

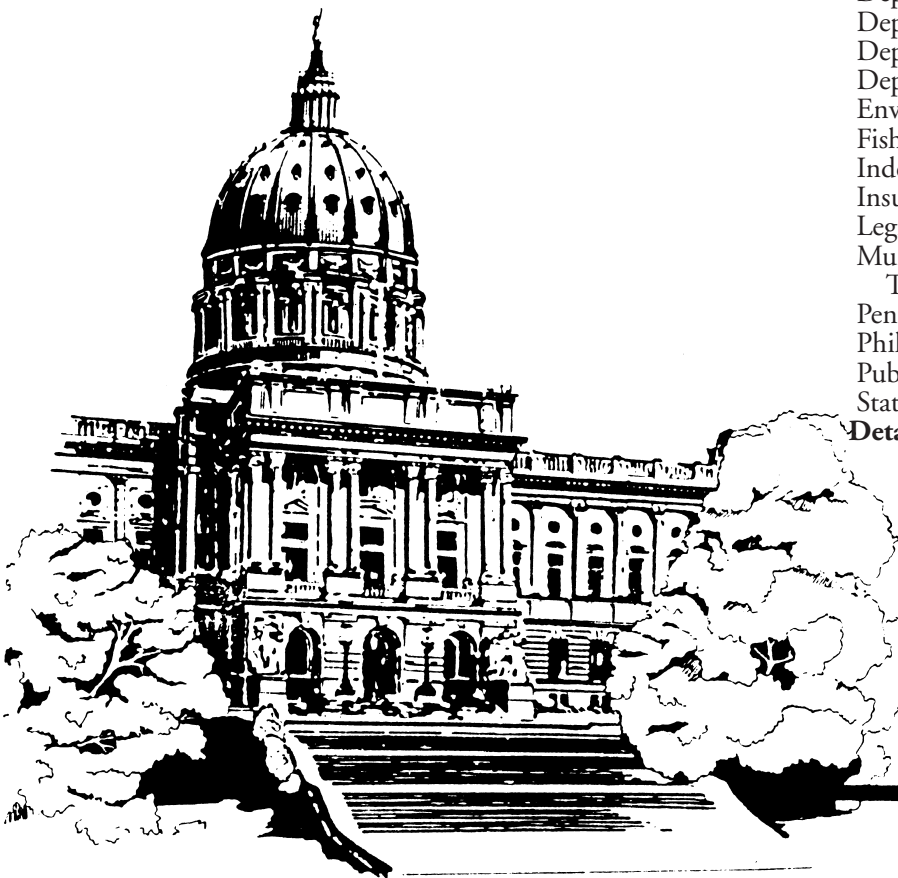
PENNSYLVANIA BULLETIN

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Department of Conservation and Natural Resources
Department of Education
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State Conservation Commission

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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 COURTS

Title 204—JUDICIAL SYSTEM GENERAL PROVISIONS

PART VII. ADMINISTRATIVE OFFICE OF PENNSYLVANIA COURTS

[204 PA. CODE CH. 213]

Case Records Public Access Policy of the Unified Judicial System of Pennsylvania

Commentary to Section 9.0 of the *Case Records Public Access Policy of the Unified Judicial System* provides in part that, “[t]he Administrative Office of Pennsylvania Courts [AOPC] shall from time to time publish a list of applicable authorities that restrict public access to court records or information. This list shall be published on the Unified Judicial System’s website and in the *Pennsylvania Bulletin*.” In accordance with this directive, the AOPC has updated the following *Limits on Public Access to Unified Judicial System Case Records*.

The entire policy, including this amendment and other

related information, can be found on the Unified Judicial System’s public records webpage located at <http://www.pacourts.us>.

Filed in the Administrative Office of Pennsylvania Courts on March 9, 2021.

GEOFF MOULTON,
Court Administrator of Pennsylvania

Annex A

TITLE 204. JUDICIAL SYSTEM GENERAL PROVISIONS

PART VII. ADMINISTRATIVE OFFICE OF PENNSYLVANIA COURTS

CHAPTER 213. COURT RECORDS POLICIES

Subchapter D. CASE RECORDS PUBLIC ACCESS POLICY OF THE UNIFIED JUDICIAL SYSTEM OF PENNSYLVANIA

(*Editor’s Note:* The list which appears in 204 Pa. Code pages 213-56—213-65, serial pages (402664), (397455)—(397463), is replaced with the following list.)

LIMITS ON PUBLIC ACCESS TO UNIFIED JUDICIAL SYSTEM CASE RECORDS

<i>Subject Area</i>	<i>Record Description</i>	<i>Accessibility</i>	<i>Authority</i>
Civil	Jurors Notes.	No Public Access. Collected and destroyed post-trial.	Pa.R.C.P. No. 223.2.
Civil	Complaints filed in magisterial district courts.	No Public Access to the minor’s name in a complaint. Minors shall be designated by the initials of their first and last name.	Pa.R.C.P.M.D.J. No. 803.
Commonwealth Court	Child Line Registry Cases.	No Public Access to documents in the case except Orders and Opinions wherein the court shall use initials of the minor child involved rather than full name.	Admin. Order No. 126 Misc. Docket No. 3 (February 8, 2013).
Criminal	Juror’s Address.	No Public Access.	<i>Commonwealth v. Long</i> , 922 A.2d 892 (Pa. 2007).
Criminal	Sealed affidavit of probable cause for a search warrant.	No Public Access while sealed. The affidavit may not be sealed for more than 60 days unless an extension is received. Extensions may not be longer than 30 days, but an unlimited number of extensions are available. Public may access the affidavit after it has been unsealed.	Pa.R.Crim.P. 211.
Criminal	Unexecuted Search Warrant.	No Public Access until warrant is executed.	Pa.R.Crim.P. 212(A).
Criminal	Arrest Warrant Information.	A court may delay public access for good cause for up to 72 hours. In addition, a court may seal arrest warrant information for a longer period of time.	Pa.R.Crim.P. 513(C), Pa.R.Crim.P. 513.1.

<i>Subject Area</i>	<i>Record Description</i>	<i>Accessibility</i>	<i>Authority</i>
Criminal	Information obtained from or concerning the defendant by a bail agency.	No public access. Information only accessible by the defendant, counsel for the defendant, the issuing authority or judge setting bail, the attorney for the Commonwealth, and the department of probation or parole preparing a presentence report regarding the defendant.	Pa.R.Crim.P. 530(C).
Criminal	Motion filed by attorney for the Commonwealth to present the matter to an indicting grand jury and subsequent order.	No Public Access—the motion and order are sealed.	Pa.R.Crim.P. 556.2.
Criminal	All indicting grand jury proceedings and related documents.	No Public Access. Disclosure may be granted to attorney for the Commonwealth, defendant in a criminal case, witnesses, law enforcement personnel, and upon motion when necessary.	Pa.R.Crim.P. 556.10.
Criminal	Sealed indictments.	No Public Access.	Pa.R.Crim.P. 556.11(E).
Criminal	Sealed records concerning mental health experts.	No Public Access.	Pa.R.Crim.P. 569.
Criminal	Sealed written statements pertaining to protective orders.	No Public Access. The entire text of the statement shall be sealed and preserved in the records of the court to be made available to the appellate court(s) in the event of an appeal.	Pa.R.Crim.P. 573(F).
Criminal	Sealed plea agreement.	No Public Access.	Pa.R.Crim.P. 590.
Criminal	Juror qualification forms.	No Public Access.	Pa.R.Crim.P. 625(A)(3).
Criminal	Juror information questionnaires.	No Public Access. Questionnaires are retained in a sealed file and shall be destroyed upon completion of the jurors' service, unless otherwise ordered by the trial judge.	Pa.R.Crim.P. 632.
Criminal	Sealed verdict.	No Public Access.	Pa.R.Crim.P. 649.
Criminal	Notes taken by jurors.	No Public Access.	Pa.R.Crim.P. 644(B)(7).
Criminal	Pre-sentence reports and related psychiatric psychological reports.	No Public Access.	Pa.R.Crim.P. 703(A).
Criminal	Records revealing the names of human trafficking victims.	No Public Access, unless otherwise ordered by a court in a prosecution involving a victim of human trafficking.	18 Pa.C.S. § 3019(a).
Criminal	Wiretap applications, final reports and orders.	No Public Access except upon showing of good cause before a court of competent jurisdiction.	18 Pa.C.S. § 5715.

<i>Subject Area</i>	<i>Record Description</i>	<i>Accessibility</i>	<i>Authority</i>
Criminal	Names of minor victims of sexual or physical abuse.	No Public Access. Records revealing a victim's name are sealed. A minor victim who is 18 years of age or older at the time of the commencement of the prosecution may waive this protection and allow the court to release the name of the minor victim.	42 Pa.C.S. § 5988.
Criminal	Any criminal history record information related to the convictions of certain offenses graded as a misdemeanor of the first, second or third degree, or summary more than 10 years old with completed payment obligations, and dispositions that are non-convictions.	No public access. The court shall not release the information to an individual, noncriminal justice agency or an internet website.	18 Pa.C.S. §§ 9121, 9122.1, and § 9122.2
Domestic Relations	Information regarding the registration, filing of a petition for, or issuance of a protection from abuse order in either the issuing or enforcing State.	No Public Access via internet publication, if such publication would be likely to publically reveal the identity or location of the protected party.	18 U.S.C. § 2265(d)(3).
Domestic Relations	Social security number of any individual subject to a divorce decree, support order, paternity determination, or acknowledgement of paternity, which is required in all records of those matters.	No Public Access.	23 Pa.C.S. § 4304.1(a)(3).
Domestic Relations	Child Support Records	No Public Access, except for PACSES dockets, court orders and opinions.	42 U.S.C. §§ 654 (26)(A), 654a(d)(1)(A); 45 CFR §§ 303.21(c)-(d), 307.13(a)(1); 23 Pa.C.S. § 4304.1(d); Sections 2.4 and 3.4 of the Cooperative Agreement.
Domestic Relations	(a) Subject to any inconsistent general rules and to the supervision and direction of the court, the domestic relations section shall have the power and duty to . . . (10) Implement safeguards applicable to all confidential information received by the domestic relations section in order to protect the privacy rights of the parties, including. . . (ii) prohibitions against the release of information on the whereabouts of one party or the child to another party against whom a protective order with respect to the former party or the child has been entered; and	No Public Access.	23 Pa.C.S. § 4305(a)(10)(ii)-(iii).

<i>Subject Area</i>	<i>Record Description</i>	<i>Accessibility</i>	<i>Authority</i>
	(iii) prohibitions against the release of information on the whereabouts of one party or the child to another person if the domestic relations section has reason to believe that the release of the information may result in physical or emotional harm to the party or the child.		
Domestic Relations	List of weapons ordered to be relinquished by the defendant in an action for protection from abuse.	No Public Access, except (A) upon an order of the court granted upon cause shown; (B) as necessary, by law enforcement and court personnel; or (C) after redaction of information listing any firearm, other weapons or ammunition.	23 Pa.C.S. § 6108(a)(7)(v); 18 Pa.C.S. § 6105.2(f); <i>see also</i> 18 Pa.C.S. § 6128(e).
Domestic Relations	All records pertaining to a confidential address for individuals participating in the Office of Victim Advocate's Address Confidentiality Program.	No Public Access, except for the substitute address provided by the Office of Victim Advocates.	23 Pa.C.S. § 6703(d); <i>see also</i> 23 Pa.C.S. § 5336(b)(1).
Juvenile Court	Juvenile Dependency and Delinquency records.	No Public Access; except as set forth in 42 Pa.C.S. § 6307, Pa.Rs.J.C.P. 160 and/or 1160, including with leave of court.	42 Pa.C.S. § 6307; Pa.Rs.J.C.P. 160, 1160.
*Landlord-Tenant	Domestic Violence Affidavit filed with the court to stay the execution of an order of possession.	No Public Access to the Domestic Violence Affidavit.	Pa.R.C.P.M.D.J. § 514.1.
Orphans' Court	Proceedings related to appointment of guardianship for incapacitated persons.	Shall be closed to the public upon request of the alleged incapacitated person or his counsel. After the individual's death his/her estate may access the record of the guardianship proceedings.	20 Pa.C.S. § 5511(a); <i>In re Estate of duPont</i> , 2 A.3d 516 (Pa. 2010).
Orphans' Court	Records required for foreign adoption decrees.	No Public Access unless a court order is granted upon good cause.	23 Pa.C.S. § 2908(F); Pa.O.C.R. 15.7.
Orphans' Court	Adoption records.	No Public Access unless otherwise ordered.	23 Pa.C.S. § 2915; <i>see also</i> 23 Pa.C.S. § 2906; Pa.O.C.R. 15.7.
*Superior Court	The Court may order that parties' names in captions for appeals from divorce, equitable distribution, custody, visitation, or child support decisions be initialized.	No Public Access to the names in the caption. This does not apply to the text of a circulation or order of the Court.	210 Pa. Code § 65.44.
Orphans' Court (Family Court in Philadelphia County or Juvenile Court Section of Family Division in Allegheny County Pa.R.J.A. 2157)	Applications of a minor for judicial approval of decision to have an abortion, under the Abortion Control Act, as well as proceedings and the name of the minor.	No Public Access; sealed dockets, and documents shall be maintained in a closed file marked "confidential" and identified by case number only.	18 Pa.C.S. § 3206(f); Pa.O.C.R. 16.2 and 16.6. Note also Pa.R.J.A. No. 2157 and Pa.R.A.P. 3801.
General	Records concerning persons in treatment under the Mental Health Procedures Act.	Limited Public Access in compliance with the Mental Health Procedures Act and controlling case law.	50 P.S. § 7111.

<i>Subject Area</i>	<i>Record Description</i>	<i>Accessibility</i>	<i>Authority</i>
General	Court documents, rules, or orders in Gaming Law proceedings.	Any party may request proceeding and record to be sealed if in best interest of any person or Commonwealth.	4 Pa.C.S. § 1518.2(b).
General	Proceedings and records involving juveniles charged with a summary offense before the minor judiciary, the Philadelphia Municipal Court or a Court of Common Pleas.	No Public Access.	42 Pa.C.S. §§ 6303(c), 6307(c), and 6336(g).
General	Transcript of proceedings in the judicial districts within the Unified Judicial System.	A court may order the person preparing the transcript to redact confidential, personal and/or financial data and other identifiers and information listed in Section 7.0 of the Case Records Public Access Policy of the Unified Judicial System.	Pa.R.J.A. No 4014.

Note: this may not be a complete listing; the public and court staff are directed to consult federal and state statutes, court rules or case law.

*New material

[Pa.B. Doc. No. 21-412. Filed for public inspection March 19, 2021, 9:00 a.m.]

Title 210—APPELLATE PROCEDURE

PART I. RULES OF APPELLATE PROCEDURE [210 PA. CODE CH. 3]

Order Amending Rules 311 and 341 of the Pennsylvania Rules of Appellate Procedure; No. 292 Appellate Procedural Rules Doc.

Order

Per Curiam

And Now, this 9th day of March, 2021, upon the recommendation of the Appellate Court Procedural Rules Committee; the proposal having been published for public comment at 49 Pa.B. 10 (January 5, 2019):

It is Ordered pursuant to Article V, Section 10 of the Constitution of Pennsylvania that Rules 311 and 341 of the Pennsylvania Rules of Appellate Procedure are amended in the following form.

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

Annex A

TITLE 210. APPELLATE PROCEDURE

PART I. RULES OF APPELLATE PROCEDURE

ARTICLE I. PRELIMINARY PROVISIONS

CHAPTER 3. ORDERS FROM WHICH APPEALS MAY BE TAKEN

INTERLOCUTORY APPEALS

Rule 311. Interlocutory Appeals as of Right.

(a) *General rule.*—An appeal may be taken as of right and without reference to Pa.R.A.P. 341(c) from:

* * * * *

(8) *Other cases.*—An order that is made final or appealable by statute or general rule, even though the order does not dispose of all claims and of all parties.

* * * * *

Official Note: Authority—This rule implements 42 Pa.C.S. § 5105(c), which provides:

* * * * *

Subparagraph (a)(8)—Subparagraph (a)(8) recognizes that orders that are procedurally interlocutory may be made appealable by statute or general rule. For example, see 27 Pa.C.S. § 8303. The Pennsylvania Rules of Civil Procedure, the Pennsylvania Rules of Criminal Procedure, etc., should also be consulted.

See Pa.R.A.P. 341(f) for appeals of Post Conviction Relief Act orders.

Following a 2005 amendment to Pa.R.A.P. 311, orders determining the validity of a will or trust were appealable as of right under former subparagraph (a)(8). Pursuant to the 2011 amendments to Pa.R.A.P. 342, such orders are now immediately appealable under Pa.R.A.P. 342(a)(2).

* * * * *

FINAL ORDERS

Rule 341. Final Orders; Generally.

(a) *General rule.*—Except as prescribed in paragraphs (d) and (e) of this rule, an appeal may be taken as of right from any final order of a government unit or trial court.

(b) *Definition of final order.*—A final order [**is any order that**]:

(1) disposes of all claims and of all parties; [**or**]

(2) (Rescinded)[.];

(3) is entered as a final order pursuant to paragraph (c) of this rule[.]; **or**

(4) is an order pursuant to paragraph (f) of this rule.

(c) *Determination of finality.*—When more than one claim for relief is presented in an action, whether as a claim, counterclaim, cross-claim, or third-party claim, or when multiple parties are involved, the trial court or other government unit may enter a final order as to one or more but fewer than all of the claims and parties only upon an express determination that an immediate appeal would facilitate resolution of the entire case. Such an order becomes appealable when entered. In the absence of such a determination and entry of a final order, any order or other form of decision that adjudicates fewer than all the claims and parties shall not constitute a final order. In addition, the following conditions shall apply:

(1) An application for a determination of finality under paragraph (c) must be filed within 30 days of entry of the order. During the time an application for a determination of finality is pending, the action is stayed.

(2) Unless the trial court or other government unit acts on the application within 30 days after it is filed, the trial court or other government unit shall no longer consider the application and it shall be deemed denied.

(3) A notice of appeal may be filed within 30 days after entry of an order as amended unless a shorter time period is provided in Pa.R.A.P. 903(c). Any denial of such an application is reviewable only through a petition for permission to appeal under Pa.R.A.P. 1311.

(d) *Superior Court and Commonwealth Court orders.*—Except as prescribed by Pa.R.A.P. 1101 no appeal may be taken as of right from any final order of the Superior Court or of the Commonwealth Court.

(e) *Criminal orders.*—An appeal may be taken by the Commonwealth from any final order in a criminal matter only in the circumstances provided by law.

(f) *Post Conviction Relief Act orders.*

(1) An order granting, denying, dismissing, or otherwise finally disposing of a petition for post-conviction collateral relief shall constitute a final order for purposes of appeal.

(2) An order granting sentencing relief, but denying, dismissing, or otherwise disposing of all other claims within a petition for post-conviction collateral relief, shall constitute a final order for purposes of appeal.

Official Note: Related Constitutional and statutory provisions—Section 9 of Article V of the Constitution of Pennsylvania provides that “there shall be a right of appeal from a court of record or from an administrative agency to a court of record or to an appellate court.” The constitutional provision is implemented by 2 Pa.C.S. § 702, 2 Pa.C.S. § 752, and 42 Pa.C.S. § 5105.

Criminal law proceedings—Commonwealth appeals—Orders that do not dispose of the entire case that were formerly appealable by the Commonwealth in criminal cases under Pa.R.A.P. 341 are appealable as interlocutory appeals as of right under paragraph (d) of Pa.R.A.P. 311.

Final orders—pre- and post-1992 [Practice] practice—The 1992 amendment generally eliminated appeals as of right under Pa.R.A.P. 341 from orders that do not end the litigation as to all claims and as to all parties. Prior to 1992, there were cases that deemed an order final if it had the practical effect of putting a party out of court, even if the order did not end the litigation as to all claims and all parties.

A party needs to file only a single notice of appeal to secure review of prior non-final orders that are made

final by the entry of a final order, see *K.H. v. J.R.*, 826 A.2d 863, 870-71 (Pa. 2003) (following trial); *Betz v. Pneumo Abex LLC*, 44 A.3d 27, 54 (Pa. 2012) (summary judgment). Where, however, one or more orders resolves issues arising on more than one docket or relating to more than one judgment, separate notices of appeal must be filed. *Malanchuk v. Tsimura*, 137 A.3d 1283, 1288 (Pa. 2016) (“[C]omplete consolidation (or merger or fusion of actions) does not occur absent a complete identity of parties and claims; separate actions lacking such overlap retain their separate identities and require distinct judgments”); *Commonwealth v. C.M.K.*, 932 A.2d 111, 113 & n.3 (Pa. Super. 2007) (quashing appeal taken by single notice of appeal from order on remand for consideration under Pa.R.Crim.P. 607 of two persons’ judgments of sentence).

The 1997 amendments to paragraphs (a) and (c), substituting the conjunction “and” for “or,” are not substantive. The amendments merely clarify that by definition any order that disposes of all claims will dispose of all parties and any order that disposes of all parties will dispose of all claims.

Rescission of subparagraph (b)(2)—Former subparagraph (b)(2) provided for appeals of orders defined as final by statute. The 2015 rescission of subparagraph (b)(2) eliminated a potential waiver trap created by legislative use of the adjective “final” to describe orders that were procedurally interlocutory but nonetheless designated as appealable as of right. Failure to appeal immediately an interlocutory order deemed final by statute waived the right to challenge the order on appeal from the final judgment. Rescinding subparagraph (b)(2) eliminated this potential waiver of the right to appeal. If an order designated as appealable by a statute disposes of all claims and of all parties, it is appealable as a final order pursuant to Pa.R.A.P. 341. If the order does not meet that standard, then it is interlocutory regardless of the statutory description. Pa.R.A.P. 311(a)(8) provides for appeal as of right from an order that is made final or appealable by statute or general rule, even though the order does not dispose of all claims or of all parties and, thus, is interlocutory. Pa.R.A.P. 311(g) addresses waiver if no appeal is taken immediately from such interlocutory order.

One of the further effects of the rescission of subparagraph (b)(2) is to change the basis for appealability of orders that do not end the case but grant or deny a declaratory judgment. See *Nationwide Mut. Ins. Co. v. Wickett*, 763 A.2d 813, 818 (Pa. 2000); *Pa. Bankers Ass’n v. Pa. Dep’t of Banking*, 948 A.2d 790, 798 (Pa. 2008). The effect of the rescission is to eliminate waiver for failure to take an immediate appeal from such an order. A party aggrieved by an interlocutory order granting or denying a declaratory judgment, where the order satisfies the criteria for “finality” under *Pennsylvania Bankers Association*, may elect to proceed under Pa.R.A.P. 311(a)(8) or wait until the end of the case and proceed under subparagraph (b)(1) of this rule.

An arbitration order appealable under 42 Pa.C.S. § 7320(a) may be interlocutory or final. If it disposes of all claims and all parties, it is final, and, thus, appealable pursuant to Pa.R.A.P. 341. If the order does not dispose of all claims and all parties, that is, the order is not final, but rather interlocutory, it is appealable pursuant to Pa.R.A.P. 311. Failure to appeal an interlocutory order appealable as of right may result in waiver of objections to the order. See Pa.R.A.P. 311(g).

Paragraph (c)—Determination of finality—Paragraph (c) permits an immediate appeal from an order dismissing less than all claims or parties from a case only upon an express determination that an immediate appeal would facilitate resolution of the entire case. Factors to be considered under paragraph (c) include, but are not limited to:

- (1) whether there is a significant relationship between adjudicated and unadjudicated claims;
- (2) whether there is a possibility that an appeal would be mooted by further developments;
- (3) whether there is a possibility that the court or government unit will consider issues a second time; and
- (4) whether an immediate appeal will enhance prospects of settlement.

The failure of a party to apply to the government unit or trial court for a determination of finality pursuant to paragraph (c) shall not constitute a waiver and the matter may be raised in a subsequent appeal following the entry of a final order disposing of all claims and all parties.

Where the government unit or trial court refuses to amend its order to include the express determination that an immediate appeal would facilitate resolution of the entire case and refuses to enter a final order, a petition for permission to appeal under Pa.R.A.P. 1311 of the unappealable order of denial is the exclusive mode of review. The filing of such a petition does not prevent the trial court or other government unit from proceeding further with the matter pursuant to Pa.R.A.P. 1701(b)(6). Of course, as in any case, the appellant may apply for a discretionary stay of the proceeding below.

Subparagraph (c)(2) provides for a stay of the action pending determination of an application for a determination of finality. If the application is denied, and a petition for permission to appeal is filed challenging the denial, a stay or *supersedeas* will issue only as provided under Chapter 17 of these rules.

In the event that a trial court or other government unit enters a final order pursuant to paragraph (c) of this rule, the trial court or other government unit may no longer proceed further in the matter, except as provided in Pa.R.A.P. 1701(b)(1)—(5).

Paragraph (f)—Post Conviction Relief Act Orders—A failure to timely file an appeal pursuant to paragraph (f)(2) shall constitute a waiver of all objections to such an order.

[Pa.B. Doc. No. 21-413. Filed for public inspection March 19, 2021, 9:00 a.m.]

Title 210—APPELLATE PROCEDURE

PART I. RULES OF APPELLATE PROCEDURE

[210 PA. CODE CH. 17]

Proposed Amendment of Pa.R.A.P. 1702

The Appellate Court Procedural Rules Committee is considering proposing to the Supreme Court of Pennsylvania the amendment of Pa.R.A.P. 1702 governing stays ancillary to appeal 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 will neither constitute a part of the rules nor 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:

Karla M. Shultz, Counsel
Appellate Court Procedural Rules Committee
Supreme Court of Pennsylvania
Pennsylvania Judicial Center
PO Box 62635
Harrisburg, PA 17106-2635
FAX: 717-231-9551
appellaterules@pacourts.us

All communications in reference to the proposal should be received by May 21, 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 Appellate Court
Procedural Rules Committee*

PATRICIA A. McCULLOUGH,
Chair

Annex A

TITLE 210. APPELLATE PROCEDURE PART I. RULES OF APPELLATE PROCEDURE ARTICLE II. APPELLATE PROCEDURE

CHAPTER 17. EFFECT OF APPEALS; SUPERSEDEAS AND STAYS

IN GENERAL

Rule 1702. Stay Ancillary to Appeal **or Review**.

[(a) *General rule*.—Applications for relief under this chapter will not be entertained by an appellate court or a judge thereof until after a notice of appeal has been filed in the trial court or a petition for review or petition for specialized review has been filed.

(b) *Proceedings on petition for allowance of appeal, petition for permission to appeal, or petition for specialized review*.—Applications for relief under this chapter may be made without the prior filing of a petition for allowance of appeal, petition for permission to appeal, or petition for specialized review, but the failure to effect timely filing of such a petition, or the denial of such a petition, shall automatically vacate any ancillary order entered under this chapter. In such a case, the clerk of the court in which the ancillary order was entered shall, on *praecipe* of any party to the matter, enter a formal order under this rule vacating such ancillary order.

(c) *Supreme Court review of appellate court supersedeas and stay determinations*.—No appeal, petition for allowance of appeal, petition for review, or petition for specialized review need be

filed in the Supreme Court in connection with an application under Pa.R.A.P. 3315.

Official Note: In any instance in which a party seeks a stay or *supersedeas* from a trial court or government unit, that party can seek relief from the appellate court that has jurisdiction of the matter and can seek review of that intermediate appellate court's decision from the Supreme Court.]

(a) Right of appeal or review.—When a party has an appeal as of right, a party may seek relief under this chapter after the filing of a notice of appeal, a petition for review, or a petition for specialized review.

(b) Discretionary appeal or review.—When a party intends to pursue discretionary appellate review, the party may seek relief under this chapter prior to the filing of a petition for allowance of appeal or a petition for permission to appeal.

(1) The failure to timely file such petition, or its denial, shall operate to vacate any ancillary order entered under this chapter.

(2) Any party thereafter may file a *praecipe* with the prothonotary or the clerk of the court in which the ancillary order was entered directing entry of a formal order vacating such ancillary order.

(c) Supreme Court review of appellate court *supersedeas* and stay determinations.—No appeal, petition for allowance of appeal, petition for review, or petition for specialized review need be filed in the Supreme Court in connection with an application under Pa.R.A.P. 3315.

Official Note: Relief sought from an appellate court should be in the form of an application in accordance with Pa.R.A.P. 123 and Pa.R.A.P. 1703.

Paragraph (a) reflects the requirement that when an appellant has a right of appeal or review, the notice of appeal, or petition for review or specialized review must be filed before the application seeking a stay is filed court pursuant to Pa.R.A.P. 1732(a) or Pa.R.A.P. 1781(a). Stays pending the outcome of post-trial or post-sentence motions are not governed by this chapter. See, e.g., Pa.R.C.P. 227.1 (Post-Trial Relief); Pa.R.Crim.P. 720 (Post-Sentence Procedures; Appeal).

PUBLICATION REPORT

Proposed Amendment of Pa.R.A.P. 1702

The Appellate Court Procedural Rules Committee is considering proposing the amendment of Pennsylvania Rule of Appellate Procedure 1702 governing stays ancillary to appeal to clarify the necessity of a pending appeal prior to the filing an application for stay.

In 2020, the Pa.R.A.P. 1702 was amended to add “petition for specialized review” to both paragraph (a) and paragraph (b). Paragraph (a) states that the appellate court will not rule on an application until a petition for specialized relief has been filed. However, current paragraph (b) permits the filing of an application before the filing of a petition for specialized review.

In reviewing the rule, the Committee concluded there may be ambiguity with “petition for specialized review” in paragraph (b) when read *in pari materia* with Pa.R.A.P. 1732(a), which requires that an “appeal” be pending prior to an application for a stay. Pursuant to the definition of

“appeal” in Pa.R.A.P. 102, the term may include a petition for specialized review. If a petition for specialized review is synonymous with an appeal, then paragraph (a) would require the petition to be filed before filing an application for a stay. However, paragraph (b) indicates that such a petition can be filed after filing an application for a stay.

Further, Pa.R.A.P. 1702(b) may be in tension with Pa.R.A.P. 1781(a), which states that an application for a stay or *supersedeas* of an order or other determination of any government unit should be made while the petition for specialized review is pending. Yet, paragraph (b) of Pa.R.A.P. 1702 states that a petition for specialized review need not be pending to file an application.

The Committee is proposing the amendment of Pa.R.A.P. 1702 in two respects. First, the rule would be modified to clarify that paragraph (a) applies when the party has a right of appeal or review, and paragraph (b) applies when a party has a discretionary right of review. The clarification within paragraph (a) is intended to resolve potential confusion about whether Chapter 17 applies in the absence of an appeal, which it does not. The Official Note would also indicate that stays pending the outcome of post-trial or post-sentence motions may be governed by other procedural rules.

Second, the rule would be modified to delete petitions for specialized review from the scope of paragraph (b). This amendment is intended to clarify that a petition for specialized review is not the proper vehicle in seeking discretionary review. Although Chapter 16 procedures are for expedited review of “discrete issues,” they were not intended as an expedited alternative to Chapter 13 (Interlocutory Appeals by Permission).

The Committee is also proposing other non-substantive revisions to the rule text and commentary to the extent that it believes the entire rule should be rescinded and replaced rather than amended. No revisions were made to paragraph (c).

Accordingly, the Committee invites all comments, objections, concerns, and suggestions regarding this proposed rulemaking.

[Pa.B. Doc. No. 21-414. Filed for public inspection March 19, 2021, 9:00 a.m.]

Title 231—RULES OF CIVIL PROCEDURE

PART I. GENERAL

[231 PA. CODE CH. 200]

Proposed Amendment of Pa.R.C.P. Nos. 226, 227 and 230.1

The Civil Procedural Rules Committee is considering proposing to the Supreme Court of Pennsylvania the amendment of Pa.R.C.P. Nos. 226, 227, and Rule 230.1 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 will neither constitute a part of the rules nor 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:

Karla M. Shultz, Counsel
Civil Procedural Rules Committee
Supreme Court of Pennsylvania
Pennsylvania Judicial Center
PO Box 62635
Harrisburg, PA 17106-2635
FAX: 717-231-9526
civilrules@pacourts.us

All communications in reference to the proposal should be received by May 7, 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 Civil Procedural
Rules Committee*

JOHN J. HARE,
Chair

Annex A

TITLE 231. RULES OF CIVIL PROCEDURE

PART I. GENERAL

CHAPTER 200. BUSINESS OF COURTS

Rule 226. [Points for Charge. Motion for Directed Verdict] Requests for Jury Instructions.

[(a) Points upon which the trial judge is requested to charge the jury shall be so framed that each may be completely answered by a simple affirmation or negation. Attorneys shall hand copies of requested points for charge to the trial judge and to the opposing attorneys before the closing addresses to the jury are begun. A requested point for charge that was presented to the trial judge becomes part of the record when the requested point is read into the record, or the point is filed in the office of the prothonotary prior to filing a motion for post-trial relief regarding the requested point for charge.

Official Note: An appellate court will not review an objection to a ruling of a trial court regarding a point for charge unless the point for charge was (1) presented to the court and (2) made a part of the record by either reading the point into the record or filing it in the office of the prothonotary prior to filing a motion for post-trial relief.

(b) At the close of all the evidence, the trial judge may direct a verdict upon the oral or written motion of any party.]

Any party may submit to the trial judge written requests for jury instructions within a reasonable time before the closing arguments begin, or within such time as directed by the trial judge and shall provide copies to all other parties. Such requests shall be framed so that each requested instruction may be answered with a simple affirmative or negative by the trial judge. A requested instruction submitted to the trial judge becomes part of the record when it is read into the record or it is filed in the office of the prothonotary prior to filing a motion for post-trial relief. If a written request that

is made part of the record is not ruled upon, that request shall be deemed denied.

Rule 227. Exceptions. Objections to Jury Charge. Preserving Challenge to Jury Instructions for Appellate Review.

(a) [It] General Rule. Except as provided in subdivision (b), it shall not be necessary on the trial of any action or proceeding to take exception to any ruling of the trial judge. An exception in favor of the party against whom the adverse ruling was made shall be deemed to have been taken with the same force and effect as if it had been requested, noted by the official stenographer and thereafter written out, signed and sealed by the trial judge.

[(b) Unless specially allowed by the court, all exceptions to the charge to the jury shall be taken before the jury retires. On request of any party all such exceptions and arguments thereon shall be made out of hearing of the jury.]

(b) Objections to the Jury Charge.

(1) Before the charge is given to the jury, the parties shall be given the opportunity to make specific objections to the proposed instructions or any requests for instructions that were denied.

(2) After the charge is given to the jury, the parties may object to any matter charged that could not have been raised prior to charging the jury, including matters that were not ruled upon pursuant to Rule 226.

(3) All objections and argument with respect to the jury charge shall be made outside the presence of the jury.

(c) Preserving Challenges to Jury Instructions for Appellate Review. To preserve a challenge to a jury instruction for appellate review, a party shall:

(1) lodge a contemporaneous and specific objection on the record to an instruction or submit a requested instruction and make it part of the record pursuant to Rule 226;

(2) obtain an explicit court ruling on the record to the objection or the requested instruction; and

(3) raise the issue in a motion for post-trial relief pursuant to Rule 227.1.

Rule 230.1. Compulsory Nonsuit at Trial. Motion for Directed Verdict.

(a)(1) In an action involving only one plaintiff and one defendant, the court, on oral motion of the defendant, may enter a nonsuit on any and all causes of action if, at the close of the plaintiff's case on liability, the plaintiff has failed to establish a right to relief.

(2) The court in deciding the motion shall consider only evidence which was introduced by the plaintiff and any evidence favorable to the plaintiff introduced by the defendant prior to the close of the plaintiff's case.

Official Note: Subdivision (a) changes the prior practice whereby the entry of a compulsory nonsuit was precluded when any evidence had been presented by the defendant.

If a motion for compulsory nonsuit is granted, the plaintiff may file a written motion to remove the nonsuit. See Rule 227.1.

(b) In an action involving more than one plaintiff, the court may not enter a compulsory nonsuit as to any plaintiff until the close of the case of all the plaintiffs.

(c) In an action involving more than one defendant, the court may not enter a nonsuit of any plaintiff prior to the close of the case of all plaintiffs against all defendants. The nonsuit may be entered in favor of

- (1) all of the defendants, or
- (2) any of the defendants who have moved for nonsuit if all of the defendants stipulate on the record that no evidence will be presented that would establish liability of the defendant who has moved for the nonsuit.

Official Note: The term “defendants” includes additional defendants.

(d) At the close of all the evidence, the trial judge may direct a verdict upon the oral or written motion of any party.

PUBLICATION REPORT

In *Jones v. Ott*, 191 A.3d 782 (Pa. 2018), the Supreme Court held, *inter alia*, that:

[I]n order to preserve a jury-charge challenge under Pa.R.C.P. 227.1 by filing proposed points for charge with the prothonotary, a party must make requested points for charge part of the record pursuant to Pa.R.C.P. 226(a), obtain an explicit trial court ruling upon the challenged instruction, and raise the issue in a post-trial motion. See Pa.R.A.P. 302(a), Pa.R.C.P. 226(a), 227, 227.1.

Jones, 191 A.3d at 791 n.13.

The Committee has examined Rule 226 and observed that it provides the procedure for requesting a jury instruction to be included in the charge given to the jury. Rule 227(b) prescribes that an exception to the jury charge must be made prior to the jury retiring, but may be made outside of the presence of the jury.

In addition, the Committee has also examined Pa.R.Crim.P. 647 and 603 (Exceptions). It observed that Pa.R.Crim.P. 647 sets forth the procedure for both the request for the jury instructions and the procedure for objecting to the jury charge. Pa.R.Crim.P. 647 requires written requests for jury instructions to be submitted to the trial judge within a reasonable time before closing arguments. The trial judge, in turn, is required to inform the parties on the record of the judge’s rulings on all written requests as well as the instructions that will be submitted to the jury in writing. Pa.R.Crim.P. 647 specifies that no error may be assigned to any portion of the jury charge or to any omission from the jury charge unless a party makes a specific objection before the jury retires to deliberate; such objections must be made outside the presence of the jury. Pa.R.Crim.P. 603 provides for an automatic exception to any ruling of the judge on an objection or motion during trial; however, objections to the jury charge are specifically exempted from the scope of the rule.

While the Committee believes there is merit to uniformity amongst the procedural rules, it is not proposing a procedure that resembles Pa.R.Crim.P. 647. Rather, the proposal would incorporate the specific requirements in *Jones*, while retaining current practice. In particular, the burden to “obtain a specific court ruling” on the requested instruction remains on the party objecting to the requested instruction. Accordingly, Rules 226, 227, and 230.1 would be amended as follows:

Pa.R.C.P. No. 226

The proposed amendment of Rule 226 would, preliminarily, change the terminology in the rule from “point for charge” to “request for jury instruction.” The rule would retain the requirement for requests for jury instructions

to be submitted to the trial judge before closing arguments begin. Alternatively, the trial judge may otherwise direct when requests must be submitted. In addition, the rule would retain the requirements to provide copies of all requests to all other parties, and to frame a request so that it can be answered with a simple affirmative or negative. The requested instruction would become part of the record when it is read into the record or upon filing in the office of the prothonotary. To ensure there is a ruling on all written requests, the rule would specify that any request inadvertently not ruled upon will be deemed denied.

Current subdivision (b) providing for the motion for directed verdict would be deleted and moved to Rule 230.1.

Pa.R.C.P. No. 227

Rule 227(b) would be redrafted to clarify and emphasize that before the jury begins deliberating, the parties shall be given the opportunity to make specific objections to the charge as given to the jury. The rule continues to require such objections to be made outside the presence of the jury.

To address the holding in *Jones*, subdivision (c) would set forth the requirements for preserving any challenge to jury instructions for appellate review. As in current practice, the onus to ensure that a challenge is made part of the record is placed on the objecting party. Pursuant to subdivision (c), that party must (1) either lodge a contemporaneous and specific objection on the record to an instruction given to the jury, or submit a request for a jury instruction and make it part of the record pursuant to Rule 226, (2) obtain a specific court ruling on the record to the objection or the requested instruction, and (3) raise the issue in a motion for post-trial relief pursuant to Rule 227.1.

Pa.R.C.P. No. 230.1

Rule 230.1 governing compulsory nonsuit would be amended to include new subdivision (d) providing that that the trial judge may direct a verdict upon motion of any party. As noted above, this provision is currently set forth in Rule 226(b). The Committee believes the placement in Rule 230.1 authorizing the trial court to direct a verdict is more appropriate because the procedure does not relate to the procedure for requesting jury instructions.

Accordingly, the Committee invites all comments, objections, concerns, and suggestions regarding this proposed rulemaking.

[Pa.B. Doc. No. 21-415. Filed for public inspection March 19, 2021, 9:00 a.m.]

Title 246—MINOR COURT CIVIL RULES

PART I. GENERAL

[246 PA. CODE CHS. 200, 300 AND 500]

Proposed Amendment of Pa.R.C.P.M.D.J. No. 210, 305, 504, 506 and 507 and Proposed Adoption of Pa.R.C.P.M.D.J. No. 513.1

The Minor Court Rules Committee is considering proposing to the Supreme Court of Pennsylvania the amendment of Pa.R.C.P.M.D.J. No. 210, 305, 504, 506, and

507 and the adoption of Pa.R.C.P.M.D.J. No. 513.1, relating to the right of an individual to intervene in a landlord-tenant action and updating notices to defendants and tenants for the reasons set forth in the accompanying Publication 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 be officially adopted by the Supreme Court.

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

Pamela S. Walker, Counsel
Minor Court Rules Committee
Supreme Court of Pennsylvania
Pennsylvania Judicial Center
PO Box 62635
Harrisburg, PA 17106-2635
FAX: 717-231-9546
minorrules@pacourts.us

All communications in reference to the proposal should be received by May 19, 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 Minor Court Rules Committee

HONORABLE MARGARET A. HUNSICKER,
Chair

Annex A

TITLE 246. MINOR COURT CIVIL RULES

PART I. GENERAL

CHAPTER 200. RULES OF CONSTRUCTION; GENERAL PROVISIONS

Rule 210. Practices Prohibited.

The following practices are specifically prohibited:

- (1) The use of depositions or interrogatories for discovery or use at a hearing.
- (2) Adding parties after the complaint is filed, **except as provided by Rule 513.1.**
- (3) Attachment proceedings previous to judgment.
- (4) Entry of a judgment by warrant of attorney or by confession of judgment.

Official Note: In keeping with the policy of making the procedures in actions before magisterial district judges as simple and nontechnical as possible and in view of the time limitations imposed elsewhere in these rules, it was thought desirable to prohibit specifically the practices mentioned in the four subdivisions of this rule. See also Rules 204 and 381.

Rule 513.1 permits an individual to file an intervention request in a landlord-tenant action.

CHAPTER 300. CIVIL ACTION

Rule 305. Setting the Date for Hearing; Delivery for Service; **Notice to Defendant; Form.**

The magisterial district judge, at the time the complaint is filed, shall:

(1) Set a hearing date which shall be not less than 12 or more than 60 days from the date the complaint is filed.

(2) Insert the hearing time and date and the address of the magisterial district court in the complaint form.

(3) Deliver a copy of the complaint form with hearing time and date thereon to the plaintiff.

(4) Deliver a copy of the complaint form with hearing time and date thereon for service on the defendant as hereinafter set forth, which copy shall contain the following notice:

[(a) If you intend to enter a defense to this complaint you should so notify this office immediately.

(b) If you have a claim against the plaintiff which is within magisterial district court jurisdiction and which you intend to assert at the hearing, you must file it on a complaint form at this office at least five days before the date set for the hearing.

(c) YOU MUST APPEAR AT THE HEARING AND PRESENT YOUR DEFENSE. UNLESS YOU DO, JUDGMENT MAY BE ENTERED AGAINST YOU BY DEFAULT.]

Notice to Defendant

You have been sued in court. If you wish to appear at the hearing and defend against the claims set forth in the complaint, you should notify the court in writing. A Notice of Intent to Defend form is enclosed for your convenience. If you do not intend to dispute this claim, you do not need to appear in court and a judgment will be entered against you in your absence.

Failure to appear at the scheduled hearing will result in a judgment entered against you, and you may lose money or property or other rights important to you.

If you have a claim against the plaintiff that is within magisterial district court jurisdiction and that you intend to assert at the hearing, you must file it on a complaint form at this office at least five days before the date set for the hearing.

(5) The copy of the complaint form delivered for service upon the defendant shall be accompanied by a Notice of Intent to Defend on a form that shall be prescribed by the State Court Administrator.

Official Note: The [60 day] 60-day limitation in subdivision (1) of this rule was considered to provide sufficient time in which to effect service under the requirement of Rule 307 that service be made at least ten days before the hearing. See Rule 314E as to reinstatement of complaints dismissed because of lack of service. The copies required in subdivisions (3) and (4) are provided by the Magisterial District Judge Automated System. [Giving the notice mentioned in subdivision (4)(a) is necessary if the defendant is to obtain judgment under Rule 319A because of the plaintiff's failure to appear. Subdivision (4)(b) gives notice of the right to file a cross-claim within magisterial district court jurisdiction. The procedure for filing such a claim is set forth in Rule 315, and the Note to that rule indicates possible procedures as to counterclaims not within magisterial district court jurisdiction. Subdivision (4)(c) provides for a warn-

ing concerning a default judgment, which may be rendered under Rule 319B.]

Subdivision (4) sets forth the notice that must be provided to a defendant with a complaint, advising the defendant to notify the court if the defendant intends to appear at the hearing, the consequences of failing to appear at the hearing, and the right of the defendant to file a cross-complaint against the plaintiff within magisterial district court jurisdiction. See Rule 315 for procedures to file a cross-complaint. The defendant must notify the court of his or her intention to defend against the complaint in order for the defendant to obtain judgment because of the plaintiff's failure to appear. See Rule 319A.

The Notice of Intent to Defend form required by subdivision (5) shall be included with the complaint served on the defendant. It provides a convenient method for the defendant to advise the court that he or she intends to appear at the hearing and defend against the claims set forth in the complaint.

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

Rule 504. Setting the Date for Hearing; Delivery for Service; **Notice to Tenant.**

The magisterial district judge, at the time the complaint is filed, shall:

(1) Set a hearing date that shall be not less than seven or more than fifteen days from the date the complaint is filed.

(2) Insert the hearing time and date and the address of the magisterial district judge's magisterial district in the complaint form.

(3) Deliver a copy of the complaint form with hearing time and date thereon to the landlord or the landlord's agent.

(4) Deliver a copy of the complaint form with hearing time and date thereon for service as hereinafter set forth, which copy shall contain the following notice:

[(a) **If you have a defense to this complaint, you may present it at the hearing.**

(b) **If you have a claim against the landlord arising out of the occupancy of the premises, which is within magisterial district court jurisdiction and which you intend to assert at the hearing, you must file it on a complaint form at this office before the time set for the hearing.**

(c) **IF YOU DO NOT APPEAR AT THE HEARING, a judgment for possession and costs, and for damages and rent if claimed, may nevertheless be entered against you. A judgment against you for possession may result in YOUR EVICTION from the premises.]**

Notice to Tenant

You have been sued in court. You may appear at the hearing and defend against the claims set forth in the complaint. If you do not intend to dispute this claim, you do not need to appear in court and a judgment will be entered against you in your absence.

Failure to appear at the scheduled hearing will result in a judgment entered against you for possession

and costs, as well as damages and rent if claimed. A judgment against you for possession may result in your eviction from the premises.

If you have a claim against the landlord arising out of the occupancy of the premises, which is within magisterial district court jurisdiction and that you intend to assert at the hearing, you must file it on a complaint form at this office before the time set for the hearing.

If you are an occupant of the premises, you may be evicted if you take no action upon receipt of this complaint, even if you are not named in the complaint. You may be able to be added to the case and defend your interests in remaining at the premises. If you are added to the case as a tenant, you may be liable for any judgment entered in favor of the landlord, including property damage, back rent, court costs, and fees. See Pa.R.C.P.M.D.J. No. 513.1.

Official Note: The hearing date in subdivision (1) of this rule is required to be set not less than seven days from the filing of the complaint because of the requirement in Rule 506(B) that service be made at least five days before the hearing. It was thought that the requirement that the hearing be held not more than 15 days from the filing of the complaint should provide ample time to make the type of service required in these cases.

The notice for the tenant set forth in subdivision (4) of this rule varies somewhat from the notice required in civil actions under Rule 305. There are a number of reasons for this. First, there can be no default judgment in these possessory actions and, secondly, it was thought that cross-complaints of tenants in these cases should be limited to those arising out of the occupancy of the premises. **The notice in subdivision (4) is also intended for occupants of the property who are not named in the complaint.**

Rule 506. Service of Complaint.

A. The magisterial district judge shall serve the complaint by mailing a copy of it to the tenant's last known address by first class mail and noting on the docket the date of such mailing, and by delivering a copy of it for service to the sheriff of, or any certified constable in, the county in which the office of the magisterial district judge is situated. If this service is not available to the magisterial district judge, service may be made by any certified constable of the Commonwealth. The officer receiving the copy shall serve it by handing it to the tenant or to an adult person in charge for the time being of the premises possession of which is sought to be recovered [**or, if none of the above is found**], **if found, and** by posting it conspicuously on those premises.

B. The copy shall be served at least five days before the hearing.

Official Note: Under subdivision A of this rule, service must be made both by first class mail and delivery for service in the manner prescribed. **It is expected that the officer serving the complaint will exercise due diligence when attempting personal service upon the tenant. This may be demonstrated by, among other things, attempting service at varying times of day, making a reasonable number of knocks upon the tenant's door, knocking at all available doors of the premises, or announcing the officer's presence. Posting is required in all cases to facilitate notice to an occupant of the property.**

In actions where wage garnishment may be sought under Pa.R.C.P. No. 3311, the landlord may authorize the

sheriff or constable to make personal service upon the tenant. [**If a tenant is not present at the property the sheriff or constable is authorized to post the complaint so that the underlying landlord-tenant action may proceed.**] The landlord may authorize the sheriff or constable to make additional attempts to effectuate personal service upon the tenant so the landlord can later prove such service if attempting to garnish wages under Pa.R.C.P. No. 3311. Additional service attempts by the sheriff or constable may result in additional fees.

Rule 507. Notation and Return of Service; Waiver of Service.

A. The magisterial district judge shall note on the docket the date that a service copy of the complaint was mailed to the tenant, and the sheriff or constable serving a copy of the complaint shall, at or before the time of the hearing, make proof of service on the form provided, which shall show the manner of service and the day, hour, and place thereof, **as well as any unsuccessful attempts at service.**

B. The appearance of a tenant in person or by representative or the filing of a claim in the case shall be deemed a waiver of any defect in service but not a waiver of a defect in venue.

Official Note: This rule parallels the provisions of Rule 314A and C.

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

Rule 513.1. Intervention.

A. An individual may file an intervention request with the magisterial district court in an action commenced pursuant to Rule 502 at any time before the hearing on the complaint.

B. The intervention request shall be on a form prescribed by the State Court Administrator, verified by the requester, and contain the following averments:

- (1) the requester is a tenant of the property;
- (2) the length of time the requester has occupied the property;
- (3) to whom the requester paid rent for the property; and
- (4) whether the requester is a party to a lease of the property.

C. The magisterial district court shall enter the intervention request on the docket of the action commenced pursuant to Rule 502.

D. The magisterial district court shall serve a copy of the intervention request by mailing it to the parties at the addresses as listed on the complaint form in the action or by handing it to the parties or the attorneys of record, if any. Notice of an intervention request shall constitute grounds for a continuance by the plaintiff.

E. The requester shall appear at the hearing and present evidence in support of the intervention request.

F. If the magisterial district judge finds that the requester is a tenant of the property, the requester shall be added to the action as a defendant, and the action shall proceed pursuant to Rule 512.

Official Note: This Rule establishes procedures for an individual to file an intervention request in an action commenced pursuant to Rule 502 and present a defense to the complaint.

While Rule 210(2) generally prohibits the addition of a party after the complaint is filed, Rule 513.1 permits the addition of a party in the limited circumstance of an individual requesting to intervene in an action. Allowing the magisterial district court to consider such matters serves the general interests of the parties by avoiding delays that could occur by seeking relief at the court of common pleas.

At the hearing, the magisterial district judge will first consider and decide the request to intervene in the action. The requester must present evidence and testimony at the hearing in support of the request to intervene. See Rule 512. Examples of evidence include, but are not limited to, a written lease, copies of cancelled checks, and receipts. If the magisterial district judge grants the intervention request, the requester shall be added to the action as a defendant and the hearing shall proceed on the underlying action.

If the requester is added to the case as a tenant, he or she may be liable for any judgment entered in favor of the landlord, including property damage, back rent, court costs and fees.

PUBLICATION REPORT

Proposed Amendment of Pa.R.C.P.M.D.J. No. 210, 305, 504, 506, and 507 and Proposed Adoption of Pa.R.C.P.M.D.J. No. 513.1

The Minor Court Rules Committee ("Committee") is considering proposing to the Supreme Court of Pennsylvania the amendment of Rules 210, 305, 504, 506, and 507 of the Pennsylvania Rules of Civil Procedure Governing Actions and Proceedings before Magisterial District Judges ("Rules") and the adoption of Rule 513.1. This proposal relates to the right of an individual to intervene in a landlord-tenant action and also updates notices to defendants and tenants given with service of the complaint.

Intervention

The Committee considered the situation of an individual in possession of a property who is not named in the complaint when a landlord-tenant action is commenced. Because the individual is not named in the complaint, he or she will not receive service of the complaint and may be unaware of the landlord's efforts to recover possession of the property. Even if the individual becomes aware of the action, Rule 206(2) specifically prohibits adding a party to an action after the complaint has been filed. *Cf.* Pa.R.C.P. No. 2327 (establishing grounds for a party to intervene). The Committee discussed if a limited exception should be added to Rule 206(2) permitting an individual to file an intervention request in a landlord-tenant action for the purpose of defending his or her interests in remaining in the property.

The Committee recognizes that individuals can be in possession of property under myriad circumstances, ranging from squatting to being a named party on a lease. Individuals on this continuum will have varying degrees of rights consistent with their status. For example, a squatter will have no statutory or due process rights relative to the property while a tenant who is a party to a lease will have all the protections of the Landlord and Tenant Act, 68 P.S. §§ 250.101—250.602, as well as due process protections. The Committee is exploring whether an occupant of property who is a party to a landlord-tenant relationship should be permitted to intervene in the action and assert their rights even if the occupant is not named in the complaint.

Proposed new Rule 513.1 would permit the filing of an intervention request in a landlord-tenant action. The requester must aver that he or she is a tenant of the property, the length of time the requester has occupied the property, to whom the requester has paid rent for the property, and if the requester is a party to a lease for the property. *See* proposed Rule 513.1B. The requester may file the intervention request up to the time of the hearing. *See* proposed Rule 513.1A. Upon receipt of the intervention request, the magisterial district court will serve the request upon the parties to the action. *See* proposed Rule 513.1D.

The magisterial district court will hold a hearing on the request to intervene in the action. *See* proposed Rule 513.1E. The requester must testify and present evidence demonstrating that he or she has a landlord-tenant relationship with the landlord and is entitled to intervene in the matter. If the magisterial district judge grants the request to intervene in the action, the requester will be added to the action as a defendant and the action will proceed on the underlying action. *See* proposed Rule 513.1F. However, a requester who is added as a defendant in an action may be liable for any judgment in favor of the landlord, *e.g.*, property damage, back rent, court costs and fees.

This proposal also includes amendments to Rules 206, 504, and 506 relative to intervention requests. The proposed amendment to Rule 206 establishes an exception to the general rule prohibiting the addition of parties after the complaint is filed and cites proposed new Rule 513.1. The proposed amendment to Rule 504 adds a provision to the hearing notice advising an occupant that he or she may be evicted from the property if no further action is taken on their part. The proposed amendment to Rule 506 would require conspicuously posting the complaint on the premises in all instances, even when personal service on a tenant is achieved. Posting all complaints is intended to provide an occupant with a reasonable opportunity to learn of a possessory action. However, the Committee recognizes that this would be a significant change from current practice and especially welcomes comments on this aspect of the proposal. The proposed amendment to the Comment to Rule 506 provides examples of minimally expected efforts to obtain personal service upon a tenant. Finally, proposed Rule 507 would require the sheriff or constable to document unsuccessful efforts at personal service in an effort to provide greater transparency.

Notices to Defendants and Tenants

The Committee examined measures intended to increase the numbers of defendants and tenants who timely respond to the complaint and notify the court of their intent to appear at the hearing, as well as to clarify some of the notice language. In civil cases, the Committee proposes amendments to the notice set forth in Rule 305(4) to help defendants understand that they should notify the court regarding their intentions to defend against the complaint and the ramifications of failing to appear for the hearing. Additionally, the notice has been updated to advise the defendant that they do not need to appear in court if they do not intend to defend against the claim and that a judgment will be entered against them in their absence. Proposed Rule 305(5) would require the magisterial district court to include a Notice of Intent to Defend form with the copy of the complaint form served on the defendant. Doing so will give the defendant a convenient mechanism to notify the court in writing that he or she intends to appear at the hearing.

The Committee is also considering proposing similar changes to the Notice to Tenant in Rule 504(4). The Notice of Intent to Defend is not referenced in Rule 504 because the landlord must appear at the hearing. *See* Rule 512B.

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

[Pa.B. Doc. No. 21-416. Filed for public inspection March 19, 2021, 9:00 a.m.]

Title 255—LOCAL COURT RULES

BUTLER COUNTY

Local Rules of Civil Court; MsD No. 2021-40047

Administrative Order of Court

And Now, this 25th day of February, 2021, it is hereby Ordered and Decreed that Local Rules of Court listed as follows pertaining to Butler County Court of Common Pleas Civil Court Division, are hereby amended:

■ L 1018.1 Notice to Defend

It is further ordered that this Administrative Order shall be effective immediately upon publication in the *Pennsylvania Bulletin*.

It is finally ordered that in accordance with Pa.R.J.A 103 that the District Court Administrator shall:

1. File one (1) paper copy of this Administrative Order and the within Local Rules of Civil Procedure with the Administrative Office of the Pennsylvania Courts.
2. File two paper copies of this Administrative Order and the within Local Rules of Civil Procedure and one (1) diskette/CD with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.
3. Forward one (1) copy of this Administrative Order and the within Local Rules of Civil Procedure to the administrative office of the *Butler County Legal Journal* for publication.
4. Publish this Local Rule on the Butler County Courts website.
5. File one copy of this Local Rule with the Butler County Prothonotary's office for public inspection and copying.

By the Court

WILLIAM R. SHAFFER,
Administrative Judge

Rule L1018.1. Notice to Defend. Form.

(a) The organization to be named in the Notice to Defend to find out where legal help may be obtained:

Office of Prothonotary, Butler County
Butler County Government Center
124 West Diamond Street
Butler, PA 16001
(724) 284-5214

Butler County Bar Association
240 S. Main Street
Butler, PA 16001
(724) 841-0130

[Pa.B. Doc. No. 21-417. Filed for public inspection March 19, 2021, 9:00 a.m.]

Title 255—LOCAL COURT RULES**MONROE COUNTY****Establishment of Pretrial Services as Bail Agency;
No. 94 AD 2021; No. 5 CV 2021****Administrative Order**

And Now, this 4th day of March 2021, We hereby *Order* the establishment of Monroe County Pretrial Services as the Bail Agency for the 43rd Judicial District pursuant to Pa.R.Crim.P. 530, effective thirty (30) days after Publication in the *Pennsylvania Bulletin*.

Nothing in this Order shall prohibit the posting of any appropriate type of bail allowed under the Pennsylvania Rules of Criminal Procedure by private or licensed sureties without the designation of Monroe County Pretrial Services.

This Administrative Order shall be effective thirty (30) days after publication in the *Pennsylvania Bulletin*.

It Is Further Ordered that the District Court Administrator shall:

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

2. File two (2) paper copies and one (1) electronic copy of this Administrative Order in a Microsoft Word format only on a CD-ROM to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.

3. Arrange to have this Administrative Order published on the Monroe County Bar Association website at www.monroebar.org.

4. Arrange to have this Administrative Order, as well as all local rules and Administrative Orders, published on the 43rd Judicial District website at www.monroepacourts.us.

5. Keep this Administrative Order, as well as all local rules and Administrative Orders of this Court, continuously available for public inspection and copying in the respective Monroe County filing office.

6. Upon request and payment of reasonable cost of reproduction and mailing, the respective filing office shall furnish to any person a copy of any local rule or Administrative Order.

By the Court

MARGHERITA PATTI-WORTHINGTON,
President Judge

[Pa.B. Doc. No. 21-418. Filed for public inspection March 19, 2021, 9:00 a.m.]

**DISCIPLINARY BOARD OF
THE SUPREME COURT****Notice of Disbarment**

Notice is hereby given that by Order of the Supreme Court of Pennsylvania dated March 10, 2021, Stephanie Ashley Hand (# 69914) is Disbarred on Consent from the Bar of this Commonwealth effective April 9, 2021. In accordance with Rule 217(f), Pa.R.D.E., since this formerly admitted attorney resides outside the Commonwealth of Pennsylvania, this notice is published in the *Pennsylvania Bulletin*.

MARCEE D. SLOAN,
Board Prothonotary

[Pa.B. Doc. No. 21-419. Filed for public inspection March 19, 2021, 9:00 a.m.]

RULES AND REGULATIONS

Title 37—LAW

MUNICIPAL POLICE OFFICERS' EDUCATION AND TRAINING COMMISSION

[37 PA. CODE CH. 261]

Law Enforcement Mental Health Evaluations; Temporary Regulations

The Municipal Police Officers' Education and Training Commission (Commission), under its authority in 44 Pa.C.S. § 7204 (relating to regulations) enacted by the act of July 14, 2020 (P.L. 624, No. 59), adds Subpart D (relating to law enforcement mental health), Chapter 261 (relating to law enforcement mental health evaluations—temporary regulations) to read as set forth in Annex A. The Commission's temporary regulations will be added to Part IV (relating to Municipal Police Officers' Education and Training Commission).

Purpose of the Temporary Rulemaking

The purpose of this temporary rulemaking is to implement the provisions of 44 Pa.C.S. Chapter 72 (relating to mental health evaluations) as required under section 7204. The temporary regulations will expire 2 years from the date of publication. The Commission intends to use the 2-year period during which the temporary regulations are effective to test and refine the regulations to assure compliance in carrying out the purposes for which 44 Pa.C.S. Chapter 72 provides.

The provisions of 44 Pa.C.S. Chapter 72 require the Commission to promulgate regulations regarding the following topics:

1. Confidentiality of requests or recommendations for mental health evaluations (section 7204(c)(1)).
2. Confidentiality of mental health records produced by operation of Chapter 72 (section 7204(c)(2)).
3. Any other procedures deemed necessary by the Commission for implementation of Chapter 72 (section 7204(c)(3)).

Summary of Significant Provisions

Section 261.3 (relating to duties of law enforcement agency) sets forth procedures for a law enforcement agency when a law enforcement officer requests a mental health evaluation, when a police chief or other supervising law enforcement officer recommends a law enforcement officer have a mental health evaluation, or the law enforcement officer is involved in a lethal force incident.

Section 261.4 (relating to duties of licensed mental health professional) sets forth procedures for a licensed mental health professional to evaluate a law enforcement officer to determine if symptoms of post-traumatic stress disorder exist and whether the law enforcement officer is fit to perform essential job functions.

Sections 261.5 (relating to duties of law enforcement officer) sets forth the requirements of a law enforcement officer subject to a mental health evaluation under 44 Pa.C.S. Chapter 72.

Sections 261.6 (relating to duties of Commission) specifies the Commission will update a law enforcement officer's duty status when notified by a law enforcement agency. It also provides notice that the Commission may take action to suspend or revoke the certification of a law

enforcement officer who refuses to comply with a required mental health evaluation in accordance with the provisions of 37 Pa. Code Chapter 203 (relating to administration of the program).

Section 261.7 (relating to confidentiality) sets forth requirements for the confidentiality of records created in compliance with this chapter.

Affected Parties

This temporary rulemaking will affect county and municipal agencies that employ law enforcement officers.

Fiscal Impact

Commonwealth. This temporary rulemaking is not expected to have a fiscal impact on the Commission or other Commonwealth agencies. Commission expenditures for technological upgrades and staff workload increases will be minimal.

Political subdivisions. This temporary rulemaking will have a fiscal impact on political subdivisions of this Commonwealth which maintain a law enforcement agency.

Private sector. This temporary rulemaking is not anticipated to have a fiscal impact on the private sector.

General public. This temporary rulemaking is not anticipated to have a fiscal impact on the general public.

Paperwork Requirements

Several forms will be required for the uniform processing of mental health evaluations. The forms will be available on the Commission's public web site at mpoetc.psp.pa.gov at the time the temporary regulations become effective.

Effective Date

This temporary rulemaking will become effective July 14, 2021, in accordance with section 7204(b).

Public Comments

The Commission is seeking comments from the public and affected parties as to how this temporary regulation might be improved. Interested persons are invited to submit written comments, suggestions or objections regarding this temporary rulemaking within 30 days after the date of publication in the *Pennsylvania Bulletin* to Sergeant Leslie Barr, Policy and Legislative Affairs Office, Pennsylvania State Police, 1800 Elmerton Avenue, Harrisburg, PA 17110 or by e-mail at lesbarr@pa.gov. Reference "#17-88, Chapter 72" when submitting comments.

Contact Person

The contact person for questions about this rulemaking is Sergeant Leslie Barr, Policy and Legislative Affairs Office, Pennsylvania State Police, lesbarr@pa.gov.

