	Nov. 27 Sun. ³ , Nov. 28 Dec. 11	One antlered deer, and an antlerless deer with each required antlerless license.
<i>Deer, Flintlock (Antlered or Antlerless)</i> ^{1,5} With the required muzzleloading license WMUs 1A, 1B, 2A, 2C, 2D, 2E, 2F, 2G, 2H, 3A, 3B, 3C, 3D, 4A, 4B, 4C, 4D, 4E, 5A and 5B	Dec. 27		Jan. 17, 2022	One antlered or one antlerless deer, plus an additional antlerless deer with each required antlerless license.
<i>Deer, Flintlock (Antlered or Antlerless)</i> ^{1,5} With the required muzzleloading license WMUs 2B, 5C and 5D	Dec. 27		Jan. 29, 2022	One antlered or one antlerless deer, plus an additional antlerless deer with each required antlerless license.
<i>Deer, Extended Regular firearms (Antlerless)</i> ¹ WMUs 2B, 5C, and 5D	Dec. 27		Jan. 29, 2022	An antlerless deer with each required antlerless license.
<i>Deer, Antlerless</i> ¹ (Letterkenny Army Depot, Franklin County and New Cumberland Army Depot, York County and Fort Detrick, Raven Rock Site, Adams County)	Hunting is permitted on days established by the United States Department of the Army.			An antlerless deer with each required antlerless license.

BLACK BEAR

<i>Species</i>	<i>First Day</i>		<i>Last Day</i>	<i>Season Limit</i>
<i>Bear, Archery</i> ^{2,7} WMUs 2B, 5C and 5D	Sept. 18 Sun. ³ , Nov. 14 Nov. 15 Sun. ³ , Nov. 21 Nov. 22	and and and and	Nov. 13 Sun. ³ , Nov. 14 Nov. 20 Sun. ³ , Nov. 21 Nov. 26	1
<i>Bear, Archery</i> ^{2,7} WMU 5B	Oct. 2 Sun. ³ , Nov. 14 Nov. 15	and and	Nov. 13 Sun. ³ , Nov. 14 Nov. 19	1

<i>Species</i>	<i>First Day</i>		<i>Last Day</i>		<i>Season Limit</i>
<i>Bear, Archery</i> ^{1,7} WMUs 1A, 1B, 2A, 2C, 2D, 2E, 2F, 2G, 2H, 3A, 3B, 3C, 3D, 4A, 4B, 4C, 4D, 4E and 5A	Oct. 16		Nov. 6		1
<i>Bear, Muzzleloader</i> ^{1,7} (Statewide)	Oct. 16		Oct. 23		1
<i>Bear, Special firearms</i> ⁷ Only Junior and Senior License Holders ⁶ , Commission Disabled Person Permit Holders (to use a vehicle as a blind), and Residents serving on active duty in the United States Armed Forces or United States Coast Guard, with required antlerless license (Statewide)	Oct. 21		Oct. 23		1
<i>Bear, Regular Firearms</i> ^{2,7} (Statewide)	Nov. 20 Sun. ³ , Nov. 21 Nov. 22	and and	Nov. 20 Sun. ³ , Nov. 21 Nov. 23		1
<i>Bear, Extended firearms</i> ^{1,7} WMUs 2B, 5B, 5C and 5D	Nov. 29		Dec. 11		1
<i>Bear, Extended firearms</i> ^{1,7} WMUs 1B, 2C, 3A, 3B, 3C, 3D, 4A, 4B, 4C, 4D, 4E and 5A	Nov. 29		Dec. 4		1

ELK

<i>Species</i>	<i>First Day</i>		<i>Last Day</i>		<i>Season Limit</i>
<i>Elk, Special Conservation Tag</i> ^{1,8} <i>and Special-License Tag</i> ^{1,8} (Antlered and Antlerless)	Sept. 1		Nov. 6		1
<i>Elk, Archery</i> ^{1,8}	Sept. 11		Sept. 25		1
<i>Elk, Regular</i> ⁸ (Antlered and Antlerless)	Nov. 1		Nov. 6		1
<i>Elk, Late</i> ^{1,8}	Jan. 1, 2022		Jan. 8, 2022		1

FURTAKING—TRAPPING

<i>Species</i>	<i>First Day</i>		<i>Last Day</i>	<i>Daily Limit</i>	<i>Season Limit</i>
<i>Mink and Muskrat</i>	Nov. 20		Jan. 9, 2022	Unlimited	
<i>Beaver</i> WMUs 1A and 1B (Combined) WMUs 2A, 2B and 3C (Combined) WMUs 2C, 2D, 2E, 2F, 3A, 3B, 3D, 5C and 5D (Combined) WMUs 2G, 2H, 4A, 4B, 4C, 4D, 4E, 5A and 5B (Combined)	Dec. 18		Mar. 31, 2022	20 20 20 5	60 40 20 5
<i>Coyote, Fox, Opossum, Raccoon, Striped Skunk and Weasel</i>	Oct. 23		Feb. 20, 2022	Unlimited	
<i>Coyote and Fox</i> Use of cable restraint devices authorized with required certification	Dec. 26		Feb. 20, 2022	Unlimited	
<i>Bobcat, with required bobcat permit</i> WMUs 2A, 2B, 2C, 2E, 2F, 2G, 2H, 3A, 3B, 3C, 3D, 4A, 4B, 4C, 4D and 4E	Dec. 18		Jan. 9, 2022	1	1
<i>Fisher, with required fisher permit</i> WMUs 1B, 2C, 2D, 2E, 2F, 2G, 2H, 3A, 3B, 3C, 3D, 4A, 4B, 4C, 4D and 4E	Dec. 18		Jan. 2, 2022	1	1
<i>River Otter, with required otter permit</i> WMUs 1A, 1B, 2F, 3C and 3D	Feb. 12, 2022		Feb. 19, 2022	1	1

FURTKING—HUNTING

<i>Species</i>	<i>First Day</i>		<i>Last Day</i>	<i>Daily Limit</i>	<i>Season Limit</i>
<i>Coyote—(Outside of any big game season)</i> ³	May be taken with a hunting license or a furtaker's license.			Unlimited	
<i>Coyote—(During any big game season)</i>	May be taken while lawfully hunting big game or with a furtaker's license.			Unlimited	
<i>Opossum, Striped Skunk, Weasel</i> ²	July 1 Sun. ³ , Nov. 14 Nov. 15 Sun. ³ , Nov. 21 Nov. 22 Dec. 13	and and and and and	Nov. 13 Sun. ³ , Nov. 14 Nov. 20 Sun. ³ , Nov. 21 Nov. 26 June 30, 2022	Unlimited	
<i>Fox</i> ³	Oct. 23		Feb. 19, 2022	Unlimited	
<i>Raccoon</i> ²	Oct. 23 Sun. ³ , Nov. 14 Nov. 15 Sun. ³ , Nov. 21 Nov. 22 Dec. 13	and and and and and	Nov. 13 Sun. ³ , Nov. 14 Nov. 20 Sun. ³ , Nov. 21 Nov. 26 Feb. 19, 2022	Unlimited	
<i>Bobcat, with required bobcat permit</i> ¹ WMUs 2A, 2B, 2C, 2E, 2F, 2G, 2H, 3A, 3B, 3C, 3D, 4A, 4B, 4C, 4D and 4E	Jan. 8, 2022		Feb. 2, 2022	1	1
<i>Porcupine</i> ²	Oct. 9 Sun. ³ , Nov. 14 Nov. 15 Sun. ³ , Nov. 21 Nov. 22	and and and and	Nov. 13 Sun. ³ , Nov. 14 Nov. 20 Sun. ³ , Nov. 21 Jan. 29, 2022	3	10

No open seasons on other wild birds or wild mammals.

¹ No hunting on Sunday authorized. See 34 Pa.C.S. § 2303.

² Hunting on Sunday authorized on separately delineated Sunday date(s) only. See 34 Pa.C.S. § 2303.

³ Hunting on Sunday is authorized. See 34 Pa.C.S. § 2303.

⁴ Only persons who possess a special wild turkey license as provided for in section 2709 of the act (relating to license costs and fees) may take a second spring gobbler during the hunting license year; all other persons, including mentored youth hunters, may take only one spring gobbler. A maximum of 2 spring gobblers per license year may be taken by any combination of licenses or exceptions for mentored youth.

⁵ Only one antlered deer (buck) may be taken during the hunting license year.

⁶ Includes residents and nonresident license holders who have reached or will reach their 65th birthday in the year of the application for the license and hold a valid adult license or qualify for license and fee exemptions under section 2706 of the act (relating to resident license and fee exemptions).

⁷ Only one bear may be taken during the hunting license year with the required bear license.

⁸ Only one elk may be taken during the hunting license year with the required elk license.

GAME COMMISSION

[58 PA. CODE CHS. 139 AND 143]

Seasons and Bag Limits; Elk Management Area and Hunt Zones; Hunting and Furtaker Licenses; Elk Licenses

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission) proposed at its January 23, 2021, meeting to amend §§ 143.203, 143.203a and 143.206 (relating to random drawing elk licenses; special elk conservation license auction; and validity of elk licenses) and add §§ 139.18 and 143.203b (relating to elk management area and hunt zones; and special-license fundraiser elk license) to define the elk management area and elk hunt zones, better delineate and describe the three available elk licenses and close all elk hunting in any elk hunt zone that does not receive an allocation for a given hunting license year.

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

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

This proposed rulemaking was made public at the January 23, 2021, meeting of the Commission. Comments can be sent until April 7, 2021, to the Director, Information and Education, Game Commission, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797.

1. Purpose and Authority

The Commission has identified that current regulations concerning elk licenses do not adequately describe the three available elk licenses and their authorized uses. Furthermore, current regulations do not even define the extent and location of the elk management area or elk hunt zones. The Commission is proposing to amend §§ 143.203, 143.203a and 143.206 and add §§ 139.18 and 143.203b to define the elk management area and elk hunt zones, better delineate and describe the three available elk licenses and close all elk hunting in any elk hunt zone that does not receive an allocation for a given hunting license year.

Section 2722(g) of the code (relating to authorized licensed-issuing agents) directs the Commission to adopt regulations for the administration, control and performance of license issuing activities. Section 2102(a) of the code (relating to regulations) provides that "The commission shall promulgate such regulations as it deems necessary and appropriate concerning game or wildlife and hunting or furtaking in this Commonwealth, including regulations relating to the protection, preservation and management of game or wildlife and game or wildlife habitat, permitting or prohibiting hunting or furtaking, the ways, manner, methods and means of hunting or furtaking, and the health and safety of persons who hunt or take wildlife or may be in the vicinity of persons who

hunt or take game or wildlife in this Commonwealth." The amendments to §§ 143.203, 143.203a and 143.206 and addition of §§ 139.18 and 143.203b are proposed under this authority.

2. Regulatory Requirements

This proposed rulemaking will amend §§ 143.203, 143.203a and 143.206 and add §§ 139.18 and 143.203b to define the elk management area and elk hunt zones, better delineate and describe the three available elk licenses and close all elk hunting in any elk hunt zone that does not receive an allocation for a given hunting license year.

3. Persons Affected

Persons wishing to hunt elk within the Commonwealth will be affected by this proposed rulemaking.

4. Cost and Paperwork Requirements

This proposed rulemaking should not result in any additional cost or paperwork.

5. Effective Date

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

6. Contact Person

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

BRYAN J. BURHANS,
Executive Director

Fiscal Note: 48-469. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 58. RECREATION

PART III. GAME COMMISSION

CHAPTER 139. SEASONS AND BAG LIMITS

APPENDIX C

(*Editor's Note:* The following text is proposed to be added and printed in regular type to enhance readability.)

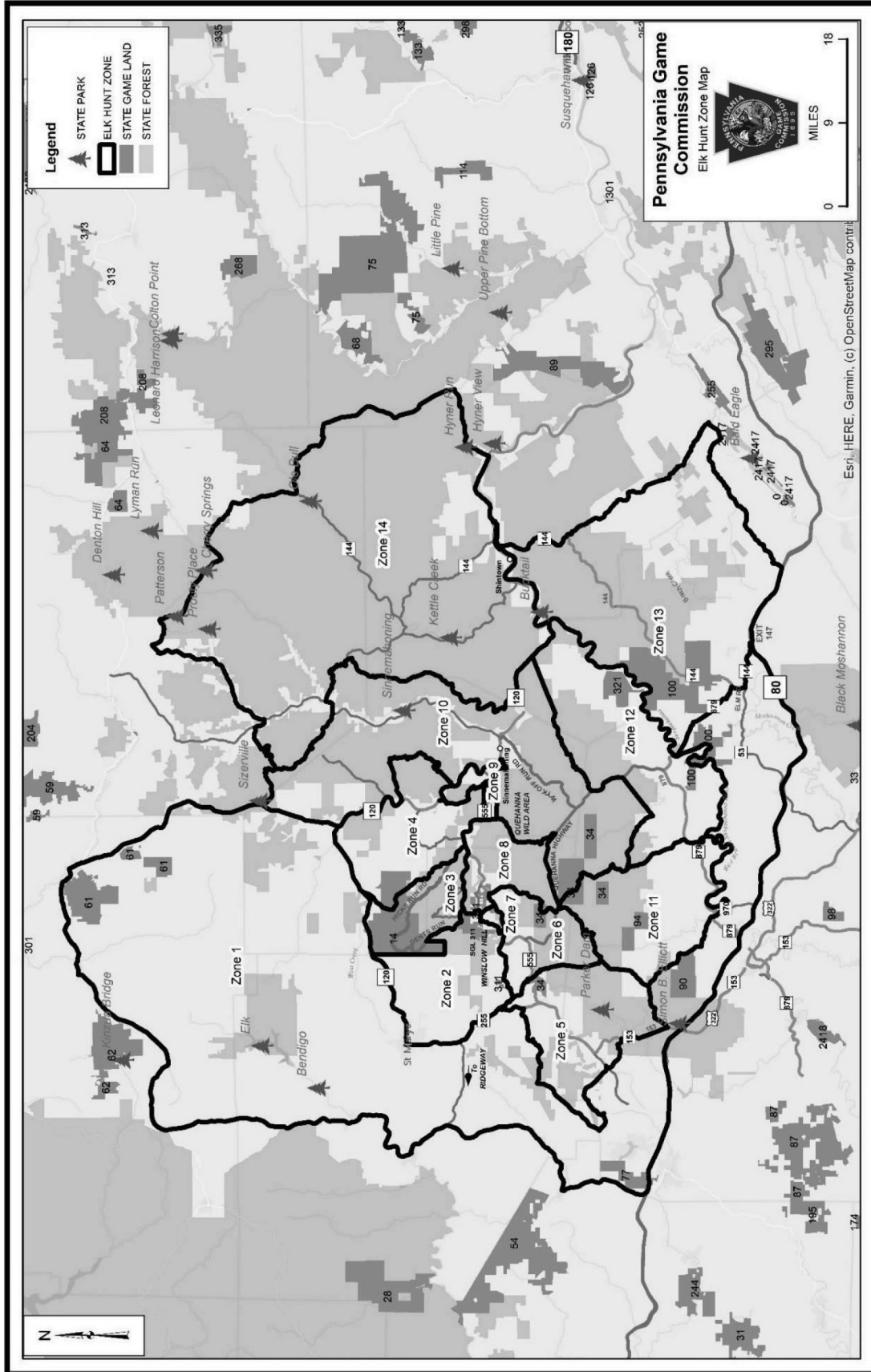
§ 139.18. Elk management area and hunt zones.

(a) The elk management area is broad geographical range used for management of the Commonwealth's elk population.

(b) Elk hunt zones are those individual and distinct areas within the elk management area in which elk may be hunted according to annual elk allocations.

(c) The division line between two or more hunt zones shall be the center of the highway, road, natural water course or other natural boundary.

(d) The outline map of the elk management area sets forth the elk hunt zones.



CHAPTER 143. HUNTING AND
FURTAKEER LICENSES

Subchapter K. ELK LICENSES

§ 143.203. [Drawing] Random drawing elk licenses.

(a) The Executive Director will set the date [and location] for the random drawing of applications for the issuance of random drawing elk licenses. [Incomplete, illegible or duplicate applications will not be included in the drawing.]

(b) Applications from current applicants who have applied in the 2003-2004 license year and subsequent years will be included in the random drawing until the applicant is successfully drawn and issued a license.

(c) Applicants issued a random drawing elk license entitling them to take an antlered elk are not permitted to apply for [an] a random drawing elk license for 5 license years.

(d) Qualified applicants and alternates drawn for [an] a random drawing elk license shall be required to obtain a regular hunting license and complete an orientation program as prescribed by the Director.

(e) Qualified applicants drawn for [an] a random drawing elk license whose military obligation prevents them from hunting the current elk season shall be eligible to hunt in the next available elk season.

(f) The number of available random drawing elk licenses each year shall be limited to [a number] the allocations set by the Commission for each Elk Hunt Zone. Any Elk Hunt Zone that does not receive an allocation for a given hunting license year is closed to all elk hunting, unless the zone is designated as open to all elk license holders by the Commission.

§ 143.203a. Special elk conservation license auction.

(a) Each year the Commission may contract with an eligible wildlife conservation organization to conduct an auction sale of one special elk conservation license in accordance with [the mandates under section 2706.2] section 2706.2(b) of the act (relating to elk hunting licenses).

(b) Upon conclusion of the auction, the wildlife conservation organization shall issue the winning bidder a license voucher which may be redeemed for a special elk conservation license under section 2712 of the act (relating to vouchers for licenses and permits).

(c) Except as authorized by § 143.206(c) (relating to validity of elk licenses), special conservation license auction elk licenses are limited to use within the Elk Hunt Zones receiving allocations for a given hunting license year under section § 143.203(f) (relating to random drawing elk licenses). Any Elk Hunt Zone that does not receive an allocation for a given hunting license year under section § 143.203(f) is closed to all elk hunting, unless the zone is designated as open to all elk license holders by the Commission.

(Editor's Note: The following text is proposed to be added and printed in regular type to enhance readability.)

§ 143.203b. Special-license fundraiser elk license.

(a) Each year the Commission may contract with an eligible Pennsylvania-based nonprofit organization to con-

duct an auction or raffle sale of one special-license fundraiser elk license in accordance with section 2706.2(c) of the act (relating to elk hunting licenses).

(b) Upon conclusion of the auction or raffle, the Pennsylvania-based nonprofit organization shall issue the winning bidder a license voucher which may be redeemed for a special-license fundraiser elk license under section 2712 of the act (relating to vouchers for licenses and permits).

(c) Except as authorized by § 143.206(c) (relating to validity of elk licenses), special-license fundraiser elk license auction licenses are limited to use within the Elk Hunt Zones receiving allocations for a given hunting license year under section § 143.203(f) (relating to random drawing elk licenses). Any elk hunt zone that does not receive an allocation for a given hunting license year under section § 143.203(f) is closed to all elk hunting, unless the zone is designated as open to all elk license holders by the Commission.

§ 143.206. Validity of [license] elk licenses.

(a) Elk hunt zones. Except as provided in subsection (c), an elk license is valid for taking elk only in the elk hunt zones designated on the elk license, unless the zone is designated as open to all elk license holders by the Commission.

(b) Elk gender. Except as provided in subsection (c), an elk license is valid for taking only an antlerless, antlered or either sex elk as designated on the elk license.

(c) Exception. Any unfilled antlered or antlerless elk license for any designated elk hunt [zones is] zones are additionally valid for taking either an antlered or antlerless elk anywhere within this Commonwealth outside of the elk management area during any [designated] extended elk season [following] established in § 139.4 (relating to seasons and bag limits for the license year) that follows the regular elk season.

[Pa.B. Doc. No. 21-370. Filed for public inspection March 12, 2021, 9:00 a.m.]

GAME COMMISSION

[58 PA. CODE CH. 141]

Hunting and Trapping; Big Game

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission) proposed at its January 23, 2021, meeting to amend § 141.45 (relating to turkey) to eliminate the use of rifles during the fall turkey season.

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

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

This proposed rulemaking was made public at the January 23, 2021, meeting of the Commission. Comments can be sent until April 7, 2021, to the Director, Information and Education, Game Commission, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797.

1. Purpose and Authority

Manually operated rifles, including both centerfire and rimfire, are listed as permitted devices for use by hunters

during the fall turkey seasons in all Wildlife Management Units (WMU) with an open fall turkey season excluding those portions found within the Special Regulations Areas designated in § 141.1 (relating to special regulations areas). Notwithstanding their permitted use, the Commission has observed that very few hunters hunt during the fall turkey season with a rifle. The 2020 general turkey hunter survey showed 14% of respondents primarily used rifles to hunt fall turkey, whereas 33% of the Statewide harvest was with a rifle, but this varied by WMU (19% in 1A to 52% in 3A). Most fall turkey hunters (70%) primarily used shotguns (53% of harvest), 9% used crossbows (10% of harvest), 8% used vertical bows (4% of harvest) and a few used muzzleloaders or handguns (<1% of harvest). Were it assumed that all rifle hunters in 2020 used a shotgun and had the same efficiency as other shotgun hunters, fall harvest could decrease Statewide by approximately 20%, but that figure would vary by WMU.

The Commission’s turkey management plan provides guidance to adjust fall season lengths by 1 week at a time to manage turkey population trends. For example, when populations are declining, the plan calls for fall season length to be reduced by 1 week. The Commission has observed evidence of declining turkey populations in 15 of 23 WMUs and has therefore proposed season length reductions in those areas. However, the Commission is also investigating alternative methods of stabilizing fall turkey harvest numbers without focusing solely on further reductions in hunting opportunity as measured by season length. The Commission has determined that the elimination of rifles during fall turkey season may aid in this goal. Based on the results from the 2020 Turkey Hunter Survey, the Commission observed that the elimination of rifles during the fall turkey season could reduce fall harvest by as much as 20%. Depending on the actual impact of removing rifles from fall turkey seasons, the Commission anticipates that recent fall turkey season length reductions could eventually be reversed and more hunting opportunities added. The Commission is proposing to amend § 141.45 to eliminate the use of rifles during the fall turkey season.

Section 2102(d) of the code (relating to regulations) authorizes the Commission to “promulgate regulations stipulating the size and type of traps, the type of firearms and ammunition and other devices which may be used, the manner in which and the location where the devices may be used, the species the devices may be used for and the season when the devices may be used.” The amendments to § 141.45 are proposed under this authority.

2. *Regulatory Requirements*

This proposed rulemaking will amend § 141.45 to eliminate the use of rifles during the fall turkey season.

3. *Persons Affected*

Persons wishing to hunt turkeys with a rifle during the fall turkey season will be affected by this proposed rulemaking.

4. *Cost and Paperwork Requirements*

This proposed rulemaking should not result in any additional cost or paperwork.

5. *Effective Date*

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

6. *Contact Person*

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

BRYAN J. BURHANS,
Executive Director

Fiscal Note: 48-467. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 58. RECREATION

PART III. GAME COMMISSION

CHAPTER 141. HUNTING AND TRAPPING

Subchapter C. BIG GAME

§ 141.45. Turkey seasons.

(a) *Fall turkey season.*

(1) *Permitted devices.* It is lawful to hunt turkey during the fall turkey season with any of the following devices:

(i) [**A manually operated rifle or handgun that propels single-projectile ammunition.**] **(Reserved).**

(ii) A manually operated or semiautomatic, centerfire shotgun or muzzleloading shotgun that propels single-projectile ammunition or multiple projectile shotgun ammunition no larger than # 4 lead, # 2 steel, or # 4 of any other composition or alloy of nontoxic shot approved by the Director of the United States Fish and Wildlife Service or an authorized representative under 50 CFR 20.134 (relating to approval of nontoxic shot types and shot coatings). A centerfire shotgun’s magazine capacity may not exceed two rounds. The shotgun’s total aggregate ammunition capacity may not exceed three rounds.

(iii) A muzzleloading rifle or handgun that propels single-projectile ammunition.

(iv) *A bow and arrow.* A bow must have a peak draw weight of at least 35 pounds. An arrow must be equipped with a broadhead that has an outside diameter or width of at least 7/8 inch and may not exceed 3.25 inches in length.

(v) *A crossbow and bolt.* A crossbow must have a peak draw weight of at least 125 pounds. A bolt must be equipped with a broadhead that has an outside diameter or width of at least 7/8 inch and may not exceed 3.25 inches in length.

* * * * *

[Pa.B. Doc. No. 21-371. Filed for public inspection March 12, 2021, 9:00 a.m.]

GAME COMMISSION

[58 PA. CODE CH. 141]

Hunting and Trapping; General

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission) pro-

posed at its January 23, 2021, meeting to amend § 141.4 (relating to hunting hours) to replace the current hunting hours table and migratory bird hunting hours table to accurately reflect the dates and hours of legal hunting for the 2021-2022 hunting/furtaking license year.

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

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

This proposed rulemaking was made public at the January 23, 2021, meeting of the Commission. Comments can be sent until April 7, 2021, to the Director, Information and Education, Game Commission, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797.

1. Purpose and Authority

The Commission is proposing to amend § 141.4 to replace the current hunting hours table and migratory bird hunting hours table to accurately reflect the dates and hours of legal hunting for the 2021-2022 hunting/furtaking license year.

Section 2102(a) of the code (relating to regulations) provides that "The commission shall promulgate such regulations as it deems necessary and appropriate concerning game or wildlife and hunting or furtaking in this Commonwealth, including regulations relating to the protection, preservation and management of game or wildlife and game or wildlife habitat, permitting or prohibiting hunting or furtaking, the ways, manner, methods and means of hunting or furtaking, and the health and safety of persons who hunt or take wildlife or may be in the vicinity of persons who hunt or take game or wildlife in this Commonwealth." The amendments to § 141.4 are proposed under this authority.

2. Regulatory Requirements

This proposed rulemaking will amend § 141.4 to replace the current hunting hours table and migratory bird hunting hours table to accurately reflect the dates and hours of legal hunting for the 2021-2022 hunting/furtaking license year.

3. Persons Affected

Persons wishing to hunt or trap game or wildlife within this Commonwealth during the 2021-2022 hunting/furtaking license year will be affected by this proposed rulemaking.

4. Cost and Paperwork Requirements

This proposed rulemaking should not result in any additional cost or paperwork.

5. Effective Date

The effective dates of this proposed rulemaking are July 1, 2021, to June 30, 2022.

6. Contact Person

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

BRYAN J. BURHANS, Executive Director

Fiscal Note: 48-468. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 58. RECREATION

PART III. GAME COMMISSION

CHAPTER 141. HUNTING AND TRAPPING

Subchapter A. General

§ 141.4. Hunting hours.

Except as otherwise provided, wild birds and mammals may be hunted 1/2 hour before sunrise to 1/2 hour after sunset.

* * * * *

(Editor's Note: As part of this proposed rulemaking, the Commission is proposing to replace the tables which appear in Appendix G, 58 Pa. Code pages 141-37—141-40, serial pages (401539)—(401542), with the following tables.)

Appendix G. HUNTING HOURS

HUNTING HOURS TABLE FOR JUNE 27, 2021, THROUGH JULY 2, 2022

Table with 3 columns: Dates, Begin A.M., End P.M. Rows include dates from June 27 to July 2, 2022, with corresponding start and end times.

<i>Dates</i>	<i>Begin A.M.</i>	<i>End P.M.</i>
Jan. 30—Feb. 5	6:41	5:48
Feb. 6—12	6:34	5:56
Feb. 13—19	6:26	6:04
Feb. 20—26	6:17	6:12
Feb. 27—March 5	6:07	6:20
March 6—12	5:56	6:28
March 13—19 * Begins	6:45	7:35
March 20—26	6:34	7:43
March 27—Apr. 2	6:23	7:50
April 3—9	6:11	7:57
April 10—16	6:00	8:04
April 17—23	5:50	8:11
April 24—30	5:40	8:24
May 1—7	5:31	8:25
May 8—14	5:23	8:32
May 15—21	5:15	8:39
May 22—28	5:10	8:45
May 29—June 4	5:05	8:51
June 5—11	5:01	8:56
June 12—18	5:02	9:00
June 19—25	5:03	9:02
June 26—July 2	5:06	9:03

*Daylight Saving Time Begins

**Ends

**MIGRATORY GAME BIRD HUNTING
HOURS TABLE 2021-2022**

<i>Dates</i>	<i>Begin A.M.</i>	<i>End P.M.</i>
June 27—July 3	5:07	8:33
July 4—10	5:11	8:31
July 11—17	5:16	8:27
July 18—24	5:22	8:22
July 25—31	5:28	8:15
Aug. 1—7	5:35	8:07
Aug. 8—14	5:42	7:58
Aug. 15—21	5:48	7:48
Aug. 22—28	5:55	7:38
Aug. 29—Sept. 4	6:02	7:27
Sept. 5—11	6:08	7:15
Sept. 12—18	6:15	7:04
Sept. 19—25	6:21	6:52
Sept. 26—Oct. 2	6:28	6:41
Oct. 3—9	6:35	6:30
Oct. 10—16	6:42	6:19
Oct. 17—23	6:50	6:09
Oct. 24—30	6:58	6:00
Oct. 31—Nov. 6	7:06	5:52
Nov. 7—13 ** Ends	6:07	4:51

<i>Dates</i>	<i>Begin A.M.</i>	<i>End P.M.</i>
Nov. 14—20	6:22	4:41
Nov. 21—27	6:29	4:37
Nov. 28—Dec. 4	6:36	4:35
Dec. 5—11	6:42	4:35
Dec. 12—18	6:47	4:38
Dec. 19—25	6:51	4:38
Dec. 26—Jan. 1	6:52	4:44
Jan. 2—8	6:52	4:53
Jan. 9—15	6:50	4:54
Jan. 16—22	6:47	5:01
Jan. 23—29	6:46	5:09
Jan. 30—Feb. 5	6:41	5:18
Feb. 6—12	6:34	5:26
Feb. 13—19	6:26	5:34
Feb. 20—26	6:17	5:42
Feb. 27—March 5	6:07	5:50
March 6—12	5:56	5:58
March 13—19 * Begins	6:45	7:05
March 20—26	6:34	7:13
March 27—April 2	6:23	7:20
April 3—9	6:11	7:27
April 10—16	6:00	7:34
April 17—23	5:50	7:41
April 24—30	5:40	7:54
May 1—7	5:31	7:56
May 8—14	5:23	8:02
May 15—21	5:15	8:09
May 22—28	5:10	8:15
May 29—June 4	5:05	8:21
June 5—11	5:01	8:26
June 12—18	5:02	8:30
June 19—25	5:03	8:32
June 26—July 2	5:06	8:33

*Daylight Saving Time Begins

**Ends

[Pa.B. Doc. No. 21-372. Filed for public inspection March 12, 2021, 9:00 a.m.]

GAME COMMISSION

[58 PA. CODE CH. 143]

Hunting and Furtaker Licenses; Antlerless Deer Licenses

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission) proposed at its January 23, 2021, meeting to amend §§ 143.45 and 143.52 (relating to completing and submitting applications; and procedure for unlimited antlerless

licenses) to authorize unlimited over-the-counter sales of antlerless licenses in any open (unexhausted) Wildlife Management Unit (WMU) on the second Monday in September until these quotas are exhausted.

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

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

This proposed rulemaking was made public at the January 23, 2021, meeting of the Commission. Comments can be sent until April 7, 2021, to the Director, Information and Education, Game Commission, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797.

1. *Purpose and Authority*

The term 'personal limit' refers to the number of antlerless deer licenses a hunter may possess at any given time. Current rules differ between WMUs that are generally within and those that are outside areas defined as special regulation areas (WMUs 2B, 5C and 5D). Persons hunting outside of WMUs 2B, 5C and 5D are currently restricted to acquiring a maximum personal limit of up to three antlerless licenses. Persons hunting within WMUs 2B, 5C and 5D currently have no personal limit on the number of antlerless licenses they may acquire from WMUs with a remaining antlerless license allocation. The allowance of the 'unlimited' personal limit in WMUs 2B, 5C and 5D was originally intended to ensure that the quota of antlerless licenses set by the Commission for WMUs 2B, 5C and 5D was issued to the fullest extent possible in an effort to achieve deer management goals. The 'unlimited' personal limit does not permit a person to obtain antlerless licenses beyond a given WMUs' annual allocation of antlerless licenses.

The Commission recently observed that, as of mid-November, there were still well over 16,000 antlerless deer licenses available in WMUs 2A and 4A. Persons hunting in these areas where significant numbers of antlerless deer licenses have remained unsold late into the deer hunting seasons have questioned whether the current personal limit continues to make sense. More to the point, these hunters have inquired whether it makes more sense for the Commission to ensure that the quota of antlerless licenses allocated to the various WMUs across this Commonwealth are issued to the fullest extent possible to achieve the goals behind the original allocations in the same manner as in WMUs 2B, 5C and 5D. The Commission agrees with this approach. The Commission is proposing to amend §§ 143.45 and 143.52 to authorize unlimited over-the-counter sales of antlerless licenses in any open (unexhausted) WMU on the second Monday in September until these quotas are exhausted.

These proposed amendments will maintain the current conventional pre-season application three-round structure for mailed antlerless deer license applications. This unchanged process will continue to ensure equitable and fair distribution of antlerless licenses for hunters in the WMUs of their choice, assuming quotas remain available within these WMUs at each round of distribution. However, these proposed amendments will expand the availability of unlimited over-the-counter sales of antlerless licenses to all WMUs that have an available quota remaining on the second Monday in September, not just WMUs 2B, 5C and 5D.

For most hunters, this means that they would be authorized to purchase their fourth antlerless license over-the-counter starting on the second Monday in September as long as a quota remains available. For other

hunters late to the antlerless license purchase process, a maximum of four antlerless licenses would be authorized for purchase over-the-counter starting on the second Monday in September, again assuming a quota remains available. One important facet to this new structure will be a restriction limiting all hunters to possessing no more than four active antlerless licenses at any given time. Purchase of a fifth or subsequent antlerless deer license will require a hunter to exhaust and report online the harvest of one or more of their previously issued antlerless deer licenses before becoming eligible to purchase additional antlerless deer licenses. Over-the-counter sales of antlerless deer licenses will continue in this manner within each WMU until the quota assigned to each WMU is exhausted.

This new method maintains equitable and fair distribution of antlerless licenses, and importantly, also helps ensure that the quota of antlerless licenses set by the Commission for each WMU is issued to the fullest extent possible, thus supporting its deer management goals. This new process will simplify the antlerless deer license regulations by applying the same distribution rules to all WMUs across the board. The Commission also expects to see the collateral benefit of increased harvest reporting rates with this new process due to the harvest reporting requirements applied to the issuance of subsequent antlerless deer licenses. Lastly, the Commission also sees the potential for antlerless deer license sales to stretch into regular firearms deer seasons for some WMUs, thus making some antlerless deer licenses available to hunters purchasing their hunting license later in the hunting season.

Section 2722(g) of the code (relating to authorized license-issuing agents) directs the Commission to adopt regulations for the administration, control and performance of license issuing activities. The amendments to §§ 143.45 and 143.52 are proposed under this authority.

2. *Regulatory Requirements*

This proposed rulemaking will amend §§ 143.45 and 143.52 to authorize unlimited over-the-counter sales of antlerless licenses in any open (unexhausted) WMU on the second Monday in September until these quotas are exhausted.

3. *Persons Affected*

Persons wishing to hunt or trap game and wildlife within this Commonwealth will be affected by this proposed rulemaking.

4. *Cost and Paperwork Requirements*

This proposed rulemaking should not result in any additional cost or paperwork.

5. *Effective Date*

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

6. *Contact Person*

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

BRYAN J. BURHANS,
Executive Director

Fiscal Note: 48-464. No fiscal impact; (8) recommends adoption.

Annex A
TITLE 58. RECREATION
PART III. GAME COMMISSION
CHAPTER 143. HUNTING AND FURTKAKER
LICENSES

Subchapter C. Antlerless Deer Licenses

§ 143.45. Completing and submitting applications.

(a) Except as otherwise provided in § 143.52 (relating to procedure for unlimited antlerless licenses) and for those applications submitted by qualified landowners, it is unlawful for a county treasurer to accept an application other than by regular first class mail delivered through and by the United States Postal Service. Applications for unsold antlerless deer licenses shall be accepted by county treasurers over the counter and may immediately be processed if any licenses [are] remain available in any wildlife management unit beginning on the [first] second Monday in [October] September.

* * * * *

§ 143.52. Procedure for unlimited antlerless licenses.

[(a) The Executive Director will designate by April 30 of each year those wildlife management units where hunters will be allowed to apply for an unlimited number of antlerless deer licenses.

(b) Beginning on the first Monday in August residents and nonresidents of this Commonwealth shall be eligible to apply by mail to a county treasurer for an unlimited number of antlerless deer licenses for designated units.

(c) Beginning on the fourth Monday in August, county treasurers shall accept antlerless applications over the counter for designated units from residents and nonresidents of this Commonwealth and may immediately issue licenses to applicants.]

(a) Subject to the procedures and limitations of this section, applicants are eligible to make application to receive an unlimited number of antlerless licenses within each wildlife management unit that remains unexhausted beginning on the second Monday in September.

(b) Unexhausted antlerless licenses allocated to a wildlife management unit shall be made available to eligible applicants over the counter starting the second Monday in September, subject to the following limitations:

(1) An applicant is eligible to make application for an antlerless license under this section only when the Commission's PALS licensing system shows three or less active and unfulfilled antlerless licenses on their license profile.

(2) Once an applicant has been issued a fourth cumulative antlerless license, the applicant will not be eligible to make reapplication for additional antlerless licenses until one or more previously issued antlerless licenses have been exhausted by harvest and the harvest or harvests have resulted in a verified completed harvest report in PALS.

(3) At no time is an applicant authorized to exceed four cumulative active and unfulfilled antlerless licenses in their PALS license profile.

(c) The authorizations of this section will terminate automatically for each wildlife management unit once its antlerless license allocation quota is exhausted.

[Pa.B. Doc. No. 21-373. Filed for public inspection March 12, 2021, 9:00 a.m.]

GAME COMMISSION

[58 PA. CODE CH. 143]

Hunting and Furtaker Licenses; General

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission) proposed at its January 23, 2021, meeting to amend § 143.1 and add § 143.5a (relating to definitions; and digital hunting and furtaking licenses) to define and authorize the use of hunting and furtaking eLicenses and certain electronic permits.

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

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

This proposed rulemaking was made public at the January 23, 2021, meeting of the Commission. Comments can be sent until April 7, 2021, to the Director, Information and Education, Game Commission, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797.

1. Purpose and Authority

The Commission currently issues various hunting and furtaking license products to customers in physical form only on the familiar durable yellow stock. New features in the PALS (HuntFishPA) system are expected to go live for the 2021-2022 license year and will have the capacity to provide hunters and trappers with a digital versions of its license and certain permit products by e-mail and through the PALS system. However, current regulations will need to be amended to authorize and define their use. The Commission is proposing to amend § 143.1 and to add § 143.5a to define and authorize the use of hunting and furtaking eLicenses. This authorization will also extend to certain permits also sold through the PALS system, such as mentored permits, bobcat permits, range permits, and the like.

An eLicense is generally defined as a digital (electronic) copy of a hunting or furtaking license or permit provided to customers in the form of a PDF document. An eLicense will be issued to the hunter or trapper at the time of purchase and will be authorized for use in the same manner and as an alternative to traditional physical license documents. When used, the eLicense will be stored and displayed by the customer on a mobile device such as a smartphone or tablet. The customer will also have the option of printing a copy of eLicense products on their own printer using appropriate paper stock.

Carcass harvest tags will continue to be provided to customers in physical form only on the familiar durable stock. No digital versions of these documents will be issued to customers or authorized for use. Customers that elect to purchase license products online will be provided with digital copies of their license products and thereafter mailed physical carcass harvest tags by first class mail. Customers that elect to purchase license products at an agent location will be issued physical carcass harvest tags

at the time of purchase and will also have the opportunity to have digital licenses provided to them electronically when a valid e-mail address is provided. There will be no additional fee for customers to retrieve eLicense products from the Commission's PALS system. However, replacement license fees will still apply where replacement carcass harvest tags are requested or where the customer opts for a physical reprint of license products.

Section 2722(g) of the code (relating to authorized license-issuing agents) directs the Commission to adopt regulations for the administration, control and performance of license issuing activities. The amendments to § 143.1 and addition of § 143.5a are proposed under this authority.

2. Regulatory Requirements

This proposed rulemaking will amend § 143.1 and add § 143.5a to define and authorize the use of hunting and furtaking eLicenses and certain electronic permits.

3. Persons Affected

Persons wishing to hunt or trap game and wildlife within this Commonwealth will be affected by this proposed rulemaking.

4. Cost and Paperwork Requirements

This proposed rulemaking should not result in any additional cost or paperwork.

5. Effective Date

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

6. Contact Person

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

BRYAN J. BURHANS,
Executive Director

Fiscal Note: 48-463. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 58. RECREATION

PART III. GAME COMMISSION

CHAPTER 143. HUNTING AND FURTAKE LICENSES

Subchapter A. GENERAL

§ 143.1. Definitions.

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

Agent—A person appointed under Chapter 27, Subchapter B of the act (relating to agents) who is authorized to issue the licenses provided for in the act and this part.

Customer ID number—The unique customer identifier permanently assigned to each customer of the Commission's PALS.

License—A physical or digital document issued by the Commission authorizing the holder to hunt for, take, kill and possess certain types of game or wildlife during a specified period.

PALS—Pennsylvania Automated Licensing System—The Commission's computer-based automated licensing system that facilitates the purchase and creation of license products at the agent location.

(*Editor's Note:* The following text is proposed to be added and printed in regular type to enhance readability.)

§ 143.5a. Digital hunting and furtaking licenses.

This section applies only to persons that have elected to conduct hunting and furtaking license transactions by electronic means as determined from the context and surrounding circumstances of the acquisition and production of these digital license documents. Upon the Commission establishing a system to distribute and make available digital license documents, holders of these issued digital documents may produce them as required under the act or this part in digital or printed physical form in the same manner as physical printed licenses issued directly by the Commission or any of its agents, subject to the following:

(1) *Digital documents.* Digital license documents issued by the Commission and stored on a personal electronic device must be capable of immediate retrieval and clear display of the digital document to ensure the readability of all license information contained on the digital document, including any bar codes or QR codes. Failure to retrieve and produce this digital document or its physical alternative to any landowner upon whose land that person may be occupying or to any officer whose duty it is to enforce this title shall constitute a violation under section 2711(a)(12) of the act (relating to unlawful acts concerning licenses).

(2) *Printed digital license documents.* Digital license documents issued by the Commission and subsequently reduced to physical form must be printed on paper or another substantially equivalent medium of such quality, color and contrast to clearly display and ensure the readability of all license information contained on the digital document, including any bar codes or QR codes. Failure to produce this printed digital document or its original physical alternative to any landowner upon whose land that person may be occupying or to any officer whose duty it is to enforce this title shall constitute a violation under section 2711(a)(12) of the act.

(3) *Harvest tags.* The Commission will not issue any digital harvest tags with digital license documents. The Commission or any of its eligible issuing agents will issue harvest tags directly to the holder in physical form only. No further reproduction of these physical documents, digital or otherwise, is authorized to satisfy tagging or marking requirements under the act or this part, except as may be authorized by section 2710 of the act (relating to replacement of lost licenses). Section 2323(c) of the act (relating to tagging and reporting big game kills) regarding licenses issued without tags shall not be construed to apply to digitally issued license documents supplemented by the issuance of physical harvest tags.

(4) *Electronic Transactions Act.* The Electronic Transactions Act (73 P.S. §§ 2260.101—2260.5101), as amended, shall apply to any automated transaction conducted under this section. It is specifically intended that any license acquired and used in a digital format under the authorizations of this section is deemed to be electronically signed and certified by the holder of the document. Digital license documents issued by the Commission and subsequently reduced to physical form shall be signed

and certified by the holder in the same manner as physical printed licenses issued directly by the Commission or any of its agents.

[Pa.B. Doc. No. 21-374. Filed for public inspection March 12, 2021, 9:00 a.m.]

GAME COMMISSION

[58 PA. CODE CH. 147]

Special Permits; Deer Control

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission) proposed at its January 23, 2021, meeting to amend § 147.673 (relating to eligibility and application for DMAP) to make July 1st the deadline for DMAP applications.

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

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

This proposed rulemaking was made public at the January 23, 2021, meeting of the Commission. Comments can be sent until April 7, 2021, to the Director, Information and Education, Game Commission, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797.

1. *Purpose and Authority*

Section 147.673 currently provides an application deadline of May 1st. Reviews by external users and Commission staff identified a deadline of May 1st as too early. For many users of DMAP, the May 1st deadline does not allow adequate time to collect post-winter data, analyze the data and incorporate those results into DMAP applications. In addition, a later deadline will allow more time for landowners to prepare and submit applications. The Commission is proposing to amend § 147.673 to make July 1st the deadline for DMAP applications.

Section 2901(b) of the code (relating to authority to issue permits) provides “the commission may, as deemed necessary to properly manage the game or wildlife resources, promulgate regulations for the issuance of any permit and promulgate regulations to control the activities which may be performed under authority of any permit issued.” The amendments to § 147.673 are proposed under this authority.

2. *Regulatory Requirements*

This proposed rulemaking will amend § 147.673 to make July 1st the deadline for DMAP applications.

3. *Persons Affected*

Persons wishing to make application to the DMAP program will be affected by this proposed rulemaking.

4. *Cost and Paperwork Requirements*

This proposed rulemaking should not result in any additional cost or paperwork.

5. *Effective Date*

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

6. *Contact Person*

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

BRYAN J. BURHANS,
Executive Director

Fiscal Note: 48-466. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 58. RECREATION

PART III. GAME COMMISSION

CHAPTER 147. SPECIAL PERMITS

Subchapter R. DEER CONTROL

DEER MANAGEMENT ASSISTANCE PROGRAM PERMITS

§ 147.673. Eligibility and application for DMAP.

(a) Owners or lessees of private land, hunting clubs or authorized officers or employees of political subdivisions or government agencies are eligible to make application for a DMAP.

(1) Applications shall be submitted on a form provided by the Commission to a regional office by [**May**] **July** 1 immediately preceding the first fall deer season and include the name of the owner, lessee, political subdivision or government agency that is applying for the DMAP and the name and address of the contact person for the DMAP as well as other information required on the application.

* * * * *

[Pa.B. Doc. No. 21-375. Filed for public inspection March 12, 2021, 9:00 a.m.]

NOTICES

DEPARTMENT OF AGRICULTURE

Order of Quarantine and Treatment: Spotted Lanternfly

Recitals

A. This order rescinds and replaces all previous orders and addendums thereto.

B. Spotted lanternfly, *Lycorma delicatula*, is a new pest to the United States and has been detected in the Commonwealth. This is a dangerous insect to forests, ornamental trees, orchards and grapes and is not native to the Commonwealth or the United States. It is not yet widely prevalent or distributed within or throughout the Commonwealth, but it has been found in numerous counties since its first appearance in the Commonwealth.

C. The plant pest *Lycorma delicatula* (Spotted lanternfly) has been determined by the Department to be dangerous and destructive to the agriculture, horticulture and forests of this Commonwealth and is hereby declared a "public nuisance."

D. The Plant Pest Act (Act) (act of December 16, 1992, P.L. 1228, No. 162) (3 P.S. §§ 258.1—258.27) empowers The Department of Agriculture (Department) to take various measures to detect, contain and eradicate plant pests. These powers include the authority to establish quarantines to prevent the spread of plant pests within this Commonwealth, to make surveys to determine the existence, distribution and damage caused by the plant pest, to collect samples and to prescribe treatment for control of the plant pest (act of December 16, 1992, P.L. 1228, No. 162, §§ 18, 19 and 21) (3 P.S. §§ 258.18, 258.19 and 258.21).

E. Under the authority of section 258.20 of the Act (related to pests declared public nuisance) (act of December 16, 1992, P.L. 1228, No. 162, § 20) (3 P.S. § 258.20) the Department may declare a plant pest to be a public nuisance when the Department determines a plant pest to be dangerous or destructive to the agriculture, horticulture or forests of this Commonwealth. For the reasons set forth in Paragraphs B and C above, the Department declared and continues to declare *Lycorma delicatula* (Spotted lanternfly) to be a public nuisance.

F. Once a plant pest is declared a nuisance, "It shall be unlawful for any person knowingly to permit any plant pest so declared to exist on his premises or to sell, offer for sale, give away or move any plants, plant products or other material capable of harboring the pest." (act of December 16, 1992, P.L. 1228, No. 162, § 20) (3 P.S. § 258.20).

G. When a pest or pests that have the potential to cause serious damage to agriculture are found in any geographic area, the area and any adjacent areas as the Department deems necessary shall be quarantined. (act of December 16, 1992, P.L. 1228, No. 162, § 20) (3 P.S. § 258.21(a)).

H. The areas or zone of the Commonwealth in which the plant pest, *Lycorma delicatula* (Spotted lanternfly), has been detected or confirmed and adjacent areas that are quarantined are set forth in paragraph 1 (related to Establishment of Quarantine) of this Order of Quarantine. Any new place or area of the Commonwealth in which the plant pest, *Lycorma delicatula* (Spotted

lanternfly), is later detected or confirmed and adjacent areas shall be added to this Order of Quarantine through an addendum delineating the areas or zone to be added to this Order of Quarantine. Such addendum shall be published in the *Pennsylvania Bulletin* and enforcement of this Order of Quarantine with regard to that area or zone shall become effective immediately upon such publication in the *Pennsylvania Bulletin*.

Order

Article I. General Provisions

Under authority of section 21 of the Act (act of December 16, 1992, P.L. 1228, No. 162, § 21) (3 P.S. § 258.21), and with the Recitals previously listed incorporated into this Order of Quarantine and Treatment by reference, the Department hereby Orders the following:

1) *Establishment of Quarantine.* A quarantine is hereby established for the plant pest *Lycorma delicatula* (Spotted lanternfly), which has been declared a public nuisance. Counties under Quarantine include Allegheny, Beaver, Berks, Blair, Bucks, Cambria, Cameron, Carbon, Chester, Columbia, Cumberland, Dauphin, Delaware, Franklin, Huntington, Juniata, Lackawanna, Lancaster, Lebanon, Lehigh, Luzerne, Mifflin, Monroe, Montgomery, Montour, Northampton, Northumberland, Philadelphia, Perry, Pike, Schuylkill, Wayne, Westmoreland and York Counties. Counties may be added to pursuant to an addendum to this Order of Quarantine as set forth in Paragraph H of the "Recitals" to this Order of Quarantine.

2) *Purpose of Quarantine.* The purpose of this Order of Quarantine is as follows:

a) To establish provisions to control and eradicate the plant pest *Lycorma delicatula* (Spotted lanternfly).

b) To establish requirements and parameters under which individuals and persons may move regulated articles within and from the areas and zone covered by this Order of Quarantine, and any future addendum hereto.

c) To establish treatment provisions for all properties within the areas and zone subject to this Order of Quarantine and any future addendum hereto.

3) *Definitions.*

a) *Agent, inspector or deputy.* A representative of the Department of Agriculture duly appointed by the Secretary of Agriculture to carry out the provisions of the Plant Pest Act.

b) *Control.* The reduction or the population of a plant pest to an acceptable level as determined by the Secretary of Agriculture or his agents.

c) *Department.* The Department of Agriculture of the Commonwealth.

d) *Eradication.* The elimination or removal of a pest from a defined geographic area.

e) *Person.* An individual, partnership, association, firm, corporation, limited liability corporation, state agency, municipality or other governmental unit or agency or any other legal entity.

f) *Plant pest.* An organism, including other plants, causing or capable of causing injury or damage to plants or plant products. In this case, specifically *Lycorma delicatula* (Spotted lanternfly).

g) *Secretary*. The Secretary of Agriculture of the Commonwealth.

h) *Treatment order*. A written document specifying certain measures to be taken to control or eradicate a plant pest, including destruction of appropriate plants or plants products.

i) *Uninfested*. No known populations of *Lycorma delicatula* (Spotted Lanternfly) within a county.

4) *Regulated Articles and Limitations Imposed*. The plant pest established by this Order of Quarantine—*Lycorma delicatula* (Spotted Lanternfly)—along with any material or object that may carry or spread the plant pest (the plant pest and its eggs and nymphs can exist on and be spread through conveyance of any object to which it may attach), are considered regulated articles under this Order of Quarantine and may not be moved out of or within the quarantined area, unless done in accordance with Articles II—V of this Order of Quarantine. The following list of objects and materials provide examples of regulated articles, but is not an all-inclusive list. Any object capable of carrying the plant pest—*Lycorma delicatula* (Spotted lanternfly)—shall be considered a regulated article under this Order of Quarantine.

a) Any living life stage of the Spotted lanternfly, *Lycorma delicatula*.

b) Brush, debris, bark and yard waste.

c) Logs, trees, bark, mulch and firewood.

d) Concrete barriers or structures, stone, quarry material, ornamental stone or concrete.

e) Construction, landscaping and remodeling waste.

f) Packing materials, such as wood crates, pallets or boxes.

g) All plants and plant parts. This shall include, but is not limited to, all live, dead, infected or non-infected trees, nursery stock, budwood, scionwood, green lumber, firewood, logs, perennial plants, garden plants and produce and other material living, dead, cut, fallen including stumps, roots, branches, mulch, and composted and uncomposted chips.

h) Outdoor household articles including recreational vehicles, lawn tractors and mowers, mower decks, grills, grill and furniture covers, tarps, mobile homes, tile, stone, deck boards, mobile fire pits, any associated equipment and trucks or vehicles not stored indoors.

i) Outdoor industrial and construction materials and equipment.

j) Conveyances of any type, whether utilized for movement of the materials previously listed or personal use, and any trailers, wagons or other equipment attached thereto.

k) Any other article, materials or means of conveyance when it is determined by an inspector to present a risk of spread of Spotted lanternfly, *Lycorma delicatula*, in any life stage.

5) *Authority of Department*. As authorized at sections 18 and 19 of the Plant Pest Act, (act of December 16, 1992, P.L. 1228, No. 162, §§ 18 and 19(a)) (3 P.S. §§ 258.18 and 258.19(a)), the Department of Agriculture or its agents may enter onto any premises within the areas or zone established in this Order of Quarantine and Treatment, or any subsequent addendums hereto, to survey, collect samples, investigate, determine compliance and carry out eradication or control measures where necessary.

Article II. Requirements and Parameters for Movement of Regulated Articles Within the Quarantined Counties and Areas

1) *Individuals not conducting business. Movement of regulated articles within or from the Quarantine Zone*. A regulated article, including any vehicle or conveyance, delineated in Article I Paragraph 4 of this Order of Quarantine, may only be moved within or from the Quarantine Zone with a valid checklist certificate issued by the Department. The valid signed checklist certificate shall move with the regulated article(s).

2) *Persons conducting business requiring the movement of any regulated article within or from the Quarantine Zone*.

a. *Permit Required*. Any person conducting business requiring the movement of any regulated article within or from the Quarantine Zone, shall be required to obtain a Permit from the Department in the manner set forth herein.

b. *Movement of Regulated Articles Without a Permit Prohibited*. A person conducting business may not move any regulated article within or from the Quarantine Zone without a permit or a Compliance Agreement or both as may be required.

c. *Permitting*. Any person conducting business requiring the movement of any regulated article within or from the Quarantine Zone shall apply to the Department for a Permit or enter into a Compliance Agreement or both as may be required.

i. *Time Period of Permit*. Permits shall be valid for one year from the date of issuance, with extension permissible upon notice by the Department. A Permit shall be valid until such time as the Quarantine Order is rescinded by the Department.

ii. *Change of Information*. A Permit holder shall, prior to or immediately upon a change of information, provide the Department with notice of and describe any change to Permit information previously submitted.

iii. *General Content of Permit Application*. The Permit application shall include at least the following information:

1. The legal name, address, email if available and business telephone numbers of each business location of the applicant.

2. The identifying number of the individual which successfully passed the exam.

3. The name of any state and county in which the business is located.

4. The number of business locations and the number of vehicles and conveyances utilized and for which a Permit certificate is needed.

5. The name of the owner and any other manager, supervisor or other person with authority to bind the entity and that will take the required test and be responsible for training of other employees.

6. The number of permits to be issued by the business to trained employees.

7. An attestation that the applicant shall comply with all terms and conditions contained in the permit.

8. Demonstration to the Department by test as to the understanding and knowledge of the pest and quarantine.

iv. *Additional Information*. The Secretary may request, in writing, additional information, if necessary, from the

applicant after the application is received to evaluate the potential risk to the Commonwealth or fill in information specific to that applicant.

d. *Inspection Prior to Issuance of Permit.* Prior to approval and issuance of a Permit, the Department may enter onto and inspect the land and premises, including buildings, vehicles and conveyances, that will be utilized for the purpose of engaging in an activity authorized by the Permit. The inspection may include verification of training required under the Permit. The inspection shall be limited to normal business hours.

e. *Training and testing.* Training will be provided by the Department, Penn State Cooperative Extension or others who have participated in a Train the Trainer course approved by the Department and passed a written exam administered by the Department or its approved agent. Testing will be provided by the Department or its designee.

f. *Permit Requirements.* A Person required to obtain a Permit for movement of regulated articles within the Quarantine Zone shall comply with the following:

i. The owner and any other manager, supervisor or other person with authority to bind the entity shall have taken the training and passed an examination, administered by an inspector, Deputy, employee or agent of the Department, as established in subsection e, of this paragraph 2. of Article II of this Quarantine Order.

ii. Any employee responsible for driving any vehicle or conveyance or handling, shipping, packaging or loading any regulated article shall have been trained by the owner or other authorized individuals, under subparagraph (i), immediately above, that has passed the training and testing requirements and been issued a permit.

iii. Regulated articles, including conveyances and vehicles, shall be inspected and all egg masses and other life stages of the Spotted Lanternfly shall be removed and destroyed prior to moving within or out of the Quarantine Zone. A record of such inspection shall be kept and recorded as set forth in Article V of this Quarantine Order.

iv. Regulated articles, other than the vehicles and conveyances themselves, shall be packaged and safeguarded sufficiently, such as within a closed container, shrink wrap, tight tarp or similar covering, to maintain isolation from the domestic environment during transportation.

v. Pre-notification to the Department regional inspector not less than 2 weeks or more than 4 weeks is required prior to harvest of trees. The Department may inspect trees prior to harvest. A record of such inspection shall be kept and recorded as set forth in Article V of this Quarantine Order.

g. *Issuance of Permit.* Upon approval of the Permit application and the successful completion of the training and testing requirements of this Quarantine Order the Department will:

i. Issue a permit to the person that has successfully completed the training and testing.

1. A copy is to be displayed in each business location and shall be produced by the company.

2. A copy is to be provided in each company vehicle and shall be produced by the company.

ii. Authorize any owner, manager, supervisor or other person with authority to bind the business or who has taken the required training and passed the mandated test

and been issued a permit, in accordance with the provisions of this Quarantine Order, to train other employees of the business or entity.

h. *Display of Permit and Certificate.* The Permit issued to the person, business or other entity, shall be displayed, in a visible and conspicuous place, at each business, entity or individual location to which it was issued and a copy of the permit issued by the Department shall be placed in each vehicle or conveyance when being operated.

i. *Subcontractors and Agents.* A person required to have a Permit, including all state agencies, municipalities or other governmental units or agencies, shall assure any subcontractor or agent of that person has also obtained the proper Permit(s) as applicable, prior to subcontracting with that person or allowing that person to act as a subcontractor or an agent within the Quarantine Zone.

3) *Permit in Place.* Any person having a Permit in place with the Department at the time of issuance of this Quarantine Order shall continue to operate under the parameters of that Permit.

Article III. Compliance Agreements

1) *Required by Other States or Countries.* To the extent required by another State or Country for the shipment of goods, the Department will require such persons to enter into a Compliance Agreement. This does not replace the Permit—it is in addition to the required Permit described in Article II (2).

2) *Compliance Agreement in Place.* Any person having a Compliance Agreement in place with the Department at the time of issuance of this Quarantine Order shall continue to operate under the parameters of that Compliance Agreement.

Article IV. Other Movement Provisions

1) *Movement of a regulated article through a Quarantine Zone without a Permit.* A regulated article, including any vehicle or conveyance, may be shipped through the Quarantine Zone without a Permit or compliance agreement if the regulated article and the vehicle and conveyance originates outside the Quarantine Zone and all of the following criteria are met:

a. The points of origin and destination are outside of the Quarantine Zone and are indicated on a waybill accompanying the regulated article.

b. The regulated article is moved into the Quarantine Zone during the period of April through December and is moved in an enclosed vehicle or conveyance or is completely covered, such as by a tarp or full shrink wrapping, to prevent exposure to Spotted lanternfly, *Lycorma delicatula*, and the tarp or shrink wrapping is kept on the regulated article and is inspected, decontaminated, or destroyed when leaving the Quarantine Zone.

c. The regulated article, including the vehicle and conveyance, is moved directly through the Quarantine Zone without stopping (except for refueling or for traffic conditions, such as traffic lights or stop signs), and has been stored, packed or handled at locations outside the Quarantine Zone or at locations within the Quarantine Zone approved by the Department inspector as not posing a risk of infestation by or exposure to Spotted lanternfly, *Lycorma delicatula*.

d. The regulated article has not been combined or commingled with other articles so as to lose its individual identity.

2) *Federal Requirements for Interstate Movement of Articles.* This Order of Quarantine is distinct from, and in addition to, any Federal statute, regulation or quarantine order addressing the movement of articles from the quarantined area or this Commonwealth.

3) *Movement of Articles from other areas where spotted lanternfly is known to be established.* If any other area inside or outside of this Commonwealth is determined by a federal or state regulatory agency to have spotted lanternfly present, movement from that area into non-quarantined areas of the Commonwealth will require equivalent safeguarding measures to those described in this Order of Quarantine.

Article V. Recordkeeping

1) *General Documentation and Recordkeeping.* Documentation of proper and required inspections for the Spotted Lanternfly and compliance measures taken when shipping regulated articles, including vehicles and conveyances within or from the Quarantine Zone, shall be kept by each permitted individual, employee or person working within the Quarantine Zone. These inspections shall include any living life stage finds and method utilized for destruction of the pest.

2) *Specific Documentation and Recordkeeping.*

a. The Permittee shall allow the Department during normal business hours to inspect records and protocols which apply to or have a bearing on the Permittee's adherence to the Permit requirements and this Quarantine Order.

b. Documentation shall be kept, listing each employee of the business or entity that has been trained by the Permit holder as allowed under section 2) g. ii. of Article II of this Quarantine Order.

c. Incoming and outgoing shipment records are to detail the kind and quantity of regulated article shipped, shipper name, date of shipment and destination and corresponding treatment and mitigation records.

d. Treatment and mitigation records, including those required by the Permit requirements and this Quarantine Order, shall be kept in accordance with applicable state and federal requirements.

e. Records required to be maintained under the Permit requirements and this Quarantine Order are to be maintained for a minimum of two (2) years with copies provided to the Department upon request.

f. Records shall be made and kept of the following occurrences and shall include the following information:

i. Document all incoming regulated articles and other materials, including packing materials and product returns, and shall detail the quantity received and the source and origin, including customer returns.

ii. The record of the source and origin of the regulated article and other materials shall include the name and address of the individual, person or entity from which the regulated articles (or returns thereof) was received including country, state and county.

iii. Receiving records for regulated articles shall include date received, inspected by, rejection and acceptance documentation and where such regulated articles or other materials are located and being stored or processed on the Participant's premises.

iv. Shipping records, which shall document the dates, quantity and destination of regulated articles, and other

materials, including the name and address of the individual, person or entity to which shipped.

v. Vehicle inspection records documenting the date of each vehicle inspection, person inspecting the vehicle and codifying whether living stage Spotted Lanternfly or egg masses were found.

vi. Where living stage Spotted Lanternfly or egg masses are found a record documenting the mitigation practiced used.

vii. Inspections and inspection records for vehicles used regularly within the Quarantine Zone may cease, after a final inspection documenting no living stage Spotted Lanternfly or egg masses, during the months of December 1 through March 31 but, must resume on April 1 of each calendar year. The final inspection date and verification of no living stage Spotted Lanternfly or egg masses must be documented in the records.

viii. Documentation of pre-notification to the Department regional inspector not less than 2 weeks or more than 4 weeks prior to harvest of trees. The Department may inspect trees prior to harvest.

ix. Documentation of adherence with the quarantine measures of this Agreement, including the documentation required by subparagraphs (a.)—(e.) above, and the Quarantine Order.

x. Documentation of adherence with the inspection and treatment and mitigation provisions of this Order, including the dates, times, and treatment measures undertaken.

