

PENNSYLVANIA BULLETIN

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January—March 2021

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(Master Transmittal Sheet):**

No. 557, April 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 GOVERNOR

Title 4—ADMINISTRATION

PART I. GOVERNOR'S OFFICE

[4 PA. CODE CH. 6]

[EXECUTIVE ORDER NO. 2021-02, AS AMENDED]

Governor's Transportation Revenue Options Commission

March 18, 2021

Whereas, The Commonwealth of Pennsylvania, through the Department of Transportation (PennDOT) manages nearly 40,000 miles of roads and more than 25,400 bridges, key components of a transportation system that is vital to the economic well-being of Pennsylvania; and

Whereas, the local governments of Pennsylvania manage over 77,000 miles of roads, more than 6,400 locally owned bridges and approximately 14,000 traffic signals, while facing significant funding challenges for the maintenance of their systems; and

Whereas, the Commonwealth's 35 fixed transit route operators, which provide more than 300 million rides annually to the people of Pennsylvania, along with the Commonwealth-supported Amtrak services in the state, face operational and capital impacts if funding commitments of Act 44 of 2007 and Act 89 of 2013 are altered to remove stable funding; and

Whereas, Pennsylvania has aggressively assisted private sector operators in enhancing their systems, since effective use of rail freight corridors significantly eases congestion, especially on interstates, yet operators continue to need and seek support from state and federal governments for stronger public-private partnerships to further enhance rail freight; and

Whereas, there are more than 600 public and private use airports and heliports in Pennsylvania that support the movement of goods and people; and

Whereas, revenues from the Motor License Fund have lagged behind the significant rates of inflation in materials and construction costs needed to keep the road and bridge systems in a state of good repair; and

Whereas, the Motor License Fund will not sustain the Commonwealth's road and bridge needs as increasing vehicle fuel efficiency and industry transition toward electronic technologies reduces motor fuel revenues; and

Whereas, despite reducing the number of poor-condition state-owned bridges from over 6,000 in 2008 to approximately 2,500 today, the average bridge life is over 50 years old, and sustained investment is critical to ensure maintenance, preservation, and replacement can continue as these bridges move into the "poor-condition" category; and

Whereas, there are roughly 9,600 miles of pavement in poor condition; and

Whereas, in 2019, the State Transportation Advisory Committee identified major risks to transportation funding such as reduced fuel revenues, unpredictable federal funding, and legislative changes to reduce commitments; and

Whereas, PennDOT's latest assessment places the annual gap of its needs in all modes and facilities at \$9.3 billion, growing to an annual \$14.5 billion gap by 2030; and

Whereas, Federal inaction on transportation funding and increased asset management demands have required increased spending on federally eligible roadways while reducing revenue available for secondary or lower-traffic roadways; and

Whereas, many regions of the Commonwealth have critical needs for capacity expansion and connection improvements; and

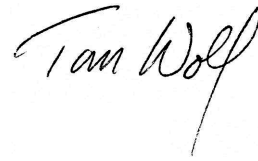
Whereas, the Commonwealth has a responsibility to ensure a transportation system that supports the current needs, and future growth, of both its citizens' quality of life and the economy; and

Whereas, the safety of drivers depends on a properly maintained and updated transportation system; and

Whereas, PennDOT has developed PennDOT Pathways, a long-term program to analyze and implement new future-focused sources of funding for the Commonwealth's transportation system that could better serve our communities and all Pennsylvanians for the next generation; and,

Whereas, it has been determined that the Governor and the Commonwealth would benefit from the advice and counsel of an official advisory commission comprised of key stakeholders, including experts from the transportation industry, environmental community, business community, energy community, multimodal community and local government representatives.

Now, Therefore, I, Tom Wolf, Governor of the Commonwealth of Pennsylvania, by virtue of the authority vested in me by the Constitution of the Commonwealth of Pennsylvania and other laws, do hereby establish the Governor's Transportation Revenue Options Commission as hereinafter set forth.



Governor

Fiscal Note: GOV-2021-02 (Amended). No fiscal impact; (8) recommends adoption.

Annex A

TITLE 4. ADMINISTRATION

PART I. GOVERNOR'S OFFICE

CHAPTER 6. ADDITIONAL COUNCILS AND COMMITTEES

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6.775.	Compensation.
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6.779.	Effective date.
6.780.	Termination date.

§ 6.771. Purpose.

The Governor's Transportation Revenue Options Commission shall develop a comprehensive, strategic proposal for addressing the transportation funding needs of the Commonwealth.

§ 6.772. Responsibilities.

The Governor's Transportation Revenue Options Commission (Commission) shall:

a. Study and prepare a comprehensive list of potential revenue sources available for current and future funding of transportation in the Commonwealth for all modes of transportation. The funding sources must be reliable, dedicated, inflation sensitive and adaptive to changing environmental factors;

b. Prepare a comprehensive, strategic Commonwealth transportation funding proposal;

c. Provide interim reports and recommendations to the Governor, as determined to be appropriate by the Commission Chair, and submit a Final Report, to the Governor and the General Assembly as determined to be appropriate by the Commission Chair;

d. Convene its first meeting no later than March 25, 2021, with subsequent meetings as determined by members of the Commission. A simple majority of the members shall constitute a quorum; and

e. Adopt rules of procedure consistent with the provisions of this subchapter.

§ 6.733. Composition.

The Governor's Transportation Revenue Options Commission (Commission) shall consist of the following members:

a. The Secretary of Transportation, who shall serve as Chair of the Commission; and

b. The Majority and Minority Chairs of the Transportation and Appropriations Committees of the Pennsylvania House and Senate shall be invited to participate as members of the Commission; and

c. A minimum of 30 and a maximum of 40 appointees, representing, inter alia, the interests of all transportation modes, environmental, energy, industry, local and State government, who shall be chosen by and serve at the pleasure of the Governor, shall be invited to participate as members of the Commission.

§ 6.774. Terms of membership.

The members of the Governor's Transportation Revenue Options Commission (Commission) shall serve from the date of their appointment by the Governor until August 1, 2021, or their removal from the Commission by the Governor, whichever occurs first. The Governor may fill vacancies that may occur and may remove any member from the Commission at the Governor's discretion.

§ 6.775. Compensation.

Members of the Governor's Transportation Revenue Options Commission (Commission) will receive no compensation for their service as Commission members. Non-government members will be reimbursed for travel and related expenses in accordance with the Commonwealth policy. See Chapter 40 (relating to travel and subsistence).

§ 6.776. Staffing.

The Department of Transportation shall provide administrative staff resources to support the Governor's Transportation Revenue Options Commission.

§ 6.777. Cooperation by State agencies.

All agencies under the Governor's jurisdiction shall cooperate with and provide assistance and support as needed by the Governor's Transportation Revenue Options Commission to carry out its functions effectively.

§ 6.778. Reports.

In addition to the interim recommendations described previously, the Governor's Transportation Revenue Options Commission (Commission) shall submit to the Governor a final report on the Commission's activities, as determined to be appropriate by the Commission Chair, but in no event later than August 1, 2021.

§ 6.779. Effective date.

This subchapter shall take effect immediately.

§ 6.780. Termination date.

This subchapter shall remain in effect until August 1, 2021.

[Pa.B. Doc. No. 21-503. Filed for public inspection April 2, 2021, 9:00 a.m.]

THE COURTS

Title 210—APPELLATE PROCEDURE

PART I. RULES OF APPELLATE PROCEDURE

[210 PA. CODE CH. 1]

Proposed Amendment of Pa.R.A.P. 120 and 121 with Correlative Amendment of Pa.R.A.P. 102, 907(b), 1112(f), 1311(d), 1514(d) and 1602(d) (omitted)

The Appellate Court Procedural Rules Committee is considering proposing to the Supreme Court of Pennsylvania the amendment of Pa.R.A.P. 120 and 121 with Correlative Amendment of Pa.R.A.P. 102, 907(b), 1112(f), 1311(d), 1514(d), and 1602(d) (omitted) 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 28, 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 I. PRELIMINARY PROCEDURES

CHAPTER 1. GENERAL PROVISIONS

DOCUMENTS GENERALLY

Rule 120. Entry **and Withdrawal** of Appearance.

[Any counsel filing papers required or permitted to be filed in an appellate court must enter an appearance with the prothonotary of the appellate court unless that counsel has been previously noted

on the docket as counsel pursuant to Pa.R.A.P. 907(b), 1112(f), 1311(d), 1514(d), or 1602(d). New counsel appearing for a party after docketing pursuant to Pa.R.A.P. 907(b), 1112(f), 1311(d), 1514(d), or 1602(d) shall file an entry of appearance simultaneously with or prior to the filing of any papers signed by new counsel. The entry of appearance shall specifically designate each party the attorney represents, and whether the attorney is entering an appearance as substitute or additional counsel. The attorney shall file a certificate of service pursuant to paragraph (d) of Pa.R.A.P. 121 and to Pa.R.A.P. 122. If an attorney enters an appearance as substitute counsel for a party, the original counsel of record for that party may withdraw by *praecipe*, without filing an application for permission to withdraw.

Official Note: For admission *pro hac vice*, see Pa.B.A.R. 301.]

(a) Entry of appearance.

(1) Previous counsel of record.—Unless counsel has been noted on the docket as counsel of record pursuant to Pa.R.A.P. 907(b), 1112(f), 1311(d), 1514(d), or 1602(d), any counsel filing documents required or permitted to be filed in an appellate court shall file an entry of appearance by *praecipe* with the appellate court pursuant to paragraph (a)(2).

(2) Counsel.—After filing pursuant to Pa.R.A.P. 907(b), 1112(f), 1311(d), 1514(d), or 1602(d), any counsel appearing for a party shall file an entry of appearance by *praecipe* with or prior to the filing of any papers signed as new counsel. The entry of appearance shall:

(i) designate each party new counsel represents; and

(ii) indicate whether counsel is new counsel, additional counsel, or substitute counsel.

(3) Counsel for *amicus curiae*.—Counsel for *amicus curiae* shall enter an appearance by *praecipe*.

(b) Withdrawal of appearance when party is entitled by law to be represented by counsel.

(1) If counsel represents a party who is entitled by law to be represented by counsel, counsel may withdraw his or her appearance only with permission of court.

(2) Counsel seeking permission of court to withdraw from representation when a party has a constitutional right to counsel and counsel believes all issues that could be raised on appeal are frivolous shall file:

(i) an application seeking withdrawal with the appellate court; and

(ii) a brief prepared pursuant to Pa.R.A.P. 211.

(3) Counsel seeking permission of court to withdraw from representation when a party has a rule-based or statutory right to counsel and counsel believes all issues sought to be raised by the party on appeal are without merit shall file:

(i) an application seeking withdrawal with the appellate court; and

(ii) a brief prepared pursuant to Pa.R.A.P. 2111.

(4) Counsel seeking permission of court to withdraw pursuant to paragraph (b)(2) or (b)(3) shall serve a copy of the application and brief on the party, accompanied by a letter informing the party that, within 60 days of service of the application and brief, the party has the right to:

(i) self-representation and to address the matters raised in the application or brief; and

(ii) self-representation and to bring any additional points to the court's attention; or

(iii) retain private counsel for representation.

(5) Within 14 days after service of the party's response pursuant to paragraph (b)(4), any other party may file a reply to the party's response.

(6) Other grounds for withdrawal.—Counsel may withdraw from representation on appeal on any other basis only with permission of court through an application for relief filed in the appellate court, together with proof of service upon all parties, including the client.

(c) Withdrawal of appearance when party is not entitled by law to be represented by counsel.

(1) Within 30 days following the filing pursuant to Pa.R.A.P. 907(b), 1112(f), 1311(d), 1514(d), or 1602(d), counsel for a party not entitled by law to be represented by counsel may withdraw his or her appearance by *praecipe* filed with the appellate court prothonotary, together with proof of service upon all parties, including the party represented by counsel.

(2) After 30 days following the docketing pursuant to Pa.R.A.P. 907(b), 1112(f), 1311(d), 1514(d), or 1602(d), counsel for a party not entitled by law to be represented by counsel may withdraw his or her appearance only with permission of court through an application for relief filed in the appellate court, unless substitute counsel has entered an appearance for the party or other counsel remains to represent the party.

(3) If substitute counsel for a party has entered an appearance or other counsel remains to represent a party, the previous counsel of record for that party may withdraw his or her appearance by *praecipe* filed with the appellate court prothonotary, together with proof of service upon all parties, including the party represented by counsel.

(d) Substitute counsel. As used in this rule, "substitute counsel" shall mean counsel who has entered an appearance to assume representation of the party for all relevant appellate purposes.

Official Note: For admission *pro hac vice*, see Pa.B.A.R. 301.

See also Pa.R.A.P. 121(b) for requirement of service on all other parties; Pa.R.A.P. 123 for requirements of application for relief.

Entry of appearance immediately prior to oral argument may result in recusal or postponement if a conflict exists.

The procedures to withdraw as counsel depend on the entitlement of appellant to the right to counsel and grounds for seeking withdrawal. For the substance of the brief filed pursuant to paragraph (b)(2), see *Anders v. California*, 386 U.S. 738 (1967);

Commonwealth v. Santiago, 978 A.2d 349 (Pa. 2009). For the substance of the brief filed pursuant to paragraph (b)(3), see *Commonwealth v. Turner*, 544 A.2d 927 (Pa. 1988); *Commonwealth v. Finley*, 550 A.2d 213 (Pa. Super. 1988).

Briefs required by paragraph (b)(2)(ii) or (b)(3)(ii) should comply with the content requirements of Pa.R.A.P. 2111 notwithstanding that such briefs are not advocating on behalf of an appellant.

For an appellant seeking to respond to counsel's letter in paragraph (b)(3), see Pa.R.A.P. 121(g) (Hybrid Representation).

"Other grounds for withdrawal" pursuant to paragraph (b)(6) include, but are not limited to, an appellant's unilateral intent to proceed *pro se*, an irreconcilable breakdown in the counsel-client relationship, substitute counsel has entered an appearance, or other counsel remain to represent the party.

New or substitute counsel is subject to all existing deadlines. Counsel seeking to withdraw in any case has a responsibility to continue to meet all deadlines and to comply with all applicable law, rules, and orders of the trial and appellate court until the appellate court has granted the application to withdraw.

Rule 121. Filing and Service.

* * * * *

(g) Hybrid representation.—Where there is counsel of record, a party may file only the following documents *pro se*: (i) a notice of appeal; (ii) a request to change or remove counsel; (iii) a response to [a motion] **an application** to withdraw that has been filed by counsel of record; (iv) a complaint that existing counsel has abandoned the party; or (v) an application to file a petition for allowance of appeal *nunc pro tunc*. Any other document that a party attempts to file *pro se* will be noted on the docket but not accepted for filing. This rule is not intended to provide an independent basis for jurisdiction where it does not otherwise exist.

Official Note: Paragraph (a)—The term "related papers" in paragraph (a) of this rule includes any appeal papers required by Pa.R.A.P. 1702 (stay ancillary to appeal) as a prerequisite to an application for a stay or similar relief.

* * * * *

Paragraph (g)—The rule on hybrid representation is premised on *Commonwealth v. Ellis*, 626 A.2d 1137, 1139-40 (Pa. 1993). See 210 Pa. Code § 65.24. If a *pro se* notice of appeal is filed, it will satisfy the timeliness requirement for the filing of a notice of appeal. Counsel of record will, however, be obligated to prosecute that appeal. There are four other instances in which *pro se* documents will be accepted by an appellate court for filing: a request by the party to change or remove counsel; a response to counsel's request to withdraw; a complaint that existing counsel has abandoned the party; and a *pro se* petition for *nunc pro tunc* permission to file a petition for allowance of appeal under Pa.R.A.P. 1113(d). **For a response to counsel's application to withdraw, see Pa.R.A.P. 120(b)(4).** All other documents will be noted on the docket as received by the appellate court prothonotary's office but will not be accepted for filing; instead, the *pro se* document will be forwarded to counsel of record with, if the court desires, direction for counsel to respond.

PUBLICATION REPORT

The Appellate Court Procedural Rules Committee is considering proposing the amendment of Pennsylvania Rule of Appellate Procedure 120 to rescind and replace the current text governing the entry of appearance, together with the correlative amendment of Pennsylvania Rule of Appellate Procedure 121.

Presently, Pa.R.A.P. 120 requires counsel to file and serve an entry of appearance prior to or simultaneously with the filing of any papers signed by counsel in the appellate court. This requirement is excused if counsel has previously been noted on the docket as counsel pursuant to Pa.R.A.P. 907(b), 1112(f), 1311(d), 1514(d), or 1602(d). The rules also permit the original counsel of record to withdraw by *praecipe* if substitute counsel enters an appearance for the party.

The replacement text would consolidate and codify procedures for the entry of appearance and withdrawal of appearance in the appellate court. Specifically, paragraph (a) retains the operative provisions of the current rule and sets them forth separately. Paragraph (a)(1) sets forth the general requirement of an entry of appearance subject to the exception of when counsel has been previous counsel of record. Paragraph (a)(2) addresses when counsel has not been previous counsel of record and contains the required contents of an entry of appearance. Paragraph (a)(3) is new and clarifies that counsel for *amicus curiae* must also enter an appearance.

Paragraphs (b) and (c) contain procedures for the withdrawal of counsel. The applicability of either paragraph would depend on whether the party for whom counsel represents is entitled by law to be represented by counsel. When such an entitlement exists, counsel is to proceed pursuant to paragraph (b); otherwise, counsel may proceed pursuant to paragraph (c).

Paragraph (b)(1) requires the permission of the court to withdraw in all circumstances when a party is entitled by law to be represented by counsel. Paragraph (b)(2) is intended to address the procedure for filing a brief pursuant to *Anders v. California*, 386 U.S. 738 (1967) and *Commonwealth v. Santiago*, 978 A.2d 349 (Pa. 2009) when the party has a constitutional right to counsel. Paragraph (b)(3) is intended to address the procedure for filing a brief pursuant to *Commonwealth v. Turner*, 544 A.2d 927 (Pa. 1988) and *Commonwealth v. Finley*, 550 A.2d 213 (Pa. Super. 1988) when the party has a statutory or rule-based right to counsel. Notably, paragraph (b)(3)(ii) requires “a brief prepared pursuant to Pa.R.A.P. 2111,” which is intended to preclude the varied use of informal “letter briefs.” Paragraphs (b)(2)(ii) and (b)(3)(ii) standardize the form of filings pursuant to *Anders/Santiago* and *Turner/Finley*. The commentary accompanying the rule text refers readers to the substantive requirements for withdrawal as counsel pursuant to *Anders/Santiago* and *Turner/Finley*.

Paragraph (b)(4) sets forth the procedural requirements counsel must follow when seeking to withdraw pursuant to paragraph (b)(2) or (b)(3). This includes counsel informing the party of the party’s right to proceed *pro se* or retain private counsel. This paragraph is intended to codify procedural requirements found in case law, including *Commonwealth v. Muzzy*, 141 A.3d 509, 512 (Pa. Super. 2016) (party possesses a right to proceed *pro se* upon counsel’s filing of an application and brief to

withdraw). A 60-day deadline for action by the party is contained in paragraph (b)(4). Any other party is provided 14 days in paragraph (b)(5) to reply to the party’s response permitted by paragraph (b)(4). These deadlines are intended to establish a point in time in which the appellate court may proceed with disposition of the application to withdraw.

Paragraph (b)(6) addresses other grounds for withdrawal of counsel, that require permission of the court. An application to withdraw pursuant to paragraph (b)(6) also requires service on the party whom counsel represents in addition to all other parties. Because the reasons for withdrawal on other grounds may vary, this catch-all paragraph is non-specific as to further steps after the filing of an application with the appellate court. For example, some circumstances may require remand to the trial court, *e.g.*, irreconcilable conflict, and others may be addressed by the appellate court, *e.g.*, other counsel remain to represent the party.

In a change from prior practice, paragraph (b) permits withdrawal of counsel through substitution only with permission of the court, rather than by *praecipe*. The Committee believes this change is necessary to ensure that substitute counsel will assume representation of the party for all relevant appellate purposes and to minimize delays or disruptions of scheduling. Corollary amendments to Pa.R.A.P. 102 (defining “counsel of record”), 907(b), 1112(f), 1311(d), 1514(d), and 1602(d) will be required to reflect this change, if adopted.

Paragraph (c) governs the withdrawal procedures when counsel seeking to withdraw represents a party that is not entitled by law to be represented by counsel. Whether withdrawal of counsel may proceed by *praecipe* pursuant to paragraph (c)(1) or counsel is required to obtain permission of the court pursuant to paragraph (c)(2) depends upon the length of time following the docketing of the initiating action. The 30-day window in paragraphs (c)(1) and (c)(2) is derived from Pa.R.A.P. 907(b), 1112(f), 1311(d), 1514(d), and 1602(d). Unlike paragraph (b)(6), if a party is not entitled by law to be represented by counsel, then counsel may withdraw via *praecipe* pursuant to paragraph (c)(3) when substitute counsel has entered an appearance.

The Committee also proposes a definition of “substitute counsel” in paragraph (d) to ensure that counsel, who has entered an appearance for a limited purpose, is not considered “substitute counsel.”

Pa.R.A.P. 121(g) generally prohibits hybrid representation, but permits a party to file a *pro se* response to an application by counsel to withdraw as counsel of record. The Committee proposes revising the Official Note to Pa.R.A.P. 121(g) to add a reference to Pa.R.A.P. 120(b)(4). This commentary was not intended to suggest that a party’s opportunity to respond is limited to only merit-based reasons in Pa.R.A.P. 120(b)(4); a party may also respond when counsel seeks to withdraw on other grounds, as permitted in Pa.R.A.P. 120(b)(5).

All comments, concerns, and suggestions concerning this proposal are welcome.

[Pa.B. Doc. No. 21-504. Filed for public inspection April 2, 2021, 9:00 a.m.]

**Title 210—APPELLATE
PROCEDURE**

PART I. RULES OF APPELLATE PROCEDURE

[210 PA. CODE CHS. 1, 19 AND 21]

**Proposed Amendment of Pa.R.A.P. 102, 1926, 1931,
1951, 1952, 2132 and 2151**

The Appellate Court Procedural Rules Committee is considering proposing to the Supreme Court of Pennsylvania the amendment of Pa.R.A.P. 102, 1926, 1931, 1951, 1952, 2132, and 2151 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 28, 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 I. PRELIMINARY PROCEDURES

CHAPTER 1. GENERAL PROVISIONS

IN GENERAL

Rule 102. Definitions.

* * * * *

Appropriate security.—Security that meets the requirements of Pa.R.A.P. 1734 (appropriate security).

Certified Record.—**The original record certified by the clerk as the record on appeal.**

Children’s fast track appeal.—Any appeal from an order involving dependency, termination of parental rights, adoptions, custody, or paternity. See 42 Pa.C.S. §§ 6301

et seq.; 23 Pa.C.S. §§ 2511 *et seq.*; 23 Pa.C.S. §§ 2101 *et seq.*; 23 Pa.C.S. §§ 5321 *et seq.*; 23 Pa.C.S. §§ 5102 *et seq.*

Clerk.—[**Includes prothonotary**] **The filing office of the trial court or other government unit.**

* * * * *

Order.—Includes judgment, decision, decree, sentence, and adjudication.

Original Record.—**The original documents, exhibits, determinations, and transcripts filed with the clerk.**

Petition for allowance of appeal.—

(a) A petition under Pa.R.A.P. 1112 (appeals to the Supreme Court by allowance); or

(b) a statement pursuant to Pa.R.A.P. 2119(f) (discretionary aspects of sentence). See 42 Pa.C.S. § 9781.

* * * * *

Reargument.—Includes reconsideration and rehearing, and is requested through an application filed in accordance with Pa.R.A.P. 2541—2547.

Record on Appeal.—**The certified record transmitted by the clerk to the appellate court.**

Reproduced record.—That portion of the record which has been reproduced for use in an appellate court. The term includes any supplemental reproduced record.

* * * * *

ARTICLE II. APPELLATE PROCEDURE

CHAPTER 19. PREPARATION AND TRANSMISSION OF RECORD AND RELATED MATTERS

RECORD ON APPEAL FROM LOWER COURT

Rule 1926. Correction or Modification of the **Certified Record.**

(a) If any difference arises as to whether the record truly discloses what occurred in the trial court, the difference shall be submitted to and settled by that court after notice to the parties and opportunity for objection, and the record made to conform to the truth.

* * * * *

Rule 1931. **Certification and** Transmission of the Record.

(a) *Time for transmission.*

(1) *General rule.*—Except as otherwise prescribed by this rule, the **original record [on appeal]**, including the transcript and exhibits necessary for the determination of the appeal, shall be **certified and transmitted by the clerk** to the appellate court within 60 days after the filing of the notice of appeal. If an appeal has been allowed or if permission to appeal has been granted, the record shall be transmitted as provided by Pa.R.A.P. 1122 (allowance of appeal and transmission of record) or by Pa.R.A.P. 1322 (permission to appeal and transmission of record), as the case may be. The appellate court may shorten or extend the time prescribed by this paragraph for a class or classes of cases.

(2) *Children’s fast track appeals.*—In a children’s fast track appeal, the **original record [on appeal]**, including the transcript and exhibits necessary for the determination of the appeal, shall be **certified and transmitted by the clerk** to the appellate court within 30 days after the filing of the notice of appeal. If an appeal has been allowed or if permission to appeal has been granted, the

record shall be transmitted as provided by Pa.R.A.P. 1122 (allowance of appeal and transmission of record) or by Pa.R.A.P. 1322 (permission to appeal and transmission of record), as the case may be.

(b) *Duty of trial court.*—After a notice of appeal has been filed, the judge who entered the order appealed from shall:

(1) comply with Pa.R.A.P. 1925 (opinion in support of order) [, shall];

(2) cause the official court reporter to comply with Pa.R.A.P. 1922 (transcription of notes of testimony) or shall otherwise [settle] approve a statement of the evidence or proceedings as prescribed by [this chapter,] Pa.R.A.P. 1923 (statement in absence of transcript) and Pa.R.A.P. 1924 (agreed statement of record); and [shall]

(3) take any other action necessary to enable the clerk to assemble and transmit the record as prescribed by this rule.

(c) *Duty of clerk to certify and transmit the original record.*

(1) *Certification.* When the original record is complete for purposes of the appeal, the clerk [of the trial court] shall [transmit it to the prothonotary of the appellate court] assemble and certify its contents.

(2) *Numbering and list of documents.* The clerk [of the trial court] shall number the documents comprising the original record. Thereafter, the clerk shall prepare and transmit with the certified record a list of the documents correspondingly numbered and identified with sufficient specificity to allow the parties on appeal to identify each document and whether it is marked as confidential, so as to determine whether the record on appeal is complete.

(3) *PACFile transmission requirements.* If the certified record is to be transmitted using PACFile, then the entire record shall be consecutively paginated and compiled into the fewest number of PDF files as practicable. The PDF files shall be text searchable and paginated so that the page numbers displayed by the PDF reader exactly match the pagination of the certified record.

(4) *Confidential information.* Any Confidential Information Forms and the “Unredacted Version” of any pleadings, documents, or other legal papers where a “Redacted Version” was also filed shall be separated either physically or electronically and transmitted to the [appellate court] prothonotary. Whatever is confidential shall be labeled as such. If any case records or documents were sealed in the [lower] trial court, the list of documents comprising the certified record shall specifically identify such records or documents as having been sealed in the [lower] trial court.

(5) *Exhibits of unusual bulk or weight.* Documents of unusual bulk or weight and physical exhibits other than documents shall not be transmitted by the clerk unless [he or she is] directed to do so by a party or by the prothonotary [of the appellate court]. A party must make advance arrangements with the clerk for the transportation and receipt of exhibits of unusual bulk or weight.

[Transmission of the record is effected when the clerk mails or otherwise forwards the record to the prothonotary.]

(6) *Transmission.* The clerk shall transmit the certified record to the prothonotary by mail, PACFile, or other means deemed acceptable by the prothonotary. The clerk [of the trial court] shall indicate, by endorsement on the face of the certified record or otherwise, the date upon which the certified record is transmitted to the [appellate court] prothonotary.

(d) [*Service*] *Notice of the list of [record] documents.*—[The clerk of the trial court shall, at the time of the transmittal of the record to the appellate court prothonotary,] At the time of transmission pursuant to paragraph (c)(6), the clerk shall [mail] send a copy of the list of [record] documents to all counsel of record, or if unrepresented by counsel, to the parties at the address they have provided to the clerk. The clerk shall note on the docket the giving of such notice.

(e) *Multiple appeals.*—Where more than one appeal is taken from the same order, it shall be sufficient to transmit a single certified record, without duplication.

(f) *Inconsistency between list of [record] documents and documents actually transmitted.*—If the clerk [of the trial court] fails to transmit to the [appellate court] prothonotary all of the documents identified in the list of [record] documents, such failure shall be deemed a breakdown in the processes of the court. Any omission shall be corrected promptly pursuant to Pa.R.A.P. 1926 (correction or modification of the certified record) and shall not be the basis for any [penalty] sanction against a party.

(g) *Transmission and remand of records through PACFile.*—Records may be transmitted and remanded through PACFile. The applicable general rules of court and court policies that implement the rules shall continue to apply to the transmission and remand of records on appeal regardless of whether a record is transmitted or remanded through PACFile. The transmission of a record through PACFile by a court or other government unit to an appellate court shall not excuse the court or other government unit from submitting a paper version of the record transmitted through PACFile to the appellate court should the appellate court require it.

(1) The transmission or remand of a record through PACFile by a court or other government unit shall constitute the transmission or remand of the record under the Pennsylvania Rules of Appellate Procedure.

(2) The transmission or remand of a record through PACFile is effectuated when a court or other government unit utilizes PACFile to transmit or give notice of the remand or remittal of the record to a court or other government unit.

(3) The date of the transmission or remand of a record through PACFile by a court or other government unit shall be noted on the docket of the transmitting or remanding court or other government unit, and on the docket of the receiving court or other government unit.

(4) Upon the transmission or remand of a record through PACFile, the record shall be considered to be in the possession of the receiving court or other government unit until the record is transmitted through PACFile to another court or government unit, or notice of remand or remittal to another court or other government unit is given.

(5) If a Rule of Appellate Procedure or court policy requires that a court transmit, or remand or remit a record to another court or other government unit, the transmission or notice of remand or remittal to the receiving court or other government unit may also be effectuated through PACFile.

(6) Any documents sealed in a court or other government unit may be transmitted or remanded through PACFile only in a manner that restricts access to the sealed documents or filings to the court or other government unit and registered users of PACFile who are authorized to view the sealed documents.

(7) The appellate courts shall retain control over access to records transmitted through PACFile, and may permit such electronic access in whole or in part.

Official Note: Pa.R.A.P. 1926 provides the means to resolve any disagreement between the parties as to what should be included in the record on appeal.

When PACFile is used to transmit the certified record, paragraph (c)(3) requires the certified record to be consecutively pagination and compiled into the fewest number of .pdf files, as practicable. A single .pdf file containing the entire certified record is preferred; however, the entire record may require multiple .pdf files to accommodate file-size limitations, to separate confidential information, or to transmit belated items, e.g., transcribed notes of testimony, Pa.R.A.P. 1925(a) opinions, supplemental record. If the certified record is divided into several .pdf files for transmission, then pagination must continue from one .pdf filed to the next so that the entire certified record is consecutively paginated across the several .pdf files.

Paragraph (c)(4)—For the definition of “case records,” see the Case Records Public Access Policy of the Unified Judicial System of Pennsylvania available at www.pacourts.us/public-records.

Notice of electronic remand of the record is for jurisdictional purposes.

RECORD ON PETITION FOR REVIEW OF ORDERS OF GOVERNMENT UNITS OTHER THAN COURTS

Rule 1951. **Original** Record [**Below**] in Proceedings on Petition for Review.

(a) *Composition of the record.*—Where under the applicable law the questions raised by a petition for review may be determined by the court in whole or in part upon the **original** record before the government unit, such record shall consist of:

- (1) The order or other determination of the government unit sought to be reviewed.
- (2) The findings or report on which such order or other determination is based.
- (3) The pleadings, evidence and proceedings before the government unit.

(b) *Omissions from or misstatements of the **original** record [**below**].*—If anything material to any party is omitted from the **original** record or is misstated therein, the parties may at any time supply the omission or correct the misstatement by stipulation, or the court may at any time direct that the omission or misstatement be corrected and, if necessary, that a supplemental **original** record be prepared and filed. Failure of the agency to transmit part of the record of agency proceedings to the appellate court shall not be the basis for a finding of waiver.

(c) *Reasons for order.*—The government unit shall comply with the provisions of Rule 1925 (opinion in support of order) where the petition for review relates to a quasijudicial order.

Official Note: This rule and [**Rule**] **Pa.R.A.P.** 1952 (filing of record in response to petition for review) are also applicable when permission to appeal from an order of a government unit other than a court has been granted. See [**Rule**] **Pa.R.A.P.** 1322 (permission to appeal and transmission of record).

Rule 1952. Filing **Certification, and Transmission** of **Original** Record in Response to Petition for Review.

(a) *Time and notice.*—Where under the applicable law the question raised by a petition for review may be determined in whole or in part upon the **original** record before the government unit, the government unit shall **certify and file** the **original** record with the prothonotary of the court named in the petition for review within 40 days after service upon it of the petition. The court may shorten or extend the time prescribed in this paragraph. The prothonotary shall give notice to all parties of the date on which the record is filed.

(b) *Certificate of record.*—The government unit shall certify the contents of the **original** record and a list of all documents, transcripts of testimony, exhibits and other material comprising the record. The government unit shall (1) arrange the documents to be certified in chronological order, (2) number them, and (3) affix to the right or bottom edge of the first page of each document a tab showing the number of that document. These shall be bound and shall contain a table of contents identifying each document in the record. If any documents or case records were maintained as confidential in the government unit, the list of documents that comprise the record shall specifically identify such documents or the entire record as having been maintained as confidential, and the government unit shall either physically or electronically separate such documents. The certificate shall be made by the head, chairman, deputy, or secretary of the government unit. The government unit may file the entire record or such parts thereof as the parties may designate by stipulation filed with the government unit. The **original [papers] documents** in the government unit or certified copies thereof may be filed.

Instead of filing the **certified** record or designated parts thereof, the government unit may file a certified list of all documents, transcripts of testimony, exhibits, and other material comprising the **original** record, or a certified list of such parts thereof as the parties may designate, adequately describing each, and the filing of the certified list shall constitute filing of the record. If any documents or case records were maintained as confidential in the government unit, the list of documents that comprise the **certified** record shall specifically identify such documents or the entire record as having been maintained as confidential. The parties may stipulate

that neither the record nor a certified list be filed with the court. The stipulation shall be filed with the prothonotary of the court, and the date of its filing shall be deemed the date on which the record is filed. If a certified list is filed, or if the parties designate only parts of the original record for filing **and certification**, or stipulate that neither the **original** record nor a certified list be filed, the government unit shall retain the **original** record or parts thereof. Upon request of the court or the request of a party, the **original** record or any part thereof thus retained shall be [**transmitted to**] **certified and filed with** the court notwithstanding any prior stipulation. All parts of the **original** record retained by the government unit shall be a part of the record on [**review**] **appeal** for all purposes.

(c) *Notice to counsel of contents of certified record.*—At the time of transmission of the **certified** record to the appellate court, the government unit shall send a copy of the list of the contents of the certified record to all counsel of record, or, if a party is unrepresented by counsel, to that party at the address provided to the government unit.

(d) *PACFile transmission requirements.* **Transmission of the certified record using PACFile shall be in accordance with Pa.R.A.P. 1931(g).**

[*Official Note:* The addition of paragraph (c) in 2012 requires government units other than courts to notify counsel of the contents of the certified record. This is an extension of the requirement in Pa.R.A.P. 1931 (transmission of the record) that trial courts give such notice.]

CHAPTER 21. BRIEFS AND REPRODUCED RECORD

CONTENT OF BRIEFS

Rule 2132. References in Briefs to the Record.

[(a) *General rule.*—References in the briefs to parts of the record appearing in a reproduced record filed with the brief of the appellant (see Rule 2154(b) (large records)) shall be to the pages in the reproduced record where those parts appear, e.g.: “(R. 26a).” If the record is reproduced after the briefs are served in advance typewritten or page proof form (see Rule 2185(c) (definitive copies)), the brief may also contain references to the pages of the parts of the original record, e.g.: “(Tr. 279-280; R. 26a-27a).”

(b) *References to unreproduced record.*—If references are made in the briefs to parts of the original record not reproduced, the references shall be to the parts of the record involved, e.g., “(Answer p. 7),” “(Motion for Summary Judgment p. 2),” “(Transcript p. 279-280),” “(Notes of Testimony p. 24-26).” Where the court or other government unit below has numbered the original record for purposes of certification to the appellate court, the references shall be to such certified record pages, e.g., “(Certified Record pp. 26-27).” Intelligible abbreviations may be used. Any relevant reference in the briefs to unreproduced pleadings, evidence, rulings or charge shall be directly quoted, with the page reference to the original record.

Official Note: Based in part upon former Superior Court Rule 52 and former Commonwealth Court Rule 111B.]

(a) *Reference to reproduced record.*—Unless otherwise directed by an appellate court, reference in the briefs to parts of the record appearing in a reproduced record filed with the brief of the appellant shall be to the pages in the reproduced record where those parts appear, e.g., “(R.R. 26a).”

(b) *Large records.*—If the record is reproduced after the briefs are served in advance text of briefs, as provided for in Pa.R.A.P. 2185(c), the brief may also contain references to the pages of the parts of the unreproduced record, e.g., “(R. 26a-27a; N.T., 4/20/2020, at 48-49).”

(c) *Reference to certified record.*—Where the clerk has paginated the original record for purposes of certification, reference shall be to such certified record pages, e.g. “C.R., at 26-27.” Otherwise, reference shall be to the documents contained in the original record, e.g., “(Answer at 7, ¶ 3),” “(Tr. Ct. Op. at 2),” “(N.T., 4/20/2020, at 48-49).” Intelligible abbreviations may be used.

(d) *Parallel reference.*—An appellate court, by rule or specific order, may direct that reference in the briefs to parts of the record contain both reference to the reproduced record and the certified record. In the absence of such direction, a party may include parallel references to the certified record in addition to the references to the reproduced record.

Official Note: In matters involving large records, Pa.R.A.P. 2185(c) requires the filing of definitive copies of briefs within 14 days after the filing of the reproduced record. For the deferred filing of a reproduced record for large records, see Pa.R.A.P. 2154(b). Those briefs must include references to the reproduced record and may contain parallel references to the certified record.

Where the reproduced record has been dispensed with pursuant to Pa.R.A.P. 2151, reference to the record should be made to the certified record, as specified in paragraph (c).

An appellate court may direct the use of parallel references to the reproduced and the certified record pursuant to paragraph (d). Without direction, a party may elect to use parallel citations, provided that any referenced part of the certified record is also contained in the reproduced record.

CONTENT OF REPRODUCED RECORD

Rule 2151. Consideration of Matters on the [**Original**] **Certified** Record Without the Necessity of Reproduction.

[(a) *General rule.*—An appellate court may by rule of court applicable to all cases, or to classes of cases, or by order in specific cases under Subdivision (d) of this rule, dispense with the requirement of a reproduced record and permit appeals and other matters to be heard on the original record, with such copies of the record, or relevant parts thereof, as the court may require.

(b) *In forma pauperis.*—If leave to proceed *in forma pauperis* has been granted to a party, such party shall not be required to reproduce the record.

(c) *Original hearing cases.*—When under the applicable law the questions presented may be determined in whole or in part upon the record made

before the appellate court, a party shall not be required to reproduce the record.

(d) *On application to the court.*—Any appellant may within 14 days after taking an appeal file an application to be excused from reproducing the record for the reason that the cost thereof is out of proportion to the amount involved, or for any other sufficient reason. Ordinarily leave to omit reproduction of the record will not be granted in any case where the amount collaterally involved in the appeal is not out of proportion to the reproduction costs.

Official Note: Based on former Supreme Court Rules 35D, 35E and 61(f), former Superior Court Rules 51 (last sentence) and 52, and former Commonwealth Court Rules 81, 110B and 111A. Subdivision (a) is new and is included in recognition of the developing trend toward sole reliance on the original record.

See Rule 2189 for procedure in cases involving the death penalty.]

(a) General rule.— By rule of court applicable to all cases, or to classes of cases, or by order in specific cases under paragraph (d), an appellate court may dispense with the requirement of a reproduced record and permit appeals and other matters to be heard on the certified record.

(b) In forma pauperis.—A party shall not be required to reproduce the record if the party has been granted leave to proceed in forma pauperis.

(c) Original hearing cases.—A party shall not be required to reproduce the record when, under the applicable law, the questions presented may be determined in whole or in part upon the record made before the appellate court.

(d) On application to the court.—Any appellant may file an application within 14 days after taking an appeal to be excused from reproducing the record for sufficient reason.

(e) PACFile.—A party shall not be required to reproduce the record when the original record was transmitted by the clerk using PACFile in accordance with the requirements of Pa.R.A.P. 1931.

Official Note: For reference to the record in briefs, see Pa.R.A.P. 2132.

For paragraph (d), sufficient reasons may include, but are not limited to, reproductions costs disproportionate to the amount in dispute or when the certified record is otherwise compiled, paginated, and electronically accessible to the appellate court and parties.

For paragraph (e), a party has the option of filing a reproduced record. If the party elects to rely upon the certified record, the party should cite the record pursuant to Pa.R.A.P. 2132(c).

For procedure in cases involving the death penalty, see Pa.R.A.P. 2189.

PUBLICATION REPORT

The Appellate Court Procedural Rules Committee is considering proposing the amendment of Pennsylvania Rules of Appellate Procedure 102, 1926, 1931, 1951, 1952, 2132, and 2151 to facilitate reference to the certified record transmitted to the appellate court using PACFile. This alternative form of reference to the record is in-

tended to allow a party to forgo the necessity of preparing and filing a reproduced record.

The Committee was asked to consider whether there was a need for a separate reproduced record when an appellate court may have access to a digital version of the original record via PACFile. Preliminarily, the Committee observed that the reproduced record, when properly prepared, allows the parties to organize materials, is easier to use than the original record, and is often smaller in volume than the original record. However, there are instances where the reproduced record is packed with irrelevant materials and essentially replicates the original record, or fails to include the pertinent documents necessary to effectuate appellate review. The obvious benefits of removing the reproduced record requirement is greater overall efficiency by eliminating duplicative materials being transmitted, together with savings in time and costs. Accordingly, the Committee favored eliminating the reproduced record when there is a digital version of the original record transmitted through PACFile.

Two attributes of a sufficient substitute are the location of documents and the reference to documents. Concerns with using a digital original record include the overall volume of material that is included, but might not be relevant to the issue on appeal. The size of the record can be challenging for users to locate information through perusal. There must also be a unique reference to each location so that parties and the court can cite to the same record. The Committee concluded that a substitute for the reproduced record needs to be paginated to permit quick location of specified documents and a universal reference for that location.

Currently, there is no requirement that the digital original record be paginated. The record is often transmitted to the appellate courts in parts and by different departments of the trial court or other government unit. Thus, the Committee proposes to amend Pa.R.A.P. 1931(c) to require that the entire record be consecutively paginated, converted into the fewest number of PDF files as practicable, and that the “PDF files shall be text searchable and paginated so that the page numbers displayed by the PDF reader exactly match the pagination of the certified record.” To improve readability of the rule, paragraph (c) is further delineated into subparagraphs (1)—(6). The Committee specifically invites comments from affected stakeholders on this aspect of the proposal.

Included within Pa.R.A.P. 1931 is proposed new paragraph (g). The paragraph is part of another, larger proposal concerning rules implementing PACFile in the appellate courts being contemporaneously published for comment. Paragraph (g) is included in this proposal to provide additional context for the reader.

The Committee also proposes the definitions of “original record,” “certified record,” and “record on appeal.” These terms have been used inconsistently and, at times, interchangeably. The definitions are intended to enhance uniformity. Further, the rules are revised to clarify that the certified record is transmitted by the trial court or other government to the appellate court; it is not filed.

With pagination of the certified record transmitted via PACFile, the Committee proposes amendment of Pa.R.A.P. 2132 (Reference to the Record in Briefs). Paragraphs (a) and (b) have been revised as new paragraphs (a)—(c). Paragraph (d) is new and permits the appellate court to require parallel references to both the reproduced record and the certified record. This paragraph is intended to accommodate current practice of appellate court jurists who may rely solely on the certified record rather

than the reproduced record. The paragraph also permits the parties to provide parallel references.

The Committee proposes amending Pa.R.A.P. 2151 by restating the substance of paragraphs (a)-(d) and adding new paragraph (e). The new paragraph will relieve a party of the requirement of filing a reproduced record when the certified record has been transmitted using PACFile in accordance with Pa.R.A.P. 1931. The proffered reasons for seeking relief from filing a reproduced record have been removed from paragraph (d) and placed in the Official Note. Added to that commentary is the ability to seek relief pursuant to paragraph (d) if a party is directed to file a reproduced record.

All comments, concerns, and suggestions concerning this proposal are welcome.

[Pa.B. Doc. No. 21-505. Filed for public inspection April 2, 2021, 9:00 a.m.]

Title 210—APPELLATE PROCEDURE

PART I. RULES OF APPELLATE PROCEDURE

[210 PA. CODE CHS. 1, 19, 21 AND 27]

Proposed Amendment of Pa.R.A.P. 102, 121, 122, 125, 1921, 1931, 2173, 2174 and 2701 with Correlative Amendment of 120, 123, 124, 551, 554, 556, 902, 906, 907, 908, 1101, 1102, 1111, 1115, 1121, 1301, 1311, 1312, 1321, 1571, 1734, 1932, 1934, 1941, 1952, 1973, 2152, 2153, 2156, 2171, 2176, 2541, 2546, 2571, 3101, 3114 and 3901 (omitted)

The Appellate Court Procedural Rules Committee is considering proposing to the Supreme Court of Pennsylvania the amendment of Proposed Amendment of Pa.R.A.P. 102, 121, 122, 125, 1921, 1931, 2173, 2174, and 2701 with Correlative Amendment of 120, 123, 124, 551, 554, 556, 902, 906, 907, 908, 1101, 1102, 1111, 1115, 1121, 1301, 1311, 1312, 1321, 1571, 1734, 1932, 1934, 1941, 1952, 1973, 2152, 2153, 2156, 2171, 2176, 2541, 2546, 2571, 3101, 3114, and 3901 (omitted) 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 28, 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. RULES OF APPELLATE PROCEDURE

PART I. RULES OF APPELLATE PROCEDURE

ARTICLE I. PRELIMINARY PROVISIONS

CHAPTER 1. GENERAL PROVISIONS

IN GENERAL

Rule 102. Definitions.

Subject to additional definitions contained in subsequent provisions of these rules which are applicable to specific provisions of these rules, the following words and phrases when used in these rules shall have, unless the context clearly indicates otherwise, the meanings given to them in this rule:

Action.—Any action or proceeding at law or in equity.

Argument.—Where required by the context, the term includes submission on briefs.

Administrative office.—The Administrative Office of Pennsylvania Courts.

Appeal.—Any petition or other application to a court for review of subordinate governmental determinations. The term includes an application for *certiorari* under 42 Pa.C.S. § 934 (writs of *certiorari*) or under any other provision of law. Where required by the context, the term includes proceedings on petition for review and petition for specialized review.

[Official Note: Under these rules a “subordinate governmental determination” includes an order of a trial court. The definition of “government unit” includes courts, and the definition of “determination” includes action or inaction by (and specifically an order entered by) a court or other government unit. In general, any appeal now extends to the whole record, with like effect as upon an appeal from a judgment entered upon the verdict of a jury in an action at law and the scope of review of an order on appeal is not limited as on broad or narrow *certiorari*. See 42 Pa.C.S. § 5105(d) (scope of appeal).]

Appellant.—Includes petitioner for review or specialized review.

Appellate court.—The Supreme Court, the Superior Court, or the Commonwealth Court.

Appellee.—Includes a party named as respondent in a petition for review or specialized review.

Application.—Includes a petition or a motion.

Appropriate security.—Security that meets the requirements of Pa.R.A.P. 1734 (appropriate security).

Children’s fast track appeal.—Any appeal from an order involving dependency, termination of parental rights, adoptions, custody, or paternity. See 42 Pa.C.S. §§ 6301 et

seq.; 23 Pa.C.S. §§ 2511 *et seq.*; 23 Pa.C.S. §§ 2101 *et seq.*; 23 Pa.C.S. §§ 5321 *et seq.*; 23 Pa.C.S. §§ 5102 *et seq.*

Clerk.—[Includes prothonotary] The filing office of the trial court or other government unit.

Counsel of record.—All attorneys who were counsel of record in the trial court at the time of the filing of the notice of appeal will be counsel of record in the appellate courts. For a criminal defendant, the representation extends up to and including the filing of a petition for allowance of appeal and the handling of such an appeal if granted, unless (1) substitute counsel has entered an appearance and is expressly identified in the *praecipe* as substitute, rather than additional, counsel; (2) the Court of Common Pleas has entered on the docket an order permitting the attorney to withdraw; or (3) an application for withdrawal is granted by the appellate court.

Determination.—Action or inaction by a government unit which action or inaction is subject to judicial review by a court under Section 9 of Article V of the Constitution of Pennsylvania or otherwise. The term includes an order entered by a government unit.

Docket entries.—Includes the schedule of proceedings of a government unit.

Document.—A submission to the court, including applications, briefs, reproduced records, or other filings, that is required or permitted; court orders, opinions, and notices; but excluding any submission related to:

(1) Appeals pursuant to the Abortion Control Act under Pa.R.A.P. 3801—3814; and

(2) Applications pursuant to the Wiretap Act under 210 Pa. Code §§ 65.51—65.78.

Electronic filing.—The electronic submission of documents and the acceptance of documents by the prothonotary through PACFile.

Filing party.—An authorized participant who files a document through PACFile.

General rule.—A rule or order promulgated by or pursuant to the authority of the Supreme Court.

Government unit.—The Governor and the departments, boards, commissions, officers, authorities, and other agencies of the Commonwealth, including the General Assembly and its officers and agencies and any court or other officer or agency of the unified judicial system, and any political subdivision or municipal or other local authority or any officer or agency of any such political subdivision or local authority. The term includes a board of arbitrators whose determination is subject to review under 42 Pa.C.S. § 763(b) (awards of arbitrators).

Hybrid representation.—An attempt to act as counsel for oneself when one has counsel of record.

Judge.—Includes a justice of the Supreme Court.

Matter.—Action, proceeding, or appeal. The term includes a petition for review or petition for specialized review.

Order.—Includes judgment, decision, decree, sentence, and adjudication.

Original document.—A document filed either as a paper document or electronically shall be deemed the original document.

PACFile.—The system for electronic filing with the appellate courts as developed and administered by the Administrative Office.

Petition for allowance of appeal.—

(a) A petition under Pa.R.A.P. 1112 (appeals to the Supreme Court by allowance); or

(b) a statement pursuant to Pa.R.A.P. 2119(f) (discretionary aspects of sentence). *See* 42 Pa.C.S. § 9781.

Petition for permission to appeal.—A petition under Pa.R.A.P. 1311 (interlocutory appeals by permission).

Petition for review.—A petition under Chapter 15.

Petition for specialized review.—A petition under Chapter 16.

President judge.—When applied to the Supreme Court, the term means the Chief Justice of Pennsylvania.

Prothonotary.—The filing office of the appellate court.

Pro se.—A party representing himself or herself without counsel.

Proof of service.—Includes acknowledgment of service endorsed upon a pleading.

Quasijudicial order.—An order of a government unit, made after notice and opportunity for hearing, which is by law reviewable solely upon the record made before the government unit, and not upon a record made in whole or in part before the reviewing court.

Reargument.—Includes reconsideration and rehearing, and is requested through an application filed in accordance with Pa.R.A.P. 2541—2547.

Reproduced record.—That portion of the record [**which**] **that** has been reproduced for use in an appellate court. The term includes any supplemental reproduced record.

Rule of court.—A rule promulgated by a court regulating practice or procedure before the promulgating court(s).

Trial court.—The court from which an appeal is first taken or to be taken.

Verified [statement] document.—A document filed with a **prothonotary or clerk** under these rules containing statements of fact and a statement by the signatory that it is made subject to the penalties of 18 Pa.C.S. § 4904 (unsworn falsification to authorities).

Official Note: Based on 42 Pa.C.S. § 102 (definitions). The definition of “determination” is not intended to affect the scope of review provided by 42 Pa.C.S. § 5105(d) (scope of appeal) or other provision of law.

Under these rules a “subordinate governmental determination” includes an order of a trial court. The definition of “government unit” includes courts, and the definition of “determination” includes action or inaction by (and specifically an order entered by) a court or other government unit. In general, any appeal now extends to the whole record, with like effect as upon an appeal from a judgment entered upon the verdict of a jury in an action at law and the scope of review of an order on appeal is not limited as on broad or narrow certiorari. See 42 Pa.C.S. § 5105(d) (scope of appeal).

DOCUMENTS GENERALLY

Rule 121. Filing and Service.

(a) **Filing.**—[**Papers**] **Documents** required or permitted to be filed in an appellate court shall be filed with

the prothonotary. Filing may be accomplished by mail addressed to the prothonotary, but except as otherwise provided by these rules, filing shall not be timely unless the [**papers**] **documents** are received by the prothonotary within the time fixed for filing. If an application under these rules requests relief [**which**] **that** may be granted by a single judge, a judge in extraordinary circumstances may permit the application and any related [**papers**] **documents** to be filed with that judge. In that event the judge shall note thereon the date of filing and shall thereafter transmit such [**papers**] **documents** to the [**clerk**] **prothonotary**.

(b) *Service of [all papers required] documents.*—Copies of all [**papers**] **documents** filed by any party and not required by these rules to be served by the prothonotary shall, concurrently with their filing, be served by a party or person acting on behalf of that party or person on all other parties to the matter. Service on a party represented by counsel shall be made on counsel.

(c) *Manner of service.*—Service may be **by the following**:

(1) eService through PACFile pursuant to Pa.R.A.P. 125(d);

[**(1) by**] **(2)** personal service, which includes delivery of the copy to a [**clerk or other**] responsible person at the office of the person served, but does not include inter-office mail;

[**(2) by**] **(3)** first class, express, or priority United States Postal Service mail; which service by mail is complete on mailing;

[**(3) by**] **(4)** commercial carrier with delivery intended to be at least as expeditious as first class mail if the carrier can verify the date of delivery to it; **or**

[**(4) by**] **(5)** facsimile or [**e-mail**] **email** with the agreement of the party being served as stated in the certificate of service[;].

(d) *Proof of service.*—[**Papers presented**] **Documents submitted** for filing shall contain an acknowledgement of service by the person served[,] or proof of service certified by the person who made service. Acknowledgement or proof of service may appear on or be affixed to the [**papers**] **documents** filed. The [**clerk**] **prothonotary** may permit [**papers**] **documents** to be filed without acknowledgement or proof of service but shall require such to be filed promptly thereafter.

(e) *Additional time after service of documents in paper format by mail and commercial carrier.*—Whenever a party is required or permitted to do an act within a prescribed period after service of a [**paper**] **document** upon that party (other than an order of a court or other government unit) and the [**paper**] **document** is served by United States mail or by commercial carrier, three days shall be added to the prescribed period.

(f) *Date of filing for incarcerated persons.*—A *pro se* filing submitted by a person incarcerated in a correctional facility is deemed filed as of the date of the prison postmark or the date the filing was delivered to the prison authorities for purposes of mailing as documented by a properly executed prisoner cash slip or other reasonably verifiable evidence.

(g) *Hybrid representation.*—Where there is counsel of record, a party may file only the following documents *pro se*:

[**(i)**] **(1)** a notice of appeal;

[**(ii)**] **(2)** a request to change or remove counsel;

[**(iii)**] **(3)** a response to a motion to withdraw that has been filed by counsel of record;

[**(iv)**] **(4)** a complaint that existing counsel has abandoned the party; or

[**(v)**] **(5)** an application to file a petition for allowance of appeal *nunc pro tunc*.

Any other document that a party attempts to file *pro se* will be noted on the docket but not accepted for filing. This rule is not intended to provide an independent basis for jurisdiction where it does not otherwise exist.

Official Note: Paragraph (a)—The term “related [**papers**] **documents**” in paragraph (a) of this rule includes any appeal [**paper**] **document** required by Pa.R.A.P. 1702 (stay ancillary to appeal) as a prerequisite to an application for a stay or similar relief.

Paragraph (c)—An acknowledgement of service may be executed by an individual other than the person served, *e.g.*, by a [**clerk or other**] responsible person.

Paragraph (d)—**For the necessity of a proof of service for documents filed through PACFile, see Pa.R.A.P. 125(d).** With respect to appearances by new counsel following the initial docketing of appearances pursuant to paragraph (d) of this rule, [**please note**] **see** the requirements of Pa.R.A.P. 120 (entry of appearance).

Paragraph (e)—Paragraph (e) of the rule does not apply to the filing of a notice of appeal, a petition for allowance of appeal, a petition for permission to appeal, or a petition for reconsideration or re-argument, since under these rules the time for filing such [**papers**] **documents** runs from the entry and service of the related order, nor to the filing of a petition for review or a petition for specialized review, which are governed by similar considerations. However, these rules permit the filing of such notice and petitions (except a petition for reconsideration or re-argument) in the local county (generally in the county court house; otherwise in a post office), thus eliminating a major problem under the prior practice. The amendments to Pa.R.A.P. 903(b), 1113(b) and 1512(a)(2) clarified that paragraph (e) does apply to calculating the deadline for filing cross-appeals, cross-petitions for allowance of appeal, and additional petitions for review or specialized review.

Paragraph (f)—This recognizes the holding in *Smith v. Board of Probation and Parole*, 683 A.2d 278, 281 (Pa. 1996) (adopting the prisoner mailbox rule to determine date of filing of a petition for review). *Smith* adopted the reasoning of the United States Supreme Court in *Houston v. Lack*, 487 U.S. 266, 270-71 (1988). *See also Commonwealth v. Jones*, 700 A.2d 423, 426 (Pa. 1997) (extending prisoner mailbox rule to filing of a notice of appeal).

Paragraph (g)—The rule on hybrid representation is premised on *Commonwealth v. Ellis*, 626 A.2d 1137, 1139-40 (Pa. 1993). *See* 210 Pa. Code § 65.24. If a *pro se* notice of appeal is filed, it will satisfy the timeliness requirement for the filing of a notice of appeal. Counsel of record will, however, be obligated to prosecute that appeal. There are four other instances in which *pro se*

documents will be accepted by an appellate court for filing; a request by the party to change or remove counsel; a response to counsel's request to withdraw; a complaint that existing counsel has abandoned the party; and a *pro se* petition for *nunc pro tunc* permission to file a petition for allowance of appeal under Pa.R.A.P. 1113(d). All other documents will be noted on the docket as received by the [**appellate court prothonotary's office**] **prothonotary** but will not be accepted for filing; instead, the *pro se* document will be forwarded to counsel of record with, if the court desires, direction for counsel to respond.

Rule 122. Content and Form of Proof of Service of Documents Filed in an Appellate Court.

(a) *Content.*—A proof of service shall contain a statement of the date and manner of service and of the names of the persons served.

(b) *Form.*—Each name and address shall be separately set forth in the form of a mailing address, including applicable zip code, regardless of the actual method of service employed. The proof of service shall also show the telephone number, the party represented, and, where applicable, an [**e-mail**] **email** or facsimile address. The name, address, and telephone number of the serving party shall be similarly set forth, followed by the attorney's registration number. A proof of service may be in substantially the following form:

I hereby certify that I am this day serving the foregoing document upon the persons and in the manner indicated below, which service satisfies the requirements of Pa.R.A.P. 121:

eService by PACFile on the following:

Name
Email address
Telephone number
Mailing address
(Party represented)

Service by first class mail addressed as follows:

Name
 Telephone number
 Mailing address
 (Party represented)

Acceptance of service endorsed by the following:

Name[,]
 Telephone number
 Mailing address
 (Party represented)

Service in person as follows:

Name[,]
 Telephone number
 Street address
 Mailing address (if different)
 (Party represented)

Service by commercial carrier as follows:

Name of commercial carrier
 Addressee's name[,]
 Telephone number
 Street address
 Mailing address (if different)
 (Party represented)

Service by [**e-mail**] **email** at **the** following:

[**E-mail**] **Email** address, with agreement of:
 Name[,]
 Telephone number
 Mailing address
 (Party represented)

Service by facsimile at **the** following:

Fax number with the agreement of:
 Name[,]
 Telephone number
 Mailing address
 (Party represented)

Date:

(S) _____
 Name[,]
 Telephone number
 (Attorney Registration No. 00000)
 Mailing address
 (Party represented)

Official Note: Under 18 Pa.C.S. § 4904 (unsworn falsification to authorities) a knowingly false proof of service constitutes a misdemeanor of the second degree.

Practitioners are advised that email service and eService through PACFile are not the same. Email service pursuant to Pa.R.A.P. 121(c)(5) is permitted upon the agreement between the parties to accept such service and is completed when the document is emailed by a party. For eService through PACFile pursuant to Pa.R.A.P. 125(d), PACFile provides electronic notification to attorneys and other parties participating via PACFile. EService is complete for purposes of Pa.R.A.P. 121(c)-(d) when that document has been submitted.

Rule 125. [**Electronic**] Filing and Service of Documents **through PACFile.**

[**Electronic filing of documents in the appellate courts shall be through the PACFile appellate court electronic filing system. Electronic filing of documents shall be governed by Administrative Orders of the Supreme Court of Pennsylvania, which may be found at <http://ujportal.pacourts.us/refdocuments/judicialorder.pdf>.**

Official Note: This is an interim rule permitting electronic filing of documents in the Pennsylvania appellate courts. Initially, electronic filing will be available only in the Supreme Court. Subsequently, electronic filing will become available in the Superior and Commonwealth Courts. After experience is gained with electronic filing, the Pennsylvania Rules of Appellate Procedure will be amended where needed and as appropriate.]

(a) Participation in PACFile.

(1) Participation by attorneys.

(i) Unless otherwise prohibited, an attorney shall be permitted to participate in PACFile by establishing an account through procedures established by the Administrative Office.

(ii) Effective _____, _____, participation by attorneys in PACFile, unless otherwise prohibited, is mandatory. Upon application and a showing of good cause, an appellate court may exempt an attorney from mandatory participation.

(2) Participation by non-attorneys.

(i) Unless otherwise prohibited, a non-attorney shall be permitted to participate in PACFile through an authorization process established by the Administrative Office of Pennsylvania Courts.

(ii) Participation by non-attorneys in PACFile is optional.

(3) To participate in PACFile, an attorney shall establish an account or a non-attorney shall obtain authorization from the Administrative Office of Pennsylvania Courts. Participation includes acceptance of service electronically of any document filed in PACFile and the email service of advance text of briefs under Pa.R.A.P. 2185(a) and (c), and 2187(b), if the record is being reproduced under Pa.R.A.P. 2154(b) (large records).

(4) An attorney or non-attorney who participates in PACFile, including *amicus curiae*, is authorized to file a permitted document in an electronic format. Service upon an attorney or non-attorney who participates in PACFile shall be done electronically.

(5) Participation in PACFile shall not include access via PACFile to documents submitted to a court *in camera*, and may not include access to confidential information and documents.

(b) Filing.

(1) When a document is to be electronically filed, it shall be submitted to PACFile at the Unified Judicial System web portal at <http://ujportal.pacourts.us>, in accordance with this rule and any instructions that may be otherwise be provided at the web portal site.

(2) Documents may be submitted through PACFile at any time, except during times of periodic maintenance. The electronic submission must be completed by 11:59:59 p.m. EST/EDT to be considered filed that day.

(3) The time and date on which a document is submitted to PACFile shall be recorded by PACFile. PACFile shall provide an acknowledgement to the filing party that the document has been submitted.

(4) The time and date on which the document is accepted by the prothonotary also shall be recorded by PACFile. PACFile shall provide an acknowledgement to the filing party that the document has been accepted.

(5) A document shall be considered filed upon submission of the document to PACFile and acceptance of the document by the prothonotary. If the prothonotary determines that the requirements for filing have been met, the time and date of filing shall be the time and date that the document was submitted to PACFile. If the prothonotary finds that the requirements for filing are not met, the prothonotary may reject the document.

(6) A filing party shall be responsible for any delay, disruption, and interruption of the electronic signals and legibility of the document electronically filed, except when caused by the failure of PACFile's website.

(7) PACFile shall attribute the filing of an electronic document to the party whose account is used to log onto PACFile and file the document.

(8) Documents shall be filed in portable document format (".pdf"). When possible, documents should be electronically converted to .pdf. The applicable general rules of court and court policies that implement the rules shall continue to apply to all documents.

(9) Any document submitted for filing to the prothonotary in a paper format shall be accepted by the prothonotary in that format and shall be retained by the prothonotary as may be required by applicable rules of court and record retention policies. The prothonotary shall convert such document in a paper format to .pdf and add it to PACFile. However, those submissions excluded from the definition of "document" under Pa.R.A.P. 102 shall not be converted and added to PACFile.

(10) Applicable filing fees shall be paid electronically through procedures established by the appellate courts and the Administrative Office of Pennsylvania Courts. Filing fees shall be paid at the same time and in the same amount as required by statute, rule of court, or order. In addition to the filing fees now applicable, a fee for use of PACFile shall be imposed.

(c) Signature.

(1) Except as provided in paragraph (c)(3), an electronic signature of the filer, as provided for in PACFile, is permitted in the following form: /S/ *Chris L. Doe*.

(2) Any application that, pursuant to Pa.R.A.P. 123(c), avers facts not of record and requires a verification shall be created in a paper form, have a signature placed on the application, and then be converted to .pdf before the application may be electronically filed.

(3) The original of any verified document shall be maintained by the filing party until two years after the entry of a final order and made available upon direction of the court or reasonable request of the signatory or opposing party.

(d) Service.

(1) Upon the submission of a document through PACFile, PACFile shall provide electronic notification to attorneys and other parties to the case who are participating in PACFile that the document has been submitted. This notification upon submission shall satisfy the manner and proof of service requirements of Pa.R.A.P. 121(c)-(d) on any attorney or party who has established a PACFile account, *i.e.*, eService.

(2) Upon the acceptance by the prothonotary of a document submitted through PACFile, PACFile shall provide electronic notification to attorneys and other parties to the case who are participating in PACFile that the document has been accepted.

(3) Service of document filed through PACFile on any attorney or party who has not established a UJS web portal account or who is unable to file or receive documents through PACFile, or is otherwise unable to access PACFile shall be made by the manner of service permitted under Pa.R.A.P. 121(c)(2)-(5) with proof of service required by Pa.R.A.P. 121(d).

(4) A party serving a document on a prospective party seeking to intervene or a non-party shall not serve that document through PACFile, but shall serve the document by any manner of service under Pa.R.A.P. 121(c)(2)-(5).

(5) Original process shall be served in accordance with the general rules that authorize such service in a matter commenced in an appellate court.

(e) Submission of paper version of a document filed through PACFile. Within 7 days of the submission of any document filed through PACFile, the filer shall submit to the appellate court a paper copy of the electronically time-stamped document and as many additional copies as the court requires. The paper copy of the document filed through PACFile shall be considered the original for archival purposes only. To determine the number of copies required for filing, see Pa.R.A.P. 124(c).

Official Note: To provide a uniform system for electronic filing, the Administrative Office has developed the PACFile electronic filing system. This is the only authorized system for electronic filing of documents in appellate court proceedings. PACFile can be accessed on the Unified Judiciary System web portal (“UJS Portal”) at www.ujportal.pacourts.us. The UJS Portal contains other automated services besides PACFile. There may be circumstances when an attorney, who has registered as a user on another service of the UJS Portal, may have an established account that would be usable for PACFile. Any questions about the requirements of registration or accessibility to PACFile should be referred to the Administrative Office. Questions about filing a document pursuant to this rule should be directed to the prothonotary of the appellate court in which the document is to be filed.

PACFile permits a user to designate other users as proxies on individual cases. These proxies all receive notice of any document in the case. An attorney is responsible for the actions of other individuals whom the attorney authorizes to use the attorney’s account.

Documents in certain appeals may not be filed using PACFile. See Pa.R.A.P. 102 for the definition of “document” (excluding documents related to appeals pursuant to the Abortion Control Act and applications pursuant to the Wiretap Act); see also paragraph (b)(9).

Upon submission of a document, PACFile shall automatically send notice of the filing to all participating parties. If PACFile sends notice of such filing, the party filing the document must serve only those parties who are not served by PACFile.

Regarding paragraph (b)(6), see Pa.R.A.P. 123 for the procedure regarding how to file an application for relief if a document is rejected by PACFile. Practitioners may find written instructions and obtain technical assistance through the UJS Portal Help Center for help to correct the filing of a rejected document.

Paragraph (b)(8) expresses a preference that documents presented for filing through PACFile be electronically converted to .pdf rather than scanned to .pdf, when possible. There are two ways to create a .pdf: one is to scan a document on a commercial copier or stand-alone scanner; the other is to convert the document to .pdf electronically with the word processing program itself or using .pdf conversion software.

In addition to the filing fees now applicable, an online payment convenience fee for use of PACFile may be imposed. See 204 Pa. Code § 207.3.

Paragraph (d)(1) describes the service requirements for documents filed through PACFile known

as eService. See also Pa.R.A.P. 121-122 the manner and proof of service for eService.

Paragraph (d)(4) is intended to alert practitioners to the necessity of serving documents filed through PACFile on a would-be intervenor or a non-party pursuant to Pa.R.A.P. 121 rather than through PACFile. Practitioners may file their documents via PACFile, but must serve those seeking to intervene by methods other than service by PACFile.

Paragraph (d)(5) is intended to prevent the possibility of default judgments due to a lack of monitoring of an account in PACFile. See, for example, Pa.R.A.P. 1514(c) and 3761(b).

ARTICLE II. APPELLATE PROCEDURE

CHAPTER 19. PREPARATION AND TRANSMISSION OF RECORD AND RELATED MATTERS

RECORD ON APPEAL FROM LOWER COURT

Rule 1921. Composition of Record on Appeal.

The original [papers] documents and exhibits filed in the [lower] trial court, [paper] copies of [legal papers] documents filed with the prothonotary through PACFile, the transcript of proceedings, if any, and a certified copy of the docket entries prepared by the clerk [of the lower court] shall constitute the record on appeal in all cases. Unless otherwise ordered by the appellate court in accordance with Pa.R.A.P. 1931(g), in any appeal in which the record is electronically filed or transmitted through PACFile, the documents and filings electronically filed or transmitted thereby shall constitute original documents and exhibits.

Official Note: An appellate court may consider only the facts which have been duly certified in the record on appeal. *Commonwealth v. Young*, [456 Pa. 102, 115,] 317 A.2d 258, 264 (Pa. 1974). All involved in the appellate process have a duty to take steps necessary to assure that the appellate court has a complete record on appeal, so that the appellate court has the materials necessary to review the issues raised on appeal. Ultimate responsibility for a complete record rests with the party raising an issue that requires appellate court access to record materials. See, e.g., *Commonwealth v. Williams*, [552 Pa. 451, 460,] 715 A.2d 1101, 1106 (Pa. 1998) (addressing obligation of appellant to purchase transcript and ensure its transmission to the appellate court). [Rule] Pa.R.A.P. 1931(c) and (f) afford a “safe harbor” from waiver of issues based on an incomplete record. Parties may rely on the list of documents transmitted to the appellate court and served on the parties. If the list shows that the record transmitted is incomplete, the parties have an obligation to supplement the record pursuant to [Rule] Pa.R.A.P. 1926 (correction or modification of the record) or other mechanisms in Chapter 19. If the list shows that the record transmitted is complete, but it is not, the omission shall not be a basis for the appellate court to find waiver. This principle is consistent with the Supreme Court’s determination in *Commonwealth v. Brown*, [____ Pa. ____,] 52 A.3d 1139, 1145 n.4 (Pa. 2012) that where the accuracy of a pertinent document is undisputed, the [Court] court could consider that document if it was in the Reproduced Record, even though it was not in the record that had been transmitted to the [Court] court. Further, if the appellate court

determines that something in the original record or otherwise presented to the trial court is necessary to decide the case and is not included in the certified record, the appellate court may, upon notice to the parties, request it from the trial court *sua sponte* and supplement the certified record following receipt of the missing item. See [**Rule**] **Pa.R.A.P.** 1926 (correction or modification of the record).

Rule 1931. Transmission of the Record.

(a) *Time for transmission.*

(1) *General rule.*—Except as otherwise prescribed by this rule, the record on appeal, including the transcript and exhibits necessary for the determination of the appeal, shall be transmitted to the appellate court within 60 days after the filing of the notice of appeal. If an appeal has been allowed or if permission to appeal has been granted, the record shall be transmitted as provided by Pa.R.A.P. 1122 (allowance of appeal and transmission of record) or by Pa.R.A.P. 1322 (permission to appeal and transmission of record), as the case may be. The appellate court may shorten or extend the time prescribed by this paragraph for a class or classes of cases.

(2) *Children’s fast track appeals.*—In a children’s fast track appeal, the record on appeal, including the transcript and exhibits necessary for the determination of the appeal, shall be transmitted to the appellate court within 30 days after the filing of the notice of appeal. If an appeal has been allowed or if permission to appeal has been granted, the record shall be transmitted as provided by Pa.R.A.P. 1122 (allowance of appeal and transmission of record) or by Pa.R.A.P. 1322 (permission to appeal and transmission of record), as the case may be.

(b) *Duty of trial court.*—After a notice of appeal has been filed, the judge who entered the order appealed from shall:

(1) comply with Pa.R.A.P. 1925 (opinion in support of order) [, shall];

(2) cause the official court reporter to comply with Pa.R.A.P. 1922 (transcription of notes of testimony) or shall otherwise [**settle**] **approve** a statement of the evidence or proceedings as prescribed by [**this chapter,**] **Pa.R.A.P. 1923 (statement in absence of transcript) and Pa.R.A.P. 1924 (agreed statement of record);** and [**shall**]

(3) take any other action necessary to enable the clerk to assemble and transmit the record as prescribed by this rule.

(c) *Duty of clerk to transmit the record.*—When the record is complete for purposes of the appeal, the clerk [**of the trial court**] shall transmit it to the prothonotary [**of the appellate court**]. The clerk [**of the trial court**] shall number the documents comprising the record and shall transmit with the record a list of the documents correspondingly numbered and identified with sufficient specificity to allow the parties on appeal to identify each document and whether it is marked as confidential, so as to determine whether the record on appeal is complete. Any Confidential Information Forms and the “Unredacted Version” of any pleadings, documents, or other legal papers where a “Redacted Version” was also filed shall be separated either physically or electronically and transmitted to the appellate court. Whatever is confidential shall be labeled as such. If any case records or documents were sealed in the [**lower**]

trial court, the list of documents comprising the record shall specifically identify such records or documents as having been sealed in the [**lower**] **trial** court. Documents of unusual bulk or weight and physical exhibits other than documents shall not be transmitted by the clerk unless [**he or she is**] directed to do so by a party or by the prothonotary [**of the appellate court**]. A party must make advance arrangements with the clerk for the transportation and receipt of exhibits of unusual bulk or weight. Transmission of the record is effected when the clerk [**of the trial court**] mails or otherwise forwards the record to the prothonotary [**of the appellate court**]. The clerk [**of the trial court**] shall indicate, by endorsement on the face of the record or otherwise, the date upon which the record is transmitted to the appellate court.

(d) [**Service**] *Notice of the list of record documents.*—The clerk [**of the trial court**] shall, at the time of the transmittal of the record to the appellate court, [**mail**] **send** a copy of the list of record documents to all counsel of record, or if unrepresented by counsel, to the parties at the address they have provided to the clerk. The clerk shall note on the docket the giving of such notice.

(e) *Multiple appeals.*—Where more than one appeal is taken from the same order, it shall be sufficient to transmit a single record, without duplication.

(f) *Inconsistency between list of record documents and documents actually transmitted.*—If the clerk [**of the trial court**] fails to transmit to the appellate court all of the documents identified in the list of record documents, such failure shall be deemed a breakdown in the processes of the court. Any omission shall be corrected promptly pursuant to Pa.R.A.P. 1926 (correction or modification of the record) and shall not be the basis for any penalty against a party.

(g) Transmission and remand of records through PACFile.—Records may be transmitted and remanded through PACFile. The applicable general rules of court and court policies that implement the rules shall continue to apply to the transmission and remand of records on appeal regardless of whether a record is transmitted or remanded through PACFile. The transmission of a record through PACFile by a court or other government unit to an appellate court shall not excuse the court or other government unit from submitting a paper version of the record transmitted through PACFile to the appellate court should the appellate court require it.

(1) The transmission or remand of a record through PACFile by a court or other government unit shall constitute the transmission or remand of the record under the Pennsylvania Rules of Appellate Procedure.

(2) The transmission or remand of a record through PACFile is effectuated when a court or other government unit utilizes PACFile to transmit or give notice of the remand or remittal of the record to a court or other government unit.

(3) The date of the transmission or remand of a record through PACFile by a court or other government unit shall be noted on the docket of the transmitting or remanding court or other government unit, and on the docket of the receiving court or other government unit.

(4) Upon the transmission or remand of a record through PACFile, the record shall be considered to be in the possession of the receiving court or other government unit until the record is transmitted through PACFile to another court or government unit, or notice of remand or remittal to another court or other government unit is given.

(5) If a Rule of Appellate Procedure or court policy requires that a court transmit, or remand or remit a record to another court or other government unit, the transmission or notice of remand or remittal to the receiving court or other government unit may also be effectuated through PACFile.

(6) Any documents sealed in a court or other government unit may be transmitted or remanded through PACFile only in a manner that restricts access to the sealed documents or filings to the court or other government unit and registered users of PACFile who are authorized to view the sealed documents.

(7) The appellate courts shall retain control over access to records transmitted through PACFile, and may permit such electronic access in whole or in part.

Official Note: Pa.R.A.P. 1926 (correction or modification of the record) provides the means to resolve any disagreement between the parties as to what should be included in the record on appeal.

Paragraph (c)—For the definition of “case records,” see the Case Records Public Access Policy of the Unified Judicial System of Pennsylvania available at www.pacourts.us/public-records.

Notice of electronic remand of the record is for jurisdictional purposes.

CHAPTER 21. BRIEFS AND REPRODUCED RECORD

FORMS OF BRIEFS AND REPRODUCED RECORD

Rule 2173. Numbering of Pages.

[Except as provided in Rule 2174 (tables of contents and citations), the] All pages of briefs, the reproduced record, and any supplemental reproduced record shall be numbered [separately] consecutively, starting with the cover page. The pages shall be numbered in Arabic figures [and not in Roman numerals]: thus 1, 2, 3, etc., followed in the reproduced record by a small a, thus 1a, 2a, 3a, etc., and followed in any supplemental reproduced record by a small b, thus 1b, 2b, 3b, etc. Where the reproduced record is bound in more than one volume, there shall be one continuous paging, regardless of the division into volumes.

[Official Note: Based on former Supreme Court Rules 37 (part) and 38 (first clause), former Superior Court Rules 29 (part) and 30 (first clause), and former Commonwealth Court Rules 83 (part) and 84, without change in substance.]

Rule 2174. Tables of Contents and Citations.

(a) *Tables of contents.*—The briefs and the reproduced record shall each contain a full and complete table of contents, set forth [either on the inside of the front cover or on the first and immediately succeeding pages] on the page or pages immediately following the cover. The table of contents of the reproduced record, in addition to the material otherwise specified in

this chapter, shall include a reference to all reproduced exhibits, indicating what each is, and the names of witnesses, indicating where the examination, cross-examination, and re-examination of each begin. Where the reproduced record is bound in more than one volume, there shall be but one table of contents which shall indicate in which volume each particular part of the record will be found. The combined table of contents ordinarily shall be set forth in full at the front of each volume, but where the combined table of contents is itself voluminous, a cross reference at the front of the second and subsequent volumes to the combined table of contents at the front of the first volume may be substituted for the text of the combined table of contents.

(b) *Tables of citations.*—All briefs shall contain a table of citations therein, arranged alphabetically, which shall be set forth immediately following the table of contents.

[(c) *Paging of introductory tables.*—The pages of the tables specified in this rule need not be numbered, but if numbered shall be numbered in Roman numerals: thus i, ii, iii, etc.

***Official Note:* Based on former Supreme Court Rule 37, former Superior Court Rule 29 and former Commonwealth Court Rule 83. The rule substitutes the term “table of contents” for the incorrect term “index,” authorizes the optional practice of beginning the table of contents on the face-up page (rather than inside the front cover) and authorizes Roman numbering the introductory pages.]**

CHAPTER 27. FEES AND COSTS IN APPELLATE COURTS AND ON APPEAL

FEES

Rule 2701. Payment of Fees Required.

(a) *General rule.*—A person upon filing any [**paper**] document shall pay any fee therefor prescribed by law.

(b) *Appeals by allowance or permission; petitions for review.*—The fee for filing a petition for allowance of appeal, a petition for permission to appeal [**or**], a petition for review, or a petition for specialized review shall, except as otherwise required by statute, be the same as the fee payable under [**Rule**] **Pa.R.A.P. 907** (docketing of appeal). Where a petition for allowance of appeal or a petition for permission to appeal has been filed under these rules and is granted, no additional fee, except as otherwise required by statute, shall be payable upon docketing the appeal in the appellate court.

(c) *Temporary fee for filing notice of appeal.*—Until otherwise provided by law, the clerk, upon filing a notice of appeal under [**Rule**] **Pa.R.A.P. 905** (filing of notice of appeal), shall be entitled to receive an amount equal to the fee otherwise payable, if any, upon the filing of a writ issued out of the Supreme Court of Pennsylvania evidencing the fact that an appeal has been taken to the Supreme Court.

***Official Note:* Former Supreme Court Rule 70 (first sentence), former Superior Court Rule 61 and former Commonwealth Court Rule 117 (first sentence) literally required the payment of the fee in advance of filing. In view of the filing by mail procedures instituted by these rules, a limited opportunity is afforded to permit the prompt correction of the failure to include a check with the letter of transmittal or the failure to draw the check in the proper amount.**

A party who intends to proceed *in forma pauperis* should transmit a copy of [his] **the** application under [**Rule**] **Pa.R.A.P.** 552 (application to [**lower**] **trial** court for leave to appeal *in forma pauperis*) to the [**appellate**] prothonotary so that [**Rule**] **Pa.R.A.P.** 554(b) (appeal taken before application acted on) will operate to defer the requirement for fees in the appellate court.

[The fees in appellate courts are temporarily continued by Section 24(a) of the Judiciary Act of 1976, act of July 9, 1976 (P.L. 586, No. 142), by reference to the former provisions of law, which were as follows: The fees of the Commonwealth Court were prescribed by 204 Pa. Code § 155.203. The docketing fee in the Supreme and Superior Court was fixed at \$12 by the act of May 19, 1897 (P.L. 67, No. 53), § 3 (former 12 P.S. § 1135), and the fee for issuing writs for the enforcement of the duty to file the records in such courts and the fee for filing a petition for allowance of appeal from the Superior Court was fixed by § 18 (second and third sentences) of the act (former 12 P.S. § 1156) at \$3.]

PUBLICATION REPORT

The Appellate Court Procedural Rules Committee is considering proposing the amendment of Pennsylvania Rules of Appellate Procedure 102, 121, 122, 125, 1921, 1931, 2173, 2174, and 2701 to codify procedures for the use of PACFile in the appellate courts. A prior version of PACFile rules was published for comment at 49 Pa.B. 825 (February 23, 2019).

Currently, the use of PACFile in the appellate courts is generally governed by Pa.R.A.P. 125, which relies upon various administrative orders. From a procedural perspective, PACFile is used for two processes. The first process is the filing and service of documents by the parties, which is subject to the Amended Order of January 6, 2014, Judicial Admin. Dkt. 418. The second process is the transmission and remand of the record on appeal, which is subject to the Order of November 13, 2015, Judicial Admin. Dkt. 450. Both of these processes are operationalized through online user guidance and instruction provided by the Administrative Office of Pennsylvania Courts.

Regarding the filing and service of documents by the parties, the Committee originally published a proposal for new rules Pa.R.A.P. 130–136 to primarily govern that process. Since publication, the proposal has been substantially revised. The rule governing PACFile, as it relates to format, filing, service, and signature of documents, is Pa.R.A.P. 125 and largely modeled after Pa.R.Crim.P. 576.1; Pa.R.J.C.P. 205; Pa.R.J.C.P. 1205 with modifications specific to appellate court procedures.

As with the prior proposal, Pa.R.A.P. 125(a)(ii) provides for a not-yet determined date upon which attorney participation in PACFile will become mandatory, but for good cause shown. Comments are specifically invited as to reader's opinion about a sufficient lead time, *e.g.*, 6 months, 12 months, before mandatory participation. The response to the COVID-19 pandemic has demonstrated a wide acceptance of PACFile and the capacity for an increased volume of documents to be filed via PACFile.

Regarding the transmission and remand of the record on appeal, Pa.R.A.P. 1931(g) substantially reflects the

requirements of the Order of November 13, 2015. The proposed language has been further clarified to replace references to “file” with “transmit.” In addition, commentary was added to the Official Note to alert readers that the definition of “case record” in paragraph (c) can be found in the UJS Public Access Policy on the UJS website.

To distinguish between the use of “clerk” and “prothonotary” throughout the rules, Pa.R.A.P. 102 is proposed to be amended to define those terms. Additional terms, such as “Document,” “Electronic Filing,” “Filing Party,” “Original Document,” and “PACFile,” are also defined. Pa.R.A.P. 121 is proposed to be amended to reflect “eService” through PACFile as a method of service. Similarly, Pa.R.A.P. 122 provides a suggested form for proof of service through PACFile.

Pa.R.A.P. 2173 is proposed to be amended so that numbering begins with the cover page and Pa.R.A.P. 2174 is proposed to be amended so that the table of contents appears on the page or pages immediately following the cover. These proposals are intended to correlate the page numbers of briefs and reproduced records with the numbering of images by .pdf reader.

During its review, the Committee also identified that “petition for specialized review” appeared to have been omitted from Pa.R.A.P. 2701 concerning the payment of fees. That form of a petition has been added to paragraph (b) and historical content removed from the Official Note.

In its entirety, this proposal involves 46 rules spanning 68 pages. The majority of the rules will be amended as a result of definitional changes and stylistic revisions. To illuminate operative portions and reduce the burden on readers, the proposal published for comment includes the nine rules containing substantive amendments and omits those containing only correlative amendments. Further, should this proposal ultimately be adopted by the Supreme Court, the Committee intends to also recommend that the administrative orders governing PACFile in the appellate courts be rescinded.

All comments, concerns, and suggestions concerning this proposal are welcome.

[Pa.B. Doc. No. 21-506. Filed for public inspection April 2, 2021, 9:00 a.m.]

Title 231—RULES OF CIVIL PROCEDURE

PART II. ORPHANS' COURT RULES

[231 PA. CODE PART II]

Proposed Adoption of Rule 10.7 of the Pennsylvania Orphans' Court Rules

The Orphans' Court Procedural Rules Committee is considering proposing to the Supreme Court of Pennsylvania the adoption of Rule 10.7 of the Pennsylvania Orphans' Court Rules cross-referencing 20 Pa.C.S. § 3908 related to procedures to obtain disclosure of a decedent's digital assets 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
Orphans' Court Procedural Rules Committee
Supreme Court of Pennsylvania
Pennsylvania Judicial Center
PO Box 62635
Harrisburg, PA 17106-2635
FAX: 717-231-9546
orphanscourtproceduralrules@pacourts.us

All communications in reference to the proposal should be received by May 10, 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 Orphans' Court
Procedural Rules Committee*

KENNETH G. POTTER, Esq.,
Chair

Annex A

TITLE 231. RULES OF CIVIL PROCEDURE

PART II. ORPHANS' COURT RULES

CHAPTER X. REGISTER OF WILLS

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

Rule 10.7. Affidavit for Disclosure of Digital Assets.

The procedure for a personal representative to file an affidavit to obtain disclosure of the digital assets of a decedent is set forth at 20 Pa.C.S. § 3908.

Explanatory Comment: This rule was adopted in 20__ to cross-reference provisions of the Revised Uniform Fiduciary Access to Digital Assets Act relating to the disclosure of the digital assets of a decedent to a personal representative. *See* 20 Pa.C.S. §§ 3901—3917. The term “digital asset,” as used in this rule, means an electronic record in which a decedent had a right or interest, but not an underlying asset or liability unless the asset or liability is itself an electronic record. 20 Pa.C.S. § 3902.