Regulatory Review

Under 44 Pa.C.S. § 7204, the Commission is authorized to promulgate temporary regulations which are not subject to sections 201—205 of the act of July 31, 1968 (P.L. 769, No. 240), (45 P.S. §§ 1201—1205), known as the Commonwealth Documents Law (CDL), sections 204(b) and 301(10) of the Commonwealth Attorneys Act (71 P.S. §§ 732-204(b) and 732-301(10)) and the Regulatory Review Act (71 P.S. §§ 745.1—745.14). These temporary regulations expire 2 years after publication in the *Pennsylvania Bulletin*.

Findings

In accordance with 44 Pa.C.S. Chapter 72 and with the approval of the Commission on February 4, 2021:

(1) The temporary regulations of the Commission, 37 Pa. Code, are amended by adding §§ 261.1—261.7 to read as set forth in Annex A.

(2) The temporary regulations are effective July 14, 2021.

(3) The temporary regulations will be posted on the Commission’s public web site and published in the *Pennsylvania Bulletin*.

(4) The temporary regulations are subject to amendment as deemed necessary by the Commission.

COLONEL ROBERT EVANCHICK,
Chairperson

Fiscal Note: 17-88. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 37. LAW

**PART IV. MUNICIPAL POLICE OFFICERS’
EDUCATION AND TRAINING COMMISSION**

**Subpart D. LAW ENFORCEMENT MENTAL
HEALTH**

**CHAPTER 261. LAW ENFORCEMENT MENTAL
HEALTH EVALUATIONS—TEMPORARY
REGULATIONS**

(Editor’s Note: The following temporary regulations are added and printed in regular type to enhance readability.)

GENERAL PROVISIONS

Sec.	
261.1.	Scope.
261.2.	Definitions.
261.3.	Duties of law enforcement agency.
261.4.	Duties of licensed mental health professional.
261.5.	Duties of law enforcement officer.
261.6.	Duties of Commission.
261.7.	Confidentiality.

GENERAL PROVISIONS

§ 261.1. Scope.

This chapter sets forth regulations for a law enforcement agency to provide a law enforcement officer with a mental health evaluation for post-traumatic stress disorder. This chapter is applicable to law enforcement agencies and law enforcement officers within the Commonwealth as identified in the act.

§ 261.2. Definitions.

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

Act—44 Pa.C.S. Chapter 72 (relating to mental health evaluations).

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

Essential job functions of a police officer—The job functions and tasks essential to performing the full duties of a municipal police officer, including, but not limited to, the ability to effectuate arrests, proficiently handle firearms, operate a police vehicle and perform a variety of physical tasks, the ability to communicate effectively, both verbally and in writing, the ability to comprehend documents and apply rules, procedures, and precedent, and

other mental tasks, as well as perform rescue functions and other miscellaneous duties.

Fitness for duty evaluation—A formal, specialized psychological examination to determine whether a law enforcement officer is able to safely and effectively perform essential job functions of a police officer.

Lethal force—Force that directly causes the death of another person.

Licensed mental health professional—A licensed psychologist with education, training and experience in the diagnostic evaluation of mental and emotional disorders.

Mental health evaluation—An evaluation conducted by a licensed mental health professional to provide the licensed mental health professional with an impression of the way a person feels, reasons, thinks and remembers in order to diagnose mental health disorders.

Police Chief or supervising law enforcement officer—The agency executive, chief of police or officer in charge of a police department enumerated under the act, or the person or governing body exercising executive oversight of a police department enumerated under the act.

TACS—Training and Certification System—The web-based electronic database used to collect and retain information for programs managed by the Commission.

§ 261.3. Duties of law enforcement agency.

(a) In accordance with section 7203(a)(1) of the act (relating to mental health evaluations for law enforcement officers), a law enforcement agency shall provide a law enforcement officer employed by the law enforcement agency with a mental health evaluation for post-traumatic stress disorder when requested by a law enforcement officer.

(1) The law enforcement agency shall make a request for a mental health evaluation to a licensed mental health professional on a form promulgated by the Commission.

(2) The law enforcement agency shall schedule the mental health evaluation with a licensed mental health professional to occur within 10 calendar days of the request by the law enforcement officer.

(3) The law enforcement agency shall be responsible for costs associated with a mental health evaluation.

(4) The law enforcement agency shall notify the Commission within 5 calendar days, whenever the evaluation, diagnosis or treatment of a law enforcement officer, who requests a mental health evaluation under subsection (a), results in the officer being unable to perform the essential job functions of a law enforcement officer. This notification:

(i) Shall be accomplished through TACS.

(ii) Shall indicate only the new duty status.

(iii) May not include any information concerning the evaluation, diagnosis or treatment of the law enforcement officer.

(b) In accordance with section 7203(a)(2) of the act, a law enforcement agency shall provide a law enforcement officer employed by the law enforcement agency with a mental health evaluation for post-traumatic stress disorder when a police chief or other supervising law enforcement officer recommends a mental health evaluation.

(1) The law enforcement agency shall make a request for a mental health evaluation to a licensed mental health professional on a form promulgated by the Commission.

(2) The law enforcement agency shall schedule the mental health evaluation with a licensed mental health professional to occur within 10 calendar days of the recommendation of the police chief or supervising law enforcement officer.

(3) The law enforcement agency shall be responsible for the costs associated with the mental health evaluation.

(4) The law enforcement agency shall notify the Commission within 5 calendar days, whenever the evaluation, diagnosis or treatment of a law enforcement officer, who is recommended for a mental health evaluation under subsection (b), results in the law enforcement officer being unable to perform the full duties of a law enforcement officer. This notification:

(i) Shall be accomplished through TACS.

(ii) Shall indicate only the new duty status.

(iii) May not include any information concerning the evaluation, diagnosis or treatment of the law enforcement officer.

(c) In accordance with section 7203(a)(3) of the act, a law enforcement agency shall provide a law enforcement officer employed by the agency with a mental health evaluation for post-traumatic stress disorder after being directly involved in an incident where lethal force was used in the course of law enforcement duties.

(1) The law enforcement agency shall make a request for a mental health evaluation to a licensed mental health professional on a form promulgated by the Commission.

(2) The law enforcement agency shall schedule the mental health evaluation with a licensed mental health professional to occur within 30 calendar days of the incident involving the use of lethal force.

(3) The law enforcement agency shall be responsible for the costs associated with the mental health evaluation.

(4) The law enforcement agency shall notify the Commission within 5 calendar days, whenever the evaluation, diagnosis or treatment of a law enforcement officer, who is provided a mental health evaluation under subsection (c), results in the officer being unable to perform the full duties of a law enforcement officer. This notification:

(i) Shall be accomplished through TACS.

(ii) Shall indicate only the new duty status.

(iii) May not include any information concerning the evaluation, diagnosis or treatment of the law enforcement officer.

(d) *Administrative duty.* A law enforcement officer shall be assigned to administrative duty if the law enforcement officer either:

(1) Fails to undergo a scheduled mental health evaluation as required under subsections (a), (b) or (c).

(2) Is not yet able to resume full duties as determined by a licensed mental health professional.

(e) *Notification.* The law enforcement agency shall provide written notification to the Commission when a law enforcement officer, who is required to participate in a mental health evaluation under this section, fails to comply with the requirements of § 261.5 (relating to duties of law enforcement officer).

§ 261.4. Duties of licensed mental health professional.

(a) Whenever a request for a mental health evaluation of a law enforcement officer is received, a licensed mental health professional shall:

(1) Schedule the mental health evaluation to occur within 10 days of the request made under § 261.3(a) or (b) (relating to duties of law enforcement agency).

(2) Schedule the mental health evaluation to occur within 30 days of the incident which prompted the request under § 261.3(c).

(3) Conduct a mental health evaluation, including a fitness for duty evaluation, clinical interview and objective testing, to determine if the law enforcement officer is both:

(i) Experiencing symptoms of post-traumatic stress disorder.

(ii) Fit to perform the essential job functions of a police officer.

(4) Conduct follow-up fitness for duty evaluations to determine if the law enforcement officer is fit to perform the essential job functions of a police officer if:

(i) The initial mental health evaluation is insufficient to determine if the law enforcement officer is experiencing symptoms of post-traumatic stress disorder.

(ii) The initial mental health evaluation is insufficient to determine if the law enforcement officer is fit to perform the essential job functions of a police officer.

(b) *Treatment.* If a licensed mental health professional determines during a mental health evaluation that a law enforcement officer has symptoms of post-traumatic stress disorder, the law enforcement officer shall be provided with treatment by a licensed mental health care professional until the licensed mental health care professional determines that the law enforcement officer is able to resume full duties.

(c) *Notification.* Upon completion of the mental health evaluation, a licensed mental health professional shall notify the law enforcement agency of the results of the mental health evaluation on a form promulgated by the Commission.

§ 261.5. Duties of law enforcement officer.

Whenever a law enforcement officer is subject to a mental health evaluation under § 261.3 (relating to duties of law enforcement agency), the law enforcement officer shall:

(1) Attend and participate in the scheduled mental health evaluation.

(2) Attend and participate in any follow-up evaluations.

(3) Notify law enforcement agencies that employ the law enforcement officer, when the law enforcement officer is employed by multiple law enforcement agencies and is placed on administrative duty by any of the employing law enforcement agencies.

(4) Notify an agency for which the law enforcement officer is employed as a peace officer, as defined in 18 Pa.C.S. § 501 (relating to definitions), when the law enforcement officer is employed by multiple agencies and is placed on administrative duty by any of the employing law enforcement agencies.

§ 261.6. Duties of Commission.

(a) Upon notice by a law enforcement agency of a change of duty status for a law enforcement officer, the Commission will ensure that the appropriate duty status is reflected in TACS.

(b) Upon written notice by a law enforcement agency of a law enforcement officer's failure to comply with § 261.5 (relating to duties of law enforcement officer), the Commission:

(i) Will provide the law enforcement officer with notice and an opportunity to be heard, as prescribed by 37 Pa. Code Chapter 203, Subchapter G (relating to notice and hearings).

(ii) May suspend or revoke the certification of that law enforcement officer, in accordance with 37 Pa. Code § 203.14 (relating to revocation of certification).

§ 261.7. Confidentiality.

(a) Any request or recommendation for a mental health evaluation of a law enforcement officer, made under this

chapter, whether verbal or written, shall be considered confidential. No person may divulge or discuss a recommendation or request made under this chapter, unless such communication is necessary to comply with this chapter.

(b) The results of any mental health evaluation of a law enforcement officer, conducted under this chapter, whether verbal or written, shall be considered confidential. All records kept, stored or otherwise retained by a law enforcement agency, the Commission or by a licensed mental health professional, which are generated as a result of an action under this chapter, shall be kept separate from other employment records. No person may divulge or discuss the results of any mental health evaluation of a law enforcement officer made under this chapter, unless such communication is necessary to comply with this chapter.

[Pa.B. Doc. No. 21-420. Filed for public inspection March 19, 2021, 9:00 a.m.]

PROPOSED RULEMAKING

DEPARTMENT OF EDUCATION

[22 PA. CODE CHS. 741 AND 741a]

Postsecondary Distance Education Reciprocity

The Department of Education (Department) proposes to amend Part XXIII (relating to reciprocity for distance education) by deleting Chapter 741 and adding Chapter 741a (relating to State authorization reciprocity), to read as set forth in Annex A.

Statutory Authority

This proposed rulemaking is authorized under section 124(b) of the Public School Code of 1949 (24 P.S. § 1-124(b)).

Purpose and Background

The act of June 1, 2016 (P.L. 252, No. 35) (Act 35) amended the Public School Code of 1949 by adding section 124(a), which requires the Secretary of Education “to enter into and administer membership in a regional compact and an interstate reciprocity agreement for the provision of postsecondary distance education.” Under this directive, the Department has affiliated with the Southern Regional Education Board, one of four regional compacts, for the sole purpose of participating in the State Authorization Reciprocity Agreement (SARA), the interstate reciprocity agreement adopted by the regional compacts to establish National standards for interstate delivery of postsecondary distance education.

Prior to Act 35, institutions of higher education in this Commonwealth seeking to offer distance education to students residing in other states needed to apply for authorization in those states and pay registration fees to each state. To address this issue, the four interstate education compacts worked together to organize SARA as a way to provide for reciprocity among member states and their participating institutions. Section 124(a) provides for Commonwealth affiliation with one of the regional compacts and membership in SARA and establishes the Department as the agency responsible for implementation and administration.

The Department is authorized under section 124(b) to “charge administrative fees to institutions of higher education that choose to participate in the agreement, not to exceed the amount necessary to pay the administrative costs of the agreement.” Under the authority in section 124(b), the Department promulgated a final-omitted rulemaking that set the fees for institutions of higher education seeking to join SARA, which were set in accordance with the Department’s projected cost of implementing and administering participation. Section 124(b) directs that these “final-omitted regulations shall expire June 30, 2018” and “any revisions to the administrative fees charged under this subsection shall be made through regulations promulgated under the Regulatory Review Act.” Accordingly, this proposed rulemaking seeks to delete current Chapter 741, which expired on June 30, 2018, and add proposed Chapter 741a to set the fees for institutions of higher education seeking to join SARA. Additionally, this proposed rulemaking seeks to repromulgate the sections of Chapter 741 concerning definitions, SARA membership, fees nonrefundable and annual renewals, while reducing the administrative fees currently in Chapter 741.

Explanation of Proposed Regulation

This proposed rulemaking seeks to reserve the current Chapter 741 in its entirety as it expired on June 30, 2018, under section 124(b). Additionally, this proposed rulemaking seeks to repromulgate the sections of Chapter 741 concerning definitions in § 741.1, SARA membership in §§ 741.11—741.13, fees nonrefundable in § 741.22 and Institutional renewal to participate in SARA in § 741.23, while reducing the administrative fees currently in Chapter 741 for institutions of higher education in this Commonwealth seeking to join SARA in § 741.21.

Section 741a.1 (relating to definitions) seeks to repromulgate the current § 741.1. Section 741a.1 establishes definitions for the following terms as used in the proposed rulemaking: Calendar year, Department, Distance education, Portal agency, Postsecondary institution, Regional compact, State Authorization Reciprocity Agreement (SARA) and Tuition.

Section 741a.11 (relating to State membership in a regional compact) seeks to re-promulgate the current § 741.11. Section 741a.11 of the regulation sets forth that this Commonwealth has affiliated with the Southern Regional Education Board for the purposes of membership in SARA as authorized under section 124 and to allow interested postsecondary institutions in this Commonwealth to offer distance education to students in other SARA member states without paying fees to each state. States can only join SARA through membership or affiliation with a regional compact. This Commonwealth was one of only four states that was not a member of a regional compact prior to Act 35.

Section 741a.12 (relating to State membership in SARA) seeks to repromulgate the current § 741.12. Section 741a.12 provides that the Department will be the portal agency for membership in SARA and employ necessary staff for the implementation of SARA. State membership in SARA requires the identification of a single portal agency in each state. This section provides that the costs of staff and SARA membership will be covered by fees paid by postsecondary institutions rather than general fund resources. Postsecondary institutions are the prime beneficiary of membership in SARA and they will see a significant cost-savings through participation, notwithstanding the fees imposed under this regulation.

Section 741a.13 (relating to institutional participation in SARA) seeks to re-promulgate the current § 741.13. Section 741a.13 requires institutions in this Commonwealth seeking to participate in SARA to submit an annual application to the Department comprised of an application generated by the National Council for SARA (NC-SARA) with a supplemental application generated by the Department along with the required fees.¹ Institutions whose submitted fee does not match distance education data in the Federal Integrated Postsecondary Education Data System database will be required to provide evidence to support their calculation. This section further provides that applications will not be processed until the fees are received by the Department. Finally, this section establishes that the fees that are paid to the Department do not cover other institutional financial obligations related to SARA participation. Institutions are required to

¹ The applications can be found on the Department’s publicly accessible web site at [https://www.education.pa.gov/Postsecondary-Adult/CollegeCareer/Pages/State-Authorization-Reciprocity-Agreement-\(SARA\).aspx](https://www.education.pa.gov/Postsecondary-Adult/CollegeCareer/Pages/State-Authorization-Reciprocity-Agreement-(SARA).aspx).

pay an annual fee of \$2,000 to \$6,000 directly to the NC-SARA for participation. It is not possible for the Department to pay this fee on behalf of institutions because an electronic payment system is employed for this payment.

Section 741a.21 (relating to fee for postsecondary institutions in this Commonwealth to participate in SARA) provides that the fee paid to the Department is calculated based on tuition revenue from distance education in the most recently completed calendar year. Calendar year is used for consistency because different institutions follow different calendars for the academic year and the fiscal year. The fee is calculated based on tuition revenue rather than enrollment so that institutions with the highest tuition rates pay a fair share of the cost of supporting the Commonwealth's membership in SARA. Moreover, using tuition revenue in the calculation distributes the cost equitably between public and private institutions, in that the community colleges and state-system universities have the lowest tuition rates. In addition, some small institutions are very active in distance education and will experience very significant savings from membership. Likewise, some large institutions offer very little by distance education and would experience a minimal benefit. By calculating the fee based on distance education revenue only, the costs of membership will be distributed equitably based on the benefit to the institution.

The fee schedule in § 741a.21 reduces the administrative fees institutions will pay to participate in SARA from the current § 741.21. More institutions have joined SARA than initially anticipated in the first years of implementation, and therefore, revenue has exceeded initial estimates. The maximum fee will be reduced from \$60,000 to \$7,000. No institution will see an increase in fees. The administrative fee will remain the same for 35 institutions that currently participate in SARA. Savings per institution for the other 73 institutions will range from \$3,000 per year to \$53,000 per year with a total savings to the sector of \$679,000.

Section 741a.22 (relating to fees nonrefundable) seeks to repromulgate the current § 741.22. Section 741a.22 establishes that fees will not be refunded if the application is denied or if the institution withdraws the application. This is to protect against the provision of review services without compensation because the Department will incur all costs associated with processing the application within a few days of receipt. Likewise, this section provides that fees will not be refunded upon an institution's suspension or revocation of participation, or if the institution voluntarily withdraws from participation, since the Department's costs will likely have been incurred.

Section 741a.23 (relating to institutional renewal to participate in SARA) seeks to repromulgate § 741.23. Section 741a.23 clarifies that participation in SARA is valid for 1 calendar year, consistent with SARA requirements, and that the application process for the renewal follows the same process as the initial application using an application generated by the NC-SARA and a supplemental application specific to this Commonwealth generated by the Department.

Section 741a.24 (relating to effective date) establishes that the fee schedule will go into effect on January 1, 2023. Services will be provided using current reserves, which will be adequate to cover administrative costs and fees until 2023.

Persons or Entities Affected

This proposed rulemaking affects the Department, as well as institutions of higher education in this Commonwealth which provide or seek to provide distance education to students in other states.

Fiscal Impact

Implementation requires the Department to pay an annual fee of \$50,000 to affiliate with the Southern Regional Education Board Compact. In addition, the Department estimates a need for \$227,907 in staffing and administrative costs for implementation of the program with those institutions of higher education in this Commonwealth that are interested in joining SARA. The administrative responsibilities for SARA may not be covered by general fund revenues. In accordance with section 124, this proposed rulemaking seeks to establish fees that pay the administrative costs of the program, without the need for funding from the Department's general funds.

This proposed rulemaking will equate to a fiscal savings to 73 of the 108 institutions of higher education in this Commonwealth that already chose to participate in SARA and provide for lower initial fees for any institution that chooses to join in the future. The proposed fees represent a small fraction of the costs that institutions in this Commonwealth would otherwise bear to obtain state authorization to offer distance education in other states if the Commonwealth did not join SARA.

Local governments do not have any involvement with the SARA program; as such, no fiscal impact is anticipated.

Paperwork Requirements

This proposed rulemaking will maintain current paperwork responsibilities on the Department and the regulated community because application materials have been developed by the Department and those materials have to be completed and filed annually by interested institutions of higher education. The paperwork requirements imposed by current Chapter 741 will remain the same in proposed Chapter 741a.

Effective Date

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

Sunset Date

No sunset date has been assigned.

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P.S. § 745.5(a)), on March 9, 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 Education 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, recommendation or objections must specify the regulatory review criteria in section 5.2 of the Regulatory Review Act (71 P.S. § 745.5(b)) 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.

Contact Person

The Department contact person for this regulation is Lynette Kuhn, Division Chief, Division of Higher and Career Education, 333 Market Street, Harrisburg, PA 17126-0333, (717) 783-8228.

NOE ORTEGA,
Acting Secretary

Fiscal Note: 6-339. No fiscal impact; (8) recommends adoption.

Annex A**TITLE 22. EDUCATION****PART XXIII. RECIPROCITY FOR DISTANCE EDUCATION****CHAPTER 741. (Reserved).****§ 741.1. (Reserved).** **§§ 741.11—741.13. (Reserved).** **§§ 741.21—741.23. (Reserved).**

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

**CHAPTER 741a. STATE AUTHORIZATION
RECIPROCITY
DEFINITIONS**

Sec.

741a.1. Definitions.

SARA MEMBERSHIP

741a.11. State membership in a regional compact.

741a.12. State membership in SARA.

741a.13. Institutional participation in SARA.

FEEES

741a.21. Fee for postsecondary institutions in this Commonwealth to participate in SARA.

741a.22. Fees nonrefundable.

741a.23. Institutional renewal to participate in SARA.

741a.24. Effective date.

DEFINITIONS**§ 741a.1. Definitions.**

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

Calendar year—January 1—December 31.

Department—The Department of Education of this Commonwealth.

Distance education—

(i) Instruction offered by any means when the student and faculty member are in separate physical locations so that face-to-face communication is absent and communication is accomplished by one or more technological media. It includes real-time or delayed interaction using voice, video, data or text, or both, including instruction provided online, by correspondence, or by interactive video.

(ii) Instruction provided by means of synchronous video from an institution in this Commonwealth to additional campus sites of the same institution in this Commonwealth is not considered distance education.

(iii) Distance education is instructor-led and is not independent study.

Portal agency—The single entity designated to serve as the interstate point of contact for SARA questions, complaints and other communications.

Postsecondary institution—An institution legally authorized to award degrees at the associate level or above.

Regional compact—A nonprofit organization with member states dedicated to advancing education in a region. The four regional compacts are the Midwestern Higher Education Compact, the New England Board of Higher Education, the Southern Regional Education Board and the Western Interstate Commission for Higher Education.

SARA—*State Authorization Reciprocity Agreement*—A voluntary agreement adopted by the regional compacts to establish National standards for interstate delivery of postsecondary education through distance education.

Tuition—

(i) Moneys charged by the institution for instruction.

(ii) The term does not include moneys charged as fees, such as technology fees, student services fees or activities fees if those fees are noted on the invoice and in publications as fees that are separated from tuition.

SARA MEMBERSHIP**§ 741a.11. State Membership in a regional compact.**

The Department, consistent with section 124(b) of the Public School Code of 1949 (24 P.S. § 1-124(b)), has affiliated with the Southern Regional Education Board for the sole purpose of being able to participate in SARA and facilitate interested postsecondary institutions in this Commonwealth offering distance education to students in other SARA member states.

§ 741a.12. State Membership in SARA.

(a) The Department will be the SARA portal agency for the Commonwealth and will employ staff as necessary to provide the services required to implement SARA.

(b) The Department's staffing and other costs related to SARA membership and responsibilities will be covered by fees paid by postsecondary institutions in accordance with §§ 741a.21 and 741a.22 (relating to fee for postsecondary institutions in this Commonwealth to participate in SARA; and fees nonrefundable).

§ 741a.13. Institutional Participation in SARA.

(a) Postsecondary institutions will apply annually to the Department for authorization to participate in SARA in such manner and on such forms as prescribed by the Department. If the fee submitted with the application does not correspond to the distance education enrollment data in the Federal Integrated Postsecondary Education Data System database for the most recent reporting year, the institution will be required to provide evidence to support the calculation of the fee amount.

(b) The required fees as set forth in §§ 741a.21 and 741a.22 (relating to fee for postsecondary institutions in this Commonwealth to participate in SARA; and fees nonrefundable) must accompany the application. The Department will not process an application until the fees are received.

(c) The fees established by this chapter cover the administrative costs of the Department and do not cover other fees due to other organizations.

FEEES**§ 741a.21. Fee for postsecondary institutions in this Commonwealth to participate in SARA.**

Postsecondary institutions in this Commonwealth shall pay a fee to the Department based on tuition revenue from distance education in the most recently completed

calendar year for the initial application fee and for each annual renewal to the Department to participate in SARA.

<i>Distance Tuition Revenue Fee</i>	
\$0—9,999	\$1,000
\$10,000—\$4,999,999	\$2,000
\$5,000,000—\$19,999,999	\$3,000
\$20,000,000—\$39,999,999	\$5,000
\$40,000,000 and over	\$7,000

§ 741a.22. Fees nonrefundable.

(a) The fee submitted with an application is not refundable if the registration or participation is denied or if the postsecondary institution withdraws its application.

(b) No portion of the fee will be refunded upon suspension or revocation of participation or optional termination of participation.

§ 741a.23. Institutional Renewal to Participate in SARA.

(a) Approval for participation in SARA is valid for 1 calendar year.

(b) An application for renewal of participation is required annually in accordance with § 741a.13 (relating to institutional participation in SARA).

§ 741a.24. Effective date.

(a) The fees established in § 741a.21 (relating to fee for postsecondary institutions in this Commonwealth to participate in SARA) will become effective on January 1, 2023.

[Pa.B. Doc. No. 21-421. Filed for public inspection March 19, 2021, 9:00 a.m.]

ENVIRONMENTAL QUALITY BOARD

[25 PA. CODE CH. 77]

Noncoal Mining Clarifications and Corrections

The Environmental Quality Board (Board) proposes to amend Chapter 77 (relating to noncoal mining). The proposed amendments provide updates and clarifications for the requirements for mining noncoal minerals in this Commonwealth.

This proposed rulemaking was adopted by the Board at its meeting of November 17, 2020.

A. Effective Date

This proposed rulemaking will go into effect upon publication of the final-form rulemaking in the *Pennsylvania Bulletin*.

B. Contact Persons

For further information contact William Allen, Director, Bureau of Mining Programs, P.O. Box 8461, Rachel Carson State Office Building, 5th Floor, 400 Market Street, Harrisburg, PA 17105-8461, (717) 787-5015, or Christopher Minott, Assistant Counsel, Bureau of Regulatory Counsel, P.O. Box 8464, 9th Floor, Rachel Carson State Office Building, Harrisburg, PA 17105-8464, (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). This proposed rulemaking is available on the Department of Environmental Protection’s (Department) web site at www.dep.pa.gov (select “Public Participation,” then “Environmental Quality Board”).

C. Statutory Authority

This proposed rulemaking is being made under the authority of section 11(a) of the Noncoal Surface Mining Conservation and Reclamation Act (act) (52 P.S. § 3311(a)), which authorizes the Board to promulgate regulations as it deems necessary to carry out the provisions and purposes of the act; section 5 of The Clean Streams Law (35 P.S. § 691.5); and section 1920-A of The Administrative Code of 1929 (71 P.S. § 510-20), which authorizes the Board to adopt rules and regulations necessary for the performance of the work of the Department.

D. Background and Purpose

Chapter 77 was finalized in 1990 to implement the act. Since 1990, the Department’s experience implementing the noncoal mining regulatory program has highlighted several issues that necessitate clarification of the regulations in Chapter 77. Many of the proposed revisions are administrative in nature.

The Department worked with the Aggregate Advisory Board to develop these proposed regulations. The Aggregate Advisory Board is comprised of the Secretary of the Department of Environmental Protection, three aggregate surface mining operators, four members of the public from the Citizens Advisory Council, one member from county conservation districts, one Senate member from the majority party, one Senate member from the minority party, one House member from the majority party and one House member from the minority party. The interaction with the Aggregate Advisory Board began in October 2018 with a discussion of concepts at a Regulatory, Legislative and Technical (RLT) committee meeting. Interaction with the Aggregate Advisory Board continued with several meetings of the RLT committee throughout 2019 and 2020. On May 6, 2020, the Aggregate Advisory Board voted to concur with the Department’s recommendation that this proposed rulemaking proceed in the regulatory process.

E. Summary of Regulatory Requirements

§ 77.1. Definitions

Several amendments to the definitions are proposed. Two new terms are proposed to be defined. “Insignificant boundary correction” is added to identify the changes to permit boundaries that may require a major permit revision as described in § 77.141 (relating to permit revisions). “Local government” is defined to be used in several sections to describe the entities that must be notified of applications or actions. Clarifications are proposed for the definitions of “Noncoal minerals” and “Noncoal surface mining activities.” The definition of “Noxious plants” would be revised to update the citation of the law relating to noxious plants. The definition of “Related party” would be amended to include a director of a corporation and members and managers of Limited Liability Companies. A correction is proposed in the definition of “Sedimentation pond.”

§ 77.51. License requirement

Subsections (c)(1) and (e) are proposed to be revised to include a director of a corporation and members and managers of Limited Liability Companies as parties that need to be identified in an application for a mining

license and as parties who will be considered in evaluating the eligibility for holding a mining license. The revisions are proposed since Limited Liability Companies have become more common in the years since 1990. These changes are also consistent with the proposed change to the definition of "Related party" in § 77.1 (relating to definitions).

Subsection (f)(2)(i) is proposed to be revised to remove the statement about the Department notification 60 days prior to expiration and to require the submission of a mining license renewal application at least 60 days before the current license expires to be consistent with section 5(a) of the act (52 P.S. § 3305(a)).

§ 77.107. *Verification of application*

This section is proposed to be revised to eliminate the requirement for an application to be attested by a notary or district justice. Most notably, this update will facilitate the electronic submission of applications.

§ 77.108. *Permit for small noncoal operations*

Subsection (f) is proposed to be amended to add transfers to the list of applications that are exempt from the requirement for public notification in a newspaper. This will make it clear that permits for small operations may be transferred. Because transfers were previously omitted from the list, it has been unclear whether these permits are transferable as § 77.144 (relating to transfer of permit) requires newspaper public notice. This created confusion because it does not make sense that a new permit for a small operation would be exempt from the newspaper public notice, but the transfer of the same permit would be subject to the newspaper public notice requirement.

Subsection (m) is proposed to be revised to add reference to the regulatory requirement that an applicant must hold a mining license in order for the permit to be issued.

§ 77.109. *Noncoal exploration activities*

Noncoal exploration activities have been subject to confusion, because they may be authorized in various ways depending on the circumstances of the exploration. Exploration is included in the definition of "noncoal surface mining activities" in § 77.1, which suggests that it must be authorized under a permit. However, exploration may be conducted by drilling or by excavation. Exploration may be allowed by drilling upon notice to the Department. Exploration by excavation may be authorized by a permit or through acknowledgment by the Department of a permit waiver.

In these proposed regulations, § 77.113 (relating to permit waiver—noncoal exploration drilling) is proposed to be added to establish the requirements for exploration by drilling while § 77.109 (relating to noncoal exploration activities) has been updated to establish requirements for exploration activities using a combination of drilling and excavation. These updates will distinguish the two forms of exploration activity from one another and provide clarity to the regulated community.

Subsection (a) is proposed to be revised to clarify that a written notice must be provided to the Department for anyone who intends to conduct noncoal exploration in an area outside of an existing noncoal surface mining permit and to make reference to the proposed § 77.113. This section also lists the permit or waiver authorization options for exploration by excavation.

Subsection (b) is proposed to be revised to modify what information must be included in the noncoal exploration

notice to the Department. Specifically, the proposed revisions add a requirement for contact information for a representative from the entity preparing to explore and clarify that it is the amount to be removed for testing that is to be reported in the notice. Also, requirements are proposed to be added to the notice relating to what environmental protection measures are proposed to be implemented to prevent any adverse impacts to the environment from exploration activities and relating to a blast plan if explosives are needed to conduct the exploration.

Existing subsection (c) is moved to proposed § 77.113 since it relates to exploration by drilling. This results in the relettering of subsection (d) as subsection (c).

Existing subsection (e), which relates to noncoal exploration activities where minerals will be removed, is proposed to be deleted and replaced with new language in subsection (d) that sets threshold amounts for a permit waiver. There are two threshold amounts proposed. A permit waiver may be granted for noncoal exploration activities where less than 20 tons of material will be removed without justification of the amount. If the exploration is expected to need more than 20 tons, then a justification can be provided by the applicant. With justification, an upper limit of 1,000 tons is proposed for this permit waiver. The justification is related to the amount of material needed to provide valid test results for various aggregate certifications of the material. These thresholds were identified through discussions with the Aggregate Advisory Board RLT committee. The concept is that 20 tons is a relatively small amount, representing one truckload of material. The 1,000-ton threshold was identified based on the 200-ton minimum requirement of the Department of Transportation specifications for certification in Bulletin 14 with the recognition that more than one size of material may need to be produced from a particular mine.

Proposed subsection (e) describes the considerations to be made by the Department in evaluating a waiver request.

Subsection (h) proposes to delete the reference to the restoration to a slope not exceeding 35 degrees. This proposed revision is based on the fact that this slope requirement is no longer necessary due to the limited amount of material that may be removed without a permit.

Proposed subsection (k) requires compliance with Chapters 210 and 211 (relating to blaster's license; and storage, handling and use of explosives) for those exploration projects that require the use of explosives.

§ 77.113. *Permit waiver—noncoal exploration drilling*

Section 77.113 is proposed to be added to provide separate requirements for exploration conducted through drilling. This section includes the concepts currently in § 77.109(c). Subsection (a) allows for exploration to be conducted 10 days after notice to the Department unless the Department requests more information to assure compliance or if the exploration is planned for areas within the distance limitations established in § 77.504 (relating to distance limitations and areas designated as unsuitable for mining). Subsection (b) establishes a performance standard for sealing the drill holes and allows for drill holes to remain open to serve a purpose, such as to be used as a monitoring well or water well.

§ 77.121. *Public notices of filing of permit applications*

Subsection (a) is proposed to be revised to require each local government (that is, the city, borough, incorporated

town or township) where the operation is located be included in the local newspaper public notice required at the time of filing an application.

Subsection (c) is proposed to be revised to require use of certified mail rather than registered mail for notice of a proposed permit to the property owners within the proposed permit area. Registered mail is not necessary because it is unimportant to track the progress of the mailing, whereas certified mail provides the benefit of documenting receipt of the notice.

Subsection (d) is proposed to be revised to modify when the Department will publish notice in the *Pennsylvania Bulletin* of the proposed activities based on the Department's acceptance of the application rather than upon receipt. This eliminates unnecessary notices for applications that are returned and not accepted for review by the Department. The change in reference to the permit is also clarified by eliminating the modifier "complete" which is no longer needed because an application must be complete in order to be accepted.

Subsection (e) is proposed to be revised in a similar fashion to subsection (d) relating to the acceptance of the permit application and also to specify that the notice required under this subsection must be in writing. Also, the newly defined term "local government" is substituted for "city, borough, incorporated town or township," and the requirement for the notice to be sent by registered mail is eliminated. Registered mail is not necessary because it is unimportant to track the progress of the mailing, whereas certified mail provides the benefit of documenting receipt of the notice. This will also facilitate the use of electronic notices, where appropriate. The contents of the notice are also proposed to be updated to reflect the new term "local government" in subsections (e) and (f).

§ 77.123. *Public hearings—informal conferences*

Subsection (a)(2) is proposed to be revised to change the reference from § 77.121(d) (relating to public notices of filing of permit applications) to § 77.121(e). This is a correction of an error. The reference is for identifying those parties who should be notified when an application is submitted. Section 77.121(e) lists these parties.

Subsection (b) is proposed to be revised to set the public hearing or informal conference due date based on the close of the comment period rather than on when the request was received. This eliminates the possibility of needing to have multiple hearings if more than one request is received at different times during the public comment period.

Subsection (e) is proposed to be revised to describe the results of the public hearing or informal conference in a report available to the public instead of only giving the findings of the public meeting or informal conference to each person who attended. The deadline for providing the report is proposed to be contemporaneous with the permit decision.

§ 77.128. *Permit terms*

Subsection (b) is proposed to be revised to change the time frame for when a permit terminates from 3 years to 5 years. The 5-year term is proposed so that the term of the mining permit will be synchronized with the National Pollutant Discharge Elimination System (NPDES) permit, where applicable. NPDES permits have a term of 5 years. This subsection is also revised to allow extensions through the permit renewal process. This assures that updated information is provided before extending the permit beyond the 5-year period.

§ 77.141. *Permit revisions*

The provisions of subsection (b) are proposed to be deleted to eliminate the requirement for submission of a major permit revision at least 180 days before undertaking the change. This time frame is unnecessary, because the Department has found that often these revisions can be acted upon more quickly than 180 days. With this proposed change incorporated, the applicant must plan the timing of their application based on the complexity of the application rather than on a flat time frame. This deletion results in the relettering of existing subsections (c) through (f) to become (b) through (e) respectively.

Existing subsection (c), relettered to be subsection (b), is proposed to be revised to add a reference to § 77.105 (relating to application contents) to describe what constitutes a complete application for revision and to add "modules" to paragraph (2) to make it clear that only the portions of the application relating to the revision must be included. Paragraph (2) is also revised to correct the typographical error where "the acts" should be "the act."

Existing subsection (d), relettered to be subsection (c), is proposed to be revised to delete "complete" from the description of the application since this is redundant with the previous subsection.

Existing subsection (e), relettered to be subsection (d), is proposed to be revised to clarify how an application for a revision that is adding acreage for support activities will be reviewed and adds an exception from this review for insignificant boundary corrections. Specifically, the reference to "the same procedures as an application for a new permit but will be processed a revision to the existing permit" is intended to allow for a permit to be revised when additional acreage for support activities is needed and to avoid the need for a smaller adjacent permit where plans have changed. The procedures relating to a new permit assure that the environmental impacts are fully vetted prior to approval of the revision. For example, the original application would have been evaluated for the potential impacts to nearby properties. Since the added area would not have been reviewed from this perspective, the additional area must be evaluated to determine if there could be any additional potential impacts for the proposed revision.

Existing subsection (f), relettered to be subsection (e), is proposed to be revised similarly as the previous subsection, but specific additional considerations are identified for the review of revisions to add acreage for mineral extraction, including the effect on hydrologic balance, the relation to the existing operation and reclamation plan, and the practicality of approving a new permit for the additional area. For example, the application for the addition would have been evaluated for the potential impacts to water supplies. Since the added area would not have been reviewed from this perspective, the additional area must be evaluated to determine if there could be any additional potential water supply impacts for the proposed revision.

Subsection (f) is proposed to be added to provide cross references to the requirements for public notice and compliance with the existing permit. This subsection also is proposed to add the requirement that each major revision may be subject to providing current environmental resources information and a review of the bond liability.

Subsection (g) is proposed to be added to identify the circumstances where the Department may require a major permit revision. These include unanticipated sub-

stantial impacts to public health, safety or environment. The impacts included are described as unanticipated and substantial. The intent is to make it clear that a permit revision is not required for impacts that were planned for in the original permit and that the impact must rise to the level of being substantial as opposed to an incidental impact. For example, a highwall failure resulting in encroachment upon areas where mining is prohibited or limited would meet the criteria of being unanticipated and substantial, requiring a major permit revision, while a highwall failure that can be easily remediated within the existing permit area is unanticipated, but it is not substantial and therefore would not require a major permit revision. Another example that illustrates the intent of this requirement is where mining is being conducted in an area prone to the development of karst features. Many of the potential impacts can be predicted based on modeling as part of an application—these impacts would not be unanticipated. However, if sinkhole development as a result of the mining occurs beyond the predicted area of influence, then this would likely require a major permit revision. Another category that may trigger the requirement for a major permit revision is when the permittee must change their plans from what was presented in the application and approved by the Department. This is intended to capture major operational changes or alterations of the post-mining configuration of the reclamation as compared with the approved plans.

§ 77.142. *Public notice of permit revision*

Section 77.142 (relating to public notice of permit revision) is proposed to be revised to add subsections (b) and (c). This necessitates the lettering of the existing single section as subsection (a). Subsection (a) includes three proposed revisions. First, in paragraph (1)(iii), “the addition of reclamation fill” for surface mining activities has been added as an example of the change in type of reclamation that would be subject to the notice requirements of § 77.121. Second, the phrase “but not limited to,” is inserted and permit area additions are proposed to be added to the examples of a physical change to the mine configuration in paragraph (1)(iv). Third, the phrase “but are not limited to” is also inserted and permit area additions are again proposed to be added to the examples of a physical change to the mine configuration in paragraph (2)(ii).

Subsection (b) is proposed to be added to include new mining or support as subject to public notice if the revision includes a lateral or vertical change in the plans. Some large quarries that pump groundwater are limited with respect to the depth to which they are authorized to mine (and pump). For example, where mining is planned for decades, it is not possible to predict the potential hydrologic impacts as the quarry goes deeper with the initial application. The operation may be approved to mine in vertical increments to allow for the reassessment of the hydrologic conditions systematically after a particular depth has been reached. More robust predictions can be made based on the updated hydrologic data available after the initial mining has been conducted as to the potential effects of deepening the operation. This vertical incremental approval necessarily includes further public participation because of the potential off-site impacts of pumping large amounts of groundwater. The reference to lateral changes is intended to include areas added to the footprint of the permit area only. This subsection also excludes incremental approvals within the previously approved permit area from the notice requirement. This

is due to the fact that the environmental impacts of these areas have already been evaluated as part of the initial application review.

Subsection (c) is proposed to be added to clarify that unaffected areas to be deleted from the footprint of the permit may be approved without public notice. This also includes restored areas that have been disturbed only by exploration by drilling.

§ 77.143. *Permit renewals*

Subsection (b)(2) is proposed to be revised to delete the reference to “a new application” and to cross reference § 77.141(d) and (e), which relate to permit revisions. This is intended to clarify that the addition of area to a permit is not integral to a renewal, but constitutes a permit revision.

Subsection (b)(8) is proposed to be revised to change “send copies of its decision to” to “notify” and append “of the Department’s decision” to clarify the requirement.

§ 77.144. *Transfer of permit*

Subsection (a) is proposed to be revised to rephrase the statement of the purpose of this section.

Subsection (b) is proposed to be revised to clarify that name changes, including those changes which result from a conversion in corporate entity, do not subject a permit to the transfer requirements. In the case of a name change, it is still the same entity holding the permit. Conversions of corporate entity provide the resulting entity with the same permit rights that the previous form of entity had.

Subsection (c) is proposed to be revised to clarify that Department approval is required for a transfer to be effective. Paragraph (4) is proposed to be revised to include the exception of small noncoal permits, which are not subject to newspaper public notice, from the public notice requirement to transfer a small noncoal permit. The inclusion of this exception clarifies that a small noncoal permit may be transferred.

§ 77.224. *Special terms and conditions for collateral bonds*

Subsection (c)(2) is proposed to be revised to delete the \$100,000 maximum amount for certificates of deposit. This insurable amount has been revised by the agencies responsible for this and could be subject to further revision. Therefore, is it not appropriate to retain the amount in the regulations. It is proposed to spell out the applicable agency names rather than using the acronyms.

§ 77.231. *Terms and conditions for liability insurance*

Subsection (b) is proposed to be revised to add that the insurance is written on an occurrence basis. Generally, insurance can be written on either a claims-made or occurrence basis. With claims-made insurance, the claim must be filed during the term of the insurance coverage. With occurrence coverage, claims may be filed as long as the damage occurred during the course of the insurance coverage. This is particularly important for the kinds of impacts associated with mining, because the impacts are not instantaneous and may take some time to manifest themselves.

Subsection (d) is proposed to be revised to clarify that notification by the insurer to the Department be made whenever changes occur affecting the adequacy of the policy, including cancellation.

Subsection (e) is proposed to be revised to increase the coverage limits for insurance. Section 5(c) of the act specifies that the amount of insurance be prescribed by regulation. The current limits have been in place since

the regulations were finalized in 1990. The proposed increase in limits is intended to reflect the increase in costs over time. The numbers are consistent with the requirements that are in place for coal mining.

Subsection (h) is proposed to be revised to delete “solely” in describing the certificate holder. There are circumstances where other parties may also be a certificate holder.

§ 77.242. *Procedures for seeking release of bond*

Subsection (g)(2) is proposed to be revised to correct the erroneous reference to subsection (e), which relates to the inspection of the reclamation work. The correct reference is subsection (f), which relates to the subject of the subsection, public hearings and informal conferences.

§ 77.291. *Applicability*

This section is proposed to be revised to refer to the act and The Clean Streams Law (35 P.S. §§ 691.1—691.1001). This revision is proposed because there are many types of violations which violate both the act and The Clean Streams Law. This revision makes it clear that penalties for these violations will be assessed using the same procedures.

§ 77.293. *Penalties*

Subsections (a) and (b) are proposed to be revised to add the reference “of the act or any rule, regulation, order of the Department or a condition of permit issued under the act” because these requirements are from the act, so they only are applicable to violations of the act.

§ 77.301. *Procedures for assessment of civil penalties*

Subsection (a), which relates to the notice of a proposed assessment, is proposed to be revised to change three things: the notice method from registered mail to certified mail, the deadline for service from 30 to 45 days, and the trigger to be the issuance of the enforcement action. Registered mail is not necessary because it is unimportant to track the progress of the mailing, whereas certified mail provides the benefit of documenting receipt of the notice. The deadline for the proposed assessment is proposed to be extended to allow for more time to establish an appropriate initial penalty amount. This will also assist in managing the Department’s workload while maintaining timeliness to assure due process. The existing regulation has the time trigger as the Department’s knowledge of the violation. This is proposed for revision, because it is not always possible to document the first knowledge of a violation. It is more appropriate to use the date of the enforcement action as this is a date that will always be easily identified.

Subsection (d)(2) is proposed to be revised to eliminate the registered mail alternative and to correct the typographical error of “in” instead of “on” in the description relating to the site identification sign, which is required to have the permittee’s address on it.

§ 77.410. *Maps, cross section and related information*

Subsection (a)(11) is proposed to be revised to use the newly defined term “local government” instead of municipality or township. The proposed revision for subsection (a)(13) corrects a typographical error.

§ 77.531. *Dams, ponds, embankments and impoundments—design, construction and maintenance*

Subsection (a) is proposed to be revised to update the name of the Natural Resources Conservation Service, which was formerly known as the Soil Conservation Service.

§ 77.532. *Surface water and groundwater monitoring*

Subsection (c) is proposed to be revised to change Chapter 92 to Chapter 92a (relating to National Pollutant Discharge Elimination System permitting, monitoring and compliance) because Chapter 92 was reserved and replaced with Chapter 92a several years ago.

§ 77.562. *Preblasting surveys*

There are several references to “preblast surveys,” which are proposed to be revised to be “preblasting surveys.” This is consistent with other references in this subchapter.

§ 77.563. *Public notice of blasting schedule*

There is a reference to “preblast survey,” which is proposed to be revised to be “preblasting survey.” This is consistent with other references in this subchapter.

§ 77.564. *Surface blasting requirements*

Subsection (f) is proposed to be revised to change the location of the 133-dB air blast limit from the main paragraph to create new subsection (f)(1). This results in existing subsection (f)(1) and (2) being renumbered as (f)(2) and (3) respectively. New subsection (f)(2) is proposed to be revised to change “lower” to “alternative” to allow for the possibility of a higher air blast level being approved. A higher air blast level may be appropriate where it is clear that the controlling structure will not be subject to damage with the higher threshold.

Subsection (i) is proposed to be revised to change the reference to a peak particle velocity of 2.0 inches per second to be to the z-curve, which is figure 1 in § 77.562 (relating to preblasting surveys). This proposed change makes the requirements more internally consistent.

Subsection (k) is revised to correct the description of the time interval to be used in determining the maximum weight of explosives that could be used. The reference in this subsection to “any 8 millisecond or greater period” is incorrect. The inclusion of “or greater” is wrong and results in the weight of explosives used in the entire blast needing to be considered in the formula. In addition, the formula term “d” is currently omitted in the description of the formula, so the proposed revision inserts “d” where it is needed. Also, in this subsection, the denominator in the formula is proposed to be changed from 50 to 90. This is consistent with the requirements in Chapter 211 (relating to storage, handling and use of explosives).

§ 77.565. *Records of blasting operations*

Several revisions are proposed for the requirements for the blast records. This is primarily an effort to provide consistency with blast record requirements in § 211.133 (relating to blast reports). In paragraphs (10) and (11), “in pounds” is proposed to be inserted for the weight of explosives, because the scaled distance formula requires the weight to be in pounds. These proposed requirements are consistent with the requirements in § 211.133, subsection (a)(14) and (15), respectively. In paragraphs (11) and (12), “8 millisecond or less” is proposed to be inserted, because the scaled distance formula is based on this time period. This is consistent with § 211.133(a)(15). Paragraph (16) is proposed to be revised to insert “total quantity and” so that the number of detonators will be reported. This is consistent with § 211.133(a)(23). Paragraph (17) is proposed to be revised to be more descriptive of what needs to be included in the sketch of the blast. This is consistent with § 211.133(a)(9). Paragraph (19) is proposed to include three instances where “seismographic” is replaced with “seismograph.” Paragraphs (22),

(23) and (24) are proposed to be added to include the scaled distance, the location of the seismographs and the type of circuit, respectively. These requirements are consistent with § 211.133, subsection (a)(2), (16) and (19), respectively.

§ 77.593. *Alternatives to contouring*

Paragraph (1)(i) is proposed to be revised to change “is likely to” to “can.” This is intended to clarify the justification needed for the alternative to contouring. The former phrase is somewhat speculative, where the latter is more concrete. Paragraph (1)(vi) is proposed to be revised to clarify the requirement. Paragraph (2) is revised to correct the error in reference to “subsection (a)” since there is no subsection (a).

§ 77.618. *Standards for successful revegetation*

Subsection (a)(2) is proposed to be revised to change the reference of “United States Department of Agriculture Soil Conservation Service” to be “Natural Resources Conservation Service,” because this agency changed its name several years ago.

§ 77.654. *Cleanup*

This section is proposed to be revised to correct “cleanup” to be two words.

§ 77.655. *Closing of underground mine openings*

This section is proposed to be revised to correct the error where two of the items were run together in subsection (a)(1)(iii). The item “to prevent access to underground workings” is deleted from this subsection and appended in this section as subsection (a)(1)(v).

§ 77.807. *Change of ownership*

The section is proposed to be revised to correct the typographical error where “chance” should be “change.”

F. *Benefits, Costs and Compliance*

Benefits

The revisions in this proposed rulemaking will provide clarity to mine operators regarding compliance standards. In some cases, this will result in reduced costs. Clarity in the requirements can prevent errors in applications and improve efficiency.

Compliance costs

Very few of the new or revised requirements are likely to increase costs. One example that will increase costs is the proposed updated insurance requirements. The increased coverage limits will increase the cost of insurance for those operators who maintain the minimum coverage amounts. However, many operators already have insurance that meets the proposed increased coverage limits.

Compliance assistance plan

Compliance assistance for this proposed rulemaking will be provided through the Department’s routine interaction with trade groups and individual applicants. There are about 1,200 licensed noncoal surface mining operators in this Commonwealth, most of which are small businesses that will be subject to this proposed rulemaking.

Paperwork requirements

This proposed rulemaking does not require additional paperwork.

G. *Pollution Prevention*

The Federal Pollution Prevention Act of 1990 (42 U.S.C.A. §§ 13101—13109) established a National policy that promotes pollution prevention as the preferred

means for achieving state environmental protection goals. The Department encourages pollution prevention, which is the reduction or elimination of pollution at its source, through the substitution of environmentally-friendly materials, more efficient use of raw materials, and the incorporation of energy efficiency strategies. Pollution prevention practices can provide greater environmental protection with greater efficiency because they can result in significant cost savings to facilities that permanently achieve or move beyond compliance.

This proposed rulemaking has minimal impact on pollution prevention since it is predominantly administrative, focused on updating regulations to reflect current requirements, amendments to Commonwealth statutes and references to citations, names and data sources.

H. *Sunset Review*

The Board is not establishing a sunset date for these regulations, since they are needed for the Department to carry out its statutory authority. The Department will continue to closely monitor 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 the proposed rulemaking. Comments, suggestions, support or objections must be received by the Board by May 4, 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 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 Environmental Quality Board, P.O. Box 8477, Harrisburg, PA 17105-8477. Express mail should be sent to the Environmental Quality Board, Rachel Carson State Office Building, 16th Floor, 400 Market Street, Harrisburg, PA 17101-2301.

K. Public Hearings

If sufficient interest is generated as a result of this publication, a public hearing will be scheduled at an appropriate location to receive additional comments.

PATRICK McDONNELL,
Chairperson

Fiscal Note: 7-554. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 25. ENVIRONMENTAL PROTECTION

PART I. DEPARTMENT OF ENVIRONMENTAL PROTECTION

Subpart C. PROTECTION OF NATURAL RESOURCES

ARTICLE I. LAND RESOURCES

CHAPTER 77. NONCOAL MINING

Subchapter A. GENERAL PROVISIONS

§ 77.1. Definitions.

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

* * * * *

Impoundment—A closed basin, naturally formed or artificially built, which is dammed or excavated for the retention of water, sediment or waste.

Insignificant boundary correction—A small or inconsequential change to the permit boundary to correct an error in mapping, surveying or other minor adjustment that results in no significant difference in environmental impact.

Intermittent stream—A body of water flowing in a channel or bed composed primarily of substrates associated with flowing water which, during periods of the year, is below the local water table and obtains its flow from both surface runoff and groundwater discharges.

* * * * *

Large noncoal permit—A mining permit that authorizes the extraction of greater than 10,000 tons per year of noncoal materials.

Local government—A city, borough, incorporated town or township.

Major permit revision—A revision to a permit that requires public notice.

* * * * *

Noncoal minerals—An aggregate or mass of mineral matter, whether or not coherent, that is extracted by surface mining. The term includes, but is not limited to, limestone and dolomite, sand and gravel, rock and stone, earth, fill, slag, iron ore, zinc ore, vermiculite, and clay. The term does not include peat[,]. The term does not include anthracite or bituminous coal or coal refuse, except as provided in section 4 of the act (52 P.S. § 3304).

Noncoal surface mining activities—The extraction of minerals from the earth, from waste or stockpiles or from pits or from banks by removing the strata or material that overlies or is above or between them or otherwise exposing and retrieving them from the surface. The term includes strip mining, auger mining, dredging, quarrying and leaching and the surface activity connected with surface or underground mining, including, but not limited to, exploration, site preparation, entry, tunnel, drift, slope, shaft and borehole drilling and construction and

ancillary and customary activities related thereto. The term does not include mining operations carried out beneath the surface by means of shafts, tunnels, or other underground mine openings. The term does not include the following:

(i) The extraction of minerals by a landowner for the landowner's noncommercial use from land owned or leased by the landowner.

(ii) The extraction of sand, gravel, rock, stone, earth or fill from borrow pits for highway construction purposes of the Department of Transportation or the extraction of minerals under construction contracts with the Department if the work is performed under a bond, contract and specifications that substantially provide for and require reclamation of the area affected in the manner provided by the act.

(iii) The handling, processing, or storage of slag on the premises of a manufacturer as a part of the manufacturing process.

(iv) Dredging operations that are carried out in the rivers and streams of this Commonwealth and in Lake Erie.

(v) The extraction, handling, processing, or storing of minerals from a building construction excavation on the site of the construction if the minerals removed are incidental to the building construction excavation, regardless of the commercial value of the minerals. For purposes of this section, the minerals removed are incidental if the excavator demonstrates that:

(A) Extraction, handling, processing or storing are conducted concurrently with construction.

(B) The area mined is limited to the area necessary to construction.

(C) The construction is reasonably related to the use proposed for the site.

(vi) The removal and sale of noncoal materials from retail outlets.

Noxious plants—Species that have been included on the official State list of noxious plants for the Commonwealth under [the Noxious Weed Control Law (3 P.S. §§ 255.1—255.11)] 3 Pa.C.S. Chapter 15 (relating to controlled plants and noxious weeds).

* * * * *

Recurrence interval—The interval of time in which a precipitation event is expected, on the average, to occur once. For example, the 10-year, 24-hour precipitation event expected to occur on the average once in 10 years.

Related party—A partner, associate, officer, director, Limited Liability Company member, Limited Liability Company manager, parent corporation, subsidiary corporation, affiliate, or person by or under common control with the applicant, contractor, or subcontractor.

Sedimentation pond—A primary sediment control structure, including, but not limited to, a barrier, dam, or excavated depression which [details] detains water runoff to allow sediment to settle out. The term does not include secondary sedimentation control structures, such as straw dikes, riprap check dams, mulches, dugouts and other measures that reduce overland flow velocity, reduce runoff volume or trap sediment, to the extent that secondary sedimentation structures drain to a sedimentation pond.

* * * * *

Subchapter B. SURFACE MINING OPERATOR'S LICENSE

§ 77.51. License requirement.

* * * * *

(c) *Identification of ownership.* The application shall indicate whether the applicant is a corporation, partnership, single proprietorship, association, or other business entity. For business entities other than single proprietorships, the application shall contain the following information if applicable:

(1) The name and address of the applicant, including partners, associates, officers, **directors, Limited Liability Company members, Limited Liability Company managers**, parent, or subsidiary corporations.

* * * * *

(e) *Refusal to issue or renew license.* The Department will not issue a noncoal surface mining operator's license or renew or amend a license if it finds, after investigation and an opportunity for informal hearing, that a person, partner, associate, officer, **director, Limited Liability Company member, Limited Liability Company manager**, parent corporation or subsidiary corporation has been subject to a bond forfeiture under the act and environmental acts or has failed to comply with an adjudicated proceeding, cessation order, consent order and agreement or decree under the act and environmental acts. The Department will not renew a license for an operator who uses the provisions for payment in lieu of bond unless the operator submits his annual payment with the license renewal application. A person who opposes the Department's decision on issuance or renewal of a license has the burden of proof.

(f) *License renewal requirements.*

(1) A person licensed as a noncoal surface mining operator shall renew the license annually according to the schedule established by the Department.

(2) Notice of license renewal and filing of an application for license renewal shall conform to the following:

(i) **[The Department will notify the licensee in writing at least 60 days prior to the expiration of the current license to renew the license. The applicant shall be responsible for filing a license renewal application prior to the expiration of the current license] The application for renewal shall be made at least 60 days before the current license expires.**

(ii) If the Department does not intend to renew a license, the Department will notify the licensee, a minimum of 60 days prior to expiration of the license. This section does not prevent the Department from not renewing the license for violations occurring or continuing within this 60-day period if the Department provides an opportunity for an informal hearing.

Subchapter C. PERMITS AND PERMIT APPLICATIONS

GENERAL

§ 77.107. Verification of application.

Applications for permits shall be verified by a responsible official of the applicant with a statement that the information contained in the application is true to the best of the official's information and belief[, and attested by a notary public or district justice].

§ 77.108. Permit for small noncoal operations.

* * * * *

(f) The Department will publish its decision on a small noncoal permit application and a final bond release in the *Pennsylvania Bulletin*. Permit applications, **transfers** and bond releases under this section are exempt from the newspaper public notice requirements of section 10(a) of the act (52 P.S. § 3310(a)).

* * * * *

(m) An application for a small noncoal permit shall be reviewed, approved, or denied in accordance with § 77.126(a)(1)—(8) [**and**], (10) **and** (11) (relating to criteria for permit approval or denial).

§ 77.109. Noncoal exploration activities.

(a) A person who intends to conduct noncoal exploration outside an existing **noncoal surface mining** permit shall file with the Department a written notice of intention to explore for each exploration area at least 10 days prior to the start of exploration activities on forms provided by the Department. **Except for drilling operations as provided for in § 77.113 (relating to permit waiver—noncoal exploration drilling), no noncoal exploration activity shall occur except as authorized by either of the following:**

(1) A letter from the Department waiving the requirement for a permit.

(2) A permit issued in accordance with the act and this chapter.

(b) The notice shall include:

(1) The name, address and telephone number of the person seeking to explore.

(2) The name, address and telephone number of the representative who will be present at and responsible for conducting the exploration activities.

[(2)] (3) A map, at a scale of 1:24,000, of the exploration area showing the extent of the exploration area and approximate locations of drill holes, exploratory pits, trenches, and excavations.

[(3)] (4) A statement of the period of intended exploration.

[(4)] (5) The method of exploration and types of equipment to be used.

[(5)] (6) The purpose of testing.

[(6)] (7) The amount of mineral needed for testing [**(if exploration is by test pit, trench, or excavation) that is to be removed.**

(8) A description of the practices proposed to be followed to prevent adverse impacts to the environment as a result of the exploration activities.

(9) A blast plan if explosives are to be used.

(c) **[Exploration by drilling methods may proceed 10 days after the notice of intent to explore form is submitted to the Department unless notified otherwise by the Department to provide other information to assure compliance with the environmental acts (for example—the location of access roads) or if the area is located within the distance limitations of § 77.504 (relating to distance limitations and areas designated unsuitable for mining).**

(d)] The Department will, except as otherwise provided in § 77.124 (relating to public availability of information in permit applications), place the notices on public file and make them available for public inspection and copying during regular office hours at the established fee.

[(e) A person who intends to conduct noncoal exploration operations in which noncoal minerals will be removed shall, prior to conducting the exploration, obtain a permit under this chapter. Prior to removal of minerals, the Department may waive the requirement for the permit to enable the testing and analysis of noncoal properties.]

(d) To remove material from an exploration area, a person conducting noncoal exploration shall, prior to beginning exploration obtain a noncoal mining permit under this chapter or receive a waiver from the Department. A person who receives a waiver from the Department shall still comply with the performance requirements in subsections (f)–(k). The Department may waive the requirement for a noncoal mining permit if one of the following apply:

(1) The material removed from the site will be less than 20 tons.

(2) The person conducting noncoal exploration can, to the satisfaction of the Department, justify an amount greater than 20 tons, but which may not exceed 1,000 tons.

(e) In granting a waiver under subsection (d), the Department will consider:

(1) The method of exploration proposed.

(2) The potential for adversely affecting wetlands, streams or water supplies and the designated uses and quality of the receiving stream.

(f) A person who conducts noncoal exploration activities will observe the distance limitations under § 77.504 (relating to distance limitations and areas designated unsuitable for mining).

(g) Exploration activities shall be conducted to accomplish the following:

(1) To minimize environmental impacts on roadways and vegetation.

(2) To provide erosion controls for excavated areas, including access roads, in accordance with Chapter 102 (relating to erosion and sediment control).

(3) To avoid disturbance of wetland areas.

(h) The areas affected by the noncoal exploration shall be graded to approximate original contour [**when possible or restored to a slope not to exceed 35° unless approved by the Department § 77.594(2)(v) (relating to final slopes)**] within 30 days after completion of exploration, and will contain no depressions which will impound water. Drill holes shall be sealed under § 77.503 (relating to casing and sealing of drilled holes). The affected areas shall be revegetated within the first planting season after completion of exploration.

(i) Noncoal exploration activities shall be subject to the applicable inspection and enforcement provisions of the Department, and Subchapters E and F (relating to civil penalties for noncoal mining activities; and enforcement and inspection).

(j) Information will be made available to the public as follows.

(1) Except as provided in paragraph (2), information submitted to the Department under this section will be made available for public inspection and copying at the appropriate district mining office.

(2) Information which pertains only to the analysis of the chemical and physical properties of the mineral (except information regarding the mineral or elemental content that is potentially toxic to the environment) will be kept confidential and will not be made a matter of public record.

(k) Blasting in connection with noncoal exploration activity must comply with the requirements of Chapters 210 and 211 (relating to blaster's license; and storage, handling and use of explosives).

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

§ 77.113. Permit waiver—noncoal exploration drilling.

(a) Drilling that is done solely for the purpose of exploration where only the drilled material is removed from the site does not require a permit. Exploration by drilling methods may proceed 10 days after the notice of intent to explore is received by the Department except if the following applies:

(1) The applicant is notified by the Department to provide additional information to assure compliance with the environmental acts.

(2) The area is located within the distance limitations of § 77.504 (relating to distance limitations and areas designated unsuitable for mining).

(b) All drill holes must be sealed upon completion or finished as specified in the exploration plan. Drill holes may be used as monitoring wells or water wells provided that the wells are properly constructed and developed for their intended purposes.

REVIEW, PUBLIC PARTICIPATION, ITEMS AND CONDITIONS OF PERMIT APPLICATIONS

§ 77.121. Public notices of filing of permit applications.

(a) At the time of filing an application with the Department, an applicant for a permit, transfer, renewal or revision under § 77.142 (relating to public notice of permit revision) shall place an advertisement in a local newspaper of general circulation in the locality of the proposed noncoal mining activities once a week for 4 consecutive weeks. The advertisement shall contain the following information:

(1) The name and business address of the applicant.

(2) The [**township and county**] **local government** and county in which the operation is located. **If the operation spans multiple jurisdictions, then each local government and county shall be listed.**

* * * * *

(c) During the public notification period, the applicant shall notify each property owner within the proposed permit area, by [**registered**] **certified** mail, of the proposed permit except for surface landowners who have a completed Consent of Landowner form submitted with the application.

(d) [**Upon receipt of a complete application**] **Upon acceptance of an application for review**, the

Department will publish notice of the proposed activities in the *Pennsylvania Bulletin*.

(e) **[Upon receipt of a complete application] Upon acceptance of an application for review**, the Department will notify, **in writing**:

(1) **[By registered mail, the city, borough, incorporated town or township] Each local government** in which the activities are located.

(2) Federal, State and local government agencies with jurisdiction over or an interest in the area of the proposed activities.