Article VI. No Preclusion of Powers

1) This Quarantine Order does not effect, preclude or prevent the Department from enforcement of all statutory and regulatory authority.

2) This Quarantine Order shall not preclude the routine inspection, sampling, and testing of regulated articles by the Department or by the proper authorities in other States and Commonwealths, such as State Departments of Agriculture or similar authority, where the regulated articles may be shipped, nor does it preclude rejection, stop-sale or other regulatory action as a result of any positive samplings, tests or findings.

3) A person holding a Permit or subject to a Compliance Agreement shall allow the Department to enter Participant's premises during normal business hours for the purpose of conducting inspections and collecting samples to test for the presence of Spotted lanternfly.

4) A person holding a Permit or subject to a Compliance Agreement shall allow the Department during normal business hours to inspect pertinent records and protocols which apply to or have a bearing on adherence to the terms of the Permit or Compliance Agreement, the Plant Pest Act and the Quarantine Order.

5) A person holding a Permit or subject to a Compliance Agreement shall make available to the Department during normal business hours current employees so that the Department may inquire about training and instruction regarding Spotted lanternfly control and may conduct interviews of employees to ensure compliance with training requirements.

6) In cooperation with the Department, a person holding a Permit or subject to a Compliance Agreement shall undertake treatment and mitigation procedures, as the Department determines to be necessary based on available science and research, in order to slow the spread or eradicate Spotted lanternfly from the Participant's prem-

ises in a manner which minimizes the risk of spreading Spotted lanternfly in accordance with the standards established below.

Article VII. Surveys, Order of Treatment and Monitoring

1) *Surveys.* The Plant Pest Act (Act) (act of December 16, 1992, P.L. 1228, No. 162) (3 P.S. §§ 258.1—258.27) empowers the Department to take various measures to detect, contain and eradicate plant pests. These powers include the authority, under section 18 of the Act, to conduct surveys to determine the existence, distribution and severity of damage caused by a plant pest. (act of December 16, 1992, P.L. 1228, No. 162, § 18) (3 P.S. § 258.18). Pursuant to that authority the Department has been conducting and will continue to conduct surveys within the Commonwealth for the plant pest *Lycorma delicatula* (Spotted lanternfly).

2) *Treatment Requirements.* As set forth in the Recitals to this Order of Quarantine and Treatment the plant pest *Lycorma delicatula* (Spotted lanternfly) has been declared a public nuisance. Once a plant pest is declared a nuisance, “It shall be unlawful for any person knowingly to permit any plant pest so declared to exist on his premises. . . .” (act of December 16, 1992, P.L. 1228, No. 162, § 20) (3 P.S. § 258.20) Furthermore, under section 19 of the Plant Pest Act, “If the secretary determines that a serious pest situation exists in any part of this Commonwealth, any necessary eradication or control measures may be taken. Prior to carrying out any treatment procedure, the department shall notify the property owner in writing. Any agent of the department is authorized to enter the premises during reasonable hours to carry out the eradication or control measures.” (act of December 16, 1992, P.L. 1228, No. 162, § 19(a)) (3 P.S. § 258.19(a)) Pursuant thereto, the Department issues this Order of Treatment as written notice of the Department’s requirement that property owners, within the areas and zone established in this Order of Quarantine and Treatment and any future addendums hereto, are required to take the following treatment actions.

a) *Property Owner Responsibilities and Requirements:*

i) The property owner or a contractor hired by the property owner shall perform trapping, pesticide application, or removal of *Ailanthus altissima* trees or any combination thereof to reduce the available host of the Spotted Lanternfly and to decrease the population of spotted lanternfly.

ii) Where a contractor is hired the contractor shall be a fully insured, properly licensed pesticide applicator.

b) *Removal and Treatment of Ailanthus altissima trees.* The property owner or a contractor hired by the property owner shall cut or treat *Ailanthus altissima* trees on their property as recommended by the Department and in accordance with the pesticide label directions of the approved pesticide utilized. The pesticide utilized shall be a pesticide approved by the Department for such use. If disposal of *Ailanthus* waste is required, the property owner or contractor may choose from a disposal method listed below, if that method also adheres to any other state and municipal/township ordinances related to removal of the *Ailanthus altissima* trees and debris:

i) *Incineration:* Identify an area on the premises which will allow for incineration. Incineration must meet all state, municipal/township ordinances related to burning.

ii) *Chipping:* Identify an area on the premises which will allow for the chipping of tree material. Chips must

remain on the property and may be used for mulch on the property after composting for a minimum of three weeks.

c) *Treatment and Reporting of Lycorma delicatula.* The property owner or a contractor hired by the property owner shall treat and report *Lycorma delicatula* on their property. The following treatment and reporting measures shall be implemented:

i) *Treatment.* Treatment shall be accomplished in the following manner:

(aa) By the homeowner or a contracted licensed pesticide applicator; and

(bb) Shall be undertaken in a manner as directed by the Department and in accordance with the pesticide label directions of the approved pesticide utilized.

(cc) An alternative treatment method approved by the Department may be implemented for control of *Lycorma delicatula* by the property owner or a contracted licensed pesticide applicator.

ii) *Reporting.* The following reporting requirements shall apply when *Lycorma delicatula* is found on a property:

(aa) The property owner shall file a report notifying the Department of the presence of *Lycorma delicatula* on their property. Such report shall include all information required on the Department’s reporting website or telephone call-in. Such report shall be filed no less than one time per year so long as *Lycorma delicatula* is found or suspected on the property.

(bb) All reports shall be filed by utilizing the Department’s designated reporting webpage or call-in number (<https://extension.psu.edu/spotted-lanternfly> or 1-888-422-3359).

d) *Continuing Obligation.* The obligation of the property owner to remove, treat and report shall continue so long as the plant pest *Lycorma delicatula* (Spotted lanternfly) exists on the property.

e) *Monitoring by the Department.* The Department will continue to survey and monitor all properties within the areas and zone of Quarantine or areas identified as having Spotted Lanternfly, including any added hereto by Addendum, until such time as the Order of Quarantine and Treatment for an area or zone is rescinded. During such time, as authorized by sections 18 and 19 of the Plant Pest Act, (act of December 16, 1992, P.L. 1228, No. 162, §§ 18, 19(a)) (3 P.S. §§ 258.18 and 258.19(a)) the Department of Agriculture or its agents may enter onto any premises within the areas or zone established in this Order of Quarantine and Treatment, or any subsequent addendums hereto, to survey, collect samples, investigate, determine compliance and carry out eradication or control measures where necessary.

f) *Noncompliance.* If the property owner or person in charge does not comply with the treatment provisions of this Order, the Department may carry out the control measures, and all expenses associated with the treatment shall be paid to the Department by the person failing to comply. (act of December 16, 1992, P.L. 1228, No. 162, § 19) (3 P.S. § 258.19).

Article VIII. Penalties, Cooperation, Effective Date

1) *Violations.* In accordance with the provisions of section 258.22 of the Act (act of December 16, 1992, P.L. 1228, No. 162, § 22) (3 P.S. § 258.22) it shall be unlawful to violate or fail to comply with any provision of the Act, regulations or this Order of Quarantine.

2) *Criminal and Civil Penalties.* In accordance with the provisions of the Act, at sections 258.23 and 258.24 (act of December 16, 1992, P.L. 1228, No. 162, §§ 258.23, 258.24) (3 P.S. §§ 258.23 and 258.24), a person who violates this Order of Quarantine may face summary criminal prosecution carrying up to 90 days imprisonment and a fine of up to \$300 with respect to each violation. In addition, a person who violates this Order of Quarantine may be assessed a civil penalty of up to \$20,000 with respect to each violation.

3) *Revocation.* Revocation of a Permit or Compliance Agreement. Any Permit and certificates or any Compliance Agreement may be canceled orally or in writing by the Department whenever the Department determines that the holder of the Certificate, Permit or Compliance Agreement has not complied with a provision of the Act, regulations, Permit, Compliance Agreement or this Order of Quarantine. If the cancellation is oral, the cancellation will become effective immediately, and the cancellation and the reasons for the cancellation will be confirmed in writing as soon as circumstances permit.

4) *Unauthorized duplication/production of Permit or Compliance Agreement.* Any unauthorized duplication or reproduction of any Permit of Compliance Agreement issued by the Department is a violation of this Order of Quarantine and will be subject to Criminal and Civil Penalties as stated in Article VIII Paragraph 2.

5) *Cooperation with other agencies.* As authorized by section 258.26 of the Act (act of December 16, 1992, P.L. 1228, No. 162, § 258.26) (3 P.S. § 258.26), the Department will consult with other State agencies, Federal agencies, The Pennsylvania State University, and the Pennsylvania State University Cooperative Extension with respect to the most efficacious measures to survey for and treat Spotted lanternfly, *Lycorma delicatula* to slow the spread or eradicate these plant pests.

6) *Effective Date.* This quarantine is effective upon signature and shall be published in the *Pennsylvania Bulletin* and shall remain in effect until rescinded by subsequent order.

RUSSELL C. REDDING,
Secretary

[Pa.B. Doc. No. 21-376. Filed for public inspection March 12, 2021, 9:00 a.m.]

DEPARTMENT OF AGRICULTURE

Referendum Order on Continuation of the Pennsylvania Potato Research Program

I. The Pennsylvania Potato Research Program was established under the provisions of the Agricultural Commodities Marketing Act. The Act requires that the Secretary of Agriculture call a referendum of affected producers every five years to determine whether or not a majority of

those voting still desire the program. The program was last subjected to a review referendum conducted in 2016. It is now time for another review referendum to determine whether a majority of the potato producers desire the program to continue.

II. *Referendum Period:* The referendum period shall be from April 5, 2021 until 4 p.m. on April 19, 2021. Completed ballots shall be mailed or hand-delivered to the Pennsylvania Department of Agriculture, Bureau of Market Development, Room 310, 2301 North Cameron Street, Harrisburg, Pennsylvania 17110-9408. Hand-delivered ballots must be received by 4 p.m. on April 19, 2021. Ballots that are mailed must be postmarked no later than April 19, 2021 and received no later than April 23, 2021.

III. *Notice of Referendum:* This referendum order and an official ballot shall be mailed no later than March 29, 2021, to all affected producers whose names appear on the list of Pennsylvania potato producers maintained in the Office of the Secretary of Agriculture. Additional copies of the same materials shall be made available at the Office of the Secretary of Agriculture.

IV. *Eligible Voters:* The rules governing the eligibility of a producer for voting are as follows: The record date for determination of whether a producer is eligible to vote is March 29, 2021. All potato producers who produced, grew, or caused to be grown five (5) or more acres of potatoes for sale or marketing in the Commonwealth in calendar year 2020 and intend to produce, grow, or cause to be grown five (5) or more acres of potatoes for sale or marketing in the Commonwealth in calendar year 2021.

V. *Counting of Ballots:* The ballots will be canvassed and counted by a Teller Committee appointed by the Secretary of Agriculture. The counting of the ballots will begin at 10 a.m., Tuesday, April 27, 2021 at the Pennsylvania Department of Agriculture, 2301 North Cameron Street, Harrisburg, Pennsylvania 17110. The Secretary will announce the results of the referendum within 30 days following the completion of the referendum period. The results will be published in the *Pennsylvania Bulletin* and the Harrisburg *Patriot-News* and disseminated to the news media.

VI. *Reporting Irregularities:* Any irregularities or disputes concerning the referendum procedures must be reported in written form to the Secretary of Agriculture not later than seven (7) calendar days from the end of the referendum period.

VII. *Publication:* This referendum order shall be published in the *Pennsylvania Bulletin* and the Harrisburg *Patriot-News*.

VIII. *Effective Date:* The foregoing order shall be effective immediately.

RUSSELL C. REDDING,
Secretary

[Pa.B. Doc. No. 21-377. Filed for public inspection March 12, 2021, 9:00 a.m.]

DEPARTMENT OF BANKING AND SECURITIES

Actions on Applications

The Department of Banking and Securities (Department), under the authority in the Banking Code of 1965 (7 P.S. §§ 101—2204), the Department of Banking and Securities Code (71 P.S. §§ 733-1—733-1203) and 17 Pa.C.S. (relating to Credit Union Code), has taken the following actions on applications received for the week ending March 2, 2021.

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

BANKING INSTITUTIONS

Branch Applications

De Novo Branches

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
02-23-2021	Mifflinburg Bank and Trust Company Mifflinburg Union County	415 Mahoning Street Milton Northumberland County	Opened
02-23-2021	Somerset Trust Company Somerset Somerset County	100 Quaker Church Road Perryopolis Fayette County	Opened
02-27-2021	Somerset Trust Company Somerset Somerset County	351 East Main Street Frostburg Allegany County, MD	Opened

CREDIT UNIONS

No activity.

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

RICHARD VAGUE,
Secretary

[Pa.B. Doc. No. 21-378. Filed for public inspection March 12, 2021, 9:00 a.m.]

**DEPARTMENT OF
BANKING AND SECURITIES**

**Maximum Lawful Rate of Interest for Residential
Mortgages for the Month of April 2021**

The Department of Banking and Securities (Department), under the authority contained in section 301 of the act of January 30, 1974 (P.L. 13, No. 6) (41 P.S. § 301), determines that the maximum lawful rate of interest for residential mortgages for the month of April 2021, is 4 1/4%.

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

Each month the Department is required by State law to compute and announce the ceiling rate on residential mortgages in this Commonwealth. This maximum rate is determined by adding 2.50 percentage points to the yield rate on long-term government bonds as published by the Federal Reserve Board or the United States Treasury, or both. The latest yield rate on long-term government

securities is 1.72 to which was added 2.50 percentage points for a total of 4.22 that by law is rounded off to the nearest quarter at 4 1/4%.

RICHARD VAGUE,
Secretary

[Pa.B. Doc. No. 21-379. Filed for public inspection March 12, 2021, 9:00 a.m.]

**DEPARTMENT OF COMMUNITY AND
ECONOMIC DEVELOPMENT**

**Availability of Draft 2020 Consolidated Plan Annual
Performance and Evaluation Report**

The Department of Community and Economic Development (Department) is preparing its 2020 Consolidated Annual Performance and Evaluation Report (CAPER) on the progress and accomplishments made during the 2020 program year in implementing the Commonwealth's Consolidated Plan for Federal Fiscal Years 2019—2023. This document must be submitted to, and approved by, the United States Department of Housing and Urban Development (HUD) for the Commonwealth and organizations within this Commonwealth to receive funding under most HUD housing and community development programs. The Consolidated Plan creates a unified strategy for housing, homelessness and community development programs, as well as the necessary linkages for building successful neighborhoods and communities.

The Commonwealth has allocated funds under several programs, namely Community Development Block Grant, HOME Investment Partnerships Program, Emergency Solutions Grant Program, Housing Opportunities for People with AIDS Program, Housing Trust Fund. Additionally, this CAPER will detail accomplishments from supplemental funding from HUD appropriations under the Neighborhood Stabilization Program, Community Development Block Grant—Disaster Recovery Program, Community Development Block Grant—Coronavirus Aid Relief and Economic Security (CARES) Act and the Emergency Solutions Grant—CARES Act. The CAPER discusses accomplishments in relation to goals and objectives identified in the 2020 Action Plan of the Consolidated Plan.

The CAPER assesses the goals and objectives of this strategic plan, discusses how the Commonwealth is affirmatively furthering fair and affordable housing, reviews the activities of the Continuums of Care, and appraises how well resources in community development, homelessness and housing are being leveraged.

Public Comments

Individuals or organizations may provide written comments regarding this draft version of the CAPER. This report will be available on March 14, 2021, at <https://dced.pa.gov/> or by calling (717) 720-7404. Written comments

will be accepted about the CAPER content, and the process by which public input is gathered. The Commonwealth encourages public participation in this process.

Persons with a disability or limited English proficiency, who wish to comment and require an auxiliary aid, service or other accommodation to participate should contact Megan Snyder, Department of Community and Economic Development, Center for Community and Housing Development, Commonwealth Keystone Building, 400 North Street, 4th Floor, Harrisburg, PA 17120-0225, (717) 720-7404 or TDD (717) 346-0308 to discuss how the Department may best accommodate their needs.

Written comments will be accepted until 4 p.m. on March 29, 2021, and should be sent to Megan L. Snyder, Department of Community and Economic Development, Center for Community and Housing Development, Commonwealth Keystone Building, 400 North Street, 4th Floor, Harrisburg, PA 17120-0225 or e-mailed to RA-DCEDcdbghomequestions@pa.gov. Submission to HUD should be on or near March 31, 2021.

DENNIS M. DAVIN,
Secretary

[Pa.B. Doc. No. 21-380. Filed for public inspection March 12, 2021, 9:00 a.m.]

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Applications, Actions and Special Notices

APPLICATIONS

THE PENNSYLVANIA CLEAN STREAMS LAW AND THE FEDERAL CLEAN WATER ACT

APPLICATIONS FOR NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) PERMITS AND WATER QUALITY MANAGEMENT (WQM) PERMITS UNDER THE CLEAN STREAMS LAW AND FEDERAL CLEAN WATER ACT

This notice provides information about persons who have applied to the Department of Environmental Protection (DEP) for a new, renewed, or amended NPDES or WQM permit, or a permit waiver for certain stormwater discharges, or have submitted a Notice of Intent (NOI) for coverage under a General Permit. The applications and NOIs concern, but are not limited to, effluent discharges from sewage treatment facilities and industrial facilities to surface waters or groundwater; stormwater discharges associated with industrial activity (industrial stormwater), construction activity (construction stormwater), and municipal separate storm sewer systems (MS4s); the application of pesticides; the operation of Concentrated Animal Feeding Operations (CAFOs); and the construction of sewage, industrial waste, and manure storage, collection and treatment facilities. 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). More information on the types of NPDES and WQM permits that are available can be found on DEP's website (visit www.dep.pa.gov and select Businesses, Water, Bureau of Clean Water, Wastewater Management, and NPDES and WQM Permitting Programs).

<i>Section</i>	<i>Category</i>
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I	Individual and General WQM Permit Applications/NOIs Received, General NPDES Permit NOIs Received, and All Transfer and Minor Amendment Applications/NOIs Received
II	Individual NPDES Permits—New, Renewal, and Major Amendment Applications and Draft Permits for Discharges Relating to Sewage, Industrial Waste, Industrial Stormwater, MS4s, Pesticides and CAFOs
III	Individual NPDES Permit Applications for Discharges of Stormwater Associated with Construction Activity

Section I identifies the following applications and NOIs that have been received by DEP:

- Individual and General WQM Permit Applications Received—DEP provides a 15-day public comment period for Individual WQM Permit Applications for new and reissued permits. There is no public comment period for General WQM Permit NOIs.
- General NPDES Permit NOIs Received—There is no public comment period for General NPDES NOIs received.

• All Transfer and Minor Amendment Applications/NOIs Received—Transfer and Minor Amendment Applications/NOIs received for Individual and General WQM Permits and Individual and General NPDES Permits are identified but do not have public comment periods. DEP provides a 15-day public comment period for Individual WQM Permit Applications for amendments.

Additional information on these applications and NOIs may be reviewed by generating the “Applications and NOIs without Comment Periods Report” or, for Individual WQM Permit Applications, the “Applications Received with Comment Periods Report” on DEP’s website at www.dep.pa.gov/CWPublicNotice.

Section II identifies individual NPDES permit applications received and draft permits issued by DEP relating to sewage, industrial waste, industrial stormwater, MS4s, pesticides and CAFOs. A 30-day public comment period applies to these applications, except when a site-specific water quality criterion is used to establish effluent limitations, in which case a 45-day public comment period applies. Additional information, including links to draft permits and fact sheets that explain the basis for DEP’s tentative determinations may be reviewed by generating the “Applications Received with Comment Periods Report” on DEP’s website at www.dep.pa.gov/CWPublicNotice.

Section III provides notice of applications and draft individual permits for stormwater discharges associated with construction activities. Where indicated, DEP has made tentative determinations, based on preliminary review, to issue permits subject to proposed effluent limitations consisting of best management practices identified in the erosion and sediment control (E&S) plans and post-construction stormwater management (PCSM) plans submitted with the applications, as well as other terms and conditions based on the permit applications. A 30-day public comment period applies to these applications.

Applications and NOIs may be reviewed at the DEP office that received the application or NOI. Contact information for each DEP office for Sections I & II is listed as follows. Contact information for Section III is available within the table. Members of the public are encouraged to use DEP’s website to obtain additional information as previously discussed.

Comments received within the appropriate comment periods for WQM and NPDES permit applications will be retained by DEP and 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 DEP of the exact basis of a comment and the relevant facts upon which it is based.

DEP office contact information to review applications and NOIs in Sections I & II and to submit comments for those application and NOIs, when applicable, is as follows:

DEP Southeast Regional Office (SERO)—2 E. Main Street, Norristown, PA 19401-4915. File Review Coordinator: 484.250.5910. Email: RA-EPNPDES_SERO@pa.gov.

DEP Northeast Regional Office (NERO)—2 Public Square, Wilkes-Barre, PA 18701-1915. File Review Coordinator: 570.826.5472. Email: RA-EPNPDES_NERO@pa.gov.

DEP Southcentral Regional Office (SCRO)—909 Elmerton Avenue, Harrisburg, PA 17110. File Review Coordinator: 717.705.4732. Email: RA-EPNPDES_SCRO@pa.gov.

DEP Northcentral Regional Office (NCRO)—208 W. Third Street, Suite 101, Williamsport, PA 17701. File Review Coordinator: 570.327.3693. Email: RA-EPNPDES_NCRO@pa.gov.

DEP Southwest Regional Office (SWRO)—400 Waterfront Drive, Pittsburgh, PA 15222. File Review Coordinator: 412.442.4286. Email: RA-EPNPDES_SWRO@pa.gov.

DEP Northwest Regional Office (NWRO)—230 Chestnut Street, Meadville, PA 16335. File Review Coordinator: 814.332.6340. Email: RA-EPNPDES_NWRO@pa.gov.

DEP Bureau of Clean Water (BCW)—400 Market Street, Harrisburg, PA 17105. File Review Coordinator: 717.787.5017. Email: RA-EPNPDES_Permits@pa.gov.

DEP will also accept requests or petitions for public hearings on applications. The request or petition must indicate the interest of the party filing and the reasons why a hearing is warranted. A hearing will be held if DEP determines that there is a significant public interest. 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. DEP 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 DEP through the Pennsylvania Hamilton Relay Service at (800) 654-5984.

I. Individual and General WQM Permit Applications/NOIs Received, General NPDES Permit NOIs Received, and All Transfer and Minor Amendment Applications/NOIs Received.

<i>Application Number</i>	<i>Permit Type</i>	<i>Application Type</i>	<i>Applicant Name & Address</i>	<i>Municipality, County</i>	<i>DEP Office</i>
0219802	Joint DEP/PFBC Pesticides Permit	Amendment	Randall Robert 420 Knob Road Wexford, PA 15090	Marshall Township Allegheny County	SWRO
0220801	Joint DEP/PFBC Pesticides Permit	Amendment	Jeffrey G Druzak 187 McMichael Road Carnegie, PA 15106-1412	Collier Township Allegheny County	SWRO

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<i>Application Number</i>	<i>Permit Type</i>	<i>Application Type</i>	<i>Applicant Name & Address</i>	<i>Municipality, County</i>	<i>DEP Office</i>
0419800	Joint DEP/PFBC Pesticides Permit	Amendment	Jeff Raub 514 Hartzell School Road Fombell, PA 16123	Marion Township Beaver County	SWRO
0913809	Joint DEP/PFBC Pesticides Permit	Renewal	Yorkshire Meadow Pond 975 Easton Road Suite 102 Warrington, PA 18976-1858	Solebury Township Bucks County	SERO
2521801	Joint DEP/PFBC Pesticides Permit	New	Andy Roth 6338 Stonebrook Drive Fairview, PA 16415-3504	Millcreek Township Erie County	NWRO
4621803	Joint DEP/PFBC Pesticides Permit	New	Bluestone Country Club 711 Boehms Church Road Blue Bell, PA 19422-1718	Whitpain Township Montgomery County	SERO
6319800	Joint DEP/PFBC Pesticides Permit	Amendment	Alex Hauptmann 339 Stone Church Road Finleyville, PA 15332	Union Township Washington County	SWRO
6319807	Joint DEP/PFBC Pesticides Permit	Amendment	Jeff Chapman 345 Mounts Road Washington, PA 15301	South Franklin Township Washington County	SWRO
6321801	Joint DEP/PFBC Pesticides Permit	New	John Burnham 212 Birch Road West Finley, PA 15377-2308	Peters Township Washington County	SWRO
6519800	Joint DEP/PFBC Pesticides Permit	Amendment	Brookside Condo Assoc 3885 Brookside Lane Murrysville, PA 15668-1259	Murrysville Borough Westmoreland County	SWRO
PA0021067	Major Sewage Facility \geq 1 MGD and $<$ 5 MGD Individual NPDES Permit	Amendment, Minor	Mount Joy Borough Authority Lancaster County 21 E Main Street Mount Joy, PA 17552-1415	East Donegal Township Lancaster County	SCRO
NOEXSW206	No Exposure Certification	Renewal	Allegheny Petro Products Co. 2911 Duss Avenue Ambridge, PA 15003-1476	Ambridge Borough Beaver County	SWRO
NOEXSC359	PAG-03 NPDES General Permit for Industrial Stormwater	New	Martins Famous Pastry Shoppe Inc. 1000 Potato Roll Lane Chambersburg, PA 17202-8897	Guilford Township Franklin County	SCRO
PAG036230	PAG-03 NPDES General Permit for Industrial Stormwater	Transfer	Hanson Aggregates PA LLC 2200 Springfield Pike Connellsville, PA 15425-6412	Coraopolis Borough Allegheny County	SWRO
PAR212213	PAG-03 NPDES General Permit for Industrial Stormwater	Transfer	Monarch Concrete LLC 425 N Dauphin Street Allentown, PA 18109-2146	Allentown City Lehigh County	NERO
PAR326110	PAG-03 NPDES General Permit for Industrial Stormwater	Transfer	Hanson Aggregates PA LLC 2200 Springfield Pike Connellsville, PA 15425-6412	Hempfield Township Westmoreland County	SWRO
PAR706120	PAG-03 NPDES General Permit for Industrial Stormwater	Transfer	Hanson Aggregates PA LLC 2200 Springfield Pike Connellsville, PA 15425-6412	Somerset Township Washington County	SWRO
PAR706121	PAG-03 NPDES General Permit for Industrial Stormwater	Transfer	Hanson Aggregates PA LLC 2200 Springfield Pike Connellsville, PA 15425-6412	Economy Borough Beaver County	SWRO

<i>Application Number</i>	<i>Permit Type</i>	<i>Application Type</i>	<i>Applicant Name & Address</i>	<i>Municipality, County</i>	<i>DEP Office</i>
PAG044863	PAG-04 NPDES General Permit for Small Flow Treatment Facilities	Transfer	Brett N Kehrer 1923 Biddle Road Montoursville, PA 17754-7834	Upper Fairfield Township Lycoming County	NCRO
PAG123561	PAG-12 NPDES General Permit for CAFOs	Renewal	Elvin L Martin 980 Little Mountain Road Myerstown, PA 17067-1852	Bethel Township Berks County	SCRO
PAG123655	PAG-12 NPDES General Permit for CAFOs	Renewal	Leslie Burkholder 52 Burkholder Lane Fredericksburg, PA 17026-9000	Swatara Township Lebanon County	SCRO
PAG123673	PAG-12 NPDES General Permit for CAFOs	Renewal	Oscar J Manbeck 10 Fort Henry Road Bethel, PA 19507-9544	Bethel Township Berks County	SCRO
PAG123710	PAG-12 NPDES General Permit for CAFOs	Renewal	Frank Dale 3167 Bossler Road Elizabethtown, PA 17022-9726	West Donegal Township Lancaster County	SCRO
PAG123728	PAG-12 NPDES General Permit for CAFOs	Renewal	Barry L Good 1695 Rake Road Mohrsville, PA 19541-9232	Centre Township Berks County	SCRO
PAG123775	PAG-12 NPDES General Permit for CAFOs	Renewal	Linford Snyder 90 Court Street Bethel, PA 19507-9721	Upper Bern Township Berks County	SCRO
PAG123806	PAG-12 NPDES General Permit for CAFOs	Renewal	Rohrer Farm LLC 750 Doe Run Road Lititz, PA 17543-8711	Penn Township Lancaster County	SCRO
PAG123839	PAG-12 NPDES General Permit for CAFOs	Renewal	Spring Valley Dairy LLC 1577 Auction Road Manheim, PA 17545-9152	Rapho Township Lancaster County	SCRO
PAG123896	PAG-12 NPDES General Permit for CAFOs	Renewal	Ag Ventures LLC 6 S Broad Street Lititz, PA 17543	Fannett Township Franklin County	SCRO
PAG123907	PAG-12 NPDES General Permit for CAFOs	Renewal	Misty Hollow Farm 611 Blattadahl Road Mohrsville, PA 19541-9216	Centre Township Berks County	SCRO
PAG123912	PAG-12 NPDES General Permit for CAFOs	New	Martin Neil 749 Bloody Spring Road Bethel, PA 19507-8943	Upper Tulpehocken Township Berks County	SCRO
PAG124850	PAG-12 NPDES General Permit for CAFOs	Renewal	Garrett & Darren Moyer 1200 Red Bank Road Middleburg, PA 17842-9246	Washington Township Snyder County	SCRO
PAG153504	PAG-15 NPDES General Permit for Pesticides	Amendment	US Army Corp of Engineering Raystown Lake Project 6145 Seven Points Road Hesston, PA 16647-8303	Penn Township Huntingdon County	SCRO
PAG156102	PAG-15 NPDES General Permit for Pesticides	New	Stony Creek Valley Development Corp P.O. Box 307 Scotland, PA 17254-0307	Stonycreek Township Somerset County	SWRO
0721402	Sewage Treatment Facilities Individual WQM Permit	New	Blair Shonna 1111 S. Oak Street Altoona, PA 16602	Tyrone Township Blair County	SCRO
1099402	Sewage Treatment Facilities Individual WQM Permit	Transfer	Squaw Valley Woodlands LLC 3179 Morningside Drive Allison Park, PA 15101	Allegheny Township Butler County	NWRO
2521401	Sewage Treatment Facilities Individual WQM Permit	New	Merle & Theresa Wolfe 2943 Quance Road McKean, PA 16426-2139	McKean Township Erie County	NWRO

<i>Application Number</i>	<i>Permit Type</i>	<i>Application Type</i>	<i>Applicant Name & Address</i>	<i>Municipality, County</i>	<i>DEP Office</i>
2521403	Sewage Treatment Facilities Individual WQM Permit	New	Lisa Schening 5636 Old State Road Edinboro, PA 16412-1089	Washington Township Erie County	NWRO
4185405	Sewage Treatment Facilities Individual WQM Permit	Transfer	Brett N Kehrler 1923 Biddle Road Montoursville, PA 17754-7834	Upper Fairfield Township Lycoming County	NCRO
4319407	Sewage Treatment Facilities Individual WQM Permit	Transfer	Ron Keeley 618 Conneaut Lake Road Adamsville, PA 16110	Sugar Grove Township Mercer County	NWRO
4521401	Sewer Extensions and Pump Stations Individual WQM Permit	New	Arrowhead Sewer Co. Inc. 961 Arrowhead Drive Pocono Lake, PA 18347-7856	Coolbaugh Township Monroe County	NERO
PA0272329	Single Residence STP Individual NPDES Permit	Transfer	Ron Keeley 618 Conneaut Lake Road Adamsville, PA 16110	Sugar Grove Township Mercer County	NWRO
WQG02462102	WQG-02 WQM General Permit	New	East Norriton Township Montgomery County 2501 Stanbridge Street East Norriton, PA 19401-1617	East Norriton Township Montgomery County	SERO

II. Individual NPDES Permits—New, Renewal, and Major Amendment Applications and Draft Permits for Discharges Relating to Sewage, Industrial Waste, Industrial Stormwater, MS4s, Pesticides and CAFOs.

Northcentral Regional Office

PA0232564, Sewage, SIC Code 8811, **William and Connie Knauer**, 14 Keefer Mill Road, Danville, PA 17821-6802. Facility Name: Knauer SFTF. This existing facility is located in Liberty Township, **Montour County**.

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

The receiving stream(s), Unnamed Tributary to Chillisquaque Creek (WWF), is located in State Water Plan watershed 10-D and is classified for Warm Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.0004 MGD.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Annual Average</i>	<i>Maximum</i>	
Flow (MGD)	Report	XXX	XXX	XXX	XXX	XXX
Biochemical Oxygen Demand (BOD ₅)	Annl Avg XXX	XXX	XXX	10.0	XXX	20.0
Total Suspended Solids	XXX	XXX	XXX	10.0	XXX	20.0
Fecal Coliform (No./100 ml)	XXX	XXX	XXX	200	XXX	XXX

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 in effect.

Northeast Regional Office

PA0070394, Industrial, SIC Code 4953, **PA DEP—NERO HSCA**, 2 Public Square, Wilkes-Barre, PA 18701-1915. Facility Name: Herceg Landfill HSCA Site. This existing facility is located in Bushkill Township, **Northampton County**.

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

The receiving stream, Tributary 3399 to East Branch Monocacy Creek (HQ-CWF/MF), is located in State Water Plan watershed 2-C and is classified for High Quality Waters—Cold Water and Migratory Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.052 MGD.

(From Permit Effective Date to Permit Expiration Date)

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Instant. Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Instant. 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>	
Biochemical Oxygen Demand (BOD ₅)	Report	Report	XXX	37.0	140	XXX
Total Suspended Solids	Report	Report	XXX	27.0	88.0	XXX
Fecal Coliform (No./100 ml)	XXX	XXX	XXX	200	XXX	1,000
Ammonia-Nitrogen	Report	Report	XXX	Geo Mean 4.9	10.0	12.0

The proposed effluent limits for Outfall 001 are based on a design flow of 0.052 MGD.

(From Permit Effective Date to Permit Expiration Date)

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Annual Average</i>	<i>Daily Maximum</i>		<i>Annual Average</i>	<i>Daily Maximum</i>	
Zinc, Total	Report	Report	XXX	0.11	0.20	0.28
Phenol	Report	Report	XXX	0.015	0.026	0.038
a-Terpineol	Report	Report	XXX	0.016	0.033	0.04
Benzoic Acid	Report	Report	XXX	0.071	0.12	0.18
p-Cresol	Report	Report	XXX	0.014	0.025	0.035

The proposed effluent limits for Outfall 001 are based on a design flow of 0.052 MGD.

(From Permit Effective Date to 4 Years After Permit Effective Date)

<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>	
Iron, Total	Report	Report	XXX	4.7	7.3	11.7

The proposed effluent limits for Outfall 001 are based on a design flow of 0.052 MGD.

(From 4 Years After Permit Effective Date to Permit Expiration Date)

<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>	
Iron, Total	Report	Report	XXX	4.59	7.16	11.47

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

- Water Quality-Based Effluent Limitations for Toxic Pollutants

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.

PAI132221, MS4, **South Whitehall Township Lehigh County**, 4444 Walbert Avenue, Allentown, PA 18104-1699.

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 South Whitehall Township, **Lehigh County**. The receiving streams, Little Cedar Creek (HQ-CWF, MF), Cedar Creek (HQ-CWF, MF), and Jordan Creek (TSF, MF), are located in State Water Plan watershed 2-C and are classified for Migratory Fishes, High Quality—Cold Water, Trout Stocking, and Migratory Fish, aquatic life, water supply and recreation. The applicant is classified as a small MS4.

The applicant has submitted the following plans with the application to reduce pollutant loads to impaired waters:

- A Pollutant Reduction Plan (PRP)
- A Total Maximum Daily Load (TMDL) Plan

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.

PA0029653, Sewage, SIC Code 7032, **Jewish Community Center Day Camp**, 601 Jefferson Avenue, Scranton, PA 18510. Facility Name: Jewish Community Center Day Camp. This existing facility is located in Covington Township, **Lackawanna 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), Spring Brook (HQ-CWF, MF), is located in State Water Plan watershed 5-A and is classified for High Quality Waters—Cold Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of .0078 MGD.—Interim 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 Max</i>		<i>Average Monthly</i>	<i>Maximum</i>	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	Inst Min	XXX	XXX	XXX
			6.0			
Total Residual Chlorine (TRC)	XXX	XXX	Inst Min	1.2	XXX	2.8
			XXX			
Carbonaceous Biochemical Oxygen Demand (CBOD ₅)	XXX	XXX	XXX	25.0	XXX	50.0
Total Suspended Solids	XXX	XXX	XXX	30.0	XXX	60.0
Fecal Coliform (No./100 ml)	XXX	XXX	XXX	2,000	XXX	XXX
				Geo Mean		
Oct 1 - Apr 30				200		
May 1 - Sep 30	XXX	XXX	XXX	Geo Mean	XXX	XXX
Ammonia-Nitrogen						
Nov 1 - Apr 30	XXX	XXX	XXX	12.0	XXX	24.0
May 1 - Oct 31	XXX	XXX	XXX	4.0	XXX	8.0

The proposed effluent limits for Outfall 001 are based on a design flow of .0078 MGD.—Final 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 Max</i>		<i>Average Monthly</i>	<i>Maximum</i>	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	Inst Min	XXX	XXX	XXX
			6.0			
Total Residual Chlorine (TRC)	XXX	XXX	Inst Min	0.5	XXX	1.6
			XXX			
Carbonaceous Biochemical Oxygen Demand (CBOD ₅)	XXX	XXX	XXX	25.0	XXX	50.0
Total Suspended Solids	XXX	XXX	XXX	30.0	XXX	60.0
Fecal Coliform (No./100 ml)	XXX	XXX	XXX	2,000	XXX	XXX
				Geo Mean		
Oct 1 - Apr 30				200		
May 1 - Sep 30	XXX	XXX	XXX	Geo Mean	XXX	XXX
Ammonia-Nitrogen						
Nov 1 - Apr 30	XXX	XXX	XXX	12.0	XXX	24.0
May 1 - Oct 31	XXX	XXX	XXX	4.0	XXX	8.0

The proposed effluent limits for Outfall 001 are based on a design flow of .0078 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Weekly</i>		<i>Average Monthly</i>	<i>Maximum</i>	
Nitrate-Nitrite as N	XXX	Report Total Annual	XXX	Report Annl Avg	XXX	XXX
Total Nitrogen	XXX	Report Total Annual	XXX	Report Annl Avg	XXX	XXX
Total Kjeldahl Nitrogen	XXX	Report Total Annual	XXX	Report Annl Avg	XXX	XXX
Total Phosphorus	XXX	Report Total Annual	XXX	Report Annl Avg	XXX	XXX

Sludge use and disposal description and location(s): The facility does not appreciably generate sludge; sludge accumulates at the bottom of a process tank and has not been removed in many years.

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

- Discharge Reporting

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.

PA0060593, Sewage, SIC Code 4941, **Aqua Pennsylvania Wastewater, Inc.**, 762 W. Lancaster Avenue, Bryn Mawr, PA 19010. Facility Name: Laurel Lakes WWTF. This existing facility is located in Rice Township, **Luzerne 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), Nuangola Outlet (CWF, MF), is located in State Water Plan watershed 5-B and is classified for Cold Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of .0875 MGD.—Interim 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 Max</i>		<i>Average Monthly</i>	<i>Maximum</i>	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	Inst Min	XXX	XXX	XXX
			6.0			
Total Residual Chlorine (TRC)	XXX	XXX	Inst Min	0.5	XXX	1.6
			XXX			
Carbonaceous Biochemical Oxygen Demand (CBOD ₅)	XXX	XXX	XXX	25.0	XXX	50.0
Total Suspended Solids	XXX	XXX	XXX	30.0	XXX	60.0
Fecal Coliform (No./100 ml)	XXX	XXX	XXX	2,000	XXX	10,000
				Geo Mean		
Oct 1 - Apr 30				200		
May 1 - Sep 30	XXX	XXX	XXX	Geo Mean	XXX	1,000
Ammonia-Nitrogen						
Nov 1 - Apr 30	XXX	XXX	XXX	Report	XXX	XXX
May 1 - Oct 31	XXX	XXX	XXX	12.6	XXX	25.2
Total Phosphorus	XXX	XXX	XXX	2.0	XXX	4.0

The proposed effluent limits for Outfall 001 are based on a design flow of .0875 MGD.—Final 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 Max</i>		<i>Average Monthly</i>	<i>Maximum</i>	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	Inst Min	XXX	XXX	XXX
			6.0			
Total Residual Chlorine (TRC)	XXX	XXX	Inst Min	0.12	XXX	0.40
			XXX			
Carbonaceous Biochemical Oxygen Demand (CBOD ₅)	XXX	XXX	XXX	25.0	XXX	50.0
Total Suspended Solids	XXX	XXX	XXX	30.0	XXX	60.0
Fecal Coliform (No./100 ml)	XXX	XXX	XXX	2,000	XXX	10,000
				Geo Mean		
Oct 1 - Apr 30				200		
May 1 - Sep 30	XXX	XXX	XXX	Geo Mean	XXX	1,000
Ammonia-Nitrogen						
Nov 1 - Mar 31	XXX	XXX	XXX	9.9	XXX	XXX
May 1 - Oct 31	XXX	XXX	XXX	3.3	XXX	6.6
Total Phosphorus	XXX	XXX	XXX	2.0	XXX	4.0

The proposed effluent limits for Outfall 001 are based on a design flow of .0875 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Average Monthly</i>	<i>Maximum</i>	
Nitrate-Nitrite as N	Report	XXX	XXX	Report	XXX	XXX
Total Nitrogen	Annl Avg	XXX	XXX	Annl Avg	XXX	XXX
	Report					
Total Kjeldahl Nitrogen	Annl Avg	XXX	XXX	Annl Avg	XXX	XXX
	Report					
	Annl Avg			Annl Avg		

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

- Solids Management

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

The EPA Waiver is in effect.

Northwest Regional Office

PA0035718, Industrial, SIC Code 2022, 5400, 5451, **John Koller & Son Inc.**, 1734 Perry Highway, Fredonia, PA 16124-2720. Facility Name: Fairview Swiss Cheese. This existing facility is located in Fairview Township, **Mercer County**.

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

The receiving stream(s), Unnamed Tributary of Neshannock Creek (TSF), is located in State Water Plan watershed 20-A and is classified for Trout Stocking, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of .05 MGD.—Interim 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>	
Cadmium, Total	Report	Report	XXX	Report	Report	XXX
Chromium, Hexavalent	Report	Report	XXX	Report	Report	XXX
Cobalt, Total	Report	Report	XXX	Report	Report	XXX
Copper, Total	Report	Report	XXX	Report	Report	XXX
Nickel, Total	Report	Report	XXX	Report	Report	XXX

The proposed effluent limits for Outfall 001 are based on a design flow of .05 MGD.—Final 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>	
Cadmium, Total	0.0003	0.0005	XXX	0.0005	0.0007	0.00113
Chromium, Hexavalent	0.007	0.011	XXX	0.01	0.016	0.026
Cobalt, Total	0.013	0.021	XXX	0.019	0.029	0.047
Copper, Total	0.012	0.018	XXX	0.016	0.026	0.042
Nickel, Total	0.065	0.1	XXX	0.093	0.146	0.234

The proposed effluent limits for Outfall 001 are based on a design flow of .05 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	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	Inst Min 5.0	XXX	XXX	XXX
Total Residual Chlorine (TRC)	XXX	XXX	XXX	0.5	XXX	1.2
Biochemical Oxygen Demand (BOD ₅)	9.4	22.2	XXX	10.0	20.0	58
Total Suspended Solids	13.5	31.4	XXX	10.0	20.0	82
Fecal Coliform (No./100 ml)						
Oct 1 - Apr 30	XXX	XXX	XXX	2,000 Geo Mean	XXX	XXX
May 1 - Sep 30	XXX	XXX	XXX	200 Geo Mean	XXX	XXX
Total Nitrogen	XXX	XXX	XXX	Report	XXX	XXX
Ammonia-Nitrogen	0.5	1.0	XXX	0.5	XXX	3
Total Phosphorus	XXX	XXX	XXX	Report	XXX	XXX

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

- Water Quality-Based Effluent Limitations for Toxic Pollutants
- Chemical Additives
- Requirements Applicable to Stormwater Outfalls

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

The EPA Waiver is in effect.

PA0025445, Sewage, SIC Code 4952, **Wampum Borough Lawrence County**, P.O. Box 65, Wampum, PA 16157-0065. Facility Name: Wampum Borough STP. This existing facility is located in Wampum Borough, **Lawrence 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), Beaver River (WWF), is located in State Water Plan watershed 20-B 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 .208 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Weekly Average</i>		<i>Average Monthly</i>	<i>Weekly Average</i>	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	Inst Min	XXX	XXX	XXX
			4.0			
Total Residual Chlorine (TRC)	XXX	XXX	Daily Min	0.5	XXX	1.6
			XXX			
Carbonaceous Biochemical Oxygen Demand (CBOD ₅)	43.5	70.0	XXX	25.0	40.0	50
Biochemical Oxygen Demand (BOD ₅)	Report	Report	XXX	Report	Report	XXX
Raw Sewage Influent						
Total Suspended Solids	52.5	78.8	XXX	30.0	45.0	60
Raw Sewage Influent	Report	Report	XXX	Report	Report	XXX
Fecal Coliform (No./100 ml)						
Oct 1 - Apr 30	XXX	XXX	XXX	2,000	XXX	10,000
May 1 - Sep 30	XXX	XXX	XXX	Geo Mean	XXX	1,000
				200		
Total Nitrogen	XXX	XXX	XXX	Geo Mean	XXX	XXX
				Report		
Ammonia-Nitrogen	XXX	XXX	XXX	Report	XXX	XXX
Total Phosphorus	XXX	XXX	XXX	Report	XXX	XXX

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.

PA0025445, Sewage, SIC Code 4952, **Wampum Borough Lawrence County**, P.O. Box 65, Wampum, PA 16157-0065. Facility Name: Wampum Borough STP. This existing facility is located in Wampum Borough, **Lawrence 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), Beaver River (WWF), is located in State Water Plan watershed 20-B 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 .208 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Weekly Average</i>		<i>Average Monthly</i>	<i>Weekly Average</i>	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	Inst Min	XXX	XXX	XXX
			4.0			
Total Residual Chlorine (TRC)	XXX	XXX	Daily Min	0.5	XXX	1.6
			XXX			
Carbonaceous Biochemical Oxygen Demand (CBOD ₅)	43.5	70.0	XXX	25.0	40.0	50
Biochemical Oxygen Demand (BOD ₅)	Report	Report	XXX	Report	Report	XXX
Raw Sewage Influent						
Total Suspended Solids	52.5	78.8	XXX	30.0	45.0	60
Raw Sewage Influent	Report	Report	XXX	Report	Report	XXX
Fecal Coliform (No./100 ml)						
Oct 1 - Apr 30	XXX	XXX	XXX	2,000	XXX	10,000
May 1 - Sep 30	XXX	XXX	XXX	Geo Mean	XXX	1,000
				200		
Total Nitrogen	XXX	XXX	XXX	Geo Mean	XXX	XXX
				Report		
Ammonia-Nitrogen	XXX	XXX	XXX	Report	XXX	XXX
Total Phosphorus	XXX	XXX	XXX	Report	XXX	XXX

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.

PA0101087, Sewage, SIC Code 4952, 6515, **Norman J Cutri d/b/a Twilight MHP**, 1324 S Shore Drive, Apt 601, Erie, PA 16505-2539. Facility Name: Twilight MHP. This existing facility is located in Mahoning Township, **Lawrence 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), 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 .0175 MGD.—Interim Limits.

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		IMAX
	Average Monthly	Average Weekly		Average Monthly	Maximum	
Total Residual Chlorine (TRC)	XXX	XXX	XXX	0.5	XXX	1.6

The proposed effluent limits for Outfall 001 are based on a design flow of .0175 MGD.—Final Limits.

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		IMAX
	Average Monthly	Average Weekly		Average Monthly	Maximum	
Total Residual Chlorine (TRC)	XXX	XXX	XXX	0.02	XXX	0.06

The proposed effluent limits for Outfall 001 are based on a design flow of .0175 MGD.—Limits.

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		IMAX
	Average Monthly	Average Weekly		Average Monthly	Maximum	
Flow (MGD)	Report	XXX	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	Inst Min 5.0	XXX	XXX	XXX
Carbonaceous Biochemical Oxygen Demand (CBOD ₅)	XXX	XXX	Inst Min XXX	25	XXX	50
Total Suspended Solids	XXX	XXX	XXX	30	XXX	60
Fecal Coliform (No./100 ml)						
Oct 1 - Apr 30	XXX	XXX	XXX	2,000 Geo Mean	XXX	10,000
May 1 - Sep 30	XXX	XXX	XXX	200 Geo Mean	XXX	1,000
Total Nitrogen	XXX	XXX	XXX	Report	XXX	XXX
Ammonia-Nitrogen						
Nov 1 - Apr 30	XXX	XXX	XXX	6.0	XXX	12
May 1 - Oct 31	XXX	XXX	XXX	2.0	XXX	4
Total Phosphorus	XXX	XXX	XXX	1.0	XXX	2

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

- TRC Compliance Schedule

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.

PA0204048, Sewage, SIC Code 4952, **Conemaugh Township Municipal Water & Sewer Authority**, 16980 Route 286 Highway W, Saltsburg, PA 15681-8023. Facility Name: Tunnelton STP. This existing facility is located in Conemaugh Township, **Indiana 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), Conemaugh River, is located in State Water Plan watershed 18-C and is classified for Warm Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.0095 MGD.—Limits.

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		IMAX
	Average Monthly	Average Weekly		Average Monthly	Maximum	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	Daily Max XXX	6.0 DailyMin	XXX	9.0 Daily Max	XXX

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Average Monthly</i>	<i>Maximum</i>	
Dissolved Oxygen	XXX	XXX	4.0 DailyMin	XXX	XXX	XXX
Total Residual Chlorine (TRC)	XXX	XXX	XXX	0.5	XXX	1.6
Carbonaceous Biochemical Oxygen Demand (CBOD ₅)	1.9	XXX	XXX	25.0	XXX	50
Biochemical Oxygen Demand (BOD ₅) Raw Sewage Influent	Report	XXX	XXX	Report	XXX	XXX
Total Suspended Solids Raw Sewage Influent	Report	XXX	XXX	Report	XXX	XXX
Total Suspended Solids Fecal Coliform (No./100 ml)	2.3	XXX	XXX	30.0	XXX	60
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	Report	XXX	XXX	Report	XXX	XXX
Total Nitrogen	XXX	Report Daily Max	XXX	XXX	Report Daily Max	XXX
Total Phosphorus	XXX	Report Daily Max	XXX	XXX	Report Daily Max	XXX
Aluminum, Total	XXX	Report Daily Max	XXX	XXX	Report Daily Max	XXX
Iron, Total	XXX	Report Daily Max	XXX	XXX	Report Daily Max	XXX
Manganese, Total	XXX	Report Daily Max	XXX	XXX	Report Daily Max	XXX

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.

PA0264229, Sewage, SIC Code 8800, **Michael Piper**, 19021 Route 68, Sligo, PA 16255-4627. Facility Name: Michael Piper SRSTP. This existing facility is located in Monroe Township, **Clarion County**.

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

The receiving stream(s), Reids Run (CWF), is located in State Water Plan watershed 17-B and is classified for Cold Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

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

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

Sludge use and disposal description and location(s): Septage must 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.

PA0264423, Sewage, SIC Code 8800, **Dennis Herrit**, 201 Walker Avenue, Butler, PA 16001-6441. Facility Name: Dennis Herrit SRSTP. This existing facility is located in Center Township, **Butler County**.

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

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

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

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

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

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

The EPA Waiver is in effect.

PA0264440, Sewage, SIC Code 4952, 8800, **Patricia Poland**, 807 Samick Drive, Erie, PA 16509-5140. Facility Name: Patricia Poland SRSTP. This existing facility is located in Summit Township, **Erie County**.

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

The receiving stream(s), Unnamed Tributary to Walnut Creek (CWF, MF), is located in State Water Plan watershed 15-A and is classified for Cold Water Fishes and Migratory Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

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

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

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.

Southcentral Regional Office

PA0037711, Sewage, SIC Code 4952, **Everett Borough Area Municipal Authority Bedford County**, 100 Mechanic Street, Everett, PA 15537-1177. Facility Name: Everett STP. This existing facility is located in Everett Borough, **Bedford 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), Raystown Branch Juniata River (TSF) and Bloody Run (WWF), is located in State Water Plan watershed 11-C and is classified for Warm Water Fishes and Trout Stocking, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of .87 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Weekly Average</i>		<i>Average Monthly</i>	<i>Weekly Average</i>	
Flow (MGD)	Report	Report Daily Max	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0 Inst Min	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	5.0 Inst Min	XXX	XXX	XXX
Total Residual Chlorine (TRC)	XXX	XXX	XXX	0.5	XXX	1.6
Carbonaceous Biochemical Oxygen Demand (CBOD ₅)	181	290	XXX	25	40	50

NOTICES

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Weekly Average</i>		<i>Average Monthly</i>	<i>Weekly Average</i>	
Biochemical Oxygen Demand (BOD ₅) Raw Sewage Influent	Report	Report Daily Max	XXX	Report	XXX	XXX
Total Suspended Solids Raw Sewage Influent	218 Report	327 Report Daily Max	XXX XXX	30 Report	45 XXX	60 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
Nitrate-Nitrite as N (Total Load, lbs) (lbs)	XXX Report Total Mo	XXX XXX	XXX XXX	Report XXX	XXX XXX	XXX XXX
Total Nitrogen (Total Load, lbs) (lbs) Effluent Net (Total Load, lbs) (lbs)	XXX Report Total Mo	XXX XXX	XXX XXX	Report XXX	XXX XXX	XXX XXX
Ammonia-Nitrogen (Total Load, lbs) (lbs)	XXX Report Total Mo	XXX XXX	XXX XXX	Report XXX	XXX XXX	XXX XXX
Total Kjeldahl Nitrogen (Total Load, lbs) (lbs)	XXX Report Total Mo	XXX XXX	XXX XXX	Report XXX	XXX XXX	XXX XXX
Total Phosphorus (Total Load, lbs) (lbs) Effluent Net (Total Load, lbs) (lbs)	15 Report Total Mo	XXX XXX	XXX XXX	2.0 XXX	XXX XXX	4 XXX

The proposed effluent limits for Outfall 001 are based on a design flow of .87 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Weekly Average</i>		<i>Average Monthly</i>	<i>Weekly Average</i>	
Copper, Total	XXX	XXX	XXX	Report Avg Qrtly	XXX	XXX

The proposed monitoring requirements and effluent limits for implementation of Pennsylvania's Chesapeake Bay Watershed Implementation Plan are as follows for Outfall 001.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Monthly</i>	<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Monthly</i>	<i>Annual</i>		<i>Monthly Average</i>	<i>Maximum</i>	
Total Nitrogen (Total Load, lbs) (lbs) Effluent Net (Total Load, lbs) (lbs)	XXX	15,890 Total Annual	XXX	XXX	XXX	XXX
Ammonia-Nitrogen (Total Load, lbs) (lbs)	XXX	Report Total Annual	XXX	XXX	XXX	XXX
Total Phosphorus (Total Load, lbs) (lbs) Effluent Net (Total Load, lbs) (lbs)	XXX	Report Total Annual	XXX	XXX	XXX	XXX
	XXX	2,119 Total Annual	XXX	XXX	XXX	XXX

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

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

The EPA Waiver is not in effect.

PA0038130, Sewage, SIC Code 4952, **Mont Alto Borough Sewer Authority**, 3 N. Main Street, Mont Alto, PA 17237. Facility Name: Mont Alto STP. This existing facility is located in Quincy Township, **Franklin 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), West Branch Antietam Creek (CWF), is located in State Water Plan watershed 13-C and is classified for Cold Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of .3 MGD.—Limits.

Parameters	Mass Units (lbs/day)			Concentrations (mg/L)		IMAX
	Average Monthly	Weekly Average	Daily Minimum	Average Monthly	Weekly Average	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0 Inst Min	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	5.0	XXX	XXX	XXX
Carbonaceous Biochemical Oxygen Demand (CBOD ₅)	63	100	XXX	25.0	40.0	50
Total Suspended Solids	75	113	XXX	30.0	45.0	60
Fecal Coliform (No./100 ml)						
Oct 1 - Apr 30	XXX	XXX	XXX	2,000 Geo Mean	XXX	10,000
May 1 - Sep 30	XXX	XXX	XXX	200 Geo Mean	XXX	1,000
Nitrate-Nitrite as N	Report	XXX	XXX	Report	XXX	XXX
Total Nitrogen	Report	XXX	XXX	Report	XXX	XXX
Ammonia-Nitrogen						
Nov 1 - Apr 30	48.9	XXX	XXX	19.5	XXX	39
May 1 - Oct 31	16.3	XXX	XXX	6.5	XXX	13
Total Kjeldahl Nitrogen	Report	XXX	XXX	Report	XXX	XXX
Total Phosphorus	5.0	XXX	XXX	2.0	XXX	4
Ultraviolet light dosage (mWsec/cm ²)	XXX	XXX	Report	XXX	XXX	XXX

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

The EPA Waiver is in effect.

PA0044521, Sewage, SIC Code 4952, **Franklin County Gen Authority**, 5540 Coffey Avenue, Chambersburg, PA 17201-4113. Facility Name: Franklin County Gen Authority WTP. This existing facility is located in Letterkenny Township, **Franklin 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), Dennis Creek (CWF, MF), is located in State Water Plan watershed 13-C and is classified for Cold Water Fishes and Migratory Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of .008 MGD.—Limits.

Parameters	Mass Units (lbs/day)			Concentrations (mg/L)		IMAX
	Average Monthly	Average Weekly	Minimum	Average Monthly	Maximum	
Nitrate-Nitrite as N	XXX	Report	XXX	XXX	Report	XXX
Total Nitrogen	XXX	Daily Max	XXX	XXX	Daily Max	XXX
Total Kjeldahl Nitrogen	XXX	Report	XXX	XXX	Report	XXX
Total Phosphorus	XXX	Daily Max	XXX	XXX	Daily Max	XXX
		Report			Report	
		Daily Max			Daily Max	

The proposed effluent limits for Outfall 001 are based on a design flow of .008 MGD.—Limits.

Parameters	Mass Units (lbs/day)			Concentrations (mg/L)		IMAX
	Average Monthly	Average Weekly	Minimum	Average Monthly	Maximum	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	Daily Max	6.0 Inst Min	XXX	XXX	9.0
		XXX				

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Average Monthly</i>	<i>Maximum</i>	
Dissolved Oxygen	XXX	XXX	5.0	XXX	XXX	XXX
			Daily Min			
Total Residual Chlorine (TRC)	XXX	XXX	XXX	0.5	XXX	1.6
Carbonaceous Biochemical Oxygen Demand (CBOD ₅)	XXX	XXX	XXX	25.0	XXX	50
Total Suspended Solids	XXX	XXX	XXX	30.0	XXX	60
Fecal Coliform (No./100 ml)						
Oct 1 - Apr 30	XXX	XXX	XXX	2,000	XXX	10,000
				Geo Mean		
May 1 - Sep 30	XXX	XXX	XXX	200	XXX	1,000
				Geo Mean		
Ammonia-Nitrogen	XXX	XXX	XXX	Report	XXX	XXX

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

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

The EPA Waiver is in effect.

PA0082589 A-1, Sewage, SIC Code 4952, **PA American Water Co.**, 852 Wesley Drive, Mechanicsburg, PA 17055. Facility Name: PA American Water Fairview Township South STP. This existing facility is located in Fairview Township, York County.

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

The receiving stream(s), Unnamed Tributary to Fishing Creek (CWF (existing use)), is located in State Water Plan watershed 7-E and is classified for Trout Stocking, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of .5 MGD.—Interim Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Weekly Average</i>		<i>Average Monthly</i>	<i>Weekly Average</i>	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
		Daily Max				
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
			Inst Min			
Dissolved Oxygen	XXX	XXX	5.0	XXX	XXX	XXX
			Inst Min			
Total Residual Chlorine (TRC)	XXX	XXX	XXX	0.20	XXX	0.64
Carbonaceous Biochemical Oxygen Demand (CBOD ₅)	104	167	XXX	25.0	40.0	50
Total Suspended Solids	125	187	XXX	30.0	45.0	60
Fecal Coliform (No./100 ml)						
Oct 1 - Apr 30	XXX	XXX	XXX	2,000	XXX	10,000
				Geo Mean		
May 1 - Sep 30	XXX	XXX	XXX	200	XXX	1,000
				Geo Mean		
Ammonia-Nitrogen						
Nov 1 - Apr 30	23	XXX	XXX	5.7	XXX	11
May 1 - Oct 31	7.9	XXX	XXX	1.9	XXX	3.8
Total Phosphorus	8.3	XXX	XXX	2.0	XXX	4
Copper, Total	0.06	0.08	XXX	0.015	0.02	XXX
		Daily Max			Daily Max	
Zinc, Total	0.5	0.79	XXX	0.12	0.19	XXX
		Daily Max			Daily Max	

The proposed effluent limits for Outfall 001 are based on a design flow of .5 MGD.—Interim Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Instantaneous Minimum</i>	<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Weekly Average</i>		<i>Average Monthly</i>	<i>Weekly Average</i>	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
		Daily Max				
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	5.0	XXX	XXX	XXX
Total Residual Chlorine (TRC)	XXX	XXX	XXX	0.20	XXX	0.64

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Instantaneous Minimum</i>	<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Weekly Average</i>		<i>Average Monthly</i>	<i>Weekly Average</i>	
Carbonaceous Biochemical Oxygen Demand (CBOD ₅)	104	167	XXX	25.0	40.0	50
Total Suspended Solids	125	187	XXX	30.0	45.0	60
Fecal Coliform (No./100 ml)						
Oct 1 - Apr 30	XXX	XXX	XXX	2,000	XXX	10,000
May 1 - Sep 30	XXX	XXX	XXX	Geo Mean 200	XXX	1,000
Ammonia-Nitrogen						
Nov 1 - Apr 30	23	XXX	XXX	5.7	XXX	11
May 1 - Oct 31	7.9	XXX	XXX	1.9	XXX	3.8
Total Phosphorus	8.3	XXX	XXX	2.0	XXX	4
Copper, Total	0.06	0.08	XXX	0.015	0.02	XXX
Zinc, Total	0.5	Daily Max 0.79	XXX	0.12	Daily Max 0.19	XXX
Ultraviolet light dosage (mWsec/cm ²)	XXX	Daily Max XXX	Report	Report	Daily Max XXX	XXX

The proposed effluent limits for Outfall 001 are based on a design flow of .5 MGD.—Final Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Instantaneous Minimum</i>	<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Weekly Average</i>		<i>Average Monthly</i>	<i>Weekly Average</i>	
Flow (MGD)	Report	Report Daily Max	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	5.0	XXX	XXX	XXX
Carbonaceous Biochemical Oxygen Demand (CBOD ₅)	104	167	XXX	25.0	40.0	50
Total Suspended Solids	125	187	XXX	30.0	45.0	60
Fecal Coliform (No./100 ml)						
Oct 1 - Apr 30	XXX	XXX	XXX	2,000	XXX	10,000
May 1 - Sep 30	XXX	XXX	XXX	Geo Mean 200	XXX	1,000
Ammonia-Nitrogen						
Nov 1 - Apr 30	23	XXX	XXX	5.7	XXX	11
May 1 - Oct 31	7.9	XXX	XXX	1.9	XXX	3.8
Total Phosphorus	8.3	XXX	XXX	2.0	XXX	4
Copper, Total	0.06	0.08	XXX	0.015	0.02	XXX
Zinc, Total	0.5	Daily Max 0.79	XXX	0.12	Daily Max 0.19	XXX
Ultraviolet light dosage (mWsec/cm ²)	XXX	Daily Max XXX	Report	Report	Daily Max XXX	XXX

The proposed effluent limits for Outfall 001 are based on a design flow of .5 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>		<i>Average Monthly</i>	<i>Maximum</i>	
Biochemical Oxygen Demand (BOD ₅)	Report	Report	XXX	Report	XXX	XXX
Raw Sewage Influent						
Total Suspended Solids	Report	Report	XXX	Report	XXX	XXX
Raw Sewage Influent						
Nitrate-Nitrite as N (Total Load, lbs) (lbs)	XXX Report	XXX XXX	XXX XXX	Report XXX	XXX XXX	XXX XXX
Total Nitrogen (Total Load, lbs) (lbs)	XXX Report	XXX XXX	XXX XXX	Report XXX	XXX XXX	XXX XXX
Effluent Net (Total Load, lbs) (lbs)	Total Mo Report	XXX XXX	XXX XXX	XXX XXX	XXX XXX	XXX XXX
	Total Mo					

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>		<i>Average Monthly</i>	<i>Maximum</i>	
Ammonia-Nitrogen (Total Load, lbs) (lbs)	XXX Report	XXX XXX	XXX XXX	Report XXX	XXX XXX	XXX XXX
Total Kjeldahl Nitrogen (Total Load, lbs) (lbs)	Total Mo XXX Report	XXX XXX	XXX XXX	Report XXX	XXX XXX	XXX XXX
Total Phosphorus (Total Load, lbs) (lbs)	Total Mo XXX Report	XXX XXX	XXX XXX	Report XXX	XXX XXX	XXX XXX
(Total Load, lbs) (lbs) Effluent Net	Total Mo Report	XXX	XXX	XXX	XXX	XXX

The proposed monitoring requirements and effluent limits for implementation of Pennsylvania's Chesapeake Bay Watershed Implementation Plan are as follows for Outfall 001.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Monthly</i>	<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Monthly</i>	<i>Annual</i>		<i>Monthly Average</i>	<i>Maximum</i>	
Total Nitrogen (Total Load, lbs) (lbs) Effluent Net	XXX	9,132 Total	XXX	XXX	XXX	XXX
(Total Load, lbs) (lbs)	XXX	Annual Report	XXX	XXX	XXX	XXX
Ammonia-Nitrogen (Total Load, lbs) (lbs)	XXX	Total Annual Report	XXX	XXX	XXX	XXX
Total Phosphorus (Total Load, lbs) (lbs) Effluent Net	XXX	1,218 Total	XXX	XXX	XXX	XXX
(Total Load, lbs) (lbs)	XXX	Annual Report	XXX	XXX	XXX	XXX
		Total Annual				

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

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

The EPA Waiver is not in effect.