While registers of wills are not subject to the *Case Records Public Access Policy of the Unified Judicial System*, they are encouraged to ensure the confidentiality of identifying information related to the decedent's digital assets.

PUBLICATION REPORT

Proposed Adoption of Rule 10.7 of the Pennsylvania Orphans' Court Rules

The Orphans' Court Procedural Rules Committee (“Committee”) is considering proposing to the Supreme Court of Pennsylvania the adoption of Rule 10.7 of the Pennsylvania Orphans' Court Rules (“Rules”). Proposed Rule 10.7 would provide a cross-reference to 20 Pa.C.S. § 3908 and relates to the filing of an affidavit with the register of wills for the purpose of obtaining access to a decedent's digital assets.

On July 23, 2020, the Governor signed into law Act 72 of 2020, the Revised Uniform Fiduciary Access to Digital Assets Act (“Act”). *See* 20 Pa.C.S. §§ 3901—3917. A digital asset is defined as “an electronic record in which an individual has a right or interest. The term does not include an underlying asset or liability unless the asset or liability is itself an electronic record.” *See id.* § 3902. The Act sets forth methods for individuals to plan for the management and disposition of their digital assets upon death. If a decedent did not plan for the distribution of their digital assets, *e.g.*, through the custodian of the digital assets or in a will, the decedent's court-appointed fiduciary can gain access to the digital assets as provided in 20 Pa.C.S. § 3908.

Unless the decedent prohibited the disclosure of the digital assets or a court directs otherwise, the Act establishes the requirements for a personal representative to obtain disclosure of a decedent's digital assets from the custodian. *See id.* The Act provides for the filing of an affidavit with the register of wills to obtain disclosure of the digital assets in lieu of a court finding pursuant to § 3908(a)(4)(iv). *See id.* § 3908(b). To utilize the affidavit procedure, the personal representative must file an affidavit with the register setting forth information related to the decedent's digital assets, such account numbers, usernames, address, or other unique subscriber information assigned by the custodian, evidence linking the account to the user, and an averment that disclosure of the decedent's digital assets is reasonably necessary for administration of the estate. *See id.* § 3908(b)(1). The personal representative must file the affidavit with or supplemental to a petition for grant of letters. *See id.* § 3908(c)(2). The personal representative may then utilize a copy of the executed affidavit as set forth in the Act. *See id.* § 3908(b).

The Committee considered other approaches to incorporating the relevant provisions of § 3908 into the Rules, either by a detailed rule or changes to the petition for grant of letters. However, upon review of § 3908, the Committee believed the procedures contained in the statute were adequate. The practice of incorporation by reference of statutory procedures through rulemaking exists in rules governing the determination of incapacity. *See* Pa. O.C. Rule 14.6(a).

The Committee did not favor changes to the form petition for grant of letters because an averment in the petition or an affidavit for access to the decedent's digital assets can be filed either at the time of filing the petition or as a supplement to the petition. Such a revised form may suggest that the digital assets affidavit must be filed concurrently with the petition, even though the petitioner may not have identified the digital assets at the time of filing the petition. Additionally, access by filing an affidavit is only one method by which the personal representative can obtain disclosure of the decedent's digital assets—such assets can also be accessed when the decedent has provided for access in a will, has made prior arrangements with the custodian of the assets, or upon a court finding as set forth in the Act.

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

[Pa.B. Doc. No. 21-507. Filed for public inspection April 2, 2021, 9:00 a.m.]

Title 255—LOCAL COURT RULES

MONTGOMERY COUNTY

Amendment to Local Rule of Civil Procedure 2039(a)*—Minor's Compromise.; No. 2021-00001

Order

And Now, this 12th day of March, 2021, the Court hereby Amends Montgomery County Local Rule of Civil Procedure 2039(a)*—Minor's Compromise. This Amended Rule shall become effective thirty (30) days after publication in the *Pennsylvania Bulletin*.

The Court Administrator is directed to publish this Order once in the *Montgomery County Law Reporter* and in *The Legal Intelligencer*. In conformity with Pa.R.J.A. 103, one (1) certified copy of this Order shall be filed with the Administrative Office of Pennsylvania Courts. Two (2) certified copies shall be distributed to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*. One (1) copy shall be filed with the Law Library of Montgomery County, and one (1) copy with each Judge of this Court. This Order shall also be published on the Court's website and incorporated into the complete set of the Court's Local Rules.

By the Court

THOMAS M. DeRICCI,
President Judge

Rule 2039(a)*. Minor's Compromise.

No personal injury action in which a minor has an interest shall be settled without court approval.

1. Contents of Petition, Exhibits, and Proposed [*Decrees*] *Decree*:

(A) *Petition*. A petition for approval of settlement shall set forth:

(1) The date of birth, **last four digits of the** social security number, and address of the minor plaintiff, the name and address of the minor's parent(s) or guardian(s);

(2) The facts out of which the cause of action arose;

(3) The elements and items of damages sustained;

(4) A list of all expenses incurred or to be incurred, whether or not they have been paid, by whom payment was made, and arrangements for payment of unpaid bills;

(5) Any limits on the financial responsibility of the defendant(s);

(6) A statement as to whether or not a lien or claim has been raised on behalf of any health care supplier, medical supplier, health insurer, worker's compensation carrier or government entity, including the Department of Public Welfare;

(7) The fees of counsel, which shall not exceed 25% of the present value of a structured settlement, or 25% of the gross recovery of any other settlement, unless counsel has rendered extraordinary services;

(8) The present status of the minor's health and injuries; and

(9) Any other circumstances relevant to the propriety of granting the petition.

(B) *Exhibits*. The petition shall also contain the following exhibits:

(1) A written report from attending health care providers stating the extent of the injury, the treatment given and the prognosis for the injured minor, except that in cases where the gross settlement does not exceed [**\$5,000**] **\$25,000**, or in other cases where the Court is satisfied that the treating physician's office notes and/or records set forth adequately the injury, the treatment given and the prognosis, such notes and/or records may be provided in lieu of a written report;

(2) The written consent of the minor, if (s)he is sixteen (16) years of age or older; and

(3) Copies of counsel's time sheets and other supporting documentation showing the nature and extent of services rendered, if counsel is claiming fees in excess of 25%.

(C) [*Decrees*. If the gross settlement exceeds **\$10,000.00**, counsel shall submit both a preliminary decree setting a hearing date and a proposed final decree setting forth the proposed distribution of the settlement proceeds. If the gross settlement is **\$10,000.00** or less, counsel need submit only the] *Decree*. Counsel shall submit a proposed final decree.

2. *Filing of Petition*. In any action where a civil suit has been initiated by writ of summons or complaint, the petition shall be filed with the Prothonotary under the caption of the civil suit. No motions court cover sheet is required. In any action where no civil suit has been initiated, the petition shall be filed with the Clerk of the Orphans' Court under the caption "ABC, a minor."

3. *Hearing*. [**All petitions for gross settlements in excess of \$10,000.00 shall be set for hearing before a Judge of the Orphans' Court Division. The minor's presence is required at the hearing, unless (s)he is excused by the Court for cause shown.**] Petitions for settlements [**of \$10,000.00 or less**] **affecting minors** may be approved without hearing, unless the Judge assigned to the matter, in his or her discretion, determines that a hearing is necessary. **The Court, in its discretion, may require the presence of the minor at the hearing.**

4. *Affidavit of Deposit*. When a [**compromise**] settlement **in which a minor has an interest** is approved by the Court, an Affidavit of Deposit of Minor's Funds shall be filed with the division of the Court where the petition was filed within 30 days of the date of the order approving the settlement. The Affidavit shall be substantially in the following form:

SEE FORMS INDEX

[Pa.B. Doc. No. 21-508. Filed for public inspection April 2, 2021, 9:00 a.m.]

RULES AND REGULATIONS

Title 58—RECREATION

FISH AND BOAT COMMISSION

[58 PA. CODE CH. 65]

Fishing; Special Fishing Regulations

The Fish and Boat Commission (Commission) amends Chapter 65 (relating to special fishing regulations). The Commission is publishing this final-form rulemaking under the authority of 30 Pa.C.S. (relating to Fish and Boat Code) (code). The amendments add Whipple Lake to the Commission's list of waters under miscellaneous special regulations.

A. Effective Date

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

B. Contact Person

For further information on this final-form rulemaking, contact Wayne Melnick, Esq., P.O. Box 67000, Harrisburg, PA 17106-7000, (717) 705-7810. This final-form rulemaking is available on the Commission's web site at www.fishandboat.com.

C. Statutory Authority

The amendment to § 65.24 (relating to miscellaneous special regulations) is published under the statutory authority of section 2307(a) of the code (relating to waters limited to specific purposes).

D. Purpose and Background

The specific purpose and background of the amendment is described in more detail under the summary of changes.

E. Summary of Changes

Whipple Lake, a 17-acre impoundment owned by the Commonwealth and managed by the Department of Conservation and Natural Resources, is located within Whipple Dam State Park, Jackson Township, Huntingdon County, approximately 6 miles south of the Borough of State College. This lake was completely dewatered in October 2019 to remove sediment and complete structural improvements to the dam. The earth-fill dam impounds Laurel Run at river-mile 4.6 upstream from its confluence with Standing Stone Creek. Prior to the drawdown in 2019, the lake offered angling opportunities for multiple warmwater and coolwater fish species, as well as adult trout stocked by the Commission. Sediment removal and dam structure improvements were completed in summer 2020 with refilling initiated soon after.

The Commission plans to initiate stocking the lake beginning in spring 2021, or as soon as refilling conditions allow, with catchable trout and fingerling plants of select fish species to establish a high quality, warmwater and coolwater fishery. Immediately upon refilling of the lake, Commission staff propose to open the lake to fishing under miscellaneous special regulations that will allow for the harvest of trout under Commonwealth inland waters angling regulations, but allow only catch and release fishing for all other fish species. Commission staff believe that this approach will allow for the most rapid development of a balanced warmwater and coolwater fish community, while offering acceptable levels of recreational angling opportunities. Fisheries Management Division staff will monitor the fish populations while they develop,

make necessary modifications to the species stocked and recommend adjustments to the regulations governing fish harvest to the Board of Commissioners to continually provide high quality, recreational angling opportunities at Whipple Lake. Once the warmwater fishery is re-established, the lake will be recommended for removal from miscellaneous special regulations and inclusion in one of the Commission's existing warmwater regulation programs.

The Commission therefore amends § 65.24 to read as set forth in the proposed rulemaking published at 50 Pa.B. 5487 (October 3, 2020).

F. Paperwork

This final-form rulemaking will not increase paperwork and will not create new paperwork requirements.

G. Fiscal Impact

This final-form rulemaking will have no adverse fiscal impact on the Commonwealth or its political subdivisions.

H. Public Comments

A notice of proposed rulemaking was published at 50 Pa.B. 5487. The Commission did not receive any public comments regarding the proposed rulemaking.

Findings

The Commission finds that:

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

(2) A public comment period was provided, and no comments were received.

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

Order

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

(A) The regulations of the Commission, 58 Pa. Code Chapter 65, are amended by amending § 65.24 to read as set forth at 50 Pa.B. 5487.

(B) The Executive Director will submit this order and 50 Pa.B. 5487 to the Office of Attorney General for approval as to legality and form as required by law.

(C) The Executive Director shall certify this order and 50 Pa.B. 5487 and deposit them with the Legislative Reference Bureau as required by law.

(D) This order shall take effect upon publication in the *Pennsylvania Bulletin*.

TIMOTHY D. SCHAEFFER,
Executive Director

Fiscal Note: Fiscal note 48A-304 remains valid for the final adoption of the subject regulation.

[Pa.B. Doc. No. 21-509. Filed for public inspection April 2, 2021, 9:00 a.m.]

Title 58—RECREATION

FISH AND BOAT COMMISSION

[58 PA. CODE CH. 65]

Fishing; Special Fishing Regulations

The Fish and Boat Commission (Commission) amends Chapter 65 (relating to special fishing regulations). The Commission is publishing this final-form rulemaking under the authority of 30 Pa.C.S. (relating to Fish and Boat Code) (code). The amendments remove Opossum Lake from the Commission's list of waters under miscellaneous special regulations.

A. *Effective Date*

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

B. *Contact Person*

For further information on this final-form rulemaking, contact Wayne Melnick, Esq., P.O. Box 67000, Harrisburg, PA 17106-7000, (717) 705-7810. This final-form rulemaking is available on the Commission's web site at www.fishandboat.com.

C. *Statutory Authority*

The amendment to § 65.24 (relating to miscellaneous special regulations) is published under the statutory authority of section 2307(a) of the code (relating to waters limited to specific purposes).

D. *Purpose and Background*

The specific purpose and background of the amendment is described in more detail under the summary of changes.

E. *Summary of Changes*

Opossum Lake, a 47-acre impoundment owned by the Commonwealth and managed by the Commission, is located in Lower Frankford Township, Cumberland County, approximately 6 miles west-northwest of the Borough of Carlisle. The dam impounds Opossum Creek at river-mile 0.5 upstream from its confluence with Conodoguinet Creek. This reservoir was completely dewatered in October 2008 to complete dam and spillway repairs and modifications per Department of Environmental Protection dam safety standards. Following completion of these repairs and modifications, refill occurred by spring 2013 and the Commission resumed annual adult trout stocking to provide immediate angling opportunities. Additionally, the Commission stocked the lake from 2013 through 2015 with select fish species to establish a high quality, warmwater and coolwater fishery.

Since 2012, Opossum Lake has been managed with miscellaneous special regulations under § 65.24 that allow for the harvest of trout under Commonwealth Inland Waters angling regulations, but no harvest of other fish species. The intent of these regulations was to facilitate rapid development of the warmwater and coolwater fish populations in the absence of harvest, and once re-established, the lake would be recommended for removal from the miscellaneous special regulations and moved to one of the Commission's existing warmwater regulation programs.

The black bass and panfish populations were evaluated from 2015 through 2020 to monitor progress towards development of a high quality, warmwater and coolwater fishery. Sportfish abundance and population size structure have steadily improved to levels where populations can now sustain limited harvest. As such, it is recom-

mended that Opossum Lake be removed from miscellaneous special regulations under § 65.24 in favor of management with the Commission's existing warmwater regulation programs that allow for limited harvest of warmwater and coolwater fish. If these regulations are removed, Opossum Lake will be proposed for designation into the Big Bass and the Panfish Enhancement programs in §§ 65.9 and 65.11 (relating to big bass; and panfish enhancement). All other fish species will be managed with Commonwealth inland waters angling regulations in § 61.1 (relating to Commonwealth inland waters).

The Commission therefore amends § 65.24 to read as set forth in the proposed rulemaking published at 50 Pa.B. 5485 (October 3, 2020).

F. *Paperwork*

This final-form rulemaking will not increase paperwork and will not create new paperwork requirements.

G. *Fiscal Impact*

This final-form rulemaking will have no adverse fiscal impact on the Commonwealth or its political subdivisions.

H. *Public Comments*

A notice of proposed rulemaking was published at 50 Pa.B. 5485. The Commission did not receive any public comments regarding the proposed rulemaking.

Findings

The Commission finds that:

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

(2) A public comment period was provided, and no comments were received.

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

Order

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

(A) The regulations of the Commission, 58 Pa. Code Chapter 65, are amended by amending § 65.24 to read as set forth at 50 Pa.B. 5485.

(B) The Executive Director will submit this order and 50 Pa.B. 5485 to the Office of Attorney General for approval as to legality and form as required by law.

(C) The Executive Director shall certify this order and 50 Pa.B. 5485 and deposit them with the Legislative Reference Bureau as required by law.

(D) This order shall take effect upon publication in the *Pennsylvania Bulletin*.

TIMOTHY D. SCHAEFFER,
Executive Director

Fiscal Note: Fiscal Note 48A-305 remains valid for the final adoption of the subject regulation.

[Pa.B. Doc. No. 21-510. Filed for public inspection April 2, 2021, 9:00 a.m.]

Title 58—RECREATION

FISH AND BOAT COMMISSION

[58 PA. CODE CH. 65]

Fishing; Special Fishing Regulations

The Fish and Boat Commission (Commission) amends Chapter 65 (relating to special fishing regulations). The Commission is publishing this final-form rulemaking under the authority of 30 Pa.C.S. (relating to Fish and Boat Code) (code). The amendments remove Lake Perez from the Commission's list of waters under miscellaneous special regulations.

A. Effective Date

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

B. Contact Person

For further information on this final-form rulemaking, contact Wayne Melnick, Esq., P.O. Box 67000, Harrisburg, PA 17106-7000, (717) 705-7810. This final-form rulemaking is available on the Commission's web site at www.fishandboat.com.

C. Statutory Authority

The amendment to § 65.24 (relating to miscellaneous special regulations) is published under the statutory authority of section 2307(a) of the code (relating to waters limited to specific purposes).

D. Purpose and Background

The specific purpose and background of the amendment is described in more detail under the summary of changes.

E. Summary of Changes

Lake Perez, a 72-acre impoundment owned by the Pennsylvania State University, is located in Barree Township, Huntingdon County, approximately 3 miles northeast from the Village of Neffs Mills. The dam impounds Shavers Creek at river-mile 13.6 upstream from its confluence with the Juniata River. This reservoir was completely dewatered in late spring 2009 to complete dam and spillway repairs and modifications per Department of Environmental Protection dam safety standards. Following completion of these repairs and modifications, refill occurred during 2014, and the Commission resumed annual adult trout stocking in 2015 to provide immediate angling opportunities. Additionally, the Commission stocked the lake from 2014 through 2018 with select fish species to establish a self-sustaining, high quality, warmwater and coolwater fishery.

Since 2015, Lake Perez has been managed with miscellaneous special regulations under § 65.24 that allow for the harvest of trout under Commonwealth inland waters angling regulations, but no harvest of other fish species. The intent of these regulations is to facilitate rapid development of the warmwater and coolwater fish populations in the absence of harvest, and once re-established, the lake would be recommended for removal from miscellaneous special regulations and moved to one of the Commission's existing warmwater regulation programs.

The black bass and panfish populations were evaluated during 2019 and 2020 to monitor progress towards development of a high quality, warmwater and coolwater fishery. Sportfish abundance and population size structure have improved to levels where populations can now sustain limited harvest. As such, it is recommended that

Lake Perez be removed from miscellaneous special regulations under § 65.24 in favor of management with the Commission's existing warmwater regulation programs that allow for limited harvest of warmwater and coolwater fish. If this regulation is removed, Lake Perez will be proposed for designation into the Panfish Enhancement program under § 65.11 (relating to panfish enhancement). All other fish species will be managed with Commonwealth Inland Waters angling regulations under § 61.1 (relating to Commonwealth inland waters).

The Commission therefore amends § 65.24 to read as set forth in the proposed rulemaking published as 50 Pa.B. 5484 (October 3, 2020).

F. Paperwork

This final-form rulemaking will not increase paperwork and will not create new paperwork requirements.

G. Fiscal Impact

This final-form rulemaking will have no adverse fiscal impact on the Commonwealth or its political subdivisions.

H. Public Comments

A notice of proposed rulemaking was published at 50 Pa.B. 5484. The Commission did not receive any public comments regarding the proposed rulemaking.

Findings

The Commission finds that:

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

(2) A public comment period was provided, and no comments were received.

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

Order

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

(A) The regulations of the Commission, 58 Pa. Code Chapter 65, are amended by amending § 65.24 to read as set forth at 50 Pa.B. 5484.

(B) The Executive Director will submit this order and 50 Pa.B. 5484 to the Office of Attorney General for approval as to legality and form as required by law.

(C) The Executive Director shall certify this order and 50 Pa.B. 5484 and deposit them with the Legislative Reference Bureau as required by law.

(D) This order shall take effect upon publication in the *Pennsylvania Bulletin*.

TIMOTHY D. SCHAEFFER,
Executive Director

Fiscal Note: Fiscal Note 48A-306 remains valid for the final adoption of the subject regulation.

[Pa.B. Doc. No. 21-511. Filed for public inspection April 2, 2021, 9:00 a.m.]

PROPOSED RULEMAKING

PENNSYLVANIA PUBLIC UTILITY COMMISSION

[52 PA. CODE CHS. 65 AND 66]

Rulemaking to Implement Act 120 of 2018

Public Meeting held
September 17, 2020

Commissioners Present: Gladys Brown Dutrieuille, Chairperson; David W. Sweet, Vice Chairperson, statement as follows; John F. Coleman, Jr.; Ralph V. Yanora

Rulemaking to Implement Act 120 of 2018 at 52 Pa. Code Chapters 65 and 66; Docket No. L-2020-3019521

Notice of Proposed Rulemaking Order

By the Commission:

Act 120 of 2018 (Act 120) amended the Public Utility Code at 66 Pa.C.S. § 1311(b), by addressing the replacement of lead service lines (LSL) and damaged wastewater service laterals (DWSL) and the recovery of associated costs. In order to implement Act 120, the Public Utility Commission (Commission) proposes to modify our regulations at Title 52, 52 Pa. Code §§ 1.1, et seq. In particular, we propose to expand Chapter 65 and establish a new Chapter 66. First, we will designate the existing regulations addressing water service in Chapter 65 as Subchapter A, “Service Generally,” while we set forth new regulations as Subchapter B, “Lead Service Line Replacements.” Then, we will create a new Chapter 66 addressing wastewater service, which sets aside Subchapter A, “Service Generally,” for future use and establishes new regulations as Subchapter B, “Damaged Wastewater Service Laterals.” The proposed regulations are attached hereto as Annexes A and B. The Commission seeks comments from all interested parties on these Annexes and any other pertinent changes to our regulations.

Background

On October 24, 2018, Governor Wolf signed Act 120 into law, thereby amending the Public Utility Code at 66 Pa.C.S. § 1311(b) to address the accelerated replacement of customer-owned LSLs and DWSLs. Act 120 sets forth a uniform, minimum standard under which public utilities may seek to replace LSLs and DWSLs and recover the costs associated with replacement.

Prior to the passage of Act 120, the Commission and regulated water and wastewater utilities were actively addressing the replacement of LSLs and DWSLs. On March 8, 2017, for instance, the Commission approved The York Water Company’s (York Water) proposal to replace LSLs in their service territory. See Petition of The York Water Company, Docket No. P-2019-2577404 (Order entered March 8, 2017). Nonetheless, Act 120 served to clarify certain legal issues that the Commission, water utilities, and wastewater utilities identified during the course of such proceedings.

On December 23, 2018, when Act 120 became effective, the Commission was in the process of adjudicating Pennsylvania American Water Company’s (PAWC) proposal regarding customer-owned LSLs. In response to Act 120, the Commission remanded the proceeding to the Office of Administrative Law Judge instructing the parties to evaluate the proposal under the new requirements of Act

120 and supplement the record to achieve compliance with 66 Pa.C.S. § 1311(b). See Petition of Pennsylvania American Water Company, Docket No. P-2017-2606100 (Order entered January 4, 2019). On July 17, 2019, the Parties filed a Joint Petition for Settlement on Remand (Joint Settlement), which addressed many issues in accordance with 66 Pa.C.S. § 1311(b). The parties acknowledged and the Commission determined, however, that several issues implicated by Act 120 remain unresolved and required more generic guidance for future proceedings. See Joint Settlement ¶ 23, 41.

Accordingly, on October 3, 2019, Chairman Gladys Brown Dutrieuille and Commissioner John F. Coleman, Jr. issued a Joint Motion directing Commission staff to initiate a further examination of Act 120. Implementation of Act 120 of 2018, Docket No. M-2019-3013286 (Joint Motion issued October 3, 2019). The Joint Motion instructed the Commission’s Bureau of Technical Utility Services (TUS) and Law Bureau to develop recommendations for additional parameters for the replacement of LSLs and DWSLs, especially as part of the LTIIP and the Distribution System Improvement Charge (DSIC). In particular, the Joint Motion directed (1) the entry of an Order consistent with the Joint Motion, (2) the transmission of directed questions to interested stakeholders within 30 days, (3) the assembly of a working group, and (4) the submission of a written staff recommendation to the Commission by March 31, 2020.

Consistent with the Joint Motion, on October 24, 2019, the Commission sent a Secretarial Letter accompanied by directed questions to interested stakeholders for comment on the replacement of LSLs and DWSLs, including parameters for planning and reporting, communication, replacements, refusals, 66 Pa.C.S. § 1311(b), and rates. Implementation of Act 120 of 2018, Docket No. M-2019-3013286 (Secretarial Letter issued October 24, 2019). The Secretarial Letter directed the filing of comments by November 22, 2019.¹ The Secretarial Letter also scheduled a working group meeting to convene on December 19, 2019. Notice of the meeting was published in the *Pennsylvania Bulletin* on November 2, 2019. See 49 Pa.B. 6652.

On November 1, 2019, the Commission issued an Order in accordance with the Joint Motion. Implementation of Act 120 of 2018, Docket No. M-2019-3013286 (Order entered November 1, 2019) (November 1, 2019 Implementation Order). The Order reiterated the steps to be taken by staff to conduct a further examination of Act 120.

On November 19, 2020, the County of Northampton (Northampton County) filed with the Commission comments in response to the October 24, 2019 directed questions. On November 21, 2019, Pennsylvania-American Water Company (PAWC) filed comments. On November 22, 2019, the following stakeholders also filed comments in response to the directed questions: the Coalition for Affordable Utility Service and Energy (CAUSE-PA), Green & Healthy Homes Initiative (GHHI), and Pittsburgh United (UNITED) collectively; the Natural Resources Defense Council (NRDC); the Office of Consumer Advocate (OCA); Aqua Pennsylvania, Inc.

¹ On November 15, 2019, Aqua Pennsylvania Water, Inc. (Aqua) requested that the Commission extend the period for comments in response to the directed questions to December 9, 2019. Suez Water Pennsylvania, Inc. (Suez) and the Office of Consumer Advocate (OCA) filed letters in support of Aqua’s request on November 15, 2019, and November 18, 2019, respectively. On November 19, 2019, the Commission denied Aqua’s request in light of the impending December 19, 2019 working group meeting.

(Aqua); Suez Water Pennsylvania, Inc. (SUEZ); the Office of Small Business Advocate (OSBA); Pittsburgh Water and Sewer Authority (PWSA); and Columbia Water Company (Columbia Water).

On December 3, 2019, the Commission issued a Secretarial Letter containing further details regarding the working group meeting and noted that stakeholders may submit reply comments by January 16, 2020. Implementation of Act 120 of 2018, Docket No. M-2019-3013286 (Secretarial Letter issued December 3, 2019).

The working group meeting convened on December 19, 2019. The following stakeholders attended the meeting: Northampton County; PAWC; CAUSE-PA; GHHI; the NRDC; the OCA; Aqua; SUEZ; the OSBA; PWSA; Columbia Water; PENNVEST; the Public Utility Law Project (PULP); the Bureau of Investigation and Enforcement (BI&E); and York Water. The three-hour working group meeting started with a presentation by TUS staff, including questions for the utilities and other entities in attendance, followed by an open dialogue regarding the replacement of LSLs and DWSLs as it pertains to planning and reporting, communication, replacements, refusals, 66 Pa.C.S. § 1311(b), and rates. TUS staff encouraged the filing of reply comments as a means to further respond to matters raised during the working group meeting. On January 16, 2019, the Commission received reply comments from CAUSE-PA, GHHI, UNITED, and the NRDC collectively; the OSBA; and PWSA.

On March 31, 2020, in consideration of the comments filed in response to the directed questions, the working group meeting, and the reply comments filed thereafter, TUS and Law Bureau staff submitted to the Commission a confidential Staff Report detailing their recommendations regarding additional parameters for the replacement of LSLs and DWSLs. Pursuant to the Commission's November 1, 2019 Implementation Order, the Staff Report addressed proposed requirements for planning and reporting, communication, replacements, refusals, 66 Pa.C.S. § 1311(b), and rates. The Staff Report also addressed options for implementation such as orders, policy statements, and rulemakings. Upon consideration of the Staff Report, the Commission hereby proceeds with this Notice of proposed Rulemaking Order and the proposed regulations in Annexes A and B.

Discussion

Given the health hazards associated with lead, the Commission is at a vital juncture to coordinate with jurisdictional water utilities to take significant action to combat and eliminate the adverse effects of lead exposure by requiring the removal of all LSLs. It is well-established that lead is a cumulative poison in humans and is known to cause serious health problems.² Injury from lead poisoning is permanent and irreversible. Lead poisoning is a preventable environmental health hazard and, if not addressed, affects customers regardless of race, ethnicity, or socioeconomic status.

The Commission likewise has the opportunity to empower jurisdictional wastewater utilities to replace DWSLs in limited situations where the costs will prudently benefit and improve system reliability, efficiency, and service quality in known problem areas. Wastewater service laterals are typically small-diameter pipes of various material types that convey flow from homes or businesses to a collection system by gravity or by pres-

sure, depending on local site conditions and system characteristics. Service laterals are an integral component of wastewater collection systems and are susceptible to damage by natural material deterioration, tree roots, surface activities, or excavation. DWSLs may create serious environmental and health hazards due to the inherently deleterious composition of wastewater.³

In order to address the critical issues presented by LSLs and DWSLs, Act 120 establishes a standard under which public utilities may seek to replace LSLs and DWSLs and recover costs associated with replacement. Act 120 provides for, inter alia, the replacement of LSLs and DWSLs under a Commission-approved program and directs the Commission to establish certain standards, processes, and procedures by regulation. See 66 Pa.C.S. §§ 1311(b)(2)(i)–(vii).

In addition to the authority conferred upon the Commission by Act 120 to address the removal of LSLs and DWSLs, we note that, pursuant to Section 1501 of the Public Utility Code, 66 Pa.C.S. § 1501, utilities have an affirmative duty to “furnish and maintain adequate, efficient, safe, and reasonable service and facilities, and make all such repairs, changes, alterations, substitutions, extensions, and improvements in or to such service and facilities as may be necessary or proper for the accommodation, convenience and safety of the utility’s customers and the public.” In this regard, Section 102, 66 Pa.C.S. § 102, broadly defines the term “service” to include a wide range of actions, and this statutory definition has been broadly construed by the Commission and the courts. *Country Place Waste Treatment Co., Inc. v. Pa. PUC*, 654 A.2d 72 (Pa. Cmwlth. 1995).

Due to the nature of LSLs and DWSLs, the Commission believes that, unlike the replacement of LSLs, the replacement of DWSLs will be an ongoing activity undertaken by jurisdictional wastewater utilities. The replacement of both LSLs and DWSLs, however, will benefit ratepayers, public utilities, and the environment. The proposed regulations set forth in Annexes A and B delineate the components of programs for the replacement of LSLs and DWSLs as described below. The Commission seeks comment on each specific program component as well as the programs as a whole.

Lead Service Line Replacements

First, the Commission proposes to divide Chapter 65, 52 Pa. Code Chapter 65, into two subchapters. Subchapter A, “Service Generally,” will encompass our existing water service regulations at 52 Pa. Code §§ 65.1–65.23. Subchapter B, “Lead Service Line Replacements,” will encompass our proposed regulations addressing the replacement of LSLs at 52 Pa. Code §§ 65.51–65.62. While the replacement of LSLs is fundamentally related to water service, our existing regulations address a distinct range of issues. Accordingly, it is appropriate to create a separate subchapter for the proposed regulations.

§ 65.51. Purpose.

Section 65.51 of the Commission’s proposed regulations sets forth the purpose of Subchapter B, that is, to implement Act 120 governing the standard under which an entity, as defined in Section 65.52, may seek to replace LSLs and recover associated costs. See 66 Pa.C.S.

³ DWSLs may cause wastewater to backup into a customer’s home or discharge into the environment and may become a source of I&I, contributing to hydraulically overloaded conditions within portions of a wastewater collection system or at a wastewater treatment plant (WWTP). I&I adds to the flow entering the collection system and being treated at the WWTP, reducing capacity and, in extreme cases, may be the largest contributing factor to hazardous overflows.

² Salvato, P.E., DEE, Joseph A., Environmental Engineering and Sanitation, Fourth Edition, p. 46, New York: John Wiley & Sons, Inc., 1992.

§ 1311(b). Act 120 provides for the recovery of costs related to lead service line replacements (LSLRs) performed concurrent with a scheduled utility main replacement project or “under a commission-approved program.” 66 Pa.C.S. § 1311(b)(2)(i). To facilitate the replacement of LSLs, the Commission proposes establishing a comprehensive program focused on removing all LSLs from an entity’s distribution system. The program will require, inter alia, that Class A public utilities⁴ and authorities undertake replacement efforts separate from those performed in conjunction with its scheduled main replacement projects to ensure the balanced, yet expeditious removal of LSLs from the public water distribution system. The program will also require Class B public utilities, Class C public utilities, and other entities to group and schedule replacements to optimize the use of financial, technical, and managerial resources. Subchapter B establishes the time, manner, form, and content of filings for Commission approval of the requisite program as well as requirements for the replacement of LSLs.

§ 65.52. *Definitions.*

Section 65.52 of the Commission’s proposed regulations sets forth general definitions pertinent to our regulation of the replacement of LSLs. We define “lead service line” consistent with Act 120 for purposes of continuity. See 66 Pa.C.S. § 1311(b)(5). We also explain the meaning of a “LSLR” and distinguish a “LSLR Program” from a “LSLR Plan.” A LSLR Program is a program submitted to and approved by the Commission for the replacement of LSLs, while a LSL Plan is one component of the LSLR Program that specifies how the program will be implemented. To clarify the parameters of LSLRs, we define terms like “LSLR Project” and “LSLR Project Area.” We further incorporate by reference terms found in other chapters of our regulations, like “LTIP” in Chapter 121, to ensure consistency throughout Title 52.

Of particular importance, among the definitions in Section 65.52 is the term “entity,” which helps to establish the scope of Subchapter B. “Entity” refers to (1) a public utility as defined in 66 Pa.C.S. § 102 that provides water service, (2) a municipal corporation as defined in 66 Pa.C.S. § 102 that provides water service beyond its corporate limits, and (3) an authority as defined in 66 Pa.C.S. § 3201. In this regard, we note that both a municipal corporation providing water service outside of its corporate limits and an authority, i.e., PWSA, are regulated in the same manner as a public utility pursuant to the provisions of the Public Utility Code. See 66 Pa.C.S. § 1102(a)(5), 1301(a), 1501, 3202. The term “entity” is intended to encompass all jurisdictional water utilities.

The Commission welcomes comments regarding its definition of “entity” to include a public utility as well as a municipal corporation and an authority similarly situated to a public utility under the Commission’s jurisdiction. The Commission also seeks comment regarding its additional proposed definitions.

§ 65.53. *Time to replace LSLs.*

Section 65.53 of the Commission’s proposed regulations establishes that the requirement to remove and replace LSLs, whether entity-owned or customer-owned, applies

to all entities. Pursuant to Section 65.53, a Class A public utility or an authority is required to replace all LSLs within or connected to its distribution system within 25 years. A Class B or Class C public utility is required to do the same within 30 years. Likewise, a municipal corporation providing water service beyond its corporate limits is required to replace all LSLs within or connected to its distribution system, beyond its corporate limits, within 30 years. Although entities may be capable of conducting replacements on an accelerated schedule, the timeframe of 25 to 30 years is intended to, inter alia, avoid customer rate shock that could occur within a shortened timeframe.

The Commission seeks comment regarding whether the proposed timeframes for each entity’s removal and replacement of LSLs are reasonable and appropriate given the various considerations that may impact an entity’s ability to conduct LSLRs.

§ 65.54. *Petitioning the Commission for a LSLR Program.*

Section 65.54 of the Commission’s proposed regulations effectuates the mandate of Act 120 that an entity obtain prior approval from the Commission for LSLRs by filing a new tariff or supplement to its existing tariff under Section 1308 of the Public Utility Code, 66 Pa.C.S. § 1308(d). See 66 Pa.C.S. § 1311(b)(2)(v). Section 65.54 requires all entities to file a LSLR Program petition with the Commission for review and approval.

The LSLR Program petition will vary based on whether the filing entity has a Commission-approved LTIP. For an entity with an LTIP, the Commission believes that a LSLR Plan should be a separate and distinct component of an entity’s LTIP, in part because LSLR Programs are limited in term by nature and entity activities regarding LSLRs, including prioritization, should be transparent. Therefore, if an entity has a Commission-approved LTIP, the entity must file a LSLR Program petition that includes a modified LTIP containing a LSLR Plan as a separate and distinct component of the entity’s LTIP. If an entity does not have an LTIP, the entity must file a LSLR Program petition that includes a LSLR Plan that independently meets the requirements of 52 Pa. Code § 121.3 (relating to LTIP).

The Commission invites stakeholders to comment on this approach. The Commission also seeks comment regarding whether it should direct a shorter notice and protest period than the 60 days provided in 66 Pa.C.S. § 1308(a). Stakeholders are reminded that the Commission, for good cause shown, may allow changes in rates without requiring 60-days’ notice. 66 Pa.C.S. § 1308(a).

§ 65.55. *LSLR Program requirements.*

Section 65.55 of the Commission’s proposed regulations first sets forth the time for establishing and filing a LSLR Program. The Commission will require a Class A public utility or an authority to file a LSLR Program within one year of the effective date of the promulgated regulations, while a Class B or C public utility or a municipal corporation will be required to file a LSLR Program within two years from the effective date of our promulgated regulations. Entities that received prior Commission approval to perform LSLR activities, however, will be treated according to Section 65.61 below.

Section 66.55 also identifies, generally, the components of a LSLR Program: (1) a LSLR Plan as described in Section 65.56; (2) a pro forma tariff or tariff supplement containing proposed changes necessary to implement the entity’s LSLR Program as described in Section 65.58; and

⁴ Notwithstanding the National Association of Regulatory Utility Commissioners (NARUC) Uniform System of Accounts, utility classes are determined, consistent with Commission regulations, based upon the average annual operating revenue over the last three consecutive years. Class A public utilities have an average operating revenue of \$750,000 or more. Class B public utilities have an average annual operating revenue of \$150,000 or more, but less than \$750,000. Class C public utilities have an average operating revenue of less than \$150,000. See 52 Pa. Code § 65.16.

(3) other information required by the Commission for filings under 66 Pa.C.S. § 1308, including statements required by 52 Pa. Code § 53.52(a) (relating to applicability; public utilities other than canal, turnpike, tunnel, bridge and wharf companies). These requirements are discussed in the sections below.

Section 65.55 further specifies the approval process following submission of a LSLR Program. A final Order by the Commission will direct necessary revisions and resubmission of the entity's pro forma tariff or tariff supplement pursuant to 66 Pa.C.S. § 1308 (relating to voluntary changes in rates). After Commission-approval of a LSLR Program, an entity's LSLR Program will be subject to review in all future base rate cases.

The Commission seeks stakeholder comment on the timeframe for establishing and filing a LSLR Program and the components of a LSLR Program.

§ 65.56. *LSLR Plan requirements.*

Section 65.56 of the Commission's proposed regulations outlines the components of a LSLR Plan: service line inventory; planning and replacements; and communications, outreach, and education. The requirements of each component of a LSLR Plan are set forth in Subsections 65.56(a), (b), and (c) respectively. Due to the critical nature of these LSLR Plan components, we discuss each Subsection in detail below.

§ 65.56(a). *Service Line Inventory.*

Subsection 65.56(a) of the Commission's proposed regulations specifies the timeframe for an entity to complete an inventory identifying the material, composition, diameter, and location of each service line connected to its water distribution systems. The Commission will require a Class A public utility, an authority, or a municipal corporation to complete a Service Line Inventory within 60 months of the filing date of a LSLR Program, while a Class B or C public utility will be required to complete a Service Line Inventory within 36 months of the filing date of a LSLR Program. For municipal corporations, the Service Line Inventory need only address service lines beyond its corporate limits. The Commission will also require entities that acquire a water distribution system to complete a Service Line Inventory of that system within 36 months of the acquisition.

Additionally, Subsection 65.56(a) sets forth the requirements of a Service Line Inventory, including that the inventory must be grouped by material type and diameter and detail any lead components. A Service Line Inventory must also include a projection of the annual number of service lines an entity will inventory along with the methods by which it will identify material types. We note that various methods may be used, including: review of tap cards; building permit records and other historical information; curb stop inspections with cameras; traditional or hydro excavations; interior pipe inspections upstream of the water meter; customer service line material testing kits; and predictive machine learning modeling.

Further, an entity will report the status of its Service Line Inventory as part of its annual LSLR Program Report, which is required by Section 65.59. After an entity completes its Service Line Inventory, it will add the inventory to its next LSLR Plan update required by Section 65.57.

The Commission seeks comment from interested stakeholders on the timeframes for entities to complete a Service Line Inventory. The Commission also seeks com-

ment regarding the cost of completing the Service Line Inventory. The Commission encourages the submission of cost-related data, research, and other information used in cost analyses for such projects. Additionally, the Commission invites comment on the methods by which entities will identify material type and complete the inventory process.

§ 65.57(b). *Planning and replacements.*

Subsection 65.57(b) of the Commission's proposed regulations sets forth the minimum requirements for the portion of a LSLR Plan that addresses planning and replacements. This subsection requires an entity to submit with its LSLR Plan information regarding the entity's LSLR criteria, processes, and procedures. The entity will provide, inter alia, its projected annual investment in LSLRs, the anticipated number of LSLRs per year, the criteria used in its LSLR schedule, its lead and material recycling and disposal efforts, and the construction practices to be used in LSLRs. The entity will also address how acquisitions will be integrated into its LSLR efforts with the understanding that it should not re-prioritize existing LSLRs in separate service areas. Further, the entity will detail its procedures for emergency repairs or replacements that reveal LSLs.

Importantly, Subsection 65.56(b) also requires an entity to detail its customer procedures based on acceptance, refusal, or failure to accept, the entity's offer to conduct a LSLR. As it pertains to customer acceptance, the entity must provide with its LSLR Plan a sample consent agreement form and describe its process for LSLRs under normal and atypical conditions. The entity must also provide coordination with the customer during the LSLR installation, and during the closeout of the LSLR. With regard to customer refusals or failure to accept, the entity must address how it will inform the customers that health hazards are associated with LSLs, that the customer must replace the LSL within one year of commencement of the entity's LSLR Project to be eligible for reimbursement, and that failure to allow the entity to complete the LSLR, or failure of the customer to replace the customer-owned LSL concurrent with the entity replacing the entity-owned LSL, will lead to termination of service in accordance with the entity's tariff.

The Commission seeks comment regarding the planning and replacement requirements of a LSLR Plan. In particular, the Commission encourages stakeholders to comment on the procedures for customer acceptance or refusal of a LSLR.

§ 65.56(c). *Communications, outreach, and education.*

Subsection 65.56(c) of the Commission's proposed regulations requires an entity to outline the communications, outreach, and education steps it will take to inform customers of the harmful effects of LSLs and the entity's plan to remove LSLs. The Commission will require an entity to, inter alia, detail how it will prioritize LSLR efforts to target certain higher-risk areas, engage advisory committees, coordinate with officials and the community, provide information on lead to customers, and provide copies of LSLR documents to customers.⁵ An entity will provide, with its LSLR Plan, copies of all printed and broadcast material to be distributed to customers.

⁵ The Commission notes that entities will receive design and permit documents regarding replacements through the LSLR process. We believe that entities must make a good faith effort to provide customers with relevant LSLR documents. At the same time, however, the Commission recognizes that entities are not required to share with customers information that constitutes a security risk to utility infrastructure.

The Commission also proposes a requirement for a Class A public utility or an authority to develop a LSLR Program section on its website, including a tool describing the replacement schedule, a secure tool providing customers the ability to determine whether their property may be eligible for a reimbursement, and a secure map providing customers the ability to determine whether their property has a LSL. The Commission also proposes that the LSLR Program section of a website include information and resources relating to health risks associated with lead and LSLs, the status of current efforts to replace LSLs, community meetings, and advisory committees.

The Commission invites comment regarding the communication, outreach, and education requirements of a LSLR Plan. In particular, the Commission seeks comment regarding types of documents that should be provided to customers and whether certain entities should be required to create a LSLR Program section of their website.

§ 65.57. *Periodic review of LSLR Plan.*

Section 65.57 of the Commission's proposed regulations requires that, after initial approval of a LSLR Plan, an entity must update its LSLR Plan at least once every five years. As an entity better understands the financial and operational requirements of its LSLR Program, and as financial and operational demands change over time, the entity will update its LSLR Plan accordingly. The Commission will review the LSLR Plan of an entity with an LTIP as part of the typical LTIP review and renewal process. Other LSLR Plans will undergo a similar periodic review outside of the LTIP process. Section 65.57 addresses, generally, the focus of the Commission's review of LSLR Plans. We note that the Commission will use the comment process to aid in our periodic review.

The Commission invites comment regarding its proposals for the revision and review of an entity's LSLR Plan.

§ 65.58. *Pro forma tariff or tariff supplement requirements.*

Section 65.58 of the Commission's proposed regulations addresses the minimum requirements, in addition to proposed changes necessary to implement a LSLR Program, that must be contained in an entity's pro forma tariff or tariff supplement. These requirements include: (1) the LSLR Program annual cap; (2) service line demarcation; (3) partial LSLRs; (4) reimbursements; and (5) warranty. These requirements are set forth in detail in Subsections 65.58(a), (b), (c), (d) and (e), respectively. Due to the critical nature of these tariff requirements, we discuss each Subsection in detail below.

§ 65.58(a). *LSLR Program annual cap.*

Subsection 65.58(a) of the Commission's proposed regulations effectuates the mandate of Act 120 that "a new tariff or supplement to an existing tariff approved by the commission. . . shall include a cap on the maximum number of customer-owned lead water services lines. . . that can be replaced annually." 66 Pa.C.S. § 1311(b)(2)(vi). Subsection 65.58(a) requires that an entity's pro forma tariff or tariff supplement set forth a cap on the number of LSLRs completed per year.

The Commission seeks stakeholder comment regarding the manner in which an entity should develop its LSLR Program annual cap.

§ 65.58(b). *Service line demarcation.*

Subsection 65.58(b) of the Commission's regulations requires that an entity's pro forma tariff or tariff supplement

distinguish entity-owned and customer-owned LSLs for purposes of completing LSLRs. A customer-owned LSL, as defined in Section 65.52, extends from the curb, property line, or entity connection to the water meter or, if the meter is located outside of the structure or there is no meter, at the first shutoff valve within the structure. The Commission proposes to allow an entity to install a shutoff valve, under the provisions of its tariff, as a point of demarcation between a property's service line and the interior water distribution piping, if a shutoff valve is not already located along a specific length of pipe within the structure.

Moreover, Act 120 provides that "the customer shall hold legal title to the replacement water service line." 66 Pa.C.S. § 1311(b)(2)(i). In this regard, we believe that LSLRs should resolve historic ownership ambiguities. An entity should own the portion of the LSLR that is consistent with its tariff. An entity should also use the LSLR process to perfect its ownership of the portion of the service line located within the existing right-of-way. Doing so will ensure that the entity can obtain necessary permits to complete work within the public right-of-way in the future. Further, the requirements of Subsection 65.58(b) will create consistency among all entities' LSLR Programs.

We invite comment on Subsection 65.58(b). Specifically, the parties should address where the customer-owned portion of a LSL begins and terminates. The parties should also address methods of demarcation other than the placement of a shutoff valve. In addition, the parties should discuss the ownership requirements of Act 120 and how an entity's tariff will reflect ownership. See 66 Pa.C.S. § 1311(b)(2)(i). The parties should comment regarding the use of LSLRs to perfect ownership of service lines within rights-of-way, including how certain portions of a service line may be transferred from a customer to an entity, if appropriate. Lastly, the parties are invited to discuss customer notification requirements when an entity encounters lead water distribution pipes in internal plumbing during the demarcation of service lines or installation of shutoff valves.

§ 65.58(c). *Partial LSLRs.*

Section 65.58(c) of the Commission's proposed regulations requires an entity to include in its pro forma tariff or tariff supplement provisions to address the issue of partial LSLRs. In this regard, an entity's tariff will provide that neither a property owner nor a bill paying customer may install a partial LSLR and that notification must be made to an entity prior to replacing the customer-owned LSL so that the entity can concurrently replace the entity-owned LSL. Section 65.68(c) also requires an entity to specify in its tariff that partial LSLRs completed by a property owner or a bill paying customer will lead to termination of service until the entity can replace its LSL. These tariff provisions work in conjunction with Section 65.62, which is discussed in the corresponding section below.

The Commission seeks stakeholder comment regarding these provisions addressing partial LSLRs in conjunction with the provisions in Section 65.62.

§ 65.58(d). *Reimbursements.*

Act 120 requires the Commission to establish standards, processes, and procedures by which an entity will "[p]rovide a reimbursement to a customer who has replaced the customer's lead water service line. . . within one year of commencement of a project in accordance with a commission-approved tariff." 66 Pa.C.S.

§ 1311(b)(2)(vii)(B). As such, Subsection 65.58(d) of the Commission's proposed regulations requires an entity to offer reimbursements to eligible customers who have replaced their LSLs within one year of commencement of the entity's LSLR Project within a LSLR Project Area.

In particular, Subsection 65.58(d) requires an entity to set forth in its pro forma tariff or tariff supplement the method by which the entity will determine whether a customer is eligible for a reimbursement as well as the amount of the reimbursement. The Commission will require an entity to make reasonable efforts to assist customers throughout the reimbursement process and, to the extent possible, make determinations in favor of the customer when the customer provides reasonable evidence of a LSLR, such as a paid invoice or verified statement from a contractor.

The Commission seeks comment on the proposed provisions regarding reimbursements as well as any additional provisions that stakeholders believe may be required to solidify the reimbursement process required by Act 120.

§ 65.58(e). *Warranty.*

Act 120 requires the Commission to establish standards, processes, and procedures by which to ensure that LSLR work is "is accompanied by a warranty of a term that the commission determines appropriate" and that an entity and its contractor may access the customer's property during that term. 66 Pa.C.S. § 1311(b)(2)(vii)(A). In this regard, the Commission proposes that an entity provide a warranty term of not less than two years. Subsection 65.58(e) of the Commission's proposed regulations sets forth several warranty provisions that must be included in an entity's tariff, including the maximum coverage amount under the warranty. Subsection 65.58(e) also requires an entity to explain any liability that it will have for damages not covered by the warranty.

The Commission invites comment on the proposed warranty term and on whether the suggested warranty provisions will provide appropriate clarity to customers. The parties should also comment on LSLR liability, including actions that can be taken to reduce potential liability for both an entity and a customer. The Commission welcomes additional proposed warranty provisions with supporting rationales.

§ 65.59. *LSLR Program Reports.*

Section 65.59 of the Commission's proposed regulations requires that each entity with an approved LSLR Program file an annual LSLR Program Report by March 1. If an entity is implementing its LSLR Plan as part of its LTIP, the entity will include its LSLR Program Report as part of its annual asset optimization plan (AAO Plan). See 52 Pa. Code § 121.6(b)(3) (relating to AAO Plan filings). In its LSLR Program Report, an entity will detail its annual activities based on 13 metrics identified by the Commission, including, for example, the number of LSLRs, the average costs of LSLRs, and the efforts to obtain additional funding.

The Commission seeks stakeholder comment on the 13 metrics proposed as part of Section 65.59 and whether this information is sufficient for annual reporting purposes.

§ 65.60. *Accounting and financial.*

Section 65.60 of the Commission's proposed regulations sets forth uniform standards for the accounting treatment of LSLR costs. LSLR costs include expenditures associ-

ated with installing LSLRs, including, but not limited to, design, engineering, and construction costs. The Commission proposes to require an entity to record LSLR costs in compliance with the NARUC uniform system of accounts applicable to the entity, in an intangible asset account. The Commission notes that a LSLR is a tangible asset owned by the customer, while the entity owns an intangible asset with a value equal to the amount of funding it provided.

Additionally, in Section 65.60, the Commission proposes to allow the deferral of certain income taxes that are not recovered through base rates or the DSIC for accounting purposes and the deferral of certain expenses that are not recovered through base rates. We note that prudent and reasonable deferred income taxes will be amortized over a reasonable period of time with a return on an entity's investment, whereas other expenses will be amortized over a reasonable period of time without a return on an entity's investment, unless otherwise directed by the Commission.

Further, Act 120 provides that, for purposes of calculating the return of and on an entity's prudently incurred cost for LSLRs, the Commission will employ the equity return rate in Sections 1357(b)(2) and (3) of the Public Utility Code, 66 Pa.C.S. § 1357(b)(2)-(3), which appears to indicate the amortization rate for LSLRs should be the entity's permitted equity return rate. 66 Pa.C.S. § 1311(b)(2)(iii). The Commission notes, however, that Act 120, simultaneously preserves the full extent of the Commission's ratemaking authority. 66 Pa.C.S. § 1311(b)(3).

The Commission seeks comment regarding LSLR accounting generally, both prior to and following an entity's first base rate case where LSLR costs are reviewed. Stakeholders should address the appropriate mechanisms for tracking and recording LSLR costs as well as the capitalization of appropriate costs. Stakeholders should also discuss the applicable rate of return of and on LSLR costs in accordance with accepted utility ratemaking principles and legal precedent, particularly where LSLR costs are recovered through rates prior to an entity's first base rate case where LSLR costs are reviewed. Lastly, stakeholders may comment on financial incentives for an entity to obtain no cost and low-cost sources of funding, including awarding additional return on equity basis points in certain circumstances.

§ 65.61. *Preexisting LSLR activities.*

The Commission acknowledges that certain entities have already undertaken LSLR activities. The Commission notes, however, that consistency among all entities' LSLR Programs is important. Therefore, Section 65.61 of the Commission's proposed regulations requires an entity that is engaged in existing Commission-approved LSLR activities to submit a LSLR Program that, at a minimum, conforms with the requirements set forth in Subchapter B. These LSLR Programs will become effective no later than the filing date of the rates established under the entity's next base rate case or within two years of the effective date of these regulations, whichever occurs first.

The Commission seeks comments regarding aligning the existing LSLR activities of certain entities with the proposed regulations and the timeframe for doing so.

§ 65.62. *Prohibition on Partial LSLRs.*

The final section of the Commission's proposed regulations in Chapter 65, Section 65.62, prohibits partial LSLRs due to the known dangers of partial LSLRs to the

public health.⁶ Partial LSLRs result in permanent negative health effects from lead exposure. See *supra*, n. 6.

Accordingly, Section 65.62 requires a full LSLR in all circumstances, including when the customer elects to replace the customer-owned LSL and when an entity is under a Pennsylvania Department of Environmental Protection (DEP) directive to replace a LSL due to a system's action level exceedance of 0.015 mg/L. See 25 Pa. Code § 109.1103 (relating to monitoring requirements). We note that, in the latter instance, the Commission's regulations will work in conjunction with DEP's directives to require a full LSLR. Further, as with Subsection 65.58(c), Section 65.62 provides for the termination of service to a partial LSLR.

Absent a Commission ban on partial LSLRs, a customer could replace the customer-owned LSLR prior to the replacement of the connected entity-owned LSL, resulting in a partial LSLR. Likewise, DEP could direct an entity to replace only the entity-owned portion of a LSL, resulting in a partial LSLR. See 25 Pa. Code § 109.1107(d) (relating to system management responsibilities). Thus, prohibiting partial LSLRs is critical. The provisions prohibiting partial LSLRs will, in conjunction with Subsection 65.58(c), ensure that the replacement of customer-owned and entity-owned LSLs occur concurrently and that water service is not provided through partial LSLRs.

The Commission seeks comment regarding the proposal in Section 65.62 to prohibit partial LSLRs, including the hazards associated with partial LSLs.

Damaged Wastewater Service Laterals

First, in order to facilitate regulations specific to jurisdictional wastewater utilities, a new chapter addressing wastewater service, Chapter 66, is necessary. In addition to addressing DWSL replacements, the Commission believes that Chapter 66 is timely in conjunction with Act 12 of 2016 which amended Chapter 13 of the Public Utility Code, 66 Pa.C.S. § 1329. Section 1329 enables a public utility or other buyer to utilize fair market valuation when acquiring water and wastewater systems in the Commonwealth that are owned by a municipal corporation or authority. Ultimately, Section 1329 has enabled many jurisdictional water and wastewater utilities to acquire wastewater systems previously outside the Commission's purview, bringing these systems under our jurisdiction. Thus, the number of wastewater facilities and systems under our jurisdiction is increasing; establishing a separate chapter specific to our regulation of wastewater is necessary and appropriate. Subchapter A is reserved for general wastewater regulation, while Subchapter B will address the distinct set of issues relating to DWSL replacements.

§ 66.31. *Purpose.*

Section 66.31 of the Commission's regulations sets forth the purpose of Subchapter B, that is, to implement Act 120 governing the standard under which an entity, as defined in Section 66.32, may seek to replace, rehabilitate, or repair DWSLs and recover associated costs. To enable an entity to replace DWSLs either in conjunction with scheduled main replacement projects or as a sepa-

rate effort to improve system reliability, efficiency, and service quality in known problem areas, the Commission proposes establishing a program outlining optional replacement, rehabilitation and/or repair of DWSLs (DWSL Program). The Commission recognizes that DWSL Programs will likely be an ongoing activity undertaken by entities.

§ 66.32. *Definitions.*

Section 66.32 proposes general definitions for our regulation of wastewater service as well as specific definitions related to optional DWSL Programs. We incorporate, by reference, multiple definitions adopted by the DEP to maintain uniformity and to ensure that any revisions to these definitions are captured, unless the Commission finds an express, agency-specific reason to not adopt changes. We include definitions for terms like "combined sewer system," "hydraulic design capacity," "inflow and infiltration," "monthly average flow," "sanitary sewer overflow," and "wastewater facilities," among others.

Of particular importance among the definitions in Section 66.32 is the term "entity," which helps to establish the scope of Subchapter B. "Entity" refers to (1) a public utility as defined in 66 Pa.C.S. § 102 that provides wastewater service, (2) a municipal corporation as defined in 66 Pa.C.S. § 102 that provides wastewater service beyond its corporate limits, and (3) an authority as defined in 66 Pa.C.S. § 3201. In this regard, we note that both a municipal corporation providing wastewater service outside of its corporate limits and an authority, i.e., PWSA, are regulated in the same manner as a public utility pursuant to the provisions of the Public Utility Code. See 66 Pa.C.S. § 1102(a)(5), 1301(a), 1501, 3202. The term "entity" is intended to encompass all jurisdictional wastewater utilities.

The Commission also adopts the definition of "wastewater" from 66 Pa.C.S. Section 102, and definitions for "LTIP" and "DSIC" from Subsections 1352(a) and Section 1353 of the Public Utility Code, respectively. Moreover, we define "DWSL Program," "DWSL Plan," "DWSL Project," and "DWSL Project Area," to clarify parameters and requirements of entities' replacement programs.

The Commission recognizes that the term "damaged" can be rather ambiguous and does not, in and of itself, create a standard of measurement or enable a determinable criterion for defining the factors for inoperability. The development of a common understanding and basis for what may be defined as a "damaged wastewater service lateral" is imperative for consistency in DWSL Programs among utilities. Every service lateral will develop some degree of damage or reduced functionality over time, typically due to external means such as subsidence of supporting soil, tree root or other vegetative material hoop pressure, mechanical loading, building structure settlement, chemical damage, etc. Cracks or open joints in service laterals do not necessarily rise to the level of being considered damaged. Service laterals in their entirety may have a range of defects and may still be able to function properly. Therefore, we propose that "damaged wastewater service lateral" be defined as "a single area or a combination of several areas, acting collectively, identified by visual or other means, along a length of lateral which has or have been determined to significantly impair the intended function of a wastewater service lateral to convey wastewater flow to mains and keep inflow and infiltration (I&I) flows, within reason, out of the service lateral."

Additionally, we note that "damaged wastewater service lateral replacement" is defined broadly to encompass

⁶ Recently, in Implementation of Chapter 32 of the Public Utility Code Regarding Pittsburgh Water and Sewer Authority—Stage 1, Docket No. M-2018-2640802 (Order entered June 18, 2020), the Commission determined that partial LSLRs are not in the public interest and are not consistent with the statutory requirements of Section 1501 of the Public Utility Code, 66 Pa.C.S. § 1501. *Id.* at 93-94. The Commission noted that "[t]he negative effects of partial service line replacements are well documented in scientific literature" and that "[t]he permanent negative health effects from lead exposure, especially to uniquely vulnerable populations of developing fetuses, infants and children, is explained in the unrebutted testimony of [UNITED's expert witness] Dr. Lanphar." *Id.* at 92 (citing March 2020 Order at 117).

approved methods under an entity's DWSL Plan to not only replace, but also rehabilitate or repair DWSLs. Stakeholders should be cognizant of this expansive definition of replacements throughout this Order and in Annex B; entities may propose when these alternatives, still within the scope of DWSL Programs, may be prudent or appropriate.

The Commission welcomes comments on its definition of "entity" to include companies and authorities similarly situated to public utilities that are under the Commission's jurisdiction. We also invite comment on the definition of "DWSL" as well as rationales for proposed alternatives. The Commission also seeks comment about the additional proposed definitions and those defined by the Pennsylvania Department of Environmental Protection and incorporated herein at Section 66.32 of Annex B.

§ 66.33. DWSL Program parameters.

Pursuant to the proposed 52 Pa. Code § 66.33, all entities may file a petition with the Commission for approval of a DWSL Program to repair, rehabilitate or replace DWSLs under certain circumstances. Proposed elements of the petition, including the components of an initial DWSL Plan, are discussed below; however, 66 Pa.C.S. § 1311(b)(2)(v) mandates that an entity obtain prior approval from the Commission for the replacement of customer-owned DWSLs by filing a new tariff or supplement to existing tariffs under 66 Pa.C.S. § 1308 (relating to voluntary changes in rates).

Act 120 appears to be purpose driven and not intended to support broad application of the replacement of any and all DWSLs by an entity, which might abdicate a customer of the responsibility to maintain his or her service lateral in serviceable condition. Thus, the Commission proposes to limit approval of DWSL Programs to instances where the DWSL Programs' purpose can be specifically linked to an entity's efforts to address the following two objectives, which are also included in the proposed regulation:

1. Excessive I&I causing, or which is reasonably expected within the next five years to cause, a hydraulically overloaded condition, wastewater overflows, and/or additional flow which is prudent for the entity to avoid; or
2. Other design or construction conditions causing, or which are reasonably expected within the next five years to cause, wastewater overflows.

A Commission-approved DWSL Program is intended to allow entities to prudently invest in repairing, rehabilitating and/or replacing DWSLs as opposed to the more costly investment in upsizing other infrastructure to accommodate the increased flows attributable to I&I. The amount of entity funding generally should not exceed the cost of investments the entity could make in its infrastructure to offset I&I.

The Commission seeks comment on this proposed process for approval of DWSL Programs.

§ 66.34. Petitioning the Commission for a DWSL Program.

As noted above, DWSL Programs are optional; however, 66 Pa.C.S. § 1311(b)(2)(v) mandates that an entity obtain prior approval from the Commission for the replacement of customer-owned DWSLs by filing a new tariff or supplement to existing tariffs under 66 Pa.C.S. § 1308 (relating to voluntary changes in rates). Section 66.34 of our proposed regulation describes the process for an entity to petition the Commission for a DWSL Program.

The DWSL Program petition will vary based on whether the filing entity has a Commission-approved LTIIP. An entity with a Commission-approved LTIIP must file a DWSL Program petition that includes a modified LTIIP containing a DWSL Plan as a separate and distinct component of the entity's LTIIP. An entity that does not have an approved LTIIP must file a DWSL Program Petition that includes a DWSL Plan that independently meets the requirements of 52 Pa. Code § 121.3 (relating to LTIIP).

The Commission invites stakeholders to comment on this approach as well as whether the Commission should direct a shorter notice and protest period than the 60-days provided in 66 Pa.C.S. § 1308(a). Stakeholders are reminded that the Commission, for good cause shown, may allow changes in rates without requiring the 60 days notice. 66 Pa.C.S. § 1308(a).

§ 66.35. DWSL Program requirements.

The Commission's proposed regulation, at Section 66.35 identifies, generally, the components of a DWSL Program: (1) a DWSL Plan; (2) a pro forma tariff or tariff supplement containing proposed changes necessary to implement the entity's DWSL Program; and (3) other information required by the Commission for filings under 66 Pa.C.S. § 1308 (relating to voluntary changes in rates), including statements as required by 52 Pa. Code § 53.52(a) (relating to applicability; public utilities other than canal, turnpike, tunnel, bridge and wharf companies).

Section 66.35 further specifies the approval process following submission of a DWSL Program. A final Order by the Commission will direct necessary revisions and resubmission of the entity's pro forma tariff or tariff supplement pursuant to 66 Pa.C.S. § 1308. After Commission-approval of a DWSL Program, an entity's DWSL Program will be subject to review in all future base rate cases.

The Commission seeks stakeholder comment on the components of a DWSL Program.

§ 66.36. DWSL Plan requirements.

The Commission's proposed regulation, at Section 66.36 outlines the components of a DWSL Plan: (1) planning and replacements; and (2) communications, outreach and education. Unlike LSLR Plans, an upfront inventory of all service laterals within a wastewater system is not necessary.

§ 66.36(a). Planning and replacements.

Presumably, entities have general knowledge of the condition of their collection system, developed by regular cleaning, inspection, and investigation of customer reporting. The Commission believes this knowledge should be used to create a plan to prioritize and efficiently address DWSL Project Areas, as defined in Section 66.32. As part of the proposed regulation, at Subsection 66.36(a), the Commission includes certain information that entities must provide in the Planning and Replacements portion of their DWSL Plans. Among other things, these minimum requirements include (1) the projected annual investment in DWSL replacements with an explanation of the anticipated sources of financing, (2) the standard to be used to determine whether a customer's service lateral is damaged and is impacting the entity's system, (3) the prioritization criteria considered by the entity in developing its DWSL replacement schedule, and (4) the processes and procedures to be followed based upon a customer's acceptance or refusal of a DWSL replacement.

Under a DWSL Plan, an entity will designate portions of its collection systems as focused areas for DWSL Projects (Project Areas). The Commission proffers that Project Areas will be restricted to areas experiencing wastewater overflows or hydraulic overloading. Entities seeking approval of a DWSL Program will be required to fund DWSL replacements at a level not less than the net present value of the future avoided marginal costs the entity would realize from DWSL replacements.

The Commission seeks comment regarding the planning and replacement requirements of a DWSL Plan. In particular, the Commission encourages stakeholders to comment on the procedures for customer acceptance or refusal of a replacement.

§ 66.36(b). *Communications, outreach, and education.*

Subsection 66.36(b) of the proposed regulations requires an entity to outline the communication, outreach, and education steps it will take to ensure customers are educated about the impact of DWSLs and the entity's plan to address DWSL replacements. An entity's DWSL Plan will include, among other things, how it will prioritize DWSL replacement efforts to areas of the entity's collection system which have known wastewater overflows, basement backups, or I&I issues, coordinate with officials and the community, provide information to customers including the steps consumers can take to find DWSLs, and provide copies of DWSL documents to customers. An entity will provide with its DWSL Plan copies of all printed and broadcast material to be distributed to customers.

The Commission also proposes a requirement for a Class A public utility or an authority to develop a DWSL Program section on their website including tools that provide customers the ability to determine whether their property is eligible for a reimbursement and the ability to determine whether the entity's records reflect that the customer's property of record has a DWSL, as well as a copy of any static maps or graphical representation depicting the entity's Project Areas, and information and resources relating to the health risks associated with DWSLs, the status of current efforts to replace DWSLs, community meetings, and advisory committees.

The Commission invites comment regarding communication, outreach, and education requirements of a DWSL Plan. Specifically, the Commission seeks stakeholder comment regarding the types of documents that should be provided to customers and whether a Class A public utility or an authority should be required to develop an easily discoverable, distinct DWSL Program section on their website.

§ 66.37. *Periodic review of DWSL Plans.*

Section 66.37 of the Commission's proposed regulations requires that, after initial approval of a DWSL Plan, an entity must update its DWSL Plan at least once every five years. As an entity better understands the financial and operational requirements of its DWSL Program, and as financial and operational demands change over time, the entity will update its DWSL Plan accordingly. The Commission will review the DWSL Plan of an entity with an LTIIP as part of the typical LTIIP review and renewal process. Other DWSL Plans will undergo a similar periodic review outside of the LTIIP process. Section 66.37 addresses, generally, the focus of the Commission's review of DWSL Plans. Additionally, in Subsection 66.37(b), we outline service requirements as well as how we will permit comments to aid in our periodic review.

The Commission invites comment regarding its proposals for the revision and review of an entity's DWSL Plan.

§ 66.38. *Pro forma tariff or tariff supplement requirements.*

Section 66.38 of our proposed regulation addresses elements that must be contained, including proposed changes necessary to implement a DWSL Program, in an entity's pro forma tariff or tariff supplement. At a minimum, these elements include: (1) a DWSL Program annual cap; (2) service line demarcation; (3) Frequency of DWSL replacements; (4) reimbursement, and (5) warranty. These requirements are set forth in detail in Subsections 66.38(a), (b), (c), (d) and (e), respectively. Due to the critical nature of these tariff requirements, we discuss each Subsection in detail below.

§ 66.38(a). *DWSL Program annual cap.*

Pursuant to 66 Pa.C.S. § 1311(b)(2)(vi), an entity's pro forma tariff or tariff supplement must include a cap on the maximum number of customer-owned DWSLs that can be replaced annually.

We seek comment on how entities might develop this cap as part of their DWSL Program and include this information in a pro forma tariff or tariff supplement.

§ 66.38(b). *Service line demarcation.*

The Commission directs entities to provide clear demarcation between customer-owned and company-owned service laterals as well as to require entities to use the replacement process to perfect their ownership of the portion of service laterals located within the existing public right-of-way to ensure utilities can obtain necessary permits to complete work within the public right-of-way in the future. These measures will create consistency across utilities' DWSL programs. The Commission proposes to require each utility to include in its petition for a DWSL Program pro forma tariff or tariff supplement a definition that clarifies where the customer-owned portion of a service lateral begins and terminates. Also, the Commission is proposing to take steps to ensure that utilities use approved DWSL programs to resolve historic ownership ambiguities.

We invite comment on our proposed regulation at Subsection 66.38(b) and comment on an entity's use of the DWSL replacement process to perfect ownership of service laterals within the public right-of-way. The parties should discuss 66 Pa.C.S. § 1311(b)(2)(i) (relating to method of valuation). Stakeholders should also be mindful of where existing utility rights-of-way are located. The parties should further address how entities' tariffs will reflect ownership.

§ 66.38(c). *Frequency of DWSL replacements.*

To meet the objective of limiting DWSL replacements to circumstances where the costs will reasonably and prudently benefit and improve system reliability, efficiency, and service quality in specifically identified problem areas, the Commission proposes to limit the frequency of DWSL replacements as prescribed in the proposed regulation at Subsection 66.38(c).

The Commission welcomes comment on its proposal regarding the frequency of DWSL replacements.

§ 66.38(d). *Reimbursements.*

Act 120 requires the Commission to establish standards, processes, and procedures by which an entity will "[p]rovide a reimbursement to a customer who has replaced the customer's lead water service line...with-in one year of commencement of a project in accordance

with a commission-approved tariff.” 66 Pa.C.S. § 1311(b)(2)(vii)(B). As such, Subsection 66.38(d) of the Commission’s proposed regulations requires an entity to offer reimbursements to eligible customers who have replaced, rehabilitated, or repaired DWSLs within one year of commencement of the entity’s DWSL Project within a DWSL Project Area.

In particular, Subsection 66.38(d) requires an entity to set forth in its pro forma tariff or tariff supplement the method by which the entity will determine whether a customer is eligible for a reimbursement as well as the amount of the reimbursement. The Commission will require an entity to make reasonable efforts to assist customers throughout the reimbursement process and, to the extent possible, make determinations in favor of the customer when the customer provides reasonable evidence of a DWSL replacement, such as a paid invoice or verified statement from a contractor.

The Commission seeks comment on the proposed provisions regarding reimbursements as well as any additional provisions that stakeholders believe may be required to solidify the reimbursement process required by Act 120.

§ 66.38(e). *Warranty.*

Act 120 requires the Commission to establish standards, processes, and procedures to ensure that DWSL replacement work is “accompanied by a warranty of a term that the commission determines appropriate” and that an entity and its contractor may access the customer’s property during that term. 66 Pa.C.S. § 1311(b)(2)(vii)(A). In this regard, the Commission proposes that an entity provide a warranty term of not less than two years. Subsection 66.38(e) of the Commission’s proposed regulations sets forth several warranty provisions that must be included in an entity’s tariff, including the maximum coverage amount under the warranty. Subsection 66.38(e) also requires an entity to explain any liability that it will have for damages not covered by the warranty.

The Commission invites comment on the proposed warranty term and on whether the suggested warranty provisions will provide appropriate clarity to customers. The parties should also comment on DWSL replacement liability, including actions that can be taken to reduce potential liability for both an entity and a customer. The Commission welcomes additional proposed warranty provisions with supporting rationales.

§ 66.39. *DWSL Program Reports.*

Section 66.39 of the Commission’s proposed regulations requires that each entity with an approved DWSL Program file an annual DWSL Program Report by March 1, either on its own or as a distinct element of its AAO Plan, for the preceding year’s activities, including supporting spreadsheets. The Commission requires, among other things, the number of DWSLs replaced, the length of DWSLs removed by pipe diameter, and a breakdown of actual cost of each DWSL replacement.

The Commission seeks stakeholder comment on the proposed sixteen metrics and whether this information is sufficient for annual reporting purposes.

§ 66.40. *Accounting and financial.*

Section 66.40 of the Commission’s proposed regulations sets forth uniform standards for the accounting treatment of DWSL replacement costs. DWSL replacement costs include expenditures associated with installing DWSL replacements, including, but not limited to, design, engineering, and construction costs. The Commission proposes

to require an entity to record DWSL replacement costs in compliance with the NARUC uniform system of accounts applicable to the entity, in an intangible asset account. The Commission notes that a DWSL replacement is a tangible asset owned by the customer, while the entity owns an intangible asset with a value equal to the amount of funding the entity provided to replace the DWSL.

Additionally, in Section 66.40, the Commission proposes to allow the deferral of certain income taxes that are not recovered through base rates or the DSIC for accounting purposes and to allow the deferral of certain expenses that are not recovered through base rates. We note that prudent and reasonable deferred income taxes will be amortized over a reasonable period of time with a return on an entity’s investment, whereas other expenses will be amortized over a reasonable period of time without a return on an entity’s investment, unless otherwise directed by the Commission.

Further, Act 120 provides that, for purposes of calculating the return of and on an entity’s prudently incurred cost for DWSL replacements, the Commission will employ the equity return rate in Subsections 1357(b)(2) and (3) of the Public Utility Code, 66 Pa.C.S. § 1357(b)(2)-(3) (relating to computation of charge, depreciation calculation), which appears to indicate the amortization rate for DWSL replacements should be the entity’s permitted equity return rate. 66 Pa.C.S. § 1311(b)(2)(iii). The Commission notes, however, that Act 120, simultaneously preserves the full extent of the Commission’s ratemaking authority. 66 Pa.C.S. § 1311(b)(3).

The Commission seeks comment regarding DWSL replacement accounting generally, both prior to and following an entity’s first base rate case where DWSL replacement costs are reviewed. Stakeholders should address the appropriate mechanisms for tracking and recording DWSL replacement costs as well as the capitalization of appropriate costs. Stakeholders should also discuss the applicable rate of return of and on DWSL costs in accordance with accepted utility ratemaking principles and legal precedent, particularly where DWSL costs are recovered through rates prior to an entity’s first base rate case where DWSL costs are reviewed. Lastly, stakeholders may comment on financial incentives for an entity to obtain no cost and low-cost sources of funding, including awarding additional return on equity basis points in certain circumstances.

§ 66.41. *Unpermitted connections.*

The Commission recommends that DWSL program eligibility be conditioned upon the elimination of any existing unpermitted connections in compliance with its tariff provisions. As an example, entities often have tariff provisions that prohibit customers from connecting roof drains to a service lateral; however, customers may install such connections without the entity’s consent or knowledge. Subsection 66.41(b) does allow for the continued use of previously unpermitted connections where other applicable laws, including the entity’s tariff, makes it permissible and both the entity’s permission and the existence of the connection are documented.

The Commission invites comment on its proposal to authorize entities to disconnect unpermitted connections as prescribed in Section 66.41 and seeks input on how entities should be required to document connections they allow to remain. Also, the Commission seeks comments regarding whether additional permitted connections should impact the rate a customer pays for wastewater service.

§ 66.42. *Competitive advantage.*

As stated above, Act 120 appears to be purpose driven and not intended to be broadly applied to replace any and all DWSLs by an entity. The Act is not intended to waive a customer's responsibility to maintain his or her service lateral in serviceable condition. The Commission recognizes that DWSL Programs may compete with existing optional insurance and warranty products that cover DWSL repair, replacement and/or rehabilitation. Unlike these products, however, customers will likely be required to subsidize DWSL Programs through wastewater rates. Thus, the Commission proposes that entities be required to make good faith efforts in structuring DWSL Programs to prevent competition with these products. DWSL Programs should not disincentivize the personal accountability of customers. This potential competitive advantage reinforces the limited scope of circumstances the Commission will use to approve DWSL plans.

The Commission seeks comment on its proposed regulation regarding the potential for competitive advantage at Section 66.42.

Conclusion

For the reasons set forth above, the Commission commences the rulemaking process. The Commission seeks comments from all interested parties regarding the proposed regulations in Annexes A and B to this Notice of Proposed Rulemaking as well as regarding the need for any additional provisions addressing the replacement of LSLs or DWSLs to implement Act 120.

Accordingly, under Sections 501 and 1501 of the Public Utility Code, 66 Pa.C.S. §§ 501 and 1501; Sections 201 and 202 of the Act of July 31, 1968, P.L. 769 No. 240, 45 P.S. §§ 1201-1202, and the regulations promulgated thereunder at 1 Pa. Code §§ 7.1, 7.2, and 7.5; Section 204(b) of the Commonwealth Attorneys Act, 71 P.S. § 732.204(b); Section 745.5 of the Regulatory Review Act, 71 P.S. § 745.5; and Section 612 of the Administrative Code of 1929, 71 P.S. § 232, and the regulations promulgated thereunder at 4 Pa. Code §§ 7.231—7.234, we are considering adopting the proposed regulations set forth in Annexes A and B, attached hereto; *Therefore,*

It Is Ordered:

1. That a proposed rulemaking be opened to consider the regulations set forth in Annexes A and B.
2. That the Law Bureau shall submit this Notice of Proposed Rulemaking Order and Annexes A and B to the Office of Attorney General for review as to form and legality and to the Governor's Budget Office for review for fiscal impact.
3. That the Law Bureau shall submit this Notice of Proposed Rulemaking Order and Annexes A and B for review and comment to the Independent Regulatory Review Commission and Legislative Standing Committees.
4. That the Law Bureau shall deposit this Notice of Proposed Rulemaking Order and Annexes A and B with the Legislative Reference Bureau to be published in the *Pennsylvania Bulletin*.
5. That interested parties may submit written comments, via the Commission's electronic filing system, referencing Docket No. L-2020-3019521 within sixty (60) days from the date the Notice of Proposed Rulemaking Order is published in the *Pennsylvania Bulletin*, and reply comments thirty (30) days thereafter. Comments shall be filed consistent with the Commission's July 27,

2020 Secretarial Letter. Modification to Filing and Service Requirements Emergency Order, Docket No. M-2020-3019262 (Secretarial Letter issued July 27, 2020). Pursuant to this Secretarial Letter, all filings are to be made by e-filing or by electronic mail. This information can be found on the Commission's website at www.puc.state.pa.us/efiling/default.aspx.

6. That the Secretary shall serve this Notice of Proposed Rulemaking Order upon all jurisdictional water and wastewater utilities and the Pennsylvania Chapter of the National Association of Water Companies; the Office of Consumer Advocate; the Office of Small Business Advocate; the Commission's Bureau of Investigation and Enforcement; and the Department of Environmental Protection.

7. The contact persons for this matter are Assistant Counsel Colin W. Scott, (717) 783-5949, colin.scott@pa.gov; Hayley E. Dunn, (717) 214-9594, haydunn@pa.gov; and Rhonda L. Daviston, (717) 787-6166, rdaviston@pa.gov in the Law Bureau, and Fixed Utility Valuation Engineer Matthew T. Lamb, (717) 783-1001, mlamb@pa.gov in the Bureau of Technical Utility Services.

ROSEMARY CHIAVETTA,
Secretary

ORDER ADOPTED: September 17, 2020

ORDER ENTERED: September 17, 2020

Fiscal Note: 57-330. No fiscal impact; (8) recommends adoption.

Statement of Vice Chairperson David W. Sweet

Before the Commission is the Notice of Proposed Rulemaking to implement the provisions of Act 120 of 2018, which addresses the financial aspects of a utility's replacement of customer-owned lead service lines and damaged wastewater laterals. There is an extensive Annex A, which proposes specific language to facilitate this implementation.

The Notice of Proposed Rulemaking invites comments of interested entities regarding the proposed language. In addition, I ask that those filing comments respond to the following questions:

1. Does the NOPR adequately carry out the directives in the statute? If not, how should it be changed?
2. Should all water utilities be required to develop and file a lead service line replacement plan? If not, under what circumstances should a plan be required?
3. Does this NOPR conflict with Act 44 of 2017 that prevents the imposition of obligations upon municipal authorities regarding replacement of LSLs by municipal authorities?
4. Does the requirement that the filed plan include the location of customer refusals adequately protect customer information?
5. Does the NOPR grant the utilities and entities with preexisting LSLR activities the flexibility to continue replacing affected lines under already approved terms?
6. Does the NOPR adequately provide due process to both utility and customer?
7. Does the NOPR adequately provide information regarding the process to be used when a filed plan is contested?
8. Should this NOPR be streamlined, and if so, how?

I ask that these questions be included in the publication of the Notice of Proposed Rulemaking.

DAVID W. SWEET,
Vice Chairperson

Annex A

**TITLE 52. PUBLIC UTILITIES
PART I. PUBLIC UTILITY COMMISSION
Subpart C. FIXED SERVICE UTILITIES
CHAPTER 65. WATER SERVICE**

Subchap.

A. SERVICE GENERALLY

B. LEAD SERVICE LINE REPLACEMENTS

Subchapter A. SERVICE GENERALLY

- Sec. 65.1. Definitions.
- 65.2. Accidents.
- 65.3. Complaints.
- 65.4. Records.
- 65.5. Interruptions of service.
- 65.6. Pressures.
- 65.7. Metered service.
- 65.8. Meters.
- 65.9. Adjustment of bills for meter error.
- 65.10. Disputed bills.
- 65.11. Mandatory conservation measures.
- 65.12. Notice of desire to have service discontinued.
- 65.13. Temporary service.
- 65.14. Measurement.
- 65.15. Refusal to serve applicants.
- 65.16. System of accounts.
- 65.17. Standards of design.
- 65.18. Standards of construction.
- 65.19. Filing of annual financial reports.
- 65.20. Water conservation measures—statement of policy.
- 65.21. Duty of public utility to make line extensions.
- 65.22. Customer advance financing, refunds and facilities on private property.
- 65.23. Special utility service.

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

Subchapter B. LEAD SERVICE LINE REPLACEMENTS

- Sec. 65.51. Purpose.
- 65.52. Definitions.
- 65.53. Time to replace LSLs.
- 65.54. Petitioning the Commission for a LSLR Program.
- 65.55. LSLR Program requirements.
- 65.56. LSLR Plan requirements.
- 65.57. Periodic review of LSLR Plan.
- 65.58. Pro forma tariff or tariff supplement requirements.
- 65.59. LSLR Program Reports.
- 65.60. Accounting and financial.
- 65.61. Preexisting LSLR activities.
- 65.62. Prohibition on partial LSLRs.

§ 65.51. Purpose.

The purpose of this subchapter is to implement 66 Pa.C.S. § 1311(b) (relating to valuation of and return on the property of a public utility) governing the standard under which jurisdictional water utilities may seek to replace LSLs and recover associated costs. This subchapter establishes the time, manner, form and content of filings for Commission approval of LSLRs. This subchapter also sets forth the minimum requirements of LSLRs.

§ 65.52. Definitions.

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

AAO plan—Annual asset optimization plan—The term as defined in § 121.2 (relating to definitions).

Customer-owned lead service line—The portion of the lead service line extending from the curb, property line or entity connection to an entity’s water meter or, if the entity’s meter is located outside of the structure or water is not metered by the entity, at the first shutoff valve located within the structure.

DSIC—Distribution system improvement charge—The term as defined in § 121.2.

Entity—A public utility as defined in 66 Pa.C.S. § 102 (relating to definitions) that provides water service, a municipal corporation as defined in 66 Pa.C.S. § 102 (relating to definitions) that provides water service beyond its corporate limits, and an authority as defined in 66 Pa.C.S. § 3201 (relating to definitions).

LSL—Lead service line—A service line made of lead that connects the water main to a building inlet and a lead pigtail, gooseneck or other fitting that is connected to the lead line.

LSLR—Lead service line replacement—A service line, whether entity-owned or customer-owned, installed to replace a lead service line.

LSLR Plan—Lead service line replacement plan—A plan and supporting documents submitted to and approved by the Commission that specify how an entity intends to implement its lead service line replacement program.

LSLR Program—Lead service line replacement program—A program submitted to and approved by the Commission for the replacement of lead service lines by an entity.

LSLR Program Report—Lead service line replacement program report—The annual report, including a plan and supporting documents, providing information for lead service line replacements completed by an entity under its lead service line replacement program.

LSLR Project—Lead service line replacement project—An entity-scheduled lead service line replacement activity either in conjunction with main replacements or as part of a lead service line replacement program.

LSLR Project Area—Lead service line project area—The area served by an entity located within a 1-mile radius of a lead service line replacement project.

LTIP—Long-term infrastructure improvement plan—The term as defined in § 121.2.

Partial LSLR—Partial lead service line replacement—A lead service line replacement that does not replace both the entity-owned and customer-owned portions of a lead service line.

Service line—The pipe and appurtenances which connect any main to an entity’s water meter or, if the entity’s water meter is located outside of the structure or the connection is not metered by the entity, at the first shutoff valve located within the structure.

Service Line Inventory—The process of identifying each service line’s material, composition, diameter and location.

§ 65.53. Time to replace LSLs.

(a) An entity, other than a municipal corporation, shall remove and replace all LSLs, whether entity-owned or customer-owned, within or connected to its water distribution systems within 25 years from the effective date of this section for a Class A public utility or authority, and within 30 years from the effective date of this section for a Class B public utility or Class C public utility.

(b) A municipal corporation providing water service beyond its corporate limits shall remove and replace all LSLs, within or connected to its distribution systems, beyond its corporate limits, whether municipal corporation-owned or customer-owned, within 30 years from the effective date of this section.

§ 65.54. Petitioning the Commission for a LSLR Program.

(a) An entity shall file a LSLR Program petition in accordance with § 65.55(a) (relating to LSLR Program requirements) with the Commission's Secretary's Bureau with copies served upon the Bureau of Investigation and Enforcement, the Office of Consumer Advocate, the Office of Small Business Advocate, and the parties of record in the entity's most recent base rate case. Service is evidenced by a certificate of service filed with the LSLR Program petition.

(b) An entity that has a Commission-approved LTIIP shall include with its LSLR Program petition a modified LTIIP containing a LSLR Plan as a separate and distinct component of the entity's LTIIP.

(c) An entity that does not have a Commission-approved LTIIP when filing its LSLR Program petition shall include a LSLR Plan meeting the requirements of § 121.3 (relating to LTIIP).

§ 65.55. LSLR Program requirements.

A LSLR Program must comply with the following:

(a) A Class A public utility or authority shall file a LSLR Program within 1 year of the effective date of this section. A Class B public utility, Class C public utility, or municipal corporation shall file a LSLR Program within 2 years of the effective date of this section.

(b) An entity's LSLR Program must include:

(1) A LSLR Plan as described in § 65.56 (relating to LSLR Plan requirements).

(2) A pro forma tariff or tariff supplement containing the proposed changes necessary to implement the entity's LSLR Program as described in § 65.58 (relating to pro forma tariff or tariff supplement requirements).

(3) Information required by the Commission for filings under 66 Pa.C.S. § 1308 (relating to voluntary changes in rates), including statements required by § 53.52(a) (relating to applicability; public utilities other than canal, turnpike, tunnel, bridge and wharf companies).