(f) The content of the notice shall include:

(1) The application numbers.

(2) The name and business address of the applicant.

(3) **[The township] Each local government** and county in which the operation is located.

(4) The receiving streams.

(5) A brief description of the operation and the location.

(6) The location where a copy of the application may be inspected.

(7) Where comments on the application may be submitted.

§ 77.123. Public hearings—informal conferences.

(a) A person having an interest that is, or may be, adversely affected may request in writing that the Department hold a public hearing or an informal conference on an application for a permit. The request shall:

(1) Briefly summarize the issues to be raised by the requestor at the public hearing or informal conference.

(2) Be filed with the Department within 30 days after the last publication of the newspaper advertisement placed by the applicant under § 77.121(a) (relating to public notices of filing of permit applications) or within 30 days of receipt of notice by the public entities to whom notification is provided under § **[77.121(d)] 77.121(e)**.

(b) Except as provided in subsection (c), if a public hearing or an informal conference is requested under subsection (a), the Department will hold a public hearing or an informal conference within 60 days following **[the receipt of the request] the close of the public comment period provided under § 77.122(a) (relating to opportunity for submission of written comments or objections on the permit application)**. The public hearing or informal conference will be conducted as follows:

(1) The public hearing or informal conference shall be held in the locality of the proposed mining operation.

(2) The date, time and location of the public hearing or informal conference shall be advertised by the Department in a newspaper of general circulation in the locality of the proposed mine at least 2 weeks prior to the scheduled public hearing or informal conference.

(3) The public hearing or informal conference shall be conducted by a representative of the Department who may accept oral or written statements and other relevant information from a party to the public hearing or informal conference.

(c) If the parties requesting the public hearing or informal conference agree to withdraw their request, the public hearing or informal conference need not be held.

(d) Informal conferences held under § 77.504 (relating to distance limitations and areas designated as unsuitable for mining) may be used by the Department as the public hearing or informal conference required under proposed uses or relocation of public highways.

(e) **[The Department will give its findings of the public hearing or informal conference to the permit applicant and to each person who is a party to the public hearing or informal conference within 60 days of the public hearings or informal conference] After the public hearing or informal conference, the Department will prepare a summary report regarding the comments submitted. This document will be made available to the public prior to, or upon approval or denial of, the application.**

(f) Within 60 days of the public hearing or informal conference, the Department will notify the applicant of its decision to approve or disapprove or of its intent to disapprove subject to the submission of additional information.

§ 77.128. Permit terms.

(a) A permit will be issued for the duration of the mining and reclamation operation except for the NPDES permit, which shall be renewed every 5 years.

(b) A permit will terminate if the permittee has not begun the noncoal mining activities covered by the permit within **[3] 5** years of the issuance of the permit, **unless extended in accordance with this section**. The Department may grant reasonable extensions of time for commencement of these activities upon receipt of a written statement showing that the extensions of time are necessary if litigation precludes the commencement or threatens substantial economic loss to the permittee or if there are conditions beyond the control and without the fault or negligence of the permittee. Requests for extensions shall be submitted to the Department prior to expiration of the permit. If a permit has not been activated within **[3] 5** years, **[or the permittee has not been granted an extension,]** the permittee may apply for a permit renewal **that includes updated permit information as described in § 77.161 (relating to responsibilities)**.

(c) A permit renewal application shall be filed under § 77.143 (relating to permit renewals).

PERMIT REVIEWS, RENEWALS, REVISIONS AND TRANSFERS

§ 77.141. Permit revisions.

(a) A revision to a permit shall be obtained for a change to the noncoal mining activities, as defined by the Department, set forth in the application.

[(b) The permittee shall submit the application for permit revisions which require public notification to the Department at least 180 days before undertaking the change. In emergency situations, the Department may waive the 180-day requirement.

(c) **(b)** An application for revision shall be complete **as described in § 77.105 (relating to application contents)** and contain the following information:

(1) The permittee's name and address and permit number.

(2) A description of the proposed revisions, including appropriate maps, plans and application **modules** to

demonstrate that the proposed revision complies with the [acts] **act**, the environmental acts, and this chapter.

[(d)] (c) The Department will approve or disapprove the [complete] application for revision under § 77.127 (relating to final permit action).

[(e) Revisions to change permit boundaries for needed support facilities may be considered by the Department.

(f) **The addition of acreage for mineral extraction shall be considered as an application for a new permit, except if the Department deems the area to be an insignificant boundary correction.]**

(d) Except for an insignificant boundary correction, the addition of acreage for support activities is subject to review through the same procedures as an application for a new permit but will be a revision to the existing permit.

(e) Except for an insignificant boundary correction, the addition of acreage for mineral extraction is subject to review through the same procedure as an application for a new permit but will be a revision to an existing permit, with consideration to the following:

- (1) Effect on the hydrologic balance.**
- (2) Improvement to or logical extension of the existing overall operations and reclamation plan.**
- (3) Feasibility of issuing a new individual permit for the additional area.**

(f) Any permit revision for circumstances described under § 77.142 (relating to public notice of permit revision) is a major revision and is subject to the provisions of § 77.121 (relating to public notices of filing of permit applications). The Department may require that any major revision include an update of related permit information to reflect current conditions or requirements including bond liability.

(g) The Department may require a permit revision in response to the following:

- (1) Unanticipated substantial impacts that affect public health, safety or the environment have occurred or are expected to occur as a result of the mining activity.**
- (2) The permittee has deviated or must deviate from the approved operational information or reclamation plan.**

§ 77.142. Public notice of permit revision.

(a) A permit revision request is subject to the notice requirements of § 77.121 (relating to public notices of filing of permit applications) under the following circumstances:

- (1) For surface mining activities:
 - (i) Discharging to a different watershed or a change in water treatment facility design which would result in a change in effluent limits or additional discharge points.
 - (ii) The change of postmining land use.
 - (iii) A change in the type of reclamation (for example—approximate original contour, terrace, water impoundment, **the addition of reclamation fill** or other alternative reclamation).

(iv) A physical change in the mine configuration. Physical changes include, **but are not limited to**, stream diversion structures, new or expanded haul road connections to a public highway, **permit area additions**, elimination of public highways and increases in approved pit depth.

- (v) The addition of blasting to the operation.
- (vi) The addition of mineral processing to the mining activity.

(2) For underground mining activities:

- (i) Discharging to a different watershed or a change in water treatment facility design which would result in a change in effluent limits or additional discharge points.

(ii) A physical change in the mine configuration. Physical changes include, **but are not limited to**, stream diversion structures, new or expanded haul road connections to a public highway, **permit area additions**, elimination of public highways and new openings.

- (iii) A change to the postmining land use.
- (iv) The addition of mineral processing to the mining activity.

(b) Initiation of new mining or support area is subject to public notice if the plan includes a lateral or vertical change to the previously authorized permit area. Incremental mining within the permit area, as described in the permit application, is not subject to public notice.

(c) Deletion of area from within the permit boundary, with the exception of final bond release area, does not require public notice provided that the applicant can demonstrate that the area has not been affected by surface mining. Areas affected only by exploration by drilling may be deleted without public notice.

§ 77.143. Permit renewals.

(a) *NPDES permit renewals.* An application for renewal of an NPDES permit shall be filed with the Department at least 180 days before the expiration date of the NPDES permit in question. A renewal application shall be filed in the format required by the Department.

(b) *Mine permit renewals—general requirements.*

- (1) A valid, existing permit issued by the Department will carry with it the presumption of successive renewals upon expiration of the term of the permit. Successive renewals will be available only for areas which were specifically approved by the Department on the application for the existing permit.

(2) A permit renewal will not be available for extending the acreage of the operation beyond the boundaries of the permit area approved under the existing permit. Addition of acreage to the operation will be considered [**a new application**] **under § 77.141(d) and (e) (relating to permit revisions)**. A request for permit revision may accompany a request for renewal and shall be supported with the information required for application as described in this chapter.

* * * * *

(8) The Department will [**send copies of its decision to**] **notify** the applicant, persons who filed objections or comments to the renewal and [**to**] persons who were parties to an informal conference held on the permit renewal **of the Department's decision.**

§ 77.144. Transfer of permit.

(a) [A] **No** transfer, assignment or sale of the rights granted under a permit may [not] be made, except as provided in this section.

(b) Permits may be reissued in a new name, **without transfer**, if there is no change in legal entity, **including name changes that result from conversions of a corporate entity**.

(c) The Department may [allow a permittee to transfer] **approve the transfer of** a permit to another operator if the successor operator:

(1) Meets the requirements of § 77.126(a)(6)—(9) (relating to criteria for permit approval or denial).

(2) Assumes liability for reclamation, water pollution, planting and other responsibilities under the law, rules and regulations and the terms and conditions of the permit from the date of original issuance of the permit.

(3) Furnishes the Department with an appropriate bond in the amount specified by the Department under Subchapter D (relating to bonding and insurance requirements).

(4) Submits proof of publication as required by § 77.121 (relating to public notices of filing of permit applications) **with the exception of permits issued under § 77.108 (relating to permits for small noncoal operations)**.

(5) Submits additional information to enable the Department to determine that the applicant is able to operate the mine in a manner complying with the environmental acts.

Subchapter D. BONDING AND INSURANCE REQUIREMENTS

FORMS, TERMS AND CONDITIONS OF BONDS AND INSURANCE

§ 77.224. **Special terms and conditions for collateral bonds.**

* * * * *

(c) A collateral bond pledging certificates of deposit is subject to the following conditions:

(1) The Department will require that certificates of deposit be assigned to the Department, in writing, and that the assignment be recorded upon the books of the bank issuing the certificates.

(2) The Department will not accept an individual certificate of deposit for a denomination in excess of [\$100,000, or] the maximum insurable amount as determined by the [FDIC and FSLIC] **Federal Deposit Insurance Corporation (FDIC) and Federal Savings and Loan Insurance Corporation (FSLIC)**.

* * * * *

§ 77.231. **Terms and conditions for liability insurance.**

* * * * *

(b) The insurance shall **be written on an occurrence basis and** provide for personal injury and property damage protection in a total amount determined by the Department on a case by case basis, and adequate to compensate persons injured or property damaged as a result of the permittee's mining and reclamation operations and entitled to compensation under Pennsylvania law.

(c) If explosives are to be used by the permittee and loss, diminution in quantity or quality, contamination or interruption of public or private sources of water is

possible as determined by the Department, the liability insurance shall include and the certificate shall provide a rider covering personal injury and property damage from these occurrences. The applicant may provide bond under subsection (i) in lieu of insurance to cover water supply loss, diminution, contamination or interruption.

(d) The insurance shall include a rider requiring that the insurer notify the Department whenever substantive changes are made [in the policy, including termination] **affecting the adequacy of the policy, including cancellation** or failure to renew.

(e) Minimum insurance coverage for bodily injury shall be [\$300,000 per person and \$500,000 aggregate; and minimum insurance coverage for property damage shall be \$300,000 for each occurrence and \$500,000 aggregate] **\$500,000 per person and \$1 million aggregate. Minimum insurance coverage for property damage shall be \$500,000 for each occurrence and \$1 million aggregate.**

* * * * *

(h) The certificate holder shall be [solely] the Department.

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RELEASE OF BONDS

§ 77.242. **Procedures for seeking release of bond.**

* * * * *

(g) *Review by Department.* Department review and decision will be as follows:

(1) The Department will consider, during inspection, evaluation and public hearing or informal conference decisions:

(i) Whether the permittee has met the criteria for release of the bond under § 77.243.

(ii) Whether the permittee has satisfactorily completed the requirements of the reclamation plan, or relevant portions thereof, and complied with the requirements of the act, this chapter, and the conditions of the permit.

(iii) Whether pollution of surface and subsurface water is occurring or the continuance of present pollution, and the estimated cost of abating pollution.

(2) If a public hearing or informal conference has not been held under subsection [(e)] (f), the Department will notify the permittee in writing of its decision to release or not to release all or part of the bond.

(3) If there has been a public hearing or informal conference held, the notification of the decision shall be made to the permittee, and other interested parties, within 30 days after conclusion of the public hearing or informal conference.

(4) The notice of the decision will state the reasons for the decision, recommend corrective actions necessary to secure the release and notify the permittee and interested parties of the right to file an appeal to the decision with the EHB. An appeal shall be filed with the EHB under section 4 of the Environmental Hearing Board Act (35 P.S. § 7514) and Chapter 1021 (relating to practice and procedures).

Subchapter E. CIVIL PENALTIES FOR NONCOAL MINING ACTIVITIES

GENERAL PROVISIONS

§ 77.291. **Applicability.**

This subchapter is applicable to assessments of civil penalties under [the environmental acts and the act.]:

(a) Section 21 of the act (52 P.S. § 3321).

(b) Section 605(b) of The Clean Streams Law (35 P.S. § 691.605(b)).

§ 77.293. Penalties.

(a) *Cessation order.* The Department will assess a civil penalty of up to \$5,000 per day for each violation of the act or any rule, regulation, order of the Department or a condition of any permit issued under the act which leads to a cessation order. If a violation involves a failure to correct within the period prescribed for its correction, a violation for which a cessation order or other abatement order has been issued, a civil penalty of at least \$750 will be assessed for each day the violation continues beyond the period prescribed for its correction.

(b) *Civil penalty.*

(1) The Department may assess a civil penalty of up to \$1000 per day for each violation of the act or any rule, regulation, order of the Department or a condition of any permit issued under the act, unless the operator demonstrates with clear and convincing evidence that the violations:

- (i) Result in no environmental damage.
- (ii) Result in no injury to persons or property.
- (iii) Are corrected within the required time prescribed for its abatement.

(2) If the violation involves a failure to correct within the period prescribed for its correction, a violation for which a cessation order or other abatement order was not issued, a civil penalty of at least \$250 will be assessed for each day the violation continues beyond the period prescribed for its correction.

PROCEDURES

§ 77.301. Procedures for assessment of civil penalties.

(a) *Initial review.* When the Department determines that a civil penalty will be assessed, it will make an initial review of the violation and will serve a copy of the results of the initial review, including the civil penalty computations, on the party responsible for the violation. The service will be by [registered] certified mail within [30] 45 days of the Department's [knowledge of the violation] issuance of the notice of violation or order.

* * * * *

(d) *Service.* The Department will serve a copy of the civil penalty assessment on the person responsible for a violation as follows:

(1) Upon the failure of the assessed party to timely request an assessment conference on the results of the initial review.

(2) Upon the completion of an assessment conference, or upon review of timely submitted information for review by the Department, if the Department does not decide to vacate the penalty. The service will be [registered or] by certified mail, or by personal service. If the mail is tendered at the address of the assessed person set forth [in] on the sign required under § 77.502 (relating to signs and markers), or at an address at which that person is in fact located, and the person refuses to accept delivery of or to collect the mail, the requirements of this paragraph will be deemed to have been complied with upon that tender.

Subchapter G. INFORMATION ON ENVIRONMENTAL RESOURCES

§ 77.410. Maps, cross sections and related information.

(a) An application shall contain maps and plans of the proposed permit area and within 1,000 feet of the permit area, except as otherwise designated by the Department, showing the following:

* * * * *

(11) The [municipality or township] local government and county.

(12) The elevation and location of test borings and core samplings.

(13) The location and extent of existing or previously deep or [surfaced] surface mined areas.

* * * * *

Subchapter I. ENVIRONMENTAL PROTECTION PERFORMANCE STANDARDS

HYDROLOGIC BALANCE

§ 77.531. Dams, ponds, embankments and impoundments—design, construction and maintenance.

(a) Dams, ponds, embankments and impoundments shall be designed, constructed and maintained in accordance with the [Soil] Natural Resources Conservation Service Engineering Standard # 350 "Pond" and if applicable, Chapter 105 (relating to dam safety and waterway management).

(b) A facility under subsection (a) shall be designed and certified to the Department by a qualified registered professional engineer, if required by Chapter 105, or qualified registered land surveyor.

§ 77.532. Surface water and groundwater monitoring.

* * * * *

(c) In addition to the monitoring and reporting requirements established by the Department under Chapter [92] 92a (relating to National Pollutant Discharge Elimination System Permitting, Monitoring and Compliance), surface water shall be monitored to accurately measure and record the water quantity and quality of the discharges from the permit area and the effect of the discharge on the receiving waters when requested by the Department. The Department will approve the nature of data, frequency of collection, reporting requirements and the duration of the monitoring programs.

USE OF EXPLOSIVES

§ 77.562. Preblasting surveys.

(a) Preblasting surveys will not be required if blasting is designed and conducted below the levels of blasting vibration shown on Figure #1 at the nearest dwelling, school, church, commercial or institutional building neither owned nor leased by the operator. If [preblast] preblasting surveys are not conducted, the operator shall provide a seismograph record including both the particle velocity time-history (wave form) and the particle velocity and vibration frequency levels for each blast.

* * * * *

(b) If the operator intends to conduct blasting at vibration levels exceeding the levels of vibration in figure #1 at the nearest dwelling, school, church, commercial or institutional building neither owned nor leased by the operator, the operator shall offer [preblast] preblast-

ing surveys. At least 30 days before commencement of blasting or resumption of blasting in accordance with § 77.562(a)(3)(i) the operator shall notify, in writing, the residents or owners of dwellings or other structures located within 1,000 feet (304.8 meters) of the area where blasting will occur of their right to request a preblasting survey and how to request a preblasting survey. On the request to the Department or operator by a resident or owner of a dwelling or structure that is located within 1,000 feet (304.8 meters) of the area where blasting will occur, the operator shall promptly conduct a preblasting survey of the dwelling or structure. If a dwelling or structure is renovated or added to subsequent to a [preblast] **preblasting** survey, then, upon request by the resident or owner to the Department or operator, a survey of the additions and renovations shall be performed by the operator in accordance with this section. The operator shall provide the Department with a copy of the request.

* * * * *

§ 77.563. **Public notice of blasting schedule.**

(a) *Blasting schedule publication.*

(1) Copies of the schedule shall be distributed by mail to local governments and to public utilities within 1000 feet of the blasting area.

(2) The blasting schedule shall be revised, published, and distributed in accordance with this section. Advice on requesting a [preblast] **preblasting** survey need not be provided to parties advised in the original distribution under subsection (a)(1).

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§ 77.564. **Surface blasting requirements.**

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(f) Airblasts shall be controlled so that they do not exceed [**133 dBL**] **the airblast level specified in this subsection** at a dwelling, public building, school, church or commercial or institutional structure, unless the structure is owned by the person who conducts the surface mining activities and is not leased to another person. The lessee may sign a waiver relieving the operator from meeting the airblast limitations of this subsection.

(1) Maximum decibel level. The maximum allowable airblast level is 133 dBL.

[(1)] **(2) Exceptions.** The Department may specify [lower] **alternative** maximum allowable airblast levels than those in this subsection for use in the vicinity of a specific blasting operation, if necessary.

[(2)] **(3) Monitoring.** The operator shall conduct periodic monitoring to ensure compliance with the airblast standards. The Department may require an airblast measurement of a blast and may specify the location of the requirements.

* * * * *

(i) In blasting operations, except as otherwise authorized in this section, the maximum peak particle velocity may not exceed [**2.0 inches per second**] **the levels of blasting vibration shown in Figure 1 in § 77.562** at the location of a dwelling, public building, school, church or commercial or institutional building or other structure designated by the Department. The maximum peak particle velocity shall be the largest of three measurements. The Department may reduce the maximum peak particle velocity allowed, if it determines that a lower standard is required because of density of population or land use, age

or type of structure, geology or hydrology of the area, frequency of blasts or other factors.

(j) The maximum peak particle velocity limitation of subsection (i) does not apply at a structure owned by the permittee.

(k) When seismographs are not used to monitor peak particle velocity, the maximum weight of explosives to be detonated within any 8 millisecond [**or greater**] period may be determined by the formula [**W = (d/50)2**] **W=(d/90)²** where W equals the maximum weight of explosives, in pounds, that can be detonated in any 8 millisecond period [**or greater**], and **d** equals the distance, in feet, from the blast to the nearest dwelling, school, church, commercial or institutional building. The development of a modified scale-distance factor may be authorized by the Department on receipt of a written request by the operator, supported by seismographic records of blasting at the mine site. If the peak particle velocity will exceed .5 inch per second with the adjusted scale-distance, § 77.562(d) shall be complied with prior to blasting at the adjusted levels.

* * * * *

§ 77.565. **Records of blasting operations.**

A record of each blast shall be retained for at least 3 years and shall be available for inspection by the Department. Seismographic reports, if applicable, shall be made a part of that record. The record shall include the following data:

* * * * *

(10) The total weight, **in pounds**, of explosives used.

(11) The maximum weight, **in pounds**, of explosives detonated per **8 millisecond or less** delay intervals.

(12) The maximum number of holes detonated per **8 millisecond or less** delay intervals.

* * * * *

(16) The **total quantity and** type of delay detonator and delay periods used.

(17) The sketch [**of the delay pattern**] **showing the number of holes, burden, spacing, and pattern dimensions of the delay pattern and point of initiation.**

(18) The number of persons in the blasting crew.

(19) The [**seismographic**] **seismograph** and airblast records, when required, including the type of instrument, sensitivity and calibration signal of the gain setting and certification of annual calibration and the following:

(i) The [**seismographic**] **seismograph** or airblast level reading, or both, including exact location of the seismograph, its distance from the blast and the name of the property.

(ii) The name of the person taking the seismograph reading.

(iii) The name of person and firm analyzing the [**seismographic**] **seismograph** record.

(20) The reasons and conditions for an unscheduled blast.

(21) The total number of blasting caps used.

(22) The scaled distance.

(23) The location(s) of the seismograph(s), when required.

(24) The type of circuit, if electric detonation is used.

BACKFILLING AND GRADING

§ 77.593. Alternatives to contouring.

Alternative reclamation to approximate original contour may be authorized as follows:

(1) The applicant shall demonstrate that the proposed operation will be carried out over a substantial period of time and that the volume of mineral to be removed is large compared to the overburden to restore the area to approximate original contour. The applicant shall provide a description of the alternative and demonstrate that:

(i) The alternative to contouring [**is likely to**] can be achieved.

(ii) The alternative poses no actual or potential threat to public health or safety.

(iii) The alternative poses no actual or potential threat to water diminution, contamination, interruption or pollution.

(iv) The alternative is consistent with applicable land use policies, plans and programs.

(v) The alternative is consistent with Federal, State or local law.

(vi) The alternative is [**capable of supporting**] the highest or best use [**it can reasonably support**] that can reasonably be supported after mining and reclamation is completed.

(2) If the applicant does not meet the requirements of [**subsection (a)**] **paragraph (1)**, an alternative to contouring may be authorized if the applicant demonstrates that the operation will either restore the land affected to a condition capable of supporting the uses it was capable of supporting prior to mining or to a higher or better use. The applicant shall demonstrate that:

* * * * *

REVEGETATION

§ 77.618. Standards for successful revegetation.

(a) When the approved postmining land use is cropland:

(1) The standards for successful revegetation shall be based upon crop productivity or yield.

(2) The approved standard shall be the average yields per acre for the crop and soil type as specified in the Soil Surveys of the United States Department of Agriculture [**Soil**] **Natural Resources** Conservation Service.

(3) The productivity or yield of the mined area shall be equal to or greater than the approved standard for the last two consecutive growing seasons of the 5-year responsibility period established in § 77.615 (relating to species). Productivity or yield shall be considered equal if production or yield is at least 90% of the approved standard.

(b) When the approved postmining land use is other than cropland:

(1) The standards for successful revegetation shall be determined by ground cover.

(2) The approved standard shall be the percent ground cover of the vegetation which exists on the proposed area to be affected by surface mining activities. The Department will not approve less than a minimum of 70% ground cover of permanent plant species with not more than 1% of the area having less than 30% ground cover with no single or contiguous area having less than 30% ground cover exceeding 3000 square feet. When woody species are planted in mixture with herbaceous species, these standards shall be met and a minimum of 400 woody plants per acre shall be established unless alternate plans are approved or required by the Department. On slopes greater than 20 degrees, the minimum number of woody plants shall be 600 per acre.

(3) The percent of ground cover of the mined area shall meet the standards of paragraph (2) to qualify for Reclamation Stage I and Reclamation Stage II approval.

(4) For purposes of this subsection, the term “herbaceous species” means grasses, legumes and nonleguminous forbs. The term “woody plants” means woody shrubs, trees and vines.

CESSATION AND COMPLETION OF MINING

§ 77.654. [**Cleanup] **Clean up.****

Upon completion of mining, the operator shall remove and [**cleanup**] **clean up** temporary unused structures, facilities, equipment, machines, tools, parts or other materials, property, debris or junk that were used in or resulted from the surface mining activity.

§ 77.655. Closing of underground mine openings.

(a) *Mine openings.*

(1) Upon completion of mining, a mine opening, except those approved for water monitoring or otherwise managed in a manner approved by the Department, shall be closed:

(i) To prevent degradation of surface waters and groundwaters.

(ii) To assist in returning the groundwater as near to its premining level as possible.

(iii) To assist in returning the hydrologic balance as near to its premining condition as possible [**to prevent access to underground workings**].

(iv) To ensure the safety of people.

(v) To prevent access to underground workings.

(2) Prior to closing a mine opening, the plan for the closing shall be approved by the Department.

* * * * *

Subchapter J. GENERAL PERMITS

§ 77.807. Change of ownership.

For an activity requiring registration under this section, an amended registration shall be filed if there is a [**chance**] **change** of ownership of the entity conducting the surface mining activities.

[Pa.B. Doc. No. 21-422. Filed for public inspection March 19, 2021, 9:00 a.m.]

NOTICES

DEPARTMENT OF BANKING AND SECURITIES

Actions on Applications

The Department of Banking and Securities (Department), under the authority in the Banking Code of 1965 (7 P.S. §§ 101—2204), the Department of Banking and Securities Code (71 P.S. §§ 733-1—733-1203) and 17 Pa.C.S. (relating to Credit Union Code), has taken the following actions on applications received for the week ending March 9, 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

De Novo Branches

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
03-10-2021	Huntingdon Valley Bank Doylestown Bucks County	1300 Route 73, Suite 105 Mount Laurel Burlington County, NJ	Approved
03-10-2021	Embassy Bank for the Lehigh Valley Bethlehem Northampton County	2002 West Liberty Street Allentown Lehigh County	Approved

Branch Discontinuances

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
02-18-2021	PeoplesBank, A Codorus Valley Company York York County	1700 Normandie Drive York York County (Limited Service Facility)	Closed
02-18-2021	PeoplesBank, A Codorus Valley Company York York County	600 East Main Street Lititz Lancaster County (Limited Service Facility)	Closed

CREDIT UNIONS

Branch Applications

Branch Relocations

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
03-08-2021	Armco Credit Union Butler Butler County	<i>To:</i> 1031 Aster Way Mars Butler County <i>From:</i> 963 Route 228 Mars Butler County	Approved

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. 21-423. Filed for public inspection March 19, 2021, 9:00 a.m.]

DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

Conservation and Natural Resources Advisory Council WebEx Meeting

The Conservation and Natural Resources Advisory Council (Council) to the Department of Conservation and Natural Resources (Department) will hold a WebEx meeting on March 24, 2021, at 10 a.m. The WebEx meeting can be accessed through a link found on the Council's web site prior to the meeting at www.dcnr.pa.gov/cnrac.

Questions concerning this WebEx meeting or agenda items can be directed to Gretchen Leslie at (717) 772-9084. For public comment to be considered at the public meeting, follow instructions on the Council's web site.

Persons in need of accommodations as provided for in the Americans with Disabilities Act of 1990 should contact Aara Vinsh directly at (717) 787-9306 or through the Pennsylvania Hamilton Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

CINDY ADAMS DUNN,
Secretary

[Pa.B. Doc. No. 21-424. Filed for public inspection March 19, 2021, 9:00 a.m.]

DEPARTMENT OF EDUCATION

Application by Moravian College to Amend Articles of Incorporation

Notice of Opportunity for Hearing and Invitation to Protest

Under 24 Pa.C.S. § 6503(e) (relating to certification of institutions), the Department of Education (Department) will consider the application for approval of a Certificate of Authority for Moravian College to amend its Articles of Incorporation to change their name to Moravian Univer-

sity, include additional degree offerings, and update the names of the college's Board of Trustees.

In accordance with 24 Pa.C.S. § 6503(e), the Department will act upon the application without a hearing, unless within 30 days after the publication of this notice in the *Pennsylvania Bulletin* a written request for public hearing is filed with the Department, along with a notice of intervention, a petition to intervene or protest in accordance with 1 Pa. Code §§ 35.23 and 35.24 (relating to protests) or 1 Pa. Code §§ 35.27—35.32 (relating to intervention).

Petitions to intervene, protest and request for hearing shall be filed with the Division of Higher Education, Access and Equity, 333 Market Street, 12th Floor, Harrisburg, PA 17126-0333 on or before the due date prescribed by this notice. Persons wishing to review the application should phone (717) 783-6786 or write to the previously listed address to schedule a time for a review.

Persons with a disability, who wish to attend the hearing, if held, and require an auxiliary aid, service or other accommodation to participate, should contact the Division of Higher Education, Access and Equity at (717) 783-6786 to discuss accommodations.

NOE ORTEGA,
Acting Secretary

[Pa.B. Doc. No. 21-425. Filed for public inspection March 19, 2021, 9:00 a.m.]

DEPARTMENT OF EDUCATION

Application for University Status by Moravian College

Under the act of June 18, 2014 (P.L. 769, No. 67), the Department of Education (Department) is publishing the application by Moravian College for university status. The Department has reviewed and accepted the application.

NOE ORTEGA,
Acting Secretary

[Pa.B. Doc. No. 21-426. Filed for public inspection March 19, 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).

Section Category

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>
5516201	Industrial Waste Individual WQM Permit	Amendment	Hummel Station, LLC P.O. Box 518 Shamokin Dam, PA 17876-0518	Shamokin Dam Borough Snyder County	NCRO
0219800	Joint DEP/PFBC Pesticides Permit	Amendment	Berkshires Comm Service Assoc 6000 Middlefield Drive McDonald, PA 15057	South Fayette Township Allegheny County	SWRO
0219801	Joint DEP/PFBC Pesticides Permit	Amendment	Kathleen Hartford 151 Alter Road Natrona Heights, PA 15065-2809	Harrison Township Allegheny County	SWRO
0917811	Joint DEP/PFBC Pesticides Permit	Renewal	Solebury Township Bucks County 3092 Sugan Road Solebury, PA 18963	Solebury Township Bucks County	SERO
1516806	Joint DEP/PFBC Pesticides Permit	Amendment	Preserve at Inniscrone C/O Community Mgmt Svc Group 721 Dresher Road Suite 1000 Horsham, PA 19044	London Grove Township Chester County	SERO
1517815	Joint DEP/PFBC Pesticides Permit	Renewal	Applebrook Meadows HOA Inc. 18 Meadow View Lane Malvern, PA 19355	Willistown Township Chester County	SERO
1518802	Joint DEP/PFBC Pesticides Permit	Amendment	Kate Price 568a E Balitmore Pike Avondale, PA 19311	West Nottingham Township Chester County	SERO
2313809	Joint DEP/PFBC Pesticides Permit	Amendment	Alverno Valley Farms 215 West Church Road Suite 101 King of Prussia, PA 19406	Middletown Township Delaware County	SERO
2619800	Joint DEP/PFBC Pesticides Permit	Amendment	Deer Lake Improvement Association P.O. Box 112 Chalk Hill, PA 15421	Wharton Township Fayette County	SWRO
5617800	Joint DEP/PFBC Pesticides Permit	Amendment	Seven Springs Mountain Resort 777 Waterwheel Drive Seven Springs, PA 15622	Middlecreek Township Somerset County	SWRO
6319802	Joint DEP/PFBC Pesticides Permit	Amendment	Dustin Darnley & Carrie Torre 160 Eberle Road Hickory, PA 15340-1407	Mount Pleasant Township Washington County	SWRO
6514801	Joint DEP/PFBC Pesticides Permit	Renewal	George Greer 266 Country Club Road Rector, PA 15677-1605	Ligonier Township Westmoreland County	SWRO
PA0217034	Minor Industrial Waste Facility with ELG Individual NPDES Permit	Amendment, Minor	Cleveland Cliffs Monessen Coke LLC 345 Donner Avenue Monessen, PA 15062-1156	Monessen City Westmoreland County	SWRO
PA0022179	Minor Sewage Facility >= 0.05 MGD and < 1 MGD Individual NPDES Permit	Amendment, Minor	Mercersburg Sewer Authority Franklin County 113 S Main Street Mercersburg, PA 17237	Mercersburg Borough Franklin County	SCRO

<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>
PAG034876	PAG-03 NPDES General Permit for Industrial Stormwater	New	Cameron International Corp 5599 San Felipe Street Houston, TX 77056-2724	Hughesville Borough Lycoming County	NCRO
PAG036296	PAG-03 NPDES General Permit for Industrial Stormwater	New	Hanson Aggregates PA LLC 2200 Springfield Pike Connellsville, PA 15425-6412	Lower Burrell City Westmoreland County	SWRO
PAR200009	PAG-03 NPDES General Permit for Industrial Stormwater	Transfer	Metallurgical Products Co. 810 Lincoln Avenue West Chester, PA 19380	West Goshen Township Chester County	SERO
PAR204828	PAG-03 NPDES General Permit for Industrial Stormwater	Transfer	Victaulic Co. P.O. Box 31 Easton, PA 18044-0031	Lawrence Township Tioga County	NCRO
PAR216141	PAG-03 NPDES General Permit for Industrial Stormwater	Transfer	Stoelzle Glass USA Inc. 400 9th Street Monaca, PA 15061-1862	Monaca Borough Beaver County	SWRO
PAR804885	PAG-03 NPDES General Permit for Industrial Stormwater	New	Petro Products LLC P.O. Box 459 Nitro, WV 25143-0459	Montoursville Borough Lycoming County	NCRO
PAG043725	PAG-04 NPDES General Permit for Small Flow Treatment Facilities	Transfer	Lottie M Fortson & Fenise L Herr 2512 River Road Bainbridge, PA 17502-9487	Conoy Township Lancaster County	SCRO
PAG122212	PAG-12 NPDES General Permit for CAFOs	Renewal	Will O Bett Farm 137 Bomboy Lane Berwick, PA 18603-6509	Salem Township Luzerne County	SCRO
PAG122215	PAG-12 NPDES General Permit for CAFOs	Renewal	Haas Farms LLC 15 Haas Road Klingerstown, PA 17941-9733	Upper Mahantango Township Schuylkill County	SCRO
PAG122218	PAG-12 NPDES General Permit for CAFOs	Renewal	Dale Stoltzfus 160 Farm View Road Schuylkill Haven, PA 17972	Washington Township Schuylkill County	SCRO
PAG123556	PAG-12 NPDES General Permit for CAFOs	Renewal	Rick Martin 425 N Market Street Myerstown, PA 17067-3019	Heidelberg Township Lebanon County	SCRO
PAG123587	PAG-12 NPDES General Permit for CAFOs	Renewal	Ryan Rutt 524 N Garfield Road Bernville, PA 19506-9017	Penn Township Berks County	SCRO
PAG123600	PAG-12 NPDES General Permit for CAFOs	Renewal	David L Weaver 740 Marion Drive Womelsdorf, PA 19567-9497	Marion Township Berks County	SCRO
PAG123603	PAG-12 NPDES General Permit for CAFOs	Renewal	Arlin Wadel 301 McCulloch Road Shippensburg, PA 17257-9424	Southampton Township Cumberland County	SCRO
PAG123624	PAG-12 NPDES General Permit for CAFOs	Renewal	Joann L & Earl G Ebling 761 Airport Road Bethel, PA 19507-9696	Bethel Township Berks County	SCRO
PAG123626	PAG-12 NPDES General Permit for CAFOs	Renewal	James E Hershey 338 Sunny Burn Road Elizabethtown, PA 17022-9664	Mount Joy Township Lancaster County	SCRO
PAG123684	PAG-12 NPDES General Permit for CAFOs	Renewal	Chris R Hoffman 201 S Homestead Road McAlisterville, PA 17049	Derry Township Mifflin County	SCRO

NOTICES

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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>
PAG123723	PAG-12 NPDES General Permit for CAFOs	Renewal	Paul & Lawayne Ebersol 4970 Sunset Pike Chambersburg, PA 17201	Greene Township Franklin County	SCRO
PAG123774	PAG-12 NPDES General Permit for CAFOs	Renewal	Furnace Hill Holsteins 480 Schaeffer Road Lebanon, PA 17042-9741	South Lebanon Township Lebanon County	SCRO
PAG123777	PAG-12 NPDES General Permit for CAFOs	Renewal	Country View Family Farms, LLC 1301 Fulling Mill Road Suite 3000 Middletown, PA 17057-5990	Metal Township Franklin County	SCRO
PAG123793	PAG-12 NPDES General Permit for CAFOs	Renewal	Glp Capital LP 777 Hollywood Boulevard Grantville, PA 17028-9237	East Hanover Township Dauphin County	SCRO
PAG123811	PAG-12 NPDES General Permit for CAFOs	Renewal	Longacre Farm, LLC 419 W High Street Elizabethtown, PA 17022-2143	Fannett Township Franklin County	SCRO
PAG123824	PAG-12 NPDES General Permit for CAFOs	Renewal	Leonard Hoover 6188a Old US 22 Bernville, PA 19506-8457	Upper Tulpehocken Township Berks County	SCRO
PAG123849	PAG-12 NPDES General Permit for CAFOs	Renewal	Herbruck Poultry Ranch Inc. 6425 West Grand River Avenue Saranac, MI 48881-9669	Montgomery Township Franklin County	SCRO
PAG123863	PAG-12 NPDES General Permit for CAFOs	Renewal	Randy Reppert 119 Mill Road Hamburg, PA 19526	Tilden Township Berks County	SCRO
PAG123867	PAG-12 NPDES General Permit for CAFOs	Renewal	Brezine A David 7201 Sunset Road Newburg, PA 17240	Lurgan Township Franklin County	SCRO
PAG123869	PAG-12 NPDES General Permit for CAFOs	Renewal	Misty Glen Farms LP 230 Poplar Street Fleetwood, PA 19522	Swatara Township Lebanon County	SCRO
PAG123877	PAG-12 NPDES General Permit for CAFOs	Renewal	Sunset Family Farms LLC 221 Sunset Drive Fredericksburg, PA 17026	Bethel Township Lebanon County	SCRO
PAG123904	PAG-12 NPDES General Permit for CAFOs	Renewal	Eric Good 4840 Biesecker Road Thomasville, PA 17364-9625	Dover Township York County	SCRO
PAG123908	PAG-12 NPDES General Permit for CAFOs	Renewal	Leonard R Martin 221 Deep Run Road Myerstown, PA 17067-3311	Bethel Township Berks County	SCRO
PAG124871	PAG-12 NPDES General Permit for CAFOs	New	Denis W Beachel 368 Fairview Road Danville, PA 17821-9079	Limestone Township Montour County	SCRO
PAG128302	PAG-12 NPDES General Permit for CAFOs	Renewal	Presque Isle Downs Inc. 8199 Perry Highway Erie, PA 16509-6640	Summit Township Erie County	SCRO
PAG130090	PAG-13 NPDES General Permit for MS4s	Transfer	Stormwater Authority of City of Chester 31 East 5th Street Chester, PA 19013-4400	Chester City Delaware County	SERO
0720403	Sewage Treatment Facilities Individual WQM Permit	Transfer	Shane F Hardy 471 Moser Road Altoona, PA 16601-9492	Antis Township Blair County	SCRO
2802402	Sewage Treatment Facilities Individual WQM Permit	Transfer	Estate of Donald Hayes/ Lagena Hayes 7886 Lincoln Way W Saint Thomas, PA 17252-9559	Saint Thomas Township Franklin County	SCRO

<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>
3600401	Sewage Treatment Facilities Individual WQM Permit	Transfer	Lottie M & Fenise L Herr 2512 River Road Bainbridge, PA 17502-9487	Conoy Township Lancaster County	SCRO
5071402	Sewage Treatment Facilities Individual WQM Permit	Amendment	Marysville Borough Perry County 200 Overcrest Road Marysville, PA 17053-1159	Marysville Borough Perry County	SCRO
4608409	Sewer Extensions and Pump Stations Individual WQM Permit	Amendment	Upper Providence Township Montgomery County P.O. Box 297 101 Station Avenue Oaks, PA 19456-0297	Upper Providence Township Montgomery County	SERO
566S019	Sewer Extensions and Pump Stations Individual WQM Permit	Amendment	Carrolltown Borough Municipal Authority Cambria County P.O. Box 307 140 E Carroll Street Carrolltown, PA 15722-0307	East Carroll Township Cambria County	SWRO
6586418	Sewer Extensions and Pump Stations Individual WQM Permit	Amendment	Franklin Township Municipal Sanitary Authority Westmoreland County 3001 Meadowbrook Road Murrysville, PA 15668-1627	Murrysville Borough Westmoreland County	SWRO
PA0267309	Single Residence STP Individual NPDES Permit	Transfer	Shane F Hardy 471 Moser Road Altoona, PA 16601-9492	Antis Township Blair County	SCRO

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

PA0028282, Sewage, SIC Code 4952, **Eagles Mere Borough Authority**, P.O. Box 393, Eagles Mere, PA 17731-0393. Facility Names: The Outlet, Mackeys Run, and Forest Inn Wastewater Treatment Plants. These existing facilities are located in Eagles Mere Borough, **Sullivan County**.

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

The receiving streams, The Outlet (EV (existing use)), Unnamed Tributary to The Outlet (EV (existing use)), Unnamed Tributary to Mackeys Run (EV (existing use)), and Unnamed Tributary to Double Run (EV (existing use)), are located in State Water Plan watershed 10-B and 10-D and are classified for Exceptional Value Waters and High Quality Waters—Cold Water Fishes, aquatic life, water supply and recreation. The discharges are not expected to affect public water supplies.

The proposed effluent limits for Outfalls 001—006 are based on a design flow of 0.066 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>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	Report Inst Min	XXX	XXX	XXX
Total Residual Chlorine (TRC)	XXX	XXX	XXX	Report	XXX	0.02
Carbonaceous Biochemical Oxygen Demand (CBOD ₅)						
Nov 1 - Apr 30	13.8	22.0	XXX	25.0	40.0	50
May 1 - Oct 31	8.3	13.8	XXX	15.0	25.0	30
Biochemical Oxygen Demand (BOD ₅)	Report	Report Daily Max	XXX	Report	XXX	XXX
Raw Sewage Influent						
Total Suspended Solids	16.5	24.8	XXX	30.0	45.0	60
Raw Sewage Influent	Report	Report Daily Max	XXX	Report	XXX	XXX

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Weekly Average</i>		<i>Average Monthly</i>	<i>Weekly Average</i>	
Fecal Coliform (No./100 ml)						
Oct 1 - Apr 30	XXX	XXX	XXX	2,000	XXX	10,000
May 1 - Sep 30	XXX	XXX	XXX	Geo Mean 200	XXX	1,000
Ammonia-Nitrogen						
Nov 1 - Apr 30	5.0	7.4	XXX	9.0	13.5	18
May 1 - Oct 31	1.7	2.5	XXX	3.0	4.5	6

The proposed effluent limits for Outfall 007 are based on a design flow of 0.027 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>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
Total Residual Chlorine (TRC)	XXX	XXX	XXX	Report	XXX	0.02
Carbonaceous Biochemical Oxygen Demand (CBOD ₅)	5.5	8.8	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	6.5	10	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	Report	Report	XXX	Report	Report	XXX
May 1 - Oct 31	2.0	2.9	XXX	9.0	13.5	18

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.

PA0233927, Sewage, SIC Code 4952, **Lewis Township Northumberland County**, 1428 Rovendale Drive, Watsonstown, PA 17777-8459. Facility Name: Lewis Township SFTF. This existing facility is located in Lewis Township, **Northumberland 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), Unnamed Tributary to Warrior Run (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 0.002 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>Weekly Average</i>		<i>Average Monthly</i>	<i>Maximum</i>	
Flow (MGD)	Report	Report Daily Max	XXX	XXX	XXX	XXX
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	XXX	1,000
				Geo Mean		

Sludge use and disposal description and location(s): The facility's sludge is transferred to other WWTPs for further processing.

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.

Northwest Regional Office

PA0035521, Sewage, SIC Code 9621, **PA DOT Maintenance & Operations Bureau**, 400 North Street 6th Floor, Harrisburg, PA 17120. Facility Name: PA DOT Crawford County Maintenance Facility. This existing facility is located in Centerville Borough, **Crawford 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), Unnamed Tributary to Oil Creek (CWF), is located in State Water Plan watershed 16-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 .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>Annual Average</i>	<i>Maximum</i>	
Flow (GPD)	Report Avg Monthly	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	0.5	XXX	1.2
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.

PA0288918, Sewage, SIC Code 8800, **Dennis Schultz**, 131 3rd Street, McDonald, PA 15057. Facility Name: Dennis Schultz SRSTP. This proposed facility is located in Deerfield Township, **Warren County**.

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

The receiving stream(s), Allegheny River (WWF), is located in State Water Plan watershed 16-F 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

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

PAI133525, MS4, **South Middleton Township Cumberland County**, 520 Park Drive, Boiling Springs, PA 17007.

The application is for a new individual NPDES permit for the discharge of stormwater from a regulated municipal separate storm sewer system (MS4) to waters of the Commonwealth in South Middleton Township, **Cumberland County**. The receiving stream(s), Alexanders Spring Creek (CWF, MF), Letort Spring Run (HQ-CWF (existing use)), Yellow Breeches Creek (HQ-CWF, MF), and Hogestown Run (CWF, MF), is located in State Water Plan watershed 7-E and 7-B and is classified for Cold Water Fishes, Migratory Fishes, Exceptional Value Waters, High Quality—Cold Water, and Migratory Fish, aquatic life, water supply and recreation. The applicant is classified as a small MS4.

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

- A Pollutant Reduction Plan (PRP)

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 for small MS4s and is not in effect for large MS4s.

PA0027014, Sewage, SIC Code 4952, **Altoona Water Authority**, 900 Chestnut Avenue, Altoona, PA 16601-4617. Facility Name: Altoona East STP. This existing facility is located in Altoona City, **Blair County**.

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

The receiving stream(s), Little Juniata River (TSF) is located in State Water Plan watershed 11-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 9 MGD.—Limits.

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		Instant. Maximum
	Average Monthly	Daily Maximum		Average Monthly	Daily Maximum	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	9.0 Max	XXX
Dissolved Oxygen	XXX	XXX	5.0	XXX	XXX	XXX
Carbonaceous Biochemical Oxygen Demand (CBOD ₅)						
Nov 1 - Apr 30	1,501	2,252	XXX	20	30	40
May 1 - Oct 31	1,126	Wkly Avg 1,651	XXX	15	Wkly Avg 22	30
Biochemical Oxygen Demand (BOD ₅)	Report	Report	XXX	Report	XXX	XXX
Raw Sewage Influent						
Total Suspended Solids	2,252	3,378	XXX	30	45	60
Raw Sewage Influent	Report	Report	XXX	Report	XXX	XXX
Fecal Coliform (CFU/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
Nitrate-Nitrite as N (Total Load, lbs)	XXX Report	XXX XXX	XXX XXX	Report XXX	XXX XXX	XXX XXX
Total Nitrogen (Total Load, lbs)	XXX Report	XXX XXX	XXX XXX	Report XXX	XXX XXX	XXX XXX
Effluent Net (Total Load, lbs)	Total Mo Report	XXX XXX	XXX XXX	XXX XXX	XXX XXX	XXX XXX
Ammonia-Nitrogen						
Nov 1 - Apr 30	262	XXX	XXX	3.5	XXX	7
May 1 - Oct 31	112	XXX	XXX	1.5	XXX	3
(Total Load, lbs)	Report	XXX	XXX	XXX	XXX	XXX
Total Kjeldahl Nitrogen	Total Mo XXX	XXX	XXX	Report	XXX	XXX
Total Kjeldahl Nitrogen (Total Load, lbs)	Report Total Mo	XXX	XXX	XXX	XXX	XXX
Total Phosphorus	150	XXX	XXX	2.0	XXX	4
(Total Load, lbs)	Report	XXX	XXX	XXX	XXX	XXX
Effluent Net (Total Load, lbs)	Total Mo Report	XXX	XXX	XXX	XXX	XXX
Copper, Total	Total Mo 1.29	XXX	XXX	0.016	XXX	0.04
Cyanide, Free	Report	Report	XXX	Report	Report	XXX
Iron, Dissolved	Report	Report	XXX	Report	Report	XXX
Lead, Total	Report	Report	XXX	Report	Report	XXX
Manganese, Total	Report	Report	XXX	Report	Report	XXX
Mercury, Total (ug/L)	Report	Report	XXX	Report	Report	XXX
Silver, Total	Report	Report	XXX	Report	Report	XXX
Zinc, Total	9.91	XXX	XXX	0.132	XXX	0.335
Carbon Tetrachloride (ug/L)	Report	Report	XXX	Report	Report	XXX
Bis(2-Ethylhexyl) Phthalate (ug/L)	Report	Report	XXX	Report	Report	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)	XXX	Report Total Annual	XXX	XXX	XXX	XXX
(Total Load, lbs) Effluent Net	XXX	146,117 Total Annual	XXX	XXX	XXX	XXX
Ammonia-Nitrogen (Total Load, lbs)	XXX	Report Total Annual	XXX	XXX	XXX	XXX
Total Phosphorus (Total Load, lbs)	XXX	19,482 Total Annual	XXX	XXX	XXX	XXX
(Total Load, lbs) Effluent Net	XXX	Report Total Annual	XXX	XXX	XXX	XXX

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

- Stormwater Prohibition, Approval Contingencies, Solids Management, Restriction on receipt of hauled in waste under certain conditions, WET testing requirements, Stormwater conditions, Combined sewer overflow condition, Site specific data collection for toxics condition and Pretreatment program implementation.

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.

PA0087998, Sewage, SIC Code 6514, **Urban Acres MHP**, 35 Ridge Drive, Fleetwood, PA 19522-9638. Facility Name: Urban Acres MHP. This existing facility is located in Alsace 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), Bernhart Creek (WWF), is located in State Water Plan watershed 3-C and is classified for Warm Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of .015 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Average Monthly</i>	<i>Maximum</i>	
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)	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
Ammonia-Nitrogen						
Nov 1 - Apr 30	XXX	XXX	XXX	20	XXX	40
May 1 - Oct 31	XXX	XXX	XXX	9.5	XXX	19

The proposed effluent limits for Outfall 001 are based on a design flow of .015 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Average Monthly</i>	<i>Maximum</i>	
Total Dissolved Solids	XXX	XXX	XXX	Report Avg Qrtly	XXX	XXX

The proposed effluent limits for Outfall 001 are based on a design flow of .015 MGD.—Limits.

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		IMAX
	Average Monthly	Average Weekly		Average Monthly	Maximum	
Lead, Total	XXX	XXX	XXX	Report Semi Avg	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

PA0026328, Sewage, SIC Code 4952, **Hopewell Township**, 1700 Clark Boulevard, Aliquippa, PA 15001-4205. Facility Name: Raccoon Creek STP. This existing facility is located in Hopewell Township, **Beaver County**.

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

The receiving stream(s), Raccoon Creek (WWF), is located in State Water Plan watershed 20-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 011 are based on a design flow of 2.5 MGD.—Limits.

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		IMAX
	Average Monthly	Weekly Average		Average Monthly	Weekly Average	
Total Nitrogen	XXX	Report Daily Max	XXX	XXX	Report Daily Max	XXX
Total Phosphorus	XXX	Report Daily Max	XXX	XXX	Report Daily Max	XXX

The proposed effluent limits for Outfall 011 are based on a design flow of 2.5 MGD.—Limits.

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		IMAX
	Average Monthly	Weekly Average		Average Monthly	Weekly Average	
Flow (MGD)	Report	Report Daily Max	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0 Inst Min	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	5.0 Inst Min	XXX	XXX	XXX
Total Residual Chlorine (TRC)	XXX	XXX	XXX	0.311	XXX	0.5
Carbonaceous Biochemical Oxygen Demand (CBOD ₅)						
Nov 1 - Apr 30	521	792	XXX	25.0	38.0	50
May 1 - Oct 31	313	469	XXX	15.0	22.5	30
Biochemical Oxygen Demand (BOD ₅)	Report	Report	XXX	Report	Report	XXX
Raw Sewage Influent						
Total Suspended Solids	Report	Report	XXX	Report	Report	XXX
Raw Sewage Influent						
Total Suspended Solids	626	938	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
Ammonia-Nitrogen						
Nov 1 - Apr 30	250	375	XXX	12.0	18.0	24
May 1 - Oct 31	84	125	XXX	4.0	6.0	8
Copper, Total	Report	Report Daily Max	XXX	Report	Report Daily Max	XXX
Cyanide, Free	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.

PA0091791, Sewage, SIC Code 4952, **DRBITTNER, LLC**, 339 Breakiron Road, Connellsville, PA 15425. Facility Name: Countryside Estates MHP STP. This existing facility is located in Bullsken Township, **Fayette 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), Breakneck Run (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 0.026 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>Average Monthly</i>	<i>Maximum</i>	
Flow (MGD)	0.026	XXX	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	9.0	XXX
Dissolved Oxygen	XXX	XXX	4.0	XXX	XXX	XXX
Total Residual Chlorine (TRC)	XXX	XXX	XXX	0.3	XXX	0.98
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)						
Oct 1 - Apr 30	XXX	XXX	XXX	2,000	XXX	10,000
May 1 - Sep 30	XXX	XXX	XXX	200	XXX	1,000
				Geo Mean		
Ammonia-Nitrogen						
Nov 1 - Apr 30	XXX	XXX	XXX	19.47	XXX	38.94
May 1 - Oct 31	XXX	XXX	XXX	6.49	XXX	12.98
Total Nitrogen	XXX	XXX	XXX	XXX	Report	XXX
Total Phosphorus	XXX	XXX	XXX	XXX	Daily Max	XXX
					Report	
					Daily Max	

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.

PA0094676, Sewage, SIC Code 8069, **Twin Lakes Center Inc.**, P.O. Box 909, Somerset, PA 15501. Facility Name: Twin Lakes Center. This existing facility is located in Somerset 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(s), East Branch Coxes Creek, is located in State Water Plan watershed 19-F 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 .0059 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Average Monthly</i>	<i>Maximum</i>	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	9.0	XXX
Dissolved Oxygen	XXX	XXX	4.0	XXX	XXX	XXX
Total Residual Chlorine (TRC)	XXX	XXX	XXX	0.5	XXX	1.6
Carbonaceous Biochemical Oxygen Demand (CBOD ₅)	XXX	XXX	XXX	25.0	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
May 1 - Sep 30	XXX	XXX	XXX	200	XXX	100
				Geo Mean		
Ammonia-Nitrogen						
Nov 1 - Apr 30	XXX	XXX	XXX	18.0	XXX	36
May 1 - Oct 31	XXX	XXX	XXX	6.0	XXX	12
Total Nitrogen	XXX	XXX	XXX	XXX	Report	XXX
Total Phosphorus	XXX	XXX	XXX	XXX	Daily Max	XXX
					Report	
					Daily Max	

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.

PA0097268, Sewage, SIC Code 4952, **Henry Clay Villa LP**, 5253 National Pike, Markleysburg, PA 15459-1025. Facility Name: Henry Clay Villa. This existing facility is located in Henry Clay Township, **Fayette 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 (WWF), is located in State Water Plan watershed 19-E and is classified for Warm Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of .004 MGD.—Limits.

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		IMAX
	Average Monthly	Average Weekly		Average Monthly	Maximum	
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 .004 MGD.—Limits.

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		IMAX
	Average Monthly	Average Weekly		Average Monthly	Maximum	
Flow (MGD)	0.00925	XXX	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	9.0	XXX
Dissolved Oxygen	XXX	XXX	5.0	XXX	XXX	XXX
Total Residual Chlorine (TRC)	XXX	XXX	XXX	0.08	XXX	0.20
Carbonaceous Biochemical Oxygen Demand (CBOD ₅)	XXX	XXX	XXX	10	XXX	20
Total Suspended Solids	XXX	XXX	XXX	30	XXX	60
Fecal Coliform (CFU/100 ml)						
Oct 1 - Apr 30	XXX	XXX	XXX	2,000 Geo Mean	XXX	10,000
May 1 - Sep 30	XXX	XXX	XXX	200 Geo Mean	XXX	1,000
Ammonia-Nitrogen						
Nov 1 - Apr 30	XXX	XXX	XXX	7.5	XXX	15.0
May 1 - Oct 31	XXX	XXX	XXX	2.5	XXX	5.0

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.

Northeast Regional Office

PA0276383, Stormwater, SIC Code 3479, **Electrochemical E&M Company, Inc.**, 750 Broad Street, Emmaus, PA 18049-3605. Facility Name: Electrochemical E&M Company. This proposed facility is located in Emmaus Borough, **Lehigh 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), Unnamed Tributary to Leibert Creek (HQ-CWF, MF), is located in State Water Plan watershed 2-C and is classified for High Quality—Cold Water and Migratory Fish, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0 MGD (stormwater).

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
Total Suspended Solids	XXX	XXX	XXX	XXX	XXX	100.0
Nitrate-Nitrite as N	XXX	XXX	XXX	XXX	Report	XXX
Aluminum, Total	XXX	XXX	XXX	XXX	Report	XXX
Iron, Total	XXX	XXX	XXX	XXX	Report	XXX
Zinc, Total	XXX	XXX	XXX	XXX	Report	XXX

The proposed effluent limits for Outfall 101 (IMP 101) are based on a design flow of 0 MGD (stormwater).

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
pH (S.U.)	XXX	XXX	XXX	XXX	Report	XXX
Total Suspended Solids	XXX	XXX	XXX	XXX	XXX	100.0
Nitrate-Nitrite as N	XXX	XXX	XXX	XXX	Report	XXX
Aluminum, Total	XXX	XXX	XXX	XXX	Report	XXX
Iron, Total	XXX	XXX	XXX	XXX	Report	XXX
Zinc, Total	XXX	XXX	XXX	XXX	Report	XXX

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

- Stormwater Outfalls and Authorized Non-Stormwater Discharges
- Best Management Practices (BMPs)
- Routine Inspections
- Preparedness, Prevention and Contingency (PPC) Plan
- Stormwater Monitoring Requirements

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.

Southeast Regional Office

PA0053635, Storm Water, SIC Code 4226, **Buckeye Terminals, LLC**, 5002 Buckeye Road, P.O. Box 368, Emmaus, PA 18049-0368. Facility Name: Buckeye Pipe Line Malvern Terminal. This existing facility is located in East Whiteland Township, **Chester County**.

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

The receiving stream, Little Valley Creek (EV), is located in State Water Plan watershed 3-F and is classified for Exceptional Value Waters, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 002 are based on an average stormwater flow—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Average Monthly</i>	<i>Maximum</i>	
Flow (MGD)	Report	XXX	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Total Suspended Solids	XXX	XXX	Inst Min XXX	Report	XXX	XXX
Oil and Grease	XXX	XXX	XXX	15	XXX	30
Total Recoverable Petroleum Hydrocarbons	XXX	XXX	XXX	15	XXX	30

The proposed effluent limits for Outfall 003 are based on an average stormwater flow—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Average Monthly</i>	<i>Maximum</i>	
Flow (MGD)	Report	XXX	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Total Suspended Solids	XXX	XXX	Inst Min XXX	Report	XXX	XXX
Oil and Grease	XXX	XXX	XXX	15	XXX	30
Total Recoverable Petroleum Hydrocarbons	XXX	XXX	XXX	15	XXX	30

The proposed effluent limits for Outfall 004 are based on an average stormwater flow—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Average Monthly</i>	<i>Maximum</i>	
Flow (MGD)	Report	XXX	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Total Suspended Solids	XXX	XXX	Inst Min XXX	Report	XXX	XXX

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Average Monthly</i>	<i>Maximum</i>	
Oil and Grease	XXX	XXX	XXX	15	XXX	30
Total Recoverable Petroleum Hydrocarbons	XXX	XXX	XXX	15	XXX	30

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

- A. Stormwater Outfalls
- B. Best Management Practices
- C. Routine Inspections
- D. PPC Plan
- E. Stormwater Monitoring
- F. Acquire Necessary Property Rights
- G. Proper Sludge Disposal

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 484-250-5910.

The EPA Waiver is in effect.

III. Individual NPDES Permit Applications for Discharges of Stormwater Associated with Construction Activity.

<i>Application Number</i>	<i>Application Type</i>	<i>Applicant Name & Address</i>	<i>Municipality, County</i>	<i>Office</i>
PAD150186	New	JEP, LLC 556 Hopwell Road Collegeville, PA 19426	Wallace Township Chester County	SERO
PAD090071	New	NP Falls Township Industrial, LLC 4805 Montgomery Road Suite 310 Cincinnati, OH 45212	Falls Township Bucks County	SERO
PAD480148	Renewal	Thomas R. Stoudt Lehigh Northampton Airport Authority 3311 Airport Road Allentown, PA 18109	Forks Township Northampton County	NERO
PAD390196	New	Diakon Lutheran Social Ministries 960 Century Drive Mechanicsburg, PA 17055	South Whitehall Township Lehigh County	NERO
PAD480140	New	Grace Church Bethlehem 521 East Locust St. Bethlehem, PA 18018	Bethlehem Township Northampton County	NERO
PAD480139	New	Carson NW Quad, LLC 201 King of Prussia Road Suite 650 Radnor, PA 19087-5156	Palmer Township Northampton County	NERO
PAD280003 A-1	Amendment	Greens of Greencastle, LLC 5703 Industry Lane Frederick, MD 21740-7263	Antrim Township Franklin County	SCRO
PAD500012	New	Logan Bower 2675 Conococheague Road Blain, PA 17006	Jackson Township Perry County	SCRO
PAD060049	New	Alcon Research, LLC 700 Old Fritztown Road Sinking Spring, PA 19608	Spring Township Berks County	SCRO
PAD600007	New	Allen Weaver Lohr Road Mifflinburg, PA 17844	West Buffalo Township Buffalo Township Union County	NCRO

<i>Application Number</i>	<i>Application Type</i>	<i>Applicant Name & Address</i>	<i>Municipality, County</i>	<i>Office</i>
PAD020038	New	Sewickley, LLC 3330 Stokie Valley Road Highland Park, IL 60035	Sewickley Hills Borough Ohio Township Allegheny County	Allegheny County Conservation District 33 Terminal Way Suite 325B Pittsburgh, PA 15219 412-291-8010
PAD560006	New	Borough of Somerset 347 West Main Street Somerset, PA 15501	Jefferson Township Somerset County	Somerset County Conservation District Somerset County Ag Center 6024 Glades Pike Suite 103 Somerset, PA 15501 814-445-4652
PAD560007	New	Joel and Delmar Diller 382 Kaufman Road Boswell, PA 15531	Jenner Township Somerset County	Somerset County Conservation District Somerset County Ag Center 6024 Glades Pike Suite 103 Somerset, PA 15501 814-445-4652
PAD630058	New	Mon River Industrial Group, LLC 1 Wheeling Pittsburgh Drive P.O. Box 249 Allenport, PA 15412-0249	Allenport Borough Washington County	Washington County Conservation District 50 Old Hickory Ridge Road Suite 1 Washington, PA 15301 724-705-7098

STATE CONSERVATION COMMISSION

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

This notice provides information about agricultural operations that have submitted nutrient management plans (NMPs) for approval under 3 Pa.C.S. Chapter 5 and that have or anticipate submitting applications for new, amended or renewed (National Pollutant Discharge Elimination System) NPDES permits, or Notices of Intent (NOIs) for coverage under a general permit, for CAFOs, under 25 Pa. Code Chapter 92a. This notice is provided in accordance with 25 Pa. Code Chapter 92a and 40 CFR Part 122, implementing The Clean Streams Law and the Federal Clean Water Act.

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

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

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

ACT 38 NUTRIENT MANAGEMENT PLANS

CAFO PUBLIC NOTICE SPREADSHEET—APPLICATIONS

<i>Agricultural Operation Name and Address</i>	<i>County</i>	<i>Total Acres</i>	<i>Animal Equivalent Units</i>	<i>Animal Type</i>	<i>Special Protection Waters (HQ or EV or NA)</i>	<i>Renewal / New</i>
Robert & Michael Shearer 806 Anderson Ferry Road Mount Joy, PA 17552	Lancaster	251.9	746.95	Swine/ Beef	NA	Renewal

PUBLIC WATER SUPPLY PERMITS

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

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

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

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

Persons with a disability that require an auxiliary aid, service or other accommodations to participate during the 30-day public comment period should contact the office listed before the application. TDD users may contact the Department through the Pennsylvania 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).

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

Permit No. 4620535, Public Water Supply.

Applicant **Aqua Pennsylvania, Inc.**
765 West Lancaster Avenue
Bryn Mawr, PA 19010

Township Upper Merion

County **Montgomery County**

Responsible Official Todd Duerr

Type of Facility PWS

Consulting Engineer Mott MacDonald
325 Chestnut Street
Philadelphia, PA 19106-3402

Application Received Date November 23, 2020

Description of Action The project involves the addition of a liquid brine storage tank.

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

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

Application No. 5821501, Public Water Supply.

Applicant **Pennsylvania American Water Company**
852 Wesley Dr.
Mechanicsburg, PA 17055

[Township or Borough] **Bridgewater Township Susquehanna County**

Responsible Official Bruce Aiton
VP Engineering
Pennsylvania American Water Company
852 Wesley Dr.
Mechanicsburg, PA 17055

Type of Facility PWS

Consulting Engineer Maureen V. Coleman, P.E.
Pennsylvania American Water Company
2699 Stafford Avenue
Scranton, PA 18505

Application Received Date January 21, 2021

Description of Action Application proposes the removal of fluoride treatment facilities at the Montrose WTP.