PA0082708, Sewage, SIC Code 8811, **Sandy Whiteside & Tucker Whiteside**, 652 Georgetown Road, Ronks, PA 17572-9553. Facility Name: Calamus Estates MHP. This existing facility is located in Paradise Township, **Lancaster 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), Unnamed Tributary to Calamus Run (TSF, MF), is located in State Water Plan watershed 7-K and is classified for Trout Stocking, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of .015 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Total Annual</i>		<i>Average Monthly</i>	<i>Maximum</i>	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	Daily Max XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	Inst Min 5.0	XXX	XXX	XXX
Total Residual Chlorine (TRC)	XXX	XXX	Inst Min XXX	0.43	XXX	1.4
Carbonaceous Biochemical Oxygen Demand (CBOD ₅)	XXX	XXX	XXX	25	XXX	50
Total Suspended Solids	XXX	XXX	XXX	30	XXX	60

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Total Annual</i>		<i>Average Monthly</i>	<i>Maximum</i>	
Fecal Coliform (No./100 ml)						
Oct 1 - Apr 30	XXX	XXX	XXX	2,000	XXX	10,000
May 1 - Sep 30	XXX	XXX	XXX	Geo Mean 200	XXX	1,000
Ammonia-Nitrogen						
Nov 1 - Apr 30	XXX	XXX	XXX	13.5	XXX	27
May 1 - Oct 31	XXX	XXX	XXX	4.5	XXX	9.0
Nitrate-Nitrite as N	XXX	Report	XXX	Report	XXX	XXX
Total Nitrogen	XXX	Report	XXX	Ann'l Avg Report	XXX	XXX
Total Kjeldahl Nitrogen	XXX	Report	XXX	Ann'l Avg Report	XXX	XXX
Total Phosphorus	Report	XXX	XXX	Ann'l Avg Report	XXX	XXX
Total Phosphorus	Total Mo XXX	319	XXX	XXX	XXX	XXX

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

- I—Other Requirements
- II—Chesapeake Bay Nutrient Definitions
- III—Solids Management

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

The EPA Waiver is in effect.

PA0083909, Sewage, SIC Code 2434, 4225, **Conestoga Wood Specialties Corporation**, 245 Reading Road, East Earl, PA 17519-9549. Facility Name: Conestoga Wood Specialties. This existing facility is located in East Earl Township, **Lancaster 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), Conestoga River (WWF, MF), is located in State Water Plan watershed 7-J 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 .019 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Average Monthly</i>	<i>Maximum</i>	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	Daily Max XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	Inst Min 5.0	XXX	XXX	XXX
Total Residual Chlorine (TRC)	XXX	XXX	Inst Min XXX	0.5	XXX	1.6
Carbonaceous Biochemical Oxygen Demand (CBOD ₅)	XXX	XXX	XXX	25	XXX	50
Total Suspended Solids	XXX	XXX	XXX	30	XXX	60
Fecal Coliform (No./100 ml)						
Oct 1 - Apr 30	XXX	XXX	XXX	2,000	XXX	10,000
May 1 - Sep 30	XXX	XXX	XXX	Geo Mean 200	XXX	1,000
Nitrate-Nitrite as N	XXX	XXX	XXX	Report	XXX	XXX
Total Nitrogen	XXX	XXX	XXX	Report	XXX	XXX
Ammonia-Nitrogen	XXX	XXX	XXX	Report	XXX	XXX
Total Kjeldahl Nitrogen	XXX	XXX	XXX	Report	XXX	XXX
Total Phosphorus	XXX	XXX	XXX	Report	XXX	XXX

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

- I—Other Requirements
- II—Chesapeake Bay Nutrient Definitions
- III—Solids Management

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

The EPA Waiver is in effect.

PA0085448, Sewage, SIC Code 4952, **Goodville Industrial Center**, 222 Conestoga Creek Road, Ephrata, PA 17522. Facility Name: Goodville Industrial Center WWTP. This existing facility is located in East Earl Township, **Lancaster 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), Unnamed Tributary of Conestoga River (WWF, MF), is located in State Water Plan watershed 7-J 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 .004 MGD.—Limits.

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		IMAX
	Average Monthly	Weekly Average		Average Monthly	Weekly Average	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	Daily Max XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	Inst Min 5.0	XXX	XXX	XXX
Total Residual Chlorine (TRC)	XXX	XXX	XXX	0.50	XXX	1.6
Carbonaceous Biochemical Oxygen Demand (CBOD ₅)	0.83	1.3	XXX	25	40	50
Total Suspended Solids	1.0	1.5	XXX	30	45	60
Fecal Coliform (No./100 ml)						
Oct 1 - Apr 30	XXX	XXX	XXX	2,000	XXX	10,000
May 1 - Sep 30	XXX	XXX	XXX	Geo Mean 200	XXX	1,000
Ammonia-Nitrogen	XXX	XXX	XXX	Geo Mean Report	XXX	XXX
Nitrate-Nitrite as N	Report	XXX	XXX	Report	XXX	XXX
Total Kjeldahl Nitrogen	Total Mo Report	XXX	XXX	Report	XXX	XXX
Total Nitrogen	Total Mo Report	XXX	XXX	Report	XXX	XXX
Total Nitrogen	Total Mo XXX	Report Total Annual	XXX	XXX	XXX	XXX
Total Phosphorus	Report Total Mo	XXX	XXX	Report	XXX	XXX
Total Phosphorus	XXX	Report Total Annual	XXX	XXX	XXX	XXX

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

- I—Other Requirements

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

The EPA Waiver is in effect.

PA0086771, Sewage, SIC Code 4952, **Centre Township Municipal Authority Berks County**, 449 Bucks Hill Road, Mohrsville, PA 19541-9340. Facility Name: Centre Township, Dauberville STP. This existing facility is located in Centre Township, **Berks 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), Irish Creek (WWF, MF), is located in State Water Plan watershed 3-B and is classified for Migratory Fishes and Warm Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of .08 MGD.—Limits.

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		IMAX
	Average Monthly	Daily Maximum		Average Monthly	Maximum	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
			Inst Min			

<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>Maximum</i>	
Dissolved Oxygen	XXX	XXX	5.0 Daily Min	XXX	XXX	XXX
Total Residual Chlorine (TRC)	XXX	XXX	XXX	0.50	XXX	1.60
Carbonaceous Biochemical Oxygen Demand (CBOD ₅)	16	XXX	XXX	25	XXX	50
Biochemical Oxygen Demand (BOD ₅) Raw Sewage Influent	Report	Report	XXX	Report	XXX	XXX
Total Suspended Solids Raw Sewage Influent	Report	Report	XXX	Report	XXX	XXX
Total Suspended Solids Fecal Coliform (No./100 ml)	20	XXX	XXX	30	XXX	60
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	13	XXX	XXX	20	XXX	40

The proposed effluent limits for Outfall 001 are based on a design flow of .08 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>Maximum</i>	
Total Nitrogen	Report Annl Avg	XXX	XXX	Report Annl Avg	XXX	XXX
Total Phosphorus	Report Annl Avg	XXX	XXX	Report Annl Avg	XXX	XXX

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

- Stormwater Prohibition, Approval Contingencies, Proper Waste/Solids Management, Chlorine Minimization and Restrictions on receipt of hauled in waste under certain conditions

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

The EPA Waiver is in effect.

PA0087581, Sewage, SIC Code 4952, **Centre Township Municipal Authority Berks County**, 449 Bucks Hill Road, Mohrsville, PA 19541-9340. Facility Name: Jordan Crossings STP. This existing facility is located in Centre Township, **Berks 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), Unnamed Tributary to Irish Creek (WWF), is located in State Water Plan watershed 3-B 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 .016 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>Maximum</i>	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0 Inst Min	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	5.0 Daily Min	XXX	XXX	XXX
Total Residual Chlorine (TRC)	XXX	XXX	XXX	0.29	XXX	0.97
Carbonaceous Biochemical Oxygen Demand (CBOD ₅)	3.3	XXX	XXX	25	XXX	50
Biochemical Oxygen Demand (BOD ₅) Raw Sewage Influent	Report	Report	XXX	Report	XXX	XXX
Total Suspended Solids Raw Sewage Influent	Report	Report	XXX	Report	XXX	XXX
Total Suspended Solids	4	XXX	XXX	30	XXX	60

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>		<i>Average Monthly</i>	<i>Maximum</i>	
Fecal Coliform (No./100 ml)						
Oct 1 - Apr 30	XXX	XXX	XXX	800	XXX	10,000
May 1 - Sep 30	XXX	XXX	XXX	Geo Mean 200	XXX	1,000
Ammonia-Nitrogen						
Nov 1 - Apr 30	1.8	XXX	XXX	13.5	XXX	27
May 1 - Oct 31	0.6	XXX	XXX	4.5	XXX	9

The proposed effluent limits for Outfall 001 are based on a design flow of .016 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>Maximum</i>	
Total Nitrogen	Report	XXX	XXX	Report	XXX	XXX
Total Phosphorus	Annl Avg	XXX	XXX	Annl Avg	XXX	XXX
	Report			Report		
	Annl Avg			Annl Avg		

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

- Stormwater Prohibition, Approval Contingencies, Proper Waste/Solids Management, Chlorine Minimization and Restrictions on receipt of hauled in waste under certain conditions

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

The EPA Waiver is in effect.

PA0246654, Sewage, SIC Code 4952, **Centre Township Municipal Authority**, 449 Bucks Hill Road, Mohrsville, PA 19541-9340. Facility Name: Hillcrest Estates II. This existing facility is located in Centre Township, **Berks 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), Unnamed Tributary of Irish Creek (WWF), is located in State Water Plan watershed 3-B 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 .025 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>Maximum</i>	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	Inst Min 5.0	XXX	XXX	XXX
Total Residual Chlorine (TRC)	XXX	XXX	Daily Min XXX	0.16	XXX	0.52
Carbonaceous Biochemical Oxygen Demand (CBOD ₅)	5.21	XXX	XXX	25.0	XXX	50
Biochemical Oxygen Demand (BOD ₅)	Report	Report	XXX	Report	XXX	XXX
Raw Sewage Influent						
Total Suspended Solids	Report	Report	XXX	Report	XXX	XXX
Raw Sewage Influent						
Total Suspended Solids	6.26	XXX	XXX	30.0	XXX	60
Fecal Coliform (No./100 ml)						
Oct 1 - Apr 30	XXX	XXX	XXX	2,000	XXX	10,000
May 1 - Sep 30	XXX	XXX	XXX	Geo Mean 200	XXX	1,000
Ammonia-Nitrogen						
Nov 1 - Apr 30	1.88	XXX	XXX	9.0	XXX	18
May 1 - Oct 31	0.63	XXX	XXX	3.0	XXX	6
Total Nitrogen	Report	XXX	XXX	Report	XXX	XXX
Total Phosphorus	Annl Avg	XXX	XXX	Annl Avg	XXX	XXX
	Report			Report		
	Annl Avg			Annl Avg		

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

- Stormwater Prohibition, Approval Contingencies, Proper Waste/Solids Management, Chlorine Minimization and Restrictions on receipt of hauled in waste under certain conditions

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

The EPA Waiver is in effect.

PA0247669, Sewage, SIC Code 6552, **John E. Groninger, Inc.**, P.O. Box 36, Mexico, PA 17056-0036. Facility Name: Arch Rock Development STP. This existing facility is located in Fermanagh Township, **Juniata County**.

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

The receiving stream(s), Horning Run (CWF), is located in State Water Plan watershed 12-A and is classified for Cold Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.04 MGD.—Limits.

Parameters	Mass Units (lbs/day)			Concentrations (mg/L)		IMAX
	Average Monthly	Daily Maximum	Minimum	Average Monthly	Maximum	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	5.0	XXX	XXX	XXX
Total Residual Chlorine (TRC)	XXX	XXX	XXX	0.5	XXX	1.0
Carbonaceous Biochemical Oxygen Demand (CBOD ₅)	XXX	XXX	XXX	25	XXX	50
Total Suspended Solids	XXX	XXX	XXX	30	XXX	60
Fecal Coliform (No./100 ml)						
May 1 - Sep 30	XXX	XXX	XXX	200	XXX	1,000
Oct 1 - Apr 30	XXX	XXX	XXX	Geo Mean 2,000	XXX	10,000
Nitrate-Nitrite as N	Report	XXX	XXX	Report	XXX	XXX
Total Nitrogen	Report	Report Total Annual	XXX	Report	XXX	XXX
Ammonia-Nitrogen	Report	XXX	XXX	Report	XXX	XXX
Total Kjeldahl Nitrogen	Report	XXX	XXX	Report	XXX	XXX
Total Phosphorus	Report	Report Total Annual	XXX	Report	XXX	XXX

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

The EPA Waiver is in effect.

PA0247910 A-1, Sewage, SIC Code 4952, **Bethel Township Municipal Authority Berks County**, P.O. Box 274, Bethel, PA 19507-0274. Facility Name: Bethel Township Frystown STP. This existing facility is located in Bethel Township, **Berks County**.

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

The receiving stream(s), Little Swatara Creek (CWF), is located in State Water Plan watershed 7-D and is classified for Cold Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of .0724 MGD.—Interim Limits.

Parameters	Mass Units (lbs/day)			Concentrations (mg/L)		Instant. Maximum
	Average Monthly	Weekly Average	Instantaneous Minimum	Average Monthly	Weekly Average	
Flow (MGD)	Report	Report Daily Max	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	5.0	XXX	XXX	XXX
Ultraviolet light intensity (mW/cm ²)	XXX	XXX	Report	XXX	XXX	XXX
Carbonaceous Biochemical Oxygen Demand (CBOD ₅)	15	24	XXX	25.0	40.0	50
Biochemical Oxygen Demand (BOD ₅)	Report	Report Daily Max	XXX	Report	XXX	XXX
Raw Sewage Influent						

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Instantaneous Minimum</i>	<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Weekly Average</i>		<i>Average Monthly</i>	<i>Weekly Average</i>	
Total Suspended Solids Raw Sewage Influent	18 Report	27 Report Daily Max	XXX XXX	30.0 Report	45.0 XXX	60 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
Nitrate-Nitrite as N	XXX	XXX	XXX	Report	XXX	XXX
Ammonia-Nitrogen	Report	XXX	XXX	Report	XXX	XXX
Total Kjeldahl Nitrogen	XXX	XXX	XXX	Report	XXX	XXX
Total Nitrogen	XXX	XXX	XXX	Report	XXX	XXX
Total Phosphorus	Report	XXX	XXX	Report	XXX	XXX

The proposed effluent limits for Outfall 001 are based on a design flow of .113 MGD.—Final Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Instantaneous Minimum</i>	<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Weekly Average</i>		<i>Average Monthly</i>	<i>Weekly Average</i>	
Flow (MGD)	Report	Report Daily Max	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	5.0	XXX	XXX	XXX
Ultraviolet light intensity (mW/cm ²)	XXX	XXX	Report	XXX	XXX	XXX
Carbonaceous Biochemical Oxygen Demand (CBOD ₅)	24	38	XXX	25.0	40.0	50
Biochemical Oxygen Demand (BOD ₅) Raw Sewage Influent	Report	Report Daily Max	XXX	Report	XXX	XXX
Total Suspended Solids Raw Sewage Influent	Report	Report Daily Max	XXX	Report	XXX	XXX
Total Suspended Solids	28	42	XXX	30.0	45.0	60
Fecal Coliform (No./100 ml) Oct 1 - Apr 30	XXX	XXX	XXX	2,000 Geo Mean	XXX	10,000
May 1 - Sep 30	XXX	XXX	XXX	200 Geo Mean	XXX	1,000
Nitrate-Nitrite as N	XXX	XXX	XXX	Report	XXX	XXX
Ammonia-Nitrogen	Report	XXX	XXX	Report	XXX	XXX
Total Kjeldahl Nitrogen	XXX	XXX	XXX	Report	XXX	XXX
Total Nitrogen	XXX	XXX	XXX	Report	XXX	XXX
Total Phosphorus	Report	XXX	XXX	Report	XXX	XXX

The proposed monitoring requirements and effluent limits for implementation of Pennsylvania's Chesapeake Bay Watershed Implementation Plan are as follows for Outfall 001.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs)</i>		<i>Monthly</i>	<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Monthly</i>	<i>Annual</i>		<i>Monthly Average</i>	<i>Maximum</i>	
Nitrate-Nitrite as N (Total Load, lbs)	Report Total Mo	XXX	XXX	XXX	XXX	XXX
Total Kjeldahl Nitrogen (Total Load, lbs)	Report Total Mo	XXX	XXX	XXX	XXX	XXX
Total Nitrogen (Total Load, lbs)	Report Total Mo	Report Total Annual	XXX	XXX	XXX	XXX
Ammonia-Nitrogen (Total Load, lbs)	Report Total Mo	Report Total Annual	XXX	XXX	XXX	XXX

<i>Parameters</i>	<i>Mass Units (lbs)</i>		<i>Monthly</i>	<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Monthly</i>	<i>Annual</i>		<i>Monthly Average</i>	<i>Maximum</i>	
Total Phosphorus (Total Load, lbs)	Report Total Mo	Report Total Annual	XXX	XXX	XXX	XXX
Total Nitrogen (Total Load, lbs)	Report Total Mo	8,045 Total Annual	XXX	XXX	XXX	XXX
Effluent Net-Final limits						
Total Phosphorus (Total Load, lbs)	Report Total Mo	188 Total Annual	XXX	XXX	XXX	XXX
Effluent Net-Final limits						

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

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

- Schedule of compliance for treatment plant expansion, after which nutrient cap loads take effect
- Reporting of sewage sludge management on yearly basis

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

The EPA Waiver is not in effect.

PA0265985, Sewage, SIC Code 4952, **Stonersville Social Club**, 5580 Boyertown Pike, Birdsboro, PA 19508-8626. Facility Name: Stonersville Social Club. This existing facility is located in Exeter Township, **Berks County**.

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

The receiving stream(s), Owatin Creek/Unnamed Tributary to Molasses Creek (WWF, MF), is located in State Water Plan watershed 3-D and is classified for Migratory Fishes and Warm Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

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

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Average Monthly</i>	<i>Maximum</i>	
Flow (MGD)	Report	XXX	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0 Inst Min	XXX	XXX	9.0
Biochemical Oxygen Demand (BOD ₅)	XXX	XXX	XXX	10	XXX	20
Total Suspended Solids	XXX	XXX	XXX	10	XXX	20
Fecal Coliform (No./100 ml)	XXX	XXX	XXX	200 Geo Mean	XXX	1,000

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

- Routine pumping of tanks

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

The EPA Waiver is in effect.

PA0266159, Sewage, SIC Code 4952, **Christina & Greg Gress**, 8504 Cumberland Highway, Chambersburg, PA 17201. Facility Name: Gress SRSTP. This existing facility is located in Letterkenny Township, **Franklin County**.

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

The receiving stream(s), Lehman Run (WWF), is located in State Water Plan watershed 7-B 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.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Annual Average</i>	<i>Maximum</i>	
Total Residual Chlorine (TRC)	XXX	XXX	XXX	Report Avg Mo	XXX	XXX

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

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Annual Average</i>	<i>Maximum</i>	
Flow (MGD)	Report Annl Avg	XXX	XXX	XXX	XXX	XXX
Biochemical Oxygen Demand (BOD ₅)	XXX	XXX	XXX	10.0	XXX	20
Total Suspended Solids	XXX	XXX	XXX	10.0	XXX	20
Fecal Coliform (No./100 ml)	XXX	XXX	XXX	200	XXX	XXX

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

The EPA Waiver is in effect.

PA0267015, Sewage, SIC Code 7033, **Dogwood Acres Campground Inc.**, 4500 Enola Road, Newville, PA 17241. Facility Name: Dogwood Acres Campground. This proposed facility is located in Upper Frankford Township, **Cumberland County**.

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

The receiving stream(s), Unnamed Tributary to Conodoguinet Creek (WWF, MF), is located in State Water Plan watershed 7-B and is classified for Migratory Fishes and Warm Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of .001643 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Average Monthly</i>	<i>Maximum</i>	
Flow (MGD)	Report	XXX	XXX	XXX	XXX	XXX
Biochemical Oxygen Demand (BOD ₅)	XXX	XXX	XXX	10.0	XXX	20
Total Suspended Solids	XXX	XXX	XXX	10.0	XXX	20
Fecal Coliform (No./100 ml)	XXX	XXX	XXX	200 Geo Mean	XXX	XXX

Sludge use and disposal description and location(s): Sludge is hauled off site via a septic hauler to another facility for ultimate treatment/disposal.

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

The EPA Waiver is in effect.

PA0267382, Sewage, SIC Code 8800, **Emanuel & Naomi Esh**, 1135 Enola Road, Newburg, PA 17240-9305. Facility Name: Esh SRSTP. This proposed facility is located in Newburg Borough, **Cumberland County**.

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

The receiving stream(s), Unnamed Tributary to Bore Mill Run (WWF, MF), is located in State Water Plan watershed 7-B and is classified for Migratory Fishes and Warm Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

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

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Annual Average</i>	<i>Maximum</i>	
Flow (MGD)	Report Annl Avg	XXX	XXX	XXX	XXX	XXX
Biochemical Oxygen Demand (BOD ₅)	XXX	XXX	XXX	10.0	XXX	20
Total Suspended Solids	XXX	XXX	XXX	10.0	XXX	20
Fecal Coliform (No./100 ml)	XXX	XXX	XXX	200	XXX	XXX

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

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Annual Average</i>	<i>Maximum</i>	
Total Residual Chlorine (TRC)	XXX	XXX	XXX	Report Avg Mo	XXX	XXX

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

The EPA Waiver is in effect.

Southwest Regional Office

PA0252743, Industrial, SIC Code 4941, **Indian Creek Valley Water Authority**, P.O. Box 486, Indian Head, PA 15446-0486. Facility Name: Indian Creek Valley Water Authority. This existing facility is located in Saltlick Township, **Fayette County**.

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

The receiving stream(s), Back Creek (CWF), is located in State Water Plan watershed 19-E and is classified for Cold Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of .0064 MGD.—Limits.

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		IMAX
	Average Monthly	Daily Maximum		Average Monthly	Daily Maximum	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0 Inst Min	XXX	XXX	9.0
Total Residual Chlorine (TRC)	XXX	XXX	XXX	0.5	XXX	1.0
Total Suspended Solids	XXX	XXX	XXX	30.0	60.0	XXX
Aluminum, Total	XXX	XXX	XXX	1.3	2.6	XXX
Chromium, Hexavalent	XXX	XXX	XXX	Report	Report	XXX
Iron, Total	XXX	XXX	XXX	2.0	4.0	XXX
Manganese, Total	XXX	XXX	XXX	1.0	2.0	XXX
Mercury, Total	XXX	XXX	XXX	Report	Report	XXX

The proposed effluent limits for Outfall 002 are based on a design flow of 0 MGD.—Limits.

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		IMAX
	Average Monthly	Daily Maximum		Average Monthly	Daily Maximum	
Flow (MGD)	XXX	Report	XXX	XXX	XXX	XXX
Total Suspended Solids	XXX	XXX	XXX	XXX	Report	XXX
Oil and Grease	XXX	XXX	XXX	XXX	Report	XXX

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 412-442-4000.

The EPA Waiver is in effect.

PA0095036, Sewage, SIC Code 4952, **El Do Inc.**, 700 Atlantic Avenue, McKeesport, PA 15132. Facility Name: Smithton Truck Stop. This existing facility is located in South Huntingdon Township, **Westmoreland 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), Unnamed Tributary to Youghiogheny River, is located in State Water Plan watershed 19-D and is classified for Warm Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of .03 MGD.—Limits.

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		IMAX
	Average Monthly	Average Weekly		Average Monthly	Maximum	
Flow (MGD)	0.03	XXX	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0 Inst Min	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	4.0 Inst Min	XXX	XXX	XXX
Total Residual Chlorine (TRC)	XXX	XXX	XXX	0.5	XXX	1.6
Carbonaceous Biochemical Oxygen Demand (CBOD ₅)	XXX	XXX	XXX	25	XXX	50
Total Suspended Solids	XXX	XXX	XXX	30	XXX	60
Fecal Coliform (No./100 ml)						
Oct 1 - Apr 30	XXX	XXX	XXX	2,000 Geo Mean	XXX	10,000
May 1 - Sep 30	XXX	XXX	XXX	200 Geo Mean	XXX	1,000

<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>	
Ammonia-Nitrogen						
Nov 1 - Apr 30	XXX	XXX	XXX	9.0	XXX	18.0
May 1 - Oct 31	XXX	XXX	XXX	3.0	XXX	6.0

The proposed effluent limits for Outfall 001 are based on a design flow of .03 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>	
Total Nitrogen	XXX	XXX	XXX	XXX	Report Daily Max	XXX
Total Phosphorus	XXX	XXX	XXX	XXX	Report Daily Max	XXX

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

- Standard Part C Conditions

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 412-442-4000.

The EPA Waiver is in effect.

PA0027243, Sewage, SIC Code 4952, **North Huntingdon Township Municipal Authority**, 11265 Center Highway, North Huntingdon, PA 15642-2018. Facility Name: Youghiogheny STP. This existing facility is located in North Huntingdon Township, **Westmoreland 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), Youghiogheny River (WWF), is located in State Water Plan watershed 19-D and is classified for Warm Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 3.313 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Weekly Average</i>		<i>Average Monthly</i>	<i>Weekly Average</i>	
Total Nitrogen	XXX	XXX	XXX	XXX	Report Daily Max	XXX
Total Phosphorus	XXX	XXX	XXX	XXX	Report Daily Max	XXX

The proposed effluent limits for Outfall 001 are based on a design flow of 3.313 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Weekly Average</i>		<i>Average Monthly</i>	<i>Weekly Average</i>	
Flow (MGD)	Report	Report Daily Max	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	Inst Min 4.0	XXX	XXX	XXX
Total Residual Chlorine (TRC)	XXX	XXX	XXX	0.5	XXX	1.6
Carbonaceous Biochemical Oxygen Demand (CBOD ₅)	690.0	1,050.0	XXX	25.0	38.0	50
Biochemical Oxygen Demand (BOD ₅)	Report	Report Daily Max	XXX	Report	XXX	XXX
Raw Sewage Influent						
Total Suspended Solids	Report	Report Daily Max	XXX	Report	XXX	XXX
Raw Sewage Influent						
Total Suspended Solids	825.0	1,240.0	XXX	30.0	45.0	60
Fecal Coliform (No./100 ml)						
Oct 1 - Apr 30	XXX	XXX	XXX	2,000	XXX	10,000
May 1 - Sep 30	XXX	XXX	XXX	Geo Mean 200	XXX	1,000
Ammonia-Nitrogen	Report	XXX	XXX	Geo Mean	XXX	XXX
Copper, Total	Report	Report Daily Max	XXX	Report	Report Daily Max	XXX

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 412-442-4000.

The EPA Waiver is not in effect.

PA0254215, Sewage, SIC Code 1241, **Rox Coal, Inc.**, P.O. Box 260, Friedens, PA 15541-0260. Facility Name: Horning Deep Mine. This existing facility is located in Stonycreek Township, **Somerset 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, Glades Creek (CWF), is located in State Water Plan watershed 18-E and is classified for Cold Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.0035 MGD.—Limits.

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		IMAX
	Average Monthly	Average Weekly		Average Monthly	Maximum	
Flow (MGD)	Report	XXX	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	9.0	XXX
Dissolved Oxygen	XXX	XXX	Daily Min	XXX	Daily Max	XXX
			4.0		XXX	
Total Residual Chlorine (TRC)	XXX	XXX	Daily Min	0.5	XXX	1.6
			XXX			
Carbonaceous Biochemical Oxygen Demand (CBOD ₅)	XXX	XXX	XXX	30	XXX	60
Total Suspended Solids	XXX	XXX	XXX	30	XXX	60
Fecal Coliform (No./100 ml)	XXX	XXX	XXX	2,000	XXX	10,000
				Geo Mean		
Oct 1 - Apr 30	XXX	XXX	XXX	200	XXX	1,000
May 1 - Sep 30	XXX	XXX	XXX	Geo Mean	XXX	1,000
Ammonia-Nitrogen	XXX	XXX	XXX	Report	XXX	Report
				XXX		
Total Nitrogen	XXX	XXX	XXX	Report	XXX	XXX
				XXX		
Total Phosphorus	XXX	XXX	XXX	Annl Avg	XXX	XXX
				Report		
Aluminum, Total	XXX	XXX	XXX	Annl Avg	XXX	XXX
				Report		
Iron, Total	XXX	XXX	XXX	Annl Avg	XXX	XXX
				Report		
Manganese, Total	XXX	XXX	XXX	Annl Avg	XXX	XXX
				Report		

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

- Solids Management

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 412-442-4000.

The EPA Waiver is in effect.

PA0255866, Sewage, SIC Code 8800, **Pete A. Yoder**, 6748 Mount Davis Road, Meyersdale, PA 15552-6513. Facility Name: Pete Yoder SRSTP. This proposed facility is located in Summit Township, **Somerset County**.

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

The receiving streams, Ellick Creek (CWF), is located in State Water Plan watershed 19-F and is classified for Cold Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.0005 MGD.—Limits.

Parameters	Mass Units (lbs/day)		Instant. Minimum	Concentrations (mg/L)		IMAX
	Annual Average	Average Weekly		Annual Average	Maximum	
Flow (MGD)	Report	XXX	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Total Residual Chlorine (TRC)	XXX	XXX	XXX	Report	XXX	Report
				Avg Mo		
Biochemical Oxygen Demand (BOD ₅)	XXX	XXX	XXX	10.0	XXX	20.0
Total Suspended Solids	XXX	XXX	XXX	10.0	XXX	20.0
Fecal Coliform (No./100 ml)	XXX	XXX	XXX	200	XXX	XXX

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 412-442-4000.

The EPA Waiver is in effect.

Southeast Regional Office

PA0245259, Storm Water, SIC Code 3674, **Silicon Power Corp**, 280 Great Valley Parkway, Malvern, PA 19355-1313. Facility Name: Silicon Power. This proposed facility is located in Malvern Borough, **Chester County**.

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

The receiving stream(s), Valley Creek (EV, MF), is located in State Water Plan watershed 3-F and is classified for Exceptional Value Waters and Migratory Fish, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a stormwater event

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		IMAX
	Average Monthly	Average Weekly		Average Monthly	Daily Maximum	
pH (S.U.)	XXX	XXX	XXX	XXX	Report	XXX
Chemical Oxygen Demand (COD)	XXX	XXX	XXX	XXX	Report	XXX
Total Suspended Solids	XXX	XXX	XXX	XXX	Report	XXX
Oil and Grease	XXX	XXX	XXX	XXX	Report	XXX
Total Nitrogen	XXX	XXX	XXX	XXX	Report	XXX

The proposed effluent limits for Outfall 002 are based on a stormwater event.

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		IMAX
	Average Monthly	Average Weekly		Average Monthly	Daily Maximum	
pH (S.U.)	XXX	XXX	XXX	XXX	Report	XXX
Chemical Oxygen Demand (COD)	XXX	XXX	XXX	XXX	Report	XXX
Total Suspended Solids	XXX	XXX	XXX	XXX	Report	XXX
Oil and Grease	XXX	XXX	XXX	XXX	Report	XXX
Total Nitrogen	XXX	XXX	XXX	XXX	Report	XXX

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

- A. Stormwater Requirements
- B. Acquire Necessary Property Rights
- C. Proper Sludge Disposal
- D. Small Stream Discharge
- E. BMP Implementation

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.

III. Individual NPDES Permit Applications for Discharges of Stormwater Associated with Construction Activity.

Application Number	Application Type	Applicant Name & Address	Municipality, County	Office
PAD090036 A-1	Amendment	Theresa Byrne 801 Cherry Lane Southampton, PA 18966-3906 Zaveta Custom Homes, LLC 4030 Skyron Drive Suite H Doylestown, PA 18902-1135	Solebury Township Bucks County	SERO
PAD390194	New	Snowdrift Land Co. LLC 3609 Barrington Dr. Allentown, PA 18104	Upper Macungie Township Lehigh County	NERO
PAD450123	New	Kobalt Construction, Inc. 216 Route 196 Tobyhanna, PA18466-7700	Coolbaugh Township Monroe County	NERO
PAD450122	New	TKL Properties 7355 Interchange Road Lehighon, PA 18235	Ross Township Monroe County	NERO

<i>Application Number</i>	<i>Application Type</i>	<i>Applicant Name & Address</i>	<i>Municipality, County</i>	<i>Office</i>
PAD360065	New	Warwick School District 301 West Orange Street Lititz, PA 17543	Lititz Borough Warwick Township Lancaster County	SCRO
PAD070018	New	Robert Stultz 267 Stultz Lane Williamsburg, PA 16693	Huston Township Blair County	SCRO
PAD070016	New	Frankstown Development Partnership, LLC 809 Telpower Road Hollidaysburg, PA 16648	Frankstown Township Blair County	SCRO
PAD360067	New	Deerin Companies 120 North Pointe Boulevard Lancaster, PA 17601	Manheim Township Lancaster County	SCRO
PAD470001	New	Ashok Bhanushali Jerseytown Road Danville, PA 17821	Valley Township Montour County	NCRO
PAD650027	New	George N. Beckwith, III 145 Country Club Road Ligonier, PA 15658	Ligonier Township Westmoreland County	Westmoreland County Conservation District 218 Donohoe Road Greensburg, PA 15601 724-837-5271
PAD650028	New	Peoples Gas Company, LLC 375 North Shore Drive Pittsburgh, PA 15212	North Huntingdon Township Westmoreland County	Westmoreland County Conservation District 218 Donohoe Road Greensburg, PA 15601 724-837-5271
PAD240011	New	R.C. Realty LLC 1067 Trout Run St. Marys, PA 15857	Fox Township Elk County	NWRO
PAD610004	New	National Fuel Gas Distribution Corp 1100 State Street Erie, PA 16501	Sugarcreek Borough Venango County	NWRO

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 Hamilton 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).

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

Permit No. 4920511, Major, Public Water Supply.

Applicant	PA America Water Company— White Deer 852 Wesley Drive Mechanicsburg, PA 17055
Township	Milton Township
County	Northumberland County

Responsible Official Bruce Aiton
852 Wesley Drive
Mechanicsburg, PA 17055

Type of Facility Public Water Supply

Consulting Engineer Peter J. Lusardi P.E.
GHD, Inc.
1240 North Mountain Road
Harrisburg, PA 17112

Application Received Date December 12, 2020

Description of Action Construction of a new high service pump station and a new 390,000 gallon partially buried finished water clearwell at the existing water treatment plant site.

Permit No. 1721501, Major, Public Water Supply.

Applicant **Covington-Karthus-Girard Authority**
777 Frenchville Road
Frenchville, PA 16836

Township or Borough Girard & Goshen Township

County **Clearfield County**

Responsible Official Charles Trude
Chairman

Type of Facility Public Water Supply

Consulting Engineer Kyle Fritz
The EADS Group, Inc.
227 Franklin Street
Suite 300
Johnstown, PA 15901

Application Received Date February 3, 2021

Description of Action The proposed project involves the construction of approximately 10,450 lineal feet of 2" waterline, 53,050 lineal feet of 6" waterline, and associated appurtenances. This project also includes the construction of a new pump station and construction of a 0.07-million gallon, glass-lined, bolted-steel, water-storage tank.

WATER ALLOCATIONS

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

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

WA 3-697D, Water Allocations. Municipal Authority of Buffalo Township, 707 Sarver Pike Road, Sarver, PA 16055, Buffalo Township, Butler County. Water Allocation Permit application requesting the right to purchase 225,000 gallons per day as a peak daily flow rate from the Harrison Township Water Authority.

WA 25-803B, Water Allocations. Summit Township Authority, 1230 Townhall Road, Suite 200, Erie, PA 16509, Summit Township, Erie County. Water Allocation Permit application requesting the right to purchase

1,000,000 gallons per day as a peak daily flow rate from the Erie City Water Authority via the Route 97 Takepoint.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

**UNDER ACT 2, 1995
PREAMBLE 1**

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

Sections 302—305 of the Land Recycling and Environmental Remediation Standards Act (Act) require the Department of Environmental Protection (Department) to publish in the *Pennsylvania Bulletin* an acknowledgment noting receipt of any Notices of Intent to Remediate. An acknowledgment of the receipt of a Notice of Intent (NOI) to Remediate is used to identify a site where a person proposes to, or has been required to, respond to a release of a regulated substance at a site. Persons intending to use the background standard, Statewide health standard, the site-specific standard, or who intend to remediate a site as a special industrial area, must file a (NOI) to Remediate with the Department. A NOI to Remediate filed with the Department provides a brief description of the location of the site, a list of known or suspected contaminants at the site, the proposed remediation measures for the site, and a description of the intended future use of the site. A person who demonstrates attainment of one, or a combination of the cleanup standards, or who receives approval of a special industrial area remediation identified under the Act, will be relieved of further liability for the remediation of the site for any contamination identified in reports submitted to and approved by the Department. Furthermore, the person shall not be subject to citizen suits or other contribution actions brought by responsible persons not participating in the remediation.

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

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

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

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

3421 Aramingo Avenue, 3401 Aramingo Avenue, Philadelphia, PA 19134, City of Philadelphia, **Philadelphia County**. Jason Hanna, Langan Engineering and Environmental, Services, Inc., 1818 Market Street, Suite 3300, Philadelphia, PA 19103 on behalf of Scott Montgomery, Map Real Estate, LLC c/o Raider Hill Advisors, LLC, 25700 Science Park Drive, Suite 270, Beachwood, OH 44122 submitted a Notice of Intent to Remediate. Soil has been contaminated with the release of SVOCs and metals. The proposed future use of the property will be non-residential for commercial use. The proposed cleanup standard for the site is the Site-Specific Standard. The Notice of Intent to Remediate was published in *The Philadelphia Daily News* on February 10, 2021.

MacGowan Property, 1883 Pleasant View Road, Coopersburg, PA 18036, Springfield Township, **Bucks County**. David Decaro, Compliance Plus Services, 240 Gibraltar Road, Suite 100, Horsham, PA 19044 on behalf of Ryan Shelly, EWMI, Inc., 14 Brick Kiln Court, Northampton, PA 19067 submitted a Notice of Intent to Remediate. Soil has been impacted with the release of No. 2 fuel oil. The proposed future use of the property will be residential. The proposed cleanup standard for the site is the Statewide health standard. The Notice of Intent to Remediate was published in *The Bucks County Courier Times* on February 15, 2021.

DETERMINATION FOR APPLICABILITY FOR MUNICIPAL WASTE GENERAL PERMITS

Application for Determination of Applicability for General Permit 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 Municipal Waste Regulations for a General Permit to Operate Municipal Waste Processing Facilities and/or the Beneficial Use of Municipal Waste.

Southeast Region: Regional Solid Waste Manager, 2 East Main Street, Norristown, PA 19401-484-250-5960.

General Permit Application No. WMGM044SE001. NDV Scrap Metal Inc., aka NDV Recycling, 3630 North 2nd Street, Philadelphia, PA 19140-4605. This application is for the renewal of determination of applicability (DOA) under General Permit No. (WMGM044SE001) for receiving, processes, and marketing scrap metal and construction waste materials at the NDV Scrap Metal Inc., aka NDV Recycling facility located in the **City and County of Philadelphia**. The permit application renewal for determination of applicability was received by the Southeast Regional Office on February 12, 2021.

Comments concerning the application should be directed to the Waste Management Program Manager, Department of Environmental Protection (DEP) Southeast Regional Office, 2 East Main Street, Norristown, PA 19401-4915. Persons interested in obtaining more information about the general permit application may contact the Southeast Regional Office by telephone at 484.250.5960. TDD users may contact the (DEP) through the Pennsylvania Hamilton 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.

OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE

Permit issued under the Solid Waste Management Act of July 7, 1980, P.L. 380, 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 a Solid Waste Processing or Disposal Area or Site.

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

Permit ID No. 101674. McCutcheon Enterprises, Inc., 250 Park Road, Apollo, PA 15613. Operation of the McCutcheon Enterprises Municipal and Residual Waste Processing and Transfer Facility, located in Allegheny Township, **Westmoreland County**. A 10-year permit renewal was issued in the Regional Office on February 12, 2021.

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 Hamilton 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.

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.

22-05033C: Hempt Bros., Inc. (205 Creek Road, Camp Hill, PA 17011) for authorization to allow for a PM limit of 0.02 gr/dscf for the hot mix asphalt plant with an enforceable reduced operating hour limit of 1,000 hours per running 12-month period at the facility in Steelton Borough, **Dauphin County**. The facility is subject to 40 CFR Part 60, Subpart I—Standards of Performance for Hot Mix Asphalt Facilities. PM emissions (after control) are not expected to exceed 2.8 tons per year. 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. Based on these findings, the Department proposes to issue a plan approval for the proposed modification. If, after the project has been implemented, the Department determines that the source has been modified in compliance with the plan approval conditions and the specifications in 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.

28-03022C: New Enterprise Stone & Lime Co., Inc. (169 Quarry Road, Chambersburg, PA 17201) for the installation of a 420 tph Sandvick CH660 cone crusher to replace the existing 200 tph AC500 cone crusher at the facility located in Guilford Township, **Franklin County**.

The expected potential emissions increase as a result of this project is less than 1 ton of PM₁₀. The Department of Environmental Protection's (DEP's) review of the information submitted by the company indicates that the air contamination sources will comply with all regulatory requirements, including monitoring, recordkeeping, and reporting requirements, and pertaining to air contamination sources and the emission of air contaminants including 40 CFR Part 60, Subpart OOO—Standards of Performance for Nonmetallic Mineral Processing Plants, and the best available technology requirement (BAT) of 25 Pa. Code §§ 127.1 and 127.12. Based on this finding, DEP proposes to issue a plan approval for the proposed installation. The facility is a State Only facility. If DEP determines that the sources are constructed and operated in compliance with the plan approval conditions and the specifications 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.

67-03041F: County Line Quarry, Inc. (P.O. Box 99, Wrightsville, PA 17368) for the replacement of the crushing and scalper screener units at the quarry located in Wrightsville Borough, **York County**. The replacement is not expected to increase the facility wide emissions. The facility wide PTE is 45.01 tpy PM, 19.8 tpy PM₁₀, and 19.8 tpy PM_{2.5}. The facility is a State Only 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. 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 may be incorporated into the facility Operating Permit # 67-03041 pursuant to the provisions of 25 Pa. Chapter 127.

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 Plan Approval for installation of air pollution sources at the following facility:

IP20-000531: Ivy Hill Cemetery Company (1201 Easton Road, Philadelphia, PA 19150) for the installation of air pollution sources at a crematorium, in the City of Philadelphia, **Philadelphia County**. The significant stationary air emission source in the Plan Approval is the Human Cremation Unit G, which has the capacity to process 250 lbs/hr of human remains and has burner and afterburner each firing natural gas with combined rated capacity of 3.0 MMBtu/hr. Additionally, the facility requested an amendment for the Human Cremation Unit E that was previously permitted under Installation Permit Nos. 99102-99103 Issued October 8, 1999. The Human Cremation Unit E has the capacity to process 200 lbs/hr of human remains and has burner and afterburner each firing natural gas with combined rated capacity of 1.9 MMBtu/hr. The facility requested removing the requirement to monitor and record stack pressure drop for the Human Cremation Unit E. The potential emission from the installation are as follows: (1) 5.61 tons per year

(tpy) of Nitrogen Oxides (NO_x), (2) 4.76 tpy of Particulate Matter (PM), (3) 4.67 tpy of Carbon Monoxide (CO), (4) 2.15 tpy of Sulfur Oxides (SO_x), and (5) 0.41 tpy of Volatile Organic Compound (VOC). The plan approval will contain operating, monitoring, and recordkeeping requirements to ensure operation within all applicable requirements.

The plan approval will be issued under the 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 plan approval must submit the protest, comments or request for a public hearing within 30 days from the date of this notice. Any protests or comments filed with AMS must include a concise statement of the objections to the permit issuance and the relevant facts upon which the objections are based. Based upon the information received during the public comment period, AMS may modify the plan approval 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.

OPERATING PERMITS

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

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

Contact: Norman Frederick, Facility Permitting Chief, (570) 826-2409.

48-00057: Steel Management Systems, LLC (3045 Bath Pike, Nazareth, PA 18064). The Department intends to issue a Title V Operating Permit Renewal for their facility located in the Upper Nazareth Township, **Northampton County**. The proposed Title V Operating Permit includes all applicable emission limits, work practice standards, testing, monitoring, recordkeeping and reporting requirements designed to keep the facility operating within applicable air quality requirements.

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

Contact: Thomas Joseph, Facilities Permitting Chief, 412.442.4336.

11-00318: Ebensburg Power Company (2840 New Germany Road, Ebensburg, PA 15931). In accordance with 25 Pa. Code §§ 127.441, 127.425, and 127.521, the Department is providing notice that they intend to issue a renewed Title V Operating Permit for the continued operation of a waste coal-fired electrical power plant, known as the Ebensburg Cogeneration Plant, located in Cambria Township, **Cambria County**.

The Ebensburg Cogeneration Plant produces electrical power for the PJM grid. The main source at Ebensburg is one (1) circulating fluidized bed (CFB) waste coal-fired boiler (Source ID 031), with a maximum fuel heat input of 705 MMBtu/hour, which powers a single electrical generator. Net electrical output from the system is 55-MW. The waste coal was abandoned in the past and reprocessed. Emissions from the CFB boiler are controlled by limestone fed into the fluidized bed to control sulfur dioxide (SO₂) emissions, low combustion temperatures to control NO_x emissions, coarse particulate cyclone separa-

tion with reinjection into the bed, followed by fabric filters to control PM emissions and further control SO₂ emissions. Supporting equipment at this site includes one (1), 61.2 MMBtu, auxiliary NG-fired boiler, two (2), 600-bhp and 1,592-bhp, emergency diesel generator engines, one (1), 244-bhp, emergency diesel firepump engine, coal and limestone processing, handling and conveying equipment, an ash handling system, and plant roads.

Annual facility-wide potential emissions are 3,090 tons of SO₂, 777 tons of CO, 580 tons of NO_x, 107 tons of PM₁₀, 75 tons of PM_{2.5}, and 32 tons of VOC. The plant also has annual emissions of 87 tons of hydrogen chloride, 3 tons of methylene chloride, and 3 tons of benzidine. The annual sum of all HAP emissions is 102 tons. Annual emission of greenhouse gases is 643,218 tons per year. Sources at the Ebensburg Cogeneration Plant are subject to 40 CFR Part 60, Subpart A—General Provisions, 40 CFR Part 60, Subpart Da—Standards of Performance for Electric Utility Steam Generating Units, 40 CFR Part 60, Subpart Y—Standards of Performance for Coal Preparation and Processing Plants, 40 CFR Part 63, Subpart A—General Provisions, 40 CFR Part 63, Subpart ZZZZ—National Emission Standards for Hazardous Pollutants for Stationary Reciprocating Internal Combustion Engines, 40 CFR Part 63, Subpart DDDDD—National Emission Standards for Hazardous Pollutants for Major Sources: Industrial, Commercial, and Institutional Boilers and Process Heaters, Subpart UUUUU—National Emission Standards for Hazardous Pollutants for Coal- and Oil-fired Electric Steam Utility Steam Generating Units, and 25 Pa. Code Chapters 121—145. Air Resources. No equipment changes are being approved by this action. The permit includes emission limitations and operational, monitoring, testing, recordkeeping, work practice, and reporting requirements for the plant.

The application, DEP's Review Memorandum, and the proposed permit are available for public review during normal business hours at DEP's Southwest Regional Office, 400 Waterfront Drive, Pittsburgh, PA 15222. A file review can be scheduled through the DEP's website at: <https://www.dep.pa.gov/Citizens/PublicRecords/Pages/Informal-File-Review.aspx> or by contacting Tom Joseph, Facilities Permitting Chief, directly at 412.442.4336.

Those who wish to provide the Department with additional written information that they believe should be considered prior to the issuance of this Title V Operating Permit may submit the information to Martin L. Hochhauser, P.E., Pennsylvania Department of Environmental Protection, 400 Waterfront Drive, Pittsburgh, PA 15222. Each written comment must contain the name, address and telephone number of the person submitting the comments, identification of the proposed Operating Permit (specify Operating Permit TVOP-11-00318), and concise statements regarding the relevancy of the information or objections to issuance of the Operating Permit.

All comments must be received prior to the close of business 30 days after the date of this publication. In accordance with 25 Pa. Code § 127.428, prior to issuing an operating permit, the Department may hold a fact-finding conference or hearing at which the petitioner, and a person who has properly filed a protest under § 127.426 (relating to filing protests) may appear and give testimony. The Department is not required to hold a conference or hearing. The applicant, the protestant and other participants will be notified of the time, place and purpose of a conference or hearing, in writing or by publication in a newspaper or the *Pennsylvania Bulletin*, unless the Department determines that notification by telephone will be sufficient.

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

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

62-00012: Warren Generation, LLC (250 Power Plant Rd, P.O. Box F, Shawville, PA 16873). In accordance with 25 Pa. Code §§ 127.441, 127.425, and 127.521, the Department is providing notice that they intend to issue a renewed Title V Operating Permit for the Warren Combustion Turbine facility located in Conewango Township, **Warren County**. The facility's primary emission source is the combustion turbine. The potential emissions, after permit limitations, of the major pollutants from the facility are as follows: 400 TPY NO_x, 82.50 TPY CO, 2.13 TPY VOC, 1.89 TPY total HAPs, 5.36 TPY PM₁₀ and PM_{2.5}, and 6.38 TPY SO_x; thus, the facility is subject to Title V requirements for potential emissions of NO_x in excess of 100 TPY. The turbine is subject to presumptive RACT under 25 Pa. Code § 129.97(c)(7)(ii) for an EGU with an annual capacity factor less than 5%. The turbine is also subject to CSAPR (Cross State Air Pollution Rule) requirements of 40 CFR Part 97, Subparts AAAAA, CCCCC, and EEEEE. The renewal permit will contain emission restrictions, recordkeeping, work practices, and additional requirements to ensure compliance with the Clean Air Act and the Air Pollution Control Act.

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

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

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

15-00101: Kendal Crosslands Communities (P.O. Box 100, Kennett Square, PA 19348) for the operation of sources at their facilities located in Kennett and Pennsbury Townships, **Chester County**. The permit is for a non-Title V (State Only) facility. The permit is for the operation of two (2) 1,500 kW diesel fuel-fired generators, six (6) dual fuel-fired boilers that can fire either natural gas or No. 2 fuel oil and each rated at less than 10 MMBtu/hr heat input capacity, three (3) emergency diesel fuel-fired generators and other insignificant processes and combustion sources. Based on the potential emissions of VOC and NO_x, which are less than major source threshold, the facility is a Synthetic Minor. This action is a renewal of the State Only Operating Permit. The initial permit was issued on 3-3-2006 and was subsequently renewed on 4-5-2011 and again on 4-18-2016. The permit will include monitoring, recordkeeping and reporting 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.

15-00068: Spring City Electrical Manufacturing Co. (1 South Main St., Spring City, PA 19475) for a non-Title V, State Only, Synthetic Minor operating permit in Spring City Borough, **Chester County**. The permit is for the operation of a foundry that manufactures iron and aluminum cast light posts. The facility's primary criteria pollutant sources are two (2) electric induction furnaces,

two (2) natural gas-fired aluminum furnaces, two (2) spray paint booths and various molding, pouring and cooling operations. Based on the potential emissions of VOC and NO_x, which are less than major source threshold, the facility is a Synthetic Minor after limitations. This action is the third renewal of the State Only Operating Permit. The permit was initially issued on 8-16-2005 and was renewed on 2-9-2011 and on 1-21-2016. The permit will include monitoring, recordkeeping and reporting 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.

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

Contact: Norman Frederick, Facility Permitting Chief, (570) 826-2409.

39-00009: Martins Creek, LLC—Allentown CTG (600 Hamilton Street, Ste 600, Allentown, PA 18101). The Department intends to issue a State-Only Operating Permit renewal for their facility located in Allentown City, **Lehigh County**. The renewal State-Only Operating Permit includes emission limits, work practice standards, testing, monitoring, recordkeeping, and reporting requirements designed to insure the operation of the facility within applicable air quality requirements.

40-00022: Martins Creek, LLC—Harwood CTS (600 Hamilton Street, Ste 600, Allentown, PA 18101). The Department intends to issue a State-Only Operating Permit renewal for their facility located in Hazle Township, **Luzerne County**. The renewal State-Only Operating Permit includes emission limits, work practice standards, testing, monitoring, recordkeeping, and reporting requirements designed to insure the operation of the facility within applicable air quality requirements.

40-00139: Gonnella Frozen Products, LLC (301 Parkview Road, Humboldt Industrial Park, Hazle Township, PA 18202). The Department intends to issue a State-Only Operating Permit renewal for their facility located in Hazle Township, **Luzerne County**. The renewal State-Only Operating Permit includes emission limits, work practice standards, testing, monitoring, recordkeeping, and reporting requirements designed to insure the operation of the facility within applicable air quality requirements.

54-00011: Martins Creek, LLC—Fishbach CTG (600 Hamilton Street, Ste 600, Allentown, PA 18101). The Department intends to issue a State-Only Operating Permit renewal for their facility located in Norwegian Township, **Schuylkill County**. The renewal State-Only Operating Permit includes emission limits, work practice standards, testing, monitoring, recordkeeping, and reporting requirements designed to insure the operation of the facility within applicable air quality requirements.

39-00107: Pratt Industries, Inc. (7533 Industrial Parkway, Suite 100, Lower Macungie, PA 18062). The Department intends to issue a State-Only Operating Permit renewal for their facility located in Lower Macungie Township, **Lehigh County**. The renewal State-Only Operating Permit includes emission limits, work practice standards, testing, monitoring, recordkeeping,

and reporting requirements designed to insure the operation of the facility within applicable air quality requirements.

48-00117: L&M Fabrication & Machine, Inc. (6814 Chrisphalt Drive, Bath, PA 18014). The Department intends to issue a State-Only Operating Permit renewal for their facility located in East Allen Township, **Northampton County**. The renewal State-Only Operating Permit includes emission limits, work practice standards, testing, monitoring, recordkeeping, and reporting requirements designed to insure the operation of the facility within applicable air quality requirements.

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

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

28-05019: New Enterprise Stone & Lime Co., Inc. (3587 Stone Quarry Road, Chambersburg, PA 17201) for the operation of a batch asphalt facility in Guilford Township, **Franklin County**. This is for renewal of the existing State-Only Permit. Potential air emissions from the facility with operational restrictions are estimated at 5.64 tpy PM₁₀, 29.4 tpy NO_x, 98.0 tpy CO, 8.82 tpy VOC, and 21.56 tpy SO₂. 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.

36-05126: Pennsy Supply, Inc. (2400 Thea Drive, Suite 3A, Harrisburg, PA 17110) to issue a State-Only Operating Permit for a batch asphalt plant controlled by a knock-out box and a fabric filter in West Donegal Township, **Lancaster County**. Actual emissions from the facility in 2019 were estimated at 7.55 tons CO, 2.27 tons NO_x, 00.83 ton PM₁₀, 0.83 tons PM_{2.5}, 1.66 tons SO_x, 0.68 ton VOC, and 0.14 ton of combined HAPs. The Operating Permit will include emission limits and work practice standards along with monitoring, recordkeeping and reporting requirements to ensure the facility complies with the applicable air quality regulations. Among other items, the conditions include provisions derived from 40 CFR 60, Subpart I—Standards of Performance for Hot Mix Asphalt Facilities.

07-05024: Zenith Energy Terminals Pennsylvania Holdings, LLC (6033 6th Avenue, Altoona, PA 16602) to issue a State Only Operating Permit for the petroleum products distribution terminal located in Allegheny Township, **Blair County**. The actual emissions from the facility in 2019 year are estimated at 6.72 tons of VOCs and 1.54 tons of HAPs. The Operating Permit will include emission limits and work practice standards along with monitoring, recordkeeping and reporting requirements to ensure the facility complies with the applicable air quality regulations. Among other items, the conditions include provisions derived from 25 Pa. Code § 129.56—Storage tanks greater than 40,000 gallons capacity containing VOCs; 25 Pa. Code § 129.59—Bulk gasoline terminals; 25 Pa. Code § 129.62—General standards for bulk gasoline terminals, bulk gasoline plants and small gasoline storage tanks; 40 CFR Part 60, Subpart XX—Standards of Performance for Bulk Gasoline Terminals; and 40 CFR Part 63, Subpart BBBB—National Emission Standards for Hazardous Air Pollutants for Source Category: Gasoline Distribution Bulk Terminals, Bulk Plants, and Pipeline Facilities.

36-05092: Greiner Industries, Inc. (1650 Steel Way, Mount Joy, PA 17552-9515) to issue a State Only Operating Permit for the custom metal fabricating facility located in Mount Joy Township, **Lancaster County**. The actual emissions from the facility in 2019 year are estimated at 17.6 tons of VOCs and 9.7 tons of HAPs. The Operating Permit will include emission limits and work practice standards along with monitoring, recordkeeping and reporting requirements to ensure the facility complies with the applicable air quality regulations. Among other items, the conditions include provisions derived from 40 CFR 63 Subpart XXXXXX (National Emission Standards for Hazardous Air Pollutants Area Source Standards for Nine Metal Fabrication and Finishing Source Categories) and 25 Pa. Code § 129.52d (Control of VOC emissions from miscellaneous metal parts surface coating processes).

06-03065: TMS International, LLC (101 West Bern Street, Reading, PA 19601) to issue a State Only Operating Permit for the steel slag processing facility located in Muhlenberg Township, **Berks County**. The potential emissions from the facility are estimated at 2.5 tpy of PM. 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 § 123.1, Prohibition of certain fugitive emissions, 25 Pa. Code § 123.2, Fugitive particulate matter, and 25 Pa. Code § 129.63, Degreasing operations.

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

Contact: Thomas Joseph, Facilities Permitting Chief, 412.442.4336.

65-00856: Ligonier Stone & Lime Company dba Derry Stone & Lime/Horn Mine (117 Marcia Street, Latrobe, PA 15650-4300). In accordance with 25 Pa. Code §§ 127.424, 127.425, and 127.521, the Department is providing notice of intent to issue a natural minor State Only Operating Permit for the operation of a limestone surface mining operation located in Derry Township, **Westmoreland County**.

Ligonier operates one limestone crushing/screening plant with a maximum production rate of 350 tons per hour and one 810 bhp diesel-fired emergency generator. This facility has a potential to emit 13.0 tons of NO_x, 2.9 tons of CO, 0.8 ton of VOCs, 1.1 tons of SO_x, 50.7 tons of PM, and 15.7 tons of PM₁₀ based on the proposed operating limits. The facility will be limited to 4,000 hours of operation per 12-consecutive month period (12-cmp). The generator will be limited to 500 hours of operation per 12-cmp. The proposed operating permit includes conditions relating to applicable emission restrictions, testing, monitoring, recordkeeping, reporting, and work practice standards requirements for each unit.

The application, DEP's Review Memorandum, and the proposed permit are available for public review during normal business hours at DEP's Southwest Regional Office, 400 Waterfront Drive, Pittsburgh, PA 15222. A file review can be scheduled through the DEP's website at: <https://www.dep.pa.gov/Citizens/PublicRecords/Pages/Informal-File-Review.aspx> or by contacting Tom Joseph, Facilities Permitting Chief, directly.

Those who wish to provide the Department with additional written information that they believe should be considered prior to the issuance of the State-Only Operat-

ing Permit may submit the information to Tom Joseph, Facilities Permit Chief, Department of Environmental Protection, Southwest Regional Office, 400 Waterfront Drive, Pittsburgh, PA 15222. Each written comment must contain the name, address and telephone number of the person submitting the comments, identification of the proposed Operating Permit (65-00856) and concise statements regarding the relevancy of the information or objections to issuance of the Operating Permit.

All comments must be received prior to the close of business 30 days after the date of this publication. A public hearing may be held in accordance with 25 Pa. Code § 127.429, if the Department, in its discretion, decides that such a hearing is warranted based on the information received. If a public hearing is held, all persons who have properly filed a protest under 25 Pa. Code § 127.426 may appear and give testimony. The Department is not required to hold a conference or hearing. The applicant, the protestant, and other participants will be notified of the decision to hold a hearing (and the time, place and purpose of such hearing) by publication in the newspaper or by the *Pennsylvania Bulletin*, or by telephone, where the Department determines such notification by telephone is sufficient. Written comments or requests for a public hearing should be directed to Tom Joseph, Facilities Permit Chief, at the previously listed address.

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

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

62-00183: PAPCO, Inc. Warren Station (213 West 3rd Ave, Suite 304, Warren, PA 16365). The Department is providing notice that they intend to renew a State Only Natural Minor Operating Permit for operation of the natural gas processing facility located in Mead Township, **Warren County**. The facility's primary emission sources include: two (2) two-stroke lean-burn natural gas-fired compressor engines (346 and 384 bhp), the diethylene glycol dehydration unit and its associated 179 CF/hr natural gas reboiler, a hot oil heater, three (3) 300-BBL condensate storage tanks, and fugitive VOC emissions. The potential emissions of the primary pollutants from the facility are as follows: PM₁₀ and PM_{2.5}: 1.32 TPY, NO_x: 15.56 TPY, SO_x: 0.03 TPY, CO: 9.05 TPY, VOC: 33.09 TPY, and total HAPs: 7.05 TPY; thus, the facility is a natural minor. The two engines are subject to 40 CFR Part 63, Subpart ZZZZ, NESHAP for stationary RICE and the facility is subject to 40 CFR Part 60, Subpart KKK, NSPS for equipment leaks of VOC. The permit will contain emission restrictions, recordkeeping, work practices, and additional requirements to ensure compliance with the Clean Air Act and the Air Pollution Control Act.