(c) A final Commission Order approving an entity's LSLR Program will direct the entity to make any necessary revisions to the pro forma tariff or tariff supplement and resubmit the tariff or tariff supplement under 66 Pa.C.S. § 1308.

(d) After initial Commission approval of an entity's LSLR Program, the LSLR Program must be subject to review in all future base rate cases. An entity shall submit any modification to the LSLR Program for review with its base rate case.

§ 65.56. LSLR Plan requirements.

An entity's LSLR Plan must contain, at a minimum:

(a) *Service Line Inventory.*

(1) A Class A public utility or authority shall complete a Service Line Inventory within 60 months of the filing date of the public utility or authority's LSLR Program. A Class B public utility or Class C public utility shall complete a Service Line Inventory within 36 months of the filing date of the public utility's LSLR Program.

(2) A municipal corporation providing water service beyond its corporate limits shall complete a Service Line Inventory beyond its corporate limits within 60 months of the filing date of the municipal corporation's LSLR Program.

(3) An entity completing an acquisition of a water distribution system shall complete a Service Line Inventory of the acquired system within 36 months of the date of the acquisition.

(4) An entity's Service Line Inventory must:

(i) Identify the material type of all entity-owned and customer-owned service lines within and connected to the entity's distribution system.

(ii) Be grouped by material type and diameter.

(iii) Detail any known or discovered lead components.

(iv) Include the entity's projection of the annual number of service lines to be inventoried and the means by which the entity will identify material types. An entity may utilize several methods to properly identify material types.

(5) Until inventorying is complete, an entity shall provide detailed information regarding the progress of its Service Line Inventory as part of its annual LSLR Program Report under § 65.59 (relating to LSLR Program Reports).

(6) After an entity's Service Line Inventory is complete, it must be incorporated into the entity's next LSLR Plan update under § 65.57 (relating to periodic review of LSLR Plan).

(b) *Planning and replacements.* The Planning and Replacements section of an entity's LSLR Plan must include:

(1) The entity's projected annual investment in LSLRs with an explanation of the entity's anticipated sources of financing.

(2) The entity's projected number of LSLRs per calendar year with an explanation of how the entity's projection was determined and a statement that this number is consistent with the entity's annual cap on LSLRs.

(3) The prioritization criteria considered by the entity when developing its LSLR schedule.

(4) An explanation of the entity's processes and procedures to address emergency repairs or replacements which reveal LSLs.

(5) The entity's processes and procedures to obtain customer acceptance of a LSLR prior to commencement of a LSLR Project.

(6) The entity's processes and procedures based upon a customer's acceptance of a LSLR, including:

(i) A consent agreement form by which the customer will authorize the completion of the LSLR.

(ii) A brief description of the entity's process for LSLRs under normal conditions and under atypical conditions.

(iii) An explanation of the entity's process for coordination with the customer and the information the entity will provide to the customer throughout the LSLR process.

(iv) The entity's process for addressing LSLR completion or closeout, or both, with customers.

(7) The entity's lead/material recycling and disposal efforts, including a description of what the entity will do with proceeds from recycling and disposal efforts.

(8) The industry-accepted practices that the entity plans to utilize to replace entity-owned and customer-owned LSLs.

(9) A detailed explanation of how the entity's acquisition of water distribution systems will be integrated into the entity's efforts to complete LSLRs throughout its water distribution system; and

(10) The procedure for documenting a customer's refusal of, or failure to accept, the offer by the entity to replace a LSL, including the entity's duty to:

(i) Provide to the customer with a complete disclosure of the known health hazards from the continued use of a LSL.

(ii) Inform the customer that refusal or failure to accept will require the customer to replace the customer-owned LSL, at the customer's expense, within 1 year of commencement of an entity's LSLR Project within a LSLR Project Area in order to be eligible for reimbursement.

(iii) Communicate to the customer that failure to allow the entity to complete the LSLR or to replace the customer-owned LSL concurrent with the entity replacing the entity-owned LSL will lead to termination of water service under the provisions of the entity's tariff.

(c) *Communications, outreach, and education.* An entity's LSLR Plan must outline the entity's communication, outreach and education steps to educate customers about the harmful effects of lead and the entity's plan to address LSLRs.

(1) An entity's LSLR Plan must describe, at a minimum, how the entity will:

(i) Prioritize LSLR efforts to target sensitive populations as defined by the Environmental Protection Agency or Pennsylvania Department of Environmental Protection, areas with elevated levels of lead in tap water, areas with high concentrations of LSLs and areas of the entity's distribution system which have elevated corrosion rates.

(ii) Establish or participate in, or both, voluntary lead advisory committees, either individually or on an industry-wide basis.

(iii) Coordinate LSLR Program efforts with State, county and local governments and agencies, community organizations and public works departments.

(iv) Ensure that relevant information will be provided to all bill-paying customers and persons that receive drinking water from the entity, in plain language that can be understood by the general public, including:

(A) An explanation of the health effects of lead in accordance with the language established by the Environmental Protection Agency under 40 CFR 141.85(a)(1)(ii) (relating to public education and supplemental monitoring requirements).

(B) A notice explaining sources of lead, following the language established by the Environmental Protection Agency under 40 CFR 141.85(a)(1)(iii).

(C) A description of steps the consumer may take to reduce lead exposure, following the language established by the Environmental Protection Agency under 40 CFR 141.85(a)(1)(iv).

(v) Provide customers with copies of as-built drawings or similar depictions that indicate the location of the LSLR on the property between the customer's structure

and the curb stop. An entity shall make a good faith effort to provide customers with relevant documents associated with the LSLR.

(2) The entity's LSLR Plan must include copies of all printed and broadcast material to be distributed under the entity's LSLR Program.

(3) A Class A public utility or an authority shall develop a LSLR section of the public utility or authority's web site within 12 months of Commission approval of its LSLR Program. The web site must contain, at a minimum:

(i) An online tool describing the replacement schedule by geographic location, at least 6 months into the future.

(ii) Information regarding the reimbursement requirements and a secure online tool that provides customers the ability to determine whether they may be eligible for a reimbursement.

(iii) A secure online map that provides customers the ability to determine whether records reflect that the property has a LSL, delineating the known or reasonably anticipated material types for the utility-owned and customer-owned portions of the service line.

(iv) Information and resources relating to health risks associated with lead and LSLs, the status of current efforts to replace LSLs, community meeting and advisory committees.

§ 65.57. Periodic review of LSLR Plan.

After initial Commission-approval of an entity's LSLR Plan, the entity shall update the LSLR Plan for Commission review at least once every 5 years. The Commission will, to the extent possible, coordinate the review of the updated LSLR Plan with the periodic review of an entity's LTIP under § 121.7 (relating to periodic review of an LTIP).

(a) The Commission's review will determine:

(1) If the entity has adhered to its LSLR Plan;

(2) If changes to the entity's LSLR Plan are necessary to maintain and improve the efficiency, safety, adequacy and reliability of its LSLR Program; and

(3) If the updated LSLR Plan is consistent with the parameters of the entity's LSLR Program.

(b) Service of the updated LSLR Plan must be made consistent with the requirements of § 65.54(a) (relating to petitioning the Commission for a LSLR Program). The Commission will issue a Secretarial Letter establishing a schedule for the submission of comments and reply comments to aid in its periodic review. If the Commission determines that the entity's approved LSLR Plan is no longer sufficient to ensure and maintain efficient, safe, adequate, reliable and reasonable service, the Commission will direct the entity to revise, update or resubmit its LSLR Plan as appropriate.

§ 65.58. Pro forma tariff or tariff supplement requirements.

An entity's pro forma tariff or tariff supplement containing proposed changes necessary to implement the entity's LSLR Program must address, at a minimum:

(a) *LSLR Program annual cap.*

(1) An entity's pro forma tariff or tariff supplement must include a cap on the maximum number of customer-owned LSLs that can be replaced annually.

(b) *Service line demarcation.*

(1) An entity's pro forma tariff or tariff supplement must include a definition for customer-owned lead service line consistent with § 65.52 (relating to definitions).

(2) An entity may specify in its tariff or tariff supplement that, if a shutoff valve is not located along a specific length of pipe within a structure, the entity may install a shutoff valve to serve as a point of demarcation between the property's service line and the property's interior water distribution piping.

(3) An entity shall use the LSLR process to perfect the entity's ownership of the portion of the service line located within the then-existing right-of-way to ensure that the entity can obtain necessary permits.

(c) *Partial LSLRs.* An entity shall specify as follows in its pro forma tariff or tariff supplement:

(1) Neither a property owner nor a bill paying customer may install a partial LSLR. A partial LSLR must result in termination of service until such time as the entity can replace the entity-owned LSL under § 65.62 (relating to prohibition on partial LSLRs).

(2) Where a customer elects to replace the customer-owned LSL, the customer shall replace the customer-owned LSL concurrent with the entity replacing the entity-owned LSL, subject to the following:

(i) For a Class A public utility or an authority, the customer shall provide the public utility or authority at least 90 days' notice prior to replacing the customer-owned LSL.

(ii) For a Class B or Class C public utility or a municipal corporation, the customer shall provide the public utility or municipal corporation at least 180 days' notice prior to replacing the customer-owned LSLs.

(3) Applicants for water service at a property where a customer previously refused or failed to accept an entity's offer of a LSLR may not be permitted to connect to the entity-owned service line until the applicant verifies the replacement of the customer-owned LSL by providing a paid invoice from a contractor licensed to perform LSLR work in the Commonwealth where applicable or a verified statement from the contractor attesting to completion of the LSLR.

(d) *Reimbursements.* An entity shall provide a reimbursement to an eligible customer who replaced their LSL within 1 year of commencement of an entity's LSLR Project within a LSLR Project Area.

(1) An entity's pro forma tariff or tariff supplement must include language explaining its reimbursement terms and conditions which shall contain, at a minimum:

(i) An explanation of the entity's method for determining the amount of reimbursement, including any restrictions on reimbursements.

(ii) An explanation of the entity's reimbursement methods, including the forms of payment to be used by the entity to distribute reimbursements and the length of time by which the utility will issue a reimbursement for an eligible reimbursement request.

(iii) An explanation of the entity's method for determining customer eligibility, providing that:

(A) Customers located within a LSLR Project Area are eligible for a reimbursement of LSLR expenses up to 125% of the average cost the entity would have incurred to perform the replacement of a similarly-sized service line, not to exceed the customer's actual cost.

(B) Customers shall submit to the entity, a detailed estimate and paid invoice from a contractor licensed to perform LSLR work in the Commonwealth where applicable, verifying the replacement of the customer-owned LSL. Instead of a detailed estimate, a verified statement from the contractor attesting to completion of a LSLR may be sufficient.

(2) If the value of reimbursements would cause the entity to exceed its annual budgeted cap on the number of LSLRs, the entity's annual budgeted cap for LSLRs for the following year must be reduced by this amount.

(3) An entity shall make reasonable best efforts to assist customers through the reimbursement process and, to the extent possible, make determinations in favor of the customer where the customer has provided reasonable evidence of a LSLR to the entity.

(e) *Warranty.* An entity's pro forma tariff or tariff supplement must provide a warranty on LSLR work performed of a term of not less than 2 years. The entity's warranty provisions must:

(1) Define the start date of the 2-year term.

(2) Ensure that the materials and workmanship of the replacement and restoration of surfaces are covered.

(3) Define the maximum coverage amounts under the warranty.

(4) Explain any liability an entity will have for damages not covered by the warranty.

(5) Ensure entity access to the property to correct any deficiencies.

§ 65.59. LSLR Program Reports.

(a) An entity with an approved LSLR Program shall file with the Commission a LSLR Program Report by March 1 of each year, in both print and electronic formats, including supporting spreadsheets. If an entity is implementing its LSLR Plan as part of a Commission-approved LTIP, the entity shall include a LSLR Program Report as part of the entity's AAO plan under § 121.6(b)(3) (relating to AAO plan filings).

(b) An entity's LSLR Program Report must identify the preceding year's activities, including:

(1) The number of LSLs replaced in the preceding year by county.

(2) The length of LSLs removed, by pipe diameter, in each county.

(3) The length, pipe diameters and material types of LSLRs by county.

(4) The actual cost of each LSLR by county.

(5) The average cost of a LSLR by county.

(6) The total annual LSLR expenditures for the calendar year by customer class.

(7) The total projected LSLR expenditures for the following calendar year.

(8) The entity's outreach and coordination activities with other utilities, the Department of Transportation, local governments and customers.

(9) The number and geographic location of LSLR customer refusals for the calendar year.

(10) Applicable lead monitoring requirements established by the Department of Environmental Protection for each of the entity's water distribution systems.

(11) The entity's compliance with the regulatory requirements established by the United States Environmental Protection Agency and the Department of Environmental Protection, including a description of any violations thereof associated with lead.

(12) The current status of the entity's Service Line Inventory efforts, including the known material types and pipe diameters of customer service lines.

(13) The entity's efforts to obtain grants, low interest loans and donations for LSLRs.

§ 65.60. Accounting and financial.

(a) An entity shall record LSLR costs in compliance with the National Association of Regulatory Utility Commissioners uniform system of accounts applicable to the entity as intangible assets.

(b) An entity may defer:

(1) Income taxes related to no cost and low-cost sources of funding for LSLRs, including applicable income taxes on contributions-in-aid-of-construction and/or below-market rate loans, for accounting purposes to the extent that such costs are not recovered through the entity's existing base rates or DSIC. Prudent and reasonable deferred income taxes must be amortized over a reasonable period of time with a return on the entity's investment.

(2) Service line inventory, LSLR program development, LSLR Plan, LSLR Program Report, and reimbursement expenses for accounting purposes to the extent that such costs are not recovered through the entity's existing base rates. Prudent and reasonable deferred expenses must be amortized over a reasonable period of time without a return on the entity's investment, unless the Commission, under 66 Pa.C.S. § 523 (relating to performance factor consideration), finds that providing a return on the entity's investment is warranted based on sufficient supporting data submitted by the entity in its rate case filing.

§ 65.61. Preexisting LSLR activities.

An entity that received prior Commission approval to perform LSLR activities shall submit for Commission approval a LSLR Program that, at a minimum, conforms with the requirements of this subchapter and takes effect no later than the effective date of the rates established under the entity's next base rate case following the effective date of this section or within 2 years of the effective date of this section, whichever comes first.

§ 65.62. Prohibition on partial LSLRs.

The following provisions must apply after the effective date of this section:

(a) Where a customer elects to replace a customer-owned LSL, an entity shall replace the connected entity-owned LSL concurrent with the customer's replacement of the customer-owned LSL, subject to the following:

(1) A Class A public utility or authority shall replace the entity-owned LSL within 90 days of the date of the customer's request or on the LSLR date specified by the customer, whichever is later.

(2) A Class B or Class C public utility or a municipal corporation shall replace the entity-owned LSL within 180 days of the date of the customer's request or on the LSLR date specified by the customer, whichever is later.

(b) An entity may not install, or cause to be installed, a partial LSLR and may not furnish water service using a partial LSLR that is installed by a customer after the effective date of this section.

(c) If a customer refuses, or fails to accept, an entity's offer to replace a customer-owned LSL, the entity shall replace the entity-owned portion of the LSL in accordance with the entity's LSLR Plan and terminate service in accordance with the entity's tariff.

(d) Where an entity has reasonable evidence indicating that a customer is being served by a partial LSLR installed by the customer after the effective date of this section, the entity shall terminate service to the customer in accordance with the entity's tariff.

(e) An entity shall install, or cause to be installed, entity-owned and customer-owned LSLRs even where an entity is under a Department of Environmental Protection directive to replace LSLs due to a water system's action level exceedance of 0.015 mg/L as defined in 25 Pa. Code § 109.1103 (relating to monitoring requirements).

Annex B

TITLE 52. PUBLIC UTILITIES

PART I. PUBLIC UTILITY COMMISSION

Subpart C. FIXED SERVICE UTILITIES

CHAPTER 66. WASTEWATER SERVICE

Subchap.

A. SERVICE GENERALLY

B. DAMAGED WASTEWATER SERVICE LATERALS

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

Subchapter A. SERVICE GENERALLY

Sec.

66.1. Definitions.

§ 66.1. Definitions.

Public utility—Persons or corporations owning or operating equipment or facilities in this Commonwealth for wastewater collection, treatment, or disposal for the public for compensation. The term does not include a person or corporation not otherwise a public utility who or which furnishes service only to himself or itself, or a bona fide cooperative association which furnishes service only to its stockholders or members on a nonprofit basis.

Subchapter B. DAMAGED WASTEWATER SERVICE LATERALS

Sec.

66.31. Purpose.

66.32. Definitions.

66.33. DWSL Program parameters.

66.34. Petitioning the Commission for a DWSL Program.

66.35. DWSL Program requirements.

66.36. DWSL Plan requirements.

66.37. Periodic review of DWSL Plan.

66.38. Pro forma tariff or tariff supplement requirements.

66.39. DWSL Program Reports.

66.40. Accounting and financial.

66.41. Unpermitted connections.

66.42. Competitive advantage.

§ 66.31. Purpose.

The purpose of this subchapter is to implement 66 Pa.C.S. § 1311(b) (relating to valuation of and return on the property of a public utility) governing the standard under which jurisdictional wastewater utilities and certain other entities may seek to replace, rehabilitate or repair damaged wastewater service laterals and recover associated costs. This subchapter sets forth the scope of and provides minimum requirements for damaged wastewater service lateral replacements.

§ 66.32. Definitions.

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

AAO plan—Annual asset optimization plan—The term as defined in § 121.2 (relating to definitions).

Combined sewer system—As defined by the Department of Environmental Protection under 25 Pa. Code § 94.1 (relating to definitions).

Company's service lateral—The portion of a service lateral owned by the company, extending from a main to the inlet connection of a customer's service lateral at the curb or property line.

Customer—A party contracting with a public utility for service.

Customer's service lateral—The portion of a service lateral owned by the customer, most often extending from the curb, property line or utility connection to a point 2 feet away from the face of the foundation of the structure.

DSIC—Distribution system improvement charge—The term as defined in § 121.2 (relating to definitions).

DWSL—Damaged wastewater service lateral—A customer's service lateral containing a single area or a combination of several areas, acting collectively, identified by visual or other means, along the length of the lateral which has or have been determined to significantly impair the intended function of the customer's service lateral to convey wastewater flow to the company's service lateral and keep inflow and infiltration flows, within reason, out of the customer's service lateral.

DWSL Plan—Damaged wastewater service lateral plan—A plan and supporting documents submitted to and approved by the Commission that specify how an entity intends to implement its damaged wastewater service lateral program.

DWSL Program—Damaged wastewater service lateral program—A program submitted to and approved by the Commission for the replacement, rehabilitation or repair, or both, of damaged wastewater service laterals by an entity.

DWSL Program Report—Damaged wastewater service lateral program report—The annual report, including a plan and supporting documents, providing information for damaged wastewater service lateral replacements completed by an entity under its damaged wastewater service lateral program.

DWSL Project—Damaged wastewater service lateral project—An entity's scheduled damaged wastewater service lateral activity either in conjunction with main replacements or as part of a damaged wastewater service lateral program.

DWSL Project Area—Damaged wastewater service lateral project area—The area of a sewershed described by an entity as being eligible for the entity's damaged wastewater service lateral plan.

DWSL Replacement—Damaged wastewater service lateral replacement—A service lateral installed to replace a damaged wastewater service lateral or an approved method under the entity's damaged wastewater service lateral plan to rehabilitate or repair, or both, a damaged wastewater service lateral.

Entity—A public utility as defined in 66 Pa.C.S. § 102 (relating to definitions) that provides wastewater service, a municipal corporation as defined in 66 Pa.C.S. § 102

(relating to definitions) that provides wastewater service beyond its corporate limits, and an authority as defined in 66 Pa.C.S. § 3201 (relating to definitions).

Hydraulic design capacity—The term as defined by the Department of Environmental Protection under 25 Pa. Code § 94.1 (relating to definitions).

Hydraulic overload—The term as defined by the Department of Environmental Protection under 25 Pa. Code § 94.1.

Inflow—The term as defined by the Department of Environmental Protection under 25 Pa. Code § 965.1 (relating to definitions).

Infiltration—The term as defined by the Department of Environmental Protection under 25 Pa. Code § 965.1.

I&I—Inflow and infiltration—The total quantity of water from both infiltration and inflow.

LTIIP—Long-term infrastructure improvement plan—The term as defined in § 121.2.

Main—The pipe of a public utility system, excluding service laterals, located in a public highway, street, alley or private right-of-way which pipe is used in collecting and conveying wastewater.

Monthly average flow—The term as defined by the Department of Environmental Protection under 25 Pa. Code § 94.1.

Sanitary sewer system—"Separate sanitary sewer system" as defined by the Department of Environmental Protection under 25 Pa. Code § 94.1.

Service lateral—The pipe and appurtenances that connect any main to a point 2 feet away from the surface of the foundation of the structure.

Sewershed—A delineated area contributing wastewater flows to a single downstream point in a wastewater system.

Wastewater—The term as defined in 66 Pa.C.S. § 102.

Wastewater facilities—Sewerage facilities as defined by the Department of Environmental Protection under 25 Pa. Code § 94.1.

Wastewater system—Sewer system as defined by the Department of Environmental Protection under 25 Pa. Code § 94.1.

Wastewater overflow—Includes the terms "CSO—Combined sewer overflow" and "Sanitary sewer overflow" as defined by the Department of Environmental Protection under 25 Pa. Code § 94.1.

§ 66.33. DWSL Program parameters.

(a) Any entity may petition the Commission for approval of a DWSL Program to replace, rehabilitate or repair, or both, DWSLs where its purpose can be specifically linked to the entity's efforts to address either of the objectives set forth in subsection (b).

(b) An entity's purpose for petitioning the Commission for approval of a DWSL Program shall be linked to:

(1) Excessive I&I causing or which is reasonably expected within the next 5 years to cause a hydraulically overloaded condition, wastewater overflows or additional flow which is prudent for the entity to avoid.

(2) Design or construction conditions causing or which are reasonably expected to cause within the next 5 years wastewater overflows.

§ 66.34. Petitioning the Commission for a DWSL Program.

(a) An entity may file a DWSL Program petition with the Commission's Secretary's Bureau with copies served upon the Bureau of Investigation and Enforcement, the Office of Consumer Advocate, the Office of Small Business Advocate and the parties of record in the entity's most recent base rate case. Service is evidenced by a certificate of service filed with the DWSL Program petition.

(b) An entity that has a Commission-approved LTIIP shall include with its DWSL Program petition a modified LTIIP containing a DWSL Plan as a separate and distinct component of the entity's LTIIP.

(c) An entity that does not have a Commission-approved LTIIP when filing its DWSL Program petition shall include a DWSL Plan meeting the requirements of § 121.3 (relating to LTIIP).

§ 66.35. DWSL Program requirements.

(a) A DWSL Program must include the following:

(1) A DWSL Plan as described in § 66.36 (relating to DWSL Plan requirements).

(2) A pro forma tariff or tariff supplement containing the proposed changes necessary to implement the entity's DWSL Program as described in § 66.38 (relating to pro formal tariff or tariff supplement requirements).

(3) Information required by the Commission for filings under 66 Pa.C.S. § 1308 (relating to voluntary changes in rates), including statements required by 52 Pa.Code § 53.52(a) (relating to applicability; public utilities other than canal, turnpike, tunnel, bridge and wharf companies).

(b) A final Commission Order approving an entity's DWSL Program will direct an entity to make any necessary revisions to the pro forma tariff or tariff supplement and resubmit the tariff or tariff supplement under 66 Pa.C.S. § 1308 (relating to voluntary changes in rates).

(c) After initial Commission-approval of an entity's DWSL Program, the DWSL Program shall be subject to review in all future base rate cases. An entity shall submit any modification to the DWSL Program for review with its base rate case.

§ 66.36. DWSL Plan requirements.

An entity's DWSL Plan must contain, at a minimum:

(a) *Planning and replacements.* The Planning and Replacements section of an entity's DWSL Plan shall include:

(1) The entity's projected annual investment in DWSL replacements with an explanation of the entity's anticipated sources of financing.

(2) The entity's projected number of DWSL replacements per calendar year with an explanation of how the entity's projection was determined, and a statement that this number is consistent with the entity's annual cap on DWSL replacements.

(3) The identification criteria or standard to be used by the entity to determine whether a customer's service lateral is damaged and is impacting the entity's wastewater system.

(4) The eligible areas designated by the entity as proposed DWSL Project Areas described with a bearing angles and distances or metes and bounds description and graphically depicted.

(5) The prioritization criteria considered by the entity when developing its DWSL replacement schedule.

(6) A benefit analysis detailing the expected improvements in the entity's wastewater system functionality.

(7) An estimate of the net present value of the entity's future reduced or, or both, increased costs associated with DWSL replacements identified in the DWSL Plan broken down by capital costs and operation and maintenance costs.

(8) The entity's processes and procedures based upon a customer's acceptance of a DWSL replacement including:

(i) A consent agreement form by which the customer will authorize the completion of the DWSL replacement.

(ii) A brief description of the entity's process for DWSL replacements under normal conditions and atypical conditions for gravity and pressurized DWSLs.

(iii) An explanation of the entity's process for coordination with the customer and the information the entity will provide to the customer throughout the DWSL replacement process.

(iv) The entity's process for addressing DWSL replacement completion or, or both, closeout with a customer.

(9) The procedures for documenting a customer's refusal of the offer by the entity to replace a DWSL including the entity's duty to:

(i) Provide the customer with a complete disclosure of the known health hazards from the continued use of a DWSL.

(ii) Inform the customer that refusal will require the customer to complete a DWSL replacement, at the customer's expense, within 1 year of commencement of an entity's DWSL Project within a DWSL Project Area in order to be eligible for reimbursement.

(10) The industry-accepted construction practices the entity plans to utilize to replace both entity-owned and customer-owned service laterals.

(b) *Communications, outreach and education.* An entity's DWSL Plan must outline the entity's communication, outreach and education steps to educate customers about the harmful effects of DWSLs and the entity's plan to address DWSL replacements.

(1) An entity's DWSL Plan must describe, at a minimum, how the entity will:

(i) Prioritize DWSL replacement efforts to areas of the entity's collection system that have known wastewater overflows, basement backups or I&I issues.

(ii) Coordinate DWSL Program efforts with State, county and local governments and agencies, community organizations and public works departments.

(iii) Ensure that relevant information will be provided to all bill-paying customers and persons that receive wastewater service from the entity, in plain language that can be understood by the general public; including a description of steps the consumer may take to identify DWSLs.

(iv) Provide customers with copies of as-built drawings or similar depictions that indicate the location of the DWSL replacement on the property between the customer's structure and the edge of the existing right-of-way. An entity shall make a good faith effort to provide customers with relevant documents associated with the DWSL replacement.

(2) The entity's DWSL Plan must include copies of all printed and broadcast material to be distributed under the entity's DWSL Program.

(3) A Class A public utility or authority shall develop a DWSL section on the public utility's web site within 12 months of the Commission approval of its DWSL Program. The web site shall contain, at a minimum:

(i) A secure online tool that provides customers the ability to determine whether their property is eligible for a reimbursement.

(ii) A secure online tool that provides customers the ability to determine whether records reflect that the property of record has a DWSL.

(iii) A copy of any static map or graphic representation depicting Project Areas.

(iv) Information and resources relating to the health risks associated with DWSLs, the status of current efforts by the public utility to replace DWSLs, and community meetings and advisory committees hosted by the public utility.

§ 66.37. Periodic review of DWSL Plan.

After initial Commission approval of an entity's DWSL Plan, the entity shall update the DWSL Plan for Commission review at least once every 5 years. The Commission will, to the extent possible, coordinate the review of the updated DWSL Plan with the periodic review of an entity's LTIIP under § 121.7 (relating to periodic review of an LTIIP).

(a) The Commission's review will determine:

(1) If the entity has adhered to its DWSL Plan.

(2) If changes to the entity's DWSL Plan are necessary to maintain and improve the efficiency, safety, adequacy and reliability of its DWSL Program.

(3) If the updated DWSL Plan is consistent with the parameters of the entity's DWSL Program.

(b) Service of the updated DWSL Plan shall be made consistent with the requirements of § 66.34(a) (relating to petitioning the Commission for a DWSL Program). The Commission will issue a Secretarial Letter establishing a schedule for the submission of comments and reply comments to aid in its periodic review. If the Commission determines that the entity's approved DWSL Plan is no longer sufficient to ensure and maintain efficient, safe, adequate, reliable and reasonable service, the Commission will direct the entity to revise, update or resubmit its DWSL Plan as appropriate.

§ 66.38. Pro forma tariff or tariff supplement requirements.

An entity's pro forma tariff or tariff supplement containing proposed changes necessary to implement the entity's DWSL Program must address at a minimum:

(a) *DWSL Program annual cap.* An entity's pro forma tariff or tariff supplement must include a cap on the maximum number of DWSL replacements that can be completed annually.

(b) *Service line demarcation.*

(1) Each entity's pro forma tariff or tariff supplement must include a definition for customer's service lateral that is consistent with § 66.32.

(2) Each entity shall use the DWSL replacement process to perfect the entity's ownership of the portion of the service lateral located within the then-existing right-of-

way to ensure that the entity can obtain necessary permits to complete work within the public right-of-way in the future.

(c) *Frequency of DWSL replacements.* An entity's pro forma tariff or tariff supplement must include a restriction where the entity may not complete more than one DWSL replacement for a customer at a property that previously received a DWSL replacement for a length of time equal to the lesser of the average service life for DWSL replacements established in the entity's most recent base rate case or the average service life for Account No. 363—Services to Customers in the entity's most recent Service Life Study filed with the Commission under § 73.5 (relating to service life study report).

(d) *Reimbursements.* An entity shall provide a reimbursement to a customer who completed a DWSL replacement within 1 year of commencement of the entity's DWSL Project within a DWSL Project Area.

(1) An entity shall include in its required pro forma tariff or tariff supplement language explaining its reimbursement terms and conditions, including the following:

(i) An explanation of the entity's methods for determining the amount of reimbursements, reimbursement methods and any restrictions on reimbursements.

(ii) An explanation of the entity's reimbursement methods, including the forms of payment to be used by the entity to distribute reimbursements and the length of time by which the utility will issue a reimbursement for an eligible reimbursement request.

(iii) An explanation of the entity's method for determining customer eligibility, providing that:

(A) Customers located within a DWSL Project Area are eligible for a reimbursement of DWSL replacement expenses up to 125% of the average cost the entity would have incurred to perform a DWSL replacement of a similarly-sized customer's service lateral, not to exceed the customer's actual cost.

(B) Customers must submit to the entity a detailed estimate and paid invoice from a contractor, licensed to perform the work in the Commonwealth where applicable, verifying the completion of a DWSL replacement. Instead of a detailed estimate, a verified statement from the contractor attesting to completion of a DWSL replacement may be sufficient.

(2) If the value of reimbursements causes the entity to exceed its annual budgeted cap on the number of DWSL replacements, the entity's annual budgeted cap for the following year shall be reduced by this amount.

(3) An entity shall make reasonable best efforts to assist customers through the reimbursement process and, to the extent possible, make determinations in favor of the customer where the customer has provided reasonable evidence of a DWSL replacement to the entity.

(4) A customer's refusal of a DWSL replacement offer by the entity does not negate the customer's ability to submit for reimbursement in accordance with the entity's reimbursement procedure once the customer has independently replaced a DWSL.

(e) *Warranty.* An entity's pro forma tariff or tariff supplement must provide a warranty on DWSL replacement work performed of a term of not less than 2 years. The entity's warranty provisions must:

- (1) Define the start date of the 2-year term.
- (2) Ensure that the materials and workmanship of the DWSL replacement and restoration of surfaces are covered.
- (3) Define the maximum coverage amounts under the warranty.
- (4) Explain any liability an entity will have for damages not covered by the warranty.
- (5) Ensure entity access to the property to correct any deficiencies.

§ 66.39. DWSL Program Reports.

(a) An entity with an approved DWSL Program shall file with the Commission a DWSL Program Report by March 1 of each year, in both print and electronic format, including all supporting spreadsheets. If an entity is implementing its DWSL Program as part of a LTIIP, the entity shall include a DWSL Program Report as part of the entity's AAO plan under § 121.6(b)(3) (relating to AAO plan filings).

(b) An entity's DWSL Program Report must identify the preceding year's activities, including:

- (1) The number of DWSL replacements completed in the preceding year by county.
- (2) The length of DWSL replacements completed, by pipe diameter and by replacement, rehabilitation or repair method, in each county.

(3) The pipe lengths, diameters and material types of DWSL replacements, broken down as follows:

- (i) By county.
- (ii) By DWSL replacement flow type (that is, gravity or pressurized).
- (iii) By wastewater system type serving the properties that received the DWSL replacements (that is, sanitary sewer system or combined sewer system).

(4) The actual cost of each DWSL replacement, broken down as follows:

- (i) By county.
- (ii) By DWSL replacement flow type (that is, gravity or pressurized).
- (iii) By wastewater system type serving the properties that received the DWSL replacements (that is, sanitary sewer system or combined sewer system).

(5) The following information for each of the entity's Project Areas, specific to each wastewater facility that is currently or is projected within the next 5 years to be hydraulically overloaded or where flow is impacting or detrimental to wastewater system function:

- (i) Monthly average flow for, at a minimum, a 2-year period prior to DWSL replacements being installed.
- (ii) Three-month maximum flow for, at a minimum, a 2-year period prior to DWSL replacements being installed.
- (iii) Monthly average flow for, at a minimum, a 2-year period after DWSL replacements have been installed.
- (iv) Three-month maximum flow for, at a minimum, a 2-year period after DWSL replacements have been installed.

(6) A calculation of the average marginal cost of I&I for each of the entity's wastewater systems, by individual sewershed, broken down by the following types:

(i) Wastewater systems where wastewater treatment is provided by the entity.

(ii) Wastewater systems where wastewater treatment is not provided by the entity.

(7) The average cost of a DWSL replacement by county.

(8) The entity's total annual DWSL replacement expenditures for the calendar year by customer class.

(9) The entity's total projected DWSL replacement expenditures for the following calendar year.

(10) The entity's outreach and coordination activities with other entities, the Department of Transportation, local governments and customers.

(11) The number and geographic locations of DWSL replacement customer refusals for the calendar year.

(12) The number of customers that had water or wastewater service, or both, terminated due to refusal to replace or to accept the entity's offer to replace a DWSL by wastewater system.

(13) Applicable wastewater system monitoring requirements established by the Department of Environmental Protection as part of a corrective action plan or consent order and agreement.

(14) The entity's compliance with the regulatory requirements established by the United States Environmental Protection Agency and the Department of Environmental Protection, including a description of any violations associated with wastewater overflows and any connection management plans.

(15) The entity's efforts to obtain grants, low and no interest loans and donations for DWSL replacements.

(16) A benefit analysis comparing the cost of DWSL replacement work performed to the observed benefits which may include measurable cost savings, a measurable increase in available wastewater system capacity, a reduction in the number of service interruptions, and/or a reduction in the number of observed wastewater overflows.

§ 66.40. Accounting and financial.

(a) An entity shall record DWSL costs in compliance with the National Association of Regulatory Utility Commissioners uniform system of accounts applicable to the entity as intangible assets.

(b) An entity may defer:

(1) Income taxes related to no cost and low-cost sources of funding for DWSL replacements, including applicable income taxes on contributions-in-aid-of-construction or below-market rate loans, or both, for accounting purposes to the extent that such costs are not recovered through the entity's existing base rates or DSIC. Prudent and reasonable deferred income taxes must be amortized over a reasonable period of time with a return on the entity's investment.

(2) DWSL program development, DWSL Plan, DWSL Program Report and reimbursement expenses for accounting purposes to the extent that such costs are not recovered through the entity's existing base rates. Prudent and reasonable deferred expenses must be amortized over a reasonable period of time without a return on the entity's investment, unless the Commission, under 66 Pa.C.S. § 523 (relating to performance factor consideration), finds that providing a return on the entity's investment is warranted based on sufficient supporting data submitted by the entity in its rate case filing.

§ 66.41. Unpermitted connections.

(a) As part of an entity's DWSL Program, an entity shall disconnect any unpermitted connection to a customer's service lateral in compliance with its tariff provisions.

(b) Notwithstanding subsection (a), where the continued use of any previously unpermitted connection to a customer's service lateral is permissible under other applicable laws, including the entity's tariff, an entity may permit the continued use of these connections as long as the entity's permission and existence of additional connection(s) is documented.

§ 66.42. Competitive advantage.

An entity shall make a good faith effort to structure its DWSL Program to prevent competition with optional insurance and warranty products that cover DWSL replacements.

[Pa.B. Doc. No. 21-512. Filed for public inspection April 2, 2021, 9:00 a.m.]

FISH AND BOAT COMMISSION

[58 PA. CODE CH. 65]

Fishing; Special Fishing Regulations

The Fish and Boat Commission (Commission) proposes to amend Chapter 65 (relating to special fishing regulations). The Commission is publishing this proposed rulemaking under the authority of 30 Pa.C.S. (relating to Fish and Boat Code) (code). The proposed amendments update the harvest requirements relating to all-tackle trophy trout and trophy trout artificial lures only regulations.

A. Effective Date

This proposed rulemaking, if approved on final-form rulemaking, will go into effect on January 1, 2022.

B. Contact Person

For further information on this proposed rulemaking, contact Wayne Melnick, Esq., P.O. Box 67000, Harrisburg, PA 17106-7000, (717) 705-7810. This proposed rulemaking is available on the Commission's web site at www.fishandboat.com.

C. Statutory Authority

The proposed amendments to §§ 65.4a and 65.7 (relating to all-tackle trophy trout; and trophy trout artificial lures only) are published under the statutory authority of section 2102(a) of the code (relating to rules and regulations).

D. Purpose and Background

The specific purpose and background of the proposed amendment is described in more detail under the summary of proposal.

E. Summary of Proposal

Per Issue 15 detailed in the *Strategic Plan for the Management of Trout Fisheries in Pennsylvania 2020—2024*, Commission staff evaluated the all-tackle trophy trout and trophy trout artificial lures only programs to determine if refinements were needed. Currently, both regulations allow for the harvest of two trout, per day, greater than or equal to 14 inches in length, from opening day of trout season through Labor Day, with catch-and-release angling for the remainder of the year. Trophy

trout regulations are applied to some wild trout and fingerling-stocked waters and were established decades ago when a 14-inch trout was substantially larger than an average-sized hatchery fish and perhaps was considered a "trophy" at that time. These regulations provide inadequate protection to the largest trout in the population, as harvest of trout greater than or equal to 14 inches in length is permitted in streams managed with these regulations. Given that a 14-inch trout no longer constitutes a "trophy" fish for most anglers, and these regulations focus harvest on the largest fish in the population which are most desired by anglers and are biologically important to maintaining in the population, the Commission proposes an adjustment to the minimum size and daily creel limit that will allow anglers to harvest a large trout if they so choose, but also provides increased protection to a majority of the larger trout in streams managed with trophy trout regulations.

The Commission recommends amending the all-tackle trophy trout and trophy trout artificial lures only regulations to allow the harvest of one trout per day, greater than or equal to 18 inches in length from opening day of trout season through Labor Day, with catch-and-release angling for the remainder of the year. This size and creel limit were thoroughly researched by Commission staff through analysis of Commission data, review of trout regulations in other states, and discussions among fisheries managers in this Commonwealth and elsewhere. The proposed changes received strong support during previous wild trout workgroups, were supported by the results of a survey conducted at the 2017 Wild Trout Summit and are supported biologically through Commission data. Implementation of a size restriction above 18 inches would essentially equate to catch-and-release regulations based on the size distribution of fish in these streams. A total of 11 waters are currently included in the trophy trout regulation program and most are destination waters that receive high angler use from resident and non-resident anglers.

The Commission proposes that §§ 65.4a and 65.7 be amended to read as set forth in Annex A.

F. Paperwork

This proposed rulemaking will not increase paperwork and will not create new paperwork requirements.

G. Fiscal Impact

This proposed rulemaking will have no adverse fiscal impact on the Commonwealth or its political subdivisions.

H. Public Comments

Interested persons are invited to submit written comments, objections or suggestions about this proposed rulemaking to the Executive Director, Fish and Boat Commission, P.O. Box 67000, Harrisburg, PA 17106-7000, within 30 days after publication of this notice in the *Pennsylvania Bulletin*. Comments submitted by facsimile will not be accepted.

Comments also may be submitted electronically by completing the form at www.fishandboat.com/regcomments. If an acknowledgment of electronic comments is not received by the sender within 2 working days, the comments should be retransmitted to ensure receipt. Electronic comments submitted in any other manner will not be accepted.

TIMOTHY D. SCHAEFFER,
Executive Director

Fiscal Note: 48A-311. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 58. RECREATION

PART II. FISH AND BOAT COMMISSION

Subpart B. FISHING

CHAPTER 65. SPECIAL FISHING REGULATIONS

§ 65.4a. All-tackle trophy trout.

(a) The Executive Director, with the approval of the Commission, may designate waters as all-tackle trophy trout. The designation of waters as all-tackle trophy trout shall be effective when the waters are so posted after publication of a notice of designation in the *Pennsylvania Bulletin*.

(b) It is unlawful to fish in designated and posted all-tackle trophy trout areas except in compliance with the following requirements.

- (1) Open to fishing year-round.
- (2) There are no tackle restrictions.
- (3) Minimum size is [14] 18 inches, caught on, or in possession on, the waters under regulation.
- (4) The daily creel limit is: [two trout-combined species] one trout except for the period from the day after Labor Day to 8 a.m. of the first Saturday after April 11 of the following year, when trout may not be killed or had in possession.

(5) A current trout/salmon permit is required.

(c) This section applies to trout only. Inland regulations apply to all other species.

(d) Notwithstanding the requirements of this section, an angler in a boat may possess fish caught in compliance with the seasons, sizes and creel limits in effect for the water from which taken, provided that the boat angler floats through the all-tackle trophy trout area without stopping or engaging in the act of fishing or the boat angler puts in or takes out his boat at an access point within the all-tackle trophy trout area.

§ 65.7. Trophy trout artificial lures only.

(a) The Executive Director, with the approval of the Commission, may designate waters as trophy trout artificial lures only. The designation of waters as trophy trout artificial lures only shall be effective when the waters are so posted after publication of a notice of designation in the *Pennsylvania Bulletin*.

(b) It is unlawful to fish in areas designated and posted trophy trout artificial lures only except in compliance with the following requirements:

(1) Fishing may be done with artificial lures only, constructed of metal, plastic, rubber or wood or with flies or streamers constructed of natural or synthetic materials. Lures may be used with spinning or fly-fishing gear. Use or possession of other lures or substances is prohibited.

(2) Open to fishing year round.

(3) The minimum size is [14] 18 inches, caught on or in possession on the waters under regulation.

(4) The daily creel limit is [two trout-combined species—] one trout except during the period from the day after Labor Day to 8 a.m. of the first Saturday after April 11 of the following year, when no trout may be killed or had in possession on the waters under regulation.

(5) Taking of bait fish or fish bait is prohibited.

(6) A current trout/salmon permit is required.

(c) Notwithstanding the requirements of this section, an angler in a boat may possess bait and fish caught in compliance with the seasons, sizes and creel limits in effect for the water from which taken, provided that the boat angler floats through the trophy trout area without stopping or engaging in the act of fishing or the boat angler puts in or takes out his boat at an access point within the trophy trout area.

[Pa.B. Doc. No. 21-513. Filed for public inspection April 2, 2021, 9:00 a.m.]

STATEMENTS OF POLICY

HOUSING FINANCE AGENCY

[12 PA. CODE CH. 31]

Homeowner's Emergency Mortgage Assistance Program; Amendments

The Housing Finance Agency (Agency) amends Chapter 31, Subchapter B (relating to policy statement on Homeowner's Emergency Mortgage Assistance Program) to read as set forth in Annex A.

History

The Homeowner's Emergency Mortgage Assistance Program (HEMAP) was established by the act of December 23, 1983 (P.L. 385, No. 91) (Act 91). HEMAP is designed to provide emergency mortgage assistance to homeowners facing foreclosure because of circumstances beyond their control. Assistance is provided in the form of a loan. The amount of the loan will be sufficient to bring the homeowner's delinquent mortgages current and, in addition, the Agency may provide continuing monthly mortgage assistance, as needed by the homeowner, for a period of time as prescribed by Act 91. Act 91 contains notice requirements that lenders shall follow prior to foreclosure, prescribes procedures that a homeowner shall follow in applying to the Agency for mortgage assistance and prohibits a lender from conducting foreclosure proceedings during the HEMAP application process. Act 91 requires repayment of the HEMAP mortgage assistance loan based upon the financial ability of the homeowner.

On February 21, 1984, the members of the Board of the Agency adopted initial guidelines to implement HEMAP under the authority of section 401-C(b) of the Housing Finance Agency Law (act) (35 P.S. § 1680.401c(b)), which provides in part that the Agency shall adopt initial program guidelines and may revise the guidelines when appropriate. The initial guidelines were published at 14 Pa.B. 723 (March 3, 1984). The members of the Board of the Agency adopted the following amendments to the guidelines: October 18, 1985, published at 16 Pa.B. 2126 (June 14, 1986); May 12, 1994, published at 24 Pa.B. 3224 (July 2, 1994); 29 Pa.B. 2859 (June 5, 1999); and 38 Pa.B. 4859 (August 30, 2008), effective September 6, 2008; April 30, 2016, published at 46 Pa.B. 2171. Under the Agency's authority to revise the statement of policy, the Agency adopts further amendments to Chapter 31, Subchapter B and the uniform Act 91 Notice (Notice).

Summary of Public Comment and Responses to Proposed Amendments

The proposed statement of policy was published at 50 Pa.B. 7312 (December 26, 2020). The Agency accepted formal written comments during a 45-day public comment period.

The Agency received comments from several interested parties, including counsel, consumer advocates and counseling agencies.

Following is a summary of comments received and the Agency's response to the comments.

§ 31.201. *Definitions*

Face-to-face meeting

The Agency proposed the addition of a definition of the face-to-face meeting requirement to clarify its scope. The

comments received favored both the inclusion of the definition itself in addition to the breadth of its scope, which includes the option for an in-person meeting to complete the application process, as well as a remote application process. Several commentators, however, were concerned that the requirement to communicate simultaneously both audibly and visually was overly restrictive and, as a result, might impede the ability of certain Commonwealth residents, particularly senior citizens or those with limited or insufficient access to certain technology, to comply with the visual requirement. The fulfillment of the requirement to meet visually, a number of commentators suggested, has been further compounded by the novel coronavirus pandemic. Accordingly, these commentators suggested further expanding the scope of the definition such that meetings conducted exclusively by telephone satisfy the face-to-face meeting requirement. Another commentator proposed imposing a temporary halt to the face-to-face requirement for the duration of the novel coronavirus pandemic.

The act delegates authority to the Agency to promulgate guidance to administer HEMAP and to implement the provisions of the act. Thus, the authority granted permits the Agency to apply its interpretation of the language in the act, unless that interpretation is clearly erroneous. In its evaluation of the language of the act, the Agency relied on the plain meaning of the phrase "face-to-face." The Agency further considered the availability of certain technology during the drafting and subsequent passage of the act. While the Agency acknowledges that the legislation may not have contemplated certain methods of communication that are currently available, the legislation was able to assess the use of then-available technology, which included telephonic communication, at the time of its passage. Despite the availability of telephonic communication, the legislation requires that meetings between an applicant and a consumer credit counseling agency be conducted face-to-face and does not identify telephonic communication as a means to fulfill the requirement.

The objective of the amendment is to facilitate increased and more streamlined access to HEMAP. While the Agency recognizes the challenges that may be posed by inaccessibility to certain technology and is sympathetic to the heightened impact of these challenges resulting from the novel coronavirus pandemic, expanding the breadth of the amendment to include a telephonic application process appears to both surpass the original intent of the face-to-face meeting requirement and exceed the delegated authority of the Agency. Further, the Agency does not possess the authority to temporarily stay requirements imposed by the act.

Summary of Changes

This final statement of policy incorporates the proposed amendment which clarifies the scope of the face-to-face meeting requirement as well as the proposed amendments to the uniform Act 91 Notice.

Fiscal Impact

The Agency does not anticipate fiscal impact from the amendments to Chapter 31, Subchapter B.

Effective Date

The amendments to Chapter 31, Subchapter B will become effective upon publication.

ROBIN L. WIESSMANN,
Executive Director

(Editor’s Note: Title 12 of the Pennsylvania Code is amended by amending a statement of policy in § 31.201 to read as set forth in Annex A, with ellipses referring to the existing text.)

Fiscal Note: Fiscal note 39-12 remains valid for the final adoption of the subject regulation.

Annex A

TITLE 12. COMMERCE, TRADE AND LOCAL GOVERNMENT

PART I. GENERAL ADMINISTRATION

Subpart D. HOUSING FINANCE AGENCY

CHAPTER 31. HOUSING FINANCE AGENCY

Subchapter B. POLICY STATEMENT ON HOMEOWNER’S EMERGENCY MORTGAGE ASSISTANCE PROGRAM

§ 31.201. Definitions.

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

* * * * *

Consumer credit counseling agency—A nonprofit corporation or governmental entity located in this Common-

wealth which has been designated by the Agency to provide Homeowner’s Emergency Mortgage Assistance Program counseling. A qualified consumer credit counseling agency shall either be certified as a housing counseling agency by the United States Department of Housing and Urban Development or otherwise be determined acceptable by the Agency. A list of counseling agencies approved by the Agency is set forth in Appendix C. This list was last updated and includes all changes through April 1, 2016. Future updates of this list will only appear on the Agency’s web site at www.phfa.org, and will be updated on a periodic basis as changes occur. The Agency will annually publish a schedule for updates to the list, and mortgagees will be expected to update their lists in accordance with the schedule.

Face-to-face meeting—A meeting conducted either in-person or remotely using technological means, through which the applicant and consumer credit counseling agency communicate with each other contemporaneously, both audibly and visually.

Gross household income—The total income of the applicant, all other owners-occupants of the residence, any spouse and children residing in the same household as the applicant and other residents of the household declared by the mortgagor as dependents for Federal tax purposes. The term does not include the income of minor children. The income of adult children or other unrelated individuals residing in the household shall be considered part of gross household income only to the extent that their income is available to the household.

* * * * *

APPENDIX A

All paragraphs contained within the body of the notice shall appear in 12 point font.

Date: _____

Act 91 Notice* (24 point font, bold)

La Notificación de Acto 91* (14 point font, bold)

Save Your Home From Foreclosure

This is an official Act 91 Notice. You are receiving this notice because Pennsylvania law requires mortgage lenders to send it to homeowners facing foreclosure. This notice contains important legal information about your rights and how you can save your home. **YOU MAY BE ELIGIBLE FOR STATE FUNDED ASSISTANCE** from the Homeowner’s Emergency Mortgage Assistance Program (HEMAP), a program of the Pennsylvania Housing Finance Agency (PHFA).

**CALL A COUNSELING AGENCY FOR A MEETING.
APPLYING FOR HEMAP MAY TEMPORARILY STOP A FORECLOSURE ACTION.**

To apply, you must have a face-to-face meeting with a HEMAP-approved Consumer Credit Counseling Agency within 33 days of the date of this notice. This meeting is free and is the only way to apply for HEMAP. A list of approved Counseling Agencies is attached. A list is also available at <http://www.phfa.org/counseling/hemap.aspx>. If after speaking with a Counseling Agency you have further questions about HEMAP, please call 1 (800) 342-2397. Individuals with hearing impairment may call 711 (RELAY).

To make sure you meet the deadline, please call a Counseling Agency **immediately** to schedule a face-to-face meeting. Keep this entire Act 91 Notice, including the attached Account Summary, and have it available for your face-to-face meeting, whether done in person or remotely. A counselor can:

- Help you apply for HEMAP and explain how the program works.
- Talk with your lender about a loan modification or other repayment plan.
- Explain possible options to avoid foreclosure such as loss mitigation, refinancing your loan, selling or transferring your property to a third party or having a third party cure the delinquency on your behalf through a short sale or assumption of mortgage.
- Provide referrals for other assistance, programs or services.
- Explain other rights you may have, including your right to assert the non-existence of the debt and any other defenses you may have.

Even if you miss the deadline, you may still apply for HEMAP, but a late HEMAP application will not stop your lender from foreclosing. However, if your application is approved, a HEMAP assistance loan will bring your mortgage current and stop the foreclosure. HEMAP may also temporarily help you make future mortgage payments.

Alternatively, you may save your home from foreclosure by curing your default. That means paying your lender all amounts currently due, including reasonable late charges, attorney fees and other costs and by otherwise fulfilling your mortgage obligations. You may cure the default at any time up to one hour before a Sheriff's Sale, up to three times in any calendar year.

If you have filed a petition in bankruptcy, this notice is provided for informational purposes only and is not an attempt to collect a debt. If you are protected by a bankruptcy filing you may still apply for HEMAP assistance.

*CONSULTE AL DORSO LA TRADUCCIÓN DE ESTA NOTIFICACIÓN IMPORTANTE, O LLAME AL 1.800.342.2397.

ACT 91 NOTICE

PAGE 1

Fecha: _____

Notificación sobre la Ley 91*

Act 91 Notice*

Salve a su Hogar de la Ejecución Hipotecaria

La presente es una notificación oficial sobre la Ley 91. Usted está recibiendo esta notificación porque la ley de Pennsylvania requiere que los prestamistas hipotecarios la envíen a los propietarios de viviendas que se encuentren enfrentando una ejecución hipotecaria. Este aviso contiene información legal importante acerca de sus derechos y de lo que puede hacer para salvar su hogar. **ES POSIBLE QUE SEA ELEGIBLE PARA OBTENER AYUDA CON FONDOS ESTATALES** del Programa de Asistencia de Emergencia Hipotecaria para Dueños de Hogares (HEMAP, por sus siglas en inglés), un programa de la Agencia de Financiamiento de Hogares de Pennsylvania (PHFA, por sus siglas en inglés).

**LLAME A UNA AGENCIA DE ASESORAMIENTO PARA CONCERTAR UNA REUNIÓN.
LA SOLICITUD PARA EL HEMAP PUEDE DETENER DE FORMA TEMPORARIA LA EJECUCIÓN
DE UNA HIPOTECA.**

Para presentar su solicitud, debe celebrar una reunión presencial con una Agencia de Asesoría Crediticia para el Consumidor aprobada por el HEMAP, antes de que transcurran 33 días, a partir de la fecha de esta notificación. Esta reunión es gratuita y es la única manera de solicitar el HEMAP. Se adjunta una lista de Agencias de Asesoría aprobadas. También puede encontrar una lista en <http://www.phfa.org/counseling/hemap.aspx>. Si luego de hablar con una Agencia de Asesoría tiene alguna pregunta sobre el HEMAP, por favor llame al 1 (800) 342-2397. Las personas con discapacidades auditivas pueden llamar al 711 (RELÉ).

Con el fin de asegurar que cumpla con el plazo, por favor llame a una Agencia de Asesoría y programe una reunión presencial **de inmediato**. Conserve esta Notificación sobre la Ley 91, con el Resumen de Cuenta adjunto, y téngalo disponible para a su reunión presencial, ya sea en persona o de forma remota. Un asesor puede:

- Ayudarlo a presentar su solicitud al HEMAP y explicarle cómo funciona el programa.
- Hablar con su prestamista acerca de una modificación del préstamo u otro plan de pago.
- Explicarle las opciones posibles para evitar la ejecución de la hipoteca, como la mitigación de pérdidas, la refinanciación del préstamo, la venta o transferencia de su propiedad a un tercero, o que un tercero pague el atraso en su nombre, a través de una venta al descubierto o asumiendo la hipoteca.
- Derivarlo a otro tipo de asistencia, programa o servicio.
- Explicarle otros derechos que pueda tener, incluido su derecho de reivindicar la no existencia de la deuda y cualquier otra defensa que tenga.

Incluso si no cumple con el plazo, es posible presentar su solicitud para el HEMAP, pero la solicitud tardía al HEMAP no impedirá que su prestamista ejecute la hipoteca. Sin embargo, si se aprueba su solicitud, el préstamo de ayuda del HEMAP pondrá su hipoteca al día y detendrá la ejecución. El HEMAP también puede ayudarlo, de manera temporal, a realizar los pagos de hipoteca futuros.

También puede optar por la alternativa de subsanar el incumplimiento para salvar a su hogar de la ejecución hipotecaria. Eso significa pagarle a su prestamista todos los montos adeudados a la actualidad, incluidos los cargos moratorios, los honorarios de abogados y otros costos razonables, y cumplir con sus obligaciones hipotecarias. Puede subsanar el incumplimiento en cualquier momento, hasta una hora antes de la subasta judicial, un máximo de tres veces por cada año calendario.

Si usted ha presentado una solicitud de quiebra, esta notificación se proporciona solo con fines informativos y no es un intento de cobrar una deuda. Usted puede solicitar la ayuda del HEMAP, incluso si está protegido por una declaración de quiebra.

*SEE REVERSE SIDE FOR TRANSLATION OF THIS IMPORTANT NOTICE OR CALL 1.800.342.2397. (10 POINT FONT)

ACT 91 NOTICE

PAGE 2

Fecha: _____

ACT 91 NOTICE (12 point font, bold)

Account Summary (12 point font, bold)

Your Loan Details: (16 Point Font, Bold)¹

Name(s) on Account: (12 Point Font) ²	[Name(s)] The name(s) of the homeowner(s) and any other name appearing on the account; if the notice is being provided to additional parties not appearing on the account, the names of the additional parties shall be included under the names of the homeowner and other names appearing on the account. (12 Point Font) ³
Address of Mortgaged Property:	[Address] The address of the mortgaged property. [Address]
Account Number:	[Account Number] The account number used by the mortgagee to reference the homeowner's account.

How to Contact Your Lender:

Current Lender or Servicer:	[Lender or Servicer Name] The name of the current Lender/Servicer for the account.
Lender or Servicer Address:	[Address] The address of the current Lender/Servicer [Address] for the account.
Lender or Servicer Phone Number:	[Phone Number] The general phone number for the Lender/Servicer (i.e., a 1(800) number).
Contact Person:	[Name] The name of a contact person at Lender/Servicer for the account.
Phone Number:	[Phone Number] The direct phone number for the contact person for the account.
Fax Number:	[Fax Number] The fax number for the contact person for the account.
Email:	[Email Address] The email address for the contact person for the account.

Default Information:

Monthly Payments Missed:	[Months missed e.g., Jan. 2014-August 2014]
Total Amount Past Due:	[\$amount(s)]⁴ ; itemize and describe; <i>*Please be aware that fees and costs may continue to accrue through the duration of the delinquency.</i> An itemization of all amounts necessary to cure the delinquency, including fees and costs. Language regarding the continued accrual of fees should appear at the end of the itemization.

How to Cure the Default:

Within 30 Days of the Date on This Notice:	Pay [\$amount]⁵ , plus any payment and other charges that have become due to your lender or servicer by cash, cashier's check, certified check or other means acceptable to both parties.
Send Payment and Make Payable to:	[Lender or Servicer Name]Lender/Servicer name and [Address]address where the Lender/Servicer receives [Address]payment.
To Cure "Other Default":	[describe]Action homeowner must take to remedy a default other than a financial default.

¹ All Table headings shall appear in 16 point font, bold.
² All Field headings shall appear in 12 point font.
³ All account information shall appear in 12 point font unless otherwise indicated.
⁴ All amounts listed in this field shall appear in 12 point font, bold. The itemization and description of the amounts shall not appear in bold.
⁵ All amounts listed in this field shall appear in 12 point font, bold.

<p>Is the Mortgage Assumable?</p>	<p>Language indicating whether the mortgage is assumable. If the mortgage is assumable, the text in this box should read, "Yes, you may sell or transfer your home to a buyer or transferee who will assume the mortgage debt, if all the outstanding payments, charges and attorneys fees and costs are paid prior to or at the sale and if the other requirements of the mortgage are satisfied." If the mortgage is not assumable, the text in this box should read "No" only. If the mortgage is not assumable under the terms of the contract, but the Lender is willing to discuss the possibility of allowing an assumption of the mortgage, the text in this box should read "No, but please contact your Lender to discuss your options."</p>
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ACT 91 NOTICE

PAGE 4

[Pa.B. Doc. No. 21-514. Filed for public inspection April 2, 2021, 9:00 a.m.]

FISH AND BOAT COMMISSION

[58 PA. CODE CH. 57]

Class A Wild Trout Streams; Statements of Policy

The Fish and Boat Commission (Commission) amends Chapter 57 (relating to statements of policy). The Commission is publishing this statement of policy under the authority of 30 Pa.C.S. (relating to Fish and Boat Code) (code). The amendment updates the internal policy for the Commission pertaining to the stocking of Class A wild trout streams throughout this Commonwealth.

A. Effective Date

This statement of policy will go into effect upon publication in the *Pennsylvania Bulletin*.

B. Contact Person

For further information on this statement of policy, contact Wayne Melnick, Esq., P.O. Box 67000, Harrisburg, PA 17106-7000, (717) 705-7810. This statement of policy is available on the Commission's web site at www.fishandboat.com.

C. Statutory Authority

The amendment to § 57.8a (relating to Class A wild trout streams) is published under the statutory authority of section 2102 of the code (relating to rules and regulations).

D. Purpose and Background

The specific purpose and background of the amendment is described in more detail under the summary of changes.

E. Summary of Changes

Class A wild trout streams represent the best of this Commonwealth's wild trout resources and approximately 3% of all flowing waters in this Commonwealth qualify for this designation. As of November 28, 2020, there are 1,037 Class A stream sections that comprise 2,766 stream-miles in this Commonwealth. Following designation by the Board of Commissioners, Class A wild trout streams enter a process whereby the Department of Environmental Protection will ultimately designate these stream sections as high quality, coldwater Fishes under 25 Pa. Code Chapter 93 (relating to water quality standards). This designation provides additional water quality protection under the Commonwealth's environmental laws and regulations. As such, a Class A designation is an

important mechanism to properly protect, conserve, and enhance wild trout populations and the quality of their habitats.

On September 30, 2014 (effective January 1, 2015), the statement of policy at § 57.8a was amended to require the Executive Director to obtain approval from the Commission prior to granting permission to stock a Class A wild trout stream section. Following the update to § 57.8a, Commission staff developed internal decision-making criteria to allow continued Commission stocking of a limited number of Class A wild trout stream sections. Under these criteria, stream sections that the Commission designates as Class A wild trout streams after December 31, 2014, may remain eligible for stocking with adult and fingerling trout by the Commission to provide additional angling opportunities, provided that the following criteria conditions are met.

1. The stream section was stocked with adult trout during the year immediately prior to its designation as a Class A wild trout stream.
2. Angler use (anglers/mile of stream) in the stream section equals or exceeds the Statewide 50th percentile of angler use for the opening weekend of trout season as documented by Commission staff, or the stream section is a special regulation area under Chapter 65 (relating to special fishing regulations) that was stocked by the Commission the year immediately prior to its designation as a Class A wild trout stream.
3. The trout species to be stocked are not the same species as the primary component of the wild trout population.
4. The stocking numbers and frequency will not exceed those of the year prior to the Class A designation.
5. A stream section managed for wild Brook Trout will not be considered for stocking.
6. Prior to implementing a decision to stock a Class A wild trout stream, the Executive Director will obtain the approval of the Commission.

Subsequently, 13 stream sections suspected to support strong Class A wild brown trout populations were officially designated as Class A wild trout streams during the 2015—2017 time frame following updated wild trout surveys and stocking was continued. The Commission believes there are very few additional waters in this Commonwealth that would meet the current internal decision-making criteria used to consider continued stocking of Class A wild trout streams. The 13 Class A wild

trout stream sections where stocking continued are heavily fished streams in high density human population centers of a size and character that can support a fishery featuring both stocked and wild trout components. Common to these waters are robust wild brown trout populations, which continue to maintain strong Class A fisheries in the presence of stocking and high angler use. The management approach for these waters includes limiting species stocked to rainbow trout, which are easier to catch, rarely develop into a wild population in this Commonwealth, would not genetically impact the existing wild brown trout population and could serve to satisfy anglers that prefer to fish for stocked trout during the early part of trout season.

Historically, there have been very few streams where stocking of trout following Class A designation was considered and warranted. Occasionally, there may be pre-existing youth fishing derbies or clubs or private landowners, or both, that are not aware a stream section was designated as Class A and unknowingly continue to stock illicitly. Additionally, it is often unknown to Commission staff where private stockings have occurred. This information may become apparent only when the next private stocking is planned and the landowner discovers a Class A designation has occurred. Therefore, there may be rare cases where a stocking exemption should be considered.

As such, the Commission has developed additional internal decision-making criteria to account for these types of rare circumstances to consider internal and external requests for continued stocking of newly designated Class A wild trout streams. These criteria will provide the Commission direction to guide decisions when unusual situations arise but would not automatically result in continued stocking when criteria are met, as the vast majority of Class A stream sections are best managed solely for wild trout with no stocking. They will offer a mechanism for transparent, timely and consistent consideration of requests to continue the stocking of newly designated Class A wild trout streams. These criteria will be detailed in the *Operational Guidelines for the Management of Trout Fisheries in Pennsylvania Waters, 5th edition* anticipated to be released in early 2021 and available at www.fishandboat.com. Listed as follows are several scenarios that may be considered for an exemption.

1. Pre-existing youth fishing derbies and special use areas that were properly permitted by the Commission and have a history of more than one past occurrence.

2. Pre-existing private stockings on private property on recently designated (that is, within 1 year of posting in the *Pennsylvania Bulletin*) Class A stream sections that have been closed to public angling at the time of Class A designation and at least since 2010. Historic stockings need to be verifiable by documentation, stocking records and a history of more than one past occurrence.

3. Stream sections stocked by the Commission, a cooperative nursery, or a private group, or both, or individual the year prior to Class A designation and a history of more than one past occurrence, and which meet the Commission's Class A stocking criteria developed for the 13 Class A streams sections stocked by the Commission. These criteria currently guide staff consideration when making recommendations regarding the continuance of stocking a Class A wild trout stream section and were specifically developed for high use, urban and suburban stream sections that support robust Class A wild brown trout populations. Stocked species are limited to rainbow

trout and the number stocked will remain at or below the levels stocked at the time of Class A designation. Some stream sections may be better managed solely for wild trout in the future; therefore, trout stocking may not occur in perpetuity.

4. Stream sections which previously received an exemption or a Special Activities Permit from the Commission between 2010 and the present to allow for continued stocking of a Class A wild trout stream section. If the exemption was time-limited and not renewed before expiration, it will be considered a new request and a determination will be made according to current exemption criteria.

Exemptions to the prohibition of stocking hatchery trout into Class A wild trout stream sections would be granted only under rare circumstances. Consideration would only be given to requests for continued stocking in stream sections within 1 year of the section being designated as Class A and posted in the *Pennsylvania Bulletin*; however, entities that previously received an exemption or a Special Activities Permit from the Commission between 2010 and the present to allow for continued stocking would be eligible for consideration. Should an exemption be granted, the Commission would determine the species of trout, number of trout, and frequency of stocking consistent with stocking strategies and historical stocking rates of the stream section to minimize impacts to the Class A wild trout population. No exemptions will be granted for streams where a component of the wild trout fishery is comprised of wild brook trout.

The Commission proposes that § 57.8a be amended to read as set forth in the proposed rulemaking published at 50 Pa.B. 6903 (December 5, 2020).

F. Paperwork

This statement of policy will not increase paperwork and will not create new paperwork requirements.

G. Fiscal Impact

This statement of policy will have no adverse fiscal impact on the Commonwealth or its political subdivisions.

H. Public Comments

A proposed statement of policy was published at 50 Pa.B. 6903. The Commission received a total of nine public comments regarding the proposed statement of policy: six oppose the proposed statement of policy, one supports the proposed statement of policy and two comments did not pertain to the proposed statement of policy.

Findings

The Commission finds that:

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

(2) A public comment period was provided, and nine comments were received: six oppose the proposed statement of policy, one supports the proposed statement of policy and two comments did not pertain to the proposed statement of policy.

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

Order

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

(A) The regulations of the Commission, 58 Pa. Code Chapter 57, are amended by amending § 57.8a to read as set forth at 50 Pa.B. 6903.

(B) The Executive Director will submit this order and 50 Pa.B. 6903 to the Office of Attorney General for approval as to legality and form as required by law.

(C) The Executive Director shall certify this order and 50 Pa.B. 6903 and deposit them with the Legislative Reference Bureau as required by law.

(D) This order shall take effect upon publication in the *Pennsylvania Bulletin*.

TIMOTHY D. SCHAEFFER,
Executive Director

Fiscal Note: Fiscal Note 48A-307 remains valid for the final adoption of the subject regulation.

[Pa.B. Doc. No. 21-515. Filed for public inspection April 2, 2021, 9:00 a.m.]

NOTICES

DEPARTMENT OF AGRICULTURE

General Permit Standards and Requirements for Hemp

Recitals.

This Notice amends and replaces the previous Notice “General Permit Standards and Requirements for Hemp” published in the December 5, 2020 *Pennsylvania Bulletin* (50 Pa.B. 6906, Saturday, December 5, 2020).

A. The Act relating to Controlled Plants and Noxious Weeds (“Act”) (3 Pa.C.S.A. § 1501 et seq.) authorizes the Department of Agriculture (Department) through the Controlled Plant and Noxious Weed Committee (Committee) to establish a controlled plant list and to add plants to or remove plants from the controlled plant list (3 Pa.C.S.A. § 1511(b)(3)(ii)(iii)).

B. The Act provides for publication of the noxious weed and the controlled plant list and additions or removals or changes thereto to be published as a notice in the *Pennsylvania Bulletin* and for such additions or removals to become effective sixty (60) days from publication (3 Pa.C.S.A. § 1511(b)(3)(iv)).

C. Pursuant to that authority, the Committee acted to add hemp to the Controlled Plant List and published such Notice in the *Pennsylvania Bulletin* on April 6, 2019 (49 Pa.B. 1667, Saturday, April 6, 2019).

D. Section 1513 of the Act authorizes the Department to issue General Permits, on a Statewide or Regional basis, for the research, marketing, retail, wholesale, transport, storage, warehousing, display, distribution, cultivation or propagation of controlled plants, where the controlled plants have similar characteristics and are capable of being cultivated, propagated, processed and controlled or eradicated in a similar fashion (3 Pa.C.S.A. § 1513(1)).

E. General Permits and applications for General Permits must address at least those requirements set forth at section 1514(5)(i)—(viii) (3 Pa.C.S.A. § 1514(5)(i)—(viii)), but may include and address additional requirements as established by the Department herein (3 Pa.C.S.A. § 1513(3)).

F. General permits shall be published in the *Pennsylvania Bulletin* and become effective upon publication (3 Pa.C.S.A. § 1513(2)).

G. Hemp is also regulated on the Federal level by the United States Department of Agriculture (USDA) as authorized by the Agricultural Improvement Act of 2018 (115-334), (2018 Farm Bill).

H. The 2018 Farm Bill defined “hemp” as the plant species *Cannabis sativa L.* and any part of that plant, including the seeds thereof and all derivatives, extracts, cannabinoids, isomers, acids, salts, and salts of isomers, whether growing or not, with a delta-9 tetrahydrocannabinol concentration of not more than 0.3 percent on a dry weight basis.

I. The 2018 Farm Bill directed USDA to establish guidelines for states to follow in establishing plans to allow for state primacy in the regulation of growing or cultivation of hemp plants.

J. With the designation of hemp as a Controlled Plant under the authority of the Act, persons are required to

obtain a permit from the Department prior to cultivating, propagating, growing or processing hemp.

K. Hemp has been designated a controlled plant in Pennsylvania and its propagation, cultivation, testing, transportation, warehousing and storage, processing, distribution and sale is of a statewide concern.

L. This General Permit establishes rules and requirements for the distribution and sale of hemp planting materials, and for the propagation, cultivation, testing, transportation, warehousing, storage, and processing of hemp as authorized by the Act.

M. This General Permit does not and may not abrogate the provisions of the act related to industrial hemp research, at 3 Pa.C.S.A. §§ 701—710, including, permitted growers must still submit fingerprints to the Pennsylvania State Police for the purpose of obtaining criminal history record checks. The Pennsylvania State Police or its authorized agent shall submit the fingerprints to the Federal Bureau of Investigation for the purpose of verifying the identity of the applicant and obtaining a current record of any criminal arrests and convictions.

General Permit.

With the forgoing recitals incorporated into this General Permit by reference, the Department hereby establishes a General Permit, under the authority of the act related to controlled plants and noxious weeds (Act)(3 Pa.C.S.A. § 1501 et seq.), for the Controlled Plant, hemp. The terms of the General Permit are as follows:

Article I. General Provisions and Definitions.

(a) *Establishment of the Hemp General Permit.* A General permit is hereby established for the Controlled Plant, hemp, defined as the plant *Cannabis sativa L.* and any viable part of that plant, with a delta-9 tetrahydrocannabinol (THC) concentration of not more than 0.3 percent on a dry weight basis. This General Permit covers the entire Commonwealth.

(b) *Purpose of the General Permit.* The purpose of this general permit is as follows:

(1) To establish provisions to control the planting, growing, propagation and cultivation of hemp.

(2) To establish requirements under which persons may apply to plant, grow, propagate or cultivate hemp in the Commonwealth for the purpose of research or commercial production.

(3) To establish requirements detailing where hemp may be planted, grown, propagated and cultivated in the Commonwealth.

(4) To establish requirements for sale and distribution of hemp nursery stock.

(5) To establish requirements under which persons may apply to process hemp in the Commonwealth.

(6) To establish requirements for tetrahydrocannabinol (THC) testing of hemp planted, grown, propagated, cultivated or processed in the Commonwealth.

(7) To establish requirements for the transportation of hemp planted, grown, propagated and cultivated in the Commonwealth.

(8) To establish requirements for storage and warehousing of hemp planted, grown, propagated and cultivated in the Commonwealth.

(9) To establish requirements for the disposal of a permitted crop where the THC concentration exceeds 0.3 percent on a dry weight basis.

(c) *Definitions*

Acceptable hemp THC level. When a laboratory tests a sample, it must report the total delta-9 tetrahydrocannabinol content concentration level on a dry weight basis and the measurement of uncertainty. The acceptable hemp THC level for the purpose of compliance with the requirements of this General Permit is when the application of the measurement of uncertainty to the reported total delta-9 tetrahydrocannabinol content concentration level on a dry weight basis produces a distribution or range that includes 0.3 percent or less. For example, if the reported total delta-9 tetrahydrocannabinol content concentration level on a dry weight basis is 0.35 percent and the measurement of uncertainty is ± 0.06 percent, the measured total delta-9 tetrahydrocannabinol content concentration level on a dry weight basis for this sample ranges from 0.29 percent to 0.41 percent. Because 0.3 percent is within the distribution or range, the sample is within the acceptable hemp THC level for the purpose of plan compliance.

Act. The act of October 30, 2017, P.L. 774, No. 46, at 3 Pa.C.S.A. §§ 1501—1562, related to controlled plants and noxious weeds.

Agent or inspector. A representative of the Department of Agriculture duly appointed by the Secretary of Agriculture to carry out the provision of the Act and this General Permit.

Applicant. A person(s) signing and submitting a hemp application and responsible for ensuring compliance with the terms of the application and permit.

Committee. The Controlled Plant and Noxious Weed Committee established in section 1511 (relating to designation of noxious weeds and controlled plants).

Control order. A written order issued by the department to a person detailing required treatment measures to control noxious weeds or controlled plants.

Controlled plant. A plant species or subspecies that has been designated by the Committee as a controlled plant and is regulated to prevent uncontained growth and to negate undesirable characteristics.

Controlled Substances Act (CSA). The Federal statute codified in 21 U.S.C. 801—971, establishing Federal U.S. drug policy under which the manufacture, importation, exportation, possession, use and distribution of certain substances is regulated.

Conviction. Any plea of guilty or nolo contendere, or any finding of guilt, except when the finding of guilt is subsequently overturned on appeal, pardoned, or expunged.

Culpable mental state greater than negligence. To act intentionally, knowingly, willfully or recklessly.

Decarboxylation. The removal or elimination of carboxyl groups from a molecule or organic compound. Refers to the completion of the chemical reaction that converts THCA into delta-9 THC, the intoxicating component of cannabis. The decarboxylated value is also calculated using a molecular mass conversion ratio that sums delta-9 THC and eighty-seven and seven tenths (87.7) percent of THC-acid ((delta-9 THC) + (0.877*THCA)).

Delta-9 tetrahydrocannabinol. Also referred to as “Delta-9 THC” or “THC” is the primary psychoactive

component of cannabis. For the purposes of this General Permit, delta-9 THC and THC are interchangeable.

Department. The Department of Agriculture of the Commonwealth.

Distribute or distribution. To barter, consign, exchange, give away, import, in any way transfer, offer for sale, sell or otherwise supply or transport a noxious weed or controlled plant in this Commonwealth.

Drug Enforcement Administration (DEA). A Federal law enforcement agency under the United States Department of Justice, and the lead agency for domestic enforcement of the Controlled Substances Act.

Dry weight basis. The ratio of the amount of moisture in a sample to the amount of dry solid in a sample. A basis for expressing the percentage of a chemical in a substance after removing the moisture from the substance. Percentage of THC on a dry weight basis means the percentage of THC, by weight, in a cannabis item (plant, extract, or other derivative), after excluding moisture from the item.

Eradication. The elimination or removal of a noxious weed or controlled plant so that no further growth occurs for at least three consecutive years.

Farm Service Agency (FSA). An agency of the United States Department of Agriculture that provides services to farm operations.

General permit. A Statewide or regional permit that is issued by the department for a controlled plant and specifies terms and conditions for distribution, cultivation or propagation of the controlled plant.

Hemp. The plant *Cannabis sativa L.* and any viable part of that plant, with a delta-9 tetrahydrocannabinol (THC) concentration of not more than 0.3 percent on a dry weight basis.

Key participants. A sole proprietor, a partner in partnership, or a person with executive managerial control in a corporation. A person with executive managerial control includes persons such as a chief executive officer, chief operating officer, and chief financial officer. This definition does not include non-executive managers such as farm, field, or shift managers.

Landowner. A person in whom is vested the title of property or with any rights in real property that permit possession or control of surface activities on the real property. The term includes a department, board, commission, agency and instrumentality of the Federal Government and the Commonwealth and any of its political subdivisions.

Lessee. A person who has entered into a contract granting the person occupation or use of property during a certain period of time in exchange for a specified rent.

Lot. The term “lot,” as defined in the Agricultural Marketing Service Final Rule (FR) on the Establishment of a Domestic Hemp Production Program (86 FR 5596), refers to a contiguous area in a field, greenhouse or indoor growing structure containing the same variety or strain of cannabis throughout the area. In addition, “lot” refers to the batch of contiguous, homogeneous whole of a product being sold to a single buyer at a single time. To be defined by the producer in terms of farm location, field acreage and variety (i.e. cultivar) and to be reported as such to the Department and the FSA.

Negligence. Failure to exercise the level of care that a reasonably prudent person would exercise in complying with the regulations and standards established.

Permit. A document issued by the Department authorizing a person to perform functions and activities related to hemp which require adherence to the rules and requirements established by this General Permit.

Person. An individual, corporation, association, partnership, municipality or any other entity.

Processor. Any person who converts hemp material from its form while in the field into a different form or product, as well as any person who receives viable hemp material from a secondary supplier, to further convert into a different form or product.

Propagate. To increase, multiply or spread a plant or crop through planting, cultivation or any means of reproduction.

Remediation. The process of rendering non-compliant cannabis, compliant. Remediation can occur by removing and destroying flower material while retaining stalk, stems, leaf material, and seeds. Remediation can also occur by shredding the entire plant into a bio-mass like material, then re-testing the shredded biomass material for compliance.

School Property. Any property used by students that is under the jurisdiction of a public school district, intermediate unit, area vocational-technical school, charter school or non-public school.

THC. The chemical delta-9 tetrahydrocannabinol. For the purposes of this General Permit, THC shall include total potential delta-9 tetrahydrocannabinol in a plant or product. THC value is determined after the process of decarboxylation, or the application of a conversion factor if the testing methodology does not include decarboxylation, that expresses the potential total delta-9 tetrahydrocannabinol content derived from the sum of the THC and THCA content and reported on a dry weight basis. This post-decarboxylation value of THC can be calculated by using a chromatograph technique using heat, such as gas chromatography, through which THCA is converted from its acid form to its neutral form, THC. Thus, this test calculates the total potential THC in a given sample. The total THC can also be calculated by using a liquid chromatograph technique, which keeps the THCA intact. This technique requires the use of the following conversion: $(\text{Total THC} = (0.877 \times \text{THCA}) + \text{THC})$ which calculates the potential total THC in a given sample.

USDA. The United States Department of Agriculture.

Article II. Procedure for Application and Permitting.

(a) *Permit Application Process.* The following rules and requirements apply to permitting and the application for a permit.

(1) To produce, process or research hemp under the Pennsylvania Hemp General Permit, a person must apply for and be issued a Permit from the Department.

(2) No permit shall be issued to grow, cultivate or propagate hemp for personal use.

(3) Research permits shall only be issued to Institutions of Higher Education or established research institutes.

(4) Conditions and terms of this General Permit may change upon future conditions, including requirements imposed by USDA in acceptance of the Pennsylvania State Hemp Plan, legal standards imposed by another Federal agency, statutory or regulatory changes or changes in other legal requirements.

(5) Application periods will be announced by the Department and published at https://www.agriculture.pa.gov/Plants_Land_Water/industrial_hemp/Pages/default.aspx. Persons anticipating late season or indoor planting must submit their applications during published application periods.

(6) The permit application will be available for download from the Department's Hemp Program website at https://www.agriculture.pa.gov/Plants_Land_Water/industrial_hemp/Pages/default.aspx. At that website, there will also be announcements of availability of the hemp application process online through PA Plants. Applications may also be requested by contacting The Bureau of Plant Industry Hemp Program at 223-666-2561 or by mail at:

Hemp Program
Pennsylvania Department of Agriculture
2301 North Cameron Street
Harrisburg, PA 17110

(7) Applications shall be submitted with the application fee and supporting documents. The completed application along with all required reporting constitutes a written plan as required by the Act. Incomplete applications will not be processed.

(8) Any persons who materially falsify any information in their application shall be deemed ineligible to participate in the program.

(9) Upon successful review of completed applications, the Department will issue permit documents to approved applicants.

(b) *Application Contents.* All applications shall comply with the requirements established herein.

(1) *Contact Information.* Set forth contact information including at a minimum, legal name, address, day and evening telephone numbers, and email address (if available). If the applicant is a business entity, the applicant shall provide the full name of the business, address of the principal business location, full name and title of the key participants, an email address if available, and an EIN number of the business entity.

(2) *Location Information.* Provide the physical location, including a detailed plot map and description of the site to be planted or the site where the hemp will be propagated, cultivated, stored or processed. A separate "Permit Location Information" page is required and shall be submitted for each physical address (individually titled property) of a growing, cultivating, propagating, researching or processing location. Storage location information is optional at time of application but must be provided before any hemp is moved into storage.

(i) The description of the location shall include the county and municipality.

(ii) Contain a legal description of the land, plot map and geospatial location of the overall site and each separate field, greenhouse, building or other site where hemp will be produced, warehoused or processed. The plot map must show the name of each road bordering the physical location.

(iii) If the address/facility is not owned by the applicant:

(A) The applicant must attest to the fact that the property is completely controlled by this applicant.

(B) A lease shall be executed between the property owner and the permit holder for the land on which hemp will be planted, propagated, cultivated, stored or pro-

cessed and must be retained by the applicant and provided to the Department upon request. This lease shall specifically grant access to the property by the Department during the entirety of the lease agreement.

(C) With the application, the applicant must provide an agreement signed by both the property owner and the lessee granting the Department access to the property for up to 3 years following the termination of the lease and allowing for the destruction of any hemp plants found on the property (at the expense of the hemp permit holder) in that time. A template of this access agreement is available on the Department's website.

(iv) *Location Restrictions:*

(A) Given the potential of hemp pollen to interfere with medical marijuana crops, hemp may not be planted within three miles of an approved medical marijuana growing facility.

(B) Hemp may not be grown, cultivated, propagated or planted in or within 200 feet of any structure that is used for residential purposes, without prior written approval from the Department. Any written approval may establish additional requirements set forth by the Department therein.

(C) A person shall not handle, process, warehouse or store leaf or floral material from hemp in a facility or field location that is in or within 200 feet of any structure that is used for residential purposes, without prior written approval from the Department. Any written approval may establish additional requirements set forth by the Department therein.

(D) May not plant less than 150 hemp plants in any outdoor location nor less than 1,000 square feet and 100 hemp plants in any indoor facility, unless prior written approval is provided by the Department. Any written approval may establish additional requirements set forth by the Department therein.

(E) Shall not grow, plant, cultivate or propagate hemp within 1,000 feet of a pre-kindergarten through 12th grade school property or a public recreational area, unless prior written approval is provided by the Department. Any written approval may establish additional requirements set forth by the Department therein.

(F) Shall not include on application or Site Modification Request any property for growing, planting, cultivating or propagating hemp that is not owned or completely controlled by the applicant or permitted grower.

(G) Hemp shall be physically segregated from other crops unless prior written approval is obtained in writing from the Department. Any written approval may establish additional requirements set forth by the Department therein.

(H) Each hemp lot planted must be distinct and separate from any other planted hemp lot, so that plants from separate lots are not co-mingled and may be clearly distinguished for sampling purposes.

(I) The use of land, properties and facilities shall comply with all laws, regulations and requirements of any governmental agency or other regulating authority, including building, commercial, environmental, zoning and other regulated categories.

(3) *Hemp Variety Information.* Applicants shall list the type and amount of seed, clones, propagules or cuttings they have acquired or intend to acquire and hemp varieties they intend to plant, propagate and cultivate.

(The Planting Report Form will provide a field to report changes to this information at the time of planting.)

(i) For all hemp seed, clones, propagules or cuttings which will be grown, cultivated, propagated or planted the source, including the legal name and address, shall be listed.

(ii) The anticipated acreage or indoor square footage for each type or variety of hemp shall be listed.

(iii) The type of product(s), (such as fiber, seed, dried flower, CBD or other) to be produced or processed.

(4) *Criminal History Information.* Applications shall be accompanied by proof of completed criminal history reports for the applicant and any other key participants in hemp program activities. This shall include a Federal Bureau of Investigation (FBI) background check. These must be dated no more than sixty (60) days prior to the date the application is received by the Department in the initial year the information is submitted.

(i) Key participants are a person or persons who have a direct or indirect financial interest in the entity producing hemp, such as a sole proprietor, a partner in partnership, or a person with executive managerial control in a corporation.

(ii) Key participant does not include other management positions like farm, field or shift managers.

(iii) Any key participant having a disqualifying criminal history background, such as a disqualifying felony as provided for by section 297B(e)(3)(B)(i) of the 2018 Farm Bill, will not meet the requirements of this General Permit and may not participate in the Hemp Program. A disqualified key participant will result in rejection of the Hemp Program application.

(iv) The criminal history reports must indicate that the applicant and key participants have not been convicted of a State or Federal felony related to a controlled substance for a period of 10 years prior to the date when the report was completed.

(v) FBI background checks are valid for 3 years. Directions for obtaining FBI background checks meeting the Hemp Program requirements are available on the Department's website at https://www.agriculture.pa.gov/Plants_Land_Water/industrial_hemp/Pages/default.aspx.

(5) *Attestations.* The applicant shall attest to all the following:

(i) That subject to the criminal penalties for unsworn falsifications to authorities, at 18 Pa.C.S.A. § 4904, they have not had a felony drug conviction in the past 10 years, and that during the time period of the application, this permit and the General Permit, they will immediately report to the Department any key participant of the permit that is convicted of a state or Federal controlled-substance-related felony.

(ii) That subject to the criminal penalties for unsworn falsification to authorities, at 18 Pa.C.S.A. § 4904, the plant materials shall be selected from apparently disease-free and pest-free sources.

(iii) That in growing, propagating, cultivating, harvesting, transporting and processing of hemp, all biosecurity safeguards will be utilized in order to assure isolation from the domestic environment outside of permitted locations.

(iv) That subject to the criminal penalties for unsworn falsification to authorities, at 18 Pa.C.S.A. § 4904, the approved applicant and permit holder will continue to

comply with the permit and General Permit requirements for the duration of time the hemp plants, plant parts or hemp materials are in the permit holder's possession, including any regrowth of the hemp.