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

Permit No. 4410175, Major, Public Water Supply.

Applicant **Borough of Montoursville**
617 North Loyalsock Avenue
Montoursville, PA 17754

Township or Borough Borough of Montoursville

County **Lycoming County**

Responsible Official Cliff Hoffman

Type of Facility Public Water Supply

Consulting Engineer Thomas M. Levine
Levine Engineering, LLC
1108 13th Avenue
P.O. Box 429
Altoona, PA 16603-0429

Application Received Date March 3, 2021

Description of Action Mechanical & electrical improvements to the water supply, treatment & distribution system. The work can be further defined as the improvement, upgrade & duplication of the raw water disinfection, corrosion control, flow measurement & distribution system monitoring to support a supervisory control data acquisition (SCADA) system to be installed under a future contract.

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:

Northeast Region: Environmental Cleanup & Brownfields Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915, 570-826-2511.

Contact: Eric Supey, Environmental Program Manager.

Central Transport, 6995 Chrisphalt Drive, Bath, PA 18014, East Allen Township, **Northampton County**. Moonstone Environmental, 1150 Glenlivet Drive, Suite A-23, Allentown, PA 18106, on behalf of Crown Enterprises LLC, P.O. Box 869, Warren, MI 48090, submitted a Notice of Intent to Remediate. Soil was contaminated by runoff of petroleum compounds from the facility's parking lot areas. Future use of the site will be non-residential. The Notice of Intent to Remediate was published in the *Morning Call* on February 13, 2021.

Southcentral Region: Environmental Cleanup and Brownfields Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110.

Alfa Laval Lykens, 300 Chestnut Street, Lykens, PA 17048, Lykens Borough, **Dauphin County**. Groundwater Sciences Corp., 2601 Market Place Street, Harrisburg, PA 17110, on behalf of Alfa Laval, Inc., 5400 International Trade Drive, Richmond, VA 23231, submitted a Notice of Intent to Remediate site soil and groundwater contaminated with No. 2 fuel oil. The site will be remediated to the site-specific standard. Future use of the site is unknown. The Notice of Intent to Remediate was published in the *Upper Dauphin Sentinel* on February 2, 2021.

Phillips & Phillips, Attorneys at Law, 101 West Middle Street, Gettysburg, PA 17325, Gettysburg Borough, **Adams County**. United Environmental Services, Inc., 1143 Long Run Road, Schuylkill Haven, PA 17972, on behalf of Philips & Phillips, Attorneys at Law, 101 West Middle Street, Gettysburg, PA 17325, submitted a Notice of Intent to Remediate site soil contaminated with No. 2 fuel oil. The site will be remediated to the Residential Statewide health standard. The Notice of Intent to Remediate was published in the *Gettysburg Times* on February 24, 2021.

Rutters Bear Road Farm, Bear Road and Willow Springs Lane, York, PA 17404, Manchester Township, **York County**. United Environmental Services, Inc., 1143 Long Run Road, Schuylkill Haven, PA 17972, on behalf of Rutter Children LP, CHR Corp., 2295 North Susquehanna Trail, Suite C, York, PA 17404, submitted a Notice of Intent to Remediate site soil contaminated with diesel fuel. The site will be remediated to the Residential Statewide health standard. The Notice of Intent to Remediate was published in the *York Daily Record* on March 1, 2021.

RESIDUAL WASTE GENERAL PERMITS

Application(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 Residual Waste Regulations for a General Permit to Operate Residual Waste Processing Facilities and the Beneficial Use of Residual Waste other than Coal Ash.

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

WMGR126NE002. Independent Refining Company, LLC, 99 Stevens Lane, Exeter, PA 18643. A permit renewal application for continued coverage under General Permit WMGR126 for the processing of silver bearing

films and sludges prior to further silver reclamation and plastic recycling at the Independent Refining Company facility located in Exeter Borough, **Luzerne County**. The application was received by the Department on January 5, 2021 and deemed administratively complete by the Regional Office on March 5, 2021.

Comments concerning the application should be directed to Roger Bellas, Environmental Program Manager, Northeast Regional Office, 2 Public Square, Wilkes-Barre, PA 18701-1915 at 570-826-2511. TDD users may contact the Department through the Pennsylvania 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.

GENERAL PERMIT COVERAGE FOR RESIDUAL WASTE GENERAL PERMITS

Application(s) for Renewals and New or Modified Determinations of Applicability Received Under the Solid Waste Management Act (35 P.S. §§ 6018.101–6018.1003); and Residual Waste Regulations for Authorization under a General Permit to Operate Residual Waste Processing Facilities and/or the Beneficial Use of Residual Waste Other Than Coal Ash.

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

Northcentral Region: Regional Solid Waste Manager, 208 West Third Street, Williamsport, PA 17701.

Southwest Region: Regional Solid Waste Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.

Northwest Region: Regional Solid Waste Manager, 230 Chestnut Street, Meadville, PA 16335-3481.

General Permit Application No. WMGR123. This *Pennsylvania Bulletin* notice pertains to renewal applications received for continued coverage under General Permit No. WMGR123 (WMGR123) and applications received for new or modified coverage under WMGR123. This general permit authorizes the processing, transfer and beneficial use of oil and gas liquid waste to develop or hydraulically fracture an oil or gas well. The information for each application for continued, or new or modified coverage under WMGR123 is as follows:

Renewal Applications

WMGR123NW001—Covanta Environmental Solutions, LLC, 61 River Park Drive, New Castle, PA 16101, New Castle, **Lawrence County**. This application was received by the Northwest Regional Office on May 28, 2020.

WMGR123NW005—Highland Filed Services, LLC's CARES Facility, 2458 Campbelltown Road, Kane, PA 16735, Sergeant Township, **McKean County**. This application was received by the Northwest Regional Office on March 19, 2020.

WMGR123NW006—Clarion Altela Environmental Services, LLC, 3099 Piney Dam Road, Clarion, PA 16214, Piney Township, **Clarion County**. This application was received by the Northwest Regional Office on April 2, 2020.

WMGR123NW009—RES Water—Butler, LLC, 215 Hicks Road, Renfrew, PA 16053, Penn Township, **Butler County**. This application was received by the Northwest Regional Office on June 16, 2020.

WMGR123NW010—PennEnergy Resources, LLC's Magill Well Pad Facility, 774 Prospect Road, Evans City, PA 16033, Forward Township, **Butler County**. This application was received by the Northwest Regional Office on March 25, 2020.

WMGR123NW011—Highland Filed Services, LLC's Clermont Storage Facility, 125 Fox Trot Lane, Smethport, PA 16749, Norwich Township, **McKean County**. This application was received by the Northwest Regional Office on March 19, 2020.

WMGR123NW014—PennEnergy Resources, LLC's Well Pad 23 Facility, Cornetti Road, Cabot, PA 16023, Winfield Township, **Butler County**. This application was received by the Northwest Regional Office on January 20, 2020.

WMGR123NW015—Highland Filed Services, LLC's Seven Mile Minerals Facility, 135 Allegany Drive, Kane, PA 16735, Sergeant Township, **McKean County**. This application was received by the Northwest Regional Office on June 18, 2020.

WMGR123NW017—PennEnergy Resources, LLC's Well Pad W16 Facility, Mushroom Farm Road, Worthington, PA 16262, West Franklin Township, **Armstrong County**. This application was received by the Northwest Regional Office on January 20, 2020.

WMGR123SW001—Appalachian Water Services, LLC, 2326 McClellandtown Road, Masontown, PA 15461, Masontown Borough, **Fayette County**. This Application was received by Southwest Regional Office April 6, 2020.

WMGR123SW005—Reserved Environmental Services, LLC, 1119 Old Route 119 South, Mount Pleasant, PA 15666; East Huntingdon Township and Hempfield Township, **Westmoreland County**. This Application was received by Southwest Regional Office May 15, 2020.

WMGR123SW010—Greene County Water Treatment, LLC, 401 Jefferson Road, Waynesburg, PA 15370, Franklin Township, **Greene County**. This Application was received by Southwest Regional Office April 2, 2020.

WMGR123SW015—Range Resources—Appalachia, LLC, Bavington Road, Burgettstown, PA 15021, Smith Township, **Washington County**. This Application was received by Southwest Regional Office April 9, 2020.

WMGR123SW019—Hydro Recovery, LP, 572 State Route 18, Burgettstown, PA 15021, Hanover Township, **Washington County**. This Application was received by Southwest Regional Office March 19, 2020.

WMGR123SW020—Range Resources—Appalachia, LLC, State Route 18, Burgettstown, PA 15021, Smith Township, **Washington County**. This Application was received by Southwest Regional Office April 9, 2020.

WMGR123SW024—Mon River Dock Company, 810 Low Hill Road, Brownsville, PA 15417, East Bethlehem Township, **Washington County**. This Application was received by Southwest Regional Office May 4, 2020.

WMGR123SW025—Chevron Appalachia, LLC, Rush Run Road, Millsboro, PA 15433, Luzerne Township, **Fayette County**. This Application was received by Southwest Regional Office May 8, 2020.

WMGR123SW026—Range Resources—Appalachia, LLC, 621 Fox Road, Avella, PA 15312, Hopewell Township, **Washington County**. This Application was received by Southwest Regional Office April 9, 2020.

WMGR123SW027—Range Resources—Appalachia, LLC, 200 South Buffalo Road, Avella, PA 15312, Hopewell

Township, **Washington County**. This Application was received by Southwest Regional Office April 9, 2020.

WMGR123SW028—CNX Gas Company, LLC, 190 Newland School Road, West Finley, PA 15337, East Finley Township, **Washington County**. This Application was received by Southwest Regional Office June 9, 2020.

WMGR123SW029—Chevron Appalachia, LLC, Mount Pleasant Road, West Newton, PA 15089, South Huntingdon Township, **Westmoreland County**. This Application was received by Southwest Regional Office May 8, 2020.

WMGR123SW031—RES Water—Greene, LLC, 506 Lippencott Road, Waynesburg, PA 15370, Morgan Township, **Greene County**. This Application was received by Southwest Regional Office May 15, 2020.

WMGR123SW032—EQT Production Company, 257 Cracker Jack Road, Monongahela, PA 15063, Carroll Township, **Washington County**. This Application was received by Southwest Regional Office April 6, 2020.

WMGR123SW033—Chevron Appalachia, LLC, Hermine West Newton Road, Hermine, PA 15637, Sewickley Township, **Westmoreland County**. This Application was received by Southwest Regional Office May 8, 2020.

WMGR123SW036—Range Resources—Appalachia, LLC, Quicksilver Road, McDonald, PA 15057, Robinson Township, **Washington County**. This Application was received by Southwest Regional Office April 9, 2020.

WMGR123SW037—Range Resources—Appalachia, LLC, 790 East National Pike, Washington, PA 15301, Amwell Township, **Washington County**. This Application was received by Southwest Regional Office April 9, 2020.

WMGR123SW038—EQT Production Company, State Route 1009, Jefferson, PA 15344, Morgan Township, **Greene County**. This Application was received by Southwest Regional Office August 20, 2020.

WMGR123SW039—EQM Gathering OPCO, LLC, 784 Miller Road, Aleppo, PA 15310, Aleppo Township, **Greene County**. This Application was received by Southwest Regional Office October 28, 2020.

WMGR123SW040—EQT Production Company, Maple Run Road, Waynesburg, PA 15370, Center Township, **Greene County**. This Application was received by Southwest Regional Office August 20, 2020.

WMGR123SW041—Range Resources—Appalachia, LLC, 54 McClelland Road, Claysville, PA 15323, Buffalo Township and East Finley Township, **Washington County**. This Application was received by Southwest Regional Office May 15, 2020.

WMGR123SW044—EQT Production Company, 474 Little Daniels Run Road, Scenery Hill, PA 15360, North Bethlehem Township, **Washington County**. This Application was received by Southwest Regional Office October 27, 2020.

WMGR123NC003—Seneca Resources Company, McGeorge Road, Lawrence, PA 16830, Lawrence Township, **Clearfield County**. This Application was received by Northcentral Regional Office on March 9, 2020.

WMGR123NC005—Eureka Resources, LLC, 419 Second Street, Williamsport, PA 17701, Williamsport City, **Lycoming County**. This Application was received by Northcentral Regional Office on January 10, 2020.

WMGR123NC010—Hydro Recovery—Antrim, LP, 196 Landfill Lane, Wellsboro, PA 16901, Duncan Town-

ship, **Tioga County**. This Application was received by Northcentral Regional Office on March 23, 2020.

WMGR123NC011—Eureka Resources, LLC, 208 Catawissa Avenue, Williamsport, PA 17701, Williamsport City, **Lycoming County**. This Application was received by Northcentral Regional Office on January 20, 2020.

WMGR123NC012—Highland Field Service, LLC, 1196 West Hill Road, Covington, PA 16917, Covington Township, **Tioga County**. This Application was received by Northcentral Regional Office on March 9, 2020.

WMGR123NC018—Eureka Resources, LLC, 454 Pine Street, Williamsport, PA 17701, Standing Stone Township, **Bradford County**. This Application was received by Northcentral Regional Office on January 10, 2020.

WMGR123NC022—Seneca Resources Company, Route 6 and Scouten Road, Mainesburg, PA 16932, Sullivan Township, **Tioga County**. This Application was received by Northcentral Regional Office on November 18, 2019.

WMGR123NC034—JKLM Energy, LLC, 339 Burrows Road, Coudersport, PA 16915, Ulysses Township, **Potter County**. This Application was received by Northcentral Regional Office on December 13, 2019.

WMGR123NC035—SWN Production Company, LLC, 265 Milk Plant Road, Liberty, PA 16930, Liberty Township, **Tioga County**. This Application was received by Northcentral Regional Office on April 1, 2020.

WMGR123NC036—Rockdale Marcellus, LLC, 957 Bogar Run Road, Roaring Branch, PA 17765, Liberty Township, **Tioga County**. This Application was received by Northcentral Regional Office on April 6, 2020.

WMGR123NC037—JKLM Energy, LLC, 43 Long Fellow Lane, Ulysses, PA 16948, Ulysses Township, **Potter County**. This Application was received by Northcentral Regional Office on December 13, 2019.

WMGR123NC038—JKLM Energy, LLC, 616 Fairway Drive, Coudersport, PA 16915, Sweden Township, **Potter County**. This Application was received by Northcentral Regional Office on December 13, 2019.

WMGR123NC039—Highland Field Service, LLC, 4991 Rose Valley Road, Gamble, PA 17771, Gamble Township, **Lycoming County**. This Application was received by Northcentral Regional Office on March 10, 2020.

WMGR123NC043—Hydro Recovery—Blossburg, LP, 10 Boone Run Road, Blossburg, PA 16912, Blossburg Borough, **Tioga County**. This Application was received by Northcentral Regional Office on March 23, 2020.

WMGR123NE002—Cabot Oil & Gas Corporation, 7111 S.R. 29, Springville, PA 18844, Dimock Township, **Susquehanna County**. The application was received by the Northeast Regional Office on March 24, 2020.

WMGR123NE003—Clear Water Technology, LLC, Ainey Road—Old Shoemaker Road, Montrose, PA 18801, Jessup Township, **Susquehanna County**. The application was received by the Northeast Regional Office on April 6, 2020.

WMGR123NE004—Fluid Recovery Services, LLC, 5124 S.R. 92, Kingsley, PA 18826, Lenox Township, **Susquehanna County**. The application was received by the Northeast Regional Office on February 13, 2020.

WMGR123NE006—Kendra II, LLC, 5459 S.R. 29, Springville, PA 18844, Dimock Township, **Susquehanna**

County. The application was received by the Northeast Regional Office on May 8, 2020.

New Applications

WMGR123SW042—Range Resources—Appalachia, LLC, Johnson Road, Washington, PA 15301, Amwell Township, **Washington County.** This Application was received by Southwest Regional Office February 13, 2020.

WMGR123SW045—Range Resources—Appalachia, LLC, 264 Seal Road, Eighty Four, PA 15330, Somerset Township, **Washington County.** This Application was received by Southwest Regional Office August 13, 2020.

WMGR123SW046—Platinum Fluid Solutions, LLC, 1680 Kirby Road, Whiteley Township, PA 15370, Whiteley Township, **Greene County.** This Application was received by Southwest Regional Office September 24, 2020.

WMGR123SW048—EQT Production Company, 683 Greene Valley Road, Aleppo, PA 15310, Aleppo Township, **Greene County.** This Application was received by Southwest Regional Office October 20, 2020.

WMGR123SW049—Range Resources—Appalachia, LLC, Green Cove Road, Avella, PA 15312, Blaine Township, **Washington County.** This Application was received by Southwest Regional Office December 14, 2020.

WMGR123SW050—Range Resources—Appalachia, LLC, Scenic Drive, Avella, PA 15312, Independence Township, **Washington County.** This Application was received by Southwest Regional Office December 14, 2020.

WMGR123SW051—Range Resources—Appalachia, LLC, 106 Clinton Frankfurt Road, Clinton, PA 15026, Hanover Township, **Beaver County.** This Application was received by Southwest Regional Office December 14, 2020.

WMGR123NC004—Chesapeake Appalachia, LLC, 61 Sollicks Road, Towanda, PA 18848, Asylum Township, **Bradford County.** This Application was received by Northcentral Regional Office on May 28, 2020.

WMGR123NC042—Beech Resources, LLC, 819 Waltz Mountain Road, Williamsport, PA 17701, Lycoming and Old Lycoming Townships, **Lycoming County.** This application was received by Northcentral Regional Office on February 8, 2021.

Modified Applications

WMGR123SW032—EQT Production Company, 257 Cracker Jack Road, Monongahela, PA 15063, Carroll Township, **Washington County,** has applied to modify its operation with an updated Radiation Action Protection Plan and proposed changes to the liner system. This Application was received by Southwest Regional Office October 20, 2020.

WMGR123SW038—EQT Production Company, State Route 1009, Jefferson, PA 15344, Morgan Township, **Greene County,** has applied to modify its operation with an updated Radiation Action Protection Plan changes to clarify oversight and monitoring on site. This Application was received by Southwest Regional Office October 20, 2020.

WMGR123SW040—EQT Production Company, MapleRun Road, Waynesburg, PA 15370, Center Township, **Greene County,** has applied to modify its operation with an updated Radiation Action Protection Plan and proposed changes to the liner system. This Application was received by Southwest Regional Office October 20, 2020.

WMGR123SW037—Range Resources—Appalachia, LLC, 790 East National Pike, Washington, PA 15301, Amwell Township, **Washington County,** has applied to modify its operation regarding storage tanks configuration and capacity. This Application was received by Southwest Regional Office October 20, 2020.

WMGR123NC036—Rockdale Marcellus, LLC, 957 Bogar Run Road, Roaring Branch, PA 17765, Liberty Township, **Tioga County.** Rockdale Marcellus, LLC has applied to modify its operation by adding a discharge pipe into facility for produced water from on site and adding a connection of a Well Development Pipeline to the facility to feed nearby sites. This Application was received by Northcentral Regional Office on January 20, 2021.

WMGR123NE003—Clear Water Technology, LLC, Ainey Road—Old Shoemaker Road, Montrose, PA 18801, Jessup Township, **Susquehanna County.** Clear Water Technology, LLC has applied to modify its operation to add processes and equipment, including an evaporator. The application was received by the Northeast Regional Office on November 5, 2018.

Comments concerning the application should be directed to the appropriate Regional Office's Resource Account provided in the following table. Persons interested in obtaining more information about the general permit application may contact the appropriate Regional Office using either the Resource Account or telephone number provided in the following table. 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.

<i>DEP Region</i>	<i>Regional Resource Account</i>	<i>Regional Telephone Number</i>
NWRO	RA-EP-EXTUPLNWRO@pa.gov	(814) 332-6848
SWRO	RA-EP-EXTUPLNERO@pa.gov	(412) 442-4000
NCRO	RA-EP-EXTUPLNCRO@pa.gov	(570) 327-3653
NERO	RA-EP-EXTUPLNERO@pa.gov	(570) 826-2516

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 Application ID No. 300657. ATI Flat Rolled Products Holdings, LLC, 100 River Road, Brackenridge, PA 15014. This application is for a 10-year renewal of Solid Waste Management Permit No. 300657 for continuing post-closure operations at the ATI Rt. 356 Residual Waste Disposal Landfill, located in Allegheny Township, **Westmoreland County.** The permit was issued in the DEP Regional Office in Pittsburgh on March 3, 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.

PLAN APPROVALS

Plan Approval Applications Received under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and 25 Pa. Code Chapter 127, Subchapter B that may have special public interest. These applications are in review and no decision on disposition has been reached.

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.

28-05011C: Waste Management Disposal Services of PA, Inc. (9446 Letzburg Road, Greencastle, PA 17225-9317) on March 3, 2021, for the activation of an enclosed ground flare at the existing Mountain View Reclamation Landfill facility located in Antrim and Montgomery Townships, **Franklin County**. The flare was installed as a backup control device to accommodate potential increases in landfill gas generation and will not increase the facility's current or projected emissions. Due to landfill gas generation rates, the flare was unused for a period exceeding one (1) year and must be treated as a new control device.

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

Contact: Dave Balog, New Source Review Chief, (814) 332-6328.

62-032P: Ellwood National Crankshaft (1 Front Street, Irvine, PA 16329), for the proposed installation of a new baghouse to replace an existing baghouse (C114—Crankshaft File & Grind Dust Collector) for Source 114 (Crankshaft File and Grind Process). Ellwood National Crankshaft is permitted under Ellwood National Forge. The facility is located in Brokenstraw Township, **Warren County**. This is a Title V facility.

Intent to Issue Plan Approvals and Intent to Issue or Amend Operating Permits under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and 25 Pa. Code Chapter 127, Subchapter B. These actions may include the administrative amendments of an associated operating permit.

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

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

36-05014L: Arconic Lancaster Corporation (1480 Manheim Pike, Lancaster, PA 17604-3167) for the replacement of two motors in the Hunter Cold Mill (Source ID 161) at their secondary aluminum production facility in Manheim Township, **Lancaster County**. Specifically, the project is for the replacement of the two existing 875 hp motors in the Hunter Cold Mill (Source ID 161) with two 1,000 hp motors. The replacement is estimated to increase the source's production by 9%. Furthermore, due to the increased production capacity on the cold mill, Arconic

estimates that the actual production of downstream sources (annealing furnaces & coating line) will increase by 5%. There are no physical changes occurring to the sources as they have enough capacity to handle the increased production. Since this modification and the modifications authorized under PAs 36-05014J & 36-05014K (replacement of No. 5—8 melting furnace burners) are considered the same project, the emissions from the three will be aggregated for PSD/NNSR applicability purposes. As such, emission increases due to the project are estimated to be: 30.0 tpy CO, 23.7 tpy NO_x, 2.8 tpy PM, 6.3 tpy PM₁₀, 5.9 tpy PM_{2.5}, 0.3 tpy SO_x, & 27.7 tpy VOC. 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 requirements (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 construction. If, after the project has been implemented, the Department determines that the sources are constructed and operated in compliance with the plan approval conditions and the specification of the application for plan approval, the requirements established in the plan approval will be incorporated into an operating permit pursuant to the administrative amendment provisions of 25 Pa. Code § 127.450.

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.

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

Contact: Thomas Joseph, Facilities Permitting Chief, 412.442.4336.

TVOP-63-00096: Union Electric Steel Corporation USA (P.O. Box 465, Carnegie, PA 15106-0465). In accordance with 25 Pa. Code §§ 127.424, 127.425 and 127.521, the Department of Environmental Protection (DEP) is providing notice that it intends to issue a Title V Operating Permit Modification (TVOP-63-00096) to Union Electric Steel Corporation USA ("UES") located in Burgettstown, **Washington County** to authorize the change of CO emission limit from 7.6 tons per consecutive 12-month period to 17.85 tons per consecutive 12-month period for the 17 annealing furnaces (source P003). The limit for each annealing furnace remained the same at the current level of 1.05 tons per consecutive 12-month period. The increase in emissions represents a de minimis increase per Condition 19 of Section B of the Title V Operating Permit (63-00096). The total facility CO emissions will not change which is currently limited to 91.7 tons per consecutive 12-month period. All the sources and regulatory requirements in the Title V Operating Permit remain unchanged.

UES Title V Operating Permit Modification application, the Department's Air Quality Review Memorandum, and the proposed Air Quality TVOP for this project are available for review by any interested party at the Pennsylvania Department of Environmental Protection, Southwest Regional Office, 400 Waterfront Drive, Pittsburgh, PA 15222. To request a review of the TVOP Modification application, to receive an electronic copy of the Department's Air Quality Review Memorandum, or to receive an electronic copy of the Department's proposed

Air Quality State Only Operating Permit for this project, a person may contact Noor Nahar at nnahar@pa.gov or 412.442.5225.

Any person may submit comments, requests for the Department to hold a public hearing, or protests to the operating permit or a proposed condition thereof, by filing such submissions in writing to the Department at the Southwest Regional Office, 400 Waterfront Drive, Pittsburgh, PA 15222. A 30-day comment period from the date of this publication will exist for the submission of comments.

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

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

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

29-03001: JLG Equipment Services, Inc. (1 JLG Drive, McConnellsburg, PA 17233), to issue a State Only Operating Permit renewal for the tow truck manufacturing facility located in Ayr Township, **Fulton County**. The actual 2019 emissions were NO_x 0.80 ton, CO 0.60 ton, VOC 8.40 tons, and 0.10 ton of PM₁₀. The Operating Permit will include emission standards, testing, monitoring, recordkeeping, and reporting requirements designed to keep the facility operating within all applicable air quality requirements. Among other items the conditions include 25 Pa. Code § 129.52 Surface Coating Processes and 25 Pa. Code § 129.52d Control of VOC emissions from Miscellaneous Metal Parts Surface Coating Processes.

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

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

17-00007: Sensus USA, Inc. (805 Liberty Boulevard, DuBois, PA 15801) for the State Only Operating Permit renewal authorization for their Liberty Boulevard facility (Plant # 1) in City of DuBois, **Clearfield County**. The sources for the facility are comprised of the existing natural gas-fired boilers, air make-up units and other combustion sources (Sources ID 001 through 004), multiple surface coating or parts finishing operations (Sources ID P102 and P103), other manufacturing source operations (Sources ID P112, P114, P115, P119 and P122) including a paint burn-off oven (Source ID P118), and a natural gas fired emergency generator engine (Source ID P111). The overspray emissions from parts finishing are controlled by spray booth panel filters maintained and operated in accordance with good air pollution control practices. The type and quantity of pollutants emitted on a facility-wide potential emissions basis are provided, as follows: 0.8 tpy of PM (and PM₁₀ and PM_{2.5}); 0.1 tpy of SO_x; 10.5 tpy of NO_x; 8.7 tpy of CO; 40 tpy of VOC; and 4.7 TPY of HAP, based on the information provided to the Department. No modifications to the facility occurred over the permit term, except for reactivation of the P118 some source removals. In addition to the existing VOC emission limitations and other requirements pursuant Best Available Technology, the facility is subject to Chapter 129 requirements for misc. metal parts surface coating. The permit incorporates all applicable requirements to the facility including appropriate testing, moni-

toring, recordkeeping, reporting and work practice conditions to verify compliance. The applicable requirements are derived from 25 Pa. Code Chapters 121 and 145 (relating to Air Resources). All pertinent documents used in the evaluation of the application are available for public review during normal business hours at the PA DEP's Northcentral Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701. Appointments for scheduling a review must be made by calling 570-327-3636.

08-00026: Bishop Brothers Construction Company, Inc. (1376 Leisure Drive, Towanda, PA 18848) to issue a renewal State Only Operating Permit for their Sheshequin Plant facility located in Sheshequin Township, **Bradford County**. The facility is currently operating under State Only Operating Permit 08-00026. The facility's main sources include a sand and gravel processing plant (Source P101) and an immersion parts washer (Source P102). The facility has potential annual emissions of 9.41 tons of particulate matter (including particulate matter less than 10 microns in size and particulate matter less than 2.5 microns in size) and 0.04 ton of volatile organic compounds. The emission limits, throughput limitations and work practice standards along with testing, monitoring, recordkeeping, and reporting requirements have been included in the operating permit to ensure the facility complies with all applicable Federal and State air quality regulations. These operating permit conditions have been derived from the applicable requirements of 25 Pa. Code Chapters 121—145 and 40 CFR Part 60 Subpart 000. All pertinent documents used in the evaluation of the application are available for public review during normal business hours at the Department's Northcentral Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701. Appointments for scheduling a review must be made by calling 570-327-3636.

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

Contact: Thomas Joseph, Facilities Permitting Chief, 412.442.4336.

04-00226: Hanson Aggregates BMC, Inc./Sewickley Creek Asphalt Plant (2200 Springfield Pike, Connellsville, PA 15425-6412). In accordance with 25 Pa. Code §§ 127.424, 127.425, and 127.521, the Department is providing notice of intent to issue a synthetic minor State Only Operating Permit for the operation of a hot mix asphalt plant located in Economy Borough, **Beaver County**.

Hanson operates one batch/drum mix Hot Mix Asphalt (HMA) plant at a maximum production rate of 300 tons HMA/year, two asphalt cement storage tanks, one waste-derived liquid fuel storage tank, and haul roads. This facility has a potential to emit 17.5 tons of NO_x, 37.7 tons of CO, 10.3 tons of VOCs, 14.5 tons of SO_x, 13.2 tons of PM, 7.1 tons of PM₁₀, and 1.9 tons of HAPs based on the proposed operating limits. The facility will be limited to 500,000 tons HMA/yr and 662,000 gallons of liquid fuel 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 Operating Permit may submit the information to Tom Joseph, Facilities Permit Chief, Department of Environmental Protection, Southwest Regional Office, 400 Waterfront Drive, Pittsburgh, PA 15222. Each written comment must contain the name, address and telephone number of the person submitting the comments, identification of the proposed Operating Permit (04-00226) 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.

65-00073: Hanson Aggregates BMC, Inc./Latrobe Quarry and Asphalt Plant (2200 Springfield Pike, Connellsville, PA 15425-6412). In accordance with 25 Pa. Code §§ 127.424, 127.425, and 127.521, the Department is providing notice of intent to issue a synthetic minor State Only Operating Permit for the operation of a batch mix Hot Mix Asphalt (HMA) plant located in Ligonier Township, **Westmoreland County**.

Hanson operates one HMA plant at a maximum production rate of 300 tons HMA/year, three asphalt cement tanks, one diesel fuel storage tank, aggregate storage, haul roads, and five small generators. This facility has a potential to emit 27.1 tons of NO_x, 80.7 tons of CO, 7.3 tons of VOCs, 17.8 tons of SO_x, 15.4 tons of PM, 7.4 tons of PM₁₀, and 1.5 tons of HAPs based on the proposed operating limits. The facility will be limited to 400,000 tons HMA per 12-consecutive month period (12-cmp) and 1,288,000 gallons of liquid fuel 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 Operating Permit may submit the information to Tom Joseph,

Facilities Permit Chief, Department of Environmental Protection, Southwest Regional Office, 400 Waterfront Drive, Pittsburgh, PA 15222. Each written comment must contain the name, address and telephone number of the person submitting the comments, identification of the proposed Operating Permit (65-00073) 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.

25-00464: Klein Plating Works, Inc. (2020 Greengarden Road, Erie, PA 16502). The Department intends to issue the renewal State-Only Operating Permit of an electroplating and metal finishing facility located in Erie City, **Erie County**. Permitted air contamination sources are electroplating operations, electroless nickel plating, pretreatment operations, and a natural gas-fired boiler. Electroplating operations involve copper, gold, nickel, silver, tin, and tin-lead solder. Tanks on nickel and lead electroplating and on electroless nickel plating are subject to 40 CFR 63 Subpart WWWW. In this renewal, a natural gas-fired boiler is added as a permitted source. For permitting purposes, the facility is Natural Minor.

PLAN APPROVALS

Receipt of Plan Approval Applications and Intent to Issue Plan Approvals, and Intent to Issue Amended Operating Permits under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and 25 Pa. Code Chapter 127, Subchapter B and Subchapter F. These actions may include the administrative amendments of an associated operating permit.

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

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

67-03018: Penn Mar Castings, LLC (500 Broadway, Hanover, PA 17331-2001) on March 4, 2021, for the gray and ductile iron foundry located in Hanover Borough, **York County**. The State-Only Permit was administratively amended to reflect a change of ownership.

COAL & NONCOAL MINING ACTIVITY APPLICATIONS

Applications under the Surface Mining Conservation and Reclamation Act (52 P.S. §§ 1396.1—1396.31); the Noncoal Surface Mining Conservation and Reclamation Act (52 P.S. §§ 3301—3326); the Clean Streams Law (35 P.S. §§ 691.1—691.1001); the Coal Refuse Disposal Control Act (52 P.S. §§ 30.51—30.66); the Bituminous Mine Subsidence and Land Conservation Act (52 P.S. §§ 1406.1—1406.21). Mining activity permits issued in response to such applications will also address the applicable permitting requirements of the following statutes: the Air Pollution Control Act (35 P.S. §§ 4001—4015); the Dam Safety and Encroachments Act (32 P.S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P.S. §§ 6018.101—6018.1003).

The following permit applications to conduct mining activities have been received by the Department of Environmental Protection. A copy of the application is available for inspection at the District Mining Office indicated above each application. Notices of requests for 401 Water Quality Certifications are included in individual application notices, as noted.

Written comments or objections, or requests for an informal conference, or a public hearing, as applicable, on a mining permit application may be submitted by any person or any officer or head of any Federal, State or local government agency or authority to the Department at the address of the District Mining Office indicated above each application within 30-days of this publication, or within 30-days after the last publication of the applicant's newspaper advertisement, as provided by 25 Pa. Code §§ 77.121—77.123 and 86.31—86.34 (relating to public notices of filing of permit applications, opportunity for comment, and informal conferences).

Written comments or objections related to a mining permit application should contain the name, address and telephone number of persons submitting comments or objections; application number; and a statement of sufficient detail to inform the Department on the basis of comment or objection and relevant facts upon which it is based.

Requests for an informal conference, or a public hearing, as applicable, on a mining permit application, as provided by 25 Pa. Code § 77.123 (relating to public hearing-informal conferences) or § 86.34 (relating to informal conferences), must contain the name, address and telephone number of the requestor; the application number; a brief summary of the issues to be raised by the requestor at the conference; and a statement whether the requestor desires to have the conference conducted in the locality of the proposed mining activities.

Where a National Pollutant Discharge Elimination System (NPDES) number is listed, the mining activity permit application was accompanied by an application for an individual NPDES permit. A separate notice will be provided after the draft NPDES permit is prepared.

Coal Applications Received

Effluent Limits—The following range of effluent limits will apply to NPDES permits issued in conjunction with the associated coal mining activity permit and, in some cases, noncoal mining permits:

Table 1

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

Alkalinity greater than acidity¹

¹ The parameter is applicable at all times.

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

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

Permit No. 11100103 and NPDES No. PA0263028. E.P. Bender Coal Co., Inc., P.O. Box 594, Carrolltown, PA 15722, permit renewal for reclamation only of a bituminous surface and auger mine in Reade Township, **Cambria County**, affecting 86.0 acres. Receiving streams: unnamed tributaries to/and Clear Creek classified for the following use: cold water fishes. There are no potable water supply intakes within 10 miles downstream. Application received: March 2, 2021.

Permit No. 4270BSM1 and NPDES No. PA0279412. Cooney Brothers Coal Company, P.O. Box 246, Cresson, PA 16630, renewal of an NPDES permit for a reclaimed surface coal operation treating a post-mining discharge in Dean Township, **Cambria County**, affecting 216 acres. Receiving stream: Brubaker Run classified for the following use: cold water fishes. This receiving stream is included in the Brubaker Run TMDL. Application received: March 5, 2021.

Permit No. 3366BSM2 and NPDES No. PA0249998. PBS Coals, Inc., P.O. Box 260, Friedens, PA 15541, renewal of an NPDES permit for a surface coal operation treating a post-mining discharge in Stonycreek Township, **Somerset County**, affecting 245.0 acres. Receiving stream: unnamed tributaries of Stonycreek classified for the following use: cold water fishes. There are no potable water supply intakes within 10 miles downstream. Application received: March 5, 2021.

New Stanton District Office: P.O. Box 133, New Stanton, PA 15672, (724) 925-5500, (Contact: Tracy Norbert).

Permit No. 65140102 and NPDES No. PA0278165. Amerikohl Mining, Inc., 1384 State Route 711, Stahlstown, PA 15687. Renewal application for reclamation only to an existing bituminous surface mine, located in East Huntingdon Township, **Westmoreland County**, affecting 131.6 acres. Receiving streams: unnamed tributaries to Stauffer Run and Stauffer 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: March 3, 2021.

Permit No. 03080104 and NPDES Permit No. PA0251496. Rosebud Mining Company, 301 Market Street, Kittanning, PA 16201. Revision application for land use change from forestland to pastureland/land occasionally used for hay or unnamed natural habitat to an existing bituminous surface mine, located in East Franklin and North Buffalo Townships, **Armstrong County**, affecting 114.8 acres. Receiving streams: unnamed tributaries to Glade Run, classified for the following use: CWF. There is no potable water supply intake within 10 miles downstream from the point of discharge. Application received: March 2, 2021.

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

Permit No. 40663024T2 and NPDES Permit No. PA0225614. Hazleton Shaft Division, LLC, P.O. Box 39, Hazleton, PA 18201, transfer of an existing anthracite surface mine and coal refuse disposal operation and NPDES Permit for discharge of treated mine drainage from Atlantic Carbon Group, Inc. in Hazle Township, **Luzerne County** affecting 583.0 acres, Receiving stream: Hazle Creek, classified for the following uses: HQ—cold water and migratory fishes. Application received: February 9, 2021.

Permit No. 40663024R7 and NPDES Permit No. PA0225614. Hazleton Shaft Division, LLC, P.O. Box 39, Hazleton, PA 18201, renewal of an existing anthracite surface mine and coal refuse disposal operation and NPDES Permit for discharge of treated mine drainage in Hazle Township, **Luzerne County** affecting 583.0 acres, Receiving stream: Hazle Creek, classified for the following uses: HQ—cold water and migratory fishes. 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.

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

Permit No. 08212501 and NPDES No. PAM221009. Custom Stoneworks, Inc., 2213 Long Creek Road, Apalachin, NY 13732, Commencement, operation, and restoration of a GP-105 (industrial minerals) operation located in Warren Township, **Bradford County** affecting 5 acres. Receiving stream(s): Chaffee Run classified for the following use(s): CWF, MF. Application received: February 18, 2021.

Permit No. 08110307. Bishop Brothers Construction Company, Inc., 1376 Leisure Drive, Towanda, PA 18848. Permit revision to add 7.3 acres of support area on a large non-coal surface mining site located in North Towanda Township, **Bradford County** affecting 44.1 acres. Receiving stream(s): Sugar Run to Susquehanna River classified for the following use(s): WWF, MF. There are no potable water supply intakes within 10 miles downstream. Application received: December 16, 2020.

New Stanton District Office: P.O. Box 133, New Stanton, PA 15672, (724) 925-5500, (Contact: Tracy Norbert).

Permit No. 03142001 and NPDES No. PA0278211. Bardon, Inc., 6401 Golden Triangle, Suite 400, Greenbelt, MD 20770-3202. Application received for transfer of permit currently issued to Britt Energies, Inc. for continued operation and reclamation of a noncoal surface and underground mining site located in South Bend Township, **Armstrong County**, affecting 100.6 surface acres and 161.5 underground acres. Receiving streams: Crooked Creek, classified for the following use(s): WWF. There is no potable water supply intake within 10 miles downstream from the point of discharge. Transfer application received: February 17, 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:

<i>Parameter</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instantaneous Maximum</i>
Iron (Total)	3.0 mg/l	6.0 mg/l	7.0 mg/l
Manganese (Total)	2.0 mg/l	4.0 mg/l	5.0 mg/l
Suspended solids	35 mg/l	70 mg/l	90 mg/l
pH*		greater than 6.0; less than 9.0	

Alkalinity greater than acidity*

*The parameter is applicable at all times.

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

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

Effluent Limits for Noncoal Mining Activities

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

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

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

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

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

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

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

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

Noncoal NPDES Draft Permits

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

Permit No. 6475SM10 and NPDES No. PA0224391. Pennsy Supply, Inc., 2400 Thea Drive, Suite 3A, Harrisburg, PA 17110, renewal of Individual NPDES Permit for a noncoal mining permit in Jenkins Township, **Luzerne County**, affecting 181.74 acres. Receiving stream: Lampblack Creek, classified for the following use: cold water fishes. The first downstream potable water supply intake from the point of discharge is Danville Municipal Water Authority, North Branch of the Susquehanna River intake. The Department has made a tentative determination to impose effluent limitations, within the ranges specified in identified in Table 2. Application received: June 5, 2019.

Outfall Nos.	New Outfall (Y/N)		Type	
	001	N	Treatment Facility Outfall	
Outfalls: 001 Parameter	Minimum	30-Day Average	Daily Maximum	Instantaneous Maximum
pH ¹ (S.U.)	6.0			9.0
Total Suspended Solids (mg/L)		35.0	70.0	90.0
Oil & Grease				Report
Acidity (mg/L)				Report
Alkalinity (mg/L)				Report
Net Alkalinity (mg/L)	0.0			
Flow (MGD)		0.3		1.0

¹ This parameter is applicable at all times.

Permit No. 7976SM1 and NPDES No. PA0118389. Eureka Stone Quarry, Inc., P.O. Box 249, Chalfont, PA 18914, renewal of Individual NPDES permit for a noncoal mining permit in Warrington Township, **Bucks County** affecting 403.0 acres. Receiving stream: unnamed tributary to Mill Creek classified for the following use: trout stocking fishes. The first active downstream potable water supply intake from the point of discharge is Aqua PA Main System, Neshaminy Creek intake. The Department has made a tentative determination to impose effluent limitations, within the ranges specified in Table 2. Application received: August 9, 2019.

Outfall Nos.	New Outfall (Y/N)		Type	
	001	N	Treatment Outfall	
Outfalls: 001 & 003 Parameter	Minimum	30-Day Average	Daily Maximum	Instantaneous Maximum
Oil & Grease (mg/L)				Report
pH ¹ (S.U.)	6.0			9.0
Flow (MGD)		3.5		10.32
Total Suspended Solids (mg/L)		35.0	70.0	90.0
Total Suspended Solids (lbs/day)		295.0	590.0	739.0
Total Alkalinity (as CaCO ₃) (mg/L)				Report
Total Acidity (as CaCO ₃) (mg/L)				Report
Net Alkalinity (mg/L)	0.0			
Aluminum (µg/L)		750	750	750
Mercury (µg/L)		0.5	1.0	1.25

¹ This parameter is applicable at all times.

NPDES Permit No. PA0226149. Leo's 848 Products, LLC, P.O. Box 277, Lake Como, PA 18437, NPDES Permit on General Permit for Bluestone GP-105 No. 64212501 in Preston Township, **Wayne County**, affecting 15.0 acres. The NPDES permit is located in the: unnamed tributary to Kinneysville Creek Watershed and classified for the following uses: HQ-cold water and migratory fishes. No discharge is proposed for the NPDES permit. Non-Discharging Best Management Practices will be in effect. Application received: January 27, 2021.

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)).

Southeast Region: Waterways & Wetlands Program Manager, 2 East Main Street, Norristown, PA 19401, Telephone 484.250.5160, E-mail: ra-epww-sero@pa.gov.

Permit No. E1501221-006, Borough of West Grove, 117 Rosehill Avenue, P.O. Box 61, West Grove, PA 19390, West Grove Borough, **Chester County**, ACOE Philadelphia District.

The Borough of West Grove is proposing to perform the following water obstruction and encroachment activities associated with the South Guernsey Road Stream Cleaning Project:

1. To remove sediment and road gravel/cinders within an existing roadside watercourse (UNT to Middle Branch of White Clay Creek, TSF-MF) resulting in 227 linear feet (2,815 square feet) of permanent water course impact and 2,153 square feet of permanent floodway impact due to grading. This activity also includes 11 linear feet (136 square feet) of temporary watercourse impact and 90 square feet of temporary floodway impact due to E&S controls, coffer dams, bypass line, and energy dissipator.

2. To construct and maintain a 24-inch RCP outfall/end wall and two 23-inch by 14-inch RCP outfalls/end walls within an unnamed tributary (UNT to Middle Branch of White Clay Creek, TSF-MF) resulting in a total of 16 linear feet (16 square feet) of permanent watercourse impact.

This project is located at the Valley and South Guernsey Roads intersection in West Grove Borough, Chester County (USGS PA West Grove Quadrangle—Latitude: 39.818592 N, Longitude: 75.835711 W).

Northeast Region: Waterways & Wetlands Program, 2 Public Square, Wilkes-Barre, PA 18701-1915.

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

E3502121-003: PA Department of Transportation, Eng District 4-0, 55 Keystone Industrial Park, Dunmore, PA 18512, South Abington Township, **Lackawanna County**, Army Corps of Engineers, Baltimore District.

To authorize the following water obstructions and encroachments associated with the SR 8015-D51 Project:

1. To perform maintenance on an existing stream enclosure consisting of two (2) 180" diameter corrugated metal pipe culverts. The maintenance activities include the installation of aluminum tunnel liner plates in both pipes.

The project is located along S.R. 8015 Sec D51 Segment 0750, Offset 1169, approximately 0.10 mile east of Interstate 476 and approximately 0.10 mile west of SR 0081 (Scranton, PA Quadrangle Latitude: 41° 28' 56.51" N; Longitude: 75° 40' 52.17" W).

E3902221-002. Bob and Gina Kline, 5703 Memorial Road, Germansville, PA 18053, in Heidelberg Township, **Lehigh County**, U.S. Army Corps of Engineers, Philadelphia District.

To construct and maintain the following water obstructions and encroachments associated with a single-family dwelling construction at 5707 Memorial Road:

1. To place fill in the floodway of a UNT of Jordan Creek (HQ-CWF, MF) equal to approximately 0.01 acre for the grading of an infiltration berm and private driveway.

2. To construct an outfall in the floodway of UNT of Jordan Creek (HQ-CWF, MF) consisting of a diversion swale with R-4 riprap apron protection.

3. To permit a previously constructed driveway crossing of a UNT of Jordan Creek (HQ-CWF, MF) consisting of a single 25-foot long, 52" diameter HDPE culvert with riprap slope protection.

The project is located at 5707 Memorial Road (Slatedale, PA Quadrangle Latitude: 40° 41' 54"; Longitude: -75° 41' 3") in Heidelberg Township, Lehigh County.

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

E0603121-003. PennDOT Engineering District 5-0, 1002 Hamilton Street, Allentown, PA 18101 in Albany Township, **Berks County**, U.S. Army Corps of Engineers, Philadelphia District.

To remove existing structure and to install and maintain a (1) a 61.75-foot x 29.54-foot bridge over Kistler Creek (CWF, MF) and (2) install one 24-inch diameter outfall and one 38-inch x 24-inch outfall to Kistler Run. This is for the purpose of improving transportation safety in Albany Township, Berks County (Latitude: 40.6267; Longitude: -75.853). The project will result in 123 linear feet of permanent stream impacts, 0.001 ac of permanent wetland impacts, 105 linear feet of temporary stream impacts and .02 ac of temporary PEM wetland impacts.

E3603220-029. UGI Utilities, Inc., 1301 AIP Drive, Harrisburg, PA 17057, in West Donegal Township, **Lancaster County**, U.S. Army Corps of Engineers, Baltimore District.

To 1.) install and maintain cabled concrete mats in an unnamed tributary to Conoy Creek (TSF, MF) and 2.) construct and maintain a 2.0-foot high rock weir structure in an unnamed tributary to Conoy Creek (TSF, MF), permanently impacting 28 linear feet of stream, all for the purpose of protecting an exposed 8.0-inch natural gas pipeline. The project is located approximately 0.6 mile southeast of the intersection of Amosite Road and Bossler Road (Latitude: 40.121045°N; Longitude: 76.640525°W) in West Donegal Township, Lancaster County. No wetlands will be impacted by this project.

E0503221-001. Bedford Joint Municipal Authority, P.O. Box 148, Bedford, PA 15522 in Bedford Borough and Bedford Township, **Bedford County**, U.S. Army Corps of Engineers, Baltimore District.

The applicant proposes to construct and extend the Shuster Way Heritage Recreational Trail Northern Extension for 1.7 miles. The proposed trail will be constructed of two (2) pedestrian stream crossing over the Raystown Branch of the Juniata River (WWF, MF) and over the Unnamed Tributary to the Raystown Branch of the Juniata River (WWF, MF). The project will permanently impact 0.06 acre of watercourse, 0.71 acre of floodway, and 0.33 acre of wetlands. The project is located in Bedford Township and Bedford Borough, Bedford County (Latitude: 40° 01' 32.5"; Longitude: -78° 30' 37.9").

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

E4104121-003—PA DOT Engineering District 3-0, 715 Jordan Ave., Montoursville, PA 17754, SR 0287, Section 141, Segment 0360, Offset 2455, Bridge Replacement and Stream Relocation, Pine Township, **Lycoming County**, Baltimore ACOE (English Center, PA Quadrangle N: 41° 25' 56"; W: -77° 16' 16").

PA DOT propose to replace a Single Span Reinforced Concrete T-Beam Bridge with A Single Cell Precast Concrete Box Culvert. The existing bridge has a span of 16.39 Ft., a skew of 60 degrees, an underclearance of 10.1 Ft., and a low chord of 954.34 Ft. and a hydraulic opening of 153 Ft². The proposed box culvert has a span of 18 Ft., a skew of 60 degrees, an underclearance of 10.5 Ft., and a low chord of 953.82 Ft. and a hydraulic opening of 189 Ft². The proposed box culvert will include one-foot culvert depression, full width baffle design, back-filling the culvert floor with native material and R-8 Rip

Rap Scour protection at the inlet and outlet. The project will utilize sandbag diversion and clean water pump to convey the stream during construction. The project will utilize a detour to convey traffic during construction. In addition, the project will relocate approximately 158 L.F. of Shadrach Draft to move the channel away from the toe of the roadway. Approximately 26 L.F. of an Unnamed Tributary to Lick Creek will also be realigned to tie into the relocated Shadrach Draft channel. The project will not impact any jurisdictional wetlands. Lick Run and Tributaries are classified as a High Quality Cold Water Fishery Stream by 25 Pa. Code Chapter 93 Water Quality Standards and a Wild Trout Stream by PA Fish and Boat Commission.

E1704221-001—City of DuBois, 16 West Scribner Avenue, DuBois, PA 15801, Fuller Avenue, New Bridge and Access Road Construction, City of DuBois, **Clearfield County**, Pittsburgh ACOE (Falls Creek, PA Quadrangle N: 41° 7' 46.49"; W: -78° 46' 36.26").

The City of DuBois propose to construct and maintain a concrete box beam bridge over Sandy Lick Creek and a new access road to the Wastewater Treatment Plant. The proposed bridge is to be constructed along Fuller Avenue which is currently a dead end at Sandy Lick Creek. The proposed bridge will provide a more direct route to the treatment plant. Approximately 2,350 feet of access road with sidewalk and guiderail will be constructed along the northern bank of Sandy Lick Creek in the area of an existing flood control project for the City of DuBois and Sandy Township. There are wetlands within the parcel of the project, however no wetlands will be impacted as part of this project. Tree clearing will be required to construct the access roadway; however no other environmental impacts are anticipated. The proposed bridge will have a span of 90 Ft., a width of 32 Ft., a skew of 90 degrees, an under clearance of 16.53 Ft., and a hydraulic opening of 1,313 Ft². R-8 Rip Rap Scour Protection will be utilized along the proposed Concrete Integral Abutments for scour protection. The abutment construction will require a temporary diversion of cofferdams and pumping to dewater the work area. Sandy Lick Creek is classified as a Trout Stocked Fishery by 25 Pa. Code Chapter 93 Water Quality Standards.

E4104121-002—PA DOT Engineering District 3-0, 715 Jordan Ave., Montoursville, PA 17754, SR 0405, Section 069, Segment 0120, Offset 0712, Bridge Replacement, Muncy Borough, **Lycoming County**, Baltimore ACOE (Muncy, PA Quadrangle N: 41° 12' 21"; W: -76° 47' 02").

PA DOT propose to replace a Single Span Reinforced Concrete T-Beam Bridge with a Single Span Pre-Stressed Concrete Spread Box Beam Bridge on Integral Concrete Abutments. The existing bridge has a span of 29.4 Ft., a skew of 90 degrees, an underclearance of 4.3 Ft., and a low chord of 494.32 Ft. and a hydraulic opening of 126 Ft². The proposed bridge has a span of 39 Ft., a skew of 90 degrees, an underclearance of 3.9 Ft., and a low chord of 495.11 Ft. and a hydraulic opening of 157 Ft². R-8 Rip Rap Scour Protection will be utilized between the existing abutments and the proposed Concrete Integral Abutments. Since the proposed structure is on integral abutments, the existing abutments will remain in place and be cut off and capped with concrete. The project will not require a temporary diversion because of the exiting abutments remaining in place. The project will utilize a detour to convey traffic during construction. The project will include two stormwater outfalls located downstream of the structure. The project is located in the Historic

District of Muncy. The project will not have an adverse effect on any historic properties but is considered an adverse effect on the Historic District. The project will not impact any Jurisdictional Wetlands. Glade Run is classified as a Warm Water Fishery by 25 Pa. Code Chapter 93 Water Quality Standards.

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

E6305220-026, Pennsylvania Department of General Services, Bureau of Design, 1800 Herr Street, Harrisburg, PA 17103, Susquehanna Township, **Dauphin County**; Pittsburgh ACOE District.

The applicant proposes to:

Place and maintain fill in a 0.074-acre PEM wetland for the purpose of constructing a new storage building, driveway, and expanded parking area at the existing transportation maintenance facility. The project site is located at 170 PA-519, Eighty Four, PA 15330 (Washington East, PA USGS topographic quadrangle; N: 40°, 8', 10"; W: -80°, 7', 53"; Sub-basin 20F; USACE Pittsburgh District), in North Bethlehem Township, Washington County.

Southwest District Oil and Gas Manager 400 Waterfront Drive, Pittsburgh, PA 15222-4745.

E3007221-001: CNX Midstream Operating Company, LLC, 1000 Consol Energy Drive, Canonsburg, PA 15317.

To stabilize an area of slope distress along CNX's GH to Hopewell Pipeline right of way and rehabilitate the disturbed streambed and banks of Tributary 40679 to West Run to pre-existing conditions. Tributary 40679 to West Run is designated as a High-Quality Warm Water Fisheries (HQ-WWF). The remediation will permanently impact approximately 180 LF (0.029 acre) of Tributary 40679 and .072 acre of associated floodway. The project will also temporarily impact .024 acre of Palustrine Emergent wetlands, .007 acre of Trib. 40679 and .481 acre of floodway in order to access the remediation areas during construction. The stabilization and rehabilitation site is located in Morris Township, **Greene County**, Pittsburgh USACE District, at Latitude: 39.909950, Longitude: -80.304263 (Rogersville Quadrangle).

Regional Permit Coordination Office: 400 Market Street, Harrisburg, PA 17101, Email: RA-EPREGIONAL PERMIT@pa.gov.

E0283220-037. Pennsylvania Turnpike Commission, 700 S. Eisenhower Blvd, Middletown, PA 17057, West Mifflin Borough and the City of Duquesne, **Allegheny County**, U.S. Army Corps of Engineers, Pittsburgh District.

To authorize and maintain the following water obstructions and encroachments associated with the Mon/Fayette Expressway PA RT 51 to I-376, Section 53C2:

1. To excavate and permanently impact 93 LF of a tributary to Mongahela River (WWF) (S31) to construct and maintain a ditch that will flow into a 48" pipe. The permanent impact will be 93 LF (279 SF).

2. To replace and extend an existing 30-inch RCP with an 18 inch and 30-inch pipe and associated excavation and permanently impact a tributary to Mongahela River (WWF) (S31) for the stabilization of the stream channel and construction activity. The permanent impact will be 264 LF (792 SF).

3. To relocate an existing stream, remove 856 LF of a 30-inch and a 48-inch RCP to construct 912 LF of a 30-inch and 48-inch pipe. Permanent impact for relocation and replacement of a 30" RCP and 48" RCP carrying a tributary to Mongahela River (WWF) (S31).

4. To excavate and fill a tributary to Mongahela River (WWF) (S32) to construct and maintain the proposed Commonwealth Avenue and Hoffman Boulevard. The permanent impact will be 250 LF (1,250 SF).

5. To excavate and fill a tributary to Mongahela River (WWF) (S32) to construct and maintain the proposed Hoffman Boulevard and Basin M-60.43. The permanent impact will be 249 LF (1,245 SF).

6. To remove of an 18-inch RCP carrying a tributary to Mongahela River (WWF) (S32). The permanent impact will be 191 LF.

7. To fill a tributary to Mongahela River (WWF) (S206) to construct and maintain Hoffman Boulevard and a rock toe bench along and underneath the toe of the fill along Hoffman Boulevard. The permanent impact will be 105 LF (1,785 SF).

8. To fill a tributary to Mongahela River (WWF) (S207) to construct and maintain Hoffman Boulevard and a rock toe bench along and underneath the toe of the fill along Hoffman Boulevard. The permanent impact will be 79 LF (237 SF).

9. To fill of a tributary to Mongahela River (WWF) (S207) to construct and maintain Hoffman Boulevard and a rock toe bench along and underneath the toe of the fill along Hoffman Boulevard. Impacts also include fills to construction ditch. The permanent impact will be 54 LF (810 SF).

10. To excavate and permanently impact a tributary to Mongahela River (WWF) (S209) to relocate and stabilize the channel. The permanent impact will be 60 LF (180 SF).

11. To replace an existing 280 LF, 24-inch CMP with a 175 LF, 36-inch pipe and permanently impact a tributary to Mongahela River (WWF) (S30).

12. To place and maintain a 36-inch pipe that drains stormwater basin M-67.57-SB-1631'-BED with de minimis area of PEM wetlands equal to 0.012 AC.

In total the project will result in 2,481 linear feet (LF) of permanent stream impact, 3.003 acres (AC) of permanent floodway impact, and 0.012 acre of permanent wetland impact. A total of 468 linear feet of temporary stream impact, and 2.246 acres of temporary floodway impact.

The project begins west of the intersection of SR 2044, Greensprings Avenue and Homeville Road and continues until the intersection of SR 2044 and Duquesne Place Drive (Braddock, PA Quadrangle Latitude: 40° 22' 46"; Longitude: -79° 51' 13") in West Mifflin Borough and the City of Duquesne, Allegheny County.

Regional Permit Coordination Office: 400 Market Street, Harrisburg, PA 17101, Email: RA-EPREGIONAL PERMIT@pa.gov.

E0283220-039. Pennsylvania Turnpike Commission, 700 S. Eisenhower Blvd, Middletown, PA 17057, the City of Duquesne, **Allegheny County**, U.S. Army Corps of Engineers, Pittsburgh District.

To authorize and maintain the following water obstructions and encroachments associated with the Mon/Fayette Expressway PA RT 51 to I-376, Section 53C3:

1. To relocate an existing piped and open channel tributary to Thompson Creek (WWF). 716 linear feet of 48-inch RCP will be removed/abandoned in place (TRS-2-S97-3). 410 linear feet of open channel will be filled for purposes of roadway construction (TRS-2-S97-1). (Latitude: 40.3770973°, Longitude: -79.8567852°).

2. To construct and maintain a 1,041.5 linear feet stream enclosure consisting of 24-inch RCP and 42-inch RCP for the relocated tributary to Thompson Creek (WWF) (TRS-2-S91-1 and TRS-2-S97-3). (Latitude: 40.3785039°, Longitude: -79.8570501°).

3. To replace and maintain an existing structure over Thompson Creek (WWF) and Union Railroad Company Train Yard that is 648 feet long, with an underclearance of 35.62 feet and comprised of an 8-span, nonredundant steel girder-floor beam-stringer superstructure. The proposed structure will be 674 feet long, with a proposed underclearance of 37.10 feet and will be comprised of a 4-span curved welded steel plate girder structure on conventional abutments and piers. The bridge will have a permanent aerial impact of 94.5 linear feet and permanent stream impact of 95 linear feet for over bank protection at abutment # 1. (Latitude: 40.3778256°, Longitude: -79.8517948°).

In total the project will result in 7,853 linear feet (LF) of permanent stream impact, 1.013 acres (AC) of permanent floodway impact, and no wetland impact. A total of 283 linear feet of temporary stream impact, and 0.911 acre of temporary floodway impact.

The project is located along Duquesne Boulevard (SR 0837) approximately 2.4 miles Southeast of the SR 0837/Rankin Bridge intersection. The project begins near the intersection of SR 0837, and Oakmont Avenue and continues until the intersection of SR 0837 and Spring Avenue. (Braddock, PA Quadrangle Latitude: 40° 22' 44.4"; Longitude: -79° 51' 12.2") in the City of Duquesne, Allegheny County.

ENVIRONMENTAL ASSESSMENTS

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

EA0503221-001. U.S. Fish and Wildlife Service, 438-598 Black Valley Road, Clearville, PA 15535, in Southampton Township, **Bedford County,** U.S. Army Corps of Engineers Baltimore District.

To construct and maintain a stream improvement project along Black Valley Branch (HQ-CWF, MF) including 1) the relocation of the existing stream channel, approximately 102 linear feet in length; 2) the installation of 4 in-stream log vanes; and 3) the construction of 2 bankfull benches stabilized by rock-core sills; all for the purposes of reducing sediment loading to the stream, and enhancing fish habitat. The project is located along the western side of State Route 3007 (Black Valley Road) approximately 9.2 miles south of Rainsburg, PA (Latitude: 39.776085; Longitude: -78.519181) in Southampton Township, Bedford County. No wetlands will be impacted by this project.

DAM SAFETY

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.