COAL & NONCOAL MINING ACTIVITY APPLICATIONS

Applications under the Surface Mining Conservation and Reclamation Act (52 P.S. §§ 1396.1—1396.31); the

Noncoal Surface Mining Conservation and Reclamation Act (52 P.S. §§ 3301—3326); the Clean Streams Law (35 P.S. §§ 691.1—691.1001); the Coal Refuse Disposal Control Act (52 P.S. §§ 30.51—30.66); the Bituminous Mine Subsidence and Land Conservation Act (52 P.S. §§ 1406.1—1406.21). Mining activity permits issued in response to such applications will also address the applicable permitting requirements of the following statutes: the Air Pollution Control Act (35 P.S. §§ 4001—4015); the Dam Safety and Encroachments Act (32 P.S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P.S. §§ 6018.101—6018.1003).

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

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

Written comments or objections related to a mining permit application should contain the name, address and telephone number of persons submitting comments or objections; application number; and a statement of sufficient detail to inform the Department on the basis of comment or objection and relevant facts upon which it is based.

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

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

Coal Applications Received

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

Table 1

Parameter	30-Day Average	Daily Maximum	Instantaneous Maximum
Iron (total)	1.5 to 3.0 mg/l	3.0 to 6.0 mg/l	3.5 to 7.0 mg/l
Manganese (total)	1.0 to 2.0 mg/l	2.0 to 4.0 mg/l	2.5 to 5.0 mg/l
Suspended solids	10 to 35 mg/l	20 to 70 mg/l	25 to 90 mg/l

<i>Parameter</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instantaneous Maximum</i>
Aluminum (Total)	0.75 to 2.0 mg/l	1.5 to 4.0 mg/l	2.0 to 5.0 mg/l
pH ¹		greater than 6.0; less than 9.0	
Alkalinity greater than acidity ¹			

¹ The parameter is applicable at all times.

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

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

Permit No. 03950701. Keystone Land Resources, Inc., 46226 National Road, St. Clairsville, OH 43950, to transfer the permit from Canterbury Coal Company for Refuse Area No. 6 in Kiskiminetas Township, **Armstrong County**. No discharges. The application was considered administratively complete on February 18, 2021. Application received: November 17, 2020.

Permit No. 03743701. Keystone Land Resources, Inc., 46226 National Road, St. Clairsville, OH 43950, to transfer the permit from Canterbury Coal Company for No. 5 Refuse Area in Kiskiminetas Township, **Armstrong County**. No discharges. The application was considered administratively complete on February 18, 2021. Application received: November 17, 2020.

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

Permit No. 11850111 and NPDES No. PA0597490. E.P. Bender Coal Company, P.O. Box 594, Carrolltown, PA 15722, NPDES renewal of a permanent long-term treatment of post mining discharges in Dean Township, **Cambria County**, affecting 291.3 acres. Receiving streams: unnamed tributary to Brubaker Run and Brubaker Run classified for the following use: cold water fishes. There are no potable water supply intakes within 10 miles downstream. Application received: February 23, 2021.

Permit No. 11841601 and NPDES No. PA0069143. E.P. Bender Coal Co., Inc., P.O. Box 594, Carrolltown, PA 15722, renewal to the NPDES permit and mining activity permit for the Fallentimber Preparation Plant in Reade Township, **Cambria County**. Receiving stream: Clearfield Creek and unnamed tributaries to Clearfield Creek classified for the following use: cold water fishes. There are no potable water supply intakes within 10 miles downstream. Application received: February 23, 2021.

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

Permit No. 33950102 and NPDES No. PA0226904. Leonard W. Yenzi, P.O. Box 62, Anita, PA 15711, renewal of an existing bituminous surface mine and associated NPDES permit in Knox Township, **Jefferson County**, affecting 68.0 acres. Receiving stream(s): Sandy Lick Creek classified for the following use(s): TSF. There are no potable surface water supply intakes within 10 miles downstream. Application received: February 18, 2021.

New Stanton District Office: P.O. Box 133, New Stanton, PA 15672, (724) 925-5500, (Contact: Tracy Norbert).

Permit No. 26950201 and NPDES Permit No. PA0201081. Mon River Energy Corporation, P.O. Box 466, Brier Hill, PA 15415. Renewal application for continued mining to an existing bituminous surface mine, located in Redstone Township, **Fayette County**, affecting 124.5 acres. Receiving streams: unnamed tributary to Fourmile Run, classified for the following use: WWF. There is no potable water supply intake within 10 miles downstream from the point of discharge. Renewal application received: February 19, 2021.

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

Permit No. 40930102C4. Glenn O. Hawbaker, Inc., 1952 Waddle Road, Suite 203, State College, PA 16803, correction to an existing anthracite surface mine, coal refuse reprocessing, coal refuse disposal and preparation plant operation to increase the permit acres from 688.0 to 696.0 acres and to update the post-mining land use from forestland to industrial/commercial in Hazle & Butler Townships, **Luzerne County**. Receiving stream: Little Nescopeck Creek, classified for the following uses: cold water and migratory fishes. Application received: January 8, 2021.

Permit No. 40663028R7. Pagnotti Enterprises, Inc., 144 Brown Street, Yatesville, PA 18640, renewal of an existing anthracite surface mine, coal refuse reprocessing and coal refuse disposal in Hazle Township, **Luzerne County** affecting 474.0 acres. Receiving stream: Black Creek, classified for the following uses: cold water and migratory fishes. Application received: February 8, 2021.

Permit No. GP12-13743002. Atlantic Carbon Group, Inc., P.O. Box 39, Hazleton, PA 18201, 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. 13743002 in Hazle Township, **Luzerne County**. Application received: February 9, 2021.

Noncoal Applications Received

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

Table 2

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

* The parameter is applicable at all times.

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

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

Permit No. 7574SM5 and NPDES No. PA0613711, Pennsy Supply, Inc., P.O. Box 3331, Harrisburg, PA 17105-3331, renewal of an NPDES permit, North Dickinson Township, **Cumberland County**. Receiving stream: unnamed tributary to Yellow Breeches Creek, classified for the following use: high quality cold water fishes. There are no potable water supply intakes within 10 miles downstream. Application received: February 23, 2021.

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

Permit No. 61200301. Schiffer Excavating, Inc. d/b/a Cooperstown Sand & Gravel, P.O. Box 4, Cooperstown, PA 16318, commencement, operation, and restoration of a large industrial minerals surface mine in Sugarcreek Borough, **Venango County**, affecting 92.0 acres. Receiving stream(s): Unnamed tributary to Sugar Creek and Sugar Creek classified for the following use(s): CWF. There are no potable surface water supply intakes within 10 miles downstream. Application received: February 4, 2021.

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

Permit No. 41910301 and NPDES No. PA0269719. P-Stone Inc., P.O. Box 254, Jersey Shore, PA 17740, renewal of an NPDES permit for a large noncoal mining site located in Athens Township, **Lycoming County** affecting 115 acres. Receiving stream(s): Antes Creek classified for the following use(s): CWF, MF. There are no potable water supply intakes within 10 miles downstream. Application received: February 16, 2021.

Permit No. 08112502 and NPDES No. PAM211005. Johnson Quarries, Inc., P.O. Box 136, LeRaysville, PA 18829, commencement, operation, and restoration of a GP-105 (industrial minerals) operation located in Warren Township, **Bradford County** affecting 18 acres. Receiving stream(s): Unnamed tributary to Dewings Creek to Dewing Creek to Apalachin Creek classified for the following use(s): CWF, MF. Application received: February 16, 2021.

New Stanton District Office: P.O. Box 133, New Stanton, PA 15672, (724) 925-5500, (Contact: Tracy Norbert).

Permit No. 65900402 and NPDES Permit No. PA0591777. Hanson Aggregates Pennsylvania, LLC, 2200 Springfield Pike, Connellsville, PA 15425-9503, NPDES renewal application for continued mining to an existing large noncoal surface mine, located in Derry and Fairfield Townships, **Westmoreland County**, affecting 1,791.2 acres. Receiving streams: Dry Run, unnamed tributaries to Conemaugh River, unnamed tributary to Tannery Run, unnamed tributaries to Freeman Run and unnamed tributaries to Harbridge Run, classified for the following use: HQ-CWF. Torrance and Bolivar Reservoirs are the potable water supply intakes within 10 miles downstream from the point of discharge. Renewal application received: February 22, 2021.

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	
Alkalinity greater than acidity*			

* The parameter is applicable at all times.

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

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

Effluent Limits for Noncoal Mining Activities

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

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

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

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

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

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

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

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

Coal NPDES Draft Permits

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

NPDES No. PA0215562 (Mining Permit No. 30841602) Duquesne Light Company, 1800 Seymour Street, MD: S-PM, Pittsburgh, PA 15233, a renewal for the NPDES and mining activity permit for Warwick Mine No. 2 Preparation Plant in Monongahela Township, **Greene County**, affecting 43.3 surface acres. Receiving stream(s): Whiteley Creek: WWF. The application was considered administratively complete: September 29, 2016. The application was received: May 6, 2016.

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

Outfall 002 discharges to: Whiteley Creek

The proposed effluent limits for *Outfall 002* (Lat: 39° 49' 04" Long: -79° 57' 12") 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)	-	1.6	3.2	4.0
Suspended Solids	(mg/l)	-	35	70	90
Manganese	(mg/l)	-	1.1	2.2	2.75
Aluminum	(mg/l)	-	2.0	4.0	5.0
Sulfate	(mg/l)	-	-	-	Report

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<i>Parameter</i>		<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Total Dissolved Solids	(mg/l)	-	-	-	Report
Chloride	(mg/l)	-	-	-	Report
Bromide	(mg/l)	-	-	-	Report
Selenium	(mg/l)	-	-	-	Report
pH	(S.U.)	6.0	-	-	9.0
Alkalinity, Total as CaCO ₃	(mg/l)	-	-	-	Report
Acidity, Total as CaCO ₃	(mg/l)	-	-	-	Report
Alkalinity, Net	(mg/l)	0.0	-	-	-
Osmotic Pressure	(mOs/kg)	-	50	50	50

Outfall 007 discharges to: Whiteley Creek

The proposed effluent limits for *Outfall 007* (Lat: 39° 48' 59" Long: -79° 57' 19") 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)	-	1.6	3.2	4.0
Suspended Solids	(mg/l)	-	35	70	90
Manganese	(mg/l)	-	1.1	2.2	2.75
Aluminum	(mg/l)	-	2.0	4.0	5.0
Sulfate	(mg/l)	-	-	-	Report
Total Dissolved Solids	(mg/l)	-	-	-	Report
Chloride	(mg/l)	-	-	-	Report
Bromide	(mg/l)	-	-	-	Report
Selenium	(mg/l)	-	-	-	Report
pH	(S.U.)	6.0	-	-	9.0
Alkalinity, Total as CaCO ₃	(mg/l)	-	-	-	Report
Acidity, Total as CaCO ₃	(mg/l)	-	-	-	Report
Alkalinity, Net	(mg/l)	0.0	-	-	-
Osmotic Pressure	(mOs/kg)	-	50	50	50

The EPA Waiver is not in effect (Monongahela River Watershed and impaired stream).

Cambria District Mining Office: 286 Industrial Park Road, Ebensburg, PA 15931, (814) 472.1900.

NPDES No. PA0262935 and Mining Permit No. 56090113. PBS Coals, Inc., P.O. Box 260, Friedens, PA 15541, renewal of an NPDES permit for surface mining in Stonycreek Township, **Somerset County**, affecting 204.9 acres. Receiving streams: unnamed tributaries to/and Schrock Run, classified for the following uses: cold water fishes. This receiving stream is included in the Kiski-Conemaugh River Watershed TMDL. Application received: August 31, 2020.

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

The following outfalls discharge to unnamed tributaries to/and Schrock Run:

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

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

<i>Outfalls: 001, 002 (All Weather Conditions)</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
<i>Parameter</i>			
Iron (mg/l)	1.5	3.0	3.5
Manganese (mg/l)	1.0	2.0	2.5
Aluminum (mg/l)	0.75	0.75	0.75
Total Suspended Solids (mg/l)	35.0	70.0	90.0
pH (S.U.): Must be between 6.0 and 9.0 standard units at all times.			
Alkalinity must exceed acidity at all times.			
<i>Outfalls: 003—005 (All Weather Conditions)</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
<i>Parameter</i>			
Iron (mg/l)	1.5	3.0	3.5
Manganese (mg/l)	1.0	2.0	2.5
Aluminum (mg/l)	0.75	0.75	0.75

<i>Outfalls: 003—005 (All Weather Conditions)</i>	<i>30-Day</i>	<i>Daily</i>	<i>Instant.</i>
<i>Parameter</i>	<i>Average</i>	<i>Maximum</i>	<i>Maximum</i>
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.

Moshannon District Mining Office: 186 Enterprise Drive, Philipsburg, PA 16866, (814) 342.8200.

NPDES No. PA0257052 (Mining Permit No. 17090102), RES Coal LLC, 224 Grange Hall Road, P.O. Box 228, Armagh PA 15920, renewal of an NPDES permit for 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. This receiving stream is included in the Laurel Run TMDL. Application received: December 7, 2020.

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

The following outfalls discharge to Little Laurel Run:

<i>Outfall Nos.</i>	<i>New Outfall (Y/N)</i>	<i>Type</i>
007	N	Sediment Pond C
009	N	Sediment Pond E
010	N	Sediment Pond F

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

<i>Outfalls: 007, 009, 010 (All Weather Conditions)</i>	<i>30-Day</i>	<i>Daily</i>	<i>Instant.</i>
<i>Parameter</i>	<i>Average</i>	<i>Maximum</i>	<i>Maximum</i>
Iron (mg/L)	3.0	6.0	7.0
Manganese (mg/L)	1.7	3.5	4.4
Total Suspended Solids (mg/L)	35.0	70.0	90.0
Aluminum (mg/L)			Monitor & Report
Sulfate (mg/L)			Monitor & Report
Flow (gpm)			Monitor & Report
Temperature (°C)			Monitor & Report
Specific Conductivity (µmhos/cm)			Monitor & Report

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

This proposed mine site also contains or is hydrologically connected to substandard discharges for which there is no responsible party. Pursuant to 25 Pa. Code Chapter 87 Subchapter F, effluent limits for those discharges will be based upon the existing baseline pollution load, or the standards found at 25 Pa. Code Chapter 87.102(a) Group A, whichever is least stringent.

Noncoal NPDES Draft Permits

Knox District Mining Office: White Memorial Building, P.O. Box 669, Knox, PA 16232-0669, (814) 797.1191.

NPDES No. PA0258997. (Permit No. 25100303). McDonald Sand & Gravel, Inc., 11425 Neiger Road, Girard, PA 16417, Renewal of an NPDES permit for a large industrial minerals surface mine in Springfield Township, **Erie County**, affecting 43.0 acres. Receiving stream(s): Unnamed tributary to Crooked Creek classified for the following use(s): HQ-CWF. TMDL: None. Application received: November 16, 2020.

No proposed discharges.

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 Hamilton 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)).

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

E5904221-002. Mike Morse, 241 East Lawrence Road, Lawrenceville, PA 16929. Morse Culvert Construction in Lawrence Township, **Tioga County**, ACOE Baltimore District (Jackson Summit, PA Quadrangle; Latitude: 41° 58' 24"; Longitude -77° 04' 50").

To upgrade an existing ford crossing with a Contech CMP Arch Pipe over a tributary to Harts Creek in Lawrence Township, Tioga County. The purpose of the project is to gain permitted access to an existing residential home. The total disturbed area along the watercourse is 0.02 acre. A PNDI search determined no species of concern to be present. There are no wetlands at the project site.

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

E1006221-002, Cranberry Business Park Associates, LP, 3120 Unionville Road, Suite 300, Cranberry, PA 16066, Cranberry Business Park, Buildings 280/290, in Cranberry Township, **Butler County**, ACOE Pittsburgh District (Mars, PA Quadrangle N: 40°, 42', 35"; W: -80°, 6', 58").

The applicant is proposing to construct and maintain buildings 280 and 290 and their associated office buildings and parking areas on a 15.9-acre parcel between Unionville Road and West Kensinger Drive in Cranberry Township, Butler County, resulting in 0.10 acre of permanent impact to PEM and PFO wetlands. Applicant proposes to mitigate for impacts by purchasing 0.28 acre of wetland credits from Robinson Fork Mitigation Bank.

ENVIRONMENTAL ASSESSMENTS

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

EA0103221-001. Strawberry Hill Foundation, Inc., 1537 Mount Hope Road, Fairfield, PA 17320 in Hamiltonban Township, **Adams County**, U.S. Army Corps of Engineers Baltimore District.

The applicant proposes to install and maintain three separate rock toe bank stabilization areas with associated grading totaling 120 linear feet, three separate gravel bar/floodplain deposit removals totaling 215 linear feet, and three separate areas of random boulder placement, all within Middle Creek (EV, MF). The purpose of the project is to stabilize and restore aquatic habitat functions within the stream channel and floodplain. The project is located at the Strawberry Hill Foundation

nature center along Mount Hope Road in Hamiltonban Township, Adams County (Latitude: 39.8030; Longitude: -77.41410).

EA2203221-001. Lower Paxton Township, 425 Prince St., Harrisburg, PA 17109, in Lower Paxton Township, **Dauphin County**, U.S. Army Corps of Engineers Baltimore District.

To remove existing structures and to: 1.) regrade and maintain Asylum Run (WWF, MF) and its floodway impacting 1,419.0-feet of stream, 0.89 acre of floodway and 0.13 acre of palustrine emergent wetlands; 2.) install and maintain a 50.0-foot long by 6.0-foot, 2.0-inch wide half through connector truss bridge having an underclearance of 5.98 feet across Asylum Run (WWF, MF); 3.) install and maintain a 50.0-foot long by 6.0-foot, 2.0-inch wide half through connector truss bridge having an underclearance of 5.13 feet across Asylum Run (WWF, MF); 4.) construct and maintain a 15.0-inch HDPE outfall with R-3 rip rap apron to the floodway of Asylum Run (WWF, MF); 5.) construct and maintain a 24.0-inch HDPE outfall with R-4 rip rap apron to the floodway of Asylum Run (WWF, MF); 6.) construct and maintain a 42.0-inch HDPE outfall with R-5 rip rap apron to Asylum Run (WWF, MF); 7.) construct and maintain a 30.0-inch HDPE outfall with R-4 rip rap apron to Asylum Run (WWF, MF); 8.) construct and maintain a 24.0-inch HDPE outfall with R-4 rip rap apron to the floodway of Asylum Run (WWF, MF); 9.) construct and maintain a 18.0-inch HDPE outfall with R-3 rip rap apron to the floodway of Asylum Run (WWF, MF); 10.) construct and maintain a 18.0-inch HDPE outfall with R-3 rip rap apron to Asylum Run (WWF, MF); 11.) relocate and maintain a 4.0-inch diameter PVC pipe outfall to the floodway of Asylum Run (WWF, MF); 12.) relocate and maintain a 4.0-inch diameter PVC pipe outfall to the floodway of Asylum Run (WWF, MF); 13.) relocate and maintain a 1.25 inch diameter fiber optic line in the floodway of Asylum Run (WWF, MF), all for the purpose of meeting MS4 requirements. The project is located between Colonial Road and N. Arlington Avenue (Latitude: 40.301175°N; Longitude: 76.823540°W) in Lower Paxton Township, Dauphin County.

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

D58-004EA. Oakland Borough, Mayor Randy Glover, 380 State Street, Susquehanna, PA 18847, and **Susquehanna Depot Borough**, Roy Williams, Council President, 83 Erie Boulevard, Suite A, Susquehanna, PA 18847, Oakland and Susquehanna Depot Boroughs, **Susquehanna County**. USACOE Baltimore District.

Project proposes to remove the Oakland Dam to eliminate a significant threat to public safety and to restore approximately 1,800 feet of stream channel to a free-flowing condition. The entire dam will be removed with the powerhouse remaining. The project is located across the Susquehanna River (WWF, MF) (Susquehanna, PA Quadrangle, Latitude: 41.9439; Longitude: -75.6172).

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, as listed in

the following tables. This notice of final action is published in accordance with 25 Pa. Code Chapters 91, 92a, and 102 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 official file for each listed action can be reviewed at the DEP or delegated county conservation district (CCD) office identified in the table for the action. DEP/CCD office contact information is listed as follows for Section I and is contained within the table for Section II. Additional information for permits issued under 25 Pa. Code Chapters 91 and 92a, including links to Individual NPDES and WQM Permits, may be reviewed by generating the “Final Actions Report” on DEP’s website at www.dep.pa.gov/CWPublicNotice.

DEP office contact information to review official files relating to the final actions in Section I. is as follows:

DEP Southeast Regional Office (SERO)—2 E. Main Street, Norristown, PA 19401-4915. File Review Coordinator: 484.250.5910. Email: RA-EPNPDES_SERO@pa.gov.

DEP Northeast Regional Office (NERO)—2 Public Square, Wilkes-Barre, PA 18701-1915. File Review Coordinator: 570.826.5472. Email: RA-EPNPDES_NERO@pa.gov.

DEP Southcentral Regional Office (SCRO)—909 Elmerton Avenue, Harrisburg, PA 17110. File Review Coordinator: 717.705.4732. Email: RA-EPNPDES_SCRO@pa.gov.

DEP Northcentral Regional Office (NCRO)—208 W. Third Street, Suite 101, Williamsport, PA 17701. File Review Coordinator: 570.327.3693. Email: RA-EPNPDES_NCRO@pa.gov.

DEP Southwest Regional Office (SWRO)—400 Waterfront Drive, Pittsburgh, PA 15222. File Review Coordinator: 412.442.4286. Email: RA-EPNPDES_SWRO@pa.gov.

DEP Northwest Regional Office (NWRO)—230 Chestnut Street, Meadville, PA 16335. File Review Coordinator: 814.332.6340. Email: RA-EPNPDES_NWRO@pa.gov.

DEP Bureau of Clean Water (BCW)—400 Market Street, Harrisburg, PA 17105. File Review Coordinator: 717.787.5017. Email: RA-EPNPDES_Permits@pa.gov.

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 Hamilton 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. Final Actions on NPDES and WQM Permit Applications and NOIs for Sewage, Industrial Waste, Industrial Stormwater, MS4s, Pesticides and CAFOs.

<i>Application Number</i>	<i>Permit Type</i>	<i>Action Taken</i>	<i>Permittee Name & Address</i>	<i>Municipality, County</i>	<i>DEP Office</i>
0287202	Industrial Waste Individual WQM Permit	Issued	Genon Power Midwest LP P.O. Box 65 Cheswick, PA 15024	Jefferson Hills Borough Allegheny County	SWRO
4220201	Industrial Waste Individual WQM Permit	Issued	Aqua PA Inc. 644 N Water Avenue Sharon, PA 16146-1515	Hamlin Township McKean County	NWRO
0113804	Joint DEP/PFBC Pesticides Permit	Issued	Carroll Valley Borough Adams County 5685 Fairfield Road Fairfield, PA 17320-9611	Carroll Valley Borough Adams County	SCRO
0113814	Joint DEP/PFBC Pesticides Permit	Issued	Longview Estates Phase III HOA 20 Vista Larga Drive Gettysburg, PA 17325-8081	Cumberland Township Adams County	SCRO
0113827	Joint DEP/PFBC Pesticides Permit	Issued	Carroll Valley Golf at Liberty Mountain 78 Country Club Trail Fairfield, PA 17320-8550	Carroll Valley Borough Adams County	SCRO
0113829	Joint DEP/PFBC Pesticides Permit	Issued	Brethren Home P.O. Box 128 New Oxford, PA 17350-0128	New Oxford Borough Adams County	SCRO

<i>Application Number</i>	<i>Permit Type</i>	<i>Action Taken</i>	<i>Permittee Name & Address</i>	<i>Municipality, County</i>	<i>DEP Office</i>
0618804	Joint DEP/PFBC Pesticides Permit	Issued	Deerfield Meadows HOA 10 Village Center Drive Reading, PA 19607-3397	Cumru Township Berks County	SCRO
0913809	Joint DEP/PFBC Pesticides Permit	Issued	Yorkshire Meadow Pond 975 Easton Road Suite 102 Warrington, PA 18976-1858	Solebury Township Bucks County	SERO
2113805	Joint DEP/PFBC Pesticides Permit	Issued	Dogwood Acres Campground Inc. 4500 Enola Road Newville, PA 17241-9743	Upper Frankford Township Cumberland County	SCRO
2113809	Joint DEP/PFBC Pesticides Permit	Issued	Mechanicsburg Sportsmans Assoc. P.O. Box 2303 Mechanicsburg, PA 17055-0803	Silver Spring Township Cumberland County	SCRO
2118801	Joint DEP/PFBC Pesticides Permit	Issued	Richard W Boes 308 Steelstown Road Newville, PA 17241-9699	North Newton Township Cumberland County	SCRO
2118802	Joint DEP/PFBC Pesticides Permit	Issued	Jeffrey L Clouse 962 Doubling Gap Road Newville, PA 17241-9782	Lower Mifflin Township Cumberland County	SCRO
2213811	Joint DEP/PFBC Pesticides Permit	Issued	Colonial Crest Association Inc. 4314 Lakeview Road Harrisburg, PA 17112-2024	Lower Paxton Township Dauphin County	SCRO
2215803	Joint DEP/PFBC Pesticides Permit	Issued	Karen Leader 26 Shetland Drive Hummelstown, PA 17036-9238	West Hanover Township Dauphin County	SCRO
2215804	Joint DEP/PFBC Pesticides Permit	Issued	Karen Leader 26 Shetland Drive Hummelstown, PA 17036-9238	West Hanover Township Dauphin County	SCRO
2813808	Joint DEP/PFBC Pesticides Permit	Issued	Roger Davis 13503 Little Cove Road Mercersburg, PA 17236-9422	Warren Township Franklin County	SCRO
2813819	Joint DEP/PFBC Pesticides Permit	Issued	Menno Haven-Penn Hall Inc. 2011 Scotland Avenue Chambersburg, PA 17201-1451	Chambersburg Borough Franklin County	SCRO
2813820	Joint DEP/PFBC Pesticides Permit	Issued	Menno Haven-Penn Hall Inc. 2011 Scotland Avenue Chambersburg, PA 17201-1451	Greene Township Franklin County	SCRO
2813827	Joint DEP/PFBC Pesticides Permit	Issued	David Drake P.O. Box 394 Scotland, PA 17254-0394	Greene Township Franklin County	SCRO
2813828	Joint DEP/PFBC Pesticides Permit	Issued	David Drake P.O. Box 394 Scotland, PA 17254-0394	Greene Township Franklin County	SCRO
3613814	Joint DEP/PFBC Pesticides Permit	Issued	Masonic Village of Elizabethtown 1 Masonic Drive Elizabethtown, PA 17022-2199	West Donegal Township Lancaster County	SCRO
3618801	Joint DEP/PFBC Pesticides Permit	Issued	Elizabethtown College 1 Alpha Drive Elizabethtown, PA 17022	Elizabethtown Borough Lancaster County	SCRO
4621803	Joint DEP/PFBC Pesticides Permit	Issued	Bluestone Country Club 711 Boehms Church Road Blue Bell, PA 19422-1718	Whitpain Township Montgomery County	SERO
5014801	Joint DEP/PFBC Pesticides Permit	Issued	Nancy Egolf P.O. Box 1 Landisburg, PA 17040-0001	Tyrone Township Perry County	SCRO

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<i>Application Number</i>	<i>Permit Type</i>	<i>Action Taken</i>	<i>Permittee Name & Address</i>	<i>Municipality, County</i>	<i>DEP Office</i>
5716802	Joint DEP/PFBC Pesticides Permit	Issued	John Stock 572 Berne Drive Schuylkill Haven, PA 17972-9125	Cherry Township Sullivan County	NCRO
5721801	Joint DEP/PFBC Pesticides Permit	Issued	David Krakoski 2042 Nature Park Lane Spring, TX 77386-2747	Cherry Township Sullivan County	NCRO
6021801	Joint DEP/PFBC Pesticides Permit	Issued	Mapa Corp 1310 Quarry Lane Lancaster, PA 17603-2424	Hartley Township Union County	NCRO
6713819	Joint DEP/PFBC Pesticides Permit	Issued	Manchester Township York County 3200 Farmtrail Road York, PA 17402	Manchester Township York County	SCRO
6718819	Joint DEP/PFBC Pesticides Permit	Issued	Eugene E Costello 130 Pleasant View Drive Etters, PA 17319-8903	Newberry Township York County	SCRO
PAI130045	MS4 Individual NPDES Permit	Issued	Horsham Township Montgomery County 1025 Horsham Road Horsham, PA 19044-1326	Horsham Township Montgomery County	SERO
PA0002208	Major Industrial Waste Facility < 250 MGD Individual NPDES Permit	Issued	Shell Chemicals Appalachia LLC 300 Frankfort Road Monaca, PA 15601	Potter Township Beaver County	SWRO
PA0023531	Major Sewage Facility >= 1 MGD and < 5 MGD Individual NPDES Permit	Issued	Danville Borough Municipal Authority Montour County P.O. Box 179 12 West Market Street Danville, PA 17821-0179	Danville Borough Montour County	NCRO
PA0022209	Major Sewage Facility with CSOs Individual NPDES Permit	Issued	Bedford Borough Municipal Authority 244 W Penn Street Bedford, PA 15522-1226	Bedford Borough Bedford County	SCRO
PA0010227	Minor Industrial Waste Facility with ELG Individual NPDES Permit	Issued	Fl Smidth Inc. 236 S Cherry Street Manheim, PA 17545-2006	Manheim Borough Lancaster County	SCRO
PA0013323	Minor Industrial Waste Facility with ELG Individual NPDES Permit	Issued	The Boeing Co. P.O. Box 16858 MS P01-29 Philadelphia, PA 19142-0858	Ridley Township Delaware County	SERO
PA0080594	Minor Industrial Waste Facility with ELG Individual NPDES Permit	Issued	North American Pipe Corp 88 Newport Road Leola, PA 17540-1821	Upper Leacock Township Lancaster County	SCRO
PA0012467	Minor Industrial Waste Facility without ELG Individual NPDES Permit	Issued	Laurel Pipe Line Co. LP 5002 Buckeye Road P.O. Box 368 Emmaus, PA 18049-0368	Bethel Township Delaware County	SERO
PA0080349	Minor Sewage Facility >= 0.05 MGD and < 1 MGD Individual NPDES Permit	Issued	Thomasville MHC LLC 31200 Northwestern Highway Farmington Hills, MI 48334-5900	Jackson Township York County	SCRO

<i>Application Number</i>	<i>Permit Type</i>	<i>Action Taken</i>	<i>Permittee Name & Address</i>	<i>Municipality, County</i>	<i>DEP Office</i>
PA0260118	Minor Sewage Facility \geq 0.05 MGD and $<$ 1 MGD Individual NPDES Permit	Issued	New Oxford MHC Group LLC 31200 Northwestern Highway Farmington Hills, MI 48334-5900	Mount Pleasant Township Adams County	SCRO
NOEX13802	No Exposure Certification	Issued	United States Cold Storage LLC 1102 N Park Drive Hazle Township, PA 18202-9721	Hazle Township Luzerne County	NERO
NOEX13902	No Exposure Certification	Issued	United States Cold Storage LLC 15 Emery Street Bethlehem, PA 18015	Bethlehem City Northampton County	NERO
NOEXSW202	No Exposure Certification	Issued	Eastman Chemicals Resins Inc. P.O. Box 545 State Highway 837 West Elizabeth, PA 15088-0545	Jefferson Hills Borough Allegheny County	SWRO
PAG033643	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	Kinsley Const Inc. 2700 Water Street York, PA 17403-9306	West Manchester Township York County	SCRO
PAR150005	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	Master Builders Solutions Construction System US LLC 6450 Bristol Pike Levittown, PA 19057-4916	Bristol Township Bucks County	SERO
PAR320002	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	Intigral Inc. 9280 Dutton Drive Twinsburg, OH 44087	Quakertown Borough Bucks County	SERO
PAG046372	PAG-04 NPDES General Permit for Small Flow Treatment Facilities	Issued	Dylan D Brazell 2080 Old State Road Gibsonia, PA 15044-9492	Pine Township Allegheny County	SWRO
PAG123910	PAG-12 NPDES General Permit for CAFOs	Issued	Gerry Noecker 3485 Tilden Road Mohrsville, PA 19541-9269	Centre Township Berks County	SCRO
PAG130080	PAG-13 NPDES General Permit for MS4s	Issued	Narberth Borough Montgomery County 100 Conway Avenue Narberth, PA 19072-2257	Narberth Borough Montgomery County	SERO
0115403	Sewage Treatment Facilities Individual WQM Permit	Issued	New Oxford MHC Group LLC 31200 Northwestern Highway Farmington Hills, MI 48334-5900	Mount Pleasant Township Adams County	SCRO
0288467	Sewage Treatment Facilities Individual WQM Permit	Issued	Dylan D Brazell 2080 Old State Road Gibsonia, PA 15044-9492	Pine Township Allegheny County	SWRO
0294405	Sewage Treatment Facilities Individual WQM Permit	Issued	Univar Solutions USA Inc. P.O. Box 303 Bunola, PA 15020-0303	Forward Township Allegheny County	SWRO
3593408	Sewage Treatment Facilities Individual WQM Permit	Issued	Aqua Pennsylvania Wastewater Inc. 1 Aqua Way White Haven, PA 18661-1115	Thornhurst Township Lackawanna County	NERO
5620402	Sewage Treatment Facilities Individual WQM Permit	Issued	Mountain View Mennonite Church 203 High Street Salisbury, PA 15558-2203	Elk Lick Township Somerset County	SWRO
6772408	Sewage Treatment Facilities Individual WQM Permit	Issued	Thomasville MHC LLC 31200 Northwestern Highway Farmington Hills, MI 48334-5900	Jackson Township York County	SCRO

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<i>Application Number</i>	<i>Permit Type</i>	<i>Action Taken</i>	<i>Permittee Name & Address</i>	<i>Municipality, County</i>	<i>DEP Office</i>
PA0045039	Small Flow Treatment Facility Individual NPDES Permit	Issued	PA DCNR 305 State Park Road Oil City, PA 16301-5933	Cornplanter Township Venango County	NWRO
PA0255751	Small Flow Treatment Facility Individual NPDES Permit	Issued	Mountain View Mennonite Church 203 High Street Salisbury, PA 15558-2203	Elk Lick Township Somerset County	SWRO
1592101	WQG-01 WQM General Permit	Issued	Richmond Township Municipal Authority Tioga County 563 Valley Road Mansfield, PA 16933-9300	Richmond Township Tioga County	NCRO
WQG02462102	WQG-02 WQM General Permit	Issued	East Norriton Township Montgomery County 2501 Stanbridge Street East Norriton, PA 19401-1617	East Norriton Township Montgomery County	SERO

II. Final Actions on PAG-02 General NPDES Permit NOIs and Individual NPDES Permit Applications for Construction Stormwater.

<i>Permit Number</i>	<i>Permit Type</i>	<i>Action Taken</i>	<i>Applicant Name & Address</i>	<i>Municipality, County</i>	<i>Office</i>
PAC090420	PAG-02 General Permit	Issued	Madison New Falls Associates, LLC 902 Skippack Pike Blue Bell, PA 19422-1580	Bristol Township Bucks County	Bucks County Conservation District 1456 Ferry Road Doylestown, PA 18901-5550 215-345-7577
PAC090071	PAG-02 General Permit	Issued	Covenant Presbyterian Church 4000 Route 202 Doylestown PA 18902	Buckingham Township Bucks County	Bucks County Conservation District 1456 Ferry Road Doylestown, PA 18901-5550 215-345-7577
PAC090417 (Prior No. PAG02000915082)	PAG-02 General Permit	Issued	New Hope Solebury School District 180 West Bridge Street New Hope, PA 18938	New Hope Borough Bucks County	Bucks County Conservation District 1456 Ferry Road Doylestown, PA 18901-5550 215-345-7577
PAC090411	PAG-02 General Permit	Issued	Council Rock School District 30 N. Chancellor Street Newtown, PA 18940-2202	Northampton Township Bucks County	Bucks County Conservation District 1456 Ferry Road Doylestown, PA 18901-5550 215-345-7577
PAC090393	PAG-02 General Permit	Issued	169 North Main Street, LLC 46 Barley Road Ivyland, PA 18974-1309	New Hope Borough Bucks County	Bucks County Conservation District 1456 Ferry Road Doylestown, PA 18901-5550 215-345-7577
PAC090380	PAG-02 General Permit	Issued	Geopedior Association, L.P. P.O. Box 736 Ambler, PA 19034	Upper Makefield Township Bucks County	Bucks County Conservation District 1456 Ferry Road Doylestown, PA 18901-5550 215-345-7577

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<i>Permit Number</i>	<i>Permit Type</i>	<i>Action Taken</i>	<i>Applicant Name & Address</i>	<i>Municipality, County</i>	<i>Office</i>
PAC090385	PAG-02 General Permit	Issued	Upper Southampton Township 939 Street Road Southampton, PA 18966	Upper Southampton Township Bucks County	Bucks County Conservation District 1456 Ferry Road Doylestown, PA 18901-5550 215-345-7577
PAC150243	PAG-02	Issued	Patrick W Hall 1451 Fairville Road Chadds Ford, PA 19390	Pennsbury Township Chester County	Chester CCD 688 Unionville Road Kennett Square, PA 19348 610-455-1360
PAC150205A-1	PAG-02	Issued	VMM Eckman, LP Attn: Mike Eckman 4781 Lower Valley Road Atglen, PA 19310	West Sadsbury Township Chester County	Chester CCD 688 Unionville Road Kennett Square, PA 19348 610-455-1360
PAC090409	PAG-02 General Permit	Issued	AGP Group Management, LLC 300 Penn Avenue Levittown, PA 19057	Bristol Township Bucks County	Bucks County Conservation District 1456 Ferry Road Doylestown, PA 18901-5550
PAC230182	General	Issued	RVN Enterprises, LLC 220 Locust Street Suite 30A Philadelphia, PA 19106	Ridley Township Delaware County	Delaware CCD 1521 North Providence Road Media, PA 19063 610-892-9484
PAC480099	PAG-02 General Permit	Issued	Michael Stadulis Michael Stadulis Landscape Architects, LLC 319 King's Highway Clarksboro, NJ 08020	Northampton Borough Northampton County	Northampton County Conservation District 14 Gracedale Ave Greystone Building Nazareth, PA 18064-9211 610-829-6276
PAC480115	PAG-02 General Permit	Issued	Avi Hornstein OHI-HM Holdings, LP 1150 South Cedar Crest Boulevard Allentown, PA 18103	Allen Township Northampton Borough Northampton County	Northampton County Conservation District 14 Gracedale Ave Greystone Building Nazareth, PA 18064-9211 610-829-6276
PAC390111	PAG-02 General Permit	Issued	Badar U. Jan 508 North 41st Street Allentown, PA 18104-4559	South Whitehall Township Lehigh County	Lehigh County Conservation District 4184 Dorney Park Road Suite 105 Allentown, PA 18401 610-391-9583
PAD480125	Individual NPDES	Issued	Valley Industrial Properties, LLC 21 E. 10th Street Northampton, PA 18067	East Bangor Borough Northampton County	NERO
PAC400047 A-1	PAG-02 General Permit	Issued	Richard A Rose Jr Petroleum Service Co Inc 454 S Main St Wilkes-Barre, PA 18701	Pittston Township Luzerne County	Luzerne County Conservation District 325 Smiths Pond Road Shavertown, PA 18708 570-674-7991
PAC390129	PAG-02 General Permit	Issued	Double D Lehigh, LP 7785 Spring Creek Road Macungie, PA 18062	Upper Milford Township Lehigh County	Lehigh County Conservation District 4184 Dorney Park Road Suite 105 Allentown, PA 18401 610-391-9583

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<i>Permit Number</i>	<i>Permit Type</i>	<i>Action Taken</i>	<i>Applicant Name & Address</i>	<i>Municipality, County</i>	<i>Office</i>
PAC390110	PAG-02 General Permit	Issued	Whitehall-Coplay School District 2940 MacArthur Road Whitehall, PA 18052	Whitehall Township Lehigh County	Lehigh County Conservation District 4184 Dorney Park Road Suite 105 Allentown, PA 18401 610-391-9583
PAD480133	Individual NPDES	Issued	John Blair 1412 Walter Avenue Bethlehem, PA 18015-5300	Lower Saucon Township Northampton County	NERO
PAD400011 A-1	Individual NPDES	Issued	Sand Spring Development Corporation 4511 Fulmer Drive Bethlehem, PA 18020	Butler Township Luzerne County	NERO
PAC390075 A-1	PAG-02 General Permit	Issued	Two City Center, OP, LP 645 West Hamilton Street Suite 600 Allentown, PA 18101-2194	City of Allentown Lehigh County	Lehigh County Conservation District 4184 Dorney Park Road Suite 105 Allentown, PA 18401 610-391-9583
PAC450019	PAG-02 General Permit	Issued	TKL Properties LLC 7355 Interchange Road Lehigh, PA 18235	Polk Township Monroe County	Monroe County Conservation District 8050 Running Valley Road Stroudsburg, PA 18347 570-629-3060
PAD210066 (formerly PAI0321080014R)	Individual NPDES	Issued	Carlisle Developers, LLC & Yentzer and Yentzer Enterprises d/b/a 977 Walnut Bottom Road Carlisle, PA 17015	Dickinson Township Cumberland County	SCRO
PAD340001	Individual NPDES	Issued	Fayette Township 181 Bunkertown Road McAlisterville, PA 17049	Fayette Township Juniata County	SCRO
PAC210225	PAG-02 General Permit	Issued	Julie Trogner 2307 Claridge Court Enola, PA 17025	Silver Spring Township Cumberland County	Cumberland County Conservation District 310 Allen Road Suite 301 Carlisle, PA 17013-9101 717.240.7812
PAC670359 A-1	PAG-02 General Permit	Issued	The Pennsylvania Turnpike Commission P.O. Box 67676 Harrisburg, PA 17106	Fairview Township York County	York County Conservation District 2401 Pleasant Valley Road Suite 101 Room 139 York, PA 17402 717.840.7430
PAC670448	PAG-02 General Permit	Issued	Columbia Gas of Pennsylvania 1600 Colony Road York, PA 17408	Hanover Borough York County	York County Conservation District 2401 Pleasant Valley Road Suite 101 Room 139 York, PA 17402 717.840.7430

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<i>Permit Number</i>	<i>Permit Type</i>	<i>Action Taken</i>	<i>Applicant Name & Address</i>	<i>Municipality, County</i>	<i>Office</i>
PAC670445	PAG-02 General Permit	Issued	Columbia Gas of Pennsylvania 1600 Colony Road York, PA 17408	Hanover Borough York County	York County Conservation District 2401 Pleasant Valley Road Suite 101 Room 139 York, PA 17402 717.840.7430
PAC670380	PAG-02 General Permit	Issued	Monaghan Township 2020 South York Road Dillsburg, PA 17019	Monaghan Township York County	York County Conservation District 2401 Pleasant Valley Road Suite 101 Room 139 York, PA 17402 717.840.7430
PAC670449	PAG-02 General Permit	Issued	Creating Opportunities in Neighborhood Environments, Inc. (CONE, Inc.) 31 South Broad Street York, PA 17403	City of York York County	York County Conservation District 2401 Pleasant Valley Road Suite 101 Room 139 York, PA 17402 717.840.7430
PAC670451	PAG-02 General Permit	Issued	U.S. Home Corp (dba Lennar) 7035 Albert Einstein Drive Columbia, MD 21046	Conewago Township York County	York County Conservation District 2401 Pleasant Valley Road Suite 101 Room 139 York, PA 17402 717.840.7430
PAC170044 Previously PAG02001715008	New	Issued	Dan Corbet Platt Road DuBois, PA 15801	Sandy Township Clearfield Township	NCRO
PAC470027	New	Issued	Travis Taylor 56 Linden Lane Danville, PA 17821	Mahoning Township Montour County	NCRO
PAC040097	PAG-02 General Permit	Issued	Center Township 224 Center Grange Road Aliquippa, PA 15001	Center Township Beaver County	Beaver County Conservation District 156 Cowpath Road Aliquippa, PA 15001 724-378-1701
PAC100182	PAG-02 General Permit	Issued	Sandy Hill Development LLC 1712 Mt. Nebo Road Sewickley, PA 15143	Jackson Township Butler County	Butler County Conservation District 120 Hollywood Drive Suite 201 Butler, PA 16001 724-284-5270
PAD100006	Individual NPDES	Issued	PA DCNR P.O. Box 8551 Harrisburg, PA 17105	Worth Township Muddy Creek Township Butler County	DEP NWRO Waterways and Wetlands Program 230 Chestnut Street Meadville, PA 16335 814-332-6984
PAC420016A1	PAG-02 General Permit	Issued	Columbia Gas of Pennsylvania 4000 Energy Drive Bridgeville, PA 15017	Foster Township Otto Township McKean County	McKean County Conservation District 17137 Route 6 Smethport, PA 16749 814-887-4001

<i>Permit Number</i>	<i>Permit Type</i>	<i>Action Taken</i>	<i>Applicant Name & Address</i>	<i>Municipality, County</i>	<i>Office</i>
PAC240002A1	PAG-02 General Permit	Issued	Allegheny Contracting LLC 13374 Boot Jack Road Ridgway, PA 15853	Horton Township Elk County	Elk County Conservation District 850 Washington Street St. Marys, PA 15857 814-776-5373
PAC370045	PAG-02 General Permit	Issued	Mount Jackson Museum Foundation 200 Brewster Road New Castle, PA 16102	North Beaver Township Lawrence County	Lawrence County Conservation District 430 Court Street New Castle, PA 16101 724-652-4512
PAC160032	PAG-02 General Permit	Issued	Leatherwood Church 889 Church Road New Bethlehem, PA 16242	Porter Township Clarion County	Clarion County Conservation District 217 S 7th Avenue Room 106A Clarion, PA 16214 814-297-7813

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 Hamilton 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. 3540070, Operations Permit, Public Water Supply.

Applicant **Aqua Pennsylvania, Inc. (Eagle Rock Well ER-2 Abandonment Project)**
1 Aqua Way White Haven, PA 18661

[Borough or Township] Hazle Township

County **Luzerne County**

Type of Facility PWS

Consulting Engineer Peter Lusardi PE GHD Inc.
1240 North Mountain Rd.
Harrisburg, PA 17112

Permit to Operate Issued February 24, 2021

Permit No. 3130037, Operations Permit, Public Water Supply.

Applicant **Ms. Mary Truscott Blue Ridge Real Estate Company Mid Lakes Development**
P.O. Box 707
Blakeslee, PA 18610

Borough or Township Kidder Township

County **Carbon County**

Type of Facility PWS

Consulting Engineer Mr. Russell D. Scott IV, P.E.
Director of Engineering Services
RKR Hess, A Division of UTRS,
Inc.
112 N. Courtland Street
P.O. Box 268
East Stroudsburg, PA 18301

Permit to Operate Issued February 2, 2021

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

Permit No. 1821501MA, Minor Amendment, Public Water Supply.

Applicant **Renovo Borough Water Authority**
 128 Fifth Street
 Renovo, PA 17764

Borough or Township Renovo Borough

County **Clinton County**

Type of Facility Public Water Supply

Consulting Engineer K. Alan Uhler, Jr., PE
 140 West High Street
 Bellefonte, PA 16823

Permit Issued February 24, 2021

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>
Jackson Township	439 Roth's Church Road Spring Grove, PA 17362	York County

Plan Description: Approval of a revision to the official plan of Jackson Township, York County. The project is known as the Jackson Township Interceptor Improvements Special Study. The plan provides for the replacement of the existing 10-inch diameter piping between the Sunnyside Road and Sprengle Road Pump Stations, and between Sprengle Road and the Township's Wastewater Treatment Plant with larger 18-inch diameter piping in order to handle peak flow conditions of 2 MGD. 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 I1-67931-ACT, and the APS Id is 1032498. Any permits must be obtained in the name of the municipality.

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>
Bethel Township	60 Klahr Road Bethel, PA 19507	Berks

Plan Description: The Component 2 Planning Module for the Daub Road Warehouse development, DEP Code No. A3-06922-294-2, APS Id 1032069, consisting of one new warehouse using an on-lot sewage disposal system, is disapproved. The proposed development is located on Daub Road. This plan is disapproved because it is incomplete due to the failure to provide sufficient information and supporting documentation as required by Act 537, The Clean Streams Law (CSL), and regulations promulgated thereunder, for the Department to conduct a technical review and act upon the application. The preliminary hydrogeologic study was not included with the

application, the incorrect review fee was provided because flows attributed to the project were incorrectly calculated, and the plot plans were not signed and sealed by a registered Professional Land Surveyor.

Plan Location:

<i>Township</i>	<i>Township Address</i>	<i>County</i>
Upper Tulpehocken Township	6501 Old Route 22 Bernville, PA 19506	Berks

Plan Description: The exemption from the requirement to revise the Official Plan for the Sechler Family development, DEP Code No. A3-06970-101-2E, APS Id 1032566, consisting of one new single-family residence using an individual on-lot sewage disposal system, is disapproved. The proposed development is located on Spring Road. 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 use of on-lot sewage disposal systems in an area within 1/4 mile of water supplies documented to exceed 5 PPM nitrate-nitrogen as per Chapter 71, Section 71.51(b)(1)(ii).

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION UNDER ACT 2, 1995 PREAMBLE 2

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

Provisions of Sections 301—308 of the Land Recycling and Environmental Remediation Standards Act (act) (35 P.S. §§ 6026.301—6026.308) require the Department to publish in the *Pennsylvania Bulletin* a notice of submission of plans and reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the act's remediation standards. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis for selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed and summaries of sampling analytical results which demonstrate that remediation has attained the cleanup standard selected. Submission of plans and reports, other than the final report, will also be published in the *Pennsylvania Bulletin*. These include the remedial investigation report, risk assessment report and cleanup plan for a site-specific standard remediation. A remedial investigation report includes conclusions from the site investigation; concentration of regulated substances in environmental media; benefits of reuse of the property; and, in some circumstances, a fate and transport analysis. If required, a risk assessment report describes potential adverse effects caused by the presence of regulated substances. If required, a cleanup plan evaluates the abilities of potential remedies to achieve remedy requirements.

For further information concerning plans or reports, contact the environmental cleanup program manager in the Department Regional Office under which the notice of receipt of plans or reports appears. If information concerning plans or reports is required in an alternative form, contact the community relations coordinator at the appropriate Regional Office. TDD users may telephone

the Department through the Pennsylvania Hamilton 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.

Glen Mills Release Site, near the intersection of Valley Road and Gradyville Road, Glen Mills, PA 19342, Edgemont Township, **Delaware County**. Stephanie Grillo, Groundwater & Environmental Services, Inc., 440 Creamery Way, Suite 500, Exton, PA 19341 on behalf of Bradford Fish, PG, Energy Transfer Partners, 100 Green Street, Marcus Hook, PA 19061 submitted a Final Report concerning remediation of site soil contaminated with BTEX, MTBE, isopropyl benzene, naphthalene, 1,3,5-TMB, and 1,2,4-TMB. The report is intended to document remediation of the site to meet the Statewide health standard.

Philadelphia Gas Works 9th and Diamond Streets, 900-940 West Diamond Street, Philadelphia, PA 19122, City of Philadelphia, **Philadelphia County**. Mark Schaeffer, Stantec Consulting Services, Inc., 1060 Andrew Drive, Suite 140, West Chester, PA 19380 on behalf of Kevin Grooms, Philadelphia Gas Works, 800 West Montgomery Avenue, Philadelphia, PA 19122 submitted a Cleanup Plan concerning remediation of site soil and groundwater contaminated with unleaded gasoline and No. 2 fuel oil. The report is intended to document remediation of the site to meet the site-specific standard.

Northeast Region: Environmental Cleanup & Brownfields Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915, 570-826-2511.

Contact: Eric Supey, Environmental Program Manager.

Alvaro Property, 105 North Railroad Street, Walnutport, PA 18088, Walnutport Borough, **Northampton County**. Mountain Research LLC, 825 25th Street, Altoona, PA 16601, on behalf of Johnna Alvaro, 105 North Railroad Street, Walnutport, PA 18088, submitted a submitted a final report concerning remediation of soil and groundwater contamination due to a release of heating oil from an aboveground storage tank. The report is intended to document remediation of the site to meet Statewide health standards.

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 de-

scription 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 Hamilton Relay Service at (800) 654-5984.

The Department has received the following plans and reports:

Northeast Region: Environmental Cleanup & Brownfields Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915, 570-826-2511.

Contact: Eric Supey, Environmental Program Manager.

Silberline Manufacturing Company-Lansford Plant, 201 East Dock Street, Lansford, PA 18232, Lansford Borough, **Carbon County**. Hydro-Terra Group, 7420 Derry Street, Harrisburg, PA 17111, on behalf of Silberline Manufacturing Company LLC, 130 Lincoln Drive, Tamaqua, PA 18252, submitted a Final Report concerning remediation of site soil and groundwater contaminated due to releases of # 6 fuel oil and volatile organic compounds at the site. The Final Report demonstrated attainment of a combination of Site-Specific and Statewide health standards and was approved by DEP on February 23, 2021.

Martins Creek Steam Electric Station, 6605 Foul Rift Road, Bangor, PA 18013, Lower Mount Bethel Township, **Northampton County**. V.F. Britton Group, 326 Conestoga Road, Wayne, PA 19087, on behalf of Talen Energy, 6605 Foul Rift Road, Bangor, PA 18013, submitted a Final Report and supplemental information concerning remediation of soil contaminated by a release of lubricating oil. The Final Report demonstrated attainment of Statewide health standards and was approved by DEP on February 24, 2021.

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

J. Elmer Lockhart No. 1127, Latitude 40° 44 minutes 49 seconds; Longitude -78° 56 minutes 10 seconds, Grant Township, **Indiana County**. Moody & Associates, Inc., 11548 Cotton Road, Suite 101, Meadville, PA 16335, on behalf of Pennsylvania General Energy Company, LLC, 120 Market Street, Warren, PA 16365 has submitted a Final Report concerning the remediation of site soil contaminated with Zinc, Aluminum, Barium, Boron, Iron, Lithium, Manganese, Selenium, Strontium, Vanadium and Chloride. The Final Report demonstrated attainment of the Statewide health standards by the Department on February 25, 2021.

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

80 East Oregon Avenue, 80 East Oregon Avenue, Philadelphia, PA 19148, City of Philadelphia, **Philadelphia County**. Marc Chartier, PG, 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 the remediation of site soil and groundwater contaminated with metals and benzene. The Report was disapproved by the Department on February 18, 2021.

Rohm & Haas Bristol Trailer Staging Area, 200 Route 413, Bristol, PA 19007, Bristol Township, **Bucks County**. David Kistner, AECOM, 625 West Ridge Pike, Suite E-100, Conshohocken, PA 19428 on behalf of Jerome E. Cibrik, PG, LRS, Rohm and Haas Chemicals, LLC, P.O. Box 8361, Building 2000, South Charleston, WV 25303 submitted a Remedial Investigation Report/Risk Assessment Report concerning the remediation of site soil and groundwater contaminated with other organics. The Report was approved by the Department on February 18, 2021.

580 East Lancaster Avenue, 580 East Lancaster Avenue, Berwyn, PA 19312, Easttown Township, **Chester County**. Michael S. Welsh, 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 the remediation of site soil and groundwater contaminated with MTBE, other organics and chlorinated solvents. The Report was approved by the Department on February 22, 2021.

Langford Square, 315 Langford Road, Broomall, PA 19008, Marple Township, **Delaware County**. Paul White, PG, Brickhouse Environmental, 515 South Franklin Street, West Chester, PA 19382 on behalf of Vincent Antonini, G. Antonini Real Estate Inc., 3605 Winding Way, Newtown Square, PA 19073 submitted a Remedial Investigation Report/Risk Assessment Report/Cleanup Plan concerning the remediation of site soil contaminated with PAHs. The Report was disapproved by the Department on February 22, 2021.

PECO Transformer Oil Spill, 1300 Alfred Avenue, Yeadon, PA 19050, Yeadon Borough, **Delaware County**. Bruce Middleman, Stantec Consulting Services, Inc., 400 Davis Drive, Plymouth Meeting, PA 19462 on behalf of George Horvat, PECO Energy Company, 2301 Market Street, S7-2, Philadelphia, PA 19103 submitted a Final Report concerning the remediation of site soil contaminated with PCBs and other organics. The Final Report

did not demonstrate attainment of the Statewide health standard and was disapproved by the Department on February 19, 2021.

OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE

Permit(s) Renewed Under the Solid Waste Management Act (35 P.S. §§ 6018.101—6018.1003), the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P.S. §§ 4000.101—4000.1904) and Regulations to Operate Solid Waste Processing or Disposal Area or Site.

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

Permit No. 101705 Chesapeake Waste Solutions, LLC, 190 Shellyland Road, Lancaster, PA 17545, Rapho Township, **Lancaster County**.

The permit for Chesapeake Waste Solutions, LLC, was renewed on February 24, 2021 and is extended until February 24, 2031 for Solid Waste Permit No. 101705, for the operation of a Municipal Waste Transfer Facility in accordance with Article V of the Solid Waste Management Act, 35 P.S. §§ 6018.101, et seq.

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.

GP1-48-011: Adelpia Gateway, LLC (1415 Wyckoff Road, Farmingdale, NJ 07727-3940) on February 4, 2021, for the operation of two (2) natural gas fired heaters at the facility located in Lower Saucon Township, **Northampton County**.

AG5A-58-00023A: Chesapeake Appalachia, LLC (P.O. Box 18496, Oklahoma City, OK 73154-0496) on March 1, 2021, the general operating permit GP5A was issued for the construction & operation of an Unconventional Natural Gas Well Site at Gregerson SUS well pad located in Auburn Township, **Susquehanna County**.

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

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

GP14-59-179: Carleton Funeral Home Inc. (11470 Route 6, Wellsboro, PA 16901) on March 2, 2021, to authorize the operation of a U.S. Cremation Equipment "Classic" pursuant to the General Plan Approval and General Operating Permit for Human or Animal Crematories (BAQ-GPA/GP-14) at their facility in Charleston Township, **Tioga County**.

GP14-53-00020: Olney-Foust Funeral Homes & Crematory, LLC (621 South Main Street, Ulysses, PA 16948) on March 1, 2021, for the authorization to operate a Mathews International Model No. IE43-PPI (Power Pak I) human crematory unit pursuant to the General Plan Approval and/or General Operating Permit for Human or

Animal Crematories (BAQ-PGPA/GP-14) at the Olney Funeral Homes located in Ulysses Borough, **Potter County**.

AG5A-08-00005A: Chesapeake Appalachia, LLC (P.O. Box 18496, Oklahoma City, OK 73154) on February 26, 2021, for the construction and operation of a 1,380 bhp Caterpillar G3516, 4-stroke, ultra-lean burn, natural gas-fired, engine equipped with a 2-way oxidation catalyst and for the continued operation of a produced water tank; truck load-out operation; various fugitive emissions; four gas processing units; a thermoelectric generator; a thermal powered generator; pneumatic controllers; a pneumatic pump; and venting/blowdowns, pursuant to the General Plan Approval and/or General Operating Permit for Unconventional Natural Gas Well Site Operations and Remote Pigging Stations (BAQ-GPA/GP-5A) at the Alexander BRA Pad located in Wilmot Township, **Bradford County**.

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

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

GP5-30-00231A (AG5-30-00019A): EQM Gathering Opc, LLC (2200 Energy Drive, Canonsburg, PA 15317-1001) on July 23, 2020, to allow the continued operation of previously installed: Three (3) 4,735 bhp Caterpillar G3616LE 4SLB natural gas-fired compressor engines, two (2) 10,080-gallon produced water storage tanks, one (1) 4,200-gallon waste oil storage tank, one (1) 2,100-gallon compressor oil storage tank, one (1) 2,100-gallon engine oil storage tank, Fugitive emissions, and truck loading, five (5) 200 kW natural gas-fired microturbine generators, one (1) 0.38 MMBtu/hr natural gas-fired fuel heater, and two (2) 2,100-gallon engine coolant storage tanks at their Io Station, located in Morgan Township, **Greene 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.

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

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

46-0032H: SPS Technologies, LLC (301 Highland Avenue, Jenkintown, PA 19046) on February 25, 2021 for installation of one (1) new batch vapor degreaser at their facility in Jenkintown, **Montgomery County**.

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

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

39-00023A: Allentown Term De, LLC (P.O. Box 2621, Harrisburg, PA 17105-2621) issued on February 25, 2021 for the installation of a new Vapor Combustion Unit and tank modifications at the site located in Allentown, **Lehigh 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.

46-0005AU: Merck, Sharp & Dohme Corp. (770 Sumneytown Pike, West Point, PA 19486) on March 2, 2021 for an extension for a plan approval to (a) build a new building (Building 63—Source number 113) that will house Good Manufacturing Practices which will use cleaners and disinfectants containing VOCs; (b) install a new de minimis process operation (polysaccharide drug intermediates in Building 63) in existing Source 378; and (c) construct and install a 755 BHP, 4-stroke lean-burn natural gas-fired, caterpillar engine powering a 500 kW generator set to provide emergency back-up electrical power to building 63 at their facility located in Upper Gwynedd Township, **Montgomery County**.

Southcentral Region: Air Quality Program, 909 Elmer-ton Avenue, Harrisburg, PA 17110.

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

50-03007A: Atlantic Metal Industries LLC (600 Susquehanna Trail, Liverpool, PA 17045) on March 1, 2021, for the construction of a scrap metal shredding plant at the facility located in Liverpool Township, **Perry County**. The scrap metal shredder will be a Newell 80104 and is powered using 2 Waukesha L5792U internal combustion engines previously authorized under GP9. The plan approval was extended.

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

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

PA-04-00502A Ext: Shasta Services LLC (1155 Business Center Dr., Ste. 200, Horsham, PA 19044-3422) plan approval extension issuance date effective February 28, 2021, to allow to complete the pending construction of sources and associated air cleaning devices at their Shasta facility located in Aliquippa Township, **Beaver County**.

PA-11-00356C: Equitrans, LP (2200 Energy Drive, Canonsburg, PA 15317-1001) on February 23, 2021, plan approval extension issued for approximately 180 days to facilitate the shake-down of sources and controls at their Laurel Ridge Compressor Station located in Jackson Township, **Cambria County**.

PA-11-00356E: Equitrans, LP (2200 Energy Drive, Canonsburg, PA 15317-1001) on February 23, 2021, plan approval extension issued for approximately 180 days to facilitate the shake-down of sources and controls at their Rager Mountain Compressor Station located in Jackson Township, **Cambria County**.

11-00538A: Rosebud Mining Company (301 Market Street, Kittanning, PA 16201-1504) plan approval extension effective on February 28, 2021, with expiration on August 28, 2021, for continued temporary operation of sources and controls associated with a coal preparation plant at its Cresson Mine in Cresson Township, **Cambria County**.

PA-26-00613A Ext: ACF Group Inc. (120 Main Street, Allison, PA 15413-9704) plan approval Extension issuance date effective February 28, 2021, to facilitate shake-down

of sources and associated control devices at their ACF facility located in Luzerne Township, **Fayette County**.

30-00072E: Consol Pennsylvania Coal Company, LLC (1000 Consol Energy Drive, Canonsburg, PA 15317) plan approval extension effective on February 28, 2021, with expiration on August 28, 2021, for continued temporary operation of air contamination sources and controls associated with the Crabapple Overland Conveyor located in Richhill Township, **Greene County**.

30-00195A: Equitrans, LP (2200 Energy Drive, Canonsburg, PA 15317) plan approval extension effective on February 28, 2021, with expiration on August 28, 2021, for continued temporary operation of air contamination sources and controls at the Jefferson Compressor Station located in Jefferson Township, **Greene County**.

63-00916B: Perryman Company (2045 W. Pike St., A Bldg., Houston, PA 15342-1000) on February 24, 2021, to allow continued operation of the new chem mill process line at the Titanium Conversion Facility located in North Strabane Township, **Washington County**. The new expiration date is August 28, 2021.

65-00990C: Tenaska Pennsylvania Partners, LLC (14302 FNB Parkway, Omaha, NE 68154) on February 18, to allow continued temporary operation of the Tenaska Westmoreland Generating Station in South Huntingdon Township, **Westmoreland County**. The new expiration date is August 28, 2021.