(c) *Hemp Permit Approval and Renewal.* Once a Permit application has been approved by the Department, the Department will issue a Permit to the applicant for the approved site. Permits are issued and renewed on a calendar year basis. All the following rules and requirements apply.

(1) Permits are not transferrable in any manner.

(2) An applicant whose application has been approved will not be considered permitted under this General Permit and shall not commence any activities, including purchase or planting of any hemp seeds, hemp plants, hemp plant parts, hemp materials or hemp products until the applicant is issued a Permit by the Department for that year.

(3) Permits are issued on a calendar year basis, do not renew automatically and must be renewed every calendar year

(4) Applications for renewal will be subject to the same terms, conditions and approval process as set forth in the General Permit and application for initial or new permits.

(5) Permits will be valid until December 31 of each calendar year. Extensions may be announced, at the discretion of the Department, if application and renewal processes do not allow for continuity of operations.

(d) *Permit Holder Responsibilities.*

(1) An approved applicant and permit holder, or any person propagating, cultivating, transporting, storing, warehousing, distributing, retailing, wholesaling, processing or researching hemp and required to have a permit, shall comply with all the provisions of this General Permit.

(2) *Compliance.* The approved applicant and permit holder shall continue to comply with the permit requirements established in this General Permit for the duration of time the hemp or hemp materials are in the permit holder's possession, including any regrowth of the hemp.

(3) Upon receipt of a Hemp Program permit, the permit holder shall provide their unique Department hemp permit number and associated hemp production locations and acreage information to the Farm Service Agency (FSA).

(4) *Change in Information or Status.* The following rules and requirements apply to any change in Permit information.

(i) A Permit holder must notify the Department immediately should there be any change in the contact information provided on the Permit application or any change in ownership of the permitted land, via a Hemp Permit Change form provided by the Department.

(ii) A Permit holder must report changes to hemp varieties and/or sources, hemp plant part planted, type of hemp cultivated and/or size of plantings to the Department via the Hemp Planting Report form.

(iii) If at any time, there is a change to the information submitted in the permit application, a permit modification is required. FSA must also be notified of changes.

(iv) Any change to the growing, planting, cultivating or propagation location or control of the location shall require a new permit and must be submitted during the permit submission time period for that calendar year.

(5) *Abandonment or closure of permitted hemp site.* The permitted hemp grower shall, prior to abandonment or closure of the permitted site, notify the Department in writing of his intent to close or abandon the site. Failure to do so will result in the permitted grower being charged and responsible for any destruction costs, including destruction of hemp that may have escaped the boundaries of the permit location and may result in the assessment of other penalties as allowed under the Act.

(6) Permit holders, including all key participants, are responsible for and shall immediately notify the Department of any drug related convictions they receive during the time period of a permit.

Article III. Propagation and Cultivation.

The following rules and requirements apply to the propagation and cultivation of hemp.

(a) *Hemp Source Materials.* The permit holder is responsible for sourcing, purchasing, and acquiring the hemp seed, clones, propagules or cuttings which they will be growing, planting, cultivating or propagating and shall ensure that this complies with all the requirements of this general permit.

(1) *Prohibited Hemp Varieties and Varieties of Concern.* A permit holder shall check the Department's website or request a list of Prohibited Hemp Varieties and Varieties of Concern.

(i) *Prohibited Hemp Varieties.* Prohibited Hemp Varieties have consistently tested higher than 1.0% THC in previous years and resulted in required crop destruction.

(A) Prohibited Hemp Varieties and the seed thereof, listed by the Department, shall not be approved for planting, propagation, cultivation, sale, transfer, retail, wholesale, distribution, transportation, storage or warehousing in the Commonwealth.

(B) Prohibited Hemp Varieties and the seed thereof shall be illegal in the Commonwealth and shall be subject to a Control Order, ordering its destruction, a stop-sale order or a seizure and condemnation order or any combination of the above and the imposition of penalties as allowed under the Act.

(ii) *Hemp Varieties of Concern.* Hemp Varieties of Concern are varieties that have tested higher than 0.3% THC in some Pennsylvania planting locations in previous years, or have tested high in other states, resulting in crop destruction. Hemp Varieties of Concern are listed by the Department as an aid to growers making variety choices, since these varieties may present greater risk for loss. There is, however, no prohibition on planting, propagation, cultivation, sale, transfer, retail, wholesale, distribution, transportation, storage, warehousing, or processing of Hemp Varieties of Concern in the Commonwealth.

(2) *Hemp seed source.* All the following requirements shall be met:

(i) The permit holder shall be responsible for sourcing and purchasing all hemp seed and shall assure the seed, whether internationally or domestically sourced, meets all phytosanitary requirements for movement of seed.

(ii) *Hemp seed labeling.* All seed shall meet the labeling requirements of the PA Seed Act (3 Pa.C.S.A. § 7101 et seq.). A summary of these requirements is available on the Department's Hemp Program webpage: https://www.agriculture.pa.gov/Plants_Land_Water/industrial_hemp/Pages/default.aspx.

(iii) The permit holder shall obtain a statement from the licensed producer or guarantor supplying the seed

that the variety has a THC content equal to or less than 0.3% on a dry weight basis, as determined by an independent third-party laboratory.

(iv) *Reuse of hemp seed.* Seed produced by a permit holder may only be saved or used for future planting under the following conditions:

(A) The original seed source holding rights to the seed grants such permission to the permit holder and provides written approval and documentation of their authority to grant that permission.

(B) The permit holder has registered with the Department's certified seed program and met the requirements of the Seed Act (3 Pa.C.S.A. § 7101 et seq.) and its attendant regulations.

(C) Any seed produced from a permit holder's hemp breeding may only be sold/planted for production upon the variety's acceptance by AOSCA Variety Review Board or USDA's Plant Variety Protection Office.

(v) *Sale of hemp seed.* The provisions of the Seed Act (3 Pa.C.S.A. § 7101 et seq.), its attendant regulations and this General Permit shall apply to the sale of hemp seeds.

(3) *Hemp nursery stock.* Hemp clones, cuttings and seedlings for planting, propagation and cultivation are permitted under the following conditions:

(i) Hemp clones, cuttings and propagules being shipped into the Commonwealth for planting, propagation, cultivation or sale or transfer shall be accompanied by a Federal Phytosanitary certificate, a state of origin-issued health certificate or certification that the plants were grown at a state licensed and inspected nursery.

(ii) Any permit holder receiving hemp nursery stock, whether for propagation of additional nursery stock or for production planting, shall obtain a statement from the licensed producer or guarantor supplying the hemp clones, cuttings or propagules that mature plants from the variety have a THC content of less than 0.3% on a dry weight basis, determined by an independent third-party laboratory.

(iii) Production of hemp nursery stock is permitted under the following conditions:

(A) Any permit holder who is vegetatively propagating plant material must have documentation verifying that the person holding rights to the source material has granted permission to the permit holder for this activity.

(B) Permit holders who intend to sell or distribute hemp nursery stock

1. shall hold a Pennsylvania Nursery License under the Plant Pest Act (PPA) (act of December 16, 1992, P.L. 1228, No. 162) (3 P.S. § 258.1 et seq.), and make all transactions in accordance with provisions of the PPA and its attendant regulations.

2. shall only sell hemp stock plants to permit holders within Pennsylvania or to out-of-state persons that meet the requirements of the hemp program rules in their state, which may be verified by requesting visible proof of state permit or referencing a state listing of permit or license holders.

3. *Records of planting material sales.* Records of the sale or distribution of hemp nursery stock shall be maintained for a minimum of three (3) years and shall contain the following information for each sale or distribution.

(aa) Date of the sale or distribution.

(bb) Date of shipment.

(cc) Name, Address, telephone number, license or permit number of the purchaser and final grower, cultivator or propagator if different.

(dd) Quantity of plants in shipment, by variety and stage of development (cutting, seedling, rooted cutting, etc.).

(ee) Source of mother plants for nursery stock.

(ff) Seed information including a seed tag for plants started from seed.

(gg) The Federal Phytosanitary certificate, state of origin-issued health certificate or certification that the plants were grown at a state licensed and inspected nursery for each sale, distribution or shipment.

(hh) A copy of all attestations required above for seeds, clones, cuttings and propagules.

(ii) A copy of all Reports required for seeds, clones, cuttings and propagules.

(jj) A copy of all written grants of permission required for seeds, clones, cutting and propagules.

(b) *Inspection.* The Department may conduct unannounced inspections during normal business hours. The permit holder shall grant Department inspectors unrestricted access, during normal business hours, to all permitted sites or sites required to be permitted under the provisions of the Act and this General Permit, including all growing, planting, cultivation and propagation locations and adjacent areas, buildings, storage and processing areas and all other grounds, structures, and facilities involved in the hemp production.

(1) Where practicable the Department will notify the permit holder of an inspection.

(2) Where the permit holder is given notice of an inspection the permit holder or a designated representative thereof, shall be present to accompany the Department inspector.

(c) *Reporting and Recordkeeping.* Permit holders shall comply with the following.

(1) *Reports.* The following reports are required from Permit Holders:

(i) *Report of production acreage, filed with FSA; FSA Report detail.* Permitted growers are required to report their hemp crop acreage with the Farm Service Agency (FSA), and to provide FSA with specific information regarding field acreage, greenhouse, or indoor square footage of hemp planted. Information reported to FSA shall include all the following:

(A) Name, street address, geospatial location or other comparable identification method specifying where the hemp will be produced, and the legal description of the land.

(B) Geospatial location or other methods of identifying the production locations.

(C) The information shall be provided for each field, greenhouse, building, or site where hemp will be grown, planted, cultivated or propagated.

(D) Follow the specific procedures for reporting hemp acreage to FSA which will be posted on the USDA Domestic Hemp Production Program website.

(ii) *Planting Report, filed with the Department.* The permit holder shall submit to the Department on forms

provided by the Department, within 10 days after planting. The Report shall set forth all the following:

- (A) Date planted.
- (B) Stage of development at the time of planting (seed, cutting, etc).
- (C) Variety and quantity of each variety planted.
- (D) The plot map and geospatial location where each lot was planted including each separate field, greenhouse, building or other site and the square footage, acreage or plot dimensions of each.
 - (iii) *Inactive Permit report, filed with the Department.* The permit holder shall submit this report to the Department on a form provided by the Department, when the permit holder determines that there will be no activity under the permit.
 - (iv) *Crop Loss Report, filed with the Department.* The permit holder shall submit this report to the Department on a form provided by the Department, if the crop is not suitable for harvest and rendered useless at the planting, cultivation, propagation or growing site. To be submitted within ten (10) business days of destruction of any surviving hemp plants.
 - (v) *Harvest Report, filed with the Department.* The permit holder shall submit this report to the Department on a form provided by the Department. The report shall include harvested quantities and disposition of crop, by lot.
- (2) *Recordkeeping Requirements.* Permitted growers shall maintain copies of all records and reports necessary to demonstrate compliance with the permit program. These records include those that support, document, or verify the information provided in the forms submitted to the Department, including:
 - (i) For each permitted location.
 - (A) The information provided on the application for a permit
 - (B) Permit document received from the Department
 - (C) A detailed map of the permitted site meeting all the requirements of subsection above (Article II(b)(2)).
 - (D) For each leased location, a copy of the fully-executed lease.
 - (E) At least one label from every different lot of seed or nursery stock, along with any Material Transfer Agreements or THC testing documentation received from the source.
 - (F) Invoice(s) showing the amount of seed and hemp plants, hemp parts, hemp material and hemp products purchased and the name and address of the source of the material. This information shall cross reference the Permit number under which the materials were procured.
 - (G) The specific field and location where the seed, hemp plants, hemp parts, hemp material and hemp products were planted, cultivated and propagated (site map with planting sites indicated) and the corresponding permit for each.
 - (ii) For each individual lot.
 - (A) Acreage (outdoor) or square footage (indoor).
 - (B) Variety name and amount planted, cultivated and propagated and the corresponding permit number.
 - (C) Type of Hemp—Fiber, Grain, Seed, CBD.
 - (D) Planting Date.
 - (E) Harvest Date.
 - (F) THC test date and results (copy of analysis report(s)).
 - (G) The yield of the site at harvest.
 - (H) Any factors impacting harvest, including seed pressure, irrigation, storm damage, flooding, drought or any other issue arising).

(3) All records, reports and documents shall be kept and maintained for a minimum of three years and made available to the Department for inspection upon request.

(d) *General Responsibilities.*

(1) Assure all hemp plants and products are within the boundaries of the legal description of the land, plot map and geospatial location submissions made to the Department as required by subsection (ii) above. Cannabis plants found planted, cultivated, propagated or growing outside of the boundaries will not be covered by the permit, will constitute a violation of this General Permit and will be subject to destruction.

(2) *Cessation of propagation.* If the permit holder intends to stop planting, growing, propagating or cultivating hemp, the permit holder shall notify the Department and implement all measures ordered by the Department to destroy the hemp, including all regrowth, seeds, plantings, cultivars and parts of the hemp plant.

(3) *Abandonment.* If the permit holder abandons, relinquishes possession or ownership of, control over or responsibility for the hemp in a manner inconsistent with the provisions of this General Permit, all plant material, regrowth, seeds, plantings, cultivars and parts of the hemp plant shall be destroyed in a manner ordered and approved by the department.

(4) *Continued responsibility.* The original permit holder shall continue to be responsible for the hemp and hemp materials, seeds, regrowth, plantings, cultivars and parts of the hemp plant and the cost of destruction and eradication thereof.

(5) *Penalties.* The original permit holder shall continue to be subject to the penalties imposed under the Act and this General Permit.

Article IV. Sampling and Testing for THC.

(a) *Sampling and testing for THC.* All hemp planted, cultivated, propagated or growing in Pennsylvania shall be sampled and tested to determine THC concentration levels.

(1) *Sampling*

(i) Official samples must be collected by a Department-certified sampling agent and in accordance with the sampling procedures and requirements established by the Department and set forth on the Department's Hemp Program webpage: https://www.agriculture.pa.gov/Plants_Land_Water/industrial_hemp/Pages/default.aspx.

(ii) The sampling procedures shall assure a representative sample of each variety and lot is procured for testing and address the process and procedures to be followed from entering a growing area and collecting the minimum number of plant specimens necessary to accurately represent the THC content, through laboratory testing of the samples and reporting results. At a minimum samples shall be obtained from the flowering tops of plants when flowering tops are present, and shall be approximately five to eight inches in length from the "main stem" (that includes the leaves and flowers), "terminal bud" (that

occurs at the end of a stem), or “central cola” (cut stem that could develop into a bud) of the flowering top of the plant.

(iii) The method used for sampling must be sufficient at a confidence level of 95 percent that no more than one percent of the plants in each lot would exceed the acceptable hemp THC Level and ensure that a representative sample is collected that represents a homogeneous composition of the lot. Alternatively, the Department may adopt a performance-based alternative sampling procedure following the standard in parts (A) through (E) below:

(A) Detailed description of the performance-based sampling procedure will be published on the Department’s Hemp Program webpage: https://www.agriculture.pa.gov/Plants_Land_Water/industrial_hemp/Pages/default.aspx and will be subject to USDA approval.

(B) The performance-based sampling method will have the potential to ensure, at a confidence level of 95 percent, that the lots subject to this alternative sampling will not test above the acceptable hemp THC level.

(C) Performance based sampling will be considered for situations in which material obtained from a single source has been planted in non-contiguous areas that may be identified and tracked independently from other source materials. In this case, a composite sample across multiple lots may be allowable.

(D) Performance based sampling will be considered for lots for which a seed certification process has consistently demonstrated the variety represented in that lot to be compliant, or when the Department can demonstrate the variety to have tested compliant on a consistent basis in previous years.

(E) Alternative sampling will be considered when a permittee is conducting research on hemp.

(iv) Samples must be collected no more than thirty (30) days prior to harvest. If THC results are returned within the THC compliance level, but the permittee fails to complete harvest within thirty (30) days of sample collection, a second pre-harvest sample of the lot shall be required to be submitted for testing.

(v) A Chain of Custody Form developed by the Department shall be utilized by all persons authorized to take official samples.

(vi) A sample receipt shall be completed by the certified sampling agent or Department employee conducting the sampling and signed by the hemp permit holder or an authorized representative thereof, who must be present at the growing site.

(vii) No sample(s) may be removed from the permitted site prior to the chain of custody form and sample receipt being completed and signed.

(2) It shall be the responsibility of the hemp permit holder to assure that each hemp lot described in their permit is sampled and tested according to the standards established in this Order, including any alternative standards as allowed above.

(i) The hemp permit holder shall hire a Department-certified sampling agent to take a representative sample of each lot of hemp planted, cultivated, propagated or grown, to submit for testing.

(ii) It is the responsibility of the permit holder to schedule official sampling and testing prior to harvest and to be present or have an authorized representative present at the growing site at the time of sampling.

(iii) The permit holder shall designate the specific laboratory where samples will be sent for THC testing. The laboratory shall be an independent laboratory approved by the Department and able to meet all requirements for testing and reporting outlined in Article IV sections (e) and (f) below.

(iv) The hemp permit holder shall pay any fees charged and costs associated with sampling and testing.

(v) A permit holder may request that the laboratory run a second test on an official sample retained by the laboratory, if the grower questions the results of that first test. The permitted grower shall pay the fees and costs of retesting.

(vi) A permit holder may request a second official pre-harvest sampling and testing if it is believed that the original results were in error. The permittee may choose to use the same or a different laboratory for the test. No more than two official samples per lot will be considered by the Department; only the final official sample will be considered by the Department when determining compliance. The permitted grower shall pay the fees and costs of resampling and retesting.

(vii) The permitted grower shall agree to the release of all official test results from the laboratory directly to the Department.

(3) The Department may conduct random audits of hemp permit holders and take its own samples for testing.

(i) A Department employee may take official samples to audit samples taken by a certified sampling agent. Such audits will be done on a random basis and may be done at the Department’s discretion.

(ii) The Department may also take official samples pursuant to an investigation, as the result of a complaint or where an official sample tests above the 0.3% THC concentration threshold.

(b) *Prohibition Against Harvest Prior to Testing.*

(1) Hemp may not be harvested prior to an official sample being taken by the Department or a Department certified sampling agent.

(2) Any sample taken after harvest shall not be accepted, the crop will no longer be compliant, a notice of violation may be issued, and the harvested material may be required to be destroyed. Limited exceptions may be made, at the discretion of the Department, if errors in the process of sampling and testing rendered an official sample suspect or untestable, and the permit holder had already begun legal harvest before a second sample could be obtained.

(c) *Movement Prohibition.* The following rules and requirements shall apply to the movement of hemp plants, parts and products. No hemp plants, plant parts or products are permitted to be removed from the permitted growing site until all the following rules and requirements have been met:

(1) THC testing has been completed on all samples by the Department or an independent laboratory able to meet all requirements for testing and reporting outlined in Article IV sections (e) and (f) below.

(2) The testing confirms acceptable THC level(s) at or below 0.3% on a dry weight basis for all samples from each representative lot.

(d) *THC Testing.*

(1) THC levels in representative samples must test at or below a THC level of 0.3% on a dry weight basis.

(2) Hemp plant, plant parts or products testing above 0.3% may be subject to a control order and may be required to be destroyed.

(3) Harvested plants and plant parts must be separated and stored separately from each other according to lot, in a manner that maintains identity sufficient to associate that harvested material with specific THC test results, such as signage on bays of a storage facility, or tags on bales or packages, that provide lot or sample information.

(e) *THC Testing Laboratory Standards and Methods.* All the following shall comprise the rules and requirements for THC testing.

(1) Testing shall be done at the Department laboratory or an independent laboratory approved by the Department and able to meet all requirements for testing and reporting outlined in Article IV sections (e) and (f). The Department's approval process for laboratories will be published on the Department's Hemp Program webpage: https://www.agriculture.pa.gov/Plants_Land_Water/industrial_hemp/Pages/default.aspx.

(2) After December 31, 2022, only laboratories registered with the DEA will be approved to conduct testing under this section.

(3) Sample preparation shall include grinding of entire sample to ensure homogeneity of plant material prior to testing.

(4) Testing for THC will be conducted using post-decarboxylation or other similarly reliable method approved by the Department and by USDA where the THC concentration level measured includes the potential to convert tetrahydrocannabinolic acid (THCA) into THC. Testing methodologies currently meeting these requirements include those using gas or liquid chromatography with detection. The Department will provide additional instructions to laboratories on approved procedures via posting on the Department's hemp website.

(5) Testing shall be done and reported on a dry weight basis, determined either through testing of dried samples or calculation using moisture content analysis of samples.

(6) The laboratory must report a Measurement of Uncertainty (MU) with each hemp test result. The laboratory must be able to provide documentation for derivation of the measurement of uncertainty if requested by the Department. Laboratories shall use appropriate, validated methods and procedures for all testing activities and evaluate measurement of uncertainty.

(7) If through audit sampling, records review or other means the Department determines that a laboratory is not meeting an acceptable standard of quality in required hemp testing, it may prohibit permittees from using that laboratory for the purpose of the regulatory testing required under this General Permit.

(f) *Test Results.*

(1) Laboratories performing THC testing for hemp produced under this program shall submit certified electronic copies of all test results to the Department.

(2) The Department will provide instructions, to all laboratories performing testing for Pennsylvania permitted growers, on the information required to be included

on the test report and the manner to electronically submit test results to the Department.

(3) Permitted growers shall receive and be able to provide a copy of all test results to the Department at the Department's request.

(4) Permitted growers shall be responsible for maintaining a copy of all test results for a period of 3 years and making them available to the Department upon request.

Article V. Disposal or Remediation of Non-compliant Products.

(a) Where test results evidence THC levels exceeding the acceptable hemp THC level of 0.3%, the laboratory conducting the test shall promptly notify the permitted grower and the Department and provide a copy of the test results.

(b) All non-compliant hemp plants, plant parts and products shall be subject to destruction or remediation measures. The Department will issue a control order outlining options for destruction and remediation, as well as procedures the Department will use for verification of crop destruction or remediation.

(c) If the permittee opts to destroy the crop, that non-compliant crop shall be held for disposal in a manner that complies with the provisions of the control order. The disposal must be conducted either on site at the farm or hemp production facility, or by using a DEA-registered reverse distributor or law enforcement.

(d) If a producer elects to perform remediation activities, only those remediation activities outlined in the control order may be considered. An additional official sampling and testing of the post-remediated crop must occur to determine THC concentration levels, with results sent directly from the laboratory to the Department. Any non-compliant material resulting from the remediation process shall be disposed of in a manner established by the Department in the control order.

(e) If testing of a remediated lot results in a THC level above 0.3% (with the measurement of uncertainty taken into account), then that lot would be considered non-compliant and will receive a control order for crop destruction.

(f) Prior to the disposal of non-compliant hemp plants, plant parts or products, the permit holder must provide the following information and obtain approval from Department. Information shall include all the following.

- (1) DEA or USDA issued order of destruction, if any.
- (2) Anticipated date of removal, if any.
- (3) Anticipated date of destruction.
- (4) Method of destruction.

(e) Documentation of removal and destruction of the non-compliant hemp plants, hemp parts and hemp products. Documentation shall be submitted to the Department within five (5) business days of completion of the removal and destruction and shall include:

(1) Removal and destruction shall be performed by an entity approved by the Department.

(2) The permittee shall provide the Department with a copy of the documentation, including verification statements, pictures, videos or other proof approved by the Department, of disposal provided by the approved entity performing the removal and destruction; and

(3) Compliance with the reporting requirements established by the Department and USDA.

Article VI. Transportation.

(a) All hemp plants, hemp parts and hemp products being transported in the Commonwealth shall be packaged in a manner that complies with and allows for all the following:

(1) Conspicuous marking and individual identification of each package, bale, or load.

(2) Provides permit information to the transporter that can be utilized by law enforcement to verify the material is hemp, sets forth the manner of packaging, variety(s) and quantity and variety of material in each package.

(3) Provides information setting forth each variety of hemp plant, hemp part and hemp product in the shipment.

(4) Provides test results for all hemp, hemp parts and hemp product being transported, verifying they meet the THC standards established by law and regulation.

(b) All movement of hemp plants, plant parts and hemp products from a planting, cultivation, propagation or growing site or initial processing site shall be conducted in a manner to prevent any release of viable plant material to the environment and to maintain the identification of the producer, permit number and lot information.

(c) All shipments must be accompanied by shipping documents produced by the permit holder that shall include the following information (excluding samples being submitted for laboratory analysis):

- (1) Shipping date.
- (2) Origin of the shipment.
- (3) Permit holders name, address, phone number.
- (4) Growing location address (if different).
- (5) Permit number.
- (6) Variety information.
- (7) Copy of the certificate(s) of THC analysis covering all material in the shipment, (not required for seedlings).
- (8) Number of packages included in the shipment by variety.
- (9) Description of the plant or plant parts in the packaging (Ex. Seedlings, mature whole plants, buds, leaf, retted stems).
- (10) Destination of the shipment.
- (11) For seedlings and clones, variety information and producers permit number shall be available for each tray or box, and accompanying documentation shall also include permit number of the person receiving the shipment.
- (12) For harvested material in packaging of any weight, each container shall be individually identified by a label secured to the package with the following information.

- (i) Permit holders name, address, phone number.
- (ii) Growing location address (if different).
- (iii) Permit number.
- (iv) Variety information.
- (13) For harvested material shipped in bulk, including bales, in addition to the accompanying documentation

listed above, the shipping documents shall include the approximate weight of the shipment and if baled the number of bales and a description of the plant material included in the shipment.

Article VII. Warehousing and Storage.

(a) *Movement Off the Permitted Site Prior to Results.* Hemp harvested prior to receiving THC test results, including hemp plants, hemp parts, hemp materials and hemp products, may not be moved from the permitted site until testing of an official sample at or below the acceptable THC level of 0.3% is received by the permit holder.

(b) *Movement Upon Notification of Acceptable Test Results.* Once documentation of acceptable test results are received, movement of hemp, including hemp plants, hemp parts, hemp materials and hemp products to an offsite storage location, buyer, processor or any other location shall be accompanied by all required transportation and shipping documents required under this General Permit, Article VI.

(c) *Containment.* All transportation, warehousing and storage of hemp plants, hemp parts, hemp materials and hemp products shall be conducted in a manner to prevent any release of viable plant material to the environment and to maintain the identification of the producer, permit number and varietal information for the material in storage.

(d) *Off-site Storage or Warehousing Location.* The permitted grower shall provide the Department with the following information for storage or warehousing locations that are not on the permitted growing site but where the hemp crop shall remain under the permit holder's control/possession. If not provided directly on the initial application, this information shall be provided either on a form provided by the Department or by means of the PAPplants web application.

- (1) The legal name of the entity owning the storage location or warehouse.
- (2) The physical address and GPS location of the facility.
- (3) Date of each delivery.
- (4) Quantity, type, variety and amount of each, shipped to the facility.
- (5) Total amount of hemp in storage at each off-site location.
- (6) Permit number under which each separate load was shipped.

Article VIII. Processing.

(a) Hemp processors located in the Commonwealth are required to obtain a permit before receiving hemp materials at their facility. Some examples of processing hemp material include drying, grinding, trimming, bucking, extracting, etc. Further guidance for processing permits can be found on the Department's Hemp Program webpages.

- (1) No separate processing permit is required if all hemp being processed is from a growing permit under the same permittee and address.
- (2) If hemp is received from another address, a processing permit must be obtained. A processing permit is required if receiving hemp material from other permittees or moving hemp from sites with separate permits, but all under the same permittee.

(3) No permit is required for secondary or tertiary processors that do not receive any potentially viable hemp material.

(b) A permitted processor may not accept hemp plants or plant parts unless they are

(1) From a permitted or licensed grower; and

(2) Accompanied by a certificate of analysis from a laboratory confirming the THC level of the material is not above the 0.3% limit.

(3) Hemp material received from out-of-state must meet the same sampling and testing requirements required for Pennsylvania hemp growers, as described in Article IV of this General Permit.

(c) A permit holder shall keep and make available to the Department upon request, at a minimum, the following records and documentation:

(1) Information on all shipments of hemp plants and plant parts received from all in-state and out-of-state hemp growers, including

(i) Permit or license number of the grower.

(ii) Name address and phone number of the permitted or licensed grower.

(iii) Certificate of analysis evidencing compliance with THC levels for each lot received.

(iv) Date of delivery.

(v) Amount and description of materials received.

(2) Processors shall document procedures used to render all plant material non-viable, and how that non-viable material leaves the facility (whether as usable product or waste).

(d) Processors are required to notify the Department of any attempt to sell or distribute hemp or cannabis material to them by a person who does not hold a valid permit or license from the state of origin of the shipment. The documentation shall include, if known, the name, address, phone number, amount of material offered, source of the material, and varieties.

(e) Processors are required to report to the Department any shipment of material that does not contain all the information required by section (b) of this Article VIII (related to processing).

Article IX. Distribution and Sale.

(a) *Legal Responsibility.* Growers, cultivators or propagators of hemp and processors of finished hemp products shall meet all laws, regulations, orders and requirements of all authorities that regulate any produced, marketed, labeled, or distributed hemp plant, plant part or product or such material that is sold as part of the permitted hemp program.

(b) *Branding.* The name, symbols, and logos of the Commonwealth of Pennsylvania or any of its agencies, including the Pennsylvania Department of Agriculture, may not in any way be used in the labeling, promotion or marketing of any hemp products associated with the permit without explicit written permission from the Department.

Article X. Hemp Permit Denial, Revocation and Suspension.

(a) *Denial, Suspension or Revocation of Hemp Permit.* A hemp permit may be suspended or revoked if the Department or its representative receives credible information that a permittee has done any of the following:

(1) Violated a provision of the Act, the General Permit or the Department-issued Permit.

(2) Failed to comply with a written order of the Department.

(3) Failed to comply with a statutory or regulatory requirement of the USDA or other Federal agency with jurisdiction over the growing, planting, cultivation, propagation, distribution, sale, transportation, processing, warehousing, storage or marketing of hemp.

(b) *Action Upon Suspension, Revocation or Denial.* Upon suspension, revocation or denial of a permit the permit holder shall cease all activities, including planting, cultivation, propagation, selling, distribution, transportation, harvesting, and handling of any hemp plant, hemp plant part, hemp product or hemp material and shall not remove hemp or cannabis from the permitted site or location where hemp or other cannabis was located at the time when the Department issued the suspension, revocation or denial order.

Article XI. Violations and Effective Date.

(a) The Department will carry out all enforcement provisions of the Act.

(b) When the Department determines that a negligent violation has occurred, the Department may issue a Notice of Violation and require a corrective action plan to be developed and implemented.

(c) Negligent violations include (but are not limited to):

(1) failure to provide a legal description of the land on which the hemp is produced;

(2) failure to obtain a permit before engaging in production or processing;

(3) production of plants exceeding the acceptable hemp THC level. The Department will not consider hemp producers as committing a negligent violation if they produce plants exceeding the acceptable hemp THC level if they use reasonable efforts to grow hemp and the lot does not have a THC concentration of more than 1.0 percent on a dry weight basis.

(4) Failing to file required reports with the Department in a timely manner.

(i) Planting Report or Inactive Permit Report must be submitted to the Department by September 1 of the permit year. Extensions may be granted at the discretion of the Department.

(ii) Harvest Report or Crop Loss Report must be submitted to the Department by November 15 of the permit year. Extensions to filing deadline may be granted at the discretion of the Department.

(d) Producers shall not receive more than one negligent violation per growing season in respect to part XI (c)(3) above. The Department may assign more than one negligent violation in a growing season, when violations include more than one type described in Section XI (c) (1—4).

(e) A corrective action plan shall include a reasonable date by which the permit holder will correct the violation and requirements for reporting back to the Department on its compliance with the plan, for a period of not less than the next two calendar years.

(f) The Department shall approve and review a corrective action plan with the permittee and its implementation may be verified during a future audit or site visit.

(g) A permit holder who has received three negligent violations in a five-year period is ineligible to produce hemp for a period of five years from the date of the third violation. Negligent violations are not subject to criminal enforcement.

(h) If the Department determines that a violation is made with a culpable mental state greater than negligence, the Department shall report the violation to the Attorney General and the chief law enforcement officer of the commonwealth, as applicable, in addition to its own enforcement action.

Effective date. This General Permit shall become effective upon signature and publication in the *Pennsylvania Bulletin* and shall remain in effect until rescinded by subsequent order.

RUSSELL C. REDDING,
Secretary

[Pa.B. Doc. No. 21-516. Filed for public inspection April 2, 2021, 9:00 a.m.]

DEPARTMENT OF BANKING AND SECURITIES

Actions on Applications

The Department of Banking and Securities (Department), under the authority in the Banking Code of 1965 (7 P.S. §§ 101—2204), the Department of Banking and Securities Code (71 P.S. §§ 733-1—733-1203) and 17 Pa.C.S. (relating to Credit Union Code), has taken the following actions on applications received for the week ending March 23, 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

Consolidations, Mergers and Absorptions

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Action</i>
03-23-2021	Ameriserv Financial Bank Johnstown Cambria County Application for approval to purchase assets and assume liabilities of one branch of Riverview Bank, Marysville, PA, located at: 135 Center Street Meyersdale Somerset County, PA	Approved

Branch Applications

De Novo Branches

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
03-15-2021	William Penn Bank Levittown Bucks County	10 North Main Street Yardley Bucks County	Opened

CREDIT UNIONS

No activity.

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

RICHARD VAGUE,
Secretary

[Pa.B. Doc. No. 21-517. Filed for public inspection April 2, 2021, 9:00 a.m.]

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Applications, Actions and Special Notices

APPLICATIONS

THE PENNSYLVANIA CLEAN STREAMS LAW AND THE FEDERAL CLEAN WATER ACT

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

This notice provides information about persons who have applied to the Department of Environmental Protection (DEP) for a new, renewed, or amended NPDES or WQM permit, or a permit waiver for certain stormwater discharges, or have submitted a Notice of Intent (NOI) for coverage under a General Permit. The applications and NOIs concern, but are not limited to, effluent discharges from sewage treatment facilities and industrial facilities to surface waters or groundwater; stormwater discharges associated with industrial activity (industrial stormwater), construction activity (construction stormwater), and municipal separate storm sewer systems (MS4s); the application of pesticides; the operation of Concentrated Animal Feeding Operations (CAFOs); and the construction of sewage, industrial waste, and manure storage, collection and treatment facilities. This notice is provided in accordance with 25 Pa. Code Chapters 91 and 92a and 40 CFR Part 122, implementing The Clean Streams Law (35 P.S. §§ 691.1—691.1001) and the Federal Clean Water Act (33 U.S.C.A. §§ 1251—1376). More information on the types of NPDES and WQM permits that are available can be found on DEP's website (visit www.dep.pa.gov and select Businesses, Water, Bureau of Clean Water, Wastewater Management, and NPDES and WQM Permitting Programs).

<i>Section</i>	<i>Category</i>
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. The period for comment may be extended at the discretion of the Department for one additional 15-day period. 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. Notification of 15-day extensions for comment will be provided in the “Applications Received with Comment Periods Report” (Comments column).

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 the Department 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 the Department 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>
PAS802208	Industrial Stormwater Individual NPDES Permit	Transfer	Jenstar of Allentown II P.O. Box 1400 Voorhees, NJ 08043-7400	Upper Macungie Township Lehigh County	NERO
PAS802209	Industrial Stormwater Individual NPDES Permit	Transfer	Jenstar of Allentown I P.O. Box 1400 Voorhees, NJ 08043-7400	Upper Macungie Township Lehigh County	NERO
2489202	Industrial Waste Individual WQM Permit	Transfer	Greentree Landfill, LLC 635 Toby Road Kersey, PA 15846-1033	Fox Township Elk County	NWRO
2603201	Industrial Waste Individual WQM Permit	Transfer	Microdiamant USA, Inc. 1101 Mt View Drive Smithfield, PA 15478	Georges Township Fayette County	SWRO
0186201	Industrial Waste Land Application Individual WQM Permit	Renewal	Knouse Foods Cooperative, Inc. Orrtanna Plt 1505 Orrtanna Road Orrtanna, PA 17353	Hamiltonban Township Adams County	SCRO
0621802	Joint DEP/PFBC Pesticides Permit	New	Edwin Baldrige 304 Lutz Road Kutztown, PA 19530-9049	Greenwich Township Berks County	SCRO
0918820	Joint DEP/PFBC Pesticides Permit	Amendment	Donald Pearson 3102 Ash Mill Road Doylestown, PA 18902	Buckingham Township Bucks County	SERO
1315801	Joint DEP/PFBC Pesticides Permit	Renewal	Lake Hauto Club 140 Maple Ter Nesquehoning, PA 18240-2128	Mahoning Township Carbon County	NERO

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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>
2020808	Joint DEP/PFBC Pesticides Permit	New	Bob Ackerman 17866 Ackerman Road Meadville, PA 16335	Union Township Crawford County	NWRO
3515806	Joint DEP/PFBC Pesticides Permit	Renewal	David Kaufman P.O. Box L Waverly, PA 18471-0757	Waverly Township Lackawanna County	NERO
3913805	Joint DEP/PFBC Pesticides Permit	Amendment	Legacy Oaks at Lehigh Valley 2923 Lifford Lane Macungie, PA 18062-8473	Lower Macungie Township Lehigh County	NERO
3913808	Joint DEP/PFBC Pesticides Permit	Amendment	Four Seasons at Farmington 6995 Farmington Drive Macungie, PA 18062-8986	Lower Macungie Township Lehigh County	NERO
3915802	Joint DEP/PFBC Pesticides Permit	Renewal	Bob Cawley 7907 Carpet Road New Tripoli, PA 18066-2908	Weisenberg Township Lehigh County	NERO
4013826	Joint DEP/PFBC Pesticides Permit	Renewal	Meadow Run Mountain Lake Park Association P.O. Box 112 Bear Creek, PA 18602-0112	Bear Creek Township Luzerne County	NERO
4013827	Joint DEP/PFBC Pesticides Permit	Renewal	Meadow Run Mountain Lake Park Association P.O. Box 112 Bear Creek, PA 18602-0112	Bear Creek Township Luzerne County	NERO
4017803	Joint DEP/PFBC Pesticides Permit	Amendment	Angela Kamionka 1040 Broadway Road Shickshinny, PA 18655	Huntington Township Luzerne County	NERO
4017804	Joint DEP/PFBC Pesticides Permit	Amendment	Angela Kamionka 1040 Broadway Road Shickshinny, PA 18655	Huntington Township Luzerne County	NERO
4513873	Joint DEP/PFBC Pesticides Permit	Renewal	Monroe Lake POA 118 Lake Shore Drive East Stroudsburg, PA 18301	Middle Smithfield Township Monroe County	NERO
4514801	Joint DEP/PFBC Pesticides Permit	Renewal	Brier Crest Woods POA 117 Thornberry Lane Blakeslee, PA 18610-7920	Tunkhannock Township Monroe County	NERO
4515802	Joint DEP/PFBC Pesticides Permit	Renewal	Camelot Forest Conservation Association, Inc. P.O. Box 18 Blakeslee, PA 18610-0018	Tobyhanna Township Monroe County	NERO
4517802	Joint DEP/PFBC Pesticides Permit	Renewal	Camelot Forest Conservation Association, Inc. P.O. Box 18 Blakeslee, PA 18610	Tobyhanna Township Monroe County	NERO
4518802	Joint DEP/PFBC Pesticides Permit	Renewal	Camp Lindenmere 163 Lindenmere Lane Henryville, PA 18332	Pocono Township Monroe County	NERO
4518805	Joint DEP/PFBC Pesticides Permit	New	Pocono Springs Camp 48 Pocono Springs Way East Stroudsburg, PA 18302-8936	Middle Smithfield Township Monroe County	NERO
4521801	Joint DEP/PFBC Pesticides Permit	New	Greenwood Acres POA P.O. Box 687 Moscow, PA 18444-0687	Tobyhanna Township Monroe County	NERO
4815802	Joint DEP/PFBC Pesticides Permit	Renewal	Louise Wright 733 Copella Road Bath, PA 18014-9782	Moore Township Northampton County	NERO
4817807	Joint DEP/PFBC Pesticides Permit	Amendment	St. Mawes Trust 7 Tanglewyld Avenue # 4D Bronxville, NY 10708	Upper Mount Bethel Township Northampton County	NERO

<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>
4819807	Joint DEP/PFBC Pesticides Permit	Amendment	Kim Bodden 250 Durham Road Easton, PA 18042	Williams Township Northampton County	NERO
5217802	Joint DEP/PFBC Pesticides Permit	Renewal	Thomas O'Keefe 121 Deep Hollow Lane Dingmans Ferry, PA 18328	Delaware Township Pike County	NERO
5218801	Joint DEP/PFBC Pesticides Permit	New	Liam O'Kane 4 Nancy Road Nanuet, NY 10954	Lackawaxen Township Pike County	NERO
6121801	Joint DEP/PFBC Pesticides Permit	New	Trisha Paine 686 Bodamer Road Oil City, PA 16301	President Township Venango County	NWRO
6413809	Joint DEP/PFBC Pesticides Permit	Amendment	Lake Underwood Nimrod Club 69 Union Mill Road Covington Twp, PA 18444-7912	Preston Township Wayne County	NERO
6616801	Joint DEP/PFBC Pesticides Permit	Renewal	The Procter & Gamble Paper Products Co. P.O. Box 32 State Route 87 Mehoopany, PA 18629-0032	Washington Township Wyoming County	NERO
6616802	Joint DEP/PFBC Pesticides Permit	Renewal	The Procter & Gamble Paper Products Co. P.O. Box 32 State Route 87 Mehoopany, PA 18629-0032	Washington Township Wyoming County	NERO
PA0083879	Minor Industrial Waste Facility with ELG Individual NPDES Permit	Amendment, Minor	Sandy Run Landfill LLC 995 Landfill Road Hopewell, PA 16650-8653	Broad Top Township Bedford County	SCRO
NOEXNW147	No Exposure Certification	Renewal	Butler Motor Transit Inc. 210 S Monroe Street Butler, PA 16001-7030	Butler City Butler County	NWRO
NOEXNW148	No Exposure Certification	New	Butler Motor Transit Inc. 210 S Monroe Street Butler, PA 16001-7030	Fairview Township Erie County	NWRO
NOEXSE229	No Exposure Certification	Renewal	Folsom Tool & Mold Corp 12 Mount Pleasant Drive Aston, PA 19104	Aston Township Delaware County	SERO
NOEXSE249	No Exposure Certification	Renewal	Folsom Tool & Mold Corp 12 Mt Pleasant Drive Aston, PA 19014	Chester Township Delaware County	SERO
PAG032256	PAG-03 NPDES General Permit for Industrial Stormwater	Transfer	Dh Manufacturing LLC 1731 Catlin Road Kingsley, PA 18826-7746	Bridgewater Township Susquehanna County	NERO
PAG033649	PAG-03 NPDES General Permit for Industrial Stormwater	New	Cargill Inc. 15407 McGinty Road W Wayzata, MN 55391-2365	Greene Township Franklin County	SCRO
PAG034877	PAG-03 NPDES General Permit for Industrial Stormwater	New	Russell Stone Products Inc. 2640 Greenville Pike Grampian, PA 16838-9201	Pike Township Clearfield County	NCRO
PAR208370	PAG-03 NPDES General Permit for Industrial Stormwater	Transfer	Amg Chrome US LLC 207 Frenz Drive New Castle, PA 16101-1107	Neshannock Township Lawrence County	NWRO

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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>
PAR208370	PAG-03 NPDES General Permit for Industrial Stormwater	Transfer	Amg Titanium Alloys & Coatings, LLC 207 Frenz Drive New Castle, PA 16101-1107	Neshannock Township Lawrence County	NWRO
PAG058402	PAG-05 NPDES General Permit for Groundwater Cleanup	New	Shenango Township Mercer County 3439 Hubbard Middlesex Road West Middlesex, PA 16159-2547	Shenango Township Mercer County	NWRO
PAG123506	PAG-12 NPDES General Permit for CAFOs	Renewal	Hoover Ln Farm, LLC 105 Hoover Lane Loysville, PA 17047-9208	Tyrone Township Perry County	SCRO
PAG123530	PAG-12 NPDES General Permit for CAFOs	Renewal	Joseph Burkholder & Son 1440 Division Highway Ephrata, PA 17522-8832	Ephrata Township Lancaster County	SCRO
PAG123542	PAG-12 NPDES General Permit for CAFOs	Renewal	Mark Bricker 4880 Horse Valley Road East Waterford, PA 17021-7013	Lurgan Township Franklin County	SCRO
PAG123607	PAG-12 NPDES General Permit for CAFOs	Renewal	Randall J Weaver 8 Witman Road Womelsdorf, PA 19567-9425	Marion Township Berks County	SCRO
PAG123612	PAG-12 NPDES General Permit for CAFOs	Renewal	John Nolt 10190 Mountain Road Port Royal, PA 17082	Turbett Township Juniata County	SCRO
PAG123632	PAG-12 NPDES General Permit for CAFOs	Renewal	Robert & Michael Shearer 806 Anderson Ferry Road Mount Joy, PA 17552-9717	East Donegal Township Lancaster County	SCRO
PAG123634	PAG-12 NPDES General Permit for CAFOs	Renewal	Robert L Hess 686 Rock Point Road Mount Joy, PA 17552-9732	East Donegal Township Lancaster County	SCRO
PAG123652	PAG-12 NPDES General Permit for CAFOs	Renewal	Pheasant Run Farms 48 Rehdersburg Road Richland, PA 17087	Tulpehocken Township Berks County	SCRO
PAG123686	PAG-12 NPDES General Permit for CAFOs	Renewal	Joel Martin 2077 Mountain Road Manheim, PA 17545-9517	Penn Township Lancaster County	SCRO
PAG123697	PAG-12 NPDES General Permit for CAFOs	Renewal	Kevin & Nathan Ebersole 44 Kline Road Shippensburg, PA 17257-9722	Southampton Township Cumberland County	SCRO
PAG123727	PAG-12 NPDES General Permit for CAFOs	Renewal	Kenneth S Meck 1503 Beaver Valley Pike Willow Street, PA 17584-9780	Strasburg Borough Lancaster County	SCRO
PAG123735	PAG-12 NPDES General Permit for CAFOs	Renewal	Edward B Horst 251 West Bunker Hill Road Womelsdorf, PA 19567	Heidelberg Township Berks County	SCRO
PAG123751	PAG-12 NPDES General Permit for CAFOs	Renewal	Skyline Acres Inc. 477 Skyline Drive Bernville, PA 19506-8740	Upper Bern Township Berks County	SCRO
PAG123765	PAG-12 NPDES General Permit for CAFOs	Renewal	Martin Farms 167 Overcash Road Chambersburg, PA 17202-9209	Guilford Township Franklin County	SCRO
PAG123785	PAG-12 NPDES General Permit for CAFOs	Renewal	Noah W Kreider & Sons, LLP 1461 Lancaster Road Manheim, PA 17545-9768	East Donegal Township Lancaster County	SCRO
PAG123787	PAG-12 NPDES General Permit for CAFOs	Renewal	Jevin Kready 1113 N Colebrook Road Manheim, PA 17545-8122	Rapho Township Lancaster County	SCRO
PAG123788	PAG-12 NPDES General Permit for CAFOs	Renewal	Noah W Kreider & Sons, LLP 1461 Lancaster Road Manheim, PA 17545-9768	South Annville Township Lebanon 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>
PAG123801	PAG-12 NPDES General Permit for CAFOs	Renewal	North Mountain Gobbler 8310 Fort McCord Road Chambersburg, PA 17202	Hamilton Township Franklin County	SCRO
PAG123802	PAG-12 NPDES General Permit for CAFOs	Renewal	Green Valley Swine, LLC 6 S Broad Street Lititz, PA 17543-1402	North Codorus Township York County	SCRO
PAG123803	PAG-12 NPDES General Permit for CAFOs	Renewal	Linford Snyder Office 90 Court Street Bethel, PA 19507-9721	Lykens Township Dauphin County	SCRO
PAG123807	PAG-12 NPDES General Permit for CAFOs	Renewal	White Oak Hollow Farms, LLC 766 White Oak Hollow Road Warfordsburg, PA 17267-8562	Bethel Township Fulton County	SCRO
PAG123843	PAG-12 NPDES General Permit for CAFOs	Amendment	Dwayne Nolt 58 E Strack Drive Myerstown, PA 17067-2160	Jackson Township Lebanon County	SCRO
PAG123844	PAG-12 NPDES General Permit for CAFOs	Renewal	Melvin L Bricker 8310 Fort McCord Road Chambersburg, PA 17202	Dublin Township Fulton County	SCRO
PAG123864	PAG-12 NPDES General Permit for CAFOs	Renewal	Marlin Hartzler 39 Hazel Lane Belleville, PA 17004	Menno Township Mifflin County	SCRO
PAG123871	PAG-12 NPDES General Permit for CAFOs	Renewal	Landis S Hoover 1453 Diamond Station Road Ephrata, PA 17522	West Earl Township Lancaster County	SCRO
PAG124855	PAG-12 NPDES General Permit for CAFOs	Renewal	JMA Farms, LLC 1078 Iron Bridge Road Middleburg, PA 17842-9320	Beaver Township Snyder County	SCRO
PAG124856	PAG-12 NPDES General Permit for CAFOs	Renewal	Scattered Acres Farms 190 Tyson School Road Catawissa, PA 17820-8212	Locust Township Columbia County	SCRO
PAG124858	PAG-12 NPDES General Permit for CAFOs	Renewal	Brian J Hummer 193 Trump Road Danville, PA 17821-9319	Valley Township Montour County	SCRO
4112406	Sewage Treatment Facilities Individual WQM Permit	Amendment	West Branch Region Authority P.O. Box 428 Muncy, PA 17756-0428	Clinton Township Lycoming County	NCRO
5309401	Sewage Treatment Facilities Individual WQM Permit	Amendment	Galeton Borough Authority Potter County 15 West Street Galeton, PA 16922-1264	Galeton Borough Potter County	NCRO
WQG01202101	WQG-01 WQM General Permit	New	Nancy Hoegerl 23527 State Highway 77 Meadville, PA 16335-6026	East Mead Township Crawford County	NWRO
WQG02232105	WQG-02 WQM General Permit	New	Marple Township Delaware County 227 S Sproul Road Broomall, PA 19008-2341	Marple Township Delaware County	SERO

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

Northcentral Regional Office

PA0209147, Sewage, SIC Code 4952, **Centre Hall Potter Sewer Authority**, 2940 Penns Valley Pike, Centre Hall, PA 16828-8404. Facility Name: Centre Hall Potter Sewer System. This existing facility is located in Potter Township, **Centre 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 Sinking Creek (CWF), is located in State Water Plan watershed 6-A and is classified for Cold Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.28 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Weekly Average</i>		<i>Average Monthly</i>	<i>Weekly Average</i>	
Flow (MGD)	Report	Report Daily Max	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0 Inst Min	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	Report	XXX	XXX	XXX
Carbonaceous Biochemical Oxygen Demand (CBOD ₅)	58	93	XXX	25.0	40.0	50
Nov 1 - Apr 30						
May 1 - Oct 31	47	70	XXX	20.0	30.0	40
Biochemical Oxygen Demand (BOD ₅)	Report	Report	XXX	Report	XXX	XXX
Raw Sewage Influent						
Total Suspended Solids	70	105	XXX	30.0	45.0	60
Total Suspended Solids	Report	Report	XXX	Report	XXX	XXX
Raw Sewage Influent						
Fecal Coliform (No./100 ml)	XXX	XXX	XXX	2,000 Geo Mean	XXX	10,000
Nov 1 - Apr 30						
May 1 - Oct 31	XXX	XXX	XXX	200 Geo Mean	XXX	1,000
Ultraviolet light transmittance (%)	XXX	XXX	Report	XXX	XXX	XXX
Total Nitrogen	Report	XXX	XXX	Report	XXX	XXX
Ammonia-Nitrogen	42	63	XXX	18.0	27.0	36
Nov 1 - Apr 30						
May 1 - Oct 31	14	21	XXX	6.0	9.0	12
Total Phosphorus	Report	XXX	XXX	Report	XXX	XXX

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

- Other Requirements.

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

The EPA Waiver is in effect.

PA0232670, Sewage, SIC Code 4952, **Edward A. Antonuk, Sr.**, 1307 Crescent Drive, Clearfield, PA 16830-1111. Facility Name: Edward Antonuk SRSTP. This existing facility is located in Lawrence Township, **Clearfield County**.

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

The receiving stream(s), Unnamed Tributary to Little Clearfield Creek (HQ-CWF, MF), is located in State Water Plan watershed 8-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 0.0004 MGD.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Annual Average</i>	<i>Maximum</i>	
Flow (MGD)	Report Annl Avg	XXX	XXX	XXX	XXX	XXX
Biochemical Oxygen Demand (BOD ₅)	XXX	XXX	XXX	10.0	XXX	20
Total Suspended Solids	XXX	XXX	XXX	10.0	XXX	20
Fecal Coliform (No./100 ml)	XXX	XXX	XXX	200	XXX	1,000

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.

PA0023736, Sewage, SIC Code 4952, **Tri Borough Municipal Authority Susquehanna County**, 83 Erie Boulevard, Susquehanna, PA 18847. Facility Name: Tri Borough Municipal Authority. This existing facility is located in Susquehanna Depot Borough, **Susquehanna County**.

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

The receiving stream(s), Susquehanna River (WWF), is located in State Water Plan watershed 4-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 .5 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Weekly Average</i>		<i>Average Monthly</i>	<i>Weekly Average</i>	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	Daily Max XXX	6.0 Inst Min	XXX	XXX	9.0
Total Residual Chlorine (TRC)	XXX	XXX	XXX	1.0	XXX	2.0
Carbonaceous Biochemical Oxygen Demand (CBOD ₅)	104	167	XXX	25.0	40.0	50
Biochemical Oxygen Demand (BOD ₅)	Report	Report	XXX	Report	XXX	XXX
Raw Sewage Influent		Daily Max				
Total Suspended Solids	125	188	XXX	30.0	45.0	60
Raw Sewage Influent	Report	Report	XXX	Report	XXX	XXX
		Daily Max				
Fecal Coliform (No./100 ml)	XXX	XXX	XXX	2,000	XXX	10,000
Oct 1 - Apr 30				Geo Mean		
May 1 - Sep 30	XXX	XXX	XXX	200	XXX	1,000
				Geo Mean		
Nitrate-Nitrite as N	XXX	XXX	XXX	Report	XXX	XXX
(Total Load, lbs) (lbs)	Report	XXX	XXX	XXX	XXX	XXX
	Total Mo					
Total Nitrogen	XXX	XXX	XXX	Report	XXX	XXX
Total Nitrogen (Total Load, lbs)	Report	XXX	XXX	XXX	XXX	XXX
(lbs)	Total Mo					
Effluent Net	Report	XXX	XXX	XXX	XXX	XXX
	Total Mo					
Ammonia-Nitrogen	Report	XXX	XXX	Report	XXX	XXX
(Total Load, lbs) (lbs)	Report	XXX	XXX	XXX	XXX	XXX
	Total Mo					
Total Kjeldahl Nitrogen	XXX	XXX	XXX	Report	XXX	XXX
(Total Load, lbs) (lbs)	Report	XXX	XXX	XXX	XXX	XXX
	Total Mo					
Total Phosphorus	XXX	XXX	XXX	Report	XXX	XXX
Total Phosphorus (Total Load, lbs)	Report	XXX	XXX	XXX	XXX	XXX
(lbs)	Total Mo					
Effluent Net	Report	XXX	XXX	XXX	XXX	XXX
	Total Mo					

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	XXX	XXX	XXX	XXX
(lbs)		Total Annual				
Effluent Net	XXX	9,132	XXX	XXX	XXX	XXX
		Total Annual				
Ammonia-Nitrogen (Total Load, lbs)	XXX	Report	XXX	XXX	XXX	XXX
(lbs)		Total Annual				
Total Phosphorus (Total Load, lbs)	XXX	Report	XXX	XXX	XXX	XXX
(lbs)		Total Annual				
Effluent Net	XXX	1,218	XXX	XXX	XXX	XXX
		Total Annual				

* This permit contains conditions which authorize the permittee to apply nutrient reduction credits to meet the Net Total Nitrogen and the Net Total Phosphorus effluent mass limits, under the Department's Chapter 96 regulations. The condition includes the requirement to report the application of these credits in Supplemental Discharge Monitoring Reports (DMRs) submitted to the Department.

Sludge use and disposal description and location(s): Agricultural utilization under PAG082204 and reed beds.

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

- Chesapeake Bay Nutrient Requirements
- Combined Sewer Overflows
- Solids Management for Non-Lagoon Treatment Systems
- Proper Waste Disposal

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

The EPA Waiver is not in effect.

Northeast Regional Office

PAS222203, Storm Water, SIC Code 3499, **Stanley Vidmar Storage Technologies, Inc.**, 11 Grammes Road, Allentown, PA 18103. Facility Name: Stanley Vidmar Storage Technologies, Inc. This existing facility is located in Allentown City, **Lehigh 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(s), Little Lehigh Creek (HQ-CWF, MF), is located in State Water Plan watershed 2-C and is classified for High Quality Waters—Cold Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are:

<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	100.0	XXX
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.

PA0060321, Sewage, SIC Code 6515, **Village of Mountain Heights, Inc.**, 139 Gardeners Lane, Dalton, PA 18414-7839. Facility Name: Village of Mountain Height WWTPs. This existing facility is located in Overfield Township, **Wyoming 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 South Branch Tunkhannock Creek (CWF, MF), is located in State Water Plan watershed 4-F and is classified for Cold Water Fishes and Migratory Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.02 MGD.

<i>Parameters</i>	<i>Mass nits (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	6.0 Inst Min	XXX	XXX	XXX
Total Residual Chlorine (TRC)	XXX	XXX	XXX	0.04	XXX	0.09
Carbonaceous Biochemical Oxygen Demand (CBOD ₅)	XXX	XXX	XXX	10.0	XXX	20.0
Total Suspended Solids	XXX	XXX	XXX	30.0	XXX	60.0
Fecal Coliform (No./100 ml)	XXX	XXX	XXX	2,000 Geo Mean	XXX	10,000
Oct 1 - Apr 30	XXX	XXX	XXX	200 Geo Mean	XXX	1,000
May 1 - Sep 30	XXX	XXX	XXX	7.5	XXX	15.0
Ammonia-Nitrogen	XXX	XXX	XXX	2.5	XXX	5.0
Nov 1 - Apr 30	XXX	XXX	XXX			
May 1 - Oct 31	XXX	XXX	XXX			

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

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

- Solids Management

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

The EPA Waiver is in effect.

Northwest Regional Office

PA0253006, Industrial, SIC Code 3841, **Cook Inc.**, 1186 Montgomery Lane, Vandergrift, PA 15690-6065. Facility Name: Cook Vandergrift. This existing facility is located in Parks Township, **Armstrong County**.

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

The receiving stream, the Kiskiminetas River (WWF), is located in State Water Plan watershed 18-B and is classified for Warm Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.036 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Average Monthly</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
cis-1,2-Dichloroethylene	XXX	XXX	Report	XXX	XXX	Report
Trichloroethylene	XXX	XXX	XXX	0.005	XXX	0.012
Manganese, Total	XXX	XXX	XXX	XXX	XXX	Report

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

- Requirements Applicable to Stormwater Outfalls
- Groundwater Cleanup—Granular Activated Carbon (GAC) Adsorption of Organic Pollutants

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.

PA0102270, Sewage, SIC Code 4952, **Skyline Development Inc.**, 114 Tower Road, Saxonburg, PA 16056-9760. Facility Name: Summit Estates MHP. This existing facility is located in West Salem Township, **Mercer County**.

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

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

The proposed effluent limits for Outfall 001 are based on a design flow of .011 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	4.0 Daily Min	XXX	XXX	XXX
Total Residual Chlorine (TRC)	XXX	XXX	XXX	0.5	XXX	1.6

<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>	
Carbonaceous Biochemical Oxygen Demand (CBOD ₅)	XXX	XXX	XXX	20.0	XXX	40
Nov 1 - Apr 30						
May 1 - Oct 31	XXX	XXX	XXX	10.0	XXX	20
Total Suspended Solids	XXX	XXX	XXX	30.0	XXX	60
Fecal Coliform (No./100 ml)	XXX	XXX	XXX	2,000	XXX	10,000
Oct 1 - Apr 30				Geo Mean		
May 1 - Sep 30	XXX	XXX	XXX	200	XXX	1,000
				Geo Mean		
Total Nitrogen	XXX	XXX	XXX	Report	XXX	XXX
Ammonia-Nitrogen	XXX	XXX	XXX	Report	XXX	XXX
Nov 1 - Apr 30						
May 1 - Oct 31	XXX	XXX	XXX	8.5	XXX	17
Total Phosphorus	XXX	XXX	XXX	Report	XXX	XXX

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

The EPA Waiver is in effect.

PA0263737, Sewage, SIC Code 4952, 8811, **Eric R & Katy J Hess**, 260 Railway Lane, Clarendon, PA 16313-1916. Facility Name: Eric R & Katy J Hess SRSTP. This existing facility is located in Cherry Grove Township, **Warren County**.

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

The receiving stream(s), Unnamed Tributary of Tionesta Creek (HQ-CWF), is located in State Water Plan watershed 16-F and is classified for High Quality Waters—Cold Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of .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	XXX	XXX	XXX	XXX	XXX
	Annl Avg					
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
			Inst Min			
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.

PA0264105, Sewage, SIC Code 8800, **Crystal A Gladden**, 9229 Station Road, Erie, PA 16510-5623. Facility Name: Crystal A Gladden SRSTP. This existing facility is located in Greenfield Township, **Erie County**.

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

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

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

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Annual Average</i>	<i>Maximum</i>	
Flow (GPD)	Report	XXX	XXX	XXX	XXX	XXX
	Annl Avg					
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
			Inst Min			
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.

PA0288926, Sewage, SIC Code 8800, **Gary Twichel**, 11000 Ivarea Road, Albion, PA 16401-8940. Facility Name: Gary Twichel SRSTP. This proposed facility is located in Elk Creek Township, **Erie County**.

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

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

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

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

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

The EPA Waiver is in effect.

PA0289027, Sewage, SIC Code 4952, 8800, **Laurie & Randy Havern**, 6730 Dobler Road, Girard, PA 16417-8710. Facility Name: Laurie & Randy Havern SRSTP. This proposed facility is located in Fairview Township, **Erie 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), Brandy Run (CWF, MF), is located in State Water Plan watershed 15-A and is classified for Cold Water Fishes and Migratory Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

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

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

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

The EPA Waiver is in effect.

PA0289051, Sewage, SIC Code 4952, 8800, **Nancy Hoegerl**, 23527 State Highway 77, Meadville, PA 16335-6026. Facility Name: Nancy Hoegerl SRSTP. This proposed facility is located in East Mead Township, **Crawford County**.

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

The receiving stream(s), Unnamed Tributary of Woodcock Creek, is located in State Water Plan watershed 16-A and is classified for, 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 .0005 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Annual Average</i>	<i>Maximum</i>	
Flow (MGD)	Report Annl Avg	XXX	XXX	XXX	XXX	XXX

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		IMAX
	Average Monthly	Average Weekly		Annual Average	Maximum	
pH (S.U.)	XXX	XXX	6.0 Inst Min	XXX	XXX	9.0
Total Residual Chlorine (TRC)	XXX	XXX	XXX	Report	XXX	XXX
Biochemical Oxygen Demand (BOD ₅)	XXX	XXX	XXX	25.0	XXX	50
Total Suspended Solids	XXX	XXX	XXX	30.0	XXX	60
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

PA0035092, Industrial, SIC Code 2015, **Tyson Poultry, Inc.**, 403 S Custer Avenue, New Holland, PA 17557-9221. Facility Name: Tyson Poultry Inc. New Holland. This existing facility is located in New Holland Borough, **Lancaster County**.

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

The receiving stream, Unnamed Tributary of Mill Creek (WWF), is located in State Water Plan watershed 7-J and is classified for Warm Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 1.5 MGD.—Limits.

Parameters	Mass Units (lbs/day)		Instant. Minimum	Concentrations (mg/L)		IMAX
	Average Monthly	Daily Maximum		Average Monthly	Daily Maximum	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	5.0	XXX	XXX	XXX
Temperature (deg F) (°F)	XXX	XXX	XXX	XXX	48	XXX
Jan 1 - 31						
Feb 1 - 28	XXX	XXX	XXX	XXX	49	XXX
Mar 1 - 31	XXX	XXX	XXX	XXX	68	XXX
Apr 1 - 15	XXX	XXX	XXX	XXX	76	XXX
Apr 16 - 30	XXX	XXX	XXX	XXX	82	XXX
May 1 - 15	XXX	XXX	XXX	XXX	80	XXX
May 16 - 31	XXX	XXX	XXX	XXX	98	XXX
Jun 1 - 15	XXX	XXX	XXX	XXX	100	XXX
Jun 16 - 30	XXX	XXX	XXX	XXX	104	XXX
Jul 1 - 31	XXX	XXX	XXX	XXX	97	XXX
Aug 1 - 15	XXX	XXX	XXX	XXX	96	XXX
Aug 16 - 31	XXX	XXX	XXX	XXX	96	XXX
Sep 1 - 15	XXX	XXX	XXX	XXX	91	XXX
Sep 16 - 30	XXX	XXX	XXX	XXX	85	XXX
Oct 1 - 15	XXX	XXX	XXX	XXX	79	XXX
Oct 16 - 31	XXX	XXX	XXX	XXX	73	XXX
Nov 1 - 15	XXX	XXX	XXX	XXX	66	XXX
Nov 16 - 30	XXX	XXX	XXX	XXX	56	XXX
Dec 1 - 31	XXX	XXX	XXX	XXX	48	XXX
Carbonaceous Biochemical Oxygen Demand (CBOD ₅)	200	325	XXX	16	26	40
Total Suspended Solids	250	375	XXX	20	30	50
Total Dissolved Solids	Report	XXX	XXX	Report	Report	XXX
Oil and Grease	100	175	XXX	8.0	14	20
Fecal Coliform (No./100 ml)	XXX	XXX	XXX	400	XXX	2,000
Oct 1 - Apr 30				Geo Mean		
May 1 - Sep 30	XXX	XXX	XXX	200	XXX	1,000
Ultraviolet light intensity (mW/cm ²)	XXX	XXX	Report	Geo Mean XXX	XXX	XXX
Ammonia-Nitrogen	50	100	XXX	4.0	8.0	10
Nov 1 - Apr 30						
May 1 - Oct 31	21	42	XXX	1.7	3.4	4.2
Total Phosphorus	25	50	XXX	2.0	4.0	5.0
Sulfate, Total	Report	XXX	XXX	Report	XXX	XXX

Parameters	Mass Units (lbs/day)		Instant. Minimum	Concentrations (mg/L)		IMAX
	Average Monthly	Daily Maximum		Average Monthly	Daily Maximum	
Chloride	Report	XXX	XXX	Report	XXX	XXX
Bromide	Report	XXX	XXX	Report	XXX	XXX

The proposed effluent limits for Outfall 001 are based on a design flow of 1.5 MGD.—Limits

Parameters	Mass Units (lbs)		Minimum	Concentrations (mg/L)	
	Monthly	Annual		Average Monthly	Daily Maximum
Ammonia—N	Report	Report	XXX	Report	XXX
Kjeldahl—N	Report	XXX	XXX	Report	XXX
Nitrite-Nitrate as N	Report	XXX	XXX	Report	XXX
Total Nitrogen	Report	Report	XXX	103	147
Total Phosphorus	Report	Report	XXX	Report	XXX
Net Total Nitrogen	XXX	54,794	XXX	XXX	XXX
Net Total Phosphorus	XXX	559	XXX	XXX	XXX

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 717-705-4732.

The EPA Waiver is not in effect.

PA0020834, Sewage, SIC Code 4952, **Greencastle, Franklin County Authority**, 60 N Washington Street, Greencastle, PA 17225-1230. Facility Name: Greencastle STP. This existing facility is located in Greencastle Borough, **Franklin County**.

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

The receiving stream(s), Unnamed Tributary to Conococheague Creek (WWF, MF), is located in State Water Plan watershed 13-C and is classified for Migratory Fishes and Warm Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of .95 MGD.—Limits.

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		Instant. Maximum
	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 Daily Min	XXX	XXX	XXX
Total Residual Chlorine (TRC)	XXX	XXX	XXX	0.19	0.64 Daily Max	XXX
Carbonaceous Biochemical Oxygen Demand (CBOD ₅)	198.0	317.0	XXX	25.0	40.0	50
Biochemical Oxygen Demand (BOD ₅)	Report	XXX	XXX	Report	XXX	XXX
Raw Sewage Influent Total Suspended Solids	Report	XXX	XXX	Report	XXX	XXX
Raw Sewage Influent Total Suspended Solids	237.0	356.0	XXX	30.0	45.0	60
Total Dissolved Solids	Report	Report	XXX	Report	XXX	XXX
Fecal Coliform (No./100 ml)	XXX	XXX	XXX	2,000	XXX	10,000
Oct 1 - Apr 30	XXX	XXX	XXX	Geo Mean 200	XXX	1,000
May 1 - Sep 30	XXX	XXX	XXX	Geo Mean		
Nitrate-Nitrite as N (Total Load, lbs) (lbs)	XXX Report Total Mo	XXX XXX	XXX XXX	Report XXX	XXX XXX	XXX XXX
Total Nitrogen (Total Load, lbs) (lbs)	XXX Report Total Mo	XXX XXX	XXX XXX	Report XXX	XXX XXX	XXX XXX
Ammonia-Nitrogen Nov 1 - Apr 30	71	XXX	XXX	9.0	XXX	18
May 1 - Oct 31 (Total Load, lbs) (lbs)	23 Report Total Mo	XXX XXX	XXX XXX	3.0 XXX	XXX XXX	6 XXX

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Weekly Average</i>		<i>Average Monthly</i>	<i>Weekly Average</i>	
Total Kjeldahl Nitrogen (Total Load, lbs) (lbs)	XXX Report	XXX XXX	XXX XXX	Report XXX	XXX XXX	XXX XXX
Total Phosphorus (Total Load, lbs) (lbs)	Total Mo XXX Report	XXX XXX	XXX XXX	Report XXX	XXX XXX	XXX XXX
Sulfate, Total Chloride Bromide	Report Report Report	Report Report Report	XXX XXX XXX	Report Report Report	XXX XXX XXX	XXX XXX XXX

The proposed monitoring requirements and effluent limits for implementation of Pennsylvania's Chesapeake Bay Watershed Implementation Plan are as follows for Outfall 001.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Monthly</i>	<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Monthly</i>	<i>Annual</i>		<i>Monthly Average</i>	<i>Maximum</i>	
Total Nitrogen (Total Load, lbs) (lbs) Effluent Net	XXX	17,351.0 Total Annual	XXX	XXX	XXX	XXX
Total Nitrogen (Total Load, lbs) (lbs)	XXX	Report Total Annual	XXX	XXX	XXX	XXX
Ammonia-Nitrogen (Total Load, lbs) (lbs)	XXX	Report Total Annual	XXX	XXX	XXX	XXX
Total Phosphorus (Total Load, lbs) (lbs) Effluent Net	XXX	2,314.0 Total Annual	XXX	XXX	XXX	XXX
Total Phosphorus (Total Load, lbs) (lbs)	XXX	Report Total Annual	XXX	XXX	XXX	XXX

* This permit contains conditions which authorize the permittee to apply nutrient reduction credits to meet the Net Total Nitrogen and the Net Total Phosphorus effluent mass limits, under the Department's Chapter 96 regulations. The condition includes the requirement to report the application of these credits in Supplemental Discharge Monitoring Reports (DMRs) submitted to the Department.

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 717-705-4732.

The EPA Waiver is not in effect.

PA0080918, Sewage, SIC Code 4952, **Rick Long**, 101 Speedwell Forge Road, Lititz, PA 17543-9541. Facility Name: Long SRSTP. This existing facility is located in Elizabeth Township, **Lancaster County**.

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

The receiving stream(s), Kettle Run (HQ-CWF), is located in State Water Plan watershed 7-J and is classified for High Quality Waters—Cold Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of .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>Weekly Average</i>		<i>Annual Average</i>	<i>Maximum</i>	
pH (S.U.)	XXX	XXX	6.0 Inst Min	XXX	XXX	9.0
Total Residual Chlorine (TRC)	XXX	XXX	XXX	Report Avg Mo	XXX	XXX

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

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Weekly Average</i>		<i>Annual Average</i>	<i>Maximum</i>	
Flow (MGD)	Report Annl Avg	XXX	XXX	XXX	XXX	XXX
Carbonaceous Biochemical Oxygen Demand (CBOD 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	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.

PA0082635, Sewage, SIC Code 4952, **Els Sun Valley LP**, 2 N Riverside Pz., Suite 800, Chicago, IL 60606. Facility Name: Sun Valley Campground. This existing facility is located in Brecknock Township, **Lancaster County**.

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

The receiving stream(s), Unnamed Tributary to Muddy Creek (HQ-TSF), is located in State Water Plan watershed 7-J and is classified for High Quality Waters—Trout Stocking, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of .02 MGD.—Limits.

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		IMAX
	Average Monthly	Average Weekly		Average Monthly	Maximum	
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	10	XXX	20
Total Suspended Solids	XXX	XXX	XXX	10	XXX	20
Fecal Coliform (No./100 ml)	XXX	XXX	XXX	2,000 Geo Mean	XXX	10,000
Oct 1 - Apr 30	XXX	XXX	XXX	200	XXX	1,000
May 1 - Sep 30	XXX	XXX	XXX	Geo Mean 9.0	XXX	18
Ammonia-Nitrogen	XXX	XXX	XXX	3.0	XXX	6
Nov 1 - Apr 30	XXX	XXX	XXX	2.0	XXX	4
May 1 - Oct 31	XXX	XXX	XXX			
Total Phosphorus	Report	Report Total Mo	XXX			

The proposed effluent limits for Outfall 001 are based on a design flow of .02 MGD.—Limits.

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

The proposed effluent limits for Outfall 001 are based on a design flow of .02 MGD.—Limits.

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		IMAX
	Average Monthly	Average Weekly		Average Monthly	Maximum	
Total Nitrogen (Total Load, lbs) (lbs)	XXX	Report	XXX	XXX	XXX	XXX
Total Phosphorus (Total Load, lbs) (lbs)	XXX	Total Annual Report	XXX	XXX	XXX	XXX
		Total Annual				

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.

PA0267228, Sewage, SIC Code 8811, **Benjamin Shipley**, 208 Calvary Church Road, Wrightsville, PA 17368-9518. Facility Name: Shipley Residence. This proposed facility is located in Lower Windsor Township, **York 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), Cabin Creek (WWF, MF), is located in State Water Plan watershed 7-I and is classified for Migratory Fishes and Warm Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

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

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

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 717-705-4732.

The EPA Waiver is in effect.

PA0267368, Sewage, SIC Code 1521, **Digilio Julian**, 12046 Guyer Road, Petersburg, PA 16669-2602. Facility Name: Digilio Res. This proposed facility is located in Jackson Township, **Huntingdon 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), Herod Run (HQ-CWF, MF), is located in State Water Plan watershed 11-B 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 .0005 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Annual Average</i>	<i>Maximum</i>	
Flow (GPD)	Report Annl Avg	XXX	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	5.0 Inst Min	XXX	XXX	9.0
Carbonaceous Biochemical Oxygen Demand (CBOD ₅)	XXX	XXX	XXX	10.0	XXX	20.0
Total Suspended Solids	XXX	XXX	XXX	10.0	XXX	20.0
Fecal Coliform (No./100 ml)	XXX	XXX	XXX	200	XXX	XXX

The proposed effluent limits for Outfall 001 are based on a design flow of .0005 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>	
Ammonia-Nitrogen	XXX	XXX	XXX	15.0	XXX	XXX
Nov 1 - Apr 30	XXX	XXX	XXX	Avg Mo	XXX	XXX
May 1 - Oct 31	XXX	XXX	XXX	5.0 Avg Mo	XXX	XXX

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 717-705-4732.

The EPA Waiver is in effect.

PA0281808, Sewage, SIC Code 8811, **Omer W Hazlett**, 171 Wayside Drive, Duncansville, PA 16635-8500. Facility Name: Omer Hazlett Property. This proposed facility is located in Frankstown Township, **Blair County**.

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

The receiving stream(s), Unnamed Tributary to Oldtown Run (WWF, MF), is located in State Water Plan watershed 11-A and is classified for Migratory Fishes and Warm Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

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

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

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 717-705-4732.

The EPA Waiver is in effect.

Southeast Regional Office

PA0050733, Sewage, SIC Code 8221, **Lincoln University**, 1570 Baltimore Pike, P.O. Box 179, Lincoln University, PA 19352-0999. Facility Name: Lincoln University STP. This existing facility is located in Lower Oxford Township, **Chester County**.

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

The receiving stream, McDonald Run (HQ-TSF, MF), is located in State Water Plan watershed 7-K and is classified for Migratory Fishes and High Quality Waters—Trout Stocking, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of .18 MGD.—Limits.

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		IMAX
	Average Monthly	Daily Maximum		Average Monthly	Maximum	
Nitrate-Nitrite as N	XXX	XXX	XXX	Report Avg	XXX	XXX
Nitrate-Nitrite as N (Total Load, lbs) (lbs)	Report Total Qrtly	XXX	XXX	XXX	XXX	XXX
Total Nitrogen	XXX	XXX	XXX	Report Avg	XXX	XXX
(Total Load, lbs) (lbs)	Report Total Qrtly	XXX	XXX	XXX	XXX	XXX
Ammonia-Nitrogen (Total Load, lbs) (lbs)	Report Total Qrtly	XXX	XXX	XXX	XXX	XXX
Total Kjeldahl Nitrogen	XXX	XXX	XXX	Report Avg	XXX	XXX
(Total Load, lbs) (lbs)	Report Total Qrtly	XXX	XXX	XXX	XXX	XXX
Total Phosphorus	XXX	XXX	XXX	Report Avg	XXX	XXX
(Total Load, lbs) (lbs)	Report Total Qrtly	XXX	XXX	XXX	XXX	XXX
Copper, Total	XXX	XXX	XXX	Report Avg Qrtly	XXX	XXX
Zinc, Total	XXX	XXX	XXX	Report Avg Qrtly	XXX	XXX

The proposed effluent limits for Outfall 001 are based on a design flow of .18 MGD.—Limits.

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		IMAX
	Average Monthly	Average Weekly		Average Monthly	Maximum	
Flow (MGD)	Report	Report Daily Max	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	Inst Min 6.0	XXX	XXX	XXX
Carbonaceous Biochemical Oxygen Demand (CBOD ₅)	37.5	XXX	Inst Min XXX	25	XXX	50
Nov 1 - Apr 30						
May 1 - Oct 31	30	XXX	XXX	20	XXX	40
Total Suspended Solids	45	XXX	XXX	30	XXX	60
Fecal Coliform (CFU/100 ml)	XXX	XXX	XXX	2,000	XXX	10,000
Oct 1 - Apr 30				Geo Mean		
May 1 - Sep 30	XXX	XXX	XXX	200	XXX	1,000
Ultraviolet light intensity (µw/cm ²)	XXX	XXX	Report	Geo Mean XXX	XXX	XXX
Ammonia-Nitrogen	6.0	XXX	XXX	3.9	XXX	7.8
Nov 1 - Apr 30						
May 1 - Oct 31	2.0	XXX	XXX	1.3	XXX	2.6

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

- O&M Plan
- Chesapeake Bay Nutrient Definitions
- Solids Management

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.

Southwest Regional Office

PA0093076, Sewage, SIC Code 6515, **Jones Estates Brookhaven LLC**, 676 Banning Road, Dawson, PA 15428-1006. Facility Name: Brookhaven Estates MHP. This existing facility is located in South Franklin Township, **Washington County**.

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

The receiving stream(s), Unnamed Tributary of Chartiers Creek, is located in State Water Plan watershed 20-F and is classified for High Quality Waters—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 0.02 MGD.—Limits.

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		IMAX
	Average Monthly	Average Weekly		Average Monthly	Maximum	
Flow (MGD)	0.02	XXX	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	Inst Min 5.0	XXX	XXX	XXX
Total Residual Chlorine (TRC)	XXX	XXX	XXX	0.05	XXX	0.16
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)	XXX	XXX	XXX	2,000	XXX	10,000
Oct 1 - Apr 30	XXX	XXX	XXX	Geo Mean 200	XXX	1,000
May 1 - Sep 30	XXX	XXX	XXX	Geo Mean XXX	Report Daily Max XXX	XXX
Ammonia-Nitrogen	XXX	XXX	XXX	2.0	XXX	4.0
May 1 - Oct 31	XXX	XXX	XXX	6.0	XXX	12.0
Nov 1—Apr 30	XXX	XXX	XXX	XXX	Report Daily Max XXX	XXX
Total Phosphorus	XXX	XXX	XXX	XXX	XXX	XXX

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 412-442-4000.

The EPA Waiver is in effect.

PA0093980, Sewage, SIC Code 6515, **Better Built Mobile Homes**, 102 Kimberlin Drive, Irwin, PA 15642-3186. Facility Name: Kimberly Estates MHP. This existing facility is located in Sewickley Township, **Westmoreland County**.

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

The receiving stream, an Unnamed Tributary to the Little Sewickley Creek (TSF), is located in State Water Plan watershed 19-D 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 0.03 MGD.—Limits.

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		IMAX
	Average Monthly	Average Weekly		Average Monthly	Maximum	
Flow (MGD)	Report	XXX	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	9.0	XXX
Dissolved Oxygen	XXX	XXX	Daily Min 5.0	XXX	Daily Max XXX	XXX
Total Residual Chlorine (TRC)	XXX	XXX	Daily Min XXX	0.22	XXX	0.50

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		IMAX
	Average Monthly	Average Weekly		Average Monthly	Maximum	
Carbonaceous Biochemical Oxygen Demand (CBOD ₅)	XXX	XXX	XXX	10.0	XXX	20.0
Total Suspended Solids	XXX	XXX	XXX	25.0	XXX	50.0
Fecal Coliform (No./100 ml)	XXX	XXX	XXX	2,000	XXX	10,000
Oct 1 - Apr 30				Geo Mean		
May 1 - Sep 30	XXX	XXX	XXX	200	XXX	1,000
				Geo Mean		
Ammonia-Nitrogen	XXX	XXX	XXX	7.5	XXX	15.0
Nov 1 - Apr 30						
May 1 - Oct 31	XXX	XXX	XXX	2.5	XXX	5.0
Total Nitrogen	XXX	XXX	XXX	XXX	Report	XXX
					Daily Max	
Total Phosphorus	XXX	XXX	XXX	XXX	Report	XXX
					Daily Max	

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

- Solids Management

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 412-442-4000.

The EPA Waiver is in effect.

PA0216101, Sewage, SIC Code 4952, **Kerry Beener**, 144 Berry Road, Rockwood, PA 15557-6928. Facility Name: Kerry Beener SRSTP. This existing facility is located in Milford Township, **Somerset County**.

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

The receiving streams, South Glade Creek (WWF), 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 0.0004 MGD.—Limits.

Parameters	Mass Units (lbs/day)		Instant. Minimum	Concentrations (mg/L)		IMAX
	Average Monthly	Average Weekly		Average Monthly	Daily Maximum	
Flow (MGD)	0.0004	XXX	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Total Residual Chlorine (TRC)	XXX	XXX	XXX	Report	XXX	XXX
				Avg Qrtly		
Carbonaceous Biochemical Oxygen Demand (CBOD ₅)	XXX	XXX	XXX	25.0	XXX	50.0
Total Suspended Solids	XXX	XXX	XXX	30.0	XXX	60.0
Fecal Coliform (No./100 mL)	XXX	XXX	XXX	200	XXX	XXX
				Geo Mean		

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.

PA0264211, Sewage, SIC Code 8800, **Jenner Township**, Penn Avenue, Hollsopple, PA 15935. Facility Name: Pine Run SFTF. This existing facility is located in Jenner Township, **Somerset 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), Pine Run, is located in State Water Plan watershed 18-E and is classified for Cold Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.0012 MGD.—Limits.

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		IMAX
	Average Monthly	Average Weekly		Average Monthly	Maximum	
Flow (MGD)	Report	XXX	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	9.0	XXX
Total Residual Chlorine (TRC)	XXX	XXX	XXX	0.5	XXX	1.6
Biochemical Oxygen Demand (BOD ₅)	XXX	XXX	XXX	10.0	XXX	20
Total Suspended Solids	XXX	XXX	XXX	10.0	XXX	20

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Average Monthly</i>	<i>Maximum</i>	
Fecal Coliform (No./100 ml)	XXX	XXX	XXX	200	XXX	XXX

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 412-442-4000.

The EPA Waiver is in effect.

PA0002437 A-1, Industrial, SIC Code 3312, **Lindy Paving Inc.**, 2340 2nd Avenue, Pittsburgh, PA 15219-3106. Facility Name: Neville Terminal—Shenango Parcel. This existing facility is located in Neville Township, **Allegheny County**.

Description of Existing Activity: The application is for an NPDES permit amendment for new discharges of storm water associated with industrial activities and a permit transfer from Shenango, Inc. to Lindy Paving Inc.

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

The proposed effluent limits for Outfalls 001, 007, and 008 are for variable storm water discharges.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
Flow (MGD)	XXX	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	XXX	XXX	Report	XXX
Total Suspended Solids	XXX	XXX	XXX	XXX	Report	XXX
Total Dissolved Solids	XXX	XXX	XXX	XXX	Report	XXX
Chloride	XXX	XXX	XXX	XXX	Report	XXX
Chemical Oxygen Demand (COD)	XXX	XXX	XXX	XXX	Report	XXX
Oil and Grease	XXX	XXX	XXX	XXX	Report	XXX
Ammonia-Nitrogen	XXX	XXX	XXX	XXX	Report	XXX
Arsenic, Total	XXX	XXX	XXX	XXX	Report	XXX
Cadmium, Total	XXX	XXX	XXX	XXX	Report	XXX
Chromium, Total	XXX	XXX	XXX	XXX	Report	XXX
Copper, Total	XXX	XXX	XXX	XXX	Report	XXX
Cyanide, Total	XXX	XXX	XXX	XXX	Report	XXX
Iron, Total	XXX	XXX	XXX	XXX	Report	XXX
Lead, Total	XXX	XXX	XXX	XXX	Report	XXX
Benzo(a)Pyrene	XXX	XXX	XXX	XXX	Report	XXX
Naphthalene	XXX	XXX	XXX	XXX	Report	XXX
Phenolics, Total	XXX	XXX	XXX	XXX	Report	XXX

In addition, the permit contains the following major special conditions: requirements for the management of salt stockpiles and storm water runoff.

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.

PA0253570, Storm Water, SIC Code 1741, **Glen-Gery Corporation**, 1166 Spring Street, Wyomissing, PA 19610-1721. Facility Name: Glen-Gery Corporation—Harmar Plant. This proposed facility is located in Harmar Township, **Allegheny County**.

Description of Proposed Activity: The application is for a new NPDES permit for existing discharges of industrial stormwater.

The receiving streams, Unnamed Tributary to Deer Creek (CWF), Little Deer Creek (TSF), Deer Creek (WWF), and Deer Creek (CWF), are located in State Water Plan watershed 18-A and are classified for Cold Water Fishes, Warm Water Fishes, and Trout Stocking, aquatic life, water supply and recreation. The discharges are not expected to affect public water supplies.

The proposed effluent limits for Outfall 005 and 007—011 are for variable storm water discharges.—Limits.

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

In addition, the permit contains the following major special conditions: requirements for storm water associated with industrial activities including best management practices and effluent concentration goals.

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 412-442-4000.

The EPA Waiver is in effect.