D15-146. East Goshen Township, 1580 Paoli Pike, West Chester, PA 19380. To modify, operate, and maintain Milltown Dam across East Branch Chester Creek (WWF, MF) temporarily impacting 0.04 acre of wetlands (PEM) and 167 feet of stream for the purpose of meeting the Commonwealth's regulations regarding spillway capacity. (West Chester, PA Quadrangle. Latitude: 39.9677; Longitude: -75.5440) in East Goshen Township, **Chester County.**

ACTIONS

THE PENNSYLVANIA CLEAN STREAMS LAW AND THE FEDERAL CLEAN WATER ACT

FINAL ACTIONS TAKEN FOR NPDES PERMITS AND WQM PERMITS

The Department has taken the following actions on previously received applications for new, amended, and renewed NPDES and WQM permits, applications for permit waivers, and NOIs for coverage under General Permits, 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>
0121802	Joint DEP/PFBC Pesticides Permit	Issued	Michael G Haas 741 Sunset Road Wrightsville, PA 17368-1407	Franklin Township Adams County	SCRO
0917811	Joint DEP/PFBC Pesticides Permit	Issued	Solebury Township Bucks County 3092 Sugas Road Solebury, PA 18963	Solebury Township Bucks County	SERO
1418801	Joint DEP/PFBC Pesticides Permit	Issued	Mt Nittany Vineyard & Winery 300 Houser Road Centre Hall, PA 16828-8002	Harris Township Centre County	NCRO
1516806	Joint DEP/PFBC Pesticides Permit	Issued	Preserve at Inniscrone c/o Community Mgmt Svc Group 721 Dresher Road Suite 1000 Horsham, PA 19044	London Grove Township Chester County	SERO
1517815	Joint DEP/PFBC Pesticides Permit	Issued	Applebrook Meadows HOA Inc. 18 Meadow View Lane Malvern, PA 19355	Willistown Township Chester County	SERO
1518802	Joint DEP/PFBC Pesticides Permit	Issued	Kate Price 568a E Balitmore Pike Avondale, PA 19311	West Nottingham Township Chester County	SERO
2115804	Joint DEP/PFBC Pesticides Permit	Issued	Spring Hill HOA 5020 Ritter Road Mechanicsburg, PA 17055-4837	Hampden Township Cumberland County	SCRO
2313809	Joint DEP/PFBC Pesticides Permit	Issued	Alverno Valley Farms 215 West Church Road Suite 101 King of Prussia, PA 19406	Middletown Township Delaware County	SERO
3613866	Joint DEP/PFBC Pesticides Permit	Issued	Argires Perry 2066 Pine Drive Lancaster, PA 17601-5734	Manheim Township Lancaster County	SCRO
3619803	Joint DEP/PFBC Pesticides Permit	Issued	Abel Frank 114 N Lime Street Quarryville, PA 17566-9228	Quarryville Borough Lancaster County	SCRO
3621801	Joint DEP/PFBC Pesticides Permit	Issued	Sensenig Andrea 245 Springhill Road Kirkwood, PA 17536-9754	Little Britain Township Lancaster 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>
3621802	Joint DEP/PFBC Pesticides Permit	Issued	Randall S Wogelmuth 450 Pinkerton Road Mount Joy, PA 17552-9236	East Donegal Township Lancaster County	SCRO
3621803	Joint DEP/PFBC Pesticides Permit	Issued	Michael Walmer 560 Owl Bridge Road Washington Boro, PA 17582-9731	Manor Township Lancaster County	SCRO
3813809	Joint DEP/PFBC Pesticides Permit	Issued	Hometown Arbor Gate LLC 59 Springhouse Drive Myerstown, PA 17067	Jackson Township Lebanon County	SCRO
3816801	Joint DEP/PFBC Pesticides Permit	Issued	Barnes Leigh 212 Angle Road Grantville, PA 17028-9259	East Hanover Township Lebanon County	SCRO
3818810	Joint DEP/PFBC Pesticides Permit	Issued	Hometown Arbor Gate LLC 59 Springhouse Drive Myerstown, PA 17067	Jackson Township Lebanon County	SCRO
5018801	Joint DEP/PFBC Pesticides Permit	Issued	James A Lesh 7900 Fort Robinson Road Ickesburg, PA 17037-9746	Northeast Madison Township Perry County	SCRO
6719802	Joint DEP/PFBC Pesticides Permit	Issued	Barry Doug 840 Kiehl Drive Lemoyne, PA 17043-1205	Newberry Township York County	SCRO
PA0027103	Major Sewage Facility with CSOs Individual NPDES Permit	Issued	DELCORA 100 East Fifth Street P.O. Box 999 Chester, PA 19016-0999	Chester City Delaware County	SERO
PA0031852	Minor Sewage Facility < 0.05 MGD Individual NPDES Permit	Issued	Central Columbia School District 4777 Old Berwick Road Bloomsburg, PA 17815-3515	South Centre Township Columbia County	NCRO
PA0033529	Minor Sewage Facility >= 0.05 MGD and < 1 MGD Individual NPDES Permit	Issued	PA State University 139j Physical Plant Building University Park, PA 16802-1118	Lehman Township Luzerne County	NERO
NOEXNW142	No Exposure Certification	Issued	Kahles Kitchens Inc. P.O. Box 168 Leeper, PA 16233-0168	Farmington Township Clarion County	NWRO
PAG033642	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	Blaw-Knox Corp 1280 Superior Avenue Chambersburg, PA 17201-7839	Greene Township Franklin County	SCRO
PAR212213	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	Monarch Concrete LLC 425 N Dauphin Street Allentown, PA 18109-2146	Allentown City Lehigh County	NERO
PAR804882	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	Pvs Nolwood Chemicals Inc. 297 W Allison Street Lock Haven, PA 17745-3988	Castanea Township Clinton County	NCRO
PAG123550	PAG-12 NPDES General Permit for CAFOs	Issued	Weiler Farm Partnership 350 E Mill Avenue Myerstown, PA 17067-2404	Jackson Township Lebanon County	SCRO
0720403	Sewage Treatment Facilities Individual WQM Permit	Issued	Shane F Hardy 471 Moser Road Altoona, PA 16601-9492	Antis Township Blair County	SCRO
2106401	Sewage Treatment Facilities Individual WQM Permit	Issued	Joshua F & Amy L Johnson 101 Shatto Drive Carlisle, PA 17013-2120	North Middleton Township Cumberland 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>
3720403	Sewage Treatment Facilities Individual WQM Permit	Issued	Robert Houk 6286 N Edinburg Road Edinburg, PA 16116-4110	Mahoning Township Lawrence County	NWRO
6320401	Sewage Treatment Facilities Individual WQM Permit	Issued	Mt Pleasant Township Municipal Authority Washington County P.O. Box 411 Hickory, PA 15340-0411	Mount Pleasant Township Washington County	SWRO
6320402	Sewer Extensions and Pump Stations Individual WQM Permit	Issued	Mt Pleasant Township Municipal Authority Washington County P.O. Box 411 Hickory, PA 15340-0411	Mount Pleasant Township Washington County	SWRO
PA0247421	Single Residence STP Individual NPDES Permit	Issued	Adriene A & Steven W Hawkins III 7723 Wertzville Rd Carlisle, PA 17013-9021	Middlesex Township Cumberland County	SCRO
PA0248193	Single Residence STP Individual NPDES Permit	Issued	Joshua F & Amy L Johnson 101 Shatto Drive Carlisle, PA 17013-2120	North Middleton Township Cumberland County	SCRO
PA0288837	Single Residence STP Individual NPDES Permit	Issued	Robert Houk 6286 N Edinburg Road Edinburg, PA 16116-4110	Mahoning Township Lawrence County	NWRO
PA0228931	Small Flow Treatment Facility Individual NPDES Permit	Issued	Kathy D Weaver 2495 Valley View Road Bellefonte, PA 16823-8849	Benner Township Centre County	NCRO
WQG02092013	WQG-02 WQM General Permit	Issued	Hilltown Township Water & Sewer Authority Bucks County 316 Highland Road Sellersville, PA 18960-2816	Hilltown Township Bucks County	SERO
WQG02362101	WQG-02 WQM General Permit	Issued	East Donegal Sewer Authority Lancaster County 190 Rockpoint Road Marietta, PA 17547	East Donegal Township Lancaster County	SCRO

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>
PAC230080 A-1	PAG-02 General Permit	Issued	Agronomed Pharmaceuticals 740 Springdale Road Suite 130 Exton, PA 19341	City of Chester Delaware County	Delaware CCD Rose Tree Park Hunt Club 1521 N. Providence Road Media, PA 19063 610-892-9484
PAC090438	PAG-02 General Permit	Issued	Edward Guarnaccia 1334 Roberts Avenue Feasterville, PA 19053	Bensalem Township Bucks County	Bucks County Conservation District 1456 Ferry Road Doylestown, PA 18901-5550
PAC090427	PAG-02 General Permit	Issued	Pennridge School District 1200 N. 5th Street Perkasie, PA 18944	East Rockhill Township Bucks County	Bucks County Conservation District 1456 Ferry Road Doylestown, PA 18901-5550

<i>Permit Number</i>	<i>Permit Type</i>	<i>Action Taken</i>	<i>Applicant Name & Address</i>	<i>Municipality, County</i>	<i>Office</i>
PAC090419	PAG-02 General Permit	Issued	North Wales Water Authority 200 W. Walnut Street Chalfont, PA 19454	Chalfont Borough Bucks County	Bucks County Conservation District 1456 Ferry Road Doylestown, PA 18901-5550
PAC230176	PAG-02 General Permit	Issued	Nelson Wicas 3951 Providence Road Newtown Square, PA 19073-2204	Edgmont Township Delaware County	Delaware CCD Rose Tree Park Hunt Club 1521 N. Providence Road Media, PA 19063 610-892-9484
PAC460525	PAG-02	Issued	The Meadowood Corporation 3205 W Skippack Pike P.O. Box 670 Worcester, PA 19490	Worcester Township Montgomery County	Montgomery County Conservation District 143 Level Road Collegeville, PA 19426-3313
PAC460492	PAG-02	Issued	Metropolitan Development Group 1030 Reed Ave Suite 100 Wyomissing, PA 19610-2039	Lower Salford Township Montgomery County	Montgomery County Conservation District 143 Level Road Collegeville, PA 19426-3313
PAC460517	PAG-02	Issued	Colmar Fire Company 2700 West Walnut Street Colmar, PA 18915-9421	Hatfield Township Montgomery County	Montgomery County Conservation District 143 Level Road Collegeville, PA 19426-3313
PAC460519	PAG-02	Issued	Better Living Custom Homes LLC 2526 N Broad Street Colmar, PA 18915	East Norriton Township Montgomery County	Montgomery County Conservation District 143 Level Road Collegeville, PA 19426-3313
PAC460550	PAG-02	Issued	Limerick Township 646 W Ridge Pike Limerick, PA 19468	Limerick Township Montgomery County	Montgomery County Conservation District 143 Level Road Collegeville, PA 19426-3313
PAC390118	PAG-02 General Permit	Issued	Allentown Parking Authority 603 W. Linden St. Allentown, PA 18101-1417	City of Allentown Lehigh County	Lehigh County Conservation District 4184 Dorney Park Road Suite 105 Allentown, PA 18401 610-391-9583
PAD390166 A-1	Individual NPDES	Issued	PPL Electric Utilities Corporation 2 N. 9th Street GENN 4 Allentown, PA 18101	Lower Milford Township Lehigh County	NERO
PAD130024	Individual NPDES	Issued	Phase III Environmental 1120 Mauch Chuck Road Palmerton, PA 18071-1110	Palmerton Borough Carbon County	NERO
PAD390177	Individual NPDES	Issued	Upper Macungie Township 8330 Schantz Road Breinigsville, PA 18031	Upper Macungie Township Lehigh County	NERO
PAD390185	Individual NPDES	Issued	Barnes Land Development, LLC 2240 West Rock Road Allentown, PA 18103	City of Allentown Lehigh County	NERO

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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>
PAC400179	PAG-02 General Permit	Issued	New Prime, Inc. Richard Yarborough 130 Armstrong Road Pittston Township, PA 18640	Pittston Township Luzerne County	Luzerne Conservation District 325 Smiths Pond Road Shavertown, PA 18708
PAC400178	PAG-02 General Permit	Issued	Elie Cohen Pa King LLC (Azar Int'l) 232 Division Street Kingston, PA 18704	Kingston Borough Luzerne County	Luzerne Conservation District 325 Smiths Pond Road Shavertown, PA 18708
PAC540097	PAG-02 General Permit	Issued	Brian Musser 173 Hickory Rd Pine Grove, PA 17963	Washington Township Schuylkill County	Schuylkill Conservation District 1206 AG Center Drive Pottsville PA 17901-9733 570-622-3742
PAC540102	PAG-02 General Permit	Issued	JLM Real Estate Investments LLC P.O. Box 472 950 E Main Street Schuylkill Haven, PA 27972	Schuylkill Township Schuylkill County	Schuylkill Conservation District 1206 AG Center Drive Pottsville PA 17901-9733 570-622-3742
PAD060044	Individual NPDES	Issued	Steven J. and Diane S. Brensinger 125 Fredericksville Road Mertztown, PA 19539	Longswamp Township Berks County	SCRO
PAD360066	Individual NPDES	Issued	PPL Electric Utilities Corporation 2 North Ninth Street, GENN4 Allentown, PA 18101-1179	East Drumore Township Eden Township Colerain Township Bart Township Sadsbury Township Lancaster County	SCRO
PAD360062	Individual NPDES	Issued	Timothy W. Hoover and Andrea S. Webb 58 Park Avenue East Fallowfield, PA 19320	Little Britain Township Lancaster County	SCRO
PAD670034	Individual NPDES	Issued	Hillwood Enterprises, L.P. 4507 North Front Street Suite 302 Harrisburg, PA 17110-1787	East Manchester Township York County	SCRO
PAC280201 A-1	PAG-02 General Permit	Issued	County Wide Development, Inc. 1115 Sheller Avenue Chambersburg, PA 17201	Washington Township Franklin County	Franklin County Conservation District 185 Franklin Farm Lane Chambersburg, PA 17202 717.264.5499
PAC280233	PAG-02 General Permit	Issued	John Frantz 2155 Saint Clair Court Harrisburg, PA 17110	Quincy Township Franklin County	Franklin County Conservation District 185 Franklin Farm Lane Chambersburg, PA 17202 717.264.5499

<i>Permit Number</i>	<i>Permit Type</i>	<i>Action Taken</i>	<i>Applicant Name & Address</i>	<i>Municipality, County</i>	<i>Office</i>
PAC280217	PAG-02 General Permit	Issued	Michael Runyon 479 Lincoln Way East Chambersburg, PA 17201	Greene Township Franklin County	Franklin County Conservation District 185 Franklin Farm Lane Chambersburg, PA 17202 717.264.5499
PAC280236	PAG-02 General Permit	Issued	Quincy Township Supervisors 7575 Mentzer Gap Road Waynesboro, PA 17268	Quincy Township Franklin County	Franklin County Conservation District 185 Franklin Farm Lane Chambersburg, PA 17202 717.264.5499
PAC280227	PAG-02 General Permit	Issued	Rodney B. Smith Plumbing 940 Holywell Avenue Chambersburg, PA 17201	Borough of Chambersburg Franklin County	Franklin County Conservation District 185 Franklin Farm Lane Chambersburg, PA 17202 717.264.5499
PAC280230	PAG-02 General Permit	Issued	Chole Court, LLC 110 Western Maryland Parkway Hagerstown, MD 21740	Antrim Township Franklin County	Franklin County Conservation District 185 Franklin Farm Lane Chambersburg, PA 17202 717.264.5499
PAC280223	PAG-02 General Permit	Issued	Alexis Rivera 6575 Olde Pine Drive Chambersburg, PA 17202	Greene Township Franklin County	Franklin County Conservation District 185 Franklin Farm Lane Chambersburg, PA 17202 717.264.5499
PAC280232	PAG-02 General Permit	Issued	Clinton Burkholder 3099 Grand Point Road Chambersburg, PA 17202	Greene Township Franklin County	Franklin County Conservation District 185 Franklin Farm Lane Chambersburg, PA 17202 717.264.5499
PAC280229	PAG-02 General Permit	Issued	2004 Lincoln Way, LLC 11535 Hopewell Road Hagerstown, MD 21740	Guilford Township Franklin County	Franklin County Conservation District 185 Franklin Farm Lane Chambersburg, PA 17202 717.264.5499
PAC280021 A-1	PAG-02 General Permit	Issued	Wash Co. 72 West Washington Street Hagerstown, MD 21740	Greene Township Franklin County	Franklin County Conservation District 185 Franklin Farm Lane Chambersburg, PA 17202 717.264.5499
PAC280221	PAG-02 General Permit	Issued	TYCOLBRIT, LLC 95 Brim Boulevard Chambersburg, PA 17201	Greene Township Franklin County	Franklin County Conservation District 185 Franklin Farm Lane Chambersburg, PA 17202 717.264.5499

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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>
PAC360624	PAG-02 General Permit	Issued	Elizabethtown Borough 600 South Hanover Street Elizabethtown, PA 17022	Elizabethtown Borough Lancaster County	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601-3149 717.299.5361, ext. 5
PAC360558	PAG-02 General Permit	Issued	Leon Martin 5890 Timothy Drive Narvon, PA 17555	Caernarvon Township Lancaster County	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601-3149 717.299.5361, ext. 5
PAC360599	PAG-02 General Permit	Issued	ELANCO School District 669 East Main Street New Holland, PA 17557	New Holland Borough Lancaster County	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601-3149 717.299.5361, ext. 5
PAC360551	PAG-02 General Permit	Issued	L&J Investments 1284 Cloverleaf Road Mount Joy, PA 17552	Mount Joy Township Lancaster County	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601-3149 717.299.5361, ext. 5
PAC360508 A-1	PAG-02 General Permit	Issued	Frey Hoffer Joint Venture 415 Coffee Goss Road Marietta, PA 17547	East Donegal Township Lancaster County	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601-3149 717.299.5361, ext. 5
PAC360582	PAG-02 General Permit	Issued	Millstone Stable LLC 402 Snavely Mill Road Lititz, PA 17543	Elizabeth Township Lancaster County	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601-3149 717.299.5361, ext. 5
PAC360618	PAG-02 General Permit	Issued	Cody Stauffer 888 North Penryn Road Manheim, PA 17545	Rapho Township Lancaster County	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601-3149 717.299.5361, ext. 5
PAC360596	PAG-02 General Permit	Issued	Turtlerace LLC 15 William Flynn Circle Lancaster, PA 17601	West Hempfield Township Lancaster County	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601-3149 717.299.5361, ext. 5
PAC360560	PAG-02 General Permit	Issued	Sonshine III LP 227 Granite Run Drive Suite 100 Lancaster, PA 17601	East Hempfield Township Lancaster County	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601-3149 717.299.5361, ext. 5

<i>Permit Number</i>	<i>Permit Type</i>	<i>Action Taken</i>	<i>Applicant Name & Address</i>	<i>Municipality, County</i>	<i>Office</i>
PAC360571	PAG-02 General Permit	Issued	John & Mary Huyard 541 Snapper Drive Ephrata, PA 17522	Conoy Township West Donegal Township Lancaster County	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601-3149 717.299.5361, ext. 5
PAC360598	PAG-02 General Permit	Issued	Fox Property Enterprises LLC 799 Fawn Hollow Road Newmanstown, PA 17073	Elizabeth Township Lancaster County	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601-3149 717.299.5361, ext. 5
PAC380200	PAG-02 General Permit	Issued	Mid-Atlantic Transmission, LLC 2800 Pottsville Pike Reading, PA 19605	Cornwall Borough North Cornwall Township South Lebanon Township Lebanon County	Lebanon County Conservation District 2120 Cornwall Road Lebanon, PA 17042-9788 717.277.5275
PAC380195	PAG-02 General Permit	Issued	John Alspaugh 401 Woleber Road Myerstown, PA 17067	Jackson Township Lebanon County	Lebanon County Conservation District 2120 Cornwall Road Lebanon, PA 17042-9788 717.277.5275
PAC380201	PAG-02 General Permit	Issued	Darrel Lehman 545 Wedgewood Drive Lebanon, PA 17042	Heidelberg Township Lebanon County	Lebanon County Conservation District 2120 Cornwall Road Lebanon, PA 17042-9788 717.277.5275
PAC380194	PAG-02 General Permit	Issued	Landmark Builders 1737 West Main Street Ephrata, PA 17522	Cornwall Borough Lebanon County	Lebanon County Conservation District 2120 Cornwall Road Lebanon, PA 17042-9788 717.277.5275
PAC380169	PAG-02 General Permit	Issued	Double D Excavating 120 South Fort Zellers Road Newmanstown, PA 17073	Jackson Township Lebanon County	Lebanon County Conservation District 2120 Cornwall Road Lebanon, PA 17042-9788 717.277.5275
PAC380186	PAG-02 General Permit	Issued	Nelson Ziegler 1660 North State Route 934 Annville, PA 17003	North Annville Township Lebanon County	Lebanon County Conservation District 2120 Cornwall Road Lebanon, PA 17042-9788 717.277.5275
PAC470025	New	Issued	Green Thumb Industries, Inc. 601 East Market St Danville, PA 17821	Danville Borough Montour County	NCRO
PAC590040	New	Issued	Lisa and Steven Cassidy P.O. Box 3535 Rancho Sante Fe, CA 92067	Wellsboro Borough Tioga County	NCRO
PAC600061	New	Issued	PPL Electric Utilities Corporation Lake Portieles North Ninth Street, GENN 4 Allentown, PA 18101-1139	White Deer Township Union County Delaware and Turbot Township Northumberland County	NCRO

NOTICES

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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>
PAC650092	PAG-02 General Permit	Issued	Latrobe Municipal Authority 104 Guerrier Road P.O. Box 88 Latrobe, PA 15650	Unity Township Westmoreland County	Westmoreland County Conservation District 218 Donohoe Road Greensburg, PA 15601 724-837-5271
PAC650146	PAG-02 General Permit	Issued	Grayhawk, LLC 141 Matthews Drive Greensburg, PA 15601	Unity Township Westmoreland County	Westmoreland County Conservation District 218 Donohoe Road Greensburg, PA 15601 724-837-5271
PAC650224 A-1	PAG-02 General Permit	Issued	Pennsylvania Turnpike Commission P.O. Box 67676 Harrisburg, PA 17106-7676	Donegal Township Donegal Borough Westmoreland County	Westmoreland County Conservation District 218 Donohoe Road Greensburg, PA 15601 724-837-5271
PAC650246	PAG-02 General Permit	Issued	New Kensington (Milligantown) DPP, LLC 9010 Overlook Boulevard Brentwood, TN 37027	Upper Burrell Township Westmoreland County	Westmoreland County Conservation District 218 Donoloe Road Greensburg, PA 15601 724-837-5271
PAC650250	PAG-02 General Permit	Issued	A. Richard Kacin, Inc. 3875 Old William Penn Highway Murrysville, PA 15668	Murrysville Municipality Westmoreland County	Westmoreland County Conservation District 218 Donohoe Road Greensburg, PA 15601 724-837-5271
PAC650254	PAG-02 General Permit	Issued	Columbia Gas of Pennsylvania 4000 Energy Drive Bridgeville, PA 15017-9998	North Huntingdon Township Westmoreland County	Westmoreland County Conservation District 218 Donohoe Road Greensburg, PA 15601 724-837-5271
PAC650255	PAG-02 General Permit	Issued	Municipal Authority of the City of New Kensington P.O. Box 577 920 Barnes Street New Kensington, PA 15068-6207	Upper Burrell Township City of Lower Burrell Allegheny Township Westmoreland County	Westmoreland County Conservation District 218 Donohoe Road Greensburg, PA 15601 724-837-5271
PAC100232	PAG-02 General Permit	Issued	Scenic Ridge Partners LP Brett Schutz P.O. Box 449 Mars, PA 16046	Lancaster Township Butler County	Butler County Conservation District 120 Hollywood Drive Suite 201 Butler, PA 16001 724-284-5270

<i>Permit Number</i>	<i>Permit Type</i>	<i>Action Taken</i>	<i>Applicant Name & Address</i>	<i>Municipality, County</i>	<i>Office</i>
PAC030033	PAG-02 General Permit	Issued	Ford City Borough Municipal Sewage Disposal Authority P.O. Box 66 Ford City, PA 16226	Ford City Borough Armstrong County	Armstrong County Conservation District 120 S Grant Avenue Suite 2 Kittanning, PA 16201 724-548-3425
PAC680039	Major Amendment to PAG-02 General Permit	Issued	PA DEP BAMR 286 Industrial Park Road Ebensburg, PA 15931	Antis Township Blair County	PA DEP BAMR Cambria Office 286 Industrial Park Road Ebensburg, PA 15931 814.472.1800
PAD390162	Individual NPDES	Issued	Pennsylvania Turnpike Commission 700 S. Eisenhower Blvd. Middletown, PA 17057	Washington Township Lehigh County	Regional Permit Coordination Office (RPCO) Rachel Carson State Office Building 400 Market Street Harrisburg, PA 17101 Email: RA-EPREGIONAL PERMIT@pa.gov

STATE CONSERVATION COMMISSION
NUTRIENT MANAGEMENT PLANS RELATED TO APPLICATIONS FOR NPDES
PERMITS FOR CAFOs

The State Conservation Commission has taken the following actions on previously received applications for nutrient management plans under 3 Pa.C.S. Chapter 5, for agricultural operations that have or anticipate submitting applications for new, amended or renewed NPDES permits or NOIs for coverage under a general permit for CAFOs under 25 Pa. Code Chapter 92a. This notice is provided in accordance with 25 Pa. Code Chapter 92a and 40 CFR Part 122, implementing The Clean Streams Law and the Federal Clean Water Act.

Persons aggrieved by an action may appeal under 3 Pa.C.S. § 517, section 4 of the Environmental Hearing Board Act and 2 Pa.C.S. §§ 501—508 and 701—704 to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P.O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users should contact the Environmental Hearing Board (Board) through the Pennsylvania Hamilton Relay Service at (800) 654-5984. Appeals must be filed with the Board within 30-days of publication of this notice in the *Pennsylvania Bulletin*. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary of the Board at (717) 787-3483. This paragraph does not, in and of itself, create a right of appeal beyond that permitted by applicable statutes and decision law.

For individuals who wish to challenge actions, appeals must reach the Board within 30-days. A lawyer is not needed to file an appeal with the Board.

Important legal rights are at stake, however, so individuals should show this notice to a lawyer at once. Persons who cannot afford a lawyer may qualify for pro bono representation. Call the Secretary of the Board at (717) 787-3483 for more information.

NUTRIENT MANAGEMENT PLAN
CAFO PUBLIC NOTICE SPREADSHEET—ACTIONS

<i>Agricultural Operation Name and Address</i>	<i>County</i>	<i>Total Acres</i>	<i>AEU's</i>	<i>Animal Type</i>	<i>Special Protection Waters (HQ or EV or NA)</i>	<i>Approved or Disapproved</i>
Weiler Creek Farms, LLC 350 East Mill Avenue Myerstown, PA 17067	Berks	20.8	306.20	Poultry and Beef	NA	Approved
Hetrickdale Farms 69 Hetrick Road Bernville, PA 19506	Berks	2,165.6	2,968.61	Dairy	NA	Approved
Jason Wenger 5376 Elizabethtown Road Manheim, PA 17545	Lancaster	166	529.39	Dairy/ Swine	NA	Approved

WATER ALLOCATIONS

Actions taken on applications received under the Act of June 24, 1939 (P.L. 842, No. 365) (35 P.S. §§ 631—641) relating to the Acquisition of Rights to Divert Waters of the Commonwealth.

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

WA 47-1002A, Water Allocations. Valley Township Municipal Authority, P.O. Box 307, Danville, PA 17821, Valley Township, **Montour County**. This permit grants Valley Township Municipal Authority the right to purchase up to 82,000 gallons per day, based on a 30-day average, from Danville Municipal Authority, Danville Borough, Montour County.

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:

Northeast Region: Environmental Cleanup & Brownfields Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915, 570-826-2511.

Contact: Eric Supey, Environmental Program Manager.

Zenith Energy Dupont Terminal, 674 Suscon Road, Dupont, PA 18640, Pittston Township, **Luzerne County**. Onesky Engineering, 510 Wellington Square, # 412, Exton, PA 19341, on behalf of Zenith Energy Terminals PA Holdings, LLC, 3000 Essex Lane, Suite 700, Houston, TX 77027, submitted a final report concerning remediation of soil and groundwater contamination due to a release of petroleum from an aboveground storage tank. The report is intended to document remediation of the site to meet Statewide health standards.

Range Unit 31 Scott Well Pad, 2867 Three Lakes Road, New Milford, PA 18834, New Milford Township, **Susquehanna County**. Resource Environmental Management, 50 Maple Street, Montrose, PA 18801, on behalf of SWN Production Company LLC, 917 State Route 92, North, Tunkhannock, PA 18657, submitted a Final Report concerning remediation of soil contaminated by a release of production fluid (brine). The report is intended to document remediation of the site to meet Statewide health standards.

Southcentral Region: Environmental Cleanup and Brownfields Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110.

SAC, Inc., Bulk Facility, 4588 Business Route 220, Bedford, PA 15222, Bedford Township, **Bedford County**. DMS Environmental Services, LLC, 103 South Spring Street, Bellefonte, PA 16823, on behalf of DMS Environmental Services, LLC, 103 South Spring Street, Bellefonte, PA 16823, submitted a Remedial Investigation Report concerning remediation of site soil and groundwater contaminated with No. 2 fuel oil. The Report is intended to document remediation of the site to meet the site-specific standard.

UPS Freight Mechanicsburg Terminal, 6060 Carlisle Pike, Mechanicsburg, PA 17055, Hampden Township, **Cumberland County**. Arcadis U.S., Inc., 2839 Paces Ferry Road, Suite 900, Atlanta, GA 30339, on behalf of United Parcel Service, 55 Glenlake Parkway NE, Atlanta, GA 30328, submitted a Remedial Investigation and Final Report concerning remediation of site soil and groundwater contaminated with diesel fuel. The combined Report is intended to document remediation of the site to meet the site-specific standard.

Phillips & Phillips, Attorneys at Law, 101 West Middle Street, Gettysburg, PA 17325, Gettysburg Borough, **Adams County**. United Environmental Services, Inc., 1143 Long Run Road, Schuylkill Haven, PA 17972, on behalf of Philips & Phillips, Attorneys at Law, 101 West Middle Street, Gettysburg, PA 17325, submitted a Final Report concerning remediation of site soil contaminated with No. 2 fuel oil. The Final Report is intended to document remediation of the site to meet the Residential Statewide health standard.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995 PREAMBLE 3

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

Section 250.8 of 25 Pa. Code and administration of the Land Recycling and Environmental Remediation Stan-

dards Act (act) require the Department to publish in the *Pennsylvania Bulletin* a notice of its final actions on plans and reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the remediation standards of the act. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis of selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed and summaries of sampling methodology and analytical results which demonstrate that the remediation has attained the cleanup standard selected. Plans and reports required by the act for compliance with selection of remediation to a site-specific standard, in addition to a final report, include a remedial investigation report, risk assessment report and cleanup plan. A remedial investigation report includes conclusions from the site investigation; concentration of regulated substances in environmental media; benefits of reuse of the property; and, in some circumstances, a fate and transport analysis. If required, a risk assessment report describes potential adverse effects caused by the presence of regulated substances. If required, a cleanup plan evaluates the abilities of potential remedies to achieve remedy requirements. A work plan for conducting a baseline remedial investigation is required by the act for compliance with selection of a special industrial area remediation. The baseline remedial investigation, based on the work plan, is compiled into the baseline environmental report to establish a reference point to show existing contamination, describe proposed remediation to be done and include a description of existing or potential public benefits of the use or reuse of the property. The Department may approve or disapprove plans and reports submitted. This notice provides the Department's decision and, if relevant, the basis for disapproval.

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

The Department has received the following plans and reports:

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

Wawa Dairy Truck Release, West Baltimore Pike & Granite Run Mall Road, Media, PA 19063, Middletown Township, **Delaware County**. Geoffrey Kristof, Aquaterra Technologies, Inc., P.O. Box 744, West Chester, PA 19381 on behalf of Joseph W. Standen, Jr., PG, Wawa, Inc., 260 West Baltimore Pike, Wawa, PA 19063 submitted a Final Report concerning the remediation of site soil contaminated with benzene, toluene, ethylbenzene, cumene (isopropyl benzene), naphthalene, methyl tert-butyl ether (MTBE), 1,2,4-trimethylbenzene, and 1,3,5-trimethylbenzene. The Final Report demonstrated attainment of the Statewide health standard and was approved by the Department on February 25, 2021.

Pottstown Plating Works, 215 South Washington Street, Pottstown, PA 19464, Borough of Pottstown, **Montgomery County**. Joseph Kraycik, Environmental Standards, Inc., 1140 Valley Forge Road, Valley Forge, PA 19482 on behalf of John Jones, 215 South Washington

Street, LLC, 800 Industrial Highway, Pottstown, PA 19464 submitted a Remedial Investigation Report/Cleanup Plan concerning the remediation of site soil and groundwater contaminated with chlorinated solvents. The Report was approved by the Department on February 25, 2021.

Meenan Oil Company Facility, 8301 Lansdowne Avenue, Upper Darby, PA 19082, Upper Darby Township, **Delaware County**. Andrew Markoski, PG, Patriot Environmental Management, Patriot Environmental, LLC, P.O. Box 629, Douglassville, PA 19518 on behalf of Barry Miller, Meenan Oil Company, LP, P.O. Box 659, Douglassville, PA 19518 submitted a Remedial Investigation Report/Cleanup Plan/Final Report concerning the remediation of site soil and groundwater contaminated with benzene, toluene, ethylbenzene, MTBE, naphthalene, cumene, 1,2,4-TMB and 1,3,5-TMB. The Final Report demonstrated attainment of the statewide health standard/site-specific standard and was approved by the Department on February 25, 2021.

2739-2747 North 5th Street & 2746-2752 North Orkney Street, 2739-2747 North 5th Street & 2746-2752 North Orkney Street, Philadelphia, PA 19140, City of Philadelphia, **Philadelphia County**. Shad Manning, REPSG, 6901 Kingsessing Avenue, Suite 201, Philadelphia, PA 19142 on behalf of Maria Gonzalez, Hispanic Association of Contractors and Enterprises (HACE), 167 West Allegheny Avenue, Suite 200, Philadelphia, PA 19140 submitted a Remedial Investigation Report/Cleanup Plan concerning the remediation of site soil contaminated with PAHs. The Report was approved by the Department on February 26, 2021.

Whitley Estate, 6677 Laurel Road, New Hope, PA 18938, Solebury Township, **Bucks County**. Matthew Mercuri, RMS Environmental, LLC, 2198 Pennsylvania Drive, Jamison, PA 18929 on behalf of William Lahr, Executor, Whitley Estate, 6677 Laurel Road, New Hope, PA 18938 submitted a Final Report concerning the remediation of site soil contaminated with leaded gasoline. The Final Report demonstrated attainment of the Statewide health standard and was approved by the Department on March 2, 2021.

Southcentral Region: Environmental Cleanup and Brownfields Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110.

1501 North George Street, York, PA 17404, Manchester Township, **York County**. Liberty Environmental, Inc., 505 Penn Street, Reading, PA 19601, on behalf of Molt, LLC, P.O. Box 20316, York, PA 17402, submitted a Final Report concerning remediation of site soil and groundwater contaminated with No. 2 fuel oil. The Final Report was administratively incomplete and was disapproved by the Department on February 25, 2021.

HR Realty Division, LP, 3101 Beale Avenue, Altoona, PA 16601, City of Altoona, **Blair County**. Mountain Research, LLC, 825 25th Street, Altoona, PA 16601, on behalf of HR Realty Division, LP, 3101 Beale Avenue, P.O. Box 1754, Altoona, PA 16603, submitted a Remedial Investigation Report concerning remediation of site soil and groundwater contaminated with historic petroleum hydrocarbons. The Report was administratively incomplete and was disapproved by the Department on February 25, 2021.

Rutters Bear Road Farm, Bear Road and Willow Springs Lane, York, PA 17404, Manchester Township, **York County**. United Environmental Services, Inc., 1143 Long Run Road, Schuylkill Haven, PA 17972, on

behalf of Rutter Children LP, CHR Corp., 2295 North Susquehanna Trail, Suite C, York, PA 17404, submitted a Final Report concerning remediation of site soil contaminated with diesel fuel. The Final Report was administratively deficient and was disapproved by the Department on March 4, 2021.

DETERMINATION OF APPLICABILITY FOR RESIDUAL WASTE GENERAL PERMITS

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

Southeast Region: Regional Solid Waste Manager, 2 East Main Street, Norristown, PA 19401, 484-250-5960.

General Permit No. WMGR081SE010. Sycamore International Inc., 431 West Baltimore Pike, West Grove, PA 19390-9322. This application is for determination of applicability (DOA) to process and store electronic scrap prior to reuse or recycling in accordance with General Permit No. WMGR081SE010 at the Sycamore International, Inc. Facility, located at 431 West Baltimore Pike, West Grove, PA 19390, in London Grove Township, **Chester County**. The general permit for determination of applicability was issued by the Southeast Regional Office on March 5, 2021.

Persons interested in reviewing the general permit for the previously listed facility may contact the Pennsylvania Department of Environmental Protection (DEP) Waste Management Program Manager, Southeast Regional Office, 2 East Main Street, Norristown, PA 19401-4915, or by telephone at 484.250.5960. TDD users may contact the DEP through the Pennsylvania Hamilton Relay service, (800) 654.5984.

OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE

Permit(s) Issued Under the Solid Waste Management Act (35 P.S. §§ 6018.101—6018.1003), the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P.S. §§ 4000.101—4000.1904) and Regulations to Operate Solid Waste Processing or Disposal Area or Site.

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

Permit No. 101726. EIO Waste Solutions & Recycling, Inc., 5312 State Route 309, Dallas, PA 18618, Monroe Township, **Wyoming County**. A permit for a new municipal waste transfer station. The permit was issued by the Northeast Regional Office on March 5, 2021.

Persons interested in reviewing the permit may contact Roger Bellas, Regional Waste Management Program Manager, Department of Environmental Protection, Northeast Regional Office, 2 Public Square, Wilkes-Barre, PA 18704-1915 at 570-826-2511. TDD users may contact the Department through the Pennsylvania Hamilton Relay service, (800) 654-5984.

AIR QUALITY

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

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

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

GP1-46-0274: JBS Souderton Inc. (249 Allentown Road, Souderton, PA 18964) on March 3, 2021 to conduct burner replacement for a small gas fired combustion unit (Source ID 0036) in Franconia Township, **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.

AG5A-58-00017A: SWN Production Company, LLC (917 SR 92 North, Tunkhannock, PA 18657) on September 4, 2020 to operate one (1) IC Engine, seven (7) heaters, and three (3) condensate tanks at the Drop well pad site in Jackson Township, **Susquehanna County**.

AG5A-58-00020A: SWN Production Company, LLC (917 SR 92 North, Tunkhannock, PA 18657) on October 13, 2020 to operate one (1) IC Engine, eight (8) heaters, and three (3) condensate tanks at the RU-71 Blue Beck well pad site in New Milford Township, **Susquehanna County**.

AG5A-66-00002A: SWN Production Company, LLC (917 SR 92 North, Tunkhannock, PA 18657) on December 2, 2020 to operate one (1) IC Engine, two (2) heaters, and three (3) condensate tanks at the WY-08 Leber well pad site in North Branch Township, **Wyoming County**.

AG5-58-00022A: UGI Energy Services, LLC (835 Knitting Mills Way, Wyomissing, PA 19610) on December 15, 2020 to operate four (4) IC Engines, one (1) emergency generator, and one (1) condensate tanks at the Auburn Compressor Station site in Auburn Township, **Susquehanna County**.

AG5A-58-00015A: Cabot Oil & Gas Corporation (2000 Park Ln, Pittsburgh, PA 15275) on August 24, 2020 to operate one (1) IC Engine, at the Bishop B Pad 1 well pad site in Springville Township, **Susquehanna County**.

GP4-39-004: Stanley Vidmar (11 Grammes Road, Allentown, PA 18103) on September 10, 2020 to operate one (1) burn off oven at their facility located in the City of Allentown, **Lehigh County**.

GP4-39-003: Stanley Vidmar (11 Grammes Road, Allentown, PA 18103) on February 10, 2021 to operate one (1) burn off oven at their facility located in the City of Allentown, **Lehigh County**.

GP11-58-010: Williams Field Services Co, LLC (310 SR 92 North, Tunkhannock, PA 18657) on December 2, 2020 to operate one (1) Diesel I/C engines at the Teel Compressor Station in Springville Township, **Susquehanna County**.

GP3-58-076: F.S. Lopke Contracting, Inc. (3430 State Route 434, Apalachin, NY 13732) on January 4, 2021 to operate a Portable Crushing Operation with water sprays at New Milford Quarry in New Milford Township, **Susquehanna County**.

GP9-58-076: F.S. Lopke Contracting, Inc. (3430 State Route 434, Apalachin, NY 13732) on January 4, 2021 to install and operate three (3) Diesel I/C engines at New Milford Quarry in New Milford Township, **Susquehanna County**.

GP3-54-010: Commonwealth Environmental Systems, LP (99 Commonwealth Road, Hegins, PA 17938) on August 5, 2020 to construct and operate a Portable Crushing Operation with water sprays in Foster Township, **Schuylkill County**.

GP3-66-014: Donald Goble & Gary Goble (109 Patton Road, Monroe Township, PA 18636) on October 19, 2020 to construct and operate a Portable Crushing Operation with water sprays in Monroe Township, **Wyoming County**.

GP3-35-023: Hunlock Sand & Stone, Inc. (106 Bickert Lane, Nazareth, PA 18064) on November 23, 2020 to construct and operate a Portable Crushing Operation with water sprays at the Alliance Landfill in Taylor Borough, **Lackawanna County**.

GP9-35-023: Hunlock Sand & Stone, Inc. (106 Bickert Lane, Nazareth, PA 18064) on November 23, 2020 to install and operate four (4) Diesel I/C engines at the Alliance Landfill in Taylor Borough, **Lackawanna County**.

GP3-48-034: Chrin Brothers, Inc. (1225 Industrial Drive, Easton, PA 18042) on January 12, 2021 to construct and operate a Portable Crushing Operation with water sprays at the Chrin Brothers landfill in Williams Township, **Northampton County**.

GP9-48-034: Chrin Brothers, Inc. (1225 Industrial Drive, Easton, PA 18042) on January 12, 2021 to install and operate one (1) Diesel I/C engines at the Chrin Brothers landfill in Williams Township, **Northampton County**.

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

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

GP3-21-05040D: New Enterprise Stone & Lime Co., Inc. (3912 Brumbaugh Road, New Enterprise, PA 16664) on March 3, 2021 for the installation of a portable nonmetallic mineral crusher at the Shippensburg Quarry in Southampton Township, **Cumberland County**.

GP9-21-05040D: New Enterprise Stone & Lime Co., Inc. (3912 Brumbaugh Road, New Enterprise, PA 16664) on March 3, 2021, for the installation of a diesel-fired IC engine to power a portable nonmetallic mineral crusher at the Shippensburg Quarry in Southampton Township, **Cumberland 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.

46-0026K: Global Packaging Inc. (209 Bower Ave, Oaks, PA 19456) on March 8, 2021 to install and operate one (1) Wind-moeller & Helscher (W&H) Novoflex Flexographic Printing Press, with the VOC-laden exhaust routed through a permanent total enclosure to one of the two permitted regenerative thermal oxidizers at an existing State-Only facility located in Upper Providence Township, **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.

48-00118A: Victaulic Co. (157 Commerce Park Drive, Easton, PA 18045) on October 19, 2020 for the installation and operation of one (1) metal parts coating operation with one (1) drying oven and one (1) parts cleaning system at their facility in Lower Nazareth Township, **Northampton County**.

48-00089C: Spray Tek LLC (3010 Avenue B, Bethlehem, PA 18017) on January 14, 2021 for the installation and operation of one (1) new natural gas heated spray dryer using one (1) wet scrubber to control particulate matter (PM) emissions and one (1) carbon adsorber to control malodors at their facility in the City of Bethlehem, **Northampton County**.

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

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

04-00727C: Lambeth, Inc. dba Five Points Pet Crematory Services (2061 Broadhead Road Aliquippa, PA 15001-4962), plan approval issuance effective March 3, 2021 to construct and temporary operate a natural gas-fired multiple chamber cremator for pet remains, manufactured by Matthews Environmental Solutions, Model No. IEB-20 rated at 150 lbs/hr and maximum charge capacity of 500 lbs. at their facility located in Hopewell Township, **Beaver County**.

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

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

43-292B: Tri-County Landfill, Incorporated (159 TCI Park Drive, Grove City, PA 16127), on February 25, 2021 issued a Plan Approval for proposed construction and temporary operation of Air Quality related aspects of the landfill and associated operations in Pine & Liberty Townships, **Mercer County**. This is a Title V facility.

Philadelphia: Air Management Services, 321 University Avenue, Philadelphia, PA. 19104-4543.

Contact: Edward Wiener, Chief, Source Registration at 215-685-9426.

The City of Philadelphia, Air Management Services (AMS) issued on March 4, 2021 a Plan Approval for installation of air pollution sources at the following facility:

IP20-000231: Rhoads Navy Yard Operations (1900 Kitty Hawk Avenue, Philadelphia, PA 19112) on March 4, 2021, was issued a Plan Approval for the installation and

operation of metal fabrication, surface coating/abrasive blasting, and maritime repair and maintenance activities at The Navy Yard, in the City of Philadelphia, **Philadelphia County**. The following significant stationary air emission sources are part of the Plan Approval:

- Marine Surface Coating and Blasting Operations and Control Devices at Pier 5 or Dry-Dock No. 2
 - Surface Coating Operations SC-01 at Pier 5 or Dry-Dock No. 2
 - Airless Spray Techniques at Pier 5 or Dry-Dock No. 2
 - Abrasive Blasting Operations B-01 at Dry-Dock No. 2
 - Control Device CD-01 for Surface Coating Operations and Abrasive Blasting Operations at Pier 5 or Dry-Dock No. 2
 - One (1) Rental Dust Collector DC-01 for Surface Coating Operations and Abrasive Blasting Operations at Pier 5 or Dry-Dock No. 2
- Surface Coating and Blasting Operations and Control Devices at Building 57
 - Manual Surface Coating applications SC-02 at Building 57
 - Temporary Surface Coating Projects SC-03 at Building 57
 - Airless Spray Techniques for the Temporary Surface Coating Projects at Building 57
 - Laser Cutting Table and Laser Source L-01 at Building 57, Inside 1st Floor
 - Dust Collector DC-02 for Laser Cutting Table at Building 57, Inside 1st Floor
 - Temporary Abrasive Blasting B-02 at Building 57—Three (3) larger Abrasive Blasting projects per calendar year
 - Control Device CD-02 for Temporary Surface Coating Projects and Temporary Abrasive Blasting Projects at Building 57
 - Up to Two (2) Rental Dust Collectors DC-03A and/or DC-03B for Temporary Surface Coating Projects and Temporary Abrasive Blasting Projects at Building 57
- Surface Coating and Blasting Operations and Control Devices at Building 1028
 - Abrasive Blasting Operations B-03 at Building 1028
 - Blast Booth # 1 at Building 1028 for Abrasive Blasting Operations B-03A
 - Dust Collector DC-04 for Blast Booth # 1
 - Blast Booth at Building 1028 for Abrasive Blasting B-03B and Surface Coating Operations SC-04
 - Paint Filters F-01 for Blast Booth # 2
 - Primary Particulate Filtration System PF-01 for Blast Booth # 2
 - Minor Surface Coating and Touch-up painting SC-05 at Building 1028

The plan approval contains operating, monitoring, and recordkeeping requirements to ensure operation within all applicable requirements.

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.

09-0196H: Abington Reldan Metals, LLC (550 Old Bordentown Road, Fairless Hills, PA 19030-4510) on March 2, 2021, an extension for the installation of a new Thermal Destructor No. 5 and its associated afterburner, baghouse, and wet scrubber unit, source IDs 014, CO14B, and CO14C in Falls Township, **Bucks 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.

36-05158E: Perdue AgriBusiness, LLC (1897 River Road, Marietta, PA 17547) on March 3, 2021, for the modification to the 40 CFR Part 64, Continuous Assurance Monitoring (CAM) pressure differential ranges for various particulate matter control devices, and the modification of the mineral oil absorber temperature and flow rate requirements and the mineral oil condenser coolant temperature and flow rate requirements, at the soybean processing facility in Conoy Township, **Lancaster County**. The plan approval was extended.

67-05142A: Johnson Controls, Inc. (100 JCI Way, York, PA 17406) on March 3, 2021, for the installation of a spray coating booth, at a new industrial air handling equipment manufacturing facility located at 100 JCI Way in East Manchester Township, **York County**. The plan approval was extended.

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

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

55-00014B: Bingaman & Son Lumber, Inc. (1195 Creek Mountain Road, Kreamer, PA 17833) to extend the authorization to operate the sources pursuant to the plan approval an additional 180 days from March 3, 2021 to August 30, 2021, at their Kreamer Yard located in Middlecreek Township, **Snyder County**. The plan approval has been extended.

49-00064B: Milton Sewer Regional Authority (5585 State Route 405, P.O. Box 433, Milton, PA 17847), on March 3, 2021, to extend the authorization to temporarily operate the sources pursuant to the plan approval an additional 180 days from March 4, 2021, to August 31, 2021, at their facility located in West Chilisquaque Township, **Northumberland County**. The plan approval has been extended.

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

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

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**.

30-00072E: Consol Pennsylvania Coal Company, LLC (1000 Consol Energy Drive, Suite 100, 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**.

30-00072L: Consol Pennsylvania Coal Company, LLC (1000 Consol Energy Drive, Suite 100, Canonsburg, PA 15317) plan approval extension effective on March 12, 2021, with expiration on August 28, 2021, for the Bailey Prep Plant located in Richhill Township, **Greene County**.

30-00195A: Equitrans, LP (2200 Energy Drive, Canonsburg, PA 15317-1001) 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**.

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

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

Contact: Janine Tulloch-Reid, Facilities Permitting Chief—Telephone: 484-250-5920.

23-00009: The Boeing Company (P.O. Box 16858, Philadelphia, PA 19142-0858) on March 2, 2020, for renewal of the Title V Operating Permit for the operation of boilers, emergency generators, turbines, degreasers, tanks and paint booths at its aerospace manufacturing facility located in Ridley Township, **Delaware County**. The renewal included the incorporation of Plan Approvals 23-0009J and 23-0009K.

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

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

08-00003: Jeld-Wen, Inc. (825 Shiner Road, P.O. Box 311, Towanda, PA 18848) on March 8, 2021, was issued a renewal Title V operating permit for their facility located in Wysox Township, **Bradford County**. The Title V operating permit contains all applicable State and Federal regulatory requirements including emission limits, monitoring, recordkeeping, testing and reporting conditions.

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

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

10-00027: Calumet Karns City Refining, LLC (138 Petrolia Street, Karns City, PA 16041). On March 2, 2021, the Department renewed the Title V Permit to operate a high-quality specialty oils and lubricants manufacturing facility in Karns City Borough, **Butler County**. The facility's major emission sources include 3 boilers (66 million Btu/hr, 91 million Btu/hr, and 91 million Btu/hr), hydrotreater reactor furnace, hydrotreater reformer furnace, hydrotreater stripper furnace, kerosene unit furnaces, emergency diesel generators and fire pumps, emergency natural gas generator, two retort process heaters with a cyclone control, an Oleum process controlled by two venturi scrubbers, alcohol storage and handling, plant-wide fugitive emissions, wastewater treat-

ment, small gasoline storage tank, naphtha rerun unit furnace, hydrotreater flare, kerosene/naphtha unit flare, and pumps and compressors. The facility is a major facility due to its potential to emit Volatile Organic Compounds and Carbon Monoxide. Potential HAP emissions from the facility are less than 3 tpy. Actual reported emissions for 2019 were: 29.41 tons CO; 20.93 tons NO_x; 6.25 tons PM₁₀; 3.36 tons PM_{2.5}; 14.27 tons SO_x; 32.56 tons VOC; and 0.93 ton total HAPs. The 66 million Btu/hr boiler is natural gas or oil fired. Boiler # 1 is subject to 40 CFR Part 63 Subpart JJJJJJ, the NESHAPs for Industrial, Commercial, and Institutional Boilers at Area Sources. Since the other boilers only burn natural gas, they are exempt from Subpart JJJJJJ based on § 63.11195(e) which indicates a gas-fired boiler is not subject to this Subpart. The stationary engines for the emergency diesel generators, emergency natural gas generator, and diesel fire pumps are subject to 40 CFR Part 63 Subpart ZZZZ for Stationary Reciprocating Internal Combustion Engines. One of the emergency generators is subject to 40 CFR Part 60 Subpart IIII, the NSPS for CI Internal Combustion Engines, and one of the emergency generators is subject to 40 CFR Part 60 Subpart JJJJ, the NSPS for SI Internal Combustion Engines. Source 109 gasoline storage tank is subject to 40 CFR 63 Subpart CCCCCC pertaining to NESHAPs for Gasoline Dispensing Facilities. The only Subpart CCCCCC requirements applicable to this source which were incorporated into the permit are the work practice requirements of § 63.11116 pertaining to facilities with monthly throughput of less than 10,000 gallons of gasoline.

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.

46-00259: EPP Renewable Energy, LLC (660 Thomas Road, Lafayette Hill, PA 19444) on March 2, 2021, for renewal of the State Only, Synthetic Minor Operating Permit for a facility comprising one natural gas-fired I.C. engine rated at 2,311 HP, one 500 KW emergency diesel generator, and three boilers rated at 4.0 MMBtu/hr each, located in Whitmarsh Township, **Montgomery County**.

46-00259: Marko Coating, LLC (1105 Miller Avenue, Croydon, PA 19021) on March 2, 2021 located in Bristol Township, **Bucks County** for the renewal of their State Only (Natural Minor) Operating Permit for the operation of two chromium electroplating tanks at this facility.

46-00028: Catagnus Funeral Home & Cremation Center, Ltd. (329 N. Lewis Road, Royersford, PA 19468) on March 3, 2021, located in Limerick Township, **Montgomery County**, for a renewal of State Only (Natural Minor) Operating Permit for the operation of a human crematory unit.

46-00287: Wallquest, Inc. (741 First Avenue, King of Prussia, PA 19406) on March 3, 2021 located in Upper Merion Township, **Montgomery County**, for a renewal of State Only Synthetic Minor Operating Permit for the operation of a 6-color rotogravure press and three proof presses for its existing wallpaper manufacturing facility.

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

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

36-03161: Compass Quarries, Inc. (47 McIlvaine Road, Paradise, PA 17562-9604) on March 2, 2021, for the stone quarry operations located in Paradise Township, **Lancaster County**. The State-Only Permit was renewed.

07-05040: Lumax Industries, Inc. (301 Chestnut Avenue, Altoona, PA 16603) on March 2, 2021, for the fluorescent lighting fixtures manufacturing facility located in Altoona City, **Blair County**. The State-Only Permit was renewed.

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

Contact: Thomas Joseph, Facilities Permitting Chief, 412.442.4336.

65-00163: Pa. Department of Human Services (121 Longview Drive, Derry, PA 15627). In accordance with 25 Pa. Code § 127.431, the Department of Environmental Protection (DEP) is providing notice that on March 4, 2021, DEP issued an initial, State Only Operating Permit to National Fuel Gas Supply Corporation for the continued operation of a boiler house at a hospital, known as the Torrance State Hospital, located in Derry Township, **Westmoreland County**.

The facility is a boiler house for a State institution with residents and contains air contamination sources consist of four, 14.6 through 33.5 MMBtu/hr, natural gas and backup fuel oil-fired, steam generating boilers, fourteen, (five, LPG-fueled (112-bhp total) and nine, diesel (1,300-bhp total)) emergency engines, and # 2 fuel oil tanks. The facility was previously a Title V source, but removed its coal-fired boilers, reducing its potential emissions below major source thresholds.

No emission or equipment changes have been approved by this action. Emission sources at the facility are subject to 25 Pa. Code Chapters 121—145. The permit includes emission limitations, and operational, monitoring, reporting and recordkeeping requirements for the facility. The emission restriction, monitoring, recordkeeping, reporting and work practice conditions of the SOOP have been derived from the applicable requirements of 40 CFR Part 60, Subpart A—General Provisions and Subpart Dc—Standards of Performance for Small Industrial-Commercial-Institutional Steam Generating Units, and 25 Pa. Code Article III, Chapters 121—145.

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.

15-00054: Highway Materials, Inc. Malvern Asphalt Plant (680 North Morehall Road, Frazer, PA) on March 5, 2021 for an Administrative Amendment of a State Only, Synthetic Minor Operating Permit in East Whiteland Township, **Chester County**. Highway Materi-

als operates a batch asphalt plant with a rotary dryer. Administrative Amendment of the Synthetic Minor Operating Permit issued under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and 25 Pa. Code § 127.450. The Administrative Amendment incorporates terms and conditions of General Permit No. GP3-46-0164 (Portable Crusher) and General Permit No. GP9-46-0107 (Scania Engine); Particulate Matter (PM) emissions from the crusher are controlled by a new wet suppression system. Sources at the facility are required to comply with the New Source Performance Standards of 40 CFR Part 60 Subpart OOO. The amended permit will include monitoring, recordkeeping, and reporting requirements designed to keep the facility within all applicable air quality requirements.

15-00055: Highway Materials, Inc. (850 Crusher Road, Downingtown, PA 19355) on March 5, 2021 for an Administrative Amendment of a State Only, Synthetic Minor Operating Permit in Eats Caln Township, **Chester County**. Highway Materials operates a batch asphalt plant at this location. Administrative Amendment of the Synthetic Minor Operating Permit issued under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and 25 Pa. Code § 127.450. The Administrative Amendment incorporates terms and conditions of General Permit No. GP3-46-0164 (Portable Crusher) and General Permit No. GP9-46-0107 (Scania Engine); Particulate Matter (PM) emissions from the crusher are controlled by a new wet suppression system. Sources at the facility are required to comply with the New Source Performance Standards of 40 CFR Part 60 Subpart OOO. The amended permit will include monitoring, recordkeeping, and reporting requirements designed to keep the facility within all applicable air quality requirements.

46-00236: Highway Materials, Inc. (1126 Crusher Road, Perkiomenville, PA 18074), on March 5, 2021 for an Administrative Amendment of a State Only, Synthetic Minor Operating Permit in Marlborough Township, **Montgomery County**. Highway Materials operates a 360 ton per hour batch asphalt plant with a rotary dryer. Administrative Amendment of the Synthetic Minor Operating Permit issued under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and 25 Pa. Code § 127.450. The Administrative Amendment incorporates terms and conditions of General Permit No. GP3-46-0164 (Portable Crusher) and General Permit No. GP9-46-0107 (Scania Engine); Particulate Matter (PM) emissions from the crusher are controlled by a new wet suppression system. Sources at the facility are required to comply with the New Source Performance Standards of 40 CFR Part 60 Subpart OOO. The amended permit will include monitoring, recordkeeping, and reporting requirements designed to keep the facility within all applicable air quality requirements.

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

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

59-00017: Victaulic Co. (P.O. Box 31, Easton, PA 18044), issued a revised State Only (synthetic minor) Operating Permit on March 4, 2021, for a change of ownership of the Lawrenceville Plant located in Lawrence Township, **Tioga County**. This revised State Only (synthetic minor) Operating Permit contains all applicable regulatory requirements including monitoring, recordkeeping, and reporting conditions.

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

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

Permit No. 56090101 and NPDES No. PA0262714. Heritage Coal & Natural Resources, LLC, 550 Beagle Road, Rockwood, PA 15557, permit renewal for continued operation of a bituminous surface mine from Elk Lick Township, **Somerset County**, affecting 173.0 acres. Receiving streams: unnamed tributary to/and Casselman River, unnamed tributaries to Piney Creek classified for the following use: cold water fishes. There are no potable water supply intakes within 10 miles downstream. Application received: December 30, 2020. Permit issued: March 4, 2021.

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

Permit No. 14743007 and NPDES PA0610691. Keystone Coal Company, 1915 Wigmore Street, Jacksonville, FL 32206, permit renewal for reclamation only of a bituminous surface coal mine located in Snow Shoe Township, **Centre County** affecting 344.7 acres. Receiving stream(s): Logway Run classified for the following use(s): CWF, MF. There are no potable water supply intakes within 10 miles downstream. Application received: February 18, 2020. Permit issued: March 4, 2021.

Permit No. 17060101 and NPDES PA0269273. Waroquier Coal Company, P.O. Box 128, Clearfield, PA 16830, permit reissuance for the continued operation and restorations of an existing bituminous surface mine located in Lawrence Township, **Clearfield County** affecting 203.0 acres. Receiving stream(s): Unnamed Tributaries to Little Clearfield Creek classified for the following use(s): HQ-CWF, MF. There are no potable water supply intakes within 10 miles downstream. Application received: June 11, 2019. Permit issued: March 4, 2021.

Noncoal Permits Issued

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

Permit No. 48170301 and NPDES Permit No. PA0225746. Lehigh Cement Co., LLC, 7660 Imperial

Way, Allentown, PA 18195, commencement, operation and restoration of a quarry operation and NPDES Permit for discharge of treated mine drainage in Nazareth Borough and Upper Nazareth Township, **Northampton County** affecting 282.3 acres. Receiving streams: unnamed tributary to East Branch Monocacy Creek and unnamed tributary to Shoeneck Creek. Application received: July 17, 2017. Permit issued: March 4, 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. 13214101. Maine Drilling & Blasting, Inc., P.O. Box 1140, Gardiner, ME 04345, construction blasting for Exeter Blue Ridge in Kidder Township, **Carbon County** with an expiration date of February 5, 2022. Permit issued: March 5, 2021.

Permit No. 46214103. American Rock Mechanics, Inc., 7531 Chestnut Street, Zionsville, PA 18092, construction blasting for 59 Fretz Road in Lower Salford Township, **Montgomery County** with an expiration date of February 21, 2022. Permit issued: March 5, 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@pa.gov.

Permit No. E4601220-042, PECO Energy Company, 2301 Market Street, N3-3, Philadelphia, PA 19103, Lower Merion Township, Montgomery County, ACOE Philadelphia District.

To construct and maintain approximately 295 LF of 24-inch diameter steel gas main along Righter's Mill Road. An approximately 90-LF section of 24-inch diameter steel gas main will be installed via jack and bore beneath the Mill Creek (TSF-MF) within a 30-inch diameter steel casing associated with the damaged 16-inch gas line. An emergency permit (EP4620027) was authorized for the installation of a 12-inch diameter temporary bypass steel gas main. The permit also includes the cut and removal of the existing 16-inch leaking gas main and the gabion mattress protections placed in association with the emergency action. The area is within the National Register listed Mill Creek Historic District.

The site is located at 30 Righter's Mill Road (Norristown, PA, USGS Quadrangle, Latitude: 40.031434; Longitude: -75.269531) in Lower Merion Township, Montgomery County. Permit issued March 4, 2021.

Permit No. E4601220-035, Commerce Pursuit Capital, LP, 1300 Virginia Drive, Suite 215, Fort Washington, PA 19034-3249, Lower Moreland Township, Montgomery County, ACOE Philadelphia District.

To construct and maintain a 196-unit senior living facility, including amenities, on an approximately 10-acre vacant parcel within the floodway/floodplain of the Huntingdon Valley Creek, and UNT (TSF-MF), associated with the Arbour Square Project. The project will also include the following activities:

1. Construct and maintain new entranceway crossing bridge 64 feet long, 30 feet wide x 9.13 feet high CONSPAN culvert.
2. Rehabilitate and maintain the existing culvert beneath the Philmont Avenue for road widening, 24 feet long, 7-foot-wide x 3-foot-high box culvert.
3. Remove one existing concrete bridge.
4. Construct and maintain four outfall structures.
5. Construct and maintain six utility line stream crossings.

The site is located at about 500 feet southwest of Philmont Avenue and Red Lion Road (Frankford, PA, USGS Quadrangles Latitude: 40.1194444; Longitude:

-75.0591667) in Lower Moreland Township, Montgomery County. Permit issued March 9, 2021.

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

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

E6402120-021, Pa Department of Transportation, Engineering District 4-0, 55 Keystone Industrial Drive, Dunmore, PA 18512, Salem Township, Wayne County, Army Corps of Engineers, Philadelphia District.

To authorize the following water obstructions and encroachments associated with the structure replacement for SR 0590 over Jones Creek:

- To remove the existing structure and to construct and maintain a 42.89-foot wide single-span pre-stressed concrete spread box beam bridge carrying SR 0590 across Jones Creek (HQ-CWF, MF) having a 74.72-foot normal clear span and a 9.5-foot underclearance. Floodway fill appurtenant to the structure replacement will also occur.

- Approximately 158 linear feet of two (2) different tributaries to Jones Creek will be permanently realigned due to the project.

- Approximately 0.01 acre of PEM/PSS/PFO wetland will be permanently impacted due to the project.

The proposed project is located along SR 0590 (Lake Ariel, PA Quadrangle, Latitude: 41° 23' 48.36"; Longitude: -75° 26' 4.26") in Salem Township, Wayne County.

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

E4104221-001, Firetower Road & Upper Rynearson Road Improvements, Upper Rynearson Rd & Fire Tower Road, Mill Creek & Plunketts Creek Township, Lycoming County, U.S. Army Corps of Engineers Baltimore District (Huntersville, PA Quadrangles, Latitude: 41.331740°N; Longitude: 76.783032°W).

Pennsylvania General Energy (PGE) is proposing to make roadway and drainage improvements to approximately 2.4 miles of Fire Tower Road (T-580) and 0.7 mile of Upper Rynearson Road (T-582) in Mill Creek and Plunketts Creek Townships, Lycoming County, Pennsylvania. The project extends in a general south to North direction and is located both on private property and within the Loyalsock State Forest. The southern terminus of the project is located at the intersection of SR 864 and Upper Rynearson Road, approximately 0.5 mile west of Huntersville, PA. The northern terminus is located at the intersection of Fire Tower Road and Sand Spring Road, approximately 3.3 miles south of barbours, Pennsylvania. Latitude/Longitude coordinates for the midpoint of the project are 41.62411°/-76.71467°.

Land use/land cover in the project area includes existing roadway, maintained law, agricultural fields, Loyalsock State Forest, and forested hillside and mountaintop.

The purpose of the project is to provide safe and efficient travel along Upper Rynearson Road and Fire Tower Road with a roadway that meets current design standards.

Project activities include roadway widening, drainage improvements, base repair and installation of guide rail.

E1904220-023: Benton Foundry, Inc., 5297 State Route 487, Benton, PA 17814-7641, Sugarloaf Township,

Columbia County, U.S. Army Corps of Engineers Baltimore District (Red Rock Quadrangle; 41.260553° N; -76.347551°W).

The applicant proposes to expand their facility to improve safety and increase production. The increase in production will result in the creation of additional jobs. The expansion will permanently impact 28,399 SF (0.65 ac) of exceptional value palustrine forested wetland, 1,821 SF (0.04 ac) of an unnamed tributary to Hess Hollow, a High Quality—Cold Water Fishery, and 9,786 SF (0.22 ac) of floodway. To mitigate for these impacts, 0.43 ac of exceptional value palustrine forested wetland will be created onsite and 1.21 ac of exceptional value palustrine forested wetland will be created offsite.

ENVIRONMENTAL ASSESSMENTS

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

EA3603220-022 & GP063603220-021. East Earl Township, 4610 Division Highway, East Earl, PA 17519, East Earl Township, **Lancaster County**, U.S. Army Corps of Engineers, Baltimore District.

The information submitted relates to the construction and maintenance of a stream restoration project along Cedar Creek (WWF, MF) and unnamed tributaries to Cedar Creek (WWF, MF) including 1.) 1,171 feet of bank grading (left and right bank); 2.) the installation of seven cross rock vanes; 3.) the installation of seven log vanes; 4.) the installation of thirteen mounds totaling 1,052 feet in length; 5.) the installation of an agricultural crossing; and 6.) the installation of one boulder wall deflector totaling 48 feet in length, impacting 240 square feet of palustrine emergent wetlands, all for the purposes of reducing erosion and flooding potential along Cedar Creek and its tributaries. The project is located near the intersection of Frogtown Road and Main Street (Latitude: 40.1227°N; Longitude: 76.1079°W) in East Earl Township, Lancaster County. Wetland impacts are de minimus and replacement is not required. Permit issued March 5, 2021.

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.

Southwest District: Oil & Gas Management Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222, (412) 442-4281.