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

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

10-284H: Seneca Landfill Incorporated (421 Hartmann Road, Evans City, PA 16033) on February 26, 2021, effective February 26, 2021, has issued a plan approval extension to continue construction of several landfill gas fuel-to-energy engines in Jackson Township, **Butler County**. This is a Title V facility. This will expire on August 31, 2021.

42-004K: American Refining Group Incorporated Bradford Facility (77 North Kendall Avenue, Bradford, PA 16701) on February 26, 2021, effective February 26, 2021, has issued a plan approval extension for continued shutdown and initial operations of a RACT II affected source/control device and its' associated RACT II proposal in Bradford City, **McKean County**. This is a Title V facility. This will expire on August 28, 2021.

43-182D: Wheatland Tube Company, Council Avenue Plant (1 Council Avenue, Wheatland, PA 16146) on February 26, 2021, effective February 26, 2021, has issued a plan approval extension for the continued operation of a scrubber while working to resolve performance issues in Wheatland Borough, **Mercer County**. This is a Title V facility. This will expire on August 31, 2021.

43-273A: Select Industries Incorporated dba Select Metal Litho Greenville (242 Reynolds Industrial Park Drive, Greenville, PA 16125) on February 26, 2021, effective February 26, 2021, has issued a plan approval extension for the installation of an additional coating line (Source 106) along with the addition of a regenerative thermal oxidizer (RTO-C106) in Pymatuning Township, **Mercer County**. This is a State Only facility. This will expire on August 31, 2021.

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

Southcentral Region: Air Quality Program, 909 Elmer-ton Avenue, Harrisburg, PA 17110.

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

06-05081: Delaware County Solid Waste Authority (583 Longview Road, Boyertown, PA 19512-7955) on February 24, 2021, for the Rolling Hills Landfill located in Earl Township, **Berks County**. The Title V permit was renewed.

06-05050: Sunoco Pipeline LP (525 Fritztown Road, Sinking Spring, PA 19608) on February 17, 2021, for the petroleum pumping and storage facility located in Spring Township, **Berks County**. The Title V permit was renewed.

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

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

Contact: Janine Tulloch-Reid, Facilities Permitting Chief—Telephone: 484-250-5920.

23-0122: AQUA Pennsylvania, Inc. (762 West Lancaster Avenue, Bryn Mawr, PA 19010) on February 25, 2021 for their initial State-Only Operating Permit to operate two diesel-fired emergency generators at their facility located in Springfield Township, **Delaware County**.

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

Contact: Norman Frederick, Facility Permitting Chief—Telephone: 570-826-2409.

54-00076: Pottsville Materials, LLC (P.O. Box 1467, Skippack, PA 19474). The Department issued, on February 17, 2021, a State-Only Operating Permit for the operation of sources at their facility located in New Castle Township, **Schuylkill County**. The operating permit contains all applicable requirements for emission limitations, work practice standards, testing, monitoring, recordkeeping, and reporting standards used to verify facility compliance with Federal and State air pollution regulations.

45-00028: H&K Group, Inc. (P.O. Box 196, 2052 Lucon Road, Skippack, PA 19474). The Department issued, on February 23, 2021, a State-Only Operating Permit for the operation of sources at their facility located in Smithfield Township, **Monroe County**. The operating permit contains all applicable requirements for emission limitations, work practice standards, testing, monitoring, recordkeeping, and reporting standards used to verify facility compliance with Federal and State air pollution regulations.

Southcentral Region: Air Quality Program, 909 Elmer-ton Avenue, Harrisburg, PA 17110.

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

67-03180: Treehouse Private Brands, Inc. (680 West Chestnut Street, Hanover, PA 17331) on February 22, 2021, for the pretzel manufacturing facility located in

Hanover Borough, **York County**. This is the initial State-Only Operating Permit for this facility.

06-05061: Cambridge Lee Industries, LLC (86 Tube Drive, Reading, PA 19605-9274) on February 18, 2021, for the copper tubing manufacturing facility located in Ontelaunee Township, **Berks County**. The State-Only 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.

03-00152: Glacial Sand and Gravel Co./Tarrtown Land Plant (4023 Tarrtown Road, Adrian, PA 16210), on February 18, 2021 the Department issued a State Only Operating Permit renewal for the processing of sand and decorative gravel facility located in East Franklin Township, **Armstrong County**. The facility consists of various crushers, screens, wet screens, dewatering screens, sand screws, sand tanks and transfer conveyors. The plant also consists of two wash tanks to remove surface stains from the sand and gravel as well as two hydroclones that remove further unwanted debris from the final material. The facility has the potential to emit: 20 tpy PM and 7 tpy PM₁₀. The facility is a natural minor and 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.

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

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

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

46-00005: Merck, Sharp & Dohme Corp. (770 Summeytown Pike, West Point, PA 19486) on March 1, 2021 for an Administrative Amendment to Title V Operating Permit No. 46-00005 located in Upper Gwynedd Township, **Montgomery County**. The Title V Operating Permit has been amended to incorporate Plan Approval No. 46-0005AR, for additional manufacturing space for the production of biological products in existing Building 38 (Source 112). Additionally, the name for Source ID 759 has been changed from “BLDG 38-7 Generator” to “BLDG 95-2 Generator.” The Title V Operating Permit contains monitoring and recordkeeping requirements designed to keep the facility operating within the allowable emissions and all applicable air quality requirements.

46-00032: SPS Technologies LLC (301 Highland Ave., Jenkintown, PA 19046) located in Abington Township, **Montgomery County**. On February 25, 2021, in accordance with 25 Pa. Code § 127.450(a)(2), the amendment was issued to incorporate administrative changes due to the facility comments received simultaneously when their SMOP was issued. The permit will include monitoring, recordkeeping, and reporting requirements designed to keep the facility within all applicable air quality requirements.

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

Contact: Thomas Joseph, Facilities Permitting Chief, 412.442.4336.

TV-65-00173: Summerill High Precision Tube, LLC (P.O. Box 302, 220 Franklin Street, Scottdale, PA 15683-0302) on February 17, 2021, an Administrative Amendment to change the name ownership from Summerill Tube Corporation to Summerill High Precision Tube LLC. The facility located in Scottdale Borough, **Westmoreland County**.

De Minimis Emissions Increases Authorized under 25 Pa. Code § 127.449.

Southcentral Region: Air Quality Program, 909 Elmer-ton Avenue, Harrisburg, PA 17110.

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

67-03004: Maple Press Co. (P.O. Box 2695, 480 Willow Springs Lane, York, PA 17405) for its facility located in Manchester Township, **York County**. The De Minimis emission increase results from the proposed installation of an inkjet printing operation. The Department hereby approves the De Minimis emission increase. The following table is a list of the De Minimis emission increases as required by 25 Pa. Code § 127.449(i). There have been no De Minimis emission increases at the facility since their natural minor Operating Permit issuance on September 19, 2018. The expected emission increase from this project is 0.028 tpy VOC.

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. 17080111 and NPDES PA0256901. Waroquier Coal Company, P.O. Box 128, Clearfield, PA 16830, permit renewal for continued operation and restoration of a bituminous surface coal mine located in Lawrence Township, **Clearfield County** affecting 176

acres. Receiving stream(s): unnamed tributaries to the West Branch Susquehanna River and 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: July 22, 2020. Permit issued: February 19, 2021.

Permit No. 17080101 and NPDES PA0256692. RES Coal LLC, 224 Grange Hall Road, P.O. Box 228, Armagh, PA 15920, permit renewal for reclamation only of a bituminous surface coal mine located in Beccaria Township, **Clearfield County** affecting 271.1 acres. Receiving stream(s): Unnamed tributary to Clearfield Creek classified for the following use(s): CWF. There are no potable water supply intakes within 10 miles downstream. Application received: August 13, 2020. Permit issued: February 24, 2021.

New Stanton District Office: P.O. Box 133, New Stanton, PA 15672, 724-925-5500, (Contact: Tracy Norbert).

Permit No. 30793024 and NPDES Permit No. PA0117650. Beazer East, Inc., c/o Three Rivers Management, Inc., 600 River Avenue, Suite 200, Pittsburgh, PA 15212. Permit renewal issued for continued mining to an existing bituminous surface mine, located in Morgan Township, **Greene County**, affecting 327.7 acres. Receiving streams: unnamed tributaries to South Fork of Tenmile Creek. Application received: June 17, 2020. Renewal permit issued: February 19, 2021.

Permit No. 26060106 and NPDES Permit No. PA0250988. Charles L. Swenglich & Sons Coal Company, Inc., 2 Swenglich Lane, Smithfield, PA 15478. Permit renewal issued for continued mining to an existing bituminous surface mine, located in Georges and Springhill Townships, **Fayette County**, affecting 529.9 acres. Receiving streams: unnamed tributaries to Rubles Run and unnamed tributaries to Mountain Creek. Application received: June 12, 2017. Renewal permit issued: February 19, 2021.

Noncoal Permits Issued

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

Permit No. 53150801 and NPDES PA0269638. Spencer L. Empet, 11164 State Route 106, Kingsley, PA 18826, renewal for an existing NPDES on a large noncoal surface mining site located in West Brand Township, **Potter County** affecting 4 acres. Receiving stream(s): Little Kettle Creek classified for the following use(s): HW-CWF. Application received: August 17, 2020. Permit issued: February 24, 2021.

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

Permit No. 36900302C11 and NPDES Permit No. PA0594784. H & K Group, Inc., P.O. Box 196, Skippack, PA 19474, renewal of an existing NPDES Permit for discharge of treated mine drainage from a quarry operation in Fulton Township, **Lancaster County**. Receiving stream: unnamed tributary to Octoraro Creek. Application received: October 16, 2020. Renewal issued: February 26, 2021.

ACTIONS ON BLASTING ACTIVITY APPLICATIONS

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

Blasting Permits Issued

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

Permit No. 35214102. Explosive Services, Inc., 7 Pine Street, Bethany, PA 18431, construction blasting for BHR Distribution Center in Jessup Borough, **Lackawanna County** with an expiration date of February 18, 2022. Permit issued: February 23, 2021.

Permit No. 35214001. Northeast Blasting, 403 Middle Creek Road, Honesdale, PA 18431, construction blasting for house foundation in Fell Township, **Lackawanna County** with an expiration date of January 22, 2022. Permit issued: February 24, 2021.

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 Hamilton Relay Service, (800) 654-5984. Appeals must be filed with the Environmental Hearing Board within 30-days of publication of this notice in the *Pennsylvania Bulletin*, unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in braille or on audiotape from the Secretary to the Board at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decisional law.

If you want to challenge this action, your appeal must reach the Board within 30-days. You do not need a lawyer to file an appeal with the Board.

Important legal rights are at stake, however, so you should show this notice to a lawyer at once. If you cannot

afford a lawyer, you may qualify for free pro bono representation. Call the Secretary to the Board (717) 787-3483 for more information.

WATER OBSTRUCTIONS AND ENCROACHMENTS

Actions on applications for the following activities filed under the Dam Safety and Encroachments Act (32 P.S. §§ 693.1–693.27), section 302 of the Flood Plain Management Act (32 P.S. § 679.302) and The Clean Streams Law and Notice of Final Action for Certification under section 401 of the FWPCA.

Southeast Region: Waterways & Wetlands Program Manager, 2 East Main Street, Norristown, PA 19401, Telephone 484.250.5160, E-mail: ra-epww-sero@a.gov.

Permit No. E0901220-002, Milford Township, 2100 Krammes Road, Quakertown, PA 18951, Milford Township, Bucks County, ACOE Philadelphia District.

To perform the following water obstruction and encroachment activities associated with the Rosenberger Road Bridge Improvement Project:

1. To remove an existing 14-foot-long, single span open bottom concrete culvert over Molasses Creek (HQ-TSF) and in its place, construct and maintain a 30-foot-long, precast concrete arch bridge resulting in 30 linear feet (1,038 square feet) of permanent watercourse impact. Included with this activity to construct and maintain an overflow culvert within the floodway resulting in 4,000 square feet (0.025 acre) of permanent of floodway impacts and 720 square feet (0.017 acre) of permanent floodplain impact which includes roadway approach reconstruction.

2. To perform grading within the floodway resulting in 7,995 square feet (0.183 acre) of permanent floodway impact.

Total overall temporary impacts to floodway and watercourse is 30,060 square feet (0.69 acre) and 17,134 square feet (0.69 acre).

This project is located on Rosenberger Road south of Umbreit Road in Milford Township, Bucks County (USGS Milford, PA, Square Quadrangle—Latitude: 40.423093 N, Longitude: 75.412541 W). Permit issued February 24, 2021.

Permit No. E1501220-026, PECO Energy Company, 2301 Market Street, N3-3, Philadelphia, PA 19103, Tredyffrin Township, Chester County, ACOE Philadelphia District.

To construct a total of 1,270 linear feet of 5-inch diameter plastic electrical conduit using the method of horizontal directional drill (HDD) along North Valley Road with the construction of maintenance of 285 linear feet of 5-inch plastic electrical conduit within the floodway of Valley Creek (EV, MF) resulting in 285 linear feet (119 square feet) of permanent floodway impact and 295 linear feet (1,475 square feet) of temporary floodway impact due to drilling pits and erosion & sedimentation BMP controls.

This project is located adjacent to North Valley Road, north and south of North Valley Bridge over Valley Creek in Tredyffrin Township, Chester County (USGS Valley Forge, PA, Quadrangle—Latitude: 40.065245, Longitude: 75.489980 W). Permit issued February 22, 2021.

Permit No. E5101220-026, City of Philadelphia and John Bartram Association, 5400 Lindbergh Boulevard, Philadelphia, PA 19143, City of Philadelphia, Philadelphia County, ACOE Philadelphia District.

To construct and maintain a FloatLab Ring, dock (partial landing platform) and gangway within the Schuylkill River (WWF-MF) and its floodway as part of the Bartram Garden's FloatLab project. Water obstruction and encroachment activities are as follows:

1. To construct and maintain a dock (partial landing platform) and gangway consisting of aluminum open grating decking in order to facilitate access to the FloatLab Ring resulting in a total of 956 square feet of permanent watercourse impact and 154.25 square feet of permanent floodway impact. This activity also includes the installation of an access ladder on the seawall.

2. To construct and maintain nine 16-inch diameter reinforced concrete pipe piles by vibratory hammer and impact hammer associated with dock construction resulting in 10 square feet of permanent watercourse impact and 3 square feet of permanent floodway impact.

3. To perform grading and place riprap within the floodway of the Schuylkill River (WWF-MF) and within the watercourse associated with dock construction resulting in 80 square feet of permanent watercourse impact and 187 square feet of permanent floodway impact.

4. To construct and maintain a 75-foot diameter FloatLab Ring with two access ladders resulting in 75 linear feet (4,418.25 square feet) of permanent watercourse impact.

5. To construct and maintain five drilled 36-inch mooring piles with mooring cables within the Schuylkill River (WWF-MF) associated with the construction of the FloatLab Ring resulting in 28 square feet of permanent watercourse impact

6. To construct and maintain a temporary turbidity curtain during construction resulting in 24,024 square feet (0.55 acre) of temporary watercourse impact.

7. To install and maintain water and electric utility lines within the floodway and 100-year floodplain of the Schuylkill River (WWF-MF) associated with operations and maintenance of the dock and floatlab facility resulting in 687 square feet of permanent floodway impact, 212 square feet of temporary floodway impact, 1,317 square feet of permanent floodplain impact, and 490 square feet of temporary floodplain impact.

This project is located just north of the Bartram's Plaza and South 56th Street within the Schuylkill River, Philadelphia County (USGS PA Philadelphia Quadrangle—Latitude: 39.929226 N, Longitude: 75.211613 W). Permit issued February 12, 2021.

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

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

E4802220-021. Valley Industrial Properties, LLC, 21 E. 10th Street, Northampton, PA 18067, East Bangor Borough, Northampton County, U.S. Army Corps of Engineers, Philadelphia District.

To construct and maintain the following water obstructions and encroachments associated with the Capital Quarry Restoration Project:

1. To fill and maintain an existing, abandoned, 10.77-acre water-filled lacustrine slate quarry pit (CWF, MF) having permanent pool depths ranging from 60-ft to 150-ft for the purpose of eliminating a safety hazard and preparing the site for potential future development.

2. To fill a 2-ft wide, 83-ft long, intermittent UNT to Martins Creek (CWF, MF) for the purpose of site grading associated with Phase # 1 of the project.

3. To fill 0.006-acre of PEM wetlands for the purpose of site grading associated with Phase # 3 of the project.

4. To fill a 1-ft wide, 73-ft long, intermittent UNT to Martins Creek (CWF, MF) for the purpose of site grading associated with Phase # 3 of the project.

The project is located on the north side of West Central Avenue (S.R. 512), approximately 0.4-mile northwest of the intersection of West Central Avenue (S.R. 512) and North Broad Street (S.R. 1035), Bangor and Stroudsburg, PA Quadrangle Latitude: 40° 52' 52"; Longitude: -75° 11' 31") in East Bangor Borough, Northampton County.

E6402220-023. Jim Domenick, 19 Lake Watawga Way West, Gouldsboro, PA 18424. Lehigh Township, **Wayne County**, Army Corps of Engineers Philadelphia District.

To remove the existing dock and to construct and maintain a 12-foot long by 7'-6" wide cantilevered dock in Lake Watawga (EV, MF). The project is located at 19 Lake Watawga Way West (Tobyhanna, PA Quadrangle Latitude: 41° 14' 12"; Longitude: -75° 26' 13") in Lehigh Township, Wayne County.

E4502220-025. Jerry Gramaglia, 11 Knights Court, Mullica Hill, NJ 08062. Tobyhanna Township, **Monroe County**, Army Corps of Engineers Philadelphia District.

To construct and maintain a dock in Arrowhead Lake (EV, MF) that is approximately 20-foot long by 5-feet wide. The project is located at Lot 69, Block A-100, Section 4, Lake Shore Drive (Thornhurst, PA Quadrangle Latitude: 41° 09' 22"; Longitude: -75° 34' 07") in Tobyhanna Township, Monroe County.

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

E4104220-027. Verizon Pennsylvania LLC, 40 Mercer Street, New Castle, PA 16101. Aerial cable installation in Lycoming and Hepburn Townships, **Lycoming County**, ACOE Baltimore District (Cogan Station, PA Quadrangle; Latitude: 41.297171; Longitude -77.055868).

The permittee is authorized to construct and maintain an aerial communications cable over Lycoming Creek. Cable length over watercourse and floodway will be 1,118 feet and attached to existing poles. No earth disturbance will be required for this project. Aerial impacts to water resources will be 166 square feet. No mitigation is proposed because there are no wetland or stream losses projected. This approval under Chapter 105, Section 105.12(a)(16) includes 401 Water Quality Certification.

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

E0205220-002, Hollow Oak Land Trust, P.O. Box 741, Coraopolis, PA 15108-0741, **Allegheny County**; Pittsburgh ACOE District.

Has been given consent to:

1. Construct, operate, and maintain a 6 LF wide by 74 LF long, fiberglass pedestrian bridge over Montour Run (TSF).

2. The project will permanently impact 6 LF of Montour Run and 0.02 acre of the floodway. The project will temporarily impact 0.04 acre of floodway.

For the purposes of creating a pedestrian bridge across Montour Run to connect the Montour Trail to the Montour Woods Conservation Area trail network operated by the Hollow Oak Land Trust.

The project site is located 800 feet west of the intersection of the Montour Trail with Hassam Toad, and 200 feet south of Hassam Road (Oakdale, PA USGS topographic quadrangle; N: 40°, 29', 25"; W: -80°, 99', 11"; Sub-basin 20G; USACE Pittsburgh District), in Moon Township and Robinson Township, Allegheny County.

E5605220-022, Hooversville Borough, 50 Main Street, Hooversville, PA 15936, Quemahoning Township, **Somerset County**; Pittsburgh ACOE District.

Has been given consent to:

Construct, operate, and maintain a 132 square foot pump station building within the FEMA-defined floodplain of the Stonycreek River (TSF), in association with a complete water systems improvements project, which proposes to establish a waterline connection from the Conemaugh Township Municipal Authority.

The project site is located approximately 200 feet north of the intersection of Koontz Road and Sportsman Road, Hooversville, PA 15936 (Hooversville, PA USGS topographic quadrangle; N: 40°, 10', 19.1"; W: -78°, 54', 32.8"; Sub-basin 18E; USACE Pittsburgh District), in Quemahoning Township, Somerset County.

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

Permit No. E5829220-032, Chesapeake Appalachia, LLC, 14 Chesapeake Lane, Sayre, PA 18840, Temporary Freshwater Pipeline. Rush Township, **Susquehanna County**; ACOE, Baltimore Office.

To construct, operate, and maintain:

1) a 16-inch diameter temporary freshwater pipeline and temporary timber mat crossing impacting 1,958 square feet (0.05 acre) of palustrine emergent wetlands (PEM) (Lawton, PA Quadrangle; Latitude: 41° 45' 54", Longitude: -76° 03' 26"),

2) a 16-inch diameter temporary freshwater pipeline crossing impacting 9 square feet (0.01 acre) of palustrine emergent wetlands (PEM) (Lawton, PA Quadrangle; Latitude: 41° 45' 54", Longitude: -76° 03' 22"),

3) a 16-inch diameter temporary freshwater pipeline and temporary timber mat crossing impacting 9 square feet (0.01 acre) of palustrine emergent wetlands (PEM) (Lawton, PA Quadrangle; Latitude: 41° 45' 51", Longitude: -76° 03' 17"),

4) a 16-inch diameter temporary freshwater pipeline and temporary timber mat crossing impacting 475 square feet (0.01 acre) of palustrine emergent wetlands (PEM) (Lawton, PA Quadrangle; Latitude: 41° 45' 51", Longitude: -76° 03' 15"),

5) a 16-inch diameter temporary freshwater pipeline and temporary timber mat crossing impacting 4,289 square feet (0.10 acre) of palustrine emergent wetlands (PEM) and 3,207 square feet (0.07 acre) of palustrine scrub-shrub wetlands (PSS) (Lawton, PA Quadrangle; Latitude: 41° 45' 48", Longitude: -76° 03' 07"),

6) a 16-inch diameter temporary freshwater pipeline and temporary timber mat bridge crossing impacting 126 lineal feet of Deer Lick Creek (CWF-MF) (Lawton, PA Quadrangle; Latitude: 41° 45' 47", Longitude: -76° 03' 07").

The North Marcellus LRJ WP—Juser WP Temporary Water pipeline proposes to construct approximately 1.27 miles (6,725 feet) of 16-inch diameter water pipeline in Rush Township, Susquehanna County. The project will result in 126 lineal feet of stream impacts, 10,217 square feet (0.23 acre) of PEM wetlands, and 3,207 square feet (0.07 acre) of PSS wetlands for the purpose of providing safe reliable conveyance of freshwater for Marcellus shale well development.

EROSION AND SEDIMENT CONTROL

The following Erosion and Sediment Control permits have been issued.

Persons aggrieved by an action may appeal that action to the Environmental Hearing Board (Board) under section 4 of the Environmental Hearing Board Act and 2 Pa.C.S. §§ 501—508 and 701—704. The appeal should be sent to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P.O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Board through the Pennsylvania Hamilton Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30-days of publication of this notice in the *Pennsylvania Bulletin* unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary to the Board at (717) 787-3483. This paragraph does not, in and of itself, create a right of appeal beyond that permitted by applicable statutes and decisional law.

For individuals who wish to challenge an action, the appeal must reach the Board within 30-days. A lawyer is not needed to file an appeal with the Board.

Important legal rights are at stake, however, so individuals should show this notice to a lawyer at once. Persons who cannot afford a lawyer may qualify for free pro bono representation. Call the Secretary to the Board at (717) 787-3483 for more information.

Northwest Region: Oil and Gas Management Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481.

ESCGP-3 # ESG083320001-00—Big Run Impoundment
Applicant Name CNX Gas Co. LLC
Contact Person Sarah Weigand
Address 1000 Consol Energy Drive
City, State, Zip Canonsburg, PA 15317-6506
County Jefferson County
Townships Henderson Township and Gaskill Township
Receiving Streams and Classifications UNT to East Branch Mahoning Creek (HQ-CWF) and UNT to Stump Creek (CWF)

ESCGP-3 # ESX09-005-0006—Lenape Heights Pad
Applicant Name EXCO Resources (PA), LLC
Contact Person Mr. Cary Cannon
Address 13448 State Route 422, Suite 1
City, State, Zip Kittanning, PA 16201
County Armstrong County
Township(s) Manor
Receiving Stream(s) and Classification(s) UNT to Campbell Run/Crooked Creek—Allegheny River (WWF)

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

ESCGP-3 # ESG294120023-00
Applicant Name ARD Operating, LLC
Contact Person Stephen Barondeau
Address 33 West Third Street, Suite 300
City, State, Zip Williamsport, PA 17701
County Lycoming County
Township(s) Plunketts Creek and Cascade
Receiving Stream(s) and Classification(s) Engle Run (EV), UNT to Engle Run (EV), Wolf Run (HQ, EV), East Branch Wallis Run (HQ, EV)
Secondary: King Run (HQ, EV), Engle Run (EV), Noon Branch (HQ, EV), Wallis Run (HQ, EV)

ESCGP-3 # ESG295821003-00
Applicant Name Chesapeake Appalachia, LLC
Contact Person Eric Haskins
Address 14 Chesapeake Lane
City, State, Zip Sayre, PA 18840-1567
County Susquehanna County
Township(s) Auburn
Receiving Stream(s) and Classification(s) UNT To Tuscarora Creek (CWF, MF)
Secondary: Tuscarora Creek (CWF, MF)

ESCGP-3 # ESG295821004-00
Applicant Name Williams Field Services Company, LLC
Contact Person Jayme Stotka
Address 2000 Commerce Drive
City, State, Zip Pittsburgh, PA 15275
County Susquehanna County
Township(s) Auburn
Receiving Stream(s) and Classification(s) UNT to Riley Creek # 73531 (CWF-MF)
Secondary: Riley Creek (CWF-MF)

CORRECTIVE ACTION UNDER ACT 32, 1989

PREAMBLE 2

The following plans and reports were submitted under the Storage Tank and Spill Prevention Act (35 P.S. §§ 6021.101—6021.2104).

Provisions of 25 Pa .Code Chapter 245, Subchapter D, Administration of the Storage Tank and Spill Prevention Program, require the Department of Environmental Protection (DEP) to publish in the *Pennsylvania Bulletin* a notice of submission of plans and reports. A remedial action plan is submitted to summarize the site characterization, document the design and construction details for the remedial action, and describe how the remedial action will attain the selected remediation standard. The remedial action plan also provides results of studies performed and data collected to support the remedial action and a description of postremediation care requirements. A remedial action completion report is submitted to document cleanup of a release of a regulated substance at a site to the selected remediation standard. A remedial action completion report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis of selecting the environmental media of concern, documentation supporting the selection of residential or non-residential exposure factors, a description of the remediation performed and summaries of sampling methodology and analytical results which demonstrate that the remediation has attained the cleanup standard selected.

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

The Department has received the following plans and reports:

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

Contact: Richard Staron, Professional Geologist Manager.

Mohammed Taghi Soltani, 46-43779, 615 E. High St., Pottstown, PA 19464, Pottstown Borough, **Montgomery County**, Geo-Enviro Consulting & Remediation LLC, 371 Hoes Lane, Suite 200, Piscataway, NJ 08854, on behalf of S. Kaur Lower Pottsgrove Enterprises LLC, 615 East High Street, Pottstown, PA 19464, 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 and site-specific standards.

Northeast Region: Environmental Cleanup & Brownfields Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915, 570-826-2511.

Contact: Eric Supey, Environmental Program Manager.

Schuylkill Transportation System, Storage Tank ID # 54-51479, 252 Industrial Park Road, Saint Clair, PA 17970, East Norwegian Township, **Schuylkill County**. United Environmental Services, P.O. Box 701, Schuylkill Haven, PA 17972, on behalf of Schuylkill Transportation System, P.O. Box 67, Saint Clair, PA 17970, has submitted a Remedial Action Plan concerning remediation of soil and groundwater contaminated with petroleum. The Remedial Action Plan is intended to document the remedial actions for meeting the Statewide health standards.

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

Contact: Greg Bowman, Environmental Group Manager.

Whipple Dam Store, Storage Tank Primary Facility ID # 31-60255, 3527 McAlevys Fort Road, Jackson Township, **Huntingdon County**. Letterle & Associates, 2022 Axemann Road, Suite 201, Bellefonte, PA 16823, on behalf of Vicere Enterprises, LLC, 11350 Nut Hatch Lane, Petersburg, PA 16669 submitted a Remedial Action Plan concerning remediation of soil and groundwater contaminated with petroleum constituents. The report is intended to document remediation of the site to meet the Statewide health standard.

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

Contact: Kim Bontrager, Clerk Typist 3.

Koneski SVC STA, Storage Tank Facility ID # 24-18264, 928 Rasselas Road, Wilcox, PA 15870, Jones Township, **Elk County**. Core Environmental Services, Inc., 3960 William Flinn Highway, Suite 100, Allison Park, PA 15101, on behalf of Mary Smith, 928 Rasselas Road, Wilcox, PA 15870, submitted a Remedial Action

Plan concerning remediation of soil and groundwater contaminated with benzene, ethylbenzene, cumene, MTBE, naphthalene, toluene and xylenes. The plan is intended to document the remedial actions for meeting the Statewide health standard and site-specific standard.

Sacketts Svc, Storage Tank Facility ID # 43-12987, 3140 East State Street, Hermitage, PA 16148, City of Hermitage, **Mercer County**. RAR Engineering Group, 1135 Butler Avenue, New Castle, PA 16101, on behalf of Sacketts Service, 3140 East State Street, Hermitage, PA 16148 submitted a Remedial Action Completion Report concerning remediation of soil and groundwater contaminated with petroleum constituents (unleaded gasoline). The report is intended to document remediation of the site to meet the Site-Specific Standard.

Brockway Cardlock, Storage Tank Facility ID # 33-90932, 2514 Route 219, Brockway, PA 15824, Snyder Township, **Jefferson County**. Letterle & Associates Inc., 2022 Axemann Road, Suite 201, Bellefonte, PA 16823, on behalf of Tanks Pumps & Accessories, Inc., 12475 Route 119 Highway North, Rochester Mills, PA 15771, submitted a Remedial Action Completion Report concerning remediation of groundwater contaminated with benzene, ethylbenzene, cumene, MTBE, naphthalene, toluene, 1,2,4 TMB, 1,3,5, TMB and xylenes. The report is intended to document remediation of the site to meet the Statewide health standard.

Penelec Bradford Office, Storage Tank Facility ID # 42-31826, 475 High Street, Bradford, PA 16701, Bradford Township, **McKean County**. Environmental Remediation & Recovery, Inc., 4250 Route 6N, Edinboro, PA 16412, on behalf of First Energy Corporation, 800 Cabin Hill Drive, Greensburg, PA 15601, submitted a Remedial Action Completion Report concerning remediation of groundwater contaminated with benzene, ethylbenzene, cumene, MTBE, naphthalene, toluene, 1,2,4 TMB, 1,3,5, TMB and xylenes. The report is intended to document remediation of the site to meet the Statewide health standard.

CORRECTIVE ACTION UNDER ACT 32, 1989

PREAMBLE 3

The DEP has taken action on the following plans and reports under the Storage Tank and Spill Prevention Act (35 P.S. §§ 6021.101—6021.2104).

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

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

non-residential exposure factors, a description of the remediation performed and summaries of sampling methodology and analytical results which demonstrate that the remediation has attained the cleanup standard selected.

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

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

The DEP has received the following plans and reports:

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

Contact: Richard Staron, Professional Geologist Manager.

Amer Airlines, US Air, Atlantic Aviation SVC, 23-43776, 23-44850 & 51-16976. Philadelphia International Airport, Philadelphia, PA 19153, Tincum Township, **Delaware County and City of Philadelphia**. Langan Engineering and Environmental Services, Inc., 1818 Market Street, Suite 3300, Philadelphia, PA 19103, on behalf of American Airlines Group, 4255 Amon Carter Boulevard, MD 4285, Fort Worth TX 76155-2664 submitted a Remedial Action Completion Report concerning remediation of soil and groundwater contaminated with unleaded gasoline. The report demonstrated attainment of residential Statewide health standards and was approved by DEP on February 26, 2021.

Mervine Svc Ctr, 46-43324, 1258 N. Charlotte St., Pottstown, PA 19464, Lower Pottsgrove Township, **Montgomery County**. Reliance Environmental, Inc., 235 N. Duke St., Lancaster, PA 17602, on behalf of CJD Group, LLC, 1700 Oregon Pike, Lancaster, PA 17601 submitted a Remedial Action Plan concerning remediation of soil and groundwater contaminated with unleaded gasoline and used motor oil. The Remedial Action Plan was acceptable to meet nonresidential Statewide health and site-specific standards was approved by the DEP on February 26, 2021.

Northeast Region: Environmental Cleanup & Brownfields Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915, 570-826-2511.

Contact: Eric Supey, Environmental Program Manager.

Varsity Pit Stop, Storage Tank ID # 35-08950, 438 West Drinker Street, Dunmore Borough, **Lackawanna County**. LaBella, 1000 Dunham Drive, Suite B, Dunmore, PA 18512, on behalf of Ronald Sompel, 800 Johns Drive, Moosic, PA 18507, submitted a revised Remedial Action Plan concerning remediation of groundwater contaminated with gasoline. The revised Remedial Action Plan was acceptable to meet Statewide health standards and was approved by DEP on March 1, 2021.

Former Werley's Gulf Station, Storage Tank ID # 39-21260, 5204 Tilghman Street, Allentown, PA 18101, Upper Macungie Township, **Lehigh County**. Synergy Environmental, 155 Railroad Plaza, Royersford, PA 19468, on behalf of the Daniel Kuhns, 5204 Tilghman Street, Allentown, PA 18101, has submitted a Remedial Action Plan concerning remediation of soil and groundwater contaminated with petroleum. The Remedial Action

Plan was not acceptable to meet Statewide health standards and was disapproved by DEP on February 29, 2021.

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

Contact: Cynthia Stine, Licensed Professional Geologist.

All American Truck Stop, Storage Tank Facility ID # 05-07847, 167 Post House Road, East Providence Township, **Bedford County**. Keystone Environmental Health and Safety Services, Inc., LLC, 1111 12th Avenue, Altoona, PA 16601, on behalf of Bedford County Oil Company, 167 Post House Road, Breezewood, PA 15533 submitted a Remedial Action Plan concerning remediation of soil and groundwater contaminated with petroleum. The Remedial Action Plan was acceptable to meet a combination of the Statewide health standard and the site-specific standard and was approved by DEP on February 25, 2021.

Contact: Michael Stefanic, L.P.G.

Hutter's Store, Storage Tank Facility ID # 38-60245, 1041 Maple Street, Lebanon, PA 17046-3442, Lebanon City, **Lebanon County**. EnviroTrac, Ltd., 176 Thorn Hill Road, Warrendale, PA 16365, on behalf of Mahi Enterprises, 1041 Maple Street, Lebanon, PA 17046-6442, submitted a Remedial Action Plan concerning remediation of Soil and Groundwater contaminated with Petroleum Compounds. The Remedial Action Plan was acceptable to meet the Statewide health and site-specific standards and was approved by DEP on February 25, 2021.

Contact: Cherie Campbell, Soil Scientist.

Sunoco Marietta Avenue, Storage Tank Facility ID # 36-20447, 2141 Marietta Avenue, Lancaster, PA 17603-2207, East Hempfield Township, **Lancaster County**. Liberty Environmental, Inc., 505 Penn Street, Suite 400, Reading, PA 19601, on behalf of Shahmeer Hissan, Inc., 6025 Carlisle Pike, Mechanicsburg, PA 17050 submitted a Remedial Action Plan concerning remediation of groundwater contaminated with petroleum. The Remedial Action Plan was acceptable to meet the Site-Specific Standard and was approved by DEP on March 5, 2021.

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

Contact: Kim Bontrager, Clerk Typist 3.

Koneski SVC Sta, Storage Tank Facility ID # 24-18264, 928 Rasselas Road, Wilcox, PA 15870, Jones Township, **Elk County**. Core Environmental Services, Inc., 3960 William Flinn Highway, Suite 100, Allison Park, PA 15101, on behalf of Mary Smith, 928 Rasselas Road, Wilcox, PA 15870, submitted a Remedial Action Plan concerning remediation of soil and groundwater contaminated with benzene, ethylbenzene, cumene, MTBE, naphthalene, toluene and xylenes. The Remedial Action Plan was acceptable to meet the Site-Specific and Statewide health standards and was approved by DEP on February 26, 2021.

Sacketts Svc, Storage Tank Facility ID # 43-12987, 3140 East State Street, Hermitage, PA 16148, City of Hermitage, **Mercer County**. RAR Engineering Group, 1135 Butler Avenue, New Castle, PA 16101, on behalf of Sacketts Service, 3140 East State Street, Hermitage, PA 16148 submitted a Remedial Action Completion Report concerning remediation of soil and groundwater contaminated with petroleum constituents (unleaded gasoline). The Remedial Action Completion Report demonstrated attainment of the Site-Specific Standard and was approved by DEP on February 26, 2021.

Brockway Cardlock, Storage Tank Facility ID # 33-90932, 2514 Route 219, Brockway, PA 15824, Snyder Township, **Jefferson County**. Letterle & Associates Inc., 2022 Axemann Road, Suite 201, Bellefonte, PA 16823, on behalf of Tanks Pumps & Accessories, Inc., 12475 Route 119 Highway North, Rochester Mills, PA 15771, submitted a Remedial Action Completion Report concerning remediation of groundwater contaminated with benzene, ethylbenzene, cumene, MTBE, naphthalene, toluene, 1,2,4 TMB, 1,3,5, TMB and xylenes. The Remedial Action Completion Report demonstrated attainment of the State-wide health standard and was approved by DEP on February 26, 2021.

SPECIAL NOTICES

WASTE MANAGEMENT

MUNICIPAL WASTE DEMONSTRATION PROJECT FINAL REPORT

The following notice(s) is placed through the Department of Environmental Protection as required by 25 Pa. Code § 271.505.

Final report(s) on the effectiveness of a demonstration project received under the Solid Waste Management Act (35 P.S. §§ 6018.101—6018.1003).

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

Permit Application No. 101713. Pioneer Aggregates, Inc., 220 S. River Street, Plains, PA 18705, Fell Township, **Lackawanna County**. Pioneer Aggregates has submitted a final report detailing the results of their municipal waste demonstration project for the use of construction and demolition (C/D) fines mixed with Portland Cement for mine reclamation. Pioneer Aggregates intends to use the results of the demonstration project to seek approval of a Statewide Beneficial Use General Permit for the long-term use of the C/D fine Portland Cement mixture for mine reclamation at the Simpson Quarry site and other abandoned pre-Act coal and non-coal mining sites and for other construction activities. The final report is available for review on the Department's website at <https://www.dep.pa.gov/About/Regional/Northeast-Regional-Office/Community%20Information/Pages/Pioneer-Aggregates.aspx>.

Comments concerning the final report should be directed to Roger Bellas, Regional Waste Management Program Manager, Department of Environmental Protection, Northeast Regional Office, 2 Public Square, Wilkes-Barre, PA 18701-1915. TDD users may contact the Department through the Pennsylvania Hamilton Relay Service, (800) 654-5984. Public comments must be submitted within 60 days of this notice.

RADIATION PROTECTION

Notice of Certification to Perform Radon-Related Activities in Pennsylvania.

In the month of February 2021, Department of Environmental Protection of the Commonwealth of Pennsylvania, under the authority contained in the Radon Certification Act, act of July 9, 1987, P.L. 238, No. 43 (63 P.S. §§ 2001—2014) and regulations promulgated thereunder at 25 Pa. Code Chapter 240, has certified the persons listed below to perform radon related activities in Pennsylvania. The period of certification is two years. (For a complete list of persons currently certified to perform radon-related activities in Pennsylvania and for information as to the specific testing devices that persons certified for testing or laboratory are certified to use, contact the Bureau of Radiation Protection, Radon Division, P.O. Box 8469, Harrisburg, PA 17105-8469, (1-800-23RADON).

<i>Name</i>	<i>Address</i>	<i>Certification</i>
Armored Home Inspections	1451 N Hanover Street Pottstown, PA 19464	Test Firm
Bancroft, Jason	P.O. Box 261 Gilbertsville, PA 19525	Test Ind
Burgess, Randall	P.O. Box 75 Perkiomenville, PA 18074	Test Ind
Carney Jr., James	P.O. Box 595 Horsham, PA 19044	Test Ind
Catanzareti, Bernard	1177 Dewalt Drive Easton, PA 18040	Test Ind
Connor	1421 Clarkview Road, # 100 Baltimore, MD 21209	Test Firm
Cowan, David	1735 Old Plains Road Pennsburg, PA 18073	Test Ind
Eichenlaub, Bruce	535 Derr Hill Road Lock Haven, PA 17745	Test Ind
Golubosky, Lindsey	681 E Watson Street Bedford, PA 15522	Test Ind
JCN Radon Services	613 Zimmermans Hollow Road Sunbury, PA 17801	Mit Firm
Kerrigan, John	100 Old Kennett Square Wilmington, DE 19807	Test Ind

<i>Name</i>	<i>Address</i>	<i>Certification</i>
Lavigne, Ronald	1403 Main Street Shoemakersville, PA 19555	Test Ind, Mit Ind
Muller, Paul	156 Ridge Avenue Freedom, PA 15042	Mit Ind
Niles, Curtis	1451 N Hanover Street Pottstown, PA 19464	Test Ind
O'Connor, John	1270 Keysville Road South Kaymer, MD 21757	Test Ind
Olinchak, Gary	512 Smiley Street Crum Lynne, PA 19022	Mit Ind
Peach Inspections, Inc.	P.O. Box 70 Wagontown, PA 19376	Test Firm
Pillar To Post Home Inspectors	1689 Crown Avenue, Suite 6B Lancaster, PA 17601	Test Firm
Precision Inspections and Radon Solutions	4900 Carlisle Pike, #277 Mechanicsburg, PA 17050	Mit Firm
Pro-Lab	1675 N Commerce Parkway Weston, FL 33326	Test Lab
Quealy, Kevin	1535 W Pearson Street, Unit 1E Chicago, IL 60642	Test Ind
RHIS, Inc.	100 Old Kennett Square Wilmington, DE 19807	Test Firm
Ritko, Chris	1208 Rebecca Drive Johnstown, PA 15902	Test Ind
Robinson, Steven	P.O. Box 70 Wagontown, PA 19376	Test Ind
Scheer, Gregory	474 McCollum Road Montrose, PA 18801	Test Ind, Mit Ind
Shirley, Alan	550 S Mountain Road, Apt 4 Dillsburg, PA 17019	Test Ind
Spotlight Home Inspection LLC	P.O. Box 75 Perkiomenville, PA 18074	Test Firm
Wentz, Brian	6235 Warren Avenue Harrisburg, PA 17112	Test Ind

WATER PROGRAMS

NOTICE OF PUBLIC HEARING, TRI-COUNTY LANDFILL, INC., NPDES PERMIT APPLICATION PA0263664, LIBERTY & PINE TOWNSHIPS, MERCER COUNTY

Tri-County Landfill NPDES Permit Application Virtual Hearing.

Northeast Regional Office, 230 Chestnut Street, Meadville, PA 16335.

The DEP's Northwest Region Office has received a request for a public hearing concerning Tri-County Landfill, Inc.'s NPDES permit application for industrial waste discharges, with anticipated construction of a leachate treatment plant to treat leachate generated from the re-opening of the existing closed municipal waste landfill called Tri-County Landfill in Liberty and Pine Township, Mercer County. 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 public hearing for Thursday, April 15, 2021 beginning at 6:00 PM. The hearing will end at 9:00 PM or earlier if no additional commenters are present.

The application is for a new NPDES permit for a new discharge of treated Industrial Waste. The receiving stream(s), Unnamed Tributaries to Black Run, is in State Water Plan watershed 20-C and is classified for Cold Water Fishery, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies. In addition, the permit contains the following major special conditions: WQBELs Below Quantitation Limits, Chemical Additives, Requirements Applicable to Stormwater Outfalls and Landfill Leachate Discharge.

Individuals who wish to observe or present testimony at the informal conference must contact Tom Decker at 814-573-3709 or thomadecke@pa.gov a minimum of 24 hours in advance of the hearing to reserve a time to present testimony. Testimony will be limited to three minutes. DEP asks that each organization designate one speaker per group and reminds those presenting that time may not be shared or relinquished to others. Individuals providing testimony are requested to submit a written copy of their verbal testimony by e-mail to RA-EPNPDES_NWRO@pa.gov after providing testimony at the hearing.

The WebEx information for the virtual public hearing will be available through the Public Participation tab on DEP's website at www.dep.pa.gov (select "Public Partici-

pation”). Individuals who register for the event will receive the link and instructions on how to join via email. Video demonstrations and screen sharing by witnesses will not be permitted.

Individuals wishing to attend who require an auxiliary aid, service or other accommodation to participate should contact Tom Decker. The Pennsylvania Hamilton 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 Tom Decker at the previously listed number.

WATER PROGRAMS

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. Section 401 of the Federal Water Pollution Control Act (FWPCA) (33 U.S.C.A. § 1341) requires the Commonwealth to certify that the involved projects will not violate the 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 of the FWPCA, the issuance of a Dam Permit or Water Obstruction and Encroachment Permit or the approval of an Environmental Assessment shall submit comments, suggestions or objections within 30 days of the date of this notice as well as any questions to the Regional Permit Coordination Office as noted before 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.

More information regarding the permit applications related to this proposed project may be available online (dep.pa.gov/pipelines) or in the Department’s Regional Permit Coordination Office. The Department’s Regional Permit Coordination Office can be contacted at 717-772-5987 or RA-EPREGIONALPERMIT@pa.gov.

Comments on the applications can be emailed or sent via postal mail to the Department of Environmental Protection, Regional Permit Coordination Office, Rachel Carson Building, 400 Market Street, 10th Floor, Harrisburg, PA 17101, RA-EPREGIONALPERMIT@pa.gov.

Persons with a disability that require an auxiliary aid, service or other accommodation should contact the specified Department office. TDD users may contact the Department through the Pennsylvania Hamilton Relay Service at (800) 654-5984.

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(a) of the FWPCA.

PUBLIC NOTICE OF APPLICATION AND DRAFT STATE WATER QUALITY CERTIFICATION FOR A FERC REGULATED PIPELINE PROJECT

Proposed State Water Quality Certification Required by the Commonwealth of Pennsylvania, Department of Environmental Protection Pursuant to Section 401 of the Clean Water Act for the East 300 Upgrade Project-Compressor Station 321.

Regional Permit Coordination Office: 400 Market Street, Harrisburg, PA 17101, Email: RA-EPREGIONALPERMIT@pa.gov.

WQ5883220-001, Tennessee Gas Pipeline Company, LLC, 1001 Louisiana Street, Suite 1000, Houston, TX 77002, East 300 Upgrade Project, in Clifford Township, **Susquehanna County**, U.S. Army Corps of Engineers, Baltimore District. The proposed project is located at 124 Tennessee Gas Road (Latitude: 41.7119°; Longitude: -75.5996°).

On June 30, 2020, Applicant filed an application with the Federal Energy Regulatory Commission (FERC) under Section 7 of the Natural Gas Act (15 U.S.C.A. § 717f) seeking a certificate of public convenience and necessity to construct and operate its Project (FERC Docket No. CP20-493-000). The FERC Environmental Assessment for the Project, which was issued on February 2, 2021, may be viewed on FERC’s website at www.ferc.gov (search eLibrary; Docket Search; CP20-493-000).

September 30, 2020, Applicant requested a state water quality certification (SWQC) from the Pennsylvania Department of Environmental Protection (PADEP), as required by Section 401 of the Clean Water Act (33 U.S.C.A. § 1341), to ensure that the construction, operation and maintenance of the Project will protect water quality in Pennsylvania consistent with the requirements of State law and the Clean Water Act.

Project activities in Pennsylvania consist of the modification to existing Compressor Station 321 in Susquehanna County. An existing building will be expanded to accommodate a new compressor unit and auxiliary facilities. The proposed modifications require installation of underground piping and modifications to the existing stormwater management system. The Project will require approximately 27 acres of earth disturbance and impacts to approximately 0.047 acre of an isolated PEM wetland.

PADEP, by this notice, is proposing to issue a SWQC to Tennessee Gas Pipeline Company, LLC for the East 300 Upgrade Project. PADEP is proposing to certify that construction, operation and maintenance of the East 300 Upgrade Project complies with the applicable provisions of sections 301–303, 306 and 307 of the Federal Clean Water Act (33 U.S.C.A. §§ 1311–1313, 1316 and 1317). The PADEP is proposing to further certify that the construction, operation and maintenance of the East 300 Upgrade Project complies with Pennsylvania water quality standards and will maintain and protect applicable Commonwealth water quality standards provided that the construction, operation and maintenance of the project complies with the following PADEP water quality permitting programs, criteria and conditions established pursuant to Pennsylvania law:

1. *Discharge of Hydrostatic Test Water*—Applicant shall obtain and comply with a National Pollutant Discharge Elimination System (NPDES) permit(s) for the discharge of water from the hydrostatic testing of the pipeline associated with the Project pursuant to Pennsylvania’s Clean Streams Law (35 P.S. §§ 691.1–691.1001),

25 Pa. Code Chapter 92a (relating to NPDES permitting, monitoring and compliance), and all other applicable regulations.

2. *Erosion and Sediment Control and Stormwater Management*—All projects proposing earth disturbance must implement best management practices (BMPs) to protect and maintain water quality pursuant to Pennsylvania's Clean Streams Law (35 P.S. §§ 691.1—691.1001) and Storm Water Management Act (32 P.S. §§ 680.1—680.17), 25 Pa. Code Chapter 102 (relating to erosion and sediment control), and all other applicable regulations. Applicant shall obtain and comply with an Erosion and Sediment Control Permit(s) for earth disturbance associated with the Project as provided in 25 Pa. Code § 102.5.

3. *Water Obstruction and Encroachment Permits*—Applicant shall obtain and comply with a Water Obstruction and Encroachment Permit(s) for the construction, operation and maintenance of all stream and wetland crossings associated with the Project pursuant to Pennsylvania's Clean Streams Law, Dam Safety and Encroachments Act (32 P.S. §§ 693.1—693.27), and Flood Plain Management Act (32 P.S. §§ 679.101—679.601), 25 Pa. Code Chapter 105 (relating to dam safety and waterway management), 25 Pa. Code Chapter 106 (relating to floodplain management), and all other applicable regulations.

4. *Other Water Quality Requirements*—Applicant shall obtain any other permits, authorizations or approvals required to construct, operate, and maintain the Project from any interstate or international agency as required by an interstate compact or international agreement that has established water quality standards applicable to surface waters of this Commonwealth, including wetlands.

5. *Water Quality Monitoring*—PADEP retains the right to specify additional studies or monitoring to ensure that water quality in the receiving waters associated with the Project is not adversely impacted by any operational and construction process that may be employed by Applicant.

6. *Operation*—At all times, Applicant shall properly operate and maintain all Project facilities and systems of treatment and control (and related appurtenances) installed to achieve compliance with the terms and conditions of this SWQC and all required permits, authorizations and approvals. Proper operation and maintenance includes adequate laboratory controls, appropriate quality assurance procedures, and the operation of backup or auxiliary facilities or similar systems installed by Applicant.

7. *Inspection*—The Project, including all relevant records, are subject to inspection at reasonable hours and intervals by an authorized representative of PADEP or the delegated County Conservation District to determine compliance with this SWQC, including all permits, authorizations or approvals issued to ensure the project shall maintain and protect state water quality standards as required by this SWQC. Applicant shall provide a copy of this SWQC to an authorized representative conducting an inspection of the Project.

8. *Transfer of Projects*—If Applicant intends to transfer any legal or equitable interest in the Project or any portion(s) thereof, Applicant shall provide a copy of this SWQC and copies of any permits, authorizations or approvals obtained to comply with the SWQC upon the prospective transferee of the legal and equitable interest at least thirty (30) days prior to the contemplated transfer and shall simultaneously inform the appropriate

PADEP Office of such intent. Notice to PADEP shall include a transfer agreement signed by the existing and new owners containing a specific date for transfer of responsibility, coverage, and liability under the SWQC and any permits, authorizations and approvals obtained to comply with the SWQC. The new owner shall submit to PADEP a new application form for the SWQC and any permits, authorizations and approvals required to comply with the SWQC signed by the new owner.

9. *Correspondence*—All correspondence with and submittals to PADEP concerning this SWQC shall be addressed to the Department of Environmental Protection, Regional Permit Coordination Office, Domenic Rocco, PE, Director, 400 Market Street, Harrisburg, PA 17101, RA-EPREGIONALPERMIT@pa.gov.

10. *Reservation of Rights*—PADEP may modify, suspend or revoke this SWQC if (i) PADEP becomes aware of new facts about the Project that warrant such action; or (ii) PADEP determines that Applicant has not complied with the terms and conditions of this SWQC. PADEP may require additional measures to achieve compliance with any applicable law or regulation.

11. *Other Laws*—Nothing in this SWQC shall be construed to preclude the institution of any legal action or to relieve Applicant from any responsibilities, liabilities, or penalties established pursuant to any applicable law or regulation.

12. *Severability*—The provisions of this SWQC are severable and should any provision of this SWQC be declared invalid or unenforceable, the remainder of the SWQC shall not be affected thereby.

WATER OBSTRUCTIONS AND ENCROACHMENTS

Regional Permit Coordination Office: 400 Market Street, Harrisburg, PA 17101, Email: RA-EPREGIONALPERMIT@pa.gov.

GP055883220-035. Tennessee Gas Pipeline Company, LLC, 1001 Louisiana Street, Suite 1000, Houston, TX 77002, East 300 Upgrade Project in Clifford Township, **Susquehanna County**, U.S. Army Corps of Engineers, Baltimore District.

The Project includes the construction and maintenance of an 8-inch diameter compressor casing blow down pipe and a 12-inch diameter suction blow down pipe, across an isolated wetland, temporarily impacting approximately 0.047-acre of the PEM wetlands. The proposed project is located at the Tennessee Gas Compressor Station 321 site at 124 Tennessee Gas Road (Latitude: 41.7119°; Longitude: -75.5996°).

EROSION AND SEDIMENT CONTROL

The following parties have applied for Erosion and Sediment Control Permits for earth disturbance associated with oil and gas exploration, production, processing, or treatment operations or transmission facilities.

Unless otherwise indicated, on the basis of preliminary review and application of lawful standards and regulations, the Department proposes to issue a permit to discharge, subject to certain limitations in the permit conditions. These proposed determinations are tentative. Limitations are provided as erosion and sediment control best management practices which restrict the rate and quantity of sediment discharged.

Applications received under sections 5 and 402 of The Clean Streams Law (35 P.S. §§ 691.5 and 691.402).

Regional Permit Coordination Office: 400 Market Street, Harrisburg, PA 17101, Email: RA-EPREGIONALPERMIT@pa.gov.

ESG835820001-00. The Department of Environmental Protection (Department) provides notice of receipt of an application for a Chapter 102, Erosion and Sediment Control General Permit for Earth Disturbance Associated with Oil and Gas Exploration, Production, Processing or Treatment Operations or Transmission Facilities. The application is currently under technical review for the East 300 Upgrade Project, which will

consist of upgrades to an existing compressor station site. The project is located in Clifford Township, **Susquehanna County**.

This authorization is required for earth disturbance activities associated with oil and gas exploration, production, processing or treatment operations or transmission facilities when earth disturbance is five acres or greater. Review of this application is being coordinated among the Department and the associated county conservation districts.

The application under review is as follows:

<i>Permit No.</i>	<i>Applicant Name & Address:</i>
ESG835820001-00	Tennessee Gas Pipeline Company, LLC 1001 Louisiana Street Suite 1000 Houston, TX 77002

<i>Counties:</i>	<i>DEP Office:</i>
Susquehanna County	Regional Permit Coordination Office

PUBLIC COMMENTS FOR WATER OBSTRUCTIONS AND ENCROACHMENTS, STATE WATER QUALITY CERTIFICATION AND EROSION AND SEDIMENT CONTROL

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

Following the 30-day comment period, the program manager from the appropriate Department office will make a final determination regarding the proposed permit. Notice of this determination will be published in the *Pennsylvania Bulletin* at which time this determination may be appealed to United States Court of Appeals for the 3rd Circuit, 21400 U.S. Courthouse, 601 Market Street, Philadelphia, PA 19106-1790.

More information regarding the permit applications related to this proposed project may be available online (dep.pa.gov/pipelines) or in the Department's Regional Permit Coordination Office. The Department's Regional Permit Coordination Office can be contacted at 717-772-5987 or RA-EPREGIONALPERMIT@pa.gov.

Comments on the applications can be emailed or sent via postal mail to the Department of Environmental Protection, Regional Permit Coordination Office, Rachel Carson Building, 400 Market Street, 10th Floor, Harrisburg, PA 17101, RA-EPREGIONALPERMIT@pa.gov.

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

WATER PROGRAMS

EROSION AND SEDIMENT CONTROL PERMITS

The following parties have applied for Erosion and Sediment Control Permits for earth disturbance associated with oil and gas exploration, production, processing, or treatment operations or transmission facilities.

Unless otherwise indicated, on the basis of preliminary review and application of lawful standards and regulations, the Department proposes to issue a permit to discharge, subject to certain limitations in the permit conditions. These proposed determinations are tentative. Limitations are provided as erosion and sediment control best management practices which restrict the rate and quantity of sediment discharged.

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

Following the 30-day comment period, the program manager from the appropriate Department office will make a final determination regarding the proposed permit. Notice of this determination will be published in the *Pennsylvania Bulletin* at which time this determination may be appealed to United States Court of Appeals for the 3rd Circuit, 21400 U.S. Courthouse, 601 Market Street, Philadelphia, PA 19106-1790.

The application and related documents, including the erosion and sediment control plan for the earth disturbance activity, are on file and may be inspected at the appropriate Department office.

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

Applications received under sections 5 and 402 of The Clean Streams Law (35 P.S. §§ 691.5 and 691.402).

Southeast Regional Office: Waterways and Wetlands Program, 2 East Main Street, Norristown, PA 19401, John Hohenstein, PE, Program Manager; 484-250-5900.

ESG010019001 A-1. The Department of Environmental Protection (Department) provides notice of receipt of an application for a Chapter 102, Erosion and Sediment Control General Permit for Earth Disturbance Associated with Oil and Gas Exploration, Production, Processing or Treatment Operations or Transmission Facilities. The application is currently under technical review for **Adelphia Gateway Project—Phase 1 Major Permit Amendment.**

The Adelphia Gateway Pipeline is an 84-mile pipeline that runs from Martins Creek to Marcus Hook. Revisions to the following sites are included in this Amendment: Quakertown Compressor Station, Skippack Meter Station, Cromby Blowdown, Mainline Valve 2, Chester Creek Blowdown, Transco Meter Station, and Marcus Hook Compressor Station. Site revisions are highlighted as follows:

Quakertown Compressor Station: Proposed impervious coverage increased from 0.326 AC to 0.390 AC (+0.064 AC) due to addition of several equipment buildings and concrete pads. The footprint of the PCSM BMP was revised due to conflict with proposed equipment buildings. The limit of disturbance (LOD) increased from 4.15 AC to 6.93 AC (+2.78 AC) due to additional and revised temporary workspaces adjacent to the Quakertown Compressor Station.

Skippack Pike Meter Station: The LOD increased from 0.267 AC to 0.365 AC (+0.098 AC). The LOD was increased to extend the driveway access to Skippack Pike. The entire LOD will be restored to existing conditions.

Schulkyill River Blowdown: The LOD increased from 0.931 AC to 1.454 AC (+0.523 AC). The LOD was increased to shift the access along the existing Schulkyill River Trail, from Cromby Blowdown to the valve site. The entire LOD will be restored to existing conditions.

Cromby Blowdown: The LOD increased from 0.137 AC to 0.385 AC (+0.248 AC). The LOD was increased to extend for site access along a stabilized gravel drive. The entire LOD will be restored to existing conditions.

French Creek Blowdown: The LOD was increased from 0.588 AC to 0.640 AC (+0.052 ac). The LOD was decreased to provide site access from a driveway off the cul-de-sac of Powder Mill Drive. The entire LOD will be restored to existing conditions.

Main Line Valve 2: The LOD increased from 0.084 AC to 0.117 AC (+0.033 AC). The LOD was increased to extend the site for access. The entire LOD will be restored to existing conditions.

Chester Creek Blowdown: The LOD increased from 0.094 AC to 0.526 AC (+0.432 AC). The LOD was increased to extend the site access along a stabilized gravel drive. The entire LOD will be restored to existing conditions.

Transco Meter Station: Proposed impervious coverage increased from 0.10 AC to 0.15 AC (+0.05 AC) due to addition of several equipment buildings and concrete pads. The footprint of the PCSM BMP was revised due to conflict with proposed equipment buildings. The LOD increased from 0.859 AC to 1.088 AC (+0.229 AC) due to the realignment of the outfall pipe and additional work-space required for the tap from Ridge Rd and along Fed Ex Dr.

Marcus Hook Compressor Station: Proposed impervious coverage increased from 1.16 AC to 1.22 AC (+0.06 AC) due to addition of several equipment buildings and concrete pads. The limit of disturbance (LOD) increased from 6.24 AC to 6.34 AC (+0.10 AC) due to the replacement of curbing along Ridge Road.

This authorization is required for earth disturbance activities associated with oil and gas exploration, production, processing or treatment operations or transmission facilities when earth disturbance is five acres or greater. Review of this application is being coordinated among the Department and the associated county conservation districts.

The application under review is as follows:

<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Counties</i>	<i>DEP Office</i>
ESG010019001 A-1 Amendment	Adelphia Gateway, LLC 1415 Wyckoff Road Wall, NJ 07719	Bucks, Chester, Delaware, and Montgomery	Southeast Regional Office

More detailed information regarding the permit applications related to this proposed project is available in the Department's Southeast Regional Office at 2 East Main Street, Norristown, PA 19401 and available online (dep.pa.gov/pipelines). Contact the Department's Southeast Regional Office File Review Coordinator at 484-250-5900 to request a file review.

Comments on the applications can be emailed or sent via postal mail to the Department of Environmental Protection, Southeast Regional Office, Waterways and Wetlands Program, 2 East Main Street, Norristown, PA 19401, ra-epww-sero@pa.gov.

**TMDL
REQUEST FOR COMMENT**

Proposed Total Maximum Daily Loads (TMDLs) for the Plum Creek Subwatershed in Blair County.

Central Office: Bureau of Clean Water, P.O. Box 8774, Harrisburg, PA 17105-8774.

The Department of Environmental Protection will accept comments on the proposed "TMDLs" developed for the Plum Creek Subwatershed in Blair County under Section 303(d) of the Clean Water Act. The Pennsylvania Integrated Water Quality Monitoring and Assessment Report included stream segments impaired for aquatic life in the watershed. The impairments addressed by this document were caused by excessive siltation due to agriculture.

There currently are no State or Federal in-stream numerical water quality criteria for sediment. Therefore, the Department utilized a reference watershed approach to implement the applicable narrative criteria. The proposed TMDL document sets allowable loading of sediment in the Plum Creek Subwatershed. The "TMDLs" included allocations for nonpoint sources, reserves for future point sources, as well as margin of safety factors. Nonpoint source load allocations were made for cropland, hay/pasture land, and streambank source sectors present in the watershed. Data used in establishing the TMDL were primarily generated using a water quality analysis model (Model My Watershed) made available through the Stroud Water Research Center.

The following table shows the estimated current sediment loadings within the watershed, the prescribed "TMDL" values, and % reductions needed under annual average conditions.

<i>Summary of "TMDL"—Based Load Reductions (expressed as annual averages) in the Plum Creek Subwatershed</i>				
<i>Watershed</i>	<i>Pollutant</i>	<i>Existing Load (lbs/yr)</i>	<i>"TMDL" (lbs/yr)</i>	<i>% Reduction</i>
Plum Creek	Sediment	4,376,856	1,397,496	68

The following table shows the estimated current sediment loading within the watershed, the prescribed "TMDL" values, and % reductions needed under 99th percentile daily loading conditions.