III. 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>
PAD510197	New	2157 Lehigh Development, LLC 3705 Falls Circle Philadelphia, PA 19129	City of Philadelphia Philadelphia County	SERO
PAD480144	New	James Severn 4131 Lower Saucon Road Hellertown, PA 18055-3323	Hellertown Borough Northampton County	NERO
PAD390200	New	Bob & Gina Kline 5704 Memorial Road Germansville, PA 18053	Heidelberg Township Lehigh County	NERO
PAD070015	New	6 Ds Properties 3229 Pleasant Valley Boulevard Altoona, PA 16602	Antis Township Blair County	SCRO
PAD210064	New	Diakon Lutheran Social Ministries 960 Century Drive Mechanicsburg, PA 17055	South Middleton Cumberland County	SCRO
PAD280009	Amendment	Rising Sun Developers, LLC 2341 Falling Spring Road Chambersburg, PA 17202-9094	Guilford Township Franklin County	SCRO
PAD380013	New	Douglas R. Martin 81 East Rosebud Road Myerstown, PA 17067	Jackson Township Lebanon County	SCRO
PAD500011	New	Calvin Musser 284 Blimline Road Mohnton, PA 19540	Juniata Township Perry County	SCRO
PAD630058	New	Mon River Industrial Group, LLC 1 Wheeling Pittsburgh Drive Allenport, PA 15412	Allenport Borough Washington County	Washington County Conservation District 50 Old Hickory Ridge Road Suite 1 Washington, PA 15301 724-705-7098
PAD330006A3	Major Amendment	Cresco Yeltrah LLC 646 Service Center Road Brookville, PA 15825	Pine Creek Township Jefferson County	NWRO

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>
Windy Pine Farm 410 Barnsley Road Oxford, PA 19363	Chester	60.7	354.05	Swine	N/A	New
Jerrell Brubaker 269 Meeting House Lane Lewisburg, PA 17837	Union	879.46	759.78	Swine and Poultry	N/A	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).

Southwest Region: Safe Drinking Water Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745

Permit No. 6321501, Public Water Supply.
 Applicant **South Park MHC, LLC**
 31200 Northwestern Highway
 Farmington Hills, MI 48334
 Township or Borough Union Township

County	Washington County
Responsible Official	Joel Brown, Authorized Agent
Type of Facility	Water system
Consulting Engineer	Spotts, Stevens and McCoy 1047 North Park Road Reading, PA 19610
Application Received Date	March 11, 2021
Description of Action	PWS system at the South Park Mobile Home Court.
Permit No. 6321502 , Public Water Supply.	
Applicant	Washington Estates MHC, LLC 31200 Northwestern Highway Farmington Hills, MI 48334
Township or Borough	Canton and Chartiers Townships
County	Washington County
Responsible Official	Joel Brown, Authorized Agent
Type of Facility	Water system
Consulting Engineer	Spotts, Stevens and McCoy 1047 North Park Road Reading, PA 19610
Application Received Date	March 10, 2021
Description of Action	PWS system at the Washington Estates Mobile Home Court.
Permit No. 6321503 , Public Water Supply.	
Applicant	Washington Estates II MHC, LLC 31200 Northwestern Highway Farmington Hills, MI 48334
Township or Borough	Canton Township
County	Washington County
Responsible Official	Joel Brown, Authorized Agent
Type of Facility	Water system
Consulting Engineer	Spotts, Stevens and McCoy 1047 North Park Road Reading, PA 19610
Application Received Date	March 11, 2021

Description of Action PWS system at the Washington Estates II Mobile Home Court.

Permit No. 0221509, Public Water Supply.

Applicant **Redwood Estates, LLC**
31200 Northwestern Highway
Farmington Hills, MI 48334

Township or Borough Oakdale Borough

County **Allegheny County**

Responsible Official Joel Brown, Authorized Agent

Type of Facility Water system

Consulting Engineer Spotts, Stevens and McCoy
1047 North Park Road
Reading, PA 19610

Application Received Date March 10, 2021

Description of Action PWS system at the Redwood Estates Manufactured Home Community.

Permit No. 0221510, Public Water Supply.

Applicant **Virginia Hills PA, LLC**
31200 Northwestern Highway
Farmington Hills, MI 48334

Township or Borough North Fayette Township

County **Allegheny County**

Responsible Official Joel Brown, Authorized Agent

Type of Facility Water system

Consulting Engineer Spotts, Stevens and McCoy
1047 North Park Road
Reading, PA 19610

Application Received Date March 10, 2021

Description of Action PWS system at the Virginia Hills Manufactured Home Community.

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:

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

United Metal Silver Site, 1501—1503 Myrtle Street, Erie, PA 16502, City of Erie, **Erie County**. Urban Engineers, Inc., 1319 Sassafras Street, Erie, PA 16501 on behalf of Enterprise Development Center of Erie County, 1314 Griswold Plaza, Erie, PA 16501 has submitted a Notice of Intent to Remediate. Analytical results show the fill has been contaminated with 1,1-Dichloroethene, Trichloroethene, Vinyl Chloride, Benzo[a]pyrene Naphthalene, Arsenic, and Lead. Future use of the property will be industrial. The Notice of Intent to Remediate was published in the *Erie-Times News* on March 10, 2021.

DETERMINATION OF APPLICABILITY UNDER RESIDUAL WASTE GENERAL PERMITS

Application(s) received for Registration 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.

Southwest Region: Regional Solid Waste Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.

General Permit Application No. WMGR123SW048. EQT Production Company; 400 Woodcliff Drive, Canonsburg, PA 15317. The site address is 683 Greene Valley Road, Aleppo, PA 15310, Aleppo Township, **Greene County**. The Department received a new application for coverage under General Permit No. WMGR123. This general permit is for the processing, transfer, and beneficial use of oil and gas liquid waste to develop or hydraulically fracture an oil or gas well. The application was determined to be administratively complete on February 17, 2021.

Comments concerning the application should be directed to Regional Solid Waste Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745. Persons interested in obtaining more information about the general permit application may contact the Southwest Regional Office (412) 442-4000. 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

OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE

Applications deemed administratively complete under the Solid Waste Management Act (35 P.S. §§ 6018.101—6018.1003), the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P.S. §§ 4000.101—4000.1904) and Regulations to Operate Solid Waste Processing or Disposal Area or Site.

Southcentral Region: Regional Solid Waste Manager, 909 Elmerton Avenue, Harrisburg, PA 17110-8200.

Permit Application No. 101092. Diller Transfer Station, LLC, 6820 Wertzville Road, Enola, PA 17025, Hampden and Silver Spring Townships, **Cumberland County**. An application for a permit reissuance was submitted by Diller Transfer Station, LLC, to reissue the current permit to GFL Everglades Holdings, LLC. This application was deemed administratively complete by the Southcentral Regional Office on March 10, 2021.

Comments concerning the application should be directed to John Oren, Permits Chief, Waste Management Program, 909 Elmerton Avenue, Harrisburg, PA 17110-8200. Persons interested in obtaining more information about this permit application may contact the Southcentral Regional Office at (717) 705-4706. 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.

Permit Application No. 101538. WSI Sandy Run Landfill, Inc., 995 Landfill Road, Hopewell, PA 16650, Broad Top Township, **Bedford County**. An application for a permit reissuance was submitted by WSI Sandy Run Landfill, Inc., to reissue the current permit to GFL Everglades Holdings, LLC, as Sandy Run Landfill, LLC. This application was deemed administratively complete by the Southcentral Regional Office on March 5, 2021.

Comments concerning the application should be directed to John Oren, Permits Chief, Waste Management Program, 909 Elmerton Avenue, Harrisburg, PA 17110-8200. Persons interested in obtaining more information about this permit application may contact the Southcentral Regional Office at (717) 705-4706. TDD users may contact the Department through the Pennsyl-

vania 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.

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 Chap-

ters 121–145, the Federal Clean Air Act (42 U.S.C.A. §§ 7401–7671q) and regulations adopted under the Federal Clean Air Act.

Persons with a disability who wish to comment and require an auxiliary aid, service or other accommodation to participate should contact the Regional Office listed before the application. TDD users may contact the Department through the Pennsylvania Hamilton Relay Service at (800) 654-5984.

Intent to Issue Plan Approvals and Intent to Issue or Amend Operating Permits under the Air Pollution Control Act (35 P.S. §§ 4001–4015) and 25 Pa. Code Chapter 127, Subchapter B. These actions may include the administrative amendments of an associated operating permit.

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

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

09-0249: Pet Meadow LLC (6 Steel Road, Morrisville, PA 19067) for installation of four (4) pet crematories at a new facility to be located in Falls Township, **Bucks County**. The facility will be classified as a Natural Minor because site wide emissions for all criteria pollutants are below the threshold for major sources for the Philadelphia Metropolitan Area. The plan approval will contain requirements to keep the facility operating within all applicable air quality requirements for this source.

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

Philadelphia: Air Management Services, 321 University Avenue, Philadelphia, PA 19104-4543.

Contact: Edward Wiener, Chief, Source Registration at 215-685-9426.

The City of Philadelphia, Air Management Services (AMS) intends to issue a Plan Approval for installation of air pollution sources at the following facility:

IP21-000063: Kinder Morgan Liquids Terminals, LLC—Philadelphia Terminal (3300 N Delaware Ave, Philadelphia, PA 19134) for the installation and operation of the following air pollution sources, in the City of Philadelphia, **Philadelphia County**.

- Allow the facility to process and load Methyl Methacrylate (MMA)
- Installation of a Vapor Combustion Unit with a 16.2 MMBtu/hr natural gas burner to control MMA emissions.
- Remove the internal floating roofs of from tanks 225, 226, 227, and 228. MMA will be stored in existing tanks 225, 226, 227, and 228. Each tank will be converted into a vertical fixed roof tank and vented to the Vapor Combustion Unit (VCU), CD-03.

The potential emission from the installation are as follows: (1) 0.91 ton per year of (tpy) of MMA, (2) 8.1 tpy of Nitrogen Oxides (NO_x), (3) 0.31 tpy of Particulate Matter (PM), (4) 12.0 tpy of Carbon Monoxide (CO), and (5) 0.31 tpy of Volatile Organic Compound (VOC). The

plan approval will contain operating, monitoring, and recordkeeping requirements to ensure operation within all applicable requirements.

The plan approval will be issued under 25 Pa. Code, Philadelphia Code Title 3 and Air Management Regulation XIII. Permit copies, statement of basis, and other supporting information are available for public inspection at AMS, 321 University Avenue, Philadelphia, PA 19104. For further information, contact Edward Wiener at (215) 685-9426.

Persons wishing to file protest, comments, or request a public hearing on the previously listed plan approval must submit the protest, comments or request for a public hearing within 30 days from the date of this notice. Any protests or comments filed with AMS must include a concise statement of the objections to the permit issuance and the relevant facts upon which the objections are based. Based upon the information received during the public comment period, AMS may modify the plan approval or schedule a public hearing. The hearing notice will be published in the *Pennsylvania Bulletin* and a local newspaper at least thirty days before the hearing.

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

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

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

23-00030: Swarthmore College (500 College Avenue, Swarthmore, PA 19081) located in Swarthmore Borough, **Delaware County**. This action is a renewal of a Synthetic Minor Operating Permit. The facility's emission points include boilers and emergency generators located throughout the college campus. The renewal permit will include monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

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

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

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

19-00034: Wenger Feeds, LLC (101 W. Harrisburg Ave., Rheems, PA 17570) to issue a State Only Operating Permit for an animal feed mill (Benton Mill) located in Benton Township, **Columbia County**. The facility was previously owned/operated as the L&K Mills and was unpermitted. The facility's main sources include various animal feed processing equipment including: receiving stations, elevators, conveyors, storage bins, screens, mixers, hammermills, a pelletizing operation, a roller mill, a 0.38 MMBtu/hr, propane-fired corn dryer, a 5.52 MMBtu/hr, No. 2 fuel oil-fired boiler, one parts washer and onsite, unpaved roads. The facility has potential emissions of 1.10 TPY of CO; 3.89 TPY of NO_x; 0.04 TPY of SO_x; 16.57 TPY of PM₁₀/PM_{2.5}; 0.57 TPY of VOCs; 0.01 TPY HAPs; 4,366 TPY GHGs. The boiler is subject to 40 CFR Part 63, Subpart JJJJJJ—National Emission Standards for Hazardous Air Pollutants for Industrial, Commercial,

and Institutional Boilers Area Sources. The Benton Mill is subject to 40 CFR Part 63, Subpart DDDDDDD—National Emission Standards for Hazardous Air Pollutants for Area Sources: Prepared Feeds Manufacturing. The emission limits and work practice standards along with testing, monitoring, recordkeeping and reporting requirements have been included in the operating permit to ensure the facility complies with all applicable Federal and State air quality regulations. These operating permit conditions have been derived from the applicable requirements of 25 Pa. Code Chapters 121—145, as well as 40 CFR Part 63. All pertinent documents used in the evaluation of the application are available for public review during normal business hours at the Department's Northcentral Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701. Appointments for scheduling a review must be made by calling 570-327-0550.

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

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

33-00133: HRI Inc. (1750 W College Ave, State College, PA 16801-2719). The Department is providing notice that they intend to renew a State Only Natural Minor Operating Permit for operation of the hot mix asphalt (HMA) facility located in Pine Creek Township, **Jefferson County**. The facility's primary emission sources include the HMA process (including a 103 MMBtu/hr burner) controlled by a knockout box and baghouse, the two asphalt oil heaters (1.2 MMBtu/hr total), fugitives, and a parts washer. The potential emissions of the primary pollutants from the facility are as follows: 30.49 TPY (tons per year) NO_x, 99.52 TPY CO, 10.21 TPY VOC, 1.30 TPY total HAPs, 6.40 TPY PM₁₀ and PM_{2.5}, and 21.79 TPY SO_x; thus, the facility is a natural minor. The HMA process is subject to 40 CFR 60 Subpart I, Standards of Performance for Hot Mix Asphalt Facilities, as well as plan approval limits on throughput for the plant to 495,000 tons per year during any 12 consecutive month period as well as emission restrictions on the primary pollutants. The renewal permit will contain emission restrictions, recordkeeping, work practices, and additional requirements to ensure compliance with the Clean Air Act and the Air Pollution Control Act.

43-00364: Combined Systems, Inc. (388 Kinsman Road, Jamestown, PA 16134). The Department intends to renew a State Only Operating Permit for the CS manufacturing operations in Greene Township, **Mercer County**. The facility is a Natural Minor. Potential emissions are estimated as follows: less than 1 tpy NO_x; less than 1 tpy CO; 3.64 tpy VOC; less than 1 tpy SO_x; less than 1 tpy PM; 1.78 tpy PM₁₀; and 2.36 tpy all combined HAPs. The primary sources at the facility are a CS mixing operation, granulation & sieving operation, pelletizing, a 1600 cfm paint booth, silk screening & varnish application, several small indoor testing operations, field testing, a mixing operation of CS or CN with methylene chloride, flare testing, and HC smoke canister testing. The mixing of CS and CN powder with methylene chloride is subject to 40 CFR Part 63 Subpart VVVVVV, the National Emission Standards for Hazardous Air Pollutants for Chemical Manufacturing Area Sources. The permit contains emission restrictions, recordkeeping, work practice, and additional requirements to ensure compliance with the Clean Air Act and the Air Pollution Control Act.

62-00153: Whirley Industries Inc. (618 4th Ave, Warren, PA 16365-4923). The Department is providing notice that they intend to renew a State Only Natural Minor Operating Permit for operation of the Harmar Street facility located in the City of Warren, **Warren County**. This facility does printing of plastic products. The facility has 13 printing presses and 3 pad printing machines. Other emission sources include miscellaneous space heaters, flame treaters for each printing line, and an emergency generator engine. The potential emissions of the primary pollutants from the facility are as follows: 8.85 TPY (tons per year) NO_x, 2.04 TPY CO, 34.57 TPY VOC, 22.09 TPY PM₁₀ and PM_{2.5}, and 0.05 TPY SO_x; thus, the facility is a natural minor. The printing operations are subject to 25 Pa. Code § 129.52d for miscellaneous plastic parts surface coating processes. The emergency generator engine is subject to 40 CFR 63 Subpart ZZZZ, NESHAP for Stationary Reciprocating Internal Combustion Engines. The renewal permit will contain emission restrictions, recordkeeping, work practices, and additional requirements to ensure compliance with the Clean Air Act and the Air Pollution Control Act.

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.

28-03069: Advanced Pellet Technology LLC (2 East 6th Street, Waynesboro, PA 17268) for the operation of a pellet plant facility in Waynesboro Borough, **Franklin County**. This is for a new State-Only Permit. Potential air emissions from the facility are estimated at 57.3 tpy PM, 6.01 tpy NO_x, 5.05 tpy CO, 2.45 tpy VOC, and less than 1 tpy of SO_x and HAPs. The Operating Permit will include emission limits and work practice standards along with monitoring, recordkeeping and reporting requirements to ensure the facility complies with the applicable air quality regulations.

01-05044: Hunterstown Power, LLC—Peaking Station (1890 Granite Station Road, Gettysburg, PA 17325), to issue an initial State Only Operating Permit for the electric peaking station located in Straban Township, **Adams County**. The facility has a Potential to Emit calculated to be 99.86 tpy NO_x, 25.5 tpy CO, 1.07 tpy VOC, 32.53 tpy PM₁₀/PM_{2.5}, 1.19 tpy SO_x, and 0.31 tpy HAP. 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 emission limits, operating hour restrictions, fuel usage restrictions, fuel sulfur content limits, and applicable requirements of 40 CFR 63 Subpart ZZZZ—National Emissions Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines.

PLAN APPROVALS

Receipt of Plan Approval Applications and Intent to Issue Plan Approvals, and Intent to Issue Amended Operating Permits under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and 25 Pa. Code Chapter 127, Subchapter B and Subchapter F. These actions may include the administrative amendments of an associated operating permit.

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

Contact: Norman Frederick, Facility Permitting Chief, (570) 826-2409.

40-00084A: Lacey Memorial, Inc. (R 1000 South Church Street, Hazleton, PA 18201) for their facility located in Hazleton City, **Luzerne County**.

In accordance with 25 Pa. Code §§ 127.44(a) and 127.45(a), that the Department of Environmental Protection (DEP) has received and intends to issue a Plan Approval to Lacey Memorial for their facility located in Hazleton City, Luzerne County. This Plan Approval No. 40-00084A will be incorporated into a Natural Minor Permit at a later date.

Plan Approval No. 40-00084A is for a crematory facility which includes one (1) propane-fired cremation unit controlled by an afterburner. The company shall be subject to and comply with BAT requirements for this source. The Plan Approval and Operating permit will contain additional recordkeeping and operating restrictions designed to keep the facility operating within all applicable air quality requirements.

Copies of the application, DEP's analysis and other documents used in the evaluation of the application are available for public review during normal business hours at Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18701-1915.

Any person(s) wishing to provide DEP with additional information, which they believe should be considered prior to the issuance of this permit, may submit the information to the address shown in the preceding paragraph. Each written comment must contain the name, address and telephone number of the person submitting the comments, identification of the proposed permit No. 40-00084A and a concise statement regarding the relevancy of the information or objections to the issuance of the permit.

A public hearing may be held, if the Department of Environmental Protection, in its discretion, decides that such a hearing is warranted based on the comments received. All persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in the newspaper or the *Pennsylvania Bulletin* or by telephone, where DEP determines such notification is sufficient. Written comments or requests for a public hearing should be directed to Ray Kempa, Chief, New Source Review Section, Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18701-1915, Phone 570-826-2511 within 30 days after publication date.

48-00119A, Ultra-Poly Corporation-Portland Plant (102 Demi Road, Portland, PA 18351) Portland Borough, **Northampton County**.

Notice is hereby given in accordance with 25 Pa. Code §§ 127.44(a) and 127.45(a), that the Department of Environmental Protection (DEP) has received and intends to issue a Plan Approval to Ultra-Poly Corporation-Portland Plant (102 Demi Road, Portland, PA 18351) for their facility located in Portland Borough, Northampton County. This Plan Approval No. 48-00119A will be converted into a synthetic Minor Permit through an administrative amendment at a later date.

Plan Approval No. 48-00119A is for the operation of sources to reprocess recycled plastics facility. Facility includes some exempt sources such as Plastic bead or pellet milling, screening, and storage operation. Facility also includes extruders which do not qualify for an exemption from the permitting requirements. Extruder operating at the facility are the sources of VOC &

Particulate emissions. VOC emissions from the facility will be less than 50 tpy threshold limit, 12-month rolling sum. Particulate emissions will not exceed 6.2 tpy from the extruders. The company shall be subject to and comply with 25 Pa. Code § 123.31 for malodorous emissions. The company shall be subject to and comply with 25 Pa. Code § 123.41 for Visible emissions. The Plan Approval and Operating permit will contain additional recordkeeping and operating restrictions designed to keep the facility operating within all applicable air quality requirements.

Copies of the application, DEP's analysis and other documents used in the evaluation of the application are available for public review during normal business hours at Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18701.

Any person(s) wishing to provide DEP with additional information, which they believe should be considered prior to the issuance of this permit, may submit the information to the address shown in the preceding paragraph. Each written comment must contain the name, address and telephone number of the person submitting the comments, identification of the proposed permit No. 48-00119A and a concise statement regarding the relevancy of the information or objections to the issuance of the permit.

A public hearing may be held, if the Department of Environmental Protection, in its discretion, decides that such a hearing is warranted based on the comments received. All persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in the newspaper or the *Pennsylvania Bulletin* or by telephone, where DEP determines such notification is sufficient. Written comments or requests for a public hearing should be directed to Ray Kempa, EEM, Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18701-1915, Phone 570-826-2511 within 30 days after publication date.

COAL & NONCOAL MINING ACTIVITY APPLICATIONS

Applications under the Surface Mining Conservation and Reclamation Act (52 P.S. §§ 1396.1—1396.31); the Noncoal Surface Mining Conservation and Reclamation Act (52 P.S. §§ 3301—3326); the Clean Streams Law (35 P.S. §§ 691.1—691.1001); the Coal Refuse Disposal Control Act (52 P.S. §§ 30.51—30.66); the Bituminous Mine Subsidence and Land Conservation Act (52 P.S. §§ 1406.1—1406.21). Mining activity permits issued in response to such applications will also address the applicable permitting requirements of the following statutes: the Air Pollution Control Act (35 P.S. §§ 4001—4015); the Dam Safety and Encroachments Act (32 P.S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P.S. §§ 6018.101—6018.1003).

The following permit applications to conduct mining activities have been received by the Department of Environmental Protection. A copy of the application is available for inspection at the District Mining Office indicated above each application. Notices of requests for 401 Water Quality Certifications are included in individual application notices, as noted.

Written comments or objections, or requests for an informal conference, or a public hearing, as applicable, on a mining permit application may be submitted by any person or any officer or head of any Federal, State or local government agency or authority to the Department at the address of the District Mining Office indicated

above each application within 30-days of this publication, or within 30-days after the last publication of the applicant's newspaper advertisement, as provided by 25 Pa. Code §§ 77.121—77.123 and 86.31—86.34 (relating to public notices of filing of permit applications, opportunity for comment, and informal conferences).

Written comments or objections related to a mining permit application should contain the name, address and telephone number of persons submitting comments or objections; application number; and a statement of sufficient detail to inform the Department on the basis of comment or objection and relevant facts upon which it is based.

Requests for an informal conference, or a public hearing, as applicable, on a mining permit application, as provided by 25 Pa. Code § 77.123 (relating to public hearing-informal conferences) or § 86.34 (relating to in-

formal conferences), must contain the name, address and telephone number of the requestor; the application number; a brief summary of the issues to be raised by the requestor at the conference; and a statement whether the requestor desires to have the conference conducted in the locality of the proposed mining activities.

Where a National Pollutant Discharge Elimination System (NPDES) number is listed, the mining activity permit application was accompanied by an application for an individual NPDES permit. A separate notice will be provided after the draft NPDES permit is prepared.

Coal Applications Received

Effluent Limits—The following range of effluent limits will apply to NPDES permits issued in conjunction with the associated coal mining activity permit and, in some cases, noncoal mining permits:

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	

¹ The parameter is applicable at all times.

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

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

Permit No. 65201301 and NPDES Permit No. PA0236551. Rosebud Mining Company, 301 Market Street, Kittanning, PA 16201, to operate a new underground mine and add three (3) NPDES outfalls for Davis Run Mine in Derry Township, **Westmoreland County** affecting 47.4 proposed surface acres, 3,012.5 proposed underground acres, and 3,012.5 proposed subsidence control plan acres. Receiving stream(s): Davis Run classified for the following use(s): TSF and Unnamed Tributary to Davis Run classified for the following use(s): TSF. The application was considered administratively complete on March 4, 2021. Application received: December 31, 2020.

Permit No. 63733706. Washington County Land Resources, Inc., 46226 National Road, St. Clairsville, OH 43950 to transfer the permit from Maple Creek Mining, Inc. for Ginger Hill Refuse Area I in Nottingham Township, **Washington County**. No discharges. The application was considered administratively complete on March 8, 2021. Application received: November 30, 2020.

Permit No. 30161301 and NPDES Permit No. PA0236519. Marshall County Coal Resources, Inc., 46226 National Road, St. Clairsville, OH 43950, to transfer the permit and related NPDES permit from Marshall County Coal Company for Marshall County Mine in Aleppo Township, **Greene County**. No additional discharges. The application was considered administratively complete on March 9, 2021. Application received: December 4, 2020.

Permit No. 30950701 and NPDES Permit No. PA0215619. Monongalia County Coal Resources, Inc., 46226 National Road, St. Clairsville, OH 43950, to transfer the permit and related NPDES permit from Monongalia County Coal Company, LLC for Hughes Hollow Slurry Impoundment in Wayne and Gilmore Townships, **Greene County**. No additional discharges. The application was considered administratively complete on March 9, 2021. Application received: December 4, 2020.

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

Permit No. 24990102 and NPDES No. PA0241580. Tamburlin Brothers Coal Co., Inc., P.O. Box 1419, Clearfield, PA 16830, renewal of an existing bituminous surface mine and associated NPDES permit in Fox Township, **Elk County**, affecting 136.0 acres. Receiving stream(s): Little Toby Creek and Limestone Run classified for the following use(s): CWF. There are no potable water supply intakes within 10 miles downstream. This renewal is issued for reclamation only. Application received: March 3, 2021.

Permit No. 33140102. P. and N. Coal Company, Inc., 680 Old Route 119 Highway North, Indiana, PA 15701, renewal of an existing bituminous surface mine in Porter Township, **Jefferson County** affecting 512.2 acres. Receiving stream(s): Foundry Run, unnamed tributaries to Foundry Run, and unnamed tributaries to Mahoning Creek classified for

the following use(s): CWF. There are no potable surface water supply intakes within 10 miles downstream. This renewal is issued for reclamation only. Application received: February 22, 2021.

New Stanton District Office: P.O. Box 133, New Stanton, PA 15672, (724) 925-5500, (Contact: Tracy Norbert).

Permit No. 65140101 and NPDES Permit No. PA0278122. Ligonier Stone & Lime Company, Inc., 117 Marcia Street, Latrobe, PA 15650, renewal application for continued mining to an existing bituminous surface mine, located in Derry Township, **Westmoreland County**, affecting 92.4 acres. Receiving streams: unnamed tributaries to Stony Run, Stony Run and Conemaugh River, classified for the following use: CWF. There is no potable water supply intake within 10 miles downstream from the point of discharge. Renewal application received: March 12, 2021.

Permit No. 03090101 and NPDES Permit No. PA0251577. RES Coal, LLC, 51 Airport Road, Clearfield, PA 16830, renewal application for continued mining to an existing bituminous surface mine, located in Madison Township, **Armstrong County**, affecting 117.4 acres. Receiving streams: unnamed tributaries to Redbank, to Redbank Creek to Allegheny River, classified for the following use: CWF & TSF. There is no potable water supply intake within 10 miles downstream from the point of discharge. Renewal application received: March 15, 2021.

Permit No. 02090201 and NPDES Permit No. PA0251901. Coal Valley Sales, LLC, 111 Freeport Road, Pittsburgh, PA 15215, renewal application for continued mining to an existing bituminous surface mine, located in West Deer and Indiana Townships, **Allegheny County**, affecting 260.6 acres. Receiving streams: unnamed tributary to Little Deer Creek, classified for the following use: TSF. Oakmont Water Authority is the potable water supply intake within 10 miles downstream from the point of discharge. Renewal application received: March 17, 2021.

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

Permit No. 35110901R. Alliance Sanitary Landfill, Inc., 398 Keyster Avenue, Taylor, PA 18517, renewal of an existing anthracite incidental coal extraction permit in Taylor Borough and Ransom Township, **Lackawanna County** affecting 87.6 acres. Receiving stream: St. John's Creek, classified for the following uses: cold water and migratory fishes. Application received: February 5, 2021.

Permit No. 40663034R7 and NPDES Permit No. PA0225215. Pagnotti Enterprises, Inc., 144 Brown Street, Yatesville, PA 18640, renewal of an existing anthracite surface mine and coal refuse reprocessing operation and NPDES Permit for discharge of treated mine drainage in Foster Township, **Luzerne County** affecting 347.3. Receiving streams: Oley Creek, classified for the following uses: HQ—cold water and migratory fishes; Pond Creek, classified for the following use: HQ—cold water fishes. Application received: March 1, 2021.

Permit No. 40663034C8. Pagnotti Enterprises, Inc., 144 Brown Street, Yatesville, PA 18640, correction to change the post-mining land use to unmanaged natural habitat of an existing anthracite surface mine and coal refuse reprocessing operation and NPDES Permit for discharge of treated mine drainage in Foster Township, **Luzerne County** affecting 347.3. Receiving streams: Oley Creek, classified for the following uses: HQ—cold water and migratory fishes; Pond Creek, classified for the following use: HQ—cold water fishes. Application received: March 1, 2021.

Permit No. 40663029R7. Northampton Fuel Supply Co., Inc., 1 Horwith Drive, Northampton, PA 18067, renewal of an existing anthracite surface mine, coal refuse reprocessing and preparation plant operation in Foster and Hazle Townships and Jeddo Borough, **Luzerne County** affecting 595.6 acres. Receiving stream: Big Black Creek, classified for the following uses: cold water and migratory fishes. Application received: March 3, 2021.

Permit No. GP12-40663029R3. Northampton Fuel Supply Co., Inc., 1 Horwith Drive, Northampton, PA 18067, renewal application to operate a coal preparation plant whose pollution control equipment is required to meet all applicable limitations, terms and conditions of General Permit, BAQ-GPA/GP-12 on Surface Mining Permit No. 40663029 in Hazle and Foster Townships and Jeddo Borough, **Luzerne County**. Application received: March 3, 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

<i>Parameter</i>	<i>30-day Average</i>	<i>Daily Maximum</i>	<i>Instantaneous Maximum</i>
Suspended solids	10 to 35 mg/l	20 to 70 mg/l	25 to 90 mg/l
Alkalinity exceeding acidity* pH*		greater than 6.0; less than 9.0	

* The parameter is applicable at all times.

A settleable solids instantaneous maximum limit of 0.5 ml/l applied to surface runoff resulting from a precipitation event of less than or equal to a 10-year 24-hour event. If coal will be extracted incidental to the extraction of noncoal minerals, at a minimum, the technology-based effluent limitations identified under coal applications will apply to discharges of wastewater to streams.

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

Permit No. 57210301 and NPDES No. PA0269921. Jack L. McClintock, 15222 US Hwy 220, Muncy Valley, PA 17758, commencement, operation, and restoration of a large noncoal (industrial minerals) surface mine located in

Shrewsbury Township, **Sullivan County** affecting 60 acres. Receiving stream(s): Unnamed Tributary to Muncy Creek classified for the following use(s): HQ-CWF. There are no potable water supply intakes within 10 miles downstream. Application received: February 16, 2021.

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

Permit No. 58010805. Joseph Bowen, 613 East Rush Road, Montrose, PA 18801, Stage I & II bond release of a quarry operation in Rush Township, **Susquehanna County** affecting 1.0 acre on quarry owned by Joseph Bowen. Application received: February 10, 2021.

Permit No. 48161001. Bethlehem Earth, LP, 491 York Road, Suite 200, Jenkintown, PA 19046, Stage I & II bond release of a quarry operation in the City of Bethlehem, **Northampton County** affecting 4.5 acres on property owned by Bethlehem Earth, LP. Application received: February 19, 2021.

Permit No. 6276SM1C2 and NPDES Permit No. PA0594571. New Enterprise Stone & Lime Co., Inc., P.O. Box 77, New Enterprise, PA 16664, correction to increase the discharge rate of an existing NPDES Permit for discharge of treated mine drainage from a quarry operation in Salisbury Township, **Lancaster County** affecting 93.0 acres. Receiving stream: unnamed tributary to Pequea Creek, classified for the following use: HQ—cold water fishes. Application received: February 22, 2021.

Permit No. 58070862. Norman N. Norton, 26 Side Avenue, Susquehanna, PA 18847, Stage I & II bond release of a quarry operation in Harford Township, **Susquehanna County** affecting 5.0 acres on quarry owned by Norman N. Norton. Application received: February 23, 2021.

Permit No. 6575SM2A2C7 and NPDES Permit No. PA0226165. Eureka Stone Quarry, Inc., P.O. Box 249, Chalfont, PA 18914, NPDES Permit for discharge of treated mine drainage from a quarry operation in Hamilton Township, **Monroe County** affecting 135.3 acres. Receiving stream: unnamed tributary to McMichael Creek, classified for the following use: HQ—cold water fishes. Application received: February 25, 2021.

Permit No. 5975SM5A1C6 and NPDES Permit No. PA0226173. Eureka Stone Quarry, Inc., P.O. Box 249, Chalfont, PA 18914, NPDES Permit for discharge of treated mine drainage from a quarry operation in Covington Township, **Lackawanna County** affecting 118.8 acres, receiving stream: Spring Brook, classified for the following use: HQ—cold water fishes. Application received: February 25, 2021.

Permit No. 58040870. Chad H. Hollenbeck, 7295 Kingsley Road, Kingsley, PA 18826, Stage I & II bond release of a quarry operation in Bridgewater Township, **Susquehanna County** affecting 2.5 acres on quarry owned by Chad H. Hollenbeck. Application received: March 5, 2021.

Permit No. 8275SM2C2 and PA0594885. New Enterprise Stone & Lime Co., Inc., 3912 Brumbaugh Road, New Enterprise, PA 16664, modification of an NPDES Permit to increase the discharge rate of treated mine drainage from a quarry operation in Earl and Ephrata Townships, **Lancaster County** affecting 261.0 acres. Receiving stream: unnamed tributary to Conestoga River and Conestoga River, classified for the following use: warm water fishes. Application received: March 8, 2021.

Permit No. 58060840. Robert Cooley, 9001 State Route 167, Kingsley, PA 18826, Stage I & II bond release of a quarry operation in Dimock Township, **Susquehanna County** affecting 2.0 acres on quarry owned by Robert Cooley. Application received: March 11, 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.

Coal NPDES Draft Permits

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

NPDES No. PA0279636 (Mining Permit No. 56140104), Fieg Brothers, P.O. Box 38, Berlin, PA 15530, renewal of an NPDES permit for a bituminous surface mine in Brothersvalley Township, Somerset County, affecting 55.6 acres. Receiving stream(s): Unnamed Tributaries to Buffalo Creek, classified for the following use(s): Cold Water Fishery (CWF). This receiving stream is included in the Buffalo Creek TMDL. Application received: February 2, 2021.

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

The following treated waste water outfalls discharge to unnamed tributaries to Buffalo Creek:

<i>Outfall Nos.</i>	<i>New Outfall (Y/N)</i>
001 (Treatment Pond 1)	N
002 (Treatment Pond 2)	N
003 (Treatment Pond 3)	N

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

<i>Outfalls: 001—003 Parameter</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Iron (mg/l)	1.5	2.5	3.7
Manganese (mg/l)	1.0	2.0	2.5
Aluminum (mg/l)	0.75	0.75	0.75
Total Suspended Solids (mg/l)	35	70	90
Selenium (mg/l)		Monitor and Report	
pH (S.U.): Must be between 6.0 and 9.0 standard units at all times.			

Alkalinity must exceed acidity at all times. The following stormwater outfalls discharge to unnamed tributaries to Buffalo Creek:

<i>Outfall Nos.</i>	<i>New Outfall (Y/N)</i>
004 (Sediment Pond 4)	N
005 (Sediment Pond 5)	N
006 (Sediment Pond 6)	N

<i>Outfalls: (Dry Weather)</i>	<i>30-Day</i>	<i>Daily</i>	<i>Instant.</i>
<i>Parameter</i>	<i>Average</i>	<i>Maximum</i>	<i>Maximum</i>
Iron (mg/l)	1.5	3.0	3.7
Manganese (mg/l)	1.0	2.0	2.5
Aluminum (mg/l)	0.75	0.75	0.75
Total Suspended Solids (mg/l)	35	70	90

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

<i>Outfalls: (≥10-yr/24-hr Precip. Event)</i>	<i>30-Day</i>	<i>Daily</i>	<i>Instant.</i>
<i>Parameter</i>	<i>Average</i>	<i>Maximum</i>	<i>Maximum</i>
Iron (mg/l)	N/A	N/A	7.0
Total Settleable Solids (ml/l)	N/A	N/A	0.5

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

Knox District Mining Office: White Memorial Building, P.O. Box 669, Knox, PA 16232-0669, (814) 797.1191.

NPDES No. PA0226904 (Permit No. 33950102). Leonard W. Yenzi, P.O. Box 62, Anita, PA 15711, renewal of an NPDES permit for a bituminous surface mine in Knox Township, **Jefferson County**, affecting 68.0 acres. Receiving stream(s): Sandy Lick Creek classified for the following use(s): TSF. TMDL: None. Application received: February 18, 2021.

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

The following outfall discharges to Sandy Lick Creek:

<i>Outfall Nos.</i>	<i>New Outfall (Y/N)</i>
002	N

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

<i>Parameter</i>	<i>Minimum</i>	<i>30-Day</i>	<i>Daily</i>	<i>Instant.</i>
		<i>Average</i>	<i>Maximum</i>	<i>Maximum</i>
pH ¹ (S.U.)	6.0			9.0
Alkalinity greater than acidity ¹				
Iron (mg/l)		3.0	6.0	7.0
Manganese (mg/l)		2.0	4.0	5.0
Total Suspended Solids (mg/l)		35.0	70.0	90.0

¹ The parameter is applicable at all times.

FEDERAL WATER POLLUTION CONTROL ACT SECTION 401

The following permit applications, requests for Environmental Assessment approval and requests for 401 Water Quality Certification have been received by the Department of Environmental Protection. Section 401 of the Federal Water Pollution Control Act (FWPCA) (33 U.S.C.A. § 1341), requires the State to certify that the involved projects will not violate the applicable provisions of Sections 301—303, 306 and 307 of the FWPCA (33 U.S.C.A. §§ 1311—1313, 1316 and 1317), as well as relevant State requirements. Persons objecting to approval of a request for certification under Section 401 or to the issuance of a Dam Permit or Water Obstruction and Encroachment Permit, or the approval of an Environmental Assessment must submit any comments, suggestions or objections within 30-days of the date of this notice, as well as any questions to the office noted above the application. Comments should contain the name, address and telephone number of the person commenting,

identification of the certification request to which the comments or objections are addressed, and a concise statement of comments, objections or suggestions including the relevant facts upon which they are based.

The Department may conduct a fact-finding hearing or an informal conference in response to comments if deemed necessary. Each individual will be notified, in writing, of the time and place of a scheduled hearing or conference concerning the certification request to which the comment, objection or suggestion relates. Maps, drawings and other data pertinent to the certification request are available for inspection between the hours of 8:00 AM and 4:00 PM on each working day at the office noted above the application.

If you are a person with a disability and wish to attend the hearing and you require an auxiliary aid, service or other accommodation to participate in the proceedings, please contact the specified program. TDD users may contact the Department through the Pennsylvania 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@a.gov.

Permit No. E4601121-002, Pennsylvania Department of Transportation, Engineering District 6-0, 7000 Geerdes Boulevard, King of Prussia, PA 19406, New Hanover Township, **Montgomery County**, ACOE Philadelphia District.

The Pennsylvania Department of Transportation (PennDOT) is proposing to amend a previously authorized Water Obstruction and Encroachment Permit, Permit No. E46-1189, due to design changes to the proposed stream enclosure. PennDOT is proposing remove an existing 40.8-foot long, 6-foot by 3-foot concrete box culvert and in its place, construct and maintain a 115-foot long, 18-foot by 5.2-foot single cell precast concrete box stream enclosure carrying Minster Creek (TSF-MF) depressed 1-foot of natural streambed material. This activity will result in 166 linear feet (7,118 square feet, 0.16 acre) of permanent stream impact, 33 linear feet (528 square feet, 0.01 acre) of temporary stream impact, 240 linear feet (24,000 square feet, 0.55 acre) of permanent floodway impact which includes grading and bank repair downstream of proposed stream enclosure, and 4,700 square feet (0.110 acre) of temporary floodway impact due to access and erosion and sediment control measures. Wetland impacts include 135 square feet (0.003 acre) of permanent and 448 square feet (0.010 acre) of temporary wetland impacts to two PEM wetlands. There are two additional activities within the project boundary which include the construction and maintenance of a new 48-inch diameter outfall with placement of riprap rock apron located downstream of the proposed PennDOT stream enclosure and also the removal of an abandoned driveway pipe culvert upstream of the proposed PennDOT stream enclosure. Impacts to resources are accounted for within the permanent floodway and stream impacts stated previously.

The overall project will result in 16,123 square feet (0.370 acre) of floodplain impact and is located approximately 280 feet north of the North Charlotte Street and Swamp Pike intersection in New Hanover Township, Montgomery County (USGS PA Sassamansville Quadrangle—Latitude: 40.300076 N, Longitude: 75.584671 W).

Northeast Region: Waterways & Wetlands Program, 2 Public Square, Wilkes-Barre, PA 18701-1915.

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

F6602221-001. Wyoming County, 3880 SR 6, Suite 1, Tunkhannock, PA 18657, in Tunkhannock Borough, Forkston Township, Falls Township and Eaton Township, **Wyoming County**, U.S. Army Corps of Engineers, Baltimore District.

To demolish and remove structures located on the following sites in the floodplain of the Susquehanna River, Tunkhannock Creek, Bowman Creek and Bowman Hollow through the HMGP Acquisition Program. Sites will be restored and stabilized to open space. Sites are located in Tunkhannock Borough, Forkston Township, Falls Township and Eaton Township, Wyoming County.

- Joseph and Merlene Guntkowski, 135 Silver Maple Lane (Center Moreland, PA Quadrangle Latitude: 41° 28' 35.76"; Longitude: -75° 54' 5.40")

- David and Crystal Baltrusaitis, 153 Main Street (Jenningsville, PA Quadrangle Latitude: 41° 31' 42.24"; Longitude: -76° 7' 31.8")

- Donald and Laura Heller, 126 E. Tioga Street (Tunkhannock, PA Quadrangle Latitude: 41° 32' 17.52"; Longitude: -75° 56' 36.24")

- Peter Swart, 45 Church Road (Tunkhannock, PA Quadrangle Latitude: 41° 30' 51.84"; Longitude: -75° 57' 41.04")

E5402221-001. Comcast Cable Communications Management, LLC, 1131 South Duke Street, Lancaster, PA 17602, in Schuylkill Haven Borough, **Schuylkill County**, U.S. Army Corps of Engineers, Philadelphia District.

To relocate an existing overhead cable line that crosses aerially over the Schuylkill River (CWF, MF), adjacent to the northern side of the Columbia Street Bridge. The Schuylkill River is classified as a Scenic River and a SLLA water. The upcoming replacement of the Columbia Street Bridge is causing the existing cable line crossing to be relocated 100-feet north. The proposed cable line crossing will be attached to existing utility poles on either side of the river. No earth disturbance, in-stream work, or wetland impacts will be proposed or affect for this project. The project is in Schuylkill Haven Borough, Schuylkill County. Quadrangle Latitude: 40° 37' 27" Longitude: -76° 10' 29". (Friedensburg, PA Quadrangle, Latitude: 40° 37' 27"; Longitude: -76° 10' 29").

E4002121-003 Pa Department of Transportation, Engineering District 4-0, 55 Keystone Industrial Drive, Dunmore, PA 18512, Jackson Township, **Luzerne County**, Army Corps of Engineers, Baltimore District.

To remove the existing structure and to construct and maintain a 58.00-foot wide single span precast concrete arch culvert carrying SR 1012 across East Fork Harvey's Creek (CWF, MF) having a 28-foot span and a 11-foot underclearance. Floodway fill appurtenant to the structure replacement will also occur. The proposed project is located along SR 1012 (Kingston, PA Quadrangle, Latitude: 41° 15' 29.69"; Longitude: -75° 59' 49.95") in Jackson Township, Luzerne County.

E3502221-001. Archbald Borough, 400 Church Street, Archbald, PA 18403-2100, in Archbald Borough, **Lackawanna County**, U.S. Army Corps of Engineers, Baltimore District.

To construct and maintain a roadway crossing of Wildcat Creek (CWF, MF) consisting of a 36-foot long by 16-foot wide closed bottom precast concrete box, with a 12-inch depression, having a 7-foot underclearance with concrete headwalls, wingwalls, and R-7 rip rap aprons. Fill will also be placed along grading within the floodway of the watercourse for the new roadway approaches. The project is located at the intersection of Chestnut Street and East Street. (Olyphant, PA Quadrangle, Latitude: 41° 29' 49.5204"; Longitude: -75° 34' 49.3998").

E4802221-001. Borough of Tatamy, 423 Broad Street, P.O. Box 218, Tatamy, PA 18085, in Tatamy Borough, **Northampton County**, U.S. Army Corps of Engineers, Philadelphia District.

To construct a 10 by 400-foot gravel walking trail, a 27 by 24-foot gravel floor pavilion, and benches/picnic tables

on their property at the Roderick A. Werkheiser Park. The proposed work is within the FEMA regulated floodway. In addition to constructing the trail and pavilion, two temporary stages areas are planned. The project is located in Tatamy Borough, Northampton County. Quadrangle Latitude: 40° 44' 36" Longitude: -75° 15' 01". (Nazareth, PA Quadrangle, Latitude: 40° 44' 36"; Longitude: -75° 15' 01").

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

E6703221-001. Stonewicke, LP, 107 Little Bridge Road, Hanover, PA 17331 in Penn Township, **York County**, U.S. Army Corps of Engineers Baltimore District.

The applicant proposes 1) to construct and maintain an 82.0-foot long 10.0-foot by 2.0-foot open-bottomed box culvert in an unnamed tributary to Plum Creek (WWF, MF) and a separate 74.0-foot long 10.0-foot by 3.0-foot open-bottomed box culvert in a separate but adjacent unnamed tributary to Plum Creek (WWF, MF), including a 4.0-inch conduit crossing of both channels for cable and electric utility lines, all together temporarily impacting 0.03 acre of floodway and 0.08 acre of emergent wetland and permanently impacting 0.11 acre of floodway and 0.21 acre of emergent wetland; and 2) to place and maintain fill in 0.02 acre of emergent wetland for the construction of a roadway, all for the purpose of completing the Stonewicke subdivision. The project is located along Hillside Road in Penn Township, York County (Latitude: 39.7763; Longitude: -76.9688). The project proposes permanent impacts to 0.23 acre of wetland and proposes the creation of 0.24 acre on-site for compensatory wetland mitigation.

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

E5904221-001. Tioga County Commissioners, 118 Main Street Wellsboro, PA 16901-1444, Marsh Creek Greenway Shared Use Trail, Wellsboro Borough and

Delmar Township, **Tioga County**, Baltimore ACOE (Keeneyville, PA Quadrangle N: 41° 46' 01"; W: -77° 18' 03").

Tioga County Commissioners propose the construction of a shared use trail starting at the Wellsboro Rail yard continuing three miles north to the Pine Creek Rail Trail to close the Route 6 Gap. The trail will run along Marsh Creek and the Wellsboro and Corning Railroad. A new structure will be constructed over an Unnamed Tributary to Marsh Creek and two new structures will be constructed over Marsh Creek. The project will permanently impact 91 L.F. of stream and temporarily impact 296 L.F. of stream. The project will include 11,480 S.F. of permanent floodway impact and 14,196 S.F. of temporary floodway impact. The project will permanently impact 0.18 acre of wetland and temporarily impact 0.01 acre of wetland. The project will construct a wetland mitigation site on land currently owned by Tioga County. Marsh Creek is classified as a Warm Water Fishery and its Unnamed Tributaries are classified as a Cold Water Fishery by 25 Pa. Code Chapter 93 Water Quality Standards and a Stocked Trout Stream by PA Fish and Boat Commission.

Southwest District Oil and Gas Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.

E3007220-029, EQM Gathering OPCO, LLC, 2200 Energy Drive, Canonsburg, PA 15317. To remediate two slope failures, RP-138 and RP-128, on the existing right of way of Beta Trunk natural gas pipeline and reconstruct sections of floodway for three unnamed tributaries to Harts Run, a Warm Water Fisheries. The project is located within Aleppo Township, **Greene County**, Pittsburgh USACE District (RP-138 (39.8180, -80.4809), RP-128 (39.8109, -80.4817), Sub-Basin 20E (Wheeling Buffalo Creeks Watershed, Quad Name: New Freeport). The project will result in permanent impacts to 0.021 acre of PEM wetland and 0.097 acre of floodway due to subsurface drains, fill placement and reconstruction of the slope with engineered soil fill. The project will temporarily impact 68 linear feet of stream and 0.395 acre of floodway.

Resource	Coordinates	Permanent Direct	Temporary Direct
Wetland WT-14 (PEM)	39.815875, -80.480728	918 sq ft (0.021 ac)	
RP-138 Stream 1 (UNT to Harts Run) Floodway	39.816069, -80.481053	93 sq ft (0.002 ac)	14,85 sq ft (0.034 ac)
RP-128 Stream 1 (UNT to Harts Run)	39.810839, -80.481819		68 LF
RP-128 Stream 1 (UNT to Harts Run) Floodway	39.810839, -80.481819	2,426 sq ft (0.056 ac)	7,004 sq ft (0.161 ac)
RP-128 Stream 2 (UNT to Harts Run) Floodway	39.811019, -80.481633	1,702 sq ft (0.039 ac)	8,700 sq ft (0.20 ac)

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.

ENVIRONMENTAL ASSESSMENTS

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

EA2203221-002. First Pennsylvania Resource, LLC, 33 Terminal Way, Pittsburgh, PA 15219, in Susquehanna Township, **Dauphin County**, U.S. Army Corps of Engineers Baltimore District.

To regrade and maintain 1.) 1,173.0-feet of unnamed tributaries to Asylum Run (WWF, MF); 2.) 0.49 acre of the floodway of unnamed tributaries to Asylum Run (WWF, MF); and to install and maintain a 20.0-foot long by 5.0-foot wide ford crossing in an unnamed tributary to Asylum Run (WWF, MF) all for the purpose of reducing sediment loading to the streams. The project is located immediately northeast of the intersection of N. Progress Avenue and Hall Street (Latitude: 40.2895°N, Longitude: 76.8410°W) in Susquehanna Township, Dauphin County. No wetlands will be impacted by this project.

EA2203221-003. First Pennsylvania Resource, LLC, 33 Terminal Way, Pittsburgh, PA 15219, in Susquehanna Township, **Dauphin County**, U.S. Army Corps of Engineers Baltimore District.

To regrade and maintain 1.) 903-feet of an unnamed tributary to Paxton Creek (WWF, MF); and 2.) 0.36 acre of the floodway of an unnamed tributary to Paxton Creek (WWF, MF) for the purpose of reducing sediment loading to the stream. The project is located immediately east of the intersection of Crooked Hill Road and Shutt Mill Road (Latitude: 40.3120°N, Longitude: 76.8737°W) in Susquehanna Township, Dauphin County. No wetlands will be impacted by this project.

EA2203221-004. First Pennsylvania Resource, LLC, 33 Terminal Way, Pittsburgh, PA 15219, in Susquehanna Township, **Dauphin County**, U.S. Army Corps of Engineers Baltimore District.

To regrade and maintain 1.) 3,290-feet of unnamed tributaries to Asylum Run (WWF, MF); 2.) 1.36 acres of the floodway of unnamed tributaries to Asylum Run (WWF, MF); and 3.) 0.13 acre of palustrine emergent wetlands, all for the purpose of reducing sediment loading to the streams. The project is located approximately 200 feet south of the intersection of Elmerton Avenue and Kohn Road (Latitude: 40.2947°N, Longitude: 76.8590°W) in Susquehanna Township, Dauphin 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>
PA0266078	CAFO Individual NPDES Permit	Issued	Danyell L Dickinson & Robbie L Dickinson 199 W McKinleyville Road Hustontown, PA 17229-9215	Taylor Township Fulton County	SCRO
PA0003549	Industrial Stormwater Individual NPDES Permit	Issued	Eastern Gas Trans & Storage, Inc. 466 E Pittsburgh Street Greensburg, PA 15601-8815	Salem Township Westmoreland County	SWRO
PAS802208	Industrial Stormwater Individual NPDES Permit	Issued	Jenstar of Allentown II P.O. Box 1400 Voorhees, NJ 08043-7400	Upper Macungie Township Lehigh County	NERO
PAS802209	Industrial Stormwater Individual NPDES Permit	Issued	Jenstar of Allentown I P.O. Box 1400 Voorhees, NJ 08043-7400	Upper Macungie Township Lehigh County	NERO
3281202	Industrial Waste Individual WQM Permit	Issued	Rosebud Mining Co. 301 Market Street Kittanning, PA 16201-1504	Conemaugh Township Indiana County	NWRO
0913830	Joint DEP/PFBC Pesticides Permit	Issued	Jessica Levy & Chris Narburgh 1615 Pineville Road New Hope, PA 18938-5401	Buckingham Township Bucks County	SERO
0918820	Joint DEP/PFBC Pesticides Permit	Issued	Donald Pearson 3102 Ash Mill Road Doylestown, PA 18902	Buckingham Township Bucks County	SERO
1018807	Joint DEP/PFBC Pesticides Permit	Issued	Cranberry Township Butler County 5601 Freshcorn Road Cranberry Township, PA 16066-3227	Cranberry Township Butler County	NWRO
1413801	Joint DEP/PFBC Pesticides Permit	Issued	Mountain View Country Club 310 Elks Club Road Boalsburg, PA 16827-1609	Harris Township Centre County	NCRO
2513814	Joint DEP/PFBC Pesticides Permit	Issued	Erie Western PA Port Authority 208 E Bayfront Pky Erie, PA 16507	Erie City Erie County	NWRO
2519813	Joint DEP/PFBC Pesticides Permit	Issued	Dennis Magerle 7250 Schultz Road Erie, PA 16509	Summit Township Erie County	NWRO
2520807	Joint DEP/PFBC Pesticides Permit	Issued	Lori Skladanowski 11570 Corner Road Waterford, PA 16441	Washington Township Erie County	NWRO
2613800	Joint DEP/PFBC Pesticides Permit	Issued	Nemacolin Woodlands Inc. 1001 Lafayette Drive Farmington, PA 15437-9754	Wharton Township Fayette County	SWRO
2616801	Joint DEP/PFBC Pesticides Permit	Issued	Seven Springs Mountain Resort 777 Water Wheel Drive Champion, PA 15622-4007	Middlecreek Township Somerset County	SWRO
3218800	Joint DEP/PFBC Pesticides Permit	Issued	Nancy R Jones 470 Ben Franklin Road S Indiana, PA 15701	White Township Indiana County	NWRO

<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>
3317802	Joint DEP/PFBC Pesticides Permit	Issued	Barr Shriver 344 Woodland Drive Brookville, PA 15825	Rose Township Jefferson County	NWRO
3520806	Joint DEP/PFBC Pesticides Permit	Issued	Foxtail Village Townhouse Association 228 Foxtail Circle Archbald, PA 18403-7714	Archbald Borough Lackawanna County	NERO
4020802	Joint DEP/PFBC Pesticides Permit	Issued	Conyngham Borough 215 Main Street Conyngham, PA 18219	Conyngham Borough Luzerne County	NERO
4020803	Joint DEP/PFBC Pesticides Permit	Issued	Conyngham Borough 215 Main Street Conyngham, PA 18219	Conyngham Borough Luzerne County	NERO
4020804	Joint DEP/PFBC Pesticides Permit	Issued	Dupont Terminals—De LLC 801 Suscon Road Pittston, PA 18640-9537	Pittston Township Luzerne County	NERO
4320806	Joint DEP/PFBC Pesticides Permit	Issued	Chadwick Condo HOA 674 Chesapeake Court Hermitage, PA 16148-3796	Hermitage City Mercer County	NWRO
4520804	Joint DEP/PFBC Pesticides Permit	Issued	Carl Price 395 Dutch Hill Road Canadensis, PA 18325-7748	Barrett Township Monroe County	NERO
4820803	Joint DEP/PFBC Pesticides Permit	Issued	Palmer Township Public Works 3500 Hartley Avenue Palmer, PA 18045	Palmer Township Northampton County	NERO
5220804	Joint DEP/PFBC Pesticides Permit	Issued	Sylvandale Lake Association 7 Brown Ter Cranford, NJ 07016-1501	Delaware Township Pike County	NERO
5820802	Joint DEP/PFBC Pesticides Permit	Issued	Pratt Markie 1384 Waterford Road Kingsley, PA 18826	Brooklyn Township Susquehanna County	NERO
5820803	Joint DEP/PFBC Pesticides Permit	Issued	Camp Archbald 350 Hale Avenue Harrisburg, PA 17104-1518	Brooklyn Township Susquehanna County	NERO
6420803	Joint DEP/PFBC Pesticides Permit	Issued	Jeff Richter 380 Gridline Road Honesdale, PA 18431-6526	Lebanon Township Wayne County	NERO
6420804	Joint DEP/PFBC Pesticides Permit	Issued	John Melnick 108 Lackawanna Avenue Dupont, PA 18641-2073	Sterling Township Wayne County	NERO
6513804	Joint DEP/PFBC Pesticides Permit	Issued	Allan Wampler P.O. Box 96 Laughlintown, PA 15655-0096	Ligonier Township Westmoreland County	SWRO
6520800	Joint DEP/PFBC Pesticides Permit	Issued	First Wimmerton Comm Assoc Inc. 206 N Shenandoah Drive Latrobe, PA 15650-2552	Unity Township Westmoreland County	SWRO
PA0244449	Major Industrial Waste Facility < 250 MGD Individual NPDES Permit	Issued	Marcus Hook Energy LP 100 Green Street Marcus Hook, PA 19061	Marcus Hook Borough Delaware County	SERO
PA0021890	Major Sewage Facility >= 1 MGD and < 5 MGD Individual NPDES Permit	Issued	New Holland Borough Water Authority Lancaster County 436 E Main Street New Holland, PA 17557-1404	Earl Township Lancaster County	SCRO

NOTICES

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<i>Application Number</i>	<i>Permit Type</i>	<i>Action Taken</i>	<i>Permittee Name & Address</i>	<i>Municipality, County</i>	<i>DEP Office</i>
PA0023167	Major Sewage Facility with CSOs Individual NPDES Permit	Issued	PA American Water Co. 852 Wesley Drive Mechanicsburg, PA 17055-4436	Kane Borough McKean County	NWRO
PA0023175	Major Sewage Facility with CSOs Individual NPDES Permit	Issued	PA American Water Co. 2736 Ellwood Road New Castle, PA 16101-6220	Kane Borough McKean County	NWRO
PA0011169	Minor Industrial Waste Facility with ELG Individual NPDES Permit	Issued	Materion Brush Inc. 230 Shoemakersville Road Shoemakersville, PA 19555-9028	Perry Township Berks County	SCRO
PA0092797	Minor Industrial Waste Facility with ELG Individual NPDES Permit	Issued	Rosebud Mining Co. 301 Market Street Kittanning, PA 16201-1504	Conemaugh Township Indiana County	NWRO
PA0081418	Minor Industrial Waste Facility without ELG Individual NPDES Permit	Issued	Rutters Dairy Inc. 2100 N George Street York, PA 17404-1815	Manchester Township York County	SCRO
PA0035548	Minor Sewage Facility < 0.05 MGD Individual NPDES Permit	Issued	PA DOT Maintenance & Operations Bureau 400 North Street Floor 6 Harrisburg, PA 17120-0206	Plain Grove Township Lawrence County	NWRO
PA0035556	Minor Sewage Facility < 0.05 MGD Individual NPDES Permit	Issued	PA DOT Maintenance & Operations Bureau 400 North Street Floor 6 Harrisburg, PA 17120-0206	Plain Grove Township Lawrence County	NWRO
PA0038792	Minor Sewage Facility < 0.05 MGD Individual NPDES Permit	Issued	Forest Hills Municipal Authority Cambria County 900 Locus Street P.O. Box 337 St. Michael, PA 15951-0337	Adams Township Cambria County	SWRO
PA0041301	Minor Sewage Facility < 0.05 MGD Individual NPDES Permit	Issued	Uniontown Area School District 205 Wilson Avenue Uniontown, PA 15401-4208	Henry Clay Township Fayette County	SWRO
PA0042587	Minor Sewage Facility < 0.05 MGD Individual NPDES Permit	Issued	Angel MHP LLC 4023 Dean Martin Drive Las Vegas, NV 89103-4138	North Strabane Township Washington County	SWRO
PA0057991	Minor Sewage Facility < 0.05 MGD Individual NPDES Permit	Issued	Rothstein Tract Homeowners Association 1309 Pebble Hill Road Doylestown, PA 18901-3008	Doylestown Township Bucks County	SERO
PA0253715	Minor Sewage Facility < 0.05 MGD Individual NPDES Permit	Issued	Pbs Coals Inc. P.O. Box 260 Friedens, PA 15541-0260	Stonycreek Township Somerset County	SWRO
PA0033502	Minor Sewage Facility >= 0.05 MGD and < 1 MGD Individual NPDES Permit	Issued	Bradford County 15900 Route 6 Troy, PA 16947-9308	West Burlington Township Bradford County	NCRO

<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>
PA0101931	Minor Sewage Facility >= 0.05 MGD and < 1 MGD Individual NPDES Permit	Issued	Jenks Township Forest County P.O. Box 436 135 Pine Street Marienville, PA 16239-0436	Jenks Township Forest County	NWRO
PA0112747	Minor Sewage Facility >= 0.05 MGD and < 1 MGD Individual NPDES Permit	Issued	Mahaffey Borough Municipal Authority Clearfield County P.O. Box 202 Mahaffey, PA 15757-0202	Mahaffey Borough Clearfield County	NCRO
PA0267082	Minor Sewage Facility >= 0.05 MGD and < 1 MGD Individual NPDES Permit	Issued	West Cocalico Township Authority Lancaster County 156b West Main Street P.O. Box 95 Reinholds, PA 17569-0095	West Cocalico Township Lancaster County	SCRO
NOEXNW152	No Exposure Certification	Issued	Silgan Plastics Corp 80 Loomis Street North East, PA 16428-1509	North East Borough Erie County	NWRO
PAG033640	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	Curry Supply Co. 7324 Woodbury Pike Roaring Spring, PA 16673-2258	Frankstown Township Blair County	SCRO
PAG033645	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	Gvm Inc. 374 Heidlersburg Road Biglerville, PA 17307-9256	Butler Township Adams County	SCRO
PAG034874	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	Centre County Recycling & Refuse Authority 253 Transfer Road Bellefonte, PA 16823-9505	College Township Centre County	NCRO
PAG056271	PAG-05 NPDES General Permit for Groundwater Cleanup	Issued	Catanese Bros 4960 William Flynn Highway Suite 6-753 Allison Park, PA 15101-2354	West Deer Township Allegheny County	SWRO
PAG056272	PAG-05 NPDES General Permit for Groundwater Cleanup	Issued	United Refinery Co. of PA 814 Lexington Avenue P.O. Box 688 Warren, PA 16365	Oakmont Borough Allegheny County	SWRO
PAG094830	PAG-09 General Permit for Beneficial Use of Residential Septage	Issued	Kremser Assoc LLC 1300 Jordan Avenue Montoursville, PA 17754-2520	Montoursville Borough Lycoming County	NCRO
PAG123714	PAG-12 NPDES General Permit for CAFOs	Issued	Mjm Pig Farm LLC 5292 Pleasant Ridge Road Needmore, PA 17238-8944	Belfast Township Fulton County	SCRO
PAG123866	PAG-12 NPDES General Permit for CAFOs	Issued	Aaron J Warner 18826 New Fording Road Broad Top, PA 16621	Todd Township Huntingdon County	SCRO
PAG130090	PAG-13 NPDES General Permit for MS4s	Issued	Stormwater Authority of City of Chester 31 East 5th Street Chester, PA 19013-4400	Chester City Delaware County	SERO
0418400	Sewage Treatment Facilities Individual WQM Permit	Issued	Bradley Andrew & Caitlin McCool 209 Lisbon Road Beaver, PA 15009	Ohioville Borough Beaver County	SWRO

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<i>Application Number</i>	<i>Permit Type</i>	<i>Action Taken</i>	<i>Permittee Name & Address</i>	<i>Municipality, County</i>	<i>DEP Office</i>
1172405	Sewage Treatment Facilities Individual WQM Permit	Issued	Forest Hills Municipal Authority Cambria County 900 Locus Street P.O. Box 337 St. Michael, PA 15951-0337	Adams Township Cambria County	SWRO
1620407	Sewage Treatment Facilities Individual WQM Permit	Issued	David Graber 120 Mount Zion Road Sligo, PA 16255	Licking Township Clarion County	NWRO
1720406	Sewage Treatment Facilities Individual WQM Permit	Issued	Dubois City Clearfield County 16 W Scribner Avenue P.O. Box 408 Dubois, PA 15801-2210	DuBois City Clearfield County	NCRO
1720407	Sewage Treatment Facilities Individual WQM Permit	Issued	Dubois City Clearfield County 16 W Scribner Avenue P.O. Box 408 Dubois, PA 15801-2210	DuBois City Clearfield County	NCRO
2120402	Sewage Treatment Facilities Individual WQM Permit	Issued	Sunnyside Trail LLC 996 Ridge Road Shippensburg, PA 17257-9782	Upper Mifflin Township Cumberland County	SCRO
3620407	Sewage Treatment Facilities Individual WQM Permit	Issued	West Cocalico Township Authority Lancaster County 156b West Main Street P.O. Box 95 Reinholds, PA 17569-0095	West Cocalico Township Lancaster County	SCRO
4200403	Sewage Treatment Facilities Individual WQM Permit	Issued	PA American Water Co. 2736 Ellwood Road New Castle, PA 16101-6220	Kane Borough McKean County	NWRO
4200404	Sewage Treatment Facilities Individual WQM Permit	Issued	PA American Water Co. 852 Wesley Drive Mechanicsburg, PA 17055-4436	Kane Borough McKean County	NWRO
4201402	Sewage Treatment Facilities Individual WQM Permit	Issued	PA American Water Co. 852 Wesley Drive Mechanicsburg, PA 17055-4436	Kane Borough McKean County	NWRO
4286403	Sewage Treatment Facilities Individual WQM Permit	Issued	PA American Water Co. 2736 Ellwood Road New Castle, PA 16101-6220	Kane Borough McKean County	NWRO
4292401	Sewage Treatment Facilities Individual WQM Permit	Issued	PA American Water Co. 2736 Ellwood Road New Castle, PA 16101-6220	Kane Borough McKean County	NWRO
4292402	Sewage Treatment Facilities Individual WQM Permit	Issued	PA American Water Co. 852 Wesley Drive Mechanicsburg, PA 17055-4436	Kane Borough McKean County	NWRO
6377404	Sewage Treatment Facilities Individual WQM Permit	Issued	Angel MHP LLC 4023 Dean Martin Drive Las Vegas, NV 89103-4138	North Strabane Township Washington County	SWRO
1120404	Sewer Extensions and Pump Stations Individual WQM Permit	Issued	Nanty Glo Borough Sanitary Sewer Authority 879 Wood Street Nanty Glo, PA 15943-1371	Blacklick Township Cambria County	SWRO
4200405	Sewer Extensions and Pump Stations Individual WQM Permit	Issued	PA American Water Co. 852 Wesley Drive Mechanicsburg, PA 17055-4436	Kane Borough McKean County	NWRO

<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>
4204402	Sewer Extensions and Pump Stations Individual WQM Permit	Issued	PA American Water Co. 2736 Ellwood Road New Castle, PA 16101-6220	Kane Borough McKean County	NWRO
PA0255386	Single Residence STP Individual NPDES Permit	Issued	Bradley Andrew & Caitlin McCool 209 Lisbon Road Beaver, PA 15009	Ohioville Borough Beaver County	SWRO
PA0288888	Single Residence STP Individual NPDES Permit	Issued	David Graber 120 Mount Zion Road Sligo, PA 16255	Licking Township Clarion County	NWRO
PA0267325	Small Flow Treatment Facility Individual NPDES Permit	Issued	Sunnyside Trail LLC 996 Ridge Road Shippensburg, PA 17257-9782	Upper Mifflin Township Cumberland County	SCRO
WQG02152101	WQG-02 WQM General Permit	Issued	Willistown Township Chester County 688 Sugartown Road Malvern, PA 19355-3302	Willistown Township Chester County	SERO

II. Final Actions on PAG-02 General NPDES Permit NOIs and Individual NPDES Permit Applications for Construction Stormwater.

<i>Permit Number</i>	<i>Permit Type</i>	<i>Action Taken</i>	<i>Applicant Name & Address</i>	<i>Municipality, County</i>	<i>Office</i>
PAC090446 Prior # PAG0200915086 Renewal Only	PAG-02 General Permit	Issued	TP Construction 668 Woodbourne Road Suite 109 Langhorne, PA 19047	Northampton Township Bucks County	Bucks County Conservation District 1456 Ferry Road Doylestown, PA 18901-5550
PAC090424	PAG-02 General Permit	Issued	Pennridge School District 1200 N. 5th Street Perkasie, PA 18944	West Rockhill Township Bucks County	Bucks County Conservation District 1456 Ferry Road Doylestown, PA 18901-5550
PAC090433	PAG-02 General Permit	Issued	KA at Fairless Hills, LP 25-A Hanover Road Florham Park, NJ 07932-1424	Falls Township Bucks County	Bucks County Conservation District 1456 Ferry Road Doylestown, PA 18901-5550
PAC090392	PAG-02 General Permit	Issued	OP Schuman 2001 County Line Road LLC 1650 Market Street 26th Floor Philadelphia, PA 19103-7223	Warrington Township Bucks County	Bucks County Conservation District 1456 Ferry Road Doylestown, PA 18901-5550
PAC460548	PAG-02	Issued	West Laurel Hill Cemetery 225 Belmont Avenue Bala Cynwnd, PA 19004	Lower Merion Township Montgomery County	Montgomery County Conservation District 143 Level Road Collegeville, PA 19426-3313
PAC460549	PAG-02	Issued	Gambone Management Company 1030 W Germantown Pike East Norriton, PA 19403	Whitpain Township Montgomery County	Montgomery County Conservation District 143 Level Road Collegeville, PA 19426-3313
PAC460138	PAG-02	Issued	Peter Becker Community 800 Maple Avenue Harleysville, PA 19438	Franconia Township Montgomery County	Montgomery County Conservation District 143 Level Road Collegeville, PA 19426-3313

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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>
PAC460547	PAG-02	Issued	Moscariello Development Co, Inc. 24 Donny Brook Way Collegeville, PA 19426	Lower Providence Township Montgomery County	Montgomery County Conservation District 143 Level Road Collegeville, PA 19426-3313
PAC090422	PAG-02 General Permit	Issued	Anthony Phyllis Circle, LLC 301 Oxford Valley Road Suite 702 Yardley, PA 19067-7706	Bristol Township Bucks County	Bucks County Conservation District 1456 Ferry Road Doylestown, PA 18901-5550
PAC480106	PAG-02 General Permit	Issued	Ronald C & Todd A Check 7171 Airport Road Bath, PA 18014	Allen Township Northampton County	Northampton County Conservation District 14 Gracedale Ave Greystone Building Nazareth, PA 18064-9211 610-829-6276
PAC400194	PAG-02 General Permit	Issued	Mountaintop Paving & Seal Coating, LLC Joseph Wells 2100 Blytheburn Road Mountaintop, PA 18707	Dorrance Township Luzerne County	Luzerne Conservation District 325 Smiths Pond Road Shavertown, PA 18708 570-674-7991
PAC400188	PAG-02 General Permit	Issued	Marc Lebovitz Humboldt Realty LP 822 S Ave W Westfield, NJ 07090	Hazle Township Luzerne County	Luzerne Conservation District 325 Smiths Pond Road Shavertown, PA 18708 570-674-7991
PAD660004	Individual NPDES	Issued	PennDot Engineering District 4-0 55 Keystone Industrial Park Dunmore, PA 18512	Colley Township and North Branch Township Sullivan and Wyoming Counties	NERO
PAD390160	Individual NPDES	Issued	Liberty Property Limited Partnership 7584 Morris Ct. Suite 200 Allentown, PA 18106	Lower Macungie Township Lehigh County	NERO
PAC010161	PAG-02 General Permit	Issued	Adams County Historical Society 368 Springs Avenue Gettysburg, PA 17325	Cumberland Township Adams County	Adams County Conservation District 670 Old Harrisburg Road Suite 201 Gettysburg, PA 17325-3404 717.334.0636
PAC210231	PAG-02 General Permit	Issued	JJLH Associates LTD 4437 E Street Road Trevose, PA 19053	Silver Spring Township Cumberland County	Cumberland County Conservation District 310 Allen Road Suite 301 Carlisle, PA 17013-9101 717.240.7812
PAC360229 A-1	PAG-02 General Permit	Issued	Charter Homes at Grandview Inc. 322 North Arch Street Lancaster, PA 17601	Manheim 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>
PAC360565	PAG-02 General Permit	Issued	LutherCare 600 East Main Street Lititz, PA 17543	Columbia Borough Lancaster County	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601-3149 717.299.5361, ext. 5
PAC360548	PAG-02 General Permit	Issued	Horseshoe Real Estate 2548 Horseshoe Road Lancaster, PA 17601	Upper Leacock Township Lancaster County	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601-3149 717.299.5361, ext. 5
PAC360622	PAG-02 General Permit	Issued	Dave Strong 1349 Worthington Drive Mount Joy, PA 17552	Mount Joy Borough Lancaster County	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601-3149 717.299.5361, ext. 5
PAC360367 A-7	PAG-02 General Permit	Issued	Houston Run Properties LLC 1324 Main Street East Earl, PA 17519	Salisbury Township Lancaster County	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601-3149 717.299.5361, ext. 5
PAC360583	PAG-02 General Permit	Issued	Steven Esh 2008-F Horseshoe Road Lancaster, PA 17601	Colerain Township Lancaster County	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601-3149 717.299.5361, ext. 5
PAC670457	PAG-02 General Permit	Issued	Golf of Warminster LLC 10 Grumbacher Road York, PA 17406	Manchester Township York County	York County Conservation District 2401 Pleasant Valley Road Suite 101 Room 139 York, PA 17402 717.840.7430
PAC670452	PAG-02 General Permit	Issued	Manchester Township 3200 Farmtrail Road York, PA 17406	Manchester Township York County	York County Conservation District 2401 Pleasant Valley Road Suite 101 Room 139 York, PA 17402 717.840.7430
PAD600064	New	Issued	Josh Dabsie 110 Main Street Suite 2E Berlington, UT 05401	East Buffalo Township Union County	NCRO
PAC110073	PAG-02 General Permit	Issued	Sandyvale Memorial Gardens and Conservancy P.O. Box 41 Johnstown, PA 15907	City of Johnstown Cambria County	Cambria County Conservation District 401 Candlelight Drive Suite 221 Ebensburg, PA 15931 814-472-2120

<i>Permit Number</i>	<i>Permit Type</i>	<i>Action Taken</i>	<i>Applicant Name & Address</i>	<i>Municipality, County</i>	<i>Office</i>
PAC560050	PAG-02 General Permit	Issued	Witmer Feed Properties, LLC P.O. Box 7 Columbiana, OH 44408	Black Township Brothersvalley Township Somerset County	Somerset County Conservation District Somerset County Ag Center 6024 Glades Pike Suite 103 Somerset, PA 15501 814-445-4652
PAC250128	PAG-02 General Permit	Issued	Lindy Paving Inc P.O. Box 6774 Pittsburgh, PA 15212	Girard Township Erie County	Erie County Conservation District 1927 Wager Road Erie, PA 16509 814-825-6403
PAC250129	PAG-02 General Permit	Issued	Chivers Construction Co. Inc. 6700 Tow Road Fairview, PA 16415	Harborcreek Township Erie County	Erie County Conservation District 1927 Wager Road Erie, PA 16509 814-825-6403
PAD610003	Individual NPDES	Issued	Oil City (157) DPP LLC 9010 Overlook Boulevard Brentwood, TN 37027	Pinegrove Township Venango County	NWRO
PAC430057	PAG-02 General Permit	Issued	Genesis II Development LLC 2340 Quality Lane West Middlesex, PA 16159	Hermitage City Mercer County	Mercer County Conservation District 24 Avalon Court Suite 300 Mercer, PA 16137 724-662-2242
PAC100227	PAG-02 General Permit	Issued	Victory Real Estate Holdings LLC Mr. Brent Thomas 100 Independence Lane Butler, PA 16001	Clinton Township Butler County	Butler County Conservation District 120 Hollywood Drive Suite 201 Butler, PA 16001 724-284-5270

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>
Ken Loht 199 Road Apple Drive McClure, PA 17841	Mifflin	90	474	Swine	NA	Approval

SEWAGE FACILITIES ACT PLAN APPROVAL

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

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

Plan Location:

<i>Township</i>	<i>Township Address</i>	<i>County</i>
Rapho Township	971 N. Colebrook Road Manheim, PA 17545-3480	Lancaster County

Plan Description:

Approval of a revision to the official plan of Rapho Township, Lancaster County has been issued. This action is a result of the review of a minor update revision for the Rapho Business Park Sewer Extension (DEP Code No. C3-36948-484-3; APS ID No. 949658). The existing development—located along Shellyland Road and Arrowhead Drive in Manheim—consists of commercial sites within the Rapho Business Park that are currently using on-lot disposal systems. The proposed change in method of sewage disposal involves extending public sewer to allow connections for these businesses, with additional sewage flows totaling 9,400 gallons per day tributary to the Mount Joy Borough Authority sewer system. The Department's review of the minor update revision has not identified any significant impacts resulting from this proposal.

Plan Location:

<i>Township</i>	<i>Township Address</i>	<i>County</i>
East Donegal Township	190 Rock Point Road Marietta, PA 17547	Lancaster County

Plan Description:

Approval of a revision to the official plan of East Donegal Township, Lancaster County has been issued. This action is a result of the review of a planning module for the Richard Sweger Property (DEP Code No. A3-36925-190-3S; APS ID No. 1030014). The proposed development—to be located at 23 Railroad Avenue in Marietta—consists of a small-flow treatment facility to address the substandard on-lot sewage disposal system serving a 7-unit apartment building. The Department's review of the plan revision has not identified any significant impacts resulting from this proposal. Any permits must be obtained in the name of the property owner.

Plan Location:

<i>Township</i>	<i>Township Address</i>	<i>County</i>
Upper Allen Township	100 Gettysburg Pike Mechanicsburg, PA 17055	Cumberland

Plan Description:

Approval is granted for an Act 537 Special Study for Upper Allen Township, Cumberland County. The study provides for the replacement of approximately 3,200 feet of the Lisburn Road sanitary sewer 8-inch line and manholes with new 12-inch PVC pipe and associated manholes. The Department's review of the special study has not identified any significant impacts resulting from this proposal. Permits must be acquired in the name of the municipality. The DEP Code Numbers for this plan are C1-21929-ACT and Application No. 320932.

**HAZARDOUS SITES CLEAN-UP
UNDER THE ACT OF
OCTOBER 18, 1988**

**PUBLIC NOTICE OF PROPOSED
SETTLEMENT AGREEMENT**

**Metal Bank Superfund Site, Cottman & Delaware
Ave, Philadelphia, PA 19135, City of Philadelphia,
Philadelphia County**

The Department of Environmental Protection (Department), under the authority of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended (42 U.S.C.A. §§ 9601—9675) (CERCLA) and the Hazardous Sites Cleanup Act, as amended (35 P.S. §§ 6020.101—6020.1305) (HSCA), has entered into a Settlement Agreement along with the Department of Conservation and Natural Resources, the Fish and Boat Commission, the National Oceanic and Atmospheric Administration, and the United States Fish and Wildlife Service (collectively, the "Trustees") with the following Settling Defendants: Consolidated Edison Company of New York, Inc., Public Service Electric and Gas Company, Baltimore Gas and Electric Company, Jersey Central Power and Light Company, Long Island Lighting Company d/b/a LIPA, Metropolitan Edison Company, Orange and Rockland Utilities, Inc., PECO Energy Company, Potomac Electric Power Company, PPL Electric Utilities Corporation, Virginia Electric and Power Company, and Delmarva Power & Light Company (collectively, "Settling Defendants").

This Settlement Agreement serves to compensate the Commonwealth and the United States by means of settlement of the natural resource damages claim for injury to, impairment of, destruction of, loss of, diminution of value of, and/or loss of use of natural resources, including the reasonable costs of assessing the injuries, resulting from hazardous substances released at the Metal Bank Superfund Site (site). The site is located in the City of Philadelphia, Philadelphia County. The settlement includes a payment of \$950,000 from the Settling Defendants that will be used by the Trustees to develop and oversee project(s) to restore, replace or acquire the equivalent of the natural resources that have been injured as a result of releases of hazardous substances at

the site and to reimburse the United States for costs incurred in assessing the natural resource damages that have occurred at the site. A restoration plan will be developed for public comment by the Trustees.

Under section 1113 of HSCA (35 P.S. § 6020.1113), the Department is publishing notice of this Settlement Agreement and will provide a 60-day period for public comment commencing with the date of this publication. Copies of the Settlement Agreement may be examined at the U.S. Department of Justice web site: <https://www.justice.gov/enrd/consent-decrees>. Written comments may be submitted by mail to Timothy Cherry, Solid Waste Supervisor, Department of Environmental Protection, 2 East Main Street, Norristown, PA 19401 or by email to tcherry@pa.gov. Further information or a copy of the Settlement Agreement can be obtained by contacting Mr. Cherry at tcherry@pa.gov or (484) 250-5728 or Brian Glass, Assistant Counsel, Office of Chief Counsel at briaglass@pa.gov or (484) 250-5870.

The Department has reserved the right to withdraw its approval of the Settlement Agreement in its reasonable discretion if comments submitted during the public comment period disclose facts or considerations which indicate that this Settlement Agreement is inappropriate, improper, inadequate, or not in the public interest.

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 con-

cerning plans or reports is required in an alternative form, contact the community relations coordinator at the appropriate Regional Office. TDD users may telephone the Department through the Pennsylvania Hamilton Relay Service at (800) 654-5984.

The Department has received the following plans and reports:

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

Wawa Store No. 8088, 101 Easton Road, Horsham, PA 19044, Horsham Township, **Montgomery County**. Geoff Kristof, PG, Aquaterra Technologies, Inc., P.O. Box 744 West Chester, PA 19381 on behalf of Joseph Standen Jr., PG, Wawa, Inc., 260 West Baltimore Pike, Media, PA 19063 submitted a Final Report concerning remediation of site soil contaminated with unleaded gasoline. The report is intended to document remediation of the site to meet the Statewide health standard.

Minnie Lane Airplane Crash Site, 4205 Minnie Lane, Hatboro, PA 19040, Upper Moreland Township, **Montgomery County**. Christopher Zelznak, PG, EnviroSure, Inc., 19 South High Street, First Floor, West Chester, PA 19382 on behalf of Edward Roussel, 4205 Minnie Lane, Hatboro, PA 19040 submitted a Final Report concerning remediation of site soil contaminated with lead. The report is intended to document remediation of the site to meet the Statewide health standard.

Booth Street and West 4th Street, Intersection of Booth Street and West 4th Street, Chester, PA 19103, City of Chester, **Delaware County**. Paul White, Brickhouse Environmental, 515 South Franklin Street, West Chester, PA 19380 on behalf of Michael Frankel, FMM QOZB LLC, P.O. Box 67, Essington, PA 19029 submitted a Remedial Investigation Report/Risk Assessment Report/Final Report concerning remediation of site soil and groundwater contaminated with VOCs, SVOCs, and metals. The report is intended to document remediation of the site to meet the site-specific standard.

Northeast Region: Environmental Cleanup & Brownfields Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915, 570-826-2511.

Contact: Eric Supey, Environmental Program Manager.

J. Busik Pad 1, 1274 Bare Valley Road, Montrose, PA 18801, Dimock Township, **Susquehanna County**. Resource Environmental Management, 50 Maple Street, Montrose, PA 18801, on behalf of Cabot Oil & Gas Corporation, 2000 Park Lane, Suite 300, Pittsburgh, PA 15275, submitted a Final Report concerning remediation of soil contaminated by a release of heavy brine from a frac tank on December 18, 2020. 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.

Rutters Farm Store # 54, 5305 Susquehanna Trail, York, PA 17406, Conewago Township, **York County**. United Environmental Services, Inc., 1143 Long Run Road, Schuylkill Haven, PA 17972, on behalf of CHR Corporation, 2295 North Susquehanna Trail, Suite C, York, PA 17404, 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 Statewide Health Standard.

531 East 28th Division Highway, Lititz, PA 17543, Elizabeth Township, **Lancaster County**. Crawford Envi-

ronmental Services, LLC, 20 Cardinal Drive, Birdsboro, PA 19508, on behalf of Martin Paving, 531 East 28th Division Highway, Lititz, PA 17543, 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 nonresidential and residential Statewide standard.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995 PREAMBLE 3

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

Section 250.8 of 25 Pa. Code and administration of the Land Recycling and Environmental Remediation Standards Act (act) require the Department to publish in the *Pennsylvania Bulletin* a notice of its final actions on plans and reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the remediation standards of the act. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis of selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed and summaries of sampling methodology and analytical results which demonstrate that the remediation has attained the cleanup standard selected. Plans and reports required by the act for compliance with selection of remediation to a site-specific standard, in addition to a final report, include a remedial investigation report, risk assessment report and cleanup plan. A remedial investigation report includes conclusions from the site investigation; concentration of regulated substances in environmental media; benefits of reuse of the property; and, in some circumstances, a fate and transport analysis. If required, a risk assessment report describes potential adverse effects caused by the presence of regulated substances. If required, a cleanup plan evaluates the abilities of potential remedies to achieve remedy requirements. A work plan for conducting a baseline remedial investigation is required by the act for compliance with selection of a special industrial area remediation. The baseline remedial investigation, based on the work plan, is compiled into the baseline environmental report to establish a reference point to show existing contamination, describe proposed remediation to be done and include a description of existing or potential public benefits of the use or reuse of the property. The Department may approve or disapprove plans and reports submitted. This notice provides the Department's decision and, if relevant, the basis for disapproval.

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

2701 Barnes Lane, 2701 Barnes Lane, Allentown, PA 18103, Allentown City, **Lehigh County**. Geo-Technology Associates, 2405 John Fries Highway, Quakertown, PA 18951, on behalf of Barnes Land Development LLC, 2240 West Rock Road, Allentown, PA 18103, submitted a revised, combined Risk Assessment and Final Report concerning remediation of soil impacted with pesticides from historic orchard operations. The Report demonstrated attainment of site-specific standards and was approved by DEP on March 18, 2021.

Alvaro Property, 105 North Railroad Street, Walnutport, PA 18088, Walnutport Borough, **Northampton County**. Mountain Research LLC, 825 25th Street, Altoona, PA 16601, on behalf of Johnna Alvaro, 105 North Railroad Street, Walnutport, PA 18088, submitted a submitted a final report concerning remediation of soil and groundwater contamination due to a release of heating oil from an aboveground storage tank. The Final Report demonstrated attainment of Statewide health standards and was approved by DEP on March 23, 2021.

Southcentral Region: Environmental Cleanup and Brownfields Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110.

Tim Nixon Property, 5322 Strasburg Road, Kinzers, PA 17535, Salisbury Township, **Lancaster County**. Lewis Environmental, Inc., 155 Railroad Plaza # 1, Royersford, PA 19468, on behalf of Tim Nixon, 5322 Strasburg Road, Kinzers, PA 17535, submitted a Final Report concerning remediation of site soil and groundwater contaminated with No. 2 fuel release. The Final Report demonstrated attainment of the Statewide Health Standard and was approved by the Department on March 18, 2021.

17 Eshbach Lane, Bechtelsville, PA 19505, Washington Township, **Berks County**. Crawford Environmental Services, LLC, 20 Cardinal Drive, Birdsboro, PA 19508, on behalf of Betty Moyer, 17 Eshbach Lane, Bechtelsville, PA 19505, and Spring Valley Village, LLC, 1590 Canary Road, Quakertown, PA 18951 submitted a Final Report concerning remediation of site soil contaminated with heating oil. The Final Report demonstrated attainment of the residential Statewide health standard and was approved by the Department on March 22, 2021.