ESCGP-3 # ESG076320012-00
Applicant Name EQM Gathering OPCO, LLC
Contact Person Gregg West
Address 2200 Energy Drive
City, State, Zip Canonsburg, PA 15317
County Washington County
Township(s) Somerset Twp
Receiving Stream(s) and Classification(s) UNTs to Center Branch Pigeon Creek (WWF); Middle Monongahela River (WWF)

ESCGP-3 # ESX16-059-0062 Major Rev1
Applicant Name EQM Gathering OPCO, LLC
Contact Person Gregg West
Address 2200 Rice Drive
City, State, Zip Canonsburg, PA 15317
County Greene County
Township(s) Springhill & Aleppo Twps
Receiving Stream(s) and Classification(s) UNTs to Pennsylvania Fork Fish Creek and Pennsylvania Fork Fish Creek (WWF). UNTs to Coon Run and Coon Run (WWF). UNTs to Fall Run and Fall Run (WWF). UNTs to Harts Run and Harts Run (WWF). And UNTs to Knob Run (WWF)
Secondary: receiving water—Fish Creek (WWF)

ESCGP-3 # ESG076320003-00
Applicant Name Range Resources Appalachia, LLC
Contact Person Karl Matz
Address 3000 Town Center Blvd
City, State, Zip Canonsburg, PA 15317
County Washington County
Township(s) Amwell Twp
Receiving Stream(s) and Classification(s) Tenmile and South Fork Tenmile Creeks (TSF); UNT to Redd Run (TSF), Redd Run (TSF)

ESCGP-3 # ESG076320008-00
Applicant Name EQM Gathering OPCO, LLC
Contact Person Erin Debias
Address 2200 Energy Drive
City, State, Zip Canonsburg, PA 15317
County Washington County
Township(s) Fallowfield Twp
Receiving Stream(s) and Classification(s) UNT to Maple Creek (WWF), Maple Creek (WWF); Maple Creek (WWF), Monongahela River (WWF)

ESCGP-3 # ESG073020012-00
Applicant Name EQT Production, Co
Contact Person Charity Fleenor
Address 400 Woodcliff Dr
City, State, Zip Canonsburg, PA 15317
County Greene County
Township(s) Gilmore & Wayne Twps
Receiving Stream(s) and Classification(s) UNT to Hoovers Run (WWF), UNT to Toms Run (WWF); Hoovers Run (WWF), Toms Run (WWF)

ESCGP-3 # ESG073020007-00
Applicant Name CNX Midstream Opr Co, LLC
Contact Person Erika Whetstone
Address 1000 Consol Energy Drive
City, State, Zip Canonsburg, PA 15317

County Greene County
Township(s) Richhill Twp
Receiving Stream(s) and Classification(s) UNTs to Grays Fork (HQ-WWF), UNTs to Crabapple Creek (WWF), Crabapple Creek (WWF), Kent Run (TSF); Grays Fork (HQ-WWF), Crabapple Creek (WWF), Dunkard Fork (WWF), North Fork Dunkard Fork (TSF)

Northwest Region: Oil and Gas Management Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481.

ESCGP-3 # ESG150310001-01—Kennemuth Well Pad
Applicant Name Laurel Mountain Production, LLC
Contact Person Mr. Matthew Weinreich
Address 61 McMurray Road, Suite 300
City, State, Zip Pittsburgh, PA 15241
County Clarion County
Township(s) Perry
Receiving Stream(s) and Classification(s) UNT to Allegheny River (WWF) Dunlap Creek (WWF)

ESCGP-3 # ESG082420005-00 Clermont Pad D & Pipeline Project
Applicant Name Seneca Resources Co, LLC
Contact Person Cindy Jones
Address 51 Zents Blvd
City, State, Zip Brookville, PA 15825-2701
County Cameron County, Elk County, McKean County
Receiving Stream(s) and Classification(s) UNT to Elk Fork (EV, MF), Elk Fork (EV, MF), Billy Buck Run (EV, MF), UNT to Cherry Run (EV, MF) and Dead's Man Lick (EV, MF)
Secondary Waters: Driftwood Branch Sinnemahoning Creek (EV, MF), Sinnemahoning Creek (EV, MF).

ESCGP-3 # ESX150190029-01 Sculptor Well Pad
Applicant Name Key EM Energy, LLC
Contact Person Jaime Johnson
Address 702 W Idaho Street 5th floor
City, State, Zip Boise, ID 83702
County Butler County
Township(s) Allegheny Twp.
Receiving Stream(s) and Classification(s) Trib 49127 to North Branch Bear Creek (CWF)
Secondary: North Branch Bear Creek (CWF)

ESCGP-3 # ESG080320007-00 Murphys Bottom to Neumann Pipeline
Applicant Name Snyder Bros Inc.
Contact Person Carl Rose
Address P.O. Box 1022 One Glade Park East
City, State, Zip Kittanning, PA 1620
1 County Armstrong County
Township(s) South Buffalo Township
Receiving Stream(s) and Classification(s) Knapp Run (WWF), UNT to Knapp Run (WWF), Hill Run (WWF)
Secondary Waters: Allegheny River (WWF), Knapp Run (WWF)

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

ESCGP-3 # ESG290821008-00
Applicant Name Chesapeake Appalachia, LLC
Contact Person Eric Haskins
Address 14 Chesapeake Lane
City, State, Zip Sayre, PA 18840
County Bradford County
Township(s) Albany
Receiving Stream(s) and Classification(s) UNT to Sugar Run (CWF, MF)
Secondary: Sugar Run (CWF, MF)

ESCGP-3 # ESG290821001-00
Applicant Name Chesapeake Appalachia, LLC
Contact Person Eric Haskins
Address 14 Chesapeake Lane
City, State, Zip Sayre, PA 18840
County Bradford County
Township(s) Wilmot
Receiving Stream(s) and Classification(s) UNT Sugar Run (CWF, MF), Sciota Brook (CWF, MF)
Secondary: Sugar Run (CWF, MF), North Branch Mehoopany Creek (CWF, MF)

ESCGP-3 # ESG295820057-00
Applicant Name Repsol Oil & Gas USA, LLC
Contact Person Tom Cassetta
Address 337 Daniel Zenker Dr
City, State, Zip Horseheads, NY 14845-1008
County Susquehanna County
Township(s) Rush
Receiving Stream(s) and Classification(s) UNT to Wyalusing Creek (WWF/MF)
Secondary: Wyalusing Creek (WWF/MF)

ESCGP-3 # ESG295820053-00
Applicant Name Susquehanna Gathering Co, LLC
Contact Person Paul Corrigan
Address 1000 Noble Energy Drive, 5th Floor
City, State, Zip Canonsburg, PA 15317
County Susquehanna County
Township(s) New Milford & Great Bend
Receiving Stream(s) and Classification(s) Smith Creek (HQ-CWF, MF), Little Egypt Creek (CWF, MF)
Secondary: Salt Lick Creek (HQ-CWF, MF), Susquehanna River (WWF, MF)

ESCGP-3 # ESG295320002-00
Applicant Name M4 Energy, LLC
Contact Person Donald Supcoe
Address 601 Liberty Street
City, State, Zip Watsonstown, PA 17777-1133
County Potter County
Township(s) Hector
Receiving Stream(s) and Classification(s) UNT of Genesee Forks (HQ, HQ)
Secondary: Genesee Forks (HQ, CWF)

ESCGP-3 # ESG290821011-00
Applicant Name Chesapeake Appalachia, LLC
Contact Person Eric Haskins
Address 14 Chesapeake Lane
City, State, Zip Sayre, PA 18840-1567
County Bradford County
Township(s) Smithfield
Receiving Stream(s) and Classification(s) UNT to West Branch Tomjack Creek (TSF, MF), UNT to Tomjack Creek (TSF, MF)
Secondary: Tomjack Creek (TSF, MF), Tomjack Creek (TSF, 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.

Sunoco 0961 0759, 46-37607, 511 W. Germantown Pike, Plymouth Meeting, PA 19462, Plymouth Township, **Montgomery County**. RMS Environmental LLC, P.O. Box 399, Jamison, PA 18929, on behalf 511 Germantown Pike Associates, LP, 511 W. Germantown Pike, Plymouth Meeting, PA 19462, submitted a Remedial Action Plan concerning remediation of soil and groundwater contaminated with petroleum products. The report is intended to document remediation of the site to meet nonresidential Statewide health and site-specific standards.

Phila Fire Acad, 51-20135, 5200 Pennypack St., Philadelphia, PA 19136, **City of Philadelphia**. Oxford Engineering Company, 336 Point Street, Camden, NJ 08102, on behalf The City of Philadelphia, Department of Public Property, City Hall, Room 784, Philadelphia, PA 19107, submitted a Remedial Action Plan concerning remediation of soil and groundwater contaminated with petroleum products. The report is intended to document remediation of the site to meet site-specific standards.

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 Pro-

tection (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.

Souderton Fuels 67425, 46-23960, 303 Harleysville Pike, Souderton, PA 18964, Franconia Township, **Montgomery County**. Antea USA, Inc., 535 Route 38, Suite 203, Cherry Hill, NJ 08002, on behalf of Getty Properties Corp., Two Jericho Plaza, Suite 110, Wing C, Jericho, NY 11753 submitted a Remedial Action Completion Report concerning remediation of soil and groundwater contaminated with unleaded gasoline. The RACR demonstrated attainment of residential Statewide health and site-specific standards and was approved by the DEP on March 2, 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.

CA Schuler & Sons, Storage Tank ID # 45-16995, 1969 Route 209, Brodheads ville, PA 18322, Chestnuthill Township, **Monroe County**. MEA 1365 Ackermanville Road, Bangor, PA 18013, on behalf of W. S. Peeney Inc., 1745 West Main Street, Stroudsburg, PA 18360, has submitted a Remedial Action Plan concerning remediation of soil and groundwater contaminated with gasoline. The Remedial Action Plan was acceptable to meet Statewide Health Standards and was approved by DEP on March 8, 2021.

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

Contact: Cynthia Stine, Licensed Professional Geologist.

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 Remedial Action Completion Report demonstrated attainment of the Used Aquifer Residential Statewide Health Standard and was approved by DEP on March 3, 2021.

Contact: Robin L. Yerger, Licensed Professional Geologist.

Rutters Farm Store 54, Storage Tank Facility ID # 67-32277, 5305 Susquehanna Trail, York, PA 17402, Conewago Township, **York County**. United Environmental Services, Inc., P.O. Box 701, Schuylkill Haven, PA 17972 on behalf of CHR Corporation, 2295 Susquehanna Trail, York, PA 17404, submitted a Remedial Action Plan concerning remediation of soil and groundwater contaminated with petroleum contaminants. The Remedial Action Plan was unacceptable to meet the Site-Specific Standard and was disapproved by the DEP on March 10, 2021.

[Pa.B. Doc. No. 21-427. Filed for public inspection March 19, 2021, 9:00 a.m.]

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Bid Opportunity

OOGM 20-2, Cleaning Out and Plugging One Abandoned Well, Ross Township, Allegheny County. The principal items of work and approximate quantities include the following: clean out and plug one abandoned well, estimated to be up to 3,000 feet in depth, to Department specifications; prepare and restore well site; and mobilize and demobilize plugging equipment.

This bid issues on March 12, 2021, and bids will be opened on April 15, 2021, at 2 p.m. Bid documents may be downloaded for free beginning on the issue date from the Department of Environmental Protection by going to www.BidExpress.com. A mandatory prebid conference is scheduled for March 25, 2021, at 10 a.m. at 129 Mayer Drive, Pittsburgh, PA 15237. Failure to attend the prebid conference will be cause for rejection of the bid. Contact the Construction Contracts Section at (717) 787-7820 or RA-ConstructionContr@pa.gov for more information on this bid. Note this is a Small Construction Business Program bid opportunity.

PATRICK McDONNELL,
Secretary

[Pa.B. Doc. No. 21-428. Filed for public inspection March 19, 2021, 9:00 a.m.]

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Bond Rate Guidelines for the Calculation of Land Reclamation Bonds on Coal Mining Operations

The Department of Environmental Protection (Department) announces the 2021 land reclamation bond rate guidelines for anthracite and bituminous coal mining operations. These rates become effective April 1, 2021. The authority for bonding coal 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) and 25 Pa. Code Chapter 86, Subchapter F (relating to bonding and insurance requirements).

The unit costs listed in these guidelines will be used in calculating the land reclamation bonds for surface coal mining operations including, surface mines, coal refuse disposal sites, coal refuse reprocessing sites, coal processing facilities and the surface facilities of underground mining operations.

The procedures for calculating land reclamation bonds are described in Technical Guidance Document (DEP ID: 563-2504-001), “Conventional Bonding for Land Reclamation—Coal,” which is available online at <http://www.depgreenport.state.pa.us/elibrary/>. The Department calculated the rate of inflation 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%. This rate of inflation will be used in calculating bond amounts for permit renewal or permit midterm bond liability reviews on or after April 1, 2021.

The Department may review the adequacy of bonds on existing permits based on the bond rate guidelines 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.

These bond rate guidelines do not apply to bonds ensuring replacement of water supplies under subsection 3.1(c) of the Surface Mining Conservation and Reclamation Act (52 P.S. § 1396.3a(c)) or to bonds ensuring compliance with the requirements of the Bituminous Mine Subsidence and Land Conservation Act (52 P.S. §§ 1406.1—1406.21).

General Methodology

The Department developed the bond rate guidelines for 2021 from the unit costs for competitively bid contracts for abandoned mine reclamation projects using the lowest total bid for each contract. Contract bid data is available for various unit operations needed to complete reclamation of a mine site for the years 1998—2020. For most categories, a 3-year (2018—2020) average was used to calculate the guidelines. Some categories require another approach due to limited data. For example, there were no contracts in the years 2014—2020 that included selective grading. Therefore, a multiyear average of available data prior to 2014 was used for the 2021 selective grading bond rate.

The Department will use the weighted average of the lowest total bid contract for the previous 3 years for the 2021 bond rate guidelines.

If a unit operation necessary to calculate a reclamation bond is not listed in Tables 1 or 2, then additional cost information available may be used. Unit costs (such as haulage over 1 mile for grading) may be calculated using a standard reference like the most recent edition of *Means Building Construction Cost Data* or the most recent version of the Office of Surface Mining *Handbook for Calculation of Reclamation Bond Amounts*. Specific unit costs may be adjusted using information provided by other stakeholders including permittee provided reclamation cost estimates which include supporting calculations such as prevailing wage costs, installation costs, and the like.

The fees associated with the Land Maintenance Bond Program are presented in Table 3. There has been no change in these rates for 2021.

The bond rate guidelines are available at <http://www.dep.pa.gov/Business/Land/Mining/BureauofMiningPrograms/Bonding/Pages/BondRates.aspx>. For background information and supporting documentation regarding bonding rate guidelines, contact the Bureau of Mining Programs, Division of Permitting and Compliance, P.O. Box 8461, Harrisburg, PA 17105-8461, (717) 787-5103.

Mine Sealing Costs

The mine sealing bond rate guidelines are presented in Table 2.

Effective Date

The rates in this notice will become effective April 1, 2021.

TABLE 1
Standard Bond Rate Guidelines for Year 2021

<i>Unit Operation</i>	<i>Unit Measure</i>	<i>Unit Costs (\$)</i>
Mobilization/Demobilization	Job	4% of Direct Costs or \$40,000, Whichever is Less
Grading ($<$ 500-foot push)	Cubic Yard	0.80
Load/Haul/Dump/Grading (\geq 500-feet)	Cubic Yard	1.40
Load/Haul/Dump/Grading (1,000 feet up to 1 mile) Underground and Refuse Only	Cubic Yard	2.50
Load/Haul/Dump/Grading ($>$ 1 mile) Underground and Refuse Only	Cubic Yard	Use Standard References
Selective Grading	Acre	1,700.00
Revegetation	Acre	2,000.00
Tree Planting	Tree	0.75
Ditch Excavation	Cubic Yard	4.75
Jute Matting	Square Yard	2.45
High Velocity Erosion Control	Square Yard	2.00
AASHTO No. 1	Ton	23.00
AASHTO No. 57	Ton	30.00
R3 Rock Lining	Square Yard	31.00
R4 Rock Lining	Square Yard	40.00
R5 Rock Lining	Square Yard	28.00
Geotextile/Filter Fabric	Square Yard	2.40
Subsurface Drain	Lineal Foot	23.00
Erosion and Sedimentation Control (Temporary Installation)	Job	Lump Sum (5% of Direct Costs for Site)
Pond Removal Active Phase ¹	Pond	3,800.00
Stage 3 Maintenance Bond Non-Cropland Areas (Land Uses Where Crop Yields are Not Required)	Acre	100.00
Stage 3 Maintenance Bond Cropland (Not Row Crops) Pastureland or Land Occasional Cut for Hay (Excludes Seed Cost)	Acre	490.00

<i>Unit Operation</i>	<i>Unit Measure</i>	<i>Unit Costs (\$)</i>
Stage 3 Maintenance Bond Cropland Area—Row Crops (Includes Seed Cost)	Acre	890.00
Stage 3 Mobilization	Job	2,500.00
Pond Removal—Stage 3	Cubic Yards (Embankment Volume) Plus Top Soiling and Revegetation Cost	Use < 500 Grading for Pond Embankment Volume Plus Top Soiling and Revegetation Cost for the Area Disturbed
Ditch Removal—Stage 3	Lineal Foot	0.75
Equipment Tire Removal and Disposal	Tire	300.00
Structure Demolition	Costs will be Calculated Using Costs Listed in the Construction Industry's Latest Annual Cost Publications, such as <i>Means Building Construction Cost Data</i>	

TABLE 2

Mine Sealing Bond Rate Guidelines for Year 2021

<i>Sealing Bituminous Underground Mine Drift and Slope Openings</i>		
<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 ²	Cubic Yard	19.00
Security Fencing	Lineal Foot	32.50
Mobilization Cost	Job	4% of Total Amount

<i>Sealing Bituminous Underground Mine Shaft Openings</i>		
Concrete Material	Cubic Yard	110.00
Aggregate Material	Cubic Yard	32.50
Fill Material and Earthwork ²	Cubic Yard	8.50
Security Fencing	Lineal Foot	32.50
Mobilization Cost	Job	4% of Total Amount

<i>Sealing Boreholes at Bituminous Underground Mines</i>		
<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

¹ Unit cost not from BAMR bids; includes dewatering, grading, topsoil placement and revegetation.

² 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*.

TABLE 3

Land Maintenance Financial Guarantee Fees for Year 2021

<i>Fee Category</i>	<i>Fee (\$)</i>
Publication	1,000.00
Administrative	300.00

PATRICK McDONNELL,
Secretary

[Pa.B. Doc. No. 21-429. Filed for public inspection March 19, 2021, 9:00 a.m.]

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Conditional State Water Quality Certification under Section 401 of the Clean Water Act for the United States Army Corps of Engineers Pennsylvania State Programmatic General Permit 6 (PASPGP-6)

On December 5, 2020, the Department of Environmental Protection (Department) published a notice at 50 Pa.B. 6961 (December 5, 2020) that it would accept comments on the proposed Conditional State Water Quality Certification (SWQC) for the United States Army Corps of Engineers' (Corps) proposed Pennsylvania State Programmatic General Permit 6 (PASPGP-6) during a 30-day public comment period that concluded on January 4, 2021. The Department received one comment letter, and the comments therein were considered by the Department prior to its issuance of Commonwealth's final conditional SWQC to the Corps on February 12, 2021. The comment letter expressed support for the Department's issuance of conditional SWQC to the Corps for PASPGP-6. The comment letter is accessible online by means of the Department's eComment web site at www.ahs.dep.pa.gov/eComment. In response to the Department's review and in consideration of the public comments received, the Department has incorporated additional statutory, regulatory citations and clarifications into this final certification.

Persons aggrieved by the Department's issuance of the final conditional SWQC to the Corps may appeal as provided therein.

The Conditional State Water Quality Certification as issued by the Department on February 12, 2021, is as follows:

Conditional State Water Quality Certification under Section 401 of the Clean Water Act for the United States Army Corps of Engineers Pennsylvania State Programmatic General Permit 6 (PASPGP-6)

Effective Date: February 12, 2021

The Department of Environmental Protection (Department) issues, on behalf of the Commonwealth, Conditional State Water Quality Certification (SWQC) for activities authorized by the United States Army Corps of Engineers (Corps) Baltimore, Philadelphia and Pittsburgh Districts under the Pennsylvania State Programmatic General Permit 6 (PASPGP-6), which was proposed by the Corps (Special Public Notice 20-57) under section 404(e) of the Clean Water Act (act) (33 U.S.C.A. § 1344(e)) and section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C.A. § 403), subject to the conditions set forth in this certification.

PASPGP-6 continues the Corps' recognition of the Commonwealth's permitting process for activities affecting waterways, water bodies and wetlands authorized under the Dam Safety and Encroachments Act (32 P.S. §§ 693.1—693.27). PASPGP-6 allows applicants to obtain both Corps section 404 permits and State water obstruction and encroachment permits through a joint application submitted to the Department and delegated conservation districts for most projects requiring these permits in this Commonwealth. Through the incorporation of Federal and State permitting standards in one process, PASPGP-6 continues a streamlined process for permit applicants without compromising comprehensive environ-

mental protection. This SWQC applies to structures and activities that qualify for PASPGP-6 within the jurisdiction of section 404 of the act and structures or work in or affecting navigable waters of the United States under section 10 of the River and Harbor Act of 1899 (33 U.S.C.A. § 403).

Section 401(a) of the act (33 U.S.C.A. § 1341(a)) requires an applicant seeking authorization to use PASPGP-6 to provide the Corps with certification from the Commonwealth that any discharge that may result from the applicant's proposed activity will comply with the applicable provisions of sections 301—303, 306 and 307 of the act (33 U.S.C.A. §§ 1311—1313, 1316 and 1317). Consistent with the act, the Department has established water quality standards for this Commonwealth and programs to achieve those standards consistent with the applicable provisions of the act. The Department is providing notice of its conditional SWQC for use by applicants seeking coverage under PASPGP-6 for projects that do not require any Federal permit or license other than section 404 permit under the act or section 10 of the Rivers and Harbors Act of 1899, when applicable.

The Department hereby certifies that structures and activities authorized for coverage under the Corps' PASPGP-6, subject to the conditions herein, will comply with the applicable provisions of sections 301—303, 306 and 307 of the act (33 U.S.C.A. §§ 1311—1313, 1316 and 1317). The Department further certifies that the construction, operation and maintenance of the projects in accordance with PASPGP-6 will comply with the Commonwealth's water quality standards provided the project applicant complies with the following SWQC conditions and constructs, operates and maintains the project in compliance with the terms and conditions of State permits, authorizations and approvals obtained to meet these SWQC conditions:

1. Prior to beginning any activity authorized by the Corps under PASPGP-6, the applicant shall obtain from the Department all necessary environmental permits, authorizations or approvals, and submit to the Department environmental assessments and other information necessary to obtain the permits and approvals, as required under State law, including The Clean Streams Law (35 P.S. §§ 691.1—691.1001), the Dam Safety and Encroachments Act (32 P.S. §§ 693.1—693.27), the Surface Mining Conservation and Reclamation Act (52 P.S. §§ 1396.1—1396.19b), the Noncoal Surface Mining Conservation and Reclamation Act (52 P.S. §§ 3301—3326), the Bituminous Mine Subsidence and Land Conservation Act (52 P.S. §§ 1406.1—1406.21), the Coal Refuse Disposal Control Act (52 P.S. §§ 30.51—30.66), the Solid Waste Management Act (35 P.S. §§ 6018.101—6018.1003), the Hazardous Sites Cleanup Act (35 P.S. §§ 6020.101—6020.1305), the Land Recycling and Environmental Remediation Standards Act (35 P.S. §§ 6026.101—6026.908), 58 Pa.C.S. §§ 3201—3274 (related to development), the Air Pollution Control Act (35 P.S. §§ 4001—4015), the Storage Tank and Spill Prevention Act (35 P.S. §§ 6021.101—6021.2104) and the regulations promulgated thereunder, including 25 Pa. Code Chapters 16, 71, 77, 78, 78a, 86—91, 92a, 93, 95, 96, 102, 105, 106, 127, 245 and 260a—299.

The above-referenced State statutes and regulations have been included as a condition to this SWQC as they comprise the Commonwealth's water quality standards and the environmental regulatory programs, which PADEP has determined are necessary to achieve and

maintain those standards. See, 33 U.S.C. §§ 1313 and 1370. This condition has been included in this certification based on a review of the proposed PASPGP-6.

2. Fill material may not contain any wastes as defined in the Solid Waste Management Act.

The prohibition on fill material not containing any type of waste as defined in the Solid Waste Management Act has been added as a condition to ensure that the Commonwealth's water quality standards are maintained through the prevention of pollution to waters of the Commonwealth. 35 P.S. § 6018.610(1).

3. Applicants and projects eligible for the PASPGP-6 must obtain all State permits or approvals, or both, necessary to ensure that the project meets the State's applicable water quality standards, including a project-specific SWQC.

This condition has been added to ensure that applicants and projects eligible for PASPGP-6 obtain the permits, authorizations or approvals referenced under the State laws in Condition 1, including applicants for a project-specific SWQC, to prevent pollution to waters of the Commonwealth and meet applicable water quality standards. See 32 P.S. §§ 679.103, 693.2, 693.6, 693.8; 35 P.S. §§ 691.611, 4008, 6018.610, 6020.1108, 6021.901, 6026.106; 52 P.S. §§ 30.55, 1396.4, 1406.5, 3307; 58 P.S. § 3211.

The Department has determined these proposed SWQC conditions are necessary to achieve the Commonwealth's water quality standards, which have been approved by the United States Environmental Protection Agency as compliant with the act. The proposed SWQC conditions achieve these standards through compliance with existing environmental programs administered by the Department under State laws and regulations.

This SWQC is subject to the Department's determination that the PASPGP-6 activities are consistent with the Coastal Zone Management Act (16 U.S.C.A. §§ 1451—1466). The Department issued its consistency determination for the proposed PASPGP-6 to the Corps on January 27, 2021.

This SWQC is only available for projects that do not require any Federal authorization other than authorization from the Corps under section 404 of the act or section 10 of the Rivers and Harbors Act of 1899. Applicants seeking authorization for activities not eligible for coverage under PASPGP-6, or for activities that require another Federal authorization (such as an interstate natural gas pipeline, a gas storage field or a nuclear or hydroelectric project requiring authorization by another Federal agency), must submit a request to the Department for a project-specific SWQC.

The scope of the issuance of this SWQC is related only to the scope and applicability of the proposed PASPGP-6. Any activity or project requiring the Department to issue 401 SWQC that is beyond the scope of the proposed PASPGP-6 or other programmatically issued SWQC (e.g. Nationwide Permits) will require the applicant to obtain a project-specific SWQC from the Department. This would include any activity or project requiring a SWQC associated with an authorization, permit or license issued by a Federal agency, such as FERC or NRC. Such activities or projects include, but are not limited to, an interstate natural gas pipeline, a gas storage field or a nuclear or hydroelectric project.

Since PASPGP-1 in 1995, Pennsylvania has had the opportunity to consider the Corps' final SPGP prior to

issuance of Pennsylvania's SWQC. See 72 FR 11091, 77 FR 10184, and 82 FR 1860 and 32 Pa.B. 1348, 36 Pa.B. 3725, 41 Pa.B. 3938 and 46 Pa.B. 3879. Based upon the change in federal regulations at 40 CFR 121.1—121.16, effective September 21, 2020, PADEP has only been provided with an opportunity to review the Corps proposed PASPGP-6. PADEP is hereby providing conditional 401 State Water Quality Certification (SWQC) for the Corps' proposed PASPGP-6 based on the scope of the Corps November 6, 2020 request. Pursuant to 33 U.S.C. § 1341(a)(1), the Department reserves the right to amend or withdraw this conditional SWQC if the language set forth in the final PASPGP-6, published by the Corps differs so substantially from the language in the proposed PASPGP-6, such that the conditions contained herein can no longer ensure compliance with Pennsylvania's water quality standards.

The proposed PASPGP-6 and Special Public Notice 20-57 can be viewed on the Corps' webpage at www.nab.usace.army.mil/Missions/Regulatory/Public-Notices/Public-Notice-View/Article/2336799/spn-20-57-pennsylvania-state-programmatic-general-permit-6-paspgp-6.

Persons aggrieved by this action may appeal, under section 4 of the Environmental Hearing Board Act (35 P.S. § 514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to Administrative Agency Law) to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P.O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Environmental Hearing Board (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, or within 30 days of receipt of written notice of this action, whichever occurs first. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in braille or on audiotape from the Secretary to the Board at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decisional law.

For individuals who want to challenge this 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.

PATRICK McDONNELL,
Secretary

[Pa.B. Doc. No. 21-430. Filed for public inspection March 19, 2021, 9:00 a.m.]

DEPARTMENT OF GENERAL SERVICES

Exempt Machinery and Equipment Steel Products

The following is a list of exempt machinery and equipment steel products authorized under section 4(b) of the Steel Products Procurement Act (73 P.S. § 1884(b)). There is a 30-day comment period beginning on the date of this

publication during which the public may submit comments in writing, as to the domestic availability of a steel product on the list, to the Deputy Secretary for Public Works, Department of General Services, 1800 Herr Street, Harrisburg, PA 17125, ra-steel@pa.gov. The comments must be supported with a mill certification indicating that the steel was melted in the United States of America or an executed Steel Origin Certification form (found on the Department of General Services web site at www.dgs.state.pa.us) indicating the disputed product is produced domestically. See 4 Pa. Code Chapter 67a (relating to steel products procurement—statement of policy). This list for 2021 contains no additional steel products from the 2020 Exempt Machinery and Equipment Steel Products list.

Exempt Machinery and Equipment Steel Products

Air Conditioning Units
 Air Duct Housing with Sample Tubes
 Air Handling Units
 Anchor Bolt
 Audio RA Station
 Annunciator Panel
 AV Rack Kit
 Back Box
 Backflow Preventer
 Battery Cabinet
 Blank Filler Plate for Fiber
 Blank Metal Door
 Blank Plate for Outer Door
 Bottom Dead Front Panel
 Bridge for Cameras
 Butterfly Valves
 Cabinet
 Cardcage
 Cast Steel Gate Valve
 CCTV Power Supply
 Ceiling Flange
 Central Control Unit
 Centrifugal Pumps
 Channel Video
 Circulating Pump
 Closers
 Color Monitor
 Combination Round Head Steel Zinc-Plated Toggle Bolts
 Condensing Boilers
 Conduit Fittings
 Control Module Plate
 Control Panel
 Control Valve
 Data Converter Unit
 Deck Inserts
 Deck and Rub Rail Fasteners
 Dielectric Nipples
 Digital Communicators
 Digital Record
 Door Protection
 Door Trim/Handles
 Drinking Fountain
 Drip Pan ELL
 Drop-In Anchors
 Dry Tape Transformer
 Drywall Screws
 Dual Interface Module
 Duct Detector with Relay
 Duct Housing
 Ductless Split System
 DVR Rack
 Electric Traction Elevators
 Electric Water Cooler

Elevator Controller
 Elevator Hoistway
 Encl. for Annunciator
 Exit Devices
 Exp Cage
 Fence System Nuts and Bolts
 Fire Alarm NAC Extender
 Fire Alarm Peripherals
 Fixed Door Station
 Flexible Drops
 Full Blank Plate
 Galvanized Carriage Bolts
 Garage Door Tracking
 Gas Furnace
 Gas Piping Butt Weld Tees
 Generator
 Globe Valve (Steam)
 Hand Dryer
 Hanger Mounting Plates
 Hangermates
 Hangers Supports
 Horn/Strobe
 Inclined Platform Wheelchair Lifts
 Inner and Outer Door
 Inner Door Blank Plate
 Interface Module
 Lag Bolts
 Large Remote Cab
 Lighting Fixtures, Interior/Recessed
 Lighting Fixtures, Surface Wrap
 Lighting Fixtures, Track Head
 Lock Cylinders
 Locknuts
 Locksets
 Low Temp. Detection Thermostats
 Lubrication Unit
 Machine Screws
 Main Control Board
 Mega Press Fittings, Mega Press XL and G Fittings
 Metal Lockers
 Manual Pull Station
 Med. Enclosure
 Middle Dead Front
 Mini-Interface Module
 Monitor Mount
 Monitor Wall Brk
 Mounting Plate
 Network Fiber Switch
 Overhead Door
 Overhead Stops
 Patient Wandering Alarm
 Pipe Clamps
 Pivots
 Power Supply
 Pull Station Box
 RA Annunciator Pnl
 Rack Mount Card Cage
 Rack Mount Kit
 Radiant Panels
 Reader Interface
 Relay Module
 Remote Chiller
 Round Head Machine Screw
 Safety Relief Valve
 Sampling Tube
 Screw Air Compressor
 Security Panel
 Security Unit
 Security/CCTV Camera Housing
 Self-Turn/Self Tapping Screw

Shower/Eye Washers
 Signal Extender Module
 Single Blank
 Smoke Detector Wire
 Speaker
 Speaker/Strobe
 Split HVAC System
 Split Ring Hangers
 Split Rings
 Split System Air Conditioning
 SSD-C Remote Display with Control
 SSD-C-REM Rem Display
 Stainless Flat Bars
 Stainless Steel Cable
 Strobe
 Submersible Pump
 Sump Pump
 Surface Mount Speaker
 Surface Station Box
 Surge Arrester
 Surge Protector
 T8 Light Troffer
 Tamper Proof Screws and Nuts
 Threaded Rod Hanger
 Tie Wire 21 Gauge
 Tie Wire Anchor
 Toggle Wing
 Transformer
 Turbine Pumps
 Uninterruptible Power Supply
 VRV Fan Coils/Cond. Units
 Wall Mounted Boiler
 Wall Mounted Fountain
 Water Coolers
 Water Fountain Mounting Frame
 Water Heater
 Wing Toggle

CURTIS M. TOPPER,
Secretary

[Pa.B. Doc. No. 21-431. Filed for public inspection March 19, 2021, 9:00 a.m.]

DEPARTMENT OF HEALTH

Acute and Ambulatory Care Patient Safety Trust Fund Surcharge for Fiscal Year 2020-2021 as Provided for Under the Medical Care Availability and Reduction of Error (MCARE) Act

On March 20, 2002, the Medical Care Availability and Reduction of Error (MCARE) Act (MCARE Act) (40 P.S. §§ 1303.101—1303.910) was enacted. Among other provisions, the MCARE Act established the Patient Safety Authority (Authority) to collect, analyze and evaluate data regarding reports of serious events and incidents occurring in certain medical facilities and to make recommendations to those facilities regarding changes, trends and improvements in health care practices and procedures for the purpose of reducing the number and severity of serious events and incidents.

Section 305(a) of the MCARE Act (40 P.S. § 1303.305(a)) authorizes the establishment of a Patient Safety Trust Fund (Fund) for the operations of the Authority. Section 305(c) of the MCARE Act states that beginning July 1, 2002, and for every fiscal year thereafter, each medical facility covered by the MCARE Act shall

pay the Department of Health (Department) a surcharge on its licensing fee as necessary to provide sufficient revenues for the Authority to operate. Section 305(c) of the MCARE Act also states that the total assessment amount for Fiscal Year (FY) 2002-2003 shall not exceed \$5 million and that the Department shall transfer the total assessment amount to the Fund within 30 days of receipt. Section 305(d) of the MCARE Act provides that for each succeeding calendar year, the Department shall determine and assess each medical facility a proportionate share of the Authority's budget. The base amount of \$5 million provided for in FY 2002-2003 shall be increased no more than the Consumer Price Index in each succeeding fiscal year.

Initially, the surcharge was assessed on ambulatory surgical facilities (ASF), birth centers and hospitals. Subsequently, the MCARE Act was amended and abortion facilities were also required to pay the surcharge.

With the cooperation of hospitals, birthing centers, abortion facilities and ASFs in this Commonwealth, the surcharge has been implemented and has provided resources for the implementation of the web-based Pennsylvania Patient Safety Reporting System and the operation of the Authority.

This notice sets forth the procedure that the Department will follow in assessing and collecting the surcharge for FY 2020-2021. The Authority FY 2020-2021 surcharge assessment is \$6,360,000. The MCARE Act states that the surcharge shall be collected from medical facilities, which are defined as ASFs, birth centers and hospitals licensed under either the Health Care Facilities Act (35 P.S. §§ 448.101—448.904b) or Article X of the Human Services Code (62 P.S. §§ 1001—1088), formerly known as the Public Welfare Code. Also included, as of May 1, 2006, are abortion facilities which are defined in 18 Pa.C.S. § 3203 (relating to definitions). Nursing homes, which are assessed under sections 401—411 of the MCARE Act (40 P.S. §§ 1303.401—1303.411), receive a separate assessment notification.

To assess the surcharge in an equitable manner, the Department continues to use a common denominator in these facilities. For ASFs, birth centers and abortion facilities, the Department has chosen the number of operating and procedure rooms. For hospitals, the Department has chosen the number of beds contained on the license of each hospital, whether by the Department (general and special acute care hospitals) or the Department of Human Services (privately owned psychiatric hospitals). It was also necessary to pick a point in time to make this assessment; the Department has chosen December 31, 2020.

The number of operating/procedure rooms (for ASFs, birth centers and abortion facilities) and the number of licensed beds (for hospitals) was totaled and that number was divided into \$6,360,300 to arrive at a charge per unit for the assessment. The total number of units (operating rooms, procedure rooms and licensed beds) is 41,593. Dividing this number into \$6,360,000 results in a per unit assessment for each installment of approximately \$152.91. The assessment is payable by June 1, 2021.

To obtain a copy of the assessment for all facilities, send an e-mail to paexcept@pa.gov and request the FY 2020-2021 MCARE surcharge assessment lists.

Each facility will receive notification from the Department setting forth the amount due, date due and the name and address to which the payment should be sent. Payment will be due within 60 days. The MCARE Act

authorizes the Department to assess an administrative penalty of \$1,000 per day on facilities who fail to pay the surcharge by the due date.

If a facility has any questions concerning this notice, a representative from that facility should contact Garrison E. Gladfelter, Jr., Chief, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, 825 Forster Street, Harrisburg, PA 17120, (717) 783-8980.

Persons with a disability who require an alternative format of this document (for example, large print, audiotape, Braille) should contact Garrison E. Gladfelter, Jr. at the previously listed address or telephone number, 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. 21-432. Filed for public inspection March 19, 2021, 9:00 a.m.]

DEPARTMENT OF HEALTH

Adoption of Standards and Requirements for the Licensure of Human Milk Banks in this Commonwealth of Act 7 of 2020

Under its authority under the Keystone Mothers' Milk Bank Act (act) (35 P.S. §§ 5011—5024), the Department of Health (Department) is responsible for the licensure and regulation of milk banks in this Commonwealth.

Under section 7(b)(2) of the act (35 P.S. § 5017(b)(2)), the Department is required to adopt standards and requirements for licensure which the Department determines are sufficient to maintain the safe operation and accreditation of licensees. To adopt these standards and requirements, the Department will be required to promulgate rules and regulations under section 13 of the act (35 P.S. § 5023).

Until regulations are promulgated, the Department intends to rely on relevant requirements provided in the act to determine whether a milk bank satisfies section 7(b)(2) and is suitable for licensure under section 7(c).

For more information or persons with a disability who require an alternative format of this notice (for example, large print, audiotape, Braille) contact Lori Gutierrez, Deputy Policy Director, Department of Health, 625 Forster Street, 8th Floor West, Health and Welfare Building, Harrisburg, PA 17120, (717) 547-3311, 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. 21-433. Filed for public inspection March 19, 2021, 9:00 a.m.]

DEPARTMENT OF HEALTH

Long-Term Care Nursing Facilities; Requests for Exception

The following long-term care nursing facility is seeking an exception to 28 Pa. Code § 205.6(a) (relating to function of building):

Riverside Care Center
100 Eighth Avenue
McKeesport, PA 15132
FAC ID # 185402

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

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

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

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

ALISON BEAM,
Acting Secretary

[Pa.B. Doc. No. 21-434. Filed for public inspection March 19, 2021, 9:00 a.m.]

DEPARTMENT OF HEALTH

Nursing Home Patient Safety Trust Fund Surcharge for Fiscal Year 2020-2021 as Provided for under the Medical Care Availability and Reduction of Error (MCARE) Act

Sections 401—411 of the Medical Care Availability and Reduction of Error (MCARE) Act (MCARE Act) (40 P.S. §§ 1303.401—1303.411) require nursing homes to electronically report health care-associated infection (HAI) data to the Department of Health (Department) and the Patient Safety Authority (Authority). Mandatory reporting of nursing home HAIs was implemented in June 2009.

Section 409 of the MCARE Act (40 P.S. § 1303.409) states that every fiscal year, beginning July 1, 2008, each nursing home shall pay the Department a surcharge on its licensing fee to provide sufficient revenues for the Authority to perform its responsibilities related to the MCARE Act. The base amount of \$1 million for Fiscal Year (FY) 2008-2009 has the potential to be increased no more than the Consumer Price Index in each succeeding fiscal year.

The Authority has recommended that the FY 2020-2021 surcharge assessment total \$1,140,000.

To assess the surcharge in an equitable manner, the number of licensed nursing home beds as of December 31, 2019, was totaled and that amount was divided into \$1,140,000. The total number of licensed beds is 86,319. This equates to a surcharge of \$13.21 per bed.

To obtain a copy of the assessment for all facilities, send an e-mail to paexcept@pa.gov and request the FY

2020-2021 MCARE surcharge assessment list for nursing care facilities. Each facility will receive notification from the Department setting forth the amount due, date due and the name and address to which the payment should be sent. Payment will be due within 60 days. The MCARE Act authorizes the Department to assess an administrative penalty of \$1,000 per day on facilities who fail to pay the surcharge by the due date.

If a nursing care facility has any questions concerning this notice, a representative from that facility should contact Susan Williamson, Director, Division of Nursing Care Facilities, Room 526, Health and Welfare Building, 825 Forster Street, Harrisburg, PA 17120, (717) 787-1816.

Persons with a disability who require an alternative format of this document (for example, large print, audio-tape, Braille) should contact Susan Williamson at the previously listed address or telephone number, 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. 21-435. Filed for public inspection March 19, 2021, 9:00 a.m.]

DEPARTMENT OF HUMAN SERVICES

Disproportionate Share and Supplemental Hospital Payments

The Department of Human Services (Department) is providing final notice of its funding allocation for Fiscal Year (FY) 2020-2021 inpatient disproportionate share hospital (DSH) payments to qualifying inpatient acute care general, psychiatric and rehabilitation hospitals and qualifying psychiatric and rehabilitation units of acute care general hospitals; outpatient supplemental payments to qualifying inpatient acute care general hospitals; direct medical education payments to qualifying inpatient acute care general hospitals; and, certain DSH and supplemental payments to new hospitals.

The Department published notice of its intent to allocate funding for these payments at 50 Pa.B. 5328 (September 26, 2020). The Department received no public comments during the 30-day comment period and will implement the changes as described in its notice of intent.

Fiscal Impact

The FY 2020-2021 impact, as a result of the funding allocation for these payments, is \$258.729 million in total funds.

TERESA D. MILLER,
Secretary

Fiscal Note: 14-NOT-1428. (1) General Fund; (2) Implementing Year 2020-21 is \$110,730,000; (3) 1st Succeeding Year 2021-22 through 5th Succeeding Year 2025-26 are \$0; (4) 2019-20 Program—\$344,107,000; 2018-19 Program—\$342,544,000; 2017-18 Program—\$477,690,000; (7) Medical Assistance—Fee-for-Service; (8) recommends adoption. Funds have been included in the budget to cover this increase.

[Pa.B. Doc. No. 21-436. Filed for public inspection March 19, 2021, 9:00 a.m.]

DEPARTMENT OF REVENUE

Pennsylvania Best Mother Ever Instant Lottery Game 1512

Under the State Lottery Law (72 P.S. §§ 3761-101—3761-314) and 61 Pa. Code § 819.203 (relating to notice of instant game rules), the Secretary of Revenue hereby provides public notice of the rules for the following instant lottery game:

1. *Name:* The name of the game is Pennsylvania Best Mother Ever (hereafter “Best Mother Ever”). The game number is PA-1512.

2. *Price:* The price of a Best Mother Ever instant lottery game ticket is \$5.

3. *Play symbols:* Each Best Mother Ever instant lottery game ticket will contain a play area and a “BONUS” area. The “BONUS” area is played separately. The play symbols and their captions, located in the play area, are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THR TN), 14 (FORTN), 15 (FIF TN), 16 (SIX TN), 17 (SVN TN), 18 (EGHTN), 19 (NINTN), 20 (TWENT), 21 (TWYONE), 22 (TWYTWO), 23 (TWYTHR), 24 (TWYFOR), 25 (TWYFIV), 26 (TWYSIX), 27 (TWYSVN), 28 (TWYEGT), 29 (TWYNIN), 30 (THIRT), BEST (BEST) symbol and an EVER (WINALL) symbol. The play symbols and their captions, located in the “BONUS” area, are: Present (NO BONUS) symbol, Ring (TRY AGAIN) symbol, Necklace (NO BONUS) symbol, Candy (TRY AGAIN) symbol, Rose (NO BONUS) symbol and a MOTHER (MOTHER) symbol.

4. *Prize symbols:* The prize symbols and their captions, located in the play area, are: \$5⁰⁰ (FIV DOL), \$10⁰⁰ (TEN DOL), \$15⁰⁰ (FIFTEEN), \$20⁰⁰ (TWENTY), \$50⁰⁰ (FIFTY), \$75⁰⁰ (SVY FIV), \$100 (ONE HUN), \$500 (FIV HUN), \$1,000 (ONE THO) and \$100,000 (ONEHUNTHO). The prize symbols and their captions, located in the “BONUS” area, are: \$5⁰⁰ (FIV DOL), \$10⁰⁰ (TEN DOL), \$15⁰⁰ (FIFTEEN), \$20⁰⁰ (TWENTY), \$25⁰⁰ (TWY FIV), \$50⁰⁰ (FIFTY), \$75⁰⁰ (SVY FIV), \$100 (ONE HUN) and \$500 (FIV HUN).

5. *Prizes:* The prizes that can be won in this game are: \$5, \$10, \$15, \$20, \$50, \$75, \$100, \$500, \$1,000 and \$100,000. The prizes that can be won in the “BONUS” area, are: \$5, \$10, \$15, \$20, \$25, \$50, \$75, \$100 and \$500. A player can win up to 16 times on a ticket.

6. *Approximate number of tickets printed for the game:* Approximately 5,400,000 tickets will be printed for the Best Mother Ever instant lottery game.

7. *Determination of prize winners:*

(a) Holders of tickets upon which a BEST (BEST) symbol appears in the play area and a prize symbol of \$100,000 (ONEHUNTHO) appears in the “prize” area under that BEST (BEST) symbol, on a single ticket, shall be entitled to a prize of \$100,000.

(b) Holders of tickets upon which a BEST (BEST) symbol appears in the play area and a prize symbol of \$1,000 (ONE THO) appears in the “prize” area under that BEST (BEST) symbol, on a single ticket, shall be entitled to a prize of \$1,000.

(c) Holders of tickets upon which an EVER (WINALL) symbol appears in the play area and a prize symbol of \$100 (ONE HUN) appears in five of the “prize” areas and a prize symbol of \$50⁰⁰ (FIFTY) appears in ten of the “prize” areas, on a single ticket, shall be entitled to a prize of \$1,000.

(d) Holders of tickets upon which a BEST (BEST) symbol appears in the play area and a prize symbol of \$500 (FIV HUN) appears in the “prize” area under that BEST (BEST) symbol, on a single ticket, shall be entitled to a prize of \$500.

(e) Holders of tickets upon which a MOTHER (MOTHER) symbol appears in the “BONUS” area, and a prize symbol of \$500 (FIV HUN) appears to the right of that MOTHER (MOTHER) symbol, on a single ticket, shall be entitled to a prize of \$500.

(f) Holders of tickets upon which an EVER (WINALL) symbol appears in the play area and a prize symbol of \$75⁰⁰ (SVY FIV) appears in five of the “prize” areas, a prize symbol of \$20⁰⁰ (TWENTY) appears in five of the “prize” areas and a prize symbol of \$5⁰⁰ (FIV DOL) appears in five of the “prize” areas, on a single ticket, shall be entitled to a prize of \$500.

(g) Holders of tickets upon which an EVER (WINALL) symbol appears in the play area and a prize symbol of \$50⁰⁰ (FIFTY) appears in four of the “prize” areas, a prize symbol of \$10⁰⁰ (TEN DOL) appears in ten of the “prize” areas and a prize symbol of \$100 (ONE HUN) appears in one of the “prize” areas, on a single ticket, shall be entitled to a prize of \$400.

(h) Holders of tickets upon which a BEST (BEST) symbol appears in the play area and a prize symbol of \$100 (ONE HUN) appears in the “prize” area under that BEST (BEST) symbol, on a single ticket, shall be entitled to a prize of \$100.

(i) Holders of tickets upon which a MOTHER (MOTHER) symbol appears in the “BONUS” area, and a prize symbol of \$100 (ONE HUN) appears to the right of that MOTHER (MOTHER) symbol, on a single ticket, shall be entitled to a prize of \$100.

(j) Holders of tickets upon which an EVER (WINALL) symbol appears in the play area and a prize symbol of \$10⁰⁰ (TEN DOL) appears in five of the “prize” areas a prize symbol of \$5⁰⁰ (FIV DOL) appears in ten of the “prize” areas, on a single ticket, shall be entitled to a prize of \$100.

(k) Holders of tickets upon which a BEST (BEST) symbol appears in the play area and a prize symbol of \$75⁰⁰ (SVY FIV) appears in the “prize” area under that BEST (BEST) symbol, on a single ticket, shall be entitled to a prize of \$75.

(l) Holders of tickets upon which a MOTHER (MOTHER) symbol appears in the “BONUS” area, and a prize symbol of \$75⁰⁰ (SVY FIV) appears to the right of that MOTHER (MOTHER) symbol, on a single ticket, shall be entitled to a prize of \$75.

(m) Holders of tickets upon which an EVER (WINALL) symbol appears in the play area and a prize symbol of \$5⁰⁰ (FIV DOL) appears in all 15 of the “prize” areas, on a single ticket, shall be entitled to a prize of \$75.

(n) Holders of tickets upon which a BEST (BEST) symbol appears in the play area and a prize symbol of \$50⁰⁰ (FIFTY) appears in the “prize” area under that BEST (BEST) symbol, on a single ticket, shall be entitled to a prize of \$50.

(o) Holders of tickets upon which a MOTHER (MOTHER) symbol appears in the “BONUS” area, and a prize symbol of \$50⁰⁰ (FIFTY) appears to the right of that MOTHER (MOTHER) symbol, on a single ticket, shall be entitled to a prize of \$50.

(p) Holders of tickets upon which a MOTHER (MOTHER) symbol appears in the “BONUS” area, and a prize symbol of \$25⁰⁰ (TWY FIV) appears to the right of that MOTHER (MOTHER) symbol, on a single ticket, shall be entitled to a prize of \$25.

(q) Holders of tickets upon which a BEST (BEST) symbol appears in the play area and a prize symbol of \$20⁰⁰ (TWENTY) appears in the “prize” area under that BEST (BEST) symbol, on a single ticket, shall be entitled to a prize of \$20.

(r) Holders of tickets upon which a MOTHER (MOTHER) symbol appears in the “BONUS” area, and a prize symbol of \$20⁰⁰ (TWENTY) appears to the right of that MOTHER (MOTHER) symbol, on a single ticket, shall be entitled to a prize of \$20.

(s) Holders of tickets upon which a BEST (BEST) symbol appears in the play area and a prize symbol of \$15⁰⁰ (FIFTEEN) appears in the “prize” area under that BEST (BEST) symbol, on a single ticket, shall be entitled to a prize of \$15.

(t) Holders of tickets upon which a MOTHER (MOTHER) symbol appears in the “BONUS” area, and a prize symbol of \$15⁰⁰ (FIFTEEN) appears to the right of that MOTHER (MOTHER) symbol, on a single ticket, shall be entitled to a prize of \$15.

(u) Holders of tickets upon which a BEST (BEST) symbol appears in the play area and a prize symbol of \$10⁰⁰ (TEN DOL) appears in the “prize” area under that BEST (BEST) symbol, on a single ticket, shall be entitled to a prize of \$10.

(v) Holders of tickets upon which a MOTHER (MOTHER) symbol appears in the “BONUS” area, and a prize symbol of \$10⁰⁰ (TEN DOL) appears to the right of that MOTHER (MOTHER) symbol, on a single ticket, shall be entitled to a prize of \$10.

(w) Holders of tickets upon which a BEST (BEST) symbol appears in the play area and a prize symbol of \$5⁰⁰ (FIV DOL) appears in the “prize” area under that BEST (BEST) symbol, on a single ticket, shall be entitled to a prize of \$5.

(x) Holders of tickets upon which a MOTHER (MOTHER) symbol appears in the “BONUS” area, and a prize symbol of \$5⁰⁰ (FIV DOL) appears to the right of that MOTHER (MOTHER) symbol, on a single ticket, shall be entitled to a prize of \$5.

8. *Number and description of prizes and approximate odds:* The following table sets forth the approximate number of winners, amounts of prizes, and approximate odds of winning:

NOTICES

1599

<i>Reveal A "BEST" (BEST) Symbol, Win Prize Shown Under That Symbol. Win With:</i>	<i>BONUS:</i>	<i>Win:</i>	<i>Approximate Odds Are 1 In:</i>	<i>Approximate No. Of Winners Per 5,400,000 Tickets:</i>
	\$5 w/ MOTHER	\$5	20	270,000
\$5		\$5	20	270,000
\$5 × 2		\$10	120	45,000
	\$10 w/ MOTHER	\$10	23.08	234,000
\$10		\$10	120	45,000
\$5 × 3		\$15	150	36,000
\$10	\$5 w/ MOTHER	\$15	100	54,000
	\$15 w/ MOTHER	\$15	60	90,000
\$15		\$15	150	36,000
\$10 × 2		\$20	150	36,000
\$5 × 2	\$10 w/ MOTHER	\$20	120	45,000
	\$20 w/ MOTHER	\$20	120	45,000
\$20		\$20	120	45,000
\$5 × 10		\$50	600	9,000
\$5 × 6	\$20 w/ MOTHER	\$50	600	9,000
\$10 × 4	\$10 w/ MOTHER	\$50	600	9,000
	\$50 w/ MOTHER	\$50	600	9,000
\$50		\$50	600	9,000
EVER w/ (\$5 × 15)		\$75	342.86	15,750
\$15 × 5		\$75	4,000	1,350
\$10 × 6	\$15 w/ MOTHER	\$75	2,000	2,700
	\$75 w/ MOTHER	\$75	6,000	900
\$75		\$75	2,400	2,250
EVER w/ ((\$10 × 5) + (\$5 × 10))		\$100	1,200	4,500
EVER w/ (\$5 × 15)	\$25 w/ MOTHER	\$100	1,200	4,500
\$10 × 10		\$100	6,000	900
(\$10 × 2) + (\$5 × 6)	\$50 w/ MOTHER	\$100	2,400	2,250
	\$100 w/ MOTHER	\$100	4,000	1,350
\$100		\$100	6,000	900
EVER w/ ((\$75 × 5) + (\$20 × 5) + (\$5 × 5))		\$500	120,000	45
EVER w/ ((\$50 × 4) + (\$10 × 10) + \$100)	\$100 w/ MOTHER	\$500	120,000	45
\$50 × 10		\$500	120,000	45
(\$100 × 4) + (\$5 × 10)	\$50 w/ MOTHER	\$500	120,000	45
	\$500 w/ MOTHER	\$500	120,000	45
\$500		\$500	120,000	45
EVER w/ ((\$100 × 5) + (\$50 × 10))		\$1,000	540,000	10
\$100 × 10		\$1,000	540,000	10
\$1,000		\$1,000	540,000	10
\$100,000		\$100,000	540,000	10

Reveal an "EVER" (WINALL) symbol, win all 15 prizes shown!

BONUS: Reveal a "MOTHER" (MOTHER) symbol, win prize shown to the right of that symbol automatically. BONUS is played separately.

Prizes, including top prizes, are subject to availability at the time of purchase.

9. *Retailer incentive awards:* The Lottery may conduct a separate Retailer Incentive Program for retailers who sell Best Mother Ever instant lottery game tickets.

10. *Retailer bonus:* The Lottery may offer a retailer bonus in connection with the sale of Pennsylvania instant lottery game tickets. If a retailer bonus is offered, a Lottery retailer shall be eligible for a bonus as described in this section. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$100,000 and not exceeding \$500,000 shall be paid a bonus of \$500. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$500,001 and not exceeding \$1,000,000 shall be paid a bonus of \$5,000. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$1,000,001 and not exceeding \$10,000,000 shall be paid a bonus of \$10,000. A Lottery retailer is entitled only to the largest bonus for which they qualify on a winning ticket. A bonus will be initiated for payment after the instant ticket is claimed and validated. A bonus will not be awarded to a Lottery retailer that sells a non-winning Pennsylvania Lottery instant ticket used to enter a Pennsylvania Lottery second-chance drawing or promotion that is subsequently selected to win a prize.

11. *Unclaimed prize money:* For a period of 1 year from the announced close of Best Mother Ever, prize money from winning Best Mother Ever instant lottery game tickets will be retained by the Secretary for payment to the persons entitled thereto. If no claim is made within 1 year of the announced close of the Best Mother Ever instant lottery game, the right of a ticket holder to claim the prize represented by the ticket, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided for by statute.

12. *Governing law:* In purchasing a ticket, the customer agrees to comply with and abide by the State Lottery Law (72 P.S. §§ 3761-101—3761-314), 61 Pa. Code Part V (relating to State Lotteries) and the provisions contained in this notice.

13. *Termination of the game:* The Secretary may announce a termination date, after which no further tickets from this game may be sold. The announcement will be disseminated through media used to advertise or promote Best Mother Ever or through normal communications methods.

C. DANIEL HASSELL,
Secretary

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DEPARTMENT OF REVENUE

Pennsylvania MONOPOLY™ 10X® Instant Lottery Game 1514

Under the State Lottery Law (72 P.S. §§ 3761-101—3761-314) and 61 Pa. Code § 819.203 (relating to notice of instant game rules), the Secretary of Revenue hereby provides public notice of the rules for the following instant lottery game:

1. *Name:* The name of the game is Pennsylvania MONOPOLY™ 10X® (hereafter “MONOPOLY™ 10X®”). The game number is PA-1514.

2. *Price:* The price of a MONOPOLY™ 10X® instant lottery game ticket is \$2.

3. *Play symbols:* Each MONOPOLY™ 10X® instant lottery game ticket will contain one play area. The play symbols and their captions, located in the play area, are: Hotel (HOTEL) symbol, Cat (CAT) symbol, Dog (DOG) symbol, Duck (DUCK) symbol, Piggy Bank (PIGBANK) symbol, Battleship (BTTLSHIP) symbol, Penguin (PENGUIN) symbol, Tyrannosaurus Rex (TREX) symbol, Money Roll (ROLL) symbol, Star (STAR) symbol, Gem (GEM) symbol, Wallet (WALLET) symbol, Pot of Gold (POTGOLD) symbol, Moneybag (MONEYBAG) symbol, Safe (SAFE) symbol, Stack of Coins (COINS) symbol, Treasure Chest (TREASURE) symbol, Top Hat (TOPHAT) symbol and a 10X (10TIMES) symbol.

4. *Prize symbols:* The prize symbols and their captions, located in the play area, are: \$2⁰⁰ (TWO DOL), \$4⁰⁰ (FOR DOL), \$5⁰⁰ (FIV DOL), \$10⁰⁰ (TEN DOL), \$20⁰⁰ (TWENTY), \$40⁰⁰ (FORTY), \$100 (ONE HUN), \$200 (TWO HUN), \$1,000 (ONE THO) and \$20,000 (TWY THO).

5. *Prizes:* The prizes that can be won in this game are: \$2, \$4, \$5, \$10, \$20, \$40, \$100, \$200, \$1,000 and \$20,000. MONOPOLY™ 10X® contains a feature that can multiply the prize won. For a complete list of prizes, and how those prizes can be won, see section 9 (relating to number and description of prizes and approximate odds). A player can win up to 10 times on a ticket.

6. *Second-Chance Drawing:* The Pennsylvania Lottery will conduct a MONOPOLY™ Second-Chance Drawing from the Pennsylvania Lottery for which non-winning MONOPOLY™ 10X® instant lottery game tickets may be eligible as provided for in section 10.

7. *Approximate number of tickets printed for the game:* Approximately 10,800,000 tickets will be printed for the MONOPOLY™ 10X® instant lottery game.

8. *Determination of prize winners:*

(a) Holders of tickets upon which a Top Hat (TOPHAT) symbol appears in the play area and a prize symbol of \$20,000 (TWY THO) appears in the “prize” area under that Top Hat (TOPHAT) symbol, on a single ticket, shall be entitled to a prize of \$20,000.

(b) Holders of tickets upon which a Top Hat (TOPHAT) symbol appears in the play area and a prize symbol of \$1,000 (ONE THO) appears in the “prize” area under that Top Hat (TOPHAT) symbol, on a single ticket, shall be entitled to a prize of \$1,000.

(c) Holders of tickets upon which a 10X (10TIMES) symbol appears in the play area and a prize symbol of \$100 (ONE HUN) appears in the “prize” area under that 10X (10TIMES) symbol, on a single ticket, shall be entitled to a prize of \$1,000.

(d) Holders of tickets upon which a Top Hat (TOPHAT) symbol appears in the play area and a prize symbol of \$200 (TWO HUN) appears in the “prize” area under that Top Hat (TOPHAT) symbol, on a single ticket, shall be entitled to a prize of \$200.

(e) Holders of tickets upon which a 10X (10TIMES) symbol appears in the play area and a prize symbol of \$20⁰⁰ (TWENTY) appears in the “prize” area under that 10X (10TIMES) symbol, on a single ticket, shall be entitled to a prize of \$200.

(f) Holders of tickets upon which a Top Hat (TOPHAT) symbol appears in the play area and a prize symbol of \$100 (ONE HUN) appears in the “prize” area under that Top Hat (TOPHAT) symbol, on a single ticket, shall be entitled to a prize of \$100.

(g) Holders of tickets upon which a 10X (10TIMES) symbol appears in the play area and a prize symbol of \$10.00 (TEN DOL) appears in the “prize” area under that 10X (10TIMES) symbol, on a single ticket, shall be entitled to a prize of \$100.

(h) Holders of tickets upon which a 10X (10TIMES) symbol appears in the play area and a prize symbol of \$5.00 (FIV DOL) appears in the “prize” area under that 10X (10TIMES) symbol, on a single ticket, shall be entitled to a prize of \$50.

(i) Holders of tickets upon which a Top Hat (TOPHAT) symbol appears in the play area and a prize symbol of \$40.00 (FORTY) appears in the “prize” area under that Top Hat (TOPHAT) symbol, on a single ticket, shall be entitled to a prize of \$40.

(j) Holders of tickets upon which a 10X (10TIMES) symbol appears in the play area and a prize symbol of \$4.00 (FOR DOL) appears in the “prize” area under that 10X (10TIMES) symbol, on a single ticket, shall be entitled to a prize of \$40.

(k) Holders of tickets upon which a Top Hat (TOPHAT) symbol appears in the play area and a prize symbol of \$20.00 (TWENTY) appears in the “prize” area under that Top Hat (TOPHAT) symbol, on a single ticket, shall be entitled to a prize of \$20.

(l) Holders of tickets upon which a 10X (10TIMES) symbol appears in the play area and a prize symbol of \$2.00 (TWO DOL) appears in the “prize” area under that 10X (10TIMES) symbol, on a single ticket, shall be entitled to a prize of \$20.

(m) Holders of tickets upon which a Top Hat (TOPHAT) symbol appears in the play area and a prize symbol of \$10.00 (TEN DOL) appears in the “prize” area under that Top Hat (TOPHAT) symbol, on a single ticket, shall be entitled to a prize of \$10.

(n) Holders of tickets upon which a Top Hat (TOPHAT) symbol appears in the play area and a prize symbol of \$5.00 (FIV DOL) appears in the “prize” area under that Top Hat (TOPHAT) symbol, on a single ticket, shall be entitled to a prize of \$5.

(o) Holders of tickets upon which a Top Hat (TOPHAT) symbol appears in the play area and a prize symbol of \$4.00 (FOR DOL) appears in the “prize” area under that Top Hat (TOPHAT) symbol, on a single ticket, shall be entitled to a prize of \$4.

(p) Holders of tickets upon which a Top Hat (TOPHAT) symbol appears in the play area and a prize symbol of \$2.00 (TWO DOL) appears in the “prize” area under that Top Hat (TOPHAT) symbol, on a single ticket, shall be entitled to a prize of \$2.