<i>Summary of "TMDL"—Based Load Reductions (expressed as 99th percentile daily loading) in the Plum Creek Subwatershed</i>				
<i>Watershed</i>	<i>Pollutant</i>	<i>Existing Load (lbs/d)</i>	<i>TMDL (lbs/d)</i>	<i>% Reduction</i>
Plum Creek	Sediment	183,371	49,336	73

The proposed TMDL document can be viewed at <http://www.dep.state.pa.us/dep/deputate/watermgt/wqp/wqstandards/tmdl/PlumCreekSedimentTMDL.pdf>.

Otherwise, copies of the proposed TMDL document or supporting information may be requested by emailing Michael Morris at michamorri@pa.gov.

Written/typed comments will be accepted at the above email address. Comment submissions must be submitted within 30 days after publication of this notice in the March 13, 2021 issue of the *Pennsylvania Bulletin*. The Department will consider all written/typed comments submitted within the deadline prior to submitting the final TMDL to EPA for approval. To ensure timely receipt of comments given the office closure and work from home order, please do not mail hard copies of comments. Rather please submit them by email at michamorri@pa.gov. If comments cannot be emailed, please call Michael Morris at 717.772.5670 to request another method of comment submission.

[Pa.B. Doc. No. 21-381. Filed for public inspection March 12, 2021, 9:00 a.m.]

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Availability of the Non-Regulatory Agenda

In accordance with the Department of Environmental Protection's (Department) Policy for Development and Publication of Technical Guidance, the Department provides notice of the availability of the Non-Regulatory Agenda (Agenda). The Department will publish notice of availability of the Agenda twice a year.

The Agenda serves as a guide and resource to the regulated community, the public, Department staff and members of the Department's advisory committees regarding the focus of the Department's policy development for the coming year. The types of documents listed in the Agenda include policies and technical guidance documents that provide directives, guidance or other relevant compliance-related information.

The Agenda is available on the Department's web site at <https://www.dep.pa.gov/PublicParticipation/Pages/Regulatory-Agendas.aspx> (select "DEP Non-Regulatory Agenda").

Questions regarding the Department's Agenda can be directed to Abbey Cadden, Technical Guidance Coordinator, Department of Environmental Protection, Policy Office, 400 Market Street, P.O. Box 2063, Harrisburg, PA 17105-2063, ra-epthepolicyoffice@pa.gov or (717) 783-8727.

Questions regarding specific documents listed on the Agenda should be directed to the respective contact person listed on the Agenda.

PATRICK McDONNELL,
Secretary

[Pa.B. Doc. No. 21-382. Filed for public inspection March 12, 2021, 9:00 a.m.]

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Availability of Technical Guidance

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

Ordering Paper Copies of Department Technical Guidance

The Department encourages the use of the Internet to view and download TGDs. When this option is not available, persons can order a paper copy of any of the

Department's draft or final TGDs by contacting the Department at (717) 783-8727.

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

Changes to TGDs

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

Rescission of Technical Guidance

DEP ID: 362-0600-001. **Title:** NPDES Program Implementation and Memorandum of Understanding between the Bureau of Mining and Reclamation and Water Quality Protection. **Description:** The purpose of this Memorandum of Understanding was to improve coordination and efficiency in administering the National Pollutant Discharge Elimination System (NPDES) program as it pertained to regulation of discharges from mining activities. This document is no longer necessary due to changes in the relevant Department programs since the document was last updated in 1998.

Contact: Questions regarding this action can be directed to Sean M. Furjanic at sefurjanic@pa.gov or (717) 787-2137.

Effective Date: March 13, 2021

DEP ID: 362-0600-002. **Title:** NPDES Program Implementation and Memorandum of Understanding between the Bureau of Oil and Gas Management and Water Quality Protection. **Description:** The purpose of this Memorandum of Understanding was to improve coordination and efficiency in administering the NPDES program as it pertained to regulation of discharges from oil and gas explorations, operations and development activities. This document is no longer necessary due to changes in the relevant Department programs since the document was published in 1997.

Contact: Questions regarding this action can be directed to Sean M. Furjanic at sefurjanic@pa.gov or (717) 787-2137.

Effective Date: March 13, 2021

PATRICK McDONNELL,
Secretary

[Pa.B. Doc. No. 21-383. Filed for public inspection March 12, 2021, 9:00 a.m.]

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Bond Schedule for the Calculation of Bond Amounts on Noncoal Mining Operations

The Department of Environmental Protection (Department) announces the bond schedule for noncoal mining operations. The authority for bonding noncoal mining operations is found under The Clean Streams Law (35 P.S. §§ 691.1—691.1001), the Noncoal Surface Mining Conservation and Reclamation Act (52 P.S. §§ 3301—3326) and the regulations promulgated thereunder at 25 Pa. Code Chapter 77, Subchapter D (relating to bond-

ing and insurance requirements). The rates listed in this schedule will be used in calculating the bonds for surface noncoal mining operations including surface mines and facilities and the surface facilities of underground mining operations. Other activities, including special revegetation plans, wetland mitigation or stream channel restoration, will be estimated on a case-by-case basis.

Under 25 Pa. Code § 77.202 (relating to determination of bond amount), the Department is providing notice of the bond schedule for bonding noncoal surface mine sites.

The bond schedule reflects the requirement that the amount of bond shall be the estimated cost to the Department if it had to complete the reclamation, restoration and abatement work under the Noncoal Surface Mining Conservation and Reclamation Act. The rates will become effective March 13, 2021, and will remain in effect until they are revised through a subsequent notice.

The bond rate schedules are available at www.dep.pa.gov/Business/Land/Mining/BureauofMiningPrograms/Bonding/Pages/default.aspx. For background information and supporting documentation regarding bonding rate schedules, contact the Bureau of Mining Programs, Division of Permitting and Compliance, P.O. Box 8461, Harrisburg, PA 17105-8461, (717) 787-5103.

General Methodology

The basic approach to bonding large noncoal sites is to apply a flat per acre rate (to cover minor grading and revegetation) and supplement that with bond to account for spoil storage, backfilling, highwall blasting, demolition or other site-specific costs. For mine sites where consolidated material is mined below the water table, the reclamation bond calculation must account for reclamation slopes to a depth of 50 feet below the anticipated post-mining water level.

For sites that can be mined in lateral phases, the operator can choose to bond the permit area by phase. The operator must identify the portion of the permit area on which mining and reclamation activities will occur within the phase. The Department will calculate the bond liability based on the maximum portion of the permitted area that the permittee is authorized to disturb at any specific time. This area is described in the permittee's mining and reclamation plans and must include all the land affected by mining activities that is not planted, growing and stabilized.

Per Acre Rates Applicable to Disturbed (Not Reclaimed Area)

\$3,500 per acre for mining area (This rate includes select grading and revegetation.)

\$1,830 per acre for support areas (This rate includes revegetation.)

Spoil Storage/Earthmoving

The rate of \$1.05 (cost per cubic yard) for grading applies to spoil stored or other additional earthmoving (for example, backfilling for contour mines, subsoil replacement where more than 12 inches of soil is needed to meet post-mining land use or topsoil placement).

Blasting to Achieve the Reclamation Slope

The following rates apply to highwalls where blasting is necessary to achieve the final slope. Blaster's estimates may be used instead of these rates.

Table 1

<i>Highwall/Bench Height (feet)</i>	<i>Cost per Linear Foot of Highwall/Bench</i>
Up to 20	\$10.00
21 up to 30	\$20.00
31 up to 40	\$40.00
41 up to 50	\$55.00
>50	\$75.00

Mine Sealing

Mine sealing costs should be calculated using the Bond Rate Schedule in Table 2.

Table 2

Mine Sealing Bond Rate Schedule¹

Sealing Underground Mine Drift and Slope Openings

<i>Unit Operation</i>	<i>Unit Measure</i>	<i>Unit Costs (\$)</i>
Concrete Work	Cubic Yard	114.00
Masonry Work	Square Foot	16.50
Fill Material and Earthwork	Cubic Yard	19.00
Security Fencing	Lineal Foot	32.50
Mobilization Cost	Job	4% of Total Amount

Sealing Underground Mine Shaft Openings

<i>Unit Operation</i>	<i>Unit Measure</i>	<i>Unit Costs (\$)</i>
Concrete Material	Cubic Yard	110.00
Aggregate Material	Cubic Yard	32.50
Fill Material and Earthwork	Cubic Yard	8.50
Security Fencing	Lineal Foot	32.50
Mobilization Cost	Job	4% of Total Amount

Sealing Boreholes at Underground Mines

<i>Dimension</i>	<i>Minimum Cost Per Hole (\$)</i>	<i>Unit Cost (\$) Per Lineal Foot</i>
12-Inch or Less Diameter	1,850	6.50
Larger Than 12-Inch Diameter	2,450	9.00
Mobilization Cost	Job	4% of Total Amount

¹ Mine sealing costs are minimum costs. Additional costs per mine seal will be assessed based on specific design criteria, such as the thickness of the seal and the volume of backfill material required, using appropriate material, equipment and labor costs from BAMR bid abstracts or from an industry-standard cost estimation publication, for example, *Means Estimating Handbook* or *Walker's Building Estimator's Reference Book*.

Other Items

A flat rate of \$3,800 will be used for each pond requiring reclamation. This rate includes dewatering, grading, topsoil replacement and revegetation.

Large equipment tires remaining at a site will be bonded at \$300 per tire.

Available cost information will be used in the event that a unit operation necessary to calculate a reclamation bond is not listed in the schedule. If enough data is not available, the rate will be set from a standard reference like *Means Building Construction Cost Data* or *Walker's Building Estimator's Reference Book*.

Structure demolition costs for structures that are not compatible with the post-mining land use will be calculated using these references. Structures that have reasonable post-mining uses do not require bonding.

Mobilization

Add 4% of the amount, up to \$40,000, for mobilization costs.

Large Noncoal—Unconsolidated material

Mining of unconsolidated material includes sites where the mining is above and below groundwater. The cost of reclamation for these two types of mining include selective grading to achieve the reclamation slopes and the safety bench around the water impoundment to meet the requirements of 25 Pa. Code § 77.594 (relating to final slopes).

The cost to grade the highwall to the approved reclamation slope above the groundwater table will be calculated based on the area of the highwall (determined by the length of highwall to be reclaimed multiplied by the horizontal width of the reclamation slope) to be reclaimed and the height of the highwall. The Department will use the following rates for bonding permits mining unconsolidated material:

- \$1,700 per acre for mining up to 35 feet
- \$2,400 per acre for 36 to 65 feet
- \$5,000 per acre over 65 feet

The cost to establish the safety bench on water impoundments will be calculated based on the area around the perimeter of the impoundment multiplied by the width of the safety bench. The Department will use \$1,700 per acre for bonding the safety bench.

The Department will use the Bond Rate Schedule for spoil, storage and earthmoving (cost per cubic yard) for sites that will use unmarketable material to achieve the reclamation contours on unconsolidated material mine sites.

Small Noncoal Sites

Category 1: Small Noncoal Permits—affected area is 1 acre or less

For all small noncoal permits with 1 acre or less affected at any time, the bond amount is \$1,500 (one acre affected) and an additional \$2,500 for mobilization/demobilization, for a total of \$4,000. These permits meet the 25 Pa. Code § 77.108(e)(4) (relating to permit for small noncoal operations) standard for concurrent reclamation with no more than 1 acre affected at any time.

Category 2: Small Noncoal Permits with greater than 1 acre affected—consolidated material

For small noncoal permits with greater than 1 acre affected at any time, the following rates* apply:

- \$1,830 per acre for support
- \$3,000 per acre for mining up to 35 feet total depth
- \$4,000 per acre for 36 to 65 feet total depth
- \$5,000 per acre over 65 feet total depth

An additional \$2,500 for mobilization/demobilization must be included.

* These rates assume the highwalls will be blasted for reclamation. Costs for backfilling may be applicable to some sites for which the “Spoil Storage/Earthmoving” rate for noncoal operations will apply.

Category 3: Small Noncoal Permits with greater than 1 acre affected—unconsolidated material

For sand and gravel pits and topsoil mines where the operator has received Department approval for mineral extraction over 1 acre, as specified in 25 Pa.Code § 77.108(e)(4), a flat rate of \$3,500 per acre should be used.

Category 1 and 2 rates apply to the General Permit for Bluestone (GP-105).

Acreage to be rounded up to the nearest whole acre for all calculations.

Effective Date: March 13, 2021

PATRICK McDONNELL,
Secretary

[Pa.B. Doc. No. 21-384. Filed for public inspection March 12, 2021, 9:00 a.m.]

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Rates to be Used for Calculating Long-Term Operation and Maintenance Cost Bonds for Water Supply Replacement—Mining Operations

The Department of Environmental Protection (Department) announces the rates to be used to calculate bond amounts for water supply replacement operation and maintenance costs for anthracite and bituminous coal and industrial mineral mining operations. The authority for bonding mining operations is found under The Clean Streams Law (35 P.S. §§ 691.1—691.1001), the Surface Mining Conservation and Reclamation Act (52 P.S. §§ 1396.1—1396.19b), 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 Noncoal Surface Mining Conservation and Reclamation Act (52 P.S. §§ 3301—3326) and the regulations promulgated thereunder at 25 Pa. Code Chapters 77 and 86 (relating to noncoal mining; and surface and underground coal mining; general).

The rates are used in calculating the water supply operation and maintenance bond amounts for replacement water supplies affected by activities at mining operations including surface mines, coal refuse disposal sites, coal refuse reprocessing sites, coal processing facilities, underground coal mining operations and industrial mineral surface mines. The procedures for calculating water supply operation and maintenance bonds are described in Technical Guidance (DEP ID: 562-4000-102), “Increased Operation and Maintenance Costs of Replacement Water Supplies,” which is available online at <http://www.depgreenport.state.pa.us/elibrary/>.

The Department may review the adequacy of bonds on existing permits at any time. The Department will conduct these reviews before issuing permit renewals. The Department may conduct similar reviews at the midterm of a permit and before approving a permit revision.

Rates

The Department calculated the rate of inflation and rate of return using 5-year averages. For the rate of inflation, the Consumer Price Index (Northeast Urban) from the United States Department of Labor, Bureau of Labor Statistics, was averaged for the calendar years 2016—2020, resulting in a rate of 1.58%. For the rate of return, the interest rate for the 20-year Treasury bill as reported by the Federal Reserve was averaged for the calendar years 2016—2020 resulting in a rate of 2.33%.

For background information and supporting documentation regarding the rates, contact the Bureau of Mining Programs, Division of Permitting and Compliance, P.O. Box 8461, Harrisburg, PA 17105-8461, (717) 787-5103.

Effective Date

The rates in this notice will become effective April 1, 2021. They will remain in effect until new rates are published. It is anticipated new rates will be published in February 2022, to be effective April 1, 2022.

PATRICK McDONNELL,
Secretary

[Pa.B. Doc. No. 21-385. Filed for public inspection March 12, 2021, 9:00 a.m.]

DEPARTMENT OF HEALTH

Ambulatory Surgical Facilities; Requests for Exceptions

The following ambulatory surgical facilities (ASF) have filed requests for exceptions under 28 Pa. Code § 51.33 (relating to requests for exceptions) with the Department of Health (Department), which has authority to license ASFs under the Health Care Facilities Act (35 P.S. §§ 448.101—448.904b). The following requests for exceptions relate to regulations governing ASF licensure in 28 Pa. Code Chapters 51 and 551—571 (relating to general information; and ambulatory surgical facilities).

<i>Facility Name</i>	<i>Regulation and relating to</i>
BMMSA Heart and Vascular Center of the Main Line	28 Pa. Code § 551.21(d)(1)—(3) (relating to criteria for ambulatory surgery)
Doylestown Surgery Center, LLC	28 Pa. Code § 551.21(d)(1)
Lancaster General Hospital Ambulatory Surgical Facility	28 Pa. Code § 553.1 (relating to principle)
	28 Pa. Code § 553.31(a) and (b) (relating to administrative responsibilities)

<i>Facility Name</i>	<i>Regulation and relating to</i>
	28 Pa. Code § 555.1 (relating to principle)
	28 Pa. Code § 555.2 (relating to medical staff membership)
	28 Pa. Code § 555.3(a)—(f) (relating to requirements for membership and privileges)
	28 Pa. Code § 555.4(a)—(c) (relating to clinical activities and duties of physician assistants and certified registered nurse practitioners)
	28 Pa. Code § 557.2(a)—(d) (relating to plan)
	28 Pa. Code § 557.3(a)—(f) (relating to Quality Assurance and Improvement Program)
	28 Pa. Code § 563.1 (relating to principle)
	28 Pa. Code § 563.2(a) and (b) (relating to organization and staffing)
	28 Pa. Code § 569.35(7) (relating to general safety precautions)
Langhorne Surgical Center	28 Pa. Code § 569.35(7)
Physician's Care Surgery Center	28 Pa. Code § 551.21(d)(1)

The following ASF has filed a request for exception under 28 Pa. Code § 571.1 (relating to minimum standards). Requests for exceptions under this section relate to *Guidelines for Design and Construction of Hospitals and of Outpatient Facilities*, as published by the Facility Guidelines Institute (FGI *Guidelines*). The following list includes the citation to the section of the FGI *Guidelines* for which the hospital is seeking an exception and the year of publication.

<i>Facility Name</i>	<i>Guidelines Section and relating to</i>	<i>Yr¹</i>
BMMSA Heart and Vascular Center of the Main Line	2.1-3.5.1.3(1)(d) radiation protection	18-O

¹ 2018 Year FGI Regulations were split into 2 books; *Hospitals, and Outpatient Facilities* as indicated by “-O.”

The previously listed requests are on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@pa.gov. Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the previously listed address. Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, or for speech and/or hearing-impaired persons, call the Pennsylvania Hamilton Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

ALISON BEAM,
Acting Secretary

[Pa.B. Doc. No. 21-386. Filed for public inspection March 12, 2021, 9:00 a.m.]

DEPARTMENT OF HEALTH

Hospitals; Requests for Exceptions

The following hospital has filed a request for exceptions under 28 Pa. Code § 51.33 (relating to requests for exceptions) with the Department of Health (Department), which has authority to license hospitals under the Health Care Facilities Act (35 P.S. §§ 448.101—448.904b). The following request for exceptions relates to regulations governing hospital licensure in 28 Pa. Code Chapters 51 and 101—158 (relating to general information; and general and special hospitals).

<i>Facility Name</i>	<i>Regulation and relating to</i>
Troy Community Hospital, Inc.	28 Pa. Code § 107.62(a) and (b) (relating to oral orders)

The following hospitals have filed requests for exceptions under 28 Pa. Code § 153.1 (relating to minimum standards). Requests for exceptions under this section relate to minimum standards that hospitals must comply with under the *Guidelines for Design and Construction of Hospitals and Outpatient Facilities—2014 Edition*, or *Guidelines for Design and Construction of Hospitals—2018 Edition*, *Guidelines for Design and Construction of Outpatient Facilities—2018 Edition*. The following list includes the citation to the section under the *Guidelines* that the hospital is seeking an exception.

<i>Facility Name</i>	<i>Guidelines Section and relating to</i>	<i>Yr¹</i>
Clarion Hospital	2.2-3.1.3 emergency departments	18
	2.2-3.1.3.6(4)(b)(i) and (ii) treatment room or area	18

Facility Name	Guidelines Section and relating to	Yr ¹
	2.2-3.1.3.6(4)(e) treatment room or area	18
	2.2-3.1.3.6(8) human decontamination room	18
Monongahela Valley Hospital, Inc.	2.1-2.4.3 seclusion room	18
	2.5-2.2.8.16 consultation rooms	18
	2.5-2.2.10.3 patient laundry facilities	18
	2.5-7.2.1.2 general	18
Penn State Health Lancaster Medical Center	2.1-8.4.2.6(1)(a) and (b) drainage systems	18
UPMC Hamot	2.2-3.4.4.3(1) fluoroscopy room	18
UPMC Kane	2.1-3.2.1.2(3)(e) single-patient examination/observation room	18-O
	2.1-3.2.2.1(1)(a)(ii) general	18-O
	2.1-7.2.2.8 hand-washing stations	18-O

¹ 2018 Year FGI Regulations for Outpatient Facilities are indicated by “-O.”

The previously listed requests are on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@pa.gov. Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the previously listed address. Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, for speech and/or hearing impaired persons V/TT (717) 783-6154, or for speech and/or hearing impaired persons, call the Pennsylvania Hamilton Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

ALISON BEAM,
Acting Secretary

[Pa.B. Doc. No. 21-387. Filed for public inspection March 12, 2021, 9:00 a.m.]

DEPARTMENT OF HEALTH

Pennsylvania Cancer Control, Prevention and Research Advisory Board Virtual Meeting

The Pennsylvania Cancer Control, Prevention and Research Advisory Board, established under section 203-B of the Pennsylvania Cancer Control, Prevention and Research Act (72 P.S. § 203-B), will hold a virtual public meeting on Thursday, March 18, 2021, from 9:30 a.m. to 1:30 p.m. This virtual Microsoft Teams meeting will discuss the future direction for the Pennsylvania Cancer Control Plan. Individuals who wish to participate in the virtual meeting may do so through Microsoft Teams at https://teams.microsoft.com/l/meetup-join/19%3ameeting_NW10NDIyMDYtNTA5ZC00Mjd1LWEzYmQtZWJkNmQ2YjkxY2Zk%40thread.v2/0?context=%7b%22Tid%22%3a%22418e2841-0128-4dd5-9b6c-47fc5a9a1bde%22%2c

%22oid%22%3a%2268f4fc00-9171-4d94-a07b-744968262655%22%7d or by calling +1 (267) 332-8737. The conference ID number is 804 527 054#.

For additional information, contact the Division of Cancer Prevention and Control, Room 1011, Health and Welfare Building, Harrisburg, PA, (717) 783-1457, or for speech and/or hearing impaired persons, call the Pennsylvania Hamilton Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

This virtual meeting is subject to cancellation without notice.

ALISON BEAM,
Acting Secretary

[Pa.B. Doc. No. 21-388. Filed for public inspection March 12, 2021, 9:00 a.m.]

DEPARTMENT OF LABOR AND INDUSTRY

Liquefied Petroleum Gas Facility; Notice of Application

The following liquefied petroleum gas (LPG) facility has been determined to be over 400,000 gallons. This notice is published for the information and convenience of public bodies subject to the Propane and Liquefied Petroleum Gas Act (35 P.S. §§ 1329.1—1329.19). Section 13.21(c) of 34 Pa. Code (relating to LPG facilities over 400,000 gallons) mandates that the Department of Labor and Industry publish notice in the *Pennsylvania Bulletin* of these facilities.

<i>Owner</i>	<i>Address</i>	<i>Tanks</i>
Mount Joy Terminal LP c/o Coyote Oilfield Services 55 Maibach Lane Mount Joy, PA 17552	55 Maibach Lane Mount Joy, PA 17552	6-90,000 tanks 10-60,000 tanks 6-42,000 tanks 1,392,000 gallons of propane total

JENNIFER BERRIER,
Acting Secretary

[Pa.B. Doc. No. 21-389. Filed for public inspection March 12, 2021, 9:00 a.m.]

DEPARTMENT OF TRANSPORTATION

Findings

Under section 2002(b) of the Administrative Code of 1929 (71 P.S. § 512(b)) establishing the Department of Transportation (Department), the Director of the Bureau of Project Delivery, as delegated by the Secretary of Transportation, makes the following written findings:

The Department is planning the following listed projects. Environmental and Section 4(f) Documentation have been developed for the following identified projects to evaluate the potential environmental impacts caused by these projects. The Section 4(f) documents also serve as the Section 2002 Evaluation. The approved documents are available in the CE/EA Expert System at <http://www.dotdom2.state.pa.us/ceea/ceeamain.nsf>. The environmental, economic, social and other effects of the proposed projects have been considered. Based upon studies, there is no feasible and prudent alternative to the use of the Section 2002 resources for the following identified proposed projects, and all reasonable steps have been taken to minimize the effects.

• **SR 0405, Section 069—Muncy Borough, Lycoming County.**

Project Description: The project is the replacement of the bridge that carries SR 0405 over Glade Run.

Environmental Documents: CE 2 Evaluation approved on December 15, 2020, a Nationwide/Programmatic Section 4(f) Evaluation for Projects that Necessitate the Use of Historic Bridges approved on November 30, 2020, and four forms of a Determination of Section 4(f) De Minimis Use Section 2002 No Adverse Use Historic Properties approved on November 30, 2020.

Proposed Use of Section 4(f)/2002 Resource: The existing structure is a contributing element to the Muncy Historic District, which is listed on the National Register of Historic Places (NRHP). Approximately 0.01-acre of right-of-way will be required from the 108 East Water Street, approximately 0.02-acre of right-way will be required from 110 East Water Street, approximately 0.01-acre of right-way will be required from 112 East Water Street and approximately 0.04-acre of right-way will be required from 115 East Water Street. All four properties are contributing elements to the Muncy Historic District, which is listed on the NRHP.

• **SR 1048, Section 370—Lehman Township, Luzerne County.**

Project Description: The project is the replacement of the bridge that carries SR 1048 over Harvey's Creek.

Environmental Documents: ED BRPA Evaluation approved on October 27, 2020, and a Determination of Section 4(f) De Minimis Use Section 2002 No Adverse Use

Public Parks, Recreation Areas, Wildlife and/or Waterfowl Refuges, State Forest Land and State Game Land approved on October 19, 2020.

Proposed Use of Section 4(f)/2002 Resources: Approximately 0.043-acre of right-of-way will be required from the 48,504-acre Pinchot Forest District, which qualifies as a Section 4(f)/2002 resource.

• **SR 0222, Section 23S—Maxatwany Township, Berks County.**

Project Description: The project involves improvements to the intersection of SR 0222 and Long Lane, as well as approach roadway widening of SR 0222 in Maxatwany Township.

Environmental Documents: CE 1b Reevaluation approved on October 30, 2020, and a Determination of Section 4(f) De Minimis Use Section 2002 No Adverse Use Historic Properties approved February 13, 2017.

Proposed Use of Section 4(f)/2002 Resources: Approximately 0.04-acre of right-of-way will be required from the Hottenstein Rural Historic District.

• **SR 0715, Section 03B—Chestnuthill Township, Monroe County.**

Project Description: The project is the replacement of the bridge that carries SR 0715 over McMichael Creek.

Environmental Documents: CE 1b Evaluation approved on December 23, 2020, and a Determination of Section 4(f) De Minimis Use Section 2002 No Adverse Use Historic Properties approved September 4, 2019.

Proposed Use of Section 4(f)/2002 Resources: Approximately 0.09-acre of right-of-way will be required from the Pohoqualine Fish Association Historic District, which was determined to be eligible for listing on the NRHP.

• **SR 0001, Section 03S—Middletown and Bensalem Townships, Bucks County.**

Project Description: The project consists of the widening of SR 0001 to accommodate a third lane in the north and southbound directions, as well as structure replacements, ramp realignments, and drainage and guiderail improvements.

Environmental Documents: CE 2 Reevaluation approved on September 30, 2020, and a Determination of Section 4(f) De Minimis Use Section 2002 No Adverse Use approved on July 21, 2006.

Proposed Use of Section 4(f)/2002 Resources: Approximately 0.049-acre of right-of-way will be required from the Reading Railroad-New York Line/CSX Trenton Line, which was determined to be eligible for listing on the NRHP.

• **SR 0202, Section 530—Norristown Borough, Montgomery County.**

Project Description: The project is the rehabilitation of Markley Street (SR 0202) and Johnson Highway. Work

also includes the construction of a new connector road, Barbados Street (SR 3020), between Lafayette Street and Washington Street.

Environmental Documents: CE 2 Evaluation approved on November 16, 2020, and a Determination of Section 4(f) De Minimis Use Section 2002 No Adverse Use Public Parks, Recreation Areas, Wildlife and/or Waterfowl Refuges, State Forest Land and State Game Land approved on November 9, 2020.

Proposed Use of Section 4(f)/2002 Resource: The Schuylkill River Trail qualifies as a Section 4(f)/2002 resource and is anticipated to be relocated and realigned for an approximate permanent impact of 946-linear feet. See 38 Pa.B. 561 (January 26, 2008) for more information on impacts to other Section 4(f)/2002 Resources for this project.

• **SR 1009, Section 012—Huntington Township, Adams County.**

Project Description: The project is the replacement of the existing bridge that carries Wiermans Mill Road (SR 1009) over an unnamed tributary to Bermudian Creek.

Environmental Documents: ED BRPA Evaluation approved on November 30, 2020, and Determination of Section 4(f) De Minimis Use Section 2002 No Adverse Use Public Parks, Recreation Areas, Wildlife and/or Waterfowl Refuges, State Forest Land and State Game Land approved on August 3, 2020.

Proposed Use of Section 4(f)/2002 Resources: Approximately 0.043-acre of right-of-way will be required from the 1,960-acre State Game Lands # 249, which qualifies as a Section 4(f)/2002 resource.

• **SR 0081, Section 075—Guilford Township, Franklin County.**

Project Description: The project is the construction of a new full access interchange for SR 0081 to service SR 2038/T-467 (Guilford Springs Road).

Environmental Documents: CE 2 Evaluation approved on October 20, 2020, and a Final Section 4(f) Evaluation approved on July 16, 2020.

Proposed Use of Section 4(f)/2002 Resources: Approximately 4.35-acre of right-of-way will be required from Archibald Rankin Farm, which was determined to be eligible for listing on the NRHP. Approximately 0.12-acre of right-of-way will be required from the Cumberland Valley Railroad Historic District, which was determined to be eligible for listing on the NRHP.

• **SR 0772, Section 034—Manheim Borough and Rapho Township, Lancaster County.**

Project Description: The project is the replacement of the West High Street Bridge that carries SR 0772 over Rife Run.

Environmental Documents: ED 1b Evaluation approved on December 15, 2020, and two forms of a Determination of Section 4(f) De Minimis Use Section 2002 No Adverse Use Public Parks, Recreation Areas, Wildlife and/or Waterfowl Refuges, State Forest Land and State Game Land approved on October 21, 2020, and October 22, 2020.

Proposed Use of Section 4(f)/2002 Resources: Approximately 0.044-acre of right-of-way will be required from the 8.8-acre Mummau Park, which qualifies as a Section 4(f)/2002 resource. Approximately 0.092-acre of right-of-way from the 22.2-acre Logan Park, which qualifies as a Section 4(f)/2002 resource.

• **SR 1026, Section 006—Elizabeth Township, Lancaster County.**

Project Description: The project is the replacement of the bridge that carries Hopeland Road over Furnace Run.

Environmental Documents: ED BRPA Evaluation approved on October 26, 2020, and two forms of a Determination of Section 4(f) De Minimis Use Section 2002 No Adverse Use Historic Properties approved on July 29, 2020.

Proposed Use of Section 4(f)/2002 Resources: Approximately 0.07-acre of right-of-way will be required from Elizabeth Farm No. 3, which was determined to be eligible for listing on the NRHP. Approximately 0.06-acre of right-of-way will be required from Elizabeth Farm No. 2, which was determined to be eligible for listing on the NRHP.

• **SR 3017, Section 030—East Hempfield and West Hempfield Townships, Lancaster County.**

Project Description: The project is the resurfacing of a 2.8-mile section of SR 3017, and sidewalk and ADA updates.

Environmental Documents: ED BRPA Evaluation approved on November 24, 2020, and a Determination of Section 4(f) De Minimis Use Section 2002 No Adverse Use Public Parks, Recreation Areas, Wildlife and/or Waterfowl Refuges, State Forest Land and State Game Land approved on March 6, 2020.

Proposed Use of Section 4(f)/2002 Resource: Approximately 0.13-acre of right-of-way will be required from the Four Seasons Golf Club, which qualifies as a Section 4(f)/2002 resource. Approximately 0.13-acre of right-of-way will be required from the Hempfield RecCenter, which qualifies as a Section 4(f)/2002 resource.

• **SR 2001, Section 013—North Cornwall Township and Lebanon City, Lebanon County.**

Project Description: The project involves improvements to the intersection of Wilhelm Avenue (T-669) and Cornwall Road (SR 2001). Wilhelm Avenue and Cornwall will be realigned with York Street.

Environmental Documents: CE 2 Evaluation approved on December 17, 2020, and a Final Section 4(f) Evaluation approved on October 14, 2020.

Proposed Use of Section 4(f)/2002 Resources: Approximately 0.11-acre of right-of-way will be required from the 16.3-acre Lebanon School District Athletic Field Complex, which qualifies as a Section 4(f)/2002 resource.

• **SR 3058, Section 002—Manheim Township, York County.**

Project Description: The project is the replacement of the Blue Hill Road Bridge that carries SR 3058 over Long Run.

Environmental Documents: ED BRPA Evaluation approved on October 26, 2020, and a Determination of Section 4(f) De Minimis Use Section 2002 No Adverse Use Historic Properties approved on July 17, 2020.

Proposed Use of Section 4(f)/2002 Resources: Approximately 0.043-acre of right-of-way will be required from the Jacob Ruhlman Farm, which was determined to be eligible for listing on the NRHP.

• **SR 7203, Section 03S—Broad Top Township, Bedford County.**

Project Description: The project is the replacement of the existing superstructure for the bridge that carries Cold Spring Road (T-575) over Sixmile Run.

Environmental Documents: CE BRPA Evaluation approved on November 6, 2020, and a Determination of Section 4(f) De Minimis Use Section 2002 No Adverse Use Public Parks, Recreation Areas, Wildlife and/or Waterfowl Refuges, State Forest Land and State Game Land approved November 5, 2020.

Proposed Use of Section 4(f)/2002 Resources: Approximately 0.0136-acre of right-of-way will be required from 0.814-acre Six Mile Run Community Park, which qualifies as a Section 4(f)/2002 resource.

• **SR 4013, Section 001—Tell Township, Huntingdon County.**

Project Description: The project is the replacement of the existing structure that carries an unnamed tributary to George Creek under SR 0035.

Environmental Documents: CE BRPA Evaluation approved on November 9, 2020, and a Determination of Section 4(f) De Minimis Use Section 2002 No Adverse Use Historic Properties approved on October 19, 2020.

Proposed Use of Section 4(f)/2002 Resources: Approximately 0.033-acre of right-of-way will be required from the 552.2-acre Hower-Hart Farm, which was determined to be eligible for listing on the NRHP.

• **SR 0031, Section 021—Jefferson Township, Somerset County.**

Project Description: The project consists of the replacement of the existing pipe culvert that carries an unnamed tributary to Kooser Run under Glades Pike (SR 0031).

Environmental Documents: CE BRPA Evaluation approved on November 25, 2020, a Determination of Section 4(f) De Minimis Use Section 2002 No Adverse Use Historic Properties approved November 16, 2020, and a Determination of Section 4(f) De Minimis Use Section 2002 No Adverse Use Public Parks, Recreation Areas, Wildlife and/or Waterfowl Refuges, State Forest Land and State Game Land approved on November 16, 2020.

Proposed Use of Section 4(f)/2002 Resources: Approximately 0.018-acre of permanent slope easement will be required from the 250-acre Kooser State Park, which is considered eligible for listing on the NRHP and qualifies as a Section 4(f)/2002 resource.

BRIAN G. THOMPSON, PE,
Director
Bureau of Project Delivery

[Pa.B. Doc. No. 21-390. Filed for public inspection March 12, 2021, 9:00 a.m.]

ENVIRONMENTAL HEARING BOARD

Dennis Nelen v. Department of Environmental Protection and Bell Resources, Inc., Permittee; EHB Doc. No. 2021-027-C

Dennis Nelen has appealed the issuance by the Department of Environmental Protection of NPDES Permit No. PA0269891 for expanded surface mining operations on the

lands of Lynn Robbins and Roger Bressler et. al., Commonwealth of PA (Game Commission), Richard Dominic Alessi et. al., Danvir Heirs and Roger D. Thomas located in Penn Township, Luzerne County.

The appeal is filed with the Environmental Hearing Board (Board). The notice of appeal, and other filings related to the appeal, may be reviewed by any interested person through the Board’s web site at <http://ehb.courtapps.com>. If information concerning this notice is required in an alternative form, contact the Secretary to the Board at (717) 787-3483. TDD users may telephone the Board through the Pennsylvania Hamilton Relay Center at (800) 654-5984. A date for the hearing on the appeal has not yet been scheduled.

Petitions to intervene in the appeal may be filed with the Board by interested parties under 25 Pa. Code § 1021.81 (relating to intervention). Copies of the Board’s rules of practice and procedure are available upon request from the Board.

THOMAS W. RENWAND,
Chairperson

[Pa.B. Doc. No. 21-391. Filed for public inspection March 12, 2021, 9:00 a.m.]

ENVIRONMENTAL HEARING BOARD

John Sickeri v. Department of Environmental Protection and Bell Resources, Inc., Permittee; EHB Doc. No. 2021-026-C

John Sickeri has appealed the issuance by the Department of Environmental Protection of NPDES Permit No. PA0269891 for expanded surface mining operations on the lands of Lynn Robbins & Roger Bressler et. al., Commonwealth of PA (Game Commission), Richard Dominic Alessi et. al., Danvir Heirs and Roger D. Thomas located in Penn Township, Luzerne County.

The appeal is filed with the Environmental Hearing Board (Board). The notice of appeal, and other filings related to the appeal, may be reviewed by any interested person through the Board’s web site at <http://ehb.courtapps.com>. If information concerning this notice is required in an alternative form, contact the Secretary to the Board at (717) 787-3483. TDD users may telephone the Board through the Pennsylvania Hamilton Relay Center at (800) 654-5984. A date for the hearing on the appeal has not yet been scheduled.

Petitions to intervene in the appeal may be filed with the Board by interested parties under 25 Pa. Code § 1021.81 (relating to intervention). Copies of the Board’s rules of practice and procedure are available upon request from the Board.

THOMAS W. RENWAND,
Chairperson

[Pa.B. Doc. No. 21-392. Filed for public inspection March 12, 2021, 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>
6-346	State Board of Education Certification of Professional Personnel 50 Pa.B. 7164 (December 19, 2020)	1/18/21	2/17/21
16A-6518	State Board of Physical Therapy Child Abuse Reporting Requirements 50 Pa.B. 7181 (December 19, 2020)	1/18/21	2/17/21

**State Board of Education Regulation
6-346 (IRRC # 3283)**

Certification of Professional Personnel

February 17, 2021

We submit for your consideration the following comments on the proposed rulemaking published in the December 19, 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 State Board of Education (Board) to respond to all comments received from us or any other source.

1. Section 49.1. Definitions.—Clarity and lack of ambiguity.

Culturally relevant and sustaining education (CR-SE)

The definition of “culturally relevant and sustaining education (CR-SE)” includes two terms that are vague. A commentator identifies “cultural awareness” as unclear and asks that it be “stated in an actionable, [observable], and measurable manner.” In addition, “trauma-informed approaches” is unclear. We ask the Board to define these identified terms to improve the clarity of this definition and the regulations.

Professional ethics

The definition of “professional ethics” references “applicable laws and regulations.” This term is vague. We recommend that the definition include the specific laws and regulations to improve clarity.

2. Section 49.14. Approval of institutions and alternative program providers.—Possible conflict with or duplication of statutes or existing regulations; Reasonableness of requirements, implementation procedures and timetables for compliance by the public and private sectors; Fiscal impact; Clarity and lack of ambiguity.

Paragraph (4)(i) requires the development of program goals and purposes that address cognitive competencies, among other topics. The term “cognitive competencies” is neither explained in the Preamble nor defined in the regulations. A commentator states that this term is “too vague and redundant with existing competencies to add value to current program frameworks.” We ask the Board to clarify the regulations by defining this term.

This term is also found in Section 49.16(c) (relating to approval of induction plans).

Paragraph (4)(v) requires demonstration of “recruitment and participation of students from historically underrepresented groups” and annual reporting of admission, retention and graduation rates. Commentators

suggest that the annual reporting requirements be limited to people of color, as “universities do not have good data on which students are first generation” and financial aid offices typically do not disclose the social economic status of students. We ask the Board to explain the reasonableness of these reporting requirements and implementation procedures for institutions and alternative program providers to report on economically disadvantaged and first-generation college-goers. Further, the Board should consider revising the reporting requirements to establish a standard that is achievable for the regulated community.

Under paragraph (4)(vii), institutions and alternative program providers “shall develop corrective action steps if identified as at-risk or low performing program providers as defined by the Department” of Education (Department). Where does the Department define these terms? We ask the Board to explain these standards and revise this paragraph to improve clarity by adding a citation or explanation.

As explained in the Preamble, paragraph (4)(viii) addresses the minimum number of hours of field experiences and requirements for supervising teachers “to grant more discretion over clinical experiences to the Secretary [of Education] in consultation with the Board.” While this approach provides flexibility to the Department and the Board, it circumvents the regulatory review process because it does not adequately revise Section 354.25 (relating to preparation program curriculum), which sets standards for the student teaching experience and cooperating teachers. Changes to Section 354.25 should be done through the regulatory review process. We suggest this provision be deleted and addressed in a separate proposed rulemaking.

Further, in response to Regulatory Analysis Form (RAF) Question # 19, the Board states that it anticipates the new competencies “will be implemented through the existing practice of updating the content of required coursework for relevancy and, as such, will not impose a new cost on educator preparation programs.” However, a commentator states that to “add education in professional ethics, structured literacy, and CR-SE—higher education instructors will need to be trained to teach relevant content. That training will come at an additional cost.” We ask the Board to address the fiscal impact on institutions and alternative program providers by providing an estimated cost in RAF Questions # 19 and 23.

3. Section 49.16. Approval of induction plans.—Need; Reasonableness.

Subsection (a) requires a school entity to provide a two-year induction experience for first-year teachers, long-term substitutes who are hired for a position for

45 days or more and educational specialists. What is the rationale for requiring long-term substitutes to participate in a two-year program? We ask the Board explain the reasonableness of and need for training long-term substitutes in the Preamble to the final-form regulation.

Further, commentators recommend adding structured literacy to topics covered by induction plans. We ask the Board to consider adding structured literacy for newly-employed educators as it prepares the final-form regulation.

4. Section 49.17. Continuing professional education.—Reasonableness.

Subsection (a)(6) lists the components of continuing professional development “including the provision of training in structured literacy for professional employees at the *elementary level*.” (Emphasis added.) Commentators express concern with requiring structured literacy only for those educators at the elementary level, many stating that structured literacy should be inclusive of all grades. We ask the Board to explain the rationale for requiring structured literacy only for elementary teachers. Similar to Comment # 3, we ask the Board to consider adding structured literacy for all educators as it prepares the final-form regulation.

Further, this paragraph does not include cognitive competencies. This training is required for preservice educators under Section 49.14(4)(i) (relating to approval of institutions and alternative program providers) and newly-employed teachers under Section 49.16(c). We ask the Board to explain why cognitive competencies are not included in continuing education development. If appropriate, the Board should consider adding training in this area in the final-form regulation.

5. Section 49.31. Criteria for eligibility.—Need; Statutory authority.

Under this section, the Department may issue an emergency, Long-Term or Day-to-Day Substitute Permit for service in an approved private school. The Preamble states that this is a statutory change. However, a citation is not provided. Further, this chapter establishes requirements for the certification and permitting of persons serving in public school entities. We ask the Board to explain the statutory authority for this amendment and why it is needed in this chapter.

6. Section 49.85. Limitations.—Clarity and lack of ambiguity.

Subsection (c) states the validity dates of instructional certificates issued under subsection (b) and details grade level limitations for instructional certificates issued beginning January 1, 2022. To improve the clarity of this regulation, we suggest the Board revise subsection (b) to include validity dates and subsection (c)(1) to list grade level limitations.

7. Section 49.111. Supervisory Certificate.—Reasonableness; Statutory authority.

Subsection (e) provides for the issuance of a Special Education Supervisory Certificate to an individual who has “completed 5 years of satisfactory certified experience as a school psychologist.” The Board explains in the Preamble that this will “help increase the availability of qualified special education supervisors in this Commonwealth.” Commentators have numerous concerns regarding this Supervisory Certificate, including the following:

- School psychologists do not have the knowledge, experience and skills to support, guide and evaluate special education teachers;

- School psychologists do not have the knowledge, experience and skills to design, assess and implement instructional programs;

- Allowing school psychologists to move into supervisory roles will not enhance the delivery of services to special education students;

- Lowering the qualifications of this certificate will have serious implications for the equity and quality of special education services;

- This may exacerbate the shortage of school psychologists.

We ask the Board to explain why it believes school psychologists are properly trained and capable of carrying out special education supervisory duties and why this role is appropriate and reasonable. Further, we ask the Board to state the specific statutory authority for this provision.

8. Miscellaneous clarity.

- We ask the Board to review the regulations to ensure the consistent and proper use of “shall” and “will” and revise these words as directed by Section 6.7(a) and (c) of the *Pennsylvania Code & Bulletin (Style Manual)*.

- We identified the following clarity issues in Section 49.1 (relating to definitions):

- o The definition of “alternative program provider” should be revised to cross-reference section 1207.1(a) of the act. (Emphasis added.)

- o The terms “approved educator certification program” and “completer” are not used in the regulations. These definitions should be deleted under Section 2.11(c) of the *Style Manual*.

- o The definition of “baccalaureate degree” contains a substantive provision relating to graduate degrees. Section 2.11(e) of the *Style Manual* states that substantive provisions may not be contained in a definition section. We recommend moving the requirements for graduate degrees to the body of the regulations.

- The Board should review cross-references to Section 49.12 (relating to eligibility) to ensure citations reflect renumbering.

- The citation to the Federal Higher Education Act in Section 49.14(6) should be revised to encompass the entire statute.

- Section 49.17(c) (relating to continuing professional education) should be revised to cross-reference section 1205.5(g) of the act. (Emphasis added.)

**State Board of Physical Therapy Regulation
16A-6518 (IRRC # 3285)**

Child Abuse Reporting Requirements

February 17, 2021

We submit for your consideration the following comments on the proposed rulemaking published in the December 19, 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 State Board of Physical Therapy (Board) to respond to all comments received from us or any other source.

1. Section 40.16. Licensure by endorsement.—Need.

Subsection (b)(1) and (2) requires applicants for licensure by endorsement to submit documentary evidence of authorization to practice and to hold a valid license by examination. These proposed paragraphs are

not explained in the Preamble. Further, these provisions are included in Sections 40.4(5) and 40.17(3) (relating to admission to practice of physical therapy; and foreign-educated physical therapists applying to take the licensure examination and pursue a clinical experience). Paragraph (3) is duplicative of subsection (a)(3), which is cross-referenced in the opening statement of subsection (b). We ask the Board to explain in the Preamble to the final-form regulation why paragraphs (1)—(3) are needed.

2. Section 40.208. Child abuse recognition and reporting—mandatory training requirement.—Implementation procedures.

Subsection (a) requires individuals applying for an initial license or certificate to complete at least three hours of training in child abuse recognition and reporting

requirements. This subsection does not address documentation and reporting of completion of training as required under 23 Pa.C.S. § 6383(b)(3)(i) (relating to education and training). We ask the Board to revise this subsection to include the implementation procedures for applicants submitting proof of training.

3. Miscellaneous clarity.

The reference to “subparagraph” in Section 40.202(c)(1) (relating to suspected child abuse—mandated reporting requirements) should be corrected to “paragraph.”

GEORGE D. BEDWICK,
Chairperson

[Pa.B. Doc. No. 21-393. Filed for public inspection March 12, 2021, 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>
16A-6919	State Board of Social Workers, Marriage and Family Therapists and Professional Counselors Child Abuse Reporting Requirements 51 Pa.B. 14 (January 2, 2021)	2/1/21	3/3/21

**State Board of Social Workers, Marriage and Family Therapists and Professional Counselors
Regulation # 16A-6919 (IRRC # 3281)
Child Abuse Reporting Requirements
March 3, 2021**

We submit for your consideration the following comments on the proposed rulemaking published in the January 2, 2021 *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 State Board of Social Workers, Marriage and Family Therapists and Professional Counselors (Board) to respond to all comments received from us or any other source.

1. Section 47.58. Child abuse recognition and reporting—mandatory training requirement.—Implementation procedures.

Subsection (a)

Subsection (a) requires an individual applying for licensure as a bachelor social worker, social worker or clinical social worker to complete at least three hours of training in child abuse recognition and reporting requirements. This subsection does not address documentation and reporting of completion of training as required under 23 Pa.C.S. § 6383(b)(3)(i) (relating to education and training). We ask the Board to revise this subsection to include the implementation procedures for submitting proof of training.

This comment also applies to Sections 48.58(a) and 49.58(a), regarding training requirements for applicants for marriage and family therapist licenses, and professional counselor licenses, respectively.

Subsection (c)

Under subsection (c)(3), an applicant or licensee may apply for an exemption from subsection (a) or (b) by submitting documentation demonstrating that the individual “should not be subject to the training or continuing education requirement.” A request for exemption is “considered on a case-by-case basis.” The standards for documentation and evaluation are vague. We ask the Board to explain the standards for sufficient documentation and the evaluation process for reviewing a request for exemption.

This comment also applies to Sections 48.58(c)(3) and 49.58(c)(3), regarding exemption requests from marriage and family therapist applicants and licenses, and professional counselor applicants licenses, respectively.

2. Section 48.58. Child abuse recognition and reporting—mandatory training requirement.—Implementation procedures.

Subsection (b) requires a licensed marriage and family therapist to complete at least two hours of continuing education in child abuse recognition and reporting as a condition of biennial renewal. The Preamble of the proposed regulation explains that these hours are “a portion

of the total continuing education required for biennial renewal, and not an additional requirement, as provided in” 23 Pa.C.S. § 6383(b)(3)(ii). This language is not in the regulation. We ask the Board to specify in the final-form regulation that two hours of continuing education in child abuse recognition and reporting are a portion of the total hours of continuing education.

3. Section 49.51. Definitions relating to child abuse reporting requirements.—Clarity and lack of ambiguity.

The definition of “mandated reporter” cross-references Section 49.52 (relating to suspected child abuse—mandated reporting requirements). However, the definition of this term in Sections 47.51 and 48.51 cross-references 23 Pa.C.S. § 6311 (relating to persons required to report suspected child abuse). For clarity and consistency, we ask the Board to revise this definition to cross-reference the statute.

4. Implementation procedures.

Under 23 Pa.C.S. § 6311(a)(12), an individual supervised or managed by a Board licensee who has direct contact with children in the course of employment is a mandated reporter. In the Preamble of the proposed regulation, the Board “reminds its licensees that individuals they supervise or manage...should be aware of the reporting requirements under” 23 Pa.C.S. Chapter 63 (relating to Child Protective Services Law). We ask the Board to explain if it will use additional methods to communicate with its licensees that supervised and managed employees are mandated reporters. If appropriate, the Board should consider requiring licensees to advise unlicensed employees of their mandated reporter status.

GEORGE D. BEDWICK,
Chairperson

[Pa.B. Doc. No. 21-394. Filed for public inspection March 12, 2021, 9:00 a.m.]

INDEPENDENT REGULATORY REVIEW COMMISSION

Notice of Filing of Final Rulemakings

The Independent Regulatory Review Commission (Commission) received the following regulations. They are scheduled to be considered on the date noted. The Commission’s public meetings are held at 333 Market Street, 14th Floor, Harrisburg, PA at 10 a.m. To obtain a copy of the regulation, interested parties should first contact the promulgating agency. If a copy cannot be obtained from the promulgating agency, the Commission will provide a copy or it can be viewed on the Commission’s web site at www.irrc.state.pa.us.

<i>Reg. No</i>	<i>Agency/Title</i>	<i>Received</i>	<i>Public Meeting</i>
125-223	Pennsylvania Gaming Control Board Table Game Rules of Play; Over/Under, DJ Wild Stud Poker, Face Up Pai Gow Poker	2/17/21	4/15/21
125-225	Pennsylvania Gaming Control Board Slot Machine Licenses; Accounting and Internal Controls; Compulsive and Problem Gambling Requirements; Casino Self-Exclusion; Table Game Equipment; Credit	2/17/21	4/15/21
54-93	Pennsylvania Liquor Control Board Proof of Recycling	2/25/21	4/15/21
7-548	Environmental Quality Board Water Quality Standards; Class A Stream Redesignations	2/25/21	4/15/21
7-545	Environmental Quality Board Water Supply Replacement for Coal Surface Mining	2/25/21	4/15/21
16A-5213	State Board of Optometry General Revisions	2/26/21	4/15/21
74-4	Department of Drug and Alcohol Programs Standards for Drug and Alcohol Recovery House Licensure	3/1/21	4/15/21

GEORGE D. BEDWICK,
Chairperson

[Pa.B. Doc. No. 21-395. Filed for public inspection March 12, 2021, 9:00 a.m.]

INSURANCE DEPARTMENT

Application for Approval to Acquire Control of Health Partners Plans, Inc.

Thomas Jefferson University, a Pennsylvania nonprofit corporation, has filed an application regarding the acquisition of control of Health Partners Plans, Inc., a Pennsyl-

vania domestic nonstock, nonprofit health maintenance organization, by becoming the sole member of Albert Einstein Healthcare Network. The filing was received on February 26, 2021, and was made under the requirements of Article XIV of The Insurance Company Law of 1921 (40 P.S. §§ 991.1401—991.1413).

Persons wishing to comment on this acquisition are invited to submit a written statement to the Insurance

Department (Department) within 30 days from the date of publication of this notice in the *Pennsylvania Bulletin*. Each written statement must include the name, address and telephone number of the interested party; identification of the application to which the statement is addressed; and a concise statement with sufficient detail and relevant facts to inform the Department of the exact basis of the statement. Written statements must be e-mailed to Cressinda Bybee, cbybee@pa.gov. Comments received will be part of the public record regarding the filing and will be forwarded to the applicant for appropriate response.

JESSICA K. ALTMAN,
Insurance Commissioner

[Pa.B. Doc. No. 21-396. Filed for public inspection March 12, 2021, 9:00 a.m.]

INSURANCE DEPARTMENT

Autism Spectrum Disorders Coverage—Maximum Benefit Adjustment; Notice 2021-03

Section 635.2 of The Insurance Company Law of 1921 (40 P.S. § 764h) requires:

After December 30, 2011, the Insurance Commissioner shall, on or before April 1 of each calendar year, publish in the *Pennsylvania Bulletin* an adjustment to the maximum benefit equal to the change in the United States Department of Labor Consumer Price Index for All Urban Consumers (CPI-U) in the preceding year, and the published adjusted maximum benefit shall be applicable to the following calendar years to health insurance policies issued or renewed in those calendar years.

The CPI-U change for the year preceding December 30, 2020, was an increase of 1.4%. Accordingly, the maximum benefit, previously adjusted to \$42,220 per year, is hereby adjusted to \$42,811 for policies issued or renewed in calendar year 2022.

Questions regarding this notice may be directed to the Bureau of Life, Accident and Health, Insurance Department, 1311 Strawberry Square, Harrisburg, PA 17120, ra-rateform@pa.gov.

JESSICA K. ALTMAN,
Insurance Commissioner

[Pa.B. Doc. No. 21-397. Filed for public inspection March 12, 2021, 9:00 a.m.]

MILK MARKETING BOARD

Special Sunshine Virtual Meeting

The Milk Marketing Board will meet on Tuesday, March 16, 2021, at 10 a.m. by means of Skype. The call-in number is +1 (267) 332-8737. The ID number is 714 494 710#. The meeting will be held to consider the following Official General Orders: A-962 (CRO 11); A-954 (CRO 11); A-956 (CRO 11); and A-1011.

CAROL HARDBARGER,
Secretary

[Pa.B. Doc. No. 21-398. Filed for public inspection March 12, 2021, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Act 129 Energy Efficiency and Conservation Program Phase IV, Doc. No. M-2019-3006867

On February 4, 2021, the Pennsylvania Public Utility Commission (Commission) entered its 2021 TRM Update Amendment Final Order (TRM Update Order) in Implementation of the Alternative Energy Portfolio Standards Act of 2004: Standards for the Participation of Demand Side Management Resources—Technical Reference Manual 2021, Docket No. M-2019-3006867. The TRM Update Order relates to the Act 129 Energy Efficiency and Conservation (EE&C) Program Phase IV Technical Reference Manual (TRM) and establishes modifications to the TRM to be used in Phase IV of the Act 129 Energy Efficiency and Conservation Program. In this TRM Update Order, the Commission adopted several modifications primarily focused on peak demand savings for existing residential and commercial and industrial measures in the 2021 TRM. Specifically, the Commission adopted updates to three existing residential measures (Section A) and two existing nonresidential measures (Section B). Section C of the TRM Update Order lists one residential measure that the Commission removed from the 2021 TRM.

The TRM Update Order and other orders at this docket are on the Commission's web site at <https://www.puc.pa.gov/pcdocs/1692540.docx>. The TRM can be found on the Commission's web site at <https://www.puc.pa.gov/filing-resources/issues-laws-regulations/act-129/technical-reference-manual/>.

Any questions regarding technical issues related to the TRM Update Order are to be directed to Joseph Sherrick, Bureau of Technical Utility Services, (717) 787-5369, josherrick@pa.gov. Any questions regarding legal and process issues related to the TRM Update Order are to be directed to Adam Young, Law Bureau, (717) 787-4700, adyoung@pa.gov.

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 21-399. Filed for public inspection March 12, 2021, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Certificate of Public Convenience

A-2021-3024263. Pennsylvania Electric Company. Application of Pennsylvania Electric Company for certificate of public convenience to transfer certain electrical facilities to the City of Bradford, McKean County.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities) on or before Monday, March 29, 2021. Filings must be made with the Secretary of the Pennsylvania Public Utility Commission, 400 North Street, 2nd Floor, Harrisburg, PA 17120, with a copy served on the applicant. The documents filed in support of the application are available only online for inspection and copying on the Pennsylvania Public Utility Commission's (Commission) web site at www.puc.pa.gov and at the applicant's business

address. In accordance with the Commission's Emergency Order at M-2020-3019262, all parties participating in matters pending before the Commission are required to eFile their submissions by opening an eFiling account—free of charge—through the Commission's web site and accepting eService.

Applicant: Pennsylvania Electric Company

Through and By Counsel: Tori L. Giesler, Esquire, 2800 Pottsville Pike, P.O. Box 16001, Reading, PA 19612-6001
ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 21-400. Filed for public inspection March 12, 2021, 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
February 25, 2021

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-2021-3023559*

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, preferably in blue ink, and displays a "raised seal" or original notary stamp. The name of the principal on the original financial instrument must match exactly with the name that appears on the EGS's license issued by the Commission.

Failure to file before the financial security's expiration date may cause Commission staff to initiate a formal proceeding that may lead to the following: cancellation of each company's electric supplier license, removal of each company's information from the Commission's website and notification to all electric distribution companies, in which each company is licensed to do business, of the cancellation of the license.

While we recognize that the COVID-19 pandemic has provided some challenges related to the continuance of normal business operations, it is imperative that the Commission have an approved financial security in place with each EGS to ensure compliance with 52 Pa. Code § 54.40(d). On March 25, 2020, Commission staff issued an EGS Financial Security Filing Guidance Memo (Guidance Memo) that stated the following:

- Where practical, EGSs should file an original bond, letter of credit, continuation certificate, amendment, or other financial instrument. These original financial instruments should display "wet" signatures or digital signatures, preferably in blue ink, and display a "raised seal" or original notary stamp.

- EGSs should email a copy of the original financial instrument directly to Secretary Chiavetta at rchiavetta@pa.gov. Secretary Chiavetta has waived the restriction on emailed filings that contain confidential and proprietary material. As such, financial security instruments will be permitted to be filed by email for the duration of the Commission's work from home order.

- If an EGS is unable to acquire a "raised seal" or original notary stamp on the financial security during the pendency of the COVID-19 emergency, the Secretary's Bureau will not reject the financial security.

- If an EGS has been granted a reduction in its financial security, and it is time to renew the annual reduction, please file an original annual compliance filing with the Secretary's Bureau and a copy via email at rchiavetta@pa.gov.

Please note that the requirement that EGSs maintain a valid financial security on file with the Commission, remains in effect.

Be advised that emailed financial security instruments—after review and acceptance of the Secretary's Bureau and the Bureau of Technical Utility Services—will be provisionally approved by the Commission until Commission staff resume working in the Keystone Building. EGSs must still mail the original bond with original signatures and notary stamp as per the Commission's normal practice.

On July 27, 2020, the Commission issued a Secretarial Letter which modified certain filing and service requirements.¹ Specifically, this Secretarial Letter amended the Emergency Order issued on March 20, 2020, at Docket No. M-2020-3019262 regarding the filing of certain confidential documents. At the time the Emergency Order was issued, the Commission did not have access to its physical location. However, since that time the Commission has secured limited access to its place of business. Under these circumstances and consistent with the authority provided to the Secretary by the Emergency Order, the Secretarial Letter requires that confidential filings made pursuant to 52 Pa. Code § 54.40(a) (EGS financial securities), must be filed with the Secretary by overnight delivery and are not to be filed electronically with the Secretary.

As of February 12, 2021, 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.

¹ 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-2012-2289988	KINETIC ENERGY ASSOCIATES, LLC	2/10/2021	Yes
A-110175*	LIBERTY POWER HOLDINGS, LLC	1/14/2021	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, EGSs that remain listed as not in compliance with 52 Pa. Code § 54.40(a) and (d) 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

ORDER ADOPTED: February 25, 2021

ORDER ENTERED: February 25, 2021

[Pa.B. Doc. No. 21-401. Filed for public inspection March 12, 2021, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Revocation of Natural Gas Supplier Licenses of Companies that Did Not File a Natural Gas Supplier Annual Report or Pay Past Due Annual or Supplemental Fees

Public Meeting held
February 25, 2021

Commissioners Present: Gladys Brown Dutrieuille, Chairperson; David W. Sweet, Vice Chairperson; John F. Coleman, Jr.; Ralph V. Yanora

Revocation of Natural Gas Supplier Licenses of Companies that Did Not File a Natural Gas Supplier Annual Report or Pay Past Due Annual or Supplemental Fees; M-2021-3023833

Tentative Order

By the Commission:

The Public Utility Code authorizes the Pennsylvania Public Utility Commission (Commission) to establish, by order or rule, on a reasonable cost basis, fees to be charged for annual activities related to the oversight of natural gas suppliers (NGS). 66 Pa.C.S. § 2208(h). NGSs are required to pay these fees. In addition, NGSs are required to file annual reports with the Commission by April 30 of each year identifying their gross Pennsylvania intrastate operating revenues from the prior calendar year. 52 Pa. Code § 62.110(a)(1).

Both the Code, 66 Pa.C.S. § 2208(c)(2), and Commission regulations, 52 Pa. Code § 62.113(a)(5), state that the failure of an NGS to comply with applicable provisions of the Code or the rules, regulations, orders, or directives of the Commission shall be cause for the Commission to revoke the license of the NGS. Through this Order, the Commission tentatively finds that the NGSs identified in Table 1 (failure to pay fees) and Table 2 (failure to report revenue) are not in compliance with their obligations under the Code and Commission regulations and initiates this proceeding to revoke their NGS licenses.

Annual and Supplemental Fees

Act 155 of 2014 authorized the Commission to establish annual fees to fund the Commission's oversight of NGSs. 66 Pa.C.S. § 2208(h). These fees were established by order of the Commission¹ as (1) a flat annual fee of \$350 to be paid by all licensed suppliers and brokers regardless of reported gross intrastate operating revenues and (2) a supplemental fee—to be paid only by suppliers—based on each NGS's gross intrastate operating revenues.

¹ Final Implementation Order on Implementation of Act 155 of 2014, at pgs. 3—8, Docket No. M-2014-2448825 (Order entered April 24, 2015) (Final Implementation Order).

NGSs are required to pay the \$350 flat annual fee to the Commission's Bureau of Administration by July 1 of each year. Suppliers with reported gross intrastate operating revenues are also required to pay the supplemental fee to the Commission within thirty days of receiving the Commission issued supplemental fee invoice.