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

Titusville Wax Plant, 1100 East Main Street (a.k.a. 1007 East Spring Street), Titusville, PA 16354, City of Titusville, **Crawford County**. Wood Environment & Infrastructure Solutions, Inc., 4600 J Barry Court, Suite 210, Canonsburg, PA 15317, on behalf of Honeywell, 115 Tabor Road, Morris Plains, NJ 07950, submitted a Remedial Investigation Report concerning the remediation of site soil and groundwater contaminated with Volatile Organic Compounds, Semi-volatile Organic Compounds, Polychlorinated Biphenyls, and Metals. The Remedial Investigation Report was approved by the Department on March 17, 2021.

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

Scholler, Inc., Property, 3320 Collins Street, Philadelphia, PA 19134, City of Philadelphia, **Philadelphia**

County. John Lydzinski, PG, RT Environmental Services Inc., 215 West Church Street, King of Prussia, PA 19134 on behalf of David Goldstein, Follow Through Capital, 20 Conshohocken State Road, Apartment 312, Bala Cynwyd, PA 19004 submitted a Remedial Investigation Report/Cleanup Plan concerning the remediation of site soil contaminated with chlorinated solvents. The Report was disapproved by the Department on March 10, 2021.

3045 Richmond Street, LLC, 3045-3051 Richmond Street, Philadelphia, PA 19134, City of Philadelphia, **Philadelphia County.** David Schantz, PG, Aquaterra Technologies, 901 South Street, West Chester, PA 19382 on behalf of Francis Popek, 3045 Richmond Street, LLC, 1546 Packer Avenue, Suite 103, Philadelphia, PA 19145 submitted a Baseline Environmental Report concerning the remediation of site soil and groundwater contaminated with PAHs, lead and No. 2 fuel oil. The Report was approved by the Department on March 9, 2021.

Dreshertown Plaza, 1442 Dreshertown Road, Dresher, PA 19025, Upper Dublin Township, **Montgomery County.** Craig Herr, RT Environmental Services, Inc., 215 West Church Road, King of Prussia, PA 19406 on behalf of Jim Bladel, Brandolini Property Management, Inc., 1301 Lancaster Avenue, Berwyn, PA 19312 submitted a Final Report concerning the remediation of site soil and groundwater contaminated with TCE and PCE. The Report was reviewed by the Department which issued a technical deficiency letter on March 15, 2021.

Cunningham Residence, 550 West Cherry Road, Quakertown, PA 18951 Springfield Township, **Bucks County.** Alexander Ulmer, P.G., Barry Isett and Associates, 1003 Egypt Road, Phoenixville, PA 19460 on behalf of John Cunningham, 550 West Cherry Road, Quaker town, PA 18951 submitted a Final Report concerning the remediation of site soil contaminated with benzene; naphthalene; benzo(a)pyrene; benzo(b)fluoranthene; pyrene; anthracene, fluorene; chrysene; phenanthrene; and benzo(g,h,i)perylene. The Final Report demonstrated attainment of the statewide health standard and was approved by the Department on March 15, 2021.

1952 East Allegheny Avenue, 1952 East Allegheny Avenue, Philadelphia, PA 19134, City of Philadelphia, **Philadelphia County.** Natalie Griffith, REPSG, 6091 Kingsessing Avenue, Philadelphia, PA 19134 on behalf of Casey O'Donnell, Impact Services Corporation, 1952 East Allegheny Avenue, Philadelphia, PA 19134 submitted a Remedial Investigation Report/Cleanup Plan concerning the remediation of site soil and groundwater contaminated with No. 2 fuel oil. The Report was approved by the Department on March 16, 2021.

2935-2965 North 2nd Street, 2935-2965 North 2nd Street, Philadelphia, PA 19142, City of Philadelphia, **Philadelphia County.** James Manuel, REPSG, 6091 Kingsessing Avenue, Philadelphia, PA 19134 on behalf of Maria Gonzalez, Casa Indiana, LLC, 167 West Allegheny Avenue, Suite 200, Philadelphia, PA 19140 submitted a Cleanup Plan concerning the remediation of site soil contaminated with PAHs. The Report was reviewed by the Department which issued a technical deficiency letter on March 17, 2021.

Devon BP, 891 Lancaster Avenue, Devon, PA 19333, Tredyffrin Township, **Chester County.** Michael Napolitan, Taylor Geoservices, 38 Bishop Hollow Road # 200, Newtown Square, PA 19073 on behalf of Fred Terpolilli, Lee Transportation Systems, LLC, 228 Garden Road, Pittsgrove Township, NJ 08318 submitted a Final Report concerning the remediation of site soil and

groundwater contaminated with benzene. The Report was reviewed by the Department which issued a technical deficiency letter on March 17, 2021.

MUNICIPAL WASTE GENERAL PERMITS

Permit(s) Issued Under the Solid Waste Management Act (35 P.S. §§ 6018.101—6018.1003); the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P.S. §§ 4000.101—4000.1904); and Municipal Waste Regulations for a General Permit to Operate Municipal Waste Processing Facilities and the Beneficial Use of Municipal Waste.

Central Office: Division of Municipal and Residual Waste, Rachel Carson State Office Building, 14th Floor, 400 Market Street, Harrisburg, PA 17105-8472.

General Permit No. WMGM065SE001. Ecoremedy, LLC, Bucks County, 95 Riverview Avenue, Morrisville, PA 19067. The Department received an application for the development of a new Statewide general permit authorizing the processing by drying and gasification of treated municipal wastewater sludge (biosolids) for beneficial use as an alternative fuel source in boilers, power plants, and cement kilns. Ecoremedy will receive municipal waste biosolids from the Morrisville Municipal Authority, Morrisville Borough, **Bucks County,** PA and from other municipal wastewater treatment plants. The base general permit and Ecoremedy's coverage under the base general permit were issued by Central Office on March 8, 2021.

Persons interested in reviewing a general permit should be directed to Chris Solloway at 717-787-7381, Chief, Permits Section, Division of Municipal and Residual Waste, Bureau of Waste Management, P.O. Box 69170, Harrisburg, PA 17106-9170. 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.

GP1-46-0260: Einstein Med Ctr Montgomery (559 West Germantown Pike, Norristown, PA 19403) on March 12, 2021 for three small gas & No 2 oil fired combustion units Mfg; Bumham, Two (2) Model No. 4SPLN-500 19.3 MMBtu/hr units; One (1) Model No; 4SPLN-400, 15.5 MMBtu/hr unit in East Norriton Township, **Montgomery County.**

GP9-46-0111: Einstein Med Ctr Montgomery (559 West Germantown Pike, Norristown, PA 19403) on March 12, 2021 for two diesel-fired internal combustion engines Mfg; Catepillar, Model No. C32 ATAAC, 1.474.BHP each in East Norriton Township, **Montgomery County.**

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

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

GP3-40-031: R.S. Services (119 Falls Road, Beech Creek, PA 16822) on March 23, 2021, to relocate & operate a portable stone crushing plant at the facility located in Whitehaven Borough, **Luzerne County**.

GP11-40-031: R.S. Services (119 Falls Road, Beech Creek, PA 16822) on March 23, 2021, to relocate & operate I C Engines at the facility located in Whitehaven Borough, **Luzerne County**.

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

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

GP3-41-00043: R.S. Services (119 Falls Road, Beech Creek, PA 16822) on March 17, 2021, for the authorization to relocate and operate a 2008 KPI model FT4240 crusher, a 2011 McCloskey model C44 crusher, a 2012 McCloskey model R155 screener, a 2007 Extac S5 screener, and a 2018 McCloskey J45 crusher non-metallic mineral processing plants pursuant to the General Plan Approval and/or General Operating Permit for Portable Nonmetallic Mineral Processing Plants (BAQ-PGPA/GP-3) to the HRI, Inc. Williamsport Asphalt Plant located in the City of Williamsport, **Lycoming County**.

GP11-41-00043: R.S. Services (119 Falls Road, Beech Creek, PA 16822) on March 17, 2021, for authorization to relocate and operate a 2007 model year 345 bhp Cummins QSL9-G3 diesel-fired engine, a 2011 model year 440 bhp Caterpillar C-13 diesel-fired engine, a 2010 model year 129.4 bhp Caterpillar C4.4 diesel-fired engine, a 2007 model year 100.4 bhp Deutz BF4M2010 diesel-fired engine, and a 2016 model year 374 bhp Caterpillar C-9 diesel-fired engine as nonroad engines to power portable non-metallic mineral processing plants pursuant to the General Plan Approval and/or General Operating Permit for Nonroad Engines (BAQ-GPA/GP-11) at the HRI, Inc. Williamsport Asphalt Plant located in the City of Williamsport, **Lycoming County**.

AG5-53-00003A: Pennsylvania General Energy Company, LLC (120 Market Street, Warren, PA 16365) was issued on March 15, 2021, an authorization for continued operation of the Fisk Hollow Pad A Compressor Station in Pleasant Valley Township, **Potter County**, pursuant to the PA DEP Air Quality Bureau's General Plan Approval and General Operating Permit for Natural Gas Compression Stations, Processing Plants, and Transmission Stations (BAQ-GPA/GP-5).

GP3-17-503C: Russell Stone Products, Inc. (2640 Greenville Pike, Grampian, PA 16838) was issued on March 15, 2021, an authorization for construction and operation of four (4) portable nonmetallic mineral processing plants, including Crushers # 1&2 and Screeners 1&2 at their Bloom quarry facility in Bloom and Pike Townships, **Clearfield County**, pursuant to the PA DEP Air Quality Bureau's General Plan Approval and General Operating Permit for Portable Nonmetallic Mineral Processing Plants (BAQ-GPA/GP-3).

GP9-17-503C: Russell Stone Products, Inc. (2640 Greenville Pike, Grampian, PA 16838) was issued on March 15, 2021, an authorization for construction and

operation of three (3) diesel engines to provide power to new portable nonmetallic mineral processing plants at their Bloom quarry facility in Bloom and Pike Townships, **Clearfield County**, pursuant to the PA DEP Air Quality Bureau's General Plan Approval and General Operating Permit for Diesel or No. 2 fired Internal Combustion Engines (BAQ-GPA/GP-9).

AG5A-59-00001A: Pennsylvania General Energy Co, LLC (120 Market Street, Warren, PA 16365-2510) on March 19, 2021, to construct and operate two 300 gallon storage tanks, two Caterpillar model G3516B 4-stroke ultra-lean burn natural gas-fired engines rated at 1,380 bhp and associated reciprocating compressors as well as continue to operate existing sources pursuant to the General Plan Approval and/or General Operating Permit for Unconventional Natural Gas Well Site Operations and Remote Pigging Stations (BAQ-GPA/GP-5A) at the COP Tract 596 Pad B located in Liberty Township, **Tioga 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.

GP3-21-05040E: New Enterprise Stone & Lime Co., Inc. (3912 Brumbaugh Road, New Enterprise, PA 16664) on March 18, 2021 for the installation of a portable nonmetallic mineral crusher at the Shippensburg Quarry in Southampton Township, **Cumberland County**.

GP9-21-05040E: New Enterprise Stone & Lime Co., Inc. (3912 Brumbaugh Road, New Enterprise, PA 16664) on March 18, 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.

09-0248: Shelly Funeral Home (1460 Easton Road, Warrington, PA 18976) on March 12, 2021, for installation of a Matthews International Cremation Unit, rated at 150 lb/hr, at an existing funeral home in Warrington Township, **Bucks County**.

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

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

37-331E: RWE Holding Company, West Pittsburg Plant (372 Rundle Road, New Castle, PA 16101), on March 11, 2021 issued a Plan Approval for authorization to vent a newly constructed control device outdoors in Taylor Township, **Lawrence County**. This is a State Only facility.

43-292B: Tri-County Landfill, Incorporated (159 TCI Park Drive, Grove City, PA 16127), on February 25, 2021, the Department issued Plan Approval No. 43-292B

for Tri-County Landfill, Inc.'s facility located in Pine and Liberty Townships, **Mercer County**. Subsequent to issuance of that Plan Approval, the Department learned that it did not include changes to conditions which the Department had intended to include in response to prior comments received by Tri-County Landfill, Inc. On March 19, 2021, the Department of Environmental Protection issued in final, a corrected version of the Plan Approval. This is a Title V facility.

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.

09-0237: TC Millwork Inc. (P.O. Box 528, 3433 Marshall Lane, Bensalem, PA 19020) on March 10, 2021 for the installation and operation of two (2) spray booth operations, designated as Source ID 101 (Paint Spray Booth) and Source ID 102 (Adhesive Spray Booth) and associated filters, an Adhesives Application Area (Source ID 104), solvent clean-up Operating (Source ID 106) a Milling Room (Source ID 105) and associated dust collector (Source ID C010 in Bensalem Township, **Bucks County**).

09-0236: Covanta Metals Mkt LLC (445 South Street, Morristown, NJ 07960-6475) on March 12, 2021 for the construction and operation of a Non-ferrous Metal Recovery Facility at their location in Falls Township, **Bucks County**.

23-0038F: Delcora (100 E. 5th Street, Chester, PA 19016) on March 18, 2021 for construction and operation of a new air pollution control system for each of the two multiple hearth incinerators, comprising quench, multi-venturi scrubber, wet electrostatic precipitator and regenerative thermal oxidizer. Modification to each of the incinerators to remove the afterburner function from the incinerators' upper hearth and relocate it downstream at the RTO is approved at their location in the City of Chester, **Delaware 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.

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.

36-05017: Conestoga Wood Specialties Corp. (245 Reading Road, East Earl, PA 17519-9549) on March 22, 2021, for the wood cabinet manufacturing facility located in East Earl Township, **Lancaster County**. The Title V permit was renewed.

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

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

Contact: Janine Tulloch-Reid, Facilities Permitting Chief—Telephone: 484-250-5920.

46-00286: CSL Behring (1020 1st Avenue, King of Prussia, PA 19406-1310) on March 12, 2021 for the operation of a biopharmaceutical company that manufactures plasma-derived and bio therapeutic products located in Upper Merion Township, **Montgomery County**.

23-00105 Hanson Aggregates PA, LLC—Glen Mills Asphalt Plant (533 Forge Road, Glen Mills, PA 19342) on March 9, 2021 for the renewal permit to operate a hot mix asphalt plant at the facility located in Middletown Township, **Delaware County**.

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

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

17-00040: Moshannon Valley School District (4934 Green Acre Road, Houtzdale, PA 16651-9424) was issued a State Only (Synthetic Minor) operating permit on March 19, 2021, for their elementary and secondary schools and the source operations within this facility in Bigler Township, **Clearfield County**. All applicable Federal and State regulatory requirements derived from 25 Pa. Code Chapters 121—145, including appropriate testing, monitoring, recordkeeping, reporting, and work practice to verify compliance are included in the permit.

41-00017: Zenith Energy Terminals Pennsylvania Holdings, LLC (3900 Essex Lane, Suite 700, Houston, TX 77027-5166) was issued a State Only (Synthetic Minor) Operating Permit on March 19, 2021, for their South Williamsport Terminal facility located in Armstrong Township, **Lycoming County**. The State Only (Synthetic Minor) operating permit contains requirements including monitoring, recordkeeping, and reporting conditions derived from 25 Pa. Code Chapters 121—145 to ensure compliance with applicable Federal and State regulations.

08-00006: UTC Railcar Repair Services LLC (403 N Thomas Avenue, Sayre, PA 18840) was issued a State Only (Synthetic Minor) Operating Permit on March 22, 2021, for the UTC Railcar Repair Services LLC's facility located in Borough of Sayre, **Bradford County**. The State Only (Synthetic Minor) operating permit contains requirements including monitoring, recordkeeping, and reporting conditions derived from 25 Pa. Code Chapters 121—145 to ensure compliance with applicable Federal and State regulations.

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

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

10-00340: Eagle Printing Company (P.O. Box 271, Butler, PA 16003). On March 11, 2021, the Department renewed the State Only operating permit for the newsprint facility located in the City of Butler, **Butler County**. The major source at the facility is a cold set printing press process. The facility is a Synthetic Minor. The potential emissions from the facility are as follows: 44.4 tpy VOC; less than 1 tpy any single HAP; and less than 1 tpy all combined HAPs. The permit contains emission restrictions, recordkeeping, work practice, and additional requirements to ensure compliance with the Clean Air Act and the Air Pollution Control Act.

10-00379: Mountain Gathering (22777 Springwoods Village Parkway, Spring, TX 77389). On March 18, 2021, the Department renewed the State Only Operating Permit for Mountain Gathering's Penn Cryo facility located in Penn Township, **Butler County**. The facility is a Natural Minor. Potential emissions are estimated as follows: 4.9484 tpy NO_x; 10.3994 tpy CO; 3.7834 tpy VOC; 0.3469 tpy SO₂; 1.7892 tpy PM; and 0.1946 tpy all combined HAPs. The primary sources at the facility are a 21.4 million Btu/hr process heater, 3 storage tanks, and a gas processing plant. The permit contains emission restrictions, recordkeeping, work practice, and additional requirements to ensure compliance with the Clean Air Act and the Air Pollution Control Act.

16-00043: J.M. Smucker, LLC (300 Kleck Avenue, New Bethlehem, PA 16242). On March 9, 2021, the Department renewed the State Only operating permit for the peanut processing facility located in the Borough of New Bethlehem, **Clarion County**. The sources at the facility include peanut processing equipment, 2 natural gas fueled peanut roasters, peanut skin transfer, and natural gas fueled heaters for comfort heating. The facility is a Natural Minor. Emissions from the facility are as follows: VOCs, < 1 tpy; CO, < 1 tpy; NO_x, < 1 tpy; SO₂, < 1 tpy; PM, < 1 tpy; and all combined HAPs < 1 tpy. The permit contains emission restrictions, recordkeeping, work practice, and additional requirements to ensure compliance with the Clean Air Act and the Air Pollution Control Act.

20-00232: Meadville Plating (10775 Franklin Pike, Meadville, PA 16335). On March 10, 2021, the Department renewed the State Only Operating Permit for the plating operations facility located in West Mead Township, **Crawford County**. The sources at the facility include 8 hard chromium plating tanks (subject to 40 CFR Part 63, Subpart N), miscellaneous natural gas combustion sources, a TCE cold cleaning tank (subject to 40 CFR Part 63 Subpart T), nickel electroplating tanks (subject to 40 CFR Part 63 Subpart WWWW) and other trivial activities. Emissions from the hard chromium plating tanks are less than 0.015 mg/dscm. Other criteria pollutants are less than 1 TPY. The renewal permit contains emission restrictions, recordkeeping, work practice, and additional requirements to ensure compliance with the Clean Air Act and the Air Pollution Control Act.

27-00039: KC Midstream Solutions, LLC, Endeavor Plant (Queens Pumping Station Road, Endeavor, PA 16321), on March 18, 2021, the Department issued the renewal State-Only Operating Permit of a non-fractionating natural gas stripping facility located in Hickory Township, **Forest County**. Permitted air contamination sources at the facility include an inlet compressor, a refrigerant compressor, an ethylene glycol (EG) dehydrator, an EG heater, and various sources of fugitive emissions. For permitting purposes, the facility is Natural Minor. In this renewal, the replacement engines for the inlet compressor and the residue compressors authorized through separate RFDs are incorporated as permitted sources. Authorized through another RFD, the EG heater is also incorporated as a permitted source. As sources of fugitive emissions, storage tanks/vessels and venting/blowdown operations are added as permitted sources for emissions inventory purposes. Monthly Audio, Visual & Olfactory inspections are added as permit requirements for equipment and operations that emit fugitive emissions.

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.

07-03048: Chimney Rocks Animal Rest, Inc. (524 Chimney Rocks Road, Hollidaysburg, PA 16648-3530) on March 17, 2021, for the animal crematory located in Blair Township, **Blair County**. The State-only permit was renewed.

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

Southcentral Region: Air Quality Program, 909 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.

44-03014: King Barr Funeral Home, LLC (120 Logan Street, Lewistown, PA 17044) on March 23, 2021, for the human crematory at the facility located in Lewistown Borough, **Mifflin County**. The State-Only Permit was administratively amended to reflect a change of ownership.

De Minimis Emissions Increases Authorized under 25 Pa. Code § 127.449.

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

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

16-00043: J.M. Smucker, LLC (300 Kleck Avenue, New Bethlehem, PA 16242). The De Minimis increase is for the replacement of a baghouse for the peanut processing facility located in the Borough of New Bethlehem, **Clarion County**.

The installation of this source is exempt from plan approval as allowed in 25 Pa. Code § 127.14(a)(8). The Department hereby approves the De minimis emission increase.

The following is the list of De minimis emission increases as required by 25 Pa. Code § 127.449(i). This list includes the De minimis increases since the facility operating permit issuance on April 22, 2010.

Date: March 9, 2021, Source: Peanut Processing controlled by cyclone and baghouse; Increase = 0.2 ton PM₁₀; Total reported increases for permit term = 0.2 ton PM₁₀; Allowable increases for permit term = 4 ton/source and 20 tons/facility CO; 1 ton/source and 5 tons/facility NO_x; 1.6 tons/source and 8 tons/facility SO_x; 0.6 ton/source and 3 tons/facility PM₁₀; 1 ton/source and 5 tons/facility VOC.

ACTIONS ON COAL AND NONCOAL MINING ACTIVITY APPLICATIONS

Actions on applications under the Surface Mining Conservation and Reclamation Act (52 P.S. §§ 1396.1—1396.31); the Noncoal Surface Mining Conservation and Reclamation Act (52 P.S. §§ 3301—3326); the Clean Streams Law (35 P.S. §§ 691.1—691.1001); the Coal Refuse Disposal Control Act (52 P.S. §§ 30.51—30.66); the Bituminous Mine Subsidence and Land Conservation Act (52 P.S. §§ 1406.1—1406.21). The final action on each application also constitutes action on the NPDES permit application and, if noted, the request for a Section 401 Water Quality Certification. Mining activity permits issued in response to such applications will also address the application permitting requirements of the following statutes; the Air Quality Control Act (35 P.S. §§ 4001—4015); the Dam Safety and Encroachments Act (32 P.S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P.S. §§ 6018.101—6018.1003).

Coal Permits Issued

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

Permit No. 4274SM5 and NPDES No. PA0262218. New Enterprise Stone & Lime Co., Inc., P.O. Box 77, New Enterprise, PA 16664, permit renewal for reclamation only of a bituminous surface and auger mine in Broad Top Township, **Bedford County**, affecting 11.5 acres. Receiving streams: unnamed tributary to Six Mile Run classified for the following use: warm water fishes. The first downstream potable water supply intake from the point of discharge is the Saxton Municipal Water Authority. Application received: September 29, 2020. Permit issued: March 16, 2021.

Permit No. 11000103 and NPDES No. PA0235067. T.J. Mining, Inc., P.O. Box 370, Carrolltown, PA 15722, permit renewal for the continued operation and restoration of a bituminous surface mine in Cresson Township, **Cambria County**, affecting 85.3 acres. Receiving streams: Unnamed tributaries to/and Burgoon Run classified for the following use: cold water fishes. There are no potable water supply intakes within 10 miles downstream. Application received: November 17, 2020. Permit issued: March 18, 2021.

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

Permit No. 40940203R5. Newport Aggregate, Inc., 76 Main Road, Glen Lyon, PA 18617, renewal of an anthracite surface mine, coal refuse reprocessing, refuse disposal and preparation plant operation in Jenkins Township, **Luzerne County** affecting 174.1 acres. Receiving stream: Susquehanna River. Application received: December 6, 2019. Renewal issued: March 17, 2021.

Permit No. GP12-40940203R. Newport Aggregate, Inc., 76 Main Road, Glen Lyon, PA 18617, renewal of general operating permit to operate a coal preparation plant on Surface Mining Permit No. 40940203 in Jenkins Township, **Luzerne County**. Application received: December 6, 2019. Permit renewed: March 17, 2021.

Noncoal Permits Issued

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

Permit No. 7574SM1 and NPDES No. PA0594300. Pennsy Supply, Inc., 2400 Thea Drive, Suite 3A, Harrisburg, PA 17110, permit modification to change the permit boundary acreage from 167.30 acres to 153.09 acres on a large noncoal (industrial minerals) operation permit located in Silver Spring Township, **Cumberland County**. Receiving streams: Conodoguinet Creek, classified for the following uses: warm water fishes. There are no potable water supply intakes within 10 miles downstream. Application received: August 14, 2020. Permit issued: March 19, 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

New Stanton District Office: P.O. Box 133, New Stanton, PA 15672, 724-925-5500, (Contact: Tracy Norbert).

Permit No. 63214002. Wampum Hardware Company, 636 Paden Road, New Galilee, PA 16141-2018. Blasting activity permit for the construction of the T A Ward Residential Development, located in Cecil Township, **Washington County** with an expiration date of January 1, 2022. Blasting permit issued: March 11, 2021. This bulletin is resubmitted due to incorrect permit number during initial submittal.

Permit No. 02214101. Senex Explosives, Inc., 710 Millers Run Road, Cuddy, PA 15031-9742. Blasting activity permit for the construction of the Monroeville Landfill, located in Monroeville Borough, **Allegheny County** with an expiration date of April 1, 2022. Blasting permit issued: March 15, 2021.

Permit No. 63214102. Wampum Hardware Company, 636 Paden Road, New Galilee, PA 16141-2018. Blasting activity permit for the construction of the T A Ward McConnell Road Project, located in Cecil Township, **Washington County** with an expiration date of December 31, 2021. Blasting permit issued: March 16, 2021.

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

Permit No. 35214103. Maurer & Scott Sales, Inc., 122 Thomas Street, Coopersburg, PA 18036, construction blasting for TDC Logistics Center in Jessup Borough, **Lackawanna County** with an expiration date of March 15, 2022. Permit issued: March 15, 2021.

Permit No. 36214110. Keystone Blasting Service, 15 Hopeland Road, Lititz, PA 17543, construction blasting for Elm Tree in Rapho Township, **Lancaster County** with an expiration date of February 28, 2022. Permit issued: March 16, 2021.

Permit No. 45214105. Silver Valley Consulting, 102 Lamp Post Lane, Stroudsburg, PA 18360, construction blasting for Moyer Shop in Hamilton Township, **Monroe**

County with an expiration date of December 30, 2021. Permit issued: March 16, 2021.

Permit No. 46214104. Rock Work, Inc., 1257 DeKalb Pike, Blue Bell, PA 19422, construction blasting for Maple Avenue in Lower Salford Township, **Montgomery County** with an expiration date of April 1, 2022. Permit issued: March 18, 2021.

Permit No. 46214105. Rock Work, Inc., 1257 DeKalb Pike, Blue Bell, PA 19422, construction blasting for Oak Drive in Lower Salford Township, **Montgomery County** with an expiration date of April 1, 2022. Permit issued: March 18, 2021.

Permit No. 36214109. Maine Drilling & Blasting, Inc., P.O. Box 1140, Gardiner, ME 04345, construction blasting for Lancaster Landfill in Mt. Joy Township, **Lancaster County** with an expiration date of March 11, 2022.

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.

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

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

E4502220-026. PA Game Commission Northeast Regional Office, 3917 Memorial Highway, Dallas, PA 18612-9214, Jackson Township, **Monroe County**, Army Corps of Engineers Philadelphia District.

To construct and maintain a stream restoration project in a 373-foot reach of Sand Spring Run (EV, MF) with work consisting of re-grading portions of the channel, the creation of vegetated bankfull benches, rock toe protection, re-grading floodplain, boulder revetment streambank protection, 5 rock/boulder grade control structures with scour pools, and excavation and regrading of the embankments for stabilization. The project is located in PA State Game Lands 038, starts at the outlet of the lowest pond along Sand Spring Run in the Game Lands and extends downstream from that point for approximately 373 linear feet (Mount Pocono and Pocono Pines, PA Quadrangle Latitude: 41° 03' 22.37"; Longitude: -75° 22' 33.52") in Jackson Township, Monroe County.

E3902220-001. South Shore Acquisitions, L.P., Justin Strahorn, 404 N. Sumneytown Pike, Suite 200, North Wales, PA 18041. Upper Milford Township, **Lehigh County**, Army Corps of Engineers Philadelphia District.

To construct and maintain a 24-inch reinforced concrete pipe, riprap apron, and endwall for outfall to Liebert Creek (HQ-CWF, MF). The proposed outfall structure will not impact the watercourse but will require excavation within 50-feet of the floodplain.

To construct and maintain a 30-foot long x 6-foot wide pedestrian bridge over Liebert Creek (CWF, MF), one 8-inch waterline, and one 3-inch sanitary forcemain, UNT to Liebert Creek (HQ-CWF, MF). The proposed bridge passes the 100-year flood event with an elevation of 666.18 ft. The project is located on Main Road West in Upper Milford Township, Lehigh County.

E4002220-030. Borough of Forty Fort, 1271 Wyoming Avenue, Forty Fort, PA 18704, **Luzerne County**, U.S. Army Corps of Engineers, Baltimore District.

To fill and maintain 0.61 acre of the floodway of Abraham's Creek (CWF, MF) consisting of a residential waste composting facility having a 100-ft by 120-ft processing area and a 120-ft by 130-ft windrow pad having a maximum new fill of 52,380 ft³. This is an after-the-fact authorization. The project is located along Camryn Way, approximately 0.43 mile south of the intersection of Dennison Street and U.S. Route 11 (Pittston, PA Quadrangle Latitude: 41° 17' 31"; Longitude: -75° 51' 36") in Forty Fort Borough, Luzerne County.

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

E0603220-025. UGI Utilities, Inc., 1 UGI Drive, Denver, PA 17517. Amity Township, **Berks County**, U.S. Army Corps of Engineers, Philadelphia District.

To fill and relocate 31-linear feet of a UNT to Monocacy Creek (WWF, MF) permanently impacting 775 square feet of UNT to Monocacy Creek, 99 square feet of Monocacy Creek (WWF, MF) and 702 square feet of forested wetlands all for the purpose of restoring cover to an exposed 12-inch gas pipeline. The project is located all US Highway 422 Business north of the intersection of Limekiln Road (Latitude: 40.274576, Longitude: -76.781549) in Amity Township, Berks County. Permit issued March 16, 2021.

E2203220-024. Highspire Boating Association, 291 Industrial Road, Highspire, PA 17057, Lower Swatara Township, **Dauphin County**, U.S. Army Corps of Engineers, Baltimore District.

To construct and maintain 1.) a 32.0-foot by 32.0-foot pavilion in the floodway of the Susquehanna River (WWF, MF); 2.) an 8.0-foot by 32.0-foot cooking area in the floodway of the Susquehanna River (WWF, MF); 3.) 46.0-foot by 6.0-foot horseshoe pit in the floodway of the Susquehanna River (WWF, MF); and four 8.0-foot by 2.0-foot concrete barriers in the floodway of the Susquehanna River (WWF, MF), all for the purpose of expanding recreational facilities at the existing Highspire Boating Association site. The project is located near the intersection of Railroad Street and Aviation Way (Latitude: 40.2040°N; Longitude: 76.7863°W) in Lower Swatara Township, Dauphin County. No wetlands will be impacted by this project. Permit issued March 17, 2021.

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

E5904220-032: Department of Conservation and Natural Resources-Forest District 16, One Nessmuk Lane, Wellsboro, PA 16901, Morris Township, **Tioga County**, U.S. Army Corps of Engineers Baltimore District (Cedar Run Quadrangle; Latitude: 41° 33' 17.9" N; Longitude: 77° 22' 51.1" W).

The applicant has proposed to install rip rap along the Northwest bank of Babb Creek at the confluence with Pine Creek in Morris Township. The project will result in 593' L x 9' W of permanent Watercourse impact, and 590' L x 21' W of permanent Floodway impact. Babb Creek is considered exceptional value and no known threatened or endangered species inhabit the resource within the project area. Mitigation will not be required as Wetland resources are not within the project area.

E1804221-001: Andrew J. & Lynn A. Gavlock, 441 Pennsylvania Ave, Renovo, PA 17764, Gavlock Residence, Chapman Township, **Clinton County**, U.S. Army Corps of Engineers Baltimore District (Renovo East, PA Quadrangle; 41.369783° N, 77.701704° W). The permittee is authorized to demolish an existing residence, and to construct and maintain a new residence in the same location as the existing home. The project is in the floodway of Young Woman's Creek (HQ-CWF, MF) and will result in .23 acre of direct floodway impact.

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

E02052-1817, FJIC, LLC, 109 Dark Hollow Rd, Oakmont, PA 15139; 284 Dark Hollow Road in Oakmont Borough, **Allegheny County**, ACOE Pittsburgh District.

Has been given consent to:

- Remove an existing, 95 feet long, 48-inch diameter steel culvert pipe, in an unnamed tributary to Plum Creek (WWF), to operate and maintain a replacement,

dual (2) 160 feet long, 48-inch diameter corrugated metal pipe stream enclosure, on an unnamed tributary to Plum Creek.

- Remove an existing, 28 feet long, 42-inch steel stream culvert, and restore and stabilize the stream bank with 60 linear feet grading and perennial vegetation.

- Operate and maintain an infiltration basin 590 feet long, 38 feet wide, 5 feet deep within the floodway of the unnamed tributary of Plum Creek.

- Maintain an area of incidental grading 877 feet long, 26.5 feet wide within the floodway of Plum Creek (WWF).

For the purpose of improving access and operations at an existing commercial facility. The project is located at 284 Dark Hollow Road in Oakmont, PA (New Kensington West PA, USGS Topographic Quadrangle; Latitude: 40° 30' 51", Longitude: -79° 49' 36.7", Sub-Basin 18G, Army Corps of Engineers Pittsburgh District), in Oakmont Borough, Allegheny County.

E3005220-022, Columbia Gas Transmission, LLC, 1700 Maccorkle Ave SE, Charleston, WV 25314, **Greene County**; Pittsburgh ACOE District.

Has been given consent to:

- Site 6—Install a french drain upslope of the slip. Install seep collectors in 2 locations along the slip to intercept groundwater. Connect the seep collector to the french drain. Install an armored channel that outlets the french drain. Outfit the armored channel with an energy dissipator basin that discharges to S16 (UNT to Ruff Creek (WWF)). Permanent stream impacts are to S16 and total 28 linear feet. Temporary stream impacts are to S16 and total 64 linear feet. Permanent wetland impacts are to W13 (PEM), W14 (PEM) and total 2,889 square feet. Temporary impacts are to wetlands W11 (PEM), W16 (PEM), W22 (PEM) and total 1,026 square feet. Permanent floodway impacts are to S16 and total 786 square feet. Temporary floodway impacts are to S16 and total 8,820 square feet.

- Site 7—Install a curtain drain to intercept groundwater seepage. Install drainpipe that captures flow from the curtain drain. Install a rip rap apron at the outfall of the drainpipe. Install permanent waterbars with the armored outlets that discharge to S15 (UNT of Wisecarver Run (HQ-WWF)). Permanent stream impacts are to S15 and total 4 linear feet. Temporary stream impacts are to S9 and S10 and total 43 linear feet. Permanent wetland impacts are to W9 (PEM) and total 14,114 square feet. Temporary wetland impacts are to W19 (PEM), W21 (PEM), and W9 (PEM) and total 10,079 square feet. Permanent floodway impacts are to S14 and S15 and total 256 square feet. Temporary floodway impacts are to S9, S10, S14, and S15 and total 12,190 square feet.

The purpose is to remediate 3 slips along and adjacent to the Line 1570 natural gas transmission pipeline right of way. The applicant also proposes to use timber mats at multiple locations for temporary stream and wetland crossings to provide site access. Site 8 does not impact any resources.

The applicant has elected to purchase 0.5 acre of wetland mitigation bank credits from the Laurel Hill Mitigation Bank (LHCMB)—USACE Permit number: LRP-2018-847, located in the Youghiogheny River Watershed, Subbasin 19, which is the same subbasin as the proposed Project. To mitigate for 0.39 acre of wetland impact associated with this project, and 0.11 acre of wetland impact for another project that is the subject of DEP file number E6305220-023.

Project Site 6 is located 0.5 mile east of the intersection with Dunn Station Road and Long Mile Road Waynesburg, PA 15370 (Amity, PA USGS topographic quadrangle; N: 39°, 59', 37.47"; W: -80°, 12', 54"). Project site 7 is located 0.71 mile southwest of the intersection with Garner Run Road and Water Dam Road Waynesburg, PA 15370 (N: 39°, 57', 0"; W: -80°, 13', 6") Project Site 8 is located .09 mile east of the intersection with Browns Creek Road and Pisgah Ridge Road (N: 39°, 54', 22"; W: -80°, 12', 46") Sub-basin 19B; USACE Pittsburgh District), in Franklin Township and Washington Township, Greene County.

E6305220-023, Columbia Gas Transmission, LLC, 1700 Maccorkle Ave SE, Charleston, WV 25314, **Washington County**; Pittsburgh ACOE District.

Has been given consent to:

- Site 1—Install a permanent waterbar with armored outlet upslope of the slip area. Install 2 french drains that converges into a single pipe. Discharge single pipe to a newly constructed energy dissipation basin. Basin discharges to a natural drainage feature that flows to S2 (UNT to Redd Run (TSF)). Temporary stream impacts are to S1 (UNT to Redd Run (TSF)) and total 24 linear feet. Temporary wetland impacts are to W1 (PEM) and total 329 square feet. Permanent floodway impacts are to S2 and total 316 square feet. Temporary floodway impacts are to S1 and S2 and total 8,172 square feet.

- Site 4—Install subsurface drain that begins in the existing pipeline trench. Construct outfall apron and discharge flow to S4 (UNT of Bane Creek (TSF)). Temporary stream impacts are to S4 (TSF) and total 20 linear feet. Temporary wetland impacts are to W2 (PEM) total 598 square feet. Permanent floodway impacts are to S4 total 104 square feet. Temporary floodway impacts are to S3 and S4 and total 8,279 square feet.

- Site 5—Install a curtain drain in the central area of the slip. Install a series of three subsurface drains within the slip. Install outfall aprons at the subsurface drain outlets. Install a french drain upslope of the ground movement in the wetland area. Install armored channel to outlet the french drain. Outfit the armored channel with an energy dissipation basin that discharges to S6 (UNT of Horne Run (TSF)). Permanent stream impacts are to S6 and total 10 linear feet. Temporary stream impacts are to S6 and S7 (UNT of Horne Run (TSF)) and total 52 linear feet. Permanent wetland impacts are to W7 (PEM) and total 4,745 square feet. Permanent floodway impacts to the of S6 total 482 square feet. Temporary floodway impacts are to S6 and S7 and total 36,802 square feet.

The purpose is to remediate 5 slips along and adjacent to the Line 1570 natural gas transmission pipeline right of way. The applicant also proposes to use timber mats at multiple locations for temporary stream and wetland crossings to provide site access. Sites 2 and 3 do not impact any resources.

The applicant has elected to purchase 0.5 acre of wetland mitigation bank credits from the Laurel Hill Mitigation Bank (LHCMB)—USACE Permit number: LRP-2018-847, located in the Youghiogheny River Watershed, Subbasin 19, which is the same subbasin as the proposed Project. To mitigate for 0.11 acre of wetland impact associated with this project, and 0.39 acre of wetland impact for another project that is the subject of DEP file number E3005220-022.

Project Site 1 is located 0.63 mile southwest of the intersection of SR40 and Redd Run Road Washington, PA

15301 ((Waynesburg, and Washington East, PA USGS topographic quadrangle; N: 40°, 8', 34"; W: -80°, 12', 9"); Project Site 2 is located 0.06 mile east of 1748 Amity Ridge Road Washington, PA 15301 (N: 40°, 6', 19"; W: -80°, 1', 22"). Project Site 3 and Site 4 are located 0.17 mile northwest of the intersection with SR 19 and Weaver Run Road (N: 40°, 5', 28"; W: -80°, 12', 34"). Project Site 5 is located 0.35 mile east of the intersection of Horne Run Road and Ross Road (N: 40°, 3', 12"; W: -80°, 12', 57") Sub-basin 19B; USACE Pittsburgh District), in Amwell Township, Washington County.

E6505120-023, PennDOT District 12-0, 825 N. Galatin Avenue Extension, Uniontown, PA 15401, Mount Pleasant Township, **Westmoreland County**; Pittsburgh ACOE District.

Has been given consent to:

Remove the existing 31.6' slab bridge, 32.2' box culvert, two outfalls and 182' long gabion basket and stone masonry wall, and construct and maintain a realigned, replacement, 242.5' box culvert, four outfalls, and rock aprons, having a permanent impact of 646LF and temporary impact of 541LF to (ST-2) Shupe Run (WWF).

Remove the existing 36 LF of 24' Corrugated Plastic Pipe (CPP) and 28LF of stream channel and construct and maintain a stream relocation, outfall and rock apron having a permanent impact of 64 LF and temporary impact of 64 LF to an unnamed tributary ST-3 (UNT) to Shupe Run (WWF).

Remove the existing 33' stone box culvert and construct and maintain a realigned, replacement, 85' long, 60' culvert, outfall and rock aprons having a permanent impact of 118 LF and temporary impact of 162 LF to a UNT (SR-4) to Wilson Run (WWF).

Construct and maintain an inlet and manhole to an existing 30" Reinforced Concrete Pipe (RCP), and rock apron, conveying a UNT (ST-7) to Wilson Run (WWF), having a permanent impact of 51LF and temporary impact of 166 LF to a UNT (ST-7) to Wilson Run (WWF).

Place and maintain fill in 93 LF of channel and construct and maintain a relocated channel, having 93 LF of permanent impact and 74 LF of temporary impact to a UNT (ST-5) to Wilson Run (WWF).

Plug and abandon in place the existing 24" Corrugated Metal Pipe (CMP), and construct and maintain a realigned, 117' long 36" CMP, having a permanent impact of 139 LF and temporary impact of 172 LF to a UNT (ST-6) to Wilson Run (WWF).

Remove the existing connected 42" CMP, 60" RCP, 60" CMP and two outfalls, and construct and maintain a replacement, connected 48" RCP, 60" RCP, three 18" outfalls, and rock aprons having a permanent impact of 519 LF and temporary impact of 595 LF to a UNT (ST-8) to Boyer Run (WWF).

Plug and abandon in place the existing 40' long 18" pipe, and construct and maintain a 97' long stream relocation, outfall and rock apron, having a permanent impact of 100 LF and temporary impact of 153 LF to a UNT (ST-11) to Boyer Run (WWF).

Remove the existing 35.3' box culvert, and construct and maintain a replacement, 64' pipe, and rock aprons, having a permanent impact of 89 LF and temporary impact of 127 F to ST-10 UNT to Boyer Run (WWF).

Remove existing 147' long, 48" RCP, and construct and maintain 555' long stream relocation, a replacement, 56' long, 84" RCP, 88' long, 84" RCP, 18' outfall, 36" outfall,

and rock aprons, having a permanent impact of 741 LF and temporary impact of 846 LF to UNT (ST-8) to Boyer Run (WWF).

Construct and maintain a stream relocation having a permanent impact of 113 LF and temporary impact of 135 LF to UNT (ST-9) Boyer Run (WWF).

Remove existing 45' long, 15" pipe and construct and maintain a replacement, 45' long, 18" pipe and rock apron having a permanent impact of 53 LF and temporary impact of 57 LF to UNT (ST-12) to Boyer Run (WWF).

Remove the existing 160' × 14', 3 span bridge and appurtenances, and construct and maintain a new bridge in a different location, 18" outfall and rock apron, and shoulder improvements having a permanent impact of 140LF and temporary impact of 140 LF to Boyer Run (ST-13) (WWF).

Remove the existing dual 48" pipes, and construct and maintain a replacement, 480' long, 54" RCP stream enclosure/relocation having a permanent impact of 625 LF and temporary impact of 630 LF on UNT (ST-15) to Boyer Run (WWF).

Construct and maintain a 150' long stream relocation having a permanent impact of 150 LF to UNT (ST-18) to Boyer Run (WWF).

Place and maintain fill, having a permanent impact of 326 LF to UNT (ST-29) to Boyer Run (WWF).

Construct and maintain a drainage ditch having a permanent impact of 30 LF and temporary impact of 30 LF to UNT (ST-21) Boyer Run (WWF).

Construct and maintain a 264' long stream enclosure, having a permanent impact of 264 LF and temporary impact of 305 LF to UNT (ST-19) to Boyer Run (WWF).

Place and maintain fill, having a permanent impact of 18 LF to UNT (ST-28) to Boyer Run (WWF).

Place and maintain fill, construct and maintain a relocated drainage ditch having a permanent impact of 38 LF to UNT (ST-20) to Boyer Run (WWF).

Construct and maintain a 450' long, 48" RCP stream enclosure, having a permanent impact of 450 LF and temporary impact of 552 LF to UNT (ST-21) to Boyer Run (WWF).

Plug and abandon in place the existing 48" CMP, and construct and maintain a replacement, 77' long, 24" RCP having a permanent impact of 87 LF and temporary impact of 87 LF to UNT (ST-22) to Boyer Run (WWF).

Remove the existing 56' long, 12" steel pipe, and construct and maintain a replacement 63' 18" RCP, 142' long, 24" RCP, a manhole and associated rock aprons, having a permanent impact of 393 LF and temporary impact of 410 LF to UNT (ST-21) to Boyer Run (WWF).

Place and maintain fill, having a permanent impact of 55 LF to UNT (ST-14) to Boyer Run (WWF).

Remove the existing 40' long 24" steel pipe, and construct and maintain a replacement 66' long, 9" x 30" elliptical RCP, having a permanent impact of 90 LF and temporary impact of 72LF on UNT (ST-25) to Hurst Run (WWF).

Remove the existing 29.76' long box culvert, and construct and maintain a replacement 44' long, 12' by 6'6" precast box culvert and rock aprons, having a permanent impact of 109 LF and temporary impact of 133 LF to Hurst Run (ST-24) (WWF).

Construct and maintain two 24" outfalls, one 18" outfall, and associated rock aprons, having a permanent impact of 29 LF and temporary impact of 88 LF to UNT (ST-23) to Welty Run (HQ-CWF).

Remove existing 49' long, 18" steel pipe, 34' long 18" CPP, plug and abandon in place 46' long 18" CPP, and construct and maintain approximately 215' long, 42" RCP, and place and maintain fill in 135' of ST-1 having a permanent impact of 215 LF and temporary impact of 264 LF to UNT (ST-1) to Welty Run (HQ-CWF).

Place and maintain fill, having a permanent impact of 0.197 acre and temporary impact of 0.017 on wetland W-02 (PEM).

Place and maintain fill having a permanent impact of 0.027 acre and temporary impact of 0.017 on wetland W-03 (PEM).

Place and maintain fill having a permanent impact of 0.176 acre and temporary impact of 0.043 on wetland W-06 (PEM/PFO).

Place and maintain fill having a permanent impact of 0.001 acre on wetland W-07 (PEM).

Place and maintain fill having a permanent impact of 0.062 acre and temporary impact of 0.147 on wetland W-08 (PEM/PSS).

Place and maintain fill having a permanent impact of 0.018 acre and temporary impact W-09 (PEM).

Place and maintain fill having a permanent impact of 0.160 acre and temporary impact of 0.034 on wetland W-13 (PEM).

Place and maintain fill having a permanent impact of 0.0396 acre and temporary impact of 0.142 on wetland W-14 (PEM).

Place and maintain fill having a permanent impact of 0.026 acre on wetland W-15 (PEM).

Place and maintain fill having a permanent impact of 0.015 acre to wetland W-21 (PEM).

Construct and maintain stream mitigation along Boyer Run (ST-13) and UNT (ST-8) to Boyer Run, having a permanent impact of 1650LF.

Construct and maintain approximately 1.49 acres of PEM wetland as mitigation along ST-13 Boyer Run.

For the purpose of constructing the Laurel Valley Transportation Improvement Project, which includes on and off-alignment improvements, intersection reconfigurations, and roadway widening. The project will permanently impact approximately 7,506 LF and temporarily impact approximately 5,921 LF of stream. The project will also permanently impact approximately 1.063 acres and temporarily impact approximately 0.401 acre of wetland. The project will impact approximately 21.2 acres of floodplain. Mitigation will occur on-site.

The project site is located along SR 0981 between the intersections of SR 819 and 2023 in the Norvelt area, (Mammoth, Mount Pleasant, PA USGS topographic quadrangle; N: 40°, 11', 13.1418"; W: 79°, 30', 48.8184"; Sub-basin 19D; USACE Pittsburgh District), in Mount Pleasant Township, Westmoreland County.

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

E0829220-023: Chief Oil and Gas, LLC, 1720 Sycamore Road, Montoursville, PA 17754, Leroy Township, Bradford County, ACOE Baltimore District.

To construct, operate and maintain:

1. a permanent access road impacting 371 square feet of a Palustrine Emergent Wetland (Shunk, PA Quadrangle Latitude: 41.62444°, Longitude: -76.71333°);

2. a permanent access road impacting 114 square feet of a Palustrine Emergent Wetland (Shunk, PA Quadrangle Latitude: 41.62444°, Longitude: -76.71250°);

3. a permanent access road impacting 320 square feet of a Palustrine Emergent Wetland (Shunk, PA Quadrangle Latitude: 41.62444°, Longitude: -76.71167°);

4. a permanent access road impacting 68 square feet of a Palustrine Emergent Wetland (Shunk, PA Quadrangle Latitude: 41.62417°, Longitude: -76.71083°);

5. a permanent access road impacting 256 square feet of a Palustrine Emergent Wetland and 70 square feet of a Palustrine Scrub-Shrub Wetland (Shunk, PA Quadrangle Latitude: 41.6222°, Longitude: -76.71000°);

6. a 36" SL CPP culvert impacting 64 linear feet of an unnamed tributary to Wolf Run (EV, MF) (Shunk, PA Quadrangle Latitude: 41.62056°, Longitude: -76.71083°);

7. a 24" SL CPP culvert impacting 63 linear feet of an unnamed tributary to Wolf Run (EV, MF) (Shunk, PA Quadrangle Latitude: 41.62000°, Longitude: -76.71083°);

8. a 60" SL CPP culvert impacting 59 linear feet of Wolf Run (EV, MF), impacting 1,863 square feet of an adjacent Palustrine Forested Wetland (EV) and impacting 1,580 square feet of an adjacent Palustrine Emergent Wetland (EV) (Shunk, PA Quadrangle Latitude: 41.61944°, Longitude: -76.71056°);

9. a permanent access road impacting 54 square feet of a Palustrine Emergent Wetland and 37 square feet of a Palustrine Open Water Wetland (Shunk, PA Quadrangle Latitude: 41.61833°, Longitude: -76.70889°);

10. a permanent access road impacting 1,190 square feet of a Palustrine Emergent Wetland (EV), 2,479 square feet of a Palustrine Scrub-Shrub Wetland (EV) and 4,468 square feet of a Palustrine Forested Wetland (EV) (Shunk, PA Quadrangle Latitude: 41.61750°, Longitude: -76.70611°);

11. a permanent access road impacting 194 square feet of a Palustrine Emergent Wetland (Shunk, PA Quadrangle Latitude: 41.61722°, Longitude: -76.70528°);

12. a 30" SL CPP culvert impacting 74 linear feet of an unnamed tributary to Thomas Run (EV, MF) (Shunk, PA Quadrangle Latitude: 41.61694°, Longitude: -76.70361°);

13. a 24" SL CPP culvert impacting 55 linear feet of an unnamed tributary to Thomas Run (EV, MF), impacting 48 square feet of an adjacent Palustrine Forested Wetland (EV) and impacting 736 square feet of an adjacent Palustrine Emergent Wetland (EV) (Shunk, PA Quadrangle Latitude: 41.61694°, Longitude: -76.70306°);

14. a 42" x 120" precast concrete box culvert impacting 102 linear feet of Thomas Run (EV) (Shunk, PA Quadrangle Latitude: 41.61694°, Longitude: -76.70139°)

15. a permanent access road impacting 11 square feet of a Palustrine Scrub-Shrub Wetland (Shunk, PA Quadrangle Latitude: 41.61694°, Longitude: -76.70111°);

16. a permanent access road impacting 203 square feet of a Palustrine Emergent Wetland (Shunk, PA Quadrangle Latitude: 41.61667°, Longitude: -76.70028°);

17. a permanent access road impacting 54 square feet of floodway of an unnamed tributary to Thomas Run (EV, MF) (Shunk, PA Quadrangle Latitude: 41.61722°, Longitude: -76.70056°);

18. a permanent access road impacting 1,035 square feet of a Palustrine Emergent Wetland (Shunk, PA Quadrangle Latitude: 41.61694°, Longitude: -76.69972°);

19. a permanent access road impacting 1,087 square feet of a Palustrine Emergent Wetland (Shunk, PA Quadrangle Latitude: 41.61611°, Longitude: -76.69861°);

20. a 30" SL CPP culvert impacting 61 linear feet of an unnamed tributary to Thomas Run (EV, MF) (Shunk, PA Quadrangle Latitude: 41.61583°, Longitude: -76.69417°);

21. a 36" SL CPP culvert impacting 71 linear feet of an unnamed tributary to Thomas Run (EV, MF) (Shunk, PA Quadrangle Latitude: 41.61500°, Longitude: -76.69222°);

The project will result in 549 linear feet of stream impacts, 69,959 square feet (1.61 acres) of floodway impacts, 4,492 square feet (0.10 acre) of permanent PEM wetland impacts, 2,786 square feet (0.06 acre) of temporary PEM wetland impacts, 542 square feet (0.01 acre) of permanent PSS wetland impacts, 1,948 square feet (0.05 acre) of permanent conversion PSS wetland impacts, 1,207 square feet (0.03 acre) of permanent PFO wetland impacts, 5,172 square feet (0.12 acre) permanent conversion PFO wetland impacts, all for the purpose of installing a natural gas well pad and permanent access road for Marcellus Shale development in Leroy Township, Bradford County. Off-site wetland mitigation of 0.19 acre of wetland creation planted with trees and shrubs, 0.33 acre of wetland enhancement planted with trees and shrubs, and 0.30 acre of riparian buffer enhancement planted with trees and shrubs (Laceyville, PA Quadrangle Latitude: 41.70801°, Longitude: -76.139808°).

ENVIRONMENTAL ASSESSMENTS

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

EA4206221-001. McKean County Conservation District, 17137 Route 6, Smethport, PA 16749 (Norwich Quad, Pittsburgh District USACE) in Norwich Township, **McKean County**.

To conduct the following activities utilizing the Waiver 16 for the Hamlin Run AMD projects HR06, HR08, and HR12 located in Norwich Township McKean County. The project includes permanent impacts to 0.30 acre of permanent wetland impacts for the construction of Acid Mine Drainage passive treatment cells and outfalls. The aquatic resources impacted by the project meet the environmental parameters outlined in the Water Quality Certification under Section 401 of the Federal Clean Water Act published in the *Pennsylvania Bulletin* on December 14, 1996 and are covered under the blanked Environmental Assessment for Title 4 SMCRA eligible projects.

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.

D48-067EA. John Yaswinski, 172 East Aluta Mill Road, Nazareth, PA 18064, Bushkill Township, **Northampton County**, USACOE Philadelphia District.

Project proposes to remove the East Aluta Road Mill Dam to eliminate a threat to public safety and to restore approximately 400 feet of stream channel to a free-flowing condition. The proposed restoration project includes boulder construction of a j-hook and cross vane to provide habitat and concentrate flow to prevent stream bank erosion. The project is located across Bushkill Creek

(HQ-CWF, MF) (Wind Gap, PA Quadrangle, Latitude: 40.7710; Longitude: -75.3138).

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 # ESG073020005-00
 Applicant Name EQM Gathering OPCO LLC
 Contact Person Erin Debias
 Address 2200 Energy Drive
 City, State, Zip Canonsburg, PA 15317
 County Greene County
 Township(s) Wayne Twp
 Receiving Stream(s) and Classification(s) Calico Run (WWF), Roberts Run (WWF), UNT to Calico Run (WWF), UNT to Roberts Run (WWF)
 Secondary Receiving Waters—Roberts Run (WWF), Sheppards Run (WWF), Calico Run (WWF), Roberts Run (WWF)

ESCGP-3 #
 Applicant Name Range Resources Appalachia LLC
 Contact Person Karl Matz
 Address 3000 Town Center Boulevard
 City, State, Zip Canonsburg, PA 15317
 County Washington County
 Township(s) Canton Twp
 Receiving Stream(s) and Classification(s) UNTs to and Georges Run (WWF)
 Secondary Receiving Waters—Chartiers Creek (WWF)

ESCGP-3 # ESX14-059-0080 Renewal
 Applicant Name EQT Production Company
 Contact Person Todd Klaner
 Address 2400 Ansys Drive, Suite 200
 City, State, Zip Canonsburg, PA 15317
 County Greene County
 Township(s) Jefferson Twp

Receiving Stream(s) and Classification(s) UNT to Rush Run (WWF), Rush Run (WWF), Monongahela River (WWF)/Monongahela River (WWF), Ohio River (WWF)

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

ESCGP-2 # ESG050020001
 Applicant Name Columbia Gas Transmission, LLC
 Contact Person William Timmermeyer
 Address 1700 McCorkle Avenue SE
 City, State, Zip Charlestown, WV 25314
 County Washington and Greene Counties
 Township(s) Amwell Township; Washington Township and Franklin Township
 Receiving Stream(s) and Classification(s) Redd Run (TSF); Little Tenmile Creek (TSF); Bane Creek (TSF); Home Run (TSF); Ruff Run (WWF); Wisecarver Run (HQ-WWF); Garners Run (HQ-WWF); and Browns Creek (HQ-WWF)

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

ESCGP-3 # ESG290821004-00
 Applicant Name Chesapeake Appalachia, LLC
 Contact Person Eric Haskins
 Address 14 Chesapeake Lane
 City, State, Zip Sayre, PA 18840
 County Bradford County
 Township(s) Athens
 Receiving Stream(s) and Classification(s) UNT Wolcott Creek (CWF), UNT Wolcott Creek (CWF)
 Secondary: Wolcott Creek (CWF), Wolcott Creek (CWF)

ESCGP-3 # ESG290820034-00
 Applicant Name Appalachia Midstream Services, LLC
 Contact Person Adam Weightman
 Address 30351 Route 6
 City, State, Zip Wysox, PA 18854
 County Bradford County
 Township(s) Monroe, Terry, and West Burlington
 Receiving Stream(s) and Classification(s) UNT to Sugar Creek (TSF, MF), UNT to Sugar Run Creek (CWF, MF), UNT to South Branch Towanda Creek (CWF, MF), UNT to Susquehanna River (WWF, MF)
 Secondary: Sugar Creek (TSF, MF), Sugar Run Creek (CWF, MF) South Branch Towanda Creek (CWF, MF), Susquehanna River (WWF, MF)

ESCGP-3 # ESG290821007-00
 Applicant Name Chesapeake Appalachia, LLC
 Contact Person Eric Haskins
 Address 14 Chesapeake Lane
 City, State, Zip Sayre, PA 18840
 County Bradford County
 Township(s) Litchfield
 Receiving Stream(s) and Classification(s) UNT of Satterlee Creek (CWF, CWF), Spaulding Creek (WWF, WWF), Satterlee Creek (CWF, CWF)

ESCGP-3 # ESG290821009-00
 Applicant Name Chesapeake Appalachia, LLC
 Contact Person Eric Haskins
 Address 14 Chesapeake Lane
 City, State, Zip Sayre, PA 18840
 County Bradford County
 Township(s) Wyalusing
 Receiving Stream(s) and Classification(s) UNT to Susquehanna River (WWF, MF) Susquehanna River (WWF, MF)

ESCGP-3 # ESG290821002-00
 Applicant Name Chesapeake Appalachia, LLC
 Contact Person Eric Haskins
 Address 14 Chesapeake Lane
 City, State, Zip Sayre, PA 18840
 County Bradford County
 Township(s) Overton
 Receiving Stream(s) and Classification(s) Level Branch
 (CWF, CWF)
 Secondary: Lick Creek (CWF, CWF)

ESCGP-3 # ESG295821001-00
 Applicant Name Cabot Oil & Gas Corporation
 Contact Person Kenneth Marcum
 Address 2000 Park Lane, Suite 300
 City, State, Zip Pittsburgh, PA 15275
 County Susquehanna County
 Township(s) Brooklyn
 Receiving Stream(s) and Classification(s) Tributary 28951
 to Hop Bottom Creek (CWF, MF)
 Secondary: Hop Bottom Creek (CWF, MF)

ESCGP-3 # ESG290821005-00
 Applicant Name Chesapeake Appalachia, LLC
 Contact Person Eric Haskins
 Address 14 Chesapeake Lane
 City, State, Zip Sayre, PA 18840
 County Bradford County
 Township(s) Rome
 Receiving Stream(s) and Classification(s) UNT to Bullard
 Creek (CWF-MF)
 Secondary: Bullard Creek (CWF-MF)

ESCGP-3 # ESG290821010-00
 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 French
 Creek (CWF)
 Secondary: South Branch Towanda Creek (CWF)

CORRECTIVE ACTION UNDER ACT 32, 1989 PREAMBLE 2

The following plans and reports were submitted under the Storage Tank and Spill Prevention Act (35 P.S. §§ 6021.101—6021.2104).

Provisions of 25 Pa. Code Chapter 245, Subchapter D, Administration of the Storage Tank and Spill Prevention Program, require the Department of Environmental Protection (DEP) to publish in the *Pennsylvania Bulletin* a notice of submission of plans and reports. A remedial action plan is submitted to summarize the site characterization, document the design and construction details for the remedial action, and describe how the remedial action will attain the selected remediation standard. The remedial action plan also provides results of studies performed and data collected to support the remedial action and a description of postremediation care requirements. A remedial action completion report is submitted to document cleanup of a release of a regulated substance at a site to the selected remediation standard. A remedial action completion report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis of selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure

factors, a description of the remediation performed and summaries of sampling methodology and analytical results which demonstrate that the remediation has attained the cleanup standard selected.

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

Phila Marine Ctr, 51-42260, 235 N. Columbus Blvd Pier 12N, Philadelphia, PA 19106, **City of Philadelphia**. Curren Environmental, Inc., 10 Penn Ave., Cherry Hill, NJ 08002, on behalf of the Durst Organization, One Bryant Park, New York, NY 10036, submitted a Site Characterization Report 310(b) concerning remediation of soil and groundwater contaminated with diesel and unleaded gasoline. The report is intended to document remediation of the site to meet nonresidential Statewide health standards.

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

Contact: Greg Bowman, Environmental Group Manager.

HC Rineer Sons, Storage Tank Primary Facility ID # 36-23059, 902 Strasburg Pike, Strasburg, PA 17579, Strasburg Township, **Lancaster County**. Reliance Environmental, Inc., 235 North Duke Street, Lancaster, PA 17602, on behalf of TFP Real Estate, LLC, 904-C Strasburg Pike, Strasburg, PA 17579, submitted a Remedial Action Plan concerning remediation of soil and groundwater contaminated with petroleum constituents. The report is intended to document remediation of the site to meet the Statewide health standard.

UPS Altoona Center, Storage Tank Primary Facility ID # 07-27295, 3042 Route 764, Duncansville, Pennsylvania, Allegheny Township, **Blair County**. Arcadis U.S., Inc., 10 Friends Lane, Suite 100, Newtown, PA 18940, on behalf of UPS Altoona Center submitted a Remedial Action Completion Report/Final Report Addendum concerning remediation of soil and groundwater contaminated with petroleum constituents. The report is intended to document remediation of the site to meet the site-specific standard.

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

Contact: Kim Bontrager, Clerk Typist 3.

Eldred Keystone, Storage Tank Facility ID # 42-00731, 156 Main Street, Eldred, PA 16731, Eldred Borough, **McKean County**. Juniata Geosciences, LLC, 6872 Willow Brook Road, Alexandria, PA 16611, on behalf of Mr. Jay Jordan, 156 Main Street, Eldred, PA 16731, submitted a combined Remedial Action Plan and Reme-

dial Action Completion Report concerning remediation of soil and groundwater contaminated with benzene, toluene, ethylbenzene, total xylenes, cumene, naphthalene, MTBE, 1,2,4-trimethylbenzene and 1,3,5-trimethylbenzene. The report is intended to document remediation of the site to meet the Statewide health and site-specific standards.

Sheetz 202, Storage Tank Facility ID # 43-91428, 2381 South Hermitage Road, Hermitage, PA 16148, City of Hermitage, **Mercer County**. Envirotrac, Ltd., 176 Thorn Hill Road, Warrendale, PA 15086, on behalf of Sheetz, Inc., 5700 6th Avenue, Altoona, PA 16602 submitted a Remedial Action Completion Report concerning remediation of soil and groundwater contaminated with unleaded gasoline. The report is intended to document remediation of the site to meet the Statewide health standard.

Kane Liquid Fuels, Storage Tank Facility ID # 24-90458, 1 Tanner Street, Ridgway, PA 15853-2143, Ridgeway Borough, **Elk County**. Letterle & Associates, Inc., 2022 Axemann Road, Suite 201, Bellefonte, PA 16823, on behalf of Kane Liquid Fuels, Inc., P.O. Box 420, Kane, PA 16735, submitted a Remedial Action Completion Report concerning remediation of soil and groundwater contaminated with 1,3,5-Trimethylbenzene, 1,2,4-Trimethylbenzene, Benzene, Toluene, Ethylbenzene, Xylenes (total), Cumene, MTBE and Naphthalene. The report is intended to document remediation of the site to meet the Statewide health standard.

Ukish Tire, Storage Tank Facility ID # 32-80564, 197 Coaltown Road, Saltsburg, PA 15681-8133, Saltsburg Borough, **Indiana County**. Letterle & Associates, Inc., 2022 Axemann Road, Suite 201, Bellefonte, PA 16823, on behalf of Ukish Tire, 197 Coaltown Road, Saltsburg, PA 15681-8133, submitted a Remedial Action Plan concerning remediation of soil and groundwater contaminated with unleaded gasoline. The plan is intended to document the remedial actions for meeting the residential used aquifer Statewide health 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 Protection (DEP) to publish in the *Pennsylvania Bulletin* a notice of its final actions on plans and reports.

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

odology 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.

Markley Citgo, 46-07010, 1703 Markley St., Norristown, PA 19401, Norristown Borough, **Montgomery County**. Geo-Enviro Consulting & Remediation LLC, 371 Hoes Lane, Suite 200, Piscataway, NJ 08854, on behalf of Markley Citgo, 1 Bustleton Pike, Feasterville, PA 19053, submitted a Remedial Action Plan concerning remediation of soil and groundwater contaminated with petroleum products. The report was acceptable to meet documents attainment of the site to meet nonresidential site-specific standards and was approved by DEP on March 18, 2021.

7 Eleven 40287, 15-09239, 1495 Valley Forge Rd., Wayne, PA 19087, Tredyffrin Township, **Chester County**. Mulry Cresswell Environmental, Inc., 1679 Horseshoe Pike, Glenmoore, PA 19343, on behalf of Sunoco (R&M) LLC, 2 Righter Parkway, Suite 200, Wilmington, DE 19803 submitted a Remedial Action Completion Report concerning remediation of soil and groundwater contaminated with petroleum products. The report demonstrated attainment of nonresidential Statewide health standards and was approved by DEP on March 23, 2021.

Lukoil 69241, 46-41449, 630 Bethlehem Pike, Glenside, PA 19038, Springfield Township, **Montgomery County**. Envirotrac Ltd., 602 S. Bethlehem Pike, Suite A2/A3, Ambler, PA 19002, on behalf of Lukoil North America, LLC, 302 Harper Drive, Suite 303, Moorestown, NJ 08057, submitted a Remedial Action Plan concerning remediation of soil and groundwater contaminated with unleaded gasoline. The Remedial Action Plan was acceptable to meet nonresidential Statewide health and site-specific standard and was approved by the DEP on March 19, 2021.

Jefferson Health N E Bucks Cnty, 09-55419, 380 Oxford Valley Rd., Langhorne, PA 19047, **Bucks County**. Center Point Tank Services, Inc., 563 E. Benjamin Franklin Highway, Douglasville, PA 19518, on behalf of Jefferson Health Northeast—Bucks, 380 Oxford Valley Rd., Langhorne, PA 19047, submitted a Site Characterization Report 310(b) concerning remediation of soil contaminated with diesel fuel. The report did not demonstrate attainment nonresidential Statewide health standards and was disapproved by DEP on March 23, 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.

Effort Texaco, Storage Tank ID # 45-50054, 2604 Route 115, Effort, PA 18330, Chestnuthill Township, **Monroe County**. MEA 1365 Ackermanville Road, Bangor, PA 18013, on behalf of Pratixa Corporation, P.O. Box 381, Effort, PA 18330, 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 18, 2021.

VanDuzer Service Station, Storage Tank ID # 66-22557, 121 East Tioga Street, Tunkhannock, PA 18657, Tunkhannock Borough, **Wyoming County**. LaBella, 1000 Dunham Drive, Suite B, Dunmore, PA 18512, on behalf of Kurt VanDuzer, 129 Bridge Street, Tunkhannock, PA 18657, submitted a Remedial Action Completion Report concerning remediation of soil and groundwater contaminated with petroleum. The Remedial Action Completion Report demonstrated attainment of a combination of site-specific and Statewide health standards and was approved by DEP on March 18, 2021.

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

Contact: Cherie Campbell, Soil Scientist.

HC Rineer Sons, Storage Tank Facility ID # 36-23059, 902 Strasburg Pike, Strasburg, PA 17579, Strasburg Township, **Lancaster County**. Reliance Environmental, Inc., 235 North Duke Street, Lancaster, PA 17602, on behalf of TFP Real Estate, LLC, 904-C Strasburg Pike, Strasburg, PA 17579, submitted a Remedial Action Plan concerning remediation of soil and groundwater contaminated with petroleum constituents. The Remedial Action Plan was acceptable to meet the nonresidential Statewide health standard and was approved by DEP on March 25, 2021.

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

Contact: Kim Bontrager, Clerk Typist 3.

Sheetz 202, Storage Tank Facility ID # 43-91428, 2381 South Hermitage Road, Hermitage, PA 16148, City of Hermitage, **Mercer County**. Envirotrac, Ltd., 176 Thorn Hill Road, Warrendale, PA 15086, on behalf of Sheetz, Inc., 5700 6th Avenue, Altoona, PA 16602 submitted a Remedial Action Completion Report concerning remediation of soil and groundwater contaminated with unleaded gasoline. The report is intended to document remediation of the site to meet the Statewide health standard.

[Pa.B. Doc. No. 21-518. Filed for public inspection April 2, 2021, 9:00 a.m.]

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Applications for Reimbursement for Certified Host Municipality Inspectors under Act 101 (Section 1102), the Municipal Waste Planning, Recycling and Waste Reduction Act of 1988, and Act 108 (Section 304), the Hazardous Sites Cleanup Act of 1988

The Department of Environmental Protection (Department) announces the submission deadline for 2020 Host

Municipality Inspector Program (Program) reimbursement applications. Reimbursements are available to municipalities under the Municipal Waste Planning, Recycling and Waste Reduction Act (Act 101) (53 P.S. §§ 4000.101—4000.1904) and the Hazardous Sites Cleanup Act (Act 108) (35 P.S. §§ 6020.101—6020.1305). Municipalities include cities, boroughs, incorporated towns, townships and home rule municipalities.

Reimbursements are allocated from the Recycling Fund authorized under Act 101 for municipal waste facilities, or from the Hazardous Sites Cleanup Fund under Act 108 for hazardous waste facilities. Reimbursements are available to any municipality that has a municipal waste landfill, resource recovery facility or commercial hazardous waste storage, treatment and disposal facility located within its geographic borders. Upon application from any host municipality, the Department shall award reimbursements for authorized costs incurred for the salary and expenses of up to two certified Host Municipality Inspectors. The reimbursement shall not exceed 50% of the approved costs of salaries and expenses. Reimbursement is available only for Host Municipality Inspectors trained and certified by the Department.

The application for reimbursement contains tables for specifying the itemized expenses for certified inspectors and for calculating the total reimbursement request. Complete instructions are included with the application.

Questions regarding the Program and the grant application should be directed to Laura Henry, Bureau of Waste Management, at lahenry@pa.gov or (717) 772-5713. Additional information is also available on the Department's web site at www.dep.pa.gov (search term: "Host Municipality Inspector").

Applications must be submitted online through the Department of Community and Economic Development's Electronic Single Application web site, eGrants, at www.esa.dced.state.pa.us. Applications must be received prior to 11:59 p.m. on June 30, 2021. Applications submitted after the deadline or through another delivery method will not be considered.

PATRICK McDONNELL,
Secretary

[Pa.B. Doc. No. 21-519. Filed for public inspection April 2, 2021, 9:00 a.m.]

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Cleanup Standards Scientific Advisory Board Meeting Cancellation

The April 14, 2021, meeting of the Cleanup Standards Scientific Advisory Board (Board) is cancelled. The next regular meeting of the Board is scheduled for 9:30 a.m. on Wednesday, August 11, 2021, and will be held virtually. Individuals who wish to join the meeting may do so remotely. Individuals interested in providing public comments during the meeting must sign up prior to the start of the meeting by contacting Troy Conrad at tconrad@pa.gov or (717) 783-9480.

Information on how to join the Board's next meeting, as well as agenda and meeting materials, will be available on the Board's webpage, found through the Public Participation tab on the Department of Environmental Protec-

tion's (Department) web site at www.dep.pa.gov (select "Public Participation," then "Advisory Committees," then "Cleanup and Brownfields," then "Cleanup Standards Scientific Advisory Board," then "Agendas and Handouts").

Individuals are encouraged to visit the Board's webpage to confirm meeting date, time and location prior to each meeting. Questions concerning the August 11, 2021, virtual meeting can be directed to Troy Conrad at tconrad@pa.gov or (717) 783-9480.

Persons in need of accommodations as provided for in the Americans with Disabilities Act of 1990 should contact the Department at (717) 783-1566 or through the Pennsylvania Hamilton Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users) to discuss how the Department may accommodate their needs.

PATRICK McDONNELL,
Secretary

[Pa.B. Doc. No. 21-520. Filed for public inspection April 2, 2021, 9:00 a.m.]

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Opening of New Grant Round for County Recycling Coordinator Grant Program under Section 903 of Act 101 (Municipal Waste Planning, Recycling and Waste Reduction Act of 1988)

The Department of Environmental Protection (Department) announces the opening of a new grant round under section 903 of the Municipal Waste Planning, Recycling and Waste Reduction Act of 1988 (Act 101) (53 P.S. § 4000.903). Only county governments within the Commonwealth are eligible to apply for 50% reimbursement of the approved costs of County Recycling Coordinators' salaries and expenses for Calendar Year 2020 (January 1, 2020, through December 31, 2020.) The application deadline is May 31, 2021, at 5 p.m.

All necessary documents for this grant are available under the "Act 101, Section 903" portion of the "Recycling Financial Assistance" page on the Department web site at <https://www.dep.pa.gov/Business/Land/Waste/Recycling/Municipal-Resources/FinancialAssistance/Pages/default.aspx>.

Application Requirements

The following documents are required to complete this grant application. Only the latest version of these forms will be accepted, unless otherwise directed. Do not submit any additional documentation with the application materials unless specifically requested. Documents must be properly completed for an application to be approved.

1. The 903 Application Spreadsheet (An Excel spreadsheet with three tabs—an Activities & Expenses Log, a Wages & Benefits Log and a County Expenses & Reimbursement Log (DEP Use Only)).

2. Application for Reimbursement for a County Recycling Coordinator (Section A—F Form).

3. Expense documentation, such as any receipts/invoices and proof of payments necessary for requested reimbursements. Proof of payment can be in the form of an invoice showing a zero balance, paid receipt, cleared

check (both sides) or bank/credit card statement showing that the County paid the fees for the requested reimbursement.

4. If the designated County Recycling Coordinator (CRC) is an outside contractor, the county must include with the grant application submission an agreement between the county and the person designated as the CRC. The agreement must be signed and dated by all parties of the agreement and include effective dates. The agreement must also include the following:

a. Name of the organization or person, or both, who will perform the duties of the CRC.

b. Details of the duties of the organization or person, or both.

c. Percentage of salary, benefits, expenses, and the like, the organization or person, or both, incurs that the county will reimburse that organization and/or person.

d. Detailed expectations (goals) the county has of the organization or person, or both, performing the recycling duties.

Eligibility Requirements

Applicants must be in compliance with the provisions of Act 101 to receive grant funding reimbursements. Applicants who are not in compliance with Act 101 and Annual Reporting requirements will not be considered.

It is expected the designated County Recycling Coordinator will perform duties in addition to completing grant applications. These duties include, but are not limited to, improving collection methods, increasing the tonnages of recyclables collected, educating county residents about recycling, assisting municipalities with recycling, updating and maintaining required surveys in the County Recycling Report Program and Recycling & Compost Facility Directory in Re-TRAC Connect and other recycling related activities. A more detailed list of these responsibilities is found under the "Pennsylvania County Recycling Coordinator Responsibilities" section within the "903 County Recycling Coordinator Grant Program Information Instructions" document on the Department web site.

To have out-of-State travel reimbursed, at least 1 month prior to the actual travel, a current Department's Bureau of Waste Management Travel Request Form, along with an itinerary, must be submitted for approval to the designated Regional Recycling Coordinator and 903 County Recycling Program Grant Coordinator. This form is available on the Department's web site.

Eligible/Ineligible Costs

Counties are eligible for 50% reimbursement grants for the approved salary and expenses of employing a County Recycling Coordinator. Applicants must specify only one individual to perform the CRC position for the purpose of reimbursement under section 903 of Act 101. Two individuals (for example, county employee and contractor or contractor's employee) cannot share the same position concurrently.

Eligible County Recycling Coordinator costs include:

- 50% of salary/wages while conducting CRC recycling duties. For more information, see the "Activities Eligible for Reimbursement for County Recycling Coordinator Grant Application" section in the "903 County Recycling Coordinator Grant Program Information Instructions" document on the Department's web site.

- 50% of CRC's employer costs for social security, workers compensation, unemployment compensation and other approved benefits.

- 50% of expenses directly related to recycling.

Eligible recycling expenses include (All travel costs must follow State guidelines for reimbursement.):

- Travel costs directly related to recycling programs that occur within this Commonwealth.

- Pre-approved travel costs related to recycling programs that occur outside of this Commonwealth.

- Recycling program registration and membership fees.

Under this grant program, the following will not be eligible for reimbursement:

- Permit application activities not related to recycling.
- Consulting fees for technical consultation on specific permits.

- Clerical activities, including, for example, the dropping off or picking up of mail, timesheets, paychecks, and the like.

- Office equipment, office maintenance, cell phones and internet subscription and access fees.

- Office supplies, duplicating and postage.

- Clothing allowances.

- Mileage driven to collect recyclables.

- Other operational expenses (for example, driving vehicles for inspection, repair, and the like).

Further information regarding eligible and noneligible costs are listed in the "903 County Recycling Coordinator Grant Program Information Instructions" document on the Department's web site.

Application Deadline

Grant applications must be submitted through the Department of Community and Economic Development's Electronic Single Application web site, eGrants, at www.esa.dced.state.pa.us. Applications must be received by May 31, 2021, at 5 p.m. to be eligible for funding. Applications will not be accepted after the deadline. All grant awards are predicated on the receipt of recycling fees required by sections 701 and 702 of Act 101 (52 P.S. §§ 4000.701 and 4000.702) and the availability of moneys in the Recycling Fund.

Contact Information

Inquiries concerning this notice should be directed to JoAnne Yurcaba, 903 Recycling Grants Coordinator, Department of Environmental Protection, Rachel Carson State Office Building, Bureau of Waste Management, Division of Waste Minimization and Planning, P.O. Box 8472, Harrisburg, PA 17105-8472, at jyurcaba@pa.gov or (717) 787-8688.

PATRICK McDONNELL,
Secretary

[Pa.B. Doc. No. 21-521. Filed for public inspection April 2, 2021, 9:00 a.m.]

DEPARTMENT OF HEALTH

Health Research Advisory Committee Virtual Public Meeting

The Department of Health's Health Research Advisory Committee (Committee), established by section 903(b) of the Tobacco Settlement Act (35 P.S. § 5701.903(b)), will hold a virtual public meeting on Monday, April 19, 2021, from 10 a.m. to 11:30 a.m. The meeting will be held virtually by means of Microsoft Teams at +1 (267) 332-8737 with Conference ID: 519 729 379#.

The purpose of the virtual public meeting is to review the work of the Committee and to plan for future health research priorities.

For additional information or persons with disabilities who wish to attend the virtual public meeting and requiring an auxiliary aid, service or other accommodation, contact Penny E. Harris, MEd, CAC, LPC, Director, Health Research Office, or Pamela Brown, Management Technician, Health Research Office, ra-healthresearch@pa.gov. 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).

Check the Department of Health, Health Research Office CURE Health Research Advisory Committee web site at www.CURE.pa.gov for any changes to this virtual public meeting.

This meeting is subject to cancellation without notice.

ALISON BEAM,
Acting Secretary

[Pa.B. Doc. No. 21-522. Filed for public inspection April 2, 2021, 9:00 a.m.]

DEPARTMENT OF HEALTH

Special Pharmaceutical Benefits Program Advisory Council Teleconference Meeting

The Statewide Special Pharmaceutical Benefits Program (SPBP) Advisory Council, established by the Department of Health (Department) to aid in the carrying out of its Federal grant responsibilities under section 2616 of the Ryan White Comprehensive AIDS Resource Emergency Act of 1990 (42 U.S.C.A. § 300ff-26), will hold a public telephonic meeting on Thursday, April 29, 2021, from 10 a.m. to 12 p.m. To participate dial in by location at 1 (412) 648-8888 or 1 (866)-588-4789. The meeting ID is 494 192 701#. Consider calling in by 9:50 a.m. so the meeting can begin promptly at 10 a.m. Individuals who have questions may call Sandy Brosius at (717) 547-3419.

The SPBP Advisory Council will provide program guidance and recommendations to the Department's SPBP in regard to the following: drug formulary; covered lab services; drug utilization review; clinical programs; eligibility; and program management.

For additional information, contact Sandy Brosius, Bureau of Communicable Diseases, Department of Health, Health and Welfare Building, 625 Forster Street, Harrisburg, PA 17120, (717) 547-3419.

Persons with a disability who wish to attend the meeting and require an auxiliary aid, service or other accommodation to do so should contact Sandy Brosius, Bureau of Communicable Diseases, Department of

Health, Health and Welfare Building, 625 Forster Street, Harrisburg, PA 17120, (717) 547-3419, or for speech or hearing impaired persons contact V/TT (717) 783-0572 or the Pennsylvania Hamilton Relay Service at (800) 654-5984 (TT).

This meeting is subject to cancellation without prior notice.

ALISON BEAM,
Acting Secretary

[Pa.B. Doc. No. 21-523. Filed for public inspection April 2, 2021, 9:00 a.m.]

DEPARTMENT OF HEALTH

Spinal Cord Research Advisory Committee Virtual Public Meeting

The Department of Health's Spinal Cord Research Advisory Committee (Committee), established by section 903.1(b) of the Tobacco Settlement Act (35 P.S. § 5701.903A(b)), will hold a virtual public meeting on Thursday, April 15, 2021, from 9:30 a.m. to 11 a.m. The meeting will be held virtually by means of Microsoft Teams at +1 (267) 332-8737 with Conference ID: 967 130 786#.

The purpose of the virtual public meeting is to review the work of the Committee and to discuss the process used review the spinal cord research applications as well as to prepare the next request for application.

For additional information or persons with disabilities who wish to attend the virtual public meeting and requiring an auxiliary aid, service or other accommodation, contact Penny E. Harris, MEd, CAC, LPC, Director, Health Research Office, or Pamela Brown, Management Technician, Health Research Office, (717) 231-2825 or ra-healthresearch@pa.gov, by mail to the Health and Welfare Building, Room 833, 625 Forster Street, Harrisburg, PA 17120-0701, 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).

Check the Department of Health, Health Research Office CURE Spinal Cord Research Advisory Committee web site at www.CURE.pa.gov for any changes to this virtual public meeting.

This meeting is subject to cancellation without notice.

ALISON BEAM,
Acting Secretary

[Pa.B. Doc. No. 21-524. Filed for public inspection April 2, 2021, 9:00 a.m.]

DEPARTMENT OF HUMAN SERVICES

Temporary Fee Schedule Rates for Community Participation Support and Transportation Trip Services Funded Through the Consolidated, Community Living, Person/Family Directed Support and Adult Autism Waivers and the Community Intellectual Disability Base-Funded Program

The Department of Human Services (Department) is implementing temporary increases to the Fee Schedule Rates for Community Participation Support services in the Consolidated, Community Living and Person/Family Directed Support (P/FDS) Waivers and for Transportation Trip services in the Consolidated, Community Living, P/FDS and Adult Autism Waivers. These changes are being made due to impacts on service as a result of the novel coronavirus (COVID-19) pandemic. The temporary increases to existing Fee Schedule Rates are retroactive to January 1, 2021. The temporary increase to the Fee Schedule Rates will end on June 30, 2021.

These temporary increases to the rates will also apply to the Department-established fees under 55 Pa. Code § 4300.115(a) (relating to Department established fees) for base-funded services managed through county programs for individuals with an intellectual disability under the Mental Health and Intellectual Disability Act of 1966 (50 P.S. §§ 4101—4704); 55 Pa. Code Chapter 4300 (relating to county mental health and intellectual disability fiscal manual); and 55 Pa. Code Chapter 6100 (relating to services for individuals with an intellectual disability or autism).

The temporary Fee Schedule Rates have been loaded to PROMISE™ and may be billed. The Home and Community Services Information System has also been automatically updated to include the new Community Participation Support and Transportation Trip Fee Schedule Rates and critical revisions to Individual Support Plans will not be necessary to implement the change to the Fee Schedule Rates. Providers should review service authorizations to confirm that they are billing the increased Fee Schedule Rate.

Fee Schedule Rates

The Department used a market-based approach to establish the temporary Fee Schedule Rates for Community Participation Support and Transportation Trip services. To determine the temporary Fee Schedule Rates, the Department decreased the productivity assumptions due to individuals being absent from services as a result of COVID-19. The Department established the temporary increases to the Fee Schedule Rates to fund services provided at a level sufficient to ensure access, encourage provider participation and promote provider choice during the COVID-19 pandemic, while at the same time ensuring cost effectiveness and fiscal accountability. The temporary increases to the Fee Schedule Rates represent the maximum rates that the Department will pay for services.

**Fee Schedule Rate for Community Participation Support Services Effective
January 1, 2021, through June 30, 2021**

All rates in the table are per 15-minute unit.

<i>Service</i>	<i>Procedure Code</i>	<i>Staff to Individual Ratio</i>	<i>Temporary Fee Schedule Rate</i>	<i>Temporary Fee Schedule Rate for Enhanced Communication</i>
Community Participation Support—Facility	W7222	1:11 to 1:15	\$2.96	\$3.27
	W7223	1:7 to 1:10	\$3.18	\$3.61
	W7226	1:4 to 1:6	\$5.23	\$6.01
	W7224	1:2 to 1:3	\$6.84	\$7.90
	W7244	1:1	\$12.40	\$14.50
	W9353	1:1 Enhanced	\$17.27	\$20.66
	W7269	2:1	\$23.77	\$27.96
	W9356	2:1 Enhanced	\$28.65	\$34.12
Community Participation Support—Community	W9351	1:2 to 1:3	\$6.98	\$8.02
	W9352	2:3	\$10.43	\$13.60
	W5996	1:1	\$12.81	\$14.97
	W5997	1:1 Enhanced	\$17.83	\$21.38
	W5993	2:1	\$24.62	\$29.07
	W5994	2:1 Enhanced	\$29.70	\$35.43

**Fee Schedule Rate for Transportation Trip Services Effective
January 1, 2021, through June 30, 2021**

<i>Service</i>	<i>Unit of Service</i>	<i>Procedure Code</i>	<i>Temporary Fee Schedule Rate</i>
Transportation Trip	Zone 1 (greater than 0 and up to 10 miles)	W7274	\$33.83
	Zone 2 (greater than 10 miles and up to 30 miles)	W7275	\$60.91
	Zone 4 (over 30 miles)	W7276	\$69.19

Fiscal Impact

It is anticipated that the temporary enhanced rates from January 1, 2021, through June 30, 2021, would cost a total of \$18.837 million (\$7.836 million in State funds), which includes \$16.337 million (\$6.796 million in State funds) for Community Participation Support and \$2.500 million (\$1.040 million in State funds) for Transportation Trip. However, the Department anticipates the decrease in utilized services resulting in a decrease of expenditures, which will offset any increase as a result of the temporary enhanced rates. This should keep expenditures within the current level of funding for Fiscal Year 2020-2021 for all affected programs.