9. *Number and description of prizes and approximate odds:* The following table sets forth the approximate number of winners, amounts of prizes, and approximate odds of winning:

<i>Reveal A “Top Hat” (TOPHAT) Symbol, Win Prize Shown Under That Symbol. Win With:</i>	<i>Win:</i>	<i>Approximate Odds Are 1 In:</i>	<i>Approximate No. Of Winners Per 10,800,000 Tickets:</i>
\$2	\$2	9.38	1,152,000
\$2 × 2	\$4	50	216,000
\$4	\$4	37.5	288,000
\$5	\$5	30	360,000
\$2 × 5	\$10	150	72,000
\$5 × 2	\$10	150	72,000
(\$4 × 2) + \$2	\$10	1,500	7,200
\$10	\$10	150	72,000
\$5 × 4	\$20	1,500	7,200
\$10 × 2	\$20	1,500	7,200
\$2 w/ 10X	\$20	75	144,000
\$20	\$20	1,500	7,200
\$4 × 10	\$40	12,000	900
\$10 × 4	\$40	12,000	900
(\$2 w/ 10X) + (\$4 × 5)	\$40	1,333	8,100
(\$2 w/ 10X) × 2	\$40	1,333	8,100
\$4 w/ 10X	\$40	923.08	11,700
\$40	\$40	12,000	900
\$10 × 10	\$100	24,000	450
\$20 × 5	\$100	24,000	450
(\$2 w/ 10X) × 5	\$100	6,000	1,800
(\$5 w/ 10X) × 2	\$100	6,000	1,800

<i>Reveal A "Top Hat" (TOPHAT) Symbol, Win Prize Shown Under That Symbol. Win With:</i>	<i>Win:</i>	<i>Approximate Odds Are 1 In:</i>	<i>Approximate No. Of Winners Per 10,800,000 Tickets:</i>
\$10 w/ 10X	\$100	6,000	1,800
\$100	\$100	12,000	900
\$40 × 5	\$200	120,000	90
\$100 × 2	\$200	120,000	90
(\$10 w/ 10X) × 2	\$200	15,000	720
\$20 w/ 10X	\$200	12,000	900
\$200	\$200	60,000	180
\$100 w/ 10X	\$1,000	1,080,000	10
\$1,000	\$1,000	1,080,000	10
\$20,000	\$20,000	1,080,000	10

Reveal a "10X" (10TIMES) symbol, win 10 TIMES the prize shown under that symbol!

Prizes, including top prizes, are subject to availability at the time of purchase.

10. *Second-Chance Drawing:* Pennsylvania Lottery's MONOPOLY™ Second-Chance Drawing for qualifying instant lottery game tickets (hereafter, the "Drawing"):

(a) *Qualifying Tickets:* Non-winning PA-1510 MONOPOLY™ 100X (\$30), PA-1511 MONOPOLY™ 50X (\$10), PA-1513 MONOPOLY™ 20X (\$5) and PA-1514 MONOPOLY™ 10X® (\$2) instant lottery game tickets are eligible for entry into the Drawing.

(b) *Participation and entry:*

(1) Entrants must be members of the Pennsylvania Lottery VIP Players Club to participate in the Drawing. To join the VIP Players Club, visit <http://www.palottery.state.pa.us/vipplayersclub/login.aspx>. Becoming a VIP Players Club member is free.

(2) To enter the Drawing, entrants must submit the identifying information from at least one Qualifying Ticket via the Drawing's promotional web site, available at <http://www.palottery.com>, or the Pennsylvania Lottery's official mobile application, during the entry period. The identifying information from a Qualifying Ticket may be submitted only once in the Drawing. Entries will automatically be awarded at the time of successful submission of a Qualifying Ticket. No other method of submission will be accepted. Entries submitted using any other method, including entries mailed or hand-delivered to the Pennsylvania Lottery, are not valid and will be disqualified.

(3) Each entry must be complete, and the information supplied by the entrant must be accurate. Incomplete entries cannot be submitted.

(4) Only one claimant per entry allowed.

(5) Entrants must be 18 years of age or older.

(6) Players may submit the identifying information from an unlimited number of Qualifying Tickets in the Drawing.

(7) Once an entry has been submitted it cannot be withdrawn or changed.

(c) *Drawing description:*

(1) The Lottery will conduct one MONOPOLY™ Second-Chance Drawing for qualifying instant lottery game tickets. All time references are Eastern Prevailing Time.

(2) All entries received after 11:59:59 p.m. March 21, 2021, through 11:59:59 p.m. May 27, 2021, will be entered into the Drawing to be held between June 1, 2021 and June 11, 2021.

(3) The entry period for the Drawing will be posted to the Pennsylvania Lottery's publicly accessible web site.

(4) When a Qualifying Ticket is entered into the Drawing, the entry has a chance to be multiplied by 5, 10 or 20 (hereafter the "Entry Multiplier Prize"). Each Qualifying Ticket will have a predetermined ticket file assigned at the time the ticket is printed that will determine whether an entry will be multiplied. If an entry is multiplied, the entrant will be notified during the entry process.

(5) The number of entries an entrant will receive for the Drawing is determined by the purchase price of the Qualifying Ticket entered and the Entry Multiplier Prize, if applicable. The respective purchase price and corresponding number of entries for the Qualifying Ticket is as follows: PA-1510 MONOPOLY™ 100X (\$30) = 30 entries, PA-1511 MONOPOLY™ 50X (\$10) = 10 entries, PA-1513 MONOPOLY™ 20X (\$5) = 5 entries and PA-1514 MONOPOLY™ 10X® (\$2) = 2 entries.

(6) Players may review prizes won and their entries for the Drawing via the Drawing's promotional web site.

(d) *Prizes available to be won, determination of winners, and odds of winning:*

(1) The prize entitlements described below are subject to all restrictions and limitations described in section 10(e), or those mentioned anywhere else in these rules.

(2) The following table sets forth the approximate number of Entry Multiplier Prizes and the approximate odds of winning an Entry Multiplier Prize:

Qualifying Tickets:	Approximate Number of Entry Multiplier Prizes:			Approximate Odds of Winning a 5X, 10X or 20X Multiplier Are 1 In:		
	5X	10X	20X	5X	10X	20X
PA-1510 MONOPOLY™ 100X	1,560,335	936,201	468,101	3	5	10
PA-1511 MONOPOLY™ 50X	2,961,590	1,776,954	888,477	3	5	10
PA-1513 MONOPOLY™ 20X	1,976,232	3,293,720	988,116	5	3	10
PA-1514 MONOPOLY™ 10X®	1,671,078	2,785,130	835,539	5	3	10

(3) The Lottery will conduct one Drawing from among all the entries received during the entry period as described in section 10(c)(2).

(i) The first entry selected in the Drawing will be a winning entry and the entrant who submitted that winning entry shall be entitled to a prize of \$100,000, less required income tax withholding.

(ii) The second through the sixth entries selected in the Drawing will be winning entries and the entrants who submitted those winning entries shall each be entitled to a prize of \$20,000, less required income tax withholding.

(iii) The seventh through the sixteenth entries selected in the Drawing will be winning entries and the entrants who submitted those winning entries shall each be entitled to a prize of \$5,000.

(iv) The seventeenth through the sixty-sixth entries selected in the Drawing will be winning entries and the entrants who submitted the winning entries shall each be entitled to a prize of \$1,000.

(v) The sixty-seventh through the one hundred and sixteenth entries selected in the Drawing will be winning entries and the entrants who submitted the winning entries shall each be entitled to a prize of \$100 iLottery Bonus Money.

(4) All prizes will be paid as a lump-sum cash payment or uploaded to a winning player's lottery account.

(5) Winners of iLottery Bonus Money are not required to claim a prize. Winners of iLottery Bonus Money will have the iLottery Bonus Money credited to their lottery account and will receive an email notifying them that they won a prize.

(6) The number of winning entries to be selected for the Drawing will be posted to the Pennsylvania Lottery's publicly accessible web site.

(7) The odds of winning in the Drawing depend upon the number of entries received for the Drawing.

(8) A computer-generated randomizer will be used to select the Drawing winners.

(e) *Drawing restrictions:*

(1) To be eligible to participate in the Drawing, entrants must have complied with the requirements of these rules.

(2) The Lottery is not responsible for late, lost or misdirected entries not entered into the Drawing. The Lottery is not responsible for entries that are not entered

into the Drawing because of incompatible internet browsers, mobile Lottery application failure or other technical issues. If a Drawing entry is selected as a winner and rejected or otherwise disqualified during or following the Drawing, the Lottery will select another entry to replace the rejected or otherwise disqualified entry in accordance with these rules and Lottery procedure.

(3) If any discrepancy exists between these rules and any material describing the Drawing, these rules shall govern.

(4) Employees of the Pennsylvania Lottery, 9Rooftops Marketing, LLC (formerly known as MARC USA, LLC), MUSL, Scientific Games International, Inc., MDI Entertainment, LLC, and their subcontractors, or a spouse, child, brother, sister or parent residing as a member of the same household in the principle place of residence of any such person are not eligible to participate in the Drawing. Offer void where prohibited or restricted.

(5) The Pennsylvania Lottery reserves the right, in its sole discretion, to cancel or suspend the Drawing and change these rules if the Drawing cannot be conducted as planned due to errors in these rules or advertising, unauthorized intervention, tampering, fraud, technical errors, viruses, worms, bugs, or any other cause beyond the control of the Pennsylvania Lottery that, in the Pennsylvania Lottery's sole judgment, could corrupt or impair the administration, security, fairness, integrity, or proper conduct of the Drawing.

(6) All entries shall be subject to verification by the Pennsylvania Lottery.

(7) The Pennsylvania Lottery reserves the right, in its sole discretion, to disqualify an entrant found to be tampering with the operation of the Drawing or to be acting in violation of these rules or applicable law.

(8) The Drawing is governed by the laws of the Commonwealth of Pennsylvania. Applicable laws and regulations apply.

(9) Prizes must be claimed within 1 year of the drawing date of the Drawing in which the prize was won. If no claim is made within 1 year of the drawing date of the Drawing in which the prize was won, the right of an entrant to claim the prize won, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided by statute.

(10) Final determination of winners will be made by the Secretary, whose judgment will be final and binding.

(11) A prize awarded in the Drawing to a person who dies before receiving the prize shall be paid according to 61 Pa. Code § 811.16 (relating to prizes payable after death of a prize winner).

(12) A winner is responsible for all taxes arising from or in connection with any prize won.

(13) A player may only win the prize for which the player is first selected in the Drawing. Subsequent entries, from the same individual, selected in the same Drawing will be disqualified and a replacement entry will be selected.

(14) Winners of iLottery Bonus Money must abide by the iLottery Terms & Conditions, the iLottery Bonus Policy and these rules. iLottery Bonus Money will expire 90 days from the date on which the winner was notified, via email, of the prize win, as further detailed in section 10(d)(5). iLottery Bonus Money has a five times play through requirement in order to convert the iLottery Bonus Money into cash. For example, for a player winning \$100 of iLottery Bonus Money, the player is required to place \$500 in wagers before the iLottery Bonus Money awarded is converted into cash which may be withdrawn from the player's account.

(15) Prizes are not transferrable.

(16) Other restrictions may apply.

11. *Retailer incentive awards:* The Lottery may conduct a separate Retailer Incentive Program for retailers who sell MONOPOLY™ 10X® instant lottery game tickets.

12. *Retailer bonus:* The Lottery may offer a retailer bonus in connection with the sale of Pennsylvania instant lottery game tickets. If a retailer bonus is offered, a Lottery retailer shall be eligible for a bonus as described in this section. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$100,000 and not exceeding \$500,000 shall be paid a bonus of \$500. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$500,001 and not exceeding \$1,000,000 shall be paid a bonus of \$5,000. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$1,000,001 and not exceeding \$10,000,000 shall be paid a bonus of \$10,000. A Lottery retailer is entitled only to the largest bonus for which they qualify on a winning ticket. A bonus will be initiated for payment after the instant ticket is claimed and validated. A bonus will not be awarded to a Lottery retailer that sells a non-winning Pennsylvania Lottery instant ticket used to enter a Pennsylvania Lottery second-chance drawing or promotion that is subsequently selected to win a prize.

13. *Unclaimed prize money:* For a period of 1 year from the announced close of MONOPOLY™ 10X®, prize money from winning MONOPOLY™ 10X® instant lottery game tickets will be retained by the Secretary for payment to the persons entitled thereto. If no claim is made within 1 year of the announced close of the MONOPOLY™ 10X® instant lottery game, the right of a ticket holder to claim the prize represented by the ticket, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided for by statute.

14. *Governing law:* In purchasing a ticket, the customer agrees to comply with and abide by the State

Lottery Law (72 P.S. §§ 3761-101—3761-314), 61 Pa. Code Part V (relating to State Lotteries) and the provisions contained in this notice.

15. *Termination of the game:* The Secretary may announce a termination date, after which no further tickets from this game may be sold. The announcement will be disseminated through media used to advertise or promote MONOPOLY™ 10X® or through normal communications methods.

C. DANIEL HASSELL,
Secretary

[Pa.B. Doc. No. 21-438. Filed for public inspection March 19, 2021, 9:00 a.m.]

DEPARTMENT OF REVENUE

Pennsylvania MONOPOLY™ 20X Instant Lottery Game 1513

Under the State Lottery Law (72 P.S. §§ 3761-101—3761-314) and 61 Pa. Code § 819.203 (relating to notice of instant game rules), the Secretary of Revenue hereby provides public notice of the rules for the following instant lottery game:

1. *Name:* The name of the game is Pennsylvania MONOPOLY™ 20X (hereafter “MONOPOLY™ 20X”). The game number is PA-1513.

2. *Price:* The price of a MONOPOLY™ 20X instant lottery game ticket is \$5.

3. *Play symbols:* Each MONOPOLY™ 20X instant lottery game ticket will contain one play area featuring a “WINNING NUMBERS” area, a “YOUR NUMBERS” area and a “20X SPOT” area. The play symbols and their captions, located in the “WINNING NUMBERS” area, are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN), 20 (TWENT), 21 (TWYONE), 22 (TWYTWO), 23 (TWYTHR), 24 (TWYFOR), 25 (TWYFIV), 26 (TWYSIX), 27 (TWYSVN), 28 (TWYEGT), 29 (TWYNIN) and 30 (THIRT). The play symbols and their captions, located in the “YOUR NUMBERS” area, are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN), 20 (TWENT), 21 (TWYONE), 22 (TWYTWO), 23 (TWYTHR), 24 (TWYFOR), 25 (TWYFIV), 26 (TWYSIX), 27 (TWYSVN), 28 (TWYEGT), 29 (TWYNIN), 30 (THIRT) and a Car (CAR) symbol. The play symbols and their captions, located in the “20X SPOT” area, are: Ship (NOMULT) symbol, Cat (NOMULT) symbol, Dog (NOMULT) symbol, Duck (NOMULT) symbol, Hotel (NOMULT) symbol and a 20X (20TIMES) symbol.

4. *Prize Symbols:* The prize symbols and their captions, located in the “YOUR NUMBERS” area, are: \$5^{.00} (FIV DOL), \$10^{.00} (TEN DOL), \$20^{.00} (TWENTY), \$40^{.00} (FORTY), \$50^{.00} (FIFTY), \$100 (ONE HUN), \$200 (TWO HUN), \$400 (FOR HUN), \$1,000 (ONE THO), \$5,000 (FIV THO) and \$250,000 (TWHNFYTH).

5. *Prizes:* The prizes that can be won in this game are: \$5, \$10, \$20, \$40, \$50, \$100, \$200, \$400, \$1,000, \$5,000 and \$250,000. MONOPOLY™ 20X contains a feature

that can multiply the prize won. For a complete list of prizes, and how those prizes can be won, see section 9 (relating to number and description of prizes and approximate odds). A player can win up to 12 times on a ticket.

6. *Second-Chance Drawing:* The Pennsylvania Lottery will conduct a MONOPOLY™ Second-Chance Drawing from the Pennsylvania Lottery for which non-winning MONOPOLY™ 20X instant lottery game tickets may be eligible as provided for in section 10.

7. *Approximate number of tickets printed for the game:* Approximately 13,200,000 tickets will be printed for the MONOPOLY™ 20X instant lottery game.

8. *Determination of prize winners:*

(a) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches any of the “WINNING NUMBERS” play symbols, and a prize symbol of \$250,000 (TWHNFYTH) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$250,000.

(b) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches any of the “WINNING NUMBERS” play symbols, and a prize symbol of \$5,000 (FIV THO) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$5,000.

(c) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches any of the “WINNING NUMBERS” play symbols, and a prize symbol of \$1,000 (ONE THO) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$1,000.

(d) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches any of the “WINNING NUMBERS” play symbols, a prize symbol of \$50⁰⁰ (FIFTY) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, and a 20X (20TIMES) symbol appears in the “20X SPOT” area, on a single ticket, shall be entitled to a prize of \$1,000.

(e) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches any of the “WINNING NUMBERS” play symbols, and a prize symbol of \$400 (FOR HUN) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$400.

(f) Holders of tickets upon which a Car (CAR) symbol appears in the “YOUR NUMBERS” area, and a prize symbol of \$400 (FOR HUN) appears in the “prize” area under that Car (CAR) symbol, on a single ticket, shall be entitled to a prize of \$400.

(g) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches any of the “WINNING NUMBERS” play symbols, a prize symbol of \$20⁰⁰ (TWENTY) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, and a 20X (20TIMES) symbol appears in the “20X SPOT” area, on a single ticket, shall be entitled to a prize of \$400.

(h) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches any of the “WINNING NUMBERS” play symbols, and a prize symbol of \$200 (TWO HUN) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$200.

(i) Holders of tickets upon which a Car (CAR) symbol appears in the “YOUR NUMBERS” area, and a prize

symbol of \$200 (TWO HUN) appears in the “prize” area under that Car (CAR) symbol, on a single ticket, shall be entitled to a prize of \$200.

(j) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches any of the “WINNING NUMBERS” play symbols, a prize symbol of \$10⁰⁰ (TEN DOL) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, and a 20X (20TIMES) symbol appears in the “20X SPOT” area, on a single ticket, shall be entitled to a prize of \$200.

(k) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches any of the “WINNING NUMBERS” play symbols, and a prize symbol of \$100 (ONE HUN) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$100.

(l) Holders of tickets upon which a Car (CAR) symbol appears in the “YOUR NUMBERS” area, and a prize symbol of \$100 (ONE HUN) appears in the “prize” area under that Car (CAR) symbol, on a single ticket, shall be entitled to a prize of \$100.

(m) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches any of the “WINNING NUMBERS” play symbols, a prize symbol of \$5⁰⁰ (FIV DOL) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, and a 20X (20TIMES) symbol appears in the “20X SPOT” area, on a single ticket, shall be entitled to a prize of \$100.

(n) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches any of the “WINNING NUMBERS” play symbols, and a prize symbol of \$50⁰⁰ (FIFTY) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$50.

(o) Holders of tickets upon which a Car (CAR) symbol appears in the “YOUR NUMBERS” area, and a prize symbol of \$50⁰⁰ (FIFTY) appears in the “prize” area under that Car (CAR) symbol, on a single ticket, shall be entitled to a prize of \$50.

(p) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches any of the “WINNING NUMBERS” play symbols, and a prize symbol of \$40⁰⁰ (FORTY) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$40.

(q) Holders of tickets upon which a Car (CAR) symbol appears in the “YOUR NUMBERS” area, and a prize symbol of \$40⁰⁰ (FORTY) appears in the “prize” area under that Car (CAR) symbol, on a single ticket, shall be entitled to a prize of \$40.

(r) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches any of the “WINNING NUMBERS” play symbols, and a prize symbol of \$20⁰⁰ (TWENTY) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$20.

(s) Holders of tickets upon which a Car (CAR) symbol appears in the “YOUR NUMBERS” area, and a prize symbol of \$20⁰⁰ (TWENTY) appears in the “prize” area under that Car (CAR) symbol, on a single ticket, shall be entitled to a prize of \$20.

(t) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches any of the “WINNING NUMBERS” play symbols, and a prize symbol of \$10⁰⁰ (TEN DOL) appears in the “prize” area under the match-

ing "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$10.

(u) Holders of tickets upon which a Car (CAR) symbol appears in the "YOUR NUMBERS" area, and a prize symbol of \$10⁰⁰ (TEN DOL) appears in the "prize" area under that Car (CAR) symbol, on a single ticket, shall be entitled to a prize of \$10.

(v) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols, and a prize symbol of \$5⁰⁰ (FIV DOL) appears in the "prize" area under the

matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$5.

(w) Holders of tickets upon which a Car (CAR) symbol appears in the "YOUR NUMBERS" area, and a prize symbol of \$5⁰⁰ (FIV DOL) appears in the "prize" area under that Car (CAR) symbol, on a single ticket, shall be entitled to a prize of \$5.

9. *Number and description of prizes and approximate odds:* The following table sets forth the approximate number of winners, amounts of prizes, and approximate odds of winning:

<i>When Any Of YOUR NUMBERS Match Any WINNING NUMBER, Win Prize Shown Under The Matching Number. Win With:</i>	<i>Win:</i>	<i>Approximate Odds Are 1 In:</i>	<i>Approximate No. Of Winners Per 13,200,000 Tickets:</i>
\$5 w/ CAR	\$5	15	880,000
\$5	\$5	27.27	484,000
\$5 × 2	\$10	40	330,000
\$10 w/ CAR	\$10	17.14	770,000
\$10	\$10	60	220,000
\$5 × 4	\$20	300	44,000
(((\$5 w/ CAR) × 2) + (\$5 × 2))	\$20	300	44,000
\$20 w/ CAR	\$20	66.67	198,000
\$20	\$20	300	44,000
\$5 × 8	\$40	600	22,000
(((\$10 w/ CAR) × 2) + (\$5 × 4))	\$40	600	22,000
(\$20 w/ CAR) × 2	\$40	600	22,000
\$40 w/ CAR	\$40	300	44,000
\$40	\$40	600	22,000
\$5 × 10	\$50	600	22,000
(((\$20 w/ CAR) × 2) + (\$5 × 2))	\$50	600	22,000
(\$5 w/ CAR) × 10	\$50	600	22,000
\$50 w/ CAR	\$50	300	44,000
\$50	\$50	600	22,000
\$20 × 5	\$100	12,000	1,100
\$50 × 2	\$100	12,000	1,100
(((\$5 w/ CAR) × 10) + \$40 + \$10)	\$100	12,000	1,100
(\$20 w/ CAR) × 5	\$100	12,000	1,100
\$5 w/ 20X	\$100	600	22,000
\$100 w/ CAR	\$100	12,000	1,100
\$100	\$100	12,000	1,100
\$20 × 10	\$200	24,000	550
\$50 × 4	\$200	24,000	550
(\$5 × 2) w/ 20X	\$200	4,000	3,300
(\$20 w/ CAR) × 10	\$200	24,000	550
(\$100 w/ CAR) × 2	\$200	24,000	550
\$10 w/ 20X	\$200	3,000	4,400
\$200 w/ CAR	\$200	24,000	550
\$200	\$200	24,000	550
\$40 × 10	\$400	120,000	110

<i>When Any Of YOUR NUMBERS Match Any WINNING NUMBER, Win Prize Shown Under The Matching Number. Win With:</i>	<i>Win:</i>	<i>Approximate Odds Are 1 In:</i>	<i>Approximate No. Of Winners Per 13,200,000 Tickets:</i>
\$100 × 4	\$400	120,000	110
(\$5 × 4) w/ 20X	\$400	120,000	110
(\$10 × 2) w/ 20X	\$400	120,000	110
(\$50 w/ CAR) × 8	\$400	120,000	110
\$20 w/ 20X	\$400	120,000	110
\$400 w/ CAR	\$400	120,000	110
\$400	\$400	120,000	110
\$100 × 10	\$1,000	120,000	110
(\$5 × 10) w/ 20X	\$1,000	120,000	110
\$1,000	\$1,000	120,000	110
(\$50 × 5) w/ 20X	\$5,000	1,320,000	10
\$5,000	\$5,000	1,320,000	10
\$250,000	\$250,000	1,320,000	10

Reveal a “Car” (CAR) symbol, win prize shown under that symbol automatically.

Scratch the X in 20X. Reveal a “20X” (20TIMES) symbol, multiply any prize won in the play area!

Prizes, including top prizes, are subject to availability at the time of purchase.

10. *Second-Chance Drawing:* Pennsylvania Lottery’s MONOPOLY™ Second-Chance Drawing for qualifying instant lottery game tickets (hereafter, the “Drawing”):

(a) *Qualifying Tickets:* Non-winning PA-1510 MONOPOLY™ 100X (\$30), PA-1511 MONOPOLY™ 50X (\$10), PA-1513 MONOPOLY™ 20X (\$5) and PA-1514 MONOPOLY™ 10X® (\$2) instant lottery game tickets are eligible for entry into the Drawing.

(b) *Participation and entry:*

(1) Entrants must be members of the Pennsylvania Lottery VIP Players Club to participate in the Drawing. To join the VIP Players Club, visit <http://www.palottery.state.pa.us/vipplayersclub/login.aspx>. Becoming a VIP Players Club member is free.

(2) To enter the Drawing, entrants must submit the identifying information from at least one Qualifying Ticket via the Drawing’s promotional web site, available at <http://www.palottery.com>, or the Pennsylvania Lottery’s official mobile application, during the entry period. The identifying information from a Qualifying Ticket may be submitted only once in the Drawing. Entries will automatically be awarded at the time of successful submission of a Qualifying Ticket. No other method of submission will be accepted. Entries submitted using any other method, including entries mailed or hand-delivered to the Pennsylvania Lottery, are not valid and will be disqualified.

(3) Each entry must be complete, and the information supplied by the entrant must be accurate. Incomplete entries cannot be submitted.

(4) Only one claimant per entry allowed.

(5) Entrants must be 18 years of age or older.

(6) Players may submit the identifying information from an unlimited number of Qualifying Tickets in the Drawing.

(7) Once an entry has been submitted it cannot be withdrawn or changed.

(c) *Drawing description:*

(1) The Lottery will conduct one MONOPOLY™ Second-Chance Drawing for qualifying instant lottery game tickets. All time references are Eastern Prevailing Time.

(2) All entries received after 11:59:59 p.m. March 21, 2021, through 11:59:59 p.m. May 27, 2021, will be entered into the Drawing to be held between June 1, 2021 and June 11, 2021.

(3) The entry period for the Drawing will be posted to the Pennsylvania Lottery’s publicly accessible web site.

(4) When a Qualifying Ticket is entered into the Drawing, the entry has a chance to be multiplied by 5, 10 or 20 (hereafter the “Entry Multiplier Prize”). Each Qualifying Ticket will have a predetermined ticket file assigned at the time the ticket is printed that will determine whether an entry will be multiplied. If an entry is multiplied, the entrant will be notified during the entry process.

(5) The number of entries an entrant will receive for the Drawing is determined by the purchase price of the Qualifying Ticket entered and the Entry Multiplier Prize, if applicable. The respective purchase price and corresponding number of entries for the Qualifying Ticket is as follows: PA-1510 MONOPOLY™ 100X (\$30) = 30 entries, PA-1511 MONOPOLY™ 50X (\$10) = 10 entries, PA-1513 MONOPOLY™ 20X (\$5) = 5 entries and PA-1514 MONOPOLY™ 10X® (\$2) = 2 entries.

(6) Players may review prizes won and their entries for the Drawing via the Drawing’s promotional web site.

(d) *Prizes available to be won, determination of winners, and odds of winning:*

(1) The prize entitlements described below are subject to all restrictions and limitations described in section 10(e), or those mentioned anywhere else in these rules.

(2) The following table sets forth the approximate number of Entry Multiplier Prizes and the approximate odds of winning an Entry Multiplier Prize:

Qualifying Tickets:	Approximate Number of Entry Multiplier Prizes:			Approximate Odds of Winning a 5X, 10X or 20X Multiplier Are 1 In:		
	5X	10X	20X	5X	10X	20X
PA-1510 MONOPOLY™ 100X	1,560,335	936,201	468,101	3	5	10
PA-1511 MONOPOLY™ 50X	2,961,590	1,776,954	888,477	3	5	10
PA-1513 MONOPOLY™ 20X	1,976,232	3,293,720	988,116	5	3	10
PA-1514 MONOPOLY™ 10X®	1,671,078	2,785,130	835,539	5	3	10

(3) The Lottery will conduct one Drawing from among all the entries received during the entry period as described in section 10(c)(2).

(i) The first entry selected in the Drawing will be a winning entry and the entrant who submitted that winning entry shall be entitled to a prize of \$100,000, less required income tax withholding.

(ii) The second through the sixth entries selected in the Drawing will be winning entries and the entrants who submitted those winning entries shall each be entitled to a prize of \$20,000, less required income tax withholding.

(iii) The seventh through the sixteenth entries selected in the Drawing will be winning entries and the entrants who submitted those winning entries shall each be entitled to a prize of \$5,000.

(iv) The seventeenth through the sixty-sixth entries selected in the Drawing will be winning entries and the entrants who submitted the winning entries shall each be entitled to a prize of \$1,000.

(v) The sixty-seventh through the one hundred and sixteenth entries selected in the Drawing will be winning entries and the entrants who submitted the winning entries shall each be entitled to a prize of \$100 iLottery Bonus Money.

(4) All prizes will be paid as a lump-sum cash payment or uploaded to a winning player's lottery account.

(5) Winners of iLottery Bonus Money are not required to claim a prize. Winners of iLottery Bonus Money will have the iLottery Bonus Money credited to their lottery account and will receive an email notifying them that they won a prize.

(6) The number of winning entries to be selected for the Drawing will be posted to the Pennsylvania Lottery's publicly accessible web site.

(7) The odds of winning in the Drawing depend upon the number of entries received for the Drawing.

(8) A computer-generated randomizer will be used to select the Drawing winners.

(e) *Drawing restrictions:*

(1) To be eligible to participate in the Drawing, entrants must have complied with the requirements of these rules.

(2) The Lottery is not responsible for late, lost or misdirected entries not entered into the Drawing. The Lottery is not responsible for entries that are not entered

into the Drawing because of incompatible internet browsers, mobile Lottery application failure or other technical issues. If a Drawing entry is selected as a winner and rejected or otherwise disqualified during or following the Drawing, the Lottery will select another entry to replace the rejected or otherwise disqualified entry in accordance with these rules and Lottery procedure.

(3) If any discrepancy exists between these rules and any material describing the Drawing, these rules shall govern.

(4) Employees of the Pennsylvania Lottery, 9Rooftops Marketing, LLC (formerly known as MARC USA, LLC), MUSL, Scientific Games International, Inc., MDI Entertainment, LLC, and their subcontractors, or a spouse, child, brother, sister or parent residing as a member of the same household in the principle place of residence of any such person are not eligible to participate in the Drawing. Offer void where prohibited or restricted.

(5) The Pennsylvania Lottery reserves the right, in its sole discretion, to cancel or suspend the Drawing and change these rules if the Drawing cannot be conducted as planned due to errors in these rules or advertising, unauthorized intervention, tampering, fraud, technical errors, viruses, worms, bugs, or any other cause beyond the control of the Pennsylvania Lottery that, in the Pennsylvania Lottery's sole judgment, could corrupt or impair the administration, security, fairness, integrity, or proper conduct of the Drawing.

(6) All entries shall be subject to verification by the Pennsylvania Lottery.

(7) The Pennsylvania Lottery reserves the right, in its sole discretion, to disqualify an entrant found to be tampering with the operation of the Drawing or to be acting in violation of these rules or applicable law.

(8) The Drawing is governed by the laws of the Commonwealth of Pennsylvania. Applicable laws and regulations apply.

(9) Prizes must be claimed within 1 year of the drawing date of the Drawing in which the prize was won. If no claim is made within 1 year of the drawing date of the Drawing in which the prize was won, the right of an entrant to claim the prize won, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided by statute.

(10) Final determination of winners will be made by the Secretary, whose judgment will be final and binding.

(11) A prize awarded in the Drawing to a person who dies before receiving the prize shall be paid according to 61 Pa. Code § 811.16 (relating to prizes payable after death of a prize winner).

(12) A winner is responsible for all taxes arising from or in connection with any prize won.

(13) A player may only win the prize for which the player is first selected in the Drawing. Subsequent entries, from the same individual, selected in the same Drawing will be disqualified and a replacement entry will be selected.

(14) Winners of iLottery Bonus Money must abide by the iLottery Terms & Conditions, the iLottery Bonus Policy and these rules. iLottery Bonus Money will expire 90 days from the date on which the winner was notified, via email, of the prize win, as further detailed in section 10(d)(5). iLottery Bonus Money has a five times play through requirement in order to convert the iLottery Bonus Money into cash. For example, for a player winning \$100 of iLottery Bonus Money, the player is required to place \$500 in wagers before the iLottery Bonus Money awarded is converted into cash which may be withdrawn from the player's account.

(15) Prizes are not transferrable.

(16) Other restrictions may apply.

11. *Retailer incentive awards:* The Lottery may conduct a separate Retailer Incentive Program for retailers who sell MONOPOLY™ 20X instant lottery game tickets.

12. *Retailer bonus:* The Lottery may offer a retailer bonus in connection with the sale of Pennsylvania instant lottery game tickets. If a retailer bonus is offered, a Lottery retailer shall be eligible for a bonus as described in this section. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$100,000 and not exceeding \$500,000 shall be paid a bonus of \$500. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$500,001 and not exceeding \$1,000,000 shall be paid a bonus of \$5,000. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$1,000,001 and not exceeding \$10,000,000 shall be paid a bonus of \$10,000. A Lottery retailer is entitled only to the largest bonus for which they qualify on a winning ticket. A bonus will be initiated for payment after the instant ticket is claimed and validated. A bonus will not be awarded to a Lottery retailer that sells a non-winning Pennsylvania Lottery instant ticket used to enter a Pennsylvania Lottery second-chance drawing or promotion that is subsequently selected to win a prize.

13. *Unclaimed prize money:* For a period of 1 year from the announced close of MONOPOLY™ 20X, prize money from winning MONOPOLY™ 20X instant lottery game tickets will be retained by the Secretary for payment to the persons entitled thereto. If no claim is made within 1 year of the announced close of the MONOPOLY™ 20X instant lottery game, the right of a ticket holder to claim the prize represented by the ticket, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided for by statute.

14. *Governing law:* In purchasing a ticket, the customer agrees to comply with and abide by the State

Lottery Law (72 P.S. §§ 3761-101—3761-314), 61 Pa. Code Part V (relating to State Lotteries) and the provisions contained in this notice.

15. *Termination of the game:* The Secretary may announce a termination date, after which no further tickets from this game may be sold. The announcement will be disseminated through media used to advertise or promote MONOPOLY™ 20X or through normal communications methods.

C. DANIEL HASSELL,
Secretary

[Pa.B. Doc. No. 21-439. Filed for public inspection March 19, 2021, 9:00 a.m.]

DEPARTMENT OF REVENUE

Pennsylvania MONOPOLY™ 50X Instant Lottery Game 1511

Under the State Lottery Law (72 P.S. §§ 3761-101—3761-314) and 61 Pa. Code § 819.203 (relating to notice of instant game rules), the Secretary of Revenue hereby provides public notice of the rules for the following instant lottery game:

1. *Name:* The name of the game is Pennsylvania MONOPOLY™ 50X (hereafter “MONOPOLY™ 50X”). The game number is PA-1511.

2. *Price:* The price of a MONOPOLY™ 50X instant lottery game ticket is \$10.

3. *Play symbols:* Each MONOPOLY™ 50X instant lottery game ticket will contain one play area featuring a “WINNING NUMBERS” area and a “YOUR NUMBERS” area. The play symbols and their captions, located in the “WINNING NUMBERS” area, are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN), 20 (TWENT), 21 (TWYONE), 22 (TWY TWO), 23 (TWYTHR), 24 (TWYFOR), 25 (TWYFIV), 26 (TWYSIX), 27 (TWYSVN), 28 (TWYEGT), 29 (TWYNIN) and 30 (THIRT). The play symbols and their captions, located in the “YOUR NUMBERS” area, are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN), 20 (TWENT), 21 (TWYONE), 22 (TWYTWO), 23 (TWYTHR), 24 (TWYFOR), 25 (TWYFIV), 26 (TWYSIX), 27 (TWYSVN), 28 (TWYEGT), 29 (TWYNIN), 30 (THIRT), Free Parking (WINPRZ) symbol, 50X (50TIMES) symbol and a Community Chest (WINALL) symbol.

4. *Prize Symbols:* The prize symbols and their captions, located in the “YOUR NUMBERS” area, are: \$10⁰⁰ (TEN DOL), \$20⁰⁰ (TWENTY), \$40⁰⁰ (FORTY), \$50⁰⁰ (FIFTY), \$100 (ONE HUN), \$200 (TWO HUN), \$500 (FIV HUN), \$1,000 (ONE THO), \$5,000 (FIV THO) and \$500,000 (FIVHUNTHO).

5. *Prizes:* The prizes that can be won in this game, are: \$10, \$20, \$40, \$50, \$100, \$200, \$500, \$1,000, \$5,000 and \$500,000. MONOPOLY™ 50X contains a feature that can multiply the prize won. For a complete list of prizes, and how those prizes can be won, see section 9 (relating to

number and description of prizes and approximate odds). A player can win up to 15 times on a ticket.

6. *Second-Chance Drawing*: The Pennsylvania Lottery will conduct a MONOPOLY™ Second-Chance Drawing from the Pennsylvania Lottery for which non-winning MONOPOLY™ 50X instant lottery game tickets may be eligible as provided for in section 10.

7. *Approximate number of tickets printed for the game*: Approximately 12,000,000 tickets will be printed for the MONOPOLY™ 50X instant lottery game.

8. *Determination of prize winners*:

(a) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches any of the “WINNING NUMBERS” play symbols, and a prize symbol of \$500,000 (FIVHUNTHO) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$500,000.

(b) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches any of the “WINNING NUMBERS” play symbols, and a prize symbol of \$5,000 (FIV THO) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$5,000.

(c) Holders of tickets upon which a 50X (50TIMES) symbol appears in the “YOUR NUMBERS” area, and a prize symbol of \$100 (ONE HUN) appears in the “prize” area under that 50X (50TIMES) symbol, on a single ticket, shall be entitled to a prize of \$5,000.

(d) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches any of the “WINNING NUMBERS” play symbols, and a prize symbol of \$1,000 (ONE THO) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$1,000.

(e) Holders of tickets upon which a 50X (50TIMES) symbol appears in the “YOUR NUMBERS” area, and a prize symbol of \$20⁰⁰ (TWENTY) appears in the “prize” area under that 50X (50TIMES) symbol, on a single ticket, shall be entitled to a prize of \$1,000.

(f) Holders of tickets upon which a Community Chest (WINALL) symbol appears in the “YOUR NUMBERS” area, and a prize symbol of \$200 (TWO HUN) appears in three of the “prize” areas, a prize symbol of \$50⁰⁰ (FIFTY) appears in two of the “prize” areas, a prize symbol of \$40⁰⁰ (FORTY) appears in five of the “prize” areas and a prize symbol of \$20⁰⁰ (TWENTY) appears in five of the “prize” areas, on a single ticket, shall be entitled to a prize of \$1,000.

(g) Holders of tickets upon which a Community Chest (WINALL) symbol appears in the “YOUR NUMBERS” area, and a prize symbol of \$100 (ONE HUN) appears in five of the “prize” areas and a prize symbol of \$50⁰⁰ (FIFTY) appears in ten of the “prize” areas, on a single ticket, shall be entitled to a prize of \$1,000.

(h) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches any of the “WINNING NUMBERS” play symbols, and a prize symbol of \$500 (FIV HUN) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$500.

(i) Holders of tickets upon which a Free Parking (WINPRZ) symbol appears in the “YOUR NUMBERS” area, and a prize symbol of \$500 (FIV HUN) appears in

the “prize” area under that Free Parking (WINPRZ) symbol, on a single ticket, shall be entitled to a prize of \$500.

(j) Holders of tickets upon which a 50X (50TIMES) symbol appears in the “YOUR NUMBERS” area and a prize symbol of \$10⁰⁰ (TEN DOL) appears in the “prize” area under that 50X (50TIMES) symbol, on a single ticket, shall be entitled to a prize of \$500.

(k) Holders of tickets upon which a Community Chest (WINALL) symbol appears in the “YOUR NUMBERS” area, and a prize symbol of \$100 (ONE HUN) appears in two of the “prize” areas, a prize symbol of \$20⁰⁰ (TWENTY) appears in ten of the “prize” areas, a prize symbol of \$50⁰⁰ (FIFTY) appears in one of the “prize” areas, a prize symbol of \$40⁰⁰ (FORTY) appears in one of the “prize” areas and a prize symbol of \$10⁰⁰ (TEN DOL) appears in one of the “prize” areas, on a single ticket, shall be entitled to a prize of \$500.

(l) Holders of tickets upon which a Community Chest (WINALL) symbol appears in the “YOUR NUMBERS” area, and a prize symbol of \$40⁰⁰ (FORTY) appears in ten of the “prize” areas and a prize symbol of \$20⁰⁰ (TWENTY) appears in five of the “prize” areas, on a single ticket, shall be entitled to a prize of \$500.

(m) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches any of the “WINNING NUMBERS” play symbols, and a prize symbol of \$200 (TWO HUN) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$200.

(n) Holders of tickets upon which a Free Parking (WINPRZ) symbol appears in the “YOUR NUMBERS” area, and a prize symbol of \$200 (TWO HUN) appears in the “prize” area under that Free Parking (WINPRZ) symbol, on a single ticket, shall be entitled to a prize of \$200.

(o) Holders of tickets upon which a Community Chest (WINALL) symbol appears in the “YOUR NUMBERS” area, and a prize symbol of \$10⁰⁰ (TEN DOL) appears in 12 of the “prize” areas, a prize symbol of \$20⁰⁰ (TWENTY) appears in two of the “prize” areas and a prize symbol of \$40⁰⁰ (FORTY) appears in one of the “prize” areas, on a single ticket, shall be entitled to a prize of \$200.

(p) Holders of tickets upon which a Community Chest (WINALL) symbol appears in the “YOUR NUMBERS” area, and a prize symbol of \$20⁰⁰ (TWENTY) appears in five of the “prize” areas and a prize symbol of \$10⁰⁰ (TEN DOL) appears in ten of the “prize” areas, on a single ticket, shall be entitled to a prize of \$200.

(q) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches any of the “WINNING NUMBERS” play symbols, and a prize symbol of \$100 (ONE HUN) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$100.

(r) Holders of tickets upon which a Free Parking (WINPRZ) symbol appears in the “YOUR NUMBERS” area, and a prize symbol of \$100 (ONE HUN) appears in the “prize” area under that Free Parking (WINPRZ) symbol, on a single ticket, shall be entitled to a prize of \$100.

(s) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches any of the “WINNING NUMBERS” play symbols, and a prize symbol of \$50⁰⁰ (FIFTY) appears in the “prize” area under the

matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$50.

(t) Holders of tickets upon which a Free Parking (WINPRZ) symbol appears in the “YOUR NUMBERS” area, and a prize symbol of \$50.⁰⁰ (FIFTY) appears in the “prize” area under that Free Parking (WINPRZ) symbol, on a single ticket, shall be entitled to a prize of \$50.

(u) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches any of the “WINNING NUMBERS” play symbols, and a prize symbol of \$40.⁰⁰ (FORTY) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$40.

(v) Holders of tickets upon which a Free Parking (WINPRZ) symbol appears in the “YOUR NUMBERS” area, and a prize symbol of \$40.⁰⁰ (FORTY) appears in the “prize” area under that Free Parking (WINPRZ) symbol, on a single ticket, shall be entitled to a prize of \$40.

(w) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches any of the “WINNING NUMBERS” play symbols, and a prize symbol of \$20.⁰⁰ (TWENTY) appears in the “prize” area under the

matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$20.

(x) Holders of tickets upon which a Free Parking (WINPRZ) symbol appears in the “YOUR NUMBERS” area, and a prize symbol of \$20.⁰⁰ (TWENTY) appears in the “prize” area under that Free Parking (WINPRZ) symbol, on a single ticket, shall be entitled to a prize of \$20.

(y) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches any of the “WINNING NUMBERS” play symbols, and a prize symbol of \$10.⁰⁰ (TEN DOL) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$10.

(z) Holders of tickets upon which a Free Parking (WINPRZ) symbol appears in the “YOUR NUMBERS” area, and a prize symbol of \$10.⁰⁰ (TEN DOL) appears in the “prize” area under that Free Parking (WINPRZ) symbol, on a single ticket, shall be entitled to a prize of \$10.

9. *Number and description of prizes and approximate odds:* The following table sets forth the approximate number of winners, amounts of prizes, and approximate odds of winning:

<i>When Any Of YOUR NUMBERS Match Any WINNING NUMBER, Win Prize Shown Under The Matching Number. Win With:</i>	<i>Win:</i>	<i>Approximate Odds Are 1 In:</i>	<i>Approximate No. Of Winners Per 12,000,000 Tickets:</i>
\$10 w/ FREE PARKING	\$10	15	800,000
\$10	\$10	16.67	720,000
\$10 × 2	\$20	120	100,000
(\$10 w/ FREE PARKING) × 2	\$20	60	200,000
\$20 w/ FREE PARKING	\$20	46.15	260,000
\$20	\$20	120	100,000
\$20 × 2	\$40	600	20,000
(\$10 w/ FREE PARKING) × 4	\$40	60	200,000
\$40 w/ FREE PARKING	\$40	30	400,000
\$40	\$40	600	20,000
\$10 × 5	\$50	300	40,000
(((\$10 w/ FREE PARKING) × 3) + \$20	\$50	300	40,000
(((\$20 w/ FREE PARKING) × 2) + \$10	\$50	200	60,000
\$50 w/ FREE PARKING	\$50	200	60,000
\$50	\$50	300	40,000
\$20 × 5	\$100	3,000	4,000
\$50 × 2	\$100	3,000	4,000
(((\$20 w/ FREE PARKING) × 2) + (((\$10 w/ FREE PARKING) × 2) + \$40	\$100	2,400	5,000
(\$10 w/ FREE PARKING) × 10	\$100	2,400	5,000
\$100 w/ FREE PARKING	\$100	2,400	5,000
\$100	\$100	3,000	4,000
COMMUNITY CHEST w/ ((\$20 × 5) + (\$10 × 10))	\$200	12,000	1,000
COMMUNITY CHEST w/ ((\$10 × 12) + (\$20 × 2) + \$40)	\$200	12,000	1,000
\$20 × 10	\$200	40,000	300

<i>When Any Of YOUR NUMBERS Match Any WINNING NUMBER, Win Prize Shown Under The Matching Number. Win With:</i>	<i>Win:</i>	<i>Approximate Odds Are 1 In:</i>	<i>Approximate No. Of Winners Per 12,000,000 Tickets:</i>
\$200 w/ FREE PARKING	\$200	24,000	500
\$200	\$200	60,000	200
COMMUNITY CHEST w/ ((\$40 × 10) + (\$20 × 5))	\$500	6,000	2,000
COMMUNITY CHEST w/ ((\$100 × 2) + (\$20 × 10) + \$50 + \$40 + \$10)	\$500	6,000	2,000
\$100 × 5	\$500	30,000	400
(((\$10 w/ FREE PARKING) × 10) + (\$200 × 2))	\$500	30,000	400
(\$50 w/ FREE PARKING) × 10	\$500	30,000	400
\$10 w/ 50X	\$500	666.67	18,000
\$500 w/ FREE PARKING	\$500	30,000	400
\$500	\$500	30,000	400
COMMUNITY CHEST w/ ((\$100 × 5) + (\$50 × 10))	\$1,000	40,000	300
COMMUNITY CHEST w/ ((\$200 × 3) + (\$50 × 2) + (\$40 × 5) + (\$20 × 5))	\$1,000	40,000	300
\$20 w/ 50X	\$1,000	24,000	500
\$1,000	\$1,000	120,000	100
\$100 w/ 50X	\$5,000	1,200,000	10
\$5,000	\$5,000	1,200,000	10
\$500,000	\$500,000	1,200,000	10

Reveal a "Free Parking" (WINPRZ) symbol, win prize shown under that symbol automatically.

Reveal a "50X" (50TIMES) symbol, win 50 TIMES the prize shown under that symbol.

Reveal a "Community Chest" (WINALL) symbol, win all 15 prizes shown!

Prizes, including top prizes, are subject to availability at the time of purchase.

10. *Second-Chance Drawing:* Pennsylvania Lottery's MONOPOLY™ Second-Chance Drawing for qualifying instant lottery game tickets (hereafter, the "Drawing"):

(a) *Qualifying Tickets:* Non-winning PA-1510 MONOPOLY™ 100X (\$30), PA-1511 MONOPOLY™ 50X (\$10), PA-1513 MONOPOLY™ 20X (\$5) and PA-1514 MONOPOLY™ 10X® (\$2) instant lottery game tickets are eligible for entry into the Drawing.

(b) *Participation and entry:*

(1) Entrants must be members of the Pennsylvania Lottery VIP Players Club to participate in the Drawing. To join the VIP Players Club, visit <http://www.palottery.state.pa.us/vipplayersclub/login.aspx>. Becoming a VIP Players Club member is free.

(2) To enter the Drawing, entrants must submit the identifying information from at least one Qualifying Ticket via the Drawing's promotional web site, available at <http://www.palottery.com>, or the Pennsylvania Lottery's official mobile application, during the entry period. The identifying information from a Qualifying Ticket may be submitted only once in the Drawing. Entries will automatically be awarded at the time of successful submission of a Qualifying Ticket. No other method of submission will be accepted. Entries submitted using any other

method, including entries mailed or hand-delivered to the Pennsylvania Lottery, are not valid and will be disqualified.

(3) Each entry must be complete and the information supplied by the entrant must be accurate. Incomplete entries cannot be submitted.

(4) Only one claimant per entry allowed.

(5) Entrants must be 18 years of age or older.

(6) Players may submit the identifying information from an unlimited number of Qualifying Tickets in the Drawing.

(7) Once an entry has been submitted it cannot be withdrawn or changed.

(c) *Drawing description:*

(1) The Lottery will conduct one MONOPOLY™ Second-Chance Drawing for qualifying instant lottery game tickets. All time references are Eastern Prevailing Time.

(2) All entries received after 11:59:59 p.m. March 21, 2021, through 11:59:59 p.m. May 27, 2021, will be entered into the Drawing to be held between June 1, 2021 and June 11, 2021.

(3) The entry period for the Drawing will be posted to the Pennsylvania Lottery's publicly accessible web site.

(4) When a Qualifying Ticket is entered into the Drawing, the entry has a chance to be multiplied by 5, 10 or 20 (hereafter the “Entry Multiplier Prize”). Each Qualifying Ticket will have a predetermined ticket file assigned at the time the ticket is printed that will determine whether an entry will be multiplied. If an entry is multiplied, the entrant will be notified during the entry process.

(5) The number of entries an entrant will receive for the Drawing is determined by the purchase price of the Qualifying Ticket entered and the Entry Multiplier Prize, if applicable. The respective purchase price and corresponding number of entries for the Qualifying Ticket is as follows: PA-1510 MONOPOLY™ 100X (\$30) = 30 entries, PA-1511 MONOPOLY™ 50X (\$10) = 10 entries, PA-1513

MONOPOLY™ 20X (\$5) = 5 entries and PA-1514 MONOPOLY™ 10X® (\$2) = 2 entries.

(6) Players may review prizes won and their entries for the Drawing via the Drawing’s promotional web site.

(d) *Prizes available to be won, determination of winners, and odds of winning:*

(1) The prize entitlements described below are subject to all restrictions and limitations described in section 10(e), or those mentioned anywhere else in these rules.

(2) The following table sets forth the approximate number of Entry Multiplier Prizes and the approximate odds of winning an Entry Multiplier Prize:

Qualifying Tickets:	Approximate Number of Entry Multiplier Prizes:			Approximate Odds of Winning a 5X, 10X or 20X Multiplier Are 1 In:		
	5X	10X	20X	5X	10X	20X
PA-1510 MONOPOLY™ 100X	1,560,335	936,201	468,101	3	5	10
PA-1511 MONOPOLY™ 50X	2,961,590	1,776,954	888,477	3	5	10
PA-1513 MONOPOLY™ 20X	1,976,232	3,293,720	988,116	5	3	10
PA-1514 MONOPOLY™ 10X®	1,671,078	2,785,130	835,539	5	3	10

(3) The Lottery will conduct one Drawing from among all the entries received during the entry period as described in section 10(c)(2).

(i) The first entry selected in the Drawing will be a winning entry and the entrant who submitted that winning entry shall be entitled to a prize of \$100,000, less required income tax withholding.

(ii) The second through the sixth entries selected in the Drawing will be winning entries and the entrants who submitted those winning entries shall each be entitled to a prize of \$20,000, less required income tax withholding.

(iii) The seventh through the sixteenth entries selected in the Drawing will be winning entries and the entrants who submitted those winning entries shall each be entitled to a prize of \$5,000.

(iv) The seventeenth through the sixty-sixth entries selected in the Drawing will be winning entries and the entrants who submitted the winning entries shall each be entitled to a prize of \$1,000.

(v) The sixty-seventh through the one hundred and sixteenth entries selected in the Drawing will be winning entries and the entrants who submitted the winning entries shall each be entitled to a prize of \$100 iLottery Bonus Money.

(4) All prizes will be paid as a lump-sum cash payment or uploaded to a winning player’s lottery account.

(5) Winners of iLottery Bonus Money are not required to claim a prize. Winners of iLottery Bonus Money will have the iLottery Bonus Money credited to their lottery account and will receive an email notifying them that they won a prize.

(6) The number of winning entries to be selected for the Drawing will be posted to the Pennsylvania Lottery’s publicly accessible web site.

(7) The odds of winning in the Drawing depend upon the number of entries received for the Drawing.

(8) A computer-generated randomizer will be used to select the Drawing winners.

(e) *Drawing restrictions:*

(1) To be eligible to participate in the Drawing, entrants must have complied with the requirements of these rules.

(2) The Lottery is not responsible for late, lost or misdirected entries not entered into the Drawing. The Lottery is not responsible for entries that are not entered into the Drawing because of incompatible internet browsers, mobile Lottery application failure or other technical issues. If a Drawing entry is selected as a winner and rejected or otherwise disqualified during or following the Drawing, the Lottery will select another entry to replace the rejected or otherwise disqualified entry in accordance with these rules and Lottery procedure.

(3) If any discrepancy exists between these rules and any material describing the Drawing, these rules shall govern.

(4) Employees of the Pennsylvania Lottery, 9Rooftops Marketing, LLC (formerly known as MARC USA, LLC), MUSL, Scientific Games International, Inc., MDI Entertainment, LLC, and their subcontractors, or a spouse, child, brother, sister or parent residing as a member of the same household in the principle place of residence of

any such person are not eligible to participate in the Drawing. Offer void where prohibited or restricted.

(5) The Pennsylvania Lottery reserves the right, in its sole discretion, to cancel or suspend the Drawing and change these rules if the Drawing cannot be conducted as planned due to errors in these rules or advertising, unauthorized intervention, tampering, fraud, technical errors, viruses, worms, bugs, or any other cause beyond the control of the Pennsylvania Lottery that, in the Pennsylvania Lottery's sole judgment, could corrupt or impair the administration, security, fairness, integrity, or proper conduct of the Drawing.

(6) All entries shall be subject to verification by the Pennsylvania Lottery.

(7) The Pennsylvania Lottery reserves the right, in its sole discretion, to disqualify an entrant found to be tampering with the operation of the Drawing or to be acting in violation of these rules or applicable law.

(8) The Drawing is governed by the laws of the Commonwealth of Pennsylvania. Applicable laws and regulations apply.

(9) Prizes must be claimed within 1 year of the drawing date of the Drawing in which the prize was won. If no claim is made within 1 year of the drawing date of the Drawing in which the prize was won, the right of an entrant to claim the prize won, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided by statute.

(10) Final determination of winners will be made by the Secretary, whose judgment will be final and binding.

(11) A prize awarded in the Drawing to a person who dies before receiving the prize shall be paid according to 61 Pa. Code § 811.16 (relating to prizes payable after death of a prize winner).

(12) A winner is responsible for all taxes arising from or in connection with any prize won.

(13) A player may only win the prize for which the player is first selected in the Drawing. Subsequent entries, from the same individual, selected in the same Drawing will be disqualified and a replacement entry will be selected.

(14) Winners of iLottery Bonus Money must abide by the iLottery Terms & Conditions, the iLottery Bonus Policy and these rules. iLottery Bonus Money will expire 90 days from the date on which the winner was notified, via email, of the prize win, as further detailed in section 10(d)(5). iLottery Bonus Money has a five times play through requirement in order to convert the iLottery Bonus Money into cash. For example, for a player winning \$100 of iLottery Bonus Money, the player is required to place \$500 in wagers before the iLottery Bonus Money awarded is converted into cash which may be withdrawn from the player's account.

(15) Prizes are not transferrable.

(16) Other restrictions may apply.

11. *Retailer incentive awards:* The Lottery may conduct a separate Retailer Incentive Program for retailers who sell MONOPOLY™ 50X instant lottery game tickets.

12. *Retailer bonus:* The Lottery may offer a retailer bonus in connection with the sale of Pennsylvania instant lottery game tickets. If a retailer bonus is offered, a Lottery retailer shall be eligible for a bonus as described in this section. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in

a single installment or having a guaranteed minimum payout, of at least \$100,000 and not exceeding \$500,000 shall be paid a bonus of \$500. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$500,001 and not exceeding \$1,000,000 shall be paid a bonus of \$5,000. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$1,000,001 and not exceeding \$10,000,000 shall be paid a bonus of \$10,000. A Lottery retailer is entitled only to the largest bonus for which they qualify on a winning ticket. A bonus will be initiated for payment after the instant ticket is claimed and validated. A bonus will not be awarded to a Lottery retailer that sells a non-winning Pennsylvania Lottery instant ticket used to enter a Pennsylvania Lottery second-chance drawing or promotion that is subsequently selected to win a prize.

13. *Unclaimed prize money:* For a period of 1 year from the announced close of MONOPOLY™ 50X, prize money from winning MONOPOLY™ 50X instant lottery game tickets will be retained by the Secretary for payment to the persons entitled thereto. If no claim is made within 1 year of the announced close of the MONOPOLY™ 50X instant lottery game, the right of a ticket holder to claim the prize represented by the ticket, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided for by statute.

14. *Governing law:* In purchasing a ticket, the customer agrees to comply with and abide by the State Lottery Law (72 P.S. §§ 3761-101—3761-314), 61 Pa. Code Part V (relating to State Lotteries) and the provisions contained in this notice.

15. *Termination of the game:* The Secretary may announce a termination date, after which no further tickets from this game may be sold. The announcement will be disseminated through media used to advertise or promote MONOPOLY™ 50X or through normal communications methods.

C. DANIEL HASSELL,
Secretary

[Pa.B. Doc. No. 21-440. Filed for public inspection March 19, 2021, 9:00 a.m.]

DEPARTMENT OF REVENUE

Pennsylvania MONOPOLY™ 100X Instant Lottery Game 1510

Under the State Lottery Law (72 P.S. §§ 3761-101—3761-314) and 61 Pa. Code § 819.203 (relating to notice of instant game rules), the Secretary of Revenue hereby provides public notice of the rules for the following instant lottery game:

1. *Name:* The name of the game is Pennsylvania MONOPOLY™ 100X (hereafter "MONOPOLY™ 100X"). The game number is PA-1510.

2. *Price:* The price of a MONOPOLY™ 100X instant lottery game ticket is \$30.

3. *Play symbols:* Each MONOPOLY™ 100X instant lottery game ticket will contain one play area featuring a "WINNING NUMBERS" area, a "YOUR NUMBERS" area

and two "BONUS SPOT" areas. The play symbols and their captions, located in the "WINNING NUMBERS" area, are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (EVLN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN), 20 (TWENT), 21 (TWYONE), 22 (TWYTWO), 23 (TWYTHR), 24 (TWYFOR), 25 (TWYFIV), 26 (TWYSIX), 27 (TWYSVN), 28 (TWYEGT), 29 (TWNIN), 30 (THIRT), 31 (THYONE), 32 (THYTWO), 33 (THYTHR), 34 (THYFOR), 35 (THYFIV), 36 (THYSIX), 37 (THYSVN), 38 (THYEGT), 39 (THYNIN) and 40 (FORT). The play symbols and their captions, located in the "YOUR NUMBERS" area, are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (EVLN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN), 20 (TWENT), 21 (TWYONE), 22 (TWYTWO), 23 (TWYTHR), 24 (TWYFOR), 25 (TWYFIV), 26 (TWYSIX), 27 (TWYSVN), 28 (TWYEGT), 29 (TWNIN), 30 (THIRT), 31 (THYONE), 32 (THYTWO), 33 (THYTHR), 34 (THYFOR), 35 (THYFIV), 36 (THYSIX), 37 (THYSVN), 38 (THYEGT), 39 (THYNIN), 40 (FORT), Lightbulb (BULB) symbol, \$500 Bill (500BILL) symbol and a Mr. MONOPOLY (WINALL) symbol. The play symbols and their captions, located in the two "BONUS SPOT" areas, are: Wallet (TRYAGAIN) symbol, Stack of Coins (NOBONUS) symbol, Gold Bars (TRYAGAIN) symbol, Diamond (NOBONUS) symbol, Crown (TRYAGAIN) symbol, Gem (NOBONUS) symbol, Moneybag (TRYAGAIN) symbol, Star (NOBONUS) symbol, Piggy Bank (TRYAGAIN) symbol, 100X (100TIMES) symbol and a GO (Win200) symbol.

4. *Prize Symbols:* The prize symbols and their captions, located in the "YOUR NUMBERS" area, are: \$30^{.00} (THIRTY), \$40^{.00} (FORTY), \$50^{.00} (FIFTY), \$100 (ONE HUN), \$200 (TWO HUN), \$400 (FOR HUN), \$500 (FIV HUN), \$1,000 (ONE THO), \$3,000 (THR THO), \$300,000 (THRHUNTHO) and \$3MILL (THR MIL).

5. *Prizes:*

(a) Players can win a prize in three ways in this game. A player can win up to 26 times on a ticket.

(b) Players can win a prize by matching the play symbols in the "WINNING NUMBERS" and "YOUR NUMBERS" areas. Players matching the symbols in this manner will win the prize shown under the matching "YOUR NUMBERS" play symbol. The prizes that can be won by matching the symbols in the "WINNING NUMBERS" and the "YOUR NUMBERS" areas in this game, are: \$30, \$40, \$50, \$100, \$200, \$400, \$500, \$1,000, \$3,000, \$300,000 and \$3,000,000.

(c) Players can win a prize by revealing an instant cash win in either of the two "BONUS SPOT" areas. The prize that can be won as an instant cash prize in either of the "BONUS SPOT" areas is: \$200.

(d) MONOPOLY™ 100X contains a feature that can multiply the prize won. For a complete list of prizes, and how those prizes can be won, see section 9 (relating to Number and description of prizes and approximate odds).

6. *Second-Chance Drawing:* The Pennsylvania Lottery will conduct a MONOPOLY™ Second-Chance Drawing from the Pennsylvania Lottery for which non-winning MONOPOLY™ 100X instant lottery game tickets may be eligible as provided for in section 10.

7. *Approximate number of tickets printed for the game:* Approximately 7,200,000 tickets will be printed for the MONOPOLY™ 100X instant lottery game.

8. *Determination of prize winners:*

(a) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols, and a prize symbol of \$3MILL (THR MIL) appears in the "prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$3,000,000. The prize shall be paid as a one-time, lump-sum cash payment.

(b) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols, and a prize symbol of \$300,000 (THRHUNTHO) appears in the "prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$300,000.

(c) Holders of tickets upon which a Mr. MONOPOLY (WINALL) symbol appears in the "YOUR NUMBERS" area, and a prize symbol of \$500 (FIV HUN) appears in three of the "prize" areas, a prize symbol of \$100 (ONE HUN) appears in five of the "prize" areas, a prize symbol of \$50^{.00} (FIFTY) appears in 16 of the "prize" areas and a prize symbol of \$200 (TWO HUN) appears in one of the "prize" areas, and upon which a 100X (100TIMES) symbol appears in one of the "BONUS SPOTS," on a single ticket, shall be entitled to a prize of \$300,000.

(d) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols, and a prize symbol of \$3,000 (THR THO) appears in the "prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$3,000.

(e) Holders of tickets upon which a Lightbulb (BULB) symbol appears in the "YOUR NUMBERS" area and a prize symbol of \$30^{.00} (THIRTY) appears in the "prize" area under that Lightbulb (BULB) symbol, and upon which a 100X (100TIMES) symbol appears in one of the "BONUS SPOTS," on a single ticket, shall be entitled to a prize of \$3,000.

(f) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$30^{.00} (THIRTY) appears in the "prize" area under the matching "YOUR NUMBERS" play symbol, and upon which a 100X (100TIMES) symbol appears in one of the "BONUS SPOTS," on a single ticket, shall be entitled to a prize of \$3,000.

(g) Holders of tickets upon which a Mr. MONOPOLY (WINALL) symbol appears in the "YOUR NUMBERS" area, and a prize symbol of \$500 (FIV HUN) appears in two of the "prize" areas, a prize symbol of \$100 (ONE HUN) appears in 13 of the "prize" areas and a prize symbol of \$50^{.00} (FIFTY) appears in ten of the "prize" areas, on a single ticket, shall be entitled to a prize of \$2,800.

(h) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols, and a prize symbol of \$1,000 (ONE THO) appears in the "prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$1,000.

(i) Holders of tickets upon which a Lightbulb (BULB) symbol appears in the "YOUR NUMBERS" area, and a prize symbol of \$1,000 (ONE THO) appears in the "prize" area under that Lightbulb (BULB) symbol, on a single ticket, shall be entitled to a prize of \$1,000.

(j) Holders of tickets upon which a Mr. MONOPOLY (WINALL) symbol appears in the “YOUR NUMBERS” area, and a prize symbol of \$50.00 (FIFTY) appears in ten of the “prize” areas, a prize symbol of \$40.00 (FORTY) appears in five of the “prize” areas and a prize symbol of \$30.00 (THIRTY) appears in ten of the “prize” areas, on a single ticket, shall be entitled to a prize of \$1,000.