Although an NGS is not a "public utility," see 66 Pa.C.S. §§ 102, 2202 and 52 Pa. Code § 62.141 (relating to the definitions of "public utility" and "natural gas supplier"), it is a licensed entity subject to the power and authority of the Commission, and it must comply with applicable provisions of the Code, Commission regulations, and Commission orders. 66 Pa.C.S. §§ 501 and 2208(e). The Commission has the authority, consistent with due process, to suspend or revoke an NGS's license for the NGS's failure to comply with applicable provisions of the Code, Commission regulations, and Commission orders. 66 Pa.C.S. § 2208(c)(2) and 52 Pa. Code. § 62.113(a)(5). An NGS that fails to pay either or both of its annual or supplemental fee violates both the Code, 66 Pa.C.S. § 2208(h), and the Commission's directives

contained in the Final Implementation Order. Therefore, such an NGS is subject to fines and having its license revoked by the Commission.

On May 27, 2020, the Commission sent all NGS brokers and suppliers an Annual Fee Invoice with payment due by July 1, 2020. On August 12, 2020, a past due balance letter was sent to delinquent NGS brokers and suppliers requesting that the past due annual fee be paid within 20 days of the date of the letter.

On September 10, 2020, the Commission sent NGS suppliers a Supplemental Fee invoice and an explanation of the Supplemental Fee with payment due within 30 days of receipt of the invoice. On November 12, 2020, the Commission sent past due balance letters to delinquent NGS suppliers stating that the past due supplemental fee must be paid within 20 days of the date of the letter.

As of February 12, 2021, the NGS brokers and suppliers listed in Table 1 below have not paid either or both of their annual or supplemental fees for 2020.

Table 1—Failure to Pay Annual and/or Supplemental Fees

<i>Docket Number</i>	<i>Company Name</i>	<i>Annual or Supplemental</i>
A-2013-2393189	Alternative Utility Services, Inc.	Annual
A-2018-3004623	Ameresco, Inc.	Annual
A-2014-2411025	American Utility Management, Inc.	Annual
A-2011-2233558*	Blue Pilot Energy, LLC	Annual
A-2013-2398234	Choose Energy, Inc.	Annual
A-2012-2319921*	Christoff Mitchell Petroleum, Inc.	Annual
A-125016*	Columbia Energy Services Corporation	Annual
A-2010-2159802*	ConocoPhillips Company	Supplemental
A-2015-2506262	Customer Acquisition Specialists of America, Inc.	Annual
A-2013-2397052	Delta Energy Services Ohio, LLC	Annual
A-2015-2472163*	Eco-Energy, LLC	Annual
A-125031*	Econnergy PA, Inc.	Annual
A-2018-3003386	Edge Insight, Inc.	Annual
A-2019-3011398	Energy CX, LLC	Annual
A-125133	Energy USA-TPC	Annual
A-2014-2441030	Front Line Power Solutions, LLC	Annual
A-2016-2529642	Gold Star Energy, LLC	Annual
A-125083*	Iberdrola USA Solutions, Inc.	Annual
A-2018-3006014	John Orr, d/b/a Energy Management Services	Annual
A-2015-2468934	Lava Energy, Inc.	Annual
A-2009-2090931	Mid-American Natural Resources, LLC	Both
A-2016-2577965	NAUP Brokerage, LLC	Annual
A-2014-2418502	Nextility, Inc.	Annual
A-2016-2549031	Power-Mark Resources, LLC	Annual
A-2016-2547376	PRX Energy, LLC	Annual
A-125132*	Texon Distributing LP	Annual
A-2016-2579070	Triangle Energy, LLC, d/b/a Bid Energy Group	Annual
A-2015-2491593*	Twin Eagle Resource Management, LLC	Annual
A-2013-2347970	US Grid Energy, LLC	Annual
A-125035*	Williams Energy Marketing & Trading	Annual

*Taking title to natural gas.

Annual Report

All NGS suppliers must also file an Annual Report with the Commission by April 30 each year. 52 Pa. Code § 62.110(a). The Annual Report must include, among other things, the NGS's total gross receipts from the sale of natural gas supply services in the preceding calendar year. 52 Pa. Code § 62.110(a)(1). This information is used by the Commission to calculate the supplemental fee in accordance with the terms of the Final Implementation Order.

As previously noted, the Commission has the authority, consistent with due process, to suspend or revoke an NGS's license for the NGS's failure to comply with applicable provisions of the Code, Commission regulations, and Commission orders. 66 Pa.C.S. § 2208(c)(2) and 52 Pa. Code. § 62.113(a)(5). An NGS that fails to file an annual report violates the Commission's regulations at 52 Pa. Code § 62.110(a). Therefore, such an NGS is subject to fines and having its license revoked by the Commission.

The Commission sent an NGS Requirements Letter to all NGS suppliers in February 2020 advising them of their annual filing requirements and the due dates. In October 2020, the Commission sent a Failure to Submit Annual Report Notice (Notice) to NGS suppliers that failed to file a 2019 Annual Report with the Commission. The Notice stated that the past due Annual Report must be filed within 30 days of the Notice.

As of February 12, 2021, the NGS suppliers listed in Table 2 below have not filed a 2020 Annual Report, reporting their 2019 gross receipts, with the Commission.

Table 2—Failure to File a Natural Gas Supplier Annual Report

<i>Docket Number</i>	<i>Company Name</i>
A-2013-2360403*	Alpha Gas and Electric, LLC
A-2011-2221017*	Amerigreen Energy, Inc.
A-125025*	Belden and Blake Corporation
A-2011-2233558*	Blue Pilot Energy, LLC
A-125016*	Columbia Energy Services Corporation
A-2010-2159802*	ConocoPhillips Company
A-2014-2399590*	Consolidated Edison, Inc.
A-125037*	D & L Gas and Marketing, LLC
A-125031*	Econnergy PA, Inc.
A-2014-2409507*	Energy Cooperative Association of PA
A-125022*	Equitable Gas Company
A-125039*	Greenmountain.com Company
A-2018-3002121*	Hudson Energy Services, LLC
A-125083*	Iberdrola USA Solutions, Inc.
A-125090*	Metromedia Energy, Inc.
A-2013-2353838*	North American Power & Gas, LLC
A-2018-2647604*	Provision Power and Gas, LLC
A-2018-3004940*	Sanford Energy Associates, LLC
A-2013-2346185*	SFE Energy Pennsylvania
A-2009-2089565*	Shell Energy North America LP
A-2018-3003351*	Statewise Energy Pennsylvania, LLC
A-125132*	Texon Distributing LP
A-2008-2054272*	Titan Gas, LLC
A-125035*	Williams Energy Marketing & Trading

*Taking title to natural gas.

Disposition

Based on the above facts, we tentatively find that the NGSs listed in Table 1 are not in compliance with the Public Utility Code, 66 Pa.C.S. § 2208(c)(2), (h) and the Final Implementation Order, and the NGSs listed in Table 2 are not in compliance with the Public Utility Code, 66 Pa.C.S. § 2208(c)(2), and the Commission's regulations at 52 Pa. Code § 62.110(a). Therefore, it is appropriate to initiate the NGS license revocation process for each company listed in Table 1 and Table 2 as being in the public interest; *Therefore,*

It Is Ordered:

1. That revocation of the Natural Gas Supplier License of each company listed in Table 1 and Table 2 is hereby tentatively approved as being in the public interest.

2. That the Secretary (i) 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 natural gas distribution companies, and all of the Natural Gas Suppliers listed in Table 1 and Table 2; (ii) publish a copy of this Tentative Order in the *Pennsylvania Bulletin* with a 30-day comment period; and

(iii) file a copy of this Tentative Order at each Natural Gas Supplier's assigned docket number.

3. That, to the extent any of the Natural Gas Suppliers listed in Table 1 and Table 2 challenge the revocation of their license, they must file comments within thirty (30) days after publication of this Tentative Order in the *Pennsylvania Bulletin*. Written comments referencing Docket No. M-2021-3023833 must be eFiled to the Pennsylvania Public Utility Commission through the Commission's eFiling System per the Commission's Emergency Order dated March 20, 2020, at Docket No. M-2020-3019262. You may set up a free eFiling account with the Commission at <https://efiling.puc.pa.gov/> if you do not have one. Filing instructions may be found on the Commission's website at http://www.puc.pa.gov/filing_resources.aspx. Comments containing confidential information should be emailed to Commission Secretary Rosemary Chiavetta at rchiavetta@pa.gov rather than eFiled.

4. That, alternatively, Natural Gas Suppliers listed in Table 1 may pay their outstanding fee balance up to and within thirty (30) days after publication in the *Pennsylvania Bulletin*. Payment shall be sent to the Pennsylvania Public Utility Commission, Attn: Fiscal Office, Commonwealth Keystone Building, 400 North Street, 3rd Floor, Harrisburg, PA 17120. Checks shall be made payable to "Commonwealth of Pennsylvania."

5. That, alternatively, Natural Gas Suppliers listed in Table 2 may file their outstanding 2020 annual revenue report within thirty (30) days after publication in the *Pennsylvania Bulletin*. Any completed 2020 annual revenue reports shall be sent to the Pennsylvania Public Utility Commission, Attn: Secretary's Bureau, Commonwealth Keystone Building, 400 North Street, Harrisburg, PA 17120.

6. That, absent the timely (i) filing of comments challenging the revocation of the Natural Gas Supplier's license; (ii) payment of the Natural Gas Supplier's outstanding fee balance; or (iii) filing of the Natural Gas Supplier's 2020 annual revenue report, the Bureau of Technical Utility Services, in conjunction with the Bureau of Administration, shall prepare a Final Order revoking the license of each Natural Gas Supplier that fails to respond.

7. That upon entry of the Final Order, Natural Gas Suppliers that fail to respond will be prohibited from providing natural gas supply services to retail gas customers. Any customers served by the Natural Gas Supplier will be returned to the appropriate Natural Gas Distribution Company's provider of last resort service as set forth in the Final Order.

8. Natural Gas Suppliers that fail to respond 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 will be sent to all natural gas distribution companies in which the Natural Gas Suppliers were licensed to do business.

ROSEMARY CHIAVETTA,
Secretary

ORDER ADOPTED: February 25, 2021

ORDER ENTERED: February 25, 2021

[Pa.B. Doc. No. 21-402. Filed for public inspection March 12, 2021, 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 (Commission). Formal protests, petitions to intervene and answers must be filed in accordance with 52 Pa. Code (relating to public utilities) on or before March 29, 2021. Filings must be made electronically through eFiling to the Secretary of the Pennsylvania Public Utility Commission, 400 North Street, Harrisburg, PA 17120, with a copy served on the applicant by March 8, 2021. 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 and accepting EService. Individuals can sign up for a free eFiling account with the Secretary of the Commission through the Commission's eFiling system at <https://www.puc.pa.gov/efiling/Default.aspx>. 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. The documents filed in support of the application are only available for inspection through the Commission's web site at www.puc.pa.gov by searching under the previously listed docket number or by searching the applicant's web site.

Application of the following for approval to *begin operating as common carriers for transportation of persons as described under the application.*

A-2021-3024336. LLG Transportation, LLC (1163 George Road, Jenkintown, Montgomery County, PA 19046) in paratransit service, excepting transportation to medical facilities, from points in the City and County of Philadelphia, to points in Pennsylvania, and return.

Applications of the following for the approval of the right and privilege to *discontinuelabandon operating as common carriers by motor vehicle and for cancellation of the certificate of public convenience as described under each application.*

A-2021-3024264. AAA Worldwide Transportation, Inc. (1973 Washington Valley Road, Suite 1, Martinsville, NJ 08836) discontinuance of service and cancellation of its certificate to transport as a common carrier, by motor vehicle, persons, in limousine service, previously granted under A-2009-2140524.

A-2021-3024265. AAA Worldwide Transportation, Inc. (1973 Washington Valley Road, Suite 1, Martinsville, NJ 08836) discontinuance of service and cancellation of its certificate to transport as a common carrier, by motor vehicle, persons, in group and party service, in vehicles seating 11—15 passengers, including the driver, previously granted under A-2014-2457151.

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 21-403. Filed for public inspection March 12, 2021, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Telecommunications Services

A-2021-3024004. Claverack Communications, LLC.

Application of Claverack Communications, LLC for approval to offer, render, furnish or supply telecommunications services as a competitive local exchange carrier to the public in this Commonwealth in the service territories of Commonwealth Telephone Company, d/b/a Frontier Communications Commonwealth Telephone Company; Frontier Communications of Canton, LLC; Citizens Telecommunications of New York, Inc., d/b/a Frontier Communications of New York; The North-Eastern Pennsylvania Telephone Company; and North Penn Telephone Company.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities) on or before March 29, 2021. Filings must be made with the Secretary of the Pennsylvania Public Utility Commission, Keystone Building, 400 North Street, Harrisburg, PA 17120, with a copy served on the applicant. The documents filed in support of the application are available only online for inspection and copying on the Pennsylvania Public Utility Commission's (Commission) web site at www.puc.pa.gov and at the applicant's business address. In accordance with the Commission's Emergency Order at M-2020-3019262, all parties participating in matters pending before the Commission are required to eFile their submissions by opening an eFiling account—free of charge—through the Commission's web site and accepting eService.

Applicant: Claverack Communications, LLC

Through and By Consultant: Kenneth R. Stark, Esquire, McNeese Wallace & Nurick, LLC, 100 Pine Street, P.O. Box 1166, Harrisburg, PA 17108-1166, (717) 237-5368, fax (717) 260-1736, kstark@mcneese.com

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 21-404. Filed for public inspection March 12, 2021, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Transfer by Sale

A-2021-3024311. PECO Energy Company. Application of PECO Energy Company for approval of transfer by sale to the Fox Run Preserve Community Association of street lighting facilities located in Bucks County.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities) on or before March 29, 2021. Filings must be made with the Secretary of the Pennsylvania Public Utility Commission, Keystone Building, 400 North Street, Harrisburg, PA 17120, with a copy served on the applicant. The documents filed in support of the application are

available only online for inspection and copying on the Pennsylvania Public Utility Commission's (Commission) web site at www.puc.pa.gov and at the applicant's business address. In accordance with the Commission's Emergency Order at M-2020-3019262, all parties participating in matters pending before the Commission are required to eFile their submissions by opening an eFiling account—free of charge—through the Commission's web site and accepting eService.

Applicant: PECO Energy Company

Through and By Counsel: Jack R. Garfinkle, PECO Energy Company, 2301 Market Street/S23-1, Philadelphia, PA 19101-8699

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 21-405. Filed for public inspection March 12, 2021, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Transfer by Sale

A-2021-3024329 and A-2021-3024330. PPL Electric Utilities Corporation and UGI Utilities, Inc. Joint application of PPL Electric Utilities Corporation and UGI Utilities, Inc. for approval of the transfer by sale of real property and facilities located at 845 Park Avenue, Marion Heights, Mount Carmel Township.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities) on or before Monday, March 29, 2021. Filings must be made with the Secretary of the Pennsylvania Public Utility Commission, 400 North Street, 2nd Floor, Harrisburg, PA 17120, with a copy served on the applicant. The documents filed in support of the application are available only online for inspection and copying on the Pennsylvania Public Utility Commission's (Commission) web site at www.puc.pa.gov and at the applicant's business address. In accordance with the Commission's Emergency Order at M-2020-3019262, all parties participating in matters pending before the Commission are required to eFile their submissions by opening an eFiling account—free of charge—through the Commission's web site and accepting eService.

Applicants: PPL Electric Utilities Corporation; UGI Utilities, Inc.

Through and By Counsel: Kimberly A. Klock, Esquire, Michael J. Shafer, Esquire, PPL Services Corporation, Office of General Counsel, Two North Ninth Street, Allentown, PA 18101, (610) 774-5696, (610) 774-2599, fax (610) 774-4102, kklock@pplweb.com, mishafer@pplweb.com; Kent D. Murphy, Esquire, Bryn L. Michaels, Esquire, UGI Corporation, 460 North Gulph Road, King of Prussia, PA 19406, (610) 768-3631, (610) 992-3750, murphyke@ugicorp.com, michaelsb@ugicorp.com

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 21-406. Filed for public inspection March 12, 2021, 9:00 a.m.]

**PENNSYLVANIA PUBLIC
UTILITY COMMISSION**

Transfer by Sale

A-2021-3024333. PECO Energy Company. Application of PECO Energy Company for approval of transfer by sale to the Brandywine at Thornbury Homeowners Association of street lighting facilities located in Chester County.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities) on or before March 29, 2021. Filings must be made with the Secretary of the Pennsylvania Public Utility Commission, Keystone Building, 400 North Street, Harrisburg, PA 17120, with a copy served on the applicant. The documents filed in support of the application are available only online for inspection and copying on the Pennsylvania Public Utility Commission’s (Commission) web site at www.puc.pa.gov and at the applicant’s business address. In accordance with the Commission’s Emergency Order at M-2020-3019262, all parties participating in matters pending before the Commission are required to eFile their submissions by opening an eFiling account—free of charge—through the Commission’s web site and accepting eService.

Applicant: PECO Energy Company

Through and By Counsel: Jack R. Garfinkle, PECO Energy Company, 2301 Market Street/S23-1, Philadelphia, PA 19101-8699

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 21-407. Filed for public inspection March 12, 2021, 9:00 a.m.]

**PENNSYLVANIA PUBLIC
UTILITY COMMISSION**

Transfer by Sale

A-2021-3024338. PECO Energy Company. Application of PECO Energy Company for approval of transfer by sale to East Marlborough Township of street lighting facilities located in Chester County.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities) on or before Monday, March 29, 2021. Filings must be made with the Secretary of the Pennsylvania Public Utility Commission, Keystone Building, 400 North Street, Harrisburg, PA 17120, with a copy served on the applicant. The documents filed in support of the application are available only online for inspection and copying on the Pennsylvania Public Utility Commission’s (Commission) web site at www.puc.pa.gov and at the applicant’s business address. In accordance with the Commission’s Emergency Order at M-2020-3019262, all parties participating in matters pending before the Commission are required to eFile their submissions by opening an eFiling account—free of charge—through the Commission’s web site and accepting eService.

Applicant: PECO Energy Company

Through and By Counsel: Jack R. Garfinkle, PECO Energy Company, 2301 Market Street/S23-1, Philadelphia, PA 19101-8699

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 21-408. Filed for public inspection March 12, 2021, 9:00 a.m.]

**PENNSYLVANIA PUBLIC
UTILITY COMMISSION**

Transfer by Sale

A-2021-3024404. PECO Energy Company. Application of PECO Energy Company for approval of the transfer by sale to the Borough of West Grove of street lighting facilities located in Chester County.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities) on or before Monday, March 29, 2021. Filings must be made with the Secretary of the Pennsylvania Public Utility Commission, Keystone Building, 400 North Street, Harrisburg, PA 17120, with a copy served on the applicant. The documents filed in support of the application are available only online for inspection and copying on the Pennsylvania Public Utility Commission’s (Commission) web site at www.puc.pa.gov and at the applicant’s business address. In accordance with the Commission’s Emergency Order at M-2020-3019262, all parties participating in matters pending before the Commission are required to eFile their submissions by opening an eFiling account—free of charge—through the Commission’s web site and accepting eService.

Applicant: PECO Energy Company

Through and By Counsel: Jack R. Garfinkle, PECO Energy Company, 2301 Market Street/S23-1, Philadelphia, PA 19101-8699

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 21-409. Filed for public inspection March 12, 2021, 9:00 a.m.]

**PUBLIC SCHOOL EMPLOYEES’
RETIREMENT BOARD**

Video Hearing Scheduled

A video hearing has been scheduled, as authorized by 24 Pa.C.S. Part IV (relating to Public School Employees’ Retirement Code), in connection with the Public School Employees’ Retirement System’s (System) denial of claimant’s request concerning the indicated account.

The hearing will be held before a hearing examiner by means of video hearing. For a link to attend the video hearing virtually, contact Julie Vitale, Appeal Docket Clerk, at (717) 720-4888.

April 22, 2021	Account of Mark A. Madden (Disability) (Change of Retirement Option)	10 a.m.
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Persons with a disability who require an auxiliary aid, service or other accommodation to attend the proceeding, should contact the Appeal Docket Clerk to discuss how the System may best accommodate their needs.

Parties may appear with or without counsel and offer relevant testimony or evidence to support their respective positions. The hearing will be held in accordance with the requirements of 2 Pa.C.S. §§ 501—508 and 701—704 (relating to Administrative Agency Law). Under 22 Pa. Code § 201.1 (relating to applicability of general

rules), procedural matters will be in conformance with 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure) unless specific exemption is granted.

GLEN R. GRELL,
Executive Director

[Pa.B. Doc. No. 21-410. Filed for public inspection March 12, 2021, 9:00 a.m.]

NOTICES

GOVERNOR'S OFFICE

Regulatory Agenda

Executive Order 1996-1 requires all agencies under the jurisdiction of the Governor to submit for publication semi-annually an agenda of regulations under development or consideration.

The agendas are compiled to provide members of the regulated community advanced notice of regulatory activity. It is the intention of the Administration that these agendas will serve to increase public participation in the regulatory process.

Agency contacts should be contacted for more information regarding the regulation and the procedure for submitting comments.

This Agenda represents the Administration's present intentions regarding future regulations. The information provided is current as of March, 2021. The nature and complexity of an individual regulation obviously will determine whether and when any particular regulation listed (as well as any considered subsequent to publication of this Agenda) is published.

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Department of Aging			
Older Adult Daily Living Centers 6 Pa. Code Chapter 11	Spring 2021, as Proposed	The purpose of 6 Pa. Code Chapter 11 is to protect the health, safety and well-being of persons with functional impairments for the licensure and operation of Older Adult Daily Living Centers (OADLC). These regulations—the statutory authority for which is found in Act 118 of 1990 and in 62 P.S. Chapter 2 § 1511—were adopted on July 2, 1993 and effective October 12, 1993. The Pennsylvania Department of Aging is responsible for the enforcement of these regulations. OADLC services provide a structured program of services to clients who require the service along with valuable respite to caregivers. The proposed rulemaking would update the existing regulatory language to address changes in other statutes, regulations, codes, ordinances, and other professional standards and practices, along with addressing the increasing frailty of clients served in OADLC.	Barb Valaw (717) 787-4522
Pennsylvania Community Adult Respite Services Program Act 166 of 2014	Spring 2021, as Proposed	Act 166 of 2014 (P.L. 2615, Oct. 22, 2014, No. 166) created a new program called the Pennsylvania Community Adult Respite Services Program (CARP), authorizing the Department of Aging to license and inspect community adult respite services programs that serve participants with minor functional impairments. The purpose of the proposed rulemaking is to provide guidance to persons wishing to provide community adult respite services to eligible persons for part of a 24-hour day, filling a niche between senior centers and older adult daily living centers, as required by Act 166 of 2014.	Barb Valaw (717) 787-4522

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
<i>Department of Agriculture</i>			
Agricultural Conservation Easement Purchase Program 7 Pa. Code Chapter 138e (# 2-192)	August 2021, as Proposed. The underlying statute has been amended, which will entail a delay and rewrite of the proposed regulation.	The regulation will revise the regulation to address the five amendments of the Agricultural Area Security Law that occurred since 2004, when the regulation was last revised. The revision will accomplish a “housekeeping” update to reflect the Department’s experience in administering the Agricultural Conservation Easement purchase program.	Doug Wolfgang (717) 783-3167
Milk Sanitation 7 Pa. Code Chapter 59a (# 2-194)	August 2021, as Proposed	The regulation will: 1) accomplish a “housekeeping” update to the technical Milk Sanitation regulations; 2) allow for the lawful production and sale of raw milk butter; and 3) lower the maximum permissible somatic cell count for milk.	Sheri Morris (717) 787-4315
State Food Purchase Program 7 Pa. Code Chapter 160 (# 2-195)	April 2021, as Proposed	This regulation will increase the income threshold cap for the Program from the current 150% of the poverty level established by the USDA to 185%.	Caryn Long Earl (717) 772-2688
<i>Department of Banking and Securities (DOBS)</i>			
Promulgation of agency rules of administrative practice and procedure, to be added to Title 10, Part I	Spring 2021, as Proposed	The Department currently uses the General Rules of Administrative Practice and Procedure (“GRAAP”), which contemplate that an agency may promulgate its own rules. 1 Pa. Code § 31.1(c). The agency desires to enact rules more suited to its statutory requirements.	Stefanie Hamilton (717) 787-1471
Final omitted rulemaking for changes to regulations under the Banking Code of 1965— Title 10	Spring 2021, with omission of notice of proposed rule-making under 45 P.S. § 1204	The Department will be pursuing a final omitted rulemaking to delete portions of Title 10 that have been preempted or rendered moot by either State or Federal law.	Stefanie Hamilton (717) 787-1471
<i>Department of Community and Economic Development (DCED)</i>			
No regulations being developed or considered at this time.			
<i>Department of Conservation and Natural Resources (DCNR)</i>			
DCNR Plant Regulations Update 17 Pa. Code Chapter 45	Fall 2021/Winter 2022	This rulemaking proposes to amend 17 Pa. Code Chapter 45 by doing the following: 1) updating the classification lists of native wild plants; and 2) updating the scientific and common names of certain native wild plants. Regarding updates to the classification lists of native wild plants, this rulemaking proposes to amend the following classification lists: Pennsylvania Extirpated (§ 45.11); Pennsylvania Endangered (§ 45.12); Pennsylvania Threatened (§ 45.13); Pennsylvania Rare (§ 45.14); and Tentatively Undetermined (§ 45.21). This rulemaking proposes to amend the classification lists in the following ways: 1) adding plants that are currently unclassified, to a classification list; 2) reclassifying plants already on a classification list, to a new classification; and 3) removing plants from the classification lists altogether (declassifying them).	Rebecca Bowen (717) 772-0258 Lisa Maiorana, Esq. (717) 783-0139

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
<i>Department of Corrections (DOC)</i>			
Inmate Correspondence 37 Pa. Code § 93.2	Fall 2021, as Proposed	Inmate correspondence regulations are being revised to reflect new DOC procedures for processing mail.	Tracey Tubbs (717) 728-7763
Inmate Visiting Privileges 37 Pa. Code § 93.3	Fall 2021, as Proposed	Inmate visiting privileges regulations are being revised to reflect DOC changes to its visiting policy.	Tracey Tubbs (717) 728-7763
Purchase for Inmates by Family and Friends 37 Pa. Code § 93.4	Fall 2021, as Proposed	Purchase for inmates by family and friends regulations are being revised for clarification and to more accurately comport with current standards.	Tracey Tubbs (717) 728-7763
<i>Department of Drug and Alcohol Programs (DDAP)</i>			
Recovery House Regulations 28 Pa. Code Chapter 709, Subchapter L (new)	Summer 2021, as Final-Omitted	Act 59 of 2017 directs DDAP to establish regulations for recovery houses that receive public funds or referrals. Recovery houses provide support to individuals receiving outpatient treatment for substance use disorder who may benefit from supportive housing, a substance-free environment and peer camaraderie. Preparation of the final-omitted regulatory package is completed; regulatory package presented to Governor's Office for review pursuant to E.O. 1996-1, Sec. 4.	Jordan Lewis (717) 736-7466
<i>Department of Education (PDE)</i>			
Regulations of the State Board of Private Academic Schools 22 Pa. Code Chapters 51, 53, 55, 57, 59, 61 and 63	Spring 2021, as Proposed	These regulations define the requirements for obtaining licensure as a Private Academic School. The Board is in the process of updating the regulations, which were promulgated in 1988. The regulations are promulgated under the authority of the Private Academic Schools Act (24 P.S. §§ 6701 et. seq.).	Matthew Stem (717) 787-2127
Professional Standards and Practices Commission 22 Pa. Code Chapter 235	Spring 2021, as Final	This chapter sets forth the standards for professional practice and conduct applicable to educators. The regulation updates this chapter to conform to the 2014 amendments to the Educator Discipline Act (24 P.S. §§ 2070.1a et seq.) and to expound the obligations educators owe to students, colleagues and the profession, with an emphasis on appropriate student-teacher boundaries, electronic communications with students and role model responsibilities. The regulation is promulgated under the authority of sections 5(a)(10) and 5(a)(14) of the Educator Discipline Act (24 P.S. § 2070.5(a)(10) and § 2070.5(a)(14)).	Shane Crosby (717) 787-6576
Department of Education	Spring 2021, as Proposed	These regulations will address the possession and use of medical marijuana by students and employees on the grounds of a preschool, primary school and a secondary school. These regulations are promulgated under authority of the Medical Marijuana Act (2016 Pa. Laws 16).	Sherri Smith (717) 772-4557
Department of Education	Spring 2021, as Proposed	This regulation will establish the permanent fees for institutions of higher education to participate in the state authorization reciprocity agreement. These regulations are promulgated under authority granted by the Act 35 of 2016 (24 P.S. § 1-124(b)).	Lynette Kuhn (717) 783-8228

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Regulations of the State Board of Private Licensed Schools 22 Pa. Code Chapter 73	Summer 2021, as Proposed	These regulations define the requirements for obtaining and maintaining licensure as a Private Licensed School and set outcomes benchmarks. The regulations are promulgated under the authority of the Private Licensed Schools Act (24 P.S. §§ 6501 et. seq.).	Lynette Kuhn (717) 783-8228
Regulations of Special Education Services and Programs 22 Pa. Code Chapter 14	Spring 2021, as Final-Omitted	This regulation supports Pennsylvania's people with an intellectual disability by updating the language in 22 Pa. Code relating to education by replacing the terms "mentally retarded" and "mental retardation" with the terms "intellectual disability" or "intellectual disabilities." The regulation is promulgated under the authority of Sections 502, 1372, 26-2603-B, of the Public School Code of 1949, as amended, 24 P.S. Sections 5-502, 13-1372, 26-2603-B. Sections 875-101 through 875-503 of the Early Intervention Services System Act, as amended, 11 P.S. Sections 875-101 through 875-503.	Karen Molchanow (717) 787-3787
Regulations of Charter School and Cyber Charter School Services and Programs for Children with Disabilities 22 Pa. Code Chapter 711	Spring 2021, as Final-Omitted	This regulation supports Pennsylvania's people with an intellectual disability by updating the language in 22 Pa. Code relating to education by replacing the terms "mentally retarded" and "mental retardation" with the terms "intellectual disability" or "intellectual disabilities." The regulation is promulgated under the authority of Sections 1701-A through 1732-A, 1749-A(b)(8), 1751-A, of the Public School Code of 1949, as amended, 24 P.S. §§ 17-1701-A through 17-1732-A, 17-1749-A(b)(8), 17-1751-A and §§ 875-101 through 875-503 of the Early Intervention Services System Act, as amended, 11 P.S. §§ 875-101 through 875-503.	Sherri Smith (717) 772-4557
State Board of Education 22 Pa. Code Chapter 49	Spring 2021, as Final	These regulations establish requirements for certification of professional personnel employed in the public schools of the Commonwealth. The regulations are undergoing a required major review. In July 2020, the Board approved proposed revisions to the Chapter that were informed by stakeholder input gathered through Statewide public hearings and written comments. The regulations are promulgated under the authority of the Public School Code of 1949, 24 P.S. § 2603-B.	Karen Molchanow (717) 787-3787
State Board of Education 22 Pa. Code Chapter 4	Summer 2021, as Final	These regulations update the Commonwealth's current academic standards for Science and Technology and Environment and Ecology to establish new academic standards that are in line with contemporary research on learning and teaching science. At the same time, the Board is making technical updates to Chapter 4 to align relevant sections of the regulation with changes to high school graduation requirements enacted by Act 158 of 2018 and will update terminology to replace references to vocational-technical education with the	Karen Molchanow (717) 787-3787

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
		more appropriate term Career and Technical Education. The regulations are promulgated under the authority of Public School Code of 1949, 24 P.S. § 26-2604-B(b)(vii).	
State Board of Education 22 Pa. Code Chapter 11	Summer 2021, as Final-Omitted	The Board will make technical updates to Chapter 11 to align relevant sections of the regulation with the changes to the compulsory school age that were enacted by Act 16 of 2019.	Karen Molchanow (717) 787-3787
Department of Education	Spring 2021, as Proposed	The Department will promulgate new regulations to ensure transparency and accountability in implementation of the Charter School Law related to the establishment of a charter school entity, the governance and operation of a charter school entity, and the closure of a charter school entity. The regulations are promulgated under the authority of the Public School Code of 1949, 24 P.S. §§ 17-1732-A(c) and 17-1751-A.	Adam Schott (717) 525-5755
<i>Environmental Hearing Board (EHB)</i>			
Practice and Procedure 25 Pa. Code Chapter 1021 (# 106-13)	Winter/Spring 2021, as Proposed	The rulemaking proposes to amend the Board's rules in the following categories: motions for admission pro hac vice; petitions to appeal nunc pro tunc; the requirement of a table of contents in briefs exceeding 30 pages and in prehearing memoranda; and other minor corrections to the rules. The Board plans to submit the proposed rulemaking to IRRC and the Legislative Committees in February 2021.	Maryanne Wesdock, Senior Assistant Counsel (412) 565-5245
<i>Department of Environmental Protection (DEP)</i>			
Water Supply Replacement for Coal Surface Mining 25 Pa. Code Chapters 87—90 (# 7-545)	Quarter 1, 2021, IRRC Consideration, as Final	This rulemaking revises Chapters 87—90, to clarify what is necessary to meet the coal mine operator's obligation to permanently pay the operation and maintenance costs for replacement water supplies. (Surface Mining Conservation and Reclamation Act)	Sharon Hill (717) 787-6842 shill@pa.gov
Noncoal Mining Clarifications and Corrections 25 Pa. Code Chapter 77 (# 7-554)	Quarter 1, 2021, Publication, as Proposed	This rulemaking proposes to clarify and correct existing regulatory requirements for noncoal mining. The rulemaking also proposes to update the blasting section to be consistent with the recently revised Chapter 211 and to reflect current technology. (Noncoal Surface Mining Conservation and Reclamation Act, Clean Streams Law)	Bill Allen (717) 783-9580 wallen@pa.gov
Coal Refuse Disposal Revisions 25 Pa. Code Chapter 90 (# 7-565)	Quarter 2, 2021, EQB Consideration, as Proposed	This rulemaking proposes to implement Act 74 of 2019. Proposed regulatory amendments will include clarification of the triggering events that would require an operator to install a system to prevent precipitation from contacting the coal refuse; differences between the State and Federal regulations relating to temporary cessation; and establish a connection between the disposal area and the source of the refuse. (Surface Mining Conservation and Reclamation Act, Clean Streams Law, Coal Refuse Disposal Control Act)	Greg Greenfield (717) 787-3174 grgreenfie@pa.gov

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Environmental Protection Performance Standards for Conventional Oil and Gas Operators 25 Pa. Code Chapter 78 (# 7-539)	Quarter 4, 2021, EQB Consideration, as Proposed	This rulemaking proposes to amend the Oil and Gas regulations applicable to conventional operators (Chapter 78) to update the environmental protection performance standards related to oil and gas activities. (2012 Oil and Gas Act, Clean Streams Law, Solid Waste Management Act, Dam Safety Encroachment Act, Land Recycling and Environmental Remediation Standards Act, Radiation Protection Act, Unconventional Well Report Act, Act 126 of 2014)	Kurt Klapkowski (717) 772-2199 kklapkowski@pa.gov
Waste Management and Related Issues at Conventional Oil and Gas Well Sites 25 Pa. Code Chapter 78 (# 7-540)	Quarter 4, 2021, EQB Consideration, as Proposed	This proposed rulemaking relates primarily to the proper management of waste generated at conventional oil and gas well sites. The purpose of this regulation is to update the performance standards for surface activities at conventional well sites to ensure that these activities are conducted in a manner that protects the health, safety, and environment and property of Pennsylvania's residents.	Kurt Klapkowski (717) 772-2199 kklapkowski@pa.gov
Administration of the Land Recycling Program 25 Pa. Code Chapter 250 (# 7-552)	Quarter 2, 2021, EQB Consideration, as Final	The rulemaking proposes to amend 25 Pa. Code Chapter 250 to update the medium specific concentrations (MSCs) established under the Statewide health standard based on the most recent published scientific information. MSCs are concentrations of contaminants in soil and groundwater that are protective of human health and the environment under various exposure scenarios. This rule also proposes to add MSCs for three new contaminants, including Perfluorooctanoic Acid (PFOA), Perfluorooctance Sulfonate (PFOS) and Perfluorobutane Sulfonate (PFBS). These contaminants are within the Per- and Poly-fluoroalkyl Acid (PFAS) family of compounds for which the U.S. Environmental Protection Agency (EPA) has published toxicological data. These regulations identify the formulas DEP must use to calculate MSCs and the sources of the toxicological information. This rulemaking also proposes to clarify administrative elements of Chapter 250. DEP is required by § 250.11 to propose appropriate MSC changes based on current scientific information no more than 36 months after the effective date of the most recently promulgated MSCs. (Land Recycling and Environmental Remediation Standards Act)	Troy Conrad (717) 783-9480 tconrad@pa.gov
Radiation Safety Requirements for Non-Healing Arts Radiation Generating Devices 25 Pa. Code Chapters 227 and 228 (# 7-555)	Quarter 1, 2021, EQB Consideration, as Proposed	This rulemaking proposes to update Chapter 227 to stay current with advances that have occurred in the uses of non-medical X-ray equipment. The revisions will ensure consistency with other government agencies that similarly regulate these devices. (Radiation Protection Act)	John Chipppo (717) 787-2480 jchippo@pa.gov
Water Quality Standards—Class A Stream Redesignations 25 Pa. Code Chapter 93 (# 7-548)	Quarter 1, 2021, IRRRC Consideration, as Final	The regulatory changes included in this rulemaking are the result of stream evaluations conducted by DEP in response to a submittal of data from the Pennsylvania Fish and Boat Commission (PFBC).	Michael Lookenbill (717) 787-2959 mlookenbil@pa.gov

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
		<p>In this rulemaking, redesignations rely on § 93.4b(a)(2)(ii) to qualify streams for High Quality (HQ) designations based upon their classifications as Class A wild trout streams. DEP staff conducted an independent review of the trout biomass data in the PFBC's fisheries management reports for streams throughout the Commonwealth to ensure that the HQ criteria were met. Based on these data and appropriate regulatory criteria, DEP developed this package of stream redesignations including HQ stream redesignations in the Delaware, Susquehanna and Ohio River basins. (Section 303(c)(1) of the Federal Clean Water Act)</p>	
<p>Water Quality Standard for Manganese 25 Pa. Code Chapters 93 and 96 (# 7-553)</p>	<p>Quarter 4, 2021, EQB Consideration, as Final</p>	<p>This rulemaking proposes to address a provision regarding the water quality standards for manganese included in Act 40 of 2017. This rulemaking proposes to amend 25 Pa. Code Chapter 93 (relating to water quality standards) and 25 Pa. Code Chapter 96 (relating to water quality standards implementation). The amendments propose to delete manganese from Table 3 at § 93.7 (relating to specific water quality criteria) and add manganese to Table 5 at § 93.8c (relating to human health and aquatic life criteria for toxic substances). Also, the amendments propose two alternatives for a point of compliance with the manganese water quality standard: the point of all existing or planned surface potable water supply withdrawals; or all surface waters (i.e., near the point of discharge). (Administrative Code of 1929, Pennsylvania Clean Streams Law, Federal Clean Water Act)</p>	<p>Michael Lookenbill (717) 787-2959 mlookenbil@pa.gov</p>
<p>Water Quality Standards—Dunbar Creek et al. Stream Redesignations 25 Pa. Code Chapter 93 (# 7-557)</p>	<p>Quarter 2, 2021, EQB Consideration, as Proposed</p>	<p>The regulatory changes included in this rulemaking are the result of stream evaluations conducted by DEP in response to petitions submitted by citizens and data collected by the Department. In this rulemaking, redesignations rely on § 93.4b(a) and (b) to qualify one water for High Quality (HQ) and seven waters for Exceptional Value (EV) as well as correct the erroneous HQ designation of UNT Oley Creek to remove HQ. One water will be redesignated from Trout Stocking to Cold Water Fishes. Based on these data and appropriate regulatory criteria, DEP developed this package of stream redesignations including HQ stream redesignations in the Delaware, Susquehanna and Ohio River basins. (Section 303(c)(1) of the Federal Clean Water Act)</p>	<p>Michael Lookenbill (717) 783-2959 mlookenbil@pa.gov</p>
<p>Water Quality Management and NPDES Permit Application Fees and Annual Fees 25 Pa. Code Chapters 91 and 92a (# 7-533)</p>	<p>Quarter 1, 2021, EQB Consideration, as Final</p>	<p>This rulemaking proposes to amend fees related to water quality management permitting (Chapter 91) and proposes to amend the fee schedule for NPDES permit applications (Chapter 92a). Chapter 91 establishes, among other things, a water quality management (WQM) permitting</p>	<p>Sean Furjanic (717) 787-2137 sefurjanic@pa.gov</p>

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
		program for the construction of sewage and industrial waste treatment facilities and for land application of sewage and industrial wastes. DEP began its Chapter 92a annual invoicing and fee collection program in December 2010. Chapter 92a updated the fee schedule for NPDES permit applications for persons to discharge pollutants from point sources into surface waters. In addition, Chapter 92a introduced an annual fee for certain facilities authorized to discharge pollutants by individual NPDES permits. A fee analysis that DEP presented to the EQB in 2014 highlighted that, despite the fee increase in 2010, revenue continues to fall short of expenses, impeding the work of Programs to carry out necessary tasks for protecting water resources in the Commonwealth. (Pennsylvania Clean Streams Law)	
National Pollutant Discharge Elimination System (NPDES) Program and Combined Sewer Overflows (CSO) 25 Pa. Code Chapter 92a (# 7-563)	Quarter 2, 2021, EQB Consideration, as Proposed	This rulemaking proposes to amend 25 Pa. Code § 92a.51(a) to provide an exception for combined sewer overflows (CSO) dischargers with approved long-term control plans (LTCPs) to comply with water quality standards in accordance with the schedule contained in the approved LTCPs allowing renewals of NPDES permits for CSOs to move forward. (Federal Clean Water Act, Pennsylvania Clean Streams Law)	Sean Furjanic (717) 787-2137 sefurjanic@pa.gov
Dam Safety and Waterway Management 25 Pa. Code Chapter 105 (# 7-556)	Quarter 4, 2021, EQB Consideration, as Final	This proposed rulemaking would amend Chapter 105; clarifying existing requirements; deleting or updating obsolete and antiquated requirements; incorporating new or revised sections and definitions; and correcting typographical errors. (Federal Clean Water Act, Pennsylvania Clean Streams Law, Dam Safety and Encroachment Act)	Sid Freyermuth (717) 772-5977 sfreyermuth@pa.gov
PFAS MCL Rule 25 Pa. Code Chapter 109 (# 7-569)	Quarter 4, 2021, EQB Consideration, as Proposed	This proposed rulemaking would establish a maximum contaminant level (MCL) for select per- and polyfluoroalkyl substances (PFAS) in drinking water. (Safe Drinking Water Act)	Lisa Daniels (717) 772-4046 ldaniels@pa.gov
Control of VOC Emissions from Oil and Natural Gas Sources 25 Pa. Code Chapter 129 (# 7-544)	Quarter 3, 2021, EQB Consideration, as Final	This rulemaking proposes to establish emission limitations and other requirements codified in 25 Pa. Code Chapter 129 consistent with reasonably available control technology (RACT). The proposed rulemaking would establish RACT requirements for volatile organic compounds and other pollutants from existing oil and natural gas production facilities, compressor stations, processing plants and transmission stations. Upon promulgation, the final-form regulation would be submitted to the EPA for approval as a SIP revision. (Air Pollution Control Act)	Viren Trivedi (717) 783-9476 vtrivedi@pa.gov

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Control of VOCs from Gasoline Dispensing Facilities (Stage I and Stage II) 25 Pa. Code Chapters 121 and 129 (# 7-525)	Quarter 4, 2021, EQB Consideration, as Final	This rulemaking proposes to remove the requirement to install new Stage II vapor recovery systems and establish procedures for the decommissioning of existing Stage II vapor recovery systems. Stage II systems that are not decommissioned will be required to comply with existing Stage II regulatory maintenance requirements. Industry standards for Stage I and Stage II vapor leak monitoring and relating measures will be added for small gasoline storage tanks. Upon promulgation, the final-form regulation would be submitted to the EPA for approval as a SIP revision. (Air Pollution Control Act)	Chris Trostle (717) 772-3926 dtrostle@pa.gov
Requirements for the Control of Hydrofluorocarbons (HFCs) in New or Retrofit Equipment and New Consumer Products 25 Pa. Code Chapters 121, 129 and 130 (# 7-562)	Quarter 3, 2021, EQB Consideration, as Proposed	This proposed rulemaking would provide significant reductions in HFC emissions, a potent greenhouse gas, by preventing the future use of HFCs in sources such as air conditioning and refrigeration. Reductions in HFC emissions will help address climate change and decrease the adverse impacts of climate change on human health, the environment and the economy. (Air Pollution Control Act)	Nancy Herb (717) 772-3926 nherb@pa.gov
Additional RACT Requirements for Major Sources of NO _x and VOCs for the 2015 Ozone NAAQS 25 Pa. Code Chapters 121 and 129 (# 7-561)	Quarter 2, 2021, EQB Consideration, as Proposed	This proposed rulemaking would be part of the Commonwealth's demonstration to fulfill the RACT requirements for the 2015 8-hour ozone NAAQS. The proposed rulemaking would establish additional presumptive NO _x and VOC RACT requirements and RACT emission limitations for certain major stationary sources of NO _x and VOC emissions. Upon promulgation, the final-form regulation would be submitted to the EPA for approval as a SIP revision. (Air Pollution Control Act)	Viren Trivedi (717) 783-9476 vtrivedi@pa.gov
CO ₂ Budget Trading Program 25 Pa. Code Chapter 145 (# 7-559)	Quarter 3, 2021, EQB Consideration, as Final	This rulemaking proposes to amend 25 Pa. Code Chapter 145 (relating to interstate pollution transport reduction) by adding Subchapter E (relating to CO ₂ budget trading program). This proposed rulemaking would establish a cap on carbon dioxide (CO ₂) emissions from fossil fuel-fired electric generating units, with a nameplate capacity equal to or greater than 25 megawatts (MWe), in Pennsylvania. This rulemaking would allow Pennsylvania to participate in the Regional Greenhouse Gas Initiative by establishing the Pennsylvania component of the CO ₂ Budget Trading Program which is designed to reduce anthropogenic emissions of CO ₂ , a greenhouse gas, in a manner that is protective of public health, welfare and the environment and is economically efficient. (Air Pollution Control Act)	Viren Trivedi (717) 783-9476 vtrivedi@pa.gov
VOC RACT Requirements for Certain CTG Source Categories for the 2015 Ozone NAAQS 25 Pa. Code Chapters 121 and 129 (# 7-568)	Quarter 2, 2021, EQB Consideration, as Proposed	This proposed rulemaking would be part of the Commonwealth's demonstration to fulfill the RACT requirements for the 2015 8-hour ozone NAAQS. The proposed rulemaking would establish presumptive VOC RACT requirements and RACT emission limitations for these CTG source categories:	Randy Bordner (717) 772-3921 ranbordner@pa.gov

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
		shipbuilding and ship repair surface coating; synthetic organic chemical manufacturing industry air oxidation, distillation and reactor processes; and large petroleum dry cleaners. Upon promulgation, the final-form regulation would be submitted to the EPA for approval as a SIP revision. (Air Pollution Control Act)	
MAX Delisting 25 Pa. Code Chapter 261a (# 7-566)	Quarter 2, 2021, EQB Consideration, as Proposed	This proposed rulemaking seeks to amend 25 Pa. Code Chapter 261a to exclude the wastewater sludge generated from the treatment disposal impoundment and land-fill leachate and contact stormwater at the MAX Environmental Technologies, Inc. Bulger and Yukon facilities from the list of hazardous wastes under the Resource Conservation and Recovery Act of 1976 (RCRA) and Solid Waste Management Act and their implementing regulations. The regulatory changes in this rulemaking, once promulgated, will codify delisting the wastewater sludge from the Bulger and Yukon Facilities as a hazardous waste. (Solid Waste Management Act, Resource Conservation and Recovery Act)	Tom Mellott (717) 783-3390 mtmellott@pa.gov
Municipal Waste Processing Permit-By-Rule; Rural Transfer Facility 25 Pa. Code Chapter 271 (# 7-564)	Quarter 2, 2021, EQB Consideration, as Proposed	This proposed rulemaking amends 25 Pa. Code Chapter 271.103 to add a new municipal waste processing permit-by-rule (PBR) for rural transfer facilities. It establishes requirements for operation of a rural transfer facility, including siting, storage, recordkeeping and other requirements. This proposed rulemaking was developed to create waste management and recycling opportunities for more citizens and in communities that are currently underserved or without collection infrastructure. (Solid Waste Management Act; Municipal Waste Planning, Recycling and Waste Reduction Act)	Laura Henry (717) 772-5713 lahenry@pa.gov
Prohibiting Electronic Liquid-Vaporizing Devices at Underground Bituminous Coal Mines 25 Pa. Code Chapter 208 (# 7-558)	Quarter 1, 2021, Publication, as Proposed	This proposed rulemaking will amend the smoking prohibition at underground bituminous coal mines to expressly prohibit the use and/or possession of electronic liquid-vaporizing devices, including, but not limited to, electronic cigarettes, and will provide for the imposition of a penalty for violations of the prohibition. This proposed rulemaking will also separately distinguish the prohibition at surface work areas of underground bituminous coal mines from the prohibition in the underground areas of these mines. (Bituminous Coal Mine Safety Act)	Richard Wagner (724) 925-5551 rwagner@pa.gov
Amendments to the Pennsylvania Clean Vehicles Program 25 Pa. Code Chapter 126, Subchapter D	Quarter 3, 2021, EQB Consideration, as Proposed	This proposed rulemaking would establish a requirement for automakers to offer for sale a percentage of ZEV Program-eligible light duty vehicles as part of their model offerings. With the availability of more non-emitting vehicles available for Pennsylvania's residents to purchase and the opportunity for residents to replace existing gasoline-powered or diesel-powered light-duty vehicles with non-emitting vehicles, emissions of criteria and toxic air	Chris Trostle (717) 772-3926 dtrostle@pa.gov

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
		pollutants and GHGs would be reduced from Pennsylvania's air. Vehicles are a significant contributor to air pollution and this proposed rulemaking would improve ambient air quality and reduce the adverse effects of air pollution on public health and welfare, including the environment, particularly within environmental justice communities. Upon promulgation, the final-form regulation would be submitted to the EPA for approval as a SIP revision. (Air Pollution Control Act)	
<i>Department of General Services (DGS)</i>			
State Metrology Laboratory Fee Schedule 70 Pa. Code Chapter 110 (# 8-27)	Spring 2021, as Final Form	These regulations will increase the fees charged by the State Metrology Laboratory and update the description fields to accurately reflect the Metrology Lab's measurement parameters and ranges. Proposed rulemaking delivered to IRRC on June 18, 2019 and subsequently published in <i>Pa. Bulletin</i> on June 29, 2019; agency reviewing Legislative and IRRC comments received and working on Final Form regulatory package.	Ken Hess (717) 787-4352 Mary Fox (717) 787-6789
<i>Department of Health (DOH)</i>			
Health Facilities and Hospitals 28 Pa. Code Chapters 51 and 101—158	November 2021, as Proposed	The Secretary of Health created a task force of hospital industry representatives to review the current hospital regulations and provide recommendations to improve the quality of care in hospitals across the state. The hospital regulations will be updated to reflect those recommendations.	Sarah Kurish (717) 783-2500 Susan Coble (717) 783-1078 Scott Mincemoyer (717) 736-7358 Lawrence Clark (717) 547-3047
Long Term Care Facilities 28 Pa. Code Chapters 201—211	November 2021, as Proposed	Pennsylvania's long-term care facility licensure regulations were last updated in 1999. Since that time, the clinical complexity of nursing home residents has changed substantially. The Nursing Home Quality Improvement Task Force was commissioned by the Secretary of Health to make recommendations for revisions to the regulations. The long-term care facility regulations will be updated to reflect those recommendations.	Jennifer Russell (717) 783-2500 Susan Coble (717) 783-1078 Ann Chronister (717) 787-8015 Lawrence Clark (717) 547-3047
Communicable and Noncommunicable Diseases 28 Pa. Code Chapter 27	November 2021, as Proposed	To revise the listing and details associated with the reportable disease regulations (Chapter 27) to include additional and emerging diseases, new laboratory tests and changes to exclusion policies for individuals with evidence of disease. Changes will allow for alignment with national standards and improve disease surveillance, investigation and response efforts.	Yvette M. Kostelac (717) 783-2500 Raphael Barishansky (717) 783-8804 Sharon Watkins (717) 787-3350
The Controlled Substance, Drug, Device and Cosmetic Act P.L. 233, No. 64	July 2021, as Proposed	Act 96 of 2018 amends the Controlled Substance, Drug, Device and Cosmetic Act to provide for the required use of electronic prescribing for scheduled II—V controlled substances, including provisions for exemptions and penalties. Per Act 96 the Department of Health will promulgate regulations necessary to implement the requirements of the Act.	Keith Fickel (717) 783-2500 Meghna Patel (717) 787-6436

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Screening and Follow-up for Diseases of the Newborn 28 Pa. Code Chapter 28	June 2021, as Proposed	To revise and update the newborn screening regulations (Chapter 28) to include additional diseases, changes to policies and reporting requirements. Critical congenital heart defects in accordance with the Newborn Child Pulse Oximetry Screening Act and hearing screening in accordance with the Infant Hearing, Education, Assessment, Reporting, and Referral Act will be added to the regulations.	Keith Fickel (717) 783-2500 Stacey Gustin (717) 783-8143
Medical Marijuana Program 28 Pa. Code Chapters 1141a—1230a	November 2021, as Proposed	To promulgate as proposed permanent regulations to update existing temporary regulations to the Medical Marijuana program.	Carol Mowery (717) 783-2500 Mark Kovalcin (717) 783-2500 John Collins (717) 547-3047
Tanning Regulations	June 2021, as Proposed	The Indoor Tanning Act provides for regulations to be promulgated by the Department as required for implementation of the Act. The Department is proposing regulations to further clarify the requirements for the operation of tanning facilities and to provide for safety of the consumers of tanning products.	Keith Fickel (717) 783-2500 Linda Chamberlain (717) 736-7350
<i>Department of Human Services (DHS)</i>			
Psychiatric Rehabilitation Services 55 Pa. Code Chapter 5231	Spring 2021, as Proposed	This regulation will expand psychiatric rehabilitation services to individuals 14 years of age or older, but under 18 years of age, who meet admission requirements and individuals diagnosed with posttraumatic stress disorder, attention deficit hyperactivity disorder or anxiety disorders and amend outdated language throughout.	Jonathan McVey (717) 783-4286
Crisis Regs 55 Pa. Code Chapter XXXX	Fall 2021, as Proposed	This new chapter of regulation will replace the 1993 draft version of the Crisis Intervention Services regulations that was never promulgated. It will have robust staffing, services and physical site parameters.	Jonathan McVey (717) 783-4286
Psychiatric Residential Treatment Facility 55 Pa. Code Chapter XXXX	Summer 2021, as Proposed	This regulation will provide foundational standards to meet the health, safety and complex mental health needs of children, youth and young adults receiving services in psychiatric residential treatment facilities that are currently certified by OHMSAS and licensed by OCYF through the Chapter 3800 regulations.	Jonathan McVey (717) 783-4286
Intermediate Care Facilities for Individuals with an Intellectual Disability 55 Pa. Code Chapter 6600	Summer 2021, as Proposed	Retract Pa. Code Chapter 6000.901—985 (incident management statement of policy) and add incident management regulations into Chapter 6600. The incident management regulations in Chapter 6600 will align with Chapter 6100 regulations promulgated in 2019.	Jonathan McVey (717) 783-4286
Medical Assistance Manual 55 Pa. Code Chapter 1101.51	Winter 2021, as Proposed	This regulation will be amended to rescind the outdated “shared space” language at § 1101.51(b)(3) to allow for a more integrated approach to the provision of health care by multi-disciplinary and co-location arrangements.	Jonathan McVey (717) 783-4286

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Medical Assistance Manual 55 Pa. Code Chapter 1121	Summer 2021, as Proposed	This proposed regulation includes technical amendments to 55 Pa. Code Chapters 1101, 1121, 1141, 1142 and 1144. In addition to the technical amendments, the payment methodology for covered outpatient drugs has been amended in Chapter 1121 to comply with the Covered Outpatient Drugs final rule issued by CMS on 2/1/16 (81 FR 5170).	Jonathan McVey (717) 783-4286
Medical Assistance Manual 55 Pa. Code §§ 1101.65 and 1150.51	Fall 2021, as Proposed	This regulation will be amended to rescind language at 55 Pa. Code § 1101.65(3) and § 1150.51(a) that prohibits payments to practitioners' corporations or partnerships composed of unlike practitioners. The rescission of the prohibitive language will allow payment to be made to a group of unlike providers.	Jonathan McVey (717) 783-4286
Certified Registered Nurse Anesthetists Medical Assistance Manual Chapter 1150	Fall 2021, as Proposed	This proposed regulation provides for direct payment to the administering Certified Registered Nurse Anesthetists instead of the supervising physicians for anesthesia administered. The amendment also provides for payment for anesthesia services in an outpatient hospital and ambulatory surgical center.	Jonathan McVey (717) 783-4286
Medical Marijuana in Facilities 55 Pa. Code Chapters 3270, 3280, 3290, 3800, 5310, 6400 and 6600	Spring 2021, as Proposed	This regulation will amend Chapters 3270, 3280, 3290, 3800, 5310, 6400 and 6600 as directed by Section 2105 of Act 16 of 2016, the Medical Marijuana Act, regarding possession and use of medical marijuana in child care centers or other social services centers.	Jonathan McVey (717) 783-4286
Administration of County Children and Youth Social Service Programs 55 Pa. Code Chapter 3130	Fall 2021, as Proposed	This regulation will replace Chapter 3130 to align with current practice models and support implementation of improvements consistent with the Child and Family Services Review findings and amendments to State and Federal laws.	Jonathan McVey (717) 783-4286
Adult Protective Services 55 Pa. Code Chapter 15	Fall 2021, as Proposed	This regulation will govern the investigation of allegations of abuse, neglect, exploitation or abandonment of adults between the ages of 18 and 59 years, and the provision of protective services as indicated by the results of those investigations. The authority for the regulation and resulting services is provided by Act 70 of 2010, the Adult Protective Services Act.	Jonathan McVey (717) 783-4286
<i>Pennsylvania Insurance Department (PID)</i>			
Health Insurance Reserves (NAIC Model Regulation)	Summer 2021, as Final	Amendments to Chapter 84a based upon NAIC Model amendments regarding actuarial reserving requirements.	Richard L. Hendrickson, Department Counsel (717) 787-2567
<i>Department of Labor and Industry (L&I)</i>			
Flammable and Combustible Liquids Title 34, Part I, Chapters 14 and 14a Bureau of Occupational and Industrial Safety	Spring 2021, as Proposed	Update regulations based on Act 144 of 2012 and adopt requirements for storage and dispensing of compressed natural gas as vehicular fuel.	Matthew Kegg (717) 783-6304
Unemployment Compensation Title 34, Chapter 101 Board of Review	Spring 2021, as Proposed	Update regulation to reflect statutory and operational changes. Also, update regulations based on needs for Benefits Modernization System.	Brian Parr (717) 787-5122

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Unemployment Compensation Title 34, Chapter 65 Employee Provisions	Spring 2021, as Proposed	Update regulations based on needs for Benefits Modernization System and other operational changes.	Susan Dickinson (717) 787-4403
Services for the Blind and Visually Impaired Currently Title 55, Part IV, Adult Services Manual, Subpart D Non-residential Agencies/Facilities/Services Chapter 2430 to be moved to Title 34	Winter 2021, as Proposed	Deletion of current regulations and creation of new regulations for the Business Enterprise Program to reflect operational changes, based on the transfer of the program from the Department of Welfare to L&I, Act 15 of 1999. Initial stakeholder outreach conducted re: new regulations; preparation of proposed rulemaking package currently underway.	Rod Alciconis (717) 787-7312
Apprenticeship EEO Regulations Title 34, Chapter 81 Equal Opportunity in Apprenticeship Programs	Spring 2021, as Proposed	Update the PA apprenticeship regulations to align with new Federal EEO regulations.	Tara Loew (717) 787-6997
Bureau of Workers' Compensation Title 34, Chapter 123, Subchapter B. Impairment Ratings	Fall 2021, as Proposed	Update regulations to reflect new statutory provisions and changes to the IRE process enacted by Act 111 of 2018. Initial comment period ended 1/19/2021.	Marianne Saylor (717) 783-5421
Employment of Minors Title 34, Part 1, Chapter 11 Bureau of Labor Law Compliance	Fall 2021, as Proposed	Update regulations related to employment of minors to reflect 2012 updates to the Child Labor Act.	Bryan Smolock (717) 787-0606
Special Rules of Administrative Practice and Procedure Before the Workers' Compensation Appeal Board Title 34, Part VII, Chapter 111 Workers' Compensation Appeal Board	Winter 2021, as Proposed	Modernize regulations to reflect judicial best practices in scheduling of oral argument after the parties file briefs. The OAG has approved the proposed changes to the regulations. The proposed changes will be delivered in January or February to the General Assembly's new standing committees, IRRC and the LRB for publication as proposed rulemaking.	Steven Loux (717) 783-7838
Uniform Construction Code Regulations Title 34, Part I, Chapters 401 and 403 Bureau of Occupational and Industrial Safety	Summer 2021, as Final-Omitted	Update regulations adopting the 2021 ICC accessibility provisions.	Matthew Kegg (717) 787-6304
Uniform Construction Code Regulations Title 34, Part I, Chapters 401 and 403 Bureau of Occupational and Industrial Safety	Winter 2022, as Final-Omitted	Update regulations based on the adoption of the 2018 ICC codes by the UCC Review and Advisory Council.	Matthew Kegg (717) 783-6304
<i>Department of Military and Veterans Affairs (DMVA)</i>			
Veterans' Homes Regulations 43 Pa. Code Chapter 7	Fall 2021, as Proposed	The Department wishes to promulgate a comprehensive update to its regulations on State Veterans' Homes. The statutory authority for these regulations is section 902(10) of the Military and Veterans Code (51 Pa.C.S. § 903(10)). These regulations are out-of-date. They were last updated in 1986. The purpose of the changes to these regulations is to bring them in line with best practices in the long-term care arena.	Elizabeth Pettis (717) 861-8503

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Bureau of Veterans' Affairs 43 Pa. Code Chapter 5	Winter 2021, as Proposed	The Department wishes to promulgate a comprehensive update to its regulations related to the former Bureau of Veterans' Affairs that is now the Bureau of Programs, Initiatives, Reintegration and Outreach. The statutory authority for these regulations Sections 1704(7) and 7701 of the Military and Veterans Code (51 Pa.C.S.). These regulations are out-of-date. They were last updated in 1991.	Elizabeth Pettis (717) 861-8503
Fort Indiantown Gap 43 Pa. Code (new chapter)	Spring 2022, as Proposed	Fort Indiantown Gap is owned by the Commonwealth of Pennsylvania and operated by the Department of Military and Veterans Affairs. The post is home to tens of thousands of Soldiers and civilians every year for training and other activities. Department wishes to promulgate regulatory authority and installation regulations that enhance the safety of military and civilian personnel and protect the military and Commonwealth property. The statutory authority for these regulations Chapter 7 § 708 of the Military and Veterans Code (51 Pa.C.S.).	Elizabeth Pettis (717) 861-8503
<i>Municipal Police Officers' Education and Training Commission (MPOETC)</i>			
Administration of the Municipal Police Officers' Education and Training Program 37 Pa. Code Chapter 203 (# 17-80)	Summer 2021, as Proposed	Proposed rulemaking delivered to IRRC on October 8, 2020 and subsequently published in Pa. Bulletin on October 17, 2020; reviewing IRRC comments. Title 53 Pa.C.S. § 2164(14) conveys powers and duties to the Municipal Police Officers' Education and Training Commission to make such rules and regulations and to perform such other duties as may be reasonably necessary or appropriate to implement the education and training program for police officers. Omnibus revisions to Chapter 203, which pertains to the certification and training of the Commonwealth's municipal police officers, are necessary to modernize these regulations, as they have not undergone a major revision since 1996. The amendments that will be proposed are the product of an extensive review project that included key stakeholders of the regulated community.	Sergeant Leslie Barr (717) 705-0843
Administration of Law Enforcement Background Investigations and Employment Information Act 57 of 2020	Spring 2021, as Proposed	Under development. Act 57 of 2020 (P.L. 613, July 14, 2020, No. 57) established the requirement for background investigations and employment information for law enforcement officers. Duties conveyed to the Municipal Police Officers' Education and Training Commission include to establish and maintain an electronic database containing separation records of law enforcement officers; establish minimum background investigation standards; and promulgate regulations.	Sergeant Leslie Barr (717) 705-0843
Administration of Mental Health Evaluations for Law Enforcement Officers Act 59 of 2020	Spring 2021, as Proposed	Under development. Act 59 of 2020 (P.L. 624, July 14, 2020, No. 59) established the requirement for mandatory mental health evaluations for law enforcement officers. Duties conveyed to the Municipal Police Officers' Education and Training Commission include to establish procedures for	Sergeant Leslie Barr (717) 705-0843