Public Comment

Copies of this notice may be requested by contacting the Department of Human Services, Office of Developmental Programs, Division of Provider Assistance and Rate Setting, 4th Floor, Health and Welfare Building, 625 Forster Street, Harrisburg, PA 17120, ra-ratesetting@pa.gov.

Interested persons are invited to submit written comments regarding the temporary increases to the Fee Schedule Rates. Comments received within 30 days of publication of this notice will be reviewed and considered for revisions to the rates. Comments should be addressed to the Department of Human Services, Office of Developmental Programs, Division of Provider Assistance and

Rate Setting, 4th Floor, Health and Welfare Building, 625 Forster Street, Harrisburg, PA 17120. Comments may also be sent to ra-ratesetting@pa.gov. Use subject header "PN COVID Fee Schedule."

Persons with a disability who require an auxiliary aid or service may submit comments using the Pennsylvania Hamilton Relay Service by dialing 711 or by using one of the toll-free numbers: (800) 654-5984 (TDD users); (800) 654-5988 (voice users); (844) 308-9292 (Speech-to-Speech); or (844) 308-9291 (Spanish).

TERESA D. MILLER,
Secretary

Fiscal Note: 14-NOT-1431. (1) General Fund;

(7) Autism Intervention and Services; (2) Implementing Year 2020-21 is \$10,000; (3) 1st Succeeding Year 2021-22 through 5th Succeeding Year 2025-26 are \$0; (4) 2019-20 Program—\$25,252,000; 2018-19 Program—\$30,842,000; 2017-18 Program—\$27,669,000;

(7) Intellectual Disabilities—Community Base Program; (2) Implementing Year 2020-21 is \$240,000; (3) 1st Succeeding Year 2021-22 through 5th Succeeding Year 2025-26 are \$0; (4) 2019-20 Program—\$148,943,000; 2018-19 Program—\$149,379,000; 2017-18 Program—\$150,734,000;

(7) Intellectual Disabilities—Community Waiver Program; (2) Implementing Year 2020-21 is \$7,586,000; (3) 1st Succeeding Year 2021-22 through 5th Succeeding Year 2025-26 are \$0; (4) 2019-20 Program—\$1,664,000,000; 2018-19 Program—\$1,643,000,000; 2017-18 Program—\$1,527,000,000;

(8) recommends adoption. Funds have been included in the budget to cover this increase.

[Pa.B. Doc. No. 21-525. Filed for public inspection April 2, 2021, 9:00 a.m.]

DEPARTMENT OF REVENUE

Pennsylvania MONOPOLY™ Game Tokens Fast Play Game 5117

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

1. *Name*: The name of the lottery game is Pennsylvania MONOPOLY™ Game Tokens (hereinafter “MONOPOLY™ Game Tokens”). The game number is PA-5117.

2. *Definitions*:

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

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

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

(d) *FREE PARKING BONUS*: When a player matches the “FREE PARKING” (FREEPARKING) symbol according to the instructions, add the amount shown in the “FREE PARKING BONUS” area to the prize won for that match.

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

(f) *Lottery Terminal*: A device authorized by the Lottery to function in an interactive mode with the Lottery Central Computer System for the purpose of issuing plays, executing Quick Pick selections, and entering, receiving, and processing lottery transactions, including making purchases, validating plays, transmitting reports, and performing inventory functions.

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

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

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

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

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

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

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

3. *Price*: The price of a MONOPOLY™ Game Tokens ticket is \$2.

4. *Description of the MONOPOLY™ Game Tokens Fast Play lottery game*:

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

(b) MONOPOLY™ Game Tokens is played by matching any of the play symbols in the “WINNING SYMBOLS” area to the play symbols located in the “YOUR SYMBOLS” area. A player matching any of the play symbols in this manner will win the prize shown under the “YOUR SYMBOLS” play symbol. When the matching symbol is a “FREE PARKING” (FREEPARKING) symbol, add the amount shown in the “FREE PARKING BONUS” area to the prize shown and win that amount. A bet slip is not used to play this game.

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

(d) A MONOPOLY™ Game Tokens game ticket cannot be canceled or voided once printed by the Lottery Terminal, even if printed in error.

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

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

5. *MONOPOLY™ Game Tokens ticket characteristics*:

(a) A MONOPOLY™ Game Tokens ticket shall contain a play area, the cost of the play, the date of sale, and a bar code.

(b) *Play Symbols*: Each MONOPOLY™ Game Tokens ticket will contain a “WINNING SYMBOLS” area, a “YOUR SYMBOLS” area and a “FREE PARKING BONUS” area. The play symbols and their captions, located in the “WINNING SYMBOLS” area and the “YOUR SYMBOLS” area, are: Chance (CHANCE) symbol, Shoe (SHOE) symbol, Community Chest (COMMUNITY

CHEST) symbol, Electric (ELECTRIC) symbol, T-Rex (T-REX) symbol, Wheelbarrow (WHEELBARROW) symbol, Thimble (THIMBLE) symbol, GO (GO) symbol, Water Works (WATERWORKS) symbol, Penguin (PENGUIN) symbol, Hat (HAT) symbol, Duck (DUCK) symbol, Mr. Monopoly (MR. MONOPOLY) symbol, Cat (CAT) symbol, Battleship (BATTLESHIP) symbol, Dog (DOG) symbol, Car (CAR) symbol, "FREE PARKING" (FREEPARKING) symbol and an M (WINALL) symbol.

(c) *Prize Symbols:* The prize symbols and their captions, located in the play area, are: \$2.⁰⁰ (TWO DOL), \$4.⁰⁰ (FOR DOL), \$5.⁰⁰ (FIV DOL), \$10.⁰⁰ (TEN DOL), \$15.⁰⁰ (FIFTEEN), \$20.⁰⁰ (TWENTY), \$50.⁰⁰ (FIFTY), \$75.⁰⁰ (SVY FIV), \$100 (ONE HUN), \$500 (FIV HUN), \$1,000 (ONE THO) and \$10,000 (TEN THO).

(d) *Prizes:* The prizes that can be won in this game, are: \$2, \$4, \$5, \$10, \$15, \$20, \$50, \$75, \$100, \$500, \$1,000 and \$10,000. The prizes that can be won in the "FREE PARKING BONUS" area, are: \$5, \$10, \$20, \$50 and \$100. MONOPOLY™ Game Tokens contains a feature that can increase certain prizes. For a complete list of prizes, and how those prizes can be won, see section 8 (relating to Number and description of prizes and chances of winning). A player can win up to ten times on a ticket.

(e) *Approximate number of tickets available for the game:* Approximately 1,200,000 tickets will be available for sale for the MONOPOLY™ Game Tokens lottery game.

6. *Second-Chance Drawing:* The Pennsylvania Lottery will conduct a MONOPOLY™ Second-Chance Drawing for which non-winning MONOPOLY™ Game Tokens lottery game tickets may be eligible as provided for in section 9.

7. *Prizes available to be won and determination of prize winners:*

(a) All MONOPOLY™ Game Tokens prize payments will be made as one-time, lump-sum cash payments.

(b) Holders of tickets upon which any of the "WINNING SYMBOLS" play symbols matches any of the "YOUR SYMBOLS" play symbols, and a prize symbol of \$10,000 (TEN THO) appears in the "Prize" area under the matching "YOUR SYMBOLS" play symbol, on a single ticket, shall be entitled to a prize of \$10,000.

(c) Holders of tickets upon which any of the "WINNING SYMBOLS" play symbols matches any of the "YOUR SYMBOLS" play symbols, and a prize symbol of \$1,000 (ONE THO) appears in the "Prize" area under the matching "YOUR SYMBOLS" play symbol, on a single ticket, shall be entitled to a prize of \$1,000.

(d) Holders of tickets upon which an M (WINALL) symbol matches any of the "WINNING SYMBOLS" play symbols, and a prize symbol of \$100 (ONE HUN) appears in four of the "Prize" areas, a prize symbol of \$500 (FIV HUN) appears in one of the "Prize" areas, a prize symbol of \$50.⁰⁰ (FIFTY) appears in one of the "Prize" areas, a prize symbol of \$20.⁰⁰ (TWENTY) appears in one of the "Prize" areas, a prize symbol of \$15.⁰⁰ (FIFTEEN) appears in one of the "Prize" areas, a prize symbol of \$10.⁰⁰ (TEN DOL) appears in one of the "Prize" areas and a prize symbol of \$5.⁰⁰ (FIV DOL) appears in one of the "Prize" areas, on a single ticket, shall be entitled to a prize of \$1,000.

(e) Holders of tickets upon which any of the "WINNING SYMBOLS" play symbols matches any of the "YOUR NUMBERS" play symbols and the matching symbol is "FREE PARKING" (FREEPARKING) symbol, a

prize symbol of \$500 (FIV HUN) appears in the "Prize" area under the matching "YOUR SYMBOLS" play symbol and a prize symbol of \$100 appears in the "FREE PARKING BONUS" area, on a single ticket, shall be entitled to a prize of \$600.

(f) Holders of tickets upon which any of the "WINNING SYMBOLS" play symbols matches any of the "YOUR SYMBOLS" play symbols, and a prize symbol of \$500 (FIV HUN) appears in the "Prize" area under the matching "YOUR SYMBOLS" play symbol, on a single ticket, shall be entitled to a prize of \$500.

(g) Holders of tickets upon which an M (WINALL) symbol matches any of the "WINNING SYMBOLS" play symbols, and a prize symbol of \$75.⁰⁰ (SVY FIV) appears in four of the "Prize" areas, a prize symbol of \$20.⁰⁰ (TWENTY) appears in five of the "Prize" areas and a prize symbol of \$100 (ONE HUN) appears in one of the "Prize" areas, on a single ticket, shall be entitled to a prize of \$500.

(h) Holders of tickets upon which an M (WINALL) symbol matches any of the "WINNING SYMBOLS" play symbols, and a prize symbol of \$50.⁰⁰ (FIFTY) appears in six of the "Prize" areas, a prize symbol of \$100 (ONE HUN) appears in one of the "Prize" areas, a prize symbol of \$75.⁰⁰ (SVY FIV) appears in one of the "Prize" areas, a prize symbol of \$20.⁰⁰ (TWENTY) appears in one of the "Prize" areas and a prize symbol of \$5.⁰⁰ (FIV DOL) appears in one of the "Prize" areas, on a single ticket, shall be entitled to a prize of \$500.

(i) Holders of tickets upon which any of the "WINNING SYMBOLS" play symbols matches any of the "YOUR NUMBERS" play symbols and the matching symbol is "FREE PARKING" (FREEPARKING) symbol, a prize symbol of \$100 (ONE HUN) appears in the "Prize" area under the matching "YOUR SYMBOLS" play symbol and a prize symbol of \$100 appears in the "FREE PARKING BONUS" area, on a single ticket, shall be entitled to a prize of \$200.

(j) Holders of tickets upon which any of the "WINNING SYMBOLS" play symbols matches any of the "YOUR SYMBOLS" play symbols, and a prize symbol of \$100 (ONE HUN) appears in the "Prize" area under the matching "YOUR SYMBOLS" play symbol, on a single ticket, shall be entitled to a prize of \$100.

(k) Holders of tickets upon which any of the "WINNING SYMBOLS" play symbols matches any of the "YOUR NUMBERS" play symbols and the matching symbol is "FREE PARKING" (FREEPARKING) symbol, a prize symbol of \$50.⁰⁰ (FIFTY) appears in the "Prize" area under the matching "YOUR SYMBOLS" play symbol and a prize symbol of \$50 appears in the "FREE PARKING BONUS" area, on a single ticket, shall be entitled to a prize of \$100.

(l) Holders of tickets upon which an M (WINALL) symbol matches any of the "WINNING SYMBOLS" play symbols, and a prize symbol of \$15.⁰⁰ (FIFTEEN) appears in three of the "Prize" areas, a prize symbol of \$10.⁰⁰ (TEN DOL) appears in four of the "Prize" areas and a prize symbol of \$5.⁰⁰ (FIV DOL) appears in three of the "Prize" areas, on a single ticket, shall be entitled to a prize of \$100.

(m) Holders of tickets upon which any of the "WINNING SYMBOLS" play symbols matches any of the "YOUR SYMBOLS" play symbols, and a prize symbol of \$75.⁰⁰ (SVY FIV) appears in the "Prize" area under the matching "YOUR SYMBOLS" play symbol, on a single ticket, shall be entitled to a prize of \$75.

prize symbol of \$5⁰⁰ (FIV DOL) appears in the "Prize" area under the matching "YOUR SYMBOLS" play symbol and a prize symbol of \$5 appears in the "FREE PARKING BONUS" area, on a single ticket, shall be entitled to a prize of \$10.

(ee) Holders of tickets upon which any of the "WINNING SYMBOLS" play symbols matches any of the "YOUR SYMBOLS" play symbols, and a prize symbol of \$5⁰⁰ (FIV DOL) appears in the "Prize" area under the matching "YOUR SYMBOLS" play symbol, on a single ticket, shall be entitled to a prize of \$5.

(ff) Holders of tickets upon which any of the "WINNING SYMBOLS" play symbols matches any of the "YOUR SYMBOLS" play symbols, and a prize symbol of

\$4⁰⁰ (FOR DOL) appears in the "Prize" area under the matching "YOUR SYMBOLS" play symbol, on a single ticket, shall be entitled to a prize of \$4.

(gg) Holders of tickets upon which any of the "WINNING SYMBOLS" play symbols matches any of the "YOUR SYMBOLS" play symbols, and a prize symbol of \$2⁰⁰ (TWO DOL) appears in the "Prize" area under the matching "YOUR SYMBOLS" play symbol, on a single ticket, shall be entitled to a prize of \$2.

8. *Number and description of prizes and approximate chances of winning:* The following table sets forth the approximate number of winners, amounts of prizes, and approximate chances of winning:

<i>When Any Of "YOUR SYMBOLS" Match Any "WINNING SYMBOL," Win Prize Shown Under The Matching Symbol. Win With:</i>	<i>"FREE PARKING BONUS":</i>	<i>Win:</i>	<i>Approximate Chances Of Winning Are 1 In:</i>	<i>Approximate No. Of Winners Per 1,200,000 Tickets:</i>
\$2		\$2	8.70	138,000
\$2 × 2		\$4	33.33	36,000
\$4		\$4	33.33	36,000
\$5		\$5	25	48,000
\$5 × 2		\$10	526.32	2,280
\$5 w/ FREE PARKING MATCH	\$5	\$10	83.33	14,400
\$10		\$10	500	2,400
\$5 × 3		\$15	1,000	1,200
(\$4 × 2) + \$5 + \$2		\$15	1,000	1,200
\$5 w/ FREE PARKING MATCH	\$10	\$15	333.33	3,600
\$10 w/ FREE PARKING MATCH	\$5	\$15	333.33	3,600
\$15		\$15	1,000	1,200
\$5 × 4		\$20	1,000	1,200
\$10 × 2		\$20	1,000	1,200
\$10 w/ FREE PARKING MATCH	\$10	\$20	500	2,400
\$15 w/ FREE PARKING MATCH	\$5	\$20	500	2,400
\$20		\$20	1,000	1,200
M SYMBOL w/ ((\$5 × 4) + (\$4 × 5) + \$10)		\$50	1,714	700
M SYMBOL w/ ((\$10 × 2) + (\$5 × 2) + (\$4 × 4) + (\$2 × 2))		\$50	1,846	650
(\$20 × 2) + \$10		\$50	24,000	50
(\$15 w/ FREE PARKING MATCH) + \$10 + \$5	\$20	\$50	24,000	50
(\$20 w/ FREE PARKING MATCH) + (\$5 × 4)	\$10	\$50	24,000	50
(\$20 w/ FREE PARKING MATCH) + \$10	\$20	\$50	24,000	50
\$50		\$50	24,000	50
M SYMBOL w/ ((\$15 × 2) + (\$5 × 7) + \$10)		\$75	12,000	100
(\$5 w/ FREE PARKING MATCH) + \$20	\$50	\$75	24,000	50
(\$50 w/ FREE PARKING MATCH) + \$5	\$20	\$75	24,000	50
\$75		\$75	24,000	50

<i>When Any Of "YOUR SYMBOLS" Match Any "WINNING SYMBOL," Win Prize Shown Under The Matching Symbol. Win With:</i>	<i>"FREE PARKING BONUS":</i>	<i>Win:</i>	<i>Approximate Chances Of Winning Are 1 In:</i>	<i>Approximate No. Of Winners Per 1,200,000 Tickets:</i>
M SYMBOL w/ (((\$15 × 3) + (\$10 × 4) + (\$5 × 3))		\$100	12,000	100
\$50 + \$20 + \$15 + \$10 + \$5		\$100	120,000	10
\$50 w/ FREE PARKING MATCH	\$50	\$100	24,000	50
\$100		\$100	120,000	10
M SYMBOL w/ (((\$50 × 6) + \$100 + \$75 + \$20 + \$5)		\$500	24,000	50
M SYMBOL w/ (((\$75 × 4) + (\$20 × 5) + \$100)		\$500	24,000	50
(\$100 w/ FREE PARKING MATCH) + (\$100 × 3)	\$100	\$500	120,000	10
\$500		\$500	120,000	10
M SYMBOL w/ (((\$100 × 4) + \$500 + \$50 + \$20 + \$15 + \$10 + \$5)		\$1,000	240,000	5
(\$500 w/ FREE PARKING MATCH) + (\$100 × 4)	\$100	\$1,000	240,000	5
\$1,000		\$1,000	240,000	5
\$10,000		\$10,000	240,000	5

When the matching symbol is a "FREE PARKING" (FREEPARKING) symbol, add the amount shown in the "FREE PARKING BONUS" area to the prize shown and win that amount.

When the matching symbol is a "M" (WINALL) symbol, win all 10 prizes shown.

Prizes, including top prizes, are subject to availability at the time of purchase.

9. *Second-Chance Drawing:* The Pennsylvania Lottery's (hereafter, the "Lottery") MONOPOLY™ Second-Chance Drawing for qualifying Fast Play lottery game tickets (hereafter, the "Drawing").

(a) *Qualifying Tickets:* Non-winning PA-5115 MONOPOLY™ Properties (\$20), PA-5116 MONOPOLY™ Utilities (\$5), PA-5117 MONOPOLY™ Game Tokens (\$2) and PA-5118 MONOPOLY™ Money Match (\$1) Fast Play lottery game tickets ("Qualifying Tickets") are eligible for entry in the Drawing.

(b) *Participation and entry:*

(1) Entrants must be members of the Pennsylvania Lottery VIP Players Club to participate in the Drawing. To join the VIP Players Club, visit <http://www.palottery.state.pa.us/vipplayersclub/login.aspx>. Becoming a VIP Players Club member is free.

(2) To enter the Drawing, entrants must submit the identifying information from at least one Qualifying Ticket via the Drawing's promotional web site, available at <http://www.palottery.com>, or the Lottery's official mobile application during the entry period. The identifying information from a Qualifying Ticket may be submitted only once in the Drawing. No other method of submission will be accepted, and entries submitted using any other method, including entries mailed or hand-delivered to the Lottery, are not valid and will be disqualified.

(3) Each entry must be complete and the information supplied by the entrant must be accurate. Incomplete entries cannot be accepted.

(4) Only one claimant per entry is allowed.

(5) Entrants must be 18 years of age or older.

(6) Players may submit the identifying information from an unlimited number of Qualifying Tickets in the Drawing.

(7) Once an entry has been submitted it cannot be withdrawn or changed.

(c) *Drawing description:*

(1) The Lottery will conduct one MONOPOLY™ Second-Chance Drawing for qualifying Fast Play Lottery game tickets. All time references are Eastern Prevailing Time.

(2) All entries received after 11:59:59 p.m. April 5, 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 Lottery's publicly accessible web site at <http://www.palottery.com>.

(4) When a Qualifying Ticket is entered into the Drawings, the entry has a chance to be multiplied by 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-5115 MONOPOLY™ Properties (\$20) = 20 entries, PA-5116 MONOPOLY™ Utilities (\$5) = five entries, PA-5117 MONOPOLY™ Game Tokens (\$2) = two entries and PA-5118 MONOPOLY™ Money Match (\$1) = one entry.

(6) Players may review prizes won and their entries for the Drawing via the Drawing's promotional web site.

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-5115 MONOPOLY™ Properties	254,042	152,425	76,213	3	5	10
PA-5116 MONOPOLY™ Utilities	287,675	172,605	86,303	3	5	10
PA-5117 MONOPOLY™ Game Tokens	180,312	300,520	90,156	5	3	10
PA-5118 MONOPOLY™ Money Match	364,720	607,867	182,360	5	3	10

(3) The Lottery will conduct one Drawing from among all the entries received during the entry period as described in section 9(c)(2).

(i) The first 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 \$50,000, 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 \$10,000, less required income tax withholding.

(iii) The seventh through the twenty-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 \$2,500.

(iv) The twenty-seventh through the seventy-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 seventy-seventh through the one hundred and twenty-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 \$100 iLottery Bonus Money.

(4) All prizes will be paid as lump-sum cash payments or uploaded to a winning player's lottery account.

(5) Winners of iLottery Bonus Money are not required to claim a prize. Winners of iLottery Bonus Money will have the iLottery Bonus Money credited to their Lottery account and will receive an email notifying them that they won a prize.

(6) The number of winning entries to be selected for the Drawing will be posted to the Lottery's publicly accessible web site.

(7) The odds of winning in the Drawing depend upon the number of entries received for the Drawing.

(8) A computer-generated randomizer will be used to select the Drawing winners.

(d) Prizes available to be won, determination of winners, and odds of winning:

(1) The prize entitlements described below are subject to all restrictions and limitations described in section 9(e) or mentioned anywhere else in these rules.

(2) The following table sets forth the approximate number of Entry Multiplier Prizes and the approximate odds of winning an Entry Multiplier Prize:

(e) Drawing restrictions:

(1) To be eligible to participate in the Drawing, entrants must have complied with the requirements of these rules.

(2) The Lottery is not responsible for late, lost or misdirected entries not entered into the Drawing. The Lottery is not responsible for entries that are not entered into the Drawing because of incompatible internet browsers, mobile Lottery application failure or other technical issues. If an entry is selected as a winner and rejected or otherwise disqualified during or following the Drawing, the Lottery will select another entry to replace the rejected or otherwise disqualified entry in accordance with these rules and Lottery procedure.

(3) If any discrepancy exists between these rules and any material describing the Drawing, these rules shall govern.

(4) Employees of the Lottery, 9Rooftops Marketing, LLC (formerly known as MARC USA, LLC), Scientific Games International Inc., MDI Entertainment, LLC, and their subcontractors, or a spouse, child, brother, sister or parent residing as a member of the same household in the principle place of residence of any such person are not eligible to participate in the Drawing. Offer void where prohibited or restricted.

(5) The Pennsylvania Lottery reserves the right, in its sole discretion, to cancel or suspend the Drawing and change these rules if the Drawing cannot be conducted as planned due to errors in these rules or advertising, unauthorized intervention, tampering, fraud, technical errors, viruses, worms, bugs, or any other cause beyond the control of the Lottery that, in the Lottery's sole judgment, could corrupt or impair the administration, security, fairness, integrity, or proper conduct of the Drawing.

(6) All entries shall be subject to verification by the Lottery.

(7) The Pennsylvania Lottery reserves the right, in its sole discretion, to disqualify an entrant found to be tampering with the operation of the Drawing or to be acting in violation of these rules or applicable law.

(8) The Drawing is governed by the laws of the Commonwealth of Pennsylvania. Applicable laws and regulations apply.

(9) Prizes must be claimed within 1 year of the drawing date of the Drawing in which the prize was won. If no claim is made within 1 year of the drawing date of the Drawing in which the prize was won, the right of an entrant to claim the prize won, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided by statute.

(10) Final determination of winners will be made by the Secretary, whose judgment will be final and binding.

(11) A prize awarded in the Drawing to a person who dies before receiving the prize shall be paid according to 61 Pa. Code § 811.16 (relating to prizes payable after death of a prize winner).

(12) A winner is responsible for all taxes arising from or in connection with any prize won.

(13) A player may only win the prize for which the player is first selected in the Drawing. Subsequent entries, from the same individual, selected in the Drawing will be disqualified and a replacement entry will be selected.

(14) Winners of iLottery Bonus Money must abide by the iLottery Terms & Conditions, the iLottery Bonus Policy and these rules. iLottery Bonus Money will expire 90 days from the date on which the winner was notified, via email, of the prize win, as further detailed in section 9(d)(5). iLottery Bonus Money has a five times play through requirement in order to convert the iLottery Bonus Money into cash. For example, for a player winning \$100 of iLottery Bonus Money, the player is required to place \$500 in wagers before the iLottery Bonus Money awarded is converted into cash which may be withdrawn from the player's Lottery account.

(15) Prizes are not transferrable.

(16) Other restrictions may apply.

10. *Ticket responsibility:*

(a) A Fast Play lottery game ticket is a bearer document deemed to be owned by the person holding the game ticket, except that if a name is contained on the back of the game ticket, the person named will, for all purposes, be considered the owner of the game ticket.

(b) The holder of a Fast Play lottery game ticket has the sole responsibility for checking the accuracy and condition of the data printed on the game ticket.

(c) The Commonwealth shall not be responsible for a lost or stolen Fast Play lottery game ticket, or for a Fast Play ticket redeemed by a player in error.

11. *Ticket validation and requirements:*

(a) *Valid Fast Play lottery game tickets.* To be a valid Fast Play lottery game ticket, the presented game ticket must meet the following requirements:

(1) The game ticket's bar code shall be present in its entirety.

(2) The game ticket must be intact.

(3) The game ticket may not be mutilated, altered, reconstituted or tampered with.

(4) The game ticket may not be counterfeit or a duplicate of a winning ticket.

(5) The game ticket must have been validly issued.

(6) The game ticket data shall have been recorded on the Lottery Central Computer System and the game ticket data shall match the computer record in every respect.

(7) The game ticket must not be defectively printed or printed or produced in error such that it cannot be processed or validated by the Lottery.

(8) The game ticket must pass other confidential security checks of the Lottery.

(b) *Invalid or defective game tickets.* A game ticket not passing the validation requirements in subsection (a) will be considered invalid and no payment will be made on account of any play recorded thereon. The determination of the Secretary in this regard is final.

12. *Procedures for claiming and payment of prizes:*

(a) A prize may be claimed through an authorized retailer or the Lottery, as provided in this section. A prize must be claimed within 1 year of the sale date of the Fast Play lottery game ticket.

(b) An authorized retailer is authorized to pay prizes of \$2,500 or less. The holder of a game ticket evidencing a winning play representing a prize of \$2,500 or less may be paid by a participating authorized retailer if a proper validation pay ticket was issued by the retailer's Lottery Terminal.

(c) The holder of a game ticket evidencing a winning play representing a prize in excess of \$2,500 may present the game ticket to an authorized retailer, Lottery District Office, or Lottery Headquarters.

(d) The holder of a game ticket evidencing a winning play shall present the ticket, in person, to an authorized retailer, Lottery Headquarters or a Lottery District Office. The retailer or the Lottery will issue payment if:

(1) The game ticket is scanned and the play is validated through the Lottery Terminal or the Lottery Central Computer System;

(2) A claim form is properly and fully completed;

(3) The identification of the claimant is confirmed; and

(4) The winning ticket has not expired, pursuant to this section or section 14 (relating to unclaimed prizes).

(e) The Commonwealth shall not be responsible for a winning play paid in error by an authorized retailer.

(f) In the event a prize described in these rules is not available, the Lottery may either provide a substitute prize, determined by the Secretary to have an equivalent value to the prize won, or make a cash payment to the winner, in an amount determined by the Secretary to have an equivalent value to the prize won.

13. *Funding for prizes:* Moneys will be drawn from the State Lottery Fund, to the extent necessary, to fund the payment of prizes under this section. If this lottery game is terminated for any cause, prize moneys remaining undistributed will remain in the State Lottery Fund and used for purposes otherwise provided for by law.

14. *Unclaimed prizes:* Unclaimed prize money on winning Fast Play lottery game tickets will be retained by the Secretary for payment to the persons entitled thereto for 1 year from the sale date of the Fast Play lottery game ticket. If no claim is made within 1 year from the sale date of the Fast Play lottery game ticket, the right of a ticket holder to claim the prize represented by that ticket, if any, shall expire.

15. *Purchase and prize restrictions:* A Fast Play lottery game ticket may not be purchased by, and a prize may not be paid, to an officer or employee of the Lottery, Lottery professional services contractors or subcontractors, or to a spouse, child, brother, sister or parent residing in the same household of an officer, employee, contractor or subcontractor who is involved in the production, distribution or operation of systems for the validation or accounting of Fast Play games.

16. *Governing law:*

(a) By purchasing a ticket, the purchaser agrees to comply with and abide by the State Lottery Law (72 P.S. §§ 3761-101—3761-314), this notice, instructions, conditions and final decisions of the Secretary, and procedures established by the Secretary for the conduct of the Fast Play MONOPOLY™ Game Tokens lottery game.

(b) Decisions made by the Secretary, including the declaration of prizes and the payment thereof, in interpretation of this notice are final and binding on players and persons making a claim in respect thereof.

17. *Retailer compensation:*

(a) Authorized retailers may be entitled to compensation as determined by the Lottery.

(b) No authorized retailer or employee of an authorized retailer shall request, demand, or accept gratuities or any compensation other than as provided in subsection (a) in exchange for the performance of duties authorized pursuant to the Lottery retailer's license without the Lottery's prior written authorization.

18. *Retailer Incentive Programs:* The Lottery may conduct a separate Retailer Incentive Program for retailers who sell Pennsylvania Fast Play MONOPOLY™ Game Tokens lottery game tickets.

19. *Retailer bonus:* The Lottery may offer a retailer bonus in connection with the sale of Pennsylvania Fast Play lottery game tickets. If a retailer bonus is offered, a Lottery retailer shall be eligible for a bonus as described in this section. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$100,000 and not exceeding \$500,000 shall be paid a bonus of \$500. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$500,001 and not exceeding \$1,000,000 shall be paid a bonus of \$5,000. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$1,000,001 and not exceeding \$10,000,000 shall be paid a bonus of \$10,000. A Lottery retailer is entitled only to the largest bonus for which they qualify on a winning ticket. A bonus will be initiated for payment after the Fast Play game ticket is claimed and validated. A bonus will not be awarded to a Lottery retailer that sells a non-winning Pennsylvania Lottery Fast Play game ticket used to enter a Pennsylvania Lottery second-chance drawing or promotion that is subsequently selected to win a prize.

20. *Termination of the game:* The Secretary may announce a termination date, after which no further tickets from this game may be sold. The announcement will be disseminated through media used to advertise or promote MONOPOLY™ Game Tokens or through normal communications methods.

21. *Applicability:* This notice applies only to the MONOPOLY™ Game Tokens lottery game announced in this notice.

C. DANIEL HASSELL,
Secretary

[Pa.B. Doc. No. 21-526. Filed for public inspection April 2, 2021, 9:00 a.m.]

DEPARTMENT OF REVENUE

Pennsylvania MONOPOLY™ Money Match Fast Play Game 5118

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

1. *Name:* The name of the lottery game is Pennsylvania MONOPOLY™ Money Match (hereinafter "MONOPOLY™ Money Match"). The game number is PA-5118.

2. *Definitions:*

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

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

(c) *CHANCE OR COMMUNITY CHEST BONUS:* The area at the bottom of a MONOPOLY™ Money Match ticket containing one CHANCE card and one COMMUNITY CHEST card that, when played according to the instructions, determines whether the player adds the prize shown in the "CHANCE OR COMMUNITY CHEST BONUS" to the total prize won and wins that amount.

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

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

(f) *Lottery Terminal:* A device authorized by the Lottery to function in an interactive mode with the Lottery Central Computer System for the purpose of issuing plays, executing Quick Pick selections, and entering, receiving, and processing lottery transactions, including making purchases, validating plays, transmitting reports, and performing inventory functions.

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

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

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

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

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

3. *Price*: The price of a MONOPOLY™ Money Match ticket is \$1.

4. *Description of the MONOPOLY™ Money Match Fast Play lottery game*:

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

(b) MONOPOLY™ Money Match is played by matching like play symbols in the play area. A player matching three like symbols in this manner will win that dollar amount. When a player matches play symbols in this manner and a prize amount appears in the “CHANCE OR COMMUNITY CHEST BONUS” area, the player adds the prize shown to the total amount won. A bet slip is not used to play this game.

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

(d) A MONOPOLY™ Money Match game ticket cannot be canceled or voided once printed by the Lottery Terminal, even if printed in error.

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

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

5. *MONOPOLY™ Money Match ticket characteristics*:

(a) A MONOPOLY™ Money Match ticket shall contain a play area, the cost of the play, the date of sale and a bar code.

(b) *Play Symbols*: Each MONOPOLY™ Money Match ticket will contain one play area and a “CHANCE OR COMMUNITY CHEST BONUS” area. The play symbols located in the play area, are: 1 MONOPOLY Money symbol, 5 MONOPOLY Money symbol, 10 MONOPOLY Money symbol, 20 MONOPOLY Money symbol, 50 MONOPOLY Money symbol, 100 MONOPOLY Money symbol and a 500 MONOPOLY Money symbol. The play symbols and their captions, located in the “CHANCE OR COMMUNITY CHEST BONUS” area for the CHANCE card, are: YOUR BUILDING LOAN MATURES. COLLECT \$1. symbol, YOUR BUILDING LOAN MATURES. COLLECT \$5. symbol, YOUR BUILDING LOAN MATURES. COLLECT \$10. symbol, YOUR BUILDING LOAN MATURES. COLLECT \$20. symbol, YOUR BUILDING LOAN MATURES. COLLECT \$50. symbol, YOUR BUILDING LOAN MATURES. COLLECT \$100. symbol, BANK PAYS YOU DIVIDEND OF \$1. symbol, BANK PAYS YOU

DIVIDEND OF \$5. symbol, BANK PAYS YOU DIVIDEND OF \$10. symbol, BANK PAYS YOU DIVIDEND OF \$20. symbol, BANK PAYS YOU DIVIDEND OF \$50. symbol, BANK PAYS YOU DIVIDEND OF \$100. symbol, and a QUESTION MARK symbol. The play symbols and their captions, located in the “CHANCE OR COMMUNITY CHEST BONUS” area for the COMMUNITY CHEST card, are: IT IS YOUR BIRTHDAY. COLLECT \$1. symbol, HOLIDAY FUND MATURES. RECEIVE \$5. symbol, RECEIVE \$10 CONSULTANCY FEE symbol, YOU INHERIT \$20. symbol, BANK ERROR IN YOUR FAVOR. COLLECT \$50. symbol, BANK ERROR IN YOUR FAVOR. COLLECT \$100. symbol and a COMMUNITY CHEST symbol.

(c) *Prizes*: The prizes that can be won in this game, are: \$1, \$5, \$10, \$20, \$50, \$100 and \$500. MONOPOLY™ Money Match contains a feature that can increase certain prizes. For a complete list of prizes, and how those prizes can be won, see section 8 (relating to Number and description of prizes and approximate chances of winning). Players can win up to two times on a ticket.

(d) *Approximate number of tickets available for the game*: Approximately 2,400,000 tickets will be available for sale for the MONOPOLY™ Money Match lottery game.

6. *Second-Chance Drawing*: The Pennsylvania Lottery will conduct a MONOPOLY™ Second-Chance Drawing for which non-winning MONOPOLY™ Money Match lottery game tickets may be eligible as provided for in section 9.

7. *Prizes available to be won and determination of prize winners*:

(a) All MONOPOLY™ Money Match prize payments will be made as one-time, lump-sum cash payments.

(b) Holders of tickets upon which three 500 MONOPOLY Money symbols appear in the play area, on a single ticket, shall be entitled to a prize of \$500.

(c) Holders of tickets upon which three 100 MONOPOLY Money symbols appear in the play area, and a prize symbol of \$100 appears in the “CHANCE OR COMMUNITY CHEST BONUS” area, on a single ticket, shall be entitled to a prize of \$200.

(d) Holders of tickets upon which three 100 MONOPOLY Money symbols appear in the play area, on a single ticket, shall be entitled to a prize of \$100.

(e) Holders of tickets upon which three 50 MONOPOLY Money symbols appear in the play area, and a prize symbol of \$50 appears in the “CHANCE OR COMMUNITY CHEST BONUS” area, on a single ticket, shall be entitled to a prize of \$100.

(f) Holders of tickets upon which three 50 MONOPOLY Money symbols appear in the play area, on a single ticket, shall be entitled to a prize of \$50.

(g) Holders of tickets upon which three 20 MONOPOLY Money symbols appear in the play area, and a prize symbol of \$5 appears in the “CHANCE OR COMMUNITY CHEST BONUS” area, on a single ticket, shall be entitled to a prize of \$25.

(h) Holders of tickets upon which three 5 MONOPOLY Money symbols appear in the play area, and a prize symbol of \$20 appears in the “CHANCE OR COMMUNITY CHEST BONUS” area, on a single ticket, shall be entitled to a prize of \$25.

(i) Holders of tickets upon which three 20 MONOPOLY Money symbols appear in the play area, on a single ticket, shall be entitled to a prize of \$20.

(j) Holders of tickets upon which three 10 MONOPOLY Money symbols appear in the play area, and a prize symbol of \$10 appears in the “CHANCE OR COMMUNITY CHEST BONUS” area, on a single ticket, shall be entitled to a prize of \$20.

(k) Holders of tickets upon which three 10 MONOPOLY Money symbols appear in the play area, on a single ticket, shall be entitled to a prize of \$10.

(l) Holders of tickets upon which three 5 MONOPOLY Money symbols appear in the play area, and a prize symbol of \$5 appears in the “CHANCE OR COMMUNITY CHEST BONUS” area, on a single ticket, shall be entitled to a prize of \$10.

(m) Holders of tickets upon which three 5 MONOPOLY Money symbols appear in the play area, on a single ticket, shall be entitled to a prize of \$5.

(n) Holders of tickets upon which three 1 MONOPOLY Money symbols appear in the play area, and a prize symbol of \$1 appears in the “CHANCE OR COMMUNITY CHEST BONUS” area, on a single ticket, shall be entitled to a prize of \$2.

(o) Holders of tickets upon which three 1 MONOPOLY Money symbols appear in the play area, on a single ticket, shall be entitled to a prize of \$1.

8. *Number and description of prizes and approximate chances of winning:* The following table sets forth the approximate number of winners, amounts of prizes, and approximate chances of winning:

<i>Match 3 Like Amounts, Win That Amount. Win With:</i>	<i>“CHANCE OR COMMUNITY CHEST BONUS”:</i>	<i>Win:</i>	<i>Approximate Chances Of Winning Are 1 In:</i>	<i>Approximate No. Of Winners Per 2,400,000 Tickets:</i>
3—\$1s		\$1	7.87	304,800
3—\$1s	\$1	\$2	13.33	180,000
3—\$5s		\$5	40	60,000
3—\$5s	\$5	\$10	200	12,000
3—\$10s		\$10	200	12,000
3—\$10s	\$10	\$20	1,000	2,400
3—\$20s		\$20	1,000	2,400
(3—\$20s) + (3—\$5s)		\$25	12,000	200
3—\$5s	\$20	\$25	3,000	800
3—\$20s	\$5	\$25	3,428	700
3—\$50s		\$50	4,000	600
3—\$50s	\$50	\$100	8,000	300
3—\$100s		\$100	24,000	100
3—\$100s	\$100	\$200	40,000	60
3—\$500s		\$500	60,000	40

When you match 3 like amounts AND a prize amount appears in the “CHANCE OR COMMUNITY CHEST BONUS” area, add the prize shown to the TOTAL WON and win that amount!

Prizes, including top prizes, are subject to availability at the time of purchase.

9. *Second-Chance Drawing:* The Pennsylvania Lottery’s (hereafter, the “Lottery”) MONOPOLY™ Second-Chance Drawing for qualifying Fast Play lottery game tickets (hereafter, the “Drawing”).

(a) *Qualifying Tickets:* Non-winning PA-5115 MONOPOLY™ Properties (\$20), PA-5116 MONOPOLY™ Utilities (\$5), PA-5117 MONOPOLY™ Game Tokens (\$2) and PA-5118 MONOPOLY™ Money Match (\$1) Fast Play lottery game tickets (“Qualifying Tickets”) are eligible for entry in the Drawing.

(b) *Participation and entry:*

(1) Entrants must be members of the Pennsylvania Lottery VIP Players Club to participate in the Drawing. To join the VIP Players Club, visit <http://www.palottery.state.pa.us/vipplayersclub/login.aspx>. Becoming a VIP Players Club member is free.

(2) To enter the Drawing, entrants must submit the identifying information from at least one Qualifying Ticket via the Drawing’s promotional web site, available at <http://www.palottery.com>, or the Lottery’s official mobile application during the entry period. The identifying information from a Qualifying Ticket may be submitted only once in the Drawing. No other method of submission will be accepted, and entries submitted using any other method, including entries mailed or hand-delivered to the Lottery, are not valid and will be disqualified.

(3) Each entry must be complete, and the information supplied by the entrant must be accurate. Incomplete entries cannot be accepted.

(4) Only one claimant per entry is allowed.

(5) Entrants must be 18 years of age or older.

(6) Players may submit the identifying information from an unlimited number of Qualifying Tickets in the Drawing.

(7) Once an entry has been submitted it cannot be withdrawn or changed.

(c) *Drawing description:*

(1) The Lottery will conduct one MONOPOLY™ Second-Chance Drawing for qualifying Fast Play Lottery game tickets. All time references are Eastern Prevailing Time.

(2) All entries received after 11:59:59 p.m. April 5, 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 Lottery’s publicly accessible web site at <http://www.palottery.com>.

(4) When a Qualifying Ticket is entered into the Drawings, the entry has a chance to be multiplied by 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-5115 MONOPOLY™ Properties (\$20) = 20 entries, PA-5116 MONOPOLY™ Utilities (\$5) = five entries, PA-5117 MONOPOLY™ Game Tokens (\$2) = two entries and PA-5118 MONOPOLY™ Money Match (\$1) = one entry.

(6) Players may review prizes won and their entries for the Drawing via the Drawing’s promotional web site.

(d) *Prizes available to be won, determination of winners, and odds of winning:*

(1) The prize entitlements described below are subject to all restrictions and limitations described in section 9(e) or mentioned anywhere else in these rules.

(2) The following table sets forth the approximate number of Entry Multiplier Prizes and the approximate odds of winning an Entry Multiplier Prize:

<i>Qualifying Tickets:</i>	<i>Approximate Number of Entry Multiplier Prizes:</i>			<i>Approximate Odds of Winning a 5X, 10X or 20X Multiplier Are 1 In:</i>		
	5X	10X	20X	5X	10X	20X
PA-5115 MONOPOLY™ Properties	254,042	152,425	76,213	3	5	10
PA-5116 MONOPOLY™ Utilities	287,675	172,605	86,303	3	5	10
PA-5117 MONOPOLY™ Game Tokens	180,312	300,520	90,156	5	3	10
PA-5118 MONOPOLY™ Money Match	364,720	607,867	182,360	5	3	10

(3) The Lottery will conduct one Drawing from among all the entries received during the entry period as described in section 9(c)(2).

(i) The first 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 \$50,000, 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 \$10,000, less required income tax withholding.

(iii) The seventh through the twenty-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 \$2,500.

(iv) The twenty-seventh through the seventy-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 seventy-seventh through the one hundred and twenty-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 \$100 iLottery Bonus Money.

(4) All prizes will be paid as lump-sum cash payments or uploaded to a winning player’s lottery account.

(5) Winners of iLottery Bonus Money are not required to claim a prize. Winners of iLottery Bonus Money will

have the iLottery Bonus Money credited to their Lottery account and will receive an email notifying them that they won a prize.

(6) The number of winning entries to be selected for the Drawing will be posted to the Lottery’s publicly accessible web site.

(7) The odds of winning in the Drawing depend upon the number of entries received for the Drawing.

(8) A computer-generated randomizer will be used to select the Drawing winners.

(e) *Drawing restrictions:*

(1) To be eligible to participate in the Drawing, entrants must have complied with the requirements of these rules.

(2) The Lottery is not responsible for late, lost or misdirected entries not entered into the Drawing. The Lottery is not responsible for entries that are not entered into the Drawing because of incompatible internet browsers, mobile Lottery application failure or other technical issues. If an entry is selected as a winner and rejected or otherwise disqualified during or following the Drawing, the Lottery will select another entry to replace the rejected or otherwise disqualified entry in accordance with these rules and Lottery procedure.

(3) If any discrepancy exists between these rules and any material describing the Drawing, these rules shall govern.

(4) Employees of the Lottery, 9Rooftops Marketing, LLC (formerly known as MARC USA, LLC), Scientific

Games International Inc., MDI Entertainment, LLC, and their subcontractors, or a spouse, child, brother, sister or parent residing as a member of the same household in the principle place of residence of any such person are not eligible to participate in the Drawing. Offer void where prohibited or restricted.

(5) The Pennsylvania Lottery reserves the right, in its sole discretion, to cancel or suspend the Drawing and change these rules if the Drawing cannot be conducted as planned due to errors in these rules or advertising, unauthorized intervention, tampering, fraud, technical errors, viruses, worms, bugs, or any other cause beyond the control of the Lottery that, in the Lottery's sole judgment, could corrupt or impair the administration, security, fairness, integrity, or proper conduct of the Drawing.

(6) All entries shall be subject to verification by the Lottery.

(7) The Pennsylvania Lottery reserves the right, in its sole discretion, to disqualify an entrant found to be tampering with the operation of the Drawing or to be acting in violation of these rules or applicable law.

(8) The Drawing is governed by the laws of the Commonwealth of Pennsylvania. Applicable laws and regulations apply.

(9) Prizes must be claimed within 1 year of the drawing date of the Drawing in which the prize was won. If no claim is made within 1 year of the drawing date of the Drawing in which the prize was won, the right of an entrant to claim the prize won, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided by statute.

(10) Final determination of winners will be made by the Secretary, whose judgment will be final and binding.

(11) A prize awarded in the Drawing to a person who dies before receiving the prize shall be paid according to 61 Pa. Code § 811.16 (relating to prizes payable after death of a prize winner).

(12) A winner is responsible for all taxes arising from or in connection with any prize won.

(13) A player may only win the prize for which the player is first selected in the Drawing. Subsequent entries, from the same individual, selected in the Drawing will be disqualified and a replacement entry will be selected.

(14) Winners of iLottery Bonus Money must abide by the iLottery Terms & Conditions, the iLottery Bonus Policy and these rules. iLottery Bonus Money will expire 90 days from the date on which the winner was notified, via email, of the prize win, as further detailed in section 9(d)(5). iLottery Bonus Money has a five times play through requirement in order to convert the iLottery Bonus Money into cash. For example, for a player winning \$100 of iLottery Bonus Money, the player is required to place \$500 in wagers before the iLottery Bonus Money awarded is converted into cash which may be withdrawn from the player's Lottery account.

(15) Prizes are not transferrable.

(16) Other restrictions may apply.

10. *Ticket responsibility:*

(a) A Fast Play lottery game ticket is a bearer document deemed to be owned by the person holding the game ticket, except that if a name is contained on the back of

the game ticket, the person named will, for all purposes, be considered the owner of the game ticket.

(b) The holder of a Fast Play lottery game ticket has the sole responsibility for checking the accuracy and condition of the data printed on the game ticket.

(c) The Commonwealth shall not be responsible for a lost or stolen Fast Play lottery game ticket, or for a Fast Play ticket redeemed by a player in error.

11. *Ticket validation and requirements:*

(a) *Valid Fast Play lottery game tickets.* To be a valid Fast Play lottery game ticket, the presented game ticket must meet the following requirements:

(1) The game ticket's bar code shall be present in its entirety.

(2) The game ticket must be intact.

(3) The game ticket may not be mutilated, altered, reconstituted or tampered with.

(4) The game ticket may not be counterfeit or a duplicate of a winning ticket.

(5) The game ticket must have been validly issued.

(6) The game ticket data shall have been recorded on the Lottery Central Computer System and the game ticket data shall match the computer record in every respect.

(7) The game ticket must not be defectively printed or printed or produced in error such that it cannot be processed or validated by the Lottery.

(8) The game ticket must pass other confidential security checks of the Lottery.

(b) *Invalid or defective game tickets.* A game ticket not passing the validation requirements in subsection (a) will be considered invalid and no payment will be made on account of any play recorded thereon. The determination of the Secretary in this regard is final.

12. *Procedures for claiming and payment of prizes:*

(a) A prize may be claimed through an authorized retailer or the Lottery, as provided in this section. A prize must be claimed within 1 year of the sale date of the Fast Play lottery game ticket.

(b) An authorized retailer is authorized to pay prizes of \$2,500 or less. The holder of a game ticket evidencing a winning play representing a prize of \$2,500 or less may be paid by a participating authorized retailer if a proper validation pay ticket was issued by the retailer's Lottery Terminal.

(c) The holder of a game ticket evidencing a winning play representing a prize in excess of \$2,500 may present the game ticket to an authorized retailer, Lottery District Office, or Lottery Headquarters.

(d) The holder of a game ticket evidencing a winning play shall present the ticket, in person, to an authorized retailer, Lottery Headquarters or a Lottery District Office. The retailer or the Lottery will issue payment if:

(1) The game ticket is scanned and the play is validated through the Lottery Terminal or the Lottery Central Computer System;

(2) A claim form is properly and fully completed;

(3) The identification of the claimant is confirmed; and

(4) The winning ticket has not expired, pursuant to this section or section 14 (relating to unclaimed prizes).

(e) The Commonwealth shall not be responsible for a winning play paid in error by an authorized retailer.

(f) In the event a prize described in these rules is not available, the Lottery may either provide a substitute prize, determined by the Secretary to have an equivalent value to the prize won, or make a cash payment to the winner, in an amount determined by the Secretary to have an equivalent value to the prize won.

13. *Funding for prizes:* Moneys will be drawn from the State Lottery Fund, to the extent necessary, to fund the payment of prizes under this section. If this lottery game is terminated for any cause, prize moneys remaining undistributed will remain in the State Lottery Fund and used for purposes otherwise provided for by law.

14. *Unclaimed prizes:* Unclaimed prize money on winning Fast Play lottery game tickets will be retained by the Secretary for payment to the persons entitled thereto for 1 year from the sale date of the Fast Play lottery game ticket. If no claim is made within 1 year from the sale date of the Fast Play lottery game ticket, the right of a ticket holder to claim the prize represented by that ticket, if any, shall expire.

15. *Purchase and prize restrictions:* A Fast Play lottery game ticket may not be purchased by, and a prize may not be paid, to an officer or employee of the Lottery, Lottery professional services contractors or subcontractors, or to a spouse, child, brother, sister or parent residing in the same household of an officer, employee, contractor or subcontractor who is involved in the production, distribution or operation of systems for the validation or accounting of Fast Play games.

16. *Governing law:*

(a) By purchasing a ticket, the purchaser agrees to comply with and abide by the State Lottery Law (72 P.S. §§ 3761-101—3761-314), this notice, instructions, conditions and final decisions of the Secretary, and procedures established by the Secretary for the conduct of the Fast Play MONOPOLY™ Money Match lottery game.

(b) Decisions made by the Secretary, including the declaration of prizes and the payment thereof, in interpretation of this notice are final and binding on players and persons making a claim in respect thereof.

17. *Retailer compensation:*

(a) Authorized retailers may be entitled to compensation as determined by the Lottery.

(b) No authorized retailer or employee of an authorized retailer shall request, demand, or accept gratuities or any compensation other than as provided in subsection (a) in exchange for the performance of duties authorized pursuant to the Lottery retailer's license without the Lottery's prior written authorization.

18. *Retailer Incentive Programs:* The Lottery may conduct a separate Retailer Incentive Program for retailers who sell Pennsylvania Fast Play MONOPOLY™ Money Match lottery game tickets.

19. *Retailer bonus:* The Lottery may offer a retailer bonus in connection with the sale of Pennsylvania Fast Play lottery game tickets. If a retailer bonus is offered, a Lottery retailer shall be eligible for a bonus as described in this section. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$100,000 and not exceeding \$500,000 shall be paid a bonus of \$500. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize,

either payable in a single installment or having a guaranteed minimum payout, of at least \$500,001 and not exceeding \$1,000,000 shall be paid a bonus of \$5,000. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$1,000,001 and not exceeding \$10,000,000 shall be paid a bonus of \$10,000. A Lottery retailer is entitled only to the largest bonus for which they qualify on a winning ticket. A bonus will be initiated for payment after the Fast Play game ticket is claimed and validated. A bonus will not be awarded to a Lottery retailer that sells a non-winning Pennsylvania Lottery Fast Play game ticket used to enter a Pennsylvania Lottery second-chance drawing or promotion that is subsequently selected to win a prize.

20. *Termination of the game:* The Secretary may announce a termination date, after which no further tickets from this game may be sold. The announcement will be disseminated through media used to advertise or promote MONOPOLY™ Money Match or through normal communications methods.

21. *Applicability:* This notice applies only to the MONOPOLY™ Money Match lottery game announced in this notice.

C. DANIEL HASSELL,
Secretary

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DEPARTMENT OF REVENUE

Pennsylvania MONOPOLY™ Properties Fast Play Game 5115

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

1. *Name:* The name of the lottery game is Pennsylvania MONOPOLY™ Properties (hereinafter “MONOPOLY™ Properties”). The game number is PA-5115.

2. *Definitions:*

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

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

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

(d) *HOTEL MULTIPLIER:* When any prize won in the main game area appears on a Hotel, the player multiplies that prize by 4 and wins that amount. Any prizes won in the “RAILROAD BONUS” are not multiplied.

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

(f) *Lottery Terminal:* A device authorized by the Lottery to function in an interactive mode with the Lottery

Central Computer System for the purpose of issuing plays, executing Quick Pick selections, and entering, receiving, and processing lottery transactions, including making purchases, validating plays, transmitting reports, and performing inventory functions.

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

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

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

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

(k) *RAILROAD BONUS*: The area at the bottom of a MONOPOLY™ Properties ticket containing four play symbols that, when played according to the instructions, determines whether the player increases the total prize won by \$25 for each Railroad symbol. A Railroad symbol will not appear on a non-winning ticket. Any prizes won in the “RAILROAD BONUS” are not multiplied.

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

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

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

3. *Price*: The price of a MONOPOLY™ Properties ticket is \$20.

4. *Description of the MONOPOLY™ Properties Fast Play lottery game*:

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

(b) MONOPOLY™ Properties is played by matching the play symbols located in the “YOUR NUMBERS” area to the play symbols located in the “WINNING NUMBERS” area. A player matching play symbols in this manner will win the prize shown under the “YOUR NUMBERS” play symbol. If the winning prize amount is printed on a Hotel, the player wins quadruple the prize shown. A bet slip is not used to play this game.

(c) MONOPOLY™ Properties is also played by finding Railroad symbols in the “RAILROAD BONUS” area. Players finding any Railroad symbols in the “RAILROAD BONUS” area increase the total prize won, through matching the play symbols located in the “YOUR NUMBERS” area to the play symbols located in the “WINNING NUMBERS” area, by \$25 for each Railroad symbol that appears in the “RAILROAD BONUS” area. “RAILROAD BONUS” prizes are not multiplied.

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

(e) A MONOPOLY™ Properties game ticket cannot be canceled or voided once printed by the Lottery Terminal, even if printed in error.

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

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

5. *MONOPOLY™ Properties ticket characteristics*:

(a) A MONOPOLY™ Properties ticket shall contain a play area, the cost of the play, the date of sale and a bar code.

(b) *Play Symbols*: Each MONOPOLY™ Properties ticket play area will contain a “WINNING NUMBERS” area, a “YOUR NUMBERS” area and a “RAILROAD BONUS” area. The play symbols and their captions, located in the “WINNING NUMBERS” area and the “YOUR NUMBERS” area, are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN), 20 (TWENT), 21 (TWYONE), 22 (TWYTWO), 23 (TWYTHR), 24 (TWYFOR), 25 (TWYFIV), 26 (TWYSIX), 27 (TWYSVN), 28 (TWYEGT), 29 (TWININ), 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, located in the “RAILROAD BONUS” area, are: Electric Company (ELECTRIC COMPANY) symbol, Water Works (WATER WORKS) symbol, Free Parking (FREE PARKING) symbol, Community Chest (COMMUNITY CHEST) symbol, Battleship (BATTLESHIP) symbol, Mr. Monopoly (MR. MONOPOLY) symbol, Go (GO) symbol, Hat (HAT) symbol, Railroad (B & O RAILROAD) symbol, Railroad (PENNSYLVANIA RAILROAD) symbol, Railroad (READING RAILROAD) symbol and a Railroad (SHORT LINE) symbol.

(c) *Prize Symbols*: The prize symbols and their captions, located in the “YOUR NUMBERS” area, are: \$20⁰⁰ (TWENTY), \$25⁰⁰ (TWY FIV), \$40⁰⁰ (FORTY), \$50⁰⁰ (FIFTY), \$100 (ONE HUN), \$200 (TWO HUN), \$500 (FIV HUN), \$1,000 (ONE THO), \$10,000 (TEN THO) and \$300,000 (THRHUNTHO).

(d) *Prizes*: The prizes that can be won in this game, are: \$20, \$25, \$40, \$50, \$100, \$200, \$500, \$1,000, \$10,000 and \$300,000. The prize that can be won in the “RAILROAD BONUS” area is \$25. MONOPOLY™ Properties contains a feature that can multiply certain prizes won in the main game area as detailed in section 4 (relating to description of the MONOPOLY™ Properties Fast Play lottery game). “RAILROAD BONUS” prizes are not multiplied. MONOPOLY™ Properties also contains a feature that can increase certain prizes. For a complete list of prizes, and how those prizes can be won, see section 8

(relating to Number and description of prizes and approximate chances of winning). A player can win up to 21 times on a ticket.

(e) *Approximate number of tickets available for the game:* Approximately 1,200,000 tickets will be available for sale for the MONOPOLY™ Properties lottery game.

6. *Second-Chance Drawing:* The Pennsylvania Lottery will conduct a MONOPOLY™ Second-Chance Drawing for which non-winning MONOPOLY™ Properties lottery game tickets may be eligible as provided for in section 9.

7. *Prizes available to be won and determination of prize winners:*

(a) All MONOPOLY™ Properties prize payments will be made as one-time, lump-sum cash payments.

(b) Holders of tickets upon which any 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 any of the “YOUR NUMBERS” play symbols matches any of the “WINNING NUMBERS” play symbols and a prize symbol of \$10,000 (TEN THO) appears in the “Prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$10,000.

(d) Holders of tickets upon which any 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 prize of \$900 is won by matching the play symbols located in the “YOUR NUMBERS” area to the play symbols located in the “WINNING NUMBERS” area, and upon which four Railroad symbols appear in the “RAILROAD BONUS” area, on a single ticket, shall be entitled to a prize of \$1,000.

(f) Holders of tickets upon which a prize of \$950 is won by matching the play symbols located in the “YOUR NUMBERS” area to the play symbols located in the “WINNING NUMBERS” area, and upon which two Railroad symbols appear in the “RAILROAD BONUS” area, on a single ticket, shall be entitled to a prize of \$1,000.

(g) Holders of tickets upon which a prize of \$975 is won by matching the play symbols located in the “YOUR NUMBERS” area to the play symbols located in the “WINNING NUMBERS” area, and upon which one Railroad symbol appears in the “RAILROAD BONUS” area, on a single ticket, shall be entitled to a prize of \$1,000.

(h) Holders of tickets upon which any 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 with the prize symbol appearing within a Hotel, on a single ticket, shall be entitled to a prize of \$800.

(i) Holders of tickets upon which any 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.

(j) Holders of tickets upon which a prize of \$400 is won by matching the play symbols located in the “YOUR

NUMBERS” area to the play symbols located in the “WINNING NUMBERS” area, and upon which four Railroad symbols appear in the “RAILROAD BONUS” area, on a single ticket, shall be entitled to a prize of \$500.

(k) Holders of tickets upon which a prize of \$450 is won by matching the play symbols located in the “YOUR NUMBERS” area to the play symbols located in the “WINNING NUMBERS” area, and upon which two Railroad symbols appear in the “RAILROAD BONUS” area, on a single ticket, shall be entitled to a prize of \$500.

(l) Holders of tickets upon which any 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 with the prize symbol appearing within a Hotel, on a single ticket, shall be entitled to a prize of \$400.

(m) Holders of tickets upon which any 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 any 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 with the prize symbol appearing within a Hotel, on a single ticket, shall be entitled to a prize of \$200.

(o) Holders of tickets upon which a prize of \$100 is won by matching the play symbols located in the “YOUR NUMBERS” area to the play symbols located in the “WINNING NUMBERS” area, and upon which four Railroad symbols appear in the “RAILROAD BONUS” area, on a single ticket, shall be entitled to a prize of \$200.

(p) Holders of tickets upon which a prize of \$125 is won by matching the play symbols located in the “YOUR NUMBERS” area to the play symbols located in the “WINNING NUMBERS” area, and upon which three Railroad symbols appear in the “RAILROAD BONUS” area, on a single ticket, shall be entitled to a prize of \$200.

(q) Holders of tickets upon which a prize of \$150 is won by matching the play symbols located in the “YOUR NUMBERS” area to the play symbols located in the “WINNING NUMBERS” area, and upon which two Railroad symbols appear in the “RAILROAD BONUS” area, on a single ticket, shall be entitled to a prize of \$200.

(r) Holders of tickets upon which a prize of \$175 is won by matching the play symbols located in the “YOUR NUMBERS” area to the play symbols located in the “WINNING NUMBERS” area, and upon which one Railroad symbol appears in the “RAILROAD BONUS” area, on a single ticket, shall be entitled to a prize of \$200.

(s) Holders of tickets upon which any 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 with the prize symbol appearing within a Hotel, on a single ticket, shall be entitled to a prize of \$160.

(t) Holders of tickets upon which any 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.

(u) Holders of tickets upon which any of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$25.⁰⁰ (TWY FIV) appears in the "Prize" area under the matching "YOUR NUMBERS" play symbol with the prize symbol appearing within a Hotel, on a single ticket, shall be entitled to a prize of \$100.

(v) Holders of tickets upon which a prize of \$25 is won by matching the play symbols located in the "YOUR NUMBERS" area to the play symbols located in the "WINNING NUMBERS" area, and upon which three Railroad symbols appear in the "RAILROAD BONUS" area, on a single ticket, shall be entitled to a prize of \$100.

(w) Holders of tickets upon which a prize of \$50 is won by matching the play symbols located in the "YOUR NUMBERS" area to the play symbols located in the "WINNING NUMBERS" area, and upon which two Railroad symbols appear in the "RAILROAD BONUS" area, on a single ticket, shall be entitled to a prize of \$100.

(x) Holders of tickets upon which a prize of \$75 is won by matching the play symbols located in the "YOUR NUMBERS" area to the play symbols located in the "WINNING NUMBERS" area, and upon which one Railroad symbol appears in the "RAILROAD BONUS" area, on a single ticket, shall be entitled to a prize of \$100.

(y) Holders of tickets upon which any 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 with the prize symbol appearing within a Hotel, on a single ticket, shall be entitled to a prize of \$80.

(z) Holders of tickets upon which any 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.

(aa) Holders of tickets upon which a prize of \$25 is won by matching the play symbols located in the "YOUR NUMBERS" area to the play symbols located in the "WINNING NUMBERS" area, and upon which one Railroad symbol appears in the "RAILROAD BONUS" area, on a single ticket, shall be entitled to a prize of \$50.

(bb) Holders of tickets upon which any 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.

(cc) Holders of tickets upon which any of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$25.⁰⁰ (TWY FIV) appears in the "Prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$25.

(dd) Holders of tickets upon which any 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.

8. *Number and description of prizes and approximate chances of winning:* The following table sets forth the approximate number of winners, amounts of prizes, and approximate chances of winning:

<i>When Any Of "YOUR NUMBERS" Match Any "WINNING NUMBER," Win Prize Shown Under The Matching Number. Win With:</i>	<i>"RAILROAD BONUS:"</i>	<i>Win:</i>	<i>Approximate Chances Of Winning Are 1 In:</i>	<i>Approximate No. Of Winners Per 1,200,000 Tickets:</i>
\$20		\$20	7.14	168,000
\$25		\$25	14.29	84,000
\$20 × 2		\$40	22.22	54,000
\$40		\$40	20	60,000
\$25 × 2		\$50	333.33	3,600
\$25	\$25 w/ RAILROAD	\$50	40	30,000
\$50		\$50	90.91	13,200
\$20 × 5		\$100	2,000	600
\$50 × 2		\$100	2,000	600
(\$20 × 3) + \$40		\$100	2,000	600
(\$40 × 2) + \$20		\$100	1,200	1,000
(\$20 w/ HOTEL) + \$20		\$100	400	3,000
\$25	(\$25 w/ RAILROAD) × 3	\$100	400	3,000
\$25 × 2	(\$25 w/ RAILROAD) × 2	\$100	800	1,500
\$50 + \$25	\$25 w/ RAILROAD	\$100	1,000	1,200

NOTICES

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<i>When Any Of "YOUR NUMBERS" Match Any "WINNING NUMBER," Win Prize Shown Under The Matching Number. Win With:</i>	<i>"RAILROAD BONUS:"</i>	<i>Win:</i>	<i>Approximate Chances Of Winning Are 1 In:</i>	<i>Approximate No. Of Winners Per 1,200,000 Tickets:</i>
\$50	(\$25 w/ RAILROAD) × 2	\$100	1,000	1,200
\$25 w/ HOTEL		\$100	1,200	1,000
\$100		\$100	2,000	600
\$40 × 5		\$200	3,000	400
\$50 × 4		\$200	3,000	400
\$100 × 2		\$200	3,000	400
(((\$20 w/ HOTEL) × 2) + \$40		\$200	800	1,500
(\$40 w/ HOTEL) + (\$20 × 2)		\$200	800	1,500
\$50 × 2	(\$25 w/ RAILROAD) × 4	\$200	2,400	500
\$50 × 3	(\$25 w/ RAILROAD) × 2	\$200	2,400	500
\$100 + \$50 + \$25	\$25 w/ RAILROAD	\$200	2,400	500
\$100 + \$25	(\$25 w/ RAILROAD) × 3	\$200	2,400	500
\$100 + \$50	(\$25 w/ RAILROAD) × 2	\$200	2,400	500
\$25 w/ HOTEL	(\$25 w/ RAILROAD) × 4	\$200	1,200	1,000
\$50 w/ HOTEL		\$200	800	1,500
\$200		\$200	3,000	400
\$100 × 5		\$500	24,000	50
(\$200 × 2) + (\$25 × 4)		\$500	24,000	50
(((\$40 w/ HOTEL) × 2) + (\$20 w/ HOTEL) + (\$25 × 2)	(\$25 w/ RAILROAD) × 2	\$500	12,000	100
(\$50 w/ HOTEL) + (((\$25 w/ HOTEL) × 2)	(\$25 w/ RAILROAD) × 4	\$500	6,000	200
(\$50 × 5) + (\$40 × 5)	(\$25 w/ RAILROAD) × 2	\$500	12,000	100
(\$100 × 3) + (\$50 × 3)	(\$25 w/ RAILROAD) × 2	\$500	12,000	100
\$100 × 4	(\$25 w/ RAILROAD) × 4	\$500	12,000	100
\$200 × 2	(\$25 w/ RAILROAD) × 4	\$500	12,000	100
\$100 w/ HOTEL	(\$25 w/ RAILROAD) × 4	\$500	8,000	150
\$500		\$500	24,000	50
\$200 × 5		\$1,000	120,000	10
\$500 × 2		\$1,000	120,000	10
(\$100 × 4) + (\$50 × 5) + (\$40 × 5) + (\$20 × 5)	(\$25 w/ RAILROAD) × 2	\$1,000	40,000	30
(\$100 × 7) + (\$50 × 2) + (\$40 × 2) + (\$25 × 3) + \$20	\$25 w/ RAILROAD	\$1,000	40,000	30
(((\$100 w/ HOTEL) × 2) + (\$25 w/ HOTEL)	(\$25 w/ RAILROAD) × 4	\$1,000	40,000	30
(\$200 w/ HOTEL) + (\$25 w/ HOTEL)	(\$25 w/ RAILROAD) × 4	\$1,000	30,000	40

<i>When Any Of "YOUR NUMBERS" Match Any "WINNING NUMBER," Win Prize Shown Under The Matching Number. Win With:</i>	<i>"RAILROAD BONUS:"</i>	<i>Win:</i>	<i>Approximate Chances Of Winning Are 1 In:</i>	<i>Approximate No. Of Winners Per 1,200,000 Tickets:</i>
\$1,000		\$1,000	120,000	10
\$1,000 × 10		\$10,000	240,000	5
\$10,000		\$10,000	240,000	5
\$300,000		\$300,000	240,000	5

When the winning prize amount is on a HOTEL, win 4 TIMES the prize shown.

RAILROAD BONUS: For each "RAILROAD" symbol that appears in the "RAILROAD BONUS" area, add \$25 to the total won above and win that amount.

Prizes, including top prizes, are subject to availability at the time of purchase.

9. *Second-Chance Drawing:* The Pennsylvania Lottery's (hereafter, the "Lottery") MONOPOLY™ Second-Chance Drawing for qualifying Fast Play lottery game tickets (hereafter, the "Drawing").

(a) *Qualifying Tickets:* Non-winning PA-5115 MONOPOLY™ Properties (\$20), PA-5116 MONOPOLY™ Utilities (\$5), PA-5117 MONOPOLY™ Game Tokens (\$2) and PA-5118 MONOPOLY™ Money Match (\$1) Fast Play lottery game tickets ("Qualifying Tickets") are eligible for entry in the Drawing.

(b) *Participation and entry:*

(1) Entrants must be members of the Pennsylvania Lottery VIP Players Club to participate in the Drawing. To join the VIP Players Club, visit <http://www.palottery.state.pa.us/vipplayersclub/login.aspx>. Becoming a VIP Players Club member is free.

(2) To enter the Drawing, entrants must submit the identifying information from at least one Qualifying Ticket via the Drawing's promotional web site, available at <http://www.palottery.com>, or the Lottery's official mobile application during the entry period. The identifying information from a Qualifying Ticket may be submitted only once in the Drawing. No other method of submission will be accepted, and entries submitted using any other method, including entries mailed or hand-delivered to the Lottery, are not valid and will be disqualified.

(3) Each entry must be complete and the information supplied by the entrant must be accurate. Incomplete entries cannot be accepted.

(4) Only one claimant per entry is allowed. (5) Entrants must be 18 years of age or older.

(6) Players may submit the identifying information from an unlimited number of Qualifying Tickets in the Drawing.

(7) Once an entry has been submitted it cannot be withdrawn or changed.

(c) *Drawing description:*

(1) The Lottery will conduct one MONOPOLY™ Second-Chance Drawing for qualifying Fast Play Lottery game tickets. All time references are Eastern Prevailing Time.

(2) All entries received after 11:59:59 p.m. April 5, 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 Lottery's publicly accessible web site at <http://www.palottery.com>.

(4) When a Qualifying Ticket is entered into the Drawings, the entry has a chance to be multiplied by 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-5115 MONOPOLY™ Properties (\$20) = 20 entries, PA-5116 MONOPOLY™ Utilities (\$5) = five entries, PA-5117 MONOPOLY™ Game Tokens (\$2) = two entries and PA-5118 MONOPOLY™ Money Match (\$1) = one entry.

(6) Players may review prizes won and their entries for the Drawing via the Drawing's promotional web site.

(d) *Prizes available to be won, determination of winners, and odds of winning:*

(1) The prize entitlements described below are subject to all restrictions and limitations described in section 9(e) or mentioned anywhere else in these rules.

(2) The following table sets forth the approximate number of Entry Multiplier Prizes and the approximate odds of winning an Entry Multiplier Prize:

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-5115 MONOPOLY™ Properties	254,042	152,425	76,213	3	5	10
PA-5116 MONOPOLY™ Utilities	287,675	172,605	86,303	3	5	10
PA-5117 MONOPOLY™ Game Tokens	180,312	300,520	90,156	5	3	10
PA-5118 MONOPOLY™ Money Match	364,720	607,867	182,360	5	3	10

(3) The Lottery will conduct one Drawing from among all the entries received during the entry period as described in section 9(c)(2).

(i) The first 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 \$50,000, 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 \$10,000, less required income tax withholding.

(iii) The seventh through the twenty-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 \$2,500.

(iv) The twenty-seventh through the seventy-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 seventy-seventh through the one hundred and twenty-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 \$100 iLottery Bonus Money.

(4) All prizes will be paid as lump-sum cash payments or uploaded to a winning player's lottery account.

(5) Winners of iLottery Bonus Money are not required to claim a prize. Winners of iLottery Bonus Money will have the iLottery Bonus Money credited to their Lottery account and will receive an email notifying them that they won a prize.

(6) The number of winning entries to be selected for the Drawing will be posted to the Lottery's publicly accessible web site.

(7) The odds of winning in the Drawing depend upon the number of entries received for the Drawing.

(8) A computer-generated randomizer will be used to select the Drawing winners.

(e) *Drawing restrictions:*

(1) To be eligible to participate in the Drawing, entrants must have complied with the requirements of these rules.

(2) The Lottery is not responsible for late, lost or misdirected entries not entered into the Drawing. The Lottery is not responsible for entries that are not entered into the Drawing because of incompatible internet browsers, mobile Lottery application failure or other technical issues. If an entry is selected as a winner and rejected or otherwise disqualified during or following the Drawing, the Lottery will select another entry to replace the rejected or otherwise disqualified entry in accordance with these rules and Lottery procedure.

(3) If any discrepancy exists between these rules and any material describing the Drawing, these rules shall govern.

(4) Employees of the Lottery, 9Rooftops Marketing, LLC (formerly known as MARC USA, LLC), Scientific Games International Inc., MDI Entertainment, LLC, and their subcontractors, or a spouse, child, brother, sister or parent residing as a member of the same household in the principle place of residence of any such person are not eligible to participate in the Drawing. Offer void where prohibited or restricted.

(5) The Pennsylvania Lottery reserves the right, in its sole discretion, to cancel or suspend the Drawing and change these rules if the Drawing cannot be conducted as planned due to errors in these rules or advertising, unauthorized intervention, tampering, fraud, technical errors, viruses, worms, bugs, or any other cause beyond the control of the Lottery that, in the Lottery's sole judgment, could corrupt or impair the administration, security, fairness, integrity, or proper conduct of the Drawing.

(6) All entries shall be subject to verification by the Lottery.

(7) The Pennsylvania Lottery reserves the right, in its sole discretion, to disqualify an entrant found to be tampering with the operation of the Drawing or to be acting in violation of these rules or applicable law.

(8) The Drawing is governed by the laws of the Commonwealth of Pennsylvania. Applicable laws and regulations apply.

(9) Prizes must be claimed within 1 year of the drawing date of the Drawing in which the prize was won. If no claim is made within 1 year of the drawing date of the Drawing in which the prize was won, the right of an entrant to claim the prize won, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided by statute.

(10) Final determination of winners will be made by the Secretary, whose judgment will be final and binding.

(11) A prize awarded in the Drawing to a person who dies before receiving the prize shall be paid according to 61 Pa. Code § 811.16 (relating to prizes payable after death of a prize winner).

(12) A winner is responsible for all taxes arising from or in connection with any prize won.

(13) A player may only win the prize for which the player is first selected in the Drawing. Subsequent entries, from the same individual, selected in the Drawing will be disqualified and a replacement entry will be selected.

(14) Winners of iLottery Bonus Money must abide by the iLottery Terms & Conditions, the iLottery Bonus Policy and these rules. iLottery Bonus Money will expire

90 days from the date on which the winner was notified, via email, of the prize win, as further detailed in section 9(d)(5). iLottery Bonus Money has a five times play through requirement in order to convert the iLottery Bonus Money into cash. For example, for a player winning \$100 of iLottery Bonus Money, the player is required to place \$500 in wagers before the iLottery Bonus Money awarded is converted into cash which may be withdrawn from the player's Lottery account.

(15) Prizes are not transferrable.

(16) Other restrictions may apply.

10. *Ticket responsibility:*

(a) A Fast Play lottery game ticket is a bearer document deemed to be owned by the person holding the game ticket, except that if a name is contained on the back of the game ticket, the person named will, for all purposes, be considered the owner of the game ticket.

(b) The holder of a Fast Play lottery game ticket has the sole responsibility for checking the accuracy and condition of the data printed on the game ticket.

(c) The Commonwealth shall not be responsible for a lost or stolen Fast Play lottery game ticket, or for a Fast Play ticket redeemed by a player in error.

11. *Ticket validation and requirements:*

(a) *Valid Fast Play lottery game tickets.* To be a valid Fast Play lottery game ticket, the presented game ticket must meet the following requirements:

(1) The game ticket's bar code shall be present in its entirety.

(2) The game ticket must be intact.

(3) The game ticket may not be mutilated, altered, reconstituted or tampered with.

(4) The game ticket may not be counterfeit or a duplicate of a winning ticket.

(5) The game ticket must have been validly issued.

(6) The game ticket data shall have been recorded on the Lottery Central Computer System and the game ticket data shall match the computer record in every respect.

(7) The game ticket must not be defectively printed or printed or produced in error such that it cannot be processed or validated by the Lottery.

(8) The game ticket must pass other confidential security checks of the Lottery.

(b) *Invalid or defective game tickets.* A game ticket not passing the validation requirements in subsection (a) will be considered invalid and no payment will be made on account of any play recorded thereon. The determination of the Secretary in this regard is final.

12. *Procedures for claiming and payment of prizes:*

(a) A prize may be claimed through an authorized retailer or the Lottery, as provided in this section. A prize must be claimed within 1 year of the sale date of the Fast Play lottery game ticket.

(b) An authorized retailer is authorized to pay prizes of \$2,500 or less. The holder of a game ticket evidencing a winning play representing a prize of \$2,500 or less may be paid by a participating authorized retailer if a proper validation pay ticket was issued by the retailer's Lottery Terminal.

(c) The holder of a game ticket evidencing a winning play representing a prize in excess of \$2,500 may present the game ticket to an authorized retailer, Lottery District Office, or Lottery Headquarters.

(d) The holder of a game ticket evidencing a winning play shall present the ticket, in person, to an authorized retailer, Lottery Headquarters or a Lottery District Office. The retailer or the Lottery will issue payment if:

(1) The game ticket is scanned and the play is validated through the Lottery Terminal or the Lottery Central Computer System;

(2) A claim form is properly and fully completed;

(3) The identification of the claimant is confirmed; and

(4) The winning ticket has not expired, pursuant to this section or section 14 (relating to unclaimed prizes).

(e) The Commonwealth shall not be responsible for a winning play paid in error by an authorized retailer.

(f) In the event a prize described in these rules is not available, the Lottery may either provide a substitute prize, determined by the Secretary to have an equivalent value to the prize won, or make a cash payment to the winner, in an amount determined by the Secretary to have an equivalent value to the prize won.

13. *Funding for prizes:* Moneys will be drawn from the State Lottery Fund, to the extent necessary, to fund the payment of prizes under this section. If this lottery game is terminated for any cause, prize moneys remaining undistributed will remain in the State Lottery Fund and used for purposes otherwise provided for by law.

14. *Unclaimed prizes:* Unclaimed prize money on winning Fast Play lottery game tickets will be retained by the Secretary for payment to the persons entitled thereto for 1 year from the sale date of the Fast Play lottery game ticket. If no claim is made within 1 year from the sale date of the Fast Play lottery game ticket, the right of a ticket holder to claim the prize represented by that ticket, if any, shall expire.

15. *Purchase and prize restrictions:* A Fast Play lottery game ticket may not be purchased by, and a prize may not be paid, to an officer or employee of the Lottery, Lottery professional services contractors or subcontractors, or to a spouse, child, brother, sister or parent residing in the same household of an officer, employee, contractor or subcontractor who is involved in the production, distribution or operation of systems for the validation or accounting of Fast Play games.

16. *Governing law:*

(a) By purchasing a ticket, the purchaser agrees to comply with and abide by the State Lottery Law (72 P.S. §§ 3761-101—3761-314), this notice, instructions, conditions and final decisions of the Secretary, and procedures established by the Secretary for the conduct of the Fast Play MONOPOLY™ Properties lottery game.

(b) Decisions made by the Secretary, including the declaration of prizes and the payment thereof, in interpretation of this notice are final and binding on players and persons making a claim in respect thereof.

17. *Retailer compensation:*

(a) Authorized retailers may be entitled to compensation as determined by the Lottery.

(b) No authorized retailer or employee of an authorized retailer shall request, demand, or accept gratuities or any compensation other than as provided in subsection (a) in

exchange for the performance of duties authorized pursuant to the Lottery retailer's license without the Lottery's prior written authorization.

18. *Retailer Incentive Programs*: The Lottery may conduct a separate Retailer Incentive Program for retailers who sell Pennsylvania Fast Play MONOPOLY™ Properties lottery game tickets.

19. *Retailer bonus*: The Lottery may offer a retailer bonus in connection with the sale of Pennsylvania Fast Play lottery game tickets. If a retailer bonus is offered, a Lottery retailer shall be eligible for a bonus as described in this section. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$100,000 and not exceeding \$500,000 shall be paid a bonus of \$500. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$1,000,000 and not exceeding \$1,000,000 shall be paid a bonus of \$5,000. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$1,000,001 and not exceeding \$10,000,000 shall be paid a bonus of \$10,000. A Lottery retailer is entitled only to the largest bonus for which they qualify on a winning ticket. A bonus will be initiated for payment after the Fast Play game ticket is claimed and validated. A bonus will not be awarded to a Lottery retailer that sells a non-winning Pennsylvania Lottery Fast Play game ticket used to enter a Pennsylvania Lottery second-chance drawing or promotion that is subsequently selected to win a prize.

20. *Termination of the game*: The Secretary may announce a termination date, after which no further tickets from this game may be sold. The announcement will be disseminated through media used to advertise or promote MONOPOLY™ Properties or through normal communications methods.

21. *Applicability*: This notice applies only to the MONOPOLY™ Properties lottery game announced in this notice.

C. DANIEL HASSELL,
Secretary

[Pa.B. Doc. No. 21-528. Filed for public inspection April 2, 2021, 9:00 a.m.]

DEPARTMENT OF REVENUE

Pennsylvania MONOPOLY™ Utilities Fast Play Game 5116

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

1. *Name*: The name of the lottery game is Pennsylvania MONOPOLY™ Utilities (hereinafter "MONOPOLY™ Utilities"). The game number is PA-5116.

2. *Definitions*:

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

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

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

(d) *ELECTRIC COMPANY UTILITY*: The area on a ticket that, when played according to the instructions, determines whether the player wins the prize shown for the ELECTRIC COMPANY UTILITY. ELECTRIC COMPANY UTILITY is played separately.

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

(f) *Lottery Terminal*: A device authorized by the Lottery to function in an interactive mode with the Lottery Central Computer System for the purpose of issuing plays, executing Quick Pick selections, and entering, receiving, and processing lottery transactions, including making purchases, validating plays, transmitting reports, and performing inventory functions.

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

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

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

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

(k) *WATER WORKS UTILITY*: The area on a ticket that, when played according to the instructions, determines whether the player wins the prize shown for the WATER WORKS UTILITY. WATER WORKS UTILITY is played separately.

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

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

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

3. *Price*: The price of a MONOPOLY™ Utilities ticket is \$5.

4. *Description of MONOPOLY™ Utilities Fast Play lottery game*:

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

(b) MONOPOLY™ Utilities is played by matching any of the play symbols located in the “YOUR NUMBERS” area to any of the play symbols located in the “WINNING NUMBERS” area. A player matching play symbols in this manner will win the prize shown under the matching “YOUR NUMBERS” play symbol. A bet slip is not used to play this game.

(c) MONOPOLY™ Utilities tickets contain an “ELECTRIC COMPANY UTILITY” area and a “WATER WORKS UTILITY” area. Whenever either utility is “ON,” the player wins the prize shown for that utility. Whenever either utility is “OFF,” the player does not win the prize shown at the end of that utility. The “ELECTRIC COMPANY UTILITY” and “WATER WORKS UTILITY” are each played separately.

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

(e) MONOPOLY™ Utilities tickets cannot be canceled or voided once printed by the Lottery Terminal, even if printed in error.

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

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

5. MONOPOLY™ Utilities ticket characteristics:

(a) MONOPOLY™ Utilities tickets shall contain a play area, the cost of the play, the date of sale, and a bar code.

(b) *Play Symbols:* MONOPOLY™ Utilities tickets will contain a “WINNING NUMBERS” area, a “YOUR NUMBERS” area, an “ELECTRIC COMPANY UTILITY” area and a “WATER WORKS UTILITY” area. The play symbols and their captions, located in the “WINNING NUMBERS” area and the “YOUR NUMBERS” area, are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN), 20 (TWENT), 21 (TWYONE), 22 (TWYTWO), 23 (TWYTHR), 24 (TWYFOR), 25 (TWYFIV), 26 (TWYSIX), 27 (TWYSVN), 28 (TWYEGT), 29 (TWYNIN) and 30 (THIRT).

(c) *Prize Symbols:* The prize symbols and their captions, located in the “YOUR NUMBERS” area, are: \$5⁰⁰ (FIV DOL), \$10⁰⁰ (TEN DOL), \$15⁰⁰ (FIFTEEN), \$20⁰⁰ (TWENTY), \$40⁰⁰ (FORTY), \$50⁰⁰ (FIFTY), \$100 (ONE HUN), \$200 (TWO HUN), \$500 (FIV HUN), \$1,000 (ONE THO), \$5,000 (FIV THO) and \$50,000 (FTY THO). The prize symbols and their captions, located in the “ELECTRIC COMPANY UTILITY” area, are: \$5⁰⁰ (FIV DOL), \$10⁰⁰ (TEN DOL), \$15⁰⁰ (FIFTEEN), \$20⁰⁰ (TWENTY), \$50⁰⁰ (FIFTY) and \$100 (ONE HUN). The prize symbols and their captions, located in the “WATER WORKS UTILITY” area, are: \$5⁰⁰ (FIV DOL), \$10⁰⁰ (TEN DOL), \$15⁰⁰ (FIFTEEN), \$20⁰⁰ (TWENTY), \$50⁰⁰ (FIFTY) and \$100 (ONE HUN).

(d) *Prizes:* The prizes that can be won in this game, are: \$5, \$10, \$15, \$20, \$40, \$50, \$100, \$200, \$500, \$1,000, \$5,000 and \$50,000. The prizes that can be won in the “ELECTRIC COMPANY UTILITY” area, are: \$5, \$10, \$15, \$20, \$50 and \$100. The prizes that can be won in the “WATER WORKS UTILITY” area, are: \$5, \$10, \$15, \$20, \$50 and \$100. A player can win up to eight times on a ticket.

(e) *Approximate number of tickets available for the game:* Approximately 1,200,000 tickets will be available for sale for the MONOPOLY™ Utilities lottery game.

6. *Second-Chance Drawing:* The Pennsylvania Lottery will conduct a MONOPOLY™ Second-Chance Drawing for which non-winning MONOPOLY™ Utilities lottery game tickets may be eligible as provided for in section 9.

7. *Prizes available to be won and determination of prize winners:*

(a) All MONOPOLY™ Utilities prize payments will be made as one-time, lump-sum cash payments.

(b) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches any of the “WINNING NUMBERS” play symbols and a prize symbol of \$50,000 (FTY THO) appears in the “Prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$50,000.

(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 \$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.

(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 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.

(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 \$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.

(g) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches any of the “WINNING NUMBERS” play symbols and a prize symbol of \$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.

(h) Holders of tickets upon which the “ELECTRIC COMPANY UTILITY” is “ON,” and a prize symbol of \$100 (ONE HUN) appears in the “Prize” area at the end of that utility, on a single ticket, shall be entitled to a prize of \$100.

(i) Holders of tickets upon which the “WATER WORKS UTILITY” is “ON,” and a prize symbol of \$100 (ONE HUN) appears in the “Prize” area at the end of that utility, on a single ticket, shall be entitled to a prize of \$100.

(j) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches any of the “WINNING NUMBERS” play symbols and a prize symbol of \$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.

(k) Holders of tickets upon which the “ELECTRIC COMPANY UTILITY” is “ON,” and a prize symbol of \$50.⁰⁰ (FIFTY) appears in the “Prize” area at the end of that utility, on a single ticket, shall be entitled to a prize of \$50.