(k) Holders of tickets upon which a Mr. MONOPOLY (WINALL) symbol appears in the “YOUR NUMBERS” area, and a prize symbol of \$40.00 (FORTY) appears in all 25 of the “prize” areas, on a single ticket, shall be entitled to a prize of \$1,000.

(l) Holders of tickets upon which a Mr. MONOPOLY (WINALL) symbol appears in the “YOUR NUMBERS” area, and a prize symbol of \$40.00 (FORTY) appears in five of the “prize” areas and a prize symbol of \$30.00 (THIRTY) appears in 20 of the “prize” areas, on a single ticket, shall be entitled to a prize of \$800.

(m) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches any of the “WINNING NUMBERS” play symbols, and a prize symbol of \$500 (FIV HUN) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$500.

(n) Holders of tickets upon which a Lightbulb (BULB) symbol appears in the “YOUR NUMBERS” area, and a prize symbol of \$500 (FIV HUN) appears in the “prize” area under that Lightbulb (BULB) symbol, on a single ticket, shall be entitled to a prize of \$500.

(o) Holders of tickets upon which a \$500 Bill (500BILL) symbol appears in the “YOUR NUMBERS” area, and a prize symbol of \$500 (FIV HUN) appears in the “prize” area under that \$500 Bill (500BILL) symbol, on a single ticket, shall be entitled to a prize of \$500.

(p) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches any of the “WINNING NUMBERS” play symbols, and a prize symbol of \$400 (FOR HUN) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$400.

(q) Holders of tickets upon which a Lightbulb (BULB) symbol appears in the “YOUR NUMBERS” area, and a prize symbol of \$400 (FOR HUN) appears in the “prize” area under that Lightbulb (BULB) symbol, on a single ticket, shall be entitled to a prize of \$400.

(r) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches any of the “WINNING NUMBERS” play symbols, and a prize symbol of \$200 (TWO HUN) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$200.

(s) Holders of tickets upon which a Lightbulb (BULB) symbol appears in the “YOUR NUMBERS” area, and a

prize symbol of \$200 (TWO HUN) appears in the “prize” area under that Lightbulb (BULB) symbol, on a single ticket, shall be entitled to a prize of \$200.

(t) Holders of tickets upon which a GO (WIN200) symbol appears in either of the “BONUS SPOTS,” on a single ticket, shall be entitled to a prize of \$200.

(u) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches any of the “WINNING NUMBERS” play symbols, and a prize symbol of \$100 (ONE HUN) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$100.

(v) Holders of tickets upon which a Lightbulb (BULB) symbol appears in the “YOUR NUMBERS” area, and a prize symbol of \$100 (ONE HUN) appears in the “prize” area under that Lightbulb (BULB) symbol, on a single ticket, shall be entitled to a prize of \$100.

(w) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches any of the “WINNING NUMBERS” play symbols, and a prize symbol of \$50.00 (FIFTY) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$50.

(x) Holders of tickets upon which a Lightbulb (BULB) symbol appears in the “YOUR NUMBERS” area, and a prize symbol of \$50.00 (FIFTY) appears in the “prize” area under that Lightbulb (BULB) symbol, on a single ticket, shall be entitled to a prize of \$50.

(y) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches any of the “WINNING NUMBERS” play symbols, and a prize symbol of \$40.00 (FORTY) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$40.

(z) Holders of tickets upon which a Lightbulb (BULB) symbol appears in the “YOUR NUMBERS” area, and a prize symbol of \$40.00 (FORTY) appears in the “prize” area under that Lightbulb (BULB) symbol, on a single ticket, shall be entitled to a prize of \$40.

(aa) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches any of the “WINNING NUMBERS” play symbols, and a prize symbol of \$30.00 (THIRTY) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$30.

(bb) Holders of tickets upon which a Lightbulb (BULB) symbol appears in the “YOUR NUMBERS” area, and a prize symbol of \$30.00 (THIRTY) appears in the “prize” area under that Lightbulb (BULB) symbol, on a single ticket, shall be entitled to a prize of \$30.

9. *Number and description of prizes and approximate odds:* The following table sets forth the approximate number of winners, amounts of prizes, and approximate odds of winning:

<i>When Any Of YOUR NUMBERS Match Any WINNING NUMBER, Win Prize Shown Under The Matching Number. Win With:</i>	<i>BONUS SPOTS:</i>	<i>Win:</i>	<i>Approximate Odds Are 1 In:</i>	<i>Approximate No. Of Winners Per 7,200,000 Tickets:</i>
\$30 w/ LIGHTBULB		\$30	14.29	504,000
\$30		\$30	15	480,000
\$40 w/ LIGHTBULB		\$40	30	240,000

<i>When Any Of YOUR NUMBERS Match Any WINNING NUMBER, Win Prize Shown Under The Matching Number. Win With:</i>	<i>BONUS SPOTS:</i>	<i>Win:</i>	<i>Approximate Odds Are 1 In:</i>	<i>Approximate No. Of Winners Per 7,200,000 Tickets:</i>
\$40		\$40	23.08	312,000
\$50 w/ LIGHTBULB		\$50	27.27	264,000
\$50		\$50	30	240,000
\$50 × 2		\$100	150	48,000
(((\$30 w/ LIGHTBULB) × 2) + \$40		\$100	75	96,000
(\$50 w/ LIGHTBULB) × 2		\$100	75	96,000
\$100 w/ LIGHTBULB		\$100	75	96,000
\$100		\$100	150	48,000
\$50 × 4		\$200	6,000	1,200
\$100 × 2		\$200	6,000	1,200
(\$40 × 3) + \$50 + \$30		\$200	6,000	1,200
(((\$30 w/ LIGHTBULB) × 5) + \$50		\$200	4,000	1,800
(((\$50 w/ LIGHTBULB) × 2) + (\$30 × 2) + \$40		\$200	4,000	1,800
(\$100 w/ LIGHTBULB) × 2		\$200	4,000	1,800
	\$200 w/ GO	\$200	120	60,000
\$200 w/ LIGHTBULB		\$200	6,000	1,200
\$200		\$200	6,000	1,200
\$40 × 10		\$400	24,000	300
\$200	\$200 w/ GO	\$400	12,000	600
\$400 w/ LIGHTBULB		\$400	24,000	300
\$400		\$400	24,000	300
\$50 × 10		\$500	12,000	600
\$100 × 5		\$500	12,000	600
(((\$30 w/ LIGHTBULB) × 5) + (\$30 × 5)	\$200 w/ GO	\$500	12,000	600
(((\$40 w/ LIGHTBULB) × 3) + (((\$30 w/ LIGHTBULB) × 6)	\$200 w/ GO	\$500	12,000	600
(((\$50 w/ LIGHTBULB) × 4) + (\$30 × 2) + \$40	\$200 w/ GO	\$500	12,000	600
(\$100 w/ LIGHTBULB) × 3	\$200 w/ GO	\$500	12,000	600
\$500 w/ \$500 BILL		\$500	1,000	7,200
\$500 w/ LIGHTBULB		\$500	12,000	600
\$500		\$500	12,000	600
MR. MONOPOLY w/ (\$40 × 25)		\$1,000	4,000	1,800
MR. MONOPOLY w/ ((\$50 × 10) + (\$40 × 5) + (\$30 × 10))		\$1,000	4,000	1,800
MR. MONOPOLY w/ ((\$40 × 5) + (\$30 × 20))	\$200 w/ GO	\$1,000	12,000	600
\$100 × 10		\$1,000	12,000	600
(\$100 w/ LIGHTBULB) × 8	\$200 w/ GO	\$1,000	12,000	600
(\$500 w/ \$500 BILL) + (\$30 × 10)	\$200 w/ GO	\$1,000	12,000	600
(\$500 w/ \$500 BILL) × 2		\$1,000	4,000	1,800
\$1,000 w/ LIGHTBULB		\$1,000	12,000	600
\$1,000		\$1,000	12,000	600
MR. MONOPOLY w/ ((\$500 × 2) + (\$100 × 13) + (\$50 × 10))	\$200 w/ GO	\$3,000	120,000	60

<i>When Any Of YOUR NUMBERS Match Any WINNING NUMBER, Win Prize Shown Under The Matching Number. Win With:</i>	<i>BONUS SPOTS:</i>	<i>Win:</i>	<i>Approximate Odds Are 1 In:</i>	<i>Approximate No. Of Winners Per 7,200,000 Tickets:</i>
\$30	100X	\$3,000	15,000	480
\$30 w/ LIGHTBULB	100X	\$3,000	15,000	480
\$3,000		\$3,000	120,000	60
MR. MONOPOLY w/ ((\$500 × 3) + (\$100 × 5) + (\$50 × 16) + \$200)	100X	\$300,000	1,440,000	5
\$300,000		\$300,000	1,440,000	5
\$3,000,000		\$3,000,000	1,440,000	5

Reveal a "Lightbulb" (BULB) symbol, win prize shown under that symbol automatically.

Reveal a "\$500 Bill" (500BILL) symbol, win \$500 instantly.

Reveal a "Mr. Monopoly" (WINALL) symbol, win all 25 prizes shown!

BONUS SPOTS: Reveal a "100X" (100TIMES) symbol, multiply any prize won in the play area below. Reveal a "GO" (WIN200) symbol, win \$200 instantly!

Prizes, including top prizes, are subject to availability at the time of purchase.

10. *Second-Chance Drawing:* Pennsylvania Lottery's MONOPOLY™ Second-Chance Drawing for qualifying instant lottery game tickets (hereafter, the "Drawing"):

(a) *Qualifying Tickets:* Non-winning PA-1510 MONOPOLY™ 100X (\$30), PA-1511 MONOPOLY™ 50X (\$10), PA-1513 MONOPOLY™ 20X (\$5) and PA-1514 MONOPOLY™ 10X® (\$2) instant lottery game tickets are eligible for entry into the Drawing.

(b) *Participation and entry:*

(1) Entrants must be members of the Pennsylvania Lottery VIP Players Club to participate in the Drawing. To join the VIP Players Club, visit <http://www.palottery.state.pa.us/vipplayersclub/login.aspx>. Becoming a VIP Players Club member is free.

(2) To enter the Drawing, entrants must submit the identifying information from at least one Qualifying Ticket via the Drawing's promotional web site, available at <http://www.palottery.com>, or the Pennsylvania Lottery's official mobile application, during the entry period. The identifying information from a Qualifying Ticket may be submitted only once in the Drawing. Entries will automatically be awarded at the time of successful submission of a Qualifying Ticket. No other method of submission will be accepted. Entries submitted using any other method, including entries mailed or hand-delivered to the Pennsylvania Lottery, are not valid and will be disqualified.

(3) Each entry must be complete, and the information supplied by the entrant must be accurate. Incomplete entries cannot be submitted.

(4) Only one claimant per entry allowed.

(5) Entrants must be 18 years of age or older.

(6) Players may submit the identifying information from an unlimited number of Qualifying Tickets in the Drawing.

(7) Once an entry has been submitted it cannot be withdrawn or changed.

(c) *Drawing description:*

(1) The Lottery will conduct one MONOPOLY™ Second-Chance Drawing for qualifying instant lottery game tickets. All time references are Eastern Prevailing Time.

(2) All entries received after 11:59:59 p.m. March 21, 2021, through 11:59:59 p.m. May 27, 2021, will be entered into the Drawing to be held between June 1, 2021 and June 11, 2021.

(3) The entry period for the Drawing will be posted to the Pennsylvania Lottery's publicly accessible web site.

(4) When a Qualifying Ticket is entered into the Drawing, the entry has a chance to be multiplied by 5, 10 or 20 (hereafter the "Entry Multiplier Prize"). Each Qualifying Ticket will have a predetermined ticket file assigned at the time the ticket is printed that will determine whether an entry will be multiplied. If an entry is multiplied, the entrant will be notified during the entry process.

(5) The number of entries an entrant will receive for the Drawing is determined by the purchase price of the Qualifying Ticket entered and the Entry Multiplier Prize, if applicable. The respective purchase price and corresponding number of entries for the Qualifying Ticket is as follows: PA-1510 MONOPOLY™ 100X (\$30) = 30 entries, PA-1511 MONOPOLY™ 50X (\$10) = 10 entries, PA-1513 MONOPOLY™ 20X (\$5) = 5 entries and PA-1514 MONOPOLY™ 10X® (\$2) = 2 entries.

(6) Players may review prizes won and their entries for the Drawing via the Drawing's promotional web site.

(d) *Prizes available to be won, determination of winners, and odds of winning:*

(1) The prize entitlements described below are subject to all restrictions and limitations described in section 10(e), or those mentioned anywhere else in these rules.

(2) The following table sets forth the approximate number of Entry Multiplier Prizes and the approximate odds of winning an Entry Multiplier Prize:

Qualifying Tickets:	Approximate Number of Entry Multiplier Prizes:			Approximate Odds of Winning a 5X, 10X or 20X Multiplier Are 1 In:		
	5X	10X	20X	5X	10X	20X
PA-1510 MONOPOLY™ 100X	1,560,335	936,201	468,101	3	5	10
PA-1511 MONOPOLY™ 50X	2,961,590	1,776,954	888,477	3	5	10
PA-1513 MONOPOLY™ 20X	1,976,232	3,293,720	988,116	5	3	10
PA-1514 MONOPOLY™ 10X®	1,671,078	2,785,130	835,539	5	3	10

(3) The Lottery will conduct one Drawing from among all the entries received during the entry period as described in section 10(c)(2).

(i) The first entry selected in the Drawing will be a winning entry and the entrant who submitted that winning entry shall be entitled to a prize of \$100,000, less required income tax withholding.

(ii) The second through the sixth entries selected in the Drawing will be winning entries and the entrants who submitted those winning entries shall each be entitled to a prize of \$20,000, less required income tax withholding.

(iii) The seventh through the sixteenth entries selected in the Drawing will be winning entries and the entrants who submitted those winning entries shall each be entitled to a prize of \$5,000.

(iv) The seventeenth through the sixty-sixth entries selected in the Drawing will be winning entries and the entrants who submitted the winning entries shall each be entitled to a prize of \$1,000.

(v) The sixty-seventh through the one hundred and sixteenth entries selected in the Drawing will be winning entries and the entrants who submitted the winning entries shall each be entitled to a prize of \$100 iLottery Bonus Money.

(4) All prizes will be paid as a lump-sum cash payment or uploaded to a winning player's lottery account.

(5) Winners of iLottery Bonus Money are not required to claim a prize. Winners of iLottery Bonus Money will have the iLottery Bonus Money credited to their lottery account and will receive an email notifying them that they won a prize.

(6) The number of winning entries to be selected for the Drawing will be posted to the Pennsylvania Lottery's publicly accessible web site.

(7) The odds of winning in the Drawing depend upon the number of entries received for the Drawing.

(8) A computer-generated randomizer will be used to select the Drawing winners.

(e) *Drawing restrictions:*

(1) To be eligible to participate in the Drawing, entrants must have complied with the requirements of these rules.

(2) The Lottery is not responsible for late, lost or misdirected entries not entered into the Drawing. The Lottery is not responsible for entries that are not entered

into the Drawing because of incompatible internet browsers, mobile Lottery application failure or other technical issues. If a Drawing entry is selected as a winner and rejected or otherwise disqualified during or following the Drawing, the Lottery will select another entry to replace the rejected or otherwise disqualified entry in accordance with these rules and Lottery procedure.

(3) If any discrepancy exists between these rules and any material describing the Drawing, these rules shall govern.

(4) Employees of the Pennsylvania Lottery, 9Rooftops Marketing, LLC (formerly known as MARC USA, LLC), MUSL, Scientific Games International, Inc., MDI Entertainment, LLC, and their subcontractors, or a spouse, child, brother, sister or parent residing as a member of the same household in the principle place of residence of any such person are not eligible to participate in the Drawing. Offer void where prohibited or restricted.

(5) The Pennsylvania Lottery reserves the right, in its sole discretion, to cancel or suspend the Drawing and change these rules if the Drawing cannot be conducted as planned due to errors in these rules or advertising, unauthorized intervention, tampering, fraud, technical errors, viruses, worms, bugs, or any other cause beyond the control of the Pennsylvania Lottery that, in the Pennsylvania Lottery's sole judgment, could corrupt or impair the administration, security, fairness, integrity, or proper conduct of the Drawing.

(6) All entries shall be subject to verification by the Pennsylvania Lottery.

(7) The Pennsylvania Lottery reserves the right, in its sole discretion, to disqualify an entrant found to be tampering with the operation of the Drawing or to be acting in violation of these rules or applicable law.

(8) The Drawing is governed by the laws of the Commonwealth of Pennsylvania. Applicable laws and regulations apply.

(9) Prizes must be claimed within 1 year of the drawing date of the Drawing in which the prize was won. If no claim is made within 1 year of the drawing date of the Drawing in which the prize was won, the right of an entrant to claim the prize won, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided by statute.

(10) Final determination of winners will be made by the Secretary, whose judgment will be final and binding.

(11) A prize awarded in the Drawing to a person who dies before receiving the prize shall be paid according to 61 Pa. Code § 811.16 (relating to prizes payable after death of a prize winner).

(12) A winner is responsible for all taxes arising from or in connection with any prize won.

(13) A player may only win the prize for which the player is first selected in the Drawing. Subsequent entries, from the same individual, selected in the same Drawing will be disqualified and a replacement entry will be selected.

(14) Winners of iLottery Bonus Money must abide by the iLottery Terms & Conditions, the iLottery Bonus Policy and these rules. iLottery Bonus Money will expire 90 days from the date on which the winner was notified, via email, of the prize win, as further detailed in section 10(d)(5). iLottery Bonus Money has a five times play through requirement in order to convert the iLottery Bonus Money into cash. For example, for a player winning \$100 of iLottery Bonus Money, the player is required to place \$500 in wagers before the iLottery Bonus Money awarded is converted into cash which may be withdrawn from the player's account.

(15) Prizes are not transferrable.

(16) Other restrictions may apply.

11. *Retailer incentive awards:* The Lottery may conduct a separate Retailer Incentive Program for retailers who sell MONOPOLY™ 100X instant lottery game tickets.

12. *Retailer bonus:* The Lottery may offer a retailer bonus in connection with the sale of Pennsylvania instant lottery game tickets. If a retailer bonus is offered, a Lottery retailer shall be eligible for a bonus as described in this section. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$100,000 and not exceeding \$500,000 shall be paid a bonus of \$500. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$500,001 and not exceeding \$1,000,000 shall be paid a bonus of \$5,000. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$1,000,001 and not exceeding \$10,000,000 shall be paid a bonus of \$10,000. A Lottery retailer is entitled only to the largest bonus for which they qualify on a winning ticket. A bonus will be initiated for payment after the instant ticket is claimed and validated. A bonus will not be awarded to a Lottery retailer that sells a non-winning Pennsylvania Lottery instant ticket used to enter a Pennsylvania Lottery second-chance drawing or promotion that is subsequently selected to win a prize.

13. *Unclaimed prize money:* For a period of 1 year from the announced close of MONOPOLY™ 100X, prize money from winning MONOPOLY™ 100X instant lottery game tickets will be retained by the Secretary for payment to the persons entitled thereto. If no claim is made within 1 year of the announced close of the MONOPOLY™ 100X instant lottery game, the right of a ticket holder to claim the prize represented by the ticket, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided for by statute.

14. *Governing law:* In purchasing a ticket, the customer agrees to comply with and abide by the State

Lottery Law (72 P.S. §§ 3761-101—3761-314), 61 Pa. Code Part V (relating to State Lotteries) and the provisions contained in this notice.

15. *Termination of the game:* The Secretary may announce a termination date, after which no further tickets from this game may be sold. The announcement will be disseminated through media used to advertise or promote MONOPOLY™ 100X or through normal communications methods.

C. DANIEL HASSELL,
Secretary

[Pa.B. Doc. No. 21-441. Filed for public inspection March 19, 2021, 9:00 a.m.]

DEPARTMENT OF TRANSPORTATION

Transportation Revenue Options Commission Teleconference Meeting

The Transportation Revenue Options Commission will hold a Teams teleconference meeting on Thursday, March 25, 2021, between 1 p.m. and 2:30 p.m. Attendees from the public should RSVP to the following e-mail address to receive call-in information. For more information or to RSVP, contact Shane Rice, Policy Office, (717) 319-7920, TROC@pa.gov.

YASSMIN GRAMIAN,
Secretary

[Pa.B. Doc. No. 21-442. Filed for public inspection March 19, 2021, 9:00 a.m.]

FISH AND BOAT COMMISSION

Boat and Marine Forfeiture; Maximum Amount

Chapter 53, Subchapter C of 30 Pa.C.S. (relating to boat and marine forfeiture) applies only to boats and related equipment with a resale value based upon established industry standards equal to or less than the maximum amount set forth in 30 Pa.C.S. § 5331(c) (relating to scope of subchapter). This subsection provides that for the year 2006, the maximum amount will be \$5,000 and for each year thereafter, the maximum amount will be fixed annually by the Fish and Boat Commission (Commission) based upon the maximum amount in the prior year as adjusted to reflect the change in the Consumer Price Index for All Urban Consumers for the United States for all items as published by the United States Department of Labor, Bureau of Labor Statistics, for the previous 12-month period. The subsection further provides that the maximum amount as adjusted will be rounded to the nearest multiple of \$5 and that the Commission will give notice of the new maximum amount by publication in the *Pennsylvania Bulletin*. The Commission previously fixed the maximum amount for 2020 at \$6,495.

Under 30 Pa.C.S. § 5331(c), the Commission has fixed the maximum amount for 2021 as \$6,575.

TIMOTHY D. SCHAEFFER,
Executive Director

[Pa.B. Doc. No. 21-443. Filed for public inspection March 19, 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 regulations. 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>
7-556	Environmental Quality Board Dam Safety and Waterway Management 50 Pa.B. 6863 (December 5, 2020)	2/3/21	3/5/21
16A-4947	State Board of Medicine Orthotic Fitter Temporary Permits and Training 51 Pa.B. 180 (January 9, 2021)	2/8/21	3/10/21

Environmental Quality Board Regulation # 7-556 (IRRC # 3278)

Dam Safety and Waterway Management March 5, 2021

We submit for your consideration the following comments on the proposed rulemaking published in the December 5, 2020 *Pennsylvania Bulletin*. Our comments are based on criteria in Section 5.2 of the Regulatory Review Act (RRA) (71 P.S. § 745.5b). Section 5.1(a) of the RRA (71 P.S. § 745.5a(a)) directs the Environmental Quality Board (Board) to respond to all comments received from us or any other source.

1. RRA Section 2—Reaching of consensus. RRA Section 5.2(b)(2)—Protection of the public health, safety and welfare and the effect on this Commonwealth's natural resources.

The Board proposes to amend Chapter 105 (relating to dam safety and waterway management) to strengthen the Department of Environmental Protection (Department) implementation of the dam safety and water obstruction and encroachment programs, provide clarity for project applicants and the public on existing regulations, and enable the Department and local delegated agencies to utilize resources in a more effective and efficient manner. In doing so, the Board must develop a regulation that takes into consideration the regulatory review criteria of the RRA. To illustrate, we note that Section 5.2(b)(2) of the RRA (71 P.S. § 745.5b(b)(2)) is the criterion related to the protection of the public health, safety, and welfare, and the effect on the Commonwealth's natural resources.

The Board states in the Preamble that the proposed regulatory revisions would allow the Department to focus resources on activities and threats to public health, welfare, safety, and the environment, while providing general management, oversight, and review for more routine activities to ensure compliance with the objectives of the Dam Safety and Encroachments Act (Act). 32 P.S. §§ 693.1—693.27.

This proposal has generated significant interest from legislators, the House Environmental Resources and Energy Committee (House Committee), state agencies, environmental advocacy groups, the regulated community, and the public. One of the key issues raised in comments

from legislators and many others is that environmental advocacy groups were not involved in the development of the regulation. Section 2 of the RRA (71 P.S. § 745.2) explains why the General Assembly felt it was necessary to establish a regulatory review process. Given the interest this proposal has generated, we believe it is appropriate to highlight the following provision of Section 2(a) of the RRA which states: "To the greatest extent possible, this act is intended to encourage the resolution of objections to a regulation and the reaching of a consensus among the commission, the standing committees, interested parties and the agency."

Through these comments, we strongly urge the Board to seek input from all interested parties as the Board works to draft a final regulation that strikes an appropriate balance of requirements on the regulated community while protecting the health, safety, welfare, and environment of Pennsylvania citizens. In reviewing the Board's responses to our comments, we will evaluate the explanations of how the provisions in question protect the public health, safety, welfare, and environment.

2. RRA Section 5.2(a)—Legislative comments.

The House Committee voted to submit a letter to this Commission and the Department identifying numerous objections to the proposed rulemaking. The objections relate to the following:

- The proposed amendments to Chapter 105, in short, incur significant revisions to functioning waiver processes, add new poorly defined and undefined language throughout the regulations, and lead to inconsistent and largely subjective oversight of the Commonwealth's waterways;
- The proposed regulation contains numerous incorrect citations and references;
- There are many new words that lack definition within the proposal, along with phrases that are open to broad interpretation. For example:
 - Small drainage structures, long waived from permit requirements under Section 105.12(a)(2), would now require a permit if it were to "impede flow or aquatic life passage;"
 - A newly imposed "cumulative impact analysis" would need to contain ostensibly limitless examples of indirect

and secondary impact predictions of “changes associated with but not the direct result of the construction or substantial modification of a dam or reservoir, water obstruction or encroachment;”

- The terms “abandon” and “discontinue” within the proposed definition of “abandonment” seem to be left to the whims of the Department, and any dam, water obstruction, or encroachment that discontinues a construction project could be deemed “abandoned” under Section 105.1; and

- “Ephemeral stream,” “intermittent stream,” “geomorphic,” and “paleo-aquatic” are examples of the important, yet undefined, terms found within the proposed regulation;

- Of particular concern is the uncertainty faced by the agricultural community in clearly identifying and defining which conditions, types, structures, and activities would be subject to regulation and permitting under the proposed regulation. Farmers could possibly, depending on the interpretation of Section 105.12(a)(17) by an individual Department employee, need a permit to construct an animal fencing along a stream but not crop-related fencing;

- A Submerged Lands Licensing Agreement fee for “groin structures” serves no legitimate purpose. Groin structures fit well within the exemption suggested under Section 105.35(c), as they are constructed for environmentally beneficial purposes and serve to conserve the coastline of Lake Erie; and

- The proposed regulation, in its current form and with its many errors, is unacceptable for the people and businesses of this Commonwealth.

State Senator Carolyn Comitta submitted comments asking the Board to:

- Reject any weakening of the Chapter 105 regulations, especially when it comes to allowing waivers of the permitting process for some of Pennsylvania’s most critical streams; reduce, not expand, the number of waivers granted; and prohibit any waivers for activities impacting [exceptional value waters (EV)], [high quality waters (HQ)], Class A, wild trout, or already impaired streams;

- Reconsider the proposal to require a company seeking a permit for an industry activity that crosses multiple counties to submit only one application, rather than needing to go to each county the activity impacts;

- Consider garnering detailed input from organizations committed to protecting Pennsylvania’s water in proposing or advancing such revisions; and

- Give careful consideration and deliberation to the views of Pennsylvania’s statewide environmental organizations in this process.

State Senator Katie Muth also submitted a number of concerns regarding:

- Expanding the list of consulted stakeholders to include all interested parties, including organizations that prioritize people and environment;

- The proposed definition of “maintenance” and the potential increase of unreported environmental harm due to definition modifications;

- Construction-related environmental impacts may be defined as temporary and may be exempt from reporting requirements;

- Section 105.13(e)(4) that would allow the Department, conservation district, or delegated local agencies to

make case-by-case determinations regarding the time period an applicant would have to remedy an inadequate application;

- The need to incorporate private wells in addition to public water supplies in Section 105.401; and

- Section 105.13(d) that would allow projects crossing county boundaries to be submitted under one permit application, removing aspects of local control associated with permitted activities and limiting public participation associated with the consideration of future permits.

Under the RRA, the comments, objections, or recommendations of a Standing Committee is one of the criteria the Commission must consider when determining if a regulation is in the public interest. Our comments below address many of the issues raised by the House Committee and legislators. When this proposal is delivered as a final-form regulation to this Commission and the Standing Committees for review, the issues raised by the House Committee and legislators, and the Board’s response to those issues, will be one of the criteria used by this Commission to determine if the regulation is in the public interest.

3. Section 105.1. Definitions.—Protection of the public health, safety, and welfare and the effect on this Commonwealth’s natural resources; Clarity; Implementation.

Abandonment

The Board proposes to add a definition of “abandonment” as follows: “The discontinued construction, or operation and maintenance of a dam, water obstruction or encroachment by the owner or permittee.” Commenters question this newly defined term, noting that the legal concept of abandonment under common law involves elements of both intention and permanency, and express concern that the proposed definition lacks clarity. Also, commenters question if there is a potential conflict with the provisions of Section 105.452(c) (relating to status of prior converted cropland—statement of policy), which appears to limit the term’s application to specific occurrences. The Board should clarify this definition in the final-form regulation to address concerns raised by commenters.

Aquatic resource functions

Commenters note that the definition of “aquatic resource functions,” which make reference to “chemical, physical, or biological processes that occur in aquatic resources,” does so without offering any quantitative or qualitative measure of frequency or infrequency of occurrence to distinguish services that fall within or outside the scope of the definition. Similarly, the definition references “current scientific principles” without distinguishing or measuring the relative validity of claimed or competing “scientific principles” in the determination of whether a function falls within or outside the scope of the definition. We ask the Board to clarify this term to address these issues in the final-form regulation.

We note that the portion of this comment relevant to “scientific principles” applies to the definition of wetland functions, as well as Section 105.14(a).

Aquatic resource impacts

Commenters raise concerns related to language contained in the “secondary impacts” portion of the definition of “aquatic resource impacts,” which states, in part, “[c]hanges associated with but not the direct result of the construction or substantial modification of the dam or

reservoir, water obstruction or encroachment. . . .” Commenters assert that this provision falls short of providing meaningful clarity for assessing whether a condition that is “not the direct result of” a water obstruction would nonetheless fall within the definition of “aquatic resource impacts.” We ask the Board to clarify this term in the final-form regulation.

Cross section

The Board proposes to amend the definition of “cross section” to: “The area from the top of the bank to the top of the opposite bank of a stream, floodway or body of water as cut by a vertical plane passed at a right angle to the course of a stream, floodway or body of water.” Commenters assert that the inclusion of “floodway” as proposed and the definition’s reference to “top of the bank” in the context of floodway may cause confusion and may conflict with the definition of “floodway” currently contained in Chapter 105. We ask the Board to clarify this term and how it will be implemented.

Maintenance

The Board proposes to define “maintenance” as “periodic activities conducted to preserve the condition of a dam, water obstruction or encroachment as authorized by the Department.” Commenters raise several concerns regarding this new definition, including whether the Department intends to authorize every maintenance activity on a dam, water obstruction, or encroachment and how the term “periodic” will be measured. We ask the Board to clarify this term and how it will be implemented.

Stormwater management facilities

The definition of “stormwater management facilities” states, in part, that “the term does not include swales or ditches that have not been maintained and have developed into watercourses. . . .” Commenters assert that the regulation does not define a watercourse or explain how to evaluate whether a swale or ditch has developed into a watercourse. We ask the Board to clarify this term in the final-form regulation.

Additional definitions to consider

Geomorphic

The term “geomorphic” is not defined but the new terms “geomorphic measurements” and “geomorphic stability” are used in several sections. Commenters note that if this term is added as a design standard, then quantifiable ways to measure degradation, such as width/depth ratios, entrenchment, and sinuosity should be referenced so that permit applicants and reviewers have a consistent method of assessment. We ask the Board to define this term to provide clarity, or explain why not defining the term in the final regulation protects the public health, safety, welfare, and environment.

Paleo-aquatic

Proposed new language at Section 105.15(a)(4)(viii) references the term “paleo-aquatic,” which is undefined and described by commenters as not commonly used terminology. We ask the Board to define this term to provide clarity, or explain why not defining the term in the final regulation protects the public health, safety, welfare, and environment.

Practicable alternative

The Board uses the term “practicable alternative” throughout the proposed regulation. While this term is not defined in the proposed regulation, we note that the Board does define “practicable” in Sections 105.18a(a)(3)

and (b)(3), which are not a part of the Annex. We ask the Board to define this term to provide clarity, or explain why not defining the term in the final regulation protects the public health, safety, welfare, and environment.

Registration

In the Preamble related to Section 105.4 (relating to delegation to local agencies), the Board explains that it proposes to incorporate the authorization of general permit registrations. The Board states that this language more accurately reflects the terminology that is used for permits and registrations. However, commenters are unclear as to the meaning of the term “registration.” We ask the Board to define this term to provide clarity, or explain in the Preamble to the final regulation how a registration differs from a permit.

4. Section 105.12. Waiver of permit requirements.— Protection of the public health, safety, and welfare and the effect on this Commonwealth’s natural resources; Clarity; Implementation procedures.

The Board proposes to amend Paragraph (a)(2) to read: “A water obstruction or encroachment in a stream or floodway with a drainage area of 100 acres or less that will not impede flow or aquatic life passage. This waiver does not apply to a water obstruction or encroachment proposing to impact a wetland located in the floodway, or to a stream enclosure.” Commenters state that the proposed language does not identify the standard, measure, or threshold of impediment to be applied in evaluating whether or not the prerequisite for waiver has been met, and assert that any activity performed to a water or within a water body can have the effect of causing some slowing in rate of water flow or in rate of aquatic life passage. Other commenters assert that there should be no waivers allowed in EV, HQ, Class A, wild trout streams, or impaired waterbodies, no matter how small the stream size. We ask the Board to clarify and provide certainty as to how this provision will be implemented, or explain how this provision in the final regulation protects the public health, safety, welfare, and environment.

Paragraph (a)(17) includes a provision stating: “Fencing may not be constructed of materials that will collect flood debris resulting in the restriction of flow or the creation of a backwater condition. . . .” Commenters raise concerns as to what standards or criteria will be applied in determining whether a fencing material meets the requirement that it will not collect flood debris resulting in the restriction of flow or the creation of a backwater condition. They assert that, theoretically, use of fencing material of any size or substance can potentially collect flood debris, and collection of any flood debris can impede water flow. We ask the Board to clarify this provision and how it will be implemented.

Commentators raise concerns related to Paragraph (a)(20) relating to waiver of a permit for “the temporary emergency placement, operation and maintenance of a water obstruction or encroachment for water withdrawal related to crop production or fire protection.” Some commenters note that relative to loss of crops, the immediacy of the threat to crops may vary from day to day, depending on the expected extremity of heat and other climate and weather conditions. Other commenters assert that there should be an explicit time limit for such withdrawals, as well as a requirement that they be removed. These commenters also express concern that this waiver of a permit does not become a recurring seasonal event. We ask the Board to clarify and provide

certainty as to how this provision will be implemented, or to explain how this provision in the final regulation protects the public health, safety, welfare, and environment.

5. Section 105.13. Regulated activities—information and fees.—Determining whether the regulation is in the public interest; Protection of the public health, safety, and welfare and the effect on this Commonwealth’s natural resources; Clarity and lack of ambiguity.

The Board proposes to amend Subsection (d) to allow a single application permit for a project that is located within multiple counties. This change generated significant comments, including comments from Senator Katie Muth and Senator Carolyn Comitta. Comments primarily express concern that this change will remove aspects of local control associated with permitted activities and limit public participation associated with the consideration of future permits. If single application permits are retained in the final regulation, how will the Board ensure that local governments, residents, and interested parties are informed and have an opportunity to be involved in the process? Will the Board evaluate the cumulative effects of these multiple encroachments when determining if a waiver is appropriate? We ask the Board to explain how this provision in the final regulation protects the public health, safety, welfare, and environment.

In Clause (e)(1)(iii)(D), the Board proposes to replace a previously required “statement” on water dependency with a “narrative discussion and analysis.” Commenters request clarification of what specific information will be required in each the “discussion” and “analysis.” We ask the Board to clarify this provision in the final-form regulation.

The Board proposes to add Clause (e)(1)(x)(D) stating, “The direct, indirect and secondary impacts of the construction, modification or operation of the dam, water obstruction or encroachment on aquatic resources and aquatic resource functions, including impacts on flow regime and ecology, water quality, stream flow, fish and wildlife, aquatic habitat, public water supplies, instream and downstream water uses and other relevant significant environmental factors.” The phrase “other relevant significant environmental factors” is ambiguous and proposed to be added in other sections, as well. What standards will be used to determine what qualifies as other environmental factors? What standards determine whether these factors are relevant and significant? The Board should clarify this provision so that the regulated community has a clear understanding of “other significant environmental factors.”

In Paragraph (e)(4), the Board proposes to eliminate the currently prescribed 60-day timeframe after an application for permit or submission of registration is determined to be substantially inadequate to correct the inadequacy. As amended, the Department would state “a specified period” in writing within which the applicant must act to correct the deficiency. In the Preamble, the Board states that some incompleteness items do not warrant the current full 60-day period, and the proposed change would provide flexibility and allow for a case-by-case determination, resulting in a more efficient process and avoiding backlogs. Commenters are concerned that the shift in the proposed language opens up the process for abuse. One commenter states that the change which provides “regulatory authorities sole discretion to set deadlines for correction is dangerous, and provides opportunity for regulatory officials to abuse that discretion and

set arbitrary and unreasonable time periods for applicants to act. While we understand that there may be instances where the deficiency in the application or registration may not be so serious as to warrant the full use of the 60-day window for action, we still believe a prescribed time window for corrective action by the applicant or registrant should be retained to avoid the potential for regulatory abuse.” In response to commenters’ concerns, we ask the Board to further explain why the elimination of the current 60-day period is in the public interest. This comment also applies to Section 105.13a(b).

Subsection (h) as proposed incorporates existing language from Subsection (i) regarding who must sign for a permit application for a corporation. However, the existing phrase “other responsible official empowered to sign for the corporation” has not been carried over into this Subsection. Commenters assert that this phrase should be retained since it is common practice for corporations to delegate permit application signature authority to appropriate officials responsible for the permitted activity at the regional or local level where the specified corporate officers are not directly engaged with those activities. We ask the Board to incorporate this language into the final regulation, or explain in the Preamble why it is in the public interest not to permit an empowered responsible official to sign for a corporation.

6. Section 105.13a. Complete applications and registrations.—Clarity; Need for the regulation; Implementation procedures.

Subsection (a) currently states, “An application or registration for a permit is complete when the necessary information is *provided*. . . and requirements under the act and this chapter have been *satisfied*. . . and *verified*. . .” (Emphasis added.) This sentence lays out three requirements for completeness. However, new language added to the end of Subsection (a) states: “A complete application or registration is one that meets both of the following: (1) Satisfies principal completeness requirements. (2) Contains information that is necessary to demonstrate compliance. . . including the identification of all proposed impacts to aquatic resources.” We ask the Board to amend this provision to clarify how it will be implemented.

The Board proposes to amend Subsection (b) regarding when it will notify an applicant in writing regarding an application or registration. Currently, when the Department, conservation district, or other delegated agency determines that an application or registration is incomplete or “contains insufficient information,” it will notify the applicant in writing. The Board proposes to change “incomplete or contains insufficient information” to “incomplete or substantially inadequate.” As written, this change allows for the review of an application or registration that is inadequate. What standards will differentiate between inadequate and substantially inadequate? How will the Department ensure that applications and registrations are reviewed consistently? We ask the Board to explain the need for this change and to amend the provision to provide certainty and consistency in how it will be implemented.

7. Section 105.14. Review of applications and registrations.—Need for the regulation.

The Board proposes in Paragraph (b)(10) to delete the phrase “including identified 1-A candidates” but does not provide an explanation for this change in the Preamble. We ask the Board to explain the need for this change.

8. Section 105.20a. Compensation for impacts to aquatic resources.—Clarity; Implementation procedures.

The Board proposes new Paragraph (d)(3), stating: “The level of effect of the proposed project on the aquatic resource functions.” Commenters raise questions as to how the Department will evaluate the “level of effect” of the proposed project on the aquatic resource functions. Commenters note that the new definitions proposed for “aquatic resource impacts,” and direct and secondary impacts within that definition, do not differentiate between the “level of effect” of these impacts. What standards will differentiate levels of effect? How will the Department ensure that levels are evaluated consistently? We ask the Board to clarify this provision and how it will be implemented in the final-form regulation.

9. Section 105.25. Transfer of permits.—Clarity.

The Board states in the Preamble that proposed amendments to Section 105.25 would require the permittee and owner to report a change in ownership of a dam, *water obstruction, or encroachment* to the Department in writing within 30 days of the transfer of ownership. (Emphasis added.) However, within Paragraph (a)(3) the actual revision deletes the phrase “water obstruction or encroachment,” leaving the provision applicable only to dams. We ask the Board to clarify this provision in the final-form regulation.

10. Section 105.35. Charges for use and occupation of submerged lands of this Commonwealth.—Clarity; Implementation procedures.

New Paragraph (c)(8) creates a fee exemption for “a project or activity constructed and operated for the significant benefit of the environment. . . .” What standards will be used to evaluate and determine whether a project or activity provides a significant benefit? How will the Department ensure that projects or activities are evaluated consistently? We ask the Board to clarify this provision and its implementation in the final-form regulation.

11. Section 105.43. Time limits.—Clarity.

New language in Paragraph (c)(2) states, in part, that if work will not be completed before the date established in the permit, the permittee or dam owner shall notify the Department 90 days before the anticipated commencement of work. Might a permittee or dam owner not know 90 days prior to the start of a project that work will not be completed by a date certain? We ask the Board to clarify this provision in the final regulation.

12. Section 105.82. Permit applications for operation and maintenance of existing dams and reservoirs.—Need for the regulation.

The existing language of Paragraph (a)(9) requires all applicants for a permit to operate and maintain an existing dam to provide “[p]roof of title or flowage easements for land areas below the top of the dam elevation that is subject to inundation.” The Board proposes to amend this to require proof of title or flowage easements only “for dams constructed or modified after July 1, 1979.” The Preamble provides no explanation for the change. We ask the Board to explain the need for this change.

13. Section 105.134. EAP.—Protection of the public health, safety, and welfare and the effect on this Commonwealth’s natural resources; Need for the regulation.

The Board proposes to amend language regarding a submitted Emergency Action Plan (EAP) from the current

practice of *approving* the EAP to the proposed practice of *acknowledging* the EAP. (Emphasis added.) The Preamble provides no explanation for the change. Will EAPs no longer be evaluated and approved? We ask the Board to explain the need for this change and how the provision in the final regulation protects the public health, safety, welfare, and environment.

Commenters note that the public notice provisions of Subsection (d) reflect an outmoded and substantially ineffective method for disseminating to the public information concerning the potential inundation areas of a Class 1 or 2 dam failure. Commenters recommend posting notices in ways that disseminate information via the internet, such as on municipal websites, county emergency management websites, and/or a dedicated dam safety information page on the Department website. We ask the Board to amend this provision consistent with commenters’ recommendations, or to explain why such amendments would not be in the public interest.

14. Section 105.161. Hydraulic capacity.—Clarity.

The proposed amended Paragraph (a)(3) states: “The structure may not materially alter the natural regimen *and* the geomorphic stability of the stream.” (Emphasis added.) As written, this allows for an interpretation that the Board is prohibiting only instances where the alteration of both the natural regimen and the geomorphic stability of the stream occur. Is that the intent? Or does the Board intend to prohibit each type of alteration, independent of whether the other occurs? If so, the Board should clarify the Paragraph in a format similar to Paragraph (a)(2).

15. Section 105.401. Permit applications.—Protection of the public health, safety, and welfare and the effect on this Commonwealth’s natural resources; Clarity; Need for the regulation.

This Section would require project applicants to identify all public water supply wells within a one-mile radius of any proposed discharges of dredged or fill material into aquatic resources. Senator Katie Muth comments on this provision, urging the Department to incorporate private well identification as a requirement of any activity. Similar comments from others assert that documentation of private drinking water supplies in the vicinity of a proposed project is key to fully understanding the potential impacts of a project and protecting the public health and safety. Other commenters note that due to infrastructure security concerns, the specific locations of wells and intakes are not public information, and are protected from disclosure under provisions of the Pennsylvania Right-to-Know Law. We ask the Board to explain the need to include or not include private wells in the permit application process, and how this provision in the final regulation protects the public health, safety, welfare, and environment.

Additionally, Subsections (5) and (6) require a “demonstration” regarding the quality and quantity of dredged or fill material. What standards will be used to evaluate and determine whether a demonstration satisfies the Department’s requirement? We ask the Board to clarify this provision to set defined standards.

16. Section 105.446. Procedure for issuance.—Clarity.

New Subsection (e) states that “the Department will periodically review issued general permits for adequacy and when necessary or appropriate make revisions, updates or revocation of a general permit.” Similar to the comment on the term “maintenance,” we question how

frequently will a “periodic review” occur? What standards will be used to evaluate the adequacy of general permits? Will the public be informed of these reviews, when changes have been made, or when a permit has been revoked? We ask the Board to clarify this provision in the final-form regulation.

**State Board of Medicine Regulation # 16A-4947
(IRRC # 3286)**

**Orthotic Fitter Temporary Permits and Training
March 10, 2021**

We submit for your consideration the following comments on the proposed rulemaking published in the January 9, 2021 *Pennsylvania Bulletin*. Our comments are based on criteria in Section 5.2 of the Regulatory Review Act (RRA) (71 P.S. § 745.5b). Section 5.1(a) of the RRA (71 P.S. § 745.5a(a)) directs the State Board of Medicine (Board) to respond to all comments received from us or any other source.

**1. Section 18.841. Temporary practice permit.—
Clarity; Implementation procedures.**

Subsection (b)

Regarding licensure as an orthotic fitter, the Board states in the Preamble, “[S]ection 13.5(a)(3) of the [Medical Practice Act of 1985 (Act)] requires fulfillment of education and training required for certification by an orthotic fitting credentialing organization recognized by the Institute for Credentialing Excellence (ICE) and accredited by the National Commission for Certifying Agencies (NCCA) and approved by the Board.” (Emphasis added.) 63 P.S. § 422.13e(a)(3). The Board proposes to amend Subsection (b) as follows:

(b) The Board may grant a temporary practice permit to an individual who: . . .

(2) Has successfully completed an [American Board of Certification (ABC)]-approved or [Board of Certification/Accreditation (BOC)]-approved orthotic fitter precertification education program or other precertification education program whose credentialing is recognized by the ICE, accredited by the NCCA and approved by the Board. An applicant shall demonstrate completion of an ABC-approved or BOC-approved orthotic fitter

precertification education program or other orthotic fitter precertification education program whose credentialing is recognized by ICE, accredited by the NCCA and approved by the Board by having the educational institution submit, directly to the Board, verification of completion.

The BOC submitted comments suggesting that orthotic fitters seeking licensure cannot comply with the Board’s amended language because “neither ICE nor NCCA recognize or accredit precertification courses.” Should the amended language track the Act to say a “precertification education program approved by a credentialing organization recognized by the ICE, accredited by the NCCA and approved by the Board”? We ask the Board to clarify how an individual would comply with this requirement for licensure.

Subsection (d)

The Preamble regarding Subsection (d) states that the Board “proposes to allow an individual who has failed the certification examination *at least three times*, and whose permit has expired, to apply for a second permit after completing a second approved precertification education program.” (Emphasis added.) We note, however, that the actual text of Subsection (d) simply states, “An individual who has failed the certification examination *three times. . .*” (Emphasis added.) We ask the Board to clarify that the provision applies to an individual who has failed the examination at least three times.

2. Section 18.842. Orthotic fitting care experience.—Clarity; Implementation procedures.

New language added to Subsection (b) requires that orthotic fitting care experience “shall include *all facets* of orthotic fitting care.” (Emphasis added.) What does “all facets” include? How will the regulated community know if the standard has been met? How is this requirement verified? We ask the Board to clarify in the final regulation how this new provision will be implemented.

GEORGE D. BEDWICK,
Chairperson

[Pa.B. Doc. No. 21-444. Filed for public inspection March 19, 2021, 9:00 a.m.]

INDEPENDENT REGULATORY REVIEW COMMISSION

Notice of Filing of Final Rulemaking

The Independent Regulatory Review Commission (Commission) received the following regulation. It is 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>
47-20	Milk Marketing Board Transactions Between Dealers and Producers; Payment	3/2/21	4/15/21

GEORGE D. BEDWICK,
Chairperson

[Pa.B. Doc. No. 21-445. Filed for public inspection March 19, 2021, 9:00 a.m.]

INSURANCE DEPARTMENT

Application for Voluntary Surrender of Pennsylvania Certificate of Authority Filed by The Green Tree Perpetual Assurance Company

The Green Tree Perpetual Assurance Company, a domestic stock property insurance company, has submitted an application for approval to surrender its Insurance Department Certificate of Authority.

Persons wishing to comment on the grounds of public or private interest concerning the surrender are invited to submit a written statement to the Insurance Department (Department) within 30 days from the date of this issue of the *Pennsylvania Bulletin*. Each written statement must include the name, address and telephone number of the writer; identification of the application to which the comment is addressed; and a concise statement with sufficient detail to inform the Department of the exact basis of the comment and the relevant facts upon which it is based. Written statements must be e-mailed to Cressinda Bybee, cbybee@pa.gov.

JESSICA K. ALTMAN,
Insurance Commissioner

[Pa.B. Doc. No. 21-446. Filed for public inspection March 19, 2021, 9:00 a.m.]

INSURANCE DEPARTMENT

Genworth Life Insurance Company Rate Increase Filing for the PCS I LTC Series (GEFA-132645199)

Genworth Life Insurance Company is requesting approval to increase the premium an aggregate 83.2% on 2,068 policy holders with LTC forms 7000 and 7020.

Unless formal administrative action is taken prior to June 3, 2021, the subject filing may be deemed approved by operation of law.

A copy of the filing is available on the Insurance Department's (Department) web site at www.insurance.pa.gov (hover the cursor over the "Consumers" tab, then select "Pending Long Term Care Rate Filings").

Copies of the filing are also available for public inspection, by appointment, during normal working hours at the Department's Harrisburg office.

Interested parties are invited to submit written comments, suggestions or objections to James Laverty, Actuary, Insurance Department, Insurance Product Regulation and Market Enforcement, Room 1311, Strawberry Square, Harrisburg, PA 17120, jlaverty@pa.gov within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

JESSICA K. ALTMAN,
Insurance Commissioner

[Pa.B. Doc. No. 21-447. Filed for public inspection March 19, 2021, 9:00 a.m.]

INSURANCE DEPARTMENT

Genworth Life Insurance Company Rate Increase Filing for the PCS II LTC Series (GEFA-132633895)

Genworth Life Insurance Company is requesting approval to increase the premium an aggregate 32.1% on 53 policy holders with LTC forms 7030 and 7032 issued on or after September 16, 2002.

Unless formal administrative action is taken prior to June 3, 2021, the subject filing may be deemed approved by operation of law.

A copy of the filing is available on the Insurance Department's (Department) web site at www.insurance.pa.gov (hover the cursor over the "Consumers" tab, then select "Pending Long Term Care Rate Filings").

Copies of the filing are also available for public inspection, by appointment, during normal working hours at the Department's Harrisburg office.

Interested parties are invited to submit written comments, suggestions or objections to James Laverty, Actuary, Insurance Department, Insurance Product Regulation and Market Enforcement, Room 1311, Strawberry Square, Harrisburg, PA 17120, jlaverty@pa.gov within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

JESSICA K. ALTMAN,
Insurance Commissioner

[Pa.B. Doc. No. 21-448. Filed for public inspection March 19, 2021, 9:00 a.m.]

INSURANCE DEPARTMENT

Genworth Life Insurance Company Rate Increase Filing for the PCS II LTC Series (GEFA-132634005)

Genworth Life Insurance Company is requesting approval to increase the premium an aggregate 60.9% on 5,053 policy holders with LTC forms 7030 and 7032 issued prior to September 16, 2002.

Unless formal administrative action is taken prior to June 3, 2021, the subject filing may be deemed approved by operation of law.

A copy of the filing is available on the Insurance Department's (Department) web site at www.insurance.pa.gov (hover the cursor over the "Consumers" tab, then select "Pending Long Term Care Rate Filings").

Copies of the filing are also available for public inspection, by appointment, during normal working hours at the Department's Harrisburg office.

Interested parties are invited to submit written comments, suggestions or objections to James Laverty, Actuary, Insurance Department, Insurance Product Regulation and Market Enforcement, Room 1311, Strawberry Square, Harrisburg, PA 17120, jlaverty@pa.gov within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

JESSICA K. ALTMAN,
Insurance Commissioner

[Pa.B. Doc. No. 21-449. Filed for public inspection March 19, 2021, 9:00 a.m.]

LEGISLATIVE REFERENCE BUREAU

Documents Filed But Not Published

The Legislative Reference Bureau (Bureau) accepted the following documents during the preceding calendar month for filing without publication under 1 Pa. Code § 3.13(b) (relating to contents of *Bulletin*). The Bureau will continue to publish on a monthly basis either a summary table identifying the documents accepted during the preceding calendar month under this subsection or a statement that no documents have been received. For questions concerning or copies of documents filed, but not published, call (717) 783-1530.

Governor's Office

Management Directive No. 205.34—Commonwealth of Pennsylvania Information Technology Acceptable Use Policy, Amended February 18, 2021.

Administrative Circular No. 21-05—Approval of 2021-22 Advancement Accounts and Completion of Form STD-133, Request for Approval of Advancement Account, Dated February 2, 2021.

AMY J. MENDELSON,
Director
Pennsylvania Code and Bulletin

[Pa.B. Doc. No. 21-450. Filed for public inspection March 19, 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 April 5, 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 April 5, 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.

Applications of the following for approval to begin operating as common carriers for transportation of persons as described under each application.

A-2021-3023890. Abundantly Blessed Home Care, LLC (2910 Edgmont Avenue, Brookhaven, Delaware County, PA) in paratransit service, from points in the City and County of Philadelphia, to points in the Counties of Bucks, Chester, Delaware and Montgomery, and return.

A-2021-3024357. Scherrie Thomas, t/a Bridges Transportation (707 Valley Glenn Road, Elkins Park, Montgomery County, PA 19027) in paratransit service, limited to nonemergency medical transportation, between points in the Counties of Bucks and Montgomery, and the City and County of Philadelphia.

A-2021-3024415. Newtown Trusted Transportation, LLC (2754 Windy Bush Road, Newtown, Bucks County, PA 18940) in paratransit service, limited to persons whose personal convictions prevent them from owning or operating a motor vehicle, from points in Bucks County, to points in Pennsylvania, and return.

A-2021-3024521. Goodwill Transportation, Inc. (222 South 3rd Street, Darby, Delaware County, PA 19023) in paratransit service, limited to persons requiring wheelchair or stretcher van service, from points in the City and County of Philadelphia, to points in the Counties of Bucks, Chester, Delaware and Montgomery, and return.

Application of the following for approval to begin operating as contract carriers for transportation of persons as described under the application.

A-2021-3023989. Euphrates Trans, LLC (1132 Hamilton Street, Allentown, PA 18101) for the right to begin to transport, persons, by motor vehicle, as a contract carrier, for Medical Transportation Management, Inc., from points in the County of Lehigh, to points in Pennsylvania, and return.

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 21-451. Filed for public inspection March 19, 2021, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Telecommunications; Level 3 Communications, LLC; Doc. No. P-2021-3024219

The Pennsylvania Public Utility Commission (Commission) invites comment on the following petition for designation as an eligible telecommunications carrier (ETC) since it was awarded Federal high-cost support moneys from the Federal Communication Commission's Rural Digital Opportunity Fund Auction: Level 3 Communications, LLC; Docket No. P-2021-3024219.

On August 2, 2010, the Commission entered an Order adopting a final policy statement on ETC designation and ETC annual recertification and reporting requirements for all telecommunications carriers at Docket No. M-2010-2164741. See 52 Pa. Code § 69.2501 (relating to standards applicable for designation and annual certification as an eligible telecommunications carrier, for purposes of obtaining Federal universal service support) for the Final Policy Statement, Standards Applicable for Designation and Annual Certification as an Eligible Tele-

communications Carrier, for purposes of obtaining Federal universal service support. The Final Policy Statement became effective on October 2, 2010, upon publication at 40 Pa.B. 5586 (October 2, 2010).

This notice is to inform telecommunications providers and interested parties that the Commission intends to act on the previously-referenced ETC petition pending before the Commission. By this notice, the Commission extends the time for filing an answer to the petition under 52 Pa. Code § 5.61 (relating to answers to complaints, petitions, motions and preliminary objections). Interested persons may file and serve an answer on or before 20 days after this notice is published in the *Pennsylvania Bulletin*. Thereafter, the petitioner has 10 days to file and serve its response. Filings must reference Docket No. P-2021-3024219.

In accordance with the Commission's Emergency Order at Docket No. M-2020-3019262 (issued on March 20, 2020; ratified on March 26, 2020; modified by Secretarial Letter issued July 27, 2020), 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>. Documents filed relative to this docket are available for inspection by searching under the petitioner's docket number on the Commission's web site at <https://www.puc.pa.gov/search/document-search/>.

Any confidential filings should be clearly marked as such and e-mailed directly to Commission Secretary, Rosemary Chiavetta, at rchiavetta@pa.gov.

The contact person for questions regarding this notice is Erin N. Tate, Assistant Counsel, Law Bureau, (717) 214-1956.

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 21-452. Filed for public inspection March 19, 2021, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Transfer of Control

A-2021-3024516. Wholesale Carrier Services, Inc. and BCM One Group Holdings, Inc. Joint application of Wholesale Carrier Services, Inc. and BCM One Group Holdings, Inc. for approval of the proposed transfer of control of Wholesale Carrier Services, Inc. to BCM One Group Holdings, Inc.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities) on or before April 5, 2021. Filings must be made with the Secretary of the Pennsylvania Public Utility Commission, 400 North Street, 2nd Floor, Harrisburg, PA 17120, with a copy served on the applicant. The documents filed in support of the application are available only online for inspection and copying on the Pennsylvania Public Utility Commission's (Commission) web site at www.puc.pa.gov and at the applicant's business address. In accordance with the Commission's Emergency Order at M-2020-3019262, all parties participating in matters

pending before the Commission are required to eFile their submissions by opening an eFiling account—free of charge—through the Commission's web site and accepting eService.

Joint Applicants: Wholesale Carrier Services, Inc.; BCM One Group Holdings, Inc.

Through and By: Todd B. Lantor, Esquire, Lukas, LaFuria, Gutierrez & Sachs, LLC, 8300 Greensboro Drive, Suite 1200, Tysons, VA 22102, (703) 584-8671, tlantor@fcclaw.com; Leon L. Nowalsky, Esquire, Nowalsky & Gothard, APLLC, 1420 Veterans Memorial Boulevard, Metairie, LA 70005, (504) 832-1984, lnowalsky@nbglaw.com

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 21-453. Filed for public inspection March 19, 2021, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Transfer by Sale

A-2021-3024413. PECO Energy Company. Application of PECO Energy Company for approval of transfer by sale to Limerick Township of street lighting facilities located in Montgomery County.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities) on or before April 5, 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. 21-454. Filed for public inspection March 19, 2021, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Transfer by Sale

A-2021-3024422. PECO Energy Company. Application of PECO Energy Company for approval of the

transfer by sale to New Garden 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, April 5, 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. 21-455. Filed for public inspection March 19, 2021, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Transfer by Sale

A-2021-3024429. PECO Energy Company. Application of PECO Energy Company for approval of transfer by sale to the Borough of Malvern 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 April, 5 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. 21-456. Filed for public inspection March 19, 2021, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Transfer by Sale

A-2021-3024438. PECO Energy Company. Application of PECO Energy Company for approval of the transfer by sale to the Borough of Narberth of street lighting facilities located in Delaware County.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities) on or before Monday, April 5, 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. 21-457. Filed for public inspection March 19, 2021, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Water Service

A-2021-3024507. Borough of Port Allegany. Application of the Borough of Port Allegany for approval of the abandonment and discontinuance of water service in this Commonwealth.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities) on or before Monday, April 5, 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: Borough of Port Allegany

Through and By Counsel: Nicole F. Larsen, Solicitor, Larsen Law Office, LLC, 3 Willow Street, P.O. Box 406,

Port Allegany, PA 16743, (814) 642-5915, nicole@larsenlawpa.com

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 21-458. Filed for public inspection March 19, 2021, 9:00 a.m.]

PHILADELPHIA PARKING AUTHORITY

Service of Notice of Motor Carrier Applications in the City of Philadelphia

The following permanent authority application to render service as common carriers in the City of Philadelphia has been filed with the Philadelphia Parking Authority's (PPA) Taxicab and Limousine Division (TLD). Formal protests must be filed in accordance with 52 Pa. Code Part II (relating to Philadelphia Parking Authority) with the TLD's Office of the Clerk, 2415 South Swanson Street, Philadelphia, PA 19148, no later than April 5, 2021. The nonrefundable protest filing fee is \$5,000 payable to the PPA by certified check or money order. The application is available for inspection at the TLD between 9 a.m. and 4 p.m., Monday through Friday (contact TLD Director Christine Kirlin, Esq. at (215) 683-9653 to make an appointment) or may be inspected at the business addresses of the respective applicants or attorneys, or both.

Doc. No. A-21-03-01. RB Taxi, LLC (11 Meadowood Lane, Sicklerville, NJ 08081): An application for a medalion taxicab certificate of public convenience to transport, as a common carrier, persons in taxicab service between points within the City of Philadelphia and from points in the City of Philadelphia to points in Pennsylvania, and return. *Attorney for Applicant:* Danielle Friedman, Esq., 2301 Church Street, Philadelphia, PA 19124.

SCOTT PETRI,
Executive Director

[Pa.B. Doc. No. 21-459. Filed for public inspection March 19, 2021, 9:00 a.m.]

PUBLIC SCHOOL EMPLOYEES' RETIREMENT BOARD

Video Hearings Scheduled

Video hearings have 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 claimants' requests concerning the indicated accounts.

The hearings will be held before a hearing examiner by means of video hearing. For a link to attend the hearing virtually, contact Julie Vitale, Appeal Docket Clerk, at (717) 720-4888.

April 21, 2021	Account of Kay M. Kring (Retirement-Covered Compensation) Account of Michelle A. Claar (Retirement-Covered Compensation)	10 a.m.
May 19, 2021	Account of Sheryl Lyn Henry (Purchase of Service—Non- Qualifying Part-Time)	10 a.m.

Persons with a disability and 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 hearings 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. 21-460. Filed for public inspection March 19, 2021, 9:00 a.m.]

STATE CONSERVATION COMMISSION

Action on Odor Management Plans for Concentrated Animal Operations and Concentrated Animal Feeding Operations and Volunteers Complying with the Commonwealth's Facility Odor Management Program

The State Conservation Commission has taken the following actions on previously received applications for Odor Management Plans under 3 Pa.C.S. §§ 501—522 (relating to nutrient management and odor management).

Persons aggrieved by any action may appeal under 3 Pa.C.S. § 517 (relating to appealable actions), section 4 of the Environmental Hearing Board Act (35 P.S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to Administrative Agency Law) to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P.O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users should contact the Environmental Hearing Board (Board) through the Pennsylvania Hamilton Relay Service at (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin*. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary of the Board at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decision law.

For individuals who wish to challenge an action, appeals must reach the Board within 30 days. A lawyer is not needed to file an appeal with the Board.

Important legal rights are at stake, so individuals interested in challenging this action should show this notice to a lawyer at once. Persons who cannot afford a lawyer may qualify for pro bono representation. Call the Secretary of the Board at (717) 787-3483 for more information.

Odor Management Plan—Public Notice Spreadsheet—Actions

<i>Ag Operation Name, Address</i>	<i>County/Township</i>	<i>Animal Equivalent Units</i>	<i>Animal Type</i>	<i>New, Amended or Existing</i>	<i>Action Taken</i>
Denis Beachel—Marr Farm 309 Fairview Road Danville, PA 17821	Montour County/ Limestone Township	424.85	Turkey	New	Approved
Ryan Burkholder—Farm Lane 200 Farm Lane Millerstown, PA 17062	Perry County/ Greenwood Township	220.38	Broilers	New	Approved
Hillandale—Gettysburg, LP— Site 3 1202 Tapeworm Road New Oxford, PA 17350	Adams County/ Tyrone Township	2,100.66	Layers	New	Approved
M.W. Smith Farms—Dairy Farm 851 Meadow Grove Road Newport, PA 17074	Perry County/ Buffalo Township	0	Cattle	New	Approved
Joshua Renninger—Dirty Bird Poultry 200 Dirty Bird Lane McClure, PA 17841	Snyder County/ West Beaver Township	213.79	Turkey	Amended	Approved
Jonathan Brubaker 287 Panorama Drive Denver, PA 17517	Lancaster County/ Brecknock Township	285.7	Turkey	New	Approved
Amos Zimmerman 43 Molino Road Orwigsburg, PA 17961	Schuylkill County/ West Brunswick Township	112.45	Duck/Cattle	New	Approved
Kulp Family Dairy, LLC— Farm # 1 1691 Millerstown Road Martinsburg, PA 16662	Blair County/ North Woodbury Township	446.6	Cattle	Amended	Approved
Leon Martin—Broiler Barns 453 Showers Road Muncy, PA 17756	Northumberland County/ Lewis Township	155.81	Broilers	Existing	Rescind

PATRICK McDONNELL,
Chairperson

[Pa.B. Doc. No. 21-461. Filed for public inspection March 19, 2021, 9:00 a.m.]