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
		confidentiality of mental health evaluations and related records; other procedures as necessary; and promulgate regulations.	
<i>Pennsylvania Commission on Crime and Delinquency (PCCD)</i>			
Sheriffs' and Deputy Sheriffs' Education and Training Program 37 Pa. Code Chapter 421	Spring 2021, as Proposed	The Deputy Sheriffs' Education and Training Board (Board), an advisory board within the Commission on Crime and Delinquency, plans to amend the regulations at 37 Pa. Code Chapter 421 (relating to Deputy Sheriffs' Education and Training Board) due to statutory changes in Act 114 of 2014 (Act of Jul. 9, 2014, P.L. 1006, No. 114).	Mike Pennington (717) 265-8461 Debra Sandifer (717) 265-8517
County Probation and Parole Officers' Firearm Education and Training Commission 37 Pa. Code Chapter 79	Fall 2021, as Proposed	The County Adult Probation and Parole Advisory Committee (CAPPAC), an advisory committee within the Commission on Crime and Delinquency, plans to transfer and amend the regulations at 37 Pa. Code Chapter 79 to a newly created 37 Pa. Code Chapter 491 due to statutory changes in Act 115 of 2019 (Act of Dec. 18, 2019, P.L. 776, No. 115).	Mike Pennington (717) 265-8461 Debra Sandifer (717) 265-8517
<i>Pennsylvania Emergency Management Agency (PEMA)</i>			
No regulations being developed or considered at this time.			
<i>Pennsylvania Housing Finance Agency (PHFA)</i>			
No regulations being developed or considered at this time.			
<i>Pennsylvania Infrastructure Investment Authority (PENNVEST)</i>			
Pennsylvania Infrastructure Investment Authority (PENNVEST) Assistance and Clean Water State Revolving Fund 25 Pa. Code §§ 963.1—963.20, including inter alia: 963.12(a) 963.13(c) 963.13(e) 963.15(a) 963.15(c) 963.16 963.18(c) 963.20 (# 101-10)	Spring 2021, as Proposed The PENNVEST Board voted to approve the proposed rule-making on January 29, 2020.	Revisions under consideration include, inter alia: Amendments to 25 Pa. Code §§ 963.1—963.20 to be consistent with statutory revisions imposed by P.L. 51, No. 16, enacted June 19, 2013, the Federal Water Resources Reform and Development Act of 2014, and guidance revisions implemented by the Department of Environmental Protection, to reflect updates to business practices, and to incorporate any provisions necessary to accommodate for the deletion of 25 Pa. Code § 965 in its entirety, including, but not limited to the following: (1) Amend 25 Pa. Code § 963.12(a)(1) by revising the section to provide for the eligibility of certain interior plumbing costs. (2) Delete 25 Pa. Code § 963.12(a)(3) and § 963.12(c)(3) thereby allowing PENNVEST to provide financial assistance (loan and grant) for costs associated with the purchase of land that qualify as eligible costs under § 963.11(a)(4). (3) Delete 25 Pa. Code § 963.12(a)(7) thereby allowing PENNVEST to provide financial assistance (loan and grant) for costs associated with the extraction for profit of minerals or other resources from wastewater or sludge whether the project is sponsored by a public or private actor.	Shawn W. Weis (717) 783-6776

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
		<p>(4) Amend 25 Pa. Code § 963.13(c) by revising the section to provide for an amortization of advance funding loans with a term of 59 months of interest only and repayment of principal and interest on the 60th month.</p> <p>(5) Delete 25 Pa. Code § 963.13(e) requiring PENNVEST to set aside 10% of the available finance assistance for advance funding assistance due to a lack of demand.</p> <p>(6) Amend 25 Pa. Code § 963.15(a) by revising the first sentence to provide for a change in the normal loan term to allow 3 years of interest only prior to principal amortization.</p> <p>(7) Amend 25 Pa. Code § 963.15(c)(5) to provide that maximum interest rates on loans shall be determined based upon the unemployment rate for the applicable county in the most recent calendar year for which data has been finalized as of the application cutoff date.</p> <p>(8) Amend 25 Pa. Code § 963.15(c)(6) by revising the sentence to define “bond interest rate” to mean the rate of interest paid by the Commonwealth in its issuance of general obligation bonds immediately preceding the application cut-off date for the next regularly scheduled PENNVEST Board meeting.</p> <p>(9) Amend 25 Pa. Code § 963.16 to provide the parameters of a loan or bond guarantee program to be provided by PENNVEST.</p> <p>(10) Amend 25 Pa. Code § 963.18(c)(2)(iii) to increase the threshold for PENNVEST’s prior written approval of change orders from \$25,000, or 2 percent of the amount of the project’s construction cost, whichever is less, to \$50,000.</p> <p>(11) Delete 25 Pa. Code § 963.20 eliminating the requirement for a second opinion project review for projects in excess of \$10M.</p>	
<i>Pennsylvania Municipal Retirement System (PMRS)</i>			
No regulations being developed or considered at this time.			
<i>Pennsylvania State Employees’ Retirement System (SERS)</i>			
No regulations being developed or considered at this time.			
<i>Pennsylvania State Police (PSP)</i>			
Training and Minimum Standards Under the Wiretapping and Electronic Surveillance Control Act 37 Pa. Code Chapter 51	Fall 2021, as Proposed Preparation of proposed rulemaking package currently underway	Title 18 Pa.C.S. § 5724 requires the Commissioner of the Pennsylvania State Police (PSP) and the Attorney General to establish a training course for certification related to conducting wiretapping and electronic surveillance. Revisions to Chapter 51 as it relates to officer certification/re-certification and authorization to engage in the conduct of communications interception will be proposed to adjust the training to current technology and operational needs.	Sergeant Leslie Barr (717) 705-0843

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Purchase and Possession of Partially-Manufactured Frame or Receiver for Pistol or Rifle 37 Pa. Code (new chapter)	Fall 2021, as Proposed Preparation of proposed rulemaking package currently underway	Title 18 Pa.C.S. § 6111.1 requires the Pennsylvania State Police to administer the provisions of the Uniform Firearms Act. The Office of Attorney General, Official Opinion 2019-3, 49 Pa.B. 7659, establishes a partially-manufactured frame or receiver for a pistol or rifle as a firearm as defined within the Uniform Firearms Act. The purpose of the proposed rulemaking is to ensure clear guidance is given to licensees/sheriffs and the public in processing the sale/transfer and possession of a partially-manufactured frame or receiver for a pistol or rifle.	Sergeant Leslie Barr (717) 705-0843
<i>Department of Revenue (DOR)</i>			
Amendments to Local Option Small Games of Chance (SGOC) 61 Pa. Code Chapter 901a	October 2021, as Proposed	The Department is proposing to replace Chapter 901 with a new Chapter 901a as a result of the amendments to the SGOC law. The proposed rulemaking will reorganize and clarify the SGOC regulations as well as incorporate necessary changes to implement Acts 2 and 184 of 2012 and Acts 90 and 92 of 2013.	John Brenner (717) 705-3906
Amendments to Realty Transfer Tax (RTT) Regulations 61 Pa. Code Chapter 91	September 2021, as Proposed	Amendments to the RTT regulations are being proposed to improve the clarity and effectiveness of the regulations. The proposed amendments will be consistent with Department policy and language in the RTT statute.	John Brenner (717) 705-3906
Corporate Net Income Tax 61 Pa. Code §§ 153.26 and 153.26a (Proposed Rulemaking) Sales factor sourcing sales of tangible personal property and Sales factor sourcing sales of services	September 2021, as Proposed	Under the authority contained in section 6 of the Fiscal Code (72 P.S. § 6) and section 401 of the TRC (72 P.S. § 7401(3)), the Department proposes amendments to 61 Pa. Code § 153.26 (relating to sales factor sourcing sales of tangible personal property) and the addition of § 153.26a (relating to sales factor sourcing sales of services). Act 52 of 2013 enacted a revised methodology for sourcing revenue from the sales of services in the computation of CNIT. The proposed rulemaking will establish the processes for sourcing service income and the apportionment of taxpayers' business income to this Commonwealth and ensure that all taxpayers implement uniform methods for sourcing their sales of services to this Commonwealth. Informal Public Outreach was initiated October/November 2020.	Douglas Berguson (717) 346-4633
Corporate Net Income Tax 61 Pa. Code Chapter 153 (Proposed Rulemaking) Business income and nonbusiness income	October 2021, as Proposed	Under the authority contained in section 6 of the Tax Reform Code of 1971 (TRC) (72 P.S. § 6), the Department is proposing amendments to the Corporate Net Income Tax regulations by adding section 153.24a (relating to business and nonbusiness income) due to legislative changes and further development of the Unitary Business Principle of the U.S. Constitution in case law. Informal Public Outreach was conducted in January/February 2020.	Douglas Berguson (717) 346-4633

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Department of State (DOS)			
State Board of Accountancy			
Competence to Supervise Attest Services 49 Pa. Code § 11.23a (# 16A-5516)	Spring 2021, as Proposed	The proposed rulemaking would provide a CPE “safe harbor” for licensees supervising attest services; require licensees supervising, signing or authorizing another to sign an accountant’s report for attest services to comply with the competency requirements; and fix a typographical error.	Sara Fox (717) 783-3399
Licensure by Endorsement 49 Pa. Code §§ 11.5a and 115.b (# 16A-5517)	Spring 2021, as Proposed	This rulemaking amends the Board’s regulations to implement the act of July 1, 2019 (P.L. 292, No. 41) (Act 41). Act 41 requires licensing boards and commissions to issue a license, certificate, registration or permit to an applicant who holds a current license, certificate, registration or permit from another state, territory or country whose licensing requirements are substantially equivalent to or exceed the requirements in this Commonwealth and who meet other criteria set forth under Act 41. All licensing boards and commissions under the Bureau of Professional and Occupational Affairs are required to draft regulations for the implementation of Act 41 to include methods of determining competency and expiration dates for provisional licenses.	Sara Fox (717) 783-3399
State Architects Licensure Board			
Electronic Seals and Signing 49 Pa. Code Chapter 9 (# 16A-4111)	Summer 2021, as Final	The regulations would update existing regulations on seals and set forth standard requirements for electronic seals and electronic signing of design documents. The goal of this proposal is to be consistent with proposed regulations of the State Registration Board for Professional Engineers, Land Surveyors and Geologists and the State Board of Landscape Architects to provide all design professionals with standards that are as consistent as possible with respect to both traditional seals and electronic seals to benefit both the design professionals and their clients. The proposed rulemaking was delivered to IRRC on August 11, 2020 and subsequently published in <i>Pennsylvania Bulletin</i> on August 25, 2020; the Board will review all comments received and draft the final regulation.	Amanda Li (717) 783-3397
Licensure by Endorsement 49 Pa. Code Chapter 9 (# 16A-4120)	Spring 2021, as Proposed	This rulemaking amends the Board’s regulations to implement the act of July 1, 2019 (P.L. 292, No. 41) (Act 41). Act 41 requires licensing boards and commissions to issue a license, certificate, registration or permit to an applicant who holds a current license, certificate, registration or permit from another state, territory or country whose licensing requirements are substantially equivalent to or exceed the requirements in this Commonwealth and who meet other criteria set forth under Act 41. All licensing boards and commissions	Amanda Li (717) 783-3397

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
		under the Bureau of Professional and Occupational Affairs are required to draft regulations for the implementation of Act 41 to include methods of determining competency and expiration dates for provisional licenses.	
<i>State Athletic Commission</i>			
Prohibited Drug Testing 58 Pa. Code, Part I, Subpart A, Chapter 15 (# 16-58)	Summer 2021, as Proposed	The proposed rulemaking would revise existing regulations on drug testing for boxers, mixed martial arts participants and kick boxers, as authorized under section 709 of the Boxing Act.	Martha Brown (717) 783-0736
<i>State Board of Auctioneer Examiners</i>			
Schedule of Fees 49 Pa. Code § 1.41 (# 16A-6411)	Spring 2021, as Proposed	The proposed rulemaking is needed to increase application and biennial renewal fees to provide sufficient biennial revenue to meet projected expenditures as required under section 6(a) of the Auctioneer Licensing and Trading Assistant Registration Act (63 P.S. § 734.6).	Terrie Kocher (717) 783-3397
Licensure by Endorsement 49 Pa. Code §§ 1.3, 1.27 and 1.28 (# 16A-6412)	Spring 2021, as Proposed	This rulemaking amends the Board's regulations to implement the act of July 1, 2019 (P.L. 292, No. 41) (Act 41). Act 41 requires licensing boards and commissions to issue a license, certificate, registration or permit to an applicant who holds a current license, certificate, registration or permit from another state, territory or country whose licensing requirements are substantially equivalent to or exceed the requirements in this Commonwealth and who meet other criteria set forth under Act 41. All licensing boards and commissions under the Bureau of Professional and Occupational Affairs are required to draft regulations for the implementation of Act 41 to include methods of determining competency and expiration dates for provisional licenses.	Terrie Kocher (717) 783-3397
<i>State Board of Barber Examiners</i>			
Schedule of Fees 49 Pa. Code § 3.103 (# 16A-4230)	Spring 2021, as Proposed	The proposed rulemaking is needed to increase the application and biennial renewal fees to provide sufficient biennial revenue to meet the projected expenditures, as required under section 14 of the Barbers' License Law (63 P.S. § 564).	Kelly Diller (717) 783-1261
Licensure by Endorsement 49 Pa. Code §§ 3.16 and 3.17 (# 16A-4212)	Spring 2021, as Proposed	This rulemaking amends the Board's regulations to implement the act of July 1, 2019 (P.L. 292, No. 41) (Act 41). Act 41 requires licensing boards and commissions to issue a license, certificate, registration or permit to an applicant who holds a current license, certificate, registration or permit from another state, territory or country whose licensing requirements are substantially equivalent to or exceed the requirements in this Commonwealth and who meet other criteria set forth under Act 41. All licensing boards and commissions under the Bureau of Professional and Occupational Affairs are required to draft regulations for the implementation of Act	Kelly Diller (717) 783-1261

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
		41 to include methods of determining competency and expiration dates for provisional licenses.	
<i>State Board of Chiropractic</i>			
Government Employee Liability Coverage 49 Pa. Code §§ 5.17(f) and 5.41 (# 16A-4325)	Spring 2021, as Proposed	The Chiropractic Practice Act requires chiropractors to maintain professional liability insurance, including self-insurance. This regulation would permit a licensee who practices exclusively on behalf of the government to meet this requirement by reliance upon the coverage provided under the Federal Tort Claims Act or the Sovereign Immunity Act as administered by the Commonwealth's Employee Liability Self-Insurance Program.	Michelle Roberts (717) 783-7155
Child Abuse Reporting Requirements 49 Pa. Code §§ 5.91—5.96 (# 16A-4322)	Spring 2021, as Proposed	This regulation updates the Board's existing regulations relating to mandatory reporting of suspected child abuse under the Child Protective Services Law (CPSL) to conform to recent amendments to the CPSL, including the requirement that all applicants and licensees of the State Board of Chiropractic obtain required training in child abuse recognition and reporting.	Michelle Roberts (717) 783-7155
Licensure by Endorsement 49 Pa. Code §§ 5.1. 5.11a, 5.13a and 5.13b (# 16A-4334)	Spring 2021, as Proposed	This rulemaking amends the Board's regulations to implement the act of July 1, 2019 (P.L. 292, No. 41) (Act 41). Act 41 requires licensing boards and commissions to issue a license, certificate, registration or permit to an applicant who holds a current license, certificate, registration or permit from another state, territory or country whose licensing requirements are substantially equivalent to or exceed the requirements in this Commonwealth and who meet other criteria set forth under Act 41. All licensing boards and commissions under the Bureau of Professional and Occupational Affairs are required to draft regulations for the implementation of Act 41 to include methods of determining competency and expiration dates for provisional licenses.	Michelle Roberts (717) 783-7155
<i>Commissioner of Professional and Occupational Affairs</i>			
Representation 49 Pa. Code Chapter 43b (# 16A-065)	Spring 2021, as Proposed	This regulation is a procedural regulation that will permit representation by non-attorneys for partnerships, corporations, limited liability companies, trusts, agencies and political subdivisions, and other associations.	Cyndi Montgomery (717) 783-7200
Act 53 Schedules of Criminal Offenses 49 Pa. Code, Subchapter D §§ 301 et seq. (# 16A-66)	Spring 2021, as Proposed	This proposed rulemaking is required to implement provisions of the act of July 1, 2020 (P.L. 545, No. 53), relating to the consideration of criminal history record information by licensing boards and commissions under the Bureau of Professional and Occupational Affairs, including schedules of criminal convictions that may constitute grounds to refuse to issue, suspend or revoke a license, certificate, registration or permit for each occupation or profession regulated by the various boards/commissions.	Cyndi Montgomery (717) 783-7200

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
		<i>Statutory authority:</i> Section 3117 of the act of July 1, 2020 (63 Pa.C.S. § 3117) requires the Commissioner to promulgate a regulation codifying the schedules of criminal offenses within 2 years. Section 3117(b) requires the initial proposed regulations to be submitted within 120 days of publication of a notice of completion of the schedules (which was published in the <i>Pennsylvania Bulletin</i> on December 26, 2020).	
<i>Bureau of Elections Services and Notary</i>			
Notaries Public 4 Pa. Code, Part VIII, Subpart C (# 16-59)	Spring 2021, as Proposed	The rulemaking implements the act of October 9, 2013 (P.L. 609, No. 73), which adopted the Revised Uniform Law on Notarial Acts (RULONA).	Martha Brown (717) 783-0736
<i>State Board of Cosmetology</i>			
Schedule of Fees 49 Pa. Code Chapter 7 (# 16A-4520)	Spring 2021, as Proposed	The proposed rulemaking would increase the application and biennial renewal fees to provide sufficient biennial revenue to meet the projected expenditures as required under section 14 of the Cosmetology Law (63 P.S. § 522).	Kelly Diller (717) 783-1261
Licensure by Endorsement 49 Pa. Code Chapter 7 (# 16A-4521)	Summer 2021, as Proposed	This rulemaking amends the Board's regulations to implement the act of July 1, 2019 (P.L. 292, No. 41) (Act 41). Act 41 requires licensing boards and commissions to issue a license, certificate, registration or permit to an applicant who holds a current license, certificate, registration or permit from another state, territory or country whose licensing requirements are substantially equivalent to or exceed the requirements in this Commonwealth and who meet other criteria set forth under Act 41. All licensing boards and commissions under the Bureau of Professional and Occupational Affairs are required to draft regulations for the implementation of Act 41 to include methods of determining competency and expiration dates for provisional licenses.	Kelly Diller (717) 783-1261
Massage Therapists in Cosmetology or Esthetician Salons 49 Pa. Code Chapter 7 (# 16A-4518)	Spring 2021, as Proposed	The proposed rulemaking implements part of the Act 136 of 2014 (P.L. 2476, No. 136), which allows massage therapists to practice within the licensed square footage of cosmetology or esthetician salons and requires the Board and the State Board of Massage Therapy to jointly promulgate regulations to carry out these provisions. <i>Statutory Authority:</i> Sections 11 and 9.3 of the Act of May 3, 1933 (P.L. 242, No. 86), commonly referred to as the Beauty Culture Law, 63 P.S. §§ 515.3 and 517.	Kelly Diller (717) 783-1261

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
State Board of Crane Operators			
Schedule of Civil Penalties 49 Pa. Code Chapter 43b (# 16A-7103)	Summer 2021, as Final	The regulation creates a schedule of civil penalties for violations of the Crane Operator Licensure Act and regulations of the State Board of Crane Operators. The proposed rulemaking was delivered to IRRC on October 8, 2020 and subsequently published in <i>Pennsylvania Bulletin</i> on October 24, 2020; the Board reviewing comments received and is drafting the final regulation.	Amanda Li (717) 783-1404
Licensure by Endorsement 49 Pa. Code §§ 6.16 and 6.17 (# 16A-7104)	Spring 2021, as Proposed	This rulemaking amends the Board's regulations to implement the act of July 1, 2019 (P.L. 292, No. 41) (Act 41). Act 41 requires licensing boards and commissions to issue a license, certificate, registration or permit to an applicant who holds a current license, certificate, registration or permit from another state, territory or country whose licensing requirements are substantially equivalent to or exceed the requirements in this Commonwealth and who meet other criteria set forth under Act 41. All licensing boards and commissions under the Bureau of Professional and Occupational Affairs are required to draft regulations for the implementation of Act 41 to include methods of determining competency and expiration dates for provisional licenses.	Amanda Li (717) 783-1404
Bureau of Corporations and Charitable Organizations			
Non-attorney Representation 19 Pa. Code, Part I, Subpart B, (new) Article VI (# 16-64)	Spring 2021, as Proposed	The proposed rulemaking would permit certain individuals to represent an association in an appeal or petition before the Department, superseding 1 Pa. Code § 31.21 (relating to appearance in person).	Martha Brown (717) 783-0736
State Board of Dentistry			
General Revisions 49 Pa. Code Chapter 33 (# 16A-4628)	Spring 2021, as Proposed	The State Board of Dentistry has undertaken a review of existing regulations with the goal of updating the regulations and eliminating outdated and obsolete provisions. This proposed rulemaking would generally amend, update and clarify the regulations relating to fictitious names, biennial renewal, inactive status, reactivation, licensure by criteria approval, acceptable proof of professional liability insurance, use of titles, advertising, unprofessional conduct, multi-disciplinary professional corporations, exclusion of auxiliary personnel from performing radiological procedures and continuing dental education. It would also implement two new licensure categories: restricted faculty licenses (incorporating into this rulemaking the subject matter from prior Reg. # 16A-4632) and temporary volunteer dental licenses (incorporating into this rulemaking the subject matter from prior Reg. # 16A-4631).	Lisa Burns (717) 783-7162

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Fees 49 Pa. Code § 33.339 (# 16A-4634)	Summer 2021, as Final	The rulemaking is needed to increase fees to meet or exceed biennial expenditures. Section 4(b) of the Dental Law (63 P.S. § 123(b)) requires the Board to increase fees when the revenues raised by fees, fines and civil penalties are not sufficient to meet expenditures over a 2-year period. The proposed rulemaking was delivered to IRRC on October 29, 2020, and subsequently published in <i>Pennsylvania Bulletin</i> on November 14, 2020; the Board has reviewed all comments received and is drafting the final regulation.	Lisa Burns (717) 783-7162
Licensure by Endorsement 49 Pa. Code Chapter 33 (# 16A-4635)	Spring 2021, as Proposed	This rulemaking amends the Board's regulations to implement the act of July 1, 2019 (P.L. 292, No. 41) (Act 41). Act 41 requires licensing boards and commissions to issue a license, certificate, registration or permit to an applicant who holds a current license, certificate, registration or permit from another state, territory or country whose licensing requirements are substantially equivalent to or exceed the requirements in this Commonwealth and who meet other criteria set forth under Act 41. All licensing boards and commissions under the Bureau of Professional and Occupational Affairs are required to draft regulations for the implementation of Act 41 to include methods of determining competency and expiration dates for provisional licenses.	Lisa Burns (717) 783-7162
<i>State Board of Professional Engineers, Land Surveyors and Geologists</i>			
Electronic Seals and Signatures 49 Pa. Code Chapter 37 (# 16A-4712)	Summer 2021, as Final	The regulations would update existing regulations on seals and set forth standard requirements for electronic seals and electronic signing of design documents. The goal of this proposal is to be consistent with proposed regulations of the State Architects Licensure Board and the State Board of Landscape Architects to provide all design professionals with standards that are as consistent as possible with respect to both traditional seals and electronic seals to benefit both the design professionals and their clients. The proposed rulemaking was delivered to IRRC on August 11, 2020 and subsequently published in <i>Pennsylvania Bulletin</i> on August 25, 2020; the Board will review all comments received and draft the final regulation.	Jeannie Bronshtein (717) 783-7049
Licensure by Endorsement 49 Pa. Code Chapter 37 (# 16A-4715)	Winter 2021, as Proposed	This rulemaking amends the Board's regulations to implement the act of July 1, 2019 (P.L. 292, No. 41) (Act 41). Act 41 requires licensing boards and commissions to issue a license, certificate, registration or permit to an applicant who holds a current license, certificate, registration or permit from another state, territory or country whose licensing requirements are substantially equivalent to or exceed the requirements in this Commonwealth and who meet other criteria set forth under Act 41. All licensing boards and commissions	Jeannie Bronshtein (717) 783-7049

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
		under the Bureau of Professional and Occupational Affairs are required to draft regulations for the implementation of Act 41 to include methods of determining competency and expiration dates for provisional licenses.	
State Board of Funeral Directors			
Limited Liability Company 49 Pa. Code §§ 13.95-13.96, 13.103 and 13.109-13.110 (# 16A-4826)	Summer 2021, as Proposed	The proposed regulation would set forth that a limited liability company that has only two or more funeral directors as its members may be licensed as a partnership and with only a single funeral director as its sole member may be licensed as a sole proprietorship. <i>Statutory Authority:</i> Sections 8 and 16(a) of the Funeral Director Law, 63 P.S. §§ 479.8, 479.16(a).	Heidy Weirich (717) 783-4866
Child Abuse Reporting Requirements 49 Pa. Code §§ 13.301— 13.307 (# 16A-4824)	Spring 2021, as Proposed	This regulation updates the Board's existing regulations relating to mandatory reporting of suspected child abuse under the Child Protective Services Law (CPSL) to conform to recent amendments to the CPSL, including the requirement that all applicants and licensees of the State Board of Funeral Directors obtain required training in child abuse recognition and reporting.	Heidy Weirich (717) 783-4866
Licensure by Endorsement 49 Pa. Code § 13.77.1 (# 16A-4832)	Spring 2021, as Proposed	This rulemaking amends the Board's regulations to implement the act of July 1, 2019 (P.L. 292, No. 41) (Act 41). Act 41 requires licensing boards and commissions to issue a license, certificate, registration or permit to an applicant who holds a current license, certificate, registration or permit from another state, territory or country whose licensing requirements are substantially equivalent to or exceed the requirements in this Commonwealth and who meet other criteria set forth under Act 41. All licensing boards and commissions under the Bureau of Professional and Occupational Affairs are required to draft regulations for the implementation of Act 41 to include methods of determining competency and expiration dates for provisional licenses.	Kristel Hennessy Hemler (717) 783-4866
State Board of Landscape Architects			
Electronic Signature and Seals 49 Pa. Code Chapter 15 (# 16A-6112)	Summer 2021, as Final	The proposed regulations would update existing regulations on seals and set forth standard requirements for electronic seals and electronic signing of design documents. The goal of this proposal is to be consistent with proposed regulations of the State Registration Board for Professional Engineers, Land Surveyors and Geologists and the State Architects Licensure Board to provide all design professionals with standards that are as consistent as possible with respect to both traditional seals and electronic seals to benefit both the design professionals and their clients. The proposed rulemaking was delivered to IRRC on August 11, 2020 and subsequently published in <i>Pennsylvania Bulletin</i> on	Terri Kocher (717) 772-8528

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
		August 25, 2020; the Board will review all comments received and draft the final regulation.	
Licensure by Endorsement 49 Pa. Code Chapter 15 (# 16A-6121)	Spring 2021, as Proposed	This rulemaking amends the Board's regulations to implement the act of July 1, 2019 (P.L. 292, No. 41) (Act 41). Act 41 requires licensing boards and commissions to issue a license, certificate, registration or permit to an applicant who holds a current license, certificate, registration or permit from another state, territory or country whose licensing requirements are substantially equivalent to or exceed the requirements in this Commonwealth and who meet other criteria set forth under Act 41. All licensing boards and commissions under the Bureau of Professional and Occupational Affairs are required to draft regulations for the implementation of Act 41 to include methods of determining competency and expiration dates for provisional licenses.	Terri Kocher (717) 772-8528
State Board of Massage Therapy			
General Revisions 49 Pa. Code §§ 20.1—20.54 (# 16A-725)	Summer 2021, as Proposed	This proposed rulemaking updates several provisions, including education, scope of practice and examinations. <i>Statutory Authority</i> : Section 4(2) of the Massage Therapy Act, 63 P.S. § 627.4(2).	Christina Townley (717) 783-7155
Massage Therapists in Cosmetology or Esthetician Salons 49 Pa. Code Chapter 20 (# 16A-726)	Spring 2021, as Proposed	This proposed rulemaking enacts part of the act of September 24, 2014 (P.L. 2476, No. 136), which allows massage therapists to practice in cosmetology or esthetician salons. <i>Statutory Authority</i> : Act 136 requires the Board and the State Board of Cosmetology to jointly promulgate regulations implementing the new law; Section 4(2) of the Massage Therapy Law, 63 P.S. § 4(2), provides the Board's general authority to promulgate regulations.	Christina Townley (717) 783-7155
Child Abuse Reporting Requirements 49 Pa. Code Chapter 20 (# 16A-722)	Spring 2021, as Proposed	This regulation implements mandatory reporting requirements relating to suspected child abuse under the Child Protective Services Law (CPSL) to conform to recent amendments to the CPSL, including the requirement that all applicants and licensees of the State Board of Massage Therapy obtain required training in child abuse recognition and reporting.	Christina Townley (717) 783-7155
Licensure by Endorsement 49 Pa. Code Chapter 20 (# 16A-727)	Spring 2021, as Proposed	This rulemaking amends the Board's regulations to implement the act of July 1, 2019 (P.L. 292, No. 41) (Act 41). Act 41 requires licensing boards and commissions to issue a license, certificate, registration or permit to an applicant who holds a current license, certificate, registration or permit from another state, territory or country whose licensing requirements are substantially equivalent to or exceed the requirements in this Commonwealth and who meet other criteria set forth under Act 41. All licensing boards and commissions under the Bureau of Professional and	Christina Townley (717) 783-7155

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
		Occupational Affairs are required to draft regulations for the implementation of Act 41 to include methods of determining competency and expiration dates for provisional licenses.	
State Board of Medicine			
Practitioners of Oriental Medicine 49 Pa. Code Chapter 18 (# 16A-4956)	Spring 2021, as Proposed	This proposed rulemaking would revise the regulations relating to acupuncturists and practitioners of oriental medicine (POM) to transform the current POM license into a one-time registration, make amendments to reflect legislative changes regarding acupuncturists which have occurred since the prior regulatory amendments on the topic and to address acceptable testing scores due to new test formats. The rule-making is in accordance to the Governor's recommendation for occupational licensure reform.	Suzanne Zerbe (717) 787-7768
Naturopathic Doctors 49 Pa. Code Chapter 18 (# 16A-4953)	Summer 2021, as Proposed	The proposed rulemaking will amend the Board's regulations to implement the Naturopathic Doctor Registration Act, Act of Nov. 3, 2016, P.L. 997, No. 128, 63 P.S. §§ 272.101—272.301, which provides for the registration of naturopathic doctors. The proposal establishes fees, registration requirements, continuing education requirements, standards of practice, required records, advertising, grounds for discipline and types of discipline.	Suzanne Zerbe (717) 787-7768
Examinations 49 Pa. Code §§ 16.1, 17.11, 17.12 and 17.12c (# 16A-4948)	Spring 2021, as Proposed	The proposed rulemaking will conform the regulation to reflect changes made by the National Board of Medical Examiners to the United States Medical Licensing Examination (USMLE) regarding limitations on the number and timing of attempts an applicant may take the various USMLE parts. The proposed rulemaking will also remove the detailed descriptions of the FLEX and Federation of State Medical Boards (FSMB) licensing examinations which have not been offered for 24 and 33 years, respectively. <i>Statutory Authority:</i> Section 8 of the Medical Practice Act of 1985 (63 P.S. § 422.8).	Suzanne Zerbe (717) 787-7768
Orthotic Fitter Extension of Temporary Practice Permit 49 Pa. Code Chapter 18 §§ 18.841 and 18.842 (# 16A-4947)	Summer 2021, as Final	The rulemaking would extend the temporary practice permit from 12 months to 18 months to be consistent with National certification standards and provide permit holders with a full year to test. It would also permit an individual who has failed the certification examination three times and whose permit has expired to apply for a second permit after completing another approved education program. The proposed rulemaking was delivered to IRRC on December 22, 2020 and subsequently published in <i>Pennsylvania Bulletin</i> on January 9, 2021; the Board will review all public comments received and draft the final regulation.	Suzanne Zerbe (717) 787-7768

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Child Abuse Reporting Requirements 49 Pa. Code §§ 16.101—16.107 (# 16A-4941)	Fall 2021, as Final	This regulation updates the Board's existing regulations relating to mandatory reporting of suspected child abuse under the Child Protective Services Law (CPSL) to conform to recent amendments to the CPSL, including the requirement that all applicants and licensees of the State Board of Medicine obtain required training in child abuse recognition and reporting.	Suzanne Zerbe (717) 787-7768
Temporary Graduate Perfusionist 49 Pa. Code § 18.604(e) (# 16A-4954)	Spring 2021, as Final-Omitted	The rulemaking will incorporate the provisions of Act 119 of 2016 by deleting 49 Pa. Code § 18.604(e) which directed that a temporary graduate perfusionist license expired upon the failure of the certification examination.	Suzanne Zerbe (717) 787-7768
Licensure by Endorsement 49 Pa. Code Chapter 17 (# 16A-4958)	Spring 2021, as Proposed	This rulemaking amends the Board's regulations to implement the act of July 1, 2019 (P.L. 292, No. 41) (Act 41). Act 41 requires licensing boards and commissions to issue a license, certificate, registration or permit to an applicant who holds a current license, certificate, registration or permit from another state, territory or country whose licensing requirements are substantially equivalent to or exceed the requirements in this Commonwealth and who meet other criteria set forth under Act 41. All licensing boards and commissions under the Bureau of Professional and Occupational Affairs are required to draft regulations for the implementation of Act 41 to include methods of determining competency and expiration dates for provisional licenses.	Suzanne Zerbe (717) 787-7768
<i>State Board of Examiners of Nursing Home Administrators</i>			
Continuing Education Requirements 49 Pa. Code § 39.11 (# 16A-6219)	Spring 2021, as Final	The regulation amends the biennial continuing education requirement to conform with the Governor's recommendations for licensure reform that were generated by Executive Order 2017-3. The biennial requirement of 48 credit hours will be reduced to 36. Additionally, the rulemaking provides for showing of continued competence where a licensee has been inactive for a period of time. The proposed rulemaking was delivered to IRRC on January 16, 2020 and subsequently published in <i>Pennsylvania Bulletin</i> on February 1, 2020; the Board is reviewing all public comments received and will draft the final regulation.	Chris Stuckey (717) 783-4856
Child Abuse Reporting Requirements 49 Pa. Code Chapter 39 (# 16A-6218)	Spring 2021, as Proposed	This regulation implements mandatory reporting requirements relating to suspected child abuse under the Child Protective Services Law (CPSL) to conform to recent amendments to the CPSL, including the requirement that all applicants and licensees of the State Board of State Board of Examiners of Nursing Home Administrators obtain required training in child abuse recognition and reporting.	Chris Stuckey (717) 783-4856

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Licensure by Endorsement 49 Pa. Code § 39.8a (# 16A-6220)	Spring 2021, as Proposed	This rulemaking amends the Board's regulations to implement the act of July 1, 2019 (P.L. 292, No. 41) (Act 41). Act 41 requires licensing boards and commissions to issue a license, certificate, registration or permit to an applicant who holds a current license, certificate, registration or permit from another state, territory or country whose licensing requirements are substantially equivalent to or exceed the requirements in this Commonwealth and who meet other criteria set forth under Act 41. All licensing boards and commissions under the Bureau of Professional and Occupational Affairs are required to draft regulations for the implementation of Act 41 to include methods of determining competency and expiration dates for provisional licenses.	Chris Stuckey (717) 783-4856
<i>State Board of Nursing</i>			
Nursing Education Programs 49 Pa. Code Chapter 21 (# 16A-5141)	Spring 2021, as Proposed	This proposed rulemaking consolidates and updates pre- and post-licensure education regulations for registered nurses, licensed practical nurses and certified registered nurse practitioners and updates IV therapy terminology.	Cindy Miller (717) 783-7142
Child Abuse Reporting Requirements 49 Pa. Code §§ 21.501— 21.507 (# 16A-5140)	Fall 2021, as Final	This regulation updates the Board's existing regulations relating to mandatory reporting of suspected child abuse under the Child Protective Services Law (CPSL) to conform to recent amendments to the CPSL, including the requirement that all applicants and licensees of the State Board of Nursing obtain required training in child abuse recognition and reporting. The proposed rulemaking was delivered to IRRC on January 15, 2021 and subsequently published in <i>Pennsylvania Bulletin</i> on January 30, 2021; the Board will review all public comments received and draft final regulation.	Cindy Miller (717) 783-7142
Licensure by Endorsement 49 Pa. Code Chapter 21 (# 16A-5143)	Summer 2021, as Proposed	This rulemaking amends the Board's regulations to implement the act of July 1, 2019 (P.L. 292, No. 41) (Act 41). Act 41 requires licensing boards and commissions to issue a license, certificate, registration or permit to an applicant who holds a current license, certificate, registration or permit from another state, territory or country whose licensing requirements are substantially equivalent to or exceed the requirements in this Commonwealth and who meet other criteria set forth under Act 41. All licensing boards and commissions under the Bureau of Professional and Occupational Affairs are required to draft regulations for the implementation of Act 41 to include methods of determining competency and expiration dates for provisional licenses.	Cindy Miller (717) 783-7142

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
State Board of Occupational Therapy Education and Licensure			
Educational Programs 49 Pa. Code §§ 42.1 and 42.13 (# 16A-6712)	Summer 2021, as Final	This regulation specifically recognizes educational programs that are accredited by the Accreditation Council for Occupational Therapy Education (ACOTE) and other national accrediting agencies. The proposed rulemaking was delivered to IRRC on October 8, 2020 and subsequently published in <i>Pennsylvania Bulletin</i> on October 24, 2020; no comments were received; the Board is drafting the final regulation.	Christina Townley (717) 783-1389
Child Abuse Reporting Requirements 49 Pa. Code §§ 42.41, 42.42, 42.45 and 42.47 (# 16A-6719)	Spring 2021, as Proposed	This regulation updates the Board's existing regulations relating to mandatory reporting of suspected child abuse under the Child Protective Services Law (CPSL) to conform to recent amendments to the CPSL, including the requirement that all applicants and licensees of the State Board of Occupational Therapy Education and Licensure obtain required training in child abuse recognition and reporting.	Christina Townley (717) 783-1389
Licensure by Endorsement 49 Pa. Code §§ 42.1, 42.9 and 42.10 (# 16A-6713)	Spring 2021, as Proposed	This rulemaking amends the Board's regulations to implement the act of July 1, 2019 (P.L. 292, No. 41) (Act 41). Act 41 requires licensing boards and commissions to issue a license, certificate, registration or permit to an applicant who holds a current license, certificate, registration or permit from another state, territory or country whose licensing requirements are substantially equivalent to or exceed the requirements in this Commonwealth and who meet other criteria set forth under Act 41. All licensing boards and commissions under the Bureau of Professional and Occupational Affairs are required to draft regulations for the implementation of Act 41 to include methods of determining competency and expiration dates for provisional licenses.	Christina Townley (717) 783-1389
State Board of Optometry			
General Revisions 49 Pa. Code Chapter 23 (# 16A-5213)	Winter 2021, as Final	Section 3(b)(14) of the Optometric Practice and Licensure Act (act) gives the Board the authority to promulgate all rules and regulations necessary to carry out the purposes of the act. Section 5(b) of the act provides the minimal requirements for continuing education of 30 hours in a biennial period for licensed optometrists. The amendments ensure that clear guidance is given to licensees in prescribing contact lenses, reporting continuing education and the standards for accepting commercial support from the providers of continuing education. The proposed rulemaking was delivered to IRRC on February 15, 2019, and subsequently published in <i>Pennsylvania Bulletin</i> on March 2, 2019; the Board has considered the comments received and is drafting the final regulation.	Christina Stuckey (717) 783-7155

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Child Abuse Reporting Requirements 49 Pa. Code §§ 23.111—23.116 (# 16A-5215)	Spring 2021, as Proposed	This regulation updates the Board's existing regulations relating to mandatory reporting of suspected child abuse under the Child Protective Services Law (CPSL) to conform to recent amendments to the CPSL, including the requirement that all applicants and licensees of the State Board of Optometry obtain required training in child abuse recognition and reporting.	Christina Stuckey (717) 783-7155
Licensure by Endorsement 49 Pa. Code §§ 23.27—23.27b (# 16A-5218)	Spring 2021, as Proposed	This rulemaking amends the Board's regulations to implement the act of July 1, 2019 (P.L. 292, No. 41) (Act 41). Act 41 requires licensing boards and commissions to issue a license, certificate, registration or permit to an applicant who holds a current license, certificate, registration or permit from another state, territory or country whose licensing requirements are substantially equivalent to or exceed the requirements in this Commonwealth and who meet other criteria set forth under Act 41. All licensing boards and commissions under the Bureau of Professional and Occupational Affairs are required to draft regulations for the implementation of Act 41 to include methods of determining competency and expiration dates for provisional licenses.	Christina Stuckey (717) 783-7155
<i>State Board of Osteopathic Medicine</i>			
Prescribing 49 Pa. Code § 25.218 (# 16A-5330)	Summer 2021, as Proposed	The State Board of Osteopathic Medicine proposes this rulemaking to set forth the minimum acceptable standards of practice that an osteopathic physician or physician assistant licensed by the Board must follow when prescribing, administering or dispensing drugs, including the requirements of the Safe Emergency Prescribing Act (Act 122 of 2016), the provisions of Chapter 52A of Title 35, relating to prescribing opioids to minors and the provisions of Chapter 51 of Title 35 relating to safe opioid prescription and voluntary non-opioid directives.	Aaron Hollinger (717) 783-4858
Licensure Requirements 49 Pa. Code Chapter 25 (# 16A-5335)	Spring 2021, as Proposed	This proposed rulemaking is needed to address the current transition and ultimate merger of the American Osteopathic Association (AOA), the American Association of Colleges of Osteopathic Medicine (AACOM) and the Accreditation Council for Graduate Medical Education (ACGME), creating a single accreditation system for all graduate medical education.	Aaron Hollinger (717) 783-4858
Child Abuse Reporting Requirements 49 Pa. Code §§ 25.401—25.416 (# 16A-5326)	Spring 2021, as Proposed	This regulation updates the Board's existing regulations relating to mandatory reporting of suspected child abuse under the Child Protective Services Law (CPSL) to conform to recent amendments to the CPSL, including the requirement that all applicants and licensees of the State Board of Osteopathic Medicine obtain required training in child abuse recognition and reporting.	Aaron Hollinger (717) 783-4858

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Licensure by Endorsement 49 Pa. Code, Subchapter P §§ 25.1001—25.1008 (# 16A-5336)	Spring 2021, as Proposed	This rulemaking amends the Board's regulations to implement the act of July 1, 2019 (P.L. 292, No. 41) (Act 41). Act 41 requires licensing boards and commissions to issue a license, certificate, registration or permit to an applicant who holds a current license, certificate, registration or permit from another state, territory or country whose licensing requirements are substantially equivalent to or exceed the requirements in this Commonwealth and who meet other criteria set forth under Act 41. All licensing boards and commissions under the Bureau of Professional and Occupational Affairs are required to draft regulations for the implementation of Act 41 to include methods of determining competency and expiration dates for provisional licenses.	Aaron Hollinger (717) 783-4858
<i>State Board of Pharmacy</i>			
Administration of Injectable Medications, Biologicals and Immunizations 49 Pa. Code §§ 27.12 and 27.401—27.407 (# 16A-5429)	Spring 2021, as Final	This rulemaking addresses amendments to section 9.2 of the Pharmacy Act (63 P.S. § 380-9.2) which reduce the age of patients to whom pharmacists can administer influenza immunizations and permit pharmacy interns to administer injectable medications, biologicals and immunizations.	Melanie Zimmerman (717) 783-7156
Child Abuse Reporting Requirements 49 Pa. Code Chapter 27 (# 16A-5430)	Spring 2021, as Proposed	This proposed regulation implements mandatory reporting requirements relating to suspected child abuse under the Child Protective Services Law (CPSL) to conform to recent amendments to the CPSL, including the requirement that all applicants and licensees of the State Board of State Board of Pharmacy obtain required training in child abuse recognition and reporting.	Melanie Zimmerman (717) 783-7156
Licensure by Endorsement 49 Pa. Code §§ 27.25a and 27.25b (# 16A-5432)	Spring 2021, as Proposed	This rulemaking amends the Board's regulations to implement the act of July 1, 2019 (P.L. 292, No. 41) (Act 41). Act 41 requires licensing boards and commissions to issue a license, certificate, registration or permit to an applicant who holds a current license, certificate, registration or permit from another state, territory or country whose licensing requirements are substantially equivalent to or exceed the requirements in this Commonwealth and who meet other criteria set forth under Act 41. All licensing boards and commissions under the Bureau of Professional and Occupational Affairs are required to draft regulations for the implementation of Act 41 to include methods of determining competency and expiration dates for provisional licenses.	Melanie Zimmerman (717) 783-7156
<i>State Board of Physical Therapy</i>			
Early Exam and CE for Clinical Instruction 49 Pa. Code Chapter 40 (# 16A-6522)	Spring 2021, as Proposed	This proposed rulemaking would allow physical therapist students, and physical therapist assistant students, to sit for the requisite examinations up to 90 days prior to graduation from their respective programs. Additionally, this proposed rulemaking would allow physical therapists (PTs) and physical therapist assistants	Michelle Roberts (717) 783-7134

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
		(PTAs) who provide clinical instruction to student PTs and student PTAs, at clinical facilities affiliated with accredited programs, to receive a limited amount of continuing education credits for providing clinical instruction to student PTs and student PTAs. Furthermore, the proposed rulemaking will amend the Board's regulations to allow applicants to register for the national examination with the examination provider, without having to first obtain the Board's permission.	
Child Abuse Reporting Requirements 49 Pa. Code Chapter 40 (# 16A-6518)	Fall 2021, as Final	This regulation updates the Board's existing regulations relating to mandatory reporting of suspected child abuse under the Child Protective Services Law (CPSL) to conform to recent amendments to the CPSL, including the requirement that all applicants and licensees of the State Board of Physical Therapy obtain required training in child abuse recognition and reporting. The proposed rulemaking was delivered to IRRC on December 9, 2020 and subsequently published in <i>Pennsylvania Bulletin</i> on December 19, 2020; the Board will review all public comments received and draft the final regulation.	Michelle Roberts (717) 783-7134
Licensure by Endorsement 49 Pa. Code Chapter 40 (# 16A-6523)	Spring 2021, as Proposed	This rulemaking amends the Board's regulations to implement the act of July 1, 2019 (P.L. 292, No. 41) (Act 41). Act 41 requires licensing boards and commissions to issue a license, certificate, registration or permit to an applicant who holds a current license, certificate, registration or permit from another state, territory or country whose licensing requirements are substantially equivalent to or exceed the requirements in this Commonwealth and who meet other criteria set forth under Act 41. All licensing boards and commissions under the Bureau of Professional and Occupational Affairs are required to draft regulations for the implementation of Act 41 to include methods of determining competency and expiration dates for provisional licenses.	Michelle Roberts (717) 783-7134
<i>State Board of Podiatry</i>			
Continuing Education 49 Pa. Code § 29.61 (# 16A-4417)	Spring 2021, as Final	This proposed rulemaking would reduce the biennial requirement for continuing education, in accordance with the Governor's recommendations for licensure reform; additionally, the rulemaking would provide for the use of distance learning to satisfy the continuing education requirement and provide for exemptions. The proposed rulemaking was delivered to IRRC on May 18, 2020 and subsequently published in <i>Pennsylvania Bulletin</i> on June 29, 2020. The Board will review all public comments received and draft the final regulation.	Aaron Hollinger (717) 783-4858

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Child Abuse Reporting Requirements 49 Pa. Code §§ 29.91—29.97 (# 16A-4412)	Spring 2021, as Proposed	This regulation updates the Board's existing regulations relating to mandatory reporting of suspected child abuse under the Child Protective Services Law (CPSL) to conform to recent amendments to the CPSL, including the requirement that all applicants and licensees of the State Board of Podiatry obtain required training in child abuse recognition and reporting.	Aaron Hollinger (717) 783-4858
Licensure by Endorsement 49 Pa. Code Chapter 29 (# 16A-4419)	Spring 2021, as Proposed	This rulemaking amends the Board's regulations to implement the act of July 1, 2019 (P.L. 292, No. 41) (Act 41). Act 41 requires licensing boards and commissions to issue a license, certificate, registration or permit to an applicant who holds a current license, certificate, registration or permit from another state, territory or country whose licensing requirements are substantially equivalent to or exceed the requirements in this Commonwealth and who meet other criteria set forth under Act 41. All licensing boards and commissions under the Bureau of Professional and Occupational Affairs are required to draft regulations for the implementation of Act 41 to include methods of determining competency and expiration dates for provisional licenses.	Aaron Hollinger (717) 783-4858
<i>State Board of Psychology</i>			
Continuing Education 49 Pa. Code § 41.59 (# 16A-6317)	Spring 2021, as Proposed	The Board, in its effort to continually review the efficacy of its regulations, has again reviewed the continuing education regulations and has determined that amendments are needed to update, revise and clarify the continuing education requirements. This proposed rulemaking would amend the requirements relating to home study, instruction and carry over.	Chris Stuckey (717) 783-7155
Code of Ethics 49 Pa. Code § 41.61 (# 16A-6324)	Summer 2021, as Proposed	This proposed rulemaking will update the Board's Code of Conduct to adopt the American Psychological Association's (APA) Ethical Principles of Psychologists and Code of Conduct and various enumerated APA practice guidelines.	Chris Stuckey (717) 783-7155
General Revisions 49 Pa. Code § 41.31 (# 16A-6320)	Spring 2021, as Proposed	This proposed rulemaking will update the Board's regulations to conform to changes made to the Professional Psychologists Practice Act by the Act of June 23, 2016 (P.L. 379, No. 53) (Act 53 of 2016). Act 53 of 2016 clarifies the scope of practice of psychology, grants the Board the power to issue temporary licenses to out of state licensees, revises and removes some of the previous exemptions to licensure, removes the time limitation pertaining to the retaking of the licensure examinations, eliminates the requirement that at least one year of supervised experience be obtained subsequent to the granting of the doctoral degree, gives the Board the ability to bar a suspended licensee from engaging in any other form of counseling or mental	Chris Stuckey (717) 783-7155

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
		health practice and requires licensees to report multiple licensure of any other health profession. <i>Statutory Authority:</i> Section 3.2(2) of the Professional Psychologists Practice Act, 63 P.S. § 1203.2(2).	
Child Abuse Reporting Requirements 49 Pa. Code §§ 41.1, 41.42, 41.45 and 41.47 (# 16A-6322)	Spring 2021, as Proposed	This regulation updates the Board's existing regulations relating to mandatory reporting of suspected child abuse under the Child Protective Services Law (CPSL) to conform to recent amendments to the CPSL, including the requirement that all applicants and licensees of the State Board of Psychology obtain required training in child abuse recognition and reporting.	Chris Stuckey (717) 783-7155
Licensure by Endorsement 49 Pa. Code §§ 41.1, 41.52a and 41.52b (# 16A-6326)	Summer 2021, as Final	This rulemaking amends the Board's regulations to implement the act of July 1, 2019 (P.L. 292, No. 41) (Act 41). Act 41 requires licensing boards and commissions to issue a license, certificate, registration or permit to an applicant who holds a current license, certificate, registration or permit from another state, territory or country whose licensing requirements are substantially equivalent to or exceed the requirements in this Commonwealth and who meet other criteria set forth under Act 41. All licensing boards and commissions under the Bureau of Professional and Occupational Affairs are required to draft regulations for the implementation of Act 41 to include methods of determining competency and expiration dates for provisional licenses. The proposed rulemaking was delivered to IRRC on December 9, 2020 and subsequently published in <i>Pennsylvania Bulletin</i> on December 19, 2020. The Board will consider all comments received and will draft the final regulation.	Chris Stuckey (717) 783-7155
State Board of Certified Real Estate Appraisers			
Licensure by Endorsement 49 Pa. Code §§ 36.226 and 36.227 (# 16A-7024)	Spring 2021, as Proposed	This rulemaking amends the Board's regulations to implement the act of July 1, 2019 (P.L. 292, No. 41) (Act 41). Act 41 requires licensing boards and commissions to issue a license, certificate, registration or permit to an applicant who holds a current license, certificate, registration or permit from another state, territory or country whose licensing requirements are substantially equivalent to or exceed the requirements in this Commonwealth and who meet other criteria set forth under Act 41. All licensing boards and commissions under the Bureau of Professional and Occupational Affairs are required to draft regulations for the implementation of Act 41 to include methods of determining competency and expiration dates for provisional licenses.	Kristel Hennessy Hemler (717) 214-7779

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Schedule of Fees 49 Pa. Code § 36.6 (# 16A-7025)	Summer 2021, as Proposed	The proposed rulemaking is needed to increase the application and biennial renewal fees to provide sufficient biennial revenue to meet the projected expenditures as required under section 9 of the Real Estate Appraisers Certification Act (63 P.S. § 457.9).	Kristel Hennessy Hemler (717) 214-7779
General Revisions 49 Pa. Code §§ 458.1—458.16 (# 16A-7026)	Spring 2021, as Proposed	This proposed rulemaking will update several provisions, including definitions, permissible and prohibited activity, and qualification of applicants, to conform with the Act 88 of 2020 amendments to the Assessors Certification Act. <i>Statutory Authority</i> : Section (3) of the Assessors Certification Act, 63 P.S. § 458.3.	Kristel Hennessy Hemler (717) 214-7779
State Real Estate Commission			
General Revisions 49 Pa. Code Chapter 35 (# 16A-5616)	Summer 2021 as Proposed	The proposed rulemaking would update the Commission's regulations to reflect changes in the law and practice in the industry, which include advertising and escrow requirements. <i>Statutory Authority</i> : Section 404 of the Real Estate Licensing and Registration Act, 63 P.S. § 455.404. This regulation was formerly entitled "Advertising." The Board decided to expand the regulation to include other general updates.	Krista Linsench (717) 783-3658
Broker Price Opinions 49 Pa. Code, Subchapter J (# 16A-5626)	Spring 2021, as Proposed	The proposed rulemaking implements the act of June 29, 2018 (P.L. 500, No. 75) (Act 75 of 2018) which amended the Real Estate Licensing and Registration Act (63 P.S. §§ 455.101—455.902). The proposed regulations would add a new subchapter which sets forth limitations and requirements for broker price opinions, including required disclosures, signature requirements, permissible uses and required experience and education for brokers, associate brokers and salespersons.	Krista Linsench (717) 783-3658
Licensure by Endorsement 49 Pa. Code § 35.230 (# 16A-5625)	Spring 2021, as Proposed	This rulemaking amends the Commission's regulations to implement the act of July 1, 2019 (P.L. 292, No. 41) (Act 41). Act 41 requires licensing boards and commissions to issue a license, certificate, registration or permit to an applicant who holds a current license, certificate, registration or permit from another state, territory or country whose licensing requirements are substantially equivalent to or exceed the requirements in this Commonwealth and who meet other criteria set forth under Act 41. All licensing boards and commissions under the Bureau of Professional and Occupational Affairs are required to draft regulations for the implementation of Act 41 to include methods of determining competency and expiration dates for provisional licenses.	Krista Linsench (717) 783-3658

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
<i>State Board of Social Workers, Marriage and Family Therapists and Professional Counselors</i>			
General Revisions 49 Pa. Code Chapters 47—49 (# 16A-6923)	Summer 2021, as Proposed	<p>The Board has undertaken a comprehensive review of its regulations relating to qualifications for licensure, supervision of clinical experience, including the provision of supervision through electronic means, and continuing education. The purpose of this rulemaking is to eliminate outdated provisions, update standards to reflect modern technology and to modernize the Board's processes relating to licensure.</p> <p>This rulemaking also amends the Board's regulations to implement the act of July 1, 2019 (P.L. 292, No. 41) (Act 41). Act 41 requires licensing boards and commissions to issue a license, certificate, registration or permit to an applicant who holds a current license, certificate, registration or permit from another state, territory or country whose licensing requirements are substantially equivalent to or exceed the requirements in this Commonwealth and who meet other criteria set forth under Act 41. All licensing boards and commissions under the Bureau of Professional and Occupational Affairs are required to draft regulations for the implementation of Act 41 to include methods of determining competency and expiration dates for provisional licenses.</p>	Sandra Matter (717) 783-1389
Child Abuse Reporting Requirements 49 Pa. Code Chapters 47—49 (# 16A-6919)	Fall 2021, as Final	<p>This regulation updates the Board's existing regulations relating to mandatory reporting of suspected child abuse under the Child Protective Services Law (CPSL) to conform to recent amendments to the CPSL, including the requirement that all applicants and licensees of the Board obtain required training in child abuse recognition and reporting.</p> <p>The proposed rulemaking was delivered to IRRC on November 24, 2020 and subsequently published in <i>Pennsylvania Bulletin</i> on January 2, 2021. The Board will consider all comments received and will draft the final regulation.</p>	Sandra Matter (717) 783-1389
<i>State Board of Examiners in Speech-Language Pathology and Audiology</i>			
Licensure by Endorsement 49 Pa. Code §§ 45.601— 45.604 (# 16A-6808)	Spring 2021, as Proposed	<p>This rulemaking amends the Board's regulations to implement the act of July 1, 2019 (P.L. 292, No. 41) (Act 41). Act 41 requires licensing boards and commissions to issue a license, certificate, registration or permit to an applicant who holds a current license, certificate, registration or permit from another state, territory or country whose licensing requirements are substantially equivalent to or exceed the requirements in this Commonwealth and who meet other criteria set forth under Act 41. All licensing boards and commissions under the Bureau of Professional and Occupational Affairs are required to draft</p>	Sandra Matter (717) 783-1389

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
		regulations for the implementation of Act 41 to include methods of determining competency and expiration dates for provisional licenses.	
Child Abuse Reporting Requirements 49 Pa. Code §§ 45.401—45.407 (# 16A-6805)	Spring 2021, as Proposed	This regulation updates the Board's existing regulations relating to mandatory reporting of suspected child abuse under the Child Protective Services Law (CPSL) to conform to recent amendments to the CPSL, including the requirement that all applicants and licensees of the State Board of Examiners in Speech-Language Pathology and Audiology obtain required training in child abuse recognition and reporting.	Sandra Matter (717) 783-1389
<i>State Board of Vehicle Manufacturers, Dealers and Salespersons</i>			
Fees 49 Pa. Code § 19.4 (# 16A-5726)	Spring 2021, as Proposed	This proposed rulemaking would increase application fees and biennial renewal fees for licensees of the Board such that revenues would be sufficient to meet projected expenditures. <i>Statutory Authority:</i> Section 30(a) of the Board of Vehicles Act (Act) (63 P.S. § 818.30(a)) requires an increase in fees when the expenses incurred by the Board to meet its obligations under the Act, including enforcement, exceed revenues.	Janice Cline (717) 772-0483
Out of State RV Dealer Registration Fee 49 Pa. Code § 19.4 (# 16A-6011)	Spring 2021, as Proposed	This regulation would establish a fee for processing applications for out of state recreational vehicle dealers to register with the Board to participate in recreational vehicle shows, off-premises sales, exhibitions and rallies. <i>Statutory Authority:</i> Sections 4(a)(9) and 32.1(c) of the Board of Vehicles Act, 63 P.S. §§ 818.4(a)(9) and 818.32a(c).	Janice Cline (717) 772-0483
<i>State Board of Veterinary Medicine</i>			
Licensure of Euthanasia Technicians and Animal Protection Organizations 49 Pa. Code Chapter 31 (# 16A-5726)	Spring 2021, as Proposed	This proposed rulemaking is necessary to implement the act of October 24, 2012 (P.L. 1452, No. 182) (Act 182 of 2012) which amended the Animal Destruction Method Authorization Law to require the State Board of Veterinary Medicine to register animal organizations and to license euthanasia technicians to permit the organizations to purchase controlled substances and employ euthanasia technicians for the humane euthanasia of small domestic animals.	Michelle Roberts (717) 783-7134
Licensure by Endorsement 49 Pa. Code Chapter 31 (# 16A-5730)	Spring 2021, as Proposed	This rulemaking amends the Board's regulations to implement the act of July 1, 2019 (P.L. 292, No. 41) (Act 41). Act 41 requires licensing boards and commissions to issue a license, certificate, registration or permit to an applicant who holds a current license, certificate, registration or permit from another state, territory or country whose licensing requirements are substantially equivalent to or exceed the requirements in this Commonwealth and who meet other criteria set forth under Act 41. All licensing boards and commissions under the Bureau of Professional and Occupational Affairs are required to draft	Michelle Roberts (717) 783-7134

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
		regulations for the implementation of Act 41 to include methods of determining competency and expiration dates for provisional licenses.	
<i>Department of Transportation (DOT)</i>			
Registration Class Stickers 67 Pa. Code Chapter 55	Spring 2021, as Final	This rulemaking will delete Chapter 55 and eliminate the issuance of weight class stickers. The elimination of these stickers will result in cost savings to the Department and the regulated community.	Scott Shenk (717) 783-4599
Access to and Occupancy of Highways by Driveways and Local Roads 67 Pa. Code Chapter 441	Spring 2021, as Proposed	The Department will be promulgating a regulation to rewrite the entirety of Chapter 441 and to address comments received during the promulgation of an earlier promulgated Chapter 441 regulation redefining the term "owner."	Mike Dzurko (717) 783-6080
Permanent Regulation for RADAR and LIDAR for State Police and Automated Enforcement Systems 67 Pa. Code Chapter 105	Summer 2021, as Proposed	The Department will be promulgating a regulation to define proper testing and calibration of RADAR and LIDAR Systems to be used by state police and automated enforcement systems.	Steve Madrak (717) 783-4597
Intrastate Motor Carrier Safety 67 Pa. Code Chapter 231	Summer 2021, as Proposed	This rulemaking is necessary to waive hours of service limitations imposed by Federal law and other requirements for mass transportation organizations and their drivers, while establishing new requirements consistent with the public interest.	Danielle Spila (717) 787-1208
School Bus Side Stop Signal Arm Enforcement Systems (Permanent) 67 Pa. Code Chapter 171b	Spring 2021, as Proposed	This rulemaking will make temporary regulations permanent as required by Act 159 of 2018.	Laura Krol (717) 346-1907
<i>Office of Administration (OA)</i>			
Office of Administration Civil Service Reform 4 Pa. Code Chapters 608—615	Summer 2021, as Proposed	This proposed rulemaking is needed to implement the requirements of Act 71 of 2018 (P.L. 460, No. 71), commonly referred to as "the Civil Service Reform Act." Act 71 repealed the Civil Service Act of 1941. In accordance with Act 71, functions associated with civil service recruitment and hiring were transferred from the State Civil Service Commission "SCSC" to the Office of Administration "OA." This proposed rulemaking is needed to set forth the requirements and policies for the transfer of duties under Act 71. Act 71 also authorized OA to promulgate temporary regulations to implement the transfer of duties. On March 16, 2019, OA, pursuant to its statutory authority under Act 71, published temporary regulations implementing the transfer of duties from SCSC to OA. According to Act 71, the temporary regulations will expire on March 16, 2022.	Cynthia Williams (717) 783-2590

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