(l) Holders of tickets upon which the “WATER WORKS UTILITY” is “ON,” and a prize symbol of \$50.⁰⁰ (FIFTY) appears in the “Prize” area at the end of that utility, on a single ticket, shall be entitled to a prize of \$50.

(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 \$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.

(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 \$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.

(o) Holders of tickets upon which the “ELECTRIC COMPANY UTILITY” is “ON,” and a prize symbol of \$20.⁰⁰ (TWENTY) appears in the “Prize” area at the end of that utility, on a single ticket, shall be entitled to a prize of \$20.

(p) Holders of tickets upon which the “WATER WORKS UTILITY” is “ON,” and a prize symbol of \$20.⁰⁰ (TWENTY) appears in the “Prize” area at the end of that utility, on a single ticket, shall be entitled to a prize of \$20.

(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 \$15.⁰⁰ (FIFTEEN) appears in the “Prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$15.

(r) Holders of tickets upon which the “ELECTRIC COMPANY UTILITY” is “ON,” and a prize symbol of \$15.⁰⁰ (FIFTEEN) appears in the “Prize” area at the end of that utility, on a single ticket, shall be entitled to a prize of \$15.

(s) Holders of tickets upon which the “WATER WORKS UTILITY” is “ON,” and a prize symbol of \$15.⁰⁰ (FIFTEEN) appears in the “Prize” area at the end of that utility, on a single ticket, shall be entitled to a prize of \$15.

(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 \$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.

(u) Holders of tickets upon which the “ELECTRIC COMPANY UTILITY” is “ON,” and a prize symbol of \$10.⁰⁰ (TEN DOL) appears in the “Prize” area at the end of that utility, on a single ticket, shall be entitled to a prize of \$10.

(v) Holders of tickets upon which the “WATER WORKS UTILITY” is “ON,” and a prize symbol of \$10.⁰⁰ (TEN DOL) appears in the “Prize” area at the end of that utility, on a single ticket, shall be entitled to a prize of \$10.

(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 \$5.⁰⁰ (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.

(x) Holders of tickets upon which the “ELECTRIC COMPANY UTILITY” is “ON,” and a prize symbol of \$5.⁰⁰ (FIV DOL) appears in the “Prize” area at the end of that utility, on a single ticket, shall be entitled to a prize of \$5.

(y) Holders of tickets upon which the “WATER WORKS UTILITY” is “ON,” and a prize symbol of \$5.⁰⁰ (FIV DOL) appears in the “Prize” area at the end of that utility, on a single ticket, shall be entitled to a prize of \$5.

8. *Number and description of prizes and approximate chances of winning:* The following table sets forth the approximate number of winners, amounts of prizes, and approximate chances of winning:

<i>When Any Of “YOUR NUMBERS” Match Any “WINNING NUMBER,” Win Prize Shown Under The Matching Number. Win With:</i>	<i>UTILITIES:</i>	<i>Win:</i>	<i>Approximate Chances Of Winning Are 1 In:</i>	<i>Approximate No. Of Winners Per 1,200,000 Tickets:</i>
\$5		\$5	7.87	152,400
\$5 × 2		\$10	55.56	21,600
\$5	\$5 w/ WATER WORKS ON	\$10	66.67	18,000
\$5	\$5 w/ ELECTRIC COMPANY ON	\$10	66.67	18,000
	(\$5 w/ ELECTRIC COMPANY ON) + (\$5 w/ WATER WORKS ON)	\$10	200	6,000
	\$10 w/ WATER WORKS ON	\$10	333.33	3,600

<i>When Any Of "YOUR NUMBERS" Match Any "WINNING NUMBER," Win Prize Shown Under The Matching Number. Win With:</i>	<i>UTILITIES:</i>	<i>Win:</i>	<i>Approximate Chances Of Winning Are 1 In:</i>	<i>Approximate No. Of Winners Per 1,200,000 Tickets:</i>
	\$10 w/ ELECTRIC COMPANY ON	\$10	333.33	3,600
\$10		\$10	55.56	21,600
\$5 × 3		\$15	200	6,000
\$5	\$10 w/ WATER WORKS ON	\$15	200	6,000
\$5	\$10 w/ ELECTRIC COMPANY ON	\$15	200	6,000
\$10	\$5 w/ WATER WORKS ON	\$15	200	6,000
\$10	\$5 w/ ELECTRIC COMPANY ON	\$15	200	6,000
	\$15 w/ WATER WORKS ON	\$15	200	6,000
	\$15 w/ ELECTRIC COMPANY ON	\$15	200	6,000
\$15		\$15	200	6,000
\$5 × 4		\$20	1,000	1,200
\$10 × 2		\$20	1,000	1,200
\$5	\$15 w/ WATER WORKS ON	\$20	500	2,400
\$5	\$15 w/ ELECTRIC COMPANY ON	\$20	333.33	3,600
\$10	\$10 w/ WATER WORKS ON	\$20	200	6,000
\$10	\$10 w/ ELECTRIC COMPANY ON	\$20	200	6,000
\$15	\$5 w/ WATER WORKS ON	\$20	333.33	3,600
\$15	\$5 w/ ELECTRIC COMPANY ON	\$20	333.33	3,600
	(\$10 w/ ELECTRIC COMPANY ON) + (\$10 w/ WATER WORKS ON)	\$20	476.19	2,520
\$20		\$20	500	2,400
\$10 × 4		\$40	2,000	600
\$20 × 2		\$40	2,000	600
\$10	(\$15 w/ ELECTRIC COMPANY ON) + (\$15 w/ WATER WORKS ON)	\$40	2,000	600
\$20	(\$10 w/ ELECTRIC COMPANY ON) + (\$10 w/ WATER WORKS ON)	\$40	2,000	600
\$20	\$20 w/ WATER WORKS ON	\$40	2,000	600
\$20	\$20 w/ ELECTRIC COMPANY ON	\$40	5,000	240
\$40		\$40	2,000	600

<i>When Any Of "YOUR NUMBERS" Match Any "WINNING NUMBER," Win Prize Shown Under The Matching Number. Win With:</i>	<i>UTILITIES:</i>	<i>Win:</i>	<i>Approximate Chances Of Winning Are 1 In:</i>	<i>Approximate No. Of Winners Per 1,200,000 Tickets:</i>
\$10 × 5		\$50	2,400	500
\$20 + \$15 + \$10 + \$5		\$50	2,400	500
\$10	(\$20 w/ ELECTRIC COMPANY ON) + (\$20 w/ WATER WORKS ON)	\$50	1,500	800
\$20	(\$15 w/ ELECTRIC COMPANY ON) + (\$15 w/ WATER WORKS ON)	\$50	1,500	800
\$40	(\$5 w/ ELECTRIC COMPANY ON) + (\$5 w/ WATER WORKS ON)	\$50	1,500	800
\$40	\$10 w/ WATER WORKS ON	\$50	1,500	800
\$40	\$10 w/ ELECTRIC COMPANY ON	\$50	1,500	800
\$50		\$50	2,400	500
\$50 × 2		\$100	4,800	250
(\$20 × 2) + (\$15 × 2) + (\$10 × 2) + (\$5 × 2)		\$100	3,000	400
(\$15 × 2) + \$40 + \$20	(\$5 w/ ELECTRIC COMPANY ON) + (\$5 w/ WATER WORKS ON)	\$100	3,000	400
	(\$50 w/ ELECTRIC COMPANY ON) + (\$50 w/ WATER WORKS ON)	\$100	3,000	400
\$100		\$100	6,000	200
\$50 × 4		\$200	24,000	50
\$100 × 2		\$200	12,000	100
\$50 + \$40 + \$10	(\$50 w/ ELECTRIC COMPANY ON) + (\$50 w/ WATER WORKS ON)	\$200	24,000	50
\$100	(\$50 w/ ELECTRIC COMPANY ON) + (\$50 w/ WATER WORKS ON)	\$200	24,000	50
	(\$100 w/ ELECTRIC COMPANY ON) + (\$100 w/ WATER WORKS ON)	\$200	24,000	50
\$200		\$200	24,000	50
\$100 × 5		\$500	40,000	30
(\$50 × 2) + \$200 + \$100	\$100 w/ WATER WORKS ON	\$500	40,000	30
(\$50 × 2) + \$200 + \$100	\$100 w/ ELECTRIC COMPANY ON	\$500	40,000	30
\$200 + (\$100 × 2)	\$100 w/ WATER WORKS ON	\$500	40,000	30

<i>When Any Of "YOUR NUMBERS" Match Any "WINNING NUMBER," Win Prize Shown Under The Matching Number. Win With:</i>	<i>UTILITIES:</i>	<i>Win:</i>	<i>Approximate Chances Of Winning Are 1 In:</i>	<i>Approximate No. Of Winners Per 1,200,000 Tickets:</i>
\$200 + (\$100 × 2)	\$100 w/ ELECTRIC COMPANY ON	\$500	40,000	30
\$500		\$500	40,000	30
\$200 × 5		\$1,000	120,000	10
\$500 × 2		\$1,000	60,000	20
(\$50 × 2) + \$500 + \$200 + \$100	\$100 w/ WATER WORKS ON	\$1,000	60,000	20
(\$50 × 2) + \$500 + \$200 + \$100	\$100 w/ ELECTRIC COMPANY ON	\$1,000	60,000	20
(\$200 × 3) + (\$100 × 3)	\$100 w/ WATER WORKS ON	\$1,000	60,000	20
(\$200 × 3) + (\$100 × 3)	\$100 w/ ELECTRIC COMPANY ON	\$1,000	60,000	20
\$1,000		\$1,000	120,000	10
\$1,000 × 5		\$5,000	240,000	5
\$5,000		\$5,000	240,000	5
\$50,000		\$50,000	240,000	5

When the "ELECTRIC COMPANY" or "WATER WORKS" utilities are ON, win prize shown at the end of the corresponding utility. Utilities are played separately.

Prizes, including top prizes, are subject to availability at the time of purchase.

9. *Second-Chance Drawing:* The Pennsylvania Lottery's (hereafter, the "Lottery") MONOPOLY™ Second-Chance Drawing for qualifying Fast Play lottery game tickets (hereafter, the "Drawing").

(a) *Qualifying Tickets:* Non-winning PA-5115 MONOPOLY™ Properties (\$20), PA-5116 MONOPOLY™ Utilities (\$5), PA-5117 MONOPOLY™ Game Tokens (\$2) and PA-5118 MONOPOLY™ Money Match (\$1) Fast Play lottery game tickets ("Qualifying Tickets") are eligible for entry in the Drawing.

(b) *Participation and entry:*

(1) Entrants must be members of the Pennsylvania Lottery VIP Players Club to participate in the Drawing. To join the VIP Players Club, visit <http://www.palottery.state.pa.us/vipplayersclub/login.aspx>. Becoming a VIP Players Club member is free.

(2) To enter the Drawing, entrants must submit the identifying information from at least one Qualifying Ticket via the Drawing's promotional web site, available at <http://www.palottery.com>, or the Lottery's official mobile application during the entry period. The identifying information from a Qualifying Ticket may be submitted only once in the Drawing. No other method of submission will be accepted, and entries submitted using any other method, including entries mailed or hand-delivered to the Lottery, are not valid and will be disqualified.

(3) Each entry must be complete and the information supplied by the entrant must be accurate. Incomplete entries cannot be accepted.

(4) Only one claimant per entry is allowed.

(5) Entrants must be 18 years of age or older.

(6) Players may submit the identifying information from an unlimited number of Qualifying Tickets in the Drawing.

(7) Once an entry has been submitted it cannot be withdrawn or changed.

(c) *Drawing description:*

(1) The Lottery will conduct one MONOPOLY™ Second-Chance Drawing for qualifying Fast Play Lottery game tickets. All time references are Eastern Prevailing Time.

(2) All entries received after 11:59:59 p.m. April 5, 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 Lottery's publicly accessible web site at <http://www.palottery.com>.

(4) When a Qualifying Ticket is entered into the Drawings, the entry has a chance to be multiplied by 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-5115 MONOPOLY™ Properties (\$20) = 20 entries, PA-5116 MONOPOLY™ Utilities (\$5) = five entries, PA-5117 MONOPOLY™ Game Tokens (\$2) = two entries and PA-5118 MONOPOLY™ Money Match (\$1) = one entry.

(6) Players may review prizes won and their entries for the Drawing via the Drawing's promotional web site.

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-5115 MONOPOLY™ Properties	254,042	152,425	76,213	3	5	10
PA-5116 MONOPOLY™ Utilities	287,675	172,605	86,303	3	5	10
PA-5117 MONOPOLY™ Game Tokens	180,312	300,520	90,156	5	3	10
PA-5118 MONOPOLY™ Money Match	364,720	607,867	182,360	5	3	10

(3) The Lottery will conduct one Drawing from among all the entries received during the entry period as described in section 9(c)(2).

(i) The first 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 \$50,000, 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 \$10,000, less required income tax withholding.

(iii) The seventh through the twenty-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 \$2,500.

(iv) The twenty-seventh through the seventy-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 seventy-seventh through the one hundred and twenty-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 \$100 iLottery Bonus Money.

(4) All prizes will be paid as lump-sum cash payments or uploaded to a winning player's lottery account.

(5) Winners of iLottery Bonus Money are not required to claim a prize. Winners of iLottery Bonus Money will have the iLottery Bonus Money credited to their Lottery account and will receive an email notifying them that they won a prize.

(6) The number of winning entries to be selected for the Drawing will be posted to the Lottery's publicly accessible web site.

(7) The odds of winning in the Drawing depend upon the number of entries received for the Drawing.

(8) A computer-generated randomizer will be used to select the Drawing winners.

(e) *Drawing restrictions:*

(1) To be eligible to participate in the Drawing, entrants must have complied with the requirements of these rules.

(d) *Prizes available to be won, determination of winners, and odds of winning:*

(1) The prize entitlements described below are subject to all restrictions and limitations described in section 9(e) or mentioned anywhere else in these rules.

(2) The following table sets forth the approximate number of Entry Multiplier Prizes and the approximate odds of winning an Entry Multiplier Prize:

(2) The Lottery is not responsible for late, lost or misdirected entries not entered into the Drawing. The Lottery is not responsible for entries that are not entered into the Drawing because of incompatible internet browsers, mobile Lottery application failure or other technical issues. If an entry is selected as a winner and rejected or otherwise disqualified during or following the Drawing, the Lottery will select another entry to replace the rejected or otherwise disqualified entry in accordance with these rules and Lottery procedure.

(3) If any discrepancy exists between these rules and any material describing the Drawing, these rules shall govern.

(4) Employees of the Lottery, 9Rooftops Marketing, LLC (formerly known as MARC USA, LLC), Scientific Games International Inc., MDI Entertainment, LLC, and their subcontractors, or a spouse, child, brother, sister or parent residing as a member of the same household in the principle place of residence of any such person are not eligible to participate in the Drawing. Offer void where prohibited or restricted.

(5) The Pennsylvania Lottery reserves the right, in its sole discretion, to cancel or suspend the Drawing and change these rules if the Drawing cannot be conducted as planned due to errors in these rules or advertising, unauthorized intervention, tampering, fraud, technical errors, viruses, worms, bugs, or any other cause beyond the control of the Lottery that, in the Lottery's sole judgment, could corrupt or impair the administration, security, fairness, integrity, or proper conduct of the Drawing.

(6) All entries shall be subject to verification by the Lottery.

(7) The Pennsylvania Lottery reserves the right, in its sole discretion, to disqualify an entrant found to be tampering with the operation of the Drawing or to be acting in violation of these rules or applicable law.

(8) The Drawing is governed by the laws of the Commonwealth of Pennsylvania. Applicable laws and regulations apply.

(9) Prizes must be claimed within 1 year of the drawing date of the Drawing in which the prize was won. If no claim is made within 1 year of the drawing date of the Drawing in which the prize was won, the right of an

entrant to claim the prize won, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided by statute.

(10) Final determination of winners will be made by the Secretary, whose judgment will be final and binding.

(11) A prize awarded in the Drawing to a person who dies before receiving the prize shall be paid according to 61 Pa. Code § 811.16 (relating to prizes payable after death of a prize winner).

(12) A winner is responsible for all taxes arising from or in connection with any prize won.

(13) A player may only win the prize for which the player is first selected in the Drawing. Subsequent entries, from the same individual, selected in the Drawing will be disqualified and a replacement entry will be selected.

(14) Winners of iLottery Bonus Money must abide by the iLottery Terms & Conditions, the iLottery Bonus Policy and these rules. iLottery Bonus Money will expire 90 days from the date on which the winner was notified, via email, of the prize win, as further detailed in section 9(d)(5). iLottery Bonus Money has a five times play through requirement in order to convert the iLottery Bonus Money into cash. For example, for a player winning \$100 of iLottery Bonus Money, the player is required to place \$500 in wagers before the iLottery Bonus Money awarded is converted into cash which may be withdrawn from the player's Lottery account.

(15) Prizes are not transferrable.

(16) Other restrictions may apply.

10. *Ticket responsibility:*

(a) A Fast Play lottery game ticket is a bearer document deemed to be owned by the person holding the game ticket, except that if a name is contained on the back of the game ticket, the person named will, for all purposes, be considered the owner of the game ticket.

(b) The holder of a Fast Play lottery game ticket has the sole responsibility for checking the accuracy and condition of the data printed on the game ticket.

(c) The Commonwealth shall not be responsible for a lost or stolen Fast Play lottery game ticket, or for a Fast Play ticket redeemed by a player in error.

11. *Ticket validation and requirements:*

(a) *Valid Fast Play lottery game tickets.* To be a valid Fast Play lottery game ticket, the presented game ticket must meet the following requirements:

(1) The game ticket's bar code shall be present in its entirety.

(2) The game ticket must be intact.

(3) The game ticket may not be mutilated, altered, reconstituted or tampered with.

(4) The game ticket may not be counterfeit or a duplicate of a winning ticket.

(5) The game ticket must have been validly issued.

(6) The game ticket data shall have been recorded on the Lottery Central Computer System and the game ticket data shall match the computer record in every respect.

(7) The game ticket must not be defectively printed or printed or produced in error such that it cannot be processed or validated by the Lottery.

(8) The game ticket must pass other confidential security checks of the Lottery.

(b) *Invalid or defective game tickets.* A game ticket not passing the validation requirements in subsection (a) will be considered invalid and no payment will be made on account of any play recorded thereon. The determination of the Secretary in this regard is final.

12. *Procedures for claiming and payment of prizes:*

(a) A prize may be claimed through an authorized retailer or the Lottery, as provided in this section. A prize must be claimed within 1 year of the sale date of the Fast Play lottery game ticket.

(b) An authorized retailer is authorized to pay prizes of \$2,500 or less. The holder of a game ticket evidencing a winning play representing a prize of \$2,500 or less may be paid by a participating authorized retailer if a proper validation pay ticket was issued by the retailer's Lottery Terminal.

(c) The holder of a game ticket evidencing a winning play representing a prize in excess of \$2,500 may present the game ticket to an authorized retailer, Lottery District Office, or Lottery Headquarters.

(d) The holder of a game ticket evidencing a winning play shall present the ticket, in person, to an authorized retailer, Lottery Headquarters or a Lottery District Office. The retailer or the Lottery will issue payment if:

(1) The game ticket is scanned and the play is validated through the Lottery Terminal or the Lottery Central Computer System;

(2) A claim form is properly and fully completed;

(3) The identification of the claimant is confirmed; and

(4) The winning ticket has not expired, pursuant to this section or section 14 (relating to unclaimed prizes).

(e) The Commonwealth shall not be responsible for a winning play paid in error by an authorized retailer.

(f) In the event a prize described in these rules is not available, the Lottery may either provide a substitute prize, determined by the Secretary to have an equivalent value to the prize won, or make a cash payment to the winner, in an amount determined by the Secretary to have an equivalent value to the prize won.

13. *Funding for prizes:* Moneys will be drawn from the State Lottery Fund, to the extent necessary, to fund the payment of prizes under this section. If this lottery game is terminated for any cause, prize moneys remaining undistributed will remain in the State Lottery Fund and used for purposes otherwise provided for by law.

14. *Unclaimed prizes:* Unclaimed prize money on winning Fast Play lottery game tickets will be retained by the Secretary for payment to the persons entitled thereto for 1 year from the sale date of the Fast Play lottery game ticket. If no claim is made within 1 year from the sale date of the Fast Play lottery game ticket, the right of a ticket holder to claim the prize represented by that ticket, if any, shall expire.

15. *Purchase and prize restrictions:* A Fast Play lottery game ticket may not be purchased by, and a prize may not be paid, to an officer or employee of the Lottery, Lottery professional services contractors or subcontractors, or to a spouse, child, brother, sister or parent residing in the same household of an officer, employee, contractor or subcontractor who is involved in the production, distribution or operation of systems for the validation or accounting of Fast Play games.

16. *Governing law:*

(a) By purchasing a ticket, the purchaser agrees to comply with and abide by the State Lottery Law (72 P.S.

§§ 3761-101—3761-314), this notice, instructions, conditions and final decisions of the Secretary, and procedures established by the Secretary for the conduct of the Fast Play MONOPOLY™ Utilities lottery game.

(b) Decisions made by the Secretary, including the declaration of prizes and the payment thereof, in interpretation of this notice are final and binding on players and persons making a claim in respect thereof.

17. *Retailer compensation:*

(a) Authorized retailers may be entitled to compensation as determined by the Lottery.

(b) No authorized retailer or employee of an authorized retailer shall request, demand, or accept gratuities or any compensation other than as provided in subsection (a) in exchange for the performance of duties authorized pursuant to the Lottery retailer's license without the Lottery's prior written authorization.

18. *Retailer Incentive Programs:* The Lottery may conduct a separate Retailer Incentive Program for retailers who sell Pennsylvania Fast Play MONOPOLY™ Utilities lottery game tickets.

19. *Retailer bonus:* The Lottery may offer a retailer bonus in connection with the sale of Pennsylvania Fast Play lottery game tickets. If a retailer bonus is offered, a Lottery retailer shall be eligible for a bonus as described in this section. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$100,000 and not exceeding \$500,000 shall be paid a bonus of \$500. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$500,001 and not exceeding \$1,000,000 shall be paid a bonus of \$5,000. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$1,000,001 and not exceeding \$10,000,000 shall be paid a bonus of \$10,000. A Lottery retailer is entitled only to the largest bonus for which they qualify on a winning ticket. A bonus will be initiated for payment after the Fast Play game ticket is claimed and validated. A bonus will not be awarded to a Lottery retailer that sells a non-winning Pennsylvania Lottery Fast Play game ticket used to enter a Pennsylvania Lottery second-chance drawing or promotion that is subsequently selected to win a prize.

20. *Termination of the game:* The Secretary may announce a termination date, after which no further tickets from this game may be sold. The announcement will be disseminated through media used to advertise or promote MONOPOLY™ Utilities or through normal communications methods.

21. *Applicability:* This notice applies only to the MONOPOLY™ Utilities lottery game announced in this notice.

C. DANIEL HASSELL,
Secretary

[Pa.B. Doc. No. 21-529. Filed for public inspection April 2, 2021, 9:00 a.m.]

DEPARTMENT OF TRANSPORTATION

State Transportation Innovation Council Virtual Meeting

The State Transportation Innovation Council will hold its business meeting on Wednesday, April 7, 2021, from 1 p.m. to 3 p.m. over Microsoft Teams. For more information, including an agenda and registration, contact Anja Walker, (717) 425-6288, anjwalker@pa.gov. To call into the meeting, dial (267) 332-8737 and enter 588683199# as the meeting code.

YASSMIN GRAMIAN,
Secretary

[Pa.B. Doc. No. 21-530. Filed for public inspection April 2, 2021, 9:00 a.m.]

DEPARTMENT OF TRANSPORTATION

Transportation Advisory Commission Virtual Conference Call Meeting

The Transportation Advisory Commission will hold a virtual conference call meeting on Thursday, April 8, 2021, starting at 1 p.m. The meeting will be held virtually by means of Skype. The dial-in number is +1 (267) 332-8737. The conference ID is 979897230.

For more information, contact the Office of the State Transportation Commission, (717) 787-2913, RA-PennDOTSTC@pa.gov.

YASSMIN GRAMIAN,
Secretary

[Pa.B. Doc. No. 21-531. Filed for public inspection April 2, 2021, 9:00 a.m.]

DEPARTMENT OF TRANSPORTATION

Watercraft Trailer Forfeiture; Maximum Amount

Chapter 73, Subchapter B of 75 Pa.C.S. (relating to watercraft trailer forfeiture) applies only to a watercraft trailer with a resale value based upon established industry standards equal to or less than the maximum amount set forth in 75 Pa.C.S. § 7321(c) (relating to scope of subchapter and legislative intent). Subsection 7321(c) of 75 Pa.C.S. provides that for the year 2006, the maximum amount will be \$1,000 and for each year thereafter, the maximum amount will be fixed annually by the Department of Transportation (Department) 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.

Section 7321(c) of 75 Pa.C.S. further provides that the maximum amount as adjusted will be rounded to the nearest multiple of \$5 and the Department will give notice of the new maximum amount by publication in the *Pennsylvania Bulletin*.

Under 75 Pa.C.S. § 7321(c)(3), the Department has fixed the maximum amount for 2021 as \$1,330.

YASSMIN GRAMIAN,
Secretary

[Pa.B. Doc. No. 21-532. Filed for public inspection April 2, 2021, 9:00 a.m.]

INDEPENDENT REGULATORY REVIEW COMMISSION

Notice of Filing of Final Rulemakings

The Independent Regulatory Review Commission (Commission) received the following regulations. They are scheduled to be considered on the date noted. The Commission’s public meetings are held at 333 Market Street, 14th Floor, Harrisburg, PA at 10 a.m. To obtain a copy of the regulation, interested parties should first contact the promulgating agency. If a copy cannot be obtained from the promulgating agency, the Commission will provide a copy or it can be viewed at the Commission’s web site at www.irrc.state.pa.us.

<i>Reg. No.</i>	<i>Agency/Title</i>	<i>Received</i>	<i>Public Meeting</i>
125-226	Pennsylvania Gaming Control Board Casino Simulcasting; Fantasy Contests	3/23/21	5/20/21
125-229	Pennsylvania Gaming Control Board Interactive Gaming	3/23/21	5/20/21

GEORGE D. BEDWICK,
Chairperson

[Pa.B. Doc. No. 21-533. Filed for public inspection April 2, 2021, 9:00 a.m.]

INSURANCE DEPARTMENT

Capital Advantage Assurance Company; Small Group Quarterly Update Filing (CABC-132750915); Rate Filing

Capital Advantage Assurance Company is requesting approval to adjust the premium on 27,881 lives in groups renewing in the fourth quarter of 2021. The filing lowers the fourth quarter rates by 3.3% over those approved in the annual filing.

Unless formal administrative action is taken prior to June 17, 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”).

Interested parties are invited to submit written comments, suggestions or objections to James Laverty, Actuary, Insurance Department, Insurance Product Regulation, 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. 21-534. Filed for public inspection April 2, 2021, 9:00 a.m.]

INSURANCE DEPARTMENT

Capital Advantage Insurance Company; Small Group Quarterly Update Filing (CABC-132750972); Rate Filing

Capital Advantage Insurance Company is requesting approval to adjust the premium on 107 lives in groups renewing in the fourth quarter of 2021. The filing lowers the fourth quarter rates by 3.3% over those approved in the annual filing.

Unless formal administrative action is taken prior to June 17, 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”).

Interested parties are invited to submit written comments, suggestions or objections to James Laverty, Actuary, Insurance Department, Insurance Product Regulation, 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. 21-535. Filed for public inspection April 2, 2021, 9:00 a.m.]

INSURANCE DEPARTMENT

Health Maintenance Organization Certificate of Authority Application Filed by UnitedHealthcare of Wisconsin, Inc.

UnitedHealthcare of Wisconsin, Inc. filed an application with the Insurance Department (Department) on January 13, 2021, for a certificate of authority to operate a health maintenance organization (HMO) under the Health Maintenance Organization Act (40 P.S. §§ 1551—1567), Department of Health HMO regulations (28 Pa. Code §§ 9.631—9.654) and the Insurance Department HMO regulations (31 Pa. Code §§ 301.1—301.204).

The proposed service areas of the applicant are Allegheny, Armstrong, Beaver, Bedford, Berks, Blair, Bucks, Butler, Cambria, Chester, Clarion, Crawford, Cumberland, Dauphin, Erie, Fayette, Forest, Greene, Huntingdon, Jefferson, Lancaster, Lawrence, Lebanon, Lehigh, Mercer, Montgomery, Northampton, Philadelphia, Somerset, Venango, Warren, Washington, Westmoreland and York.

Interested parties are invited to submit written comments to the Department within 15 days from the date of this issue of the *Pennsylvania Bulletin*. Each written statement must include name, address and telephone number of the interested party; identification of the application to which the statement is addressed; and a concise statement with sufficient detail and relevant facts to inform the Department of the exact basis of the statement. Written statements may be e-mailed either to Katie Dzurec, Bureau of Managed Care, kdzurec@pa.gov or Karen Feather, Company Licensing Division, kfeather@pa.gov. Questions may be directed to Katie Dzurec, (717) 783-4335 or Karen Feather, (717) 214-4113.

JESSICA K. ALTMAN,
Insurance Commissioner

[Pa.B. Doc. No. 21-536. Filed for public inspection April 2, 2021, 9:00 a.m.]

INSURANCE DEPARTMENT

Insurance Coverages or Risks Eligible for Export by Insurance Commissioner

Under section 1604(2)(ii) of The Insurance Company Law of 1921 (40 P.S. § 991.1604(2)(ii)), the Insurance Commissioner declares the following insurance coverages to be generally unavailable in the authorized market at the present, and thus exportable, and adopts the following export list. Accordingly, for those insurance coverages which are included on the export list, a diligent search among insurers admitted to do business in this Commonwealth is not required before placement of the coverages in the surplus lines market.

Export List

Active Assailant Coverage

Amusements

- Amusement Parks and their Devices
- Animal Rides
- Recreational and Sporting Events
- Special Short Term Events
- Theatrical Presentations

Aviation

Fixed Base Operations

Bridge and Tunnel Contractors (liability only)

Chemical Spray and/or Drift

Crane and Rigging Contractors (liability and physical damage only)

Crop Dusters (aircraft liability and aircraft hull coverage only)

Day Care Centers, including Sexual Abuse Coverage

Demolition Contractors Liability

Disability Insurance—Excess

Dog Bite Liability (monoline)

Firework Sales/Manufacturing

Flood Insurance

Fuel and Explosive Haulers (excess auto liability and auto physical damage only)

Guides and Outfitters (liability only)

Hazardous Waste Haulers (excess auto liability and auto physical damage only)

Hazardous Waste Storage and Disposal (liability only)

Homeshare Business Multi-Peril Insurance (on-demand short-term)

Hunting Clubs

Kidnapping, Ransom and Extortion Insurance

Liquor Liability (monoline)

Medical Malpractice Liability with or without related General Liability Coverages

Medicinal Cannabis Cultivation, Processing/Harvesting, Manufacturing, Testing, Transportation/Delivery, Retail Distribution and/or Lessors/Property Managers

Miscellaneous Errors and Omissions or Professional Liability except architects and engineers, medical malpractice, lawyers, personnel agencies, travel agents, real estate brokers and insurance agents and brokers

Nightclubs

Nursing Home Liability with or without other Affiliated Elder Care Services

Paint and Coating Manufacturers—Liability

Pest Control (Exterminators) Liability

Pollution Liability and/or Environmental Impairment Coverage

Products Liability (monoline) for the Manufacturing of:

- Aircraft and Component Parts
- Automotive and Component Parts
- Farm and Industrial Equipment
- Firearms
- Medical Equipment
- Petrochemicals
- Pharmaceuticals

Products Recall (monoline) for the Manufacturing of:

- Aircraft and Component Parts
- Automotive and Component Parts
- Farm and Industrial Equipment
- Firearms
- Medical Equipment
- Petrochemicals
- Pharmaceuticals

Railroad, including Consultants, Contractors and Suppliers

Real-Estate Environmental Impairment Coverage

Scrap Metal Dealers/Recycling Centers with Off-Site Disassembling (general liability only)

Security/Detective/Patrol Agencies

Tattoo Parlors

Taxicab Liability

Title Insurance Agents Errors and Omissions

Vacant Properties (excluding 1—4 family unit residential dwellings and individually owned residential units in larger residential buildings)

Wire Transfer Fraud Coverage for Title Agents with or without Other Cybersecurity Coverage

This list becomes effective on the date of its publication in the *Pennsylvania Bulletin* and supersedes the list published at 50 Pa.B. 4631 (September 5, 2020), and shall remain in effect until superseded by a subsequent list as published in the *Pennsylvania Bulletin*.

Questions regarding the Export List may be directed to Cressinda E. Bybee, cbybee@pa.gov.

JESSICA K. ALTMAN,
Insurance Commissioner

[Pa.B. Doc. No. 21-537. Filed for public inspection April 2, 2021, 9:00 a.m.]

INSURANCE DEPARTMENT

Keystone Health Plan Central; Small Group Quarterly Update Filing (CABC-132750951); Rate Filing

Keystone Health Plan Central is requesting approval to adjust the premium on 86 lives in groups renewing in the fourth quarter of 2021. The filing lowers the fourth quarter rates by 3.7% over those approved in the annual filing.

Unless formal administrative action is taken prior to June 17, 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").

Interested parties are invited to submit written comments, suggestions or objections to James Laverty, Actuary, Insurance Department, Insurance Product Regulation, 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. 21-538. Filed for public inspection April 2, 2021, 9:00 a.m.]

INSURANCE DEPARTMENT

Keystone Health Plan East, Inc.; Small Group Quarterly Update Filing (INAC-132762206); Rate Filing

Keystone Health Plan East, Inc. is requesting approval to adjust the premium on 106,125 lives in groups renewing in the third and fourth quarters of 2021. The filing lowers the third quarter rates by 1.8% over those approved in the annual filing and lowers the fourth quarter rates by 1.8% over those approved in the annual filing.

Unless formal administrative action is taken prior to June 17, 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

pa.gov (hover the cursor over the "Consumers" tab, then select "Pending Long Term Care Rate Filings").

Interested parties are invited to submit written comments, suggestions or objections to James Laverty, Actuary, Insurance Department, Insurance Product Regulation, 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. 21-539. Filed for public inspection April 2, 2021, 9:00 a.m.]

INSURANCE DEPARTMENT

QCC Insurance Company; Small Group Quarterly Update Filing (INAC-132762221); Rate Filing

QCC Insurance Company is requesting approval to adjust the premium on 73,970 lives in groups renewing in the third and fourth quarters of 2021. The filing lowers the third quarter rates by 4.4% over those approved in the annual filing and lowers the fourth quarter rates by 5.6% over those approved in the annual filing.

Unless formal administrative action is taken prior to June 17, 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").

Interested parties are invited to submit written comments, suggestions or objections to James Laverty, Actuary, Insurance Department, Insurance Product Regulation, 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. 21-540. Filed for public inspection April 2, 2021, 9:00 a.m.]

PENNSYLVANIA INFRASTRUCTURE INVESTMENT AUTHORITY

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Environmental Assessment Approval for PENNVEST Funding Consideration

Scope: Clean Water and Drinking Water State Revolving Fund Projects for April 21, 2021, Pennsylvania Infrastructure Investment Authority (PENNVEST) Board meeting consideration

Description: PENNVEST, which administers the Commonwealth's Clean Water State Revolving Fund (CWSRF) and Drinking Water State Revolving Fund (DWSRF), is intended to be the funding source for the following projects. The Department of Environmental Protection's

(Department) review of these projects, and the information received in the Environmental Report for these projects, has not identified any significant, adverse environmental impact resulting from any of the proposed projects. The Department hereby approves the Environmental Assessment for each project. If no significant comments are received during this comment period, the Environmental Assessment will be considered approved and funding for the project will be considered by PENNVEST.

To be considered, the Department must receive comments on this approval on or by Monday, May 3, 2021. Comments can be submitted using the Department's eComment tool at www.ahs.dep.pa.gov/eComment. Written comments can be submitted by e-mail to ecomment@pa.gov or by mail to the Policy Office, Department of Environmental Protection, Rachel Carson State Office Building, P.O. Box 2063, Harrisburg, PA 17105-2063. Use "PENNVEST SRF-Environmental Assessment" as the subject line in written communication.

For more information about the approval of the following Environmental Assessments or the Clean Water and Drinking Water State Revolving Loan Programs contact Richard Wright at riwright@pa.gov, or the Bureau of Clean Water, Department of Environmental Protection, P.O. Box 8774, Harrisburg, PA 17105-8774, (717) 772-4059, or visit the Department's web site at www.dep.pa.gov/Business/Water/CleanWater/InfrastructureFinance/Pages/default.aspx.

Any comments received during the comment period, along with the Department's comment and response document will be available on the Department's web site at www.dep.pa.gov/Business/Water/CleanWater/InfrastructureFinance/Pages/EnvironmentalReview.aspx.

Upon approval, the full list of approved projects and their costs can be found in a press release on PENNVEST's web site at www.pennvest.pa.gov. However, funding for the following projects will not be executed prior to comment period closing.

CWSRF Projects Being Considered:

<i>Applicant:</i>	Lewis Township
<i>County:</i>	Northumberland
<i>Applicant Address:</i>	P.O. Box 143 Watsonstown, PA 17777-0143

Project Description: The project includes the installation of approximately 1,440 linear feet of 8-inch gravity sewer mains, 850 linear feet of 1.5-inch high-density polyethylene (HDPE) low pressure sewer mains, 840 linear feet of 1.25-inch HDPE low pressure sewer mains and 3,700 linear feet of 3-inch HDPE force mains. The project also includes construction of a pump station to convey wastewater from the 19 homes served in the project area to the existing Lewis Township wastewater treatment plant.

Problem Description: This project addresses a needs area in the Schell Road and Koch Road area of Lewis Township, Northumberland County, which consists of 26 equivalent dwelling units (EDU). The Township found that 14 of the 26 EDUs exhibit confirmed malfunctions.

The finalized service area addressed by the project will serve 19 EDUs including all 14 of the malfunctions.

<i>Applicant:</i>	Londonderry Township
<i>County:</i>	Dauphin
<i>Applicant Address:</i>	783 South Geyers Church Road Middletown, PA 17057

Project Description: A 1.25-inch to 3-inch diameter low-pressure sanitary sewer main will be installed in the Londonderry Estates area of Londonderry Township. The public portion of the sewer line will be approximately 4,425 linear feet in length and designed to carry the flow to the existing Derry Township Municipal Authority's (DTMA) collection and conveyance system. The project also includes installing approximately four air release valves inside of concrete manholes, terminal cleanout assemblies, inline clean-out assemblies and corrosion protection lining systems in three existing manholes downstream of the low-pressure sewer connection.

Problem Description: The Londonderry Estates area of Londonderry Township consists of 50 existing onlot septic systems, some of which have failed while others are suspected to be failing. A new public sewer system will convey all flow collected in the service area to DTMA's Clearwater Road wastewater treatment plant for treatment and disposal.

<i>Applicant:</i>	Masontown Municipal Authority
<i>County:</i>	Fayette
<i>Applicant Address:</i>	1 East Church Avenue Masontown, PA 15461

Project Description: There are four construction contracts with this project. Two construction contracts are proposed for the Big Run Service Area. Contract # 1, servicing four sewersheds, consists of removing and replacing approximately 16,000 linear feet of sanitary sewer. Contract # 2, servicing three sewersheds, consists of removing and replacing approximately 21,000 linear feet of sanitary sewer. Downspout and sump pump connections will also be removed in the Big Run Service Area by means of Contracts # 1 and # 2. Contract # 3, servicing all four sewersheds within the Bessemer Run service area, involves removing and replacing approximately 15,000 linear feet of sanitary sewer. Contract # 4 is for storm sewer improvements. Approximately 1,400 linear feet of an existing 48-inch x 36-inch pipe arch, currently undersized and restricting channel infiltration, will be removed while the original channel will be restored to accommodate increased storm flows from the project area. In addition, a new aluminum pipe arch will be constructed at North Redwood Street.

Problem Description: Hydraulic overloading of the existing sanitary sewer system exists during wet weather at Masontown Municipal Authority's wastewater treatment facilities. Televised inspection of the sanitary sewer collection and conveyance system revealed extensive infiltration from vitrified clay pipe as well as inflow issues. The project replaces failing infrastructure and will eliminate stormwater connections to the sanitary sewer system in an attempt to eliminate the hydraulic overloading.

DWSRF Projects Being Considered:

<i>Applicant:</i>	Columbia Water Company
<i>County:</i>	Lancaster
<i>Applicant Address:</i>	220 Locust Street Columbia, PA 17512

Project Description: The project consists of three components. The first component is constructing a new river intake adjacent to the existing intake in the Susquehanna River for the Walnut Street water treatment plant and installing a new air burst system, a frazil ice protection system and a new valve vault. The second component is rehabilitating the Prospect Road storage tank. The third component is installing an emergency generator at the Spruce Street booster station.

Problem Description: The existing intake consists of only bar screens, which allow passage of sediment and debris to the water treatment plant resulting in increased maintenance. The existing intake is also subject to clogging by sediment and frazil ice and requires frequent backflushing. The existing valve vault is located on the river's edge and inaccessible during floods or ice jams. The proposed valve vault will allow safe operation of the valves during these conditions. No changes to the permitted withdraw amount or location are proposed. The Prospect Road storage tank was recently inspected and found to need a complete replacement of the interior coating system and, at a minimum, an over-coating of the exterior. An emergency generator is required at the Spruce Street booster station to meet the Department's uninterrupted service requirements.

PATRICK McDONNELL,
Secretary
Department of Environmental Protection

BRION JOHNSON,
Executive Director
Pennsylvania Infrastructure Investment Authority

[Pa.B. Doc. No. 21-541. Filed for public inspection April 2, 2021, 9:00 a.m.]

**PENNSYLVANIA PUBLIC
UTILITY COMMISSION**

General Rule Transaction; Transfer of Indirect Control

A-2021-302480. WANRack, LLC, WANRack Holdings, LLC and CBRE Caledon WR Holdings, LP. Joint application of WANRack, LLC, WANRack Holdings, LLC and CBRE Caledon WR Holdings, LP for approval of a general rule transaction involving a transfer of indirect control of telecommunications public utilities.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities) on or before April 19, 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: WANRack, LLC; WANRack Holdings, LLC; CBRE Caledon WR Holdings, LP

Through and By: Catherine G. Vasudevan, Esquire, Morgan, Lewis & Bockius, LLP, 1701 Market Street, Philadelphia, PA 19103-2921, (215) 963-5000, catherine.vasudevan@morganlewis.com; Matthew DelNero, Esquire, Thomas Parisi, Esquire, One CityCenter, 850 Tenth Street, NW, Washington, DC 20001, (202) 662-6000, MDelnero@cov.com, tparisi@cov.com

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 21-542. Filed for public inspection April 2, 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 19, 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 19, 2021. In accordance with the Commission's Emergency Order at M-2020-3019262, all parties participating in matters pending before the Commission are required to eFile their submissions by opening an eFiling account and accepting eService. Individuals can sign up for a free eFiling account with the Secretary of the Commission through the Commission's eFiling system at <https://www.puc.pa.gov/efiling/Default.aspx>. A protest shall indicate whether it applies to the temporary authority application, the permanent authority application, or both. Protests may only be filed if there is evidence that the applicant lacks fitness. Protests based on endangering or impairing operations of an existing carrier will not be honored. The documents filed in support of the application are only available for inspection through the Commission's web site at www.puc.pa.gov by searching under the previously listed docket number or by searching the applicant's web site.

Application of the following for approval to begin operating as common carriers for transportation of persons as described under the application.

A-2021-3024480. Philadelphia Family Transportation, LLC (1416 Frankford Avenue, # B1, Philadelphia, Philadelphia County, PA 19125) for the right to begin to transport, as a common carrier, by motor vehicle, members of Philadelphia Family Homecare Agency in paratransit service, from points in the Counties of Bucks,

Chester, Delaware and Montgomery, and the City and County of Philadelphia to points in Pennsylvania, and return.

Application of the following for approval of the beginning of the exercise of the right and privilege of operating motor vehicles as common carriers for the transportation of household goods as described under the application.

A-2021-3024721. Stress-Less Moving and Storage Company (1231 Pine Grove Road, Yardley, Bucks County, PA 19067) for the right to begin to transport, as a common carrier, by motor vehicle, household goods in use, between points in Pennsylvania.

Application of the following for approval to begin operating as contract carriers for transportation of persons as described under the application.

A-2021-3024118. Judy's Team, Inc., d/b/a Judy's Team (4214 Campbells Run Road, Pittsburgh, PA 15205) for the right to begin to transport persons, by motor vehicle, as a contract carrier, for Access2Care, LLC, between points in the Counties of Allegheny, Beaver and Washington.

Applications of the following for the approval of the right and privilege to discontinue/abandon operating as common carriers by motor vehicle and for cancellation of the certificate of public convenience as described under each application.

A-2021-3024659. Highland Acres Farm, LLC (22135 Path Valley Road, Doylestown, PA 17219) for the discontinuance and cancellation of its right to transport, as a common carrier, by motor vehicle, persons in paratransit service, from points in Franklin County, to points in Pennsylvania, and return, as originally described at Docket A-2020-3019382.

A-2021-3024758. Mark D. and Marlene A. Heintzelman (510 Oliver Court, Bellville, Mifflin County, PA 17004) for the discontinuance and cancellation of its right to transport, as a common carrier, by motor vehicle, persons in paratransit service, limited to persons whose personal convictions prevent them from owning or operating motor vehicles, from points in Mifflin County, to points in Pennsylvania, and return.

A-2021-3024761. Menia Transportation, LLC (607 Forrest Street, Harrisburg, Dauphin County, PA 17110) discontinuance of service and cancellation of its certificate to transport as a common carrier, by motor vehicle, persons, in paratransit service, from points in the Counties of Dauphin and York to points in Pennsylvania, and return.

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 21-543. Filed for public inspection April 2, 2021, 9:00 a.m.]

**PENNSYLVANIA PUBLIC
UTILITY COMMISSION**
Telecommunications

A-2021-3024707. Verizon Pennsylvania, LLC and CTSI, LLC, d/b/a Frontier Communications CTSI, LLC. Joint petition of Verizon Pennsylvania, LLC and CTSI, LLC, d/b/a Frontier Communications CTSI, LLC for

approval of an amendment to interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Verizon Pennsylvania, LLC and CTSI, LLC, d/b/a Frontier Communications CTSI, LLC, by their counsel, filed on March 19, 2021, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of an amendment to interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement. Filings must be made electronically through eFiling with the Secretary, Pennsylvania Public Utility Commission, 400 North Street, Harrisburg, PA 17120. Comments are due on or before 10 days after the date of publication of this notice. Documents filed in support of Verizon Pennsylvania, LLC and CTSI, LLC, d/b/a Frontier Communications CTSI, LLC joint petition are available for inspection at the Commission's web site at www.puc.pa.gov and at the applicant's business web site.

The contact person is Kathryn Sophy, Director, Office of Special Assistants, (717) 787-1827.

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 21-544. Filed for public inspection April 2, 2021, 9:00 a.m.]

**PENNSYLVANIA PUBLIC
UTILITY COMMISSION**
Telecommunications

A-2021-3024708. Verizon North, LLC and CTSI, LLC. Joint petition of Verizon North, LLC and CTSI, LLC for approval of an amendment to interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Verizon North, LLC and CTSI, LLC, by their counsel, filed on March 19, 2021, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of an amendment to interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement. Filings must be made electronically through eFiling with the Secretary, Pennsylvania Public Utility Commission, 400 North Street, Harrisburg, PA 17120. Comments are due on or before 10 days after the date of publication of this notice. Documents filed in support of Verizon North, LLC and CTSI, LLC joint petition are available for inspection at the Commission's web site at www.puc.pa.gov and at the applicant's business web site.

The contact person is Kathryn Sophy, Director, Office of Special Assistants, (717) 787-1827.

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 21-545. Filed for public inspection April 2, 2021, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Telecommunications

A-2021-3024710. Verizon Pennsylvania, LLC and Xtel Communications, Inc. Joint petition of Verizon Pennsylvania, LLC and Xtel Communications, Inc. for approval of an amendment to interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Verizon Pennsylvania, LLC and Xtel Communications, Inc., by their counsel, filed on March 19, 2021, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of an amendment to interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement. Filings must be made electronically through eFiling with the Secretary, Pennsylvania Public Utility Commission, 400 North Street, Harrisburg, PA 17120. Comments are due on or before 10 days after the date of publication of this notice. Documents filed in support of Verizon Pennsylvania, LLC and Xtel Communications, Inc., joint petition are available for inspection at the Commission's web site at www.puc.pa.gov and at the applicant's business web site.

The contact person is Kathryn Sophy, Director, Office of Special Assistants, (717) 787-1827.

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 21-546. Filed for public inspection April 2, 2021, 9:00 a.m.]

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 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-2018-3005035. All answers to the application must also be served on the petitioner.

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 Rhonda L. Daviston, Assistant Counsel, Law Bureau, (717) 787-6166.

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 21-547. Filed for public inspection April 2, 2021, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Telecommunications; Armstrong Telecommunications, Inc.; Doc. No. P-2018-3005035

The Pennsylvania Public Utility Commission (Commission) invites comment on the following application to amend an eligible telecommunications carrier (ETC) designation since it was awarded Federal high-cost support moneys from the Federal Communication Commission's Rural Digital Opportunity Fund Auction: Armstrong Telecommunications, Inc.; Docket No. P-2018-3005035.

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 Telecommunications 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

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Transfer by Sale and Wastewater Service

A-2021-3024777 and A-2021-3024778. The Meadows at Watsonstown, LLC and Stone Fortress Commercial, LLC. Joint application of The Meadows at Watsonstown, LLC and Stone Fortress Commercial, LLC under 66 Pa.C.S. § 1102 (relating to enumeration of acts requiring certificate) for approval, Nunc Pro Tunc, of: (1) the transfer by sale of substantially all of the wastewater assets of The Meadows at Watsonstown, LLC to Stone Fortress Commercial, LLC; (2) the right of Stone Fortress Commercial, LLC to provide wastewater service to the public in a limited portion of Delaware Township, Northumberland County, known as Spring Lake Crest; and (3) the abandonment by The Meadows at Watsonstown, LLC of wastewater service to the public in a limited portion of Delaware Township, Northumberland County, known as Spring Lake Crest.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities) on or before Monday, April 19, 2021. Filings must be made with the Secretary of the Pennsylvania Public Utility Commission, 400 North Street, 2nd Floor, Harrisburg, PA 17120, with a copy served on the applicant. The documents filed in support of the application are available only online for inspection and copying on the Pennsylvania Public Utility Commission's (Commission) web

site at www.puc.pa.gov and at the applicant's business address. In accordance with the Commission's Emergency Order at M-2020-3019262, all parties participating in matters pending before the Commission are required to eFile their submissions by opening an eFiling account—free of charge—through the Commission's web site and accepting eService.

Applicants: The Meadows at Watsonstown, LLC; Stone Fortress Commercial, LLC

Through and By Counsel: Jonathan P. Nase, Esquire, Cozen O'Connor, 17 North Second Street, Suite 1410, Harrisburg, PA 17101, (717) 773-4191, jnase@cozen.com

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 21-548. Filed for public inspection April 2, 2021, 9:00 a.m.]

STATE POLICE

Mobile Video Recording System Equipment Standards and Approved Mobile Video Recording Systems

The State Police, under the authority of 18 Pa.C.S. § 5706(b)(4) (relating to exceptions to prohibitions in possession, sale, distribution, manufacture or advertisement of electronic, mechanical or other devices), has approved, until the next comprehensive list is published, subject to interim amendment, the following equipment standards for electronic, mechanical or other devices (mobile video recording systems) which may be used by law enforcement officers for the purpose of intercepting "oral communication" as defined by 18 Pa.C.S. § 5702 (relating to definitions). Mobile video recording systems must consist of the following components:

Vehicle-Mounted Mobile Video Recording Systems Overview

Vehicle-Mounted Mobile Video Recording Systems shall be defined as those which are permanently mounted in vehicles requiring the operator to possess a Class A, B, C or M Pennsylvania Driver's License, as defined in 75 Pa.C.S. § 1504 (relating to classes of licenses). The design of the vehicle-mounted mobile video recording system must use technology, which includes a camera, monitor, wireless voice transmitter/receiver and a recording device with a secure protective enclosure for the recording device, electronics and receiver components. The vehicle-mounted mobile video recording system must be powered from a standard automotive vehicle operating at 11 to 16.5 volts DC, negative ground. Current drain on the vehicle electrical system must not exceed 3.0 amps. The system must operate over the following temperature range: -4°F to 130°F (-20°C to 55°C).

Camera

The camera component must have the following features:

- A. Auto focus and auto iris.
- B. Flexible mounting bracket to allow manual aiming controls.
- C. Auto zoom (automatic zoom in then back out to normal distance).
- D. Minimum sensitivity rating of 2.0 lux.

- E. Minimum horizontal resolution of 330 TV lines.

Monitor

The monitor component must have the following features:

- A. Controls for picture brightness and contrast.
 - B. Capability of being switched off without affecting recording.
 - C. A speaker and volume control system.
- The monitor must be capable of displaying:
- A. Camera image (live).
 - B. Previously recorded information from the recording unit.
 - C. Date and time.
 - D. Recording index indicator.
 - E. In-car/wireless microphone activity indicator.

Wireless Voice Transmitter/Receiver

The wireless voice transmitter/receiver must have the following features:

- A. Battery powered wireless microphone transmitter.
- B. Antenna incorporated into the microphone.
- C. A plug-in connector and a clothing clip on the microphone.
- D. FCC: Type acceptable under 47 CFR Part 74, Subpart H (relating to low power auxiliary stations).
- E. The transmitter must not have recording capabilities.
- F. The wireless audio system must be equipped with either a digital coded squelch or a PL tone squelch circuit to prevent accidental activation of the record mode in stray RF fields.

Recording Device

The recording device must be capable of recording onto tape or other comparable media and have the following features:

- A. Enclosed in a secure housing protected from physical damage and unauthorized access.
- B. Capable of recording audio and video for a minimum of 2 continuous hours.
- C. Record time/date, recording index and remote microphone indicator.
- D. Record over protection.

System Control

The control console must be mounted within easy reach of the operator. The control console must contain the controls to operate the following functions:

- A. Power.
- B. Record.
- C. Play.
- D. Rewind.
- E. Fast forward.
- F. Pause.

The State Police, under the authority of 18 Pa.C.S. § 5706(b)(4), has approved for use, until the next comprehensive list is published, subject to interim amendment, the following list of approved vehicle-mounted mobile

video recording systems which meet the minimum equipment standards in this notice.

System 7, Mobile Vision, Boonton, NJ
 Eyewitness, Kustom Signals, Lenexa, KS
 Patrol Cam, Kustom Signals, Lenexa, KS
 Motor Eye, Kustom Signals, Lenexa, KS
 Cruise Cam, The Cruisers Division, Mamaroneck, NY
 I Track, McCoy's Law Line, Chanute, KS
 Docucam, MPH Industries Inc., Owensboro, KY
 Digital Mobile Witness, T.A.W. Security Concepts, Wheat Ridge, CO
 Car Camera AV360, A.S.S.I.S.T. International, New York, NY
 OPV, On Patrol Video, Ontario, OH
 Gemini System, Decatur Electronics, Decatur, IL
 SVS-500, ID Control Inc., Derry, NH
 PAVE System, Video Systems Plus, Bryan, TX
 InCharge 5555, Applied Integration, Tucson, AZ
 VMDT, Coban Research and Technology, Houston, TX
 Mobile Vision 5-C Video Recording System, Mobile Vision, Boonton, NJ
 Stalker Vision VHS, Applied Concepts Inc., Plano, TX
 Stalker Vision HI8, Applied Concepts Inc., Plano, TX
 Digital Eyewitness, Kustom Signals, Lenexa, KS
 Eagleye Model 800, Eagleye Technologies, Inc., Rome, GA
 Eagleye Model 900, Eagleye Technologies, Inc., Rome, GA
 Flashback, Mobile Vision, Inc., Boonton, NJ
 Digital Patroller, Integrian, Morrisville, NC
 Digital Patroller 2 Mobile Video Recorder, Digital Safety Technologies, Morrisville, NC
 Panasonic Arbitrator 360 Mobile Video Recorder, Panasonic Corporation of North America, Secaucus, NJ
 WatchGuard DV-1 Mobile Video Recorder, WatchGuard Video, Plano, TX
 EDGE Mobile Video Recorder, Coban Technologies, Stafford, TX
 DVM-500 Plus and DVM-750 Mobile Video Recorders, Digital Ally, Overland Park, KS
 WatchGuard 4RE Mobile Video Recorder, WatchGuard, Plano, TX
 DigitalPatroller 3 Mobile Video Recorder, Digital Safety Technologies, Morrisville, NC
 X22 Mobile Video Recorder, RDR Mobility, Flemington, NJ
 Data 911 Mobile Digital Video System, Data 911 Mobile, Computer Systems, Alameda, CA
 DVM-400 Mobile Video Recorder, Digital Ally, Lenexa, KS
 DVB-777 Mobile Video Recorder, Digital Ally, Lenexa, KS
 MVX1000 Mobile Video Recorder, Motorola Solutions Inc., Schaumburg, IL
 DVM800, Digital Ally, Lenexa, KS
 DVR-704, PRO-VISION, Byron Center, MI
 1200-PA SD2+2, 10-8 Digital Video Evidence Solutions, Fayetteville, TN
 PW6-HD, Patrol Witness, Alpharetta, GA

Non-Vehicle-Mounted Mobile Video Recording Systems Overview

Non-Vehicle-Mounted Mobile Video Recording Systems shall be defined as those which are not permanently mounted in vehicles requiring the operator to possess a Class A, B, C or M Pennsylvania Driver's License, as defined in 75 Pa.C.S. § 1504. Non-vehicle-mounted mobile video recording systems shall include, but not be limited to, mobile video recorders worn on or about a law enforcement officer's person or affixed to an all-terrain vehicle, bicycle or horse.

The design of the non-vehicle-mounted mobile video recording system must use technology which includes a camera with date/time stamp capability, a microphone

and a recording device, enclosed in secure protective enclosure(s). It may also contain controls, a monitor, GPS, wireless transceiver components and other electronic components. The non-vehicle-mounted mobile video recording system must be powered from a battery internal to the protective enclosure and must be weatherproof. The internal battery may be integral to the unit or removable. It is permissible to have an external battery to extend the operating life of the system. The non-vehicle-mounted mobile video recording system must have a minimum record time of 2 continuous hours. The system must operate over the following temperature range: -4°F to 122°F (-20°C to 50°C).

Camera

The camera component must have the following features:

- A. Must be color video.
- B. Minimum of 640 × 480 pixel resolution.
- C. Minimum of 68 degrees field of view.
- D. Minimum of 30 frames per second.
- E. Minimum sensitivity rating of 3.4 lux or lower. Unit may use Infrared LED illumination to obtain lower than 3.4 lux equivalent.
- F. Camera does not have to be in the same enclosure as the recorder. Can be connected to the recorder either by cable or wireless connection.

Recorder

The recorder component must have the following features:

- A. Enclosed in a secure housing protected from physical damage.
- B. Date/time recording index.
- C. Minimum of 4 gigabytes of nonremovable solid state memory, 4 gigabytes removable media or a combination of both removable and nonremovable memory.
- D. Editing and record-over protection.

System Control

The system must:

- A. Be capable of recording audio and video simultaneously, but may also provide the user with the option to record video only or audio only.
- B. Provide the user with the capability to manually turn the power on and off as necessary.

Wireless Link (optional)

The unit may use a wireless link to connect the camera to the recorder, recorder to another device, combination camera/recorder to another device or be used to download the evidence. The wireless link must have the following features:

- A. Use a secure digital connection.
- B. Wireless link can be used to play back a locally stored event on the recorder or store the media to a remote location such as secure Cloud storage.
- C. FCC Type acceptable under 47 CFR Part 15 (relating to radio frequency devices).

The State Police, under the authority of 18 Pa.C.S. § 5706(b)(4), has approved for use, until the next comprehensive list is published, subject to interim amendment, the following list of approved non-vehicle-mounted mobile video recording systems which meet the minimum equipment standards in this notice.

AXON Body Mobile Video Recorder, TASER, Scottsdale, AZ
 AXON Flex Mobile Video Recorder, TASER, Scottsdale, AZ
 FIRST Vu, Digital Ally, Lenexa, KS
 FIRST Vu HD, Digital Ally, Lenexa, KS
 LE 3 Mobile Video Recorder, VIEVU, Seattle, WA
 BODYCAM BC-100, PRO-VISION, Byron Center, MI
 Prima Facie, Safety Vision LLC, Houston, TX
 VISTA, Watchguard Video, Allen, TX
 CopTrax SmartGLASS, CopTrax, Plano, TX
 WOLFCOM Vision, WOLFCOM Enterprises, Hollywood, CA
 Moto e4 plus smartphone with Equature Nomad 4.5 software, Equature, Southfield, MI
 Sonim XP8 smartphone with Equature Nomad 4.5 software, Equature, Southfield, MI
 Atom smartphone with Equature Nomad 4.5 software, Equature, Southfield, MI
 Prestige II, SENTIAL CAMERA SYSTEMS, Elkins Park, PA
 Protector II, SENTIAL CAMERA SYSTEMS, Elkins Park, PA
 Eyewitness HD, Kustom Signals, Lenexa, KS
 Eyewitness Vantage, Kustom Signals, Lenexa, KS
 V300, Watchguard Video, Allen, TX
 PR1MEWITNESS GX3, Patrol Witness, Alpharetta, GA

Conducted Electrical Weapons with integrated Mobile Video Recording Systems

Notwithstanding any other standards or requirements contained in this notice, conducted electrical weapons equipped with integrated mobile video recording systems are only required to meet the following minimum specifications:

A. Be capable of recording audio and video simultaneously, but may also provide the user with the option to record video only or audio only.

B. Be capable of having the audio video recording extracted from the conducted electrical weapon by means of downloading or by the removal of a media storage device.

Nothing in this notice prohibits the authorized use of a mobile video recording system that is not specifically identified if the mobile video recording system otherwise meets the equipment standards in this notice. Moreover, mobile video recording systems that are not activated to record oral communications or do not have an oral recording capability need not meet the equipment standards in this notice. Manufacturers may submit equipment to be added to the list by contacting the State Police, Bureau of Patrol (Bureau). New units must be in full commercial production. No prototype models will be considered. Proof of current sales and delivery of the specified equipment over the past 6 months must be provided, in writing, referencing current customers with contacts and phone numbers for verification. When requested by the Bureau, the manufacturer/bidder must furnish a complete working system installed in a vehicle for inspection within 30 days.

Comments, suggestions or questions should be directed to the State Police, Bureau of Patrol, Department Headquarters, 1800 Elmerton Avenue, Harrisburg, PA 17110.

COLONEL ROBERT EVANCHICK,
Commissioner

[Pa.B. Doc. No. 21-549. Filed for public inspection April 2, 2021, 9:00 a.m.]

SUSQUEHANNA RIVER BASIN COMMISSION

Actions Taken at March Meeting

As part of its regular business meeting held on March 12, 2021, from Harrisburg, PA, the Susquehanna River Basin Commission (Commission) approved the applications of certain water resources projects, and took additional actions, as set forth in the Supplementary Information.

The business meeting was held on March 12, 2021.

For further information contact Jason E. Oyler, General Counsel and Secretary, (717) 238-0423, Ext. 1312, fax (717) 238-2436, joyler@srbc.net. Regular mail inquiries may be sent to the Susquehanna River Basin Commission, 4423 North Front Street, Harrisburg, PA 17110-1788. Also see the Commission web site at www.srbc.net.

Supplementary Information

In addition to the actions taken on projects identified in the previous summary and the listings as follows, the following items were also presented or acted upon at the business meeting: (1) ratification/approval of contracts/grants; (2) requested approval to release a proposed rulemaking for public comment; (3) adopted a resolution designating the Executive Director as an authorized agent regarding a grant with Pennsylvania Emergency Management Agency; and (4) Regulatory Program projects.

Project Applications Approved

1. Project Sponsor and Facility: Hastings Municipal Authority, Elder Township, Cambria County, PA. Application for groundwater withdrawal of up to 0.260 mgd (30-day average) from Mine Spring Well 1.

2. Project Sponsor and Facility: Montgomery Water Authority, Clinton Township, Lycoming County, PA. Application for renewal of groundwater withdrawal of up to 0.220 mgd (30-day average) from Well 3 (Docket No. 19910705).

3. Project Sponsor and Facility: Renovo Energy Center, LLC, Renovo Borough, Clinton County, PA. Modification to extend the project commencement date of the approval (Docket No. 20160608).

4. Project Sponsor and Facility: Village of Sidney, Town of Sidney, Delaware County, NY. Modification to extend the approval term of the groundwater withdrawal approval (Docket No. 19860201) to provide time for development of a replacement source for existing Well 2-88.

5. Project Sponsor: SUEZ Water Pennsylvania, Inc. Project Facility: Dallas Operation, Dallas Township, Luzerne County, PA. Application for renewal of groundwater withdrawal of up to 0.168 mgd (30-day average) from the Schooley Well (Docket No. 19881103).

6. Project Sponsor and Facility: Upstate Niagara Cooperative, Inc., Town of Campbell, Steuben County, NY. Applications for groundwater withdrawals (30-day averages) of up to 0.510 mgd from Well 1 and renewal of up to 1.100 mgd from Well 4 (Docket No. 19950904).

Commission Initiated Project Approval Modification

7. Project Sponsor and Facility: Empire Kosher Poultry, Inc., Walker Township, Juniata County, PA. Conforming the grandfathered amount with the forthcoming determination for consumptive use of up to 0.049 mgd (30-day average) (Docket No. 20030809).

Project Applications Tabled

8. Project Sponsor and Facility: Beech Resources, LLC (Lycoming Creek), Lycoming Township, Lycoming County, PA. Application for surface water withdrawal of up to 1.500 mgd (peak day).

9. Project Sponsor and Facility: Geneva Farm Golf Course, Inc., Dublin District, Harford County, MD. Application for renewal of consumptive use of up to 0.099 mgd (30-day average) (Docket No. 19910104).

10. Project Sponsor and Facility: Greenfield Township Municipal Authority, Greenfield Township, Blair County, PA. Application for groundwater withdrawal of up to 0.499 mgd (30-day average) from Well PW-4.

11. Project Sponsor: Weaverland Valley Authority. Project Facility: Blue Ball Water System, East Earl Township, Lancaster County, PA. Application for groundwater withdrawal of up to 0.144 mgd (30-day average) from Well 4.

Authority: Pub.L. No. 91-575, 84 Stat. 1509 et seq., 18 CFR Parts 806—808

Dated: March 15, 2021

ANDREW D. DEHOFF,
Executive Director

[Pa.B. Doc. No. 21-550. Filed for public inspection April 2, 2021, 9:00 a.m.]

SUSQUEHANNA RIVER BASIN COMMISSION

Grandfathering Registration Notice

The Susquehanna River Basin Commission lists the following Grandfathering (GF) Registration for projects under 18 CFR 806, Subpart E (relating to registration of grandfathered projects) from February 1, 2021, through February 28, 2021.

For further information contact Jason E. Oyler, General Counsel and Secretary, (717) 238-0423, Ext. 1312, fax (717) 238-2436, joyler@srbc.net. Regular mail inquiries may be sent to the Susquehanna River Basin Commission, 4423 North Front Street, Harrisburg, PA 17110-1788.

Supplementary Information

This notice lists GF Registration for projects, described as follows, under 18 CFR 806, Subpart E for the time period previously specified:

Grandfathering Registration Under 18 CFR Part 806, Subpart E:

1. Blossburg Municipal Authority—Public Water Supply System, GF Certificate No. GF-202102155, Bloss Township, Tioga County, PA; Bellman Run; Issue Date: February 23, 2021.

2. Elizabethville Area Authority—Public Water Supply System, GF Certificate No. GF-202102156, Washington Township, Dauphin County, PA; Lentz and Loyaltown Wells; Issue Date: February 23, 2021.

Dated: March 15, 2021

ANDREW D. DEHOFF,
Executive Director

[Pa.B. Doc. No. 21-551. Filed for public inspection April 2, 2021, 9:00 a.m.]

SUSQUEHANNA RIVER BASIN COMMISSION

Projects Approved for Consumptive Uses of Water

The Susquehanna River Basin Commission (Commission) has approved by rule the following list of projects from January 1, 2021 through January 31, 2021.

For further information contact Jason E. Oyler, General Counsel and Secretary, (717) 238-0423, Ext. 1312, fax (717) 238-2436, joyler@srbc.net. Regular mail inquiries may be sent to the Susquehanna River Basin Commission, 4423 North Front Street, Harrisburg, PA 17110-1788.

Supplementary Information

This notice lists the projects, described as follows, receiving approval for the consumptive use of water under the Commission's approval by rule process in 18 CFR 806.22(e) and (f) (relating to standards for consumptive uses of water) for the time period previously specified:

Water Source Approval—Issued Under 18 CFR 806.22(f):

1. Frontier Natural Resources, Inc.; Pad ID: Winner 6 Well Pad; ABR-201110026.R1; East Keating Township, Clinton County, PA; Consumptive Use of Up to 4.0000 mgd; Approval Date: January 8, 2021.

2. Pin Oak Energy Partners, LLC; Pad ID: Wolfinger Pad A—Beechwood; ABR-202101002; St. Mary's City, Elk County; and Shippen Township, Cameron County, PA; Consumptive Use of Up to 5.0000 mgd; Approval Date: January 8, 2021.

3. Cabot Oil & Gas Corporation; Pad ID: MerrittM P1; ABR-202101001; Gibson Township, Susquehanna County, PA; Consumptive Use of Up to 5.0000 mgd; Approval Date: January 18, 2021.

4. Seneca Resources Company, LLC; Pad ID: Gamble Pad I; ABR-201511002.R1; Gamble Township, Lycoming County, PA; Consumptive Use of Up to 4.0000 mgd; Approval Date: January 18, 2021.

5. Seneca Resources Company, LLC; Pad ID: Seymour 599; ABR-201009063.R2; Sullivan Township, Tioga County, PA; Consumptive Use of Up to 4.0000 mgd; Approval Date: January 18, 2021.

6. Seneca Resources Company, LLC; Pad ID: Martin 710; ABR-201009089.R2; Delmar Township, Tioga County, PA; Consumptive Use of Up to 4.0000 mgd; Approval Date: January 18, 2021.

7. Seneca Resources Company, LLC; Pad ID: SSHC Pad A; ABR-201009055.R2; Lawrence Township, Clearfield County, PA; Consumptive Use of Up to 4.0000 mgd; Approval Date: January 18, 2021.

8. Rockdale Marcellus, LLC; Pad ID: Ingalls 710; ABR-201009080.R2; Liberty Township, Tioga County, PA; Consumptive Use of Up to 4.9900 mgd; Approval Date: January 18, 2021.

9. Cabot Oil & Gas Corporation; Pad ID: DerianchoF P1; ABR-201011055.R2; Bridgewater Township, Susquehanna County, PA; Consumptive Use of Up to 5.0000 mgd; Approval Date: January 18, 2021.

10. XTO Energy, Inc.; Pad ID: PA TRACT 8546H; ABR-201010070.R2; Chapman Township, Clinton County, PA; Consumptive Use of Up to 4.0000 mgd; Approval Date: January 22, 2021.

11. Seneca Resources Company, LLC; Pad ID: Thomas 503; ABR-201007050.R2; Sullivan Township, Tioga County, PA; Consumptive Use of Up to 4.0000 mgd; Approval Date: January 22, 2021.
12. Chief Oil & Gas, LLC; Pad ID: Dacheux Drilling Pad # 1; ABR-201101014.R2; Cherry Township, Sullivan County, PA; Consumptive Use of Up to 2.0000 mgd; Approval Date: January 22, 2021.
13. Seneca Resources Company, LLC; Pad ID: Smith 589; ABR-201009088.R2; Richmond Township, Tioga County, PA; Consumptive Use of Up to 4.0000 mgd; Approval Date: January 22, 2021.
14. ARD Operating, LLC; Pad ID: Harry W. Stryker Pad A; ABR-201011044.R2; Cogan House Township, Lycoming County, PA; Consumptive Use of Up to 4.0000 mgd; Approval Date: January 22, 2021.
15. Cabot Oil & Gas Corporation; Pad ID: Ely P2; ABR-20080722.R2; Dimock Township, Susquehanna County, PA; Consumptive Use of Up to 5.0000 mgd; Approval Date: January 22, 2021.
16. Repsol Oil & Gas USA, LLC; Pad ID: WHEATON (05 223) W; ABR-201011072.R2; Windham Township, Bradford County, PA; Consumptive Use of Up to 6.0000 mgd; Approval Date: January 22, 2021.
17. Repsol Oil & Gas USA, LLC; Pad ID: PECK HILL FARM (05 180); ABR-201011056.R2; Windham Township, Bradford County, PA; Consumptive Use of Up to 6.0000 mgd; Approval Date: January 22, 2021.
18. Seneca Resources Company, LLC; Pad ID: Shaw Trust 500; ABR-201011070.R2; Sullivan Township, Tioga County, PA; Consumptive Use of Up to 4.0000 mgd; Approval Date: January 22, 2021.
19. Seneca Resources Company, LLC; Pad ID: Signor 583; ABR-201011059.R2; Covington Township, Tioga County, PA; Consumptive Use of Up to 4.0000 mgd; Approval Date: January 22, 2021.
20. Seneca Resources Company, LLC; Pad ID: Torpy & Van Order, Inc. 574; ABR-201011043.R2; Covington Township, Tioga County, PA; Consumptive Use of Up to 4.0000 mgd; Approval Date: January 22, 2021.
21. Range Resources—Appalachia, LLC; Pad ID: Red Bend Hunting & Fishing Club Unit # 3H—# 5H Drilling Pad; ABR-201011067.R2; Cogan House Township, Lycoming County, PA; Consumptive Use of Up to 2.0000 mgd; Approval Date: January 22, 2021.
22. Seneca Resources Company, LLC; Pad ID: Brewer 258; ABR-201012013.R2; Jackson Township, Tioga County, PA; Consumptive Use of Up to 4.0000 mgd; Approval Date: January 24, 2021.
23. Range Resources—Appalachia, LLC; Pad ID: Fuller, Eugene Unit # 1H—# 3H Drilling Pad; ABR-201012004.R2; Mifflin Township, Lycoming County, PA; Consumptive Use of Up to 2.0000 mgd; Approval Date: January 24, 2021.
24. VEC Energy, LLC; Pad ID: Sylvester 1H; ABR-20100155.R1; Brookfield Township, Tioga County, PA; Consumptive Use of Up to 6.0000 mgd; Approval Date: January 28, 2021.
25. VEC Energy, LLC; Pad ID: NorthFork 1H; ABR-20100158.R1; Brookfield Township, Tioga County, PA; Consumptive Use of Up to 6.0000 mgd; Approval Date: January 28, 2021.
26. VEC Energy, LLC; Pad ID: Austinburg 1H; ABR-20100313.R1; Brookfield Township, Tioga County, PA; Consumptive Use of Up to 6.0000 mgd; Approval Date: January 28, 2021.
27. Pennsylvania General Energy Company, LLC; Pad ID: Reed Run Norwich Pad D; ABR-201012028.R2; Norwich Township, McKean County, PA; Consumptive Use of Up to 3.5000 mgd; Approval Date: January 29, 2021.
28. Chesapeake Appalachia, LLC; Pad ID: Kinnarney; ABR-201012030.R2; Albany Township, Bradford County, PA; Consumptive Use of Up to 7.5000 mgd; Approval Date: January 29, 2021.
29. Chesapeake Appalachia, LLC; Pad ID: Norconk; ABR-201012023.R2; Wilmot Township, Bradford County, PA; Consumptive Use of Up to 7.5000 mgd; Approval Date: January 29, 2021.
30. XPR Resources, LLC; Pad ID: Resource Recovery Well Pad 3; ABR-201010060.R2; Snow Shoe Township, Centre County, PA; Consumptive Use of Up to 4.0000 mgd; Approval Date: January 29, 2021.
31. XPR Resources, LLC; Pad ID: Resource Recovery Well Pad 2; ABR-201011012.R2; Snow Shoe Township, Centre County, PA; Consumptive Use of Up to 4.0000 mgd; Approval Date: January 29, 2021.
32. Repsol Oil & Gas USA, LLC; Pad ID: SLOVAK (05 202) M; ABR-201012031.R2; Windham Township, Bradford County, PA; Consumptive Use of Up to 6.0000 mgd; Approval Date: January 29, 2021.
33. Seneca Resources Company, LLC; Pad ID: Vanvliet 614; ABR-201012044.R2; Delmar Township, Tioga County, PA; Consumptive Use of Up to 4.0000 mgd; Approval Date: January 29, 2021.
34. Seneca Resources Company, LLC; Pad ID: Swingle 591; ABR-201012018.R2; Delmar Township, Tioga County, PA; Consumptive Use of Up to 4.0000 mgd; Approval Date: January 29, 2021.
35. Cabot Oil & Gas Corporation; Pad ID: AbbottD P2; ABR-201512003.R1; Bridgewater Township, Susquehanna County, PA; Consumptive Use of Up to 5.0000 mgd; Approval Date: January 29, 2021.
36. Cabot Oil & Gas Corporation; Pad ID: HowellG P1; ABR-201512004.R1; Auburn Township, Susquehanna County, PA; Consumptive Use of Up to 5.0000 mgd; Approval Date: January 29, 2021.
37. Cabot Oil & Gas Corporation; Pad ID: Jeffers Farm P5; ABR-201512005.R1; Gibson Township, Susquehanna County, PA; Consumptive Use of Up to 5.0000 mgd; Approval Date: January 29, 2021.
38. Seneca Resources Company, LLC; Pad ID: Harsell 883; ABR-201007066.R2; Nelson Township, Tioga County, PA; Consumptive Use of Up to 4.0000 mgd; Approval Date: January 31, 2021.
39. Range Resources—Appalachia, LLC; Pad ID: Lone Walnut Hunting Club; ABR-201007031.R2; Cummings Township, Lycoming County, PA; Consumptive Use of Up to 2.0000 mgd; Approval Date: January 31, 2021.
40. Range Resources—Appalachia, LLC; Pad ID: Winner Unit # 2H—# 5H Drilling Pad; ABR-201012050.R2; Gallagher Township, Clinton County, PA; Consumptive Use of Up to 2.0000 mgd; Approval Date: January 31, 2021.
41. Chesapeake Appalachia, LLC; Pad ID: Aukema; ABR-201101013.R2; Meshoppen Township, Wyoming

County, PA; Consumptive Use of Up to 7.5000 mgd; Approval Date: January 31, 2021.

42. Chesapeake Appalachia, LLC; Pad ID: Beech Flats; ABR-201101012.R2; West Branch Township, Potter County, PA; Consumptive Use of Up to 7.5000 mgd; Approval Date: January 31, 2021.

43. Chesapeake Appalachia, LLC; Pad ID: Bo; ABR-201101016.R2; Tuscarora Township, Bradford County, PA; Consumptive Use of Up to 7.5000 mgd; Approval Date: January 31, 2021.

44. Chesapeake Appalachia, LLC; Pad ID: Meng; ABR-201101005.R2; Albany Township, Bradford County, PA; Consumptive Use of Up to 7.5000 mgd; Approval Date: January 31, 2021.

45. Chesapeake Appalachia, LLC; Pad ID: Rocks; ABR-201101003.R2; Overton Township, Bradford County, PA; Consumptive Use of Up to 7.5000 mgd; Approval Date: January 31, 2021.

46. Chesapeake Appalachia, LLC; Pad ID: Struble; ABR-201101017.R2; Litchfield Township, Bradford County, PA; Consumptive Use of Up to 7.5000 mgd; Approval Date: January 31, 2021.

47. Chesapeake Appalachia, LLC; Pad ID: Wasy; ABR-201101002.R2; Ulster Township, Bradford County, PA; Consumptive Use of Up to 7.5000 mgd; Approval Date: January 31, 2021.

Authority: Pub.L. No. 91-575, 84 Stat. 1509 et seq., 18 CFR Parts 806—808

Dated: March 15, 2021

ANDREW D. DEHOFF,
Executive Director

[Pa.B. Doc. No. 21-552. Filed for public inspection April 2, 2021, 9:00 a.m.]

SUSQUEHANNA RIVER BASIN COMMISSION

Projects Approved for Consumptive Uses of Water

The Susquehanna River Basin Commission (Commission) has approved by rule the following list of projects from February 1, 2021 through February 28, 2021.

For further information contact Jason E. Oyler, General Counsel and Secretary, (717) 238-0423, Ext. 1312, fax (717) 238-2436, joyler@srbc.net. Regular mail inquiries may be sent to the Susquehanna River Basin Commission, 4423 North Front Street, Harrisburg, PA 17110-1788.

Supplementary Information

This notice lists the projects, described as follows, receiving approval for the consumptive use of water under the Commission's approval by rule process in 18 CFR 806.22(e) and (f) (relating to standards for consumptive uses of water) for the time period previously specified:

Water Source Approval—Issued Under 18 CFR 806.22(f):

1. SWN Production Company, LLC; Pad ID: RU-75-SGL A PAD; ABR-202102001; Great Bend and New Milford Townships, Susquehanna County, PA; Consumptive Use of Up to 4.9990 mgd; Approval Date: February 18, 2021.

2. Seneca Resources Company, LLC; Pad ID: Gee 848W; ABR-201508005.R1; Middlebury Township, Tioga County, PA; Consumptive Use of Up to 4.0000 mgd; Approval Date: February 18, 2021.

3. Seneca Resources Company, LLC; Pad ID: DCNR 100 Pad C; ABR-201102007.R2; Cogan House Township, Lycoming County, PA; Consumptive Use of Up to 4.0000 mgd; Approval Date: February 18, 2021.

4. Chesapeake Appalachia, LLC; Pad ID: VRGC; ABR-201101022.R2; Wilmot Township, Bradford County, PA; Consumptive Use of Up to 7.5000 mgd; Approval Date: February 18, 2021.

5. Repsol Oil & Gas USA, LLC; Pad ID: MILLER (05 056) F; ABR-201010008.R2; Warren Township, Bradford County, PA; Consumptive Use of Up to 6.0000 mgd; Approval Date: February 18, 2021.

6. Chesapeake Appalachia, LLC; Pad ID: Walker; ABR-201101030.R2; Wilmot Township, Bradford County, PA; Consumptive Use of Up to 7.5000 mgd; Approval Date: February 18, 2021.

7. Chesapeake Appalachia, LLC; Pad ID: Cuthbertson; ABR-201102001.R2; Wilmot Township, Bradford County, PA; Consumptive Use of Up to 7.5000 mgd; Approval Date: February 18, 2021.

8. Chesapeake Appalachia, LLC; Pad ID: Jokah; ABR-201102005.R2; Windham Township, Wyoming County, PA; Consumptive Use of Up to 7.5000 mgd; Approval Date: February 18, 2021.

9. Rockdale Marcellus, LLC; Pad ID: Groff 720; ABR-201012017.R2; Canton Township, Bradford County, PA; Consumptive Use of Up to 4.9900 mgd; Approval Date: February 18, 2021.

10. Repsol Oil & Gas USA, LLC; Pad ID: UHOUSE (05 081) D; ABR-201102008.R2; Orwell Township, Bradford County, PA; Consumptive Use of Up to 6.0000 mgd; Approval Date: February 18, 2021.

11. SWN Production Company, LLC; Pad ID: TI-22 Fall Creek A—Pad; ABR-201511008.R1; Liberty Township, Tioga County, PA; Consumptive Use of Up to 4.9990 mgd; Approval Date: February 18, 2021.

12. SWN Production Company, LLC; Pad ID: WY 09 OTTEN PAD; ABR-201512002.R1; Forkston Township, Wyoming County, PA; Consumptive Use of Up to 4.9990 mgd; Approval Date: February 22, 2021.

13. SWN Production Company, LLC; Pad ID: PU-AA Gerfin Price Pad; ABR-201102022.R2; Lenox Township, Susquehanna County, PA; Consumptive Use of Up to 4.9990 mgd; Approval Date: February 22, 2021.

14. SWN Production Company, LLC; Pad ID: RU-74 TRETTER PAD; ABR-201601005.R2; Great Bend Township, Susquehanna County, PA; Consumptive Use of Up to 4.9900 mgd; Approval Date: February 22, 2021.

15. S.T.L. Resources, LLC; Pad ID: Sturgis South; ABR-202002004; Grugan and Gallagher Townships, Clinton County, PA; Consumptive Use of Up to 5.0000 mgd; Approval Date: February 24, 2021.

16. Chesapeake Appalachia, LLC; Pad ID: Herr; ABR-201102026.R2; Sheshequin Township, Bradford County, PA; Consumptive Use of Up to 7.5000 mgd; Approval Date: February 24, 2021.

17. Diversified Production, LLC; Pad ID: Longhorn C-1 (WDV1); ABR-201011061.R2; Jay Township, Elk County, PA; Consumptive Use of Up to 3.0000 mgd; Approval Date: February 24, 2021.

18. SWN Production Company, LLC; Pad ID: Longacre Pad; ABR-201101029.R2; Jackson Township, Susquehanna County, PA; Consumptive Use of Up to 4.9900 mgd; Approval Date: February 24, 2021.

19. Repsol Oil & Gas USA, LLC; Pad ID: Red Tailed Hawk; ABR-201011027.R2; Covington Township, Tioga County, PA; Consumptive Use of Up to 6.0000 mgd; Approval Date: February 25, 2021.

20. Chesapeake Appalachia, LLC; Pad ID: DJ; ABR-201101021.R2; Wysox Township, Bradford County, PA; Consumptive Use of Up to 7.5000 mgd; Approval Date: February 25, 2021.

21. Chesapeake Appalachia, LLC; Pad ID: Corl; ABR-201102011.R2; Colley Township, Sullivan County, PA; Consumptive Use of Up to 7.5000 mgd; Approval Date: February 25, 2021.

22. Chesapeake Appalachia, LLC; Pad ID: Harnish; ABR-201102006.R2; Sheshequin Township, Bradford County, PA; Consumptive Use of Up to 7.5000 mgd; Approval Date: February 25, 2021.

23. Chesapeake Appalachia, LLC; Pad ID: Bustin Homestead; ABR-201101025.R2; Sheshequin Township, Bradford County, PA; Consumptive Use of Up to 7.5000 mgd; Approval Date: February 25, 2021.

24. Chesapeake Appalachia, LLC; Pad ID: Beeman; ABR-201101028.R2; Litchfield Township, Bradford County, PA; Consumptive Use of Up to 7.5000 mgd; Approval Date: February 26, 2021.

25. Repsol Oil & Gas USA, LLC; Pad ID: PECK HILL FARM (05 178); ABR-201101019.R2; Windham Township, Bradford County, PA; Consumptive Use of Up to 6.0000 mgd; Approval Date: February 26, 2021.

26. Chief Oil & Gas, LLC; Pad ID: Garrison Drilling Pad # 1; ABR-201102032.R2; Lemon Township, Wyoming

County, PA; Consumptive Use of Up to 2.0000 mgd; Approval Date: February 26, 2021.

27. Seneca Resources Company, LLC; Pad ID: Stanley 1106; ABR-201102015.R2; Osceola Township, Tioga County, PA; Consumptive Use of Up to 4.0000 mgd; Approval Date: February 26, 2021.

Authority: Pub.L. No. 91-575, 84 Stat. 1509 et seq., 18 CFR Parts 806—808

Dated: March 15, 2021

ANDREW D. DEHOFF,
Executive Director

[Pa.B. Doc. No. 21-553. Filed for public inspection April 2, 2021, 9:00 a.m.]

THADDEUS STEVENS COLLEGE OF TECHNOLOGY

Request for Bids

Thaddeus Stevens College of Technology is soliciting bids for equipment for automotive mechanics, collision and diesel technology; grounds keeping services, auditing services, snow removal, pest control services, elevator inspection and maintenance services, concrete work for curbing and sidewalks, tree trimming services and trash removal. Bid documents can be obtained from Carrie Harmon, Thaddeus Stevens College, 750 King Street, Lancaster, PA 17602, harmon@stevenscollege.edu.

PEDRO A. RIVERA,
President

[Pa.B. Doc. No. 21-554. Filed for public inspection April 2, 2021, 9:00 a.m.]

